

November 27, 1996

MEMORANDUM

SUBJECT: Operating Principles for an Integrated Enforcement
and Compliance Assurance Program

FROM: Steve Herman
Assistant Administrator

TO: Addressees

The purpose of this memorandum is to transmit the attached document entitled "Operating Principles for an Integrated Enforcement and Compliance Assurance Program."

Since the 1994 reorganization of the enforcement and compliance assurance program, we have developed and implemented many new policies, programs, and initiatives. At our FY 1996 national conference, there were many discussions during which the need became apparent for a statement of general principles and a set of common definitions of terms. At the conclusion of our national conference, I announced the formation of a senior level group, chaired by OECA Deputy Assistant Administrator Michael Stahl, to develop a set of guiding principles. The Operating Principles document is the result of the group's work. I want to thank the members of this group and commend them for the fine work they have done.

I hope the Operating Principles will be useful to managers and staff of the Agency's enforcement and compliance assurance program, managers and staff of the Agency's media program offices, our state and tribal partners, and to interested external stakeholders. The Principles should help guide planning and decision making of Agency enforcement and compliance assurance personnel. I also believe they will help other Agency personnel and external stakeholders understand all of aspects of the OECA program. I urge you to take the time to read and consider the Operating Principles.

Regional briefings about the Operating Principles are being scheduled through the end of January. We want to include all enforcement and compliance assurance personnel in these briefings, as well as managers and key staff of media programs. I am requesting all regional enforcement coordinators or enforcement division directors to work with Marie Muller of my office (202 564-2431) to schedule these briefings. We are also interested in conducting briefings for headquarters media program offices, and we will schedule these in response to any requests

we receive. (These request should also go to Marie Muller.) We look forward to hearing from you about scheduling these briefings and about your reactions to the Operating Principles document.

Addressees:

Regional Administrators
Deputy Regional Administrators
Regional Counsels
Regional Enforcement Division Directors
Regional Enforcement Coordinators
Assistant Administrators
Deputy Assistant Administrators
All OECA Personnel

cc:

Carol Browner
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Attachment

OPERATING PRINCIPLES FOR AN INTEGRATED EPA ENFORCEMENT AND COMPLIANCE ASSURANCE PROGRAM

Interim Final -- 11/18/96

I. INTRODUCTION

The purpose of this document is to articulate a set of operating principles for the Environmental Protection Agency's (EPA) enforcement and compliance assurance program. This document is designed to provide program managers and staff with a set of principles which: defines each of the tools in the program; describes the appropriate use of those tools; describes our approach to measuring success; and provides a general framework for program planning and decisionmaking.

II. BACKGROUND

America's last twenty-five years of environmental improvements are attributable to a strong set of environmental laws and an insistent and enforced expectation of compliance with those laws. Preserving and building on those improvements and successfully addressing a new generation of environmental problems will require the combined and sustained efforts of all levels of government, regulated entities (both public and private), and the public. Government must target significant environmental and noncompliance problems, develop and use a range of tools to address those problems, apply its authorities in a fair and consistent manner, and measure the results of its efforts. Regulated entities are expected to obey the law and bear responsibility for prevention and correction of environmental problems. Citizens must be able to obtain information and hold industry and government accountable.

Throughout the past twenty-five years, the EPA has relied on a strong, aggressive enforcement program as the centerpiece of its efforts to ensure compliance with national environmental laws. This approach has served the nation well, and has created a culture of environmental compliance that is unsurpassed in the world. Indeed, in response to enforcement efforts a professional class of environmental managers within the regulated sector has emerged, managing people and systems oriented toward compliance and pollution prevention.

Today, we must apply a full range of approaches to motivate compliance and build on our past success. EPA has consolidated its headquarters enforcement programs and taken steps to enhance coordination and integration of enforcement implementation. Established enforcement tools have been refined and strengthened. Formal law enforcement surely will continue to be the central and indispensable element of effective governmental efforts to ensure compliance. Additional tools and capabilities for ensuring compliance have been developed. Improved measures of success are being developed and used. This document attempts to articulate a set of core principles to guide the Agency's program (Section III), define the tools and discuss the best opportunities for their use (Section IV), and provide principles about the integration of those tools (Section V).

III. CORE PRINCIPLES

1. The goal of EPA's enforcement and compliance assurance program is to bring about environmental protection through immediate, full and continuous compliance with all Federal environmental laws and requirements and to address past, present, and future threats to public health and the environment. This goal is most likely to be achieved when:
 - a) The governmental response to violations is fair, predictable and increasingly severe as the scope, duration, significance, wilfulness and economic advantage gained by violators increases;
 - b) The statutory and regulatory requirements are clearly articulated, and are widely known and understood within the regulated community;
 - c) There is no economic advantage for violators compared to those who timely comply; there is a "level playing field" and it does not pay to violate;
 - d) The regulated community sees that proactive self-disclosing and self-correcting activities are preferable to the consequences of a government enforcement action;
 - e) Awaiting governmental (or citizen) response to noncompliance results in adverse consequences significantly greater than any economic advantage gained by delaying compliance;
 - f) There is a reasonable likelihood that violations will be detected by government or others (e.g. citizens, whistle blowing employees);
 - g) Adverse governmental responses to violations are publicized and well known.
2. Because government will never be able to bring about compliance at every regulated facility through direct intervention on a facility-by-facility basis, government must maximize its effectiveness through deterrence, publicizing cases, and support of effective efforts by citizens and all levels of government. Governmental efforts must motivate and enhance the capacity and

will of the regulated community to promptly and fully comply with the law, to voluntarily and promptly disclose and correct violations before they come to the attention of government, and to respond proactively to releases of substances into the environment for which they are responsible.

3. In programs where states and tribes are delegated and/or authorized to operate and enforce federal environmental laws, there are important and complementary state, local, tribal and federal roles in enforcing and assuring compliance with such laws. The base-line or minimum federal role is described in the February 21, 1996 EPA document entitled "Core EPA Enforcement and Compliance Assurance Functions."

4. EPA is accountable to the public for its actions, and therefore will report on the amount and types of enforcement and compliance assurance activities it undertakes, measure the environmental impact and results of those activities, and assess industry performance through industry sector compliance rates.

5. These principles apply equally to the public and private sector, and with full force to requirements which ensure disclosure of vital information to the government and the public, in addition to requirements which prevent, reduce, or control pollution.

6. EPA's enforcement of site remediation laws and regulations should encourage parties that are legally responsible for responding to releases of substances into the environment to respond proactively to those releases.

IV. ENFORCEMENT AND OTHER COMPLIANCE ASSURANCE TOOLS

This section defines the enforcement and compliance tools -- civil and criminal enforcement, compliance monitoring, compliance incentives and compliance assistance -- and describes the best opportunities for their use.

A) CIVIL AND CRIMINAL ENFORCEMENT

Civil and criminal environmental enforcement have proven to be very effective tools. Such enforcement serves the following purposes:

- remedies the environmental harm caused by environmental violations and prevents future environmental harm from occurring;
- addresses conditions which may present an imminent and substantial endangerment to human health, welfare or the environment;
- addresses violations of the law and ensures that all necessary steps are taken to achieve and

maintain compliance with the applicable requirements of federal environmental laws and regulations;

- deters others from similar illegal behavior;
- "levels the economic playing field" by ensuring that those who violate the law do not enjoy an economic advantage over those who comply;
- recovers the government's costs for environmental response actions (e.g., CERCLA and OPA actions);
- implements site remediation provisions of the environmental laws.

1. Definitions and Opportunities for Use

a) **Written notices of violation.** A written notice of violation, when used alone, is best suited for minor, inadvertent, first-time violations. Under some statutes (e.g., CAA, SDWA), notices of violation are legal prerequisites to proceeding with more serious formal enforcement responses. Under other laws, such notices or warnings are not legally required and are appropriate principally where the violations at issue have little or no environmental or regulatory significance or impact on economic competition with complying firms. Oral notices of violation, which are not reduced to writing in the inspection report, are rarely appropriate as the sole enforcement response.

b) **Judicial and administrative orders, judicial and administrative penalty actions, and cost recovery actions.** EPA will address violations discovered through regular inspections, tips, complaints, or other compliance monitoring with penalty actions or orders, or both, and in the case of the significant expenditure of government funds (e.g., remediation) with cost recovery actions.

Standard civil enforcement actions take three separate forms: penalty actions, orders, and cost recovery actions. A single set of facts often requires some combination of these three, as they serve distinct purposes.

i) **Orders** (both administrative and judicial, and both unilateral and on consent) serve four purposes: 1) to return violators to compliance; 2) to ensure their continued compliance; 3) to remedy environmental harm; and 4) to keep new environmental harm from occurring. As such, orders provide legal assurance that the regulatory system will be respected in the future, that the environment will be restored, or that the environment will be protected in the future. They have some specific deterrent effect, but without penalties they will not serve as a general deterrent.

Opportunities for Use. Orders and other forms of injunctive relief are most effective in

bringing violators into compliance and ensuring their future compliance with regulatory requirements, especially if compliance is to be achieved through the implementation of a compliance schedule or similar milestones.

ii) Penalties serve to level the economic playing field, and as such EPA penalty policies usually include recapture of at least the economic benefit of noncompliance. Civil judicial and administrative penalties serve the important role of deterring violators and ensuring that noncompliers do not enjoy or gain a competitive advantage over competitors who have invested time and money in achieving compliance.

Much of the success of other tools, such as compliance assistance and compliance incentives, relies on a general expectation in the regulated community that there is a substantial risk that violations discovered by government will be the subject of enforcement actions with sanctions. Penalties can serve as an incentive to the violator to address and prevent other violations, including violations at different facilities or under different statutory requirements. Moreover, for the regulatory system as a whole to work, voluntary compliance for all facilities and entities will likely improve greatly when the regulated community expects enforcement penalties as a response to violations.

Opportunities for Use. Penalties are most effectively used for noncompliance which adversely impacts the environment, the integrity of our regulatory framework, or the "economic playing field". Penalties must be substantial enough to erase the economic gain of noncompliance, and create specific and general deterrence.

In some cases, as set out in the Supplemental Environmental Projects (SEP) policy, penalties can be mitigated in light of action taken by the violator to improve the environment directly. In such cases, penalties in combination with a SEP can address environmental harm in addition to leveling the economic playing field and serving as a deterrent.

iii) Cost recovery actions implement the principle that polluters, rather than the general public, should pay for the damage they cause and the cost of cleaning it up.

c) *Criminal enforcement.* Criminal prosecution is the strongest sanction that the government has to address violations.

While decisions whether to prosecute criminal violations of federal law rest within the Department of Justice, EPA exercises considerable influence upon such decisions through its investigation, development and referral of criminal cases. In this regard, EPA has established certain general principles to guide the operation of its criminal enforcement program, including the identification of nine specific criteria for determining whether a particular violation is appropriate for criminal investigation. (See E. Devaney, "The Exercise of Investigative Discretion", Office of Criminal Enforcement, Jan. 12, 1994.) As indicated in that document, criminal proceedings are best suited for those instances where the strong deterrent impact of criminal sanctions is especially needed, both upon the specific violator and upon the regulated

community in general. They are most often used where the conduct in question is particularly egregious, or the harm caused or threatened to public health or the environment is the most severe, or both. Criminal prosecutions are also important in those instances where those who are required by law to provide sampling results, scientific data, or other information to governmental agencies fail to do so in an accurate and timely manner, thereby impeding the ability of those agencies to fulfill their regulatory missions.

Criminal sanctions frequently can be employed to impose terms of imprisonment upon individuals and fines upon both individuals and organizations. Criminal enforcement authority can lead to settlements which include requirements for environmental restoration, restitution to government and to others for damages incurred (similar to cost recovery in civil actions), and other requirements designed to recapture economic benefit and to ensure future compliance.

