

Office of Environmental Justice and
External Civil Rights

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OEJECR NATIONAL
PROGRAM GUIDANCE

FY 2025–2026

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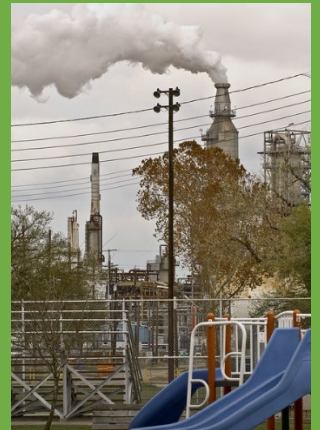


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Message from the Office of Environmental Justice and External Civil Rights

In September of 2023, the U.S. Environmental Protection Agency celebrated the one-year anniversary of the formation of the Office of Environmental Justice and External Civil Rights (OEJECR), a new national program that delivers on President Biden's commitment to address the impacts faced by those living in underserved communities overburdened by pollution. OEJECR was created by merging three existing programs at the agency: the Office of Environmental Justice, the External Civil Rights Compliance Office, and the Conflict Prevention and Resolution Center.

Once fully staffed in FY 2025, OEJECR will dedicate more than 200 EPA staff in headquarters and across 10 regions towards solving environmental challenges in communities that have been underserved for far too long. These staff will continue to engage with communities with environmental justice (EJ) concerns and Tribal, state, and local partners to understand their needs; increase the capacity of these communities to meaningfully influence government programs; manage and disburse historic levels of grants and technical assistance; work with other EPA offices to incorporate EJ and civil rights into the Agency's programs, policies, and processes, as allowed by law; ensure EPA funding recipients comply with applicable civil rights laws; and provide conflict prevention and resolution and alternative dispute resolution services to facilitate critical conversations.

OEJECR is overseeing the implementation and delivery of a \$3 billion climate and environmental justice block grant program created by the Inflation Reduction Act, a critical component of the law's historic \$60 billion investment in environmental justice. OEJECR is also facilitating the EPA's implementation of other funding programs provided by the Inflation Reduction Act, Bipartisan Infrastructure Law, and is ensuring that overall benefits of covered programs meet or exceed the goal of the President's Justice40 initiative¹.

Overall, the EPA will continue work to increase the capacity of communities to address EJ and civil rights concerns; embed EJ, equity, and civil rights in the Agency's core work; and strengthen civil rights enforcement in communities overburdened by pollution.² The commitments included in Goal 2 of the *FY 2022-2026 EPA Strategic Plan* and the implementation of its objectives have been developed upon a considerable foundation of over three decades of experience, input, and engagements related to the EPA's commitment to advancing environmental justice, and enforcement of the civil rights laws. This includes the formal recommendations of the National Environmental Justice Advisory Council (NEJAC) as well as the regular and ongoing input received through that forum from its membership and

¹ Justice40 is the mandate included in Executive Order 14008 that at least 40% of the benefits of certain government programs flow to disadvantaged communities.

² Executive Order 13985, *On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, establishes a whole-of-government approach to addressing inequities in the implementation of laws, policies and programs to promote equal opportunity for underserved communities that have been denied fair, just, and impartial treatment. EPA will work to consider the equitable treatment of underserved communities consistent with both EO 12898 and EO 13985.

public participants. It also includes the direct, regular, and robust engagement throughout the years among EJ and external civil rights leadership and staff, communities, community leaders, academics, representatives from business and industry, and our partnership with states, Tribes, territories, and local governments.

In addition, Goal 2 sets targets that align closely with Administration priorities set forth in various Executive Orders. EO 13985³: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* and EO 14008⁴: *Tackling the Climate Crisis at Home and Abroad*, both require that the EPA develop implementation plans to ensure that all individuals, including underserved communities⁵ have full, fair, and equitable access to the benefits of the Agency's programs. The Executive Orders also provide the platform for interagency collaboration since many objectives benefit from actions by other Federal agencies.

In February 2023, the President issued EO 14091⁶: *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Governments*, which requires agencies to produce an annual public Equity Action Plan that will assess and include actions to address the barriers underserved communities may face in accessing and benefitting from the agency's policies, programs, and activities. The priorities addressed in the EPA's EO 14091 Agency Equity Plan further advance Goal 2 objectives with respect to environmental justice and external civil rights.

Finally, in April 2023, President Biden issued EO 14096⁷: *Revitalizing Our Nation's Commitment to Environmental Justice for All*. This EO is a historic milestone in the Federal government's commitment to ensuring that all people, regardless of race, national origin, income, disability, and Tribal affiliation, can enjoy clean air, clean water, and a healthy community. The EO builds on the foundation set by EO 12898 and the decades of leadership by EPA in advancing environmental justice. The EO honors the historic significance of EO 12898 by supplementing rather than replacing the earlier Executive Order. The EO requires all Federal agencies to develop Environmental Justice Strategic Plans by October 21, 2024. The EPA's draft EO 14096 EPA 2024 EJ Strategic Plan builds on EPA's Goal 2 work, incorporating the language, goals, objectives, metrics, and actions developed through Goal 2 and building on these to fully address the requirements of EO 14096.

