



EPA REGION 2

ENVIRONMENTAL JUSTICE

ACTION PLAN

This document serves as USEPA Region 2's plan for integrating environmental justice into its programs, policies, and activities as well as to comply with EPA's Plan EJ 2014. As new or updated agency guidance and tools on environmental justice are adopted, Region 2 will assess the impact(s) these materials have on this plan's implementation, and perform subsequent modifications as necessary.

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Executive Summary

Administrator Gina McCarthy identified seven themes to guide the Agency in meeting the many challenges ahead. One of her themes, specifically “Making a Visible Difference in Communities across the Country,” speaks to the need for EPA to:

...take into consideration the impacts of our decisions on environmental justice communities through increased analysis, better science, and enhanced community engagement to ensure the protection of basic fundamental rights.

Clearly, this theme builds upon former Administrator Lisa Jackson’s priority to “[e]xpand the conversation on environmentalism and work for environmental justice.” In order to meet this challenge, EPA developed Plan EJ 2014 - a roadmap for addressing and integrating environmental justice (EJ) into the Agency’s actions and policies. Through five areas of cross-agency focus, four areas of tools development, and program initiatives, Plan EJ 2014 aims to:

- Improve efforts to protect human health and the environment in overburdened communities;
- Empower communities to take action to improve their health and environment; and
- Establish partnerships with local, state, tribal, and federal government entities as well as non-governmental organizations to achieve healthy and sustainable communities.

Regional Administrator Judith Enck has expressed her commitment to EJ, and to further amplify the Administrators’ challenges, has directed Region 2’s programs to integrate EJ into their work in concert with the national implementation of Plan EJ 2014. To carry out this mandate, the Council of Deputies (COD) has chartered the Region 2 Environmental Justice Working Group (REJWG) and charged it with developing a plan to achieve the Regional Administrator’s goals.

Since its first meeting in Fall 2011, the REJWG has been dedicated to developing the Region 2 EJ Action Plan (Action Plan), outlining EJ activities of each Division as well as plans for communicating these actions to stakeholders and for training staff. In addition to bringing the Region into alignment with Plan EJ 2014 and its national implementation plans, the REJWG is guided by three principles: 1) **practicability** – elements of the Action Plan should fit within the Agency’s budgetary constraints and statutory authority, 2) **replicability** – actions should be applicable in more than one context and improve the effectiveness of our programs, and 3) **evaluation** – the Action Plan should be evaluated and revised periodically in order to ensure continued efficacy.

This document lays out the Region 2 EJ Action Plan. In order to facilitate performance tracking and evaluation, the REJWG modeled the organization of the Action Plan after that of Plan EJ 2014. Here we summarize key elements of the Regional Action Plan; however, because some aspects of Plan EJ 2014 are national in scope, we only include those components anticipating Regional participation.

Cross-Agency Focus Areas

Under Plan EJ 2014, Cross-Agency Focus Areas address cross-cutting issues or functions that require work by all programs (or in the case of the EJ Inter-Agency Workgroup, all relevant agencies) and serve to advance environmental justice across EPA and the federal government. These issues require a

unified Agency approach toward policy and guidance development; many also require coordination among multiple federal agencies.

Regionally, achieving the Agency's commitments within these areas will mean the cooperation or collaboration of multiple programs within and between Divisions. Indeed, some actions will require greater engagement with stakeholders from other federal agencies, state, commonwealth, territorial, and local governments, and impacted communities. The REJWG has considered these needs in arriving at the following elements of the Action Plan. The following are some highlights of Regional actions to advance the goals of Plan EJ 2014; the full substance of the Region's activities will be discussed in more detail in the body of the EJ Action Plan.

EJ in Rulemaking – Rulemaking is primarily an EPA Headquarters responsibility. On occasion, National Program Managers (NPM) call upon specific Regions to lead a rulemaking effort. Region 2 staff will continue to support these national rulemaking efforts; the associated activities may include, but are not limited to, public outreach about the content and impact of the rule under review, collection of and response to comments, and analyzing the impact to human health and the environment.

EJ in Permitting – Region 2 is committed to integrating EJ into its permitting work. The Region has developed a Regional Implementation Plan which will ensure actions to enhance public participation in the issuance of permits where EPA is the lead Agency or as to comply with the Headquarters-issued directive [Actions that EPA Regional Offices Can Take to Promote Meaningful Engagement in the Permitting Process by Overburdened Communities](#), (Federal Register, 06/26/2012).

EJ in Enforcement and Compliance – Enforcement of our nation's environmental laws is the EPA's core mission. The Agency pledges fully to integrate EJ considerations into the planning and implementation of the Office of Enforcement and Compliance Assurance's (OECA) programs and case targeting strategies as well as the development of remedies in enforcement actions.

Supporting Community Action – The EPA has learned over the years that communities must be the driver for local solutions. However, far too many communities lack the capacity to truly change environmental conditions for the better. As a result, many low-income, minority, tribal, and indigenous communities in the United States live near areas affected by some of the nation's worst pollution. One of the biggest impediments to development in EJ communities is the presence of vacant lots. These sites (also called "brownfields because of their histories of land use which have resulted in contamination) withdraw land from economic and recreational use while inviting illicit activities such as illegal dumping and drug-related activities, just to name a few. Ironically, communities most impacted by brownfields are also those least able to overcome the legacy of pollution and to return valuable land resources to productive use. Region 2's Brownfields Program has used the Inter-Agency workgroup mechanism to engage federal partners and local governments in the redevelopment of brownfields in Puerto Rico. As a result, the Brownfields Program has enabled municipal governments to leverage the resources of state and federal agencies to fund and plan for development projects. Region 2's Emergency Response and Remediation Division (ERRD) plans to use this strategy to work with more municipalities in the Region.

Interagency Collaboration – The federal family manages a diverse and expansive array of resources. The federal work force offers subject matter expertise ranging from laboratory research to transportation logistics. Federal agencies also control large collections of facilities (e.g., laboratories, emergency staging areas, etc.) and tools (e.g., software, online databases, etc.) to accomplish almost any job to be found. Nationally, EPA Headquarters aims to harness the power of the federal government

to accomplish its EJ goals. Region 2 has followed this example, convening a number of federal interagency workgroups to complete single projects with specific geographic foci such as the Brownfield Inter-Agency Workgroup on Puerto Rico. The Region has also developed memoranda of agreement (MOAs) with specific agencies to complete projects that require targeted actions across a range of geographic targets such as flood planning in New York and New Jersey.

Tools Development

The EPA will focus on developing the methods, mechanisms, and systems that support EJ analysis, technical assistance, and community work. Although Headquarters NPM have primary responsibility in this arena, the Regions are responsible for their deployment.

Science – The EPA is known as the “science agency” and takes pride in informing its policies and decisions with the latest science and technology available. However, science literacy and the ability of ordinary citizens to participate in the Agency’s public debates remain very limited. Region 2 aims to ameliorate this deficit with the Citizen Science Program. Region 2’s Division of Environmental Science and Assessment (DESA) will support the growing Citizen Science movement with the goal of increasing public science literacy in tandem with environmental assessment capacity, thus fostering better public engagement in decision making. DESA will lead the Region in reaching this objective by conducting outreach and training activities such as workshops and facilitating partnerships between communities and their public institutions such as state government and academic centers.

Legal Tools – The Office of Regional Counsel (ORC) advises and supports Regional program offices on a variety of legal issues. ORC attorneys, thus, play key roles in the Region’s EJ efforts. In order to ensure its staff understands the Agency’s EJ objectives, the ORC will train its attorneys on the methodology and provide them with the tools necessary to conduct EJ analyses in their cases. This training will empower ORC attorneys to be more active participants in ensuring that EJ issues are addressed and overburdened communities are protected.

Information – As the old adage goes, “Knowledge is power!” Unfortunately, low-income individuals and communities often lack knowledge of and access to environmental information. Their plight is sometimes invisible to an EPA region. Region 2 EJ staff will conduct trainings both in-person for program staff and in webinar format for external stakeholders. The trainings will focus on the EPA’s line of tools and resources for analyzing environmental burdens and for visualizing community demographic as well as other EJ-relevant information.

Resources – the EPA provides financial and technical assistance to a variety of entities including state and local governments, community organizations, and research institutions in support of its environmental protection objectives and to advance technology development. Aiming to increase support to communities in need, the Regional Administrator has challenged the Region to simplify the grant process in order to facilitate improvements in such communities. The Clean Water Division’s New York-New Jersey Harbor and Estuary Program (HEP) heeded this call, developing a grant procedure that would include better public outreach about funding opportunities and reduce barriers to entry in order to level the playing field for smaller organizations located in communities of need.

Program Initiatives

Program Initiatives will focus on specific EPA programs. The Agency's programs are designed primarily to implement and enforce the nation's environmental protection statutes, such as the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act. Certain EPA programs are organized by media, such as air, water, and soil. Others are organized to address cross-Agency functions, such as enforcement, research, and information. Under Plan EJ 2014, each EPA NPM will identify programs that benefit communities with environmental justice concerns. The NPMs will in turn ask the Regions to make commitments to nationally developed initiatives. Region 2 intends to engage with Agency-wide programmatic initiatives to the fullest extent practicable.

Tracking Progress & Evaluating Success

The Action Plan should be a living document, elements of which should be evaluated and revised regularly. The respective participating Divisions of each element of the Action Plan will provide the COD with annual reports of their activities. The REJWG will evaluate the effectiveness of the Region's strategies for achieving the Agency's and the Region's EJ goals and make the appropriate revisions where necessary.

GLOSSARY OF ACRONYMS

(ACS) Annual Commitment System
(Action Plan) Region 2 EJ Action Plan
(APB) Air Programs Branch
(CAC) Citizens Advisory Committee
(CARE) Community Action for a Renewed Environment
(CASD) Clean Air and Sustainability Division
(CWD) Clean Water Division
(COCs) Communities of Concern
(CA) Corrective Actions
(COD) Council of Deputies
(CS) Citizen Science
(DESA) Division of Environmental Science and Assessment
(ERRD) Emergency and Remedial Response Division environmental indicators (EIs)
(EJ) environmental justice
(EWDJT) ERRD's Environmental Workforce Development and Job Training Program, formerly known as the Brownfields Job Training Program
(GAMB) OPM's Grants and Audits Management Branch
(GIS) Geographic Information System
(GPRA) Government Performance and Results Act
(HEP) New York-New Jersey Harbor and Estuary Program
(HWPB) Region 2 CASD's Hazardous Waste Permitting Branch
(IAWG) Brownfields Inter-Agency Work Group
(ICAGCP) Improved Community Awareness of Grant Competition Process
(ICIS) Integrated Compliance Information System
(ICR) Indirect Costs Recovery
(IRMB) OPM's Information Resources Management Branch
(LEP) Limited English Proficiency
(LIS) Long Island Sound
(LISO) Long Island Sound Office
(NJDEP) New Jersey Department of Environmental Protection
(NYSDEC) New York State Department of Environmental Conservation
(MOAs) memoranda of agreement
(MOUs) memoranda of understanding
(NPDES) National Pollutant Discharge Elimination System
(NPM) National Program Managers
(NYHHSP) New York's Healthy Homes Strategic Plan
(OECA) Office of Enforcement and Compliance Assurance's
(OGC) Office of General Counsel

(OGD) Office of Grants and Debarment
(ORC) Office of Regional Counsel
(ORD) Office of Research and Development
(OSP) Office of Strategic Programs
(PANYNJ) Port Authority of New York-New Jersey's
(PETE) National Partnership for Environmental Technology Education
(PSD) Prevention of Significant Deterioration
(RCRA) Resource Conservation and Recovery Act
(RARE) Regional Applied Research Effort
(REJWG) Region 2 Environmental Justice Working Group
(RFAs) Request for Applications
(RIAB) CASD's Radiation and Indoor Air Branch
(SC) CASD-Sustainable Community
(SIPs) State Implementation Plans
(SuperJTI) Superfund Job Training Initiative
(TRWL) EPA Technical Review Workgroup for Lead
(UW) Urban Waters
(VM) volunteer monitoring
(YEP) Youth in the Environment Project

EPA Region 2 EJ Action Plan

Introduction

Administrator Gina McCarthy identified seven themes to guide the Agency in meeting the many challenges ahead. One of her themes, specifically “Making a Visible Difference in Communities across the Country,” speaks to the need for EPA to:

...take into consideration the impacts of our decisions on environmental justice communities through increased analysis, better science, and enhanced community engagement to ensure the protection of basic fundamental rights.

Clearly, this theme builds upon former Administrator Lisa Jackson’s priority to “[e]xpand the conversation on environmentalism and work for environmental justice.” In order to meet this challenge, EPA developed Plan EJ 2014 - a roadmap for addressing and integrating environmental justice (EJ) into the Agency’s actions and policies. Through five areas of cross-agency focus, four areas of tools development, and program initiatives, Plan EJ 2014 aims to:

- Improve efforts to protect human health and the environment in overburdened communities;
- Empower communities to take action to improve their health and environment; and
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Regional Administrator Judith Enck has expressed her commitment to EJ, and to further amplify the Administrators’ challenges, has directed Region 2’s programs to integrate EJ into their work in concert with the national implementation of Plan EJ 2014. To carry out this mandate, the Council of Deputies (COD) has chartered the Region 2 Environmental Justice Working Group (REJWG) and charged it with developing a plan to achieve the Regional Administrator’s goals. The REJWG accordingly developed an EJ Action Plan to help the Region meet its EJ integration objectives.

Goal

The mission of the Regional Environmental Justice Workgroup (REJWG) is to provide advice and assistance to the Region 2 Council of Deputies (COD) in support of Region 2’s full implementation of Plan EJ 2014 and ensure the Region advance the EPA’s goal of integrating EJ into its actions in fulfillment of its mission. The Region 2 EJ Action Plan (Action Plan) provides the COD with a roadmap to guide Regional action in pursuit of these objectives. The Action Plan also serves as a tool for evaluating effectiveness of practices that could address EJ in overburdened communities.

In addition to its advisory role, the REJWG is charged with assisting in the coordination of the Region’s program activities to achieve EPA’s EJ goals. The REJWG will fulfill its mission through the following activities:

- Assist the COD in communicating Region 2's EJ related activities;
- Improve communication and awareness of EJ related concerns, actions, and activities among Regional staff and external stakeholders; and
- Create the framework for communicating the Action Plan, including REJWG responsibilities and performance measures.

Statement of the Issue

Since its first meeting in Fall 2011, the REJWG has been dedicated to developing the Region 2 EJ Action Plan (Action Plan), which outlines Division-specific EJ activities, as well as plans for communicating these actions to stakeholders and for training staff on EJ-related issues. In addition to aligning Regional activities with Plan EJ 2014 and its national implementation plans, the REJWG is guided by three principles: 1) practicability – the Action Plan must operate within the Agency's budgetary constraints and statutory authority, 2) replicability – actions should be applicable in multiple contexts and improve the effectiveness of our programs, and 3) evaluation – the Action Plan should be evaluated and revised periodically in order to ensure continued efficacy.

The REJWG began its analysis by conducting an inventory of the Region's current EJ-related efforts, asking Divisions to describe activities in which they either were already involved or to which they had committed as part of the National Program Managers (NPM) planning process. To distill replicable practices from these project descriptions, the REJWG developed a best practice analytical framework (Framework). The Framework included criteria for selecting practices to include in the Plan and a mechanism for evaluating and revising specific actions within the Plan. The REJWG intends that the revision process should include adding to (as well as removing) elements from the Action Plan depending on its effectiveness.

This document lays out the Region 2 EJ Action Plan. In order to facilitate performance tracking and evaluation, the REJWG modeled the organization of the Action Plan after that of Plan EJ 2014 and its national implementation plans. Because some aspects of Plan EJ 2014 are national in scope, we only include those components that anticipate Regional roles.

Cross Agency Focus Areas

Under Plan EJ 2014, Cross-Agency Focus Areas address cross-cutting issues or functions that require work by all programs (or in the case of the EJ Inter-Agency Workgroup, all relevant agencies) and serve to advance EJ across EPA and the federal government. They require a unified Agency approach toward policy and guidance development; many also require coordination among multiple federal agencies.

Regionally, achieving the Agency's commitments will mean the cooperation or collaboration of multiple programs within and between Divisions. Indeed, some actions will require greater engagement with stakeholders from other federal agencies, state, commonwealth, territorial, and local governments, and impacted communities. The REJWG has considered these needs in arriving at the elements of the Action Plan.

EJ in Rulemaking

Rulemaking is primarily an EPA Headquarters responsibility and the activities outlined in Plan EJ 2014 Headquarters-led efforts. The Regions can nevertheless play major roles in the rulemaking process. NPMs can call upon specific Regions to lead certain rulemaking actions. As outlined in the Action Development Process, the Regions may also participate in developing rules through the national workgroup – by providing subject matter expertise in scientific and policy analyses, by on commenting on proposed rules, and through concurrence the process. Region 2 staff will continue to support rulemaking efforts at the level required; these activities may include, but are not limited to, public outreach – which could include public information and training sessions – about the content and impact of the rule under review, collection of and response to stakeholder and internal comments, and analyzing (within the appropriate context and discipline requested by Headquarters) the proposed rule’s potential impact on human health and the environment. Therefore, where appropriate, the Region will share its expertise in subject matter focus areas as well as opportunities for addressing EJ in rulemaking endeavors by participating in national rulemaking workgroups.

EJ in Permitting

Region 2 is committed to integrating EJ into its permitting work. Within the Region, EPA currently directly controls and/or has oversight over permitting under the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, the Resources Conservation and Recovery Act, the Toxic Substance Control Act, and the Environment Protection and Community Right to Know Act; however, most permit actions are state issued. Region 2 will comply fully with the EPA Guidance set forth in the EPA document [Actions that EPA Regional Offices Can Take to Promote Meaningful Engagement in the Permitting Process by Overburdened Communities](#), (Federal Register, 06/26/2012).

