

# Plan EJ 2014

## Progress Report



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

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### Agency Priorities

- Taking action on climate change
- Improving air quality
- Assuring the safety of chemicals
- Cleaning up our communities
- Protecting America's waters
- **Expanding the conversation on environmentalism and working for environmental justice**
- Building strong state and tribal partnerships

## Message from the Administrator

Dear Colleagues:

Expanding the conversation on environmentalism and working for environmental justice have been among my top priorities since I began serving as Administrator of the U.S. Environmental Protection Agency four years ago.

All too often, low-income, minority and tribal communities endure disproportionate health impacts living in areas overburdened by pollution and face greater obstacles to economic growth because they cannot attract businesses and new jobs.

President Bill Clinton in 1994 issued an executive order directing all federal agencies to engage in a government-wide effort and issue strategies to address environmental justice issues. The EPA in 2011 updated its environmental justice strategy and issued [Plan EJ 2014](#), a roadmap to fully integrate the principles of environmental justice throughout the agency.

The Plan outlines how each national program and regional office can play a role as we strengthen our mission to protect the health of all Americans. Through *Plan EJ 2014*, the EPA is also providing national leadership on environmental justice issues through its actions and partnerships with other agencies, state and local governments, and local communities.

This report details our accomplishments in implementing *Plan EJ 2014*. We have made significant progress in areas critical to advancing environmental justice, including rulemaking, permitting, compliance and enforcement, community-based programs and our work with other federal agencies. In addition, we have enhanced the critical legal, scientific and information tools that help us meet the needs of communities in our decision making.

I want to thank the many people, both inside and outside of the EPA, who worked tirelessly to bring about these accomplishments. The success we have seen is a testament to the vision, creativity and tenacity of many dedicated individuals. Our efforts will go a long way toward building a foundation for integrating environmental justice in all EPA programs, policies and daily work.

Every American deserves clean air, water and land in the places where they live, work, play and learn. Through our implementation of *Plan EJ 2014*, the EPA is leading by example to expand the conversation on environmentalism and work for environmental justice – now and into the future. I have considered it a great privilege to contribute to this effort.

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



## **Plan EJ 2014 Progress Report**

**February 2013**



# PLAN EJ 2014 PROGRESS REPORT

## OVERVIEW

For the first time in its 42 year history, the U.S. Environmental Protection Agency (EPA) has laid the cornerstones for fully implementing its environmental justice (EJ) mission of ensuring environmental protection for all Americans, regardless of race, color, national origin, income or education. Executive Order (EO) 12898, “Federal Actions to Ensure Environmental Justice in Minority Populations and Low-Income Populations,” mandates that “each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse effects of its programs, policies, and activities on minority populations and low-income populations.” Through Plan EJ 2014, the EPA developed a comprehensive suite of basic tools and guidance to integrate EJ in all its programs, policies and activities.

This report details the progress that the Agency has made in completing its commitments under Plan EJ 2014. It includes: details on the progress of each Plan EJ 2014 element; information on the Agency’s community-based accomplishments; the status of the implementation of program initiatives; and updates on the progress towards fulfilling specific commitments, as shown in the deliverable tables.<sup>1</sup> This section provides background on Plan EJ 2014, a summary of key accomplishments and discusses next steps.

## BACKGROUND

Plan EJ 2014 is the Agency’s roadmap for integrating EJ into its programs, policies and activities. It is also the EPA’s overarching strategic plan for implementing Administrator Lisa Jackson’s priority on “Expanding the Conversation on Environmentalism and Working for Environmental Justice.” Plan EJ 2014 is meant to mark the 20<sup>th</sup> anniversary of the signing of Executive Order 12898. Its goals are to:

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

Shortly after Administrator Jackson made EJ an Agency priority in January 2010, the EPA began to engage overburdened communities throughout the country to hear their concerns. This engagement was done in coordination with the White House and other federal agencies. During the first-ever White House Forum on Environmental Justice in December 2010, cabinet secretaries shared their vision for healthier and more sustainable communities. More than 100 community leaders engaged federal officials in a discussion about federal programs and initiatives intended to promote environmental, health and economic benefits for overburdened communities. In addition to Administrator Jackson’s numerous meetings with local residents and officials, the EPA and other federal agencies convened 17 community dialogue sessions throughout the country. The EPA took what it heard and formulated Plan EJ 2014, which identifies the Agency’s priorities and objectives for EJ.

Plan EJ 2014 has three major sections: (1) Cross-Agency Focus Areas, (2) Tools Development Areas and (3) 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 on Environmental Justice; and
- Fostering Administration-Wide Action on Environmental Justice.

Plan EJ 2014’s Tools Development Areas focus on: (1) Science, (2) Law, (3) Information and (4) Resources. The EPA developed, and has been carrying out, an implementation plan for each of these areas. The Agency also developed a draft supplemental plan on Advancing Environmental Justice through Title VI of the Civil Rights Act of 1964.

<sup>1</sup> Appendix A: Implementation Plans Deliverable Tables, page 55.

In pursuing the goals of Plan EJ 2014, many EPA programs have taken significant steps to integrate EJ into their day-to-day work. The EPA has identified five Program Initiatives as models of how the Agency is integrating EJ into its programs and producing significant benefits for overburdened communities.

The programs or initiatives identified 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.

A hallmark of Plan EJ 2014 is that every EPA program and regional office is taking a leadership role for at least one cross-agency focus area or tools development area in Plan EJ 2014 (See Table 1). This cross-agency involvement demonstrates how the EPA has made EJ a priority for the entire Agency.

Table 1- Lead Program and Regional Offices for Plan EJ 2014 Implementation

Implementation Plans		Lead Offices and EPA Regions <sup>2</sup>
1	Rulemaking	OCSP, OP, OEJ, ORD, Region 9
2	Permitting	OAR, OGC, Region 1
3	Enforcement	OECA, Region 5
4	Community-Based Action	OSWER, Regions 2, 3, 4
5	Administration-Wide Action	OW, Region 6
6	Science Tools	ORD, Region 7
7	Legal Tools	OGC, Region 5
8	Information Tools	OP, OEI, Regions 3, 8, 9, 10
9	Resources Tools	OARM
10	Supplemental Plan: Title VI	OCR

## KEY ACCOMPLISHMENTS

The EPA has made significant progress under Plan EJ 2014, laying a strong foundation for further action to incorporate EJ into the EPA's decision making processes. Many of these accomplishments are described in detail in this report. Some key accomplishments include:

**EJ LEGAL TOOLS.** In December 2011, the EPA published *Plan EJ 2014: EJ Legal Tools (EJ Legal Tools)*, marking a historic milestone for the Agency. It culminates a lengthy effort, lasting nearly two decades, to implement the directive of the Presidential Memorandum accompanying EO 12898 that federal agencies use existing environmental and civil rights statutes to address EJ issues. The EPA's General Counsel emphasized that environmental laws "are replete with opportunities to ensure the fair treatment and meaningful involvement of all people with respect to the development and implementation of environmental requirements and programs."

**EJSCREEN.** In October 2012, the EPA issued EJSCREEN for use internally by Agency managers and staff. EJSCREEN is a screening tool that provides nationally consistent data and methods for screening areas of potential EJ concern that may warrant further consideration, analysis or outreach. It employs 12 environmental indicators plus race and income. The development of EJSCREEN is a major step forward for integrating EJ into the Agency's programs, policies and activities. This will help EPA managers and staff incorporate EJ principles into the Agency's activities in a more accurate, efficient and consistent manner.

**DEVELOPING AND IMPLEMENTING EJ INTO RULEMAKING GUIDANCE.** The EPA has undertaken comprehensive efforts to incorporate EJ considerations into rulemaking, which is a core Agency function. The Agency issued the *Interim Guidance on Considering Environmental Justice During the Development of an Action* (Rulemaking Process Guidance) in July 2010 and completed the *Draft Technical Guidance for Assessing Environmental Justice in Regulatory Analysis* (EJ Technical Guidance) in August 2012 for internal review. The Agency's leadership and staff also intensified their efforts to incorporate EJ in the rule development process, leading to a dramatic increase in the number of EJ analyses of EPA rules between 2010 and 2012. For example, more than 20 EJ analyses were conducted on average per year during that period as compared to less than two per year on average from 1995-2009. Finally, a cross-agency team recommended ways to strengthen the Agency's capacity to incorporate EJ into rulemaking in a comprehensive, proactive and consistent manner. These recommendations included ways to promote: (1) more effective and easier implementation (incorporation) of EJ in rules; (2) opportunities for meaningful public participation; and (3) technically correct, consistent and appropriate EJ analysis. The team also identified barriers to incorporating EJ into EPA rules and made recommendations for overcoming them where appropriate.

**CONSIDERING EJ IN PERMITTING.** The EPA is creating the foundation for considering EJ in EPA-issued permits in a meaningful and consistent manner. The Agency's regional offices are developing and implementing regional plans that describe how and when the regional offices will engage in enhanced outreach to overburdened communities for priority, EPA-issued permits. In addition, the EPA compiled promising practices for permit applicants to meaningfully engage communities that are likely to be impacted by permitting activities. These efforts were informed by extensive engagement with state, tribal and local governments, business and industry, environmental groups and communities. The EPA's efforts are guided by the understanding that clarity and predictability in the permitting process are key to promoting meaningful participation of overburdened communities.

**ADVANCING EJ THROUGH COMPLIANCE AND ENFORCEMENT.** The EPA, through its Office of Enforcement and Compliance Assurance (OECA), developed and implemented a comprehensive, proactive and aggressive strategy to integrate EJ into all aspects of the enforcement life cycle,

including: (1) selecting work and priorities; (2) targeting and developing cases; (3) identifying proper remedies; and (4) enhancing community engagement across the entire enforcement and compliance program. Using the enforcement life cycle model, every enforcement office developed guidance for incorporating EJ into its work. In addition, OECA developed a systematic approach to tracking EJ concerns in an enforcement context. Through these actions, OECA established a high standard for EJ programmatic integration.

**IDENTIFYING PROMISING COMMUNITY-BASED PRACTICES.** In 2012, the EPA conducted an agency-wide assessment of best practices and lessons learned from regional implementation of community-based programs. The EPA committed to replicating and expanding use of these promising practices, in order to better reduce environmental risks and promote healthy, sustainable and livable communities. In 2013, the Agency will apply these practices to its ongoing work in overburdened communities where its efforts and resources currently exist. These efforts will improve the EPA's collective understanding of how to harmonize its programs to better support communities through financial and technical assistance.

**REINVIGORATING THE FEDERAL AGENCY EJ STRATEGIES AND INTERAGENCY WORKING GROUP (IWG).** Federal agencies moved once again towards fulfilling the promise of EO 12898, under the leadership of the White House Council on Environmental Quality (CEQ) and the EPA. Starting with a cabinet-level meeting and the first-ever White House Forum on Environmental Justice, federal agencies reinvigorated the Interagency Working Group on Environmental Justice (IWG). The IWG also conducted 17 community engagement sessions across the country. In August 2011, seventeen cabinet members and White House offices formally recommitted their agencies to EJ by signing a Memorandum of Understanding on Environmental Justice and Executive Order 12898 (EJ MOU). In 2012, federal agencies issued agency EJ strategies, implementation plans and progress reports. The IWG identified the National Environmental Policy Act (NEPA), Climate Change, Title VI of the Civil Rights Act of 1964, and Goods Movement as priority issues. In addition, the IWG collaborated with other federal partnerships, such as the Partnership for Sustainable Communities, Urban Waters, and Action Plan to Reduce Racial Ethnic Asthma Disparities, to produce environmental, health and economic benefits for overburdened communities.

**TITLE VI SUPPLEMENTAL PLAN.** The EPA dedicated considerable resources and implemented tangible changes to its efforts to implement Title VI of the Civil Rights Act of 1964. In addition to reducing its backlog of open investigations by 40 percent, the Agency is re-evaluating and developing key analytical and compliance measures under its Title VI program.

**OTHER TOOL DEVELOPMENT EFFORTS.** Additional tool development efforts include: designing the Community-Focused Exposure and Risk Screening Tool (C-FERST) and the Tribal-Focused Environmental Risk and Sustainability Tool (T-FERST); establishing a National Environmental Justice Advisory Council (NEJAC) research workgroup; and developing a community grants information web portal to improve community access to EPA resources.



## CONCLUSION

The EPA has made significant progress in achieving its objectives under Plan EJ 2014. The accomplishments under Plan EJ 2014 are the result of the hard work and dedication of many EPA leaders and staff in collaboration with the National Environmental Justice Advisory Council and other important stakeholders. Over the next year, the EPA will focus on four main areas in furtherance of Plan EJ 2014's goals and milestones.

- (1) The EPA will work to complete Plan EJ 2014's objectives (outlined in Appendix A tables) and will comprehensively review and assess Plan EJ 2014, to prepare for the next steps in 2014 and beyond.
- (2) The EPA is transitioning its emphasis from developing tools and guidance to deploying and further integrating them throughout the Agency's programs, policies and activities. The Executive Management Council's Environmental Justice Committee, comprised of the Agency's Deputy Assistant Administrators and Deputy Regional Administrators, will oversee these efforts.
- (3) The EPA will further build its internal and external partnerships and relationships, continuing to expand the conversation on environmentalism in order to fulfill Plan EJ 2014's goals. The Agency will place special emphasis on partnerships with local communities, state and local governments, tribal governments and other federal agencies. These partnerships and relationships will represent a continuation of the EPA's efforts to expand the conversation on environmentalism, more effectively expand partnerships, build local capacity, and foster health, environmental and economic benefits in overburdened communities.
- (4) The EPA will work with CEQ, other agencies and all EJ stakeholders to commemorate the 20<sup>th</sup> anniversary of EO 12898.

The EPA has laid the cornerstones for making environmental justice an integral and permanent part of its day-to-day business and decision-making processes. Building on Plan EJ 2014's accomplishments outlined in this Progress Report, the EPA will continue to expand the use of its tools and lessons learned to see more results on the ground in communities. Our future goals and efforts will proceed with greater clarity of purpose, more effective program integration, more collaborative internal and external partnership building and better environmental and health outcomes for low-income, minority and tribal populations. The EPA invites all stakeholders to join us in celebrating the strides that have been made and improving the Agency's work as we continue to advance a new era of environmental justice beyond 2014.



# CROSS-AGENCY FOCUS AREAS

- INCORPORATING ENVIRONMENTAL JUSTICE INTO RULEMAKING
- CONSIDERING ENVIRONMENTAL JUSTICE IN PERMITTING
- ADVANCING ENVIRONMENTAL JUSTICE THROUGH COMPLIANCE AND ENFORCEMENT
- SUPPORTING COMMUNITY-BASED ACTION PROGRAMS ON ENVIRONMENTAL JUSTICE
- FOSTERING ADMINISTRATION-WIDE ACTION ON ENVIRONMENTAL JUSTICE

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## INCORPORATING ENVIRONMENTAL JUSTICE INTO RULEMAKING

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

### STRATEGIES

1. Finalize the *Interim Guidance on Considering Environmental Justice During the Development of an Action*.
2. Facilitate and monitor implementation of guidance on incorporating environmental justice into rulemaking.
3. Develop technical guidance for assessing environmental justice in regulatory analysis.

The EPA has undertaken a comprehensive effort to incorporate environmental justice (EJ) considerations into its core rulemaking function. The Agency started by issuing the *Interim Guidance on Considering Environmental Justice During the Development of an Action* (EJ Rulemaking Process Guidance) in July 2010. It also completed the *Draft Technical Guidance for Assessing Environmental Justice in Regulatory Analysis* (EJ Technical Guidance) in August 2012 for internal review. Whereas the EJ Rulemaking Process Guidance provides information on when EJ should be considered during the development of a rule, the EJ Technical Guidance begins to address the issue of how to analytically consider EJ. Agency leadership and staff intensified their efforts to incorporate EJ in the rule development process. As a result, the number of EJ analyses of EPA rules increased dramatically between 2010 and 2012, with more than 20 EJ analyses on average per year during that period as compared to less than two per year on average from 1995-2009. Finally, the EPA convened a cross-agency team of representatives from each major program to assess and make recommendations on incorporating EJ into the Agency's rulemaking process. The EPA is reviewing the team's recommendations for strengthening the Agency's capacity to incorporate EJ into rulemaking in a comprehensive, proactive and consistent manner.

### KEY ACCOMPLISHMENTS

#### DEVELOPMENT OF RULEMAKING GUIDANCE

**Process Guidance.** The issuance of the EJ Rulemaking Process Guidance represented a key accomplishment for the EPA. It conveyed the Agency's commitment to consider EJ concerns in the rulemaking process for the first time. The EJ Rulemaking Process Guidance is a step-by-step guide that helps agency staff identify the appropriate EJ considerations at key points in the rulemaking process. It also helps agency managers and staff determine the best opportunities for early and meaningful public participation in the rulemaking process.

**Technical Guidance.** The EJ Technical Guidance, which is currently in draft form, will be used by agency staff in conducting analyses to evaluate potential EJ concerns associated with EPA regulatory actions and other assessments, thereby significantly advancing the Agency's ability to ensure that EJ is adequately considered in all Agency decisions. The document provides a list of questions to guide the assessment of EJ considerations and a set of recommendations to ensure consistency and quality across assessments of potential EJ concerns in regulatory analyses. Significant emphasis is placed on considering EJ concerns during the planning and

scoping phase of a regulatory analysis. Finally, the draft EJ Technical Guidance provides direction on how to assess the distribution of environmental or health effects across population groups of concern. The development of the EJ Technical Guidance was truly a One EPA effort, involving technical experts from many EPA program and regional offices. It incorporates best practices from the Agency's experiences.

#### DEVELOPING ENVIRONMENTAL JUSTICE ANALYSIS FOR RULES

**Definition of Solid Waste.** The draft EJ analysis for the Definition of Solid Waste (DSW) Rule, completed in June 2011, provides an example of how the EPA used data on community health vulnerabilities and environmental impacts to support a proposed rule revision that would prevent and mitigate adverse environmental and health impacts that disproportionately affect minority and low-income populations. This analysis made qualitative connections between the increased vulnerability factors (relating to increased exposure and increased susceptibility) and the likelihood that populations impacted by the rule, which include minority and low-income populations, would face increased risk of negative health and environmental

outcomes. The vulnerability factors considered in the DSW analysis included: (1) multiple and cumulative effects; (2) ability to participate in the decision-making process; (3) physical infrastructure; (4) susceptible populations; and (5) unique exposure pathways. The analysis concluded that the underlying vulnerabilities traditionally associated with minority and low-income communities may be exacerbated by potential adverse environmental impacts of the DSW Rule.

**Mercury and Air Toxics Rule.** On December 16, 2011, the Agency finalized its National Emissions Standards for Hazardous Air Pollutants (NESHAP) from coal and oil-fired electric utility steam generating units (EGUs), also known as power plants. This final rule contained an extensive evaluation of EJ. Section 112(n) (1) (A) of the Clean Air Act requires the EPA to conduct a study to evaluate whether it is “appropriate and necessary” to regulate power plants under the Agency’s authority. The primary risk analysis to support the finding that this rule is appropriate and necessary included an analysis of the effects of mercury (Hg) from power plants on people who rely on freshwater fish they catch as a regular and frequent part of their diet.

A significant portion of the data in this analysis was compiled from communities that included: (1) White and Black populations (including female and poor strata) surveyed in South Carolina; (2) Hispanic, Vietnamese, and Laotian populations surveyed in California; and (3) Great Lakes tribal populations (Chippewa and Ojibwe) active on ceded territories around the Great Lakes. The specific fish consumption patterns of several different groups with EJ concerns were fundamental to the EPA’s assessment of the underlying risks that make this final rule appropriate and necessary; and the analysis of the benefits of reducing exposure to Hg and other hazardous air pollutants.

## PUBLIC PARTICIPATION DURING DEVELOPMENT AND IMPLEMENTATION OF RULES

**Proposed Rules to Implement Formaldehyde Standards for Composite Wood Products.** In developing two proposed rules to implement the Formaldehyde Standards for the Composite Wood Products Act, or Title VI of the Toxic Substances Control Act, the EPA augmented the issuance of advanced notice of proposed rulemaking with six public meetings. The Agency conducted meetings in: Research Triangle Park, North Carolina; Portland, Oregon; Chicago, Illinois; Dallas, Texas; Washington, D.C.; and New Orleans, Louisiana.

Formaldehyde emissions from composite wood products used in temporary housing specifically impacted minority and low-income populations following the disaster relief response to hurricanes Katrina and Rita in 2005. Some of the trailers provided by the federal government contained levels of elevated formaldehyde emissions which leads to adverse health effects such as sensory irritation in some individuals. Most minority and low-income stakeholders were in support of the EPA adopting formaldehyde emissions standards.

