

WHITE HOUSE ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

October 4, 2024

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The Honorable Ms. Brenda Mallory, Chair
The Council on Environmental Quality
Executive Office of the President
Washington, DC 20500

Dear Chair Mallory:

The White House Environmental Justice Advisory Council (WHEJAC) submits the attached recommendations. The WHEJAC was charged with providing advice and recommendations to the White House Council on Environmental Quality and the Interagency Advisory Council to inform the federal government's implementation of Executive Order 14096. Since the official signing of Executive Order 14096 by President Biden in April 2023 and the official delivery of the charge in December 2023, the WHEJAC Executive Order 14096 Workgroup was established and has worked diligently and swiftly. Our recommendations are grounded in the 17 Principles of Environmental Justice and the Jemez Principles to best inform the respective federal agencies responsible for implementation.

Overall, our recommendations prioritize federal agencies fully integrating environmental justice (EJ) principles across all their strategies, processes, and activities, including funding, permitting, contracting, and technical assistance, by incorporating EJ best practices into their overarching strategic plans. Our robust recommendations also emphasize the importance of transparency, requiring agencies to publicly share all EJ-related materials, training, research, and data. The recommendations also call for the establishment of clear protocols for meaningfully collecting and acting upon community input to inform decision-making—including no-go decisions. Finally, our recommendations push for strategic plans to include detailed, granular research and analysis on EJ burdens (cumulative impacts and environmental risks), opportunities, and agency performance at the community level, including reporting Justice40 impacts for individual programs rather than in aggregate.

Our work to craft these recommendations has strengthened our conviction that substantial progress remains to be made, yet we are optimistic that meaningful change can be achieved with the goal of a whole government approach to environmental justice. We appreciate your review of these recommendations, and we eagerly await your response. Specifically, we request that you provide responses to our recommendations at the WHEJAC public meeting scheduled for October 2024. We are grateful for the

chance to participate in the Administration's efforts to confront and reconcile present and past environmental inequities.

Sincerely,

Richard Moore, WHEJAC Co-Chair

A handwritten signature in black ink, appearing to read "Richard Moore".

Peggy M. Shepard, WHEJAC Co-Chair

A handwritten signature in purple ink, appearing to read "Peggy Shepard".

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White House
Environmental Justice
Advisory Council
Recommendations:
Executive Order 14096

October 4, 2024

Prepared by:

White House Environmental Justice Advisory
Executive Order 14096 Workgroup

Disclaimer

These recommendations have been written as part of the activities of the WHEJAC, a public advisory committee providing independent advice and recommendations on the issue of environmental justice to the White House Council of Environmental Quality (CEQ) and White House Environmental Justice Interagency Council (IAC). The materials, opinions, findings, recommendations, and conclusions expressed herein, and in any study or other source referenced herein, should not be construed as adopted or endorsed by any organization with which any WHEJAC member is affiliated. This report has not been reviewed for approval by the EPA or CEQ, and hence, its contents and recommendations do not necessarily represent the views and the policies of the EPA, CEQ, or other agencies in the Executive Branch of the federal government.

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A full list of WHEJAC members and their affiliations is in Appendix A.

Introduction

It is imperative that the independent advisory role of the White House Environmental Justice Advisory Council (WHEJAC) be used to ensure the successful implementation of President Biden's Executive Order (EO) 14096, *Revitalizing Our Nation's Commitment to Environmental Justice*. EO 14096 is established to advance environmental justice (EJ) goals throughout the United States. The development of the EO included guidance and input from the WHEJAC in the form of recommendations transmitted to the White House Council on Environmental Quality (CEQ) in 2021.

The signing of the EO represents a crucial step forward for the United States' commitment to environmental justice—a commitment aimed at impacts across the whole of government and the entire country that improve people's safety, health, economic vitality, cultural vibrancy, and participation in democracy. EO 14096 enumerates priorities and practices that federal agencies must adopt to actualize this commitment. Yet its success depends on thorough implementation that is well-informed by the realities, experiences, and knowledge of communities currently impacted by environmental injustice, especially communities who have long legacies of suffering that continue to this day. This introduction outlines the general recommendations put forth by the WHEJAC regarding President Biden's EO 14096 in response to the charge.

The WHEJAC, composed of leading experts in environmental justice, was established to provide guidance and expertise on key environmental justice issues. The recommendations presented here aim to enhance the effectiveness of EO 14096 in addressing environmental injustices and promoting equitable environmental outcomes across the United States.

Section 1. Policy Recommendation: Strengthen Whole-Government Environmental Justice Training and Education

The federal government should develop and implement comprehensive training programs for agency staff, including regulators. The goal of these programs is to enhance their understanding of environmental justice principles, civil rights laws, and relevant environmental legislation, and to promote equitable enforcement and decision-making processes, while also acknowledging past discriminatory policies and addressing institutional bias in policy implementation and rulemaking.

WHEJAC Charge

Provide advice and recommendations to the Council on Environmental Quality and the White House Environmental Justice Interagency Council to inform the Federal Government's implementation of EO 14096.

Recommendations can address any aspect of implementation of EO 14096, but may be particularly helpful in the areas of:

1. Agency Strategic Planning & Assessment;
2. Metrics & methodologies for assessing agency progress on environmental justice;
3. Available science, knowledge, and data relevant to evaluating disparate health effects, cumulative impacts, historical inequities, systemic barriers, or other actions relevant to federal activities;
4. Addressing the needs of communities facing current and legacy pollution and other hazards;
5. Meaningful involvement in government activities; and
6. Other policies or strategies for promoting accountability and fulfillment of statutes that affect the health and environment of communities with environmental justice concerns.

Section 2. Definitions Recommendation: Clear Definitions and Acknowledgment of Policies for Environmental Justice

Government agencies should adopt and/or create policies, procedures, and priorities informed by EO 14096 to establish a comprehensive and transparent approach to environmental justice. They should also clearly define key terms to be acknowledged as a whole government such as "environmental justice," "cumulative impacts," and "communities with environmental justice concerns" to ensure a cohesive and transparent approach, fair decision-making, meaningful community involvement, and equitable distribution of resources.

Section 3. Government-Wide Approach to Environmental Justice Recommendation: Encouraging Environmental Justice Practices and Public Engagement

Federal agencies should proactively incorporate environmental justice criteria into funding processes, require reporting on environmental justice efforts, provide technical assistance, leverage contracting powers for environmental justice commitments, and establish incentives for exemplary practices. They should implement consultative practices that engage the most impacted and vulnerable communities equally and fairly, such as employing experienced community engagement professionals, developing responsive community engagement plans reviewed by advisory boards, translating materials, ensuring accessibility, providing necessary support and resources, evaluating public engagement performance, funding local organizations, facilitating collaboration among states, amplifying outreach best practices, disseminating information through various channels, offering flexible meeting times and formats, and ensuring accessible and well-documented public meetings.

Section 4. Environmental Justice Strategic Plans Recommendation: Connecting Environmental Justice Strategic Plans and Promoting Transparency

Environmental justice strategic plans should incorporate metrics from the WHEJAC Environmental Justice Scorecard (EJ Scorecard) for effective measurement of progress, encourage interagency benchmarking, integrate the plan across all agency activities, make metrics easily accessible to the public through online tracking, ensure meaningful engagement of communities in the planning process, and promote transparency by making all research, analysis, and assessments related to environmental justice publicly available in detailed and granular form, including quantifying benefits provided to disadvantaged communities under each agency and program.

Section 5. Research, Data Collection, and Analysis to Advance Environmental Justice: Accountability Criteria for the White House Environmental Justice Subcommittee

The White House Environmental Justice Subcommittee should establish a comprehensive community engagement process, ensure inclusive membership representing communities with environmental justice concerns, adopt a universal definition of environmental justice and metrics outlined in the EJ Scorecard, incorporate assessments of cumulative impacts, ground research in lived experiences, prioritize effective solutions, adhere to a biennial reporting schedule, and reference the WHEJAC EJ Scorecard recommendations to inform research data metrics, promoting transparency, accountability, and community engagement while tracking progress and effectiveness of policies and initiatives.

Section 6. Community Notification on Toxic Chemical Releases: Improving Accessibility and Transparency in Agency Reports and Toxic Release Inventory (TRI) Data

Agencies should enhance accessibility and transparency by making reports available on user-friendly web platforms with language access, expand and improve data collection for the TRI, conduct public meetings and notifications in collaboration with local governments and community-based organizations,

improve the TRI by expanding data sources and considering cumulative impacts and actual emissions, and establish a public process for annual reporting on TRI trends with multiple public meetings, a comment process, and input from agencies and stakeholders on environmental justice considerations.

Section 7. White House Environmental Justice IAC: Improving Accessibility and Transparency in Agency Reports and Toxic Release Inventory (TRI) Data

Agencies should enhance accessibility and transparency by making reports available on user-friendly web platforms with language access, expand and improve data collection for the TRI, conduct public meetings and notifications in collaboration with local governments and community-based organizations, improve the TRI by expanding data sources and considering cumulative impacts and actual emissions, and establish a public process for annual reporting on TRI trends with multiple public meetings, a comment process, and input from agencies and stakeholders on environmental justice considerations.

Section 8. White House Office of Environmental Justice: Building a Fully Staffed and Collaborative Environmental Justice Office

Adequately resource and staff the office of Environmental Justice with individuals who possess extensive experience working with environmental justice communities and/or issues, while also utilizing the authority to promote full cooperation with the Federal Chief Environmental Justice Officer, ensuring transparency by informing the public about agency cooperation and providing clear guidelines to define the scope of cooperation for each agency.

Section 9. Guidance: Create Opportunities for Meaningful Community Feedback on Interim Guidance

Feedback on the interim guidance should be presented in a public WHEJAC meeting to ensure transparency and accountability; further, interim guidance should be open for review and input from the general public through a public comment process.

Section 10. Reports to the President: Prioritizing Comprehensive Recommendations for Environmental Justice

Prioritize comprehensive recommendations for legislation, regulations, and policy options that address environmental health disparities; evaluate cumulative impacts; promote economic opportunities and ensure equitable access to clean air, water, and land, while strengthening existing environmental justice laws; advocate new or revised legislation, emphasizing regulatory and policy options that prioritize environmental justice through mechanisms for assessing cumulative impacts; integrate environmental justice considerations; and promote economic opportunities for disproportionately burdened communities, fostering resilient and thriving communities across federal agencies.

Section 11. Provisions: Funding Allocation and Incentives for EO 14096 Adoption

Allocate adequate budgetary resources to all federal agencies to fully adopt the requirements of EO 14096, including additional appropriations or reprogramming of funds if necessary, and consider implementing positive incentives, such as recognition programs or performance-based awards to encourage and reward agencies that demonstrate exemplary adoption and execution of the EO, while establishing corrective actions for non-compliant agencies.

Overview of Recommendation Structure

The EO 14096 Working Group used a direct comparison table with a side-by-side analysis of the original EO text to closely examine the language through the lens of environmental justice and to effectively communicate how our recommendations could strengthen the order's ability to support frontline

communities. Using this approach, we highlighted sections of Executive Order 14096 requiring more clarity, added more specificity beyond the Executive Order 14096 text, and further justified the Executive Order recommendations with supporting evidence. Each comparison table is followed by a recommendation summary based on each respective section of EO 14096 that includes specific recommendations for implementation and highlights examples of current agency environmental justice practices (where applicable).

1. Policy Recommendation: Strengthen Whole-Government Environmental Justice Training and Education

EO Tables

Executive Order 14096 Language	WHEJAC Analysis
<p><i>To fulfill our Nation’s promises of justice, liberty, and equality, every person must have clean air to breathe; clean water to drink; safe and healthy foods to eat; and an environment that is healthy, sustainable, climate-resilient, and free from harmful pollution and chemical exposure. Restoring and protecting a healthy environment — wherever people live, play, work, learn, grow, and worship — is a matter of justice and a fundamental duty that the Federal Government must uphold on behalf of all people.</i></p>	<p>While EO 14096 references air, water, food, climate, pollution, and chemical exposure, it does not explicitly name soil. Residential soil should also be a point of reference as housing (including soil contamination) is a point of concern.</p> <p>“Clean” should be further defined to include a universal definition that no level of toxicity or hazardous exposures are clean, making this definition vital to rulemaking, standards, and overall regulatory oversight. The federal government must, as a baseline, not undertake a minimal approach to pollution abatement, but most support the full flourishing of communities. Genuinely clean levels must be defined. The maintenance of clean levels must be fully assured, and there must be clear consequences for any government or private entity that fails to comply or who neglects to take appropriate measures to remedy non-compliance in a timely manner.</p> <p>“Restoring and protecting a healthy environment” must not leave out the restoration of Tribal trust lands and other Tribal and Indigenous territories that have experienced current and historical harm from flawed governmental decision-making and polluting industries.</p>

Executive Order 14096 Language	WHEJAC Analysis
<p><i>We must advance environmental justice for all by implementing and enforcing the Nation’s environmental and civil rights laws, preventing pollution, addressing climate change and its effects, and working to clean up legacy pollution that is harming human health and the environment. Advancing environmental justice will require investing in and supporting culturally vibrant, sustainable, and resilient communities in which every person has safe, clean, and affordable options for housing, energy, and transportation. It is also necessary to prioritize building an equitable, inclusive, and sustainable economy that offers economic opportunities, workforce training, and high-quality and well-paying jobs, including union jobs, and facilitating an equitable transition of the workforce as part of a clean energy future. Achieving this vision will also require improving equitable access to parks, tree cover, playgrounds, sports fields, rivers, ponds, beaches, lakes, and all of the benefits provided by nature, including America’s public lands and waters. Pursuing these and other objectives integral to advancing environmental justice can successfully occur only through meaningful engagement and collaboration with underserved and overburdened communities to address the adverse conditions they experience and ensure they do not face additional disproportionate burdens or underinvestment.</i></p>	<p><i>“Environmental justice means ensuring everyone has a fair chance to live in a healthy environment regardless of race, socioeconomic status, gender (or non-gender conforming), or ethnicity.” This requires improvements with enforcing environmental and civil rights laws and consistency and fairness with upholding regulatory influence and power, preventing pollution, addressing climate change, and cleaning up existing (legacy) pollution. Additionally, “environmental justice” by definition should reflect the Jemez Principles by prioritizing community voice in decision making including “no-go” decisions. Advancing environmental justice also includes authenticity and fairness with establishing community benefits agreements and plans in which frontline community members (not private industry) define what constitutes as community benefits.</i></p>

