



OFFICE OF INSPECTOR GENERAL

*Catalyst for Improving the Environment*

## Evaluation Report

# EPA Needs to Conduct Environmental Justice Reviews of Its Programs, Policies, and Activities

Report No. 2006-P-00034

September 18, 2006



**Report Contributors:**

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**Abbreviations**

EJSEAT	Environmental Justice Smart Enforcement Assessment Tool
EPA	U.S. Environmental Protection Agency
OAR	Office of Air and Radiation
OECA	Office of Enforcement and Compliance Assurance
OEJ	Office of Environmental Justice
OIG	Office of Inspector General

**Cover Photo:** Housing impacted by industry. Photo from EPA Region 2 Environmental Justice  
Website: <http://www.epa.gov/region2/ej/>.



# At a Glance

*Catalyst for Improving the Environment*

## Why We Did This Review

We conducted this review to determine whether the U.S. Environmental Protection Agency's (EPA's) program and regional offices performed environmental justice reviews of their programs, policies, and activities as required by Executive Order 12898, and whether they needed additional guidance.

## Background

Environmental justice reviews seek to identify and address disproportionately high and adverse human health or environmental effects on minority and low-income populations. The 1994 Executive Order 12898, *Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations*, directs agencies to make environmental justice part of their mission by reviewing the effects of their programs on minority and low-income populations.

**For further information, contact our Office of Congressional and Public Liaison at (202) 566-2391.**

**To view the full report, click on the following link:**  
[www.epa.gov/oig/reports/2006/20060918-2006-P-00034.pdf](http://www.epa.gov/oig/reports/2006/20060918-2006-P-00034.pdf)

## ***EPA Needs to Conduct Environmental Justice Reviews of Its Programs, Policies, and Activities***

### **What We Found**

Our survey results showed that EPA senior management has not sufficiently directed program and regional offices to conduct environmental justice reviews in accordance with Executive Order 12898. Consequently, the majority of respondents reported their programs or offices have not performed environmental justice reviews. Though some offices may not be subject to an environmental justice review, the respondents expressed a need for further guidance to conduct reviews, including protocols, a framework, or additional directions. Until these program and regional offices perform environmental justice reviews, the Agency cannot determine whether its programs cause disproportionately high and adverse human health or environmental effects on minority and low-income populations.

### **What We Recommend**

We recommended that the Deputy Administrator:

- (1) Require the Agency's program and regional offices to identify which programs, policies, and activities need environmental justice reviews and require these offices to establish a plan to complete the necessary reviews.
- (2) Ensure that environmental justice reviews determine whether the programs, policies, and activities may have a disproportionately high and adverse health or environmental impact on minority and low-income populations.
- (3) Require each program and regional office to develop, with the assistance of the Office of Environmental Justice, specific environmental justice review guidance, which includes protocols, a framework, or directions for conducting environmental justice reviews.
- (4) Designate a responsible office to (a) compile the results of environmental justice reviews, and (b) recommend appropriate actions to review findings and make recommendations to the decisionmaking office's senior leadership.

The Agency accepted our recommendations.



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

OFFICE OF  
INSPECTOR GENERAL

September 18, 2006

**MEMORANDUM**

SUBJECT: EPA Needs to Conduct Environmental Justice Reviews of Its  
Programs, Policies, and Activities  
Report No. 2006-P-00034

TO: Marcus C. Peacock  
Deputy Administrator

This is our report on the subject evaluation conducted by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA). This report contains findings that describe the problems the OIG has identified and corrective actions the OIG recommends. This report represents the opinion of the OIG and does not necessarily represent the final EPA position. Final determinations on matters in this report will be made by EPA managers in accordance with established resolution procedures.

The estimated cost of this report – calculated by multiplying the project's staff days by the applicable daily full cost billing rates in effect at the time – is \$157,433.

**Action Required**

In accordance with EPA Manual 2750, you are required to provide a written response to this report within 90 calendar days. You should include a corrective actions plan for agreed upon actions, including milestone dates. We have no objections to the further release of this report to the public. This report will be available at <http://www.epa.gov/oig>.

