



ADVANCING ENVIRONMENTAL JUSTICE THROUGH COMMUNITY ENGAGEMENT

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OUTLINE

- Background
- Key Concepts
- Community Engagement Resources and Best Practices
- Incorporating EJ into Permitting and Enforcement
- EJScreen
- Resources



BACKGROUND

WHAT IS EJ?

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. This goal will be achieved when everyone enjoys:

- The same **degree of protection** from environmental and health hazards, and
- **Equal access** to the decision-making process to have a healthy environment in which to live, learn, and work.



WHAT IS EJ, CONTINUED

- **Fair Treatment** means:
 - **No group of people should bear a disproportionate share of negative environmental consequences.**

- **Meaningful Involvement** means:
 - 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.

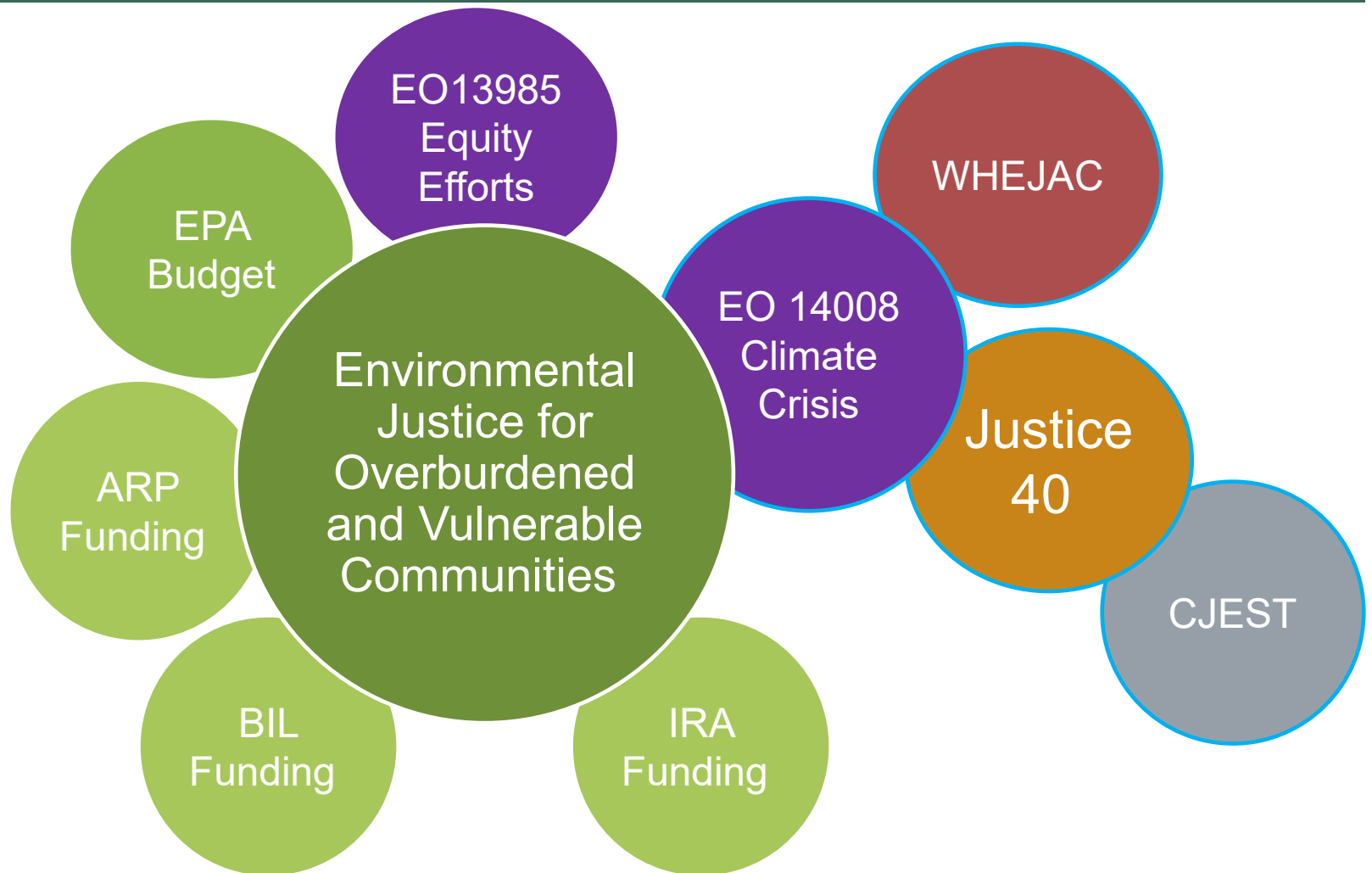
EXECUTIVE ORDER 12898

“To the greatest extent practicable and permitted by law,...each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, **disproportionately high and adverse human health or environmental effects** of its programs, policies, and activities on minority populations and low-income populations”

