



## Agency Priority Goal | Action Plan | FY23 – Q1

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Deliver Tools and Metrics for EPA and its Tribal, State, Local, and Community Partners to Advance Environmental Justice and External Civil Rights Compliance

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### **Goal Leaders:**

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# Goal Team

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# Goal Overview

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## Goal Statement

- **Deliver tools and metrics for EPA and its Tribal, state, local, and community partners to advance environmental justice and external civil rights compliance.** By September 30, 2023, EPA will develop and implement a cumulative impacts framework, issue guidance on external civil rights compliance, establish at least 10 indicators to assess EPA's performance in reducing disparities in environmental and public health conditions, and train staff and partners on how to use these resources.

## Problem to Be Solved

- EPA has made progress preparing for full integration of environmental justice and civil rights compliance throughout our policies, programs, and activities. Preparation efforts have not been enough to actualize full integration throughout the Agency due to the need for more progress on critical issues such as understanding and applying cumulative impacts analysis. Additionally, metrics used by EPA have not focused Agency attention on eliminating disparities in overburdened communities.
- EPA has relied primarily on a reactive rather than proactive approach to civil rights enforcement, including not fully implementing its authority to address actions, policies and practices by recipients of EPA funding that have a discriminatory impact on overburdened and disadvantaged communities and issuing clear policy guidance to address this issue.

## What Success Looks Like

- Through clear and meaningful metrics, EPA will be able to evaluate its success in eliminating public health and environmental disparities.
- EPA staff and partners will have a cumulative impacts framework and will understand how to implement the cumulative impacts framework, civil rights guidance, and other tools through the training provided.
- EPA will have strong policy guidance to provide clarity internally and externally about the investigative and legal standards that are applied to external civil rights claims, including those concerning permitting and how cumulative impacts will be evaluated when assessing whether an action, policy or practice, including in the permitting context, has an unjustified disparate and adverse impact. The guidance will promote compliance with the civil rights laws and discrimination issues plaguing the most vulnerable communities.

# Goal Targets

 Tracking the goal

Achievement Statement		Key Indicators	Quantify Progress			Frequency
By...	We will...	Name of Indicator	Target Value	Starting Value	Current Value	Update Cycle
09/30/2023	By September 30, 2023, EPA will develop and implement a cumulative impacts framework, issue guidance on external civil rights compliance, establish at least ten indicators to assess EPA's performance in reducing disparities in environmental and public health conditions, and train staff and partners on how to use these resources.	Strategy 1: Number of milestones completed to develop and implement the cumulative impacts framework	10	0	4	Quarterly
		Strategy 2: Number of milestones completed to issue guidance on external civil rights compliance	10	0	1	Quarterly
		Strategy 3: Number of milestones completed to develop and implement indicators to assess EPA's performance in reducing disparities	12	0	5	Quarterly

# Goal Strategies

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## **Strategy 1: Develop cumulative impacts framework and implementation plan**

Develop a fit for purpose framework to enable the integration of cumulative impacts throughout EPA's policies, programs, and activities – from cleanups and enforcement to permitting and rulemaking. Developing this framework is essential to centering EPA's mission on environmental justice and ensuring that EPA's decisions are responsive to environmental justice realities on the ground and inclusive of issues that intersect compliance with civil rights compliance. Training and other materials to accompany this framework will also be developed for use by EPA staff and made public to enable their use by governmental partners and the public.

