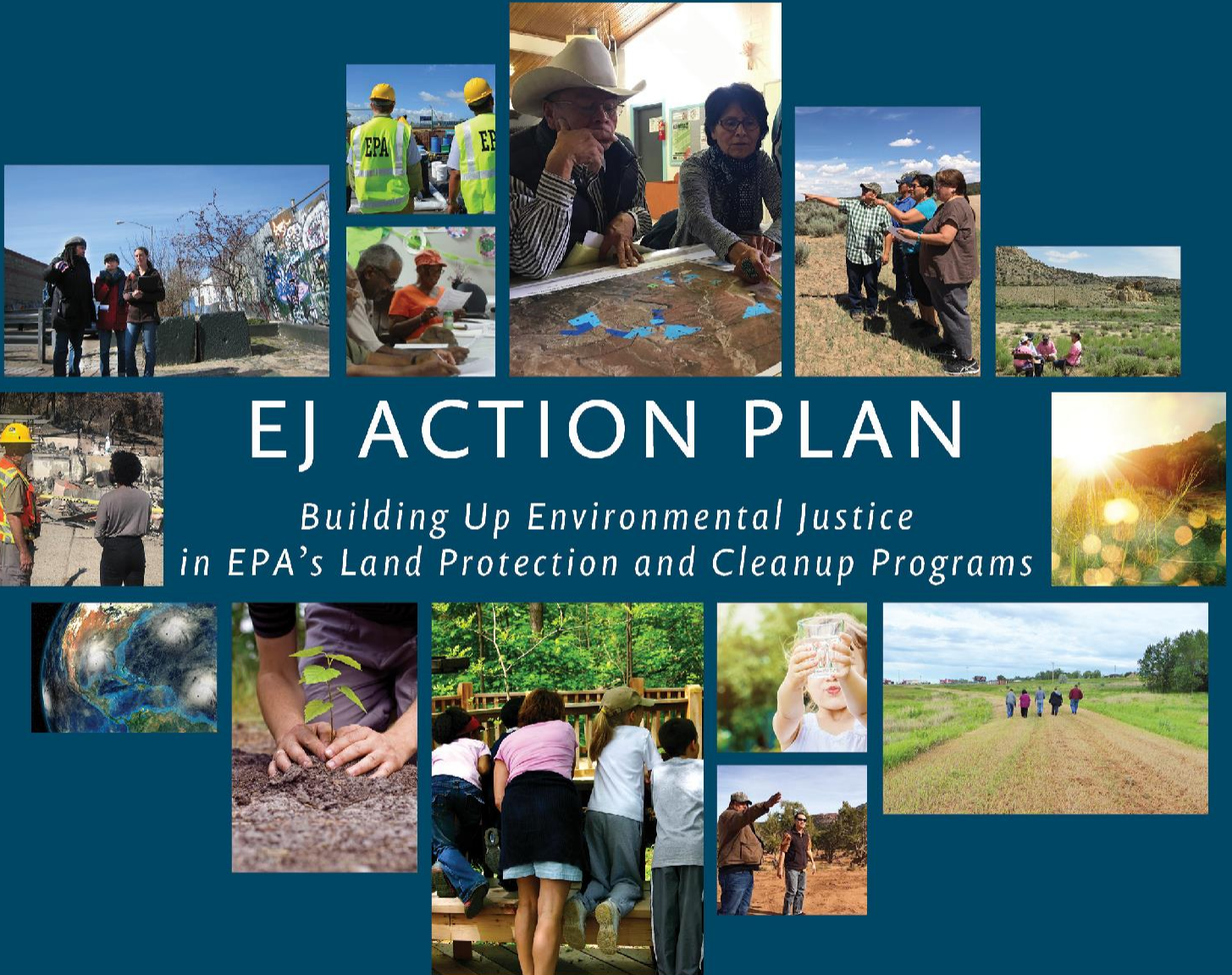




December 2021



EJ ACTION PLAN

*Building Up Environmental Justice
in EPA's Land Protection and Cleanup Programs*

Office of Land and
Emergency Management (OLEM)
EPA 502/P-21/001

WELCOME

In 2021, President Biden issued two executive orders – [Executive Order 13985](#) (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government) and [Executive Order 14008](#) (Tackling the Climate Crisis at Home and Abroad) – that give direction to federal agencies to promote and work toward proactively achieving environmental justice. Federal agencies have been directed to develop and implement policies and strategies that strengthen compliance and enforcement, incorporate environmental justice considerations in their work, increase community engagement, and ensure that at least 40 percent of the benefits from federal investments in climate and clean energy flow to disadvantaged communities. EPA's Office of Land and Emergency Management (OLEM) has taken this direction seriously and developed this Environmental Justice Action Plan. The Action Plan includes projects, tools and practices that will occur across all parts of OLEM. It has been shared with OLEM's Regional EPA partners, other national programs and EPA leadership.

The Action Plan builds on the best lessons of the past in existing and new programs and projects and is working toward the implementation of higher-value policies, programs and practices that will improve OLEM's achievement of its environmental justice goals. OLEM is taking this opportunity to examine its programs and practices in a manner that enhances the focus on and benefits to communities with environmental justice concerns. OLEM's Action Plan seeks to engage a wide range of programs with thoughtful and effective strategies to initiate or enhance nearly two dozen projects.

The projects in this Action Plan address a wide range of areas under OLEM's purview and some which overlap with other National Program Offices. Many of them will identify and address OLEM programs where there are opportunities to improve implementation of existing environmental laws and regulations. Others use existing tools, resources and investments to improve the environmental outcomes of OLEM programs from the perspective of affected stakeholders and communities. Some of the projects will use improved community engagement to meet the environmental and public health challenges facing communities. OLEM will incorporate those communities' needs into strategies and approaches employed to meet the projects' goals. Using the last 25 years of EPA's experiences, success stories and lessons learned from working toward environmental justice, the OLEM programs will invigorate their projects, practices and objectives with new approaches and investments of time, staffing and funding that will increase quality of life in communities with environmental justice concerns.

Below, OLEM has identified many projects to address environmental justice challenges while relating to the priorities identified by the Biden Administration and EPA Administrator Michael S. Regan. While some of the details of how those projects will operate have been truncated in this document, OLEM has



identified the categories the efforts relate to, the goals of the projects and prospective environmental justice benefits expected to come from them. Some of these projects are already underway. Others will require time and more resources prior to initiation. EPA is a partner in environmental protection with other federal agencies, tribal and state governments, communities, and other stakeholders. The projects below have, in many cases, identified their current and future partners and other partnerships will emerge as the projects go forward. All of the OLEM programs have made initial estimates of the amount of time involved in executing these projects; the estimates vary from months to years. With the support of EPA and OLEM leadership and resources, all of the projects can begin in 2022.

In the Action Plan, the categories of environmental justice focus provided by the Biden Administration are referenced in relation to which projects tie most closely to each priority category. OLEM used those categories as an organizing principal for its projects. The projects are referenced by category, program office, project number and title. In the body of the Action Plan, the projects are referenced with an abbreviated version of the categories so the reader can gain a quick and concise understanding of the focus of each project, including its goals and benefits. We have also included a timeline to show when the projects start to give a sense of immediacy with which OLEM is addressing these issues. We are also undertaking an effort to develop common approaches and baseline criteria for identifying communities with environmental justice concerns and disadvantaged communities, and addressing certain challenges and concerns during engagement activities.

During the development of the Action Plan, OLEM's Regional program partners and other reviewers were provided with the opportunity to review, comment and share concerns. While there was strong support for the programs and projects identified, several shared concerns were raised regarding common definitions and resource needs. Their concerns pointed out the need for standard definitions for terms such as "community with environmental justice concerns" and "disadvantaged community". They highlighted the need for greater consistency in the analytical approaches used to make determinations using tools such as EJSCREEN and other data resources. Another common area of concern was the potential for projects to require greater Regional staff time commitments, and costs not accounted for in existing budgets. OLEM is taking these concerns seriously. These broad concerns and other more project-specific issues are being addressed as EPA moves toward implementation of these actions. For example, OLEM is working with EPA's Office of Environmental Justice (OEJ) directly on gathering, sharing and using consistent terminology and data analytic methodologies throughout the Agency. OLEM has also reviewed relevant recommendations made by the White House Environmental Justice Advisory Council (WHEJAC).

The Action Plan builds on the best lessons of the past in existing and new programs and projects and is working toward the implementation of higher-value policies, programs and practices that will improve OLEM's achievement of its environmental justice goals.

OLEM is taking this opportunity to examine its programs and practices in a manner that enhances the focus on and benefits to communities with environmental justice concerns.

OLEM's Action Plan seeks to engage a wide range of programs with thoughtful and effective strategies to initiate or enhance nearly two dozen projects.

The Action Plan will not be finalized until representatives from affected and concerned external interests have a chance to weigh in. The next iteration of the OLEM Environmental Justice Action Plan will benefit from review and comments from external stakeholders in communities as well EPA's environmental, tribal, state and local government partners.



“Too many communities whose residents are predominantly of color, Indigenous or low income continue to suffer from disproportionately high pollution levels and the resulting adverse health and environmental impacts. We must do better. This will be one of my top priorities as Administrator, and I expect it to be one of yours as well.”

– EPA Administrator Michael S. Regan, in a message to all EPA staff

Agencies, Offices and Programs | Acronyms

Agencies, Offices and Programs

EPA

ECAD	Enforcement and Compliance Assurance Division
FFEO	Federal Facilities Enforcement Office
FFRRO	Federal Facilities Restoration and Reuse Office
HQ	Headquarters
OA	Office of Administration
OBLR	Office of Brownfields and Land Revitalization
OCSPP	Office of Chemical Safety and Pollution Prevention
OECA	Office of Enforcement and Compliance Assurance
OEJ	Office of Environmental Justice
OEM	Office of Emergency Management
OGC	Office of General Counsel
OGD	Office of Grants and Debarment
OGWDW	Office of Ground Water and Drinking Water
OITA	Office of International and Tribal Affairs
OLEM	Office of Land and Emergency Management
OMS	Office of Mission Support
OP	Office of Policy
OPA	Office of Public Affairs
ORCR	Office of Resource Conservation and Recovery
ORD	Office of Research and Development
OSRTI	Office of Superfund Remediation and Technology Innovation
OUST	Office of Underground Storage Tanks
OW	Office of Water
RID	Regulations Implementation Division
SRP	Superfund Redevelopment Program

Other Agencies and Organizations

ASTSWMO	Association of State and Territorial Solid Waste Management Officials
ATSDR	Agency for Toxic Substances and Disease Registry
CEQ	White House Council on Environmental Quality
DOE	U.S. Department of Energy
DOT	U.S. Department of Transportation
FEMA	Federal Emergency Management Agency
GSA	U.S. General Services Administration
HUD	U.S. Department of Housing and Urban Development
NOAA	National Oceanic and Atmospheric Administration
OPM	U.S. Office of Personnel Management
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
WHEJAC	White House Environmental Justice Advisory Council