Strategy 1: Develop tools that will enhance the ability of overburdened communities to participate fully and meaningfully in the permitting process.

Regional Administrator’s Challenge: Avoid pollution shuffle – we should not shift urban pollution into suburban areas but make operations *cleaner*.

Air Permit EJ Analysis Protocol – The Clean Air and Sustainability Division’s (CASD) Air Programs Branch (APB) EJ Analysis Permit Protocol, which applies to Prevention of Significant Deterioration (PSD) applications, addresses the common problem of identifying EJ communities of concern and targeting action to reduce impacts in the permitting process. As a result, APB permit conditions have become more protective. Moreover, because of the transparency of the process, stakeholders and staff are much more comfortable with the finished product. The protocol has enabled the Region to collect and exploit data for collateral uses (e.g., source reduction, enforcement, and compliance assistance). The improved understanding of existing air quality in EJ communities, gained from the baseline data on environmental conditions in the areas reviewed, has improved Regional staff’s ability to communicate with stakeholders during and subsequent to the permitting process.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • EJ analysis <i>per</i> Region 2 Interim EJ Policy and EJ Screening Tool • Determination of potential for disproportionate air quality impact • Work with applicant to conduct a cumulative source analysis • Other modeling and monitoring as necessary 	<ul style="list-style-type: none"> • Permit provisions that address disproportionate air burden • Understanding of existing conditions from modeling and monitoring data • Data made available for collateral uses 	<ul style="list-style-type: none"> • EJ Policy Guidance • EJ Screening Tool • Consultation with EJ Staff

Strategy 4: Develop, test, and finalize tools.

Incorporating EJ into Region 2’s Permitting Processes – Region 2’s permitting programs are committed to comply fully with EPA’s policy to conduct outreach in order to achieve enhanced public participation in permitting actions in which EJ may be implicated and where the EPA is the lead permitting authority.

Prevention of Significant Deterioration Permits – Region 2 CASD-APB developed a protocol to increase public participation in permits. The program pioneered the “public availability session,” a meeting held in the community at which stakeholders are invited to ask EPA and other subject matter experts familiar with the issues raised as part of the permit application questions about the permit and its potential environmental impacts. Stakeholders can obtain, among other things: a plain language description of the project, answers to the technical issues associated with the permit action, information about the expected environmental and health impacts, and an explanation of the permitting process especially where they can affect decision making. This protocol applies to the Region’s priority PSD permits. The PSD permitting program will also participate in the Region’s EJ Permitting Regional Implementation Plan to Promote Enhanced Public Participation in Permitting Actions.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Identify and make public (as appropriate) existing data, studies and key documents relating to the action • Hold public meetings at times and places reasonably convenient for public attendance • Appoint single contact for EJ concerns and technical questions • Translation where necessary and appropriate • Provide public summary of EPA's comment responses and access to the entire comment response once the permit has been issued 	<ul style="list-style-type: none"> • Community is well informed about permit actions and afforded a meaningful opportunity to participate in the decision making process • To ensure information is relevant to the permitting action • EPA contact for technical questions and concerns • Accessible public meetings 	<ul style="list-style-type: none"> • Informational fact sheets to explain the permitting process • Public materials written in plain language • Resources to carry out varied communication techniques (e.g., mailings, posters, local newspapers, emails, web) • Translation services • EPA Guidance for applicants

[National Pollutant Discharge Elimination System \(NPDES\) Program](#) - Region 2 Clean Water Division’s (CWD) NPDES Program issues permits for construction associated with new and major modifications of major and non-major facilities that discharge effluence. The NPDES Program will focus on applications associated with permits for construction of new and modification of “major” and “non-major” (as defined in federal regulations found at 40 CFR 122.2) industrial facilities that may have significant public health or environmental impacts. The program will also use the Region 2 EJ screening tool (and when launched, EJSCREEN) to determine whether permitting actions might affect overburdened communities. The program will continue to take appropriate action to ensure the meaningful participation of overburdened communities in the decision making process of EPA-issued permitting action. This protocol applies to the Region’s priority NPDES industrial construction permits. The program will also be part of the Region’s EJ Permitting Regional Implementation Plan to Promote Enhanced Public Participation in Permitting Actions.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Identify and make public appropriate data, studies and key documents relating the action • Hold public meetings at times and places reasonably convenient for public attendance • Appoint single contact for EJ concerns or technical questions • Enhanced public involvement incorporated into staff performance planning • Provide public summary of EPA's comment responses and access to the entire comment response once the permit has been issued 	<ul style="list-style-type: none"> • Community is well informed about permit actions and afforded a meaningful opportunity to participate the decision making process • To ensure information is relevant to the permit action • EPA contact for technical questions and concerns • Accessible public meetings 	<ul style="list-style-type: none"> • Informational fact sheets to explain the permitting process • Public materials written in plain language • Resources to carry out varied communication techniques (e.g., mailings, posters, local newspapers, emails, web) • Translation services • EPA Guidance for applicants

[Hazardous Waste Permitting Program](#) - Region 2 CASD’s Hazardous Waste Permitting Branch (HWPB) issues and oversees delegated state programs issuing permits for operation of waste facilities. The HWPB has developed a plan to enhance public participation, particularly by stakeholders in overburdened communities, in the decision making process around permitting Resources Conservation and Recovery Act (RCRA) facilities. As part of this plan, HWPB will periodically identify facilities that are targeted for RCRA permitting that are located in areas with known or suspected EJ concerns. The RCRA Program personnel will execute this plan in priority permitting actions where EPA is the lead Agency. For State-issued RCRA permits, HWPB staff will coordinate, as part of the annual workplan development process, with counterparts in the New York State Department of Environmental Conservation (NYSDEC) or the New Jersey Department of Environmental Protection (NJDEP) to encourage each states’ use of relevant tools to identify EJ communities and to implement public outreach as appropriate to the state’s needs and resources for the review of priority permits. (Please see Appendix 3). HWPB will coordinate with the respective state agencies to assess the effectiveness of tools used. RCRA Program personnel will also participate in the Region’s EJ Permitting Regional Implementation Plan to Promote Enhanced Public Participation in Permitting Actions.

For permitting actions in Puerto Rico and the US Virgin Islands, the Caribbean Environmental Protection Division (CEPD) will incorporate the plan elements into its permitting process and, on an

as needed basis only (e.g. based on level of complexity of permit conditions) will consult with CASD/HWPB before finalizing permits.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Identification of facilities targeted for RCRA permitting in areas with known or suspected EJ concerns • Use of relevant EJ tools (where identified) in issuance of RCRA permits • Identification, refinement, and update of tools relevant to addressing EJ concerns • Assessment of the effectiveness of tools used 	<ul style="list-style-type: none"> • Permit decisions account for EJ goals • Enhanced public participation • Active participation of overburden communities in the RCRA permit decision-making • Reduced level of concern of overburdened communities about potential risks from the past and current waste management practices at RCRA facilities. 	<ul style="list-style-type: none"> • EJ screening tools, such as EJSCREEN • Consultation with EJ staff and others within EPA • Consultation with relevant local non-profit EJ group(s) • Consultation with owner/operator of facility • Consultation with State agencies

For details on permitting programs’ enhanced public participation protocols, please see Appendix 3, the *Region 2 Implementation Plan for Enhanced Public Participation in Permitting*.

National Pollutant Discharge Elimination System (NPDES) Program Section 301(h) Waivers - CEPD has developed a process to perform an EJ analysis when proposing NPDES permits for 301(h) facilities. The EJ analysis begins by identifying the communities that could be impacted by the permit decision. Typically, a radius of a mile to a mile and a half around the permitted facility is used. Once the area of concern is determined, the communities within the radius are identified. CEPD uses demographic data are used to compare the population of the area of concern versus the population of the municipality where the permit action is being taken. Additionally, other sources of pollution within the area of concern are identified and compared to sources of pollution in the municipality. Furthermore, previous citizen complaints are verified and included as background information of the area of concern. If necessary, additional requirements are included in the proposed permit to address these problems.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Identification of EJ community of concern • Use of relevant EJ tools to address EJ concerns • Collect, verify, and use citizen complaints to address EJ concerns • Assessment of multiple sources and multiple media within an area of concern 	<ul style="list-style-type: none"> • Permit decisions account for EJ goals • Compilation of community concerns for use in a variety of actions 	<ul style="list-style-type: none"> • EJ screening tools, such as EJSCREEN • Consultation with EJ staff and others within EPA • Consultation with relevant local non-profit EJ group(s) • Consultation with owner/operator of facility • Consultation with State agencies

EJ in Enforcement and Compliance

Enforcement of our nation’s environmental law is at the heart of the EPA’s mission. The Agency has pledged fully to integrate EJ considerations into the planning and implementation of the Office of Enforcement and Compliance Assurance’s (OECA) program strategies, case targeting strategies, and development of remedies in enforcement actions to benefit overburdened communities. Region 2 aims to comply fully with OECA’s EJ directives.

Strategy 2: Advance environmental justice goals through targeting and development of compliance and enforcement actions.

Use EJSCREEN to Identify Government Performance and Results Act (GPRA) 2020 Facilities in EJ Communities of Concern (COCs) for Targeting Updates to Corrective Actions (CA) to Address EJ Concerns – The CASD-HWPB will use EJ screening tools, such as EJSCREEN or EJSEAT, to identify GPRA 2020 facilities located in areas with known or suspected EJ concerns. Once EJ-relevant GPRA 2020 facilities are identified, HWPB will assess each facility’s operation taking into consideration the associated EJ communities of the host community and update the facility’s RCRA Corrective Action 2020 Strategies accordingly. For EPA-lead corrective action facilities, HWPB will implement, in coordination with ERRD and CEPD, the updated RCRA Corrective Action 2020 Strategies at the same time it addresses relevant EJ concerns. For State-lead corrective action facilities, HWPB will work with the Regional Federal Facility Program Manager, NYSDEC and/or NJDEP to identify any federal facilities with potential EJ implications and to evaluate whether any federal or state equivalent RCRA enforcement mechanisms are appropriate for the implementation of the corrective action at these facilities. HWPB will coordinate with program counterparts in NYSDEC and NJDEP to encourage the states to update RCRA Corrective Action 2020 Strategies and address EJ concerns accordingly. HWPB will work with counterparts from the NYSDEC and NJDEP RCRA program to achieve two environmental indicators (EIs) (for an explanation this program see e.g., “Current Human Exposures under Control” or “CA725” and “Migration of Contaminated Groundwater under Control” or “CA750”) and the remedial decision of “Remedy Construction Completion” or “CA550” for the facilities.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> Identify GPRA 2020 facilities located in EJ COCs Reassessment of GPRA 2020 facilities with consideration of relevant EJ concerns Updated RCRA CA 2020 Strategies Achieve critical CA events (such as Environmental Indicators and CA550) for RCRA facilities located in EJ COCs Issuance of federal or State equivalent RCRA enforcement mechanisms, where EJ issues are targeted to be addressed 	<ul style="list-style-type: none"> Elimination or reduction in potential risks associated with waste management practices at RCRA facilities in EJ COCs Agency enforcement mechanisms used to target potential risks to overburdened communities from the past and current waste management practices at RCRA facilities Achievement of Environmental Indicators CA725 and CA750 and remedial decision CA550 for Corrective Action facilities 	<ul style="list-style-type: none"> EJ screening tools, such as EJSCREEN, EJSEAT, etc. Consultation with EJ staff and other divisions within EPA Consultation with relevant local non-profit EJ group(s) Consultation with owner/operator of facility Consultation with State agencies

Strategy 3: Enhance use of enforcement and compliance tools to advance EJ goals in Regional geographic initiatives to address the needs of overburdened communities.

Geographic Targeting of Compliance Monitoring Sweeps – DECA developed the Geographic Targeting Strategy in order to increase the effectiveness of its enforcement and compliance monitoring efforts. DECA uses EPA EJ screening tools to identify a community of concern, and meets with community-based stakeholders to understand their environmental and health concerns. With the necessary information, DECA assesses its resources and may enlist the involvement of sister agencies to conduct a compliance monitoring sweep of the location. This approach allows DECA concurrently to focus its resources on a community in need and use its available resources to address those issues – such as health impacts – of most concern to community stakeholders. Moreover, the activities conducted help to strengthen relationships with agencies within the federal family, facilitating collaborations in future law enforcement efforts. This practice has been used with great success in a number of regional enforcement and compliance initiatives. Currently, DECA is implementing this strategy in Tonawanda, New York, Ironbound section of Newark, New Jersey, and through its Children’s Health effort.

For Puerto Rico and the US Virgin Islands, CEPD will continue to focus its Clean Water Act enforcement activities on communities, such as those surrounding the Martin Peña Channel, known to have EJ concerns. CEPD aims to reduce sewage discharges and the attendant adverse effects to human health. CEPD will also work communities that lack connection to the Puerto Rico Aqueduct and Sewer Authority’s drinking water service (referred to as “non-PRASA” communities) in order to assist them in accessing potable water that meets the Safe Drinking Water Act standards.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Identification of EJ area • Determination of environmental burden • Meeting with impacted community to determine concerns • Determination of link between regulated facilities and community’s health concerns • Determination of compliance issues • Identification of human resources and flexibility in annual planning commitments • Collaboration with state and municipal agencies in order to synergize efforts and develop joint approach • Active collaboration with sister agencies 	<ul style="list-style-type: none"> • Achieve better compliance from sources • Directly address community concerns regarding environmental quality and health impacts of pollution sources 	<ul style="list-style-type: none"> • EJSCREEN • Region 2 Interim EJ Policy • Health assessment of target community (e.g., data sources could include government and community self-reporting for health status) • Financial support for personnel to devote time and resources to the additional analysis required as part of geographic targeting • Flexibility in annual commitments

Compliance Assistance Geographic Initiatives - DECA will explore multimedia outreach for place-based EJ community efforts. The geographic area will be selected based on a thorough EJ screening combined with the opportunity for leveraging established internal and external partners and an openness from the community to partner with EPA. Equally important in the selection of the geographic area of focus is the density of federally regulated facilities in the overburdened community, especially small businesses, and the potential environmental footprint from these facilities particularly if pollution from these sources will exacerbate the already existing environmental problems of concern to the overburdened communities in that area. Once an area

is selected, EPA Region 2 will reach out to the regulated universe in that area to improve their understanding of applicable federal environmental requirements as well as pollution prevention opportunities and best management practices (e.g. green infrastructure). Moreover, we will work closely with the local government and community representatives in order to ensure that the local leadership has the ability to continue on their own to improve the environmental footprint of their community without EPA direct involvement, including the promotion of citizen science. Currently, DECA is conducting such an initiative in Paterson, New Jersey.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Partnership Meetings • Stakeholder Meetings • Mass Mailings • Tool Development • Facility Compliance Assessments • Webinars/Workshops • Websites/Social Media 	<ul style="list-style-type: none"> • Improved Environmental Footprint of the Regulated Community • Increased Awareness of Environmental Issues & Associated Regulations & Best Management Practices by Industry, Community Leadership, & Other Stakeholders • Local Government Capacity Building • Better working relationships with other government agencies 	<ul style="list-style-type: none"> • EJ Screening Tool • GIS • DECA’s Environmental Tool Library • Enforcement Data Systems • Dunn & Bradstreet • “Sharepoint,” “Quickplace”, or similar sites to facilitate exchange of information internally and externally

Using Geographic Focus as Part of an Integrated Problem-Solving Strategy for RCRA

Enforcement – The CASD-HWPB will use EJSCREEN to determine whether EJ concerns exist in the host community of its RCRA enforcement work. If such issues are uncovered, HWPB will work with other Regional program offices and/or State counterparts to evaluate whether any federal or state equivalent RCRA enforcement mechanisms are appropriate as part of integrated problem-solving strategies focused on particular geographic areas.

Measures of Success:

Outputs	Results	Tools
<ul style="list-style-type: none"> • RCRA Enforcement Actions assessed for EJ concerns • Coordination of EPA and states in RCRA enforcement planning and activity 	<ul style="list-style-type: none"> • Use of Integrated problem-solving strategies in RCRA enforcement 	<ul style="list-style-type: none"> • EJ Screening Tool • Tools for coordination within EPA and with state partners

Strategy 4: Seek appropriate remedies in enforcement actions to benefit overburdened communities and address EJ concerns.

Identifying EPA Civil Enforcement Cases with Potential EJ Concerns - DECA will review formal civil enforcement actions per OECA guidance for potential EJ concerns and report our findings in the national Integrated Compliance Information System (ICIS). Once identified, the applicable enforcement program will, as much as practicable, assess what the community concerns are in the area impacted by the enforcement action, determine whether these concerns relate to the violations being addressed by the enforcement action, and if so, evaluate whether opportunities exist to utilize the case to address those concerns. DECA will take appropriate action, as resources allow, addressing the community concerns it identifies through these investigations.

Measures of Success:

Outputs	Results	Tools
<ul style="list-style-type: none"> • Civil Enforcement Actions assessed for EJ concerns • Identification of opportunities for EPA to use the case to address community concerns • EPA gather human health and environmental data of the local community 	<ul style="list-style-type: none"> • EJ concerns taken into account during settlement negotiations • Data on community that can be shared with other Divisions 	<ul style="list-style-type: none"> • EJ Screening Tool • Tools for investigating human health and environmental data of impacted communities

Promoting Supplemental Environmental Projects (SEP) to Benefit EJ Communities – CEPD developed a practice to use the enforcement mechanism SEP to bring environmental protection and improvements to EJ communities of concern in Puerto Rico. CEPD does so by promoting the use of SEPs among respondents of civil or administrative cases involving low-income communities; one such effort facilitates community access to municipal water and sewer services. Although the Puerto Rico Aqueduct and Sewer Authority (PRASA) provides services to 97% of Puerto Rico’s more than 3.7 million residents, a significant number of disadvantaged communities remain without water and/or sewer access. Past SEPs have provided PRASA’s drinking water services to non-PRASA communities, PRASA’s sanitary sewer services to underserved communities and on-site systems maintenance to EJ communities. CEPD will continue to pursue these types of projects.

