



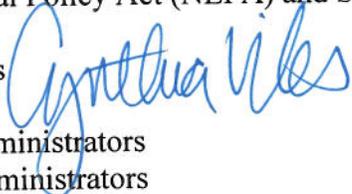
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 19 2011

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Addressing Environmental Justice through Reviews Conducted Pursuant to the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act

FROM: Cynthia Giles 

TO: Regional Administrators
Assistant Administrators

As you are aware, Administrator Jackson has made environmental justice an agency priority. Recent evidence of this includes the issuance of EPA's Plan EJ 2014 and the reinvigoration of the Interagency Working Group on Environmental Justice. Plan EJ 2014 is the roadmap for implementing this Agency priority. As part of Plan EJ 2014, the Agency committed to enhance our efforts to take EJ into account in our NEPA work. In conjunction with this priority, I urge each Region, as well as Headquarters, to enhance efforts to take environmental justice into account in their NEPA work. This includes our own NEPA compliance, as well as our review of other agencies' NEPA documents pursuant to our Clean Air Act Section 309 responsibilities. It is important that we fully utilize our authorities under NEPA and Section 309 to achieve the Administrator's environmental justice priorities and stated goals in Plan EJ 2014.

Executive Order 12898, "Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations" (Feb. 16, 1994), requires Federal agencies to identify and address the disproportionately high and adverse human health or environmental effects on minority, low-income and tribal populations. NEPA requires Federal agencies to assess and disclose the environmental impacts of proposed actions and is an important tool that can be used to advance the goals of environmental justice. EPA is also mandated by Section 309 of the Clean Air Act to review all federal environmental impacts statements (EISs) and make those reviews public. This review responsibility puts EPA in a unique position to monitor how well Federal agencies comply with Executive Order 12898. In fact, the Presidential memo that transmitted the Executive Order to Federal agency heads directs that EPA, "...when reviewing the environmental effects of proposed action of other Federal agencies under section 309 of the Clean Air Act, 42 U.S.C. section 760, shall ensure that the involved agency has fully analyzed environmental effects on minority communities and low-income communities, including human health, social, and economic effects."



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Through the Administrator's heightened commitment to and focus on environmental justice, much has been and continues to be learned on how best to achieve this objective. Accordingly, I ask that you take a number of steps to enable EPA to incorporate this growing base of knowledge into your practice to ensure that the spirit as well as the letter of the Executive Order and Presidential directive is met.

- As EPA complies with NEPA requirements, assure a robust environmental justice analysis in our own NEPA documents. EPA's "Final Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses" (April 1998) provides information to assist the Agency address environmental justice issues in our activities subject to NEPA.
- OECA, through the Office of Federal Activities (OFA) and Office of Environmental Justice (OEJ), is committed to working with the Regions to enhance considerations of environmental justice within the NEPA review process through compilation of best practices, training, and other approaches. We will be contacting your NEPA practitioners and request that they work with us to identify the best practices of Federal agencies in implementing the requirements of E.O. 12898 under NEPA. OFA and OEJ are currently compiling examples of these best practices for discussion and dissemination. (Contact: Arthur Totten, (202) 564-7164, totten.arthur@epa.gov).
- Review and comment on environmental justice analyses with the same rigor applied to other areas of CAA Section 309 technical reviews. Ensure that your 309 Environmental Review staff is familiar with and follows the following EPA and Council on Environmental Quality's (CEQ) NEPA guidance on incorporating environmental justice into 309 reviews:
 - EPA's "Final Guidance for Consideration of Environmental Justice in Clean Air Act 309 Reviews" (July 1999).
 - CEQ's "Environmental Justice Guidance under the National Environmental Policy Act" (December 1997).
- Encourage your practitioners to consult CEQ's new posting of Federal agency resources on NEPA and environmental justice on its website at: http://ceq.hss.doe.gov/nepa_information/agency_resources.html. This robust site provides agency specific information, including environmental justice policies, specific NEPA procedures and guidance, and websites devoted specifically to environmental justice issues.
- Ensure that your 309 Environmental Review staff involves your Environmental Justice Coordinators as Associate Reviewers for appropriate EIS reviews. Upfront planning and coordination are critical to advancing environmental justice within the NEPA process.

I look forward to working with you to ensure that environmental justice considerations are an integral part of EPA's NEPA compliance process, and that our reviews of other agencies' EISs (and other NEPA documents) pursuant to NEPA and Section 309 of the Clean Air Act help ensure that the requirements of Executive Order 12898 are fully realized.

If you have questions, please contact Susan Bromm, Director, Office of Federal Activities at (202) 564-5400 or bromm.susan@epa.gov.

cc: Deputy Regional Administrators
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Regional NEPA Compliance Coordinators
Regional Environmental Justice Coordinators