Executive Order 14096 Language	WHEJAC Analysis
<p><i>We have more work to do to make environmental justice a reality for our Nation, both for today and for the generations that will follow us. Even as many communities in the United States have prospered and thrived in recent decades, many other communities have been left behind. Communities with environmental justice concerns face entrenched disparities that are often the legacy of racial discrimination and segregation, redlining, exclusionary zoning, and other discriminatory land use decisions or patterns. These decisions and patterns may include the placement of polluting industries, hazardous waste sites, and landfills in locations that cause cumulative impacts to the public health of communities and the routing of highways and other transportation corridors in ways that divide neighborhoods. These remnants of discrimination persist today. Communities with environmental justice concerns exist in all areas of the country, including urban and rural areas and areas within the boundaries of Tribal Nations and United States Territories. Such communities are found in geographic locations that have a significant proportion of people who have low incomes or are otherwise adversely affected by persistent poverty or inequality. Such communities are also found in places with a significant proportion of people of color, including individuals who are Black, Latino, Indigenous and Native American, Asian American, Native Hawaiian, and Pacific Islander. Communities with environmental justice concerns also include geographically dispersed and mobile populations, such as migrant farmworkers.</i></p>	<p>Agencies must publicly acknowledge past discriminatory policies, regulations, and practices like redlining and demonstrate how they are working to end these injustices and achieve restorative justice. Agency leadership should foster cultures that incentivize honesty about past mistakes and explicit measures to end unjust policies.</p> <p>Clarity is needed to ensure the most disproportionately impacted communities, as identified by high-quality data, are prioritized as "communities with environmental justice concerns" per Executive Order 14096. Unincorporated cities and towns, which face challenges securing environmental safeguards, should also be explicitly defined and included.</p>

Executive Order 14096 Language	WHEJAC Analysis
<p><i>Communities with environmental justice concerns experience disproportionate and adverse human health or environmental burdens. These burdens arise from a number of causes, including inequitable access to clean water, clean air, natural places, and resources for other basic human health and environmental needs; the concentration of pollution, hazardous waste, and toxic exposures; and underinvestment in affordable housing that is safe and healthy and in basic infrastructure and services to support such housing, including safe drinking water and effective sewage management. The cumulative impacts of exposure to those types of burdens and other stressors, including those related to climate change and the environment, further disadvantage communities with environmental justice concerns. People in these communities suffer from poorer health outcomes and have lower life expectancies than those in other communities in our Nation. Moreover, gaps in environmental and human health data can conceal these harms from public view, and, in doing so, are themselves a persistent and pernicious driver of environmental injustice.</i></p>	<p>Climate change should be defined through an environmental justice lens, reflecting the knowledge, science, and experiences of frontline communities. These communities, including Indigenous peoples, understand climate change as a complex issue intertwined with existing racism, inequality, and injustice. They bear the brunt of climate impacts due to factors like limited access to clean air, water, and other resources, as well as higher exposure to pollution and hazardous conditions. The significance of climate change as an environmental justice issue must be emphasized, as data gaps often fail to adequately represent the experiences of marginalized communities.</p>
<p><i>Nearly three decades after the issuance of Executive Order 12898 of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), the Federal Government must build upon and strengthen its commitment to deliver environmental justice to all communities across America. Our Nation needs an ambitious approach to environmental justice that is informed by scientific research, high-quality data, and meaningful Federal engagement with communities with environmental justice concerns and that uses the tools available to the Federal Government, including enforcement of civil rights and environmental laws. Our Nation must also take further steps to dismantle racial discrimination and institutional bias that disproportionately affect the health, environment, safety, and resiliency of communities with environmental justice concerns.</i></p>	<p>Institutional bias must be defined not only through the lens of discrimination in benefit distribution, but also in the cultural norms and behaviors of federal agencies. The government should take a bold, science-based approach grounded in environmental justice principles to improve efforts providing justice to all communities. To support this, the government should strive for interoperability between data tools to inform the implementation of relevant laws and policies. Where needed data is lacking, plans should be developed to remedy those gaps. Agency leadership must cultivate a culture in which lack of data does not justify inaction, and it must take steps to dismantle racial discrimination and institutional bias harming communities facing environmental justice concerns.</p>

Executive Order 14096 Language	WHEJAC Analysis
<p><i>To ensure that the Nation's policies and investments respond to the needs of every community, all people should be afforded the opportunity to meaningfully participate in agency decision-making processes that may affect the health of their community or environment. The Federal Government must continue to remove barriers to the meaningful involvement of the public in such decision-making, particularly those barriers that affect members of communities with environmental justice concerns, including those related to disability, language access, and lack of resources. The Federal Government must also continue to respect Tribal sovereignty and support self-governance by ensuring that Tribal Nations are consulted on Federal policies that have Tribal implications. In doing so, we must recognize, honor, and respect the different cultural practices — including subsistence practices, ways of living, Indigenous Knowledge, and traditions — in communities across America. As our Nation reaffirms our commitment to environmental justice, the Federal Government must continue to be transparent about, and accountable for, its actions.</i></p>	<p>This clause emphasizes that cultural differences encompass more than just tradition, including ways of life and knowledge. It highlights the importance of consultation as a fundamental aspect of environmental justice, requiring maintaining a consultative relationship with Indigenous peoples.</p> <p>The terms "meaningful" and "meaningful involvement" should incorporate "self-determination" to allow communities to speak for themselves. "Decision-making" should include a fair, transparent process of community consent, informed by "cumulative impacts."</p> <p>The terms "meaningful involvement" and "engagement" should have a clear, baseline definition that considers different community perspectives.</p> <p>Agencies should be aware of both legal requirements and allowable practices regarding meaningful involvement, making this information publicly transparent.</p>

Executive Order 14096 Language	WHEJAC Analysis
<p><i>It is the policy of my Administration to pursue a whole-of-government approach to environmental justice. This order builds upon my Administration's ongoing efforts to advance environmental justice and equity consistent with Executive Order 13985 of January 20, 2021 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government), Executive Order 13990 of January 20, 2021 (Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis), Executive Order 14008 of January 27, 2021 (Tackling the Climate Crisis at Home and Abroad), Executive Order 14052 of November 15, 2021 (Implementation of the Infrastructure Investment and Jobs Act), Executive Order 14057 of December 8, 2021 (Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability), Executive Order 14082 of September 12, 2022 (Implementation of the Energy and Infrastructure Provisions of the Inflation Reduction Act of 2022), and Executive Order 14091 of February 16, 2023 (Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government). This order also supplements the foundational efforts of Executive Order 12898 to address environmental justice. In partnership with State, Tribal, territorial, and local governments, as well as community organizations, businesses, and members of the public, the Federal Government will advance environmental justice and help create a more just and sustainable future for all.</i></p>	<p>This clause emphasizes that other EOs can be utilized (and referenced) to hold individuals accountable for environmental justice. It confirms the commitment of the federal government to establish a relationship with the IAC agencies, state governments, and other applicable entities.</p> <p>The whole-of-government approach means that environmental justice priorities and practices—including, but not limited to, those spelled out in this EO—should be infused, embedded, and integrated into agencies' overarching strategic planning and execution, and that these strategies and their execution foster coordination across agencies.</p>

Examples of Agency-Specific Practices

The Office of Management and Budget (OMB)

The OMB, in partnership with federal agencies and the public, is working to develop a government-wide framework, common guidelines, and leading practices for public participation and community engagement. OMB developed a Request for Information (RFI) process called Methods and Leading Practices for Advancing Public Participation and Community Engagement with the Federal Government, which states:

Through this Request for Information (RFI), OMB seeks input on the experiences of individuals and organizations, including from underserved communities, with informing Federal Government decision-making and participating in engagement activities with government agencies; examples of leading practices in this space; and other recommendations on available methods, approaches, and tools that could assist in the effort to develop and implement a Federal framework for participation and engagement. OMB welcomes input from a wide and diverse array of stakeholders in the public, private, advocacy, not-for-profit, and philanthropic sectors, including State, local, Tribal, and territorial governments. OMB will review and consider the usability and applicability of responses to this RFI as OMB develops a federal framework for PPCE and supports agencies in their work to ensure that their policies and actions are responsive to all Americans.¹

The U.S. Office of Civil Rights (OCR)

OCR collects annual data on K–12 schools through the Civil Rights Data Collection (CRDC) program. The OCR provides oversight of the implementation of civil rights laws, such as Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, and Section 504 of the Rehabilitation Act of 1973 (See Section 5 for further elaboration).

The CRDC is a survey conducted by the U.S. Department of Education (ED) to gather information on various aspects of educational equity and civil rights in public schools across the country.

- School districts are required to report data on a wide range of topics, including enrollment, discipline, student access to courses and programs, teacher qualifications, and school climate. The data collection covers key areas such as student demographics, equal access to educational resources, discipline practices and disparities, and the provision of services for students with disabilities and English language learners.
- School districts submit the data electronically to the OCR on an annual basis. The OCR then analyzes the data to identify any disparities or potential civil rights issues in education. This data plays a crucial role in informing policy development, monitoring compliance with civil rights laws, and guiding efforts to promote educational equity and address disparities in K–12 schools across the United States.

1. <https://www.federalregister.gov/documents/2024/03/20/2024-05882/methods-and-leading-practices-for-advancing-public-participation-and-community-engagement-with-the/>.

The OCR uses the data collected through the CRDC to address disparities in K–12 schools in several ways.

Identifying disparities

The OCR analyzes the data to identify disparities or inequities in areas such as student enrollment, discipline, access to educational resources, and services for students with disabilities or English language learners. By identifying these disparities, the OCR can pinpoint areas where inequities exist.

Monitoring compliance

The data collected helps the OCR monitor compliance with civil rights laws, such as Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, and Section 504 of the Rehabilitation Act of 1973. It allows the OCR to assess whether schools are providing equal educational opportunities and services to all students, regardless of race, color, national origin, sex, or disability.

Guiding policy development

The data informs policy development initiatives aimed at addressing disparities and promoting educational equity. It helps policymakers identify areas where interventions are needed to ensure all students have equal access to quality education.

Targeted enforcement actions

When the OCR identifies significant disparities or civil rights laws violations, it can initiate targeted enforcement actions. This may involve conducting investigations, negotiating resolutions with schools or districts, and taking corrective actions to address the identified disparities.

Recommendations for Implementation

Strengthen environmental justice training and education.

Develop and implement training programs for federal agency staff, including frontline regulators, to enhance their understanding of environmental justice principles, civil rights laws, applicable environmental laws [for example, but not limited to the National Environmental Protection Act (NEPA), Clean Air Act, Clean Water Act, Safe Drinking Water Act, etc.] and the unique challenges faced by disadvantaged communities. This would promote equitable enforcement and decision-making processes.

It is critical for the federal government to develop a clear, streamlined structure and process to best align all the respective EOs explicitly named in EO 14096 and all applicable federal policies and laws that help govern each respective EO. Additionally, each agency should have clear and practical guidance on how specific aspects of their charges deriving from EO 14096 (and applicable policies/laws) directly impacts all aspects of their agency's scope of work and responsibilities.

Publicly acknowledge and reconcile past discriminatory policies.

Require agencies (with feedback from the WHEJAC) to analyze, identify, and change/revise current agency-specific practices, policies, and procedures that may lead to (or have historically resulted in) disparate treatment of environmental justice communities; define climate change through the lens

of environmental justice; and recognize the significance of data gaps and the need for appropriate data sets for marginalized communities.

Analyze, identify, and correct institutional bias in policy implementation and rulemaking.

Enhance efforts to deliver environmental justice by utilizing scientific research grounded in environmental justice principles, reliable data, and active community engagement while striving for interoperability of data tools between agencies. In addition, utilize data to enforce civil rights and environmental laws, while also taking actions to dismantle racial discrimination and institutional bias that disproportionately impact communities with environmental justice concerns.

2. Definitions Recommendation: Clear Definitions and Acknowledgment of Policies for Environmental Justice

EO Table

Executive Order 14096 Language	WHEJAC Analysis
<i>(a) "Agency" means an executive agency as defined by 5 U.S.C. 105, excluding the Government Accountability Office and independent regulatory agencies, as defined in 44 U.S.C. 3502(5).</i>	In addition to each "agency" as defined here, we strongly encourage independent regulatory agencies as defined in 44 U.S.C. 3502(5) to adopt the policies and priorities described in this EO to achieve a true whole-of-government approach to environmental justice. (See guidance on Section 3, below.)
<i>(b) "Environmental justice" means 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>	"Meaningful involvement" should incorporate "self-determination," which allows space for the community to speak for themselves. Additionally, "decision-making" should include a fair, transparent, and public process regarding community consent (as referenced in Section 3) and "decision-making" should be informed by "cumulative impacts" (also as referenced in Section 3).
	Regarding "Tribal affiliation," to ensure there is optimal inclusivity, there should be acknowledgement of Tribal communities that are not federally recognized such as (but not limited to) sovereign nations and state-recognized tribes. Section 3 can be referenced for a more comprehensive elaboration on "Tribal affiliation."

