

SCHEDULING EVENT MEMORANDUM

ACTION: Granta Nakayama, Betsy White, Timothy Barley

Event: The National Environmental Justice Advisory Council (NEJAC)

Description/Purpose: The Administrator will give remarks and take questions at the National Environmental Justice Advisory Council (NEJAC) meeting. The purpose of the Administrator's participation is to mark progress made since he reaffirmed the Agency's commitment to environmental justice in 2005.

Date: 06/11/2008

Start: 10:00 AM **Finish:** 10:25 AM

Duration: 25 minutes

Location: Washington Court Hotel

525 New Jersey Avenue, NW

Washington, DC 20001

Remarks: Yes (10 minutes)

Talking Points: Yes Responsible Party Granta Nakayama
Notes Talking points due to Carleigh Price

Briefing Materials: Yes Responsible Party Granta Nakayama
Notes Briefing materials due to Betsy White 72 hours prior to event

Ques. & Answers: Yes

Media Coverage: Open

Photos: Yes

Attire: Business

**Additional
Information:**

Agenda:

10:00 AA Granta Nakayama delivers opening remarks and introduces SLJ

10:02 SLJ delivers remarks

10:12 SLJ concludes remarks and begins participation in Q&A session

Note: AA Nakayama will moderate the Q&A session

10:22 SLJ concludes participation in Q&A session and departs

Event Contact(s): Maria Hendriksson – (202) 564-1897

EPA Attendees:

Other Participants: AA Nakayama

Action Officer(s) please provide necessary briefing materials and event/trip schedule to Betsy White, 564-7846, Room 3320D, 72 hours in advance of scheduled event.

FYI: Ron Slotkin, Lisa Lybbert, Kelly Schulz, Jonathan Shradar, John Neville, Duke Hipp, Charles Ingebretson, Chad Babin, CeCe Kremer, Bill Briggs

ADMINISTRATOR'S BRIEFING

June 10-12, 2008

MARK PROGRESS IN EPA'S ENVIRONMENTAL JUSTICE PROGRAM IN SPEECH TO ENVIRONMENTAL JUSTICE FEDERAL ADVISORY COMMITTEE MEETING

Attendees: Approximately 200 attendees at a National Environmental Justice Advisory Committee (NEJAC) meeting that is open to the public and press

Duration: 60 minutes

Location: Washington Court Hotel, 525 New Jersey Avenue, NW, Washington, DC 20001

Proposed Date of Speech: June 11th; meeting will be from 6/10-6/12

GENESIS:

The National Environmental Justice Advisory Council (NEJAC), EPA's formal advisory committee on environmental justice (EJ), will meet on June 10-12, 2008 in Washington, DC.

The meeting represents an important opportunity for EPA to communicate to its stakeholders the substantial progress of its environmental justice program and important directions for the future.

OVERVIEW:

The upcoming June NEJAC meeting represents an ideal opportunity for the Administrator to mark progress made since he reaffirmed the Agency's commitment to environmental justice in 2005 (See "Reaffirming the U.S. Environmental Protection Agency's Commitment to Environmental Justice," November 4, 2005). This statement at a public NEJAC meeting will not only recognize EPA's progress and set forth future directions, but also recognize the important role of the NEJAC in EPA's environmental justice program.

ATTENDEES:

Members of the National Environmental Justice Advisory Council (NEJAC) and other individuals attending the FACA meeting will attend the presentation. The NEJAC membership (19) is multi-stakeholder, including community, academia, business and industry, state and local government, tribal and indigenous organizations, and non-governmental organizations. The audience will consist of approximately 200 attendees including staff from EPA, other federal agencies, and representatives from a diverse set of stakeholder groups.

Agenda Summary:

Opening

- OECA Assistant Administrator Granta Nakayama will provide opening remarks and introduce the Administrator.
- The Administrator gives remarks on EPA EJ program progress and important future directions.
- The Administrator will take questions from members of the NEJAC.

Key Issues:

As a result of the strong leadership and commitment of the Agency's Program and Regional Offices, the EJ program has gained tremendous momentum in recent years. It is important for the Administrator to send a message of progress at EPA, to recognize the NEJAC's contributions

to this progress, and to recognize the Council's important role in EPA's environmental justice program.

Background:

In 2005, EPA reaffirmed its commitment to environmental justice. Since then, the Agency has made significant progress by integrating environmental justice into the Agency's core planning processes, incorporating environmental justice considerations as a part of rulemaking, and developing a process for conducting regular EJ Reviews of agency programs. This significant progress warrants another Administrator's memo to mark the progress made and set forth important future directions. A public statement from the Administrator will also greatly reinforce to internal and external stakeholders the Agency's commitment to environmental justice, illustrated by progress made and the setting of future directions.

Previous Involvement with this group:

OECA Assistant Administrator Granta Nakayama has met four times with the NEJAC. In addition, eight Deputy Assistant Administrators and Deputy Regional Administrators participated in the September 2007 NEJAC public meeting.

EPA Staff Contact:

Marla Hendriksson, OEJ, 202-564-1897

National Environmental Justice Advisory Council

June 10 through 12, 2008

Washington, DC

Meeting Information

The National Environmental Justice Advisory Council's (NEJAC) will be held at the Grand Ballroom on the lower level of the Washington Court Hotel on Capital Hill in Washington, DC, from June 10 through 12, 2008. The Washington Court Hotel is located at 525 New Jersey Avenue, NW. The meeting will begin at 1:00 p.m. on June 10, 2008, and will adjourn at 3:00 p.m. on June 12, 2008. Onsite registration will begin at 11:00 a.m. on June 10, 2008.

The agenda for the meeting is:

Tuesday, June 10, 2008	Day 1
Onsite registration opens	11:00 a.m.
NEJAC Executive Council	1:00 p.m. – 5:00 p.m.
Public Comment Period	6:30 p.m. – 9:30 p.m.
Wednesday, June 11, 2008	Day 2
NEJAC Executive Council	9:00 a.m. – 5:00 p.m.
Thursday, June 12, 2008	Day 3
NEJAC Executive Council	9:00 a.m. – 3:00 p.m.
Adjourn	3:00 p.m.

Hotel Information.



The Washington Court Hotel is located at 525 New Jersey Avenue, NW in the Capital Hill neighborhood of Washington, DC. To make a room reservation, please contact the hotel at (202) 628-2100 or (800) 321-3010. Request the EPA-NEJAC sleeping room block. Please note that participants will not receive the group rate if the reservation is booked through the hotel's Web site. The group rate for a sleeping room is \$251 per night plus taxes (14.5% DC tax). This rate is 25% above the prevailing government rate. Please note that Federal government employees who are on travel status and pay with a government issued credit card will be exempt from the state tax. A tax exemption form will not be needed when using a government issued credit card. Reservations must be made by May 9, 2008, to receive the discounted rate. To cancel a reservation, you must call by 4:00 p.m. of the day before you are scheduled to arrive or your credit card will be charged for a one-night stay.

Hotel Amenities.

The Washington Court Hotel offers guests fully smoke-free rooms, a fitness room, and a business center with computers and copying and printing services. Each guest room contains a coffee maker, hair dryer, iron/ironing board, data port, cable TV, in-room movies, and alarm clock/radio. Wireless high-speed Internet access is available in your room for \$9.95 per day. Complimentary wireless service is available in the hotel lobby. Valet parking for up to four hours is available for \$15 and up to eight hours for \$22. Both include in and out privileges. For those staying overnight, valet parking is available up to \$30 per day with in and out privileges. There is no self-parking available at the hotel. Please note that street parking is difficult to find in this area of the city. For further information about the amenities at this hotel, please visit the hotel's Web site at www.washingtoncourthotel.com.

Dining.

The Washington Court Hotel is home to the Bistro 525 restaurant, which features exceptional cuisine in the large hotel atrium. The restaurant is open for breakfast, lunch, and dinner. The hotel also offers room service. The Washington Court Hotel also contains the Federal City Bar, located in the hotel lobby. This bar offers a small menu of your favorites, a full bar, and billiards tables. The bar is open every afternoon and evening.

Weather.

Daily temperatures for Washington, DC, in June range from 80°F to 85°F during the day to 60°F to 65°F at night. Please note that the meeting space will be air conditioned; participants should bring a light jacket or sweater.

Airport Information.

The Washington, DC, metro area is serviced by three airports - Reagan National Airport (5 miles from the airport), Washington Dulles International Airport (32 miles from the hotel), and Baltimore/Washington International (BWI) Airport (49 miles from the hotel). For additional information about the various airports, visit the following Web sites –

- www.mwaa.com/national
- www.mwaa.com/dulles
- www.bwiairport.com

Transportation from the Airport.

A one-way taxi ride from Reagan Washington National Airport to the hotel will cost approximately \$20 to \$25. From Dulles International Airport or Baltimore/Washington International Airport, a one-way taxi ride will range from approximately \$65 to \$70. The Super Shuttle provides a shared ride shuttle service to and from all three airports. To make a reservation, contact Super Shuttle at (800) BLUEVAN or visit www.supershuttle.com.

Listed below are car rental companies that service all three airports.

Alamo	(800) 462-5266	www.alamo.com
Avis	(800) 331-1212	www.avis.com
Budget	(800) 527-0700	www.budget.com
Dollar Rent A Car	(800) 800-3665	www.dollar.com
Enterprise	(800) 261-7331	www.enterprise.com
Hertz	(800) 654-3131	www.hertz.com
National Car Rental	(800) 227-7368	www.nationalcar.com
Thrifty	(800) 847-4389	www.thrifty.com

The Reagan Washington National Airport is accessible by Metro Rail. However, the Dulles International and Baltimore/Washington International Airports are not accessible by Metro Rail; only Metro bus routes 5A and B30, respectively. Schedules and routes of Metro rail trains and buses are available on the Washington Metropolitan Area Transit Authority's Web site at www.wmata.com. The Baltimore/Washington International Airport also is accessible by Amtrak, www.amtrak.com, and the MARC, www.mtmaryland.com, train services.

Directions.

Metro Rail from Reagan Washington National Airport.
(\$1.35)

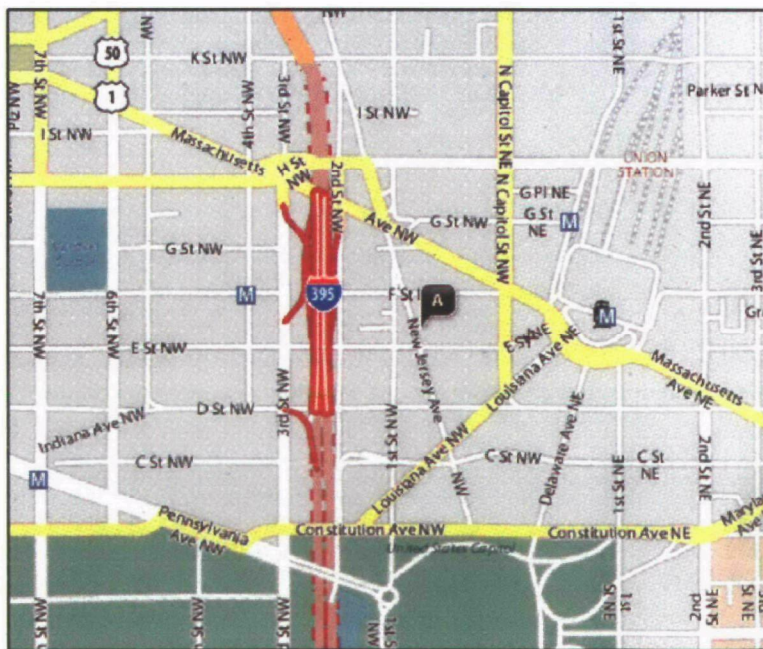
- Take the Blue Line train toward Largo Town Center to Metro Center.
- Switch to the Red Line toward Glenmont to the Union Station stop.
- Exit station using Massachusetts Avenue, NE and 1st Street, NE exit.
- Walk south on 1st Street, NE.
- Bear left on Massachusetts Avenue, NE.
- Turn right on E Street, NE.
- Bear right on E Street, NW.
- Turn right on New Jersey Ave, NW.

Driving Directions from Reagan Washington National Airport.

