



# EJ 2020 ACTION AGENDA

THE U.S. EPA'S ENVIRONMENTAL JUSTICE STRATEGIC PLAN FOR 2016 - 2020



Clean water and clean air don't just happen, especially in low-income and minority communities. These are essential resources that we have to invest in protecting and that starts with communities, cities, states and tribes. This problem isn't easy. We won't fix it overnight. It's only when we work together that we will be able to deliver these basic rights to every American, no matter who they are, where they live, or how much money they make. Everyone deserves to have their health protected from environmental exposures.

- EPA Administrator Gina McCarthy

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# ADMINISTRATOR'S MESSAGE

The U.S. Environmental Protection Agency's mission is to protect the environment and the health of all people in every corner of our nation. But far too often minority and low-income communities and indigenous peoples are most vulnerable to environmental and public-health challenges. That is why we have worked for more than two decades to ensure that overburdened communities receive the same environmental protections as everyone else. And it is the reason I positioned environmental justice at the core of the EPA's mission.

We have made tremendous progress during the past eight years. Through Plan EJ 2014 we laid a foundation for integrating environmental justice into every EPA program, revitalized environmental justice across the federal family and expanded on our rich history of working with communities.

To build on this momentum I am proud to release the EJ 2020 Action Agenda, the EPA's strategic plan for advancing environmental justice for 2016 through 2020. EJ 2020 will strengthen our relationships with key partners – from federal, state, tribal and local governments to community-based organizations and industry – to promote the integration of environmental justice across our nation's larger environmental enterprise. We will expand our work with diverse stakeholders in communities to make an even greater and lasting impact where our help is needed most. And we will develop meaningful ways to measure our progress as we work to ensure that every person in every community enjoys the benefits of living in a cleaner, healthier nation.

Our environmental-justice challenges are becoming increasingly more complex. And our capacity to confront these challenges will depend on a coordinated, long-term effort with our partners and stakeholders nationwide. EJ 2020 provides a roadmap for us to move forward together in a more productive and holistic way, listening to community leaders and residents and better understanding the burdens they face so that we strategically focus our resources. That is how we will truly make a difference in our nation's most overburdened communities.

The EJ 2020 plan is the result of incredible work by so many dedicated public servants at the EPA and discussions with states, communities and other partners. It has been an honor to help lead this work during the past three-plus years. During the next four years and beyond, a collective effort will be key to achieving success.

Thank you for joining us in this plan of action; I am confident that together we can address environmental injustice in our nation while working to ensure cleaner air, water and land; better health; and an enhanced quality of life for families in communities throughout America.



A handwritten signature in black ink, which appears to read "Gina McCarthy". The signature is fluid and cursive, written in a professional style.

Gina McCarthy  
EPA Administrator

# EXECUTIVE SUMMARY

## INTRODUCTION

The EJ 2020 Action Agenda (EJ 2020) is the U.S. Environmental Protection Agency's (EPA) strategic plan for advancing environmental justice for the years 2016-2020. EJ 2020 will build on the foundation established by EPA's previous plan, Plan EJ 2014, as well as decades of significant environmental justice practice by the Agency, communities and our partners.

## GOALS

We will achieve EJ 2020's vision through three goals. Each goal, its priority areas, along with examples of key actions, are outlined below.

### GOAL I: DEEPEN ENVIRONMENTAL JUSTICE PRACTICE WITHIN EPA PROGRAMS TO IMPROVE THE HEALTH AND ENVIRONMENT OF OVERBURDENED COMMUNITIES.

This goal will focus on four areas: (1) Rulemaking, (2) Permitting, (3) Compliance and Enforcement, and (4) Science.

- Institutionalize environmental justice in rulemaking through implementation of guidance, training, monitoring, evaluation and community involvement, including rigorous assessments of environmental justice analyses in rules.
- Build on lessons learned in Plan EJ 2014 to establish a framework and tools for considering environmental justice in EPA-issued permits, and design and implement a process for "joint learning" with regulatory partners on incorporating environmental justice into permitting.
- Direct more enforcement resources to address pollution and public health burdens caused by violations of environmental laws in overburdened communities, and increase compliance evaluations, enforcement actions and settlements that benefit those communities. Over the next five years, EPA will work with co-regulators to identify and undertake strategies in at least 100 of the most overburdened communities where data indicate that facilities present a high likelihood of serious non-compliance issues, and address serious violations that are found.
- Routinely analyze, consider and address environmental justice issues in all appropriate EPA rulemaking, permitting and enforcement actions.
- Routinely use best practices for meaningful community engagement.
- Implement the EJ Research Roadmap to develop tools that provide a stronger scientific basis for action to address environmental justice and cumulative impact issues, conduct research that informs cumulative risk assessment, and develop innovative tools for monitoring and controlling environmental contamination.

### GOAL II: WORK WITH PARTNERS TO EXPAND OUR POSITIVE IMPACT WITHIN OVERBURDENED COMMUNITIES.

This goal will focus on four areas: (1) States and Local Governments, (2) Federal Agencies, (3) Community-Based Work, and (4) Tribes and Indigenous Peoples.

## VISION

By 2020, we envision an EPA that integrates environmental justice into everything we do, cultivates strong partnerships to improve on-the-ground results, and charts a path forward for achieving better environmental outcomes and reducing disparities in the nation's most overburdened communities. Achieving this vision will help to make our vulnerable, environmentally burdened, and economically disadvantaged communities healthier, cleaner and more sustainable places in which to live, work, play and learn.

### PRIORITY AREAS

- RULEMAKING
- PERMITTING
- COMPLIANCE AND ENFORCEMENT
- SCIENCE
- STATES AND LOCAL GOVERNMENTS
- FEDERAL AGENCIES
- COMMUNITY-BASED WORK
- TRIBES AND INDIGENOUS PEOPLES

### NATIONAL EJ CHALLENGES

- LEAD DISPARITIES
- DRINKING WATER
- AIR QUALITY
- HAZARDOUS WASTE SITES

- Work with states and local governments to develop and implement a phased approach to building on-the-ground collaborations, identifying best practices, supporting peer-to-peer learning, and fostering cross-program planning, and establish shared expectations through Performance Partnership Agreements and other planning and accountability mechanisms.
- Advance environmental justice within federal agencies through the Interagency Working Group on Environmental Justice, with emphasis on strengthening consideration of environmental justice in the National Environmental Policy Act process and addressing impacts from commercial distribution of freight (goods movement).
- Support communities' day-to-day needs through best practices for community-based work and seek opportunities to catalyze revitalization of overburdened communities through federal partnerships.
- Implement the EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples, work with tribal governments to build tribal capacity and promote tribal action on environmental justice, and promote coordination with other tribes, as well as federal agencies and states, to address environmental justice concerns in areas of interest to tribes and indigenous peoples.

### GOAL III: DEMONSTRATE PROGRESS ON SIGNIFICANT NATIONAL ENVIRONMENTAL JUSTICE CHALLENGES.

This goal will focus on four areas: (1) Lead Disparities, (2) Drinking Water, (3) Air Quality, and (4) Hazardous Waste Sites.

- Work to eliminate disparities in childhood blood lead levels as an integral part of reducing lead exposure for all people. EPA will convene partners to identify geographic areas with the greatest lead exposures, reduce sources of lead contamination, and take national action to reduce lead in drinking water.
- Work to ensure all people served by community water systems have drinking water that meets applicable health based standards. We will place special emphasis on addressing drinking water challenges in underserved communities.
- Achieve air quality that meets the fine particle pollution national ambient air quality standards in all areas of the country, with special emphasis on communities with poor air quality and low-income populations. Working with our co-regulator states, we will achieve this as soon as practicable and no later than the statutory attainment date.
- Reduce human exposure to contamination at hazardous waste sites, with emphasis on minority, low-income and vulnerable communities.

EPA will: (1) employ a suite of programs, actions and measures in these areas; and (2) evaluate progress, enhance measures as appropriate, and explore the development of a few additional national environmental justice measures and associated strategies.

## WHAT'S IN EPA'S EJ 2020 ACTION AGENDA

EJ 2020 is EPA's EJ plan of action that will involve every EPA office and region. EJ 2020 consists of eight priority areas and four significant national environmental justice challenges; each of these has its own section in this document, laying out the agency's objectives, the plan for achieving them, and how we will measure success. EPA expects to periodically review and, as appropriate revise, the actions we undertake to meet these goals. Every national program and region has assumed the responsibility of co-leading at least one of the plan's priority areas; leadership responsibilities are included in each section.

## CONCLUSION

Over the next five years, EPA will advance environmental justice to a new level and make a more visible difference in the environmental and public health outcomes for all people in the nation. Strengthening our collaborations with the communities we serve, our governmental partners and interested stakeholders will be key to achieving this vision.

# CHAPTER 1: OVERVIEW



The U.S. Environmental Protection Agency (EPA or Agency) is committed to protecting the health and environment of all people living in the United States. The EJ 2020 Action Agenda (EJ 2020), EPA's strategic plan for advancing environmental justice (EJ) for the years 2016-2020, plays an integral part in fulfilling that mission by focusing our attention on the environmental and public health issues and challenges confronting the nation's minority, low-income, tribal and indigenous populations.

EPA defines environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. Our efforts to achieve environmental justice are based upon [Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations](#) (59 FR 7629, February 16, 1994), environmental and civil rights laws and their implementing regulations, Agency environmental justice guidance and policies, and Agency strategic plans.

As part of our efforts to achieve environmental justice, Executive Order 12898 requires that these efforts apply equally to Native American programs. EPA recognizes the right of tribes as sovereign governments to self-determination and acknowledges the federal government's trust responsibility to tribes. EPA works with tribes on a government-to-government basis to protect the land, air, and water in Indian country. Furthermore, in focusing attention on tribal and indigenous populations with respect to EJ 2020, our goal will be to fully implement the EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples, and will be guided by the 1984 Indian Policy.

EJ 2020 will build on the foundation established by EPA's [Plan EJ 2014](#),<sup>1</sup> the Agency's environmental justice strategic plan for 2010-2014, as well as decades of significant environmental justice practice by the Agency, communities and our partners. Through Plan EJ 2014, EPA developed a comprehensive suite of basic guidance and tools that integrate environmental justice in EPA's programs and policies. Over the next five years, we will make a bigger visible difference in overburdened communities<sup>2</sup> by deepening environmental justice practice within EPA's programs and expanding our partnerships outside of the Agency. This chapter discusses our vision and goals for EJ 2020 as well as several cross-cutting issues.

## VISION

By 2020, we envision an EPA that integrates environmental justice into everything we do, cultivates strong partnerships to improve on-the-ground results, and charts a path forward for achieving better environmental outcomes and reducing disparities in the nation's most overburdened communities. Achieving this vision will help to make our vulnerable, environmentally burdened, and economically disadvantaged communities healthier, cleaner and more sustainable places in which to live, work, play and learn.

## GOALS

To achieve our vision for 2020, we will focus on a set of priorities that the Agency has identified for high-level attention over the next five years to strategically move EPA's environmental justice practice to the next level. The work included here builds on the progress made over the last eight years, focuses on further implementing the advances already achieved, and adds new commitments to move us much further toward our goals in environmental justice. The EJ 2020 priorities are structured around three goals:

1. Deepen environmental justice practice within EPA programs to improve the health and environment of overburdened communities;
2. Work with partners to expand our positive impact within overburdened communities; and
3. Demonstrate progress on significant national environmental justice challenges.

EJ 2020 is structured around implementations plans for eight priority areas along with our work to address four significant national environmental justice challenges. Each of the eight priority area implementation plans will be led by a national program and regional office. Because environmental justice is a cross-agency endeavor, responsibility for the success of each priority area rests with all national programs and regional offices.

### GOAL I: DEEPEN ENVIRONMENTAL JUSTICE PRACTICE WITHIN EPA PROGRAMS TO IMPROVE THE HEALTH AND ENVIRONMENT OF OVERBURDENED COMMUNITIES.



Goal I builds on the foundation laid through Plan EJ 2014 and deepens environmental justice practice within EPA's programs and regions in the areas of rulemaking, permitting, compliance and enforcement, and science. The following section provides information on the co-leads, objectives, background and strategies for each of these cross-agency areas.

#### RULEMAKING

**Co-Leads:** Office of Chemical Safety and Pollution Prevention (OCSPP), Office of Policy (OP) and Region 7

**Objective:** Ensure environmental justice is appropriately analyzed, considered and addressed in EPA rules with potential environmental justice concerns, to the extent practicable and supported by law.

**Background:** EPA will implement the Guidance on Considering Environmental Justice During the Development of a Regulatory Action and Technical Guidance on Assessing for Environmental Justice in Regulatory Analysis, two fundamental foundational documents developed over the past several years. We will institutionalize the consideration of environmental justice in rules.

#### Strategies:

- Implement rulemaking guidance and learn from experience how to strengthen consideration of environmental justice in rules;
- Conduct training and other activities to promote information sharing and continuous learning among EPA rule writers and analysts;
- Monitor implementation and evaluate progress, including a rigorous assessment of EJ analyses in rules every three years; and
- Strengthen outreach and meaningful community involvement.

#### PERMITTING

**Co-Leads:** Office of Air and Radiation (OAR), Office of General Counsel (OGC) and Region 2

**Objective:** Consider environmental justice concerns in all appropriate EPA permitting activities, and collaborate with state, tribal and local co-regulatory partners, communities and permit applicants to identify and share tools, promising practices, and approaches.

**Background:** Under Plan EJ 2014, the Agency developed guidance on conducting enhanced outreach to communi-





ties and each EPA region developed and is implementing a Regional Implementation Plan for priority EPA-issue permits. EPA also provided recommended practices for business and industry on engaging neighboring communities to build trust and promote better understanding. For 2020, EPA will build on the lessons learned during the past eight years, continuing to implement strategies to strengthen consideration of environmental justice in permits, and adding work with state, tribal and other regulatory partners to promote these tools nationwide.

#### Strategies:

- Implement the outreach tools developed under Plan EJ 2014, and establish a framework and set of tools for strengthening consideration of environmental justice concerns in EPA permitting.
- Collaborate with state, tribal and local co-regulatory partners, communities, and permit applicants to share and promote use of tools, promising practices and approaches.

## COMPLIANCE AND ENFORCEMENT

**Co-Leads:** Office of Enforcement and Compliance Assurance (OECA) and Region 8

**Objective:** Address pollution and public health burdens caused by violations of environmental laws in the nation's most overburdened communities, strengthen the role of environmental justice in EPA's compliance and enforcement work, and enhance work with our regulatory partners in overburdened communities.

**Background:** EPA will build upon the significant progress made under Plan EJ 2014 to weave consideration of environmental justice into the fabric of EPA's compliance and enforcement program and will address pollution and public health burdens caused by violations of environmental laws in the nation's most overburdened communities. We will do so by directing more enforcement resources to the most overburdened communities and strengthening the role of environmental justice in EPA's compliance and enforcement work.

#### Strategies:

- Direct more EPA enforcement resources to the most overburdened communities.
- Work with federal, state, tribal and local co-regulatory partners to pursue vigorous enforcement for violations in overburdened communities and leverage limited compliance resources by improving joint planning and targeting of enforcement activities.
- Strengthen communication so enforcement cases can benefit from the knowledge of local communities, and empower communities with information about pollution and violations that affect them.
- Increase the number of supplemental environmental projects and mitigation projects affecting overburdened communities.

## SCIENCE

**Co-Leads:** Office of Research and Development (ORD) and Region 1

**Objective:** Strengthen the scientific foundation for considering environmental justice in decision-making through research on decision support tools, adverse and cumulative impacts and risks, innovative monitoring and solution technologies.

**Background:** EPA's efforts to strengthen the scientific founda-

tion for considering environmental justice in decision-making will draw heavily from EPA's Environmental Justice Research Roadmap, the blueprint EPA is using to promote integration of EJ-related research across EPA's Office of Research and Development and communicating current research and strategic directions internally and externally.

#### Strategies:

- Promote the use of decision support tools for identifying and prioritizing environmental concerns, assessing cumulative impacts and evaluating mitigation options.
- Increase understanding of the factors that influence environmental health disparities and develop methods and data to assess adverse and cumulative risks.
- Develop innovative monitoring tools and technological solutions to environmental problems.
- Address special focus areas: (a) promote tribal sustainability and well-being and (b) advance efforts to mitigate the effects of climate change in vulnerable communities.

### GOAL II: WORK WITH PARTNERS TO EXPAND OUR POSITIVE IMPACT WITHIN OVERBURDENED COMMUNITIES.

EPA will work with our partners at multiple levels to make a bigger difference in overburdened communities. We will do so by focusing on states and local governments, federal agencies, community-based work, and tribes and indigenous peoples. The following section provides information on the co-leads, background, objectives and strategies associated with each of these areas.

#### STATES AND LOCAL GOVERNMENTS

**Co-Leads:** Office of Water (OW) and Region 5

**Objectives:** Achieve significant environmental results and meaningful public participation in the nation's most overburdened and vulnerable communities in partnership with state and local co-regulators; and build the joint capacity of EPA, state and local co-regulators to address environmental justice concerns in our day-to-day program work.

**Background:** Expanding EPA's work with our state partners and other co-regulators is an important area of additional emphasis for EPA's environmental justice efforts and reflects long-standing aspirations of environmental justice stakeholders. It recognizes that many states have developed effective tools to advance environmental justice and we can collectively expand our positive impact in overburdened communities by



making our larger environmental enterprise more effective.

#### Strategies:

- Work with co-regulators to reduce adverse impacts and promote meaningful involvement in overburdened communities through our regulatory work.
- Support peer-to-peer learning to identify best practices on how to address environmental justice concerns.
- Foster cross-program discussion, planning and actions to build program capacity.
- Work with co-regulators to establish shared program expectations and performance criteria and hold ourselves accountable to drive improvement where needed.

#### FEDERAL AGENCIES

**Co-Leads:** Office of Land and Emergency Management (OLEM) and Region 4

**Objective:** Strengthen collaboration and coordination on environmental justice issues among all federal agencies to amplify our collective impact in overburdened communities.

**Background:** We have learned from our concerted efforts to make a difference in overburdened communities that environmental justice requires not only reducing disproportionate burdens but also creating opportunities to build healthy, wholesome, sustainable and resilient communities. EJ 2020 builds on the progress being made across the federal government to strengthen engagement in communities to reduce burdens and focus on strategies to share in the benefits of a clean economy and promoting community revitalization.

**Strategies:**

- Address key environmental justice challenges in collaboration with government partners through the implementation of the [Federal Interagency Working Group on Environmental Justice](#) (EJ IWG) FY 2016-2018 Framework for Collaboration.
- Seek opportunities to catalyze revitalization of overburdened communities through federal partnerships that connect protection of public health and the environment with economic development, land development, infrastructure investment and resiliency planning.
- Foster the capacity of EPA and our sister federal agencies to meaningfully address environmental justice concerns through the use and continued development of environmental justice tools, resources, and ways to integrate environmental justice into programs and policies of all agencies.

## COMMUNITY-BASED WORK

**Co-Leads:** Office of Land and Emergency Management (OLEM), Region 3 and Region 10

**Objective:** Achieve meaningful and sustainable improvements in overburdened areas through the strategic deployment of Agency community-based and core programmatic resources in a cross-agency manner that helps to build the capacity of our community partners, and establishes community-based work as a routine means of achieving our mission.

**Background:** EPA has a significant history of working closely with communities, which has produced significant and often powerful results. Through EJ 2020, EPA seeks to apply the expertise and knowledge of all parts of the Agency towards making a more tangible difference in overburdened communities.

**Strategies:**

- Improve on-the-ground results by incorporating environmental justice and community-based work as a part of how EPA core regulatory programs achieve our mission of protecting public health and the environment.
- Expand the positive impact of EPA's efforts by building stronger on-the-ground partnerships with communities and involving government, academia, business, philanthropy and other sectors.
- Build the capacity of communities to take part in critical environmental and public health issues that impact them through the sharing of tools and other resources.

## TRIBES AND INDIGENOUS PEOPLES

**Co-Leads:** Office of International and Tribal Affairs (OITA) and Region 6

**Objective:** Fulfill EPA's commitment, in partnership with federally recognized tribal governments, to protect the environment and health of federally recognized tribes and indigenous peoples, and provide them access to the Agency's decision-making processes, so that everyone has a safe and healthy environment in which to live, learn, work and play.

**Background:** EPA seeks to maximize environmental and public health protection in Indian country and for indigenous peoples throughout the United States. This work will be guided by our full implementation of the EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples, and conducted in accordance with the EPA Policy for the Administration of Environmental Programs on Indian Reservations, the EPA Policy on Consultation and Coordination with Indian Tribes, EPA Guidance for Discussing Tribal Treaty Rights, E.O.12898, and relevant statutes, regulations and other policies.

**Strategies:**

- Strengthen consideration of federally recognized tribes' and indigenous peoples' issues, their involvement in EPA's decision-making processes, and responsiveness to their concerns when EPA directly implements federal environmental programs.
- Help federally recognized tribal governments build capacity and promote tribal action on environmental justice.
- Reduce disproportionate impacts, improve

engagement, promote meaningful involvement, and improve responsiveness to the environmental justice concerns of indigenous peoples.

- Promote intergovernmental coordination and collaboration to address EJ concerns in Indian country and in areas of interest to tribes and indigenous peoples throughout the United States.

### GOAL III: DEMONSTRATE PROGRESS ON SIGNIFICANT NATIONAL ENVIRONMENTAL JUSTICE CHALLENGES.

Demonstrating progress on significant national environmental justice challenges is the third major goal of EJ 2020. EPA recognizes the need for a more systematic approach to reducing environmental and health disparities for minority, low-income and tribal populations and improve the air, water and land in the nation's most overburdened communities. Addressing complex and continuing national environmental and health problems of concern to overburdened communities is a long-term endeavor that goes beyond EJ 2020. EPA will take a two-phased approach. In the first phase, EPA will employ a comprehensive suite of programs and actions and work closely with our state, tribal and other co-regulatory partners with authority and opportunity towards achieving progress in the following four key areas.

- **Lead:** Work to eliminate disparities in childhood blood lead levels as an integral part of reducing lead exposure for all people. EPA will convene partners to identify geographic areas

with greatest lead exposures, reduce sources of lead contamination, and take national action to reduce lead in drinking water.

