

GAO

Report to the Ranking Member,
Subcommittee on Investigations and
Oversight, Committee on Science, Space,
and Technology, House of
Representatives

October 2011

ENVIRONMENTAL JUSTICE

EPA Needs to Take Additional Actions to Help Ensure Effective Implementation

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Highlights of [GAO-12-77](#), a report to the Ranking Member, Subcommittee on Investigations and Oversight, Committee on Science, Space, and Technology, House of Representatives

Why GAO Did This Study

The Environmental Protection Agency (EPA) is responsible for promoting environmental justice—that is, the fair treatment and meaningful involvement of all people in developing, implementing, and enforcing environmental laws, regulations, and policies. In January 2010, the EPA Administrator cited environmental justice as a top priority for the agency.

GAO was asked to examine (1) how EPA is implementing its environmental justice efforts, and (2) the extent that EPA has followed leading federal strategic planning practices in establishing a framework for these efforts. To conduct this work, GAO reviewed EPA strategy documents and interviewed agency officials and key stakeholders.

What GAO Recommends

GAO is recommending that EPA develop a clear strategy to define key environmental justice terms; conduct a resource assessment; articulate clearly states' roles in ongoing planning and future implementation efforts; and develop performance measures to track the agency's progress in meeting its environmental justice goals. GAO provided a draft of this report to EPA for comment. EPA disagreed with two of GAO's recommendations, partially agreed with one recommendation, and did not directly address the remaining recommendation. GAO believes that the recommended actions will help EPA ensure clear, consistent, and measurable progress as it moves forward in implementing Plan EJ 2014.

View [GAO-12-77](#) or key components. For more information, contact Carolyn Yocom at (202) 512-3841, or yocomc@gao.gov.

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What GAO Found

In recent years, EPA has renewed its efforts to make environmental justice an important part of its mission by developing a new strategy and approach for integrating environmental justice considerations into the agency's programs, policies, and activities. Under Plan EJ 2014, the agency's 4-year environmental justice implementation plan, EPA's program and regional offices are assuming principal responsibility for integrating the agency's efforts by carrying out nine implementation plans to put Plan EJ 2014 into practice. An important aspect of Plan EJ 2014 is to obtain input on major agency environmental justice initiatives from key stakeholders, including the National Environmental Justice Advisory Council, the Federal Interagency Working Group on Environmental Justice, impacted communities, and states.

In developing its environmental justice framework, which consists of agency initiatives, including Plan EJ 2014 and the implementation plans, EPA generally followed most of the six leading federal strategic planning practices that we selected for review. For example, EPA has generally defined a mission and goals for its environmental justice efforts, ensured leadership involvement and accountability for these efforts, and coordinated with other federal agencies—all consistent with leading practices in federal strategic planning. However, EPA has not yet fully (1) established a clear strategy for how it will define key environmental justice terms or identified the resources it may need to carry out its environmental justice implementation plans, (2) articulated clearly states' roles in ongoing planning and environmental justice integration efforts, or (3) developed performance measures for eight of its nine implementation plans to track agency progress on its environmental justice goals. Without additional progress on these practices, EPA cannot assure itself, its stakeholders, and the public that it has established a framework to effectively guide and assess its efforts to integrate environmental justice across the agency.

Extent to Which EPA's Environmental Justice Efforts Followed Selected Leading Practices in Federal Strategic Planning

Selected leading practices in strategic planning	Extent followed
Define mission and goals	●
Define strategies to address management challenges and resource needs	◐
Ensure leadership involvement and accountability	●
Involve stakeholders	◐
Coordinate with other agencies	●
Develop and use performance measures	◐

Legend: ● Fully followed ◐ Partially followed

Source: GAO analysis of EPA data.

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Abbreviations

CEQ	Council on Environmental Quality
EJ	environmental justice
EPA	Environmental Protection Agency
FTE	full-time equivalent
GAO	Government Accountability Office
GPRA	Government Performance and Results Act of 1993
IG	Inspector General
IWG	Federal Interagency Working Group on Environmental Justice
NEJAC	National Environmental Justice Advisory Council
NEPA	National Environmental Policy Act
OAR	Office of Air and Radiation
OECA	Office of Enforcement and Compliance Assurance
OEJ	Office of Environmental Justice
OGC	Office of General Counsel
OMB	Office of Management and Budget
OSWER	Office of Solid Waste and Emergency Response
RCRA	Resource Conservation and Recovery Act

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G A O

Accountability * Integrity * Reliability

United States Government Accountability Office
Washington, DC 20548

October 6, 2011

The Honorable Donna F. Edwards
Ranking Member
Subcommittee on Investigations and Oversight
Committee on Science, Space, and Technology
House of Representatives

Dear Ms. Edwards:

The concept of environmental justice is based on the belief that communities with large numbers of minority or low-income residents frequently shoulder a disproportionate share of environmental and health risks. Many of these communities are located in areas within close proximity to sources of pollutants that can adversely affect both the environment and human health. For more than 15 years, the Environmental Protection Agency (EPA) has been responsible for leading the federal government's approach to environmental justice—that is, the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Specifically, an executive order signed in 1994,¹ calls for all federal agencies to incorporate environmental justice into their programs, policies, and activities to the greatest extent practicable and permitted by law. It also calls on EPA to take the lead in chairing an interagency workgroup created to help federal agencies make environmental justice part of their missions. However, over the years, EPA's efforts in integrating environmental justice have come under criticism, both from within and outside the agency. For example, in 2004 and 2006,² EPA's Inspector General (IG) made a number of recommendations to improve EPA's environmental justice efforts. In

¹Exec. Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 59 *Fed. Reg.* 7629 (Feb. 11, 1994).

²EPA Office of Inspector General, *Evaluation Report: EPA Needs to Consistently Implement The Intent of The Executive Order on Environmental Justice*, Report No. 2004-P-00007, March 1, 2004. And, EPA Office of Inspector General, *Evaluation Report: EPA Needs to Conduct Environmental Justice Reviews of Its Programs, Policies, and Activities*, Report No. 2006-P-00034, September 18, 2006.

addition, in 2005,³ we recommended that EPA take steps to incorporate environmental justice into its rulemaking processes for clean air regulations and, in 2007,⁴ testified that EPA's efforts in doing so were incomplete. EPA subsequently took actions to address many of these recommendations, but some actions are still needed.

In a January 2010 memo to EPA staff, the EPA Administrator cited environmental justice as one of the agency's top priorities. To communicate this priority within the agency and externally, EPA identified environmental justice as a cross-cutting strategy in its fiscal year 2011-2015 agencywide strategic plan. Additionally, in July 2010, EPA issued its draft Plan EJ 2014—the agency's road map for integrating environmental justice into its programs. This plan was released in final form in September 2011.⁵ Plan EJ 2014 identifies three key goals: (1) to protect the environment and health in communities overburdened by pollution; (2) to empower communities to take action to improve their health and environment; and (3) to establish partnerships with local, state, tribal, and federal governments and organizations to achieve healthy and sustainable communities. In addition, in December 2010, the Administration hosted the first White House Forum on Environmental Justice. This event brought together environmental justice community leaders; state, local, and tribal government officials; cabinet members; and other senior federal officials for a discussion on creating a healthy and sustainable environment for all. In light of this renewed interest in environmental justice, you asked us to examine EPA's environmental justice efforts.

This report responds to your request that we review EPA's environmental justice efforts. Our objectives were to examine (1) how EPA is implementing

³GAO, *Environmental Justice: EPA Should Devote More Attention to Environmental Justice When Developing Clean Air Rules*, [GAO-05-289](#) (Washington, D.C.: July 22, 2005).

⁴GAO, *Environmental Justice: Measurable Benchmarks Needed to Gauge EPA Progress in Correcting Past Problems*, [GAO-07-1140T](#) (Washington, D.C.: July 25, 2007).

⁵Because EPA's Plan EJ 2014 and associated implementation plans were not finalized until September 2011 as we were preparing to issue our report, our analysis is based on our review of draft versions of these documents. However, after EPA's plans were publicly released, we reviewed these final documents and determined that they did not substantively differ from the draft versions on which our conclusions and recommendations are based. Therefore, throughout this report, except where necessary to ensure clarity, we do not distinguish between draft and final versions of EPA's Plan EJ 2014 and its implementation plans.

its environmental justice efforts and (2) the extent to which EPA is following leading strategic planning practices in establishing a framework for integrating environmental justice in its programs, policies, and activities.

To conduct this work, we reviewed the executive order, relevant EPA guidance, and interviewed senior officials within individual program offices in the agency's headquarters as well as senior officials in EPA regions. We also interviewed other stakeholders, including selected members of EPA's National Environmental Justice Advisory Council and a number of national associations that represent state environmental agencies, including the Environmental Council of States and the Association of State and Tribal Solid Waste Management Officials. To determine how EPA is implementing its environmental justice efforts, we identified key offices with environmental justice responsibilities by reviewing and analyzing EPA documents as well as interviewing officials from EPA's Office of Environmental Justice and Office of Enforcement and Compliance Assurance, among others. To determine the extent to which EPA is following leading practices in developing a framework for integrating environmental justice in its programs, policies, and activities, we compared EPA's strategic planning efforts for environmental justice to leading practices in federal strategic planning. These include (1) practices required at the federal department/agency level under the Government Performance and Results Act of 1993 (GPRA),⁶ which we have previously reported also can serve as leading practices for planning at lower levels within federal agencies such as individual programs or initiatives;⁷ (2) practices identified in Office of Management and Budget (OMB) guidance to federal agencies for implementing GPRA's requirements;⁸ and (3) related leading practices that GAO's past work has identified.⁹

⁶Pub. L., No. 103-62 (Aug. 3, 1993).

⁷For example, see GAO, *Foreign Aid Reform: Comprehensive Strategy, Interagency Coordination, and Operational Improvements Would Bolster Current Efforts*, [GAO-09-192](#) (Washington, D.C.: Apr. 17, 2009), p. 31.

⁸OMB, *Circular A-11, Section 210: Preparing and Submitting an Agency Strategic Plan*, 2010.

⁹For example, see GAO, *Executive Guide: Effectively Implementing the Government Performance and Results Act*, [GAO/GGD-96-118](#) (Washington, D.C.: June 1, 1996); *Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures*, [GAO-03-143](#) (Washington, D.C.: Nov. 22, 2002); and *Managing for Results: Strengthening Regulatory Agencies' Performance Management Practices*, [GAO-GGD-00-10](#) (Washington, D.C.: Oct. 28, 1999).

