

Office of Environmental Justice and
External Civil Rights Compliance Office

DRAFT NATIONAL PROGRAM GUIDANCE

FY 2023–2024

June 2, 2022
Publication Number: 231P22001



Table of Contents

Message from the Office of Environmental Justice (OEJ) and the External Civil Rights Compliance Office (ECRCO)	2
SECTION I. INTRODUCTION	4
SECTION II. PROGRAM PRIORITIES, STRATEGIES, AND ACTIVITIES	5
Objective 1. Promote EJ and Civil Rights at the Federal, Tribal, State, Local, and Community Levels:	5
Objective 2: Embed EJ and Civil Rights in EPA Policies, Programs and Activities:	12
Objective 3: Strengthen Civil Rights Enforcement in Communities with Environmental Justice	
Concerns:	20
SECTION III. IMPLEMENTING TRIBAL WORK	23
SECTION IV. FLEXIBILITY AND GRANT PLANNING	24
SECTION V. FY 2023 NATIONAL PROGRAM MEASURES	25
SECTION VI. CONTACTS	28

Message from the Office of Environmental Justice (OEJ) and the External Civil Rights Compliance Office (ECRCO)

EPA is centering its mission on the integration of equity, justice, and civil rights across the nation's environmental protection enterprise. This holds as true for communities within the contiguous forty-eight states as it does for communities in the non-contiguous states and all other territories and protectorates of the United States. By doing so, EPA is advancing the promise of clean air, clean water, and safe land to the many communities across the country that have not received the full benefits from EPA's decades of progress. Centering EPA's work on justice is especially important in an era when EPA must simultaneously break the cycle of historic environmental injustices while maximizing protection for these same communities as they are too often hit worst and first from the impacts of a changing climate. This is an especially important time for advancing equity and justice through the framework of the Justice40 initiative¹ as EPA has a once in a generation appropriation of infrastructure funding that can significantly improve conditions on the ground for those communities most in need of federal funding and support.

EPA's ultimate goal of centering its mission on these priorities is to achieve measurable environmental, public health, and quality of life improvements in the most overburdened, vulnerable, and underserved communities. Achieving this goal will require significant transformations in how EPA understands and implements its work, including how EPA prioritizes program resources, allocates funding, implements statutory authorities, and engages the communities most affected by environmental and public health threats, especially as the climate changes. Critical to achieving this goal is for EPA to proactively engage with tribes, states, and local governments to discuss and address disproportionate impacts through implementation of EPA authorities and engage in meaningful joint planning with communities to advance community visions and priorities.

The vigorous enforcement of civil rights is also key to addressing historical and systemic barriers. These efforts can lead to more responsible and equitable siting and permitting decisions by recipients of EPA funding; reductions in racial and ethnic disparities in levels of air pollutants and exposure to toxins; reductions in racial and ethnic disparities in access to clean and reliable water infrastructure that are free of lead and other toxins; reductions in racial and ethnic disparities among communities enduring mismanaged solid and hazardous waste programs and processes; increased access to other environmental resources such as green spaces; better health outcomes in impacted communities; and increased public participation in critical decision making.

EPA will work to increase the capacity of communities to address environmental justice (EJ) and civil rights concerns; embed EJ, equity, and civil rights in the Agency's core work; and strengthen civil rights enforcement in communities overburdened by pollution.²

The commitments included in Goal 2 of the *FY 2022-2026 EPA Strategic Plan* and the implementation of its objectives have been developed upon a considerable foundation of nearly three decades of

¹ Justice40 is the mandate included in Executive Order 14008 that at least 40% of the benefits of certain government programs flow to disadvantaged communities.

² Executive Order 13985, *On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, establishes a whole-of-government approach to addressing inequities in the implementation of laws, policies and programs to promote equal opportunity for underserved communities that have been denied fair, just, and impartial treatment. EPA will work to consider the equitable treatment of underserved communities consistent with both EO 12898 and EO 13985.

experience, input, and engagements related to EPA's commitment to advancing EJ. This includes the formal recommendations of the National Environmental Justice Advisory Council (NEJAC) as well as the regular and ongoing input received through that forum from amongst its membership and public participants. It also includes the direct, regular, and robust engagement throughout the years among EJ and external civil rights leadership and staff, communities, community leaders, academics, and representatives from business and industry, and our partnership with states, tribes, territories, and local governments. EPA's long history of providing grants and technical assistance directly to communities and our governmental partners also provides a vast wealth of information, suggestions, and priorities that have informed the elements of EPA's Strategic Goal 2.

Furthermore, this goal sets targets that align closely with Administration priorities set forth in Executive Orders 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* and 14008: *Tackling the Climate Crisis at Home and Abroad*. Both Executive Orders require that EPA develop implementation plans to ensure that underserved communities³ and individuals have full, fair, and equitable access to the benefits of the Agency's programs. The Executive Orders also provide the platform for interagency collaboration since many objectives benefit from actions by other Federal agencies. We will take these and any other opportunities – and especially focus on capitalizing on the implementation of the Justice40 framework in the implementation of programs that received additional infrastructure funding – to use an all-of-government approach to implementing equity and EJ.

EPA's Strategic Goal 2 and this associated National Program Guidance (NPG) place a cross-cutting priority at the very heart of EPA's fundamental commitments and measurements. These commitments cut across all national programs and regions while also extending to our external support for and relationships with communities and regulatory partners. They challenge the Agency not simply to do more but to do differently in terms of our business practices, investment values, and program implementation. In many ways, this NPG sets forth an ambitious process of continual improvement for every part of EPA to ensure that the Agency is just as effective at achieving its mission for communities of color, low-income communities, and indigenous communities as the Agency has for so many other communities across the United States.

It should be noted that this NPG will be issued in the 30th year of EPA's formal commitment to advancing EJ through the establishment of a dedicated EJ program in 1992. The Agency has spent three decades advancing its understanding and practice of EJ and has more recently taken significant strides to increase the effectiveness of the external civil rights program. Goal 2 of the *FY 2022-2026 EPA Strategic Plan* and this NPG push the Agency forward into some of the hardest but most important and necessary work of EJ and civil rights compliance. They introduce a level of transparency and accountability that touch the entire environmental public health regulatory endeavor of the United States. They do something new not just at EPA but in US government. OEJ and ECRCO are ready to support national programs, regions, and our external partners as EPA takes up this hard work to improve conditions for communities most overburdened and underserved⁴, which is the ultimate purpose of efforts to advance equity, justice, and civil rights.

³ See EO 13985, at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>, section 2b (definitions).

⁴ See Administrator Regan's first statement about EJ, at <https://www.epa.gov/sites/default/files/2021-04/documents/regan-messageoncommitmenttoenvironmentaljustice-april072021.pdf>, (April 7, 2021).

SECTION I. INTRODUCTION

The FY 2023-2024 OEJ and ECRCO National Program Guidance (NPG), which accompanies and implements EPA's Strategic Goal 2, provides a cross-cutting foundation for integrating EJ and civil rights considerations into the fabric of work across the Agency. Goal 2 commits EPA's national programs and regions to a variety of actions and measures across our internal and external policies, programs, and activities. Through this NPG, OEJ and ECRCO are working with EPA's regions and programs to determine how best to integrate these measures and take advantage of every opportunity to advance EJ and civil rights compliance in light of each region and program's financial, capacity, and statutory limitations.⁵

EPA will take, whenever possible and most effective, an agency-wide approach to implementing the commitments and actions contained in this NPG, especially those that require new investments in resources or staffing. Many commitments will need to be implemented within individual national programs and regions.

