

Environmental Justice and Equity at EPA Region 5

April 26, 2023

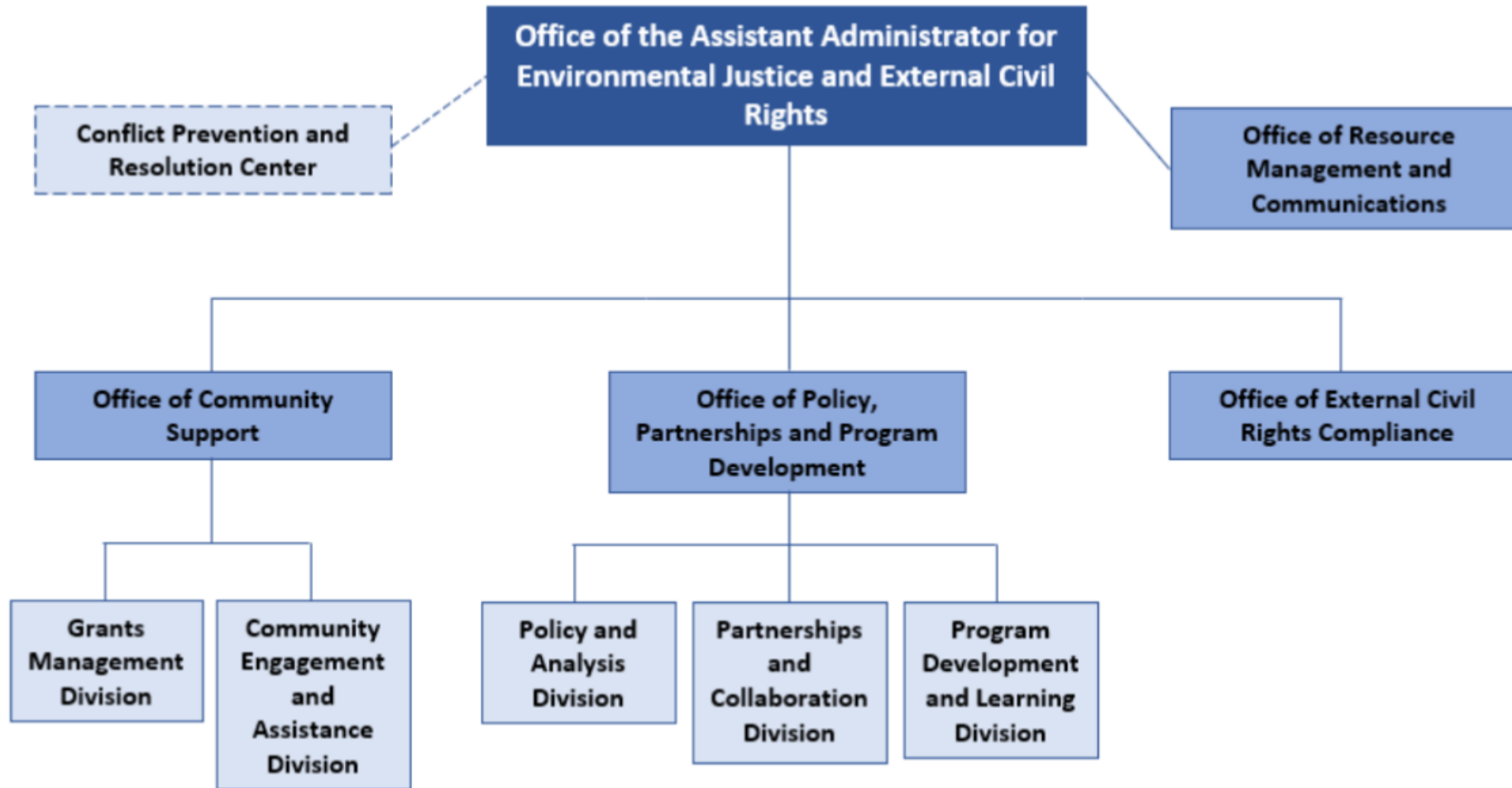
West Michigan AWMA Spring Conference

ALAN WALTS

DIRECTOR, TRIBAL AND MULTIMEDIA PROGRAMS OFFICE

EPA REGION 5

EPA's National Program



EPA Region 5's Program



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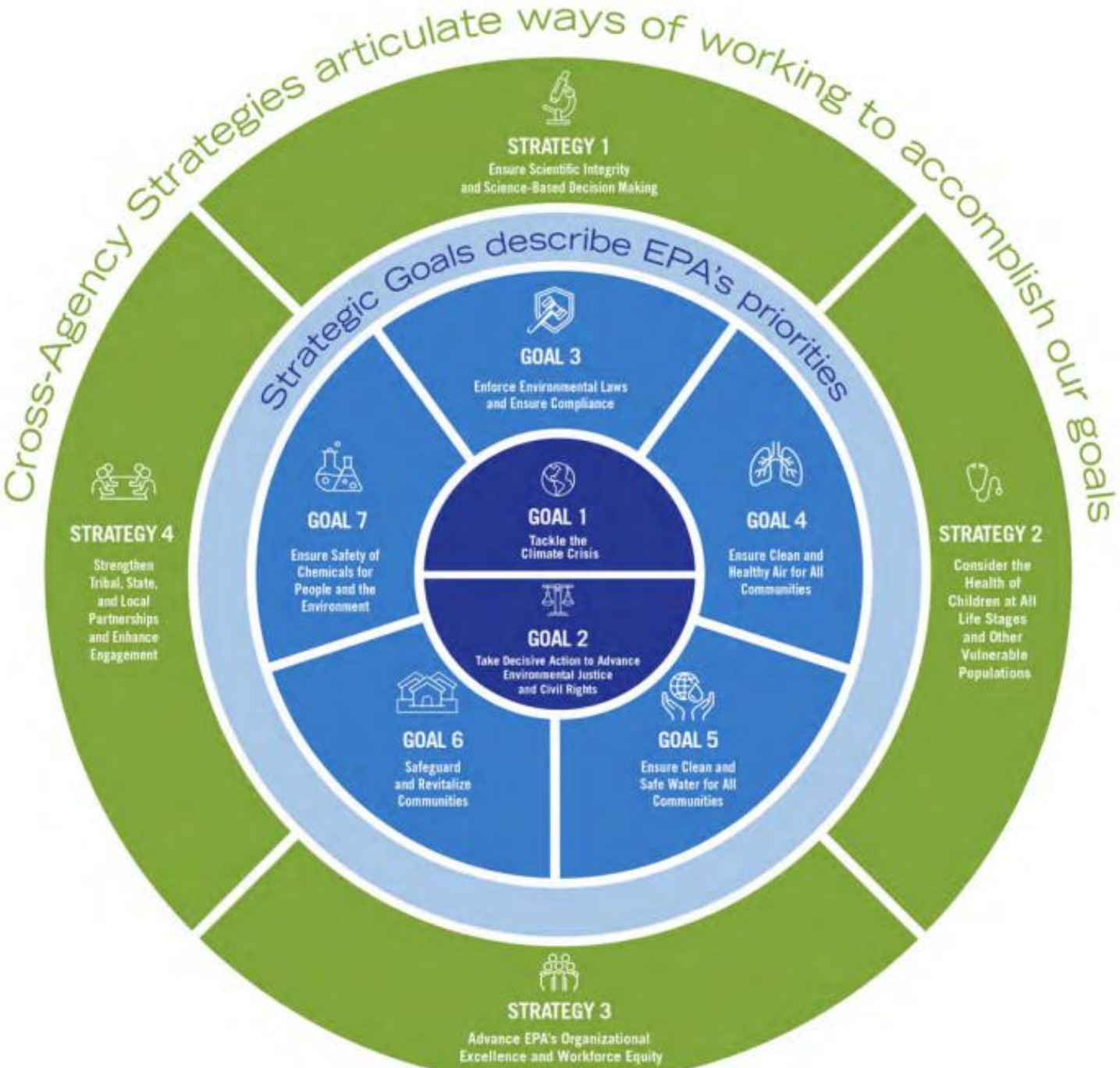
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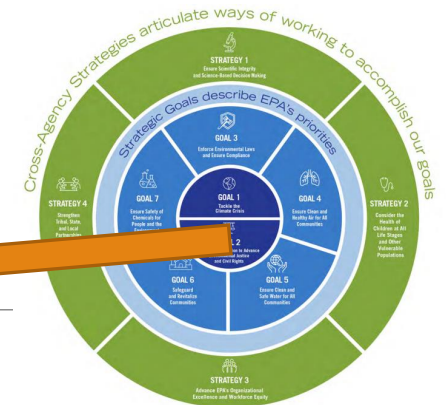
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EPA's FY2022-2026 Strategic Plan





