

Pursuant to Executive Order 13985 (January 20, 2021) on "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government"

## Equity Action Plan Summary

# U.S. Environmental Protection Agency

The Environmental Protection Agency's (EPA) mission is to protect human health and the environment.

## Delivering equity through EPA

EPA has committed to making equity, environmental justice, and civil rights a centerpiece of the agency's mission. The agency's pursuit of equity must include environmental justice, which EPA has defined as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies." In practice, this means everyone enjoys the same degree of protection from environmental and health hazards and equal access to the benefits of environmental resources and the decision-making process. To achieve the "same degree of protection" and "equal access," EPA also must consider individuals living in communities overburdened by pollution who may be even more vulnerable or marginalized, such as persons with disabilities or limited English proficiency. Scientific research consistently and increasingly demonstrates that the disproportionate levels of pollution experienced by communities with environmental justice concerns result in adverse health outcome disparities directly associated with these exposures. Notably, the successful implementation of all six of these priority actions depends on meaningful engagement. Members of the White House Environmental Justice Advisory Council (WHEJAC) have defined "meaningful participation" as a process wherein

“potentially affected populations have an opportunity to participate in decisions that will affect their health or environment, that the population’s contributions can influence the agency’s decisions, that the viewpoints of all participants involved will be considered in the decision-making process, and that the agency will seek out and facilitate the involvement of the population potentially affected, including consultation with Tribal and indigenous communities and by providing culturally appropriate information, access for people with disabilities, and language access for persons with limited English proficiency, considering issues of access raised by location, transportation, and other factors affecting participation, and by making available technical assistance to build community-based capacity for participating.”

## New strategies to advance equity

- **Develop a comprehensive framework for considering cumulative impacts in relevant EPA decisions and operationalize that framework in EPA's programs and activities**

For decades, environmental regulators and zoning officials have made decisions that contributed to the disproportionate pollution burden on people of color and other underserved communities across the country, such as decisions to site and permit new industrial facilities in ways that concentrate them within these communities. Communities overburdened by pollution often raise concerns about the cumulative impacts of these individual environmental management decisions on public health and quality of life. To address these concerns, EPA is now developing a consistent and comprehensive framework for assessing and considering cumulative impacts on populations and communities in its decision-making. Such a framework needs to incorporate the vulnerabilities and susceptibilities related to the accumulation of multiple environmental and social stressors, such as persistent poverty and noise pollution, that lead to adverse health and quality of life outcomes. Environmental justice leaders have identified addressing cumulative impacts as critical to achieving equitable and just outcomes across EPA programs in permitting, compliance monitoring and enforcement, cleanup, rulemaking, and other contexts.

- **Build the capacity of underserved communities to provide their experience to EPA and implement community-led projects**

Communities with environmental justice concerns and other underserved communities are often on the frontlines of the outcomes of environmental policymaking. Yet these underserved communities—by virtue of being systematically denied a full opportunity to participate in aspects of economic, social, and civic life—can face multiple resource and capacity challenges to engaging with EPA or accessing its programs. These communities often have experienced decades of chronic underinvestment in infrastructure. They may lack the technological, financial, or human

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capital-related capacity to prepare competitive proposals or manage federal awards. To address these barriers, EPA will provide robust support to help communities by building the technological, financial, and human capital-related capacity of underserved communities; enhance EPA's engagement with underserved communities to ensure their ability to meaningfully engage with EPA and other government agencies and participate in decision-making processes; and ensure EPA's investments in infrastructure and pollution remediation benefit disadvantaged and underserved communities as envisioned by the Biden-Harris Administration's Justice40 Initiative.

- **Develop EPA's internal capacity to engage underserved communities and implement clear and accountable processes to act based on communities' input**

EPA's budget, internal processes, and culture can slow or impede meaningful engagement with underserved communities. Expanded capacity would support EPA's ability to conduct the wide variety and volume of external-facing stakeholder engagement needed to reach underserved communities, including the important task of disseminating stakeholder feedback to the right agency staff to create responsive actions. Some EPA staff also may lack awareness of, or appreciation for, some stakeholder communities (for example, informal environmental justice or community groups, faith groups, and civil rights organizations) and the extra time and care required to authentically engage. To address these barriers, EPA will expand its internal capacity to engage with underserved communities in a way that is meaningful and accessible and works to overcome the communities' barriers to participation.

- **Strengthen EPA's external civil rights compliance program and ensure that civil rights compliance is an agency-wide responsibility**

Advancing equity rests on the presumption of equal opportunities and protection under the law. To meet this objective and to enhance compliance with existing civil rights laws, agencies were obligated to address the

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operational status and level of institutional resources available to offices or divisions within the agency that are responsible for advancing civil rights or whose mandates specifically include serving underrepresented or disadvantaged communities. To meet this mandate, EPA will strengthen its external civil rights compliance program and ensure that civil rights compliance is an agency-wide responsibility. Historically, EPA has not fully used its civil rights implementation and enforcement authority to vigorously enforce federal civil rights laws. EPA also has not integrated civil rights compliance throughout its programs and activities and has not elevated it as a strategic goal. To strengthen civil rights compliance and enforcement, EPA's external civil rights program will shift from being primarily reactive, responding only to complaints, to proactively initiating compliance activities. The Agency will initiate proactive pre-award and post-award civil rights compliance activities, including affirmative compliance reviews to address the impacts of potentially discriminatory activities on overburdened communities, and will enhance communication and engagement with environmentally overburdened communities to meaningfully inform EPA's civil rights work and to empower and increase their participation in critical decision-making.