Acronyms

ASPECT	Airborne Spectral Photometric Environmental Collection Technology
CAG	Community Advisory Group
CCR	Coal Combustion Residuals
CEM	Continuous Mission Evaluation
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
EJ	Environmental Justice
EPCRA	Emergency Planning and Community Right-to-Know Act
FRP	Facility Response Plan
FY	Fiscal Year
HRS	Hazard Ranking System
LEPC	Local Emergency Planning Committee
LUST	Leaking Underground Storage Tank
MSW	Municipal Solid Waste
NCP	National Contingency Plan
NEJAC	National Environmental Justice Advisory Council
NPL	National Priorities List
NTCRA	Non-Time-Critical Removal Action
OSC	On-Scene Coordinator
RCRA	Resource Conservation and Recovery Act
RMP	Risk Management Plan
RPM	Remedial Project Manager
SEMS	Superfund Enterprise Management System
SOP	Standard Operating Procedure
SPCC	Spill Prevention Control and Countermeasure
TAB	Technical Assistance to Brownfields
TASC	Technical Assistance Services for Communities
TSDF	Treatment, Storage and Disposal Facility
UST	Underground Storage Tank

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1. Strengthen Compliance



EPA's Goal: *To strengthen cOmpliance with cornerstone environmental statutes and civil rights laws in communities overburdened by pollution.*

1.1 GOOD GOVERNANCE REFERRAL LISTS

To advance the Agency's goal of enhanced enforcement in overburdened communities, OLEM works closely with OECA (information on environmental justice [EJ] enforcement initiatives is available [here](#)). OLEM and OECA collaborate on projects that can support the Agency's EJ goals. EPA field staff and contractors often initiate contact with the public during Resource Conservation and Recovery Act (RCRA) activities such as obtaining signatures on site access agreements or conducting public meetings. Often, a citizen may raise an issue or ask a question beyond our authorities. This project will provide an approach to ensure that issues raised by citizens during these interactions get communicated to people who can help. The missions of ORCR and several other EPA offices, as well as many other federal agencies, are strategically aligned. Yet, during site work in communities, we often arrive with individual program purposes stemming from our authorizing statutes.

This project seeks to create a more collaborative multi-media working relationship, establishing a referral list for points of contact for agencies and authorities who can be informed of community concerns that are not within RCRA's authority to address. Project management could include aligning resources, funding and expertise to address issues when appropriate.

Project Goals

Development of a Good Governance process, including a referrals list to be shared across offices/agencies to enable follow-up actions on communities' environmental concerns that are not within our authorities for action.

Organizations Involved

ORCR (lead), EPA HQ, EPA Regional offices, DOT, HUD, USDA, states.

Timeline | Next Steps

Project start: August 2021.

Project completion: September 2022.



Environmental Justice Benefits

Environmental issues that are not within RCRA's authority to address are flagged for the appropriate EPA response or response(s) from other federal, state or local partners. Holistic understanding of community needs will clarify project planning efforts and budget and resource needs.

The project reflects a comprehensive, cutting-edge approach to addressing community concerns, cumulative risk concerns and the needs of vulnerable communities. Long-term benefits include building trust and addressing community needs.

1.2 STRENGTHEN RMP PREVENTION AND EMERGENCY RESPONSE REQUIREMENTS IN COMMUNITIES WITH ENVIRONMENTAL JUSTICE CONCERNS

Propose and finalize revisions to the Risk Management Plan (RMP) regulation to strengthen prevention and emergency response program requirements in EJ areas. The project involves proposing and finalizing changes to the RMP rule to reincorporate key prevention and response measures of the 2017 RMP Amendments rule, as well as incorporating additional requirements to strengthen accident prevention programs at RMP facilities that are in or near communities with EJ concerns.

Project Goals

Enhance accident prevention and emergency response requirements at RMP-regulated facilities in or near communities with EJ concerns and reduce the frequency and severity of accidental releases in such communities.

Organizations Involved

OEM/RID (lead), OA, OECA, OEM (contract support), OGC, other EPA Headquarters (HQ) and Regional offices. EPA Regional office involvement in the rulemaking will be decided by each Regional office. OEM will include workgroup participants from Regional Enforcement and Compliance Assurance Divisions (ECADs) that choose to participate.

Timeline | Next Steps

Project start: May 2021.

Project completion: summer 2023 (estimated final rule publication).



Environmental Justice Benefits

RMP facilities are more often located in or near communities with EJ concerns. Therefore, strengthening the prevention and response programs at RMP facilities in general will benefit many communities with EJ concerns by reducing the frequency and severity of accidental releases at facilities in or near these communities. Additionally, EPA will propose applying key restored prevention measures to additional facilities in or near communities with EJ concerns. OLEM and OECA are committed to RMP inspections and enforcement.



1.3 ANALYSIS OF SPCC/FRP INSPECTION DATA TO TARGET FUTURE INSPECTIONS IN COMMUNITIES WITH ENVIRONMENTAL JUSTICE CONCERNS – PHASE 1

Analysis of Spill Prevention Control and Countermeasure (SPCC) Plan and Facility Response Plan (FRP) inspection data to target future inspections in EJ areas and improve oil program implementation in these areas. The project involves analysis of past oil inspection program data to inform the impacts of the SPCC and FRP programs on communities with EJ concerns and the SPCC and FRP inspection program's future implementation activities relative to these communities. Phase 1, at the EPA HQ level, involves an initial analysis of SPCC and FRP data relative to communities with EJ concerns to understand the distribution of SPCC and FRP facilities in these areas and identifying their compliance patterns. This project will build on OECA's work overall on inspection in communities with EJ concerns. As a companion to OLEM inspections, OECA carries out any necessary enforcement actions.

Project Goals

Measure the SPCC/FRP facilities compliance rates in communities with EJ concerns to establish a baseline for improving targeting and inspection rates.

Organizations Involved

OECA, OEM, EPA Regional Oil Program Managers, Regional ECADs, OW – OGWDW, external stakeholder organizations.

Timeline | Next Steps

Project start: fiscal year (FY) 2022.

Project completion: FY 2022 (one year).



Environmental Justice Benefits

By increasing the SPCC/FRP facility inspection rate in communities with EJ concerns, facility SPCC and FRP plans will improve, resulting in fewer and less severe oil spills affecting nearby communities.



1.4 ANALYSIS OF SPCC/FRP INSPECTION DATA TO TARGET FUTURE INSPECTIONS IN COMMUNITIES WITH ENVIRONMENTAL JUSTICE CONCERNS – PHASE 2

Analysis of SPCC/FRP inspection data to target future inspections in EJ areas and improve oil program implementation in these areas. Project involves analysis of past oil inspection program data to inform the impacts of the SPCC and FRP programs on communities with EJ concerns and the SPCC and FRP inspection program's future implementation activities relative to these communities. Phase 2 involves using the results of these analyses to identify sectors or locations that are more likely non-compliant and to focus future inspections and compliance efforts on these areas. This project will build on OECA's work overall on inspection in communities with EJ concerns. As a companion to OLEM inspections, OECA carries out any necessary enforcement actions.

Project Goals

Analyze SPCC/FRP inspection data and increase the SPCC/FRP compliance rate in communities with EJ concerns. Improve the inspection rate, targeting and compliance rate at SPCC/FRP facilities in communities with EJ concerns.

Organizations Involved

OEM/RID (lead), OECA, OEM contract support, OGWDW (for surface water intake information), EPA Regional Oil Program Managers, Regional ECADs, external stakeholder organizations.

Timeline | Next Steps

Project start: FY 2022 (after Phase 1 ends).

Project completion: FY 2025 (three years).



Environmental Justice Benefits

By increasing the SPCC/FRP facility inspection rate in communities with EJ concerns, facility SPCC and FRP plans will improve, resulting in fewer and less severe oil spills affecting nearby communities.



1.5 USE OF ASPECT TO PROVIDE CONTINUOUS EVALUATION MISSIONS (CEMS) FOR DISADVANTAGED COMMUNITIES, THE CLIMATE AND ENFORCEMENT: PHASE 1

EPA's Airborne Spectral Photometric Environmental Collection Technology (ASPECT) is an aerial surveillance platform providing wide-area chemical, radiological and nuclear detection as well as infrared photometric and advanced imagery products. Use ASPECT to provide continuous evaluation missions (CEMS) for disadvantaged communities, climate change and enforcement. Characterize chemical pollutants over prioritized disadvantaged communities of concern. Produce EJ-focused data products highlighting data coverage over disadvantaged communities. Collect air quality data to support state/federal air standard violations enforcement, improve regulated facility compliance and improve air quality.



**Environmental
Justice Benefits**

Project Goals

- Show direct disadvantaged community alignment via direct fiscal resource allocations to support this mission profile. (100% alignment to EJ)
- Directly serve disadvantaged communities by collecting and publishing products to a publicly accessible data platform within one to two weeks post mission.
- Enhance public trust and relationship through marketing campaigns, publication of data and commitment of fiscal resources.

Organizations Involved

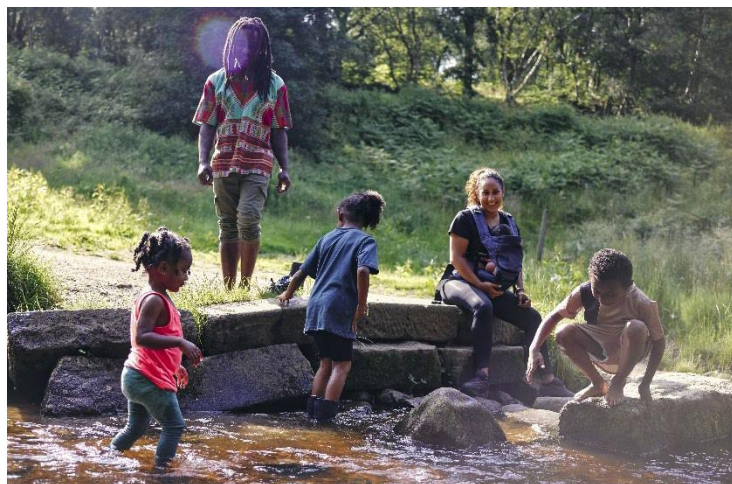
OEM (lead), OECA, OEJ, OLEM, OPA, EPA Regional offices.

Timeline | Next Steps

Initial operating capability is likely two to four years away, with final operational capability achieved in five to seven years. This timeframe could be accelerated, depending on resource allocation and prioritization.

Overlaying of ASPECT data on a geospatial view of historically overburdened communities will illustrate to the public where data was collected with respect to their location.

This transparent access to data aids with the development of trust within historically overburdened and disadvantaged communities and demonstrates how the EPA is adapting our screening methodologies equitably to the nation.



1.6 ENHANCED TRIBAL OIL SPILL AND CHEMICAL ACCIDENT PREVENTION/PREPAREDNESS PROGRAM IMPLEMENTATION

Improve OEM oil and chemical program implementation in Indian country through enhanced outreach, training, inspection targeting and coordination with tribes. The project involves tracking regional tribal participation in Local Emergency Planning Committee (LEPC) activities; educating tribes about the SPCC, FRP, Emergency Planning and Community Right-to-Know Act (EPCRA), and RMP programs and opportunities for tribal involvement; tribal outreach to aid in targeting inspections at high-risk SPCC, FRP and RMP facilities on Indian lands; and working with OLEM, EPA Regional offices and tribes to meet the priorities of the Tribal Waste and Response Committee.

