

June 30, 2003

**U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance**

FY 2003 ACTION PLAN TO INTEGRATE
ENVIRONMENTAL JUSTICE

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Table of Contents

	Page
Executive Summary	<i>i-v</i>
OECA’s Environmental Justice Action Plan	1 - 20
Background	1
Section 1: Organizational Infrastructure	2
Section 2: Management Support	3
Section 3: Operational Resources	4
Section 4: Program Support	6
Section 5: Government Performance and Results Act	10
Section 6: Internal Organizational Engagement	11
Section 7: External Stakeholder Engagement	12
Section 8: Data Collection, Management, and Evaluation	16
Section 9: Professional Organizational Development	18
Section 10: Environmental Justice Assessment	19
Section 11: Program Evaluation	19
Section 12: Conclusion	20
Appendix A EJ Strategies and Activities Matrix (to be added later)	

Executive Summary

On August 9, 2001, Administrator Whitman signed a memorandum expressing her commitment to environmental justice (EJ) and requesting that EJ be incorporated into Agency programs and policies including the Agency's planning and accountability process. To respond to the Administrator's request, the Office of Environmental Justice (OEJ) requested all Headquarters' Offices and Regions to submit an Action Plan detailing EJ-specific actions that will be taken to integrate EJ more fully into the Agency's programs. This Environmental Justice Action Plan (Action Plan) is being submitted by the Office of Enforcement and Compliance Assurance (OECA) in response to this request and to demonstrate its commitment to environmental justice.

As a starting point, it is useful to articulate the definition of EJ used by OECA's Office of Environmental Justice, which frames the Agency's work in the context of EJ:

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. Fair treatment means that no group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. Meaningful involvement means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected. In sum, environmental justice is the goal to be achieved for all communities and persons across this Nation. Environmental justice is achieved when everyone, regardless of race, culture, or income, 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.

OECA is committed to improving environmental performance through compliance with environmental requirements, preventing pollution, promoting environmental stewardship and by incorporating environmental justice across the spectrum of our programs, policies, and activities. This Action Plan describes our EJ goals and the specific tasks to achieve them. Implementation will be achieved through the use of integrated strategies including compliance assistance, compliance monitoring, compliance incentives, and civil/criminal enforcement actions, along with EJ training and specific EJ projects. OECA will incorporate this Action Plan into its internal planning and accountability processes.

OECA's Action Plan discusses how it will incorporate EJ into two broad areas - its organizational infrastructure and its programmatic initiatives and activities.

Incorporation of EJ into OECA's Organizational Infrastructure

In 1993, OECA established the Environmental Justice Coordinators Council (EJCC) which consists of EJ coordinators from OECA offices. Over the years, the OECA EJ coordinators have been the primary conduits for incorporation of EJ principles into OECA's core work. In March 2003, the Principal Deputy Assistant Administrator established the Environmental Justice Action Council (EJAC), a management-level group that is responsible for developing strategic approaches for the incorporation of EJ into OECA programs.

The EJAC, consisting of OECA's Deputy Office Directors, serves as a strategic policy and steering committee to guide continued integration of EJ into OECA programs. The EJAC is chaired by the OPPAC Deputy Director. It guides OECA's process for incorporating EJ principles into its core work and serves as an ongoing mechanism to ensure that EJ is properly integrated into new initiatives and programs. The EJAC will continue to work with the EJCC to ensure that every office within OECA determines how to integrate EJ concepts and considerations into its daily work, and that the sum totals of all the contributions of OECA offices add up to the desired outcomes for the program. In addition, the EJAC will help manage cross-cutting EJ issues, such as training for management and staff, and will periodically evaluate OECA's Action Plan and progress on its implementation, instituting any necessary changes or mid-course corrections. The EJAC will also work closely with OECA's front office by raising issues to its attention and responding to its management imperatives relating to EJ.

The EJCC consists of staff level coordinators who work with the EJAC and their office staff to broaden and promote the integration of EJ. OPPAC coordinates OECA's staff level EJ network via a lead EJ Coordinator who chairs the EJCC and is responsible for liaison between the EJCC and the EJAC. This organizational structure promotes the integration of EJ within all eight of OECA's program areas. The EJ Coordinators will continue to work within each OECA office to implement the activities in the Action Plan. Working in unison through the EJCC, the EJ Coordinators will develop a cohesive EJ approach and raise EJ issues to the attention of their individual offices and to the EJAC.

OECA's Principal Deputy Assistant Administrator will lead the foregoing efforts to ensure accountability. OECA's Principal Deputy Assistant Administrator is an active participant in the Executive Steering Committee. The Executive Steering Committee is a cross-Agency group that focuses on EJ issues. OECA's Principal Deputy Assistant Administrator will use the Executive Steering Committee as a vehicle to communicate with, receive input from, and coordinate approaches with other Headquarters' offices on EJ issues.

Integration of EJ into OECA's Programmatic Initiatives and Activities

OECA's efforts to date have been consistent with EPA's Environmental Justice Strategy. Our program has and will continue to promote the integration of EJ by doing the following:

- (1) integrating EJ into OECA's organization infrastructure and provide management support, operational resources and program support;
- (2) incorporating EJ concerns and impacts into selection of national enforcement and compliance assurance priorities, targeting strategies, and OECA's accountability processes;
- (3) using integrated strategies to enhance the environment and public health in EJ communities;
- (4) enhancing data gathering and analysis of EJ activities;
- (5) evaluating and improving data systems to enhance public access to information;
- (6) enhancing outreach to and collaboration with EJ communities and other external groups;
- (7) considering EJ goals in grants and cooperative agreements;
- (8) enhancing training on EJ issues within OECA and with State and Tribal enforcement and compliance assurance programs; and
- (9) more effectively communicating results in the EJ arena.

