



**REGION 8
ENVIRONMENTAL JUSTICE
ACTION PLAN**

**ENVIRONMENTAL JUSTICE PROGRAM
OFFICE OF ENFORCEMENT, COMPLIANCE AND
ENVIRONMENTAL JUSTICE
U.S. ENVIRONMENTAL PROTECTION AGENCY**

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I. Executive Summary

The EPA- Region 8 Environmental Justice Program (EJ Program) addresses a unique mix of urban, rural, and tribal issues shaped by the geography, culture and history of our mountain and plains states. The Region's EJ Program has been designed to address Environmental Justice (EJ) issues in a manner responsive to the crosscurrents borne of our setting.

EJ Program staff, along with technical, enforcement, and legal staff, address a wide range of issues. Recent strategic opportunities have included air quality issues, safe drinking water concerns, hazardous waste corrective action, clean up levels, protection of cultural resources, transportation, environmental impact reviews, children's health concerns, and energy development.

EJ Program resources are structured around six main goals:

- o Identification of EJ Priority Areas *(Allocation of our resources)*
- o Integration of EJ into Region 8 Programs *(Building internal capacity)*
- o Administration of EJ Grants *(Community capacity development)*
- o External Outreach *(Engaging other organizations to address site and issue-specific challenges)*
- o Data Management *(Program tracking and management for internal and external access)*
- o Evaluation of Program Effectiveness *(Applying lessons learned)*

In Region 8, EJ issues typically arise due to converging environmental concerns. Additionally, EJ concerns are rarely amenable to resolution by a single entity. Accordingly, the EJ Program focuses significant limited resources on convening and facilitating multi-media/multi-agency cooperative efforts to address EJ issues. The majority of the activities reported in the EJ Action Plan matrix reflect this approach. In the matrix, we highlight stakeholder partnerships that the EJ Program has initiated to address EJ issues and concerns.

Management Accountability

Organizational Infrastructure and Management Support

- o The EJ Program was established on August 11, 1994, by Regional Order (Order). The Program was established to achieve equal environmental protection so no segment of the population, regardless of race, ethnicity, culture or income bears an undue burden of environmental pollution and to ensure that the benefits of environmental protection are shared by everyone. The Order establishes the Region 8 environmental justice policy as follows:

Region 8, the states, Indian tribes and affected communities in Region 8 will work together to correct and prevent inequitable environmental and public health impacts to any groups through effective implementation of policies and procedures that will include the following:

- A. Raising people's awareness of EJ issues;*
 - B. Identifying, assessing, addressing and responding to inequitable environmental impacts;*
 - C. Managing procedures that will correct present and prevent future inequitable environmental impacts;*
 - D. Communicating information to the public regarding opportunities for involvement in environmental decision making.*
- o The EJ Program Director is a member of the Regional Leadership Team and meets regularly with Senior Program Managers to coordinate activities. The Senior Leadership Team establishes Region-wide direction and goals.
 - o Evaluation of the Program is conducted both through the annual performance cycle and by assessing the extent and nature of interaction with the Region's media program management and staff. In addition, we evaluate the outcomes of these interactions in terms of benefits to communities.

Operational Resources/Program Support

- o The EJ Program is incorporated into the Office of Enforcement, Compliance and Environmental Justice. From this organizational base, the EJ staff works closely with the Regional programs to incorporate EJ activities. Several staff members in the Region's media programs have environmental justice responsibilities as collateral functions.
- o The EJ Program functions with a staff of 4 environmental justice coordinators, one Senior Environmental Employee (SEE), and 1-5 student interns (depending on resources). The overall leadership of the EJ Program is performed by the EJ

Program Director.

- o The overarching responsibility of the EJ Program is to integrate EJ into the Agency's core programs. The EJ Program has chosen to adopt a comprehensive and multifaceted approach. Individual EJ staff assignments are designed to address specific environmental media or core program areas. The assigned staff are responsible for initiating activities, following up on leads, evaluating program vulnerabilities and opportunities, and providing appropriate program support.
- o The EJ Program has many projects, which serve as mechanisms for focusing on EJ issues. The EJ Program has developed a protocol, for staff to follow while serving on teams, which focuses on the integration of EJ into core program activities. Each member of the EJ Program works to provide internal advocacy and education to assigned project teams. Each EJ staff person is proactive in enhancing the EJ awareness of the project team members.
- o The Region has designated several EJ initiatives as funding priorities. The Region has provided funding for all of the following on-going projects:
 - A detail position to work on a project in Northeast Denver. This project focuses on a highly industrialized area of Denver that is fragmented by three major transportation corridors, 500 environmentally regulated facilities, including 200 Clean Air Act permitted facilities. Furthermore, there are approximately 5000 diesel trucks that either idle at nearby truck stops or pass through the neighborhood and emissions from this mobile air source are of concern.
 - An EJ project in North Dakota that is focusing on:
 1. Identifying the range of blood lead levels in children;
 2. Mapping areas where there is a high concentration of children with elevated blood lead levels;
 3. Providing educational outreach in geographic areas that indicate a high incidence of blood lead levels in children.
 - An intern to work on the Migrant Farm Worker Drinking Water Project, which is a National Demonstration EJ Project. The Region's laboratory has provided personnel, testing equipment, and lab capabilities to assess the quality of the drinking water being provided to Colorado migrant farm workers in selected labor camps.
 - The EJ Program obtained funds from the Office of Enforcement and

