

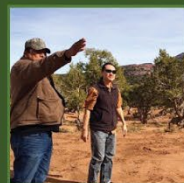
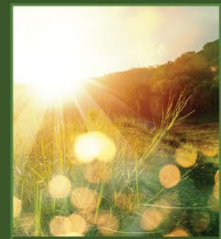


September 2022



# 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 demonstrate that at least 40% of the benefits from federal investments in climate and clean energy flow to disadvantaged communities. This Environmental Justice Action Plan is a key component of EPA’s Office of Land and Emergency Management (OLEM)’s strategy for implementing these directives. 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.

EPA has as one of its priorities ensuring that entities receiving any federal financial assistance from EPA comply with the federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, (including limited English proficiency) disability, sex and age, including Title VI of the Civil Rights Act of 1964. Recipients of financial assistance from OLEM have an affirmative obligation to ensure their actions do not involve discriminatory treatment and do not have discriminatory effects. OLEM programs will work to ensure that the relevant actions described in this Action Plan will adhere to this priority.

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 and more meaningful 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, many of the projects began preliminary implementation or continued development in 2021.

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 principle 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. We are also developing 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 stakeholders 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. These concerns pointed out the need for standard definitions for terms such as "community with environmental justice concerns" and "disadvantaged community", highlighted the need for greater consistency in the analytical approaches used to make determinations using tools such as EJScreen and other data resources, and identified opportunities to enhance Regional staff time commitments. 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

***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.***

directly with EPA's Office of Environmental Justice and External Civil Rights (OEJECR) on gathering, sharing and using consistent terminology and data analytic methodologies throughout the Agency. OLEM is also drawing input from the White House Council on Environmental Quality (CEQ) and relevant recommendations made by the White House Environmental Justice Advisory Council (WHEJAC) in its report on Executive Order 12898.

The Action Plan was not finalized until representatives from affected and concerned external interests had a chance to weigh in. This final version of the OLEM Environmental Justice Action Plan benefits from review and comments from external stakeholders in communities as well EPA's environmental, tribal, state and local government partners.

OLEM issued its draft Environmental Justice Action Plan in January 2022. It included 35 project descriptions, including their anticipated benefits. The Action Plan was released to the public with the intention of gaining feedback on the proposed and planned actions and approaches it was taking to better incorporate environmental justice considerations into various programs' work efforts.

In July and August 2022, OLEM conducted a series of five live public engagement sessions via the Zoom platform. The sessions were held during evening hours, in each of the four continental time zones to maximize the opportunity for public participation. More than 500 registrations were logged to participate in the calls. OLEM program office management and staff participated in the calls, and addressed questions raised about projects and other OLEM program activities. Several hours of feedback and questions were received during the virtual sessions and in the email box associated with the draft Action Plan. All of this was considered as the project descriptions and plans were finalized.

Key among the goals for this Action Plan is creating opportunities to incorporate new and enhanced approaches and additional available resources for addressing environmental justice and equity. It is hoped that, in time, these successful efforts will be sustained over the short and long term. The projects captured here will be tracked and analyzed throughout their respective lives. OLEM will periodically provide status updates on them publicly.

EPA leadership and staff are very grateful for the external presenters who participated in the five public calls for their time and shared informative perspectives on our projects and plans.



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*“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 an April 2021 message to all EPA staff

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# 1. Strengthen Compliance



**EPA's Goal:** To strengthen compliance with cornerstone environmental statutes in communities overburdened by pollution.

## 1.1 GOOD GOVERNANCE

EPA field staff and contractors often initiate contact with the public when conducting 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 that is beyond our authorities. This project provides an approach to ensure that issues raised by citizens during these interactions get communicated to people who can help.

This project seeks to create a more collaborative multi-media working relationship by establishing points of contact, a referral list of agencies, and authorities who can be informed of concerns expressed by the community, or identified by the RCRA regulatory authority, that are not within RCRA's authority to address.

### **Project Goals**

Development of a Good Governance process, including a tool that enables follow-up actions with appropriate parties on environmental concerns beyond the scope of RCRA that are expressed by the community or identified in the field.

### **Organizations Involved**

ORCR (lead), EPA Headquarters (HQ), EPA Regional offices, other federal agencies, states.

### **Timeline | Next Steps**

Project start: August 2021.

Project completion: July 2024.



