



Fostering Administration-Wide Action



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



FOSTERING ADMINISTRATION-WIDE ACTION ON ENVIRONMENTAL JUSTICE

Implementation Plan

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Led by

Office of Water and Region 6

U.S. Environmental Protection Agency
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PLAN EJ 2014 AT A GLANCE

Plan EJ 2014 is the U.S. Environmental Protection Agency (EPA)'s roadmap to integrating environmental justice into its programs and policies. The year marks the 20th anniversary of the signing of Executive Order 12898 on environmental justice. Plan EJ 2014 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.

As the EPA's overarching environmental justice strategy, Plan EJ 2014 has three major sections: Cross-Agency Focus Areas, Tools Development Areas, and Program Initiatives.

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.
- Fostering Administration-Wide Action on Environmental Justice.

The Tools Development Areas are:

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



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Goals At-A-Glance

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.

1.0 INTRODUCTION

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (EO 12898), signed in 1994, calls on all federal agencies to focus attention on, and work with other stakeholders to, eliminate or remediate the unduly high and adverse human health or environmental effects that exist in these communities. In other words, it called for federal agencies to achieve environmental justice. EO 12898 directs 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 on minority populations and low-income populations,” including tribal populations.¹

1.1 Goals

Everyone in America deserves to live, work, and play in a healthy and sustainable community. The goal of this implementation plan is to facilitate the active involvement of all federal agencies in ensuring a healthy, sustainable, and green community, as well as equitable development, for all people. To better achieve this goal, the U.S. Environmental Protection Agency (EPA) is leading the Administration’s effort to fully implement EO 12898. As each federal agency reinvigorates its effort to make environmental justice part of its mission, EPA will focus on helping each federal agency participate in a coordinated approach that acknowledges the disproportionately high and adverse human health and environmental impacts on overburdened communities², while providing access to the environmental, public health, and economic benefits of EPA’s programs.

A coordinated and holistic approach is essential to ensure 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 to ensure that all communities participate in, and benefit from, the transition to a clean energy economy.

1.2 Organizational Structure

The Office of Water (OW) and Region 6 will serve as co-leads for the Fostering Administration-Wide Action on Environmental Justice cross-Agency focus area. OW will be supported by the Office of Environmental Justice (OEJ), the Office of Solid Waste and Emergency Response (OSWER), the Office of Federal Activities

¹ 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.

² 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.



(OFA), the Office of Civil Rights (OCR), and the Office of Congressional and Intergovernmental Relations (OCIR).

EPA recognizes that Fostering Administration-Wide Action requires coordination with the White House Council on Environmental Quality (CEQ), other federal agencies, and EPA's ongoing interagency activities. In addition, the OFA will address the issues related to the National Environmental Policy Act (NEPA), and the OCR will address issues related to Title VI of the Civil Rights Act of 1964. Interagency coordination will also involve the Federal Interagency Working Group on Environmental Justice (EJ IWG), which was established under EO 12898 and was reconvened in September 2010.

2.0 IMPLEMENTATION

2.1 Strategies

EPA, in conjunction with the White House CEQ and the EJ IWG, has identified four major strategies for *Fostering Administration-Wide Action on Environmental Justice*:

- Assist other federal agencies to integrate environmental justice in their programs, policies, and activities.
- Work with other federal agencies to strengthen use of interagency legal tools, such as NEPA and Title VI of the Civil Rights Act of 1964.
- Foster healthy and sustainable communities, with an emphasis on equitable development and place-based initiatives.
- Strengthen community access to federal agencies.

2.2 Activities

The following activities are intended to carry out the strategies identified for this implementation plan.

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

EPA will lead the Administration's effort to better integrate environmental justice into federal agency programs, policies, and activities by chairing the EJ IWG. The Administration is dedicated to ensuring that everyone has the opportunity to live in a healthy and sustainable community, particularly those living in overburdened communities. As part of this Administration-wide effort, EPA has taken the lead in reinvigorating the EJ IWG. Under EO 12898, the EJ IWG is chaired by the EPA Administrator and comprised of principals from other agencies. The purpose of the EJ IWG is to guide, support, and enhance federal environmental justice and community-based activities.

The following five activities will be conducted to implement this strategy:

- **Activity 1.1:** Chair and convene EJ IWG Principal, Deputy, and Senior Staff meetings. EPA and the other federal agencies place a high priority on facilitating the integration of environmental justice into federal agency programs, policies, and activities. For example, in 2010, EPA and CEQ

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.



reconvened the EJ IWG for the first time in over a decade. The White House, EJ IWG members, and other federal agency representatives expressed their commitment to meet their responsibilities under EO 12898. EPA and CEQ also hosted the first White House Forum on Environmental Justice. At the Forum, EJ IWG members and other federal agency representatives reengaged with environmental justice advocates about issues that are important to overburdened communities. Moving forward, EPA will continue to lead EJ IWG meetings and events.