Project Goals

Increase compliance with the SPCC, FRP, RMP and EPCRA regulations by regulated facilities in tribal communities by improving coordination/partnering with state, local and tribal partners.

Organizations Involved

OEM/RID (lead), OECA, Regional oil and chemical program managers, Regional ECADs and program officials, OLEM tribal coordination officials, state, local and tribal government officials, tribal organizations.

Timeline | Next Steps

Project start: FY 2022.

Project completion: ongoing.



Environmental Justice Benefits

Improving implementation of OEM's oil and chemical programs in Indian country will help prevent and minimize adverse impacts from oil spills and chemical accidents in Indian country.



1.7 FACILITY-SPECIFIC COMPLIANCE ASSISTANCE FOR UST FACILITY OWNERS AND OPERATORS IN COMMUNITIES WITH ENVIRONMENTAL JUSTICE CONCERNS IN INDIAN COUNTRY

OUST will develop a facility-specific compliance assistance tool for UST facility owners and operators in communities with EJ concerns in Indian country.

Project Goals

The project will provide targeted compliance assistance, which will make it easier for owners and/or operators to comply with federal requirements. Better compliance will reduce the chance of a release, to avoid further contamination in disadvantaged communities.

Organizations Involved

OUST (lead), Regional programs, others TBD.

Timeline | Next Steps

OUST plans to initiate contract work in 2021, with a goal of having a final tool available by the end of FY 2022.



Environmental Justice Benefits

Targeted compliance assistance works by helping UST facilities with convenience stores, which provide economic benefits in their communities and meet compliance requirements.

Improving compliance assistance specific to facilities in communities with EJ concerns will reduce the chance of a release and further burden on these communities.





2. Incorporate Environmental Justice Considerations



EPA's Goal: *Take immediate and affirmative steps to incorporate environmental justice considerations into our work, including assessing impacts to pollution-burdened, underserved and tribal communities in regulatory development and to maximize benefits to communities.*

2.1 RCRA TREATMENT, STORAGE, AND DISPOSAL FACILITIES (TSDFs) UNIVERSE ANALYSIS AND MAPPING

ORCR will map out and analyze the RCRA TSDFs universe to support EJ considerations in Corrective Action cleanups and TSDF permits. With a more in-depth understanding of facility location, demographic and environmental factors, and U.S. and state trends, ORCR can better ensure fair treatment and meaningful involvement of stakeholders in the Corrective Action and permitting universe. Identifying potentially vulnerable communities and likely barriers to community engagement will likewise support program implementors in ensuring EJ and climate change considerations are embedded in the selection and upkeep of cleanup remedies as well as the issuance of permits. The project is an initial analysis of about 3,777 Corrective Action facilities using EJSCREEN indicators and a longer-term RCRA TSDF universe mapping effort and analysis of about 8,000 facilities. The longer-term analysis includes demographic and environmental indicators beyond EJSCREEN and introduce community characteristics (economic performance, access to decision makers, migration in and out). It will also include profiles of communities near certain RCRA facilities.

Project Goals

Making sure the National Program Manager understands the demographic, environmental and economic characteristics of communities where RCRA Corrective Action cleanups and TSDF permitting are occurring. Analyze RCRA TSDFs with EJ tools to identify potentially vulnerable communities and areas that would benefit from increased funding and support.

Organizations Involved

ORCR (lead), other OLEM cleanup programs, state agencies.

Timeline | Next Steps

Corrective Action universe analysis: April 2021.

RCRA Corrective Action and Permits universe analysis: July 2021 to October 2022.



Environmental Justice Benefits

Further research into the corrective action and TSDF permitting universes may provide insight into national and state-level trends regarding RCRA facilities. In turn, greater understanding of potential vulnerabilities will enable more effective efforts to protect communities through the RCRA corrective action and permitting programs, as well as improved community outreach support and more effective public engagement.

2.2 STRENGTHENED COMMUNITY RESILIENCY THROUGH NATURAL DISASTER DEBRIS PLANNING AND MANAGEMENT

Climate change is causing an increase in the severity and frequency of natural disasters. These disasters disproportionately affect communities with EJ concerns. Lower income people are more likely to live in neighborhoods that are more susceptible to disasters and are near industrial areas and hazardous waste sites, leaving them more vulnerable to toxic leaks from storm damage and the mental and physical impacts of contaminated, unmanaged disaster debris.

ORCR will scope an analysis to examine the benefits and cost savings of building stronger, more-resilient buildings and mitigating risk from a disaster by decreasing the generation of and improving the planning and management of disaster debris. A central part of this analysis will be looking at the costs and benefits to communities with EJ concerns within the context of debris planning and management. This work will inform a companion guide to EPA's Planning for Natural Disaster Debris guidance. It will focus on resiliency, including a special emphasis on the impacts of disasters on overburdened communities and how they can mitigate impacts before disasters occur.

Project Goals

Provide communities with EJ concerns and decision-makers with an economic rationale and tools to create resilient communities that recover faster, contain less harmful materials, generate less debris and use fewer resources during rebuilding.

Organizations Involved

ORCR (lead), OEM, EPA Regional offices, USACE and other federal agencies, states, local governments and external stakeholders (to be invited).

Timeline | Next Steps

Present – end of FY 2022 (may be a multi-year project).



Environmental Justice Benefits

This analysis and companion guide will arm decision-makers with a strong economic rationale about why an investment in hazard mitigation before a disaster makes economic sense, particularly for investing in communities with EJ concerns.

The companion guide will provide information and tools based on the economic analysis and other research that will help communities become more resilient.

Resilient communities recover faster, contain less harmful materials, generate less debris and use fewer resources during rebuilding.

2.3 EPA's NATIONAL RECYCLING STRATEGY AND IMPLEMENTATION PLAN

EPA is releasing the National Recycling Strategy (the 2021 Strategy) as part one of a series dedicated to building a circular economy for all. This substantially revised version of the 2020 draft Strategy focuses on improving the nation's municipal solid waste (MSW) recycling system and broadens the future vision to include the full impact of materials. Over the next few months, EPA will work collaboratively with stakeholders to develop a plan for implementing the 2021 Strategy. EPA will ensure communities have a seat at the table and are involved in developing the implementation plan as well as executing the actions in this Strategy as well as future updates. EPA is also committing to develop a new goal to reduce climate impacts from materials use and consumption that will complement existing national goals on recycling and reduction of food loss and waste. EPA plans to collaborate across all levels of government, including tribal nations, and with public and private stakeholders to achieve these ambitious goals.

Project Goals

The vision of this project is to transform waste and materials management in the U.S. and abroad. The Strategy identifies actions to address the challenges facing the recycling system both domestically and internationally and is the product of over two years of collaboration by stakeholders that began under the 2019 National Framework for Advancing the U.S. Recycling System. In implementing the Strategy, EPA envisions EPA HQ and Regional offices working together to ensure local and tribal communities are engaged and involved so that materials management strategies are designed and implemented in ways that are responsive to their needs.

Organizations Involved

Implementing the 2021 Strategy will require cross-EPA engagement (OCSPP, OP, OW, others) as well as coordination with other federal agencies (DOE, NOAA, the National Institute of Standards and Technology, the U.S. Department of State, others). State, tribal and local governments will be involved in implementation as will the nonprofit and private sectors. Community-based organizations and recycling industry stakeholders (nonprofits, waste management companies and brands) are also anticipated to be involved.

Timeline | Next Steps

- Strategy finalization and release: May 2021.
- Updates on Strategy and actions to respond to various Congressional deadlines in SOS 2.0: September 2021 to December 2022.
- Strategy implementation plan: public release in November 2021 (some activities already underway).
- Strategy implementation: next several years.



Environmental Justice Benefits

Increasing the environmentally protective management of materials will decrease the negative environmental impacts of waste on communities with EJ concerns.

We recognize the burden that living near waste and waste-related facilities can have on communities when waste is not properly managed, which can lead to higher levels of chronic health issues.

Communities whose residents are predominantly persons of color, Indigenous or low income continue to be disproportionately affected by high pollution levels, resulting in adverse health and environmental impacts.

We must be more thoughtful about managing materials in this country and abroad.

2.4 COAL COMBUSTION RESIDUALS (CCR)

The 2015 final CCR regulations established a regulatory framework to ensure the safe operation, closure and cleanup of releases from CCR disposal units. The broad reach of CCR universe (over 700 units at 300 facilities in 43 states and Puerto Rico) means there is significant potential for intersection with many communities, including communities with EJ concerns. The CCR program continues to evolve in important ways, including more regulatory development. Some of these rulemakings (e.g., federal permitting and legacy units) offer opportunities to identify how EJ may be addressed as part of the rulemaking and rule implementation process.

Project Goals

Rulemaking changes will provide opportunities to strengthen community protections for CCR permits and legacy units.

Organizations Involved

ORCR (lead), cross-agency workgroup members as part of action development process.

Timeline | Next Steps

The Federal Permitting Final Rule and the Legacy Unit Proposed Rule are under development. Completion is targeted for those phases in FY 2022.



Environmental Justice Benefits

Where new CCR regulations are developed, there can be opportunities to identify and address, where appropriate within the statutory and regulatory framework, EJ issues for communities near CCR facilities. This may include access to information by citizens during permitting and public participation in decisions made by federal and state agencies and by facility owners and operators.



2.5 SEMS EJ FLAG AND EJSCREEN TRAINING FOR SITE TEAMS

We propose to develop nationally consistent language and criteria for EPA Regional offices to use when entering information regarding the EJ status of sites in the Superfund Enterprise Management System (SEMS). This will include developing a Standard Operating Procedure (SOP) for applying these criteria to sites, including the use of Superfund site boundaries or other geography when using EJSCREEN, EPA's Environmental Justice Screening and Mapping Tool, as well as improvements to how this information is stored in SEMS. We are also proposing providing EJSCREEN training for site teams as part of the Community Involvement University curriculum.

Project Goals

- Promote consistency and transparency.
- Promote understanding of potential cumulative impacts in communities.
- Improve risk communication.

Organizations Involved

OSRTI (lead), Superfund site teams.

Timeline | Next Steps

Modifications to SEMS for EJSCREEN: by October 2021.

Addition of EJSCREEN training: by March 2022.



Environmental Justice Benefits

Applying a consistent approach for identifying sites where there is the potential for EJ concern and improving how the information is stored in SEMS promotes equity and transparency and helps to ensure respectful characterizations of communities.

Providing EJSCREEN training to our site teams promotes awareness of the additional burden communities may experience. In turn, this helps us identify a holistic approach to managing those concerns.

This project aligns with the following recommendations in the NEJAC Report: “strengthen and standardize the use of EPA’s successful community engagement tools and resources” and “provide community engagement mentoring for EPA staff”.