The EPA's Goal 2 and this associated National Program Guidance (NPG) place a cross-cutting priority at the very heart of the EPA's fundamental commitments and measurements. These commitments cut across all national programs and regions while also extending to our communities and regulatory partners to support and continue building relationships with. They challenge the Agency not simply to do more but to do differently in terms of our business practices, investment values, and program implementation. They introduce a level of

³ See EO 13985, at: <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01753.pdf>

⁴ See EO 14008, at: <https://www.govinfo.gov/content/pkg/FR-2021-02-01/pdf/2021-02177.pdf>

⁵ See EO 13985, at <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01753.pdf>, section 2b (definitions).

⁶ See EO 14091, at: <https://www.govinfo.gov/content/pkg/FR-2023-02-22/pdf/2023-03779.pdf>

⁷ See EO 14096, at: <https://www.govinfo.gov/content/pkg/FR-2023-04-26/pdf/2023-08955.pdf>

transparency and accountability that touches the entire environmental public health regulatory endeavor of the United States.

In many ways, this NPG sets forth an ambitious process of continual improvement for every part of the EPA to ensure that the Agency takes a “one EPA” approach and leverages all resources to address environmental pollution in the most overburdened communities across the United States. OEJECR is ready to support national programs, regions, and our external partners as the EPA takes up this hard work to improve conditions for communities most overburdened and underserved⁸, which is the ultimate purpose of efforts to advance equity, justice, and civil rights.

SECTION I. INTRODUCTION

The FY 2025-2026 OEJECR National Program Guidance (NPG), accompanies and implements the EPA’s Strategic Plan Goal 2, as well as the EJ Strategic Plan under EO 14096. The NPG provides a cross-cutting foundation for integrating EJ and civil rights considerations into the fabric of work across the Agency and commits the EPA’s national programs and regions to a variety of actions and measures across our internal and external policies, programs, and activities. Through this NPG, OEJECR continues to partner with the EPA’s regions and programs to determine how best to integrate these measures and take advantage of every opportunity to advance EJ and civil rights compliance, considering each region and program’s financial, capacity, and statutory limitations.⁹ Consistent with EO 12898 and 14096, the EPA also recognizes that to advance environmental justice for all, it must work to ensure that external civil rights compliance is integrated in all programs and activities receiving EPA financial assistance, including those at the state level. Recognizing that civil rights compliance is not one-size-fits-all, EPA will cooperatively work with states in securing compliance and, consistent with EPA’s nondiscrimination regulation, provide states with the technical assistance to do so.

The EPA will take, whenever possible and most effective, an agency-wide approach to implementing the commitments and actions contained in this NPG, especially those that require new investments in resources and staffing. Many commitments will need to be implemented within individual national programs and regions.

The EPA has divided this effort into three objectives. The first focuses on the EPA’s ability to advance this priority outside of the EPA — through the support the Agency provides directly to communities, the EPA’s direct implementation of Federal environmental programs, and the implementation of these programs by coregulators. The EPA recognizes that while the EJ and external civil rights authorities are distinct, they share a deep connection and ability to reinforce and leverage one another to make significant progress in addressing disproportionate and adverse health and environmental burdens that continue to plague the most underserved communities.

⁸ See Administrator Regan’s first statement about EJ, at <https://www.epa.gov/sites/default/files/2021-04/documents/regan-messageoncommitmenttoenvironmentaljustice-april072021.pdf>, (April 7, 2021).

⁹ This NPG is not a rule. It is not legally enforceable, and it does not create or confer legal rights or legal obligations upon any member of the public, recipient, the EPA, state and local governments, tribes, or any other agency.

The second objective focuses on advancing equity, justice, and civil rights through the EPA’s internal program activities. The EPA is committed to integrating EJ and civil rights considerations into its own work, include EPA permitting, rulemaking, guidances, etc.

The third objective focuses on the EPA’s commitment to strengthen the Office of External Civil Rights Compliance and its ability to enforce federal civil rights laws, including by fully implementing its authority to conduct affirmative compliance reviews, investigate civil rights complaints, issue policy guidance, and secure timely and effective resolutions to address discrimination.

This NPG has two facets for the majority of the commitments under Goal 2 and the EJ Strategic Plan under EO 14096. One facet of each commitment will focus on the priority area and activities related to the responsibilities of OEJECR in supporting the efforts of other EPA programs, regions, communities, and our coregulatory partners. The second facet will focus on the activities related to the EPA’s programs and regions to implement and measure progress toward the successful achievement of strategic plan commitments. In addition, this NPG provides the framework for the EPA’s programs and regions to inform their environmental justice and external civil rights (EJECR) implementation plans for FY 2025 and FY 2026.

For additional background, please refer to EPA’s Overview of the FY 2025-2026 National Program Guidances: <https://www.epa.gov/planandbudget/national-program-guidances>

SECTION II. STRATEGIC PLAN IMPLEMENTATION

This section provides an overview of the cross-cutting Agency priorities and activities around implementing commitments under EPA’s Strategic Plan Goal 2 and the EJ Strategic Plan under EO 14096. It is broken up into 3 sub-sections covering three overall objectives as stated in the Introduction.

It is important to note that in the activities section under each strategy, the use of “National Programs and Regions” is being used as a general term for each list of activities. In some cases, activities listed are not applicable to every program office or regional division. OEJECR continues to work in partnership with programs and regions to determine scope, applicability, and flexibility for the work outlined in this document.

