## Summary of Input from State, Territory, Community, Tribal and Other Partners for OEJECR's FY 2025-2026 National Program Guidance

## Process for Soliciting Early Input

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During the month of October 2023, the Office of Environmental Justice and External Civil Rights (OEJECR) conducted outreach to different stakeholder groups to inform development of the FY 2024-2025 OEJECR National Program Guidance (NPG). OEJECR joined a virtual business meeting with the National Environmental Justice Advisory Council (NEJAC) to provide information about the upcoming NPG planning process. OEJECR also facilitated virtual engagements with state partners, and community and tribal partners to review potential NPG updates and to solicit feedback on targeted questions for each stakeholder group. The results of OEJECR's early engagement process are highlighted below.

Name of Organization	Venue	Date
National Environmental Justice	NEJAC business meeting	10/05/23
Advisory Council		
State partners	Monthly all-states call	10/12/23
Community members, environmental	Monthly community engagement call	10/17/23
justice advocacy groups, tribal		
members		

## Highlights of Early Input from State Partners

The responses below highlight input from state partners about general engagement with EPA, and resource concerns:

- National Program Guidance should clearly recognize that state programs with delegated primacy are co-regulators. EPA should place emphasis on cooperative federalism, recognizing that national priorities and state priorities may be different.
- For National Program Guidance development, EPA should engage with rural states, who are coregulators with EPA.
- EPA should clearly recognize and emphasize the importance of communication and commit to early engagement with the states.
- EPA should engage with states individually as well as the national organizations. The national organizations represent a consensus position which may not necessarily represent the needs or positions of individual states.
- Setting performance goals for external state partners requires supporting state and local
  partners with resources to ensure capacity to achieve the laudable performance goals. This
  could include new resources and/or accelerating the implementation of existing programs, like
  the Environmental Justice Thriving Communities Technical Assistance Centers (TCTACs), in
  addition to capacity building within the state and local government partnerships.
- EPA should consider new formula funding for states to implement EJ performance goals.

The responses below highlight input from state partners about potential areas of concern with launching/piloting new focus areas for several performance goals, and/or for advancing current performance goals. The responses are organized by topic area.

Advancing public health in overburdened and underserved communities through processes within stateissued environmental permits and commitments in performance partnership grant workplans:

- For regulatory and permitting programs, advancing public health typically means enforcing stricter program parameters which further burden overburdened communities. The ability to make changes to overburdened and underserved communities is rarely possible through the structured environmental permitting programs.
- EPA needs a clear definition or parameters for determining overburdened communities, underserved communities, or environmental justice communities. How is "advancement of public health" defined? What does the EPA mean by "processes" within state-issued environmental permits?
- Performance Partnership Grant (PPG) program components differ for every state. It is not clear
  why only PPG workplans are pointed out to include commitments for advancing public health
  for overburdened and underserved communities.
- Our state DEQ will continue to negotiate PPG requirements with EPA Region 8 to comply with applicable federal regulations while also recognizing state priorities and available staff resources. NPGs should not establish broad new PPG requirements outside of such negotiations.
- It is important that performance measures are truly meaningful and measurable, and that there's consistency in how states are conducting the measuring. This will require clarity in criteria and data sources from the EPA.

#### Indicators of disparity reduction in environmental and public health conditions:

- EPA will need to clearly define "indicators of disparity reduction in environmental and public health conditions." This is vague phrasing and could be measured in many ways.
- The measures selected will need to be timebound, and it's important to consider what can be
  achieved in the target measurement period. The mention of "advancing public health" and
  "indicators of disparity reduction" imply a long time period. These are the types of activities that
  could take decades to measure/see success on following implementation of a public healthfocused strategy.

#### External civil rights compliance:

- EPA should acknowledge that circumstances and conditions are different in every state. As EPA has publicly acknowledged in the past, each state should be granted the discretion to develop policy and procedures to comply with Title VI instead of attempting to impose a one size fits all approach under the Environmental Justice executive order.
- EPA should emphasize the provision of training for permitting and other agency staff on civil rights issues.

The responses below highlight input from state partners on potential opportunities to collaborate/coordinate with EPA to advance public health in overburdened and underserved communities:

• EPA should continue to provide guidance, process steps, and training for state partners. Sharing examples from other states is also helpful.

• Something to consider is better determining health outcomes in rural communities when the economy shifts; for example - when good paying energy-industry jobs go away.

