

2023 Current Fiscal Year Report: National Environmental Justice Advisory Council

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1. Department or Agency	2. Fiscal Year
Environmental Protection Agency	2023
3. Committee or Subcommittee	3b. GSA Committee No.
National Environmental Justice Advisory Council	1717

4. Is this New Fiscal Year?	5. Current Charter	6. Expected Renewal Date	7. Expected Term Date
No	09/12/2022	09/12/2024	

8a. Was Terminated During Fiscal Year?	8b. Specific Termination Authority	8c. Actual Term Date
No		

9. Agency Recommendation for Next Fiscal Year	10a. Legislation Req to Terminate?	10b. Legislation Pending?
Continue	No	Not Applicable

11. Establishment Authority	Agency Authority		
12. Specific Establishment Authority	13. Effective Date	14. Committee Type	14c. Presidential?
Request for Approval	07/23/1993	Continuing	No

15. Description of Committee Non Scientific Program Advisory Board

16a. Total Number of Reports No Reports for this Fiscal Year

17a. Open 0 **17b. Closed** 0 **17c. Partially Closed** 0 **Other Activities** 0 **17d. Total** 0

Meetings and Dates
No Meetings

Current Next
FY FY

18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$0.00	\$0.00
18a(3). Personnel Pmts to Federal Staff	\$0.00	\$0.00
18a(4). Personnel Pmts to Non-Member Consultants	\$0.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$0.00	\$0.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$0.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$0.00	\$0.00
18d. Total	\$0.00	\$0.00
19. Federal Staff Support Years (FTE)	0.00	0.00

20a. How does the Committee accomplish its purpose?

The National Environmental Justice Advisory Council (NEJAC) provides independent advice and recommendations to the Administrator about broad, cross-cutting issues related to environmental justice. The NEJAC's efforts include evaluation of a broad range of strategic, scientific, technological, regulatory, community engagement and economic issues related to environmental justice. The major objectives are to provide advice and recommendations about EPA efforts to: a) Integrate environmental justice considerations into Agency programs, policies and activities; b) Improve the environment or public health in communities disproportionately burdened by environmental harms and risks; c) Address

environmental justice to ensure meaningful involvement in EPA decision-making, build capacity in disproportionately-burdened communities, and promote collaborative problem-solving for issues involving environmental justice; d) Strengthen its partnerships with other governmental agencies, such as other Federal agencies and state, tribal, or local governments, regarding environmental justice issues; and e) Enhance research and assessment approaches related to environmental justice. At the request of the Agency, the NEJAC has, since 1999, focused its meetings on broad public policy issues to provide independent, cogent, timely, and relevant advice to the Agency. During FY 2022, NEJAC held five public meetings and received over 200 public comments. The NEJAC received briefings from the Agency Officials on various on environment justice Agency initiatives and provided feedback on agency priorities that included Justice40, the 2022-2026 EPA Strategic Plan, EPA's Thriving Communities Technical Centers, EPA's PFAS Strategic Roadmap and Civil Rights. The NEJAC has five workgroups addressing various environmental justice challenges including water infrastructure, community air quality, environmental justice financial and investment, farmworker protection, PFAS and NEPA.

20b. How does the Committee balance its membership?

The NEJAC will be composed of approximately 25-29 members who will generally serve as representative members of non-federal interests. If needed, members may be appointed to serve as Regular Government Employees (RGEs) or Special Government Employees (SGEs). Members will serve for 1-, 2-, or 3-year terms. In

selecting members, EPA will consider candidates from among, but not limited to community-based groups; industry and business; academic and educational institutions; state and local governments; indigenous organizations and Federally-recognized tribal governments and Indigenous groups; and non-governmental and environmental groups, as deemed appropriate. Within each of the stakeholder representative categories, technical perspectives (such as public health, state/tribal environmental programs, community sustainability, socio-economic analysis, etc.) are sought that reflect the issues and subjects being evaluated by the Council. In addition, geographic and gender balance also are considered, ensuring that representatives of affected communities participate. This approach ensures that the Agency considers a cross-section of those directly affected by, interested in, and qualified to discuss, creative and collaborative strategies to better address the human health and environmental protection needs of disadvantaged and underserved communities.

20c. How frequent and relevant are the Committee Meetings?

