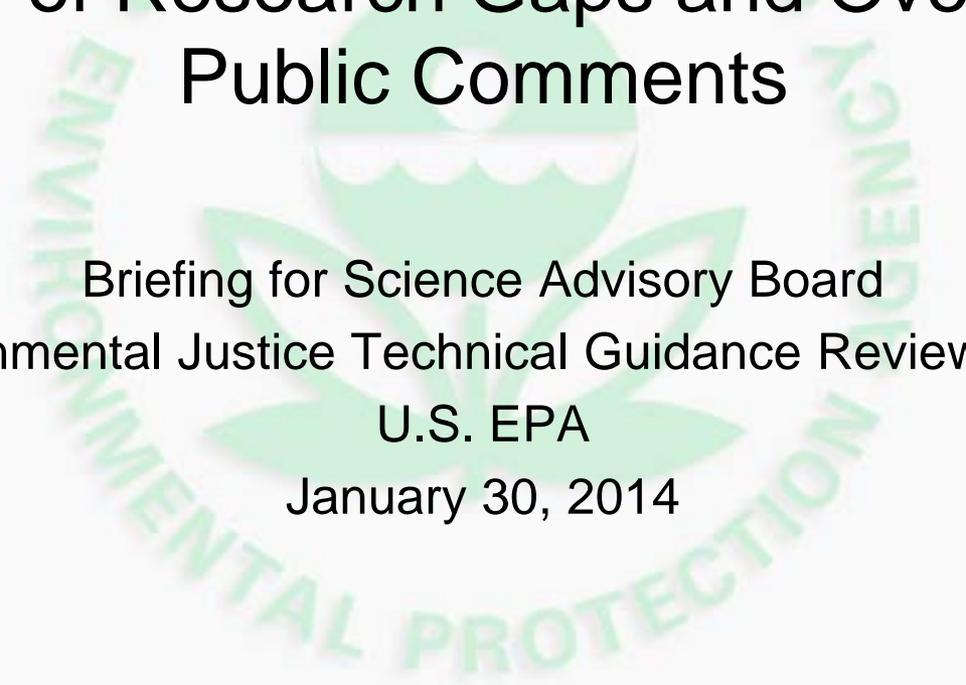




*Draft Technical Guidance for Assessing  
Environmental Justice in Regulatory Analysis:  
Preview of Research Gaps and Overview of  
Public Comments*



Briefing for Science Advisory Board  
Environmental Justice Technical Guidance Review Panel  
U.S. EPA  
January 30, 2014



# Outline

- Brief background information
- Research Gaps: Preview
- Public Comments: Highlights
- Questions



# Draft EJ Technical Guidance

- Recall that it provides guidance on how to conduct analyses to assess EJ concerns for regulatory actions
  - Intended for analysts, both risk assessors and economists
  - Pertains to national rules only
- Developed by
  - Core writing team led by Office of Environmental Justice, Office of Policy and Office of Research and Development
  - Sub-groups for risk and economics/regulatory analysis with 30+ technical experts from 12 program offices and 5 regions
  - Revised and recirculated internally based on EPA review
  - 120-day public comment period



# Draft EJ Technical Guidance

- Goals of the guidance:
  - Consider EJ early in the analytic process
  - Ensure quality, rigor, and greater consistency in analyses of potential EJ concerns for national rulemakings
- Allow discretion and flexibility to account for:
  - Program Office constraints (time, resources, data)
  - Analytic burden associated with regulatory packages
  - Interdisciplinary nature of EJ analysis (risk assessment, economics, and other behavioral sciences)
  - Evolution in our learning and understanding of EJ



# Review Process

- Internal Agency Review (Nov. 2012)
- Public Comments
  - 120-day public comment period closed on September 6
  - Comments posted on [regulations.gov](http://www.regulations.gov)
- External Peer Review by Science Advisory Board
- Commitment to finalize in 2014



# Research Gaps

- Section 6 of EJ Technical Guidance
  - Devoted to a discussion of research gaps and data needs
  - Currently a Placeholder
- To be drafted with input from EPA, public, and SAB



## Input from EPA Program Offices

- 14 brainstorming sessions held across 9 offices
- Held open-ended discussions to identify research gaps and needs related to intersection of EJ and rulemaking
- Compiled information into brief statements
- Each person identified top three short-term (1-3 years) and long-term (more than 3 years) priorities
- Synthesized information within and across offices