- **Drinking Water:** Work to ensure all people served by community water systems have drinking water that meets applicable health-based standards. In working toward this goal, we will place special emphasis on addressing drinking water challenges in underserved communities.
- **Air Quality:** Achieve air quality that meets the fine particle pollution national ambient air quality standards in all areas of the country, with special emphasis on communities with poor air quality and low-income populations. Working with our co-regulator states, we will achieve this as soon as practicable and no later than the statutory attainment date. Low-income populations are among those most at-risk to adverse health effects from exposure to fine particle pollution.
- **Hazardous Waste Sites:** Reduce human exposure to contamination at hazardous waste sites, with emphasis on minority, low-income and vulnerable communities.

In the second phase, we will evaluate progress on achieving our current goals, enhance measures as appropriate, and explore potential development of additional national environmental justice measures and associated strategies. We anticipate focusing particular attention on issues of concern to overburdened communities that may warrant attention at the national level. These issues include pesticide impacts on farmworkers, goods movement (commercial transportation of freight and supporting infrastructure), water infrastructure, air pollution and climate change, among others. EPA is already undertaking significant ongoing work in all of these areas. We also anticipate working closely with federal, state, tribal and local government partners, communities, and other stakeholders through our second phase efforts.



These issues include pesticide impacts on farmworkers, goods movement (commercial transportation of freight and supporting infrastructure), water infrastructure, air pollution and climate change, among others. EPA is already undertaking significant ongoing work in all of these areas. We also anticipate working closely with federal, state, tribal and local government partners, communities, and other stakeholders through our second phase efforts.



## KEY RESULTS

Through EJ 2020, EPA will advance our environmental justice efforts to a new level in improving the health and environment of overburdened communities. By 2020, we will:

- Improve on-the-ground results for overburdened communities through reduced impacts and enhanced community benefits;
- Institutionalize environmental justice integration in EPA decision-making;
- Build robust partnerships with states, tribes and other co-regulatory partners;
- Strengthen our ability to take action on environmental justice and cumulative impacts; and
- Better address complex national environmental justice issues.

Our vision of how EPA will make a difference in the environmental and public health landscape over the next five years is detailed below.

**Improve on-the-ground results for overburdened communities through reduced environmental impacts and enhanced community benefits.** By 2020, EPA will make

a more visible difference in overburdened communities by strengthening our work toward on-the-ground results. We will make measurable progress on environmental outcomes in four areas with significant environmental justice challenges nationally. We will enhance the Agency's work in supporting environmental and public health improvements in thousands of communities throughout the United States by institutionalizing environmental justice and community practice as a routine part of our core programmatic and regulatory work.

For example, EPA will direct more enforcement resources to address pollution and health burdens caused by violations of environmental laws. Over the next five years, EPA will work with co-regulators to identify and undertake strategies in at least 100 of the most overburdened communities where data indicate that facilities present a high likelihood of serious non-compliance issues, and address serious violations that are found. We will work with our federal, state, tribal and local government partners to coordinate and expand the benefits of the collective efforts of our nation's larger environmental enterprise. Among these are partnerships with federal agencies to support communities in achieving their own visions of community health, environmental quality and economic vitality.

**Institutionalize environmental justice integration in EPA decision-making.**





By 2020, EPA will institutionalize a system for routinely analyzing, considering and addressing environmental justice issues in all appropriate EPA rulemaking, permitting and enforcement actions. We will reinforce and refine integration of environmental justice in EPA's rulemaking actions through implementation of guidance, meaningful community involvement and continuous learning, including a rigorous evaluation of EJ analyses for rulemaking efforts every three years. EPA will systematically consider environmental justice issues in all appropriate EPA-issued permits, accompanied by enhanced outreach for priority permits and analyses of potential local impacts. EPA will continue to develop approaches to focus compliance and enforcement resources to make a bigger difference in the most overburdened communities.

**Build robust partnerships with state, tribal and other co-regulatory partners.** By 2020, EPA will work with our state, tribal and other co-regulatory partners to jointly implement a set of best practices to improve the health and environment of the nation's most overburdened communities. Through mutual learning, EPA will work with states to develop an agreed-upon set of tools and approaches in EJ screening, meaningful involvement, compliance and enforcement, permitting, community revitalization and other areas that matter to communities. We will work collaboratively to advance effective tools and approaches already developed by states.<sup>3</sup> EPA will work with our state partners to establish shared expectations to implement effective tools and approaches, as well as shared standards for holding ourselves accountable to these expectations. EPA's work with our state partners represents an extremely important next milestone for EPA's environmental justice efforts and reflects recommendations

from EJ 2020's public comments and long-standing aspirations of environmental justice stakeholders.

EPA similarly plans to work closely in partnership with tribes to strengthen consideration of, and responsiveness to, the EJ concerns of tribes and indigenous peoples. Consistent with its 1984 Indian Policy, EPA works with federally recognized tribes on a government-to-government basis, with the understanding that tribes are the primary authority and responsible party for providing environmental and public health protection on tribal lands. EPA will work with tribes to build tribal capacity and promote tribal action on environmental justice, and will promote coordination with other tribes, as well as federal agencies and states to address EJ concerns in areas of interest to tribes and indigenous peoples.

**Strengthen our ability to take action on environmental justice concerns and cumulative impacts.** By 2020, EPA will build a stronger scientific basis for action on environmental justice concerns and cumulative impacts. We will achieve this by developing and using assessment, screening and decision tools that look at communities holistically, and drive action when possible. These tools include: [EJSCREEN](#), [Community-Focused Environmental Risk Screening Tool \(C-FERST\)](#)/[Tribal-Focused Environmental Risk and Sustainability Tool \(T-FERST\)](#), [Next Generation Compliance](#)<sup>4</sup> advanced environmental monitoring tools, port emissions characterization tools, [Health Impact Assessment \(HIA\)](#) and analytic methodologies for considering EJ during [National Environmental Policy Act \(NEPA\)](#) reviews. In addition, EPA research will contribute to the development of cumulative risk assessment for regulatory decision-making. Through our Environmental Justice Research Roadmap, we will help to lay a foundation for better understanding the interrelationships between social determinants of health, other non-chemical stressors, and chemical agents. An important aspect of this work includes integrating Traditional Ecological Knowledge in environmental science, policy and decision-making.<sup>5</sup>

**Better address complex national environmental justice issues.** By 2020, EPA will make measurable progress on significant national environmental justice challenges. We will work to eliminate lead disparities among children, ensure safe drinking water for small and tribal communities, enhance protection from fine particle air pollution for low-income populations, and reduce human exposure to contaminants at hazardous waste sites. Based on this work, we will chart a path forward to achieving our long-term goal of better environmental outcomes and measurable reduction of disparities in the nation's most overburdened communities.



## CROSS CUTTING ISSUES

Several issues are critical to the implementation of all areas of EJ 2020 as well understanding the relationship of EJ 2020 to other work at the Agency. These cross-cutting issues include the relationship of EJ 2020 to Title VI of the Civil Rights Act of 1964, EJSCREEN, climate change/climate justice and stakeholder engagement. These issues are discussed below.

### RELATIONSHIP OF EJ 2020 TO TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The Presidential Memorandum Accompanying Executive Order 12898 acknowledged that both environmental and civil rights statutes provide many opportunities to address environmental hazards in minority communities and low-income communities.

In the context of environmental justice, EPA seeks the fair treatment and meaningful involvement of all people with respect to the implementation of environmental programs, regardless of their race, income, or other factors; the EJ 2020 Action Agenda is designed to strengthen EPA's efforts to address challenges

faced by overburdened communities, in coordination with local, state, tribal and federal partners. EPA is also responsible for enforcing [Title VI of the Civil Rights Act of 1964](#) (Title VI), 42 U.S.C. 2000d, which provides that no person in the United States shall, on the ground of race, color, or national origin (including limited proficiency in English), be excluded from participation in, be denied the benefits of, or be subjected to

discrimination under any program or activity receiving Federal financial assistance from EPA.

EPA's Office of Civil Rights (OCR) is specifically charged with overseeing the implementation of its important civil rights legal obligations, and has laid out its plan to execute those responsibilities in [OCR's External Compliance and Complaints Program Strategic Plan for FY 2015-2020](#).

This plan promotes mission-critical program accountability through measurable goals that will: (1) ensure prompt, effective, and efficient complaint docket management; (2) enhance OCR's external compliance

program through proactive compliance reviews, strategic policy development, and engagement of critical EPA, federal and external partners and stakeholders (e.g., recipients and communities); and, (3) strengthen OCR's workforce through strategic human capital planning, organizational development and technology and training to promote a high-performing organization.

**EPA SEEKS THE FAIR TREATMENT AND MEANINGFUL INVOLVEMENT OF ALL PEOPLE WITH RESPECT TO THE IMPLEMENTATION OF ENVIRONMENTAL PROGRAMS, REGARDLESS OF THEIR RACE, INCOME, OR OTHER FACTORS**

Where possible, EPA program offices and regions assist in, and share approaches and tools for, addressing underlying issues of concern in communities, thereby resolving many issues outside of the civil rights enforcement process; this is an important component of the Agency's efforts to make a prompt and visible difference in communities. However, where potential Title VI claims exist, EPA's Office of Civil Rights will promptly, effectively and efficiently address those claims and will coordinate with relevant programs and regions, including the Office of Environmental Justice (OEJ), whenever appropriate. (See [OCR Interim Case Resolution Manual, Chapter I.](#))

The Agency-wide sharing of knowledge and experience in identifying and responding to community concerns serves to strengthen both EPA's civil rights and environmental justice efforts. EPA is committed to ensuring that a comprehensive set of tools are available to affected communities. Best practices and lessons learned by the Office of Civil Rights and by the Agency's environmental justice program can complement one another and inform discussion of how programs and regions can better address community issues. EPA will provide progress reports on these collaborative efforts in EJ 2020's annual reports.

## STAKEHOLDER ENGAGEMENT

Vibrant stakeholder engagement and partnerships are the backbone of EJ 2020 and essential to achieving meaningful outcomes for overburdened communities. Through early, ongoing and meaningful stakeholder engagement, EPA will catalyze a new level of stakeholder dialogue and collaboration in the course of implementing EJ 2020 and environmental justice practice within our programs and regions. Examples of community engagement in EJ 2020 include community involvement in EPA rulemaking and permitting processes, community-based participatory research and citizen science, and the development of outcome measures that are meaningful to communities.

Through EJ 2020, EPA will offer a variety of opportunities for stronger stakeholder engagement and collaboration. EPA will continue to use partnership mechanisms, such as the Federal Interagency Working Group on Environmental Justice, and consult with the Environmental Council of States, the [National Tribal Operations Committee](#), the [National Environmental Justice Advisory Council](#) and the [Local Government Advisory Committee](#), as well as with individual tribes and federal, state and local government partners. EPA will periodically invite partners and stakeholders – through meetings, roundtables and focus groups – to provide input on EPA's priorities and discuss how EPA is demonstrating progress. We will host webinars on all of the EJ 2020 priority areas and national EJ challenges, and maximize the use of the [EPA EJ Listserv](#) to share EJ 2020

## FARM WORKER PROTECTION

Agricultural Worker Protection Regulation: Protecting our nation's farmworkers from harmful pesticide exposures is at the core of EPA's work to ensure environmental justice for all Americans. Through the 2015 revisions to the 1992 agricultural worker protection regulation, EPA is implementing stronger protections for the nation's two million agricultural workers and their families working on farms, forests, nurseries, and greenhouses which will afford farmworkers protections that are already afforded to workers in other industries. The 2015 revisions to the regulation require that owners and employers on agricultural establishments: provide protections to workers and handlers from potential pesticide exposure; provide more frequent and thorough training about pesticide safety; and provide mitigation measures in case exposures may occur.

The Agency is creating training and compliance materials; educating agricultural workers, pesticide handlers, and agricultural employers about the revised regulations; and partnering with organizations to better serve underserved communities and populations at higher risk for pesticides exposures. EPA will tailor efforts to educate farmworkers, agricultural employers, state regulators, health care providers and communities about the health-related dangers of working with and around pesticides, and how the revised regulation can bring about needed protections. Outreach on the regulation will be an ongoing, multi-year effort focused on enhancing knowledge of the rule and its impact with the regulated entities. EPA will target outreach and communications to underserved communities that are disproportionately burdened by the impacts of pesticides to ensure agricultural workers and their families understand the new protections provided them under the agricultural worker protection regulation.

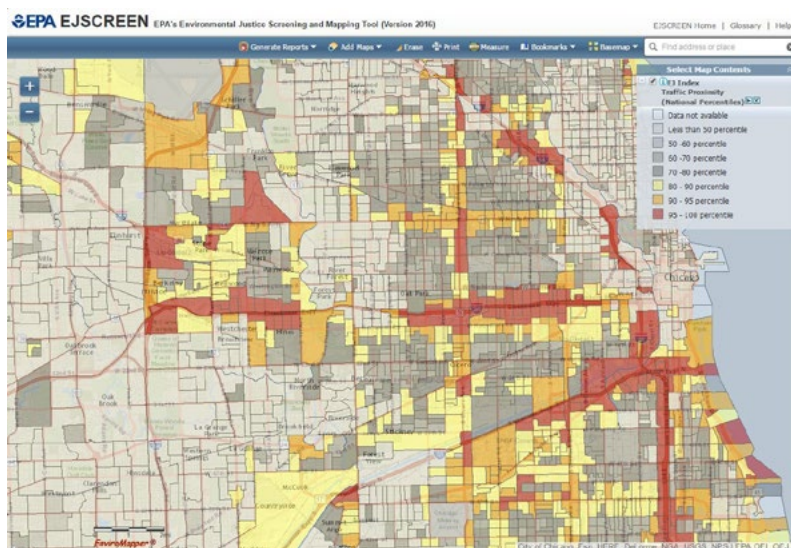


related information, events and trainings. To increase transparency and accountability with stakeholders, we will report updates and program-specific actions through our website, provide regular newsletters discussing implementation, and issue annual public progress reports that demonstrate progress to communities and collaborations with our partners.

EPA will address issues of specific population groups as part of EJ 2020 efforts based on the programmatic priorities of each program and region. In this process, EPA will consider a number of factors, such as the severity and nature of health consequences, the magnitude of the estimated differences in impacts between population groups, distributions of exposures or risk to relevant population groups, and considerations that may make population groups more vulnerable.

## EJSCREEN

The Agency's environmental justice mapping and screening tool, [EJSCREEN](#), will play an important role in the implementation of the EJ 2020 Action Agenda and, more broadly, in the agency's overall environmental justice efforts. This publicly available, web-based mapping tool provides an easy way to look at a variety of environmental and demographic data, and combines these factors into EJ indexes. EPA currently uses EJSCREEN as a starting point for a variety of applications including outreach and engagement, inspection targeting, retrospective reports, and other aspects of agency programs that affect communities with environmental justice concerns.



An important theme within EJ2020 calls for a focus on the “most overburdened” communities. EPA will use EJSCREEN as a starting point in identifying such places. In addition, we will consider other information to help ensure we focus attention on the most overburdened areas, including data that offers greater insight into local impacts and experience, such as regional experience, non-EPA data sources, and local knowledge.

In order to be more transparent about how we consider environmental justice in our work, assist our stakeholders in making informed decisions, and create a common starting point for dialogue, EPA is specifically focused on sharing information and training with:

- Governmental partners, in order to provide federal, state, tribal, and local governments with consistent tools and approaches for considering environmental justice in their work;
- Affected communities, in order to provide screening level information as a starting point for further analysis and/or dialogue on potential issues surrounding them; and the
- General public, in order to further a basic understanding of environmental justice through an easy-to-use way to visualize environmental and demographic data.

EPA will work with partners and communities to develop collaborative uses of the tool. In addition, we encourage groups to explore their own unique ways to use EJSCREEN and its data. EPA has made all of the underlying data available to the public in an effort to be transparent and encourage innovation. We will work with partners on a voluntary basis to explore and test new uses of the tool. Finally, EPA commits to continued stakeholder engagement, exploration and development of new and better datasets in EJSCREEN to serve the needs of all stakeholder, both urban and rural.

## CLIMATE CHANGE/CLIMATE JUSTICE

EPA's extensive and ongoing efforts to address climate change include an important focus on climate justice, the intersection between climate change and environmental justice. Climate change is an environmental justice issue because low-income communities and communities of color are likely to be disproportionately affected by, and be less resilient in absorbing and adapting to, the

## THROUGH EJ 2020, EPA WILL OFFER A VARIETY OF OPPORTUNITIES FOR STRONGER STAKEHOLDER ENGAGEMENT AND COLLABORATION

impacts of climate change. The final [Clean Power Plan](#) (CPP) is designed to provide broad benefits to communities across the nation, as its purpose is to reduce CO<sub>2</sub>, one of the most significant drivers of climate change.<sup>6</sup> When implemented, the CPP will reduce carbon pollution from power plants while maintaining energy reliability and affordability. The EPA released a proximity analysis to identify potentially impacted communities at the time it issued the final Clean Power Plan in 2015.<sup>7</sup> In addition, the CPP has provisions that, when they take effect, will require the states to meaningfully engage with communities as they are developing their plans. EPA encourages states to conduct an EJ analysis as part of plan development, and has developed information resources and tools that may be helpful to states' efforts. The CPP also includes an optional program, the [Clean Energy Incentive Program](#) (CEIP), that provides a mechanism for states to encourage early implementation of emission-reducing measures like energy efficiency in low income communities. EPA is currently taking comment on whether this program should include greater incentives for other clean energy options such as solar projects in these communities. Other EPA climate actions will also benefit vulnerable communities. For example, the GHG and fuel economy standards for medium and heavy-duty vehicles recently finalized by EPA and the National Highway Traffic Safety Administration, which includes all types of trucks, busses, and work vehicles such as garbage trucks, will substantially reduce emissions from these vehicles, many of which are driven on neighborhood streets.

In addition to reducing pollution and improving energy efficiency, EJ 2020's climate justice work encompasses EPA efforts on building sustainable and resilient communities, conducting decision-relevant research to support communities, and sharing information, tools and technical assistance through partnerships with federal, state, tribal and local governments. A recent example of such information is the series of fact sheets EPA posted based on the recently released report from the U.S. Global Change Research Program, "[The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment](#)." These fact sheets focus on climate impacts to eight populations disproportionately affected by climate change: communities with environmental



justice concerns, indigenous peoples, children, pregnant women, older adults, occupational groups, and people with disabilities or with pre-existing medical conditions. The series is available online in both English and Spanish languages.

EPA's climate justice work includes an emphasis on objectives such as ensuring that underserved communities benefit from energy efficiency and green infrastructure initiatives, training the next generation of young climate justice leaders, and applying EJSCREEN and other Agency efforts and tools that impact communities, as well as other key climate justice areas. EPA is anticipating and planning for future changes in climate to ensure it continues to fulfill its mission of protecting human health and the environment even as the climate changes. To achieve this goal, the Agency developed our [Climate Change Adaptation Plan](#) that provides a framework and commitments to support the direction provided in the [President's Climate Action Plan](#), and [Executive Order 13653, Preparing the United States for the Impacts of Climate Change](#). As part of this effort, EPA will help increase the resilience of the most vulnerable people and places by improving their capacity to predict, prepare for, and avoid adverse impacts from climate change. Adapting to the changes that are already underway, and preparing for future climate change, can help reduce the risks these communities will face from climate change.

## REPORTING

EPA will issue an annual report on our progress in implementing EJ 2020. Annual progress reports will provide information from each of the EJ 2020 priority areas, and will be coordinated by the Office of Environmental Justice.

# CHAPTER 2: RULEMAKING



## OBJECTIVE

ENSURE ENVIRONMENTAL JUSTICE IS APPROPRIATELY ANALYZED, CONSIDERED AND ADDRESSED IN EPA RULES WITH POTENTIAL ENVIRONMENTAL JUSTICE CONCERNS, TO THE EXTENT PRACTICABLE AND SUPPORTED BY RELEVANT INFORMATION AND LAW.

Further integrating environmental justice (EJ) in EPA's core rulemaking function is essential to ensure that all people living in the United States, regardless of their race, color, national origin or income, have access to clean water, clean air and healthy communities. Rulemaking is an important function used by the EPA to protect human health and the environment for all communities. The EJ 2020 Rulemaking Implementation Plan seeks to advance when and how EJ is considered in rules; ensure analysts and rule writers have the appropriate training and tools to understand the role of EJ in the development of rules; and monitor EPA's progress in considering EJ in rules.

The development and implementation of environmental justice and rulemaking guidance is a central part of this plan. The [Guidance on Considering Environmental Justice During the Development of an Action](#) (EJ ADP Guide), which was issued in May 2015, helps Agency rule writers determine when EJ should be considered during the development of rules under the Action Development Process (ADP). For this

reason, the guidance is often referred to as the EJ ADP Guide. The [Technical Guidance on Assessing for Environmental Justice in Regulatory Analysis](#) (EJ Technical Guidance) is a complement to the EJ ADP Guide, and was issued in June 2016. It provides guidance for analysts on how to conduct an EJ analysis for rules.

### PROGRAM AND REGIONAL LEADS

Office of Chemical Safety and Pollution Prevention (OCSPP), Office of Policy (OP), Region 7

## STRATEGIES AND ACTIONS

This plan includes four strategies to improve the quality and effectiveness of environmental justice analyses conducted to inform and support consideration of environmental justice in rulemaking. These strategies build on existing guidance and introduce new activities to ensure environmental justice is rigorously and consistently considered and analyzed, where appropriate.

## **STRATEGY 1: IMPLEMENT RULEMAKING GUIDANCE AND LEARN FROM EXPERIENCE HOW TO STRENGTHEN CONSIDERATION OF ENVIRONMENTAL JUSTICE IN RULES.**

### **Action 1.1: Implement the Technical Guidance for Assessing Environmental Justice in Regulatory Analysis (EJ Technical Guidance).**

EPA finalized the EJ Technical Guidance in June 2016. It was distributed widely across the Agency and made available for use by analysts. EPA will support the continued use of the EJ ADP Guide to EPA staff and managers participating in the rulemaking process.