Environmental justice issues are difficult and complex. They involve an array of stakeholders and perspectives around how EPA can best address environmental justice issues. Hence, the Agency has determined that an external advisory group with the experience, expertise, and sensitivity to environmental justice issues is critical to the Agency's goal of integrating environmental justice considerations into its policies, programs, and activities. The National Environmental Justice Advisory Council (NEJAC) provides independent consensus advice and recommendations to the Administrator about broad cross-cutting issues

related to environmental justice. The Council's efforts to provide recommendations on key areas include evaluation of a broad range of strategic, scientific, technological, regulatory, community engagement, and economic issues related to environmental justice. The role and purpose of NEJAC aligns with the Goal 2 of the 2022-2026 EPA Strategic Plan. This goal focuses on taking decisive actions to advance environmental justice and civil rights. In FY 2022, NEJAC held five virtual meetings. It is from its deliberations during these meetings and workgroup meetings, that the NEJAC produces consensus reports that contain independent, cogent, timely, and relevant advice and recommendations to the Agency to develop strategies to better address the human health and environmental protection of communities disproportionately impacted by environmental risks and hazards. The Council offers recommendations to ensure that environmental justice considerations are being integrated into the Agency's decision-making processes in all policies, programs, and activities.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

EPA maintains an ongoing commitment to ensure environmental justice for all people, regardless of race, color, national origin or income. In the 2022-2026 EPA Strategic Plan, EPA has committed to take decisive actions to advance environmental justice and civil rights and increasing transparency and public participation, by listening to and collaborating with impacted stakeholders and providing effective platforms for public participation and meaningful engagement. EPA will continue to communicate and partner with key stakeholders including those who have been underrepresented, to achieve more

innovative and sustainable outcomes. NEJAC provides such an environment for all parties to express their concerns and to formulate independent, cogent and timely advice and recommendations to EPA on major public policy issues such as these. In this way, the NEJAC assists in integrating environmental justice into EPA's policies, programs and activities. Neither the Agency, nor another advisory committee, can perform the functions of the NEJAC as outlined in its charter. Despite the outreach aspects that are naturally intertwined with addressing environmental justice concerns, the Agency needs independent, formal consensus advice that derives from deliberation. The NEJAC, as a federal advisory committee, brings together a diverse set of stakeholders who engage in a systematic and comprehensive review of the issues before it formulates recommendations. Such advice is very different from individual comments received during regular outreach. Independent consensus advice from the NEJAC:

- (1) provides EPA with consensus recommendations about often controversial issues that encompass divergent viewpoints and interests;
- (2) assembles a unique set of appropriately experienced, knowledgeable and sensitive multi-stakeholder representatives committed to consensus deliberations about environmental justice issues;
- (3) enables environmental justice considerations to be clearly and consistently articulated and appropriately visible within the Agency's decision-making process; and
- (4) provides the Agency with an existing mechanism by which to obtain advice from external stakeholders about environmental justice issues in emergencies and other special situations.

20e. Why is it necessary to close and/or partially closed committee meetings?

No meetings were closed or partially closed during FY 2022

21. Remarks

Designated Federal Officer

Paula Flores-Gregg DFO

Committee Members	Start	End	Occupation	Member Designation
Baptiste, April	11/26/2019	11/25/2022	Tier 1, Associate Professor, Colgate University, Hamilton, NY	Representative Member
Edwards, Jabari	12/29/2017	11/25/2022	Tier 1, CEO, J5 GBL, LLC., Columbus, MS	Representative Member
Fritz, Jan	11/26/2019	11/25/2022	Tier 1, Professor, University of Cincinnati, Cincinnati, OH	Representative Member
Jacobs Sprayberry, Karen	11/26/2019	11/25/2022	Tier 1, Environmental Justice Advisor, South Carolina Department of Health and Environmental Control, Columbia, SC	Representative Member
King, Virginia	11/26/2019	11/25/2022	Tier 1, Refining and Compliance Manager, Marathon Petroleum LP, Texas City, TX	Representative Member
Orr, Jeremy	11/26/2019	11/25/2022	Tier 1, Attorney/Safe Water Initiative	Representative Member
Osborne Jelks, Na'Taki	11/26/2019	11/25/2022	Tier 1, Chairperson, West Atlanta Watershed Alliance and Proctor Creek Stewardship Council, Atlanta, GA	Representative Member

Piazza, Millicent	11/26/2019	11/25/2022	Tier 1, Environmental Justice Coordinator, Department of Ecology, Washington State, Olympia, WA Tier 1, Executive Director,	Representative Member
Shabazz, Jerome	11/26/2019	11/25/2022	JASTECH Development Services, Philadelphia, PA Tier 1, Vice	Representative Member
Tilchin, Michael	11/25/2019	11/25/2022	President, JACOBS, Washington, DC Tier 1, Professor /	Representative Member
Whitehead, Sandra	11/26/2019	11/25/2022	George Washington University	Representative Member

