

# Outline

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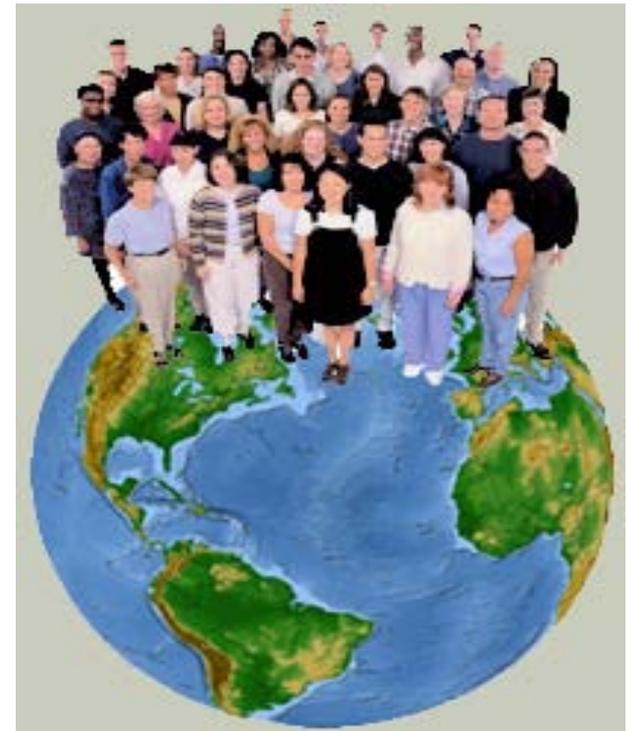
- EJ Program Vision & Mission
- Policy Directives, Program Structure & Opportunities
- Federal Interagency Working Group on Environmental Justice
- Plan EJ 2014
- Incorporating EJ in Rulemaking
- Restorative Justice and EJ



# Environmental Justice

## VISION

All people, regardless of race, color, national origin or income, are protected from environmental hazards, and participate meaningfully in achieving a healthy environment in which to live (*including culturally and spiritually*), work and play.



# Environmental Justice

## MISSION

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Facilitate Agency efforts to protect environment and public health in minority, low-income, tribal and other vulnerable communities, by integrating environmental justice in all programs, policies, and activities.

### Integration Goal

Developing the capacity of stakeholders to achieve a healthy environment and protect themselves from environmental harms and risks through national program office development and integration guidance, support of regional and community-based initiatives, and engagement with other federal agencies, tribal governments, and state and local governments.



# Policy Directives

- Executive Order 12898: (February 11, 1994)  
“To the greatest extent practicable and permitted by law,...each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations, [and tribes – as noted in section 6-606]”
- Environmental Justice – (1) of Administrator Jackson’s (7) Priorities: (January 12, 2010)  
**Expanding the Conversation on Environmentalism and Working For Environmental Justice**
  - New era of outreach and protection for communities historically underrepresented in EPA decision-making.
  - Seeking to build strong working relationships with tribes, communities of color, economically distressed cities and towns, young people and others.
  - Working to include environmental justice principles in all of EPA decisions.
  - Protecting vulnerable subpopulations is a top priority.



# EPA EJ Program Structure

- Each regional and program offices have environmental justice coordinators or program managers
- Several regions have additional EJ staff
- Primary outreach and engagement with EJ stakeholders (manage financial assistance agreements, conduct listening sessions, help coordinate agency response to EJ issues of concern, etc.)
- Environmental Justice Committee, Executive Management Council
  - Comprised of Deputy Assistant Administrators and Deputy Regional Administrators to address national EJ policy issues



# OEJ Financial Assistance Resources

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- EJ Small Grants Program
  - Assists community-based, faith-based and other organizations, and tribes in capacity building and addressing priority environmental and public health concerns
  - Since 1994, awarded over 1000 grants
  - Maximum award of \$25,000
- Community-Based BP Oil Spill Cooperative Agreements
  - to assist local communities facing environmental justice challenges and help develop educational materials and strategies on how to address and adapt to the spill's long-term effects.
  - developed after meeting with local organizations in the Gulf Region and learning that there is a need for technical assistance
- State Environmental Justice Cooperative Agreements
  - Encourages states to work collaboratively with affected communities to understand, promote and integrate approaches to provide meaningful and measurable improvements to the public health and/or environment in the communities with EJ concerns.



# Environmental Justice

## OPPORTUNITIES

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- Make EJ an essential element of Agency efforts to build healthy, sustainable and green communities
  - Better alignment/coordination with community-based programs (EJ Small Grants, EJ Showcase, Green Development Pilots, CARE, Brownfields, etc.)
  - Ensure Agency initiatives have strong EJ component (Partnership for Sustainable Communities, Smart Growth, Urban Waters, Healthy Homes, etc.)
  - Build partnerships with other federal agencies as part of broader interagency EJ strategy
- Develop plan to strengthen Agency Wide EJ Program and Further Integration (Plan EJ 2014)
  - Establish priorities for EPA EJ integration
  - Enhance federal interagency coordination and collaboration
  - Strengthen EJ Committee, middle-level management, etc.



