

MECC – Environmental Justice

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Environmental Justice Panel

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Helpful Links:

Ryan Russell Kemper – Thompson Coburn



- [Environmental Justice | US EPA](#)
- [Executive Order 12988 \(February 11, 1994\)](#)
- [EPA Legal Tools to Advance Environmental Justice](#)
- [How Does EPA Use EJScreen? | US EPA](#)
- [Comprehensive Environmental Justice Enforcement Strategy](#)
- [Friends of Buckingham v. State Air Pollution Control Board](#)
- [NJDEP | Environmental Justice | Environmental Justice Law, Rules and Policy](#)
- [Environmental Justice and Civil Rights in Permitting Frequently Asked Questions \(epa.gov\)](#)



CONSIDERATIONS FOR INCORPORATING EJ INTO OPERATIONS – AN ALL COMMUNITY, ALL PROJECT, ALL SITE APPROACH

- **Incorporation into EMS/Audit Protocol/Other SOPs (“part of ordinary course of business”)**
- **Trends in Environmental Fines / Penalties**
- **Compliance Rate; Time to Return to Compliance**
- **Permits Issued Without Appeal (internal)**
- **Reduced Emissions / Releases / Wetlands Conserved**
- **Public Availability of Monitoring Data**

- **Assess/present project as community asset**
- **# Minority/Local Businesses in Supply Chain**
- **# Minority/Local Businesses Retained**
- **Business Groups (incl. minority)**
- **# Local Individuals Hired (Set Radius from Facility) (Retained/Promoted)**



- **Board Engagement/C-Suite Engagement**
- **Leadership Teams (regulatory, legal, communications, planning, siting)**
- **EJ Statement and/or Policy**
- **Clean Assets (Vehicles?) Fleet Transition/Future Plans**
- **Community Officer/Management Position**
- **Employee EJ Training/Job Description Updates**
- **Resources Spent on EJ implementation / Community Engagement**
- **ESG related statements**
- **Screening and assessment tools**

• **EARLY ENGAGEMENT**

- **Community baseline assessment**
- **Identify Major Stressors in the Community (healthcare access, food insecurity; poverty)**
- **Local Leadership/Form of Gov't/Politics**
- **# of Meetings & Engagements (w/Participation)**
- **Community Investment (+ a radius)**
- **Community Groups Speaking Positively**
- **Status of Existing Community Partnerships**
- **Employee Participation (Boards, Volunteerism)**
- **Linguistic Access to Resources**

Environmental Justice – Background

- Federal Websites

- Environmental Justice (EPA Website)

<https://www.epa.gov/environmentaljustice>

- Environmental Justice (defined by EPA):

- "Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. This goal will be achieved when everyone enjoys:
 - The same degree of protection from environmental and health hazards, and
 - Equal access to the decision-making process to have a healthy environment in which to live, learn, and work."

Environmental Justice – Background

Environmental Justice Screening and Mapping Tool | US EPA

<https://www.epa.gov/ejscreen>

National Environmental Justice Advisory Council

<https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council>

White House Environmental Justice Advisory Council

<https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>

Strengthening Environmental Justice Through Criminal Enforcement

<https://www.epa.gov/sites/production/files/2021-06/documents/strengtheningejthroughcriminal062121.pdf>

(EPA Enforcement Guidance)

Environmental Justice – Background

EPA Legal Tools to Advance Environmental Justice (EJ Legal Tools)

<https://www.epa.gov/ogc/epa-legal-tools-advance-environmental-justice>

Under EPA's New "Strategic Plan," Companies Should Ready for Increased Enforcement and Data Collection in Vulnerable Communities

<https://www.epa.gov/planandbudget/strategicplan> (EPA Strategic Plan - 2022-26)

[**Note:** The USEPA's new Draft "Strategic Plan" for 2022-2026 amplifies the Biden Administration's commitment to environmental justice by outlining how vulnerable communities will be prioritized in the agency's regulatory programs and enforcement efforts. Looking ahead, companies are well served by undertaking their own proactive assessment of their environmental justice activities and community relationships, in addition to raising their awareness of permitting and expansion activities at neighboring facilities.]