EPA has divided this effort into three objectives. The first focuses on EPA's ability to advance this priority outside of EPA — through the support the Agency provides directly to communities, EPA's direct implementation of Federal environmental programs, and the implementation of these programs by co-regulators.

The second objective focuses on advancing equity, justice, and civil rights through EPA's internal program activities. EPA recognizes that while the EJ and external civil rights programs and their authorities are distinct, they share a deep connection and ability to reinforce and leverage one another to make significant progress in addressing disproportionate adverse impacts burdening communities.

The third objective focuses on EPA's commitment to strengthen the External Civil Rights Office and its ability to enforce federal civil rights laws to their fullest extent, including by fully implementing its authority to conduct affirmative compliance reviews, investigate civil rights complaints, issue policy guidance, and secure timely and effective resolutions to address discrimination.

This National Program Guidance has two facets for the majority of the commitments under Goal 2. One facet of each commitment will focus on the strategy, activities, and measures related to the responsibilities of the Environmental Justice and External Civil Rights programs in supporting the efforts of other EPA programs, regions, and our coregulatory partners. The second facet will focus on the strategy, activities, and measures related to EPA programs and regions to implement and measure progress toward the successful achievement of Goal 2's commitments. In addition, this National Program Guidance provides the framework for EPA programs and regions to inform their EJ and external civil rights implementation plans for FY 2023 and FY 2024.

For additional background, please refer to EPA's Overview of the FY 2023-2024 National Program Guidances: <https://www.epa.gov/planandbudget/national-program-guidances>

⁵ This NPG is not a rule. It is not legally enforceable, and it does not create or confer legal rights or legal obligations upon any member of the public, recipient, the EPA, state and local governments, tribes, or any other agency.

SECTION II. PROGRAM PRIORITIES, STRATEGIES, AND ACTIVITIES

This section provides an overview of the cross-cutting Agency priorities, strategies, and activities around implementing the commitments under EPA’s Strategic Goal 2. It is broken up into 3 sub-sections covering the priorities, strategies, and activities under each of the three objectives as stated in the Introduction.

It is important to note that in the activities section under each strategy, the use of “National Programs and Regions” is being used as a general term for each list of activities. In some cases, activities listed are not applicable to every program office or regional division. OEJ and ECRCO continue to work in partnership with programs and regions to determine scope, applicability, and flexibility for the work outlined in this document. When “EJ Program” is used, it is done so to include EJ staff beyond just OEJ, inclusive of those within the regions and national programs, who carry specific EJ responsibilities and are part of the regular work and communication of the EJ program at EPA.

Objective 1. Promote EJ and Civil Rights at the Federal, Tribal, State, Local, and Community Levels: *Empower and build capacity of underserved and overburdened communities to protect human health and the environment.*

Program Priority: *Empower and build capacity of underserved and overburdened communities*

Area Title: *Meaningful involvement and equitable practices*

Meaningful involvement is one of the bedrock principles of empowering underserved and overburdened communities. In this context, meaningful involvement means that people have an opportunity to participate in decisions about activities that may affect their environment and/or health. It also means that communities have the capacity to participate and effectively voice concerns that will be considered in the decision-making process and that their contributions influence the regulatory agency’s decision. And perhaps most importantly in the context of this goal, it means that decision-makers will seek out and facilitate the involvement of those potentially affected as a necessary step early in every decision-making process that has the potential to affect the conditions experienced on the ground by communities.

Executive Order 13985 directs all federal agencies to embed equity into their programs and activities to ensure the “consistent and systemic fair, just, and impartial treatment of all individuals.” For historically underserved and overburdened communities, the concept of equity emphasizes the need to alleviate disproportionate burdens and increase environmental and public health benefits in these communities.

In FY 2023, to implement this priority, we are requesting commitments by EPA programs and regions and other governmental partners to include the principles of meaningful involvement and equity in their work with underserved and overburdened communities. This means engaging early and often with community members, providing capacity-building to enhance engagements, inviting them into the decision-making process, providing authentic information about why a decision was made, and when appropriate, providing funding for their involvement.

Long-Term Performance Goal: By September 30, 2026, all EPA programs that seek feedback and comment from the public will provide capacity-building resources to communities with environmental justice concerns to support their ability to meaningfully engage and provide useful feedback to those programs.

Strategy 1:

EPA must ensure that relevant programs are actively supporting community efforts to engage and influence program implementation and are maximizing benefits from investment of resources to achieve meaningful change on the ground for the most impacted communities. A fundamental element of achieving this is ensuring communities have the capacity they need to meaningfully engage government programs and have their voices effectively heard and responded to. Effective capacity-building for communities entails providing information on the environmental issue or policy at hand, using plain language. This at times can be done on a programmatic basis in a straightforward manner such as ensuring availability of factsheets, while other situations could necessitate more tailored and detailed resources. Examples of capacity-building resources include factsheets, frequently asked questions (FAQs), training materials, webinars, dedicated technical assistance, and grants that support the building of capacity. Other important aspects include having the content interpreted in local languages and accessible for those with different abilities. The more information communities have, the better they can engage with EPA and have a voice at the table.

Activities:EJ Program:

- Provide consultation services to EPA programs to support their ability to meaningfully engage communities with EJ concerns.
- Provide support to EPA programs and regions on developing capacity-building content that is accessible, media-specific, process-specific, includes an EJ, equity, and civil rights lens, and includes best practices on community engagement.

National Programs and Regions:

- Review processes and procedures to ensure capacity-building resources are provided early in the community engagement process. When needed, develop capacity-building content that is accessible, media-specific, process-specific, includes an EJ, equity, and civil rights lens, and includes best practices on community engagement.
- Implement a system to evaluate the effectiveness of processes and improve accordingly (e.g., is the Agency receiving meaningful feedback from the community; what were the resulting actions?).

Measure:

Percentage of EPA programs that seek feedback and comment from the public that provide capacity-building resources to communities with environmental justice concerns to support their ability to meaningfully engage and provide useful feedback to those programs.

Strategy 2:

Meaningful engagement is a core principle of EJ. As part of our decision-making processes or other Agency work streams, EPA programs regularly rely upon the time, efforts, and expertise of community members, leaders, and organizations for a variety of activities and inputs. Where the Agency engages individuals or organizations to carry out community engagement tasks commissioned by EPA (e.g., to disseminate information throughout the community, organize feedback sessions or participation in meetings, organize community visits and tours, etc.), or for performing other necessary work on the ground to help protect environmental quality and public health, EPA will establish agency-wide or other mechanisms to remunerate the individuals or organizations for providing their procured service in the same manner that EPA does when procuring the services of lawyers, engineers, and scientists.

Activities:EJ Program:

- Partner with EPA colleagues in the Office of Grants and Debarment (OGD), Office of Acquisition Solutions (OAS), Office of General Counsel (OGC), and program offices to review and identify potential existing and/or new extramural vehicles (contracts, inter-agency agreements) that can be used to compensate organizations and individuals representing communities with EJ concerns for services commissioned by the Agency.

National Programs and Regions:

- Partner with EJ Program staff as appropriate when needs arise for expertise from community members and leaders who represent communities with EJ concerns on environmental justice and equity issues.
- As resources and legal authorities allow, utilize established extramural vehicles to compensate individuals or organizations for procured services or expertise on issues affecting communities with EJ concerns.

