

Environmental Justice & USTs

EJ & Climate Change: Framing Underground Storage Tank Issues in a
Social and Environmental Justice Context

What is Environmental Justice?

Equality



Assumption: Everyone benefits from the same supports.

Equity



Everyone gets the support they need but reasons for inequity are not addressed.

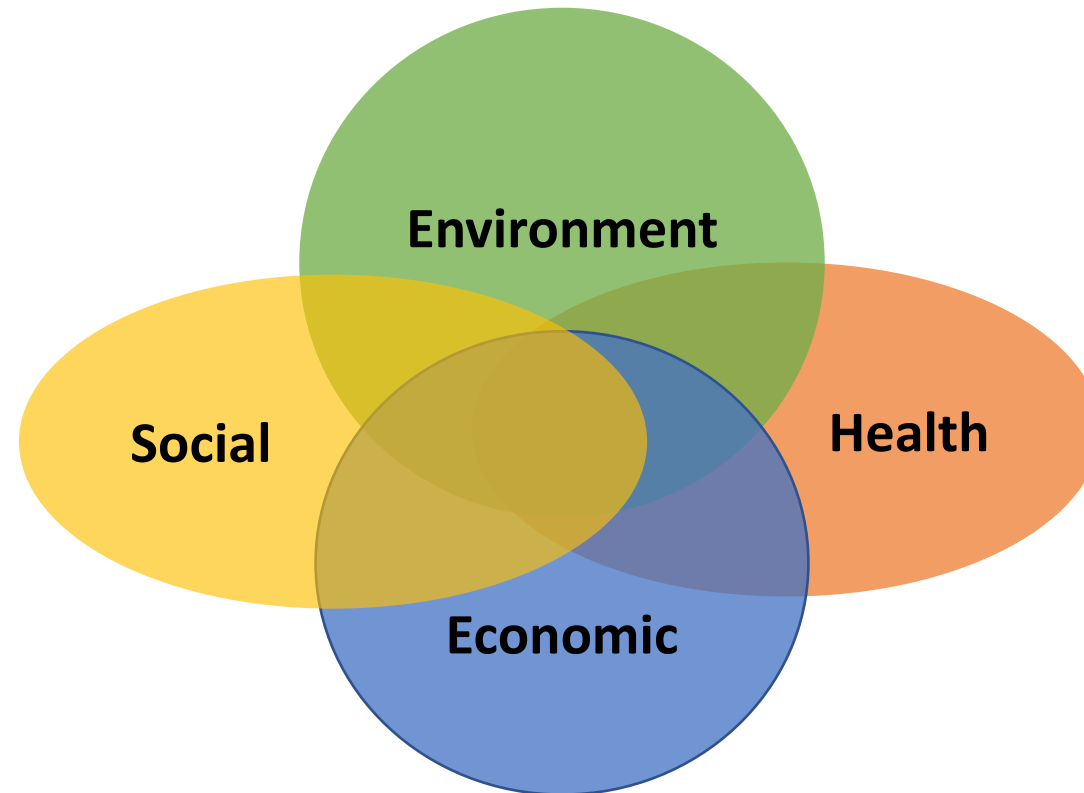
Justice



The cause of the inequity was addressed. The systemic barrier removed.