**Collision Repair Campaign.** To implement the [NESHAP-Paint Stripping and Miscellaneous Surface Coating, Subpart HHHHHH](#), the EPA established the Collision Repair Campaign (CRC), a voluntary program between the EPA and communities designed to reduce and eliminate harmful air toxics from collision repair shops across the nation. The program provides free training, technical assistance and community outreach to local collision auto repair shops. Collision repair shops are fixtures in many neighborhoods across America, from rural communities to densely populated urban areas. The total number of known shops across the United States has increased to well over 60,000 with more operating under the radar. These shops contribute significant emissions of volatile organic compounds, particulate matter, and other toxins. The damaging effects of this pollution include various respiratory illnesses, such as lung cancer and asthma.

## CROSS-AGENCY EJ IN RULEMAKING TEAM

To further assist with the integration of EJ considerations into Agency rulemaking, the EPA created a cross-agency team of representatives from each major program to advance the Agency’s learning on how to more effectively address EJ concerns in rules. The team consisted of rule writers, managers and EJ program leads from across the





Agency. They identified existing resources, tools (lessons learned and best practices) and recommended improvements in implementation approaches that would support rulemaking teams when addressing the many process and technical challenges the Agency faces when incorporating EJ considerations into rules.

The cross-agency team formed four sub-teams to evaluate and make recommendations for the following main areas concerning EPA's rulemaking process:

- Effective and easier implementation (incorporation) of EJ in rules;
- Providing opportunities for meaningful public participation;
- Technically correct, consistent and appropriate EJ analysis; and
- Recommendations for overcoming barriers to incorporating EJ into EPA rules, where appropriate.

The team also identified ways in which management and rule development teams could overcome both internal and external barriers to obtaining EJ results in rules or rule implementation. While the EPA has a strong foundation of lessons learned and best practices, including internal guidance to build on, addressing these challenges will be an ongoing task.

## Fostering Community Engagement in Air Rules

The EPA has stepped up its efforts to engage overburdened communities in its rulemaking process. One example is the increased outreach and capacity building by the Office of Air Quality Planning and Standards (OAQPS). Community engagement activities on the part of OAQPS are important because so many of the rules that the EPA promulgates relate to air issues. During the past two years, OAQPS conducted bimonthly community calls to provide information on upcoming activities. It held training webinars for communities on many rules, including the NESHAP for the Pulp and Paper Industry, the Mercury and Air Toxics Standards for power plants, the NESHAP for Petroleum Refineries, New Source Performance Standards for Residential Wood Heaters, and the NESHAP for Chromium Electroplating Operations. OAQPS also assisted tribes and communities with various implementation-related activities, like compliance modeling, for various National Ambient Air Quality Standards. Finally, OAQPS helped to lead national EJ training conferences in San Francisco, California; New Orleans, Louisiana; and Detroit, Michigan. The community calls, webinars and training conferences were very effective in engaging many different community groups.



## CONSIDERING ENVIRONMENTAL JUSTICE IN PERMITTING

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

### STRATEGIES

1. **Develop tools that will enhance the ability of overburdened communities to participate fully and meaningfully in the permitting process.**
2. **Assist permitting authorities to meaningfully address environmental justice issues in permitting decisions to the greatest extent practicable.**

The EPA is creating the foundation to meaningfully and consistently consider environmental justice (EJ) in the permitting process. Through these actions, the EPA is affirming that it has a leadership role in the area of EJ and permitting, and must lead by doing. For this reason, the Agency is focusing on EPA-issued permits. With input from numerous stakeholders, the EPA published its implementation plan for addressing EJ in permitting. Consistent with its plan, the EPA has carried out efforts to enable overburdened communities to have full and meaningful access to the permitting process and to ensure that the Agency develops permits that address EJ issues to the greatest extent practicable. Over the last year, the EPA has continued to engage state, tribal and local governments, business and industry, environmental groups and communities to shape the direction of its efforts. The EPA believes that clarity and predictability in the permitting process are key to promoting meaningful participation of overburdened communities. To that end, the Agency's regional offices are developing and implementing regional plans which describe how and when they will engage in enhanced outreach to overburdened communities for EPA-issued permits. Recognizing that permit applicants also have a role in promoting the participation of overburdened communities in the permitting process, the EPA is encouraging permit applicants to engage in enhanced outreach as well. The Agency compiled promising practices for permit applicants to meaningfully engage communities likely to be impacted by their permitted activities. In parallel, the Agency continues to examine how to better address substantive EJ concerns pursuant to existing environmental laws in the permits it issues.

### KEY ACCOMPLISHMENTS

**REGIONAL ACTIONS TO PROMOTE MEANINGFUL ENGAGEMENT IN THE PERMITTING PROCESS.** On June 26, 2012, the EPA proposed *Actions that EPA Regional Offices Can Take to Promote Meaningful Engagement in the Permitting Process by Overburdened Communities*. Recognizing that most permitting activities at the Agency take place in the regions, the proposal creates a framework that regions can use to identify permits for enhanced public engagement. The framework fosters national consistency while allowing for appropriate regional flexibility. All ten EPA regional offices will develop, implement and make publicly available regional implementation plans that address: (1) each region's process for prioritizing permits for enhanced public engagement opportunities; and (2) examples of the activities each region may undertake to provide enhanced public engagement opportunities. For each element of the plan, regional offices will have the flexibility to develop strategies that are tailored to the unique needs of communities in their region.

The EPA will be better positioned to provide enhanced public engagement opportunities for EPA-issued priority permits as a result of these efforts.

**PERMITTING PRACTICES FOR APPLICANTS SEEKING EPA-ISSUED PERMITS.** On June 26, 2012, the EPA published its *Draft Best Practices for Permit Applicants Seeking EPA-Issued Permits: Ways to Engage Communities at the Fence-Line*. The proposal encourages permit applicants to engage communities that will likely experience environmental and health impacts from proposed permitting actions. By engaging the host communities, permit applicants can help build trust, promote a better understanding in the community of the facility's impacts, foster realistic expectations and help build strong partnerships that can lead to better results for all parties. Many times, the permit applicant and the affected community are in the best position to determine what engagement strategy will work best for their particular circumstances. To support these

partnerships, the proposal offers a range of activities that can be employed throughout the permitting process. In addition to building community support for the project, there are other important benefits that result from engaging neighboring communities, including avoiding costly delays in the permitting process and negative publicity among peers.

#### **CASE STUDIES OF PERMITS WITH ENVIRONMENTAL JUSTICE ISSUES.**

The EPA has and will continue to examine permits with EJ issues to identify ways to address them in permitting decisions. The examples of permits below underscore the importance of meaningfully integrating EJ considerations into the permitting process and will inform EPA's efforts in this area.

- The Pioneer Valley Energy Center received a Prevention of Significant Deterioration (PSD) permit under the Clean Air Act for a proposed 431 megawatt power plant in Westfield, Massachusetts. In response to EJ concerns raised by the local community, the permit applicant and EPA Region 1 office provided enhanced public engagement opportunities to the community. EPA Region 1 also conducted an additional EJ analysis. After assessing the entire record, including input from EJ advocates, the EPA included additional protective permit conditions, which restricted certain higher-polluting secondary operations (combusting ultralow sulfur diesel in the main turbine and testing emergency

equipment) on days with poor air quality, thereby improving the environmental outcomes associated with the permit.

- EPA's Region 10 office reissued the National Pollutant Discharge Elimination System (NPDES) General Permit for oil and gas exploration, development and production facilities located in state and federal waters in Cook Inlet, Alaska. During the development of the permit, the Agency worked with the federally recognized tribal governments of the Cook Inlet region to collect traditional knowledge information to assist the EPA in understanding the linkage between oil and gas exploration, development and production in Cook Inlet and tribal subsistence use areas and resources. Seven tribes within the Cook Inlet area participated in this effort. Tribal leaders, tribal members, and subsistence hunters were identified as spokespersons by their tribal governments. They expressed consistent observations, concerns and questions based on an informed traditional understanding of the Cook Inlet aquatic environment. The EPA utilized the traditional observational data in the reissuance of the Cook Inlet NPDES General Permit. The traditional knowledge, coupled with data evaluation, supported the EPA's development of additional permit requirements and monitoring programs to address data gaps and to ensure the discharges are properly controlled.

#### **Outreach to and Involvement of Key Stakeholders in the Permitting Process**

The EPA engaged in an expansive effort to gather input from key stakeholders to shape its proposals on promoting participation of overburdened communities in the permitting process. Before and after the proposals were published in the Federal Register for public comment, the EPA conducted numerous dialogue sessions, conference calls and meetings with its EJ stakeholders including communities; state, local and tribal governments; business and industry; non-governmental organizations; and the NEJAC. The EPA also conducted tribal consultation on the draft proposals. In addition, the EPA worked with its own staff, utilizing their ideas and experience on how to meaningfully involve overburdened communities in the permitting process. The input gathered by the EPA through its extensive outreach efforts provided the foundation for the proposals.



## ADVANCING ENVIRONMENTAL JUSTICE THROUGH COMPLIANCE AND ENFORCEMENT

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

### STRATEGIES

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

The Office of Enforcement and Compliance Assurance (OECA) has developed a comprehensive approach that considers environmental justice (EJ) concerns at every stage of the enforcement and compliance life cycle, from setting priorities and planning investigations to resolving enforcement actions. In 2010-2012, OECA further integrated consideration of EJ concerns into the standard practices of all enforcement and compliance programs through internal guidance and policy. Examples of such documents and practices include: an updated Model Litigation Report Guidance for civil judicial case referrals; criminal case reporting and tiering systems modifications; technical revisions to OECA's civil enforcement case tracking database to track review of new cases for potential EJ concerns; a policy on integrating EJ concerns in assessments for criminal investigations; using EJSEAT, an internal enforcement assessment tool, to screen open criminal investigations; incorporating EJ as a priority in the National Enforcement Strategy for RCRA Corrective Action; issuing a memo from the Assistant Administrator to encourage OECA to fully utilize EPA authorities under NEPA and Section 309 of the Clean Air Act to enhance efforts to take EJ into account in their NEPA work; and guidance on communicating the EJ benefits of enforcement and compliance actions. OECA will continue to develop tools to further enhance consideration of EJ in the enforcement and compliance context. OECA's goal in 2013 is to successfully transition to EJSCREEN (information screening tool), develop more specific internal guidance on identifying and integrating EJ concerns, and provide additional training to enforcement staff. The accomplishments illustrated here have established a foundation for OECA to build upon as it raises EJ program integration to the next level.

### KEY ACCOMPLISHMENTS

**EXAMPLES OF THE BENEFITS TO OVERBURDENED COMMUNITIES RESULTING FROM EPA ENFORCEMENT ACTIONS.** Every three years, OECA selects a limited number of National Enforcement Initiatives that address high priority, national environmental and compliance problems through concentrated, nationwide enforcement efforts. The National Enforcement Initiatives selected for 2011-2013 aggressively go after pollution problems that make a difference to communities, placing a high priority on benefits to communities. For example, the EPA prioritized enforcement actions at municipal sewer systems with Clean Water Act violations to reduce pollution and volume of stormwater runoff and to

reduce unlawful discharges of raw sewage that degrade water quality in communities. Settlement of these actions often prioritizes remedial action in overburdened communities and require green infrastructure projects that have important co-benefits for communities. See, e.g., [Northeast Ohio Regional Sewer District Clean Water Act Settlement/NEORS-D-Cleveland](#) (prioritizing work in overburdened communities and transforming abandoned unused land into green space and recreational areas); [City of Memphis, Tennessee Sanitary Sewer Overflow Settlement](#) (priority assessment and rehabilitation activities considered proximity to overburdened communities).





In addition, when targeting facilities or geographic areas for enforcement and then developing and resolving enforcement cases, OECA screens for potential EJ concerns and looks for opportunities to implement our enforcement activities to benefit communities. For example, in the [National Tribal Schools Settlement](#), Agency inspections identified several hundred alleged violations under several environmental statutes. This settlement improved conditions at 164 schools and 27 water systems across eight regions.

The EPA has also targeted petroleum refineries, which are often located in or near overburdened communities. Through the [EPA's National Petroleum Refinery Initiative](#), the Agency has achieved enormous pollution reductions and other community benefits. See, e.g., [Marathon Petroleum Company](#) (reduces air pollution from flaring at all six of the company's petroleum refineries, and includes a project at the Detroit refinery to remove additional tons per year of VOCs and benzene by requiring the installation of controls on sludge handling tanks and equipment); [BP Whiting](#) [\$400 million in pollution controls and a fence-line monitoring Supplemental Environmental Projects (SEPs)]; [Murphy Oil](#) (as part of the settlement, the company agreed to many activities and projects advocated by the communities including holding public meetings and constructing a monitoring station to collect data in the community around the Louisiana facility).

Other examples include a settlement with a multi-facility power plant company, [Tennessee Valley Authority](#), which in addition to obtaining \$27 billion in annual health benefits, requires the company to pay \$350 million in environmental projects that will

reduce exposure to harmful pollution and lower energy costs for low-income communities. In another case, the EPA consulted with a local tribe and communities impacted by illegal water pollution, resulting in a requirement that the [Orval Kent Foods](#) facility restock fish in the affected waters.

The EPA's criminal enforcement program also looks for opportunities to benefit overburdened communities. For example, as part of the plea agreement with the [Pelican Refining Company](#), Pelican will pay \$12 million in criminal penalties, including \$2 million in community service payments to environmental projects in Louisiana and air pollution monitoring. As part of the sentence in [Southern Union](#) for illegal mercury storage, an \$11 million endowment fund will provide grants in the fields of environmental education, environmental remediation, conservation and children's health issues.

The EPA also takes community concerns into account as part of its cleanup enforcement program. In the [Allied Waste of Puerto Rico](#) case, with the cleanup of a former landfill that included residences, the case team performed additional outreach during negotiations and invited the community to comment on the development of the Institutional Control Implementation and Assurance Plan. Similarly, when working on the [Parker Street Waste Site](#) case, the EPA convened several meetings to engage the community around EJ issues. In response to community concerns about the possibility of contamination on residential properties as result of the burning of hazardous wastes at a dump in the area, the Agency obtained access to residential parcels, which included low-income housing developments, to conduct soil sampling.

**THE COMPLEXITIES OF MEASURING THE EJ BENEFITS OF ENFORCEMENT ACTIONS.** Every year, the Agency's enforcement actions stop or prevent the release of hundreds of millions of pounds of illegal pollution into the environment. Enforcement actions also clean up many pounds of pollution that have been released into the environment. However, describing the benefits to any given community that may result from an EPA enforcement action is complex. Even where a community benefits from an enforcement action that stops illegal pollution from a facility located in the community, these benefits are difficult to measure in detail. Moreover, a community may benefit from an enforcement action brought against a facility located far away (due to long range

transport of the pollution), a case preventing illegal imports (e.g., mislabeled pesticides or uncertified engines) from ever reaching U.S. soil or from the deterrent effects of enforcement cases. The EPA obtains benefits not only from bringing a noncompliant facility into compliance, but also from mitigation activities or SEPs.

In addition, some cases may address violations of monitoring, recordkeeping or reporting requirements. While enforcing these requirements may not directly reduce pollution levels, it will enhance the information available about the facility's emissions and often leads to pollution reductions in the long run. In addition, a successful enforcement action may result in improved communication between a facility and the community or may deter other facilities from violating environmental laws.

The above discussion and case examples demonstrate that a community can see many different types of benefits from the EPA's enforcement actions, some of which are more

tangible than others. Thus, while describing the correlation between pollution reduction statistics and the impact of those reductions on overburdened communities is an important element in Agency's EJ work, it is not an easy concept. Even in the absence of precise data, OECA tries to be as transparent as possible about the Agency's work, communicating the benefits that result from enforcement actions in informative statements about the pollutants reduced and their connection to at-risk populations.





## SUPPORTING COMMUNITY-BASED ACTION PROGRAMS

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

### STRATEGIES

1. Advance environmental justice principles by building strong state and tribal partnerships through the National Environmental Performance Partnership System and the National Program Manager guidance.
2. Identify scalable and replicable elements of successful Agency community-based programs and align multiple EPA programs to more fully address the needs of overburdened communities.
3. Promote an integrated One EPA presence to better engage communities in the Agency's work to protect human health and the environment.
4. Foster community-based programs modeled on the Community Action for a Renewed Environment principles.
5. Explore how EPA funding, policies, and programs can inform or help decision makers to maximize benefits and minimize adverse impacts from land use decision making, planning, siting and permitting.
6. Promote equitable development opportunities for all communities.

The EPA has worked to improve the effectiveness of its community-based programs through better information access, coordination and leveraging. Through this process, the Agency hopes to make "community" an organizing principle for our work. To implement this principle, the EPA is currently doing the difficult foundational work of internally aligning and coordinating its community-based programs. The results will enable the EPA, particularly its regional offices, to more effectively expand partnerships, build local capacity, and foster health, environmental and economic benefits in overburdened communities. This effort will also help the EPA align programs and investments with those of other federal agencies, state, local, and tribal governments and other stakeholders. These efforts will systematically improve the ability of the Agency's community-based programs to provide benefits to overburdened communities.

### KEY ACCOMPLISHMENTS

#### IDENTIFYING AND REPLICATING PROMISING PRACTICES

Under Plan EJ 2014, the EPA made a commitment to replicate and expand use of promising practices from its multi-media community-based programs to improve their efficiency and effectiveness for reducing environmental risks and promoting healthy, sustainable and livable communities, especially among overburdened populations. This effort seeks to improve the EPA's collective understanding of how to harmonize its programs to strengthen agency support for communities through its grants and technical assistance programs. In 2012, the EPA conducted an agency-wide assessment of promising practices and lessons learned from regional implementation of community-based programs. Senior Agency officials reviewed the assessment and produced recommendations for future community program development. In 2013, the Agency will implement these practices and recommendations in overburdened communities where the Agency's efforts and resources currently exist.

#### NATIONAL ENVIRONMENTAL PERFORMANCE PARTNERSHIP SYSTEM AND EPA NATIONAL PROGRAM MANAGER GUIDANCE

The EPA is advancing environmental justice principles by building strong state and tribal partnerships through the National Environmental Performance Partnership System (NEPPS) and National Program Manager (NPM) guidance. NEPPS guidance is a performance-based system of environmental protection designed to improve the efficiency and effectiveness of state-EPA partnerships. NPM guidances are issued annually by EPA program offices to provide the Agency's ten regional offices, states and tribes with direction on annual programmatic priorities and implementation strategies. In recent years, the EPA has recognized EJ issues in its NEPPS and NPM guidances. This will increase focus on overburdened communities when the EPA or states address environmental and human health concerns. It will also advance the Administrator's priorities on EJ and children's health through state, tribal and grant work plans.

## LAND USE

Under Plan EJ 2014, the EPA has begun to explore how Agency funding, policies and programs can inform or help decision makers maximize benefits and minimize adverse impacts when considering current land uses in decision making, planning, siting and permitting. A Plan EJ 2014 workgroup used input from various stakeholder efforts to develop a document on successful land use practices and a pilot training course on land use planning as it relates to Agency policies and programs. The EPA has also requested that the Local Government Advisory Council review and provide feedback on these products. The Agency will continue to engage stakeholders in finalizing the document and the training course.

### ONE EPA CONFERENCE STRATEGY

To be responsive to stakeholder requests, the EPA created a One EPA Conference Strategy. This strategy was piloted at several non-EPA conferences in an effort to respond to inquiries from different stakeholder groups on issues related to the Agency's policies and programs. It is a challenge for stakeholders to maneuver through multiple environmental issues and have their questions answered in a timely manner. This approach is a collaborative effort among the Agency's programs to present information across multiple concerns. It will prove helpful in coordinating EPA responses to stakeholders in a consistent and unified way.



## EQUITABLE DEVELOPMENT

The EPA has identified a number of resources, offered by the EPA and other agencies that can help communities positively impact human health and the environment. The Agency will compile existing financing and technical assistance vehicles into a public community resource guide. The goal of this guide is to promote more equitable development opportunities to overburdened communities by providing tailored information on the EPA and other agency resources. In addition, the EPA has provided training and planning tools on equitable development for overburdened communities. The Agency sponsors an annual training workshop on equitable development associated with the New Partners for Smart Growth Conference. It also developed the resource document, [\*Creating Equitable, Healthy, and Sustainable Communities: Strategies for Advancing Smart Growth, Environmental Justice, and Equitable Development\*](#).