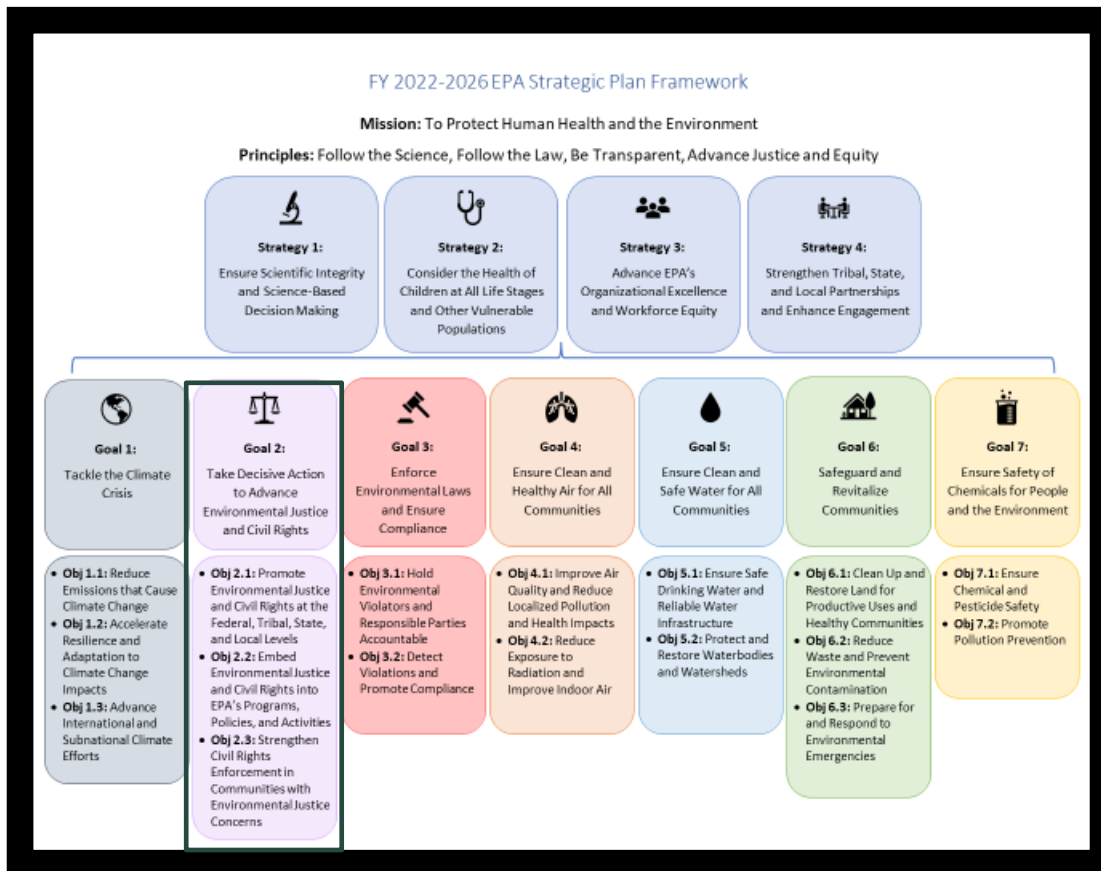
Executive Order 12898 (February 11, 1994)
*Federal Actions to Address Environmental Justice in
Minority Populations and Low-Income Populations*




CURRENT FEDERAL GOVERNMENT EFFORTS TO ADVANCE EJ



EPA'S FY22-26 STRATEGIC PLAN – GOAL 2





Goal 2:

Take Decisive Action to Advance Environmental Justice and Civil Rights

- **Obj 2.1:** Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels
- **Obj 2.2:** Embed Environmental Justice and Civil Rights into EPA's Programs, Policies, and Activities
- **Obj 2.3:** Strengthen Civil Rights Enforcement in Communities with Environmental Justice

