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Angela C. Jones
Analyst in Environmental
Policy

U.S. Environmental Protection Agency (EPA) Environmental Justice Activities and Programs

For decades, policymakers and stakeholders have raised concerns regarding the disproportionate effects of environmental pollution among different communities and populations in the United States. Since the early 1990s, whether and how to address these environmental justice (or injustice) concerns has been a topic of debate in Congress.

The consideration of environmental justice across federal programs and activities is not mandated in statute. Beginning in 1994, several executive orders (E.O.s) have provided direction to federal agencies to incorporate environmental justice considerations in their policies and programs, within the bounds of existing statutes. By themselves, these E.O.s do not establish federal law, but are presidential directives that instruct the implementation of existing law.

Some Members and stakeholders have expressed interest in how the U.S. Environmental Protection Agency (EPA) addresses environmental justice concerns and what options might be available to Congress for amending agency authorities or directing implementation of programs related to environmental justice. The role of the EPA in environmental justice is rooted in three E.O.s, beginning with E.O. 12898, signed by President Bill Clinton on February 11, 1994. E.O. 12898 directs each executive department, EPA, and certain other agencies to “make achieving environmental justice part of its mission.” E.O. 14008, signed by President Joe Biden on January 27, 2021, amends E.O. 12898. Sections of E.O. 14008 expand the environmental justice directives of EPA and other federal departments and agencies and establish the Justice40 initiative, among other provisions. E.O. 14008 also directs the Council on Environmental Quality to develop the Climate and Economic Justice Screening Tool. E.O. 14096, signed by President Biden on April 21, 2023, sets out a “whole-of-government” approach to environmental justice and applies to a broader scope of federal agencies than E.O. 12898.

EPA’s Office of Environmental Justice and External Civil Rights is responsible for coordinating the implementation of the three E.O.s throughout the agency, administering environmental justice grants, providing training and technical assistance, developing and managing screening and mapping tools, and coordinating with other agencies in their consideration of environmental justice. EPA participates in the White House Environmental Justice Interagency Council, and as directed in E.O. 14008, provides administrative support to the White House Environmental Justice Advisory Council. EPA also administers EJSCREEN, an online screening and mapping tool intended to provide environmental and demographic data for specific locations through the use of EJ Indexes. Since the early 1990s, EPA has also administered the National Environmental Justice Advisory Group, which provides nonbinding advice and recommendations to the agency on environmental justice matters.

Although annual appropriations acts do not typically contain a consolidated line item for EPA implementation of environmental-justice-related E.O.s, Congress has provided specific funding to EPA for environmental justice grants, technical assistance, and interagency coordination. The Consolidated Appropriations Act, 2023 (P.L. 117-328) included a total of \$108.0 million to EPA for environmental justice within two of the agency’s appropriation accounts. EPA implements several environmental-justice-related grant programs that provide federal assistance to states, tribes, local governments, and community-based organizations. EPA established these environmental justice grant programs to meet the directives of E.O. 12898, E.O. 14008, and other E.O.s, beginning with the Environmental Justice Small Grants program in 1994. In 2022, in the measure commonly referred to as the Inflation Reduction Act (IRA; P.L. 117-169), Congress appropriated a total of \$3.0 billion to EPA for “Climate and Environmental Justice” grants.

Since the 102nd Congress, Members have introduced nearly 200 bills addressing environmental justice and have held numerous hearings on environmental justice legislation and related issues. When developing legislation or conducting oversight of EPA related to environmental justice concerns, Congress may consider a range of policy issues, such as whether to codify E.O. directives, expand or prohibit the statutory authorities for agencies to consider environmental justice issues in decisionmaking, increase or limit research and data collection to inform policy decisions that may affect certain communities or populations, and adjust appropriation levels for environmental justice grants and other EPA activities.

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Introduction

For decades, concerns regarding disproportionate effects of environmental pollution among different communities and populations in the United States have been a topic of policy discussions in Congress. Policymakers and stakeholders seeking to address issues of environmental justice (or injustice) emphasize variations in both the severity and magnitude of impacts from pollution on certain groups, such as racial or ethnic minorities and low-income populations.

The explicit consideration of environmental justice across federal programs and activities is not mandated in federal statute. Beginning in 1994, several executive orders (E.O.s) have provided direction to federal agencies to incorporate environmental justice considerations in their policies and programs, within the bounds of existing statutes. In addition to providing general direction to many federal agencies and departments, these E.O.s provide specific direction for the role of the U.S. Environmental Protection Agency (EPA). Some policymakers and stakeholders express interest in how EPA addresses environmental justice concerns and what options might be available to Congress for amending agency authorities or directing implementation of additional programs related to environmental justice.

This report provides an overview of EPA's historic and current role in environmental justice. The report discusses the term *environmental justice*; outlines the E.O.s that provide the foundation for EPA's consideration of environmental justice in its policies and activities; describes selected EPA environmental justice programs; reviews EPA environmental-justice-related grant programs; analyzes trends in environmental-justice-related appropriations to EPA; and highlights selected EPA-related environmental justice policy issues that may be of interest to Congress. Other topics such as other E.O.s that may address related public health, racial, or economic justice issues are beyond the scope of this report. This report focuses on EPA's general policies and selected activities in implementing selected E.O.s and does not provide a comprehensive analysis of all EPA activities that may be related to environmental justice or analysis of other federal agency responsibilities related to environmental justice.

What Is Environmental Justice?

The term *environmental justice* is not defined in federal law in a manner applicable across federal agencies or activities. Some have interpreted the terms *environmental justice (or injustice)* and *environmental equity (or inequity)* to describe the perceived disproportionate impacts of pollution across populations that possess different demographic characteristics (e.g., age, gender, race, national origin, occupation, income, or language). Some stakeholders have also raised concerns about environmental justice in terms of access to natural resources and recreational opportunities as part of a broader focus on the environment than just pollution from anthropogenic sources. Federal agencies, states, local governments, and interest groups have established various definitions of environmental justice and ascribed different goals and pathways to achieving environmental justice.

Stakeholder concerns about the consideration of environmental justice in the implementation of EPA programs and activities have generally focused on the protection of certain populations that may be disproportionately exposed to potentially hazardous or toxic substances. Economic impacts may also be cited as an environmental justice concern, such as perceived effects on property values in areas where pollution sources are located.

Although there is not a definition of the term *environmental justice* in federal law that can be broadly applied, two definitions exist within relatively narrow contexts. One exception is found in statute and one in regulation.

