

# Plan EJ 2014

## Progress Report



**February 2014**

# **Plan EJ 2014 Progress Report**

EPA's Roadmap for integrating environmental justice  
into its programs and policies

U.S. Environmental Protection Agency

February 2014

## MESSAGE from the ADMINISTRATOR



Dear Colleagues:

Making a visible difference in communities for all Americans is one of my top priorities. EPA must work each and every day – hand-in-hand with other federal agencies, state and local governments, tribes, and local communities – to improve the health of American families and protect the environment all across the country.

Advancing environmental justice is a critical part of achieving that goal. Everyone deserves the opportunity to live, work and play in a clean and healthy environment. Low-income, minority and tribal communities are often overburdened by pollution, face disproportionate human health impacts, greater obstacles to economic prosperity, and increased vulnerability to climate change.

Due to the accomplishments of Plan EJ 2014 over the past four years, we are well positioned to continue progress towards realizing this goal. Today we have a comprehensive suite of tools to make sure that we take into consideration the impacts of our decisions on low-income, minority and tribal communities. These tools will ensure that all communities can work toward a healthy environment and a strong local economy.

We have made significant progress in areas critical to advancing environmental justice and making a visible difference in communities, including rulemaking, permitting, compliance and enforcement, community-based programs, our work with other federal agencies. We have developed the critical legal, science, and screening tools to help support our efforts in working with and in communities.

Each national and regional office plays a role as we continue to strengthen our mission to protect the health of all Americans. EPA is also providing national leadership on environmental justice issues through its actions and partnerships with other agencies, state and local governments, tribes, and local communities.

The year 2014 represents the 20<sup>th</sup> anniversary of President Clinton's issuance of the executive order directing all federal agencies to engage in a government-wide effort and issue strategies to address environmental justice issues. We celebrate this 20<sup>th</sup> anniversary milestone by recognizing the important work that has been accomplished over these 20 years, by EPA, other agencies, state and local governments, tribes and local communities. We know that much work still needs to be done. Plan EJ 2014 was meant to focus our collective attention on this priority and meet the expectations set forth in the Executive Order and we will continue to work towards finalizing the commitments therein. We will not rest until the health and environment of all communities are protected and they have turned the corner towards sustainability and economic viability.

Sincerely,

Gina McCarthy  
Administrator

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# PLAN EJ 2014 PROGRESS REPORT

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## I. INTRODUCTION

[Plan EJ 2014](#) is EPA's roadmap for integrating environmental justice (EJ) into its programs, policies and activities. Plan EJ 2014's long-term goals are to:

- Protect the environment and health in overburdened communities;<sup>1</sup>
- Empower communities to take action to improve their health and environment; and
- Establish partnerships with local, state, tribal and federal organizations to achieve healthy and sustainable communities.

EPA finalized Plan EJ 2014 in 2011 as EPA's overarching EJ strategy after receiving public input on key issues of concern to overburdened communities. The plan was named in recognition of the 20th anniversary of President Clinton's issuance of [Executive Order \(EO\) 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations](#), which takes place in 2014.

President William Clinton in 1994 issued [Executive Order \(EO\) 12898](#), "Federal Actions to Ensure Environmental Justice in Minority Populations and Low-Income Populations." EO 12898 mandates that "each Federal agency shall 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 on minority populations and low-income populations." [The Presidential Memorandum Accompanying EO 12898](#) underscored certain provisions of existing law that can help ensure that all communities and persons across this Nation live in a safe and healthful environment. Environmental and civil rights statutes provide many opportunities to address environmental hazards in minority communities and low-income communities." It established the expectation that federal agencies utilize these existing statutes to address EJ, including the Civil Rights Act of 1964 and the National Environmental Policy Act of 1969 (NEPA). In August 2011, EPA and 16 other federal agencies and White House offices reaffirmed their commitment to implementing EO 12898 by signing a [Memorandum of Understanding on Environmental Justice and Executive Order 12898](#) (EJ MOU).

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<sup>1</sup> Plan EJ 2014 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 due to exposures or cumulative impacts or 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, including the inability to meaningfully participate in the decision-making process.

Through Plan EJ 2014, EPA has laid a foundation for carrying out its EJ mission by developing a comprehensive suite of guidance, policies and tools to integrate EJ into every facet of its activities and operations. 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.” As EPA concludes its implementation of Plan EJ 2014, the Agency will begin the transition to ongoing implementation and integration of Plan EJ 2014 tools. Integrating EJ into EPA’s decisions will support and produce better results in communities and align its EJ work with the Administrator’s priority.

Plan EJ 2014 consists of three major sections: (1) Cross-Agency Focus Areas, (2) Tools Development Areas, and (3) Program Initiatives. The Cross-Agency Focus Areas addresses cross-cutting issues or functions that require work by all programs or agencies and serve to advance EJ across EPA and the federal government. They required a unified Agency approach toward policy and guidance development. Many issues also required coordination among multiple federal agencies.

The Cross-Agency Focus Areas are:

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

Plan EJ 2014’s Tools Development Focus Areas are: (1) Science, (2) Law, (3) Information, and (4) Resources. These areas centered on developing the methods, mechanisms and systems that support environmental justice analysis, technical assistance and community work. EPA developed, and is carrying out, an implementation plan for each of these areas. The Agency also developed a supplemental plan on Advancing Environmental Justice through Title VI of the Civil Rights Act of 1964.

## II. COMPLETION OF PLAN EJ 2014 COMMITMENTS

The vast majority of the commitments made by EPA under Plan EJ 2014 have been completed, as detailed in the [Plan EJ 2014 Progress Report \(2013\)](#). EPA developed foundational guidance pertinent to EPA's core functions like rulemaking, permitting and enforcement, as well as basic environmental screening, legal and science tools. These accomplishments were the result of a One EPA effort, as each program and region took responsibility for leading an element of Plan EJ 2014 and coordinating with other EPA programs and regions. Below are some of EPA's major milestones accomplished to date under Plan EJ 2014.

- **Legal Tools:** EPA issued the [Plan EJ 2014: EJ Legal Tools](#) document (EJ Legal Tools), which identifies numerous legal tools that EPA may consider using to more fully ensure that its programs, policies and activities fully protect human health and the environment of minority, low-income and tribal populations.
- **EJSCREEN:** EPA issued EJSCREEN for internal use by Agency managers and staff. EJSCREEN is a nationally consistent screening tool that can be used to help identify areas with potential EJ concern that may warrant further consideration, analysis or outreach.
- **Rulemaking:** EPA has issued interim guidance for incorporating EJ in rulemaking and will be finalizing and distributing this guidance in March 2014. EPA also developed draft technical guidance on how to conduct EJ analysis for national rules, targeted for completion in 2014. A cross-agency team also identified existing resources and tools to support the Agency's rulemaking efforts.
- **Permitting:** EPA advanced its efforts to [enhance community engagement for overburdened communities in EPA-issued permits](#); these included regional plans for enhanced community engagement and issuance of promising practices for permit applicants.
- **Compliance and Enforcement:** EPA implemented a comprehensive strategy to integrate EJ into all aspects for the enforcement life cycle, including selecting work and priorities, targeting and developing cases, identifying proper remedies, and enhancing community engagement where appropriate.
- **Promising Community-Based Practices:** EPA conducted an Agency-wide assessment of promising practices and lessons learned from regional implementation of community-based programs.
- **Interagency EJ Efforts:** EPA reinvigorated the Interagency Working Group on Environmental Justice (EJ IWG) established under EO 12898, including an EJ MOU signed by 17 federal agencies committing to updating agency EJ strategies and common focal areas such as NEPA, Title VI, Goods Movement, and Climate Change.
- **Title VI:** EPA dedicated considerable resources and implemented tangible changes to its efforts to fully implement Title VI, resulting in a reduction of its open cases and development of key analytical and compliance measures.

EPA's major remaining commitments under Plan EJ 2014 are to:

- Finalize the Draft Technical Guidance for Assessing Environmental Justice in Regulatory Analysis;
- Complete resources for EPA staff conducting EJ analysis of permits and investigating permit outcomes;
- Complete analytical and educational resources for incorporating EJ in the National Environmental Policy Act (NEPA) process;
- Develop a Policy Statement on Cumulative Risk Assessment for EPA and develop and conduct external peer review on a Cumulative Risk Assessment Core Elements Document; and
- Issue a public version of EJSCREEN.

