



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEP 16 1999

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

Memorandum

Subject: Addressing Environmental Justice Issues in RCRA Programs

From: Elizabeth C. Cisworn, Director  
*Elizabeth C. Cisworn*  
Office of Solid Waste

To: RCRA Senior Policy Advisors, Regions I-X

The purpose of this memo is to request staff-level Regional RCRA contacts to discuss and address ongoing EJ issues, to encourage you to continue to incorporate Environmental Justice (EJ) into all of your RCRA activities, and also to inform you of the activities our EJ team has been involved in.

Since many of our RCRA issues regarding EJ center around the siting of waste facilities in low-income and minority communities, we would like to establish a RCRA staff-level network of Regional and HQ RCRA EJ contacts. We believe this group would be a useful forum to discuss RCRA EJ issues and to disseminate ideas nationally on a continuous basis. In addition, with the upcoming National Environmental Justice Advisory Council (NEJAC) meeting scheduled for November 30 through December 2 primarily focusing on permitting issues, we feel that it's important that we talk with each Region beforehand to get an idea of any hot topics you may have regarding EJ. As a starting point we would like to get input from Regional RCRA EJ contacts as to what would be the best communication mechanisms (e.g., conference calls, E-mails, newsletters, etc.) to allow discussion of RCRA EJ issues of concern to the Regions. **Please nominate at least one person from each Region to participate on the RCRA EJ network and submit their name(s) via email or phone to Karen Randolph by October 1, 1999.**

We appreciate the initiatives many of you have taken in incorporating EJ activities into your RCRA programs since receiving the OSWER directive (attached) for integrating EJ into policy, guidance, and regulatory development. Examples of some Regional initiatives include working with states, low-income and minority communities on issues regarding landfills, groundwater contamination, pesticide use and various permitting issues. Some Regions have also begun to target outreach efforts in communities that have voiced significant environmental concerns. In addition, partnerships have been developed with Tribal Offices within the Regions to ensure that Native American communities are involved in permitting decisions. As we approach a new Fiscal Year, I would like to reinforce the importance of continuing your involvement with communities and also to challenge you to seek new ways to reach out to those

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communities with environmental concerns.

For your information, OSW's EJ team has many projects underway and plans to take on a few new projects this year. We believe these projects will be useful to the Regions and states as you implement your EJ programs. Although a list of the current projects is attached this memo, I would like to highlight a few of our efforts. One project that has already begun is Regional visits to discuss permitting issues. Over the next three years, representatives from the Permits Branch plan to visit all of the Regions to discuss in detail any RCRA permitting issues of concern. Prior to each visit, we will contact the Region to determine RCRA issues of interest and concern to you. We expect EJ to be one of the priority topics of discussion for most Regions and look forward to hearing about the EJ projects you currently have underway, as well as any major issues of concern regarding the public and how to better interact with communities regarding EJ issues.

In addition, we held a Roundtable in the Washington, D.C. area on July 27, 1999 to discuss and obtain feedback on our draft social siting brochure. This brochure addresses community quality of life concerns related to the siting of hazardous waste facilities. The roundtable was an extremely productive forum of which a wide variety of stakeholders discussed social siting issues of concern to EJ communities. We received many constructive comments and suggestions that will be invaluable in ensuring that our final brochure addresses important community quality of life concerns as well as other issues we face in the EJ arena.

Finally, I would also like to invite you to check out OSW's EJ website at [www.epa.gov/epaoswer/osw/ej/](http://www.epa.gov/epaoswer/osw/ej/). This site provides information on OSW's EJ program. It also provides information on EJ publications and has links to other EPA EJ web sites.

Overall, I am pleased to see that many Regions have accepted the charge and are taking the initiative to build EJ activities into their RCRA programs. I continue to encourage you to use the existing tools and programs that have already been established, to enhance the EJ activities underway in your Regions and to explore new ways of broadening the awareness of EJ in your communities. Thank you for all of your efforts in building the EJ program and we look forward to discussing your EJ projects with you. If you have any questions or concerns regarding the network or any of OSW's EJ projects, please contact Karen Randolph anytime at (703) 308-8651.

