

Plan EJ 2014



Plan EJ 2014 is EPA's roadmap for integrating environmental justice into its programs and policies.

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EPA
Plan EJ 2014

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Office of Environmental Justice
U.S. Environmental Protection Agency
Washington, D.C. 20460

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A message from...

EPA Administrator Lisa P. Jackson



Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency

Dear Colleagues:

Expanding the conversation on environmentalism and working for environmental justice are among my top priorities for our work at the U.S. Environmental Protection Agency. All too often, low-income, minority and tribal Americans live in the shadows of the worst pollution, facing disproportionate health impacts and greater obstacles to economic growth in communities that cannot attract businesses and new jobs.

In 1994, President Bill Clinton issued an executive order directing all federal agencies to participate in a governmentwide effort to address environmental justice issues. To strengthen our efforts in anticipation of the 20th anniversary of that directive and to ensure that the EPA is setting a standard for all other agencies, I am pleased to share our comprehensive environmental justice strategy *Plan EJ 2014*.

Plan EJ 2014 builds on the solid foundation we have established at the EPA to expand the conversation on environmentalism. Since my first days as Administrator, I have traveled the country to meet with diverse communities and listen to their concerns. And I am committed to making environmental justice an essential part of our decision making.

Plan EJ 2014 offers a road map that will enable us to better integrate environmental justice and civil rights into our programs, policies and daily work. The plan focuses on agencywide areas critical to advancing environmental justice, including rulemaking, permitting, compliance and enforcement, community-based programs and our work with other federal agencies. It also establishes specific milestones to help us meet the needs of overburdened neighborhoods through our decision making, scientific analysis and rulemaking.

Every American deserves clean air, water and land in the places where they live, work, play and learn. Through our implementation of *Plan EJ 2014*, the EPA will be leading by example in expanding the conversation on environmentalism and working for environmental justice – now and into the future.

I am proud to be a part of this effort and ask you to join me as we strengthen our mission to protect the health of all Americans.

Sincerely,
Lisa P. Jackson

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EXECUTIVE SUMMARY

In January 2010, Administrator Lisa P. Jackson made Expanding the Conversation on Environmentalism and Working for Environmental Justice an Agency priority. This priority was incorporated into the U.S. Environmental Protection Agency's (EPA) Strategic Plan for 2011-2015. To implement this priority, EPA developed Plan EJ 2014 as the Agency's roadmap for integrating environmental justice into its programs, policies, and activities. This priority recognizes that Title VI of the Civil Rights Act and EPA's civil rights program is a critical component in advancing environmental justice.

Plan EJ 2014, which is meant to mark the 20th anniversary of the signing of Executive Order 12898 on environmental justice, is EPA's overarching strategy for advancing environmental justice. It seeks to:

- Protect the environment and health in overburdened communities.
- Empower communities to take action to improve their health and environment.
- Establish partnerships with local, state, tribal, and federal governments and organizations to achieve healthy and sustainable communities.



In July 2010, EPA introduced Plan EJ 2014 as a concept for public comment and initiated the development of implementation plans. This product is the culmination of nearly a year's effort by EPA programs and regions, as well as engagement with stakeholders, to develop nine implementation plans with the goals, strategies, deliverables, and milestones outlined herein. Plan EJ 2014 has three major sections: Cross-Agency Focus Areas, Tools Development Areas, and Program Initiatives. The following summaries outline the implementation plans for Plan EJ 2014's five cross-Agency Focus Areas and four Tools Development Areas.

Cross-Agency Focus Areas

Incorporating Environmental Justice into Rulemaking Goal

To more effectively protect human health and the environment for overburdened populations by developing and implementing guidance on incorporating environmental justice into EPA's rulemaking process.

Strategies

1. Finalize the *Interim Guidance on Considering Environmental Justice During the Development of an Action*.
2. Facilitate and monitor implementation of guidance on incorporating environmental justice into rulemaking.
3. Develop technical guidance on how to conduct environmental justice assessments of rulemaking activities.

Considering Environmental Justice in Permitting

Goal

To enable overburdened communities to have full and meaningful access to the permitting process and to develop permits that address environmental justice issues to the greatest extent practicable under existing environmental laws.

Strategies

1. Develop tools that will enhance the ability of overburdened communities to participate fully and meaningfully in the permitting process.
2. Concurrent with Strategy 1, develop tools to assist permitting authorities to meaningfully address environmental justice in permitting decisions.
3. Implement these tools at EPA and work with others to do the same.

Advancing Environmental Justice through Compliance and Enforcement

Goal

To fully integrate consideration of environmental justice concerns into the planning and implementation of the Office of Enforcement and Compliance Assurance's (OECA) program strategies, case targeting strategies, and development of remedies in enforcement actions to benefit overburdened communities.

Strategies

1. Advance environmental justice goals through selection and implementation of National Enforcement Initiatives.
2. Advance environmental justice goals through targeting and development of compliance and enforcement actions.
3. Enhance use of enforcement and compliance tools to advance environmental justice goals in regional geographic initiatives to address the needs of overburdened communities.
4. Seek appropriate remedies in enforcement actions to benefit overburdened communities and address environmental justice concerns.
5. Enhance communication with affected communities and the public regarding environmental justice concerns and the distribution and benefits of enforcement actions, as appropriate.

Supporting Community-Based Action Programs

Goal

To strengthen community-based programs to engage overburdened communities and build partnerships that promote healthy, sustainable, and green communities.

Strategies

1. Advance environmental justice principles by building strong state and tribal partnerships through the National Environmental Performance



Partnership System (NEPPS) and the National Program Manager (NPM) guidance.

2. Identify scalable and replicable elements of successful Agency community-based programs and align multiple EPA programs to more fully address the needs of overburdened communities.
3. Promote an integrated One EPA presence to better engage communities in the Agency's work to protect human health and the environment.
4. Foster community-based programs modeled on the Community Action for a Renewed Environment (CARE) principles.
5. Explore how EPA funding, policies, and programs can inform or help decision makers to maximize benefits and minimize adverse impacts from land use decision making, planning, siting, and permitting.
6. Promote equitable development opportunities for all communities.

Fostering Administration-Wide Action on Environmental Justice Goal

To facilitate the active involvement of all federal agencies in implementing Executive Order 12898 by minimizing and mitigating disproportionate, negative impacts while fostering environmental, public health, and economic benefits for overburdened communities.

Strategies

1. Assist other federal agencies in integrating environmental justice in their programs, policies, and activities.
2. Work with other federal agencies to strengthen use of interagency legal tools, i.e., National Environmental Policy Act and Title VI of the Civil Rights Act of 1964.
3. Foster healthy and sustainable communities, with an emphasis on equitable development and place-based initiatives.
4. Strengthen community access to federal agencies.





Tools Development Areas

Science

Goal

To substantially support and conduct research that employs participatory principles and integrates social and physical sciences aimed at understanding and illuminating solutions to environmental and health inequalities among overburdened populations and communities in the United States. All Agency decisions will make use of the information, data, and analytic tools produced.

Strategies

1. Apply integrated transdisciplinary and community-based participatory research approaches with a focus on addressing multi-media, cumulative impacts and equity in environmental health and environmental conditions.
2. Incorporate perspectives from community-based organizations and community leaders into EPA research agendas and engage in collaborative partnerships with them on science and research to address environmental justice.
3. Leverage partnerships with other federal agencies on issues of research, policy, and action to address health disparities.
4. Build and strengthen the technical capacity of Agency scientists on conducting research and related science activities in partnership with impacted communities and translating research results to inform change.
5. Build and strengthen technical capacity of community-based organizations and community environmental justice and health leaders to address environmental health disparities and environmental sustainability issues.

Law

Goal

To provide legal assistance to EPA policy makers and other Agency decision makers to advance their environmental justice objectives.

Strategy

Provide legal support to each Plan EJ 2014 cross-Agency Focus Area workgroup.

Information

Goal

To develop a more integrated, comprehensive, efficient, and nationally consistent approach for collecting, maintaining, and using geospatial information relevant to potentially overburdened communities.

Strategies

1. Develop EPA's GeoPlatform.
2. Develop a nationally consistent environmental justice screening tool.
3. Incorporate appropriate elements of the environmental justice screening tool into the GeoPlatform.

Resources

Grants and Technical Assistance Goal

To develop an efficient and effective system for delivering financial and technical assistance to communities to empower them to improve their health and environment.