Our analysis was based primarily on our review of draft versions of EPA's Plan EJ 2014 and its implementation plans because these documents were not finalized until mid-September 2011, as we were preparing to issue our report. Nevertheless, we did review the final plans and confirmed that they were not substantively different from the draft versions on which we based our conclusions and recommendations. We did not assess EPA's draft Plan EJ 2014 Outreach and Communications plan as part of our analysis because, at the time of our review, this plan was still in the early stages of development. We also compared EPA's environmental justice plans and activities to recommendations made by its Inspector General (IG) in 2004 regarding the agency's environmental justice efforts and interviewed EPA officials on efforts the agency had taken to implement these recommendations. We conducted this performance audit from May 2010 through September 2011, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Appendix I provides a more complete description of our scope and methodology.

Background

The following section discusses Executive Order 12898, EPA's framework for integrating environmental justice into the agency's missions, key environmental justice stakeholders, and leading practices in strategic planning.

Executive Order 12898

On February 11, 1994, the President signed Executive Order 12898 to address environmental justice concerns in minority and low-income populations. The executive order requires federal agencies to, among other things:

- make achieving environmental justice part of their missions by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority and low-income populations;
- develop an agencywide environmental justice strategy that should (1) promote the enforcement of health and environmental laws in low-income and minority population areas; (2) ensure greater public participation in agency decision making; (3) improve research and

data collection associated with environmental justice issues; and (4) identify minority and low-income patterns of consumption of natural resources;

- submit their environmental justice strategies to the Federal Interagency Working Group on Environmental Justice convened by the EPA Administrator, which is then to report governmentwide progress to the Executive Office of the President; and
- undertake certain activities, such as ensuring that documents are concise, understandable, and readily accessible and translating documents, where appropriate, to support public participation.

Executive Order 12898 calls on EPA and other federal agencies to address disproportionately high human health and environmental impacts on minority populations and low-income populations. The Council on Environmental Quality (CEQ), in the Executive Office of the President, oversees the federal government's compliance with the executive order, as well as with the National Environmental Policy Act (NEPA). In enacting NEPA in 1970, Congress declared that "it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources" to, among other things, "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings." Further, Congress mandated that before federal agencies undertake a major federal action significantly affecting the environment, they must consider the environmental impact of such actions on the quality of the human environment, such as cultural, economic, social, or health effects including those on populations and areas with environmental justice concerns. To accomplish this mandate, NEPA regulations require, among other things, that federal agencies evaluate the likely environmental effects of proposed projects using an environmental assessment or, if the projects would likely significantly affect the environment, a more detailed environmental impact statement evaluating the proposed project and alternatives. In its 1997 NEPA guidance, CEQ suggested definitions for key environmental justice terms to help federal agencies identify and address environmental justice concerns in fulfilling their NEPA responsibilities. For example, CEQ's guidance proposed that agencies identify low-income populations by using the annual statistical poverty thresholds from the Bureau of the Census *Current Population Reports*. Further, the CEQ guidance identified two definitions for minority population: (1) the minority population of the affected area exceeds 50

percent; or (2) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general U. S. population.¹⁰ Moreover, in discussing whether human health or environmental effects are disproportionately high, CEQ's guidance suggests that agencies consider three factors: (1) whether effects of proposed actions are significant or above generally accepted norms; (2) whether effects of proposed actions on minority, low-income, and tribal population are significant and appreciably exceed risk to the general population; and (3) whether minority, low-income, or tribal populations are affected by the cumulative impacts of proposed actions.

EPA's Framework for Integrating Environmental Justice

EPA's framework for integrating environmental justice into the agency's missions includes four major plans: (1) EPA's Fiscal Year 2011-2015 Strategic Plan, (2) Plan EJ 2014, (3) Plan EJ 2014's Implementation Plans, and (4) Plan EJ 2014 Outreach and Communications Plan.

EPA's Fiscal Year 2011-2015 Strategic Plan. EPA's strategic plan provides a blueprint for how the agency expects to accomplish its priorities, including environmental justice. In addition to outlining strategic goals for advancing EPA's mission to protect the environment and human health, it also outlines cross-cutting fundamental strategies that lay out specifically how EPA is to conduct its work over the next 5 years. These strategies include (1) expanding the conversation on environmentalism, which will involve engaging and empowering communities and partners—including those who have been historically under-represented—to support and advance environmental protection and human health, and (2) working for environmental justice and children's health, which will involve reducing and preventing harmful exposures and health risks to children and underserved, disproportionately impacted low-income, minority, and tribal communities. EPA officials said that they expect that both strategies will influence the work of every program and regional office throughout the agency, especially with respect to environmental justice.

Plan EJ 2014. Named in recognition of the 20th anniversary of Executive Order 12898, Plan EJ 2014 is EPA's overarching strategy for implementing environmental justice in the agency's programs, policies,

¹⁰The guidance defines "minority" as individuals who are members of the following groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic.

and activities. Plan EJ 2014 is a 4-year plan designed to help EPA develop stronger relationships with communities and increase the agency's efforts to improve environmental conditions and public health in overburdened communities.¹¹ According to EPA officials, the activities outlined in the plan are aligned with and support EPA's commitments in the 2011-2015 strategic plan.

Plan EJ 2014 defines three elements that are to guide EPA's actions to advance environmental justice across the agency and the federal government: (1) cross-agency focus areas, (2) tools development efforts, and (3) program initiatives. The cross-agency focus areas are meant to address issues or functions that require work by all programs or agencies and serve to promote environmental justice across EPA and the federal government. The five cross-agency focus areas are

- Rulemaking—providing guidance and support for all agency rule writers and decision makers so they can better include environmental justice concerns in rules being written throughout the agency.
- Permitting—initially emphasizing EPA-issued permits that provide opportunities for helping overburdened populations; in the future, focusing on permits that would enable EPA to address the cumulative impacts of pollution on these populations.
- Compliance and enforcement—targeting pollution problems that tend to affect disadvantaged communities, and providing these communities with opportunities for input into the remedies sought in enforcement actions.
- Community-based action—engaging with overburdened communities and providing grants and technical assistance designed to help them address environmental problems.
- Administrationwide action on environmental justice—establishing partnerships and initiatives with other federal agencies to support

¹¹EPA uses the terms “overburdened community,” “overburdened population,” “disproportionately burdened,” and “disadvantaged community” interchangeably to refer to communities that may have a disproportionate share of environmental or health hazards, or may be economically disadvantaged.

holistic approaches to addressing environmental, social, and economic burdens of affected communities.

EPA's four tools development efforts focus on developing the scientific, legal, and resource areas, as well as data and information areas that support environmental justice analysis, community work, and communications and stakeholder engagement. For example, in March 2010, EPA held a symposium on the science of disproportionate impact analysis. In June 2010, the agency followed with an environmental justice analysis technical workshop. According to EPA officials, the agency is also working to develop a computer-based screening tool, known as EJ SCREEN, to assist with identifying the location of communities with potential environmental justice concerns.

The program initiatives focus on specific EPA programs, mainly the national programs.¹² Plan EJ 2014 calls on EPA national program managers to identify relevant programmatic items that could benefit communities with environmental justice concerns. For example, according to EPA program documents, the Community Engagement Initiative in EPA's Office of Solid Waste and Emergency Response (OSWER) could benefit communities with environmental justice concerns. This initiative focuses on identifying steps EPA can take to encourage communities and stakeholders to participate in developing and implementing hazardous materials policy and in evaluating the effectiveness of the agency's actions. The initiative also focuses on identifying ways to institutionalize policy changes that aim to improve community engagement and environmental justice in the long-term, day-to-day operation of OSWER program activities. In addition, according to EPA program documents, the U.S. Mexico Border Program, managed in the Office of International and Tribal Affairs, seeks to address environmental justice issues along the border shared by the two countries. This program is a cooperative effort designed to address pollutants that enter shared waterways, affecting the health of border residents as well as degrading the environment in both nations.

Plan EJ 2014 Implementation Plans. As guides for program and regional offices, EPA has developed implementation plans for every cross-agency focus area and developmental tool in Plan EJ 2014. Each implementation

¹²EPA's national program offices consist of the following: Office of Air and Radiation, Office of Water, Office of Solid Waste and Emergency Response, Office of Chemical Safety and Pollution Prevention, and Office of Enforcement and Compliance Assurance.

plan establishes unique goals and lays out strategies designed to meet those goals, and identifies national program offices and regional offices accountable for meeting plan goals within specified time frames. For example, the permitting plan outlines goals for providing disadvantaged communities with access to the agency's permitting process, and ensuring that permits address environmental justice issues to the greatest extent practicable. Its strategies call for EPA to develop the necessary tools and recommendations to enhance communities' abilities to participate in permitting decisions and to enable agency staff to incorporate environmental justice into permits. According to the plan, EPA will decide on how to best transmit and implement the permitting tools and recommendations by January 2012.

Plan EJ 2014 Outreach and Communications Plan. In June 2011, EPA provided GAO a draft of its EJ 2014 Outreach and Communications Plan. The plan reiterates EPA's commitment to continuing many of its outreach and communication activities, such as environmental justice listening sessions, as the agency moves forward. The plan identifies four principal goals for conducting outreach and communicating both with EPA staff and external stakeholders, such as states, on Plan EJ 2014. More specifically, the goals of the plan are to (1) inform and share the purpose, vision, priorities, and desired or resulting outcomes for Plan EJ 2014; (2) obtain a broad range of stakeholder views in the development, implementation, and ongoing enhancement/revision of Plan EJ 2014; (3) communicate Plan EJ 2014's vision, activities, results, and subsequent revisions to stakeholders, partners, and audiences in a consistent and dynamic way; and (4) facilitate the development of partnerships with and among EPA's stakeholders to achieve Plan 2014's goals and translate them into lasting results.

Key Environmental Justice Stakeholders

A number of external entities have a significant role in helping EPA integrate environmental justice into its programs, policies, and activities. Key stakeholders include the National Environmental Justice Advisory Council (NEJAC), the Federal Interagency Working Group on Environmental Justice (IWG), state agencies, and community groups.

- NEJAC was established by EPA charter pursuant to the Federal Advisory Committee Act in 1993. NEJAC provides independent advice and recommendations to the EPA Administrator on a broad array of strategic, scientific, technological, regulatory and economic issues related to environmental justice. The council is comprised of a wide spectrum of stakeholders, including community-based groups, business and industry, state and local governments, tribal

governments and indigenous organizations, and non-governmental and environmental groups. The council holds public meetings and teleconferences, providing a forum focusing on human health and environmental conditions in all communities, including minority and low-income populations.

