



# Environmental Justice Quarterly

<[www.epa.gov/compliance/environmentaljustice](http://www.epa.gov/compliance/environmentaljustice)> Winter/Spring 2004

## OEJ to Launch New Collaborative Problem-Solving Grant Program

The Office of Environmental Justice (OEJ) recently selected 30 projects as finalists under its new grant program—the Environmental Justice Collaborative Problem-Solving Grant Program (CPS). The purpose of the Environmental Justice CPS Grant Program is for EPA to provide financial assistance to affected local community-based organizations who wish to engage in constructive and collaborative problem-solving by utilizing tools developed by EPA and others to find viable solutions for their community’s environmental and/or public health concerns. For more information, visit the OEJ Web site at: [www.epa.gov/compliance/environmentaljustice/grants/ej-cps-grants.html](http://www.epa.gov/compliance/environmentaljustice/grants/ej-cps-grants.html)

### In This Issue:

- OEJ Funds New Training for Communities . . . . .1
- New Video Brings EJ Law to Organizations . . . . .2
- NEJAC Conference on Cumulative Risks/ Cumulative Impacts . . . . .2
- Environmental Justice Coast to Coast . . . . .3
- Headquarters Update . . . . .4
- Regional Corner . . . . .5

## Breaking New Ground: Environmental Laws & ADR Training

EPA’s Office of Environmental Justice (OEJ) is launching an important breakthrough in providing a joint training about environmental laws and alternative dispute resolution (ADR) to environmental justice grassroots organizations. The Environmental Law Institute (ELI) has been selected for a grant award to create and deliver a series of training courses to be held throughout the United States over the next three years. The first course is scheduled to be held in September 2004 in New Mexico.

The new course fills an important training gap. While a number of communities have successfully used ADR to address environmental justice issues, they have lacked the in-depth knowledge of relevant environmental laws that can help inform and guide the ADR process. To citizens in communities with environmental justice issues, identifying and navigating relevant laws can be a daunting task.

Based on a previous two-and-a-half-day course developed by ELI, entitled *Demystifying the Law*, the new course will educate interested organizations about existing laws they can use to address environmental concerns in their communities. Using interactive activities, role-playing exercises, and written materials designed to be used as both training materials and take-home references, the courses will teach 30 to 35 participants per session to effectively use the tools at their disposal. As part of the grant, all



Identifying and navigating through relevant laws can be a daunting task, but the new courses seek to increase understanding so that non-lawyers can feel comfortable using the law to forward their environmental justice goals.

expenses incurred by organizations to attend the training sessions will be reimbursed.

ADR is a technique that can be used to pursue resolutions to environmental justice issues through non-litigious avenues. Defined as “any procedure used to resolve issues in controversy, including but not limited to conciliation, facilitation, mediation, fact finding, mini-trials, arbitration, and use of ombuds, or any combination thereof,” ADR utilizes neutral third parties and negotiation to help interested parties address their concerns and come to a mutually acceptable agreement. Compared to litigation, ADR can reduce the monetary cost of action, create more satisfying and long-lasting solutions, and create better working relationships

*Continued on page 3*

## New Video Brings EJ Law to Grassroots Organizations

A new video, entitled *Communities and Environmental Laws*, will be released this April to provide valuable information to residents of communities with environmental and/or public health issues. The new video presents information tailored to grassroots organizations that want to make a difference in their communities' environmental outlook.

The Environmental Law Institute (ELI) has teamed with the Southwest Network for Environmental and Economic Justice and the United Church of Christ to develop the instructional video, which will serve as a companion piece to a handbook previously developed by ELI.

Over the past several years, through a cooperative agreement with EPA's Office of Environmental Justice, ELI has been leading the effort to provide stakeholders with targeted environmental justice information. In 2001, ELI released its extensive report, entitled *Opportunities for Advancing Environmental Justice: An Analysis of U.S. EPA Statutory Authorities*, which outlined the various elements of federal environmental laws that EPA can use to address environmental justice issues.



Following the publication of the report, targeted to government officials and others with advanced environmental justice knowledge, ELI developed a companion handbook, entitled *A Citizen's Guide to Using Federal Environmental Laws to Secure Environmental Justice*. The handbook addressed many of the same basic issues as the initial report, but tailored the information to citizens who want to pursue environmental justice in their communities and are less familiar with environmental law and legal consequences.

The new video companion to the *Citizen's Guide* features members of two environmental citizens groups: the Tucsonans for a Clean Environment (Tucson, AZ) and the Southern Organizing Committee for

Economic and Social Justice (Atlanta, GA). Beginning April 30, 2004, both VHS and DVD format versions of the video will be available to interested parties free of charge. To order, please call the National Service Center for Environmental Publications at 1-800-490-9198 or visit the NSCEP Web site at <[www.epa.gov/ncepihom](http://www.epa.gov/ncepihom)>.