- Activity 1.2: Chair, assist, and oversee each federal agency's effort to update or develop its environmental justice strategy. This Administration is committed to identifying, evaluating, and reducing environmental and human health burdens while increasing environmental and human health benefits in overburdened communities. Accordingly, each federal agency will update, or in some cases develop, an environmental justice strategy that will be responsive to the environmental and human health needs of overburdened communities.
- Activity 1.3: Lead the effort to organize regional events. EPA and other federal agencies recognize that, to successfully address the needs of overburdened communities, federal agencies must engage environmental justice stakeholders in and around their communities. To further this effort, EPA will lead the development of regional events where EJ IWG members and other federal agency representatives will meet with environmental justice stakeholders to discuss and help resolve issues that are important to communities in each region.
- Activity 1.4: Develop and provide tools that help environmental justice and other stakeholders identify federal information and resources. This Administration recognizes the need to provide federal resources, contact information, lessons learned, and other information to environmental justice stakeholders. As a result, EPA will develop information and resource tools to promote collaboration between federal agencies and environmental justice stakeholders and improve opportunities for environmental justice stakeholders to utilize federal 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. In partnership with the U.S. Department of Justice (DOJ), EPA's Office of General Counsel (OGC), the Office of Enforcement and Compliance Assurance (OECA), and the Office of Regional Counsel (ORC) will bring together attorneys from agencies across the federal government that have an interest in environmental justice. We will convene monthly meetings at the staff level to share information about legal issues the agencies have encountered and think through the role of Agency attorneys in promoting their agencies' environmental justice policies. We also hope to develop other forms of information-sharing tools. Our goal is to help EJ IWG members and other agencies with environmental justice interest to understand the legal tools available to them to promote environmental justice.



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

National Environmental Policy Act (NEPA)

NEPA is an important tool that can be used to help advance the goals of environmental justice. NEPA emphasizes transparency and public involvement and promotes better, more responsible decision making by the federal government. Namely, NEPA requires federal agencies to assess and disclose environmental impacts, which include environmental justice considerations, when proposing actions. Further, under the Clean Air Act (CAA) Section 309, EPA is mandated to review Environmental Impact Statements (EIS), comment in writing, and make those comments available to the public. These reviews include an assessment of whether the requirements of EO 12898 and the accompanying Presidential Memorandum on environmental justice are considered and integrated within the NEPA process. We have identified a number of activities that EPA, in concert with other federal agencies, can take to strengthen all agencies' abilities to incorporate environmental justice into major federal activities.

- **Activity 2.1:** Articulate a consistent message about the need to incorporate environmental justice into NEPA implementation efforts. We will articulate a clear, consistent message about need to incorporate environmental justice considerations into NEPA implementation efforts. We will reinforce the utility of NEPA as a tool to effect good environmental decision making and take environmental justice into account through CAA Section 309 reviews. In addition to improving internal collaboration on environmental justice, a clear message will enable the Agency to send consistent messages to external stakeholders.
- **Activity 2.2:** Enable federal NEPA practitioners to enhance consideration and execution of environmental justice requirements in NEPA implementation efforts. We will develop tools to help federal NEPA practitioners in EPA and other agencies enhance environmental justice considerations in NEPA implementation efforts by identifying and disseminating best practices in general and in specific sectors. These tools can assist agencies in analyzing environmental impacts and community concerns and will emphasize the benefits of having robust, Agency-specific formal NEPA-specific environmental justice guidance.

Title VI of Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin, including matters related to language access for limited English proficient persons, by recipients of federal financial assistance. Under EPA's Title VI regulations, recipients of EPA financial assistance are prohibited from, among other things, using "criteria or methods of administering its program which have the effect of subjecting individuals to discrimination based on their race, color, or national origin." For example, facially-neutral policies or practices that result in discriminatory effects violate EPA's Title VI regulations, unless it is



shown that they are justified and that there is no less discriminatory alternative. In addition, EPA's regulations and Title VI prohibit intentional discrimination by recipients. Other similar laws prohibit discrimination on the basis of age, sex, and disability by recipients of federal financial assistance.

OCR has identified two activities that EPA, in concert with DOJ, can take to strengthen the use of Title VI:

- **Activity 2.3:** Consult with DOJ to strengthen the use of Title VI of the Civil Rights Act of 1964 by re-evaluating 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.*

Increasingly, environmentally and economically burdened communities are seeking comprehensive solutions that address adverse human health and environmental effects, as well as health disparities, while enabling these communities to make a transition to sustainable community development. Communities are calling upon federal agencies to work in a coordinated manner. Resulting efforts will improve community access to the environmental, public health, and economic benefits that define a healthy and sustainable community.

