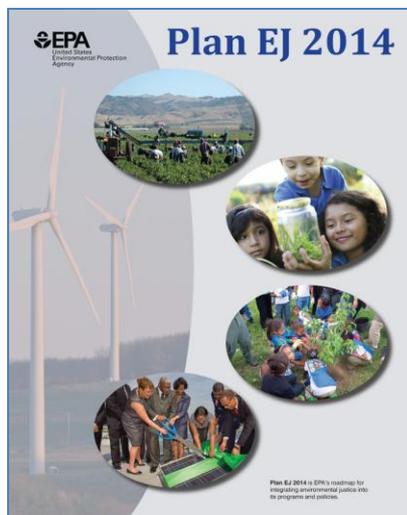


# Plan EJ 2014



## 4th Annual National Civil Rights Training Conference for Airports

**Carlos Evans, Attorney Advisor**  
U.S. Environmental Protection Agency

**September 16, 2013**



# Authorities for EJ in Federal Programs

- **Executive Order 12898**

*“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”*

- **Presidential Memorandum accompanying EO 12898**

*“certain provisions of existing law that can help ensure that all communities and persons across this Nation live in a safe and healthful environment. Environmental and civil rights statutes provide many opportunities to address environmental hazards in minority communities and low income communities”*

# What is Environmental Justice?

- **EPA's definition of EJ is: Fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of laws, regulations, and policies affecting environment and public health**
- **EPA recently expanded the concept of fair treatment to include:**
  - The consideration of how burdens are distributed across all populations, and
  - How benefits are distributed
- **EPA also encourages its staff to look at the distribution of the positive environmental and health consequences from our activities**

# Plan EJ 2014

- **Plan EJ 2014 carries out EPA's priority on *Expanding the Conversation on Environmentalism and Working for Environmental Justice***
- **Plan EJ 2014 is a roadmap that will help EPA integrate environmental justice into EPA's programs, policies, and activities**
- **February 2014 marks the 20<sup>th</sup> anniversary of the issuance of Executive Order 12898 on environmental justice**
- **Plan EJ 2014 involves all EPA programs and regions, receives continuous stakeholder input, and has annual reporting requirements**

# Goals of Plan EJ 2014

- **Protect health in communities that have been 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 Elements



## Cross Agency Priorities

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



## Tools Development

- Science
- Legal
- Information
- Resources



## Program Initiatives

- Urban Waters (OW)
- Worker Protection (OCSP)
- US-Mexico Border 2020 (OITA)
- Community Engagement Initiative (OSWER)
- EJ Technical Directive (OECA)

# EJ LEGAL TOOLS

- ***EJ Legal Tools Document***

Compendium of discretionary legal authorities under environmental statutes that could be used to address EJ issues – Issued December 2011

- **Examples of Using the Law to Advance EJ**

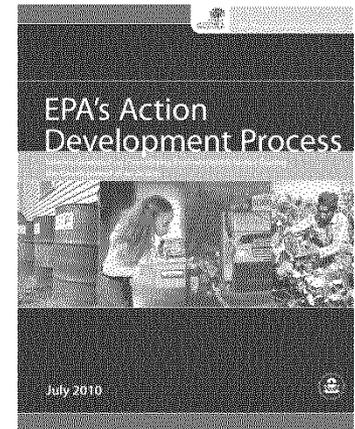
- CWA: Oregon Fish Consumption Standards
- NEPA: Charleston Marine Terminal Expansion



<http://www.epa.gov/compliance/ej/resources/policy/plan-ej-2014/ej-legal-tools.pdf>

# Incorporating EJ into Rulemaking

- **Developing Guidance**
  - *Interim Guidance on Considering EJ During Development of an Action*
  - *Draft Technical Guidance for Assessing EJ in Regulatory Analysis*
- **Number of rules with EJ analyses increased dramatically during 2010-2012**
- **Examples of EJ Analysis**
  - Definition of Solid Waste
  - Mercury and Air Toxics Standards
- **Public participation in development and implementation of rules**
  - Formaldehyde
  - Collision Repair Campaign



# Considering EJ in Permitting

- **Enhance Community Engagement**
  - Regional Implementation Plans
  - Promising Practices for Applicants
- **Case Studies: EPA-Issued Permits with EJ Issues**
  - Pioneer Valley Energy Center PSD Permit
  - Cook Inlet NPDES General Permit



# Advancing EJ through Compliance and Enforcement

## Program Integration

- Integrate EJ into all aspects of the enforcement life cycle:
  - Selection of Work & Priorities
  - Targeting & Developing Cases
  - Remedies
  - Community Engagement
- Will review all enforcement actions for EJ concerns, amounting to more than 3,000 per year