2.6 ADVANCING SUPPORT TO UNDERSERVED COMMUNITIES IN THE SUPERFUND SITE ASSESSMENT PROGRAM AND NATIONAL PRIORITIES LIST (NPL) DESIGNATION

Based on the baseline review and Hazard Ranking System (HRS) evaluation, the workgroup will make recommendations on program improvements, such as national models for EJ consideration in site assessment reports; maximizing identification and evaluation of communities with EJ concerns during HRS scoring; maximize identification and evaluation of EJ communities during HRS scoring, and guidance to improve characterization of community attributes during site inspections and the use of EJSCREEN; options for incorporating underserved community information when setting site assessment priorities (e.g., addressing current inventory, new proactive discovery, making final assessment decisions). The project will rely on a mix of a national workgroup and contractor support.

Project Goals

Establish current baseline and initial significant improvements that advance the support to underserved communities.

Organizations Involved

OSRTI (lead), OECA, OGC, Superfund site teams.

Timeline | Next Steps

The project can start immediately, with recommendations finished within six months.



Environmental Justice Benefits

The project will develop recommendations for improving the consideration of EJ information in the Superfund Site Assessment Program and more explicitly when identifying candidate sites for the NPL.

The project will establish the baseline of current practices (over the last decade) that incorporate EJ information in the site assessment and listing programs.

The project will also evaluate EJ considerations that are inherent in the HRS and identify EJ limitations.



2.7 CONSIDERATION OF ENVIRONMENTAL JUSTICE CONCERNS AND SELECTION OF RESPONSE ACTIONS THAT ADDRESS THE CONCERNS TO THE EXTENT PRACTICABLE AND CONSISTENT WITH STATUTORY REQUIREMENTS AND REGULATIONS

Update and issue a policy memorandum that clarifies that EJ can and should be considered and documented as part of remedy and non-time-critical removal action (NTCRA) selection and provides guidance on how to document that information in the decision documents.

OSRTI convened a workgroup to develop an EJ remedy and NTCRA memorandum from 2015 to 2017. A draft product was developed but not finalized. This effort builds on this 2017 work with more recent information. Because much of the work has been done, the memorandum should be able to be expedited so that EPA Regional offices would have an initial guidepost for how to consider and document EJ in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Contingency Plan (NCP) early in FY 2022. As our understanding of EJ evolves and tools are developed, the EJ considerations memorandum could be revised.

Project Goals

Issue guidance to EPA Regional offices in early FY 2022 to consider and document EJ concerns as part of remedy and NTCRA decisions.

Organizations Involved

OSRTI (lead), FFEO, FFRRO, OECA, OEM, OSRE, EPA Regional office representatives (three to four Regions).

The previous workgroup that developed a draft EJ response selection document consisted of OSRTI/FFRRO/OSRE and several EPA Regional offices (Regions 4, 6, 8 and 9). This effort would reconstitute the workgroup to update the memorandum in an expedited manner such that decision documents in 2022 could begin to document EJ considerations.

Timeline | Next Steps

Draft guidance: November 2021.

Final guidance: January 2022.



Environmental Justice Benefits

This guidance would clarify that EJ can and should be considered in accordance with the NCP and CERCLA as part of remedy and NTCRA selection and provide guidance as to how to document that analysis as part of response selection.

This would provide greater assurance that EJ concerns are considered in response selection and that the decisions are consistent with CERCLA and the NCP such that the decisions would be enforceable.



2.8 EQUITABLE REDEVELOPMENT AND COMMUNITY-WIDE REVITALIZATION IN SUPERFUND REDEVELOPMENT WORK

For over three decades, EPA's Superfund program and its partners have remediated contaminated hazardous waste sites and supported community efforts to redevelop them. Effective and inclusive engagement as early as possible in the cleanup process is the foundation of equitable and successful reuse outcomes, in addition to being critical for the long-term protection of community members' health.

Project Goals

- Expand emphasis on equitable redevelopment and community-wide revitalization during Superfund Redevelopment work with communities.
- Increase collaboration across EPA programs and EPA's work with tribes, federal and state agencies, and localities, to enhance community-wide approaches to Superfund Redevelopment.
- Explore how external resources and incentives, combined with EPA's redevelopment tools, can encourage Superfund Redevelopment projects that address challenges, such as gentrification and access to jobs, faced by many communities with EJ concerns.
- Through use of powerful visual tools, provide specific information about communities and sites that enables stakeholders and EPA site teams to explore site reuse opportunities that promote equitable redevelopment and community-wide revitalization.
- Document effective redevelopment approaches and update Superfund Redevelopment tools and resources regularly to include the most effective approaches and share information as part of a national outreach strategy.
- Engage with communities affected by Superfund sites and climate change, supporting sustainable redevelopment efforts and climate change resiliency.

Organizations Involved

SRP (lead), Regional Superfund programs, and other programs, agencies and organizations.

Timeline | Next Steps

This work is ongoing. Specific project activities can start immediately, with accomplishments in 2022 and beyond.



Environmental Justice Benefits

Communities reuse Superfund sites in many ways, including parks, shopping centers, sports fields, wildlife habitat, manufacturing facilities, homes and infrastructure. These reuse outcomes can provide significant benefits for underserved and overburdened communities.

In communities with EJ concerns, EPA's Superfund Redevelopment Program, or SRP, helps community groups build their capacities and supports community efforts to advocate for equitable, protective redevelopment of Superfund sites through reuse planning and redevelopment support activities. In turn, these efforts help address many longstanding, local priorities.

2.9 PROVISION OF FUNDING TO EPA REGIONS TO ADDRESS ENVIRONMENTAL JUSTICE CONSIDERATIONS IN PFAS PROJECTS AT FEDERAL FACILITY NPL SITES

This project will provide funding to Regions to address EJ considerations in PFAS projects at federal facility NPL sites.

Project Goals

Promote the application of an EJ lens by EPA remedial project managers (RPMs). Communicate the importance to other federal agencies. Improve the incorporation of EJ considerations into the CERCLA process to benefit communities with EJ concerns.

Organizations Involved

FFRRO (lead), EPA Regional offices and their contractors.

Timeline | Next Steps

We have circulated a request for proposals to EPA Regional offices. We have provided more information on suggestions for how to apply the EJ lens to make the case for funding. Next, we will receive proposals and make selection decisions.



Environmental Justice Benefits

Designating certain funds that are contingent on an EJ component will be an important signal, internally and externally, that this issue is important.

This will also allow us to make a positive impact in underserved communities.



2.10 DOCUMENTATION/WHITE PAPER OF CURRENT PRACTICES CONSIDERING EJ IN RISK ASSESSMENT ACROSS EPA PROGRAMS

This project focuses on identifying and highlighting current best practices in considering EJ in all phases of risk assessment across EPA, documenting effective tools and methods, and identifying obstacles and challenges through the use of surveys and focus group dialogue.

Project Goals

- Identify and compile existing tools, methods and approaches.
- Identify opportunities for improvement, including development of new tools, methods and approaches.

Organizations Involved

FFRRO (lead), OEJ, EPA risk assessors and others using risk assessment to inform decision-making.

Timeline | Next Steps

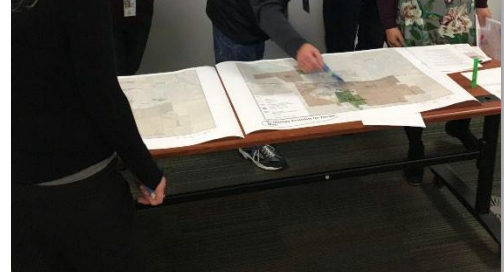
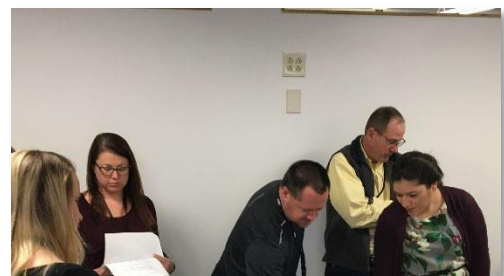
Project started during fall 2020, with development of a survey. Survey and discussions started in May 2021. Draft summary document expected in winter 2021.



**Environmental
Justice Benefits**

Understanding current best practices in addressing EJ considerations in risk assessment is the first step in identifying opportunities for expansion.

In addition, understanding different approaches used in other offices can promote cross-pollination of ideas.



2.11 TIPS AND TOOLS FOR APPLYING ENVIRONMENTAL JUSTICE CONSIDERATIONS AT FEDERAL FACILITY NPL SITES

The goal is to develop tips and tools to help RPMs identify, track and consider implications of potential EJ-related factors as we review and comment on documents throughout the Superfund process.

Project Goals

- Facilitate application of an EJ lens by RPMs.
- Communicate the importance to other federal agencies.
- Ensure that EJ considerations are included during all phases of the Superfund pipeline.
- Enhance cleanups that better meet community needs.

Organizations Involved

FFRRO is working with several EPA Regional offices that are developing and/or piloting approaches to characterizing communities to identify those with EJ concerns. FFRRO will draw on the experience of these Regions and consult with OECA and OSRTI, including community involvement coordinators (CICs) and staff from ORD and OEJ, to identify best practices, and build out SOPs and Review Templates to promote consistency across the Regions.

Timeline | Next Steps

The criteria and tools can be developed and piloted in late FY 2021 and early FY 2022. Full implementation will be later in FY 2022.



Environmental Justice Benefits

Communities with EJ concerns will benefit from a more systematic inclusion of the considerations of underserved or overburdened community members during all phases of the Superfund pipeline.

FFRRO will develop EJ analysis templates, SOPs and tip sheets for distribution to EPA Regional offices.



2.12 DEVELOPMENT OF ENHANCED CRITERIA AND/OR AN ENVIRONMENTAL JUSTICE-SPECIFIC AWARD CATEGORY DURING EPA'S 2022 AWARD CYCLE

The category can be used to demonstrate how the nominees have addressed EJ in federal facility site reuse.

Project Goals

- Promote application of an EJ lens by RPMs.
- Communicate the importance to other federal agencies.
- Improve incorporation of EJ considerations into CERCLA process to benefit communities with EJ concerns.
- Promote successful cleanup that result in economic or ecological benefits to local communities with EJ concerns.
- EPA, other federal agencies and state agencies are expected to view the announcement as recognition of cooperative work, partnerships and financial investments that achieved both environmental cleanup and beneficial reuse at communities with EJ concerns. They are also expected to view the awards as positive examples of potential economic benefits at other federal facility sites across the county.
- Elected officials are expected to applaud the accomplishments of the award winners and encourage similar cleanup and reuse opportunities at other federal facility sites.



Environmental Justice Benefits

EPA will highlight the importance of partnering with communities to remediate and restore federal facility sites in communities with EJ concerns, emphasizing to other federal agencies that EJ is a top priority.

The criteria developed can be informed by what EPA uses in related programs (e.g., EJ grants), promoting consistent application of EJ considerations across programs.

Organizations Involved

FFRRO (lead), other federal agencies, state and local agencies and officials, local reuse authorities and developers, members of Congress, the public.

Timeline | Next Steps

Criteria can be developed now for inclusion in the next call for nominations (fall 2021) for selection in spring 2022.



2.13 TRAINING RESOURCES FOR REGIONAL OSCs

Provide EJSCREEN training for on-scene coordinators (OSCs). Basic EJSCREEN knowledge will assist EPA's Emergency Response and Removal Program in analyzing prevention, preparedness and response actions with an EJ lens. Identify areas that need more focus to address disproportionate impacts of environmental hazards.