Many EPA programs have taken significant steps to integrate EJ into their day-to-day work due to their ongoing pursuit of goals outlined in Plan EJ 2014. EPA identified five Program Initiatives as models of how the Agency is integrating EJ into its programs and producing significant benefits for overburdened communities. Model Program Initiatives are:

- Urban Waters Program, Office of Water;
- Pesticide Worker Safety Program, Office of Chemical Safety and Pollution Prevention;
- U.S.-Mexico Border 2020 Program, Office of International and Tribal Affairs;
- Community Engagement Initiative, Office of Solid Waste and Emergency Response; and
- Implementation of Internal Technical Directive on Reviewing EPA Enforcement Cases for Potential Environmental Justice Concerns, Office of Enforcement and Compliance Assurance.

Details of many of these Program Initiatives are described in the Plan EJ 2014 Progress Report.<sup>2</sup> Lessons from these initiatives are important for future efforts to integrate EJ in EPA programs and regions.

### **Plan EJ 2014 and Beyond**

EPA's commitment to advancing environmental justice continues beyond the development of tools and implementation of initiatives under Plan EJ 2014. In 2013, Administrator Gina McCarthy issued her priority on [Making a Visible Difference in Communities](#). Administrator McCarthy said, "EPA must work each and every day – hand-in-hand with other federal agencies, states, tribes and local communities – to improve the health of American families and protect the environment one community at a time, all across the country." Administrator McCarthy continues EPA's commitment to environmental justice. She called upon EPA to "take into consideration the impacts of [its] decisions on environmental justice communities through increased analysis, better science and enhanced community engagement to ensure the protection of basic fundamental rights."

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<sup>2</sup> See [Plan EJ 2014 Progress Report](#) (pp. 35-38).



In addition, in 2013 President Barack Obama announced his Climate Action Plan. The [President's Climate Action Plan](#) calls upon federal agencies to “continue to identify innovative ways to help our most vulnerable communities prepare for and recover from the impacts of climate change.” An important principle guiding federal climate adaptation efforts is to give priority to low-income, minority and tribal populations which suffer disproportionately from climate change impacts and are least able to adapt to them. The federal government has an important role to play in supporting community-based preparedness and resilience efforts, establishing policies that promote preparedness, protecting critical infrastructure and public resources, supporting science and research germane to preparedness and resilience, and ensuring that federal operations and facilities continue to protect and serve citizens in a changing climate.

Finally, to help coordinate all this great progress and work, the Office of Environmental Justice (OEJ) will play an important role in leading EPA's efforts to transition from Plan EJ 2014 to ongoing implementation and integration of Plan EJ 2014 guidance, policies and tools. OEJ continues to play a critical role in the finalization of Plan EJ 2014 deliverables and will be crucial to the long-term stewardship of the education and outreach necessary for the implementation, use and continuing refinement of those tools. OEJ's current involvement in deliverable finalization includes: leading efforts to produce a public-facing version of EJSCREEN, leading efforts to collect examples of the uses of EJ Legal Tools for future education and reference purposes, participating on the EJ in Permitting workgroup, and participating on the EJ Technical Guidance writing team.

OEJ has begun the process of preparing for its future role as the long-term steward of the implementation, use and refinement of Plan EJ 2014 tools by examining its central coordinating role amongst EJ coordinators throughout the regions and national programs. OEJ will begin this process by aligning its work with the EJ coordinators in order to achieve a consistent approach to EJ training and tool implementation throughout the Agency, work with the regions and national programs to develop and monitor the effective use of EJ tools over time, and ensure that EJ priorities and commitments are thoughtfully crafted and consistently included in Agency planning documents and guidance.

The following sections of this report will document EPA's progress towards completion of Plan EJ 2014 and the Agency's final commitments under the plan. These continuing efforts build upon the work described in the [Plan EJ 2014 Progress Report \(2013\)](#). Most of these commitments will be completed in 2014. In addition, this report will provide a report on EPA's work on the impacts of climate change on low-income, minority and tribal populations.

## **A. INCORPORATING ENVIRONMENTAL JUSTICE INTO RULEMAKING**

### **Lead Offices and Regions: OCSPP, OP, ORD, OEJ, Region 9<sup>3</sup>**

The goal of this area is 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. Its objectives are to:

- Finalize the [Interim Guidance on Considering Environmental Justice During the Development of an Action](#) (EJ Process Guide), focusing on what, where, and when environmental justice should be considered by rule-writers and decision-makers in the Action Development Process;
- Facilitate and monitor implementation of guidance on incorporating environmental justice into rulemaking; and
- Develop [Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (EJ Technical Guidance), focusing on how to conduct environmental justice assessments in national rules.

The above actions are intended to enable EPA to routinely conduct and consider EJ analyses in Agency rulemakings, thereby increasing meaningful involvement and improving public health and the environment for overburdened communities. EPA intends implementation of these guidance documents to result in: (1) a community of practice with better awareness and understanding of EJ in rules; (2) EPA rulewriters, analysts and decision makers having greater clarity on the legal and scientific opportunities to consider EJ in rules; and (3) an increased capacity of Agency staff to identify, analyze, and develop regulatory and non-regulatory options for how to respond to EJ concerns in rules. Moving forward, the Agency can realize continued improvement in the methodology for analyzing EJ issues in the context of rulemaking as new science and data become available.

### **Remaining Deliverables**

EPA plans to finalize the EJ Process Guide and the EJ Technical Guidance. An Interim EJ Process Guide was issued in July 2010. This document helps Agency staff to consider EJ concerns during the development of actions, such as rules, under the Agency's Action Development Process (ADP). In addition to providing key concepts related to EJ and rulemaking, the EJ Process Guide identifies key steps throughout the ADP process where EJ should be considered. In May 2013, EPA issued the Draft EJ Technical Guidance for external comment and peer review, after an extensive internal review process. This document is a complement to the EJ Process Guide, and addresses the question of how to assess for EJ issues in national rules in an analytic fashion. It presents key analytic principles and definitions, best practices, and analytical questions to frame the consideration of EJ in regulatory actions. It is flexible enough to accommodate various data needs and limitations in Agency actions, while also adding rigor and consistency to the way EJ is considered in EPA actions. EPA received public comments between May and September 2013. The public comment process also included tribal coordination. EPA initiated a

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<sup>3</sup> For listing of Office acronyms, see Appendix A

scientific peer review of the document through the Science Advisory Board (SAB), which involved the convening of an 18 member panel and two planned public meetings. The SAB will provide recommendations to EPA in Spring 2014.

EPA is scheduled to issue Final EJ Technical Guidance by November 2014, barring any unforeseen developments. To reach that goal, EPA will review and incorporate, where appropriate, the SAB recommendations and public comments into the guidance document. EPA will also complete the section of the guidance which will outline key near-term research priorities to fill data and methodological gaps, incorporating SAB recommendations, and other information.

<b>Deliverables</b>	<b>Implementation Steps</b>	<b>Milestones</b>
<i>Finalize Interim Guidance on Considering Environmental Justice During the Development of an Action (EJ Process Guide)</i>	Complete final formatting	January 2014
	Final Agency Review	February 2014
	Issue Final Guidance	March 2014
<i>Finalize Draft Technical Guidance for Assessing Environmental Justice in Regulatory Analysis (EJ Technical Guidance)</i>	Conclude Public Comment Period	September 2013
	Science Advisory Board (SAB) panel convenes second meeting to review draft SAB report	Spring 2014
	SAB Charter Committee convenes public meeting for quality review of the panel's draft report	Spring 2014
	SAB concludes review with transmission of SAB report to Administrator	April 2014
	Complete new section on research gaps	May 2014
	Incorporate SAB Review Comments and Public Comments into draft guidance	June 2014
	Final Agency Review	July 2014
	Issue Final Guidance	November 2014

## **B. CONSIDERING ENVIRONMENTAL JUSTICE IN PERMITTING**

### **Lead Offices and Regions: OAR, OGC, Region 2**

EPA is creating the foundation to meaningfully and consistently consider EJ in the permitting process. The EJ Permitting Initiative is focused on EPA-issued permits to affirm EPA's leadership role and lead by example in the area of EJ and permitting. The goals of this initiative are:

- To enable overburdened communities to have full and meaningful access to the permitting process; and
- To address EJ issues in permits to the greatest extent practicable under existing environmental laws.