If you or your staff have any questions, please contact me at (202) 566-0847 or [roderick.bill@epa.gov](mailto:roderick.bill@epa.gov), or Jeffrey Harris, Product Line Director for Cross Media Issues, at (202) 566-0831 or [harris.jeffrey@epa.gov](mailto:harris.jeffrey@epa.gov).

Sincerely,

A handwritten signature in black ink that reads "Bill A. Roderick". The signature is written in a cursive style and is positioned above a horizontal line.

Bill A. Roderick  
Acting Inspector General

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# Chapter 1

## Introduction

### Purpose

The objective of this evaluation was to determine whether U.S. Environmental Protection Agency (EPA) program and regional offices have performed environmental justice reviews of their programs, policies, and activities as required by Executive Order 12898. The evaluation specifically sought to answer the following questions:

- Has there been clear direction from Agency senior management to perform environmental justice reviews of EPA programs, policies, and activities?
- Has the Agency performed environmental justice reviews?
- Does the Agency have adequate guidance to conduct these reviews or is there a need for additional directions or protocols?

### Background

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, was signed on February 11, 1994. The Executive Order directs all Federal agencies to implement environmental justice into its programs as follows:

*To the greatest extent practicable and permitted by law ... each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States.*

In August 2001, the EPA Administrator issued a memorandum reaffirming the Agency's commitment to environmental justice. This memorandum directed EPA to conduct its programs, policies, and activities that substantially affect human health and the environment in a manner that ensures the fair treatment of all people, including minority and low-income populations. In addition, the memorandum directed EPA to improve its research and data collection relating to the health of all people, including minority and low-income populations.

Four years later, on November 4, 2005, the EPA Administrator issued another memorandum reaffirming the Agency's commitment to environmental justice and

directing Agency officials “to implement [EPA] programs and activities to ensure that they do not adversely affect populations with critical environmental and public health issues, including minority and low-income communities.” The 2005 memorandum also directed “EPA to more fully and effectively integrate environmental justice considerations into its programs, policies, and activities” and “to incorporate environmental justice considerations into its planning and budgeting processes.”

However, neither the 2001 nor the 2005 memoranda specifically directed program and regional offices to assess whether any of their programs, policies, or activities had disproportionately high and adverse human health or environmental effects on minority and low-income populations.

In response to our 2004 report on environmental justice,<sup>1</sup> the Assistant Administrator of the Office of Enforcement and Compliance Assurance (OECA) responded in part as follows:

*Executive Order 12898, rather, requires EPA to review all of its programs, policies and activities in order to identify and address the disproportionately high and adverse human health or environmental effects ... on minority populations and low-income populations. This mandate is based on the plain language of the Executive Order and is supported by the accompanying Presidential Memorandum.*

The Office of Environmental Justice (OEJ) advised us that, since our 2004 environmental justice report, the Agency has also:

- Integrated environmental justice into each goal of the Agency’s Draft Strategic Plan;
- Issued the *Toolkit for Assessing Potential Allegations of Environmental Injustice* and the *Environmental Justice Smart Enforcement Assessment Tool*;
- Linked its regional and program office environmental justice action plans to the Agency’s Strategic Plan, and developed new action plans for each program and regional office;
- Established the OEJ as an *ex officio* member of the Agency’s Regulatory Steering Committee to help ensure that environmental justice considerations are taken into account during the rulemaking process;
- Developed in-person and on-line training in the “fundamentals of environmental justice”; and
- Developed in-person and on-line training for EPA staff responsible for writing permits under the Resource Conservation and Recovery Act and the Clean Air Act.

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<sup>1</sup> EPA OIG Report No. 2004-P-00007, *EPA Needs to Consistently Implement the Intent of the Executive Order on Environmental Justice*, March 2004.

OEJ provided us with the following definitions of the types of environmental justice reviews the Agency performs:

- “Environmental justice assessments” are comprehensive analyses of potential disproportionately high and adverse impacts within a given geographic area, or that may arise from a proposed activity.
- “Environmental justice reviews” or “environmental justice program evaluations” address potential disproportionately high and adverse impacts resulting from a program, policy, or set of activities on all impacted communities, including minority and/or low-income communities.