Project Goals

Train all OSCs not already trained. Other training for EJ-related databases and tools will be available to enhance OSC's knowledge and applicability of EJSCREEN in the field.

Organizations Involved

OEJ, OEM, Emergency Response and Removal Program, OSCs.

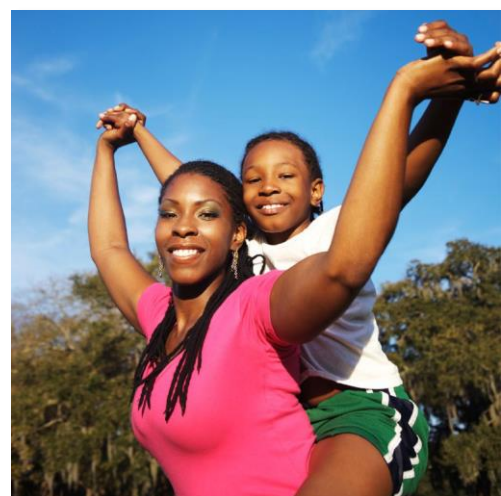
Timeline | Next Steps

Assuming trainers can be provided in a timely fashion by OEJ, two online training opportunities will be scheduled by the end of 2021. Starting next year at the OSC Readiness Training Conference, an EJ discussion will be added to the plenary lineup.



Environmental Justice Benefits

Promote EJ awareness among oil and removal managers and OSCs.



2.14 PROMOTING EJSCREEN USE AMONG BROWNFIELDS PROGRAM STAFF AND GRANT APPLICANTS

This project will help brownfields grant applicants understand how to use EJSCREEN. OBLR will record a demonstration of how brownfields grant applicants could use EJSCREEN to identify specific EJ-related issues around their brownfield sites. This information may be helpful to grant applicants as they describe their community needs and challenges. OBLR will also encourage program staff to use EJSCREEN to identify communities for targeted outreach when sharing information about brownfields resources and grant opportunities.

Project Goals

Promote broader understanding of how EJSCREEN can be used to help brownfields grant applicants describe their community needs and how these needs relate to brownfields challenges.

Organizations Involved

OBLR (lead), Brownfields and Land Revitalization Regional Program staff.

Timeline | Next Steps

EJSCREEN use among grantees: July to November 2021 (to be available while FY 2022 brownfields grant solicitations are open).

EJSCREEN use among OBLR staff: ongoing.



Environmental Justice Benefits

Brownfields grant applicants and program staff will have a clearer understanding of how to use EJSCREEN as a tool for community analyses of EJ needs near brownfield sites.



2.15 DEVELOPMENT OF DATA TOOLS TO ENABLE ENVIRONMENTAL JUSTICE ANALYSES

OUST is working with EPA Regional offices to consolidate all underground storage tank (UST) and leaking underground storage tank (LUST) data from Indian country into one database by spring 2021. This data will then be included in UST Finder, the first-ever national mapping application of UST and LUST sites, released in September 2020.

Project Goals

The goal of the project is to combine all Indian country data into a single database. This will be the first time all Indian country/LUST data is combined and will provide us the ability to conduct an EJ analysis of UST facilities and LUST sites in Indian country.

The Indian country data will also be included in UST Finder, the first-ever national mapping application of UST and LUST data. The application provides users with geospatial information about UST facilities and LUST sites, resulting in a better understanding and assessment of vulnerability to human health and the environment. This allows us to look at UST facilities and LUST sites in relation to EJ criteria, surface and groundwater public drinking water protection areas, estimated number of private domestic wells and number of people living nearby, and flooding and wildfires. Once the Indian country database is complete, it will be included in the national picture of the UST and LUST universe.

The Indian country database project started several years ago and will be completed in spring 2021. This tool will provide us the ability to analyze EJ concerns in communities with UST and LUST sites in Indian country and will help us advance our EJ priorities.

Organizations Involved

OUST (lead) and EPA Regional offices.

Timeline | Next Steps

The project started several years ago and is ongoing. All resources necessary for conducting the project are in place. The resources required to complete the project include existing staff time and effort from OUST and EPA Regional offices.



Environmental Justice Benefits

This will be the first time all Indian country data is combined. The database will provide us with the ability to conduct an EJ analysis of UST facilities and releases in Indian country, where EPA has direct authority.

OUST will work with EPA Regional offices to identify status of LUST sites in those communities and determine what action can be taken to further advance cleanups at those sites. Future steps may include changes in investment and will be informed by the Administration's implementation of Justice40.



2.16 PILOT ENVIRONMENTAL JUSTICE ANALYSIS OF UST AND LUST SITES

One analysis will be in Indian country, where EPA has direct authority, and another will be state-specific. OUST will use UST Finder and EJSCREEN to identify UST facilities and LUST sites in disadvantaged communities. OUST will work with Regional and state UST programs to understand the implications of EJ concerns in communities with UST and LUST sites and develop ideas for potential programmatic adjustments. We will work together to include state-specific information to identify the status of UST facilities and LUST sites in disadvantaged communities and determine what action can be taken to advance our program goals and EJ. This pilot analysis will identify questions that need to be answered to develop more-specific guidance for EPA Regional offices and states. It will provide a launching point for a future guidance document that tries to tackle how to integrate EJ into decision-making more broadly. We will conduct two to three state-specific analyses, and one additional analysis in Indian country.

OUST and ORD are developing a new mapping tool to assist in the pilot analyses, based on UST Finder and EJSCREEN data. Previously, UST Finder did not include Indian country data. After completing a database with EPA Regions in spring 2021, Indian country data will now be included in UST Finder, and will be able to supplement this analysis in Indian country. The pilot projects will also be supplemented by state-specific data to improve our understanding of conditions at UST and LUST sites in areas with EJ concerns. The analyses will enable us to learn how the data we have can be used to advance EJ as a priority. Future steps may include changes in investment and will be informed by the Administration's implementation of Justice40.

Project Goals

These pilot projects will help OUST determine how the UST Finder and EJSCREEN tools can be used to inform and advance program efforts to promote EJ in communities with LUST sites. There are more than 60,000 LUST sites across the country, including over 200 in Indian country. Understanding how these active LUST releases impact disadvantaged communities will help us advance our EJ priorities. Similarly, we hope to determine how these tools can be used to advance efforts at actively operating UST sites. There are nearly 200,000 UST sites nationwide, including nearly 900 in Indian country.

Organizations Involved

OUST (lead), OECA, ORD, EPA Regional offices, states.

Timeline | Next Steps

Pilot project starts in summer 2021, with goal completion date by the end of calendar year 2021.



Environmental Justice Benefits

Conducting an EJ analysis on UST facilities and LUST sites will enable us to learn how the data we have can be used to advance EJ as a priority in impacted communities:

- *Indian country:* Since EPA has direct authority in Indian country, OUST will work with the Region to identify the status of UST and LUST sites in communities with EJ concerns and determine what actions can be taken to further advance our program goals and EJ at those sites.
- *State-specific analysis:* OUST will work with participating states and EPA Regional offices to analyze the status of UST and LUST sites in relation to communities with EJ concerns and determine what actions can further advance program goals.

2.17 DEVELOPMENT OF OUST-SPECIFIC EJSCREEN TRAINING FOR STAKEHOLDERS TO LEARN MORE ABOUT THE APPLICATION AND HOW IT CAN BE USED IN THEIR PROGRAMS

EJSCREEN training for OUST, EPA Regional offices, states and tribes. OUST worked with ORD and ASTSWMO to facilitate UST Finder workshops for EPA Regional offices throughout late 2020 and early 2021. These workshops provide the opportunity for tanks programs to learn more about the tool and how it could be useful to their programs. Following UST Finder trainings with an EJSCREEN training will promote the use of these existing tools in informing and advancing program efforts.

We will work with OLEM and OEJ on this idea to determine and develop the best path forward to make EJSCREEN accessible to Regional, state and tribal UST programs.

Project Goals

The goal of the EJSCREEN training is to provide regional, state, and tribal UST programs with an understanding of how the application can help inform and advance efforts to promote EJ in communities with LUST sites.

Organizations Involved

OUST (lead), OECA, EPA Regional offices, tribes and states.

Timeline | Next Steps

We provided OUST staff a high-level overview of EJSCREEN in March 2021. An in-depth training series will be pursued through FY 2022.



**Environmental
Justice Benefits**

Tailoring EJSCREEN trainings to UST programs will make it more accessible to UST stakeholders in evaluating EJ in communities with LUST sites.



2.18 ENVIRONMENTAL INDICATOR WITH UST AND LUST DATA IN EJSCREEN

OUST, ORD and OEJ are working together to create an environmental indicator with UST and LUST data in EJSCREEN. The tanks indicator in EJSCREEN will include national information from active UST and LUST sites, including sites in Indian country.

Project Goals

The goal of the project is to include national UST and LUST information in EJSCREEN. This will provide the ability to consider UST facilities and releases in the screening analyses of the application. This will bring UST and LUST information into more EJ analyses on a national level. The tanks indicator in EJSCREEN will include national information from active UST and LUST sites, including sites in Indian country.

Organizations Involved

OUST (lead), OEJ, ORD.

Timeline | Next Steps

The project started in early 2021 and is ongoing. Data migration of UST and LUST information into EJSCREEN is anticipated by the end of calendar year 2021, to be included in the next publicly released update to EJSCREEN in early 2022.



Environmental Justice Benefits

EJSCREEN provides nationally consistent data that combines environmental and demographic indicators in maps and reports.

EJSCREEN currently provides information on 11 different environmental indicators. Including UST and LUST data into EJSCREEN will create an UST/LUST indicator.

For the first time, the public will be able to incorporate UST and LUST sites into their analyses with EJSCREEN.





3. Improve Community Engagement



EPA's Goal: Take immediate and affirmative steps to improve early and more frequent engagement with pollution-burdened and underserved communities affected by agency rulemakings, permitting decisions and policies. Following President Biden's [memorandum](#) on strengthening the nation-to-nation relationship with tribal nations, EPA staff should engage in regular, meaningful and robust consultation with tribal officials in the development of federal policies that have tribal implications.

3.1 TECHNICAL SUPPORT AND ENGAGEMENT WITH COMMUNITIES

ORCR will increase technical support to communities through contract channels such as the Technical Assistance Services for Communities (TASC) program and various grants. These support channels should focus on risk communication in communities with EJ concerns. In addition, this project would facilitate community engagement through the identification and support of active Community Advisory Groups (CAGs). Effective coordination and stakeholder engagement is essential to addressing community concerns holistically.

Project Goals

ORCR will make a contract vehicle available to make it easier for EPA Regional offices to facilitate community understanding of technical environmental issues impacting their environments and improve two-way communications to ensure EPA is receiving and responding to community input. Outputs from community assistance can include fact sheets, facilitated meeting notes, interpretation of data, formation of a CAG and other deliverables, some of which may be scaled-up nationally.

Organizations Involved

ORCR (lead), EPA HQ, EPA Regional offices, communities, CAGs.

Timeline | Next Steps

Timelines are project- and site-specific. Technical support depends on contractor availability and the needs of each community. The project's overall start date is September 2021. The project's end date is May 2022.