Goal 2: Take Decisive Action to advance EJ and Civil Rights

***Achieve tangible progress** for historically overburdened and underserved communities and ensure the **fair treatment** and **meaningful involvement** of all people regardless of race, color, national origin, or income in developing and implementing environmental laws, regulations, and policies.*

Objective 2.1: Promote EJ And CR at the Federal, Tribal, State, and Local Levels

Objective 2.2: Embed EJ and CR into EPA's Programs, Policies, and Activities

Objective 2.3: Strengthen CR Enforcement in Communities with EJ Concerns

Agency Priority Goal. By September 30, 2023, EPA will

- **develop and implement a cumulative impacts framework**
- **issue guidance on external civil rights compliance**
- **establish at least 10 indicators to assess EPA's performance in eliminating disparities train staff and partners on how to use these resources.**

EPA Programs, Policies, Activities

Objective: Integrate environmental justice and civil rights in all the Agency's work to maximize benefits and minimize impacts to underserved and overburdened communities.

Meaningful involvement

EPA accountability to underserved and overburdened communities

EPA effectively engaging with communities

Fair treatment

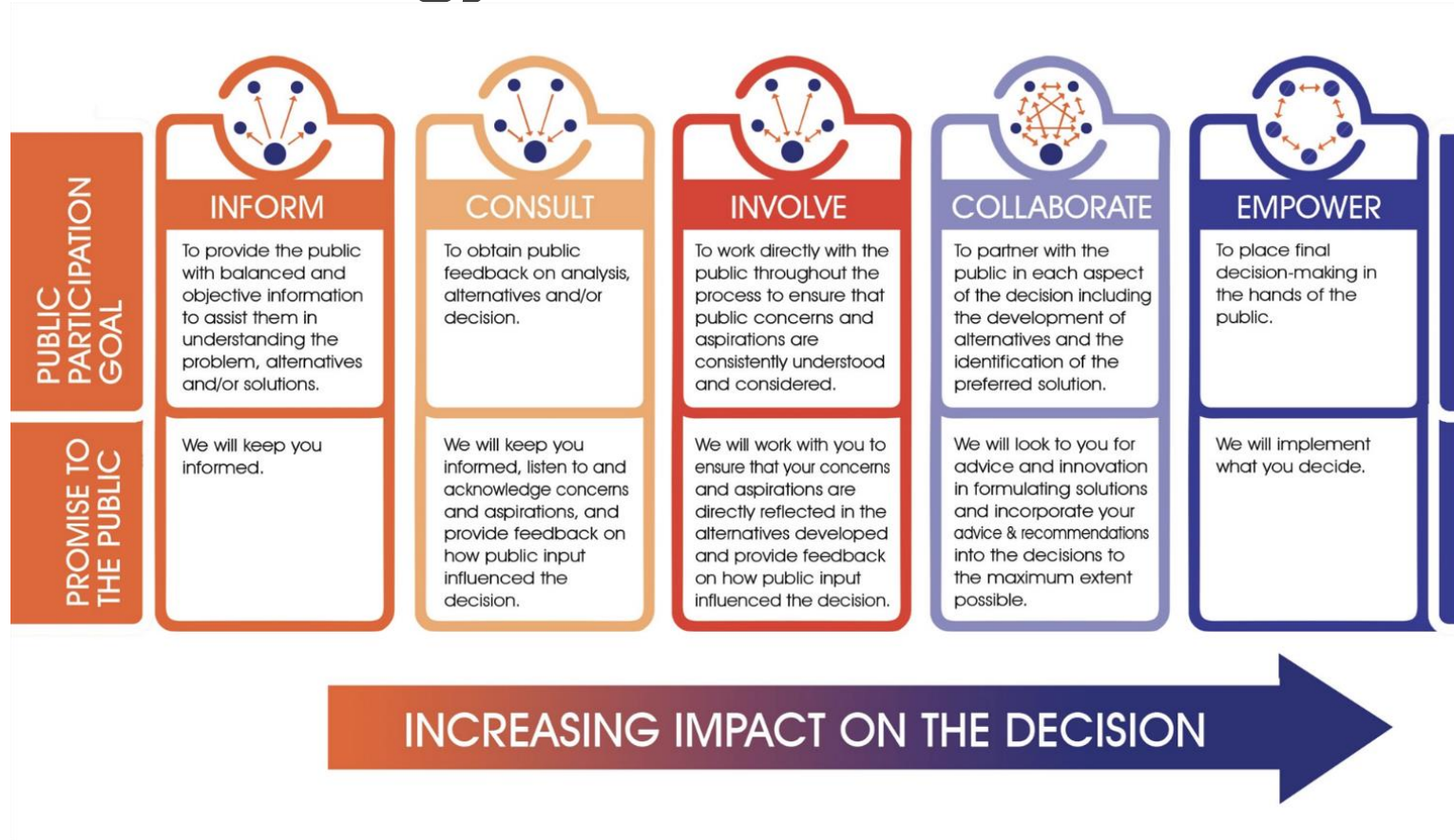
Addressing disparities in environmental and public health conditions (disproportionate and cumulative impacts)