Strategies

1. Increase transparency and efficiency in providing community-based grant opportunities.
2. Improve delivery of technical assistance to communities.
3. Strengthen grants training for communities.
4. Improve community awareness of grant competition process.
5. Revise grant policies that are unduly restrictive.
6. Encourage legal and program offices to dialog on community-based grant opportunities.
7. Improve timeliness of Brownfields Grant Awards.

Workforce Diversity Goal

To achieve an inclusive work environment by developing an efficient system for the outreach and recruitment of potential employees.

Strategies

1. Increase the diverse pool of qualified applicants.
2. Operate under an integrated One EPA approach for recruitment and outreach.



Program Initiatives

Program Initiatives will focus on specific EPA programs. Many existing EPA programs actively pursue environmental justice goals or produce benefits for overburdened communities. Examples of such initiatives include: Community Engagement Initiative (Office of Solid Waste and Emergency Response), Urban Waters (Office of Water), National Enforcement Initiatives (Office of Enforcement and Compliance Assurance), Air Toxics Rules (Office of Air and Radiation), and the U.S. Mexico Border Program (Office of International and Tribal Affairs). Over the next year, EPA will designate at least one initiative per appropriate program for inclusion in Plan EJ 2014. In this way, many existing EPA initiatives can be tailored to better integrate environmental justice and produce greater benefits for overburdened communities.

Civil Rights

One effort already under way is implementing Administrator Jackson's priority to improve EPA's civil rights program. Complying with EPA's statutory civil rights obligations is a critical part of our efforts to advance environmental justice. Administrator Jackson has made improving EPA's civil rights program a priority. As part of this effort, EPA is pursuing long overdue, vigorous, robust, and effective implementation of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes. EPA is committed to protecting people from discrimination based on race, color, or national origin in programs or activities that receive EPA's financial assistance.

Conclusion

Through Plan EJ 2014, EPA intends to develop a suite of tools to integrate environmental justice and civil rights into its programs, policies, and activities. It seeks to build stronger relationships with communities overburdened by environmental and health hazards and build partnerships that improve conditions in such communities. In 2014, EPA will make an assessment of its progress in achieving the goals of Plan EJ 2014. Based on this assessment, EPA will produce a report on the accomplishments, lessons learned, challenges, and next steps for continuing the Agency's efforts to make environmental justice an integral part of every decision.



1.0 INTRODUCTION

For far too long, many minority, low-income, tribal, and indigenous people in the United States have experienced higher levels of environmental pollution and other social and economic burdens. These overburdened communities¹ have generally viewed environmentalism and environmental protection as a distant calling. These burdens have led to poorer health outcomes, as well as fewer financial or advocacy opportunities to pursue many productive activities, including “greening” their communities.



In January 2010, U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson made Expanding the Conversation on Environmentalism and Working for Environmental Justice one of EPA’s priorities. The Administrator has directed the Agency to address the needs of overburdened communities by decreasing environmental burdens, increasing environmental benefits, and working alongside them to build healthy, sustainable, and green communities. This priority recognizes that Title VI of the Civil Rights Act and EPA’s civil rights program is a critical component in advancing environmental justice. The Administrator’s priority heralds “a new era of outreach and protection for communities historically underrepresented in EPA decision making” and calls for “include[ing] environmental justice principles in all of our decisions.”²

February 2014 will mark the 20th anniversary of the Clinton Administration’s Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (EO 12898). EO 12898 calls on each federal agency to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities...”³ In recognition of this anniversary, EPA has developed Plan EJ 2014, a comprehensive strategy to guide the Agency in developing stronger relationships with communities and increasing efforts to improve the environmental conditions and public health in overburdened communities. In July 2010, EPA introduced Plan EJ 2014 as a concept for public comment and initiated the development of implementation plans. This product is the culmination of nearly a year’s effort by EPA programs and regions, as well as engagement with stakeholders, to develop nine implementation plans with the goals, strategies, deliverables, and milestones outlined herein.

¹ In Plan EJ 2014, EPA uses the term “overburdened” to describe the minority, low-income, tribal, and indigenous populations or communities in the United States that potentially experience disproportionate environmental harms and risks as a result of greater vulnerability to environmental hazards. This increased vulnerability may be attributable to an accumulation of both negative and lack of positive environmental, health, economic, or social conditions within these populations or communities.

² Jackson, Lisa P., “Seven Priorities for EPA’s Future.” January 12, 2010. Available at: <http://blog.epa.gov/administrator/2010/01/12/seven-priorities-for-epas-future/>.

³ Clinton, William J., Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” February 11, 1994, *Federal Register* 59, No. 32: 7629.

1.1 Achieving Environmental Justice Priorities

Achieving environmental justice is an integral part of EPA's mission to protect human health and the environment. EPA works to ensure that all Americans are protected from significant risks to human health and the environment where they live, learn, and work, by enforcing federal laws protecting human health and the environment fairly and effectively and using the best available science. EPA also works to ensure that all parts of society have access to accurate information sufficient to effectively participate in managing human health and environmental risks. Lastly, EPA works to ensure that environmental protection contributes to making our communities and ecosystems diverse, sustainable, and economically productive. EPA has identified three overarching goals for its work on environmental justice:

- Protect the environment and health in overburdened communities.
- Empower communities to take action to improve their health and environment.
- Establish partnerships with local, state, tribal, and federal governments and organizations to achieve healthy and sustainable communities.



The Administrator's priority on environmental justice encourages EPA to identify better ways to address the issues facing many minority, low-income, tribal, and indigenous people regarding environmental and health concerns. To ensure environmental justice is incorporated into all activities, EPA has included specific language in its Fiscal Year (FY) 2011-2015 Strategic Plan Cross-Cutting Fundamental Strategy: Working for Environmental Justice and Children's Health: "Environmental justice and children's health protection will be achieved when all Americans, regardless of age, race, economic status, or ethnicity, have access to clean water, clean air, and healthy communities."⁴ In addition, EPA recognizes that complying with its statutory obligations under Title VI of the Civil Rights Act of 1964 and other nondiscrimination laws is a critical part of integrating environmental justice in all Agency programs, policies, and activities.

The Agency will use a variety of approaches to meet this commitment, including regulation, enforcement, research, outreach, community-based programs, and partnerships to protect children and disproportionately impacted, overburdened populations from environmental and human health hazards. EPA anticipates that leadership in advancing environmental justice and children's health protection will inspire and engage a broad spectrum of partners in the public and private sector to do the same. The activities outlined in Plan EJ 2014 support EPA's environmental justice commitments in this Cross-Cutting Fundamental Strategy.

⁴ U.S. Environmental Protection Agency, *FY 2011-2015 EPA Strategic Plan: Achieving Our Vision*, September 30, 2010. Available at: <http://www.epa.gov/planandbudget/strategicplan.html>.



1.2 Definition of Environmental Justice

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.⁵

Fair Treatment means that no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.

Meaningful Involvement means that: (1) potentially affected community members have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public’s contribution can influence the regulatory agency’s decision; (3) the concerns of all participants involved will be considered in the decision-making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected. In the Agency’s implementation of environmental justice, EPA has expanded the concept of fair treatment to include not only the consideration of how burdens are distributed across all populations, but also how benefits are distributed. For example, the *Agency’s Interim Guidance on Considering Environmental Justice During the Development of an Action* encourages the evaluation of the distribution of burdens by paying special attention to populations that have historically borne a disproportionate share of environmental harms and risk. At the same time, it encourages Agency staff to look at the distribution of the positive environmental and health consequences from our activities.

EPA also recognizes that it has statutory obligations to comply with Title VI of the Civil Rights Act of 1964 and other nondiscrimination laws. Title VI prohibits discrimination on the basis of race, color, or national origin in all programs or activities receiving federal financial assistance. The Supreme Court has ruled that Title VI authorizes federal agencies, including EPA, to adopt implementing regulations that prohibit discriminatory effects as well as intentional discrimination. EPA has established such regulations. Title VI allows persons to file administrative complaints with federal departments and agencies alleging discrimination by financial assistance recipients. The Office of Civil Rights (OCR) has the responsibility within EPA to process and review Title VI administrative complaints.⁶ In the Presidential Memorandum accompanying EO 12898, President Clinton pointed to civil rights statutes as an important tool for achieving the goals of the environmental justice executive order.⁷

⁵ U.S. Environmental Protection Agency, *Interim Guidance on Considering Environmental Justice During the Development of an Action*. Available at:

<http://www.epa.gov/compliance/ej/resources/policy/considering-ei-in-rulemaking-guide-07-2010.pdf>.

⁶ For a description of EPA’s Program to Implement Title VI of the Civil Rights Act of 1964, see:

<http://www.epa.gov/civilrights/t6home.htm>.