Some of OECA's principal activities related to EJ are in the following major program areas:

1. Incorporate EJ concerns and impacts into selection of national enforcement and compliance assurance priorities, targeting strategies, and OECA's accountability process

An example activity includes:

OECA established the Planning Review Team (PRT) in September 2002 to improve planning, priority setting, targeting and performance measure practices. In January 2003 the PRT issued a report recommending specific actions OECA should take to implement improvements to its planning and accountability processes. On February 25, 2003 OECA's Assistant Administrator took the first step in implementing the PRT's recommendations by establishing the OECA Planning Council, which will consist of headquarters and regional compliance assurance senior management. The Council will recommend national priorities, develop goals, strategies, milestones, and measures for each priority, and develop targets for

OECA's commitments under EPA's Strategic Plan. OECA will factor EJ into the implementation of the PRT recommendations, resulting in priorities and targeting strategies that will better address public health and the environment in EJ communities. OECA will ensure that its activities are compatible with the Agency's Strategic Plan and with the Government Performance and Results Act (GPRA), ensuring accountability.

2. Use integrated strategies to enhance the environment and public health in EJ communities

An example activity includes:

OECA's Assistant Administrator issued the "Framework for Problem-Based Approach to Integrated Strategies" in November, 2002. The Framework is a strategic approach to address national and regional environmental problems using "integrated strategies" – comprehensive approaches which give up front consideration to which tool or tools to use when addressing identified environmental problems. The Framework specifically addresses EJ by asking Regions to:

- < Consider whether EJ communities are a specific impacted population when establishing the baseline of information on: (a) health and environmental impacts; (b) potential risks; and (c) root and contributory causes.*
- < Consider EJ issues when describing the factors that make particular problem(s) ripe for resolution and a relative priority.*
- < Inform the public on what EPA is doing to address compliance issues/problems, particularly in EJ communities.*

During Fiscal Year (FY) 2003, the Framework will be piloted in eight Regions.

3. Enhance data gathering and analysis of EJ activities and evaluate and improve data systems to enhance public access to information

Example activities include:

Development of the Enforcement and Compliance History Online (ECHO) to offer the public the ability to ascertain inspection, violation, and enforcement histories of all facilities under Federal environmental law.

Development of the EnviroMapper for EJ, a geographic information system (GIS), web-based mapping program that will help the public acquire inspection and compliance information.

4. Enhance outreach to and collaboration with EJ communities and other external groups

Example activities include:

OECA's Office of Planning, Policy Analysis & Communications (OPPAC) is working closely with the Enforcement Subcommittee of the NEJAC and OECA offices to ensure that the Subcommittee's advice is considered as OECA continues to integrate EJ into the enforcement and compliance program. The Designated Federal Officer (DFO) for the NEJAC Enforcement Subcommittee will continue her pivotal role as the liaison between OECA and the Subcommittee members.

As part of its overall outreach program on environmental crime, OECA's Office of Criminal Enforcement, Forensics & Training has engaged the National Organization of Black Law Enforcement Executives (NOBLE) in a training and public awareness partnership that will assist in combating environmental crimes in economically disadvantaged areas. Formal training is offered in the areas of detecting, responding to, and investigating environmental crimes, including illegal asbestos removal, lead paint hazards, and illegal hazardous waste dumping.

More details about these and other initiatives and activities are provided in OECA's EJ Action Plan.

The Plan was developed with the input from the following OECA Offices: Office of Planning, Policy Analysis and Communications (OPPAC); Office of Regulatory Enforcement (ORE); Office of Compliance (OC); Federal Facilities Enforcement Office (FFEO); Office of Federal Activities (OFA); Office of Site Remediation and Enforcement (OSRE); Office of Criminal Enforcement, Forensics and Training (OCEFT).

OECA ENVIRONMENTAL JUSTICE ACTION PLAN

Background

On August 9, 2001, Administrator Whitman signed a memorandum expressing her commitment to environmental justice (EJ) and requesting that EJ be incorporated into Agency programs and policies including the Agency's planning and accountability process. To respond to the Administrator's request, the Office of Environmental Justice (OEJ) requested all Headquarters' Offices and Regions to submit an Action Plan detailing EJ-specific actions that will be taken to integrate EJ more fully into the Agency's programs. This Environmental Justice Action Plan (Action Plan) is being submitted by the Office of Enforcement and Compliance Assurance (OECA) in response to this request and to demonstrate its commitment to environmental justice.

As a starting point, it is useful to articulate the definition of EJ used by OECA's Office of Environmental Justice, which frames the Agency's work in the context of EJ:

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OECA's activities and efforts to date have been consistent with EPA's Environmental Justice Strategy. Our program has and will continue to promote the integration of EJ through the following:

- (1) integrating EJ into OECA's organization infrastructure and provide management support, operational resources and program support;
- (2) incorporating EJ concerns and impacts into selection of national enforcement and compliance assurance priorities, targeting strategies, and OECA's accountability processes;
- (3) using integrated strategies to enhance the environment and public health in EJ communities;
- (4) enhancing data gathering and analysis of EJ activities;
- (5) evaluating and improving data systems to enhance public access to information;
- (6) enhancing outreach to and collaboration with EJ communities and other external groups;
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- (8) enhancing training on EJ issues within OECA and with State and Tribal enforcement and compliance assurance programs; and
- (9) more effectively communicating results in the EJ arena.

The Plan was developed with the input from the following OECA Offices: Office of Planning, Policy Analysis and Communications (OPPAC); Office of Regulatory Enforcement (ORE); Office of Compliance (OC); Federal Facilities Enforcement Office (FFEO); Office of Federal Activities (OFA); Office of Site Remediation and Enforcement (OSRE); Office of Criminal Enforcement, Forensics and Training (OCEFT).

Section 1: Organizational Infrastructure

T How does your organizational structure promote the integration of environmental justice within all program areas?

OECA is organized into eight major areas: the Office of Regulatory Enforcement (ORE); Office of Compliance (OC); Federal Facilities Enforcement Office (FFEO); the Office of Federal Activities (OFA); Office of Site Remediation and Enforcement (OSRE); Office of Criminal Enforcement, Forensics and Training (OCEFT); the Office of Environmental Justice (OEJ) and the Office of Planning, Policy Analysis and Communications (OPPAC). Each of these offices participates in both management and staff level EJ coordinating groups.

The Environmental Justice Action Council (EJAC), consisting of OECA's Deputy Office Directors, serves as a strategic policy and steering committee to guide continued integration of EJ into OECA programs. The EJAC is chaired by the OPPAC Deputy Director.

