

# Scorecard Environmental Protection Agency



## Environmental Protection Agency

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## About the Environmental Protection Agency (EPA)

The U.S. Environmental Protection Agency (EPA) protects human health and the environment. EPA actively seeks to incorporate environmental justice and external civil rights at all levels of the agency, as well as through strategic partnerships with other federal, state, local, and Tribal governments.

This page provides information on how **the Environmental Protection Agency (EPA)** is working to advance environmental justice for communities across America. It is part of Phase One of the Biden-Harris Administration's Environmental Justice Scorecard.

## Justice40 Initiative

As part of President Biden's [Justice40 Initiative](#), the federal government is working toward the goal that 40 percent of the overall benefits of certain federal investments reach disadvantaged communities that are marginalized and overburdened by pollution and underinvestment. In particular, the President's Justice40 Initiative applies to federal investments that address climate change, clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, remediation and reduction of legacy pollution, and the development of critical water and wastewater infrastructure.

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This Phase One Scorecard provides an update on initial progress made by **the Environmental Protection Agency (EPA)** in implementing the Justice40 Initiative. Future versions of the Environmental Justice Scorecard will provide additional information and updates on the benefits of Justice40 covered programs.

Phase One Scorecard metrics and highlights in Fiscal Year 2022 include:

- **73** Justice40 covered program(s)
- **40** funding announcement(s) covered under the Justice40 Initiative
- **\$14 billion** in funding made available from Justice40 covered programs<sup>1</sup>
  - Prioritized financing projects in disadvantaged communities in the Water Infrastructure Finance and Innovation Act program Fiscal Year (FY) 2022 Notice of Funding Availability.
- Made program modifications for Justice40 covered programs such as:
  - Increased the Tribal Clean Water Act § 319 program set-aside and introduced new flexibilities for state grantees to support Nonpoint Source work in disadvantaged communities, including on Tribal Nation lands, detailed in the memo “Continued Actions in FY23 to Increase Equity and Environmental Justice in the Nonpoint Source Program.”
  - Launched two new grant programs established by the Bipartisan Infrastructure Law (BIL) and covered by the Justice40 Initiative—Solid Waste Infrastructure for Recycling and Recycling Education Outreach—and will use the Climate and Economic Justice Screening Tool to help identify disadvantaged communities. Key features of the programs will be: tracking awards to ensure reaching/exceeding Justice40 criteria; developing a public engagement strategy; aligning programs to address the priorities of disadvantaged communities; providing translation and/or interpretation services for outreach sessions and related materials; and creating opportunities for state grant recipients to share information, opportunities, and strategies, in response to stakeholder feedback on program design.

<sup>1</sup> This funding amount describes examples of the funding that was made available in Fiscal Year 2022 through Justice40 covered programs. The amount does not represent the total funding that benefits disadvantaged communities. The funding was made available through grants, notices of funding opportunity, and other funding announcements. These funding announcements were from Justice40 covered programs that were funded through discretionary and mandatory appropriations, as well as supplemental appropriations, such as those enacted under the Bipartisan Infrastructure Law (Pub. L. 117-58). The Justice40 Initiative sets a goal that 40 percent of overall benefits from certain federal investments flow to disadvantaged communities.

## EPA's Highlights

Provided technical assistance to communities on different issues, e.g., drinking water/lead service lines, as well as Superfund sites with potential environmental justice concerns through the Technical Assistance Services for Communities program among other programs.

Worked with over 200 Tribal partners to design, develop, and publish a curriculum about how to reduce childhood lead exposure, and hosted 10 train-the-trainer sessions in Tribal communities, reaching 450 participants.

Improved multilingual access to information, including Requests for Proposals, webinars, and trainings.

Conducted and participated in 27 federal outreach and engagement events in support of small and disadvantaged businesses, reaching over 700 participants in FY22.

Developed resources for states revising their disadvantaged community definitions and affordability criteria through the Clean Water State Revolving Fund, the Drinking Water State Revolving Fund, the Water Infrastructure Improvements for the Nation, and BIL funding. Engaged with State Revolving Fund partners to prioritize and launch technical assistance pilots for disadvantaged communities.

## Environmental and Civil Rights Protection

### EPA's Highlights

The following are two examples of rulemakings that EPA finalized, which will help reduce burdens and harms in overburdened communities: EPA finalized a Hydrofluorocarbons (HFC) phasedown under the American Innovation and Manufacturing Act, a part of a global HFC phasedown that is expected to avoid up to 0.5° Celsius of global warming by 2100, and EPA revised the Light Duty Vehicle Greenhouse Gas rule, the emissions standards for passenger cars and light duty trucks that will result in substantial public health benefits, while providing consumers with savings from lower fuel costs.