⁷ Clinton, William J., Presidential Memorandum Accompanying Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” Available at: http://www.epa.gov/environmentaljustice/resources/policy/clinton_memo_12898.pdf.

2.0 PLAN EJ 2014

Plan EJ 2014 is a roadmap to help EPA integrate environmental justice into its programs, policies, and activities. The Plan is organized into three sections: Cross-Agency Focus Areas, Tools Development Areas, and Program Initiatives.



Cross-Agency Focus Areas address cross-cutting issues or functions that require work by all programs or agencies and serve to advance environmental justice across EPA and the federal government. They require a unified Agency approach toward policy and guidance development. Many issues also require coordination among multiple federal agencies. Community engagement and empowerment, with continuous input from communities and all stakeholders, will help shape the planning and implementation of Plan EJ 2014 initiatives.

1. Cross-Agency Focus Areas

EPA has identified five cross-Agency Focus Areas:

- Incorporating Environmental Justice into Rulemaking.
- Considering Environmental Justice in Permitting.
- Advancing Environmental Justice through Compliance and Enforcement.
- Supporting Community-Based Action Programs.
- Fostering Administration-Wide Action on Environmental Justice.

2. Tools Development Areas

Tools Development will focus on developing the methods, mechanisms, and systems that support environmental justice analysis, technical assistance, and community work. Plan EJ 2014 has identified four areas for tools development:

- Science.
- Law.
- Information.
- Resources.

3. Program Initiatives

Program Initiatives will focus on specific EPA programs. EPA's programs are designed primarily to carry out the nation's environmental protection statutes, such as the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act. Certain EPA programs are organized by media, such as air, water, and soil. Others are organized to address cross-Agency functions, such as enforcement, research, and information. Under Plan EJ 2014, each EPA National Program Manager (NPM) will identify programs that benefit communities with environmental justice concerns.



2.1 Plan EJ 2014's Organizational Structure

EPA's programs and regions have assumed principal responsibility for leading at least one cross-Agency Focus or Tools Development Area in Plan EJ 2014. They have dedicated senior management and established a staff level workgroup to carry out this responsibility. This approach ensures that all program offices and regions bring their programmatic resources and expertise to advancing environmental justice goals. It also develops expertise in environmental justice throughout all Agency programs and regions. The table below delineates each element and its respective lead offices and regions.

PLAN EJ 2014 ELEMENT	LEAD PROGRAM OFFICES AND REGIONS
Incorporating Environmental Justice in Rulemaking	Office of Chemical Safety and Pollution Prevention; Office of Policy; Office of Research and Development; Office of Environmental Justice; Region 9
Considering Environmental Justice in Permitting	Office of Air and Radiation; Office of General Counsel; Region 1
Advancing Environmental Justice through Compliance and Enforcement	Office of Enforcement and Compliance Assurance; Region 5
Supporting Community-Based Programs	Office of Solid Waste and Emergency Response; Regions 2, 3, 4
Fostering Administration-Wide Action on Environmental Justice	Office of Water; Region 6
Science Tools Development	Office of Research and Development; Region 7
Legal Tools Development	Office of General Counsel; Region 5
Information Tools Development	Office of Policy; Office of Environmental Information; Regions 3, 8, 9, 10
Resources Tools Development	Office of Administration and Resource Management

This organizational structure constitutes an important step for achieving the Agency's environmental justice program vision that all Program Offices and Regions will integrate and address issues of environmental justice in EPA's programs and policies as part of their day-to-day business. The Office of Environmental Justice (OEJ) serves as the focal point for facilitating that integration through building capacity, promoting accountability, incorporating the community's voice, and promoting Agency action on critical environmental justice issues.

2.2 Implementation Plans

Each cross-Agency Focus or Tools Development Area in Plan EJ 2014 has an implementation plan, which is built around the following elements: goals, strategies, activities, deliverables, and milestones. The implementation plans will be used to track results and perform ongoing monitoring and reporting of accomplishments. These elements are defined as follows:

- **Goals:** The projected state of affairs or condition that the implementation plan intends to achieve.
- **Strategies:** Systematic action designed to achieve the stated goal.
- **Activities:** Specific actions to implement the strategies identified.
- **Deliverables:** Results of the activities identified, which could include processes, products, outputs, or changes in conditions (including environmental outcomes).
- **Milestones:** Target dates for completion of the deliverables identified.

In addition to supporting EPA's current strategic plan, Plan EJ 2014 will align with two other important EPA and federal government initiatives:

1. EPA's Community-Based Coordination Project is designed to improve the effectiveness of EPA's place-based community programs by improving management of information about EPA's programs, community access to EPA resources, targeting EPA's resources to communities most in need, and establishing a basis for coordinating this work with other federal agencies.
2. The Federal Interagency Working Group on Environmental Justice (EJ IWG) was established by EO 12898 in 1994 and reconvened in September 2010. The EJ IWG serves as a clearing house for guidance to and lessons learned by federal agencies on integrating environmental justice into their programs. The EJ IWG will also coordinate the development and implementation of interagency collaborative efforts.



2.3 Community Engagement and Stakeholder Outreach

Plan EJ 2014 also seeks to advance the Administrator's commitment to expanding the conversation on environmentalism to groups historically underrepresented in the environmental decision-making process. Our goals for stakeholder engagement are as follows:

- To work with champions to foster greater understanding of Plan EJ 2014's vision, priorities, and desired outcomes among all stakeholders, inside and outside the Agency.
- To obtain a broad range of stakeholder views in the development and implementation of Plan EJ 2014.
- To communicate Plan EJ 2014's vision, activities, results, and subsequent revisions to stakeholders, partners, and other audiences in a consistent and dynamic way.

- To facilitate the development of partnerships with and among EPA's stakeholders to achieve Plan EJ 2014's goals and translate them into lasting results.

Public input played a significant role in developing the elements of Plan EJ 2014. EPA convened multiple community forums and listening sessions in the process of developing Plan EJ 2014. It requested that the National Environmental Justice Advisory Council (NEJAC) provide recommendations on Plan EJ 2014. EPA, along with its federal partners, plans to continue conducting community listening sessions and stakeholder dialogues throughout the country. Each implementation plan workgroup is responsible for developing and carrying out a community engagement and stakeholder outreach plan. In addition, OCR plans to issue a Limited English Proficiency (LEP) Order by November 2011 to ensure that all EPA programs and activities meet federal LEP requirements.

2.4 Reporting

EPA has made a commitment to provide progress reports and update the implementation plans. To coincide with its Strategic Plan, EPA will issue annual reports on Plan EJ 2014 at the end of the fiscal year. Every October, OEJ will coordinate posting of reports on Plan EJ 2014. These documents will be available on EPA's website:

www.epa.gov/environmentaljustice/plan-ej/index.html.

For information on Plan EJ 2014 and how to get involved, please contact Charles Lee, Deputy Associate Assistant Administrator for Environmental Justice, 202-564-2440, Lee.Charles@epa.gov.



3.0 CROSS-AGENCY FOCUS AREAS

This section provides summaries of Plan EJ 2014's five cross-Agency Focus Areas and their implementation plans. These areas involve issues related to rulemaking, permitting, enforcement, community-based action, and Administration-wide action.

3.1 Incorporating Environmental Justice into Rulemaking

Plan EJ 2014 calls upon EPA to develop and implement guidance to incorporate environmental justice into the fabric of its rulemaking process. EPA's authority to create and enforce regulations that put our nation's environmental laws into effect is one of the Agency's most important and powerful tools for protecting our environment and the health of our people. EPA's regulations cover a range of environmental and public health issues, from setting standards for clean water to controlling air pollution from industry and other sources. EPA's regulatory authority combined with the mandates of EO 12898 charge EPA with responsibility to ensure that, as we develop Agency actions, we consider environmental justice issues during the Agency's rulemaking process.

EPA achieved a significant milestone in incorporating environmental justice into its rulemaking process by issuing the *Interim Guidance on Incorporating Environmental Justice During the Development of an Action* (Environmental Justice in Rulemaking Guidance) in July 2010. This guidance calls upon Agency rule writers and decision makers to consider environmental justice throughout all phases of a rule's development – known as the Action Development Process (ADP) – from the point of its inception through all the stages leading to promulgation and implementation. EPA is also developing technical guidance to assist rule writers and decision makers in determining how to analyze and incorporate environmental justice in the Agency's rulemaking processes.





