



Environmental Protection Network

Resetting the Course of EPA

Incorporating Environmental Justice in Every Aspect of EPA's Work



This paper is part of the [Resetting the Course of EPA](#) project by the [Environmental Protection Network \(EPN\)](#), a bipartisan network of more than 500 former EPA career employees and political appointees across the country who served under multiple Democratic and Republican administrations.

Resetting the Course of EPA outlines specific and actionable steps that EPA leadership can take to reset the course of the agency to address the most significant and pervasive threats to public health and our environment. As there is no single roadmap, EPN looks forward to collaborating with others to advance the dialogue around the future of EPA and set ideas into motion that will better protect the health and wellbeing of everyone.

Additional Resetting the Course of EPA documents are available here:

<https://www.environmentalprotectionnetwork.org/reset>

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Summary

Environmental justice (EJ) means addressing the disproportionately high levels of exposure, risk, and vulnerability to toxic pollution in communities of color, lower-wealth communities, and tribal and indigenous populations.¹ The advancement of environmental justice is one of the most challenging, consequential, and high-profile imperatives facing EPA. To meet this challenge, EPA must incorporate environmental justice into every aspect of its work, provide adequate staffing and other resources to do so, and ensure that historically underserved communities receive a fair share of environmental protection. EPA must build a robust, community-focused, environmental justice program.

Devastating, high-profile events and scientific assessments have revealed the importance of environmental justice again and again: the Flint water supply crisis, the disproportionate impacts of climate change on frontline communities, the cumulative impacts of pollution uncovered through increased and refined community-driven science, the correlation between historic exposure to air pollution and increased mortality from COVID-19 in vulnerable communities, and a myriad of other ways. EPA leadership has tremendous support (and high expectations) from community and environmental groups and others to develop an administration-wide environmental justice strategy and lead long-overdue systemic change.

Recommendations

1. **Direct each EPA program office and region to incorporate environmental justice into all significant actions and to make EPA’s workforce accountable for doing so.** [\[Read More\]](#)
2. **Dedicate/drive additional resources to overburdened communities and build EPA’s capacity to promote environmental justice.** [\[Read More\]](#)
3. **Revitalize and enhance the legal and policy foundations supporting environmental justice.** [\[Read More\]](#)
4. **Expand and invigorate the enforcement of Title VI of the Civil Rights Act**, which prohibits discrimination based on race, color, or national origin by any entity receiving federal financial assistance. [\[Read More\]](#)
5. **Launch a national “Community Pollution Reduction (CPR) Program”** to take actions responding to the expressed needs of communities. [\[Read More\]](#)

Please note that developing a diverse, culturally sensitive EPA workforce is another key component of EPA’s work to reset the course of EPA. This is discussed in [Investing in EPA’s Workforce](#).

¹ For the purposes of this paper, “environmental justice” communities are collectively or individually referred to as disproportionately impacted, vulnerable, lower wealth/low-income, tribal and/or indigenous, or frontline communities; communities of color; and other overburdened communities.

Recommendation #1: Direct each EPA program office and region to incorporate environmental justice into all significant actions and to make EPA's workforce accountable for doing so.

IMMEDIATE ACTIONS

- ❖ In developing and implementing new environmental justice programs, ensure robust community involvement by consulting with environmental justice communities, their organizations, and leaders at accessible times and via accessible formats to guide these programs and resources.
- ❖ Issue an agency-wide memo from the Administrator mandating the incorporation of environmental justice into every element of the agency's work, and that environmental justice implementation will be included as a criterion in performance standards and evaluations of staff and management.
- ❖ Assign staff in each headquarters program office and region responsibilities for coordinating and tracking environmental justice programs and resources and incorporating environmental justice into relevant public communications, especially from EPA leadership.
- ❖ Create a process for [re-engaging with tribes and indigenous populations](#) that considers both sovereignty and lived experiences, and recommit to government-to-government consultation with federally recognized tribal governments whenever EPA actions and decisions may affect indigenous people's interests, consistent with the [EPA Tribal Consultation Policy](#).
- ❖ Provide information in multiple and relevant languages (e.g., translation of materials, agency notices of hearings, proposals, and expanded interpretation services) to ensure robust language access to EPA activities.
- ❖ Research and produce a comprehensive inventory of existing documents and other resources on environmental justice including previous EPA environmental justice strategies, such as [Plan EJ 2014](#), and analyze their impacts.
- ❖ Identify steps needed to ensure adequate resources and staff to build a vibrant program to support EPA's work toward ensuring environmental justice, including funding to support community engagement.
- ❖ Provide communities access to EPA support for use of alternative dispute resolution mechanisms in addressing environmental challenges.
- ❖ Disavow the Department of Justice (DOJ) memo [Supplemental Environmental Projects \("SEPs"\) in Civil Settlements with Private Defendants](#), and encourage resumption and expansion of the use of SEPs as enforcement tools. SEPs should involve considerable outreach to and input from the community.