Compliance Assurance (OECA) to monitor the quality of the ambient air in neighborhoods surrounding the Rocky Mountain Steel Mill, located in Pueblo, Colorado. Neighborhoods in and around this area are exposed to continuing emissions from the mill's arc furnaces and associated operations. Working with the Colorado Department of Public Health and Environment, the Region 8 Air Program, the EJ Program installed one air monitor and one meteorological station.

GPRA Alignment (link to mission and priorities)

- o The EJ Program is linked to the Government Performance and Realignment Act (GPRA) through several venues. Specific activities which meet the Office of Environmental Justice (OEJ) GPRA priorities are reported directly to OEJ. Regional and national initiatives are linked to the national program managers' (NPMs) commitments through memoranda of agreement between the Region and the NPMs. The EJ Program is involved with several national initiatives, including children's health, sensitive populations, RCRA Brownfields, integrating EJ criteria into inspection targeting, and development of national EJ training.
- o The EJ Program strategies and activities are integrated into specific programmatic area/functions through various means. The OECA Memorandum of Agreement (MOA) is one of the ways that the EJ Program integrates EJ into program function areas. Each EPA core program has a designated EJ liaison that works with EJ staff on specific EJ issues. RCRA has developed a "Beginning of the Year Plan" a planning document, which specifically incorporates EJ into RCRA core activities.
- o Although EJ is not on the priority list incorporation into Performance Partnership Agreements (PPAs), and Performance Partnership Grants (PPGs), The EJ Program negotiates with Region 8 States on language specifically addressing EJ.

Internal Organizational Engagement

- o The EJ Program has developed successful mechanisms to communicate with, receive input from, and otherwise consistently engage other programs in the Regional office. The EJ Program participates on Regional standing committees and works actively with staff liaisons in the media programs. Additionally, the EJ Program publicizes its efforts through presentations at national conferences, public meetings, and through training opportunities.
- o Specific tools developed for internal organizational work include: targeting inspections based upon EJ criteria; a Regional EJ Geographical Information System (GIS) application; and specific procedures used to review EJ grant

proposals.

- o The Program is also active in several national activities:
 - The Region 8 EJ Program is working with OEJ to develop an EJ module for the national inspectors training course;
 - The Region 8 EJ Program is the lead for development of a module on EJ and cultural resources;
 - Region 8 EJ staff is reviewing nominations for the EJ Revitalization Projects of the Interagency Working Group.

External Stakeholder Engagement

- o The EJ Program utilizes several on-going mechanisms to share information with external interested parties. The EJ Program has frequent and meaningful contact with external stakeholders through project specific initiatives, such as the North Denver Initiative, through development of community based Supplemental Environmental Project (SEPs) , and the Migrant Farm Worker Drinking Water Project. Through these action specific activities, The EJ Program regularly communicates with community groups, local governments, state agencies and other interested parties. Furthermore:
 - The EJ Program has conducted two “listening sessions” to gather information about environmental concerns. While these sessions were well organized, our experience suggests that, due to the vast geographic area of Region 8 and the general nature of listening sessions, engagement with external stakeholders is more successful on a project-by-project basis.
 - The EJ Program communicates with external stakeholders through an informational bulletin, “Open Doors,” which is mailed to approximately 600 individuals and organizations interested in receiving information about EJ. “Open Doors” contains articles of interest to community groups, information about on-going programs, grant availability, and contact telephone numbers. Occasionally, an entire issue may focus on a relevant topic of interest, such as EJ grant opportunities.
 - The EJ Program has developed a website with information about on-going activities. The website also has information on who to contact with specific questions, issues, or concerns. The website address is as follows:

www.epa.gov/region8/community_resources/ej/ejhome.html

- o The EJ Program strives to identify stakeholders who could benefit from increased awareness about EJ. Outreach efforts to identify interested groups and individuals and contacting stakeholders experiencing EJ issues is a significant on-going effort. To reach as many interested parties as possible, the EJ Program reaches out to stakeholders through the medium of “Open Doors,” the EJ website, grants training, EJ workshops, other EPA program contacts, networking with other federal and state agencies, presenting at national conferences, serving on panels, and providing information at national and regional meetings. The EJ Program is working with Tribal groups to improve grant proposals and is planning to conduct EJ training in the coming year.
- o The EJ Program focuses on initiating multi-stakeholder collaborative processes to address EJ issues. A significant role for the EJ Program in the Regional office is as a convener of Regional programs and outside organizations to address multi-media/multi-agency EJ issues. Examples of such efforts are:
 - The EJ Program has accepted cooperating Agency status with the Federal Highway Administration to work on the Environmental Impact Statement (EIS) for the expansion of Interstate 70, which passes through a large EJ community.
 - The EJ Program is coordinating with the State of North Dakota and EJ interested parties to address a children’s health concern: elevated blood lead levels.
 - The EJ Program is developing a partnership with the State of Colorado, to research and map the locations of children with elevated blood lead levels for targeting and outreach purposes. The outreach information may be used to move towards formal enforcement, if necessary. The mechanism will be the same as that used to partner with the State of North Dakota.
 - As the lead Region tasked with developing an EJ Cultural Resource module for the EJ training, the EJ Program will convene a multi stakeholder group to design the module, which will be used to teach interested parties about the intricacies involved in the preservation of cultural resources.
 - The EJ Program schedules quarterly grant conference calls to give grant recipients networking opportunities and to develop partnerships.
 - Working with Tribes to develop effective grant writing skills.