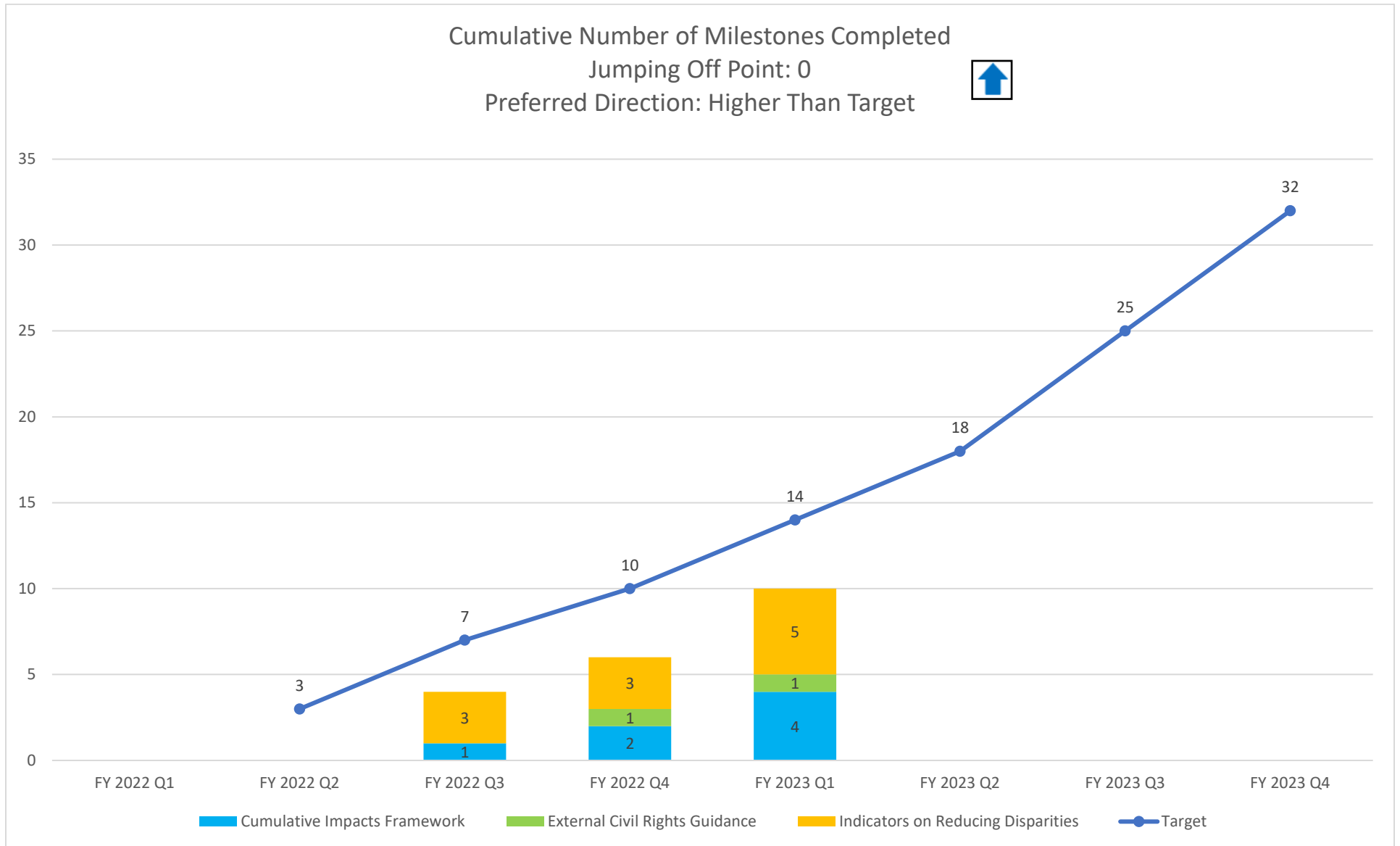
## **Strategy 2: Issue guidance on external civil rights compliance**

Issue policy guidance to provide clarity internally and externally about the investigative and legal standards that EPA applies to discrimination complaints filed against EPA financial assistance recipients under Title VI of the Civil Rights Act of 1964 and other federal civil rights laws, including those in the permitting context and how cumulative impacts will be evaluated when assessing whether an action, policy or practice has an unjustified disparate and adverse impact.