### **Action 1.2: Incorporate scientific advances into the EJ Technical Guidance.**

EPA will review and monitor the scientific literature for advances that warrant inclusion in the EJ Technical Guidance and provide updates as appropriate. As the science develops, EPA will update the EJ Technical Guidance through technical memoranda, modifications to particular sections, and/or additions to the guidance, as appropriate.

### **Action 1.3: Update existing guidance documents through lessons learned from the application of the EJ ADP Guide and EJ Technical Guidance.**

EPA will provide updates to the EJ ADP Guide and EJ Technical Guidance based on information gained in training sessions, feedback from EPA programs, input from communities, and other communication channels. EPA will use information gained from implementation of other strategies in this plan, such as ways to improve meaningful community involvement and periodic in-depth evaluation of EJ analysis in rules, to determine when and how to update the guidance documents.

## **STRATEGY 2: IMPLEMENT TRAINING AND OTHER MECHANISMS TO PROMOTE INFORMATION SHARING AND LEARNING AMONG EPA RULE WRITERS AND ANALYSTS.**

### **Action 2.1: Develop and conduct training on the EJ ADP Guide and EJ Technical Guidance.**

EPA will develop and deploy training materials and programs for the EJ ADP Guide and the EJ Technical Guidance. EPA will conduct briefings for managers and staff to highlight the responsibilities and expectations discussed in the EJ ADP Guide. EPA will also develop and provide training for the EJ Technical Guidance, focusing on best practices, analytic methods and data issues. These training activities will include multiple approaches, such as train-the-trainer modules, recorded webinars for managers and staff, and in-person events, as well as public webinars.

### **Action 2.2: Share information and advance the state of knowledge across EPA to promote rigor and consistency in how environmental justice is considered in rules.**

EPA will establish mechanisms to share information and advance the state of knowledge across the Agency as rule writers and analysts gain experience in considering and conducting EJ analyses for rules. These mechanisms will include establishing a “community of practice” for the EJ Technical Guidance by creating a network of experts across program offices. This network will serve as another resource for EPA analysts to advance the tools, methods, guidance and procedures that are used to ensure rigorous consideration of environmental justice throughout the development of rules.

## **STRATEGY 3: MONITOR IMPLEMENTATION, EVALUATE PROGRESS, AND STRENGTHEN PRACTICE ACROSS EPA.**

In order to improve EPA’s efforts regarding environmental justice and rulemaking, EPA will monitor and periodically evaluate when and how EJ analyses are conducted and use the information gained to determine when and how to update guidance documents and training activities.

### **Action 3.1: Evaluate EJ analysis plans for existing and prospective rules.**

On an annual basis, EPA Assistant Administrators from the Office of Air and Radiation, Office of Chemical Safety and Pollution Prevention, Office of Land and Emergency Management, Office of Water, Office of Policy, and the Office of Enforcement and Compliance Assurance will conduct an annual meeting to consider rules for priority agency attention from an EJ perspective. This meeting will be informed by an annual staff workshop to assess progress, challenges, and opportunities for the improvement of EJ analyses of rules. The purpose of the annual workshop is to convene EPA’s community of practice for EJ rulemaking analysis to conduct an examination of the opportunities, accomplishments and challenges associated with analyzing and addressing potential EJ concerns in rules. The workshop will focus on recent or current rulemakings for which EJ analysis has been completed or is actively underway and, where appropriate and timely, upcoming rules for which EJ analysis is anticipated and for which sufficient information is available to support an informed discussion of the significant opportunities and challenges.

### **Action 3.2: On a triennial basis, EPA will conduct an assessment of EJ analyses for EPA rules finalized during the preceding three years.**

On a triennial (i.e., once every three years) basis, EPA will



conduct a rigorous assessment of EJ analyses developed for finalized EPA rules during the preceding three years. This assessment will involve a review of documentation in the preamble and/or regulatory analysis for how potential EJ concerns were identified and analyzed, assessing meaningful community involvement activities. It will also identify data gaps, methods development needs and other lessons learned.

#### **STRATEGY 4: STRENGTHEN OUTREACH AND ENCOURAGE MEANINGFUL COMMUNITY INVOLVEMENT.**

##### **Action 4.1: Develop and implement plans for achieving meaningful community involvement.**

EPA will incorporate an appropriate level of meaningful community involvement in the development of rules with potential environmental justice concerns. To accomplish this, each EPA program office responsible for writing rules will consider opportunities and develop strategies for achieving involvement of potentially impacted minority populations, low-income populations, and tribes and indigenous peoples as part of the process of developing the rule. Each program office responsible for writing rules will consider steps to increase community involvement and understanding about high priority rules that are expected to significantly affect overburdened communities. These efforts will be augmented by periodic sessions that provide basic information to the public on the rulemaking process and relevant statutes. When conducting outreach and meaningful community involvement, EPA may use a variety of methods, including traditional and non-traditional communication; [Tribal Consultation](#), social media, email blasts, and website content; community town hall meetings; existing state and local partnerships; and [Federal Advisory Committee](#) meetings.

##### **Action 4.2: Update best practices for conducting outreach and encouraging meaningful community involvement in rulemaking.**

EPA will compile best practices based on lessons learned through outreach efforts over the last five years, as well as collaboration with states, tribes, and local communities and organizations. This information will be shared across EPA program offices to enhance existing channels for soliciting comments and feedback and to update the best practices as the Agency develops new outreach practices (e.g., use of social media, other on-line information sharing technology). Together, this will enable the Agency to more effectively incorporate information from communities about ways that EPA can better share information with communities about its rulemaking activities as

appropriate. EPA will monitor and evaluate implementation of meaningful community involvement, including use of triennial in-depth evaluations of EJ analysis in rules (Action 3.2).

## **MEASURES**

EPA has established the following measures to identify existing practices, aspire to new levels of effectiveness and provide clear, ambitious goals for this implementation plan. While EPA will monitor and evaluate progress on all aspects of this implementation plan, the following specific measures will enable EPA to evaluate progress on key areas of the plan.

- By the end of 2017, establish a baseline of how environmental justice has been analyzed in all economically significant rules since Plan EJ 2014 was released.
- By the end of 2017, EPA will provide training to EPA staff involved in the development of environmental justice analysis for rules.
- On a triennial basis, EPA will conduct an assessment of EJ analyses for EPA rules finalized during the preceding three years.

# CHAPTER 3: PERMITTING



## OBJECTIVE

CONSIDER ENVIRONMENTAL JUSTICE CONCERNS IN ALL APPROPRIATE EPA PERMITTING ACTIVITIES, AND COLLABORATE WITH STATE, TRIBES AND LOCAL CO-REGULATORY PARTNERS, COMMUNITIES AND PERMIT APPLICANTS TO IDENTIFY AND SHARE TOOLS, BEST PRACTICES, AND APPROACHES.

Environmental permitting presents an opportunity for regulatory agencies to understand the environmental justice (EJ) concerns in overburdened communities. Meaningful engagement, including enhanced outreach and analysis, where appropriate, can help inform whether such concerns can be effectively addressed within the scope of the permit itself, or warrant attention by another program or organization.

Under Plan EJ 2014, the Agency developed guidance on when and how to conduct enhanced outreach to communities where permit or permit renewals were scheduled, and each EPA Region developed and is implementing a Regional Implementation Plan identifying where they will undertake enhanced outreach. EPA also provided recommended practices for business and industry on engaging neighboring communities to build trust and promote better understanding.

The environmental justice in permitting area of EJ 2020 has two basic objectives which build on the successes and lessons learned during the implementation of Plan EJ 2014. The first

is that environmental justice is routinely considered in EPA permitting in all appropriate circumstances. This means that in initiating a permitting action, EPA permit writers will consider whether there are environmental justice concerns present in the community affected by the permit. Wherever appropriate, EPA will conduct enhanced outreach to fully understand those concerns and perform analyses of potential local impacts on overburdened communities. EPA will establish appropriate permit terms and conditions to address environmental justice concerns to the extent supported by the relevant information and law. Where EPA is unable to address community concerns in EPA permit terms and conditions, EPA will identify other federal, state or local agencies, or other entities who may be able to assist.

The second objective is to build, through engagement in “mutual learning” with state and local co-regulators and other stakeholders, a shared set of tools, best practices and approaches for considering environmental justice concerns in permitting. These tools, practices and approaches will

help overburdened communities know how to advocate their concerns and help permitting agencies consider and address them in an appropriate manner.

### PROGRAM AND REGIONAL LEADS

Office of Air and Radiation (OAR), Office of General Counsel (OGC), Region 2

## STRATEGIES AND ACTIONS

### STRATEGY 1: IMPLEMENT THE OUTREACH TOOLS DEVELOPED UNDER PLAN EJ 2014, AND ESTABLISH A FRAMEWORK AND SET OF TOOLS FOR STRENGTHENING CONSIDERATION OF ENVIRONMENTAL JUSTICE CONCERNS IN EPA PERMITTING.

Under Plan EJ 2014, EPA's previous EJ strategic plan, the Agency developed guidance on when and how to conduct enhanced outreach to communities in conjunction with EPA permits or permit renewals. As a result, each EPA regional office developed and is implementing a Regional Implementation Plan identifying how they will conduct this enhanced outreach. EPA also provided promising practices for business and industry on engaging neighboring communities to build trust and promote better understanding. Under EJ 2020, EPA will establish a framework and tools for permit writers on when and how to consider and analyze environmental justice concerns in the development of EPA-issued permits, and encourage the use of permit terms and conditions to address concerns to the extent supported by relevant law and information.



### Action 1.1: Establish a framework and tools for considering environmental justice concerns in permitting.

Under EJ 2020, EPA programs and regional offices will work together to establish a framework and set of tools that help EPA permit writers conduct screening and determine when it may be appropriate to gather additional information and perform analysis relevant to environmental justice concerns as part of the permit development. These tools may change over time and the appropriate level of analysis will be determined based on site-specific issues. This information and analysis will inform decisions about which issues and concerns might be addressed through permit terms and conditions under applicable authorities, and which issues or concerns the permit cannot address but might be referred to other programs, agencies or entities who may be able to assist. In some appropriate circumstances where concerns cannot be directly addressed through the permit, EPA may help to facilitate voluntary agreements between those affected communities and permittees and/or permit applicants.

### Action 1.2: Train EPA permit writers on the use of the framework and tools and leverage EPA's ongoing activities in other regulatory areas.

Once the framework and tools are available, EPA programs and regional offices will work together to develop a series of trainings for EPA permit writers. This will include training for EPA staff in headquarters and regions on:

- Best practices for community outreach and engagement;
- Developing appropriate permit terms and conditions, opportunities to leverage technology and other potential sources of assistance;
- Techniques for gathering data such as community demographics, environmental information, and facility history that help permit writers more easily describe or analyze potential local impacts on communities and to inform and focus enhanced outreach efforts; and
- Train the trainer strategies.

The availability of the trainings will be based on available resources and an annual planning process among headquarters and regional staff to identify opportunities and priorities.

One area of ongoing EPA activity with potential for leveraging is agency efforts to support innovative techniques, such as Next Generation Compliance advanced monitoring, reporting and transparency tools. These techniques may increase transparency at a permitted facility and in the permit itself. Another area ripe for leveraging is the relationships

built among staff, programs, agencies and organizations, while doing community outreach or other community-based work and other related efforts. This network of contacts and the information they have are invaluable resources that can help permit writers to more fully understand community perspectives and concerns. These and other resources from other EPA efforts can help EPA permit writers, state permitting authorities, permit applicants, and communities in the permitting process.

## **STRATEGY 2: COLLABORATE WITH STATE, TRIBAL AND LOCAL CO-REGULATORY PARTNERS, COMMUNITIES, AND PERMIT APPLICANTS TO SHARE AND PROMOTE THE USE OF TOOLS, BEST PRACTICES AND APPROACHES.**

EPA will engage in discussions with our regulatory partners and external stakeholders, including community representatives and permit applicants about considering environmental justice concerns in permitting. The Agency plans to develop a series of information resources for co-regulators, communities and permit applicants. We will also continue to build on products that were developed during the first phase of this effort, including the previously published *Promising Practices for Permit Applicants Seeking EPA-Issued Permits-Ways to Engage Neighboring Communities*.

### **Action 2.1: Design and implement a process for “joint learning” with regulatory partners on incorporating environmental justice concerns and meaningful involvement with communities into the permitting process.**

Through appreciative inquiry and adaptive management, EPA will work together with state, tribal and local co-regulators to design and implement a process for “joint learning” about the incorporation of environmental justice concerns into permitting. A joint learning process will facilitate the sharing of information and best practices between EPA and co-regulators for implementation of permitting programs. This process of sharing and discovery, which will begin with the Environmental Council of the States (ECOS), will inform development of a set of shared tools and approaches available for use by all environmental permitting agencies. These may include examples of meaningful engagement opportunities with the public, enhanced outreach techniques, methods of analyzing environmental justice concerns, training materials, and/or toolkits for permit writers, communities and permit applicants.

### **Action 2.2: Develop tools that enable communities to participate more effectively in the permitting process.**

EPA will expand the availability of information resources,

especially web-based information, to help communities understand EPA permitting processes, and how they might participate effectively in it. Over time this information may grow to include best practices that permitting agencies, permit applicants and communities might employ to ensure meaningful communication and participation.

### **Action 2.3: Develop tools for permit applicants.**

Building upon *Promising Practices for Permit Applicants Seeking EPA-Issued Permits-Ways to Engage Neighboring Communities*, a product developed during the first phase of this effort, EPA will engage with permit applicants to share information, tools and approaches for conducting enhanced outreach in communities with environmental justice concerns. Following this engagement, the Agency will compile these tools and approaches in an information resource of best practices for permit applicants. This will also include promoting permit applicants’ participation in community training to help build effective relationships and foster communication with the surrounding communities.

## **MEASURES**

The measures, along with other supporting information, will illustrate the progress the EPA has made in integrating environmental justice concerns into permitting, and building capacity with communities, permit applicants and co-regulators.

- By 2020, EPA will consider, for all newly issued EPA permits, whether there are environmental justice concerns present.
- By 2020, for all EPA-issued permits where environmental justice concerns are identified, EPA will conduct meaningful engagement and establish appropriate permit terms and conditions to address environmental justice concerns to the extent supported by the relevant information and law, including the use of tools such as monitoring and web-posting of data that increase the availability of information to the public. Additionally, where EPA is unable to address identified EJ concerns in EPA permit conditions, EPA will identify other federal, state or local agencies or other entities who may be able to assist.



# CHAPTER 4: COMPLIANCE & ENFORCEMENT



## OBJECTIVE

ADDRESS POLLUTION AND PUBLIC HEALTH BURDENS CAUSED BY VIOLATIONS OF ENVIRONMENTAL LAWS IN THE NATION'S MOST OVERBURDENED COMMUNITIES, STRENGTHEN THE ROLE OF ENVIRONMENTAL JUSTICE IN EPA'S COMPLIANCE AND ENFORCEMENT WORK, AND ENHANCE WORK WITH OUR REGULATORY PARTNERS IN OVERBURDENED COMMUNITIES.

Over the next five years, EPA will address pollution and public health burdens caused by violations of environmental laws in the nation's most overburdened communities. We will do so by directing more enforcement resources to the most overburdened communities and strengthening the role of environmental justice in EPA's compliance and enforcement work. These efforts will build upon the significant progress made under Plan EJ 2014 to weave consideration of environmental justice into the fabric of EPA's compliance and enforcement program.

Because states, tribes and local governments play a vital role in addressing violations that affect overburdened communities, EPA will also build environmental justice into our work with these co-regulators. EPA will increase collaboration with states, tribes, and local governmental partners to find and support the wider adoption of promising practices for addressing disparate impacts of illegal pollution on communi-

ties. EPA will also enhance communication and transparency with affected communities and the public regarding compliance and enforcement actions, so that community input can inform our work, and communities can be empowered with information about environmental and human health stressors that affect them.

As EPA directs enforcement resources and increases collaboration with states, tribes and local governments, we will be mindful of the national environmental outcome measures discussed in the Overview section of this Action Agenda. Compliance and enforcement activities can contribute to success in achieving the goals associated with these measures, and in reducing environmental and health disparities between populations with EJ concerns and the rest of the nation in general. EPA will evaluate opportunities for compliance and enforcement activities to contribute to achieving these goals and focus its efforts, as appropriate.

**PROGRAM AND REGIONAL LEADS**

Office of Enforcement and Compliance Assurance (OECA),  
Region 8

**STRATEGIES AND ACTIONS****STRATEGY 1: DIRECT MORE EPA ENFORCEMENT RESOURCES TO THE MOST OVERBURDENED COMMUNITIES.**

Over the last five years EPA's enforcement program has significantly increased its focus on environmental justice, including reviewing all new cases to determine whether they affect overburdened communities and in structuring the resolution of enforcement actions to benefit the affected communities. For EJ 2020, EPA will ramp up its consideration of environmental justice when selecting national enforcement initiatives and the specific facilities and sites for compliance monitoring, and in selecting, prioritizing and concluding enforcement cases. EPA will increase its compliance monitoring and enforcement activities in areas that are overburdened.

In particular, EPA will undertake the following specific activities to increase EPA's enforcement presence in, and response to concerns of, overburdened communities:

**Action 1.1: EPA will build upon existing tools (e.g., EJSCREEN) and data to help EPA regional offices and co-regulators (states, tribes and local governments) focus compliance reviews in overburdened communities where there is a high likelihood of facilities' non-compliance with environmental laws.**



This Action will assist EPA and its co-regulators in implementing Action 1.2 (below), by bringing together facility compliance information and information on overburdened areas. More specifically, the tools will merge EJSCREEN and enforcement and compliance mapping data, as well as explore incorporation of other demographic, environmental burden, pollution emission, and public health data. The information produced by these efforts will serve as a starting point for identifying overburdened communities where facilities present a high likelihood of non-compliance with environmental laws. EPA will use these tools, along with on-the ground knowledge from other EPA programs, states, tribes, and community members and groups, to help direct where we should focus our compliance and enforcement efforts to make a difference to overburdened communities. A few examples of additional information that may be considered when available include concerns made known to EPA by communities, any absence of recent inspections, cumulative impacts/risk information, and existence of vulnerable populations. We cannot predict in advance where the most serious violations will be found, and so we can't identify in advance the overburdened communities on which we will focus.

**Action 1.2: EPA will increase compliance evaluations and enforcement actions for serious violations affecting overburdened communities. In particular, over the next five years, EPA will work with co-regulators to identify and undertake community-focused compliance reviews and enforcement strategies in at least 100 of the most overburdened communities where data indicate that facilities present a high likelihood of serious non-compliance issues impacting those communities, and address serious violations if found.**

EPA will work to increase the number of compliance evaluations undertaken in overburdened communities to identify and address serious violations that are adversely affecting these communities, and will help co-regulators to achieve a similar goal. In particular, over the next five years, in at least 100 of the most overburdened communities where data indicate that facilities present a high likelihood of serious non-compliance with environmental laws, EPA will develop holistic, community-focused strategies to address any serious violations that are found. The Agency will invite the participation of state, tribal, local, or federal partners in the development of strategies to increase compliance and reduce burdens, which may include, as appropriate, approaches such as multi-media enforcement efforts, Next Generation Compliance strategies<sup>8</sup>, and coordinated action with our partners. EPA will also engage with community stakeholders as we implement Action 1.2, as appropriate.

**Action 1.3: EPA will achieve more settlements that benefit overburdened communities impacted by pollution violations.**

These benefits can be achieved through injunctive relief, mitigation and [supplemental environmental projects](#) (SEPs). Indeed, EPA's recent update to its [SEP policy](#) and [2012 memorandum on mitigation](#) both recognize that when these types of projects are feasible, they can play an important role in cases that raise environmental justice concerns. Thus, EPA is setting the goal of increasing the number of SEPs and mitigation projects affecting overburdened communities. To achieve this goal, EPA will, among other things, promote early consideration of beneficial SEPs and mitigation projects, by assuring that early enforcement case documents make defendants/respondents aware that such projects can be an important element of a settlement package. Importantly, EPA will share EJ enforcement success stories and best practices across the Agency, including examples of outreach to communities regarding civil and criminal enforcement actions that benefit overburdened communities.

**STRATEGY 2: WORK WITH FEDERAL, STATE, TRIBAL AND LOCAL CO-REGULATORY PARTNERS TO PURSUE VIGOROUS ENFORCEMENT FOR VIOLATIONS IN OVERBURDENED COMMUNITIES AND LEVERAGE LIMITED COMPLIANCE RESOURCES BY IMPROVING JOINT PLANNING AND TARGETING OF ENFORCEMENT ACTIVITIES.**

The active participation by EPA's co-regulators – states, tribes and local governments – is critical to the goal of advancing environmental justice through compliance and enforcement. States in particular conduct a significant portion of the compliance and enforcement activities across the country, so shared accountability toward protecting the most vulnerable necessarily involves strengthening our joint commitment with states. EPA will work with states, tribes and local governments to strengthen the consideration of environmental justice in compliance and enforcement programs by environmental regulators at all levels. We also will work with our partner agencies to identify the most effective solutions to violations that pose the greatest environmental and public health concerns in overburdened communities.

**Action 2.1: EPA will work with co-regulators to build an environmental justice community of practice on enforcement and compliance issues.**

We will work with our co-regulators to share experiences and learn from each other about incorporating environmental justice into our respective enforcement and compliance efforts. Among other things, EPA will: (a) solicit and share examples of best state and federal practices, standard operating proce-

dures, trainings, tools, case studies, and policies and guidance that advance environmental justice through enforcement and compliance; and (b) facilitate joint learning by federal and state, tribal and local enforcement staff on how and when to consider overburdened communities when undertaking enforcement activities.

**Action 2.2: EPA regional offices will engage each year in joint planning and targeting with the states in their region to collaborate and leverage limited resources as we pursue compliance and enforcement activities in the nation's most overburdened areas.**

Discussions will cover partnership opportunities regarding existing compliance and enforcement strategies, the development of new holistic community-focused strategies under Action 1.2, and on-the-ground knowledge states have to help focus enforcement efforts under Action 1.1. Discussions will also include implementation of [National Enforcement Initiatives](#) and will utilize, for example, EJSCREEN, tips and complaints systems, and information learned through community engagement.

