



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

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**OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE**

**ENVIRONMENTAL JUSTICE
COLLABORATIVE PROBLEM-SOLVING COOPERATIVE AGREEMENT PROGRAM**

SUMMARY OF ACTIVITIES

EPA received 189 applications in response to its May 2003 Request for Applications. An Agency panel review was conducted in December 2003 at which time 15 applications were selected for award with funding provided from the available FY 03 appropriation. Subsequent to that review, numerous applicants who were not selected raised issues that the review process was unfairly applied and asked that their applications be reconsidered. As a result, the award of the 15 grants selected in December was delayed until the outcome of the re-review and scoring of the previously unscored applications was complete. As a result of that re-review, an additional 15 applications were selected for award from FY 04 funding, bringing the total number of selected projects to 30—15 to be funded from FY 03 funds and 15 to be funded from FY 04 funds. All 30 selected applicants under the FY03/04 process were awarded on May 28, 2004.

BACKGROUND:

The Collaborative Problem-Solving Cooperative Agreement Program was established in 2003 with funds provided in a Congressional Add-On. The purpose of the Environmental Justice CPS Grant Program is for EPA to provide financial assistance to **affected community-based organizations** who wish to engage in constructive and collaborative problem-solving by utilizing tools developed by EPA and others to find viable solutions for their community's environmental and/or public health concerns.

Funding Availability:

- Fiscal Year 2003 Congressional Add-On provided funding for the program
- Fiscal Year 2004 Congressional Add-On provided funding for the program
- Each award is a \$100,000 grant to an affected community-based organization
- Future years will be determined if funding is available.

Because the re-review resulted in 15 additional awards from the **original submissions received under the FY 2003 Request for Applications**, no 2004 Request for Applications was issued.

ACTIVITIES:

- January-April 2003 - The Office of Environmental Justice met with the Offices of General Counsel and Grants and Debarment to discuss the Request for Applications to ensure that all issues were described in accordance with the EPA's grants competition policy.
- May 2003 - The Request for Applications was published requiring all applications to be postmarked by midnight September 30, 2003. 189 applications were received.

- November 2003 - An EPA Review Panel pre-screened the 189 applications and found 38 to be incomplete (missing forms or other required documents). The remaining 151 were reviewed but only 25 were determined to meet the requirement of an 'affected local community-based organization.' These 25 were scored—15 were recommended for award and the 10 not selected were each sent a letter explaining why their project had not been selected.
- December 2003 - An announcement was sent to the 126 unsuccessful applicants notifying them of the status of their application. The announcement included an explanation as to why the unsuccessful application was not considered for award.
- January 2004 - Numerous complaints were received from disappointed applicants who believed that their application was not given due consideration and that the Review Panel used unpublished evaluation criteria to eliminate their application.
- Numerous applicants questioned the determination that they were not local "affected community-based organizations," and stated that they should not have been deemed "ineligible." The EPA Review Panel made a concerted effort to apply the "affected community-based organization" requirement consistently and fairly on the basis of criteria as stated in the Request for Applications (RFA). Nonetheless, approximately 85 of the 189 applicants for CPS funding were found ineligible solely because they failed this threshold requirement. Because the description of an "affected community based organization" in the RFA was general in nature, this raised an arguable issue that the EPA Review Panel may have inadvertently used the description of an "affected community-based organization" that was narrower than the one that some applicants understood would be applied. Upon advice of the Office of General Counsel and the Office of Grants and Debarment, OEJ reconvened the Independent Review Panel to re-review and score all eligible applications.
- Other applicants questioned the discrepancy in the RFA between Memoranda of Agreement and Letter of Agreement and felt that their application should not have been rejected if they had not included a Memorandum of Agreement. Because there had been a discrepancy in the RFA between these two terms, it was determined that any application originally rejected for this reason would be re-reviewed and scored.
- January 23, 2004 - All applicants were notified in writing that EPA would re-review and **score those applications that had been not been scored for these two reasons.**
 1. That the applicants who had not included Memoranda of Agreement with their applications would be re-reviewed and scored and that applicants whose scores equaled or exceeded that of the lowest score of the 15 selected during the initial review, will be offered an award funded with FY 04 appropriations.
 2. That all applicants who had been found ineligible **solely** on the grounds that they were not an "affected community based organization" would be re-reviewed and scored and that applicants whose scores equaled or exceed that of the lowest score of the 15 selected during the initial review will be offered an award funded with FY 04 appropriations.
- The announcement of the award of the FY 03 CPS competition will be delayed until after the scoring process is complete, and FY 04 funds are available to award to all FY 03 CPS applicants whose applications merit an award based on their scores.
- The EPA Review Panel completed the re-review and scoring process on February 17, 2004. 15 applications scored 70 or greater and were recommended for award.
- March 10, 2004 - EPA announced the entire set of the 30 projects selected for award.
- May 28, 2004 - EPA notified the 30 selected applicants of the official offer.