

# **ENVIRONMENTAL JUSTICE AT EPA**

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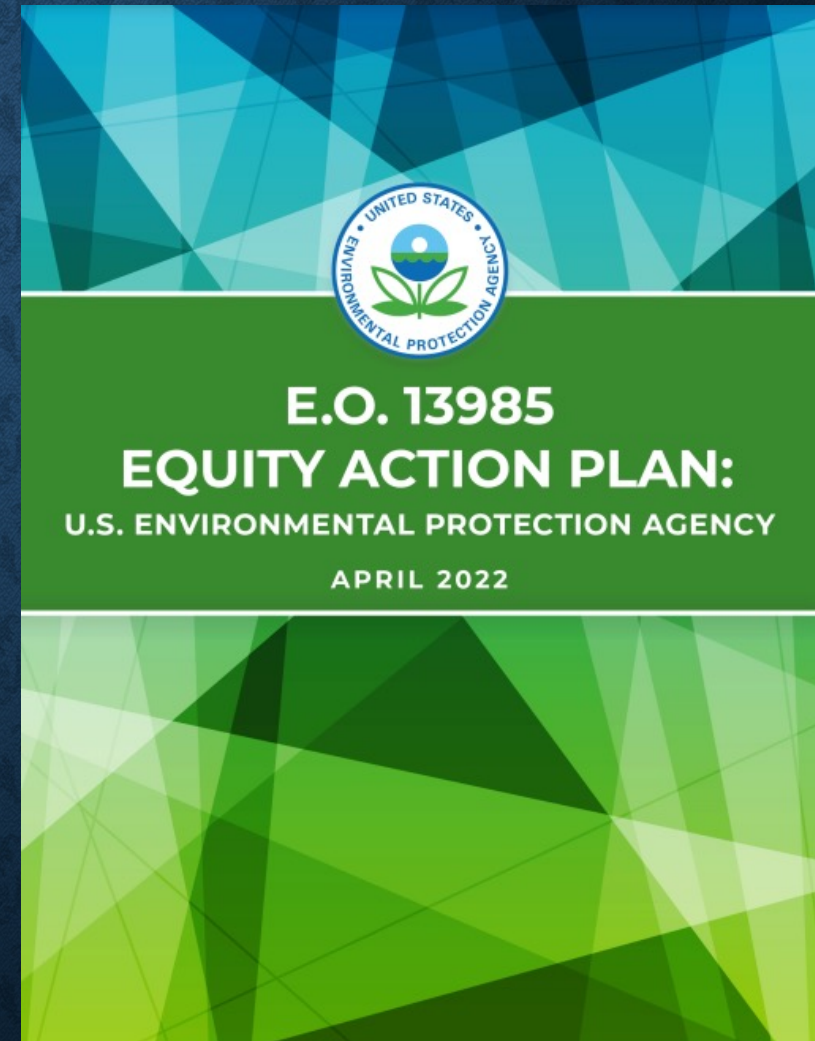
NACAA Spring Meeting  
May 18, 2022

# EO 13985

## Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government

JANUARY 20, 2021 • PRESIDENTIAL ACTIONS

- All of Government approach to equity
- Equity Action Plans crafted by every agency
- EPA's plan leans heavily into EJ



Enter a city, state or ZIP



# EO 14008

- Justice40 – at least 40% of the benefits of certain programs flow to disadvantaged communities
- Climate and Economic Justice Screening Tool
- EJ Scorecard
- Significant public engagement

## Things to know

This tool identifies communities that are marginalized, underserved, and overburdened by pollution. These communities are located in census tracts that are at or above the thresholds in one or more of eight categories of criteria.



The tool uses census tracts that represent about 4,000 people, which is the

# Executive Order on Tackling the Climate Crisis at Home and Abroad

JANUARY 27, 2021 • PRESIDENTIAL ACTIONS

# American Rescue Plan (ARP)

- EPA received a supplemental FY 2021 appropriation of \$100 million from the ARP to address health outcome disparities from pollution and the COVID-19 pandemic.
- EPA's appropriation was split into two \$50 million line items – one dedicated to support environmental justice (EJ) priorities, and the other dedicated to enhance air quality monitoring
  - On July 7, 2021, EPA announced its plans for the \$50 million in ARP funding available to improve ambient air quality monitoring for communities across the United States