The Long Island Sound Stewardship Act of 2006 (P.L. 109-359) defines *environmental justice* for the specific purpose of designating natural-resource-based recreation areas by cross-referencing the definition codified in federal regulation at 33 C.F.R. §385.3. This definition applies only to the purposes of the act and does not apply to other federal law. This cross-referenced definition is the only federal regulatory definition of *environmental justice*. It was promulgated by the U.S. Army Corps of Engineers in 33 C.F.R. §385.3 specifically for the purpose of a “Comprehensive Everglades Restoration Plan.”¹ The provision defines *environmental justice* as “identifying and addressing, disproportionately high and adverse human health or environmental effects of a Federal agency’s programs, policies, and activities on minority and low-income populations, in accordance with applicable laws, regulations, and Executive Orders.”

Some other statutes involve objectives that are similar in purpose to environmental justice, but do not use the terms *environmental justice* or *environmental equity*.

At the federal level, consideration of environmental justice is rooted in a series of E.O.s issued by President Clinton and President Biden, discussed in detail in the next section. In addition, to carry out certain E.O. directives, the Council on Environmental Quality (CEQ) has issued guidance for all federal departments and agencies on incorporating environmental justice considerations in National Environmental Policy Act (NEPA) reviews for some purposes.² For more information, see CRS Legal Sidebar LSB11008, *Environmental Justice and the National Environmental Policy Act*.

EPA’s Role in Environmental Justice Under Executive Orders

Three E.O.s—E.O. 12898, E.O. 14008, and E.O. 14096—direct EPA and other agencies to consider environmental justice when carrying out agency programs and activities, subject to existing law.³ By themselves, these E.O.s. generally do not establish federal law but are presidential directives for the management of executive departments and agencies that instruct the implementation of existing law.⁴ Under these E.O.s, executive departments and agencies are responsible for interpreting the statutes that authorize their respective programs and activities to determine the extent to which environmental justice may be incorporated as a facet of their mission.

The federal environmental statutes that authorize EPA regulations do not specify environmental justice as a criterion for agency decisions. These statutes generally address the protection of

¹ This definition of *environmental justice* applies only to the U.S. Army Corps of Engineers’ activities under the referenced regulation.

² The Council on Environmental Quality (CEQ) developed guidance originally to carry out the directives for consideration of environmental justice under E.O. 12898. E.O. 14096 also directs agencies to consider certain environmental-justice-related factors in the National Environmental Policy Act (NEPA) review process.

³ E.O. 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” 59 *Federal Register* 7629, February 16, 1994; E.O. 14008, “Tackling the Climate Crisis at Home and Abroad,” 86 *Federal Register* 7619, February 1, 2021; E.O. 14096, “Revitalizing Our Nation’s Commitment to Environmental Justice for All,” 88 *Federal Register* 25251, April 26, 2023.

⁴ For more information on executive orders, see CRS Report R46738, *Executive Orders: An Introduction*, coordinated by Abigail A. Graber.

human health and the environment regardless of population characteristics and demographics. Although the authorizing statutes do not explicitly preclude consideration of environmental justice, other implementation criteria required by law could be inconsistent with such considerations. For example, federal environmental laws that authorize the permitting of industrial facilities do not allow the denial of a permit solely because of proximity to a particular community based on its demographics, although during permitting actions, certain communities may cite proximity as an environmental justice concern. From a scientific standpoint, potential health risks in such situations would depend on a range of factors, including exposure to pollutants, not proximity alone.

The previously identified E.O.s directing federal considerations and actions on environmental justice are also intended to supplement considerations under federal civil rights law prohibiting discrimination. For example, E.O. 12898, discussed below, states that it is intended to supplement E.O. 12250 for implementing Title VI of the Civil Rights Act of 1964, which generally prohibits discrimination based on race, color, or national origin in federally funded programs or activities.⁵

The three E.O.s previously identified, while issuing specific directives to EPA, provide that federal agencies implement the directives in a manner consistent with existing law. Therefore, the E.O.s do not direct EPA to promulgate regulations or allocate federal assistance in a way that would conflict with the environmental protection statutes the agency implements. E.O. 14008 and E.O. 14096 also provide that implementation of each E.O. is subject to the availability of appropriations. In other words, an agency would need to use existing appropriations to cover implementation activities and/or receive additional funding in order to implement the directives.⁶

The sections below summarize environmental-justice-related directives in each of the three E.O.s previously identified and highlight the role of EPA within the context of these selected E.O.s. In the past 30 years, other E.O.s have established related policies and directed agencies to take actions related to the relationship among public health, environmental pollution control, and racial and social justice, such as E.O.s requiring agencies to take steps to address racial inequality and the use of science in environmental protection.⁷

E.O. 12898

EPA's role in environmental justice is rooted in E.O. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed by President Clinton on February 11, 1994.⁸ E.O. 12898 directs EPA and certain other executive departments and agencies to "make achieving environmental justice part of its mission." E.O. 12898 generally directs executive departments and agencies to integrate environmental justice into their respective missions to "the greatest extent practicable and permitted by law." To carry out the directive in E.O. 12898, some departments and agencies covered under the E.O., including EPA, have incorporated the consideration of environmental justice into their respective regulations.

⁵ §6-602 of E.O. 12898. For more information, see CRS Report R46534, *The Civil Rights Act of 1964: An Overview*, by Christine J. Back.

⁶ §301(b) of E.O. 14008 and §11(b) of E.O. 14096.

⁷ See, for example, E.O. 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," 86 *Federal Register* 7009, January 25, 2021; and E.O. 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," 86 *Federal Register* 7037, January 25, 2021.

⁸ E.O. 12898.

In addition, E.O. 12898 specifically directed EPA to convene the Federal Interagency Working Group on Environmental Justice (Interagency Working Group), composed of the heads of specific executive agencies, departments, and offices. E.O. 12898 directed members of the Interagency Working Group, including EPA, to develop an agency-wide environmental justice strategy “that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”⁹ As discussed in the next section, E.O. 14008 subsequently created a new White House Environmental Justice Interagency Council that has succeeded the Interagency Working Group.

In its implementation of E.O. 12898, EPA has generally defined *environmental justice* as 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.”¹⁰ Other federal departments and agencies have tailored their definition of *environmental justice* to their respective missions.