A. Objective 1: Promote EJ and Civil Rights at the Federal, Tribal, State, Local, and Community Levels

The environmental and public health regulatory structure relies upon other levels of government – primarily states but also Tribes, territories, and local governments – to carry out much of the implementation of federal laws, requirements, and programs. Strengthening relationships between the EPA and states and Tribes is critical in the practice of identifying and addressing disproportionate environmental and public health impacts in communities to bring about meaningful change on the ground. The EPA is also charged with ensuring that the programs or activities of recipients and subrecipients of EPA financial assistance comply with

laws prohibiting discrimination on the basis of race, color, national origin, sex, age, and disability.

The EPA and other governmental partners must include the principles of meaningful involvement and equity in their work with underserved and overburdened communities. This means engaging early and often with community members, providing capacity-building to enhance engagements, inviting them into the decision-making process, and providing authentic information about why a decision was made.

A.1 Empower and strengthen capacity of underserved and overburdened communities

Through the EPA's environmental justice grant programs,¹⁰ which have expanded to 3 billion dollars, and dedicated technical assistance programs, communities are provided support as they develop and implement solutions that significantly address environmental and/or public health issues at the local level. These grants and technical assistance programs have been designed to meet communities at their needs and where they are in their journey, and to achieve lasting, meaningful change on the ground.

In addition to providing capacity-building through grants and technical assistance, the EPA must ensure that relevant programs are responsive to the realities of communities with EJ concerns by actively increasing meaningful public involvement in critical decision making. A fundamental element of achieving this is to strengthen the capacity of community members to meaningfully engage and provide input to government programs on the decisions that may affect them. Effective capacity-building ensures that communities can analyze information and interact in an informed capacity throughout the decision-making process. Examples of capacity-building include using resources such as training (workshops, train-the-trainer, etc.), handbooks, best practice guides, dedicated technical assistance, and grants to support the building of capacity. An important aspect of capacity-building resources includes having the content written in plain language, interpreted in local languages and accessible for those with different abilities.

Activities:

OEJECR-specific:

- Oversee the provision of technical assistance activities and deliverables to communities by the Thriving Communities Technical Assistance Centers Program.
- Manage dedicated technical assistance programs to build capacity for community-based organizations, local and Tribal governments, and other eligible entities serving communities with EJ concerns.
- Advance climate adaptation in the Thriving Communities Technical Assistance Centers Program by ensuring the integration of climate adaptation tools and resources into the technical assistance delivered across our Regions.

¹⁰ Information about EPA's environmental justice grant programs can be found here: <https://www.epa.gov/environmentaljustice/environmental-justice-grants-funding-and-technical-assistance>

National programs and regions:

- Provide support for OEJECR's capacity-building grants programs by assigning dedicated project officers.
- Before collecting feedback about a specific action or decision, provide capacity-building to the community/public to ensure informed participation in decision-making about the action.

A.2 Engage with and listen to communities

For EPA to enforce federal laws, the Agency's work must be based upon the realities experienced by members of communities with EJ and civil rights concerns. As part of the foundation of advancing EJ and civil rights compliance, the EPA must provide regular opportunities to share information directly with communities, hear from their members about priorities, and provide regular updates and follow-through on how such dialogue affects our thinking to better meet the needs of overburdened and vulnerable communities. Increased information sharing and outreach establishes open dialogue between the EPA and communities.

Activities:

Specific to OEJECR and regional EJ divisions only:

- Develop and adapt content that can be used for information sharing sessions and outreach. Ensure that the content is accurate, current, and delivered accessibly, targeting and reaching the intended audience.
- Deliver information sharing sessions and outreach with overburdened and underserved communities and EJ advocacy groups on civil rights and EJ issues.

A.3 Strong partnerships with states and Tribes

The EPA national and regional offices will work proactively to integrate EJ, equity, and civil rights into policies and activities as a fundamental element of the Agency's relationships with federal, state, Tribal and local partners to jointly affect beneficial changes on the ground for communities. One component of this work will be for the EPA to partner with states and Tribes to ensure that commitments to identify and address disproportionate environmental and public health impacts in overburdened communities are included in performance partnership agreements (PPA) and performance partnership grant (PPG) workplans.

Activities:

OEJECR-specific:

- Provide capacity-building resources on identifying and addressing disproportionate impacts in communities with EJ concerns.
- Partner with project officers in programs and regions to collectively implement this work.
- Coordinate engagement opportunities with state and Tribal partners to prepare for and to advance this work.

National programs and regions:

- Establish priorities and parameters to advance the addressing of disproportionate impacts in PPAs and PPG-eligible programs.
- Include language in National Program Guidances to set expectations for states and Tribes to include commitments on addressing disproportionate impacts in PPA and PPG workplans when applicable.
- Collaborate with state and Tribal partners to include commitments on addressing disproportionate impacts in PPA and PPG workplans when applicable.

Expectations for state and Tribal partners:

- When developing or updating PPA and PPG workplans, include commitments to identify and address disproportionate impacts in communities with EJ concerns and/or in Tribal/Indigenous Communities.