For this evaluation, we sought to identify any reviews of the potential to cause disproportionately high and adverse impacts on minority and low-income populations regardless of how program and regional offices labeled the reviews. Therefore, this document uses the terms “analysis,” “review,” and “assessment” interchangeably.

## **Scope and Methodology**

To determine the direction, frequency, and guidance for environmental justice reviews, we met with OECA, OEJ, and Office of Air and Radiation (OAR) representatives. We then conducted an Agency-wide survey of each of the Deputy Assistant Administrators in the Agency’s 13 program offices and each of the 10 Deputy Regional Administrators on their experience conducting environmental justice reviews of their programs, policies, and activities. We also asked them to describe their satisfaction with available guidance and instructions for conducting these reviews, and whether they needed additional directions or protocols. We selected this population after discussion with OECA and OEJ suggested that we would likely receive a more complete picture of environmental justice reviews and assessments if the Deputy Regional Administrators and Deputy Assistant Administrators serve as our points of contact.

We received 15 completed surveys: 5 Deputy Regional Administrators responded and 5 program offices responded. OAR provided responses from five of its divisions, and the Office of the Administrator provided responses from two of its offices. We did not design our survey to draw inferences or project results. Rather we sought to obtain descriptive information on implementing environmental justice at EPA. Our response rate was 43 percent (10 of 23 offices) which is high for a voluntary survey. While the regional and program offices that responded may not represent all regional and program offices at EPA, we received responses from those offices directly responsible for environmental programs (e.g., OAR, Office of Water, Office of Solid Waste and Emergency Response), as opposed to offices that function in more of a support capacity (e.g., Office of the Chief Financial Officer, Office of General Counsel). We considered



all responses when summarizing results in order to use the most information available to us. See Appendix A for a list of offices that responded to our survey.

This evaluation began on January 9, 2006, and field work ended on May 18, 2006. We conducted the review in accordance with Government Auditing Standards.

## Chapter 2

# EPA Has Not Consistently Performed Environmental Justice Reviews of Programs, Policies, and Activities

Our survey results showed that EPA program and regional offices have not performed environmental justice reviews in accordance with Executive Order 12898. Respondents stated that EPA senior management has not sufficiently directed program and regional offices to conduct environment justice reviews. Also, respondents expressed a need for further guidance on conducting these reviews, including protocols, a framework, or additional directions. Until these program and regional offices perform reviews, the Agency cannot determine whether its programs cause disproportionately high and adverse human health or environmental effects on minority and low-income populations.

### Program and Regional Offices Have Not Routinely Performed Environmental Justice Reviews

Although Executive Order 12898 requires environmental justice reviews, EPA program and regional offices have not consistently performed them. In our survey of program and regional office directors, 9 of the 15 respondents (60 percent) had not performed reviews as required by the Executive Order. Reasons for not performing these reviews included the absence of a specific directive as well as confusion regarding how to perform the reviews.

In our survey, 13 of the 15 respondents (87 percent) stated that EPA management had not requested them to perform reviews of the Agency's programs, policies, and activities as required by the Executive Order. Section 6.601 of the Executive Order states that the Office of the Administrator is responsible for ensuring that internal reviews are conducted to demonstrate compliance with the Executive Order.

One program office respondent said:

*Framework, protocols, or further directions would help a program office scope an environmental justice review. Program Offices would find useful and relevant a framework, etc., that is flexible and weighed against existing commitments and programs that compete for program resources.*

Other program offices responded that the nature of their programs does not lend themselves to reviewing impacts on minority and low-income populations and, as a result, they believe their programs are not subject to Executive Order 12898 requirements. However, the Agency has not yet determined the programs, policies, and activities subject to the Executive Order's analysis.

EPA has focused on integrating environmental justice into its programs, policies, and activities through developing action plans from each of the program and regional offices, and through other activities as described in Chapter 1. Action plans provide staff with a strategic instrument to ensure environmental justice considerations are integrated into all Agency activities. In some cases, the action plans provide for assessment and performance measurement.