Environmental Justice Benefits

Technical support will bolster ORCR's risk communication by helping to formulate messaging and by providing guidance in community-specific public engagement.

Increased support in public engagement will also facilitate clearer communication with communities.

3.2 RCRA ENVIRONMENTAL JUSTICE COMMUNITY OF PRACTICE

Establish a forum to hold regular discussions regarding emerging EJ issues and analyze the state of the practice and its implementation. This forum will allow for an exchange of ideas among EPA HQ, EPA Regional offices and states, and examine how we can learn from each other about incorporating EJ considerations into our respective efforts, including permitting and cleanups.

Project Goals

The project will foster learning, collaboration and cost-effective ways to share information and/or build a foundation around RCRA topics applicable to vulnerable communities (e.g., communities with EJ concerns).

Organizations Involved

ORCR (lead), EPA HQ, EPA Regional offices, states.

Timeline | Next Steps

This project is ongoing. Implementation completion is scheduled for March 2022.



Environmental Justice Benefits

The forum will encourage knowledge sharing and research, lessons learned/best practices and collaboration. EPA and authorized states will develop a better working relationship that focuses on community benefits and effective outreach and engagement practices with disadvantaged communities, thus integrating these practices into programs over the long term.



3.3 EPA/HUD PROXIMITY ANALYSIS: ASSESSING AND CLEANING UP SUPERFUND SITES NEAR HUD HOUSING

The purpose of the analysis is to coordinate with HUD to address contamination from Superfund sites. This is a cross-agency project between EPA and HUD to identify HUD housing facilities on or near Superfund sites.

Project Goals

- Improve the accuracy of the EPA/HUD analysis of the locations of HUD-assisted housing, located on Superfund sites;
- Focus on Superfund sites where there could be exposures; and
- Increase HUD and EPA coordination at these sites to address contamination.

Organizations Involved

OSRTI (lead), OBLR, Regional Superfund programs, ATSDR, HUD.

Timeline | Next Steps

TBD based on results of 2021 proximity analysis.



**Environmental
Justice Benefits**

Ensuring that these already vulnerable communities do not have the increased burden of being exposed to contamination helps us achieve our EJ goals. In addition, our goal is to promote equitable redevelopment at Superfund sites, and especially in overburdened and underserved communities. Ensuring that our sites are cleaned up to support redevelopment helps lay the groundwork for employment opportunities and other beneficial opportunities for communities with HUD housing.



3.4 PILOT SUPERFUND COMMUNITY WORKSHOP

The goal is to develop and pilot a holistic approach to introducing Superfund to communities early in the process. This approach would include a structure that allows for the proper time it takes to build relationships and trust with communities. It could include listening sessions, setting expectations, describing resources available, and beginning discussions about reuse. It would identify issues early in the process that need to be addressed by other programs. The goal is to shift the paradigm to invest in communities, instead of always being reactive. We believe this will foster stronger relationships between EPA and communities, use our resources more effectively, and promote early discussions about redevelopment and technical assistance needs before significant decisions are made.

Project Goals

- Assess cumulative impacts on communities.
- Establish trust and relationships.
- Assess technical support needs.
- Provide paths to redevelopment.
- Improve human health and environment.
- Enable access to non-Superfund resources.

Organizations Involved

OSRTI (lead), Regional Superfund programs, other agencies and organizations.

Timeline | Next Steps

Four to six months to develop the workshop, with up to three workshops for the community over a span of one to two months.



Environmental Justice Benefits

Communities deserve to be involved and informed about how EPA is making decisions regarding site cleanups and the protection of their health and the environment.

By engaging as early as possible, EPA has a better chance of establishing relationships, supporting information and technical needs, identifying additional health and environmental burdens, and identifying and enabling access to resources.

We can also begin early discussions and visioning exercises to explore redevelopment opportunities for sites.

We know from experience that we make better, more sustainable site decisions when communities are involved in the Superfund process.

Note: This project aligns with the “community concerns, challenges and opportunities” and “strengthen community voices in decision-making” recommendations in the NEJAC Report.

3.5 SUPERFUND SITE PROFILE PAGE UPDATE

Using contract support to update Superfund site profile pages. Each NPL site has a public website intended to keep communities and other interested parties updated on site cleanup progress. The site pages are also intended to be a repository of key documents, fact sheets, information about various resources and support that communities can access, meeting notifications, and redevelopment information. Currently, the Regional CIC and/or RPM update the site profile pages. Keeping the site profile pages updated requires a significant resource investment.



**Environmental
Justice Benefits**

Project Goals

- Improved access to current site information.
- Improved access to resources.
- Improved risk communication.

Organizations Involved

OSRTI (lead), Superfund site teams.

Timeline | Next Steps

One year to 18 months.



Providing current and accurate information on the web is one of the most important ways we communicate, especially during the COVID-19 public health emergency.

Communities deserve to have access to current site information so they may stay informed and participate in the Superfund process. In addition, our site information is used by reporters, elected officials, potential developers and other parties who each have a stake in understanding current site conditions.

Our site profile pages should provide easy access to key documents, resources, potential health risk information and information on what people should do to prevent those risks.

Note: This project aligns with the “strengthen community voices in decision-making” recommendation in the NEJAC Report.

3.6 TASC PROGRAM FUNDING AT THE EPA HQ LEVEL FOR COMMUNITIES WITH ENVIRONMENTAL JUSTICE CONSIDERATIONS NEXT TO FEDERAL FACILITY NPL SITES

Rather than wait for communities to come to EPA with a request, EPA Regional offices would identify potential communities and make sure they know that TASC program services are available to them.

Project Goals

To promote application of an EJ lens by RPMs, identify communities with EJ concerns and provide communities with EJ concerns with more resources for more effective engagement.

Organizations Involved

FFRRO (lead), EPA HQ, OECA, EPA Regional offices, community stakeholders.

Timeline | Next Steps

Contingent on funding. Expected to take up to one month to identify communities and three to six months to get funding in place.



**Environmental
Justice Benefits**

This proposal would provide funds to EPA Regional offices to direct TASC resources to underserved communities who may need assistance with reviewing and commenting on technical information related to contamination and cleanup.

With this funding, communities will have more access to information and assistance in understanding technical documents, and that will allow them to engage in a meaningful way.

Regional RPMs will work with Regional CICs to identify underserved communities and provide outreach and engagement. The CICs can help communities with their scopes of work and serve as the liaison between EPA and the TASC contractors.



3.7 TECHNICAL ASSISTANCE OUTREACH

These new grants will expand OBLR's outreach to brownfields communities, particularly those facing EJ challenges.

OBLR is in the process of awarding a new grant to Groundwork USA to support equitable development and EJ in brownfields communities and awarding 11 new grants to Regional [Technical Assistance to Brownfields \(TAB\) providers](#). To promote the availability of these technical assistance resources, OBLR plans to work with the technical assistance providers to ensure that disadvantaged communities are aware of these free resources that are available to help advance brownfields assessment, cleanup and reuse.

Project Goals

New communities, particularly those with EJ challenges, will learn about how to address brownfield challenges using TAB and Groundwork USA resources.

Organizations Involved

OBLR (lead), Brownfields and Land Revitalization Regional Programs, brownfields communities that participate in TAB and Groundwork USA's program offerings.

Timeline | Next Steps

October to December 2021 (timeline dependent on award and start date for new TAB grants).



**Environmental
Justice Benefits**

By conducting more targeted outreach, more underserved communities will learn about these resources and be able to take advantage of them to support their local brownfields projects.

The training and research delivered by Brownfields technical assistance providers under EPA's TAB program assists communities in cleaning up and reusing contaminated brownfield properties, while leveraging jobs and protecting people's health and the environment.

Groundwork USA will provide nationwide technical assistance to coach and train brownfields communities on a variety of innovative and effective community engagement approaches to provide low income and minority residents with the opportunity to participate in and directly benefit from brownfields revitalization in their communities.



4. Justice40



EPA's Goal: *Consistent with the Administration's Justice40 initiative, consider and prioritize direct and indirect benefits to underserved communities in the development of requests for grant applications and in making grant award decisions, to the extent allowed by law.*

4.1 New Grant Solicitation: Supporting Anaerobic Digestion in Communities

ORCR announces the availability of funds and solicits applications that will demonstrate a means of accelerating the development of new or enhance/increase existing anaerobic digestion capacity and infrastructure in the United States from food waste. The grant includes a criterion on EJ. This funding announcement supports the priorities detailed in President Biden's [Executive Order 13985](#) (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government) and [Executive Order 14008](#) (Tackling the Climate Crisis at Home and Abroad). EPA will conduct outreach to ensure awareness of this funding opportunity. In addition, there is a set aside of about \$800,000 of the estimated total specifically for U.S. territories, tribal governments, tribal colleges and universities, and eligible organizations located in persistent poverty counties.

Project Goals

Award grants for feasibility studies, technical assistance and demonstration projects for innovative technologies that will accelerate the development of new or enhance/increase existing anaerobic digestion capacity and infrastructure in the United States from food waste to support state or local mandates to remove food waste and organic materials from waste streams, with considerations for EJ concerns.

Organizations Involved

ORCR (lead), OGD, EPA Regional offices (reviewers), external stakeholders (to be determined).

Timeline | Next Steps

Present and ongoing – winter 2021 (announcement of selected recipients).

Late spring/early summer 2022 (estimated timeframe for awarding grants).



Environmental Justice Benefits

Criteria on which grant applications will be evaluated are how the project benefits the community impacted and the extent to which the project addresses engagement with the community to ensure meaningful participation with respect to the project's design, planning and performance.

Inclusion of these criteria will strengthen the likelihood that grant recipients will address the community addressed by their proposal.

4.2 Exploration of Potential Revisions to RCRA Hazardous Waste State Grant Terms and Conditions to Better Prioritize and Support State Activities to Address Environmental Justice Concerns

EPA provides annual grant funding to authorized states and territories to implement the RCRA Hazardous Waste Management Program. Authorized states are the primary implementing agency for most permitting, corrective action, and enforcement activities. ORCR and EPA Regional offices would explore and potentially develop proposed grant terms and conditions focusing on state actions that support EPA EJ priorities and goals. EPA may need to develop language in the National Program Managers Guidance and/or the EPA Strategic Plan to support new grant terms and conditions. ORCR would also coordinate with efforts within other media programs to ensure Agency-wide consistency. EPA would also coordinate with states throughout this effort.

Project Goals

Elevate EJ focus and priorities into state grant agreements.

Organizations Involved

ORCR (lead), OECA, EPA Regional offices, states, ASTSWMO.

Timeline | Next Steps

Dependent on state budget cycles and timing of Regional workplan negotiation with states.



Environmental Justice Benefits

The EJ benefit would depend on the scope of the new terms and conditions but could potentially be reflected in enforcement, permitting, cleanups, and community engagement activities in general. Because states rely on this annual grant funding to implement their authorized hazardous waste programs, developing grant terms and conditions to add emphasis on communities with EJ concerns could help elevate EJ into a routine part of business.