Measure:

Percentage of EPA programs utilizing extramural vehicles to compensate organizations and individuals representing communities with EJ concerns when engaged as service providers for the Agency.

Strategy 3:

EPA's Environmental Justice program provides grants directly to community-based organizations for a wide array of activities. Many of these activities are focused on researching, monitoring, surveying, educating, and organizing communities to seek resolution of community concerns related to their environmental and public health protection. Those projects focused on seeking resolution necessitate invoking a response from a governmental agency at the local, state, tribal, or federal level. This will require the Environmental Justice program to provide clear expectations to grantees in grant solicitations and agreements, and to provide guidance to governmental entities on best practices for engaging with and responding to grantees with projects in communities with EJ concerns. This work will help inform both the investment strategy of the Environmental Justice program as well as the program's other efforts to engage and support community-based projects which we fund.

Activities:EJ Program:

- Review and update reporting requirements document for EJ grantees with questions that will assist with this measure.
- Partner with Project Officers to develop resources and best practices for EJ grantees to engage with governmental entities. Share resources and best practices during EJ grantee workshops.
- Provide resources about meaningful community engagement to governmental entities (e.g., how to meaningfully listen, invite communities to the table, etc.).
- Develop processes and mechanisms for Project Officers to implement, track and evaluate this measure.

EPA Project Officers for EJ Grants:

- Project Officers will partner with EJ grantees to track governmental responses through the reporting checklist and will provide assistance/consultation as needed.
- Project Officers will implement mechanisms to track and evaluate this metric during and after grant projects with grantees and governmental partners. Follow-up with EJ grantees will take

place within the baseline reporting timeframe, annually, and within 120 days of the project period end date.

Measure:

Percentage of environmental justice grantees whose funded projects result in a governmental response.

Program Priority: *Strong partnerships with tribes and states*

Area Title: *Addressing disproportionate impacts, environmental justice concerns, and civil rights compliance in communities*

The environmental and public health regulatory structure relies upon other levels of government – primarily states but also tribes, territories, and local governments – to carry out much of the implementation of federal laws, requirements, and programs. Strengthening relationships between EPA and tribes and states is critical for advancing EJ to identify and address disproportionate environmental and public health impacts and ensure compliance with civil rights to bring about meaningful change on the ground. Opportunities to strengthen these partnerships must be reflected in detail included within our written agreements with tribes and states, and through the review of state-led implementation activities such as the environmental permits they issue.

Once the universe of written agreements has been established for FY23, EPA will develop capacity building materials and other resources with and for tribes and states on identifying disproportionate impacts. EPA programs and regions will partner with tribes and states to substantially further the work of addressing disproportionate impacts and civil rights concerns in overburdened communities.

Long-Term Performance Goal: By September 30, 2026, include commitments to address disproportionate impacts in all written agreements between EPA and tribes and states (e.g., grant work plans) implementing delegated authorities.

Strategy 1:

EPA national and regional offices will work proactively to integrate EJ, equity, and civil rights into policies and activities as a fundamental element of the Agency’s relationships with federal, state, tribal and local partners to jointly affect beneficial changes on the ground for communities. One component of this work will be for EPA to look at formal agreements between EPA and holders of EPA-delegated authorities such as states and tribes to ensure that commitments to identify and address disproportionate environmental and public health impacts in overburdened communities are included in those agreements. As EPA determines the universe of written agreements to include in this measure, EPA will provide guidance on formulating and implementing these commitments into those written agreements.

Activities:

EJ Program:

- Determine the scope of written agreements to be covered (e.g., grant work plans) as well as what will qualify as a commitment.
- Once the universe of written agreements is determined, work with programs to develop and provide recommended standardized language on addressing disproportionate impacts that can be included in those written agreements.

- Provide capacity building resources on identifying and addressing disproportionate impacts in communities with EJ concerns.
- Provide consultation services to programs and regions on all aspects of this measure.

National Programs and Regions:

- Work with partners to include standardized language on addressing disproportionate impacts in written agreements between EPA and states and tribes implementing delegated authorities, as appropriate.
- Establish procedures to monitor and evaluate progress toward addressing disproportionate impacts in applicable written agreements by states and tribes.

Expectations for State and Tribal partners:

- When initiating written agreements (e.g., grant work plans), include standardized language on addressing disproportionate impacts in communities with EJ concerns.

Measure:

Percentage of written agreements between EPA and states and tribes implementing delegated authorities that include commitments to address disproportionate impacts.

Strategy 2:

EPA regularly reviews state-issued environmental permits that have been issued through federal statutory programs delegated to them for implementation. As EPA reviews such state issued permits, we will work to ensure the permits are responsive to EJ and civil rights concerns that have been made clear through engagement, the use of tools, or the performance of an EJ and civil rights analyses, consistent with federal law and our underlying authorities. Also, that the permits fully comply with federal civil rights statutory and regulatory requirements that prohibit discrimination on the basis of race, color, national origin, disability, age, and sex. By doing so, EPA will help to ensure that our obligations to integrate EJ and comply with civil rights law extend outside of EPA's actions to those entities that hold our delegated authorities.

Activities:

EJ Program:

- Partner with programs to:
 - Establish which permitting programs under which statutes to focus on (e.g., NPDES, UIC, CAA Title V)
 - Identify % of state permits reviewed by EPA as a baseline
 - Launch a workgroup with the permitting programs to develop a framework that lists the expectations for permits that are responsive to EJ and civil rights concerns
- Provide capacity building resources and case study examples for states and EPA permit reviewers on what it looks like to have terms and conditions in State-issued permits that are responsive to EJ concerns.
- Provide consultation services on responding to EJ concerns for states and EPA colleagues.

External Civil Rights Compliance Office (ECRCO):

- Provide clear guidance regarding financial assistance recipient's legal obligations to have in place procedural nondiscrimination programs.
- Clarify and strengthen existing guidance regarding recipient's obligations to identify and address adverse disparate impacts, including how to consider cumulative impacts.

- Provide proactive technical assistance for states on compliance with civil rights obligations, as well as training and engagement for communities and EPA colleagues.

National Programs and Regions:

- Permit reviewers utilize the framework that lists expectations for permits that are responsive to EJ and civil rights concerns to see if expectations have been met.

Measure:

Percentage of state-issued permits reviewed by EPA that include terms and conditions that are responsive to environmental justice concerns and comply with civil rights obligations.

Program Priority: *Collaboration with state recipients of EPA financial assistance and partnerships with academic institutions*

Area Title: *Engagement with state partners on civil rights compliance and equity in paid internships at EPA*

Essential to ensuring EJ and equity throughout the environmental regulatory endeavor is to clearly describe and proactively ensure recipients of EPA financial assistance also comply with federal civil rights requirements through their implementation efforts. EPA is charged with ensuring that the programs or activities of recipients and subrecipients of EPA financial assistance comply with laws prohibiting discrimination on the basis of race, color, national origin, sex, age, and disability. In order to fulfill this responsibility, EPA recognizes that the ECRCO must, among other things, initiate proactive pre-award and post-award civil rights compliance activities; engage staff across the Agency in civil rights compliance activities; increase transparency by affirmatively providing information to the public; and issue guidance documents to clarify interpretations of requirements and expectations.