### COMMUNITY BASED ACCOMPLISHMENTS

The EPA's various community-based programs have produced significant benefits for overburdened communities. We have provided examples of these efforts in the Regional Community-Based Accomplishments section of this report. (See Page 43)

### Environmental Justice Community Outreach Calls

To implement Administrator Jackson's priority on Expanding the Conversation on Environmentalism and Working for Environmental Justice, starting in 2010, the EPA began conducting quarterly EJ community outreach calls. These calls are intended to provide information to participants about the Agency's EJ activities and maintain an open dialogue with communities. All of the calls are open to the public and convened with an agenda based upon suggestions from the public. The topics covered vary and have included discussions on Plan EJ 2014, Superfund, proposed rules, woodstoves, major disasters, climate adaption, technical assistance and grant funding. Calls have been conducted at various times of the day to accommodate working families. As the Agency continues to advance Plan EJ 2014, it hopes these calls will better inform the public about the EPA's work and enhance communities' opportunities to obtain better access to federal programs.



## TYPES OF COMMUNITY-BASED WORK

The EPA has a multitude of programs that impact communities. These community-based programs often interact with communities in different ways and for different reasons. The Agency has learned that it is important to distinguish among its various roles when engaging with communities. The following list describes the EPA's roles and objectives in the various types of community-based work performed by the Agency. There are several distinctive categories of agency work that engage and support communities in addressing environmental issues. They can be categorized as follows:

- I. **Regulatory Decisions.** The primary function of the EPA's engagement with local communities in this context is to implement the following responsibilities, programs and initiatives.
  - A. ***The EPA's regulatory responsibilities such as the cleanup of contaminated land or the permitting of hazardous waste operations.*** Community engagement during projects or processes in these program areas may include: developing community involvement plans; supporting the creation of community advisory committees; conducting public meetings and educational workshops; planning forums and other outreach activities throughout the course of the project. Examples of regulatory programs include: Superfund cleanups; enforcement and compliance assurance activities; and National Pollutant Discharge Elimination System (NPDES) permitting.
  - B. ***Special programs and initiatives created by statutory/regulatory programs to target specific issues or areas of concern in a community.*** These special programs and initiatives build upon statutory/regulatory activities and are developed to focus efforts to address a specific area or issue to advance the statutory/regulatory goal. Activities have included: grants to focus on planning for multiple sites and locally based educational efforts; and grants and contracts to assist meaningful engagement in cleanup processes. Examples of special regulatory programs include: Brownfield Area-Wide Planning Grants; Community-Based Childhood Asthma Program; targeted enforcement initiatives; Superfund Technical Assistance Grants; and the Technical Assistance Services for Communities contract.
- II. **Coordination of activities among various statutory/regulatory programs.** Frequently, multiple EPA programs are simultaneously active in a community. The coordination among programs varies. However, it is the goal of the Agency to deliver these programs as One EPA. Examples include: coordinating community outreach for Combined Sewer Overflow implementation; Total Maximum Daily Load development and Superfund sediment cleanup in the same watershed; and developing Supplemental Environmental Projects for enforcement actions in regulatory programs.
- III. **Grant and pilot programs designed to help communities develop their own place-based solutions to environmental issues.** These activities are targeted toward helping communities develop place-based solutions and strategies. The activities are typically independent of regulatory programs and are accomplished through the award of grants and other funding or technical assistance. Examples include: Community Action for a Renewed Environment; Environmental Justice Small Grants; Sustainable Communities and Smart Growth; AsthmaCommunityNetwork.org; and Urban Waters Grants.

The EPA is examining how we can more effectively collaborate through our community-based work in each of these categories.



## FOSTERING ADMINISTRATION-WIDE ACTION ON ENVIRONMENTAL JUSTICE

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

### STRATEGIES:

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

During the past two years, federal agencies have made significant progress towards fulfilling the promise of Executive Order (EO) 12898 under the leadership of the EPA and the Council on Environmental Quality (CEQ). Starting with a cabinet-level meeting and the first-ever White House Forum on Environmental Justice, federal agencies reinvigorated the Interagency Working Group on Environmental Justice (IWG). In August 2011, seventeen cabinet members and White House offices signed the Memorandum of Understanding on Environmental Justice and Executive Order 12898 (EJ MOU), which formally recommitted their agencies to environmental justice (EJ) and established priorities, structures and procedures for the IWG. In keeping with a commitment to hear from communities, the IWG conducted 17 community listening sessions across the country. Throughout 2012, fifteen federal agencies issued final agency EJ strategies, implementation plans, and/or progress reports. The IWG identified the National Environmental Policy Act (NEPA), Title VI of the Civil Rights Act of 1964, Goods Movement and Climate Change as priority issues. In addition, the IWG collaborated with other federal partnerships, such as the Partnership for Sustainable Communities, Urban Waters, and Action Plan to Reduce Racial Ethnic Asthma Disparities, to promote environmental, health and economic benefits for overburdened communities.

### KEY ACCOMPLISHMENTS

#### WHITE HOUSE FORUM

In December 2010, the White House, cabinet members and senior officials from a wide range of federal agencies worked collaboratively to convene the first-ever White House Forum on Environmental Justice. The forum brought together administration officials, community leaders and officials from state, local and tribal governments to discuss issues that are important to overburdened communities. Agency officials shared their vision for healthier and more sustainable communities as well as their agencies' approaches to achieving them. More than 100 community leaders engaged agency officials in a discussion about federal programs and initiatives intended to produce environmental, health and economic benefits for overburdened communities.

#### IWG COMMUNITY DIALOGUES

The IWG conducted 17 community dialogue sessions across the country, between February 2011 and July 2012, as part of its effort to ensure that communities had a voice in providing direction to

federal agencies working to address environmental, human health and economic concerns. Many communities voiced frustration about the accessibility of federal information and resources. The IWG responded by creating two documents, the [EJ Federal Interagency Directory](#) and the [Community-Based Federal EJ Resource Guide](#). In addition, federal agencies incorporated the community input into their agency EJ strategies.

#### MEMORANDUM OF UNDERSTANDING ON ENVIRONMENTAL JUSTICE AND EXECUTIVE ORDER 12898 (EJ MOU)

On August 4, 2011, the White House and heads of seventeen federal agencies took a landmark step by signing a formal agreement to recommit to addressing EJ concerns. Through the EJ MOU, the IWG's agencies committed to:

- (1) Declaring the continued importance of identifying and addressing EJ considerations in agency programs, policies and activities;



- (2) Issuing EJ strategies and implementation progress reports;
- (3) Establishing structures and procedures to ensure that the IWG operates effectively and efficiently; and
- (4) Identifying four areas of focus to be included in the agencies' EJ efforts, (i.e., NEPA, goods movement, climate change and Title VI of the Civil Rights Act of 1964).

#### **PARTNERSHIP FOR SUSTAINABLE COMMUNITIES**

The [Partnership for Sustainable Communities](#) (Partnership), consisting of the Department of Housing and Urban Development (HUD), Department of Transportation (DOT) and the EPA, helps communities nationwide to improve access to affordable housing, provide more transportation options and lower transportation costs, while protecting the environment in communities. EJ principles are being integrated into the work of the Partnership in collaboration with the IWG. The Partnership has achieved important outcomes such as:

- (1) Engaging and training management and staff within HUD, DOT and the EPA on sustainability practices;
- (2) Expanding community access to funding opportunities (i.e., For HUD's 2011 Regional Planning and Community Challenge grant, recipients were required to incorporate meaningful involvement in the decision-making process for underrepresented populations; devote a portion of their budgets to meaningful involvement; and consider EJ principles in the planning process for infrastructure, transportation and housing); and
- (3) Increasing transparency and meaningful participation for overburdened communities in the Partnership's activities.

#### **ASTHMA ACTION PLAN**

##### **Coordinated Federal Action Plan to Reduce Racial and Ethnic Asthma Disparities**

In May, 2012, the interagency Asthma Disparities Working Group (co-chaired by the EPA, HHS, and HUD) under the President's Task Force on Environmental Health Risks and Safety Risks to Children released the Coordinated Federal Action Plan to Reduce Racial and Ethnic Asthma Disparities. The goal of the Action Plan is to reduce the burden caused by asthma among children, in particular, minority children and children with family incomes below the poverty level. The plan promotes synergy and alignment across numerous federal programs and emphasizes priority actions that demonstrate a high positive impact on addressing preventable factors that lead to asthma disparities. With the EPA's leadership toward the development and establishment of the Action Plan, the Agency is working even more closely with other federal agency partners in building the nation's capacity to control asthma and manage exposure to indoor and outdoor pollutants to improve the quality of life for millions of Americans in communities across the country.

#### **RADON PARTNERSHIP**

##### **Healthy Homes Strategy and Federal Radon Action Plan**

In June 2011, senior leaders from the EPA and HUD released the Federal Radon Action Plan. The Action Plan is a call for federal action on radon as the leading cause of lung cancer for nonsmokers in the U.S. The interagency initiative is designed to increase federal efforts to reduce radon exposure in the homes and schools the federal government owns, operates or finances. An Action Plan Scorecard keeps the public informed about the progress of activities from federal partners working to implement the plan. The Federal Radon Action Plan is an activity under the interagency Healthy Homes Strategy.

Since the release of the Federal Radon Action Plan, almost half of federal agency commitments have been completed. A major commitment among the EPA and federal agencies is the development of the *Advancing Healthy Housing: A Strategy for Action*. A Strategy for Action is an interagency plan which outlines goals and priorities in federal healthy housing programs for the next three to five years. New radon requirements in the federal multi-family housing program represent a concrete action in the

strategy to reduce radon exposure and create healthy housing in communities, particularly for low-income Americans.

### CLIMATE ADAPTATION

Executive Order 13514, signed by President Obama in October 2009, requires that each Federal agency evaluate climate change-related risks and vulnerabilities to manage both the short- and long-term effects climate change will have on the agency's mission and operations. In response, as part of the annual Strategic Sustainability Planning process, each agency was tasked to produce a climate change adaptation plan outlining the agency's adaptation policy framework; analysis of climate change-related risks and opportunities; process of agency adaptation planning and evaluation; and programmatic activities and actions taken to better understand and address the vulnerabilities posed by climate change. In February 2013, these plans were released as part of the agencies' overall Strategic Sustainability Plans.

### EJ COMMUNITY NEEDS INVENTORY

In order to determine areas where interagency cooperation is needed, the EPA conducted a Community Needs Inventory. Every EPA regional office selected three communities of concern and identified community needs and the federal agencies that could address such needs. The resulting inventory is a data set of thirty environmentally burdened, geographically and demographically diverse communities and the federal agencies best positioned to address their needs. This information will help inform agencies' strategies for community-based work and foster interagency efforts in overburdened communities.

### NATIONAL ENVIRONMENTAL POLICY ACT: IWG COMMITTEE

Recognizing that NEPA provides an important opportunity to advance the consideration of EJ through meaningful engagement of minority, low-income and tribal populations potentially impacted by federal actions, the IWG formed the NEPA committee. The committee is co-chaired by DOT and the EPA. The committee currently includes representatives from approximately 20 departments and agencies. The committee's purpose is to improve the efficiency of the NEPA process across the federal government to enhance the consideration of EJ through the sharing of best practices and lessons learned. Thus, the NEPA committee supports federal agency NEPA implementation to "focus federal

attention on the environmental and human health conditions in minority communities and low-income communities with the goal of achieving environmental justice."

Since its inception in May 2012, the NEPA committee has taken several steps toward achieving its mission, such as:

- Commencing a series of inter-agency meetings to identify and promote best practices related to EJ and NEPA analyses, including those related to public engagement and the mitigation and monitoring of environmental and human health impacts.
- Commencing a cross-agency training series on existing tools, methods and agency-specific focal areas for further incorporating EJ analysis within the NEPA process. The training is designed to inform agencies of the current state of NEPA-related EJ efforts across the federal family.
- Commencing the development of a national NEPA training module on EJ. The national training module will provide federal officials, at all levels, with a foundational understanding of NEPA's role in addressing EJ issues.
- Creating the EJ Resources Compendium which gathers publically available NEPA and EJ-related documents from federal agencies (e.g., regulations, guidance and circulars) in one place and provides links to each document for quick access. The committee will publish the compilation online.

The NEPA committee plans to build on these early accomplishments in 2013.

### GOODS MOVEMENT: IWG COMMITTEE

Goods movement refers to the distribution of freight (e.g., raw materials, parts and finished consumer products) by all modes of transportation, including marine, air, rail and truck. Goods movement facilities, also called freight facilities, include seaports, airports, land ports of entry (i.e., border crossings), rail yards and distribution centers. The U.S. has an extensive network of infrastructure to support goods movement, including highways, bridges and rail lines. Goods movement activities have increased significantly in the past 20 years. In fact, container shipments quintupled at the ten largest U.S. container ports from 1980 to 2006, and over the last decade alone, shipments have grown by 81 percent.



The Federal Highway Administration (FHWA) forecasts that between 2006 and 2035:

- Freight tonnage hauled by trucks will grow by 80 percent;
- Rail tonnage hauled will grow by 73 percent;
- Water transportation tonnage will increase by 51 percent;
- Intermodal tonnage will increase by 73 percent; and
- Air cargo tonnage will quadruple.

Minority, low-income and tribal populations have borne a disproportionate share of the health impacts from goods movement. Per the EJ MOU, federal agencies have made goods movement a focus area when “identifying and addressing, as appropriate, any disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations.” A keystone for meeting this requirement is interagency collaboration.

Along with the U.S. Department of Homeland Security, the EPA co-chairs the IWG Goods Movement committee. The committee was established in 2012 and is currently composed of eight agencies. Outlined below are the committee’s 2012 accomplishments:

- Launched biweekly interagency meetings.
- Developed the draft FY 2013 Goods Movement Committee Action Plan, focused on supporting federal agency initiatives to: (1) reduce the environmental and health effects of agency efforts related to commercial transportation and supporting infrastructure and impacts on low-income, minority and tribal populations; and (2) assure that overburdened communities have greater opportunities to benefit from federal efforts related to goods movement.
- Facilitated the engagement, support and utilization of the Ports Task Force, led by the White House, to develop a federal strategy for future port and related infrastructure investments.
- Enhanced federal collaboration and information sharing by evaluating and utilizing interagency tools and resources such as the Committee on the Marine Transportation System Data Map, Federal Highway Administration (FHWA) Freight

Analysis Framework and the Office of Management and Budget’s (OMB) Maxx, an internal information-sharing and collaboration platform for federal agencies.

## REGIONAL INTERAGENCY WORKING GROUP COMMITTEE

Section 1-102 and Section 5-5 of EO 12898 outline the importance and necessity of engaging and involving the public for the purpose of fact-finding, receiving public comments and conducting inquiries concerning environmental justice. The IWG formed the Regional Interagency Working Group (RIWG) committee to explore the feasibility and value of RIWG’s as a means to better address 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 EO 12898.

As a concept, regionally-based interagency efforts are intended to respond to EJ issues or concerns in a more timely and unified manner. They are intended to help build community capacity and leverage the resources of federal, state, tribal and local government agencies, as well as communities, the private sector and non-governmental organizations.

To the extent possible, regionally-based interagency efforts will utilize existing federal mechanisms or collaborations at the regional and local levels, such as Federal Executive Boards, Federal Regional Councils or the Partnership for Sustainable Communities’ regional partnerships.

This effort expands upon and supports other IWG initiatives to better assist communities such as the recently developed Community-Based Federal EJ Resource Guide and EJ Federal Interagency Directory. The RIWG will be organized geographically based upon EPA’s existing regional structure. The RIWG committee is chaired by the Department of the Interior and co-chaired by the EPA. To date, the RIWG Committee has taken several important steps, including:

- Developing a draft document to begin the discussions of the feasibility of a RIWG;
- Drafting a concept paper to formalize an agreed upon structure; and
- Finalizing the RIWG concept.

## COMMUNITY BASED ACCOMPLISHMENTS

The EPA's various community-based programs involve many interagency partnerships. They have produced significant benefits for overburdened communities. Successful community-based efforts are highlighted in the Regional Community-Based Accomplishments section of this report. (See Page 43)

### Federal Agency EJ Strategies

In 2012, fifteen federal agencies issued final EJ strategies, implementation plans and/or reports, affirming their commitment to protect communities facing greater health and environmental risks. These strategies represent a significant step forward in the Administration's commitment to integrating EJ into federal decision-making. Federal agencies reviewed their portfolios to: (1) assess how their programs, policies, and activities may have disproportionate adverse health and environmental effects; (2) identify overarching strategies, as well as specific programs and initiatives, to reduce environmental or health hazards and ensure access to beneficial programs and increase community participation in agency decision-making.

- The Department of Transportation's Federal Transit Administration is helping grantees determine if a proposed transit project or decision will adversely affect overburdened populations.
- The Department of Labor is translating educational materials and hazard alerts into Spanish, Chinese and Vietnamese for non-English speaking workers.
- The Department of Energy's Pueblo Project in Los Alamos, New Mexico, provides tribal governments the opportunity to manage pollution monitoring programs and provide input on the Department's decisions.
- The Department of Veterans Affairs is helping to provide green jobs and workforce development opportunities for veterans in overburdened communities.
- The Department of Health and Human Services' Centers for Disease Control and Prevention is using Health Impact Assessments to proactively address the potential impacts a policy or project may have on overburdened populations.

# TOOLS DEVELOPMENT AREAS

- SCIENCE
- LEGAL
- INFORMATION
- RESOURCES

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## SCIENCE TOOLS

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

## STRATEGIES

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

The EPA has made progress, as never before, in bringing the best science to bear on environmental justice (EJ) issues by emphasizing the development of guidance, research and decision tools, and community-based research approaches in a coordinated and collaborative manner. The Office of Environmental Justice (OEJ), the Office of Policy (OP) and the Office of Research and Development (ORD) played a leading role in the development of the EPA technical guidance for assessing EJ in regulatory analysis, and the development of cumulative risk assessment guidelines. In 2012, ORD launched the Sustainable and Healthy Communities Research Program (SHC), which includes a range of research activities that address the overarching issue of “Securing and Sustaining Environmental Justice.” Research activities initiated in 2011-2012 are progressing well. For example, SHC is expanding the EnviroAtlas decision support tool to include community scale capability and is also piloting its community assessment tools. Each of ORD’s new National Programs includes research that directly or indirectly addresses EJ concerns, including: (1) developing tools and methods for conducting cumulative risk assessments; (2) identifying and better understanding susceptible and vulnerable population groups for risk assessment and the underlying causes of health disparities; and (3) engineering solutions for reducing the burden of exposure to a wide variety of contaminants. ORD convened a panel of multi-disciplinary experts, in the form of a research workgroup under the National Environmental Justice Advisory Council (NEJAC), to advise the EPA on enhancing research on EJ. In addition, ORD is furthering the goal of capacity building in the EJ context through workshops on participatory research approaches for EPA staff and collaborative outreach and training activities for regional and local stakeholders and decision-makers.

## KEY ACCOMPLISHMENTS

### TECHNICAL GUIDANCE FOR ASSESSING ENVIRONMENTAL JUSTICE IN REGULATORY ANALYSIS<sup>3</sup>

OEJ, OP and ORD played a leading role in the development of the draft technical guidance for assessing potential EJ concerns and conducting EJ analysis for rules, which was completed in August 2012.

### CUMULATIVE RISK GUIDELINES FOR ASSESSMENT

The Risk Assessment Forum in the Office of the Science Advisor tasked a cross-agency technical panel of scientists to complete the Cumulative Risk

Assessment (CRA) Guidelines. The guidelines will assemble scientifically valid approaches and methods for analyzing the cumulative risk from aggregate exposures to multiple agents or stressors. Several activities toward development of the guidelines include:

- A draft chemical mixtures position paper clarifying the Agency’s current practices and policies on the use of dose addition in environmental risk assessment;
- Workshops that provided input from experts on the science and methodology of cumulative risk

<sup>3</sup> Incorporating Environmental Justice into Rulemaking, page 7



assessment and methods for integrating chemical and non-chemical stressors, held in 2011 and 2012, with another workshop on problem formulation planned for 2013; and

- A prototype of the Community Cumulative Assessment Tool (CCAT). (See “Tools to Inform Decision-Making”).

### STRENGTHENING SCIENTIFIC FOUNDATION FOR FUTURE RESEARCH AND ACTION ON ENVIRONMENTAL JUSTICE

Several EPA offices supported the publication of [Environmental Justice and Disparities in Environmental Health Science](#), a supplement to the *American Journal of Public Health* in December 2011. This supplement consists of 15 articles commissioned by the EPA and written by speakers at the 2010 symposium on the science of disproportionate impacts. The authors represented multi-disciplinary expertise such as disproportionate exposure, cumulative risk assessment, social determinants of disease, community capacity for participatory research, and health disparities.

### TOOLS TO INFORM DECISION-MAKING

The ORD is developing and validating geospatial decision support and community assessment tools that will assist users from federal, state and tribal governments, community groups and the public to define and advance EJ objectives.