- o The EJ Program addressed language issues for persons with limited English proficiency by utilizing Regional staff and stakeholders to assist with language barrier concerns. We have provided translators and equipment for simultaneous translation at SEP development meetings, at the listening sessions, and during sampling of drinking water sources in migrant labor camps. In addition, many of the fact sheets prepared for the Migrant Farm Worker Drinking Water Project have been translated into Spanish.
- o The EJ Program will utilize informational materials translated into the appropriate language and will provide such materials to groups and individuals who attend planned activities such as our “Brownbag Series”, which is held at various intervals during the year. Our outreach efforts include several events which target minority populations such as the Migrant Farmworker’s Appreciation Day, and the Migrant Farmworker Growers Workshop.

Data Collection, Management, and Evaluation

- o The EJ Program maintains an interactive database of more than 600 interested organizations and individuals. The database also serves to track projects, staff assignments, grant activities, and intern projects.
- o The EJ Program has worked closely with the enforcement program to identify “potential EJ sites”. Prior to screening cases, the EJ Program provides demographics information on each of the potential cases, so that potential EJ sites are identified early in the enforcement process.
- o The EJ Program utilizes various methods to promote shared learning, such as:
 - Quarterly meetings with all grantees, both EJ Small Grants and EJ Pollution Prevention Grantees.
 - Informational meetings with the Regional program offices.

Professional and Organizational Development

- o The EJ Program frequently updates the EJ Workshop materials to reflect lessons

learned from training experiences and to add updated EJ information. Currently several modules are being updated, including “ EJ and the Law,” “GIS and EJ,” and the case study format.

- o To develop more Regional EJ trainers, we are developing a “train the trainer” workshop for Regional staff. This workshop will focus on adult learning techniques and how to facilitate the EJ Fundamentals course.
- o One of the methods used to promote shared learning, such as best practices and lessons learned, is by sharing the materials developed for EJ training with OEJ and the EJ Training Collaborative. Our “Open Doors” newsletter is another effective communication mechanism used to share information with interested parties.

Environmental Justice Assessment

- o The evaluation of whether the EJ Program should use its limited resources in a specific situation is based on the EJ Deliberative Process. Our deliberative process utilizes demographics, information on disproportionate impact, stakeholder involvement and interest, and a balancing analysis of the benefits and burdens of the proposed action.
 - **Demographics:** Low-income populations are identified using annual statistical poverty thresholds from the Bureau of the Census; current population reports, Series P-60 on Income and Poverty. Minority populations are identified as members of the following population groups: American Indian or Alaskan Native, Asian, Native Hawaiian and other Pacific Islander, Black or African American, and Hispanic or Latino.
 - **Stakeholder involvement:** All populations should have a meaningful opportunity to participate in the development of, compliance with, and enforcement of Federal laws, regulations and policies affecting human health or the environment. The EJ Program strives to identify whether or not communities have easy access to public information and the Program strives to provide opportunities for public participation in matters relating to human health and the environment.
 - **Disproportionate impacts:** the EJ Program determines whether there is or will be an actual or potential disproportionate impact on the natural or physical environment that significantly and adversely affects a minority population, a low-income population, or Indian Tribe. Indicators used to make such determinations may include: ecological, cultural, human health, or economic.

- Benefits and Burdens: the EJ Program determines whether there is unfairness in the distribution of the benefits and the burdens associated with the implementation of Federal laws, regulations, and policies and whether or not all segments of the society regardless of race, color, national origin, or income share fairly in receiving the benefits from environmental protection and in shouldering the burdens of implementation of these policies.
- The EJ Program relies on various informational resources to conduct an EJ assessment. These sources include the Region 8 EJ Geographic Information System application, interviews with key EPA, State, and community parties, file and historical research, and discussions with EPA core programs and OEJ.

Program Evaluation

- Currently an evaluation of Supplemental Environmental Projects (SEPs) implemented in Region 8 is being conducted to identify opportunities for EJ project integration. An evaluation of several core programs to identify EJ opportunities will be completed.
- The EJ Program will highlight the accomplishments, results, and program evaluations predicated by our EJ Action Plan through region-wide meetings, luncheon presentations, fact sheets, posters, training opportunities, site-specific presentations, meetings, and Regional and national reporting mechanisms.