4.3 Analytical Needs Assessment

By developing an analytic needs assessment, OLEM will be able to respond to anticipated questions about what changes are necessary to capture the benefits of reducing greenhouse gases through improved waste and sustainable materials management and the impacts of underserved communities within the scope of OLEM programs. As a first step to building robust analyses that support policy and programmatic changes to meet the challenges of Executive Order 14008 and Executive Order 13990, OLEM needs to understand the impact of the executive orders on existing program models, baseline data and related information sources.

- OLEM's Office of Program Management will oversee the development of an analytical needs assessment for using health and economic impacts on underserved communities from climate change, plus an accompanying inventory of available tools at the federal, state and local level. This is a cross-OLEM activity and will provide EJ benefits by enabling program offices to include more details in supporting analyses for policy and program changes to meet Executive Order 14008 objectives. This effort will include external stakeholders engaged by our consultants for community level perspectives.
- The Office will partner with ORCR to assess the data needs to estimate the social costs of nonrecycling. This report will provide EJ benefits as a companion report to the ongoing updates to the social costs of greenhouse gases. The EJ benefit will be a more complete picture of the impacts on underserved communities when the impacts of uncontrolled disposal and secondary impacts (traffic patterns of waste shipments) are described in this report.
- The Office will review existing OLEM grant and cooperative agreement guidance, award terms and conditions, and other relevant documents (e.g., National Program Guidance) to create baseline data on how OLEM grants currently support EJ activities. Coordinating with relevant Program Offices and regional counterparts, incorporate changes developed in coordination with OMS/OGD, as appropriate.

Project Goals

Provide reports and analytical needs assessments to all OLEM program offices for consideration in program work planning this year.

Timeline | Next Steps

Internal review of draft reports: September to November 2021.

Report completion: December 2021.



Environmental Justice Benefits

The analytic needs assessment will provide EJ benefits by enabling program offices to include more robust and defensible information under scrutiny in their supporting analyses for policy and program changes that meet both executive order objectives.

This effort will include external stakeholders for community-level perspectives.

Compendium of EJ-Related Terms

This compendium lists and describes critical words, terms and phrases that are encountered and deployed frequently when working on EJ. The compendium is an iterative, living resource; it is not intended to be comprehensive.

Community

[Interim Justice40 Guidance – Executive Order 14008](#) (2021):

Agencies should define community as “either a group of individuals living in geographic proximity to one another, or a geographically dispersed set of individuals (such as migrant workers or Native Americans), where either type of group experiences common conditions.”

Cumulative Impacts

[Promising Practices for EJ Methodologies in NEPA Reviews](#) (2016):

Cumulative impacts may result from chemical and non-chemical stressors, exposures from multiple routes or sources, and factors that differentially affect exposure or toxicity to communities.

- The cumulative ecological, aesthetic, historic, cultural, economic, social or health effects of the proposed action can arise from and also include nonchemical stressors.
- Communities can experience cumulative impacts to one or more chemical, biological, physical or radiological contaminants across environmental media (e.g., air, water, soil, land use) from single or multiple sources, over time in one or more locations.
- Communities can experience multiple exposures from any combination of direct, indirect or cumulative impacts to two or more chemical, biological, physical or radiological contaminants from single or multiple sources.

Cumulative Risk Assessment

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

Cumulative risk assessment is an analysis, characterization and possible quantification of the combined risks to human health or the environment from multiple agents or stressors.

Direct Implementation (in Indian Country)

[EPA’s Direction Implementation in Indian Country Web Page:](#)

EPA is responsible for implementing federal environmental statutes in Indian country (tribal lands). In the absence of a federally approved tribal program, EPA retains program implementation authority. Currently, EPA maintains responsibility for the implementation of the vast majority of federal environmental statutes in Indian country.

Disadvantage(d) – **Note: the term “disadvantage(d)” is not a term that is widely used within EPA in the context of identifying communities with EJ concerns. However, it is referenced in Executive Order 14008 and is intended to be used in the Justice40 initiative in tandem with the Climate and Economic Justice Screening Tool that is currently under development.*

[Environmental Justice Section of Executive Order 14008:](#)

Disadvantaged communities — historically marginalized and overburdened

[Interim Justice40 Guidance – Executive Order 14008](#) (2021):

Agencies should consider appropriate data, indices and screening tools to determine whether a specific community is disadvantaged based on a combination of variables that may include, but are not limited to:

- Low income, high and/or persistent poverty.
- High unemployment and underemployment.
- Racial and ethnic residential segregation, particularly where the segregation stems from discrimination by government entities.
- Linguistic isolation.
- High housing cost burden and substandard housing.
- Distressed neighborhoods.
- High transportation cost burden and/or low transportation access.
- Disproportionate environmental stressor burden and high cumulative impacts.
- Limited water and sanitation access and affordability.
- Disproportionate impacts from climate change.
- High energy cost burden and low energy access.
- Jobs lost through the energy transition.
- Access to healthcare.

Social disadvantage refers to individuals and groups, historically and in present day, subjected abuse of power and mistreatment based on social classifications, resulting in diminished opportunities for advancement, limited ability to influence quality of life conditions, and general subordination relative to the broader society. Although substantial social disadvantage in the United States has a historical and ongoing association with race, other social elements such as sex, national origin, language, religious affiliation, gender identity and physical disability can also be the basis of disadvantaged status.

Disproportionate Impacts

[Guidance on Considering Environmental Justice During the Development of Regulatory Actions](#) (2015) and [Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

The determination of whether there is a potential disproportionate impact that may merit Agency action is ultimately a policy judgment informed by analysis, and is the responsibility of the decision-maker...examples of the type of information that may be useful to provide to decision-makers for considering whether or not effects are disproportionate include: the severity and nature of health consequences; the magnitude of the estimated differences in impacts between population groups; mean or median exposures or risks to relevant population groups; distributions of exposures or risk to relevant population groups; characterization of the uncertainty; and a discussion of factors that may make population groups more vulnerable.

[EJ 2020 Action Agenda](#) (2016):

Disproportionate Effects is a term used in Executive Order 12898 to describe situations of concern where there are significantly higher and more adverse health and environmental effects on minority populations, low income populations or indigenous peoples.

Environmental Justice

[EPA/Environmental Justice Website](#):

EPA defines **environmental justice** as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.”

Environmental justice is a major part of the Agency's core mission of protecting human life and the environment. (EPA/EJ website)

EJ 2020 Action Agenda (2016):

The fair treatment and meaningful involvement of all people regardless of race, color, culture, national origin, income and educational levels with respect to the development, implementation and enforcement of protective environmental laws, regulations and policies.

Exposure

Technical Guidance for Assessing Environmental Justice in Regulatory Analysis (2016):

Human contact with environmental contaminants in media including air, water, soil and food.

Exposure Pathway

Technical Guidance for Assessing Environmental Justice in Regulatory Analysis (2016):

The course a chemical or contaminant takes from its source to the person being contacted.

Fair Treatment

EPA/Environmental Justice Website:

Fair treatment means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

Plan EJ 2014 (2011):

Fair treatment means that no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.

Guidance on Considering Environmental Justice During the Development of Regulatory Actions (2015) and EJ 2020 Action Agenda (2016):

The principle that no group of people, including a racial, ethnic or socioeconomic group, should bear a disproportionate share of the negative environmental consequences from industrial, municipal and commercial operations or the execution of federal, state, local and tribal programs and policies. In implementing its programs, EPA has expanded the concept of fair treatment to include not only consideration of how burdens are distributed across all populations, but the distribution of benefits as well.

Federally Recognized Indian Tribe

Bureau of Indian Affairs FAQs Web Page:

A Federally Recognized Indian Tribe is an American Indian or Alaska Native tribal entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations and obligations attached to that designation, and is eligible for funding and services from the Bureau of Indian Affairs. Furthermore, federally recognized tribes are recognized as possessing certain inherent rights of self-government (i.e., tribal sovereignty) and are entitled to receive certain federal benefits, services and protections because of their special relationship with the United States. At present, there are 574 federally recognized American Indian and Alaska Native tribes and villages.

Health Impact Assessment

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

A systematic process that uses an array of data sources and analytic methods, and considers input from stakeholders to identify the potential effects of a proposed regulatory action, policy or project on the health of a population and the distribution of those effects within the population.

Hot Spot

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

A geographic area with a high level of pollution/contamination within a larger geographic area of lower or more “normal” environmental quality.

Human Health Risk Assessment (HHRA)

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

The process used to estimate the nature and probability of adverse health effects in humans who may be exposed to chemicals or other stressors in contaminated environmental media, now or in the future.

Impacts

Public Health Impacts are positive or negative changes in the health and wellbeing of a population resulting from singular, aggregate or cumulative exposure to chemical, physical and social stressors. Examples of negative changes include disease (e.g., cancer, asthma), psychosocial stress, unemployment, poverty, changes in body burdens of contaminants, all-cause and disease-specific mortality, and low infant birth weight. Positive changes in these examples are also public health impacts.

Indian Country

[EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples](#) (2014):

As defined at 18 U.S.C. § 1151, (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

[EPA Plan for the Federal Certification of Applicators of Restricted Use Pesticides within Indian Country](#):

Indian Country is defined by federal statute as: “(a) all land within the limits of any Indian reservation under the jurisdiction of the United States..., (b) all dependent Indian communities within the borders of the United States..., and (c) all Indian allotments.” You may also hear terms such as “tribal lands” or “Indian lands” used interchangeably with Indian country. Defined in 18 U.S.C. § 1151.

Indian Reservation/Tribal Lands

[Bureau of Indian Affairs FAQs Web Page:](#)

A federal Indian reservation is an area of land reserved for a tribe or tribes under treaty or other agreement with the United States, executive order, or federal statute or administrative action as permanent tribal homelands, and where the federal government holds title to the land in trust on behalf of the tribe. Approximately 56.2 million acres are held in trust by the United States for various Indian tribes and individuals. There are approximately 326 Indian land areas in the U.S. administered as federal Indian reservations (i.e., reservations, pueblos, rancherias, missions, villages, communities). The largest is the 16-million-acre Navajo Nation Reservation located in Arizona, New Mexico and Utah. The smallest is a 1.32-acre parcel in California where the Pit River Tribe's cemetery is located. Many of the smaller reservations are less than 1,000 acres. Some reservations are the remnants of a tribe's original land base. Others were created by the federal government for the resettling of Indian people forcibly relocated from their homelands. Not every federally recognized tribe has a reservation. Federal Indian reservations are generally exempt from state jurisdiction, including taxation, except when Congress specifically authorizes such jurisdiction.

Indigenous Peoples

[EPA Policy on Environmental Justice for Working with Federally-Recognized Tribes and Indigenous Peoples](#) (2014) and [EJ 2020 Action Agenda](#) (2016):

The term "indigenous peoples" includes state-recognized tribes, indigenous and tribal community-based organizations, individual members of federally recognized tribes, including those living on a different reservation or living outside Indian country, individual members of state-recognized tribes, Native Hawaiians, Native Pacific Islanders, and individual Native Americans.

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

The term "indigenous peoples" includes state-recognized tribes, indigenous and tribal community-based organizations, individual members of federally recognized tribes, including those living on a different reservation or living outside Indian country, individual members of state-recognized tribes, Native Hawaiians, Native Pacific Islanders, and individual Native Americans. A reference to populations characterized by Native American or other pre-European North American ethnicity or cultural traits.