- IWG was established under Executive Order 12898 in 1994. Among other things, the IWG provides guidance to federal agencies on identifying disproportionately high adverse effects on minority and low-income populations, assists in coordinating research and data collection conducted by federal agencies, and holds quarterly public meetings to share best practices for integrating and addressing environmental justice as well as identifying opportunities to enhance coordination and collaboration among federal agencies. The IWG is comprised of 15 federal agencies and several White House offices.¹³
- EPA relies on states to help implement its programs under several key environmental statutes, such as the Clean Air Act and the Resource Conservation and Recovery Act (RCRA).^{14,15} Under these laws, generally once a state demonstrates and is approved by EPA as meeting the relevant criteria, the state accepts key day-to-day responsibilities, such as permitting and monitoring, and in some programs primary enforcement. As such, states are key stakeholders in EPA's environmental justice efforts, because the states will be largely responsible for carrying out many of the environmental justice activities identified by EPA. For example, under the Clean Air Act,

¹³The 15 agencies that comprise the IWG are Department of Defense, Department of Health and Human Services, Department of Housing and Urban Development, Department of Labor, Department of Agriculture, Department of Transportation, Department of Justice, Department of the Interior, Department of Commerce, Department of Energy, Environmental Protection Agency, Office of Management and Budget, Office of Science and Technology Policy, Council on Environmental Quality (formerly Office of the Deputy Assistant to the President for Environmental Policy), Office of the Assistant to the President for Domestic Policy, National Economic Council, Council of Economic Advisers, and such other government officials as the President may designate.

¹⁴The Clean Air Act, as amended, is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes EPA to establish national ambient air quality standards to protect the public health and welfare and to regulate the emissions of hazardous air pollutants.

¹⁵RCRA established federal requirements and EPA regulatory authority for "cradle-to-grave" management of hazardous wastes, including a permit program. RCRA also established a framework for state management of nonhazardous solid waste.

EPA has established national ambient air quality standards for certain pollutants considered harmful to public health and the environment. States are responsible for developing and implementing plans, known as State Implementation Plans, to achieve and maintain these standards. In carrying out this duty, states set emissions limitations for individual sources of air pollution which they incorporate into enforceable permits. Similarly, states with hazardous waste programs determined to be equivalent to the federal program and authorized under RCRA are responsible for carrying out the program including such activities as issuing and enforcing permits for the storage, treatment, and disposal of hazardous waste. Finally, EPA also works with states to implement various environmental grant and loan programs, such as the Clean Water and Drinking Water State Revolving Funds. Thus, states have the opportunity to consider environmental justice in developing their plans and programs, as well as in issuing permits and making grants.

- EPA has worked to include community groups as important stakeholders in the agency's environmental justice decision making. According to Plan EJ 2014, EPA envisions a continuous dialogue with communities and other stakeholders regarding efforts to integrate environmental justice into agency policies and programs. For example, EPA's National Enforcement Air Toxics Initiative and Office of Brownfields and Land Revitalization, among others, reflect a focus on issues that have been conveyed to EPA from disadvantaged communities. Further, EPA has developed various programs and tools, such as funding mechanisms, training, technical assistance, and information and analytical resources, to help communities understand and address their environmental problems.

Selected Leading Practices in Federal Strategic Planning

In 1993, Congress enacted GPRA to improve the efficiency and accountability of federal programs, among other purposes, and established a system for agencies to set goals for program performance and to measure results. GPRA requires, among other things, that federal agencies develop long-term strategic plans. The Office of Management and Budget (OMB) provides guidance to federal executive branch agencies on how to prepare their strategic plans in accordance with GPRA requirements. Federal departments and agencies must comply with GPRA requirements and are to follow associated OMB guidance in developing their department or agencywide strategic plans. We have reported that these requirements also can serve as leading practices for strategic planning at lower levels within federal agencies, such as

planning for individual divisions, programs or initiatives. In addition, we have reported in the past on federal agencies' strategic planning efforts and have identified additional useful practices to enhance agencies' strategic plans. We have reported in the past that, taken together, the strategic planning elements established under GPRA and associated OMB guidance, and practices identified by GAO provide a framework of leading practices in federal strategic planning. See table 1 for selected leading practices in federal strategic planning.

Table 1: Selected Leading Practices in Federal Strategic Planning

Selected leading practice	Characteristics
Define the mission and goals	<p>A mission statement explains why the agency—or a specific program—exists, what it does, and how it does it.</p> <p>Strategic goals explain the purpose of agency programs and the results—including outcomes—that they intend to achieve.</p>
Define strategies that address management challenges and identify resources needed to achieve goals	<p>Strategies should address management challenges that threaten an agency's ability to meet its long-term strategic goals.</p> <p>Strategies should include a description of the resources needed to meet established goals.</p>
Ensure leadership involvement and accountability	<p>Only an agency's senior leadership can ensure that strategic planning becomes the basis for day-to-day operations.</p> <p>Successful organizations use formal and informal practices to hold managers accountable and create incentives for working to achieve the agency's goals.</p>
Involve stakeholders	<p>Successful organizations involve stakeholders in developing their mission, goals, and strategies to help ensure that they target the highest priorities.</p> <p>Stakeholders can influence success or failure of agencies' programs.</p> <p>Stakeholders include: Congress and the administration; state and local governments; agency staff; agency customers, interest groups, and the public.</p>
Coordinate with other federal agencies	<p>Agencies can coordinate in defining their mission, goals, and strategies to ensure that programs contributing to similar results are mutually reinforcing and efficiently employing federal funds.</p>
Develop and use performance measures	<p>Performance measures allow an agency to track the progress it is making toward its mission and goals, provide managers information on which to base their organizational and management decisions, and create powerful incentives to influence organizational and individual behavior.</p>

Source: GAO analysis.

Note: We selected the six practices from among GPRA, OMB guidance, and GAO prior work because EPA's environmental justice efforts are in the initial planning stage and we judged these practices to be the most relevant for evaluating EPA's environmental justice strategic planning actions. We did not consider all practices from among these sources because our focus was specifically on EPA's initial planning process.

EPA Is Using an Agencywide Approach to Integrate Environmental Justice, with Stakeholders Expected to Play a Major Role

EPA is implementing an agencywide approach to integrating environmental justice efforts, with its national program and regional offices taking primary roles. Stakeholders are also expected to play a major role in helping EPA integrate environmental justice into its programs and policies.

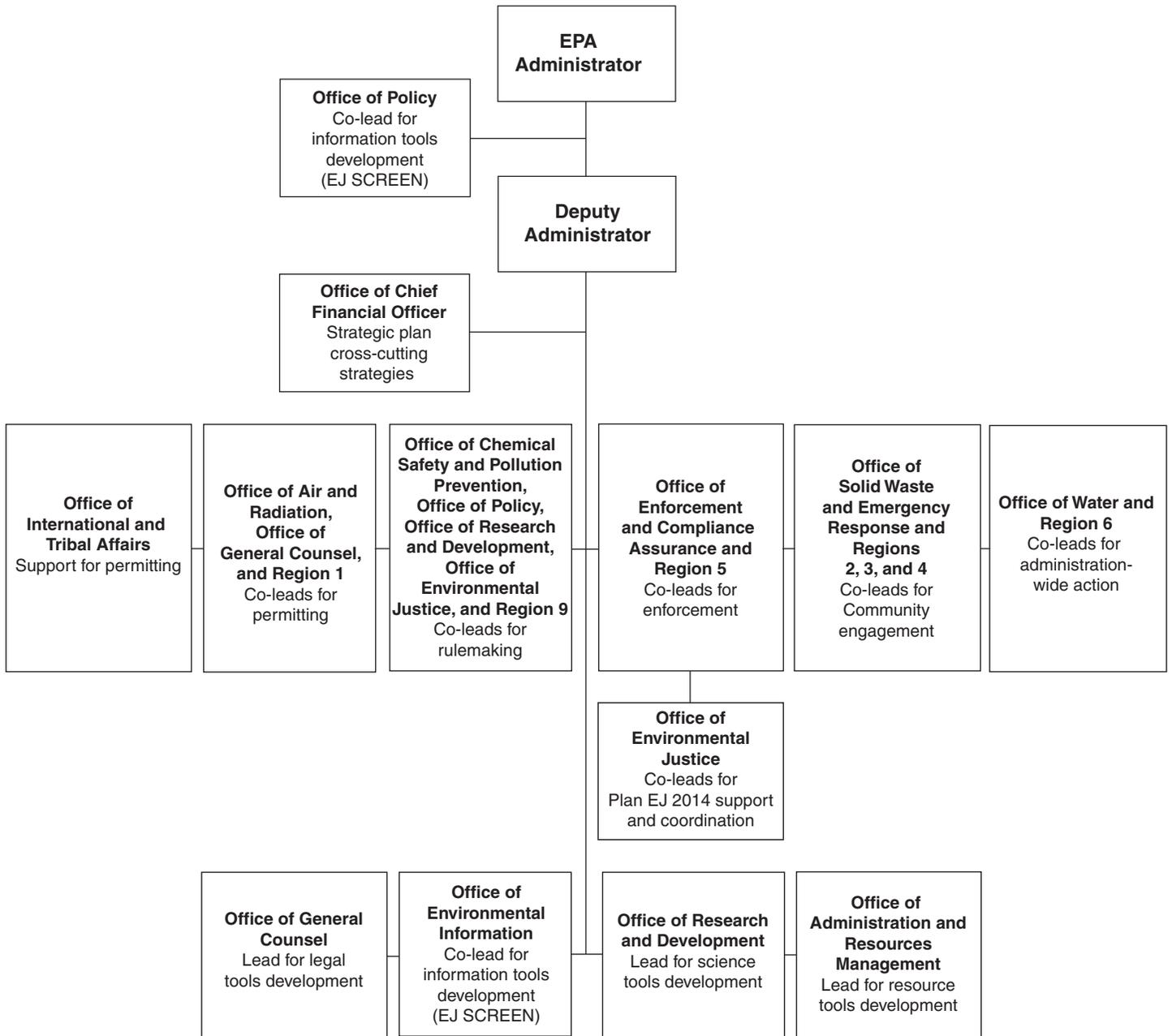
EPA Environmental Justice Efforts Primarily Rely on Its Program and Regional Offices

EPA's national program and regional offices are primarily responsible for integrating environmental justice considerations into the agency's policies, programs, and activities. Under Plan EJ 2014, each national program office, along with selected regional offices, will have a key leadership role in helping to integrate environmental justice into the five cross-agency focus areas: rulemaking, permitting, enforcement, community-based actions, and administrationwide actions. Among other things, these offices will be responsible for implementing assigned Plan EJ 2014 cross-agency elements, engaging appropriate agency offices and regions, identifying and securing resources to ensure implementation, and tracking and reporting on progress in these areas. For example, EPA's Office of Enforcement and Compliance Assurance (OECA), which serves as the national program manager for environmental justice and provides general oversight of all agency environmental justice activities, and its region 5 office—comprising states in the upper midwest—will share responsibility for ensuring that environmental justice concerns are incorporated into EPA's enforcement and compliance programs. According to Plan EJ 2014, the goal over the next 3 years is to fully integrate environmental justice considerations into the planning and implementation of OECA's program strategies and its development of remedies in enforcement actions. To achieve these goals, OECA is engaging in a number of activities, such as considering environmental justice in the selection of its National Enforcement Initiatives—high priority national environmental and compliance problems that are addressed through concentrated, nationwide enforcement efforts—for fiscal years 2011 through 2013, issuing internal guidance that calls for analysis and consideration of environmental justice in EPA's compliance and enforcement program, and increasing efforts to address

environmental justice concerns by seeking appropriate remedies in enforcement actions to benefit over-burdened communities.