Also applicable to the work of EPA, E.O. 12898 directs covered agencies to include certain considerations in human health and environmental research and analysis; collect and evaluate information on subsistence consumption of fish and wildlife; and take certain actions related to public participation and access to information on public health and the environment.¹¹

Over time, multiple E.O.s on environmental justice or containing environmental-justice-related directives have amended the agency responsibilities established in E.O. 12898. These include E.O. 12948, issued in 1995, which alters time frames for certain actions, as well as E.O. 14008 and E.O. 14096, discussed in detail below.¹²

E.O. 14008

E.O. 14008, “Tackling the Climate Crisis at Home and Abroad,” signed by President Biden on January 27, 2021, amends E.O. 12898. Sections of E.O. 14008 expand the environmental justice directives to EPA, other federal agencies, and executive departments, and establish the Justice40 initiative, among other provisions.¹³ E.O. 14008 also restructures the Interagency Working Group established under E.O. 12898 into the White House Environmental Justice Interagency Council (Interagency Council) and establishes the new White House Environmental Justice Advisory Council (WHEJAC). Further, E.O. 14008 directs the Office of Management and Budget (OMB), in coordination with CEQ and relevant agency heads, to publish an annual Environmental Justice Scorecard on agency performance measures.¹⁴

For EPA specifically, E.O. 14008 includes the agency as a member of the Interagency Council and directs EPA to administer the WHEJAC. E.O. 14008 also directs the agency to focus its environmental enforcement efforts on violations that may have “disproportionate impact on underserved communities” and to build upon existing pollution monitoring and notification

⁹ E.O. 12898.

¹⁰ EPA, “Learn About Environmental Justice,” <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>.

¹¹ E.O. 12898.

¹² E.O. 12948, “Amendment to Executive Order No. 12898,” 60 *Federal Register* 6381, February 1, 1995.

¹³ E.O. 14008.

¹⁴ E.O. 14008.

programs for the public in “frontline” and “fenceline” communities, consistent with existing statutes.¹⁵

Justice40 Initiative

Section 223 of E.O. 14008 directs the Council on Environmental Quality (CEQ) and the Office of Management and Budget (OMB), in consultation with other groups, to publish recommendations on “how certain Federal investments might be made toward a goal that 40 percent of the overall benefits flow to disadvantaged communities.” E.O. 14008 also directs federal agencies to identify applicable programs and funding, consistent with existing law.

Federal investments, also referred to as “covered programs,” include programs and funding in seven environmental, energy, and infrastructure areas:

- climate change,
- clean energy and energy efficiency,
- clean transit,
- affordable and sustainable housing,
- training and workforce development,
- remediation and reduction of legacy pollution, and
- development of critical clean water infrastructure.¹⁶

In July 2021, OMB released the *Interim Implementation Guidance for the Justice40 Initiative*, providing additional direction to federal agencies on Justice40 implementation.¹⁷ The guidance applies to any federal agency with Justice40-covered programs in one of the seven areas, to be implemented in accordance with existing authorities. As of January 2024, OMB had not yet issued final guidance.

The interim guidance for the Justice40 Initiative defines a *covered investment* as federal financial assistance defined at 2 C.F.R. 200, direct payments or loans to individuals, federal procurement benefits, programmatic federal staffing costs, and additional federal investments under covered programs as determined by OMB.¹⁸

The interim guidance also directs each agency with covered programs to establish a methodology for calculating benefits to “disadvantaged communities” as defined elsewhere in the interim guidance, consult with stakeholders, and report certain plans and benefits information to OMB.¹⁹ The interim guidance identified 21 pilot-covered programs and 20 federal agencies with potential covered programs. As of April 2023, OMB lists 468 Justice40-covered programs identified by 19 federal departments and agencies.²⁰

In the interim guidance, OMB further directs agencies to consider a number of actions to modify programs to maximize federal investments to disadvantaged communities, consistent with statutory requirements, such as outreach and technical assistance; job creation and training; prioritizing competitive grant applications that benefit disadvantaged communities; modifying grant eligibility requirements to promote benefits to disadvantaged communities; and avoiding potential burdens for disadvantaged communities.²¹

¹⁵ E.O. 14008, §222(b). “Frontline” or “fenceline” communities are not defined in E.O. 14008.

¹⁶ OMB, “Interim Implementation Guidance for the Justice40 Initiative,” July 20, 2021. The “climate change” covered area is not listed in E.O. 14008, but is designated as a covered area in the OMB Interim Guidance.

¹⁷ OMB, “Interim Implementation Guidance for the Justice40 Initiative,” July 20, 2021.

¹⁸ OMB, “Interim Implementation Guidance for the Justice40 Initiative,” July 20, 2021.

¹⁹ OMB, “Interim Implementation Guidance for the Justice40 Initiative,” July 20, 2021. The Interim Guidance directs agencies to consider the following variables for identifying a *disadvantaged community*: low income, high and/or persistent poverty; high unemployment and underemployment; racial and ethnic residential segregation; linguistic isolation; high housing cost burden and substandard housing; distressed neighborhoods; high transportation cost burden and/or low transportation access; disproportionate environmental stressor burden and high cumulative impacts; limited water and sanitation access and affordability; disproportionate impacts from climate change; high energy cost burden and low energy access; jobs lost through the energy transition; and access to health care.

²⁰ OMB, “Justice40 Initiative Covered Programs List: Version 1.4,” April 21, 2023, https://www.whitehouse.gov/wp-content/uploads/2023/04/Justice40-Covered-Programs-List_v1.4_04-20-2023.pdf.

²¹ OMB, “Interim Implementation Guidance for the Justice40 Initiative,” July 20, 2021.

E.O. 14008 directed CEQ to develop the Climate and Economic Justice Screening Tool (CEJST). In November 2022, CEQ released an initial version of CEJST, a government-wide online mapping tool designed to assist federal agencies in identifying disadvantaged communities for the purposes of the Justice40 initiative.²² CEQ added several new datasets to the tool in 2023. EPA has used another mapping and screening tool, EJSCREEN (see “EJSCREEN” section later in this report), to highlight specific communities and considerations when implementing its own regulations, policies, and programs.

E.O. 14096

E.O. 14096, “Revitalizing Our Nation’s Commitment to Environmental Justice for All,” signed by President Biden on April 21, 2023, builds upon the two prior environmental-justice-related E.O.s and amends certain provisions in them.²³ E.O. 14096 sets out a “whole-of government” approach to environmental justice and applies to a broader scope of federal agencies than E.O. 12898, which generally limited requirements to members of the Interagency Working Group. E.O. 14096 establishes new directives and expands other directives for federal agencies to make achieving environmental justice part of their missions, consistent with E.O. 12898 and subject to each agency’s statutory authority. For example, E.O. 14096 directs each federal agency to submit an Environmental Justice Strategic Plan to CEQ. E.O. 14096 also modifies the membership of the Interagency Council and establishes a new White House Office of Environmental Justice within CEQ. Further, E.O. 14096 directs federal agencies to consider environmental justice in the National Environmental Policy Act (NEPA) federal environmental review process.²⁴

For EPA specifically, Section 7(j) of E.O. 14096 directs the agency to establish an online environmental justice information clearinghouse. The clearinghouse is to include information on the Interagency Council, technical assistance and tools for public participation, training materials, and other information selected by the EPA Administrator in coordination with the Interagency Council.²⁵

E.O. 14096 specifies a new definition of environmental justice for consideration by EPA and all other federal departments and agencies when implementing E.O. directives, within the scope of existing laws. For the purposes of implementation of the E.O., Section 2 of E.O. 14096 defines *environmental justice* as

the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability in agency decision-making and other Federal activities that affect human health and the environment so that people: (i) are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and (ii) have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.²⁶

²² The Climate and Economic Justice Screening Tool Version 1.0 is available at <https://screeningtool.geoplatform.gov/en/>.