The Environmental Justice Coordinating Council (EJCC) consists of staff level coordinators who work with the EJAC and their office staff to broaden and promote the integration of EJ. OPPAC coordinates OECA's staff level EJ network via a lead EJ Coordinator who chairs the EJCC and is responsible for liaison between the EJCC and the EJAC. This organizational structure promotes the integration of EJ within all eight of OECA's program areas.

In addition, OPPAC coordinates activities associated with the Enforcement Subcommittee of the National Environmental Justice Advisory Council (NEJAC). The NEJAC Enforcement Subcommittee provides public input on enforcement and compliance assurance issues and promotes the integration of EJ into OECA's program.

Section 2: Management Support

T How does your Regional/Headquarters office's management communicate expectations about the Environmental Justice Program, review tangible/intangible outcomes, and evaluate performance?

In the early 1990's, the Agency established an infrastructure for the integration of environmental justice. First, the Office of Environmental Justice within EPA was created in 1992. Second, the Agency initiated the Executive Steering Committee consisting of senior Agency managers to guide EPA's overall EJ policy. Third, the Agency created a network of EJ Coordinators both at Headquarters and in the Regions. In 1993, OECA established the Environmental Justice Coordinating Council (EJCC) which consists of EJ coordinators from each OECA office. Over the years, the OECA EJ coordinators have been the primary conduits for incorporation of EJ principles into OECA's core work. In March 2003, the Principal Deputy Assistant Administrator for OECA established the Environmental Justice Action Council (EJAC), a management-level group that is responsible for developing strategic approaches for the incorporation of EJ into OECA programs.

The EJAC guides OECA's process for incorporating EJ principles into its core work and serves as an ongoing mechanism to ensure that EJ is properly integrated into new initiatives and programs. The EJAC will continue to link with the EJCC to ensure that every office within OECA determines how to integrate EJ concepts and considerations into its daily work, and that the sum totals of all the contributions of OECA offices add up to the desired outcomes for the program.

The EJ Coordinators will continue to work within each OECA office to implement the activities in this Action Plan. Working in unison through the EJAC, the EJ Coordinators will implement a cohesive EJ approach and raise EJ issues to the attention of their individual offices

and to the EJAC.

The EJAC will help manage cross-cutting EJ issues, such as training for management and staff, and will periodically evaluate OECA's Action Plan and progress on its implementation, instituting any necessary changes or mid-course corrections. The EJAC will also work closely with OECA's front office by raising issues to its attention and responding to its management imperatives relating to EJ.

In addition to the EJAC and the EJCC, OECA established the Planning Review Team (PRT) in September 2002, which was created to improve planning, priority setting, targeting and performance measure practices. In January 2003 the PRT issued a report recommending specific improvements OECA should take to be more collaborative in its planning processes to increase accountability. On February 25, 2003 OECA's Assistant Administrator took the first step in implementing the PRT's recommendations by establishing the OECA Planning Council, which will consist of headquarters and regional compliance assurance senior management. The Council will recommend national priorities, establish goals, milestones, strategies, and measures for each priority, and develop targets for OECA's commitments under EPA's Strategic Plan.

OECA will factor EJ into the implementation of the PRT recommendations, resulting in priorities and targeting strategies that will better address public health and the environment in EJ communities. OECA will ensure that its activities are compatible with the Agency's Strategic Plan and with the Government Performance and Results Act (GPRA).

OECA's Principal Deputy Assistant Administrator will lead the foregoing efforts to ensure accountability. OECA's Principal Deputy Assistant Administrator is an active participant in the Executive Steering Committee, a cross-Agency group that focuses on EJ issues. OECA's Principal Deputy Assistant Administrator will use the Executive Steering Committee as a vehicle to communicate with, receive input from, and coordinate approaches with other Headquarters' offices on EJ issues.

Section 3: Operational Resources

T Identify the aggregate full-time equivalents (FTE) in your Regional/Headquarters office that specifically focus on environmental justice issues. If responsibilities and duties are parceled out as collateral duties to one or more employees, please compute what the FTE equivalent would be.

T What are the functions and day-to-day responsibilities of your Environmental Justice Coordinator(s) and/or team?

Approximately four (4) full-time equivalents in OECA specifically focus on

environmental justice issues. This includes members of the EJAC, EJCC and other key OECA managers and staff involved in a wide array of EJ activities. Most of these FTEs are performing environmental justice-related work as a collateral duty.

The primary responsibility of the OECA Environmental Justice Coordinators is to ensure that environmental justice is pursued actively in all of OECA's work and that EJ-focused projects are developed. The functions and day-to-day responsibilities of OECA's Environmental Justice Coordinators are as follows:

- Promote the Integration of Environmental Justice. Work with the Deputy Office Director to incorporate environmental justice into programs, policies, and activities and OECA priorities. This includes soliciting, both directly and indirectly, the level of assistance, consultation, training and oversight, that will permit integration of environmental justice into the office's priorities.
- Provide Consultation and Assistance to EJAC. Provide information and recommendations to the Environmental Justice Action Council (EJAC) concerning the full range of OECA EJ activities. Work with the EJAC to conduct various analyses, gather data, and evaluate programs.
- Responsiveness to Agency/OECA Reporting Requirements. Assists Deputy Office Director to produce the end-of-year report on the OECA Action Plan and associated revisions. Also, assist in reporting on performance measures and ongoing evaluation and revision of matrices.
- Cross-Agency Outreach. Coordinate with other EJCCs in the Agency concerning approaches to the integration of EJ and provide support to EJAC for outreach activities.
- External Outreach. Working through the EJAC, the EJCC will provide program-specific background materials and coordination that might be required for National Environmental Justice Advisory Council activities. In coordination with the EJAC, the EJCC will work with the regional EJ coordinators to maximize opportunities for input by the EJ community through regional listening sessions.
- Represent Office on the EJCC. In consultation with the EJAC, EJCC develops a holistic approach to integration of EJ into OECA's programs and policies. EJCC share information about office program changes and other developments that might impact implementation of environmental justice.

