

US EPA ARCHIVE DOCUMENT

**Statement of Granta Y. Nakayama
Assistant Administrator
Office of Enforcement and Compliance Assurance**

**U.S. Environmental Protection Agency
Before the Committee on Environment and Public Works
Subcommittee on Superfund and Environmental Health
United States Senate**

July 25, 2007

Good afternoon Madame Chairwoman and distinguished Members of the Subcommittee.

I am Granta Nakayama, Assistant Administrator for Enforcement and Compliance Assurance (OECA) at the U.S. Environmental Protection Agency (EPA). My office is responsible for enforcing the nation's environmental laws, as well as serving as the National Program Manager for environmental justice. On behalf of Administrator Johnson, thank you for inviting us to speak with you today on the significant environmental justice accomplishments of the Agency, what we have learned from those accomplishments, and how we plan to continue our efforts to comprehensively address environmental justice issues.

Implementing Executive Order 12898

EPA is a trailblazer in Federal government implementation of environmental justice programs. No other Federal agency has attempted to incorporate environmental justice into its programs, policies, and activities as comprehensively as the EPA. EPA is the lead for implementing Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. This Executive Order directs each Federal Agency to "make achieving environmental justice part of its mission." EPA works to comply

with this Executive Order, and has taken significant and meaningful steps to integrate environmental justice into its mission.

In its role as lead agency for the Executive Order, EPA provides technical assistance to other Federal agencies on integrating environmental justice. For example, EPA has been working with the Centers for Disease Control and Prevention (CDC) in developing an environmental justice policy. EPA also is working with the National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (ATSDR) to develop a strategy for integrating environmental justice goals within its programs and operations. Last week, EPA, CDC and ATSDR announced a memorandum of understanding (MOU) to collaborate on data gathering and sharing, and to find solutions for community health problems that could be linked to environmental hazards. Environmental justice was an important consideration in the development of this MOU.

Under the leadership of Administrator Johnson, EPA maintains an ongoing commitment to protect the environment for all people, regardless of race, color, national origin, or income, so that all people have the clean environment they deserve. We recognize that minority and/or low-income communities may be exposed disproportionately to environmental harms and risks. EPA works to protect these and other communities from adverse human health and environmental effects. Ensuring environmental justice means not only protecting human health and the environment for everyone, but also ensuring that all people are treated fairly and are given the opportunity to participate meaningfully in the development, implementation, and enforcement of environmental laws, regulations, and policies.

Integrating Environmental Justice into EPA's Mission

On November 4, 2005, Administrator Johnson reaffirmed EPA's commitment to environmental justice. He directed the Agency's managers and staff to integrate environmental justice considerations into EPA's core planning and budgeting processes. As a result, EPA has made transparent, measurable, and accountable environmental justice commitments and targets in all five goals of EPA's Strategic Plan for 2006-2011. Administrator Johnson identified eight national environmental justice priorities. Specifically, he directed the Agency to work with our partners to:

- Reduce asthma attacks;
- Reduce exposure to air toxics;
- Reduce incidences of elevated blood lead levels (ASTDR and the Department of Housing and Urban Development);
- Ensure that companies meet environmental laws;
- Ensure that fish and shellfish are safe to eat (Federal Drug Administration);
- Ensure water is safe to drink;
- Revitalize brownfields and contaminated sites; and
- Foster collaborative problem-solving.

EPA's Program Offices and Regions each implement an Environmental Justice Action Plan (Action Plan) to support EPA national priorities. These Action Plans are prospective planning documents that identify measurable commitments from each organization.

EPA's Chief Financial Officer directed the Agency's National Program Managers (NPMs) to include language in their FY2008 National Program Guidance that addresses the use of Action Plans and the Agency's 2006-2011 Strategic Plan to identify activities, initiatives, and/or strategies for the integration of environmental justice and incorporate them into planning and budgeting documents and program agreements. By instituting these types of programmatic requirements, EPA is building a stronger foundation to successfully integrate environmental justice into its programs for the long-term.

In addition, EPA's Inspector General recently identified the need for environmental justice program reviews. EPA agreed, and we have embarked on an extensive effort to develop and conduct those reviews. We are developing and piloting environmental justice review protocols for the Agency's core function areas – rule-making/standard setting, permitting, enforcement, and remediation/cleanup. Once these protocols are complete, the Agency will begin conducting the reviews in March 2008.

Lastly, the Office of Environmental Justice was made an *ex officio* member of the Agency's Regulatory Steering Committee. Its most important contribution in this role so far has been to develop environmental justice template language that assists rule writers in developing their Federal Register publications. The template ensures that the Agency's environmental justice considerations are accurately described to the public when proposed and final regulations are published after January 2007.

Obtaining the Best Available Environmental Justice Advice

EPA is taking actions to obtain the best available environmental justice advice and to impart any lessons learned to those who can work with us to address environmental justice issues at the federal, state and local levels.

Importantly, in 2006, EPA renewed the charter for the National Environmental Justice Advisory Council (NEJAC) thereby ensuring that EPA will continue to receive valuable advice and recommendations on national environmental justice policy issues from its stakeholders. The NEJAC is comprised of prominent representatives of local communities, academia, industry, and environmental, indigenous, as well as state, local, and tribal governments that can identify and recommend solutions to environmental justice problems. It is essential that EPA provide an opportunity for such discussions and for ideas to be aired, and that the NEJAC's advice and recommendations be appropriately integrated into EPA's environmental justice priorities and initiatives.