## **Strategy 3: Establish a set of at least ten indicators to assess EPA's performance in reducing disparities in environmental and public health conditions**

Develop at least ten indicators of disparities that highlight the differential outcomes in areas such as health and access to benefits. Through these indicators, EPA will make specific commitments to advance equity and justice, reduce and eliminate disparities in environmental and public health conditions, and comply with civil rights requirements by changing conditions on the ground for overburdened and vulnerable communities. These indicators will be easy to understand and meaningful to community members. EPA will then measure its success at achieving these goals year-over-year. Activities to achieve these reductions will range from actions EPA can take wholly within its authorities and resources to activities to better support the actions of other governmental partners.

# Key Indicators



# Key Milestones

Strategy 1: Develop cumulative impacts framework and implementation plan					
Key Milestone	Milestone Due Date	Milestone Status	Change from Last Quarter	Owner	Comments
Create an intra-agency team to define, scope and develop the framework	Q3 FY 2022	Complete	No change	OEJECR (w/Programs & Regions)	There is a core intra-agency team established, meeting regularly to make progress on the framework.
Cumulative impacts framework draft completed	Q4 FY 2022	Complete	No change	OEJECR (w/Programs & Regions)	The first substantive draft of the cumulative impacts framework has been completed.
Engage with the National Environmental Justice Advisory Council (NEJAC), governmental partners, the public, and tribes on proposed draft framework	Q1 FY 2023	Complete	Changed from "Not Yet Started" to "Complete"	OEJECR (w/Programs & Regions)	Have completed initial engagements with all stakeholder groups.
Incorporate feedback from NEJAC, governmental partners, the public, and tribes	Q1 FY 2023	Complete	Changed from "Not Yet Started" to "Complete"	OEJECR (w/Programs & Regions)	Feedback was gathered, documented, and incorporated as applicable from initial engagements.
Review, approve, and finalize cumulative impacts framework	Q1 FY 2023	Delayed	Changed from "Not Yet Started" to "Delayed"	OEJECR	Currently under review with EPA leadership.
Develop training resources on cumulative impacts framework for EPA staff	Q2 FY 2023	Not Yet Started	No change	OEJECR (w/Programs & Regions)	
Develop training resources on cumulative impacts framework for partners	Q2 FY 2023	Not Yet Started	No change	OEJECR (w/Programs & Regions)	
Disseminate cumulative impacts framework to EPA staff	Q3 FY 2023	Not Yet Started	No change	OEJECR	
Make resources on cumulative impacts framework available to EPA staff and partners	Q3 FY 2023	Not Yet Started	No change	OEJECR	
EPA programs develop guidance and implements cumulative impacts framework	Q4 FY 2023	Not Yet Started	No Change	EPA Programs	

# Key Milestones

Strategy 2: Issue guidance on external civil rights compliance					
Key Milestone	Milestone Due Date	Milestone Status	Change from Last Quarter	Owner	Comments
Create an OGC team to define, scope and develop external civil rights compliance guidance on legal standards	Q2 FY 2022	Complete	No change	OGC/ECRCO	A team was created in FY 2022 Q4.
Draft external civil rights compliance guidance on legal standards	Q3 FY 2022	Delayed (Started)	No change.	OGC/ECRCO	In FY 2022 Q4, the team began the process of developing the guidance. Progress continues to be made on the guidance.
Draft and issue external civil rights compliance guidance on procedural safeguards	Q1 FY 2023	Delayed	Changed from "On Track" to "Delayed"	OEJECR	Progress is being made on this draft guidance. Targeting final issuance by end of FY 23, Q2.
Issue draft external civil rights compliance guidance on legal standards publicly through Federal Register for notice and comment	Q3 FY 2023	Not Yet Started	No change	OEJECR	
Engage with NEJAC and governmental partners on proposed draft guidance	Q3 FY 2023	Not Yet Started	No change	OEJECR	Will establish Title VI working group within NEJAC by end of Q2 FY 2023. All remaining milestone due dates have been pushed out to reflect this update.
Incorporate feedback from NEJAC, governmental partners, and other stakeholders	Q3 FY 2023	Not Yet Started	No change	OEJECR	
Review, approve, and finalize external civil rights compliance guidance on legal standards	Q4 FY 2023	Not Yet Started	No change	OEJECR	
Develop training resources on civil rights compliance guidance for EPA staff and external partners	Q4 FY 2023	Not Yet Started	No change	OEJECR/ECRC	
Deliver training and technical assistance to EPA staff and external partners	Q4 FY 2023	Not Yet Started	No change	OEJECR/ECRC	
Integrate new civil rights compliance guidance into agency-wide oversight activities	Q4 FY 2023	Not Yet Started	No change	OEJECR (w/ Programs & Regions)	



