



At a Glance

Why We Did This Review

The U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), evaluated how the EPA incorporates environmental justice (EJ) into its rulemaking activities. EJ is the fair treatment and meaningful involvement of all people with respect to developing, implementing and enforcing environmental laws, regulations and policies. The OIG specifically examined the EPA's actions in accordance with Plan EJ 2014 to determine (1) why the EPA has not finalized the *Action Development Process: Interim Guidance on Considering Environmental Justice During the Development of an Action* (the *EJ in Rulemaking Guide*), (2) the extent to which the EPA has adhered to the interim guidance and can show measurable results, and (3) the impact upon the rulemaking process as a result of the guidance not being finalized. During our review, the EPA finalized the *EJ in Rulemaking Guide*.

This report addresses the following EPA goal or cross-agency strategy:

- Working to make a visible difference in communities.

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The full report is at: www.epa.gov/oig/reports/2015/20150903-15-P-0274.pdf

EPA Can Increase Impact of Environmental Justice on Agency Rulemaking by Meeting Commitments and Measuring Adherence to Guidance

What We Found

The EPA was 3 years behind schedule in issuing the final *EJ in Rulemaking Guide*. According to EPA's Plan EJ 2014, the *EJ in Rulemaking Guide* was to have been finalized and released by the end of 2011. However, the document was not finalized until May 29, 2015. Also, the draft *EJ Technical Guidance*—planned to be a technical complement to the *EJ in Rulemaking Guide*—is not projected to be final until 2016. According to the EPA, delays in finalizing the guides were due to efforts to address extensive comments received during the internal agency review process.

Continued delays in issuing or finalizing EJ guidance limits the EPA's ability to broadly and consistently consider EJ during the rulemaking process, potentially impacting susceptible populations at high risk of suffering effects of environmental hazards.

Use of the *EJ in Rulemaking Guide* is voluntary and it is not consistently used during the rulemaking process, so its impact is uneven across the agency. The EPA does not currently have an agencywide process for assessing the extent to which the *EJ in Rulemaking Guide* is applied. We found that the draft *EJ Technical Guidance* is not being used at all.

Without measures and controls that assess when and how the EJ guidance is used in rulemaking, the EPA limits its ability to encourage broad, consistent use throughout the agency and to evaluate the guides' impact on rulemaking.

Recommendations and Planned Corrective Actions

We recommend that the Associate Administrator for the Office of Policy implement a process to measure use of the guides, keep the EPA Administrator informed if delays occur in issuing the *EJ Technical Guidance*, and provide training on using the *EJ Technical Guidance*. We recommend that the Assistant Administrator for Chemical Safety and Pollution Prevention provide training on using the *EJ in Rulemaking Guide*.

The agency concurred with the recommendations and provided acceptable corrective actions with planned completion dates. All recommendations are considered resolved.