A.4 Collaboration with state recipients of the EPA’s financial assistance

To fulfill this responsibility, the EPA must systematize compliance with foundational civil rights program requirements (also referred to as procedural safeguards)¹¹ by state recipients of the EPA’s financial assistance, as required by federal civil rights laws and the EPA’s nondiscrimination regulation. This responsibility is supported through pre-award review, technical assistance and training, additional clarifying guidance, and enhanced civil rights enforcement. Other supportive actions include, initiating proactive pre-award and post-award civil rights compliance activities; engaging staff across the Agency in civil rights compliance activities; increasing transparency by affirmatively providing information to the public; and issuing guidance documents to clarify interpretations of requirements and expectations.

Activities:

OEJECR-specific:

- Implement modifications to the Pre-Award Review (Form 4700-4 review) process, including “four-corners review” of the Form 4700-4, to determine whether the answers are filled out completely and consistent with the nondiscrimination regulatory requirements and based on certification from the applicant for EPA financial assistance of truthfulness and accuracy; enter into six-month agreements with applicants to correct regulatory deficiencies identified during Form 4700-4 review process. (*Note: “four corners review” is a legal concept that means not looking at information outside of the form.)
- Conduct post-award audits based on a sampling of submitted Form 4700-4 forms to ensure recipients have in place the required federal civil rights regulatory requirements identified on Form 4700-4.

¹¹ A program developed and implemented by an applicant for or recipient of the EPA’s financial assistance with the responsibility to ensure nondiscrimination in its programs and activities, including developing and implementing procedural safeguards that contains important baseline elements (i.e., “procedural safeguards” or “administrative requirements”) that are required by the EPA’s nondiscrimination regulation at 40 C.F.R. Parts 5 and 7, or that otherwise emanate from federal civil rights laws (e.g., Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973).

- Issue guidance to clarify the expectation that the EPA’s recipients will come into compliance with procedural safeguards.
- Provide technical assistance and training to recipients, including through a proactive initiative for working with the EPA’s regions and states in those regions to facilitate implementation of procedural safeguards and best practices.

National programs and regions:

- Along with Office of External Civil Rights Compliance (OECRC), Office of Grants and Debarment (OGD) and regions, implement modifications to the Pre-Award Review (Form 4700-4 review) process.
- Help facilitate engagement with OECRC on the proactive initiative for working with states to implement procedural safeguards and best practices.

B. Objective 2: Embed EJ and Civil Rights in the EPA’s Policies, Programs and Activities

The EPA will continue to pursue the integration of environmental justice and civil rights in all the Agency’s work to maximize benefits and minimize impacts to underserved and overburdened communities. The Agency will also include climate change considerations where appropriate, as climate change poses a threat to achieving environmental justice. These pursuits will be accomplished by strengthening EPA’s capacity to support community-driven approaches to healthy, sustainable communities, and with supporting the use of equity and justice screening tools to analyze for disproportionate impacts. The Agency will commit to providing training and guidance on using screening tools to conduct EJ analyses within their programmatic context and on civil rights obligations. The EPA will also commit to integrating civil rights language to clarify the nondiscrimination obligations of recipients, in EPA guidances, rulemaking, etc.

The Agency will also advance the practice of meaningful involvement, which is one of the bedrock principles of empowering underserved and overburdened communities and being responsive to the realities of communities with EJ concerns. In this context, meaningful involvement means that people have an opportunity to participate in decisions about activities that may affect their environment and/or health. It also means that communities have the skills to participate and effectively voice concerns that will be considered in the decision-making process. It means that the Agency’s decision-makers will seek out and facilitate the involvement of those potentially affected as an early step in the decision-making process and will make progress in communicating with transparency and accountability how the public’s input influenced the Agency’s decisions.

B.1 Reducing disparities in environmental and public health conditions

The EPA will set ambitious goals of achieving meaningful change on the ground for communities with EJ concerns. Under the Agency’s Priority Goal Action Plan, the EPA will apply a set of indicators to drive disparity reductions in environmental and public health conditions. The

ultimate purpose is to show real, positive, and meaningful change on the ground for communities with EJ concerns directly related to Agency efforts. The EPA will ensure accountability to these measures by linking the indicators to annual commitments of actions by each national program to reduce individual disparities, and by leveraging the Agency's annual strategic planning and process. This effort will tie reporting mechanisms to the decisions and actions taken by EPA programs across the spectrum of our mission achievement. The activities to achieve these reductions will range from actions the EPA can take wholly within its authorities and resources to activities to better support the actions of other governmental partners.

Activities:

OEJECR-specific:

- Provide leadership of cross-agency workgroup to continue coordinating the completion of milestone activities as listed on the FY 2025-2026 Agency Priority Goal Action Plan.
- Coordinate internal and external stakeholder engagement throughout the evolution of this work, to share information, to collaborate, and to co-learn.
- Coordinate the assessment of the indicators and the effectiveness of EPA's actions to inform their reductions over time.

National programs:

- Participate in the development of indicators, as applicable.
- Establish annual commitment of actions to reduce individual disparities.
- Assist with the coordination of tracking outputs and outcomes.
- Support the collection of annual data for each applicable indicator.