EARLY ACTIONS, INCLUDING THE FIRST 100 DAYS

- ❖ Require that environmental justice implementation be included as a criterion in performance standards and evaluations of management and staff.

- ❖ Require each headquarters program office and region to begin using authorities identified in [Plan EJ 2014 Legal Tools](#), and direct the Office of General Counsel to consider updating and revising it as appropriate.
- ❖ Ensure the most effective measures outlined in the inventory mentioned above are being implemented.
- ❖ Require meaningful—not boilerplate—publicly available environmental justice analyses of core EPA risk management actions, examining impacts on overburdened communities and opportunities to address pollution disparities. Put analyses in the public record and share methodologies with states.
- ❖ Identify and begin to address historic health and environmental inequities, reducing risks that are likely to provide the greatest health benefits.
- ❖ Follow the methodology outlined in [Guidance on Considering Environmental Justice During the Development of Regulatory Actions](#) at each step of developing significant rulemakings (including decision briefings and regulatory preambles) and other actions.

FIRST YEAR AND SUSTAINED ACTIONS

- ❖ Compile and evaluate all current agency environmental justice, diversity, and inclusiveness trainings, and mandate that all EPA employees take at least two trainings in the next year and one annually thereafter to better serve all constituents.
- ❖ Create an online resource that contains information related to the agency’s environmental justice work, training materials, and the contact information for environmental justice experts.

Recommendation #2: Dedicate/drive additional resources to overburdened communities and build EPA’s capacity to promote environmental justice.

IMMEDIATE ACTIONS

- ❖ Identify resource and organizational needs to support environmental justice work.
- ❖ Adopt policies to ensure sustained priority attention to overburdened communities and meaningful engagement on all significant agency actions.
- ❖ Work with communities to set priorities for the equitable distribution of resources.
- ❖ Consider relative risk burdens in making decisions about grant recipients.
- ❖ Identify research and legal authorities for addressing cumulative risks and impacts.
- ❖ Direct the Office of Environmental Justice (OEJ) and its regional counterparts to initiate engagement with disproportionately impacted communities across the country to determine where compliance and enforcement tools—including enhanced monitoring, compliance assistance, supplemental environmental projects, and enforcement actions—are most needed/can be most effective.

EARLY ACTIONS, INCLUDING THE FIRST 100 DAYS

- ❖ Request sufficient resources, including additional full-time staff equivalents (FTE) in headquarters and regional offices, to support robust community engagement.
- ❖ Request significant and sustained budget increases over four years to rebuild EPA’s environmental justice program with adequate FTE for effective advocacy of environmental justice within the agency and for broad engagement in communities, including regional (and field) offices as appropriate.
- ❖ Request increased funding and sufficient legal authority for enhanced financial assistance to promote community engagement through the Environmental Justice Small Grants program, the Collaborative Problem-Solving Cooperative Agreement Program, and the Community Action for a Renewed Environment (CARE) grant program.
- ❖ Consult with communities to develop improved [mapping and screening tools](#) (see work done in [California](#)) to assess cumulative and disproportionate impacts. Develop nationally consistent data for identifying overburdened communities to inform targeting of resources, track results, and encourage states to share best practices.
- ❖ Expand categories of data collected/shared across all programs to develop better mapping capability and overlay of environmental, social, and economic stressors.
- ❖ Establish projects and programs in the Offices of Research and Development and Children’s Health to better measure and understand the cumulative effects of multiple environmental stressors, needs, and vulnerabilities of different segments (including different age groups) of communities.
- ❖ Establish clear guidance on data quality requirements for using community-driven science data, and share data with states. Work with state agencies to help states develop similar requirements.
- ❖ Request additional funding to launch a grant program to train and support community members in community-driven science and fund knowledgeable, language-/culturally-proficient advisers to work with communities.