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(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</i></p>	<p>For the purposes of the WHEJAC charge to provide recommendations for EO 14096, “cumulative impacts” should be explicitly defined. For example, according to EPA:</p> <p><i>Cumulative Impacts are defined as the totality of exposures to combinations of chemical and non-chemical stressors and their effects on health, well-being, and quality of life outcomes. Cumulative impacts consider the interrelated and compounding risks, exposures, public health or environmental effects from the combined past, present, and reasonably foreseeable actions, emissions and discharges, and the existing social vulnerabilities and socioeconomic factors, including environmental pollution from all sources, whether single or multiple sources, routinely, intentional or unintentional, or otherwise released. Cumulative impacts can be considered in the context of geographically defined communities, definable population groups, or individuals. Cumulative impacts characterize the potential degree of vulnerability of a community.²</i></p> <p>The WHEJAC also wishes to be in alignment with the National Environmental Justice Advisory Council (NEJAC)’s definition and will reference the NEJAC definition of “cumulative impacts” once finalized and made public.</p>
<p><i>(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.</i></p>	<p>While not explicitly defined, a “healthy, sustainable, and resilient environment” should be comprehensive and not solely related to natural or climate disasters, but should also include comprehensive, ongoing progress toward equity prioritizing environmental justice communities.</p>

2. <https://www.epa.gov/sciencematters/epa-researchers-release-cumulative-impacts-report-prioritizing-environmental-justice/>.

Executive Order 14096 Language	WHEJAC Analysis
<p>(c) “Federal activity” means any agency rulemaking, guidance, policy, program, practice, or action that affects or has the potential to affect human health and the environment, including an agency action related to climate change. Federal activities may include agency actions related to: assuring compliance with applicable laws; licensing, permitting, and the reissuance of licenses and permits; awarding, conditioning, or oversight of Federal funds; and managing Federal resources and facilities. This may also include such activities in the District of Columbia and the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, and other Territories and possessions of the United States.</p>	<p>Be explicit that the EO applies (or is required) across all these activities.</p> <p>This may relate to agency-wide strategic planning. The environmental justice strategic planning should not be limited to an environmental justice office. It shouldn’t be stand-alone but should be integrated in the totality of agency-wide strategic plans to be integrated in all agency activities.</p>
	<p>“Federal activity” should also include public education and outreach regarding the current list of “federal activities.” For example, federal agencies should educate and provide significant and culturally appropriate engagement on participative rulemaking, soliciting informed feedback on guidance, policies, programs, practices, and actions that clearly and publicly highlights where community voice has been incorporated. They should also provide clear, open, timely, and transparent (including any legal barriers) rationales if particular community feedback or input has not been incorporated into said federal activities. Federal activity should also require ongoing internal evaluation to actively assess the effectiveness of the implementation of environmental justice as part of the comprehensive strategic planning and evaluation process (Reference section 3).</p>
	<p>EO 14091 on Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government should be referenced for more equity-centered approaches for federal activities as well as the currently referenced EO 14096 Section 4, EJ Strategic Plan. As outlined in EO 14091, the following language should also be applied: “It therefore continues to be the policy of my Administration to advance an ambitious, whole-of-government approach to racial equity and support for underserved communities and to continuously embed equity into all aspects of federal decision-making.”</p>
<p>(d) “Tribal Nation” means an American Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges as a federally recognized Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 5130, 5131.</p>	<p>Regarding “Tribal Nation,” to ensure there is optimal inclusivity, there should be acknowledgement of Tribal communities that are not federally recognized such as (but not limited to) sovereign nations and state-recognized Tribes. Section 3 can be referenced for a more comprehensive elaboration on “Tribal Affiliation.”</p>

Agency-Specific Examples

Definitions

“Environmental Justice”

To EPA, environmental justice means 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:

- 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
- 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.

“Meaningful engagement”

- providing timely opportunities for members of the public to share information or concerns and participate in decision-making processes;
- fully considering public input provided as part of decision-making processes;
- seeking out and encouraging the involvement of persons and communities potentially affected by federal activities by ensuring that agencies offer or provide information on a federal activity in a manner that provides meaningful access to individuals with limited English proficiency and is accessible to individuals with disabilities;
- providing notice of and engaging in outreach to communities or groups of people who are potentially affected and who are not regular participants in federal decision-making; and
- addressing, to the extent practicable and appropriate, other barriers to participation that individuals may face; and
- providing technical assistance, tools, and resources to assist in facilitating meaningful and informed public participation, whenever practicable and appropriate.

Tools that agencies use to define communities with environmental justice concerns

EPA Environmental Justice Screening and Mapping Tool

To better meet the Agency’s responsibilities related to the protection of public health and the environment, EPA developed an environmental justice mapping and screening tool called EJScreen. It is based on nationally consistent data and an approach that combines environmental and demographic indicators in maps and reports.

Climate and Economic Justice Screening Tool

The tool has an interactive map and uses datasets that are indicators of burdens in eight categories: climate change, energy, health, housing, legacy pollution, transportation, water and wastewater, and workforce development. The tool uses this information to identify communities that are experiencing these burdens. These are the communities that are disadvantaged because they are overburdened and underserved.

Cumulative impact tools in use

EPA Health Impact Assessments (HIA)

HIA is a decision-support tool being utilized by EPA to promote sustainable and healthy communities. The foundation of a healthy community is strongest when built upon a decision-making process that balances environmental, social, and economic factors to promote the health and well-being of its members. HIA is a tool designed to investigate how a proposed program, project, policy, or plan may impact health and well-being and inform decision-makers of these potential outcomes before the decision is made. HIA includes the following:

- determine the potential effects of a proposed decision on the health of a population and the distribution of those effects within the population;
- consider input from stakeholders, including those impacted by the decision;
- use different types of qualitative and quantitative evidence and analytical methods;
- are flexible based on available time and resources; and
- provide evidence and recommendations to decision-makers in a timely manner.

Recommendations for Implementation

Clear definitions/acknowledgement of all applicable policies and priorities across agencies.

All government agencies (including independent regulatory agencies) should adopt or create policies, procedures, and priorities described in EO 14096 to create a cohesive, transparent, public, and unified approach to environmental justice. Additionally, it is recommended to maintain consistency of core definitions such as (but not limited to) “environmental justice,” “cumulative impacts,” and “communities with environmental justice concerns.”

The Environmental Protection Agency should carefully define the term “communities with environmental justice concerns” to ensure it is not used out of context or contrary to its original purpose. For example, the EPA could use the EJScreen tool as a data-driven reference to establish baseline definitions of environmental and public health risk indicators that align with the types of environmental justice concerns it aims to address.

Clearly define “meaningful involvement” and “meaningful engagement” as a pathway to self-determination.

“Meaningful involvement” and “meaningful engagement” refer to the planning, implementation, and evaluation of projects or activities that may have an impact on their environment and health as well as the active engagement and participation of communities in full decision-making processes (including community consent). It recognizes the importance of allowing communities to define and articulate their own needs, concerns, and interests regarding environmental issues. By incorporating the principle of “self-determination,” communities are empowered to speak for themselves, ensuring their voices are heard and authentically included in environmental decision-making.

Clearly define “communities with environmental justice concerns.”

Establish a clear and comprehensive definition to ensure equitable and effective distribution of resources and interventions to communities that are the most disproportionately impacted (as referenced in Section 1 Policy).

Fair and transparent decision-making.

Regarding “decision-making,” environmental justice demands a process that is fair, transparent, and public, and also accounts for procedures involving community consent. It ensures that communities, particularly those disproportionately impacted by environmental issues, have equal opportunities to provide input, express their concerns, and have their voices considered in decisions that affect them. Transparency allows for accountability and builds trust between agencies and communities.

Explicitly defining cumulative impacts.

Defining “cumulative impacts” explicitly helps address the complex and interconnected nature of environmental issues. By considering the combined effects of past, present, and foreseeable actions, emissions, and discharges, agencies can better assess the full scope of environmental impacts on communities. This definition should also account for social vulnerabilities and socioeconomic factors, recognizing that environmental pollution can come from various sources and affect communities differently.

Inclusivity of Tribal communities.

Acknowledging and including Tribal communities that are not federally recognized, such as sovereign nations and state-recognized Tribes, promotes equity and inclusivity. It recognizes the importance of diverse Tribal affiliations and ensures that all Tribal communities have a voice in decision-making processes related to environmental justice. Section 3 of the EO provides comprehensive guidance on addressing Tribal affiliation and can offer further insights on how to implement inclusive approaches.

Acknowledge and equitably navigate environmental justice concerns in unincorporated cities and towns.

Explicitly define and include unincorporated cities and towns facing significant challenges in obtaining environmental safeguards and guardrails (as referenced in Section 1 Policy).

3. Government-Wide Approach to Environmental Justice Recommendation: Encouraging Environmental Justice Practices and Public Engagement

EO Table

Executive Order 14096 Language	WHEJAC Analysis
<p>Section 3 — Government-Wide Approach to Environmental Justice.</p> <p><i>Interagency cooperation, collaboration, and peer learning are all essential to the government-wide approach to environmental justice.</i> Agencies should take advantage of every forum — including, but not limited to, the IAC (discussed below) — for the exchange of information, ideas and experience. Agencies should avail themselves of the opportunity to benefit from each other’s data and knowledge, and learn from each other’s successes and mistakes, through transparent exchange. Collaboration on the ground is also essential. For example, if multiple agencies are working in a community, they should communicate and coordinate to facilitate community engagement.</p>	<p>In keeping with this principle, it is important for agencies explicitly subject to this order that are not currently members of the IAC to actively pursue policies and priorities described here and to consider joining the IAC.</p> <p>Moreover, in addition to the agencies explicitly subject to this EO, independent regulatory agencies as defined in 44 U.S.C. 3502(5) should be strongly encouraged to adopt the policies and priorities described in this EO, in the interest of achieving a true whole-of-government approach to environmental justice. For example, independent regulatory agencies whose activities have profound environmental justice impacts include, but are not limited to, The Federal Energy Regulatory Commission and the Tennessee Valley Authority (TVA).</p>
<p><i>(a) Consistent with section 1-101 of Executive Order 12898 and each agency’s statutory authority, each agency should make achieving environmental justice part of its mission. Each agency shall, as appropriate and consistent with applicable law:</i></p>	<p>Each agency should fully integrate and embed environmental justice policies, practices, and protocols advanced in line with this EO into regular overall agency planning (see recommendations under <i>Strategic Plans</i>) and implementation.</p> <p>The statutory and legal authority underlying and enabling agencies’ pursuit of environmental justice (including the legal authorities referenced below in subsections (a)(ii), (a)(v) and (a)(vi)) should be explicitly described in each agency’s overarching strategic plan and should be made public.</p>

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(i) identify, analyze, and address disproportionate and adverse human health and environmental effects (including risks) and hazards of Federal activities, including those related to climate change and cumulative impacts of environmental and other burdens on communities with environmental justice concerns;</i></p>	<p>Agencies should approach their duty to address disproportionate effects with an eye to all tools at their disposal, from rulemaking and permitting to mechanisms for restorative justice.</p> <p>It is important that the Climate and Environmental Justice Screening Tool be used by agencies with full consideration of what it was developed and optimized for, which is directing the distribution of benefits under Justice40. Focusing solely on this specific task will limit the ability to detect and quantify the full range of environmental justice concerns that must inform agency decisions and actions under this EO. For example, CEJST is not designed to necessarily reflect the types and levels of disproportionate impact germane to environmental permitting processes or proceedings. Other tools have been developed and optimized for this.</p>
<p><i>(ii) evaluate relevant legal authorities and, as available and appropriate, take steps to address disproportionate and adverse human health and environmental effects (including risks) and hazards unrelated to Federal activities, including those related to climate change and cumulative impacts of environmental and other burdens on communities with environmental justice concerns;</i></p>	<p>Leading with a cumulative impact framework is critical to addressing climate mitigation and benefits (like J40 and the Inflation Reduction Act) in an equitable manner. While climate change itself is a contributing threat to environmental injustice—meaning the impacts of climate change have a disproportionate effect on the same communities that face an outsized pollution burden—there are climate impacts that happen outside of communities with environmental justice concerns.</p> <p>For example, there are many high-income coastal communities at great risk for property damage due to sea-level rise that should not be prioritized for mitigation and benefits over other communities with higher cumulative vulnerabilities and environmental justice concerns.</p>

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(iii) identify, analyze, and address historical inequities, systemic barriers, or actions related to any Federal regulation, policy, or practice that impair the ability of communities with environmental justice concerns to achieve or maintain a healthy and sustainable environment;</i></p>	<p>Guidance should be clear that this requires agencies to conduct internal assessments and evaluate systemic barriers that their practices and policies create.</p> <p>Each agency should examine its practices and policies with a goal of eliminating systemic barriers that may impair the ability of communities with environmental justice concerns to achieve or maintain a healthy and sustainable environment. It should then affirmatively change and adapt these practices and policies to eliminate these barriers</p>
<p><i>(iv) identify, analyze, and address barriers related to Federal activities that impair the ability of communities with environmental justice concerns to receive equitable access to human health or environmental benefits, including benefits related to natural disaster recovery and climate mitigation, adaptation, and resilience;</i></p>	<p>Each agency should examine its practices and policies with an eye toward eliminating systemic barriers that may impair the ability of communities with environmental justice concerns to access these benefits. It should then affirmatively change and adapt these practices and policies to eliminate these barriers.</p> <p>Agencies have an obligation to assess the extent to which the benefits of their programs are equitably reaching environmental justice communities and, if they are not, to gather and analyze the data to determine why so that the problem can be addressed.</p>

