



Highlights of [GAO-05-289](#), a report to the Ranking Member, Subcommittee on Environment and Hazardous Materials, Committee on Energy and Commerce, House of Representatives

## Why GAO Did This Study

Executive Order 12898 made achieving “environmental justice” part of the mission of the Environmental Protection Agency (EPA) and other federal agencies. According to EPA, environmental justice involves fair treatment of people of all races, cultures, and incomes. EPA developed guidance for considering environmental justice during the development of rules under the Clean Air Act and other activities.

GAO was asked to examine how EPA considered environmental justice during two phases of developing clean air rules: (1) drafting the rule, including activities of the workgroup that considered regulatory options, the economic review of the rule’s costs, and making the proposed rule available for public comment, and (2) finalizing the rule, including addressing public comments and revising the economic review. GAO reviewed the three clean air rules described in the next column.

## What GAO Recommends

GAO recommends, among other things, that EPA improve workgroups’ ability to identify environmental justice issues and enhance the ability of its economic reviews to analyze potential environmental justice impacts. EPA disagreed with the recommendations because it believes it pays appropriate attention to environmental justice. GAO believes the recommendations are still valid.

[www.gao.gov/cgi-bin/getrpt?GAO-05-289](http://www.gao.gov/cgi-bin/getrpt?GAO-05-289).

To view the full product, including the scope and methodology, click on the link above. For more information, contact John B. Stephenson at (202) 512-3841.

## ENVIRONMENTAL JUSTICE

# EPA Should Devote More Attention to Environmental Justice When Developing Clean Air Rules

## What GAO Found

When drafting the three clean air rules, EPA generally devoted little attention to environmental justice. While EPA guidance on rulemaking states that workgroups should consider environmental justice early in this process, GAO found that a lack of guidance and training for workgroup members on identifying environmental justice issues may have limited their ability to identify such issues. In addition, while EPA officials stated that economic reviews of proposed rules consider potential environmental justice impacts, the gasoline and diesel rules did not provide decision makers with environmental justice analyses, and EPA has not identified all the types of data necessary to analyze such impacts. Finally, in all three rules, EPA mentioned environmental justice when they were published in proposed form, but the discussion in the ozone implementation rule was contradictory.

In finalizing the three clean air rules, EPA considered environmental justice to varying degrees. Public commenters stated that all three rules, as proposed, raised environmental justice issues. In responding to such comments on the gasoline rule, EPA published its belief that the rule would not create such issues, but did not publish the data and assumptions supporting its belief. Specifically, EPA did not publish (1) its estimate that potentially harmful air emissions would increase in 26 of the 86 counties with refineries affected by the rule or (2) its assumption that this estimate overstated the eventual increases in refinery emissions. For the diesel rule, in response to refiners’ concerns that their permits could be delayed if environmental justice issues were raised by citizens, EPA stated that the permits would not be delayed by such issues. Moreover, after reviewing the comments, EPA did not change its final economic reviews to discuss the gasoline and diesel rules’ potential environmental justice impacts. Finally, the portions of the ozone implementation rule that prompted the comments about environmental justice were not included in the final rule. Overall, EPA officials said that these rules, as published in final form, did not create an environmental justice issue.

### Three Clean Air Rules

GAO reviewed EPA’s activities relating to three clean air rules issued between October 1999 and September 2004. These rules were selected because, of the 19 issued during this period that were deemed significant by EPA and the Office of Management and Budget, they were the only rules that mentioned environmental justice.

- **Gasoline rule** to reduce sulfur in gasoline, to reduce emissions from new vehicles (2000).
- **Diesel rule** to reduce sulfur in diesel fuel, to reduce emissions from new heavy-duty engines (2001).
- **Ozone implementation rule** to implement a new ozone standard (2004).

Source: GAO analysis of EPA data.