**Action 2.3: EPA will improve coordination with tribes to target enforcement and compliance activities in Indian country.**

EPA will use EPA Tribal Environmental Plans (ETEPs) to identify and share tribal and EPA program priorities and roles and responsibilities. In addition, EPA will work with the Regional Tribal Operations Committees and use EJSCREEN, tips and complaints systems, and information learned from community engagement, among other things, when working with tribes.

**STRATEGY 3: STRENGTHEN COMMUNICATION SO ENFORCEMENT CASES CAN BENEFIT FROM THE KNOWLEDGE OF LOCAL COMMUNITIES, AND EMPOWER COMMUNITIES WITH INFORMATION ABOUT POLLUTION AND VIOLATIONS THAT AFFECT THEM.**

**Action 3.1: EPA will empower communities with information about pollution and violations that affect them.**

We will increase the number of EPA enforcement settlements negotiated each year that incorporate environmental monitors and/or transparency tools (e.g., web posting of data), in accordance with EPA's 2015 policy on the use of [Next Generation Compliance Tools in Civil Enforcement Settlements](#), with the goal of doubling the total annual national number achieved in FY 2015 by the end of FY 2020. The increased availability of compliance data through environmental monitors and transparency tools will allow impacted communities to play a role in assessing the compliance of facilities under such settlements.

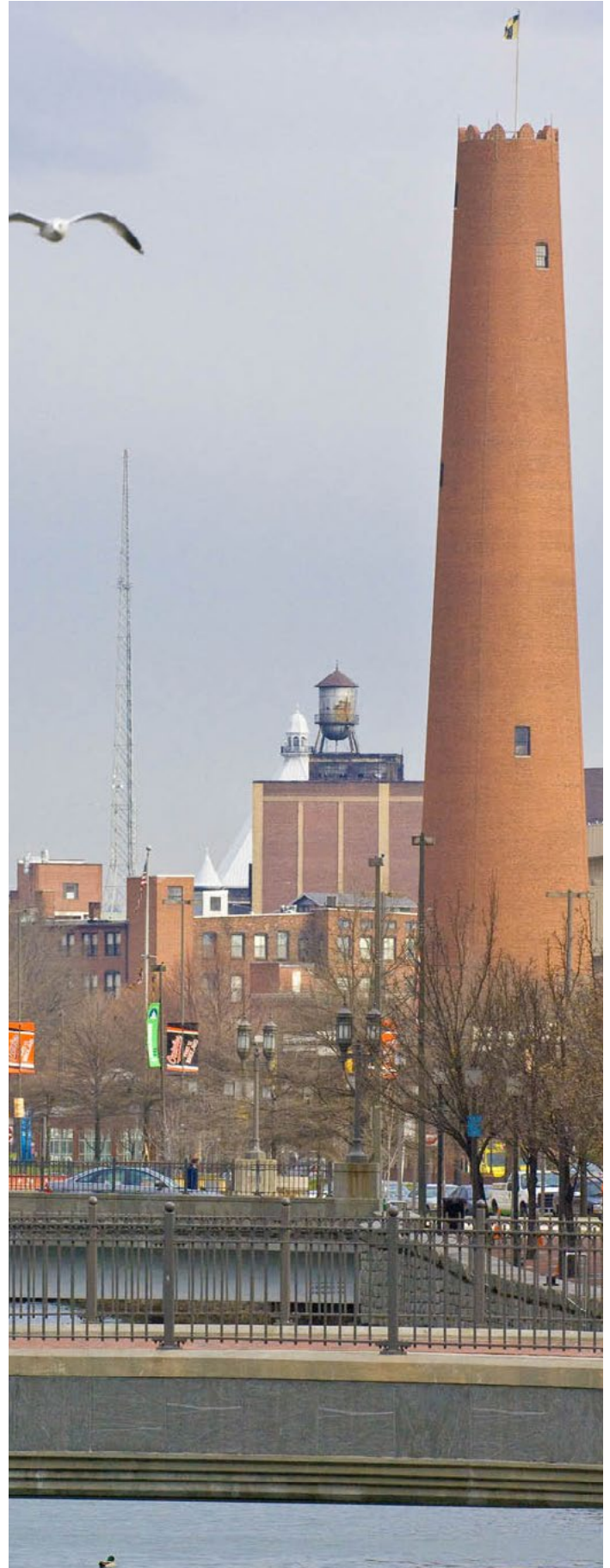
**Action 3.2: EPA will strengthen communication with communities (including members of the public with limited English proficiency) on enforcement and compliance work that affects them.**

We will enhance efforts to share information and seek input about EPA's enforcement and compliance program and activities, as appropriate. For example, EPA will make improvements to its [Enforcement and Compliance History Online](#) (ECHO) data tool, which provides publically available compliance and enforcement information for regulated facilities nationwide. Specifically, EPA will expand ECHO to include: 1) more criminal enforcement data to increase transparency and information to communities, and 2) an EJSCREEN-based flag to assist ECHO users to search for facilities located in potentially overburdened areas. EPA will also make available materials to help communities better understand EPA's enforcement process.

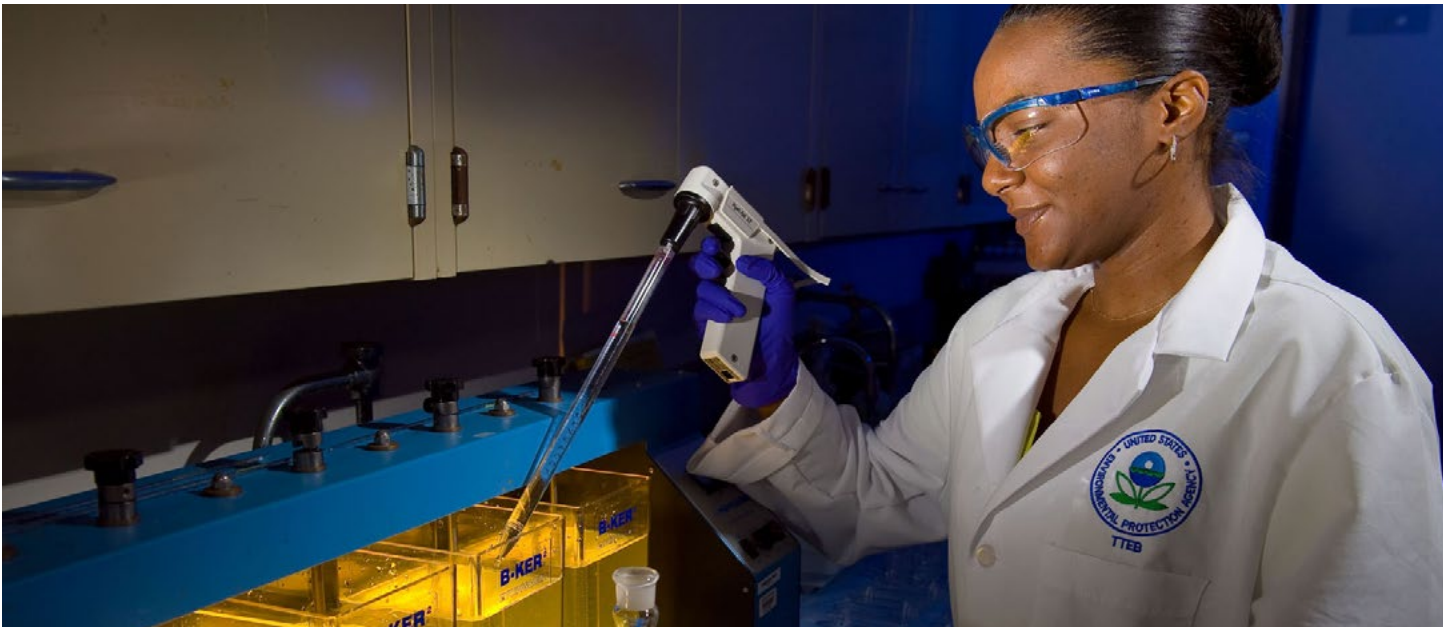
## MEASURES

The following measures and associated targets will allow EPA to track and report on progress to advance environmental justice through the strategies and activities in this chapter.

- Percent of enforcement actions initiated by EPA in overburdened communities.
- Number of compliance and enforcement strategies focused in the most overburdened communities (Action 1.2).
- Number of EPA enforcement settlements negotiated each year that incorporate environmental monitors and/or transparency tools (Action 3.1: By the end of 2020, EPA will double the total annual national number of settlements achieved that incorporate environmental monitors and/or transparency tools in FY 2015).



# CHAPTER 5: SCIENCE



## OBJECTIVE

**STRENGTHEN THE SCIENTIFIC FOUNDATION FOR CONSIDERING ENVIRONMENTAL JUSTICE IN DECISION MAKING THROUGH RESEARCH ON DECISION SUPPORT TOOLS, CUMULATIVE IMPACTS AND RISKS, INNOVATIVE MONITORING AND SOLUTION TECHNOLOGIES.**

Science plays a particularly important role in providing a stronger scientific basis for action<sup>9</sup> to protect the health and environment of minority, low-income, tribal and other populations that may be especially vulnerable to environmental hazards. At the federal and state level, high quality data, rigorous risk assessments and state-of-the science analytical tools provide a foundation for the legal, political, health and economic decisions to protect public health and the environment in these communities. At the local level, practical decision support tools and environmental monitoring information, along with appropriate technological solutions, are important for characterizing, prioritizing and solving environmental problems. Meaningful engagement of the public allows for public input into the scientific process, provides opportunities for mutual learning between scientists and members of the public, and ensures that the research is relevant to local conditions. The findings of scientific studies must be effectively communicated so that decision makers and the public fully understand and are able to utilize the new information, tools and technologies that are developed through this research.

EPA will pursue four key strategies to meet our objective of strengthening the scientific foundation for considering environmental justice (EJ) in decision-making:

- Develop decision support tools for identifying and prioritizing environmental concerns, assessing adverse and cumulative impacts and evaluating mitigation options;
- Increase understanding of the factors that influence environmental health disparities, and develop methods and data to assess adverse and cumulative risks;
- Develop innovative monitoring tools and technological solutions to environmental problems;
- Special focus areas: (a) promote tribal sustainability and well-being; and (b) advance efforts to mitigate the effects of climate change in vulnerable communities.

As recommended by the National Research Council,<sup>10</sup> EPA introduced a “fit for purpose”<sup>11</sup> framework to enhance the

utility of risk assessments for decision making purposes. The central principle of the framework is that the information needs of the decision-maker and the type of decision to be made should be carefully considered during the design of the risk assessment. “Fit for purpose” can also be applied to the EJ 2020 science plan research activities and the decisions they support. It is particularly useful in highlighting important distinctions between cumulative impact assessments (in Strategy #1) and cumulative risk assessments (in Strategy #2). These two types of assessments are generally used for different purposes, depending upon factors such as the voluntary or regulatory nature of the decision, the level of quantification and quality of the data required, and whether the application is at the local, state, tribal or federal level. Cumulative impact assessments may involve the use of more qualitative or semi-quantitative information, and may be particularly useful to communities for identifying and prioritizing problems. Conversely, cumulative risk assessments generally have more rigorous requirements for data and reflect a greater scientific understanding of environmental health disparities. Cumulative risk assessments would be more suitable for setting standards at the federal level. The “fit for purpose” framework can also be applied to other EJ 2020 Science Plan activities, such as decision support tools, innovative monitoring technologies, and tribal and climate research.

The EJ 2020 Science Plan draws heavily from [EPA’s 2016 EJ Research Roadmap](#) (Roadmap). The Roadmap is designed to promote integration of EJ-related research across EPA’s Office of Research and Development’s (ORD) six National Research Programs<sup>12</sup> and to communicate EPA’s current research and strategic directions internally and externally with partners and public stakeholders. Other research relevant to EJ is found in EPA’s [Children’s Environmental Health Roadmap](#) (e.g., unique life stage sensitivities, community outreach) and the [Global Climate Change Roadmap](#) (e.g., effects of climate change on vulnerable populations). Research supporting the science strategies is conducted by Agency scientists and by outside investigators supported through cooperative agreements and grants. EPA supports EJ-related research in partnership with other federal agencies, particularly the National Institute of Health’s National Institute on Minority Health and Health Disparities.

## PROGRAM AND REGIONAL LEADS

Office of Research and Development (ORD), Region 1

## STRATEGIES AND ACTIONS

### STRATEGY 1: PROMOTE THE USE OF DECISION SUPPORT TOOLS

#### FOR IDENTIFYING AND PRIORITIZING ENVIRONMENTAL CONCERNS, ASSESSING ADVERSE AND CUMULATIVE IMPACTS AND EVALUATING MITIGATION OPTIONS.

The complexity of the environmental problems faced by communities with environmental justice concerns and the frequent need for multi-sectorial solutions highlights the importance of being able to collect information on relevant chemical and nonchemical stressors, assess their adverse and cumulative impacts, prioritize the concerns for possible action, and identify appropriate mitigation options. Research associated with this strategy includes the development and application of decision support tools and approaches that provide access to relevant community-scale data and mapping or other visualization tools. This area of research, which supports assessments of adverse and cumulative impacts of multiple stressors, may be used in problem formulation and scoping, for screening level assessments, and to improve information access, evaluate options, and inform decision-making at a local level. Some of the research associated with Strategy 1, as well as with Strategies 3 and 4 below, involves the development of tools and technologies that promote public engagement in the scientific process ([citizen science](#)).

#### Action 1.1: Develop decision support tools for characterizing, prioritizing and evaluating options for solving environmental problems.

By September 2020, EPA will support a variety of efforts, in partnership with community partners, to further develop decision support tools, build capacity and better understand the adverse and cumulative impacts of chemical and nonchemical stressors in communities. Research will focus on improving the utility of existing tools for specific applications, such as the [Community-Focused Exposure and Risk Screening Tool](#) (C-FERST), the Community Cumulative Assessment Tool (CCAT), [EnviroAtlas](#), and Health Impact Assessments (HIA). To the extent possible, EJSCREEN and other agency mapping tools will be enhanced by incorporating additional types of environmental and health data (e.g., pesticides, drinking water quality, climate change). EPA will also promote collaborations between agency programs and regions, as well as with stakeholders, to facilitate the development and use of EJSCREEN and other decision support tools. Emphasis will be placed on community-engaged activities, such as research conducted in support of the Agency’s Making a Visible Difference program, and studies funded through the EPA-National Institutes of Health’s Centers of Excellence on Environmental Health Disparities.

### **Action 1.2: Provide outreach and training on community-based decision support tools.**

By September 2020, EPA will provide internal and external outreach and training, through webinars, workshops and other activities, on community-based decision support tools and approaches designed to characterize, prioritize and identify possible solutions to environmental problems. This will include outreach and training on the tools mentioned in Action 1.1 (C-FERST, CCAT, EnviroAtlas, HIA), and will involve opportunities for the active participation of the community in selected community-based research efforts.

### **STRATEGY 2: INCREASE UNDERSTANDING OF THE FACTORS THAT INFLUENCE ENVIRONMENTAL HEALTH DISPARITIES AND DEVELOP METHODS AND DATA TO ASSESS ADVERSE AND CUMULATIVE RISKS.**

People in disadvantaged, underserved communities may experience multiple chemical and non-chemical stressors that, in combination, can have serious impacts on their health and the quality of the environment in which they live. The susceptibility of community members to the adverse health effects of chemicals in the environment may be affected by multiple chemical stressors.<sup>13</sup> While considerable progress has been made over the years in assessing the cumulative risks associated with exposure to multiple chemicals, more still needs to be done. Additionally, less is known about how these chemical stressors interact with non-chemical stressors to affect health outcomes. Characterizing these complex interactions is a long-term and particularly challenging effort. The knowledge gained can ultimately be used to identify the most appropriate intervention strategies for preventing or reducing health disparities.

Research associated with this strategy involves the development of approaches and supporting data to assess cumulative risks from chemical and non-chemical stressors. This includes laboratory and community studies to evaluate the extent to which biological, social, spatial and environmental factors contribute to risks for various health outcomes (e.g., cardiovascular disease, asthma). More sophisticated cumulative risk assessments in the future may use information obtained from the study of epigenetics,<sup>14</sup> which has the potential to define susceptible populations through an understanding of the relationship between genes, environmental exposures and disease.

### **Action 2.1: Deliver and communicate reports and/or publications that provide a foundation for cumulative risk assessment.**

By September 2020, EPA will deliver and communicate a series of reports and/or publications that will improve

our understanding of the interrelationships between social determinants of health, other non-chemical stressors, and chemical agents, and how they may interact to impact human health and well-being.

### **STRATEGY 3: DEVELOP INNOVATIVE MONITORING TOOLS AND TECHNOLOGICAL SOLUTIONS TO ENVIRONMENTAL PROBLEMS.**

Rapid developments in the technology for monitoring pollutants in air, water and other media are transforming the way that environmental data are collected and measured. These technologies have important implications for EJ-related decision making at the federal, state and local levels. For example, Next Generation Compliance uses new technologies to more efficiently and effectively identify pollution problems before they become violations. Considerable progress has been made in air pollution monitoring in particular. New technologies and sensors have the potential to supplement regulatory monitoring, provide information on operating processes to facility managers and inspectors, and enable community engagement in the measurement of local pollution through the use of affordable, easy-to-use analytical tools (citizen science). In addition, EPA's [National Advisory Council for Environmental Policy and Technology](#) (NACEPT) identified the development of affordable, cost-effective and easy to implement technological solutions to EJ environmental concerns in communities as another important area of need.

### **Action 3.1: Develop and evaluate innovative environmental monitoring tools.**

By September 2020, EPA will develop and evaluate the performance of several types of innovative monitoring tools to assist the Agency and communities in characterizing exposure to contaminants in various media. Examples include the development of new mobile systems to measure emissions at industrial facilities, evaluation of low-cost air pollution sensors, and the further development and installation of innovative community-based air quality monitoring platforms (e.g., Village Green) to monitor air quality and share data with the public.

### **Action 3.2: Develop and/or evaluate technologies to control environmental contamination.**

By September 2020, EPA will develop and/or evaluate several technologies that target specific environmental problems in communities with EJ concerns. Examples include the development and evaluation of small water treatment systems, particularly for communities in remote areas; community-based participatory research on point-of-use water treatment systems in colonias along the US-Mexico border; and the

evaluation of green infrastructure approaches as a means for preventing or reducing stormwater runoff that can overwhelm the sewer system and contaminate local waterways.

#### **STRATEGY 4: ADDRESS SPECIAL FOCUS AREAS: (A) PROMOTE TRIBAL SUSTAINABILITY AND WELL-BEING AND (B) ADVANCE EFFORTS TO MITIGATE THE EFFECTS OF CLIMATE CHANGE IN VULNERABLE COMMUNITIES.**

Promoting tribal sustainability and well-being. Many tribal communities face a variety of environmental challenges that have threatened their health and well-being. Tribes may be disproportionately impacted by climate change, especially when it disrupts the ability of surrounding ecosystems to provide for food sources, cultural practices and unique lifestyles. EPA research to help address these concerns and promote tribal sustainability is focused in several areas: (1) the use of traditional ecological knowledge for restoring and maintaining tribal lands and waterways; (2) adaptation by tribes to the impacts of climate change; (3) tribal health issues, including indoor air quality, asthma and use of indoor cookstoves; and (4) collaborative development of decision support tools, such as [Tribal-Focused Environmental Risk and Sustainability Tool](#) (T-FERST) and the [Local Environmental Observer](#) (LEO) viewer technology.

Advancing efforts to mitigate the effects of climate change in vulnerable communities. Climate change-related health risks are expected to be disproportionately greater for many communities with EJ concerns. These communities may have limited resources to mitigate and adapt to the changes in climate. Climate-related effects may be exacerbated in some communities by their proximity to flood zones. EPA research is focusing on identifying interrelationships between social determinants of health, other non-chemical stressors, and chemical agents with respect to climate change-related impacts for vulnerable populations. The Agency is developing climate vulnerability and community resilience indices that may be useful as metrics for identifying and mapping locations at high risk from a wide range of stressors (e.g., sea level rise, extreme weather conditions, heat stress, wildfires, and changes in precipitation patterns leading to drought and/or flooding).

#### **Action 4.1: Characterize cumulative impacts on health of tribal communities.**

By September 2020, in cooperation with tribes, EPA will plan and conduct studies to characterize the cumulative impacts of a range of chemical and non-chemical stressors, integrating cultural and ecological factors, on the health of several tribal communities.

#### **Action 4.2: Develop tools, indicators and data on community resilience and climate change impacts.**

By September 2020, EPA will develop a suite of tools, indicators and data to understand community resilience in facing the impacts of climate change. These efforts will involve a characterization of the interrelationships between social determinants of health, other non-chemical stressors, and chemical agents with respect to climate change impacts for vulnerable communities, and to the extent possible, for groups within these communities that may be disproportionately impacted.

### **MEASURES**

- By the end of 2020, EPA and EPA-funded grantees will pilot the use of community-based research, including the use of innovative decision support tools, in 30 communities with environmental justice concerns.
- By the end of 2020, EPA and EPA-funded grantees will publish a series of reports and scientific papers that significantly advance the scientific foundation for cumulative risk assessments. This work will support the incorporation of information on chemical and nonchemical stressors into selected Agency health assessments.
- Beginning in 2017 and continuing through 2020, EPA will produce annual reports that describes the progress of ongoing research and identifies new research that will be conducted as part of ORD's EJ Research Roadmap.
- Beginning in 2016 and continuing through 2020, EPA will seek input from community representatives and scientific experts on specific EJ science-related activities, science priorities, and the EJ research program overall.



# CHAPTER 6: STATES & LOCAL GOVERNMENTS



## OBJECTIVE

ACHIEVE SIGNIFICANT ENVIRONMENTAL RESULTS AND MEANINGFUL PUBLIC PARTICIPATION IN THE NATION'S MOST OVERBURDENED AND VULNERABLE COMMUNITIES IN PARTNERSHIP WITH STATE AND LOCAL CO-REGULATORS; AND BUILD THE JOINT CAPACITY OF EPA, STATE AND LOCAL CO-REGULATORS TO ADDRESS ENVIRONMENTAL JUSTICE CONCERNS IN OUR DAY-TO-DAY PROGRAM WORK.

The objectives reflect the shared responsibilities of EPA, states and local governments to gain significant environmental and public health improvements in the places and communities where these are needed most, and to meaningfully involve people as we set priorities and make decisions. State and local co-regulators carry out the majority of permitting and enforcement actions under environmental laws, so strong collaboration and coordination across all levels of government is essential to build our collective capacity to meet these responsibilities.

