



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 13 2015

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

The Honorable Robert Cope, Chair
Small Community Advisory Subcommittee
1606 Main Street
Salmon, Idaho 83467

Dear Mr. Chairman:

Thank you for your letter of December 11, 2015, regarding the Local Government Advisory Committee's (LGAC) recommendations to the U.S. Environmental Protection Agency on the *EJ 2020 Draft Action Agenda*. The Administrator forwarded your letter to me for response. I sincerely apologize for the delay in providing a more timely response to the LGAC's recommendations, and want to assure you that your recommendations were very useful to us and were taken into consideration in preparing EPA's EJ 2020 Draft Action Agenda.

I greatly appreciate your taking the time to provide input to the agency's *EJ 2020 Draft Action Agenda*. Many of your recommendations are being incorporated into this plan while others are being addressed through the agency's ongoing program activities. Your recommendations touched on some very important issues that include cumulative risk, training, funding opportunities, rulemaking, and agricultural partnerships. These issues not only play an important role in addressing environmental justice (EJ) issues in the LGAC's communities, but also offer a concrete understanding of how we might be more successful in making a difference in communities and state and local governments across the country. More information is provided below in response to the recommendations in your letter.

Recommendation 1. Integrate cumulative risks and impacts as critical public health concerns when considering pollution in particular for communities with EJ concerns, particularly small, rural and tribal Communities.

The EPA is conducting or supporting a number of studies that are evaluating the issue of cumulative risks and impacts in various communities across the country. For example, in collaboration with the National Institutes of Health, the agency is co-funding studies that are evaluating the interactions between chemical and non-chemical stressors that may result in disproportionate impacts among various disadvantaged population groups and communities. Research is also being conducted with several tribes to examine the factors conferring increased environmental public health risk in their communities. The EPA has supported work on community stressors and susceptibility to air pollution in urban environments, assessments of cumulative risks in a low-income urban community near a Superfund site, decision support tools for evaluating cumulative impacts, and a wide range of other topics examining cumulative risks and impacts. The *EJ 2020 Action Agenda* incorporates these and other important actions through its science effort and the implementation of EPA's *Environmental Justice Research Roadmap*.

Recommendation 2. Consider that new EPA employees receive mandatory EJ training and that all employees participate in annual training regarding updates and/or new developments in EJ issues.

In 2015, the EPA's Office of Environmental Justice achieved a major milestone when it launched a mandatory training program on the basic foundations and fundamentals of environmental justice for the agency. In that year, over 17,000 staff and contractors within the agency successfully completed the training. We have recently ensured that all future EPA employees also receive the training as part of a package of mandatory trainings during their first months at the agency. The Office of Environmental Justice is also constantly leading and/or participating in the creation of new trainings for agency personnel, particularly those with direct contact with or responsibilities related to working with overburdened and vulnerable communities. Much of this activity has been centered on the further development of an agency-wide community of practice for such staff – the Community Resources Network (CRN). The agency remains committed to ensuring that all EPA staff have a basic understanding of environmental justice fundamentals and the relationship of their work to environmental justice. The EPA will also continue to further refine such training, education, and outreach within the agency to continue to develop the practice of environmental justice as a long term endeavor, investment, and focus for the EPA.

Recommendation 3. Continue to actively consider EJ impacts in rulemaking and consider and use an EJ Analysis on proposed future rule-makings.

The EPA has made significant progress in developing the guidance and tools for incorporating environmental justice into its rulemaking process. In May 2015, the agency issued *Final Guidance on Considering Environmental Justice During the Development of a Regulatory Action (EJ Process Guide)*. This guidance helps agency rule-writers and decision-makers determine when they should consider environmental justice concerns during the development of actions, such as rules. In addition to providing key concepts related to environmental justice and rulemaking, the EJ Process Guide identifies key steps throughout the action development process where environmental justice should be considered. The EPA also issued *Draft Technical Guidance for Assessing Environmental Justice in Regulatory Analysis (EJ Technical Guide)*. This guidance addresses the issue of how to consider environmental justice concerns in an analytical fashion. It presents key analytic principles and definitions, best practices, and analytic questions to frame the consideration of environmental justice in regulatory actions. The guidance is expected to be finalized in 2016. During the past several years, there has been an increase in the number of EPA rules that consider environmental justice. Some notable examples of rules include the Definition of Solid Waste 2015, Mercury and Air Toxics Standards, National Ambient Air Quality Standards for Particulate Matter, Revisions to Agricultural Workers Protection Standards, and the Clean Power Plan. Through EJ 2020, the EPA will build on these efforts to institutionalize environmental justice in the rulemaking process. We seek to ensure that environmental justice issues will be appropriately analyzed, considered and addressed in EPA rules with potential environmental justice concerns, to the extent practicable and supported by law.