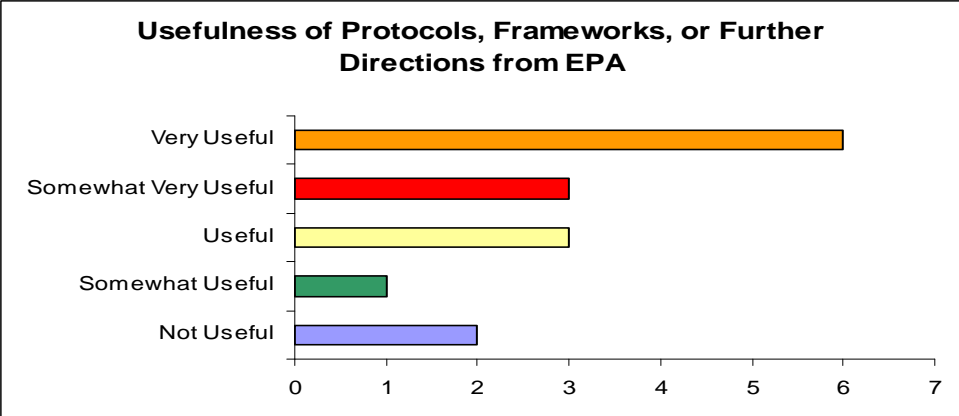
For example, in 2003, OEJ initiated the *Collaborative Problem-Solving Cooperative Agreement Grants Program*. This program provides \$100,000 cooperative agreements to affected community-based organizations to help find practical solutions to environmental concerns. The Agency awarded \$3,000,000 in Fiscal Year 2004 for these cooperative agreements to 30 projects. The Agency also provides financial assistance to external stakeholders through the *Environmental Justice Small Grants Program*. In Fiscal Year 2004, EPA awarded 17 grants totaling \$423,454 to community-based organizations focusing primarily on environmental and/or public health problems of the affected community.

### Need for Protocols, a Framework, or Additional Directions

Program and regional offices lack clear guidance to follow when conducting environmental justice reviews. The majority of our survey respondents (12 of 15, or 80 percent) stated they would find protocols, a framework, or additional directions useful for conducting environmental justice reviews (see Figure 1). One of the survey respondents said:

*Given there isn't a common understanding of what a [environmental justice] review is, it was difficult to answer "yes" or "no" to questions that really required more explanation. ... We advocate the nationwide Agency use of a consistent methodology for conducting [environmental justice] reviews.*

Figure 1. Summary of Survey Respondents' Need for Additional Guidance



No Agency-wide guidance exists on environmental justice program or policy review. However, the Agency issued a *Toolkit for Assessing Potential Allegations of Environmental Injustice* on November 3, 2004. OECA issued the *Toolkit* given its role as the National Program Manager for Environmental Justice. Because no single office has authority to establish binding environmental justice policy, each national program office was required to approve the document prior to its issuance. OEJ stated, “The Toolkit represents current Agency policy with respect to environmental justice and provides a structured, but flexible, framework for conducting an environmental justice analysis.” OEJ did advise that they did not design the *Toolkit* for conducting environmental justice reviews of programs and policies, but for conducting site-specific activities, such as issuing a permit.

OECA, with OEJ, has subsequently developed its own environmental justice review based on the *Toolkit’s* Environmental Justice Indicators Framework. According to the Environmental Justice Smart Enforcement Assessment Tool (EJSEAT) guidance document, OECA uses a set of indicators to:

- (1) Proactively identify, in a consistent manner, potential disproportionately high and adversely affected areas (“Areas with Potential Environmental Justice Concerns”) to assist OECA in making fair and efficient resource deployment decisions, including targeting inspections; and
- (2) Analyze these areas, in a consistent manner, based on demographic (race and income) information, to evaluate and measure how OECA’s actions affect areas with minority and/or low-income populations.

Thus, EJSEAT serves as both a tool for integrating environmental justice into OECA’s work, as well as a methodology for reviewing EPA’s compliance program with respect to environmental justice. OEJ envisions that other program/regional offices will develop similar guidance documents for performing environmental justice reviews. EPA advised that some regions and program offices, such as the Office of Water, have stated in the draft Strategic Plan and in their respective Fiscal Year 2006 action plans that they will establish methodologies, like EJSEAT, which identify areas with potential environmental justice concerns and assess progress.

