

Environmental Justice Initiatives

Tina Ndoh

Community and Tribal Programs Group

Office of Air Quality Planning and Standards

Office of Air and Radiation

AAPCA Spring Business Meeting

April 29, 2022

Agenda

- ▶ Environmental Justice Background
- ▶ Federal Government EJ Updates
- ▶ EPA Updates
- ▶ EJ Efforts from the Office of Air Quality Planning and Standards
 - Outreach and Engagement
 - Analytics
 - Regulations

Environmental Justice Background: Federal Initiatives

- ▶ **EO 12898- Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations**
 - ▶ Implemented in 1994
- ▶ Environmental justice is the **fair treatment** and **meaningful involvement** of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. This goal will be achieved when everyone enjoys:
 - The same degree of protection from environmental and health hazards, and
 - Equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

Definition from the Office of Environmental Justice (OEJ)

Government-Wide Approaches for EJ Concerns



EO 13985: Advancing Racial Equity and Support for Underserved Communities Through The Federal Government

- ▶ **By August 8, 2021-** Review certain programs and policies to assess whether **underserved communities** and their members **face systemic barriers** in accessing benefits and opportunities. Specifically:
 - Barriers to enrollment in and access to benefits and services in Federal programs;
 - Barriers to taking advantage of agency procurement and contracting opportunities;
 - Whether new policies, regulations, or guidance documents may be necessary to advance equity in agency actions and programs;
 - Operational status and level of institutional resources available to EPA offices for advancing civil rights or whose mandates specifically include serving underrepresented or disadvantaged communities
- ▶ Evaluate and engage with members of historically underserved/ underrepresented members/ communities to increase coordination, communication, and engagement

EO 13990: *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*

- ▶ Directs EPA to review ***all actions*** taken between January 2017-2021
- ▶ Consider issuing notice and comment to suspend, revise, or rescind agency actions that are inconsistent with the policy established in the EO of (among other things) prioritizing environmental justice.
- ▶ Lists 4 categories of agency action for reconsideration:
 - ▶ **Reducing Methane Emissions in the Oil and Gas Sector**
 - ▶ Establishing Ambitious, Job-Creating Fuel Economy Standards
 - ▶ Job-Creating Appliance- and Building-Efficiency Standards
 - ▶ Protecting Our Air from Harmful Pollution

EO 14008: *Tackling the Climate Crisis at Home and Abroad*

- **National Security directs EPA** to develop analysis of the security impacts of climate change (Climate Risk Analysis) that can be incorporated into modeling, simulations, and war-gaming, among other analyses.
- **Take a Gov't-Wide Approach to Climate Crisis:** Engage in rulemaking, outreach/engagement, and develop CORE contracts that:
 - Facilitate planning and implementation of key actions to reduce climate pollution;
 - Increase resilience to impacts of climate change;
 - Protect public health;
 - Conserve lands, waters, and biodiversity, and;
 - Deliver on EJ and spur union jobs and economic growth.
- **Use of Federal Gov'ts Buying Power and Real Property and Asset Management:**
 - Review siting and permitting processes on public lands and offshore waters and consult with state and tribal authorities (and others) in the development and management of renewable and conventional energy resources.

EO 14008: *Tackling the Climate Crisis at Home and Abroad (cont.)*

- ▶ **Securing Environmental Justice and Spurring Economic Opportunity: Make EJ part of the mission**
 - Develop programs, policies, and activities to address disproportionate high and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities, as well as accompanying economic challenges of such impacts
 - Amends EO 12898 to create White House Environmental Justice Interagency Council (WHEJIC) and directs WHEJIC and EPA (providing support/feedback) to:
 - Consult with local EJ leaders to inform development of strategy to address EJ
 - Develop performance metrics to ensure accountability and publish annual performance scorecard on implementation
 - **Establishes Justice40 initiative**
- ▶ Directs EPA to strengthen enforcement in underserved communities and to create a community notification program to monitor and provide real-time data to the public on current environmental pollution

Justice 40 Initiatives from EO 14008

Within 120 days, Chair of CEQ, Director of OMB and the National Climate Advisor, in consultation with the Advisory Council, shall jointly publish recommendations on how certain Federal investments might be made toward a goal that **40 percent of the overall benefits** flow to disadvantaged communities. ... focus on investments in the areas of **clean energy and energy efficiency; clean transit; affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; and the development of critical clean water infrastructure.**

In developing recommendations, the Chair of CEQ, Director of OMB and National Climate Advisor shall consult with affected disadvantaged communities.

Within 60 days... agency heads shall identify applicable program investment funds based on the recommendations...