Executive Order 13985 mandates a comprehensive effort to advance equity throughout all of EPA's policies, programs, and activities. Priority #2 in EPA's Equity Action Plan focuses on building the capacity of underserved communities to provide their experience to EPA. One way to accomplish this is through creating a path to employment at EPA through paid internships.

EPA will review current pathways and funding vehicles available for paid internships, and enhance opportunities as needed. Relationships with minority-serving institutions will be leveraged to attract a diverse cadre of students for the opportunity to work inside of EPA, build a deeper understanding of how the Agency operates, and offer a variety of perspectives to EPA's work from diverse backgrounds. EPA programs and regions will dedicate funding as available to offer paid internships.

Long-Term Performance Goal: By September 30, 2026, all state recipients of EPA financial assistance will have foundational civil rights programs in place.

Strategy 1:

Systematize compliance with foundational civil rights program requirements (also referred to as procedural safeguards)⁶ by state recipients of EPA financial assistance, as required by federal civil rights laws and EPA's nondiscrimination regulation, through pre-award review, technical assistance and training, additional clarifying guidance and enhanced civil rights enforcement. Although this LTPG sets an outside goal for FY 2026, it is anticipated that all state recipients of financial assistance from EPA will have these required procedural civil rights programs in place well ahead of FY 2026.

Activities:External Civil Rights Compliance Office:

- Implement modifications to Pre Award Review (Form 4700-4 review) process, including “four-corners review” of the Form 4700-4, to determine whether the answers are filled out completely and consistent with the nondiscrimination regulatory requirements and based on certification from the applicant of truthfulness and accuracy; as well as a review mechanism through post-award audits based on a sampling of submitted Form 4700-4 forms to ensure recipients have in place the required federal civil rights program requirements. (*Note: “four corners review” is a legal concept that means not looking at information outside of the form.)
- Issue guidance to clarify the expectation that EPA recipients will come into compliance with procedural safeguards.
- Provide technical assistance and training to recipients, including through proactive initiative working with EPA regions and states in those regions to facilitate implementation of procedural safeguards and best practices.

National Programs and Regions:

- Along with ECRCO, Office of Grants and Debarment (OGD) and regions, implement modifications to the Pre-Award Review (Form 4700-4 review) process.
- Help facilitate engagement with ECRCO on proactive initiative working with states to implement procedural safeguards and best practices.

Measure:

Percentage of requirements completed by state recipients of EPA financial assistance toward having foundational civil rights programs in place.

Strategy 2:

Executive Order 13985 mandates a comprehensive effort to advance equity throughout all of EPA's policies, programs, and activities. A fundamental element of achieving such equity and justice is ensuring communities have the capacity to meaningfully engage government programs and have their voices effectively heard and responded to. To help meet this responsibility, in addition to other actions, EPA must take concrete action, consistent with law, including merit principles, to further include the

⁶ A program developed and implemented by an applicant for or recipient of EPA financial assistance with the responsibility to ensure nondiscrimination in its programs and activities, including developing and implementing procedural safeguards that contains important baseline elements (i.e., “procedural safeguards” or “administrative requirements”) that are required by EPA's nondiscrimination regulation at 40 C.F.R. Parts 5 and 7, or that otherwise emanate from federal civil rights laws (e.g., Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973).

voices, experiences, and passions of the full diversity⁷ of the nation in EPA’s workforce through paid internships. These paid internships can serve as a steppingstone for joining the workforce at EPA as well as increasing the capacity of underserved communities by providing consistent opportunities for members of those communities to gain exposure and experience with the government through service. To alleviate barriers and create equitable opportunities for students to participate, paid internships allowing for hybrid and/or telework options should be considered.

Activities:

EJ Program / External Civil Rights Compliance Office:

- Building on the baseline established in FY22, partner with the Office of Human Resources to:
 - Review the number of established partnerships with Minority Serving Institutions (MSIs), Historically Black Colleges and Universities (HBCUs), and Tribal Colleges or Universities (TCUs) and assess for opportunities.
 - Establish a mechanism for tracking this measure.
 - Develop guidelines on implementing equitable practices for offering paid internships, fellowships, and clerkships.
 - Investigate an agency-wide solution available for all regions and programs to recruit internships for paid positions.

National Programs and Regions:

- As resources allow, dedicate funding and staff time for conducting meaningful outreach at career fairs, and for offering paid internships, fellowships, and clerkships.
- As resources allow, establish program and region-specific goals around equity and diversity for offering paid internships, fellowships, and clerkships.
- EPA programs and regional offices engage in existing or establish new relationships with local MSIs, HBCUs, and TCUs to advertise available paid opportunities for internships, fellowships, and clerkships at EPA.

Measure:

Percentage of EPA national program and regional offices that extend paid internships, fellowships, or clerkships to college students from diverse backgrounds.

Objective 2: Embed EJ and Civil Rights in EPA Policies, Programs and Activities:

Integrate environmental justice and civil rights in all the Agency’s work to maximize benefits and minimize impacts to underserved and overburdened communities.

Program Priority: Reducing disparities in environmental and public health conditions

Area Title: Achieving meaningful outcomes for communities with EJ concerns

EPA will set ambitious goals of achieving meaningful change on the ground for communities with EJ concerns. EPA recognizes that these commitments may require decisions and activities that include things such as capacity and relationship building and providing guidance and training to our partners.

⁷ The term “diversity” means the practice of including the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people, including underserved communities. See EO 14035, at: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equity-inclusion-and-accessibility-in-the-federal-workforce/>, section 2b (definitions).

EPA will focus on several elements of progress to make such ambitious outcome commitments. These include delineating the responsibilities of programs and regions towards meeting their objectives, identifying data gaps, building tracking systems, and putting in place any needed policy, guidance, or regulatory changes.

As stated in the FY 2022-2023 Agency Priority Goal, EPA will establish a set of at least ten indicators to assess EPA's performance in reducing disparities in environmental and public health conditions, along with the systems and tools for data collection, reporting and analysis. In addition, EPA will develop a fit for purpose framework and implementation plan to enable the integration of cumulative impacts throughout EPA's policies, programs, and activities. Lastly, EPA will issue guidance on external civil rights compliance to promote compliance with civil rights laws and address adverse and disparate impacts by recipients of federal funds.

Long-Term Performance Goal: By September 30, 2026, reduce disparities in environmental and public health conditions represented by the indicators identified through the FY 2022-2023 Agency Priority Goal.

Activities and measures for this Long-Term Performance Goal will be established for the FY 2025-2026 National Program Guidance.

Program Priority: *EPA accountability to underserved and overburdened communities*

Area Title: *Using tools, robust EJ analyses and civil rights guidance to address disproportionate impacts*

Achieving change on the ground and accountability for such change will be the ultimate measure of the Agency's success at advancing equity, justice, and civil rights including the implementation of Executive Orders 13985 and 14008. These efforts also focus on how EPA incorporates feedback from impacted communities in Agency actions and describes how the Agency is responding to community concerns.

In FY 2023, EPA will continue to develop capacity building resources to: implement civil rights guidance; support use of equity and justice screening tools to analyze for disproportionate impacts; and implement best practices to demonstrate how Agency actions are responsive to EJ concerns. EPA programs and regions will commit to provide training and guidance on civil rights obligations and on using screening tools to conduct EJ analyses within their programmatic context. EPA will make significant progress in communicating decisions to communities with transparency and accountability.