Number of Committee Members Listed: 11

Narrative Description

During FY 2022, NEJAC held five virtual meetings. The NEJAC has five workgroups addressing various environmental justice challenges including water infrastructure, community air quality, environmental justice financial and investment, farmworker protection, PFAS and NEPA. NEJAC provides independent advice and recommendations to the Agency on matters related to environmental justice and focuses on key areas that include evaluation of a broad range of strategic, scientific, technological, regulatory, community engagement, and economic policy issues related to environmental justice. This includes EPA priorities to build on the Agency's core mission work, address the needs of our partners through cooperative federalism and attend to both the rule of law and the process. Engaging stakeholders through the NEJAC supports several goals of EPA's FY 2022-2026 Strategic Plan, but Goal 2: (Take Decisive Action to Advance Environmental Justice and Civil Rights) is a key goal for the work of the NEJAC. EPA will continue to communicate and partner with key stakeholders including those who have been underrepresented, to achieve more innovative and sustainable outcomes. EPA recognizes that minority and/or low-income communities may be more frequently and

disproportionately exposed to environmental harms and risks. Moreover, EPA believes that ensuring environmental justice means that all people are given the opportunity to participate meaningfully in the development, implementation, and enforcement of environmental laws, regulations, and policies. Integrating environmental justice considerations into the Agency's outreach activities, public policies, science, data collection, regulatory development, and enforcement and compliance decisions is difficult. To address this difficult task, the Agency has sought input from the various multi-stakeholder entities that comprise the NEJAC. Hence, an external advisory group with the experience and sensitivity to environmental justice issues is critical to the Agency's goal of integrating environmental justice considerations into its policies, programs, and activities. As a committee consisting of representatives of academia, community-based organizations, business and industry, state and local government, non-governmental organizations, and tribal governments and indigenous organizations, the NEJAC has provided consensus advice to the Agency for creative strategies to better address the human health and environmental protection needs of all people, including minority and low-income communities, as well as tribal populations and indigenous groups and organizations, and to ensure that the goal of environmental justice is being integrated in Agency policies, programs, and priorities. The NEJAC continues to serve as a valuable resource to Agency program and regional offices, several of which sponsor NEJAC work groups. NEJAC meetings also serve as a forum for public dialogue on ways that other federal agencies, state, local, tribal governments and business and industry can better address environmental justice concerns.

What are the most significant program outcomes associated with this committee?

Checked if
Applies

- Improvements to health or safety
- Trust in government
- Major policy changes
- Advance in scientific research

- Effective grant making
- Improved service delivery
- Increased customer satisfaction
- Implementation of laws or regulatory requirements
- Other

Outcome Comments

N/A

What are the cost savings associated with this committee?

Checked if Applies

- None
- Unable to Determine
- Under \$100,000
- \$100,000 - \$500,000
- \$500,001 - \$1,000,000
- \$1,000,001 - \$5,000,000
- \$5,000,001 - \$10,000,000
- Over \$10,000,000
- Cost Savings Other

Cost Savings Comments

N/A

What is the approximate Number of recommendations produced by this committee for the life of the committee?

992

Number of Recommendations Comments

In the 29 years since the NEJAC was chartered, it has issued 60 formal reports of recommendations and letters of advice, as well as nearly 40 resolutions to the Agency.

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

35%

% of Recommendations Fully Implemented Comments

NEJAC has provided advice and recommendations to EPA on a large and diverse number of environmental justice issues over a 29-year period. Its recommendations have served to influence every EPA program area and had a tremendous impact on the maturation of environmental justice within EPA and throughout the United States due to the critical leadership role EPA plays on environmental justice issues nationally. Thanks to the advice and recommendations provided by NEJAC, the Council has often been at the forefront of important environmental justice issues, e.g., brownfields redevelopment, cumulative risks and impacts, urban revitalization, and the impact of climate change on communities. The result is that NEJAC has helped to achieve a visible difference in communities across the United States. The exact percentage of recommendations above that have or will be fully implemented is difficult to estimate because the nature of policy recommendations is such that it often takes a several years to implement new policy due to changing agency priorities and resources. To our best estimate, approximately a third of the NEJAC's recommendations have been or are currently being implemented. Furthermore, all regional and program offices, as well as many other federal and state government agencies, have sought to address the site-specific issues raised during the NEJAC's deliberations and the public comment periods. Finally, the NEJAC's recommendations and meetings have been instrumental in the widespread education of EPA senior managers and staff regarding the environmental and public health concerns of disadvantaged, under-served, and environmentally overburdened communities and tribes. This education has brought about significant behavioral change within the Agency and a commensurate increase in the public's trust in and goodwill toward the Agency. The NEJAC's influence and impacts have benefited EPA and other stakeholders in the following key areas:

PRACTICING MEANINGFUL ENGAGEMENT Throughout its existence, NEJAC has stressed and strongly encouraged the need to meaningfully engage communities, especially underserved, overburdened, and underrepresented populations. NEJAC's work in this area includes:

- o Developing the pioneering Model Plan for Public Participation;
- o Convening a roundtable to discuss environmental justice issues in the U.S.-Mexico Border region; and
- o community engagement issues around federal facilities.