Similarly, EPA's Offices of Air and Radiation (OAR) and General Counsel (OGC), and EPA region 1—comprising the northeastern United States—are designated as co-leads for carrying out the permitting implementation plan. Some of the activities OAR and OGC are undertaking in the permits focus area include: developing a plan to engage stakeholders throughout the process, soliciting input from both internal and external stakeholders about the types of tools and recommendations that have been the most effective in advancing environmental justice, and identifying opportunities in EPA's ongoing permit activities to test the most viable tools and recommendations. Figure 1 shows the EPA offices responsible for implementing Plan EJ 2014.

Figure 1: Leadership Responsibilities for Implementing Plan EJ 2014



Source: GAO analysis of information from EPA.

In addition to the program and regional offices, several other offices in EPA will have leadership roles in developing environmental justice tools in the areas of law, information, science, and resources to help better advance the agency's environmental justice efforts. For example, EPA's Office of Policy and Office of Environmental Information will be co-leads in the development of information tools—most notably, EJ SCREEN, intended to be a nationally-consistent screening tool for environmental justice. According to the implementation plan for information, EJ SCREEN will not only help improve environmental justice analysis and decision-making, but will also help communities better understand how EPA screens for potential environmental justice concerns. Some of the activities involved in developing EJ SCREEN include creating a working prototype of the tool, obtaining peer review and public comments on the prototype, and incorporating the EJ SCREEN into EPA's common mapping software. EPA expects to make EJ SCREEN available to its national program and regional offices within the next 3 years.

Other entities also have important roles in helping to integrate environmental justice in the daily activities of EPA, including the agency's Office of Environmental Justice (OEJ) and the Executive Management Council's Environmental Justice Committee. OEJ, which resides in OECA, provides support for the EPA Administrator, OECA, and other national program and regional offices on all environmental justice activities. The Executive Management Council's Environmental Justice Committee, which comprises deputy assistant administrators and deputy regional assistant administrators, also plays an important leadership role in implementing Plan EJ 2014 by, among other things, providing a forum for discussing critical policy issues and helping to establish workgroups or subcommittees to address cross-agency efforts.

Stakeholders Are Expected to Play a Major Role in Integrating Environmental Justice Considerations

EPA Is Renewing Its Commitment to Work with Key Stakeholders

EPA expects stakeholders to play a major role in helping to integrate environmental justice considerations into EPA's program, policies, and activities. As a result, EPA is renewing its commitment to work with key environmental justice stakeholders and exploring new approaches for obtaining stakeholder input.

EPA has renewed its efforts to work with key environmental justice stakeholders to advance the agency's environmental justice considerations. For example, EPA has renewed its communications with the IWG. In September 2010, EPA and the White House Council on Environmental Quality reconvened the IWG for the first time in over a

decade. At this meeting, the IWG members agreed to hold monthly meetings, assign senior officials from each agency to coordinate environmental justice activities, organize regional listening sessions in 2011, hold follow-up IWG Principals Meetings in September 2011 and plan a White House forum on environmental justice for environmental justice leaders and stakeholders. In addition, each agency was tasked with developing or updating its environmental justice strategy by September 2011. Moving forward, EPA documents indicate that the agency expects that the IWG will help integrate environmental justice by, among other things, identifying opportunities for federal programs to improve the environment and public health, create sustainable economies, and address other environmental justice concerns for disadvantaged communities.

According to EPA officials, EPA plans to work more closely with NEJAC in its efforts to integrate environmental justice into the mainstream of EPA. In her remarks in July 2009 to NEJAC, the EPA Administrator noted that NEJAC's advice and recommendations will be especially pertinent to the agency as it seeks to place greater emphasis on the implementation and integration of environmental justice considerations. NEJAC recently issued reports with recommendations to the EPA Administrator on a variety of matters associated with environmental justice. In 2009,¹⁶ NEJAC recommended how EPA—in partnership with federal, state, tribal, local governmental agencies, and other stakeholders—can most effectively promote strategies to identify, mitigate, or prevent disadvantaged communities from being disproportionately burdened by air pollution caused by transporting goods. In 2010,¹⁷ NEJAC recommended the best methods to use to communicate with communities on the monitoring of toxic air in schools. Most recently, in May 2011,¹⁸ NEJAC made recommendations on the appropriateness of the cross-agency focus areas EPA included in its Plan EJ 2014 ways that EPA can strengthen specific actions within the five cross-agency focus areas, and how EPA can prioritize the five cross-agency focus areas.

¹⁶NEJAC Report: *Reducing Air Emissions Associated With Goods Movement: Working Towards Environmental Justice*, November 2009.

¹⁷NEJAC Report: *Strategies to Enhance School Air Toxics Monitoring in Environmental Justice Communities*, April 2010.

¹⁸NEJAC Report: *NEJAC Comments to EPA Plan EJ 2014*, April 2011.

EPA has also renewed its efforts to work with states to help integrate environmental justice efforts. In Plan EJ 2014, EPA observes that for the agency to achieve its environmental justice goals, such as incorporating environmental justice considerations into the permitting process, EPA will have to work more closely with states and provide them with better guidance. EPA has subsequently provided several forums to obtain state input on Plan EJ 2014. In addition, the agency has highlighted the need for state input in over half of the individual implementation plans associated with Plan EJ 2014.

In an effort to ensure that stakeholders' views play a major role in helping to shape EPA's environmental justice efforts, EPA has stressed and, in some cases, begun providing for stakeholder involvement in several key environmental justice documents, including EPA's FY 2011-2015 Strategic Plan and Plan EJ 2014. For example, according to its strategic plan, EPA will address the access barriers faced by historically under-represented groups to help improve the participation of these groups in the decision making process. The plan also calls for the use of traditional and new media to help inform and educate the public about EPA's activities and to provide opportunities for community feedback. The need for stakeholder involvement is similarly expressed in EPA's Plan EJ 2014 draft Outreach and Communications Plan. For instance, the agency's outreach and communications plan has a specific goal of obtaining a broad range of stakeholder views on Plan EJ 2014. Accordingly, EPA has developed a strategy to reach out to and look for opportunities to engage various stakeholders, including community members, businesses, states, local representatives, native Alaskan and Hawaiians, and tribes. Moreover, according to its draft outreach and communications plan, EPA expects to schedule meetings and roundtables with stakeholder groups as well as look for opportunities to participate in national conferences and meetings held by other organizations to give presentations, seek input, and engage with others about Plan EJ 2014. The draft outreach and communications plan also specifies that a community engagement and stakeholder outreach plan is to be developed for each of the nine Plan EJ 2014 implementation plans.

EPA Is Employing New Approaches to Obtain Stakeholder Input

EPA has recently begun employing several new approaches to enhance stakeholder input in its environmental justice efforts, including conducting quarterly environmental justice outreach teleconferences as well as listening sessions on Plan EJ 2014. According to EPA documents, in July 2010, the agency began hosting quarterly environmental justice outreach teleconferences. The teleconferences provide an opportunity for those interested in environmental issues to call in and receive information on

EPA's environmental justice activities. The teleconferences also allow stakeholders an opportunity to provide input on environmental justice efforts. According to EPA officials, as the work on Plan EJ 2014 progresses, the quarterly teleconferences will help to better inform the public about the agency's environmental justice activities, as well as provide an opportunity for members of disadvantaged communities to call in and get information on federal efforts that could benefit them, such as grant opportunities.

In addition, in June 2011, EPA began conducting a series of listening sessions on the draft Plan EJ 2014 Considering Environmental Justice in Permitting implementation plan. The listening sessions are intended to provide an opportunity for EPA to listen to stakeholders' ideas, concerns, and recommendations regarding EPA's environmental justice permitting initiative. According to EPA documents, EPA held six listening sessions in June 2011. The listening sessions were organized by stakeholder group, that is, there were separate listening sessions with state and local governments; business and industry; environmental groups; tribes; environmental justice communities and community groups; and Spanish-speaking stakeholders.

EPA Generally Followed Most of the Selected Leading Federal Strategic Planning Practices to Develop Its Environmental Justice Framework

In developing a framework for incorporating environmental justice considerations into its policies, programs, and activities, EPA generally followed or partially followed the six leading federal strategic planning practices that we reviewed (see table 2).

Table 2: Extent to Which EPA's Efforts to Integrate Environmental Justice Followed Selected Leading Practices in Federal Strategic Planning

Selected leading practices in federal strategic planning	Extent followed
Define the mission and goals	●
Define strategies that address management challenges and identify resources needed to achieve goals	◐
Ensure leadership involvement and accountability	●
Involve stakeholders	◐
Coordinate with other agencies	●
Develop and use performance measures	◐

Legend: ● Fully followed ◐ Partially followed

Source: GAO analysis of EPA data.