B. COMPLIANCE MONITORING

1. Definition and Description

Compliance monitoring consists of actions: 1) to determine compliance with applicable laws, regulations, permit conditions, orders and settlement agreements (including remediation requirements); 2) to review and evaluate the activities of the regulated community or potentially responsible parties (PRPs) under Superfund; and 3) to determine whether or not conditions presenting imminent and substantial endangerment may exist. The most common regulatory compliance monitoring activities are surveillance, inspections, information-gathering, and record reviews. Common remediation compliance monitoring activities for work required by permit, order, or settlements include ensuring timely submissions, review of submittals for adequacy, and oversight of remediation actions. Elements of these activities include sampling, sample analysis, observations, issuance of information requirement letters or subpoenas, and ensuring data quality.¹

Compliance monitoring includes a wide range of activities in six basic categories which may overlap:

- a) **Surveillance** is generally a pre-inspection activity which consists of obtaining general site information prior to actually entering the facility. Surveillance may include such things as ambient sampling at the property line, or observations of activity at the site.
- b) **Inspections (on site)** may include sampling, observations, record reviews, interviews, etc., and have traditionally been confined to one media. EPA is currently pursuing an integrated program where multi-media inspections are performed within an entire eco-system or geographic

¹Compliance monitoring may be performed by the regulated entity as self-monitoring or self-auditing. Because this document focuses on actions which are initiated by regulatory agencies, these activities will not be further discussed here.

area, or on a facility or industry sector-wide basis.

c) Investigations are generally more comprehensive than inspections and may be warranted when an inspection or record review suggests the potential for serious, widespread, and/or continuing civil or criminal violations.

d) Record reviews may be conducted at various locations, such as at EPA's offices, at state or local offices, or at the facility, and may or may not be combined with field work. Records may be derived from routine self-monitoring requirements, citizen/employee tips, or remote sensing such as aerial photography, geophysical satellite data, infrared photography, etc.

e) Targeted information gathering may be used to provide or acquire more accurate information on the status of compliance and/or environmental conditions. A facility, business, or PRP may be required to: report information such as emission/discharge rates, the nature of a release of a hazardous substance, or the status of remediation at a Superfund site; verify the purchase, installation, and use of pollution control equipment; or submit operating logs or financial records. Information may be sought on facility or operator ownership, compliance history, sampling results, production processes or materials. Stack tests or other compliance demonstrations may be required.

2. Opportunities for Use

a) On-site inspections are most often used to determine compliance and detect violations. There are two primary methods of targeting these inspections:

i) **Neutral Inspection Scheme:** A certain randomly selected portion of regulated entities in a given category should be inspected to acquire an indication of the overall compliance rate of that class of entities. It should be noted however, that random inspection schemes may be developed according to strategies which consider such aspects as source or sector non-compliance rates, potential human health or environmental risk associated with an industry, size of business, etc. Random inspections also encourage compliance because entities do not want to be caught noncomplying.

ii) **Targeted Inspections:** EPA may inspect certain facilities to address a known, suspected or perceived risk to human health or the environment. Targets may be selected for a variety of reasons: ambient data analysis which shows a high risk; a spill or other environmental incident (for cause); a request by a state or a tribe; a response to a citizen or whistle blower tip or complaint; or to address community concerns.

b) Compliance monitoring activities can also be used after violations have been detected and an enforcement response undertaken. Inspections and other activities can be used to monitor the status of compliance with settlements or orders and thereby assess the effectiveness of specific legal actions, ensure that the original or subsequent violations are corrected and the facility

returns to compliance, and to deter and properly respond to violations of such settlements and orders.

c) Compliance monitoring may also involve remote pollution monitoring to support risk-based inspection targeting, to supplement planned inspections (such as emissions test inspections), or to document changes in emissions after an inspection or enforcement action.

C. COMPLIANCE INCENTIVES

1. Definition and Description

Compliance incentives refer to those policies that encourage regulated entities to voluntarily discover, disclose and correct violations or clean up contaminated sites before they are identified by the government for enforcement investigation or response. These voluntary compliance efforts generally fall into two categories:

a) Audit and compliance management programs that are developed and maintained by the regulated community;

b) Partnerships between government and industry, such as the Environmental Leadership Program;

These efforts require the regulated community to volunteer or participate in the discovery of violations or cleanup of past contamination.

2. Opportunities for Use

a) Combined with deterrence: Compliance incentives are more likely to encourage the regulated community to identify, disclose and correct violations before they are detected by government in an enforcement action if there is a widespread perception that taking advantage of incentives reduces the prospect of such enforcement action. EPA's experience suggests that time limits for participation and the risk of follow-up inspections can encourage a rapid response from the regulated community.

b) Preventing violations: Compliance incentives, like compliance assistance, can be effective ways to provide opportunities for companies to prevent violations and maintain a high standard of care.

c) Public recognition: EPA's compliance incentive programs and policies can also be effective ways to publicly acknowledge and recognize effective environmental management, thereby encouraging more companies to improve their environmental practices.

D. COMPLIANCE ASSISTANCE

1. Definition and Description

Compliance Assistance consists of information and technical assistance provided to the regulated community to help it meet the requirements of environmental law.² First and foremost, compliance assistance ensures that the regulated community understands its obligations by providing clear and consistent descriptions of regulatory requirements. Compliance assistance can also help regulated industries find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance assistance at EPA falls into broad categories, such as:

- a) outreach to the regulated community by EPA or through states through the use of compliance guides, seminars, information services and other means of assistance;
- b) response to requests for assistance, which may include asking EPA to determine the applicability of a particular regulation to a specific source, or more general inquiries to hotlines or information centers;
- c) on-site assistance such as compliance consultations or audits.

Compliance assistance is not a substitute for the regulated industries' responsibility to learn and comply with laws and regulations. It complements but does not replace appropriate enforcement.

2. Opportunities for Use

- a) **Compliance Education:** The most important goal of EPA's compliance assistance programs is to help regulated entities know what they are expected to do under the law and why.
- b) **New Regulations:** It is particularly important that compliance assistance support implementation of new rules. Indeed, the Small Business Regulatory Enforcement Fairness Act (SBREFA) requires the preparation of "plain-English" compliance guides to accompany any major new rules with a significant impact on small business and communities, and permits entities to cite these guides when documenting compliance in any enforcement action.
- c) **Assistance for Correcting Violations:** EPA may sometimes provide advice about correcting violations during a compliance inspection or even during the negotiation phase of an enforcement action. Advice offered in the context of an inspection or enforcement action is limited by specific policies designed to protect the integrity of the enforcement proceeding.

² Compliance assistance is distinguished from outreach or advice offered through voluntary programs like 33/50 and Green Lights which do not address legally enforceable requirements.

d) **Economies of Scale:** Compliance assistance at EPA is generally (although not always) provided to targeted groups such as trade associations or states which can supply information to individual entities in the regulated community. This "wholesale" approach reflects economies of scale appropriate to the federal government, and avoids duplicating the on-site services offered by various state programs. EPA and other parts of the federal government provide funding for the kind of on-site consultation provided by states through such mechanisms as the Section 507 grants under the Clean Air Act.

e) **Small Business/Small Community:** Small businesses and small entities are often not as well equipped to comply with environmental laws as large, sophisticated corporations, and generally should have priority in the allocation of EPA's limited resources for compliance assistance. Federal laws such as Section 507 of the Clean Air Act and SBREFA mandate specific services to small businesses and communities.

V. APPLYING THE TOOLS TO ENVIRONMENTAL PROBLEMS

The following considerations should be used in strategically selecting and applying the above tools:

1. Environmental problems are defined broadly as actual, anticipated, or suspected:

1) conditions which may harm the environment or public health; or 2) instances of noncompliance.

a) The scope of environmental problems can be macro (i.e., international, national, state) or micro (i.e., local, community, facility).

b) Environmental problems may be past, present, or future, and they may be one-time or recurring incidents.

c) Environmental problems can appear in various contexts, including, but not limited to:

- geographic locations (e.g. stretches of rivers, air basins, etc);
- communities;
- natural resources (e.g., an underground water supply);
- an industry or an industrial process;
- a company, government agency or a facility;
- a particular chemical;
- a commercial product;
- a household threat;
- an endangered species or habitat; or
- a broad ecological threat (e.g., loss of wetlands)

2. Development of response strategies should be based on an analysis of the contexts, causes

and effects of the problem, and an analysis of which tool(s) is likely to be most effective. However, environmental problems with similar circumstances should elicit consistent and fair application of the tools.

3. Development of response strategies should include consideration of all statutory authorities to determine if a single or multi-media approach might be most effective.
4. Tool selection and use is not necessarily step-wise (e.g., it is not necessary to try compliance assistance before resorting to enforcement). In many instances, one tool may solve a problem.
5. A response strategy solution may go beyond compliance, and may stimulate or compel other environmentally beneficial projects or practices.
6. As experience is gained in addressing environmental problems with these tools, regulators may redefine the problem, revise their current response strategy, or change how that tool(s) will be applied to other or future problems.

VI. COORDINATING AND/OR INTEGRATING FEDERAL, STATE, LOCAL, AND TRIBAL EFFORTS

EPA fully recognizes that it shares with all levels of government a common interest in environmental protection and compliance with environmental requirements. Indeed, under several of the core federal environmental statutes, implementation and enforcement are expressly shared by the federal, state, tribal, (and sometimes local) governments.

Coordination and/or integration of federal, state, local and tribal enforcement and compliance assurance efforts must be achieved in order to provide the most effective national environmental protection program. EPA, state, localities, and tribes each have capabilities and responsibilities unique or appropriate for their respective jurisdictions. The challenge of coordinating and integrating federal, state, local and tribal agency efforts is to build on the strengths of each, combine their capabilities and allocate responsibilities to produce an efficient and effective enforcement and compliance assurance effort.

There are at least three areas in which cooperative efforts between federal, state, local and tribal agencies foster a more cohesive and efficient approach to enforcement and compliance assurance:

1. Information sharing about environmental conditions, threats to public health, noncompliance problems, patterns or incidents of behavior, and actions planned or taken. To be effective, government entities must communicate regularly, develop common performance measures and environmental indicators, actively input information into national data systems, and use this and other information to target problems, allocate resources, and measure effectiveness.
2. Collaborative planning and targeting is also indispensable to an integrated program. EPA, states, locals and tribes should develop processes to jointly identify environmental priorities and problems worth addressing, develop strategies to address those problems, and allocate appropriate roles and responsibilities among agencies.
3. Coordinated strategies and actions can be appropriate for EPA, state, local and tribal agencies as a means for sharing work on common environmental priorities and problems. In these instances, the use of enforcement activities, compliance monitoring, and compliance incentive and assistance activities should be coordinated, with lead and support responsibilities assigned, and without relinquishing independent authorities to enforce the law.

VII. MEASURING RESULTS AND IMPACTS

A major element of EPA's approach to enforcement and compliance assurance is to improve the methods to measure success. EPA has traditionally relied almost exclusively on counting activities (e.g., enforcement actions initiated, penalty dollars assessed) as its means of measuring success. Counting these activities provides a sense of "enforcement presence" in the regulated universe and the productivity (expressed as enforcement actions) of program resources.

EPA recognizes the need for a more sophisticated and comprehensive approach to measuring success. Development and implementation of this new approach is being guided by the following principles:

1. EPA will strive to measure accomplishments for the full spectrum of enforcement and compliance assurance activities (i.e., enforcement actions, compliance monitoring, compliance assistance and incentives).
2. EPA will continue to count enforcement activities as a measure of success, but will also measure the actual results and environmental impact of these and other activities.
3. EPA will collect, analyze, and present information about: a) actions taken by regulated

parties in response to enforcement and compliance assurance activities; b) the benefits to human health and environment resulting from these activities; and c) the level of compliance in industry sectors.

4. EPA will continue to refine its measures of success to find those measures which are most meaningful for judging the effectiveness of EPA efforts and the performance of industry in achieving compliance.

5. EPA will report annually to the public on its enforcement and compliance assurance program.

**Operating Principles for an Integrated Enforcement and Compliance Assurance Program
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 21 1996

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Core EPA Enforcement and Compliance Assurance Functions

FROM: Steven A. Herman, Assistant Administrator

TO: Regional Administrators, Regions I-X

Attached is a paper outlining those essential enforcement and compliance assurance functions that must be performed by EPA to assure the protection of public health and the environment, and to assure that polluters do not gain a competitive advantage over those regulated entities that comply with federal environmental requirements. Developed in cooperation with the Regions, this paper is intended to guide the Regions in their discussions with the States on the appropriate role to be performed by EPA, including discussions related to the development and implementation of Environmental Performance Incentives. We have also attempted to incorporate lessons learned from some of the performance partnership discussions which have already taken place.

The attached statement addresses EPA's role in setting national enforcement and compliance assistance priorities, monitoring compliance, conducting enforcement, offering incentives for self-disclosure and correction of environmental violations, delivering compliance assistance, and evaluating State programs in accordance with the principles of the National Performance Partnership System. While we recognize that the implementation of these functions will continue to be a challenge, they are fundamental to our continuing enforcement and compliance assistance program.

I want to thank all of those in the Regions and at Headquarters who have worked on developing this important statement and look forward to implementing it with you in the months ahead.

Attachment

cc: Deputy Regional Administrators, Regions I-X
Regional Counsel
Regional Enforcement Coordinators
OECA Office Directors

**CORE EPA ENFORCEMENT
AND COMPLIANCE ASSURANCE FUNCTIONS**
* * * February 21, 1996 * * *

I. Introduction

- This paper is intended to guide EPA Regional offices in their discussions with States regarding EPA's essential responsibilities for ensuring compliance with environmental standards through the use of enforcement and compliance assistance tools.