## Environmental Justice Benefits

*This project aims to build key relationships with decision-makers while addressing community needs. The benefits include flagging environmental issues not within RCRA's authority to address for EPA and federal, state or local partners for their response to community concerns. Holistic understanding of community needs will clarify project planning efforts, budget and resource needs for future fiscal years.*

*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 HQ and Regional offices. EPA Regional office involvement in the rulemaking will be decided by each Regional office.

### **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 analyzing past oil inspection program data to identify the impacts of the SPCC and FRP programs on communities with EJ concerns and inform 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 inspections in communities with EJ concerns. As a companion to OLEM inspections, OECA together with the Regional offices carry 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.

#### **Timeline | Next Steps**

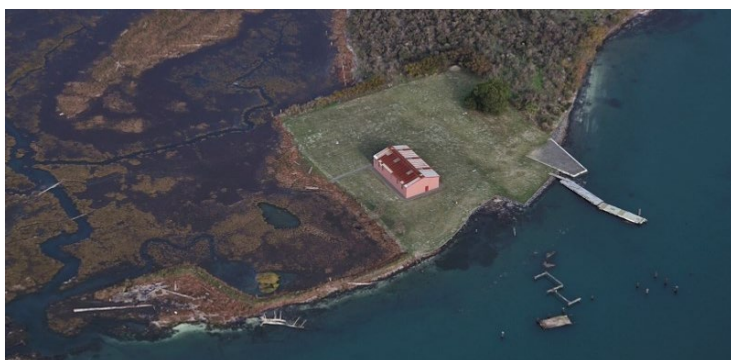
Project start: fiscal year (FY) 2022.

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 identify 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 inspections in communities with EJ concerns. As a companion to OLEM inspections, OECA together with the Regional offices carry 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.

### **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, OEJECR, OLEM, OPA, EPA Regional offices.

### **Timeline | Next Steps**

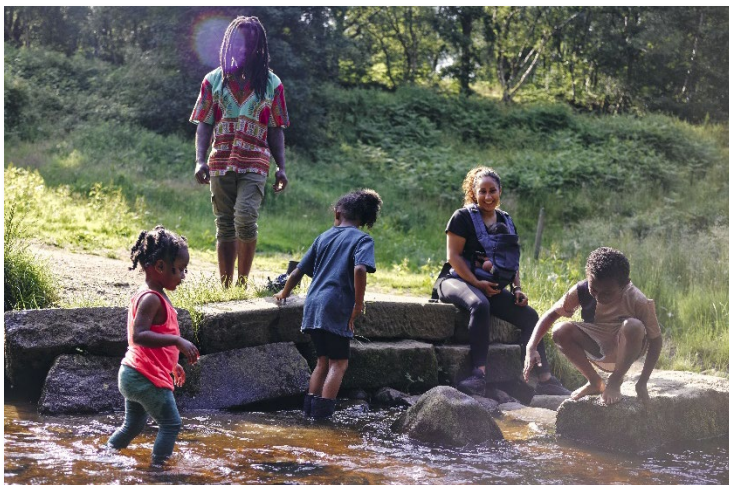
Initial operating capability is likely two to four years away, with final operational capability achieved in five to seven years. This timeframe could be accelerated, depending on resource allocation and prioritization.



### **Environmental Justice Benefits**

*Overlaying ASPECT data on a geospatial view of historically overburdened communities will show the public where data were 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 surrounding communities.

### **Organizations Involved**

OUST (lead), Regional programs, others TBD.

### **Timeline | Next Steps**

Substantial development is underway, with a goal of having a final tool available by spring 2023.



### **Environmental Justice Benefits**

*Targeted compliance assistance works by helping UST facilities such as convenience stores, which provide economic benefits in their communities, 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

Under the authority of RCRA, EPA established a comprehensive regulatory program to ensure that hazardous waste is managed safely, including programs for permitting and oversight of Treatment Storage and Disposal Facilities (TSDFs). EPA is committed to protecting human health and the environment for the millions of people in all communities around these facilities. By gaining a more in-depth understanding of facility locations and demographics, EPA can better support fair treatment and meaningful stakeholder involvement.

ORCR will map the universe of RCRA Corrective Action and permitted TSDFs to develop a methodology for conducting a nationwide EJ analysis of this universe. Identifying potentially vulnerable communities will support ORCR, EPA Regions and states in considering EJ in the implementation of RCRA Corrective Action and permitting programs.

#### **Project Goals**

Making sure the National Program Manager understands the demographic 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**

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 STRENGTHENING 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 communities 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. Additionally, ORCR will develop 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 to rebuild.

