

# **Advancing Environmental Justice at EPA: The Role of the Environmental Justice Technical Guidance**

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# Presentation Outline

- Advancing Plan EJ 2014
  - Plan EJ 2014's Rulemaking Area
- Advancing Learning about EJ at EPA
- Advancing Scholarship Generally on EJ



# Advancing Plan EJ 2014

- Plan EJ 2014 is EPA's overarching strategy to integrate environmental justice into EPA's programs, policies, and activities.
- Plan EJ 2014 continues Administrator Jackson's priority on Expanding the Conversation on Environmentalism and Working for Environmental Justice.
- February 2014 marks the 20<sup>th</sup> anniversary of the issuance of Executive Order 12898 on environmental justice.
- Plan EJ 2014 involves all EPA programs and regions, receives continuous stakeholder input, and has annual reporting requirements.



# Goals of Plan EJ 2014

- Protect health in communities that have been overburdened by pollution.
- Empower communities to take action to improve their health and environment.
- Establish partnerships with local, state, tribal and federal organizations to achieve healthy and sustainable communities.



# Executive Order 12898

Each federal agency should make 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”



# Plan EJ 2014 Elements



## Cross Agency Priorities

- **RULEMAKING**
- Permitting
- Compliance and Enforcement
- Community Based Programs
- Administration Wide Action



## Tools Development

- Science
- Legal
- Information
- Resources



## Program Initiatives

- Urban Waters (OW)
- Worker Protection (OCSP)
- US-Mexico Border 2020 (OITA)
- Community Engagement Initiative (OSWER)
- EJ Technical Directive (OECA)

# Incorporating EJ into Rulemaking

- **Goal:**

Effectively protect human health and the environment for overburdened populations by developing and implementing guidance on incorporating environmental justice into EPA's rulemaking process

- **Objectives:**

- Finalize *Interim Guidance on Consider Environmental Justice in the Development of an Action*
- Facilitate and monitor implementation of guidance
- Develop technical guidance for assessing environmental justice in regulatory analysis



# EJ and Rulemaking Guidance

- ***Interim Guidance on Considering EJ During Development of an Action*** (Process Guidance)
  - **Purpose:** to explicitly integrate EJ considerations into the fabric of EPA’s ADP from rule inception through all the stages leading to promulgation and implementation—requiring that workgroups meaningfully engage with and consider the impacts on minority, low-income, and indigenous populations, and tribes.
  - **Primary Audience:** Agency workgroup chairs and workgroup members, managers
- ***Draft Technical Guidance for Assessing EJ in Regulatory Analysis*** (EJ Technical Guidance)
  - **Purpose:** to provide technical direction to EPA staff in conducting analyses to evaluate potential EJ concerns associated with EPA’s national rulemaking efforts—it is intended to be used alongside other relevant Agency guidance on human health risk assessment and economic analysis.
  - **Primary Audience:** Agency analysts – risk assessors, economists, modelers, etc.



# EJ Technical Guidance-Key Features

- Encourages analysts to conduct the highest quality analysis feasible
- Flexible enough to accommodate various data needs and limitations
- Process Guidance addresses when to consider EJ in rulemaking process; Technical Guidance addresses **HOW** to assess for EJ in national rules
- Development of EJ Technical Guidance involved entire agency
- Pertains to national rulemaking only



# Advancing Learning on EJ at EPA

- EJ Technical Guidance reflects Agency philosophy of “learning by doing”
- EJ Technical Guidance builds on EPA’s EJ and rulemaking experience
  - Number of EJ analyses increased significantly during 2010-2012
  - Examples include Definition of Solid Waste, Mercury Air Toxics Standards, Formaldehyde Rule



# Advancing Scholarship Generally on EJ

- EJ Technical Guidance represents an important contribution to EJ literature
- Past work on distribution of environmental impacts focused on showing existence of environmental inequities and better characterizing them
  - Air Pollution (CEQ, 1971)
  - Toxic Wastes and Race (UCC, 1987)
  - Blood Mercury and NHANES (Hightower, et.al., 2006)
  - Air Toxics Cancer Risks and Residential Segregation (Morello-Frosch and Jesdale, 2006)
  - Toxic Wastes and Race at 20 (UCC, 2007)



# Advancing Scholarship Generally on EJ

- With EJ Technical Guidance, focus shifts to how characterization of environmental burdens and benefits and their distribution can inform national rules and other regulatory actions
- EJ Technical Guidance stimulates attention on assessing EJ in regulatory context by analysts, researchers, policy makers both inside and outside EPA



# Conclusion

- EJ Technical Guidance advances EPA systematically towards achieving goal of being accurate, meaningful, consistent and transparent in assessing EJ in rules
  - Identifying best practices
  - Engaging scientists and stakeholders
  - Evaluating effectiveness/progress over time
  - Identifying areas needing research or further development



# For more information

## Plan EJ 2014

<http://www.epa.gov/environmentaljustice/plan-ej/index.html>