# EJ ARP FUNDING AREAS

EJ Grants	DERA	Enforcement	Brownfields	Children's Health	Drinking Water
<p><b>\$16.65 million</b> will be used to fund EJ grants.</p>	<p><b>\$7 million</b> will fund a tailored use of the Diesel Emissions Reduction Act (DERA) rebate program to fund electric school buses in low-income communities.</p>	<p><b>\$5.13 million</b> will be used to expand civil and criminal enforcement to include monitoring near low-income communities and drinking water sources and for crime victim outreach.</p>	<p><b>\$5 million</b> will help communities tackle the challenge of assessing, cleaning up and preparing brownfield sites for redevelopment .</p>	<p><b>\$4.85 million</b> will fund the Children's Healthy Learning Environments Grant and Pediatric Environmental Health Specialty Units (PEHSUs).</p>	<p><b>\$4.70 million</b> will support drinking water needs with a focus on tribal and rural areas through in-person technical assistance.</p>

# EJ ARP FUNDING AREAS

<b>Community Technical Assistance</b>	<b>Tribal Engagement Efforts</b>	<b>EJSCREEN</b>	<b>EJ Analytical Projects</b>	<b>Policy Outreach</b>	<b>Administrative Costs</b>
<b>\$2.15 million</b> will build community capacity to address air and water issues in underserved communities through specialized technical assistance.	<b>\$1.6 million</b> for a grant solicitation to support efforts by tribes to engage their community members on priority EJ water and air quality issues.	<b>\$720k</b> will be used to enhance the development of EJSCREEN, the EJ analysis tool and support related resources.	<b>\$700k</b> will advance data analytics work in the Office of Air and Radiation.	<b>\$500k</b> will support new methods of outreach and support for critical EJ issues in the oil and gas sector.	<b>\$1 million</b> will be used for administrative costs (2% of funds).

# AMERICAN RESCUE PLAN – AIR MONITORING

EPA is making \$50 million in American Rescue Plan (ARP) funding available to **enhance ambient air quality monitoring in communities** across the United States. (<https://www.epa.gov/arp>)

## 1. Grant Competition for Community Monitoring (\$20M)

- EPA launched a \$20 million grant competition that called for proposals from nonprofit community-based organizations, state, Tribal and local air agencies -- individually or in partnerships -- to conduct monitoring of pollutants of greatest concern in communities with health outcome disparities.

## 2. Direct Awards to Air Agencies for Continuous PM<sub>2.5</sub> Monitoring and Other Common Air Pollutants (\$22.5M)

- EPA is in the process of awarding \$22.5 million to state, Tribal or local air agencies for enhanced monitoring of PM<sub>2.5</sub> and five other air pollutants regulated by the National Ambient Air Quality Standards under the Clean Air Act.

## 3. Enhanced Regional Capacity for Short-term Community Monitoring Needs (\$5M)

## 4. Administrative Support (\$2.5M)

# FY 2022 EJ BUDGET

EPA received a \$100M appropriation for its EJ program in FY22. This is an increase from approximately \$15M/year for over the last decade.

1. EJ Grants – EPA will develop a new grants and technical assistance programs based upon recipient and potential applicant feedback received this summer.
  - \$20M for direct community support
  - \$20M for states, tribes, local governments
  - \$11M for capacity building technical assistance to communities and their partners
2. EJ Staffing – EPA will invest in an expansion of dedicated EJ staff in headquarters and the regions
  - Increase to 110 staff throughout regions (currently 13)
  - Increase to 90+ in HQ (currently approx. 30)
3. Support for NEJAC, WHEJAC, EJScreen, etc.



# Draft FY 2022-2026 EPA Strategic Plan Framework

**Mission:** To Protect Human Health and the Environment

**Principles:** Follow the Science, Follow the Law, Be Transparent, Advance Justice and Equity



**Strategy 1:**

Ensure Scientific Integrity and Science-Based Decision Making



**Strategy 2:**

Consider the Health of Children at All Life Stages and Other Vulnerable Populations



