

United States
Environmental Protection
Agency

Office of Pollution
Prevention and Toxics
Washington, DC 20460

March 1998
Vol. I EPA 745-S-98-001
Vol. II EPA 745-R-98-004

OPPTS MEETING ON ENVIRONMENTAL JUSTICE

U.S. ENVIRONMENTAL PROTECTION AGENCY
CHICAGO, ILLINOIS
JULY 16, 1997

VOLUME I: SUMMARY OF MEETING
VOLUME II: REPORTS AND MINUTES

Submitted to:

U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics
Environmental Assistance Division
401 M Street, SW
Washington, DC 20460

Submitted by:

Science Applications International Corporation
Environmental Health Sciences Group
11251 Roger Bacon Drive
Reston, Virginia 20190

EPA Contract No. 68-W6-0069, WA No. 2-05
SAIC No. 06-6312-08-3279-000

Table of Contents

Foreword	i
Preface	ii
Volume I: Summary of Office of Pollution Prevention and Toxics Meeting on Environmental Justice	I-1
Volume II: Reports and Minutes, OPPT's Meeting on Environmental Justice	II-1
OPPT/Office of Regional Operations and State and Local Relations	
Marylouise Uhlig, Presentation	II-1
Questions, Answers, Comments	II-1
OPPT	
William Sanders, Presentation	II-3
Questions, Answers, Comments	II-5
Office of Pesticide Programs/Geographic and Information Systems	
Kennan Garvey, Presentation	II-6
WPS National Dialogue Handout	II-10
Environmental Justice Handout	II-16
Region 1, Office of Ecosystem Protection	
Marv Rosenstein, Presentation	II-18
Region 2, Division of Enforcement and Compliance	
Assistance/Pesticides and Toxic Substance Branch	
Dan Kraft, Presentation	II-23
Region 3, Air, RCRA, Toxics Division/WCMD	
John Ruggero	II-30
Environmental Justice Handout	II-30
Comments in Addition to Handouts	II-36
Questions, Answers, Comments	II-37
Region 4, Air, Pesticides, Toxics Management Division	
Winston Smith and John Kutzman, Presentation	II-38
Questions, Answers, Comments -- Winston Smith	II-40
Questions, Answers, Comments -- Jim Kutzman	II-41
Region 5, Wastes, Pesticides, Toxics Division	
Norm Niedergang and Phyllis Reed	II-42
Region 5 Interim Guidelines for Identifying and Addressing a Potential Environmental Justice Case Handout	II-42
Frequently Asked Questions Related to the Interim Environmental Justice Guidelines Handout	II-46
Environmental Justice Geographic Information System Request Form Handout	II-51

Environmental Justice and Enforcement Protocol Handout	II-53
Environmental Justice and Permitting Protocol Handout	II-58
Environmental Justice and Community Involvement Handout	II-60
Comments by Norm Niedergang in Addition to Handouts	II-62
Questions, Answers, Comments -- Norm Niedergang	II-63
Comments by Phyllis Reed in Addition to Handouts	II-63
Questions, Answers Comments -- Phyllis Reed	II-63
 Region 6, Compliance Assurance and Enforcement Division	
Gerald Fontenot and A.M. Davis	II-64
Environmental Justice Index Methodology Handout	II-64
Comments by Gerald Fontenot in Addition to Handouts	II-79
 Region 7, Air, RCRA, and Toxics Division	
Karen Flournoy, Presentation	II-82
 Region 8, Toxics Program	
Debbie Kovacs	II-83
Environmental Justice Handout	II-83
Environmental Justice Grants Program Summaries Handout	II-86
Comments in Addition to Handouts	II-103
 Region 9, C-MD	
Laura Yoshii	II-104
Environmental Justice Strategy	II-104
Environmental Justice Strategy, Cross Media Division	II-105
Environmental Justice Strategy, RCRA Program	II-113
Environmental Justice Strategy, Superfund	II-119
Environmental Justice Strategy, Air Division	II-131
Environmental Justice Strategy, Office of Strategic Planning and Emerging Issues	II-138
Environmental Justice Strategy, Water Division	II-142
Environmental Justice Strategy, Office of Communications and Government Relations	II-146
Environmental Justice Strategy, Toxics Section	II-148
Environmental Justice Operating Plan	II-149
Environmental Justice Community Grants	II-157
Comments in Addition to Handouts	II-163
 Region 10	
David Croxton, Presentation	II-164
Comments in Addition to Handouts	II-165

FOREWORD

The Environmental Protection Agency's environmental justice strategic principle states that "...we shall seek to address and correct the disproportionate burden that certain environmental hazards impose on economically disadvantaged Americans." Toward that goal, the Office of Prevention, Pesticides, and Toxics (OPPTS), both at headquarters and in the regions, is making progress via the Pollution Prevention/Environmental Justice grants program, Brownfields work, a wide variety of community-based programs, the Common Sense Initiative, the Agency's Children's Initiatives, and the Community Right-to-Know program, as well as strong efforts to integrate the basic tenets of environmental justice into the day-to-day operations of all OPPTS programs.

In July 1997, OPPTS convened a meeting with senior regional managers charged with OPPTS programs to showcase successful regional environmental justice programs and projects and, thus, to learn from each other. It is our strong belief that the exchange of information that occurred at that meeting will strengthen these programs, focus future efforts toward environmental justice goals, and give all concerned information about what has worked and what has not.

I would like to thank everyone who attended the meeting in Chicago, and applaud their hard work and their commitment to environmental justice.

William H. Sanders III, Dr. P.H., P.E.
Director, Office of Pollution Prevention and Toxics

PREFACE

What follows is a frank and open discussion on the practical aspects of implementing Environmental Justice programs in EPA, including institutional as well as existing attitude barriers, challenges, and concerns. Although aimed at programs that were the subject of the workshop, participants recognized the discussion to be applicable to EPA in the broader context. Hence, the discussion may be of interest to the more general audiences in EPA and the state agencies that are implementing EJ programs and projects.

There are several important issues that face OPPTS and its EJ program. First, it is important to understand that Environmental *Injustice* does NOT mean that environmental problems must result from deliberate discrimination. It is not necessarily about prejudice, but is instead a new way of doing business that creates fairness in the environmental risks everyone must face and the empowerment of all the people to have a fair say in what is done to their environment. The disproportionate burden of multiple and cumulative risks on vulnerable and economically disadvantaged populations is an environmental injustice that must be proactively addressed.

EJ must be understood in the context of public health and quality of life issues in addition to the protection of natural resources. It must emphasize local solutions with multiple partners that have economic benefits, wherever possible. It must foster a sense of ownership of the environment among community residents.

There are significant barriers to be overcome. Prominent among these is the issue of trust. EJ communities have no reason whatsoever to trust any level of government. To overcome this, we must be IN the community as partners; we must listen to THEIR concerns for THEIR environment, even as we educate and raise awareness for other threats we know about. We must bring resources to the table, and demonstrate our willingness to use our influence to leverage other stakeholders, including state and local government and the private sector, to join us for partnering and resources. We must build community capacity so that residents or their representatives are included in environmental decision-making throughout this process.

Another formidable barrier is EPA's organizational culture. Even for the great majority of our workforce, it is important to dispel some misconceptions about EJ, including: it won't make a difference what EPA does because of other problems, such as crime and poverty; and residents in EJ communities do not care about their environment.

In addition, we need to face the fact that some small portion of our staff do not share our EJ goals. We must work around anyone who is a significant obstacle or recruit support higher in that person's chain of command. Confronting such people has not, does not, and will not work.

Another attitude that needs adjusting is that this work does not fit within EPA's job description. But, our mission IS to protect public health and the environment EVERYWHERE, not just where there are pristine natural resources to protect and not just where we have statutory authority. Yet another misconception is that EJ is extra work. It is not; rather, it is a guiding principle that must be institutionalized everywhere in the Agency and considered in the prioritization of ALL our work and the development of new ways of doing our business.

Finally, we need to address our own staffing needs. We need to proactively recruit a more diverse staff. We must value strong interpersonal skills as highly as technical competence. We have to be in the community as partners, not sitting behind our desks. And, in addition, we must adjust to the fact that our measures of success for EJ are going to be different than those to which we have become accustomed as we partner with multiple stakeholders to proactively and jointly address environmental threats in EJ communities.

These issues must be faced before we can hope to be successful in addressing environmental injustice. It is no longer enough for us to “know” and “do;” now, we must also “listen,” “learn,” “help,” “partner,” and “leverage.”

**OPPTS REGIONAL DIVISION DIRECTORS
ENVIRONMENTAL JUSTICE MEETING
U.S. ENVIRONMENTAL PROTECTION AGENCY
CHICAGO, ILLINOIS
JULY 16, 1997**

Summary

Background

The Office of Pollution Prevention and Toxics alone has awarded more than \$10 million in environmental justice grants to small business, the agricultural community, tribal organizations, specific cultural groups, community leaders, residents, and students. These grants, plus a wide variety of other environmental justice (EJ) programs and projects, are managed by Office of Prevention, Pesticides, and Toxic Substances (OPPTS) staff in EPA's Regional Offices. OPPTS headquarters also manages projects in conjunction with the regions, most notably in the city of Baltimore, Maryland.

These activities have been ongoing for approximately three years now, and OPPTS believed that the time was right to gather together headquarters and regional staff to talk about their environmental justice work, including what works and what doesn't, what are some of the challenges that impede success on either a project basis or more globally, how can we routinely communicate with each other about EJ work and thus avoid re-inventing the wheel, how can we begin to evaluate our work, and how we can work together to integrate important EJ principles into the goals, objectives, subobjectives, and core measures of the Agency's Strategic Plan.

Efforts along these lines were started at a meeting of senior managers in Philadelphia, but it was quickly recognized that there was far too much to cover in a one-hour slot on a packed agenda. It was agreed that OPPTS would convene a full one-day meeting devoted exclusively to EJ. That meeting was held in July of 1997 in Chicago.

Progress

In general, regions and programs reported they were making progress on EJ. This includes sensitizing their staff to EJ issues and reaching out to minority and low-income communities by conducting monitoring work and providing resources, such as research tools, Internet access, and training. Some regions reported they were working to identify legal means by which to respond to EJ concerns, such as permitting and enforcement. Directors also reported using new GIS tools to map locations of minority and low-income communities and facilities or landfills. Several regions also reported that they had issued grants to various individuals, businesses, and community groups to provide monitoring, education, and inspector training.

Challenges

There are several important issues that face OPPTS and its EJ program. First, it is important to understand that Environmental *Injustice* does NOT mean that environmental problems must result from deliberate discrimination. It is not necessarily about prejudice, but is instead a new way of doing business that creates fairness in the environmental risks everyone must face and the empowerment of all the people to have a fair say in what is done to their environment. The disproportionate burden of multiple and cumulative risks on vulnerable and economically disadvantaged populations is an environmental injustice that must be proactively addressed.

EJ must be understood in the context of public health and quality of life issues in addition to the protection of natural resources. It must emphasize local solutions with multiple partners that have economic benefits, wherever possible. It must foster a sense of ownership of the environment among community residents.

There are significant barriers to be overcome. Prominent among these is the issue of trust. EJ communities have no reason whatsoever to trust any level of government. To overcome this, we must be IN the community as partners; we must listen to THEIR concerns for THEIR environment, even as we educate and raise awareness for other threats we know about. We must bring resources to the table, and demonstrate our willingness to use our influence to leverage other stakeholders, including state and local government and the private sector, to join us for partnering and resources. We must build community capacity so that residents or their representatives are included in environmental decision-making throughout this process.

Another formidable barrier is EPA's organizational culture. Even for the great majority of our workforce, it is important to dispel some misconceptions about EJ, including: it won't make a difference what EPA does because of other problems, such as crime and poverty; and residents in EJ communities do not care about their environment.

In addition, we need to face the fact that some small portion of our staff do not share our EJ goals. We must work around anyone who is a significant obstacle or recruit support higher in that person's chain of command. Confronting such people has not, does not, and will not work.

Another attitude that needs adjusting is that this work does not fit within EPA's job description. But, our mission IS to protect public health and the environment EVERYWHERE, not just where there are pristine natural resources to protect and not just where we have statutory authority. Yet another misconception is that EJ is extra work. It is not; rather, it is a guiding principle that must be institutionalized everywhere in the Agency and considered in the prioritization of ALL our work and the development of new ways of doing our business.

Finally, we need to address our own staffing needs. We need to proactively recruit a more diverse staff. We must value strong interpersonal skills as highly as technical competence. We have to be in the community as partners, not sitting behind our desks. And, in addition,

we must adjust to the fact that our measures of success for EJ are going to be different than those to which we have become accustomed as we partner with multiple stakeholders to proactively and jointly address environmental threats in EJ communities.

These issues must be faced before we can hope to be successful in addressing environmental injustice. It is no longer enough for us to "know" and "do;" now, we must also "listen," "learn," "help," "partner," and "leverage."

One attendee mentioned that the Agency should have more diversity among managers in the parts of the Agency that are in charge of EJ issues. In addition to acknowledging that issue, the individual expressed concern about disparity between EJ staff full performance levels compared to the full performance levels elsewhere in EPA offices. The generally recognized disparity in grade level between Superfund and "Underfund" was mentioned, but should not be accepted as an excuse for the situation in EJ.

The EJ situation should be examined in particular because:

- 1) The EJ "mission" attracts some of the best and brightest EPA staff from under represented groups employed at the Agency, and then appears, in some cases, to offer them less opportunity than others.
- 2) If the agency takes this EJ business seriously, it should be given the same level of importance as other programs that are taken seriously; for instance, having the lowest graded staff in a Regional office does not give the impression of high priority.
- 3) There appears to be a difference between Regions in EJ staff grade level. The only obvious difference is the EJ organizational location (immediate office of the Regional Administrator, or in another organizational component). Grade level should consistently be based on grade-determining criteria such as sphere of influence, level of knowledge and experience required, positive education requirements for professional positions, etc.

Question: In the Regions not having a dedicated EJ staff, but using part of people's time from various other positions, what effect does the partial EJ assignment have on the grade level of the positions, and what is their full performance level?

The Agency should take a thoughtful look at this aspect of EJ. Since this is a relatively new component in EPA organizations, the risk of inconsistency and disparity is apparent.

Institutionalizing EJ

Regions reported that they are increasingly incorporating EJ into day-to-day activities. Many had trained their staff about EJ and encouraged them to be responsive to community concerns. Some regions said they had appointed a coordinator to address this issue as part of his/her job description. In some cases, they established inter-Divisional working groups to bring all regional talents and resources to bear on EJ situations.

Information Sharing

An important issue discussed at the meeting was how to continue sharing information, since it is not always easy to convene such a large group of people. Furthermore, it is important to avoid reinventing the wheel and to collectively track complaints, policies, and court decisions. Attendees suggested creating a Web site for public use with case studies and contact information for individual regions. Others also discussed using a Lotus Notes-type application to share internal information. For example, Region 5 had developed an EJ curriculum for area schools. It turned out that Region 1 had already developed such a curriculum and, if Region 5 had known this, it could have saved a lot of time, effort, and resources.

GIS Tools

Many meeting participants praised the availability of new GIS tools that help map the locations of minority communities and compare this to facility locations and other pollution sources. Several individuals had already used GIS and demonstrated this at the meeting. A headquarters official, however, reported that a group petitioned the Office of Management and Budget under the Administrative Procedures Act to prohibit the Agency from using release, transfer, or other monitoring data; however, the official believes that such a petition will be denied.

Grants

Several participants reported on EJ grants they had awarded to businesses, community groups, and individuals. Examples include: a grant to study the impact of waste treatment facilities on asthma patients in the South Bronx; training for individuals to be lead inspectors in Chicago; and an effort to increase a South Dakota Indian tribe's awareness of EJ through workshops.

Communications Dialogue

Ms. Hazen said she had identified nine common areas of development that everyone's grappling with. She tasked the group to identify ways in which to open lines of communications. She also said that in areas where there is no overlap, that information also needs to be shared.

- 1) Figuring out what is cumulative or aggregate risk policies and methodologies
- 2) Follow-up to EJ activities where we're going to develop models
- 3) GIS Tools -- everyone has a different way of doing mapping -- are there common ways?
- 4) Is dealing with tribal EJ issues same as other EJ issues?
- 5) Development of school curriculum
- 6) Tools of development
- 7) EJ issues affecting permit decisions
- 8) Need clear guidance on Title 6
- 9) HHIP task force -- indoor air issues

Phil Robinson (HQ/OPPT/EAD) suggested trying to set up a Lotus Notes database with a one-page summary with an abstract, with key words. It would help them see if anyone in the Agency had done a study similar to what they were trying to accomplish. It is clearly one way of communicating and sharing information. He added that they might also want to look at what air and water programs are doing. It is nice to look at EJ at large. The idea is to start small and look at something that would work. Denver meeting evoked debate about using databases among technophobics. Sanders: obviously, there are larger issues that go beyond our programs. Phyllis Reed suggested using the internet, so that the Agency can share the information with the public at large. Michael Hardy said that people within the Agency need to know what's going on with EJ before going external.

Ms. Hazen concluded that the group suggested having both an internal and external system for communicating EJ information. Kennan Garvey suggested that the external system be a "skeletal page" listing some case studies and contacts.

Marv Rosenstein said they need some discussions to break down barriers internally and externally -- barriers that focus on a new way of business that focuses on partnering and empowerment. He said he would be disappointed if they were to just focus on new ways of information sharing and new technical guidance without talking about larger barrier areas that aren't just toxics and pesticides. Mr. Rosenstein is talking about changing the organizational culture and barriers to doing that. Ms. Hazen then asked the group if there were any other communications issues? Jim Kutzman said that the EPA needed to make a cultural change into a resource change. Phyllis Reed said that she has a real concern...all these "botie" programs are tools. We slice them off like they are their own program. Other programs are at AA-level, but EJ is different

Presentations

Below are brief synopses of remarks presented by speakers from headquarters and the regions.

HQ/Office of Regional Operations and State and Local Relations/Office of Prevention, Pesticides, and Toxics -- Marylouise Uhlig

Ms. Uhlig reported that the states continue to be very concerned about a lack of clear EPA policy on EJ, and that the Agency is addressing these concerns.

HQ/Office of Pollution Prevention and Toxics -- Bill Sanders

Dr. Sanders reported that a tribal coordinator position was created during OPPT's reorganization. OPPT also created a branch in the Environmental Assistance Division to coordinate all Community-Based Programs. He noted that more than \$10 million in grants has been distributed for EJ projects, and that the Office hopes to share the successes from the grant program with other communities. He stated the number of chemicals in the Toxic Release Inventory program has doubled, and asked the regions to encourage EJ communities to use the TRI database. He also reported that a catalog of tools has been created that

describes databases, programs, and other tools within OPPTS that are available to communities. He said that at the recent EJ meeting in Denver, there seems to be a consistent feeling that efforts are being duplicated and that EPA's not tracking policy and court decisions. He said barriers include a lack of computer literacy among EJ staff, lack of commitment to data-gathering, and an inclination to avoid recording policy decisions that may one day be judged to have been incorrect.

HQ/Office of Pesticide Programs -- Kennan Garvey, Cleo Pizana, and Michael Hardy

Participants stated that the Office of Pesticide Programs (OPP) is addressing EJ on many levels. This includes a recent urban initiative to avoid misuse of methyl parathion and other pesticides; worker protection; building tribal capacity to manage pesticides; Community-Based Environmental Projects (CBEP) related to pesticide use or exposure; and OPP's project with Howard University to develop educational materials to reach communities most effectively.

Region 1 -- Marv Rosenstein

Mr. Rosenstein reported that the Urban Environmental Initiative has reduced health risks from urban environmental contaminants and improved quality of natural resources and open space in urban areas. Targets for the Initiative include Boston, Massachusetts; Providence, Rhode Island; and Hartford, Connecticut. The goal is to reduce risks to human health from lead, poor indoor air quality, and other urban contaminants, to restore urban watershed and contaminated urban land, and to provide tools for effective environmental management. Efforts include developing partnerships that build community-based capacity and infrastructure to assess, manage, and resolve environmental problems; help communities identify critical environmental problems and develop strategies to restore and revitalize the environment; and support economic development within communities together with strategic environmental and health protection efforts.

Region 2 -- Dan Kraft

Mr. Kraft reported that the Division of Enforcement and Compliance Assistance (DECA) is moving to successfully incorporate EJ into everyday activities. He said, for example, 50 percent of DECA staff members have attended EJ Training. He added that the region has made a significant commitment to incorporate Community-Based Environmental protection into all of their work; there are 44 projects where Region 2 and state partners are active.

Region 3 -- John Ruggero

Mr. Ruggero reported that EJ functions are integrated into each division and each has its own EJ coordinator. He stated that the Regional Administrator has strengthened the Region's focus on EJ issues by assigning responsibility for centralized coordination of EJ activities to the

Region's new Office of Enforcement Coordination and Environmental Justice. Projects are characterized by partnerships and because of this, the Region is able to do a lot more with less. He added that another strength is that the Region has been successful because of its flexibility in supporting diverse projects in a variety of ways. He also said that the Region is taking advantage of GIS tools that the EPA now has, and that the Region had issued several grants and conducted round tables through its lead program.

Region 4 -- Winston Smith and Jim Kutzman

Messrs. Smith and Kutzman reported that the region has developed a pilot project to reduce environmental threats to children in selected Region 4 locations. The objective is to develop a joint coordinated community and government partnership to address pesticide, PCB, asbestos and lead exposures faced by children at home, school, and play. Targeted sites generally encompass low-income minority communities with older homes. They also updated the group on the status of the Warren County TSCA PCB Landfill. They reported that, during the past two years, the State has been preparing to obtain waste samples and conduct treatability studies to evaluate detoxification technologies. Region 4 has been providing guidance on the approval process for the destruction technologies. The region has also been responding to concerns by the joint Warren County/State Working Group regarding whether the state had actually constructed the landfill in accordance with plans submitted and approved by EPA.

Region 5 -- Norm Niedergang and Phyllis Reed

Mr. Niedergang and Ms. Reed reported that the region is working to institutionalize EJ with regional programs, particularly enforcement. They are working to develop a definition of EJ. Their working protocol is in draft form and considers two criteria: minority and income. They added that the region is working on developing a lead education and outreach program based on discussions with community groups.

Region 6 -- Gerald Fontenot and A.M. Davis

Messrs. Davis and Fontenot said that their region has developed a method for an indexing system that would be used to frame a regional policy for environmental justice and district impact analysis. Using the example of the Shintec facility, they are trying to come up with methods to assess whether there is a disparate impact by the facility being cited. They want to ensure that the region is enforcing permits equally. They are concerned that the Shintec decision has evolved into a citing decision rather than a technical one.

Region 7 -- Karen Flournoy

Ms. Flournoy reported that the region has been working on developing an EJ strategy. She said that it is difficult to get the states to view EJ as a real issue and to see how they can incorporate its principles into everyday business. Economics is more of a consideration, not whether there is a large percentage of minorities in the area. Region 7 has been focusing on

the St. Louis area and working with communities to understand environmental data (specifically TRI), and determine whether or not those data can identify health problems. TRI data recently helped convince charcoal kiln companies to install controls to reduce air emissions, she said.

Region 8 -- Debbie Kovacs

Ms. Kovacs said the region is working to address EJ at the management level. In addition to grants, the Region an EJ workshop in Denver attended by 80 people. Another meeting was organized for 25 agencies to build awareness of EPA's work in EJ. In reference to the grants program, she indicated that the region had awarded \$1.25 million to 49 recipients in the first three years of the EJ grants program; some of these have gone to tribal groups.

Region 9 -- Laura Yoshii

Ms. Yoshii noted that Region 9 programs have been working to develop detailed environmental justice strategies; this includes cross media, RCRA, Superfund, air, water, strategic planning and emerging issues, pesticides, and communications and government relations. The region has also issued several grants ranging from training on EPCRA, to clean water and recycling community education.

Region 10 -- David Croxton

Mr. Croxton discussed work that the region has been doing with Native American groups in Alaska. He said that a municipality is looking to site a landfill, which has raised concerns about food source contamination. The Native Americans rely heavily on fish and game. EPA has given money to the village council to coordinate and provide training and create a buffer agreement among stakeholders. Region 10 is funding a study by the University of Anchorage to look at subsistence hunting and all the different types of subsistence foods, food contamination, and risk characterization of potential contaminations of subsistence foods. The Region has worked closely with the village council in order to make sure they are involved in the process.

Next Steps

OPPT offered to develop a strawman proposal for establishing a database for EJ projects and products. The idea is to develop such a database in Lotus Notes, then, when all are agreed that everything is ready, simply upload the database or parts thereof to the Internet.

OPPT also volunteered to put together a discussion piece concerning the integration of EJ principles into GPRA planning and, eventually, budgeting -- first for OPPTS, with eventual expansion to more of the Agency.

Finally, OPPT agreed to prepare and distribute this workshop summary and to ensure that EJ communication and integration issues are again raised and discussed at a later Regional Division Directors' meeting.

**OPPTS REGIONAL DIVISION DIRECTORS
ENVIRONMENTAL JUSTICE MEETING
U.S. ENVIRONMENTAL PROTECTION AGENCY
CHICAGO, ILLINOIS
JULY 16, 1997**

Reports and Minutes

HQ/Office of Regional Operations and State/Local Relations, Office of Pollution Prevention and Toxics

Marylouise Uhlig

Ms. Uhlig reported that the states do not separate Environmental Justice (EJ) from the Civil Rights Act. She said that the states are very concerned about a lack of clear EPA policy. The states are concerned that EPA is making decisions independently -- they don't have clear guidance and they are being second-guessed, particularly on pending Title 6 cases that have been brought before the Agency. EPA's implementing regulations are without operating guidance and they are very broad, she added.

The Agency is working to resolve these problems, said Ms. Uhlig. The Title 6 working group is developing an elaborate communications strategy. At a meeting with all the states' commissioners in May and in a special luncheon with the officers of the environmental commissioners association (ECOSYS), the states asked EPA Administrator Carol Browner for a stronger role in helping the Agency develop an environmental agenda. Since that commitment was made in May, Carol Rios, the president of ECOSYS wrote Ms. Browner requesting that EJ be added to the agenda of the upcoming annual meeting. As EPA delegates programs to the states, it is very unclear as to what their behavior in these programs should be in regard to Title 6. Perhaps the states can work this out with a working group from EPA. Ms. Uhlig added that there's a meeting going on in town on reinvention with Chuck Fox's group. They said they were going to have to learn to communicate earlier and more often and bring partners to the table sooner.

Questions, Answers, Comments:

Norm Niedergang (Region 5) said they tried to engage states, but got a resounding non-response. They said that their role was unclear. He wondered what the status was of the actual policy. Ms. Uhlig responded that they are working on it and that there are some "issues" that the EPA is addressing with the Justice Department. Sylvia Loran is working on those issues with the Justice Department and they should be resolved before they can issue a policy. This should happen soon. Bill Sanders (HQ/OPPT) said the Agency has been struggling with this issue for a long time. He said it was interesting to see people were nervous about the situation. He added that the issues are very touchy. Ms. Uhlig added that because of the growing interest, it would be

hard for the Agency to back off and not be there. She said that suddenly outside pressure exists to reach a conclusion. Laura Yoshii (Region 9) asked if it was still the Agency's intent to go out to the various stakeholders and provide them an opportunity to comment on whatever is being developed. Ms. Uhlig replied affirmatively and added that it's part of the overall communications strategy.

HQ/Office of Pollution Prevention and Toxics

William H. Sanders

Mr. Sanders said the purpose of this meeting was to further the group's embryonic discussion in Philadelphia about learning from each other's efforts in the EJ arena. OPPT is doing the following work in this area:

1. Organizational Changes

In OPPT's recent reorganization, the Office created the position of Tribal Coordinator and staffed it with Mary Lauterbach. Ms. Lauterbach's job is to coordinate all information exchanges about their programs and issues. Mr. Sanders has asked her to put together a program proposal by October, and he expects to send it out for review.

Mr. Sanders also reported that they created a branch (Community-Based Programs Branch) in the Environmental Assistance Division charged with coordinating all CBEP efforts and for working with regions, states, and communities to build CBEP partnerships.

2. Funding

Five grants involving \$250,000-350,000 have been awarded to Chicago, Milwaukee, Missoula, Memphis, and Oakland for lead poisoning education/outreach and lead-paint abatement training for community residents.

Mr. Sanders said the Office had been successful at protecting the P2/EJ funds from the various cuts, taps, reductions, etc. in the budget process. Since FY95, they've awarded 132 grants totaling over \$10 million for this program. They've worked with small businesses, the agricultural community, tribal organizations, specific cultural groups (e.g., Cambodian, Korean-Americans), community leaders, residents, and students. They have also awarded one national project to an association that represents 46 private, non-profit community development financial institutions, for the purpose of educating their members to help small businesses in low-income communities to become more environmentally responsible. Mr. Sanders said he was looking forward to hearing from meeting attendees about how the grant program has worked out.

A goal for the future is to share the successes from the grant program with other communities with similar situations. They plan to commission case studies that document what worked for certain EJ communities.

3. Specific Projects.

Baltimore -- In 1996, OPPT began work with Region 3, residents, businesses, and state and local governments in South Baltimore and Northern Anne Arundel County. They've run into some snags along the way -- particularly political problems -- but are persevering. He said that one of their goals is to put together a "manual" for CBEP projects that will detail their problems and successes in the hopes that others can learn from their efforts.

Catalog of Tools -- Detailed listing and explanation of databases, tools, and programs; specifically, includes descriptions of 66 tools and provides contacts within OPPTS for more information. They've come up with a draft, but are still worrying about how much to caveat risk assessment results, what kinds of people are needed to run the models, and how much they have to clear the decks at headquarters and in the regions should the catalog become popular. The catalog lists names and telephone numbers of people who can provide technical support for users. OPPT is uncertain whether they can tear these people away from their "regular work" enough to be able to support a large demand for their help.

EMPACT -- OPPT is working with ORD and others to identify new technologies for real-time environmental data collection, processing, and communication.

OPPT is working with eleven community advocacy groups on a community-based pollution prevention project focused on cumulative risks posed by dioxin, furans, mercury, cadmium, and lead. The Office is now working on a cumulative environmental loading profile for metropolitan Chicago.

4. Toxics Release Inventory

An important tool that OPPT and the Agency can bring to any community is the information that can be obtained from TRI. EPA has doubled the number of chemicals for which manufacturers must report and will require six new industry sectors to report. Still, just because the information is available does not mean that people are using it -- especially in EJ communities. That is why it is so important that the Office continue their outreach efforts, grant programs, and technical assistance work to ensure that people have information. Information really IS power when used at the local level.

5. Denver Meeting

Mr. Sanders reported that OPPT's EJ Coordinator attended the recent EJ meeting in Denver and came away with the following thoughts:

- a. There is a consistent feeling within the EPA EJ community that they are duplicating efforts, not tracking policy and court decisions, and generally shying away from what's necessary to bring order to the EJ chaos.

- b. Barriers include lack of computer literacy among EJ staff, lack of commitment to data-gathering when they could be doing “real work,” and the natural inclination to avoid recording policy decisions that could bounce back and embarrass the decision-maker.

Questions, Answers, Comments:

Phyllis Reed (Region 5) suggested that EJ information could be put on the Internet, not only for the Agency and states, but communities. She added that she echoed support on the Chicago effort. Working with communities and different stakeholders is different, she said and it would be good to pay attention. She added that they have an IEG with Argon and are beginning to do a cumulative risk assessment and performed a dry run of their presentation with some of the Region's stakeholders. People don't understand how to present things and have a conversation until you experience it, she said. We need to take some time to learn how to make presentations and do things differently anywhere you are community based. Michael Hardy (HQ/OPP/AD) said that computer literacy is a concern with lower-income groups. He asked Mr. Sanders what steps was the Agency taking to address computer literacy and computer access in S. Baltimore? Mr. Sanders replied that the Agency is not doing a lot, however, they have helped open the environmental office, provided equipment (including a PC), and plan to hire an intern from the community to work in the office. He said the Agency is trying to keep networked to the community to monitor the program. Ms. Reed added that her region is setting up a temporary office in EPA's Chicago headquarters and ultimately getting the information to Chicago State University. She said they need to invest in training for people so that they can understand the information. Mr. Sanders added that it is now much easier to purchase computers. He said that the Agency is now in the process of putting multi-media computers on everyone's desk. Referring to the TRI program, Marv Rosenstein (Region 1) said his Region has been providing computers and training to the local community and its worked out quite well. Laura Yoshii (Region 9) asked if there were success stories in which communities have used the information and if it resulted in reductions. Mr. Sanders responded affirmatively. Susan Hazen replied that a working group exists on Right-to-Know and they have a lot of write ups on how they have seen the TRI data used. She added that they have been trying to get regions to send examples of how they have been using the data.

HQ/Office of Pesticide Programs/Geographic & Information Systems ***Kennan Garvey***

Pesticide regulatory, field implementation and enforcement responsibilities in the U.S. are jointly carried out by EPA, through the Office of Pesticide Programs (OPP), Office of Enforcement and Compliance Assurance (OECA), and Regional Offices; the State Lead Agencies and Cooperative Extension Services; and Tribes and Tribal organizations. These groups work closely with diverse national stakeholders concerned about the sound regulation and use of pesticides. Their cooperative efforts serve the Nation by safeguarding public health and the environment from risks posed by pesticides. A large part of this cooperative effort relates to EJ concerns.

According to OPP/G&IS, EJ is fair environmental protection from inequities for all people regardless of race, color, national origin, or income.

EPA issued its EJ Strategy in April 1995. Goals include:

- 1) No segment of the population, regardless of race, color, national origin, or income, as a result of EPA's policies, programs, and activities, suffers disproportionately from adverse human health or environmental effects, and all people live in clean, healthy, and sustainable communities.
- 2) Those who live with environmental decisions -- community residents, State, Tribal, and local governments, environmental groups, businesses -- must have every opportunity for public participation in the making of those decisions. An informed and involved community is a necessary and integral part of the process to protect the environment.

Additional background on EPA's Environmental Justice program is provided in Appendix 1.

Principal current OPP activities with strong EJ linkages include: 1) the recent urban initiative to avoid misuse of methyl parathion and other pesticides; 2) worker protection; 3) building tribal capacity to manage pesticides; 4) Community-Based Environmental Projects (CBEP) related to pesticide use or exposure; and 5) EPA/OPP's project with Howard University to develop educational materials to reach minority communities most effectively.

1. Urban Pesticide Initiative

The wide misuse of the highly toxic, agricultural pesticide, methyl parathion in poor communities around the country has resulted in significant public health risks to residents, especially children and other sensitive populations. Emergency response and enforcement actions to deal with this crisis have been an enormous resource cost, especially in Superfund monies, to EPA and States. Costs to date to test, clean-up and relocate residents have been more than \$45 million, and are expected to reach \$90 million in 1997, and still continue to rise as more violations are identified. Misuse of methyl parathion recently led to the longest U.S. prison sentence ever for exclusively environmental crimes -- Paul Walls received a six-and-a-half-year term, after conviction in May by a federal jury of 48 counts of various environmental crimes. In addition, potentially hundreds of homes treated illegally with methyl parathion treatments have been located in Chicago, Illinois.

The need to focus on pesticide use in and around homes is reflected in the exposure people have to pesticides used, stored, and applied in their homes and workplaces. Approximately 70 million of 95 million households use pesticides. There are 35,000 to 40,000 pest control firms across the nation. Commercial certified applicators number approximately 344,000. In 1995, approximately 74 to 100 million pounds of pesticides were used in and around homes. Nationwide there are hundreds of millions of applications per year.

Approximately 16,000 poisonings per year, reported to the Poison Control Center, are associated with nonoccupational use of pesticides. Reports also indicate that children account for about 50 percent of emergency room visits due to pesticide poisonings. In 1995 alone, 100,000 children were involved in common household pesticide-related (including chlorine bleach) poisonings or exposures in the United States

To minimize future misuse, EPA and State Lead Agencies are targeting all types of communities (urban, suburban, and rural), with a focus on sensitive populations such as children and others in poor, minority-inhabited localities, contributing to the Agency's commitment to provide Environmental Justice and the EPA goal that communities, homes, workplaces and ecosystems will be safe from pollution. The goal is to empower citizens to make informed decisions about the use of pesticides and toxic substances in order to protect their own and their children's health. Broad partnerships are forming to accomplish this mission, including EPA (OPP, OECA, OEJ, Regions), other federal agencies, states and local agencies, and the private sector.

The potential risks are alarming. Investigators are finding residues of methyl parathion sprayed indoors at levels more than 10-fold the action level set for evacuation of residents from their homes (1700 ug/cm^2 vs 150 ug/cm^2). Possible deficiencies in regulatory, enforcement, and outreach programs, including Certification and Training (C&T) programs; inadequate attention to urban and rural communities; vulnerability of residents to misapplications; and, how agricultural pesticides are sold and distributed; may have contributed to this situation. While the Agency and industry have taken significant measures to prevent further misuse of methyl parathion, remaining deficiencies must be identified and corrected to prevent future misdirection and use of this pesticide and other highly toxic agricultural pesticides/toxic substances in communities.

EPA has drafted a national enforcement program addressing pesticide misuse in general, in response to the emerging pattern of incidents involving the application of restricted use agricultural products for structural pest control indoors. EPA's draft enforcement program, to be implemented primarily by state pesticide enforcement grantees, has three goals: 1) detection of any diversion of restricted use pesticides from the agricultural sector into communities for illegal use indoors; 2) identification of any ongoing structural application of restricted use agricultural pesticides in urban and other communities, and pursuit of appropriate enforcement actions to deter such actions; and 3) prevention of future diversion and structural application through compliance assistance and education, particularly in areas with vulnerable populations, especially children. To achieve these goals, the Agency is finalizing a national enforcement program in cooperation with state lead agencies as well as public health and other organizations. This program consists of both proactive and reactive approaches.