In Fiscal Year 2022, EPA conducted 3,314 on-site inspections in areas of potential environmental justice concern, which is 56% of all inspections and an increase from 29% in Fiscal Year 2021. Where EPA found noncompliance with environmental statutes that were potentially impacting these overburdened and vulnerable communities, EPA pursued enforcement cases with the following results: Initiated 725 enforcement actions, a 19% increase

over FY21; concluded 721 enforcement actions, a 16% increase over FY21; assessed a total of \$40 million in penalties, up \$5 million over FY21; estimated value of \$510 million in injunctive relief; commitments to reduce/treat/dispose 23 million pounds of air/toxics/water.

Federal agencies are advancing environmental justice by carrying out their responsibilities under the law to identify and address disproportionate and adverse public health and environmental, climate-related, and cumulative impacts on communities with environmental justice concerns. Agencies are working to ensure that all communities experience the protection of our country's bedrock environmental laws. The following information reflects some of the environmental and civil rights work **the Environmental Protection Agency (EPA)** has done from January 2021 to September 2022.

For more information, please visit [EPA's Strategic Plan](#) .

## National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal agencies to consider and disclose the environmental, health, and community impacts of certain decisions or actions before taking them. Environmental reviews help ensure the public is informed about potential actions, and give communities an opportunity to participate in the government's decision-making process. Environmental reviews also ensure that federal agencies consider ways to protect and enhance public health and the environment, and advance environmental justice in their decision-making. The following information highlights some work **the Environmental Protection Agency (EPA)** has done from January 2021 to September 2022.

Phase One Scorecard metrics and highlights include:

- EPA's NEPA policies and guidelines are available on EPA's website. Items available on EPA's website include Executive Order 12898, key steps in the NEPA process, how to approach public participation in decision-making, and EJ Screen—an environmental justice mapping and screening tool. Under Section 309 of the Clean Air Act, EPA is required to review the Environmental Impact Statements (EISs) prepared by other federal agencies and to comment on the adequacy and acceptability of the environmental impacts of the proposed action. From January 21, 2021 to September 30, 2022, EPA reviewed and commented on 104 Environmental Impact Statements and, where appropriate, provided recommendations for identifying and meaningfully engaging communities with environmental justice concerns. EPA publicly posts its 309 comment letters in the EIS database on EPA's website.
- **1** project modification(s) where environmental justice concerns were raised during the NEPA process
  - This project was for a programmatic EIS prepared by EPA and the U.S. Section of the International Boundary and Water Commission to fund and implement the United States-Mexico-Canada Agreement Mitigation of Contaminated Transboundary Flows to reduce transboundary flows from Tijuana that cause adverse public health and environmental impacts in the Tijuana River watershed and adjacent coastal areas.

- EPA hosted 3 public meetings with 200 participants and several public listening sessions regarding projects to reduce Tijuana River watershed pollution that affects communities in Tijuana and San Diego. Based on public and stakeholder coordination, EPA adjusted the scope of the initial projects and was able to identify additional project options to be further evaluated.
- **1** training(s) on environmental justice considerations during NEPA reviews

## **Title VI of the Civil Rights Act of 1964 and Environmental Justice**

Title VI of the Civil Rights Act of 1964 requires that no person be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance on account of race, color, or national origin. Title VI requires federal agencies to ensure that programs or activities receiving federal funding, including those that affect human health or the environment, do not use discriminatory criteria, methods, or practices. The following information includes updates from January 2021 to September 2022 from **the Environmental Protection Agency (EPA)** on Title VI that are related to environmental justice.

Phase One Scorecard metrics and highlights include:

- Most complaints under investigation involve state and local agencies and allege that actions or inactions have unjustified disparate impacts, and have subjected people to discrimination on the basis of race, color, national origin, disability, sex, and/or age. Complaints involve many types of facilities and services, including: petrochemical, asphalt, concrete, recycling, concentrated animal feeding operations, and water treatment and management services/facilities.
- **28** open Title VI investigation(s) or compliance review(s) related to environmental justice
- **2** closed Title VI compliance review(s) or resolution agreement(s) related to environmental justice
- **25** internal training(s) on Title VI civil rights and environmental justice

## **Centering Environmental Justice in Decision-Making**

Federal agencies work to ensure that the voices, perspectives, and lived experiences of communities are heard and reflected in the priorities, policies, and decision-making of the federal government. Agencies also take steps to respect Tribal sovereignty and ensure government-to-government consultation on federal policies. The following information highlights work **the Environmental Protection Agency (EPA)** has done from January 2021 to September 2022 to center environmental justice in its decision-making.

## **Community Input and Engagement**

Phase One Scorecard metrics and highlights include:

- EPA joined or continued numerous formal partnerships with non-federal entities to advance environmental justice and/or inform policy and decision-making. Additionally, EPA has cooperative agreements that support formal partnership agreements with states, Tribes, and community-based organizations.