Environmental Justice -- Summaries

Justice40 – White House Path to Achieve Justice40

<https://www.whitehouse.gov/omb/briefing-room/2021/07/20/the-path-to-achieving-justice40/>

Justice 40 at EPA

<https://www.epa.gov/environmentaljustice/justice40-epa>

Environmental Justice Index (ATSDR) (August)

<https://www.atsdr.cdc.gov/placeandhealth/eji/index.html>

EPA Memo "Cumulative Impact"

<https://www.epa.gov/office-inspector-general/report-improved-epa-oversight-funding-recipients-title-vi-programs-could>

Articles and Internet News -- Environmental Justice

EPA rolls out new EJ legal toolkit (E&E News) (May 26)

<https://www.eenews.net/articles/epa-rolls-out-new-ej-legal-toolkit/>

EPA Contemplates Cumulative Impact Guidance for Civil Rights (Bloomberg) (August 11)

<https://news.bloomberglaw.com/environment-and-energy/epa-contemplating-cumulative-impact-guidance-for-civil-rights>

Five Things to Know About the New Federal Environmental Justice Index and Cumulative Impacts (Vinson & Elkins) (September 1)

<https://www.velaw.com/insights/five-things-to-know-about-the-new-federal-environmental-justice-index-and-cumulative-impacts/>

Scientists Struggle with how to use "cumulative risk" to account for risks faced by poor and minority communities (National Academy of Sciences) <https://www.nationalacademies.org/event/08-31-2021/anticipatory-research-for-epas-research-and-development-enterprise-to-inform-future-environmental-protection-the-road-ahead-sixth-committee-meeting#sectionFACA>

Articles and Internet News -- Environmental Justice

Funding from Inflation Reduction Act to improve air quality monitoring across U.S. (Denver TV7)

<https://www.denver7.com/news/national/funding-from-inflation-reduction-act-to-improve-air-quality-monitoring-across-u-s>

One Year After Chicago EJ Civil Rights Complaint (NRDC) (August 20)

<https://www.nrdc.org/experts/gina-ramirez/one-year-after-chicago-ej-civil-rights-complaint>

Power Plants and Neighboring Communities (EPA website)

<https://www.epa.gov/airmarkets/power-plants-and-neighboring-communities>

<https://www.epa.gov/system/files/documents/2021-07/power-plants-and-neighboring-communities-fact-sheet.pdf>

Articles and Internet News -- Environmental Justice

Missouri DNR letter calls allegations it committed civil rights violations
'unsubstantiated' (Missouri Independent) (July 22)

<https://missouriindependent.com/2021/07/22/missouri-dnr-epa-civil-rights/>

EPA Investigation Finds Missouri Out Of Compliance With Federal Civil Rights Rules
(The Examiner [and] St. Louis Public Radio) (April 29)

<https://news.stlpublicradio.org/health-science-environment/2021-04-29/epa-investigation-finds-missouri-out-of-compliance-with-federal-civil-rights-rules>

<https://www.examiner.net/story/news/2021/04/29/epa-investigation-finds-missouri-out-compliance-federal-civil-rights-rules/7398862002/>

Articles and Internet News -- Environmental Justice

Coalition of Environmental Justice and National Groups Celebrate as Equity Issues Advance (EarthJustice) (July 14)

<https://earthjustice.org/news/press/2021/coalition-of-environmental-justice-and-national-groups-celebrates-equity-advances-calls-on-biden-congress-to>

<https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/>

General Iron owner sues city for \$100 million — again — over delayed permit (Chicago Sun Times) (July 8)

<https://chicago.suntimes.com/2021/7/8/22569293/general-iron-lawsuit-southside-recycling-southeast-side-environment-metal-shredder>

Articles and Internet News -- Environmental Justice

Environmental Justice 'Finding Voice,' in States

<https://news.bloomberglaw.com/environment-and-energy/environmental-justice-finding-voice-if-not-votes-in-states> (Bloomberg E&E) (June 23)

<https://arkvalleyvoice.com/colorado-climate-bill-signed-protecting-environment-focused-on-disproportionately-impacted-communities/> (Colorado Voice) (July 6)

Environmental Justice Research (Chicago State University Research Reports)

<https://www.csu.edu/cerc/researchreports/envjustice.htm>

Articles and Internet News -- Environmental Justice

EPA Accuses Missouri DNR of violating the Civil Rights Act in Kinder Morgan

<https://grist.org/accountability/the-epa-just-accused-missouris-environmental-agency-of-violating-the-civil-rights-act/> (Grist)

<https://news.stlpublicradio.org/health-science-environment/2021-04-29/epa-investigation-finds-missouri-out-of-compliance-with-federal-civil-rights-rules> (St. Louis Public Radio)

<https://www.examiner.net/story/news/2021/04/29/epa-investigation-finds-missouri-out-compliance-federal-civil-rights-rules/7398862002/> (The Examiner)

Implementing Biden's Justice40 To Combat Environmental Racism

<https://www.americanprogress.org/issues/green/reports/2021/06/22/500618/implementing-bidens-justice40-commitment-combat-environmental-racism/> (Center for American Progress) (June 22)

Articles and Internet News -- Environmental Justice

Environmental Justice and Why You Should Care (National Law Review)

<https://www.natlawreview.com/article/environmental-justice-and-why-you-should-care>