Measures of Success:

Outputs	Results	Tools
<ul style="list-style-type: none"> • Civil Enforcement Actions assessed for EJ concerns • EPA gather data on human health and environmental concerns in local community • Identification of opportunities for EPA to use the case to address community concerns 	<ul style="list-style-type: none"> • Community needs taken into account during settlement negotiations • Data on community that can be shared with other Divisions • More EJ communities in PR will receive PRASA service 	<ul style="list-style-type: none"> • EJ Screening Tool • Tools for investigating human health and environmental of impacted communities

Strategy 5: Enhance communication with affected communities and the public regarding EJ concerns and the distribution and benefits of enforcement actions, as appropriate.

Communicating Public Participation Benefits and Opportunities in EPA’s Decision-Making Process – Region 2 CASD has a developed a suite of actions aimed at improving communication between EPA programs and stakeholders. CASD will develop educational materials such as fact sheets about: a) decision making processes (e.g., permitting), b) project-specific information, and c) in the case of RCRA, facility-specific information for hazardous waste facilities listed under the GPRA 2020. CASD will make these materials available for public access on the internet and other means. With regard to RCRA issues, CASD-HWPB will work with other program offices and/or state counterparts to provide the public with opportunities to participate when issuing, revising, or modifying RCRA permits or orders requiring safe waste management and/or site cleanup that may impact an EJ area. HWPB will continue maintaining and updating fact sheets of RCRA facilities on the EPA RCRA website with information on EPA and State contacts. If needed, HWPB will provide additional informational materials where relevant, such as fact sheets, statement of basis, etc.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> Implementation of applicable components of the “Enhanced Public Participation in Permitting Guidance” Maintenance and update of the EPA RCRA website providing Fact Sheets for the GPRA 2020 facilities 	<ul style="list-style-type: none"> Active participation of overburden communities in the agency decision-making 	<ul style="list-style-type: none"> EPA RCRA website EJ screening tool

Supporting Community-Based Actions

The EPA has learned over the years that communities must be the driver for local solutions. However, far too many communities lack the capacity, on their own, to truly change environmental conditions for the better. As a result, many low-income, minority, tribal, and indigenous communities in the United States live near areas affected by some of the nation’s worst pollution. To address these challenges, the EPA has implemented programs to support community empowerment and provide benefits ranging from basic educational and leadership development to comprehensive approaches. These programs include:

- Financial assistance programs: [Environmental Justice](#), [Community Action for a Renewed Environment \(CARE\)](#), [Brownfields Area-Wide Planning](#), [Lead](#), and [Tribal](#) grants
- Community-based programs: [Local Climate and Energy](#), [Childhood Asthma](#), [Sustainable Communities and Smart Growth](#), [Urban Waters](#), [Superfund](#), and [Brownfields](#)

Plan EJ 2014 builds upon EPA’s efforts to improve the effectiveness of community-based programs through better information access, coordination, and leveraging to support community empowerment. In these activities, EPA also builds upon its expertise in implementing community-based programs. With this approach, Plan EJ 2014 will help communities achieve environmental, health, and economic improvements.

Strategy 1: Advance EJ principles by building strong state and tribal partnerships.

Improving Air Quality Through Strengthened State Partnerships for Diesel Reduction – Region 2 CASD’s APB has developed a strategy for strengthening its partnership with state and Tribal agencies to bring about improved air quality in the Region. First, APB will make its EJ objectives clear by incorporating EJ language in Request for Applications (RFAs) targeted at government entities. Second, APB will take steps to increase collaboration between EPA and State and Tribal governments. Such actions include coordinating support for community air monitoring efforts, developing multi-stakeholder strategies to address concentrated sources of diesel pollution (e.g., ports), support for Clean Diesel projects, educating community groups about diesel emissions reduction strategies – with translation support where appropriate and feasible, focused outreach about Clean Diesel grant opportunities, and developing State Implementation Plans (SIPs) so as to achieve the greatest protection for communities. These actions will result in a better educated public, greater cooperation between stakeholders, and improved air quality.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Incorporate EJ language in RFAs to States and Tribes • Collaboration with State and tribal agencies to pursue community air monitoring projects as appropriate • Multi-stakeholder strategies to address concentrated sources of diesel pollution such as ports • Clean diesel projects that reduce the environmental burden in EJ COCs • Develop Spanish language clean diesel campaign materials • Presentations to community groups on reducing emissions from the legacy diesel fleet • Outreach to eligible applicants and potential partners about Clean Diesel grant opportunities • Consider EJ in negotiating SIPs 	<ul style="list-style-type: none"> • Assistance awards that address EJ concerns • Communities educated about air quality concerns, techniques and applicability issues associated with monitoring technology • Empowerment of community members and groups to develop strategies and implement diesel emission reduction projects • Reduced diesel emissions resulting in improved air quality and health outcomes • Increased collaboration among stakeholders in goods movement • Increased access to information resources for Limited English Proficiency (LEP) communities • Improved capacity of stakeholders in EJ COCs to apply for federal funding targeting diesel emission reduction projects • Federally enforceable ozone and particulate matter regulations to bring areas into attainment with air quality standards 	<ul style="list-style-type: none"> • Coordination with EPA headquarters office • Technical assistance from divisions • EPA Clean Diesel web site and print materials • Diesel Emissions Quantifier • Northeast Diesel Collaborative tools • SmartWay tools • Grant management database • EPA SIP toolkit and guidance documents

Improving Region 2’s Tribal Partnership – CWD has established a strategy to strengthen EPA’s partnership with tribes in order to ensure tribal capacity to achieve shared environmental protection goals. A major challenge to the Region’s ability to ensure environmental and human health protection on tribal lands is that many of our tribal partners like the Onondaga Nation who will not accept federal funding, despite having many environmental burdens, because of sovereignty concerns. CWD has overcome this impediment in its partnership with the Onondaga Nation by developing a Request for Applications (RFA)-based, competitive grant process to fund non-profit, third-party organizations to assist the Nation in addressing its environmental concerns. The RFA requires applicants to demonstrate the Onondaga Nation’s support for the application. A similar approach could be used with other tribal nations that similarly limit or refuse federal funding. In this case, the Onondaga Environmental Institute was the grantee and will provide the following services to the Onondaga Nation:

- Implement a cultural awareness program to promote public education on the Onondaga Nation’s cultural and spiritual relationship to the environment of the Onondaga Creek Watershed
- Train teachers and other Indian community leaders on the causes, effects, extent, prevention, reduction and elimination of water pollution
- Conduct a water quality monitoring program for Onondaga Creek to identify sources of contamination and assess the potential threats of exposure to the Onondaga Nation

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Strategy to provide support to tribal nations that accept limited or refuse federal funds • Grants to support environmental education, training and research 	<ul style="list-style-type: none"> • EPA addresses Tribal environmental concerns through partnerships with mutually trusted third party organizations 	<ul style="list-style-type: none"> • Grant support

Strategy 2: Identify scalable and replicable elements of successful Agency community-based programs and align multiple EPA programs to more fully address the needs of overburdened communities.

Fish Advisories in Onondaga County – Subsistence fishing from polluted water bodies is prevalent in Region 2 water bodies. The issue is of EJ concern because the primary impacted populations are low income and/or minority communities who often have language barriers to understanding and accessing information about the dangers of consumption of fish from these waters. With state and local partners in Onondaga County, CWD will conduct a pilot program to provide outreach to at-risk communities in order to communicate the health concerns related to eating fish caught from Onondaga Lake. CWD will establish partnerships with state and local government entities as well as non-profit organizations and tribes in order to build support for its activities and to ensure the sustainability of the effort. CWD will evaluate the outcomes of the collaborative outreach effort and determine the feasibility of similar Region-wide action.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Outreach strategy to communicate with at-risk communities • Accessible, easy-to-understand fish advisories • Coordination and partnership building with local organizations 	<ul style="list-style-type: none"> • At-risk communities are better informed about health risks associated with consuming fish from Onondaga Lake • Maintenance of fish advisories through EPA partnerships with organizations located in Onondaga County 	<ul style="list-style-type: none"> • Environmental and sociological data to inform fish advisories • Media tools to share information with at-risk communities

Fish Advisories in the New York-New Jersey Harbor & Estuary – Fish consumption advisories are needed in the waters of the New York-New Jersey Harbor & Estuary because potentially toxic chemicals have been found in fish and crabs harvested from local waters. In 2009, at the request of the North Shore Waterfront Conservancy on Staten Island, the New York-New Jersey Harbor & Estuary Program (HEP) established a partnership with the New York City Department of Environmental Protection and the New York State Department of Health to identify waterfront landowners around the Kill Van Kull and obtain permission to post signs warning against consuming seafood from the area. Simultaneously, HEP has been working with and secured some funding to assist the HEP Citizens Advisory Committee (CAC) to support efforts aimed at improving communication of fish advisories and assess the potential to establish a common interstate message about consuming fish from polluted water bodies. HEP will continue to work with interested parties to communicate with impacted communities about fish consumption issues. <http://harborestuary.org/minutes/cac-12may24.pdf>

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Outreach strategy to communicate with at-risk communities • Accessible, easy-to-understand fish advisories • Coordination and partnership building with local organizations 	<ul style="list-style-type: none"> • At-risk communities are better informed about health risks associated with consuming fish from polluted waters • Formation of partnerships among EPA, citizen groups, the NYS DOH 	<ul style="list-style-type: none"> • Environmental and sociological data to inform fish advisories • Webinars to discuss common interstate advisory message

Strategy 3: Promote an integrated OneEPA presence to better engage communities in the Agency’s work to protect human health and the environment.

Promoting an OneEPA Presence to Advance the Administration Priorities in the Long Island Sound (LIS) Program Funding Opportunities – CWD developed a strategy to integrate administration wide priorities into its range of water protection programs in urban environments. CWD coordinates the Region’s Urban Waters (UW) Initiative, a competitive funding opportunity that supports programs aimed at improving water bodies in urban areas. Region 2’s grants will support educational community events, training youth and landowners in watershed science and green infrastructure, increasing habitat for wildlife, and improving river access. In order to promote an OneEPA presence in water quality protection, CWD’s Long Island Sound Office (LISO) integrated the UW Initiative as a priority category in the Long Island Sound Study grant program, the LIS Futures Fund. The move will expand the LISO’s ability to address urban waters. The announcement also emphasizes other UW priorities such as green infrastructure and low-impact development in urban areas.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Increased number of proposals to the Long Island Sound Futures Fund that have a strong UW Component 	<ul style="list-style-type: none"> • EPA priorities integrated into Regional funding programs • Increase the impact of the UW Initiative • Long Island Sound program applicants are better informed about EPA priorities 	<ul style="list-style-type: none"> • Grant selection criteria

Using Education to Empower Communities to Access and Manage Safe Drinking Water Systems – A major challenge for underserved communities in Puerto Rico is the lack of technical expertise in managing drinking water systems. CEPD has developed the tools to help communities do so properly and conducts regular trainings to non-PRASA communities. The trainings have empowered many communities to take charge of their own water systems. For communities with no or poor electrical service, CEPD includes material on powering water maintenance systems with solar energy.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Collaborate with EJ communities of concern to ensure access to safe drinking water • Disadvantaged communities are trained on the skills needed to maintain a safe drinking water system 	<ul style="list-style-type: none"> • EJ communities of concern are empowered to manage their own drinking water system • Underserved communities can take charge of their own water systems even if they lack electrical power service • More EJ communities of can rely on safe drinking water 	<ul style="list-style-type: none"> • Technical assistance EPA/Regional programs • Continued funding support for outreach

Strategy 5: Explore how EPA funding, policies and programs can inform or help local decision makers to maximize benefits and minimize adverse impacts from land use decision making, planning and siting through Interagency Collaboration.

Regional Administrator’s Challenge: We need to increase green jobs opportunities and access in low-income areas. Low-income areas need jobs and our efforts should be focused on bringing green jobs into these areas. We [also need to] support urban agriculture given our current authorities.

Brownfield Inter-Agency Work Group on Puerto Rico – Communities most impacted by former industrial sites are also often those least able to overcome the legacy of pollution and to return valuable land resource to economically productive use. Yet one of the biggest impediments to redeveloping contaminated properties is lack of communication between federal, state, and municipal government entities involved in regulation of or providing resources for such projects. The situation is made worse by the failure to communicate effective or by poor communication with stakeholders in the impacted community. To facilitate improved communication between stakeholders, ERRD has established the Brownfields Inter-Agency Work Group (IAWG) in order to streamline brownfields redevelopment in Puerto Rico. The IAWG’s objective is to establish a forum for state and federal agencies to interact with municipalities in order to advise and guide them through the redevelopment process and to implement brownfield-related projects in a way that improve the environmental, social, and economic conditions for local residents. EPA and the Office of the Governor of Puerto Rico have convened 14 biennial meetings since 2004. The federal partnership has enabled municipal governments to leverage the resources of the state and federal agencies to fund and plan for development projects. Spurred by its success in Puerto Rico, ERRD is forming similar work groups in New York and New Jersey.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Establishment of an advisory council of state and federal officials who meet biennially to assist and guide municipalities in the development and implementation of brownfield projects • Inclusion of relevant community stakeholders to participate in biennial meetings • Advice from Agency representatives 	<ul style="list-style-type: none"> • Community participation and identification of development areas • Leverage federal resources • Increased transparency and accountability of planning process • Address concerns of diverse stakeholders with specificity and collegiality • Increased satisfaction through increased accountability and targeted dissemination of resources and outreach 	<ul style="list-style-type: none"> • Facility and support to form a network of local, state, and federal contacts. • Agency and Regional support, both material and political, for engaging municipal and community participation.

<ul style="list-style-type: none"> • Establishment of a clearinghouse for resources (e.g., funding , permitting processes, technical and educational assistance, and Agency contacts) . • Effective project management through regular progress reports and follow-up with action items for each municipality soon after the conclusion of each meeting 	<ul style="list-style-type: none"> • Improved efficiency <ul style="list-style-type: none"> - Permit requirements and process - Availability of grants and loans - Availability of technical support - Information about other municipalities with similar projects - Recommendations to make the project more viable & fundable - Opportunities for project promotion - Contact names and phone numbers of key personnel from appropriate agencies 	
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Fostering Administration-Wide Action on Environmental Justice

The Federal Family manages a diverse and expansive assemblage of resources. Indeed, the federal workforce alone hosts a veritable arsenal of subject matter expertise ranging from laboratory research to emergency planning. Federal Agencies also control large collections of facilities and tools to accomplish almost any job to be found. EPA aims to harness the power of the federal government to accomplish its EJ goals. Region 2 has taken this strategy to heart developing two specific mechanisms to use interagency cooperation to improve its operations. First, Region 2 has convened interagency workgroups to complete single projects with specific geographic foci such as the Brownfield Inter-Agency Workgroup on Puerto Rico. Second, Region 2 has developed Memoranda of Understanding/Agreements (MOUs and MOAs) with specific agencies to accomplish a set of actions across a range of geographic targets.

Strategy 2: Work with other federal agencies to strengthen use of interagency legal tools, such as the National Environmental Policy Act and Title VI of the Civil Rights Act of 1964.

Ensuring Transportation Reviews Include A Close Look at EJ Issues – CASD Mobile Source Section has developed a standard review protocol to include outreach and partnership building with stakeholders, including agencies from all levels of government and metropolitan planning organizations, in order to ensure projects needing federal approval (e.g., grantees of federal funding, projects requiring federal permits, etc.) fully comply with General and Transportation Conformity requirements. CASD is confident that this action will result in planning strategies that will encourage lasting environmental benefits such as improved air quality of projects in non-conformity areas.

Intergovernmental Consultation to Ensure Consideration of EJ in Federal Action – CASD has developed a regular review and consultation process in order to support federal agencies and state partners in addressing EJ in their activities. For example, on an ongoing basis, CASD-APB provides information, meets and consults with other federal and state agencies regarding Clean Air Act general conformity requirements. CASD-APB also reviews potential project- and area-specific mitigation needs; the most recent example of such a review was APB’s consultation with the Army Corps of Engineers about air emissions associated with the New York Harbor Deepening project. CASD-APB also provides Particulate Matter Hotspot analysis guidance for federal and state partners implementing projects in EJ communities such as the support APB gave to the Tonawanda Sustainability Economy-Energy-Environment effort and the study of the Peace Bridge’s congestion and mitigation needs. CASD’s Mobile Source Section administers the Transportation Conformity consultation for metropolitan planning organizations.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Collaboration with agencies at all levels of government and metropolitan planning organizations to ensure compliance with General and Transportation Conformity requirements 	<ul style="list-style-type: none"> • Project with federal funding or permits in non-attainment areas conform to SIP • Development strategies that encourage lasting benefit to the environment beyond the project period 	<ul style="list-style-type: none"> • Staff expertise • Hot spot modeling guidance • EPA emission modeling systems: MOVES, NONROAD and NMIM

Strategy 3: Foster healthy and sustainable communities, with an emphasis on equitable development and place-based initiatives.

Sustainable Community Building Through Federal Partnerships – CASD’s Sustainability Program formed partnerships with a variety of federal agencies including the Department of Housing and Urban Development (HUD), the United States Department of Agriculture (USDA), the Department of Transportation (DOT), and the Federal Emergency Management Agency (FEMA) in developing a plan to coordinate federal action and leverage resources in order to support communities in New York and New Jersey to take steps to increase their sustainability and resiliency against disasters. The partnership has helped to develop inventories of sustainable practices to be shared between communities in Region 2, foster sustainability planning and disaster mitigation, and coordinate state and federal agencies to take full advantage of resources under their command to support community action. The Sustainability Program used this tool in developing the Paterson, NJ Flood Resilience planning process as part of a Memorandum of Agreement between the EPA and sister agencies including FEMA, the United States Army Corps of Engineers (USACE), the United States Small Business Administration (USSBA), the United States Department of Labor (USDOL), HUD, and the USDOT Federal Highway Administration (FHWA).