Implementation Plan Summary

Goal

To more effectively protect human health and the environment for overburdened populations by developing and implementing guidance to incorporate environmental justice into EPA's rulemaking process.

Strategies & Activities

Developing Environmental Justice Analysis for the Definition of Solid Waste Rule

After EPA finalized the 2008 Definition of Solid Waste (DSW) rule, the Agency committed to perform an expanded environmental justice analysis in response to concerns raised by citizens and other stakeholders about the rule's potential impact on communities. The EPA developed an innovative methodology that incorporated sound science and community engagement.

EPA began by soliciting input from the public through roundtables, conference calls, and webinars to get their thoughts on how to best conduct the analysis. The Agency identified potential hazards that may pose risks to communities from the recycling of hazardous secondary materials and the facilities that may take advantage of the 2008 DSW rule. The facility locations were then mapped against demographics of the surrounding communities. EPA synthesized the information and determined that certain population groups would be disproportionately impacted by the increased risk of adverse impacts under the 2008 DSW rule.

EPA incorporated these considerations in the revised proposed rule, signed June 30, 2011, to mitigate these potential adverse impacts, as allowed under applicable authorities. In addition, EPA has taken steps in implementing the DSW rule that also help mitigate these impacts. These steps include closely monitoring the facilities notifying under the rule, working with the states and EPA Regions to ensure they have the information they need to ensure compliance with the provisions of the rule, and making available to the public information about the facilities that have notified.

Strategy 1: Finalize the Interim Guidance on Considering Environmental Justice During the Development of an Action.

- **Activity 1.1:** Announce April closure of public comment period via Environmental Justice Listserv.
- **Activity 1.2:** Review internal and external comments provided during the Interim Final Guidance's implementation period.
- **Activity 1.3:** Review documents produced by and interview members of EPA rule writing workgroups.
- **Activity 1.4:** Revise and release Environmental Justice in Rulemaking Guidance document.

Strategy 2: Facilitate and monitor implementation of guidance on incorporating environmental justice into rulemaking.

- **Activity 2.1:** Distribute model training presentations to Agency and NPM and Region-specific regulation development and ADP trainers.
- **Activity 2.2:** Initiate a continuous learning effort to identify effective practices and lessons learned from the Agency's ongoing rulemaking efforts.
- **Activity 2.3:** Develop and commence implementing a monitoring scheme to assess the extent to which the guidance is being applied, the resources being devoted to its application, and the effect it is having on rulemaking decisions.

Strategy 3: Develop technical guidance on how to conduct environmental justice assessments of rulemaking activities.

- **Activity 3.1:** Establish a cross-Agency Environmental Justice Technical Guidance Workgroup.
- **Activity 3.2:** Tier the Environmental Justice Technical Guidance as a Tier 1 Action in the Action Development Process.
- **Activity 3.3:** Develop draft technical guidance on incorporating environmental justice in rulemaking.
- **Activity 3.4:** Conduct internal and external review of draft technical guidance on incorporating environmental justice in rulemaking.
- **Activity 3.5:** Develop and release final technical guidance on incorporating environmental justice in rulemaking.



3.2 Considering Environmental Justice in Permitting

Many federal environmental statutes rely heavily on permits to deliver the environmental protection results that are the goal of our federal environmental laws. These permits play a key role in providing effective protection of public health and the environment in communities. Building upon the Agency’s efforts to incorporate environmental justice concerns in rules, Plan EJ 2014 calls upon EPA to consider environmental justice concerns during the permitting process. EPA will develop and implement tools to: (1) enhance the ability of overburdened communities to participate fully and meaningfully in the permitting process, and (2) assist permitting authorities to meaningfully address environmental justice issues in permitting decisions to the greatest extent practicable.

To achieve our goals, the Environmental Justice Permitting Initiative will “identify and develop tools to support the consideration of environmental justice during implementation of permitting programs” to reduce “exposures for those at the greatest risk,” as stated in the FY 2011-2015 EPA Strategic Plan, Cross-Cutting Fundamental Strategy: Working for Environmental Justice and Children’s Health.⁸ Initially, the Agency will focus on EPA-issued permits that provide the best current opportunities for taking environmental justice concerns into consideration. In this way, EPA can make short-term progress and gain valuable lessons for subsequent efforts. In the long term, EPA will focus on permits issued pursuant to federal environmental laws (i.e., federal, state, or tribal) that enable the Agency to address the complex issue of cumulative impacts from exposure to multiple sources and existing conditions.

⁸ U.S. Environmental Protection Agency, *FY 2011-2015 EPA Strategic Plan: Achieving Our Vision*, September 30, 2010. Available at: <http://www.epa.gov/planandbudget/strategicplan.html>.

Implementation Plan Summary

Goal

To enable overburdened communities to have full and meaningful access to the permitting process and to develop permits that address environmental justice issues to the greatest extent practicable under existing environmental laws.

Strategies

Strategy 1: *Develop tools that will enhance the ability of overburdened communities to participate fully and meaningfully in the permitting process.*

Strategy 2: *Concurrent with Strategy 1, develop tools and to assist permitting authorities to meaningfully address environmental justice in permitting decisions.*

Strategy 3: *Implement these tools at EPA and work with others to do the same.*

Activities

For each strategy, EPA will undertake the following activities:

Activity 1: Conduct initial internal

research to begin to create a preliminary list of potential tools and finalize the implementation plan (March-June 2011, Completed).

- **Activity 1.1:** Conduct an initial literature review – including a review of previous NEJAC papers, publications and other recommendations – to identify an initial list of existing and needed tools.
- **Activity 1.2:** Convene a cross-Agency workgroup.
- **Activity 1.3:** Review and evaluate the permitting process for a minimum of three federal permits with environmental justice considerations to use as case studies to identify existing and needed tools. The workgroup reviewed the permitting process for three federal permits and will continue to review other permits to solicit lessons learned and guide our next steps.
- **Activity 1.4:** Coordinate overlapping strategies with other Plan EJ 2014 elements and consider integrating and leveraging activities between them.
- **Activity 1.5:** Issue the final implementation plan.

Conducting Public Participation to Develop Permitting Tools

The Environmental Justice and Permitting Initiative Workgroup (Workgroup) is exploring ways to enable overburdened communities to have full and meaningful access to the permitting process and to ensure that the Agency develops permits that address environmental justice issues to the greatest extent practicable. As part of this effort, the Workgroup is conducting extensive public outreach to identify best practices and needed tools, such as guidance, checklists, reports, case studies, mapping tools, and trainings. In June 2011, the Workgroup conducted listening sessions for a host of stakeholder groups, including state and local governments, business and industry, environmental groups, tribes, and community groups. One listening session was conducted entirely in Spanish.

The Workgroup repeatedly heard about the need for early and meaningful public engagement. Its members were impressed and inspired by the information they received about Connecticut, Illinois, and Pennsylvania's Enhanced/Environmental Justice Public Participation Policies. The Workgroup is drafting guidance to enhance the public participation process for EPA-issued permits and strongly encourages facilities to host pre-application meetings with local communities. The Workgroup's hope is that this guidance will be used across the EPA, as well as by other federal agencies and states in their respective permit processes.



Activity 2: Solicit initial existing and recommended tools from internal and external stakeholders.

Activity 3: Create an initial list of priority tools and corresponding deliverables for Year 1.

Activity 4: Develop, test, and finalize priority tools for EPA-issued permits.

- **Activity 4.1:** Develop priority tools that need to be developed, amend existing tools, and identify those ready for potential immediate use at EPA.
- **Activity 4.2:** Identify opportunities to test the draft tools through ongoing permit activities.
- **Activity 4.3:** Solicit comments both internally and externally on the draft tools.
- **Activity 4.4:** Incorporate comments and finalize tools.

Activity 5: Determine the best format(s) or vehicle(s) to convey and implement the final tools (guidance, policy, rulemaking, etc.).

Activity 6: Create a more detailed timeline for FY 2012-2014 deliverables for the workgroup.

3.3 Advancing Environmental Justice through Compliance and Enforcement

EPA is committed to taking action to further ensure that our most overburdened communities are given particular consideration as we implement the Agency's enforcement and compliance program. Through Plan EJ 2014, the Office of Enforcement and Compliance Assurance (OECA) intends to focus and accelerate our efforts to identify, assess, and address environmental justice concerns in these communities when developing and implementing OECA's program strategies, civil and criminal enforcement activities, and compliance activities. Our goal for the next three years is to fully integrate consideration of environmental justice concerns into the planning and implementation of OECA's program strategies, case targeting strategies, and development of remedies in enforcement actions to benefit these communities. We also plan to accelerate our ongoing efforts to communicate more effectively with these communities about our enforcement actions and program activities. Through these efforts, we hope to further advance the Agency's environmental justice goals of fair treatment and meaningful involvement of communities.