EPA Generally Followed Three Leading Federal Strategic Planning Practices

EPA generally followed three leading federal strategic planning practices:

Define mission and goals. In its Plan EJ 2014, EPA established a mission to integrate environmental justice into the agency's programs and policies through its cross-agency focus areas, tools development efforts, and program initiatives. The three key goals defined in Plan EJ 2014 generally focus on the outcome-oriented results that EPA aims to achieve in communities.¹⁹ Moreover, the implementation plans associated with Plan EJ 2014 contain goals for each of the nine cross-agency focus areas and tools development efforts. The implementation plans generally align with its overarching environmental justice goals. For example, in its implementation plan for the cross-agency focus area on supporting community-based action programs, EPA defined its goal as strengthening community-based programs to engage overburdened communities and building partnerships that promote healthy, sustainable, and green communities.

Ensure leadership involvement and accountability. As previously discussed, EPA's senior leadership has taken a number of steps to demonstrate its commitment to involving its leaders in advancing environmental justice in the agency, including giving the senior administrators of EPA program and regional offices lead responsibility for implementing Plan EJ 2014's cross-agency focus areas. EPA has also developed measures to ensure accountability for achieving its environmental justice mission. For example, EPA has required its national program offices to incorporate environmental justice priorities in their fiscal year 2012 National Program Manager Guidance documents. The guidance documents are annual plans that set forth each national program office's priorities and key actions for the upcoming year that support EPA's strategic plan and annual budget.²⁰ The guidance also provides annual direction to regional offices on how to work with states on

¹⁹The three key goals are to (1) protect the environment and health in low-income and minority communities; (2) empower communities to take action to improve their health and environment; and (3) establish partnerships with local, state, tribal, and federal governments and organizations to achieve healthy and sustainable communities.

²⁰The national program offices that issue National Program Manager Guidance are the Office of Air and Radiation, Office of Water, Office of Solid Waste and Emergency Response, Office of Chemical Safety and Pollution Prevention and Office of Enforcement and Compliance Assurance. In addition, the Office of Environmental Information, and Office of Congressional and Intergovernmental Relations included environmental justice priorities in their offices' fiscal year 2012 program guidance.

national priorities and serves as a mechanism to hold the regional offices accountable for specific levels of performance. For example, we reviewed the fiscal year 2012 National Program Manager Guidance from OAR and found that it included plans to consult with communities, develop programs and policies that reflect environmental justice concerns, and work with EPA regional offices to help educate and raise states' awareness of opportunities to address environmental justice issues. In addition, EPA officials told us that fiscal year 2011 is the first year that the agency aligned its performance-based pay system to hold all senior executives accountable for advancing its environmental justice goals and mission. Specifically, EPA directed its senior executives to make individual commitments in their fiscal year 2011 annual performance plans for advancing the agency's environmental justice agenda.

Coordinate with other federal agencies. As previously discussed, EPA has made establishing partnerships with federal agencies a part of its overarching environmental justice goals in Plan EJ 2014 and has made fostering administrationwide action on environmental justice a cross-agency focus area in the plan. Moreover, in addition to reconvening the IWG, EPA has a number of other interagency initiatives under way that support its Plan EJ 2014. For example, in June 2009, EPA jointly established the Partnership for Sustainable Communities with the Departments of Housing and Urban Development and Transportation to support environmental justice and equitable development by coordinating federal actions on housing, transportation, and environmental protection. According to information on EPA's Web site, the three agencies worked together to distribute nearly \$2 billion in grants in 2009 to recipients that included EPA Environmental Justice Showcase Communities to support vital transportation infrastructure, equitable comprehensive planning, and brownfields cleanup and reuse.²¹

²¹Through its Environmental Justice Showcase Communities Program, EPA provides its regional offices funding to bring together governmental and non-governmental organizations to pool their collective resources and expertise on the best ways to achieve real results in selected communities with environmental justice issues.

EPA Partially Followed Three Leading Practices in Federal Strategic Planning

As of June 2011, EPA partially followed three of the leading practices in federal strategic planning that we reviewed. Without additional progress on these practices, EPA cannot assure itself, its stakeholders, and the public that it has established a framework to effectively guide and assess efforts to accomplish its environmental justice goals. Specifically, EPA has not yet fully:

- established a clear strategy for how it will define key environmental justice terms or identified the resources it may need to carry out its environmental justice implementation plans;
- articulated clearly states' roles in ongoing planning and environmental justice integration efforts; and
- developed performance measures for eight of its nine implementation plans to track agency progress on its environmental justice goals.

Defined strategies that address management challenges and identify resources needed to achieve goals

EPA has taken actions to address many of the management challenges regarding the agency's efforts to integrate environmental justice into its programs and policies. However, the agency has not yet developed a strategy for how it will address one principal, long-standing challenge: the agency's lack of standard and consistent definitions for key environmental justice terms. In addition, EPA has yet to identify the budgetary and human resources that may be needed to implement its agencywide environmental justice plans. We have reported in the past that a primary purpose of federal strategic planning is to improve the management of federal agencies. In doing so, it is particularly important for agencies to develop strategies that address management challenges threatening their ability to meet long-term strategic goals.²² In addition, strategies should include a description of the resources needed to meet established goals.²³

Management challenges. EPA officials told us that they have taken a number of actions to address the management challenges identified by

²²GAO, *Managing for Results: Critical Issues for Improving Federal Agencies' Strategic Plans*, [GAO/GGD-97-180](#) (Washington, D.C.: Sept. 16, 1997).

²³GAO, *U.S. Tsunami Preparedness: NOAA Has Expanded Its Tsunami Programs, but Improved Planning Could Enhance Effectiveness*, [GAO-10-490](#) (Washington, D.C.: Apr. 28, 2010).

the EPA IG.²⁴ For example, to address the EPA IG's finding that the agency lacked a clear mission for its Office of Environmental Justice, EPA has clarified and communicated the office's role through agency guidance and memoranda.²⁵ Additionally, EPA has addressed what the EPA IG considered a lack of a clear vision for integrating environmental justice by outlining the agency's approach to environmental justice in its agencywide fiscal year 2011-2015 strategic plan under its cross-cutting strategy for environmental justice and children's health.²⁶ Further, EPA has addressed the lack of a comprehensive strategic plan to help guide its agencywide efforts to integrate environmental justice by establishing its Plan EJ 2014 and associated implementation plans. However, EPA has yet to establish a strategy for how it will provide standard and consistent definitions for key environmental justice terms, such as "minority" and "low-income communities," as called for by the EPA IG in 2004. In its 2004 report, the EPA IG found that, because the agency lacked definitions for these key terms from Executive Order 12898, its regional offices had used different approaches to identify potential areas of environmental justice concern. The EPA IG concluded that EPA had inconsistently implemented Executive Order 12898 and recommended that EPA provide its regions and program offices a standard and consistent definition for these terms, with instructions, through guidance or policy, on how the agency will implement and operationalize environmental justice into its daily activities. More recently, the EPA IG found that a lack of clear definitions continues to present a challenge to

²⁴EPA Office of Inspector General, *Evaluation Report: EPA Needs to Consistently Implement The Intent of The Executive Order on Environmental Justice*, Report No. 2004-P-00007, March 1, 2004.

²⁵According to EPA officials, the role of the Office of Environmental Justice is to facilitate the agency's efforts to protect the environment and public health in minority, low-income, tribal, and other historically underrepresented communities by integrating environmental justice in all programs, policies, and activities.

²⁶Specifically, according to the strategic plan, advancing environmental justice must be a driving force in EPA's decisions across all agency programs and activities. The strategic plan also identified EPA's approaches for accomplishing this, including incorporating environmental justice considerations in the agency's regulation development process and in implementation of environmental regulations, research, outreach, community-based programs, and partnerships with stakeholders.

the agency.²⁷ Specifically, in April 2011, the EPA IG reported that EPA could not execute efforts to track how it has distributed funds from the American Reinvestment and Recovery Act to low-income and minority communities because the agency did not have definitions for these particular communities.

EPA officials we interviewed told us that they have not developed agencywide definitions for key environmental justice terms, such as low-income and minority, because doing so could affect the agency's ability to accurately identify communities with potential environmental justice concerns. For example, the EPA officials stated that strict definitions for such terms would reduce their flexibility in considering other factors, which may be necessary to more accurately identify a community with environmental justice concerns. In addition, the EPA officials informed us that there are some communities across the country that may not meet a single definition for low-income or minority, but may nevertheless have environmental justice concerns. According to the EPA officials, these communities do not want EPA to establish any strict definitions for environmental justice terms for fear that as a result they might be excluded from EPA's decision-making process.

EPA officials informed us that they are beginning to define some environmental justice terms with respect to the agency's EJ SCREEN tool. However, these definitions will have limited use. More specifically, EPA officials told us that the EJ SCREEN tool will include definitions for "low-income" and "minority," but these definitions are not intended to establish a standard for all of EPA's programs, policies, and activities. Rather, the officials told us that the agency intends EJ SCREEN to have a limited role across the agency and will be used only for baseline environmental justice

²⁷See, EPA Office of Inspector General, *Evaluation Report: EPA Faced Multiple Constraints to Targeting Recovery Act Funds*, Report No. 11-R-0208, April 11, 2011. The Inspector General made two recommendations to EPA's Deputy Administrator: (1) establish a clear and consistent regime that can address socioeconomic factors within the bounds of statutory and organizational constraints. Such a regime should allow the agency to target program funds to achieve agencywide objectives and priorities for the inclusion of environmental justice principles in all of EPA's decisions; (2) identify the sources of information needed by EPA program offices and managers to assess the socioeconomic conditions in communities. Within the bounds of statutory and organizational constraints, this information should be used to identify and target opportunities for which investment and grants, program funding, or technical assistance would return the most benefits in terms of jobs needed, infrastructure improvements, or economic benefit to the community.

screening. Without a clear strategy for how the agency will define key environmental justice terms, EPA may not be able to overcome the challenges it has faced in establishing a consistent and transparent approach for identifying potential communities with environmental justice concerns. Moreover, without establishing consistent definitions, the agency may not be able to demonstrate that its environmental justice efforts are addressing minority and low-income populations that are experiencing disproportionate environmental health impacts.