Section 4: Program Support

- T **Does your Regional/Headquarters office have any ongoing mechanisms for focusing on environmental justice issues, such as teams and workgroups? If yes, please list and describe. Also, state how these mechanisms are tied to other programs and activities in your Regional/Headquarters office.**
- T **Are there any specific programs/initiatives for which environmental justice is (or should be listed) as a funding priority? If yes, please list or attach.**

As described above in **Section 1: Organizational Infrastructure**, the EJAC and the EJCC are standing groups that focus on office-specific and OECA-wide environmental justice issues. In addition, OECA has requested the NEJAC Enforcement Subcommittee to form workgroups to assist with specific aspects of EJ integration into OECA programs.

Specific enforcement and compliance assurance initiatives taking EJ considerations into account include the following (primary responsible office is indicated after each activity):

- Civil Enforcement Initiatives. ORE, in concert with various Regions, has major enforcement initiatives under way in priority areas which are expected to result in significant benefits for EJ communities – sanitary sewer overflows, clean water, and air pollutants. ORE will seek to fully incorporate EJ considerations into this work, from case selection to achieving injunctive relief and identifying appropriate opportunities for supplemental environmental projects (SEPs). ORE will continue to work closely with OC and OCEFT to define high priority areas for the enforcement and compliance assurance program consistent with the PRT recommendations and in furtherance of EJ goals. OECA will specify measures to assess the impact of this work in EJ communities. (ORE)
- Criminal Enforcement. OCEFT, working in partnership with State and local agencies, will strategically target its actions to address instances of harm or potential harm that have a disproportionate impact in EJ communities. Approximately thirty percent of the open criminal cases have EJ implications and OCEFT will continue its targeting work to bring more criminal enforcement actions in EJ communities. In addition, OCEFT will increase coordination with ORE and OC to achieve greater overall compliance. (OCEFT)
- Federal Facilities’ Enforcement. OECA continues to refine its initial “Federal Facilities Environmental Enforcement Justice Initiative” report (June 1999). The

original report identified 44 Federal facilities as having the potential for EJ concerns based on compliance history, relative health risks, community based and other reporting of EJ concerns and geographic distribution based on data from TRI Reports. Overall, EPA Regions and the States conducted 354 inspections at these 44 facilities between 1997 and 1998 resulting in 107 enforcement actions, consisting of 14 formal enforcement actions and 93 informal orders. FFEQ is continuing to work to improve data gathering and dissemination to ensure that facilities with potential EJ concerns are regularly inspected and that appropriate enforcement actions are taken. (FFEQ)

- “Framework for Problem-Based Approach to Integrated Strategies.” The Framework is a strategic approach to addressing national and regional environmental problems using “integrated strategies” – comprehensive approaches which give up front consideration to which tool or tools to use when addressing identified environmental problems. The Framework specifically addresses EJ by asking Regions to:
 - < Consider whether EJ communities are a specific impacted population when establishing the baseline of information on: (a) health and environmental impacts; (b) potential risks; and (c) root and contributory causes.
 - < Consider EJ issues when describing the factors that make particular problem(s) ripe for resolution and a relative priority.
 - < Inform the public on what EPA is doing to address compliance issues/problems, particularly in EJ communities.

During Fiscal Year (FY) 2003, the Framework will be piloted in eight Regions. (OC)

Strategies geared to specific programs:

- C Worker Protection. The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) regulations contain Worker Protection Standards (WPS) aimed at protecting farm workers, a population generally considered an EJ population. In January 2002, ORE provided training to Federal, State, and Tribal enforcement personnel on how to handle WPS cases. ORE has developed a comprehensive enforcement manual that includes statutory and regulatory documents, WPS guidance and policy, sample complaints, and model settlement agreements. The training was very successful and, as a result, ORE intends to repeat the training in FY 2003. (ORE)

- C Review of Worker Protection Enforcement and Compliance Program. OC has under final review, EPA's worker protection enforcement and compliance program. While both anticipating some of the review's findings and also addressing concerns raised in a General Accounting Office (GAO) study about the protection of farm worker children, OC provided regional pesticide offices with guidelines to report FY 2002 WPS compliance monitoring and enforcement activities conducted under the Pesticide Cooperative Agreement Guidance. This uniform reporting provides a more national view on the status of implementation of the Pesticides WPS program and is to continue in FY 2003. (OC)
- Interagency Initiatives. Since 1999, ORE, US Department of Housing and Urban Development (HUD) and US Department of Justice (DOJ) have pursued a joint initiative investigating compliance with the Lead Disclosure Rule (under the Toxic Substances Control Act) in low-income communities with significant concentrations of HUD-assisted housing. These communities often have a high incidence of childhood blood-lead poisoning, a problem frequently associated with residential exposures in substandard housing. Settlements in these cases have required landlords to inspect and test the housing for the presence of lead-based paint and abate any lead-based paint hazards found, with a priority for testing and clean-up on units presently occupied by children. To date, judicial settlements have resulted in commitments to inspect and test more than 13,000 housing units at a cost in excess of \$500,000. The administrative settlements have resulted in commitments to inspect and test more than 130,000 housing units. Civil and criminal penalties and jail time for violators have also been achieved. This initiative will continue for the foreseeable future. (ORE)
 - Environmental Results Program (ERP). OPPAC has been working with Region 3, Maryland and the District of Columbia (DC) to develop integrated strategies based on this innovative self-certification program developed by the State of Massachusetts. The Maryland Department of the Environment and the District of Columbia Environmental Health Administration have developed ERP programs focusing on auto repair shops, with a view to addressing compliance issues in EJ communities (the Park Heights area of Baltimore and Ward 5 in the District). OPPAC has provided financial and technical assistance to both programs. OPPAC will continue to work with Maryland and DC to implement these programs, including the development and use of self-certification forms and measures to evaluate results. (OPPAC)
 - Commission for Environmental Cooperation. OPPAC has funded two cooperative agreements with California and Texas and provided these States with guidance to develop pilot projects to train and assist small to medium sized businesses in developing Environmental Management Systems (EMSs) focused

on compliance, pollution prevention, disclosure of environmental results, and continuous improvement in regulated and non-regulated activities. The EMS model is based on the Commission for Environmental Cooperation (CEC) 10 Elements of Effective EMSs. The CEC was established as part of a side agreement to North American Free Trade Agreement (NAFTA) to address environmental issues among Canada, U.S. and Mexico. OPPAC will work with Texas and California to measure how EMSs can improve the environment near border and EJ communities in furtherance of the Border 2012 Plan among EPA and border States and other Agency initiatives. (OPPAC)