FIRST YEAR AND SUSTAINED ACTIONS

- ❖ Survey research and best practices on disproportionate cumulative risks to inform revisions of EPA’s Risk Management Guidelines. Base actions on observable cumulative impacts initially and increasingly utilize cumulative risk assessments as methodologies improve.
- ❖ Develop equity metrics and seek input from the National Academy of Sciences.
- ❖ Evaluate long-term effectiveness of specific actions to decide on future practices.

Recommendation #3: Revitalize and enhance the legal and policy foundations supporting environmental justice.

IMMEDIATE ACTIONS

- ❖ Issue a policy document to formally reaffirm EPA’s commitment to environmental justice and commitment to integrating environmental justice into the development of agency policies and actions (including rulemaking, permitting, and enforcement).
- ❖ Commit to resume active engagement with the National Environmental Justice Advisory Council (NEJAC)—as well as other federal advisory committees, working groups, and informal mechanisms—to expand engagement on environmental justice with EPA’s state, local, tribal, and community partners.

EARLY ACTIONS, INCLUDING THE FIRST 100 DAYS

- ❖ Explore developing regulations to require adequate consideration of environmental justice in agency decision-making.
- ❖ Initiate actions to revise [Executive Order 12898: “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.”](#) Explore expanding the definition of environmental justice and including climate justice.
- ❖ Explore other Executive Branch management tools to advance environmental justice implementation by highlighting cumulative risks, particularly in National Environmental Protection Act (NEPA) analyses, and advocate for all federal agencies to analyze potential distributional impacts of proposed actions or consider equitable distribution of environmental benefits in discretionary funding decisions, etc.
- ❖ Obtain White House support for reviving, expanding (including formally adding the White House Council on Environmental Quality), and revitalizing the federal [Interagency Working Group on Environmental Justice \(EJ IWG\)](#). Establish and utilize regional interagency working groups.
- ❖ Inventory proposed federal environmental justice legislation for potentially useful steps that EPA can take administratively—under its existing discretionary authority—to promote environmental justice and for legislative measures it can support.
- ❖ Review tools used by states to advance environmental justice to identify best practices and to serve as potential models for the federal government to use in enhancing environmental justice under a new or revised executive order or new legislation.

FIRST YEAR AND SUSTAINED ACTIONS

- ❖ Explore rulemaking options for adding environmental justice considerations when reviewing state programs.
- ❖ Evaluate progress with measures outlined above.
- ❖ Use Executive Branch management policy tools to facilitate a proactive EPA role in working with other agencies to understand and implement environmental justice policies.

- ❖ Evaluate legislative proposals for free-standing environmental justice legislation or for amending environmental statutes.
- ❖ Consider legislative options to require states to promote environmental justice in implementing federal statutes, in other health/environmental decision-making, and other contexts, such as infrastructure funding and development.
- ❖ Advocate for robust consideration of environmental justice in interagency processes.

Recommendation #4: Expand and invigorate the enforcement of Title VI of the Civil Rights Act.

[Title VI of the Civil Rights Act of 1964](#), which prohibits discrimination based on race, color, or national origin by any entity receiving federal financial assistance, can be an effective tool in EPA’s efforts to achieve environmental justice. Historically, however, EPA has not used this tool effectively, with unacceptable backlogs and consistent delays, often lasting years, in addressing complaints. Even when EPA has addressed a complaint, it has not always conducted a searching inquiry into the facts supporting the complaint or consulted with the complainants before resolving it. In short, the time is long past for EPA to begin moving forward in using Title VI to advance environmental justice.

IMMEDIATE ACTIONS

- ❖ Publicly commit to effective enforcement of the prohibition of discrimination by EPA grant recipients in Title VI of the Civil Rights Law to advance the goals of environmental justice and to address past problems investigating and responding to Title VI complaints.