- Exit the airport on George Washington Parkway North.
- Take the Washington exit onto I-395 N.
- Take the US Capitol exit toward D Street, NW.
- Continue on 2nd Street, NW.
- Turn right on E Street, NW.
- Turn left on New Jersey Avenue, NW.

Metro Bus/Rail from Dulles International Airport. (\$4.45)

- Follow signs in the airport terminal for public transportation.
- Take the 5A bus toward Rosslyn.
- Once at the Rosslyn Metro Station, take the Blue Line metro train (toward Largo Town Center) or Orange Line metro train (toward New Carrollton) line to Metro Center Station.



**NEJAC Agenda &
Bios**

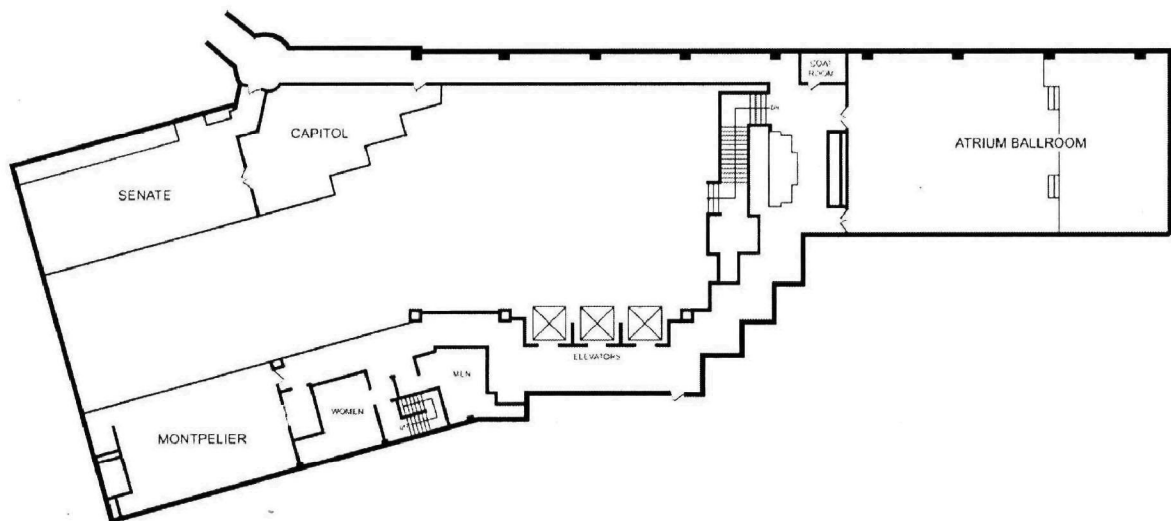
NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL
Public Meeting
Washington, D.C.

AGENDA

Tuesday, June 10, 2008

- 1:00 p.m. Welcome and Introductions**
-- Charles Lee, Director, EPA Office of Environmental Justice and DFO, NEJAC
-- Richard Moore, Chair, NEJAC
-- Lynn Buhl, Deputy Assistant Administrator (DAA), EPA Office of Enforcement and Compliance Assurance (OECA)
- 2:00 p.m. Nationally-Consistent EJ Screening Approaches**
-- Sue Briggum, Co-Chair, Nationally Consistent EJ Screening Approaches Work Group
-- Eileen Gauna, Co-Chair, Nationally Consistent EJ Screening Approaches Work Group
-- Mustafa Ali, EPA OEJ and DFO, Nationally Consistent EJ Screening Approaches Work Group
- 4:00 p.m. EPA Environmental Justice Achievement Awards Update**
- 5:00 p.m. DINNER (on your own)**
- 6:30 p.m. Public Comment Period**
- 9:30 p.m. ADJOURN for the Day**

MEZZANINE LEVEL



Wednesday, June 11, 2008

- 9:00 a.m. **Review the Previous Day**
- 9:30 a.m. **Remarks from EPA Region 3**
-- Donald S. Welsh, Regional Administrator, EPA Region 3 (invited)
- 10:00 a.m. **Dialogue with the Administrator**
-- Stephen L. Johnson, EPA Administrator (invited)
-- Granta Nakayama, EPA Assistant Administrator (AA) for Enforcement and Compliance Assurance (confirmed)
- 10:30 a.m. **Dialogue with EPA Senior Managers**
Moderator: Lynn Buhl, DAA, EPA OECA
-- Catherine McCabe, Principal DAA, EPA OECA
-- Laura Yoshii, Deputy Regional Administrator (DRA), EPA Region 9
-- Jim Jones, DAA, EPA Office of Prevention, Pesticides, and Toxic Substances
-- Robert Brenner, Director, EPA Office of Air and Radiation Office of Policy Analysis and Review
-- Russell L. Wright, Jr., Acting DRA, EPA Region 4
- 12:00 p.m. **LUNCH (on your own)**
- 1:00 p.m. **Discussion about Goods Movement Draft Report of Proposed Recommendations**
-- Shankar Prasad, Co-Chair Goods Movement Work Group
-- Terry Goff, Co-Chair, Goods Movement Work Group
-- Victoria Robinson, EPA OEJ and DFO, Goods Movement Work Group
- 3:30 p.m. **EJ, Green Business and Sustainability**
-- Chuck Barlow, Chair, EJ, Green Business, and Sustainability Work Group
-- Gail Bingham, RESOLVE
-- Victor McMahan, EPA OEJ and DFO, EJ, Green Business, and Sustainability Work Group
- 5:00 p.m. **ADJOURN for the Day**

THURSDAY, June 12, 2008

- 9:00 a.m. **Review the Previous Day**
- 9:15 a.m. **EPA's State EJ Grant Program**
-- John Ridgway, Chair, State EJ Grants Work Group
-- Kent Benjamin, EPA OEJ and DFO, State EJ Grants Work Group
- 10:30 a.m. **EPA's CARE Initiative**
-- Kent Benjamin, EPA OEJ and Co-Chair, C A R E initiative
-- Marva King, EPA C A R E Program Coordinator
- Noon **Closing Dialogue**
Items of interest to the NEJAC Members
- 2:00 p.m. **ADJOURN**

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

List of Members

2007

DESIGNATED FEDERAL OFFICER

Charles Lee

Associate Director for Policy and Interagency Liaison
Office of Environmental Justice
U.S. Environmental Protection Agency
Washington, D.C. 20460
Phone: (202) 564-2597
Fax: (202) 564-1624
E-mail: lee.charles@epa.gov

CHAIR

Richard Moore

Executive Director
Southwest Network for Environmental and Economic
Justice
Albuquerque, New Mexico

OTHER MEMBERS

ACADEMIA (3)

M. Kathryn Brown

Research Assistant Professor
Department of Environmental Health
University of Cincinnati College of Medicine
Cincinnati, Ohio

Paul Mohai

Professor
University of Michigan
School of Natural Resources & Environment
Ann Arbor, Michigan

Patricia E. Salkin

Professor
Albany Law School
Albany, New York

COMMUNITY-BASED ORGANIZATIONS (4)

Donele Wilkins

Executive Director
Detroitters Working for Environmental Justice
Detroit, Michigan

Omega R. Wilson

President
West End Revitalization Association
Mebane, North Carolina

Elizabeth Yeampierre

Executive Director
UPROSE
Brooklyn, New York

Richard Moore [see above]

INDUSTRY/BUSINESS (4)

Chuck D. Barlow

Assistant General Counsel-Environmental
Entergy Corporation
Jackson, Mississippi

Sue Briggum

Vice President, Federal Public Affairs
Waste Management, Inc.
Washington, D.C.

William Harper

Vice President, Strategic Sourcing and Operations Support
Pacific Gas and Electric Company
San Francisco, California

Gregory J. Melanson

Senior Vice President, Community Development Banking
Bank of America
Washington, D.C.

NON-GOVERNMENTAL/ ENVIRONMENTAL GROUPS (3)

Christian R. Holmes

Senior Vice President
World Wildlife Fund United States
Washington, D.C.

J. Langdon Marsh

Fellow, National Policy Consensus Center
Portland State University
Portland, Oregon

John A. Rosenthal

President
National Small Town Alliance
Washington, D.C.

STATE and LOCAL GOVERNMENTS (3)

Jodena Henneke

Deputy Commissioner, Coastal Resources
Texas General Land Office
Austin, Texas

Shankar Prasad

Deputy Secretary for Science and Environmental Justice
California Environmental Protection Agency
Sacramento, California

John Ridgway

Manager, Information Management and Communications
Section
Hazardous Waste and Toxics Reduction Program
Washington State Department of Ecology
Olympia, Washington

TRIBAL GOVERNMENTS

and INDIGENOUS ORGANIZATIONS (2)

Jolene M. Catron

Executive Director
Wind River Alliance
Ethete, Wyoming

Joyce King

Director
Haudenosaunee Environmental Task Force
Roosevelt town, New York

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL
Brief Summary of Members
2007 - 2008

CHAIR

Moore, Richard

Southwest Network for Environmental and Economic Justice

Mr. Moore has served as the Executive Director of Southwest Network for Environmental and Economic Justice (Southwest Network), in Albuquerque, New Mexico, since 1993. He came to Southwest Network after 12 years with the Southwest Organizing Project (SWOP) where he was the lead organizer and primary trainer of SWOP's organizing model. As a widely respected national leader in area of environmental justice, Mr. Moore has served on numerous government and non-governmental committees and panels, including the National Council of Churches Eco-Justice Task Force and the Congressional Black Caucus National Environmental Policy Commission. Mr. Moore is a recipient of the 2005 Ford Foundation Leadership for a Changing World Award.

MEMBERS

Barlow, Chuck

Entergy Corporation

Mr. Barlow is Assistant General Counsel – Environmental at Entergy Corporation, a national utility company based in New Orleans, Louisiana. Prior to accepting this position, Mr. Barlow served as General Counsel of the Mississippi Department of Environmental Quality from 1996 to 2003. As a result of his work for the State of Mississippi as lead counsel in the environmental enforcement action, *United States of America and State of Mississippi v. Morton International, Inc.* (S.D. Miss. 2001), Mr. Barlow was awarded a Certificate of Commendation by the United States Department of Justice in June 2001. Before his leadership within the counsel, Mr. Barlow was associated with the Jackson office of Phelps Dunbar, L.L.P., where he practiced environmental law and general litigation from 1990 through May 1996. Mr. Barlow holds the Master of Laws (LL.M.) in environmental and natural resource law from the Northwestern School of Law at Lewis & Clark College, Portland, Oregon; received his undergraduate degree from Mississippi College; a Master of Arts in English from the University of Virginia; and his law degree from the Mississippi College School of Law.

Briggum, Sue

Waste Management Incorporated

Dr. Briggum has been with Waste Management Inc., since 1987. She is Vice President, Federal Public Affairs, responsible for federal regulation and policy affecting environmental stewardship, recycling, environmental facility permitting, site cleanup, environmental justice and regulatory enforcement. Before joining Waste Management Inc., Dr. Briggum was an environmental regulatory attorney and Superfund litigator with Piper & Marbury and its predecessor, where she co-authored the *Hazardous Waste Regulation Handbook: A Practical Guide to RCRA and Superfund*. Dr. Briggum co-chaired the National Environmental Policy Commission, convened at the request of U.S. Representative James E. Clyburn (SC) and the Congressional Black Caucus. She received her Bachelor of Arts degree from the University of Pittsburgh, a Doctor of Philosophy degree in English Literature from the University of Wisconsin, and her Juris Doctor from Harvard University.

Brown, M. Kathryn

University of Cincinnati College of Medicine

Dr. Brown is an Environmental Epidemiologist in the Department of Environmental Health at the University of Cincinnati College of Medicine. Her background is in population-based studies of childhood lead exposures in urban neighborhoods, and in western Superfund sites where contamination from mining and smelting operations pose potential health risks for young children. Dr. Brown is active in participatory research and collaborative education programs with minority and environmentally-impacted communities. She has worked with African American and urban Appalachian community-based organizations to conduct community health assessments that are used to develop neighborhood-based approaches to abating environmental pollution, advocating for health services, and conducting targeted educational programs. In addition, Dr. Brown is the Director of the Community Outreach and Translation Core in the NIH-funded Breast Cancer and the Environment Research Center at the University of Cincinnati. There, she works with breast cancer advocacy organizations to conduct educational and training programs that address current knowledge about the impact of environmental exposures on breast cancer and the research protocols used to study exposure-disease pathways. She also collaborates with genetic counselors on the creation of continuing education programs for health professionals on gene-environment interactions and environmental causes of human diseases, and family health history programs in urban Appalachian communities.