# Key Milestones

<b>Strategy 3: Establish a set of at least ten indicators to assess EPA’s performance in reducing disparities in environmental and public health conditions</b>					
<b>Key Milestone</b>	<b>Milestone Due Date</b>	<b>Milestone Status</b>	<b>Change from Last Quarter</b>	<b>Owner</b>	<b>Comments</b>
Develop criteria to guide program selection of proposed indicators	Q2 FY 2022	Complete	No Change	OEJ (w/ Programs & Regions)	OEJ, leading a cross-agency team developed a criteria list early in Q3.
Establish an internal engagement process to reach consensus on at least ten proposed indicators	Q2 FY 2022	Complete	No Change	OEJ (w/ Programs & Regions)	OEJ, in consultation with programs and regions, established an internal engagement process early in Q3.
Each program office in coordination with their regional divisions proposes 2-3 potential indicators to reduce disparities	Q3 FY 2022	Complete	No Change	EPA Programs/ Regions	EPA programs and regions have established an initial list of 30 proposed indicators.
Engage with NEJAC, governmental partners, the public, and tribes on proposed indicators	Q3 FY 2022	Complete	Changed from “Delayed” to “Complete”	OEJECR (w/Programs & Regions)	All engagements have been completed.
Incorporate feedback from NEJAC, governmental partners, the public, and tribes	Q4 FY 2022	Complete	Changed from “Delayed” to “Complete”	OEJECR (w/Programs & Regions)	Feedback from engagements has been incorporated into applicable process documents.
Initial decision by senior leadership on at least ten indicators	Q4 FY 2022	Delayed	No change	OEJECR (w/Programs)	Initial decision expected in FY 23, Q2.
Develop process for data collection, reporting, and analysis, including scoping for responsibilities, and characterizing data quality issues and known limitations/gaps	Q2 FY 2023	Not Yet Started	No change	EPA Programs/ Regions	
Ensure tools in place for data collection, reporting, and analysis	Q2 FY 2023	Not Yet Started	No change	EPA Programs/ Regions	
Develop training (support materials) resources on framework for reduction of environmental and public health disparities for EPA staff	Q3 FY 2023	Not Yet Started	No change	OEJECR (w/Programs & Regions)	
Provide training (support materials) resources on framework for reduction of environmental and public health disparities to EPA staff	Q3 FY 2023	Not Yet Started	No change	OEJECR (w/Programs & Regions)	

# Key Milestones

<b>Strategy 3: Establish a set of at least ten indicators to assess EPA's performance in reducing disparities in environmental and public health conditions</b>					
Implement process for data collection, reporting, and analysis	Q4 FY 2023	Not Yet Started	No Change	EPA Programs/ Regions	
Finalization and public release of at least ten indicators	Q4 FY 2023	Not Yet Started	No change	OEJECR	

# Narrative – FY22 Q1

## Summary of progress

EPA did not have any planned milestones for FY 2022, Q1.