EPA must also carry out its oversight responsibilities for delegated and authorized federal environmental programs. This will foster a level playing field nationally as we work toward shared goals, and will reward advances in program performance.

## PROGRAM AND REGIONAL LEADS

Office of Water (OW), Region 5

## FRAMEWORK

The strategies and actions below are based on three main assumptions. First, we should focus on shared values rather than terminology. Second, we should apply the principles of joint governance that have been established through the [E-Enterprise](#) initiative.<sup>15</sup> Third, there are a range of possible approaches available to EPA and they all have a place as we work toward this plan's objectives over the next five years.

### Shared Values

Environmental co-regulators share a broad consensus about reflecting environmental justice (EJ) principles in our work, despite differences in terminology when we describe them. EPA calls these principles "fair treatment" and "meaningful involvement." Many communities experience "disproportionately high and adverse human health or environmental effects" and want more complete environmental information

and better engagement in environmental decisions. Environmental regulators at all levels of government respond to these realities based on shared values. We set priorities that focus on the most significant impacts, using a range of program tools to address them, and undertake targeted and innovative approaches to inform and engage the public.

### Joint Governance

At the root of E-Enterprise is the need to improve environmental results and enhance services to the regulated community and the public by making government more efficient and effective. Meeting these needs is essential to achieving this plan's objectives, so we will emphasize joint governance in our work with states consistent with E-Enterprise.

### Phased Approach

The strategies in this plan are generally designed to make progress in phases. The timing of phases varies, but generally follows a common sequence:

- **Assess needs and strengths.** Through mutual learning and collaborative partnerships, identify best practices and where more capacity is needed in order to adequately address environmental justice concerns.
- **Meet needs and build on strengths.** Disseminate best practices and further develop our program's tools and approaches, as well as take independent action to address environmental justice concerns where needed.
- **Establish expectations and accountability.** Through joint planning and other mechanisms, establish a level playing field of expectations, roles, and responsibilities for identifying and responding to environmental justice concerns.

EPA can take a range of approaches to implement these strategies, including but not limited to:

- mutual learning to identify best practices and bring them into wider use;
- working with state and local government leaders to build a community of practice that helps us learn how to better identify and address environmental justice concerns;
- building state and local government capacity to take action on environmental justice concerns through activities such as training and technical assistance;
- coordinated and comprehensive response to environmental justice concerns,

using a full range of program tools (including enforcement and permitting);

- independent action when necessary to prevent or address significant threats to public health and the environment; and
- focused oversight of delegated and authorized federal environmental programs that meets the most significant and pressing performance challenges.

## STRATEGIES AND ACTIONS

### STRATEGY 1: WORK WITH CO-REGULATORS TO REDUCE ADVERSE IMPACTS AND PROMOTE MEANINGFUL INVOLVEMENT IN OVERBURDENED COMMUNITIES THROUGH OUR REGULATORY WORK.

EPA will invite co-regulators to participate, advise and help address EJ challenges and areas of work described in other elements of this plan. For example, under the enforcement section of this plan, EPA will find appropriate opportunities to collaborate with state and local jurisdictions in identifying overburdened communities, and invite a shared undertaking of inspections and enforcement actions. Also, over the next five years, EPA will also work with co-regulators to identify and undertake strategies in at least 100 of the most overburdened communities where data indicate that facilities present a high likelihood of serious non-compliance issues, and address serious violations that are found. Co-regulators will be invited, but not required, to participate with EPA regional offices in these activities.

Additionally, EJ 2020 identifies a handful of EPA national outcome measures to address issues that matter to communities. State and local co-regulators will be invited to participate,



advise and help address these challenges. EPA has committed to develop additional new measures based on input from the public. Of the current EJ 2020 national measures, fine particle air pollution, blood-lead level disparities in children, and drinking water quality in small systems would benefit most from a joint governance approach.

**Action 1.1: Collaborate with states and local governments in specific projects to address environmental and public health challenges in communities through community-based approaches.**

Collaboration will be consistent with EJ 2020's community-based work objectives and actions, our cross-agency strategy on Making a Visible Difference in Communities, EJ and [Sustainable Communities](#) programs, [Brownfields](#), and other efforts. EPA will invite both co-regulators and other federal agencies to participate in these activities as appropriate.

**Action 1.2: Engage with states in joint planning to pursue compliance and enforcement activities in the nation's most overburdened and vulnerable areas and leverage limited resources.**

Joint planning efforts will be consistent with EJ 2020's enforcement objectives and actions, which call for EPA to pursue vigorous enforcement to assure compliance in overburdened communities, and to leverage limited compliance resources through working with co-regulators. States conduct a significant portion of the compliance and enforcement activities across the country, so shared accountability toward protecting the most vulnerable necessarily involves strengthening our joint commitment with states. EPA will work with states and local governments to strengthen the consideration of environmental justice in compliance and enforcement programs by environmental regulators at all levels.

**Action 1.3: Work with states and local governments to advance the analytic tools that support action on EJ concerns.**

Work under this action will be coordinated with EPA's EJ Research Roadmap and EJSCREEN and could range from sharing the tools and information already available, to developing new tools and sources of information that build our joint capacity to understand and respond to environmental justice concerns. Specific actions will be jointly developed, but may include: EPA assistance to interested state or local co-regulators that are interested in building their capacity to screen for EJ concerns; support in applying community-based analytic and decision tools (including tools that recognize different ways of understanding the concept of "environmental justice" and take other factors into account such as afford-

ability of utilities); and collaborating on efforts to advance environmental monitoring and citizen science.

**STRATEGY 2: SUPPORT PEER-TO-PEER LEARNING TO IDENTIFY BEST PRACTICES ON HOW TO ADDRESS ENVIRONMENTAL JUSTICE CONCERNS.**

EPA will work with co-regulators to identify and promote best practices and communities of practice, tools and toolkits, approaches and resources to reduce disproportionate impacts and promote meaningful involvement.

**Action 2.1: Work with the Environmental Council of the States (ECOS) and other state and local associations of regulatory agencies to identify and promote best practices, tools, approaches and resources for reducing adverse impacts and promoting meaningful involvement.**

We will build a network of expertise supported by an E-Enterprise approach that helps to disseminate best practices. EPA regional offices will build on existing mechanisms, including regional meetings at various leadership levels and programmatic contexts, to foster sharing and mutual learning. Key areas for this work may include, but are not limited to:

- Permitting activities (e.g., public engagement, EJ analysis and permit terms);
- Enforcement activities (e.g., state-level tools that bring together EJSCREEN and other demographic, environmental burden, pollution emission, public health, noncompliance data, and on-the-ground knowledge, to help focus enforcement efforts to make a difference to overburdened communities, Next Generation Compliance);
- Science (e.g., screening and other analytic and decision tools, research, monitoring and other data collection, and citizen science); and
- Communities (e.g., community capacity-building, partnerships and collaborative problem-solving).

**Action 2.2: Produce and disseminate information on best practices that advance environmental justice.**

EPA will summarize the best practices and lessons learned by EPA and state and local co-regulators based on joint work under Action 2.1, especially how they are implemented, through Action 2.1 on a regular basis and make them available to the public. This will be accomplished through a continuous process that promotes feedback and use. We will identify these best practices in real time as they emerge and publicize them through multiple channels.

### STRATEGY 3: FOSTER CROSS-PROGRAM DISCUSSION, PLANNING, AND ACTIONS TO BUILD PROGRAM CAPACITY.

EPA recognizes the need for joint governance that looks across our programs and builds collective capacity to promote meaningful engagement, reduce adverse impacts, and improve the environment and public health.

#### Action 3.1: Ensure that successes and challenges related to adverse impacts and meaningful involvement are addressed in ongoing high-level meetings between EPA and state and local co-regulators.

EPA will pursue dialogue around issues of long-standing concern to communities that were raised in EJ 2020's public comments or through other means, such as how to consider adverse impacts and meaningful involvement in grant programs under which co-regulators are eligible for support or delegated to carry out, water infrastructure investments, voluntary program deployment, and how to promote use of best tools and approaches to integrating EJ principles in environmental governance. We will also explore ways to incorporate these topics into existing meetings, calls, and conferences.

#### Action 3.2: Conduct joint planning to establish commitments for work on priorities and projects.

EPA will work with states to identify commitments that focus on the most overburdened and vulnerable communities in [Performance Partnerships Agreements](#) (PPA), State/EPA workplans, and other mechanisms for high-level joint planning. We will compile EJ-related commitments and distribute them to inform future planning and the establishment of expectations for joint planning in a PPA context. EPA will also work with states to review and revise or develop other planning processes as needed to better facilitate environmental justice joint planning.

#### Action 3.3: Identify and conduct training and capacity building activities.

EPA will work with those state and local co-regulators who are interested in receiving EJ training and to identify training and capacity-building needs. Trainings may include transferable best tools and approaches identified in mutual learning. EPA may adapt existing EPA EJ trainings (EJ101, EJSCREEN, etc.) for delivery to state or local officials and staff. EPA will work with states and local co-regulators who are willing to act as “peer-to-peer” trainers and/or to help develop and deliver additional modules as needed to focus on specific topics or program areas, based on needs assessment and in consultation with the state or local co-regulator. We will disseminate information on EJ activities by states, local governments and co-regulators.

#### Action 3.4: Identify opportunities for joint research efforts.

EPA will share the EJ Research Roadmap with states and local governments, the Environmental Research Institute of the States (ERIS), Local Government Advisory Committee, and other organizations, particularly those aspects most relevant to the EJ 2020 Science plan and other key areas. We will highlight state and local government efforts in this area through various means. We will develop collaborations involving EPA, states and local governments, communities, academia, and others on research and tools development and application.

### STRATEGY 4: WORK WITH CO-REGULATORS TO ESTABLISH SHARED PROGRAM EXPECTATIONS AND PERFORMANCE CRITERIA AND HOLD OURSELVES ACCOUNTABLE TO DRIVE IMPROVEMENT WHERE NEEDED.

Shared expectations should establish a level playing field that protects human health and the environment in all communities. These expectations and program improvement actions can be set both in the context of state/regional planning and in the context of setting broader national expectations. Depending on the context, they may address voluntary actions



or requirements under applicable laws. These expectations will reflect the availability and scope of funding, including federal funding that helps co-regulators implement federal environmental law. They will also reflect, where applicable, the principles and practices that guide EPA's oversight of state enforcement and permitting programs.

**Action 4.1: Establish process for developing shared expectations and measuring progress.**

EPA will work with states to develop shared general expectations for programs to address adverse impacts and meaningful involvement and reflect these shared expectations, as appropriate, in [National Program Manager \(NPM\) guidance](#), compliance monitoring strategies, other guidance and policy, and joint planning.

**Action 4.2: Incorporate shared expectations when evaluating program performance.**

EPA will refer to these expectations when evaluating EPA and co-regulator program performance, as well as identifying innovative and exemplary performance that should be shared and promoted. We will report on progress in these areas, highlighting innovative and exemplary approaches that improve program performance in addressing adverse impacts and enhancing meaningful involvement. We will work with states to identify opportunities for further progress.

## MEASURES

- EPA will offer EJ training to all state and local agencies that are delegated/authorized to implement federal environmental laws and to other state and local agencies as resources allow. In the annual EJ 2020 progress report, EPA will report on the number of EJ trainings delivered and the number of participants, and will periodically disseminate examples of how trained agencies have integrated EJ principles into their work.
- Possible joint projects and/or priorities to advance environmental justice will be discussed in 100% of PPA/PPG or other joint planning meetings held at the senior level between state environmental agencies and EPA Regions. EPA will annually report on the number of state agencies that have included joint environmental justice projects or priorities in PPA/PPGs or other joint planning documents between state environmental agencies and EPA regions. EPA will also disseminate information on key elements of these joint projects or priorities (what they are, how they advance

environmental justice, and what results they have achieved), and will provide more in-depth case studies of some examples.

- EPA will collaborate with states and local co-regulators to develop measures of progress regarding:
  - Quantitative and qualitative benefits resulting from joint efforts with co-regulators as outlined in other chapters (e.g., Permitting, Enforcement); and
  - Achievements in developing and implementing tools and approaches.

These measures will be supplemented by narrative and qualitative discussions of progress in the annual EJ 2020 progress report.

# CHAPTER 7: FEDERAL AGENCIES



## OBJECTIVE

**STRENGTHEN COLLABORATION AND COORDINATION ON ENVIRONMENTAL JUSTICE ISSUES AMONG ALL FEDERAL AGENCIES TO AMPLIFY OUR COLLECTIVE IMPACT IN OVERBURDENED COMMUNITIES.**

Over twenty years of environmental justice (EJ) practice have taught us that all federal agencies play a critical role in ensuring that we make a visible difference in communities burdened with environmental and economic distress. In 1994, Executive Order (E.O.) 12898 recognized the multi-faceted nature of environmental justice issues and called on every covered federal agency to “identify and address, as appropriate, the disproportionate human health and environmental effects of its programs, policies and activities on minority populations and low-income populations.” E.O. 12898 established the [Interagency Working Group on Environmental Justice](#) (EJ IWG) to address these multiple concerns.

Since then, EJ practice within communities and government agencies at all levels has produced further recognition that environmental justice is more than about ensuring that environmental impacts do not disproportionately affect areas of persistent poverty, but also about creating opportunities to build healthy, wholesome, sustainable and resilient communities. This means promoting neighborhood amenities such as better housing, transportation, health care access, economic development, and green space. Because these benefits fall

under the mandates of our sister federal agencies, EPA will work to strengthen their capacity to address environmental justice and bring to bear all appropriate federal resources. Through EJ 2020, EPA will seek opportunities to catalyze revitalization of overburdened communities through federal partnerships that connect protection of public health and the environment with economic development, land development, infrastructure investment and resiliency planning.

In 2011, the heads of 17 federal agencies and White House offices signed the Memorandum of Understanding on E.O. 12898 and the EJ IWG (MOU). The MOU established focus areas for the EJ IWG: (1) considering EJ under the [National Environmental Policy Act](#) (NEPA); (2) implementing Title VI of the Civil Rights Act of 1964, as amended; (3) addressing impacts from climate change; and (4) addressing impacts from commercial transportation of freight and supporting infrastructure (“goods movement”). In 2015, the EJ IWG adopted the Interagency Working Group on Environmental Justice Framework for Collaboration, which outlines a plan for federal agencies to collectively focus on addressing five priority areas for the next three years:

- Impacts from Climate Change;
- Impacts from Commercial Transportation (Goods Movement);
- National Environmental Policy Act (NEPA);
- Native Americans/Indigenous Peoples; and
- Rural Communities.

#### PROGRAM AND REGIONAL LEADS

Office of Land and Emergency Management (OLEM), Region 4

## STRATEGIES AND ACTIONS

### STRATEGY 1: ADDRESS KEY ENVIRONMENTAL JUSTICE CHALLENGES IN COLLABORATION WITH GOVERNMENT PARTNERS THROUGH THE IMPLEMENTATION OF THE EJ IWG FY 2016-2018 FRAMEWORK FOR COLLABORATION.

The [EJ IWG Framework for Collaboration](#) defines goals and objectives for the next three years (2016-2018). It will advance federal agency collaboration to improve the quality of life and expand economic opportunity in overburdened and under-resourced communities. Through EJ 2020, EPA will promote greater integration of environmental justice across the federal family and better on-the-ground results in two areas of the EJ IWG Framework for Collaboration – NEPA and goods movement. EPA will also work with the Interagency Working Group on Environmental Justice on enhancing multi-agency support of holistic community-based solutions to solve environmental justice issues and promote long-term community revitalization, economic opportunity, equitable development and sustainability.

#### Action 1.1: Advance consideration of environmental justice in the National Environmental Policy Act (NEPA) review process by implementing environmental justice and NEPA analytic methodologies.

The [Promising Practices for EJ Methodologies for NEPA Review](#) is an important advance for considering environmental justice throughout the federal family. It was a significant effort under EPA's Plan EJ 2014 and we are building on it under EJ 2020. These promising practices for EJ analytic methodologies are significant beyond the realm of NEPA as they offer important models and lessons about how to address similar methodological challenges in EJ analysis for other areas. EPA will carry out this action by:

- Promoting cross-agency collaboration and training on NEPA by sharing EJ IWG's NEPA Training Products with other federal agencies and governmental partners;

## FEDERAL AGENCIES AND OFFICES UNDER THE MOU ON E.O. 12898:

Department of Agriculture

Department of Commerce

Department of Defense

Department of Energy

Department of Education

Department of Health and Human Services

Department of Homeland Security

Department of Housing and Urban Development

Department of Interior

Department of Justice

Department of Labor

Department of Transportation

Department of Veteran Affairs

General Services Administration

Small Business Administration

White House Council on Environmental Quality

Environmental Protection Agency

- Producing documents to enhance better understanding of EJ analytical methodologies for NEPA reviews (e.g., supplemental material such as lexicon, cross-walk with Council on Environmental Quality regulations, repository of examples);
- Strengthening community and stakeholder engagement and understanding of environmental justice and NEPA by working with the EJ IWG NEPA Committee (e.g., outreach, training, technical assistance, citizens' guide);
- Developing case studies on how EJ analytic methodologies for NEPA reviews have proven to be useful, particularly in issue areas of concern to communities (e.g., goods movement);
- Conducting applied research to evaluate the effectiveness of the promising practices for EJ analytic methodologies for NEPA review; and

- Providing training on the Promising Practices for EJ Methodologies in NEPA Reviews to all EPA NEPA review staff and EJ Coordinators.

**Action 1.2: Identify and address potential adverse impacts from the commercial distribution of freight (goods movement) and related infrastructure (e.g., ports, rail yards, distribution centers) by developing and implementing assessment and engagement tools and programs that promote emissions reductions, better planning and sustainable development practices, and enhance the health, safety, quality of life, and meaningful engagement of affected communities.**

Goods movement has emerged as an important national issue, as reflected in the EJ 2020 public comments. Goods movement activity is projected to increase significantly in the future, with its adverse environmental and human health impacts falling on already overburdened communities. EPA is convening a working group with a long-term aim of developing a goods movement strategy to encompass EPA objectives and increase coordination within EPA and across government agencies. This work group is jointly led by the Office of Transportation and Air Quality, Region 9 and the Office of Environmental Justice.

Through the development and implementation of this agency-wide strategy, EPA will strengthen existing work to reduce the adverse impact of goods movement on community health and the environment both on a national scale and with a place-based focus on communities most impacted by goods movement. The strategy will include a robust outreach component for affected communities and stakeholder groups, educational initiatives and pilot projects, among other activities. This strategy will

be informed by stakeholder input and will build on specific activities including but not limited to the following:

- Producing promising practices and lessons learned by focusing on community impacts from goods movement activities identified in NEPA reviews;
- Developing and implementing community engagement and assessment tools to support communities impacted by goods movement activities and an online community of practice for communities, government partners and others;
- Conducting pilot projects and foster collaborative problem-solving efforts between communities and decision-makers at goods movement facilities;
- Continuing to provide funding opportunities to remove older diesel engines from operation through the [Diesel Emissions Reduction Act](#) (DERA) grant program; and
- Working with EJ IWG Goods Movement Committee to select 1-2 communities with multiple federal agency involvement and apply successful community-based promising practices, such as Brownfields to Healthfields, to address goods movement concerns.

**Action 1.3: Strengthen interagency partnerships in the EPA regional offices through Regional EJ IWG partnerships that directly support on-the-ground work in communities to leverage federal agency resources that provide technical assistance to support overburdened communities.**

The EJ IWG will identify and leverage federal resources to address environmental challenges and build sustainable communities. EPA's regional offices, in collaboration with the EJ IWG subcommittees, will identify overburdened communities, using tools such as EJSCREEN as a starting point, and work to align efforts where EPA and multiple agencies will work together to address environmental justice concerns. These partnerships will disseminate relevant tools and strategies to overburdened communities, including existing resources and programs that can be leveraged for specific EPA projects.

**STRATEGY 2: SEEK OPPORTUNITIES TO CATALYZE REVITALIZATION OF OVERBURDENED COMMUNITIES THROUGH FEDERAL PARTNERSHIPS THAT CONNECT PROTECTION OF PUBLIC HEALTH AND THE ENVIRONMENT**





## WITH ECONOMIC DEVELOPMENT, LAND DEVELOPMENT, INFRA-STRUCTURE INVESTMENT AND RESILIENCY PLANNING.

Many communities are asking federal agencies to move beyond taking singular actions in communities towards a multi-layered and multi-faceted approach that connects our investments to larger federal resources. They have moved beyond simply identifying the threats they wish to remove or minimize in their neighborhoods to achieving their own visions of community health, environmental quality and economic vitality. Community revitalization efforts have a proven record of success and there are many opportunities to make progress using this approach. These include modernization of drinking and wastewater systems, new economic opportunities through brownfields redevelopment, career opportunities through the new clean energy economy, and investments in clean energy, transportation and green space. Holistic solutions that connect protection of public health and the environment with economic development, land development, infrastructure investment and resiliency planning, can be very valuable.

EPA will work with the Federal Interagency Working Group on Environmental Justice (EJ IWG) and other partnerships, as well as through direct relationships with other federal agencies to develop and implement an interagency strategy for promoting the revitalization of overburdened communities. This strategy will focus on connecting EPA's community-based work, when and where possible, to other agencies' statutorily-based programmatic resources and functions, and will be guided by achieving outcomes that answer community needs. EPA's role in such a strategy must be centered on the Agency's mission to protect human health and the environment. EPA can also play an important role in identifying opportunities to improve environmental and public health outcomes by engaging other partners who may have the tools and resources to help build workforce skills, enhance economic opportunity, or expand community entrepreneurship in economically distressed communities.