During the response to Hurricanes Katrina and Rita, EPA worked closely with NEJAC to ensure that environmental justice issues were addressed in a timely manner. Among a number of new initiatives, EPA has modified its Incident Command System to ensure an environmental justice function is incorporated into future responses. As part of this initiative, the Incident Commander is responsible for assuring that adequate resources are devoted to environmental justice issues. In addition, EPA Region 6's environmental justice team now participates in the Regional Incident Command Team. EPA also provided \$300,000 in grant funding to encourage community-based organizations in EPA Regions 4 and 6 to participate in the decision-making (at

all levels of government) related to cleanup, recovery, and rebuilding the hurricane-impacted areas in the Gulf Coast.

IMPARTING LESSONS LEARNED

During the past 13 years and through the course of our more recent efforts, EPA has experienced first-hand the complexities of integrating environmental justice into the programs, policies, and activities of an agency as large and diverse as EPA.

Partnering for Maximum Effect

Most importantly, EPA has learned that addressing environmental justice issues is everyone's shared responsibility. Most environmental justice issues are local or site-specific – resolving these issues requires the concerted efforts of many stakeholders – Federal, state, local and tribal governments, community organizations, NGOs, academic institutions, business/industry, and even the community residents themselves. Since 1993, EPA has awarded more than \$31 million in grants to more than 1,100 community-based organizations and others to take on an active role in our nation's environmental stewardship.

These environmental justice grants promote community empowerment and capacity-building - essential ingredients to maximize meaningful participation in the regulatory process. This year, EPA awarded \$1 million in environmental justice grants to 10 community-based organizations, and will award an additional \$1 million later this month to 20 community-based

organizations to raise awareness and build their capacity to solve local environmental and public health issues.

The Power of Collaborative Problem Solving

EPA is proud of the progress that our many programs have made in environmental justice since President Clinton signed Executive Order 12898 in 1994. I would be remiss not to highlight a particular example that demonstrates not only EPA's success, but the success of other Federal, state, and local partners, and community groups.

EPA's relationship with ReGenesis, a community-based organization in Spartanburg, South Carolina, began in 1999 with a \$20,000 grant award to address local environmental, health, economic and social issues. In 2003, EPA developed a Collaborative Problem-Solving (CPS) Model as a framework for others to follow. The model has worked well with amazing results. The ReGenesis Environmental Justice Partnership used elements of the CPS Model to leverage the initial grant from EPA to generate more than \$166 million in funding, including over \$1 million from EPA Region 4. ReGenesis marshaled the collaboration of more than 200 partner agencies, and local residents, industry, and a university to revitalize two Superfund sites and six Brownfields sites into new housing developments, an emergency access road, recreation areas, green space, and job training that are vital to the community's economic growth and well-being. This result was beyond anyone's expectation.

ReGenesis proved to be such an excellent example of what can be accomplished with EPA's funding, training and partnerships that we created a documentary film about it as a

training tool to put thousands of other communities on the path of collaborative-problem solving. The DVD is being distributed across the country.

With the ongoing efforts in collaborative problem-solving and the grant programs, EPA is creating new opportunities to effectively target and address local environmental justice issues. By working together, everyone can benefit from the results.

Sharing Information

Since 2002, EPA has provided environmental justice training nationwide through the *Fundamentals of Environmental Justice* workshop, to almost 4,000 people, including staff in EPA and other government agencies. It is a long-term investment to ensure our workforce knows how to integrate environmental justice into their daily responsibilities. Some EPA offices have customized the training for their own organizations. For example, Region 1 has trained 98% of its workforce on environmental justice and has made it a training requirement for all new employees.

Drawing on the success of its classroom-based training, the Office of Environmental Justice introduced three Web-based courses during FY 2006: (1) *Introduction to Environmental Justice*, (2) *Introduction to the Toolkit for Assessing Potential Allegations of Environmental Injustice*, and (3) *Incorporating Environmental Justice Considerations into RCRA Permitting*. By using the latest on-line technology, EPA's training has become more cost effective and reaches a greater audience.

In addition to the importance of training, we also have learned that we must have a consistent approach to identify potential areas for environmental justice concern. My Office is developing a prototype tool, the Environmental Justice Strategic Enforcement Assessment Tool (EJSEAT), to enhance OECA's ability to consistently identify potential environmental justice areas, and assist us in making fair and efficient enforcement and compliance resource deployment decisions. Although we may have a tool and a process for ensuring consistency, variations in data availability may affect the tool's usefulness.

Future EPA Environmental Justice Efforts

The EPA successes I have highlighted today demonstrate that we are making significant headway on the road to environmental justice. To fully integrate and implement these concerns, the EPA and its Federal, state, tribal, local and community partners continue to work together to build a better model for the future. We are on that path today, and will continue to address all issues that come our way.

In moving forward, we will complete the environmental justice program reviews so that we can appropriately evaluate the effectiveness of EPA's actions for environmental justice. A number of successes thus far have been the result of innovative outreach rather than traditional EPA regulatory activity. That has to be factored into our plans for the future. We will focus on leveraging resources so that we can broaden our reach and replicate successes in encouraging collaborative problem-solving.

We will also finalize the Environmental Justice Strategic Enforcement Assessment Tool (EJSEAT) to enhance EPA's ability to consistently identify potential environmental justice areas of concern and assist EPA in making fair and efficient enforcement and compliance resource deployment decisions. We will evaluate the potential for applying the tool in other EPA programs and activities.

Based on the lessons we have learned and our efforts over the past 13 years, we are on a path forward with EPA's environmental justice programs. EPA will continue to integrate environmental justice considerations into the Agency's core programs, policies and activities and to engage others in collaborative problem-solving to address environmental justice concerns at every turn. Whenever and wherever we address environmental justice issues, we strive to build staying power in those communities and share any lessons learned with others.