

Data Quality Record for Emergency Response and Removal Exercises Incorporating Environmental Justice Long-Term Performance Goal

Long-Term Performance Goal Text: By September 30, 2026, ensure that 40% of annual emergency response and removal exercises that EPA conducts or participates in incorporate environmental justice.

Corresponding Annual Performance Goal: Percentage of emergency response and removal exercises that EPA conducts or participates in that incorporate environmental justice.

Goal Number/Objective: Goal 6/Objective 6.3

NPM Lead: Office of Land and Emergency Response (OLEM)

1a. Purpose of Long-Term Performance Goal:

The intent of incorporating environmental justice (EJ) into emergency response and removal (ER&R) exercises is to afford communities with EJ concerns the same degree of protection from oil discharges and hazardous substance releases as other communities. This long-term performance goal (LTPG) tracks the percentage of emergency response and removal exercises that EPA conducts or participates in that incorporate environmental justice. Communities with EJ concerns often experience unique challenges and burdens when dealing with an oil discharge or hazardous substance release. A positive trend will convey an increasing percent of ER&R exercises EPA conducted and/or participated in that incorporate EJ which is the desired outcome.

1b. Performance Measure Term Definitions:

ER&R exercises: This LTPG tracks the number of ER&R exercises conducted/participated in annually (both on-site and virtual), including, but not limited to:

- (1) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and other exercises, which are exercises specific to CERCLA requirements/contaminants or other hazardous substances, that EPA conducted or participated in. These can include participation in exercises conducted or participated in with Local Emergency Planning Committees (LEPCs) or Risk Management Plan (RMP) facilities with emphasis on CERCLA hazardous substance releases;
- (2) Oil spill preparedness exercises EPA conducted or participated in, including Government-Initiated Unannounced Exercises (GIUEs);
- (3) Homeland Security exercises in which EPA participated; and
- (4) Federal Emergency Management Agency (FEMA) exercises in which EPA participated.

Exercise: This follows FEMA's definition of exercises help build preparedness for threats and hazards by providing a low-risk, cost-effective environment to:

- (1) Test and validate plans, policies, procedures, and capabilities; and
- (2) Identify resource requirements, capability gaps, strengths, areas for improvement, and potential best practices.¹

¹ <https://www.fema.gov/emergency-managers/national-preparedness/exercises#:~:text=Exercises%20help%20build%20preparedness%20for,improvement%2C%20and%20potential%20best%20practices>

FEMA's Homeland Security Exercise and Evaluation Program (HSEEP), January 2020, further explains different types of exercises, and may be used to guide additional clarification, as needed.²

Environmental Justice: Environmental justice (EJ) is 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.

Fair treatment: Suggests that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or policies.

Meaningful involvement means:

- People have an opportunity to participate in decisions about activities that may affect their environment and/or health;
- The public's contribution can influence the regulatory agency's decision;
- Community concerns will be considered in the decision-making process; and
- Decision makers will seek out and facilitate the involvement of those potentially affected.³

Incorporate environmental justice: This LTPG tracks the number of emergency response and removal exercises that EPA conducts or participates in that incorporate solutions to or address environmental justice challenges. The following mechanisms will be used to incorporate solutions to or address environmental justice challenges in exercises: involving facilities in locations that impact communities with EJ concerns; including an entity with EJ concerns as a participating organization; including EJ concerns or communities in the exercise scenario; or including scenario injects that incorporate EJ concerns or entities. Incorporating solutions to or addressing EJ challenges includes addressing language, mobility, or financial barriers or engaging community-based leadership. Determining whether a location has environmental justice concerns is currently conducted by utilizing EJ screen parameters, with the expectation that Council on Environmental Quality will provide new tools and definitions for disadvantaged communities for Agencies to use.

1c. Unit of Measure:

The percentage of annual ER&R exercises.

2a. Data Source:

EPA regional and national program offices are the primary source of data and OLEM's Office of Emergency Management's (OEM) Oil Database is the database of record for the oil program. EPA regional and national program offices report data to the system. OEM's Preparedness and Response Operations Division (PROD) stores other exercise (including some non-GIUE oil exercises) data in a SharePoint Excel file that is updated by the regional offices. OEM PROD pulls this data annually by

² <https://www.fema.gov/sites/default/files/2020-04/Homeland-Security-Exercise-and-Evaluation-Program-Doctrine-2020-Revision-2-2-25.pdf>

³ <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>

calendar year. OEM's Regulations Implementation Division (RID) pulls data from the Oil Database at mid-year and end-of-year for these formal reporting cycles.