²³ E.O. 14096.

²⁴ See CRS Legal Sidebar LSB11008, *Environmental Justice and the National Environmental Policy Act*, by Kristen Hite, for more information.

²⁵ E.O. 14096.

²⁶ E.O. 14096.

This definition is not enacted in statute; therefore, federal agencies apply this definition in identifying Justice40-covered programs and within the bounds of existing statutes.

EPA Implementation of Executive Orders

In 2022, EPA created a new Office of Environmental Justice and External Civil Rights (OEJECR), which consolidated the functions of existing agency offices, including the Office of Environmental Justice previously organized within the Office of the Administrator. Headed by an Assistant Administrator, OEJECR is responsible for coordinating the implementation of the three E.O.s discussed above throughout the agency, administering environmental justice grants, providing training and technical assistance, developing and managing screening and mapping tools, and coordinating with other agencies in their consideration of environmental justice. The following section describes examples of EPA policies, programs, interagency collaborations, and advisory committees that the agency administers.

EPA Policy

The federal environmental statutes that authorize EPA regulations do not specify environmental justice as a criterion for agency decisions. These statutes address the protection of human health and the environment regardless of population demographics. To incorporate the directives of the E.O.s discussed above, EPA has taken steps to incorporate environmental justice into its development of regulations and other program activities, such as issuing guidance and memoranda as well as including discussions of environmental justice in agency strategic planning. In May 2015, EPA issued the *Guidance on Considering Environmental Justice During the Development of a Regulatory Action*.²⁷ Following up that guidance, in June 2016, EPA issued the *Technical Guidance for Assessing Environmental Justice in Regulatory Analysis*, which establishes procedures for evaluating environmental justice concerns potentially associated with agency regulatory actions.²⁸ This guidance is intended to provide consistency across EPA's programs and offices in integrating environmental justice into the implementation and enforcement of the federal statutes that the agency administers in coordination with delegated states.

EPA's FY2022-FY2026 strategic plan outlines the agency's most recent approach to implementing E.O.s, including E.O. 12898, E.O. 14008, and E.O. 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government."²⁹ In the strategic plan, the agency sets a goal to "take decisive action to advance environmental justice and civil rights" and outlines three related objectives: (1) promoting environmental justice at the federal, tribal, state, and local levels; (2) embedding environmental justice into EPA's programs, policies, and activities; and (3) strengthening civil rights enforcement in communities with environmental justice concerns.

Following the issuance of E.O. 14008, in 2021, EPA Administrator Michael Regan issued a message to employees further directing EPA offices on integrating environmental justice

²⁷ EPA, *Guidance on Considering Environmental Justice During the Development of Regulatory Actions*, May 2015, <https://www.epa.gov/sites/default/files/2015-06/documents/considering-ej-in-rulemaking-guide-final.pdf>.

²⁸ The technical guidance and more information are available at EPA, "Technical Guidance for Assessing Environmental Justice in Regulatory Analysis," accessed July 7, 2023, <https://www.epa.gov/environmentaljustice/technical-guidance-assessing-environmental-justice-regulatory-analysis>.

²⁹ EPA, "EPA Strategic Plan," accessed July 5, 2023, <https://www.epa.gov/planandbudget/strategicplan>; E.O. 13985.

considerations in agency actions.³⁰ Specifically, the Administrator directed offices to strengthen enforcement in communities overburdened by pollution; incorporate environmental justice considerations into regulatory development and other work; improve engagement with communities affected by the agency’s work; and, consistent with the Justice40 Initiative and statutes, consider and prioritize benefits to underserved communities in awarding funding.³¹

As noted above, in implementing the directives of the three E.O.s discussed above through agency policy, guidance, or programs, EPA’s consideration of environmental justice occurs within the framework of existing authorities in environmental protection statutes. For example, the 2015 regulatory guidance states that “EPA is committed to using existing environmental statutes and regulations to consider and address potential environmental justice (EJ) concerns when possible.”³²

EPA Justice40 Implementation and Covered Programs

Since the establishment of the Justice40 Initiative in E.O. 14008 in 2021, EPA has begun to implement certain directives within the scope of its existing statutory authorities. E.O. 14008 directs EPA and other federal agencies to determine which federal programs fall within the scope of the areas covered by Justice40 (described earlier in this report in the text box “Justice40”) and determine agency “covered investments” that flow to disadvantaged communities. The purpose of Justice40 is to achieve a certain level of overall federal economic investment—with a goal of 40% of covered federal investments flowing to disadvantaged communities, as defined in the OMB Interim Guidance. The Justice40 Initiative does not require EPA to create or expand agency programs addressing environmental justice. In reviewing covered programs and calculating the flow of the benefits of covered investments to disadvantaged communities, agencies may choose to take actions regarding financial assistance, within the scope of their existing authorities.

In 2021, OMB, in consultation with EPA, identified six EPA Justice40 pilot programs: (1) the Drinking Water State Revolving Fund, (2) the Clean Water State Revolving Fund, (3) Reducing Lead in Drinking Water, (4) Superfund, (5) Brownfields, and (6) the Diesel Emissions Reductions Act Program. EPA has since identified at least 74 investments, programs, and funding that the agency considers to be Justice40-covered programs.³³ These programs represent a wide range of EPA pollution control responsibilities and purposes, and involve a range of funding levels.

In April 2023, also as required under E.O. 14008, EPA released its first Environmental Justice Scorecard on Justice40 implementation. For FY2022, EPA reported 40 EPA funding announcements and \$14.0 billion in available funding opportunities for Justice40-covered programs.³⁴ As of February 2024, EPA has not publicly released a specific methodology for calculating the benefits that flow to disadvantaged communities within the Justice40-covered programs.