Civil rights

Meaningful language access to EPA programs and activities

Meaningful access to EPA programs and activities for persons with disabilities

Meaningful Involvement



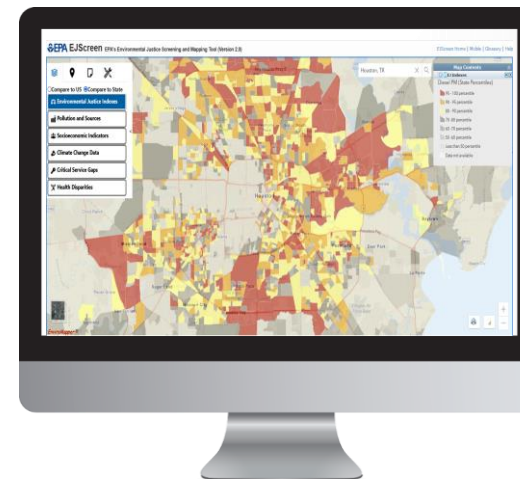
(1) potentially affected community members have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision-making process; and (4) decision makers seek out and facilitate the involvement of those potentially affected

Fair Treatment

Screening EJ analysis - EJSCREEN can be used as a starting point to assess environmental justice concerns, using indicators of community characteristics and existing conditions in the potentially affected community.

Refined EJ analysis - Conducting an appropriately scoped EJ analysis as needed to further evaluate and address adverse and disproportionate impacts (including cumulative impacts), and to inform and support enhanced community engagement.

no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies

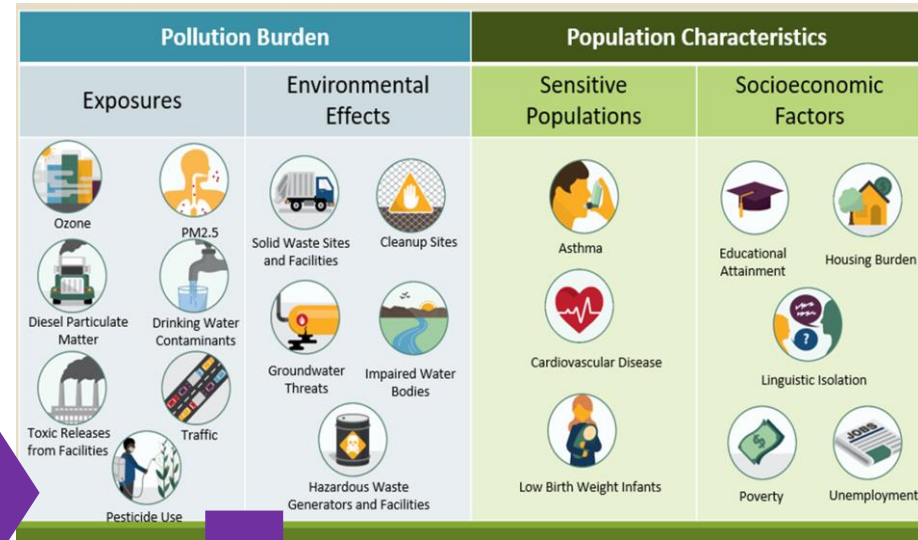


www.epa.gov/ejscreen

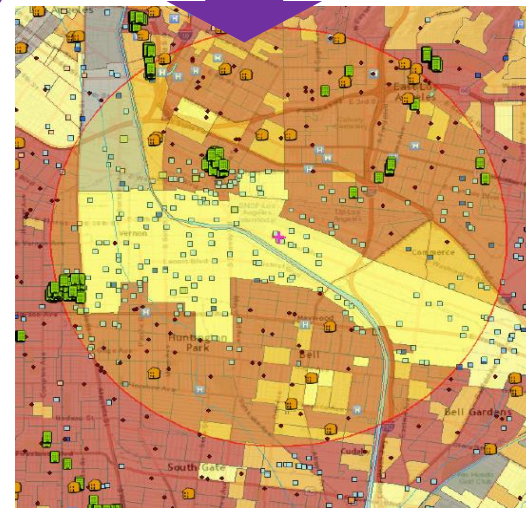
Disproportionate Impacts



The decades-long journey from describing, quantifying to mapping

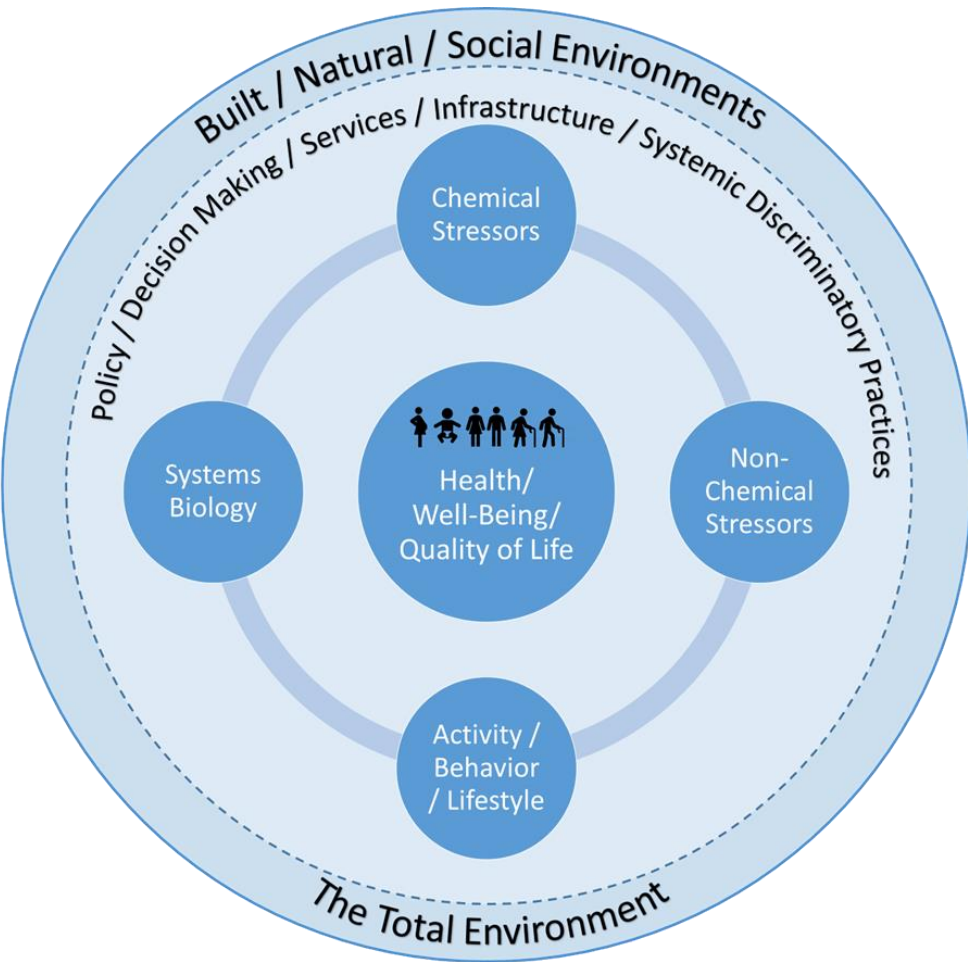


Sources: CalEPA Office of Environmental Health Hazard Assessment and EPA EJSCREEN



Disproportionate impacts are combinations of greater **pollution burden** and **population vulnerability** associated with socially and/or economically disadvantaged communities, characterized by ample evidence, consistent patterns, and link to historical policies.