ORGANIZATIONAL CHANGES AT EPA

- September 2022 – EPA established the Office of Environmental Justice and External Civil Rights (OEJECR) as a new national program office
- November 2022 – EPA Region I established the new Office of Regional Assistance & Integrated Strategies in our Regional Administrator's Office



KEY CONCEPTS

DISPROPORTIONATE IMPACTS

Communities of color, tribal and indigenous communities and/or low-income communities may be disproportionately impacted by environmental harms or risks due to:

- Proximity and exposure to environmental hazards
- Vulnerable or susceptible populations
- Unique exposure pathways
- Multiple and cumulative effects
- Ability/Inability to participate in the decision-making process
- Vulnerable physical infrastructure

PROXIMITY AND EXPOSURE

- Proximity and exposure to environmental hazards
- More exposure correlates with more harmful effects
- Noise, dust and odor can contribute to chronic stress which makes people more vulnerable to chemical exposure
- Exposures may make people more vulnerable to additional exposures



VULNERABLE/SUSCEPTIBLE POPULATIONS



- Through the same exposure, vulnerable populations may suffer more severe health impacts
- Can be an inherent susceptibility, such as life stage (children, elderly), or can be an acquired biological vulnerability such as medical conditions, chemical sensitivity or results of poor nutrition
- Generally, this is due to biological differences from the “average” healthy person

UNIQUE EXPOSURE PATHWAYS

- Using lead-containing cookware
- Subsistence fishing or shellfish harvesting in contaminated waters
- Hunting animals in areas with high chemical concentrations
- Ritualistic use of mercury
- Using lead-containing make-up
- Using unregulated, imported products and home remedies
- Ingesting lead paint chips or lead-contaminated dust (children)



MULTIPLE & CUMULATIVE EFFECTS

- The total burden, including environmental, health, and socio-economic stressors experienced over time by a community
- Additive/synergistic combinations of multiple pollutants and exposure pathways (for example, exposure through polluted air, water and/or land) and quality of life concerns such as noise and odor
- Emerging stressors such as those related to climate change
- Holistic view of community impacts inclusive of environmental, health, quality of life, and social factors and the historic legacy of systematic and disproportionate concentration of environmental burdens on communities of color, indigenous, and/or low-income communities

ABILITY TO PARTICIPATE IN DECISION-MAKING PROCESSES

- Lack of access to information
- Lack of representation (e.g., legal, arbitration, trade)
- Linguistic and/or cultural barriers
- The inability to participate in decisions that impact an individual's life can contribute to chronic stress, which may exacerbate health challenges



VULNERABLE PHYSICAL INFRASTRUCTURE

- Substandard housing and school buildings
- Historic disinvestment and eroding infrastructure
- Vulnerable ecosystems, such as rivers used by subsistence fishers or tribes
- Particularly vulnerable to the impacts of climate change



COMMUNITY ENGAGEMENT
RESOURCES AND BEST
PRACTICES

COMMUNITY ENGAGEMENT

- Meaningful community engagement = direct communication with impacted communities + opportunity for community members to inform decision outcomes
- Consider creating a permanent community advisory group
- Consider creating a community liaison position within your organization

COMMUNITY ENGAGEMENT TIPS

1. Honor the wisdom, voice and experience of community members.
2. Treat community members with integrity and respect.
3. Be transparent about motives and power dynamics.
4. Share decision-making and leadership in initiatives that impact community members.
5. Engage in continuous reflection and be open to changing plans based on community input.
6. Be aware of Tribal rights and concerns if activities impact Tribal members, lands or resources.

COMMUNITY ENGAGEMENT RESOURCES

National EJ Advisory Committee's (NEJAC) *Model Guidelines for Public Participation* (2012): <https://www.epa.gov/environmentaljustice/model-guidelines-public-participation>

EPA *Public Participation Guide*: <https://www.epa.gov/international-cooperation/public-participation-guide>

EPA *2003 Public Participation Policy*:
<https://archive.epa.gov/publicinvolvement/web/pdf/policy2003.pdf>

GroundworkUSA *Best Practices for Meaningful Community Engagement* :
https://groundworkusa.org/wp-content/uploads/2019/06/GWUSA_Hard_Reach_Tips_v3.pdf