- Specifically, this paper outlines EPA's core functions needed for the protection of public health and the environment and the assurance that those regulated entities who violate environmental requirements do not gain a competitive advantage over those who comply with environmental laws. These core EPA functions include setting national priorities; monitoring compliance on a national basis; assuring national consistency in the implementation and enforcement of federal environmental requirements; taking enforcement actions against corporate violators with significant noncompliance at facilities in several States, or where States do not address particular violations; offering incentives for violators to come into and remain in compliance; conducting compliance assistance for high-priority sectors and federally-implemented programs; and evaluating State performance.

II. Federal Role as Environmental Steward

- Ensure the enforceability of federal environmental regulations and provide fair notice about what regulated entities must do to comply with federal requirements.

- Ensure that national standards for the protection of human health and the environment are implemented, monitored and enforced consistently in all States.

- Foster environmental justice by assuring that environmental pollution does not disproportionately affect minorities and low income groups.

- Establish national priorities for enforcement and compliance assistance based on risk and/or national, interstate and transboundary environmental and compliance problems.

- Evaluate the effectiveness of enforcement and compliance programs and policies on a national level in achieving compliance and environmental benefits.

- Build State and Tribal capability in implementing federal environmental programs by providing clear statements of policy and guidance, and delivering technical assistance and training on new regulations and national priorities.
- Lead by example by assuring compliance and promoting pollution prevention throughout the federal sector.
- Empower the public through access to information relating to the environmental performance, including compliance status, of individual facilities and sectors.

III. Federal Role in Compliance Monitoring and Enforcement

Targeting and Compliance Monitoring

- Develop and enhance tools for States and EPA to use in identifying patterns of noncompliance and conducting risk-based targeting.
- Develop and maintain compliance monitoring systems and enforcement response policies to guide the national civil/criminal enforcement programs.

Conducting Federal Inspections and Enforcement

- Enforce in coordination with the State, as appropriate, to bring an immediate stop to illegal activities that pose actual or potential harm to public health or the environment.
- Enforce in partnership with the States or where States do not address violations:
 - against sources, including federal facilities, that pose the greatest risks to human health or the environment and/or have long-standing histories of noncompliance;
 - against companies and/or individuals who have engaged in criminal conduct;
 - to deter and prevent the creation of pollution havens and assure that those who comply with environmental requirements are not placed at a competitive disadvantage with those who violate environmental laws.
- Enforce against corporate sources with significant company-wide noncompliance in several States.
- Enforce against sources where releases to the

environment threaten the health or environment of another State or country.

- Enforce to assure compliance with federal consent decrees, consent agreements, federal interagency agreements, judgments and orders.
- Conduct multimedia inspections and enforcement at federal facilities to achieve and maintain compliance, and participate in other agencies' budget formulation.
- Enforce in non-delegated programs, partially-delegated programs, or non-delegable programs.

IV. Federal Role in Compliance Assistance and Providing Incentives

Compliance Assistance

- Develop compliance assistance materials and services tailored to promote compliance within high priority sectors, address compliance problems in federally-implemented programs, and publicize and explain new regulatory requirements.

- In delegated programs, such materials and services should be delivered by States, Tribes or other appropriate governmental entities. For national programs that are not delegated to States or Tribes and for new regulations and policies, EPA will generally develop and deliver such compliance assistance.

- Promote environmental compliance and pollution prevention in the federal sector through technical and compliance assistance activities.

Incentives for Self-Disclosure and Correction

- Promote self-policing through consistent national policies that provide incentives for self-monitoring, disclosure and correction in exchange for increased flexibility and penalty reductions.

- E.g., the Final Policy on Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations; the Interim Policy on Compliance Incentives for Small Businesses; and the Policy on Flexible State Enforcement Responses to Small Community Violations.

Foster Innovation and the "Beyond Compliance" Ethic

- Work in partnership with the regulated community and the public on a national level to pilot innovative solutions to environmental problems (e.g., Environmental Leadership Program, Project XL, Common Sense Initiative) and inform the public on the effectiveness of such programs.

V. Performance Partnership Principles for Delegated and Authorized Programs

- Consistent with the principles stated above, negotiate and implement Environmental Performance Agreements that define State and Federal responsibilities and commitments in achieving environmental goals and compliance assurance and enforcement performance measures.
- Provide appropriate oversight where needed to improve performance and strengthen programs, and for States that do not fulfill commitments in State/EPA agreements (including the Environmental Performance Agreements).
 - E.g., where EPA has information that a State lacks inspection or enforcement capacity or otherwise does not fulfill commitments in State/EPA agreements; where States fail to provide accurate and verifiable data to EPA on compliance status of facilities, effectiveness of compliance assistance activities, and the environmental benefits achieved through compliance assistance and enforcement efforts.
- Provide less oversight for delegated State programs where States are actually meeting the environmental and program performance measures of the National Environmental Performance Partnerships System. For example, under the National Performance Partnership System, we will be moving towards end-of-year reviews with selective use of real-time reviews based on State performance. This does not, of course, preclude EPA from taking individual actions consistent with the principles outlined above.

November 2000

THE "AUDIT POLICY"

Encouraging Voluntary Self-disclosure And Correction

Overview: EPA's Audit Policy provides real incentives for industry and others to voluntarily identify and correct violations by reducing, and in some cases, eliminating penalties. Between 1996, when the Audit Policy became effective, and September 1999, over 670 companies at over 2,700 facilities nationally took advantage of this cost-effective way to achieve compliance, protect the environment and reduce enforcement liabilities. During that period, over 270 companies at 1,300 facilities received gravity-based penalty mitigation under the Audit Policy. The following describes selected Audit Policy initiatives¹:

Storage Tank Emission Reduction Partnership Program (Slotted Guidepoles): This program developed in 2000 is intended to improve air quality by reducing smog-causing volatile organic compound emissions from "slotted guidepoles" expeditiously and at little or no cost for industry, as well as help companies meet their compliance obligations under the Clean Air Act. Using extensive research on emissions from "slotted guidepoles" conducted by industry, acceptable control options were developed in consultation with the American Petroleum Institute. Approximately 125 companies representing over 1,100 separate facilities agreed to identify petroleum and organic liquid storage tanks with "slotted guidepoles" and install controls within a specified time period, with additional time allowed for tanks that must be taken out of service. In return, EPA agreed to eliminate penalties for participants for any violation of the "no visible gap" standard on such tanks under Clean Air Act regulations.

Telecommunications Industry: EPA sent letters in January and May of 1998 to a number of large telecommunications corporations inviting them to consider the audit policy to resolve potential environmental concerns. The letter to senior industry officials was part of the ongoing follow up activity to the precedential settlement between EPA and the GTE Corporation in September of 1997 resulting from disclosures under the audit policy. In its letter to the telecommunications industry, EPA cited the GTE settlement (below) as a model for national companies that want to come forward to resolve multiple federal violations at one time. The telecommunications letter also was intended to heighten these companies' awareness of pertinent requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA) and the Spill Prevention Control and Countermeasure plans as required by the Clean Water Act. In response to EPA's efforts, most of the major telecommunications companies voluntarily disclosed under EPA's Audit Policy and promptly corrected over 2,000 environmental violations occurring at over 600 facilities. The Agency waived over \$6 million in gravity based penalties and collected \$178,727 representing economic benefit gained from delayed compliance. The Agency has pursued enforcement actions against two (2) large telecommunications companies based on tips

¹ Results of many these initiatives are not included in the audit policy statistics presented in the preceding discussion; EPA is in the process of compiling the FY2000 data. This data will subsequently be published in the Enforcement and Compliance Assurance FY00 Accomplishments Report.

that were generated by our initial mailing. The first was settled for more than \$600,000.

GTE: In the largest case under the Audit policy, EPA and GTE resolved 600 violations of the Emergency Planning and Community Right to Know Act (EPCRA) and the Oil Pollution Act (OPA) at 314 GTE facilities in 21 States. The EPCRA violations were for failure to notify state agencies and local fire departments of sulfuric acid filled batteries present at 229 sites, and the OPA violations were for failing to develop Spill Prevention Countermeasure and Control plans for diesel fuel, as required by the Clean Water Act. Under the terms of the settlement and the provisions of the audit policy, GTE qualified for 100 percent mitigation of the gravity portion of the penalty, paying only an economic benefit penalty of \$52,264, and brought all its sites into compliance.

Airlines Initiative: As a result of American Airlines' voluntary disclosure of violations of the Clean Air Act federal fuel standards in 1999 (below), EPA sent letters to all major domestic airlines (11) inviting them to audit and self-disclose violations. The goal was to heighten the awareness of the airline industry's environmental obligations to comply with Clean Air Act federal fuel standards, Clean Water Act stormwater and spill prevention requirements, and EPCRA emergency releases reporting. The Office of Enforcement and Compliance Assurance (OECA) also published an "Enforcement Alert." In addition, OECA informed facilities of the availability of compliance information on the Transportation Environmental Resource Center (TERC) and the Environmental Screening Checklist to assist in self-audits. Seven (7) airlines self-disclosed violations, five (5) of which were settled. OECA also initiated four (4) other investigations.

American Airlines: In 1999, EPA and AMR Corporation (American Airlines) entered into a settlement that is expected to eliminate nearly 700 tons of pollutants from the air annually. American Airlines reported the use of a high-sulfur fuel in motor vehicles at 10 major airports around the country in violation of the Clean Air Act. Under the terms of the settlement, EPA cut total penalties by more than 90 percent for violations that the airline voluntarily disclosed and promptly corrected. The company also agreed to additional pollution reduction measures at Boston's Logan Airport.

Industrial Organic Chemical Sector Compliance Incentive Program: To help facilities in the Industrial Organic Chemical sector determine compliance and resolve violations, compliance information letters were sent to 990 facilities in the 2869 SIC Code inviting them to participate in the program. The letters also mentioned the availability of EPA's RCRA Audit Protocols. The Audit Protocols were developed by the Office of Compliance as compliance assistance tools in support of EPA's Audit Policy. EPA received 51 self disclosures.

Region 5 Mini-mills: In November 1996, Region 5 initiated a pilot project to gauge environmental compliance at steel mini-mills in its area of jurisdiction. A mini-mill is a steel producing electric arc furnace shop with an associated rolling mill. Mini-mills were selected because of a recent growth of the sector, a concentration of facilities in Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin, and modifications made to the mills that may have increased pollution.

Under the initiative, the Region provided the mini-mill sector a period of six months to take advantage of the audit policy (and Small Business Policy). Companies were informed that upon the end of the six-month period, EPA or the States may begin investigations of the mini-mills to ensure the mills were in compliance with all applicable federal and State environmental laws. During the six-month period, EPA encouraged companies to share their audit results and self disclose any violations they may have found. EPA also offered assistance to requesting companies, conducted public briefings and created a Mini-Mill Home Page on the Internet for companies wanting more information about the initiative.

Out of a universe of 25 operating mini-mills in Region 5, 11 mini-mills responded and self-disclosed violations. Several enforcement actions were initiated and concluded and several cases were referred to the Department of Justice. On May 1, 1997, the Region began inspecting mini-mills that had not taken advantage of the six-month hiatus by submitting a copy of their audit and/or self disclosure.

This initiative achieved significant results. For example, the Calumet Steel case will result in reducing particulate matter by 54 percent or approximately 100 tons per year from the air.

Mini-Mill Compliance Audit Initiative: This initiative is part of a comprehensive strategy to address environmental and compliance problems at both minimills and integrated mills. This audit initiative is designed to address compliance issues at minimills that (1) have not already been addressed by the Regions or the states through inspections or ongoing enforcement actions, (2) that will not be addressed by inspections or enforcement actions during the remainder of the year, and (3) were not included in the Region V minimill initiative. The purpose of the initiative is to enhance compliance with commonly violated environmental requirements, e.g., CAA NSR/PSD, CAA opacity and fugitive emission requirements, CAA baseline testing requirements under the NSPS, RCRA storage and disposal requirements for Electric Arc Furnace dust, certain CWA requirements by helping minimills determine whether they are in compliance with environmental requirements. To encourage participation in the initiative, information regarding EPA's Audit Policy and EPA's new Audit Protocol documents was referenced in the outgoing letters. The Audit Protocols were developed by the Office of Compliance as compliance assistance tools in support of EPA's Audit Policy. In Fall 2000, letters were sent to approximately 40 mills in 19 states. EPA expects to receive self-disclosures from minimills early in 2001; several companies sent letters in the fall of 2000 expressing an intent to participate.

Compliance Audit Program for Pork Producers: On November 25, 1998, EPA and the National Pork Producers Council (NPPC) agreed to a comprehensive Clean Water Act Compliance Audit Program (CAP). The NPPC, which represents pork producers nationally, plans to have independent auditors conduct more than 10,000 of the audits nationwide to improve environmental management practices and assure compliance with the Clean Water Act. The Clean Water Act CAP provides incentives for pork producers to undertake voluntary comprehensive on-farm environment assessments by greatly reducing penalties for any Clean Water Act violations that are promptly disclosed and corrected under this program. Since its inception, EPA has entered in to a total of 232 Agreements and received 126 reports with no violations reported.