Cumulative Impacts



“Cumulative Impacts”: the totality of exposures to combinations of chemical and nonchemical stressors and their effects on health, well-being, and quality of life outcomes.

“Cumulative Impact Assessment”: a process of evaluating both quantitative and qualitative data representing cumulative impacts to inform a decision.



Cumulative Risk

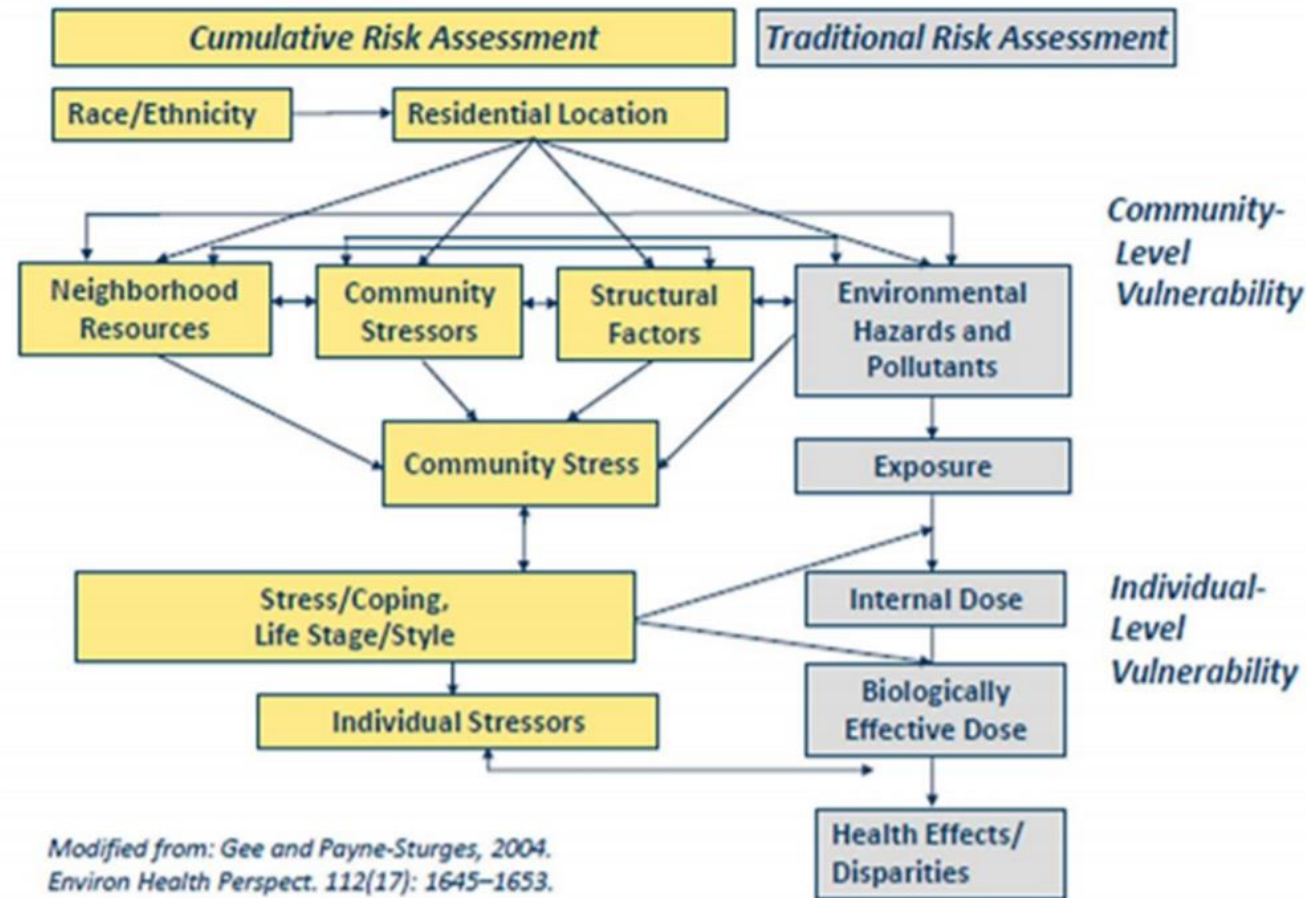


Figure 2. Conceptual map of the interaction between traditional risk assessment, focused on biological dose and adverse outcome pathways emphasized by the Chemical Safety for Sustainability research program, and community-scale contributors to cumulative risk assessment needed to address environmental health disparities.