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Enhanced federal collaboration • Inventory of sustainable practices implemented in selected communities • Cross-agency collaboration to foster sustainability and disaster mitigation • Establishing a Charter to guide federal action and reflect priorities of local, state and federal stakeholders • Accomplishments in Paterson pilot: <ul style="list-style-type: none"> - Green streets workshop tailored to need of the City of Paterson. - Dedication of FEMA FTE to Paterson sustainability/recovery effort. - GIS maps highlighting flood zones, facilities, and EJ communities of concern located within area 	<ul style="list-style-type: none"> • Increased leveraging and coordination of federal assistance to several communities in NY and NJ • Enhanced ability of communities to develop sustainable infrastructure and increase resiliency • A community planning process guided by internally consistent policies and aligned with sustainability goals (e.g., flood mitigation, transportation, housing, and master plans) 	<ul style="list-style-type: none"> • Staff expertise • The Partnership for Sustainable Communities website and Sustainable Communities Resource Guide • HQ’s Building Blocks Program • Guidance to facilitate local officials’ alignment of planning and policies governing land use, hazard mitigation planning, and infrastructure for services such as transportation • Support for local businesses located within the 100-year flood zone <ul style="list-style-type: none"> - Promote sustainable practices - Improve compliance with relevant environmental laws, and - Reduce flooding risk

Using National and Regional Resources to Promote Green Building and Create Green Jobs – CASD’s Community Sustainability Program (with support from the HQ Office of Policy) provided technical assistance, through the Smart Growth Implementation Assistance program, to the New York City Office of Comprehensive Neighborhood Economic Development and the Coalition for the Improvement of Bedford-Stuyvesant to create a long-term vision and comprehensive strategy to facilitate smart growth and green building development in the community of Bedford-Stuyvesant (Bed-Stuy) in Brooklyn, New York. Augmenting this effort, Region 2 OSP secured funding from Headquarters OEJ to implement a green jobs demonstration that expanded the City’s home weatherization training program to include technologies that improve indoor air quality, reduce energy load, use reclaimed and recycled materials, and native landscaping. CASD also assisted in developing a planning process that allowed for community input into the types of skills offered in the job training program. Moreover, the planning program anticipates the use of research to assess and incorporate community needs such as specific skills and certification needed to remedy some of the community’s extant pollution challenges into future programmatic offerings.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Long term vision and overall strategy to facilitate smart growth and green building development • Green jobs training programs including technologies that improve indoor air quality, reduce energy load, use reclaimed and recycled materials and native landscaping • Establishment of a process for community input and research on future skills and credentials needed to overcome environmental burdens • Partnerships with local government and community groups to promote green jobs 	<ul style="list-style-type: none"> • Residents acquire job skills with potential for employment • Trained workforce capable of implementing beneficial environmental technology • Building and infrastructure improvements to enhance environmental performance 	<ul style="list-style-type: none"> • EPA Smart Growth web pages and guidance material • Technical assistance from EPA staff • EPA Green Building web pages and guidance material • EPA Green Infrastructure website

Strategy 4: Strengthen Community Access to Federal Agencies

Healthy Homes Outreach Partnerships with HUD and States – CASD’s Radiation and Indoor Air Branch (RIAB) developed a strategy to increase community capacity to take action to reduce radon and other indoor air “pollution” in homes. RIAB partners with federal and state agencies to promote indoor air quality issues. RIAB works with HUD on outreach about Healthy Homes programs and funding including those associated with radon. The Program also works with states such as New York to develop its Healthy Homes Strategic Plan to include action on radon and asthma reduction.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Outreach to grantees to improve applications for HUD Healthy Homes funding including radon • Collaborate with HUD on Healthy Homes • State collaboration on radon initiatives • Collaborate with NYS on their Healthy Homes Strategic Plan (NYHHSP) 	<ul style="list-style-type: none"> • Access to radon funding through Community Development Block Grants. • A coordinated plan to reduce racial and ethnic asthma disparities • Inclusion of radon in New York State Healthy Homes Strategic Plan • Asthma trigger reduction in NYHHSP 	<ul style="list-style-type: none"> • HUD Safe and Healthy Homes (One Touch) • Federal Radon Action Plan • Federal Action Plan to reduce Racial and Ethnic Asthma Disparities

[A Planning Guide to Leverage Resources of Federal Agencies](#) – CASD-Sustainable Community (SC) is developing a comprehensive list of sustainable practices currently being implemented in selected communities in the Region (e.g., Paterson, NJ, a neighborhood in Jersey City, NJ, and Syracuse, NY) to use as a model “guide” for community sustainability planning. CASD-SC will use the inventory as a starting point to solicit the appropriate financial and technical assistance for HUD, DOT and/or EPA funding and other resources that would facilitate communities’ ability to develop more sustainably. CASD-SC is piloting the protocol for compiling relevant technical information and policies as part of the FEMA/ EPA MOU around sustainability and disaster mitigation in Paterson, NJ. CASD-SC is also working with HUD, USDA, and DOT to develop a Partnership cross-training that CASD-SC will potentially deliver to external stakeholders.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Inventory of sustainable practices implemented in select Region 2 communities • Cross-agency collaboration to foster sustainability and disaster mitigation, potential expansion to external stakeholders 	<ul style="list-style-type: none"> • Enhanced ability of communities to develop sustainable infrastructure and increase resiliency 	<ul style="list-style-type: none"> • Support for HUD/DOT/EPA MOU • FEMA/EPA MOU • HUD, USDA, DOT and EPA Partnership Cross-training participants

Tools Development

Tools Development will focus on developing the methods, mechanisms, and systems that support environmental justice analysis, technical assistance, and community work. Although EPA Headquarters NPMs are responsible for the research and development of tools, the Regions will be responsible for integrating their use in programs for which they have responsibility.

Science

The EPA is known as the “science agency” and takes pride in informing its policies and decisions with the latest science and technology available. The Agency is similarly proud of its tradition of transparency in environmental decision making. However, science literacy, and therefore the ability of ordinary citizens to participate in EPA’s public debate about environmental protection, remains limited. Moreover, EJ communities continue to be plagued by multiple pollution sources that, although their impacts are readily seen in health, odor, and other complaints, are largely outside of official monitoring and data collecting systems. Region 2 is committed to remedy the gap between communities’ experience and government assessment of their environments through its Citizen Science Program.

Strategy 1: [Apply integrated trans-disciplinary and community-based participatory research approaches with a focus on addressing multimedia, cumulative impacts, and equity in environmental health and environmental conditions.](#)

[Air Monitoring Study to Evaluate Effectiveness of Port-Related Emission Reduction Policies](#) – CASD’s APB has partnered with the Office of Research and Development (ORD) to implement a study of the air quality around the Port of New York-New Jersey. The study is funded by the EPA’s Regional Applied Research Effort (RARE) research grant program and will help Region 2’s air programs to determine the extent to which the actions taken under the Port Authority of New York-New Jersey’s (PANYNJ) Clean Air Strategy will lead to emission reductions. CASD-APB will provide

project summaries including the study’s results showing reduced diesel emission in and around EJ areas.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> Document results of the effectiveness of PANYNJ’s Clean Air Strategy 	<ul style="list-style-type: none"> Educate communities near the Port of NY-NJ about their air quality and whether actions aimed at reducing diesel emission were effective 	<ul style="list-style-type: none"> Funding for research Tools to help communicate with EJ communities

Strategy 2: Incorporate perspectives from community-based organizations and community leaders into EPA research agendas and engage in collaborative partnerships on science and research to address environmental justice.

DESA Caribbean Science Consortium – A common challenge in our Caribbean territories is that state and academic research institutions, individually lack the capability or capacity to conduct environmental science programs and activities. Moreover, the limited resources they do command are not leveraged systematically to optimize effectiveness. DESA has addressed this issue by working with government and academic scientific institutions in the U.S. Virgin Islands and Puerto Rico to establish the EPA Region 2 Caribbean Science Consortium. The Consortium is intended to help to expand science collaboration and facilitate the exchange of information on our mutual environmental science programs and activities.

The Consortium is comprised of members of DESA, CEPD and government and university organizations in Puerto Rico and the US Virgin Islands. The Consortium, under DESA’s coordination, will identify and share resources, where applicable, including technical assistance, education, and outreach. The Consortium will leverage the strengths and resources of individual member institutions in order to build the capacity of the Commonwealth of Puerto Rico and the United States Virgin Islands to respond to their environmental needs.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> Develop a Charter for the Consortium to identify mission, goals and membership Develop an Annual Workplan to address key short-term and long-term objectives of the Consortium Increase the technical capacity of territories to participate in EPA decision making with respect to both research planning and environmental protection actions Leverage existing resources available of the Consortium members 	<ul style="list-style-type: none"> Established relationships with Consortium members Training and continuing education of Consortium members Regular communication and conferences with and among consortium members Mechanism for Consortium members to collaborate and exchange information 	<ul style="list-style-type: none"> Personnel for coordination of the Consortium Travel to meet with Consortium members and attend conferences on the islands Sponsor periodic meetings/conferences of the Consortium Training of Consortium staff

Creating Partnerships with Academic Institutions to Document and Address Relationship Between Environmental Contamination and Community Health Outcomes – A major challenge for environmental justice communities of concern is documentation of the relationship between environmental contamination and health outcomes. Through partnership with academic research institutions and non-governmental organizations, CEPD has developed a strategy for addressing difficulty. One example of success in this arena is CEPD’s establishment of a Memorandum of Understanding with the Ponce School of Medicine and Health Services (PSMHS) and the Proyecto Enlace, under which the PSMHS is conducting an epidemiological study of the communities surrounding the Martin Peña Channel. The study aims to characterize the health status of residents and determine whether health conditions such as gastrointestinal illnesses correlate to the exposure to contaminated flood waters. CEPD will use the data collected to help the community explore solutions to the potential threat to health and the environment.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Develop an MOU with PSMHS and Enlace • Develop a plan for an epidemiological study of the connection between community gastrointestinal health and exposure to contaminants in flood waters • Data determining relationship between flood water contaminants and health • Strategies for mitigating health threats related to flood waters 	<ul style="list-style-type: none"> • Stronger relationship between EPA and PR academic institutions and communities • Better understanding of relationship between flood-related environmental contamination and health outcomes • Mitigation of flood water impacts on community health 	<ul style="list-style-type: none"> • Personnel for coordinating with partners • Support for pursuing strategies for mitigating health impacts of flood waters • Support for distributing results of study

Strategy 5: Build and strengthen technical capacity of community-based organizations and community environmental justice and health leaders to address environmental health disparities and environmental sustainability issues.

Regional Administrator’s Challenge: Build environmental assessment capacity and scientific literacy among the general public in the Region; focus on expanding the availability of monitoring equipment as tools for citizens to learn more about the environment.

DESA Citizen Science Initiative – A common problem in environmental assessment for state and federal agencies is capacity – regulators simply cannot cover every pollution-generating activity across the range of geographies for which they are responsible. In the past two decades, Citizen Science (CS) has emerged as the solution to this challenge. CS is a form of research that enlists ordinary citizens in collecting large quantities of data across a variety of environments and time spans. As a teaching tool, CS projects have been remarkably successful and citizen scientists are potentially valuable resources for expanding public science knowledge and literacy. For research and data acquisition, current CS practices are becoming increasingly reliable because they emphasize scientifically sound methodology and measurable goals. The modern CS movement was born from long-standing programs employing volunteer monitoring (VM). DESA has a long history supporting VM programs for natural resource management, and the Division has developed robust ties with local Water VM Programs. Continuing this tradition, the current initiative aims to use CS as a tool to promote citizen engagement in environmental stewardship and to expand EPA’s and the states’ abilities to track pollution and its sources. A major priority for DESA in FY2012 (and FY2013) is the

expansion of CS to provide tools, education and training aimed at empowering citizens and community groups to monitor their environment. DESA recognizes that having the tools and knowledge about how to use them is only half the answer as exemplified by the fact that although increased accessibility and usability of monitoring technology has contributed to the recent explosion of CS activity, difficulties remain in data quality and interpretation. Therefore, a key feature in the Region’s CS program is to provide technical assistance on project design and data quality assurance.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Workshops to provide citizen scientists/community groups with the tools and guidance to understand and address environmental protection, natural resource management, and EJ issues • Increase engagement of CS and VM organizations in EPA/state environmental protection efforts • Build a science network/partnership with academic institutions and non-profit organizations • Address USVI air monitoring capacity • Facilitate implementation of state VM programs • Increase awareness of and compliance with EPA and state QA rules for organizations contributing to water and air monitoring 	<ul style="list-style-type: none"> • Collaboration with states and individual CS/VM organizations to assist in identifying and addressing environmental issues • Region’s data collection, outreach, and science education needs met through a multi-level approach that includes EJ analysis, demographic targeting, and GIS tools • Tailored approach to design of methodology based on individual organization or problem needs. 	<ul style="list-style-type: none"> • EPA HQ and Region 2 VM web sites • Guidance geared towards technical and community assistance • Region 2 CS web site and Wiki (future development)

Reducing Contamination of Watersheds in EJ Communities of Concern – Contamination of local waterways is a major environmental concern for many communities in Puerto Rico. CEPD has developed a strategy for addressing this problem by providing technical assistance and creative use of funding opportunities to help communities reduce contamination of local waterways. CEPD has developed and is currently implementing a pilot program, called the Watershed Stewardship Initiative, which targets four communities within the Rio Loiza and Rio La Plata watershed. As part of this initiative, CEPD will work with members of the four communities to identify strategies aimed at reducing contaminants reaching local streams and rivers. In one pilot community, CEPD personnel worked with community members to design a gray-water garden to mitigate the pollution loading from gray-water discharges. CEPD subsequently secured Regional Applied Research Effort (RARE) funding to construct the gray-water garden and has been successful at reducing the impact of gray-water discharges to the local water bodies. CEPD will continue to pursue future opportunities to replicate this action in the other pilot communities.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Long term vision and overall strategy to facilitate smart growth and green building development • Green jobs training programs including technologies that improve indoor air quality, reduce energy load, use reclaimed and recycled materials and native landscaping 	<ul style="list-style-type: none"> • Reduction in contamination of local water bodies in Puerto Rico • Improved pollution reduction infrastructure • Communities neighboring 	<ul style="list-style-type: none"> • Tools to identify target communities • Technical assistance to identify pollution problems and mitigation actions

<ul style="list-style-type: none"> • Establishment of a process for community input and research on future skills and credentials needed to overcome environmental burdens • Partnerships with local government and community groups to promote green jobs 	<p>water bodies have improved capacity to address contamination</p>	<ul style="list-style-type: none"> • Funding to implement mitigation
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Taking Action to Reduce Asthma Incidence and Improve Asthma Management – Asthma is a major health challenge in EJ communities because the disease is thought to be caused and symptoms are triggered by degraded environments and deteriorated housing. Asthma is especially prevalent in urban areas in Region 2. CASD’s RIAB is working across the Region to reduce asthma incidence and improve symptom management in partnership with a variety of non-profit organizations and private health insurance companies. In New York, RIAB partners with the Healthy Homes Strategic Planning Group for New York State to address a variety of indoor air pollutants, including those cause or trigger asthma, and radon among other housing issues. In New Jersey, RIAB partners with Pediatric/Adult Asthma Coalition New Jersey (PACNJ), a coalition of asthma advocates, to train medical providers, school administrators and childcare facility operators on asthma management skills and disease prevention measures such as reduction in vehicle idling. In Puerto Rico, RIAB has worked with local governments and private health insurance companies to include comprehensive clinical and environmental asthma management as part of medical insurance coverage. RIAB also collaborates with the University of Puerto Rico and Universidad del Turabo (PR) on projects aimed at reducing asthma triggers in homes and schools. Over the past 3 years, this partnership has covered 120 schools. In total, RIAB maintains the Asthma Community Network which encompasses 67 programs designed to support community-based asthma intervention efforts by providing tools and best practices to support improved health outcomes. Finally, RIAB participates in a number of asthma disparities planning councils within EPA and with other federal partners. RIAB works with the Office of Radiation and Indoor Air (ORIA), a lead for the Interagency Federal Asthma Disparities Action Plan, to implement EPA’s initiatives in support of the Plan.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • PAC NJ award program incentivizes voluntary compliance by schools and child care centers by offering standards which they can advertise • Support community-based asthma programs through partnership with Asthma Community Network • Puerto Rico: Development of an Asthma Business Case (Value Proposition) • Formation of IAQ teams and implementation of anti-idling policies in schools and childcare facilities • Participation in Webinars and other training forums on Healthy Buildings and Asthma programs 	<ul style="list-style-type: none"> • Improved health outcomes • Increased understanding of asthma triggers and control • Increased number of Regional Partners in the Asthma Community Network • Insurance companies’ and the Puerto Rico Health Insurance Administration’s (HIA) full coverage for comprehensive Clinical and Environmental Asthma Management • Increased number of schools and child care centers comply with voluntary indoor air quality standards and practices 	<ul style="list-style-type: none"> • Resources and best practices for schools, child care and other facilities to implement asthma control actions • The Clinical Director’s Network Study on comprehensive asthma management’s results are being utilized for development of the asthma business case • UPR’s certified asthma instructors and other providers are being mobilized to conduct comprehensive asthma management via the insurance company that is contracted by HIA to provide services to the Medicaid population (49%), and the other insurance companies that provide coverage to the remaining population

Legal Tools

Region 2 programs receive legal guidance and support from the Office of Regional Counsel. Therefore, ORC attorneys play two key functions in the Region’s EJ efforts. First, they can empower program staff proactively to provide environmental and human health protection to EJ communities by advising them on the opportunities for action. Second, they can work with client programs after pollution issues have been discovered in order to ensure appropriate actions are taken to protect communities and that relevant parties are made to answer for their role in the event. But attorneys can only accomplish this objective if they are properly trained about the available tools and policies for action.