This program was developed after the NPPC approached EPA to propose an environmental assessment program for the industry. The NPPC developed a comprehensive and rigorous evaluation process for reviewing pork production facilities that is designed to assure the protection of our nation's waterways by improving environmental protection controls at pork farms throughout the United States.

This compliance audit program is the result of an agreement between EPA and the NPPC that provides reasonable incentives for pork producers without compromising EPA's and the States' ability to enforce the law consistently and appropriately. The program demonstrates how government and industry can come together to find practical and resourceful solutions for reducing waste runoff into our nation's rivers, lakes and streams.

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Office of Environmental Justice

1998 Environmental Justice Biennial Report: *Moving Towards Collaborative and Constructive Problem-Solving*



Office of Environmental Justice (OEJ)

EPA Environmental Justice Fact Sheet

National Environmental Justice Advisory Council (NEJAC)

All communities and persons across this Nation should live in a safe and healthful environment.

With these words, President Clinton issued Executive Order 12898 on February 11, 1994 to establish environmental justice as a national priority. This was the first Presidential effort to direct all federal agencies with a public health or environmental mission to make environmental justice an integral part of their policies and activities. The Order, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," focuses federal attention on the environmental and human health conditions of minority populations and low-income populations with the goal of achieving environmental protection for all communities.

In 1993, Administrator Browner made environmental justice an EPA priority. She stated that "many people of color, low-income and Native American communities have raised concerns that they suffer a disproportionate burden of health consequences due to the siting of industrial plants and waste dumps, and from exposure to pesticides or other toxic chemicals at home and on the job and that environmental programs do not adequately address these disproportionate exposures...EPA is committed to addressing these concerns and is assuming a leadership role in environmental justice to enhance environmental quality for all residents of the United States. Incorporating environmental justice into every day Agency activities and decisions will be a major undertaking. Fundamental reform will be needed in Agency operations."

ESTABLISHING AN INFRASTRUCTURE

In response to public concerns, EPA created the Office of Environmental Justice in 1992 and implemented a new organizational infrastructure to integrate environmental justice into EPA's policies, programs, and activities. A **Policy Working Group** made up of senior managers and policy analysts represents each headquarters office and region. It provides leadership and direction on strategic planning to ensure that environmental justice is incorporated into agency operations; the most active group is the **Environmental Justice Coordinators Council** which serves as the frontline staff specifically responsible to ensure policy input, program development, and implementation of environmental justice throughout the Agency. This new structure has established a clear commitment from EPA's senior management to all personnel that environmental justice is a priority.

OBTAINING STAKEHOLDER ADVICE - NEJAC

The functions of this Council cannot be performed within the Agency. This council is the first time that community, industry and state/local government groups have been brought together where a dialogue can begin to "reinvent" solutions to environmental justice problems. It is essential that such a dialogue occur. In addition, the NEJAC provides a valuable forum for integrating environmental justice with other EPA priorities and initiatives.

To ensure that the Agency would receive significant input from affected stakeholders, the NEJAC was established as a Federal Advisory Committee and chartered for two years effective 9/3/93.

The most recent rechartering will be effective until 9/3/01. During its first two years, the NEJAC Council consisted of 23 members appointed from key environmental justice constituencies, which include community-based groups; business and industry; academic and educational institutions; state and local governments; tribal governments; non-governmental organizations; and environmental groups. The NEJAC Council also had four subcommittees to help develop strategic options for EPA. Each subcommittee was comprised of approximately 12 individuals knowledgeable in the subject area, from the NEJAC Council as well as from other stakeholder organizations. These were: **Waste and Facility Siting; Enforcement; Health and Research; and Public Participation and Accountability.** In 1995 two new subcommittees were established: **Indigenous Peoples Subcommittee and International Subcommittee.** In 1998 one subcommittee was established: **Air and Water Subcommittee;** and one subcommittee was dissolved: **Public Participation and Accountability.** In 2000 a new subcommittee was established to address issues specific to **Puerto Rico.** That subcommittee will hold all of its meetings in Puerto Rico.

ACCOMPLISHMENTS

During the 1993-96 period, the NEJAC produced a number of products and provided consensus advice to help the Agency focus its environmental justice agenda. For example, the initial draft of EPA's Environmental Justice Strategy required by Executive Order 12898 was reviewed and substantive recommendations made; the Office of Solid Waste and Emergency Response's Facility Siting Criteria document was reviewed; a public forum protocol was developed and subsequently used as the model for the first Interagency Public Meeting on Environmental Justice (Atlanta, 1/19/95); in October 1997 the Model was used for the first NEJAC/EPA Enforcement Roundtable in San Antonio; the US-Mexico Border XXI program proposal was reviewed; health and research projects to identify high risk communities were developed; reviewed and commented on the Agency's enforcement and compliance work plan; and public dialogues were conducted in five major cities concerning possible solutions to urban crises resulting from loss of economic opportunities caused by pollution and relocation of businesses. In an effort to provide guidance to EPA regarding issues related to international environmental justice, the first Roundtable on Environmental Justice on the U.S./Mexico Border was held August 19-21, 1999 in National City, California. The objectives of the Roundtable were to define and trace the evolution of the national and international environmental justice issues; identify environmental justice issues on the border; provide an overview of current border programs and explore ways to address concerns; develop environmental justice border policies and identify existing enforcement and cleanup processes. Beginning with the NEJAC December 1999 meeting every NEJAC meeting will focus its attention on a specific policy issue for discussion and analysis by individual panels. The December 1999 policy issue discussed environmental justice issues related to issuing EPA permits. The May 2000 policy issue discussed community health and environmental exposure issues. Each policy meeting results in a report and recommendations to the EPA Administrator.

MEETING DATES AND LOCATION

When funds permit, meetings are held at different locations to ensure that local concerns can be expressed in the open forum provided by the NEJAC. The first meeting was held May 20, 1994 in Washington, D.C., followed by meetings in Albuquerque, NM, August 3-5, 1994; Herndon, VA, October 25-27, 1994; Atlanta, GA, January 17-19, 1995; Washington, DC, July 25-27, 1995; Washington, DC, December 12-14, 1995; Detroit, MI, May 29-31, 1996; Baltimore, MD, December 10-12, 1996; Wabeno, Wisconsin, May 13-15, 1997; Durham, NC, December 8-10, 1997 which was followed by the Enforcement Round December 11-13, 1997; a special business meeting of the Executive Council of NEJAC, Arlington, VA, February 23-24, 1998; a general session in Oakland, CA, May 31 - June 3, 1998; a general session in Baton Rouge, LA, December 7-10, 1998; a general session in Washington, DC, November 30 - December 2, 1999; and a general session in Atlanta, GA, May 23-26, 2000. The next three meetings will be held in the following locations:

Date: December 11 - 14, 2000
Where: Arlington, VA
Focus: Interagency Environmental Justice Implementation

Date: July 16-19, 2001
Where: Baltimore, MD
Focus: Pollution Prevention and Environmental Justice

Date: December 3-8, 2001
Where: Seattle, WA
Focus: Subsistence Consumption and Water Quality Standards

PUBLIC MEETINGS

The Executive Order provided for agencies to hold public meetings to receive comments, questions, and recommendations regarding environmental justice issues.

On January 20, 1995, an Interagency Public Meeting on Environmental Justice was conducted at Clark Atlanta University in Atlanta, Georgia, in conjunction with the NEJAC meeting. Ten agencies and over 350 people attended the day-long event. In addition, an estimated 1,000 people watched the evening session, which was televised via satellite to approximately 40 locations across the nation including Puerto Rico. The purpose of the meeting was to provide an opportunity for the public to share concerns and recommend changes in the federal agencies' environmental justice strategies. Extensive comments were provided by stakeholders throughout the day. All comments and responses were recorded in a transcript that is available to the public.

On December 12, 1995, the first satellite downlink during the Public Comment Period was performed during the NEJAC meeting held in Washington, DC. Two sites in Puerto Rico were able to verbally provide public comments from community groups and citizens otherwise unable to address the NEJAC. This type of communication vehicle will be explored for future public comment sessions with remote communities.

PUBLIC COMMENT PERIOD

Each NEJAC meeting has at least 2 hours for members of the public to register and make statements before the full NEJAC. The comments are recorded and maintained as a part of the public record of each meeting. Each meeting record is available to the public in Room 2224 South Oval, Ariel Rios Building, 1200 Pennsylvania Avenue, Washington, D.C. 20004. In some cases hard copies are available. Call the OEJ Information Line on 1-800-962-6215.

RENEWING MEMBERSHIP

The Federal Advisory Committee Act requires that a committee be re-chartered every two years and that membership be rotated to provide the widest participation possible by the greatest number of stakeholders. This year there was significant turnover of membership. To receive the most up-to-date information about the NEJAC, contact our web site at: <http://www.epa.gov/oeca/ej>.

MEMBERSHIP OF NEJAC

The membership is rotated to provide the greatest possible opportunity for a variety of individuals to serve on NEJAC. To ensure that all views are represented, membership is comprised of a balanced representation of the following groups:

Academia, Community Groups, Environmental Organizations, State or Local Governments, Tribal Governments, Non-Government Organizations, and Industry.

NEJAC KEY CONTACTS

Mr. Haywood Turrentine, Chair,	NEJAC
Ms. Annabelle Jaramillo, Chair,	Air & Water Subcommittee
Mr. Luke Cole, Chair	Enforcement Subcommittee
Dr. Marjelle Payton, Chair	Health and Research Subcommittee
Mr. Tom Goldtooth, Chair	Indigenous Peoples Subcommittee
Mr. Arnoldo Garcia, Chair	International Subcommittee
Ms. Vernice Miller Travis, Chair	Waste and Facility Siting Subcom.
Dr. Carlos Padin, Chair	Puerto Rico Subcommittee

For Specific Information, Call The Designated Federal Official (DFO) Named Below

SUBCOMMITTEE	DESIGNATED FEDERAL OFFICIAL
NEJAC	Mr. Charles Lee - 202-564-2597
Air & Water	Mr. Will Wilson - 202-260-5574
Enforcement	Ms. Alice Walker - 202-260-1919
Health & Research	Ms. Shirley Fute - 202-564-2607
Indigenous People	Mr. Robert Banks - 202-564-2572
International	Ms. Brenda Washington - 202-564-6781
Waste & Facility Siting	Ms. Artha Brockett - 202-260-3810
Puerto Rico	Mr. Danny Gogal - 202-564-2576
	Ms. Wendy Graham - 202-564-6602
	Mr. Kent Benjamin - 202-260-2822
	Ms. Teresta Rodriguez - 787-729-6951

INTERNET ACCESS

Information about the NEJAC is available on the Internet. To access the site, enter <http://www.epa.gov/oeca/ej>. You will be prompted to select a variety of options for information about NEJAC. You will be given an opportunity to add your name to the Office of Environmental Justice's mailing list and be able to "link" to other sites of interest.

MEETING SUMMARIES

A meeting synopsis of each meeting is available off the Internet. You can also visit the NEJAC web site to stay up to date on all activities or by calling the toll free number below:

CALL 1-800-962-6215

United States
Environmental Protection
Agency

Enforcement and
Compliance Assurance
(3103A)

EPA/300-R-96-004
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Office of Environmental Justice (OEJ)

 **EPA Environmental Justice
Implementation Plan**

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Implementation of EPA's Environmental Justice Strategy

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IMPLEMENTATION OF EPA'S ENVIRONMENTAL JUSTICE STRATEGY

Background

On February 11, 1994, President Clinton signed Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." The Executive Order required EPA and other federal agencies to develop agency-wide strategies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority populations and low-income populations. As a part of the strategy, each agency was to identify several specific projects that could be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy.

Environmental justice is one of Administrator Browner's stated top priorities. Because of its importance, EPA began developing a strategy to address environmental justice concerns prior to the signing of Executive Order 12898. EPA's action document, issued in April 1995 and entitled "Environmental Justice Strategy: Executive Order 12898" (the Strategy), was the result of nearly two years of work within the Agency and with stakeholders. The Strategy not only identified specific EPA programs, policies, and activities but also listed actions EPA will take to incorporate environmental justice into its mission.

EPA's Strategy was designed as "an initial step in an ongoing effort to integrate environmental justice objectives into the Agency's activities." The attached draft Implementation Plan supplements the Strategy by providing not only the timetable for undertaking revisions, as required by the Executive Order, but also identifies lead process owners and realistic measures of success. The Agency -- and its stakeholders-- will judge the success of its efforts by how well it carries out the Strategy and the Implementation Plan.