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(v) evaluate relevant legal authorities and, as available and appropriate, take steps to provide, in consultation with unions and employers, opportunities for workforce training and to support the creation of high-quality and well-paying jobs, including union jobs, for people who are part of communities with environmental justice concerns;</i></p>	<p>Federal agencies should thoroughly evaluate all relevant legal authorities and, where feasible, take proactive steps to provide workforce training opportunities and support the creation of high-quality, well-paying jobs—including union jobs—for people in communities facing environmental justice concerns. This should be done in close consultation with labor unions (as well as assessing barriers where labor unions are not available) and employers to ensure the initiatives are effective and aligned with their needs. Additionally, workforce safety (including legally binding requirements) should be taken into consideration.</p> <p>Once federal agencies have completed their analysis of relevant legal authorities, they should make the findings and conclusions public in an accessible format. Agencies should then provide comprehensive training to equip their staff with the knowledge and skills needed to implement the initiatives stemming from this analysis.</p>
<p><i>(vi) evaluate relevant legal authorities and, where available and appropriate, consider adopting or requiring measures to avoid, minimize, or mitigate disproportionate and adverse human health and environmental effects (including risks) and hazards of Federal activities on communities with environmental justice concerns, to the maximum extent practicable, and to address any contribution of such Federal activities to adverse effects — including cumulative impacts of environmental and other burdens — already experienced by such communities;</i></p>	<p>Offering Medicaid or other health services must be strongly considered as a way to minimize or mitigate disproportionate and adverse human health.</p> <p>Voluntary relocation should be considered in addressing legacy pollution not just in regard to climate disaster.</p>

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(vii) provide opportunities for the meaningful engagement of persons and communities with environmental justice concerns who are potentially affected by Federal activities, including by:</i></p> <p><i>(A) providing timely opportunities for members of the public to share information or concerns and participate in decision-making processes;</i></p> <p><i>(B) fully considering public input provided as part of decision-making processes;</i></p> <p><i>(C) seeking out and encouraging the involvement of persons and communities potentially affected by Federal activities by:</i></p> <p><i>(1) ensuring that agencies offer or provide information on a Federal activity in a manner that provides meaningful access to individuals with limited English proficiency and is accessible to individuals with disabilities;</i></p> <p><i>(2) providing notice of and engaging in outreach to communities or groups of people who are potentially affected and who are not regular participants in Federal decision-making; and</i></p> <p><i>(3) addressing, to the extent practicable and appropriate, other barriers to participation that individuals may face; and</i></p> <p><i>(D) providing technical assistance, tools, and resources to assist in facilitating meaningful and informed public participation, whenever practicable and appropriate;</i></p>	<p>Public engagement must be integral, not an afterthought, in each agency's EO implementation process. Agencies should leverage community knowledge to improve program design, implementation, and evaluation. If existing programs do not meet community needs or pose accessibility barriers, they must be retooled.</p> <p>Agencies must proactively engage new stakeholders whose past participation was hindered. Robust, sustained engagement keeps agency efforts informed and empowers disadvantaged communities to access benefits and resources. This includes responding to community input and involving them in decision-making (i.e., no-go decisions).</p> <p>Agencies must have clear protocols for collecting, summarizing, and acting on community feedback to inform decision-making. They should also establish formal, transparent procedures for community consent and self-determination in decision-making, utilizing facilitated dialogue and mediation as needed. Agencies should consider using facilitated dialogue, appreciative inquiry, and other forms of mediation to bring stakeholders together.</p>

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(viii) continue to engage in consultation on Federal activities that have Tribal implications and potentially affect human health or the environment, pursuant to Executive Order 13175 of November 6, 2000 (Consultation and Coordination With Indian Tribal Governments), the Presidential Memorandum of January 26, 2021 (Tribal Consultation and Strengthening Nation-to-Nation Relationships), and the Presidential Memorandum of November 30, 2022 (Uniform Standards for Tribal Consultation), and fulfill obligations established pursuant to Executive Order 13007 of May 24, 1996 (Indian Sacred Sites);</i></p>	<p>Federal agencies must uphold their commitment to engage in meaningful consultation (reference Section 2 definition of “meaningful involvement” and “meaningful engagement”) and collaborate with Indigenous Peoples and Tribal Nations governments. Additionally, there should be a public decision-making process to authentically and equitably consider the voices of Indigenous Peoples and Tribal Nations.</p>
<p><i>(ix) carry out environmental reviews under the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., consistent with the statute and its implementing regulations and through the exercise of the agency’s expertise and technical judgment, in a manner that:</i></p> <p><i>(A) analyzes direct, indirect, and cumulative effects of Federal actions on communities with environmental justice concerns;</i></p> <p><i>(B) considers best available science and information on any disparate health effects (including risks) arising from exposure to pollution and other environmental hazards, such as information related to the race, national origin, socioeconomic status, age, disability, and sex of the individuals exposed; and</i></p> <p><i>(C) provides opportunities for early and meaningful involvement in the environmental review process by communities with environmental justice concerns potentially affected by a proposed action, including when establishing or revising agency procedures under NEPA;</i></p>	<p>NEPA is important to the implementation of EO 14096 because it provides a framework for considering the environmental and health impacts of federal actions, which is crucial in addressing environmental justice concerns and ensuring equitable outcomes for marginalized communities. It is imperative that all applicable agencies and staff are fully knowledgeable and trained on the NEPA process and where there may be existing responsibilities within respective projects, programs, protocols, procedures, etc. that may have direct or indirect impacts on their scope of work and overall roles and responsibilities.</p> <p>The categorical exclusion process is unacceptable, and it is important when addressing environmental justice that potential adverse environmental and health impacts of federal actions are adequately considered and mitigated, particularly in marginalized communities that are disproportionately affected by such actions.</p> <p>NEPA and environmental justice underscores the need to prioritize the protection of vulnerable communities and the environment by proactively addressing potential risks and uncertainties before proceeding with actions that could have significant impacts.</p> <p>The WHEJAC will also reference new and incoming revisions to NEPA to best inform recommendations, including a request for a briefing from the appropriate federal agency.</p>

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(x) in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and agency regulations, ensure that all programs or activities receiving Federal financial assistance that potentially affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, policies, practices, or methods of administration that discriminate on the basis of race, color, or national origin;</i></p>	<p>Federal agencies must ensure full compliance with Title VI of the Civil Rights Act in all programs and activities receiving federal financial assistance that may impact human health or the environment and as a mechanism to advance environmental justice. Agencies should implement robust oversight measures to prevent any direct or indirect discrimination on the basis of race, color, or national origin, whether through the agencies' own policies and practices or through the criteria, policies, and methods used by funding recipients and contractors.</p>
<p><i>(xi) ensure that the public, including members of communities with environmental justice concerns, has adequate access to information on Federal activities, including planning, regulatory actions, implementation, permitting, compliance, and enforcement related to human health or the environment, when required under the Freedom of Information Act, 5 U.S.C. 552; the Government in the Sunshine Act, 5 U.S.C. 552b; the Clean Air Act, 42 U.S.C. 7401 et seq.; the Clean Water Act, 33 U.S.C. 1251 et seq.; the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. 11001 et seq.; or other environmental statutes with public information provisions;</i></p>	<p>Federal agencies should proactively facilitate comprehensive public access to information on all relevant federal activities impacting human health and the environment, including for environmental justice communities, in compliance with all applicable laws.</p>
<p><i>(xii) improve collaboration and communication with State, Tribal, territorial, and local governments on programs and activities to advance environmental justice;</i></p>	<p>Information is often lost when federal funding is transferred to the state. Agencies should both incentivize and make limitations in funding opportunities to help collect more census tract-level data on allocation and impact. For example, when a state does not track or report on census tract-level data, an agency can use restrictions of funding until the matter is corrected. Or, if a state does a good job collecting and sharing data, there can be an increase in funding to improve internal systems to promote best practices.</p>
<p><i>(xiii) encourage and, to the extent permitted by law, ensure that Government-owned, contractor-operated facilities take appropriate steps to implement the directives of this order;</i></p>	<p>Training must extend to contractors that operate government-owned facilities to ensure success at achieving the directives of this order. Clear enforcement plans and consequences for failure should be developed to ensure compliance.</p>

Executive Order 14096 Language	WHEJAC Analysis
<i>(xiv) consider ways to encourage and, as appropriate, ensure that recipients of Federal funds -- including recipients of block grant funding -- and entities subject to contractual, licensing, or other arrangements with Federal agencies advance environmental justice;</i>	By using the full scope of its funding, contracting, and regulatory authorities, the federal government can drive more widespread adoption and advancement of environmental justice principles across a range of programs and sectors. Additionally, funding could be contingent based on sufficient evidence of an active commitment to the advancement of environmental justice.

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(xv) develop internal mechanisms to achieve the goals of this order, including by:</i></p> <p><i>(A) creating performance metrics and other means of accountability;</i></p> <p><i>(B) identifying and dedicating staff, funding, and other resources; and</i></p> <p><i>(C) providing appropriate professional development and training of agency staff; and</i></p> <p><i>(xvi) consistent with section 2-2 of Executive Order 12898, ensure that Federal activities do not have the effect of:</i></p> <p><i>(A) excluding persons, including populations, from participation in Federal activities on the basis of their race, color, or national origin;</i></p> <p><i>(B) denying persons, including populations, the benefits of Federal activities on the basis of their race, color, or national origin; or</i></p> <p><i>(C) subjecting persons, including populations, to discrimination on the basis of their race, color, or national origin.</i></p>	<p>Each agency must prioritize and adequately resource the training and tools required for agency-wide implementation of this EO, in addition to the most impactful implementation of the J40 Initiative set out in EO 14008. This training should include:</p> <ul style="list-style-type: none"> • Protocols and procedures for gathering public input and utilizing it to inform decision making. • Understanding and implementation of Justice40. • Environmental justice data gathering, analysis, and assessment in line with best practices. <p>Agencies should ensure that:</p> <ul style="list-style-type: none"> • All environmental justice materials and training manuals developed and used by agencies are made public. • All research, analysis, and assessment related to environmental justice performance is publicly available and ensure that key elements of the data not be obscured from public view through the aggregation or summarization of the data (see also recommendations on <i>Research, Data Collection and Analysis</i>, below). For example, agencies must gather and publicly share data at a sufficient level of detail and resolution to demonstrate the quality and quantity of benefits accruing to disadvantaged communities for each individual program falling under Justice40. • Agencies must develop internal tracking mechanisms that capture where funds are allocated, where actions are taken, where rules have impact, and everything covered under federal activities by census tract. <p>Training should be developed for government contractors that can help achieve these goals.</p> <p>Create a uniformed database system that is shared among agencies. We will not achieve the promise of this EO without clearer data collection and database creation.</p>

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(b) The Administrator of the Environmental Protection Agency (EPA) shall:</i></p> <p><i>(i) in carrying out responsibilities under section 309 of the Clean Air Act, 42 U.S.C. 7609, assess whether each agency analyzes and avoids or mitigates disproportionate human health and environmental effects on communities with environmental justice concerns; and</i></p> <p><i>(ii) report annually to the Chair of the Council on Environmental Quality (CEQ) and the White House Environmental Justice Interagency Council (Interagency Council) described in section 7 of this order on EPA's Clean Air Act section 309 reviews regarding communities with environmental justice concerns and provide recommendations on legislative, regulatory, or policy options to advance environmental justice in Federal decision-making.</i></p>	<p>The EPA administrator should frequently and thoroughly assess whether federal agencies are analyzing and mitigating disproportionate health and environmental impacts on environmental justice communities. They should also establish benchmarks with recurring progress reports (based on clear outcomes and objectives) ahead of the annual report to be submitted to the CEQ chair and White House IAC. The progress reports would include recommendations to further advance environmental justice in federal decision-making.</p>
<p><i>(c) In carrying out assigned responsibilities under Executive Order 12250 of November 2, 1980 (Leadership and Coordination of Nondiscrimination Laws), the Attorney General shall assess agency efforts to ensure compliance with civil rights laws in programs and activities receiving Federal financial assistance that potentially affect human health or the environment and shall report annually based on publicly available information to the Chair of CEQ regarding any relevant pending or closed litigation.</i></p>	<p>Any assessments from the attorney general should be made public, including detailed outlines of consequences or points of reconciliation for any (and all) agency that is not in compliance. A deadline for reaching compliance should be designated and this information should be made public, as well.</p>

Examples of Agency-Specific Practices

U.S. EPA's Appreciative Inquiry Process

The U.S. EPA's Appreciative Inquiry Process is a collaborative, strengths-based approach to organizational change and development. Rather than focusing on problems or deficiencies, Appreciative Inquiry shifts the conversation to identifying and building upon an organization's positive core—its greatest assets, capabilities, and potentials. This methodology engages stakeholders in a cyclical process of discovery, dream, design, and deployment to collectively envision and implement a shared vision for the future. By emphasizing an affirmative, generative mindset, Appreciative Inquiry enables the EPA and its partners to tackle complex environmental challenges more effectively in a constructive, solutions-oriented manner.

Recommendations for Implementation

Federal agencies should proactively consider and implement strategies to encourage, and where appropriate, to compel recipients of federal funds—including block grant funding—as well as entities with contractual, licensing, or other arrangements with federal agencies, to advance environmental justice goals and initiatives.

This could include:

- Incorporating environmental justice criteria into funding application and award processes.
- Requiring recipients to report on their environmental justice efforts and outcomes as a condition of funding.
- Providing technical assistance and resources to help recipients develop and implement environmental justice plans.
- Leveraging contracting and licensing powers to mandate environmental justice commitments from entities doing business with the federal government.
- Establishing incentives, such as preferential consideration or additional funding, for recipients that demonstrate exemplary environmental justice practices.

Policies and programs must be implemented by agencies through consultative practices that engage Indigenous peoples fairly and equally.

Each agency should:

- Ensure that its public engagement and communication personnel are experienced professionals with community engagement expertise.
- Develop a responsive and flexible community engagement plan that is reviewed by a community advisory board.
- Align its work to address the priorities of disadvantaged communities and invest in projects that emerge from broad community participation.
- Ensure all public-facing print and digital materials are translated or interpreted to cover all languages spoken in an impacted community, as defined by clear metrics. For example, if 3 percent or more of residents speak a language, then it will be considered “spoken” in the community. Similarly, an “impacted” community could be defined as residents living within a

three-mile radius of a project. In addition, all materials should be accessible to people who are Deaf or hard of hearing or have visual impairments or disabilities.