**Action 2.1: OEJ and OSC will develop a community revitalization strategy in conjunction with the EJ IWG, communities and other federal agencies that complements EPA's core functions and supports communities in achieving their own vision of healthy, sustainable and equitable communities.**

Led by the Office of Environmental Justice (OEJ) and the Office of Sustainable Communities (OSC), this strategy will look holistically at community needs as expressed by the community and seek opportunities to bring in other

## GOODS MOVEMENT

Goods Movement: EPA appreciates many of the concerns about the potential for significant impacts on communities from ports and other goods movement operations. EPA is working to address these issues and is committed to advancing those efforts. Over the last year the EPA Administrator and several Regional Administrators met with community groups to discuss these concerns. EPA has brought together port stakeholders in a "National Conversation on Ports" through a series of webinars that included solutions for sustainable ports and collaborating with communities. EPA also hosted a National Port Stakeholders Summit which served as a venue for port professionals, experts and stakeholders to address the many opportunities and challenges faced by our nation's ports and neighboring communities. In addition, EPA is reviewing final recommendations that the Clean Air Act Advisory Committee provided in September 2016 on (1) how to effectively measure air quality and GHG performance of ports and/or terminals within ports; and (2) design elements for an EPA-led voluntary program to improve environmental performance as goods move through ports. Through these efforts, EPA is working to reduce the adverse impact of goods movement on community health and the environment both on a national scale and with a place-based focus on communities most impacted by goods

partners to help address community concerns. It will also explore ways to protect public health and the environment in a manner that stimulates better economic outcomes such as job creation, thereby helping to make a visible difference in environmentally and economically distressed communities. This strategy will build upon the efforts of the Community Resources Network (CRN) and the FY 2017 Communities Cross-Agency Strategy Action Plan. They will involve technical assistance and support for convening community visioning, partnership efforts with all groups (especially other federal agencies), robust public engagement, and better alignment of EPA's programs as well as those of other federal agencies.

**Action 2.2: OEJ will work with multiple public and private sector organizations to convene the National Funding Resources and Training Summit.**

We will offer information from academia, foundations, nonprofits, and federal agencies to educate, share, and increase community understanding of available resources for addressing their concerns, and will focus on developing partnerships that will result in the creation of healthy, sustainable and equitable communities.

**Action 2.3: OEJ and OSC will promote the use of best practices for place-based approaches to achieving community sustainability, equitable development and economic revitalization in overburdened communities.**

We will work through the EJ IWG, CRN and the Office of Management and Budget Community Solutions Task Force's Memorandum of Agreement on Place-Based Technical Assistance Mechanisms, and utilize mechanisms such as Region 4's EJ Academy, educational webinars and conferences.

**Action 2.4: OEJ and OSC will work with the EJ IWG partner agencies to engage business and industry organizations to promote their participation in community-driven efforts to address environmental and economic concerns.**

We will utilize lessons learned from the ReGenesis Environmental Justice Partnership in Spartanburg, SC, the [EJ Collaborative Problem-Solving Model](#), and other existing technical assistance throughout the Agency.

**STRATEGY 3: FOSTER THE CAPACITY OF EPA AND OUR SISTER FEDERAL AGENCIES TO MEANINGFULLY ADDRESS ENVIRONMENTAL JUSTICE CONCERNS THROUGH THE USE AND CONTINUED DEVELOPMENT OF ENVIRONMENTAL JUSTICE TOOLS, RESOURCES AND WAYS TO INTEGRATE ENVIRONMENTAL JUSTICE INTO PROGRAMS AND POLICIES OF ALL AGENCIES.**

Since the signing of E.O. 12898 in 1994, federal agencies



have developed tools for considering environmental justice in our programs and policies. However, these efforts could benefit from greater coordination. EPA seeks to promote more consistent consideration of environmental justice tools across the federal family, to coordinate the development and usage of tools, and to improve the sharing of information on available tools with the public.

**Action 3.1: Develop environmental justice criteria for inclusion in the scoring schemes for Federal EJ IWG agencies' grants and cooperative agreements eligibility processes.**

EPA will work with the EJ IWG to instill a culture among all federal agencies in which environmental justice is a priority by incorporating EJ language in applicable funding opportunities. The EJ IWG will review, develop, and disseminate EJ criteria language collected from existing Agency and federal partner's grants and cooperative agreements. This effort will emphasize potential federal assistance efforts that focus on community sustainability and equitable development.

**Action 3.2: Promote the use and continued development of EPA and other federal agencies' analytic and data tools that enable and encourage our governmental partners and community members to consider and address environmental justice issues.**

Accessible and user-friendly tools are an important building block in engaging, understanding and addressing environmental justice concerns. To help build the capacity of our governmental partners and community members to start or continue addressing these concerns, EPA will create and share a centralized inventory online of federal agencies' EJ tools and databases, such as EJSCREEN. These resources will not only be accessible to federal, state, tribal and local

government agencies, but to the public as well. To facilitate a mutual understanding of environmental justice issues, EPA and our federal partners will further develop and expand these resources through the EJ IWG. EPA will also seek opportunities with our federal partners and the community to gather feedback on ways to improve the utilization and effectiveness of these EJ tools.

**Action 3.3: Partner with other federal agencies through the EJ IWG to discuss and test new uses for EJSCREEN and other analytic and data tools, as well as share datasets.**

Partnering and sharing data across the federal agencies can lead to tremendous innovation and accomplishments larger than could be instituted by a single agency. EPA will work with other federal agencies through the EJ IWG to discuss and pilot new uses for EJSCREEN and other data tools. As part of this effort, federal agencies will look to share environmental justice-related datasets that could be shared between tools. Specifically EPA will discuss potential EJSCREEN pilots with the Department of Transportation, the Department of Housing and Urban Development, and other agencies. Additionally the federal agencies will explore ways to better use and share available datasets between tools such as health information from the Centers on Disease Control's environmental health tracking program.

## MEASURES

### National Environmental Policy Act

- Documentation: 100% of EPA's reviews of [Environmental Impact Statements](#) (EIS), reviewed pursuant to [Section 309 of the Clean Air Act](#), will consider the adequacy of an agency's Environmental Justice analysis, which includes the implications of climate change and its effects on communities with EJ concerns. In reviewing these agency analyses, EPA will consider Principles and Specific Steps of the Federal IWG on EJ's Promising Practices for EJ Methodologies in NEPA Reviews (Promising Practices) as defined by the National Training Product (NTP), in addition to other legal, regulatory and policy guidance. In EISs where environmental justice has been identified as a potential concern (e.g., via EJSCREEN or other means), EPA's comments on the agency's EJ analysis will be documented in EPA's Section 309 review letter to the federal agency. EPA will also consider Promising Practices and NTP, together with other NEPA and EJ resources, in developing the rating and the Section 309 review letter.

- Training: 100% of all current EPA NEPA reviewers will complete review of Promising Practices and the NTP training. New NEPA EIS review staff will complete review of Promising Practices and the NTP training within 4 months of being assigned NEPA review responsibilities.

Number of federal agencies' grants and cooperative agreements solicitations (and similar funding vehicles) using EJ Criteria Language, as measured annually beginning in 2017, and achieving a 20% increase above that 2017 baseline between 2018 and 2020.

# CHAPTER 8: COMMUNITY-BASED WORK



## OBJECTIVE

ACHIEVE MEANINGFUL AND SUSTAINABLE IMPROVEMENTS IN OVERBURDENED AREAS THROUGH THE STRATEGIC DEPLOYMENT OF AGENCY COMMUNITY-BASED AND CORE PROGRAMMATIC RESOURCES IN A CROSS-AGENCY MANNER THAT ESTABLISHES COMMUNITY-BASED WORK AS A ROUTINE MEANS OF ACHIEVING EPA'S MISSION AND HELPS TO BUILD THE CAPACITY OF OUR COMMUNITY PARTNERS.

EPA has a significant history of working closely with communities. This work includes the Superfund Community Involvement Program, Watershed Protection Approach, environmental justice and community-based participatory research grants, compliance and enforcement activities, and the Brownfields Program. The many powerful and inspiring results from this work support EPA's continued focus on overburdened communities. EPA gained many lessons about how to engage communities in carrying out our mission of protecting health and the environment. We also learned how to foster partnerships to build healthier, more prosperous and sustainable places to live, work and play. Through EJ 2020, EPA seeks to apply the expertise and knowledge of all parts of the Agency towards making a more tangible difference in overburdened communities. To advance these efforts to a new level, EPA will undertake the following strategies:

- Improve on-the-ground results by incorporating environmental justice and community-based work as a part of how EPA core regulatory programs achieve our mission of protecting public health and the environment;
- Expand the positive impact of EPA's community-based efforts by building stronger on-the-ground partnerships with communities and involving our federal partners and state, tribal and local governments, academia, business, philanthropy and other sectors; and
- Build the capacity of communities to take part in critical environmental and public health issues that impact them through the sharing of tools and other resources.

All areas of EJ 2020 will contribute to improving environmental

and public health results for overburdened communities. This plan focuses on EPA's community-based work, which is one aspect of those activities. EPA will support much of its community-based work by using and building on its existing efforts and programs, including the Community Resource Network (CRN),<sup>16</sup> Environmental Justice Coordinators, Superfund Community Involvement Coordinators, Brownfields Coordinators, and other efforts that work directly in and with communities.

For purposes of this strategy, EPA defines community-based work as any work that EPA performs in partnership with community organizations, local governments and federal agencies, to help meet the vision and goals determined by the affected community itself, with a particular focus on environmental justice principles. Stakeholders involved in such a process include all people and groups within a geographic area affected by the relevant public health and/or environmental concerns. These include, but are not limited to, residents, businesses, tribes and indigenous peoples, and government entities. Community-based works aims to achieve meaningful and sustainable improvements in overburdened areas or communities to improve the health of its stakeholders and minimize the communities' environmental impacts.

### PROGRAM AND REGIONAL LEADS

Office of Land and Emergency Management (OLEM), Region 3, Region 10 will be ongoing leads for this implementation plan and will work collaboratively on this effort.

## STRATEGIES AND ACTIONS

### STRATEGY 1: IMPROVE ON-THE-GROUND RESULTS BY INCORPORATING ENVIRONMENTAL JUSTICE AND COMMUNITY-BASED WORK AS A PART OF HOW EPA CORE REGULATORY PROGRAMS ACHIEVE OUR MISSION OF PROTECTING PUBLIC HEALTH AND THE ENVIRONMENT.

EPA will institutionalize environmental justice and community-based work throughout the Agency to achieve greater community-level collaboration, leveraging of resources and visible on-the-ground differences. In our regulatory work, EPA will be guided by the [EJ Legal Tools](#) document, which outlines the many ways in which EPA's authorizing statutes connect to environmental justice goals. EPA will promote lessons learned from the work in overburdened communities within EPA's strategic planning framework to successfully incorporate EJ into the core work of permitting, regulating chemical use, enforcement, environmental cleanup, and emergency response.

### Action 1.1: Strengthen on-the-ground results in overburdened communities by applying best practices of our community-based work.

EPA will highlight and build on the best practices from previous and ongoing work, which have produced the most positive and meaningful results in overburdened communities. These practices will be promoted through the work of the Community Resources Network and the EJ Coordinators. The Community Resources Network, which includes staff from across the Agency involved in community-based work and the tools created to support their work, will actively work to address issues of concern to overburdened communities. The Community Resources Network will also update best practices as internal and external feedback on additional, more effective and innovative practices are documented, developed and evaluated. Best practices range from ways to connect community-based efforts with technical assistance and training, leveraging resources, to promoting opportunities for teaching and learning between EPA staff, communities and other governmental partners. Through this process, EPA will continue to incorporate best practices into regular day-to-day core program and regulatory work.

EPA will also promote the routine use of best practices by its core programs through our strategic planning framework throughout the agency, including those identified through the FY 2017 Communities Cross-Agency Strategy Action Plan. EPA will report on the results of this effort and will include public feedback and an independent evaluation of how well environmental justice and community-based work has been incorporated into the Agency's core programs. This may employ the method used for evaluating the former EPA Community Action for a Renewed Environment (CARE) program, as well as the methods used in evaluating the cross-agency strategy on [Working to Make a Visible Difference in Communities](#). The Community Resources Network will make its external best practices available to communities and other federal agencies to not only affirm and continue our commitment to Executive Order 12898, but also showcase how community-based work makes a visible difference to communities.

### Action 1.2: Strengthen the procedures and practices associated with collecting, following-up on and responding to citizen tips and complaints.

EPA will strengthen its procedures and practices associated with citizen tips and complaints and will elevate matters of critical public health concern. EPA will promote the use of existing citizens' concerns reporting systems (e.g., [www.epa.gov/tips](http://www.epa.gov/tips), regional tips and complaints hotlines, EJ hotline)

in regional and headquarter offices, public meetings and other community involvement activities. EPA will develop and distribute outreach on these tools so that communities know that they exist and understand how to use them.

**Action 1.3: EPA will collaborate internally to support community-based approaches.**

EPA's national programs will maintain and support strategic community-based work. This work includes support for EPA's regulatory activities, such as enhanced outreach including resources for translation and interpretation where needed. For example, Flexible National Program resources will continue to be prioritized to support EPA's community-based partnerships in Activity 2.1, through targeted technical assistance mechanisms.



**STRATEGY 2: EXPAND THE POSITIVE IMPACT OF EPA'S EFFORTS BY BUILDING STRONGER ON-THE-GROUND PARTNERSHIPS WITH COMMUNITIES AND MULTIPLE PARTNERS TO TACKLE SOME OF OUR COUNTRY'S GREATEST COMMUNITY CHALLENGES.**

When community-based organizations lead collaborative partnerships, they are better able to address the challenges they often face by partnering with a wide array of stakeholders. This strategy is intended to complement and promote the work of such community-driven collaborative partnerships and increase opportunities for meaningful community engagement, problem-solving and revitalization.

**Action 2.1 Address environmental quality and human health challenges in America's most overburdened communities.**

By better integrating community-based work into EPA's core programs, EPA will help to implement a community-based approach in support of its mission of protecting human health and the environment. EPA will focus on vulnerable communities with some of the most difficult environmental and human health challenges. Applying best practices on coordinating and leveraging community-based work, and building upon the ongoing efforts of the Community Resources Network and the EJ Coordinators, EPA will seek to infuse a community-based approach throughout the Agency's work. First, we will develop an open and transparent community-driven engagement process. Second, EPA will focus on extending its

community-based approach, collaborating with local, state, tribal and federal partners to address a community's identified goals, priorities, needs and challenges. These partnerships can start from already established community-driven collaborative efforts or help to establish such, with the goal of more effectively aligning resources and technical assistance to improve human health and the environment in these communities. EPA also understands and appreciates that local economic conditions correlate with local environmental and human health conditions, and that economically vibrant communities are healthier communities. Therefore, EPA will act as convener where appropriate, and support community revitalization in America's economically distressed cities and neighborhoods by partnering with federal agencies, states, and other entities that support sustainable economic development approaches. (See Federal Agencies Chapter, Strategy 2)

**STRATEGY 3: BUILD THE CAPACITY OF COMMUNITIES TO TAKE PART IN CRITICAL ENVIRONMENTAL AND PUBLIC HEALTH ISSUES THAT IMPACT THEM THROUGH THE SHARING OF ENVIRONMENTAL JUSTICE TOOLS AND OTHER RESOURCES.**

**Action 3.1: Strengthen awareness and utilization of EPA's and other federal agencies' grant and technical assistance programs.**

EPA's program and regional offices will work with community-based grant, cooperative agreement and technical assistance programs such as the [Technical Assistance Services for Communities](#), [environmental justice grants](#), [Urban Waters](#),

[Building Blocks for Sustainable Communities](#), and Brownfields to identify areas for increased outreach and training on EPA's grants and technical assistance programs. EPA will develop and annually update a guide of resources available to communities (e.g., financial, educational, informational, technical, etc.), which will include other federal resources through the assistance of the EJ Interagency Working Group (EJ IWG).

**Action 3.2: Support the establishment of a network of past and current recipients of EPA community-based grants through formal networking and information-sharing opportunities.**

Through existing avenues, such as the [EJ Small Grantee Workshop](#) and the Brownfields Conference, EPA will offer workshops and sessions to bring together past and current recipients of the EJ, CARE, Urban Waters and other community-based grant programs. The purpose of each workshop will be to share inspirational accomplishments, promising practices and mutual learning from each EPA grantee. In addition, other regional offices, federal, state and local partners will be able to provide information on their programs and better understand community challenges. These opportunities can serve as a regular forum for EPA personnel, community leaders and other partners (e.g. foundations) to gather for networking, strategic planning, cross-fertilization of ideas and training.

**Action 3.3: Strengthen use of social media and other communications tools to promote the replication of real-life models of success and network building and the wider use of promising practices.**

EPA will use social media and other online tools to promote real life stories of environmental justice stakeholders from across the country that educate, inspire, and offer lessons to improve community practice. These tools will include blogs and videos on the Environmental Justice in Action Blog, and webinars and trainings on key issues. Through existing networks, EPA will create a more interactive, innovative, collaborative tool to engage overburdened communities on existing resources and assistance.

**Action 3.4: Promote youth engagement and the development of the next generation of leaders proficient in meeting environmental justice challenges.**

EPA will put a special emphasis on engaging youth on the intersection of environmental justice and climate change. The Federal Interagency Working Group on Environmental Justice will focus on developing the next generation of climate justice leaders and expanding partnerships with Minority

Serving Institutions. EPA will work with the [National Environmental Justice Advisory Council](#) to expand youth perspectives, including ways to address climate change impacts on overburdened and vulnerable communities. EPA will use programs like the [Community University Partnership](#) and others, which connect EPA program resources with academic and community-based organizations.

## MEASURES

- Report the number of tips/complaints received, broken out by program and/or location through regional and headquarter office websites.

# CHAPTER 9: TRIBES & INDIGENOUS PEOPLES



## OBJECTIVE

FULFILL EPA'S COMMITMENT TO PROTECT THE ENVIRONMENT AND HEALTH OF FEDERALLY RECOGNIZED TRIBES AND INDIGENOUS PEOPLES, AND PROVIDE THEM ACCESS TO THE AGENCY'S DECISION-MAKING PROCESSES, SO THAT EVERYONE HAS A SAFE AND HEALTHY ENVIRONMENT IN WHICH TO LIVE, LEARN, WORK AND PLAY.

The Agency recognizes the right of tribal governments to self-determination and acknowledges the federal government's trust responsibility to federally recognized tribes and affirms the strong connection that many tribes and indigenous peoples have to the environment, as well as their past and present roles in the protection and sustainability of the environment and public health.

Through the EJ 2020 Action Agenda, EPA seeks to maximize environmental and public health protection in Indian country and for indigenous peoples throughout the United States. This work will be guided by our full implementation of the [EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples](#), and conducted in accordance with the [EPA Policy for the Administration of Environmental Programs on Indian Reservations](#), the [EPA Policy on Consultation and Coordination with Indian Tribes](#), [EPA Guidance for Discussing Tribal Treaty Rights](#), Executive Order 12898 - Federal Actions to Address Environmental

Justice in Minority Populations and Low-Income Populations, and relevant statutes, regulations and other policies.

The [EPA Policy on Environmental Justice for Working with Tribes and Indigenous Peoples](#) affirms EPA's commitment to provide fair treatment and meaningful involvement in EPA decisions that may affect the health or environment of tribes and indigenous peoples in all areas of the United States and its territories and possessions, the District of Columbia, Puerto Rico, Marina Islands, and others living in Indian country. The policy clarifies and integrates environmental justice principles in the Agency's work with all parties covered and focuses on EPA's direct implementation of federal environmental programs in Indian country, work with federally recognized tribal governments on environmental justice, work with indigenous peoples on environmental justice, and coordination and collaboration with U.S. federal agencies and others on environmental justice issues of interest to tribes, indigenous peoples, and others living in Indian country.



A major evolution in EPA's understanding of environmental justice and tribal rights, has been in the area of treaty rights.<sup>17</sup> The U.S. Constitution defines treaties as part of the supreme law of the land, with the same legal force as federal statutes. EPA recognizes the importance of respecting tribal treaty rights and its obligation to do so. EPA is addressing its obligation through the implementation of tribal treaty rights guidance and the institutionalization of these efforts through federal coordination and collaboration that considers treaty rights in decision-making processes.

In addition to the work described in this chapter of EJ 2020, there are actions described in other chapters of EJ 2020 that involve and benefit tribes and indigenous peoples. For example, the Permitting chapter speaks of working with tribes along with states and other co-regulators on tools, practices and approaches for considering EJ in permitting. The Compliance and Enforcement chapter commits to improving coordination with tribes to focus vigorous enforcement and compliance activities in Indian country. The Science chapter announces a strategy to focus special attention on promoting tribal sustainability and well-being through research into the use of traditional ecological knowledge and further development of the Local Environmental Observer network. And the EJ 2020 Action Agenda identifies tribal and small drinking water systems as one of four significant national EJ challenges that EPA is committing concentrated efforts to address. These actions also serve to fulfill the objective of this chapter.

## PROGRAM AND REGIONAL LEADS

Office of International and Tribal Affairs (OITA), EPA Region 6

## STRATEGIES AND ACTIONS

**STRATEGY 1: STRENGTHEN CONSIDERATION OF TRIBES' AND INDIGENOUS PEOPLES' ISSUES, THEIR INVOLVEMENT IN EPA'S DECISION-MAKING PROCESSES, AND RESPONSIVENESS TO THEIR CONCERNS WHEN EPA DIRECTLY IMPLEMENTS FEDERAL ENVIRONMENTAL PROGRAMS.**

**Action 1.1: EPA will seek to identify and work to address tribes' and indigenous peoples' EJ concerns when directly implementing environmental programs in Indian country and throughout the United States.**

EPA will seek to identify the environmental and public health concerns of tribes and indigenous peoples, and work to address these concerns in coordination with tribes and indigenous peoples, including when EPA directly implements environmental programs in Indian country. This includes increasing opportunities for training to build the awareness of the EPA's

environmental justice tools, and provide training to meet the identified environmental and public health needs of tribes and indigenous peoples in Indian country and throughout the United States. EPA will also work with tribes and indigenous peoples to effectively implement the strategies, actions and measures identified in each of the other areas of the EJ 2020 Action Agenda: Enforcement and Compliance, State and Local Government, Rulemaking, Communities, Science, Federal Agencies, and Permitting.