- **Community-Focused Exposure and Risk Screening Tool (C-FERST) and Tribal-Focused Environmental Risk and Sustainability Tool (T-FERST)** are screening tools designed to help communities and tribes learn more about their environmental health issues, assist in prioritizing issues and access solutions to promote health and well-being. [C-FERST](#) and T-FERST include guidance, fact sheets, best practices, local data, maps and links to other tools. The National Prevention Council Action Plan highlighted the application of these tools to EJ. These tools were piloted collaboratively with several Community Action for a Renewed Environment, local and tribal communities and regional partners.
- **Community Cumulative Assessment Tool (CCAT)** is a computerized, step-by-step guided process that informs users of the phases involved in a Cumulative Risk Assessment (including problem formulation, conceptual model development and

the consideration of multiple stressors, such as environmental, social, and economic). A CCAT prototype is complete and will be evaluated further in 2013. The tool is based on Agency recommendations, literature review and stakeholder feedback.

- **EnviroAtlas** is planned for public release in 2013. It provides the user with the ability to map layers of information about the natural environment and to evaluate the supply and distribution of ecosystem goods and services (defined generally as the benefits of nature such as clean air and water, green space, pharmaceuticals and food and the life support processes that sustain them) and population needs for these amenities. EnviroAtlas can be used to identify disparities between communities with respect to ecosystem services, such as proximity to parklands for exercise and recreation and the presence of tree buffers which shield near-road populations from air pollution.

### UNIVERSITY GRANTS AND CENTERS OF EXCELLENCE IN HEALTH DISPARITIES

The ORD is providing support to universities to develop new methods for cumulative risk assessment and consideration of non-chemical stressors. This research involves the development of cumulative risk assessment methods that incorporate community social contexts. Grantees and other experts in the field shared recent findings with EPA scientists at an ORD-OEJ workshop in 2012. A workshop synthesis will be posted in 2013 with final reports anticipated in 2014-15. The ORD also instituted a memorandum of understanding in 2011 with the National Institute of Minority Health and Health Disparities, and invested in ten grants that are part of a network of *Centers of Excellence on Environmental Health Disparities Program*. This program is examining the complex, multifactorial interactions between social, biological, economic factors and policies that may contribute to environmental health disparities.

### NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL RESEARCH WORK GROUP

The EPA convened a work group under the auspices of the NEJAC to provide advice to the Agency in the area of scientific research, particularly as it applies to health impacts, environmental risks, and differential exposures that directly related to environmental justice. The workgroup plans to deliver its report to the NEJAC by mid-2013.



## LEGAL TOOLS

*Provide legal assistance to EPA policy makers and other Agency decision makers to advance their environmental justice objectives under Plan EJ 2014.*

### STRATEGY

**Provide legal assistance to EPA policy makers and other Agency decision makers by identifying opportunities for them to use discretionary authorities under EPA statutes and programs to advance environmental justice.**

In December 2011, the EPA published [Plan EJ 2014: EJ Legal Tools](#) (*EJ Legal Tools*), marking a historic milestone for the Agency's environmental justice (EJ) program. It culminates a lengthy effort, lasting nearly two decades, to implement the directive of the Presidential Memorandum accompanying Executive Order (EO) 12898, which calls for using existing environmental and civil rights statutes to carry out the EO mandate. The Presidential Memorandum states that such laws provide many opportunities to help ensure the fair treatment and meaningful involvement of all people with respect to the development and implementation of environmental laws, regulations, and policies. In consultation with the EPA's program offices, the Office of General Counsel (OGC) developed the *EJ Legal Tools* document. EO 12898 also called upon federal agencies to make EJ part of their missions by "identifying and addressing, as appropriate, disproportionately high and adverse environmental and human health impacts" of their programs, policies and activities on minority populations and low-income populations. The Agency is currently incorporating the use of identified discretionary legal authorities relating to EJ into ongoing work.

### KEY ACCOMPLISHMENTS

#### EJ LEGAL TOOLS DOCUMENT

Plan EJ 2014 called for OGC to identify legal authorities under federal environmental statutes that can be applied to the EJ challenge. *EJ Legal Tools* responds to that call by identifying numerous legal authorities that the EPA may consider using to ensure that its programs, policies and activities more fully protect human health and the environment in minority, tribal and 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 the 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 the EPA's oversight of those activities. Accordingly,

*EJ Legal Tools* should be regarded as a living document, subject to future additions and adjustments.

#### ESTABLISHMENT OF EJ LEGAL TOOLS REPOSITORY

The Office of Environmental Justice (OEJ) is developing an EJ Legal Tools Repository (Repository). The overarching purpose of the Repository is to advance EJ by providing all parts of the Agency with access to examples of best practices in the EPA's use of available discretionary legal authorities. It will help the EPA achieve its vision of using the law as a tool to advance EJ and facilitate ongoing efforts by EPA programs and regions to advance EJ as part of their day-to-day activities. The Repository will also achieve functional objectives which are to: (1) collect examples of the application of environmental and other federal laws by the EPA to advance EJ; and (2) capture questions and recommendations regarding *EJ Legal Tools*. The audience for the Repository is internal to the EPA, with a primary focus on "managers of programs," such as headquarters and regional division directors who operate at the intersection of policy and implementation.

## USING THE LAW AS A TOOL TO ADVANCE ENVIRONMENTAL JUSTICE

### EPA Oversight of Oregon Fish Consumption Standards

Subsistence fish consumption practices can disproportionately expose tribal populations to water pollutants. This concern may be addressed under Section 303(c)(3) of the Clean Water Act (CWA). Pursuant to that section, states adopt water quality standards that should provide for protection of fishing uses where attainable. The EPA then approves or disapproves the state's water quality standards. On July 8, 2004, the Oregon Department of Environmental Quality (DEQ) submitted water quality criteria for toxics to the EPA, based in part on a fish consumption rate of 17.5 grams per day. In response to concerns submitted to the EPA from the Confederated Tribes of the Umatilla Indian Reservation during the EPA's review of the human health water quality criteria for toxics revisions, the Fish Consumption Rate Review Project (Project) was convened to determine the sufficiency of DEQ's proposed rate. After evaluating consumption patterns and health impacts from exceeding DEQ's proposed rate, the Project recommended a rate of 175 grams per day. The EPA disapproved DEQ's 2004 revised human health water quality criteria for toxics, which did not reflect the Project's proposed fish consumption rate. The EPA subsequently approved DEQ's resubmitted criteria, reflecting the Project's recommended fish consumption rate of 175 grams per day. The EPA's action approving Oregon water quality criteria for toxics based on a fish consumption rate reflective of tribal practices has the potential to reduce health impacts to populations with EJ concerns, such as tribal populations engaged in subsistence fish consumption.

### National Environmental Policy Act – Charleston Marine Terminal Expansion

Overburdened communities are frequently located near major transportation hubs. These communities can be disproportionately exposed to impacts from goods movement activities. Section 102(2)(C) of the National Environmental Policy Act (NEPA) can help address this concern by requiring federal agencies to prepare a detailed statement –environmental impact statement (EIS)–for their proposed major actions significantly affecting the quality of the human environment. When a major expansion of the nation's fourth busiest container port in Charleston, South Carolina, was proposed, an evaluation of the

impacts was required by the U.S. Army Corps of Engineers (Corps), the lead federal agency pursuant to NEPA. The minority and low-income neighborhoods surrounding the proposed port expansion were identified as communities with potential EJ concerns. NEPA regulation 40 C.F.R. § 1506.6 instructs agencies to make a diligent effort to involve the public. In addition, NEPA regulation 40 C.F.R. § 1502.14(f) requires that an EIS include appropriate mitigation measures (not already included in the proposed action or alternatives) to avoid, minimize, or compensate for potential adverse impacts. Accordingly, the EPA, as a cooperating agency under NEPA and in light of its commitment to EJ, worked closely with the Corps and the South Carolina Port Authority, and in collaboration with the Lowcountry Alliance for Model Communities (Alliance), to promote the consideration of EJ issues in the decision-making process. The Alliance is a non-profit organization advocating environmental justice and promoting community development, education, employment, quality housing and community involvement. These efforts resulted in the development of a plan for mitigating potential environmental and related socio-economic impacts from the port expansion. In part, the mitigation plan included:

- (1) Environmental monitoring;
- (2) An affordable housing trust;
- (3) A community park;
- (4) Employment training programs; and
- (5) Expanded health care opportunities.

The collaborative effort resulted in the largest NEPA mitigation plan in South Carolina history.

Meaningfully engaging overburdened communities fulfilled NEPA's stated goal of creating conditions under which man and nature can exist in productive harmony, while meeting the social and economic needs of the public.





## INFORMATION TOOLS

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

### STRATEGIES

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

In October 2012, the EPA released EJSCREEN for internal use. By developing EJSCREEN (Version 1.0), the EPA carried out its commitment under Plan EJ 2014 to develop a nationally consistent environmental justice screening tool. This new tool will provide the Agency with nationally consistent data and methods for screening areas with potential EJ concerns that may warrant further consideration, analysis or outreach. The release of this version of EJSCREEN was a major step forward in integrating EJ into Agency programs, policies and activities. It will be instrumental in helping EPA managers and staff more accurately, efficiently and consistently include EJ principles in the Agency's activities. Developed by an agency-wide workgroup involving all programs and regions, EJSCREEN was designed based on experience and expertise regarding EJ mapping as well as lessons learned from the EPA's earlier screening tools. Its design also incorporated advice and recommendations from the National Environmental Justice Advisory Council (NEJAC). EJSCREEN will be housed on the EPA's GeoPlatform, a suite of tools, data and services that will help coordinate and consolidate mapping activities, applications and data across the Agency. The EPA's attention is now focused on implementation and making an agency-wide transition to EJSCREEN as the Agency's EJ screening tool. As the Agency moves forward with the transition to EJSCREEN, user guidelines will be developed, improvements identified and issues of public access will be addressed.

### KEY EJSCREEN FEATURES

EJSCREEN is a baseline screening tool that features up-to-date graphics, high resolution maps, reports and graphs. It is also designed to allow users the flexibility of adding data layers, along with offering a wide range of environmental and demographic factors that can be viewed individually. The environmental factors offered include:

- (1) PM 2.5 Level in Air;
- (2) Ozone Level in Air;
- (3) Diesel Particulate Matter Level in Air;
- (4) Air Toxics Cancer Risk;
- (5) Air Toxics Neurological Hazard Index;
- (6) Air Toxics Respiratory Hazard Index;
- (7) Traffic Proximity and Volume;
- (8) Lead Paint Indicator (% pre-1960);
- (9) Risk Management Plan Facility Proximity;
- (10) Superfund Site Proximity;
- (11) Treatment Storage Disposal Facility Proximity;
- and
- (12) Major Direct Dischargers to Water Proximity.

The tool uses the percentages of minority and low-income populations in a given area as two primary

demographic factors. It also provides data on additional demographic factors, such as linguistic isolation, age and education.

EJSCREEN also creates indexes, which combine each environmental indicator with the percent of residents that are minority and percent of residents that are low-income in each area, to provide a measure of how much each location contributes to potential disparity between demographic groups nationwide.

As a pre-decisional tool, EJSCREEN will be used to highlight areas where further review may be warranted. Users should supplement EJSCREEN data with additional information and local experience. With additional information and data that is unique to an area and the ability to capture environmental and demographic factors more holistically, the Agency can thoroughly consider areas with potential EJ concerns when making decisions that may affect the public health and environment of a community.





## RESOURCES TOOLS

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

### STRATEGIES

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

The Office of Administration and Resources Management (OARM), through its Office of Grants and Debarment (OGD), continues to support 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. In 2012, EPA focused on developing a centralized "Resources for Communities" webpage, implementing a grants policy to streamline the grants process and implementing community grants training.

### KEY ACCOMPLISHMENTS

#### "RESOURCE FOR COMMUNITY" WEB PORTAL

In March 2012, OGD partnered with the Office of Environmental Justice (OEJ) to launch "[Resource for Communities](#)." Among other things, this website hosts the EPA Grant Competition Forecast, which lists the expected community-based grant competitions for each calendar year. Six competitions were posted for calendar year 2012. During the months of August and September 2012, the Competition Forecast Calendar was accessed 979 times.

#### COMMUNITY-BASED GRANTS POLICY

The EPA issued a new community-based grants policy on March 31, 2012. The policy seeks to establish a transparent, One EPA approach to coordinating and implementing the Agency's community-based grant programs, including streamlining grants processes and providing useful grants information to communities. The online posting of competition schedules, simplifying the application process and increasing community outreach, via use of webinars and tutorials, are all part of this policy. The measurable goal of this internal policy is to increase the total number of community grant applications. However, as this is EPA's first agency-wide community grants policy, results are forthcoming.

#### FLAT INDIRECT COST RATE OPTION (NON-PROFITS)

Negotiating an indirect cost rate for a federal grant is a lengthy and complex process. To eliminate this burden for non-profit applicants, including non-profit community-based organizations, the new Community-Based Grants Policy provides tribal and non-profit organizations the option of using a flat indirect rate of 10% of salaries and wages for the life of a project. The measure of this option is the total number of communities taking advantage of the simplified indirect cost rate, as part of the overall effort to streamline the grant application process. Results are forthcoming.

#### UMBRELLA GRANTS TUTORIAL

A "[Grants 101 Tutorial](#)" was developed and posted on the Resources for Communities web portal. This user-friendly resource tool, developed with community and EPA feedback, provides communities with a general overview of how to apply for, manage and complete an EPA project. During the months of August and September 2012, the Grants 101 Tutorial was accessed 321 times.



## COMMUNITY TRAINING WEBINARS

Beginning in February 2012, OGD hosted six [Grants Award Process](#) webinars for the EPA grants community. These sessions covered grants management topics such as how to find and apply for grant opportunities and information on details of the new federal budget. OGD worked with headquarters and regional programs to announce the availability of these webinars to the grant community via Listservs. Webinar slide presentations, handout materials and recordings are posted on the OGD internet site so that communities can access this information.



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# PROGRAM INITIATIVES

- **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**
- **IMPLEMENTATION OF INTERNAL TECHNICAL DIRECTIVE ON REVIEWING EPA ENFORCEMENT CASES FOR POTENTIAL ENVIRONMENTAL JUSTICE CONCERNS, OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE**

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## PROGRAM INITIATIVES

A key goal of the EPA is to expand upon the Agency's efforts to integrate environmental justice (EJ) into all of its programs. As the Agency pursues this goal, it brings attention to the advancements that many Agency programs have already made in integrating EJ, as well as the significant benefits produced for overburdened communities. In addition, the Agency's program offices are implementing specific programs or initiatives aimed at strengthening the integration of EJ into their respective programs. These programs or initiatives may serve as models for enhancing the integration of EJ into all of the Agency's programs, including implementing and integrating the tools developed through Plan EJ 2014. The EPA's program offices have designated specific programs or initiatives under Plan EJ 2014 that stand out as models for further integrating EJ throughout the Agency. The programs or initiatives identified 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.

These are just a few of the many programs at the Agency that actively pursue the integration of EJ and produce significant benefits for overburdened communities. Over the next phase of Plan EJ 2014, we will look to further share the lessons gained from these programs or initiatives.

## KEY INITIATIVES

### URBAN WATERS PROGRAM

#### Office of Water

The EPA's [Urban Waters Program](#) was created to help communities, particularly underserved communities, reconnect with and restore their local urban waters and the surrounding land. The Urban Waters Program works across all Office of Water program offices and utilizes a One EPA approach. It spans all ten Regions, and is co-led by the Office of Water, Water Office Lead Region, Office of Solid Waste and Emergency Response, Office of Environmental Justice, and the Office of Sustainable Communities. The key results from implementing this initiative include:

**Urban Waters Small Grants.** The Urban Waters Small Grants Program, modeled after the EJ Small Grants, recognizes the opportunity for modest support to build the capacity of local groups. These grants are an important element of the Urban Waters Program, and were developed with EJ goals as part

of the design. The EPA developed this grants program in response to communities' activities. The Partnership is currently identifying new locations to work with community partners and develop a self-nomination process for local communities to join the partnership. In addition, the EPA has sponsored "Ambassadors" to work in a full-time capacity to assist communities in the New Orleans and Los Angeles River locations.

**Urban Waters Federal Partnership.** The EPA also led the formation of the Urban Waters Federal Partnership (Partnership), launched in June 2011, to enhance coordination among federal natural resources and human health agencies and collaboration with community-led revitalization efforts to improve our Nation's water systems and promote their economic, environmental and social benefits. The Partnership involves thirteen agencies coordinated by the White House Domestic Policy Council and the Council on Environmental Quality. It has a clear emphasis on environmentally and



economically distressed communities. The Partnership has benefited from the efforts of the Interagency Working Group on Environmental Justice in both its place-based and national activities. The Partnership is currently identifying new locations to work with community partners and develop a self-nomination process for local communities to join the partnership. In addition, EPA has sponsored “Ambassadors” to work in a full-time capacity to assist communities in the New Orleans and Los Angeles River locations.

**Stakeholder Engagement and Partnerships.** Through this program, the EPA developed a partnership with both the River Network and Groundwork USA to create an Urban Waters Learning Network, combining the complementary capacity building and technical assistance strengths of all three organizations in order to jointly provide support to Urban Waters Fellows and new grantees. At annual River Rally events, from 2009 to 2012, the Agency sponsored special sessions to engage groups working on restoring urban watersheds while revitalizing neighborhoods and, in particular, to encourage them to integrate EJ into their work and think about watershed restoration. Through this effort, River Rally organizers and EJ advocates are now in direct dialogue about opportunities to integrate EJ into the mainstream environmental movement and its activities.

#### **PESTICIDE WORKER SAFETY PROGRAM: CERTIFICATION AND WORKER PROTECTION BRANCH ACTIVITIES**

##### **Office of Chemical Safety and Pollution Prevention**

The [Pesticide Worker Safety Program](#) focuses on a few significant areas of interest to EJ:

- (1) Implementation and revision of three rules under the Federal Insecticide, Fungicide and Rodenticide Act;
- (2) Supporting field programs for these rules; and
- (3) A healthcare initiative that improves the ability of clinicians to manage pesticide exposures. The three rules are the Worker Protection Standard (40 CFR 170), Certification of Pesticide Applicators (40 CFR 171), and the Pesticide Container and Containment Regulations (40 CFR 152, 156 and 165).

The EPA’s efforts include multiple field programs such as pesticide safety training; state and national surveillance support; training of clinicians to manage pesticide exposures; support for training and



education of pesticide applicators and pesticide safety educators; compliance assistance and training programs for each of the rules; and partnerships with federal, state and non-governmental organizations. These supporting field programs, along with other state and federal enforcement and compliance assistance programs provide ground level support for employers and applicators. The field programs also support training and information for farmworker communities, to empower workers to protect themselves and their families.

Grants, cooperative agreements, interagency agreements and partnerships aim to address existing and continuing needs of the farmworker community, including programs that improve implementation of the current rules, collect surveillance data and improve healthcare services for farmworkers and farm communities. These programs assist the EPA in monitoring the impact of its risk assessment decisions and regulatory actions. The current field programs exist in response to the needs identified through stakeholder networks, such as farmworker groups. Identified needs include more pesticide safety training and increased numbers of competent healthcare providers to treat pesticide exposure cases. The programs continue to respond to community concerns through consistently consulting these organizations and individuals to guide the direction and aims of the support programming. The multiple grants, agreements and partnerships, including those under the Healthcare Provider Initiative, described in the work plan, were partially funded in 2012. They will progress in the coming year, as available funding allows.

The rulemaking for 40 CFR 170 and 171 will continue over the next year until the proposed rules are released for public comment. Following eventual release of the final rule new compliance assistance efforts will occur. Current compliance assistance, training and other regulatory support initiatives for the current rules will continue until new final rules are

promulgated. The current compliance assistance and implementation programs supporting the Pesticide Container and Containment Regulations will continue in 2013.

## **U.S. - MEXICO ENVIRONMENTAL PROGRAM: BORDER 2020**

### **Office of International and Tribal Affairs**

The Office of International and Tribal Affairs (OITA) developed the [US-Mexico Environmental Program: Border 2020](#) to address the dire economic and health disparities, disproportionate environmental impacts, lack of access to resources and environmental information, and higher risk of poor health outcomes faced by vulnerable communities along the US-Mexico border. Through the Border 2020 program, the two governments demonstrate their commitment to addressing these disparities through a combination of collaborative approaches (e.g., improving access to bilingual environmental information, promoting transparent decision-making, improving access to environmental data sources and right-to-know tools for the border region).

Meaningful involvement and fair treatment of border communities in the program's six strategic goals (and associated objectives) is integral to developing and implementing Border 2020. The program emphasizes public involvement, designed as "a bottom-up approach," to deal with the issues at the community level. In the two year process of negotiating the Border 2020 program, OITA hosted 18 border public meetings, 2 public webinars and provided consultation to all 26 federally recognized tribes along the border. In addition, representatives from overburdened communities serve on task forces, regional work groups, and often are the communities who lead specific on-the-ground activities of the program. They are also recipients of grants awarded for projects along the border. Border 2020 will develop biennial Action Plans in alignment with the program's strategic goals and objectives. Border 2020 will serve as a model for integrating EJ in other international environmental program efforts.