To achieve these goals, EPA has focused on developing tools that will enhance the ability of overburdened communities to participate meaningfully in the permitting process and that will assist EPA to meaningfully address EJ in its permitting decisions.

#### ***Phase I: Enabling overburdened communities to have full and meaningful access to the permitting process***

In May 2013, EPA took three actions under Phase I of this Workplan in furtherance of the first goal of enabling overburdened communities to have full and meaningful access to the permitting process. First, EPA released Actions that [EPA Regional Offices Are Taking to Promote Meaningful Engagement in the Permitting Process by Overburdened Communities](#) (EPA Actions). EPA Actions identifies opportunities for enhanced outreach for permitting actions that affect overburdened communities and provides a framework that will promote consistency and transparency in EPA's permitting outreach. In addition, in light of EPA's limited resources, it will help the regions target enhanced outreach to situations where an EPA permitting action may have significant environmental or health impacts on overburdened communities or where a community has shown an interest in the particular permit. EPA Actions directs each region to create a regional implementation plan that describes in more detail each region's process for prioritizing its permits for enhanced outreach and the kinds of outreach activities the region may undertake. In our second deliverable, all EPA regions have developed and are implementing regional implementation plans and have made them publically available on their websites in May. The regions will meet with the Environmental Justice Committee bi-annually to provide updates on implementation of their plans as well as any changes to the plans themselves, as they are living documents. Finally, EPA developed [Promising Practices for Permit Applicants Seeking EPA-Issued Permits Ways to Engage Neighboring Communities](#) to encourage permit applicants to strategically plan and conduct enhanced outreach to overburdened communities in the permitting process for EPA-issued permits that have significant impacts on overburdened communities.

#### ***Phase II: Addressing environmental justice issues in permits to the greatest extent practicable***

In Phase II of the EJ Permitting Initiative, EPA will develop two resources to further the second goal of meaningfully addressing EJ in permitting decisions. The first will be a resource for EPA

staff conducting environmental justice analysis of EPA permitting actions. In the context of permitting, an EJ analysis generally involves a review of the environmental and health impacts on the communities affected by a permitting action. This resource will provide information to EPA permitting offices on the following issues, as well as others that arise: (1) how to select permits for an environmental justice analysis, (2) how to scope the appropriate level of analysis for a particular permit, and (3) how a community’s concerns can inform an EJ analysis.

The second resource will provide assistance to EPA permitting offices on permitting outcomes that are within EPA’s legal authorities and meaningfully address environmental justice. EPA will consider two types of permit outcomes: (1) terms and conditions that can be written into the actual permit, and (2) other permit outcomes that are not written into the permit, but may result from the permitting process, such as a good neighborhood agreement. EPA will explore permit terms and conditions and other permit outcomes that have been effective in addressing EJ concerns and compile them for reference. Though there is no expectation that regions adopt certain permit terms and conditions or other permit outcomes, we hope that a resource of EJ permit outcomes that have been successful will encourage regions to implement more EJ-related permit outcomes where appropriate.

<b>Deliverables</b>	<b>Implementation Steps</b>	<b>Milestones</b>
Resource Guide on EJ Analysis	Determine the appropriate scope and contents of the resource guide	Fall 2013
	Develop draft document for Agency review	Fall 2013 - Spring 2014
	Finalize document	Summer 2014
Resource on Permit Outcomes	Investigate possible permit outcomes connected to environmental justice analysis	Fall 2014
	Compile findings on permit outcomes and present to Agency for review	Fall 2014
	Incorporate permit outcomes into resource guide on EJ analysis	Winter 2014
	Add permit outcomes that address EJ to EJ Legal Tools Repository	Ongoing
Check-ins with Regions on Regional Implementation Plans	Workgroup submits updates on the implementation of the regional plans	Winter 2013
		Summer 2014

## **C. ADVANCING ENVIRONMENTAL JUSTICE THROUGH COMPLIANCE AND ENFORCEMENT**

### **Lead Offices and Regions: OECA, Region 5**

The goal of this area is to fully integrate consideration of EJ concerns into the planning and implementation of the Office of Enforcement and Compliance Assurance's (OECA) work, including program strategies, case targeting strategies, and development of remedies in enforcement actions to benefit overburdened communities, as well as communicate more effectively with these communities about EPA's enforcement work.

OECA completed a comprehensive plan for integrating EJ into all aspects of the enforcement life cycle, from the selection and implementation of OECA's work, to remedies in enforcement actions. Using the enforcement life-cycle model, every enforcement office has developed guidance for incorporating EJ into its work. In FY2010-2013, OECA reviewed, revised or issued several internal guidances and policies to integrate EJ further into its standard business practices. In 2013, OECA finalized guidance that requires an EJ review for almost all initiated EPA enforcement cases, successfully transitioned to using EJSCREEN as the Agency's nationally consistent tool for screening information about areas with potential EJ concerns that may warrant additional consideration, analysis or outreach, and incorporated EJ into its FY2014 National Program Guidance, with an Annual Commitment System measure for EJ. OECA has established a foundation upon which it can build upon as it raises EJ program integration to the next level.

All commitments for this area have been completed. Beyond 2014, OECA will sustain EPA's efforts to advance EJ by continuing to integrate EJ into its program strategies, civil and criminal enforcement activities, and compliance activities. EPA will implement existing EJ tools and guidance in order to integrate EJ considerations throughout the enforcement life cycle. As appropriate, OECA will further refine or develop tools and guidance, including case studies and promising practices, to promote compliance with federal environmental laws and regulations. EPA will increase collaboration with other federal, state, tribal and local government partners as appropriate, to enable broader integration of EJ. It will appropriately support community-based partnerships that lead to greener, healthier and more sustainable communities.

These actions are intended to result in demonstrated benefits to communities experiencing disproportionate environmental or public health impacts from environmental pollution. OECA's integration of EJ into the Agency's enforcement work has illustrated that a community can see many different types of benefits from EPA's enforcement actions, some of which are more tangible than others.<sup>4</sup> EPA recognizes that describing the correlation between pollution reduction statistics and the impact of those reductions on overburdened communities is an important element in EPA's EJ work, although it is not an easy concept to communicate. But even in the absence of precise data, EPA will continue to be as transparent as possible about its work, communicating the benefits of enforcement actions in informative statements about the

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<sup>4</sup> See [Plan EJ 2014 Progress Report](#) (pp. 10-12).

pollutants reduced and their connection to at-risk populations. Information screening tools such as EJSCREEN will help promote communication and transparency with communities, as well as help identify areas with potential EJ concerns that may warrant additional consideration, analysis or outreach.

### **Remaining Deliverables:**

OECA has identified the following specific areas for continued implementation and advancement of EJ throughout its work.

- **Advance EJ goals through targeting and development of compliance and enforcement actions.** As EPA continues to aggressively pursue pollution problems that make a difference in communities, it will appropriately consider EJ as the Agency sets national enforcement priorities, targets enforcement work, develops and resolves enforcement actions, and focuses on geographic areas. EPA will continue to collaborate appropriately with federal, state, tribal and local partners to advance EJ. It will use information screening tools such as EJSCREEN, supplemented with local knowledge and additional information, to help prioritize enforcement efforts in communities and areas that may be experiencing disproportionate environmental impacts.
- **Train and build staff capacity to further integrate EJ.** The Agency will continue to provide guidance and training regarding consideration of EJ in screening and targeting activities, as well as case development and resolution.
- **Enhance communication and transparency with affected communities and the public regarding EJ and the distribution and benefits of enforcement actions, as appropriate.** EPA will continue to increase efforts to communicate with affected communities and the public about enforcement strategies and actions that may affect overburdened communities.