EPA's Commitment

The Agency is committed to ensuring that:

- ◆ *No segment of the population, regardless of race, color, national origin, or income, as a result of EPA's policies, programs, and activities, suffers disproportionately from adverse human health or environmental effects, and all people live in clean and sustainable communities.*

- ◆ *Those who must live with environmental decisions -- community residents, environmental groups, State, Tribal and local governments, businesses -- must have every opportunity for public participation in the making of those decisions. An informed and involved local community is a necessary and integral part of the process to protect the environment.*

Environmental Justice Themes

The following are several themes outlined in the Environmental Justice Strategy that are components of the objectives described in this Implementation Plan:

- ◆ The Agency is committed to ensuring active public participation of our stakeholders and to receive their input early in environmental decision-making. EPA will enhance partnerships and coordination with stakeholders, including: affected communities, Federal, Tribal, State, and local governments, environmental organizations, non-profit organizations, academic institutions (including Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), and Tribal Colleges, and business and industry. EPA will use the National Environmental Justice Advisory Council (NEJAC), their public participation models, and other outreach and communication activities along with input from other stakeholders, particularly those from affected communities, early in the decision-making process.
- ◆ Public documents and notices will be reviewed to ensure that they are concise, understandable, and accessible; published in languages other than English, in local and minority-oriented newspapers, and through electronic media, including radio and television; ensure mailing lists include the broadest possible range of stakeholder and interested parties (e.g. Tribal governments, community groups, academic institutions).

- ◆ Each EPA Office and Region will develop a system for monitoring and evaluating program improvements resulting from the integration of environmental justice, focusing on both major environmental justice projects and routine implementation of the policy by staff. *(Some Offices and Regions have already published their own plans that further describe their environmental justice activities).*

- ◆ Working with affected stakeholders, EPA will conduct research in areas where it can make the greatest contribution to environmental justice and in a manner to ensure that the Agency's environmental justice policies are based on sound science.

- ◆ EPA will incorporate on-going training and orientation programs for its personnel on environmental justice issues.

- ◆ All key efforts described in the Implementation Plan will respect the unique issues and concerns associated with Tribal governments, their members, and other indigenous communities.

This two-year Implementation Plan does not reflect final budget decisions for FY 96 or FY 97. Actions and time lines were developed assuming FY 1995 budget information. Some adjustment may be needed to reflect final Congressional authorization. Despite current budgetary uncertainties, the Agency has a strong commitment to the integration of environmental justice into all EPA policies, programs, and activities.

Format of the Implementation Plan

The Implementation Plan contains the same five mission areas as the April 1995 Strategy. They are: 1) Public Participation, Accountability, Partnerships, Outreach, and Communication with Stakeholders; 2) Health and Environmental Research; 3) Data Collection, Analysis, and Stakeholder Access to Public Information; 4) American Indian and Indigenous Environmental Protection; and 5) Enforcement, Compliance Assurance, and Regulatory Reviews. This Implementation Plan contains goals and objectives that track directly to the Strategy, with the additional elements of key efforts, measures of progress, lead organization, and dates of completion. Each of these components are explained below.

Mission Areas:

These areas demonstrate the links between Executive Order 12898, the Strategy, and this Implementation Plan. Each Mission Area contains the following:

Goals:

A goal is a condition that we are trying to achieve. In this Implementation Plan, the 16 goals, taken directly from the Strategy, are specific to the integration of environmental justice into the mission areas listed above.

Measures of Progress:

At this time, the Agency is developing a limited number of measures of progress. The purpose of these measures will be to inform the Agency and its stakeholders on how the Agency is doing under each of the 16 goal areas articulated in the Strategy and listed in this Plan. Examples of draft measures have been included in this Plan to provide a

general sense of the direction EPA is moving. The measures, once finalized, will be used to evaluate the progress EPA has made toward achieving the goals outlined in this Plan. The measures will not be used to evaluate the individual key efforts.

A number of the draft measures in this Plan assume the existence of "baseline" data; the starting point from which we will judge progress. At this time, such baseline data do not exist. The process of determining baseline data and for evaluating measures of progress has not yet been finalized. This process will be further discussed and refined with the benefit of the Agency's Environmental Justice Policy Work Group and stakeholder input. The National Environmental Justice Advisory Council (NEJAC) will initially serve as our stakeholder group during the development of measures and for eventual surveying (as outlined in some of the Plan's measures).

The Office of Environmental Justice (OEJ) will be the principal lead for evaluating the measures of progress (for the goals) outlined in this Plan. The leads designated for each key effort in the Plan will measure the success of their own activities and report to OEJ their progress in completing the key efforts. A number of regional and program offices have already developed their own, more detailed, plans that include processes for measuring progress.

As the Agency moves toward a greater reliance on environmental results or administrative outcome-type measures, the types of measures contained in this Plan will change. Measures that indicate better environmental quality

in a specific geographic community, or that reflect intended outcomes of greater and/or enhanced participation (did the involvement of stakeholder's result in a change?) may become the measures of choice.

Key Efforts:

Key efforts are specific program activities that support the completion of the objectives and goals. Specific criteria for key efforts included in this Implementation Plan are:

1) *Funding* - The program activities and projects listed under key efforts must already be funded and committed to by senior management at the EPA.

2) *Completion within two years* - Key efforts, or discrete phases of on-going efforts, must be completed by second quarter FY 97 due to reporting requirements and budget considerations.

3) *Broad representation of Agency activities* - Selected projects must represent the range, not necessarily the depth, of regional and programmatic activities in each of the goal areas.

Dates of Completion:

Self-explanatory.

Leads:

Although many key efforts represent inter-Agency or inter-Office collaborations, each key effort has a designated program or regional lead.

Lead Office Acronyms

OAR	Office of Air and Radiation
OARM	Office of Administration and Resources Management
OCEPA	Office of Communication, Education, and Public Affairs
OCR	Office of Civil Rights
OECA	Office of Enforcement and Compliance Assurance
OEI	Office of Environmental Justice
OGC	Office of General Counsel
OIA	Office of International Activities
OPPE	Office of Policy, Planning, and Evaluation
OPPTS	Office of Prevention, Pesticides, and Toxic Substances
ORD	Office of Research and Development
OSWER	Office of Solid Waste and Emergency Response
OW	Office of Water
Reg	EPA Region

Mission Area: PUBLIC PARTICIPATION, ACCOUNTABILITY, PARTNERSHIPS, OUTREACH, AND COMMUNICATION WITH STAKEHOLDERS

Goal (1) Outreach and Partnerships - To ensure their active public participation and to provide input early in environmental decision-making, EPA will enhance partnerships and coordination with stakeholders; including: affected communities, Federal, Tribal, State, and local governments, environmental organizations, non-profit organizations, academic institutions (including Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), and Tribal Colleges), and business and industry.

Measure of Progress: (Draft) 50% of stakeholders surveyed indicate that the Agency's level of effort to ensure active public participation and early input has improved.

Objectives

EPA will use the National Environmental Justice Advisory Council (NEJAC) along with input from other stakeholders, particularly those from affected communities, early in the decision-making process.

EPA will utilize public participation models, such as the one created by NEJAC, in its partnerships, and outreach and communication activities.

EPA will work to improve environmental education, training opportunities and partnerships with academic institutions, including HBCUs, HSIs, and Tribal Colleges. EPA will improve communication, education, and outreach on environmental justice issues among all stakeholders.

EPA will ensure that public documents and notices related to human health or the environment are concise, understandable to the community involved, and are made readily accessible to the public.

Whenever possible and appropriate, EPA will publish public notices for EPA public meetings in languages other than English, in local and minority-oriented newspapers, and through electronic media, including radio and television. EPA will identify a network of translators to assist in conducting public meetings.

Key Efforts

a. Develop the "NEJAC public participation model and checklist" to provide a comprehensive, easy to follow guide on how to enhance participation of stakeholders in the decision making process. Finalize, test model in a pilot, distribute, review its use by the program offices and regions, and conduct a customer service review to check effectiveness.

b. Develop an accessible data base of stakeholders in coordination with all EPA offices. Identify stakeholders, develop master list and sub-lists, and distribute lists for validation and use.

c. Continue annual funding for environmental education grants that improve teaching skills; educate the public about human health problems from environmental pollution; enhance State, local, and Tribal government agency programs; promote environmental careers; and provide education for communities and the general public.

d. Review, by the "Steering Committee," of established guidance to ensure that public documents and notice related to the environment are understandable to the affected community and are made readily accessible to the public. Additionally, environmental justice components will be added to established training for public documents development.

e. Develop a national relocation policy to describe more fully the criteria for when to conduct permanent relocations or temporary relocations as part of remedial activities under Superfund. OERR is jointly planning with the NEJAC a roundtable to acquire community comment from various sites around the Nation, has identified a relocation pilot in one Region, and is working closely with several Regions on their ongoing relocation efforts.
*Community roundtable - May 1996; Initiate Relocation Pilot - June '96, Draft National Policy - June '97.

Completion Date

3/97

3/96

9/96

ongoing

Lead

OED

OED

OCEPA

OPPE

OSWER

Mission Area: PUBLIC PARTICIPATION, ACCOUNTABILITY, PARTNERSHIPS, OUTREACH, AND COMMUNICATION WITH STAKEHOLDERS

Objectives (cont'd)	Key Efforts	Completion Date	Lead
<p>EPA will ensure mailing lists include Tribal governments and organizations, environmental justice organizations, and other interested stakeholders including schools, civic associations, local business and industry associations, and religious institutions as appropriate.</p>	<p>f. Implement EPA's Brownfields Economic Redevelopment Initiative to empower States, communities, and other stakeholders in joint efforts to prevent, assess, safely clean up, and sustainably use "brownfields," where opportunities for expansion or redevelopment are complicated by real or perceived environmental contamination. EPA plans to complete awards of 50 Brownfields pilot cooperative agreements to States, cities, towns, counties, and Tribes to test redevelopment models, direct special efforts toward removing regulatory barriers (without sacrificing protectiveness), and facilitate coordinated public and private efforts at the Federal, State, and local levels. In February 1996, EPA hosted its first Brownfields Pilots National Workshop in Washington, DC to bring together key stakeholders to identify and leverage opportunities for building on the environmental assessment, clean up, and redevelopment efforts of the Brownfields pilots</p>	12/96	OSWIER
<p>EPA will exchange information and expertise with affected stakeholders</p>	<p>g. Prepare specific demographic information for regional Superfund sites. Information will be provided to site managers and will include but not be limited to information on income levels, race and nationality, number of non-English speaking residents, and what languages are spoken. With this information on demographics around each Superfund site, site managers will be able to better target communication activities and improve efforts to get residents involved.</p>	9/96	Reg 10
<p>EPA will work to ensure that future legislation will incorporate techniques to improve public participation.</p>	<p>h. Work with other Federal agencies, the private sector, municipal government, and community groups on a variety of projects (e.g., creation of an eco-industrial park, energy efficiency retrofits for the public school system) that are designed to improve environmental quality while providing jobs and economic opportunity in poor and minority neighborhoods. This effort will be accomplished through the Vice President's Community Empowerment Board and many of the 105 Empowerment Zone and Enterprise Communities.</p>	ongoing	OPPE

Mission Area: PUBLIC PARTICIPATION, ACCOUNTABILITY, PARTNERSHIPS, OUTREACH, AND COMMUNICATION WITH STAKEHOLDERS

Goal (2) Technical Assistance -EPA will examine its current technical assistance programs for minority communities and low-income communities.

Measure of Progress: (Draft) 15 % of Agency grants awarded to minority communities and low-income communities that are exposed to disproportionately high and adverse human health or environmental effects.

Objective

EPA will administer appropriate grant programs for and provide technical assistance to partners particularly small business, community-based organizations, and Tribal governments.

EPA will exchange information and expertise with affected stakeholders.

Key Efforts

- a. Work with community groups through a grant to address the environmental health issues in the Nogales, AZ area (predominantly low income Latino communities). The project will provide environmental health workshops, a quarterly bilingual newsletter, informational hotline, monthly lupus screening clinics, and provide outreach and case management services. Work with individual community members to encourage their leadership skills and share information with friends and neighbors.
- b. Provide \$350,000 to the Rural Community Assistance Program to help improve or establish basic wastewater and water supply services in twenty four rural, minority communities around the country.
- c. Initiate a small grants program as part of Border XXI, the next phase of binational environmental planning between the U.S. and Mexico. The program will address environmental issues along the border by strengthening local capacity at the community level. For example, a grant was awarded to develop a cross-border planning mechanism to enhance long-range environmental protection of the natural resources on Kumeyaay reservation lands and to develop a water quality control plan. The grant project also involves cooperation among the Kumeyaay sister Tribes in Baja California.
- d. Continue the Office of Environmental Justice Small Grants Program and other similar Agency programs to provide assistance to community-based/grassroots organizations and Tribal governments that are working on local solutions to local environmental problems.
- e. Continue the Office of Environmental Justice Community/ University Partnership (CEJP) Grants Program to encourage collaborative projects that provide technical assistance to community organizations.
- f. Continue the 'Open Airways for Schools' program, which focuses on developing asthma management skills for students, helping parents and teachers create more supportive environments for asthmatic children, and developing activities to reduce indoor pollutants. This partnership between EPA, the American Lung Association, and Zeta Phi Beta sorority will impact children of urban, poor households with asthmatic children.