To improve regulatory, education and enforcement efforts for both methyl parathion and urban pesticide misuse generally, EPA has worked with States and other partners to accomplish the following:

- Cheminova (registrant) audio & video public service announcements -- working with EPA to make them available by satellite to TV and radio stations.
- Certification & Training educational materials - suggested overheads - through USDA.
- Regional brochures about relocation (Regions 4,5,6)
- New testing protocols, sampling techniques, brochures on MP hazards (EPA, ATSDR, States).
- Posters on Urban IPM (Region 10).
- ATSDR Q/As for medical profession
- ATSDR slide presentation on IPM in homes.
- Educational materials for schools/children on cockroach control (IL).
- Comic/coloring books on urban IPM (Region 5).
- Published a lot of information on MP, Regions 4,5, and 6.

The following are in progress:

- EPA/OCEPA coordinating communications workgroup with broad participation.
- Developing outreach/communication strategies on (1) cleanup of residences and (2) pesticide use, involving OCEPA, OPP, OECA, OERR, Regions 4, 5, and 6, and ATSDR -- two-day workshop held in June.
- ATSDR and Region 4 - generic nationwide poster and brochures on IPM for cockroach control.
- Michigan fact sheet about illegally sold pesticides.
- Region 5 brochure(s) on cockroach control.
- Region 4 model contract for schools to use to obtain IPM services.
- Bio-Integral Resource Group (CA) drafting urban IPM brochures.
- OPP/FEAD continuing to serve as clearinghouse; managing PSAs with Cheminova; drafting IPM pest control booklet; planning outreach effort through OEJ (address list of 4,000); outreach to National Pest Control Association to encourage work in EJ communities.
- Region 4 proposal to develop stewardship of the products through manufacturers, producers, distributors, and state certification and training programs.

2. Worker Protection

EPA's Office of Pesticide Programs has responsibility for supporting the implementation of the EPA Worker Protection Standard (WPS). The Standard is designed to achieve three basic goals: 1) inform employees about the use and hazards of pesticides; 2) eliminate or reduce exposure to pesticides; 3) mitigate the effects of exposures that occur. The WPS has strong EJ linkages. The HHS Office of Migrant Health estimates there are 2.7 million migrant and seasonal farm workers and dependents nationwide.

January 1, 1997 marked the two year anniversary of the full implementation of WPS. This is quite an accomplishment given that during the prior two years EPA had been actively working to keep the regulation alive, while under serious congressional review and budget pressures.

EPA decided to hold a series of public hearings to broaden the discussion and debate about WPS, in order to hear directly from the those who have to make it work - the growers, and from those for whom the protections are intended - the workers. EPA needed to hear also from the state officials responsible for monitoring compliance.

Nine Public hearings were held across the country. More than 1,000 individuals - farm workers, growers, physicians and clinicians, state regulators and others, came to testify or listen to testimony. The hearings were collectively called the WPS National Dialogue. The Dialogue was intended to provide an opportunity to hear about actual experiences in implementing the requirements. EPA could hear and see first hand, what was working and what was not. An additional benefit was that the spectrum of stakeholders could hear each other's views and differences of opinion, hopefully, leading to a better understanding of each other's issues. Finally, EPA wanted to learn what areas of the regulation were in most need of attention -- in particular if there was a need for more education and outreach, clarification, modification, or other efforts.

EPA published the transcripts of the public meetings and the notes from all the site visits. Currently, EPA is assembling lessons learned in a report to be completed within this summer. Following are some of the broad and specific issues raised in the public meetings, as well as some of the WPS projects for the coming year.

WPS NATIONAL DIALOGUE - BROAD ISSUES

- Need for visible Enforcement focusing on big problems (CA, FL, IN, PA, WA)
- Need for more Communications/Outreach, such as hazard communication about specific pesticides, and commodity-specific information (CA, MO, TX, WA)
- Acceptance of the Regulation (CA, MO, PA)
- Lack of Understanding of the Regulation (FL, MO, MS, PA)
- Complexity of the Regulation (FL, MO, PA)
- Cost of Implementing the Regulation (PA)
- One-Size Doesn't Fit All -- Small vs Larger Farmer (CA, FL, IN, PA)
- Grower Liability (CA, FL, MS, TX)
- Access and Quality of Health Care (CA, WA)
- Coordination with other agencies (FL, PA, CA)
- Spray Drift (TX, WA)

WPS NATIONAL DIALOGUE - SPECIFIC ISSUES

- Compliance with Pesticide Safety Training requirement/quality of delivery (CA, FL, IN, MS, PA, TX, WA)
- Compliance with Restricted Entry Intervals (CA, FL, IN, MO, MS, PA, TX, WA)
- Personal Protective Equipment and Heat Stress (CA, FL, IN, MO, MS, PA, TX)
- Justification for Decontamination Supplies (CA, FL, IN, MO, MS, PA, TX)
- Notification of Pesticide Applications issues (CA, FL, IN, MO, MS, PA, TX, WA)

WPS EDUCATION & TRAINING PROJECTS

Association of Farm Worker Opportunity Programs - (contact - Lori Rottenberg)

- ESL Training Using Pesticide Safety Training Material
- Train the Trainer Sessions
- AmeriCorps Worker Safety Training (80,000)

Farm Worker Health and Safety Institute - (contact - Nelson Carrasquillo)

- Train the Trainer Sessions
- Worker Safety Training

Northwest Coalition for Pesticide Health and Safety - (contact - Alice Larson)

- Evaluation of Worker Safety Training

California Farm Worker Women's Leadership Project - (contacts - Millie Travino & Aylea Guyardo)

- Train the Trainer Sessions
- Worker Safety Training

Central Texas Health Project - (contact - Alison Brause)

- Train the Trainer Sessions
- Worker Safety Training

National Migrant Resource Program - (contact - Roberta Ryder)

- Safety Training Material Distribution

US / Mexico Cross Border Training Project - (contact - Bud Paulson)

- Agreements Between Contiguous US/Mexican States
- Worker and Handler Safety Training
- Integrated Pest Management Training
- Pesticide Applicator Training
- Proposals: Applicator Training and Exam in Spanish

National Council of Agricultural Employers/DOJ Project - (contact - Sharon Hughes - Washington DC)

- Grower Responsibilities Under WPS/Immigration Law

USDA Extension Service and State Extension Service - (contact - John Impson - USDA)

- Handler Safety Training
- Applicator Training

WPS HEALTH and SAFETY PROJECTS

NIOSH - 1) Incident Monitoring Studies in Six States and 2) Evaluation of the Safety Provisions of the WPS Early Entry Exceptions

National Academy of Sciences - Health and Safety Implications of Child Labor

EPA Recognition and Management of Pesticide Poisonings - New Edition in English and Spanish

3. Tribal Program

EPA's Office of Pesticide Programs (OPP) works with Tribes, EPA Regions, States, other EPA program offices (e.g., American Indian Environmental Office (AIEO), Office of General Council (OGC)) and other federal agencies (e.g., Administration for Native Americans (ANA) in the Department of Health and Human Services) coordinating efforts related to Tribes and pesticides. This work recognizes the importance of Tribal environmental needs in EPA's Environmental Justice Strategy. It is OPP's goal to help Tribes resolve pesticide issues regardless of their capacity or whether they have an established pesticide program on the reservation.

There are 562 federally recognized Tribes in the United States. Of these, there are approximately 63 Tribes that have the largest Indian trust lands with agricultural interests. According to the Bureau of Indian Affairs (1991), 38 million acres are used for grazing, 8 million acres are farmed and 6 million acres are forested. There are approximately 164,000 American Indians involved in farming or livestock.

Currently, OPP works with 20 Indian Tribes that have pesticide programs, helping them develop ground water, certification and training, worker protection and endangered species components of their programs. Of these 20 Tribes, four Tribes have EPA-approved certification and training plans in place. One Tribe has an accepted ground water state management plan developed. In addition, OPP works in conjunction with EPA Region 9 on forestry and basket weaving pesticide issues that affect approximately 30 more Tribes (most do not have a pesticide program). EPA's Tribal activities include the following:

A) Development of OPP National Tribal Policy. OPP is currently working with OGC to identify and resolve possible legal questions regarding interpretation of the authority of Indian Tribes as prescribed by FIFRA. As options and strategies are developed, OPP will work with the Regions, AIEO, OGC and Tribes to begin development of a national Tribal pesticide policy.

B) Community-based Tribal Pesticide Projects. OPP has initiated an effort to identify and fund community based Tribal pesticide projects. As the name suggests, these projects are community-based initiatives that have a direct effect on Tribal environmental pesticide issues. Specific projects are currently being identified with the assistance of the EPA regional offices and project selection is expected to occur in June based on established criteria.

C) Tribal Code and Program Compendium. The OPP Tribal Coordinator is compiling existing tribal pesticide codes, agreements with states or other entities to carry out pesticide-related environmental programs on reservation lands, etc. The product will be provided to Tribal governments in an effort to provide information they can use to begin development of their own pesticide codes and programs.

D) OPP Coordination with the Administration for Native Americans (ANA). OPP has initiated work with ANA to investigate possible OPP/ANA cooperation on tribal pesticide initiatives. OPP will also begin work with the regions to coordinate ANA grant development with the community-based Tribal pesticide projects being funded by OPP.

E) Support for Tribal Issues Resolution in EPA Region 9. OPP supports an ongoing effort conducted by EPA Region 9 to work with a variety of Tribes and Associations in Region 9 to resolve issues specific to the Tribes. Much of the activity in Region 9 is focused on forestry issues because of a number of factors, including: 1) proximity of many Tribal lands to managed forests; and, 2) use of forests by Tribal members for purposes of gathering foods and materials with which to make traditional basketry, etc. This effort would specifically include a focus on the types of issues raised in the past by the California Indian Basket Weavers Association, among others.

F) The Environmental Scholarship Program and Haskell University. OPP continues to support the scholarship program which is designed to provide multiple small scholarships to college students who are working toward degrees in environmental fields and who demonstrate knowledge of and desire to better environmental conditions on Tribal lands. OPP also supports a current project at Haskell Indian Nations University in Lawrence, KS that entails the development of an integrated pest-management course to be taught at the University. Haskell University is an accredited junior college and has an accredited bachelor's degree program in education. It offers a curriculum integrating American Indian/Alaska Native culture into its program.

G) Flathead Lake Ground/Surface Water Course. OPP currently funds a ground and surface water course that has been offered for several years at Flathead Lake Biological Station in

Polson, MT. The course focuses on classroom and field work to educate students regarding the interaction of ground and surface water and impacts on these resources created by our own activities. By funding the course, sponsors of the course have agreed to set aside half of the student slots for Tribal participants. In past years, Tribes have participated in this course and have provided very positive feedback regarding the utility of the information learned.

H) National Tribal Environmental Council (NTEC) Conference Participation. The OPP Tribal Coordinator attended the NTEC conference and maintained a display booth there. NTEC is a Tribal organization with approximately 150 member Tribes. The group focusses on all environmental issues and has showed an interest in helping OPP educate Tribes on pesticide issues, and help them determine whether pesticides should be a higher priority to Tribal communities.

I) Certification and Training (C&T). The Tribal Coordinator and the Certification and Worker Protection Branch in OPP are currently working with the Regions and OGC on addressing Tribal issues in the C&T regulations. Several conference calls have occurred and a strategy is being developed on how to address issues such as EPA's procedure when a Tribe has no C&T plan and the state's plan has not been adopted by the Tribe.

J) Ground Water State Management Plans (SMP). The Tribal Coordinator and the ground water team in OPP's Environmental Field Branch are currently working with a Tribal group consisting of the Oglala Sioux Tribe, Mountaintop Associates, and the Native Ecology Initiative to develop a training workshop for Tribes to help educate Tribes on the proposed ground water rule which, when final, would make the use of certain pesticides (alachlor, metolachlor, simazine, atrazine and cyanazine) illegal unless a groundwater management plan is in place. Additional workshops would provide Tribes with technical and legal assistance for developing specific plans.

4. Community-Based Environmental Projects (CBEP)

EPA/OPPTS and the Regions are funding a number of CBEP projects in FY97, many of which are directed to improved management and use of pesticide and toxic chemicals in EJ communities. OPP and OPPT provided a total of \$526,000 to the EPA Regions for specific projects.

Projects specific to toxic chemical concerns received \$140,000. Another \$80,000 went to a combined indoor pesticides, lead, and asbestos project. \$306,000 was for pesticide projects. One project that had initially been earmarked for funding was later funded with Tribal grant funds.

Three Regions are pursuing projects with clear pesticide/EJ linkages:

- Region 2's South Bronx project seeks to introduce IPM methodologies into day-to-day cockroach control activities employed by neighborhood residents. The first effort is taking place in an "urban homestead" apartment complex inhabited by a largely Hispanic population. In addition to a train-the-trainer program, Region 2 will attempt to have the residents develop training material that are relevant to other Hispanic populations.
- Regions 4 and 5 are undertaking similar urban projects. These, however, are driven by information dissemination related to methyl parathion misuse.

A Baltimore CBEP project begun in the spring of 1995 was initiated as an EJ effort. Initial activities have included an Eco-Fair and environmental clean ups. Substantial progress has been made in terms of establishing business/industry/local government/community partnerships. The amount of time and effort required to build the basic infrastructure for a sustainable CBEP program should not be underestimated. The "partnership" now has an executive committee and five subcommittees that have been tasked with evaluating current environmental conditions, prioritizing identified problems, and developing project plans. The initiation of specific projects should begin within the next two to six months.

5. The OPP Academic Relations Program

OPP's Academic Relations Program is a multi-faceted program that allows EPA to promote and maintain a mutually beneficial relationship with a Historically Black College, such as Howard University, while reaching out to provide training opportunities to a diverse pool of students. The program's objectives have been to promote joint research projects, faculty research participation, student internships, cooperative education and employment, ad hoc technical assistance, training and education opportunities for EPA support staff (Howard University Environmental Specialty Program), urban environmental sensitivity, and education and outreach focused on Urban Pesticide Exposure issues. Following is more detailed information on one element of the OPP Academic Relations Program -- the Urban Pesticide Exposure Project:

The Urban Pesticide Exposure Project with Howard University focuses on examining the potential exposures of children to pesticides in residential environments, most specifically lawns, parks, and playgrounds. Methods by which the levels of exposure can be reduced will be explored and recommendations will be provided accordingly. In addition, the project encompasses creating a communications mechanism to improve the public awareness of pesticide application and ways in which they can protect themselves from being exposed.

Responsibilities/Tasks. This project entails thoroughly researching childrens' exposure to pesticides in residential settings, recommending techniques to reduce exposure, and creating a communications vehicle to inform the public and make the program part of the community agenda of action issues. This study/report on urban pesticide exposures will be completed by the end of September 1997 and soon thereafter a pilot will commence in Washington D.C. If the

pilot is successful and there is regional interest, Howard and OPP would like to package the program for national dissemination. Following are the tasks already initiated for the project:

- **Task 1 - Literature Research.** A literature search was conducted utilizing several national and local databases, information was collected within OPP, and several outside agencies (i.e., Poison Control Center, Housing and Urban Development, etc.) were contacted in an effort to provide more insight into how pesticides are affecting children.
- **Task 2 - Data Analysis.** The initial analysis of the data supports focusing on urban communities and after completely analyzing the information gathered and coordinating with any other urban initiatives, the scope of the project will be further defined.
- **Task 3 - Create Manual.** The next step will be creating a manual/executive summary that will discuss the findings. More importantly the document will propose recommendations on how to reduce exposure.
- **Task 4 - Communications.** The last stage will involve developing an appropriate communication mechanism. Howard University has contracted with a subcontractor to begin developing the communications strategy and outreach campaign. The contractor has developed initial materials and will use focus groups to assess the effectiveness of those materials. A pilot campaign should be ready in late September/early October.

ENVIRONMENTAL JUSTICE - BACKGROUND

Environmental justice (EJ) is fair environmental protection from inequities for all people regardless of race, color, national origin or income.

The EJ movement captured national attention in 1982, when a demonstration took place against the siting of a hazardous waste landfill in Warren County, North Carolina, a county comprised of a predominately African-American population. The United Church of Christ published a nationwide study in 1987 (Toxic Waste and Race in the United States), considering the association between hazardous waste facilities and the racial/socioeconomic composition of the communities hosting such facilities.

EPA established an Environmental Equity Workgroup to study the allegations of disproportionate waste siting and general environmental inequities. The workgroup issued its findings in a 1992 report, that stated that racial minorities and low-income people were disproportionately exposed to lead, selected air pollutants, hazardous waste facilities, contaminated fish and agricultural pesticides in the workplace. As a result of the findings by the Environmental Equity Workgroup, EPA also created in 1992 the Office of Environmental Justice (OEJ) to coordinate EPA's efforts to address EJ issues.

On February 11, 1994, President Clinton issued Executive Order No. 12898 requiring federal agencies to achieve EJ by identifying and addressing disproportionately high and adverse human health and environmental effects on minority and low-income populations to the maximum extent practical and as permitted by law.

On April 11, 1994, EPA formed the National Environmental Justice Advisory Council (NEJAC), which is comprised of 23 representatives from academia, business and industry, State, Tribal, and local governments, environmental organizations, community groups, and non-governmental organizations. The NEJAC provides advice to the Agency on matters related to environmental justice. Communities and leaders of the EJ movement have taken leadership roles in this process.

EPA issued its Environmental Justice Strategy in April 1995. EPA's Environmental Justice Goals are:

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

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

The strategy uses the term "minority" rather than "people of color" in order to be consistent with the Executive Order, but EPA is mindful and supportive of many communities' desire to use "people of color." The Strategy's uses of the term "indigenous" refers to all people within the boundaries and territories of the United States regardless of their affiliation with a federally-recognized Tribe. The Agency, however, recognizes various terminology preferences among native people and will strive to respect and utilize appropriate language on a case-by-case basis in its interactions with native constituents.

EPA recognizes that much remains to be done. Forty percent of U.S. rivers, lakes and streams are still too polluted for fishing and swimming. Two out of five Americans live in cities where the air does not meet public health standards. One in four Americans still lives within four miles of a toxic dump site.

Early involvement and strong partnerships, founded on mutual respect and understanding, make good common sense and will result in sound public health and environmental policy. By bringing people to the table representing all sides of an issue, EPA will identify common ground, bridge old differences, and find new solutions. When a neighborhood or community becomes informed and involved, they will do a far better job of deciding what is right for their children, for their air, and for their water than any government agency.

The Environmental Justice Strategy is well-integrated into the fabric of many of the Agency's principles and initiatives that the Agency considers fundamental to its operation and mission. In fact, EJ is one of the seven guiding principles established in the Agency's strategic plan, "The New Generation of Environmental Protection." For example, in EPA's community based environmental protection, the Agency works with the affected communities in fashioning strategies to promote a healthy environment and a sustainable economy. Additionally, partnering with communities with minority low-income populations that may be suffering from disproportionately high and adverse human health or environmental effects should be a cornerstone of EPA's pollution prevention efforts. Another important partnership is with the States and Tribal governments in the operation of regulatory and enforcement programs. EPA recognizes the crucial implementation role of these State and Tribal partners, and will work with them to incorporate environmental justice into our efforts.

NOTE: Background Information derived from:
EPA's Environmental Justice Strategy, April 1995
Region 5 Internet site - page on Environmental Justice

Region 1, Office of Ecosystem Protection
Marv Rosenstein

Urban Environmental Initiative

The Urban Environmental Initiative (UEI) has reduced health risks from urban environmental contaminants and improved quality of natural resources and open space in urban areas. Specific emphasis is placed on target neighborhoods in Boston, Massachusetts; Providence, Rhode Island; and Hartford, Connecticut.

Goal: To reduce risks to human health from lead, poor indoor and ambient air quality, other urban contaminants, restore urban watershed and contaminated urban land, and provide tools for effective environmental management by citizens.

This will be achieved through:

- 1) partnership development that builds community-based capacity and infrastructure to assess, manage and resolve environmental problems;
- 2) assisting communities in identifying the critical environmental problems and develop strategies to restore and revitalize the environment;
- 3) supporting economic development within communities together with strategic environmental and health protection efforts.

The Region has established full-time urban environmental initiative and lead coordinators, and full-time project managers in the three target cities. The UEI is a natural extension of the New England Urban Lead Initiative begun in FY93.

The primary steps in the process include: establishing a representative coalition of stakeholders in each city that includes neighborhood, nonprofit, academic, private, city, state and federal representation; defining through consensus the most pressing environmental and/or public health issues; gathering appropriate data to evaluate and verify the extent of the problem; and develop and implement a set of proposed solutions. This is an iterative and dynamic process that is designed with milestones that lead to sustainable maintenance for most identified problems.

ACTIVITIES PROPOSED FOR FY

The region has allocated \$488,235 of the RGI funds to ensure the sustainable development of local infrastructure and the management and resolution of local environmental problems in the three target cities.

Continuation of Ongoing Priority Environmental Stewardship Projects in All Three Cities

Each city has projects underway that initiated the successful coalition. In Providence, it is the Woonasquatucket River project and vacant lot task force; in Hartford it is an integrated project which included training of block captains, environmental education for residents, urban agriculture projects and a local strip mall development; and in Boston it is a series of projects ranging from lead awareness training to revitalization of the Chelsea Creek shoreline and urban wilds to restoration of urban wetlands all designed to create synergy for a coalition of neighborhood driven, city and state supported citywide environmental stewardship efforts.

Incorporation of a Local Community Environmental Organization (Year 2)

The UEI has developed local community organizer positions as a key element for ensuring that a sustainable infrastructure exists at the community level. These individuals once trained will act as a focal point for the dissemination of information and education, development of consensus for community environmental issues and overall project management and coordinated environmental stewardship efforts.

The coordinator in each one of our target areas was hired and selected by a key local community organization and is a community resident. Although all three come from different backgrounds, they each have essential characteristics with regard to outreach skills, understanding of local environmental issues, and the ability to learn technical information necessary to engage in meaningful discussion with other stakeholders. Each is charged with the responsibility to:

- 1. Develop a core group of residents who will act as a neighborhood environmental committee.**
- 2. Attend various types of training opportunities offered by EPA and others as well as identify areas of deficiency which the EPA City Manager will assist in providing/locating training.**
- 3. Develop a funding structure to support their position within the community on an ongoing basis once the pilot period has ended.**
- 4. Develop a work plan for achieving community environmental goals with the assistance of the EPA city manager and other stakeholders.**
- 5. Implementation of EPA/City Sponsored Environmental Jobs and Businesses, Environmental Restoration or Pollution Prevention Project**

Below is an example of the major components of the proposed plan which is coordinated with the City of Boston and numerous other stakeholders. Hartford and Providence efforts will be defined during the first part of FY97.

The strategy for promoting sustainable economic development and green jobs will use a multi-level approach that:

- creates and promotes new green businesses and supports continued education and training to supply a ready and able workforce for environmental jobs
- capitalizes on the city's social, economic and environmental assets
- sparks the imagination of businesses for innovation and environmental entrepreneurship in small and large business
- advocates and promotes a process for locating environmental businesses and services by creating a coordination team mandated to ease and speed process in the city.

The approach has three areas of emphasis.

1. Conduct Public Education Forums Designed for the Business Community on Issues such as:

- The Economic Advantage of environmental improvements for business and industry by groups such as Natural Step/Rocky Mountain Institute
- Innovation, Eco-friendliness and profitability in restaurant and food industry
- An informational series on environmental jobs and business opportunities

2. Develop a Campaign on the City's Competitive Environmental Advantage That Could Include:

A map of land and site availability, workforce information, and the enunciation of a public process that is clear and predictable for potential business interests. All of the messages will be designed to attract green jobs and businesses and promote the prospect that this is the design for the future.

3. Innovation and Feasibility Grants:

Innovation grants for small local green entrepreneurial efforts that would be required to partner with existing neighborhood organizations and thus promote sustainability. In addition, feasibility study grants for innovative environmental businesses to locate in the city. In particular, businesses that offer a job training component for Boston residents who are not currently in the workforce will be encouraged.

4. Data Collection/Data Analysis (Year 2)

One of the major efforts that is ongoing in each city has resulted from the reality that very little data has been collected, organized or evaluated by EPA Region I with regards to urban environments. Consequently, there is an aggressive effort to utilize available existing data to establish trends and baselines and to determine the state of and potential threats to the environment and public health. Internally, the data will assist to align resources based on identified priority needs. The resources for these efforts have not been primarily support with

RGI funds but have come from a variety of sources within as well as outside of EPA. For example, accurate lot by lot maps will continue to be developed to show sources of pollution receptors, vacant lots, green space, recreation areas as well as aggregated health data. An assessment report will be developed that evaluates multiple sources and identifies and prioritizes the most significant threats to human health or the environment. This information will be used to assist the Region and stakeholders in priority setting and will assist in identifying low-tech, cost effective projects that community groups and other stakeholders can implement. Examples of proposed FY97 efforts are:

Boston:

- A comparative risk assessment of the Chelsea Creek area which will tentatively be supported by OPPE funds.
- Contaminant source, pathway and receptor maps of numerous neighborhoods in Boston most of which is being funded with external funds and limited support from RCRA.
- Ambient air monitoring at the neighborhood level as well as traffic level monitoring: both being undertaken by neighborhood groups but funded by external sources.

Providence:

- Create contaminant source, pathway and receptor maps of South Providence neighborhoods (technical support provided by Boston local non-profits who developed the methodology for the Boston effort).
- Identify the sources of contamination in the Woonasquatucket River Corridor: generously supported by the EPA's Narragansett Laboratory and vital to the Woonasquatucket River project.

Hartford:

- Ambient Air Sampling near the North Meadows Landfill, health data collection of local residents and GIS data development which was supported by RCRA funds in FY96. In FY97, environmental data collection and analysis to define extent of the suspected and known environmental problems will be carried out with the resource assistance from OPPTS.

These are just a few of the major ongoing data collection/data analysis efforts that the Urban Environmental Initiative has undertaken. Alternative resources have been identified to fund the technical aspects of these efforts. This affords the use of RGI funds to maximize the critical community-based aspect of each data collection/data analysis effort for which there are few and in some instances no alternative funding methods. However, sustainability is unlikely without community involvement.

5. Sustainable Academic Institutional Support (Year 3)

In each city, EPA has either initiated, promoted or advanced the relationship of key academic institutions abilities to provide sustainable ongoing technical support for environmental and public health protection or urban residents.

Providence:

Brown University will complete an environmental indicators project specifically designed for urban environments and provides technical assistance to communities through graduate student projects.

Hartford:

The University of Connecticut has developed and will implement a curriculum of technical, legal and health related environmental education which will be delivered to Block Captains in the North Hartford neighborhoods as well as be made available to groups of residents as needed. This was designed to be free to residents and incorporated as an ongoing service of the university.

Boston:

The Center for Environmental Education initiated through an EPA grant to Roxbury Community College (RCC) will continue to serve the needs of local resident and nonprofit groups for environmental training and technical support. This year the program has expanded to provide training to the entire summer youth corp that works for the City of Boston on neighborhood environmental projects throughout the summer. Additionally, through the development of an associate degree program, new links have been established with inner city high schools as well as local universities such as Tufts and MIT for RCC to more aggressively facilitate the promotion of minorities in environmental careers such as environmental scientist, engineers, consultants, etc.

Region 2, Division of Enforcement and Compliance Assistance/Pesticides and Toxic Substance Branch
Dan Kraft

DECA Environmental Justice Accomplishments

During FY 96/97 the Division of Enforcement and Compliance Assistance (DECA) is moving to successfully incorporate environmental justice into everyday activities. The following is a summary of the projects that have been implemented throughout the year by those branches that transferred to the Division of Enforcement and Compliance Assistance during the FY96 reorganization. The Pesticides and Toxic Substances Branch, with both "Program" and "Enforcement" responsibility for FIFRA, TSCA, and EPCRA 313 resides in DECA.

1. Regional Draft Interim Policy for Identifying EJ Areas

The Regional Interim Policy (IP) was developed to carry out the goals of Executive Order 12898 by taking steps to prevent disproportionately high and adverse human health or environmental effects. The Draft IP will be utilized in Region 2 until HQ develops guidance.

2. Divisional Environmental Justice Training

Fifty percent of DECA staff members have attended EJ Training. The training provides an overview of the EJ movement, regional commitment, and divisional goals for incorporating EJ into everyday activities.

3. Environmental Justice and Community Based Environmental Projects (CBEPs)

EPA has recognized the need to increase its focus in areas of sensitive populations and ecosystems where environmental conditions have not responded to the application of our base programs to the desired extent. Through its 1997 CBEP Performance Plan, Region II has moved to integrate the Community-Based Environmental Protection approach into all our work. Environmental Justice, the disproportionate environmental burden on a low income or minority community, is a significant factor for targeting potential areas of community identified environmental concern or interest, and is prominent among the ranking criteria for selecting CBEP projects. The 1997 Performance Plan lists 44 projects where Region II and our State partners are active, including many of those highlighted below.

4. Northern Manhattan CBEP Project

Meeting held with West Harlem Environmental ACTION (WHE ACT) to discuss how our two organizations can work together to improve the quality of life in Northern Manhattan, which is composed of East, West, and Central Harlem, and Washington Heights. (WHE ACT is an

incorporated non-profit organization, based in West Harlem, that works to improve environmental quality and secure environmental justice in the community.)

FY97 goals were established to help WHE ACT develop and implement the following two initiatives to increase public awareness of environmental problems and knowledge of pollution prevention approaches in order to address air quality and waste disposal issues in Northern Manhattan.

Goal 1:

Dry Cleaning Campaign-- to reduce the amount of perchloroethylene, a possible carcinogen, emitted into the air and waste stream by dry cleaners located in Northern Manhattan and to reduce exposure by workers and nearby residents. This campaign will be a cooperative effort between WHE ACT and EPA Region II in collaboration with the Neighborhood Cleaners Association and the Union on Needle Trades, Industrial & Textile Employees. This campaign begins in January 1997 and includes a needs assessment survey of cleaners, multi-media, multi-agency seminars, and on-site technical assistance visits to approximately 30 cleaners.

Goal 2:

Commercial & Industrial Sites Audit: A block-by-block audit of Northern Manhattan to quantify the types and numbers of commercial and industrial businesses, abandoned residential\ manufacturing sites and vacant lots in the area and to identify environmental issues affecting the community. We will assist WHE ACT in their audit by training their auditors, developing surveys, and providing compliance data to ensure that the audit project is successful.

5. Massena - St. Regis Mohawk Project

The Massena area in upstate New York is populated by approximately 30,000 people, some of whom are residents of the federally recognized St. Regis Mohawk Akwesasne reservation. Several large industrial sources consisting of electrical power generating stations, primary and secondary non-ferrous metals production, and a sewerage treatment facility are located in the vicinity as well as a number of gas stations, automobile service/repair shops, and dry cleaners. In addition, one Federal and two state Superfund Sites (GM, Reynolds, and ALCOA, respectively) are located in the Massena area. Extensive contamination resulting from historical use of PCBs at these sites exists and all three have undergone and/or are undergoing remediation. The St. Regis Mohawks claim to have observed an increasing amount of disease in the community, especially among younger age groups, which they are attributing to environmental pollution. They also believe that environmental pollution is impacting their fishing, hunting and farming.

In response to these concerns, EPA and the New York State Department of Environmental Conservation (NYSDEC) have agreed to embark upon a compliance/enforcement initiative in the Massena Area to ensure that the St. Regis Mohawks are given equal protection under our environmental statutes.

Special attention has been given to the two primary non-ferrous metal facilities: ALCOA and Reynolds located in Massena. These two facilities emit fluoride into the air, are generators of ignitable and toxic hazardous waste, and formerly used PCBs in their hydraulic equipment, heat transfer systems, and electrical transformers. DECA has provided regulatory assistance to both ALCOA and Reynolds to resolve PCB remediation issues at their aluminum plants. At ALCOA, NYSDEC has placed a full-time construction inspector on the site to supervise the remediation project. EPA decided that PCB sludges from the two lagoons at ALCOA could be disposed of in the on-site PCB landfill. Based on that decision, NYSDEC amended the state Record of Decision so that one lagoon was remediated in 1996 and the other will be done in early summer of 1997. In the case of Reynolds, NYSDEC conducts an inspection of the source every two months and Reynolds has signed a consent decree with NYSDEC that requires the facility to submit periodic progress reports describing the steps they have taken to minimize air emissions. Reynolds is currently preparing plans to install new air pollution control equipment. Reynolds has completed remediation of extensive PCB and Dioxin soil contamination at their facility that resulted from an explosion of their PCB containing heat transfer system prior to the enactment of TSCA.

EPA inspected several dry cleaners in the Massena area and found that two such facilities were operating in a manner that allowed significant amounts of perchloroethylene, a possible carcinogen, to be emitted into the ambient air. We expect to issue administrative orders to these facilities in FY'97 to correct these operations.

6. Guayanilla, Puerto Rico

Residents in the vicinity of Tropical Fruits farm, Guayanilla, Puerto Rico, complained of being repeatedly exposed to improperly applied pesticides by the farm workers. In response to these complaints, PTSB in cooperation with the PR Department of Agriculture (PRDA) conducted many compliance monitoring inspections, substantiating several FIFRA and CERCLA violations.

It was determined that numerous such pesticide exposure incidents occurred in this EJ area; it was also determined that the agricultural workers and pesticide handlers employed by the farm were exposed to pesticides in violation of the Worker Protection Standards regulations.

EPA/PTSB and PRDA provided the community surrounding Tropical Fruit farm with pesticide information and conducted/coordinated meetings with the community.

The compliance monitoring/enforcement efforts continue during FY'97.

7. Long Island, New York

A transport/waste disposal company was hired to catalog and dispose of laboratory waste from the school systems in several school districts in Long Island, New York. Two school districts were in designated EJ areas.

After coordinating with the Regional EJ Coordinator and the Regional EJ Workgroup, DECA-PTSB finalized a SEP as part of a PCB enforcement action that provided free disposal of laboratory chemicals from the schools located in these EJ areas. The SEP was very successful, with eight school districts having participated in the program.

About 40 inspections to ensure compliance with hazardous waste requirements were conducted in the New Castle/Westbury EJ areas. This followed DECA becoming aware of EJ concerns in these areas in 1995.

8. Seneca Indian Nation, New York

The Seneca Indian Nation, a federally recognized Indian reservation in upstate New York, expressed the concern that due to increased pesticides use on their lands, environmental pollution has occurred, impacting their fishing, hunting and farming.

In response to this concern, during FY'96, DECA-PTSB provided technical assistance in establishing a Tribal Pesticide Control Program. This effort will continue in FY'97 and it will be expanded to other Indian reservations.

9. Barceloneta-Manati Environmental Protection Project

This project was selected as one of the original Region II Community-Based Environmental Projects in the FY96-97 OECA MOA. The area was selected because of drinking water concerns and the significant release of Methylene Chloride by the pharmaceutical facilities located in the area. Over 2,330,000 pounds of Methylene Chloride were released to the air in this area as reported in the 1994 TRI. This represented 40 percent of all TRI air releases in Puerto Rico, and almost 26% of the national total for Methylene Chloride TRI air releases by the pharmaceutical sector. Under the project, the area has been targeted for concentrated compliance assistance; most of the larger facilities have been inspected for compliance under the Regional Multi-media inspection program. In May 1997, two seminars were conducted; one for municipal officials covering all environmental laws, including TRI, and a second targeted to medium/small facility owners/operators which focused on UIC, UST, and TRI requirements. Next steps include the formation of an inter-municipal wellhead protection program. The mayors of the Municipios have been contacted and they have designated representatives for the program. We are reaching out to the Barrio representatives to seek their participation as well.

10. The South Bronx Community-Based Environmental Project: An Open Forum for Environmental Justice Concerns

In the South Bronx, EPA is using a community and partnership-based process to encourage citizens to voice their concerns about environmental problems and to respond in a timely way to wide-ranging questions and issues they have raised about the mixed industrial-residential area where they live. Some of the issues emerging from this community forum are outside EPA's own purview; EPA's practice is to refer these to the appropriate agencies.

Many of the concerns of South Bronx residents are environmental justice issues. In particular, many residents see their community as a "dumping ground" for a disproportionate number of waste facilities, putting them and their children at risk from environmental pollutants. Facilities located in the South Bronx include waste transfer stations (for solid waste, construction and demolition debris, putrescible and medical waste), a wastewater treatment plant, and a sewage sludge treatment plant (both of which are among the largest in NYC) —all of which residents believe contribute to strong odors in their neighborhoods. Residents have complained that the odors compromise their quality of life; they have also expressed concerns about ambient air quality and its possible effects on health.

Asthma is the primary public health concern in the South Bronx. Residents have a higher rate of asthma than in other areas of New York City, which itself has one of the highest asthma rates in the United States. Many members of the Hunts Point community in the South Bronx believe that air pollution from the many nearby waste facilities is causing the high rate of asthma.

A good starting point for Community-Based Environmental Protection is to ensure that the national baseline environmental protections are effectively in place. Therefore, to ensure compliance with environmental regulations and permits under its jurisdiction, EPA has performed more than 150 inspections in the South Bronx in calendar year 1996; varying degrees of noncompliance were found at 42 facilities. Appropriate enforcement actions (ranging from formal notices of violation to administrative orders with civil penalties) are pending. In addition, well over 100 inspections have been conducted by the state Department of Environmental Conservation (DEC), the New York City Department of Environmental Protection (city DEP), and the city Department of Sanitation (city DOS) pursuant to their respective authorities.

To address citizens' concerns about odor releases, EPA has been working in partnership with New York City and the state to reduce odors emitted from both the privately owned New York Organic Fertilizer Company (NYOFCo) and the city-operated Hunts Point Water Pollution Control Plant. Despite what EPA found to be state-of-the-art odor-control equipment at the fertilizer company, it had a history of citations and fines from the city DEP for odor violations. The DEP imposed stipulations for odor assessments and improvements, specifying penalties for any future violations. In response, the company hired a consultant—Odor Science and Engineering—to determine the cause of the odors being released. In addition, EPA identified an operational problem at NYOFCo, involving the maintenance of negative air pressure. The

company upgraded its operations to correct the problem in March 1996, at a cost of more than \$2 million. Since then, say residents, the incidence of odors has been reduced significantly.

