



# **Environmental Justice & Equity: Impact on Operations, Expansion, Siting, and Enforcement**

**EJ Overview: Alexandra Dapolito Dunn**

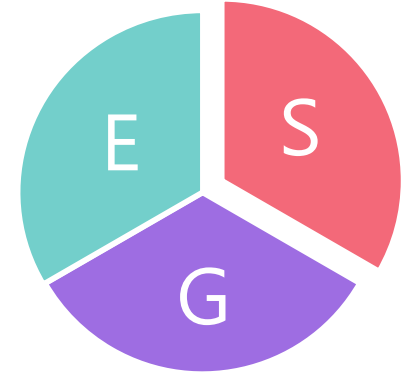
**2021 Midwest Environmental Compliance Conference**

**Wednesday, October 27, 2021**

# Biden Administration & EJ: Rapid Policy Developments



- Whole of Government Approach
- Strong link to ESG Reporting
- NEJAC, WHEJAC
- April 7, 2021 Administrator Reagan Directive
  - Strengthen enforcement, assess & reduce impacts, & meaningful & frequent engagement with overburdened communities



- Draft EPA Strategic Plan: October 1, 2021
- CEQ Proposed NEPA Regulations, October 7, 2021 – 2020 regulations may have curtailed EJ analysis; proposed “Effects include ... cultural, economic, social, or health, whether direct, indirect, or cumulative”
- EPA Cumulative Risk Guidance, December 2021
- Coming Soon: Climate Justice and Economic Screening Tool – “CJEST”



# EJ & Enforcement: EPA & DOJ Initiatives



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- **Starfield 1 (April 30, 2021): EPA Civil Enforcement**
  - EJ / Enforcement Steering Committee
  - Step in if State not Doing the Job
  - Increase Community Access to Data & Information
  - Incorporate SEPs
  - “Early Relief for Communities”
- **Starfield 2 (June 26, 2021): EPA Criminal Enforcement**
  - Increased Facility Inspections in Overburdened Communities
  - Outreach to Environmental Crime Victims with DOJ
  - Seek Restitution for Environmental Harms
- **DOJ**
  - Environmental Crime Victim Hotline
  - New Office of EJ?
  - New Pleadings Focus on EJ narrative (e.g., see recent CAA complaint)
  - Proposed \$5 M Budget Increase for EJ Enforcement

# EJ & Siting: Mapping (Federal, State, Local)



**Map EJ**

Compare to US  Compare to State

Category:

- Environmental Indicators
- Demographic Indicators**
- EJ Indexes

Variable:

- Demographic Index**
- People of Color Population
- Low Income Population
- Linguistically Isolated
- Less Than HS Education
- Under Age 5
- Over Age 64

Add to Map

EJSCREEN includes:

- 11 environmental indicators
- 6 demographic indicators
- 11 EJ indexes

**EJSCREEN uses American Community Survey data. Currently 2014-2018 data, update in 2021 to 2015-2019 data.**

**Map EJ**

Compare to US  Compare to State

Category:

- Environmental Indicators
- Demographic Indicators
- EJ Indexes**

Variable:

- PM 2.5**
- Ozone
- NATA Diesel PM
- NATA Cancer Risk
- NATA Respiratory HI
- Traffic Proximity
- Lead Paint Indicator
- Superfund Proximity
- RMP Proximity
- Hazardous Waste Proximity
- Wastewater Discharge Indicator

Add to Map

Combination of a single environmental indicator with the Demographic Index

## Other State/Local Mapping Tools

- **California (CalEnviroScreen)**
- Colorado
- New York

- New Jersey
- Pennsylvania
- Maryland
- Washington

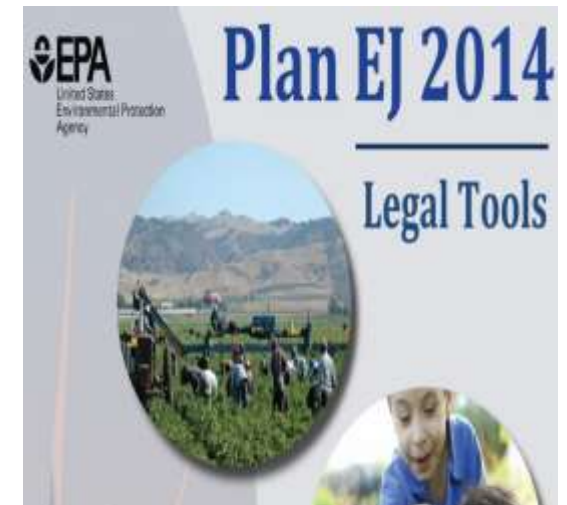
- North Carolina
- Minneapolis-St. Paul
- San Francisco

# EJ & Permitting: Putting Pen to Paper

- EPA 2021 Letters:
  - CalTrans, March: “After thoughtful consideration ... the EPA ultimately concludes that a PM hot-spot analysis is necessary for the project’s transportation conformity determination.”
  - Chicago Mayor, May: “EPA suggests that the City complete an environmental justice analysis ... to meaningfully consider the aggregate potential health effects of the proposed RMG facility on the southeast area...”
  - Michigan EGLE, September: “We encourage the company, EGLE, and local authorities to consider again whether construction at an alternative site would avoid the potential for [disproportionate] impacts.”



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## A BILL

To restore, reaffirm, and reconcile environmental justice and civil rights, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

4 (a) SHORT TITLE.—This Act may be cited as the

5 “Environmental Justice For All Act”.