- **130** technical assistance outreach event(s) in Fiscal Year 2022
  - EPA conducted several engagements, such as webinars and workshops on the Environmental Justice Thriving Communities Technical Assistance Centers, Closing America's Wastewater Access Gap, Pollution Prevention Grants, and the Exchange Network Grant Program.
  - EPA hosted regional calls to provide technical assistance for communities.
- **480** public process(es) related to environmental justice, e.g., requests for information or listening sessions
  - EPA Administrator Michael S. Regan conducted 2 Journey to Justice tours, where he traveled to and heard firsthand from communities with environmental justice concerns in Puerto Rico, Mississippi, Louisiana, and Texas.
  - 5 public engagement sessions, attended by over 500 people, where participants had the opportunity to provide input on the Office of Land and Emergency Management Environmental Justice Action plan. Implemented community involvement activities at more than 321 Superfund sites where there are environmental justice concerns.
  - The Office of Environmental Justice and External Civil Rights hosted 19 National Environmental Justice Community Engagement calls to inform the public about EPA's environmental justice work and enhance opportunities to maintain an open dialogue with advocates.

## Consultation and Partnership with Tribal Nations

Phase One Scorecard metrics and highlights include:

- EPA issued the Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples in 2014, which explains how the agency works with Tribes and other Indigenous Peoples to protect the environment and public health in areas of interest to Tribes and Indigenous Peoples.
- **9** Tribal Consultation(s) related to environmental justice from January 2021 to September 2022
  - EPA conducted formal consultations with Tribal Nations on risk management for 9 of the first 10 chemicals under risk evaluations by EPA.
- **1** internal training(s) on Tribal Consultation or working with Tribes and Indigenous Peoples to advance environmental justice

## Institutionalizing Environmental Justice

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Since the start of the Biden-Harris Administration, federal agencies have been working to embed environmental justice into all aspects of their work, including by implementing [Executive Order 12898](#) and [Executive Order 14008](#) . The following information shares some of the work **the Environmental Protection Agency (EPA)** has done from January 2021 to September 2022 to institutionalize environmental justice.

Phase One Scorecard metrics and highlights include:



- **Has** an environmental justice strategic plan that **has been** updated in the past 5 years
  - For the first time, EPA’s final Strategic Plan includes two new strategic goals, one focused solely on addressing climate change and an unprecedented second goal to advance environmental justice and civil rights compliance. These priorities are integrated throughout the Strategic Plan’s programmatic goals and cross-agency strategies, which are supported by long-term performance goals EPA will use to monitor and communicate progress.
  - Issued 4 Environmental Justice Policy Memos for Enforcement and Compliance Assurance.
  - EPA also released an Equity Action Plan, which fulfills President Biden’s Executive Order 13985, directing EPA, along with other federal agencies, to assess whether underserved communities and their members face systemic barriers in accessing benefits and opportunities through the federal government. The plan aligns with the Agency’s Fiscal Year 2022-2026 EPA Strategic Plan and outlines 6 priority actions. The Equity Action Plan carries forward EPA’s work to break through barriers and advance equity and justice across efforts to ensure clean water, air, and land for all communities.
- **70 new or updated** tool(s) or resources to advance environmental justice
- **206** staff that work on environmental justice, either in a full- or part-time capacity
- **Over 400** internal training(s) for staff on environmental justice
- **1** new or strengthened office(s) on environmental justice
- **20** new or strengthened internal working group(s), steering committee(s), council(s) on environmental justice
- EPA is the Designated Federal Officer for the White House Environmental Justice Advisory Council (WHEJAC). In this role, EPA organized 8 public meetings (7 virtual and 1 in-person) for the WHEJAC. In addition, EPA serves as a member of the White House Environmental Justice Interagency Council (IAC), which was established in Executive Order 14008.

## EPA's Highlights

Launched a new national office charged with advancing environmental justice, civil rights, and conflict prevention and resolution — solidifying the agency’s commitment to delivering justice and equity for all and dedicating more than 200 EPA staff in EPA headquarters and across 10 regions toward solving environmental challenges in communities that have been underserved for far too long.

1,352 new staff completed “Environmental Justice 101” online.

Over 270 internal training sessions on environmental justice policies and programs.



More than 150 EJScreen trainings for staff, external stakeholders and partners.

EPA's Strategic Research Action Plans included approximately 145 research products that are "Environmental Justice-focused" or "Environmental Justice-relevant."

Included environmental justice considerations in numerous competitive notices of funding opportunity.

Hosted 20 webinars as part of the environmental justice webinar series for Tribes and Indigenous Peoples, which are open to federal agencies and the public, and the webinar recordings are linked on the Office of Environmental Justice and External Civil Rights website.

Hosted a session on "Reflections on What Indigenous Research Means," at the May 2021 Tribal Science Council meeting.

Added environmental justice components to EPA efforts, e.g., the Border 2025 program guiding principles, added "inclusion" as a research priority, and added environmental justice to the Excellence in Site Reuse Awards nomination form.

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## **The Office of Management and Budget and the Council on Environmental Quality**