- Performance Track. OPPAC will explore with the Office of Policy, Economics and Innovations (OPEI) and Office of Environmental Justice (OEJ) ways to leverage the National Environmental Performance Track members' commitment to environmental stewardship in EJ communities. (OPPAC)
 - < Beginning in 3rd quarter FY 2003, OPPAC, OPEI and OEJ will encourage Performance Track members, to the extent they are not already doing so, to develop robust community outreach strategies in EJ communities.
 - < Beginning in 4th quarter FY 2003, OPPAC will explore additional opportunities with OPEI and OEJ to leverage Performance Track members' environmental stewardship to promote EJ.
- Supplemental Environmental Projects. ORE and OSRE will continue their strong support of EJ SEPs. ORE will enhance the quality of EJ SEP reporting by working with regional EJ and SEP coordinators to develop a list of factors determinative of whether a SEP has EJ benefits. Based on a year of enhanced reporting, ORE will establish an annual goal for achieving future SEPs in civil settlements. OSRE will continue to encourage the use of SEPs in the settlements of environmental enforcement cases at Superfund and Brownfield sites. Because local communities are the most affected by environmental violations and should be afforded an opportunity to comment on and contribute to the design of proposed SEPs, both ORE and OSRE will encourage the Regions to promote public involvement in accordance with the community input procedures set forth the SEP Policy. (ORE and OSRE)
- Structuring the Settlement of National Cases. ORE is undertaking efforts to ensure that settlements provide relief for communities shown to bear a disproportionate share of pollution and non-complaint activity. (ORE)

- RCRA Corrective Action Facilities and NPL Sites. When setting priorities for enforcement actions at RCRA Corrective Action facilities and NPL sites, OSRE will review the existing priority setting tools and guidance to evaluate EJ as a consideration in site remediation enforcement activities. (OSRE)

Section 5: Government Performance and Results Act (GPRA) Alignment (link to mission and priorities)

- T How is your Regional/Headquarters office’s environmental justice program linked to your Regional/Headquarters office’s main GPRA priorities?**
- T How are your Regional/Headquarters office’s environmental justice strategies and activities integrated into specific programmatic areas/functions? (e.g. permitting, community outreach, etc.)**
- T Does your Regional/Headquarters office utilize Performance Partnership Agreements (PPAs) and Performance Partnership Grants (PPGs) to specifically address environmental justice issues? If yes, please list and describe.**

OECA’s strategic goal is to improve environmental performance through compliance with environmental requirements, preventing pollution and promoting environmental stewardship, regardless of race or socioeconomic background. Therefore, EJ considerations are an integral part of all of OECA’s GPRA goals. OECA’s current GPRA objectives and targets focus on protecting human health and the environment through implementation of our tools to solve environmental problems - civil and criminal enforcement, assistance, monitoring, incentives and innovative approaches.

OECA will continue to incorporate EJ concerns into its accountability process. For example, OECA’s Planning Council will ensure that modifications and improvements to planning and accountability processes directly support the Agency’s Strategic Plan and GPRA. Furthermore, as a means of ensuring that our work leads to the results and outcomes we strive to achieve, OECA will focus on “smart enforcement” in 2003 and 2004. “Smart enforcement” means that OECA will use data more effectively to focus on the most serious environmental problems, and utilize the most efficient, effective and appropriate tools to address the problem. As national and regional priorities are identified, OECA will encourage the Regions to take actions in EJ communities, and therefore achieve results that are meaningful for both the national program and for EJ communities. (OC)

As discussed in previous sections, OECA will integrate EJ into specific programmatic areas/functions, as well as specific enforcement and compliance assurance initiatives. OECA will use a strategic approach by utilizing integrated strategies - action plans designed to address significant environmental and noncompliance problems using appropriate programmatic tools

such as compliance monitoring, compliance assistance, civil and criminal enforcement, settlement policies, and incentives to more effectively address the needs of EJ communities.

Finally, through EPA regional offices, OECA will utilize Performance Partnership Agreements (PPAs) and Performance Partnership Grants (PPGs) to specifically address EJ issues. As partners in the enforcement of Federal environmental laws, it is critical that States and Tribes participate in implementing actions to address EJ issues. Where applicable, OECA will incorporate EJ concerns in cooperative agreements and grants awarded to States and Tribes to ensure that EJ priorities are properly reflected. A few examples follow:

- FIFRA Mutual Accountability Pilot Project. OC will be starting a pilot mutual accountability project with the regions to enhance headquarters role in the implementation of FIFRA State enforcement grants, which set worker protection compliance as a top priority. The project will be piloted in 2 Regions in cooperation with the Office of Pesticide Programs (OPP) during FY 2003 and FY 2004. (OC)
- Revision of FIFRA Project Officer Manual. OC recently completed substantial revisions to the FIFRA Project Officer Manual which include information on cooperative agreements with Tribes, an EJ population. The Agency's success in addressing worker protection standard goals depends almost entirely upon program management of FIFRA cooperative agreements with states, who have primary enforcement authority in this area. In addition, the Manual is expected to increase national consistency in grant management. Further, OC is developing a web-based training course as a companion to the Manual, which will also cover cooperative agreements with Tribes. It is expected to be completed in late FY 2003. (OC)

Section 6: Internal Organizational Engagement

T Does your Regional/Headquarters office's environmental justice program have any ongoing mechanisms to communicate with, receive input from, and otherwise consistently engage with other programs in your Regional/Headquarter's office? If yes, please list and describe.

T Has your Regional/Headquarters office developed any related guidance to the staff regarding the integration of environmental justice in areas such as authorization/delegation, environmental education, grants and contracts, inspection, enforcement and compliance assistance, permitting, performance partnership, public participation, waste site cleanup/brownfields, etc.? If yes, please list and describe.