Completion Date

ongoing

Lead

Reg 9

6/97

OW

11/96

OIA

ongoing

OEJ

ongoing

OEJ

ongoing

OAR

Mission Area: **PUBLIC PARTICIPATION, ACCOUNTABILITY, PARTNERSHIPS, OUTREACH, AND COMMUNICATION WITH STAKEHOLDERS**

	Key Efforts	Completion Date	Lead
<p>Goal (3) Training - EPA will encourage State, Tribal, and local governments to work with the Federal government to achieve environmental justice goals through training and other coordinated activities.</p> <p>Measure of Progress: (Draft) 60% of EPA's training programs/materials for internal and external use, where appropriate, include discussion of environmental justice issues over the next two years.</p> <p>Objectives</p> <p>EPA will incorporate an ongoing orientation and training program for its personnel on environmental justice issues, including those related to public participation, Tribal relations, health research, and data gathering. The development of training programs will include input from stakeholders, including grassroots organizations. The training will be tailored to the needs of the Office or Region. Training kits may include: generic information on environmental justice, examples of model initiatives and projects, and public participation guidelines.</p> <p>EPA will offer training assistance to other Federal agencies and Tribal, State, and local officials on environmental justice issues.</p> <p>EPA will sponsor environmental justice seminars or workshops to focus on media-specific environmental justice activities and case examples.</p>	<p>a. Sponsor an EJ Symposium with the Maryland Dept. of the Environment, City of Baltimore, International City/County Mgt. Assoc., and several colleges and community organizations in Baltimore, MD at Morgan State University on October 21/22, 1995. The "Baltimore Symposium on Urban Environmental Justice Research and Education" created an opportunity for scientists, educators; Federal, State and local government representatives, and community leaders to discuss past and ongoing urban environmental justice research and future research needs of the Baltimore community.</p> <p>b. Work with the Lake Pontchartrain Basin Foundation (LPBF) on education and outreach activities in the Basin regarding watershed protection and lake restoration. Young children in minority communities have limited opportunity to learn about, visit or enjoy the Lake. The Foundation and the U.S. Fish and Wildlife Service co-sponsor a nature camp for youth from New Orleans inner-city areas. The event allows children to participate in environmental and educational activities focusing on the Lake. Other activities include: working with teachers in developing curriculum about the basin's environmental issues; field trips for students to the canal pumping stations and to the Lake; and field trips to New Orleans' area nature centers.</p> <p>c. Coordinate with the Denver Federal Executive Board to organize meetings, conferences, and/or training sessions with other Federal agencies in the Denver metropolitan area to provide coordination and improve awareness of EJ efforts. Topics for the meetings will include: (1) education on environmental justice issues for staff, (2) coordination of EJ research and identification of future needs, and (3) a conference on coordinating EJ activities in Indian country.</p> <p>d. Continue the Radon Education and Outreach program which provides targeted inner city communities with education about the risks from exposure to radon. Provide training for the mitigation of those risks by the community members themselves.</p>	<p>complete</p> <p>ongoing</p> <p>2/97</p> <p>ongoing</p>	<p>Reg</p> <p>Reg</p> <p>Reg</p> <p>OAL</p>

Mission Area: PUBLIC PARTICIPATION, ACCOUNTABILITY, PARTNERSHIPS, OUTREACH, AND COMMUNICATION WITH STAKEHOLDERS

Lead	Completion Date	Key Efforts
Reg 8	7/96	<p>Goal (4) Management Accountability - EPA will strengthen management accountability for environmental justice activities.</p> <p>Measure of Progress: (Draft) EPA will be able to report quantitatively and qualitatively environmental justice-related actions and outcomes it has achieved since implementation.</p> <p>Objectives EPA will reorganize to strengthen leadership and management of environmental justice activities in the Agency.</p> <p>EPA will develop a system for monitoring and evaluating program improvements resulting from the integration of environmental justice.</p> <p>Each Office or Region will develop a feedback mechanism for tracking environmental justice activities across the Office or Region, focusing on both major environmental justice projects and routine implementation of the policy by staff.</p>
OIE	3/96	<p>a. Develop a regional internal tracking system for program support activities provided by the EJ core. The system will track activities by site and note the type of involvement by EJ staff, the time frame, and the outcome of such involvement. This system will provide both a current record of ongoing EJ involvement as well as a historical record of past EJ involvement and the outcome.</p> <p>b. Develop a monitoring and evaluation program for tracking project commitments and measuring successes as part of the Implementation Plan for the EJ Strategy.</p>
OSWER OARM	complete	<p>c. Encourage Superfund contractors to promote environmental justice through the development of Environmental Justice award-fee criteria for the award-fee plans of all new Response Action Contracts (RACs). The RACs are the long-term remedial clean-up contracts placed in the regions to support the Superfund program. The Environmental Justice award-fee criteria provide monetary incentives for contractors to demonstrate a commitment to environmental justice throughout contract performance.</p> <p>d. Produce the "OSWER Environmental Justice Action Agenda" and "Waste Programs Environmental Justice Accomplishments Report" through partnership with EPA regional offices and M/JAC. These publications track program accomplishments and ensure management accountability on environmental justice issues within the solid waste and emergency response programs. * Agenda/Report - 5/95; Accountability - ongoing</p>
OSWER	*	

Lead	Completion Date	Key Efforts
OSWER	6/96	<p>Goal (5) Public Participation in Facility Siting and Permitting - A major priority for the Office of Solid Waste and Emergency Response (OSWER) is to address the siting and permitting of hazardous waste facilities that might have a disproportionately high and adverse human health or environmental effect on minority or low-income communities.</p> <p>Measure of Progress: (Draft) 30% of stakeholders surveyed indicate that the Agency's level of effort to ensure active public participation and early input has improved.</p> <p>Objectives EPA will improve public participation in siting and permitting decisions.</p> <p>Resolution of these issues is expected to focus on at least two major avenues: 1) early and ongoing public participation in permitting and siting decisions, and, 2) active participation in the Agency-wide effort to develop methodologies for defining cumulative risk from multiple sources.</p>
OSWER Reg 2	9/96	<p>a. Provide avenues for earlier and more meaningful stakeholder input into the RCRA permitting process. Promulgate the "RCRA Expanded Public Participation Rule" (12/95) to provide earlier opportunities for public involvement and expands public access to information. Revise the "RCRA Public Involvement Manual" to meet the needs of permitting agencies, facilities, and the public.</p> <p>b. Improve all EPA permitting processes through the Permits Improvement Team and the Enhanced Public Participation Task Force. Develop an "easy reference" guidance for public participation activities. Generate recommendations for more meaningful public participation. Explore a pilot project on the use of comprehensive Community Involvement Plans (CIPs) at selected facilities.</p>

Mission Area: HEALTH AND ENVIRONMENTAL RESEARCH II

Goal: (1) Research Partnerships - Working with affected stakeholders.

Measure of Progress: (Draft) 20% of Agency research plans and/or processes where appropriate that are developed with affected stakeholders.

Objectives

An early EPA priority will be to explore the dimensions of community-led research and to better integrate this model into EPA's research strategy.

EPA will explore through pilot projects the resources and strategies necessary to help train community people to be effective collaborators in the research process. This training will include such things as decision-making processes, research design, questionnaire construction, data collection, and data analysis.

EPA will work with minority communities and low-income communities under study to incorporate, to the extent practicable, their concerns and comments in EPA research design, data analysis, implementation, and information dissemination.

EPA will work with the scientific community to improve health assessments and risk assessments and incorporate environmental justice including socioeconomic issues into its policies and guidance.

EPA will support environmental justice research through (1) competitive grants to researchers examining environmental justice questions and, (2) exchange programs between EPA and non-governmental groups with a shared research agenda.

EPA will expand interagency and other intergovernmental partnerships to ensure a coordinated research strategy and the ability to target cross-disciplinary projects in affected communities.

Key Efforts

a. Present diverse community concerns and bring together community, government, and academia to address the environmental and health issues raised by individuals and neighborhood groups in the South/Southwest Philadelphia study. Johns Hopkins University School of Public Health is characterizing the state of the environment and the health of the population in the study area. The local academic community formed a Science Advisory Board to address the direction of the study and future courses of action. Community representatives will communicate from and relate findings to the neighborhoods. A team of representatives from the city, State, and Federal governments has been formed to address issues that may be quickly resolved through joint intervention.

b. Implement two pilot EJ community assessments in West Oakland and Watsonville, California. The pilot assessments are comprehensive, community-based projects where EPA will work in conjunction with other agencies and community groups to identify and address significant environmental concerns in specific "EJ communities" in the Region. The pilot projects will serve to test the implementation phases of the EJ Assessment Project.

c. Coordinate activities and capabilities within EPA and with other Federal and State environmental and health agencies to identify and address environmental health issues along the U.S.-Mexico border. This includes surveillance/monitoring, registry development, exposure/health studies, risk assessment, education, training and communication. This research effort is a model of partnership to generate better data for decision making by the community. Projects underway and future projects include a transboundary air pollution project, a FDA market basket survey, a Border-wide health and environmental survey, a surveillance evaluation system, and a study of cumulative exposure/cumulative risk from pesticides.

Completion Date

2/97

12/96

ongoing

Lead

Reg 3

Reg 9

ORD

Mission Area: HEALTH AND ENVIRONMENTAL RESEARCH

Goal: (2) Sound Science - Working with affected stakeholders, EPA will conduct research in areas where it can make the greatest contribution to environmental justice and in a manner to ensure that the Agency's environmental justice policies are based on sound science.

Measure of Progress: (Draft) The percentage of Agency EJ Key Efforts supported by and evaluated positively for good scientific methods in peer review.

Objectives

EPA, in coordination with other Federal agencies, will: collect, analyze, and maintain information on fish and/or wildlife subsistence consumption patterns, conduct research, develop methodologies, collect data, and publish guidance on the human health risks and effects associated with the consumption of pollutant-bearing fish, and wildlife. EPA will communicate the risks of those consumption patterns and work to integrate differential consumption patterns of natural resources and exposure patterns into the Agency's regulations, guidance, policies, and other activities.

EPA will continue to develop human exposure data and will address exposure in at least three main areas: methods development, model development, and monitoring data.

EPA will assess major pollution sources of high environmental risks in communities and support pollution prevention with research, as needed, to reduce risk from those sources.

EPA will evaluate the current state of knowledge in exposure and cumulative risk fields, and then identify data gaps and research needs. In particular, research needs to include diverse exposed populations in epidemiological and clinical studies, especially those population segments at high exposure.

EPA's risk characterization guidance will help communicate risks by characterizing the most important findings and conclusions. Risk characterization includes the strengths, weaknesses, and assumptions of the risk data and analysis and a comparison to other risks.

EPA will work to ensure that future legislation will be responsive to environmental justice health research and data needs.

Key Efforts

a. Find a community group to work with Asian and Pacific Islander community groups in the San Francisco Bay Area to complete Phase I of a Fish Consumption Study that will determine accurate exposure data. Phase I will concentrate on designing a scientifically sound study based on community determined goals and objectives and to develop a model of the process that involves early community input.

b. Evaluate exposures to over 150 toxic pollutants across multiple exposure pathways for the entire continental U.S. The goal of the Cumulative Exposure project is to measure the distribution of environmental exposure at the National level across demographic groups and locations. The analysis will draw on a mixture of monitoring data, and modeling for three major routes of exposure: inhalation, ingestion of drinking water and ingestion of food. Each three routes will be evaluated separately, the all three will be integrated to estimate a national distribution of multi-pathway cumulative exposure.

c. Maintain and make available for public access a national database on fish consumption advisories so that people can determine whether a particular waterbody has any advisories in place (*Complete). Provide States with guidance and technical tools to improve their ability to develop fish consumption advisories and communicate any potential health risks associated with those advisories to the public (* 7/96).

d. Contribute to the integration of environmental justice and cumulative risk into EPA activities through the "Environmental Justice and Cumulative Risk Study." The study examines two questions: 1) to what extent have environmental justice studies incorporated cumulative risk; and 2) to what extent have cumulative risk studies incorporated environmental justice? The study examines the variety of cumulative risk studies to identify the gaps in our knowledge in order to determine future research venues.

Completion Date

12/96

3/97

6/96

Lead

Reg 9

OPPE

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OPPE

Mission Area: DATA COLLECTION, ANALYSIS, AND STAKEHOLDER ACCESS TO PUBLIC INFORMATION

Goal: (1) Addressing Data Gaps - EPA will conduct an inventory of Agency's major data systems to identify uses, limitations, and gaps.