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- It would be helpful to learn more about state-based EJ mapping tools, particularly ones focused on cumulative impacts. It would be great to learn more from others around best practices for community engagements and outreach, purpose and usage of tools in practice, and feedback from key stakeholders.
- Outside of permitting processes, exploring how states are engaging with local stakeholders in addressing health concerns in overburdened communities - programs, funding opportunities, legislation.
- EPA should make funds available to state governments to conduct environmental justice work
  through both existing funding mechanisms like the PPG, and/or looking for more opportunities
  for state governments to apply for federal funding for state environmental justice initiatives.
  Because state governments are ineligible for IRA funds, there are currently limited opportunities
  available for states to receive funding for environmental justice work.
- EPA should explore formally allowing states to use their state definitions of "disproportionately impacted community" (or similar definitions of terms such as "disadvantaged community," "overburdened community," "environmental justice community," etc.) in various applications.
   EPA should consider applying state definitions in its own work in states that have a state definition rather than relying solely on federal definitions such as the Climate and Economic Justice Screening Tool's "disadvantaged community" definition or EJScreen.
- EPA should prioritize finalizing clear guidance on specific steps for states to take on
  incorporating environmental justice and Title VI compliance into permitting actions.
  Alternatively, EPA should consider establishing a formal process to defer to or approve the
  processes that have been established by states that have already developed their own processes
  for incorporating environmental justice and Title VI compliance into permitting actions.
- EPA should prioritize finalizing clear guidance on specific steps for states to take in incorporating
  consideration of cumulative impacts into their regulatory, permitting, and enforcement
  processes. Alternatively, EPA should consider establishing a formal process to defer to the
  processes that have been established by states that are already building considerations of
  cumulative impacts into their work.

# Highlights of Early Input from Communities, Tribes, and Environmental Justice Advocates

The responses below highlight input from communities, tribes, and environmental justice advocates on meaningful community involvement and community capacity-building:

- EPA does well with the following areas of meaningful involvement and community capacitybuilding:
  - Technical Assistance to Support Communities (TASC) Program. This is an invaluable resource that has been used to help communities understand feasibility study reports, remediation goal recommendations, etc. EPA should use this program as widely as possible.
  - National Environmental Justice Advisory Council.
  - Superfund Community Involvement.
  - O National Environmental Justice Community Engagement Call.

- EPA could do a better job at making space to help communities (at least) make a reassessment of its environmental concerns. For some communities, there is a cultural and institutional reluctance from EPA to change course to advance environmental protection. For example: aging wastewater treatment plants it might not get replaced but there could at least be a reassessment of the plant to revisit previous decisions about the site. This could be a critical support EPA can provide for communities and engage with communities on to help revisit and reassess sites (and past decisions of those sites).
- EPA should provide standards and measures to assess "meaningful community involvement". For example, New Mexico's Environment Department has a statement that states "decision-makers will seek out and facilitate the involvement of those potentially affected." It would be helpful to understand how EPA measures involvement efforts so that other entities reference and have a better understanding of their own involvement efforts as well.
- EPA will need to consider creating meaningful involvement plans that are specific to different
  audiences. There is not going to be a good formula or one-size-fits-all way to engage
  communities. For example, in rural areas. Some audiences or communities are going to require
  different and unique involvement/engagement strategies online, virtual outreach, boots on
  the ground, etc.
- Access to technical assistance grants has been challenging for underserved communities. The TCTACs can be very helpful if strategic synergies are created.
- In some states, there is limited support in the government for advancing civil rights and environmental justice, but these states may also not be interested in environmental programs. EPA should look for ways to build support for these environmental justice and external civil rights initiatives.
- Is there a way for the EPA to integrate resources for high schools to access tools to address their environmental concerns? For example, in the Alabama Black Belt, folks are straight piping from their toilet to their backyard because there is not an active sewer system. Student solutions range from implementing septic systems to relocating residents.
- EPA needs to honor promises to conduct meaningful community engagement. What do I do as a community member to hold them accountable?
- EPA should have a way to ensure that grant applicants/recipients follow through with their stated engagement plans and ensure that recipients did not exaggerate their engagement efforts afterwards.

## Next Steps

EPA is considering the early input received from state, territory, tribal and community partners in developing the OEJECR FY 2025-2026 National Program Guidance.