In April 1996, EPA inspected the Hunts Point sewage treatment plant and the surrounding neighborhood to assess odor conditions and identify any possible odor sources other than the plant, and provided its findings to the state DEC. EPA identified several specific potential sources of odors within the facility and recommended changes in procedures for maintaining negative air pressure and managing treatment tanks. These changes, together with upgrades made by the city DEP involving its sludge dewatering building and existing odor-control systems, have resulted in dramatically reduced odors at the facility. Upgrades at the facility are ongoing, with continuing oversight by EPA.

As part of its work with several other agencies to study and address asthma in the South Bronx, EPA conducted an in-depth review of existing scientific literature and medical research. The prevalence and severity of asthma have risen dramatically worldwide over the past several decades, with the greatest increase among children in minority and low-income communities. Although scientists and doctors do not completely understand the reasons for this trend, they suspect that asthma is the result of multiple factors, including poor access to medical care, stress, heredity, and both outdoor and indoor air pollution. For this reason, the problem of asthma in the South Bronx is being addressed on several fronts concurrently:

EPA and the state DEC have monitored ambient air in the South Bronx to compare pollutant levels with those in other areas of New York City where asthma rates are lower. Pollutant levels were not found to be comparably higher in the South Bronx. Nevertheless, the federal Agency for Toxic Substances and Disease Registry (ATSDR) has committed funding for a state DOH study of ambient air quality and asthma hospital admissions in the South Bronx and East Harlem to look for any relationship between asthma and ambient air quality in these areas which, although geographically similar, have different asthma rates.

Because indoor air pollution has been widely reported to trigger and exacerbate asthma, EPA has awarded grants collectively totaling \$75,000 for a combination of investigatory studies on indoor air pollutants and outreach and training on asthma management and control of potential asthma triggers in the home. Rutgers University, the American Lung Association, the state DOH, and a Columbia University entomologist are the grant recipients.

Under a \$29,200 OPPTS CBEP grant, an Integrated Pest Management (IPM) Project has begun in the South Bronx to demonstrate sustained reduction of cockroaches and rodents in inner city apartment buildings. Rodent and especially cockroach allergens have been associated with asthma exacerbation.

To help provide a safety net for asthmatic children who need to have their symptoms recognized and receive proper medical attention, the city DOH began a \$375,000 childhood health promotion initiative in the South Bronx, including a community planning group led by a full-time

director. In addition to maintaining free asthma clinics citywide, the DOH has trained 108 school nurses to teach children how to avoid asthma triggers and manage their condition.

In general, education and community outreach are major components of the South Bronx Community-Based Environmental Project. Under its Community University Partnership environmental justice grant program, EPA has awarded \$375,000 to the Hostos College Center for a Sustainable Urban Environment. In addition to development of a geographic information system (GIS) incorporating regional environmental, health, and demographic data to be shared with local hospitals, community boards, and libraries, the grant will support public outreach seminars on environment and health. EPA staff regularly exchange information with Hunts Point community representatives and attend monthly community board meetings. EPA has established an information repository at the Hunts Point Community Board 2 office. Among other anticipated outreach efforts, a public meeting with local environmental groups is planned at EPA's Region 2 office in early 1997 to discuss activities in Hunts Point, address community concerns, and provide a forum for input concerning EPA's future activities in the South Bronx.

11. Barriers related to incorporating EJ into everyday activities:

When dealing with EJ communities one must be aware of all the sensitive issues that exist. Sometimes this information is not available and causes problems when attempting to establish a relationship.

Resources are limited when attempting to define and/or analyze the "Environmental Burden.

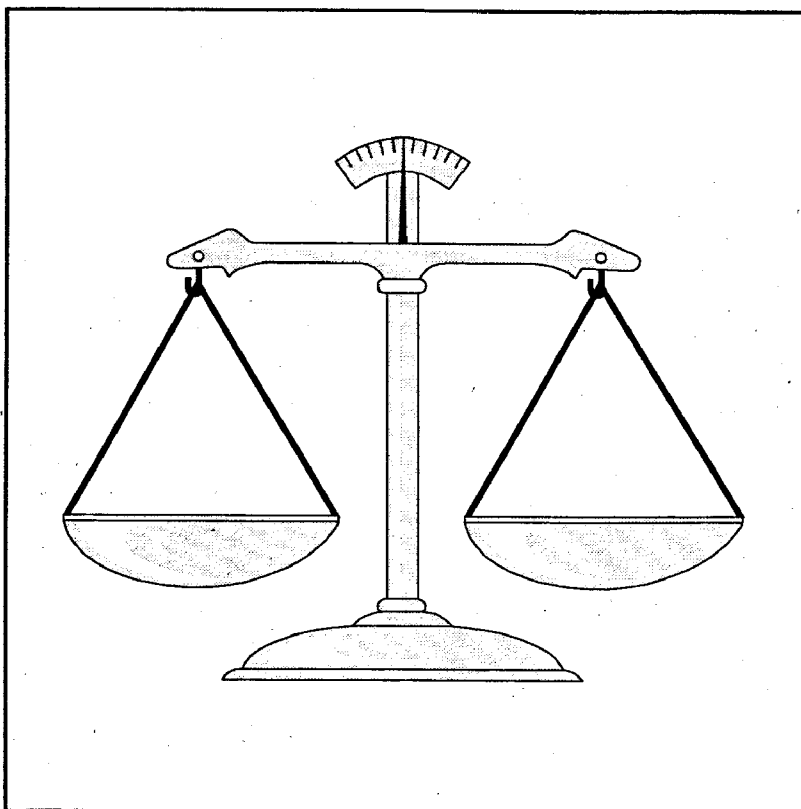
Environmental staff may not be open to EJ and in some cases take offense when EJ issues are presented to them.

When it comes to inspection targeting there is the issue of when to factor in EJ. Should we identify EJ (low income and minority) factors prior to identifying the environmental conditions, or should we reverse the targeting/inspection process and make EJ a secondary screening factor.

Region 3, Air, RCRA, Toxics Division/WCMD
John Ruggero



U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION III
ENVIRONMENTAL JUSTICE UPDATE



DECEMBER 1997

BACKGROUND

EPA Region III:

Consists of the States of Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. There are several large urban areas in the Region including: Baltimore, the District of Columbia, Philadelphia, Pittsburgh, Wilmington, and Richmond. There are no federally recognized tribes in Region III, however there are several state recognized tribes in Virginia.

BALTIMORE URBAN ENVIRONMENTAL INITIATIVE

The Baltimore Urban Environmental Initiative is a major project being conducted in Baltimore in cooperation with Maryland Department of the Environment (MDE), the Baltimore City Health Department, and the Baltimore City Planning Department. This project is a cooperative effort being conducted to identify and rank areas of disproportionate risk in the City for purposes of implementing risk reduction, pollution prevention, public awareness and other activities to effectively eliminate, or at least minimize these risks. Grants awarded to the City of Baltimore and MDE have lead to the development of a number of projects designed to address environmental concerns in the areas of Lead, Hazardous Materials Incidents, Indoor Air Quality, Fish Consumption/Toxins in the Harbor, Ground Level Ozone Pollution, and Air Toxins. Thus far, initiatives in these environmental areas of concern have provided:

- Lead awareness and lead hazard reduction training and education to residents living in areas at high-risk for lead-based paint exposure in Baltimore City by providing more than 3000 lead-dust cleaning kits and appropriate training to area citizens. One lead education and awareness video has been completed and has been provided to health care agencies in all 24 Maryland subdivisions, the second lead education and awareness video is currently in production and is scheduled for distribution in the near future. A study to evaluate the effectiveness of these clean-ups is currently being conducted.
- Training was provided to Heating, Ventilating and Air Conditioning workers in the Baltimore City Public Schools. This will help to improve indoor air quality in the schools by improving the efficiency and operation of school heating and cooling systems. An evaluation program to measure the program's effectiveness is underway.
- A system for inventorying and maintaining a hazardous waste database for businesses in Baltimore City was developed in conjunction with the Baltimore City Fire Department, Baltimore City Departments of Health and Planning, MDE, and regional personnel.
- Funding provided by Region III allowed MDE to develop an Ozone Pollution program for citizens which utilizes an ozone pollution map which is broadcasted by WJZ TV-13 in Baltimore and WRC TV-4 in Washington, DC as a part of its weather forecast, to provide at-risk citizens

with information that will allow them to take appropriate action during days on which ozone levels are high.

- Grant funds provided to MDE also allowed for the development of a comprehensive fish consumption survey of subsistence fishermen in Baltimore Harbor. The survey data, collected by MDE through the cooperative efforts of Sojourner Douglass College and the University of Maryland at Baltimore's Environmental Justice Project, are being used to develop education and outreach strategies for the area regarding subsistence fishing and fish consumption, as well as to provide valid fish consumption data for risk estimates. Assessment of crab consumption is underway at this time.

- The Long-Term Track will follow-up on projects identified during the course of the Short-Term Track, and identify future environmental monitoring and data collection needs. Focus groups have been formed within Baltimore City that will address community concerns about the environment and that will serve as a sounding board for the project.

- The draft risk evaluation report developed for Baltimore using existing environmental data for the area will serve as a living resource document for use by the people of Baltimore as a research tool and environmental resource. Review and revision of the document is currently underway, with a final document expected for completion by the spring of 1998.

SOUTH BALTIMORE ENVIRONMENTAL JUSTICE COMMUNITY INVOLVEMENT PARTNERSHIP PROJECT

A cooperative project was developed by the Office of Pollution Prevention and Toxics (OPPT) with the cooperation of Region III that is designed to address the environmental concerns of the residents living and working in South Baltimore through the use of a partnership between OPPT, Region III, MDE, the City of Baltimore, area business and industry, and the residents of the communities of Cherry Hill, Brooklyn, Brooklyn Park, Curtis Bay, Fairfield, Hawkins Point, and Wagner's Point. The project is focusing on efforts to learn how to more effectively address the concerns of the environmental justice movement and communities in the area through a cooperative partnership. Thus far, the partnership has:

- Held a public meeting attended by more than 200 area residents where the community identified and began to prioritize their environmental concerns. Out of this meeting five focus groups were formed to develop action plans for each of the areas of environmental concern identified by the community. Each focus group is co-chaired by a community resident and an area business person. These groups developed their plans of action.

- On March 1, 1997 the community Office for the Community Partnership Project (South Baltimore Environmental Justice Community Involvement Project) opened at 3606 South Hanover Street in Baltimore. The opening was attended by more than 100 people including local residents, business, public officials and dignitaries. Baltimore Mayor Kurt Schmoke, the keynote speaker for the event cut the ribbon along with community representatives.

- Region III provided 20 computers to the Partnership for use by the community. Two are located in the Partnership Office and the rest are located in the area schools.

- The five community-based workgroups have undertaken various activities to affect positive change in the community. Community-based clean-ups, environmental screening, and community involvement projects are among the activities coming out of the partnership.

- A new executive committee is now in place in the partnership. This three person committee consisting of a resident from Cherry Hill, the minister of the local United Methodist Church, and the representative of the Baltimore Development Corporation who is also from the area; now provide the community-based leadership for the project. The executive committee most recently sponsored a raffle to raise funds to finance project activities.

ENVIRONMENTAL JUSTICE ISSUES IN EPA REGION III

Mattaponi-King William Reservoir:

The Director of the Office of Enforcement, Compliance, and Environmental Justice and other Regional staff have been meeting with the Mattaponi on a regular basis regarding the issues raised to the NEJAC by the Mattaponi regarding the King William Reservoir.

King William Reservoir Final Environmental Impact Statement comments were due July 25, 1997. EPA had a number of concerns regarding construction of King William Reservoir IV and compliance with the National Environmental Policy Act (NEPA) and implementation of the President's Executive Order on Environmental Justice. Unfortunately, the location and scope of this project present some unique situations and complex issues with which to deal. The following represent the some of the major outstanding issues that EPA believes need to be addressed in order to provide full public disclosure per the National Environmental Policy Act:

Environmental Justice - The NEPA document did not contain a full and complete analysis of the project's effects on the Environmental Justice communities in the area per the President's Executive Order on Environmental Justice (EO 12898).

UPDATE: Region III is actively involved in the Section 106 of the National Historic Preservation Act (NHPA) process as a consulting party. We are providing the Norfolk District Corps of Engineers with a funding mechanism (\$25,000) to hire an ethnographer to work with the Native American community in the area. We have encouraged the Corps of Engineers and the Regional Raw Water Study Group to investigate the presence of other EJ communities (most notably the African American) in the project area. The Regional Raw Water Study Group has held one meeting with the African American community to describe the King William Reservoir project and the Section 106/TCP process.

Cultural Resources - The NEPA document did not provide a full analysis and disclosure of the presence or absence of Traditional Cultural Properties (TCP) according to the National Historic Preservation Act (NHPA). **UPDATE:** Region III is a consulting party to the TCP study and the MOA for Section 106 process. We are currently preparing an Interagency Agreement (IAG) to

provide funding to the Norfolk District Corps of Engineers for the use of an ethnographer to study and document TCPs in the study area.

Dioxin - A municipal solid waste landfill (permit #505) is located in the Cohoke Mill Creek watershed. EPA's Region III Emergency Response Center was asked to sample (January 1997) several monitoring wells near the King William Landfill, King William County, Virginia for dioxin. Based on those samples, EPA determined that the concentrations of octochlorinated dibenzo-p-dioxin, the least toxic isomer of dioxin (OCDD) found did not require a removal action. We further determined that the current levels do not approach any levels of concern for drinking water from the King William Reservoir should it be built.

UPDATE: Significant public concern remains regarding potential dioxin risks at Landfill LF#505. Region III representatives met on November 7, 1997 with the Institute for Public Representation (representing the Mattaponi Tribe) and Peter de Fur (dioxin expert at Virginia Commonwealth University) to discuss dioxin concerns at the King William County landfill. EPA may conduct additional testing, in coordination with the Tribe and Peter de Fur, to buoy public confidence in the January 1997 results.

Chester Pennsylvania:

Pennsylvania Department of Environmental Protection has denied a permit to Cherokee Biotechnologies, Inc. for a proposed soil remediation facility in the City of Chester.

Principles of Solid Waste Management Planning-South Africa-BNC:

EPA Region III developed an international facilitated training module entitled, "Principles of Solid Waste Management Planning" that was delivered in Pretoria, East London, and Cape Town, South Africa in May of 1997. During this phase, 65 South African participants were trained by four EPA facilitators who conducted the three course delivery. The course participants represented NGOs, CBOs, industry, and provincial and national environmental agencies. In September of 1997, three EPA facilitators returned to South Africa to coach the "in country" facilitators who delivered the three train the trainers course to audiences in Pretoria, Port Elizabeth, and Cape Town. One EPA facilitator worked with each group of South African facilitators, each of whom had been participants in the previous course delivery. This activity which falls under the BNC was viewed as a major success by the South Africans. The facilitators in Pretoria and Cape Town have already held follow-up meetings to discuss plans for future course presentations in communities around South Africa. EPA Region III has also been in communication with the South African Environmental Justice Network, and has been providing them with technical information and environmental justice contacts in the United States.

Anacostia:

Delegate Eleanor Holmes-Norton recently introduced legislation to designate the Anacostia River as a National Urban Watershed Restoration Model. The new DC Health Commission's environmental priorities include combined sewer overflows (mainly to the Anacostia River) and fish consumption advisories.

ENVIRONMENTAL JUSTICE REPORT -Office of External Affairs

Region III contributed to the national dialogue for the Center for Environmental Information and Statistics through two focus groups. One group brought together a wide cross-section of Philadelphia's African-American community. The group included two college students, two clergymen, several community volunteers, two environmental business owners and the deputy director of the city's commerce department. Education and outreach were the primary topics that drove the discussion.

Major findings include:

- EPA must push relevant information to the public more actively.
- Communities bear the responsibility to inform EPA about their needs. EPA must work with and through local leaders and institutions to develop credible information transferral networks.
- Information should be presented in urban geography-relevant forms.
- The perception of accuracy is founded on credibility.
- Environmental education and outreach for all ages is need in impacted communities. It is critical to have a human touch, people on the ground, to explain the importance and relevance of EPA data.

Regional Environmental Justice/Title VI GIS Application:

Region III has developed a GIS-based application for use in Environmental Justice and Title VI cases within the Region.

LEAD POISONING PREVENTION

1. Grant to Philadelphia to Implement a Landlords Lead Education Strategy and conduct community-based lead education projects, using a "whole house" approach.
2. Grant to Philadelphia Tenants Action Group to educate tenants about the hazards of lead and tenants' rights under local and federal lead disclosure laws.

3. Funding Student Environmental Development Project, through which middle school students from Philadelphia participate in a 6-week environmental education class and students are trained to conduct outreach on lead hazard prevention.
4. Grant to Philadelphia Urban Resources Partnership, through which middle-school students who participate in after-school programs in 12 recreation centers in high risk neighborhoods in Philadelphia learn about the hazards of lead.
5. Grant to Retired Seniors Volunteers Program in Richmond and Lynchburg, VA, to educate local citizens about the hazards of lead through trained senior citizens in these cities.
6. Conduct of Round table in Philadelphia to enhance networking between Philadelphia, where successful lead poisoning prevention activities have been underway for many years, and District of Columbia, where lead training and certification activities are just commencing.
7. Subgrant to the Chester, PA to conduct a lead dust cleaning campaign in local residences. Coordinate this project with others to be initiated as Supplemental Environmental Projects in lieu of certain fines for Clean Air Act violations in Chester.
8. Grant to University of PA to teach middle school students in Philadelphia how to test their homes for lead and how to prevent lead hazards.

Comments in Addition to Handouts:

John Ruggero said that EJ functions are integrated into each division. Each has its own EJ coordinator. Projects are selected within each division and tend to be project driven. Each project has its own EJ coordinator. He said that there are two issues within the ER radiation and toxics division that may provide you with some ideas. The first area is with in lead. He said there were a couple of themes. First, he pointed out that the projects are characterized by partnerships -- that's why they work. Because of partnerships, the region is able to do a lot more on a low budget and with relative success. Second, there's flexibility: one project involves a group of teenagers, telling stories to younger children, spreading word at that level. When they find an opportunity, they have to be flexible to seize it. A trademark of Region 3 is that it is always looking for the new angle. There's everything from school children coming into the regional office and participating in educational programs, to tenants action groups working with landlords. John also added that the Region is taking advantage of GIS Tools that the EPA now has in terms of targeting and understanding where to go. Region 3 is developing an indexing system, which looks at more census data. They can determine, for example the percentage of housing that is contaminated with lead-based paint, and what percentage of those houses include people living below the poverty line. It gives you the opportunity to weigh these factors and empirically analyze them. Mr. Ruggero added that he

would like to see a process that focuses on trends in urban areas. If people need more information, he said he would be happy to provide.

Questions, Answers, Comments:

In reference to the systems, Susan Hazen said they have been using TRI data combining it with census data and other information to do targeting mapping. A group (Multi-National Business Services) under the Administrative Procedures Act petitioned the Office of Management and Budget to prohibit the Agency from using release or transfer or other monitoring data in combination with other data or other information systems as an inappropriate combination of data -- that petition is pending. She will keep a close eye on it. She doesn't think it will go very far. Specifically going beyond just looking at enforcement data and they say combining it with any other type of data that leads to the Agency or the public to set priorities is an inappropriate use. But she emphasized that this means the Agency's making a difference.

CHILDREN'S PESTICIDES, ASBESTOS AND LEAD (PAL) INITIATIVE

1. Project Objectives

Consistent with the *National Agenda to Protect Children's Health From Environmental Threats* which is stated in EPA's report on *Environmental Health Threats to Children*, the Pesticides and Toxic Substances Branch is developing a pilot project to reduce environmental threats to children in selected Region 4 location(s). The objective of the Children's PAL Initiative is to develop a joint coordinated community and government partnership to address pesticide, PCB, asbestos and lead exposures faced by children at home, school, and play. The program will include implementation of community-based educational programs for parents, children, educators and decision-makers to reduce childhood exposures to pesticides, asbestos and lead. The program also plans to utilize resources in the community and government to help empower families and neighborhoods to take better care of their children's environment. If the pilot is successful, the approach and methods used may be implemented in other areas either regionally or nationally.

EPA Region 4 Pesticides and Toxic Substances Branch has identified specific environmental hazards within the Region for which there is specific concern for the welfare of children. They are lead exposure in residences and at playgrounds, residential pesticide use and management, pesticide management in schools, management and/or abatement of asbestos in schools, residential and school toxic chemical usage and storage and PCB exposure from leaking transformers near children's play areas. These environmental concerns were identified and selected based on their acute and chronic health effects on children and prevalence in areas most commonly occupied by children--home, school and play.

Childhood lead poisoning remains among the most serious environmental threat to children with over 1 million children having blood levels exceeding the level of concern established by the Centers for Disease Control and Prevention. Although average lead levels have dropped more than 80 percent for both children and adults since the late 1970s, more than one-fifth of non-Hispanic black children living in older homes have elevated blood levels.

In 1995, poison centers across the United States reported that there were more than a million toxic exposures or poisonings to children under age five, including six fatalities. The improper use of agricultural pesticides in homes is currently a significant concern in this region. The deaths of at least three children in Region 4 have been directly attributed to the misuse of agricultural pesticides in residential settings.

The sites(s) targeted for the Children's PAL Initiative will generally encompass low-income, minority communities with older (pre-1950s) homes. After consultation with State agencies and consideration of the demographics, agricultural setting, housing age and potential community interest, the Baldwin County, Georgia area was selected for the first pilot study.

2. Expected Project Outputs

Develop a model of a joint-coordinated community and government (federal, state and local) partnership to address children's environmental health issues.

Develop new, comprehensive policies to address cumulative and simultaneous exposures faced by children -- analogous to the goal of EPA's Common Sense Initiative -- moving beyond the chemical-by-chemical approach of the past.

Compile descriptions of existing toxic/pesticide exposure reduction programs utilized by other communities and states.

Expand education efforts with health and environmental professionals to identify, prevent, and reduce environmental health threats to children.

Coordinate the usage of available local, state, and federal resources to institute measures to reduce children's exposures to toxics, lead, asbestos, and pesticides.

3. Measures of Success

It is imperative that we build partnerships with the stakeholders in order to address the community concerns. A key measure of our success will be the number of residents we can identify that may be living in a situation where environmental hazards are present and the assistance given them through educational and outreach efforts to mitigate these problems.

Since this Initiative will utilize a high profile outreach and education component, surveys and screenings will be conducted to verify the effectiveness of the program. Pre- and post-Initiative blood screening for lead and pesticides in children and numbers of pesticide poisonings are a few examples of measures of success of this program.

Toxics

Warren County TSCA PCB Landfill: The Warren County PCB Landfill (WCLF) was built in 1982 to dispose of PCB contaminated soil removed from the right of way along several stretches of North Carolina highways. The PCBs had been illegally discharged along the roadsides in the late 1970's by a waste transporter. The State of North Carolina owns and is responsible for managing the closed WCLF in Warren county, North Carolina. Based on cost considerations, North Carolina chose to build an in-state landfill to dispose of the

contaminated soil rather than ship it to an out-of-state TSCA facility. In December 1978, North Carolina submitted an application for approval to construct and operate a PCB landfill to EPA Region 4. On June, 4, 1979, EPA issued the approval to construct the landfill. On December 14, 1981, EPA issued an amended approval after receiving and reviewing the final plans and specifications for the landfill. Among the additional requirements imposed by EPA in the second approval letter, were leachate removal and treatment.

Under the Superfund program, EPA signed an agreement with North Carolina whereby EPA paid a major share of the cost for cleanup of the illegal, roadside disposal sites and construction of the WCLF. The WCLF was built, but with substantial citizen opposition. The WCLF played a key role in the development of the environmental justice movement in the U.S. In response to local concerns, the then Governor (Hunt) of North Carolina made a promise to look at treatment technologies to detoxify the landfill contents at a future date. Upon resuming the office of Governor, Mr. Hunt sought to fulfill his promise to the Warren County residents to study landfill detoxification. He also established a joint Warren County/State Working Group to monitor progress on the detoxification efforts. The Working Group is advised by independent technical consultants of its own choosing.

During the past two years, the State has been making preparations to obtain waste samples and conduct treatability studies to evaluate detoxification technologies. The studies to examine PCB destruction technologies require a Research and Development approval under TSCA. Region 4 staff met with State officials and the Working Group in 1995 and have provided guidance on the approval process. As the detox work progressed, the Working Group began raising questions about the state's adherence to monitoring and landfill maintenance requirements in the TSCA approvals and whether the State had actually constructed the landfill in accordance with plans submitted to and approved by EPA.

Region 4 has made several visits to the WCLF to review North Carolina's records on the WCLF to determine whether or not the State has violated TSCA approval conditions for the WCLF; and to assess the condition of monitoring wells and the leachate removal system and collect leachate and groundwater samples for analysis. Region 4 is in the process of reviewing the records and data of sample analysis collected from the site visits to determine compliance and recommended corrective action if necessary, upon which the findings will be reported to the Working Group and North Carolina.

Questions, Answers, Comments to Winston Smith's presentation:

Referring to Mr. Smith's discussion about simultaneous exposure faced by children, Michael Hardy (HQ/OPP/AD) wondered if the region had been working with HQ to develop a standard for multiple exposure concern. Mr. Smith replied that no, they had not come a long way. He doesn't know if contact has been made. It hasn't come to his attention that it has. Susan Hazen noted that some regions were discussing the whole issue of cumulative risk, some focusing on children, others looking more broadly. She suggested that perhaps collectively, later in the meeting, they could come up with a strategy.

Questions, Answers, Comments to Jim Kutzman's presentation:

Marv Rosenstein said he agrees about institutionalizing EJ, making it part of our everyday work. Noting that his region had a contentious landfill problem in Connecticut that polarized the community. Mr. Rosenstein said that people complained that the state was not a cooperative partner. They argued that the public participation proceedings were inadequate in permitting the landfill. Mr. Kutzman had mentioned that he had a work group on how to deal with this. Mr. Rosenstein asked if there were any lessons learned in how to deal with this. Mr. Kutzman said that the state was actually funded the technical advisors to the working group. It wasn't antagonistic, the problem was there were no clear decisions on how to proceed. Because of the uncertainty, people get anxious.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

MEMORANDUM

DATE: October 30, 1997

SUBJECT: *Draft "Region 5 Interim Guidelines for Identifying and Addressing a Potential Environmental Justice Case" (Interim EJ Guidelines)*

FROM: Environmental Justice Regional Team

TO: Region 5 Management and Staff

The purpose of the attached Draft "*Region 5 Interim Guidelines for Identifying and Addressing a Potential Environmental Justice¹ Case*" (Draft Interim EJ Guidelines)" is to outline a process for EPA Region 5 management and staff to use when determining whether a case² should be considered a potential environmental justice case and, if so, what course of action should be taken for EPA-lead activities.

The Draft Interim EJ Guidelines were created to fill an immediate need to provide Region 5 staff with a methodology for identifying and addressing potential EJ cases. They direct the user to consider the low-income population and minority population of the area in which their case is located and make decisions according to specific criteria. In addition, the guidelines include a number of protocols that provide recommendations to the user on how to address enforcement, permitting, and community involvement when potential environmental justice concerns exist.

-
- 1 "Environmental Justice" is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.
 - 2 "Case" means any site, project, community, area, administrative case, or judicial case.

There are inherent limitations in these guidelines in that they are based primarily on an assessment of demographics and do not involve a complex analysis of risk or “disproportionate impacts” (a key factor in environmental justice assessment). The benefit to this approach is that it allows for expediency in identifying EJ cases. Should a complex analysis of risk or “disproportionate impacts” be necessary, the guidelines contemplate such an action on a case-by-case basis.

Ultimately, identification of EJ cases within Region 5 will help the Region understand the universe of EJ cases within its boundaries and afford the Agency the ability to target efforts toward these cases. This baseline information gathering and targeting process will provide an avenue for moving the Region toward its goal of virtual elimination of disproportionate environmental impacts on minority and low-income communities.

The entire Draft Interim EJ Guidelines package is composed of the following:

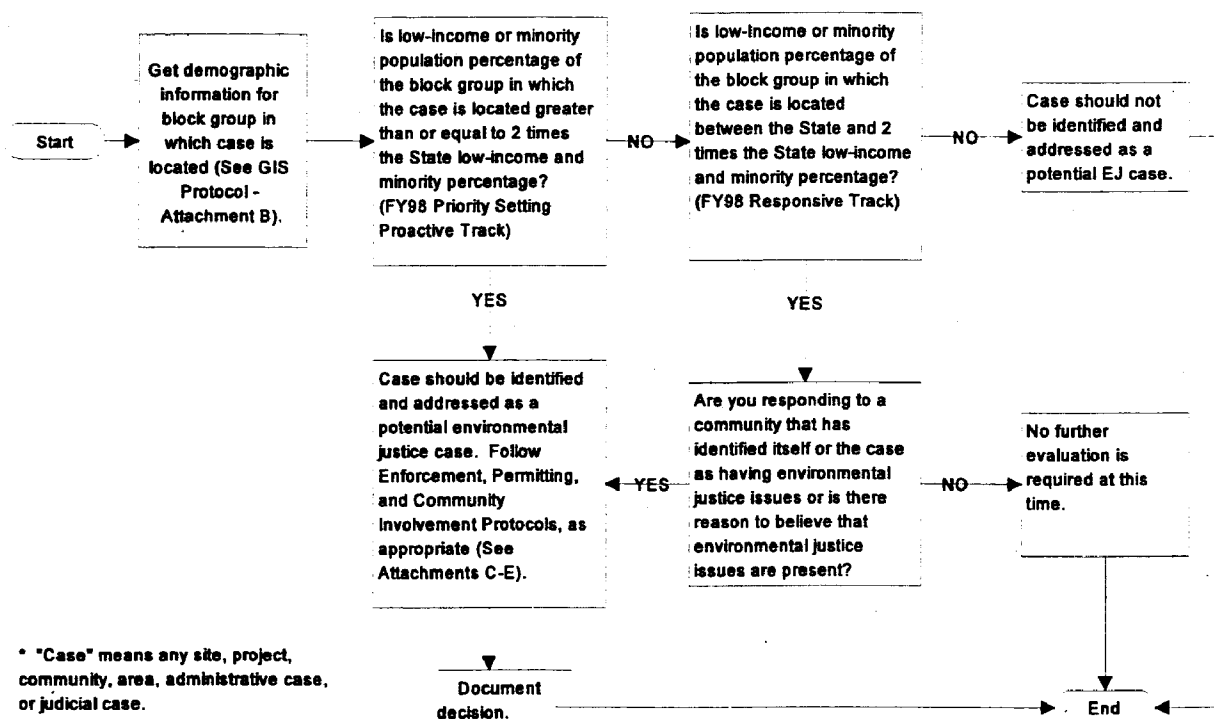
1. **“Interim Guidelines for Identifying and Addressing an Environmental Justice Case” Document:** Outlines a multi-step process for determining whether a case should be considered a potential environmental justice case.
2. **Frequently Asked Questions (Attachment A):** Provides answers to questions frequently asked by individuals engaged in identifying environmental justice cases.
3. **GIS Protocol (Attachment B):** Outlines the process for obtaining demographic information using GIS (Geographic Information Systems) for a particular case/site. GIS information **must** be obtained for every case before an environmental justice determination can be made.
4. **Environmental Justice and Enforcement Protocol (Attachment C):** Provides information to enforcement staff on how environmental justice can be taken into account in enforcement matters.
5. **Environmental Justice and Permitting Protocol (Attachment D):** Provides information to permitting staff on how environmental justice can be taken into account in permitting matters.
6. **Environmental Justice and Community Involvement Protocol (Attachment E):** Provides information to staff on the Office of Public Affairs’ role in ensuring public participation and conducting community outreach in environmental justice communities.

By December 1997, these guidelines will be finalized and thereafter used by Regional staff until such time that national guidelines are developed by U.S. EPA Headquarters. However, these guidelines should also be considered a “living document” which will be subject to modification as new information becomes available and feedback from Region 5 EJ stakeholders is received. The Environmental Justice Regional Team welcomes your

comments, suggestions, and questions on these guidelines. Please direct all feedback, in writing, to your respective Division/Office EJ Regional Team window by November 15, 1997.

These Interim Guidelines are for the use of U.S. EPA Region 5 personnel. Region 5 reserves the right to change these guidelines at any time, without prior notice, or to act at variance from these guidelines. These guidelines do not create any rights, duties or obligations with respect to any third parties.

**DRAFT INTERIM GUIDELINES FOR IDENTIFYING AND ADDRESSING
A POTENTIAL ENVIRONMENTAL JUSTICE CASE***



These Interim Guidelines are for the use of U.S. EPA Region 5 personnel. Region 5 reserves the right to change these guidelines at any time, without prior notice, or to act at variance from these guidelines. These guidelines do not create any rights, duties or obligations with respect to any third parties.

REGION 5 STATE LOW-INCOME AND MINORITY POPULATION PERCENTAGES *

State	Low-Income (%)	2 Times Low-Income (%)	Minority (%)	2 Times Minority (%)
Illinois	28	52	25	50
Indiana	28	56	10	20
Michigan	28	56	18	36
Minnesota	26	52	6	12
Ohio	29	58	13	26
Wisconsin	27	54	9	18

* Low-income and minority population information was gathered from the U.S. Bureau of Census

EJRT - 10/30/97

FREQUENTLY ASKED QUESTIONS RELATED TO THE INTERIM EJ GUIDELINES

Q1. What is Environmental Justice?

- A1.** Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

[On February 11, 1994, President Clinton issued Executive Order 12898 "*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*" and an accompanying Presidential memorandum to focus Federal attention on the environmental and human health conditions in minority communities and low-income communities.]

Q2. What are the "Interim Guidelines for Identifying and Addressing an Environmental Justice Case" (Interim EJ Guidelines) and when do I use them?

- A2.** The guidelines were developed by the Environmental Justice Regional Team and outline a process for identifying and addressing potential environmental justice cases. They include criteria for identifying potential environmental justice cases with respect to low-income populations and minority populations and provide recommendations for taking environmental justice into account in enforcement, permitting, and community involvement matters. These guidelines should be used whenever staff is trying to determine whether their case is a potential environmental justice case and what actions to take (on EPA-lead activities) once this designation is made.

Q3. Have national environmental justice guidelines been developed? Have other Regions developed guidelines?

- A3.** No, national guidelines have not yet been developed but there is a HQs workgroup working on this matter. Until such time that national guidelines are released, Region 5 should use its own guidelines. Yes, other Regions have developed or are in the process of developing guidelines, including Regions 2, 6, 8, and 9. Each Region's guidelines vary in degree of complexity.

Q4. Why are these guidelines considered "interim"?

- A4.** The EJ Interim Guidelines were created to fill an immediate need to provide Region 5 staff with a methodology for identifying and addressing EJ cases. There are inherent limitations in these guidelines in that they are based primarily on an assessment of

demographics and do not involve a complex analysis of risk or “disproportionate impacts” (a key factor in environmental justice assessment). This approach has benefits because it allows for expediency in identifying EJ cases.

Q5. Why isn't an “assessment of disproportionate impacts or cumulative effects” included in the guidelines as an integral criteria for identifying potential environmental justice cases?

A5. The science of assessing disproportionate impacts/cumulative effects is a still evolving. To date, there is no proven methodology for conducting this assessment and what can be done is a very labor intensive and costly effort. To include this assessment as an integral part of the guidelines would mean the Region could achieve very little toward identifying it's potential environmental justice cases because of the complexity of the assessment. The guidelines do, however, contemplate such an assessment on a case-by-case basis as the need or availability of required information exists. As currently written, the guidelines offer a user-friendly methodology for management and staff seeking a quick assessment of whether a case is potentially environmental justice based primarily on demographic information.

Q6. Can I share these guidelines with the States and other external partners?

A6. Yes. Although these guidelines are to assist internal EPA management and staff in assessing and addressing EJ cases they may be shared with other partners. Keep in mind, however, that these guidelines apply only to those activities where U.S. EPA Region 5 has direct authority. Our external partners are not required to follow them but are encouraged to take them into consideration.

Q7. What is meant by “disproportionate impacts”?

A7. “Disproportionate impacts” as it relates to environmental justice means that the adverse human health or environmental impacts or effects on a particular community or segment of the population that is out of proportion to that of other communities.

Q8. What is “cumulative effects” or “cumulative exposures”?

A8. Total effects or exposures to one or more chemical, biological, physical or radiological agents across environmental media (e.g., air, water, soil) from single or multiple sources.

Q9. What is considered a “Minority” or “People of Color Population”?

A9. Minority individual(s), as classified by the U.S. Census Bureau, are members of the following populations groups: American Indian or Alaskan Native; Asian or Pacific Islander, Black (African American), Hispanic and other non-white persons. The term ‘minority’ does not address religion or people who might be distinguished by sex, age or any type of handicap.

For the purposes of the "Interim Guidelines", an area is considered to have a high minority population if it's minority population percentage exceeds the State minority population percentage.

[Note: The Interim EJ Guidelines uses the term "minority" rather than "people of color" in order to remain consistent with the language in Executive Order 12898, but EPA Region 5 is mindful and supportive of many communities' preference for the term "people of color".]

- Q10. Why is a "greater than the State (low-income or minority) percentage used as an indicator of a potential environmental case? What is the significance of "2 times the State percentage" in potential environmental justice case evaluation?
- A10. Within its draft guidance pertaining to EJ analyses³, the Inter-Agency Working Group (IWG) establishes a minimum numeric measure of minority population at 50% of the affected area. The guidance goes on to explain that a minority population may be present if the minority population of the affected area is "meaningfully greater" than the minority population in the general population or other "appropriate unit of geographic measure."

