



Coordinating Environmental Justice at EPA

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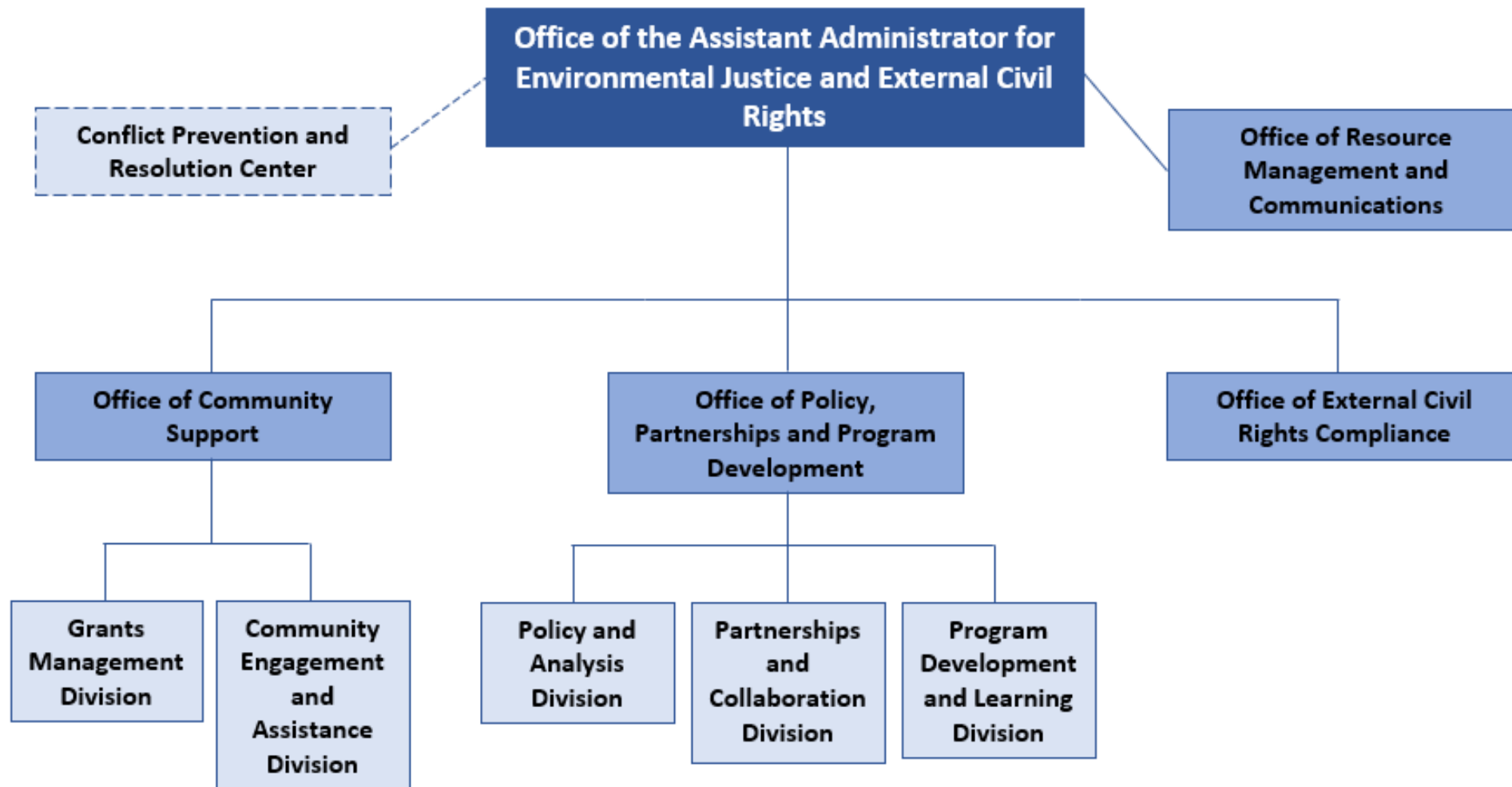
The Office of Environmental Justice and External Civil Rights

- EPA has combined three existing offices into a single new National Program Office: the Office of Environmental Justice, the External Civil Rights Compliance Office, and the Conflict Prevention and Resolution Center. The new office is the Office of Environmental Justice and External Civil Rights (OEJECR).
- A Senate-confirmed Assistant Administrator to lead this office.
- OEJECR will elevate environmental justice and civil rights at EPA and put it on the same playing field as the Office of Air, Office of Water, and other national programs.