### Organizations Involved

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

### Timeline | Next Steps

Companion guide (under development): December 2022.  
Analysis: FY 2025 (contingent on resource availability).



### 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 to rebuild.*

## 2.3 EPA'S NATIONAL RECYCLING STRATEGY AND BIPARTISAN INFRASTRUCTURE LAW GRANT PROGRAMS

In November 2021, EPA released the National Recycling Strategy as part one of a series dedicated to building a circular economy for all. It focuses on improving the nation's municipal solid waste (MSW) recycling system and broadens our future vision to include the full impact of materials. On the same day, the President signed the Bipartisan Infrastructure Law. It provides \$275 million in funding for EPA to create a Solid Waste Infrastructure for Recycling (SWIFR) grant program, \$75 million for a new Recycling Education and Outreach grant program and Model Recycling Program toolkit, and \$25 million for EPA to develop best practices for the collection of batteries and a voluntary labeling program. The funding will assist tribes, states and local governments making improvements to their solid waste management systems. It also will help communities with education and outreach activities to increase collection rates and decrease contamination in community recycling programs. We anticipate these programs will support disadvantaged communities. 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 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. It 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 and in designing and developing the grant programs, EPA HQ and Regions will work together to ensure tribal, state and local communities are engaged and involved so that the programs are designed and implemented in a way that is responsive to their needs.

To this end, during spring and summer 2022, ORCR undertook a national effort to engage over 4,000 stakeholders across the country to inform the development of the funding opportunities, hosting virtual meetings and listening sessions in all 10 Regions and at EPA Headquarters. Tribes and communities with EJ concerns were invited to these feedback sessions. EPA also published Requests for Information in the Federal Register to enable all interested stakeholders to share information about their needs relating to the funding of opportunities and new initiatives.



### 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.*



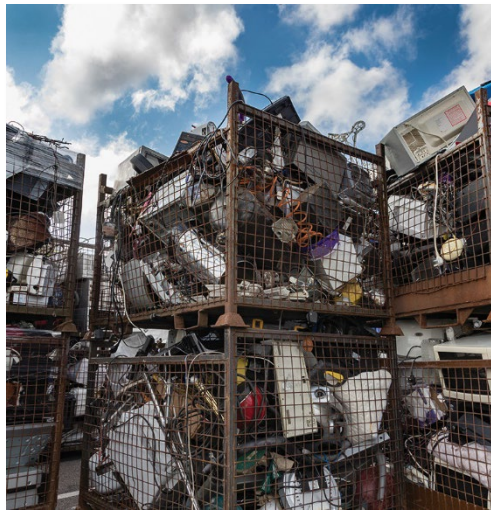


**Organizations Involved**

ORCR (lead), with engagement from OCSPP, OP, OW, and other EPA offices and Regions, in coordination with other federal agencies, tribal, state and local governments, nonprofits, community-based organizations, and recycling industry stakeholders.

**Timeline / Next Steps**

- Strategy implementation: ongoing.
- Issue draft strategy for reducing food waste and plastics for public comment: late summer/fall 2022.
- Issue notice of funding opportunities for new Bipartisan Infrastructure Law grant programs: fall 2022.



## 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**

Use opportunities provided by CCR rulemakings to strengthen community protections and enhance public participation, especially for communities with EJ concerns.

### **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 2023.



### **Environmental Justice Benefits**

*Developing new CCR regulations presents an opportunity to identify and address EJ issues for communities near CCR facilities, where appropriate. This may include improving citizen access to information during permitting and enhancing participation in decisions made by federal and state agencies and facility owners and operators.*





## 2.5 SEMS EJ FLAG AND EJSscreen TRAINING FOR SITE TEAMS

OSRTI's 2021 internal protocol for setting EJ flags in the Superfund Enterprise Management System (SEMS) is based on a review of EPA Regional Superfund protocols and aligns with EPA Regional office best practices. It uses EJSscreen for initial screening of Superfund sites with potential EJ concerns. Its interim status reflects several factors: the Superfund program needs to review and expand the processes for determining potential EJ concerns outside of using EJSscreen, add site-specific EJ information, and determine reporting requirements, including identifying additional data to be collected and stored in SEMS. OSRTI anticipates finalizing the protocol after additional analysis using the Climate and Economic Justice Screening tool.

### 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

Application of Climate and Economic Justice Screening Tool to SEMS data: TBD (based on final White House data).  
EJSscreen training: ongoing.