Recommendation 4. Actively pursue more funding opportunities for EJ communities, both within the agency and in collaboration with other federal agencies.

The EPA appreciates the LGAC's recommendations on expanding and solidifying the funding that we make available to communities through a variety of funding instruments. These instruments include grants, cooperative agreements, capacity building support, technical assistance, and challenges. We also appreciate that the LGAC highlighted important facts regarding the lack of capacity of many community based organizations to successfully meet administrative, management and reporting requirements of some federal funding instruments as well as the need to continue to support community supported projects once the initial funding has resulted in success. At the EPA, such considerations are a central part of our decisions and planning on how to best use our community focused financial resources. For instance, in recent years both the EPA's Office of Environmental Justice and Office of Sustainable Communities have either greatly modified their competition announcements or completely switched to new funding instruments which provide ease of applying, managing, and reporting on the funding. Leveraging the direct support we provide

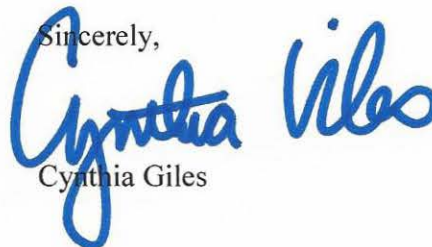
to communities has also been a driving consideration of our *Making a Visible Difference in Communities* initiative and strategic plan as well as the creation of an agency-wide Communities Resource Network. The CRN in particular will be a sustained effort across the agency to continue to implement best practices of how we work with communities, support their efforts, use our community focused resources, and leverage those resources with additional opportunities and investments to sustain and build upon progress made by communities. At the EPA, we see this as a long term change in how we do business at the agency to centrally integrate a community focused work practice across programs and resources. We have already seen this change pay dividends for our involvement and application of resources in 50 *Making a Visible Difference* community projects in the past year and a half. We are building upon those successes in both the agency's overall strategic plan as well as in the agency's *EJ 2020 Action Agenda* so that we capture and solidify this change in how we do business for the future.

Recommendation 5. Continue to seek partnerships with state and local agricultural committees.

The EPA will increase communications and better coordinate with agricultural partners through the Environmental Justice Interagency Working Group's Rural Communities Focus Area. This body will meet regularly to support efforts to: ensure equity and collaboration between federal agencies and rural environmental justice communities, develop economic opportunities so rural overburdened communities are self-sustaining and economically thriving, and coordinate federal agency investments to further holistic community-based solutions that reduce environmental justice issues. The Rural Focus Committee will undertake several outreach and collaboration efforts including exploring new mechanisms to communicate with rural communities and Tribal Governments to educate and inform them on agency activities and resources and to enlist their input on community issues and needs.

As a result of much engagement with and subsequent feedback from communities and other environmental justice stakeholders on last year's draft, the EPA is now preparing to release a stronger environmental justice strategy framework, the *EJ 2020 Action Agenda*. I know that we can look to the LGAC members and local government officials everywhere to provide robust input into its further development and implementation. In particular, we look forward to local governments' input on the improved strategy and efforts to develop measures that show progress in addressing environmental justice issues at the community level.

Again, thank you for your recommendations on the agency's *EJ 2020 Draft Action Agenda* and the constructive insight that went into them. The EPA appreciates the value of collaboration with you as leaders and representatives of local government. We also know that strengthening our collaboration with communities we serve, governmental partners, and all stakeholders is critical to success in achieving this and other elements of our *EJ 2020 Action Agenda*. We look forward to working with you to better the lives of all of the people we serve together.

Sincerely,

Cynthia Giles

cc: Honorable Robert Dixon,
Mayor, City of Greensburg

Honorable Hector Gonzalez,
Chairman, LGAC's Environmental Justice Workgroup