Why

- EPA needs high-level, coordinated, and consistent leadership on environmental justice and civil rights to transform how EPA understands and implements its work—how it prioritizes program resources, allocates funding, implements statutory authorities, and engages communities.
- OEJECR will be laser-focused on making sure all relevant agency programs, policies, and regional activities reflect a renewed focus on environmental justice and external civil rights.
- The Assistant Administrator (AA) of the new NPM will serve at the same level as the other AAs and will facilitate critical, peer-to-peer discussions about changing the way EPA does its work.





Staffing Highlights

Environmental Justice

- In FY2021, EPA supported 36 FTE in the EJ Program. With the \$100M appropriation for FY2022, EPA will support **206 FTE** in the EJ Program—an increase of 170 FTE.
 - 84 FTE in the HQ environmental justice program.
 - 12 FTE for dedicated EJ staff in other HQ offices and national programs.
 - 110 FTE for EJ staff across the ten EPA regions (an increase from 13 FTE).

External Civil Rights Enforcement and Conflict Prevention

- With FY2022 appropriations, EPA is supporting 18 FTE for the External Civil Rights Compliance Office.
- With FY2022 appropriations, EPA is supporting 5 FTE for the Conflict Prevention and Resolution Center.

Total FTE in HQ and the Regions: 229



Office of External Civil Rights Compliance

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Title IX of the Education Amendments of 1972
- Federal Water Pollution Control Act Amendments of 1972
- Age Discrimination Act of 1975

Title VI of the Civil Rights Act of 1964

No **person** in the United States shall, on the ground of **race, color, or national origin**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any **program or activity receiving Federal financial assistance**.

42 U.S.C. Section 2000d





Title VI (cont.)

Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity... is authorized and directed to effectuate the provisions of [the law]... by issuing rules, regulations, or orders of general applicability....

2000d-1



EPA Regulations

Programs or activities receiving EPA assistance “shall not directly or through contractual, licensing, or other arrangements on the basis of race, color, or national origin...”:

- Subject a person to segregation or separate treatment;
- Deny a person or group the opportunity to participate as members of any planning or advisory body;
- Use criteria or methods of administration “which have the effect of subjecting individuals to discrimination...”;
- Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, aid, or benefit ...;
- “Choose a site or location of a facility that has the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination” among other things.

40 C.F.R. § 7.35



Civil Rights Laws Create Independent Obligations

- A recipient's compliance with the federal environmental laws in carrying out its permitting programs and decisions does not necessarily mean that the recipient is complying with federal civil rights laws.
- State, local, and other recipients of federal financial assistance have an independent obligation to comply with federal civil rights laws with respect to all of their programs and activities.
- Enforcement of civil rights laws and the full use of authority and discretion under environmental laws are complementary. Used together, they help to ensure the non-discriminatory protection of human health and the environment.

OIG Report & Strategic Plan



U.S. ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL



*Compliance with the law
Operating efficiently and effectively*

Improved EPA Oversight of Funding Recipients' Title VI Programs Could Prevent Discrimination

Report No. 20-E-0333

September 28, 2020

TITLE
VI

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Civil Rights Act of 1964



ECRCO Commitments to Strengthen the External Civil Rights Program

Commitments to the Office of Inspector General:

- Developing and implementing a plan to complete systematic compliance reviews.
- Developing and issuing guidance.
- Revising the Pre-Award Form 4700-4 review process to verify pre-award compliance.
- Developing and delivering training within EPA.

In EPA's Strategic Plan:

- Ensuring State recipients of EPA financial assistance have procedural civil rights programs in place.
- Working with EPA programs and regions to integrate environmental justice considerations and achieve civil rights compliance.
- Initiating proactive post-award civil rights compliance reviews and implementing audit program.
- Undertaking information sharing sessions and outreach and technical assistance events.



Helpful Tools

- [EPA Legal Tools to Advance Environmental Justice](#)
- [Interim Environmental Justice and Civil Rights in Permitting Frequently Asked Questions](#)



FAQs

- Intended for EPA, federal, state, tribal, and local agency use.
- Designed to assist permit writers and reviewers in identifying and addressing adverse disproportionate impacts in communities with Environmental Justice (EJ) concerns.
- Assists permitting programs to better understand how to integrate EJ into decision making and ensure compliance with civil rights laws.
- Not new guidance or policy and do not create new obligations.
- “Living” document: email EJ.permitting@epa.gov with any questions or feedback.



Topics

- EPA's responsibilities
- Relationship between EJ and civil rights
- Screening for EJ and civil rights
- Civil rights standards – for example, steps to evaluate whether an action has a disparate impact on the basis of race, color, or national origin
- Community Engagement
- Resources