- Require that events and presentations are accessible to individuals who are Deaf or hard of hearing or have visual or mobility disabilities, such as providing ASL interpretation services and ensuring that meeting locations are wheelchair accessible. Public events must also comply with state and local public health recommendations.
- Require that food, childcare, transportation, interpretation services, and other incentives are provided to increase attendance in disadvantaged communities.
- Public engagement performance must be prominently incorporated into agency, department, and individual evaluation metrics. Senior managers must be evaluated on and held accountable for the public engagement performance of their departments using measures such as diligence, effectiveness, and impact.
- Fund local environmental and community-based organizations to increase their capacity to participate in local decision making and to hold government officials accountable.
- Fund state agencies to add or expand outreach to disadvantaged communities by adding a community program manager position responsible for direct outreach to target communities.
- Facilitate collaboration across state agencies and among states to help them share best practices for reaching and supporting disadvantaged communities.

Amplify public outreach best practices.

- Allow sufficient budgets for outreach and community engagement.
- Develop a robust outreach database that captures key demographics of engaged communities, such as racial, ethnic, socioeconomic, and linguistic data.
- Provide at least one month's notice for any public meeting, input opportunity, grant workshop, or RFI, and provide at least three months' notice for any grant application opportunity.
- Notices of events, requests for information, funding opportunities, and other information should be made available online and in print.
- Disseminate all information through community leaders, social media, newspapers, and through federal and state agencies that provide services to communities and businesses.
- Offer public events such as information sessions, grant workshops, or public input sessions at multiple times during normal work hours, evenings, and weekends.
- Hold public meetings and workshops both virtually and in-person to accommodate people who are unable to travel as well as those without internet access.
- Ensure materials are accessible, easy to understand, and well designed, and that digital materials are Section 508-conformant.
- Public engagement expectations must be actionable and trackable in terms of process, outputs, and outcomes; meetings should be documented.
- Provide childcare and refreshments.
- Record public meetings and post them online.

4. Environmental Justice Strategic Plans Recommendation: Connecting Environmental Justice Strategic Plans and Promoting Transparency

EO Table

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(a) No later than 18 months after the date of this order and every 4 years thereafter, each agency shall submit to the Chair of CEQ and make available to the public online an Environmental Justice Strategic Plan.</i></p>	<p>Environmental justice strategic plans should be connected to and reference the EJ Scorecard metrics that were recommended by the WHEJAC.</p> <p>It bears repeating that the environmental justice strategic plan should be fully woven, embedded, and integrated into the overall agency plans and should have investment from every bureau, service, or component of an agency.</p>
<p><i>(b) Each Environmental Justice Strategic Plan shall, based on guidance provided by the Chair of CEQ under section 9 of this order, set forth the agency's vision, goals, priority actions, and metrics to address and advance environmental justice and to fulfill the directives of this order, including through the identification of new staffing, policies, regulations, or guidance documents.</i></p>	<p>EO 14096 should be applied agency-wide and integrated into strategic planning across all activities, not limited to an environmental justice office.</p> <p>Strategic plan metrics should be easy to find, understand, and track online so the public can monitor progress. Plans require meaningful engagement with environmental justice communities.</p> <p>Agencies must publicly share all research, data, and analysis related to environmental justice burdens, opportunities, and agency performance assessments at a granular level. This is essential for understanding whether specific J40 programs are delivering at least 40 percent of benefits to disadvantaged communities, rather than just assessing aggregate J40 performance. Visibility into successes and failures of individual J40 programs is crucial to improving agency practices.</p>

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(c) Each Environmental Justice Strategic Plan shall also identify and address opportunities through regulations, policies, permits, or other means to improve accountability and compliance with any statute the agency administers that affects the health and environment of communities with environmental justice concerns. Such measures may include:</i></p> <p><i>(i) increasing public reporting by regulated entities;</i></p> <p><i>(ii) expanding use of pollution measurement and other environmental impact or compliance assessment tools such as fenceline monitoring;</i></p> <p><i>(iii) improving the effectiveness of remedies to provide relief to individuals and communities with environmental justice concerns, such as remedies that penalize and deter violations and promote future compliance, including harm mitigation and corrective action; and</i></p> <p><i>(iv) considering whether to remove exemptions or waivers that may undermine the achievement of human health or environmental standards.</i></p>	<p>Sufficient clarity should be provided as to the need for promoting an all-of-government approach and interagency cooperation in the guidance.</p> <p>Interagency cooperation should be measured with jointly achieved outcomes.</p> <p>Regarding the enforcement sections, agencies should provide clarity about which laws have been identified (what laws require) and ways in which legal authorities are implemented to advance environmental justice principles and what the consequences of noncompliance are.</p> <p>The included measures in the EO right now are very valuable for agencies to reflect on and should continue to be expanded on.</p> <p>Measures must include metrics that illustrate improvements being made to conditions referenced by thresholds in the CEJST.</p>

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(d) No later than 2 years after the submission of an Environmental Justice Strategic Plan, each agency shall submit to the Chair of CEQ, and make available to the public, an Environmental Justice Assessment that evaluates, based on guidance provided by the Chair of CEQ under section 9 of this order, the effectiveness of the agency's Environmental Justice Strategic Plan. The Environmental Justice Assessment shall include an evaluation of:</i></p> <p><i>(i) the agency's progress in implementing its Environmental Justice Strategic Plan;</i></p> <p><i>(ii) any barriers to implementing the agency's Environmental Justice Strategic Plan; and</i></p> <p><i>(iii) steps taken to address any barriers identified.</i></p>	<p>Progress should be measured not just by the number of meetings, training sessions, or employees hired, but also must include and highlight outcomes that are tangible to the public.</p> <p>For instance, how many trees were planted and how will those trees improve the urban heat island effect or mitigate flood risk? How have public transportation lines been improved? Have the fleets been electrified? How have those actions reduced the amount of PM_{2.5} in the air of local environmental justice communities?</p> <p>Recognizing that the goals and objectives that an agency articulates may not be reflected in the currently captured metrics and existing data is itself a barrier.</p> <p>Data collection should shift to be more environmental justice-specific, including measures of disparity for all metrics.</p> <p>Steps taken should include addressing gaps in captured data by including additional data streams.</p> <p>Steps taken should be listed as what activity or action an agency undertook and the outcome that resulted. They should be easily understood by the public and clearly address underlying root causes of disparate impact on communities.</p>
<p><i>(e) An agency's completion of an Environmental Justice Strategic Plan and Environmental Justice Assessment shall satisfy the requirements of section 1-103 of Executive Order 12898.</i></p>	<p>By recognizing that the completion of an environmental justice strategic plan and environmental justice assessment satisfies the requirements of EO 12898, agencies can streamline their efforts and ensure compliance with the order's provisions which in turn:</p> <ul style="list-style-type: none"> ● Promotes efficiency and clarity, allowing agencies to focus on implementing effective environmental justice initiatives rather than duplicating efforts to meet separate requirements. ● Reinforces the importance of integrating environmental justice considerations into agency practices and decision-making processes.

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(f) The Environmental Justice Scorecard established under section 223(d) of Executive Order 14008 shall address agency progress toward achieving the goals outlined in this order and shall include, among other items, a section on agencies' Environmental Justice Strategic Plans and Environmental Justice Assessments.</i></p>	<p>EO 14008 requires in Sec. 220 (d) that the environmental justice IAC develop clear performance metrics to ensure accountability and publish an annual public performance scorecard on its implementation, and that the IAC do so by consulting with the White House Environmental Justice Advisory Council. The scorecard would provide a method for evaluation and accountability to assess progress on the agency's progress in addressing current and historic environmental injustice.</p> <p>The WHEJAC has already provided recommendations on the EJ Scorecard that include agency-specific metrics that should be a point of reference.</p>
<p><i>(g) The Chair of CEQ may request additional periodic reports, information, or evaluations on environmental justice issues from agencies.</i></p>	<p>The public has currently come to expect periodic updates that are easy to find, visually accessible, and easy to understand. CEQ should work with all agencies and their respective web designers to create a page on each agency site that showcases these periodic updates. The public should not have to wait until the formal reports or strategic plans are due to understand the steps agencies are taking to address environmental justice.</p> <p>The updates help agencies showcase their efforts by educating the public about the wide range of activities conducted by each agency and the benefit to communities from progress.</p>

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(h) Independent regulatory agencies are strongly encouraged to comply with the provisions of this order and to provide a notice to the Chair of CEQ of their intention to do so. The Chair of CEQ shall make such notices publicly available and maintain a list online of such agencies.</i></p>	<p>EO 14096 strongly encourages independent regulatory agencies to comply with this order, however as far as we are aware, none have come forward.</p> <p>The Federal Energy Regulatory Commission, the TVA, the Consumer Product Safety Commission, Federal Housing Finance Agency, Interstate Commerce Commission, Mine Enforcement Safety and Health Review Commission, National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, etc. should comply with the EO or at the very least they should publicly commit to actively integrating environmental justice into their existing plans and to allow pathways for affected communities to have input on improvements.</p> <p>For example, the TVA regulates the energy rates, has one of the two largest proposed build outs in the country and so much more; however, while EO 14096 as written does not apply to independent agencies in the same way as IAC agencies, it is critical for entities such as TVA to also abide by EO 14096.</p>

Examples of Agency-Specific Practices

CEQ

CEQ released guidance to agencies in October 2023 through their Strategic Planning to Advance Environmental Justice Under Executive Order 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All, which includes a template for agencies.³

CEQ's EJ Strategic Plan Template encourages agencies to:

- Set clear goals and identify strategies to make real, meaningful progress for communities in the short- and long-term.
- Seek public input and provide opportunities for meaningful involvement, engagement, and Tribal consultation in the course of developing environmental justice strategic plans.
- Collaborate with other agencies and integrate core environmental justice goals with other planning processes, including overall agency-wide strategic plans, to promote harmonization and efficiency.

3. https://www.whitehouse.gov/wp-content/uploads/2023/11/Strategic-Planning-to-Advance-Environmental-Justice_final-Oct.-2023.pdf; see page 4.

- Identify quantifiable performance metrics and priority actions that can be tracked to help reach the agency’s environmental justice objectives.

Additionally, as referenced in Section II.A.5.d of the Strategic Planning to Advance Environmental Justice template, which CEQ issued in the fall of 2023: Where possible, [agencies] should strive to develop metrics that are outcome-oriented and assess progress (e.g., reduced pollution, increased environmental restoration, improved public health, etc.), rather than rely only on output measures (e.g., number of staff, grants or services provided, etc.).⁴

As an agency develops metrics to assess its own specific goals or objectives, it should bear in mind the cross-agency metrics used in the EJ Scorecard. Phase One of the EJ Scorecard tracked the federal government’s efforts to secure environmental justice, with metrics on the Justice40 Initiative, environmental and civil rights protection, centering environmental justice in decision-making, and institutionalizing environmental justice within the federal government. The agency is encouraged to complement and supplement those metrics with appropriate agency-specific metrics, particularly those that help assess outcomes. An agency should also exchange ideas with other agencies about the process for identifying and developing metrics, including steps for collecting relevant data. Through these collaborative efforts, more agencies should be able to collect robust, outcome-oriented data that will improve transparency and accountability for environmental justice across the federal government. Over time, the metrics that individual agencies identify in their environmental justice strategic plans will help inform the cross-agency metrics used in future versions of the EJ Scorecard.

EPA’s *FY 2022–2026 Strategic Plan* includes a full-agency approach to environmental justice.⁵

Recommendations for Implementation

Connect environmental justice strategic plans to the WHEJAC EJ Scorecard recommendations.

- Ensure that the strategic plans reference and incorporate these metrics for effective measurement of progress.
- Encourage measurement of interagency benchmark and outcome achievements jointly to best model the goal of a whole-government approach.

Emphasize that the environmental justice strategic plan should be integrated into the overall agency plans, involving investment from every bureau, service, or component of an agency.

Emphasize (through implementation and practice) that the EO applies across the entire agency and is not limited to an environmental justice office (even within a specific agency), nor allocated solely to agency-specific “environmental justice staff,” and should be integrated into all agency activities.

Make strategic plan metrics easily accessible and understandable to the public.

Publish clear objectives, goals, outcomes (and assessment of progress) online with a tracker that agencies can update regularly, allowing the public to track progress annually (at minimum).

4. [Strategic Planning to Advance Environmental Justice](#), page 9.

5. <https://www.epa.gov/system/files/documents/2022-03/fy-2022-2026-epa-strategic-plan.pdf/>.

Ensure comprehensive and ongoing meaningful engagement of communities in the development of strategic plans through a public process.

Involve communities in the planning, development, and implementation strategies of each respective agency's environmental justice strategic plan by actively and authentically seeking and including their input. This can be achieved through public comment processes, for example.

Promote transparency by making all research, analysis, and assessments related to environmental justice performance publicly available.

Avoid obscuring key data from public view through aggregation or summarization. Provide detailed and granular information about environmental justice burdens, opportunities, and agency performance, including quantifying and qualifying benefits provided to disadvantaged communities under each specific agency (and program) subject to the EO.