● **Integrate community science into EPA's research and program implementation**

"Community science" is defined as research and science conducted by the community on its own behalf to inform decision-making. In contrast to traditional initiatives led by government agencies or research scientists, community-led projects are often characterized by use of local and traditional ecological knowledge or locally generated data. Communities collect this information to address environmental, public health, social, and economic justice issues important for environmental self-determination. Communities may face multiple barriers when attempting to conduct community science, including insufficient financial support, limited expertise in relevant science disciplines, lack of trust in scientists and government agencies, and concerns about sharing sacred cultural knowledge with government agencies that may be compelled to disclose

New strategies to advance equity

it publicly. EPA's vision is that community science is equitably supported, viewed, and used as an asset in the range of decisions associated with environmental management by local, state, and federal programs. To achieve this mission and address barriers, EPA will build capacity for community science and access to community data by funding community science grants, and issue policies and guidance documents to support the use of community science.

● **Make EPA's procurement and contracting more equitable**

Small disadvantaged businesses (SDBs) and Minority-Serving Institutions (MSIs), including Historically Black Colleges and Universities (HBCUs), may face unique barriers when seeking federal contracting and procurement opportunities, including cumbersome federal procurement regulations and processes, and unreasonable or unnecessary requirements for vendor past performance. To address these barriers, EPA will challenge EPA program offices and regions (including senior leadership) to conduct and participate in agency outreach events to provide the underserved and underrepresented business community with access to EPA decision-makers, and develop and implement policies and procedures to promote the use of underserved and underrepresented businesses and level the playing field between incumbent contractors and new firms.

## Building on EPA's progress

**This equity action plan builds on EPA's progress delivering on equity and racial justice in the first year of the Biden-Harris Administration.**

- **Providing historic environmental justice funding**

During calendar year 2021, EPA awarded more environmental justice grant funding to community-based organizations, Tribal and indigenous organizations, and other partners than it awarded altogether in the preceding decade.

- **Investing American Rescue Plan resources**

EPA has prioritized significant portions of American Rescue Plan Act funding to provide technical assistance and capacity building opportunities directly to communities and their local partners, such as additional Brownfields resources, funding for circuit riders to assist with rural and low-capacity water utilities, and more specific assistance programs focused on supporting community resilience to respond to climate change issues such as wildfires and extreme heat events.

- **Creating regional environmental justice advisory councils**

EPA has initiated the formation of regional Environmental Justice Advisory Councils working groups for all ten of EPA's regional offices to ensure better long-term relationship building and feedback on priority efforts as EPA implements its equity, environmental justice, and civil rights activities.

- **Addressing the backlog of Superfund site cleanups**

On December 17, 2021, EPA announced a \$1 billion investment from the Bipartisan Infrastructure Law to initiate cleanup and clear the backlog of 49 previously unfunded Superfund sites and accelerate cleanup at dozens of other sites across the country.

Building on EPA's progress

- **Putting environmental justice at the heart of EPA's strategy**

For the first time, EPA is including equity, environmental justice, and civil rights compliance as a distinct and core goal of EPA's multiyear strategic plan. No longer will the agency's work to advance justice and live up to its civil rights responsibilities be left outside of the EPA's bedrock planning documents. In addition, in 2021, EPA's Office of Enforcement and Compliance Assurance issued four memoranda directing a renewed focus on environmental justice across EPA enforcement activities with a consistent direction for enforcement staff to regularly engage with communities with environmental justice concerns as a part of program implementation.

- **Embarking on a "Journey to Justice" tour**

In November 2021, Administrator Regan embarked on a "Journey to Justice" tour, traveling to Mississippi, Louisiana, and Texas to spotlight longstanding environmental justice concerns in historically marginalized communities and hear firsthand from residents dealing with the impacts of pollution. Throughout the tour, the Administrator highlighted the benefits of President Biden's Bipartisan Infrastructure Law, focusing on historic investments in water infrastructure, Superfund, Brownfields, and air quality improvements that will lead to lasting public health protections in communities that need them most.

- **Expanding civil rights engagement**

On October 27, 2021, EPA held its first ever public listening session on civil rights enforcement and heard input from more than 200 stakeholders.

- **Advancing community science**

In December 2021, EPA's Office of Air and Radiation launched a \$20 million grant competition that calls for proposals to conduct monitoring of pollutants of greatest concern in communities with health outcome disparities. EPA's objective in issuing these awards is to empower communities to monitor their own air quality and promote monitoring



Building on EPA's progress

partnerships between communities and Tribal, state, and local governments.

- **Promoting equitable contracting and procurement**

EPA awarded more than 44% of its contract dollars -- \$679 million -- to small businesses, far exceeding the agency's negotiated goal of 37% and the government-wide goal of 23%. This goal achievement represents an \$86 million increase from last fiscal year. Also, for the first time in the agency's history, EPA exceeded all five of the established statutory socioeconomic goals, including the never before realized goal of 3% for small businesses located in Historically Underutilized Business Zones (HUBZones).