

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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DEPUTY ADMINISTRATOR

MEMORANDUM

SUBJECT: Response to Final Evaluation Report: EPA Needs to Conduct Environmental Justice Reviews of Its Programs, Policies, and Activities, Report No. 2006-P-00034

FROM: Marcus Peacock

TO: Bill A. Roderick
Acting Inspector General

Thank you for the opportunity to respond to your September 18, 2006, final evaluation report titled *EPA Needs to Conduct Environmental Justice Reviews of Its Programs, Policies, and Activities*. The report has been reviewed by the Office of Enforcement and Compliance Assurance, which is the National Program Manager for environmental justice, as well as each of the regional and program offices. This memorandum constitutes the U.S. Environmental Protection Agency's reply to the report pursuant to EPA Manual 2750.

EPA has made significant strides in addressing environmental justice (EJ). Last year, Administrator Stephen L. Johnson reaffirmed the Agency's commitment to EJ by directing EPA staff to establish measurable commitments that address the Agency's eight national EJ priorities, including: reducing asthma attacks, air toxics, and blood lead levels; ensuring that companies meet environmental laws; ensuring that fish and shellfish are safe to eat; and ensuring that water is safe to drink.

The Administrator's reaffirmation of EPA's commitment to EJ builds on many important EJ activities and programs already underway in the Agency, including:

- The Office of the Chief Financial Officer is including language in the FY2008 National Program Guidance that each headquarters program office should use its EJ Action Plan and the Agency's 2006-2011 Strategic Plan to identify activities, initiatives, and/or strategies that address the integration of EJ and incorporate them into the National Program Managers' planning and budgeting documents and program agreements;
- The Office of Environmental Justice's *ex officio* membership on the Agency's Regulatory Steering Committee, the body that oversees regulatory policy for the Agency and the development of its rules;

- EPA's modification of its emergency management procedures in the aftermath of Hurricanes Katrina and Rita to incorporate an EJ function and staffing support in the Agency's Incident Command Structure so that EJ issues are addressed in a timely manner;
- The award of nearly \$30 million in grants since 1993 to community-based organizations and others; and
- The education of nearly 4,000 people through EPA's *Fundamentals of Environmental Justice* training.

These are some examples of the Agency's ongoing commitment to delivering a healthful environment for all. However, there is still work to be done.

EPA continues its efforts to make EJ part of its mission by integrating EJ considerations in its decision-making, planning, and budgeting processes and by conducting site-specific "EJ assessments," as well as EJ Action Plans. At the outset, the goal of integrating EJ concerns into Agency programs appeared most effectively achieved through inclusion of an EJ component into existing goals and objectives, since those represent a comprehensive approach to protecting human health and the environment. The first attempts by staff to integrate EJ concerns into existing programs were delineated in Action Plans that include an EJ focus in as many of the Agency's goals and objectives as possible. For example,

Goal 1: Clean Air and Global Climate Change

Objective 1: Reduction in number of asthma attacks

EPA Region II conducted a number of educational outreach campaigns to school health professionals and child care providers to recognize and manage asthma attacks.

The result has been significant, yet uneven, progress in identifying and addressing disproportionate impacts.

The report observes on page 7 that, "No Agency-wide guidance exists on environmental justice program or policy review." We have come to realize that, while EPA EJ efforts have achieved numerous "small-scale" or individual community improvements, the Agency needs a more systematic, broader-scale approach to identifying and addressing disproportionate impacts to human health and the environment. While the Agency believes that conducting EJ program reviews is the next appropriate step, we do not yet have all the tools in place to enable the program and regional offices to conduct such reviews.

The Report acknowledges EPA's development of two tools, both geared toward site-specific analysis:

- The "Toolkit for Assessing Potential Allegations of Environmental Injustice," which establishes policy for conducting EJ assessments; and
- The "Environmental Justice Smart Enforcement Assessment Tool," which "serves as both a tool for integrating environmental justice into the Office of Enforcement and

Compliance Assurance's (OECA) work, as well as a methodology for reviewing EPA's compliance program with respect to environmental justice." OECA will work with our regional offices to use this tool to identify facilities that are located in areas with environmental and public health issues.

To take a broader look, we need to incorporate the experience(s) to date at the site-specific level and determine what questions need to be asked in performing program reviews. This is a challenging task in that there are multiple factors to consider in multiple communities, together with differing health statistics and programs with different statutory authority and regulatory approaches (e.g., technology-driven vs. risk-based).

Our approach will consist of convening a meeting of the EJ Executive Steering Committee and, through that group, tapping into the collective experience and recommendations of all EPA employees. The Office of Environmental Justice (OEJ) will convene a workgroup in early 2007 that will be comprised of each program office's and region's EJ Coordinator and other designees of the members of the EJ Executive Steering Committee. The workgroup will create a timetable for developing the protocols needed to allow the views and recommendations of staff to be elicited and evaluated so that we can build on the progress made to date. It is critical that the final protocols balance the interest in national consistency with the flexibility in assessing differing community characteristics and conditions.

During these activities, OEJ will serve a critical role as resource and facilitator for the Steering Committee to complete the development of the tools needed for performing EJ reviews. Once a protocol has been developed, each program and regional office will be in a position to address the recommendations in the report. This effort has the support of the Administrator. We intend to supply you with progress reports every six months from this date, until the protocols have been adopted.

Thank you for the opportunity to comment on this evaluation report. I appreciate the constructive recommendations and believe that they will strengthen EPA's EJ program. If your staff has any questions, please have them contact Laurie Dubriel in the Office of the Administrator at (202) 564-4031.

cc: Granta Y. Nakayama
Barry E. Hill
Laurie D. Dubriel