

US EPA ARCHIVE DOCUMENT

Tribal Consultation and Coordination Plan EPA's Plan EJ 2014

Background

Plan EJ 2014 is a roadmap that will help the US Environmental Protection Agency (EPA) integrate environmental justice into the Agency's programs, policies, and activities. Plan EJ 2014 highlights Cross-Agency Focus Areas, Tools Development, and Program Initiatives as three essential elements which will advance environmental justice across the EPA and the Federal Government. Plan EJ 2014 is named in recognition of the 20th anniversary of President Clinton's issuance of Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (PDF) (http://www.epa.gov/compliance/environmentaljustice/resources/policy/exec_order_12898.pdf) (6 pp, 122K). Plan EJ 2014 is not a rule or regulation. It is a strategy to help integrate environmental justice into EPA's day to day activities.

The goals of the plan are to:

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

Content of Plan EJ 2014

To accomplish the goals outlined in Plan EJ 2014, the EPA developed nine Implementation Plans which will guide agency actions in rulemaking, permitting, compliance and enforcement, community-based action, Administration-wide action, science, law, information, and resources. The Implementation Plans outline EPA goals, strategies, activities, deliverables, and milestones for each of the nine areas.

For example, Plan EJ 2014's Implementation Plan for *Support for Community-Based Action* includes strategies for:

- Advancing EJ principles by building strong state and tribal partnerships through the National Environmental Performance Partnership System (NEPPS) and National Program Manager (NPM) Guidance; and
- Identify scalable and replicable elements of successful Agency community-based programs and align multiple EPA programs to fully address the needs of overburdened communities.

Related to the Plan's *Supporting Community-Based Action* strategies is the public participation section in EPA's "Guidebook for Building Tribal Environmental Capacity" (Guidebook). This Guidebook highlights the importance of tribes establishing core capacities for public participation, community involvement, education, and communication to ensure that their tribal environmental management programs can "notify the general public of important events or information, publicize activities related to its projects and programs, engage the tribal community, including non-members, to develop an understanding of their environmental and public health concerns, educate the public on human health and environmental protection issues important to the tribe, and be responsive to concerns raised." More information on the Guidebook can be found at: <http://www.epa.gov/indian/index.htm>

In addition to establishing an overall framework for EPA to follow for addressing environmental justice, Plan EJ 2014 has established measures to help the Agency track its progress in integrating and addressing environmental justice over time. The measures will be linked to the core programs and media-specific

outcome measures included in EPA's Strategic Plan (<http://www.epa.gov/planandbudget/strategicplan.html>).

Tribal Consultation and Coordination Process & Timeline

EPA is seeking input from federally-recognized tribal governments on Plan EJ 2014, the nine Implementation Plans, as well as suggestions for measurable outcomes. Once outreach is conducted and input has been considered, the Agency will continue to engage tribal governments in the implementation of Plan EJ 2014.

All consultation information, including a copy of Plan EJ 2014 and the nine Implementation Plans, will be available on EPA's environmental justice website: <http://www.epa.gov/environmentaljustice/plan-ej/index.html>.

Input EPA is Seeking

- What changes or additions do tribes suggest for the "strategies" identified in each of the nine Implementation Plans of Plan EJ 2014, to help EPA better focus on tribal environmental, public health and other environmental justice interests, needs or concerns).
- What outcome measures do tribes suggest EPA include in the Implementation Plans?
- How can the EPA improve the communication of updates to Plan EJ 2014 with tribes?
- What tools or practices would be more effective for EPA to use to implement Plan EJ 2014 in Indian country, and for tribes in Alaska?

EPA's Desired Outcomes from Consultation

- Obtain tribal input on suggested changes or additions to the nine Implementation Plans for Plan EJ 2014, in order for EPA to better address tribal environmental and public health interests or needs, as well as other environmental justice concerns. [Below is a list of some of the specific strategies and activities which may be of particular interest to tribes.]
- Obtain tribal input on improving communication on Plan EJ 2014 and its future updates.
- Obtain tribal input on tools or practices EPA can consider using to more effectively implement Plan EJ 2014, such as case studies and best practices, formulation of guidance material, programs, or targeting of specific communities.

What Tribes Can Expect from the Consultation

- EPA's consideration of the tribes' suggestion(s) for additional strategies for one or more of the Implementation Plans
 - EPA written summary of tribal recommendations/input
 - EPA written response to the tribal recommendations
 - EPA is planning to develop an updated version of the Implementation Plans by the end of FY 2012, based on input from tribes and others interested in environmental justice
- EPA's consideration of the tribes' suggestion(s) for improving communication on Plan EJ 2014.
- EPA's consideration of the tribes' input on more effective tools and practices for the Agency to carry out its Implementation Plans.