B.2 Using tools and EJ analyses to address disproportionate impacts

The EPA must make significant progress in fundamentally grounding its work in addressing (reducing, eliminating, mitigating) disproportionate impacts in overburdened and vulnerable communities. Addressing disproportionality includes the understanding of and reacting to issues of cumulative impacts and cumulative risks. To do this work, the EPA must rapidly advance and apply the use of analysis for disproportionate impacts throughout Agency programs and activities. One area to catalyze such progress is for EPA programs to regularly use EJ and equity screening tools to inform their decision-making and to implement best practices to demonstrate how Agency actions such as rulemaking, are responsive to EJ concerns.

Activities:

OEJECR-specific:

- Provide support to Agency colleagues on being responsive to EJ concerns and addressing (reducing, eliminating, mitigating) disproportionate and cumulative impacts in communities.
- Partner with national programs to implement guidance on conducting EJ analyses for disproportionate impacts in communities.

- Develop and implement guidance on assessing and addressing cumulative impacts in communities.
- Coordinate inter-agency efforts on cumulative impacts.
- Coordinate capacity-building and best practices for Agency colleagues with ongoing efforts such as EJScreen training sessions and office hours. Continue leading the EPA's EJScreen Steering Committee to advance tool capabilities and updates.
- Advance climate adaptation integration by expanding the climate-related indicators in EJScreen and by providing documentation and training on the use of the climate indicators.
- Provide technical assistance to Agency colleagues on recipients' civil rights obligations.

National programs and regions:

- Develop and/or implement policies and procedures for conducting an EJ analysis on all EPA rulemakings determined to be significant under EO 12866¹² with EJ implications. Policies and procedures should include clear methods on responding to and addressing (reducing, eliminating, mitigating) disproportionate impacts in impacted communities.
- Include in the rule preamble of all significant EPA rulemakings with EJ implications, how EJ concerns and equity and justice principles were considered and how the rule may or may not have addressed (reduced, eliminated, mitigated) disproportionate impacts.
- Include in the rule preamble of all significant EPA rulemakings, language reflecting EPA financial assistance recipients' civil rights obligations.
- Pilot cumulative impacts projects in partnership with communities and other Federal, state and Tribal partners.
- Review and revise (if needed) or develop new guidance document(s) to ensure current best practices are included for using environmental justice and equity screening tools in different programmatic contexts.
- Provide ongoing training for Agency colleagues on uses of environmental justice and equity screening tools for applicable programmatic contexts. Embed the use of screening tools into everyday work processes, as applicable.
- Review and revise (if needed) new and existing guidance document(s), where appropriate to ensure they include language reflecting recipients' civil rights obligations.
- Provide ongoing training and guidance for Agency colleagues on recipients' civil rights obligations.

B.3 Supporting collaborative, community-driven approaches with communities

Achieving greater environmental and public health protection in overburdened and underserved communities necessitates that the EPA not only improve its decision-making and program implementation, but that the Agency supports collaborative problem solving, multi-stakeholder partnerships, and community-driven approaches toward healthy, sustainable communities. Supporting collaborative, community-driven approaches with communities

¹² Details on the definition of significant rules under EO 12866 can be found here: <https://www.archives.gov/files/federal-register/executive-orders/pdf/12866.pdf> (section 3f, 1-4).

should be another core function of the Agency, a key business practice, in addition to other functions (e.g., regulatory development, permitting, and enforcement/compliance).

Activities:

OEJECR-specific:

- Provide support to programs and regions on collaborative and community-driven approaches.
- Develop an internal network of public participation practitioners/program advocates to facilitate co-learning and continuous improvement on supporting collaborative, community-driven work.
- Support the integration of capacity-building resources in the Agency's processes.
- Stand up an EJ and climate adaptation subgroup within the EPA's cross-agency climate adaptation workgroup. Develop capacity-building content that focuses on the intersection of EJ and climate adaptation.
- Continue engaging with the EPA's National Environmental Justice Advisory Council (NEJAC) to address the NEJAC recommendations for EPA to advance progress on the intersection of EJ and climate adaptation.

National programs and regions:

- Develop community capacity-building resources with learning objectives that focus on building skills so communities can explain, describe, and comprehend the subject/topic/issue at hand.
- Participate in the internal network of public participation practitioners/program advocates to facilitate co-learning and continuous improvement to support collaborative, community-driven work.

B.4 Practicing meaningful involvement in the EPA's decision-making

The EPA must increase the practice of meaningful public involvement in critical decision-making by building upon the many ways that programs and regions currently seek ideas, input, feedback, and recommendations from the public to influence Agency decisions. One way to catalyze progress is to institutionalize current policies, guidance, and directives on meaningful involvement, including Achieving Health and Environmental Protection Through EPA's Meaningful Involvement Policy (an update to the EPA's 2003 Public Involvement Policy in FY 2024). Additionally, national program sub-offices and regional divisions should develop meaningful involvement plans when planning for public input on an Agency project or decision. A meaningful involvement plan identifies the components of a well-designed process to involve the public in the Agency's decision-making from planning the process, to designing and implementing communication materials and involvement activities, to reflecting how knowledge gained from meaningful involvement was used to influence the Agency's work.

Activities:

OEJECR-specific:

- Provide training for OEJECR colleagues on meaningful engagement skills/capabilities.