Resource Needs. EPA has also yet to identify the budgetary and human resources that may be needed to implement its agencywide environmental justice plans. Specifically, none of the nine Plan EJ 2014 implementation plans described the resources that are needed to carry out the strategies and activities detailed in the plans. According to EPA's plans, the agency intends to undertake changes in operations that will impact the workload as well as roles and responsibilities of staff across the agency. These changes will include, among other things, additional processes for engaging communities during rulemaking development and additional analyses for conducting economic and risk assessments. This may involve allocating staff and funds differently to address skill gaps and workload changes. As we have reported in the past, effective strategies should describe the resources needed to accomplish established goals.²⁸

EPA officials told us that their most recent review of environmental justice-related resources was completed in fiscal year 2009 in preparation for the proposed fiscal year 2010 President's budget. The review, which focused on the staffing resources allocated to the Office of Environmental Justice and to the regional offices, determined that each regional office needed additional full-time equivalents (FTE) for staff positions to promote the integration of environmental justice within regional work. EPA officials told us that as a result of the review, the agency increased the total agency staffing allocation of the Office of Environmental Justice from 21 to 33 FTEs.²⁹ Nonetheless, EPA completed the review before it had developed its draft Plan EJ 2014 and did not consider the staffing needs

²⁸[GAO-10-490](#).

²⁹An FTE consists of one or more employed individuals who collectively complete 2,080 work hours in a given year. Therefore, both one full-time employee and two half-time employees equal one FTE.

for incorporating environmental justice in decision making across all EPA program and regional offices.

Senior EPA officials told us that they did not believe that identifying the resources associated with the activities detailed in the Plan EJ 2014 implementation plans was practical or necessary because they expect all EPA staff to work on environmental justice. Moreover, they said that they believe the new environmental justice efforts described in the implementation plans would only result in a negligible increase in resource needs because enhancing current program activities with environmental justice consideration or criteria should result in the same people doing many of the same things. For example, officials stated that they anticipate that including environmental justice considerations in economic and risk analyses conducted in support of regulatory decisions would involve adding several variables to otherwise resource intensive studies and thus would not substantially alter the resources required to complete these analyses. Officials also stated that they believe a resource assessment would itself be resource-intensive and thus would only take resources away from more important program needs without a clear benefit to managers.

Without a clear understanding of the resources needed to integrate environmental justice considerations throughout the agency under its current plans, EPA cannot ensure that its current staffing and funding resources are sufficient to meet its environmental justice goals. Furthermore, EPA cannot ensure that it has the information needed to successfully adapt to changes in workload as a result of new environmental justice initiatives or areas of focus as well as potential changes in funding levels for the agency. EPA's IG has recently identified EPA's policies and procedures for determining workforce levels as an area of significant internal control weakness.³⁰ Specifically, in December 2010, the EPA IG reported that EPA cannot demonstrate that it has the sufficient resources to accomplish its mission and cannot provide any

³⁰EPA Office of Inspector General, Audit Report: *EPA Needs to Strengthen Internal Controls for Determining Workforce Levels*, Report No. 11-P-0031, December 20, 2010. The IG found that EPA's policies and procedures do not include a process for determining employment levels based on workload because EPA has not developed a workload assessment methodology. In addition, the IG found that although EPA's work is guided by human capital goals and objectives, EPA does not require that workforce planning results link to its agencywide strategic and performance goals because the agency has not clearly defined the reporting requirements needed.

assurance that its workforce levels are adequate to meet the workload of the agency.

Involve Stakeholders

As mentioned earlier, EPA has taken a number of steps to involve some key stakeholders in helping the agency define its environmental justice mission, goals, and strategies. However, the role that states will have in ongoing environmental justice planning and implementation efforts is unclear. EPA relies heavily on many states for activities that generally include issuing permits and monitoring and enforcing compliance with federal environmental laws; therefore, states will play a significant role in implementing potential new approaches for addressing environmental justice. We have reported in the past that organizations that are successful in strategic planning understand that stakeholders will play a key role in determining whether their programs succeed or fail. Thus, involving stakeholders in strategic planning helps ensure that their mission, goals, and strategies are targeted at the highest priorities.³¹

EPA has involved some key stakeholders to help define its environmental justice mission, goals, and strategies. For example, in July 2010, EPA requested that NEJAC provide the agency with recommendations and advice to help the agency identify and prioritize the cross-agency focus areas in its Plan EJ 2014 and to help develop its strategy for the focus area on considering environmental justice in permitting. EPA also obtained recommendations from academic researchers and environmental justice organizations during a symposium held in March 2010, which formed the basis for the goals and strategies identified in its Plan EJ 2014 Science Tools Development implementation plan.

EPA officials assert that the agency has similarly involved states early on in the initial stages of Plan EJ 2014 and its associated implementation plans and that these planning documents reflect states' input and concerns, particularly with respect to the cross-agency focus area on permitting. However, based on our review of these documents and interviews with EPA and state association officials, it is unclear how states will specifically be involved in the agency's ongoing environmental justice planning efforts as well as its implementation of these plans. Five Plan EJ 2014 implementation plans identify states as key stakeholders, but provide limited detail on how states will be involved in ongoing planning regarding

³¹[GAO/GGD-96-118](#).

these efforts and in the actual implementation of the plans. For example, while the implementation plan for the cross-agency focus area on permitting generally indicates that state input will be obtained, the plan does not specify how states will be integrally involved in the planning for this focus area or the level of involvement expected from states in helping to implement the plan. Without articulating clearly in its plans how states will be involved in ongoing environmental justice planning efforts and what part states will play in helping EPA implement these plans, EPA cannot ensure that states are meaningfully involved in the ongoing planning and implementation of EPA's environmental justice integration efforts.

EPA officials told us that they recognized that the implementation plans did not provide much detail on how states will be involved. However, they said that the agency planned to work more closely with states to obtain their views in finalizing the implementation plans. Towards this end, EPA took some additional steps to obtain states views after the release of its draft implementation plans. For example, EPA held a teleconference listening session with officials from state and local governments in June 2011 to solicit states' feedback on the topic of considering environmental justice in permitting.

Notwithstanding these efforts, without more directly involving states in ongoing environmental justice planning and clearly articulating their role and responsibilities in implementing environmental justice plans, EPA's efforts to integrate environmental justice may be hampered, given the significant role that states have in administering some federal environmental programs. GAO and EPA's IG have reported in the past on the challenges EPA has faced in achieving effective oversight of states across a range of its delegated programs.³² Most recently, the IG identified EPA's oversight of its delegation to states as a key management challenge in fiscal year 2010.³³ The IG noted that although

³²See GAO, *Environmental Protection: More Consistency Needed among EPA Regions in Approach to Enforcement*, [GAO/RCED-00-108](#) (June 2, 2000); and *Environmental Protection: EPA-State Enforcement Partnership Has Improved, but EPA's Oversight Needs Further Enhancement*, [GAO-07-883](#) (July 31, 2007). Also, see: EPA Inspector General, Memorandum to EPA Administrator, *EPA's Key Management Challenges for Fiscal Year 2009*, April 28, 2009, EPA Inspector General, Memorandum to EPA Administrator, *EPA's Key Management Challenges for Fiscal Year 2008*, July 2, 2008.

³³EPA Inspector General, Memorandum to EPA Administrator, *EPA's Fiscal Year 2010 Management Challenges*, May 11, 2010.

Develop Performance
Measures

EPA has taken a number of steps in recent years to improve its oversight of states, there remain a number of factors and practices that reduce the effectiveness of the agency's oversight, including differences between state and federal policies, interpretations, and priorities.

EPA has developed performance measures for one of its nine Plan EJ 2014 implementation plans to track progress on its environmental justice goals: its Resources Tools Development implementation plan. However, for the eight remaining implementation plans, EPA has proposed using deliverables and milestones to track its progress. For example, in its implementation plan for incorporating environmental justice into rulemaking, EPA committed to completing final technical guidance on considering environmental justice during the rulemaking process by fiscal year 2013. EPA has not, however, developed clearly defined, quantifiable performance measures for assessing the extent that each of its programs are incorporating the guidance in their rulemaking activities, the cost of its implementation, and its impact on EPA decisions. Deliverables and milestones can be important indicators of progress but are not adequate substitutes for performance measures. We have reported in the past that performance measures are a key element of effective strategic planning.³⁴ They provide organizations with the ability to track the progress they are making toward their mission and goals, and provide managers with information on which to base their organizational and management decisions, including how effectively program and regional offices are integrating environmental justice in their decisions. Performance measures also create powerful incentives to influence organizational and individual behavior. Individual performance measures may address the type or level of program activities conducted (process), the direct products and services delivered by a program (outputs), or the results of those products and services (outcomes).

We have also reported on the attributes most often associated with successful performance measures. More specifically, we reported that successful performance measures typically consist of nine attributes, which are summarized in table 3.³⁵ Further, we have reported that developing performance measures requires coordinated planning.

³⁴ [GAO/GGD-96-118](#).

³⁵ *GAO, Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures*, [GAO-03-143](#) (Washington, D.C.: Nov. 22, 2002).

Agencies that are successful in measuring performance take a systematic approach to identifying and refining potential measures, such as (1) developing models that describe how a program's activities produce outputs, such as the number of grants awarded, and how these outputs are connected to intermediate and end outcomes, or results, and (2) using rigorous criteria to select the most important performance measures.³⁶

Table 3: Key Attributes of Successful Performance Measures

Attributes	Definitions	Potentially adverse consequences of not meeting attribute
Linkage	Measure is aligned with division and agencywide goals and mission and clearly communicated throughout the organization.	Behaviors and incentives created by measures may not support achieving division or agencywide goals or mission.
Clarity	Measure is clearly stated and the name and definition are consistent with the methodology used to calculate it.	Data may confuse or mislead users.
Measurable target	Measure has a numerical goal.	Managers may not be able to determine whether performance is meeting expectations.
Objectivity	Measure is reasonably free from significant bias or manipulation.	Performance assessments may be systematically over- or understated.
Reliability	Measure produces the same result under similar conditions.	Reported performance data may be inconsistent and add uncertainty.
Core program activities	Measures cover the activities that an entity is expected to perform to support the intent of the program.	Information available to managers and stakeholders in core program areas may be insufficient.
Limited overlap	Measure provides new information beyond that provided by other measures.	Manager may have to sort through redundant, costly information that does not add value.
Balance	Taken together, measures ensure that an organization's various priorities are covered.	Measures may over emphasize some goals and skew incentives.
Governmentwide priorities	Each measure should cover a priority such as quality, timeliness, and cost of service.	A program's overall success is at risk if all priorities are not addressed.

Source: GAO.