Accumulation
of community
and individual
impacts

Social
determinants of
health;
weathering

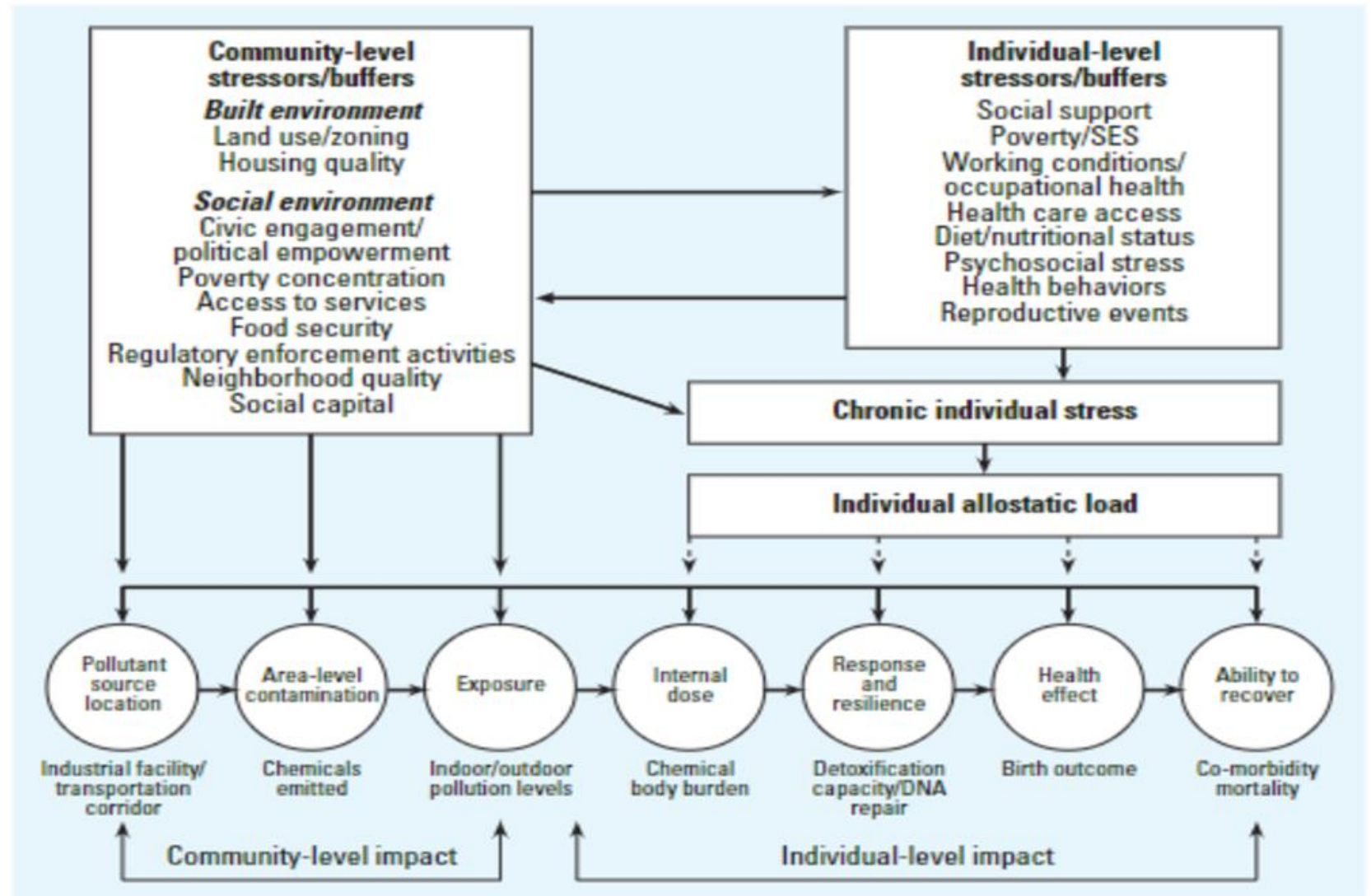


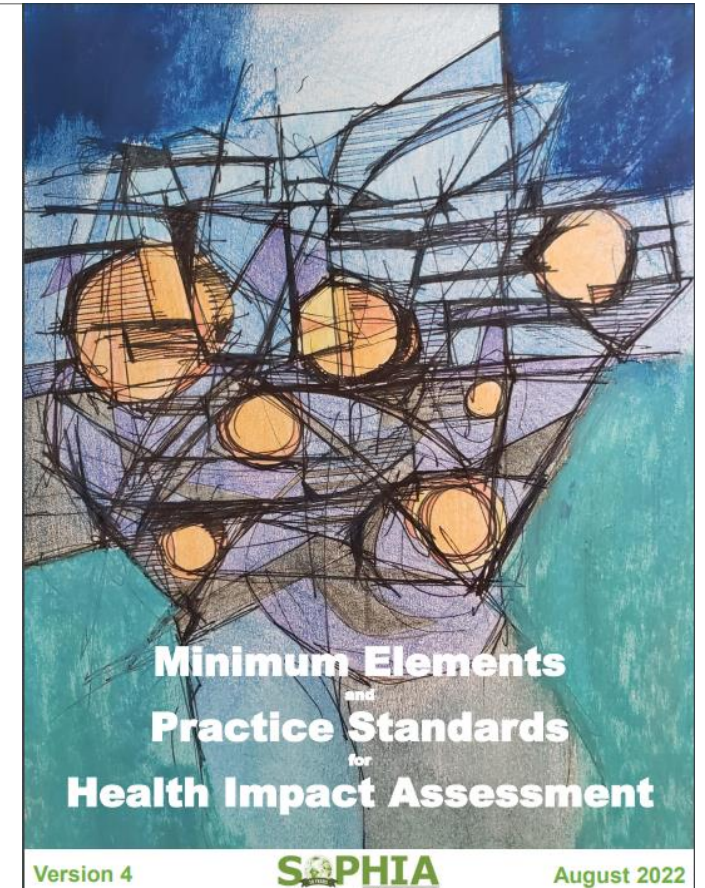
Figure 1. The interplay of community and individual stressors/buffers that shape exposures and susceptibility to environmental hazards. Thick arrows indicate relationships that have been studied in the epidemiologic and sociology literature; dashed arrows indicate relationships that have not been extensively explored.

Health Impact Assessment

HIA is a process that helps evaluate the potential health effects of a plan, project, or policy before it is built or implemented. HIA brings potential positive and negative public health impacts and considerations to the decision-making process for plans, projects, and policies that fall outside traditional public health arenas, such as transportation and land use. An HIA provides practical recommendations to increase positive health effects and minimize negative health effects.

[CDC's Health Impact Assessment](#)

[Minimum Elements and Practice Standards for Health Impact](#)



The Major Phases in an HIA

- Screening
- Scoping
- Assessment and findings
- Recommendations
- Reporting
- Monitoring and evaluation

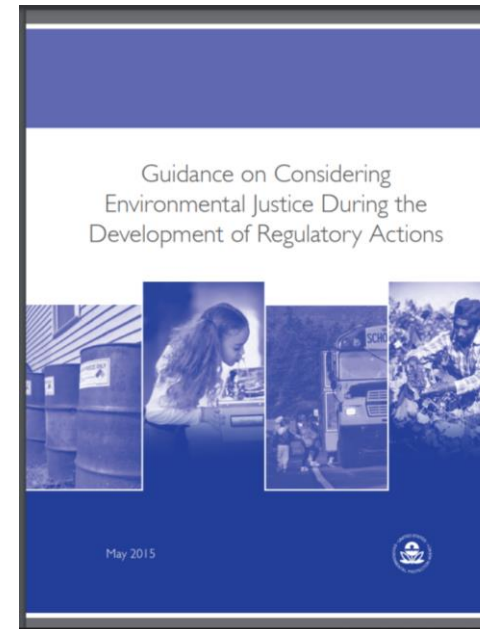
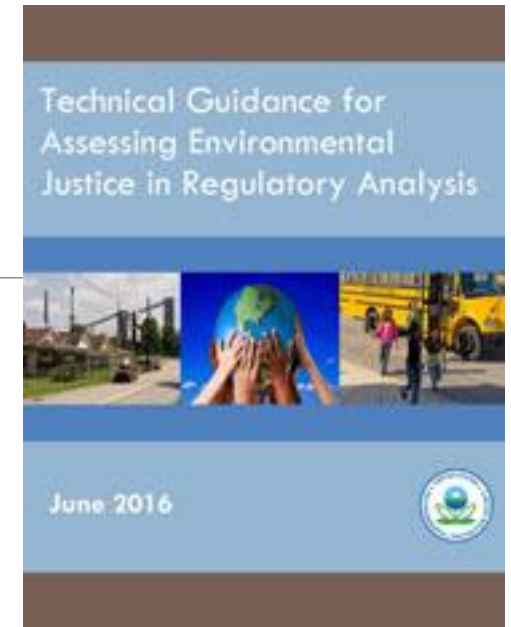
[Health Impact Assessments | US EPA](#)