5. Research, Data Collection and Analysis to Advance Environmental Justice

EO Table

<i>Executive Order 14096 Language</i>	<i>WHEJAC Analysis</i>
(a) To address the need for a coordinated Federal strategy to identify and address gaps in science, data, and research related to environmental justice, the Director of the Office of Science and Technology Policy (OSTP) shall establish an Environmental Justice Subcommittee of the National Science and Technology Council (Environmental Justice Subcommittee).	The WHEJAC would like to affirm the critical importance of a coordinated federal strategy to improve the collection and access of science, data, and research related to environmental justice.
(i) The Director of OSTP, in consultation with the Chair of CEQ, shall designate at least two co-chairs of the Environmental Justice Subcommittee and may designate additional co-chairs as appropriate. The membership of the Subcommittee shall consist of representatives of agencies invited by the Director, in consultation with the Chair of CEQ.	The individuals selected for co-chairs of the Environmental Justice Subcommittee should be vetted and assessed for qualifications reflecting a robust background/experience in environmental justice. WHEJAC members can be consulted for feedback regarding the qualifications for the co-chairs.
(ii) The Environmental Justice Subcommittee and the Interagency Council described in section 7 of this order shall hold an annual summit on the connection of science, data, and research with policy and action on environmental justice.	WHEJAC members should also be invited to both inform and attend the annual summit.
(iii) The Environmental Justice Subcommittee shall prepare, and update biennially, an Environmental Justice Science, Data, and Research Plan (Research Plan) to:	<p>Accountability criteria is critical to ensure there are common key areas for reporting to ensure that environmental justice is effectively and holistically integrated into all federal activities and is not isolated.</p> <p>Preparation for the biennial report should include engagement with communities with environmental justice concerns (e.g., opportunities for feedback and input) and should have metrics specific to each agency but reflecting the universal definition of environmental justice as well as cumulative impacts. Having members from communities with environmental justice concerns to inform the Environmental Justice Subcommittee's Science, Data, and Research Plan ensures that the plan is grounded in the lived experiences and unique perspectives of those most affected by environmental injustices, leading to more effective and targeted solutions.</p>

<i>Executive Order 14096 Language</i>	<i>WHEJAC Analysis</i>
<p>(A) analyze any gaps and inadequacies in data collection and scientific research related to environmental justice, with a focus on gaps and inadequacies that may affect agencies' ability to advance environmental justice, including through the Environmental Justice Strategic Plans required under section 4 of this order;</p>	<p>Agencies must publicly share gaps and inadequacies in environmental justice data collection and research. All research, analysis, and assessments related to environmental justice performance must be publicly available at a granular level, not obscured through aggregation.</p> <p>This granular reporting applies to the assessment of benefits provided to disadvantaged communities under J40. Each agency must quantitatively and qualitatively report on the benefits reaching disadvantaged communities for each specific J40 program, not just in aggregate. This is essential for understanding whether individual programs are meeting the 40 percent target and improving agency accountability and practices.</p> <p>When assessing J40 program outcomes, the results of smaller programs must not be overshadowed by aggregating with larger programs. The successes and failures of individual programs contain crucial lessons to aid in improving agency performance.</p>
<p>(B) identify opportunities for agencies to coordinate with the research efforts of State, Tribal, territorial, and local governments; academic institutions; communities; the private sector; the nonprofit sector; and other relevant actors to accelerate the development of data, research, and techniques — including consideration of Indigenous Knowledge — to address gaps and inadequacies in data collection and scientific research that may affect agencies' ability to advance environmental justice;</p>	<p>In the research section, consider making explicit that populations with environmental justice concerns might include populations based on geographically defined communities as well as on the basis of sex, LGBTQ status, and categorizations such as Black maternal health.</p>
<p>(C) provide recommendations to agencies on the development and use of science, data, and research to support environmental justice policy and the agency responsibilities outlined in section 3 of this order;</p>	<p>Consistent with recommendation Section 6(d) below, in conjunction with EPA, develop a public process to develop recommendations, including on the use of TRI to advance environmental justice.</p> <p>The research plan should provide recommendations for agencies to use data to provide information to stakeholders about trends in exposures to communities and what this means for communities. Analysis should support recommendations for policies and practices by agencies within their authorities to advance environmental justice.</p>

<i>Executive Order 14096 Language</i>	WHEJAC Analysis
(D) provide recommendations to the Chair of CEQ on data sources to include in the Climate and Economic Justice Screening Tool established pursuant to section 222(a) of Executive Order 14008;	No further recommendations (WHEJAC provided recommendations to CEQ on the Climate Economic Justice Screening Tool on December 21, 2023).
(E) provide recommendations to agencies on ethical standards, privacy protections, and other requirements for the development and use of science, data, and research addressed in the Research Plan, including recommendations with respect to engaging in consultation with and obtaining consent of Tribal Nations; and	<p>To promote transparency and provide access to information for communities, ensure that the information collected is not subject to the protections afforded confidential business information; in other words, that the process is consistent with ethical principles for the collection and use of data.</p> <p>To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a), each federal agency must collect, maintain, and analyze information assessing and comparing environmental and human health risks of populations identified by race, national origin, Tribal membership, or income, to the maximum extent possible and consistent with the highest standard of ethics, disaggregated by ethnicity and subpopulations.</p> <p>To the extent practical and appropriate, federal agencies must use this information to determine whether their programs, policies, and activities have disproportionate adverse human health or environmental effects on populations of color, Tribal and Indigenous populations, and low-income populations.</p> <p>The WHEJAC strongly endorses engaging in consultation and obtaining consent of Tribal Nations in the collection and analysis of data.</p>

<i>Executive Order 14096 Language</i>	WHEJAC Analysis
<p>(F) provide recommendations to agencies on:</p> <p>(1) encouraging participatory science, such as research or data collection undertaken by communities or the public, and, as appropriate, integrating such science into agency decision-making processes;</p> <p>(2) taking steps to ensure or encourage, as appropriate, that collections of data related to environmental justice include data from the Territories and possessions of the United States;</p> <p>(3) improving the public accessibility of research and information produced or distributed by the Federal Government, including through the use of machine-readable formats, where appropriate;</p> <p>(4) disaggregating environmental risk, exposure, and health data by race, national origin, income, socioeconomic status, age, sex, disability, and other readily accessible and appropriate categories;</p> <p>(5) identifying and addressing data collection challenges related to patterns of historical or ongoing racial discrimination and bias;</p> <p>(6) analyzing cumulative impacts (including risks) from multiple sources, pollutants or chemicals, and exposure pathways, and accounting for non-chemical stressors and current and anticipated climate change;</p> <p>(7) in collaboration with Tribal Nations, as appropriate, collecting, maintaining, and analyzing information on consumption patterns of fish, wildlife, and plants related to subsistence and cultural practices of Tribal and Indigenous populations;</p> <p>(8) providing opportunities for meaningful engagement for communities with environmental justice concerns on the development and design of data collection and research strategies relevant to those communities; and</p> <p>(9) implementing sections 3-3 and 4-4 of Executive Order 12898 in an efficient and effective manner.</p>	<p>The listed recommendations in this clause should also be reflected in the criteria for the biennial report.</p>

<i>Executive Order 14096 Language</i>	WHEJAC Analysis
<p>(b) Consistent with sections 3-3 and 4-4 of Executive Order 12898, each agency shall take appropriate steps, considering the recommendations of the Environmental Justice Subcommittee, to promote the development of research and data related to environmental justice, including enhancing the collection of data, supporting the creation of tools to improve the consideration of environmental justice in decision-making, providing analyses of cumulative impacts and risks, and promoting science needed to inform decisions that advance environmental justice.</p>	<p>Each agency must follow EO 12898 by taking necessary actions, as advised by the Environmental Justice Subcommittee, to advance research and data on environmental justice. This includes improving data collection, creating tools for better decision-making, analyzing cumulative impacts and risks, and supporting science that informs environmental justice decisions.</p>
<p>(c) When conducting research and data collection in furtherance of the directives in this order and Executive Order 12898, agencies shall comply with applicable regulations and directives, including those related to standards of ethics for the protection of human subjects, such as those set forth in Executive Order 12975 of October 3, 1995 (Protection of Human Research Subjects and Creation of National Bioethics Advisory Commission), and the Presidential Memorandum of January 27, 2021 (Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking).</p>	<p>No additional elaboration/interpretation of this clause.</p>

Examples of Agency-Specific Practices

EPA

EPA has defined “cumulative impacts” through their Cumulative Impact Assessment as follows:

Cumulative Impact Assessment is defined as a process of evaluating both quantitative and qualitative data representing cumulative impacts to inform a decision. Cumulative impact assessment requires a systematic approach to characterize the combined effects from exposures to both chemical and non-chemical stressors over time across the affected population group or community. It evaluates how stressors from the built, natural, and social environments affect groups of people in both positive and negative ways. The posited elements of a cumulative impact assessment include community role throughout the assessment, such as identifying problems and potential intervention decision points to improve community health and well-being; combined impacts across multiple chemical and non-chemical stressors; multiple sources of stressors from the built, natural, and social environments; multiple exposure pathways across media; community vulnerability, sensitivity, adaptability, and resilience; exposures to stressors in the relevant past and future, especially during vulnerable life stages; distribution of environmental burdens and benefits; individual variability and behaviors; health and well-being benefits/mitigating factors; uncertainty and variability associated with the data and information; and an approach for how to integrate data and information to assess cumulative impacts.

The U.S. ED OCR

OCR conducts a survey called the CRDC which gathers information on various aspects of educational equity and civil rights in public schools across the country.

School districts are required to report data on a wide range of topics, including enrollment, discipline, student access to courses and programs, teacher qualifications, and school climate. The data collection covers key areas such as student demographics, equal access to educational resources, discipline practices and disparities, and the provision of services for students with disabilities and English language learners.

School districts submit the data electronically to the OCR on an annual basis. The OCR then analyzes the data to identify any disparities or potential civil rights issues in education. This data plays a crucial role in informing policy development, monitoring compliance with civil rights laws, and guiding efforts to promote educational equity and address disparities in K–12 schools across the United States.

The OCR uses the data collected through the CRDC to address disparities in K–12 schools in several ways:

- **Identifying disparities:** The OCR analyzes the data to identify disparities or inequities in areas such as student enrollment, discipline, access to educational resources, and services for students with disabilities or English language learners. By identifying these disparities, the OCR can pinpoint areas where inequities exist.
- **Monitoring compliance:** The data collected helps the OCR monitor compliance with civil rights laws, such as Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, and Section 504 of the Rehabilitation Act of 1973. It allows the OCR to assess whether schools are providing equal educational opportunities and services to all students, regardless of race, color, national origin, sex, or disability.

- **Guiding policy development:** The data informs policy development initiatives aimed at addressing disparities and promoting educational equity. It helps policymakers identify areas where interventions are needed to ensure all students have equal access to quality education.
- **Targeted enforcement actions:** When the OCR identifies significant disparities or violations of civil rights laws, it can initiate targeted enforcement actions. This may involve conducting investigations, negotiating resolutions with schools or districts, and taking corrective actions to address the identified disparities.

California Environmental Protection Agency (CalEPA) EnviroScreen

EnviroScreen is an environmental justice screening tool developed by the CalEPA that assesses and identifies communities in California that are disproportionately burdened by multiple sources of pollution and environmental hazards. It was created to address the environmental and health disparities faced by disadvantaged communities in the state.

The goal of EnviroScreen is to provide a comprehensive and objective analysis of environmental and socioeconomic factors that contribute to environmental inequality. It combines various datasets and indicators to create a score that reflects the cumulative impact of pollution and other stressors on communities. The tool considers factors such as air and water quality, exposure to hazardous substances, socioeconomic vulnerability, and public health indicators.

The scoring system used in EnviroScreen ranges from 1 to 100, with higher scores indicating higher levels of environmental burden and vulnerability. The tool generates a map that highlights areas with the highest scores, which are considered the most disadvantaged and heavily impacted communities. These communities are often characterized by higher rates of poverty, minority populations, and limited access to resources and opportunities.

EnviroScreen is widely used by government agencies, policymakers, community organizations, and researchers in California to prioritize resources and interventions for environmental justice initiatives. It helps identify areas where targeted investments and measures are needed to reduce environmental disparities and improve the overall well-being of affected communities.

Recommendations for Implementation

Accountability criteria for the White House Environmental Justice Subcommittee.

Community engagement

- The subcommittee should establish a comprehensive community engagement process that actively seeks input and feedback from communities with environmental justice concerns.
- The engagement process should include multiple opportunities for meaningful participation, such as public hearings, town hall meetings, and online platforms, to ensure representation of diverse perspectives.
- The subcommittee should document and demonstrate how community input has been incorporated into the research plan.

Inclusive membership

- The subcommittee should include members who represent and have direct ties to communities with environmental concerns.
- Members should be selected based on their expertise, knowledge, and lived experiences related to environmental justice issues.
- The subcommittee should ensure diverse representation, considering factors such as race, ethnicity, socioeconomic status, gender, age, and geographic location.

Universal definition of environmental justice

- The research plan should include metrics and indicators that reflect the universal definition of environmental justice as well as reference metrics outlined in the EJ Scorecard.
- Metrics should encompass key elements of environmental justice, such as equal protection from environmental hazards, fair access to environmental decision-making processes, and equitable distribution of environmental benefits and burdens.
- The subcommittee should establish clear guidelines for agencies to adhere to when developing agency-specific metrics, ensuring consistency with the universal definition of environmental justice.

Cumulative impacts

- The research plan should incorporate an assessment of cumulative impacts, considering the combined effects of multiple environmental stressors on disadvantaged communities.
- Metrics and research methodologies should account for the compounding effects of pollution, socioeconomic factors, and other stressors on vulnerable populations.
- The subcommittee should collaborate with relevant agencies and experts to develop standardized approaches for assessing cumulative impacts.

Grounded in lived experiences

- The research plan should be informed by the lived experiences and unique perspectives of those most affected by environmental injustices.
- The subcommittee should actively engage with community members, organizations, and grassroots movements to understand the on-the-ground realities and challenges faced by impacted communities.
- The research plan should include qualitative research methods, such as interviews, focus groups, and case studies, to capture the narratives and experiences of affected individuals.

Effective and targeted solutions

- The research plan should focus on identifying effective and targeted solutions to address environmental injustices.
- The subcommittee should prioritize research that highlights best practices, innovative approaches, and successful interventions for reducing disparities and promoting environmental justice.
- The research plan should outline strategies for translating research findings into actionable policies, programs, and initiatives to achieve meaningful change.

Biennial reporting and updates

- The subcommittee should adhere to a biennial reporting schedule and ensure timely updates of the research plan.
- Reporting should include comprehensive documentation of progress made, challenges encountered, and lessons learned in implementing the research plan.
- Updates should reflect changes in environmental justice priorities, emerging issues, and advancements in scientific understanding.

Reference WHEJAC's EJ Scorecard recommendations to inform research data metrics.