## **Recommendations**

We recommend that the Deputy Administrator:

- (1) Require the Agency’s program and regional offices to identify which programs, policies, and activities need environmental justice reviews and require these offices to establish a plan to complete the necessary reviews.

- (2) Ensure that environmental justice reviews determine whether the programs, policies, and activities may have a disproportionately high and adverse health or environmental impact on minority and low-income populations.
- (3) Require each program and regional office to develop, with the assistance of OEJ, specific environmental justice review guidance, which includes protocols, a framework, or directions for conducting environmental justice reviews.
- (4) Designate a responsible office to (a) compile the results of the environmental justice reviews, and (b) recommend appropriate actions to review findings and make recommendations to the decisionmaking office's senior leadership.

## **Agency Response and OIG Evaluation**

The Agency agreed with our recommendations. We reviewed the Agency's comments to the draft report and made changes to the final report where appropriate. Appendix B provides the full text of the Agency's response.

## **Status of Recommendations and Potential Monetary Benefits**

RECOMMENDATIONS						POTENTIAL MONETARY BENEFITS (in \$000s)	
Rec. No.	Page No.	Subject	Status <sup>1</sup>	Action Official	Planned Completion Date	Claimed Amount	Agreed To Amount
1	7	Require the Agency's program and regional offices to identify which programs, policies, and activities need environmental justice reviews and require these offices to establish a plan to complete the necessary reviews.	O	Deputy Administrator	TBD		
2	8	Ensure that environmental justice reviews conclude whether the programs, policies, and activities have a disproportionately high or adverse health or environmental impact on minority and low-income populations.	O	Deputy Administrator	TBD		
3	8	Require each office to develop, with the assistance of the Office of Environmental Justice, specific environmental justice review guidance, which includes protocols, a framework, or directions for program and regional offices.	O	Deputy Administrator	TBD		
4	8	Designate a responsible office to (a) compile the results of the environmental justice reviews, and (b) recommend appropriate actions to address findings.	O	Deputy Administrator	TBD		

<sup>1</sup> O = recommendation is open with agreed-to corrective actions pending  
 C = recommendation is closed with all agreed-to actions completed  
 U = recommendation is undecided with resolution efforts in progress

## ***Regional and Program Office Survey Respondents***

	Regions	Program Offices
<b>Respondents</b>	1 4 5 8 9	Office of Solid Waste and Emergency Response Office of Air and Radiation Office of Water Office of Research and Development Office of the Administrator
<b>Total</b>	5 (out of 10)	5 (out of 13)
<b>Agency-wide Response Rate</b>		
		10 (out of 23, or 43%)

## ***Agency Response***

### **MEMORANDUM**

**SUBJECT:** Response to Draft Evaluation Report 2004-000929, “EPA Needs to Conduct Environmental Justice Reviews of Its Programs, Policies, and Activities”

**FROM:** Granta Y. Nakayama  
Assistant Administrator

**TO:** Jeffrey Harris  
Director for Program Evaluation, Cross-Media Issues  
Office of Inspector General

The United States Environmental Protection Agency (EPA) appreciates the opportunity to comment on the Office of Inspector General’s (OIG) Draft Evaluation Report 2004-000929, “EPA Needs to Conduct Environmental Justice Reviews of Its Programs, Policies, and Activities.”(Draft Report). I am sending this memorandum on behalf of EPA Deputy Administrator Marcus Peacock. EPA believes that the Draft Report sets forth cogent recommendations that, with some modification, will help to strengthen EPA’s environmental justice program.

EPA believes that the integration of environmental justice considerations into the Agency’s decisionmaking processes represents an essential first step in making environmental justice part of its mission, as directed by Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (Feb. 16, 1994). Environmental justice program review is the next appropriate step to follow. Accordingly, the OIG’s Draft Report is especially timely, and EPA appreciates the OIG’s efforts in this regard.

EPA concurs, in general terms, with the OIG’s finding that, instead of conducting environmental justice reviews, “[t]he Agency has focused on integrating environmental justice into its programs, policies, and activities through the development of action plans from each of the EPA program and regional offices. These action plans provide Agency staff with a strategic instrument to ensure environmental justice considerations are integrated into all Agency activities.” However, as noted in comments to earlier drafts, certain aspects of the Draft Report’s research methodology and analysis can be made clear.