Catron, Jolene

Wind River Alliance

Ms. Catron is the Executive Director of Wind River Alliance and is currently working to bring together disparate perspectives of those who work and live within the watershed. She attained much experience in watershed planning and community involvement as a team member of the Water Research Technical Assistance Office. Ms. Catron is currently serving as a volunteer coordinator with the Indigenous Waters Network, a support network for tribally focused water resource and water protection efforts across the Americas. She also serves as the Water Rights Specialist for the Office of the Tribal Water Engineer and serves on the Governing Council of the Young Warriors Society of the Wind River Indian Reservation.

Eileen Gauna

Southwestern University School of Law

Professor Eileen Gauna teaches environmental law and property law at Southwestern University School of Law, Los Angeles, California. Her publications include articles on environmental justice, citizen suits, the Clean Air Act and public participation in environmental decision-making. She has served on the Title VI Implementation Advisory Subcommittee of the EPA's National Advisory Council for Environmental Policy and Technology, the Mobile Source Technical Review Advisory Subcommittee of the EPA's Clean Air Act Advisory Committee, and the executive board of the Environmental Law Section of the American Association of Law Schools.

Harper, William

Pacific Gas and Electric

Mr. Harper is the new Vice President of Strategic Sourcing and Operations Support for Pacific Gas and Electric. He leads the utility's environmental services, safety and health claims, technical and land services, environmental quality assurance work, supply chain, sourcing and materials operations, transportation services, and corporate real estate. Prior to PG&E, Mr. Harper was

Vice President and Chief Procurement Officer for the Toronto-based Rogers Communications, Inc. He previously served as Chief Procurement Officer and Director of Shared Services for Wellmark, Inc., in Des Moines, Iowa. Mr. Harper also held a variety of procurement and sourcing managerial positions at Rockwell International, the Jet Propulsion Laboratory, Northrop Corporation, and MacDonnell Douglas Helicopters. Mr. Harper earned his Master in Business Administration from the University of California at Irvine, and a bachelor's degree from Illinois College.

Henneke, Jodena

Texas General Land Office

Ms. Henneke recently was named Deputy Commissioner of Coastal Resources for the Texas General Land Office. Prior to that, she served as Director of the Office of Public Assistance within the Texas Commission on Environmental Quality (TCEQ). As director, she worked closely with the Commission to provide assistance to the general public in understanding and taking part in the activities of the TCEQ. In that capacity, Ms. Henneke conducted and/or facilitated numerous public hearings and community involvement activities on behalf of TCEQ. Further, she developed policies and procedures to enhance and organize agency activities related to environmental justice. Ms. Henneke holds a Master of Science in Environmental Science from the University of Oklahoma and a Bachelor of Science in Animal Science from Oklahoma State University in Stillwater, Oklahoma.

Holmes, Christian

World Wildlife Fund

Mr. Holmes is a Senior Vice President for the World Wildlife Fund, responsible for policy, partnership, and government relations related to the protection of 19 critical global ecosystems. Prior to this position, Mr. Holmes has held many positions in government, academia, and industry. As EPA's Chief Financial Officer and Assistant Administrator for Administration and Resource Management, Mr. Holmes was responsible for leading the launch for the environmental justice program at EPA. He also served as the Deputy Assistant Administrator for Enforcement. Mr. Holmes was the first Executive Director for Rice University's Shell Center for Sustainability, where he created its research, education, and outreach program. Other positions held by Mr. Holmes include his leadership as a Vice President at Discovery Mining, Enron, and Tenneco Energy; and as the Principal Deputy Assistant Secretary of State for Refugee Programs.

King, Joyce

Haudenosaunee Environmental Task Force

Ms. King is the Director of the Haudenosaunee Environmental Task Force (HETF), where she is responsible for coordinating the environmental protection process, administering the General Assistance Program for three federally-recognized Haudenosaunee Nations, and assisting the Onondaga Nation with environmental issues. Ms. King is also EPA Region 2's appointed representative to EPA's National Tribal Operations Committee (TOC). She will serve as the NEJAC liaison to the TOC. Prior to her employment with the HETF, Joyce was the Administrator for the Mohawk Nation Council of Chiefs for six years. As an Administrator, she made a presentation at the United Nations in behalf of the Haudenosaunee and represented the Mohawk Nation at the United Nations World Peace Conference of Religious Leaders. While Administrator, she also worked as Managing Editor for Indian Times Newspaper. These experiences have imbued her with a great understanding of Haudenosaunee protocol, history, and cultural traditions.

Marsh, Langdon

National Policy Consensus Center

Mr. Marsh is currently a Fellow with the National Policy Consensus Center at Portland State University, where he works with state governments and others on collaborative problem-solving for various regional and local issues like watersheds, finance, and sustainability. Prior to his work with the Consensus Center, Mr. Marsh worked for Oregon Governor John Kitzhaber. His responsibilities focused on assisting projects that demonstrate sustainability by meeting environmental, economic, and community objectives simultaneously, using broad partnerships with business, nonprofits and government. From 1995 until 2000, he was Director of the Oregon Department of Environmental Quality (DEQ). From 1994 to 1995, Mr. Marsh served as Commissioner of the New York State Department of Environmental Conservation (DEC), where he held a variety of positions with that agency since 1973, including General Counsel and Executive Deputy Commissioner. Mr. Marsh is a member of EPA's Environmental Financial Advisory Board and is vice president of the board of Sustainable Seattle, a small non-profit organization that advocates for urban sustainability. He recently completed his second tour of duty as a board member of the Environmental Law Institute in Washington, DC.

Melanson, Greg

Bank of America

Mr. Melanson is Senior Vice President for Community Development Banking at Bank of America. He manages investments in all federal and state Tax Credit Programs including: low income housing, historic rehabilitation and new markets. Mr. Melanson also coordinated the activities of various national community development organizations and financial intermediaries. Prior to his current role, Mr. Melanson was the manager of Bank of America's Community Development Lending for the Baltimore/Washington market. Prior to joining Community Development Banking, Mr. Melanson worked in Bank of America's Commercial Real Estate. Mr. Melanson received a Bachelor of Arts in Business Administration from Loyola College in Baltimore, Maryland, and received a Master of Business Administration from George Washington University in Washington, D.C.

Mohai, Paul

University of Michigan School of Natural Resources

Dr. Mohai is a Professor in the University of Michigan's School of Natural Resources and Environment, and serves as Faculty Associate at the Institute for Social Research. He has been examining disproportionate environmental burdens in low-income and people of color communities since the late 1980s. Dr. Mohai is researching the attitudes of African Americans and their influence on the environmental movement. His current research involves national-level studies examining cause and effect relationships in the distribution of environmental hazards by race and class, including examining the role environmental factors play in accounting for racial and socioeconomic disparities in health. Dr. Mohai was an organizer with Professor Bunyan Bryant of the 1990 "Michigan Conference on Race and the Incidence of Environmental Hazards," and is the author of numerous articles about the subject of race and the environment.

Prasad, Shankar

California Environmental Protection Agency

Dr. Prasad is the Deputy Secretary for Science and Environmental Justice at the California Environmental Protection Agency (Cal/EPA) in Sacramento. As Deputy Secretary, he provides advice and guidance about California environmental health and scientific issues related to water, air, pesticides and waste. Dr. Prasad also coordinates and oversees the Cal/EPA's activities related to

environmental justice and children's health. Recently, he led an agency-wide effort in completing an assessment of the quality and role of science in the decision-making process. When Dr. Prasad was Health Advisor at the California Air Resources Board, he played a key role in the Board's adoption of the environmental justice policies and actions as well as a revision of the health-based particulate matter standards. Dr. Prasad serves on many federal and state scientific and policy review panels. Previously, Dr. Prasad had worked as Health Effects Officer at the South Coast Air Quality Management District for five years. Dr. Prasad is a physician by training, and spent five years as a clinician, three years conducting air pollution health effects research, and fourteen years in planning research and environmental health policy development.

Ridgway, John

Washington State Department of Ecology

Mr. Ridgway is the Information Management and Communications Section Manager for the Hazardous Waste and Toxics Reduction Program of the Washington State Department of Ecology in Olympia, Washington. His expertise includes more than 12 years as agency lead for Environmental Justice and Equity. Mr. Ridgway previously served as a member of the National Environmental Justice Advisory Council's Waste and Facility Siting Subcommittee. Mr. Ridgway's background includes: implementing Washington's Hazardous Waste Management Plan; policy work with the State's Nuclear Waste Program addressing high and low level nuclear waste management activities; work with the Ecology Department's Persistent Bioaccumulative Toxics (PBT) technical team in support of comprehensive agency PBT reduction/elimination strategy and chemical action plans; work with state and local emergency management for 15 years, including past membership on the local American Red Cross board and as a member of State Emergency Response Commission. Mr. Ridgway received his Bachelor of Science degree from the Evergreen State College in Energy and Environmental Studies.

Rosenthal, John

National Small Town Alliance

Mr. Rosenthal is an attorney and serves as the President of the National Small Town Alliance (NSTA). The NSTA provides resources and services to small towns and rural communities across the country and represents their interests before Federal agencies and Congress. Mr. Rosenthal advises the U.S. Department of Energy, the Augusta Brownfields Commission, and various small towns and rural communities about a variety of environmental and environmental justice issues. Previously, he served in various environmental and management capacities with the National Conference of Black Mayors, the National Association for the Advancement of Colored People, and the Urban Environment Institute at Howard University. Prior to environmental work, Mr. Rosenthal practiced criminal law, served in the United States Army, and worked for Mobil Oil Corporation and the U.S. departments of Defense and Energy. Mr. Rosenthal graduated from Tougaloo College in Tougaloo, Mississippi, and the National Law Center at George Washington University in Washington, DC.

Salkin, Patricia

Albany University Law School

Ms. Salkin, is Associate Dean, Professor of Law, Director of the Government Law Center of Albany Law School, and is on the adjunct faculty at the University of Albany. Ms. Salkin is the former chair of the American Bar Association State and Local Government Law Section. She also has served for more than a dozen years as an appointed member of the New York State Legislative

Commission on Rural Resources' Land Use Advisory Committee, and currently chairs the *amicus curiae* committee for the American Planning Association. Ms. Salkin is an officer of the Municipal Law Section of the New York State Bar Association and is the chair of the Association's Committee on Attorneys in Public Service. She also chairs the Association's Task Force on Eminent Domain. During the last couple of years, Ms. Salkin has served as a consultant to the National Academy of Public Administration for work related to environmental justice; the National Governor's Association for work on military base encroachment; and conservation easements and strategies to keep working farms working in private ownership. Ms. Salkin has authored numerous articles on local government and land use planning, and has consulted about planning and zoning reform with numerous municipalities across New York.

Wilkins, Donele

Detroiters Working for Environmental Justice

Ms. Wilkins has experience spanning more than two decades in the fields of community and economic development; occupational and environmental health; and social justice work as an educator, consultant, trainer, administrator, and advocate. In 1994, she co-founded and currently serves as the Executive Director of Detroiters Working for Environmental Justice, a non-profit organization addressing urban environmental issues in the City of Detroit. Ms. Wilkins' leadership has impacted local, state, and national policy in public health, community-based participatory research, and environmental quality. Ms. Wilkins is a current or past appointee or participant of the following initiatives: Detroit City Council Appointee to the Detroit Brownfield Redevelopment Authority; Midwest Consortium for Hazardous Waste Worker Training; and the Environmental Justice Initiative at the University of Michigan. She is a recent appointee to the Michigan Environmental Advisory Council. She is a founding member and Co-Chair of the National Black Environmental Justice Network and the Michigan Environmental Justice Coalition.

Wilson, Omega

West End Revitalization Association

Mr. Wilson is the founding board member and president of West End Revitalization Association (WERA), a community-based environmental protection organization, and Community Development Corporation in Mebane, North Carolina, which seeks to maintain sustainable historic African American communities through environmental protection, preservation, stabilization, and planned development. Mr. Wilson serves as the project manager for three grassroots community-based research studies involving health risks due to the disproportionate and adverse impact of environmental hazards and the denial of basic amenities. In addition to the primary work of WERA, Mr. Wilson served as a worksite supervisor for Americorps*VISTA, and participates in Mebane city council and planning board meetings.