Long-Term Performance Goal: By September 30, 2026, 80% of significant EPA actions with environmental justice implications will clearly demonstrate how the action is responsive to environmental justice concerns and reduces or addresses disproportionate impacts.

Strategy 1:

The knowledge attained from community engagement activities, along with other actions to consider more fully EJ and civil rights, must be regularly reflected and addressed throughout EPA's documented decisions. As a first step, EPA will engage in a process and establish all necessary policies to determine which actions are of major significance for EJ and civil rights purposes. This will help ensure that the

Agency's most important decisions address the needs of impacted communities; respond to policy analyses of potential EJ impacts including disproportionate and cumulative impacts; and consider recommendations from the National Environmental Justice Advisory Council. EPA will initially focus on rulemaking within the overall universe of significant actions.

Activities:

EJ Program:

- Partner with the Office of Regulatory Policy and Management (ORPM) and consult with national programs and regions to:
 - Determine the scope of significant actions in the realm of rulemaking.
 - Establish guidelines on what qualifies as “responsiveness to EJ”.
 - Provide additional guidance on what it means for the action to reduce or address disproportionate impacts.
- Provide capacity building to EPA colleagues on being responsive to EJ concerns and addressing disproportionate impacts in communities.
- Partner with programs to develop additional guidance on conducting a robust EJ analysis for disproportionate impacts in communities.
- Provide consultation to programs and regions on conducting robust EJ analyses and addressing issues of equity and justice in impacted communities.

National Programs and Regions:

- Develop policies and procedures for conducting a robust EJ analysis on all significant EPA rulemakings with EJ implications. Policies and procedures should include clear methods on responding to and addressing disproportionate impacts in impacted communities.
- Include in the rule preamble of all significant EPA rulemakings with EJ implications, how EJ concerns and equity and justice principles were considered and how the rule may or may not have addressed disproportionate impacts.

Measure:

Percentage of significant EPA actions with environmental justice implications that respond to environmental justice concerns and reduce or address disproportionate impacts.

Strategy 2:

EPA must make significant and urgent progress in fundamentally grounding its work in addressing disproportionate impacts in overburdened and vulnerable communities. Addressing disproportionality includes the understanding of and reacting to issues of cumulative impacts and cumulative risks. To do this work, EPA must rapidly advance and apply its analysis of disproportionate impacts. One area to catalyze such progress is to ensure that EPA programs develop guidance on using EJ tools such as EIScreen to support their decision making.

Activities:

EJ Program:

- Partner with programs and regions to:
 - Determine the universe of programs and offices and the scope for this measure.
 - Gather a baseline on the existence of guidance documents on the use of justice and equity screening tools.
 - Develop a compendium of guidance documents and collect best practices. Use these to create a framework to assist programs and regions in developing clear guidance documents.

- Provide consultations to programs and regions on developing guidance for justice and equity screening tools and on using screening results to integrate EJ into programmatic contexts.
- Coordinate capacity building and best practices with ongoing efforts such as EJScreen office hours.

National Programs and Regions:

- Establish a baseline of existing guidance documents on the use of justice and equity screening tools within applicable offices.
- Review and revise (if needed) or develop new guidance document(s) to ensure current best practices are included for using justice and equity screening tools in different programmatic contexts.
- Provide training for EPA colleagues on uses of justice and equity screening tools for applicable programmatic contexts.
- Publish guidance documents publicly on website, as appropriate.

Measure:

Percentage of programs that have developed clear guidance on the use of justice and equity screening tools.

Program Priority: *EPA effectively working in communities*

Area Title: *Using environmental justice community principles for all Agency work in communities*

EPA must support community efforts to engage with the Agency and be ready to show up in communities as an Agency rather than as individual programs. This prioritizes embedding the practice of working in coordinated and collaborative ways that cross internal and external silos, and always advancing efforts that are community-driven and meaningful for the communities we serve. This practice cannot be an afterthought. It must be included in all processes, policies, and activities that touch vulnerable communities, all the time.

In FY 2023, EPA will provide the resources and tools to assist with meaningfully integrating these principles of effective community work as a core function of the Agency. To ensure sustainability, the necessary structures will be put into place as a foundation for this priority.

Long-Term Performance Goal: By September 30, 2026, all EPA programs that work in and with communities will do so in ways that are community-driven, coordinated and collaborative, support equitable and resilient community development, and provide for meaningful involvement and fair treatment of communities with environmental justice concerns.

Strategy:

Achieving greater environmental and public health protection in overburdened and underserved communities necessitates that EPA not only improve its decision making and program implementation, but that the Agency significantly advance its ability to work on the ground with communities as a regular means of achieving its mission. Community work is essential for the Agency to advance EJ goals, since it is only when the Agency is open to, listening to, and working directly with communities and with their grassroots leadership that we can understand the environmental, public health, and other quality of life needs of communities, and thereby provide the proper assistance and response to help them address

their needs. Community work must and should be understood as being another core function of the Agency, a key business practice, in addition to other functions (e.g., regulatory development, permitting, and enforcement/compliance). EPA will build upon the many ways that programs and regions currently work with and in communities by elevating and expanding the use of coordinated and collaborative community-driven partnerships to address community priorities. EPA will leverage and coordinate its investments in communities and collaborate with partners and other external stakeholders to advance comprehensive and strategic community-driven⁸ approaches. EPA will increase annually the number of programs that have fully integrated the three Key Principles for Community Work⁹ (community-driven, coordinated and collaborative, community of practice) for more effective community work and will continue to build the number of collaborative partnerships centered on community driven priorities.

Activities:

Office of Community Revitalization (OCR) / EJ Program:

- Partner with programs and regions to define the universe of programs to be included, what qualifies as working in alignment with the Key Principles, what qualifies as an established EJ collaborative partnership, and how the data will be collected for this measure.
- Provide guidance and develop training materials along with regions and program offices on the Key Principles for Community Work and on all the definitions determining their participation in this work, for them to use to train their management and staff and use for implementation of the Key Principles.
- Provide consultation on implementing the Key Principles for Community Work, on providing support for equitable and resilient community development, and on the principles of meaningful involvement and fair treatment of communities with EJ concerns.

National Programs and Regions:

- Establish policies and procedures for integrating and implementing the Key Principles for Community Work (community-driven, coordinated and collaborative, community of practice) in core work within programs and regions.
- Provide leadership on coordinating across programmatic silos and collaborating with external stakeholders and community partners to implement the first two principles: community-driven, coordinated and collaborative.

Measures:

Percentage of EPA programs that work in and with communities in ways that are community-driven, coordinated and collaborative, support equitable and resilient community development, and provide for meaningful involvement and fair treatment of communities with environmental justice concerns.

Number of established environmental justice collaborative partnerships utilizing the Key Principles for Community Work (community-driven, coordinated, and collaborative).

Program Priority: *EPA's implementation of environmental justice and civil rights compliance*

⁸ In the context of this measure, the principle of “community-driven” is when EPA works with active community members, organizations, and their leadership to address their priority concerns in decision-making processes to improve their environment, public health and overall quality of life.

⁹ The “Key Principles for Community Work” were developed as an outcome of many years of experience of EPA working in and with communities. These principles are recognized as being essential for advancing environmental justice in vulnerable and underserved communities.