Strategy 1: Office of General Counsel (OGC) will provide legal support to each cross-Agency focus area workgroup. (Activity 1.1: The EPA Regional Counsel will provide active oversight, direction, and decision making on all aspects of this initiative, in consultation with EPA’s Regional Senior Leadership.)

Regional Administrator’s Challenge: [Region 2’s EJ commitment] needs to be beyond initiatives and woven into our activities ... Scott Fulton, EPA’s General Counsel supports EJ. OGC is asking staff to look for opportunities to use existing authority to extend EJ in our work and to reevaluate our authority with an eye towards EJ. As opportunities arise, OGC will work with programs on any interpretive or legal issues that [develop].

ORC EJ Analysis and Action CLE Program – For a number of reasons, Regional attorneys generally lack specific training about Agency policies regarding EJ, techniques used in EJ analysis, and the tools available to conduct EJ analyses; this gap in training has limited the ability of Regional legal staff to integrate EJ into their daily practice. The ORC will conduct EJ training for all legal staff. The training introduces attorneys and other ORC staff to methods as well as tools for EJ analysis that can be used across practice areas. The purpose of the training is to provide attorneys with a simple standard EJ analysis they can use regardless of the context – enforcement, grants, permits, referrals, etc. – of the case. As part of the training, attorneys will become familiarized with recent Agency policy and guidance documents relating to EJ and Regional legal practice issues where EJ may arise. The ORC is currently assembling all relevant documents and/or guidances and developing a plan for dissemination to Division staff. ORC REJWG representatives will secure assistance from interns to analyze Agency EJ documents in order to develop a set of standards to guide Regional attorneys in their efforts to integrate EJ into their practice. An ORC summer intern recently completed an analysis of the Environmental Appeals Board EJ permitting decisions.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Collection and analysis of legal elements in Regional and national EJ policies useful to Regional attorneys • Research and analysis of relevant EJ EAB case law • Research usefulness of available Regional and Agency tools (e.g., GIS tools) to Regional practice areas • Develop and conduct training 	<ul style="list-style-type: none"> • General standard for a legal EJ analysis that Regional attorneys may use regardless of their practice area • Regional attorneys will be trained on EJ principles, EPA EJ policies and priorities, and tools for conducting EJ analyses • Regional attorneys will be given simple, generally applicable method for EJ analysis 	<ul style="list-style-type: none"> • Region 2 and Agency EJ Policy and analytical tools including GIS • Cooperation of the EPA CLE program • Legal interns to assist with legal research and analysis • Cooperation of Division leadership to require staff participation in training

Information

As the old adage goes, “Knowledge is power!” Unfortunately, some EPA staff members have not been introduced to the Agency’s suite of EJ analytic tools that could improve their ability to address EJ issues when they arise. The EPA has developed the GeoPlatform and a host of web-based Geographic Information System (GIS) tools to help internal and external stakeholders access environmental information more easily. The tools will also facilitate geography-based EJ analysis by allowing the user to visualize how environmental problems affect overburdened communities such as, for example, with maps showing proximity to pollution sources or impaired water bodies. Because the Region 2 GIS team worked with Headquarters in the development of the GeoPlatform, the team has great familiarity with the tool and its applications. The GIS Team will promote and support use of the GeoPlatform by conducting trainings both in-person for Agency staff and, when the tool is available to the public, in webinar format for external stakeholders.

- Strategy 1: Develop EPA’s GeoPlatform**
- Strategy 2: Promote and Use EJSCREEN**

Ensuring Region 2’s Capacity to Make Full Use of EPA’s GIS Tools – The Office of Policy and Management (OPM) will offer GIS trainings to help staff overcome the challenge of identifying EJ communities of concern, understanding the environmental issues involved and visualizing these parameters on a geographic system. As a result of the training, Region 2 staff will improve their ability to target their actions through performing EJ screening and analysis. OPM’s Information Resources Management Branch (IRMB) GIS staff will continue to participate in reviewing the GeoPlatform and will be an integral part of its implementation. The GIS Team will develop and deliver trainings to Region 2 staff and managers in order to promote and provide ongoing support for effective use of the tool. The GIS Team is well positioned to deliver the trainings soon after the GeoPlatform’s release because it has been engaged very early on in the development of the GeoPlatform and its components. Moreover, the GIS Team has shared expertise with the GeoPlatform development team, particularly in the development of components like the Environmental Analyst and EJSCREEN by providing comments and sharing Region 2’s experience with its GIS-based EJ targeting tool, which has been in use for over one decade.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none">• GeoPlatform Training curriculum• Staff receive GeoPlatform training• Staff armed with tools to analyze and visualize potential EJ implications of their actions	<ul style="list-style-type: none">• Staff with relevant responsibilities will know how to use GeoPlatform and EJSCREEN• Programs will have greater capacity to address EJ by using tools to screen, target, or prioritize EJ actions	<ul style="list-style-type: none">• Availability of GeoPlatform & EJSCREEN• Staff equipped with informational tools• Managerial mandate for staff participation

Resources

A large part of the EPA’s mission is to award grants to a variety of entities including state and local governments, community organizations, and research institutions in order to promote environmental protection and advance technology development. Region 2 administers a large number of such grants; Regional Administrator Enck challenged the Region to simplify the grant process in order improve delivery of assistance to communities in most need. Regional programs have answered this call with a number of innovations in its methods for outreach to communities about funding opportunities, educating and training potential grantees on the federal financial assistance process, and working with grantees to ensure they understand the compliance issues involved in managing federal funding.

Strategy 3: Strengthen Grant Training for Communities

Improving Grant Management Compliance from Small Non-Profit Organizations– OPM’s Grants and Audits Management Branch (GAMB) is developing, with Headquarters input, a simplified grant award process in order to assist small-capacity grant recipients such as nonprofit organizations to comply with EPA funding regulations. GAMB proposes a two-level approach:

- 1) Develop a more integrated and substantially expanded pre-award training program and provide guidance and tools for small-capacity grant recipients, such as non-profit organizations. The objective is to make our compliance assistance efforts much more proactive, with upfront activities that will enable grantees to avoid serious compliance issues which could require repayment of funds to the EPA.
- 2) Work with HQ to evaluate the possibility of having an EPA contractor, National Partnership for Environmental Technology Education (PETE), modify its training manual for non-profit, local government and University grants management issues and determine ways to make this an integral part of the pre-award process. This could be followed by mandatory just-in-time Webinars that could be held monthly for all new grant recipients. Such a training program could be cost effective ways to educate and remind our new grantees about the systems and procedures they need to have in place, as well as provide tips to avoid common mistakes grantees make which could lead to the disallowance of costs.

GAMB will also develop sample procedures and make them available for recipients to adopt. During the pre-award process, all grant recipients can self certify that it has compliant procedures or has adopted and appropriately modified the boilerplate versions.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Help organizations with limited capacity come into and remain in compliance with grant management regulations • Ensure timely information about training and resources • Trainings and tools in grant management to assist nonprofit organizations with little administrative capacity <ul style="list-style-type: none"> - Pre-award training - Written Guidance for easy reference - Tools to facilitate compliance - Ready-to-adopt template procedure/policy 	<ul style="list-style-type: none"> • Reduced time spent ensuring grant compliance and enforcing against non-compliance • Improved compliance rate from small non-profit funding recipients 	<ul style="list-style-type: none"> • Contractor for curriculum development and deliver trainings • Grant management compliance tools • Support for developing written Guidance and Template procedure/policy

Strategy 4: Improve Community Awareness of Grant Competition Process.

Regional Administrator’s Challenge: Build local capacity to access EPA grants by simplifying the grant process; this will be accomplished through: more outreach about available grant opportunities, ensure community-based organizations receive information about available resources; and ensure communities and grantees understand EPA’s grant requirements.

Improved Community Awareness of Grant Competition Process (ICAGCP) – The HEP developed the ICAGCP to address common problems in EPA grant program; these include a lack of applicant diversity, repeated awards to the same organizations, and competitive disadvantage of newer or inexperienced applicants. HEP’s ICAGCP addressed these issues through a series of actions aimed at increasing diversity of grant applicants, broadening geography of funded projects, and provide assistance to all applicants, within the limits of the RFA, to ensure a competitive process. HEP piloted the ICAGCP during its 2011 grant cycle and is evaluating whether the program reached its objective of diversifying the applicant pool. HEP will use the ICAGCP, where appropriate, in its grant programs.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Develop accessible training appropriate for the expected applicant pool • Ensure potential applicants receive timely information about training and resources • Identify appropriate grant selection criteria and include them in RFAs and RFPs • Select diverse and knowledgeable review panelists 	<ul style="list-style-type: none"> • Agreed upon goals and priorities between HEP partners • Accessible and effective training resources • Effectively shared training information (e.g., through a variety of media outlets newsletters, community meetings, targeted emails, word of mouth, social media) • New selection criteria do not violate Agency grant competition guidance 	<ul style="list-style-type: none"> • Webinar Resources • Rating criteria increasing fairness for: <ol style="list-style-type: none"> 1. Organizations not receiving an award within five years of RFA, 2. Organizations with documented relationships in target communities, 3. Projects led or carried out in partnership with a community organization. • GIS analysis of grant-making geography in order to ensure geographic diversity and increase transparency. (http://harborestuary.org/grants.htm)

Strategy 5: Revise Grant Policies that are Unduly Restrictive.

Improving Indirect Costs Recovery (ICR) for Small Non-Profit Grant Recipients – A common problem among small non-profit grant recipients is the recovery of indirect costs because they lack either the experience or the capacity to negotiate an indirect costs rate. OPM’s Grants and Audit Management Branch will work with HQ in the development of Indirect Cost Recovery (ICR) policy for non-profit organizations. Office of Grants and Debarment (OGD) is either going to modify the existing policy or develop a similar policy allowing non-profits to use a fixed, flat rate to pay for their indirect costs.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Help small organizations with limited capacity to recover indirect costs • Work with Headquarters OGD to develop a fixed, flat rate for indirect costs recovery small, non-profit grant recipients can adopt to recover costs not directly used in implementing an EPA funded program 	<ul style="list-style-type: none"> • Small non-profit organizations will be able to recover indirect costs associated with implementing an EPA funded program • Improved compliance rate from small non-profit funding recipients 	<ul style="list-style-type: none"> • OGD approved fixed, flat rate indirect costs recovery rate for small non-profit grant recipients • Support for developing written Guidance and Template procedure/policy

Advancing EJ Through Title VI of the Civil Rights Act of 1964

Strategy 4: Advance EJ Goals through Limited English Proficiency Initiatives

Regional Administrator’s Challenge: There are many communities with language barriers in the Region and we need to be sensitive to that fact. When appropriate, our written material should be translated.

Implementing the Superfund Limited English Proficiency Policy – Public Affairs Division (PAD) uses a two-step analysis to identify language communication needs within EJ communities (which is screened using demographic profiles from the U.S. Census and municipal data) and takes steps to ensure Superfund removal and remedial actions are communicated in languages that the stakeholders understand. First, PAD surveys the municipality’s leadership (e.g., the mayor if one exists, City Council members, local government agency managers, etc.) in order to identify the languages spoken in the community. Second, PAD conducts in-person surveys (e.g., through canvassing homes, discussion with faith-based organizations, etc.) to validate the municipality’s data. Using this information PAD creates a Community Involvement Plan that includes provisions for translating public documents so that languages spoken by the majority of residents in the community are covered and simultaneous interpretation services are available at public meetings when appropriate. PAD also enlists the help of community and faith-based leaders to conduct outreach in order to ensure public documents are understood and to recruit participants to community meetings.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Analysis of demographics of community for EJ relevance • Identification of language needs of the EJ Superfund community • Creation of a Community Involvement Plan addressing community’s LEP needs • Enlistment of community and faith-based leaders where appropriate for outreach assistance 	<ul style="list-style-type: none"> • The Practice overcomes challenge of outreach to LEP communities • Superfund outreach • Better engagement of LEP communities • Better engagement and increased meeting attendance of LEP individuals 	<ul style="list-style-type: none"> • EJ screening tool to determine EJ relevance of target community • Financial support <ul style="list-style-type: none"> - Translation services - Simultaneous interpretation services for meetings - Meeting space - Community involvement professionals

Special Initiatives

Promote Green Workforce Development

Regional Administrator's Challenge: Low-income areas need jobs and our efforts should be focused on bringing green jobs into these areas.

DESA Science Mentoring and Laboratory Training Program – DESA has a program to solve the common problem of the mismatch between workers' skill sets and those required skills for available jobs in growth industries like the green economy. The program is a two-prong approach that tailors the training needs to the age of the participants. For example, through the Edison High School Applied Sciences Program, DESA collaborates with one High School in Edison Township, New Jersey to provide students with the opportunity to learn about EPA's environmental surveillance functions through activities including presentations of our field operations and sampling from a boat platform. A second example is the Region 2 Laboratory which has become a participating government partner for the JFK Johnson Rehabilitation Institute Laboratory Assistant Training Program. This program is designed to assist adults with special needs by providing them with the skills needed to work in a laboratory environment. As part of DESA's partnership, the Laboratory provides students with a full week internship at its facility. The internship consists of a basic overview of the key parts of the Division's laboratory operations and hands-on experience with each of the major departments and disciplines within the Laboratory. The Laboratory provides three, one-week internships per year. The programs expose and prepare adults for careers in laboratory science and environmental protection. Through such efforts, DESA has helped to create a potentially effective approach to developing a professional green workforce. In the future, the program could further support the Agency's EJ efforts by increasing outreach to minority and low-income individuals.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none">• Improve environmental and laboratory science skill set of local residents and students• Opportunities for "hands-on" practice• Partnerships with local community and institutions• Tracking performance and criteria for "graduation"	<ul style="list-style-type: none">• New and retooled workers ready to participate in the green economy in the field of laboratory science and environmental protection• Increase economic competitiveness of high school students and residents living near JFK and EPA laboratories• Increase laboratory and environmental capacity of local communities	<ul style="list-style-type: none">• Availability of infrastructure (e.g., laboratory space, scientist mentors, etc.)• Resources to recruit and retain trainees• Training curriculum• Resources for partnership building• Support of partner institutions: states, schools, and laboratory operators

Green Job Opportunities through the Youth in the Environment Project: CWD's Drinking Water and Municipal Infrastructure Branch works with partners to create green job opportunities for youth in low-income areas. In this effort, the program partners with the National Partnership for Environmental Technology Education (PETE) which provides funding support to the Youth in the Environment Project (YEP) which administers the training program. YEP's current focus is on young adults from the Bronx. The project exposes high school and college students to environmental occupations and EJ issues through mentoring and work experience at environmental work sites such as wastewater treatment centers. Students are instructed on practical applications of science and

math, teamwork, and general work skills. As they work, students learn about environmental issues and participate in public education, which builds the community’s understanding of and appreciation for water quality and the value of public health protection created by wastewater treatment facilities. This project is a successful Agency community-based program that is scalable, can be replicated, and addresses the needs of overburdened communities.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Create summer jobs for more than 24 low-income high school and college students 	<ul style="list-style-type: none"> • Increased interest in careers in science and environmental protection among Bronx area students • Improved community understanding and appreciation for water quality and public health protection 	<ul style="list-style-type: none"> • Partnership with PETE and municipal treatment plant operators • Discretionary grant funds (typically from de-obligated program funds, which become available on an annual basis)

Working with Communities to Increase Employment and Build a Green Workforce – The ERRD’s Environmental Workforce Development and Job Training (EWDJT) Program (formerly known as the Brownfields Job Training Program) works with HQ Offices such as the Office of Superfund Remediation and Technology Innovation to provide resources to communities to build a green workforce trained in environmental remediation and maintenance of sites impacted by solid and hazardous waste, including Superfund Sites. The EWDJT Program takes a two-pronged approach. In communities impacted by solid and hazardous waste contamination, EWDJT provides competitive grants to eligible entities (including non-profit organizations) to recruit, train, and provide job placement for residents in the environmental field. The program recruits low-income and minority residents, including veterans who are either unemployed or under-employed, and trains them in skills needed to secure long-term, full-time employment in positions focused on environmental assessment and cleanup. The EWDJT program convenes diverse stakeholders to collaborate in providing training and employment for residents in impacted communities. Similarly, in communities with Superfund sites, ERRD coordinates the Region’s support for HQ’s Superfund Job Training Initiative (SuperJTI), an environmental remediation job readiness program that provides training and employment opportunities free of charge to residents. The SuperJTI training, through a Technical Assistance Services for Communities contract, supports job training efforts in communities affected by hazardous waste sites under Superfund and RCRA, as well as federal facility and tribal removal sites. ERRD uses its community outreach program to create partnerships with local businesses, community organizations and other federal agencies to develop and support job training.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Outreach to Brownfield and Superfund communities to educate stakeholders about the program and encourage grant applications • Workshops to provide impacted communities with the tools and guidance to understand and address environmental protection, employment/training opportunities and EJ issues • Maintain a network/partnership with academic institutions, environmental employers, non-profit organizations, and local community groups • Identify Superfund sites with the potential to become a Superfund Job Training Initiative 	<ul style="list-style-type: none"> • Collaboration with local unions and educational institutions to address employment barriers. • Regional data on EWDJT grants reveals a 68% placement rate of trainees in environmental employment • The Region has successfully completed SuperJTI programs on the Passaic River project in Newark, NJ and the Onondaga Lake project in upstate NY 	<ul style="list-style-type: none"> • Good Job Green Jobs Conference sponsored by EPA through the Blue Green Alliance. • Brownfields Toolbox/kit designed to provide job training resources • ACRES database used to track EWDJT training and placement numbers.