### 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 EJSscreen 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 2021 Superfund Remediation and Redevelopment for Environmental Justice Communities Report by the National Environmental Justice Advisory Council (NEJAC): “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 PROCESS*

Project activities will include: 1) development of a baseline summary of how EJ has been factored into the Superfund program's application of the site assessment process, including the rate of assessments completed within communities that have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. 2) Revision of workload tracking tools to identify the presence of these communities at current and new CERCLA sites needing assessment. 3) Formulation of strategies to advance EJ within the site assessment prioritization and decision-making process. 4) Delivery of EJ training tailored to Superfund site assessors.

### *Project Goals*

Advance EPA's consideration of EJ information in the Superfund site assessment process.

### *Organizations Involved*

OSRTI (lead), EPA Regions

### *Timeline / Next Steps*

In December 2022: OSRTI is planning an EPA and state EJ training and workshop during the National Site Assessment Symposium. The workshop's goal is to identify specific EJ resources and discuss potential applicability and early engagement to the site assessment program.



**Environmental  
Justice Benefits**

*This project will help address and prevent potential disparities in assessing sites located in our most vulnerable communities.*



## **2.7 INCORPORATING COMMUNITY INPUT AND ENVIRONMENTAL JUSTICE CONSIDERATIONS CONSISTENT WITH STATUTORY REQUIREMENTS AND REGULATIONS**

OSRTI is updating and will issue a policy memorandum that helps Regions incorporate community input and EJ considerations when investigating, prioritizing, selecting, and documenting remedial and non-time-critical removal actions. The memorandum will provide Regions recommendations and best practices on how to document this information in Administrative Records and in decision documents. This memorandum will help Regions establish and maintain a dialogue about site decisions as they are made, and gather community input throughout the entire cleanup, rather than only at a few key stages. This memorandum will build on several references, including EPA Legal Tools to Advance Environmental Justice, which details EPA’s general authorities to consider and address EJ and equity in decision making, in accordance with CERCLA and the NCP, and OECA’s parallel efforts to advance EJ with the issuance of three revised model settlement agreement documents and one new statement of work document for negotiating cleanup agreements that incorporate EJ and equity.

EPA has as one of its priorities ensuring that entities receiving any federal financial assistance from EPA comply with the federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, (including limited English proficiency) disability, sex and age, including Title VI of the Civil Rights Act of 1964. Recipients of financial assistance from OLEM have an affirmative obligation to ensure their actions do not involve discriminatory treatment and do not have discriminatory effects. OLEM programs will work to ensure that the relevant actions described in this EJ Action Plan will adhere to this priority.

This effort continues work started in 2015 by an OSRTI workgroup that drafted an EJ memorandum regarding remedial and non-time-critical removal actions. As EPA’s understanding of disproportionate impacts on communities overburdened by pollution evolves and as EPA develops better tools, EPA may revise this memorandum or issue more memoranda.

### **Project Goals**

Issue memorandum to EPA Regional offices in January 2023 with recommendations for incorporating community input and EJ considerations as part of remedial and non-time-critical removal action decisions.

### **Organizations Involved**

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

### **Timeline / Next Steps**

Draft memorandum: September 2022  
Regional review of memorandum: November 2022  
HQ review: December 2022  
OSRTI issues memorandum: January 2023



### **Environmental Justice Benefits**

*The knowledge attained from community engagement activities, along with other actions to consider more fully EJ and civil rights, must be regularly reflected and addressed throughout EPA decision making. EPA should incorporate community input, including EJ considerations, throughout the Superfund process. This memorandum describes how Regions can incorporate community input and other site-specific data to advance EJ under the existing framework of CERCLA and the NCP. 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 the negative impacts of 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**

Superfund Redevelopment Program (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 provided funding to four Regions to explore opportunities to incorporate EJ considerations into the CERCLA process at federal facility NPL sites. When completed, the projects will inform our understanding of best practices and be shared with other land cleanup program offices, other Regions, states and other federal agencies.



### **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 OF CURRENT PRACTICES CONSIDERING ENVIRONMENTAL JUSTICE 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 programs, 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 and OEJECR, in conjunction with the Office of Children’s Health Protection (OCHP) and ORD-engaged EPA risk assessors across programs who are developing risk assessments to inform decision making.

