



Highlights of [GAO-07-1140T](#), a testimony before the Subcommittee on Superfund and Environmental Health, Committee on Environment and Public Works, United States Senate

Why GAO Did This Study

A 1994 Executive Order sought to ensure that minority and low-income populations are not subjected to disproportionately high levels of environmental risk. Studies have shown that these groups are indeed disproportionately exposed to air pollution and other environmental and health problems. The Order sought to address the problem by requiring EPA and other federal agencies to make achieving environmental justice part of their missions.

In July 2005, GAO issued a report entitled, *Environmental Justice: EPA Should Devote More Attention to Environmental Justice When Developing Clean Air Rules* (GAO-05-289). Focusing on three specific rules for detailed study, the report identified a number of weaknesses in EPA's approach to ensuring that environmental justice is considered from the early stages of rule development through their issuance. The report made several recommendations, to which EPA replied in an August 24, 2006 letter. GAO also met recently with cognizant EPA staff to obtain updated information on the agency's responses to these recommendations.

In this testimony, GAO (1) summarizes the key findings of its 2005 report, (2) outlines its recommendations to EPA and EPA's August 2006 responses, and (3) provides updated information on subsequent EPA actions.

www.gao.gov/cgi-bin/getrpt?GAO-07-1140T.

To view the full product, including the scope and methodology, click on the link above. For more information, contact John Stephenson at (202) 512-3841 or Stephensonj@gao.gov

ENVIRONMENTAL JUSTICE

Measurable Benchmarks Needed to Gauge EPA Progress in Correcting Past Problems

What GAO Found

EPA generally devoted little attention to environmental justice when drafting three significant clean air rules between fiscal years 2000 and 2004. GAO's 2005 report concluded, for example, that while EPA guidance on rulemaking states that workgroups should consider environmental justice early in the process, a lack of guidance and training for workgroup members on how to identify potential environmental justice impacts limited their ability to analyze such issues. Similarly, while EPA considered environmental justice to varying degrees in the final stages of the rulemaking process, in general the agency rarely provided a clear rationale for its decisions on environmental justice-related matters. For example, in responding to comments during the final phase of one of the rules, EPA asserted that the rule would not have any disproportionate impacts on low-income or minority communities, but did not publish any data or the agency's assumptions in support of that conclusion.

Among its recommendations, GAO called on EPA to ensure that its rulemaking workgroups devote attention to environmental justice while drafting and finalizing clean air rules. EPA's August 2006 letter responded that it had made its Office of Environmental Justice an *ex officio* member of the Regulatory Steering Committee so that it would be aware of important regulations under development and participate in workgroups as necessary. GAO also recommended that EPA improve the way environmental justice impacts are addressed in its economic reviews by identifying the data and developing the modeling techniques needed to assess such impacts. EPA responded that its Office of Air and Radiation was examining ways to improve its air models so it could better account for the socioeconomic variables identified in the Executive Order. GAO also recommended that cognizant EPA officials respond more fully to public comments on environmental justice by better explaining their rationale and by providing the supporting data for the agency's decisions. EPA responded that it would re-emphasize the need to respond fully to public comments, include the rationale for its regulatory approach, and describe its supporting data.

Recent discussions between GAO and EPA officials suggest that some progress has been made to incorporate environmental justice concerns in the agency's air rulemaking, but that significant challenges remain. For example, while the Office of Environmental Justice may be an *ex officio* member of the Regulatory Steering Committee, it has not participated directly in any air rules that have been proposed or finalized since EPA's August 2006 letter to GAO. Also, according to EPA staff, some of the training courses that were planned have not yet been developed due to staff turnover among other reasons. When asked about GAO's recommendation that cognizant officials respond more fully to public comments on environmental justice, the EPA officials cited a recent rulemaking in which this was done. But the officials said they were unaware of any memoranda or revised guidance that would encourage more global progress on this key issue.