The EJAC and the EJCC, described in Sections 1 and 2 above, serve as a consistent mechanism to communicate with and to engage all OECA offices regarding EJ issues. In addition, OECA's Principal Deputy Assistant Administrator participates in the EJ Executive Steering Committee and uses the Committee as a vehicle to communicate with, receive input from, and coordinate approaches with other Headquarters' offices on EJ issues. OECA's EJ activities are further enhanced by close collaboration with OEJ which is located in OECA as well. OEJ provides leadership to all Agency offices concerning EJ issues and OECA consults regularly with OEJ staff and management to ensure that OECA approaches to EJ issues are consistent with OEJ's Agency-wide policies and guidance.

There are three areas in particular where OECA provides guidance to Agency staff regarding the integration of EJ issues:

- Supplemental Environmental Projects (SEP) Guidance. OECA's SEP Policy specifically emphasizes consideration of EJ issues in designing SEPs to be included in the settlement of an enforcement action. These projects result in direct and immediate environmental benefits to EJ communities. OECA will issue interim guidance on the role of communities in the development of SEPs in FY 2003. (ORE)
- Tribal Cooperative Agreements under FIFRA. In March 2002, OC issued jointly with the Office of Pesticide Programs' "Guidance on Basic Elements of an EPA Funded Tribal Pesticide Program." The guidance sets expectations for management and use of Tribal pesticide grants. OC will continue to work with the Regions in implementing the guidance and support them in the management of Tribal grants and grant reviews. OC will continue to work very closely with the Tribal Pesticide Program Council, which is a cooperative effort between EPA and Tribes to assure better implementation of FIFRA on Tribal lands. (OC)
- Guidance for National Environmental Policy Act (NEPA) Compliance and Section 309 Reviews. The OECA Office of Federal Activities issued in 1998 and 1999 respectively, "*Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses*" and "*EPA Guidance for Consideration of Environmental Justice in Clean Air Act Section 309 Reviews.*" The 1998 document provides guidance to ensure that EPA prepared environmental impact statements (EISs) and environmental assessments (EAs) fully consider and address environmental justice concerns in the NEPA analysis. The 1999 document provides guidance for EPA when it reviews and comments on other federal agency EISs to ensure that EJ concerns are fully analyzed. (OFA)

Section 7: External Stakeholder Engagement

- T Does your Regional/Headquarters office have any processes in place to receive input on environmental justice issues from external stakeholders, such as workgroups, advisory bodies, or listening sessions? If yes, please describe the process and explain how the input gathered may be (or had been) used by you Regional/Headquarters office.**
- T Does your Regional/Headquarters office have any ongoing mechanisms to share information to external groups regarding environmental justice such as websites, faxback system, printed outreach materials, etc.? If yes, please list and describe. Also please mention the specific stakeholder group(s) which benefit from these outreach mechanisms.**
- T How does your Regional/Headquarters office identify stakeholders who could benefit from increased awareness about environmental justice and being more engaged in collaborative problem-solving process?**
- T How does your Regional/Headquarters office promote collaborative problem-solving among stakeholders?**
- T Does your Regional/Headquarters office have any special initiatives or provisions to address issues for persons with limited English proficiency? If yes, please describe or attach.**
- T In the course of your environmental justice outreach, does your Regional/Headquarters office utilize any informational materials translated in languages other than English? If yes, please list and describe.**
- T Are there specific grant programs for which environmental justice was listed as a funding priority? Please list and describe.**

The following outreach strategies facilitate communication between OECA and external stakeholders, and will ultimately ensure the consideration of external stakeholder input by OECA:

- Outreach to Stakeholders on Priorities. OC will continue to obtain input from EJ communities, other Headquarters' offices, the Regions, States, Tribes and pertinent advisory committees on OECA's programmatic priorities. It will accomplish this through a variety of means, including Federal Register notices and meetings. (OC)
- NEJAC Enforcement Subcommittee Advice. OPPAC will work closely with the Enforcement Subcommittee and the OECA offices to ensure that the Subcommittee's advice is considered as OECA continues to integrate EJ into the enforcement and compliance program. This will be accomplished by bringing programmatic issues to and discussing potential planning and priority setting with NEJAC to get their review and comment, and by increasing OECA management and staff participation in the Enforcement Subcommittee's monthly conference calls. OPPAC will also further regional staff participation in the activities of the Enforcement Subcommittee. The Designated Federal Officer (DFO) for the

NEJAC Enforcement Subcommittee will continue her pivotal role as the liaison between OECA and the Subcommittee members. (OPPAC)

- Coordination with the National Organization of Black Law Enforcement Executives (NOBLE). As part of its overall outreach program on environmental crime, OCEFT has engaged NOBLE in a training and public awareness partnership that will assist in combating environmental crimes in economically disadvantaged areas. Formal training is offered in the areas of detecting, responding to, and investigating environmental crimes, including illegal asbestos removal, lead paint hazards, and illegal hazardous waste dumping. More than 100 police chiefs will have received the specialized training beginning early 2003. OCEFT expects to train a similar number of black law enforcement officers in the coming year and will expand the program to include Hispanic law enforcement officers as well. Also, EPA has joint State/local partnerships which operate as multi-agency task forces and include law enforcement officers from all levels of government. These task forces often address EJ-related environmental crimes. (OCEFT)
- National Inspectors Workshop. The National Inspector Workshop took place in December 2002 and included a session titled: “EPA Inspector EJ Issues.” The session addressed the following items: (1) why EJ is important, (2) how EJ may occur, (3) types of information that may be important to an EJ initiative, (4) how EJ is relevant to the enforcement program, (5) EJ issues that can arise in areas where facilities are in noncompliance, (6) ways to target facilities to address EJ concerns, and (7) desktop databases that provide EJ information. A field trip to facilities in EJ areas helped to raise inspector awareness of EJ issues. This highly successful session will be continued at our 2003 Workshop. (OC)
- Border Compliance Assistance Center. In December 2002 OC established the Border Compliance Assistance Center. This web-site provides information on importing hazardous waste into the U.S. from Mexico, as well as Mexican hazardous waste regulations. The Center will provide a one-stop location for compliance assistance tools, such as checklists, guides and fact sheets on laws and regulations, that help explain the environmental requirements that apply to transporters, importers, exporters, generators, and warehouse/storage facilities involved in sending hazardous waste between the United States and Mexico. Because many EJ communities are on the US/Mexican border, this center provides relevant information to these communities. All information on the site is provided in both English and Spanish. This center will continue to operate in FY 2003. (OC)
- Alternative Dispute Resolution (ADR). OECA will continue to utilize ADR to address EJ concerns through constructive engagement and collaborative problem

solving among stakeholders. (OECA)