### Timeline / Next Steps

Project started during fall 2020, with development of a survey. Survey and discussions started in May 2021. The summary document of best practices and findings is undergoing peer review and will be finished by the end of 2022. The results will support the expansion of best practices and provide recommendations for further research.



### 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 EPA Region 3, the U.S. Army, the U.S. Navy, the U.S. Air Force and state representatives to pilot approaches to characterizing communities adjacent to three federal facility NPL sites, to identify those with EJ concerns. FFRRO will draw on the experience of Region 3 and these departments and consult with OECA and OSRTI, including community involvement coordinators (CICs) and staff from ORD and OEJECR, to identify best practices, and develop Standard Operating Procedures (SOPs) and Review Templates to promote consistency.

### Timeline / Next Steps

The criteria and tools are currently being piloted. Full implementation will take place in FY 2023.



### 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 likely to view the announcement as recognition of cooperative work, partnerships and financial investments that achieved both environmental cleanup and beneficial reuse at communities disproportionately impacted by environmental contamination. They are also expected to view the awards as positive examples of potential economic benefits at other federal facility sites across the county.
- Encouragement of similar cleanup and reuse opportunities at other federal facility sites.

### **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**

EJ considerations were included in the 2022 request for nominations. Based on the results, we will develop suggestions for documenting EJ considerations in the nomination packages.



### **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.*



## 2.13 TRAINING RESOURCES FOR REGIONAL OSCs

Provision of EJ training for on-scene coordinators (OSCs). Basic EJ knowledge will assist EPA's Emergency Response and Removal Program in analyzing prevention, preparedness and response actions with an EJ lens. In particular, EJScreen training will help 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*

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

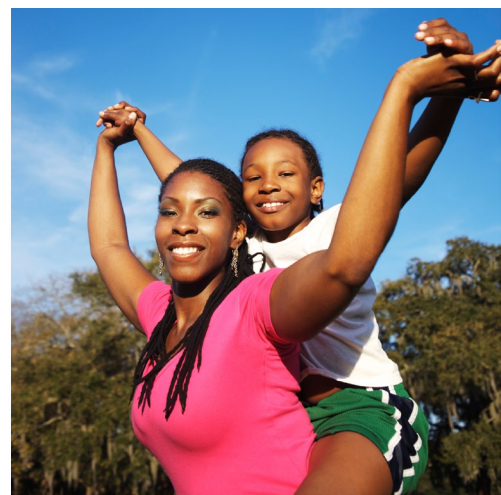
### *Timeline / Next Steps*

OEM is providing basic EJScreen 101 training to all response staff in the Regions on a regular basis. 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 INTEGRATING ENVIRONMENTAL JUSTICE INTO EMERGENCY RESPONSE PREPAREDNESS AND MANAGEMENT

OEM and OEJECR have developed a draft policy to enhance the effectiveness of EPA's emergency response functions to ensure such efforts are inclusive, equitable and responsive in following EPA's mission to protect human health and the environment, especially in areas populated by underserved and overburdened communities.

### Project Goals

To achieve these goals, OEM aims to incorporate an EJ function and staffing support within the Incident Management Team and Emergency Operations Center structures, where appropriate. To ensure that EJ issues are addressed in a timely manner and briefed to the Incident Command/Unified Command as necessary, we are proposing to provide a cadre of EJ Response Facilitators to be identified from throughout EPA's Regional and Headquarters program offices to serve within EPA's Incident Command System (ICS) structure, including in roles with EJ-related functions previously laid out in EPA's Incident Management Handbook. In addition to this new position within ICS, OEM and its Regional partners are proposing to develop public participation guidelines for disaster response situations and promote their adoption and use by relevant emergency response organizations in the public and private sectors.

### Organizations Involved

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

### Timeline / Next Steps

Fall 2022: OEM and OEJECR will seek final OLEM Assistant Administrator and Regional approval to incorporate the EJ Response Facilitator into the ICS structure. If approved, OEM and OEJECR will offer an Enhancing Environmental Justice in Emergency Response workshop for all Regional emergency management staff and our Response Reserve Corps, RPMs, CICs, EJ coordinators/team, public information officers, Superfund attorneys, the Criminal Investigative Division, and others as identified.