### **COMMUNITY ENGAGEMENT INITIATIVE**

#### **Office of Solid Waste and Emergency Response**

The Community Engagement Initiative (CEI), initiated by the Office of Solid Waste and Emergency Response (OSWER), seeks to improve processes and develop tools in land cleanup, emergency response

and other waste management work. This will ensure that project information and resources are available and useful for the full community, including those populations that may be overburdened and unable to easily get involved. OSWER programs are implementing 16 separate actions to meet CEI's three main goals:

- (1) Develop transparent and accessible decision-making processes to enhance meaningful community stakeholder participation;
- (2) Present information and provide technical assistance in ways that will enable community stakeholders to better understand environmental issues and participate in an informed way; and
- (3) Produce outcomes that are responsive to stakeholders' concerns and are aligned with community needs and long-term goals to the extent practicable.

Through CEI, OSWER has:

- Launched the Brownfields Area-wide Planning Program to assist communities addressing local brownfields challenges, particularly where multiple brownfields sites are connected by proximity, infrastructure, and economic, social and environmental conditions;
- Identified barriers for the delivery of information to communities that have been historically underrepresented in EPA decision-making processes, including the disenfranchised in cities and rural areas, communities of color and tribes. OSWER also provided tools to help these communities work with EPA programs to access and understand environmental projects and issues that affect them;
- Established an OSWER-wide Environmental Workforce Development and Job Training Program to help citizens in affected communities develop skills and find work in the environmental field, as well as help their communities work with OSWER programs to solve environmental problems;
- Developed the Partners in Technical Assistance program to help cleanup managers understand the issues and needs in a community, before a project is started, to provide technical assistance that benefits the whole community; and
- Developed the Partners in Technical Assistance Program that will enable non-profit organizations and universities to provide technical assistance, education and support to communities so they can be more effectively involved during the site cleanup process.

A report detailing the CEI accomplishments can be found at [www.epa.gov/oswer/engagementinitiative](http://www.epa.gov/oswer/engagementinitiative).

In 2013, OSWER will develop a Community Engagement Network, training programs and a planning framework to help EPA employees more effectively involve communities in their work.

## **IMPLEMENTATION OF INTERNAL TECHNICAL DIRECTIVE ON REVIEWING EPA ENFORCEMENT CASES FOR POTENTIAL ENVIRONMENTAL JUSTICE CONCERNS**

### **Office of Enforcement and Compliance Assurance**

The Office of Enforcement and Compliance Assurance (OECA) has identified implementation of the Internal Technical Directive: Reviewing EPA Enforcement Cases for Potential Environmental Justice Concerns and Reporting Findings to the ICIS Data System (Technical Directive) as its program initiative under Plan EJ 2014. This initiative supports OECA's goal of fully integrating the consideration of EJ concerns into the planning and implementation of its program strategies. The Technical Directive establishes procedures for Agency civil enforcement personnel to review the EPA civil enforcement cases for potential EJ concerns and report the findings from these reviews to an internal Integrated Compliance Information System (ICIS).

With the Technical Directive, OECA is increasing the focus on potential EJ concerns in communities where the EPA brings enforcement actions, and is looking for opportunities to address such concerns, as appropriate. Early identification of potential EJ concerns will assist EPA with targeting its limited resources where they can have the greatest impact. It will also allow the Agency to reach out to affected communities, as appropriate, as the EPA moves forward with enforcement. This information will also

prove useful to the Agency as it resolves enforcement cases and seeks appropriate remedies, including those that may particularly benefit overburdened communities and address EJ concerns.

Communities can play an active role in identifying or addressing potential disproportionate environmental and public health burdens. In circumstances where OECA is able to address EJ concerns through an enforcement action, OECA will seek community input in identifying the community's concerns and actions the community may want to employ to address those concerns, where practicable.

For example, as part of a settlement with the EPA regarding two of its oil refineries, a company agreed to construct and operate an ambient air monitoring station adjacent to the impacted community. Emissions data from the monitoring station and from refinery emission units are posted on an internet website, and the company holds regular monthly meetings for residents of the neighborhood adjacent to the refinery. These and other settlement terms are responsive to specific concerns raised by the community abutting the refineries.



# **TITLE VI OF CIVIL RIGHTS ACT OF 1964**

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## ADVANCING ENVIRONMENTAL JUSTICE THROUGH TITLE VI

Strengthen the enforcement and compliance of Title VI, by clearly identifying and outlining Title VI responsibilities, placing greater focus on prevention of discrimination and compliance, promoting meaningful dialogue and seeking input to improve efficiencies by engaging states.

### STRATEGIES

1. Establish a robust Title VI pre-award and post-award compliance program.
2. Strengthen Title VI in EPA's National Program Management guidance, performance partnership agreements and performance partnership grants.
3. Partner with other federal agencies to improve and strengthen compliance with Title VI.
4. Advance EJ goals through Limited English Proficiency initiatives.

A strong civil rights program is essential to the success of the EPA. The EPA's enforcement of statutory civil rights obligations, Title VI of the Civil Rights Act of 1964, is also a critical part of the Agency's efforts to advance environmental justice. Over the last year, the Agency has continued to dedicate considerable resources and implement tangible changes to the Title VI program, which has resulted in measurable improvements and concrete outputs. Most notably, the EPA reduced the Title VI backlog of open investigations by over forty percent (40%) going from 28 to 15 open investigations this fiscal year. These cases include some of the oldest cases (e.g., 1995, 2002 and 2003) contained in the backlog. The Agency resolved 28 complaints this fiscal year, a record number for any one fiscal year. Moreover, in furtherance of its commitment to reduce the backlog while also processing new complaints, the Agency processed 19 jurisdictional reviews, comprised of both older complaints and recently filed ones.

The EPA recognizes that it must do more. To this end, the Agency engaged in a process to promote dialogue and seek input from various stakeholders to improve enforcement of Title VI. To further that goal, the EPA has made considerable efforts to communicate with and solicit input from both state recipients and Title VI advocacy organizations on Title VI. For example, the EPA 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. In addition, EPA has met with Title VI advocates to solicit input on the Agency's enforcement of Title VI and programmatic improvements.

### KEY INITIATIVES

**RE-EVALUATING PART OF ITS FRAMEWORK FOR ANALYZING TITLE VI COMPLAINTS.** Due to stakeholder input, the EPA is currently reassessing the relationship between health-based environmental standards and adversity under Title VI. On January 29, 2013, the EPA released a draft Title VI policy paper for public comment that proposes to change the way the EPA assesses "adversity" by having the Agency refrain from applying a "rebuttable presumption" in certain Title VI investigations. The Agency is taking comments on the draft [Title VI of the Civil Rights Act of 1964: Adversity and Compliance With Environmental Health-Based Thresholds](#) policy paper. The Agency also continues to work on improving its complaint processing by working with the U.S.

Department of Justice and other agencies to identify and promote best practices, as well as to enhance effective compliance with Title VI.

#### **RE-EVALUATING THE ROLES OF COMPLAINANTS AND RECIPIENTS IN THE TITLE VI COMPLAINT PROCESS.**

During the past 18 months several stakeholders provided the EPA with considerable feedback about the roles of complainants and recipients in the Title VI process. To address some of these concerns and others, the Agency has undertaken a process of re-evaluating the role of complainants and seeking ways to create greater involvement in the complaint process. On January 29, 2013, the EPA released a draft Title VI policy paper for public comment that discusses the Agency's thinking about how to expand

the roles of complainants and recipients in the Title VI complaints process. The Agency is taking comments on the draft [Title VI of the Civil Rights Act of 1964: Role of Complainants and Recipients in the Title VI Complaints and Resolution Process](#) policy paper.

**WORKING TO REVIEW AND REVISE FORM 4700 AND REVISING EPA GRANTS TO INCLUDE A TITLE VI TERM AND CONDITION.** The EPA believes it is important to clearly identify and outline for recipients their Title VI responsibilities and to place greater focus on prevention of discrimination and compliance with Title VI. Thus, the Agency developed a new term and condition addressing civil rights obligations. This action will remind recipients of their obligations and prepare them to be able to respond to the EPA's compliance activities. This new [Title VI term and condition](#) will be included in the EPA's domestic grant and cooperative agreement awards on or after January 23, 2013. The EPA will also include the Title VI term and condition in new fellowship awards, new foreign grants and cooperative agreements as legally appropriate.

**INSERTING LANGUAGE RELATED TO TITLE VI COMPLIANCE IN EACH MEDIA OFFICE'S NATIONAL PROGRAM MANAGEMENT (NPM) GUIDANCE ON EFFECTIVE GRANTS MANAGEMENT.** The NPM 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.

**INTERAGENCY WORKING GROUP ON ENVIRONMENTAL JUSTICE (IWG) - TITLE VI COMMITTEE.** The committee supports agencies' efforts to connect their civil rights enforcement responsibilities with their efforts to achieve environmental justice. The IWG has identified Title VI as one of its priority areas.<sup>4</sup>

The EPA is committed to establishing a model civil rights program. When applied together, the above steps place the Agency on course to developing an effective Title VI program.



<sup>4</sup> See Fostering Administration-Wide Action, page 18.

## Regional Community-Based Accomplishments

The EPA's various community-based programs and interagency partnerships have produced significant benefits for communities. This work is critical to achieving the goals of Plan EJ 2014 and makes an important difference in the quality of life of overburdened communities. The EPA's ten regional offices are in the forefront of implementing these efforts. This section provides 20 examples of successful community-based initiatives that reflect the diversity of the Agency's community-based work.

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# Regional Community-Based Accomplishments

## Region 1



### New Bedford, Massachusetts

As a busy commercial seaport, [New Bedford Harbor](#) and its surrounding communities struggle economically and environmentally from closures of large electrical device manufacturers. The 18,000 acre urban estuary is one of the EPA's largest Superfund cleanup sites. Working with the state, city and New Bedford communities, the EPA's Region 1 office removed approximately 30,000 tons of contaminated soil from more than 40 residential properties surrounding the [Parker Street Waste Site](#) in New Bedford. An abandoned [Aerovox \(AVX\)](#) building, once a primary manufacturing facility for polychlorinated biphenyls (PCBs) and source of pollution to New Bedford Harbor and more recently a fire risk, was demolished and removed as a part of a joint venture between the city, state, AVX and EPA Region 1. Using the EPA's authority under the [Comprehensive Environmental Response Cleanup and Liability Act \(CERCLA\)](#), also known as the Superfund Act, EPA Region 1 also worked with the state and approved their request to construct a deep water shipping terminal as part of the New Bedford Harbor Superfund cleanup. The effort will also bring economic growth through jobs related to the staging of offshore wind turbines. As a consequence of reaching settlement with AVX for \$366 million for the cleanup of New Bedford Harbor (the largest single-site cash settlement in CERCLA program history), the EPA expects to reduce the harbor cleanup time from a projected 40 years to 5-7 years.

### Holyoke, Massachusetts

Nuestras Raíces, Inc., as a result of support from the EPA's [Community Action for a Renewed Environment \(CARE\)](#) program, increased the South Holyoke community's awareness of the local environmental health risks and transformed blighted urban land into sustainable gardens while increasing green space and access to healthy produce. The organization leveraged non-EPA funding to create a green jobs training program that placed 22 graduates in local energy, green building and manufacturing companies; a weatherization company and healthy food microenterprises. These successes led to the project's participation in the [Partnership for Sustainable Communities](#), comprised of the U.S. Department of Housing and Urban Development (HUD), U.S. Department of Transportation (DOT) and the EPA. Nuestras Raíces trained 40 local at-risk youth in weatherization, insulation and solar hot water installation and 70 farmers on Integrated Pest Management, watershed protection, soil fertility and business management. The Nuestras Raíces partnership also conducted [Healthy Homes](#) workshops with landlords and housing authorities to address pest and moisture issues using energy efficient methods. Notably, while leveraging a community economic development grant, Nuestras Raíces launched and became the majority owner of Energía, a green energy services company providing green jobs for local youth. Using a "triple bottom line" business model, Energía is helping to increase energy conservation and renewable energy use in the community. As Energía grows and thrives, it will provide a sustainable source of income reducing Nuestras Raíces reliance on grants.



## Regional Community-Based Accomplishments

### Region 2

#### Newark, New Jersey

The Ironbound community, located in the East Ward of Newark, is a multi-ethnic, largely working-class neighborhood, where local factories, warehouses, and industrial lots continue to operate alongside multiple-family homes and public housing complexes. This community is host to a variety of industrial and storm water pollution that affects air, water and soil quality. With support from the EPA's [Brownfields Area-Wide Planning \(BF AWP\) Program](#), the Ironbound Community Corporation (ICC) worked with residents of the Ironbound neighborhood to create a brownfields area-wide plan that focused on three key brownfield sites. The BF AWP program assists communities in responding to local brownfields challenges, particularly where multiple brownfield sites are in close proximity, connected by infrastructure, and overall limit the economic, environmental and social prosperity of their surroundings. The ICC brownfields planning process focused on these three sites because of their logical adjacency and potential impact as a unit. Multiple community workshops helped guide and shape the plan, from defining major issues at the outset, to refining and prioritizing strategies and actions in the final stages. Overall, the community supports brownfields cleanup and reuse initiatives that lead to greening and growing, flexible market space and additional recreational opportunities that will lead to improved food access, air quality and public health, as well as better connections to economic redevelopment and job opportunities. ICC's brownfields area-wide plan states that the community planning for the reuse of these three key brownfield sites collectively will improve overall project viability, revitalization impact and deepen the neighborhood experience, helping to create a more dynamic public resource and bring additional amenities to the Ironbound residents.



#### West Harlem/New York, New York

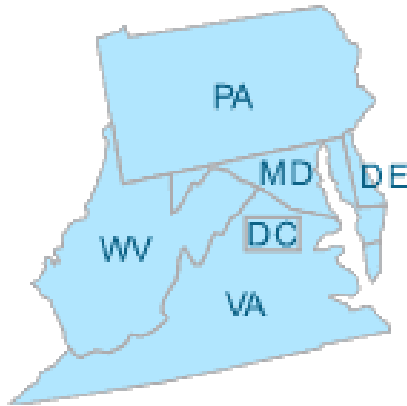
Often called the cradle of African-American culture, Harlem is one of the oldest, most historically significant urban centers in America. The predominately poor black and Latino community suffers from dilapidated housing, industrial pollution sources, and a deficient waste management system combined with poor access to healthy food and drinking water, limited open space and an unsafe outdoor environment that creates poor physical health and high rates of psychological stress. West Harlem Environmental Action, Inc. (WE ACT) used the EPA's CARE grant program as an opportunity to rally the Harlem community to take action and begin addressing these issues. Through a community assessment supported by CARE, WE ACT and its [Northern Manhattan CARE Collaborative](#) partners learned that the community's environmental and health problems were significantly impacted by large amounts of garbage, pest infestation and the pesticides mitigation cycle. Using a CARE grant to implement a program to address pest infestation, various community members (e.g., residents, building superintendents and businesses) documented the problem and partnered with the New York City Department of Health and Mental Hygiene to train residents and building maintenance staff on waste management best practices and [Integrated Pest Management \(IPM\)](#) techniques. The EPA not only served as an advisor for major decisions such as the identification and prioritization of mitigation actions but also helped residents identify and access funding and technical support resources. These efforts led to reduced pest infestation, better waste collection approaches and increased engagement of local business owners.





## Regional Community-Based Accomplishments

### Region 3



#### Chester, Pennsylvania

Chester, Pennsylvania is located approximately 15 miles southwest of the City of Philadelphia along the Delaware River. Of Chester's nearly 34,000 residents, African-Americans make up 74% of the population with more than 27% below the poverty line. Citizens expressed concerns related to clusters of waste facilities and multiple environmental pollution issues that have led to high asthma rates, elevated levels of childhood lead poisoning, low infant birth weight, high infant and adult mortality and morbidity rates, and high cancer rates in adults. To address the concerns, the community has been effectively collaborating and partnering with the City of Chester, the Pennsylvania Department of Environmental Protection (PADEP), the [Chester Environmental Partnership \(CEP\)](#), the EPA's Region 3 office, local residents, academia and business and industry. The citizens have worked to secure funding through grant programs such as [State Environmental Justice Cooperative Agreement \(SEJCA\)](#), [Environmental Justice Small Grants](#) and other funding sources to develop programs that address such issues as childhood asthma, childhood lead poisoning and pollution from hazardous waste facilities. The programs are also helping the community build and maintain partnerships with facilities and educate community residents faced with environmental issues. The partnerships developed as a result of the programs have led to increased awareness of environmental justice within the City of Chester and a greater capacity within the community to address their local issues as a part of the decision-making process.

#### Port of Huntington Tri-State

The EPA's Region 3 office, in partnership with EPA's Region 4 and 5 offices, the National Enforcement Investigations Center, OECA's Office of Compliance and the West Virginia Department of Environmental Protection, participated in [The Port of Huntington Tri-State Collaborative Geographic Initiative](#) (Initiative). The Port of Huntington Tri-State (Port) is the largest inland port in the United States both in terms of total tonnage as well as ton-miles of cargo. The Port stretches along 199 miles on the Ohio, Kanawha, and Big Sandy rivers. Heading east, Port operations occur in major U.S. cities such as Ashland, Kentucky, Huntington, West Virginia and Charlestown, West Virginia in the Kanawha Valley. There is increasing evidence of impacts from port facilities' use of the area's land, air and water resources, which have resulted in poor public and environmental health for communities located within the port's boundaries. The Initiative utilized an integrated strategy which began with a comprehensive targeting effort, including on-site reconnaissance, and incorporated complementary strategies on enforcement, compliance assistance and community involvement. The EPA conducted twenty multi-media inspections throughout the Port. Additionally, the Agency provided approximately 1,500 facilities with sector-based compliance assistance materials. Two community meetings were convened to explain the Initiative and to hear the public's thoughts and concerns. In partnership with the Huntington District Waterways Association, the EPA also sponsored a free, one-day environmental compliance assistance workshop for the Port of Huntington manufacturing facilities.



## Regional Community-Based Accomplishments

### Region 4



#### South Carolina – Leaders in Environmental Action Pilots

The South Carolina Department of Health and Environmental Control (SCDHEC) implemented the “[Leaders in Environmental Action Pilots](#)” ([LEAP](#)) program with support from the EPA’s State EJ Cooperative Agreement program. They used collaborative problem-solving approaches to address the environmental and social justice concerns in four environmental justice communities. As a result of the pilots, the Blackmon Road community, in Rock Hill, obtained a comprehensive water infrastructure study and participated in community development training. Residents from the Aiken County participated in training under the Superfund Job Training Initiative and organized the SC Environmental Justice Coalition to address EJ concerns in the state of South Carolina. The mill town communities of Graniteville, Warrentonville, and Vaucluse partnered with Clemson University’s School of Landscape Architecture to design a landscape for the green areas within the communities. They used the grant money to hire the Urban League Institute to assist with developing a Community Master Plan. In addition, the community held vision sessions in preparation for upcoming brownfields assessments. The North Charleston communities continue to address environmental issues related to expansion of the Port of Charleston. The SC DHEC was able to provide significant assistance to all four pilot communities, and in doing so brought together a number of agencies and organizations that can now continue to assist these communities toward their individual goals. A workbook and DVD to assist communities with similar issues has been developed.

#### Jacksonville, Florida

The EPA’s [Jacksonville EJ Showcase Community](#) project focused primarily on reducing environmental and human health impacts in Health Zone 1 (HZ1), the city’s urban core area. HZ1 consists of six zip codes of overburdened neighborhoods, affected by many of the health, social and education issues that are common in low-income areas, including high rates of asthma and elevated blood lead levels in children, high unemployment and low awareness of environmental hazards. The EPA’s Region 4 office utilized a collaborative, community-based approach using new and existing financial, technical and human capital resources to improve public health and the environment. Through a process of collaboration, dialogue and information sharing, the following results were achieved: a comprehensive fish and shellfish study that revealed elevated levels of several pesticides, arsenic, and industrial chemicals in several species consumed by residents of HZ1; issuance of 24 fish consumption advisory signs posted along creeks alerting residents of HZ1; a reduction in the exposures of neighborhood children to asthma triggers and lead-based paint by employing numerous outreach educational strategies targeting day care centers and thousands of residents in HZ1; several “build your own” rain barrel and community garden workshops to improve public health and provide fresh food; three community-industry forums to improve communications by fostering community-industry dialogues; and an increase in the access to community benefits through development of a community health clinic on former Brownfields and Superfund sites. The key project successes were due in large part to coordination and collaboration among the multi-stakeholder partnerships established with federal, state, local agencies and community based organizations.