EPA regional and national program offices report exercise data to PROD annually, within 45 days following the start of a new calendar year. Data are recorded in the Oil Database by EPA Regions as GIUEs are completed. GIUE data are collected at the facility-level.

2b. Data needed for interpretation of (calculated) Performance Result:

There are approximately 3,800 Facility Response Plan (FRP) facilities in the United States. 55 GIUEs were conducted/participated in during FY 2021. An additional 65 non-GIUE ER&R exercises were conducted/participated in during FY 2021. 120 ER&R exercises were conducted/participated in during FY 2021.

FY 2021 Baseline % of EJ ER&R exercises = 12.5% ((2 EJ GIUEs + 9 EJ OfCM GIUEs + 4 EJ non-GIUE ER&R exercises)/120 total ER&R exercises conducted/participated in during FY 2021)

3. Calculation Methodology:

ER&R exercises fitting the definitions in 1b and 5 are totaled. GIUE performance results are entered by EPA regions and then reported out on a national basis by OEM. The share of exercises incorporating environmental justice is calculated by taking the number of exercises that incorporate EJ, per the definition in 1b, divided by the total number of exercises.

4. Quality Assurance/Quality Controls:

OEM's National Exercise Coordinator or Acting National Exercise Coordinator collects (or directs the collection of, via contract support) the exercise data. The National Exercise Coordinator confirms regional and national program office ER&R exercise data with the regional and national program office Exercise Coordinator(s), then totals the data. The National Exercise Coordinator will confirm which exercises are and are not included against the information in this document to confirm data is being collected and aggregated consistently.

OEM RID periodically confirms GIUE data in the Oil Database with EPA regions. In addition to the Oil Database (Oil DB) User Manual which outlines data entry procedures, OEM RID provides data entry guidance to regions on monthly Oil Team calls, through periodic Oil Inspector Refresher trainings, and as questions arise to ensure national consistency.

5. Data Limitations/Qualifications:

Exercises and drills in the long-term performance goal include: Incident Management Team, Key Leadership Position, Response Support Corps, Emergency Operations Center/Regional Emergency Operations Center, and Regional Incident Coordination Team. The following exercises that fit the description in 1b are also included:

- Externally-led exercises in which EPA participates;
- Exercises for which the scenario incorporates multiple categories (e.g., CERCLA and OPA);
- Exercises for which the scenario involves chemical, biological, radiological and nuclear (CBRN) or weapons of mass destruction (WMD) (i.e., Homeland Security);

- Exercises for which the scenario category is Stafford Act/natural disaster;
- FEMA Senior Officials Exercises and National Exercise Program exercises in which EPA participates; and
- Virtual, in-person/on-site, and hybrid (virtual and in-person combination) exercises.

EPA conducts on-site GIUEs as well as virtual GIUEs (this is a new tool developed during the COVID-19 pandemic) to verify oil spill preparedness as outlined in plan-holders' site-specific FRPs. The exercise scenario for a GIUE is the small discharge scenario (2,100 gallons of oil in "waters of the United States" [WOTUS]) as outlined in the FRP regulation.

Exercises, drills, and/or trainings not included in the long-term performance goal include those which could not feasibly incorporate EJ: Water Emergency Response Team, Level A/B/C, VIPER, Incident Command Post, emergency notification, air monitoring, devolution, reconstitution, and Continuity of Operation (COOP). Also not included are:

- Exercises EPA does not participate in;
- On-Scene Coordinator Workshop and Training Weeks, including those that may also include a TTX or drill as part of the training week;
- National Response Team exercises, activation drills, or notification drills; and
- Trainings.

OEM RID does not anticipate any excluded GIUEs.

6. Technical Contact:

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7. Certification Statement/Signature:

I certify the information in this DQR is complete and accurate.

PDAA Signature Original signed by Barry N. Breen **Date** 5/19/2022