INCORPORATING EJ IN PERMITTING AND ENFORCEMENT

INCORPORATING EJ AND CIVIL RIGHTS IN PERMITTING

- EPA has long focused on integrating EJ into our permitting activities
- Seek to avoid creating environmental injustices through permitting actions
- EPA Activities To Promote Environmental Justice in the Permit Application Process, 78 FR 27220 (2013)
- Continue to focus on what EPA can do better while working with Tribal and state partners to address permitting for delegated programs
- Increased focus on ensuring compliance with Title VI of the Civil Rights Act of 1964
- EPA's interim Environmental Justice and Civil Rights in Permitting Frequently Asked Questions

INCORPORATING EJ AND CIVIL RIGHTS IN PERMITTING

For permitting actions that impact communities with EJ concerns, EPA Region I has implemented best practices, including:

- Provided early notification to community stakeholders that a permitting action is forthcoming
- Incorporated feedback received from community stakeholders into draft permits
- Developed 1-3 page, plain-language information sheets to explain proposed permitting actions
- Translated documents into languages identified by community contacts
- Hosted public information sessions about draft permits and public hearings with live interpretation in languages identified by community contacts
- Provided extended public comment periods

STRENGTHENING ENFORCEMENT IN COMMUNITIES WITH ENVIRONMENTAL JUSTICE CONCERNS

- Increase the number of inspections in overburdened communities
- Resolve non-compliance through remedies with tangible benefits for communities
- Increase engagement with communities about enforcement cases that most directly impact them

INCREASE THE NUMBER OF INSPECTIONS IN OVERBURDENED COMMUNITIES

- In FY2023, EPA's goal is to conduct 50% of all inspections in overburdened communities
- Focused community initiatives
- Monitoring projects

RESOLVE NON-COMPLIANCE THROUGH REMEDIES WITH TANGIBLE BENEFITS FOR COMMUNITIES

Use full array of tools including:

- Advanced monitoring
- Audits and independent third-party verification
- Electronic reporting
- Increased transparency of compliance data

INCREASE ENGAGEMENT WITH COMMUNITIES ABOUT ENFORCEMENT CASES THAT MOST DIRECTLY IMPACT THEM

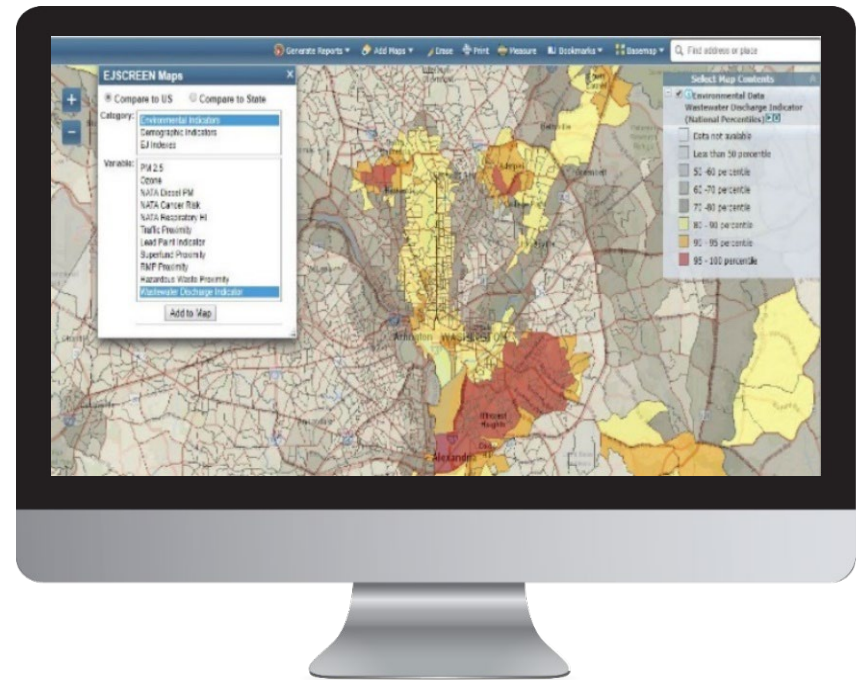
- Provide more information to communities about facilities, pollution, and enforcement activities, through press releases, desk statements, posting of inspection reports, public meetings, and social media
- Develop transparent tools to provide the public with compliance information about their community. For example:
 - Echo Notify - a listserv service that notifies individuals about enforcement activities specific to facilities in their area.
 - NextDoor
- For some cases, seek community input on remedies and provide information on settlement progress



EJSCREEN

WHAT IS EJSCREEN?