By mobilizing the resources of all federal agencies, the EJ IWG can foster efforts to ensure that we address adverse human health and environmental effects in overburdened communities, including 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.

As a result of community input and the White House Forum on Environmental Justice, the EJ IWG identified four areas of significant concern to overburdened communities:

- Green Jobs and Clean Energy.
- Healthy and Sustainable Communities.
- Climate Change and Adaptation.
- Goods Movement.

The following activity will be conducted to implement Strategy 3.

- **Activity 3.1:** Recommend ways to enhance federal interagency coordination in support of healthy and sustainable communities as well as equitable development. EPA, in conjunction with other federal agencies, will develop a proposal to the EJ IWG for how federal agencies can coordinate action in each of the four areas identified above to improve the health and sustainability of overburdened communities in the implementation of existing executive orders and administration priorities. Federal agencies will make community

engagement an important part of our efforts to identify environmental justice issues and opportunities for interagency collaboration. Actions should be based on the following principles:

- Designate an EJ IWG agency to serve as lead.
- Build on and leverages existing Administration initiatives.
- Enhance existing policies or programs to address environmental justice issues.
- Identify data needs and success measures.
- Identifies place-based project for coordinated action, if appropriate.
- Address issues of community access to resources and technical assistance.
- Promote state, regional, local, and tribal partnerships.
- Utilize regional forums and other community outreach to inform federal actions.

Strategy 4: Strengthen Community Access to Federal Agencies.

In the priorities outlined by Administrator Lisa Jackson last year, she highlighted the importance of expanding the conversation on environmentalism and working for environmental justice. With that priority in mind, the Administrator acknowledged the importance of reaching out to and engaging with communities. As part of this interagency focus on environmental justice, one of EPA's goals is to strengthen the ability of communities to access the federal programs and the expertise that they need to realize their goals for a healthy and sustainable way of life. In support of that goal, EPA will implement actions that eliminate barriers, make connections, fill gaps, and reduce duplication so that communities are better able to access the federal resources they need.

- **Activity 4.1: Community Needs Inventory Pilot.** In order to determine the areas of interagency cooperation that need improvement, the EPA regions will select three communities of concern about which they have extensive knowledge. Each EPA region will develop an inventory of the communities' already-identified needs and then identify the federal agency(ies) that could address each need. Once that has been accomplished for all regions, a data set of thirty communities will be available so that the EJ IWG can identify trends – for example, those three or four federal agencies whose assistance is needed in the broadest number of communities. The product of this internal EPA analysis will be a request to the Administrator to approach those agencies through the EJ IWG for a commitment and the development of strategies.
- **Activity 4.2: Targeted Training for Communities.** EPA will identify appropriate delivery mechanisms to convey information to communities on existing federal programs and expertise relevant to them. This information will be based on the work already underway in the EJ IWG and EPA's Office of Policy (OP) to catalog existing federal programs and expertise. Potential delivery mechanisms include trainings, conferences, and webinars.
- **Activity 4.3: Review Federal Partners Meeting.** EPA will review action items from the April 2010 Federal Partners Meeting, determine which recommendations support strengthening community access to federal



agencies, and determine how to incorporate them into this implementation plan. This will result in a more robust implementation plan in the future and will help advance the outcomes of the Federal Partners Meeting. This is being done in coordination with Plan EJ 2014 community-based action efforts.

- Activity 4.4: Coordination with Agency Community-Based Coordination Efforts. A member of this Fostering Administration-Wide Action on Environmental Justice Workgroup will participate on the parallel workgroup under the OP's Community-Based Coordination Efforts (CBCE) Initiative's Cross-Agency External Coordination Workgroup. This person will ensure that environmental justice communities' needs are adequately addressed in each of the activities recommended and ultimately undertaken. The CBCE Cross-Agency External Coordination Workgroup is recommending a number of activities, including:
 - Cataloguing existing community-based efforts with interagency coordination.
 - Mining existing community-based efforts with interagency coordination for best practices.

Improving community access to federal agency resources, including a website portal that will serve as a one-stop shop for communities to access all federal agencies according to searchable needs and key words.



2.3 Community Engagement and Stakeholder Plan

Community engagement and stakeholder partnership activities are integrated into the different strategies and activities of this implementation plan. Many of the strategies and activities in this plan resulted from community dialogues and the National Environmental Justice Advisory Council's (NEJAC) advice and recommendations. In addition, we will coordinate our community outreach and stakeholder involvement efforts with OEJ.



3.0 DELIVERABLES

Strategy 1: Assist other federal agencies to better integrate environmental justice into agency programs, policies, and activities.