**STRATEGY 2: HELP FEDERALLY RECOGNIZED TRIBAL GOVERNMENTS BUILD CAPACITY AND PROMOTE TRIBAL ACTION ON ENVIRONMENTAL JUSTICE.**

**Action 2.1: EPA will encourage tribes to develop written procedures to ensure meaningful involvement and fair treatment of the public in the development and implementation of federally authorized environmental programs (Indian General Assistance Program Indicator B.2.6), as well as their own environmental and public health programs.**

EPA will develop a program measure for [Indian General Assistance Program](#) (GAP) Indicator B.2.6, to include written procedures similar to the [Administrative Procedure Act](#) to ensure tribes provide opportunities for meaningful involvement in and fair treatment through the public participation process. Specifically, EPA will encourage tribes to develop procedures for the public's involvement in the development and implementation of their environmental programs. EPA



will report, by October 2016 and annually thereafter to 2020, on the tribes who choose to produce such procedures. Support can come from the Indian Environmental General Assistance Program (GAP) funding, and potentially EJ Small Grants and other federal or tribal resources. Tribes seeking federal environmental program authorization are subject to public participation requirements in applicable EPA regulations and EPA encourages tribes to adopt such public participation requirements for their own environmental programs.

To foster the implementation of this program measure, EPA program and regional offices will provide advice and recommendations on the integration of environmental justice principles to the tribes that are seeking or have EPA authorized environmental program(s), as well as to tribes that have their own environmental and public health programs. In addition, EPA will help tribes build capacity and promote tribal action on environmental justice through activities such as training and technical assistance.

### **STRATEGY 3: ADDRESS DISPROPORTIONATE IMPACTS, IMPROVE ENGAGEMENT, PROMOTE MEANINGFUL INVOLVEMENT, AND IMPROVE RESPONSIVENESS TO THE ENVIRONMENTAL JUSTICE CONCERNS OF INDIGENOUS PEOPLES.**

#### **Action 3.1: EPA will provide training to increase public participation and input in EPA's work.**

EPA will identify existing opportunities and/or develop new training to increase public participation, and offer training sessions to meet the identified needs of indigenous peoples. As part of this effort, EPA will conduct outreach on the existence of the EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples and the EJ 2020 Action Agenda to indigenous peoples (e.g., indigenous grassroots organizations, state recognized tribes, tribal members), identify their environmental and public health concerns, and work to address their concerns.

#### **Action 3.2: EPA will improve its responsiveness to the environmental and public health concerns of indigenous peoples.**

EPA will annually report on the concerns raised by tribes and indigenous peoples, progress made to resolve the concerns, and the barriers and challenges to doing so. EPA will develop and implement a set of indicators to monitor the Agency's efforts to address indigenous peoples' environmental and public health concerns.

### **STRATEGY 4: PROMOTE INTERGOVERNMENTAL COORDINATION AND COLLABORATION TO ADDRESS ENVIRONMENTAL JUSTICE CONCERNS IN INDIAN COUNTRY AND IN AREAS OF INTEREST TO TRIBES AND**

### **INDIGENOUS PEOPLES THROUGHOUT THE UNITED STATES.**

#### **Action 4.1: EPA will seek to work with other government agencies (federal, state and local), in partnership with interested tribal governments, to effectively respond to the EJ concerns of tribes' and indigenous peoples.**

In collaboration with tribal governments, including those serving on Regional Tribal Operations Committees and the [National Tribal Caucus](#), EPA will engage with other governmental agencies in order to address tribal EJ concerns. In response to the EJ concerns of indigenous peoples, EPA will, in collaboration with tribal governments on an issue-specific basis, reach out to other state and federal agencies.

## **MEASURES**

- By the end of 2017, EPA will have identified tribes and indigenous peoples' organizations interested in working with EPA to address their environmental justice concerns.
- Starting in 2016 and completing by 2020, EPA will report on the number of tribes that have developed and incorporated public participation procedures into their environmental programs, and that have used the procedures for environmental program implementation.
- By the end of 2017, EPA will have conducted outreach and have offered training in each region on EJSCREEN, the EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples, and the EJ 2020 Action Agenda to tribes and identified indigenous peoples' organizations.
- By 2018, EPA will have developed and implemented a set of indicators to monitor the Agency's efforts to address indigenous peoples' environmental and public health concerns.
- Starting in 2016 and completing by the end of 2020, EPA will have developed best practices for its engagement with other federal agencies, states and local governments, and in collaboration with interested tribal governments, regarding how to address the environmental and public health concerns of tribes and indigenous peoples.

# CHAPTER 10: SIGNIFICANT NATIONAL ENVIRONMENTAL JUSTICE CHALLENGES



Demonstrating progress on significant national environmental justice (EJ) challenges is the third major goal of EJ 2020. EPA recognizes the need for a more systematic approach to reducing environmental and health disparities for minority, low-income and tribal populations and improve the air, water and land in the nation's most overburdened communities.

Addressing complex and continuing national environmental problems of concern to overburdened communities is a long-term endeavor that goes beyond EJ 2020. EPA will take a two-phased approach.<sup>18</sup> In the first phase, EPA will employ a comprehensive suite of programs and actions and work closely with our state, tribal and other co-regulatory partners with authority and opportunity towards achieving progress in four key areas for which EPA has existing measures. These areas, which will be described in detail in the ensuing sections of this chapter, are highlighted below.

- **Lead:** Work to eliminate disparities in childhood blood lead levels as an integral part of reducing lead exposure for all people. EPA will convene partners to identify geographic areas with greatest lead exposures, reduce sources of lead contamination, and take national action to reduce lead in drinking water.
- **Drinking Water:** Work to ensure all people served by community water systems have drinking water that meets applicable health based standards. In working toward this goal, we will place special emphasis on addressing drinking water

challenges in underserved communities.

- **Air Quality:** Achieve air quality that meets the fine particle pollution national ambient air quality standards in all areas of the country, with special emphasis on communities with poor air quality and low-income populations. Working with our co-regulator states, we will achieve this as soon as practicable and no later than the statutory attainment date. Low-income populations are among those most at-risk to adverse health effects from exposure to fine particle pollution.
- **Hazardous Waste Sites:** Reduce human exposure to contamination at hazardous waste sites, with emphasis on minority, low-income and vulnerable communities.

In the second phase, we will evaluate progress on achieving our current goals, enhance measures as appropriate, and explore potential development of additional national environmental justice measures and associated strategies. We anticipate focusing particular attention on issues of concern to overburdened communities that may warrant attention at the national level. These issues include pesticide impacts on farmworkers, goods movement (commercial transportation of freight), water infrastructure, air pollution and climate change, among others. EPA is already undertaking significant ongoing work in all of these areas. We also anticipate working closely with federal, state, tribal and local government partners, communities, and other stakeholders through our second phase efforts.



In order to enhance the implementation of our current areas of focus and lay a foundation for the development of new measures, EPA will incorporate the following approaches:

- **Strengthening environmental justice measurement:** EPA will strengthen its analytic foundation for national EJ measures, which are meaningful to overburdened communities and provide important information to guide EPA's work. Key areas of work include: disaggregating data to better track progress in reducing environmental and related health disparities; using tools such as EJSCREEN and appropriate spatial units of analysis; and better integrating demographic information into our data collection and reporting systems.
- **Incorporating a systems approach:** A "systems approach" involves comprehensive strategies that embrace and utilize all available authorities and organizational resources. It is premised on the acknowledgement that the many parts of the framework ensuring environmental health protection must be optimized simultaneously to achieve a healthy environment for populations with environmental injustices. This approach supplements regulatory authorities, which alone may be insufficient to reduce any given disparity and achieve sustainable and meaningful change in communities. Our strategies recognize limitations in EPA's authorities and/or ability to fully achieve an aspirational goal. Addressing these limitations will involve leadership at all levels, inclusion of all stakeholders, and harmonized understanding across all groups.

- **Stakeholder partnerships:** EPA recognizes that addressing these significant EJ challenges may require expertise, resources, and authorities outside of EPA's direct control. EPA will use these national measures to draw attention to these important issues and to promote partnerships, coordination and collaboration with other federal agencies, states, tribes, local government, affected communities and stakeholders. EPA will convene a series of meetings with government partners, affected communities, stakeholders' groups, and advisory committee representatives to discuss ways to refine and implement current measures and develop new ones.

The following four sections describe EJ 2020's four national environmental justice challenges, including their goals, programs and actions, measures and reporting. Detailed descriptions of all measures identified in this chapter can be found on a separate online [National Measures Technical Appendix](#).

## LEAD DISPARITIES

**GOAL:** Eliminate disparities in childhood blood lead levels as an integral part of reducing lead exposure for all people.

### MEASURE

Reduction of disparities of blood lead levels in low-income children compared to non-low-income children, so that EPA can track progress toward its long-term goal of eliminating disparities in childhood lead levels for vulnerable populations.

### BACKGROUND

Lead is highly toxic, especially to young children. Children can be exposed to lead from a wide variety of environmental sources. Lead can leach into drinking water through the corrosion of lead-containing pipes and plumbing fixtures. It can pollute our air and soil through the burning of aviation fuels, the past use of leaded gasoline, and other industrial releases. Lead can even be found inside our own homes – on walls coated with lead-based paint, and in everyday consumer products like toys, cosmetics, ceramics, solders, gasoline, and batteries. Lead from paint, including lead-

contaminated dust, is one of the most common causes of lead poisoning.

Lead exposure among young children has dramatically reduced over the last three decades due to federal and state regulatory efforts to reduce the amount of lead in air, drinking water, soil, paint, household dust, consumer products, food, and occupational settings. Unfortunately, that progress has not been realized equally across the United States and lead exposure remains one of the top childhood environmental health problems that impacts minority and/or low-income populations. For example, the average blood-lead levels remain unequally high among non-Hispanic Black children when compared to Mexican-American and non-Hispanic White children.<sup>19</sup>

Low-income and minority children tend to live in areas which still face tremendous risk to lead exposure. Non-Hispanic Black children and children living in families below the poverty level have significantly higher risk factors for higher blood lead levels. Low-income, minority communities still face aging plumbing infrastructure that could contaminate their drinking water; older housing that is more likely to contain lead-based paint; and are more likely to live near ongoing industrial activity or abandoned facilities.

The continued problems of lead exposure in America will never be solved with a one-size-fits-all regulatory approach. Together with EPA's federal partners, states, tribes, and local communities, we will work collaboratively to eliminate risks from lead exposures in all children.

To eliminate disparities in childhood blood lead levels, EPA will convene partners to:

- Identify concentrated geographic areas with the most overburdened communities where lead exposures are highest;
- Create collaborative strategies and approaches to take action to reduce sources of lead contamination; and
- Take national action to reduce lead in drinking water.

## ACTIONS

### Develop partnerships to identify the most overburdened communities.

In collaboration with partners (e.g., all levels of government, the private sector, non-governmental organizations, and community organizations), EPA will take the following steps to address disparities in blood lead levels in children



by focusing on communities where these disparities are most pronounced. EPA will define a subset of the most overburdened communities where lead exposures are highest, based on factors such as:

- Household income;
- Age of housing in the community;
- Proximity to a [Superfund](#) site containing lead;
- Proximity to other sources of lead contamination such as industrial sites and highways;
- Drinking water supplied by utilities that exceed the [Lead and Copper Rule](#) action level for lead;
- [Non-attainment of the lead National Ambient Air Quality Standards](#) (NAAQS); and
- Additional evidence of factors that contribute to elevated blood lead levels among children.

The identification of areas with the highest risk of lead exposure to children will better allow EPA and its partners to focus specific resources aimed at ultimately eliminating harmful exposures. This, in turn, will aid in the elimination of disparities in lead exposure currently seen in the United States.

### Reduce sources of lead contamination.

EPA will take action to address childhood lead exposures and health disparities in a holistic manner in order to focus Agency resources, technical assistance and comprehensive solutions to reduce sources of lead contamination in overburdened communities. With partners, EPA will establish new projects in areas with the highest risk of lead exposures to children as well as leverage existing projects and coalitions to take action.

To reduce sources of lead contamination, EPA will develop strategies and unique approaches with all levels of government, the private sector, non-government organizations and community partners to:

- Educate communities on sources of lead contamination and the health effects of lead;
- Raise awareness of lead-based paint exposure and prevention tactics;
- Increase efforts to ensure adequate lead-based paint workforces (e.g., inspectors, contractors, trainers, etc.);
- Increase technical assistance to states and public water systems to optimize corrosion control treatment and remove lead service lines, if lead in drinking water is a source contributor;
- Raise awareness of actions residents and the community can take to reduce lead in drinking water;
- Develop community-based sampling programs to test soil, paint and drinking water for elevated lead levels;
- Identify best practices and transfer lessons learned;
- Facilitate data-sharing between health and environmental agencies;
- Improve the use of data from screening programs; and
- Increase financial assistance to address lead hazards at the community level, to the extent resources are available.

### National actions to reduce lead in drinking water.

Lead can enter drinking water when service pipes that contain lead corrode, especially where the water has high acidity or low mineral content that corrodes pipes and fixtures. Additionally, brass or chrome-plated brass faucets and fixtures with lead solder can contribute significant amounts of lead in drinking water, especially when it is hot water. Corrosion is a dissolving or wearing away of metal caused by a chemical

reaction between water and plumbing. Homes built before 1986 are more likely to have lead pipes, fixtures and solder. A number of factors are involved in the extent to which lead enters the water, including:

- The chemistry of the water and the types and amounts of mineral in the water;
- The amount of lead it comes into contact with;
- The temperature of the water;
- The amount of wear in the pipes;
- How long the water stays in pipes; and
- The presence of protective scales or coatings inside the plumbing materials.

The Safe Drinking Water Act requires EPA to determine the level of contaminants in drinking water at which no adverse health effects are likely to occur with an adequate margin of safety. These non-enforceable health goals, based solely on possible health risk, are called maximum contaminant level goals. EPA has set the maximum contaminant level goal for lead in drinking water at zero because lead is a toxic metal that can be harmful to human health even at low exposure levels. EPA plans to take actions to reduce lead in drinking water by strengthening protections provided by the Lead and Copper Rule. EPA will:

- Work closely with states and public water systems to enhance oversight and provide guidance beyond historical implementation assistance levels on tap water sampling;
- Improve guidance and implementation for corrosion control and lead mitigation;
- Identify best practices that can be applied to communities; and
- Enhance public sharing of sampling results.

In addition, EPA plans to consider long-term revisions to the Lead and Copper Rule to improve public health protection and enhance transparency by making substantive changes to strengthen the rule. EPA's primary goals in considering Lead and Copper Rule long-term revisions are to:

- Improve the effectiveness of the corrosion control treatment in reducing exposure to lead and copper, and
- Trigger additional actions that equitably reduce the public's exposures to lead and copper when corrosion control treatment alone is not effective.

The Lead and Copper Rule treatment technique requires state and local water systems to monitor drinking water at

customer taps and to take action if lead concentrations exceed an action level of 15 ppb or copper concentrations exceed an action level of 1.3 ppm in more than 10% of customer taps sampled. If the action level for lead is exceeded, the system must inform the public about steps they should take to protect their health and replace lead service lines.<sup>2</sup> Water systems must offer to replace the privately owned portion of the lead service lines but are not required to pay for that portion of the replacement. To help shape an updated Lead and Copper Rule, EPA engaged multiple stakeholders representing a wide range of expertise, to form the Lead and Copper Rule Working Group (NDWAC). EPA is considering the NDWAC's recommendations, recommendations made by other stakeholders, and lessons learned from our experience in Flint, Michigan and implementation of the rule across the nation to develop those proposed revisions.

### REPORTING

To make progress towards eliminating lead exposures and health disparities in overburdened communities, EPA will create an internal team to ensure the Agency takes action to address these disparities in a holistic manner. This team will focus Agency resources, technical assistance and comprehensive solutions to reduce sources of lead contamination. In addition, the team will assist with convening all levels of government, the private sector, non-government organizations and community partners.

On an annual basis, the team will assess EPA's progress and report out on efforts to:

- Identify concentrated geographic areas with the most overburdened communities where lead exposures are highest;
- Create collaborative strategies and approaches to take action to reduce sources of lead contamination; and
- Reduce lead in drinking water by strengthening protections provided by the Lead and Copper Rule.

## SMALL AND TRIBAL DRINKING WATER SYSTEMS

**GOAL:** All people served by community water systems<sup>21</sup> have drinking water that meets applicable health based standards. In working toward this goal, we will place special emphasis on addressing drinking water challenges in underserved communities.<sup>21</sup>

### MEASURES

A key environmental justice priority for EPA is ensuring that all people served by small community and tribal water systems have drinking water that meets applicable health-based standards. EPA will work to improve performance in small community and tribal water systems by assessing progress annually on the following measures and working to implement the actions below:

- Number and percent of small community water systems and non-transient non-community water systems with repeat health-based violations of key contaminants.
- Percent of population in Indian country served by community water systems with drinking water that meets all applicable health-based drinking water standards.

### BACKGROUND

Safe, reliable drinking water is essential for the health and well-being of all individuals. EPA has made significant progress towards this goal since enactment of the landmark [Safe Drinking Water Act](#) (SDWA) more than 40 years ago. Yet, serious challenges remain. Many small drinking water systems are particularly challenged by the need to improve and maintain infrastructure and develop the capacity to comply with new and existing standards.

Of the more than 51,500 community water systems nationwide that supply drinking water to more than 95% of the U.S. population, the vast majority (82%) are small community water systems which serve fewer than 3,300 people. Many of these small drinking water systems serve disadvantaged commu-



nities. In addition, these small community water systems and tribal systems are often disproportionately impacted by technical, managerial, and financial capacity challenges.

### ACTIONS

EPA recognizes that assuring safe drinking water for all people, including those served by small and tribal drinking water systems, requires critical input and action from multiple stakeholders. To assure progress towards our goal, EPA will take a systems approach that embraces collaborative and collective action to identify parts of the system that can be strengthened, strategies for addresses the identified weaknesses, and opportunities to innovate around key issues. Some of EPA's initial proposed activities include:

For all systems: EPA, working appropriately with primacy agencies, regulatory partners and communities, will take action to address threats to public health from drinking water. These actions may include:

- Develop a national drinking water action plan to further advance the safety and reliability of the nation's drinking water (Focus areas will include: oversight of SDWA implementation; transparency, public information and risk communication; prioritization of regulated and unregulated/emerging contaminants; infrastructure financing and management in low income, small and disadvantaged communities; and revising the Lead and Copper Rule);
- Engage with the National Environmental Justice Advisory Committee to identify tools and best practices to assist communities with environmental justice concerns in developing water system technical, financial and managerial capacity, and to address funding and financing needs for infrastructure planning, design and construction;
- Issue health advisories and communicate with the communities to ensure they are aware of any risks and what action they can take to keep safe;
- Conduct online training for states and systems on regulations, treatment technologies and system sustainability;
- Utilize EPA's laboratory network and scientific expertise to conduct sampling and analysis to identify and characterize the source and magnitude of the problem; and
- Coordinate with government at all levels to help ensure the public is provided with alternative sources of safe drinking water, with health

monitoring, and that underlying problems are addressed quickly and effectively.

For small community systems:

- Assist small communities in developing technical, managerial, and financial capacity through activities of EPA's [Capacity Development and Asset Management Program](#), and State circuit riders;
- Strengthen small system financial sustainability through activities of the Water Infrastructure and Resilience Finance Center, regional Environmental Finance Centers; and
- Disseminate and deliver "Building the capacity of drinking water systems" information and training.

For tribal systems: Unlike states, most tribes are not authorized for implementation of the drinking water program, so EPA has direct implementation authorities over most tribal drinking water systems.

- Increase training and technical assistance to strengthen the technical capacity of the tribal public water systems;
- Host managerial and financial management seminars for tribal officials;
- Work with the USDA-Rural Development and other Interagency Task Force members to identify a strategy to increase funding and technical assistance for tribal systems that have been out of compliance for a minimum of three years;
- Increase the number of certified tribal operators; and
- Use enforcement authority, as appropriate, to ensure accountability.

### REPORTING

The Office of Water will report annually on progress towards achieving identified actions and measures.

## FINE PARTICLE AIR POLLUTION

**GOAL:** Achieve air quality that meets the fine particle pollution national ambient air quality standards (NAAQS) in all areas of the country, with special emphasis on communities with poor air quality and low-income populations. Working with our co-regulator states, we will achieve this as early as practicable and no later than their statutory attainment date (which for most areas will be 2021 or sooner). Low-income populations are among those most at-risk to adverse health effects from exposure to fine particle pollution.



## MEASURES

We will track progress using three program measures calculated each year:

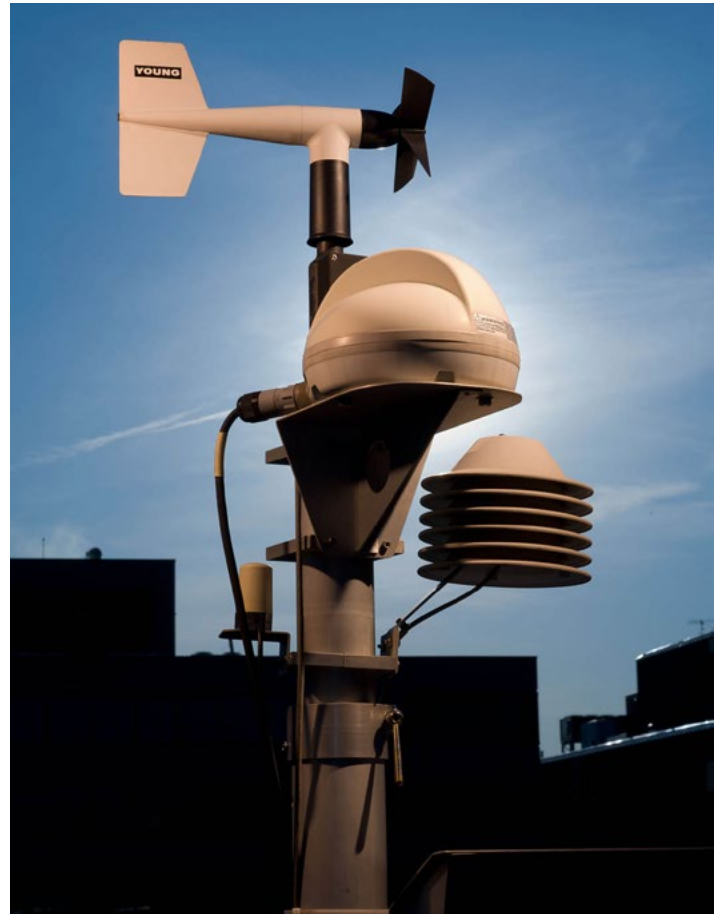
- Percentage of low-income people in counties with monitors measuring concentrations of PM<sub>2.5</sub> that meet the 2012 annual and 2006 24-hour PM<sub>2.5</sub> NAAQS.<sup>23</sup>
- The average county-level design value for counties with monitors measuring PM<sub>2.5</sub> concentrations not meeting the PM<sub>2.5</sub> NAAQS.<sup>24</sup>
- The difference in attainment of the standard between low-income and non-low-income areas.