We have defined "meaningfully greater" as any value above the State low-income and minority population percentages. Therefore, any case where low-income or minority population percentages exceed the percentages of the State in which is located, is considered potentially environmental justice. However, since this represents a very large portion of Region 5, for FY98 priority setting purpose we use "2 times the State low-income and minority population percentage" as an indicator of the worst potential environmental justice cases and will focus attention on them. All other potential environmental justice cases will be addressed in response to community (or other stakeholders) recommendations or if other compelling circumstances exist.

Q11. What is considered a "Low-income Population"?

- A11. Low-income populations are considered to be 2 times the poverty level for the State in question according to the Bureau of the Census' Current Population Reports, Series P-60 on Income and Poverty.

For the purpose of these guidelines and until such time that the Census information is updated, low-income populations shall be defined as 2 times the State percentage for the low-income population. In addition, for the purposes of the "Interim Guidelines", an area

Guidance For Federal Agencies on Key Terms in Executive Order 12898, developed by the Interagency Working Group (IWG) on Environmental Justice, August 1995. The IWG was created by Executive Order 12898 and is comprised of heads (or representatives) of 17 departments and agencies.

is considered to have a high low-income population if it's low-income population percentage exceeds the State low-income population percentage.

Q12. Why is "2 times the Poverty Level" used?

A12. The U.S. Census Bureau defines "low-income" as equal to 2 times the poverty level.

Q13. What is a "Tribe"?

A13. All federally recognized indigenous peoples (i.e. American Indian tribes (including Alaskan Native Villages), pueblos, and rancheros).

Q14. What is an Environmental Justice Community?

A14. A minority and/or low-income community disproportionately impacted by environmental pollution.

Q15. What is demographic information and how do I obtain it?

A15. Demographic information is the statistical data of a population (e.g. race, gender, ethnicity, income). This information can be obtained via Geographic Information Systems (GIS) by submitting a request to your Division/Office GIS expert or the Office of Information Services. See the GIS protocol (Attachment A) for more information on how to obtain demographic information.

Q16. What is Geographic Information Systems (GIS)?

A16. The Geographic Information Systems (GIS) analysis of Environmental Justice (EJ) uses the national spatial Data Library System (NSDLS). EJ problems are the disproportionate loadings of pollutants in areas of high minority and/or low income communities. GIS is used to provide map products and tables summarizing EJ demographic parameters in the vicinity of sources. The NSDLS layers commonly used in EJ analysis includes the 1990 Bureau of Census block group polygons with the 1990 Bureau of census demographic files, the Topographically Integrated Geographic Encoding and Referencing (TIGER) 92 roads, railroads and hydrography and the Envirofacts Points. Envirofacts contains attribute data for EPA regulated facilities for the major media programs.

Q17. What is meant by "Cases"?

A17. For the purpose of these guidelines, the term "case" is meant in its broadest, most general sense and refers to any site, project, community, area, administrative case or judicial case.

Q18. What happens to a case once it is identified as a "potential EJ case"?

A18. What happens to a case once it is identified as a potential EJ case is program dependent. Please consult your program for specific direction.

Q19. What is a census block group and why obtain demographic information for the census block group?

A19. A census block group is a defined expanse or area of land utilized by the U.S. Census Bureau in demographic studies. Census block groups vary greatly in size and are smaller and more densely populated in urban areas than in rural areas.

The use of the census block groups in demographic analysis is commonly used because it allows information to be obtained on cases even in the absence of certain information (e.g. latitude and longitude information). The substantial socioeconomic database available for census block groups and the fact that they allow the study of uniform measures of populations are additional benefits.

The disadvantages of using census block groups are apparent when a pollution source is located near the boundary of the census block group and may, in fact, affect the population of the adjacent block group; and in less densely populated areas (e.g. rural areas) where the block group is so large that it may not provide meaningful information. In both of these cases, the reviewer/assessor should use his best judgement.

Q20. The Enforcement Protocol discusses how to handle a particular case if it is located in an environmental justice area. What about targeting of enforcement actions in these areas?

A20. It is important for the Region to target enforcement resources in environmental justice communities since these are communities which bear disproportionate risk. We will be working with the enforcement programs to develop ways accomplish this. In the meantime, the attached enforcement protocol provides an outline of what Regional enforcement personnel can do now to promote environmental justice in cases assigned to them.

Q21. Can I provide comments on the Interim EJ Guidelines?

A21. YES!!! These guidelines are a "living document" that will be changed as new information becomes available. The Environmental Justice Regional Team welcomes comments from you, our customers, on the usefulness and applicability of the guidelines to your work. It is through your comments that these guidelines improve. Please direct your feedback electronically to your Division/Office Environmental Justice Regional Team window.

These Interim Guidelines are for the use of U.S. EPA Region 5 personnel. Region 5 reserves the right to change these guidelines at any time, without prior notice, or at variance from these guidelines. These guidelines do not create any rights, duties or obligations with respect to any third parties.



Environmental Justice

Geographic Information System (GIS) Request Form

(Instructions on back of form)

PLEASE PRINT OR TYPE

(PART ONE)

NAME _____ PHONE _____ DATE _____

MAILCODE _____ DIV/OFF _____ PRODUCT NEEDED BY _____

(PART TWO)

MAP SIZE: _____ 8.5x11" _____ 11x17" _____ OTHER (explain): _____

DEMOGRAPHIC INFORMATION NEEDED (1990 Census): _____ % MINORITY _____ % LOW-INCOME

_____ TOTAL POPULATION _____ %CHILDREN _____ %NATIVE AMERICAN _____ DATA ONLY (NO

MAP)

_____ OTHER (list): _____

GEOGRAPHIC AREA DESCRIPTION: Please provide: LATITUDE/LONGITUDE: _____ and/or

FACILITY

ADDRESS: _____

BLOCK GROUP WITHIN: _____ ONE MILE _____ THREE MILES _____ FIVE MILES _____ TEN MILES

DISPLAY BOUNDARIES AND TEXT FOR: _____ CITY _____ COUNTY _____ ZIPCODE

PLOT OTHER FACILITIES: _____ TRI _____ RCRA _____ SUPERFUND _____ PCS _____ OTHER

MAP TITLE: _____

(PART THREE)**PRODUCT DESCRIPTION:** _____**(PART FOUR)****AUDIENCE:** _____ EJ TEAM _____ PROGRAM OFFICE _____ REGIONAL TEAM _____ STATES

_____ REGIONAL COUNSEL _____ PUBLIC _____ OTHER: _____

NAME OF DIVISION GIS PERSON WORKING ON REQUEST _____

EJ Tracking # _____

GIS Protocol

First, check to see if your Division/Office has a GIS contact person. If so, consult with them to see if they have the capabilities to complete your request. Submit original EJ-GIS request form to division/office GIS person and send a copy of the form to Deborah Chapman at MG-9J for tracking purposes only. If your Division does not have a GIS person or the capabilities please contact or send your EJ - GIS request form to:

**Office of Information Services (OIS)
Deborah Chapman or Larry Lehrman (MG-9J)**

Steps for filling out the request form:

(Part One): Provide information about the requestor. This should be the person to contact for questions pertaining to the product.

(Part Two): Select map size and demographic data you need. Since EJ is determined by low-income and/or minority, your mapped product will automatically combine the two (low-income & minority) demographics together. Low-income and minority population percentages can be mapped separately at your request. Per the Region 5 Interim EJ Guidelines, all population percentages will be provided at the block group level using 1990 Census Bureau Data.

You must provide some type of geographical information such as, latitude/longitude or facility address. We also have the capabilities to overlay data which will allow us to map EJ demographics and plot other facilities (e.g. TRI, RCRA, Superfund etc.). Please identify type of facility(ies) you wish to overlay.

(Part Three): Provide a brief description of desired product. Also, use this space if there is a special request not already covered in the form.

(Part Four): Select the targeted audience for this EJ-GIS product and the name of Division GIS person working on request.

These Interim Guidelines are for the use of U.S. EPA Region 5 personnel. Region 5 reserves the right to change these guidelines at any time, without prior notice, or to act at variance from these guidelines. These guidelines do not create any rights, duties or obligations with respect to any third parties.

ENVIRONMENTAL JUSTICE AND ENFORCEMENT PROTOCOL

The purpose of this protocol is to provide enforcement staff with practical information on taking Environmental Justice into account in the handling of enforcement matters. This guideline addresses what steps can be taken in the context of particular administrative or judicial matters. Separate guidelines will address how Environmental Justice should be taken into account in targeting of enforcement matters.

1. Identifying Potential Environmental Justice Cases:

The litigation team should determine whether a particular matter presents potential Environmental Justice concerns. This should be done by using the criteria set forth in the Interim Guidelines accompanying this protocol. Ordinarily, it should be the responsibility of the program assignee to obtain the demographic information necessary to determine whether the case in question should be considered an Environmental Justice matter.⁴

The results of this analysis of demographic material and any other information available to the enforcement team concerning community interest in the enforcement action should be summarized in the referral package (in the case of judicial matters) or in a separate memorandum accompanying the sign-off of administrative cases.

Specifically, the referral or sign-off memorandum should include the following:

- What are the demographic characteristics of the surrounding community?
- Are there any other factors known to the enforcement team which suggest that the surrounding community may be exposed to disproportionate risk, such as the number of other sources in the area or information about health concerns within the community?
- Should the case or matter be considered an Environmental Justice matter based upon the definitions and criteria in this memorandum?
- Are there local citizens or community groups who have expressed interest in the facility or area in question and what is the nature of that interest?
- What steps are contemplated at the present time for responding to community/Environmental Justice concerns?

¹ The demographic data may be obtained using the procedures set forth in these Interim Guidelines.

- Whether the facility is on or near an Indian reservation? Is the facility owned or operated by an Indian Tribe? Is the facility located in Tribal ceded territory? (Ceded territory is any area where a Tribe retains a treaty right to hunt, fish or gather resources, and includes portions of northern Michigan, Wisconsin and Minnesota. Maps of ceded territory can be obtained from the ORC Tribal Coordinator.)

2. Implementing Environmental Justice in the Enforcement Process

Once a case has been determined to be a potential Environmental Justice matter, the enforcement team should recognize the need to give priority attention to the prosecution and resolution of the case. Since Environmental Justice matters often involve communities which suffer from disproportionate impacts of pollution, EPA should act promptly to return violating facilities to compliance as quickly as possible in order to minimize the continuing impacts of pollution or risk of pollution to such communities.

In addition to giving priority to Environmental Justice matters, the enforcement team should consider enhanced public outreach at the three stages in the enforcement process discussed below. It is recognized that not all cases will be the same: minor administrative matters may not call for the same degree of activity as larger cases involving considerable community interest. However, the enforcement team should exercise its judgement about the kinds of activities which are appropriate to the case, recognizing its responsibility under the Executive Order and Agency policy to promote Environmental Justice in all aspects of the performance of our duties.

A. Initiation of Enforcement Actions. Ordinarily EPA issues a press release announcing the commencement of an enforcement action. The litigation team should consider going beyond this when there is actual or potential interest in the matter. This could include:

- Making specific contact with the assignee from the Office of Public Affairs who will assist in public outreach during the course of the litigation.⁵
- Ensuring that persons or groups who have contacted the Agency are informed of the commencement of the action.
- Preparing in advance of commencement of the action notice to individuals and groups which are expected to have an interest in the action. This should be done in consultation with the Office of Public Affairs which will assist in customizing notice to particular groups and individuals who may be interested in the action.

2 Assistance from the Office of Public Affairs may be obtained in accordance with the procedures set forth in these Interim Guidelines.

B. Prosecution of Enforcement Actions. During the course of litigation, every effort should be made to keep concerned citizens informed of significant milestones in the litigation. At a minimum, since EPA has a responsibility to respond to inquiries from the public, the litigation team should provide public information about the litigation to members of the community, including the date and nature of court hearings and the like. For matters with known community interest, the litigation team should consider working with the Office of Public Affairs to provide regular updates on the litigation to interested persons and groups.

Settlement discussions are a particularly sensitive aspect of litigation with respect to community outreach. It is always appropriate to reveal that settlement discussions are occurring. However, the specific terms of settlement discussions are generally confidential and ordinarily should not be discussed with the general public. However, as discussed below, there are techniques for obtaining public input into settlement terms when appropriate.

C. Resolution of Enforcement Actions

Environmental Justice should be considered in each aspect of the resolution of an enforcement action: penalties; injunctive relief; and Supplemental Environmental Projects (SEPs).

Penalties. As far as penalties are concerned, it should be recalled that the Agency has been criticized for collecting lower penalties in Environmental Justice communities. In calculating a penalty, the litigation should employ Agency penalty policies. These policies allow for enhanced penalties for factors such as "sensitivity of surrounding area" or other discretionary factors. In addition, the enforcement team should consider, using relevant statutory and penalty policy criteria, whether penalty amounts should be increased due to the seriousness of the violation given existing burdens in the community. Where appropriate, the litigation team should consider these factors in calculating the original penalty amount.

Injunctive Relief. Where a facility cannot immediately come into compliance, the schedule for compliance may be a matter of intense public concern. Similarly, depending on the nature of the case, other aspects of injunctive relief may have an impact upon the community. In these cases, it is appropriate (without revealing the nature of settlement discussions) to solicit community input from key, interested individuals on positions which EPA may take in the course of the litigation (such as compliance schedule etc.).

The litigation team should also consider creative provisions which can involve the community in injunctive relief at the facility. It is recognized that the degree to which EPA can obtain agreement on these points is subject to negotiation. Some examples could include:

- Requirements that the company provide information or other outreach to the community.

- Requirements which provide a role of the community in monitoring compliance at the facility.
- Provisions for technical assistance to the community.
- Provisions to facilitate citizen information committees for ongoing community involvement in longer-term remedies.

SEPs. The litigation team should endeavor to involve the community in SEP discussions with the defendant or involvement. The degree of involvement will depend on the range of potential SEPs feasible for the enforcement action. Some methods for obtaining community input include:

- Consult with the Enforcement and Compliance Assistance Team which is developing a "SEP Bank" which will include ideas for possible SEPs that have been generated in the course of other activities. Contact Tinka Hyde or Francine Harris.
- If the enforcement matter is within a geographic initiative, consult with the Team Manger to obtain other ideas for community projects which have been developed through Team efforts.
- Consult directly with community groups and leaders who are a resource for understanding the interests of a particular community. It's important to involve interested members of the community in the process of developing SEPs because members of the community may recognize pollution sources and points of concern that will have a real impact on the future well being of the community, which EPA could not otherwise assess. Educational outreach concerning SEPs may be appropriate in some communities.
- The Agency will soon be revising its May 3, 1995 "Interim Revised Supplemental Environmental Projects Policy". This should be consulted both for the types of projects appropriate for SEPs and suggestions for community involvement.
- Consider SEPs which have been used in other cases.

The EJ policy actively encourages the use of creative settlement approaches in enforcement actions, particularly where violations have been identified in communities disproportionately impacted by environmental problems. There is no set formula as to how an EJ case is to be settled, but the President's Order and EPA's EJ policy give EPA wide discretion in crafting settlements that will address community concerns. EJ policy encourages the Regions to obtain SEPs which promote pollution prevention and remedy environmental damage to reduce long-term exposures within affected communities.

D. Actions Involving Indian Tribes

Whenever a potential enforcement action involves an Indian tribe in any way, special procedures must be followed to ensure that EPA fulfills its trust responsibility and “government-to-government” relationship with Tribes. This policy applies when: 1) a facility is located within or near an Indian reservation (even if owned and operated by non-Indians); 2) a facility is owned or operated by an Indian Tribe; 3) a facility is located within Indian ceded territory. Situations involving any of these factors should be brought to the immediate attention of the ORC Tribal Coordinator and the program division’s Tribal Coordinator.

These Interim Guidelines are for the use of U.S. EPA Region 5 personnel. Region 5 reserves the right to change these guidelines at any time, without prior notice, or to act at variance from these guidelines. These guidelines do not create any rights, duties or obligations with respect to any third parties.

ENVIRONMENTAL JUSTICE AND PERMITTING PROTOCOL

The purpose of this protocol is to provide permitting staff with practical information on taking Environmental Justice into account in the handling permitting matters. This guideline addresses what steps can be taken in the context of EPA-lead permitting matters. For State-lead permitting matters, it is recommended that you encourage the State to consider environmental justice in their permitting activities.

I. EPA Identification of Potential Environmental Justice Permitting Cases.

- A. Screening and analysis: Use the Interim guidelines to determine if the permitting decision presents potential EJ concerns. For some cases (e.g. cases involving air facilities) the impacted community may be different from or extend beyond the community where the facility is located. In these cases it may be necessary to consider demographic information for all communities potentially impacted.
1. The results of this demographic analysis should be included in the Administrative Record and made publicly available during the public comment period.
 2. If the facility/source is on or near a Tribe or Reservation, notify your Division Tribal Coordinator and the ORC Tribal Coordinator.
- B. Public Involvement: If you determine that the permit decision is in a potential EJ area, you should refer to the EJ and Community Involvement Protocol (Attachment E).

II. Consideration of Surrounding Facilities With Respect To Permit Decision-Making

- A. Evaluate if there are any other similar media-specific permits in this area (e.g. if your decision is a RCRA permit issuance, are there any other RCRA permits in the area). This may involve the following tasks:
1. List name, ID number of any other permits.
 2. Determine who is the permit writer/staff assigned to these additional facilities/sources.
 3. Determine if a permit decision is pending or upcoming.
 4. Determine when these permits will be up for renewal.
 5. Provide this information (#1-4 above) to your management, all other affected permit staff, and coordinate your efforts with your Division/Office EJ Team Window. Meet as a team and jointly determine if there is an adverse or disproportionate impact on the community.
- B. Evaluate if there are any other multi-media permits in this area (e.g. if you have a RCRA permit issuance, are there any air or water permitted sources).

1. Complete #1-4 above.
 2. Ask your EJ Coordinator to help you facilitate a joint inter-Division decision determining if there is an adverse or disproportionate impact on the community and if so, determine if there is a need for a multi-media strategy to address EJ in the affected community.
- C. Evaluate, using your best professional judgement, whether the issuance of the permit will present additional risks to a community already impacted by other pollution sources. If so, consider whether additional permit conditions should be imposed to mitigate or eliminate such risks. If there is legal authority, consider the use of "omnibus" provisions to accomplish this.

III. Community Self-Identification Of Permitting Case As EJ.

- A. If a citizen or community group identifies the area in which you have a permit decision as EJ, either during the public hearing and/or comment period, you should consider I.B. above and complete the following:
1. Document all public concerns related to EJ from public hearings, comments and/or meetings, and phone calls from the public.
 2. Identify affected EJ stakeholders, with the assistance of OPA.
 3. Consider expanded stakeholder input and additional public meetings, where appropriate (see EJ and Community Involvement Protocol).
 4. Call individual citizens to clarify concerns and research and investigate, to the extent possible, these concerns. Identify and seek all potential alternate solutions to respond to citizen concerns.

These Interim Guidelines are for the use of U.S. EPA Region 5 personnel. Region 5 reserves the right to change these guidelines at any time, without prior notice, or to act at variance from these guidelines. These guidelines do not create any rights, duties or obligations with respect to any third parties.

ENVIRONMENTAL JUSTICE AND COMMUNITY INVOLVEMENT

PURPOSE

The purpose of this protocol is to provide Regional guidance when assisting communities affected by environmental injustice. Before implementing the protocol in an EJ area, please be sure to contact the appropriate Office of Public Affairs representative (below). This check list serves to ensure residents are involved in the public participation process and equitably informed on issues affecting their communities. This protocol will assist the "case team" in determining the appropriate level of community involvement and outreach needed for the EJ area. Becoming familiar with the outlined checklist should be the first endeavor in this process.

WHO DO I CONTACT ?

To obtain OPA assistance the Programs should contact the appropriate state Team Leader.

OHIO/WISCONSIN - SUE PASTOR--353-1325

MICHIGAN/MINNESOTA - CHERYL ALLEN-353-6196

ILLINOIS/INDIANA - DERRICK KIMBROUGH-886-9741

COMMUNITY INVOLVEMENT PLAN or COMMUNICATIONS STRATEGY--Community interviews will be conducted to identify key members of the affected public, their concerns, and the best means to involve and communicate with the public. A Community Involvement Plan (CIP) or Communications Strategy will be developed from the interviews which will identify the community's concerns and outline the community involvement activities to be conducted.

IDENTIFY STAKEHOLDERS--Through community interviews identification of Environmental Justice stakeholders will become apparent. The interviews will provide the EJ stakeholders and community leaders an opportunity to offer input into decisions that may affect their health, property values and lifestyles. The stakeholders include:

- *Grassroots/community-based organizations*
- *Homeowner and resident organizations*
- *Civic/public interest groups*
- *Environmental organizations*
- *Indigenous people*
- *Religious groups*
- *Business and trade organizations*
- *Industry*
- *Local and State governments*
- *Tribal governments*
- *Universities and schools*
- *Media/Press*
- *Others*

Learn as much as possible about these stakeholders and their concerns through personal consultation (i.e. one-on-one or small group meetings), phone and/or written contacts. Identify ways to communicate pertinent information to the community. Ensure language and cultural barriers are overcome by translating documents into various languages to best meet the community's needs; provide technical assistance as

necessary; surmount literacy, access to information and privacy issues; and confirm the community's preferred types of communications.

PUBLIC MEETINGS/AVAILABILITY SESSIONS--Public participation will be encouraged through public meetings and availability sessions. Public meetings will be advertised in the local paper of the affected community. A mailing list will be created within a one to two mile radius of the EJ area. Advertisement notifications (i.e. flyers) announcing public meetings and availability sessions will be distributed to the mailing list to encourage active public participation. Every advertisement will have a phone number and address for communities to contact regarding pending meetings, issues, enter concerns, seek participation and/or add items to the meeting agenda. A press release will also be issued to the local media.

OPA's *Press Team* and *Community Involvement Coordinators* will be accessible to the media to answer questions about specific EJ issues. The *Press Team* will also assist with writing/editing press releases, and supporting press conferences and media events. Contact will be made with the local television and radio stations when meetings are scheduled. Public service announcements will be developed to announce activities occurring in the community.

When scheduling public meetings ensure time frames do not conflict with work schedules, rush hours and other community commitments that may decrease attendance. Where appropriate translators will be provided for limited-English speaking communities. Where majority of potentially affected audiences speak a language other than English, EPA will find a translator. However, in fragmented communities with multiple ethnic backgrounds, English will be the language of choice.

PUBLIC MEETING FOLLOW-UPS--After holding a public meeting/availability session, establish and maintain a procedure to follow up with concrete action to address the communities' concerns. For example letters, fact sheets, phone calls and site visits.

WORKSHOPS/SEMINARS--Hold workshops, seminars and other meetings to develop partnerships between agencies, workers and community groups. Formation of cooperative agreements would be beneficial to all parties involved (as needed).

GRAPHICS/POSTERS /EXHIBITS/SOFTWARE MATERIALS--OPA will assist in exploring other methods to increase participation of Environmental Justice stakeholders including:

- *Posters and Exhibits*
- *Participation in Civic and Community Activities*
- *Public Database and Bulletin Boards*
- *Surveys/Internet Feedback*
- *Telephone Hotline*
- *Training and Education Programs, Workshops and Materials*

ENVIRONMENTAL EDUCATION--**Grant Writing Support**--A Grant Writing workshop can be provided. (As needed) This workshop will be co-presented by the Environmental Education Program and the Environmental Justice Program. The purpose of the workshop would be to present tips for developing competitive grant applications and to provide an overview of the environmental justice and environmental education small grant program.

COMMUNITY ADVISORY GROUPS (CAG)-- Establish site-specific Community Advisory Groups where there is sufficient and sustained interest. The CAG will provide a setting in which representatives of the local community can receive up-to-date information about the status of cleanup activities, as well as discuss community views and concerns about the cleanup process from state and federal agencies. The CAG should utilize local expertise for technical and science reviews. The CAG will be a public forum in which all affected and interested parties can have a voice and actively participate in the clean-up process. (As needed)

LOCAL INSTITUTIONS AND FOUNDATIONS--Contact, as appropriate, Historically Black Colleges and Universities (HBCU) and Minority Institutes (MI), Hispanic Serving Colleges and Universities (HSCU), Indian Centers and other groups to network and form community links that they can provide.

These Interim Guidelines are for the use of U.S. EPA Region 5 personnel. Region 5 reserves the right to change these guidelines at any time, without prior notice, or to act at variance from these guidelines. These guidelines do not create any rights, duties or obligations with respect to any third parties.

Comments by Norm Niedergang in Addition to Handouts:

Norm Niedergang said that his region had reorganized in 1995. They realized that there were numerous problems to be solved. EJ was one of those problems that deserved attention. They set up a series of regional teams made up of individuals from each of the offices, with a full-time team leader. The team established a series of goals: institutionalize EJ with regional programs, particularly enforcement. The team recognized early the issue: What is EJ? They are trying to develop a working definition, he said. His team put together a proposal on a working protocol on how to view EJ. The protocol is in draft form (please see handout). It looks at two basic criteria: minority and income. They first looked at the state average as a first criteria. (Referring to maps on wall), the lighter colored areas are those that are above the state average: percentage of low income or percentage of minority. The darker shaded areas are those that are twice the state average, in both those criteria. He said if one looks at minority populations, you will not see a big difference between the two shaded areas, but looking at low income, 50 percent of the region is low income -- it exceeds the state average, i.e.: 26 percent of Illinois residents are in the low-income bracket. His team decided to proactively tell staff to follow these protocols for those areas that are twice the state average. They looked for guidance in: enforcement cases, permitting action, and community involvement. They looked at counties, zip codes. They also established geographic places upon which they could focus. In Region V, they selected the following areas: Greater Chicago, E. St. Louis gateway, Western Indiana, Detroit, and Cleveland.

Questions, Answers, Comments:

Marv Rosenstein asked Mr. Niedergang to give the group an idea of the kinds of things are in the guidance for permittees or enforcers. Mr. Niedergang replied that there's no regulatory or

statutory basis to deny the permit just because of socio-economic reasons, but there is a basis to look at relative risks, to impose additional permit requirements to try to address those risks. He added that RCRA is a possible vehicle by which to deny the permit. He added that they have gone forward with at least three public meetings: local citizen input beforehand, socio-economic analysis, and they have done a quasi-risk analysis and did issue a permit that was appealed by local citizens.

Comments by Phyllis Reed in Addition to Handouts:

Referring to the Genessee decision of Flint, Michigan, Ms. Reed said they did not find on the basis of EJ but on the basis of the state constitution that provides for everyone to have equal protection. Referring to the work plan, "Support to Teams for Lead Activities," she noted that all of the urban teams (starting with Gateway) had an interest in having resources invested in lead programs in cities, i.e. outreach and education. She said they had the idea of talking to one team manager who asked that they hire a C employee to do this. She said they didn't think they'd need a full-time C employee just for that team but it would be a good idea to make that person's job lead outreach and education for all the teams. That person's been on board a few months. He's beginning the process of identifying community groups that have an interest in developing lead programs in Detroit, Chicago, E. St. Louis, and NW Indiana. They are trying to develop a lead education and outreach program that they can provide to these communities that they can turn around and help us disseminate in the communities. It is a way to begin developing networks of community groups that have a common interest in a lead-based paint program, she added. The new coordinator just finished his work plan four weeks ago. Ms. Reed added that one state has been slow to react to have its own lead program because of the governor, but they remain optimistic. Before two weeks ago, Indiana was in that category but they now have legislation pending. There are several lead grants to community groups, particularly in the Chicago area and Northwest Indiana. A lot of times those grants have come through the EJ grant program when there were a lot of lead programs that didn't get funded (refers to handouts).

Questions, Answers, Comments:

Marv Rosenstein noted that a couple of years ago they had a MOU signed by the Massachusetts governor to train unemployed minorities. The initial results were so bad that they lost the MOU - he was glad that Region 5 was able to persist. They learned a lesson about realistic expectations. They have found that there are multiple stakeholders they've got to make a better effort cataloging what they've done on lead outreach. EPA's got to stop recreating the wheel. His region has curriculum for English as a Second Language -- kids in all grade levels, similar to what Ms. Reed was talking about.

Region 6, Compliance Assurance & Enforcement Division
Gerald Fontenot and A.M. Davis

Environmental Justice Index Methodology

A. Introduction

Environmental Justice (EJ) refers to the pledge or assurance that no population will endure a disproportionate share of the country's pollution. Evidence has been presented that minority and low income communities are exposed to more environmental pollutants than the general population.¹ The Region 6 EPA Environmental Justice Index Methodology is a modification of the Region's Human Health Risk Index (HRI)² formula. The environmental justice methodology defines demographic criteria, applies basic principles of science, and requires environmental managers to use program specific data to identify communities of most concern.

The methodology uses Geographic Information System (GIS) maps, census demographic data and the HRI method to mathematically rank individual sites. The method is automated in GIS and currently analyzes 50 square mile and one square mile geographic areas (communities). The method has an automated mapping facility.

The Environmental Justice Formula is derived from the Human Health Risk Index (HRI)² and is consistent with the approach used in all Region 6 risk based algorithms: Exposure multiplied by Hazard equals Risk.

$$\text{Human Health Risk Index (HRI)} = \text{Exposure} \times \text{Hazard}$$

The Potential Environmental Justice Index (EJ) defines "exposure" as the population exposed and assumes the total population of a study area is impacted by environmental justice factors. In the HRI, hazards has two components: Degrees of Impact (DI) and Degree of Vulnerability (DV). DI is a chemical specific parameter. Inclusion of this factor requires chemical exposure and toxicity information. For the justice formula, Degree of Impact (DI) is not calculated. Potential risk from chemical exposure can be calculated separately (Enforcement Targeting methodology)³. Degree of Vulnerability is calculated for EJ and includes two criteria: a community's percent minority representation and percent economically stressed households. These EJ methodology criteria (population, percent minority, and percent economically stressed households in the study area) become the "analytical definition" for environmental justice. Each of these parameters are ranked to facilitate the mathematical prioritization process.

Sites are evaluated using an environmental justice formula and ranked on a scale of 0 to 100. Although higher scores can indicate greater potential justice concern, the population density, percent minority population, and percent of economically depressed household data are the more important analytical factors. When evaluated independently, they often provide greater insight to

the potential environmental justice concerns and can be used alone to rank sites (i.e., sites ranked on percent minority or economic status, or the combination of these two factors). The methodology user should realize that even an index ranking of zero can have significant EJ concerns. For example, an unpopulated area will rank a zero, but if owned by minority and/or low income groups, the site may have significant EJ importance. Environmental Justice Formula:

$$\text{Environmental Justice Index (EJ)} = \text{Exposure} \times \text{Hazard} \\ (\text{PE/PC} \times \text{POP}) \times (\text{DI} \times \text{DV})$$

where:

PE = Population Exposed

PC = Population in Community

PE/PC = 1 (assumes total population is effected)

POP = Population Density Ranking (0-4)

DI = Degree of Impact (=1)

DV = Degree of Vulnerability (Minority Ranking X Economic Ranking)

Minority Representation Ranking (1-5)

Economic Status Ranking (1-5)

therefore:

$$\text{EJ index} = [\text{Population Ranking}] \times [\text{Minority Ranking} \times \text{Economic Ranking}] \\ [\text{POP (0-4)}] \times [(1-5 \times (1-5))]$$

Because all HRI subfactors are mathematically related, data from different analysis (i.e., environmental justice, enforcement targeting) are directly applicable to formal HRI risk evaluations. Therefore, all special application studies contribute to an ever larger risk analysis. Use of the HRI formula assures the investigator that risk data is evaluated by documented, consistent, peer reviewed ranking criteria.

B. Methodology and Computer System Overview

The Environmental Justice Analysis System (EJ) is resident on the Region 6 EPA Geographic Information System (GIS) and uses other systems (i.e., RCRIS, CERCLIS, TRI, PCS) supported by the Region's Novel LAN to provide locational information to GIS⁴. All Region 6 Programs can perform site specific environmental justice demographic analyses. The Programs are responsible for the locational accuracy of the data submitted to the computer system and accurate community or environmental justice findings.

A one and fifty square mile study area is analyzed around each EJ point location. The computer system clips a circular coverage with a 4 mile radius (50 square miles) from the Census TIGER

coverages⁵. Data is extracted from various Census files to address methodology criteria. The EJ index is calculated by finding the percentages for each subfactor for the 50 square mile area, ranking the percentages based on scaling criteria, and multiplying the rankings. The same process is performed for the one square mile analysis (approximate 0.56 mile radius).

The Environmental Justice Index calculated from these subfactors, or the independent subfactors comprising the Environmental Justice Index, should be used as a *Demographic Correlation Variable* for studies conducted by Programs. These studies serve to evaluate Agency policies or procedures regarding sociological equity. EPA activities for evaluation can include enforcement targets, permit decisions, grant awards, or risk calculations.

1. Calculation of the Degree of Vulnerability

Degree of Vulnerability (DV) for the HRI² is the mean of ranking values of demographic data for the minority, economic status, age, pregnancy, life-style factors, and pre-existing disease subfactors.

Of the subfactors above, minority representation and economic status (household income) are used in the EJ formula. Each DV-EJ subfactor has a scaling range from 1 to 5. The HRI-Justice vulnerability scaling scores are multiplied. The maximum value for Degree of Vulnerability in the EJ formula is 25 (5X5).

The scaling criteria for the Degree of Vulnerability subfactors (percent minority and percent economically stressed) are derived from the HRI Degree of Vulnerability Ranking Methodology. Like the HRI, demographic subfactor data for the fifty and one square mile study areas (EJ communities) are State specific. Region 6 state EJ criteria (1990 Census)⁵ are:

State	% Minority	% Economically Stressed
Texas	39.4%	27.6%
Louisiana	34.2%	36.3%
Arkansas	17.7%	36.0%
Oklahoma	19.0%	32.0%
New Mexico	49.0%	31.0%

The evaluation criteria for the Degree of Vulnerability subfactors are:

HRI Degree of Vulnerability Ranking Methodology	
Criteria	Score
Percentage of residents in the risk group is less than or equal to the state %.	1
Percentage of residents in the risk group greater than the state percentage but less than or equal to 1.33 times the state percentage.	2
Percentage of residents in the risk group greater than 1.33 times the state percentage but less than or equal to 1.66 times the state percentage.	3
Percentage of residents in the risk group greater than 1.66 times the state percentage but less than or equal to 1.99 times the state percentage.	4
Percentage of residents in the risk group greater than or equal to 2 times the state percentage.	5

a. Minority Status Variable - DVMAV (DV-Minority Average)

The Ethnicity (DVMAV) subfactor is derived from a comparison of the area's percent of minority population to the calculated state percent minority population. For example, the average minority percentage in Texas is 39.4%. The EJ methodology scaling criteria for Texas is:

MINORITY STATUS VARIABLE	
Percent (%) Minority Representation	Score
≤39.4% (≤ Texas state average)	1
>39.4% and ≤ 52.4%	2
>52.4% and ≤ 65.4%	3
>65.4% and ≤ 78.8%	4
>78.8%	5

Region 6 chose to include the Hispanic population in the definition of minority, even though this subpopulation group may have reported themselves as white in the 1990 Census. The minority population of a Region 6 community is defined as the Census 1990 total of the non-white population plus the white Hispanic-Origin population.

The data used to calculate the minority percentage is found in the block level file called P.L.94-171 of the 1990 Census⁵. The field used is P004_0002 which is defined as White with no Hispanic-Origin. This value is subtracted from the total population, given the number of people who are Non-White or White with Hispanic-Origin. The percentage of people in the study area that are Non-White or White with Hispanic-Origin is compared to the State percentage of people in this same census category. Detailed documentation of the state census numbers used and methodology calculations is found in the EJ Computer System User's Guide (Degree of Vulnerability and Potential Environmental Justice Index Demographic Analysis System, Version 4.2.1)⁶.

B. Economic Status Variable - DVECO (DV-Economic Status)

The Economic Status (DVECO) subfactor is derived from a comparison of the area's percent economically stressed to the calculated state percent economically stressed population. Census household income data is block group level data. The block group scaling score is used for each census block in the HRI-Justice calculation when finding the EJ index for a block. For the Economic Status subfactor, the risk group is defined as households that make less than \$15,000 a year. This income number was derived through examination of 1990 Census data and professional judgement. The Texas percentage of such households is 27.6%. The economic status scaling criteria for Texas is:

ECONOMIC STATUS VARIABLE	
Percent (%) Households below \$15K	Score
≤27.6% (≤ Texas state average)	1
>27.6% and ≤36.7%	2
>36.7% and ≤45.8%	3
>45.8% and ≤55.2%	4
>55.2%	5

The data used to calculate the economically stressed percentage is found in STF3A of the 1990 Census⁵, specifically the files STF301 and STF314. The economic data found in the P80 category of STF314 is reported by household, therefore, to find the percentage of economically stressed it is necessary to use the number of households from P5 field (P0050001) of STF301 as a denominator. The fields used to total the low income group are the sum of P0800001, P0800002, P0800003, and P0800004 of STF314.

Detailed documentation of the state census numbers used and methodology calculations is found in the EJ Computer System User's Guide⁶.

2. Calculation of Population Factor

The Population Factor (POP) used in the justice formula is the population density score for the study area. The population density ranking (POP) is determined by evaluating the total population from POP100 of PL94171, and evaluating the average one square mile population for the area. The density is ranked by the scaling criteria following. The criteria scores range from 0 to 4.

POPULATION FACTOR Density Ranking	
Population per Square Mile	Scaling Score
0	0
>0 and ≤200	1
>200 and ≤1,000	2
>1,000 and ≤5,000	3
>5,000	4

3. Calculation of the Potential Environmental Justice Index

The product of the subfactors, Minority Status (DVMAV), Economic Status (DVECO), and Population Factor (POP) is the Potential Environmental Justice Index (EJ). The maximum possible value of the EJ index is 100.