Indicator	Jumping Off Point		FY 2022 Q1	FY 2022 Q2	FY 2022 Q3	FY 2022 Q4	FY 2023 Q1	FY 2023 Q2	FY 2023 Q3	FY 2023 Q4	Pref Dir	Trend
Strategy 1: Number of milestones completed to develop the cumulative impacts framework and implementation plan	0	Target	-	-	1	2	5	7	9	10	↑	No Trend Data
		Actual	-									
Strategy 2: Number of milestones completed to issue guidance on external civil rights compliance	0	Target	-	1	2	2	3	3	6	10	↑	No Trend Data
		Actual	-									
Strategy 3: Number of milestones completed to develop at least ten indicators to assess EPA's performance in reducing disparities	0	Target	-	2	4	6	6	8	10	12	↑	No Trend Data
		Actual	-									

### Accomplishments:

- EPA established a working group to determine the indicators and milestones for this APG.

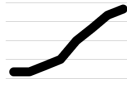


### Challenges:

- EPA is currently limited in resources and has a confluence of important initiatives happening all at once to advance equity, justice and civil rights. Advancing environmental justice and external civil rights compliance is necessary to fulfil EPA's mission to protect human health and the environment.

# Narrative – FY22 Q2

## Summary of progress

Although progress was made, EPA did not complete any targeted milestones in FY 2022 Q2.

Indicator	Jumping Off Point		FY 2022 Q1	FY 2022 Q2	FY 2022 Q3	FY 2022 Q4	FY 2023 Q1	FY 2023 Q2	FY 2023 Q3	FY 2023 Q4	Pref Dir	Trend
Strategy 1: Number of milestones completed to develop the cumulative impacts framework and implementation plan	0	Target	-	-	1	2	5	7	9	10	↑	
		Actual	-	-								
Strategy 2: Number of milestones completed to issue guidance on external civil rights compliance	0	Target	-	1	2	2	3	3	6	10	↑	
		Actual	-	0								
Strategy 3: Number of milestones completed to develop at least ten indicators to assess EPA's performance in reducing disparities	0	Target	-	2	4	6	6	8	10	12	↑	
		Actual	-	0								

### Accomplishments:

- EPA internal stakeholder groups representing every region and national program have been engaging monthly to advance the Agency Priority Goal and make progress on strategy milestones. From these engagements, EPA is building a strong foundation for accomplishing this cross-cutting APG.

### Challenges:

- For Strategy 2, EPA missed the planned milestone to create a team to define, scope and develop the external civil rights guidance. EPA expects to onboard a Senior Policy Detailee to create the team in FY 2022 Q3 and get this work back on track. That being said, EPA has already assembled several active working groups whose collective work will inform Strategy #2, and together with new resources in ECRCO will contribute to its completion. The working groups are:
  - OGC/Office of Regional Council (ORC) Equity & Environmental Justice Working Group;
  - Environmental Justice, Equity & Civil Rights in Permitting Community of Practice;

# Narrative – FY22 Q2


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- Environmental Justice & Equity in Rulemaking Community of Practice.
- For Strategy 3, EPA missed the planned milestones to develop criteria and establish an internal engagement process to develop at least ten indicators to assess EPA's progress in reducing disparities. The Office of Environmental Justice has been engaging with EPA programs, regional offices, and Agency leadership on these milestones to solicit meaningful feedback on the approaches to take to fulfill each action. These engagements took longer than we initially thought they would. Although slightly delayed, EPA is establishing a cross-agency workgroup and is in a good place to get back on track in early Q3

# Narrative – FY22 Q3

## Summary of progress

EPA has completed 4 of the targeted 7 milestones as of FY 2022, Q3.