**Strategy 3:**

Advance EPA's Organizational Excellence and Workforce Equity



**Strategy 4:**

Strengthen Tribal, State, and Local Partnerships and Enhance Engagement



**Goal 1:**

Tackle the Climate Crisis



**Goal 2:**

Take Decisive Action to Advance Environmental Justice and Civil Rights



**Goal 3:**

Enforce Environmental Laws and Ensure Compliance



**Goal 4:**

Ensure Clean and Healthy Air for All Communities



**Goal 5:**

Ensure Clean and Safe Water for All Communities



**Goal 6:**

Safeguard and Revitalize Communities



**Goal 7:**

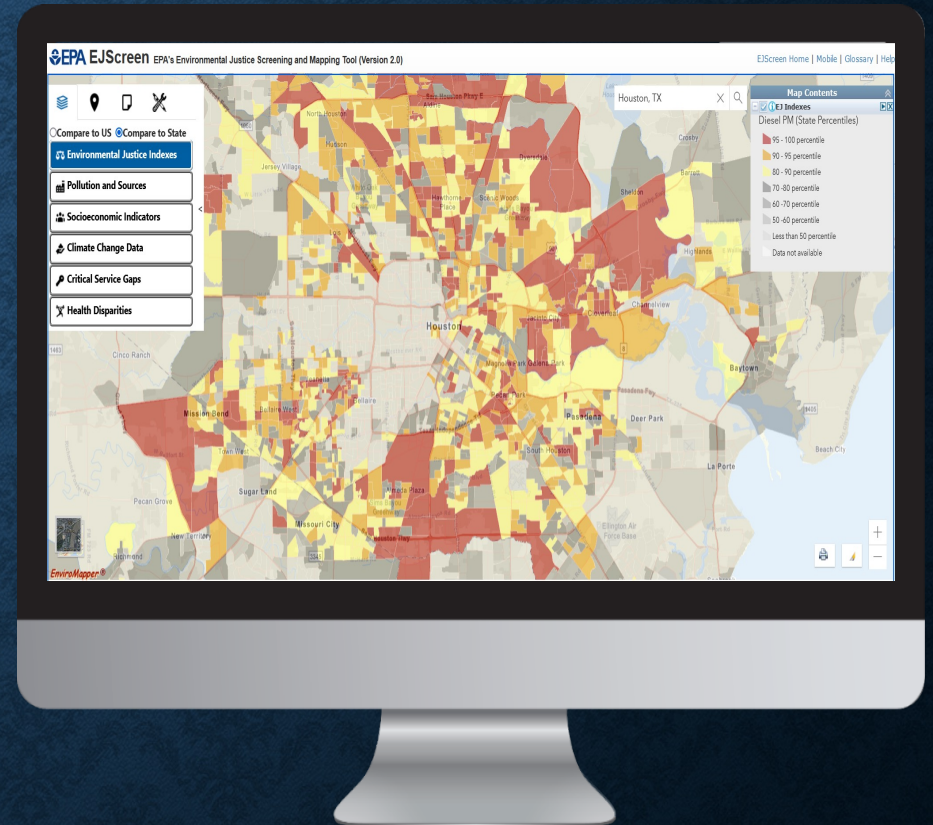
Ensure Safety of Chemicals for People and the Environment

# EJ ENFORCEMENT

- Memorandum from Acting Assistant Administrator Larry Starfield, Using All Appropriate Injunctive Relief Tools in Civil Enforcement Settlements, April 26, 2021 - (April 26, 2021)
- Memorandum from Acting Assistant Administrator for Enforcement and Compliance Assurance Larry Starfield, "Strengthening Enforcement in Communities with Environmental Justice Concerns" - (April 30, 2021)
- Memorandum from Acting Assistant Administrator for Enforcement and Compliance Assurance Larry Starfield, "Strengthening Environmental Justice Through Criminal Enforcement" (pdf) (June 21, 2021) " - (June 21, 2021)
- Memorandum from Acting Assistant Administrator for Enforcement and Compliance Assurance Larry Starfield, "Strengthening Environmental Justice Through Cleanup Enforcement Actions" (pdf) (July 1, 2021) - (July 1, 2021)