4. Risk Characterization

The Region 6 Environmental Justice (EJ) Index Methodology is a screening risk activity. The intent of the EJ Index is to identify possible EJ communities, not to determine the possible effects of chemical releases or other stressors. The Region 6 Risk Characterization Implementation Plan⁷ designates the EJ methodology a Category I procedure. This risk activity defines preliminary or screening evaluations. The EJ analysis uses 1990 Census data, identifies potential socio-economic risk, assumes low income, high population, and/or high minority communities close to pollution sources are high potential environmental justice areas. Further criteria include cost for the analysis (less than \$50,000), level requirements of 1 - 3 EPA staff for 1 - 6 months. The EJ analysis is automated requiring less than an hour to perform (computer time) at a cost of approximately \$2 per analysis.

a. Hazard Identification

The Region 6 EJ methodology does not directly identify quantifiable hazards. Classic chemical "hazards" or stressors are not identified in the analysis. The evaluation assumes proximity to a site interest can exhibit either human health, environmental, economic, social or aesthetic concerns. The Region has a second automated analysis which screens for health risk using Toxic Release Inventory (TRI)⁸ data and chemical specific toxicity/chemistry data from EPA's TRI Indicators Model⁹. The two analyses are often used together to characterize a community.

The methodology recognizes that communities or areas can have environmental justice concerns with few or no residents (i.e., open lands owned by low income or minority individuals). Environmental impacts on such lands can have direct economic effects.

The key studies which present evidence that minority and low income communities may be exposed to more environmental pollutants than the general population are summarized in Environmental Equity: Reducing Risk for All Communities¹. The following quote is from the 1992 EPA document.

"..., the United Church of Christ Commission for Racial Justice examined the statistical relationship between hazardous waste site location and the racial/socioeconomic composition of host communities nationwide. While several studies were done in the 1970's, Toxic Waste and Race in the United States was the

first study to address issues of race, class and the environment at a national level (UCC, 1987).”

To date several EJ studies have been performed asserting varying degrees of disproportionality among minority and low income communities and the siting, regulation or enforcement for environmentally significant facilities. The National Law Journal¹⁰ reported that penalties imposed by the EPA and the speed with which the problems of hazardous waste sites were addressed varied widely, depending on whether the communities involved were white or minority.

An EPA analysis of the Louisiana Corridor¹¹ (between Baton Rouge and New Orleans) found: 1) many facilities emitting large amounts of TRI chemicals are located in areas with predominately minority populations, and 2) populations within 2 miles of facilities releasing 90% of total industrial corridor air releases feature a higher proportion of minorities than the state average. The EPA Reducing Risk for All Communities¹ document accessed Agency for Toxic Substances and Disease Registry (ASTDR) 1988 data, Department of Commerce Census data, and General Accounting Office (GAO) 1983 data. The report stated, “There are clear differences between racial groups in terms of disease and death rates. There are also limited data to explain the environmental contribution to these differences. In fact, there is a general lack of data on environmental health effects by race and income,.... The notable exception is lead poisoning: A significant higher percentage of black children compared to white children have unacceptably high blood levels.”

With these studies as background, Region 6 developed the Computer Assisted Environmental Justice Index Methodology to derive base demographic information. The methodology is designed to access community specific data, not to make definitive environmental justice decisions. Previous methodologies accessed data at the county or zip code level adding to the uncertainty within the study. The present method accesses data at the census block and block group level. The development of this model was an attempt to secure base demographic data for EJ screening. Another example of an automated EJ model is that used in Region 3 developed by Dr. Deb Foreman¹². Several site specific models are available.

Significant data gaps exist in the Region 6 EJ Methodology. The key assumptions, limitations, and data gaps are discussed in the Discussion section on pages 11 and 12 of this report. The methodology does not identify hazards, it only identifies potentially vulnerable communities. Additional analyses can be performed to address adverse health effects and/or environmental impacts. These analyses are performed outside the EJ methodology and are independent variables. For example, no epidemiology, clinical, laboratory, or ambient monitoring data is accessed.

b. Dose Response

Chemical hazard analysis is not performed in this methodology. Therefore Reference Dose and Reference Concentration (RfD/RfC) and cancer Potency Factors (Pf) are not utilized. The Region maintains that risk from chemical stressors is not a requirement for environmental justice concerns (pages 1, 2, and 11). The Region 6 Enforcement Targeting Methodology³ addresses chemical specific risks using EPA toxicity assessments, census data and Toxic Release Inventory information. The EJ and Enforcement Targeting methodologies are used together to relate risks to socio-economic issues.

c. Exposure

The EJ methodology analyzes a 0.56 and 4 mile radius around a point. The point represents a community or pollution source. This approach assumes equal distribution of source impacts and that all residents are potentially effected. It should be noted that effects are not limited to chemical pollutants. Effects can also include commercial trucking routes passing through or near communities, noise from a metal fabricating plant, or odors from a municipal water treatment plant. Another assumption is that impacts increase the closer an individual is to the center point of the analysis area. The only statistical analyses performed have been Pearson Product Moment Correlations for minority, population, and economic status percentages. Geographic distributions for these variables are also determined graphically. Again, the assumption being the closer the proximity of the variable, the greater the potential EJ concern.

For EJ issues there is a concern for multiple or cumulative exposures. The methodology will not allow plotting or calculating demographics of more than one point. Calculations are performed to aggregate the risks from multiple EJ analyses. At present EPA staff associate various stressors (i.e., chemical releases, traffic routes, noise, odors) to block and block group data. Although, these stressors can be qualitatively related to determine cumulative risk, this cumulative evaluation is not part of the automated methodology.

No wildlife concerns (data) are directly addressed by the methodology.

d. Risk Conclusions

The overall assessment of risk or "environmental justice concern" is expressed in the EJ Index algorithm:

$$\text{Environmental Justice Index (EJ)} = \text{Exposure X Hazard} \\ (\text{PE/PC X POP}) \text{ X } (\text{DI X DV})$$

where:

PE = Population Exposed

PC = Population in Community

PE/PC = 1 (assumes total population is effected)

POP = Population Density (0-4)

DI = Degree of Impact (=1)

DV = Degree of Vulnerability (Minority Ranking X Economic Ranking)

Minority Representation Ranking (1-5)

Economic Status Ranking (1-5)

therefore:

$$\text{EJ Index} = [\text{Population Ranking}] \times [\text{Minority Ranking} \times \text{Economic Ranking}] \\ [\text{POP (0-4)}] \times [(1-5) \times (1-5)]$$

If a 0.56 or 4 mile radius (1 and 50 square mile areas) have high populations, high minority representation, and high percentages of low income households, the overall environmental justice concern will be high numerically.

There are several limitations of the algorithm and three measured criteria. As previously stated, a zero index value can have an EJ concern (pages 1, 2, and 11). Depending on a user's definition of environmental justice, a high scaling factor in any criteria (population, economic, minority status) can be considered an EJ concern. The Region has made a conscience decision to allow the data derived through the EJ method to be used as deemed appropriate for individual Region 6 EPA Programs (i.e., Drinking Water, Hazardous Waste Sites, Municipal Landfills). This approach recognizes the vastly different stressors, exposure routes, regulations, and demographics associated with pollution sources. Conclusions regarding environmental justice can vary because of these differences.

Assumptions and limitations are address in more detail on pages 11 and 12.

There are many defensible approaches to EJ analysis. Minority residents alone can be considered regardless of the total population within the 0.56 and 4 mile radii. The use of a state average base comparison can be replaced by a national or local average, or none at all. Other factors such as education level, available public transportation, access to hospitals and recreational facilities, and prevailing wind data can all be EJ criteria/concerns. Most EPA Regions and Headquarter's Programs conduct some level of demographic - environmental justice analysis. Two Regions, 2 and 3, have referenced the Region 6 method and use an Index approach. Contacts for these methodologies are Dr. Deb Forman in Region 3¹², Rudy O'Neal in Region 2¹³, and Dr. Wilfredo Polomino (Region 2, Identification and Ranking of EJ Sites in Puerto Rico¹⁴). Dr. Regina Bridwell

with the Oregon Department of Environmental Quality also uses an index methodology (Oregon: Cross Media Comparative Risk Assessment Model¹⁵).

The majority of EPA Regions and Programs conduct site specific, as needed, analyses to address EJ issues. Region 6 has assisted Texas, Louisiana, New York, and Oregon in developing demographic analysis methodologies.

Region 6 has experienced significant community, industry, state and local government interest in the EJ methodology. The methodology has proven to be an effective communication tool. Region 6 managers have taken EJ data and related EJ map products to public meetings. The data has allowed discussions to begin from a common starting place. This has become a form of peer review. Often state and local government representatives, industry officials, and citizen groups compare their demographic and pollution source information with the Region's EJ data. The data has been enthusiastically received and withstood numerous comparisons. The locational accuracy of the communities and regulated sites is often questioned by EPA staff and our external clients. Location and accuracy of regulatory identifiers (permit numbers) is continuously validated through this "hands on" process.

C. System Features

1. The User's Guide

A Region 6 EJ Computer System User's Guide⁶ is available (Potential Environmental Justice Index). The guide presents the computer screens experienced by users through the menu activity as well as general GIS lessons on using the Data General interface with UNIX for support of Environmental Justice data processing.

Quality Assured Locational Data

THE MOST IMPORTANT STEP OF GEOGRAPHIC INFORMATION SYSTEM APPLICATIONS IS THE PROCESSES THAT ASSURE THE LOCATIONAL DATA USED IS ACCURATE.

THE ACCURACY OF THE DATA IS THE REQUESTING PROGRAM'S RESPONSIBILITY.

Before anyone evokes the Environmental Justice System, consideration for Quality Assured Locational Data must be made. The system tracks the Quality Assurance of the Location, the Requestor's name and Program-Code.

2. Input

There are two methods of input currently available for the EJ system, individual site processing and batch processing. Both use Latitude and Longitude location for conversion to GIS-albers coordinates (X-axis, Y-axis). Programs and primary data gathering groups use Latitude and Longitude as the standard method of identifying location, therefore, this system is designed to address this data format.

The EJ system employs an interactive menu interface to evoke the proper method of input. The Individual Site Processing Option prompts the user for information that meets the output criteria where the system cannot answer the query. The Batch Processing Option prompts the user for a file name where dBase data has been stored.

The user is responsible for entering:

Name of the Requestor

Source of Quality Assured Locational Data

Latitude/Longitude

EPA Identifying Number (i.e., RCRA, NPDES number) and Site Name

Region 6 EPA Employee Mail Code

Users collect data from the EPA Mainframe systems or through program file research and are responsible for the accuracy of the information. If the need exists to evaluate more than 1 location, a dBase file can be built by the user to transfer the batch of locations to GIS. The EJ System will automatically convert the dBase file into a format compatible with the Region 6 GIS system. The user is given the steps to complete the task through the User's Guide⁶ on How to Transfer dBase Files to GIS.

D. Examples of Region 6 Environmental Justice Analyses

1. Enforcement Targeting

One of the many applications for environmental justice evaluations is enforcement targeting. This is a procedure which ranks industrial facilities as to the potential impact each site may pose to human health and the environment. Region 6 typically identifies facilities that have been non-compliant in more than one media program (Air, NPDES, RCRA). These facilities are subjected to a computerized risk screening methodology using census information and Toxic Release Inventory (TRI) data. These facilities are also evaluated by the Environmental Justice computer methodology. Each site can be ranked by potential risk, environmental justice ranking, population around each site, economic status of surrounding communities, or by minority representation for the one and fifty square mile study areas. Facilities which score high in historical noncompliance, risk, and environmental justice are potential priority

enforcement targets. A four mile radius was demographically evaluated for each industrial facility and ranked from 0 to 100.

2. Permitting for Industrial Sites

A major responsibility of EPA and State environmental agencies is the permitting of industry related activities which impact the environment. The Region's EJ formula is used to accurately access demographic information for one and fifty square mile areas around sites being considered for permit privileges. The following examples are for individual sites, but the EJ system is also used to evaluate permitting practices for whole regulatory programs (i.e., RCRA, NPDES, MSW, NEPA) involving hundreds of sites. Table IV.1 shows the EJ analysis findings for five sites in Region 6.

a. NEPA (National Environmental Policy Act) Environmental Impact Statement - Wallace, Louisiana

A plastics manufacturing facility asked regulators for a permit to build a plant near Wallace, Louisiana, on the west bank of the Mississippi River (the lower half of Maps 1-3). Environmental Impact Statements (NEPA) do not traditionally assess environmental justice issues. The EJ formula was used to characterize the demographics of the community around the proposed site. The site of interest is approximately in the center of each map. Map 1 shows the minority ranking of each block, Map 2 the economic status for census block group, and Map 3 demonstrates EJ index values for each census block. The data indicates that one square mile around the site is sparsely populated (133 residents), one-hundred percent minority, and economically stressed. The plastics facility did not build in this area. The EJ analysis was used as a Regional awareness tool.

b. Underground Injection Well Permit Application - Winona, Texas (Gibraltar Well #186)

A company in the deep piney woods of East Texas applied for a permit to continue injecting hazardous waste underground. A segment of the small community town of Winona, Texas opposed the facility operation and the issuance of a permit. Maps 4-6 show the demographics surrounding the facility. There are few residents near the injection well (0.56 mile radius from site). This does not indicate a lack of potential EJ concern. Program managers are responsible for accessing demographic information and determining possible EJ concerns.

c. Wastewater Treatment Plant - Marrero, Louisiana

Conditions of an NPDES permit were evaluated for a wastewater treatment plant in Southern Louisiana near New Orleans. EJ demographic information was used by EPA staff for a public meeting. The information is shown in Maps 7-9.

d. Uranium Processing Facility - Gore, Oklahoma

Sequoyah Fuels is a uranium processing facility on the banks of the Arkansas and Illinois Rivers in Eastern Oklahoma. The company has several permits from EPA and DOE. A Native American environmental group has opposed the facility's operation and requested an EJ analysis. Notice the zero population reported for the 1 square mile study area. The EJ analysis does not evaluate worker populations. The facility borders land owned by Native Americans. Maps 10-12.

3. Superfund

- a. In 1991 areas of West Dallas were found to contain varying levels of lead contaminated soil. One source of the pollution had been the RSR Smelter. Region 6 EPA and the Texas Natural Resource Conservation Commission (TNRCC) are removing contaminated soils from the Dallas community. A component of the risk management plan was an evaluation of communities adjacent to permitted hazardous waste facilities being considered to receive the West Dallas soil. The soil was not hazardous. A proposed landfill in Avalon, Texas was evaluated using the Environmental Justice methodology.

1) Waste Disposal Site and West Dallas EJ Analyses

Avalon, Texas is a small rural community about fifty miles south of Dallas. CSC Disposal is a hazardous waste site in the city. The Minority Status, Economic Status, and Population Factor of the Region 6 EJ methodology were calculated for the community around the landfill site. Maps 13-15 demonstrate the 1 and 50 square mile EJ analyses for the Avalon, CSC facility. An analysis of the West Dallas site is also presented in Maps 16-18.

Other waste disposal facilities were considered for the disposal of West Dallas soil. Two of these sites were landfills near Conroe, Texas and Monroe, Louisiana.

2) Results

Demographic information produced by the EJ methodology characterized each waste site considered for landfill disposal of West Dallas soils. The environmental justice information was combined with transportation distance, transport safety, facility

design, and cost considerations to decide which landfill was the best overall disposal site choice. The Avalon site was selected. The non-contaminated soil was transported and deposited at this regulated site in 1993-94.

b. Emergency Response - Houston Scrap, Harris County, Texas

Houston Scrap is a battery cracker, collecting lead from used auto batteries for recycling. Lead concentrations on site in excess of thirty percent have been measured, offsite contamination is known to exist, but the full extent has not been identified. The company has been ordered to immediately remove contaminated waste piles. Emergency response has fenced the area to keep the public out. Remedial activities are anticipated once the surficial waste piles are removed. Maps 19-21.

E. Discussion

1. Environmental Justice Index scores are a general ranking tool. Population density, percent minority population, and percent of economically depressed household data are the most important analytical factors. When evaluated independently, they often provide greater insight to the potential environmental justice concerns and can be used alone to rank sites (i.e., sites ranked on percent minority or economic status, or the combination of these two factors). The methodology user should realize that even an index ranking of zero can have significant EJ concerns. For example, an unpopulated study area will rank a zero, but the land can be owned by or adjacent to land owned by minority and/or low income groups. The uranium processing plant bordering Native American land in Gore, Oklahoma is such a site (Maps 10-12).
2. The Region does not believe an environmental health risk must exist before there can be justice concerns. This is evident by the absence of risk criteria from the EJ methodology. An analysis of an area's potential risk from chemical releases is calculated at a default value of 1. Region 6 has an automated risk methodology developed independent of EJ analysis. Both justice and risk evaluations are used for enforcement targeting projects.
3. Environmental justice has great potential to be misunderstood by government and the public. Application of the basic principles of science can help prevent this misunderstanding. An accurate assessment of demographic data will compliment our community outreach and environmental justice awareness efforts.
4. The EJ Index is derived from the product of three criteria factors with values ranging from 0-4, 1-5, and 1-5. The index can range from 9-100, but, mathematically, there are not 100 index values possible. This should be remembered when using the methodology for enforcement targeting and other multi-site applications. The range of possible values is smaller for facilities ranking between 50 and 100 than for those ranking from 1 to 49.

Therefore, there can be a greater demographic difference between two facilities ranking 60 than for two sites ranking 20.

5. Methodology users should realize that if ranking factors for minority and economic status are both ranked "5", and the site is in a relatively low population area, the highest possible EJ Index is only 25 (on a scale from 0 to 100). Therefore, higher rankings require high population areas. The computer code describing the spacial and mathematical aspects of the methodology is documented in the Pilot Degree of Vulnerability and Potential Environmental Justice Index System Documentation⁵.
6. Although the subfactors are similarly weighted, it is possible that population may have been an "indicator" factor. Meaning, wherever population density is high, the other subfactors tend to rank high. Urbanization may be a concern in this regard. Statistical analyses are planned to further study this possibility.
7. Environmental justice criteria rankings can be very different when the 50 square mile area is compared to the 1 square mile evaluation. Subfactor differences are caused by a change in the number of census blocks analyzed and the actual demographics for the individual blocks. When the study area boundary (line for the 0.56 mile or the 4 mile radius) crosses through a census block, the population is assumed to be equally distributed through the block's area. Therefore, if a block with 1,000 residents is halved, a population of 500 is counted for that block. This process can potentially cause significant error depending on the number of blocks and the degree of population segregation within each block.
8. Although EJ studies can be statistically analyzed using standard methods, obtaining statistical significance for study areas with few census blocks is more difficult than for larger areas. Several of the one mile study areas had less than 30 census blocks. Avalon, Texas has 14 and not all of those were complete (totally within the study area).

Comments by Gerald Fontenot in Addition to Handouts:

Gerald Fontenot said that a senior-level meeting is now taking place regarding the Shintec facility in Washington. They are dealing with two petitions 1) Title 5 Air permit and 2) Title 6 petition. Mr. Fontenot said that an issue he sees in reference to EJ is the methodology. His region has developed a methodology for an indexing system. It is similar to what the other regions have done similar to what other regions have done. He attributes this to the networking that took place at the staff level among regional offices to develop tools to start to focus on methodologies. He said they took an EJ methodology from a basic algorithm that they were originally using called a human health risk index, which still today is driven by TRI data, merely from the standpoint that they don't have a surrogate data set to use. They're continuing to get additional source data that enhances both EJ index methodology and the human health risk index. Health data that they've been able to purchase through private data systems that they can then take as integration tools in

their methodology. They continue to look for any data systems that are available out there. Mr. Fontenot then embarked upon explaining the EJ index. Mr. Fontenot then embarked upon explaining the EJ index. He said it is based on looking at both one square mile and 50 square mile areas. One square mile is based on fugitive emissions since it is primarily an air-driven analysis. That's the impact range. The four-mile radius represents 50 square miles and that is based on the down wash algorithms from point source modeling. One of the big areas debated now is what's the best area to use as your analysis domain?

Handing out a document, Mr. Fontenot then said that he had an EJ index methodology, they have a human health risk index. Showing runs from what they've done in the past and what they continue to do, he said they are trying to frame in the context of a regional policy for EJ and district impact analysis. He said the document being passed around is from a regional working group. They settled on six factors to look at what these categories would be to develop a methodology to review whether it is permitting activities, whether it is compliance or enforcement activities. The factors that they would consider include: public health, environmental impacts, and economics. Other factors that they're trying to assess are the social and cultural impacts, nuisance and public safety risk. Emergency Response Notification System database -- emergency response and that segways into Public Safety Risk: Looking at emission data, analysis of what emissions has been in certain areas; what he's shared is a work in progress.

Handing out a document, Mr. Fontenot next discussed the Shintec facility case. Shintec is a grass roots, world class, monitoring facility that's been permitted for air and water in the state of Louisiana, he said. It is a new facility being cited on the Mississippi River, so they are not dealing with existing permits. This is an option to look at things from a stand back, mountain top viewpoint, he said. They are faced with trying to come up with methodologies to assess -- is there a disparate impact in that facility being sited? He said citing decisions are very difficult and to say that you are citing a facility based on an area rather than on the infrastructure that exists -- he is really concerned there. That's what the Shintec decision has evolved into, more so a citing decision than what the technical requirements are from a regulatory standpoint, be they state-issued permits or federally issued permits. (He then refers back to the handouts).

They took available tools and did a run. They looked at cumulative health and risk. They did a ranking for each Louisiana parish (the Shintec facility is in St. James' parish). They did runs with emissions factored in. They did runs with emissions factored in. Rankings happen to be cumulative HRI scores for each state. What value do you look at, if the facility was cited at an HRI index of 234 -- highest parish in the state -- is that a decision-making point? Look across the page at the demographics of the parish. It's 49 percent African American -- higher than the state average. The state average is 30.8 percent. Mr. Fontenot said he was sharing with the group a draft with the tools they are now considering. He wondered if others had done a similar analysis. The next step would be to come up with a process to make that decision. He looked at the African American community because that was what was specifically cited in the petition. The other document looks at facilities in Baton Rouge Corridor. Long before Shintec they looked at HRI values for all the facilities that are located in that five-parish area. They have done a

considerable amount of targeting in the enforcement program from the standpoint of using EJ and HRI indexes for determining the multi-medium inspections. They have also used them in single medium in the targeting that they do for inspections. Mr. Fontenot says he chairs a working group that includes all the enforcement programs where they review the data and use the factors in targeting inspections in the beginning of the year to lay out their plan of where they want to focus. They have done some targeting for lead programs -- looking at data that is available on older homes and overlaying that with some strategies that lead abatement program had. They've been able to pick up information. There's been good dialogue in the region, sharing data.

In closing, Mr. Fontenot said that one of the real challenges is that EJ is very closely tied to permitting and enforcement, and should stay there and not separate. Resources are critical and are driven by bean counting. Bean counting drives the funding and budgeting decisions: in FY 98 RCRA and Air enforcement is taking a big hit. He also pointed out that looking at ongoing permitting and enforcement activities, the big decisions that they have been facing in working with the states -- the states are looking to the Agency for guidance from an EJ perspective. It is important that they clearly communicate that, otherwise they will have this angst that exists.

Region 7, Air, RCRA, and Toxics Division
Karen Flourney

The Regional EJ Coordination is the responsibility of Enforcement Coordination Office. The EJ Implementation Team has been developing a Region 7 EJ Strategy. This team is made up of representatives from all Divisions/Offices. GIS mapping project approximately three years ago identified St. Louis as an area with potential EJ concerns. This led to Region 7 Community-Based project in St. Louis and also more Region 7 involvement with Region 5 in their Gateway Initiative in East St. Louis, Illinois area.

Ms. Flourney said it is difficult to get states in her region to view EJ as a real issue and for them to see how they should be incorporating EJ into their everyday business. They have got a lot of examples of projects where economics is more of a consideration. In many cases, whether or not there's a large percentage of minorities living in the area. They have been the lead on EJ projects, but sometimes difficult for states to see the benefit.

St. Louis CBEP activities include: Community University Partnership (CUP) Grant identifying environmental issues and collecting and evaluating existing data, e.g., TRI. Community sees direct link between TRI emissions data and health problems. Working with community on: how to communicate in understandable terms that environmental data is available and how the data does or does not directly impact health. Upcoming activities include a listening tour and lead poison prevention outreach, education and cleaning supplies.

Charcoal Kilns in the Ozarks in Missouri-air emissions data demonstrated high levels of particulate matter emissions. Utilizing TRI data and the threat of significant EPCRA enforcement resulted in working with the impacted companies to agree to support state regulation and installation of controls to reduce air emissions.

Southeast Kansas Risk Assessment Data Collection-During issuance of the first Boiler and Industrial Furnace (BIF) permit in the nation to a cement kiln burning hazardous waste for fuel, the public raised a number of health and environmental concerns. There are a number of combustion facilities in the same vicinity in Southeast Kansas. They are working with the University of Kansas Medical Center to conduct a study to examine the concerns raised. There are a number of other activities ongoing in the lead program in St. Louis, and with the tribes to train, educate, abate and test for lead.

An issue that is often raised by the public is the difficulty in understanding the environmental data generated by EPA, including the TRI data.

April 22, 1997

Environmental Justice

**"All communities and persons across this nation should live
in a safe and healthful environment." President Clinton**

What is Environmental Justice?

Environmental Justice (EJ) means the fair treatment of people of all races, income, and cultures with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment implies that no person or group of people should shoulder a disproportionate share of negative environmental impacts resulting from the execution of environmental programs.

Why is Environmental Justice of concern?

Communities sometimes lack political clout, economic means, or awareness of rights and opportunities to participate in environmental decision making. The EJ movement was characterized by community activism before it was formally recognized by the federal government. In 1982, in Warren County, North Carolina, the EJ movement grew out of a grassroots protest against the siting of a PCB landfill in a predominantly African-American community. This protest led to an investigation by the General Accounting Office that concluded that there was a correlation between the siting of hazardous waste landfills and race in the host communities. Several other studies followed.

How did EPA get involved?

As a result of the studies, several events took place that eventually lead to the formation of the Office of Environmental Equity at EPA Headquarters in 1992. On February 11, 1994, President Clinton signed into effect an Executive Order #12898 on Federal Actions to Address Environmental Justice in Minority and Low Income Populations. The Order creates an interagency working group, chaired by EPA, to:

- 1) Develop EJ guidance;
- 2) Coordinate interagency implementation of EJ policy;
- 3) Assist in research;

- 4) Assist in data collection;
- 5) Hold public meetings and receive public comment on EJ policy;
- 6) Examine existing EJ data and studies; and
- 7) Develop interagency models to illustrate cooperation among agencies.

What is EPA Region VIII's Environmental Justice Program?

Environmental Justice is an integral part of Region VIII's mission. Region VIII, the states, Indian tribes and affected communities in the Region will work together to ensure equitable environmental and public health protection through effective implementation of policies and procedures.

As part of the Regional reorganization efforts, the Environmental Justice Program was established and is comprised of six full-time staff from diverse backgrounds. The staff serve as a catalyst for the incorporation of EJ considerations into EPA programs, policies, and activities through training, programmatic guidance, and consultation.

Elements of Implementing the program:

- Raise awareness of EJ issues;
- Identify, assess, address and respond to inequitable environmental impacts;
- Focus resources on areas shouldering a disproportionate share of environmental harm; and
- Communicate to the public about opportunities to get involved in environmental decision making.

Administering the Small Grants Program:

The Environmental Justice Small Grants Program was established in 1994 to provide financial assistance to community-based grassroots and other nonprofit organizations, as well as state, local and tribal governments to work on EJ projects. There are three types of grants available: EJ Small Grants (up to \$20,000), EJ Community-University Partnerships (up to \$200,000), and EJ through Pollution Prevention grants (up to \$100,000). In the first three years of the grants program, Region VIII awarded more than \$1,247,000 to 49 recipients.

For more information, contact one of the resources listed below:

Regional Toll Free Number: 1-800 227-8917 plus extension

Elisabeth Evans, Director
(303)312-6053
Cory Potash
(303)312-6556

Eduardo Quintana
(303)312-6758
Nancy Reish
(303)312-6040
Deldi Reyes
(303)312-6055
Fax number
(303)312-6826

National Environmental Justice Hotline: 1-800 962 6215

OFFICE ENFORCEMENT, COMPLIANCE AND ENVIRONMENTAL JUSTICE ENVIRONMENTAL JUSTICE GRANTS PROGRAM SUMMARY

February 1997

BACKGROUND: The Environmental Justice (EJ) Small Grants program of the Environmental Protection Agency (EPA) provides financial assistance to eligible community-based grassroots organizations, religious institutions and other nonprofit, state, local and tribal governments to work on environmental justice projects. EPA's environmental justice program focuses on improving and expanding access by the public to government decision-making, outreach to other EPA programs and the states, responding to community EJ issues and administering EJ grant programs. In order to be responsive to these needs, EPA has established four types of grant program resources for communities to address their environmental justice issues: EJ Small Grants (up to \$20,000), EJ Community University Partnerships (up to \$200,000), EJ through Pollution Prevention (up to \$250,000) and Environmental Education Grants (applications from \$5,000 to \$25,000 approved at our regional office and applications for \$25,000 to \$250,000 awarded at EPA Headquarters).

Fiscal Year (FY) 1994 marked the first year of the EJ Small Grants Program. Nationally, 71 grants totaling \$507,000 were awarded in FY 1994 and in FY 1995, more than \$3,000,000 was awarded to 174 small grant recipients. In FY 1996, \$3,000,000 was awarded to 150 organizations across the nation. In the first three years of the EJ grants program, Region VIII awarded \$1,247,399 to 49 recipients. Since 1994, the EJ small grants program issued \$602,399 to 38 projects. The regional Environmental Justice through Pollution Prevention grants program awarded \$645,000 to 11 projects since its inception in 1995.

The following are summaries of projects awarded in Region VIII in 1994, 1995 and 1996.

1. 1994 Environmental Justice Small Grant Recipients

COLORADO

Cross Community Coalition

Denver, CO -

Grant Amount: \$9,996

The Cross Community Coalition will implement an educational program to inform community residents of the environmental hazards facing the community from local polluting facilities and the resources available to address these dangers.

MONTANA

Rural Employment Opportunities

Helena, MT -

Grant Amount: \$4,550

The purpose of this project is to provide at least 70 percent of the migrant farm workers and their families in the Helena area with information about the hazards associated with pesticide exposure. Multimedia educational tools, such as bilingual informational booklets, video tapes, and awareness workshops will be used.

Fort Belknap Indian Community Council

Harlem, MT

Grant Award: \$10,000

The goals of this project are to produce and distribute a community environmental newsletter, sponsor environmental workshops, and facilitate organizational and technical support for the Tribal Environmental Committee.

NORTH DAKOTA

Turtle Mountain Community College

Belcourt, ND

Grant Award: \$9,455

The purpose of this project is to form an Environmental Improvement Committee to address EJ issues facing area communities. A satellite distance learning system will be used to enhance awareness of local environmental hazards and solicit input from residents to develop a plan of action to remedy these problems.

Clean Water Fund

Fargo, ND

Grant Award: \$6,500

The grantee will develop safety training materials in Spanish for Hispanic communities to learn about the various household toxics and alternative products which can be used to reduce health risks in the home and work place. Slide shows and video tapes on pollution prevention will be made accessible to public institutions, migrant employment agencies, and individual households.

SOUTH DAKOTA

Sisseton-Wahpeton Dakota Nation

Agency Village, SD

Grant Award: \$10,000

The purpose of this project is to expand the Tribal community's awareness of ways to address EJ issues through workshops for community residents, youth and teachers. A network will be established to work with local, state, and federal officials to coordinate training activities and to exchange information on environmental concerns. Additionally, this grant will strengthen the capacity and participation of the Tribal Youth Council in the project.

1994 TOTAL FOR REGION VIII GRANT RECIPIENTS \$50,501

2. 1995 Environmental Justice Small Grant Recipients

COLORADO

Council of Energy Resource Tribes

Denver, CO

Grant Award: \$19,793

This project will identify necessary and needed improvements in communication and coordination of EJ issues between tribes and EPA. The grantee will coordinate forums to facilitate community and information exchange in a participatory and proactive manner with three tribes located in Region VIII.

Cross Community Coalition

Denver, CO

Grant Award: \$19,974

The Colorado People's Environmental and Economic Network (COPEEN) proposes to bring together community-based grassroots people of color groups to work in partnership to address environmental justice issues. Goals include improving coordination, communication, and information exchange, providing skill training developing and establishing statewide projects in partnership, and developing and establishing an education and training center to serve as a repository for written and audiovisual material.

Denver Department of Health and Hospitals
Denver, CO
Award Amount: \$20,000

This grant will fund research in the Montbello area, which has been targeted because of grave concerns about Rocky Mountain Arsenal pollution. Oral and written interviews of 4,000 households will be conducted to gather information regarding community life-expectancy rates, pre-existing conditions, and birth and death information. Standard physical, mental health, and socio-demographic data will also be gathered. Research results will be communicated to the community through a multi-media approach.

El Paso County Department of Health and Environment
Colorado Springs, CO
Award Amount: \$18,910

The grantee will conduct radon mitigation and demonstrate its effectiveness through a series of demonstration projects. Expert, hands-on training will be provided to the Energy Resource Center (ERC) personnel. The ERC is a non-profit agency that performs weatherization repairs in low-income family housing. The benefit of working with this particular agency is that it has both the administrative structure and the skills needed for radon mitigation, since they closely parallel those used for weatherization.

Hispanic Chamber of Commerce Educational Foundation
Denver, CO
Award Amount: \$20,000

The purpose of this project is to educate the Hispanic business community and the community at large about the role that small minority businesses can play in risk reduction and pollution prevention. The grantee will educate these people of color business owners on simple methods to reduce their risks in dealing with existing pollution; provide practical information to small business owners on pollution prevention; and outline options that may be taken by small business employees dealing with pollution.

Sunnyside United Neighbors Inc.
Denver, CO
Award Amount: \$19,528

The goals of this project are to educate the residents of the Sunnyside area to better enable them to deal with the cleanup activities and residual effects on the community's land and water and to increase public awareness of this site. This project is intended to provide outreach regarding EJ implications of such facilities together with potential pollution prevention opportunities of any future sites. A further goal is to enable the community residents to be aware and to prevent more toxic waste disposal in this and the surrounding community.

MONTANA

**Confederated Salish and Kootenai Tribes
Pablo, MT**

Award Amount: \$20,000

This project includes the development of educational and tribal environmental programs, including EJ information resource materials for use at various schools on the reservation. An informational brochure will be developed for area agencies, land owners, and other resource managers that may also be used in other parts of the country with substantial Native American populations.

**District XI Human Resource Council (HRC)
Missoula, MT**

Award Amount: \$15,326

This project will benefit an area encompassing approximately 27 percent of the state's low-income population. The HRC project will provide education to low-income, Native American, and Hmong communities on indoor air quality, encourage community involvement through greater awareness, and provide methods for residents to mitigate the detrimental effects of radon, carbon monoxide, and toxics.

**Fort Belknap Community Council
Harlem, MT**

Award Amount: \$20,000

The impoverished Fort Belknap Reservation is plagued with the degradation and depletion of groundwater because of a large, open pit gold mine operating adjacent to the reservation. To address the groundwater problems, the grantee will sponsor four environmental workshops for reservation members. One of these workshops will be entitled, "Water or Gold? Environmental Justice Issues." In addition, the proposal includes the continued production and distribution of a quarterly environmental newsletter that facilitates community activities and partnerships.

**Northern Cheyenne Tribe
Lame Deer, MT**

Award Amount: \$20,000

A classified section of the Northern Cheyenne Reservation was designated a Group I non-attainment area in 1988. This project will address this issue by providing quarterly public hearings in all five districts of the reservation. The public meetings will educate reservation

members about EJ and how reservation members and their environment are being affected by EJ issues relating to air pollution.

NORTH DAKOTA

Clean Water Fund

Fargo, ND

Award Amount: \$20,000

The Clean Water Fund will continue producing trading materials in Spanish that will include charts illustrating common household toxics and safe alternatives for reducing health risks. The Fund will also develop health and safety fliers for protecting health in the home and work place, a slide show presentation on pollution prevention, and video tape versions of the slide show for use at public institutions, migrant employment agencies, and in individual households. For the 1995 grant period, they expect to reach an additional 5,000 migrant workers in the Red River Valley of North Dakota.

SOUTH DAKOTA

Oglala Sioux Tribe

Pine Ridge, SD

Award Amount: \$18,701

The purpose of this project is to focus on the Pine Ridge Reservation of the Oglala Sioux Tribe which has a serious problem with underground storage tanks (UST) and leaks to the ground water. This grant will be used to educate community residents about the need to ensure that the UST's are tested and tightened so that no further leakage occurs. This grant will also contribute to the tribal capacity to monitor and respond to such leaks and protect tribal small businesses that rely on USTs.

Western SD Community Action, Inc.

Rapid City, SD

Award Amount: \$16,000

The Western, South Dakota Community, Inc. is a private, nonprofit organization that was established to affect a positive change in the economic level and health status of low-income residents in 10 counties. The grant will be used to test radon levels in at least 200 homes occupied by low income individuals and analyze the data as it relates to the incidence of cancer and infant mortality. The results will be compiled and distributed to the affected communities along with information and low-cost methods to alleviate radon concentrations.

Jobs and Environment Campaign/Oglala,Sioux Tribe
Pine Ridge, SD
Award Amount: \$20,000

This project is a partnership between the Lakota Nation (Oglala Sioux) and the Jobs and Environment Campaign (JEC). The project is designed to give a great measure of regulatory autonomy to the Oglala Sioux Tribe, while addressing their most pressing environmental problems. The project will include several activities: 1) community outreach and education; 2) development of environmental regulatory codes; 3) baseline environmental study; and 4) technical assistance for two "green" economic development projects at Pine Ridge.

UTAH

Utah Society for Environmental Education
Salt Lake City, UT
Award Amount: \$19,590

The purpose of this project is to improve the environmental quality of the Jordan River corridor through a low-income portion of the Salt Lake Valley. The education-based project will enhance the community's motivation and ability to identify and take action to address the problems affecting their quality of life. This is targeted to low-income people and people of color with long-term concerns about contamination and adverse health effects. Specific objectives will address education, site visits, instruction training, and community organization.

