

IG STUDY ON ENVIRONMENTAL JUSTICE BOLSTERS DEMOCRATS' ELECTION ISSUE

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Weeks before the November elections, key congressional Democrats are seeking to capitalize on a scathing EPA inspector general (IG) report that finds the agency has failed to conduct environmental justice (EJ) reviews of its programs and policies despite being required to do so. Democrats are hoping the report adds credence to their claims that the Bush administration and Republicans operate in a culture of corruption that favors the wealthy, as Democrats seek to win back one or both chambers of Congress.

Rep. Hilda Solis (D-CA) told Inside EPA in a Sept. 20 interview that EJ "should be and will be a campaign issue," and that the public will be surprised when they read the report because most think that EPA is already taking into account the effects of its programs and policies on minorities and low-income populations, as required by a 1994 executive order. However, an industry source calls the Democrats' response "cynical in the extreme" and unfair to EPA's "hardworking" EJ staff.

The Sept. 18 IG report, EPA Needs to Conduct Environmental Reviews of Its Programs, Policies and Activities, finds the agency's senior management has not directed program and regional offices to conduct EJ reviews as required by the Clinton executive order. "Until these program and regional offices perform environmental justice reviews, the Agency cannot determine whether its programs cause disproportionately high and adverse human health or environmental effects on minority and low-income populations," the report says. Relevant documents are available on InsideEPA.com. Sen. John Kerry (D-MA) said in a joint Sept. 19 statement with Sen. Richard Durbin (D-IL) and Rep. **Hilda Solis** (D-CA) that the report shows the administration doesn't care about these populations. "We will go to the mat on this. Simply put, EPA needs to start doing its job and end this national disgrace."

Solis said in the statement that EPA and the Bush administration "must be held accountable." And Durbin added, "The EPA needs to live up to its obligation to protect all Americans -- not just those in the upper tax brackets."

Additionally, Kerry's spokesman says, "What we learned from the IG's report is that EPA has failed to ensure that projects do not have disproportionate effects on low-income and minority populations. That's not political spin, it's the harsh reality of life under the Bush administration -- unacceptable as that may be. And I think those policies are going to be questioned by a lot of voters as they head to the polls this November." An IG spokesman declined to comment on efforts to politicize the report.

The spokesman says the office decided to conduct the investigation independently, and it was not requested by a member of Congress.

The report notes that EPA accepted the recommendations and the IG spokesman says the agency has 90 days to issue a formal response outlining steps it will take, including how it will implement recommendations.

A source with the agency's National Environmental Justice Advisory Council (NEJAC) notes this is the second IG report highly critical of the agency's EJ efforts. In March 2004 the IG released a report titled EPA Needs To Consistently Implement the Intent of the Executive Order on Environmental Justice. The source says it is unfair to claim that the Bush EPA has done nothing on EJ issues. Early this year, EPA Administrator Stephen Johnson reaffirmed EPA's commitment to the issue and the agency agreed to include EJ as a component in strategic planning.

Additionally, earlier this month, EPA reauthorized the NEJAC charter for two years despite calls by some in the agency to dismantle the advisory group, and EPA enforcement chief Granta Nakayama is regarded as an ardent EJ supporter. But the NEJAC source adds that despite the commitments, the agency has yet to turn that into much action.

"You can't say they've done nothing," the source says. "But it is fair game to talk about how much of an emphasis [there should be on EJ] and if they should do more." An EJ advocate says there is a question about any administration's commitment to the issue and says all the blame cannot be placed on Republicans. However, the source adds the issue has lost traction under the Bush administration.

In a related matter, the first-ever National Latino Congreso adopted three environment-related resolutions at their meeting early this month, including one that seeks action on climate change, another that advocates better health protections for farmworkers and one addressing open-space stewardship. The historic event in Los Angeles was intended to bolster momentum in the ongoing immigration debate into a major get-out-the vote success in November (Inside EPA, Sept. 1, p7).