ENCOURAGING EQUITABLE DEVELOPMENT, REVITALIZATION, AND LAND USE NEJAC understands that environmental justice is not limited to community engagement and community clean-up. Equally important, the Council realizes sensitivities to environmental justice carry through to community recovery and redevelopment. NEJAC work in this area includes:

- o Ensuring that environmental justice concerns were incorporated into EPA's Brownfields Redevelopment Initiative and associated grants program; and
- o Addressing community concerns about unintended adverse impacts that resulted during EPA's, redevelopment, and revitalization efforts.

COMMUNITY CAPACITY FOR PROBLEM-SOLVING NEJAC believes that building the capacity of communities and enhancing their ability to meaningfully participate in the improvement of

their communities is critical to any effort to address environmental justice concerns. NEJAC work in this area includes:

- o Supporting the EPA Community Action for a Renewed Environment (CARE) program;
- o Examining mechanisms to monitor air toxics in school communities and best practices for ensuring that school communities are engaged about efforts to identify and address air toxics.

EXPANDING RESEARCH AND ASSESSING RISKS NEJAC stresses that effective research and an assessment of risks are critical to addressing environmental justice. The Council's work in this area includes:

- o Addressing cumulative risks and impacts in response to EPA's Cumulative Risk Assessment Framework;
- o Identifying ways to integrate environmental justice into EPA's Research Enterprise.

ENHANCING REGULATORY AUTHORITIES AND POLICIES NEJAC has urged EPA to enhance and improve its regulatory authorities and policies to protect the health of vulnerable communities. Examples of the cutting edge NEJAC work in this area include:

- o Outlining best practices for developing a Superfund Permanent Relocation Policy for low-income and minority residents living in proximity to toxic waste sites;
- o Advising on the development of guidance on the siting and operations of waste transfer stations in disadvantaged communities;
- o Urging EPA to define legal authorities under its various environmental statutes to address environmental justice issues;
- o Urging the development of nationally consistent environmental justice screening tools;
- o Advising on how to better integrate environmental justice into permitting programs.

IMPROVING RELATIONS WITH TRIBAL GOVERNMENTS AND INDIGENOUS PEOPLES NEJAC has assisted EPA in developing effective government to government relationships with federally recognized tribes, and in developing effective relationships with all other indigenous peoples to address their environmental justice concerns. This work includes:

- o Producing a Guide on Consultation and Collaboration with Indian Tribal Governments and Indigenous Peoples, and the Public Participation of Indigenous Groups and Tribal Members in Environmental Decision Making;
- o Outlining how EPA could assist tribes in providing meaningful public involvement as they develop and implement federally approved tribal environmental regulatory programs;
- o Reviewing EPA's draft Policy on Environmental Justice for Tribes and Indigenous Peoples; and
- o Advice on Fostering Environmental Justice for Tribes and Indigenous Peoples draft policy on EJ for tribes and indigenous peoples EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples.

PROMOTING STRATEGIES TO REDUCE THE IMPACTS OF GOODS MOVEMENT ACTIVITIES NEJAC focused on ways in which EPA can support reducing pollution and its impacts on communities with environmental justice concerns living near facilities. NEJAC advised EPA on ways in which it could:

- o Reduce air pollution from goods movement, with a focus on the pollution impacts on communities with environmental justice concerns living near goods movement facilities.