Promote Urban Agriculture Efforts

Regional Administrator’s Challenge: We should find ways to support urban agriculture given our current authorities.

Region 2 Urban Gardening and Soil Contamination Education Program – The Office of Strategic Programs (OSP) seeks to remedy the common problem of educating stakeholders about the benefits and risks of activities such as gardening that involve potentially contaminated soil in urban areas. The OSP will implement this practice through a Regional public education program aimed at informing gardeners about issues related to soil contamination and growing food in urban environments where lead and other toxicants may be an issue. Gardening has many benefits but residents of some EJ communities may be reluctant to grow food because of conflicting information about health impacts of soil contamination. OSP will increase the Region’s capacity for understanding soil contamination impacts by engaging the Cornell University Cooperative Extension Program through membership on its Healthy Soil Healthy Community Steering Committee and the EPA Technical Review Workgroup for Lead (TRWL) Urban Gardening Subcommittee. OSP has worked with Cornell on issues related to soil assessment in specific geographic locations and with the TRWL in developing a contamination-based crop and activity guidance. OSP will also conduct outreach regarding health issues related to urban gardening and strategies for avoiding risks associated with soil contamination.

Measures of Success:

Outputs	Results	Tools & Facilities
<ul style="list-style-type: none"> • Contamination level-based guidance on crops and gardening • Engagement of Cornell University Cooperative Extension Program in NYC urban gardening issues • Engagement of EPA TRWL, Urban Gardening Subcommittee • Webinar and curriculum on urban soil contamination 	<ul style="list-style-type: none"> • Panel of experts engaged in urban gardening • Guidance with some quantitative information regarding Gardening-Related Activities and health • EJ communities better educated about urban gardening and soil contamination issues • If resources are found, EJ communities will have improved capacity to garden through material support such as distribution of mulch, compost, and other gardening implements 	<ul style="list-style-type: none"> • Organizing capacity for webinars • Webinar broadcasting tools

Tracking Progress and Evaluating Success

A well run program must be able to demonstrate impact, track results, and, when necessary, correct errors. The REJWG recommends that the COD implement an annual reporting mechanism requiring each Division to report on its progress toward the respective Action Plan item for which it serves as the lead program; the REJWG will use the information provided in the report to determine the effectiveness of proposed actions and advise the COD on recommended changes.

The Regional Program offices currently report their annual activities at the end of each fiscal year to their respective Headquarters National Program Manager Offices through the Annual Commitment System (ACS). The results of the report are culled by OPM and displayed on the local Region 2 tool EcoStat. The COD should facilitate Regional EJ staff's and REJWG members' working with OPM in order to identify the best way to implement this reporting mechanism. At a minimum, the COD should direct OPM to allow the REJWG to conduct an annual survey of Regional activities. The REJWG should have access to the full set of responses from the annual activities survey – whether this information is gathered through the ACS or through a local survey that can be displayed on EcoStat – so that REJWG members can identify activities that could help the Region incorporate EJ more efficiently to help the COD evaluate and revise the Action Plan.

The REJWG will, with the guidance of the COD, annually evaluate the efficacy of the practices it has recommended in the Action Plan and revise the document accordingly. The REJWG will use the programs' responses to the survey to determine whether each of the Plan's elements accomplishes the objectives for which it was designed, whether there were challenges to its full implementation and how to overcome these challenges, or whether despite ideal conditions, the element simply did not field test as well as the REJWG had originally anticipated. The REJWG will use this process to recommend whether a practice should be retained and promoted further or removed from the Action Plan in order to accommodate new innovations that might prove to be more effective.

Tracking and Reporting Plan

As Region 2 develops and implements the Action Plan to integrate EJ more fully into its functions and to comply with Plan EJ 2014, a key element will be to develop a reporting and tracking system to facilitate managers' and the senior leadership's evaluation of the Action Plan's effectiveness at achieving the Region's EJ goals. Measuring a programmatic initiative's effectiveness is an essential first step toward monitoring, assessing, and improving the Region's strategies and evaluating compliance with the national Plan EJ 2014. When ongoing programs are routinely evaluated and upgraded, the improvement should be steady, and the Region can accomplish this by using the tools which are proposed here.

Each year, the REJWG will update and finalize the inventory of Regional EJ actions. Afterwards, the REJWG will complete an analysis of the set activities in the inventory in order to determine their potential appropriateness to the Agency's EJ goals and prioritize the actions according to their effectiveness at achieving those goals. Those deemed to have a high potential for success will be proposed for inclusion in the EJ Action Plan while less effective actions will be postponed for future consideration or discarded. The REJWG is working on a methodology for tracking the components of the Action Plan in order to facilitate the Regional leadership's ability to evaluate its effectiveness and to plan for future actions.

A System for Tracking and Evaluating the Region 2 EJ Action Plan

We identify three options by which Region 2 senior management can implement effective tracking and management of the programs' progress toward their Action Plan goals.

Option 1 – Direct Reporting into the Annual Commitment System

The Annual Commitment System – First, the EPA 's NPMs require Regional programs to make annual commitments toward Agency-wide goals and tracks progress in the ACS. ACS requires the regions to file semi-annual reports of progress toward their commitments in a variety of program areas. The reporting structure is divided based on the NPMs, and data are entered according to specified national goals. The system is set up to accept both quantitative and qualitative data. Even in cases where quantitative data is expected, ACS allows the user to enter qualitative narratives about the particular action under the "Explanation" field. Indeed, many NPMs request regions to enter details about their specific activities in meeting their commitment (or failure to do so), requiring information such as location of action, and a description of challenges or accomplishments.

The ACS is a convenient depot for programs to report their activities and is efficient because every program, regardless of their local homes in the regions, interacts with the same system. Region 2 employs a cadre of ACS coordinators to ensure compliance with national reporting requirements. Each program has its own ACS coordinator who is responsible for ensuring the program's activities are captured in the system during the reporting period. Each Division also assigns an ACS coordinator who ensures the programs are compliant with the timing of the reports and performs Quality Assurance on the accuracy, format, and adequacy of the reported data.

Region 2's Use of the System – Region 2 could modify some ACS elements to suit its reporting needs by requesting Headquarters Office of the Chief Financial Officer to allow the Region to insert regional "prompts" into the ACS reporting survey. Any reported action can be pulled into the EcoStat system and displayed alongside other annual commitments and thus allow interested users to track the programs' progress toward their EJ goals.

There is precedence for entering region-specific activity in the ACS. The Office of the Chief Financial Officer should be open to supporting Region 2's request, particularly if the proposed reporting involves actions fitting within the Administrator's Goals 1-5. For example, Region 8, as part of its ACS reporting, was allowed several years ago to insert activities that applied only to local goals. OSP believes that Headquarters' Office of Environmental Justice could help in developing a process to allow Region 2's EJ activities and goals to be placed in the ACS. Alternatively, Division Directors from Region 2 could simply direct their ACS division and program coordinators to enter qualitative narrative regarding their EJ progress as they relate to specific program areas that are already recorded in the ACS system.

In the Mid-Year Review Meeting of the Deputy Administrators (held June 11, 2012), the Agency's senior leadership indicated its support for working with NPMs to develop initiatives in support of EJ and piloting these internally. There may be an opportunity to ask HQ to pilot this reporting system.

Option 2 – Reporting into EcoStat

The EcoStat – Although the ACS provides convenience and national consistency in data collection, the sheer volume of information and the organization of the data present a challenge for its use as a local project management tool. Region 2 has resolved this issue by creating the EcoStat system.

EcoStat allows the Region to access the ACS data and reorganize them according to local lead Divisions and programs. Unlike ACS, EcoStat is an effective local management tool because it provides Regional managers with an “at-a-glance” display of individual program’s progress toward its annual commitment. EcoStat has a system of flags and notices that allows managers and those tracking programmatic progress to assess immediately the program’s status with respect to specified ACS goals. For senior managers, EcoStat provides filters that allow data to be displayed according to specified criteria such as lead Division, types of action and programs that are falling behind on their commitments.

If Region 2’s EJ activities cannot be incorporated into ACS, the Region can still create an effective reporting and tracking system through the EcoStat. Although the EcoStat system is currently set up as a mechanism to display ACS data for project management purposes, technologically, the system can be modified to include a survey component whereby users can input data and the input interface can be made to mimic the ACS reporting process. If this were done, the system could be securitized for input purposes so that only the ACS coordinators in each program would have data entry access. ACS coordinators in turn can be trained to input their respective program’s data. Regional EJ goals can then be displayed for tracking purposes alongside other activities available in the system.

ACS currently has “Cross-Cutting Fundamental Strategies of EJ and Children’s Health” as one of its reporting categories. Activity reporting under Cross-Cutting Fundamental Strategies comprise both quantitative (e.g., the number of activities undertaken within the stated categories) and qualitative (e.g., full descriptions of the activities reported) measures. We envision a similar reporting scheme for the actions taken in compliance with the Action Plan. The Region’s EJ activities could be entered under this category within a new option titled Region 2 EJ actions.

The Region’s senior managers currently use EcoStat to track their programs’ progress. If progress towards the Region’s EJ goals were similarly displayed and arrayed with NPM commitments, they can be tracked and integrated into the program’s planning processes. In addition, the EcoStat data are available to everyone in the Region, including members of the Region 2 EJ Workgroup and program staff who may have EJ responsibilities. This makes EcoStat an ideal tool to integrate EJ thinking into the work of the Region, because staff can participate in both tracking the information and using it to help their management plan future actions.

Option 3 – Manual Data Collection Through a Spreadsheet

The Region’s EJ reporting could be accomplished via manual entry of progress towards the goal into a spreadsheet. The reporting could also be done by ACS coordinators who are already trained and accustomed to gathering exactly this type of information from their program staff. The data can then be digested in one of two ways. First, the data could be entered into the EcoStat system and used in a manner similar to the Region’s current use of data from the ACS; such uses include tracking performance and progress toward programmatic targets. Second, the data could be kept as a static spreadsheet and used by the COD and the REJWG to track progress toward the EJ Action Plan goals. The

latter is the least effective way of managing the Region's EJ data because fewer Regional staff and managers would be interacting with the data. Further, limited access to information about the Region's EJ actions would make the topic of more an esoteric interest to particular staff members and the COD who are responsible for EJ implementation. Instead, the information should be made available for all regional personnel who may have an interest in helping the Region achieve its EJ goals.

Recommendation

The recommendation is that the use of the ACS would be the best option because Region 2 ACS coordinators already know how to use the programs and can incorporate EJ activities with ease into their semi-annual reporting cycle which they are already performing for other purposes. The Regional management and leadership may access this information with the automated data transfer the Region already performs through EcoStat. Although EcoStat is an excellent tracking system because of its convenient user interface, using EcoStat as either the direct reporting interface or indirectly through manual data collection through a spreadsheet would not be as efficient as working directly with the ACS. This is because both the EcoStat and the spreadsheet mechanisms would constitute an "extra" reporting action required of the ACS coordinators, increasing the chances that either timeliness of compliance or data quality may be compromised. However, OSP is confident that if tracking via the EcoStat system were adopted, the ACS coordinators could still adjust and comply accordingly.

Benefits

Tracking, evaluating, and reporting provide timely information to improve program implementation. These data can help Divisions answer the following questions:

- Is the program/project achieving its objectives? If so, how and why?
- How well has the program/project worked?
- What changes are needed to improve the program/project?
- Should the program/project be expanded, adjusted, or cancelled?

With this information, Divisions can identify program approaches that are the most effective and determine how to improve future actions. This knowledge can also help Regional managers decide where to focus for greater effectiveness. Information on programmatic efficacy will in turn allow the Regional leadership to promote the benefits of addressing critical EJ concerns, describe recommendations for improvement, and obtain continued support for their programs and projects.

Conclusion

EPA Region 2 has a long-standing commitment to achieving environmental justice in its actions and has for decades been a leader in the field. Plan EJ 2014's reinvigoration of the EPA's EJ efforts has provided the national support and tools that Region 2 has long needed to attain its goal of fully integrating EJ into its functions. The Action Plan represents Region 2's roadmap in this undertaking.

In many ways, the Region's integration objectives have been partially achieved in the creation of the Action Plan because everyone involved has had to reflect on his/her work and really examine the Region's environmental protection challenges through an EJ lens. The REJWG members led their Divisional colleagues and each other through this process.

Drafted by the REJWG, the Action Plan is the result of an eight-month collaboration involving all levels of staff and every program and Division in the Region; REJWG members challenged their colleagues to take a hard look at our own Regional actions in order to identify opportunities for Region 2 to impact the EJ issues that plague local communities of color or low-income. REJWG then used Plan EJ 2014's commitments and resources as vehicles for meeting regional needs. Throughout this endeavor, REJWG members worked with staff from their own Division in assessing the Region's existing EJ practices and identifying opportunities for improvement. The REJWG also received guidance from the Region's Division management through the Council of Deputies as well as our Regional Senior Leadership Team about the contents of the Action Plan as they speak to the Region's larger policy decisions. Completion of the Action Plan helped Region 2 staff begin to recognize local EJ needs and opportunities.

We have much more work to do to integrate EJ fully into our daily functions. We anticipate that by the end of the first year of its implementation, the actions and practices outlined in this Action Plan will have gotten us well on our way to achieving our EJ objectives. However, the REJWG does not intend for the Action Plan to be a static list of objectives. On the contrary, the REJWG plans to evaluate the efficacy of the Action Plan annually and make recommendations to the COD for revisions, deletions and additions as necessary. For this purpose, the REJWG has developed an action management system that takes advantage of the strengths of the national program reporting systems, the national Annual Commitment System and the local Region 2 tracking system EcoStat. The management system should facilitate staff reporting of actions in compliance with the Action Plan and Regional managers' tracking of their program's performance under the Action Plan. The REJWG's intention is that Regional Program managers will also be able to view conveniently the Action Plan components alongside the commitments they must make to the National Program Management Offices in order to align resources with required action. The REJWG's hope is that this will help Regional programs to plan more efficiently their EJ activities and thus better integrate EJ into their work.

Appendices

Appendix 1: Region 2 Staff EJ Training Plan

Appendix 2: Region 2 EJ Communications Plan

Appendix 3: Region 2 Enhanced Public Participation in Permitting Implementation Plan

Appendix 4: Plan EJ 2014

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

Appendix 5: Region 2 EJ Assessment

Intranet link when available

Appendix 6: Region 2 Interim EJ Policy

<http://www.epa.gov/Region2/ej/overview.htm>

Appendix 7: Region 2 EJ Action Plan 2009

<http://www.epa.gov/Region2/ej/2009ejactionplan.pdf>

Appendix 8: Federal Family EJ Resource Guide

<http://www.epa.gov/environmentaljustice/resources/publications/interagency/resource-guide.pdf>

Region 2 EJ Training Plan

Introduction

In order to achieve the Region's goal of full integration of environmental justice, the Office of the Regional Administrator – Office of Strategic Programs (ORA-OSP) proposes for the Region to implement an EJ Training Program that would address the knowledge needs of EPA staff with regard to the Agency's Environmental Justice Program, including policies, tools and resources, and national initiatives. The full program we envision will require three hours of participation (one hour mandatory online training and two hours of in-person classroom attendance). We will make the in-person classroom presentations available through a live webinar option for employees participating from remote locations.

Once an employee completes the full training course, he/she should have a solid understanding of the Agency's EJ goals and a firm grasp of the policies and legal authorities on which it relies to reach those goals. Moreover, ORA-OSP will instruct Region 2 staff about the availability of, and how to use, the tools and resources available to facilitate their achievement of the EPA leadership's stated goals.

The Training Plan contains these elements:

- Environmental Justice 101
- Updated National and Regional policies on EJ and EJ-related issues, including the Region 2 Interim EJ Policy and Region 2 Translation Policy
- Tools for Analyzing EJ Issues in Communities, including the GIS-based EJ Analysis and Environmental Mapping tools
- Introduce Regional staff to resources including Grant and Technical Assistance Programs as well as EJ contact personnel

To prepare Regional staff to come into alignment with EPA's national EJ commitments and in addition to the mandatory EJ 101 online training, ORA-OSP proposes a training program consisting of two 1-hour sessions covering: 1) **an introduction to EJ** and 2) **EJ implementation resources**, respectively. The first session would cover Plan EJ 2014 and other current national and Regional policies on how the agency addresses EJ and related issues across its core and discretionary functions. The second session would instruct participants on available resources for identifying and working with communities impacted by EJ issues; these include, among other things, the GIS-based Region 2 EJ Analysis and Environmental Mapping tools as well as grant and technical assistance programs. Regional staff will also be introduced to the Region's EJ Program Staff and connected to their Divisional representative on the Region 2 EJ Work Group as additional resources.

We propose that the training session follow an interactive workshop format that will engage participants in the EJ investigative process by combining audience participation with exercises and speaker presentation. Below, we identify 1) the needs the training program will satisfy, 2) the goals and objectives the training program will meet, 3) the timetable for completing the program, 4) key personnel, 5) scope of the training, and 6) evaluation of the effectiveness of the training.

Goals/Objectives

This section describes our training goals and objectives, performance measures, and outcomes. This framework will allow the Region to assess the effectiveness of each training module and revise the program accordingly. The following are the explicit goals of the proposed training program:

1. To provide staff with the historical context of and legal authority related to Agency action
2. To provide staff with an orientation to EPA’s national and the Region’s EJ and related policies and actions
3. To introduce staff to and instruct them on the use of available EJ-related tools
4. To introduce staff to the Agency’s Grant and Technical Assistance Programs that may be used to address EJ issues in the communities in which they work

Table 1. Region 2 EJ Staff Training Program Goals.