1995 TOTAL FOR REGION VIII GRANT RECIPIENTS \$287,822

3. 1996 Environmental Justice Small Grant Recipients

COLORADO

Council of Energy Resource Tribes
Denver, CO
Award Amount: \$10,033

This project for the Council of Energy Resource Tribes (CERT) will continue facilitating information exchange in a participatory and proactive manner to define what "environmental justice" means in Indian Country and to develop a Comprehensive Tribal Environmental Program Handbook to guide other Tribes through the strategic planning process so that they can also assess their requirements and goals for developing environmental protection capacity.

Cross Community Coalition (COPEEN)

Denver, CO

Award Amount: \$19,820

The Cross Community Coalition is applying for this EJ grant as the umbrella agency for the Colorado Peoples' Environmental and Economic Network (COPEEN). COPEEN's goal is to bring together community-based grassroots people of color to build partnerships to address environmental justice issues, and to improve coordination, communication, and information exchange. This year's proposal consists of two components: 1) to update and expand the 1990 Citizen Action study: "Poisons in Our Neighborhoods: Toxic Pollution in Colorado". The project plans to use the Toxic Release Inventory (TRI) data to summarize the amounts of toxic chemicals that are released into communities in Colorado; and 2) to continue the printing and distribution of the quarterly newsletter, the COPEEN News, to more than 350 groups and individuals.

El Paso County Department of Health and Environment (EPCDHE)

Colorado Springs, CO

Award Amount: \$10,109

The objective of the original project was to provide training for Energy Resource Center (ERC) personnel responsible for providing weatherization improvements for low-income families to conduct radon testing and mitigation repairs while in the home. This program demonstrated on a small scale that radon mitigation work can be accomplished at a quality equal to services provided by private contractors to low-income families at approximately half the normal cost. Under the 1996 grant, the ERC will test approximately 20 houses, as well as fix six homes to demonstrate the effectiveness of both the process and the actual repairs. In order to achieve these goals, the EPCDHE plans to accomplish the following objectives: 1) identify necessary improvements in communication and coordination among community-based organizations and enable them to inform their constituency of the benefits of radon measurement and remediation; 2) establish an infrastructure capable of continuing this program; and 3) enhance community understanding and demonstrate how to access radon mitigation services.

Hispanic Chamber of Commerce Educational Foundation

Denver, CO

Award Amount: \$10,109

The Hispanic Chamber of Commerce Educational Foundation (HCCEF) is a 501(c) non-profit organization, formed for the purpose of promoting small business through training, networking and information sharing. The goal of the HCCEF, through this continuation project, is to educate and train Hispanic Chamber small business owners on risk reduction and pollution prevention by conducting six training sessions throughout Colorado. They will continue to educate people of color business owners on simple tips to reduce their risk in dealing with existing pollution; provide practical information to small business owners on pollution prevention; and outline actions that may be taken by small business employees in dealing with pollution.

Church of the Holy Redeemer
The Place Ministries (St. Ignatius Loyola Church)
Denver, CO
Award Amount: \$18,878

The Place Ministries is a collaboration of three churches organized to provide educational and social outreach programs for youth ages 7 to 18 in economically disadvantaged neighborhoods. This neighborhood, roughly bounded by Colfax Avenue, Colorado Boulevard, I-70 and Downing Street, is predominantly African American and economically disadvantaged, with many at-risk children. The Place Ministries will select 20 students from Montbello, Manual and East High Schools to participate in a summer-long program targeted at addressing environmental problems in their neighborhoods related to lead exposure and contamination. Under the supervision of an environmental scientist and other volunteers, these youth will collect drinking water, playground equipment, and soil samples to analyze for lead content.

Working closely with EPA, the Colorado Department of Public Health and Environment staff, and others to mentor these youth, this project will provide eight weeks of unlimited educational value for the students by providing hands-on experiments; touring environmental labs, water and wastewater plants; developing a quality assurance plan and program; distributing outreach materials to their community; and developing a curriculum and/or handbook for use by these students and other community organizations and schools.

MONTANA

Confederated Salish and Kootenai Tribes
Pablo, MT
Award Amount: \$10,109

Development of the educational and program resource materials for the Salish and Kootenai environmental protection division will facilitate current program efforts. Because of the jurisdictional and political climate of the Reservation, the Division of Environmental Protection (DOEP) program duties became complicated by lack of education and understanding of the role Tribal programs play in the local community. This continuation project includes the development of information resource materials for use at the various schools on the Reservation. These materials will be organized by program category into education "trunks," which may be checked out by local educators or used by the DOEP staff. DOEP staff will coordinate with the Tribal Education Program office to establish contacts with Reservation science teachers and schedule presentations. Under this continuation project, an informational brochure will be developed for area agencies, land owners, and other resource managers that may also have an environmental justice impact in other parts of the country with substantial Native American populations.

District XI Human Resource Council
Missoula, MT
Award Amount: \$10,109

The purpose of this continuation project for the Human Resource Council (HRC) is to increase awareness about the impacts of radon and carbon monoxide on low-income, Native Americans, and Hmong communities in Montana. The pollution problems facing these communities are the dangers of indoor air quality; most specifically radon and carbon monoxide. This project, which is a collaboration between the Missoula Indian Center, the Refugee Assistance Corporation on behalf of the Missoula Hmong Community, and the Western Montana Fair Housing Corporation, will benefit a seven county area encompassing approximately 27 percent of the state of Montana's low-income population. Long term follow-up, testing and remediation activities are also proposed for this project. The HRC will continue providing education on indoor air quality, encouraging participation through greater awareness, and providing some means and methods to mitigate impacts of radon, carbon monoxide and toxics affecting these low-income, Native American and Hmong communities.

Fort Belknap Community Council
Harlem, MT
Award Amount: \$19,787

The Fort Belknap Indian Reservation in north-central Montana is home of the Atsina (Gros Ventre) and Nakoda (Assiniboine) Indian Nations. For many, living conditions are bleak and impoverished on this small Reservation which encompasses an area of approximately

653,100 acres. The Reservation has a high unemployment rate of 70 percent and a total resident population of approximately 3,600. This continuation grant will provide some support for their ongoing project to publish a quarterly newsletter on local environmental issues. One of the goals of this project is to sponsor a public forum on EJ on Indian Land in Montana and to facilitate community partnerships with other tribal communities.

Rural Employment Opportunity, Inc.

Helena, MT

Award Amount: \$19,997

Rural Employment Opportunity (REO) is a non-profit organization founded in 1982 to assist migrant and seasonal farm workers in Montana. The REO has five offices in the state. As a 1994 recipient, the goal of this year's Pesticide Safety Project is to increase the degree of awareness of pesticide safety issues among both adult farm workers and their children. The project plans to contact 1,000 workers and 600 families, which is about 80 percent of the migrant farm worker population. This year's outreach efforts will include: distributing pesticide training handbooks; arranging pesticide handling certification courses; conducting awareness conferences and workshops; and developing an interactive computer program in English and Spanish for K-6 grade children to learn the dangers of pesticide and appropriate safety procedures.

NORTH DAKOTA

Clean Water Fund

Fargo, ND

Award Amount: \$10,000

The Clean Water Fund is a non-profit research and education organization promoting the public interest since 1978 on issues related to water, waste, toxics, and natural resources. The project purpose is to continue facilitating the exchange of information and to coordinate communication between community stakeholders and the affected community. The targeted audience is seasonal Hispanic migrant farm workers in North Dakota. The objectives of this project include: facilitating additional bilingual "Train the Trainers" workshops, providing training to 100 Hispanic community leaders and conducting one or more "community forums" on pesticide safety and worker protection issues. Based on CWF's projections, this 1996 funding should allow CWF to inform and train an additional 500 migrant workers.

Standing Rock Sioux Tribe

Fort Yates, ND

Award Amount: \$20,000

The tribal land of the Standing Rock Sioux Tribe covers the south-central part of North Dakota and the north-central part of South Dakota. A recent closure of Standing Rock's community open dump has resulted in widespread illegal dumping. The cost of proper disposal has increased because of federal and tribal regulations. These increased disposal costs have lead to illegal dumping of solid waste throughout 2.2 million rural acres of the reservation. The proposal consists of assessing the extent of the illegal dumping; and design of an education and motivational publicity campaign detailing the environmental hazards posed by the illegal dumping.

SOUTH DAKOTA

Oglala Sioux Tribe
Pine Ridge, SD
Award Amount: \$10,109

The purpose of this continuation project is to focus on leaking underground storage tank (USTs) problems on the Pine Ridge Reservation of the Oglala Sioux Tribe located in South Dakota. This grant will educate residents on testing and tightening USTs to ensure that no leakage is occurring to the groundwater. Under the 1995 grant, the Tribe located 150 or 85 percent of the tanks on the Reservation of which most were abandoned. This grant will also contribute to Tribal capacity building by allowing the Tribe to monitor and respond to such leaks in order to protect Tribal small businesses that rely on USTs. The Tribal population is approximately 20,000, and has an average per-capita income of \$3,000 annually with an unemployment rate of approximately 80 percent, which further substantiates the need for assistance to protect the groundwater.

Native Ecology Initiative/Oglala Sioux Tribe
Jobs and Environment Campaign
Pine Ridge, SD
Award Amount: \$10,109

The Jobs and Environment Campaign is a non-profit community empowerment organization working to create jobs that are good for people and the environment through the Native Ecology Initiative. This continuation project contains the development of four principal components: 1) community outreach and education; 2) environmental regulatory codes; 3) a baseline environmental study; and 4) technical assistance for two "green" economic development projects at Pine Ridge; an organic coffee company and a solar lighting project. The Lakota (Oglala Sioux) Environmental Empowerment Project UP) is designed to bring a greater measure of regulatory autonomy to the Oglala Sioux Tribe (OST) while addressing their most pressing environmental problems. In order to achieve this goal, the project will involve all of the nine reservation districts, develop leadership through

Citizen's Juries and Watch Groups who will educate the code-writers, and monitor the environment to help prevent illegal dumping on native lands.

UTAH

Northwestern Band of The Shoshoni Nation
Brigham City, UT
Award Amount: \$20,000

The Northwestern Band of the Shoshoni Nation, on behalf of seven other Utah Tribes, plans to develop and conduct a workshop for Tribal leaders and their respective communities that specifically targets the following goals: 1) approaching environmental justice through traditional and cultural practices, 2) determining whether to create an inter-Tribal environmental agency, and 3) identifying strategies involved in developing a comprehensive strategic master plan for environmental management. The planning process that the Utah Tribes are pursuing can be considered a model for how other States and Tribes as well as communities can come together to develop partnerships, share resources and technology, and develop innovative approaches in dealing with EJ issues.

Utah Society for Environmental Education (USEE)
Salt Lake City, UT
Award Amount: \$20,000

The purpose of Phase I of the project was to improve the environmental quality of the Jordan River corridor through a low-income portion of the Salt Lake Valley. The education-based project will continue to enhance the community motivation and ability to identify and take action to address the problems affecting their quality of life. Phase I of this project was targeted for low-income and people of color with long-term concerns about contamination and adverse health effects. Having received funding in 1995 for Phase I, Phase II includes outreach visits to these communities to provide education and training on water quality testing methods, and problem solving and public participation skills related to urban planning. USEE will also use an activity guide addressing local EJ problems identified in Phase I to target community groups through intensive outreach. These groups include schools, community centers, and churches. For example, USEE will attempt to have individual schools adopt a section of the river to conduct trash clean up projects. USEE will also establish an annual Jordan River Summit meeting where all community members can celebrate the year's accomplishments.

WYOMING/ MONTANA

National Safety Council
Washington, DC

Award Amount: \$19,907

The National Safety Council (NSC) founded in 1913 is dedicated to the safety and health of all people. In 1988, the Council established the Environmental Health Center (EHC) to address priority environmental health concerns. The EHC works close with the Safety Council's 85 local chapters throughout the United States and Canada. This program proposes to work closely with the Wyoming and/or Montana Safety Council to serve as pilot sites for an educational program on indoor environmental pollutants.

The project's purpose is to reduce the threat of radon and lead paint exposure by residents of low-income and minority communities. The targeted audience will include mothers and children in low-income and low-income minority communities and tribal reservations. The objectives for the project include: encouraging local grassroots organizations to develop a partnership and information exchange system to address local environmental justice issues; and informing local high-risk residents about manageable options to reduce pollution in their homes.

1996 TOTAL REGION VIII GRANT RECIPIENTS: \$239,076

GRAND TOTAL EJ SMALL GRANTS: \$577,399

**1995 ENVIRONMENTAL JUSTICE THROUGH POLLUTION PREVENTION
(EJP2) GRANT RECIPIENTS**

COLORADO

Denver Urban Gardens;
Denver, CO
Award Amount: \$25,000

This pollution prevention demonstration project will help 11 EJ communities in Denver identify and restore polluted parcels of land to community gardens.

Ninos-Y-Padres (Riverside Task Force)
Grand Junction, CO
Award Amount: \$50,000

This project proposes to remodel a school to create an energy efficient community education center.

Tri-County Health Department
(Adams, Arapahoe and Douglas Counties)
Englewood, CO
Award Amount: \$30,000

This project will initiate a comprehensive air quality program to reduce toxic pollutants from small service businesses that emit regulated air pollutants, such as vehicle and equipment maintenance facilities, print shops, dry cleaners and others. The project will work closely with these businesses to provide education and technical assistance on proven methods for reducing and/or preventing VOC emissions into ambient air.

MONTANA

Montana State University Extension Service
Bozeman, MT
Award Amount: \$50,000

The goals of this project include bringing together representatives from each Montana Indian reservation to discuss environmental issues common and unique to the reservations, conducting a demonstration pollution prevention (P2) assessment on the reservation, and developing custom P2 education/training programs.

NORTH DAKOTA

Turtle Mountain Band of Chippewa Indian Tribes
Belcourt, ND
Award Amount: \$25,000

This project will develop educational and informational meetings to inform tribal members of the importance of P2, as well as the need to implement and enforce environmental policies.

Turtle Mountain Band of Chippewa Indian Tribe
Belcourt, ND
Award Amount: \$50,000

The Tribe, in cooperation with the Waste Reduction Institute for Training Applications Research (WRITAR), the Center for Resourceful Building Technology (CRBT) and the Turtle Mountain Manufacturing Company, will develop housing that promotes energy efficiency as outlined in the EPA "Green Lights" program. The use of manufactured housing by Native Americans leads to long-term exposure to indoor air quality hazards. This project will integrate environmental considerations such as material selection, use, and application into manufactured housing design.

SOUTH DAKOTA

Sinte Gleska University (SGU)

Rosebud, SD

Award Amount: \$50,000

This training and demonstration project will teach SGU students about sustainable design, materials, and construction techniques and how to use locally available natural resources to construct non-toxic buildings.

Running Strong for American Indian Youth

Oglala Sioux Tribe/Slim Buttes Community

Pine Ridge, SD

Award Amount: \$25,000

The Slim Buttes Project will provide small-scale organic community farming cooperatives with agricultural technical assistance, equipment, supplies, seeds, and seedlings. Through organic gardening workshops, field demonstrations, and "train-the-trainer" workshops, the project can be easily replicated on other reservations in SD and neighboring states.

UTAH

Northwestern Band of the Shoshoni Nation

Brigham City, UT

Award Amount: \$50,000

This project will develop a strategy to assist eight Utah tribal governments in identifying local environmental concerns and P2 processes to address these concerns. The program will be structured to educate and train tribal leaders and program managers in P2 processes to manage their own environmental concerns.

WYOMING

Shoshoni & Northern Arapaho Tribes

Wind River Reservation

Fort Washakie, WY

Award Amount: \$40,000

This project will reduce the exposure of tribal members to potentially toxic chemicals through education, access to information, elimination of hazardous materials from individual homes, and an assessment of epidemiological conditions on the reservation. Project products

include a needs assessment, a computerized epidemiological database, and a GIS map of groundwater vulnerability.

1995 TOTAL FOR REGION VIII GRANT RECIPIENTS \$395,000

5. 1996 Environmental Justice through Pollution Prevention

COLORADO

Northeast Denver Housing Center

Denver, CO

Award Amount: \$250,000

This project will add energy efficiency and sustainable design principles to a new low-income project in Denver Colorado, and to develop and administer a pollution prevention training and employment program for EJ target groups in conjunction with this project. The target groups for this project are occupants of low-income housing including minorities and Native American Indians, low-income and minority communities surrounding power plants and industrial areas, and the workers and trainees participating in the construction of this housing project.

The Northeast Denver Housing Center (NDHC) is a non-profit agency that provides affordable housing, family assistance, support services and neighborhood economic development for minority communities in the city of Denver. NDHC was among 25 community-based organizations to receive HUD's National Excellence Award. The award recognized model programs that address an array of urban issues, including affordable housing, poverty, job creation and environmental renewal.

1996 TOTAL FOR REGION VIII GRANT RECIPIENTS \$250,000

For more information, contact one of the resources listed below:

Fax Number: (303) 312-6826

Mail Codes: 8ENF-EJ

Elisbeth Evans, Director

(303) 312-6053

Patricia Denham

(303) 312-6557

Cory Potash

(303) 312-6556

Eduardo Quintana

(303) 312-6758
Nancy Reish
(303) 312-6040
Deldi Reyes
(303) 312-6055

Regional Toll Free Number: 1 800 227-8917 plus extension

National Environmental Justice Hotline: 1-800-962-6215

Thanks for your continued interest and support for the environmental justice program.

Comments in Addition to Handouts:

The region has been dedicated to addressing EJ at the management level. In addition to grants, they held a workshop in Denver attended by 80 people in the Environmental Justice area. Through Denver, the executive federal board organized a meeting of 25 agencies, with the goal to increase awareness of EPA's involvement in EJ. They have a mailing list of 700 to 800 people of interested parties and stakeholders. They send out periodicals. Their EJ office works directly with different program offices as opportunities arise. The said they have been anticipating in a multi-agency group that's being going on since 1995. Barriers: difficult to get group to talk about environmental issues. It takes a back seat compared to food and shelter issues. Do grant for leaded paint and to various states. They have done grants to 12 of the tribes (almost half of the region), for the development of certification and training programs for professionals. It has been difficult to find experienced tribal personnel to train under that program, but it is getting better because people are realizing that there are jobs associated with that.

Region 9, C-MD
Laura Yoshii

EPA REGION IX

ENVIRONMENTAL

JUSTICE

STRATEGY

(DRAFT)

5/21/97

D R A F T

EPA REGION IX CROSS MEDIA DIVISION ENVIRONMENTAL JUSTICE STRATEGY

BACKGROUND:

On February 11, 1997, President Clinton issued Executive Order "Federal Actions to Address Environmental Justice in Minority Population and Low-Income Population," and an accompanying Presidential Memorandum, to focus Federal attention on the environmental and human health conditions in minority and low-income communities. The Executive Order, as amended, directs Federal agencies to develop an EJ Strategy that identifies and addresses disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations.

MISSION:

To achieve environmental protection so no segment of the population, regardless of race, ethnicity, culture or income bears an undue burden of environmental pollution and to ensure that the benefits of environmental protection are shared by everyone.

The agency will develop strategies to ensure that low-income and minority communities have access to information about their environment and that they have an opportunity to participate in shaping the government policies that affect their health and environment.

GOAL:

Each program in the Cross Media Division will identify specific actions to address EJ. The goal is to educate ourselves and our stakeholders and to look for innovative approaches to address inequities.

STRATEGY TO MEET MISSION STATEMENT AND GOALS:

>Training

- train all staff and managers on EJ
- provide a copy of the CMD's EJ strategy to all Division employees
- provide EJ briefing materials to new employees
- provide EJ training/workshops to external stakeholders

>Integration and Collaboration

internal:

- integrate EJ objectives into programmatic efforts
- work with other divisions in Regional Office interfacing EJ efforts
- facilitate communication between staff/managers and impacted communities

external:

- collaborate with outside agencies regarding EJ objectives
- interact with related agencies and communities

>Planning and Targeting

- Plan/ask - who will we target?
- where are areas we can be effective?
- coordinate cross media efforts in EJ communities
- develop and implement EJ Action Plans
- work with other Divisions in Regional Office to address EJ concerns

>Place-Based Actions

- identify place-based EJ projects and implement (ex. Ward Valley, McFarland)
- work with other Divisions in Regional Office on place-based projects
- develop public outreach programs
- interact with related agencies and communities and establish common levels of communication

>Policy

- review policy documents,
- give guidance using and EJ perspective

>Evaluation

- measure success/quantify

PROGRAM SPECIFIC ACTIONS:

Each program in the Cross Media Division has identified program specific actions to address Environmental Justice.

A. LEAD REGION FOR PESTICIDES & TOXICS:

Action Plan:

- All staff and managers will complete EJ training
- Promote EJ principles within and outside of EPA (ex. On MOA workshops)
- Final list of what this program did, how did it work, success stories, lessons learned.

B. PESTICIDES PROGRAM:

Action Plan:

Training

- All Staff and Managers will complete Environmental Justice Training
- Pesticide overview to EJ team

Integration and Collaboration

- Approach full compliance with National Pesticide Regulations in EJ communities by balancing the use of enforcement actions with compliance assistance

- Planning and targeting -Focus on worker protection/pesticide drift in EJ community -Gather information on pesticide use on tribal lands that do not have a tribal pesticides regulatory program. to help ensure that such use is in compliance with federal laws

Place-Based Actions

- Participate on and give guidance to place-based EJ projects in Region. Examples: Watsonville Pilot Project, McFarland, Tribal Issues,
- Respond to EJ community-based issues and concerns (e.g. pesticides & public health, geographically targeted pesticide use/risk reductions) emphasizing facilitative role with local and state govt. and community representative.

Policy

- Incorporate EJ language in national program's guidance documents (groundwater and pesticide)

Evaluation

- Final list of what this program did, how did it work, success stories, lessons learned

C. TOXICS PROGRAM:

Action Plan

>Training

- All Staff and Managers will complete Environmental Justice Training
- TRI overview to EJ Team
- TRI outreach/training to EJ communities

>Integration and Collaboration

- integrate EJ into-grant process-TRI-training grant,--Pb grants

>Planning and targeting

- TRI outreach/training to EJ communities (e.g., Mothers of East LA)
- Take lead for grants that relate to Pb (lead) issues in EJ small grant program

>Place-Based Actions

- Participate on and give guidance to place-based EJ projects in Region (e.g., Oakland, Tribes)

>Policy

- Ensure EJ concerns are addressed in National Program Priorities

>Evaluation

- Final list of what this program did, how did it work, success stories, lessons learned

D. FEDERAL ACTIVITIES PROGRAM:

Action Plan:

>Training

- All Staff and Managers will complete internal Environmental Justice Training
- At Federal Facility Conference add Understanding of EJ Exec Order
- Federal Facilities group should talk on NEPA and EJ at conference/workshop
- Sponsor one-day EJ workshop for Federal Facility Agencies

> Integration and Collaboration

- Integrate EJ with NEPA reviews (providing guidance/comments)
- what are other Federal Agencies doing with their Federal EJ strategy
- provide/find EJ contacts in DOD, DOE, BLM, DOT (what communities are they impacting?)

> Planning and targeting

- How is Executive Order implemented when an EJ community is involved?
- When establishing inspection targets, are EJ communities part of target?

> Place-Based Actions

- Participate on Projects that have EJ implications (Ward Valley)
- When contacting agencies on regular basis to find out what is coming up (Environmental Reviews)-ask about EJ concerns in order to inform/plan

> Policy

- Provide guidance/comments integrating EJ with NEPA reviews
- assure Tribes have access to NEPA process

> Evaluation

- Final list of what this program did, how did it work, success stories, lessons learned

E. PACIFIC INSULAR AREA PROGRAM

Action Plan:

>Training

- All Staff and Managers will complete Environmental Justice Training
- Pacific Island overview to EJ Team (foster better understanding of community)

> Integration and Collaboration

-When assisting GEPA in preparing a pollution prevention proposal promote greater community involvement

> Planning and targeting & Place-Based Actions

-In furthering sustainable developments, promote community development/involvement
-Place emphasis on expanding network of contacts and working relationships at all levels of involvement

> Policy

-Are EJ concerns addressed in the development of Island Air Permitting and enforcement programs?

> Evaluation

-Final list of what this program did, how did it work, success stories, lessons learned

F. INDIAN PROGRAM

Action Plan:

> Training

-All Staff and Managers will complete Environmental Justice Training
-Tribal training/how can they integrate EJ In training

> Integration and Collaboration

-work with BIA, IHS, etc to assure compliance
-work with EJ team to develop proactive monitoring strategies for EJ sites

> Planning and Targeting

-Attend NEJAC meeting/ May (Indians Subcommittee) or get de-briefing from EJ Team
-Working with other Federal Agencies (BIA, IHS), increase resources devoted to tribes,

> Place-Based Actions

-identify site-specific EJ issues, Examples Black Mesa, Ward Valley, FM overflight

> Policy

-assure Tribes have access to NEPA process

> Devaluation

-Final list of what this program did, how did it work, success stories, lessons learned

G. ENVIRONMENTAL JUSTICE

Action Plan:

> Training

- All Staff and Managers will complete Environmental Justice Training
- EJ team will provide region-wide training for staff and managers
- help in creating an internal cultural change and understanding of EJ within the CMD
- Sponsor one-day EJ workshop for Federal Facility Agencies

> Integration and Collaboration

- Coordinators of the CMD EJ Strategy

> Planning and targeting

- Help Program Liaisons develop EJ strategies for their respective divisions (\$F, Air, Water, RCRA OSPEI, Regional Council, etc.)

> Place-Based Actions

- Continue EJ Pilot Projects in Oakland and Watsonville
- EJ Team members will be assigned to an EPA priority place-based area (e.g. Oakland, L.A., San Francisco, S. Phoenix, etc.)

> Policy

- Title VI review
- NEPA review

> Evaluation

- Final list of what this program did, how did it work, success stories, lessons learned.

H. COMMUNITY BASED ENVIRONMENTAL PROTECTION:

Action Plan:

> Training

- All Staff and Managers will complete Environmental Justice Training
- integrate EJ into various CBEP efforts, Ex: Training

> Integration and Collaboration

- CBEP can support EJ, (e.g. Project Officer for EJ grants)
- while developing, updating and disseminating information on CBEP externally, promote EJ principles (i.e. community involvement at all stages of process)

> Planning and Targeting

- Sustainable Development Grant - What EJ criteria is being used?
(*ex. Are we giving money only to Scoffsdak?*)

-Empower community to address their needs through improved communication, information exchange, and development of partnerships

> Place-Based Actions

- integrate EJ into various CBEP efforts (inventory of communities)
- Assist EJ Team with place-based assignments (i.e. West Oakland, McFarland)

> Policy

- Promote EJ at National level

> Evaluation

- Final list of what this program did, how did it work, success stories, lessons learned.

1. MERIT PARTNERSHIP INITIATIVE

Action Plan:

Training

- All Staff and Managers will complete Environmental Justice Training

Integration and Collaboration

- Program strives to work with the private sector and communities to integrate innovative P2 practices and technologies to achieve environmental protection and economic growth

Planning and Targeting

- Role of advisory group is to make sure that the partnerships includes the community (this is critical when decisions are made affecting the community)

Place-Based Actions

- Metal Finishing Project involves working with several small and medium sized metal finishing facilities in Southern California to install P2 technologies for targeted metal finishing processes. The technologies are designed to reduce waste generation at the source and recover materials from waste streams for reuse and recycling.

- Industrial Laundry Project is to assess the effectiveness of various pollution prevention measures in a small industrial laundry and in some of the small businesses that are customers of the laundry.

- With place-based projects, will pay particular concern to EJ issues

Policy

- Integrate EJ concerns into the ISO 14001 EMS standards (i.e. are companies good neighbors, is there regulatory compliance, can community participate in company decisions)

Evaluation

- List of what program did, how did it work, success stories, lessons learned

J. AGRICULTURAL INITIATIVE

Action Plan:

Training

-All Staff and Managers will complete Environmental Justice Training

Integration and Collaboration

-The impacts from agricultural production fall disproportionately on minority farm workers and low-income rural communities. Through agricultural pollution prevention, education, and collaboration with community groups, the initiative can address a variety of public health and environmental justice issues

Planning and Targeting

-Through grants and partnerships, will achieve measurable source reduction of priority toxins on thousands of acres and will secure industry commitments for funding and research in pollution prevention

-Examples include:

o the Biological Agriculture Systems in Cotton demonstration/education program in Madera County in which eight farms are participating and may include the -expansion of P2 practices into Lamer Naval Air Station's agricultural lands

o the Biologically Integrated Farming Systems demonstration program to extend biological farming systems to multiple California commodities. Grant provided to UC Sustainable Agriculture Research and Education Program

Place-Based Actions

-Coordinate and provide mutual support for Regional and HQ initiatives (e.g. XL leadership, Pesticide Environmental Stewardship, Community Based Environmental Protection)

Policy

-Integrate Tribal lands/environmental justice into existing activities

-Meet with UFW and other key contacts to discuss general concerns and to explore opportunities for farm worker education and risk reduction on project sites

-Explore opportunities for agricultural pollution prevention education and/or implementation on tribal lands

Evaluation

-list of what program did, how did it work, success stories, lessons learned

**Draft
U.S. EPA Region 9
RCRA Program
Environmental Justice Strategy
April 1997**

Many low-income communities of color are impacted by one or more hazardous waste treatment, storage and disposal facilities (RCRA Subtitle C), as well as other types of potentially polluting facilities and other potential sources of contamination such as facilities with Air Program permits, municipal waste, water treatment plants, contaminated groundwater used for drinking, leaking underground storage tanks, production facilities with Toxic Release Inventory releases, freeways, etc. The RCRA Subtitle C program addresses permitting and corrective action, inspection and enforcement. The Subtitle D program addresses municipal waste disposal and waste minimization. Subtitle I addresses both the prevention of petroleum releases from underground storage tanks (USTs) through inspection and enforcement and the remediation of leaking underground storage tanks (LUSTs). Other RCRA staff members address pollution prevention, and tracking and reporting for all RCRA programs.

The Environmental Justice Strategy for the RCRA program should address the following: special language and health concerns of low income, communities of color; the cumulative impacts on a community (exposure to a multitude of facilities); the potential need for targeted inspections and enforcement; the opportunities for pollution prevention to mitigate risk; the problems of local zoning practice that place residents adjacent to polluting facilities; opportunities for economic development that will improve the environment and provide employment in low income communities; and the possibility of racial discrimination in siting and permitting.

1. Addressing Special Language Needs

Action 1.1 The RCRA EJ Liaison will review lists of facilities on which U.S. EPA programs are working and obtain demographics of the communities surrounding these facilities. The Liaison will inform project managers of demographics research. If special language needs are encountered, the project manager will utilize the Community Relations staff expertise and contractors to provide translators at meetings and translation of fact sheets. The project manager can, as needed, request facilities to provide translation of major documents.

Action 1.2 The RCRA EJ Liaison will review a list of facilities on which state programs are working and obtain demographics of the communities surrounding these facilities. The RCRA EJ Liaison will ask the RCRA State Liaison to inform state project managers of demographic research and, if the state is not already doing so, suggest the use of translators for community relations, fact sheets and documents.

Measures of Success:

Fact sheets are printed in the community's language

Translators are utilized at meetings
Documents are translated as appropriate

2. Addressing Specific Health Concerns

Action 2.1 If a community expresses concerns about exposures to hazardous substances adversely affecting health, a RCRA project manager or RCRA EJ Liaison can utilize the data and expertise of the various state health departments. Special studies or analyses can be requested to determine whether conditions of ill health in a community are anomalous and might require special permit conditions, inspections, enforcement, or corrective action at adjacent facilities.

Action 2.2 If lack of access to health care is an issue and if serious conditions or potential risks occur, the RCRA EJ Liaison and/or project manager can inform communities that a facility in Richmond, California has signed a good neighbor agreement which led to funding of a local clinic.

Measures of Success: State and county health departments prepared analyses of health trends for communities. If health studies show problems (e.g. statistically high incidence of cancer or respiratory problems) or are inconclusive but suspicious, enforcement and inspection staff are notified, special standards are developed for clean-up, or special permit conditions are developed. Health clinics are established or other arrangements made to facilitate access to health care.

3. Addressing Cumulative Impacts in Permitting and Corrective Action

Action 3.1 Working with the RCRA Community-based Environmental Protection (CBEP) representative, the EJ Liaison will review RCRA C permitting and corrective action activities to determine whether there are clusters of RCRA activities in EJ areas that would merit using a CBEP approach. The review will be used to identify areas where EPA or the state should address community issues in a proactive manner during the administrative process for permitting, closure or corrective action work. The RCRA EJ and/or CBEP liaison will inform managers of targeting results and recommend areas for the CBEP approach. U.S. EPA may work to assist the state or assume the lead on EJ issues if state policy does not address EJ problems.

Action 3.2 The RCRA EJ and CBEP liaisons will use state grant work plans to review state work plans for permitting, closure or corrective action in FY97. The Liaisons manually cross-reference these facilities with demographic data from the 1990 census to determine whether they are in low-income communities of color.

Action 3.3 The RCRA EJ and CBEP liaisons will coordinate with inspection and enforcement staff to target activities in specific communities where many polluting facilities exist.

Action 3.4 The RCRA EJ Liaison will respond to calls from the public or referrals from other programs related to EJ and the RCRA program. The Liaison takes the lead or refers the complaint to staff in a relevant program. These calls can range from short questions to

claims discrimination, or inadequate responses from state and local agencies in addressing persistent pollution problems.

Action 3.5 The EJ Liaison provides training and/or assistance to corrective action and permitting staff in developing their Public Participation Plan for clean up or permit activities at particular facilities. The EJ Liaison keeps staff aware of any new requirements in public participation and successful techniques in encouraging participation. The EJ Liaison assures that staff are aware of and use the new RCRA Public Participation Manual (September 1996).

Measures of Success:

Special permit conditions are developed to address cumulative impacts as appropriate. The RCRA EJ Liaison works as a facilitator with other agencies to reduce exposures. Communities experience decreased levels of exposure. Communities feel that their input in the public participation process has influenced the outcome.

4. Addressing EJ Problems Related to Leaking Underground Storage Tanks

Action 4.1 The EJ Liaison will coordinate with UST/LUST staff to ensure that appropriate language addressing USTs in low-income communities of color is included in state grant work plans.

Action 4.2 The Underground Storage Tanks Program Office (USTPO) will perform outreach activities on Indian Lands regarding EPA's leak detection and 1998 upgrade requirements for USTs. A large percentage of the UST/LUST site on Indian Lands are located in low income communities of color.

Action 4.3 USTPO will continue to perform UST inspections and direct corrective action on Indian Lands.

Measures of Success:

All State grant work plans should include EJ principles. UST owner/operators on Indian Lands will either upgrade or close their UST operations by the 1998 deadline. UST sites on Indian Lands will be brought into compliance, and remediation at LUST sites will be initiated/completed.

5. Addressing EJ Problems Related to Subtitle D Waste

Action 5.1 Recycling Market Development The EJ Liaison will communicate with Subtitle D staff to obtain information about recycling and recycling industry opportunities for economic development in low-income communities. This information will be shared with the community leaders or city staff as appropriate.

Action 5.2 The EJ liaison will research potential opportunities to influence siting decisions in EJ communities that are opposing Subtitle D landfill actions.

Action 5.3 The EJ Liaison will work with Subtitle D staff, as well as state and local staff to address EJ complaints related to Subtitle D landfills.

Action 5.4 The EJ Liaison will act as a link between the EJ grant program and the Recycling grant program to assure that any rejected EJ grant applications that might be better suited for recycling grants are submitted appropriately.

Action 5.6 Develop a strategy to address the issue of closed landfills with no air and/or groundwater monitoring systems.

Measures of Success:

There is a measurable decrease in the use of virgin materials.

Capital investment occurs in low-income communities of color.

Job training programs are developed in low-income communities of color.

Landfill waste streams are decreased.

People in low-income communities of color feel that their complaints are being addressed.

6. Addressing EJ Problems Through Training of Appropriate RCRA Staff, and Outreach on Sustainability Policy, Pollution Prevention and Waste Minimization

Action 6.1 Encourage all RCRA staff to take EJ training. Design program specific training as needed. Encourage all staff who do outreach to be knowledgeable about EJ and convey information in their talks at or visits to trade shows. Encourage staff doing community outreach to follow the checklist in the Model Plan for Public Participation prepared by the National Environmental Justice Advisory Committee (NEJAC).

Measures of Success:

All appropriate staff take EJ training

Outreach efforts (talks and trade shows) include EJ information

Action 6.2 The RCRA EJ Liaison and/or CBEP Liaison participates in the workgroup, Tools for Cities. The purpose of the workgroup is to provide information to cities that will promote healthy ecosystems and livable communities. This is achieved through the following: providing information to local planners and policy makers; advocating for a range of alternative development patterns and conservation planning strategies; forming partnerships to promote sustainable communities; and co-sponsoring conferences, projects, meetings and publication of materials that promote healthy eco-systems and livable communities.

Measures of Success:

Cities, counties and municipalities include EJ language and sustainability language in their plans EPA co-sponsors conferences, projects, meetings that promote sustainable communities

Action 6.3 Working with the Pollution-Prevention team, the EJ Liaison helps disseminate information about pollution prevention technology and grants to relevant communities.

Measures of Success:

Communities apply for grants

Pollution prevention technology is utilized to reduce community exposure to hazardous substances.

7. Addressing Potential Racial Discrimination Related to RCRA Implementation

Action 7.1 The EJ Liaison will do research or delegate research needs to assist OCR and ORC review of Title VI cases.

Measures of Success:

Title VI claims are addressed in a timely manner

Action 7.2 The RCRA EJ Liaison or designee will develop language for grant guidance and MOAs to improve states' compliance with Title VI regulations as grant recipients. The EJ Liaison or designee encourages regional grants staff to include the Title VI regulations as part of the grant application kit.