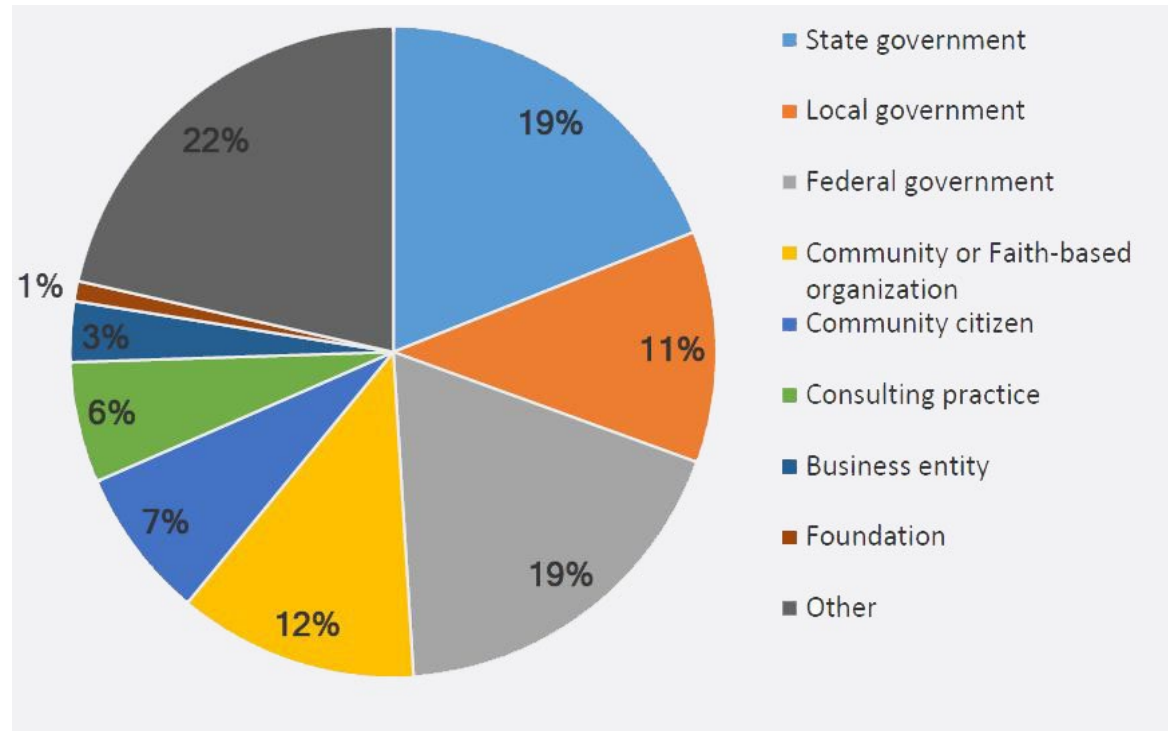
- EPA's web-based GIS tool for nationally consistent EJ screening and mapping
- Combines environmental and demographic data to highlight areas where **vulnerable populations** may be **disproportionately impacted** by pollution



EJSCREEN: EXTERNAL USERS AND USES

Who is using EJSCREEN?

- Ej analyses
- Community outreach
- Prioritization
- Retrospective reports
- Environmental analysis
- Education and teaching
- Research



EJSCREEN: CAVEATS & LIMITATIONS

EJSCREEN does not cover all environmental or EJ issues

Environmental indicators are mostly screening-level proxies for actual exposure or risk

Indicators vary in vintage

Census data has limitations and can obscure small communities

Results should be verified on the ground when possible

EJSCREEN does not identify EJ communities - It helps identify areas that may have **higher pollution burdens** and **vulnerable populations** present.

RESOURCES

EPA HQ Office of Environmental Justice:

<https://www.epa.gov/environmentaljustice>

EPA Strategic Plan 2022-2026:

<https://www.epa.gov/planandbudget/strategicplan>

The Path to Achieving Justice40:

<https://www.whitehouse.gov/omb/briefing-room/2021/07/20/the-path-to-achieving-justice40/>

Climate and Economic Justice Screening Tool:

<https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5>

EPA Activities To Promote Environmental Justice in the Permit Application Process:

<https://www.federalregister.gov/documents/2013/05/09/2013-10945/epa-activities-to-promote-environmental-justice-in-the-permit-application-process>

EJ and Civil Rights in Permitting FAQs:

<https://www.epa.gov/system/files/documents/2022-08/EJ%20and%20CR%20in%20PERMITTING%20FAQs%20508%20compliant.pdf>

EJ Screen:

<https://www.epa.gov/ejscreen>