The EJ Scorecard recommendations provide a systematic and standardized approach to assessing environmental justice issues.⁶ They offer a framework for evaluating the environmental burdens and vulnerabilities faced by different communities, allowing for consistent and comparable analysis across various regions and demographics. This consistency is crucial in identifying patterns, disparities, and areas of greatest need, enabling targeted interventions and resource allocation. Additionally, referencing the scorecard recommendations demonstrates a commitment to transparency, accountability, and community engagement and can serve as a benchmark for progress and a means to track the effectiveness of policies and initiatives.

6. <https://www.epa.gov/system/files/documents/2024-01/whejac-recommendations-on-the-environmental-justice-scorecard.pdf/>.

6. Community Notification on Toxic Chemical Releases: Improving Accessibility and Transparency in Agency Reports and Toxic Release Inventory (TRI) Data

EO Table

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(a) Each agency shall report in accordance with sections 301 through 313 of EPCRA after considering applicable EPA guidance and without regard to the Standard Industrial Classification or North American Industry Classification System delineations.</i></p>	<p>Agency reports should be accessible to the public upon notification via web-based platforms (user friendly, language access, etc.).</p> <p>EPA should consider the need to lower the thresholds for reporting and notification required under section 304 (a) of Emergency Planning and Community Right-to-Know Act (EPCRA) and data collection required related to TRI.</p> <p>This section should also include the EPA Risk Management Program (RMP) rule⁷ under the Clean Air Act (CAA).</p>
<p><i>(b) No later than 6 weeks following a release requiring notification by an agency under section 304(a) of EPCRA, the notifying agency shall hold a public meeting providing the information required under section 304(b)(2) of EPCRA, including information on the nature of the release, known or anticipated health risks, and the proper precautions to take as a result. The agency shall provide notice of a public meeting no later than 72 hours after a release.</i></p>	<p>Public meetings and notifications shall be in consultation with local governments, Tribes and community-based organizations to determine the best form of communication and time and location of public meeting for the local community.</p>
<p><i>(c) The Administrator of EPA shall evaluate available legal authorities and consider any additional steps it may require or encourage non-Federal facilities that report releases under EPCRA to undertake in connection with the report.</i></p>	<p>No additional elaboration/interpretation of this clause.</p>

7. <https://www.epa.gov/rmp/>.

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(d) The Administrator of EPA shall provide the Environmental Justice Subcommittee established by section 5 of this order with an annual report on trends in data in the Toxic Release Inventory established by section 313 of EPCRA to inform the development of the Research Plan required under section 5(a)(iii) of this order.</i></p>	<p>EPA should assess and consider expanding the data sources that should be used for the TRI.</p> <p>The report on trends of data in the TRI should also analyze concentrations given multiple facilities, sources, and toxins by geographic location (states, counties, cities, zip codes). Furthermore, move from focusing only on single source and single toxin analysis to using data to inform analysis of cumulative impacts.</p> <p>EPA should consider whether emissions data takes into account actual emissions from wind patterns, startup, shutdown, accidents, etc. and determine if there are data gaps on the releases.</p> <p>EPA should use data other than or in addition to self-reported data such as National Emission Standards for Hazardous Air Pollutants (NESHAP),⁸ New Source Performance Standards (NSPS) (40 CFR Part 60), NESHAP (40 CFR Part 61), and Maximum Achievable Control Technology (MACT) (40 CFR Part 63).</p> <p>Analyze whether there are racial and income-based disparities in exposure to air releases nationwide (and by region) as well as any trends over time in such disparities in addition to overall trends in emissions (that is, whether overall emissions are increasing or decreasing year-over-year). Disparities over time (on an annual basis) should be compared to baseline data from 1992 to evaluate trends.</p> <p>EPA, in coordination with the Environmental Justice Subcommittee (see section 5(a)(iii)(D)), shall develop a public process to inform the development of its annual reporting on trends in data in the TRI that includes multiple public meetings and a public comment process. EPA should solicit input/public engagement, as well as input from other agencies on data and analysis that should be incorporated in TRI related to environmental justice, consistent with section 313 of TRI.</p>

8. <https://www.epa.gov/compliance/clean-air-act-national-stack-testing-guidance/>.

Examples of Agency-Specific Practices

South Coast Air Quality Management District (AQMD)

The South Coast AQMD conducts multiple Air Toxic Emissions Studies to assess and manage the air quality in the region.⁹ These studies involve analyzing emissions data from various sources, including the TRI, to understand the potential health risks associated with air pollution.

The TRI is a publicly available database maintained by the EPA. It provides information on the release and transfer of toxic chemicals from industrial facilities across the country. The South Coast AQMD utilizes this database to gather data specific to the region it oversees, which includes parts of southern California.

By analyzing TRI data, the South Coast AQMD can identify the types and quantities of toxic chemicals released by facilities in the region. This information is crucial for assessing potential health risks to the local population. The agency combines TRI data with other relevant data sources, such as meteorological data and air monitoring data, to develop comprehensive health risk assessments.

U.S. EPA Remedial Investigation Fieldwork at Arkwright Dump Site in Spartanburg, SC

EPA announced in August 2000 that remedial investigation fieldwork had begun at the Arkwright Dump site in Spartanburg, South Carolina. Samples of soil, groundwater, surface water, and sediment were collected to investigate the nature and extent of contamination at the site. Field work was expected to be concluded by the end of August 2000.

In November of 1999, EPA entered into an agreement with the city of Spartanburg. Under this agreement, the city would perform a phased study of environmental contamination at the Arkwright Dump site in Spartanburg. According to the terms of the agreement, called an Administrative Order by Consent, the city of Spartanburg agreed to conduct a remedial investigation (RI) followed by a feasibility study (FS), which would develop alternatives for addressing the problems posed by the site. The RI/FS was estimated to take another six to nine months to complete. Once the RI/FS was complete, EPA planned to select a cleanup plan from among those considered in the feasibility study. In February 1998, a local citizen informed the EPA that the Arkwright Dump site as a toxic and contaminated site. The site was a landfill that had been formerly owned and operated by the city. Operations were closed in 1972.

Example of community involvement and engagement

More than two decades ago, a resident of Spartanburg, South Carolina, noticed a concerning trend of cancer and respiratory issues among his friends and family. He suspected that high levels of toxins and pollutants in the environment were responsible for these health problems. Spartanburg, once a textile mill town, was left with a 30-acre dumpsite and smaller sites leaking toxins into the air and water, predominantly affecting the African American communities of Arkwright and Forest Park. In response, a local environmental justice nonprofit organization was established in 1997 to address environmental hazards. With support from an EPA environmental justice grant, the nonprofit embarked on a 17-year project to clean up contaminated sites, create affordable housing units, establish job training programs, and invest in community and health centers.¹⁰

9. <https://www.aqmd.gov/home/rules-compliance/compliance/annual-emission-reporting/>.

10. <https://www.americanprogress.org/article/communities-color-bear-brunt-trumps-anti-environmental-agenda/>.

Recommendations for Implementation

Improve accessibility and transparency in agency reports and TRI data.

- Make agency reports publicly accessible through user-friendly web platforms with language access.
- Lower reporting thresholds and expand data collection for the TRI, including the EPA Risk Management Program rule.
- Conduct public meetings and notifications in consultation with local governments, Tribes, and community-based organizations to ensure effective communication.
- Enhance the TRI by expanding data sources, analyzing cumulative impacts, and considering actual emissions from various sources.
- Develop a public process for annual reporting on TRI trends, including multiple public meetings, a public comment process, and input from other agencies and stakeholders on environmental justice considerations.

7. White House Environmental Justice IAC: Improving Accessibility and Transparency in Agency Reports and Toxic Release Inventory (TRI) Data

EO Table

Executive Order 14096 Language	WHEJAC Analysis
<p><i>Sec. 7. White House Environmental Justice Interagency Council. (a) Section 1-102(b) of Executive Order 12898, as amended by section 220(a) of Executive Order 14008, and further amended by section 4(b) of Executive Order 14082, creating the White House Environmental Justice Interagency Council, is amended to read as follows:</i></p> <p><i>(b) Membership. The Interagency Council shall consist of the following additional members:</i></p> <p><i>(i) the Secretary of State; (ii) the Secretary of Defense; (iii) the Attorney General; (iv) the Secretary of the Interior; (v) the Secretary of Agriculture; (vi) the Secretary of Commerce; (vii) the Secretary of Labor; (viii) the Secretary of Health and Human Services; (ix) the Secretary of Housing and Urban Development; (x) the Secretary of Transportation; (xi) the Secretary of Energy; (xii) the Secretary of Veterans Affairs; (xiii) the Secretary of Homeland Security; (xiv) the Administrator of the Environmental Protection Agency; (xv) the Director of the Office of Management and Budget; (xvi) the Chair of the Council of Economic Advisers; (xvii) the Administrator of General Services; (xviii) the Executive Director of the Federal Permitting Improvement Steering Council; (xix) the Director of the Office of Science and Technology Policy; (xx) the Assistant to the President and National Climate Advisor; (xxi) the Assistant to the President for Domestic Policy; (xxii) the Assistant to the President for Economic Policy; (xxiii) the Executive Director of the White House Gender Policy Council; (xxiv) the Senior Advisor to the President for Clean Energy Innovation and Implementation; and (xxv) other relevant agency heads as determined by the Chair of CEQ.</i></p>	<p>Include membership of IAC, ED, and Department of Treasury.</p> <p>All agencies covered under the EO should be members of the IAC, including smaller agencies.</p> <p>In order for the IAC to be effective and to ensure agencies have sufficient direction, each agency should delegate the role of representation to its most senior available official in the absence of the principle. In addition to the highest available official there should be a second member who is a career staff member and can hold institutional memory.</p>

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(b) Section 1-102(d) of Executive Order 12898, as amended by section 220(a) of Executive Order 14008, is further amended by adding the following sentence at the end: “The Interagency Council shall support and facilitate interagency collaboration on programs and activities related to environmental justice, including the development of materials for environmental justice training to build the capacity of Federal employees to advance environmental justice and to increase the meaningful participation of individuals from communities with environmental justice concerns in Federal activities.”</i></p>	<p>The programs and activities should review the impacts on environmental justice communities and provide the President with recommendations on legislative, regulatory, or policy options to advance environmental justice through the NEPA review process.</p> <p>Additionally, the programs should review compliance with civil rights laws, including Title VI, Section 504, and the ADA, by federally funded programs affecting human health or the environment. Recommendations should address improving the coordination and effectiveness of laws prohibiting discriminatory practices.</p> <p>The programs should also review Environmental Appeals Board decisions to ensure environmental justice is considered to the maximum extent possible and provide the President with recommendations.</p> <p>The IAC should develop an environmental justice training curriculum, facilitated by a reputable, established environmental justice institution, to build federal employee capacity and address internal bias. This curriculum should be reviewed and approved by the WHEJAC, and all agency environmental justice officers must participate every three years.</p>

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(c) Section 1-102(g) of Executive Order 12898, as amended by section 220(a) of Executive Order 14008, is amended to read as follows: “Officers. The head of each agency on the Interagency Council shall designate an Environmental Justice Officer within the agency with the authority to represent the agency on the Interagency Council and with the responsibility for leading agency planning and implementation of the agency’s Environmental Justice Strategic Plan, coordinating with CEQ and other agencies, and performing such other duties related to advancing environmental justice as the head of the agency deems appropriate.”</i></p>	<p>The environmental justice officer should include in the implementation coordination state, Tribal, and local governments, and multiple environmental justice community-based stakeholders to support holistic, place-based, and community-driven programmatic initiatives. The IAC will provide the final guidance on how multiple agencies will design and implement such initiatives based on a systematic set of policies, programs, staff, resources and tools. These, in turn, will create favorable conditions for building and ensuring healthy, culturally vibrant, sustainable, and resilient communities through such holistic, place-based, and community-driven programmatic initiatives. This will include maximizing the use of Justice 40 resources, where practicable. The IAC will consider and incorporate lessons learned from past collaborative efforts in the design and implementation of these initiatives.</p> <p>The environmental justice officer should be responsible for integrating the environmental justice strategic plan, the equity strategic plan and the whole agency plan to ensure environmental justice is woven throughout all agencies. Environmental justice should not be a siloed activity; it must reflect a whole-of-government approach.</p>
<p><i>(d) Section 1-102 of Executive Order 12898, as amended by section 220(a) of Executive Order 14008, is further amended by adding the following at the end:</i></p> <p><i>(h) Memorandum of Understanding. The Interagency Council shall adopt a Memorandum of Understanding among its members that sets forth the objectives, structure, and planned operations of the Interagency Council.</i></p>	<p>The Memorandum of Understanding (MOU) should include the final EO 14096 guidance in its entirety.</p> <p>All agencies that are covered by the EO should be required to sign an MOU and undergo training to understand all definitions and expectations.</p>

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(i) Public meetings. In coordination with the White House Environmental Justice Advisory Council, the Interagency Council shall hold at least one public meeting per year. The Interagency Council shall prepare, for public review, a summary of the comments and recommendations discussed at public meetings of the Interagency Council.</i></p>	<p>The meeting that the IAC holds each year should be independent of the WHEJAC.</p> <p>Environmental justice officers from each agency should attend every annual meeting.</p> <p>The WHEJAC should be invited to every IAC annual meeting.</p> <p>There should be a central location for every agency to post their upcoming public hearings and to post resources (separate pages) that are hosted by the White House.</p>
<p><i>(j) Clearinghouse. The Administrator of EPA, in coordination with the Interagency Council, shall, no later than March 31, 2024, establish a public, internet-based, whole-of-government clearinghouse composed of culturally and linguistically appropriate and accessible materials related to environmental justice, including:</i></p> <p><i>(i) information describing the activities of the members of the Interagency Council to address issues relating to environmental justice;</i></p> <p><i>(ii) information on technical assistance, tools, and resources to assist communities with environmental justice concerns in building capacity for public participation;</i></p> <p><i>(iii) copies of training materials developed by the Interagency Council or its members to help individuals and employees understand and carry out environmental justice activities; and</i></p> <p><i>(iv) any other information deemed appropriate by the Administrator, in coordination with the Interagency Council."</i></p>	<p>The clearinghouse should have more of a presence on the CEQ/White House website and EPA should consult with IAC members and other agencies to continuously collect materials for the clearinghouse, perhaps through an ongoing IAC committee.</p>
<p><i>(e) Section 5-5(a) of Executive Order 12898 is amended to read as follows: "The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Interagency Council."</i></p>	<p>Agencies need to respond to such recommendations as to action taken, not taken, or pending.</p>

Recommendations for Implementation

The environmental justice officer should be responsible for integrating the environmental justice strategic plan, the equity strategic plan, and the whole agency plan to ensure environmental justice is woven throughout all agencies. Environmental justice should not be a siloed activity; it must be a prioritized and coordinated whole-of-agency undertaking for each agency, supporting a whole-of-government approach across all agencies.