### Environmental Justice Benefits

*Promote EJ awareness among oil and removal managers and OSCs.*

*Ensure EJ concerns are addressed within the ICS.*





## 2.15 PROMOTING EJSscreen USE AMONG BROWNFIELDS PROGRAM STAFF AND GRANT APPLICANTS

This project will help Brownfields Grant applicants understand how to use EJSscreen to identify and describe EJ-related needs or challenges in their communities. For the FY 2022 Brownfields Grant competitions, OBLR provided information and resources on EJSscreen. This includes a recorded demonstration of how Brownfields Grant applicants can use EJSscreen to identify specific EJ-related issues around their brownfield sites. Resources on how EJSscreen can be used by communities with brownfields will continue to be updated. In addition, OBLR continues to encourage program staff to use EJSscreen to identify communities for targeted outreach when sharing information about brownfields resources and grant opportunities.

### Project Goals

Promote broader understanding of how EJSscreen can be used to help brownfields grant applicants identify and describe their communities' EJ needs and how these needs relate to brownfields challenges.

### Organizations Involved

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

### Timeline | Next Steps

EJSscreen use among Brownfields Grant applicants and staff: July 2021 to present.

EJSscreen use among OBLR staff: ongoing.



**Environmental  
Justice Benefits**

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



## 2.16 DEVELOPMENT OF DATA TOOLS TO ENABLE ENVIRONMENTAL JUSTICE ANALYSES

EPA OUST worked with EPA Regional offices to consolidate all underground storage tank (UST) and leaking underground storage tank (LUST) data from Indian country into one database. The data system is complete and EPA will actively update with current data moving forward.

### 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 with 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 through UST Finder.

By providing geospatial information on the national universe of UST and LUST sites, these data tools will allow users to analyze areas surrounding sites in relation to EJ concerns and help advance EJ as a priority.

### 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. EPA will actively update the database with current data moving forward.



### 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.*

## 2.17 PILOT ENVIRONMENTAL JUSTICE ANALYSES OF UST AND LUST SITES

OUST worked with Regional and state program partners from August 2021 to February 2022 on the UST/LUST EJ pilot project. The goals of the pilot project were to analyze the universe of UST facilities and LUST releases and to identify programmatic adjustments to advance EJ in the national tanks program. Lessons learned from the pilot project informed a broader EJ implementation guidance document for Regional and state UST and LUST programs, which OUST shared with Regional programs in March 2022.

One analysis was in Indian country, where EPA has direct implementation authority, and another was state-specific. OUST used UST Finder and EJScreen to identify UST facilities and LUST sites in areas with potential EJ concerns. OUST worked 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 worked together to include state-specific information to identify the status of UST facilities and LUST sites in communities with EJ concerns and determined what action can be taken to advance our program goals and EJ.

Lessons learned from the pilot project informed a broader EJ implementation guidance document for regional and state UST and LUST programs, which OUST shared with Regional programs in March 2022.

OUST and ORD are working to include EJScreen data into UST Finder to assist in analyzing the UST and LUST universe in relation to potential EJ concerns. 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 UST and LUST sites. There are more than 60,000 LUST sites across the country. Understanding how these active LUST releases impact communities with EJ concerns will help us advance our EJ priorities. Similarly, we hope to determine how these

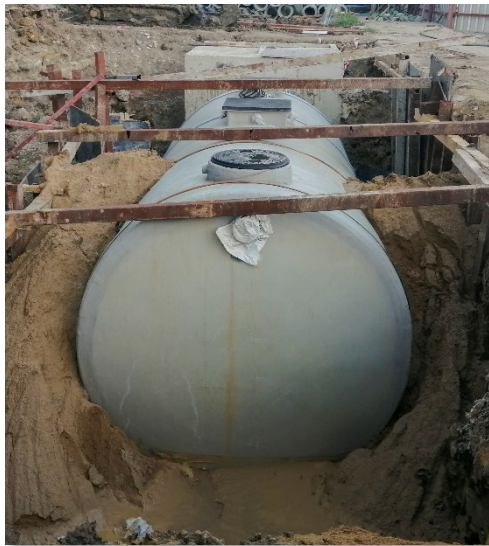


### **Environmental Justice Benefits**

***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:***

- 1. Indian country: Since EPA has direct implementation 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.***
- 2. State-specific: 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.***





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), ORD, EPA Regional offices, states.

**Timeline | Next Steps**

The UST/LUST EJ pilot project started in summer 2021. Lessons learned from the pilot project informed a broader implementation guidance document for Regional and state UST and LUST programs. This guidance document outlines opportunities to incorporate EJ into programmatic decisions and will be a resource for programs to integrate EJ going forward.