EJ
Scorecard
published
by
February
2022

White House Environmental Justice Advisory Council

- **White Environmental Justice Advisory Council (WHEJAC)**
 - Provide advice and recommendations to the White House Interagency Council and the Chair of CEQ on a whole-of-government approach to environmental justice
 - Most recent public meeting held on 3/30-31/22
 - Focused on **Climate Economic Justice Screening Tool (CEJST)** and funding
- **Climate Economic Justice Screening Tool**
 - Developed by CEQ and beta version released for public comments
 - Design for the implementation of the Justice40 Initiative
 - Focus on identifying “disadvantaged communities” that should receive benefits on Justice 40 funding
 - BETA version of the tool accepting public comments until 4/25/22
 - <https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5>

EPA Updates

Journey to Justice Tour



In November 2021, EPA Administrator Michael S. Regan embarked on a [Journey to Justice tour](#) to spotlight longstanding environmental justice concerns.

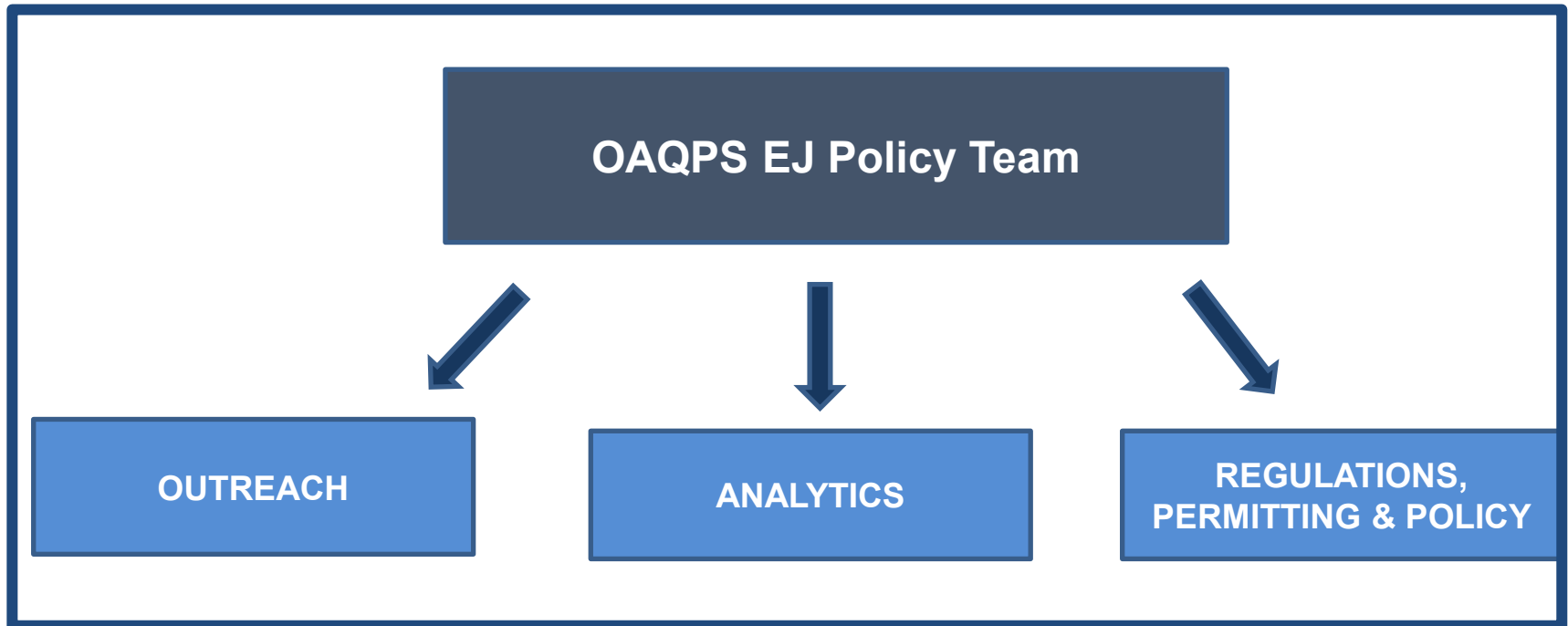
Equity Action Plan

- EPA's Equity Action Plan was released April 14, 2022
 - Meets directive from EO 13985 *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*
 - The Equity Action Plan has six priorities that align with EPA's 22-26 Strategic Plan:
 - Develop a comprehensive framework for considering cumulative impacts in relevant EPA decisions and operationalize that framework in EPA's programs and activities.
 - Build the capacity of underserved communities to provide their experience to EPA and implement community-led projects.
 - Develop EPA's internal capacity to engage underserved communities and implement clear and accountable processes to act based on communities' input.
 - Strengthen EPA's external civil rights compliance program and ensure that civil rights compliance is an agency-wide responsibility.
 - Integrate participatory (community) science into EPA's research and program implementation.
 - Make EPA's procurement and contracting more equitable.
 - Equity Action Plan can be found at:
<https://www.epa.gov/environmentaljustice/equity-action-plan>

OAQPS EJ Initiatives

OAQPS Implementation

- ▶ OAQPS has developed a three-prong approach for addressing Environmental Justice (EJ) in regulatory and programmatic actions
 - ▶ Triage and cross-office collaboration on regulatory and programmatic actions
 - ▶ Enhanced early outreach and engagement
 - ▶ Robust analytics incorporating demographic information