Measure of Progress: (Draft) 25% of Agency's major data systems will be inventoried to identify uses, limitations, gaps, and areas for integration.

Objectives

EPA will work to fill data gaps including those related to pollution prevention in affected communities and those identified by affected communities through interactive needs assessments.

EPA will examine, and expand, as appropriate, its databases to identify major facilities or sites, including Federal and non-Federal facilities or sites (covered by the Executive Order), that could pose a substantial environmental, human health, or economic effect on the surrounding populations.

EPA will coordinate with public health departments and other Federal agencies to improve environmental health and exposure databases.

EPA, in partnership with affected stakeholders, will:

- identify methods of combining data and performing analysis for geographical and exposure information, and will publish guidance on how to use these methods to address environmental justice.
- increase the accuracy of its locational data for major facilities or sites of potential toxic releases and environmental quality monitoring points in affected communities

Key Efforts

a. Implement ground water protection programs through the use of community volunteers. Senior Retired Volunteer Program (RSVP) members conducted the contaminant source inventory for the Well Head Protection Program (WHIP). This project gained national and international attention and the effective use of volunteers to implement ground water protection programs is now common practice in several States. The Discovery Channel featured the current University of Texas at El Paso's intergenerational AmeriCorps® project using students and RSVP members to expand WHIP activities in the Border area.

b. Work with the Maryland Department of the Environment (MDE), which is serving as the lead agency, on a fish consumption survey in the Baltimore Harbor area. Sojourner-Douglass College, a private non-profit minority college, was identified to perform public outreach services including: the collection of additional survey information from fishermen on fishing patterns; the responses/attitudes towards the current fish advisory; and to measure the success of previous outreach efforts aimed at those fishing in the harbor.

Completion Date
ongoing

Lead
Reg 6

12/96

Reg 3

Mission Area: DATA COLLECTION, ANALYSIS, AND STAKEHOLDER ACCESS TO PUBLIC INFORMATION

Goal (2) Improving Quality and Reducing Burdens of Data Reporting - In partnership with affected stakeholders.

Measure of Progress: (Draft) 50 % of affected stakeholders indicate improved accessibility and usability of EPA's major data systems.

Objectives

EPA, in coordination with other Federal agencies and State, Tribal, and local governments, will work to create effective reporting mechanisms, including electronic reporting, to minimize cumbersome or duplicative reporting requirements and to improve accuracy.

EPA will develop key identifiers, assist citizen reporting of key data elements, and facilitate analysis of human health and environmental data.

Key Efforts

a. Establish a policy for legally accepting reports through Electronic Data Interchange (EDI) and establish EDI production system for accepting the Agency's Discharge Monitoring Report.

b. Work with stakeholders to identify the data and technical requirements for establishing and implementing a standard facility ID for the regulated community. Pilot a central system to compare and manage a standard facility ID. A standard facility ID will enhance data integrity and facilitate public access to information about facilities in their communities.

Completion Date

5/96

2/97

Lead

OARI

OARI

Mission Area: DATA COLLECTION, ANALYSIS, AND STAKEHOLDER ACCESS TO PUBLIC INFORMATION

	Key Efforts	Completion Date	Lead
<p>Goal (3) Data Integration and Analysis - In partnership with affected communities and stakeholders.</p>		12/96	ORD
<p>Measure of Progress: (Draft) 40% of Agency's major data systems will be inventoried to identify uses, limitations, gaps, and areas for integration.</p>	<p>a. Collect and analyze available studies that attempt to sub-divide the population for factors associated with exposure to environmental contaminants. The report, "Exposure Factors of Specific Demographic and Ethnic Subpopulations," provides useful data for the exposure and risk assessors determining hazards to toxic substances among various U.S. subpopulations. The information supports exposure scenarios that are specific to age, region, gender, behavior, culture, and socio-economical status. The follow-up effort, "Estimating Exposures for Susceptible Populations," will recommend values for actual exposures and will supplement the factors document with additional data and sources. It will also provide an index of data.</p>		
<p>Objectives</p>			
<p>EPA will promote the use of Geographical Information Systems (GIS) to enhance identification of disproportionately affected communities.</p>	<p>b. Support an examination of environmental justice issues by the Organization for Economic Cooperation and Development (OECD) as part of a report on U.S. environmental performance. This report describes environmental justice issues relating to water supply, sanitation and waste management in the U.S. The report is being distributed to environmental stakeholders in this country and 70 countries worldwide.</p>	4/96	OIA
<p>EPA will integrate the Agency's information resource management process linking environmental priorities, data needs, and resource investments.</p>	<p>c. Develop the electronic capability to locate Tribal boundaries using geographical data. This application, used in conjunction with other data sources, improves EPA's ability to assess water quality conditions and problems on Native American lands.</p>	complete	OW
<p>EPA will collect, analyze, and disseminate data that will compare environmental and human health risks to populations identified by race, national origin, or income.</p>	<p>d. Explore the use of TRI and other data bases as tools to help protect the ground water resource in poor/minority communities. Pilots studies are ongoing in Vicksburg, MS and Alcorn State University, MS.</p>	3/97	Reg 4
	<p>e. Utilize Geographic Information System (GIS) mapping to identify low-income communities and communities of color where existing and potential sources of environmental hazard and risk are numerous; identify potential options for addressing the most significant environmental problems in these communities; and begin to address the problems in these communities through EPA action and through the involvement of other agencies with jurisdiction. Initial mapping completed.</p>	12/96	Reg 9

Mission Area: DATA COLLECTION, ANALYSIS, AND STAKEHOLDER ACCESS TO PUBLIC INFORMATION

Goal (4) Improving Public Access - In partnership with affected stakeholders

Measure of Progress: (Draft) 30% of affected stakeholders indicate improved accessibility and usability of EPA's major data systems.

Objectives

EPA will work to provide, as appropriate and practicable, direct stakeholder and user involvement in the design, implementation, and evaluation of its information systems.

EPA information systems, as appropriate and practicable, will allow two-way communication between the Agency and community information users.

EPA will produce educational materials to assist the public in their effective use of EPA data.

EPA will make available to the public, information it collects on populations surrounding major facilities or sites.

Key Efforts

a. Continue efforts to support the Lead Clearinghouse/Hotline which: collects, evaluates, and disseminates information on lead poisoning to the public; provides the public with information to make informed choices on lead exposure reduction measures or know where to seek more information; and uses multilingual ads, PSAs, technical information, and lead abatement training centers to educate the public.

b. Develop LandView, a personal computer-based, geographic analysis and reference system, which combines five EPA databases, Census economic and demographic data, and Tiger files (street address, waterways, and similar data) in a map and table form. The system is usable by communities for identifying the location of sources of potential environmental risk.

c. Establish an Internet Homepage to provide the public with information on multiple water-related issues and activities. A comment box allows for two-way communication, providing users with the opportunity to send as well as receive information.

d. Develop the Ozone Education Program in the Baltimore region where ground-level ozone has been increasing due to the rise in automobile travel miles. The Program incorporates an ozone pollution, computer-generated map, which has been broadcast over WIZ-TV (Channel 13) in Baltimore since August 7, 1995. The map is an effective means of educating the public regarding air pollution by providing an accessible, understandable representation of real-time ozone pollution levels through daily television weather reports.

e. Acquire key spatial hydrologic, critical habitat, wetland, and soils data to support analysis with GIS. Provide INTERNET access to EPA spatial data.

Completion Date

ongoing

3/95

complete

complete

7/96

Lead

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OARM

Mission Area: DATA COLLECTION, ANALYSIS, AND STAKEHOLDER ACCESS TO PUBLIC INFORMATION

Goal (4) Improving Public Access (contd.)

Key Efforts

I. Conduct a case study of the precedent setting Lorain County Pesticide Removal Site in Lorain and Elyria, OH to capture "lessons learned" in addressing environmental justice issues and use this site as a model for how environmental justice issues can be addressed. This case, which involved the cleanup of over 200 homes and the relocation of over 200 families in a predominantly minority and low-income community, addresses some of the key concerns related to environmental justice, namely, communication/public outreach, access/relocation, legal, human health, risk, social, and economic issues.

**Completion
Date**

3/96

Lead

Reg 5

Mission Area: AMERICAN INDIAN, ALASKA NATIVE, AND INDIGENOUS ENVIRONMENTAL PROTECTION

Goal: EPA will work with Federally-recognized Tribal governments, Tribal and indigenous organizations, affected native populations, the Tribal Operations Committee, and the National Environmental Justice Advisory Council to integrate the provisions of the Executive Order into EPA's environmental policies, programs, and activities.

Measure of Progress: (Draft) Given a baseline of the last three years, a 10% increase in the number of Tribal governments with developed and delegated environmental programs.

Objectives

EPA will continue to work with other Federal agencies and Federally-recognized Tribes to effectively protect and improve Tribal health and environmental conditions. These activities will include: providing outreach, education, training, and technical, financial and legal assistance to develop, implement, and maintain comprehensive Tribal environmental programs, which will undertake the remediation of environmental hazards and the development and implementation of Tribal environmental codes and Tribal-EPA Agreements to address Tribal needs, program delegations, and direct Federal implementation.

EPA will implement its programs both for American Indians and indigenous communities, recognizing the government-to-government relationship, the Federal Trust responsibility, Tribal sovereignty, treaty-protected rights, other tenets of Federal Indian law, and particular historical and cultural needs of Tribes and indigenous populations. To ensure consistency, the Office of Environmental Justice, the Environmental Justice Coordinators, the American Indian Environmental Office, the Office of Enforcement and Compliance Assurance, and the Indian Coordinators will work closely to coordinate activities.

Key Efforts

a. Develop guidance to encourage Tribes to monitor, assess, and report on water quality conditions as part of the National Water Quality Inventory. This information will help document water quality conditions and identify improvements needed to achieve Tribal goals, including unique cultural water resource uses. Support training workshops with the Native American Water Association (NAWA) to improve Tribal ability to operate and maintain drinking water systems.

b. Provide grant assistance to Tribes within the Missouri River Basin who are helping the Corp of Engineers revise the Missouri River Master Water Control Manual. MNI SOSE (Intertribal Water Rights Coalition) is assisting Missouri River Basin Tribes to enhance their protection, management, Tribal information systems, and sustainable development of natural and water resources. The project aims to strengthen cooperation between Federal, Tribal, State, and local natural resource agencies in the areas of Tribal involvement in water rights impacts, mitigation of conflicts, resource management and planning, environmental protection strategies, and training for Tribal leaders and natural resource staff.

c. Directly assist Tribes, with a grant to the University of Wisconsin-Stevens Point, to strengthen their infrastructure to manage environmental problems on Tribal lands. This effort will be accomplished by providing information to Tribes on environmental issues, assisting in training and technical assistance, and providing mechanisms for inter-governmental cooperatives. The project will create a sustainable development model and host an Inter-tribal environmental justice forum to address the unique problems of the different Tribes and produce education materials.

d. Develop, with BIA, the "Healing the Earth" American Indian Environmental Dialogue to enhance consultation between government officials and Tribal and indigenous environmental leaders on environmental definitions, goals, and program directions. The project featured a Washington conference/dialogue with several panels on American Indian/Alaska Native environmental issues, especially the spiritual/religious/cultural aspects. The proceedings were videotaped and are being incorporated into training programs.

Completion Date

complete

12/96

ongoing

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Mission Area: AMERICAN INDIAN, ALASKA NATIVE, AND INDIGENOUS ENVIRONMENTAL PROTECTION

Objectives (cont'd.)

Human health and environmental research and other activities involving Tribal and indigenous environments and communities will take into account the cultural use of natural resources. These activities will seek contributions from Tribal governments and indigenous people in order to incorporate their traditional understandings of, and relationships to, the environment.

EPA will work with other Federal agencies, Federally-recognized Tribal governments, and environmental justice advocates to develop appropriate guidance for addressing indigenous grassroots environmental justice issues and encourage public participation processes for environmental protection activities.

EPA will work with Tribal governments and indigenous populations to protect and sustain Tribal and indigenous health, environments, and resources.

Key Efforts

e. Research and analyze basic spatial/temporal information on military installations and activities in the past 50-60 years and show the basic spatial relationship between them and Alaska native villages and Tribes.

This project has four objectives: 1) develop an extensive spatial/temporal data base including: subsistence land use patterns, demographics (e.g. population centers, ethnicity), and descriptions of past and present military installations; 2) develop maps that represent the data; 3) analyze the spatial/temporal and demographic information; and 4) develop a summary of information and recommendation(s). The results should serve as the basis for future research on health problems in Alaska.

f. Promote and foster active involvement and participation by Tribes in technical training sessions on the water quality criteria and standards programs. These programs represent the basic underpinnings of all water quality protection efforts and a thorough understanding of their features is critical if they are to be adopted and effectively applied on Tribal lands.

g. Award a cooperative agreement (*12/95) to the Native American organization, Americans for Indian Opportunity, to establish a Tribal association to advise OSWER on waste issues pertinent to Tribal lands, and to provide outreach and technical assistance to Tribal governments on the subject of Brownfields redevelopment.

