



Environmental Justice 2.0

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Environmental Justice (EJ) is defined by EPA 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." Over the last few months, the Biden administration expanded its EJ program in numerous ways that cut across many areas of environmental policy and programs. Such expansions include the release of a new version of the EPA EJ screening and mapping tool to be used in permitting and enforcement activities, the issuance of a newly updated EJ Action Plan by EPA's Office of Land and Emergency Management (OLEM) to elevate EJ considerations in Superfund cleanups, hazardous waste sites, and Brownfields redevelopment decisions, and the current and future issuance of large grants aimed at protecting and empowering EJ communities. These new actions support the government's expectation that EJ become a permanent and powerful part of environmental policy considerations and priorities related to monitoring, permitting, cleanup, and enforcement decisions and allocation of federal resources.

EJ Screen

In support of its "fair treatment" mission, the agency continues to develop and improve its screening tools, including the newly released EJ Screen 2.0 available on the EPA website. EJ Screen 2.0 allows regulators and community members to search an address or geographic area to see how that area ranks state or nationwide percentage wise for certain environmental considerations, and demographic information such as socioeconomic indicators, health disparities, climate change indicators and service gaps. Here is a breakdown of each of these categories:

- Environmental considerations: PM2.5, diesel particulate matter, ozone, lead paint, air toxics/cancer risks and respiratory hazard index, traffic proximity and volume, wastewater discharges, and proximity to underground storage tanks (USTs) and leaking USTs, Superfund and hazardous waste sites, and facilities with risk management plans for chemical accidents;
- Socioeconomic indicators: people of color, low income, high unemployment rates, limited English speaking, less than high school education, and age (under 5 or over 64);
- Health disparities: Heart disease, asthma;

- Climate change indicators: flooding, drought, rising sea levels, and wildfire risks; and
- Service gaps: lack of broadband internet, food, and medical care.

By looking at how an area ranks in the above indicators, EPA and state regulators will decide whether to issue a new permit or expand an existing one, undertake inspections and commence enforcement, demand cleanups and choose remedies, and issue grants for air monitors or Brownfields redevelopment.

Updated EJ Action Plan

EPA is also promoting what it considers "fair treatment," by issuing a newly updated EJ Action Plan when dealing with releases to land. The plan states four main goals:

1. Strengthening compliance and developing a "Good Governance" process and referral list to help address follow-up actions on communities' environmental concerns.
2. Incorporating environmental justice considerations when developing Office of Land and Emergency Management regulations, and creating tools to identify, track, and consider the implications of potential environmental justice-related factors throughout the Superfund process.
3. Improving community engagement in rulemakings, permitting decisions, and policies and increasing technical support and risk communication resources for communities through programs and grants.
4. Implementing President Biden's Justice40 Initiative by providing grants to underserved communities.

Entities dealing with future superfund and RCRA hazardous waste cleanups should expect to see much more scrutiny on the level of cleanup and the time frame to perform such cleanup, as well as resources being given to communities to monitor for themselves constituents of concern in air, water, and land.

Millions of Dollars in Grants

Finally, the Federal government has allocated \$13 billion dollars towards environmental justice and climate change in the Federal Inflation Reduction Act ("FIR") Act. This is in addition to the \$50 million for environmental justice and \$50 million for air quality awarded under the American Rescue Plan ("ARP") Act in 2021.

EPA's website states the \$50 million in ARP funding is allocated as follows toward EJ issues:

EJ ARP Funding

EJ Grants	\$16.65 Million
DERA	\$7 Million

Enforcement	\$5.13 Million
Brownfields	\$5 Million
Children?s Health	\$4.85 Million
Drinking Water	\$4.70 Million
Community Tech. Assist.	\$2.15 Million
Tribal Engagement Efforts	\$1.6 Million
Administrative Costs	\$1 Million
EJSCREEN	\$0.72 Million
EJ Analytical Projects	\$0.70 Million
Policy Outreach	\$0.5 Million

Environmental Justice Funding under the ARP | US EPA

Specifically, EPA has recently announced that it will use \$50 million from both the FIR Act and the ARP Act for air monitoring equipment in 132 marginalized communities in 37 states. The following lists a few of the grant recipients located in EPA Regions 3 and 4: Charleston Community Research Action Board (SC), Clean Air Carolina (NC), Blue Ridge Environmental Defense League (NC, GA, TN, SC, VA), Center for Sustainable Communities and Environmental Community Action, Inc. (GA), The Enterprise Center, Inc. (TN), Upper Mattaponi Indian Tribe (VA), Appalachian Voices (KY, PA, TN, VA, WV), National Coalition of 100 Black Women (FL), Southern Research Institute (AL), Community Housing and Empowerment Connections, Inc. (DE), Socially Responsible Agricultural Project (MD, DE), and FracTracker Alliance (PA, OH, WV).

Lastly, in support of its ?meaningful involvement? goals, EPA is reaching out to receive public input on how to use some of the \$50 million dollars issued under the FIR Act. On October 31, 2022, EPA reached out via email and announced the White House Environmental Justice Advisory Council (?WHEJAC?) held public meetings on November 30 and December 1, 2022. Those who could not attend can still submit public comments on recommendations on how the WHEJAC should be advising the Council on Environmental Quality to spend money earmarked for EJ programs.

Conclusion

The federal government is not only stressing environmental justice considerations in current and future permitting and enforcement decisions but is also funding research and data gathering by action groups and non-profits around the country relating to air emissions, water discharges, and other environmental

data. Stay tuned to see how this information is gathered and used and how EPA begins to work environmental justice into other policies and programs using new rulemaking and guidance.

EPA Environmental Justice

EPA OLEM EJ Action Plan, Building Up Environmental Justice in EPA's Land Protections and Cleanup Programs, EPA 502-P-21-001 (September, 2022)

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