Attachments: OSWER Directive No. 9200.3-17  
OSW's EJ Team Contacts and Projects for FY99

cc: RCRA Senior Policy Advisors, Regions I-X  
Steve Heare  
Frank McAlister  
Sonya Sasseville  
Kent Benjamin, OSWER  
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OSW EJ Team



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SEP 21 1994

OFFICE OF  
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RESPONSE

MEMORANDUM

OSWER Directive No. 9200,3-17

SUBJECT: Integration of Environmental Justice Into OSWER Policy,  
Guidance, and Regulatory Development

FROM : Elliott P. Laws *EPL*  
Assistant Administrator

TO: Addressees

PURPOSE

It is OSWER'S policy that environmental justice be considered as an integral part in the development of all OSWER policies, guidances and regulations. This directive carries out a recommendation in the OSWER Environmental Justice Task Force Draft Final Report. It reflects my firm commitment to achieve the environmental justice goals of the President and the Administrator.

BACKGROUND

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations", directs each Federal Agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations. . . ". In response to the Executive Order and to concerns voiced by many groups outside the Agency, the OSWER Environmental Justice Task Force was formed to analyze the array of environmental justice issues specific to waste programs and to develop an overall strategy to identify and address these issues. This is presented in the OSWER Environmental Justice Task Force Draft Final Report, April 25, 1994. One issue identified by the Task Force was the need to ensure that attention is focused on environmental justice in policy, guidance and regulation development. To address this issue, the OSWER Environmental Justice Steering Committee recommended that this directive be issued.

## DISCUSSION

Environmental justice issues should be considered at all stages of policy, guidance and regulation development, beginning with preliminary efforts. Staff should first evaluate the subject matter for the possibility of disproportionately high and adverse impacts on minority and low-income communities. Offices may wish to develop methods for determining which are the most important topics requiring consideration of environmental justice.

Where environmental justice concerns or the potential for concerns are identified, staff should conduct an appropriate analysis of the issue(s). To the extent practicable, staff should evaluate the ecological, human health (taking into account subsistence patterns and sensitive populations) and socio-economic impacts of the proposed decision-document in minority and low-income communities. Examples include how a policy on future land use would impact minority or low-income communities versus non-minority, affluent communities, or how subsistence farming or fishing patterns relate to risk-assessment policies. This could include the development and evaluation of various options, taking into consideration the pros and cons of each option. This analysis should be documented and retained for public availability.

At all critical stages of development, there should be meaningful input from stakeholders, including members of the environmental justice community and members of the regulated community. Federal, state or local government agencies may also be stakeholders and should be consulted, as appropriate.

A guideline for identifying communities which may need particular attention regarding environmental justice concerns is being developed and will be issued shortly. This guideline will present a variety of indicators of environmental justice concerns and should be used to facilitate this evaluation process.

## IMPLEMENTATION

When policies, guidances and regulations are sent forward for my signature, that of the Deputy Assistant Administrators, or that of the Administrator or her Deputy, the transmittal memorandum or "action memorandum" that accompanies them should document the actions that have been taken to carry out this directive. Specifically, these memoranda should describe the issues that have been identified, the options that have been developed and analyzed, as well as any consultation that has been conducted. They should describe comments that have been received and how issues were resolved. I have asked the Policy Analysis and Regulatory Management Staff to help assure that OSWER is consistently documenting these efforts.



## OSW's EJ Team Contacts and Projects List for FY99

Issues regarding Environmental Justice (EJ) in the RCRA program are implemented through the Environmental Justice, Siting and Public Participation Team within the Permits and State Programs Division in the Office of Solid Waste (OSW). This team is composed of Toshia King (Team Leader), Freya Margand, Vern Myers, Karen Randolph, and Tab Sommer.