EJ/equity in rulemaking

**Proposed PFAS National Primary Drinking Water Regulation
(3/14/23)**

Proposal to strengthen and update the Mercury and Air
Toxics Standards (MATS) for coal-fired power plants
(4/5/23)



Enforcement and Compliance Assurance

[OECA website [here](#) includes these policy memos and recent activities]

“Using All Appropriate Injunctive Relief Tools in Civil Enforcement Settlements” (April 26, 2021)

- Seeking mitigation to address harms to communities
- Using compliance tools such as advanced monitoring; audits and independent third-party verification; electronic reporting; and increased transparency of compliance data

“Strengthening [Civil Regulatory] Enforcement in Communities with Environmental Justice Concerns” (April 30, 2021)

- Increasing % of inspections in areas of EJ concern
- Increasing community engagement

"Strengthening Environmental Justice Through Criminal Enforcement" (June 21, 2021)

- Increasing criminal investigations in areas of EJ concern
- Increasing outreach to crime victims in areas of EJ concern
- Enhancing punishments and seeking restitution and/or community service

"Strengthening Environmental Justice Through Cleanup Enforcement Actions" (July 1, 2021)

- Enhanced enforcement and prompt cleanup actions to protect overburdened communities
- Enhanced community engagement

Permitting

- “Frequently asked questions” document on EJ and civil rights in permitting (Aug. 2022)
- Principles for Addressing EJ Concerns in Air Permitting (Dec. 2022)
 - an interim operating framework for identifying, analyzing, and addressing environmental justice concerns in air permitting



Environmental Protection Agency

Interim
**Environmental Justice and Civil Rights in
Permitting
Frequently Asked Questions**

August 2022

Office of General Counsel
Office of Policy

U.S. Environmental Protection Agency
Washington, D.C. 20460

This document discusses a variety of federal statutory and regulatory provisions, but does not itself have legal effect, and is not a substitute for those provisions and any legally binding requirements that they may impose. It does not expressly or implicitly create, expand, or limit any legal rights, obligations, responsibilities, expectations or benefits to any person. To the extent there is any inconsistency between this document and any statutes, regulations or guidance, the latter take precedence. EPA retains discretion to use or deviate from this document as appropriate.

Cleanups

“EJ Action Plan: Building Up Environmental Justice in EPA’s Land Protection and Cleanup Programs”

Four main goals:

- 1. Strengthening compliance with cornerstone environmental statutes.** This includes developing a “Good Governance” process and referral list to help address follow-up actions on communities’ environmental concerns.
- 2. Incorporating environmental justice considerations during the regulatory development process.** This includes assessing impacts to pollution-burdened, underserved, and tribal communities when developing regulations, while developing tools to identify, track, and consider the implications of potential EJ-related factors throughout the Superfund process.
- 3. Improving community engagement in rulemakings, permitting decisions, and policies.** This includes providing earlier and more frequent engagement with pollution-burdened and underserved communities in carrying out OLEM programs, and increasing technical support and risk communication resources for communities through the Agency’s Technical Assistance Services for Communities (TASC) program and various grants.
- 4. Implementing [President Biden’s Justice40 Initiative](#).** This includes providing direct and indirect benefits to underserved communities with grant application resources and in making grant award decisions, to the extent allowed by law.

Civil rights: meaningful access

Limited English Proficiency

<https://www.justice.gov/opa/pr/attorney-general-merrick-garland-issues-memorandum-improve-access-services-people-limited>

<https://www.lep.gov/>

<https://www.epa.gov/external-civil-rights/assisting-people-limited-english-proficiency>

Accessibility

<https://www.epa.gov/accessibility>

Federal, Tribal, State, and Local Levels

Objective: Empower and build capacity of underserved and overburdened communities to protect human health and the environment.

Empower and build capacity of underserved and overburdened communities

Strong partnerships with tribes and states

Community-focused collaborative problem solving

Capacity-building

EJ Academy (Dayton OH 2022)

EJ Thriving Communities Technical Assistance Centers (EJ TCTACs)

will provide training, assistance, and capacity building on writing grant proposals, navigating federal systems such as Grants.gov and SAM.gov, and effectively managing grant funding. These centers will also provide guidance on community engagement, meeting facilitation, and translation and interpretation services for limited English-speaking participants.



Chicago's Blacks in Green gets a major boost from a \$10 million EPA grant

The organization is one of 17 entities selected last week to help environmental justice communities tap into federal climate funds.

by Audrey Henderson
April 16, 2023



Blacks in Green founder and CEO Naomi Davis speaks at the Woodlawn Community Summit on March 18, 2023. Credit: Audrey Henderson

As the founder and CEO of Blacks in Green, Naomi Davis has always focused on developing a whole-system approach to empowering her community of West Woodlawn on Chicago's South Side.

SPH partners with new Environmental Justice Thriving Communities Technical Assistance Center