Indicator	Jumping Off Point		FY 2022 Q1	FY 2022 Q2	FY 2022 Q3	FY 2022 Q4	FY 2023 Q1	FY 2023 Q2	FY 2023 Q3	FY 2023 Q4	Pref Dir	Trend
Strategy 1: Number of milestones completed to develop the cumulative impacts framework and implementation plan	0	Target	-	-	1	2	5	7	9	10	↑	
		Actual	-	-	1							
Strategy 2: Number of milestones completed to issue guidance on external civil rights compliance	0	Target	-	1	2	2	3	3	6	10	↑	
		Actual	-	0	0							
Strategy 3: Number of milestones completed to develop at least ten indicators to assess EPA's performance in reducing disparities	0	Target	-	2	4	6	6	8	10	12	↑	
		Actual	-	0	3							

### Accomplishments:

- For Strategy 1, EPA has developed the outline for the cumulative impacts framework and is making significant progress on developing the content needed within the outline.
- For Strategy 2, EPA developed and will soon be releasing Interim EPA Environmental Justice and Civil Rights in Permitting Frequently Asked Questions or “FAQs,” a baseline document which will help inform the draft guidance, and provides information to Agency, federal, tribal, state, and local environmental permitting programs to help them understand how they may integrate environmental justice (EJ) in permitting processes and are obligated, if they are recipients of EPA financial assistance (“EPA recipients”), to comply with federal civil rights statutes, including Title VI of the Civil Rights Act of 1964, in their permitting processes. Also, EPA will soon release a Cumulative Impacts Addendum to EJ Legal Tools, which is another precursor to guidance development.
- For Strategy 3, the first three out of four milestones have been completed. EPA has established the criteria to guide the selection of proposed indicators, created a mechanism for submitting proposed indicators to ensure the criteria is met or can be met, has established a roadmap for an internal engagement process, and has an initial list of 30 proposed indicators.

# Narrative – FY22 Q3

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## **Challenges:**

- For Strategy 1, no challenges.
- For Strategy 2, EPA has not been able to draft the external civil rights compliance guidance due to competing priorities.
- For Strategy 3, EPA missed the milestone of engaging external stakeholders on the proposed indicators. EPA is now working to further analyze the proposed indicators. Once this is completed, EPA will be able to start scheduling engagements with our external stakeholder groups to solicit feedback on the list of proposed indicators.

# Narrative – FY22 Q4

## Summary of progress

EPA has completed 6 of the targeted 10 milestones as of FY 2022 Q4.

Indicator	Jumping Off Point		FY 2022 Q1	FY 2022 Q2	FY 2022 Q3	FY 2022 Q4	FY 2023 Q1	FY 2023 Q2	FY 2023 Q3	FY 2023 Q4	Pref Dir	Trend
Strategy 1: Number of milestones completed to develop the cumulative impacts framework and implementation plan	0	Target	-	-	1	2	5	7	9	10	↑	
		Actual	-	-	1	2						
Strategy 2: Number of milestones completed to issue guidance on external civil rights compliance	0	Target	-	1	2	2	3	3	6	10	↑	
		Actual	-	0	0	1						
Strategy 3: Number of milestones completed to develop at least ten indicators to assess EPA's performance in reducing disparities	0	Target	-	2	4	6	6	8	10	12	↑	
		Actual	-	0	3	3						

### Accomplishments:

- For Strategy 1, EPA has completed an iterative draft cumulative impacts framework. To continue building on the draft framework, EPA is implementing a learning agenda, developing standard operating procedures, conducting workshops with a variety of regulatory partners and stakeholders, actively working on demonstration initiatives, and incorporating cumulative impacts in regional implementation planning as part of Goal 2 of the Strategic Plan.
- For Strategy 2, work has progressed on an external civil rights compliance guidance on procedural safeguards. EPA also created an outline of the draft guidance on legal standards for external civil rights compliance.
- For Strategy 3, EPA has been evaluating each of the initial list of 30 proposed indicators based on established criteria. EPA has also begun to schedule several of the planned engagement sessions with stakeholders to solicit feedback on the proposed indicators.