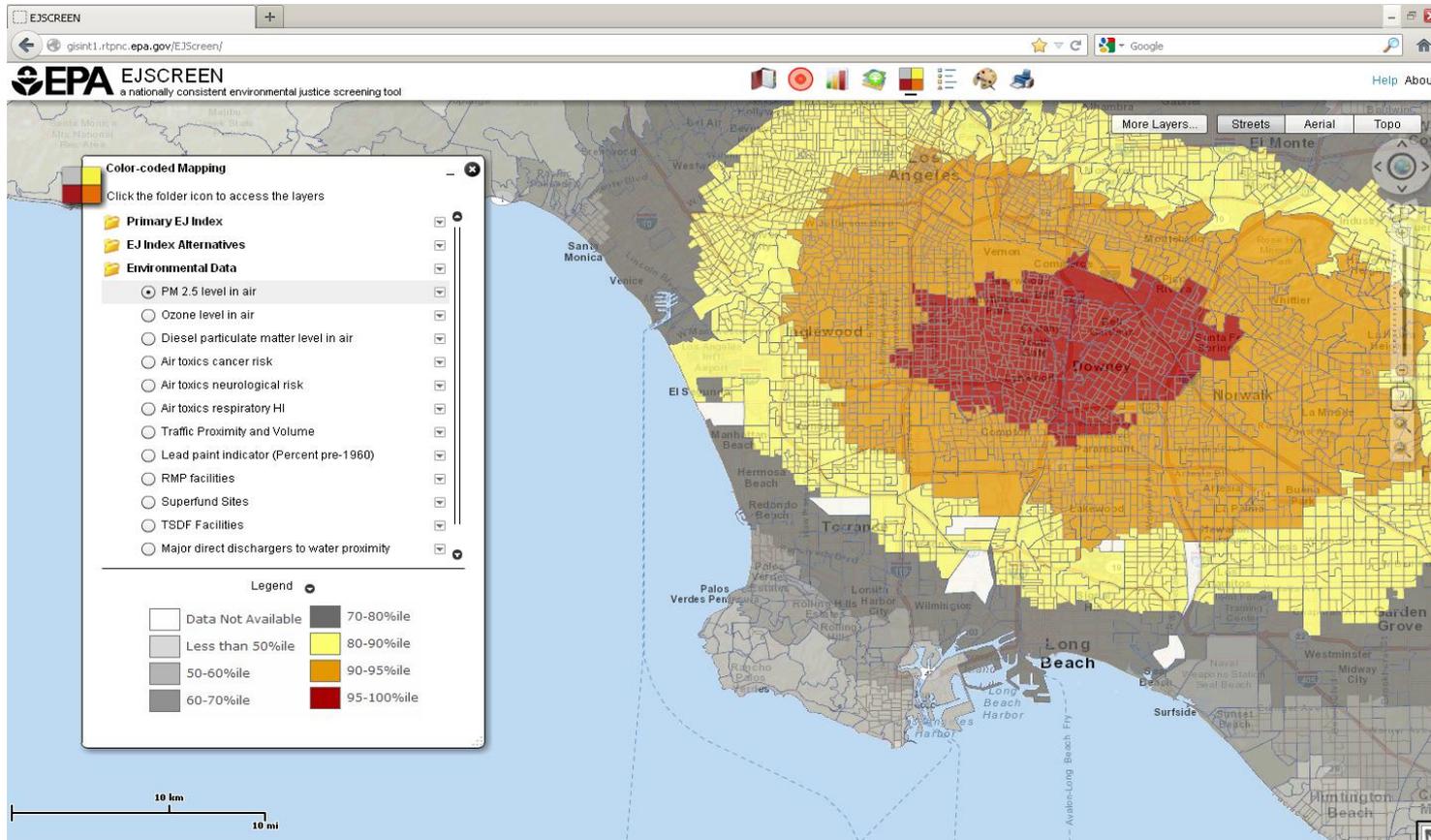
## Results in Communities

- Marathon/BP/Shell Flaring Reduction Settlements
- National Tribal Schools Settlement
- Cleveland Combined Sewer Overflow Settlement

# EJSCREEN

## Nationally Consistent EJ Screening Tool

Assist EPA to include EJ principles in its activities in an accurate, efficient and consistent manner



# SUPPORTING COMMUNITY-BASED ACTION PROGRAMS

- Replicate and expand use of promising practices from EPA's community based programs
- Create common website for all EPA community based resources
- Promote equitable development opportunities
- Explore how EPA can inform decision-makers on land use planning, siting and permitting
- Incorporate EJ in NEPPS and NPM guidances



# Fostering Administration-Wide Action

- **White House Forum on EJ and 20 community dialogues**
- **IWG Memorandum of Understanding**
- **Agency EJ Strategies**
- **Interagency Focus Areas**
  - National Environmental Policy Act
  - Goods Movement
  - Title VI of Civil Rights Act of 1964
  - Climate Change Adaptation
- **Partnerships**
  - Partnership for Sustainable Communities
  - Urban Waters
  - Asthma Disparities Action Plan



# Science Tools

- **Cumulative Risk Assessment Guidelines**
- **Strengthening Scientific Foundation (publication of AJPH supplement on science of disproportionate impacts)**
- **Community-Focused Exposure and Risk Screening Tool (C-FERST) and Tribal-Focused Environmental Risk and Sustainability Tool (T-FERST)**
- **University Grants and Centers of Excellence in Health Disparities**
- **EnviroAtlas**
- **NEJAC Research Work Group**



# Next Steps

- **Complete Plan EJ 2014 commitments and assess progress in preparation for 2014 and beyond**
- **Deploy and integrate tools and guidance throughout EPA programs, policies and activities**
- **Expand internal and external partnerships and collaborations**
- **Commemorate 20<sup>th</sup> anniversary of EO 12898**

# For more information

## Plan EJ 2014

<http://www.epa.gov/environmentaljustice/plan-ej/index.html>



# Acronyms

- AJPH – American Journal of Public Health
- CARE – Community Action for a Renewed Environment
- CWA – Clean Water Act
- IWG – Interagency Working Group on Environmental Justice
- NEPA – National Environmental Policy Act
- NEPPS – National Environmental Performance Partnership System
- NPDES – National Pollutant Discharge Elimination System
- NPM – National Program Manager
- OAR – Office of Air and Radiation
- OARM – Office of Administration and Resource Management
- OEI – Office of Environmental Information
- OEJ – Office of Environmental Justice
- OCSPP – Office of Chemical Safety and Pollution Prevention
- OECA – Office of Enforcement and Compliance Assurance
- 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
- PSD – Prevention of Significant Deterioration