³⁰ EPA, “Administrator Michael Regan Message to EPA Employees—Commitment to Environmental Justice, April 07, 2021,” <https://www.epa.gov/aboutepa/administrator-michael-regan-message-epa-employees-commitment-environmental-justice-april>.

³¹ EPA, “EPA Administrator Announces Agency Actions to Advance Environmental Justice,” April 7, 2021, <https://www.epa.gov/newsreleases/epa-administrator-announces-agency-actions-advance-environmental-justice>.

³² EPA, *Guidance on Considering Environmental Justice During the Development of Regulatory Actions*, May 2015.

³³ OMB, “Justice40 Initiative Covered Programs List: Version 1.4,” April 21, 2023, https://www.whitehouse.gov/wp-content/uploads/2023/04/Justice40-Covered-Programs-List_v1.4_04-20-2023.pdf.

³⁴ EPA, “Environmental Justice Scorecard,” accessed September 26, 2023, <https://ejscorecard.geoplatform.gov/scorecard/environmental-protection-agency/>.

EJSCREEN

Launched in 2015, EPA’s EJSCREEN is an online screening and mapping tool intended to provide environmental and demographic data for specific locations.³⁵ EPA categorizes EJSCREEN as a resource for stakeholders and communities to evaluate the overlap between environmental conditions and demographic characteristics to inform public comments on proposed rulemaking, permitting, and other regulatory actions. The tool uses a combination of environmental indicators and demographic indicators from national datasets to calculate “EJ Indexes,” which are displayed as a relative percentile (e.g., an identified census block is in the 90th percentile for a particular EJ Index relative to the United States as a whole). EPA emphasizes that EJSCREEN is not intended to identify environmental justice communities or form the basis of agency determinations of the existence or absence of environmental justice concerns. EPA last updated the tool in 2023 to add additional environmental and health data, new indexes, and additional map layers.

EJSCREEN has a different purpose and uses a different methodology than the CEJST government-wide screening tool. As directed by E.O. 14008, CEQ developed CEJST as part of the Justice40 Initiative to provide a tool to identify communities that are both economically disadvantaged and disadvantaged due to pollution burden or a lack of investment in infrastructure, such as housing, transportation, water and wastewater, and health care. CEJST uses a combination of environmental or climate indicators and socioeconomic indicators to designate whether a community is “disadvantaged.” Federal agencies may then use this information to target federal investments toward these communities.

Interagency and Advisory Councils

Since 1994, EPA has chaired or participated in federal interagency groups established to address environmental justice issues. In addition, EPA has administered the operation of federal advisory committees that provide recommendations on a range of environmental justice issues. These groups are discussed below.

White House Environmental Justice Interagency Council

EPA serves as a member of the Interagency Council, established by President Biden in E.O. 14008. E.O. 14008 reorganized the existing Environmental Justice Interagency Working Group, which was established in 1994 through E.O. 12898, into the Interagency Council. EPA served as Chair of Interagency Working Group from its inception through reorganization in 2021. The Interagency Council is housed within the Executive Office of the President. Interagency Council membership, as established in E.O. 14008, consists of representatives of at least 11 federal agencies and departments, as well as other federal officials and presidential advisors (see **Appendix** for a list of Interagency Council members).³⁶ E.O. 14008 tasks the Interagency Council to “develop a strategy to address current and historic environmental injustice” and publish an annual public performance scorecard on its implementation and submit a set of

³⁵ EPA, “EJScreen: Environmental Justice Screening and Mapping Tool,” accessed November 2, 2023, <https://www.epa.gov/ejscreen>.

³⁶ E.O. 14008.

recommendations for updating E.O. 12898.³⁷ E.O. 14096 further tasked the Interagency Council with supporting the development of environmental justice training for federal employees.³⁸

White House Environmental Justice Advisory Council (WHEJAC)

As directed in E.O. 14008, EPA provides funding and administrative support to the White House Environmental Justice Advisory Council (WHEJAC). The WHEJAC, comprising experts and representatives of environmental justice groups appointed by the President, advises the Interagency Council and CEQ. E.O. 14008 directs the WHEJAC to provide recommendations to the Interagency Council on “increasing the federal government’s efforts to address current and historical environmental injustice, including recommendations for updating Executive Order 12898.”³⁹ Since 2021, the WHEJAC has provided recommendations to CEQ on Justice40 implementation and revisions to E.O. 12898, the CEJST, and air pollution limits for incinerators, among other activities.⁴⁰

National Environmental Justice Advisory Council (NEJAC)

Established prior to E.O. 12898 on September 30, 1993, the National Environmental Justice Advisory Council (NEJAC) serves as a federal independent advisory committee to EPA.⁴¹ The NEJAC consults with the agency on environmental justice matters and its implementation of environmental-justice-related E.O.s. Made up of representatives of academia, community groups, industry, state and local governments, and tribes, NEJAC provides nonbinding advice and recommendations to EPA on a range of issues related to environmental justice.

EPA Environmental Justice Appropriations

There is no consolidated line-item of funding for EPA’s implementation of environmental-justice-related E.O.s within the annual appropriations acts that fund the agency. Although there is no separate explicit program authority, Congress has provided specific funding in annual appropriations acts, primarily for environmental justice grants to assist potentially disproportionately affected communities, provide technical assistance, and support interagency coordination, which are discussed below. Other EPA funding to implement the E.O.s is generally integrated across the agency’s appropriations accounts that fund various programs. To date, Congress has not prohibited EPA from using its general appropriations to carry out E.O. directives that apply to the agency.

Over the last 10 years, annual regular appropriations to EPA for environmental-justice-related activities remained consistent (ranging from \$6.53 million to \$6.74 million), until an increase in FY2020, followed by a larger increase in FY2022.⁴² **Figure 1** presents trends in enacted appropriations to EPA for environmental justice from FY2013 to FY2023. In recent annual appropriations acts, Congress has increased specific funding for environmental justice activities, including a relatively large increase for FY2022 compared to previous fiscal years. Title II of

³⁷ E.O. 14008.

³⁸ E.O. 14096.

³⁹ E.O. 14008.

⁴⁰ EPA, “White House Environmental Justice Advisory Council,” <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>.