## BACKGROUND

Particle pollution, also called particulate matter or PM, is a complex mixture of extremely small particles and liquid droplets in the air. When inhaled, these particles - especially, particles equal to or smaller than 2.5 micrometers in diameter (i.e., PM<sub>2.5</sub>) - can reach the deepest regions of the lungs. Exposure to particle pollution is linked to a variety of significant health problems. Fine particle pollution is monitored throughout the country to identify whether an area is meeting the NAAQS.

Low-income populations are among those most at-risk to adverse health effects from exposure to PM<sub>2.5</sub>. They have been generally found to have a higher prevalence of pre-existing diseases, limited access to medical treatment, and increased nutritional deficiencies, which can increase their risk of particle pollution-related effects. In addition, low-income populations often suffer from low educational attainment or disadvantageous residential location, and these factors can also contribute to an individual's higher exposure to air pollution.

EPA revised the PM<sub>2.5</sub> NAAQS most recently in 2012, and in 2015 the EPA designated several areas as not attaining the standard.<sup>25</sup> The Clean Air Act specifies planning and control requirements to be implemented by states in these "nonattainment" areas. All PM<sub>2.5</sub> nonattainment areas are initially classified as "Moderate," and are required to attain the standard by the end of the 6th calendar year after designation. Any area that cannot attain the standard by that date will be reclassified as "Serious" and required to attain the standard by the end of the 10th calendar year after designation. For the 2006 24-hour standard, the Moderate and Serious area attainment dates are 2015 and 2019. For the 2012 annual standard, the Moderate and Serious area attainment dates 2021 and 2025 (with possible extension to 2030). EPA will work with those state, local and tribal



governments who have nonattainment areas to provide for timely attainment of the 24-hour and annual standards by the applicable attainment dates, with the latest possible date being 2030.

This measure would calculate annually the percentage of low-income populations living in counties with air monitors measuring concentrations of PM<sub>2.5</sub> that meet the 2012 annual and 2006 24-hour PM<sub>2.5</sub> NAAQS.<sup>26</sup> The baseline period for the measure will be 2006-2008 (i.e., the 3-year period used for designations for the 2006 24-hour PM<sub>2.5</sub> NAAQS). Changes since that time will reflect the effectiveness of strategies designed to reduce particle pollution.

The goal is for this percentage to increase over time and reach 100 percent by 2025. Based on current (2012-2014) air quality data, among the low-income population that live in counties with PM<sub>2.5</sub> monitors, about 83 percent live in counties that meet the 2012 annual and 2006 24-hour PM<sub>2.5</sub> NAAQS. This compares to about 85 percent of the total population living in counties that meet the PM<sub>2.5</sub> NAAQS and reflects a 40 percent improvement since 2006-2008.

Many nonattainment areas contain a high number of low-income residents. The proportion of low-income populations to the

other people in the remaining nonattainment counties has risen slowly, but steadily from 32:68 percent (low-income: non-low-income) in the 2006-2008 base period to 36:64 percent (low-income: non-low-income) in the 2012-2014 period. Thus, as more counties come into attainment, the remaining (more severe) nonattainment areas highlight a disparity in health protection.

To make progress towards the goal of 100 percent, more attention should be placed on areas of severe nonattainment. This can be accomplished by providing more community involvement in the air quality planning process, more community education and outreach, and other effective actions, such as those identified below, in these areas.



## ACTIONS

The Clean Air Act prescribes a federal-state partnership to address air quality problems. Steps being taken by EPA to increase our support for state, local and tribal governments in their planning efforts and to increase our involvement in all areas that are not meeting the PM2.5 standards include:

- Providing assistance for PM2.5 nonattainment area [State Implementation Plan](#) (SIP) development for the 2006 and 2012 NAAQS;
- Providing assistance for SIP development for other pollutants which may affect PM2.5, such as SO<sub>2</sub>;
- Awarding Diesel Emission Reduction Act (DERA) grants;
- Awarding [Targeted Airshed grants](#);
- Implementing EPA's Ports Initiative which is intended to develop and implement environmentally sustainable port strategies;
- Issuing national stationary source rules;
- Issuing national mobile source rules;
- Considering appropriate opportunities in enforcement settlements to encourage Supplemental Environmental Projects that will benefit overburdened communities impacted by sources emitting PM2.5;

- Providing targeted trainings and outreach meetings, especially in low-income areas not attaining the standards; and
- Providing assistance for focused community-level PM reductions strategies.

## REPORTING

The Office of Air and Radiation will report annually on the actions taken and progress towards achievement of the measures.

## HAZARDOUS WASTE SITES

**GOAL:** Reduce human exposure to contamination at hazardous waste sites, with emphasis on minority, low-income and vulnerable communities.

## MEASURE

Number and percent of [Resource Conservation Recovery Act](#) (RCRA) Corrective Action Program facilities and Superfund Remedial Program contaminated sites in communities where human exposures to contamination are under control.

## BACKGROUND

The plight of overburdened communities surrounded by hazardous waste sites has been an important issue in the history of environmental justice. Minority and low-income populations are more likely to be located in neighborhoods with hazardous waste facilities and are more vulnerable to

the negative impacts from such facilities. A key finding of the report [Toxic Wastes and Race at Twenty 1987- 2007](#)<sup>27</sup> found that minority populations make up the majority of those living in host neighborhoods within 3 kilometers (1.8 miles) of the nation's hazardous waste facilities.

Developing a measure on hazardous waste sites under control for human exposure to environmental toxins is an important part our goal of protecting the health of all communities. Sites are defined as Human Exposure Under Control when assessments for human exposures indicate there are no unacceptable human exposure pathways and the EPA region has determined the site is under control for current conditions site-wide. The criteria for determining the Site-Wide Human Exposure status at a site are found in the [Superfund Environmental Indicator Guidance Human Exposure Revisions](#) (March 2008). By applying an environmental justice lens to this measure, EPA can better focus our efforts on the most vulnerable areas.

## ACTIONS

EPA's goal is to increase the number of RCRA Corrective Action Program facilities and Superfund Remedial Program sites where human exposure is under control. Together, the two programs have established a 2015 baseline of 799 facilities and sites where human exposures to toxins are not yet under control as of the end of FY 2014. Between FY 2015 and FY 2020 these two programs plan to bring 344 of the 799 facilities and sites into the Human Exposure Under Control category.

On a biennial basis, EPA will examine each of the 799 baseline facilities and sites where human exposure is not under control using EJSCREEN. EPA will report on the number of facilities and sites with human exposures under control, the number remaining, and the percent with human exposures under control in communities with environmental justice concerns as well as in these communities as a proportion of the totals for all sites and facilities.

### Office of Superfund Remediation and Technology Innovation

- EPA site experts will review data on Superfund sites and make the Human Exposure determinations.
- During cleanup activities, the Agency takes actions to provide alternative means to protect the community while the removal/remedial action is taking place.
- EPA also works to eliminate unacceptable exposure by using controls such as fencing, warning signs,

and significant community outreach.

- Superfund sites are considered Human Exposure Under Control when assessments for human exposures indicates there are no unacceptable human exposure pathways and EPA has determined the site is under control for current conditions site wide.

### Office of Resource Conservation and Recovery

- The RCRA Corrective Action Environmental Indicators are a means of evaluating and reporting on the acceptability of RCRA site conditions.
- These sites include current and former chemical manufacturing plants, oil refineries, lead smelters, wood preservers, steel mills, commercial landfills, and a variety of other types of entities.
- If a RCRA Corrective Action site is determined to be human exposure not under control by a RCRA state program or EPA, then sites presenting the greatest risk to human health and the environment receive the highest priority for cleanup.
- Given the complex nature of this work, the facility is cleaned as fast and efficiently as possible, until assessments for human exposures indicate there are no unacceptable human exposure pathways and EPA has determined the site is under control for current conditions.

## REPORTING

The Office of Land and Emergency Management, through its Office of Superfund Remediation and Technology Innovation and Office of Resource Conservation and Recovery will report annually on progress made in achieving this measure.

# APPENDIX A: PLAN EJ 2014 ACCOMPLISHMENTS

ELEMENT	MAJOR ACCOMPLISHMENTS	STATUS
<b>Incorporate EJ in Rulemaking</b>	Finalize Guidance on Considering EJ During the Development of a Regulatory Action	COMPLETE
	Issue Draft EJ Technical Guidance for Assessing EJ in Regulatory Analysis for Public Comment/ Science Advisory Board Review	COMPLETE
	Finalize Technical Guidance for Assessing EJ in Regulatory Analysis	COMPLETE
	Develop EJ and Rulemaking Cross-Agency Team work products	COMPLETE
<b>Consider EJ in Permitting</b>	Institute Regional Implementation Plans for enhanced community engagement	COMPLETE
	Implement Regional Implementation Plans	ONGOING
	Issue recommended practices on community engagement for EPA permit applicants	COMPLETE
	Develop draft framework and test tools for EJ analysis for EPA permits for internal review	
<b>Advance EJ through Compliance and Enforcement</b>	Issue multiple guidances and policies on considering EJ in enforcement life-cycle	COMPLETE
	Issue guidance requiring EJ review for all initiated enforcement cases, tracking cases in ICIS database and transitioning to EJSCREEN	COMPLETE
	Incorporate ACS measure for EJ in OECA FY 2014 NPM Guidance	COMPLETE
	Achieve and communicate results benefiting overburdened communities	ONGOING
<b>Support Community-Based Programs</b>	Implement Community KPI; lessons inform current priority on communities	COMPLETE
	Identify promising community-based practices	COMPLETE
	Develop land use and equitable development resources	COMPLETE
<b>Foster Administration-Wide Action</b>	Reconvene Interagency Working Group on EJ (IWG) at cabinet level	COMPLETE
	Conduct White House Forum and community listening sessions	COMPLETE
	Issue Memorandum of Understanding on EO 12898 and IWG codifying structured and focus areas, signed by IWG secretaries	COMPLETE
	Issue Promising Practices for EJ Methodologies in NEPA Review	COMPLETE
<b>Science Tools</b>	Develop assessment and mapping tools, including C-FERST/T-FERST	ONGOING
	Implement community cumulative assessment grants and Centers of Excellence in Health Disparities	COMPLETE
	Convene NEJAC research workgroup; respond to recommendations by initiating development of cross-cutting EJ Research Roadmap	COMPLETE
<b>Legal Tools</b>	Issue EJ Legal Tools document	COMPLETE
<b>Information Tools</b>	Develop EJSCREEN V1.0 for internal use	COMPLETE
	Issue public version of EJSCREEN	COMPLETE
<b>Resources Tools</b>	Establish one-stop "Resources for Communities" web portal	COMPLETE
	Develop technical assistance contract (TASC) and training enhancements	COMPLETE
<b>Tribal Policy</b>	Issue EPA Policy on EJ for Working with Federally Recognized Tribes and Indigenous Peoples	COMPLETE
<b>Training</b>	Complete mandatory EJ training for all employees	COMPLETE

# APPENDIX B: GLOSSARY

**Disproportionate Effects** - Term used in Executive Order 12898 to describe situations of concern where there exists significantly higher and more adverse health and environmental effects on minority populations, low-income populations or indigenous peoples.

**Environmental Justice (EJ)** - The fair treatment and meaningful involvement of all people regardless of race, color, culture, national origin, income, and educational levels with respect to the development, implementation, and enforcement of protective environmental laws, regulations, and policies.

**Fair Treatment** - The principle that no group of people, including a racial, ethnic or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences from industrial, municipal and commercial operations or the execution of federal, state, local and tribal programs and policies. In implementing its programs, EPA has expanded the concept of fair treatment to include not only consideration of how burdens are distributed across all populations, but the distribution of benefits as well.

**Indian Country** - As defined at 18 U.S.C. § 1151, (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

**Indigenous Peoples** - The term “indigenous peoples” includes state-recognized tribes; indigenous and tribal community-based organizations; individual members of federally recognized tribes, including those living on a different reservation or living outside Indian country; individual members of state-recognized tribes; Native Hawaiians; Native Pacific Islanders; and individual Native Americans.

**Low-Income** - A reference to populations characterized by limited economic resources. The US Office of Management and Budget has designated the Census Bureau’s annual poverty measure as the official metric for program planning and analysis, although other definitions exist.

**Meaningful Involvement** - Potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; the public’s contribution can influence the regulatory agency’s decision; the concerns of all participants involved will be considered in the decision-making process; the decision makers seek out and facilitate the involvement of those potentially affected.

**Minority Populations** - According to the U.S. Census Bureau, population of people who are not single-race white and not Hispanic. Populations of individuals who are members of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic.

**Overburdened Community** - Minority, low-income, tribal, or indigenous populations or geographic locations in the United States that potentially experience disproportionate environmental harms and risks. This disproportionality can be as a result of greater vulnerability to environmental hazards, lack of opportunity for public participation, or other factors. Increased vulnerability may be attributable to an accumulation of negative or lack of positive environmental, health, economic, or social conditions within these populations or places. The term describes situations where multiple factors, including both environmental and socio-economic stressors, may act cumulatively to affect health and the environment and contribute to persistent environmental health disparities.

**Tribes** - When used in this document, “tribes” refers to federally recognized tribes. Federally recognized tribes include any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1944, 25 U.S.C.479a.

# APPENDIX C: ACRONYMS

## EPA Headquarter Offices

OA	Office of the Administrator
OAR	Office of Air and Radiation
OCFO	Office of the Chief Financial Officer
OCR	Office of Civil Rights
OCSPP	Office of Chemical Safety and Pollution Prevention
OECA	Office of Enforcement and Compliance
OEJ	Office of Environmental Justice
OGC	Office of General Counsel
OITA	Office of International and Tribal Affairs
OLEM	Office of Land and Emergency Management
OP	Office of Policy
ORD	Office of Research and Development
OSC	Office of Sustainable Communities

## EPA Regional Offices

Region 1	Boston – serving CT, ME, MA, NH, RI and VT
Region 2	New York City – serving NJ, NY, Puerto Rico and the U.S. Virgin Islands
Region 3	Philadelphia – serving DE, DC, MD, PA, VA and WV
Region 4	Atlanta – serving AL, FL, GA, KY, MS, NC, SC and TN
Region 5	Chicago – serving IL, IN, MI, MN, OH and WI
Region 6	Dallas – serving AR, LA, NM, OK and TX
Region 7	Kansas City – serving IA, KS, MO and NE
Region 8	Denver – serving CO, MT, ND, SD, UT and WY
Region 9	San Francisco – serving AZ, CA, HI, NV, American Samoa, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, Guam, Marshal Islands and Republic of Palau
Region 10	Seattle – serving AK, ID, OR, WA and 271 native tribes

## TERMS

CARE	Community Action for a Renewed Environment
CCAT	Community Cumulative Assessment Tool
C-FERST	Community-Focused Environmental Risk Screening Tool
CPBR	Community-Based Participatory Research
CRN	Community Resource Network
DERA	Diesel Emissions Reduction Act
ECHO	Enforcement and Compliance History Online
ECOS	Environmental Council of the States
EIS	Environmental Impact Statement
EJ	Environmental Justice
EJ ADP	Guidance on Considering Environmental Justice During the Development of an Action
EJ 2020	Environmental Justice 2020 Action Agenda
ETEPs	EPA Tribal Environmental Plans
EO 12898	Executive Order 12898
GAP	Indian Environmental General Assistance Program
HIA	Health Impact Assessment
EJ IWG	Interagency Working Group on Environmental Justice
LGAC	Local Government Advisory Committee
MVD	Making a Visible Difference in Communities
NEJAC	National Environmental Justice Advisory Council
NEPA	National Environmental Policy Act
NPM	National Program Manager
PPA	Performance Partnership Agreement
PPG	Performance Partnership Grant
PM	Particulate Matter
SEP	Supplemental Environmental Project
T-FERST	Tribal-Focused Environmental Risk and Sustainability Tool

# ENDNOTES

1. A summary of the accomplishments of Plan EJ 2014's accomplishments can be found in Appendix A.
2. EPA often uses the term "overburdened" to describe situations where multiple factors, including both environmental and socio-economic stressors, act cumulatively to affect health and the environment. This concept is particularly useful for understanding the stressors that contribute to persistent environmental health disparities. See Glossary (Appendix B).
3. Notable state tools and approaches include: California's CalEnviroScreen, South Carolina's community engagement processes, Connecticut's community engagement program for permitting and New York's Brownfields area-wide planning program.
4. Next Generation Compliance is EPA's initiative to increase compliance with environmental regulations by using advances in pollutant monitoring and information technology combined with a focus on designing more effective regulations and permits to reduce pollution. See: <https://www.epa.gov/compliance/next-generation-compliance>.
5. Native people have been accumulating and valuing Traditional Ecological Knowledge for thousands of years. Traditional Ecological Knowledge can help confirm, support or further define scientific research for the benefit of the environment and human health.
6. In February 2016, the United States Supreme Court stayed the Clean Power Plan pending judicial review. States and stakeholders are under no obligation to comply with the Clean Power Plan while the stay is in effect. EPA firmly believes the Clean Power Plan will be upheld when the courts address its merits because the Clean Power Plan rests on strong scientific and legal foundations.
7. Available at <https://www.epa.gov/sites/production/files/2016-04/documents/ejscreencpp.pdf>
8. Next Generation Compliance -- a modern approach to compliance, taking advantage of new tools and approaches while strengthening vigorous enforcement of environmental laws to improve the effectiveness of our compliance program. It includes five strategies: 1) Design regulations and permits that are easier to implement, with a goal of improved compliance and environmental outcomes; 2) Use and promote advanced emissions/pollutant detection technology so that regulated entities, the government, and the public can more easily see pollutant discharges, environmental conditions, and noncompliance; 3) Shift toward electronic reporting to help make environmental reporting more accurate, complete, and efficient while helping EPA and co-regulators better manage information, improve effectiveness and transparency; 4) Expand transparency by making information more accessible to the public; and 5) Develop and use innovative enforcement approaches (e.g., data analytics) to achieve more widespread compliance.
9. National Environmental Justice Advisory Committee, 2004. [Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impact](#).
10. National Research Council, 2009. Science and Decisions: Advancing Risk Assessment. (Washington, DC: National Academy Press).
11. U.S. EPA, 2014. [Framework for Human Health Risk Assessment to Inform Decision Making](#).
12. Air, Climate and Energy, Safe and Sustainable Water Resources, Chemical Safety for Sustainability, Sustainable and Healthy Communities, Human Health Risk Assessment, and Homeland Security.
13. Researchers have also noted the importance of social determinants of health to community susceptibility, such as access to health care, affordable food, safe housing and green space, and stress due to poverty, overcrowding, noise and proximity to violence.
14. The study of heritable changes in gene function that occur without a change in the DNA sequence. [EPA Terms and Acronyms](#)
15. E-Enterprise for the Environment is a new model for collaborative leadership among environmental co-regulators. Working together, environmental leaders at EPA and states are utilizing the E-Enterprise model to simplify, streamline and modernize the implementation of our environmental programs. <http://www.epa.gov/e-enterprise/about-e-enterprise-environment>
16. The Community Resources Network, established as a key component of the Agency's Making a Visible Difference in Communities cross-agency strategy, is an internal network that promotes the development and coordination of community-based resources and best practices across all EPA programs and regions. It seeks to provide EPA staff with the tools needed to work effectively with and in communities.
17. [EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights](#) (February 2016)



18. The Office of the Chief Financial Officer and Region 9 are the program and regional leads for this area.
19. U.S. Centers for Disease Control and Prevention, 2011. Healthy Homes and Lead Poisoning Prevention Program (Report No. CS223978-C).
20. Lead service line replacement requirements in the Lead and Copper Rule extend to those lines that the public water systems controls. Lead service lines: any service line made of lead which connects the water main to the building inlet and any lead pigtail, gooseneck or other fitting connected to such a lead line. (40 CFR § 141.2). EPA defined control as equating to ownership of the line (65 Fed. Reg.; January, 12 2000; p. 1963). While public water systems are responsible for replacing the lead service lines they own, they are not required to replace privately-owned portions. For these portions, they must notify the owner that the system is replacing its portion, and offer to replace the owner's portion of the line at the owner's expense. Public water systems are not required to replace privately-owned portions if owners refuse to pay for their portion of the replacement. (Notification and Reporting Requirements for Partial Lead Service Line Replacement under the Lead and Copper Rule. April 2000. EPA 815-R-99-022).
21. Community Water Systems supply water to the same population year-round; <https://www.epa.gov/dwreginfo/information-about-public-water-systems>
22. Does not include private drinking water wells, as EPA does not have regulatory authority in this area; <https://www.epa.gov/privatewells/about-private-water-wells>
23. Based on current (2012-2014) air quality data, almost 40% of the percentage of low-income people living in counties with air quality above PM2.5 standards are in one county (Los Angeles County, CA). Given the dominance of this one county, it may be appropriate to report the results for Los Angeles County separately.
24. This second measure provides information on the improvement in air quality in counties not meeting the PM2.5 NAAQS. It relies on the calculated design value, which is a statistic that describes the air quality status of a given location relative to the level of the NAAQS.
25. EPA's prior review and revision of the PM NAAQS was completed in 2006 which resulted in strengthening the 24-hour PM2.5 standards. On November 13, 2009, EPA designated 31 areas as nonattainment for the 2006 24-hour PM2.5 standards based on 2006-2008 data.
26. The PM standards will be reviewed and potentially revised again (if appropriate) before 2025. Any potential revision will not be included in this goal, but incorporated into potential future measures.
27. Bullard, Robert D., Mohai, Paul, Saha, Robin, Wright, Beverly. 2007. Toxic Wastes and Race at Twenty: 1987-2007. (Cleveland, OH: United Church of Christ).



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