## **D. SUPPORTING COMMUNITY-BASED PROGRAMS**

### **Lead Offices and Regions: OSWER, Regions 2, 3, 4 and 7**

The goal of this area is to strengthen community-based programs to engage overburdened communities and build partnerships that promote healthy, sustainable, and green communities. EPA improved the effectiveness of its community-based programs through better information access, coordination and leveraging. EPA has worked to make community an organizing principle for its work. In FY2013, the Agency began to test these practices through 10 regional pilot projects as part of a Community Key Performance Indicator effort. The results will enable EPA, particularly its regional offices, to better carry out the Administrator's priority on [Making a Visible Difference in Communities](#).

### **Remaining Deliverables**

**Community Key Performance Indicator:** EPA has worked in many ways to make community an organizing principle for its work. Some of EPA initiatives that aim to better serve communities include: Community-Based Coordination Network, Community Action for a Renewed Environment (CARE), Sustainable and Healthy Communities Research Program, Community Engagement Initiative, Plan EJ 2014, and the Partnership for Sustainable Communities. In FY2012, EPA merged and unified common elements from these efforts under the umbrella of the Cross-Cutting Fundamental Strategy for Environmental Justice and Children's Health through the creation of a single Key Performance Indicator, known as the Community KPI.

The Community KPI sought to assess the use of best practices from EPA's multi-media community-based programs and identify ways to improve their efficiency and effectiveness in reducing environmental risks and promoting healthy, sustainable and livable communities, especially among underserved and overburdened populations. EPA collected nearly 50 promising practices from its regional offices' past experience in working with communities, and formulated eight general recommendations for improving community work. In FY2013, each region identified one underserved and overburdened community where EPA and other federal agency efforts and resources were already focused in order to field test one or more of the recommendations. As a final deliverable, for 2013, senior Agency managers will review and reflect on the experiences and lessons learned from the regional community-based pilots in planning the transition to the new Communities Cross Cutting Fundamental Strategy. A path forward for actions which enhance the Agency's community focused work is anticipated in the spring of 2014.

**Land Use Resource:** EPA is aware of community concerns about land use planning. To respond to these concerns, EPA has explored how its programs affect land use decision-making in matters such as planning, siting and permitting. While land use planning is usually a local responsibility, EPA can provide local jurisdictions with information about best practices regarding policies and approaches that can benefit all community stakeholders and minimize adverse impacts. EPA established a workgroup and obtained stakeholder input to explore ways in which the Agency's work intersects with land use decision-making, planning, siting and permitting. As a result of this process, EPA will complete a comprehensive list of resources that



will illustrate how environmental justice and land use planning can be successfully coupled. The resulting *Environmental Justice Guide to Land Use Planning* will offer resources that fall under the following categories: Environmental Justice 101, Environmental Justice and Land Use: Making the Connection, Engaging the Community, Smart Growth, Case Studies and Policy/Legislation. The guide will be available as a resource for land use planners, community members, and other interested parties. It can also be used for trainings and supplement other information resources.

**Equitable Development Resource:** EPA has a range of financing and technical assistance vehicles in place that communities may be able to tap. However, ensuring equitable access to them can be a formidable challenge for communities and organizations unfamiliar with EPA’s process for distributing and leveraging these vehicles. Therefore, EPA has worked to foster a climate in which more equitable development opportunities can be realized. EPA has compiled tailored information about financing and technical assistance tools and strategies, including outreach to agencies whose complementary tools could be given a greater community focus. EPA is completing an *EPA Agency-wide Financing and Technical Assistance Vehicle: Strategies to Apply Them to Support Equitable Community Development* that will be posted online. As part of this effort, EPA will prepare an outreach memorandum to other key agencies to encourage application of their tools in ways that promote equitable development.

Deliverables	Implementation Steps	Milestones
Community Key Performance Indicator	Key recommendations for FY2014 activities – based on regional pilot findings.	December 2013
Land Use Resource	Identify resources to create an informational guide to assist with land use decision-making, planning, siting and permitting. Guide can be used to inform and add to existing training tools.	December 2013
	Develop a tool to showcase findings.	May 2014
Equitable Development Resource	Produce an <i>EPA Agency-wide Financing and Technical Assistance Vehicle: Strategies to Apply Them to Support Equitable Community Development</i> and post on the web.	May 2014
	Prepare an outreach memorandum to other key agencies, to encourage application of their tools in ways that promote equitable development.	July 2014

## **E. FOSTERING ADMINISTRATION-WIDE ACTION**

### **Lead Offices and Regions: OW, Region 6**

The goal of this area is 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. Federal agencies have made significant progress towards fulfilling the promise of EO 12898 under the leadership of EPA and the White House Council on Environmental Quality (CEQ). Starting with a cabinet-level meeting and the first-ever White House Forum on Environmental Justice in 2010, federal agencies reinvigorated the EJ IWG. Seventeen cabinet members and White House offices signed the [EJ MOU](#) on environmental justice and EO 12898 in 2011. In keeping with a commitment to hear from communities, the EJ IWG conducted 18 community listening sessions across the country in 2011-2012. Fifteen federal agencies issued final agency EJ strategies, implementation plans or progress reports. In August 2011, the EJ IWG identified NEPA, Title VI of the Civil Rights Act of 1964, Goods Movement, and Climate Change as priority issues, and has initiated efforts to address them.

### **Remaining Deliverables**

The EJ IWG will continue to focus its efforts on the four focus areas identified in the EJ MOU and continue to conduct listening sessions. The four focus areas identified are: (1) NEPA, (2) Goods Movement, (3) Climate Change and (4) Title VI. In addition, the EJ IWG established a committee on regional activities. The EJ IWG will also support the President's Climate Action Plan. Specific activities include:

**Community Engagement:** Federal agencies will hold at least two (2) listening sessions with communities to, among other things, evaluate the effectiveness of agency environmental justice strategies and seek recommendations on how agency efforts can be improved.

**NEPA Committee:** The NEPA Committee is improving the effectiveness, efficiency and consistency of the NEPA process to enhance consideration of EJ through the sharing of best practices, lessons learned, training and other tools. Since its inception in May 2012, the NEPA committee has taken several steps toward achieving its mission. Initially, an electronic compendium of publicly-available NEPA and EJ-related documents from almost twenty federal agencies is provided on the IWG website; key references from this Environmental Justice and NEPA Agency Resource Compendium are also included on EPA's NEPA Webpage. In addition, the NEPA Committee has conducted a cross-agency training series on existing tools, methods, and agency-specific focal areas. The Community of Practice Subcommittee is compiling a best practices approach that efficiently and effectively considers environmental justice in NEPA reviews. The Education Subcommittee has conducted a review of existing federal agency training materials on EJ and NEPA, and is using this assessment to produce a national NEPA training module on NEPA and EJ with the focus on effective EJ analysis in the NEPA process.

Moving forward, the Committee will continue to advance cross agency understanding of opportunities to advance environmental justice through increased understanding of challenges and opportunities, articulation of effective best practices, training on general and specific NEPA

and EJ topics, and other measures. Altogether, these efforts will continue to provide federal officials, at all levels, with a foundational understanding of NEPA’s role in addressing EJ through assessment, consideration of alternatives, avoidance and mitigation during the NEPA review process. The table below identifies the set of milestones associated with the development of a set of NEPA analytical and educational resources.

Deliverables	Implementation Steps	Milestones
Complete National Environmental Policy Act Analytic and Educational Resources	Designed and implemented formal collaboration that includes designated members from almost 20 Departments and Agencies	October 2012
	Convene regular meetings for deliberation and development of resources	Ongoing
	Conduct cross-agency trainings on incorporating EJ analysis within NEPA process	Ongoing
	Create the Agency NEPA- EJ Resources Compendium and secure publication on EPA Website	September 2013
	Develop checklist of best practices for considering environmental justice in NEPA reviews	February 2014
	Produce national NEPA training module	March 2014

**Climate Change:** Federal agencies will support President Obama’s Climate Action Plan by reporting, through their annual environmental justice implementation progress reports, innovative actions they have taken to help overburdened communities prepare for, and recover from, the impacts of climate change.