# Brainstorming Sessions

- Office of Air and Radiation (OAR)
- Office of Water (OW)
- Office of Solid Waste and Emergency Response (OSWER)
- Office of Chemical Safety and Pollution Prevention (OCSPP)
- Office of Research and Development (ORD)
- Office of Policy (OP)
- Office of Children's Health Protection (OCHP)
- Office of Environmental Justice (OEJ)
- Regions



GENERAL RESEARCH PRIORITIES – TOP 5 SHORT TERM PRIORITIES (DRAFT)	Offices identifying priority
Analysis: chemical and non chemical stressors, cumulative effects, behavioral effects, costs, health impacts	OAR; OCHP; OCSPP; OP, OW; Regions
Data gaps: chemical and non-chemical stressors, cultural, product use, workplace characteristics, finer resolution air quality data	OAR; OCHP; OCSPP; OEJ; OP; OW; REGIONS
Review of criteria used to characterize EJ communities	OAR; OCSPP; OW
Methodology: distribution of risk, receptor approach, different types of rules, and validity of assumptions in BCA	OAR; OCSPP; OEJ; OSWER; OW
Improve tools: behavioral responses, combined risk including non-chemical stressors, IRIS for system specific endpoints.	ORD; OSWER



GENERAL RESEARCH PRIORITIES – TOP 5 LONG TERM PRIORITIES (DRAFT)	Offices identifying priority
Data gaps: chemical, non-chemical, cultural, product use, demographic characteristics, health outcomes, group dose response, workplace characteristics, finer resolution air quality data, new environmental burdens	OAR; OCHP; OCSPP; OEJ; OW
Analysis: consistent analytical approach, other routes of exposure, health indicators	OAR; OCSPP; OW; REGIONS
Framework, guidelines for using available data	OCSPP
Methodology: standardization of metrics, differential burdens, disaggregating BCA for EJ analysis	OAR; OCHP; OEJ; OP; ORD; OW; REGIONS
Improve tools: for policy makers, vulnerability by life stage, characterizing vulnerable communities.	OAR; ORD



## Research Gaps from Public

- Distribution of air monitoring locations
- Use of Cumulative Impact Assessments
- Data sources/privacy issues
- Demographic info
- Non-chemical stressors
- Use of quantitative vs. qualitative data



Questions?



## Public Comments

- 120-day public comment period closed September 6, 2013
- Comments received from 22 unique individuals/groups
- Comments organized and categorized into topic areas



## Comments

- 3 academics
- 6 associations
- 5 state/local governments
- 3 industry groups (coal, mining, manufacturing)
- 3 non-profits
- 2 individuals



## Summary of Comments

- **Definitions:** Population groups, hotspots, disproportionate, cumulative, adverse effect, low-income
- **Analytical:** Geographic analysis, cumulative risk assessment, HHRA, qualitative data, comparison group
- **Scope**
- **Data**
- **Community/stakeholder involvement**
- **Legal**
- **Costs:** distributional, procedural



# Definitions

- **Communities of Concern**
  - Low income
  - Minority
  - Subsistence Populations
- **Impacts and Effects**
  - Disproportionate
  - Cumulative
  - Adverse
  - Hotspots



## Analytical - General

- Cumulative risks
- Qualitative vs. quantitative analysis
- Regressive effects of regulations
- Enforcement
- Use of BCA and RA approaches
- Rural communities



## Analytical - Specific

- Geographic area vs. demographics
- Other benefits
- Selecting comparison groups
- Use of HIA
- Meta-analysis of low-income definitions
- Geographic scale – Census tract vs. county
- Planning and scoping questions



# Scope

- Procedural issues
  - Creating unrealistic procedural expectations
  - Need criteria for applying EJ analyses
- Purview of EJTG
  - Guidance not prescriptive
  - EJ should be part of formulation of regulatory options
  - Set parameters on application of EJTG
  - Appropriateness of accounting for subpopulation groups



# Data

- Data sources
  - Availability/Reliability
  - Obtaining data
  - Resource constraints
- Privacy issues
- Non-chemical stressors/Cumulative impacts
- Qualitative vs. Quantitative



## Costs

- **Distributional issues**
  - Include in an EJ analysis
  - Expand treatment
- **Procedural issues**
  - Consider burden
  - Possible delays associated with conducting an EJ analysis



# Community/Stakeholder Involvement

- Community Engagement
  - Expand outreach
  - Early involvement
  - Encourage community leaders to initiate community participation,
  - Technology/social media



## Legal

- Relationship of E.O. 13563 and 13610.
- Clarify legal authority of the EJTG.
- Concerns about litigation.
- Relationship of EJTG to types of rulemaking.



Questions?