Inherent Tribal Authority

[Bureau of Indian Affairs FAQs Web Page](#)

Tribes possess all powers of self-government except those relinquished under treaty with the United States, those that Congress has expressly extinguished, and those that federal courts have ruled are subject to existing federal law or are inconsistent with overriding national policies. Tribes, therefore, possess the right to form their own governments; to make and enforce laws, both civil and criminal; to tax; to establish and determine membership (i.e., tribal citizenship); to license and regulate activities within their jurisdiction; to zone; and to exclude persons from tribal lands.

Life Stage

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

A distinguishable timeframe in an individual's life characterized by unique and relatively stable behavioral and/or physiological characteristics that are associated with development and growth that are characterized by economic resources.

Low Income

EJ 2020 Action Agenda (2016):

A reference to populations characterized by limited economic resources. The U.S. Office of Management and Budget has designated the Census Bureau's annual poverty measure as the official metric for program planning and analysis, although other definitions exist.

Guidance on Considering Environmental Justice During the Development of Regulatory Actions (2015):

OMB has designated the Census Bureau's annual poverty measure as the official metric for program planning and analysis by all Executive branch federal agencies, though it does not preclude the use of other measures (OMB 1978). However, unlike its treatment of poverty, the Census Bureau does not have an official or standard definition of what constitutes "low income." It is therefore appropriate to characterize low income in a variety of ways. Rule-writers may examine several different low income categories, such as families whose income falls above the poverty threshold but below the average household income for the United States, or below two times the poverty threshold. Additional socioeconomic characteristics such as educational attainment, baseline health status and health insurance coverage may also be useful for identifying, characterizing and developing strategies for assessing and engaging low income populations in the context of specific regulatory actions.

Marginalize

Merriam-Webster Online Dictionary: "To relegate to an unimportant or powerless position within a society or group."

Meaningful Involvement

EPA/Environmental Justice Website:

Meaningful involvement means:

- People have an opportunity to participate in decisions about activities that may affect their environment and/or health.
- The public's contribution can influence the regulatory agency's decision.
- Community concerns will be considered in the decision-making process.
- Decision makers will seek out and facilitate the involvement of those potentially affected.

Plan EJ 2014 (2011):

Meaningful involvement means that: (1) potentially affected community members have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision-making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected.

EJ 2020 Action Agenda (2016):

Potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; the public's contribution can influence the regulatory agency's decision; the concerns of all participants involved will be considered in the decision-making process; and the decision makers seek out and facilitate the involvement of those potentially affected.

Overburdened

[Plan EJ 2014](#) (2011):

EPA uses the term “overburdened” to describe the minority, low income, tribal and indigenous populations or communities in the United States that potentially experience disproportionate environmental harms and risks as a result of greater vulnerability to environmental hazards. This increased vulnerability may be attributable to an accumulation of both negative and lack of positive environmental, health, economic or social conditions within these populations or communities.

[EJ 2020 Action Agenda](#) (2016):

Overburdened Community – Minority, low income, tribal or indigenous populations or geographic locations in the United States that potentially experience disproportionate environmental harms and risks. This disproportionality can be as a result of greater vulnerability to environmental hazards, lack of opportunity for public participation, or other factors. Increased vulnerability may be attributable to an accumulation of negative or lack of positive environmental, health, economic or social conditions within these populations or places. The term describes situations where multiple factors, including both environmental and socio-economic stressors, may act cumulatively to affect health and the environment and contribute to persistent environmental health disparities.

People of Color

[EPA/EJSCREEN Website](#):

The percent of individuals in a block group who list their racial status as a race other than white alone and/or list their ethnicity as Hispanic or Latino. That is, all people other than non-Hispanic white-alone individuals. The word "alone" in this case indicates that the person is of a single race, not multiracial.

[EJ 2020 Action Agenda](#) (2016):

Minority Populations – According to the Census Bureau, populations of people who are not single-race white and not Hispanic. Populations of individuals who are members of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic.

Pollutant

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

An emitted substance that is regulated or monitored for its potential to cause harm to the health of individuals or to the environment.

Population Groups of Concern

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

In this document, minority populations, low income populations and indigenous peoples in the United States and its territories and possessions.

Potential Environmental Justice Concern

[Guidance on Considering Environmental Justice During the Development of Regulatory Actions](#) (2015):

A potential EJ concern refers to disproportionate and adverse impacts on minority populations, low income populations and/or indigenous peoples that may exist prior to or that may be created by the proposed regulatory action. The regulatory action may involve a potential EJ concern if it could:

- Create new disproportionate impacts on minority populations, low income populations and/or indigenous peoples.
- Exacerbate existing disproportionate impacts on minority populations, low income populations and/or indigenous peoples.
- Present opportunities to address existing disproportionate impacts on minority populations, low income populations and/or indigenous peoples through the action under development.

A potential EJ concern refers to lack of opportunities for minority populations, low income populations, tribes and indigenous peoples to meaningfully participate in the development of the regulatory action.

A potential EJ concern may arise when there is an actual or potential lack of fair treatment or meaningful involvement of minority populations, low income populations, tribes and indigenous peoples when implementing an agency regulatory action. Rule writers should assess how to consider EJ not only in the development of the action, but in the implementation of the action as well. The rule writers should consider whether and how they can craft the action to influence its implementation in a manner that considers EJ.

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

This document describes methods for analysts to use when assessing potential EJ concerns in national rules, enhancing our ability to perform some of the most crucial work we do. The technical guidance presents key analytic principles and definitions, best practices and technical questions to frame the consideration of EJ in regulatory actions. It also includes recommendations that are designed to enhance the consistency of our assessment of potential EJ concerns across all regulatory actions.

Proximity or Contaminant Analysis

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

An analytical approach using spatial data to estimate a population's risk or exposure to a stressor when direct measurement of risk or exposure is unavailable.

Race / Ethnicity

[Guidance on Considering Environmental Justice During the Development of Regulatory Actions](#) (2015):

OMB defines six distinct race and ethnic categories: American Indian or Alaska Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; White; and Hispanic or Latino.

Risk

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

The probability of an adverse effect in an organism, system or population caused under specified circumstances by exposure to a contaminant or stressor.

Risk Management

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

In the context of human health, a decision-making process that accounts for political, social, economic and engineering implications together with risk-related information in order to develop, analyze and compare management options and select the appropriate managerial response to a potential chronic health hazard.

Sacred Sites

[Executive Order 13007](#) (1996):

As defined in Executive Order 13007, any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion, provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site.

Social Context

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

Refers to all social and political mechanisms that generate, configure and maintain social hierarchies. These mechanisms can include the labor market, the educational system, political institutions, and cultural and societal values.

Social Determinants of Health (SDOH)

[U.S. Department of Health and Human Services Website](#):

Social determinants of health are the conditions in the environments where people are born, live, learn, work, play, worship and age that affect a wide range of health, functioning, and quality-of-life outcomes and risks. SDOH can be grouped into five domains:

- Economic stability.
- Education access and quality.
- Health care access and quality.
- Neighborhood and built environment.
- Social and community context.

Source

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

The origin of potential contaminants; frequently, a facility or site.

Stakeholders

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

Broadly defined as interested persons concerned with the decisions made about how a risk may be avoided, mitigated or eliminated, as well as those who may be affected by regulatory decisions.

Stressor

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

A stressor is any physical, chemical or biological entity that can induce an adverse response. Stressors may adversely affect specific natural resources or entire ecosystems, including plants and animals, as well as the environment with which they interact. In this document, the term is used to encompass the range of chemical, physical or biological agents, contaminants or pollutants that may be subject to a rulemaking.

Subsistence Populations

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

Minority populations, low income populations or indigenous peoples (or subgroups of such populations) subsisting on indigenous fish, vegetation and/or wildlife, as the principal portion of their diet.

Susceptibility

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

Increased likelihood of an adverse effect, often discussed in terms of relationship to a factor that can be used to describe a population group (e.g., life stage, demographic feature, genetic characteristic). In this document, the term refers to an individual's responsiveness to exposure.

Tribal Consultation and Coordination

[EPA's Consultation and Coordination with Tribes Web Page:](#)

A process through which EPA interacts with tribal governments when EPA actions and decisions may affect tribal interests. EPA's tribal consultation activities are guided by two separate sources: Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments (2000) and the EPA Policy on Consultation and Coordination with Indian Tribes (Consultation Policy) (2011). The Guidance for Discussing Tribal Treaty Rights (2016) complements the Consultation Policy.

Tribal Self Determination

[Bureau of Indian Affairs FAQs Web Page:](#)

Congress has recognized the right of tribes to have a greater say over the development and implementation of federal programs and policies that directly impact on them and their tribal members. It did so by enacting two major pieces of legislation that together embody the important concepts of tribal self-determination and self-governance: the Indian Self-determination and Education Assistance Act of 1975, as amended (25 U.S.C. 450 et seq.) and the Tribal Self-Governance Act of 1994 (25 U.S.C. 458aa et seq.). Through these laws, Congress accorded tribal governments the authority to administer themselves the programs and services usually administered by the BIA for their tribal members. It also upheld the principle of tribal consultation, whereby the federal government consults with tribes on federal actions, policies, rules or regulations that will directly affect them.

Tribal Treaties

[Bureau of Indian Affairs FAQs Web Page:](#)

Tribal Treaties are “contracts among nations” that recognize and establish unique sets of rights, benefits and conditions for the treaty-making tribes who agreed to cede millions of acres of their homelands to the United States and accept its protection. Like other treaty obligations of

the United States, Indian treaties are considered to be “the supreme law of the land,” and they are the foundation upon which federal Indian law and the federal Indian trust relationship is based.

Tribes

[EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples](#) (2014):

Federally Recognized Tribe (for the purposes of this Policy) – an Indian or Alaska Native tribe, band, nation, pueblo, village or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1944, 25 U.S.C.479a. The elected officials for the federally recognized tribe and the government structure they administer are referred to as the federally recognized tribal government. When used in this document, “tribes” refers to federally recognized tribes unless otherwise specified.

[EJ 2020 Action Agenda](#) (2016):

When used in this document, “tribes” refers to federally recognized tribes. Federally recognized tribes include any Indian or Alaska Native tribe, band, nation, pueblo, village or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1944, 25 U.S.C.479a.

Trust Responsibility

[Bureau of Indian Affairs FAQs Web Page:](#)

Trust Responsibility is a legal obligation under which the United States “has charged itself with moral obligations of the highest responsibility and trust” toward Indian tribes. This obligation was first discussed by Chief Justice John Marshall in *Cherokee Nation v. Georgia* (1831). Over the years, the trust doctrine has been at the center of numerous other Supreme Court cases, thus making it one of the most important principles in federal Indian law. The federal Indian trust responsibility is also a legally enforceable fiduciary obligation on the part of the United States to protect tribal treaty rights, lands, assets and resources, as well as a duty to carry out the mandates of federal law with respect to American Indian and Alaska Native tribes and villages.

Vulnerability

[Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) (2016):

Physical, chemical, biological, social and cultural factors that result in certain communities and population groups being more susceptible or more exposed to environmental toxins, or having compromised ability to cope with and/or recover from such exposure.