**Goods Movement Committee:** The Goods Movement Committee assists agencies to reduce environmental and health effects of goods movement efforts on overburdened communities and to increase opportunities for overburdened communities to benefit from goods movement efforts. In 2013, the Goods Movement Committee focused on identifying federal programs, policies and activities that are related to goods movement and impact overburdened communities, developing better partnerships with community groups and identifying issues that most concern impacted communities. Moving forward, the committee will continue developing partnerships with communities and begin supporting the integration of environmental justice into specific agency efforts.

**Title VI Committee:** The Title VI Committee acts as a resource to help agencies connect their civil rights enforcement responsibilities with their efforts to achieve environmental justice. In 2013, the committee surveyed agencies to determine the extent to which Title VI complaints have included environmental justice issues and evaluated the relationship between Title VI and EJ. Moving forward, the committee plans on posting a webpage on the EJ IWG website that articulates the interrelationship between Title VI and EJ and will identify opportunities for interagency collaboration.

**Regional IWG Committee:** The Regional IWG Committee (RIWG) responds to communities at the local and regional level. In 2013 the RIWG Committee finalized its concept to include its vision, goals, membership, organization and key principles. This internal concept is designed to help guide the RIWG in the process of forming regional workgroups (designed around the EPA regional structure) and working with existing workgroups with the goal of better addressing issues, concerns and recommendations that may result from public engagement at the local and regional levels, and to increase cooperation across federal agencies in support of Executive Order 12898. The committee's goals, in part, are to help respond to environmental justice issues or concerns in a more timely and unified manner, help build community capacity and leverage resources of federal agencies and where appropriate, with state, tribal and local agencies, as well as individual communities, the private sector and NGOs regarding EJ issues. The committee is moving forward with identifying and selecting cross-government collaborations to aid communities.

## **F. SCIENCE TOOLS DEVELOPMENT**

### **Lead Offices and Regions: ORD, OSA, Region 7**

The goal of this area is to strengthen the scientific foundation for actions at the agency, state, tribal, local and community levels to address environmental and health inequalities in overburdened populations and communities. This goal is accomplished through the use of community-based research approaches and the development of guidance, decision tools and information for decision-making.

Scientific activities at EPA that advance this goal span a range of areas, including: (1) developing tools, methods and guidance for conducting cumulative risk assessments, (2) identifying and better understanding of susceptible and vulnerable population groups for risk assessments and to help determine the underlying causes of health disparities and (3) identifying and developing technical approaches for reducing the burden of exposure to a wide variety of contaminants. EPA is continuing to interact with outside entities, including other federal agencies, universities, advisory groups and communities to identify and prioritize EJ-related research activities. For example, EPA convened a panel of multi-disciplinary stakeholders under the National Environmental Justice Advisory Council (NEJAC), for providing advice to EPA on matters related to EJ under the Federal Advisory Committee Act.

#### **Cumulative Risk Assessment Guidelines**

Cumulative Risk Assessment (CRA) is an analytical approach that enables the risks from multiple agents or stressors to be combined, providing a more refined assessment that further supports EPA's mission of protecting human health and the environment. In July 1997, then Administrator Browner issued the first guidance on CRA, stating that cumulative risk was to be accounted for in the planning and scoping of major risk assessments. The 2003 publication of the [Framework for Cumulative Risk Assessment](#) set the stage for programs and regions to incorporate cumulative risk into their decision-making. Since that time, EPA has developed approaches and tools for combining chemical stressors, although primarily related to chemical stressors. EPA has also conducted: (1) numerous technical workshops and a Human Health Colloquium, (2) established a technical panel to develop CRA Guidelines and then convened an expert meeting and (3) issued a [Federal Register Notice requesting information from the public on CRA methods](#).

#### **Remaining Deliverables**

Additional information on methods is still needed for assessing combinations of chemical and non-chemical stressors before CRA Guidelines can be completed. Upon completion, in addition to addressing recommendations from the National Research Council, the CRA Guidelines will harmonize CRA methods and assessment science at EPA and more fully address how chemical and non-chemical stressors can be considered in a cumulative risk assessment. The CRA Guidelines will be particularly useful for addressing EJ concerns and furthering EPA's efforts toward incorporating sustainability into its decision-making.

## Community Assessment Tools

The [Community-Focused Exposure and Risk Screening Tool](#) (C-FERST) is being developed as a community mapping, information access and assessment tool designed to help assess risk due to exposure to environmental toxicants and assist with decision-making in communities. C-FERST provides community-level information on human exposures and risks from environmental toxicants and potential solutions for reducing those risks, in order to support stakeholders in making informed, cost-effective decisions to improve public health. C-FERST provides screening-level estimates of environmental exposure and risk at the community level across the U.S., easy access to maps and location-specific data, guidance on collecting additional data and optional step-by-step roadmaps for performing community assessments. A new roadmap, the [Community Cumulative Assessment Tool](#) (CCAT), is also being developed. CCAT is a computerized step-by-step process that informs users of the phases involved in a CRA (including problem formulation, conceptual model development and the consideration of multiple factors, such as environmental, social and economic.) The [Tribal-Focused Environmental Risk and Sustainability Tool](#) (T-FERST) provides information similar to C-FERST in a tribal context as well as additional information of interest to tribes. It also contains a roadmap to support tribal assessments.

## Remaining Deliverables

Below are key activities in FY2014.

- **Peer Review:** External reviewers will be selected for a peer review in late 2013 and a written report will be delivered in early 2014. In response, improvements to C-FERST and T-FERST will be made before public release of the tools.
- **Pilot Testing:** Pilot testing of T-FERST, C-FERST and CCAT is taking place through a tribal case study and several community case studies in partnership with EPA regional offices. Feedback on usability and functionality of the tools is being received and enhancements to the tools will be incorporated along with the input from the external peer review.
- **Public Release:** After improvements are made in response to external peer review and pilot testing, C-FERST and T-FERST will be sent to EPA program offices for a final cross-program office review (two previous cross-program office reviews occurred on earlier versions). Upon approval of the tool for release, password protection will be removed and the tool will be made publicly available.

## Mapping and Analysis Tool (EnviroAtlas)

[EnviroAtlas](#) is a web-based tool that allows users to access, view and analyze diverse information focusing on the benefits that humans receive from their environment and how these benefits affect health and well-being. The first version of this public tool will contain map layers for the conterminous U.S. that can be used to evaluate the supply and distribution of ecosystem goods and services. In addition to nationwide data layers, the first release of EnviroAtlas will contain high-resolution data layers for several pilot communities. These data could be used to identify, for example, disparities in proximity to parkland for exercise, social interaction, engagement with nature and the presence of roadside tree buffers which can shield nearby populations from vehicular air pollution.

## Remaining Deliverables

Below are key activities in FY2014.

- **Peer Review:** An external peer review has been conducted and the EnviroAtlas Team is currently addressing the review comments. The peer review was favorable with good suggestions for future improvements. Many of these suggestions will be implemented prior to the public release, which is still on target for March 2014 barring any unforeseen delays. There were no peer review comments that would result in a delayed release of EnviroAtlas.
- **Beta Testing:** Beta testing of EnviroAtlas has been underway since June 2013. The web site is open to everyone interested in beta testing. Beta testers are being asked to complete an OMB approved survey and the feedback from this survey has been analyzed and is being used to drive the direction of EnviroAtlas.
- **Public Release:** After peer review comments and beta testing suggestions have been incorporated into EnviroAtlas and all EPA requirements for web applications have been satisfied, the password protection will be removed and the product will be fully released. This release is currently scheduled for March 2014, barring any unforeseen delays.

## Extramural Grants on Cumulative Risk Assessment (CRA) and Environmental Health Disparities

ORD will complete two extramural grant programs in the areas of cumulative risk assessment and environmental health disparities.

**Community Cumulative Risk Assessment Grants:** ORD awarded seven grants on [Understanding the Role of Nonchemical Stressors and Developing Analytical Methods for Cumulative Risk Assessments](#). Several of these grantees have participated in an ORD webinar series sharing results of their research. Final Technical Reports are anticipated three months after each grant closes. The following are notable achievements among the CRA grantees.