## **2.18 DEVELOPMENT OF OUST-SPECIFIC EJ TRAINING FOR STAKEHOLDERS TO LEARN MORE ABOUT THE APPLICATION AND HOW IT CAN BE USED IN THEIR PROGRAMS**

OUST will pursue an EJ-focused training with EPA Regional offices, states and tribes at the National Tanks Conference in September 2022. OUST worked with ORD and ASTSWMO to facilitate UST Finder workshops for EPA Regional offices throughout late 2020 and early 2021. These workshops provided the opportunity for tanks programs to learn more about the tool and how it could be useful to their programs. OUST is now working with ORD and OEJECR to include EJScreen data in UST Finder, which will provide EJ data for the areas near each UST facility and LUST release nationwide. OUST will work with ORD to develop an EJ-focused training on EJScreen and UST Finder to promote the use of these existing tools in informing and advancing program efforts.

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

### **Project Goals**

The goal of the EJ-focused training is to provide Regional, state and tribal UST programs with an understanding of how existing applications can help inform and advance efforts to address EJ in communities surrounding UST facilities and LUST sites.

### **Organizations Involved**

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



**Environmental  
Justice Benefits**

### **Timeline | Next Steps**

At the National Tanks Conference in September 2022, OUST and ORD will provide an EJ-focused training on EJScreen and UST Finder, and highlight how the applications can support efforts to advance EJ in the national UST program. OUST will provide additional EJ-focused training as needed thereafter.

**Tailoring EJ-focused trainings to UST programs will make it more accessible to UST regulators in evaluating UST and LUST sites in an EJ context.**





## 2.19 ENVIRONMENTAL INDICATOR WITH UST AND LUST DATA IN EJSCREEN

OUST, ORD and OEJECR collaborated to create an environmental indicator with UST and LUST data in EJScreen. As of the February 2022 EJScreen update, the new UST/LUST indicator is now featured in the application.



### 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 a 12th indicator.*

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

### Project Goals

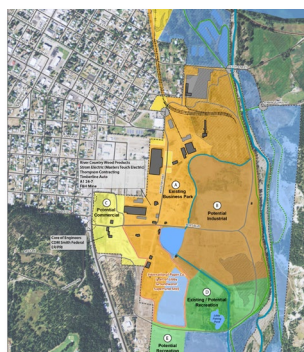
The goal of the project is to include national UST and LUST information in EJScreen. This will provide the ability to consider UST facilities and releases in the screening analyses of the application. This will bring UST and LUST information into more EJ analyses on a national level. The tanks indicator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

### Organizations Involved

OUST (lead), OEJECR, ORD.

### Timeline | Next Steps

The project started in early 2021 and is ongoing. As of the February 2022 EJScreen update, the new UST/LUST indicator is now featured in the application. OUST and ORD will continue to work actively with OEJECR to keep the UST/LUST indicator updated with the most current data available.







### 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 COMMUNITY ENGAGEMENT AND TECHNICAL ASSISTANCE (CETA)

ORCR will increase technical support to communities through contract channels and various grants. These support channels should place emphasis on risk communication in communities with environmental justice concerns. Effective coordination and stakeholder engagement are 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, and other deliverables, some of which may be scaled up nationally.

##### **Organizations Involved**

ORCR (lead), EPA HQ, EPA Regional offices, communities, Community advisory Groups (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 July 2024.



#### **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, so that community members and stakeholders are heard by the Agency and feel well understood. Input from communities on public comment opportunities will also likely increase with improved engagement.**

### 3.2 RCRA COMMUNITY OF PRACTICE FOR ENVIRONMENTAL JUSTICE

Following the framework of [Executive Order 14008](#), ORCR established a network of professionals who share an interest or concern for addressing environmental justice as it relates to RCRA. The RCRA Community of Practice for EJ hosts monthly forum discussions to provide opportunities for practitioners to deepen their understanding of emerging EJ issues, discuss priorities, analyze the state of the practice and its implementation in RCRA, investigate opportunities to build community capacity to improve engagement on community issues and work toward solutions, and examine various EJ-related topics. The monthly forums provide a space to collaborate and exchange ideas among EPA HQ, Regions, states and other stakeholders interested in examining 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 a cost-effective way 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**

Network establishment: completed.  
Hosting monthly forums: ongoing.



#### **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 HUD-ASSISTED HOUSING ON SUPERFUND SITES

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 Superfund sites.