Yeampierre, Elizabeth

United Puerto Rican Organization of Sunset Park

Ms. Yeampierre is Executive Director of the United Puerto Rican Organization of Sunset Park (UPROSE), the oldest Latino community-based organization in Brooklyn. In 1996, Ms. Yeampierre helped shift UPROSE's mission to organizing, advocacy, and developing intergenerational indigenous leadership through activism. To reach these goals, UPROSE focuses on environmental, economic, and social justice. As President of the New York City Environmental Justice Alliance, Ms. Yeampierre is part of the leadership responsible for getting New York State's first Brownfield legislation passed. She is co-founder of Communities United for Responsible Energy (CURE) and

Organization of Waterfront Neighborhoods (OWN). As a member of CURE, she sits on the Mayor's Task Force on Energy and has successfully made policy recommendations about alternative energy, conservation, retro-fitting, and re-powering. Ms. Yeampierre was recently appointed to Mayor Bloomberg's Sustainability Advisory Board after helping pass the city's first comprehensive Solid Waste Management Plan. She received her Bachelor of Arts in Political Science from Fordham University and her law degree from Northeastern University School Law.

Administrator's Speech

Remarks for Stephen L. Johnson
Administrator, U.S. Environmental Protection Agency
for the
National Environmental Justice Advisory Council Meeting
Washington, D.C.

June 11, 2008

Key Messages:

Every American, regardless of who they are or where they live, deserves to drink pure water, breathe healthy air, and live on clean land. Thanks to your advice, EPA is helping build a better world for all Americans.

Thank you, Granta (Nakayama), for that introduction.

It's a pleasure to be here today to address the National Environmental Justice Advisory Council.

Having spent the majority of my career at EPA, I value our advisory committees and the important role they play in Agency decision-making.

I appreciate the NEJAC's (knee-jack's) recommendations on how EPA can more effectively incorporate environmental justice considerations into agency policies, programs and activities.

The issues around environmental justice are often complex and the NEJAC is enabling business, industry, academic and educational institutions, state, local and tribal governments and environmental groups to come together and identify ways to better address the human health and environmental protection needs of disadvantaged and underserved communities.

Every American, regardless of who they are or where they live, deserves to drink pure water, breathe healthy air, and live on clean land. Thanks to your advice, EPA is helping build a better world for all Americans.

For example, soon after Hurricanes Katrina and Rita, NEJAC members made trips to the Gulf Coast to see first hand how the devastation affected minority and low-income residents. Because of your report on the Gulf Coast hurricanes and vulnerable populations, EPA, in 2005, modified its Incident Command System to ensure environmental justice is incorporated into future emergency responses.

And in follow-up to your recommendations on cumulative risks and impacts, EPA established the Community Action for a Renewed Environment or CARE Program. Through CARE, local organizations – including non-profits, businesses, schools and governments – work together to improve the local environment, specifically reducing releases of toxic pollutants and minimizing

people's exposure to them. Today, CARE provides tools, technical support, and funding to 48 communities around the country.

EPA will continue to draw on NEJAC's reports and recommendations to help with our decision-making and to build on the progress we've made as well.

Since 2005, when I directed our managers and staff to integrate environmental justice considerations into our core planning and budgeting processes, EPA has taken several steps forward.

At the same time, I designated eight national environmental justice priorities for the Agency to focus our attention on addressing the environment and health issues in communities most burdened by pollution.

These environmental justice priorities are reflected in the Agency's Strategic Plan as well as the National Program guidance documents for Fiscal Year 2008-09.

Every rule tiered since 2007 has an environmental justice preamble. EPA's Office of Environmental Justice is now participating in key rulemaking workgroups. And the Office of Environmental Justice is developing Rule Aids to help writers identify, assess and address environmental issues during rule development.

This week I sent a memorandum to EPA's senior leadership to boost our environmental justice integration efforts. Beginning in fiscal year 2009, we will conduct the first round of reviews of our programs, policies and activities – including permitting, enforcement, cleanup and rulemakings – to ensure they are adequately addressing environmental justice concerns.

As you well know, it can be quite a challenge to identify areas with potential environmental justice concerns in a consistent manner. I can't tell you how much EPA has appreciated your aid – in particular, your feedback on the Environmental Justice Strategic Enforcement Assessment Tool.

I want to recognize the workgroup's efforts, specifically the leadership of co-chairs Sue Briggum (brig-gum) and Eileen (eye-leen) Gauna (gown-ah). And I look forward to reading your report and recommendations on this complex topic.

I understand the NEJAC is also examining goods movement so that EPA – in partnership with federal, state, tribal and local government agencies – can promote strategies that mitigate or prevent air pollution resulting from the movement of freight.

I want to thank the NEJAC and its co-chairs – Shankar (shang-car) Prasad (prah-sahd) and Terry Goff – for bringing greater understanding to this important environmental justice issue, and I am looking forward to reading your report later this year. At EPA, the Air Office and the Regions are following in your footsteps, working hard to address pollution caused by freight activities.

With the NEJAC's help, we're advancing environmental justice across the board.

But the federal government cannot be the only entity addressing communities' environmental justice concerns. States themselves can promote environmental justice.

I was pleased to learn that at least 42 states and the District of Columbia have adopted environmental justice statutes, executive orders or policies.

EPA hopes to take advantage of this growing momentum by working with a NEJAC workgroup, and other stakeholders, to explore ways in which we might create a new State environmental justice grant program. It's an opportunity to leverage our resources and better address local environmental justice issues in communities across the country.

I appreciate the leadership of your chair, John Ridgway, for helping us navigate this new road to partnership with the states.

Also, because of the growing awareness of social and environmental responsibilities, we want to build a bridge between EJ and sustainability by promoting green business partnerships.

I thank the workgroup and its chair, Chuck Barlow, in advance, for helping us uncover opportunities for low-income and minority communities to participate and benefit from this fast growing segment of our economy.

To ensure that EPA receives insight and advice from our stakeholders well into the future, I intend to renew the NEJAC's charter when it expires in September 2008.

I have high expectations for what this advisory committee will continue to accomplish.

I am confident that EPA will benefit greatly from further collaboration.

Before I conclude, I would like to recognize Charles Lee and the Office of Environmental Justice staff for their ongoing support of the NEJAC.

I also want to thank Grant Nakayama, for his leadership in the Agency's Environmental Justice Program as well as his support for the NEJAC and other stakeholders who provide such valuable input to EPA.

Finally, I want to express my gratitude to Richard Moore for taking the helm of the NEJAC.

We at EPA recognize that every American, regardless of who they are or where they live, deserves to drink pure water, breathe healthy air, and live on clean land. Thanks to the NEJAC, EPA is building a better world for all Americans.

Thank you

**Key Messages for Stephen L. Johnson, Administrator
U.S. Environmental Protection Agency
at the
National Environmental Justice Advisory Council (NEJAC) Meeting
Washington, DC**

**June 11, 2008
10:00am**

The NEJAC's input has been invaluable to EPA.

- No other FACA has such a diverse representation — from local communities, academia, industry, and environmental, indigenous, as well as state, local, and tribal governments
- Unique forum for multi-stakeholder dialogue on the complex and multi-faceted issues of environmental justice.
- The transparency of the meetings promotes public participation and meaningful involvement.
- NEJAC helps to educate EPA's senior leadership and staff about environmental justice.

The NEJAC's advice and recommendations have made an indelible impact on our work.

- Based on the Gulf Coast Hurricanes and Vulnerable Populations report, EPA modified its Incident Command System in 2005 to ensure an environmental justice function is incorporated into future responses.
- CARE was established as a result of the Cumulative Risks and Impacts report.
- We will continue to mine the reports for valuable advice to help with our decisionmaking.

Since my 2005 Memorandum directing managers and staff to integrate EJ considerations into our core planning and budgeting processes:

- EJ priorities are now reflected in the Agency's Strategic Plan and the annual National Program guidance documents for FY08-09.
- We are conducting reviews of our programs, including permitting, enforcement, cleanup and rulemakings, to ensure they are adequately addressing EJ.
- Every rule tiered since 2007 has an EJ preamble. The Office of Environmental Justice is now participating in key rulemaking workgroups. OEJ is also developing Rule Aids to help rule-writers identify, assess and address EJ issues during rule development.

We look to the NEJAC's workgroups for advice on emerging issues

- Nationally consistent approaches to screen EJ areas (EJSEAT)
- Goods Movement
- State EJ Grant Program
- EJ, Green Business and Sustainability

We will continue our commitment to environmental justice, and to put EJ at the forefront of our environmental protection efforts.

**Remarks for Stephen L. Johnson
Administrator, U.S. Environmental Protection Agency
for the
National Environmental Justice Advisory Council Meeting
Washington, D.C.**

June 11, 2008

Key Messages:

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CARLEIGH: My edits are in GREEN. Phonetics are in RED.

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Thank you.

Draft Welcome Remarks for Lynn Buhl

NEJAC Public Meeting

June 10, 2008

1:00pm

INTRODUCTORY REMARKS

- I'm pleased to welcome you all here today.
- We are excited about EJ at EPA and want to share some of our recent developments.
- As you know, we continue to build momentum in EPA's environmental justice program.
- Just two weeks ago, many of our staff participated in the EJ Coordinators meeting and the State of EJ in America conference. I heard there was a high level of positive engagement and energy at both meetings, and process discussing what it means to develop results-oriented activities in our EJ Action Plans.
- Since we met last year, EPA has achieved significant milestones in just the past 9 months.
(Big Wave analogy)
 - We have revitalized our EJ Executive Steering Committee – through which the Administrator's message and direction for EJ is realized.
 - NPMs included EJ priorities in their National Program Guidance for all 10 Regions, and the states and tribes.
 - [OECA example:] EJ considerations in compliance incentive programs with an emphasis on violations that impact areas with EJ concerns
 - We have developed protocols for conducting reviews of our programs (including permitting, enforcement, cleanup and rulemakings) to ensure they are adequately addressing EJ
 - OEJ is participating in key rulemaking workgroups.
 - We are focusing on measurable environmental and public health results, using tools like EJSEAT.
 - We are improving the EJ Action Plans to show results-oriented activities.
 - We are identifying and communicating "EJ Benefits" of EPA's actions – how what we do has made an impact in people's lives.
 - Yet more needs to be done.
- We look to the NEJAC's workgroups for advice on the emerging issues and topics that will be discussed at this meeting
 - Nationally consistent approaches to screen EJ areas (EJSEAT)
 - Goods Movement
 - State EJ Grant Program
 - EJ, Green Business and Sustainability

- Our EJ Executive Steering Committee now meets regularly so we know EJ is on top of people's minds. In fact, tomorrow, I will be moderating a panel of EPA's senior managers to talk about EPA's evolution and progress in EJ
- I look forward to engaging with you throughout this meeting and I encourage the NEJAC to seek us out, seek out ways we can work together.

NEJAC Discussion with EPA Senior Managers

Date: June 11, 2008
Time: 10:30a – 12:00p (after Administrator remarks & 10 minute Q&A)
Location: Washington Ct. Hotel, 525 New Jersey Ave NW (near Union Stat.)
Moderator: Lynn Buhl, DAA-OECA (invited)
EPA Invitees: Catherine McCabe, OECA (confirmed)
Jim Jones, DAA-OPPTS (confirmed)
Rob Brenner, DAA-OAR (confirmed)
Laura Yoshii, DRA-R9 (confirmed)
Russ Wright, DRA-R4 (invited)
Speaking Time: 10 minutes
Format: Discussion, no PPT's, please.
Attendees: EPA Staff and public attendees (up to 200 in audience)

Purpose of Discussion

- Building on the Administrator's memo to the Agency on "Strengthening EPA's EJ Program," EPA managers are asked to provide concrete and specific examples of the evolution and progress that has been made in the area of environmental justice in their program or region;
- EPA and NEJAC to discuss key environmental justice issues on the horizon

Key Themes from the Administrator's Speech

- Environmental justice is an abiding value/principle/goal at EPA.
- Progress is indicative of the growing maturity of EPA's environmental justice efforts and enduring commitment and hard work of EPA leadership and staff.
- There are many challenges ahead (e.g., looking at NEJAC agenda - goods movement, sustainability, climate), but the future is bright for working together.