EARLY ACTIONS, INCLUDING THE FIRST 100 DAYS

- ❖ Initiate a high-level workgroup of EPA, DOJ, state/local/tribal, and environmental justice leaders to explore using Title VI more effectively.
- ❖ Begin an agency project to make more effective use of Title VI.
- ❖ Build a toolkit for an effective program to implement and enforce Title VI.
 - ◆ Identify best practices among federal agencies in implementing Title VI.
 - ◆ Expand training of EPA staff, management, and grant recipients on environmental justice and Title VI.
 - ◆ Consider uses of Title VI in an existing draft or final [Title VI guidance](#) and/or [Environmental Justice Legal Tools](#).
 - ◆ Assess resources and process changes needed to use Title VI more effectively.
- ❖ Provide program guidance for federal assistance recipients explaining:
 - ◆ Obligations under Title VI
 - ◆ When compliance with environmental laws is or is not a defense to a civil rights claim

- ◆ Processes for reviewing and investigating Title VI compliance
- ◆ Consequences of a discrimination finding
- ◆ Use of alternative dispute resolution
- ❖ Establish and enforce guidelines for transparency in reporting on the status of complaints, timelines, or annual numerical goals for resolving complaints.
- ❖ Engage stakeholders in working to develop a more effective Title VI program and in finalizing the program guidance for federal assistance recipients mentioned above.

FIRST YEAR AND SUSTAINED ACTIONS

- ❖ Evaluate progress, make metrics public-facing, and identify further steps and resources needed to invigorate EPA’s use of Title VI.

Recommendation #5: Launch a national “Community Pollution Reduction (CPR) Program.”

EPN proposes a new program, tentatively called the “Community Pollution Reduction (CPR) Initiative,” under a larger presidential environmental justice initiative. The concept is to work with local organizations in urban, rural, and tribal communities across the country to create comprehensive local plans for projects that address cumulative risks, improve health and well-being in tangible ways, and respond to the expressed priorities of these communities. The effort should be designed from the bottom up, driven by the public health concerns and priorities of communities through a process that gives the community shared ownership of the plan. High-level goals should include reducing pollution, supporting revitalization efforts, and demonstrating successful models of integrated action that can be replicated in communities nationwide.

IMMEDIATE ACTIONS

- ❖ Launch the CPR initiative, linking energy, economics, climate, and cumulative risks.
- ❖ Create a comprehensive “all-of-government” collaboration with communities and federal, tribal, state, and local agencies.
- ❖ Apply varied authorities and resources to create incentives to achieve substantially reduced pollution levels and address related community priorities.
- ❖ Use the EJ-IWG (noted in Recommendation #3) as a fulcrum for federal cooperation in moving community projects forward

EARLY ACTIONS, INCLUDING THE FIRST 100 DAYS

- ❖ Prepare and Learn: Prepare information and an outreach plan for sessions in each EPA region to shape the CPR initiative.
 - ◆ Draw on the NEJAC, the EJ-IWG, and other organizations to engage community leaders.

- ❖ Organize and Scope: Identify EPA and other federal agency leadership to engage in the development of this program, and scope staffing and budgetary needs.
 - ◆ Identify likely tribal, state, and local partners to participate.
- ❖ Identify and Evaluate: Initiate criteria development and process for selecting potential target communities. Each project should be tailored to fit community-determined needs so that the effort is locally driven and empowering.

FIRST YEAR AND SUSTAINED ACTIONS

- ❖ Determine resource needs (in headquarters and regional offices of involved federal agencies) to support the projects. Explore avenues for leveraging private, philanthropic, and public sector investments in the projects.
- ❖ Host information sharing sessions on successful community involvement approaches to learn what has worked. Highlight EPA’s [Community Action for a Renewed Environment \(CARE\) program](#) (and CARE’s Promising Practices [Part 1](#) and [Part 2](#)), which reduced multiple types of toxics.
- ❖ In collaboration with partners, select CPR projects across the country with the charge to complete a comprehensive plan and launch within one year.
- ❖ Determine the need for legislation to provide greater authority and a legally enforceable framework for joint community pollution-reduction planning and action (including robust funding).

IMPORTANT NOTE ABOUT RECOMMENDATION #5

This project is conceived as a presidential initiative. It will demand senior leadership and significant supplemental resources. Success will require the rebuilding of EPA and its OEJ as described in the four other recommendations in this document. Other federal partners in this effort are likely to need comparable strengthening.

Participants in the EPN Workgroup Incorporating Environmental Justice in Every Aspect of EPA's Work

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