Training Objectives	Goals	Performance Measures/Outcomes
A. Training participants will understand the historical and legal context behind Agency action	A. Training participants will be able to identify at least 80% of EJ issues presented in a case study analysis exercise	A. Training participants will have increased recognition of EJ issues in their programs
B. Training participants will know EPA’s national and the Region’s EJ and related policies and activities	B. Training participants will be able to identify the key components of the Plan EJ 2014 and Agency and Regional policies regarding LEP issues	B. Training participants will be able to recognize application of Plan EJ 2014 components and the Agency’s LEP policy applies to their programs
C. Training participants will understand application of available EJ tools and know how to use them in analyzing potential EJ issues in the programs for which they are responsible	C. Training participants will be able to complete an EJ analysis exercise using EJSCREEN and the Regional GIS tool	C. Training participants will use EJSCREEN and the Regional GIS tool to analyze communities in which for potential EJ implications
D. Training participants will know about the Agency’s Grant and Technical Assistance Programs that may be useful to address EJ; they will also know Regional EJ staff and their division’s representative on the REJWG	D. Training participants will be able to complete a case study exercise where they will be asked to identify Agency resources applicable to EJ communities	D. Training participants will be able to assist communities in which they work to identify Agency resources that could help address their environmental concerns

Training Content

The regional portion of the training program will be implemented as two 1-hour sessions (for a total of two hours of training) that combine speaker presentations with audience participation and case study exercises. Audience participation will be built into the presentation using Socratic Question and Answer challenges. Case study exercises will be performed by groups comprised of training participants during breakout sessions, at the end of which individual groups will have to defend their conclusions.

The two training sessions will be divided under the following scheme:

Session 1

- A. National and Regional policies on EJ and EJ-related issues¹

Session 2

- A. National and Regional Tools for Analyzing EJ Issues in Communities
- B. Introduce Regional staff to resources including Grant and Technical Assistance Programs as well as EJ contact personnel

An EJ training program is necessary for Region 2 to comply with recent developments in both the agency's policies as well as tools available for examining and addressing EJ concerns. The Office of Environmental Justice (OEJ) has developed and made available on SkillPort a web-based training curriculum titled "*EJ101: Introduction to Environmental Justice*" (released December 2013). The program is mandatory for all agency employees (new and existing), contractors and SEEs per order of the Deputy Administrator (mandatory agency-wide online training, per announcement by the Deputy Administrator, *See e.g.*, Memorandum contained in the February 20, 2014 Mass Mailer). In addition to the new training requirement, the agency programmatic offices have developed new tools and issued new policies as part of the Plan EJ 2014 initiative. For example, the Deputy Administrator has ordered the phase out of all agency EJ screening tools and the uniform² adoption of EJSCREEN by program offices and regions across the agency (*See e.g.*, EJScreen Transition Memorandum of October 2, 2012 – accessible at <http://intranet.epa.gov/gis/pdfs/EJ%20Screen%20Memo%20Oct%202%202012.pdf>). Once the final version of EJSCREEN is released publicly (which is slated for October 2014), it will displace all other EJ analytic tools used nationally and regionally. Additionally, Headquarter NPMs have begun to issue policy directives and launched initiatives in many programmatic areas.

As decided by the COD, both sessions will be offered to all regional employees and participation will be on a voluntary basis. Each division will decide the job categories for which training will be mandatory. Division leadership will also notify its employees as to the sessions they are required to attend.

¹ Note the EJ 101 program is not included in the regional training program because it is already mandatory agency wide.

² A few exceptions exist where EJSCREEN fails to cover the geographies under examination. These include, among potentially others, the Pacific territories, Puerto Rico, the U.S. Virgin Islands, some parts of the states of Hawaii and Alaska, and some Tribal territories.

Timeframe for Conducting Training

We propose the following timeframe for conducting the training to existing employees:

Table 2. Region 2 Staff EJ Training Program Schedule

Training Program	Description of Work	Start and End Dates
Pilot Program	Conduct a Pilot training for members of the REJWG	FY2014 (4 th Quarter)
Conduct Sessions 1& 2	Conduct full training program for staff	Starting FY2015

Going forward, the training should be offered to new employees within 6-9 months of their start date. To ensure meeting this timeline, we propose the Region commit to conducting the full training program semiannually; for example, once in June and once in December. We also recommend recording the program for posting on a local webhost for staff who are unable to attend the live presentation.

Key Personnel

We anticipate the key personnel responsible for developing and conducting the training program will be OSP staff, who will work with the REJWG to develop the curriculum and presentation materials. However, pursuant to the agreement with the Region 2 Council of Deputies (COD), the program design will have to be approved by the COD before it can be implemented.

Appendix 2: Region 2 EJ Communication Plan

Region 2 EJ Communication Plan

Mission

The mission of the Regional Environmental Justice Workgroup (REJWG) is to provide advice and assistance to the Region 2 Council of Deputies (COD) in order to support Region 2's full implementation of Plan EJ 2014 and ensure the Region will reach EPA's goal of integrating environmental justice (EJ) into its actions in fulfillment of its mission.

Goals and Objectives

In addition to its role advising the COD in developing and implementing EJ policies and actions, the REJWG is charged with assisting in coordinating activities of Regional programs in order to achieve its EJ goals. The REJWG aims to achieve its objectives through the following activities:

- Assist the COD in communicating Region 2's EJ related activities;
- Improve communication and awareness of EJ related concerns, actions, and activities among Regional staff and external stakeholders; and
- Create the framework for communicating the Regional EJ Action Plan including the REJWG's responsibilities and performance measures.

Communication

The REJWG will meet its communication objectives through conducting meetings, creating facilities to ensure information sharing, and assist programs in developing program-specific training. The REJWG will ensure communication of the Region's EJ activities with internal and external stakeholders.

Meetings

The REJWG will meet with its members and other internal stakeholders on a regular basis in order to develop the facilities for and track its progress toward its goals as well as report on its activities to the COD and the Region 2 Senior Leadership Team. Additionally, the REJWG will meet with external stakeholders as necessary or as directed by the COD or the Region's leadership in order to update the public, state and municipal government, and other parties on the Region's EJ priorities and accomplishments.

Internal

The REJWG members will conduct regular meetings on the first Tuesday of every month from 2:00 PM – 3:00 PM. The Co-chairs may call additional meetings, as necessary. The Co-Chairs will share authority and responsibility for convening and conducting workgroup

meetings. Additionally, the REJWG may form sub-workgroups and/or committees, which will meet as necessary to fulfill the workgroup's charge.

The REJWG will meet with the COD at least quarterly or as requested to report on progress of the Regional EJ Action Plan, EJ related concerns and activities.

External

The REJWG will assist the COD, Regional program staff and the Regional leadership to meet with external stakeholders on the Agency's EJ related activities as necessary. The REJWG will meet with external stakeholders on EJ related matters where the COD or the Regional leadership so request.

Information sharing

The REJWG will ensure information regarding the Region's EJ policies and activities is shared between work group members, with the COD, with EPA staff members, and with external stakeholders.

Internal

REJWG Meetings – The REJWG Co-Chairs will keep the REJWG members updated on EJ related programs, activities, actions and concerns at the scheduled monthly meetings and/or via email. The Co-Chairs will also share authority and responsibility for communicating any Regional or Headquarters expressed needs for actions or decisions on policy or activity matters to relevant workgroup members and the COD.

The REJWG Secretary, who will be selected to serve on a quarterly basis, will submit the meeting minutes to the Co-Chairs for dissemination to workgroup members. The minutes of the REJWG meeting will be shared with workgroup members in a convenient and accessible manner (e.g., email or REJWG Quickplace site). The REJWG will have an opportunity as a body to approve and/or disapprove and revise any element of the meeting minutes it decides inaccurately reflects the proceedings of the meeting with which those minutes are associated.

At each REJWG meeting, workgroup division representatives will provide relevant updates or needs to the REJWG. Workgroup members are also responsible for reporting updates to their respective COD representative and divisional staff, as necessary.

COD – REJWG representatives will meet with the COD to provide updates/progress, upon request.

External

The REJWG will assist Regional staff, program representatives, and senior leadership in disseminating information regarding Regional and National EJ related activities and/or policy actions to external stakeholders. Depending on the size and make-up of the target audience,

such information may be broadcast via Region 2's EJ website, by email and /or by telephone. When appropriate or requested by the COD, the REJWG may conduct, or assist the Regional leadership in conducting, in-person meetings with external stakeholders.

The REJWG will coordinate with PAD to post EJ related information via Region 2 EJ Website, Region 2's Facebook page, Twitter and other social networking mechanisms.

Training

REJWG will advise the COD on strategies for training and educating Regional employees as well as external stakeholders on the Agency's EJ policies, priorities, and tools for integrating these principles into our work. Please see the Region 2 Staff EJ Training Plan at Appendix 1 for details.

Internal

The REJWG will advise the COD on strategies and procedures aimed at facilitating the training, education, and broadening of Region 2 employee's understanding of EJ policies as well as how to integrate EJ principles into their day-to-day work. Workgroup members will receive training to increase their awareness on EJ related matters and are expected to use this knowledge to engage staff in their Division on how to inculcate EJ perspectives in their programmatic duties.

External

REJWG representatives may be asked to provide training on Plan EJ Plan 2014, and Regional actions in support of this national initiative. REJWG divisional representatives will be available, with consultation with the Region 2 EJC and EJ staff, to assist any Regional staff who may need to interact with EJ external stakeholders as necessary.

Reporting

The REJWG will report its progress to the COD and other internal stakeholders on a regular basis and as requested. As part of the Region 2 EJ Action Plan, the REJWG will also develop mechanisms for accomplishing reporting goals. Among the actions REJWG will take are:

- Include priorities, timeframes and milestones for accomplishment;
- Address Region 2's EJ priorities and to meet its commitments to EPA Headquarters; these may include commitments outlined in Plan EJ 2014, its Implementation Plans, and any/all accompanying national guidance;
- REJWG members will provide divisional activities to be included into the Regional Action Plan; and
- Region 2's progress toward its EJ goals and implementation of the Action Plan.

Finally, the REJWG will prepare and submit semi-annual reports to the COD, highlighting specific EJ issues, activities and challenges that require the attention of Region 2's senior management.

Region 2 EJ Communication Plan At-a-Glance

Topic	Internal	External
Goal	<ul style="list-style-type: none"> - To implement Plan EJ2014 - To develop a Region 2 EJ Communication strategy 	<ul style="list-style-type: none"> - Inform and communicate with the public, state and local reps, etc.
Purpose	<ul style="list-style-type: none"> - Educate staff/management - Integrate EJ into programs, policies, activities 	<ul style="list-style-type: none"> - Participation and Inclusion - Acknowledgement of disproportionality
Intended Audience - Who is the primary audience	<ul style="list-style-type: none"> - COD - Sr. Management - Region 2 personnel 	<ul style="list-style-type: none"> - Communities of Concern: leaders & members - Politicians - State and local agencies - Press
Message to Communicate - What is the message for the targeted audience - How the message should be communicated	<ul style="list-style-type: none"> - Address the what, when, where, why, who and how the communication strategy of Plan EJ 2014 - COD & Sr. Management buy-in <p style="text-align: center;">*****</p> <ul style="list-style-type: none"> - In clear, plain languages of the community - don't talk down/up to the audience - know your audience 	<ul style="list-style-type: none"> - What we are doing to improve EJ <ul style="list-style-type: none"> - including "what's in it for them/so what" - "Buy-In" discussion <ul style="list-style-type: none"> - information/communication community wants EPA to provide - input we would like from the community - Case-by-case messages <p style="text-align: center;">*****</p> <ul style="list-style-type: none"> - In clear, plain languages of the community - don't talk down/up to the audience - know your audience
Timeframes - When the message should be communicated	<ul style="list-style-type: none"> - At scheduled COD meetings - At milestones - Before due date(s) - As implemented - At end of fiscal year 	<ul style="list-style-type: none"> - Pre & during planning information sessions - At milestones - When concern or problem arises - During Earth Day timeframe - When grants available - Upon request
Communication Tools - What tools would be used to communicate the message	<ul style="list-style-type: none"> - Representation at COD & Sr. staff meetings - E-mail and announcement updates - Briefings - Divisional meeting updates - All employees meetings - Posters/visuals - Intranet - Informal one-on-ones - Brown bag lunches 	<ul style="list-style-type: none"> - Fact sheets - Multilingual outreach - Assessments/surveys - Workshops (planning, visioning, sharing, etc.) - Community meetings - Citizen science - Social media - Webinars - One on one with community leaders, etc. - Awards, certificates, etc. - Internet & Project specific portals
Key Stakeholders - Who should be involved	<ul style="list-style-type: none"> - Sr. Management & COD - REJ Workgroup & Communication Subgroup - PAD 	<ul style="list-style-type: none"> - Responsible program personnel - PAD (consultant) - Interpreter
Resources Required	<ul style="list-style-type: none"> - EPA Personnel Training <ul style="list-style-type: none"> - Techniques - Dos/Don't - Workshops - "Dress rehearsals" - Tool kits with visual aids, etc. - GIS/mapping assistance - GPS/locational assistance 	<ul style="list-style-type: none"> - Locations - Technology - Presenters, speakers, etc. - Planners - Facilitators - Interpreters - Transportation

Appendix 3: Region 2 Implementation Plan for Enhancing Public Participation in Permitting Actions

EPA EJ Permitting Regional Implementation Plan to Promote Enhanced Public Participation in Permitting

To implement Administrator Lisa P. Jackson’s priority on environmental justice, the EPA released the “Proposed Regional Actions to Promote Public Participation in the Permitting Process,” a set of agency-wide guidelines for development of regional implementation plans aimed at enhancing public participation in permitting actions involving overburdened communities. EPA Region 2 is committed to addressing environmental justice (EJ) concerns in these communities. This document contains the Region’s plan for ensuring stakeholders in overburdened communities are given a full and fair opportunity to participate in EPA’s permitting process where the action could pose significant impacts to their health and environment.

1) Priority permits

EPA Region 2 will screen applications falling in the categories described in this section for potential EJ concerns and prioritize them for our enhanced public participation protocols.

Applicability

In accordance with EPA’s agency-wide guidance, Region 2 defines the following EPA-issued permit categories as “priority permits” and will conduct the Region’s enhanced outreach protocol in reviewing them.

- Prevention of Significant Deterioration (PSD) Construction permits under the Clean Air Act (CAA), especially new major sources (or major modifications of sources) of criteria pollutants;
- Significant Underground Injection Control (UIC) Program permits under the Safe Drinking Water Act (SDWA);
- “Major” industrial National Pollutant Discharge Elimination System (NPDES) permits (as defined in 40 CFR 122.2) under the Clean Water Act that are for:
 - New sources or new dischargers, or
 - Existing sources with major modifications, including, but not limited to, a new outfall, a new or changed process that results in the discharge of new pollutants, or an increase in production that results in an increased discharge of pollutants;
- “Non-Major” industrial NPDES permits (as defined in 40 CFR 122.2) under the CWA that are identified by EPA on a national or regional basis as a focus area, for:
 - New sources or new dischargers, or
 - Existing sources with major modifications, including, but not limited to, a new outfall, a new or changed process that results in the discharge of new pollutants, or an increase in production that results in an increased discharge of pollutants; and
- Resource Conservation and Recovery Act (RCRA) permits associated with new combustion facilities or modifications to existing RCRA permits that address new treatment processes or corrective action cleanups involving potential off-site impacts.

In addition, EPA Region 2 will consider prioritizing for enhanced public involvement activities both new and renewal permit applications for which a community has raised plausible environmental justice concerns, and permit applications and renewals where the Region has other information indicating environmental justice concerns related to the permit exist.

Regional Prioritization Scheme

Because each of our permitting programs is unique in its regulatory obligations, Region 2 will tailor its specific outreach activities to the requirements of the lead program. The Region will use the following organizational scheme to prioritize its permitting actions. The specific set of public participation and outreach measures associated with each type of action are addressed in the section entitled “Enhanced Outreach Activities” (see below).

High Priority permits shall be those that the Division Director, under delegation from the Regional Administrator, finds to be the subject **of wide-spread public interest** or raises major issues of **environmental or public health** concern; such permits may include the following:

- PSD permit applications under the CAA with wide-spread public interest or raises major issues of environmental or public health concerns.
- RCRA permit applications as described above.

Priority permits may also include:

- PSD permit applications with limited public interest and some environmental or public health concern.
- “Major” industrial NPDES permit applications as described above.
- “Non-Major” industrial NPDES permit applications as described above.
- Significant UIC Program permit applications under the SWDA.

Other Permits

In addition, the Region will consider prioritizing for enhanced public involvement activities applications for new and renewal of permits for which a community has raised superficially plausible environmental justice concerns. The outreach activities Region 2 will undertake as part of these permitting processes will be determined based on the type of action, EPA’s statutory authority and prioritization scheme herein outlined.

2) Approach to EJ screening and additional analysis

Environmental justice screening is the practice of using demographic and environmental information to determine the extent to which a particular geographic area may require consideration, outreach and/or analysis beyond the routine permit review process in order to address potential EJ concerns related to the action. To facilitate this screening process, the EPA has developed the EJSCREEN³ tool.

EJSCREEN allows users to identify potential EJ communities of concern by providing environmental and demographic data about the area. The tool also displays the information in a number of ways to help the user visualize existing conditions; EJSCREEN display options include a Geographic Information System

³ Please see e.g., <http://gisint1.rtpnc.epa.gov/EJscreen/Documentation.pdf> for a description of the tool and an explanation of its available functionality.

(GIS) map, data tables and bar graphs indicating both the pollution level and how the area of interest compares with others in the same state, EPA region or nation.