Plan EJ 2014 calls upon EPA to accelerate its ongoing efforts to give full consideration to environmental justice issues when developing and implementing its enforcement program strategies. For example, OECA selected National Enforcement Initiatives for FY 2011-2013 that include taking action against sewer overflows, Concentrated Animal Feeding Operations (CAFO) that discharge manure to surface or ground waters, and facilities that emit excessive amounts of air toxics. These types of facilities



and pollution problems often have a disproportionate impact on minority, low-income, tribal, or indigenous communities. OECA and the regions, working with the U.S. Department of Justice (DOJ), are also pressing for remedies in enforcement cases that benefit communities overburdened by illegal pollution. OECA will also make additional efforts to provide information to overburdened communities about enforcement actions that affect those communities, and to provide meaningful opportunities for community input on the remedies sought in those enforcement actions.

Implementation Plan Summary

Enforcing the Clean Water Act

An EPA enforcement settlement in December 2010 requires that the Cleveland-area Northeast Ohio Regional Sewer District take steps to stop the flow of untreated sewage into local waterways and Lake Erie. Among other requirements, the District is required to take several specific steps to address concerns in overburdened communities. For example, the District must reduce pollutant discharges much more quickly in these areas.

In addition, several vacant lands will be transformed into green space and recreational areas to help capture storm water discharges, perhaps leading to increased property values and employment opportunities. Also, the District will operate a household hazardous waste collection center each month as a supplemental environmental project, providing local citizens with a place to properly dispose of used motor oil, paints, batteries, and other items that could otherwise end up in storm water discharges.

Goal

To fully integrate consideration of environmental justice concerns into the planning and implementation of OECA's program strategies, case targeting strategies, and development of remedies in enforcement actions to benefit overburdened communities over the next three years.

Strategies & Activities

Strategy 1: Advance environmental justice goals through selection and implementation of National Enforcement Initiatives.

- ***Activity 1.1:*** Selection of National Enforcement Initiatives for FY 2011-13.
- ***Activity 1.2:*** Implementation of National Enforcement Initiatives for FY 2011-13.
- ***Activity 1.3:*** Selection of National Enforcement Initiatives for FY 2014-16.

Strategy 2: Advance environmental justice goals through targeting and development of compliance and enforcement actions.

- ***Activity 2.1:*** Issue internal guidance requiring analysis and consideration of environmental justice in EPA's compliance and enforcement program.
- ***Activity 2.2:*** Review OECA's Enforcement Response Policies to determine whether any revisions are needed to ensure that environmental justice concerns are addressed in case development and resolution.
- ***Activity 2.3:*** Reevaluate use of the Environmental Justice Strategic Enforcement Assessment Tool (EJSEAT), as appropriate, in response to recommendations of the NEJAC and conclusions of the EPA Environmental Justice Screening Committee.
- ***Activity 2.4:*** Seek opportunities to advance environmental justice goals in implementing the Clean Water Act Action Plan.
- ***Activity 2.5:*** Seek opportunities to advance environmental justice goals in conducting the National Enforcement Strategy for Resource Recovery and Conservation Act (RCRA) Corrective Action.



- **Activity 2.6:** Improve compliance at federal facilities where violations may impact overburdened communities.
- **Activity 2.7:** Develop tools to track facilities with environmental justice concerns and report on enforcement actions that address environmental justice concerns.

Strategy 3: *Enhance use of enforcement and compliance tools to advance environmental justice goals in regional geographic initiatives to address the needs of overburdened communities.*

- **Activity 3.1:** Regions will include use of enforcement tools as part of integrated problem-solving strategies that are focused on particular geographic areas.
- **Activity 3.2:** Regions will include use of compliance assistance tools as part of integrated problem-solving strategies focused on particular geographic areas.

Strategy 4: *Seek appropriate remedies in enforcement actions to benefit overburdened communities and address environmental justice concerns.*

- **Activity 4.1:** Increase efforts to address environmental justice concerns through use of injunctive relief, including mitigation, and Supplemental Environmental Projects in civil enforcement actions, as appropriate.
- **Activity 4.2:** Increase efforts to benefit affected communities through use of community service and the Crime Victims' Rights Act in criminal actions.
- **Activity 4.3:** Look for opportunities to work with other federal agencies, state and local governments, and the business community to complement and leverage community benefits resulting from enforcement activities.

Strategy 5: *Enhance communication with affected communities and the public regarding environmental justice concerns and the distribution and benefits of enforcement actions, as appropriate.*

- **Activity 5.1:** Provide affected communities with information about enforcement actions and meaningful opportunities for input on potential environmental justice concerns and remedies to be implemented.
- **Activity 5.2:** Improve website information and other public information materials to explain EPA's site cleanup enforcement processes.
- **Activity 5.3:** Enhance communication of the environmental justice benefits of EPA's enforcement actions.

3.4 Supporting Community-Based Action Programs

The Agency has learned that communities must be the driver for local solutions. However, far too many communities lack the capacity to truly affect environmental conditions. As a result, many low-income, minority, tribal, and indigenous communities continue to live in the shadows of the worst pollution and face some of the harshest impacts. Consequently, EPA has implemented numerous programs to support community empowerment and provide benefits that range from basic educational and

leadership development to comprehensive approaches. These include financial assistance programs such as Environmental Justice, Community Action for a Renewed Environment (CARE), Brownfields Area-Wide Planning, Lead, and Tribal grants, as well as community-based programs such as EPA's Local Climate and Energy, Childhood Asthma, Sustainable Communities and Smart Growth, Urban Waters, Superfund, and Brownfields programs.

EPA's ten regions play a leading role in implementing these programs. Plan EJ 2014 builds upon an Agency effort to improve the effectiveness of EPA's community-based programs through better information access, coordination, and leveraging. EPA will build upon and leverage Agency efforts to promote greater coordination in the use of programs and tools that support community empowerment. Through these efforts, EPA will make the Agency's resources more accessible to underserved communities, while achieving greater internal efficiency through feedback and better understanding of how to implement community-based programs. This approach will result in environmental, health, and economic improvements in such communities.





Implementation Plan Summary

Goal

To strengthen community-based programs to engage overburdened communities and build partnerships that promote healthy, sustainable, and green communities.

Strategies & Activities

Promoting Area-Wide Strategies for Brownfields Redevelopment and Community Revitalization

EPA is piloting an area-wide planning approach to brownfields in 23 communities nationwide, recognizing that revitalization of the area surrounding a brownfield is just as critical to the successful reuse of the property as site assessment, cleanup, and redevelopment. Each community will receive up to \$175K in grants and technical assistance. The pilot program will help further community-based partnership efforts within underserved or economically disadvantaged neighborhoods by confronting local environmental and public health challenges related to brownfields, while creating a planning framework to advance economic development and job creation.

As one example, the Ironbound Community Corporation in Newark, New Jersey, is building upon existing revitalization and redevelopment efforts to develop an area-wide plan to create sustainable recreational and mixed-use development in an area with 100 brownfields. This community is home to over 50,000 residents and contains the remnants of a once vibrant economy, anchored by a large brewery that closed in the 1970s, leaving behind contaminated sites and deteriorating infrastructure. The area is economically distressed with the poverty rate as high as 55 percent.

Strategy 1: *Advance environmental justice principles by building strong state and tribal partnerships through the National Environmental Performance Partnership System (NEPPS) and National Program Manager (NPM) guidance.*

- **Activity 1:** Create a workgroup to provide recommendations that mutually support community involvement, resource/data sharing, monitoring/tracking, and training within programs implemented through performance partnership agreements, tribal agreements, and work plans guided by NEPPS and NPM documents.
- **Activity 2:** Develop language for environmental justice principles including Title VI guidance (as appropriate with all Agency grants) for inclusion in the FY 2013 NEPPS and FY 2012 NPM guidance through collaboration and discussions with Office of Congressional and Intergovernmental Affairs (OCIR), Office of Civil Rights (OCR), Regional Offices and States.

Strategy 2: *Identify scalable and replicable elements of successful Agency community-based programs and align multiple EPA programs to more fully address the needs of overburdened communities.*

- **Activity 3:** Review Agency and key outside community-based programs, and existing evaluations of select Agency programs, to identify scalable and replicable program elements which encourage place-based solutions to environmental justice issues, strengthen and promote partnerships, and support healthy and sustainable communities.
- **Activity 4:** Make recommendations on how EPA can align its community-based work, particularly in EPA's regions to more fully address the needs of overburdened communities.