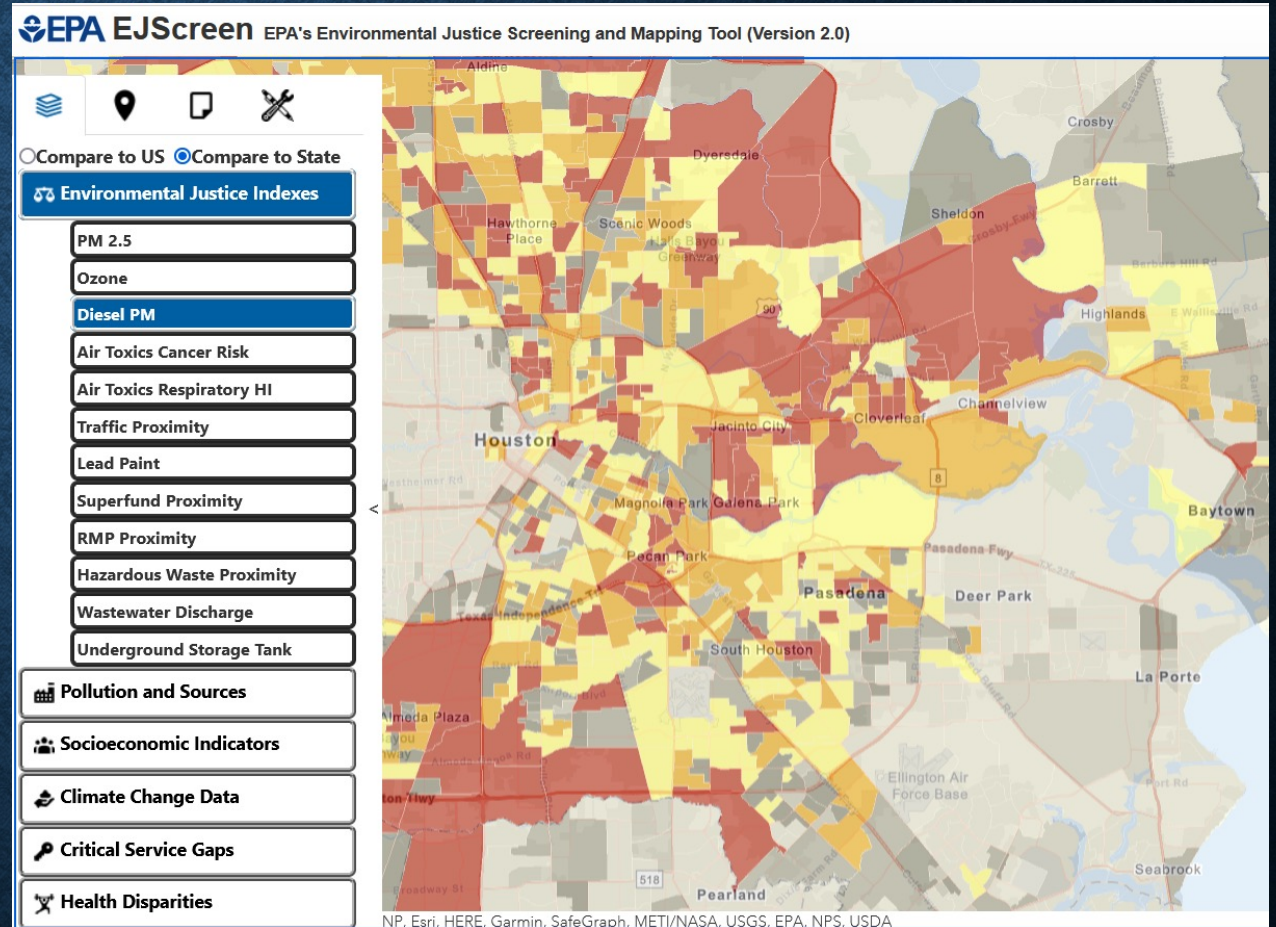
# What is EJSCREEN?

- EPA's web-based GIS tool for nationally consistent EJ screening and mapping
- Combines environmental and demographic data to highlight areas where vulnerable populations may be disproportionately impacted by pollution
- Starting point for agency considerations of environmental justice



# EJSCREEN KEY FEATURES

- 12 EJ Indexes – one for each environmental indicator
- Annually updated environmental data
- Annually updated demographics – from most recent U.S. Census data
- Highest resolution data available
- Ability to download data
- Accessibility / ease of use



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## Governor Murphy Signs Historic Environmental Justice Legislation

09/18/2020

*Nation's Strongest Measure to Protect Overburdened Communities from Pollutants*

Fulfilling a commitment to enact sweeping protections for environmental justice communities, Governor Phil Murphy today, alongside U.S. Senator Cory Booker, Mayor Ras Baraka, Senator Troy Singleton, Assemblyman John McKeon, and environmental advocates, signed legislation (S232), which requires the New Jersey Department of Environmental Protection to evaluate the environmental and public health impacts of certain facilities on overburdened communities when reviewing certain permit applications. New Jersey is the first state in the nation to require mandatory permit denials if an environmental justice analysis determines a new facility will have a disproportionately negative impact on overburdened communities.

The bill defines an overburdened community as any community where 35 percent of the households qualify as low-income according to the U.S. Census, 40 percent of households are minority, or 40 percent of households have limited English proficiency. There are approximately 310 municipalities with populations totaling approximately 4,489,000 that have overburdened communities within their municipalities.

are your views on

## Senate Bill S8830

2021-2022 Legislative Session

Makes provisions regarding the siting of environmental facilities in minority communities or economically distressed areas



# COMMUNITY PERSPECTIVE

“Throughout the Illinois EPA and CDPH permitting process, community members and environmental justice advocates have protested the location of Southside Recycling. These protests have centered on concerns about environmental and community impacts, as well as the equity implications of that may support de-industrialization of more affluent neighborhoods, while industry continues to be concentrated in areas like Chicago’s Southeast side.”