- An approach (specifically, a simulated annealing approach) for generating population data relevant to chemical and non-chemical stressor exposure in New Bedford, MA that overcomes a major challenge of data availability at the proper geographic resolution for community-based cumulative risk assessment. This approach relies on publically available data and can be replicated for other communities.
- Developing and applying computer-assisted qualitative research methods and structural data analysis called Galois lattices to characterize environmental burden at individual and community levels. This analytical tool is a sophisticated approach for representing data that have multiple attributes and linkages to observe the common set of issues of concern in the Chelsea, MA community.

**Environmental Health Disparities Grants:** ORD awarded ten pilot grants jointly with the National Institute on Minority Health and Health Disparities (NIMHD) for [Centers of Excellence on the Environment and Health Disparities](#). These grants focus on the interaction of biological, social and environmental determinants of population health, racial and socioeconomic disparities in health outcomes and access to healthy community environments. Additionally, several of the CRA grantees have participated in the National Center for Environmental

Research/Risk Assessment Forum CRA 2013 webinar series to share the results of their research. Progress to date for the 10 pilots includes:

- Collection of unique neighborhood level data, qualitative and quantitative;
- Creation of environmental and health databases;
- Epidemiological studies on effect modification;
- Spatial analysis of disparities in exposure, risk, and proximity to pollution sources;
- Training residents on community environmental health mapping; and
- Training students and the next generation of environmental health disparities researchers.

### Remaining Deliverables

Projects are expected to be completed by 2015. Final Technical Reports are anticipated three months after each grant closes.

Deliverables	Implementation Steps	Milestones
Develop Draft Cumulative Risk Assessment Guidelines	Develop Cumulative Risk Assessment Policy Statement for EPA	September 2014
	Develop and conduct External Peer Review of a Cumulative Risk Assessment Key Elements document	September 2014
Develop assessment and mapping tools (C-FERST, T-FERST, CCAT, EnviroAtlas)	Conduct external peer review of C-FERST and T-FERST	January 2014
	Community and EPA Regional pilot testing of C-FERST and CCAT and tribal testing of T-FERST. Incorporation of CCAT into C-FERST.	Ongoing through 2014
	Public release of C-FERST and T-FERST	September 2014
	Public release of EnviroAtlas	January 2014
Extramural Grants on Cumulative Assessment and Environmental Health Disparities	Grants on Understanding the Role of Nonchemical Stressors and Developing Analytical Methods for Cumulative Risk Assessments.	2013 - 2015
	Pilot Grants on Centers of Excellence on Environment and Health Disparities Research.	2015



## **G. LEGAL TOOLS DEVELOPMENT**

### **Lead Offices and Regions: OGC, Region 5**

Plan EJ 2014 called for the Office of General Counsel (OGC) to identify legal authorities under federal environmental statutes that can be applied to the EJ challenge. Under OGC's leadership, EPA responded to that challenge by publishing [Plan EJ 2014: EJ Legal Tools](#) (EJ Legal Tools), the Agency's first compilation into a single public document of discretionary legal authorities that are or may be available to EPA to address EJ under federal statutes and programs. EJ Legal Tools identified numerous legal authorities that EPA may use to ensure that its programs, policies and activities more fully protect human health and the environment in minority, tribal or low-income communities. Some of the legal tools identified are already in use today; others have not yet been applied in an EJ setting. EJ Legal Tools should be viewed as a starting point, rather than an end point, in the examination of legal authorities. It does not purport to consider every possible contributive authority. Rather it focuses on those authorities that appear to be most relevant to the EJ challenge as we currently understand it. Moreover, consistent with the "leading by example" orientation of Plan EJ 2014, EJ Legal Tools looks principally through the lens of EPA as an implementer, leaving for further examination and discussion the question of how EJ-related legal authorities might inform the activities of states and tribes operating EPA-approved programs and of EPA's oversight of those activities. Accordingly, EJ Legal Tools should be regarded as a living document, subject to future additions and adjustments.

### **Remaining Deliverables**

EPA will continue efforts to build a community of practice that fosters mutual learning, implementation and integration of EJ Legal Tools into EPA programs, policies and activities. To that end, EPA has established a repository of examples where EJ Legal Tools have been applied and made a commitment to collect 50 examples of such use under the FY2011-2015 EPA Strategic Plan Cross-Cutting Fundamental Strategy on "Working for Environmental Justice and Children's Health." The repository is intended to produce the following outcomes:

- Collect examples of environmental law application that advance EJ;
- Catalyze collaboration between EJ, legal and program staff;
- Educate EPA staff on application of legal authorities and provide ongoing learning experiences;
- Clarify benefits to communities with EJ concerns about EPA's actions;
- Advance key agency strategic initiatives (e.g. green infrastructure); and
- Advance thinking about using EJ Legal Tools to help solve EJ problems and capture questions and recommendations regarding EJ Legal Tools.

A set of implementation steps and milestones, involving all national programs and regions, OGC and the OEJ, guide the collection of examples of the application of legal tools that bear meaningfully on the EJ challenge and provide opportunities to utilize EPA’s statutory authorities to advance environmental justice.

Deliverable	Implementation Steps	Milestones
Collect 50 examples of use of EJ legal tools for EJ Legal Tools Repository	Engage Regions and National Program Managers (NPM) through webinars and briefings for OW, OSWER, OAR and OCSP program EJ Coordinators	August 2013
	Establish points of contact for Regions and NPMs	August 2013
	Collect potential examples and secure draft write-ups	September 2013
	Evaluate sufficiency and propriety of proposed examples and produce final narratives	February 2014
	Secure approval by NPMs, Regional Counsels, and OGC	April 2014
	Provide narratives for internal use	June 2014

## **H. INFORMATION TOOLS DEVELOPMENT**

### **Lead Offices and Regions: OP, OEI, OEJ, Regions 3, 8, 9, 10**

The goal of this area is to develop a more integrated, comprehensive, efficient and nationally-consistent approach for collecting, maintaining and using geospatial information relevant to potentially overburdened communities. In October 2012, EPA released a draft version of EJSCREEN for internal use. EJSCREEN is a baseline screening tool that features up-to-date graphics, high resolution maps, reports and graphs. It utilizes environmental and demographic indicators to help identify areas that may warrant further consideration, analysis or outreach regarding potential EJ concerns. By developing EJSCREEN (Version 1.0), EPA carried out its commitment under Plan EJ 2014 to develop a new EJ screening tool. This new tool provides the Agency with nationally consistent data and methods for screening areas with potential EJ concerns that may warrant further consideration, analysis or outreach.

These actions are intended to result in EPA, governmental partners and stakeholders using accessible, high quality EJSCREEN information in an accurate, effective and consistent manner. Through use of EJSCREEN, EPA seeks to achieve:

- Greater understanding and more productive dialogue about areas of potential EJ concern;
- Faster and more effective responses to EJ issues;
- Better integration of EJ considerations into agency activities;
- Greater use of EJSCREEN and integration of EJ considerations in partner and stakeholder activities; and
- Better use of agency resources.

### **Remaining Deliverables**

In order to complete its goal of releasing a public version of EJSCREEN, EPA will undertake two major activities: (1) peer review and (2) development of the EJSCREEN public release version, including tool enhancements and data updates.

**Peer Review:** EPA is conducting an expert letter review of EJSCREEN to provide feedback about the tool's utility and other design aspects. The letter review will commission three to five experts on geospatial data tools and EJ, and feedback will be provided to help modify EJSCREEN to more efficiently and accurately screen areas for potential EJ concerns. Preparation for the peer review is in its final stages, and should be complete in March or April 2014.

**Development of Public Release Version:** The Office of Environmental Information (OEI) is in the process of developing a publicly available version of EJSCREEN. The proposed release date of the public release version of EJSCREEN is October 2014.

Deliverables	Implementation Steps	Milestones
Develop EJSCREEN	Conduct peer review	May 2014
	Incorporate EJSCREEN enhancements and data updates	September 2014
	Issue public release version of EJSCREEN	October 2014

## **I. RESOURCES TOOLS DEVELOPMENT**

### **Lead Office: OARM**

The goal of this area is to develop an efficient and effective system for delivering financial and technical assistance to communities to empower them to improve their health and environment. The Office of Administration and Resources Management (OARM), through its Office of Grants and Debarment (OGD), supported EPA's efforts to increase outreach to communities by developing and making available resource tools to improve community access to grants information and through enhanced technical assistance. EPA developed a centralized [Resources for Communities](#) webpage, implemented grants policies to streamline the grants process and provided community grants training.