Strategy 3: *Promote an integrated One EPA presence to better engage communities in the Agency's work to protect human health and the environment.*

- **Activity 5:** Target three approaches to promote an integrated One EPA presence where EPA will find the best solution by working in a consistent and unified way.

Strategy 4: *Foster community-based programs modeled on the Community Action for a Renewed Environment (CARE) principles.*

- **Activity 6:** Develop a community-based partners (CBP) program to create opportunities in undeserved and overburdened neighborhoods for collaborating with private industry, foundations, and other institutions to implement the CARE model.
- **Activity 7:** Develop a CBP program that caters to grassroots or emerging community groups with little to no organizational and/or technical capacity.
- **Activity 8:** Identify technical assistance resources, program staff, and regional staff available to aid overburdened communities with issues related to their areas of expertise.

Strategy 5: *Explore how EPA funding, policies and programs can inform or help decision makers to maximize benefits and minimize adverse impacts from land use decision making, planning, siting, and permitting.*

- **Activity 9:** Establish a workgroup and seek stakeholder feedback to explore ways the Agency's work intersects with land use decision making, planning, siting, and permitting.

Strategy 6: *Promote equitable development opportunities for all communities.*

- **Activity 10:** Promote equitable development opportunities.



3.5 Fostering Administration-Wide Action on Environmental Justice

Everyone in America deserves to live, learn, and work in a healthy and sustainable community. EPA seeks to facilitate the active involvement of all federal agencies in ensuring healthy, sustainable and green communities, as well as equitable development, for all people. To better achieve this goal, EPA is leading the Administration's effort to fully implement EO 12898. As each agency reinvigorates its effort to make environmental justice part of its mission, EPA will focus on helping each agency participate in a coordinated approach that acknowledges the disproportionately high and adverse human health and environmental impacts on overburdened communities, while providing access to the environmental, public health, and economic benefits that Agency programs provide. A coordinated and holistic approach is essential to ensuring that we address the full scope of adverse human health and environmental effects in overburdened communities, legacy pollution problems rooted in historical discrimination, and cumulative impacts; and ensure that all communities participate in, and benefit from, the transition to a clean energy economy.

EO 12898 also called for the establishment of an Interagency Working Group on Environmental Justice (EJ IWG), which is chaired by the EPA Administrator. EPA worked the White House Council on Environmental Quality (CEQ) to reconvene the IWG in September 2010. In addition, EPA has a number of federal partnerships established and initiatives underway that support a holistic approach to addressing the environmental, social, and economic burdens that impact communities. For example, EPA, the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation joined together to form the Partnership for Sustainable Communities, an unprecedented agreement to coordinate federal housing, transportation, and environmental investments; protect public health and the environment; promote equitable development; and help address the challenges of climate change. All federal agencies are responsible for considering environmental justice issues in National Environmental Policy Act (NEPA) environmental impact assessments and enforcing Title VI of the Civil Rights Act.





Implementation Plan Summary

Goal

To facilitate the active involvement of all federal agencies in implementing EO 12898 by minimizing and mitigating disproportionate negative impacts while fostering environmental, public health, and economic benefits for overburdened communities.

Strategies & Activities

Strategy 1: *Assist other federal agencies to integrate environmental justice in their missions, programs, policies, and activities.*

- **Activity 1.1:** Chair and convene EJ IWG Principal, Deputy, and Senior Staff meetings.
- **Activity 1.2:** Chair, assist, and oversee each agency's effort to update or develop its environmental justice strategy.
- **Activity 1.3:** Lead the effort to organize regional events.
- **Activity 1.4:** Develop and provide tools that help environmental justice and other stakeholders identify federal information and resources.
- **Activity 1.5:** Convene a group of senior attorneys from across the federal government to promote the integration of environmental justice into their agencies' actions.

Strategy 2: *Work with other federal agencies to strengthen use of interagency legal tools, i.e., National Environmental Policy Act (NEPA) and Title VI of the Civil Rights Act of 1964.*

National Environmental Policy Act

- **Activity 2.1:** Articulate a consistent message about the need to incorporate environmental justice into NEPA implementation.
- **Activity 2.2:** Enable federal NEPA practitioners to enhance consideration and execution of environmental justice requirements in NEPA implementation.

HUD-DOT-EPA Interagency Partnership for Sustainable Communities

The Partnership for Sustainable Communities is supporting an Environmental Justice Showcase Communities project in Jacksonville, Florida. This EPA program convenes federal agencies, state and local government entities, non-governmental organizations, and other stakeholders to help underserved communities shape their neighborhoods' futures with comprehensive, locally appropriate solutions.

The agencies and stakeholders will support the local partners as they establish a community health center on a cleaned-up brownfield site close to parks, community gardens, and other amenities. The area has several Superfund and brownfield sites and high rates of heart disease, cancer, diabetes, asthma, and infant mortality. The health center will work in partnership with historically black colleges and universities to provide training for health care jobs and offer educational programs on healthy living. The lessons learned through this and other Environmental Justice Showcase Communities pilots will help the Partnership better use its resources to help underserved communities build more sustainable neighborhoods with better access to opportunities; improved services and amenities; and healthier places to live, work, and play.

Title VI of the Civil Rights Act of 1964

- Activity 2.3: Consult with DOJ to strengthen the use of Title VI of the Civil Rights Act of 1964 by reevaluating the approach for analyzing Title VI complaints.
- Activity 2.4: Collaborate with DOJ and within EPA, to develop compliance strategies and actions to address non-compliance.

Strategy 3: *Foster healthy and sustainable communities, with an emphasis on equitable development and place-based initiatives.*

- Activity 3.1: Recommend ways to enhance federal interagency coordination in support of healthy and sustainable communities as well as equitable development, in areas such as:
 - Green Jobs and Clean Energy.
 - Healthy and Sustainable Communities.
 - Climate Change and Adaptation.
 - Goods Movement.

Strategy 4: *Strengthen community access to federal agencies.*

- Activity 4.1: Conduct community needs inventory pilot.
- Activity 4.2: Identify targeted training for communities.
- Activity 4.3: Review results of Federal Partners Meeting.
- Activity 4.4: Coordinate with Agency community-based coordination efforts.



4.0 TOOLS DEVELOPMENT AREAS

This section provides summaries of Plan EJ 2014's Tools Development Areas and their implementation plans. These areas involve issues related to science, law, information, and resources.

4.1 Science

Building Scientific Capacity Among Tribal Environmental Professionals

EPA has a long history of supporting capacity building among tribal environmental professionals, primarily through its partnership with the Institute for Tribal Environmental Professionals (ITEP) at Northern Arizona University. The Office of Air and Radiation (OAR) has supported this project for over 15 years. Consistent with our trust responsibility to tribes, OAR works with Tribes to increase their capability to address their environmental concerns. OAR supports the training and educational efforts of ITEP in the areas of air quality and climate change impacts and adaptation planning, as well as the work of the Tribal Air Monitoring Support (TAMS) Center, which builds and strengthens the technical capacity of tribal staff. The TAMS Center cross-trains tribal air professionals on air monitoring, indoor air quality, radon and asthma. EPA is building on this model to develop an Environmental Justice Community Learning Center.

Under Plan EJ 2014, EPA has committed to building a strong scientific foundation for supporting environmental justice and conducting disproportionate impact analysis, particularly methods to appropriately characterize and assess cumulative impacts. These efforts will help to ensure that EPA brings the best science to decision making around environmental justice issues. The science and research activities described in Plan EJ 2014 build upon discussions and recommendations from EPA's Science of Disproportionate Impacts Analysis Symposium (March 17-19, 2010) and an Environmental Justice Regulatory Analysis Technical Workshop (June 9-10, 2010). The March 2010 Symposium was the principal event for the Agency to identify science needs for environmental justice and stimulate innovative research to meet those needs.

Implementation Plan Summary

Goal

To substantially support and conduct research that employs participatory principles and integrates social and physical sciences aimed at understanding and illuminating solutions to environmental and health inequalities among overburdened populations and communities in the United States.

Strategies & Activities

Strategy 1: *Apply integrated transdisciplinary and community-based participatory research approaches with a focus on addressing multi-media, cumulative impacts, and equity in environmental health and environmental conditions.*

- **Activity 1.1:** Establish an Integrated Transdisciplinary Office of Research and Development (ORD) Research Program on Environment and Community Health, including the Sustainable and Healthy Communities Research Program.
- **Activity 1.2:** Develop technical guidance, analytic methods, tools and data to advance the integration of environmental justice in EPA decision making.