Posted on April 17, 2023



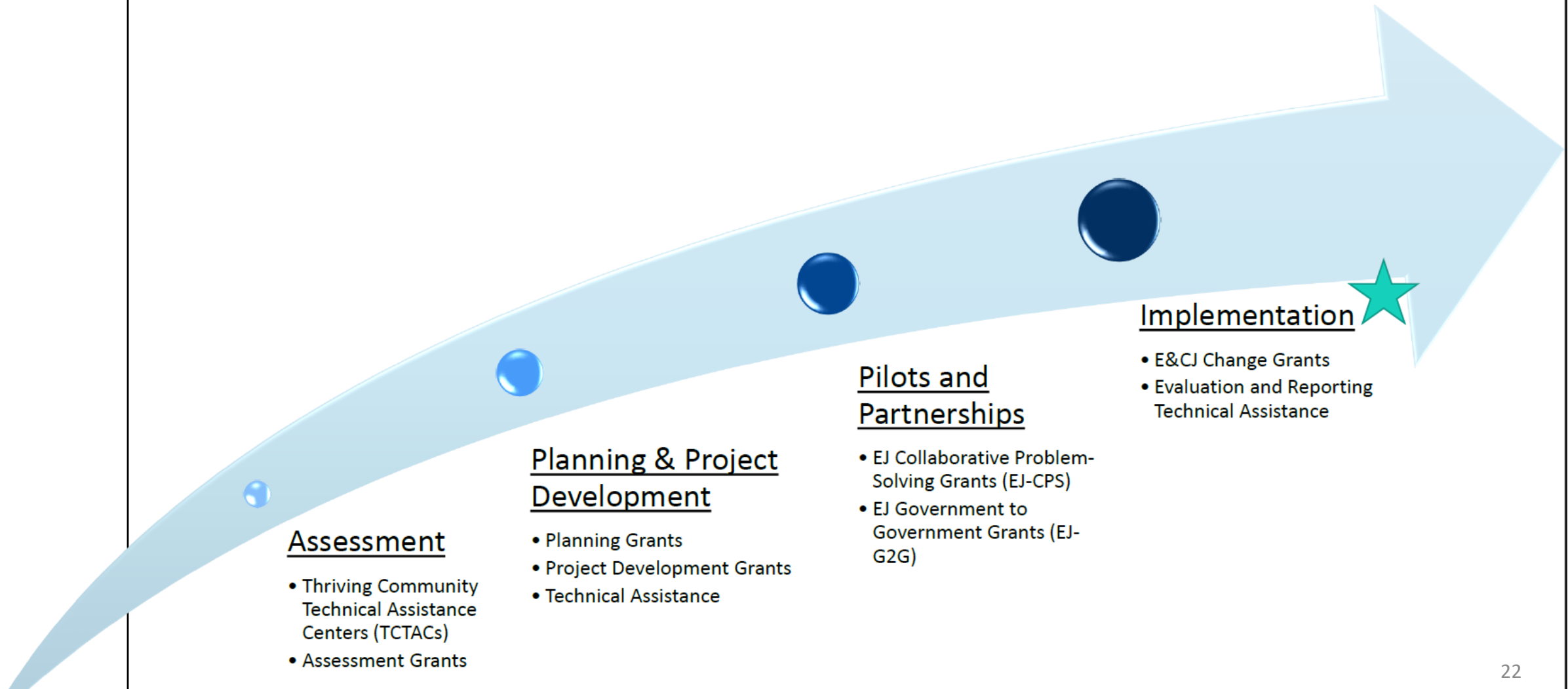
The U.S. Environmental Protection Agency (EPA) announced a history-making selection of finalist Blacks in Green (BIG) with a strong community-based alliance to serve as one of 17 Environmental Justice Thriving Communities Technical Assistance Centers (EJ TCTAC), as part of a \$177M program. BIG will receive \$10 million in grant funding over five years to establish technical assistance centers across EPA's Region 5 territory, which includes 32 tribal lands, Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin. The centers will provide technical assistance, training, and related support to communities and their partners with environmental justice concerns. The **UIC School of Public Health** will serve as one of BIG's key partners in this effort.

Partners in this innovative approach encourage frontline organizations everywhere to assume financial leadership of solutions being proposed for their communities—a simple, essential “flip the script” that properly positions them in ownership. BIG and partners worked in kinship, through a democratic process to advance this core principle of the new terms of engagement between frontline organizations and white allies, honoring our leadership as experts on the ground.

“From the frontline we do more than dream a life beyond the whole-system problem common to communities of color everywhere. Every day we rise and work to weave hard won, fragmented solutions into whole cloth. These solutions—unique and revolutionary in their approach and process—aim to “flip the script” of business as usual, and allow Black, Brown and Indigenous people to lead in all matters essential to thriving communities,” said Naomi Davis, founder and CEO of Blacks in Green and creator of the Sustainable Square



GRANTS AND TECHNICAL ASSISTANCE



Strong partnerships: Joint Planning, Collaboration, and Investments

Inflation Reduction Act

PRESIDENT JOE BIDEN
**BUILDING A
BETTER AMERICA**
BUILD.GOV

**A GUIDEBOOK TO THE
BIPARTISAN INFRASTRUCTURE LAW
FOR STATE, LOCAL, TRIBAL, AND
TERRITORIAL GOVERNMENTS, AND
OTHER PARTNERS**



Progress for People and the Planet

The Inflation Reduction Act is the most aggressive action in tackling the climate crisis in U.S. history. This law will reduce harmful air pollution, advance environmental justice, and save families money on their energy bills.

[Read more from Administrator Regan](#)



Tackling Climate Pollution

Aggressively combat damaging climate pollution while supporting the creation of good jobs and lowering energy costs for families.



Advancing Environmental Justice

Accelerate our work on environmental justice and empower community-driven solutions in overburdened neighborhoods.



Delivering Cleaner Air

Reduce harmful air pollution in places where people live, work, play, and go to school.

Justice40 Scorecard




















As part of President Biden’s [Justice40 Initiative](#) , the federal government is working toward the goal that 40 percent of the overall benefits of certain federal investments reach disadvantaged communities that are marginalized and overburdened by pollution and underinvestment. In particular, the President’s Justice40 Initiative applies to federal investments that address climate change, clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, remediation and reduction of legacy pollution, and the development of critical clean water and wastewater infrastructure.

This Phase One Scorecard provides an update on initial progress made by **the Environmental Protection Agency (EPA)** in implementing the Justice40 Initiative. Future versions of the Environmental Justice Scorecard will provide additional information and updates on the benefits of Justice40 covered programs.

Phase One Scorecard metrics and highlights in Fiscal Year 2022 include:

- **73** Justice40 covered program(s)
- **40** funding announcement(s) covered under the Justice40 Initiative
- **\$14 billion** in funding made available from Justice40 covered programs¹
 - Prioritized financing projects in disadvantaged communities in the Water Infrastructure Finance and Innovation Act program Fiscal Year (FY) 2022 Notice of Funding Availability.
- Made program modifications for Justice40 covered programs such as:
 - Increased the Tribal Clean Water Act § 319 program set-aside and introduced new flexibilities for state grantees to support Nonpoint Source work in disadvantaged communities, including on Tribal Nation lands, detailed in the memo “Continued Actions in FY23 to Increase Equity and Environmental Justice in the Nonpoint Source Program.”
 - Launched two new grant programs established by the Bipartisan Infrastructure Law (BIL) and covered by the Justice40 Initiative—Solid Waste Infrastructure for Recycling and Recycling Education Outreach—and will use the Climate and Economic Justice Screening Tool to help identify disadvantaged communities. Key features of the programs will be: tracking awards to ensure reaching/exceeding Justice40 criteria; developing a public engagement strategy; aligning programs to address the priorities of disadvantaged communities; providing translation and/or interpretation services for outreach sessions and related materials; and creating opportunities for state grant recipients to share information, opportunities, and strategies, in response to stakeholder feedback on program design.