# Narrative – FY22 Q4

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## **Challenges:**

- For Strategy 1, there are no challenges to report.
- For Strategy 2, although work has begun on the draft external civil rights compliance guidance on legal standards, significant work remains with limited resources. Competing priorities continue to pose challenges; however, an additional temporary resource was made available to assist with drafting the guidance.
- For Strategy 3, EPA continues to be delayed on engaging external stakeholders to solicit feedback on the proposed indicators (Q3 milestone), this has created a delay for Q4 milestones. EPA has scheduled several of the planned engagement sessions and has also planned time for incorporating feedback to prepare for final decisions on the indicators. This will allow EPA to catch up by early Q2 of FY 2023. EPA has adjusted the schedule of milestones based on this delay.

# Narrative – FY23 Q1

## Summary of progress

EPA has completed 10 of the targeted 14 milestones as of FY 2023, Q1.

Indicator	Jumping Off Point		FY 2022 Q1	FY 2022 Q2	FY 2022 Q3	FY 2022 Q4	FY 2023 Q1	FY 2023 Q2	FY 2023 Q3	FY 2023 Q4	Pref Dir	Trend
Strategy 1: Number of milestones completed to develop the cumulative impacts framework and implementation plan	0	Target	-	-	1	2	5	7	9	10	↑	
		Actual	-	-	1	2	4					
Strategy 2: Number of milestones completed to issue guidance on external civil rights compliance	0	Target	-	1	2	2	3	3	6	10	↑	
		Actual	-	0	0	1	1					
Strategy 3: Number of milestones completed to develop at least ten indicators to assess EPA's performance in reducing disparities	0	Target	-	2	4	6	6	8	10	12	↑	
		Actual	-	0	3	3	5					

### Accomplishments:

- For Strategy 1, with the completion of the iterative draft cumulative impacts framework, EPA has been conducting engagement activities internally with EPA offices and externally with the National Environmental Justice Advisory Council (NEJAC) and other stakeholders to gather initial feedback on the framework. To supplement the draft framework, the Office of General Counsel has completed a cumulative impacts legal addendum and the Office of Research and Development has completed a research recommendation report. In addition, EPA has initiated demonstration projects with regions, completed three 'lessons learned' workshops, and initiated other educational activities to help inform the development and operationalization of the cumulative impacts framework.
- For Strategy 2, work continues to progress on the external civil rights compliance guidance on procedural safeguards and is targeted for issuance by the end of Q2. EPA has drafted multiple sections of the draft guidance on legal standards for external civil rights compliance.
- For Strategy 3, EPA completed engagements with the NEJAC, several Federal partners, communities, and tribes to provide an overview and solicit feedback on the proposed draft indicators. Feedback from these engagements focused mainly on suggestions for additional indicators to consider in the future when data are more readily available. These

# Narrative – FY23 Q1

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suggestions did not result in changes to the current list of proposed indicators. These engagements will continue as EPA works through the remainder of the milestones in FY23.

## **Challenges:**

- For Strategy 1, there are no challenges to report.
- For Strategy 2, steady progress is being made, but difficulties remain with limited resources and competing priorities. In addition, the completion of guidance documents requires inter-agency engagement, which can also result in delays. Finally, the temporary resource that was made available to assist with drafting the legal standards guidance will be ending in FY 2023, Q2.
- For Strategy 3, there are no challenges to report.

# Data Accuracy & Reliability

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Performance data collection is managed internally through a tracking system established by OEJECR. There are no quantitative calculations, or significant data limitations.

# Additional Information

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## **Contributing Programs**

- EPA Office of Water
- EPA Office of Research and Development
- EPA Office of Land and Emergency Management
- EPA Office of Chemical Safety and Pollution Prevention
- EPA Office of Air and Radiation
- EPA Office of Enforcement and Compliance
- EPA Office of the Administrator
- Regional Offices 1-10

## **Stakeholder / Congressional Consultations**

These priorities were developed on a foundation of over 30 years of recommendations/reports by the NEJAC, U.S. Government Accountability Office (GAO), EPA's Office of Inspector General (OIG), and the U.S. Commission on Civil Rights. These priorities have been informed by Congressional inquiries and by draft legislation, and by the constant engagement and feedback received from community members and leaders.