EPA's Definition of Environmental Justice

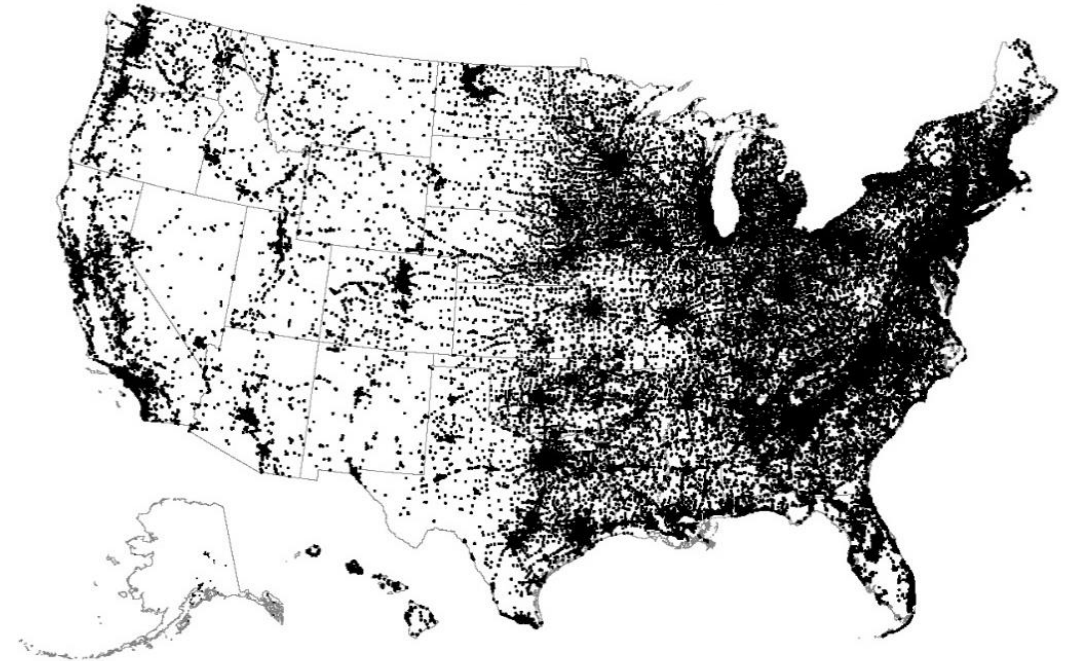
EPA defines “environmental justice” as the **fair treatment** and **meaningful involvement** of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.



EJ and USTs

While there is no single way to characterize communities located near our sites, the population living near our UST facilities and LUST sites is more minority, low income, linguistically isolated, and less likely to have a high school education than the US population as a whole.

USTs are located across the country, in nearly every community



Prioritizing EJ

- Consistent with Administration direction and priorities, OUST is making [environmental justice](#) (EJ) a priority and we expect regions and states to work to integrate environmental justice considerations into their overall programs and programmatic decisions.
- Additionally, as a covered program (cleanup only), OUST is working to support the goals of the Justice40 Initiative, established by [Executive Order 14008 Tackling the Climate Crisis at Home and Abroad](#)

Prioritizing Environmental Justice

- Consistent with Administration direction and goals, OUST expects state UST and LUST programs to make EJ a priority
 - Specific programmatic actions will vary by state and will depend on state authorities and resource constraints
 - States may have their own definitions of EJ or methods for defining areas with EJ concerns
- OUST created a list of potential ideas for programmatic adjustments for states to consider when integrating EJ into UST and LUST programs – “Menu of options”
- To improve our understanding of EJ in the tanks program and inform next steps, OUST conducted an EJ pilot project with a state and Indian country focus

OUST EJ Pilot Project

Aug 2021 – Feb 2022

Goals

- Analyze universe of UST facilities and LUST releases
- Identify options for potential programmatic adjustments to advance EJ in state UST/LUST programs and UST/LUST program in Indian country

Results

- Participating states and regions submitted EJ action plans; programs began implementation of proposed adjustments to incorporate EJ considerations
- OUST incorporated findings into OUST EJ Implementation Guidance (March 2022)

OUST EJ Implementation Guidance

- Outlines expectations for OUST, regions and states to support EJ-related activities for national tanks program
 - Note: Grant recipients are required to integrate EJ considerations into programmatic decisions, details of which are included in individual grants
- Reference for regions to guide conversations and workplan development with grant recipients
 - Provides list of ideas for programs to consider when integrating EJ; “Menu of options” informed by pilot project
 - Clarifies Justice40 reporting requirement for additional locational data