- EPA Authorization of Tribal Inspectors. In FY 2003, OC developed guidelines on how and when EPA Regions can provide Tribal inspectors authority to conduct inspections on behalf of the Agency under each environmental statute. These activities enhance the ability of EPA and Tribal governments to protect human health and the environment in Indian Country and the rights and interests of individual Tribal members. (OC)
- Protecting Public Health and the Environment Through Enforcement and Compliance Assurance in Indian Country: OPPAC has drafted an OECA enforcement and compliance assurance strategy for Indian Country, which is undergoing a final internal review. One of the strategy's objectives is for the enforcement and compliance assurance program to help ensure that Tribal members do not disproportionately face adverse health or environmental effects and risks. The strategy will develop a common understanding among environmental managers and staff at the Federal and Tribal level about the nature of enforcement and compliance assurance programs. In addition, the strategy outlines how EPA works with Tribes to maximize compliance and reduce threats to public health and the environment in Indian Country and other areas where Indian Tribes and their members have rights and resources. (OPPAC)
- 309 Clean Air Act Review Process. OECA will continue its role as the Agency's 309 review office to make publicly available written comments on environmental impacts associated with proposed actions by Federal agencies. Public access to these comments will ensure that EJ concerns are considered and reasonable efforts are made to inform and involve EJ communities in the development of environmental impact statements (EIS) and the decision-making process. (OFA)
- Mitigation Plans. OECA will continue its role as the Agency's National Environmental Policy Act (NEPA) compliance office to ensure that mitigation plans developed by EPA incorporate EJ concerns and that the public has meaningful involvement in the development, implementation and enforcement of these plans. (OFA)

External stakeholder engagement in EJ issues will be facilitated further by various grant programs, among which are the following:

- Financial Resources to Tribes to Build Capacity in Indian Country. In FY 2002, OC used \$900,000 to support Tribal municipal solid waste compliance assistance

and enforcement activities. Among other things, Tribes used these resources to coordinate reductions in municipal solid waste. Also, in FY 2002, EPA used \$600,000 to support Tribal multimedia enforcement and compliance activities. Tribes used these resources to develop regulatory authority under multiple environmental programs and compliance and enforcement programs. These resources will continue to be available in FY 2003. (OC)

- Superfund Technical Assistance Grants (TAG). This continuing grant program provides funds to community groups to hire technical advisors who can assist the groups in interpreting technical information concerning the assessment of potential hazards and selection and design of appropriate remedies. (OSRE in cooperation with OSWER)

Section 8: Data Collection, Management, and Evaluation

- T List your Regional/Headquarters office’s main data sets - the ways in which you collect environmental justice information. Also describe how this information is utilized by your Regional/Headquarters office (e.g., environmental justice assessment, program tracking/evaluation, etc.).**
- T Does your Regional/Headquarters office have a method of identifying and highlighting best practices and lessons learned? If yes, please describe.**

OECA currently gathers EJ data through the following:

- Problem Identification and Emerging Sector Analysis. OC is augmenting its traditional targeting and problem identification capabilities through the Problem Identification and Analysis Team (PIAT). The PIAT serves as a focal point for gathering and analyzing information on emerging noncompliance, environmental, and public health problems. The PIAT has established a process that Headquarters and Regional staff can use to nominate significant unaddressed environmental problems on which OECA might focus. The PIAT will incorporate EJ issues and impacts into its analyses and recommendations. OC also targets, analyzes, and researches sectors with noncompliance problems and/or that cause environmental harm. To effectively integrate EJ considerations into OECA’s decision-making, demographics will be built into the research and analyses that the emerging sectors group performs in making recommendations to management on potential national priorities (OC)
- Identify Inspections in EJ Areas. OC will design into the Integrated Compliance

Information System (ICIS) the ability to indicate a facility as being in an EJ community. This will allow inspections and other enforcement and compliance activities related to the facility to also be identified. This work, along with the definition of criteria to be used in identifying a facility as in an EJ area will ensure consistent and accurate reporting.

- Worker Protection. OC recently enhanced its data collection requirements on State and regional worker protection compliance and enforcement activity and is analyzing this newly available information. (OC)

OECA has further developed ways in which our EJ data can be utilized by not only OECA offices, but the public as well. OECA will provide pertinent, accurate, up-to-date, user-friendly data, that is easily accessible via the Internet.

- Enforcement and Compliance History Online (ECHO). In November 2002, EPA launched ECHO, which allows the public to ascertain the inspection, violation, and enforcement histories of all facilities regulated under Federal environmental law within their community. This tool, which is in the pilot phase now, empowers the public with information about compliance with environmental laws, and will provide EJ search options and data. The tool allows users to select based upon minority population percent, and gives detailed demographic statistics. OC received and is reviewing specific input from the NEJAC Enforcement Subcommittee and will determine if additional enhancements can be made to the site to increase its usability by the EJ community in 2003. (OC)

- C Online Tools for EJ Analysis. Several tools are available or soon to be available, that provide sophisticated analytic query options for conducting EJ analysis. The Online Targeting Information System (OTIS) includes EnviroMapper for Compliance analysis. This interface allows users to plot facilities based upon the length of time since last inspection, or compliance status. Each map view comes with demographic information. In 2003, OTIS will add a query tool that allows users to combine any query with EJ data from the 2000 Census. This tool will also allow users to sort the results of any query by percent minority or population density. Additionally, the Office of Environmental Justice and Office of Environmental Information are collaborating on mapping tools that will allow detailed analysis of environmental justice factors. These tools will analyze and provide colored theme maps based on user-specified requirements. (OC, OEJ, OEI)

The Office of Compliance and the Office of Environmental Justice are working together to collaborate on additional EJ analyses and tools for FY 2004. Potential

projects include: analysis of inspections in EJ areas, development of a best practices guide for using EJ as an inspection targeting factor, and several significant software upgrades that will better integrate enforcement/compliance data with spatial data showing environmental communities. (OC and OEJ)

< OSRE will investigate adding active cleanup sites (e.g., RCRA corrective action; National Priorities List (NPL); Brownfield, etc.) to the EnviroMapper so a more comprehensive picture is provided of the sites when the EJ layer is added. (OSRE)

- Hazardous Waste Manifest Rulemaking. This rulemaking is expected in December 2003. The rulemaking will, through amendments to the manifest regulations, ultimately provide information to EPA and the US Customs Service about actual shipments of hazardous waste into the United States. The manifest form will reflect information of particular significance to EJ communities - transport and destination of hazardous waste shipments. Many EJ communities are located either near hazardous waste sites or along travel routes to those sites. (OECA)

Section 9: Professional and Organizational Development

T Does your Regional/Headquarters office plan to provide training on environmental justice? If yes, please list and describe.