These actions are intended to provide communities with greater access to EPA financial and technical resources, enabling their more efficient use. EPA has completed all major milestones and instituted performance measures to track how well this outcome is being achieved.

### **Remaining Deliverables:**

All commitments for this area have been completed. However, the following areas have been identified for continued implementation.

- Track the use of the tools identified in Plan EJ 2014, including the [Grant Competition Forecast Calendar](#), [Grants 101 Tutorial](#), Community-Based Grants Policy, Flat Indirect Cost Rate option, and community training webinars. This will help EPA determine how well the Agency has met the performance measures identified in Plan EJ 2014. Specific activities will focus on key indicators such as webpage views, webinar attendees, utilization of the flat indirect cost rate option and the number of EJ grant applications received.
- Organize a pilot project in FY2014 to explore the potential use of EJSCREEN to assess the characteristics of locations of communities receiving EPA grants. Place-of-performance data from the GeoGrants tool will be used to help inform the assessment process.

## **J: ADVANCING ENVIRONMENTAL JUSTICE THROUGH TITLE VI**

**Lead Office: OCR**

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination based on race, color or national origin under any program or activity of a Federal financial assistance recipient. Because the EPA recognizes that it must strengthen the enforcement and compliance of Title VI, it continues to promote prevention of discrimination and engaging stakeholders more broadly to ensure meaningful dialogue regarding Title VI compliance.

For instance, EPA has made considerable efforts to communicate with and solicit input from state recipients, industry, Title VI advocacy organizations and other stakeholders on Title VI compliance. EPA has also met with and participated in conference calls on several occasions with various state representatives, as part of the Environmental Council of States, to discuss performance partnership agreements, performance partnership grants and how recipients can meet their Title VI obligations.

While much more lies ahead for the Title VI program we continue to make progress. Below are a few key highlights from FY 2013.

- **Developed a Title VI term and condition.** EPA believes it is important to place a greater focus on prevention of discrimination and compliance with Title VI by reminding recipients of their existing obligations to comply with Title VI. To do this, in January 2013 EPA inserted a Title VI term and condition in all EPA domestic grants. The term and condition does not create any new enforcement rights for the EPA, but serves to highlight a pre-existing obligation.
- **Strengthened EPA's post-award compliance program to advance proactive compliance through monitoring.** Because EPA recognizes that it must strengthen compliance of Title VI, it is working to develop a robust post-award compliance program that would place a greater focus on prevention of discrimination and compliance with Title VI. For example, OCR continues to work with Office of Grants and Debarment to improve the pre-award review process by integrating a civil rights module in the grant application training modules and by including additional Title VI questions as part of the grant audits.
- **Advanced Limited English Proficiency.** EPA launched Limited English Proficiency (LEP) web pages in several languages. The LEP website is currently translated into Chinese (traditional and simplified), Korean, Spanish, Tagalog and Vietnamese. The links are available at <http://www.epa.gov/civilrights/lepaccess.htm>
- **Inserted language related to Title VI compliance in the FY 2014 Final Overview of the National Program Management (NPM) guidance on effective grants management:** The guidance is issued annually by EPA program offices to provide the Agency's ten regional offices, states and tribes with guidance on annual programmatic priorities and implementation strategies.

## Remaining Deliverables

All deliverables are expected to be completed by the end of 2016.<sup>5</sup>

Deliverables	Implementation Steps	Milestones
Reform pre-award compliance program to further ensure compliance with Title VI.	Submit EPA Form 4700-4 to the Office of Management and Budget for review.	Completed
	The Office of Management and Budget completes its review and submits to the Agency.	July 2014
	Implementation of the renewed Form 4700-4.	December 2014
Improve post-award compliance monitoring program to further ensure compliance with Title VI.	Develop a Title VI post-award compliance program.	June 2015
	Seek stakeholder input.	October 2015
	Launch the compliance program.	January 2016
	Develop Title VI compliance tool-kit for EPA federal financial assistance recipients.	July 2016
	Conduct training for recipients.	December 2016
In consultation with DOJ, EPA will re-evaluate its Title VI regulations and make any necessary changes.	Complete evaluation of EPA Title VI implementing regulations for potential revision and issue notice of proposed rulemaking in Federal Register as a rulemaking for public comment.	July 2014
	Engage interested stakeholders, as appropriate.	August 2014
	EPA will review its programmatic standard operating procedures and templates for processing administrative civil rights complaints and revise as appropriate.	October 2014
	EPA will review its programmatic standard operating procedures and templates for and conducting compliance reviews and will revise as appropriate.	December 2014
	Work with DOJ and other agencies to promote best practices and enhance effective compliance with Title VI and actions to address non-compliance.	Ongoing
Advance Environmental Justice goals through Limited English Proficiency initiatives.	Finalize EPA's LEP Implementation Plan to ensure compliance with EO 13166 and submit to the U.S. Department of Justice.	May 2014

<sup>5</sup> The deliverables identified in this section are subject to budget and resource constraints.

### III. CLIMATE CHANGE

Across the United States and the world, climate change is already affecting communities, livelihoods and the environment in significant ways. The impacts of climate change – including an increase in prolonged periods of excessively high temperatures, reduced air quality, heavier downpours, increased flooding, an increase in wildfires, more severe droughts, permafrost thawing, ocean acidification and sea-level rise – are already affecting communities, natural resources, ecosystems, economies and public health across the Nation. These impacts are often most significant for communities that already face economic or health-related challenges. The uneven nature of climate change impacts creates differing levels of vulnerability across countries, communities and even households, with important implications for adaptive actions. In addition, non-climatic stressors can interact with and exacerbate the impacts of climate stressors. Social and economic factors (e.g., economic status, race, ethnicity, age, gender and health) can significantly affect people’s exposure and sensitivity to climate change, as well as their ability to prepare and recover.

On June 25, 2013, President Obama announced his plan to cut carbon pollution and prepare the U.S. for the impacts of climate change. The President’s [Climate Action Plan](#) calls upon federal agencies to “continue to identify innovative ways to help our most vulnerable communities prepare for and recover from impacts of climate change” through annual federal agency Environmental Justice Progress Reports. This focus on building capacity in low-income, minority and tribal communities for climate adaptation comes from a number of policy mandates from both the White House and individual Agency leadership. These include the following activities.

- On November 1, 2013, President Obama signed an Executive Order, which called for the Federal government to build on recent progress and pursue new strategies to improve the nation’s preparedness and resilience. The EO states that “adaptation measures should focus on helping the most vulnerable people and places reduce their exposure and sensitivity to climate change and improve their capacity to predict, prepare for and avoid adverse impacts.”
- In its 2010 Progress Report, the Interagency Climate Change Adaptation Task Force, recommended actions in support of a national climate change adaptation strategy and set forth among its guiding principles that agencies should “prioritize the most vulnerable.” The report noted that adaptation plans should prioritize helping people, places and infrastructure that are most vulnerable to climate impacts. These plans also should be designed and implemented with meaningful involvement from these same communities. Issues of inequality and environmental justice associated with climate change impacts and adaptation should be addressed.

#### Agency Drivers

In January 2010, former Administrator Lisa Jackson identified seven priorities for EPA’s future, one of which is to take action on climate change. In July 2013, Administrator Gina McCarthy reiterated that commitment, adding that EPA would heed the President’s call for action on climate change. This priority not only calls for measures to anticipate and adapt to the effects



climate change will have on EPA's core mission but also includes helping the most vulnerable people and places reduce their exposure and sensitivity to climate change and improving their capacity to predict, prepare for and avoid adverse impacts. This priority is reflected in the EPA's FY2011-2015 Strategic Plan.