## Regional Community-Based Accomplishments

### Region 5



#### **Milwaukee, Wisconsin**

The [EPA's Region 5 EJ Showcase Community](#) effort focused on Milwaukee's 30th Street Corridor. The project addressed three major issues impacting this low-income area suffering from vacant and under-used industrial properties and loss of manufacturing jobs. The effort resulted in: (1) using geographic-based targeted enforcement to assess facilities in the community, along with conducting 13 facility inspections; (2) training community health workers and healthcare providers to address community concerns about exposure to pollutants and chemicals in public schools and residences; and (3) increasing community access to healthy homes best practices and healthy foods through community gardening. With respect to healthy foods, project partners completed tasks identified by the Milwaukee Food Council, the City of Milwaukee, and many community garden organizations to improve community gardening in Milwaukee. Guided by the input and direction of the stakeholder group, the Urban Agriculture Code Audit, the Urban Agriculture Guide, and the Urban Agriculture Research Project produced a review of sustainable practices and performance measures. Recommendations from the review are being used by the city to revise city codes, to remove obstacles to urban agriculture for residents and organizations, and to assist the city's development of its sustainability plan. The city has indicated that the revised codes will be ready for the city council's review and approval in early 2013.

#### **Evansville, Indiana**

The [Jacobsville Neighborhood Soil Contamination Superfund Site](#) is located in a mixed-use area in Evansville, Indiana where multiple now-closed facilities operated from 1880 to 1950. These operations released lead and arsenic particles into the air that ended up in the soil, with estimated impacts on over 4,000 residential properties. The cleanup project is expected to take at least ten years. In 2012, the EPA worked extensively in the community to expedite the cleanup by improving awareness. Color-coded sampling results letters were developed to convey risk in a way that was easily understood by the public. This innovation enabled work to progress both on the excavation of contaminated yards and on the sampling necessary to prepare for future rounds of cleanups. A total of 469 properties were cleaned up and another 661 properties were sampled for future cleanups in the past year. The EPA also completed the Superfund Jobs Training Initiative (JTI) program at the Jacobsville Site. The JTI program provided two weeks of free training to 20 underemployed area residents, qualifying them for employment in environmental cleanup jobs. Upon graduation, 12 trainees were hired by EPA's contractor to work on the project.



# Regional Community-Based Accomplishments

## Region 6

### Port Arthur, Texas

The [EPA's Region 6 EJ Showcase Community](#) effort focused on the Westside neighborhood of Port Arthur, Texas. The Westside neighborhood spans about 60 blocks and is home to approximately 3,500 people, of which approximately 44 percent live below the poverty level. It has a history of complaints by neighborhood residents regarding significant air pollution problems. Many residents believed the sources of the air pollution were emissions from nearby petroleum plants. They formed the Community in Power and Development Association (CIDA), a local community-based organization, over ten years ago to investigate air quality issues and advocate for improving the economic growth and health of the neighborhood. Port Arthur is implementing a comprehensive, cross-media action plan in the city's Westside neighborhood, which shares fence lines with two large oil refineries (Motiva and Valero) and an active port. The EJ Showcase Community project brought together federal and local government, religious leaders, industry, community leaders and citizens in a collaborative community-based effort aimed at improving the community's public health and the environment. The EPA held public meetings and used input from stakeholders to develop and implement a comprehensive, cross-media action plan for the Westside community. The action plan resulted in the receipt of multiple grants to help resolve concerns in emergency response, health, air, water and land. Partnerships were created with: (1) the Healthy Homes Outreach Project, University of Texas Foundation in collaboration with University of Texas Medical Branch at Galveston and CIDA; (2) the After School Environmental Science Lab Project, Tekoa Charter School; and (3) the Golden Triangle Empowerment Center Job Training Program. The project resulted in engaged partnerships among the Port Arthur community, stakeholders and industry. The project facilitated the construction of a Health Clinic on Port Arthur's Westside and by supporting revitalization assessments of 1,300 properties with \$330,000 through Brownfields. The project also provided neighborhood community training for Healthy Home training, emergency response, job training and education that will lead to improved food access, air quality and public health; as well as better connections to economic redevelopment and job opportunities.



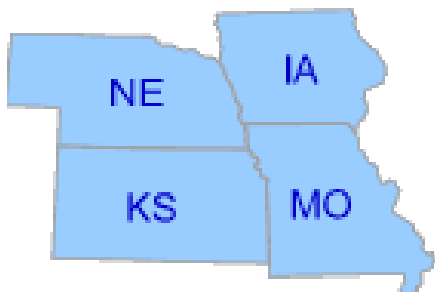
### Tar Creek, Oklahoma

The Tar Creek [Superfund Job Training Initiative \(SuperJTI\)](#) is one of the many SuperJTI projects nationwide that are making a difference for citizens living in communities affected by Superfund sites. In June 2011, SuperJTI, an environmental job readiness program, provided career development opportunities for 26 trainees living near the Tar Creek Superfund site. Through a partnership with the EPA, local partners and cleanup contractors, Tar Creek SuperJTI provided local job seekers with new skills and work experience linked to the cleanup of the Tar Creek site. Graduates from the program were placed in a variety of positions including environmental technicians, dump truck drivers and heavy equipment operators. The trainees were a diverse group, including Native Americans, Caucasians and Hispanics. Many lived in areas surrounding the site. Much of the cleanup was focused on excavation of lead-contaminated soils from residential yards and high-access areas. Other cleanup activities have included surface water management and the plugging of abandoned wells. Taken together, these activities have seriously reduced the exposure of the population to contamination, especially exposures to young children. Upon completion of the SuperJTI program, graduates possess the marketable skills needed to begin a successful career in environmental remediation and become valuable members of the workforce.



## Regional Community-Based Accomplishments

### Region 7



#### **Oak Grove/Kansas City, Kansas**

Oak Grove is a residential neighborhood located in the northeastern part of Wyandotte County, in Kansas City, Kansas. This community of 1,500 residents has historically struggled with significant environmental quality issues and economic blight. Nearly 46% of Oak Grove's residents live in poverty and 71% of the community's residents are minorities including a significant population of first generation immigrants from over half a dozen different countries. In 2011, as part of the [Mineral Wool Production and Wool Fiberglass Manufacturing](#) rulemaking process, Region 7 was informed of disproportionate air emissions from a facility located in an industrial district adjacent to the neighborhood. As a result, the EPA's Region 7 office partnered with the Oak Grove community to develop learning sessions with the intention of opening a dialogue with the community on environmental issues. The Agency's [Brownfields/Land Revitalization](#), Superfund, Air, Water, Public Affairs, and environmental justice programs collaborated together and designed a series of workshops that focused on providing technical assistance to the community. Topics of discussion ranged from cumulative air quality impacts, health risks from air contaminants and fish consumption from local waterways. These learning sessions resulted in enhanced community participation and relationships between the EPA, other Federal agencies and local partners. Through this work, the EPA improved the capacity of the community to be involved with the air rulemaking process and developed skills to further their engagement as participants in other environmental issues.

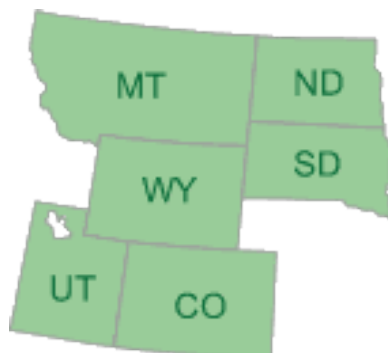
#### **Kansas City Metro Area, Kansas**

The EPA's [Region 7's EJ Showcase Community](#) effort worked with economically-distressed neighborhoods in the Kansas City metropolitan area to address community concerns by reducing exposure to environmental hazards from local water use and subsistence fishing, land use and indoor air quality. The communities identified environmental education and awareness, and youth engagement as important objectives. As part of an area-wide effort to encourage residents to use and protect local water ways, the EPA provided fish consumption education to the local residents using Kansas City urban lakes and streams which are common locations for subsistence fishing. To help residents, the Agency partnered with faith-based organizations, neighborhood associations, hospitals and community health organizations to train community leaders and staff from local community service organizations to assist residents in learning "Healthy Homes Principles" to reduce environmental hazards. These efforts focused on households who may face indoor home and workplace air quality issues and associated health concerns, particularly sensitive populations such as children and those with weakened immune systems. The EPA also worked with residents to identify vacant and abandoned property for agricultural re-use proposals or re-zoning. With assistance from the EPA and the local university, residents not only learned how to safely and effectively design and garden or farm on vacant lots and brownfields but they also learned best practices to prevent soil contamination. These efforts have led to the design, planning and operation of green urban gardens in various areas across the metro area.



## Regional Community-Based Accomplishments

### Region 8



#### San Luis Valley, Colorado

The San Luis Valley (SLV) in southern Colorado is a highly populated alpine desert community dispersed over six counties. The largely agricultural based region is made up of diverse rural communities. There are environmental concerns related to legacy mining, illegal dumping, pesticide use, air quality, radon and drinking water. Health issues include high asthma rates and concern that pesticides and radon are impacting health. The San Luis Valley Ecosystem Council (SLVEC) received support from the EPA's CARE program, which was designed to identify, assess and ultimately reduce pollutants in the environment. SLVEC worked to build partnerships and relationships with residents, county, state, local, and federal governments to identify issues and develop strategies to address environmental and health issues in the region. The protocol for engaging public health nurses for all six counties, as well as a regional epidemiologist, has worked to foster an environmental health focus in the region. The establishment of a state funded radon testing program has also been a significant outcome of the project. The EPA's Region 8 office has leveraged expertise from other federal agency programs to build capacity among the stakeholders in the local area through training and information sharing. Other major outcomes include the increased awareness of environmental health issues within the local public health departments as well as the partnerships that have been forged to focus on environmental concerns in the valley and on improved quality of life for its residents.

#### Spirit Lake Tribe, North Dakota

The Spirit Lake Tribe, located in East Central North Dakota, adopted a [Long Term Community Recovery Plan](#) in December 2010 to address chronic flooding problems associated with the rising waters of Devil's Lake. The lake is the major surface water feature on the reservation. With support from multiple federal agencies, including the EPA, HUD, DOT, Bureau of Indian Affairs (BIA), Federal Emergency Management Association (FEMA), Economic Development Administration (EDA), Office of Management and Budget (OMB) and the U.S. Department of Agriculture (USDA), the tribe developed a [Sustainable Community Comprehensive Plan Framework](#). Spirit Lake tribal elders describe the tribe's comprehensive planning efforts as "A Journey from the Past to the Future" for the tribe. The tribe has made impressive progress as a result of this Long Term Community Recovery effort, including but not limited to: acquisition of funding to relocate a wastewater treatment system in the Saint Michael's community; adoption of a new emergency management plan which has allowed the tribe to compete for and obtain Hazard Mitigation funding; completion of the first phase of a new emergency response center; completion of an elderly assisted living community center in the Fort Totten community; transfer of lands from BIA management to the local community college for future community education and health program growth; completion of a "no findings" audit for the tribe's housing program (a major milestone); and several other immediate economic and sustainable living project priorities found in the sustainable community comprehensive plan framework for the tribe.





## Regional Community-Based Accomplishments

### Region 9

#### San Joaquin Valley, California

California's San Joaquin Valley is the nation's leading agricultural producing region. California leads the country as a dairy state and three-quarters of its cows are in the valley. Transportation, especially trucks, is the largest source of air pollution. In part due to the unique topography and wind patterns, the valley has some of the worst air quality in the nation. High rates of poverty and unemployment combined with some of the highest rates of childhood asthma in California makes the San Joaquin Valley an EPA Region 9 office [geographic priority](#) in its strategic plan. In addition to partnerships, oversight and enforcement, EPA's Region 9 office is supporting community-based problem solving through grants, technical assistance and an intern. The EPA partnered with Californians for Pesticide Reform and Fresno Metro Ministry using a children's health cooperative agreement and an EJ grant to implement web-based systems to monitor, track and address environmental hazards in Kern ([KEEN](#)) and Fresno Counties ([FERN](#)). The EPA's EJ Small Grants program supported [Greenaction's project to reduce diesel emissions](#) in Kettleman City and Avenal through an anti-idling project focused on trucking facilities, including the signing of "Good Neighbor" agreements by nine local businesses. An EJ grant also supported the [Community Water Center's](#) education of rural low-income communities about drinking water conditions. CWC has empowered communities to support changes to policy through state law via the Human Right to Water Bill ([AB 685](#)) which will set guidelines to ensure clean drinking water for San Joaquin residents.



#### Oahu, Hawaii

The Pacific American Foundation, with funding from the EPA's CARE program, supported the [Ka Wai Ola O Waianae \(The Living Waters of Waianae\)](#) project on Oahu, Hawaii. The primarily Native Hawaiian and low-income community living along the Waianae Coast, faces many EJ issues due to the co-location of several pollution-producing facilities. Additional funding from the EPA's Technical Assistance Services for Communities (TASC) and Brownfields programs assisted the project advisory committee in evaluating data, ranking impacts and prioritizing issues for action. A group of task forces used a four-pronged strategy to engage the multi-generational community; *educate* the community on impacts of pollutants on the environment; *execute* activities that promote behavior change and reduce pollutants; and *evaluate* progress toward success. Task forces are focusing on beach cleanups and mentoring youth. The commercial illegal dumping task force is forming a roundtable of trucking companies and government personnel, promoting community reporting of illegal dumping and serving on the state tire task force. Twenty-five farmers attended workshops on integrated pest management and piggery waste management with the goal of farmers implementing best practices, developing a conservation plan and/or applying for cost-sharing assistance. The project is using social media tools such as Facebook to advance project promotion as well as videos and photos to demonstrate how residents are changing their attitudes and behaviors related to illegal dumping and farming practices. Task force members include Hawaii Department of Health, City & County of Honolulu, Boys & Girls Club, Leeward Kai Canoe Club, Oahu Resource Conservation & Development Council and Kahumana Farms.



## Regional Community-Based Accomplishments

### Region 10



#### Lower Yakima Valley, Washington

The EPA and its state, tribal, local and non-profit partners are addressing multiple environmental home health stressors in the Latino and tribal communities in Lower Yakima Valley, Washington, including Yakima and Benton Counties and [Yakama Nation](#). The [EPA's Region 10 EJ Showcase Community](#) initiative supported a set of coordinated efforts to address community environmental exposure from both water and air. The project had a primary focus on reducing exposure from contaminated private well drinking water. Nitrate contamination, which was found to be above the Maximum Contaminant Level (MCL) in more than 20% of the area's shallow private wells, presents acute and chronic health risks, particularly for small children and pregnant women. The Agency assessed the primary contributors to nitrate loading in groundwater and developed a comprehensive GIS tool to guide the nitrate investigations in Yakima Valley. The tool is now being used to track other environmental health concerns in the community. The EPA conducted grassroots outreach to communicate with residents and screened wells to see if residents qualified for free water systems provided by Yakima County. Partnering with Yakima County, with a \$400,000 state grant, over 600 wells were tested resulting in the installation of well water filters in 166 homes. Outreach and translation were also provided to accommodate Spanish-speaking farm workers with private wells residing in the area. With respect to air issues, the EJ Showcase Community initiative provided facilitation and meeting support for a community forum on air concerns (110 community members attended). These have been several of the many successful efforts initiated to address area groundwater and air issues.

#### Athabaskan Region, Alaska

The Alaska Department of Environmental Conservation (ADEC) initiated the [Tribal Participation Protocol Development Project \(TPP\)](#) in partnership with six tribal communities that make up the Yukon-Koyukuk Subregion of the Tanana Chiefs Conference, a consortium of 42 tribal villages in the Athabaskan Region of Alaska. Tribal communities have been asking for a stronger role and voice in permitting decisions under the Alaska Pollution Permit Discharge Elimination System (APDES), particularly to safeguard fish and other subsistence resources on which native families and villages depend. ADEC and the six tribal communities, through the State EJ Cooperative Agreement Program, developed a protocol for early notification and coordination with tribes on wastewater discharge permitting actions; guidance for local and tribal government involvement in the Alaska Pollutant Discharge Elimination System (APDES) permitting process; training presentations and workshops for tribal participants and ADEC staff; and 'tool kit' components, such as a cross-cultural communication booklet and webpage for tribes interested in APDES permitting actions. Coordination with tribes facilitates the development of sound permits that incorporate local conditions and concerns. For example, improved outreach to tribes and others during the permit development process resulted in ADEC incorporating conditions in the APDES general permit for small suction dredge operators that restrict wastewater discharges from fragile and productive areas, such as eelgrass and shell fish beds, often accessed by tribes for subsistence resources. Additionally, the SEJCA project resulted in the designation of an EJ coordinator for ADEC.

## **Appendix A: Implementation Plans Deliverable Tables**

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## Appendix A: Rulemaking Deliverable Table

### INCORPORATING ENVIRONMENTAL JUSTICE INTO RULEMAKING

**Lead Offices and Regions:** Office of Chemical Safety and Pollution Prevention; Office of Policy; Office of Research and Development; Office of Environmental Justice; Region 9

ACTIVITIES	DELIVERABLES	MILESTONES
<b>Strategy 1: Finalize the Interim Guidance on Considering Environmental Justice During the Development of an Action</b>		
<b>Activity 1.1:</b> Conduct public comment period <b>Activity 1.2:</b> Review internal and external comments <b>Activity 1.3:</b> Interview and review documents produced by EPA rule-writing groups	Report on <i>Summarizing Internal and External Comments, Rule-Writing Documentation Assessment, and Experiences of EPA Rule-Writers in Implementing Interim Final Guidance.</i>	Complete
<b>Activity 1.4:</b> Revise and release Final Environmental Justice Rulemaking Guidance	Draft Final <i>Guidance on Considering Environmental Justice During the Development of an Action.</i>	Complete
	Final <i>Guidance on Considering Environmental Justice During the Development of an Action.</i>	March 2013
<b>Strategy 2: Facilitate and monitor implementation of guidance on incorporating environmental justice into rulemaking.</b>		
<b>Activity 2.1:</b>	Distribute model training presentations to Agency, NPM, and regional regulation development and ADP trainers.	Complete
<b>Activity 2.2:</b>	Initiate a continuous learning effort to identify effective practices and lessons learned from the Agency's ongoing rulemaking efforts.	Complete
<b>Activity 2.3:</b>	Develop and commence implementing a monitoring scheme to assess the extent to which the guidance is being applied, the resources being devoted to its application, and the effect it is having on rulemaking decisions.	Ongoing
<b>Strategy 3: Develop technical guidance for assessing environmental justice in regulatory analysis.</b>		
<b>Activity 3.1</b>	Develop draft technical guidance on incorporating environmental Justice.	Complete
<b>Activity 3.2</b>	Complete Draft Final EJ Technical Guidance.	December 2013
<b>Activity 3.3</b>	Issue Final EJ Technical Guidance.	Spring 2014



**CONSIDERING ENVIRONMENTAL JUSTICE IN PERMITTING****Lead Offices and Regions: Office of Air and Radiation; Office of General Counsel; Region 1**

ACTIVITIES	DELIVERABLES	MILESTONES
<b>Strategy 1: Develop tools that will enhance the ability of overburdened communities to participate fully and meaningfully in the permitting process.</b> <b>Strategy 2: Concurrently with Strategy 1, develop tools to assist permitting authorities to meaningfully address environmental justice in permitting decisions.</b> <b>Strategy 3: Implement these tools at EPA and work with others to do the same.</b>		
<b>Activity 1.1:</b> Conduct an initial literature review – including a review of previous NEJAC papers, publications, and other recommendations – to identify an initial list of existing and needed tools.	<b>1.1:</b> Completed an initial literature review, which included the following NEJAC recommendation reports: “Enhancing Environmental Justice in EPA Permitting Programs” and “Environmental Justice in the Permitting Process: A Report from the NEJAC.”	Completed
<b>Activity 1.2:</b> Convene a cross-agency workgroup.	<b>1.2.1:</b> The workgroup met for the first time on March 7, 2011.	Completed
	<b>1.2.2:</b> The workgroup will continue to meet throughout the duration of this project.	Ongoing
<b>Activity 1.3:</b> Review and evaluate the permitting process for a minimum, of three federal permits with environmental justice considerations, for use as case studies to identify existing and needed tools.	<b>1.3.1:</b> Identified three federal permits with environmental justice considerations for use as case studies to identify existing and needed tools.	Completed
	<b>1.3.2:</b> Completed a list of existing and needed tools from the case studies.	Completed
<b>Activity 1.4:</b> Coordinate overlapping strategies with other Plan EJ 2014 cross-Agency elements and consider integrating and leveraging activities between them.	<b>1.4.1:</b> Regular meetings with other cross-agency workgroups.	Ongoing
	<b>1.4.2:</b> Coordinate with EJSscreen Implementation Workgroup for permit-related priorities.	Ongoing
	<b>1.4.3:</b> Coordinate EJ Legal Tools implementation for permit-related priorities.	Ongoing
<b>Activity 1.5:</b> Issue the final implementation plan.	<b>1.5:</b> Issued the final implementation plan.	Completed
<b>Activity 2:</b> Solicit existing and recommended tools from internal and external stakeholders.	<b>2:</b> Completed a list of existing and needed tools from internal and external stakeholders.	Completed
<b>Activity 3:</b> Create an initial list of priority needed tools and corresponding deliverables for Year 1 (tools for public participation in permitting process objective).	<b>3:</b> Developed an initial list of tools and corresponding deliverables for Year 1.	Completed