IMPROVING EMERGENCY PREPAREDNESS, PREVENTION, AND RESPONSE In the aftermath of the 2005 Gulf Coast Hurricanes, NEJAC provided advice

and recommendations to help EPA better address concerns of communities that have been, as well as may be in the future, impacted by emergency events and disasters. NEJAC has provided critical advice to EPA regarding: o Changing EPA emergency management procedures to ensure environmental justice concerns are adequately addressed for future major emergency events; o Ensuring communities are engaged in the planning and response to such events, and o Improving Agency preparedness and response to chemical plant disasters. CLIMATE CHANGE AND HEALTH In recent years, NEJAC has provided constructive advice about the public health dangers of climate change, particularly for vulnerable communities. NEJAC work in this area includes: o Taking proactive action to address the effects of storm surges on industrial waterfront communities; and o Addressing climate change as part of on green business and sustainability efforts, working with indigenous communities, and as part of EPA's Clean Power Plan. Agency Feedback Comment* In addition to feedback to Council members at meetings of the Council, the Agency uses a more systematic process for reviewing and reporting back to the Administrator about the recommendations of the NEJAC. The Office of Environmental Justice (OEJ) works in consultation with the relevant program offices to respond to the recommendations within three to four months. The process focuses on the development of a review plan through which program offices will review and describe to the Office of the Administrator how the Agency will respond to recommendations, including actions taken and future commitments. The intent of the process is to provide maximum flexibility for the Agency to respond to the intent, spirit, and the specific content of a set of recommendations, both as a whole and/or individually. This review results in a Summary Response Document and subsequently is distributed to the committee. This Response Document also is posted to the NEJAC website.

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

35%

% of Recommendations Partially Implemented Comments

See recs fully implemented comment.

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes No Not Applicable

Agency Feedback Comments

In addition to feedback to Council members at meetings of the Council, the Agency uses a more systematic process for reviewing and reporting back to the Administrator about the

recommendations of the NEJAC. The Office of Environmental Justice (OEJ) works in consultation with the relevant program offices to respond to the recommendations within three to four months. The process focuses on the development of a review plan through which program offices will review and describe to the Office of the Administrator how the Agency will respond to recommendations, including actions taken and future commitments. The intent of the process is to provide maximum flexibility for the Agency to respond to the intent, spirit, and the specific content of a set of recommendations, both as a whole and/or individually. This review results in a Summary Response Document and subsequently is distributed to the committee. This Response Document also is posted to the NEJAC website.

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

- Reorganized Priorities
- Reallocated resources
- Issued new regulation
- Proposed legislation
- Approved grants or other payments
- Other

Action Comments

The National Environmental Justice Advisory Council (NEJAC) was established by EPA on September 30, 1993, to provide independent advice to the EPA Administrator on broad, cross-cutting issues related to environmental justice. Over the course of its history, NEJAC has provided a crucial forum for the discussion and elevation of issues critical to the environmental justice movement and the integration and consideration of environmental justice within the work of EPA and the larger Federal family. NEJAC's influence has spanned the environmental justice spectrum from foundational issues of meaningful involvement and land use to future direction on science and fundamental policy issues related to regulations and rules. NEJAC has convened meetings on all three coasts and many points in between. Its members have ranged from leaders of business and industry to leaders of tribal governments, citizen advocates, world-renowned scholars and, most importantly, residents of communities facing their own environmental justice challenges. The products and presence of this body have made an undeniable impact upon the Agency it serves, and an impact which continues to generate progress on environmental justice through its past advice and current endeavors. It has also served as a place of convening for the many citizens, advocates and supporters of environmental justice throughout the United States. Though perhaps easily overlooked, this is one of the

most important aspects of NEJAC – as a consistent space where officials from EPA and other Federal agencies can convene with a broad spectrum of those working to support environmental justice not only to hear advice and recommendations, but to come together as individuals in a spirit of friendship, collaboration and mutual respect. The ability to come together has always been a hallmark of the strength of environmental justice as a movement, and similarly grounds and supports EPA's continuing efforts to further environmental justice within and throughout the Federal family. In the 29 years since its creation, the NEJAC, through its deliberations, has brought to EPA decision making an outside perspective from diverse stakeholders that EPA managers and staff otherwise would not have access to. It has helped bring together a group of diverse stakeholders and the Agency in constructive ways to address environmental justice issues. In addition, the NEJAC has played a significant role in educating and sensitizing EPA managers and staff about Environmental Justice. NEJAC recommendations have called for a collaborative problem-solving approach to address environmental justice issues and have enabled EPA program and regional offices to become more aware of, and better informed about, community concerns to devise proactive approaches to addressing these concerns. NEJAC recommendations have played a role in the creation of EPA's CARE Program, the Diesel Retrofit Program, various environmental justice Grant programs, the multi-agency Brownfields and Superfund Job Training Initiatives, and other EPA Initiatives. The NEJAC also has helped to sensitize EPA to the needs of Tribal government and indigenous communities.

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

N/A

How is access provided to the information for the Committee's documentation?

Checked if Applies

- Contact DFO
- Online Agency Web Site
- Online Committee Web Site
- Online GSA FACA Web Site
- Publications
- Other

Access Comments

N/A

