

Environmental Justice

11/30/98

Coordination btm EPA / ENR / CRT

Select Steel case - (EPA)

took a litigating position

no substantive input from DoJ

Approx. 20 Title VI complaints w/ EPA (DoJ hasn't heard much about them)

MG: need to do them to develop guidance.

(to illustrate the parameters on both sides)

Interplay btm interim guidance and case law.

very general
hypothetical

FACA group (advisory group) may not be developing a comprehensive critique of the interim guidance.

BL [Q: are these cases good vehicles for the incremental development of common law in this area.

One criticism of guidance - uncertainty

What is EPA's strategy re: advisory committee (?)
(FACA group)

LS- Guidance should lay-out a set of praxis-steps as a component of Title VI component -

e.g., consulting w/ EJ groups, etc.

MG - EPA can't answer many Qs re: Title VI (in guidance)
w/out doing more cases.

Q: How do
we get to next
level of guidance
|

Do we have a
timeline for
final guidance?

Q: How can DOT
select best cases
for adjudication
(from backlog)

Are any of the
complaints ok. as
for vehicles?

EPA has no formal enforcement strategy.

BL: government-wide, we do not have a way to effectively
enforce Title VI. (little @ DOE & HHS)

Complaints generally don't lend themselves as vehicles
for resolving the tough Qs. (bad cases; broadly pled)

Congress approp rider:

can't apply interim guidance to new cases.

Affirmative thing under Title VI?

telling states (or any grant recipient)
what to do.

(EPA should do compliance reviews)