EPA points out that, in addition to the action plans, the Agency has taken steps to integrate environmental justice into its work. For example, EPA, for the first time, is integrating environmental justice considerations into its Strategic Plan, which will improve the Agency's ability to plan, coordinate, and evaluate its environmental justice priorities. Moreover, EPA has significantly enhanced its on-line environmental justice mapping and assessment capabilities, which should lead to improved accountability, efficiency, and, most importantly, improved conditions in environmentally burdened communities.

I am attaching EPA's comments to the Draft Report. If you have any questions regarding the enclosed comments or any other aspect of EPA's environmental justice program, please contact me, or your staff may contact Barry E. Hill, Director, Office of Environmental Justice, (202) 564-2515.

Attachment (1): Response to OIG Draft Evaluation Report, "EPA Needs to Conduct Environmental Justice Reviews of Its Program, Policies, and Activities"

# Response to OIG Draft Evaluation Report, “EPA Needs to Conduct Environmental Justice Reviews of Its Programs, Policies, and Activities”

## General Comments:

While EPA finds the Draft Report recommendations to be quite useful, certain aspects, such as the “Scope and Methodology” Section should be made clearer and more understandable. Specifically, EPA recommends the following:

### **1. Identify Data and Analysis Limitations and Explain Survey Methodology**

The “Scope and Methodology” Section should include an explanation of the data and analysis limitations of the Draft Report, given that only half of the Agency’s regional offices (5/10) responded to the OIG’s survey. (Draft Report Page 3). This section should also explain the analytical basis for: (1) aggregating the results from the regional and the program offices, which are entities with very different institutional roles within EPA and have different needs (*e.g.*, programmatic policy operations versus more location-specific functions); and (2) counting, as separate responses, the submissions of different offices located within a single region or program office. A discussion of the Draft Report’s limitations would help the reader know whether the data and analysis should be considered representative of conditions and/or needs Agency-wide. Including raw or tabularized data in an appendix to the Final Report would also increase the transparency of the evaluation’s data and analysis.

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### **2. Distinguish between Categories of Environmental Justice Reviews**

EPA reiterates its previous recommendation that the survey and analysis of results should distinguish between “environmental justice assessments,” “environmental justice reviews,” and “environmental justice program evaluations.” The Draft Report’s interchangeable use of these terms (Draft Report Page 3) leads to confusion and potentially misleading conclusions. For example, while OECA agrees that the “[t]here is no Agency-wide guidance in place on environmental justice program or policy review,” it is incorrect to state that there exists “no established parameters or protocols to follow in conducting an environmental justice review.” (Draft Report Page 6). As noted in the Draft Report, the *Toolkit for Assessing Potential Allegations of Environmental Injustice* provides guidance “for conducting site-specific activities, such as issuing a permit . . . [and] provides a structured, but flexible, framework for conducting an environmental justice analysis.” *Id.*

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## Specific Comments:

1. Page 2, first full paragraph. The first sentence should read, “However, neither the 2001 nor the 2005 memoranda . . .”

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2. Page 2, bullet #6. The sentence should be revised for clarity: “Developed in-person and on-line training for EPA staff responsible for writing permits under the Resource Conservation and Recovery Act and the Clean Air Act.”
3. Page 3, “Scope of Methodology,” paragraph 1. As noted above in General Comment 1, identify the Draft Report’s data and analytical limitations and explain the survey methodology with greater clarity.
4. Page 3, “Scope of Methodology,” paragraph 2, sentence 2. The sentence should be modified, as follows: “The Office of Inspector General designed the sampling process after consultation with OECA and OEJ.”
5. Page 5, paragraph 3, sentence 1. The sentence should be modified, as follows, to accurately show the range of mechanisms that EPA has used to integrate environmental justice into its programs, policies, and activities:

See OIG  
Comment in  
Appendix C  
Note 4

See OIG  
Comment in  
Appendix C  
Note 5

See OIG  
Comment in  
Appendix C  
Note 6

See OIG  
Comment in  
Appendix C  
Note 7

“The Agency has focused on integrating environmental justice into its programs, policies, and activities through **planning and budgeting processes**, development of **on-line assessment tools, training courses, policy guidance documents, and** action plans, **which are submitted by** each EPA program and regional offices, **as well as through OEJ’s participation in the regulatory rulemaking process as an *ex officio* member of the Regulatory Steering Committee.**

6. Page 6, paragraph 3, sentence 2. The sentence should be modified as follows to clarify that policy exists with respect to environmental justice assessments. In addition, consistent with Recommendation #3, page 7, the sentence should be modified to state that the regions and program offices, rather than EPA, as a whole, have not established guidance on environmental justice program evaluation or policy review:

See OIG  
Comment in  
Appendix C  
Note 8

“**The regions and program offices have not established** guidance on environmental justice program or policy review. **Further, except for the *Toolkit*, which addresses site specific assessments, and for assessments conducted under the National Environmental Policy Act and in the compliance assurance context, we found no established parameters or protocols to follow in conducting an environmental justice analysis.**”

7. Page 6, paragraph 5, sentence 2. Clarify that other program offices, such as the Office of Water, and regions have stated in the draft Strategic Plan and in their respective Fiscal Year 2006 Action Plans that they will establish methodologies, like EJSEAT, which identify areas with potential environmental justice concerns and assess progress.

See OIG  
Comment in  
Appendix C  
Note 9

**Recommendations:**

- (1) Require the Agency’s program and regional offices to identify which programs, policies, and activities need environmental justice reviews and require these offices to establish a plan to complete the necessary reviews.

See OIG  
Comment in  
Appendix C  
Note 10

EPA accepts this Recommendation without modification.

- (2) Ensure that environmental justice reviews conclude whether the programs, policies, and activities may have a disproportionately high ~~or~~ and adverse health or environmental impact on minority ~~and~~ or low-income populations.

EPA accepts this Recommendation with modifications, as above. The inclusion of the term “may” provides a protective margin. The use of the conjunctions “and” and “or” have been conformed to track the language of Executive Order 12898.

- (3) Require each program and regional office to develop, with the assistance of the Office of Environmental Justice, specific environmental justice review guidance, which includes protocols, a framework, or direction for conducting environmental justice reviews. ~~program and regional offices.~~

EPA accepts this Recommendation with modifications, as above. The modifications clarify that each region and program office will be responsible for developing its own guidance with the assistance of the Office of Environmental Justice. A successful environmental justice review must combine expertise both in environmental justice issues and the relevant science surrounding a particular program and pollutant.

- (4) Designate a responsible office to (a) compile the results of the environmental justice reviews, and (b) recommend appropriate actions to review findings and make recommendations to the decisionmaking office’s senior leadership.

EPA accepts this Recommendation with modification, as above. The modification is necessary to maintain existing delegations of authority and to maintain decisionmaking authority with the office accountable for implementing its program, or overseeing operations within its region.

## ***OIG's Comments on Agency's Response***

1. We edited the “Scope and Methodology” section to elaborate and clarify our discussion on the data and analysis used in our report. (See Page 3)
2. As suggested, we edited the report section on categories of environmental justice reviews to clarify our position. (See Pages 3 and 7)
3. We made the correction. (See Page 2)
4. We revised the sentence as suggested. (See Page 2)
5. See the first comment above.
6. We made the suggested modification. (See Page 3)
7. We modified the sentence by referring to the Chapter 1 “Background” section of our report which provides this information. (See Page 6)
8. We did not change the report since existing statements provide the same information.
9. We added the suggested statement to the report. (See Page 8)
10. We added the suggested word changes and additional information to our recommendations. (See Page 8)

## ***Distribution***

Office of the Administrator  
Assistant Administrator for Enforcement and Compliance Assurance  
Agency Followup Official (the CFO)  
Agency Followup Coordinator  
Audit Followup Coordinator, Office of Enforcement and Compliance Assurance  
General Counsel  
Associate Administrator for Congressional and Intergovernmental Relations  
Associate Administrator for Public Affairs  
Acting Inspector General