#### Project Goals

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

#### Organizations Involved

OBLR, Regional Superfund programs, 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

OSRTI has developed a framework for a series of community workshops to be piloted at two Superfund sites beginning in 2022. OSRTI hosted two national public discussions in July 2022 to get feedback on the workshop concept. The goal is a holistic approach to introducing Superfund to communities early in the process, including a structure that allows for the proper time it takes to build relationships and trust with communities. The workshops could include listening sessions, discussions of expectations and available resources, and reuse considerations. The goal is shifting the paradigm to invest in communities, instead of 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

Pilot two workshops by the end of 2022 and gather feedback from the communities to inform the pilot.



#### 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 2021 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.

#### 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.



#### Environmental Justice Benefits

*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 2021 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 Technical Assistance Services for Communities (TASC) program services are available to them. This project is intended to supplement the other federal agency’s requirements under CERCLA and other laws, regulations, executive orders and guidance on community engagement and public involvement.

#### Project Goals

To promote the 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.

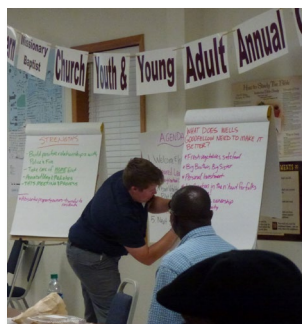


**Environmental  
Justice Benefits**

*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

EPA's technical assistance grants expand OBLR's outreach to communities with brownfields, particularly those that may be new to addressing brownfields and are facing EJ challenges.

In 2021, OBLR awarded a new technical assistance grant to Groundwork USA to support equitable development and EJ in brownfields communities nationwide and awarded new grants to Regional [Technical Assistance to Brownfields \(TAB\) providers](#). In October 2021, OBLR and these providers recorded a webinar on the range of free assistance available to communities who struggle with brownfield challenges. TAB providers and EPA Regional programs are using data from recent EPA Brownfields Grant competitions and EJScreen to identify and target outreach to communities that face significant environmental challenges. Technical assistance providers will continue to promote the availability of these free resources to help advance brownfields assessment, cleanup and reuse, particularly in new and underserved communities.

#### Project Goals

New and underserved 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

Fall 2021 to present.



#### 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 SET-ASIDE AND EJ CRITERION IN SUPPORTING ANAEROBIC DIGESTION IN COMMUNITIES FUNDING OPPORTUNITY

ORCR announced the availability of funds and solicited 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). 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.

#### Timeline | Next Steps

Grant opportunity posted (July 2021), recipients selected (February 2022) and awarded (summer 2022), activities implemented (through 2024). Lessons learned will assist ORCR in prioritizing EJ in future grant programs.



#### Environmental Justice Benefits

**Criteria on which grant applications were evaluated included how the project benefits the community impacted and the extent to which the project addresses engagement.**



## 4.2 EXPLORE THE POTENTIAL OF REVISING RCRA HAZARDOUS WASTE STATE GRANT TERMS AND CONDITIONS TO BETTER PRIORITIZE AND SUPPORT STATE ACTIVITIES TO ADDRESS ENVIRONMENTAL JUSTICE

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 commitments that support EPA EJ priorities and goals. 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

Initial EPA direction in spring 2023. Full implementation is 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 on 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.

#### Organizations Involved

OP, OPM, National Center for Environmental Economics.

#### Timeline / Next Steps

Report completion: December 2021.

OPM is collaborating with OP and the National Center for Environmental Economics to integrate report findings into training for agency economists to fill knowledge gaps. These trainings will be rolled out across EPA in 2022 and 2023.



#### 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.*

## ***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
OCHP	Office of Children's Health Protection
OCSPP	Office of Chemical Safety and Pollution Prevention
OECA	Office of Enforcement and Compliance Assurance
OEJECR	Office of Environmental Justice and External Civil Rights
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
CIC	Community Involvement Coordinator
EJ	Environmental Justice
EPCRA	Emergency Planning and Community Right-to-Know Act
FRP	Facility Response Plan
FY	Fiscal Year
HRS	Hazard Ranking System
ICS	Incident Command System
IMH	Incident Management Handbook
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
SWIFR	Solid Waste Infrastructure for Recycling
TAB	Technical Assistance to Brownfields
TASC	Technical Assistance Services for Communities
TSDF	Treatment, Storage and Disposal Facility
UST	Underground Storage Tank



## ***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 to 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.



September 2022

Office of Land and  
Emergency Management (OLEM)

EPA 502/P-21/001