The EPA officials we interviewed told us that the agency plans to develop performance measures linked to its Plan EJ 2014 goals, but it has not done so primarily because developing these measures is challenging and resource-intensive. We acknowledge that developing performance

³⁶GAO, *Managing for Results: Strengthening Regulatory Agencies Performance Management Practices*, GAO/GGD-00-10 (Washington, D.C.: Oct. 28, 1999).

measures requires considerable thought and, in some cases, can be resource intensive. However, without performance measures that align with EPA's Plan EJ 2014 goals, the agency will lack the information it needs to assess how effectively the agency is performing relative to its environmental justice goals and the effect of its overall environmental justice efforts on intended communities.

Conclusions

EPA's renewed commitment to environmental justice has led to a number of actions, including revitalizing stakeholders' involvement and developing agencywide implementation plans. In carrying out these efforts, the agency has generally followed most of the leading practices we reviewed in federal strategic planning. However, without additional progress on these practices, EPA cannot assure itself, its stakeholders, and the public that it has established a framework to effectively guide and assess its efforts to integrate environmental justice into the fabric of the agency. In particular, EPA has not yet established a strategy for how it will address the management challenges of defining key environmental justice terms or identifying the resources needed to accomplish its environmental justice integration goals. Without a clear strategy for how the agency will define key environmental justice terms, EPA may not be able to overcome the long-standing challenge of establishing a consistent and transparent approach for identifying potential communities with environmental justice concerns. In addition, without a clear understanding of the resources needed to integrate environmental justice considerations throughout the agency, EPA cannot ensure that its current staffing and funding resources are sufficient to meet its environmental justice goals. Moreover, without this information, EPA may find itself unable to successfully adapt to future changes in workload, which are expected as a result of a greater emphasis on environmental justice, or potential changes in future funding levels. EPA has also not articulated in its implementation plans how states will be meaningfully involved in the ongoing planning and subsequent implementation of its environmental justice integration efforts. Without articulating clearly in its plans the roles and responsibilities of states, EPA cannot ensure that states are meaningfully involved in the planning and implementation of its environmental justice integration efforts, including efforts involving permits and enforcement and compliance. Finally, EPA does not have performance measures for eight of its Plan EJ 2014 implementation plans. Without performance measures that align with EPA's Plan EJ 2014 goals, the agency will lack the information it needs for EPA managers to effectively assess how the agency is performing relative to its

environmental justice goals and the effect of its overall environmental justice efforts on intended communities.

Recommendations for Executive Action

To ensure that EPA continues to make progress toward the effective integration of environmental justice considerations into the agency's programs, policies, and activities, we recommend that the Administrator of EPA direct the appropriate offices to take the following four actions:

- Develop a clear strategy to define key environmental justice terms in order to help the agency establish a consistent and transparent approach for identifying potential communities with environmental justice concerns.
- Conduct an assessment of the resources needed under its current plans to integrate environmental justice considerations throughout the agency to help ensure that EPA's staffing and funding resources are sufficient to meet current environmental justice goals and future changes in workload, such as provision of training to support use of key tools and guidance and potential changes in funding levels.
- Articulate clearly in its plans the roles and responsibilities of states and continue recently initiated outreach efforts to help ensure that states are meaningfully involved in ongoing environmental justice planning and the subsequent implementation of Plan EJ 2014.
- Develop performance measures for Plan EJ 2014 to provide EPA managers with the information necessary to assess how effectively the agency is performing relative to its environmental justice goals and the effect of its overall environmental justice efforts on intended communities.

Agency Comments and Our Evaluation

We provided a draft copy of this report to EPA for review and comment. We received a written response from the Assistant Administrator for the Office of Enforcement and Compliance Assurance on behalf of several EPA programs that work with EPA's Office of Environmental Justice. EPA disagreed with two recommendations, partially agreed with one recommendation, and did not directly address one other recommendation in the report. Overall, EPA agreed that additional work is needed to ensure successful and effective implementation of Plan EJ 2014, the agency's environmental justice strategy. EPA noted that our report provides a good overview of EPA's progress and challenges in recent

years in the agency's environmental justice efforts and that our recommendations are particularly insightful and helpful as the agency begins to implement Plan EJ 2014.

In its comments, EPA disagreed with our recommendation to develop a strategy for defining key environmental justice terms in order to provide greater consistency in how environmental justice communities are identified. Instead, EPA believes that it can better identify communities overburdened by pollution, including those that are minority and low-income, by developing a nationally consistent environmental justice screening tool. EPA noted that the tool will allow the agency to meet its responsibility for protecting public health and the environment in a manner consistent with Executive Order 12898 and the agency's goals under Plan EJ 2014.

We acknowledge EPA's efforts to develop a nationally consistent environmental justice screening tool (EJ SCREEN). However, in the course of our review, the EPA officials responsible for developing EJ SCREEN repeatedly cautioned us that this tool would have very limited capabilities and would need to be supplemented with additional information in order to adequately identify such communities. While agency officials informed us that EJ SCREEN will ultimately contain some definitions for environmental justice terms, these definitions will be limited to the screening tool's use and would not have agencywide application.

Absent definitions of key environmental justice terms that have agencywide application, integration efforts are likely to be inconsistent across EPA's program and regional offices. As noted earlier, the EPA Inspector General identified such inconsistencies in 2004 and noted that such differences among EPA regional offices in identifying environmental justice communities were largely due to the lack of standard definitions for basic environmental justice terms, such as minority and low-income. We believe that defining key environmental justice terms establishes a foundation on which EPA could more consistently identify minority or low-income communities disproportionately impacted by environmental or health hazards. Without this foundation, EPA environmental justice efforts will heavily rely on the interpretations of individual managers rather than a consistent agencywide approach.

EPA also disagreed with our recommendation to conduct a resource assessment for the activities associated with Plan EJ 2014. EPA noted that environmental justice is the responsibility of every program office and region. EPA stated that it will proactively monitor the agency's progress in

meeting the milestones and delivering the products identified in each of the Plan EJ 2014 implementation plans and will modify the implementation plans, as necessary, to reflect the need for training and other implementation support activities.

While monitoring the agency's progress in meeting Plan EJ 2014 goals is important, accounting for the resources committed to Plan EJ 2014 is essential for effective program management. Leading practices suggest that properly accounting for program resources, including funding and staffing, enables managers to better manage existing resources and plan for future programmatic needs. Such an assessment is particularly important in times when resources are constrained or are in danger of being either reduced or eliminated. Additionally, as we mentioned in our report, the EPA IG in December 2010 found that EPA did not have the internal controls necessary to properly determine that the agency has the right number of resources to accomplish its mission. Consequently, without a clear understanding of the resources needed, the agency's ability to achieve its environmental justice integration goals might be compromised.

EPA partially agreed with our recommendation to continue its outreach efforts to states, but did not address a portion of the recommendation that called for EPA to more clearly articulate the roles and responsibilities of states in their Plan EJ 2014 implementation plans. EPA stated that the agency believes outreach to states and their meaningful involvement is important and expects these kinds of efforts to increase as the implementation of Plan EJ 2014 progresses. EPA specifically noted that outreach to states is established in its draft Plan EJ 2014 Outreach and Communications plan and is articulated in each implementation plan, as appropriate. EPA further noted that the involvement of states will vary by the nature of the work outlined in each implementation plan.

We acknowledge that EPA has made progress in engaging states in Plan EJ 2014 and its associated implementation plans. Furthermore, we encourage EPA to continue its outreach efforts to help ensure that states are meaningfully involved in the agency's environmental justice integration efforts. While EPA's draft Plan EJ 2014 Outreach and Communications plan does provide for state involvement, the associated implementation plans do not contain sufficient detail on how states will be involved in EPA's environmental justice planning efforts or their subsequent implementation. Because states play an integral part in the implementation of environmental justice, particularly as it relates to permitting, it is also important that states have a clear understanding of

their respective roles and responsibilities. As an acknowledged roadmap for the agency's environmental justice efforts, Plan EJ 2014 and its related documents should clearly articulate the roles and responsibilities of all key stakeholders.

Finally, EPA did not directly address our recommendation that the agency develop performance measures; rather, EPA said that it agreed that as the agency moves forward with implementing Plan EJ 2014, it should use and strengthen performance measures and develop other ways to ensure timely and effective implementation of the plan. EPA noted that it is currently relying on milestones and deliverables to monitor progress in the implementation of Plan EJ 2014.

While project milestones and deliverables can provide valuable information on the progress of Plan EJ 2014 implementation, these measures do not adequately replace performance measures. As we reported, only 1 of the 9 Plan EJ 2014 implementation plans contained performance measures. Consequently, while EPA managers may be able to determine if Plan EJ 2014 is on track for meeting the plan's milestones and deliverables, they cannot determine whether the plan is ultimately achieving meaningful results, which performance measures would help the agency to discern. For this reason, EPA needs to develop performance measures for each of the implementation plans and incorporate these measures, as appropriate.

In its comment letter, EPA notified us that Plan EJ 2014 and its implementation plans would be finalized in September 2011. As noted, our analysis for this report was based on draft versions of EPA's planning documents because they had not yet been finalized at the time we sent our draft to EPA for review and comment. EPA released the plans publicly on September 14, as we were preparing to issue our report. Nevertheless, we did review the final plans and confirmed that they were not substantively different from the draft versions on which we based our conclusions and recommendations.

EPA's comments are presented in appendix II of this report. EPA also provided technical comments on the draft report, which we incorporated as appropriate.

As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to the appropriate congressional committees, Administrator of EPA, and other interested parties. The report also will be available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff members have any questions about this report, please contact me at (202) 512-3841 or yocomc@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix III.

Sincerely yours,



Carolyn L. Yocom
Director

Appendix I: Scope and Methodology

To examine how EPA is implementing its environmental justice efforts, we analyzed key EPA documents to identify offices with environmental justice responsibilities. Based on these documents, we interviewed senior officials from EPA's Office of Environmental Justice and Office of Enforcement and Compliance Assurance to understand the roles and responsibilities of key offices, staff positions, and councils for implementing environmental justice efforts and to understand changes that EPA has undertaken in the organizational structure of environmental justice functions under the current Administration.

To evaluate the extent to which EPA is following leading strategic planning practices in establishing a framework for integrating environmental justice in its programs, policies, and activities, we identified seven leading practices in federal strategic planning by reviewing (1) practices required at the federal department/agency level under the Government Performance and Results Act (GPRA) of 1993,¹ which we have previously reported also can serve as leading practices for planning at lower levels within federal agencies such as individual programs or initiatives;² (2) practices identified in Office of Management and Budget (OMB) guidance to federal agencies for implementing GPRA's requirements;³ and (3) related leading practices that GAO's past work has identified.⁴ We selected the six leading practices because EPA's environmental justice efforts are in the initial planning stage and we judged these practices to be the most relevant to evaluating EPA's environmental justice strategic planning actions.⁵ We determined that

¹Pub. L., No. 103-62 (August 3, 1993).

