

EPA's Draft Strategic Plan Emphasizes Environmental Justice

Article By:

Jonathan H. Schaefer

On October 1, 2021, the U.S. Environmental Protection Agency (EPA) released its new [Draft Strategic Plan for 2022 through 2026](#) (Strategic Plan). EPA is required to develop the Strategic Plan to communicate EPA's priorities over the next four years and how EPA will accomplish those priorities. The Biden administration has prioritized environmental justice and the protection of vulnerable populations. In response, earlier this year, EPA announced agency-wide efforts to improve community engagement and input in decision making and enhance protections for communities most impacted by hazardous waste sites, poor air and water quality, and a lack of enforcement. The Strategic Plan reflects this priority throughout its seven goals:

1. Tackle the Climate Crisis;
2. Take Decisive Action to Advance Environmental Justice and Civil Rights;
3. Enforce Environmental Laws and Ensure Compliance;
4. Ensure Clean and Healthy Air for All Communities;
5. Ensure Clean and Safe Water for All Communities;
6. Safeguard and Revitalize Communities; and
7. Ensure Safety of Chemicals for People and the Environment.

While some of EPA's goals may not have an obvious connection to environmental justice, the Strategic Plan makes clear that the protection of vulnerable populations is a focus of each of the seven goals. The following are a few examples of EPA's plans to take action to improve environmental justice:

- Under Title VI of the Civil Rights Act, EPA is responsible for ensuring that its funding is not used in a way that has discriminatory effect, whether intentionally or unintentionally. EPA plans to be more proactive in policing this responsibility. This will take the form of increased

compliance reviews in environmental justice communities. Compliance reviews may include audits of recipients of EPA funding. EPA will also ensure consideration of civil rights by EPA programs.

- By September 2026, EPA plans to conduct 55 percent of all inspections annually at facilities that trigger “potential environmental justice concerns.” This represents a 100 percent increase from EPA’s current figures.
- EPA’s Toxics Release Inventory (TRI), which tracks implementation of pollution prevention activities and serves as a critical source of publicly available chemical release and management information, will be improved and expanded to more quickly and accurately identify vulnerable communities near TRI facilities. EPA expects such action will further support pollution prevention initiatives. These initiatives are aimed at reducing the amount of any hazardous substance, pollutant, or contaminant entering a waste stream or released into the environment prior to recycling of discarded material, treatment, or disposal, as well as conserving the use of natural resources.

The Strategic Plan, among other priorities, lays out a holistic agency-wide approach to addressing environmental justice. Facilities operating near communities deemed vulnerable or disadvantaged by EPA should expect to continue witnessing increased inspection activity and greater scrutiny of new and renewed permit applications. Community engagement is also an increased focus for EPA. In addition to an extensive focus on community engagement in the Strategic Plan, it is also a significant focus of EPA’s newly release [2021 Climate Adaption Action Plan](#). This Plan places a heavy emphasis on engagement, consultation, and partnership with underserved and vulnerable communities and includes environmental justice alongside national security as goals. EPA’s unprecedented focus on environmental justice does not appear to be window dressing and is already impacting the regulated community.

Copyright © 2024 Robinson & Cole LLP. All rights reserved.

National Law Review, Volumess XI, Number 291

Source URL: <https://natlawreview.com/article/epa-s-draft-strategic-plan-emphasizes-environmental-justice>