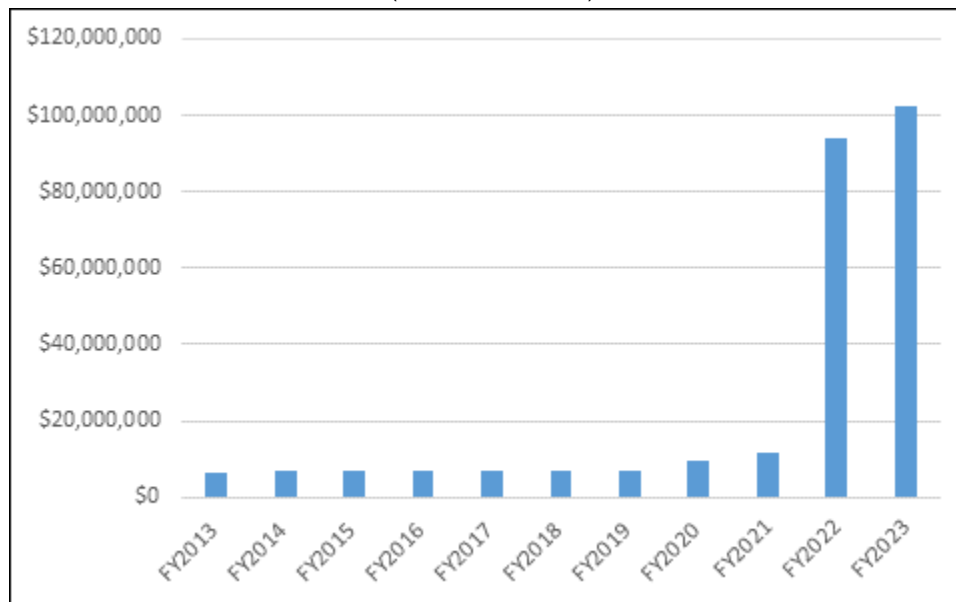
⁴¹ EPA, “National Environmental Justice Advisory Council,” <https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council>.

⁴² Amounts are nominal and do not include adjustments for inflation.

Division G of the Consolidated Appropriations Act, 2023 (P.L. 117-328) appropriated \$102.2 million to EPA for environmental justice within the agency’s Environmental Programs and Management Account, with an additional \$5.9 million appropriated for environmental justice activities associated with EPA’s Superfund program. The President’s FY2024 budget request includes \$375.0 million for a range of environmental justice activities and programs at EPA. In addition to regular annual appropriations acts, Congress has also directed that EPA undertake environmental justice programs and activities and provided supplemental appropriations through the measure known as the Inflation Reduction Act (IRA; P.L. 117-169). For example, Section 60201 of IRA, Environmental and Climate Justice Block Grants, amends the Clean Air Act and provides \$2.8 billion to EPA for grants and \$200 million for technical assistance to EPA for programs to address air pollution and climate change that benefit “disadvantaged communities.”⁴³ See “Environmental Justice Grants” below for more information on IRA-funded grant programs.

Figure 1. Regular Annual Appropriations for Selected EPA Environmental Justice Activities and Programs, FY2013-FY2023

(in nominal dollars)



Source: Prepared by CRS using information from Explanatory Statements presented in the *Congressional Record*; and House, Senate, and conference committee reports.

Notes: The figure presents appropriations to EPA for environmental-justice-related programs and activities within the agency’s Environmental Programs and Management Account. Congress has also appropriated funding for environmental justice activities to EPA within the Hazardous Substance Superfund Account. For FY2023, this amount was \$5.9 million. Amounts do not include IRA environmental-justice-related appropriations.

⁴³ 42 U.S.C. §7438. The IRA includes other provisions and appropriations to EPA and other federal agencies that may address environmental justice concerns. For example, the IRA established the Greenhouse Gas Reduction Fund to be administered by EPA and appropriated \$8.0 billion to EPA for assistance to low-income and disadvantaged communities. See CRS In Focus IF12387, *EPA’s Greenhouse Gas Reduction Fund (GGRF)*, by Richard K. Lattanzio, for more information.

Environmental Justice Grants

As directed by Congress in the IRA, EPA administers the Environmental and Climate Justice Grant Program, through which the agency offers several new and expanded funding opportunities. Over the past 30 years, EPA also has established environmental justice grant programs to meet the directives of E.O. 12898, E.O. 14008, and other E.O.s, beginning with the Environmental Justice (EJ) Small Grants program in 1994.

As noted above, in 2022, in the IRA, Congress appropriated a total of \$3.0 billion to EPA for climate and environmental justice grants and directed EPA to establish or expand grant programs addressing air pollution and climate change. EPA must award the funding by September 30, 2026. Congress also has supported EPA's environmental justice grant programs through annual agency appropriations. For example, the joint explanatory statement accompanying the Consolidated Appropriations Act, FY2022 (P.L. 117-103) directs EPA to use a portion of \$94.2 million provided for environmental justice to continue its environmental justice grant programs. In recent annual congressional budget justifications, EPA has requested increased appropriations for expansion of environmental justice funding opportunities. In the agency's FY2024 Congressional Budget Justification, for example, EPA requests \$375.0 million to "expand support for community-based organizations, indigenous organizations, tribes, states, local governments, and territorial governments in pursuit of identifying and addressing environmental justice issues through multi-partner collaborations."⁴⁴

Current Environmental Justice Grant Programs

EPA implements several environmental-justice-related grant programs that provide federal assistance to states, tribes, local governments, and community-based organizations. The purposes of environmental justice grants include technical and scientific assistance, education and training, and building capacity for public participation in decisionmaking. The funding opportunities are intended to address a variety of environmental and health concerns, such as air pollution, indoor air quality, water quality, and contaminated sites. Some of these EPA grant programs award direct funding to groups or organizations, whereas others award funding to "pass-through" entities that then distribute funding to subgrantees who carry out specific projects.

Examples of current EPA environmental justice grant programs are listed below. This is not a comprehensive listing of current EPA funding opportunities—award amounts, eligible entities, and eligible project activities may vary by year and award cycles."⁴⁵

- **EJ Small Grants Program.** The purpose of this program, according to EPA, is to enhance partnerships and community understanding of local environmental and/or public health issues through research, public education, trainings, surveys, studies, and other activities. Eligible entities include nonprofit organizations; U.S. territories; tribal governments; and tribal organizations. EPA provides up to \$100,000 per award. The most recent awards under the EJ Small Grants program,

⁴⁴ EPA, *FY2024 Budget in Brief*, <https://www.epa.gov/system/files/documents/2023-03/fy-2024-epa-bib.pdf>.

