

Inside EPA - 10/2/2009

EPA DECLINES TO MAKE IMPACTED COMMUNITIES AN ENFORCEMENT PRIORITY

EPA has declined calls from environmental justice advisers to focus its long-term enforcement priorities on communities heavily impacted by pollution, saying that its enforcement priorities focus resources on targeting industrial sectors, rather than on geographic areas adversely affected by multiple exposures.

The staff position underscores the hurdles the agency faces as they seek to address an issue that is a top priority for EPA Administrator Lisa Jackson.

On a Sept. 24 conference call with the members of the National Environmental Justice Advisory Council (NEJAC), NEJAC members and public commenters called for EPA to shift its enforcement priorities from a sector-based approach to a region-specific approach that seeks to mitigate harms in areas and communities adversely affected by exposures to multiple sources that may be violating air, water and waste laws.

They voiced concern about permit noncompliance in areas where clusters of facilities are located and indicated that EPA should shift its priority resources to such areas, rather than continue its focus on specific sectors.

EPA is calling for comment on its current set of enforcement priorities in preparation for the agency to launch a new set of priorities for fiscal years 2011-2013.

Under its current set of priorities, EPA is targeting concentrated animal feeding operations, old sewer systems and storm water runoff in its water program; permit violations and toxics in its air program; and phosphoric acid and financial assurance in its hazardous waste program. EPA says the sector-based approach has yielded big results in emissions reductions, cleanups and improved water treatment systems. But some NEJAC members said the priorities could be shifted to better address the concerns of environmental justice communities -- which include low-income and minority populations who are disproportionately impacted by pollution. A key concern is communities that face multiple problems from a host of nearby industrial sources. NEJAC member Sue Briggum of Waste Management asked EPA if it could shift its focus to such communities. Shankar Prasad of the Coalition for Clean Air said EPA could employ emerging tools such as cumulative risk assessment to shift to regional or state-based priority areas rather than sectors.

But David Hinden of the Office of Enforcement & Compliance Assurance said the national priorities program is designed to target sectors that are nationally significant and said EPA can focus on geographic areas of concern in addition to separately maintaining its sector-based priorities program. "The national priorities are not the only priorities of EPA. They are not everything, though they do give us our biggest outcomes," Hinden said on the conference call.

However, Hinden also said EPA does concentrate its limited funding on the priorities program: "More resources are focused on addressing the priorities."

INSIDEEPA-30-39-6