# Plan EJ 2014 Overview

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- EPA's overarching strategy to advance Administrator Jackson's environmental justice priority
- Named in recognition of 20th anniversary of E.O. 12898
- Roadmap to help EPA integrate environmental justice into all of our programs.



# Plan EJ 2014 – (3) Goals

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



# Plan EJ 2014

## Cross Agency Focus Areas

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### (5) Focus Areas

- Rulemaking
- Permitting
- Enforcement and Compliance
- Community-Based Action
- Administration-Wide Action



# Rulemaking - EJ Guidance Developed

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## *EPA's Interim Guidance on Considering Environmental Justice during the Development of an Action*

- Step-by-step guide
- Will help EPA staff determine whether regulatory actions raise possible environmental justice concerns
- Encourages public participation in the rulemaking process.



# Guidance Overview

- Goal: Integrate Consideration of EJ into Fabric of EPA's Action Development Process (ADP)
- Two Components
  - Process Guidance (Who, What, When)
  - Technical Guidance (How)
- Process Guidance Developed First
  - <http://www.epa.gov/compliance/environmentaljustice/resources/policy/ej-rulemaking.html>
- Technical Guidance in 2011



# Guidance Overview

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- EJ Concerns May Be Involved If Disproportionate Impacts on Minority, Low-Income or Indigenous Populations Are:
  - Created by Actions
  - Exacerbated by Actions
  - Not Addressed by Actions Where they Could Be
- Fair treatment includes not just consideration of how burdens are distributed, but also the distribution of benefits



# Guidance Overview

- Disproportionate Impact Factors To Be Assessed for Minority, Low-Income and Indigenous Populations Include:
  - Proximity and Exposure to Environmental Hazards
  - Susceptible Populations
  - Unique Exposure Pathways
  - Multiple and Cumulative Effects
  - Ability to Participate in Decision Making Process
  - Physical Infrastructure
- Some Factors Easier to Assess than Others
- Guide Directs Rule Writers to Consider How to Promote EJ Not Only in Developing Actions, But Also in Implementing Actions



# Guidance Overview

## Approaches to Answering Questions Will Vary:

- Quantitative and/or Qualitative Analyses
  - Increasing expectations for quantitative as capabilities grow through experience, development of Technical guidance
- Decision-Makers Determine Level of Analysis and Engagement Considering:
  - Stakeholder interest
  - Legal framework governing actions
  - Availability of data
  - Availability of resources and the timeline for developing actions, and
  - Impacts that EJ concerns are likely to have on actual decisions involving actions
- Level of Analysis and Engagement Decided early in the process
  - Key is balance: fulfill desire to consider EJ without slowing environmental progress



# Guidance Overview

- Achieving Meaningful Engagement

- Relying on minimum notice and comment is not enough
  - EJ populations are historically under-represented in EPA decision-making
  - Wide range of educational levels, literacy, or proficiency in English
- Links provided to EPA Public Participation guidance, advising:
  - Conveying issues in ways that are tailored
  - Bridging cultural and economic differences
  - Using techniques that enable more effective interaction
  - Developing partnerships on a one-to-one or small group basis
  - Developing trust between government and potentially affected populations
  - Developing community capacity



# ADP Overview

## General Stages of EPA Action Development Process:

- Commence Activity
- Develop Analytic Blueprint
- Conduct Analyses, Engage EJ Populations, Identify Options
- Options Selection, Prepare Action
- Final Agency Review
- Publish Proposal, Request Public Comment
- Review Public Comment, Finalize Rule



# ADP: Final Agency Review

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Address EJ Questions in Action Memo:

- How did your public participation process provide transparency and meaningful participation for minority, low-income, indigenous populations, or tribes?
- How did you identify and address existing and new disproportionate environmental and public health impacts on minority, low-income, or indigenous populations?
- How did actions taken under #1 and #2 impact the outcome or final decision?



# Administration-Wide Action

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- Re-established the Interagency Working Group on Environmental Justice
  - Held federal principals meeting at White on 9/22/10 (secretarial level) to pronounce Administration's commitment to EJ.
- Created by Presidential Executive Order 12898, 1994
- Consists of the federal agencies and various White House offices
- Next Steps:
  - Organize regional listening sessions in early 2011.
  - Each Agency develop or update their EJ strategy by September 2011.
  - Plan a White House forum for EJ leaders and stakeholders on Environmental Justice.