EPA's focus on climate adaptation is part of a larger federal effort to increase the nation's *adaptive capacity* and promote a healthy and prosperous nation that is resilient to a changing climate. The 2011 EPA Policy Statement on Climate Change Adaptation directs that the Agency should:

- Focus on understanding the environmental justice implications of climate-change impacts, identifying populations and communities vulnerable to climate change and with limited capacity to adapt; and
- Incorporate consideration of environmental-justice issues into the design and evaluation of adaptation strategies.

Subsequently, EPA in 2013 released for public review and comments its Draft Climate Change Adaptation Plan. The Plan specifically requires that EPA programs and regions place an emphasis on minority, low-income and indigenous populations because they have historically been exposed to a combination of physical, chemical, biological, social and cultural factors that have imposed greater environmental burdens on them than those imposed on the general population. Climate change is likely to exacerbate existing and introduce new environmental burdens and associated health impacts in communities dealing with environmental justice challenges across the nation. Further, EPA has a special obligation to work consultatively with the tribes to help them as sovereign governments address their climate adaptation concerns. EPA's 1984 Policy for the Administration of Environmental Programs on Indian Reservations directs the Agency to work "in a manner consistent with the overall Federal position in support of Tribal 'self-government' and 'government-to-government' relations between Federal and Tribal Governments."

### **Incorporating EJ in Agency Programs, Strategies and Implementation Plans**

This section describes the actions EPA has taken to incorporate EJ within programs, strategies and implementation plans over the past two years to address climate impacts in low-income, minority, tribal and/or other vulnerable communities. EPA is committed to integrating environmental justice and climate adaptation into its programs, policies, rules and operations in such a way that to the extent possible, it effectively protects all demographic groups, geographic locations, communities and natural resources that are most vulnerable to climate change. The Agency will place special emphasis on overburdened populations that are least able to help themselves and work in partnership with them to empower them to effectively adapt to climate change. A central element of the Agency's efforts to adapt to a changing climate will be to increase staff awareness of how climate change may affect their work by providing them with the necessary data, information and tools. Strengthening adaptive capacity of staff is necessary to anticipate and plan for future changes in climate and incorporate considerations into programs, policies and operations.

Below are examples of recent EPA actions to address climate change impacts in low-income, minority, tribal and/or other vulnerable communities.

- Working with low-lying communities in North Carolina to assess the vulnerability of infrastructure investments to sea level rise and identify solutions to reduce risks. A community vulnerability analysis was performed in the Duffyfield neighborhood, an historic African-American neighborhood near downtown New Bern, NC, in a low-lying area that experiences frequent flooding from the Neuse River that will only increase with sea level rise.
- Institute for Tribal Environmental Professionals (ITEP) Grants. From 2010-2014, OAR's Climate Change Division (CCD) is funding tribal adaptive capacity-building efforts through a cooperative agreement with ITEP at Northern Arizona University. The goal of this cooperative agreement is to enhance tribal familiarity with the projected impacts of climate change and to facilitate tribal climate change adaptation planning. Over the course of the agreement, ITEP is delivering trainings across the country, including in Alaska, Montana, New Mexico, Nevada and North Carolina.

### **Innovative Actions**

This section describes significant innovative actions taken by EPA within the past 2 years that address climate impacts in low-income, minority, tribal and/or other vulnerable communities and the results of those actions. EPA programs and regions have adopted actions to assist communities in developing a better understanding of climate impacts and readiness to reduce vulnerability and increase resilience. Below are examples of significant and innovative actions by EPA.

- Rebuilding from Hurricane Sandy, New York and New Jersey. Region 2 is working with recovery partners from the FEMA Joint Field Office, the State of New York and the Counties of Suffolk and Nassau in Long Island, New York to help the localities develop resilient, sustainable and environmentally just redevelopment plans as they rebuild from the devastation of Hurricane Sandy. This partnership has developed a suite of training to help recovery workers better understand and provide technical assistance for the rebuilding process. Region 2 will also assist Long Island Counties and the State of New York in hosting a regional redevelopment roundtable where relevant municipalities can discuss their development needs and forge collaborations in order build resiliency, sustainability and equitability into their recovery.
- Partnering with Tribal Governments. Region 5 has embarked on a series of efforts to assist the Lake Superior Tribes in identifying and implementing actions for climate change adaptation and focusing on increasing their adaptive capacity to address their adaptation-related priorities. These collaborative efforts are benefitting from the expertise provided by our tribal partners and the Traditional Ecological Knowledge (TEK) they possess. TEK is a valuable body of knowledge in assessing the current and future impacts of climate change and has been used by tribes for millennia as a valuable tool to adapt to changing surroundings. Consistent with the principles in the 1984 Indian Policy,

TEK is viewed as a complementary resource that can inform planning and decision-making.

### **Significant Areas for Future Attention**

In February 2013, the EPA released its draft Climate Change Adaptation Plan to the public for review and comment. The plan relies on peer-reviewed scientific information and expert judgment to identify vulnerabilities to EPA's mission and goals from climate change. The plan also presents 10 priority actions that EPA will take to ensure that its programs, policies, rules and operations will remain effective under future climatic conditions. The priority placed on mainstreaming climate adaptation within EPA complements efforts to encourage and mainstream adaptation planning across the entire federal government. Following completion of the draft Climate Change Adaptation Plan, each EPA national program office, all 10 regional offices and several national support offices developed a Climate Adaptation Implementation Plan to provide more detail on how it will carry out the work called for in the agency-wide plan. Each Implementation Plan articulates how the office will integrate climate adaptation into its planning and work in a manner consistent and compatible with its goals and objectives. Taken together, the Implementation Plans demonstrate how the EPA will attain the 10 agency-wide priorities presented in the Climate Change Adaptation Plan.

Each program and regional office's Implementation Plan contains an initial assessment of the implications of climate change for the organization's goals and objectives. These program vulnerability assessments are living documents that will be updated as needed to account for new knowledge, data and scientific evidence about the impacts of climate change on EPA's mission. The plan then identifies specific priority actions that the office will take to begin addressing its vulnerabilities and mainstreaming climate change adaptation into its activities, including: (1) using an Environmental Justice Screening tool to identify regulated facilities located in overburdened communities, (2) supporting and promoting the participation of tribes' with EPA's ORD in the National Tribal Science Council climate change discussions and (3) developing and distributing general Climate Impacts and Adaptation training materials.

Below are examples of areas that will receive future attention.

- Capacity Building. A central element of all of EPA's plans is to build and strengthen its adaptive capacity and work with its partners to build capacity in states, tribes and local communities. EPA will empower its staff and partners by increasing their awareness of ways that climate change may affect their ability to implement effective programs, and by providing them with the necessary data, information and tools to integrate climate adaptation into their work.
- Development of Interactive Climate Knowledge Base. Region 3 plans to develop this knowledge base, including GIS maps and data based on information from the programmatic vulnerability assessments, training materials, project descriptions, and staff contacts for use by the region.

- Proctor Creek, Atlanta, Georgia. The EPA Region 4 Office of Environment Justice and Sustainability, Region 4 RCRA Brownfields Section, EPA's Office of Research and Development, the US Forest Service and several local stakeholders are currently investigating where urban heat islands and vulnerable populations overlap in Atlanta's most underserved watershed, Proctor Creek.
- Community-based climate change adaptation and disaster risk reduction action plan, Caño Martín Peña community, Puerto Rico. EPA Region 2's Office of Regional Counsel/Caribbean Team and the Caribbean Environmental Protection Division, is developing the first such plan in Puerto Rico for the Caño Martín Peña community, an environmental justice community with a population of approximately 27,000 people located at the margins of the Caño Martín Peña Channel where residents are subject to frequent flash flooding and exposure to contaminated water on a regular basis (mainly asthma and gastrointestinal disease burdens).

## **APPENDIX A: OFFICE ACRONYMS**

<b>Acronym</b>	<b>Office Title</b>
OAR	Office of Air and Radiation
OARM	Office of Administration and Resources Management
OCR	Office of Civil Rights
OCSPP	Office of Chemical Safety and Pollution Prevention
OECA	Office of Enforcement and Compliance Assurance
OEI	Office of Environmental Information
OEJ	Office of Environmental Justice
OGC	Office of General Counsel
OP	Office of Policy
ORD	Office of Research and Development
OSWER	Office of Solid Waste and Emergency Response
OW	Office of Water