Discussion Questions

Retrospective

- Since Administrator Johnson's November 2005 memo, "Reaffirming EPA's Commitment to Environmental Justice," how has your program or region matured to address the challenging issue of environmental justice? What changes have you made to your program or region as a result of the feedback you've received from the NEJAC or other external groups or based upon issues that have arisen?

Prospective

- The Administrator refers in the memo to challenging issues ahead. As you look to the future, what key environmental justice challenges do you see for your program or region, and what are your preliminary thoughts on how they could be addressed?

NEJAC Public Meeting

Lynn Buhl's Introduction to Panel Discussion with EPA Senior Managers

June 11, 2008
10:30am-12:00pm

- Following what the Administrator said, it is evident that the NEJAC has made an indelible impact on EPA's decisionmaking processes.
- We've brought together a panel of EPA's senior leadership to discuss some concrete and specific ways in which we have evolved and progressed in our EJ program activities in Headquarters and the Regions, particularly as a result of the NEJAC's involvement.
- We would also like to have a lively discussion about key EJ issues on the horizon.
- Joining us here for today's panel are: Catherine McCabe/OECA, Jim Jones/OPPTS, Rob Brenner/OAR, Laura Yoshii/R9, and Russ Wright/R4
- As the Administrator said, EJ is an abiding goal at EPA. We want EJ to be at the forefront of our environmental protection efforts.
- Our progress shows that we have matured, as a regulatory Agency, in our understanding and approach to the complexities of EJ as well as our ongoing commitment to address EJ issues.

Panel Discussion Questions

- **(Retrospective)** Since Administrator Johnson's November 2005 memo, "Reaffirming EPA's Commitment to Environmental Justice," --
 - How has your program or region matured to address the challenging issue of environmental justice?
 - What changes have you made to your program or region as a result of the feedback you've received from the NEJAC or other external groups or based upon issues that have arisen?
- **(Prospective)** The Administrator refers in the memo to challenging issues ahead. As you look to the future --
 - What key environmental justice challenges do you see for your program or region?
 - What are your preliminary thoughts on how they could be addressed?

Closing Remarks

- I want to thank our senior managers (Catherine McCabe/OECA, Jim Jones/OPPTS, Rob Brenner/OAR, Laura Yoshii/R9, and Russ Wright/R4) for participating in this panel.
- Clearly, there is energy and enthusiasm for EJ, and we will continue to work on many integration activities.
- There are many challenges ahead (e.g., looking at NEJAC agenda - goods movement, sustainability, climate), but the future is bright for working together.

Talking Points for Catherine R. McCabe

**National Environmental Justice Advisory Council
Public Meeting**

Tuesday, June 11, 2008
Washington Court Hotel
Washington, D.C

INTRODUCTORY REMARKS

- Good morning, I am Catherine McCabe, Principal Deputy Assistant Administrator for the U.S. Environmental Protection Agency's Office of Enforcement and Compliance Assurance.
- OECA is EPA's largest organization with around 3400 EPA employees located at over 40 locations.
- We are having a record year. The last four years have been the four highest in terms of injunctive relief from our enforcement settlements - \$30 billion total. Last year was the highest single year in the Agency's history - \$10.6 billion – that's a rate of \$40 million every workday. So far, this year (FY08), we have already recorded over \$7 billion through just the first third of the year.
- In terms of pollutant reductions, the last four years have been four of the five highest in the Agency's history. We have been on a roll and have averaged about 1 billion pounds each year. So far this year we have over 2 billion pounds through just the first third of the year, already making FY08 the highest year in the Agency's history.
- These kinds of successes mean cleaner communities, particularly as we bring some of the nation's top polluters to justice.
- I am delighted to be here with other senior managers to talk to you about OECA's leadership in EPA's EJ integration efforts and the progress we've made.

MESSAGE

Panel Discussion Questions (*italicized* questions followed by OECA responses)

(Retrospective) *Since Administrator Johnson's November 2005 memo, "Reaffirming EPA's Commitment to Environmental Justice," how has your program or region matured to address the challenging issue of environmental justice?*

- As the National Program Manager for Environmental Justice, OECA has been front and center, leading the EPA's integration efforts. The first thing we did was to jumpstart the EJ Executive Steering Committee (as Lynn mentioned) and we've been on a roll since then.

- We have included EJ priorities in our National Program Guidance for all 10 Regions, and the states and tribes
 - For example EJ considerations in compliance incentive programs with an emphasis on violations that impact areas with EJ concerns.
- We have drafted EJ Review Protocols for enforcement and compliance and will begin conducting reviews to ensure they are adequately addressing EJ.
- We are improving our EJ Action Plans to show results-oriented activities.

(Retrospective) *What changes have you made to your program or region as a result of the feedback you've received from the NEJAC or other external groups or based upon issues that have arisen?*

- We credit the NEJAC's subcommittee on enforcement and compliance for recommending the use of Supplemental Environmental Projects (SEPs) as an effective means of considering EJ as part settlement agreements.
 - An alleged violator may voluntarily agree to undertake an environmentally beneficial project related to the violation in exchange for mitigation of the penalty to be paid.
 - SEPs produce environmental or public health and safety benefits for communities beyond those required by law.
 - For example: EPA and DOJ negotiated a SEP as part of our effort to compel the Puerto Rican Electric Power Authority (PREPA, a state-owned utility) to resolve long standing air pollution problems at its 5 power plants in Puerto Rico. Over the next 7 years, PREPA will reduce emissions, pay a \$3.6 million dollar fine, and develop a \$3.4M SEP to protect the wetlands and mangroves of Las Cucharillas Marsh which provide important habitats for aquatic and migratory birds. The marsh also provides flood protection and much needed open space for nearby residents, who had a very high incidence of respiratory disease.
 - Incidentally, former NEJAC member Rosa Hilda Ramos (who was instrumental in achieving the PREPA SEP), was awarded the prestigious Goldman Environmental Prize for her unique contributions to environmental protection. Goldman Environmental Prize winners are selected by an international jury from confidential nominations submitted by a worldwide network of environmental organizations and individuals.
- We are looking to the NEJAC for advice and feedback on the development of nationally consistent approaches for to identifying areas with potential EJ concerns.
 - As you know, OECA been working diligently to establish and implement EJSEAT (EJ Strategic Enforcement Assessment Tool) and other tools to:
 - Develop measures to report on and assess the Agency's actions.
 - Help us set priorities and allocate resources efficiently and where they are most needed.

(Prospective) *The Administrator refers in the memo to challenging issues ahead. As you look to the future –*

- *What key environmental justice challenges do you see for your program or region?*
- *What are your preliminary thoughts on how they could be addressed?*
- We are striving to develop measurable results that translate into better protection for all communities, especially those most burdened by environmental harms and risks.
 - We will use the EJ Reviews to better gauge our ability to address EJ concerns.
 - We will use EJSEAT and other tools to improve our reporting ability, set priorities, and allocate resources where they are needed most.
- We want to fully engage with our Regional enforcement managers to address specific EJ issues in the Regions to ensure that our enforcement actions address the needs of minority, low-income and Tribal communities and other disproportionately burdened groups.
- We are working to identify, document and communicate the EJ benefits of our enforcement actions and compliance activities.

CLOSING REMARKS

- OECA has made tremendous strides as EPA's lead office for EJ.
- But we have more work in front of us to boost our EJ integration efforts.
- We want to continue our dialogue with the NEJAC to get stakeholder feedback to improve the way in which we integrate EJ into our work.

Questions and Answers on Environmental Justice Program Issues

1. EJ Program (Big Picture)
 2. Disproportionate Impacts
 3. EJ in Rulemaking (GAO Report 2005)
 4. EJ Reviews (IG Report 2006)
 5. State EJ Grant Program
 6. EJ Achievement Awards
 7. EJ, Green Business and Sustainability
 8. Nationally Consistent Approaches to Identify Areas with Potential EJ Concerns
-

1. EJ PROGRAM (BIG PICTURE)

What is your long-term vision for EPA's EJ program? (Where do you see EPA's environmental justice program five years from now?)

- Over the course of the next five years, we foresee the continued development and integration of EJ into EPA's daily operations, with the goal of improving our ability to show tangible results. We seek to achieve measurable results in terms of environmental and public health improvement in communities disproportionately burdened by environmental harms and risks

How is EPA measuring its progress in addressing EJ?

- EPA has made EJ commitments in our 2006-2011 Strategic Plan, with targets against which we intend to measure our progress. Each program and regional office maintains an EJ Action Plan which to help plan and manage the offices' significant, results-oriented annual EJ commitments.

What do you think are the greatest challenges in implementing a solid EJ Program?

- Developing effective mechanisms for achieving significant measurable environmental or public health improvements in communities with EJ concerns.
- Identifying effective approaches for Agency staff to integrate environmental justice into their daily functions and operations.
- Establishing a practicable methodology for determining disproportionate impacts.

2. DISPROPORTIONATE IMPACTS

How does EPA determine whether a certain segment of the population (e.g., minority or low-income) is disproportionately and adversely affected by environmental harms and risks?

- Based on years of Agency experience, as well as experience of other EJ stakeholders, EPA has compiled a draft set of factors or conditions that an analyst may look for when seeking to incorporate environmental justice considerations. These are:
 - 1) Proximity and Exposure to Environmental Hazards;
 - 2) Susceptible Populations;
 - 3) Unique Exposure Pathways;
 - 4) Multiple and Cumulative Effects;
 - 5) Ability to Participate in Decisionmaking Process; and
 - 6) Physical Infrastructure.

How well do you think EPA is implementing EO 12898?

- EPA has made tremendous strides to understand and to integrate environmental justice into EPA's daily work. For example, efforts extend across the Agency's core functions, as reflected in EPA's Strategic Plan, National Program Manager's (NPM) Guidance, EJ Action Plans, program evaluation activities, and rulemaking activities, as well as to training, collaborative problem-solving efforts, and disaster preparation and response activities.

3. EJ IN RULEMAKING (GAO 2005 REPORT)

Why does the Agency's rulemaking process not consider environmental justice factors and impacts? Why doesn't OEJ have veto authority over rulemakings in the agency?

- Actually, the current agency action development process does include reviews for disproportionate impacts, in accordance with E.O. 12898. For example, we have developed protocols to assist in the conduct of environmental justice reviews of Agency rulemaking efforts. In addition, significant steps have been taken to incorporate EJ into the Action Development Process, such as making OEJ an ex officio member of the Regulatory Steering and developing EJ template language for use in all future rulemaking, as appropriate.

4. EJ REVIEWS (IG REPORT 2006)

What are the EJ Reviews and how will they help EPA better address EJ issues?

- In response to the recommendations in the Inspector General's 2006 EJ Report, EPA agreed to conduct EJ Reviews to:
 - Identify ways in which the Agency is effectively identifying and addressing environmental justice concerns that arise or may arise with respect to a program, policy, or activity; and
 - Identify opportunities for the Agency to enhance its effectiveness in identifying and addressing environmental justice concerns that arise or may arise with respect to a program, policy, or activity.
- It is expected that these reviews will help the Agency promote effective means of addressing environmental justice and identify opportunities for the Agency to better address environmental justice.

5. STATE EJ GRANT PROGRAM

The Office of Environmental Justice is developing a State Environmental Justice Grant Program. What is the purpose of the State EJ Grant Program?

- The State EJ Grant Program will provide funding to state governments (and entities of state government) to support their efforts to understand, promote and integrate approaches and activities which will result in environmental and public health improvements in communities disproportionately burdened by environmental harms and risks.

6. EJ ACHIEVEMENT AWARDS

What is the Environmental Justice (EJ) Achievement Awards Program?

- This program seeks to recognize organizations that undertake environmental justice initiatives which make a positive impact in the community and can provide as models of success and best practices for others to emulate.

7. EJ, GREEN BUSINESS AND SUSTAINABILITY

What role can the NEJAC play in terms of Environmental Justice, Green Business and Sustainability?