Completion Date

7/96

ongoing

*ongoing

Lead

Reg 10

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OSWER

Mission Area: ENFORCEMENT, COMPLIANCE ASSURANCE, AND REGULATORY REVIEW

Goal (1) Strategic Enforcement of Environmental Statutes - EPA will incorporate environmental justice concerns into its program for ensuring compliance with Federal environmental requirements at both private and Federal facilities. The Agency will review and revise as needed significant policy and guidance documents to address environmental justice issues. A major feature of this approach will be to ensure that EPA's enforcement and compliance assurance activities include a focus on minority communities and low-income communities which suffer from disproportionately high and adverse human health or environmental effects. EPA will use, as appropriate, the full range of tools available to it to correct noncompliance in such communities. EPA will ensure that Memoranda of Agreement between Headquarters and Regional offices reflect environmental justice activities and will include environmental justice as a specific component of program reviews.

Measure of Progress: (Draft) 20% of enforcement cases and/or compliance activities that are initiated or completed involve minority communities and/or low-income communities.

Objectives

EPA will include in its enforcement efforts identification of communities and populations, such as low-income urban and rural populations which suffer from disproportionately high and adverse human health or environmental effects. EPA will work to ensure that inspection and enforcement actions are sufficient to address those effects.

EPA's focused efforts will use the most current demographic information (using Geographic Information System mapping techniques), Toxics Release Inventory data, media specific and multi-media data, community reports, and relevant health statistics.

Key Efforts

a. Work with the Technical Enforcement Program and the Case Screening Committee to assure incorporation of EJ considerations into the full range of Region 8 enforcement activities. The activities included are: 1) development of an implementable mechanism for staff and managers to include EJ considerations in priority setting for sector, media, inspections and other enforcement activities; 2) a guidance document for staff and managers on incorporating EJ considerations into negotiations and settlement activities; and 3) participating in case screening activities to insure EJ considerations are met. *Priority setting mechanism-April 1996; Guidance document- June 1996; Case screening - twice a month

b. Issue grants to the Texas Office of the Attorney General Strike Force and the New Mexico Attorney General's Office in support of enforcement actions being taken by the Attorneys General against colonias developers who are in violation of State laws, as related to infrastructure in Texas colonias.

c. Establish the Commission for Environmental Cooperation (CEC), which includes as one of its three major components a Joint Public Advisory Committee (JPAC). JPAC includes members of State and provincial governments as well as members of Native American Tribes, business, academia, and NGOs. EPA has also established a Government Advisory Committee (GAC) and a National Advisory Committee (NAC) to provide guidance from U.S. communities. The GAC consists of members of State, local, and Tribal governments. The NAC consists of businesses, NGO,s and the public at large. The CEC prepares reports requested by the public, and responds to allegations by members of the public that a government is not effectively enforcing its own environmental laws (the Article 14 process). The CEC's guidelines for the Article 14 process, prepared with extensive public input, allow a resident of any of the three countries (U.S., Mexico, Canada) to make a submission; the resulting information is then made public.

d. Continue to implement the new Supplemental Environmental Projects Policy (SEP) to identify and develop SEP Projects which address environmental justice concerns, as appropriate in each case. Implement the new Supplemental Environmental Projects Policy (SEP) to identify and develop SEP Projects which address environmental justice concerns.

Completion Date	Lead
*	Reg 8
ongoing	Reg 6
ongoing	OIA
ongoing	OECA

Mission Area: ENFORCEMENT, COMPLIANCE ASSURANCE, AND REGULATORY REVIEW

Objectives (contd.)

EPA will customize its enforcement and compliance assurance program for affected communities to reflect the needs of the community and the particular compliance problems in that community. EPA will also use technical support and assistance as a supplement to traditional enforcement as appropriate.

EPA will actively encourage the use of creative approaches to settlement of enforcement actions, particularly where violations have been identified in communities disproportionately impacted by environmental problems (traditionally, many enforcement actions have been resolved by assessing cash penalties and imposing "end of pipe" solutions). Specifically, Regions and States will be encouraged to obtain Supplemental Environmental Projects (SEPS) which promote pollution prevention, remedy environmental damage, and collect adequate monetary fines. The goal of the projects will be to reduce long-term exposures within the affected community.

EPA will work with academic institutions, including HBCUs, HSIs, and Tribal Colleges, and other local environmental justice groups to develop an educational program that provides affected communities with information on environmental protection, such as statutory and regulatory matters; citizen rights under Federal and State environmental statutes; whistle-blower protection for employees; the interpretation of data on performance available to the public; and the regulator's role in ensuring compliance.

Key Efforts

e. Enhance enforcement of EPA Worker Protection Standards through (1) protecting workers from adverse effects by enforcing the labeling requirements for use, application, and protective action and (2) working with applicators, farmers, and State agencies to ensure compliance with Worker Protection Standards.

f. Include environmental justice factors in EPA compliance and enforcement agreements with States. Develop a list of State-EPA authorities and encourage and support State pilot projects in environmental justice.

g. Provide GIS technical assistance to Clark/Atlanta University (CAU) and Xavier University (XU) in New Orleans. CAU will be developing workshops and conducting surveys in five Superfund locations and XU will be conducting outreach and workshops at two military locations in Biloxi, MS.

h. Organize a conference with public interest attorneys in partnership with Illinois Institute of Technology - Kent School of Law. The purpose of this conference will be to stimulate dialogue on how environmental justice and citizen input can be taken into account in the enforcement process.

i. In the South Bronx, New York City: 1) address community environmental justice concerns (*4/96 - a public meeting); 2) improve compliance rates through increased enforcement presence (*5/96 - field activities: interviewing citizens, inspections, etc.); 3) promote voluntary pollution prevention; 4) develop a program to help the public and industry to access information and comply with existing and new regulations; 5) increase public participation in selecting alternative compliance measures (e.g., supplemental environmental projects); and 6) establish partnerships between State and local governments (*3/96 - draft strategy).

Completion Date

12/96

12/96

ongoing

9/96

*ongoing

Lead

OECA

OECA

Reg 4

Reg 5

Reg 2

Mission Area: **ENFORCEMENT, COMPLIANCE ASSURANCE, AND REGULATORY REVIEW**

Goal (2) National Environmental Policy Act (NEPA) and Clean Air Act (CAA) Section 309 Responsibilities - Under the authority of NEPA and Sec. 309 of the CAA, EPA will, consistent with regulations and guidelines issued by the President's Council on Environmental Quality, routinely review the environmental effects of major Federal actions significantly affecting the quality of the human environment. For such actions, EPA reviewers will focus on the spatial distribution of human health, social, and economic effects to ensure that agency decision makers are aware of the extent to which those impacts fall disproportionately on covered communities.

Measure of Progress: (Draft) Number of major Federal actions reviewed under the authority of NEPA and Section 309 of the CAA that had included consideration of spatial distribution of human health, social, and economic effects.

Objectives

EPA will aid Federal officials in their review of Federal actions as it relates to carrying out its responsibilities under NEPA and CAA Sec. 309.

EPA will consider holding workshops and seminars with Sec. 309 reviewers and NEPA coordinators to further explore environmental justice impact analysis methods.

Key Efforts

a. Provide training for other regional staff to further explore environmental justice impact analysis methods in EIS reviews. In addition, this training will be made to Tribal groups, other Federal agencies, and grassroots organizations.

Completion

Date
12/96

Lead

Reg 8

Mission Area: **ENFORCEMENT, COMPLIANCE ASSURANCE, AND REGULATORY REVIEW**

Goal (3) Non-discrimination - EPA will work to ensure non-discrimination in the development and implementation of environmental protection programs.

Measure of Progress: (Draft) Reduce complaint processing time by 10%.

Objectives

EPA will improve its implementation of requirements of Title VI of the Civil Rights Act of 1964 (Title VI) by issuing guidance, and conducting oversight for State and local recipients of EPA funding.

EPA will develop guidance on the requirements of Title VI for carrying out Federally-authorized State permitting programs under the Clean Air Act, Clean Water Act, and the Resource Conservation and Recovery Act.

EPA will work to develop case referral guidance, training materials on environmental justice and Title VI, and materials on Title VI compliance reviews.

EPA will develop guidance on non-discrimination responsibilities of the Agency under the Executive Order.

Key Efforts

a. Develop a data and information collection instrument, through an external compliance pilot project with the Grants Administration Division and the Office of Water, to assess whether recipients of EPA financial assistance are in compliance with Title VI and the other external civil rights statutes.

b. Develop, issue, and implement guidance, in consultation with program offices, on the requirements of Title VI for carrying out Federally-authorized State permitting programs.

Completion Date

9/96

pending

Lead

OCR

OCR/
OECA

Mission Area: ENFORCEMENT, COMPLIANCE ASSURANCE, AND REGULATORY REVIEW

	Key Efforts	Completion Date	Lead
<p>Goal (4) Regulatory Review - EPA will work to ensure that environmental justice is incorporated into the Agency's regulatory process.</p> <p>Measure of Progress: (Draft) 10% of the Agency's regulatory packages that identify and address environmental justice concerns.</p> <p>Objectives EPA will complete its Regulatory Impact Analysis Guidance. This will provide the Agency guidance on ways to incorporate environmental justice into its regulatory development process.</p> <p>A cross-Agency work group on grants and environmental justice will examine options for incorporating environmental justice into EPA's grant programs to adequately reach minority populations and low-income populations and make recommendations to the Steering Committee on implementation.</p> <p>EPA will work with other Federal agencies and State, Tribal, and local governments to address environmental problems involving jurisdictional disputes or gaps in environmental laws.</p> <p>EPA will work to address cross-border pollution.</p>	<p>a. Work with the Enforcement and Compliance Task Force of the Interagency Working Group to identify gaps or weaknesses in environmental statutes and develop recommendations for addressing those gaps and weaknesses.</p> <p>b. Simplify the administrative demands of applying for and administering a TAG, since the management of Superfund Technical Assistance Grants (TAGs) entails much administrative burden on behalf of a community group that lacks extensive resources. TAG application materials were simplified and reduced (9/94). Proposed regulations for modifying the TAG process are planned for Federal Register publication to get public comment.</p> <p>c. Continue to develop work plans under New England's Urban Enforcement Initiative to target enforcement and compliance assistance efforts in minority and low-income communities. Workplans include risk based priority setting, on-site compliance assistance in urban environments, and multi-media inspections.</p>	<p>pending</p> <p>9/96</p> <p>ongoing</p>	<p>OGC</p> <p>OSWER</p> <p>Reg 1</p>

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United States
Environmental Protection
Agency

Enforcement and
Compliance Assurance
(3201A)

EPA 300-K-96-003S
Noviembre 1996

SEPA

Office of Environmental Justice (OEJ)



**EL PLAN MODELO
PARA LA
PARTICIPACION
PUBLICA**

Desarrollado
por el Subcomité de Participación Pública
y Responsabilidad
del Consejo Consultivo Nacional
de Justicia Ambiental

Un Comité de Consultoría Federal de la Agencia de Protección Ambiental
de los Estados Unidos de América

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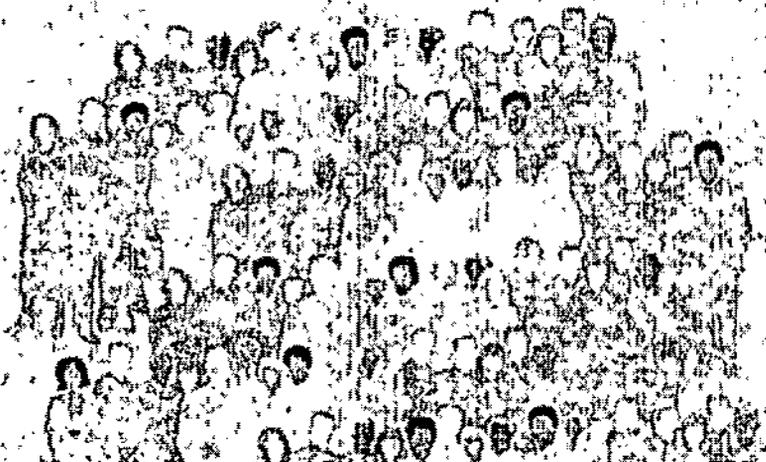
United States
Environmental Protection
Agency

Enforcement and
Compliance Assurance
(9201A)

EPA 300-K-96-003
November 1996



Office of Environmental Justice (OEJ)



THE MODEL PLAN FOR PUBLIC PARTICIPATION

Developed
by the Public Participation
and Accountability Subcommittee
of the National Environmental Justice
Advisory Council

A Federal Advisory Committee to:
the U.S. Environmental Protection Agency