Examples of Programmatic Adjustments

- Consider foundation building activities:
 - Collaborate with EJ contacts and engage with communities
 - Analyze universe of UST facilities and LUST releases using EJ criteria to identify sites in areas with EJ concerns
- Focus efforts in areas with EJ concerns by:
 - Providing additional compliance assistance
 - Targeting inspections of facilities with history of non-compliance
 - Prioritizing enforcement efforts
- Incorporate EJ considerations into:
 - LUST prioritization / risk ranking scheme
 - Development of state-specific projects (e.g., defueling project in areas with EJ concerns)

Justice40

- Government-wide initiative stating that 40% of the overall benefits of covered federal programs must flow to disadvantaged communities, as defined by the White House.
 - Covers a broad range of factors including climate change, economic justice, and environmental justice and uses them to identify “disadvantaged communities”
- OUST identified LUST cleanups completed at the benefit for the program
 - Note: the LUST cleanup program is part of Justice40, prevention program is not
- To support the initiative, states are reporting the location information of each LUST cleanup completed during the regular semiannual reporting in LUST4.
- OUST will perform analysis with interim definition of “disadvantaged” – defined by the [Climate and Economic Justice Screening Tool \(CEJST\)](#). We will determine what percent of cleanups were completed in disadvantaged communities out of all cleanups completed.

Justice40 Reporting—Mid-Year FY22 trial run

- OUST requested locational information for MY22 reporting period
 - 28 states reported locational data for cleanups completed

29.5% of cleanups completed were in disadvantaged communities

- Important notes:
 - Sample from 28 states, does not account for all cleanups completed in MY22
 - “Disadvantaged communities” defined by beta version of CEJST
 - We look forward to seeing EOY22 data with locations from all reporting states and territories. This is a requirement going forward.

Next Steps

- Update UST Finder with EJScreen data
- Regions to provide OUST a summary on what EJ integration activities states committed to in their grants, along with progress reports moving forward
- OUST will support regions and states with training on EJ tools and integrating EJ considerations
- End-of year LUST4 reporting: states and territories will report locations of cleanups completed during during the second half of 2022 federal fiscal year.