Area Title: *Integrating environmental justice considerations and achieving civil rights compliance in EPA's work*

Integrating EJ and ensuring compliance with civil rights requirements are responsibilities held by every employee of every program at EPA. To center EPA's mission on advancing equity, justice, and civil rights, all Agency policies, programs, and activities must include integration of EJ considerations and compliance with civil rights and do so accountably and transparently to support efforts by coregulatory partners. Given the unique nature of EPA's Strategic Goal 2 and the need to integrate EJ and civil rights across and throughout all of EPA's efforts, to the extent they have not done so already, each NPM and region will have crafted EJ and civil rights implementation plans in FY22 to ensure alignments between commitments in Goal 2 and those of all other *FY 2022-2026 EPA Strategic Plan* goal areas.

Long-Term Performance Goal: By September 30, 2026, all EPA programs and regions will identify and implement areas and opportunities to integrate environmental justice considerations and achieve civil rights compliance in their planning, guidance, policy directives, monitoring, and review activities.

Strategy:

To advance EJ and civil rights compliance, EPA must prepare and provide clear guidance and expectations, program by program. This will move EPA forward in fully integrating these practices into the work of the Agency. Having clear guidance available publicly will also assist Tribal, state, territorial, and local governments to integrate EJ and civil rights compliance into programs, policies, and activities. By doing this, EPA will also help ensure that our obligations to integrate EJ considerations and civil rights law extend outside of EPA's actions to those entities which hold our delegated authorities and receive funding from EPA.

Activities:

EJ Program and External Civil Rights Compliance Office:

- Provide consultation to programs and regions on executing the actions contained within their EJ and civil rights implementation plans that were completed by each region and program in FY22.
- In partnership with programs and regions, establish clear expectations to ensure EJ considerations and civil rights compliance activities are integrated in all planning, guidance, policy directives, monitoring, and review activities.
- Provide capacity building and training resources on what it means to consider EJ and to comply with civil rights requirements to EPA staff, communities, and external partners.

External Civil Rights Compliance Office:

- Provide clear guidance regarding recipients' legal obligations to have in place procedural safeguards in their nondiscrimination programs.
- In the 4th Quarter of FY 2023, ECRCO will clarify and strengthen civil rights policy guidance about what states and other recipients need to do to identify and address adverse disparate impacts, including how cumulative impacts are evaluated within the disparate impacts analysis.

National Programs and Regions:

- In FY23, begin implementation of the EJ and external civil rights compliance implementation plans that were completed in FY22.

- Publish EJ and external civil rights compliance implementation plans for transparency, accountability, and for engaging and collaborating with external partners.
- With guidance and assistance provided by OEJ and ECRCO, establish a process to ensure EJ considerations and civil rights compliance activities are integrated in all planning, guidance, policy directives, monitoring, and review activities, as appropriate.
 - Examples might include:
 - Program office inclusion and strengthening of nondiscrimination prohibitions into environmental law guidance and rulemaking.
 - Regional office review of and recommendations on state permitting actions, as well as EPA's own permitting actions.
 - Including the practice of screening for equity and EJ in all analysis and review activities.
- Update, as appropriate, all applicable policy/guidance documents to include EJ considerations and civil rights compliance requirements when undergoing updates or as new documents are crafted.

Measures:

Percentage of EPA programs and regions that have identified and implemented opportunities to integrate environmental justice considerations and strengthen civil rights compliance in their planning, guidance, policy directives, monitoring, and review activities.

Percentage of EPA regions and national programs that have established clear implementation plans for Strategic Goal 2 commitments relative to their policies, programs, and activities and made such available to external partners.

Program Priority: *Meaningful language access to EPA programs and activities*

Area Title: *Language access for persons with limited-English proficiency to EPA programs and activities*

Fundamental to both achieving EJ integration and civil rights requirements applicable to the conduct of EPA's activities is to ensure that language never poses a barrier to the full and meaningful participation of individuals in EPA decisions and program implementation.

Long-Term Performance Goal: By September 30, 2026, all EPA programs and regions will implement program and region-specific language assistance plans.

Strategy:

Determine what programs and activities of EPA program and regional offices interact with, affect, and/or provide information to the public, and will need to develop plans and procedures, consistent with [EPA Order 1000.32](#) "Compliance with Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency". This Order outlines the necessary steps for the Agency to provide meaningful language access to persons with limited-English proficiency, including through the use of EPA's centrally administered LEP Language Services Contract.

Activities:

External Civil Rights Compliance Office:

- Provide technical assistance to programs and regions on developing language assistance plans.
- Develop model program/office specific LEP plans and procedures (one for program offices and one for regional offices) consistent with EPA Order 1000.32.
- Provide consultation to programs and regions on developing language assistance plans.

- Work across the Agency to identify appropriate resources to support these activities.

National Programs and Regions:

- Develop program or region-specific plans and procedures, consistent with EPA Order 1000.32 "Compliance with Executive Order 13166".
- Ensure that every EPA community outreach and engagement activity considers the needs of community members with limited English proficiency and that EPA secures the language services necessary to provide "meaningful access" to EPA programs and activities for individuals with limited English proficiency.

Measure:

Percentage of EPA programs and regions that have implemented program and region-specific language assistance plans.

Program Priority: *Meaningful access to EPA programs and activities for persons with disabilities*

Area Title: *Access for persons with disabilities to EPA programs and activities*

EPA must be fully accessible and transparent to all persons in the United States, including persons with disabilities. Similar to ensuring that language never poses a barrier to participation, EPA also must ensure that all Agency decisions and programs are fully accessible to person with disabilities.

Long-Term Performance Goal: By September 30, 2026, all EPA programs and regions will implement program and region-specific disability access plans.

Strategy:

Determine what programs and activities of EPA program and regional offices interact with, affect, and/or provide information to the public and will need to develop office-specific plans and procedures for ensuring meaningful access for persons with disabilities, consistent with FY 2023 EPA Order on Ensuring Meaningful Access for Persons with Disabilities to EPA Conducted Programs and Activities.

Activities:

External Civil Rights Compliance Office:

- In FY 2023, ECRCO will implement a program for meeting EPA's regulatory obligation as well as commitments under EPA's Equity Action Plan (Priority Action #3) to provide meaningful access to EPA sponsored programs and activities for persons with disabilities.
- ECRCO will develop Draft EPA Directive/Order: Section 504 Procedures for Ensuring Meaningful Access for Persons with Disabilities to EPA Programs Services and Activities, to ensure a clear, consistent, and well-coordinated process for ensuring meaningful access for persons with disabilities.
- EPA and ECRCO will engage internal EPA stakeholders, including EPA regional and program offices in the development of the EPA draft directive.
- ECRCO will seek meaningful input from external stakeholders in the development of the directive, including for implementing a fair and prompt public complaint process.
- ECRCO will identify all necessary resources, including contractual vehicles, EPA must put in place to ensure consistent EPA-wide provision of needed services, or "reasonable accommodations," for persons with disabilities.
- ECRCO will finalize EPA Directive/Order: Section 504 Procedures for Ensuring Meaningful Access for Persons with Disabilities to EPA Programs Services and Activities.

- ECRCO will develop and plan for training, communication, and socialization of the Order, along with its implementation.
- ECRCO will provide assistance to the national program and regional offices and a "model" plan to allow all national program and regional offices so they can develop their own office-specific disability access plans.