- Provide training to OEJECR colleagues on implementing the EPA’s updated Meaningful Involvement Policy.
- Provide support to programs and regions to develop meaningful involvement plans.

National programs and regions:

- Develop processes and procedures to institutionalize current policies, guidance, and directives, including the EPA’s updated Meaningful Involvement Policy.
- Develop meaningful involvement plans when seeking ideas, input, feedback, and recommendations from the public to influence an Agency project or decision.

B.5 The EPA’s implementation of environmental justice and civil rights compliance

Integrating EJ and ensuring compliance with civil rights requirements are responsibilities held by every employee of every program at the EPA. To center the EPA’s mission on advancing equity, environmental justice, and civil rights, all Agency policies, programs, and activities must include integration of EJ considerations and compliance with civil rights and do so accountably and transparently to support efforts by coregulatory partners. Given the unique nature of the EPA’s Strategic Goal 2 and the need to integrate EJ and civil rights across and throughout all of the EPA’s efforts, each national program and region will develop annual EJ and external civil rights implementation plans (EJECR IPs) to ensure alignment between commitments in Goal 2 and those of all other *FY 2022-2026 EPA Strategic Plan* goal areas.

Activities:

OEJECR-specific:

- In partnership with national programs and regions, establish clear expectations for the development of annual EJECR IPs to ensure EJ considerations and civil rights compliance activities are integrated in all planning, guidance, policy directives, monitoring, and review activities.
- Provide capacity-building and training resources on what it means to consider EJ and to comply with civil rights requirements to Agency staff, communities, and external partners.
- Provide clear guidance regarding the EPA’s financial assistance recipients’ legal obligations to have in place procedural safeguards in their nondiscrimination programs.
- Provide civil rights policy guidance about what states and other recipients need to do to identify and address discrimination and potential discriminatory practices.

National programs and regions:

- Develop annual EJECR IPs ensuring EJ considerations and civil rights compliance activities are integrated in all planning, guidance, policy directives, monitoring, and review activities, as appropriate.
- Track quarterly progress on EJECR IP commitments as applicable.
- Update, as appropriate, all applicable policy/guidance and rulemaking documents to include EJ considerations and civil rights compliance requirements when undergoing updates or as new documents are crafted.

B.6 Meaningful access to the EPA’s programs and activities for persons with limited-English proficiency

Fundamental to both achieving EJ integration and civil rights requirements applicable to the conduct of the EPA’s activities is to ensure that language never poses a barrier to the full and meaningful participation of individuals in the EPA’s decisions and program implementation. The EPA program and regional offices will continue to develop and implement plans and procedures, consistent with the EPA’s Order 1000.32 "Compliance with Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency". This Order outlines the necessary steps for the Agency to provide meaningful language access to persons with limited-English proficiency, including using the EPA's centrally administered LEP Language Services Contract.

Activities:

OEJECR-specific:

- Coordinate the development of sample LEP plans for other program offices and regions to follow.
- Provide technical assistance to programs and regions on implementing their language assistance plans.
- Provide training to programs and regions on how to access the various services available for the provision of language services.

National programs and regions:

- Implement and put into practice program or region-specific plans and procedures, consistent with EPA Order 1000.32 "Compliance with Executive Order 13166".
- Ensure that every EPA community outreach and engagement activity considers the needs of community members with limited English proficiency and that the EPA secures the language services necessary to provide “meaningful access” to EPA programs and activities for individuals with limited English proficiency.

B.7 Meaningful access to the EPA’s programs and activities for persons with disabilities

The EPA must be fully accessible and transparent to all persons in the United States, including persons with disabilities. Similar to ensuring that language never poses a barrier to participation, the EPA also must ensure that all Agency decisions and programs are fully accessible to person with disabilities. The EPA’s program and regional offices will continue to develop and implement plans and procedures for ensuring meaningful access for persons with disabilities, consistent with the FY 2024 EPA Order on Ensuring Meaningful Access for Persons with Disabilities to EPA Conducted Programs and Activities.

Activities:

OEJECR-specific:

- Implement a program for meeting the EPA’s regulatory obligation to provide meaningful access to EPA sponsored programs and activities for persons with disabilities.

- Implement the EPA’s Directive/Order: Section 504 Procedures for Ensuring Meaningful Access for Persons with Disabilities to EPA Programs Services and Activities, to ensure a clear, consistent, and well-coordinated process for ensuring meaningful access for persons with disabilities.
- Communicate information about resources, including contractual vehicles, the EPA has in place to ensure consistent EPA-wide provision of needed services, or “reasonable accommodations,” for persons with disabilities.
- Facilitate training and technical assistance to programs and regions as needed.

National Programs and Regions:

- Develop plans and procedures for ensuring meaningful access for persons with disabilities.
- Ensure that every EPA community outreach and engagement activity considers the needs of persons with disabilities and that the EPA provides persons with disabilities needed reasonable modifications and auxiliary aids and services.