## Appendix A: Permitting Deliverable Table

ACTIVITIES	DELIVERABLES	MILESTONES
<b>Activity 4.1:</b> Develop draft of public participation in the permitting process tools.	<b>4.1</b> Circulated a draft of the agency-wide Guidelines for Regional Implementation Plans to Promote Meaningful Engagement in the Permitting Process of Overburdened Communities and Promising Practices for Permit Applicants Seeking EPA-Issued Permits to stakeholders for review and comment.	Completed
	<b>4.2:</b> Circulated drafts to Environmental Justice Council (EJC) for review and comment.	Completed
	<b>4.3:</b> Circulated drafts to Administrator for review and comment.	Completed
	<b>4.4:</b> Published drafts in Federal Register for comment; Held information listening sessions with ECOS, NACAA, NTC, NTOC, NTAA, and leaders from business and industry and communities on drafts; Met with NEJAC permitting workgroup on drafts; Conducted national tribal consultation on drafts.	Completed
	<b>4.5:</b> Revise drafts based on stakeholder input and public comments and respond to frequently asked questions, raised by stakeholders and in public comments, about the drafts published in the Federal Register.	Completed
<b>Activity 4.2:</b> Solicit comment on revised 1) agency-wide Guidelines for Regional Implementation Plans to Promote Meaningful Engagement in the Permitting Process of Overburdened Communities; and 2) Promising Practices for Permit Applicants Seeking EPA-Issued Permits.	<b>4.2.1:</b> Conduct Workgroup review of revised drafts.	November 2012-February 2013
	<b>4.2.2:</b> Conduct EJC review of revised drafts.	November 2012-March 2013
<b>Activity 4.3:</b> Finalize the 1) Agency-wide Guidelines for Regional Implementation Plans to Promote Meaningful Engagement in the Permitting Process of Overburdened Communities and 2) Promising Practices for Permit Applicants Seeking EPA-Issued Permits.	<b>4.3:</b> Publish the final 1) Agency-wide Guidelines for Regional Implementation Plans to Promote Meaningful Engagement in the Permitting Process of Overburdened Communities and 2) Promising Practices for Permit Applicants Seeking EPA-Issued Permits.	March 2013
<b>Activity 4.4:</b> Assist regions in developing Regional Implementation Plans for enhanced outreach to overburdened communities.	<b>4.4.1:</b> Hold Regional staff meetings on progress in developing Regional Implementation plans.	Ongoing
	<b>4.4.2:</b> Conduct EJC review of Regional Implementation Plans.	March 2013
	<b>4.4.3:</b> Public release of Regional Implementation Plans.	May 2013

## Appendix A: Permitting Deliverable Table

ACTIVITIES	DELIVERABLES	MILESTONES
<b>Activity 5.1:</b> Assess needs for EJ in decision-making objective-EJ analysis for permits and permit outcomes.	<b>5.1.1:</b> Collected case studies of EJ permitting analysis and outcomes from workgroup.	Completed
	<b>5.1.2:</b> Reviewed Environmental Appeals Board decisions on EJ analysis for permits.	Completed
	<b>5.1.3:</b> Initial discussions with steering committee and workgroup on proposed deliverables.	Completed
	<b>5.1.4:</b> Survey on EJ analysis for permits sent to EJC.	Completed
<b>Activity 5.2:</b> Draft tools for EJ in decision-making objective.	<b>5.2.1:</b> Initial draft of EJ analysis deliverable for permits and permit outcomes.	March 2013
	<b>5.2.2:</b> Review and comment on draft of EJ analysis deliverable by workgroup.	April 2013
	<b>5.2.3:</b> Review and comment on draft of EJ analysis deliverable by stakeholders.	June 2013
	<b>5.2.4:</b> Review and comment on draft of EJ analysis deliverable by EJC.	July 2013
<b>Activity 5.3:</b> Finalize tools for EJ in decision-making objective.	<b>5.3:</b> Final EJ analysis deliverable.	September 2013
<b>Activity 6:</b> Identify opportunities to test the draft tools on enhancing public participation in the permitting process through ongoing permit activities.	<b>6.1:</b> Worked with the National Program Managers to incorporate expectations and goals for implementing permitting tools in National Program Managers Guidance for FY 13.	Completed
	<b>6.2:</b> Work with the National Program Managers to incorporate expectations and goals for implementing permitting tools in National Program Managers Guidance for FY 14.	Completed
<b>Activity 7:</b> Develop training and implementation plan for EJ permitting tools.	<b>7.1:</b> Piloted EJ permitting training for air permits at the Region 4 EJ Conference in August 2012 to assess community needs and determine how new tools fit into permitting training module under development.	Ongoing
	<b>7.2:</b> Coordination with EJSCREEN implementation workgroup on trainings for using EJSCREEN to screen permits.	September 2012 – April 2013
	<b>7.3:</b> Develop plan for future trainings and outreach for EPA staff and external stakeholders.	May 2013

**ADVANCING ENVIRONMENTAL JUSTICE THROUGH COMPLIANCE AND ENFORCEMENT**  
**Lead Offices and Regions: Office of Enforcement and Compliance Assurance; Region 5**

ACTIVITIES	DELIVERABLES	MILESTONES
<b>Activity 1:</b> Consider environmental justice in selecting National Enforcement Initiatives (NEIs) for FY 2011-13.	<b>1.1.1:</b> Selection of National Enforcement Initiatives for FY 2011-13.	Complete
<b>Activity 1.2</b> Advance environmental justice goals through implementation of NEIs.	<b>1.2.1:</b> Strategic Implementation Team (SIT) strategies to include opportunities to advance environmental justice goals.	Complete
<b>Activity 1.3:</b> Consider environmental justice in nominating and selecting National Enforcement Initiatives for FY 2014-16.	<b>1.3.1:</b> Process to select FY 2014-16 NEIs to include input from EJ groups on opportunities to advance environmental justice goals.	Ongoing
<b>Strategy 2: Advance environmental justice goals through targeting and development of compliance and enforcement actions.</b>		
<b>Activity 2.1:</b> Issue internal guidance calling for analysis and consideration of environmental justice in EPA's compliance and enforcement program, including using available tools and approaches to identify areas of potential environmental justice concern.	<b>2.1.1:</b> Issue guidance to EPA managers and staff that calls for consideration of environmental justice in EPA's compliance and enforcement program.	Complete
	<b>2.1.2:</b> Revise Model Litigation Report Guidance to call for increased analysis and discussion of environmental justice in judicial referrals.	Complete
	<b>2.1.3:</b> Consider environmental justice data, along with criminal case tiering information.	Ongoing
	<b>2.1.4:</b> Issue guidance calling for discussion of environmental justice issues in requests for prosecutorial assistance.	Complete
<b>Activity 2.2:</b> Review OECA's Enforcement Response Policies to determine whether any revisions are needed to ensure that environmental justice concerns are addressed in case development and resolution.	<b>2.2.1:</b> Develop a plan and timetable for review of Enforcement Response Policies.	Complete
<b>Activity 2.3:</b> Re-evaluate use of EJSEAT, as appropriate, in response to recommendations of the NEJAC and conclusions of the EPA Environmental Justice Screening Committee. <i>[Completed per Activity 2.8]</i>	<b>2.3.1:</b> Finalize implementation of the NEJAC technical recommendations for EJSEAT already accepted.	Complete
	<b>2.3.2:</b> Reconsider and finalize response to the NEJAC recommendations on EJSEAT following issuance of final work product by Environmental Justice Screening Committee (to ensure consistency).	Complete
<b>Activity 2.4:</b> Seek opportunities to advance environmental justice goals in implementing the Clean Water Act Action Plan.	<b>2.4.1:</b> As EPA develops and implements new strategies and plans under the Clean Water Act Action Plan, we will identify specific opportunities to address environmental justice concerns.	Ongoing

## Appendix A: Enforcement Deliverable Table

ACTIVITIES	DELIVERABLES	MILESTONES
<b>Activity 2.5:</b> Seek opportunities to advance environmental justice goals in conducting the National Enforcement Strategy for RCRA Corrective Action.	<b>2.5.1:</b> Screen all facilities in the 2020 Corrective universe that are subject to the National Enforcement Strategy for RCRA Corrective Action for potential environmental justice concerns.	Complete
	<b>2.5.2:</b> Identify as priorities for enforcement, Corrective Action sites using the potential for environmental justice concerns as a factor.	Complete
<b>Activity 2.6:</b> Improve compliance at federal facilities where violations may affect overburdened communities.	<b>2.6.1:</b> Use EJSCREEN to identify overburdened communities located near federal facilities. Identify those that have significant environmental violations for priority consideration by regional federal facility program targeting efforts, for compliance assistance and potential enforcement.	Ongoing
<b>Activity 2.7:</b> Develop tracking and reporting tools on potential environmental justice concerns and results in enforcement actions.	<b>2.7.1:</b> Develop and implement technical/programming requirements for the ICIS database.	Complete
	<b>2.7.2:</b> Develop reporting guidance.	Complete
	<b>2.7.3:</b> Revise the Criminal Case Reporting System (CCRS) to capture information concerning potential environmental justice concerns in criminal enforcement investigations and prosecutions.	Complete
<b>Activity 2.8:</b> Transition OECA to EJSCREEN. <i>[New in 2013]</i>	<b>2.8.1:</b> Phase out the use of EJSEAT and transition all business practices to use EJSCREEN by April 1, 2013.	Ongoing
	<b>2.8.2:</b> Develop additional enforcement and compliance policy to use in EJ screening.	Ongoing
<b>Strategy 3: Enhance use of enforcement and compliance tools to advance environmental justice goals in regional geographic initiatives to address the needs of overburdened communities.</b>		
<b>Activity 3.1:</b> Regions will include use of enforcement tools as part of integrated problem-solving strategies that are focused on particular geographic areas.	<b>3.1.1:</b> Regions will be asked to include enforcement efforts (e.g., through targeting and inspections) when applying integrated problem-solving strategies in selected geographic areas with environmental justice concerns.	Ongoing
	<b>3.1.2:</b> Document accomplishments and future plans for including enforcement in these geographic initiatives.	Complete
<b>Activity 3.2:</b> Regions will include use of compliance assistance tools as part of integrated problem-solving strategies (e.g., as applied in the Showcase Communities), that are focused on particular geographic areas.	<b>3.2.1:</b> Regions will be asked to evaluate appropriate compliance assistance tools when applying integrated problem-solving strategies in selected geographic areas with environmental justice concerns.	Ongoing
	<b>3.2.2:</b> Document accomplishments and future plans for including compliance assistance in these geographic initiatives.	Complete



## Appendix A: Enforcement Deliverable Table

ACTIVITIES	DELIVERABLES	MILESTONES
<b>Strategy 4: Seek appropriate remedies in enforcement actions to benefit overburdened communities and address environmental justice concerns.</b>		
<b>Activity 4.1:</b> Increase efforts to address environmental justice concerns through use of injunctive relief, including mitigation, and SEPs in civil enforcement actions.	<b>4.1.1:</b> On case-specific basis, coordinate with DOJ on potential options in judicial cases for injunctive relief, including mitigation, and SEPs that will deliver substantial and meaningful environmental benefits to specific environmental justice communities.	Ongoing
	<b>4.1.2:</b> Assess opportunities for increasing environmental justice benefits in remedies in administrative actions.	Ongoing
<b>Activity 4.2:</b> Increase efforts to benefit overburdened communities through use of community service and the Crime Victims' Rights Act (CVRA) in criminal actions.	<b>4.2.1:</b> Work with DOJ to (1) explore innovative uses of criminal sentencing options, e.g., community service and/or environmental compliance plans, and (2) take into account information obtained pursuant to the CVRA when developing environmental crimes case resolutions (e.g., restitution).	Ongoing
	<b>4.2.2:</b> Provide comments on the DOJ/Attorney General's CVRA Guidelines.	Complete
	<b>4.2.3:</b> Coordinate with DOJ in their implementation of CVRA guidelines for federal environmental prosecutions.	Ongoing
	<b>4.2.4:</b> Evaluate use of restitution, community service, and CVRA in federal environmental prosecutions, and issue guidance to investigators.	Ongoing
	<b>4.2.5:</b> Document and share recommendations and best practices for taking action on these opportunities.	Complete
<b>Strategy 5: Enhance communications with affected communities and the public regarding environmental justice concerns and the distribution and benefits of enforcement actions, as appropriate.</b>		
<b>Activity 5.1:</b> Provide affected communities with information about enforcement actions and meaningful opportunities for input on potential environmental justice concerns and remedies to be sought, as appropriate.	<b>5.1.1:</b> Identify communities where enhanced communication and consultation regarding enforcement matters is appropriate.	Ongoing
	<b>5.1.2:</b> Provide communities with information about enforcement actions and meaningful opportunities for input on potential environmental justice concerns and remedies to be sought, as appropriate	Ongoing
<b>Activity 5.2:</b> Improve website information on cleanup enforcement, develop fact sheets to better explain the cleanup enforcement process, and prepare a compendium of best practices.	<b>5.2.1:</b> Coordinate across EPA offices to maximize website information on cleanup enforcement at specific sites.	Ongoing
	<b>5.2.2:</b> Participate in the development of fact sheets that explain the cleanup enforcement process.	Ongoing
	<b>5.2.3:</b> Prepare compendium of best practices.	Complete
<b>Activity 5.3:</b> Enhance communication of environmental justice benefits of EPA's enforcement actions.	<b>5.3.1:</b> Develop policy on communicating in press releases and similar statements the environmental justice benefits of EPA's enforcement actions.	Complete

## SUPPORTING COMMUNITY-BASED ACTION PROGRAMS

Lead Office and Regions: Office of Solid Waste and Emergency Response; Regions 2, 3, 4

ACTIVITIES	DELIVERABLES	MILESTONES
<b>Strategy 1: Advance EJ principles through the FY2011 National Environmental Performance Partnership System (NEPPS) and the National Program Manager (NPM) guidance.</b>		
<b>Activity 1:</b> Create a workgroup to provide recommendations that mutually support community involvement, resource/data sharing, monitoring/tracking and training within programs implemented through performance partnership agreements, tribal agreements, and work plans guided by NEPPS and NPM documents.	<b>1.1:</b> Necessary expertise identified for developing recommendations.	Complete
	<b>1.2:</b> Involve state and tribal collaborative.	Complete
	<b>1.3:</b> Identify current regional processes in implementing NEPPS & NPM Guidance.	Complete
	<b>1.4:</b> Develop draft recommendations.	Complete
	<b>1.5:</b> Develop guidance including Title VI and LEP.	Complete
	<b>1.6:</b> Identify pilot state/region for advancing EJ in NEPPS and NPM guidance.	Complete
	<b>1.7:</b> Recommendations on Integration of EJ.	Complete
	<b>1.8:</b> Pilot Inclusion.	Complete
<b>Activity 2:</b> Develop language for EJ principles including Title VI guidance (as appropriate with all Agency grants) for inclusion in the FY 2013 NEPPS and FY 2012 NPM guidance through collaboration and discussions with OCIR, Office of Civil Rights (OCR) Regional Offices and States.	<b>2.1:</b> The Office of General Counsel (OGC) guidance on environmental justice and Title VI language.	Complete
	<b>2.2:</b> Draft Language for Title VI & EJ inclusive of Limited English Proficiency (LEP) Proposed language on environmental justice including Title VI guidance for community-based (CB) programs for FY 2013 NEPPS guidance and FY 2012 NPM guidance developed.	Complete
	<b>2.3:</b> Draft Guidance for Title VI and EJ.	Complete
	<b>2.4:</b> Share proposed language with EPA offices.	Complete
	<b>2.5:</b> Continue to develop language for upcoming NEPPS and NPM guidances and share with EPA offices.	Ongoing
<b>Strategy 2: Identify scalable and replicable elements of successful Agency community-based programs and align multiple EPA programs to more fully address the needs of overburdened communities.</b>		
<b>Activity 3:</b> Review Agency and key outside community-based programs, and existing evaluations of select Agency programs, to identify scalable and replicable program elements which encourage place-based solutions to environmental justice issues, strengthen and promote partnerships, and support healthy and sustainable communities.	<b>3.1:</b> Workgroup established to coordinate with OP and look at Agency and outside CB programs.	Complete
	<b>3.2:</b> Identify program elements from Agency implementation of successful community based programs.	Complete
	<b>3.3:</b> Coordinate with the 'Communities' KPI workgroup to ensure that the KPI efforts also address Strategy 2 issues.	Complete
<b>Activity 4:</b> Make recommendations on how EPA can align its community-based programs, particularly in EPA's regions to more fully address the needs of overburdened communities.	<b>4.1:</b> Recommendations on aligning and improving Agency CB programs to improve their efficiency and effectiveness.	Complete
	<b>4.2:</b> Apply identified recommendations in selected communities in underserved communities in all ten EPA regions.	Ongoing

## Appendix A: Community-Based Deliverable Table

ACTIVITIES	DELIVERABLES	MILESTONES
<b>Strategy 3: Promote a One EPA presence to better engage communities in the Agency's work to protect human health and the environment.</b>		
<b>Activity 5:</b> Target three approaches to promote a One EPA presence where EPA will find the best solution by working in a consistent and unified way.	<b>5.1:</b> Identify barriers to promoting a 'One EPA presence at non-EPA conferences.	Complete
	<b>5.2:</b> Pilot outreach tools at two conferences.	Complete
	<b>5.3:</b> Provide recommendations to address the barriers to 'promoting a "One EPA presence.	Complete
	<b>5.4:</b> Promote lessons learned from the Community Engagement Initiative (CEI) effort.	Complete
	<b>5.5:</b> Website developed to support the workforce development and job training initiative.	Complete
	<b>5.6:</b> Grants awarded.	Complete
<b>Strategy 4: Foster community-based programs modeled on the Community Action for a Renewed Environment (CARE) principles.</b>		
<b>Activity 6:</b> Develop a community-based partners (CBP) program to create opportunities in undeserved and overburdened neighborhoods for collaborating with private industry, foundations, and other institutions to implement the CARE model.	<b>6.1:</b> Develop a process to select communities.	Complete
	<b>6.2:</b> Identify one underserved and overburdened community in each region, where EPA and other federal agency efforts and resources exist.	Complete
	<b>6.3:</b> Draft final report with recommendations and lessons learn.	September 2014
<b>Activity 7:</b> Develop a CBP program that creates opportunities for grassroots or emerging community groups with little to no organizational and/or technical capacity.	<b>7.1:</b> Identify areas of need.	November 2013
	<b>7.2:</b> Reach out to offices and regions to identify resources and staff.	December 2013
	<b>7.3:</b> Lessons learned from selected communities developed.	December 2014
<b>Activity 8:</b> Identify technical assistance resources, program staff, and regional staff available to aid overburdened communities with issues related to their areas of expertise.	<b>8.1:</b> Provide a centralized web portal for community access to EPA grants and technical assistance resources.	Complete
<b>Strategy 5: Explore how EPA funding, policies, and programs can inform or help decision makers to maximize benefits and minimize adverse impacts from land use decision making, planning, siting, and permitting.</b>		
<b>Activity 9:</b> Explore how EPA funding, policies, and programs can inform and help local decision makers to maximize benefits and minimize adverse impacts from land use decision making, planning, and siting and permitting	<b>9.1:</b> Establish a workgroup.	Complete
	<b>9.2:</b> Set up a series of meetings to begin looking at intersection of Agency work and land use planning.	Complete
	<b>9.3:</b> Develop an outreach strategy to get stakeholder feedback.	Complete
	<b>9.4:</b> Develop training course for stakeholders. Includes: Identify and catalog existing examples, information, and resources related to land use decision-making, planning, and siting.	June 2013
	<b>9.5:</b> Develop a tool to showcase findings.	June 2013
	<b>9.6:</b> Develop a charge to the LGAC.	Complete
	<b>9.7:</b> Continue to engage stakeholders on the training and the findings.	Ongoing