- Through the NEJAC's workgroup on EJ, Green Business and Sustainability, EPA can get timely advice on how EPA can best promote private sector interest in climate change and green business opportunities in a way that benefits environmentally and economically disadvantaged communities

8. NATIONALLY CONSISTENT APPROACHES TO IDENTIFY AREAS WITH POTENTIAL EJ CONCERNS

What is EPA's goal for the development of a nationally consistent approach to identifying areas with potential environmental justice concerns?

- The Agency has determined that a nationally consistent approach to identifying areas with potential environmental justice concerns is necessary to reporting on the EJ impacts of EPA's actions and incorporating EJ considerations when setting its priorities. We believe that such an approach is critical for ensuring environmental protection and public health for all people, particularly populations disproportionately burdened by environmental harms and risks.

QUESTIONS AND ANSWERS

Table of Contents

EJ Program Issues

State EJ Grant Program

EJ Strategic Enforcement Assessment Tool (EJSEAT)

EJ Achievement Awards Program

NEJAC EJ / Green Business and Sustainability Workgroup

NEJAC Goods Movement Workgroup

QUESTIONS AND ANSWERS

Environmental Justice Program Issues

I. EJ PROGRAM (BIG PICTURE)

QUESTION I-1: What is your long-term vision for EPA's EJ program? (Where do you see EPA's environmental justice program five years from now?)

- We believe that we have put into place many of the building blocks necessary to show results in terms of environmental or public health improvement.
- Over the course of the next five years, we foresee the continued development and integration of EJ into EPA's daily work, with the goal of improving our ability to show tangible results.
 - Measurable results in program activities – via EPA Strategic Plan goals/targets and EJ Action Plans
 - Integration in EPA's rulemaking process – via EJ template language, EJ training for rule writers, and results of EJ Reviews of rulemaking/standard-setting
 - More effective EJ integration into programs, policies and activities – as a result of EJ Reviews
 - More consistent (objective) way of identifying potential EJ areas of concern – using the EJ Strategic Enforcement Assessment Tool (EJSEAT).

QUESTION I-2: How is EPA measuring its progress in addressing EJ?

- EPA has made EJ commitments in our 2006-2011 Strategic Plan, with targets against which we intend to measure our progress.
- Our targets include measures of improvements in environment and public health resulting from resources EPA makes available to communities.
- Each program and regional office maintains an EJ Action Plan which helps them plan and manage.
 - Actions EPA has taken in areas disproportionately exposed to environmental risks and harms;
 - Level and extent of EJ integration, as measured through different indicators such as number of persons trained, amount of resources devoted, and other measures; and
 - Extent to which EPA has considered EJ issues in its various functions, such as rulemaking, permitting, enforcement, and remediation.
- EPA tools for measuring progress include:
 - Performance measures for its EJ grant programs;
 - EJSEAT, as a nationally consistent approach for reporting on actions in potential EJ areas of concern; and
 - EJ program reviews.

- We are learning how to measure the program’s progress in a way that is accurate, relevant, meaningful, and sensitive to the unique issues of EJ.
 - EJ is a complex problem.
 - Trying to capture progress with a single metric may often do more harm than good.
 - While we all would like to see environmental improvements quickly, we know it takes time to build the community’s capacity and identify the shared responsibilities of many levels of government.

QUESTION I-3: What do you think are the greatest challenges in implementing a solid EJ Program?

- Achieving significant measurable environmental or public health improvements in communities
- Proactive engagement on all levels of Agency management
- Practicable methodology for determining disproportionate impacts

II. DISPROPORTIONATE IMPACTS

QUESTION II-1: How does EPA determine whether a certain segment of the population (e.g., minority or low-income) is disproportionately and adversely affected by environmental harms and risks?

- EPA is committed to working to protect “these and other burdened communities from adverse human health and environmental effects of its programs, consistent with environmental and civil rights laws, and their implementing regulations, as well as Executive Order 12898.” (Source: Administrator Johnson’s memo on “Reaffirming the U.S. Environmental Protection Agency’s Commitment to Environmental Justice,” 4 November 2005)
- Based on years of working on this issue, we have compiled a set of factors or conditions that a rule writer may look for when seeking to incorporate environmental justice considerations in a particular rule.
 - 1) Proximity and Exposure to Environmental Hazards;
 - 2) Susceptible Populations;
 - 3) Unique Exposure Pathways;
 - 4) Multiple and Cumulative Effects;
 - 5) Ability to Participate in Decisionmaking Process; and
 - 6) Physical Infrastructure.
- Disproportionately high and adverse human health and environmental effects may result from a combination of several, or even all, of the above factors.

QUESTION II-2: How well do you think EPA is implementing EO 12898?

- EPA has made tremendous strides to understand and to integrate environmental justice into EPA's daily work. To date, no other federal agency has incorporated environmental justice as comprehensively as EPA.
- Efforts extend across the Agency's core functions, as reflected in EPA's Strategic Plan, National Program Manager's (NPM) Guidance, Environmental Justice Action Plans, program evaluation activities, and rulemaking activities, as well as to training, collaborative problem-solving efforts, and disaster preparation and response activities.
- EPA is developing approaches to measure the EJ Program's progress in a way that is accurate, meaningful, and cognizant of the unique and complex issues of environmental justice.
- EPA recognizes that it takes time to build the community's capacity and to identify the shared responsibilities of many levels of government.
- By continuously improving the EJ Program, the Agency can achieve the tangible results that make a positive impact in the health of communities disproportionately burdened by environmental hazards.
- EPA will also continue its efforts to better integrate environmental justice into all aspects of the Agency's programs, policies, and activities.

III. EJ IN RULEMAKING (GAO 2005 REPORT)

QUESTION III-1: Why does the Agency's rulemaking process not consider environmental justice factors and impacts? Why doesn't OEJ have veto authority over rulemakings in the agency?

- This is not correct. The current agency action development process does include reviews for disproportionate impacts, in accordance with E.O. 12898.
- OEJ is now involved with EPA's Action Development Process (ADP) Training for rulewriters and managers. OEJ provides rulewriters with fundamentals in environmental justice to apply when drafting future rules and provides information to managers to help ensure that EJ is considered during the rulewriting process.
- To demonstrate the importance of ensuring that environmental justice considerations are appropriately reflected in the development of all regulations, in 2005, OEJ became an *ex officio* member of the Agency's Regulatory Steering Committee, the body that oversees regulatory policy for the Agency and the development of its rules;

- OEJ will now participate on workgroups that are developing actions with potential environmental justice implications and/or recommend that workgroups consider issues of environmental justice.
- We are also currently developing protocols to assist in the conduct of environmental justice reviews of Agency programs and policies and the EJ ESC is considering the development of tailored supplemental materials to help the programs enhance the analysis (EJ assessments) conducted as part of the action development process.
- In the development of any rulemaking, multiple factors must be balanced to ensure that the statutory mandate is fulfilled in a manner that can be effectively implemented and enforced. No single EPA program or office should have the ability to stop a rulemaking. The agency process is designed to ensure that all points of view are raised and balanced by the senior management officials in the Agency, with the decision resting, in most cases, with the Administrator.
- It is important to note that the current action development process addresses the key recommendations of the GAO in its 2005 report. Work continues to enhance the tools available to rulemaking workgroups.

Background:

GAO recommendations:

- rulemaking workgroups consider EJ;
- those workgroup members be furnished with guidance and training;
- EJ coordinators in each program be involved in rulemaking;
- modeling techniques be developed to assess EJ impacts and
- EPA better explain its EJ decisions in its responses to public comments?

By way of example, OAR IS:

- Developing a draft protocol that shows how EJ considerations should be identified and addressed at each stage of the action development process,
- Developing a draft screening tool that can be used to identify rulemakings that need a detailed environmental justice analysis,
- Improving its analytical techniques for assessing potential EJ impacts by enhancing the capabilities of OAR's primary benefits model. This model estimates health impacts and economic values associated with changes in air quality or ambient air pollution, and.
- Modifying AIRQUEST so layering of environmental information with demographic data sets to address assessment inquiries germane to Environmental Justice analyses can be performed.

IV. EJ REVIEWS (IG REPORT 2006)

QUESTION IV-1: What are the EJ Reviews and how will they help EPA better address EJ issues?

- In response to the recommendations in the Inspector General's 2006 EJ Report, EPA agreed to conduct EJ Reviews to:
 - Identify ways in which the Agency is effectively identifying and addressing environmental justice concerns that arise or may arise with respect to a program, policy, or activity; and
 - Identify opportunities for the Agency to enhance its effectiveness in identifying and addressing environmental justice concerns that arise or may arise with respect to a program, policy, or activity.
- The Agency has described program evaluation as a "systematic study of how well a program is working and why," and a way to "address gaps in information and help EPA identify where its activities have the greatest impact."
- By conducting EJ Reviews, EPA will better understand what works well and what opportunities exist for improvements in the Agency's EJ Program.
- EPA will also learn how environmental justice can be better integrated into all aspects of the Agency's programs, policies, and activities.

QUESTIONS AND ANSWERS

State EJ Grant Program

The Office of Environmental Justice is developing a State Environmental Justice Grant Program.

QUESTION: What are the purpose and requirements of the State EJ Grant Program?

- To provide funding to state governments (and entities of state government) which support their efforts to understand, promote and integrate approaches and activities which will mitigate the circumstances which produce disparate impacts.
- Projects must be environmental and public health oriented
- Projects must emphasize appropriately, broad partnerships which include community-based organizations
- Proposed projects must have some connection to regional EJ Action Plans, to ensure they support the development of robust partnerships between states, regions, and local areas/orgs

QUESTION: How will the State EJ Grant Program be structured?

- Five nationwide projects will be funded for up to \$160K each.
- The projects will be funded for up to three years
- Selected through a national competition (1 per state, 1 per region, maximum)
- Projects must be results oriented and contain measurable outcomes
- The Request for Proposals (RFP) will be issued in the late fall 2008, with awards made in spring 2009.

QUESTION: What kind of activities will the grant fund?

- Project Staffing
- Research, Assessment and Data Collection
- Tools (development and utilization)
- Training
- Implementation Activities
- Development and Support of Partnerships
- EJ Integration
- Outreach Activities
- Performance Measurement
- Pilot Project Evaluation

QUESTION: Are we involving a range of stakeholder input in the development of this grant program?

- We are getting input from NEJAC, the Environmental Council of the States (ECOS), presenting at the "EJ in America Conference," and coordinating with other EPA programs and experts.

QUESTION: Why are just giving this funding to States?

- Since 1994, EPA has given \$31 Million in EJ funding directly to 1100 communities and community-based organizations and no EJ funding to states for EJ efforts previously.

QUESTIONS AND ANSWERS

EJ Strategic Enforcement Assessment Tool (EJSEAT)

QUESTION: What is EPA's goal for the development of a nationally consistent approach to identifying areas with potential environmental justice concerns?

- As you know, EPA seeks to integrate environmental justice (EJ) considerations in all Agency programs, policies, and activities to ensure environmental protection and public health for all people, particularly populations disproportionately burdened by environmental harms and risks.
 - The Agency has determined that a nationally consistent approach to identifying areas with potential environmental justice concerns is necessary to accomplishing such a goal.
 - A coherent and cohesive EJ program must be able to provide a consistent national approach in order to develop measures to report on and assess the Agency's actions.
 - In addition, the Agency needs a consistent approach in order to include environmental justice considerations when setting its priorities.

QUESTION: Has EPA finalized the EJSEAT for this purpose? What is the Agency's plan to finalize the tool?

- EPA has not finalized the EJSEAT. While we believe this tool could be one approach to meeting our goal for the development of a nationally consistent approach to identifying areas with potential environmental justice concerns, the Agency recognizes that there may be other approaches that are also appropriate to this effort.
 - Accordingly, EPA has determined that it would be appropriate to first design and conduct a series of field/validation tests of the tool during FY08. The testing effort is being led by our Office of Enforcement and Compliance Assurance (OECA)
 - OECA intends to design and conduct these tests, taking into consideration the concerns expressed by the NEJAC about the tool.
 - The goal of these tests are to evaluate the usefulness and efficacy of the tool and its appropriate applications, in order to identify and address potential barriers and remaining questions about the EJSEAT or its potential implementation.
 - OECA would like to complete its various field tests of the EJSEAT and have results for deliberation in the fall of 2008.

QUESTION: Are there plans to seek advice and comment from the NEJAC on continued development or implementation of EJSEAT?