## NEJAC Conference To Tackle Cumulative Risks/Cumulative Impacts

Cumulative risks/cumulative impacts will be a key topic of discussion at the upcoming conference of the National Environmental Justice Advisory Council (NEJAC). The conference will be held April 13–16 at the Sheraton New Orleans Hotel in New Orleans, Louisiana.

For more than a year, a NEJAC Work Group has been studying the issue of Cumulative risks/cumulative impacts in the context of environmental justice. Its proposals and recommendations will be deliberated at the April conference.

In recent years, EPA has been broadening its risk assessment approach—from an individual, chemical-based approach to one that gives greater consideration to multiple endpoints, sources, pathways, and routes of exposure. In 2003, the Agency released the Framework for Risk Assessment, an informational document that describes various aspects of cumulative risk and serves as a foundation for developing future guidance. The Framework is intended to foster consis-

tent approaches to cumulative risk assessment in EPA, identify key issues, and define terms.

EPA asked NEJAC to consider short- and long-term actions that EPA should take to proactively implement the concepts contained in the Framework to ensure environmental justice for all communities and tribes. The Agency recognizes that many communities and tribes are exposed to multiple toxins from myriad sources. Certain communities and sub-populations are also more susceptible to environmental toxins, are exposed to more toxins, or have a compromised ability to cope or recover from such exposures.

The Work Group has been examining these issues and will present a number of key concepts for discussion at the conference, including the use of a collaborative working model to ensure tangible and sustainable risk reduction results.

### NEJAC Conference

“Cumulative Risks/  
Cumulative Impacts”

April 13–16, 2004

Sheraton New Orleans Hotel  
500 Canal Street  
New Orleans, Louisiana 70130  
Phone: (504) 525-2500  
Fax: (504) 595-5552

For additional information on NEJAC or the conference, visit:  
<[www.epa.gov/compliance/environmentaljustice/nejac](http://www.epa.gov/compliance/environmentaljustice/nejac)> or contact  
Victoria Robinson of EPA at  
(202) 564-6349 or  
<[robinson.victoria@epa.gov](mailto:robinson.victoria@epa.gov)>

In addition to the discussions of Cumulative risks/cumulative impacts, conference sessions also will be devoted to business of the Executive Council and meetings among NEJAC's six sub-committees.

# Environmental Justice Coast to Coast

ABA and Hastings College of Law Release 50-State EJ Report

Since 1993, when New Hampshire became the first state to enact an environmental justice policy, numerous states have developed their own environmental justice policies, laws, and initiatives. Despite the widespread adoption of environmental justice policies by states over the past 11 years, no single, current resource existed that documented the actions taken by each state. All of that changed in January 2004 with the release the first comprehensive listing of state environmental justice efforts, entitled *Environmental Justice For All: A 50-State Survey of Legislation, Policies, and Initiatives*.

The report was produced by the Public Law Research Institute at the University of California Hastings College of Law and the American Bar Association (ABA). In 2000, Hastings law students produced a similar but less extensive report. ABA decided to partner with the school and its students to expand on their previous efforts. The new report documents each environmental justice effort conducted in all 50 states—from creation of advisory boards to enactment of statutes—in order to keep government regulators, the regulated communities, and, especially, affected communities informed on state-based efforts.

According to Benjamin Wilson, of the law firm of Beveridge and Diamond, and vice-chair of the ABA's Environmental Justice Committee responsible for the report, "The identification of more than 30 states actively involved in pursuing environmental justice initiatives is a positive indicator of the rapid emergence of environmental justice as a state issue." Because environmental justice is a new issue for many states, there was little past precedent for states to use in formulating their policies—a situation the report will help remedy.

Eileen Gauna, a law professor at Southwestern University and author of *Environmental Justice: Law, Policy and Regulation*, noted that the report "provides an easily discernible baseline from which to measure progress in this

## Environmental Justice Performance Partnership Agreements

*Environmental Justice For All: A 50-State Survey of Legislation, Policies, and Initiatives* also addresses Performance Partnership Agreements (PPAs) related to environmental justice. PPAs are agreements between state governments and EPA that outline how the state and EPA will work together toward mutual goals. Currently, 35 states have entered into PPAs related to a variety of environmental concerns, though not all of the agreements are currently in effect. Of these 35 PPAs, 15 involve environmental justice initiatives and are covered in the report.

EPA has entered into environmental justice related PPAs with the following states:

Arkansas	Maryland	New Hampshire	Utah
Colorado	Massachusetts	Pennsylvania	Washington
Connecticut	Minnesota	Rhode Island	
Illinois	Montana	South Dakota	

rapidly developing area. The report is an invaluable tool for the many individuals and institutions working to promote environmental justice."