Strategy 2: *Incorporate perspectives from community-based organizations and community leaders into EPA research agendas and engage in collaborative partnerships on science and research to address environmental justice.*

- **Activity 2.1:** Establish a Community Engagement Initiative.
- **Activity 2.2:** Re-engage with the NEJAC.
- **Activity 2.3:** Support Community-Based Participatory Research (CBPR).

Strategy 3: *Leverage partnerships with other federal agencies on issues of research, policy and action to address environmental and health disparities.*

- **Activity 3.1:** Join the Federal Collaboration on Health Disparities.
- **Activity 3.2:** Engage with President's Task Force on Environmental Health Risks and Safety Risks to Children.

Strategy 4: *Build and strengthen the technical capacity of Agency scientists on conducting research and related science activities in partnership with impacted communities and translating research results to inform change.*

- **Activity 4.1:** Provide training to EPA scientists on CBPR.
- **Activity 4.2:** Build social science capacity within ORD.
- **Activity 4.3:** Develop Environmental Justice Risk Management Training for the Office of Pesticide Programs (OPP).

Strategy 5: *Build and strengthen technical capacity of community-based organizations and community environmental justice and health leaders to address environmental health disparities and environmental sustainability issues.*

- **Activity 5.1:** Build community capacity to address asthma disparities.
- **Activity 5.2:** Build tribal community capacity to monitor air quality.
- **Activity 5.3:** Increase citizen participation in science and decisions.
- **Activity 5.4:** Establish Centers of Excellence on Environment and Health Disparities.
- **Activity 5.5:** Build diverse environmental workforce and enhance the capacities of Minority Academic Institutions (MAI) to engage in scientific research and workforce training.



4.2 Law

The Office of General Counsel (OGC) is working with the programs and regions to identify opportunities to utilize EPA's statutory authorities to advance environmental justice. Our vision is that the Agency will use law as a tool to advance environmental justice. OGC's advice will help EPA to implement forward-leaning environmental justice policies with acceptable legal risk and to identify new opportunities to promote their environmental justice policy objectives.

Implementation Plan Summary

Using the National Environmental Policy Act to Address Environmental Justice

The National Environmental Policy Act (NEPA) is an important tool that can be used to advance the goals of environmental justice. A 1994 Executive Order requires that all federal agencies identify and address disproportionately high and adverse human health or environmental impacts on minority, low-income and tribal populations. In April 2011, the Assistant Administrator of the EPA's Office of Enforcement and Compliance Assurance reemphasized those requirements in a memo urging EPA offices across the country to enhance efforts to consider environmental justice in fulfilling their NEPA responsibilities.

EPA is required to review all Environmental Impact Statements (EIS) drafted by federal agencies and to make those reviews public, as mandated under Section 309 of the Clean Air Act. This review responsibility puts the EPA in a unique position to monitor how well Federal agencies comply with the Executive Order. Furthermore, the Presidential memo that transmitted the Executive Order states that the EPA, "shall ensure that the involved agency has fully analyzed environmental effects on minority communities and low-income communities, including human health, social, and economic effects."

Goal

To provide legal assistance to EPA policy makers and other Agency decision makers to advance their environmental justice objectives and achieve the Agency's vision of using the law as a tool to advance environmental justice.

Strategy

OGC will accomplish its goal of providing legal assistance to EPA policy makers and other Agency decision makers to advance their environmental justice objectives by providing legal support to each cross-Agency Focus Area workgroup. OGC's activities will promote a sound legal framework for the tools and programs developed by the five focus area workgroups. OGC will conduct this activity contemporaneously with the work of the five cross-Agency Focus Areas.

Activities

- Activity 1: Counseling attorneys will serve as workgroup members for each cross-Agency Focus Area; these attorneys are drawn from OGC and the Offices of Regional Counsel (ORC).
- Activity 2: Regional Counsels and OGC Associate General Counsels will convene regularly to identify legal issues and develop advice in support of the five focus areas.
- Activity 3: The EPA's General Counsel will provide active oversight, direction, and decision making on all aspects of this initiative, in consultation with EPA's Senior Leadership.
- Activity 4: OGC will convene a group of senior attorneys from across the federal government to promote the integration of environmental justice into their agencies' actions.

4.3 Information

EPA's programs and regions have developed a variety of internal screening tools and other Geographic Information System (GIS) applications to enhance environmental justice analysis and decision making to better meet our responsibilities to protect public health under EO 12898. These applications have played an important role as the Agency worked to integrate environmental justice into its programs, policies and activities.

Under Plan EJ 2014, EPA is focused in an Agency-wide effort to develop a nationally consistent environmental justice screening tool. In addition, EPA is developing a suite of tools, data and services known as EPA's GeoPlatform that will help coordinate and consolidate mapping activities, applications, and data across the Agency. The GeoPlatform will support a wide variety of uses across the Agency, including components of the

nationally consistent environmental justice screening tool, and other data and applications that may be of interest to environmental justice stakeholders.

Tools to Identify Overburdened Populations During the BP Oil Spill Response

The dynamic nature of the BP oil spill has been a challenge for a range of communities along the Gulf – from hotel operators to fishermen to local community leaders. During cleanup activities, EPA and other agencies used a variety of Geographic Information Systems (GIS) tools to collect information, including EJView and GeoPlatform.gov/gulfresponse. EPA developed EJView, a public mapping tool, to get a snapshot of environmental, health, and other social factors that were affecting local communities. GeoPlatform.gov/gulfresponse, an online tool developed by the National Oceanic and Atmospheric Administration, EPA, the U.S. Coast Guard, and the U.S. Department of Interior, was used to gather close to real time information about the response effort. These tools were used to identify locations of overburdened communities in comparison to areas of waste disposal, pinpoint locations where oil had reached the shore, and identify locations of community centers where people could get assistance.

Implementation Plan Summary

Goal

To develop a more integrated, comprehensive, efficient, and nationally consistent approach for collecting, maintaining, and using geospatial information relevant to overburdened communities. EPA will accomplish this by: (1) developing a common Agency-wide mapping platform – the GeoPlatform, (2) creating a nationally consistent environmental justice screening tool, and (3) incorporating appropriate elements of the screening tool into the GeoPlatform.

Strategies & Activities

Strategy 1: *Develop EPA's GeoPlatform.*

- **Activity 1:** Develop prototype of the EPA Environmental Analyst for review.
- **Activity 2:** Develop production release of the EPA Environmental Analyst.
- **Activity 3:** Develop production release of the EPA GeoPlatform (including initial data services) for use by Environmental Analyst and other GeoPlatform components.

Strategy 2: *Develop a nationally consistent environmental justice screening tool.*

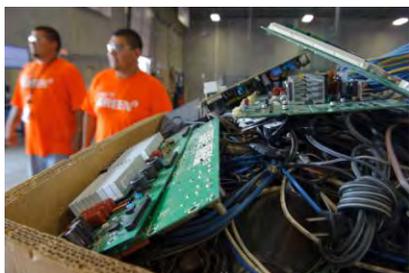
- Activity 1: Hold regular staff workgroup and project steering committee meetings.
- Activity 2: Develop a set of options to present to Senior Agency Officials.
- Activity 3: Create a working prototype of screening tool.
- Activity 4: Update the NEJAC on progress.
- Activity 5: Obtain peer review and public comment on a prototype tool.
- Activity 6: Revise the tool based on comments.

Strategy 3: *Incorporate appropriate elements of the screening tool into the GeoPlatform.*

- Activity 1: Review screening tool data, methods, and requirements to determine which portions may be appropriate to include in the GeoPlatform.
- Activity 2: Incorporate appropriate elements of the prototype screening tool into the GeoPlatform.
- Activity 3: Revise GeoPlatform elements of the tool to be consistent with changes made to the prototype tool in response to peer review and public comments on screening tool.

4.4 Resources

Under Plan EJ 2014, the Office of Administration and Resource Management (OARM) focuses on two components: (1) grants and technical assistance to support community-based programs, and (2) workforce diversity. With respect to grants and technical assistance, OARM seeks to develop an efficient and effective system for delivering financial and technical assistance to communities to empower them to improve their health and environment. OARM's efforts advance the Administrator's priority of Expanding the Conversation on Environmentalism and Working for Environmental Justice by establishing a new paradigm for the delivery of EPA assistance to minority, low-income, tribal, and indigenous peoples to promote equitable development and create healthy and sustainable neighborhoods. It also responds to the cross-Agency Focus Area under Plan EJ 2014 of Supporting Community-Based Action Programs. With respect to workforce diversity, OARM seeks to achieve an inclusive work environment by developing an efficient system for the outreach and recruitment of potential employees. When EPA recruits and retains an inclusive workforce — one that looks like the America it serves — and individual differences are respected, appreciated, and valued, diversity becomes an organizational strength that contributes to achieving results.