- Yes. In response to the concerns expressed by the NEJAC and other internal and external stakeholders regarding development of a national approach to identifying environmental justice communities and disproportionately impacted areas, as well as to comment and direction from the Agency's EJ Executive Steering Committee, we have convened a NEJAC workgroup to examine issues and questions related to the development of a tool such as EJSEAT and a nationally consistent screening approach to environmental justice integration. We look forward to the recommendations and advice to come from this work group.

QUESTIONS AND ANSWERS

Environmental Justice (EJ) Achievement Awards Program

QUESTION: What is the Environmental Justice (EJ) Achievement Awards Program?

- Recognition for organizations that undertake environmental justice initiatives which make a positive impact in the community.
- A program to promote positive behavior on environmental justice issues by all stakeholder groups.
- The program will document EJ models of success for others to emulate; encourage achievement of environmental results in communities having EJ issues; and encourage collaborative problem solving by all stakeholder organizations to address significant EJ concerns

QUESTION: Who can win an EJ Achievement Award?

- EPA currently recognizes organizations in six categories for awards
 - Academic Institutions
 - Community-Based Organizations
 - Non-governmental and Environmental Organizations
 - State and Local Government Organizations
 - Tribal Government and Indigenous Organizations
 - Business and Industry

QUESTION: How are winners evaluated and selected?

- Candidates are evaluated based on pre-selected criteria questions submitted in their applications on:
 - Innovation
 - Community Responsibility
 - Community, Equity and Involvement
 - Partnerships and Collaboration
 - Environmental Justice Integration; and
 - Demonstrated Results, Effectiveness, and Sustainability
- Winners are selected by a peer review stakeholder panel who review pre-screened application packages submitted by nominees, and recommend winners based on best responses and practices described in the applications.

QUESTION: What will the winners receive?

- Awards will be presented by EPA during a special public, media-covered event.
- EPA will pay for the travel and lodging expenses of the representative who will attend the EJ Achievement Awards ceremony and receive the award on behalf of the winning organizations.
- EPA will publish a feature article in the Environmental Justice Quarterly newsletter focusing on the selected award recipients.
- Award winners will also be featured on the Office of Environmental Justice's Web site.
- National recognition may also open doors for the award winners to network and partner with other organizations across the U.S. that share a similar commitment to EJ excellence.

QUESTIONS AND ANSWERS

NEJAC Environmental Justice, Green Business and Sustainability Work Group

QUESTION: What is the NEJAC's Environmental Justice, Green Business and Sustainability Work Group?

- Private sector interest in climate change and green business opportunities is growing and an increasing number of businesses are seeking to improve the energy efficiency and environmental performance of their operations.
- Yet, opportunities for low income and minority communities to participate and benefit in this growing segment of our economy have been limited while the potential environmental and health benefits merit wider exploration by EPA.
- Because of its environmental justice efforts, EPA believes it is positioned to be a catalyst for a national conversation on environmental justice, green business and sustainability.

QUESTION: What would this national conversation be about?

- EPA's objective is to have a national conversation on environmental justice and green business, and sustainability that will engage the public and private sector in a more robust dialogue to:
 - Gain acceptance that environmental justice is a key component of the energy future for the nation;
 - Identify sustainability and green business opportunities that will benefit low income and minority communities by drawing on practical business models as well as the new creative ideas, products, services and energy taking place across the country in this area; and
 - Explore new way for EPA to support and stimulate more environmental justice, green business, and sustainability opportunities on a wider scale.

QUESTION: How will EPA go about having or putting together this national dialogue on environmental justice, green business and sustainability and what is the NEJAC's role?

- The Office of Environmental Justice (OEJ) retained Resolve, a premier public policy consensus building organization in the US and internationally, to conduct a situation assessment - interviews with key stakeholders and case studies - on this subject. The purpose of the assessment is to provide a strong foundation for the dialogue.
- EPA then requested the NEJAC to review the situation assessment to both strengthened it and to further help frame the dialogue.
- The NEJAC will consider several questions related to this area and make recommendations to EPA including:
 - What organizations, businesses or financial leaders EPA should involve;
 - What important significant business cases, research, investments, or policy initiatives related to environmental justice, green businesses, sustainability and climate change EPA should know about;
 - What key community-related issues should EPA consider in undertaking this dialogue related to environmental justice, green business, sustainability and climate change; and
 - What other significant emerging issues that EPA should include in this dialogue.

QUESTIONS AND ANSWERS
For the Administrator's Appearance at the NEJAC Public Meeting

June 11, 2008

Goods Movement and Air Quality

Q: What is Goods Movement?

Goods movement refers to the distribution of freight (including raw materials, parts, and finished consumer products) by all modes of transportation, including marine, air, rail, and truck. Goods movement infrastructure supports the distribution of freight, and encompasses intermodal facilities, warehouses, rail yards, highways, ports (see and air), and border crossings. The term "goods movement" is used interchangeably with freight transportation.

Q: Why did EPA decide to seek advice from the NEJAC about this issue?

The United States has an extensive network of infrastructure for goods movement. This includes highways, bridges, border crossings, air and marine ports, rail lines, rail yards and distribution centers. The volume of goods moved over the freight system has and will continue to grow significantly. EPA has asked NEJAC to provide advice about the methods which EPA can employ to address environmental justice issues created by goods movement infrastructure, including air and marine ports, rail yards, highways, bridges, border crossings, distribution centers, and intermodal facilities.

Q. Why is goods movement an Environmental Justice issue?

The issue of goods movement as an environmental justice concern has become heightened in the past five years due to the increased volume of international trade, and freight movement more generally. In many communities, ports, rail yards, and distribution centers are enlarging to accommodate the growth of trade, and with those expansions often come related increases in freeway, and distribution center/warehouse traffic. Low-income and minority communities often reside near freight infrastructure. It is these communities who bear the largest share of the environmental and health burdens of goods movement activities.

Q. What steps has EPA undertaken to address the impacts of goods movement activities on the health and human environment?

EPA has been working aggressively to address impacts, including:

- Smart Way Transport Partnership which encourages the use of clean diesel technology throughout the trucking industry
- National Clean Diesel Campaign focuses on voluntary regional collaborations to address diesel impacts on local communities
- Implemented a Port Sector Strategy to engage EPA program and regional offices about ports
- Issued new rulemaking to control emissions from marine and locomotive engines
- Serves as a member of the U.S. delegation to the International Maritime Organization which is promulgating a new ship pollution rule that is expected to reduce NOx and Sox emissions of ocean-going ships entering and leaving U.S. ports

SUPPORTING MATERIALS

Table of Contents

Administrator's Memorandum – Strengthening the EJ Program (DRAFT)

NEJAC Fact Sheet

EPA Senior Management Attendance at the NEJAC

EJ Reviews and Program Evaluation at EPA

Public Meeting on Environmental Justice

Release date: 6/09/2008

Contact Information: Roxanne Smith, (202) 564-4355 / smith.roxanne@epa.gov

(Washington, DC – June 9, 2008) The National Environmental Justice Advisory Council (NEJAC) will hold a 3-day public meeting in Washington, D.C. to discuss environmental justice issues including air pollution impacts of moving freight, also known as goods movement. Goods movement is a major public health concern which affects the air quality in communities living around heavily trafficked areas, e.g. seaports and truck lanes. NEJAC, EPA's advisory group on environmental justice, will also discuss EPA's integration of environmental justice considerations into its programs, policies and activities.

Who:

National Environmental Justice Advisory Council (NEJAC)
EPA Program and Regional representatives

What

Dialogue with EPA on environmental justice topics including:

- Goods Movement
- Nationally Consistent Environmental Justice Screening Approaches
- Environmental Justice Achievement Awards
- Green Business and Sustainability
- State Environmental Justice Grant Program

Where

Washington Court Hotel, 525 New Jersey Avenue, NW, Washington, DC 20001

When

June 10, 2008 at 1:00-5:00pm EDT (Public comment period at 6:30-9:30pm EDT)

June 11, 2008 at 9:00am-5:00pm EDT

June 12, 2008 at 9:00am-2:00pm EDT

NOTE: Reporters who wish to attend the event should pre-register online at www.nejacregistration.org and contact Roxanne Smith for more information.

NEJAC Information: epa.gov/compliance/environmentaljustice/nejac/index.html

Environmental Justice Program: epa.gov/compliance/environmentaljustice

The Administrator

MEMORANDUM

SUBJECT: Strengthening EPA's Environmental Justice Program

TO: Assistant Administrators
Regional Administrators
Associate Administrators
Office Directors
General Counsel
Chief Financial Officer
Inspector General

EPA has made significant strides to protect human health and the environment for everyone and ensure that all people are treated fairly and given the opportunity to participate meaningfully in EPA's decisionmaking processes. In recognizing that minority and/or low-income communities frequently may be exposed disproportionately to environmental harms and risks, EPA remains committed to protecting these and other burdened communities from adverse human health and environmental effects of its programs, consistent with existing environmental and civil rights laws, and their implementing regulations, as well as Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994)." Over the past three years, we have accelerated our efforts to strengthen the Environmental Justice (EJ) Program thanks to the strong leadership and commitment of the Agency's Program and Regional Offices.

In 2005, I directed the Agency's managers and staff to integrate EJ considerations into EPA's core planning and budgeting processes and identified eight national EJ priorities. I am pleased to see that these EJ priorities are reflected in the Agency's Strategic Plan and the annual National Program Manager (NPM) guidance documents. In addition, we are developing mechanisms for rulewriters to incorporate EJ considerations as a part of the Action Development Process. Finally, we have made steady progress in creating a sound basis for reviewing the EJ impacts of our programs, policies, and activities. We will continue to refine this process for future EJ reviews.

By instituting these types of actions, we are building a stronger foundation to successfully integrate EJ into our programs for the long-term. In the coming year, it is important to build upon these successes and begin conducting EJ reviews of our programs, policies, and activities. Therefore, I am directing the Agency's NPMs and Regions to conduct the first round of EJ reviews in FY 2009.

The Office of Environmental Justice (OEJ) will continue to work with the Office of Policy, Economics, and Innovation (OPEI) to use these EJ reviews as an opportunity to foster a robust program evaluation capacity. The results of these reviews will also help us to continuously learn and improve the ways in which we consider EJ in our decision making processes.

Much of our recent progress has been due to the combined leadership and diligent efforts of the Office of Enforcement and Compliance Assurance (OECA), the NPMs, and the Regions. It signifies that all levels of the Agency have a role in ensuring the successful integration of EJ considerations through a coherent and cohesive EJ Program. Our continued progress requires a management and implementation infrastructure that utilizes internal staff and expertise as well as external advice and recommendations. This infrastructure includes the following organizational elements:

- Administrator, Deputy Administrator, Assistant Administrators and Regional Administrators;
- OECA (as the NPM for environmental justice);
- EJ Executive Steering Committee;
- Office of Environmental Justice;
- EJ Coordinators and other Program and Regional managers and staff; and
- National Environmental Justice Advisory Council.

With these accomplishments, your commitment to conduct EJ reviews, and an infrastructure for leading and managing EPA's EJ Program, I foresee a future in which we can achieve measurable results that will improve the environment and public health for all people, especially those who are most vulnerable or disproportionately bearing the burden of negative human health or environmental impacts.

The Administrator

MEMORANDUM

SUBJECT: Strengthening EPA's Environmental Justice Program

TO: Assistant Administrators
Regional Administrators
Associate Administrators
Office Directors
General Counsel
Chief Financial Officer
Inspector General

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Environmental Justice Fact Sheet

National Environmental Justice Advisory Council

BACKGROUND

EPA's commitment to environmental justice began in 1992, as a response to public concerns, when the Agency created an Office of Environmental Justice and implemented a new organizational infrastructure to integrate environmental justice considerations into EPA's policies, programs, and activities. In 1993, the Agency established the National Environmental Justice Advisory Council (NEJAC) in order to obtain independent advice and recommendations from all stakeholders involved in the environmental justice dialogue.

Obtaining Stakeholder Advice

The NEJAC was established by charter pursuant to the Federal

Advisory Committee Act (FACA) on September 30, 1993. The NEJAC consists of members from community-based groups; business and industry; academic and educational institutions; state and local governments; tribal governments and indigenous organizations; and non-governmental and environmental groups. The Council meets once each year and provides a forum focusing on human health and environmental conditions in all communities, including minority populations and low-income populations.

