

Revised¹ Charge Questions for the SAB review of EPA's *Technical Guidance for Assessing Environmental Justice in Regulatory Analysis*

Overall Impressions

The *Technical Guidance for Assessing Environmental Justice in Regulatory Analysis* (EJTG) provides EPA economists, risk assessors and other analysts with information on how to assess potential environmental justice (EJ) concerns during the development of a regulatory action. It is intended to introduce consistency and rigor to the analytic consideration of EJ, while maintaining flexibility in how analysts implement the guidance.

1. *Please provide your overall impressions of the clarity and technical accuracy of the EJTG for analyzing and presenting quantitative or qualitative information on potential environmental justice concerns in the development of EPA regulations.*

Key Questions for Analysts

The EJTG suggests that if quantitative risk and benefit analysis is done in support of the rule, analysts should rely on these data to do a quantitative EJ assessment when feasible. The level of quantitative analysis is expected to vary by regulation and be affected by data, analytic, or other constraints. If quantified benefit or risk information is not available then a qualitative EJ analysis is still expected.

2. a- *Are these directions appropriate? Do they strike the right balance between developing information that is useful to the decision making process and the cost (time, resources, data constraints) of doing quantitative EJ assessments?*

b- *Please provide advice on methods and best practices for conducting rigorous, high-quality EJ analyses, both quantitative and qualitative, that may be conducted in support of a national rule (including data needs or other issues associated with such assessments).*
3. *Section 1.1 presents 5 key questions analysts should address when analyzing the environmental justice considerations during the development of a regulation. Are these questions clear and appropriate for considering EJ during the development of a regulation?*

Key Recommendations (Section 1.2)

The EJTG makes six recommendations to ensure consistency, rigor and quality across assessments.

4. *Are the six analytic recommendations listed in Section 1.2 appropriate and comprehensive? Are they consistent with the state of the literature while providing*

¹ The EPA released for public comment its *Draft Technical Guidance for Assessing Environmental Justice in Regulatory Analysis* on May 9, 2013 (see <https://www.federalregister.gov/articles/2013/05/09/2013-11165/technicalguidance-for-assessing-environmentaljustice-in-regulatory-analysis>). As a result, EPA received a number of comments (see docket # EPA-HQ-OA-2013-0320 at <http://www.regulations.gov>). After considering these comments, the EPA Office of Policy has revised the charge questions posed to the SAB panel to include an additional question (#2b).

flexibility to EPA program offices in the analytic consideration of EJ in the development of a regulation?

- 5. Are there any analytic recommendations that should be added? Any that should be removed?*

Differences and Disproportionate (Section 2)

The EJTG distinguishes between analytically defined differences in impacts and making a determination of disproportionate impacts. It also suggests 6 types of information that may be useful to the decision maker for determining whether differences are disproportionate and may warrant Agency action (Section 2.4).

- 6. Is the description of differences in impacts and disproportionate impacts clear and do reviewers agree with this distinction? Are the types of data listed to aid the decision maker helpful? Are there other categories of data or information that should be added to this list?*

Section 3

Section 3 provides a brief overview of the contributors and drivers of Environmental Justice. This overview is intended to provide analysts with some considerations that might drive the analytical decisions used when examining environmental justice for a regulatory decision.

- 7. Does the discussion of contributors and drivers adequately reflect the state of the literature? Is it clear and technically accurate? Are there any additional factors that should be included in the discussion?*

Section 4

The Guidance directs analysts to use a series of scoping questions at the planning stages of a human health risk assessment to integrate EJ into analyses conducted for the rulemaking.

- 8. Is section 4 clear and technically accurate? Are the scoping questions outlined in Section 4.3.2.1 appropriate? Do the scoping questions adequately identify opportunities for incorporating environmental justice into a human health risk assessment? Should certain scoping questions be prioritized at various stages of the risk assessment (e.g. exposure, dose-response)?*

Section 5

This section provides a suite of methods that can be used to assess EJ in the context of a regulation.

- 9. Does Section 5 provide a clear overview of the methods that could be used for considering environmental justice? Are there other methods that should be added to the discussion?*
- 10. Section 5.4 discusses analytical considerations that may have a significant impact on results. Are these considerations appropriate for assessing EJ in the context of a regulation? Are there considerations that should be added/removed from the discussion?*

Program Offices are advised to consider the distribution of costs associated with implementing a regulatory option from an EJ perspective when appropriate.

11. *Is there sufficient guidance on when and how to conduct an analysis of the distribution of costs? Is the guidance associated with distribution of costs appropriate?*

Research Gaps

The EJTG acknowledges that analysis of potential EJ concerns in regulatory analysis is an ongoing and evolving area and that EPA needs additional research to develop better EJ assessment tools and methodologies. In answering this question, we ask that you think less about general data or methodology gaps for conducting quantitative risk or benefits analysis, and instead focus on research gaps that are specific to evaluating potential EJ concerns.

12. *What are the key methodological or data gaps specific to considering EJ in regulatory analysis? Which factors should be prioritized in the near-term to improve how EPA considers potential EJ concerns in regulatory analyses?*