Measure of Success:

States provide the information required by Title VI regulations.

State grant work plans include integration of EJ into program activities.

Grant application kits include Title VI regulation requirements

Action 7.3 The RCRA EJ Liaison will provide information to communities about Title VI as a tool to improve their ability to seek restitution for their conditions.

Action 7.4 The RCRA EJ Liaison will work with the EJ Core Team to develop a training curriculum for states and other federal grant recipients about EJ.

Measures of Success:

States and other agencies receive training on EJ.

Action 7.5 The EJ Liaison will encourage use of the Model Plan for Public Participation developed by the National Environmental Justice Advisory Committee and the RCRA Public Participation Manual.

Measures of Success:

New public participation regulations and guidance are followed.

8. Targeting for Enforcement and Inspections

Action 8.1 Share Interim EJ Inspection Protocols from Region VIII with Region IX RCRA enforcement chief.

Action 8.2 Work with Region IX enforcement chief to determine whether Region IX would like to adopt the protocols or develop their own. The RCRA EJ Liaison will assist in development of Region IX Protocols if needed.

Action 8.3 The RCRA EJ Liaison will work with the Region's GIS center to provide demographic information to Region IX Enforcement Chief when the list of facilities requiring inspections is compiled (expected date - Fall, 1997).

Action 8.4 The RCRA EJ Liaison will work with the Region IX enforcement chief as needed to provide training to the states on developing an EJ protocols for inspection or adopting Region VIII's protocols.

Measures of Success

Region IX develops its own or adopts, with modifications, an existing EJ protocol for inspections. Demographics and cumulative environmental impacts (based on TRI data or other sources) are used as criteria for targeting inspections. States develop similar criteria for targeting EJ efforts.

Nancy Nadel

4-204 1

WST-5

2ND DRAFT (7/14/97) SUPERFUND ENVIRONMENTAL JUSTICE STRATEGY

Introduction:

Even before the term "Environmental Justice" (EJ) had been defined, the Region 9 Superfund program had been engaged in developing meaningful dialogues and relationships with all communities where Superfund National Priorities List (NPL) sites and non-NPL sites are located. A number of Region 9 sites have EJ issues. As with all cleanup investigations, the program has gained valuable information from the affected communities and incorporated this knowledge when making cleanup decisions. The program has also taken on the challenge of making sure that all of its programs develop better ways to reach all communities and engage community groups that may be underrepresented in decision making. In addition, we continue to support EJ activities at the Regional and Division levels through a variety of efforts.

The purpose of this action plan is to explain some of the ways the Region 9 Superfund program addresses EJ, and present some methods to improve how we do business. The program's main goal is to make a conscious effort to embrace the President's Executive Order on Environmental Justice so that this initiative will become an integral part of the program. This plan should be viewed as a living document that will be enhanced as we learn more about how to integrate EJ principles into our daily work. This plan includes a mission statement, definition/background, Region/Division efforts, strategies and measures of success.

Background

President Clinton signed an Executive Order on February 11, 1994 committing the federal government to EJ principles. The order is designed to focus Federal attention on the environmental and human health conditions in minority and low-income communities with the goal of achieving environmental justice. The order also is intended to encourage Federal programs affecting human health and the environment to provide minority and low-income communities access to public information on, and an opportunity for public participation in, matters relating to human health and the environment. The Order directs Federal agencies to incorporate environmental justice as part of their overall mission by identifying and addressing disproportionately high risk to minority and low-income populations through programs, policies, and activities.

Environmental Justice Definition

The definition of EJ is to achieve equal environmental protection so that no segment of the population, regardless of race, ethnicity, culture or income, bears an undue burden of environmental pollution and to ensure that the benefits of environmental protection are shared by everyone.

Superfund EJ Mission Statement

The Region 9 Superfund program mission is to protect public health, safety and well-being and the environment by reducing risks posed by releases of hazardous waste. The program is designed to ensure that all people are equally protected and does not exclude anyone due to race, color, nationality or income level. The program recognizes equal protection for the public means equal rights and access to, and involvement and participation in, the development of environmental programs. We recognize this process to be a continuous and evolving practice and are committed to ensuring that this program and its policies, where applicable, will embrace and implement Environmental Justice ethics to ensure that the public is equitably protected.

Regional Goals

The Region 9 Superfund Division embraces the goals and objectives outlined in the Regional EJ Strategy which are: assess the real and perceived impact of EPA's environmental protection programs on the distribution of risks in Region 9; inventory existing Region 9 programs that directly or indirectly address environmental justice issues; target policies and programs where new opportunities and initiatives can be introduced to address environmental justice issues; encourage, support and provide financial assistance as available to state/local/tribal efforts that pilot new approaches to reducing risk to low-income and minority communities; expand the opportunities for low-income and minority groups to participate in the development and delivery of environmental programs; and strive to improve risk assessment methodology to better characterize risk across populations, communities and geographic areas.

REGIONAL AND DIVISION EFFORTS

In order to develop better ways to do business as it concerns environmental justice, the Superfund program first needed to review what we are already doing towards this effort. The program makes every effort to educate members of the community as to how important their input is to cleanup decision, and inform them of the many programs available to help them understand the process. In addition to these efforts, we have taken the lead in supporting EJ in the Region.

EJ Team Support

We have been in the forefront of the Regions, addressing a variety of site-specific EJ issues. With this historical and practical knowledge, we participate on the Regional EJ steering committee to incorporate Environmental Justice ethics within Region 9. As part of the recent regional reorganization, we committed support to the new Cross-Media Division's EJ Team by devoting 5 FTE to an EJ Liaison position. The Superfund EJ

Liaison assists the EJ Team in incorporating EJ ethics at the Division level as well as in the development of policies at the Regional level.

Located in the Community Involvement Office, the Superfund EJ Liaison will support the implementation of the Division's EJ strategies and measure the results; assisting with priority Superfund EJ site issues as assigned by the Director; acting as one-on-one advisor to staff and management; developing an EJ clearinghouse of Superfund information (methodology and material sources); developing EJ training and workshop opportunities for the Division and community groups; and representing the Division at the regional and national level in developing EJ policies and guidance on the EJ Team and the OSWER EJ Steering Committee. In addition to the liaison support, an additional FTE was detailed to the Cross-Media Division to manage the Watsonville Pilot EJ project.

Special EJ Grant Assistance

We also developed grant awards through specific programs. The Federal Facilities Branch awarded a one-time grant to the Bayview Hunters Point (BVHP) community. The program awarded \$28,000 to one community group and \$22,000 to another community group. Both groups used the grant funds to conduct outreach efforts, collect environmental data and educate the community concerning environmental justice as it relates to the Hunters Point Naval Shipyard Superfund site. These small grants have sparked the involvement of this AfroAmerican community in the environmental decision process at the state, local and Federal levels.

Staff Support of EJ Small Grant Program

Superfund staff have been supportive of the EJ Small Grants program since its conception in FY94. Superfund staff participate in the three tier evaluation process and lend their expertise to communities by becoming EJ project officers. The grant program tries to assign program staff who can complement and assist grantees achieve their work plan goals. Both the staff and grantees have benefitted from these relationships.

Community Involvement

The Superfund program considers community involvement an important element when developing a cleanup decision for a site. The program actively engages the public from the beginning of site discovery to construction completion of a remedial action. To assist the community in becoming more aware of all aspects of the cleanup process, we explain how the cleanup process will affect them and how they can participate in the process. A community involvement plan is developed for each remedial site. The formulation of the plan begins with interviews between EPA and various members of the affected community. The plan documents what is already known about the site contamination, community history, what the community concerns are, demographic and geographic information (i.e. language, ethnicity, income, etc.), and how the community would like to be engaged in the

process. Using this information, EPA plans effective ways to involve the public. Various activities are developed specific to the community's needs and concerns.

Due to the time-critical nature of taking action at some contaminated sites and the imminent threat they may pose to the public health and environment, removal cleanups can be conducted quickly. The primary objective for community involvement at a removal cleanup is to quickly inform the affected community about the nature of the contamination and how EPA is conducting the cleanup. Depending on the length of time it may take to complete a removal, EPA develops strategies to involve the community as the cleanup progresses.

The program has promoted more public involvement efforts toward the following environmental justice communities: Del Amo/Montrose, Operating Industries, Inc., Ralph Gray Trucking, Co., Waste Disposal, Inc., Tucson International Airport, United Heckathorn, Sulphur Bank Mercury Mine, Verdese Carter Park, D.C. Metal, Bayview Hunters Point, and Ft. Ord. We have addressed specific health, educational, language, cultural and employment concerns while conducting remedial actions as well as assisting with communication between the communities and other government agencies.

Technical Assistance Grants

We presently have a Technical Assistance Grant (TAG) program for Superfund sites. The Technical Assistance Grant Program is administered and funded by EPA and provides grants of up to \$50,000 to citizens' groups to obtain assistance in interpreting information related to cleanups at sites on or proposed to the National Priorities List (NPL). We presently have 15 TAG recipients at various stages of the grant process and, of that number, eight are in communities that have EJ concerns. This grant is offered to communities at all sites listed or proposed to the National Priorities List.

Technical Outreach Services for Communities

The Technical Outreach Services for Communities (TOSC) is supported by the Western Region Hazardous Substance Research Center (WRHSRC) which represents scientists and engineers from Stanford and Oregon State Universities. The Center serves the States of California, Oregon, Washington, Hawaii, Alaska, Idaho, Nevada and Arizona. The TOSC program provides technical assistance to communities impacted by hazardous waste sites regardless of NPL status. This program is an alternative to the TAG program for communities that need technical support in understanding hazardous waste concerns. The EPA provides some base funding for the center, which conducts its work with communities independent of the Agency.

Restoration Advisory Boards

Under the Federal Facilities program, each closing military base has a Restoration Advisory Board (RAB) through which Superfund EPA representatives, community representatives, state and local agency representatives and the military are actively involved with the closure process at bases. To date we have 38 RABs. Many of the closing bases are located in or near communities that have EJ concerns. EPA staff work closely with the military to ensure that the community representatives' concerns are heard and addressed.

Management and Staff Team Involvement

The Superfund management team and staff have always been available to community members in a variety of ways. For example, Superfund management and staff have participated in community-lead neighborhood tours in South Phoenix, AZ, Richmond, CA and Bayview Hunters Point, San Francisco, CA. These tours have been extremely helpful in developing good dialogue with EJ community groups, responding to long over-looked concerns and creating a vehicle to educate EJ community groups and engage them in the cleanup process. These efforts have enabled the program to become more involved with broader issues beyond our regulatory control. Better cross-media partnerships with government agencies have been developed. Staff have participated on a variety of cross-media teams to address multi-media issues in communities.

Community Based Environmental Protection

Finding opportunities to expand beyond our traditional, media-specific roles is one of the Administrator's highest priorities. The Community Based Environmental Protection (CBEP) program is taking a multi-disciplinary approach to involving and assisting communities with environmental issues. Presently, both South Phoenix and Bayview Hunters Point have focus groups to help prioritize issues and develop better relationships with state and local agencies. Although Superfund is not the lead for CBEP, the Superfund Division is involved in CBEP activities and is making a significant contribution towards those activities. Below are some examples of those efforts.

Puna Geothermal Venture. HI

Puna Geothermal Venture (PGV) is a 35 megawatt geothermal power plant located on the Island of Hawaii. The nearby community is concerned about the power plant's use of culturally significant lands as well as past problems with hydrogen sulfide releases from well blowouts, toxic emissions from plant operations, possible impacts to the aquifer and seismicity from injected fluids/gases. We are working closely with Hawaii Department of Health (DOH) and have formed an agency multi-media (air, water, land) team to respond to the issues raised by the community.

EPA is also continuing work with Hawaii DOH to address community concerns regarding PGV. In August 1996, members of an independent team sponsored by EPA conducted a review of the emergency response plans for PGV and Hawaii County. The report of findings and recommendations is scheduled to be released to the public in the fall 1997. In May 1996, a visit was made to Hawaii to conduct interviews about the feasibility of developing a community workgroup to address concerns about Geothermal. A report with recommendations is scheduled to be released in summer 1997. After about 50 interviews, it became apparent that if such a group were to be successful, EPA would need to make a long-time and heavy financial commitment to be the co-sponsor of such a group. The community workgroup would be an additional project in which EPA could become involved.

-A multi-media inspection was conducted in February 1995 by EPA and the National Enforcement Investigation Center (NEIC). Also, in FY95 EPA awarded an environmental justice grant of \$20,000 to a local community group, Puna Malama Pono, to fund a local volunteer project to monitor air emissions from the geothermal plant with hand-held hydrogen sulfide monitors. In 1996, EPA required, PGV to apply for an Underground Injection Control (UIC) permit. There is a state UIC permit, but the state permitting process did not allow for public review and comment, and does not include components such as a contingency plan if the injection wells cannot be used. A public hearing for the federal UIC permit is tentatively scheduled for September 1997.

McFarland. CA

Due to ongoing health problems in the town, several residents of McFarland, a small, mostly Latino community, petitioned EPA in 1995 to conduct an environmental assessment. In 1984, a cluster of childhood cancers was identified in McFarland and confirmed by state and local health agencies. Past investigations, (1984-1991), by CA Department of Health Services, with EPA assistance, focused on determining a cause for the cancers but were inconclusive.

In reviewing past data, EPA found that insufficient air sampling was conducted to adequately assess the air quality, and drinking water was not analyzed for all the pesticides used in the area. Therefore, EPA has granted the petition's request for an investigation of the air, water and soil. Our investigation will focus on the current environmental conditions in McFarland. The investigation will not focus on determining the cause of the cancers, since we can not reconstruct conditions in the past; however, EPA will coordinate activities and share the results of our investigation with health agencies.

Concurrently, Phase One of the McFarland project plan has been completed. Members of the McFarland team have been interviewing residents and civic leaders in McFarland for the last five months to identify community concerns and collect information for the Community Involvement Plan and sampling plans to ensure that our current investigation is as comprehensive as possible. Home visits have been very helpful in establishing a connection

with community groups, residents and schools. Phase Two, the investigation of environmental conditions, is now underway. The drinking water is the first medium we will investigate. Drinking water wells will be sampled for over three hundred chemicals. Pesticide Use Reports were reviewed to determine the type and quantities of pesticides used in the McFarland area to guide our sampling and analysis of the water. Drinking water wells will be sampled in May 1997. The wells, homes and school drinking water taps will be sampled in September 1997. Fact sheets in English and Spanish have been distributed to community members to describe EPA's proposed drinking water sampling program. Open houses and community meetings have been conducted to present the sampling plans and answer questions raised by community members.

EPA is currently developing the sampling plans for air monitoring and soil investigations. The air monitoring designs are being developed with input from EPA's Office of Research and Development and the California Air Resources Board. Air monitoring will occur next year during the Spring and Fall when pesticide use is at its highest. Soil sampling is currently planned for the summer of 1998.

Quality Printed Circuits. AZ

Quality Printed Circuits (QPC) was a circuit board manufacturing company in Phoenix, Arizona. The factory was gutted by a 12-hour chemical fire in August 1992, during which the community that surrounds this company was not evacuated. The community has been very concerned over health problems they feel are related to the release. Two community groups, Don't Waste Arizona and Concerned Residents of South Phoenix, have been instrumental in keeping this issue before all government agencies to solicit their help. In response, EPA conducted various community meetings to gather information as well as obtained information from state agencies that investigated the incident. EPA will conduct additional sampling of homes in and around the affected area to determine if lingering contaminants can be found. The first testing will include: samples of dust, wipes of home cooling systems and soil samples of the surrounding areas. EPA will then return and conduct indoor air sampling. Technical Outreach Services for Communities (TOSC) has entered an agreement with Don't Waste Arizona to provide technical assistance in assessing to the effects of the QPC fire in South Phoenix.

Brownfields

The Brownfields initiative was developed to assist communities and local governments in their efforts to restore contaminated properties and in the process bring life and strength to a community. Making a once toxic area economically viable again means more jobs, an enhanced tax base and a sense of optimism about the future. This initiative will make it easier for such sites to be redeveloped and become vital, functioning parts of their communities. Presently, the Superfund program has a Brownfields Team made up of five FTE.

The Brownfields Team is working closely with cities and tribes selected as recipients of the Brownfields pilot grant awards. The recipients currently include Sacramento, Stockton, Emeryville, Richmond, San Francisco, Oakland and Navajo Nation. The team is also working closely with Los Angeles and East Palo Alto in providing each city with an EPA staff member to assist in their Brownfields efforts. We will continue to select other pilot cities to help them develop acceptable workplans, assist in their site assessment work and participate in their local community involvement efforts. EPA is also planning to work closely with cities that do not receive assistance awards to determine what other services EPA may be able to provide, such as site characterization services to East Palo Alto, Oakland and Los Angeles. The Brownfields team has identified other federal agency resources that may be available to the Watsonville area (a Rural Enterprise Community) as part of our participation in the Watsonville EJ Pilot Project.

EPA is working with states to encourage the development of State Voluntary Cleanup Programs so that owners or developers of contaminated property can clean up the sites themselves with state oversight. We are working with Arizona, California, Hawaii and Nevada to provide assurances to those participating in voluntary cleanup programs that when they have completed work under their state's program, EPA will not take additional action at the site unless exceptional circumstances exist. We are working to finalize the Volunteer Cleanup Program agreements with each state.

We continue to work with local communities to reduce liability fears associated with acquiring or cleaning up contaminated property. We encourage redevelopment efforts through the use of prospective purchaser agreements, comfort letters and outreach activities to inform lenders, developers and the real estate community of recently issued guidances that clarify liability and cleanup issues.

We continue to involve other Federal agencies in this program, especially in connection with their sources of grants, loans and technical expertise that can complement the program efforts.

We plan to hold Brownfields conferences in several cities to provide information and outreach to the public, state and local agencies and the business community regarding Brownfields. We will continue to provide speakers at various conferences to promote knowledge about the Brownfields program. We will also update our written materials (Region 9 Action Agenda) to distribute at conferences and provide to interested parties. Depending on future HQ funding, we may also be involved in working with states to establish Brownfields revolving loan funds and associated administration.

Community involvement is an important aspect of the Brownfields program. EPA meets regularly with community-based organizations and private foundations to further their interest in Brownfields and find areas of mutual support. We will provide a six-month detail to the nonprofit California Center for Land Recycling as they initiate their own Brownfields involvement.

INTEGRATION INTO THE PROGRAM

EJ SURVEY

The Superfund EJ liaison conducted an EJ needs assessment survey and 38 percent of the Superfund staff responded. The survey questions ranged from finding out what the staff know about EJ in general to soliciting specific discussion on EJ issues at sites. Generally, staff are familiar with EJ and the national effort, but would like to know more about the subject as it pertains to their daily work. In general, most participants answered that they would like to attend the Region 9 EJ Training, but work and travel commitments have not allowed many to attend the course. Some questions were directed to staff who have EJ-impacted sites. They were asked what tools or resources would have been helpful to them if they had received them prior to working on the site. They indicated they would have liked to have had more demographic information, more historical community information as well as to have known about illnesses potentially related to exposures at a site.

As a result of the EJ assessment and individual meetings with management, the following strategies were recommended. The Superfund EJ Liaison will follow the progress of each of these strategies and report to management.

REGIONAL STRATEGIES

Strategy: Management and staff would like clarification regarding the roles and responsibilities of the EJ Team, CBEP, State Liaisons and Small Town Liaisons as they relate to multi-media team work and how each team interrelates.

Measure of Success: Division Directors will discuss the matter in general and as it pertains to site-specific issues. Each respective program will better address issues of concern and relay this information to concerned staff.

Strategy: EJ Liaison will meet with the environmental education outreach program about developing an environmental mentor program for high-risk school age children. The purpose of the mentor program would be to develop relationships with high-risk children early through tutoring (science and math) and assist them in defining their future careers. There are Superfund staff willing to assist in the effort.

Measure of Success: The environmental education outreach program (EEOP) will take the project into consideration. The EJ Team and its liaison could assist EEOP in developing this program throughout the Region.

DIVISION STRATEGIES

Strategy: Superfund management recognizes the importance of all staff attending the Region 9 EJ training and readily encourages their attendance. They will also encourage staff who are familiar with EJ issues to attend the course so others may benefit from their institutional knowledge. The EJ liaison will work closely with management to assist in increasing the number of staff trained.

Measure of Success: The EJ liaison will assess how many staff have taken the training to date and gauge if the numbers increase after another course is offered.

Strategy: As part of the Division's public outreach effort, Superfund staff will introduce EJ information as part of their general presentation material. The EJ liaison will assist staff with developing presentation material.

Measure of Success: Remedial project managers and community involvement coordinators will introduce EJ principles as part of their overall public outreach activities (i.e. community meetings, advisory boards, meetings with state and local counterparts, public meetings, fact sheets, etc.). The EJ liaison receives more calls and referrals from staff, the general public and other government agencies inquiring about environmental justice.

Strategy:. Begin building partnerships with state agencies to assist them in incorporating EJ principles into their programs. Target specific states and develop EJ language to be included in Memoranda of Understanding for core grants.

Measure of Success: EJ principles and ethics are incorporated into the targeted State Memoranda of Understanding.

Strategy: Superfund program to address off-site disposal issue.

Measure of Success: Superfund, in conjunction with the RCRA community involvement coordinator, will issue public notices to communities located near facilities that receive approval to take Superfund hazardous waste. The Community Involvement Office (CIO) will be the first point of contact for the public.

Strategy: A memo was sent by Cross-Media to OSWER asking for national attention as to how the EJ process should be factored into the decision of Superfund off-site disposal.

Measure of Success: As a result, the OSWER EJ Steering Committee is presently forming a workgroup to work on this issue. The Superfund EJ liaison will work on the national group and will include program staff as needed. Workgroup is formed and a national guidance is written.

PROGRAM-SPECIFIC STRATEGIES

Superfund Contracts Office

Strategy: The EJ liaison will work with HQs and regional staff to develop EJ language for the general placement contract models. As applicable, the Superfund Contracts Office will assist remedial project managers in incorporating EJ language for site-specific work when negotiating workplans.

Measure of Success: Superfund contracts has general EJ contract language.

Community Involvement Office

Strategy: CIO will encourage all regional staff to take the community involvement training course, especially staff who are new to working with community groups. Those staff would also be advised to shadow a CIC or EJ specialist. The CIO staff will be available to all staff in an advisory capacity as needed.

Measure of Success: An increase of Regional staff attendance at CI course.

Strategy: The Headquarters Office of Community Involvement and Outreach Center (OCIOC) is developing a program with the California Department of Health Service to assist the Regions with language translation of fact sheets.

Measure of Success: The Community Involvement Office will take the lead on following the progress of this program and how it will be used in the Region.

Strategy: All community involvement plans will routinely have a GIS demographic and geographic characteristic studies map developed for the population surrounding a site.

Measure of Success: Use GIS mapping information as an EJ indicating tool for a site. The information will be included in the community involvement plan.

Federal Facilities Program

Strategy: Through a partnership effort, the program will explore ways to assist the base closure program in strengthening its community involvement efforts and especially where there are EJ concerns.

Measures of Success: The EJ liaison will work with staff to build partnerships with the military to better incorporate EJ principles into the military's community involvement program.

Strategy: Innovative Technology team members are participating on a national risk assessment workgroup to develop guidance on how to include the community in the risk assessment process and land-use decisions. The EJ liaison and community involvement office will comment on the draft guidance to ensure it is sensitive to EJ concerns.

Measure of Success: Guidance is developed and used as a tool to allow the community more inclusion in the risk assessment process and input on land-use issues.

Strategy: There is a need to have a facilitator in organizing stakeholders to address land use issues at the onset of the RD/RA stage of the Superfund process.

Measures of Success: Possible assistant from the CBEP team on land-use issues at sites.

**EPA REGION IX
AIR DIVISION
ENVIRONMENTAL JUSTICE STRATEGY**

I. MISSION STATEMENT:

All communities regardless of race, gender, age, and income levels are provided equal environmental protection and the opportunity to improve their quality of life. EPA Region IX's Air Division will investigate and demonstrate innovative and effective methodologies designed to ensure the mission is carried out.

II. GOAL:

The goal is to maximize environmental equity through the practical and attainable prevention, control and removal of criteria

Pollutants/Contaminates from designated affected communities in Region IX.

III. DEFINITION:

Environmental Justice (also referred to as Environmental Equity) is defined as the implementation and enforcement of environmental laws and regulations, and application of special programs and initiatives in a manner which ensures equal protection of all communities, ethnic groups, minority groups, age groups, gender groups and income levels.

IV. BACKGROUND:

Executive Order #12898 is designed to focus Federal attention on the environmental and human health conditions in minority communities and low-income communities with the goal of achieving Environmental Justice. The Order was signed by President Clinton on February 11, 1994. Title VI of the Civil Rights Act of 1964 (42 U.S.C., Section 2000d, 40 C.F.R. Part 7 also applies and requires planning agencies to identify exposed geographical areas of adverse pollution and resolution of environmental problems.

V. STRATEGY TO MEET MISSION STATEMENT:**1. Training**

- developing and implementing EJ Action Plans for Air Division
- working with other Divisions in Regional Office
- interacting with related agencies and communities

2. Evaluation/Problem Identification

- identify pollutants impacting the community
- target activities where air quality is the primary problem
- review the emissions inventory impacting community
- evaluate Division progress to meet goals of strategy periodically

3. Site Specific Actions (Permitting/Enforcement/Rules/Planning)

- development and implementation of EJ Action Plans for Air Division
- interacting with related agencies and communities
- communicate with relevant communities
- establish common levels of communication
- develop community specific pollutants data base
- make environmental improvements where possible
- initiate Pollution Prevention projects
- develop public outreach programs
- work with other Division in Regional Office

4. Integration and Collaboration

- internal: integrate EJ objectives into programmatic efforts
- external: collaborate with outside agencies regarding EJ objectives
- work with other Divisions in Regional Office: interface EJ efforts regarding Cross-Medial impacts

NECESSARY TOOLS:

- training/education
 - a. internal-Environmental Justice Team and Division staff
 - b. external-targeted communities
- program and grant development
- database for GIS information
- regulatory requirements
- funding
- technical expertise
- "broker" with other's who have resources
- applicable Federal and State legal actions

A. AIR DIVISION:

TASK: To create an internal cultural change and understanding of EJ within the Air Division, it is imperative that the Air Division staff and managers know first what Environmental Justice is, and second how it can be effectively promoted in the day-to-day operation of their respective programs.

ACTION PLAN:

-Provide a copy of the Division's Environmental Justice strategy to all Division employees with a cover memo from the Division Director.

-Brief all Air Division supervisors and staff on Environmental Justice.

-Provide Environmental Justice briefing materials to new employees.

-Facilitate communication between Air Division staff/managers and impacted communities.

B. GRANTS AND PROGRAM INTEGRATION OFFICE:

TASK: To establish a mechanism for using the Air Division's Section 105 grant fund to promote Environmental Justice at the state/district level and the development of state/district Environmental Justice programs. To ensure consistency/compliance with requirements of Title VI.

ACTION PLAN:

-Cultivate "partnerships" with states/districts to incorporate Environmental Justice Strategies and get "Buy-In"/Training.

-Work with states/districts to allocate grant funds for the development of state/district Environmental Justice plans.

C. PERMITS OFFICE:

TASK: To make EJ an integral factor in evaluating a proposed project, and to encourage the permitting authorities to also include EJ issues in their permit evaluation process.

This Office's task includes both direct involvement with potentially impacted communities when EPA is the permitting authority, and working with permitting authorities to ensure that EJ concerns of impacted communities are addressed.

ACTION PLAN:

-For those permits for which EPA is the permitting authority, the Permit Office will encourage the applicant of a proposed project to develop and implement a public participation program in the community. The Permits Office will refer the applicants to the Air Division EJ coordinators and Region 9 EJ Office for guidance documents on EJ and community involvement, relevant GIS information, and contact list if feasible. The Permits Office will consult with the Division and Regional EJ coordinators to assess whether proposed major permitting actions such as proposed new projects or major modifications have EJ concerns. This initial assessment for EJ and community concerns will establish the extent of each site-specific

public participation program. In cases when a proposed project may raise EJ issues, the Permits staff will attend community meetings as needed (and as the travel budget allows), and will inform all stake holders (including local agencies, and surrounding communities that may potentially be impacted by the project) about the permit activities. The Permits Office, in coordination with other Region 9 programs will address community concerns.

-For those permits where EPA is not the permitting authority, the Permit Office will encourage the appropriate state/local district to involve the affected communities in the permitting program, and/or improve its public participation program, and consider the environmental justice as an important factor in permitting process. In coordination with other Air Division Offices, the Permit Office will send a copy of the Executive Order on EJ to the Region 9 air permitting authorities, as a reminder of EPA's role and responsibilities in implementing this order.

-For permit actions in communities for which the region is aware of EJ concerns, the Permits Office will inform the appropriate district of the issues. If needed, the Permits Office will work with the Region 9 EJ Office to facilitate communication between the permitting authority and the impacted communities.

-The Permits Office will refer community groups to the Region 9 EJ Office for information on environmental/health study grant money available through the EPA EJ Grant Program.

-The Permits Office will guidance and assistance to the Region 9 EJ coordinators in developing information on the permitting activities in their communities of concern.

-During rule review and approval, when siting issues are relevant to a particular permit rule's development, the Permits Office will encourage the districts to include EJ elements in the rule making process. The Permits Office will coordinate with other Air Division Offices to find the best approach for this type of action.

D. TECHNICAL SUPPORT OFFICE:

TASK: To provide Air Quality and Emissions Information/Data for targeted Environmental Justice efforts in the Air Division.

E. RULEMAKING OFFICE:

TASK: Review, identify and advise staff regarding rule(s) that may have positive or negative Environmental Justice impacts on communities or their populations including briefs on risk assessment or potential Environmental Justice conflicts that may arise from any rule implementation.

ACTION PLAN:

- Distribute from time to time summaries on proposed rules that may have Environmental Justice implications.
- Provide advice and consultation to staff on Environmental Justice issues which may require rulemaking actions.

F. RADIATION AND INDOOR AIR OFFICE:

TASK: Review, identify and advise divisional staff on air radiation issues that may have positive or negative Environmental Justice implications on communities or their populations.

ACTION PLAN:

- Provide outreach programs to communities that promote mitigation of air radiation hazards and potential Environmental Justice impacts.
- Provide air radiation and related Environmental Justice training to Divisional staff.
- Provide and distribute information to Divisional staff on current air radiation Environmental issues.

G. PLANNING OFFICE:

TASK: To maximize environmental equity through the practical and attainable prevention, control and removal of criteria pollutants/contaminates from designated affected communities and areas in Region IX.

ACTION PLAN:

- Integrate environmental justice considerations with all programmatic efforts wherever possible.
- Identify and target activities, communities and regional areas where air quality is the primary problem.
- Review emissions inventory impacting community and cite specific actions to be taken.
- Continual internal and external collaboration with other Region IX operating units and outside agencies regarding Environmental Justice issues.
- Participate in Environmental Justice training whenever possible.

H. ENFORCEMENT AND COMPLIANCE OFFICE:

TASK: Using effective enforcement tools, the Enforcement Office's mission is to provide the same level of air quality to all communities.

ACTION PLAN

- All office members will attend EJ training and be sensitive to potential EJ concerns.
- Designate one office member as the liaison to the Regional EJ Workgroup. Will proactively look for opportunities where inspection or enforcement actions can be used as an effective tool to reduce any discrepancy or enhance equality in environmental protection.
- Respond to complaints or inquiries with high sensitivity to potential EJ issues. Take aggressive action in resolving EJ concerns.
- Identify areas that have potential EJ concerns and take into consideration for EJ concerns when targeting inspections or enforcement.
- Coordinate with other program office in the Region and with the state and local agencies to identify potential EJ concerns whenever appropriate.

I. EXPECTED RESULTS OF STRATEGY: "Fair and Equal treatment of all races, cultures, income levels and educational backgrounds in respect to the development and enforcement of environmental laws, regulations and policies".

J. TIMEFRAME:

Phase 1 - Pre-Implementation (60 days after approval of Strategic Plan):

- Develop implementation and training plans including action tracking and quantitative process
- Air Division review, and "Buy-In"
- Expanded division-wide EJ training by Region EJ work group

Phase II - Pilot Implementation (30 days following division "Buy-In" and completion of training cycle):

- Determine criteria and select most appropriate operating unit(s) for "action start-up"
- Track unit progress for 180 days trial period
- Air Division staff evaluation

Phase III - Full Implementation (45 days following review and approval of Pilot run):

- Establish channel of communication and coordination with regional EJ team
- Continue individual unit training as required
- Expand tracking and action measurement process for division-wide inclusion

Environmental Justice Strategy for the Office of Strategic Planning and Emerging Issues

Introduction

Office Strategic Planning and Emerging Issues

The Office of Strategic Planning and Emerging Issues (OSPEI) was recently formed as part of the reorganization in EPA Region 9. OSPEI's mission is to identify and support new directions for accomplishing the Agency's goals of protecting human health and the environment by promoting the following themes: strategic planning, enforcement and compliance assurance, and innovation. While OSPEI is not responsible for directly implementing any environmental statutes, there are opportunities for OSPEI to both contribute expertise and support to other organizational elements in the Region, and to focus on environmental justice-related components of OSPEI-led initiatives and projects.

Environmental Justice

Environmental justice is variously defined by different organizations and groups. EPA's Office of Environmental Justice provides the following definition:

The fair treatment of people of all races, incomes, and cultures with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment implies that no person or group of people should shoulder a disproportionate share of negative environmental impacts resulting from the execution of this country's domestic and foreign policy programs.

OSPEI's Environmental Justice Goal

Consistent with Regional and Agency policies on environmental justice, OSPEI strives to promote new, strategic approaches to environmental management which do not pose undue burdens on any segment of the population, and to support Regional efforts to ensure equal protection of all communities without regard to socioeconomic status or racial and ethnic heritage.

Environmental Justice Objectives and Activities

Enforcement and Compliance Assurance

The Agency's Environmental Justice Strategy states that EPA will include a focus on environmental justice (EJ) issues in its enforcement initiatives and through compliance analysis and data analysis relating to low-income and minority populations. OSPEI supports the Agency's objectives of incorporating EJ concerns into its programs for ensuring compliance with Federal environmental requirements, ensuring EPA's enforcement and compliance assurance activities include a focus on minority and low-income communities which may be facing disproportionately high and adverse human health and environmental effects, and using, as appropriate, the full range of tools available to correct noncompliance in such communities.

Activities

- Ensure that the MOA between Office of Enforcement and Compliance Assurance (OECA) and the Regional Office reflects environmental justice activities, and include environmental justice as a specific component of regional enforcement program evaluation.
- Work with regional enforcement personnel to encourage the use of environmental justice criteria in their enforcement strategies, especially in program areas with particular EJ concerns.
- Track regional enforcement/compliance assurance accomplishments throughout the fiscal year to ensure that EJ objectives from the MOA are being met; gather information on EJ-related enforcement actions/cases for annual report to Headquarters; ensure adequate EJ focus to meet or exceed OECA guidance.
- Provide information to regional programs on compliance status of facilities in EJ communities.
- Focus multi-media enforcement efforts on identified EJ communities of interest to Region 9 (for example, West Oakland, Watsonville).

Emerging Issues/Innovative Approaches

A major function of OSPEI is to guide the Region's implementation of the Agency's regulatory reinvention agenda: identifying key emerging issues; piloting new projects which advance innovative ideas; supporting modern environmental technologies; and fostering new methods for environmental protection. Many of the things we do under "reinvention," whether it's Project XL, the Environmental Leadership Program (ELP), the Common Sense Initiative (CSI), or the Environmental Technology Initiative (ETI), emphasize multi-stakeholder processes. These processes require a sensitivity to EJ issues to ensure that we are dealing with a variety of community values in addition to what we would call traditional environmental quality concerns. As stated in the Agency's EJ

Strategy, a comprehensive approach to identifying and addressing environmental justice concerns requires the early involvement of affected communities and other stakeholders. Consistent with this philosophy, OSPEI attempts to integrate the Agency's EJ agenda into all of the reinvention projects so that all of the pilots/experiments/innovative approaches have a consistent theme of community participation where the full community is represented.

Activities

- Enhance community partnerships and encourage multi-stakeholder involvement in all of the Region's XL, CSI, and ELP projects (e.g., funding to local community groups, addressing local language needs, etc.).
- Develop outreach information on Regional and national reinvention efforts and make the information readily available to the public, including minority communities and low-income communities; for example, the Agency's reinvention project to expand the use of risk assessment tools in communities to inform local decision-making.
- Continue to direct a focus on community and worker involvement within the Alternative Strategies Workgroup of the Common Sense Initiative.
- As part of the Regional Sustainable Development Strategy, assist in identifying and assessing candidate areas for sustainable development emphasis.

Special Projects

Another critical function of OSPEI is to develop and provide analysis and evaluation tools and services for the Region. Some of the analyses are EJ-related or could otherwise support the Region's EJ agenda.

Activities

- Coordinate the EJ Assessment Project; assisting in collection of appropriate data, developing targeting strategies, and identifying areas for EJ focus in the Region.
- Participate as Regional contact for national EJ targeting efforts; assist in development of OEJ technical and policy issue paper.
- Provide consultation on and for conduct analytic studies for Regional/Divisional management (e.g., CMD's definition/development of an appropriate "EJ analysis" under the Executive Order).

Education/Internal Training/Participation

In order to effectively instill the tenets of environmental justice into OSPEI's activities, it is important to improve the awareness and sensitivity of its staff and management to the EJ issues and activities of the Region.

Activities

- OSPEI has requested a member of the CMD core EJ staff to attend an OSPEI weekly meeting to facilitate a discussion of key EJ issues and Region 9 activities; we will assist CMD staff in tailoring the discussion to the OSPEI audience.
- OSPEI EJ liaison will encourage participation by OSPEI staff/management in EJ brownbags, grant reviews, and other regional activities.

