

MEETING SYNOPSIS

of the

EXECUTIVE COUNCIL

of the

**NATIONAL ENVIRONMENTAL JUSTICE ADVISORY
COUNCIL**

June 20 through 22, 2006

Washington, DC

Victoria Robinson

Victoria Robinson
Designated Federal Officer

Richard Moore

Richard Moore
Chair

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL
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Meeting Synopsis of the Executive Council

This summary presents highlights of the 21st meeting of the National Environmental Justice Advisory Council (NEJAC), held June 20 through 22, 2006 at the Washington Plaza Hotel in Washington, DC. On June 20, 2006, the NEJAC hosted a public comment period during which representatives of community and state organizations presented their concerns about health risks, environmental issues as a result of hurricanes Katrina and Rita, and issues related to the effects of Brownfields redevelopment on environmental justice communities. Approximately 125 persons attended the meeting and the public comment period.

The NEJAC is a Federal advisory committee that was established by charter on September 30, 1993 to provide independent advice, consultation, and recommendations to the Administrator of the U.S. Environmental Protection Agency (EPA) on matters related to environmental justice. Mr. Richard Moore, Executive Director, Southwest Network for Environmental and Economic Justice (SNEEJ), serves as the chair of the NEJAC. Mr. Charles Lee, Associate Director for Policy and Interagency Liaison, EPA Office of Environmental Justice (OEJ), serves as the Designated Federal Officer (DFO).

OEJ maintains transcripts and summary reports of the proceedings of the meetings of the NEJAC. Those documents are available to the public upon request. The public also has access to the executive summaries of reports of previous meetings, as well as other publications of the NEJAC, through the Internet at <http://www.epa.gov/compliance/environmentaljustice/nejac/meetings.html> (click on the meeting summaries).

REMARKS

At the June 2006 meeting, members of the NEJAC heard remarks from the following:

- Mr. Moore welcomed the members of the NEJAC to Washington, DC. He noted several examples of major victories for environmental justice across the country, including the signing of an executive order that addresses environmental justice issues in New Mexico. He also discussed the need for the NEJAC to remain true to its mission with integrity.
- Mr. Lee introduced the members of the Executive Council, clarified the meeting guidelines, and provided an overview of the meeting agenda.
- Mr. Granta Y. Nakayama, Assistant Administrator, EPA Office of Enforcement and Compliance Assurance (OECA), welcomed the members of the NEJAC to Washington, DC and outlined the goals of the meeting. He added that environmental justice issues are important and that EPA continues to benefit greatly from the work and recommendations of the members of the NEJAC. He stressed the need for more effective community participation and inclusion in the decision-making processes. Mr. Nakayama concluded his remarks by emphasizing the need to incorporate environmental justice principles into all 5 goals of the EPA Strategic Plan.

DISCUSSIONS AND DIALOGUES ON REPORTS OF THE NEJAC

In its continuing efforts to provide independent advice to the EPA Administrator in areas related to environmental justice, the NEJAC focused a part of its 21st meeting on the discussion of three draft reports:

- *Unintended Impacts of Redevelopment and Revitalization Efforts in Five Environmental Justice Communities*

- *Mechanisms to Enhance Future Stakeholder Involvement and Engagement*
- *National Environmental Justice Advisory Council Gulf Coast Hurricanes Work Group Draft Advice and Recommendations.*

Discussion on the Unintended Impacts of Redevelopment and Revitalization Efforts in Five Environmental Justice Communities

On June 20, 2006, Mr. Andrew Sawyers, Environmental Policy Analyst, Maryland Department of the Environment and former chair, Waste and Facility Siting Subcommittee of the NEJAC; Mr. David R. Lloyd, Director, EPA Office of Brownfields Cleanup and Redevelopment; and Mr. Kent Benjamin, Environmental Justice Coordinator, EPA Office of Solid Waste and Emergency Response and DFO, former Waste Facility Siting Subcommittee of the NEJAC, presented to the members of the Executive Council the working draft, *Unintended Impacts of Redevelopment and Revitalization Efforts in Five Environmental Justice Communities*. During their presentation, the panelists provided a summary about the process the Work Group followed to develop the draft report and their key findings and recommendations. The members of the NEJAC then discussed the draft report at length, provided suggestions for report revisions, including altering language, striking unnecessary sentences within the Executive Summary and Recommendations sections, and cross-examining and referencing additional documents for clarification. A date was not identified for when the final report would be complete.

Discussion on the Mechanisms to Enhance Future Stakeholder Involvement and Engagement to Address Environmental Justice

On June 21, 2006, the Executive Council of the NEJAC discussed its recommendations and responses to EPA's request for advice and recommendations about enhancing future stakeholder involvement and engagement to address environmental justice. The three questions included:

- Question 1 – What venues and other mechanisms would be most effective for EPA to continue to obtain public policy advice on specific environmental justice issues/concerns?
- Question 2 – What mechanisms would be most effective for EPA to receive timely advice on specific environmental justice issues/concerns that require action or decision on short notice?
- Question 3 – What are the best mechanisms to continue to build a collaborative problem-solving capacity to address environmental justice issues/concerns among EPA's regulatory partners and other environmental justice stakeholders?