Please note the following key dates associated with this outreach and input plan:

| Outreach & Coordination Activity | Date |
|---|--------------------|
| CONSULTATION AND COORDINATION PROCESS BEGINS - Notice of Document Availability | September 21, 2011 |
| 1st National Tribal Consultation Conference Call & Webinar (info below) | October 4, 2011 |
| 2nd National Tribal Consultation Conference Call & Webinar (info below) | October 12, 2011 |
| Consultation Process Ends - Comments Due | November 21, 2011 |
| Posting of Response to Comments | January 30, 2011 |

We invite you and your designated consultation representative(s) to participate in one or both of the Plan EJ 2014 National Tribal Consultation Conference Calls. To submit questions and comments please contact our Agency point of contact for consultation with tribal governments on Plan EJ 2014 (contact information below).

National Tribal Consultation Conference Call & Webinar Events

EPA will host two National Tribal Consultation Conference Call/Webinar events: one on Tuesday, October 4, 2011, and one on Wednesday, October 12, 2011. Both will be held from 2:00 PM -3:30 PM Eastern Daylight Time (EDT) and will use the following numbers:

Conference call line: 1-866-299-3188

Conference call code: 202-564-2597

Webinar Registration:

Tuesday, October 4, 2011 2:00 PM - 3:30 PM EDT

<https://www1.gotomeeting.com/register/466150920>

Wednesday, October 12, 2011 2:00 PM - 3:30 PM EDT

<https://www1.gotomeeting.com/register/704539944>

Official Agency Point of Contact

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Specific Plan EJ 2014 Strategies and Activities Which May be of Interest to Tribes

EPA specifically brings attention to the following Plan EJ 2014 strategies and activities, which may be of particular interest to tribes:

- *Incorporating Environmental Justice into Rulemaking* - Requires EPA workgroups to meaningfully engage with and consider the impacts rules may have on minority, low-income, and indigenous populations, and tribes.
 - Finalize the *Interim Guidance on Considering Environmental Justice During the Development of an Action*. (Strategy 1)
 - Develop technical guidance on how to conduct environmental justice assessments of rulemaking activities. (Strategy 3)
- *Considering Environmental Justice in Permitting*
 - Develop tools that will enhance the ability of overburdened communities to participate fully and meaningfully in the permitting process. (Strategy 1)
 - Develop tools to assist permitting authorities to meaningfully address environmental justice in permitting decisions. (Strategy 2)
- *Advancing EJ Through Compliance and Enforcement*
 - Advance environmental justice goals through selection and implementation of National Enforcement Initiatives, as they may affect tribes. (Strategy 1)
 - Seek appropriate remedies in enforcement actions to benefit overburdened communities and address environmental justice concerns. (Strategy 4)
 - Enhance communication with affected communities and the public regarding environmental justice concerns and the distribution and benefits of enforcement actions, as appropriate. (Strategy 5)
- *Support for Community-Based Action*
 - Advance environmental justice principles by building strong state and tribal partnerships through the National Environmental Performance Partnership System (NEPPS) and National Program Manager (NPM) guidance. (Strategy 1)
 - Identify scalable and replicable elements of successful Agency community-based programs and align multiple EPA programs to fully address the needs of overburdened communities. (Strategy 2)
- *Fostering Administration-Wide Action on Environmental Justice*
 - Assist other federal agencies to integrate environmental justice in their programs, policies, and activities. (Strategy 1)
 - Chair, assist, and oversee each Agency's effort to update or develop its environmental justice strategy. (Activity 1.2)
 - Lead the effort to organize regional events, including regional public dialogue sessions with a tribal and indigenous focus. (Activity 1.3)
 - Foster healthy and sustainable communities, with an emphasis on equitable development and place-based initiatives. (Strategy 3)
 - Strengthen community access to federal agencies. (Strategy 4)
- *Science Tools Development*
 - ...focus on addressing multi-media, cumulative impacts and equity in environmental health and environmental conditions. (Strategy 1)
 - Incorporate perspectives from community-based organizations and community leaders into EPA research agendas... to address environmental justice. (Strategy 2)
 - Build and strengthen technical capacity of community-based organizations and community environmental justice and health leaders to address disparities and environmental sustainability issues. (Strategy 5)