The issues around environmental justice are often complex and involve strongly divergent viewpoints. The NEJAC provides an environment for all parties to express their concerns and to formulate independent, cogent, and timely advice and recommendations to EPA on major public policy issues. In this way, the NEJAC assists in integrating environmental justice into EPA's policies, programs, and activities.

On August 8, 2006, EPA Administrator Stephen L. Johnson approved the renewal of the charter for the NEJAC, which provides the Administrator with advice and recommendations with respect to integrating environmental justice considerations into EPA's programs, policies, and day-to-day activities.

EPA's Commitment to Environmental Justice

On November 4, 2005, Administrator Stephen L. Johnson issued a memorandum reaffirming EPA's commitment to environmental justice for all people, regardless of race, color, national origin, or income. This means not only protecting human health and the environment for everyone, but also ensuring that all people are treated fairly and are given the opportunity to participate meaningfully in the development, implementation, and enforcement of environmental laws, regulations, and policies.

In recognizing that minority and/or low-income communities frequently may be exposed disproportionately to environmental harms and risks, EPA works to protect these and other burdened communities from adverse human health and environmental effects of its programs, consistent with existing environmental and civil rights laws, and their implementing regulations, as well as Executive Order 12898 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," Feb. 11, 1994).

The memorandum also identifies eight (8) national environmental justice priorities and directs the integration of environmental justice into EPA's planning and budgeting processes, including the Agency's Strategic Plan for Fiscal Years 2006-2011. These national priorities include: reducing asthma attacks; reducing exposure to air toxics; increasing compliance of regulations; reducing incidence of elevated blood lead levels; ensuring that fish and shellfish are safe to eat; ensuring that water is safe to drink; and using collaborative problem-solving to address environmental and/or public health concerns.

EPA will continue to fully implement its programs, policies, and activities to ensure that they do not adversely affect populations with critical environmental and public health issues, including minority and low-income communities.

NEJAC ACCOMPLISHMENTS

As a committee consisting of representatives of broad spectrum of stakeholders, the NEJAC has developed consensus proposals to the Agency for creative and collaborative strategies to better address the human health and environmental protection needs of disadvantaged and underserved communities and to ensure that the goal of environmental justice is being integrated in Agency policies, programs, and priorities.

From 1993 to 1996, the NEJAC produced a number of products and provided consensus advice to help the Agency focus its environmental justice agenda. For example, the initial draft of EPA's Environmental Justice Strategy required by Executive Order 12898 was reviewed and substantive recommendations made; the Office of Solid Waste and Emergency Response's Facility Siting Criteria document was reviewed; the Model Plan for Public Participation was published and distributed widely; and a public forum protocol was developed and subsequently used as the model for the first Interagency Public Meeting on Environmental Justice held January 19 and 20, 1995, in Atlanta, Georgia. During the summer of 1995, public dialogues were conducted in five major cities concerning possible solutions to urban crises resulting from the loss of economic opportunities caused by pollution and the relocation of businesses. These dialogues were intended to provide an opportunity, for the first time, for environmental justice

advocates and residents of impacted communities to systematically provide input regarding issues related to the EPA's Brownfields Economic Redevelopment Initiative. In May 1996, the NEJAC and EPA co-sponsored a Roundtable on Superfund Relocation issues in Pensacola, Florida, to help EPA determine how relocation should be considered during any cleanup decision. The first NEJAC/EPA Enforcement Roundtable was held in San Antonio, Texas.

During the 1997 to 1999 period, the second NEJAC/EPA Enforcement Roundtable was held in Durham, North Carolina; the US-Mexico Border XXI program proposal was reviewed; and the Agency's enforcement and compliance work plan was commented on. In an effort to provide guidance to EPA regarding international issues related to environmental justice, the first Roundtable on Environmental Justice on the U.S./Mexico Border was held August 19 to 21, 1999 in National City, California. The objectives of that Roundtable were to define and trace the evolution of the national and international environmental justice issues; identify environmental justice issues along the joint U.S./Mexico border; provide an overview of current border programs and explore ways to address concerns; develop environmental justice border policies, and identify existing enforcement and cleanup processes.

During the 1999 to 2008 period, NEJAC restructured its meetings from addressing site-specific issues to addressing national policy issues. In recent meetings, the following issues have been discussed and reports of recommendations submitted to the Administrator.

- **November 30 to December 2, 1999, Washington, D.C.** – What factors should be considered by a federal agency, as well as state or local agencies with delegated permitting authority in the decision making process prior to allowing a new facility to operate in a community that already may have a number of such facilities?
- **May 23 to 26, 2000, Atlanta, Georgia** – Is there a direct correlation between the environment and the public health problems of the residents of communities that are located in close proximity to multiple pollution-generating facilities?
- **December 11 to 14, 2000, Washington, D.C.** – How have the Federal agencies succeeded in integrating environmental justice into their programs, operations, policies, and activities pursuant to Executive Order 12898?
- **December 3 to 6, 2001, Seattle, Washington** – How should the EPA improve the quality, quantity, and integrity of our Nation's aquatic ecosystems in order to protect the health and safety of people consuming or using fish, aquatic plants, and wildlife?
- **December 9 to 12, 2002, Baltimore, Maryland** – How can EPA promote innovation in the field of pollution prevention, waste minimization, and related areas to more effectively ensure a clean environment and quality of life for all peoples, including low-income, minority and tribal communities?
- **April 13 to 16, 2004, New Orleans, Louisiana** – To ensure environmental justice for all communities and tribes, what short- and long-term actions should the Agency take in proactively implementing the concepts contained in its Framework for Cumulative Risk Assessment?
- **June 20 to 22, 2006, Washington, D.C.** – What mechanisms will most effectively: ensure continuation of timely, relevant and cogent public policy advice on environmental justice issues/concerns; enable impacted communities to continue to raise concerns to government agencies; support continued

partnership-building and problem-solving capacity among EPA's regulatory partners and other environmental justice stakeholders; and promote opportunities for training and sharing lessons learned for all stakeholders involved in the environmental justice dialogue.

- **September 18 to 20, 2007, Baltimore, Maryland** – How can the Agency most effectively promote strategies, in partnership with federal, state, tribal, and local government agencies, to identify, mitigate, and/or prevent the disproportionate burden on communities of air pollution resulting from goods movement activities. Other issues discussed included two key initiatives related to the integration of environmental justice considerations in EPA's programs, policies and activities

In 2007, the NEJAC decided to incorporate public teleconference calls among the venues at which it meets as a way to expand public participation at its meetings. In addition to its public face-to-face meetings, the NEJAC held two public meetings via teleconference call in 2007. It anticipates it will hold two such calls each year.

PUBLIC MEETINGS

Because NEJAC is chartered under FACA, it is required to hold public meetings to receive comments, questions, and recommendations regarding environmental justice issues. Each NEJAC meeting has the minimum of two hours for members of the public to register and make statements before the NEJAC. Time for public comment also has been allotted during public teleconference calls.

All comments are recorded and maintained as a part of the public record of each meeting. Each meeting record is available to the public on the Internet (*see box below*) or in Room 2224, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20004. In some cases, hard copies are available. Call the *OEJ Information Line* at 1-800-962-6215.

MEMBERSHIP

Careful consideration is given to the appointment of each member to ensure that the point of view of every stakeholder group is represented. Members have staggered terms, and the membership is rotated to provide the widest participation possible by the greatest number of stakeholders.

INTERNET ACCESS

Information about the NEJAC, including reports and publication is available on the Internet (*see the box below*), where you will be prompted to select a variety of options for information about NEJAC. You will be given an opportunity to add your name to the Office of Environmental Justice's mailing list and be able to "link" to other sites of interest.

NEJAC KEY POINTS OF CONTACT

Chair	<i>Mr. Richard Moore</i>
Designated Federal Officer (DFO)	<i>Mr. Charles Lee 202-564-2597</i>
Program Manager	<i>Ms. Victoria Robinson 202-564-6349</i>

To receive the most UP-TO-DATE INFORMATION about the NEJAC:

Call toll-free at: 1-800-962-6215 OR

Go online at:

<http://www.epa.gov/compliance/environmentaljustice>

EPA Senior Management Attendance at the NEJAC

EPA Administrator and Deputy Administrator

- **Administrator Stephen Johnson**
 - June 2008 (confirmed)
 - **Administrator Carole Browner**
 - November/December 1999 (Arlington, Virginia)
 - She also attended NEJAC meetings at least twice previously (dates currently unavailable)
 - **Deputy Administrator Michael McCabe**
 - December 2000 (Arlington, Virginia)
 - **Deputy Administrator Fred Hansen**
 - December 1997 (Durham, NC)
-

Other senior managers, including deputy assistant administrators and deputy regional administrators, have participated in every NEJAC meeting, including meetings of the various NEJAC subcommittees. Attendees have included:

Senior Officials (political)

January 2006 (Arlington, VA)
June 2006 (Washington, DC)
February 2007 (Washington, DC)
September 2007 (Baltimore, MD)
June 2008 (Washington, DC)
OECA Assistant Administrator Granta Nakayama

December 2002 (Baltimore, MD)
OECA Assistant Administrator J.P. Suarez

Senior Officials (career)

September 2007 (Baltimore, MD)
Laura Yoshii, DRA; EPA Region 9
Jim Jones, Principal DAA, EPA Office of Prevention, Pesticides, and Toxic Substances
Ira Leighton, DRA, EPA Region 1
Mike Shapiro, DAA, EPA Office of Water
Larry Starfield, DRA, EPA Region 6

April 2004 (New Orleans, LA)
Michael Shapiro, DAA OW
Phyllis Harris, DAA OECA
Jerry Clifford, DAA OIA (International Subcommittee)

William Farland, Deputy Assistant Administrator for Science, ORD
Larry Weinstock, Senior Advisor OAR
Thomas Voltaggio, DRA, EPA Region 3
Larry Starfield, DRA, EPA Region 6

December 2002 (Baltimore, MD)
Thomas Voltaggio, DRA, EPA Region 3

December 2001 (Seattle, WA)
Ron Kreizenbeck, Deputy Regional Administrator, EPA Region 10

ENVIRONMENTAL JUSTICE REVIEWS & PROGRAM EVALUATION AT EPA

- Program evaluation is an important component of sound program management.
- By conducting EJ Reviews, EPA will better understand what works well and what opportunities exist for improvements in the Agency's EJ Program. EPA will also learn how EJ can be better integrated into all aspects of the Agency's programs, policies, and activities.
- As noted in Deputy Administrator Marcus Peacock's March 31, 2008, Memorandum, program evaluation is a "systematic study of how well a program is working and why" and it "can address gaps in information and help EPA identify where our activities have the greatest impact."
- In FY09, each Program Office and Region will conduct 1-2 reviews using the EJ Review Protocols, or other evaluation approaches and tools.
- OEJ is committed to working appropriately with the HQ Program Offices and Regions as they begin to implement EJ reviews, and is currently examining options for:
 - Providing technical assistance (TA), training support, and individual consultation to help in the design and implementation of the EJ reviews;
 - Leveraging the training and expertise that will emerge as the OPEI Program Evaluation initiative is implemented; and
 - Exploring a potential link between the EJ reviews and the annual program evaluation plans that are envisioned.

BACKGROUND

The purpose of the EJ Reviews is to assess to what extent the Agency's programs, policies, and activities address EJ concerns. The primary objectives of the EJ Reviews are to:

- 1) Identify ways in which the Agency is effectively identifying and addressing EJ concerns that arise or may arise with respect to a program, policy or activity; and
- 2) Identify opportunities for the Agency to enhance its effectiveness in identifying and addressing EJ concerns that arise or may arise with respect to a program, policy or activity.

The EJ Reviews will help EPA to better integrate EJ considerations into the Agency's decision-making processes and will provide more accurate benchmarks and measures to gauge EPA's progress in addressing EJ issues.

EPA plans to use each Region and Program office's EJ Action Plan as a mechanism for identifying and monitoring the reviews. Through the EJ Action Plans, EPA will be able to document the number and type of reviews, track commitments to improve EJ integration, and monitor the resulting outcomes of the reviews.