Individuals employed by agencies who are assigned to participate in the IAC should possess a background in environmental justice, ensuring that at least two representatives, including a career professional and/or political appointee, have decision-making authority and receive ongoing training to institutionalize environmental knowledge within the council.

All agencies that are covered by the EO should be required to sign an MOU and undergo training to understand all definitions and expectations.

8. White House Office of Environmental Justice: Building a Fully Staffed and Collaborative Environmental Justice Office

EO Table

<i>Executive Order 14096 Language</i>	<i>WHEJAC Analysis</i>
<i>(a) The White House Office of Environmental Justice is hereby established within CEQ.</i>	The WHEJAC has no recommendation for this clause.
<i>(b) The Office shall be headed by a Federal Chief Environmental Justice Officer, who shall be appointed by the President. The Federal Chief Environmental Justice Officer shall advance environmental justice initiatives, including by coordinating the development of policies, programs, and partnerships to achieve the policies set forth in this order; identifying opportunities for collaboration and coordination with State, Tribal, territorial, and local governments; supporting the Interagency Council; and advising the Chair of CEQ and the Interagency Council on environmental justice matters.</i>	<p>Ensure the OEJ is adequately resourced and has ample staffing to be able to help other agencies in their respective environmental justice development.</p> <p>We want to affirm the significance of this office to protect the rights of all Americans. Environmental justice should not live in an isolated part of just one agency; this office must play its part to ensure the weaving of environmental justice throughout all of government.</p>
<i>(c) The heads of all agencies shall cooperate with the Federal Chief Environmental Justice Officer and provide such information, support, and assistance as the Federal Chief Environmental Justice Officer may request, as appropriate.</i>	It should be made public which agencies cooperate and do not cooperate with the Federal Chief Environmental Justice Officer as well as a rationale in instances where there is no cooperation. Additionally, more nuanced specificity is needed to better understand what cooperation entails from each respective agency.

Examples of Agency-Specific Practices

EPA Office of Environmental Justice (OED) is a specialized office within the EPA that focuses on addressing environmental justice issues and promoting equitable environmental outcomes for all communities, particularly those disproportionately impacted by pollution and environmental hazards.

The primary mission of the OEJ is to ensure that no group of people, regardless of their race, color, national origin, or income, bears a disproportionate burden of environmental pollution or hazards and to promote meaningful involvement in environmental decision-making processes.

The OEJ works toward achieving environmental justice through several key activities.

Policy development and implementation

The OEJ plays a crucial role in developing and implementing policies that advance environmental justice goals. This includes providing guidance to EPA programs and regional offices to integrate environmental justice considerations into their activities and decision-making processes.

Stakeholder engagement

The OEJ actively engages with communities, environmental justice organizations, and other stakeholders to understand their concerns and perspectives. It facilitates dialogue, collaboration, and partnerships to address environmental justice challenges effectively.

Capacity building and technical assistance

The OEJ provides technical assistance, training, and resources to communities and organizations working on environmental justice issues. This support helps build their capacity to understand and address environmental challenges, navigate regulatory processes, and promote sustainable and equitable solutions.

Grant programs

The OEJ manages grant programs that provide funding to support community-driven projects addressing environmental justice concerns. These grants enable communities to implement solutions, conduct research, and build partnerships to improve their environmental conditions.

Data and research

The OEJ collects and analyzes data to identify environmental disparities and inform policy decisions. It conducts research and collaborates with partners to enhance understanding of the relationship between environmental factors, public health, and social equity.

Collaboration with other agencies

The OEJ works collaboratively with other federal agencies, state and local governments, Tribal nations, and community organizations to foster a coordinated and comprehensive approach to environmental justice.

Recommendations on Implementation**Build a fully staffed, non-siloed environmental justice office.**

Ensure the Office of Environmental Justice is adequately resourced and has ample staffing to be able to help other agencies in their respective environmental justice development. Additionally, ensure that those staff members have a robust history and experience working with environmental justice communities and/or environmental justice issues.

Execute the fullest power to garner full cooperation with the CEQ Federal Chief Environmental Justice Officer.

To ensure transparency and accountability, it is recommended that the public be informed about the agencies that cooperate or do not cooperate with the Federal Chief Environmental Justice Officer, along with an explanation of the rationale for non-cooperation, while also establishing clearer guidelines to define the scope of "cooperation" from each agency.

9. Guidance: Create Opportunities for Meaningful Community Feedback on Interim Guidance

EO Table

Executive Order 14096 Language	WHEJAC Analysis
<p><i>Within 6 months of the date of this order, the Chair of CEQ shall issue interim guidance, in consultation with the Interagency Council, to inform agency implementation of this order, and shall request recommendations on the guidance from the White House Environmental Justice Advisory Council established by Executive Order 14008 (Advisory Council). To reduce redundancy and streamline reporting obligations, the interim guidance shall identify ways for agencies to align other related efforts, such as obligations that agencies may have under Executive Order 13985 and Executive Order 14008. Within 18 months of the date of this order, the Chair of CEQ shall issue final guidance after considering any recommendations of the Advisory Council. The Chair of CEQ may revise any guidance, or issue additional guidance under this order, as appropriate, and shall consider any additional recommendations made by the Advisory Council in issuing or revising guidance under this section.</i></p>	<p>Feedback on the interim guidance should be presented in a public WHEJAC meeting and should also be open for review and input from the general public through public comment.</p>

Examples of Agency-Specific Practices

U.S. Environmental Protection Agency Lead & Copper Rule Revisions

On August 4, 2022, EPA released Guidance for Developing and Maintaining a Service Line Inventory to support water systems with their efforts to develop inventories and to provide states with needed information for oversight and reporting to EPA.¹¹ The guidance provides essential information to help water systems comply with the Lead and Copper Rule Revisions requirement to prepare and maintain an inventory of service line materials by October 16, 2024. Specifically, EPA's Lead Service Line Inventory guidance:

- Provides best practices for inventory development and communicating information to the public.
- Includes a template for water systems, states, and Tribes to use or adapt to create their own inventory.
- Contains case studies on developing, reviewing, and communicating about inventories.

11. https://www.epa.gov/system/files/documents/2022-08/Inventory%20Guidance_August%202022_508%20compliant.pdf/.

- Highlights the importance of prioritizing inventory development in disadvantaged communities and where children live and play.

Recommendations on Implementation

Create opportunities for meaningful community feedback on interim guidance.

Feedback on the interim guidance should be presented in a public WHEJAC meeting to ensure transparency and accountability, and further suggests that the guidance be open for review and input from the general public through a public comment process.

10. Reports to the President: Prioritizing Comprehensive Recommendations for Environmental Justice

EO Table

Executive Order 14096 Language	WHEJAC Analysis
<p><i>Within 1 year of the date for the submission of agency Environmental Justice Strategic Plans to the Chair of CEQ under section 4(a) of this order, the Chair shall, after consultation with the Interagency Council and after considering recommendations from the Advisory Council, submit to the President a report that describes the implementation of this order, includes each agency's Environmental Justice Strategic Plan, provides recommendations for additional steps to advance environmental justice, and, beginning with the second report, also provides any insights gathered from each agency's Environmental Justice Assessment required under section 4(d) of this order.</i></p>	<p>This report to the President should include recommendations for legislation, as well as regulations and policy options within the authorities of agencies to advance environmental justice including by addressing environmental health disparities, assessing cumulative impacts, and increasing economic opportunities and promoting the development of thriving communities.</p>

Agency-Specific Examples

Executive Order 14096 reflects aspects of the A. Donald McEachin Environmental Justice for All Act (EJAA).¹² Based on the actual content of EO 14096 and the A. Donald McEachin EJAA, here are general similarities between the two:

Focus on environmental justice

Both EO 14096 and the A. Donald McEachin EJAA prioritizes environmental justice, aiming to address the disproportionate impact of pollution and environmental hazards on marginalized communities.

Promoting equitable access

Both the EO and the bill seek to promote equitable access to clean air, water, and a healthy environment for all communities, regardless of race, color, national origin, or income.

Community involvement

Both the EO and the bill emphasize the importance of community involvement in environmental decision-making, ensuring that affected communities have a meaningful say in the development and implementation of environmental policies.

Guidelines for federal agencies

EO 14096 establishes guidelines for federal agencies to consider environmental justice in their decision-making processes. The A. Donald McEachin EJAA includes provisions to ensure federal agencies prioritize environmental justice in their policies and regulations.

12. <https://www.congress.gov/bill/118th-congress/senate-bill/919/text/>.

Addressing vulnerable populations

Both the EO and the bill aim to address the impact of environmental policies on vulnerable populations, including low-income communities, communities of color, and indigenous communities.

Advancing environmental justice principles

Both the EO and the bill aim to advance environmental justice principles, including the fair treatment and meaningful involvement of all people in the development, implementation, and enforcement of environmental laws, regulations, and policies.

Recommendations for Implementation**Prioritize comprehensive recommendations for legislation, regulations, and policy options that advance environmental justice.**

These recommendations should encompass strategies to address environmental health disparities, evaluate cumulative impacts, and foster economic opportunities while promoting the development of thriving communities reflective of all federal agencies.

Consider legislative proposals that strengthen existing environmental justice laws and introduce new legislation to effectively address the root causes of environmental injustice, reduce disparities in environmental health outcomes, and ensure equitable access to clean air, water, and land for all communities.

Emphasize the need for regulatory and policy options within agency authorities that prioritize environmental justice.

These options should include robust mechanisms for assessing cumulative impacts, integrating environmental justice considerations into decision-making processes, and promoting economic opportunities that uplift disproportionately burdened communities, ultimately fostering the development of resilient and thriving communities.

11. Provisions: Funding Allocation and Incentives for EO 14096 Adoption

EO Table

Executive Order 14096 Language	WHEJAC Analysis
<p><i>(a) Nothing in this order shall be construed to impair or otherwise affect:</i></p> <p><i>(i) the authority granted by law to an executive department or agency, or the head thereof; or</i></p> <p><i>(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.</i></p> <p><i>(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.</i></p> <p><i>(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.</i></p>	<p>While this EO doesn't limit the authority of executive departments or agencies or the director of the OMB as it must be carried out according to existing laws and available funding, it is the desire that all federal agencies will fully adopt all aspects of EO 14096 with fidelity.</p>

Recommendations for Implementation

Funding allocation

Since the EO must be carried out "according to existing laws and available funding," it will be critical to allocate sufficient budgetary resources to all federal agencies to enable them to fully adopt the requirements of EO 14096. This may require additional appropriations or reprogramming of funds as needed.

EO adoption incentives

Consider implementing positive incentives, such as recognition programs or performance-based awards, to encourage and reward federal agencies that demonstrate exemplary adoption and execution of EO 14096. Conversely, establish corrective actions for agencies that fail to comply.

Appendix A. White House Environmental Justice Advisory Council Members

- Richard Moore, Los Jardines Institute, WHEJAC Co-Chair
- Peggy Shepard, WEAJAC for Environmental Justice, WHEJAC Co-Chair
- Carletta Tilousi, Havasupai, WHEJAC Vice-Chair
- Catherine Coleman Flowers, Center for Rural Enterprise and Environmental Justice, WHEJAC Vice-Chair
- Angelo Logan, East Yard Communities for Environmental Justice
- Rachel Morello-Frosch, PhD, University of California-Berkeley
- Viola Waghiyi, Alaska Community Action on Toxics
- Miya Yoshitani, Asian Pacific Environmental Network
- Kim Havey, Sustology
- Kyle Whyte, PhD, Esq., University of Michigan
- Tom Cormons, Esq., Appalachian Voices
- LaTricea Adams, Young, Gifted and Green
- Harold Mitchell, ReGenesis
- Beverly Wright, PhD, Deep South Center for Environmental Justice
- Susana Almanza, People Organized in Defense of Earth and Her Resources
- Jade Begay, EJ Agency
- Robert Bullard, PhD, Esq., Texas Southern University
- Juan Parras, Texas Environmental Justice Advocacy Services
- Maria Belen Power, Commonwealth of Massachusetts
- Jerome Foster II, Waic Up
- Maria López-Núñez, Ironbound Community Corporation
- Michele Roberts, Environmental Justice and Health Alliance for Chemical Policy Reform
- Nicky Sheats, PhD, Esq., Kean University
- Lloyd Dean, CommonSpirit Health
- Anita Cunningham, North Carolina Disaster Response Network
- Jamaji C. Nwanaji-Enwerem, MD PhD, MPP, University of Pennsylvania
- Joanne Perodin, The Climate Leadership Engagement Opportunities Institute
- Michael Walton, Energy Transition Finance
- Tye Baker, Environmental Protection Service, Choctaw Nation
- Carlos Evans, Office of Environmental Quality and Sustainability, City of Dallas
- Igalius Mills, International Farmers and Ranchers
- Susan Hendershot, Interfaith Power and Light
- Harleen Kaur Marwah, MD, Children's Hospital of Philadelphia
- Donele Wilkins, Green Door Initiative
- Tanner Yess, Groundwork Ohio River Valley
- Ruth Santiago Esq., Comité Dialogo Ambiental