The members of the Executive Council discussed revisions to clarify the intent of the recommendations. The following are highlights from that discussion:

- Under recommendation 1.1, the members of the NEJAC suggested that EPA continue to support the NEJAC as the primary public policy advice mechanism on environmental justice issues; however, the NEJAC should be streamlined to be more effective and less resource-intensive. The members discussed the elimination of standing subcommittees and agreed that expert work groups will be formed on an as-needed basis.
- Under Recommendation 1.4, the members of the NEJAC focused on the need for a written formal response from EPA to the NEJAC's recommendations and advice and that the NEJAC provide deadlines for such responses.
- Under Recommendation 3.6, the members suggested that language be included in the report that specifically states that EPA will not provide funding for legal representation of impacted communities.

Discussions and Presentations About Addressing Environmental and/or Public Health Impacts in Vulnerable Communities During Future EPA Disaster Response Efforts

On June 21 and 22, 2006, the members of the Executive Council heard presentations about the emergency response activities following the Gulf Coast Hurricanes and discussed recommendations and advice about how EPA can more effectively address the vulnerabilities of all communities in the aftermath of a natural disaster.

Presentations about EPA's emergency response to the Gulf Coast Hurricanes included:

- Mr. Stanley Meiburg, Deputy Regional Administrator, EPA Region 4, who provided an overview of the EPA National Disaster Response Plan. He reviewed the steps taken during most disaster situations and compared them to those steps specifically taken during Hurricane Katrina. Specific examples of lessons learned included the importance of advance planning and clear identification of roles for government agencies and personnel; strong state-federal relations and communication; situational flexibility; and effective debris management following the disaster.
- Ms. Dana Tulis, Deputy Director, EPA Office of Emergency Management (OEM), who outlined EPA's support functions as outlined in the Federal government's National Response Plan. She provided an overview of the purpose and history of EPA's National Approach to Response (NAR) and the current work being done on the priorities outlined in the NAR that include, the development of an environmental laboratory response network and creation of a work group aimed at improving coordination for community outreach and risk communication.
- Mr. Lawrence Starfield, Deputy Regional Administrator, EPA Region 6, who summarized the issues most important to communities in the wake of hurricanes Katrina and Rita. He stressed the importance of providing accurate information to communities quickly and effectively.

Following the presentations, members of the Gulf Coast Hurricanes Work Group provided the Executive Council an overview of their draft report, *National Environmental Justice Advisory Council Gulf Coast Hurricanes Work Group Draft Advice and Recommendations*:

- Ms. Wilma Subra, Chair, NEJAC Gulf Coast Hurricanes Work Group, provided a brief background on the Gulf Coast Hurricanes Work Group. She noted that communication began in December of 2005 to produce draft advice and recommendations that can be categorized under one of the following three themes:
 - Enhance EPA disaster preparedness and response procedures
 - Facilitate risk communications and environmental health response
 - Foster environmentally sound redevelopment
- Ms. Subra, Ms. Jody Henneke, Division Director, Office of Public Assistance, Texas Commission of Environmental Quality, Mr. Juan Parras, Community Organizer, De Madres a Madres, and Mr. Charles Collette, Senior Assistant General Counsel, Florida Department of Environmental Protection presented items from the final draft Report.

Following the presentations, members of the NEJAC discussed the report at length and provided suggestions and revisions for inclusion in the report. While the Executive Council provided their comments, Mr. Lee read written comments from OEM for the NEJAC's consideration. One of the major concerns to come out of the resulting discussion was the need to improve risk communication efforts. Mr. Ken Warren suggested that the NEJAC develop a public policy recommendation that would address the need for improved risk communication.

Mr. Johnny DuPree, Mayor, City of Hattiesburg, Mississippi, and member of the NEJAC Gulf Coast Hurricanes Work Group, spoke briefly about worker protection, including the need for proper protective clothing and how EPA should take more responsibility to communities in the public health area. He also suggested that the NEJAC involve more "on-the-ground" decision makers, such as mayors and other

local electoral officials, in its work groups since these officials hold institutional knowledge of the potential environmental justice communities.

SIGNIFICANT CONCERNS EXPRESSED DURING THE PUBLIC COMMENT PERIOD

A public comment period was conducted on June 20, 2006 and focused primarily on issues related to hurricanes Katrina and Rita. One written and four oral comments were offered during the period.

The predominant themes that were raised during the public comment period are outlined below:

- Several commenters expressed concern about environmental issues resulting from hurricanes Katrina and Rita. Specific concerns included the need to eliminate what they termed illegal dumpsites that were created as a result of the hurricanes; the importance of recognizing the Vietnamese and other community input in the decision-making process for the siting of new landfills; the need for targeted post-disaster communication and education about “toxic leftovers,” and the value of coastal restoration that ensures effective and sustainable hurricane protection.
- Ms. Linda Safley, Environmental Crisis Center, expressed concern about issues related to environmental and health risks that result from the transportation of hazardous wastes and the proposed construction of 16 new nuclear plants.
- Mr. John Ridgway, Washington Department of Ecology and member of the NEJAC Unintended Impacts Work Group, spoke at length with members to clarify several points about the *Unintended Impact Assessment Draft Report*. He also requested that the NEJAC distribute the report to communities and to invite state representatives to future meetings.