C. Strengthening Civil Rights Enforcement in Communities with Environmental Justice Concerns

The EPA must use the full extent of its authority and resources to vigorously enforce the federal civil rights law based on race, color, national origin, sex, disability, or age. The EPA is required by law to ensure the EPA’s financial assistance is not being used in a manner that discriminates, and as detailed in Goal 2 of the Strategic Plan, the Agency seeks to ensure that the actions of the EPA’s recipients don’t subject any community, including already overburdened communities, to further harm on the basis of race, color, national origin, sex, disability or age. Robust enforcement of civil rights law coupled with the EPA’s EJ efforts, provide the Agency with the strongest ability to address environmental and human health disparities on the basis of race, color, national origin, and other characteristics such as disability.

C.1 Civil rights compliance by decision makers that receive EPA financial assistance

The EPA will carry out a systematic approach to ensuring compliance with federal civil rights laws, which includes clarifying expectations to recipients and other stakeholders, systematically reviewing pre-award 4700-4 forms, and conducting post-award affirmative compliance reviews.

Activities:

OEJECR-specific:

- Conduct and complete compliance reviews to determine compliance with Title VI, as well as other federal civil rights laws and the EPA’s nondiscrimination regulation in each fiscal year going forward, as resources allow.
- Develop a plan to initiate a target number of systematic (i.e., regularly planned) compliance reviews each year, which contains criteria for identifying annual priority areas of focus and selecting sites for compliance reviews, along with a process for meaningfully engaging with impacted communities and other internal and external stakeholders and partners, including the EPA’s programs and regions.

- Execute six-month agreements with applicants of the EPA’s financial assistance to correct deficiencies in regulatory requirements identified during the Form 4700-4 review process.
- Conduct post-award audits based on a sampling of submitted Form 4700-4 forms to ensure recipients have in place the required federal civil rights regulatory requirements identified on Form 4700-4.

National programs and regions:

- Assist OEJECR in identifying programs for potential compliance reviews and provide input to the plan development containing criteria for identifying annual priority areas of focus and selecting sites for compliance reviews.
- Regions assist OEJECR in conducting initiated compliance reviews with respect to programs identified in particular states within a Region.
- Coordinate with OEJECR in the six-month agreement process with applicants and in the post-award audits of Form 4700-4 forms.

C.2 Proactive external civil rights compliance

To change the landscape of civil rights compliance, recipients of the EPA’s financial assistance must first ensure they have in place the most fundamental of procedural civil rights nondiscrimination programs. This means that they have procedures about how the public can bring discrimination grievances directly to local and state authorities to challenge alleged discriminatory actions and that they have nondiscrimination coordinators to oversee those processes to ensure they are fair and equitable. In addition, recipients of the EPA’s financial assistance must ensure meaningful access for persons with limited English proficiency and persons with disabilities and asked whether they have policies and procedures to accomplish this goal.

Activities:

OEJECR-specific:

- Issue guidance to recipients to clarify the expectation that the EPA’s recipients come into compliance with procedural safeguards requirements.
- Provide technical assistance and training to recipients, including through a proactive initiative working with the EPA’s regions and states in those regions to facilitate implementation of procedural safeguards and best practices.

National programs and regions:

- Regions help facilitate engagement with OEJECR on a proactive initiative working with states to implement procedural safeguards and best practices.
- The EPA’s program and regional offices recognize and address issues with procedural safeguards that arise as they implement responsibilities under environmental laws, such as their permit review responsibilities.

SECTION III. IMPLEMENTING TRIBAL WORK

This section provides a broad overview of how work under Strategic Plan Goal 2 and the EJ Strategic Plan under EO 14096 will focus on increasing benefits and addressing disproportionate impacts on Tribes and Indigenous Peoples through meaningful engagement and capacity building.

The 1984 EPA Indian Policy (the EPA Policy for the Administration of Environmental Programs on Indian Reservations) provides the framework for the EPA's relationship with federally recognized Indian Tribes (Tribes) and identifies the mechanisms the EPA uses to directly implement environmental programs in Indian country under federal environmental laws. The EPA continues to embrace and promote the principles found in the 1984 EPA Indian Policy and works to incorporate the principles into the media-specific priorities, goals, and measures that the EPA implements. This approach helps the EPA ensure that Tribes are provided the opportunity to build the capacity to implement programs on their own and/or meaningfully participate in the Agency's policy making, standard setting, and the EPA's direct implementation activities under federal environmental statutes that may affect their interests.

The 2014 EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples clarifies and seeks to integrate environmental justice principles in a consistent manner in the Agency's work with federally recognized Tribes and Indigenous Peoples. This Policy is composed of 17 principles which, when implemented individually and together, can help improve the administration of the EPA's programs, support the fair and effective implementation of federal environmental laws, and provide protection from disproportionate impacts and significant risks to human health and the environment. This Policy affirms the EPA's commitment to provide to federally recognized Tribes and Indigenous Peoples in all areas of the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands, American Samoa, Hawaii, other Insular areas and others living in Indian country, fair [just] treatment and meaningful involvement in the EPA's decisions that may affect their health or environment.

In 2023, EPA updated the Agency's Policy on Consultation with Indian Tribes to provide for meaningful and timely engagement with federally recognized Tribes. This updated policy includes Agency-wide principles, guidelines, procedures, and training for EPA staff to use in government-to-government consultation on matters that may affect Tribes. This policy sets a cornerstone for EPA to engage with federally recognized Tribes based on the federal government's unique trust responsibility held for Tribes as sovereign entities which derives from the historical relationship between the federal government and Indian Tribes as expressed in certain treaties, statutes, executive orders, and other sources of federal Indian law. As the policy states, EPA recognizes and works directly with federally recognized Tribes as sovereign entities with primary authority and responsibility for each Tribe's land and membership, and not as political subdivisions of states or other governmental units.