To ensure that the report included all of the efforts underway, researchers relied on a variety of resources, including state environmental bureau Web sites, the Lexis-Nexis legal database, and interviews with hundreds of state and federal officials.

Researchers also recognized the need to expand their search beyond clearly identified environmental justice topics and scoured state laws to document initiatives which, though not described as "environmental justice" or "environmen-

tal equity" initiatives, affect environmental justice within the states. For example, the report examines Alabama's anti-concentration law, which prevents the construction of more than one solid or hazardous waste facility within a given county. This legislation, which also covers power facilities, helps ensure that minority and/or low-income communities do not bear an unfair portion of the environmental burden associated with these facilities.

Copies of *Environmental Justice For All: A 50-state Survey of Legislation, Policies, and Initiatives* are available free of charge on the ABA Web site at <[www.abanet.org/irr/committees/environmental](http://www.abanet.org/irr/committees/environmental)>.

## Environmental Laws & ADR Training

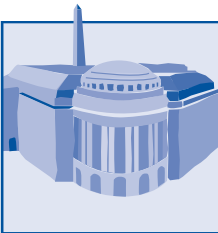
(Continued from page 1)

between stakeholders. Last year, OEJ commissioned a study to better understand ADR mechanisms being used to reconcile environmental issues in overburdened communities.

To deliver the most effective training possible, ELI will assemble an experienced team to assist in the development and delivery of the courses. Michael Lewis, a managing partner of ADR Associates, LLC and a law professor at Georgetown University, will design

the ADR component of the training sessions. ELI will also call on two long-standing partners, the Southwest Network for Environmental and Economic Justice, and the Southeast Community Research Center, as consultants to help review and finalize the course agenda and materials.

For more information, contact Suzi Ruhl at (850) 386-7037.



## Headquarters Update OECA

*Each quarter, the Office Update features a specific office at EPA Headquarters, highlighting recent activities, programs, and policies aimed at addressing a variety of environmental justice issues.*

### OECA Announces 2004 Environmental Justice Policy

EPA's Office of Enforcement and Compliance Assurance (OECA) issued its first Environmental Justice Policy in January. It seeks to integrate environmental justice goals into every aspect of its activities.

The policy was drafted by the Environmental Justice Action Council (comprised of Deputy Office Directors) and the Environmental Justice Coordinating Council (comprised of staff level environmental justice coordinators). The new policy strengthens OECA's commitment to integrating environmental justice into every aspect of its activities.

OECA will make environmental justice a cornerstone of its "smart enforcement" efforts. Smart enforcement incorporates OECA's institutional knowledge into actionable objectives aimed at improving the enforcement program's outcomes. Smart enforcement is based on collaboration between regional offices, program offices, and individual states, and focuses on five key areas:

- Addressing significant environmental, public health, and compliance problems.
- Using data to make strategic decisions for better utilization of resources.
- Using the most appropriate tool to achieve the best outcome.
- Assessing the effectiveness of program activities to ensure continuous program improvement and desired program performance.
- Effectively communicating the environmental, public health and compliance outcomes to enhance program effectiveness.



OECA will use environmental and health data to identify communities with significant environmental and/or public health problems. It will then identify the most appropriate enforcement or compliance tool to obtain the best outcome in the most efficient way. OECA is also committed to communicating the results of environmental justice enforcement efforts to the affected communities.

To more thoroughly integrate environmental justice into its planning and budgeting process, OECA reaches out to groups both within and outside EPA. OECA will consult with the National Environmental Justice Advisory Council (NEJAC) to develop ways to better assimilate environmental justice into all its activities. The environmental justice goals will also be reflected in cooperative agreements and grants with states, tribes, and other stakeholders.

OECA has initiated an aggressive staff training program to help staff understand environmental justice issues and find opportunities to address them. OECA will also train its state and tribal partners to ensure that environmental justice is considered at every level of enforcement and compliance work.

Environmental justice will be emphasized in OECA's national program priorities guidance for fiscal years 2005–2007. The guidance will be used by OECA and its regional and state counterparts to encourage compliance with 10 distinct federal environmental statutes dealing with prevention and control of air pollution, water pollution, hazardous waste, toxic substances, and pesticides. Most of these statutes have multiple program elements; OECA carries out compliance and enforcement activities in 28 separate program areas. The statutory and regulatory requirements of these programs apply to 41 million regulated entities. The priorities emphasis will increase the environmental justice impact of enforcement and compliance efforts.

# Regional Corner

## Region 7

This column explores exciting environmental initiatives under way in EPA regional offices.

Iowa, Kansas, Missouri, Nebraska, and nine tribal nations.



EPA's Region 7 is working hard to create collaborative environmental justice solutions at the community level. Here are just a few examples of Region 7's projects.