⁴⁵ For current funding opportunity status and detailed eligibility requirements, see EPA, "Environmental Justice Grants, Funding and Technical Assistance," <https://www.epa.gov/environmentaljustice/environmental-justice-grants-funding-and-technical-assistance>.

awarded in FY2022 and directed toward tribes, received funding from the American Rescue Plan Act of 2021 (P.L. 117-2).⁴⁶

- **Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program (EJCPS).** This program uses a collaborative problem-solving model to address local environmental and/or public health issues. Eligible entities include community-based nonprofit organizations or partnerships of community-based nonprofit organizations, who are eligible for up to \$500,000 per award (up to \$150,000 each for qualifying small community-based organizations). EJCPS grants are currently funded through a combination of annual appropriations and IRA appropriations. For FY2023, EPA awarded a total of \$43.8 million to 98 recipients.⁴⁷
- **Environmental Justice Government-to-Government Program (EJG2G).** This program, formerly known as the State Environmental Justice Cooperative Agreement Program (SEJCA), supports state, local, territorial, and tribal government activities through cooperative agreements to address environmental and/or public health issues. Eligible entities include states, tribes, and local governments, in partnership with a community-based organization; U.S. territories; Freely Associated States; and tribal governments in rural areas. EPA awards up to \$1.0 million annually per government. EJG2G grants are currently funded through a combination of annual appropriations and IRA appropriations. For FY2023, EPA selected 88 government recipients for a variety of environmental-justice-related projects.⁴⁸
- **Environmental Justice Community Change Grants Program (Community Change Grants).** The purpose of this program is to provide financial and technical assistance to “disadvantaged communities” for activities related to community-led air and other pollution monitoring, prevention, and remediation; investments in low- and zero-emission technologies and related infrastructure and workforce development; mitigating certain climate change risks; climate resilience and adaptation; reducing indoor air toxics and pollution; and engaging “disadvantaged communities” in decisionmaking processes. Eligible entities include community-based nonprofit organizations; partnerships of community-based nonprofit organizations; partnerships between tribes and community-based nonprofit organizations; and partnerships between educational institutions and community-based nonprofit organizations. EPA expects to award \$2.0 billion in funding through this program, using funds appropriated to the agency in the IRA for this purpose. EPA released a Notice of Funding Opportunity for the program in November 2023.⁴⁹
- **Environmental Justice Thriving Communities Grantmaking Program (EJ TCGM).** This program provides awards to grantmaking entities to design and

⁴⁶ EPA, *Environmental Justice Small Grants Program Request for Applications*, March 21, 2022, https://www.epa.gov/system/files/documents/2022-03/ejsg-tribal-arp-rfa_final_3.21.2022.pdf.

⁴⁷ EPA, “The Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program,” <https://www.epa.gov/environmentaljustice/environmental-justice-collaborative-problem-solving-cooperative-agreement-5>.

⁴⁸ EPA, “The Environmental Justice Government-to-Government Program,” <https://www.epa.gov/environmentaljustice/environmental-justice-government-government-program>.

⁴⁹ EPA, “Inflation Reduction Act Community Change Grants Program,” <https://www.epa.gov/inflation-reduction-act/inflation-reduction-act-community-change-grants-program>.

administer subgrant programs for projects and capacity-building efforts addressing local environmental and public health issues. Eligible entities include community-based nonprofit organizations; a partnership of community-based nonprofit organizations; partnerships between tribes and community-based nonprofit organizations; or partnerships between educational institutions and community-based nonprofit organizations. EPA has allocated approximately \$550 million for 11 grantmakers in this program and expects to provide up to \$50 million per award. EPA funds the EJ TCGM program through a combination of IRA appropriations and annual appropriations. The most recent funding opportunity for this program closed in June 2023.⁵⁰

- **Environmental Justice Thriving Communities Technical Assistance Centers Program (EJ TCTAC).** Implemented by EPA in partnership with the U.S. Department of Energy, the purpose of this program is to support centers that provide communities with environmental-justice-related technical assistance and training and enhance participation in policy development. Eligible entities include public and private universities and colleges; nonprofit institutions; and intertribal consortia. EPA awards up to \$10 million for each center. As of October 2023, EPA has selected 16 EJ Thriving Communities Technical Assistance Centers.⁵¹

Other EPA funding opportunities may relate to addressing certain environmental justice concerns, such as Brownfields grants, Environmental Workforce Development and Job Training grants, Diesel Emissions Reduction Act grants, and financial and technical assistance for local water infrastructure. The details of these programs are beyond the scope of this report.

Issues for Congress

Congress has debated policy related to EPA's environmental justice role and programs for decades through introducing legislation, providing appropriations, and holding hearings on these issues. The following section provides information on previous congressional activities and selected policy issues Members could consider as they continue to debate environmental justice policy.

Selected Congressional Activity

Since 1992, Congress has introduced legislation, provided targeted appropriations, and held hearings related to EPA environmental justice authorities and programs. Since the 102nd Congress, Members have introduced nearly 200 bills that seek to address environmental justice in various ways throughout the federal government, many of which would affect EPA programs and activities. For example, legislation introduced between the 116th Congress and the 118th Congress includes a wide range of approaches and purposes related to environmental justice, such as expanding certain EPA statutory authorities or directing the agency to establish specific environmental-justice-related programs. See **Table 1** for a summary of bills introduced in the 116th through the 118th Congresses that seek to address EPA's role in environmental justice. Numerous other environmental-justice-related bills have been introduced in recent Congresses

⁵⁰ EPA, "The Environmental Justice Thriving Communities Grantmaking Program," <https://www.epa.gov/environmentaljustice/environmental-justice-thriving-communities-grantmaking-program>.

⁵¹ EPA, "The Environmental Justice Thriving Communities Technical Assistance Centers Program," <https://www.epa.gov/environmentaljustice/environmental-justice-thriving-communities-technical-assistance-centers>.

that seek to address environmental justice in the context of other federal agencies or non-EPA programs and activities. The details of these bills are beyond the scope of this report.

Table I. Environmental Justice Bills Related to EPA Programs and Activities
Introduced in the 116th-118th Congresses