**USEPA
WATER DIVISION
ENVIRONMENTAL JUSTICE STRATEGY**

A. Executive Order History:

On February 11, 1994, President Clinton signed Executive Order 12898. The order focuses federal attention on the environmental and human health conditions in minority and low-income communities. This Executive Order directed Federal agencies to each develop a draft Environmental Justice Strategy. The draft strategy was designed to identify and address disproportionately high exposure and adverse human health effects of their programs, policies, and activities on minority and low-income populations.

B. What is Environmental Justice/EJ?

Environmental Justice or Environmental Equity is the implementation and enforcement of environmental laws and regulations, and application of special programs and initiatives in a manner which ensures equal protection of ALL communities, ethnic groups, minority groups, gender groups, age groups and income levels.

C. Water Division Goal:

Water Division's goal is to build strong commitment with Tribes, and rural communities. To work with States to implement water protection programs, which ensure equal protection to all.

D. Environmental Justice Goal:

Region IX's Water Division will provide and support equal environmental protection, to all communities regardless of location, economic status, or racial or ethnic background.

E. Water Division Objectives:

- o Participate in cross media efforts that concern environmental justice activities.
- o Assess Water Division programs to build strong commitment with communities and implement programs to ensure equal protection.
- o Communicate to other Regions, States, and Federal agencies of EPA's environmental justice policy and concerns.
- o Assist Division in integrating environmental justice in their water programs.
- o Implement Environmental Justice Training for staff and managers within the Division, to make staff aware of EJ and how to incorporate in their projects.

F. Current Water Activities:

The Monitoring and Assessment Office (WTR-2), has been actively involved in the Richmond CYCLE Program; providing monthly on-going training, technical assistance and demonstrating stream monitoring techniques to community youth in the Richmond Area. Monitoring technical assistance is provided to certain tribes (Big Valley and Clear Lake Monitoring Task Force) and Hawaiian communities (Ahu Puaa Action Alliance and Friends of the Red Road). The Ahu Puaa Action Alliance is also actively participating in the Ala Wai Watershed.

The Southern California Office (WTR-4), has been assisting border cities, El Centro, CA and Nogales, AZ. These Cities are impacted frequently by sewage flows from Mexico. Technical assistance is provided to Tribes along the Border zone. Staff is working with HQ to develop a loan grant program for small disadvantaged communities along the border.

The Clean Water Act Standards and Permits Office (WTR-5), assists tribes by developing NPDES permits and provides technical assistance. Permits are issued to protect tribal waters, watersheds, and small water ways. The Navajo NPDES Program is expected to be delegated next FY. The Tribal Water Quality Coordinator reviews and comments on tribal water quality standards. Hopi, Hoopa, and Navajo Nation are tribes who have submitted standards.

Watsonville Project/McFarland Petition: One staff person is working on outreach with the Watsonville Project. Barry Pollock is currently the project officer for an Environmental Justice Grant to Project Concern International, relating to drinking water for migrant workers in the San Diego area. He is also writing the response to the McFarland Petition relating to the drinking water aspect.

Adopt-A-School-Program : Harriet Hill developed an Adopt-A-School Program, which is centered in the Richmond/San Pablo area, and is directed toward working with children from disadvantaged schools.

PUNA:

Puna Malama Pono received an Environmental Justice grant to monitor hydrogen sulfide. Staff provides information to the community either voluntarily or through FOIA, and continues to have weekly conference calls with the community.

Navajo Nation Underground Injection Control Issues: Staff responds to permitting, compliance and enforcement issues on the Navajo Nation, and is involved in the HRI permitting and EIS review for the Crownpoint/Churchrock solution mining projects.

Small Community Outreach and Education (SCORE): SCORE is EPA's wastewater information and technical assistance program to help small communities build and maintain

small wastewater facilities that meet clean water standards. SCORE's primary audience is composed of local officials, wastewater managers, their consultants, and citizens in small communities (fewer than 10,000 people) with wastewater problems. Workshops, help directories, and other publications, videos, exhibits, toll-free telephones, information networks, outreach demonstration projects, and technical assistance are some of SCORE's products.

EPA's Office of Wastewater Management co-sponsored the Youth and the Environment Program. This yearly program is designed to introduce low-income and minority high school students to career opportunities in the environmental field. Programs were structured to allow students to work at water and wastewater plants or other environmental sites during the summer. For example, in FY96 we awarded a grant to the Pima Community College Arizona State Environmental Technology Training (ASETT) Center. A six week project was conducted in conjunction with the ASETT Center to introduce 14 Arizona high school students to career opportunities in the environmental industry. All of the students completed the project successfully and it was a rewarding educational experience.

Pesticide Support for the EJ Program

Pesticide Support to McFarland Team

A representative from the Pesticide Program participates on the McFarland Team, and has assisted in developing an outreach letter soliciting support from EPA HQ Offices. As the Team gears up for the first stage of sampling (focusing on well-water drinking water testing), pesticide issues have taken a back seat to water-sampling planning (sampling now underway); pesticides has provided general support in this effort and technical assistance on specific pesticide questions. A pesticide representative attended an initial public meeting in McFarland in late 1996, and pesticides will be represented at the public meeting in McFarland in August as the Team explains the well-water sampling process to the community. In the planned September public meeting a pesticide representative will address the community's questions about pesticides discovered in the well-water samples. The Team will begin developing the air-sampling protocol in the next few weeks (to begin air sampling in the spring, after tap-water sampling over the winter); pesticide issues will play a more central role given the possibility that air sampling may identify current pesticide use violations. The Pesticide Program will be coordinating with EPA HQ to respond to findings from water, air, and, later next year, soil sampling.

Technical Assistance on Kettleman City

In response to a request from the RCRA EJ coordinator to provide a presentation on pesticide drift in the community of Kettleman City, the Pesticide Program had a series of conversations with the coordinator, identified possible presenters for a public meeting, and verified the informational needs of the community by speaking to a community representative. The representative re-characterized the interests in the community as a more broadly focused composite of interests including: health risks from occupational exposure to pesticides and

the scope and processes of the State regulatory program. Rather than provide a presentation on pesticide drift (hitting only a portion of the interests defined by the community rep.) the Pesticides Program, in partnership with the State Department of Pesticide Regulation, has elicited the involvement of the Kings County Agricultural Commissioner, and through him, of the Kings County Health Officer. The Pesticides Program hopes that by initiating the dialogue with the County officials, both information about access to County officials and evidence of their authority, presence, and responsiveness will be made more visible to the community in question.

Pesticide Program's involvement in Watsonville EJ

As you know the Pesticide program participates in the Regional workgroup focusing on the Watsonville EJ pilot project. Our participation focuses primarily on the issues raised by the community regarding worker protection and safety from the use of pesticides. While we do not have any separate projects focused specifically on this community, we are attending internal and external meetings (set up by Norman Calero) regarding this pilot project.

Office of Communication and Government Relations Environmental Justice Strategy

The Office of Communication and Government Relations (CGR) is primarily a support organization which provides support for Regional Program offices in their efforts to implement environmental programs. Our main functions include Liaison (International, Congressional, State Legislatures, Local Governments and Small Towns), Public Information Center, Website Coordination, FOIA Coordination, Press/Media Relations and Environmental Education, the Border Office and the Pacific Island Office. In our support role, CGR will assist the EJ Team by providing support in our functional areas. In addition, CGR will conduct a number of activities to ensure that EJ is incorporated into our approach to communications and government relations to ensure that EJ populations that have not routinely been included in EPA communications are routinely included. The Environmental Education Program will continue to encourage EJ communities to participate in the Environmental Education Grant program.

Activities

EJ Training: CGR will host a 1 hour EJ training for staff and management during a regularly scheduled staff meeting and encourage staff to attend the full EJ course.

State Liaisons: CRG will track state legislation on Environmental Justice and on issues which may impact EJ communities as well as encouraging state governments to consider environmental justice issues in legislation and program implementation.

Communication Strategies: In developing communications strategies with program offices, CGR will include impacted EJ communities and key EJ associations.

Environmental Education: EE Coordinator has historically included Environmental Justice communities in the Environmental Education Program by coordinating classroom visits and encouraging EJ organizations to apply for the Environmental Education Grants.

Public Information Center: EJ Liaison will work with PIC staff to examine support that PIC can provide for EJ communities.

Website Coordinator: Available for facilitating placement of EJ information on Region 9's webpage.

Local Government Liaisons: The Local Government/Small Towns Liaisons will include environmental justice messages and issues in communications with local governments to encourage them to consider EJ issues in local planning efforts and city ordinances. The Local Government and Small Towns Liaisons will participate in specific EJ projects, as required. For example, the Local Government Liaison has been supporting the work of the West Oakland EJ Pilot Project and the Small Towns Liaison will participate in general support of the EJ program such as grant review for the EJ Small Grant Program.

San Diego Border Office:The San Diego Border Office provides direct service to border communities, which includes many environmental justice communities. The Border Office focuses efforts on environmental education and outreach to border communities. They will also hold a number of public workshops and sponsor a sustainable development conference during FY 1997. The Director is also participating in EJ grant reviews.

Pacific Islands Contact Office: PICO, located in Honolulu, Hawaii, provides on site information assistance to Hawaiian communities and the general public. PICO submits a segment to CGR's Weekly entitled "Pulse of Paradise" that describes major news events.

Environmental Justice Strategy
Cross Media Division
Toxics Section
July, 1997

I. Training

All Toxics Section staff will complete Environmental Justice training.

The TRI Team has developed a 1 hour computer-based training that provides participants with an overview of the reporting requirements of Section 313 of EPCRA, details on what the database contains, and step-by-step instructions on how to access the data via the Internet. This training, as well as ongoing assistance on how to interpret and use the data, will be provided to the Environmental Justice program.

II. Outreach/Grants

The Lead (Pb) program will utilize Toxic Source Reduction funds to award grants to select CBOs for lead poisoning prevention outreach and education projects in low income communities. The Pb Team is currently negotiating with: Mothers of East Los Angeles, Marin County Lead Poisoning Prevention Program, and the Hoopa Tribe.

The TRI Team plans on awarding a grant to Communities for a Better Environment to develop, advertise and hold a workshop for CBOs on how to access and use TRI data. The primary objective of the workshop will be to encourage CBOs to use the data to reduce pollution in their neighborhoods.

The Pb Team will continue to distribute Pb hazard prevention literature through its Urban Libraries Project. Libraries in low income communities have proven an effective means of distributing Pb literature to local residents. Through this mechanism, as well as community partnerships, CBOs, Indian Tribes, and local public health organizations the Pb team will continue to distribute valuable public health information to individuals most at risk.

Lead Program staff will serve as Project Officers for grants addressing Childhood Pb poisoning prevention awarded through the Environmental Justice Small Grants Program. This central role allows the Pb Team to coordinate efforts between public and private organizations working toward the common goal of eliminating childhood lead poisoning.

ENVIRONMENTAL JUSTICE OPERATING PLAN

Revised Nov. 26, 1996

Mission

To achieve equal environmental protection so no segment of the population, regardless of race, ethnicity, culture or income bears an undue burden of environmental pollution and to ensure that the benefits of environmental protection are shared by everyone.

Resource Allocation

The EJ Program (core team, Assessment/Pilot Projects Staff and Regional Liaisons) will have approximately 9.25 FTEs. This breakdowns as follows:

EJ Team (Core members and Pilot Program staff) 6 FTEs
(.5 or less from each Division) 3.25 FTEs

Goals

- Inform and facilitate the public dialogue on issues of environmental justice in Region 9
- Provide leadership to mobilize governmental, academia and corporate responses to identified (environmental justice) needs
- Develop state, tribal and local capacity for environmental justice, recognizing that these governments have primary responsibility for many decisions affecting land use, community health and welfare
- Incorporate environmental justice into environmental policy and regulatory/enforcement programs
- Organize and deploy EPA resources to prevent and redress environmental justice concerns consistent with Region 9 operating plans

Objectives

- Assess the real and perceived impact of EPA's environmental protection programs on the distribution of risks in Region 9
- Inventory existing Region 9 programs that directly or indirectly address environmental justice issues.
- Identify new opportunities and initiatives to target policies and programs to redress environmental justice issues.
- Encourage and support (and provide financial assistance as available) to state/local/tribal efforts that pilot new approaches or methods for reducing risk to low income and minority communities.

- Expand the opportunities for low-income and minority groups to participate in the development and delivery of environmental programs.
- Strive to improve risk assessment methodology to better characterize risk across populations, communities and geographic areas.

ENVIRONMENTAL JUSTICE TEAM

OVERALL

Goal: Serve as 1) advocate for low income and communities of color; 2) regional liaison with EPA HQ (including the Office of Environmental Justice and other programs); 3) maintain regional inventory of environmental justice related activities and 4) other duties as necessary

Priority Activities

- Establish time frames, arrange for project leads, facilitate meetings, and provide tracking for work plan activities
- Participate in national/regional workgroups, conferences, conference calls as appropriate (and budget allows)
- Assist the programs with their environmental justice activities as appropriate (includes participating in the McFarland, Puna and EJ Assessment work teams, NEPA, etc).
- Finalize inventory of regional environmental justice activities in Lotus Notes
- Manage EJ intern activities

ENVIRONMENTAL JUSTICE OUTREACH

Goal:

1) To establish an outgoing dialogue with key players within the environmental justice community. Discuss our common agendas and identify areas of collaboration/ assistance/ coordination

2) To elevate the level of understanding of EPA regional, other federal and state agencies staff and management and communities regarding environmental justice concerns and to promote collective problem solving.

Priority Activities

- EPA will meet with the following groups.

Southwest Network for Environmental and Economic Justice (New Mexico)

Mothers of East Los Angeles (Los Angeles)

Concerned Citizens for South Central (Los Angeles)

By End of 2nd Quarter

Environmental Health Coalition (San Diego)

Asian Pacific Environmental Network (Oakland)

By End of 3rd Quarter

Urban Habitat (San Francisco)

Don't Waste Arizona (Phoenix)

By End of 4th Quarter

Other groups as appropriate (Nevada and Hawaii groups)

Objective:

identify common goals

identify possible issues to elevate to the national level or require attention by the Region,

identify areas where EPA can provide assistance or coordinate the efforts of State/locals

A series of meeting may be required if on-going discussions are needed to resolve issues.

Other Outreach Activities

- Distribute and/or inform regional staff and management of environmental justice materials, training and information by maintaining LAN based EJ Lotus notes database. Identify additional material to be included on the abase.
- Initiate planning for a meeting between R9 Regional Administrator and the other local federal agencies regional administrators to discuss environmental justice
- Maintain a regional database of community groups, associations, agencies involved in specific environmental or environmental justice activities
- Participate in regional meetings, community forums or other conferences/meetings as appropriate and provide environmental justice information.

- Serve as Environmental Justice consultant to EPA program staff and management or specific activities. Assist them in identifying environmental justice concerns and possible related activities.
- Work with the library to maintain an Environmental Justice Resource Center
- Provide EJ training to staff and management and continue development of training package
- Explore options for providing EJ training to other federal, state and local agencies, etc
- Explore the development of environmental job training program for low income residents impacted areas (i.e., Brownfields)
- Work with the Regional Environmental Education Program in our adopt a school program for Earth Month '97.

EPA will "adopt" an East Bay school and participate in Classroom instructions and field trips.

ENVIRONMENTAL JUSTICE INQUIRIES

Goal: To serve as initial contact for environmental justice inquiries and provide requested information or identify alternate sources

Priority Activities

- Maintain phone information line. Respond to external and internal general environmental justice inquiries; Refer to specific program contacts as necessary.
- Respond to inquiries from EPA HQ; This will be done in the following ways 1) provide info to HQ (if Environmental Justice Team already has data); 2) serve as lead and gather requested information from the programs or 3) identify program environmental justice contact to serve as lead for request
- Respond to specific community/site/individual environmental justice concerns; Meet (if possible) with requester and determine next steps (ie., referral to EPA program or other agencies)

PLACE-BASED ACTIVITIES

Goal: Develop an understanding of the environmental issues and identify appropriate strategies to address community concerns.

Priority Activities

• Continue the EJ Pilot Projects (Watsonville and Oakland). Both the West Oakland and Watsonville Pilot Project Team are developing a workgroup of divisional staff to begin addressing issues related to the projects.

GRANTS

Goal: To promote the awareness of environmental justice issues within the regional grants programs

Priority Activities

- Manage environmental justice grants program. (This includes external notification process, grant workshops (if travel budgets allow), review and selection of applications, and oversight of the grant project officers)
- Work with the Pollution Prevention program on joint grants
- Provide information to other grants programs on environmental justice
- Assist communities/groups identify specific grant programs which might benefit their community

ENVIRONMENTAL JUSTICE PLANNING

Goal: Integrate, as appropriate, environmental justice considerations into Region 9's programs and policies

Priority Activities

In order to integrate EJ within the Region, each Divisional Liaison, as appropriate, will develop program specific EJ Strategy by March 3, 1997

OFFICE OF REGIONAL COUNSEL

OFFICE OF COMMUNICATIONS & GOVERNMENT RELATIONS

WATER DIVISION

CROSS-MEDIA DIVISION

AIR AND RADIATION DIVISION

WASTE MANAGEMENT DIVISION

POLICY AND MANAGEMENT DIVISION

SUPERFUND DIVISION

OFFICE OF STRATEGIC PLANNING AND EMERGING ISSUES

- Continue work on the Regional Assessment Project (GIS analysis)
- Participate as necessary with any activities related to the Regional reorganization
- Finalize EJ Regional document outlining strategy and regional activities (for outside distribution)
- Work with EJ contacts in each program to identify, encourage and support (and provide financial assistance as available to) state/local/tribal efforts that pilot new approaches or methods for reducing risk to low income and minority communities. Include in grants if appropriate
- Participate in review of national environmental justice documents
- Identify areas/activities where the region can improve in addressing EJ concerns/issues. Some of this information would be identified through direct work with the communities

ENVIRONMENTAL JUSTICE EDUCATION

Goal: To elevate the level of understanding of EPA regional, other federal and state agencies staff and management and communities regarding environmental justice concerns and to promote collective problem solving.

Priority Activities

- Provide EJ training to staff and management and complete development of training package for external stakeholders.

Objective: Provide Divisional specific EJ training incorporating division EJ workplans into class. Regional EJ Training Team will collaborate with Program Liaisons from each division to complete divisional specific training components. Immediate targets Air, Superfund, RCRA, Water.

Measures of Success: completion of divisional specific training components, attendance/participation in class of Staff and Managers. Additionally, General EJ Training classes will still be provided so all staff and managers are up to speed on EJ principles as prescribed by Presidential Executive order. Three classes per quarter will be offered- two general classes per quarter and one division specific class. EJ Training is scheduled for the third Thursday of each month from 9 to 12 in the Arizona Room.

Objective: Complete development of EJ training packet that EPA EJ educators can use when speaking externally. The packet will contain overheads and/or slides, Fact Sheet, and most asked questions. The overhead/slides will contain a script for definitions, history, regional case studies/pilot projects, and conclusions. The training packet can be

used at conferences and as a brief training/overview for managers in federal, state, and local agencies that EPA targets.

- Explore options for providing EJ training to other federal, state and local agencies, etc EPA forms partnerships or act as consultant with external stakeholders who ask for assistance in developing a training program. As well as targeting agencies who have been targeted for Title VI lawsuits which may be an indicator that training/workshops would be beneficial.

ENVIRONMENTAL JUSTICE REGIONAL TEAM (PROGRAM LIAISONS)

Goal: To serve as a link with the Environmental Justice Steering Committee and Environmental Justice Regional Team and participate in activities, as appropriate.

Priority Activities

- Work with program contacts to develop team and structure

ENVIRONMENTAL JUSTICE SENIOR MANAGEMENT LEAD

(Director of the Cross Media Division)

Goal: Responsible for day to day management and direction of the environmental justice program.

Priority Activities

- Provides direction to the Environmental Justice Team Leader and the Environmental Regional Team on environmental justice activities
- Environmental Justice Team Leader reports to the Director.

GRANTS

Goals:

- To provide support to EJ community groups to help citizens more easily get involved in the decisions that affect how they live.
- To promote the awareness of environmental justice issues within the various regional grant programs.
- To anticipate potential areas of challenge to grant POs and provide input in advance of key decision points (e.g. decision memos, grant extensions, reporting deadlines). Identify activities that can be technically and/or politically sensitive in EJ grants in order to better respond to these issues.

Priority Activities

- Manage environmental justice grants program (This includes external notification process, grant workshops, review and selection of applications, and oversight of the grant project officers)
- Organize workshops for potential grant applicants beyond the Bay Area.
- Provide information to other Region 9 grant programs on integrating environmental justice issues into programs (notification process, review & selection of grantees).
- Work with the Pollution Prevention program on joint grants.
- Assist community groups and non-profit organizations in identifying grant programs (Federal or non-federal) which might benefit their community.
- Track "success stories" from the EJ Grant program strategies.

PRELIMINARY TRAVEL AND TRAINING ESTIMATES

Core Team Travel	\$13,000
West Oakland Pilot Project Team	\$500
Watsonville Pilot Project Team	\$6,000
	\$19,500

EPA REGION 9 1996 Environmental Justice Community Grants

Arizona

Inter Tribal Council of Arizona, Inc., Phoenix, AZ \$19,702

Emergency and Community Right to Know Act Training for 8 tribal communities in Arizona, ITCA will coordinate a training program in which tribes will be given instruction and direct on-site technical assistance in coordinating a Tribal Emergency Response Commission (TERC) and for the development an emergency response plan. ITCA will

conduct meetings with tribal community-based emergency response representatives, meet with tribal leaders on emergency response priorities. and assist the tribes in development of the plans.

Paa Qavi, Incorporated, Hotevilla, AZ \$20,000

Used Oil Recycling Project. In the Hopi community a high percentage of individuals change their own oil. However, currently the only places to properly dispose of used oil are in Winslow, which is 70 miles away, or Flagstaff which is 95 miles away. The purpose of this project is to set up an ongoing used oil recycling station on Hopi Land. In addition, the project will provide individuals, villages and local businesses with information about the possible hazards of improperly disposing of used oil and proper methods of disposal.

California

Asian Immigrant Women Advocates, Oakland, CA \$5,000

Community and Workplace Risk Awareness Project for Asian immigrant women electronics assemblers. This grant will help continue the Environmental Health and Safety Project of Asian Immigrant Women Electronics Assemblers. The project's ongoing environmental education program includes newsletters, workshops, and training for these workers. The project will provide environmental health information in several languages and will also include tips on protection from hazardous materials in the workplace.

Asian Pacific Environmental Network (APEN), Oakland, CA \$20,000

APEN will work with other community groups on fish consumption issues. The groups will evaluate existing outreach and education efforts relevant to contaminated fish (actual fishing and fish consumption habits), share appropriate information within the communities and improve outreach and education in these communities.

Bernal Heights Housing Corporation, San Francisco, CA \$20,000

Lead Hazard Education and Prevention project The purpose of this project is to educate low-income parents in the Bernal Heights, outer Mission and Excelsior districts of San Francisco about EJ issues, lead poisoning, and lead hazard prevention and reduction in their homes and workplaces. BHHC will provide workshops, conferences, bilingual educational materials, and vouchers to check-out the HEPOA vacuum from Cole Hardware in our community. A major portion of the project is the partnership with Consumer Action, local churches, daycare centers, libraries, local businesses, and **other nonprofit** organizations.

California Rural Legal Assistance, Pomona, CA \$19,980

EJ Program in 12 rural communities in California. This grant will fund the Farmworker Women's Leadership Project, *Lideres Campesinas*, which works with two hundred and fifty farmworker women representing twelve farmworker communities throughout California. The goal of the program is to train farmworker women as certified pesticide educators and environmental health advocates.

Chinatown Resource Center, San Francisco, CA \$20,000

San Francisco Chinatown's Community Education Lead Poisoning Program. This program is for Chinese speaking adults who care for children under the age of six in their homes. This population faces a great risk of lead poisoning since the care-givers are not licensed and have not received training or information about lead poisoning. The lead community education-and-reach will be jointly conducted with education on seismic safety facilitated by CRC's AmeriCorp volunteers at buildings slated for seismic retrofitting.

Environmental Health Coalition, San Diego, CA \$20,000

Toxic Free Barrio Logan Campaign. This program is a combined effort of the EHC and the Mercado Apartments Tenants Association. The goal is to educate, empower and organize residents of Barrio Logan around environmental justice issues. The campaign intends to motivate community participation by conducting a community health survey and monthly environmental health updates at the Tenants Association meetings.

Healing Our Mother Earth, Grover Beach, CA \$15,000

The primary purpose of this project is to hold a series of house meetings beginning in McFarland to train the primarily Spanish speaking, low-income farmworker residents to recognize symptoms of pesticide poisoning and to encourage families to seek regular preventative health check-ups to screen for various health problems. In addition, this project hopes to explain how families can avoid or minimize exposure to dangerous toxins.

Los Angeles Conservation Corp, Los Angeles, CA \$20,000

Environmental Spark - Clean Water & Recycling Community Education Project. The goal of this project is to utilize the energy, creativity and community awareness of conservation corps members to carry environmental messages to their communities. Corp members **will work** with communities to create a project dealing with recycling, recycled oil or storm drain dumping, **involve community members in** environmental cleanup and pollution prevention projects that corps members do on an ongoing basis.

West County Toxics Coalition, Richmond, CA \$20,000

Lead Contamination Project (LCP). LCP was established to research the extent of the problem of lead poisoning, particularly in residential housing, in West Contra Costa County and to facilitate the development of strategies to address the problem through community awareness, outreach and advocacy. LCP will educate citizens and community-based organizations about the nature of lead poisoning, the need for testing/screening, as well as preventative measures and resources for dealing with the problem.

Project Concern International, San Diego, CA \$20,000

Community-based hygiene education and water purification program. Project Concern will work with Vista Community Clinic to increase understanding of environmental sanitation,

demonstrate simple low-cost techniques for water storage and disinfection, and improve hygiene-related behaviors among migrant workers.

San Francisco League of Urban Gardeners, San Francisco, CA \$20,000

EJ Youth Leadership Program. The purpose of this program is to develop effective youth leaders and activists who will use their newly acquired skills and knowledge to help educate and organize the Bayview-Hunter's Point community around EJ issues. In addition these youth will help educate their community by encouraging friends, family, and neighbors to participate in workshops that will address EJ issues in the Bayview-Hunter's Point area.

Save San Francisco Bay Association, Oakland, CA \$20,000

Seafood Consumption Information Project (SCIP) This project will develop and implement a community education program which effectively educates and trains subsistence fishing communities in San Francisco, Solano, Alameda, Contra Costa, and Marin counties about how to minimize health risks associated with Bay seafood consumption.

Hawaii

Native Hawaiian Advisory Council, Honolulu, HI \$20,000

E Alu Like Mai I Ka Pono (Coming Together for Justice). A joint project between the Native Hawaiian Advisory Council and the William S. Richardson School of Law at the University of Hawaii. This project is designed to educate native Hawaiians on the legislative and administrative processes by which agencies make environmental decisions. Project participants will prepare *E Alu Like Mai I Ma Pono: A Guidebook to Hawaii's Legislative and Administrative Processes*.

EPA REGION 9

1995 Environmental Justice Community Grants

Arizona

Arizona Department of Health Service, Center for Minority Health. \$18,585

The goal of the project is to motivate the general public and migrant and seasonal farm workers in Southeastern Arizona to be more conscious of pesticide-provoked illnesses by presenting the "Espectaculo Publico". The "Espectaculo Publico" is a public event that utilizes a "Novella" (Spanish translated, low-literacy story book with pictures) that tells how a family learns to protect themselves from pesticide-related illnesses. The "Novella"

will be presented in a play, performed by a local community theater group, and will be available as a book.

Dine Citizens Against Ruining Our Environment (Dine CARE), Winslow \$20,000

Dine CARE, an all-Navajo community-based environmental organization, will initiate a recycling and clean-up program for the Dilkon, Teesto and Seba Dalkai communities. The project will present informational workshops, establish a recycling drop-off center, and teach about risk reduction and pollution prevention.

Don't Waste Arizona (Dine Alliance), Phoenix, AZ \$20,000

The Dine Alliance, a Navajo grassroots organization, will work with residents located near the Black Mesa Coal Mine to identify environmental concerns. The Alliance will conduct an Environmental Health Needs Assessment Survey and develop an outreach and training program.

El Pueblo Clinic, TCE Program, Tucson, AZ \$20,000

The Promotora program will train volunteers to go into the community adjacent to the Tucson International Airport Superfund site. Volunteers will conduct a door to door campaign, seeking to increase the predominantly low-income Latino community's knowledge of TCE exposure, health issues, and health services available at EL Pueblo Clinic. (El Pueblo Clinic's TCE program, established in 1994, focuses on providing primary and specific TCE exposure-related health care to residents who might have been exposed to TCE from the Superfund Site.)

Salt River Pima-Maricopa Indian Community, Scottsdale, AZ \$8,860

The project will develop a community environmental awareness demonstration project that is intended to build advocacy and focus on environmental responsibility. The demonstration project will include an environmental priorities survey of the community and several workshops designed to raise awareness and provide a forum to exchange information. The environmental issues will include hazardous waste transportation, lead, radon, indoor air quality, water quality, and pollution prevention.

Tufts University, School of Medicine, Boston, MA \$19,702 The purpose of this project is to collect and disseminate oral histories and visual images of Navajo uranium miners. The project will capture, through audio recordings and visual images, the experiences of Navajo uranium miners who were exposed to hazardous levels of radiation from the 1940's through the 1970's.

Arizona - Border specific

Living is For Everyone (LIFE), Nogales, AZ \$20,000 LIFE will work with other community groups to address the environmental health issues in the Nogales area (predominantly low-income Latino communities). The project will provide environmental

health workshops, a quarterly bilingual newsletter, informational hotline, monthly lupus screening clinics, and provide outreach and case management services. LIFE will work with individual community members to encourage their leadership skills and will encourage them to share their information with friends and neighbors.

NACO Border Commerce, Naco, AZ \$20,000

This Border Sanitation project will develop 1) a strategy for collecting and treating wastewater to minimize the environmental risk, 2) a model agreement between Naco, AZ and the Sonoran government for collection and treatment of wastewater and 3) a public awareness program

California

African American Development Association, Inc., Oakland, CA \$20,000

The purpose of this project is to educate the Elmhurst residents (a predominantly African American and Latino community in Oakland) about environmental justice, lead exposure and lead hazard reduction in the home. AADAI will provide workshops, hazard maintenance equipment and supplies on a check-out basis and home monitor and reevaluation logs to the residents

Asian Pacific Environmental Network (APEN), Oakland, CA \$20,000

APEN will work with other community groups to coordinate a collaborative between African American and Laotian communities in Richmond, CA. The groups will evaluate existing outreach and education efforts relevant to contaminated fish (actual fishing and fish consumption habits), share appropriate information within the communities and determine improvements in providing effective outreach and education in these communities.

California Institute for Rural Studies, Davis, CA \$20,000

CIRS will work with other agencies and organizations to develop and implement a training program to certify "promotores" as trainers of farm workers in pesticide safety. The promotores will work with neighbors and compadres/comadres to recognize health hazards from agricultural chemicals and poor sanitation.

Metropolitan Area Advisory Committee, National City, CA \$20,000

The Toxic Free Barrio Logan Campaign is a combined effort of the Metropolitan Area Advisory Committee, the Environmental Health Coalition and the Mercado Apartments Tenants Association. The project will focus its efforts on the Mercado Apartments which houses 600 low-income residents, predominantly Latino. Basic environmental information education and resources will be provided to the residents. Ongoing education efforts will be developed and presented by the residents. Specific activities include presenting a watershed protection workshop, establishing a Toxics Watch hotline and an environmental resource library.

Ontario Montclair School District, Ontario, CA \$20,000

Goal is to teach students, families and the surrounding communities about toxic pollutants and the **need for** water conservation, through improved communication and coordination. The school district has a high percentage of minority students and over 39 languages are spoken. The programs activities include classroom instruction, visits to the Chino Basin Water Conservation District's Env. Cntr. and formation of a parent action group.

Pesticide Watch, San Francisco, CA \$20,000

The Community Coalition to End Pesticide Drift is a coalition of community groups who are struggling to protect their health and environment from dangerous pesticides which drift from adjacent agricultural fields. This project will improve local organizing efforts in existing coalition member communities and target other rural, low-income and communities of color that are most likely to experience pesticide drift. The project will fund regional meetings, statewide retreats, participation on a statewide agricultural urban interface task force, establishment of an informational hotline and public service announcements.

Ramona Gardens Resident Advisory Council, Los Angeles, CA \$11,851

Project Restore Ramona will familiarize residents of a East Los Angeles low income public housing on issues which harm their immediate environment. The project will initiate an oil recycling program, clean up affected areas and restore those areas with sod and trees. Tenants will be leading and participating in the activities and materials will be written in English and Spanish.

Sierra Club, Los Angeles, CA \$20,000

Sierra Club will work with other local environmental justice organizations to produce and distribute an educational video and pamphlets to teach severely affected low-income and communities of color about the dangers of lead exposure in the home and how to reduce their exposure. Video will be specific to LA area.

Hawaii

Puna Malama Pono, Pahoa, HI \$20,000

This air toxics project will help train local volunteers in the Puna District, a rural and predominantly low-income community with a high proportion of Native Hawaiian residents, to monitor the air emissions from a local geothermal plant. It will use a portable recording monitor to collect data on the emissions of hydrogen sulfide. The community will be working with air toxics experts to both provide the training and maintain the monitor.

West County Athletic Association, Richmond, CA \$19,056

Project will implement an environmental education program for African American youth (11-14 years old). The program will develop and present information about environmental

issues; coach participants to make classroom and community presentations and connect the youth with industry mentors to conduct community projects.

Comments in Addition to Handouts:

Laura Yoshii said that her region has consciously resourced. They've established a team emphasizing developing relationships over time. The region has initiated a pilot project with Oakland. They are working in the community to identify environmental issues and concerns. Urban vs. non-urban. In Watsonville, a rural community, the issue is pesticides. Before, ag commissioners were not communicating with the farm workers and now they are sitting down at the table. She also reported that they are going beyond their regulatory responsibilities. They were able to bring HUD to the table to deal with housing issues. They are trying to institutionalize EJ. A steering committee exists that is made up of division deputy directors. They meet monthly to talk about specific issues. They are working with each division to develop a division plan that has an EJ component so that it's really integrated. Working with strategic planning so that EJ integrates into all strategic planning efforts. Another area is the need to work with local governments. They've increasingly emphasized working with local governments and getting along. On the state front: in Arizona they have an Environmental Justice coordinator and they've set up an advisory board. In California, there are three state bills that the EPA's been asked to comment on. Future opportunities: concern that unlike some of the other areas, where there's been clear leadership at the agency senior level, there's no national division director counterpart -- what message is that sending. In addressing resource issues, Laura said that funds disappeared for EJ in 1998. Sharing information on EJ efforts -- is there funding. Title 6 complaints increasing and need to get out clear guidance on what this means. Agency's getting in reactionary mode in looking at EJ only from a Title 6 perspective. Communities are looking to EPA to play a much greater leadership role.

Region 10, Office of Waste and Chemical Management
David Croxton

1. Alaska Native Use of Local Food Resources:

- Harvest, Contaminants, Concerns and Cultural Importance

Funded by the Environmental Protection Agency
Region 10, Fran Stefan, Project Officer

2. Study goals related to Alaska Native use of local food resources:

- Develop an accessible source of information for communities and agencies
- Document Native concerns and ideas
- Identify gaps in our understanding about the values and risks

3. Information Components

- Community concerns and ideas
- Cultural benefits
- Nutritional value
- Harvest and consumption
- Contamination
- Health effects
- Programs

4. Study Approach

- Develop a computer data base incorporating relevant information
- Work directly with five communities to ensure process increases rather than decreases local control.
- Collaborate with other researchers to incorporate their work.

5. Examples of Collaborating Organizations

- AK Dept. Of Fish and Game, Subsistence Division
- Institute of Marine Science, University of AK, Fairbanks
- AK Dept. Of Environmental Conservation
- RuralCAP
- AK Dept. Of Health and Social Services
- AK Area Native Health Service

Project Contact

Jack Kruse, Principal Investigator
Institute of Social and Economic Research
University of Alaska, Anchorage
3211 Providence Drive,
Anchorage, AK 99508
(907) 786-7743
(907) 786-7739

Comments in Addition to Handouts:

In Alaska, there is a community-based, EJ project. The Eskimos were traditionally semi-nomadic. In 1939, the military came in and needed to use some of their land for an air force base. The tribe agreed, but saw it as temporary. Fuel barrels are scattered all over the tundra. Nomadic patterns have changed because of restrictions on access to hunting grounds and because of availability of jobs at the AFB, so now, there are new issues of landfills, etc. One municipality was looking to site a landfill. Because they are subsistence farmers, they're concerned about dispersed contamination. There's a heavy reliance on fish and game: 700 lbs per person per year. There's lots of concern regarding food source contamination. They have given money to village council to help coordinate and do training and to create buffer agreement among the stakeholders. Given some grant money to the University of Alaska in Anchorage to look at subsistence hunting and look at all the different types of subsistence foods, do studies on what's contaminated on all those variety of foods, look at risk characterization and to provide information on a web site. Done very close work with the village council in order to make sure they're involved in the process. Really trying to focus on working with the community and making them involved. Tribe members concerned about the color of livers of species of fish -- noticed that livers become discolored over the years.

Mr. Croxton added that RCRA and toxics are in the same office and that's nicely coming together. It helps them focus and is good for resources. They're filming the whole process, using an award-winning company -- from beginning to end. That's had a good effect. Keys leading to attention and positive feeling. Everyone's feeling really positive. Empowering council itself both in grants and ensuring that others want to make sure info provided is useful and incorporates culture. Advantage of community based project -- idea of focused effort -- people coming in together: technology transfer and being able to get some resources and staff time committed to it.