T What methods do you utilize to promote shared learning, such as best practices and lessons learned among staff? If yes, please list and describe.

OECA will develop a comprehensive EJ training program for OECA managers and staff. The purpose of this training will be to educate participants in the various components of EJ and in specific methods to integrate EJ into OECA's program. Training will be provided in a variety of formats. OECA will conduct a review of current training activities designed for our State and Tribal partners and provide EJ training as appropriate.

- OECA EJ Training. OPPAC and National Enforcement Training Institute (NETI) will work with OEJ to ensure that training materials and concepts are consistent with training offered in other program offices and, to the extent possible, training offered to each OECA office is tailored to the particular office's mission. (OPPAC and NETI)
- Worker Protection Standards Training. FIFRA regulations contain worker

protection requirements aimed at protecting a population generally considered an EJ population - farm workers. In FY 2003, OC will continue to provide assistance to State and Tribal inspectors on interviewing techniques for workers as part of their inspector training. OC provides two national Pesticide Inspectors Residential Training (PIRT) to State and Tribal inspectors annually. In addition, Regions will continue to provide further training to their States and/or Tribes every year. (OC)

- Web-based FIFRA Inspector Training. In FY 2003, OC completed a web-based basic FIFRA inspector training program designed primarily to fit the needs of Tribal inspectors seeking authority from EPA to conduct FIFRA inspections. (OC)
- Measurement Training. OC plans to include EJ issues in compliance assistance measurement training provided to the Regions. The training will enhance EPA's ability to measure the impact of compliance assistance activities on EJ communities. (OC)
- Pesticide Regulatory Education Program. Each year OECA, in conjunction with OPP, sponsors 4 to 5 Pesticide Regulatory Education Program (PREP) courses. In FY 2003, EJ issues will be addressed at several of the courses including transboundary issues, and concerns affecting Tribes, the WPS program, and how to constructively interact deal with the public. (OC)
- Training of Tribal Inspectors. OECA continues to support the training of Tribal inspectors through a cooperative agreement with the Institute for Tribal Environmental Professionals at Northern Arizona University. The training is designed to provide information on how to effectively and safely conduct inspections under Tribal and environmental laws. (OC)

Section 10: Environmental Justice Assessment

- T **Does your Regional/Headquarters office have a process by which an environmental justice assessment is conducted? If yes, please describe.**
- T **Does your Regional/Headquarters office rely on any information resources with which to conduct an environmental justice assessment, such as the Environmental Justice Mapper, Environmental Justice Toolkit, etc.? If yes, please list and describe.**
- C Online Tools for EJ Analysis. Several tools are available or soon to be available, that provide sophisticated analytic query options for conducting EJ analysis. The Online Targeting Information System (OTIS) includes EnviroMapper for

Compliance analysis. This interface allows users to plot facilities based upon the length of time since last inspection, or compliance status. Each map view comes with demographic information. In 2003, OTIS will add a query tool that allows users to combine any query with EJ data from the 2000 Census. This tool will also allow users to sort the results of any query by percent minority or population density. Additionally, the Office of Environmental Justice and Office of Environmental Information are collaborating on mapping tools that will allow detailed analysis of environmental justice factors. These tools will analyze and provide colored theme maps based on user-specified requirements. (OC, OEJ, OEI)

The Office of Compliance and the Office of Environmental Justice are working together to collaborate on additional EJ analyses and tools for FY 2004. Potential projects include: analysis of inspections in EJ areas, development of a best practices guide for using EJ as an inspection targeting factor, and several significant software upgrades that will better integrate enforcement/compliance data with spatial data showing environmental communities. (OC and OEJ)

Section 11: Program Evaluation

- T Does your Regional/Headquarters office have any performance measures specifically related to environmental justice? If yes, please describe.**
- T Will your Regional/Headquarters office conduct any needs assessments, reports or other documents (produced internally or through a contact) to identify, quantify, and evaluate methods to strengthen and/or improve your environmental justice program? If yes, please list and describe.**

As part of OECA's focus in 2003 and 2004 on better use of data, OC will encourage Regions to use current tools in our data systems in order for us to better identify, track, monitor and report EJ activities and results. In addition, OC will support the Planning Council in the development and refinement of performance indicators for the compliance assurance program. OC will ensure that EJ activities and concerns are considered in that process. (OC)

OECA will review and analyze its EJ activities to highlight results in the enforcement and compliance program. OECA will prepare communications tools that discuss EJ and will work with the Regions to identify and utilize appropriate communications tools.

- OECA Accomplishments Report. OECA issues an end-of-year accomplishments report that summarizes overall results of the enforcement and compliance program.

EJ will be fully integrated into this report to highlight the accomplishments and results from the EJ Action Plan. (OPPAC)

- Ongoing Communications about EJ issues. OPPAC will ensure that, in addition to the OEJ listserver, other OECA list servers (OC/ORE, Federal Facilities, AgCenter) publicize EJ newsworthy issues, program activities, and events. In coordination with the EPA press office, OPPAC will collaborate with OEJ on communications mechanisms for specific enforcement and compliance EJ activities. (OPPAC)

Section 12: Conclusion

This EJ Action Plan is designed to produce results by incorporating EJ across the spectrum of OECA's programs, policies, and activities – the way OECA conducts business. EPA, States, and Tribes need to work collaboratively with EJ communities to find solutions that ensure equal levels of environmental and health protection across the nation. We believe that this EJ Action Plan sets forth practical strategies and approaches to achieve our goals.