ACTIVITY	DELIVERABLES	MILESTONES
<p>Activity 1.1: Chair and convene EJ IWG Principal, Deputy, and Senior Staff meetings.</p>	<ul style="list-style-type: none"> ▪ Chair annual Principals/Deputies meetings. ▪ Chair Senior Staff meetings/calls. 	<ul style="list-style-type: none"> ▪ By the end of 2011 ▪ Monthly
<p>Activity 1.2: Chair, assist, and oversee each federal agency's effort to update or develop its environmental justice strategy.</p>	<ul style="list-style-type: none"> ▪ Oversee the finalization of each agency's environmental justice strategy. 	<ul style="list-style-type: none"> ▪ By the end of 2011
<p>Activity 1.3: Lead the effort to organize regional events.</p>	<ul style="list-style-type: none"> ▪ Hold at least one event in each EPA region, or in appropriate equivalent. 	<ul style="list-style-type: none"> ▪ By the end of 2011
<p>Activity 1.4: Develop and provide tools that help environmental justice and other stakeholders identify federal information and resources.</p>	<ul style="list-style-type: none"> ▪ Publish a draft Federal Environmental Justice Directory and draft Federal Resource Guide. ▪ Review EPA's EJ IWG website. ▪ Update EPA's EJ IWG website. 	<ul style="list-style-type: none"> ▪ By the end of 2011 ▪ Annually ▪ As appropriate
<p>Activity 1.5: Convene a group of senior attorneys from across the Administration in order to promote the integration of environmental justice into their agencies' actions.</p>	<ul style="list-style-type: none"> ▪ Conduct meetings on regular basis. 	<ul style="list-style-type: none"> ▪ As appropriate



Strategy 3: Foster Healthy and Sustainable Communities, with emphasis on equitable development and place-based initiatives.

ACTIVITY	DELIVERABLES	MILESTONES
<p>Activity 3.1: Recommend ways by which the EJ IWG can enhance interagency coordination in support of healthy and sustainable communities.</p>	<p>Develop proposal to EJ IWG for how federal agencies can coordinate action to improve the health and sustainability of overburdened communities in the implementation of existing executive orders and administration priorities, in the at least two of the following four areas:</p> <ul style="list-style-type: none"> ▪ Clean Jobs and Clean Energy. ▪ Healthy and Sustainable Communities. ▪ Climate Change and Adaptation. ▪ Goods Movement. 	<p>September 30, 2012</p>

Strategy 4: Strengthen Community Access to Federal Agencies.

ACTIVITY	DELIVERABLES	MILESTONES
<p>Activity 4.1: Community Needs Inventory Pilot.</p>	<p>Inventory of three Region 6 environmental justice communities' needs and corresponding federal agencies.</p> <p>Inventory of 27 remaining regional environmental justice communities' needs and corresponding federal agencies.</p> <p>Analysis of commonalities and trends.</p> <p>Recommendations made to Administrator to take to the EJ IWG.</p>	<p>April 30, 2011</p> <p>By June 15, 2011</p> <p>By December 31, 2011</p> <p>By May 31, 2012</p>
<p>Activity 4.2: Targeted Training for Communities.</p>	<ul style="list-style-type: none"> ▪ Assessment of program cataloging results in the EJ IWG and OP efforts. ▪ Identification of best delivery mechanisms to reach communities. 	<p>By September 30, 2011</p>
<p>Activity 4.3: Review Federal Partners Meeting Recommendations.</p>	<p>Identification of recommendations from the April 2010 Federal Partners Meeting to determine which to incorporate.</p>	<p>By June, 2011</p>



ACTIVITY	DELIVERABLES	MILESTONES
Activity 4.4: Coordination with Agency CBCE Initiative.	Draft options paper for Executive Management Council (EMC) review. Form workgroups to implement selected actions.	By February 15, 2011 To be determined



4.0 REPORTING

Progress reports on this implementation plan will be made annually. The planned deliverables and milestones for each of the activities are described above. Each of the offices responsible will further refine and develop the activities during the process of implementation. For information, please contact Sherri White, 202-564-2462, White.Sherri@epa.gov; or Alice Walker, 202-529-7534, Walker.Alice@epa.gov.



ACRONYMS

CAA	Clean Air Act
CBCE	Community-based coordination efforts (initiative)
CEQ	Council on Environmental Quality
DOJ	U.S. Department of Justice
EJ IWG	Federal Interagency Working Group on Environmental Justice
EIS	Environmental Impact Statement
EO 12898	Executive Order 12898 on environmental justice
EPA	U.S. Environmental Protection Agency
NEJAC	National Environmental Justice Advisory Council
NEPA	National Environmental Policy Act
OECA	Office of Enforcement and Compliance Assurance
OEJ	Office of Environmental Justice
OCIR	Office of Congressional and Intergovernmental Relations
OCR	Office of Civil Rights
OFA	Office of Federal Activities
OGC	Office of General Counsel
OP	Office of Policy
ORC	Office of Regional Counsel
OSWER	Office of Solid Waste and Emergency Response
OW	Office of Water

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/>