OAQPS Regulatory 'Triage' Efforts

- ▶ Identify actions from the Action Development Process Tracker that need outreach and engagement
- ▶ Review actions with internal OAQPS regulatory stakeholders
 - ▶ Division Regulatory Liaisons, Economic Analysts, Risk Analysts, and Communication and Outreach Groups
- ▶ Compare actions to known areas of tribal, EJ and SB interest and impacts
 - ▶ Using proximity analysis and historical knowledge
- ▶ Determine anticipated level of outreach and engagement and assign appropriate staff
- ▶ Develop rule-specific outreach strategy

OAQPS Enhanced Analytics

EJ analyses have been conducted as part of routine quantitative assessments for certain regulations (i.e., risk and technology reviews)

- ▶ Main emphasis has been on identifying disproportionate exposures in baseline scenarios
- ▶ Has not typically been performed for purposes of comparison across regulatory alternatives, in advance of option selection, or for impacts from multiple facilities

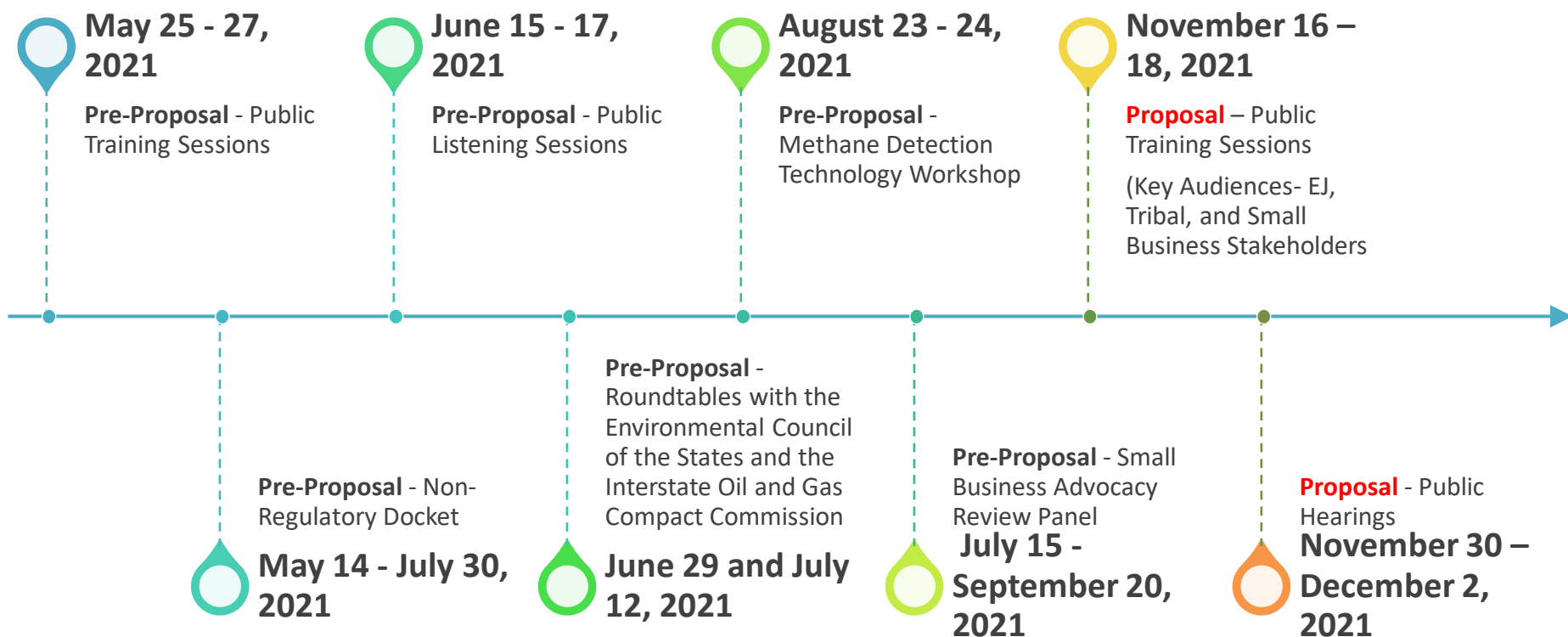
Analytics consider key variables of concerns for assessing EJ impacts

- ▶ *Characteristics*: Race/ethnicity; Poverty status/socioeconomic status (SES)/household income; Age; Linguistic isolation; Educational attainment
- ▶ *Health Effects*: Cancer and noncancer risk; Morbidity and mortality incidence and risk

OAQPS has capacity and tools to improve analytics of potentially disproportionately high and adverse human health or environmental effects for a range of rulemakings.

Rule Specific Outreach Strategy

Example: Oil and Natural Gas Public Outreach



QUESTIONS