Goal 2 and the EJ Strategic Plan currently under development under EO 14096 includes three objectives that focus EPA on: (1) increasing the capacity of Tribes, states, and communities working to address EJ and civil rights concerns; (2) embedding EJ and civil rights, as appropriate, in the Agency's core work, including direct implementation in Indian country; and (3) strengthening civil rights enforcement in communities overburdened by pollution. As part of the FY 2025 - 2026 National Program Guidance efforts, many performance measures under this goal point to increasing the capacity of Tribes, Indigenous Peoples, and other partners as stated in objective 1 above.

SECTION IV. FLEXIBILITY AND GRANT PLANNING

This section provides an overview of ways to incorporate EJ and civil rights compliance into grant guidance, grant awards, and grant work planning.

OEJECR does not have grant programs eligible for Performance Partnerships Grants. However, the Administration's priorities emphasize the importance of national programs, headquarters, and regional offices ensuring that EJ, equity, civil rights compliance, and tackling climate change considerations are included in the development of grant guidance and work plans, and the grant award process, to the maximum extent practicable. There are several ways to accomplish this, including:

- Incorporating EJ considerations, equity, civil rights, and climate change considerations into competitive grant solicitations and evaluating how well applications address them and include commitments in work plan activities.
- Requiring states and other recipients of non-competitive grants to integrate EJ considerations, civil rights, and climate change considerations in their work plan activities.
- Ensuring that grant applicants selected for awards, as applicable, are in compliance with their civil rights obligations and requirements as part of the grant award process and will remain so during the life of the grant.

We expect the EPA and its grant partners to incorporate EJ, equity, civil rights, and climate change considerations in work plan activities to the maximum extent practicable. For discretionary competitive programs this could be done through the competitive solicitation process. For discretionary non-competitive programs this could be done through the Merit Review checklists that were developed in 2020/2021. For nondiscretionary programs this will be done as appropriate. We also expect grant applicants, as applicable, to meet their civil rights requirements and obligations as part of the grant award process and to comply with these requirements during grant performance.

SECTION V. FY 2025 NATIONAL PROGRAM MEASURES

The EPA’s Strategic Plan Goal 2 measures were structured to provide transparency and accountability across the three main areas wherein the EPA looks to advance EJ and civil rights compliance: support and engagement for communities; full integration within the EPA’s policies, programs, and activities; and support for integration of the same by Tribal, state, territorial, and local governments. These three areas build upon strategic efforts and priorities in previous EJ strategic plans such as Plan EJ 2014 and the EJ 2020 Action Agenda. As mentioned in the Introduction section, the use of “National Programs and Regions” is being used as a general term for the lists of activities throughout the NPG and also applies to the list of measures below. In some cases, measures are not applicable to every program office or regional division. OEJECR continues to work in partnership with programs and regions to determine participation within the scope of each measure.

FY 2025 National Program Guidance Measures

BFS CODE (OPTIONAL)	MEASURE TEXT	COMMENTS/ CLARIFICATION
EJCR01	Percentage of EPA programs and regional offices that provide capacity-building resources to communities with environmental justice concerns to improve how the public’s feedback and comments influence the Agency’s decision-making process.	States will contribute to the results.
EJCR04	Percentage of new grant workplans submitted by states that include commitments to address disproportionate impacts.	
EJCR06	Percentage of required civil rights procedural safeguard elements implemented by state permitting agencies that are recipients of EPA financial assistance.	
EJCR08	Percentage of significant EPA actions with environmental justice implications that respond to environmental justice concerns and reduce or address disproportionate impacts.	
EJCR09	Percentage of programs that have developed guidance on the use of environmental justice and equity screening tools.	
EJCR19	Percentage of EPA national programs and regions that have created a new meaningful involvement plan for a specific Agency project or decision with potential impacts in communities with environmental justice concerns.	
EJCR13	Percentage of EPA national programs and regions that have established environmental justice and external civil rights implementation plans.	
EJCR14	Percentage of EPA programs and regions that have implemented program and region-specific language assistance plans.	
EJCR15	Percentage of EPA programs and regions that have implemented program and region-specific disability access plans.	

BFS CODE (OPTIONAL)	MEASURE TEXT	COMMENTS/ CLARIFICATION
EJCR16	Number of proactive post-award civil rights compliance reviews initiated to address discrimination issues in environmentally overburdened and underserved communities.	
EJCR17	Number of audits completed to ensure EPA financial assistance recipients are complying with federal civil rights laws.	
EJCR18	Number of information sharing sessions and outreach and technical assistance events held with overburdened and underserved communities and environmental justice advocacy groups on civil rights and environmental justice issues.	

SECTION VI. CONTACTS

Subject/Program Area	Contact Name	Phone	Email
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Office of Policy, Partnerships, and Program Development	Beth Jones	(202) 564-2163	jones.beth@epa.gov
OEJECR National Program Guidance Coordination	Rebecca Huff	(202) 564-2527	huff.rebecca@epa.gov