Congress and Bill Number	Bill Title
118th	
H.R. 1673	Protection from Cumulative Emissions and Underenforcement of Environmental Law Act of 2023
H.R. 1705	A. Donald McEachin Environmental Justice for All Act (related bill to S. 919)
S. 919	A. Donald McEachin Environmental Justice for All Act (related bill to H.R. 1705)
117th	
H.R. 516	Environmental Justice Mapping and Data Collection Act of 2021 (related bill to S. 101)
H.R. 1512	CLEAN Future Act
H.R. 1889	Environmental Justice for Coronavirus Affected Communities Act
H.R. 2021	Environmental Justice for All Act (related bill to S. 872)
H.R. 2397	Protection from Cumulative Emissions and Underenforcement of Environmental Law Act of 2021
H.R. 2431	Voices for Environmental Justice Act
H.R. 2434	Environmental Justice Act of 2021 (related bill to S. 2630)
H.R. 2442	Climate Justice Grants Act
H.R. 5401	Nuclear Waste Task Force Act of 2021
H.R. 6759	Environmental Justice Air Quality Monitoring Act of 2022 (related bill to S. 2476)
S. 101	To Establish the Environmental Justice Mapping Committee, and for other purposes (related bill to H.R. 516)
S. 872	Environmental Justice for All Act (related bill to H.R. 2021)
S. 1347	Environmental Justice for Communities Act of 2021
S. 2085	Save Our Future Act
S. 2476	Environmental Justice Air Quality Monitoring Act of 2021 (related bill to H.R. 6759)
S. 2630	Environmental Justice Act of 2021 (related bill to H.R. 2434)
S. 2871	Nuclear Waste Task Force Act of 2021 (related bill to H.R. 5401)
116th	
H.R. 3923	Environmental Justice Act of 2019 (related bill to S. 2236)
H.R. 5842	Voices for Environmental Justice Act
H.R. 5986	Environmental Justice for All Act (related bill to S. 4401)

Congress and Bill Number	Bill Title
H.R. 6692	To require the Administrator of the Environmental Protection Agency to continue to carry out certain programs relating to environmental justice, and for other purposes (related bill to S. 3680)
H.R. 6826	A bill to require the Administrator of the Environmental Protection Agency to continue to update and make publicly available EJScreen or an equivalent tool, and for other purposes (related bill to S. 3633)
H.R. 8019	Climate Equity Act of 2020 (related bill to S. 4513)
H.R. 8271	Environmental Justice Legacy Pollution Cleanup Act of 2020 (related bill to S. 4617)
H.R. 8352	Jobs and Justice Act of 2020
S. 2236	Environmental Justice Act of 2019 (related bill to H.R. 3923)
S. 3363	A bill to require the Administrator of the Environmental Protection Agency to continue to update and make publicly available EJScreen or an equivalent tool, and for other purposes
S. 3680	To require the Administrator of the Environmental Protection Agency to continue to carry out certain programs relating to environmental justice and for other purposes (related bill to H.R. 6692)
S. 4401	Environmental Justice for All Act (related bill to H.R. 5986)
S. 4513	Climate Equity Act of 2020 (related bill to H.R. 8019)
S. 4617	Environmental Justice Legacy Pollution Cleanup Act of 2020 (related bill to H.R. 8271)

Source: CRS analysis of introduced legislation.

Note: CRS searched Congress.gov for bills introduced using the following terms: “environmental justice,” “environmental injustice,” “environmental equity,” “environmental inequity,” “environmental inequality,” or “environmental equality.”

Along with introducing legislation, since 1993, Congress has held at least 11 hearings with a primary focus on environmental justice issues or legislation, in addition to numerous other hearings that included discussion of these issues in the context of general EPA oversight or appropriations.⁵²

Selected Policy Issues

Congress may consider several different policy issues during continued debate on environmental-justice-related policy and in developing legislation related to EPA’s role and programs.

- **Codification of Executive Orders.** Currently, the E.O.s that contain environmental justice directives for EPA and other federal agencies are subject to revocation by a current or future President. Congress could consider creating specific statutory authority for EPA and other federal agencies to carry out E.O. directives such as environmental justice plans, interagency councils and advisory groups, research and data collection, public engagement, and agency reporting on incorporation of environmental justice into its activities and programs. This

⁵² Based on CRS search of ProQuest Congressional for the terms “environmental justice” and “Environmental Protection Agency” in combination.

would make these activities more permanent. Federal agencies, however, would need sufficient appropriations from Congress to carry out these responsibilities.

- **Agency Authorities.** Congress could consider amending existing statutory responsibilities in existing EPA pollution control statutes to add specific consideration of environmental justice issues, such as in environmental permitting and review, pollution control regulations and standards, and public participation in agency decisionmaking. Congress would need to provide sufficient appropriations to EPA to carry out these additional responsibilities to ensure the agency had the staff and resources to implement additional programs and activities. Congress would also need to ensure that any new responsibilities do not conflict with existing EPA responsibilities under environmental protection statutes directing environmental review, development of regulations, issuing of grants, or other activities.
- **Appropriations for Environmental Justice Grants and Other Agency Activities.** Congress could consider providing increased annual or supplemental appropriations to EPA to carry out the E.O.s, expand existing grant programs, develop new environmental justice activities and grant programs, or carry out other activities. Given limits on discretionary appropriations, Congress would need to decide how these activities align with other policy priorities at EPA or other agency activities.
- **Research and Data Collection.** Congress could consider directing EPA to collect and expand the use of additional information and data related to environmental pollution exposure and health impacts at the community and individual levels. For example, Congress could direct EPA to expand existing public health and environmental research and expand existing mapping and screening tools. Some policymakers and stakeholders support increasing the availability of empirical data from surveys or scientific studies that could provide evidence of environmental injustice and direct resources to affected populations or geographic areas. Given current scientific and technical constraints, however, the existence of sufficient data and capacity to evaluate and quantify specific impacts is unclear, particularly the analysis of cumulative impacts of pollution. Accurate and complete evaluations of health and environmental impacts may not be possible without site-specific examinations in each community or area of concern.

Appendix. White House Environmental Justice Interagency Council Membership⁵³

- Chair of the Council on Environmental Quality (also Chair of the Interagency Council)
- Secretary of State
- Secretary of Defense
- Attorney General
- Secretary of the Interior
- Secretary of Agriculture
- Secretary of Commerce
- Secretary of Labor
- Secretary of Health and Human Services
- Secretary of Housing and Urban Development
- Secretary of Transportation
- Secretary of Energy
- Secretary of Veterans Affairs
- Secretary of Homeland Security
- Administrator of the U.S. Environmental Protection Agency
- Director of the Office of Management and Budget
- Chair of the Council of Economic Advisers
- Administrator of General Services
- Executive Director of the Federal Permitting Improvement Steering Council
- Director of the Office of Science and Technology Policy
- Assistant to the President and National Climate Advisor
- Assistant to the President for Domestic Policy
- Assistant to the President for Economic Policy
- Executive Director of the White House Gender Policy Council
- Senior Advisor to the President for Clean Energy Innovation and Implementation

E.O. 14096 states that the Chair of the Council on Environmental Quality may appoint other relevant agency heads as members of the Interagency Council.

⁵³ §7 of E.O. 14096, “Revitalizing Our Nation’s Commitment to Environmental Justice for All,” 88 *Federal Register* 25251, April 26, 2023.

Author Information

Angela C. Jones
Analyst in Environmental Policy

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