EJSCREEN describes existing environmental conditions through “environmental indices” which are either directly derived from monitoring data or modeled estimates of pollution levels or health impacts. It describes the people who live in the area through “demographic indices” that provide snapshots of community characteristics such as racial makeup, average income, and English proficiency. Demographic indices are often used as proxies for a community’s vulnerability and/or susceptibility to pollution. EJSCREEN also combines the environmental and demographic indices into EJ indices in order to give the user a sense of how the environment and demographic indices influence each other in affecting the community’s status.

The purpose of performing an EJ screening, with a tool like EJSCREEN, is to allow EPA’s permitting staff to determine whether the permit action will impact a potential EJ community of concern; for purposes of enhanced public participation, screening helps to determine whether the action involves an EJ Priority Permit. In determining whether an impacted community is an EJ community of concern, the Region will examine all 12 EJ indices and 8 demographic indices available in EJSCREEN in order to determine whether an EJ issue exists.⁴ Region 2 considers a community of concern to have EJ relevance when its EJSCREEN ranking exceeds the eightieth-percentile (80%-ile) for any EJ index *and* when either of its demographic indices of percent-minority or low-income exceeds the state threshold as determined by the method set out in the Region 2 Interim EJ Policy⁵. For communities that come close to the parameters set out in the ranking guidelines, the permitting program may use other available data to support a finding that EJ issues exist.

Region 2 will use a two-step screening process to establish whether an application for a covered permit will receive priority status. As a first step, the Region will determine whether the application could result in potentially significant, adverse impacts to public health or the environment. Following this, the Region will determine whether the geographic location involved encompasses an EJ community of concern. Regional programs will adhere to the Region 2 Interim EJ Policy for guidance in designing specific outreach actions appropriate for their permit actions and in accordance with the plan herein outlined. (See also Figure 1 for the Region’s Decision Tree).

3) Roles of regional offices and programs

Applicable Regional Programs

Region 2 permitting programs to which this EJ Permitting Implementation Plan will apply:

- a) Clean Air and Sustainability Division’s Air Programs Branch (Permitting Section) and Hazardous Waste Programs Branch,
- b) Caribbean Environmental Protection Division’s (CEPD) Multi Media Permitting and Compliance Branch (Air Programs Team) and Response & Remediation Branch (RCRA Team),
- c) CEPD’s Municipal Water Programs Branch and Multimedia Branch,
- d) Clean Water Division’s Clean Water Regulatory Branch (NPDES Section),

⁴ A comprehensive set of guidance for using EJSCREEN in EPA’s regulatory work. Headquarters intends to release the Common User Guidelines during the Transition Period (*per* Deputy Administrator Bob Perciasepe, “Nationally Consistent Environmental Justice Screening Tool” Memorandum, April 3, 2012)

⁵ See *e.g.*, <http://www.epa.gov/region2/ej/overview.htm>

- e) Division of Enforcement and Compliance Assistance’s Water Compliance Branch (Groundwater Compliance Section), and
- f) Emergency and Remedial Response Division (ERRD – branches and/or sections with RCRA permitting responsibilities).

Roles and Responsibilities

The following section defines the roles and responsibilities of programs with functions involved in the permitting process. The Region will develop a template permit communication plan and contact list, both of which will be implemented as part of the permitting process.

Lead Programs

The Program with statutory authority to review the permit application will have primary responsibility and serve as the *Lead Program* for the action. The Lead Program will have the following responsibilities:

- a) Determine whether the application involves a priority permit (e.g., whether the application involves a permit falling into one of the stated categories and involves an overburdened community as described above).
- b) Determine EJ relevance using EJSCREEN or an equivalent tool.
- c) Communicate permit action to relevant support programs and identify necessary resources
- d) Identify a single program point of contact (POC) for the permit action; this person will serve as the technical POC for purposes of internal Agency communications.
- e) Develop outreach and communication plans including identifying resources (e.g., translation needs and materials) necessary to execute the plan.
- f) Work with Support Programs to decide on the single EPA POC for the Region for purposes of communications with external stakeholders – the EPA contact will adhere to the permit communication plan in responding to public inquiries about the permit action.
- g) Conduct all technical review of and respond to communications involving technical issues around the action.
- h) Coordinate with other Region 2 and/or Headquarters programs with permitting and/or enforcement responsibilities in the geographic location relevant to the permit application.
- i) Resolve all regulatory issues, including, but not limited to, necessity of a hearing, venue and other logistical needs associated with conducting a public hearing/meeting, sufficiency of public notification, correspondence regarding the action, length of public comment period, availability of translation, compiling the Record, etc.

Support Programs

Programs with potential secondary responsibilities in permit actions will provide support to the Lead Program as requested. These duties may include:

- a) Assist the Lead Program to determine whether the application involves a priority permit.
- b) EJSCREEN analysis – ORA-OSP will assist Lead Program in conducting the analysis.
- c) Assist the Lead Program in meeting the action’s communication needs – the specific activities involved will be collaboratively decided by the Lead and identified Support Programs; such support may include, for example:

- PAD may assist the Lead Program in meeting public communication needs.
- ORA-OSP and other Support Programs may assist the Lead Program in notifying EJ stakeholders in the impacted community.
- The EPA contact may belong to a Support Program.
- d) Assist the Lead Program in implementing the outreach plan as required; this could include
 - Securing resources for translation.
 - Drafting press releases.
 - Reviewing action fact sheets and other written material.
- e) Work with the Lead Program to develop an outreach plan including resources (e.g., translation needs and materials) necessary for execution.

4) Enhanced Outreach Activities

Region 2 strives to ensure enhanced public participation in all our Priority Permits. However, each permit action is unique for a variety of reasons, including, for example, the nature of the facility to be permitted, the business operator involved, the communities it impacts, etc. For this reason, the Region will tailor its outreach as much as possible to address the conditions surrounding the permit. The following section outlines the minimum actions the Region will undertake as part of enhanced public participation outreach efforts. Note the level outreach is commensurate with the priority level of the permit action.

[Priority PSD Construction Permits Under the Clean Air Act](#)

Planning & Gathering Information:

- **Identify priority permits.** The PSD Program will use EJSCREEN and accept information from the impacted community in order to determine whether EJ concerns exist. The PSD Program will also determine whether the permitting action involves one of the identified Priority Permit categories.
- **Formulate a Communication Plan.** Consult with internal and external stakeholders in order identify effective methods of communication with the impacted community. The PSD Program will implement the permit communication plan so as to involve as wide a range of interested stakeholders as practicable.
- **Locate existing data and studies relevant to the impacted community.** The PSD Program will use this information in conducting the EJ analysis as appropriate.
- **Evaluate the appropriate length of the public comment period.** The PSD Program will set a comment period that accommodates the requests of stakeholders as much as practicable.
- **Consider holding information meetings for the public.** The PSD Program will hold public information meetings when interest exists in the impacted community and as resource allows.

Coordinating within EPA:

- **For applicants with multiple EPA permits,** the PSD Program will inform permit writers, as well as other Programs (e.g., the Division of Enforcement and Compliance Assistance) with regulatory authority in the area about the permit application and the programs will coordinate their actions to the extent practicable.

Communicating with the Community:

- Designate single EPA contact to address public concerns or questions.
- Make informational fact sheets about the application available.
- Use plain language when communicating with the public, including verbal and written communications.
- Use communication techniques the community values.
- Offer translation services for Limited English Proficiency (LEP) needs as appropriate (e.g., per EPA LEP Order⁶).
- Make key documents on the proposed project readily accessible to the community, using a variety of media tools (paper copies, online, etc.), when appropriate.
- If public meetings are part of the outreach plan, hold them at times and places in the community that afford the public a good chance of attending.
- At the close of the public comment period, the PSD Program will make available to the community a summary of EPA's comment responses and provide information on where the community can find the entire comment response document.

Communicating with the Permit Applicant:

- The PSD Program will request in writing that, along with the technical permit application materials, the permit applicant provide a plain-language description of the requested permit action.
- Encourage the permit applicant to consult EPA guidance on EJ and other resources developed under Plan EJ 2014, including the *Recommended Best Practices for Permit Applicants Seeking EPA-Issued Permits: Ways to Engage Communities at the Fence-Line (Ways to Engage Communities)*.

Priority RCRA Permits

Planning & Gathering Information:

- **Identify priority permits.** As part of its annual or biennial planning processes, Hazardous Waste Program Branch (HWPB) will coordinate with CEPD and ERRD to identify permits EPA plans to issue under RCRA and evaluate the need for enhanced public involvement in individual permit actions. As part of the review, HWPB, CEPD and/or ERRD will use appropriate screening tools, such as EJSCREEN, and collaborate internally with OSP, and/or PAD and, if necessary, externally with appropriate local non-profit EJ organizations to identify EJ concerns. The specific set of outreach actions HWPB, CEPD and/or ERRD would undertake will depend on the needs of the action and available resources.
- **Locate existing data and studies relevant to the impacted community.** As part of the review of a permit application targeted for enhanced public involvement, HWPB will search in-house online databases and, if necessary, contact ERRD, CEPD, DECA, DESA, PAD, and OSP in order to locate any additional information relevant to overburdened communities potentially impacted by the permitting action. If the review reveals

⁶ See e.g., http://intranet.epa.gov/ohr/rmpolicy/ads/orders/1000_32.pdf; and <http://www.epa.gov/aapi/documents/LEP-factsheet.pdf>

concerns relevant to the permit action, HWPB will work with the applicant(s) to address them as part of the permitting process.

- **Determine effective ways to reach out to the affected community.** HWPB will collaborate internally with OSP and PAD and, if necessary, externally with appropriate local non-profit EJ organizations in order to identify feasible and effective methods of communicating with the impacted EJ community of concern. HWPB will strive to conduct its public communication so as to include as many stakeholders as practicable given available resources.
- **Evaluate the appropriate length of the public comment period.** HWPB will consider reasonable requests for an extension of the public comment period that are timely submitted and, to the extent practicable, set the comment period so as to accommodate such requests.
- **Consider holding a public information meeting.** HWPB will collaborate internally with OSP, PAD, and other regional offices and, if necessary, externally with appropriate local non-profit EJ organizations in order to assess the need for a public information meeting. If substantial public interest exists and resources are available, HWPB will hold a public information meeting in the impacted community.

Coordinating within EPA:

- HWPB will inform appropriate regional program offices whose responsibilities include permitting and/or enforcement responsibilities under the Safe Drinking Water Act, Clean Water Act or the Clean Air Act as well as CEPD and ERRD that HWPB has received the RCRA permit application. The Programs will coordinate their actions as appropriate.

Communicating with the Community:

- HWPB, CEPD and/or ERRD will collaborate with OSP, PAD, and other appropriate regional offices in regional efforts to formulate responses to any questions or concerns raised as part of the RCRA permitting process.
- HWPB, CEPD and/or ERRD will provide, as needed, informational fact sheets which explain the RCRA-permitting process.
- HWPB, CEPD and/or ERRD will collaborate with PAD and OSP to communicate with the public in plain language, in compliance with the Plain Writing Act of 2010⁷.
- HWPB, CEPD and/or ERRD will collaborate with PAD and OSP to identify and use techniques feasible and effective in communicating with the public.
- HWPB will collaborate with CEPD, PAD, and OSP to provide translation services for LEP communities in compliance with the Region 2 Translation Policy⁸ and the EPA LEP Order.
- During the public comment period of draft RCRA permits, HWPB will provide local libraries or other public places that are readily accessible to the impacted community with copies of the permit application, EPA's decision documents, and any other relevant documents directly relating to the issues of concern. To the extent practicable, HWPB will also make such documents available online.

⁷For EPA guidance, see e.g., <http://epa.gov/plainwriting/index.html>

⁸ For EPA guidance, see e.g., <http://r2notes3.r02.epa.gov/Intranet/iOPM-HRB.nsf/0/8D136E3CD651FEDC85256D030052F795>

- Where substantial stakeholder interest exists and resources allow, HWPB, CEPD and/or ERRD will collaborate with PAD and OSP to determine appropriate schedules and locations for public meetings acceptable to communities.
- At the close of the public comment period, HWPB, CEPD and/or ERRD will provide local libraries or other public places that are readily accessible by the impacted community with a copy of the summary of the public comments and EPA’s responses to them.

Communicating with the Permit Applicant:

- HWPB, CEPD and/or ERRD will request in writing that, along with technical permit application materials, the permit applicant provide a plain-language description of the requested permit action. HWPB will work with PAD and OSP in order to determine whether the plain language criteria are met.
- HWPB will request in writing that the permit applicant follows the EPA guidance on EJ and other appropriate resources developed under Plan EJ 2014, including *Recommended Best Practices for Permit Applicants Seeking EPA-Issued Permits: Ways to Engage Communities at the Fence-Line*.

Priority “Major” and “Non-Major” Industrial NPDES Permits

Planning & Gathering Information:

- **Identify priority permits.** The NPDES Program will use EJSCREEN and accept information from stakeholders in the impacted community in order to determine whether EJ concerns exist and the permit under review falls within the categories of Priority Permits.
- **Evaluate the appropriate length of the public comment period.** The NPDES Program will set the length of the comment period so as to respect the requests of stakeholders from impacted communities to the extent practicable.

Coordinating within EPA:

- **For applicants with multiple EPA permits,** the NPDES Program will inform permit writers and staff from other Regional Programs with regulatory authority over the area that it has received a permit application from the applicant.

Communicating with the Community:

- Designate single EPA contact to address public concerns or questions.
- Make informational fact sheets available.
- Use plain language when communicating with the public.
- Use communication techniques the community values.
- Make key documents on the proposed project readily accessible to the community, using a variety of media tools (paper copies, online, etc.), when appropriate.
- At the close of the public comment period, make available to the community a summary of EPA’s comment responses and provide information on where the community can find the entire comment response document.

Communicating with the Permit Applicant:

- The NPDES program will request in writing that, along with the technical permit application materials, the permit applicant provide a plain-language description of the requested permit action.
- Encourage the permit applicant to consult EPA guidance on EJ and other resources developed under Plan EJ 2014, including *Recommended Best Practices for Permit Applicants Seeking EPA-Issued Permits: Ways to Engage Communities at the Fence-Line*.

Priority PSD Permits with Limited Public Interest or Some Environmental and Public Health Concerns

Planning & Gathering Information:

- **Identify priority permits.** The PSD Program will use EJSCREEN and accept information from stakeholders in the impacted communities in order to determine whether EJ concerns exist.
- **Formulate a Communication Plan.** Consult with stakeholders internal and external in order to identify effective methods of communication with the impacted community. To the extent practicable, the PSD Program will use the communication method(s) that is valued by stakeholders in the impacted community.
- **Evaluate the appropriate length of the public comment period.** To the extent practicable, the PSD Program will set the length of the public comment period so as to respect the requests of stakeholders in the impacted community.

Coordinating within EPA:

- **For applicants with multiple EPA permits,** the PSD Program will inform permit writers and staff from other Regional Programs with regulatory authority over the area that it has received a permit application from the applicant.

Communicating with the Community:

- Designate single EPA contact to address public concerns or questions.
- Make informational fact sheets available.
- Use plain language when communicating with the public.
- Use communication techniques the community values.
- Make key documents on the proposed project readily accessible to the community, using a variety of media tools (paper copies, online, etc.), when appropriate.
- After the permit has been issued, make available to the community a summary of EPA's comment responses and provide information on where the community can find the entire comment response document.

Communicating with the Permit Applicant:

- Encourage the permit applicant to provide EPA with a plain-language description of its proposed project or permit application. The PSD Program will request in writing that, along with the technical permit application materials, the permit applicant provide a plain-language description of the requested permit action.

- Encourage the permit applicant to consult EPA guidance on EJ and other resources developed under Plan EJ 2014, including *Recommended Best Practices for Permit Applicants Seeking EPA-Issued Permits: Ways to Engage Communities at the Fence-Line*.

Priority Significant UIC Program Permits Under the Safe Drinking Water Act

Planning & Gathering Information:

- **Identify priority permits.** The UIC Program will use EJSCREEN as well as EPA and Region 2 screening-related policy guidance to determine whether the application involves an EJ priority permit.
- **Evaluate the appropriate length of the public comment period.** The public comment period is 30 days for the UIC Program (40 CFR 124) but the Program will set the length of the comment period to respect stakeholders' requests to the extent practicable.
- **Consider holding a public information meeting.** If substantial stakeholder interest exists and to the extent resources allow, the UIC Program will hold a public information meeting to address questions from impacted communities.

Coordinating within EPA:

- **For applicants with multiple EPA permits,** the UIC Program will notify program Section and/or Branch Chiefs (as appropriate) in other Divisions that it has received a permit application from the applicant.

Communicating with the Community:

- Designate single EPA contact to address public concerns or questions. The UIC Program will work with PAD to designate a single EPA contact for each permit; the Program will work with this person to address public concerns or questions.
- Make informational fact sheets available. Where the Region anticipates or is aware of significant public interest in a particular permit application, the UIC Program will make available informational fact sheets which will be written in plain language and include a project description.
- Use plain language when communicating with the public.

Communicating with the Permit Applicant:

- Encourage the permit applicant to provide EPA with a plain-language description of its proposed project or permit application for public distribution. Between EPA technical staff and the permit applicant accepted technical language is expected, acceptable and preferred. However, the UIC Program will request in writing that, along with the technical permit application materials, the permit applicant provide a plain-language description of the requested permit action.
- The UIC Program will send a copy of the *Recommended Best Practices for Permit Applicants Seeking EPA-Issued Permits: Ways to Engage Communities at the Fence-Line* to the applicant with the administrative review letter.

Figure 1. Region 2 Decision Tree for Compliance with the Region 2 Implementation Plan for Enhanced Public Participation in Permitting. See Region 2 Interim EJ Policy, Section 2.0 (<http://www.epa.gov/region2/ej/overview.htm>) for specific guidance on identifying EJ communities of concern.

