

Council on Environmental Quality and EPA Take Action to Advance the Administration’s Environmental Justice Goals



February 28, 2022 | **CLIENT ALERTS**

In his first weeks in office, President Biden established his “Justice 40” initiative in which he promised to prioritize 40% of federal funds for climate and clean energy initiatives for underserved communities and communities that are overburdened by pollution. The Council on Environmental Quality (CEQ) and the EPA have now taken key steps toward achieving these ambitious environmental justice goals.

On February 18, the CEQ launched a beta version of its Climate and Economic Justice Screening Tool, which will be used to determine where federal dollars available under the Infrastructure and Jobs Act that was signed into law in November 2021 can be invested to bring clean energy and infrastructure to disadvantaged communities. The tool is a web-based software program that will be used to map and identify communities most in need of investment by

using census track data and identifying communities as disadvantaged based on income and multiple other indicators, including, for example, local asthma rates, traffic, proximity to hazardous waste or wastewater discharge sites, and unemployment. CEQ will issue a Request for Information in the Federal Register on February 23 and solicit public feedback on its screening tool for the next 60 days. More information on providing feedback can be found here: <https://www.federalregister.gov/d/2022-03920>

Also on February 18, the EPA launched improvements to its EJScreen. EJScreen is a mapping and screening tool that can pinpoint disadvantaged communities suffering from legacy environmental pollution, guide federal agencies' environmental rulemaking, and help assess whether agencies' decisions adequately consider environmental impacts on particular disadvantaged communities and populations, including Indian tribes and indigenous communities. The changes to the tool include new data showing communities with gaps in food availability, medical services, and broadband internet; updates to health inequity data drawing on Centers for Disease Control data and showing metrics on life expectancy, asthma, and heart disease, a new environmental indicator on underground storage tanks; and new drought and wildfire data.

These steps by the CEQ and the EPA clearly reinforce the Biden Administration's stated commitments to environmental justice and will have significant effects on investments in, and the location, development, and regulation of, efforts to provide clean water, air, and energy to disadvantaged communities and populations. For example, CEQ's new screening tool can help investors and developers identify and work with communities on infrastructure projects that qualify for federal money under the Infrastructure and Jobs Act. The EPA's revised screening tool, on the other hand, signals increased environmental review and regulation of proposed infrastructure projects to ensure that all potential environmental harms associated with the projects are adequately considered, including any disproportionate effects on disadvantaged communities in which, or proximate to where, projects may be located.

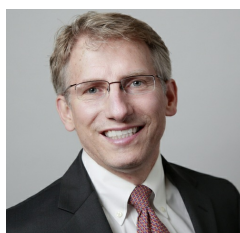
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