²For example, see GAO, *Foreign Aid Reform: Comprehensive Strategy, Interagency Coordination, and Operational Improvements Would Bolster Current Efforts*, [GAO-09-192](#) (Washington, D.C.: Apr. 17, 2009), p. 31.

³OMB, *Circular A-11, Section 210: Preparing and Submitting an Agency Strategic Plan*, July 2010.

⁴For example, see GAO, *Executive Guide: Effectively Implementing the Government Performance and Results Act*, [GAO/GGD-96-118](#) (Washington, D.C.: June 1, 1996); *Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures*, [GAO-03-143](#) (Washington, D.C.: Nov. 22, 2002); *Managing for Results: Strengthening Regulatory Agencies' Performance Management Practices*, [GAO-GGD-00-10](#) (Washington, D.C.: Oct. 28, 1999).

⁵For example, we focused on EPA's efforts to coordinate with other federal agencies because Executive Order 12898 places emphasis on coordination across federal agencies on environmental justice.

other practices we have reported on in the past overlapped, to some degree, with the six selected practices.⁶ We also did not consider all of the elements that GPRA and OMB guidance requires an agency include in its agencywide strategic plan because our focus was on EPA's planning process and not on the structure of its planning documents.⁷ We also reviewed recommendations made by EPA's Office of Inspector General (IG) in 2004 regarding EPA's management of its environmental justice efforts. We compared the planning activities associated with EPA's environmental justice framework, i.e., EPA's Fiscal Year 2011-2015 Strategic Plan, Plan EJ 2014, and the nine Plan EJ 2014 implementation plans, to the six leading practices, as shown in table 4. We reviewed EPA's draft Plan EJ 2014 Outreach and Communications Plan, but did not assess it as part of the leading practices analysis because this plan was still in the early stages of development.

Table 4: Selected Leading Practices in Federal Strategic Planning

Define the mission and goals
Define strategies that address management challenges and identify resources needed to achieve goals
Ensure leadership involvement and accountability
Involve stakeholders
Coordinate with other federal agencies
Develop and use performance measures

Source: GAO analysis of Government Performance and Results Act of 1993, guidance from the Office of Management and Budget, and past GAO products on strategic planning.

Our analysis for this report was based primarily on draft versions of EPA's Plan EJ 2014 and its implementation plans because these documents were not finalized until mid-September 2011, as we were preparing to issue our report. Nevertheless, we did review the final plans and confirmed that they were not substantively different from the draft versions on which we based our conclusions and recommendations.

⁶For example, we have previously identified assessing the external environment as a leading practice. We determined that this practice overlapped with involving stakeholders because engagement with stakeholders includes gaining insight into the factors that stakeholders view could impact an agency's ability to achieve its goals.

⁷For example, GPRA and OMB guidance require agencywide strategic plans include a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations.

We also interviewed senior EPA officials from key offices involved with integrating environmental justice in the agency, including EPA's Office of Enforcement and Compliance Assurance, Office of Environmental Justice, Office of Air and Radiation, Office of Water, Office of Solid Waste and Emergency Response, Office of Policy, and Office of Chief Financial Officer to clarify the nature and intent of the agency's activities. We also spoke with EPA officials about the extent they have incorporated past EPA IG recommendations in their current environmental justice efforts. Finally, we interviewed external stakeholders about their involvement in EPA's environmental justice planning efforts. Specifically, we interviewed select members of the National Environmental Justice Advisory Council (NEJAC) and representatives from the Environmental Council of States, National Association of Clean Air Agencies, and the Association of State and Territorial Solid Waste Management Officials. We also discussed EPA's actions to address the EPA IG's 2004 recommendations with officials from the Office of Inspector General to obtain their views on EPA's current actions. In addition to agency interviews, we participated in several EPA outreach teleconferences, as well as attended NEJAC public meetings held in July and November 2010.

We conducted this performance audit from May 2010 through September 2011, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Comments from the U.S. Environmental Protection Agency



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

GAO-GENERAL COUNSEL
2011 SEP 12 AM 10:29

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Ms. Carolyn Yocom
Director, Natural Resources & Environment
U.S. Government Accountability Office
Washington, DC 20548

Dear Ms. Yocom:

Thank you for the opportunity to review and comment on the draft report prepared by the U.S. Government Accountability Office (GAO) entitled: "*EPA Needs to Take Additional Actions to Help Ensure Effective Implementation* (GAO-11-798)," dated September 2011. The Office of Enforcement and Compliance Assurance (OECA) provides this response on behalf of several of the U.S. Environmental Protection Agency's (EPA) programs that worked with the Office of Environmental Justice to support GAO's evaluation from July 2010 through August 2011. We appreciate GAO's careful look at the EPA's efforts to integrate environmental justice considerations into the agency's programs, policies, and activities, as well as the positive assessment of the agency's work to address disproportionate impacts of pollution on overburdened minority and low-income communities.

GAO's evaluation was conducted during a period when the EPA was developing Plan EJ 2014. Over the course of GAO's evaluation and following the development of the draft report, the agency has continued to make great strides. For example, on August 4, 2011, the Federal Environmental Justice Interagency Workgroup (EJ IWG) released its Memorandum of Understanding (MOU) on Environmental Justice and Executive Order 12898 which affirms the commitment of the EPA and sixteen other federal agencies and offices to integrate environmental justice into their programs, policies and activities. As part of this affirmation, the MOU calls for each agency to review and update existing environmental justice strategies by the end of September 2011 and to publicly post them by February 2012. The EPA has taken the lead on this commitment by finalizing our environmental justice strategy, Plan EJ 2014, which we expect to release publicly in September 2011.

GAO's report provides a good overview of the EPA's progress and challenges in recent years. We agree that more work is necessary to ensure the successful and effective implementation of the strategy. The agency will continue to work on strengthening Plan EJ 2014 performance measures, and will strengthen the states' role in planning and implementation as appropriate for each of the nine implementation plans. The agency will manage Plan EJ 2014 resource commitments through annual implementation plan reviews and progress reporting. The recommendations suggested were both insightful and helpful particularly as the agency embarks on implementing its own strategy.

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Recommendations for Executive Action

The GAO report recommends that the EPA Administrator direct the appropriate offices to take four actions to ensure that the EPA continues to make progress toward the effective integration of environmental justice considerations in the Agency's programs, policies, and activities. Each GAO recommendation is described below and is followed by an EPA response.

GAO Recommendation 1: Develop a clear strategy to define key environmental justice terms in order to help the agency establish a consistent and transparent approach for identifying potential communities with environmental justice concerns.

EPA Response: We agree with GAO regarding the need for greater consistency in how overburdened communities are identified. However, there is more than one way to achieve this goal. Our approach is to continue to develop a nationally consistent EJ screening tool that identifies communities overburdened by pollution, including those that are minority and low-income, to better meet our responsibility of protecting public health and the environment in a manner that is consistent with Executive Order 12898 and our goals under Plan EJ 2014.

GAO Recommendation 2: Conduct an assessment of the resources needed under its current plans to integrate environmental justice considerations throughout the agency to help ensure that EPA's staffing and funding resources are sufficient to meet current environmental justice goals and future changes in workload, such as provisions of training to support use of key tools and guidance on potential changes in funding levels.

EPA Response: The EPA agrees with the need to actively monitor progress towards the goals of Plan EJ 2014 but disagrees with the need to conduct a resource assessment at this time. Environmental justice is the responsibility of every program and region and this is reflected in the leadership that the AA-ships and Regions are taking in implementing Plan EJ 2014. The EPA will proactively monitor progress in meeting milestones and delivering products identified in each of the Plan EJ 2014 implementation plans. We will use an annual review and reporting process to track progress and will modify the implementation plans to reflect the needs for training and other implementation support activities, as necessary.

GAO Recommendation 3: Articulate clearly in the final Plan EJ 2014 implementation plans the roles and responsibilities of states and continue recently initiated outreach efforts to help ensure that states are meaningfully involved in on-going environmental justice planning and the subsequent implementation of Plan EJ 2014.

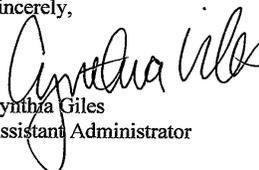
EPA Response: The agency appreciates GAO's recognition of our preliminary outreach efforts to engage states in Plan EJ 2014 and the implementation plans. We agree that outreach to states and their meaningful involvement is important and we expect that to increase as implementation progresses. As noted, outreach to states is established in our draft Plan EJ 2014 Outreach and Communications plan and is articulated in each implementation plan, as appropriate. We expect that the involvement of states will vary by the nature of the work outlined in each implementation plan. For example, the EPA has already engaged states in our EJ in permitting work where we envision a significant state role. State involvement in other implementation plans, e.g., science tools development, may not be as significant.

GAO Recommendation 4: Develop performance measures for Plan EJ 2014 to provide EPA managers with the information necessary to assess how effectively the agency is performing relative to its environmental justice goals and effect of its overall environmental justice efforts on intended communities.

EPA Response The EPA agrees that as we move forward with Plan EJ 2014 implementation, we should use and strengthen performance measures and develop other ways to ensure timely and effective implementation of the plan. We are currently using milestones and deliverables to monitor progress in the implementation of Plan EJ 2014.

Thank you for the opportunity to review and respond to the draft GAO-11-798 report. If there are any questions or concerns regarding our response to the recommendations or if additional follow up is required, please contact me at (202) 564-2440.

Sincerely,



Cynthia Giles
Assistant Administrator

cc: **Diane Thompson, AO**
Lisa Garcia, AO
Arvin Ganesan, OCIR
Charles Lee, OECA
Heather Case, OECA
Bobbie Trent, OCFO

Appendix III: GAO Contact and Staff Acknowledgments

GAO Contact

Carolyn L. Yocom (202) 512-3841 or yocomc@gao.gov

Staff Acknowledgments

In addition to the contact named above, Vincent P. Price, Assistant Director; Elizabeth Beardsley; Elizabeth Curda; Pamela Davidson; Brian M. Friedman; John Johnson; Benjamin T. Licht; Alison O'Neill; Kiki Theodoropoulos; Jarrod West; and Eugene Wisnoski made key contributions to this report.

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