### Raising Pesticide Safety Awareness

Southwestern Kansas

The community-based nonprofit group Harvest America Corporation (HAC) is using a \$30,000 Region 7 grant to implement the Informing People on Pesticides (IPOP) Project. The IPOP Project seeks to identify migrant, seasonal farm workers and their families in Kansas to raise awareness about issues related to pesticide safety and exposure. In addition, HAC also collects demographic and pesticide awareness data to better assess the overall needs of the target population.



Migrant mothers (and their children) at an EPA presentation promoting awareness of pesticides, household hazardous waste, asthma, and lead.

Since its inception, the IPOP project has collected pesticide usage information from more than 300 participants, which IPOP has shared with both EPA and state programs. It also has communicated pesticide safety information to more than 800 participants. Following bilingual presentations, participants have demonstrated, on average, a 50 percent knowledge increase on pesticide safety.

Partnerships also have been successfully established between migrant farm worker communities, service providers, and federal and state agencies in Kansas.

For more information on the IPOP program, contact Debbie Bishop at (913) 551-7529 or <bishop.debbie@epa.gov>.

### Environmental Justice Center To Offer Technical Assistance

Jefferson City, Missouri

Lincoln University's Cooperative Research and Extension (LUCRE) Program is using a \$50,000 Region 7 grant to develop a resource center for low-income and minority communities in the Missouri "Boot Heel" region. The Midwest Technical and Virtual Resource Center for Environmental Justice will specifically target communities affected by substandard drinking water. The center's charter also stipulates that it will work in conjunction with federal and state partners to respond to requests for technical assistance on compliance issues. In addition, the center hopes to develop materials to respond to communities' requests for assistance. For additional information about this project, contact Sherick Andri Jovan at (913) 551-7397 or <jovan.sherick@epa.gov>.

### Tribal Cultural Education & Awareness Video Project

Nebraska & Iowa

Region 7 is co-producing a video with the Omaha Tribe of Nebraska and Haskell Indian Nations University that will be used for training and education. In the video, different generations of Omaha Indians share their environmental, cultural, and communication perspectives. Region 7

*Continued on back page*

### Region 7 Offers Training Opportunities

To ensure basic awareness of environmental justice issues, training is provided to all members of environmental protection programs, states and partnering agencies, Region 7 holds quarterly environmental justice training based on the modules developed by the Environmental Justice Training Collaborative.

Recently, Region 7 offered this train-

ing in partnership with the Missouri Department of Natural Resources. Based on the success of this effort, Region 7 plans to expand the training to state employees in Kansas, Iowa, and Nebraska, and plans to host a train-the-trainer workshop in the next two years.

Region 7 also sponsored the first-ever, region-wide small grants workshop in October 2003 in Kansas City, Kansas. In an effort to provide regional stakeholders with a compre-

hensive look at financial assistance opportunities, this two-day workshop provided information regarding the pre-award process, post-award responsibilities of grant recipients, and funding opportunities. Region 7 officers plan to hold this workshop again in October 2004.

To learn more about environmental justice projects in Region 7, contact acting Director Pamela Johnson at (913) 551-7480 or <johnson.pamelak@epa.gov>.

## Regional Corner: Region 7

*(Continued from page 5)*

hopes to use the video as part of its “Working Effectively with Tribal Governments” training.

Students from Haskell Indian Nations University’s production studio are currently editing the interviews and background footage collected for the video. Production is scheduled for completion within the next few months and the video will be available later this summer. For additional information on this project, contact Monica Espinosa at (913) 551-7058 or <espinosa.monica@epa.gov>.

### John Garland Park Revitalization Project

Kansas City, Kansas

For several years, community groups in Kansas City have worked collaboratively to revitalize a park that was once a Superfund site. EPA Headquarters and

Region 7 have both supported the revitalization of John Garland Park in the Oak Grove neighborhood through several grant awards.

In 2001, Region 7 awarded community group Associated Youth Services (AYS) \$15,000 to work with stakeholders to revitalize the site.

The project has garnered attention regionally and nationally for its community-driven results. OGNA was recognized at both the 2002 EPA Brownfields Conference as well as the National Community Involvement Conference. In addition, EPA recently honored a key stakeholder in this effort, Clintel Betts, chair of the Oak Grove Community Group, by granting him the 2003 Citizen Excellence in Community Involvement Award. This award is given annually to individuals and/or community groups that work with a Superfund team

to improve environmental protection.

For additional information about this project, please contact Sherick Andri Jovan at (913) 551-7397 or <jovan.sherick@epa.gov>.

United States  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW.  
Washington, DC 20460  
(202) 204-6000  
Official Business  
Penalty for Private Use \$300  
EPA-300-N-04-003  
Winter/Spring 2004