# AUTHORITIES

- Municipal code (giving CDPH Commissioner authority to “do any and all other acts which may be necessary” to implement powers given to her under the code; and to “advise, consult and cooperate with other agencies of the state and federal governments, and other governmental agencies to advance environmental protection”)
- Rules promulgated for permitting recycling facilities under that code “require applicants to demonstrate that proposed facilities will be designed and operated in a manner that prevents public nuisance and protects the public health, safety, and the environment.” (Rules include authority to consider history of compliance & material threat to continued compliance.)
- Other permit reviews by Illinois EPA and US EPA prior to municipal permitting decision



# HEALTH IMPACT ASSESSMENT

A tool that helps evaluate the potential health effects of a plan, project, or policy before it is built or implemented.



step 1

**SCREENING:** Determine the need and value of an HIA for the decision-making process.

The U.S. EPA recommended an HIA as a process to inform CDPH's decision on the Large Recycling Facility permit application. After considering key screening questions, CDPH determined that an HIA would provide necessary additional insight into the health equity impacts of the RMG/Southside Recycling proposal.

step 2

**SCOPING:** Determine which health impacts to evaluate, methods for analysis, and priority populations.

CDPH solicited broad input on the RMG/Southside Recycling permit. Through public town halls, an extended public comment period, and daily media monitoring, we received insight from thousands of community members, local organizations, environmental advocacy groups, public health professionals, and other stakeholders to help us understand the impacts – both positive and negative – of greatest interest. CDPH used this feedback to establish the HIA scope, which we validated through additional engagement meetings during the HIA process. The U.S. EPA provided guidance on methods for analysis.

step 3

**ASSESSMENT:** Gather existing conditions data and evaluate potential health impacts.

CDPH conducted a mixed-methods assessment to understand existing conditions and potential environmental, health, and social/quality of life impacts on the Southeast side. We reviewed literature to help us analyze the environmental, health, and quality of life impacts of industrial facilities. We received input directly from community residents through small-group feedback sessions and a survey conducted as part of the HIA process. The U.S. EPA, Agency for Toxic Substances and Disease Registry (ATSDR), and CDPH's environmental consultant provided new analysis, sampling, and modeling to help us quantify current exposures and associated health risks, as well as the potential impacts of the proposed Southside Recycling operations.

step 4

**RECOMMENDATIONS:** Make recommendations to mitigate negative impacts and maximize positive impacts.

CDPH reviewed best and promising practices from around the country and also sought input from stakeholders on policy or process reforms that would advance racial and health equity and environmental justice. Community members offered their recommendations through small-group feedback sessions and a survey.

step 5

**REPORTING:** Develop a summary report to communicate findings and recommendations.

CDPH has made our materials associated with the HIA process – including the permit application, public comments, HIA meeting documentation, and underlying data – publicly available on our [website](#). With this report, CDPH is sharing our analysis, interpretation, and recommendations.

step 6

**MONITORING:** Evaluate the effects of the HIA on the decision, implementation of the project, as well as community health effects.

CDPH is committed to applying the findings of the HIA to the ultimate RMG/Southside Recycling permit decision, as well as tracking the effects of this decision on the community. Our HIA includes a monitoring plan.

# PERMIT DECISION

- CDPH has determined that there is an unacceptable risk that the proposed facility would produce an increase in particulate matter, noise, and diesel emissions, the negative effects of which are magnified in a population with health vulnerabilities
- The interaction between potential adverse changes in air quality and quality of life caused by operations, and health vulnerabilities described in the HIA— together with the Applicant’s track record in operating similar facilities within this campus—presents an unacceptable risk.
- Cited racial equity concerns, including existence of two civil rights complaints under Title VI of Civil Rights Act

# OTHER RECOMMENDATIONS

- Increase monitoring, enforcement, and environmental protections for the Southeast side.
- Embed cumulative impact principles in zoning, permitting, and enforcement and engage the community in decision-making.
- Expand and enhance use of health and racial equity impact assessments to inform decision-making.”

# Implications of all these commitments

- All of government approach to equity and justice
- Bringing together compliance with civil rights laws and integration of EJ considerations across the environmental regulatory endeavor
- Disproportionality and cumulative impacts in regulatory decisions (i.e., permits, rules)
- Disproportionality and cumulative impacts in formal agreements with regulatory partners (i.e., states, tribes, local governments)
- Clear responsiveness to community input in our decisions
- Just treatment and meaningful engagement with communities with EJ concerns

Thanks!

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