View Agency Progress
Select an agency below to view its baseline assessment and progress on environmental justice.

| | | | |
|---|--|--|---|
|  AmeriCorps |  Appalachian Regional Commission |  Delta Regional Authority |  Denali Commission |
|  Department of Agriculture |  Department of Commerce |  Department of Defense |  Department of Education |
|  Department of Energy |  Department of Health & Human Services |  Department of Homeland Security |  Department of Justice |
|  Department of Labor |  Department of Transportation |  Department of the Interior |  Environmental Protection Agency |
|  General Services Administration |  Housing and Urban Development |  National Aeronautics and Space Administration |  National Science Foundation |
|  Small Business Administration |  Tennessee Valley Authority |  U.S. Army Corps of Engineers |  Veterans Affairs |



EPA's Environmental Justice Collaborative Problem-Solving Model



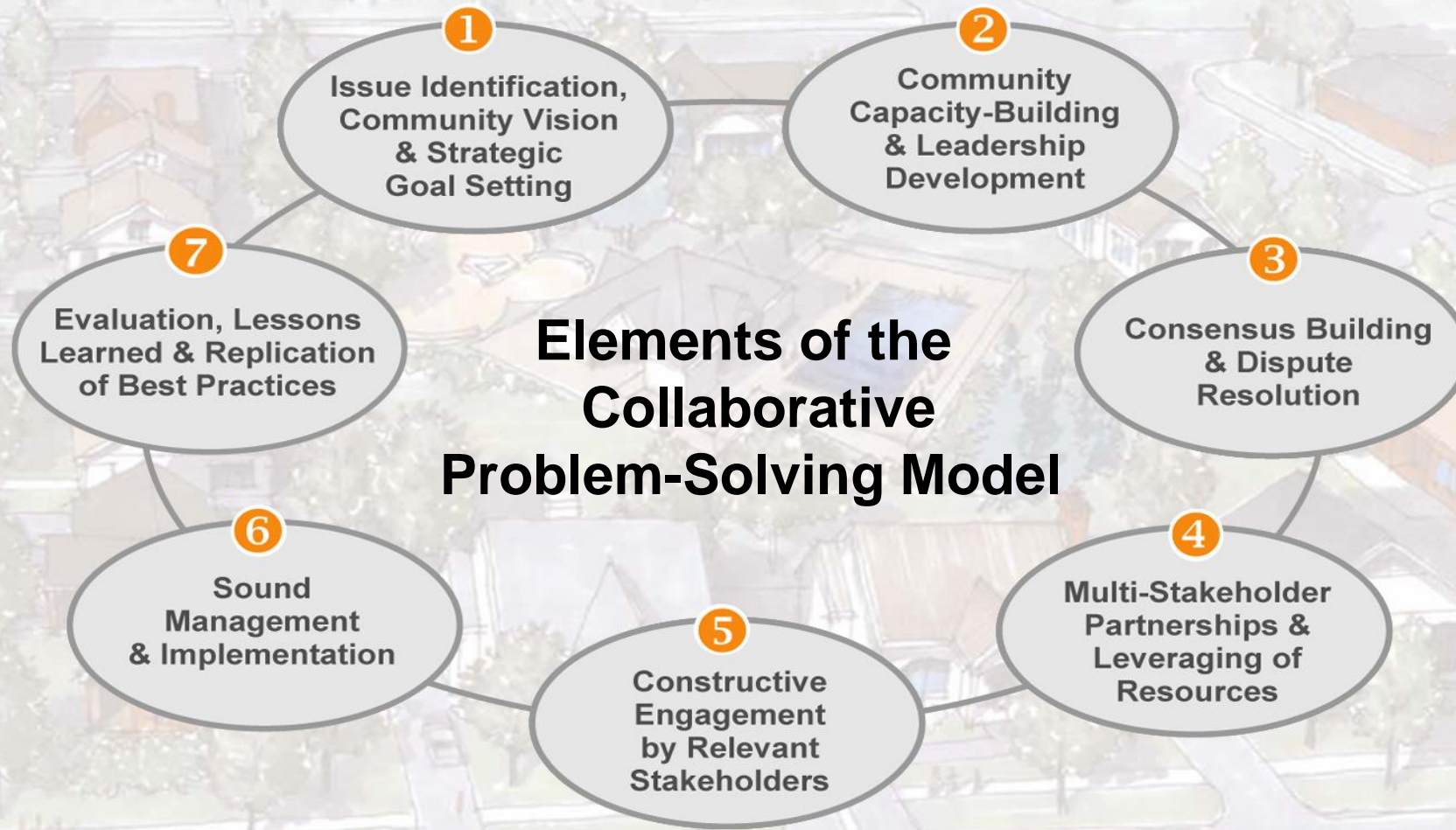
EPA
United States
Environmental Protection Agency
2201A
Washington, DC 20460

EPA-300-R-06-002
June 2008
www.epa.gov/compliance/environmentaljustice

Community-focused Collaborative problem-solving

EPA's CPS Model

Environmental Justice Collaborative Problem-Solving Model



HIA + CPS = Community Action Roadmap

| | Screening | Scoping | Assessment & Findings | Recommendations | Reporting | Monitoring & Evaluation |
|---|-----------|---------|-----------------------|-----------------|-----------|-------------------------|
| Identify Issues; Understand Community Vision; Set Strategic Goals | X | X | | | | X |
| Build Community Capacity; Develop Leaders | X | X | X | X | X | X |
| Build Consensus; Resolve Disputes | | X | X | X | X | X |
| Create Multi-Stakeholder Partnerships and Leverage Resources | | X | X | X | X | X |
| Support Constructive Engagement by Stakeholders | | X | X | X | X | X |
| Manage for Results | | | | X | X | X |
| Evaluate; Learn Lessons and Replicate Best Practices | | | | | | X |

Civil Rights Enforcement

Objective: Strengthen enforcement of and compliance with civil rights laws to address the legacy of pollution in overburdened communities.

> Investigating complaints of discrimination by decision makers that receive EPA financial assistance

- (87 filed since Jan 2021)

> Proactive external civil rights compliance

- Compliance reviews, training
- Guidance
- EJ/CR in Permitting FAQs
- Equity Action Plan

Office of External Civil Rights Compliance (OECRC)

What We Do

This office fulfills EPA's promise of protecting human health and the environment for all people in the United States. OECRC enforces federal civil rights laws, including Title VI of the Civil Rights Act of 1964, that, together, prohibit discrimination on the basis of race, color, or national origin (including on the basis of limited-English proficiency); sex; disability; or age by applicants for and recipients of federal financial assistance from EPA.

Location: [EPA Headquarters at Washington, D.C. Federal Triangle campus](#)

OECRC Organization

Anhthu Hoang, Acting Director