### **FY99 OSW EJ Goals**

1. Address EJ issues during the permitting process.
2. Develop an EJ and public participation permitting network.
3. Provide guidance to assist the Regions in integrating EJ and public participation activities into their RCRA program.
4. Increase the effectiveness of RCRA public participation.
5. Participate in Title VI activities.

### **FISCAL YEAR '99 PROJECTS**

1. **Social Siting Criteria Brochure**: This brochure is being developed for use as a tool to increase the overall awareness of and sensitivity to community quality of life concerns in areas with proposed RCRA hazardous waste facilities. It is intended to serve as the companion to the "Sensitive Environments and the Siting of Hazardous Waste Management Facilities" brochure of May, 1997. It will address the socioeconomic issues affecting siting and permitting hazardous waste facilities. This brochure is being developed in conjunction with the Waste and Facility Siting subcommittee of the National Environmental Justice Advisory Council (NEJAC). OSW plans to sponsor a round-table discussion in one of the early months of 1999 to help in the development of the brochure.

2. **Public Participation Training**: The Team is developing a one day advanced public participation training course for RCRA permit writers at HQ and in the Regions and States. The training will focus on improving public notices, public meetings, skills for interacting with the public and also suggest alternative approaches for dealing with issues involving controversial facilities. A training manual will be provided and will include a list of contacts in each state as well as any public participation efforts underway in those states.

3. **Participate in the 2<sup>nd</sup> Annual Multi-Media Community Involvement Conference**: The Office of Prevention, Pesticides and Toxic Substances (OPPTS) is coordinating the second Multi-Media Community Involvement Conference. Our team is involved with planning the conference and will be encouraging Regional RCRA staff to attend. The conference will be held in May 24-27, 1999 in Kansas City, Missouri. We will provide further updates when we have additional information.

**4. Regional Beginning of Year Plan (BYP) & Follow-Up Conference Calls:** Included in the FY'99 BYPs will be narrative discussions of the EJ and public participation activities planned for FY99 and any Regional accomplishments to date. The team will review the BYPs and participate on the calls to discuss any majors plans, issues or concerns we or the Regions may have. The BYP process has been one of the tools used to increase our awareness of Regional EJ and public involvement activities .

**5. Public Involvement Network Conference Calls:** Bi-monthly Public Involvement conference calls are held with Regional counterparts to discuss issues related to enhancing public participation in the RCRA permitting program. These calls have been a very useful tool to get feedback from the Regions on HQ public participation projects and also to alert the Regions on upcoming public participation issues.

**6. Participate on Title VI Policy Development:** The team will continue to follow the development of the Agency's Title VI policy. The OSW EJ team coordinates with the Office of Civil Rights on specific cases involving Title VI as it relates to RCRA as well as provides input, when requested, on the Title VI policy. The Team also tracks RCRA EJ and Title VI cases.

**7. Technical Outreach Services for Communities (T.O.S.C.):** TOSC is a grant program housed in EPA's Office of Research and Development which provides funds to university-based Hazardous Substance Research Centers (HSRCs). These HSRCs then provide technical assistance in environmental science, engineering and policy to communities affected by hazardous waste facilities; in particular EJ communities and communities close to Brownfield sites. TOSC's mission is to empower communities with an understanding of the underlying technical issues related to hazardous substance contamination, so that they may more effectively participate in the decision-making process regarding siting and permitting of hazardous waste facilities in their communities. Currently, the Team has committed funds to the TOSC program to conduct several pilots to assist communities on issues related to RCRA facilities in Regions 4 and 6.

**8. EJ Homepage on OSW's Web Site:** The Team has developed an EJ homepage that contains documents regarding EJ developed by the OSW EJ Team as well as information on links to other EJ sites within EPA. This web page should be operational in early Spring of 1999.