Definitions

Overview of EJ Indices in EPA EJScreen 2.1

Environmental Indicators

Air toxics respiratory hazard index

Air toxics cancer risk

Diesel particulate matter

Ozone

PM 2.5

Traffic proximity and volume

Lead paint

UST / LUST

Hazardous waste

RMP facility proximity

Superfund proximity

Wastewater discharge

Standard Demographic Index

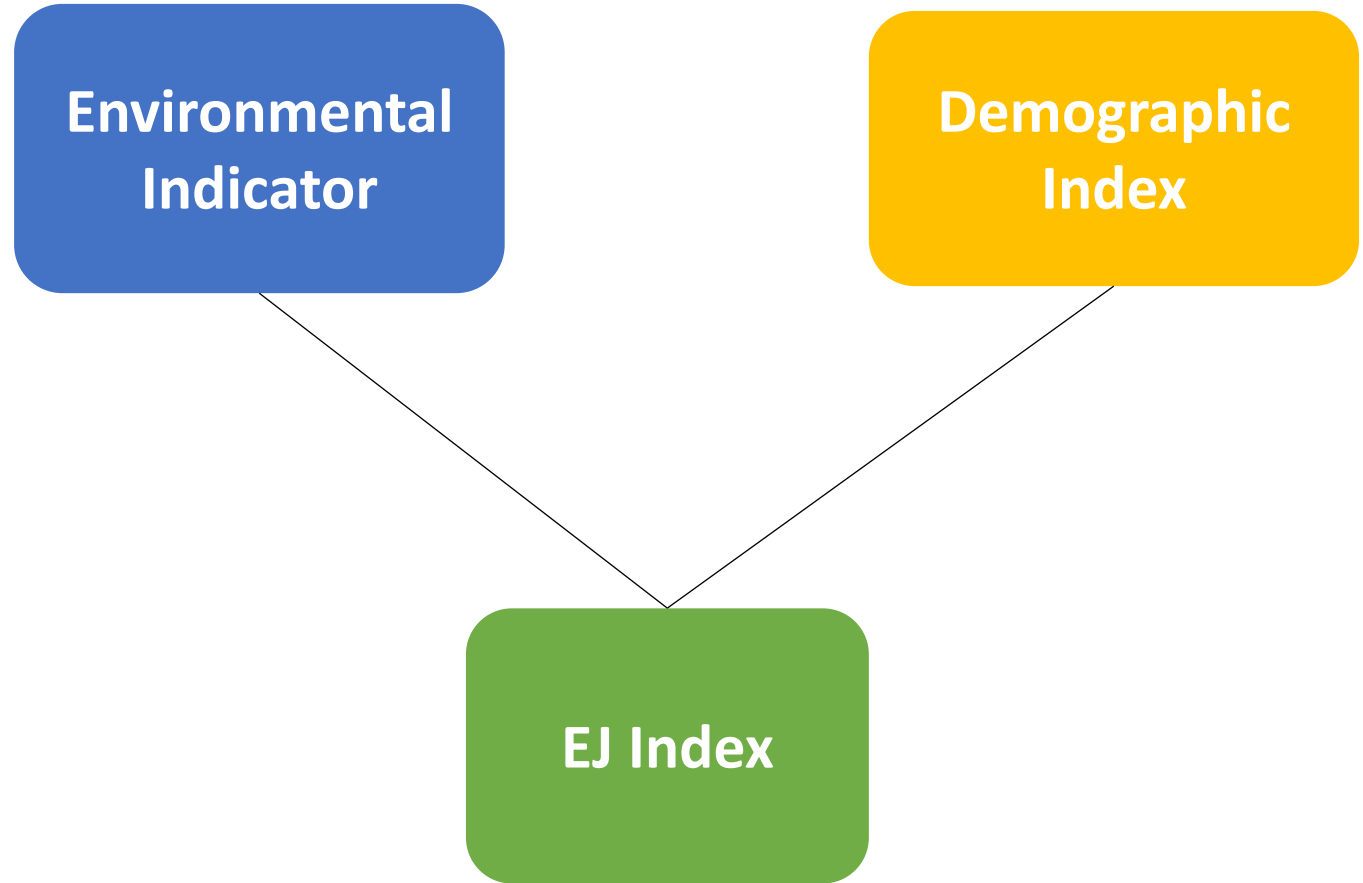
people of color
& low-income

Supplemental Demographic Index

low-income,
life expectancy,
linguistic isolation,
less than high school education,
& unemployment

EJ Indices

help identify areas that may have **higher pollution burdens** and **vulnerable populations** present



Areas with EJ concerns

Areas that typically suffer from a concentration of multiple environmental, public health, and social stressors that render the community more vulnerable

Specific definitions vary

- Ex: EPA programs use 1 or more of the 12 EJScreen EJ Indices is at or above the 80th percentile as an initial screening level. Further investigation and refinement may be necessary.

For More Information: Check out EPA's [EJScreen Videos](#)

- EJScreen overview
- EJScreen uses
- How to interpret an EJScreen Standard Report
- EJScreen tutorials
 - Basic features
 - Add map features
 - Generating reports

Disadvantaged (term used for Justice40)

- Defined by the Council of Environmental Quality's [Climate and Economic Justice Screening Tool \(CEJST\)](#)
- [Interim Justice40 Guidance – EO14008](#) (2021) highlights a combination of variables that may include, but are not limited to:
 - Low income, high and/or persistent poverty
 - High unemployment and underemployment
 - Racial and ethnic residential segregation
 - Linguistic isolation
 - High housing cost burden and substandard housing
 - High transportation cost burden and/or low transportation access
 - Disproportionate environmental stressor burden and high cumulative impacts
 - Limited water and sanitation access and affordability
 - Disproportionate impacts from climate change
 - High energy cost burden and low energy access
 - Jobs lost through the energy transition
 - Access to healthcare