## Appendix A: Community-Based Deliverable Table

ACTIVITIES	DELIVERABLES	MILESTONES
<b>Strategy 6: Promote equitable development opportunities for all communities.</b>		
<b>Activity 10:</b> Promote equitable development opportunities.	<b>10.1:</b> Conduct research on financing vehicles.	Complete
	<b>10.2:</b> Prepare the Analysis (which will integrate existing OCFO and EFAB tools as appropriate).	Complete
	<b>10.3:</b> Produce an “EPA agency-wide Financing and Technical Assistance Vehicle: Strategies to Apply Them to Support Equitable Community Development” and post on the web.	February 2013
	<b>10.4:</b> Prepare an outreach memorandum to other key agencies, to encourage application of their tools in ways that promote equitable development.	February 2013

## FOSTERING ADMINISTRATION-WIDE ACTION ON ENVIRONMENTAL JUSTICE

**Lead Office and Region:** Office of Water; Region 6

ACTIVITY	DELIVERABLES	MILESTONES
<b>Strategy 1: Assist other federal agencies to better integrate environmental justice into agency programs, policies, and activities.</b>		
<b>Activity 1.1:</b> Chair and convene EJ IWG Principal, Deputy, and Senior Staff meetings.	1.1.1: Chair annual Principals/Deputies meetings.	Completed
	1.1.2: Chair Senior Staff meetings/calls.	Ongoing
<b>Activity 1.2:</b> Chair, assist, and oversee each federal agency's effort to update or develop its environmental justice strategy.	1.2: Oversee the finalization of each Agency's environmental justice strategy.	Completed
<b>Activity 1.3:</b> Lead the effort to organize regional events.	1.3: Hold at least one event in each EPA region, or in appropriate equivalent.	Completed
<b>Activity 1.4:</b> Develop and provide tools that help environmental justice and other stakeholders identify federal information and resources.	1.4.1: Publish a draft Federal Environmental Justice Directory and draft Federal Resource Guide.	Completed
	1.4.2: Review EPA's EJ IWG website.	Ongoing
	1.4.3: Update EPA's EJ IWG website.	Ongoing
<b>Activity 1.5:</b> Convene a group of senior attorneys from across the Administration in order to promote the integration of environmental justice into their agencies' actions.	1.5: Conduct meetings on regular basis.	Ongoing
<b>Strategy 2: Work with other federal agencies to strengthen use of interagency legal tools, i.e., National Environmental Policy Act)</b>		
<b>Activity 2.1:</b> Articulate a consistent message about the need to incorporate environmental justice into NEPA implementation.	2.1: Issue a directive to NEPA reviewers emphasizing environmental justice, reinforcing the utility of NEPA through CAA Section 309 reviews as a tool to effect good decisions and take into account environmental justice considerations.	Completed
<b>Activity 2.2:</b> Enable federal NEPA practitioners to enhance consideration and execution of environmental justice requirements in NEPA implementation. *Consider gathering best practices for issues such as MTM.	2.2.1 Engage with federal agencies to identify unique or "best practices." Develop information on "best practices" for implementing environmental justice requirements in the NEPA process and post on the internet.	Completed
	2.2.2: Work with the EJ IWG, White House CEQ, federal agencies, and the NEJAC to urge that all federal agencies with NEPA responsibilities have robust agency-specific guidance in place setting forth a process to meaningfully consider environmental justice in the NEPA EIS process. EPA will identify and disseminate examples/components of strong guidance.	Completed
	2.2.3: Develop a best practices tool for regulators to analyze specific environmental impacts and identify typical community concerns for a particular sector.	Completed

## Appendix A: Fostering Administration-Wide Deliverable Table

ACTIVITY	DELIVERABLES	MILESTONES
<b>Strategy 3: Foster Healthy and Sustainable Communities, with emphasis on equitable development and place-based initiatives.</b>		
<b>Activity 3.1:</b> Develop approaches for how federal agencies can enhance interagency coordination in support of healthy and sustainable communities.	<b>3.1:</b> Develop approaches 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: <ul style="list-style-type: none"> <li>▪ Clean Jobs and Clean Energy.</li> <li>▪ Healthy and Sustainable Communities.</li> <li>▪ Climate Change and Adaptation.</li> <li>▪ Goods Movement.</li> </ul>	Completed
<b>Strategy 4: Strengthen Community Access to Federal Agencies.</b>		
<b>Activity 4.1:</b> Community Needs Inventory Pilot.	<b>4.1.1:</b> Inventory of three Region 6 environmental justice communities' needs and corresponding federal agencies.	Completed
	<b>4.1.2:</b> Inventory of 27 remaining regional environmental justice communities' needs and corresponding federal agencies.	Completed
	<b>4.1.3:</b> Analysis of commonalities and trends.	Completed
	<b>4.1.4:</b> Recommendations made to Administrator to take to the EJ IWG.	Completed
<b>Activity 4.2:</b> Targeted Training for Communities.	<b>4.2.1:</b> Assessment of program cataloging results in the EJ IWG and OP efforts.	Completed
	<b>4.2.2:</b> Identification of best delivery mechanisms or training to reach communities.	Completed
<b>Activity 4.3:</b> Review Federal Partners Meeting Recommendations.	<b>4.3.1:</b> Identification of recommendations from the April 2010 Federal Partners Meeting to determine which to incorporate.	Completed
<b>Activity 4.4:</b> Coordination with Agency CBCE Initiative.	<b>4.4.1:</b> Draft options paper for Executive Management Council (EMC) review.	Completed
	<b>4.4.2:</b> Form workgroups to implement selected actions.	Completed



**SCIENCE TOOLS DEVELOPMENT****Lead Office and Region: Office of Research and Development; Region 7**

ACTIVITIES	DELIVERABLES	MILESTONES
<b>Strategy 1: Apply integrated transdisciplinary and community-based participatory research approaches with a focus on addressing multi-media, cumulative impacts, and equity in environmental health and environmental conditions.</b>		
<b>Activity 1.1:</b> Establish an Integrated Transdisciplinary ORD Research Program on Environment and Community Health – <i>Sustainable and Healthy Communities Research Program</i> .	<b>1.1.1:</b> Research program framework developed (ORD - SHCRP Team).	Complete
	<b>1.1.2:</b> Regional listening sessions to gather input from communities. Incorporate ideas and concerns from stakeholders and representatives from disproportionately impacted communities and populations (ORD - SHCRP Team).	Complete
	<b>1.1.3:</b> RFA to support Extramural research on Tribal Community Health (ORD – NCER).	Complete
	<b>1.1.4:</b> RFA to support Extramural research to support Centers of Excellence on Environment and Health Disparities (ORD – NCER).	Complete
<b>Activity 1.2:</b> Develop technical guidance, analytic methods, tools and data to advance the integration of environmental justice in EPA decision making.	<b>1.2.1:</b> Environmental Justice Technical Guide (ORD, OEJ, OP).	FY 2013
	<b>1.2.2:</b> Community Cumulative Assessment Tool (CCAT) (ORD - NERL and OSA).	Complete
	<b>1.2.3:</b> Environmental Quality Index Tool (ORD – NHEERL).	Long-term
	<b>1.2.4:</b> Regional Tools Summits (ORD - OSP and SHCRP Team).	FY 2012 – 13
	<b>1.2.5:</b> Environmental justice screening tools for air rules (OAR).	Complete
	<b>1.2.6:</b> Urban Atlas (ORD – NHEERL).	FY2013
<b>Activity 2.1:</b> Establish Community Engagement Initiative (OSWER).	<b>2.1:</b> Conduct training of OSWER staff on CBPR (OSWER).	Ongoing
<b>Activity 2.2:</b> Re-engage National Environmental Justice Advisory Committee.	<b>2.2:</b> Establish a research workgroup under NEJAC to advise ORD on the development of the Sustainable and Health Communities Research Program (ORD - NCER and OSP; OEJ).	Complete
<b>Activity 2.3:</b> Support Community-Based Participatory Research.	<b>2.3.1:</b> RFA to support extramural research on Tribal Community (ORD-NCER).	Complete
	<b>2.3.2:</b> RFA to fund Extramural research to support Centers of Excellence on Environment and Health Disparities (ORD – NCER).	Complete
	<b>2.3.3:</b> Regional listening sessions to gather input from communities. Incorporate ideas and concerns from stakeholders and representatives from disproportionately impacted communities and populations (ORD - Rick Linthurst and SHCRP Team).	Complete

## Appendix A: Science Deliverable Table

ACTIVITIES	DELIVERABLES	MILESTONES
<b>Strategy 3: Leverage partnerships with other federal agencies on issues of research, policy and action to address environmental and health disparities.</b>		
<b>Activity 3.1:</b> Join the Federal Collaboration on Health Disparities.	<b>3.1:</b> Potential collaboration on research funding with sister federal agencies; better coordination of research needs on health disparities across federal government (ORD).	Ongoing
<b>Activity 3.2:</b> Engage with President's Task Force on Environmental Health Risks and Safety Risks to Children.	<b>3.2:</b> Federal Action Plan to address asthma disparities (OCHP, ORD, OAR).	FY 2011-15
<b>Strategy 4: Build and strengthen the technical capacity of EPA scientists on conducting research and related science activities in partnership with impacted communities and translating research results to inform change.</b>		
<b>Activity 4.1:</b> Provide training to EPA scientists on CBPR.	<b>4.1.1:</b> Survey ORD scientists' needs and awareness about CBPR	FY 2012 –13
	<b>4.1.2:</b> Develop a training plan for ORD scientists (NCER, NCEA , NERL, OAQPS).	FY 2012 –13
	<b>4.1.3:</b> Collaborate with OSWER to modify and offer courses under the Community Involvement University (NCER and OSWER).	FY 2012 – 13
<b>Activity 4.2:</b> Build Social Science Capacity within ORD.	<b>4.2.1:</b> Host scientist to science workshop on behavioral and social sciences (ORD-NCER).	FY 2011 – 12
	<b>4.2.2:</b> An ORD research agenda for behavioral and social sciences (ORD-NCER).	FY 2012 –13
	<b>4.2.3:</b> Cooperative Agreement with a Social Science professional society (ORD- NCER).	FY 2012 –13
<b>Activity 4.3:</b> Develop Environmental Justice Risk Management Training for OPP.	<b>4.3.1:</b> Training module to ensure environmental justice and sensitive population considerations are fully incorporated and more clearly integrated throughout OPP risk management processes (OPP).	Complete
	<b>4.3.2:</b> 100% of OPP risk assessors and managers properly trained on environmental justice in risk management (OPP).	Complete

## Appendix A: Science Deliverable Table

ACTIVITIES	DELIVERABLES	MILESTONES
<b>Strategy 5: Build and strengthen technical capacity of community-based organizations and community environmental justice and health leaders to address environmental health disparities and environmental sustainability issues.</b>		
<b>Activity 5.1:</b> Build Community Capacity to Address Asthma Disparities.	<b>5.1.1:</b> Establish an online community network available to stakeholders as a year-round resource for mentoring and collaboration and designed to support community asthma management programs (OAR).	Ongoing
	<b>5.1.2:</b> Develop web-based tools that facilitate collaboration, problem solving, and learning among leaders of asthma programs (OAR).	Ongoing
	<b>5.1.3:</b> Hosting the National Asthma Forum and Awards Program and regional pacing events for community-based programs (OAR).	Ongoing
	<b>5.1.4:</b> Train health care professionals, to improve their ability to integrate the assessment of environmental factors into a comprehensive, culturally appropriate asthma care plan, based on national standards of care (OAR).	Ongoing
<b>Activity 5.2:</b> Build Tribal Community Capacity to Monitor Air Quality.	<b>5.2:</b> Continue funding for ITEP and the TAMS Center (OAR).	Ongoing
<b>Activity 5.3:</b> Increase Citizen Participation in Science and Decisions.	<b>5.3:</b> Cooperative agreement to support a citizen scientist fellowship program – a meet the decision makers” on environmental health and environmental justice (ORD- NCER).	FY 2013
<b>Activity 5.4:</b> Establish Centers of Excellence on Environment and Health Disparities.	<b>5.4:</b> RFA to support Extramural research to support Centers of Excellence on Environment and Health Disparities (ORD – NCER)	FY 2012
<b>Activity 5.5:</b> Build diverse environmental workforce and enhancing the capacities of MAI to engage in scientific research and workforce training.	<b>5.5.1:</b> Highlight environmental justice research topics in the STAR Fellowships RFA. Include environmental justice considerations as review criteria under "Broader Societal Impacts" for all fellowship applications (ORD-NCER)	Ongoing
	<b>5.5.2:</b> Establish a University-Community Partnerships initiative to provide technical assistance to local community groups and increase number of culturally diverse students electing to pursue graduate study and research careers (Region 6).	Pending

## Appendix A: Legal Tools Deliverable Table

### LEGAL TOOLS DEVELOPMENT AND IMPLEMENTATION

**Lead Office and Region: OECA/OEJ, OGC, Region 5 and Environmental Justice Committee)**

ACTIVITIES	DELIVERABLES	MILESTONES
<b>Activity 1:</b> Counseling attorneys will serve as workgroup members for each cross-agency focus area. These attorneys are drawn from OGC and its regional offices.	<b>1.1:</b> Provide counsel as workgroup members for Plan EJ 2014 cross-agency focus area.	Ongoing
<b>Activity 2:</b> Regional Counsels and OGC Associate General Counsels will convene regularly to identify legal issues and develop advice in support of the five focus areas.	<b>2.1:</b> OEJ/OGC meet with senior managers	Ongoing
	<b>2.2:</b> Regions and NPMs collect and categorize examples of how Legal Tools has been used	Ongoing
	<b>2.3:</b> OEJ collect examples of use of legal tools for EJ Tools Repository	Ongoing
<b>Activity 3:</b> Provide active oversight, direction, and decision making on all aspects of Plan EJ 2014, in consultation with the EPA's Senior Leadership.	<b>3.1:</b> Identify legal authorities under the federal environmental statutes that bear meaningfully on the environmental justice challenge.	Completed
<b>Activity 4:</b> Senior attorneys' promotion of integration of environmental justice into their agencies' actions.	<b>4.1:</b> Convene a group of senior attorneys from across the federal government to promote the integration of environmental justice into their agencies' actions.	Ongoing

## Appendix A: Information Tools Deliverable Table

### INFORMATION TOOLS DEVELOPMENT

**Lead Offices and Regions:** Office of Policy; Office of Environmental Information; Regions 3, 8, 9, 10

ACTIVITIES	DELIVERABLES	MILESTONES
<b>Strategy 1: Develop the EPA's GeoPlatform.</b>		
<b>Activity 1.1</b>	Prototype of EPA Environmental Analyst for review.	Complete
<b>Activity 1.2</b>	Production release of EPA Environmental Analyst.	Complete
<b>Activity 1.3</b>	Production release of EPA GeoPlatform (including initial data services) for use by Environmental Analyst and other GeoPlatform components.	Complete
<b>Strategy 2: Develop the nationally consistent environmental justice screening tool.</b>		
<b>Activity 2.1</b>	Hold regular staff workgroup and project steering committee meetings.	Ongoing
<b>Activity 2.2</b>	Develop a set of options to present to Senior Agency Officials.	Complete
<b>Activity 2.3</b>	Create a working prototype of screening tool.	Complete
<b>Activity 2.4</b>	Update the National Environmental Justice Advisory Council on progress.	Complete
<b>Activity 2.5</b>	Obtain peer review and public comment on a prototype tool.	To Be Determined
<b>Activity 2.6</b>	Revise the tool based on comments.	To Be Determined
<b>Strategy 3: Incorporate appropriate elements of the screening tool into the GeoPlatform.</b>		
<b>Activity 3.1</b>	Review screening tool data, methods, and requirements to determine which portions may be appropriate to include in the GeoPlatform.	Complete
<b>Activity 3.2</b>	Incorporate appropriate elements of the prototype screening tool into the GeoPlatform.	Complete
<b>Activity 3.3</b>	Revise GeoPlatform elements of the tool to be consistent with changes made to the prototype tool in response to peer review and public comments on screening tool.	To Be Determined

## Appendix A: Resources Tool Deliverable Table

### RESOURCES TOOL DEVELOPMENT

**Lead Office:** Office of Administration and Resource Management

Strategy Number	Q2 FY 2011	Q3 FY 2011	Q4 FY 2011	Q1 FY 2012	Q2 FY 2012	Q3 FY 2012	Q4 FY 2012	Q1 FY2013 - FY 2014	Measures
<b>Strategy 1:</b> Increase Transparency & Efficiency in Providing Community-Based Grant Opportunities.	Brief EMC on draft options for improving grant delivery system.	Refine reform options based on EMC and community feedback.	Finalize reform options.	Begin implementation.	Continue implementation.	Continue implementation.	Continue implementation. <b>Ongoing</b>	Conduct evaluation and make necessary adjustments.	Reduction in regional workload; Increase in community grant applications.
<b>Strategy 2:</b> Improve Delivery of Technical Assistance to Communities.	Brief EMC on preliminary draft options.	Refine reform options based on EMC and community feedback.	Finalize reform options.	Begin drafting of grant or contract RFP(s).	Issue RFP(s).	RFP period closes.	Evaluate applications and make selections for service provider(s). <b>Complete</b>	Monitor service provider(s), conduct evaluation, and make necessary adjustments.	Compliance with performance measures in grant/contract workplan(s); Degree of utilization by regions and Communities; Geographic distribution of outreach activities.
<b>Strategy 3:</b> Strengthen Grants Training for Communities.	Complete development of draft umbrella and environmental justice on-line training.	Obtain community & EPA feedback; initiate program-specific trainings.	Evaluate feedback ; continue to develop program-specific training.	Complete all training.	Roll-out training to communities .	Provide training.	Provide training. <b>Complete</b>	Conduct evaluation of training and make necessary adjustments.	Community satisfaction as measured by customer feedback.
<b>Strategy 4:</b> Improve Community Awareness of Grant Competition Process.	Seek input from EPA grants community via regional/HQ websites.	Evaluate community feedback; Obtain EPA feedback.	Evaluate feedback ; finalize competition tools.	Roll-out competition tools to communities.	Promote use of tools.	Promote use of tools.	Evaluation of effectiveness of tools. <b>Ongoing</b>	Tools adjusted based on results of evaluation.	Number of, and participation in, webinars; Increase in applications from new organizations (OEJ).



## Appendix A: Resources Tool Deliverable Table

Strategy Number	Q2 FY 2011	Q3 FY 2011	Q4 FY 2011	Q1 FY 2012	Q2 FY 2012	Q3 FY 2012	Q4 FY 2012	Q1 FY2013 - FY 2014	Measures
<b>Strategy 5:</b> Revise grant policies that are unduly restrictive.	Inform programs of temporary revised version of Delegation 1-86.			Issue final revised version of Delegation 1-86.			<b>Complete</b>	Assess need for additional changes to delegation and make adjustments as necessary.	Increase in number of single-statute awards.
<b>Strategy 5:</b> Revise grant policies that are unduly restrictive.	Draft policy to simplify indirect cost rules; solicit feedback on changes to other policies.	Issue draft revision to indirect cost policies and other identified policies.	Issue final revised indirect cost rate policy/ other revised policies.	Implement.	Continue to implement.	Continue to implement.	Continue to implement. <b>Ongoing</b>	Conduct evaluation and make necessary adjustments.	Number of communities that take advantage of simplified indirect cost rates.
<b>Strategy 6:</b> Encourage OEJ-OGC/ORC-Program Office Dialogue on Community-Based Grant Issues.	Hold kick-off meeting to clarify roles and responsibilities for eligibility reviews.	Second quarterly meeting.	Quarterly meeting.	Quarterly meeting.	Quarterly meeting.	Quarterly meeting.	Quarterly meeting. <b>Ongoing</b>	Conduct evaluation and make necessary adjustments.	Increase in timeliness of Program Office/ OGC/ORC eligibility reviews.
<b>Strategy 6:</b> Encourage OEJ-OGC/ORC – Program Office Dialogue on Community-Based Grant Issues.	Issuance of OGC guidance on the scope of existing grant authorities to be determined.						<b>Complete</b>		Reduction in number of legally ineligible grant applications.
<b>Strategy 7:</b> Improve Timeliness of Brownfields Grant Awards.	Develop draft approach.	Consult with HQ/ Regional Program & Grants Offices.	Finalize strategy and begin to implement.	Implement.	Continue to implement.	Continue to implement.	Continue to implement. <b>Ongoing</b>	Conduct evaluation and make necessary adjustments.	Reduction in award times across grants offices.

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## **Appendix B:**

### **Glossary of Lead Program Office Abbreviations**

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## Appendix B:

# Glossary of Lead Program Office Abbreviations

Listed below are abbreviations related to the EPA's Plan EJ 2014 lead national program offices:

<b><u>Abbreviation</u></b>	<b><u>Office Title</u></b>
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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

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