Implementation Plan Summary

Grants and Technical Assistance Goal

To develop an efficient and effective system for delivering financial and technical assistance to communities to empower them to improve their health and environment.

Strategies & Activities

Strategy 1: Increase transparency and efficiency in providing community-based grant opportunities.

Community Action for a Renewed Environment Grant Program

The Community Action for a Renewed Environment (CARE) program is a competitive grant program that provides on-the-ground support and funding to help revitalize and improve the health of communities in sustainable ways. Through CARE, various local organizations, including non-profits, businesses, schools and governments, create partnerships that create and implement consensus-based local solutions to reduce releases of pollutants and minimize people's exposure to them. Through CARE, community leaders develop expertise in sustaining partnerships and addressing environmental issues, providing a strong basis for continued future action as other environmental threats emerge in the community. Since 2005, CARE has provided over \$14.5 million in financial assistance to 80 communities in 39 states and territories. CARE offers two levels of financial assistance, up to \$100,000 for Level I and up to \$300,000 for Level II grants.

- **Activity 1.1:** Draft recommendations for improving community group access to EPA grant programs to be presented to Executive Management Committee (EMC).
- **Activity 1.2:** Solicit informal feedback from communities (e.g., CARE Program workshops).
- **Activity 1.3:** Conduct outreach to Regions and NPMs via conference calls and sharing of drafts.

Strategy 2: Improve delivery of technical assistance to communities.

- **Activity 2.1:** Develop Technical Assistance Center approach.
- **Activity 2.2:** Draft preliminary options to be presented to the EMC.
- **Activity 2.3:** Obtain senior management guidance on initial concepts before obtaining informal feedback from communities.
- **Activity 2.4:** Conduct outreach to Regions and NPMs via conference calls and sharing of drafts.

Strategy 3: Strengthen grants training for communities.

- **Activity 3.1:** Create umbrella, basic on-line grants training for communities, environmental justice-specific on-line training, and program-specific training (e.g., CARE, Urban Waters).
- **Activity 3.2:** Develop training modules.
- **Activity 3.3:** Obtain informal community feedback as modules developed.
- **Activity 3.4:** Conduct outreach to the EPA grants management community by providing opportunities for review of draft training scripts.

Strategy 4: Improve community awareness of grant competition process.

- **Activity 4.1:** Develop and implement appropriate grant competition tools (e.g., listservs, webinars).
- **Activity 4.2:** Obtain informal community input through Regional/Headquarter websites.
- **Activity 4.3:** Work with region and NPMs to develop and implement tools.

Strategy 5: Revise grant policies that are unduly restrictive.

- Activity 5.1: Revise Delegation 1-86 and indirect cost rate policies for environmental justice grants.
- Activity 5.2: Establish simplified Indirect Cost Rate (ICR) policy.
- Activity 5.3: Obtain informal community feedback once draft ICR policy developed.
- Activity 5.4: Conduct outreach to regions and NPMs by providing opportunity to comment on draft policy issuance.
- Activity 5.5: Explore simplification of other policies.

Strategy 6: Encourage Office of General Counsel/Office of Regional Counsel/Program Office dialogue on community-based grant opportunities.

- Activity 6.1: Conduct periodic OGC/ORC/Office of Environmental Justice (OEJ) meetings and OGC guidance on scope of community-based grant authorities.
- Activity 6.2: Obtain OGC legal guidance on scope of grant authorities.
- Activity 6.3: Coordinate discussions with larger OGC effort on existing legal authorities.

Strategy 7: Improve timeliness of Brownfields Grant Awards.

- Activity 7.1: Draft recommendations for consistent Brownfields award times.

Workforce Diversity Goal

To achieve an inclusive work environment by developing an efficient system for the outreach and recruitment of potential employees.

Strategies

Strategy 1: Increase the diverse pool of qualified applicants.

Strategy 2: Operate under a One EPA approach for recruitment and outreach.

Activities

- Activity 1: Design an efficient Agency-wide outreach strategy.
- Activity 2: Develop effective marketing materials and strategy.
- Activity 3: Develop a National Conference Toolkit.
- Activity 4: Develop a National Outreach Calendar.



5.0 PROGRAM INITIATIVES

As indicated earlier, there are many programs at EPA that actively pursue environmental justice goals or produce benefits for overburdened communities. Examples of such initiatives include: Community Engagement Initiative (Office of Solid Waste and Emergency Response), Urban Waters (Office of Water), National Enforcement Initiatives (OECA), Air Toxics Rules (OAR), and the U.S. Mexico Border Program (Office of International and Tribal Affairs). Over the next year, EPA will designate at least one initiative per appropriate program for inclusion in Plan EJ 2014. In this way, many existing EPA initiatives can be tailored to better integrate environmental justice into their programs and produce greater benefits for overburdened communities. The identified initiatives may include those developed to implement the Administrator's other priorities.

6.0 CIVIL RIGHTS

One effort already under way is implementing Administrator Jackson's priority to improve EPA's civil rights program. Complying with EPA's statutory civil rights obligations is a critical part of our efforts to advance environmental justice. Administrator Jackson has made improving EPA's civil rights program a priority. As part of this effort, EPA is pursuing long overdue, vigorous, robust, and effective implementation of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes. EPA is committed to protecting people from discrimination based on race, color, or national origin in programs or activities that receive EPA's financial assistance. In June 2011, the Administrator convened a workgroup of senior management to assess OCR and EPA's overarching civil right program. The workgroup is charged with making recommendations to advance civil rights. The workgroup will look at revamping the civil rights office, pursuing effective and timely responses to complaints, and developing proactive compliance guidance and strategies. As the recommendations are adopted, the agency will develop implementation plans, take public comment and finalize the plans as part of EPA's annual work plans under Plan EJ 2014.

7.0 CONCLUSION

Plan EJ 2014 is EPA's roadmap for integrating environmental justice and civil rights into its programs, policies, and activities. Through Plan EJ 2014, EPA intends to develop a suite of tools to advance such integration. It seeks to build stronger relationships with communities overburdened by environmental and health hazards and build partnerships that improve conditions in such communities. In 2014, EPA will make an assessment of its progress in achieving the goals of Plan EJ 2014. Based on this assessment, EPA will produce a report on the accomplishments, lessons learned, challenges, and next steps for continuing the Agency's efforts to make environmental justice an integral part of every decision.



ACRONYMS

ADP	Action Development Process
Agency	U.S. Environmental Protection Agency
CAFO	Concentrated Animal Feeding Operation
CARE	Community Action for a Renewed Environment
CBP	Community-based partners (program)
CBPR	Community-Based Participatory Research
CEQ	White House Council on Environmental Quality
DOJ	U.S. Department of Justice
DSW	Definition of Solid Waste (rule)
EIS	Environmental Impact Statement
EJ IWG	Federal Interagency Working Group on Environmental Justice
EJSEAT	Environmental Justice Strategic Enforcement Assessment Tool
EMC	Executive Management Council
EO 12898	Executive Order 12898 on environmental justice
EPA	U.S. Environmental Protection Agency
FY	Fiscal Year
GIS	Geospatial Information System
ICR	Indirect Cost Rate
ITEP	Tribal Environmental Professionals
MAI	Minority Academic Institutions
NEJAC	National Environmental Justice Advisory Council
NEPA	National Environmental Policy Act
NEPPS	National Environmental Performance Partnership System
NPM	National Program Manager
OAR	Office of Air and Radiation
OARM	Office of Administration and Resource Management
OCIR	Office of Congressional and Intergovernmental Affairs
OCR	Office of Civil Rights
OECA	Office of Enforcement and Compliance Assurance
OEJ	Office of Environmental Justice
OGC	Office of General Counsel



OPP	Office of Pesticide Programs
ORC	Office of Regional Counsel
ORD	Office of Research and Development
RCRA	Resource Conservation and Recovery Act
TAMS	Tribal Air Monitoring Support (Center)

For more information on Plan EJ 2014, visit the U.S. Environmental Protection Agency's Office of Environmental Justice website at: <http://www.epa.gov/environmentaljustice/plan-ej/>