National Programs and Regions:

- Once the framework for this program has been established by ECRCO, develop office-specific plans and procedures for ensuring meaningful access for persons with disabilities.
- Ensure that every EPA community outreach and engagement activity considers the needs of persons with disabilities and that EPA provides persons with disabilities needed reasonable accommodations and appropriate auxiliary aids and services.

Measure:

Percentage of EPA programs and regions that have implemented program and region-specific disability access plans.

Objective 3: Strengthen Civil Rights Enforcement in Communities with Environmental Justice Concerns:

Strengthen enforcement of and compliance with civil rights laws to address the legacy of pollution in overburdened communities.

Program Priority: *Civil rights compliance by decision makers that receive EPA financial assistance*

Area Title: *Post-award affirmative compliance reviews*

To address the legacy of pollution in overburdened communities that results from discriminatory actions, whether direct or indirect, intentional or by their effect, EPA must use the full extent of its authority and resources to vigorously enforce the federal civil rights law based on race, color, national origin, sex, disability, or age. EPA is required by law to ensure EPA financial assistance is not being used in a manner that discriminates and as detailed in Goal 2 of the Strategic Plan, EPA seeks to ensure that the actions of EPA recipients don't subject already overburdened communities to further harm on the basis of race, color, national origin, sex, disability or age. Robust enforcement of civil rights law coupled with EPA's EJ efforts provide EPA with the strongest ability to address disparities on the basis of race, color, national origin, and other characteristics such as disability in exposure to pollution.

Long-Term Performance Goal: By September 30, 2026, initiate 45 proactive post-award civil rights compliance reviews to address discrimination issues in environmentally overburdened and underserved communities.

Strategy:

Develop and implement a systematic approach to ensuring compliance with federal civil rights laws, which includes clarifying expectations to recipients and other stakeholders, systematically reviewing pre-award 4700-4 forms, and conducting post-award affirmative compliance reviews.

Activities:

External Civil Rights Compliance Office (ECRCO):

- In FY 2023, conduct 1 or more compliance reviews to determine compliance with Title VI, with the number depending on complexity and resources.
- Conduct and complete additional compliance reviews to determine compliance with Title VI, as well as other federal civil rights laws and EPA’s nondiscrimination regulation in each FY going forward, as resources allow.
- Develop a plan, to initiate a target number of systematic (i.e., regularly planned) compliance reviews each year, which contains criteria for identifying annual priority areas of focus and selecting sites for compliance reviews, along with a process for meaningfully engaging with impacted communities and other internal and external stakeholders and partners, including EPA programs and regions.

National Programs and Regions:

- Assist ECRCO in identifying programs for potential compliance reviews and provide input to the plan development containing criteria for identifying annual priority areas of focus and selecting sites for compliance reviews.
- Regions assist ECRCO in conducting initiated compliance reviews with respect to programs identified in particular states within a Region.

Measure:

Number of proactive post-award civil rights compliance reviews initiated annually in environmentally overburdened and underserved communities.

Program Priority: *Proactive external civil rights compliance*

Area Title: *Compliance with nondiscrimination procedural requirements in EPA’s pre-award review process*

To change the landscape of civil rights compliance, recipients of EPA financial assistance must first ensure they have in place the most fundamental of procedural civil rights nondiscrimination programs. This means that they provide policies and programs where the public can bring discrimination grievances directly to local and state authorities to challenge alleged discriminatory actions and that they have nondiscrimination coordinators to oversee those processes to ensure they are fair and equitable. In addition, recipients of EPA financial assistance must have in place the policies and procedures to ensure meaningful access for persons with limited English proficiency and persons with disabilities.

Long-Term Performance Goal: By September 30, 2026, complete 305 audits to ensure EPA financial assistance recipients are complying with nondiscrimination program procedural requirements.

Strategy:

Revise the process for reviewing Form 4700-4 and ensuring compliance with procedural safeguards requirements by applicants selected for funding for competitive and noncompetitive funding by EPA program offices.

Activities:External Civil Rights Compliance Office:

- Implement modifications to Pre-Award Review (Form 4700-4 review) process, including “four-corners review” of the Form 4700-4, to determine whether the answers indicate compliance and, based on certification from the applicant, truthfulness and accuracy; as well as a review mechanism through post-award audits based on a sampling of submitted Form 4700-4 forms to ensure recipients have in place the required federal civil rights program requirements.
- Issue guidance to recipients to clarify the expectation that EPA recipients come into compliance with procedural safeguards requirements.
- Provide technical assistance and training to recipients, including through proactive initiative working with EPA regions and states in those regions to facilitate implementation of procedural safeguards and best practices.

National Programs and Regions:

- Along with ECRCO, OGD and regions implement modifications to Pre-Award Review (Form 4700-4 review) process.
- Regions help facilitate engagement with ECRCO on proactive initiative working with states to implement procedural safeguards and best practices.
- EPA program and regional offices recognize and address issues with procedural safeguards that arise as they implement responsibilities under environmental laws, such as their permit review responsibilities.

Measure:

Number of audits completed to ensure EPA financial assistance recipients are complying with federal civil rights laws.

Program Priority: Meaningful and regular opportunities to converse with and listen to communities

Area Title: Information exchange on EPA’s environmental justice and civil rights work

EPA’s decisions must be based upon the realities experienced by members of communities with EJ and civil rights concerns. As part of the foundation of EJ integration and civil rights compliance, EPA must provide meaningful and regular opportunities to share information directly with communities, hear from their members about priorities, and provide regular updates and follow-through on how such dialogue affects our thinking to better meet the needs of overburdened and vulnerable communities.

Long-Term Performance Goal: By September 30, 2026, complete 84 information sharing sessions and outreach and technical assistance events with overburdened and underserved communities and environmental justice advocacy groups on civil rights and environmental justice issues.

Strategy:

Enhance communication and engagement with environmentally overburdened and underserved communities to meaningfully inform and identify concerns and priorities for EPA’s EJ and civil rights work. Increased information sharing and outreach will establish and imbed a continuous and transparent pathway for open dialogue between EPA and communities.

Activities:External Civil Rights Compliance Office / EJ Program:

- Develop and adapt content that can be used for sessions, outreach, and technical assistance.
- Partner with regions to ensure events are targeting and reaching intended audiences and utilizing the principles of meaningful community engagement.
- Ensure information is accurate, current, and delivered transparently.
- Deliver information sharing sessions, outreach, and technical assistance events with overburdened and underserved communities and EJ advocacy groups on civil rights and EJ issues increase incrementally through FY 2026. Building on the 8 targeted for completion in FY 2022, the target is to complete 12 in FY 2023; 17 in FY 2024; and 22 in FY 2025, for a total of 84 from FY 2022 through FY 2026.

National Programs and Regions:

- Provide coordination and support to ECRCO/EJ Program as needed to ensure meaningful engagement in communities with EJ concerns.

Measure:

Number of information sharing sessions and outreach and technical assistance events with overburdened and underserved communities and environmental justice advocacy groups on civil rights and environmental justice issues.

SECTION III. IMPLEMENTING TRIBAL WORK

This section provides a broad overview of how work under Strategic Goal 2 will focus on increasing benefits and addressing disproportionate impacts on tribes and indigenous peoples through meaningful engagement and capacity building.

The 1984 EPA Indian Policy (EPA Policy for the Administration of Environmental Programs on Indian Reservations) provides the framework for EPA's relationship with federally recognized Indian tribes (Tribes) and identifies the mechanisms EPA uses to directly implement environmental programs in Indian country under federal environmental laws. EPA continues to embrace and promote the principles found in the 1984 EPA Indian Policy and work to incorporate the principles into the media-specific priorities, goals, and measures that EPA implements. This approach helps EPA ensure that tribes are provided the opportunity to build the capacity to implement programs on their own and/or meaningfully participate in the Agency's policy making, standard setting, and EPA direct implementation activities under federal environmental statutes that may affect their interests.

Goal 2 includes three objectives that focus EPA on: (1) increasing the capacity of tribes, states, and communities working to address EJ and civil rights concerns; (2) embedding EJ and civil rights, as appropriate, in the Agency's core work, including direct implementation in Indian country; and (3) strengthening civil rights enforcement in communities overburdened by pollution. As part of the FY 2023 - 2024 National Program Guidance efforts, many performance measures under this goal point to increasing the capacity of tribes and other partners as stated in Objective 1 above. In particular, one performance measure aims at including commitments to address disproportionate impacts in written agreements between EPA and states and tribes implementing delegated authorities.

SECTION IV. FLEXIBILITY AND GRANT PLANNING

This section provides an overview of ways to incorporate EJ and civil rights compliance into grant guidance, grant awards, and grant work planning.

The Office of Environmental Justice and External Civil Rights Compliance Office do not have grant programs eligible for Performance Partnerships Grants. However, the Administration's priorities emphasize the importance of national programs, headquarters, and regional offices ensuring that EJ, equity, civil rights compliance, and tackling climate change considerations are included in the development of grant guidance and work plans, and the grant award process, to the maximum extent practicable. There are several ways to accomplish this, including:

- Incorporating EJ considerations, equity, civil rights, and climate change considerations into competitive grant solicitations and evaluating how well applications address them and including commitments in work plan activities.
- Requiring states and other recipients of non-competitive grants to integrate EJ considerations, civil rights, and climate change considerations in their work plan activities.
- Ensuring that grant applicants selected for awards, as applicable, are in compliance with their civil rights obligations and requirements as part of the grant award process and will remain so during the life of the grant.

We expect EPA and its grant partners to incorporate EJ, equity, civil rights, and climate change considerations in work plan activities to the maximum extent practicable. For discretionary competitive programs this could be done through the competitive solicitation process. For discretionary non-competitive programs this could be done through the Merit Review checklists that were developed in 2020/2021. For nondiscretionary programs this will be done as appropriate. We also expect grant applicants, as applicable, to meet their civil rights requirements and obligations as part of the grant award process and comply with these requirements during grant performance.

SECTION V. FY 2023 NATIONAL PROGRAM MEASURES

EPA’s Strategic Goal 2’s measures were structured to provide transparency and accountability across the three main areas wherein EPA looks to advance EJ and civil rights compliance: support and engagement for communities; full integration within EPA’s policies, programs, and activities; and support for integration of the same by Tribal, state, territorial, and local governments. These three areas build upon strategic efforts and priorities in previous EJ strategic plans such as Plan EJ 2014 and the EJ 2020 Action Agenda. These three priority areas and the individual commitments contained therein also align with the constant feedback the Environmental Justice and External Civil Rights programs have received throughout decades of engaging external stakeholders including the advice and recommendations received throughout nearly three decades of the National Environmental Justice Advisory Council (NEJAC).

FY 2023 National Program Guidance Measures				
SUBJECT AREA (OPTIONAL)	BFS CODE (OPTIONAL)	MEASURE TEXT	FY 2023 NATIONAL PLANNING TARGET (OPTIONAL)	COMMENTS/CLARIFICATION
	EJCR01	Percentage of EPA programs that seek feedback and comment from the public that provide capacity-building resources to communities with environmental justice concerns to support their ability to meaningfully engage and provide useful feedback to those programs.	40	
	EJCR02	Percentage of EPA programs utilizing extramural vehicles to compensate organizations and individuals representing communities with EJ concerns when engaged as service providers for the Agency.	75	
	EJCR03	Percentage of environmental justice grantees whose funded projects result in a governmental response.		
	EJCR04	Percentage of written agreements between EPA and states and tribes implementing delegated authorities that include commitments to address disproportionate impacts.	25	
	EJCR05	Percentage of state-issued permits reviewed by EPA that include terms and conditions that are responsive to environmental justice concerns and comply with civil rights obligations.		

SUBJECT AREA (OPTIONAL)	BFS CODE (OPTIONAL)	MEASURE TEXT	FY 2023 NATIONAL PLANNING TARGET (OPTIONAL)	COMMENTS/CLARIFICATION
	EJCR06	Percentage of elements completed by state recipients of EPA financial assistance toward having foundational civil rights programs in place.	40	States will contribute to the results.
	EJCR07	Percentage of EPA national program and regional offices that extend paid internships, fellowships, or clerkships to college students from diverse backgrounds.	50	
	EJCR08	Percentage of significant EPA actions with environmental justice implications that respond to environmental justice concerns and reduce or address disproportionate impacts.	40	
	EJCR09	Percentage of programs that have developed clear guidance on the use of justice and equity screening tools.	100	
	EJCR10	Percentage of EPA programs that work in and with communities that do so in ways that are community-driven, coordinated and collaborative, support equitable and resilient community development, and provide for meaningful involvement and fair treatment of communities with environmental justice concerns.		
	EJCR11	Number of established EJ collaborative partnerships utilizing the Key Principles for Community Work (community-driven, coordinated, and collaborative).		
	EJCR12	Percentage of EPA programs and regions that have identified and implemented opportunities to integrate environmental justice considerations and strengthen civil rights compliance in their planning, guidance, policy directives, monitoring, and review activities.	30	
	EJCR13	Percentage of EPA regions and national programs that have established clear implementation plans for Goal 2 commitments relative to their policies, programs,	100	

SUBJECT AREA (OPTIONAL)	BFS CODE (OPTIONAL)	MEASURE TEXT	FY 2023 NATIONAL PLANNING TARGET (OPTIONAL)	COMMENTS/CLARIFICATION
		and activities and made such available to external partners.		
	EJCR14	Percentage of EPA programs and regions that have implemented program and region-specific language assistance plans.	60	
	EJCR15	Percentage of EPA programs and regions that have implemented program and region-specific disability access plans.	60	
	EJCR16	Number of proactive post-award civil rights compliance reviews initiated in environmentally overburdened and underserved communities.	6	
	EJCR17	Number of audits completed to ensure EPA financial assistance recipients are complying with federal civil rights laws.	75	
	EJCR18	Number of information sharing sessions and outreach and technical assistance events held with overburdened and underserved communities and environmental justice advocacy groups on civil rights and environmental justice issues.	12	

SECTION VI. CONTACTS

Contact Name	Subject/Program Area	Phone	Email
Matthew Tejada Chitra Kumar Rebecca Huff	Environmental Justice	(202) 564-8047 (202) 564-2232 (202) 564-2527	tejada.matthew@epa.gov kumar.chitra@epa.gov huff.rebecca@epa.gov
Lilian Sotolongo Dorka Kurt Temple	External Civil Rights Compliance	(202) 564-9649 (202) 564-7299	dorka.lilian@epa.gov temple.kurt@epa.gov
Surabhi Shah Sheila Lewis	Community Work	(202) 564-3833 (202) 564-0152	shah.surabhi@epa.gov lewis.sheila@epa.gov