



# Principles for Addressing Environmental Justice Concerns in Air Permitting

John Mooney

U.S. Environmental Protection Agency

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# Background and Development Approach

- Workgroup formed in July 2021 to develop an interim operating framework that provides practical recommendations for analyzing and addressing EJ in air permitting actions
- Considered EPA, Tribal, state, and local roles in CAA permitting
  - State & local agencies issue majority of CAA permits
  - CAA permits include construction and operating permits for major and minor sources
- EPA has been actively soliciting feedback from large variety of stakeholders in 2023
- Designed to promote consistency in EPA's EJ approach to air permitting

# Principles for Addressing EJ Concerns in Air Permitting

- [Principles for Addressing Environmental Justice Concerns in Air Permitting](#) (Dec 22, 2022)
- Eight guiding principles
- Supports regions to take immediate action to address EJ concerns as part of EPA's implementation of air permitting programs
- Encourages regions to share the principles with Tribal, state, and local partners and to work proactively and collaboratively with those partners to facilitate consideration and application of these principles in their air permitting actions.
- Encourages examining all relevant statutory and regulatory authorities, including discretionary authorities to address or mitigate identified air quality impacts to the extent feasible. References *EPA Legal Tools to Advance Environmental Justice*.
- Addresses Title VI requirements by referencing *Interim Environmental Justice and Civil Rights in Permitting Frequently Asked Questions* ("FAQ")

# Principles for Addressing EJ Concerns in Air Permitting

1. Identify communities with potential environmental justice concerns
2. Engage early in the permitting process to promote meaningful participation and fair treatment
3. Enhance public involvement throughout the permitting process
4. Conduct a “fit for purpose” environmental justice analysis
5. Minimize and mitigate disproportionately high and adverse effects associated with the permit action to promote fair treatment
6. Provide federal support throughout the air permitting process
7. Enhance transparency throughout the air permitting process
8. Build capacity to enhance the consideration of environmental justice in the air permitting process

# Air Permitting-Related Environmental Justice Documents



[“EPA Legal Tools to Advance Environmental Justice”](#), May 2022

[“Interim Environmental Justice and Civil Rights in Permitting Frequently Asked Questions”](#), August 2022

[“EJ in Air Permitting: Principles for Addressing Environmental Justice Concerns in Air Permitting”](#), December 2022

[“EPA Legal Tools to Advance Environmental Justice: Cumulative Impacts Addendum”](#), January 2023

# EJ Principles in Air Permitting

1. Identify  
communities

2. Engage  
early

3. Enhance  
public  
involvement

4. Fit-for-  
purpose  
analysis

5. Minimize  
and mitigate

6. Provide  
federal  
support

7. Enhance  
transparency

8. Build  
capacity

# 1. Identify communities with potential EJ concerns

EPA regions and permitting authorities can use EJScreen or other suitable geographic information system and mapping tools and data to identify communities with potential environmental justice concerns to encourage proactive community engagement and promote the fair treatment and meaningful involvement of the affected community in air permitting actions. EJScreen and similar tools allow users to couple demographic indicators (e.g., low-income communities, communities of color, and Tribal/indigenous communities) with environmental indicators in order to conduct a screening of a community potentially disproportionately and adversely affected by environmental and human health harms or risks. There are additional environmental indicators in EJScreen that allow users to screen for whether communities affected by an air permitting action are already affected by other pollution sources and may be vulnerable based on age, unemployment, or linguistic isolation, among other nonpollution stressors. Finally, the use of screening tools may also inform permitting authorities of whether a permitting decision may raise possible issues of civil rights compliance, i.e., may have an adverse and disparate effect on the basis of race, color, or national origin (including LEP) See *FAQ #8*.



## 2. Engage early in the permitting process to promote meaningful participation and fair treatment

OAR encourages permitting authorities to identify those permitting actions that may have a disproportionately high and adverse effect on communities, including those with environmental justice concerns, **preferably before the permit application is submitted**. OAR also recommends that air permit applicants work with the permitting authority and affected community to provide opportunities for meaningful participation and fair treatment throughout the air permitting process. This practice creates the opportunity for the permitting authority, either independently or working with the permit applicant, to identify resources or any additional information that would **facilitate understanding of the potential effects of a permitting action** on the community and **promote fair treatment and meaningful participation** throughout the permitting process. Early engagement may also facilitate the early identification of siting alternatives, if appropriate, or mitigation measures that the applicant can take to address potential adverse and disproportionate effects of the permitting action. It is important for EPA and permitting authorities to **communicate throughout the permitting process** and to recognize and address concerns affecting the community. Similarly, it is important for the applicant and the permitting authority to meaningfully engage with the community in order to discuss and consider potential approaches to **addressing concerns before, during, and after the air permitting process**.



### 3. Enhance public involvement throughout the permitting process

When a permitting action may result in disproportionately high and adverse human health or environmental effects on a community, including one with environmental justice concerns, it is important that the permitting authority and permit applicant provide the affected community with meaningful opportunities to provide input into the decisions that will impact residents' lives. This could include, for example, training on how to make effective comments on permits; making the permit application, administrative record, and data easily and publicly available; notifying the public of the action through multiple communication methods (e.g., mail, online, social media, door-to-door, etc.); providing multiple methods for public comment (e.g. mail, online, voicemail); holding formal public hearings and informal public meetings in or near the community; providing translation and interpretive services where appropriate; providing more easily understandable support documents to supplement a statement of basis or other permit decision support documents; and other actions that may address barriers to meaningful participation and further encourage public engagement during the permitting process. ... *(continued)*

## 4. Conduct a “fit for purpose” environmental justice analysis

When a permitting action may result in disproportionately high and adverse human health or environmental effects on a community, including one with environmental justice concerns, permitting authorities are encouraged to **conduct an environmental justice analysis of appropriate scope** to inform the permitting decision.

An environmental justice analysis accomplishes two important policy objectives: (1) it addresses the principle of fair treatment by further evaluating adverse and disproportionate impacts and identifying ways to prevent or mitigate such impacts; and (2) it addresses the principle of meaningful involvement by fostering enhanced community engagement in the permitting decision. EPA recommends including the results of any analysis in the administrative record for the permit to transparently show whether and how the permit may adversely and disproportionately affect a community ...

## 5. Minimize and mitigate disproportionately high and adverse effects associated with the permit action to promote fair treatment

When a permitting action may result in disproportionately high and adverse human health or environmental effects on a community, including one with environmental justice concerns, permitting authorities can promote fair treatment by fully examining all relevant statutory and regulatory authorities, including discretionary authorities, to develop permit terms and conditions to address or mitigate identified air quality impacts to the extent feasible. Examples of potential legal discretion under existing authorities may be found in [EPA Legal Tools to Advance Environmental Justice](#). EPA and other air permitting authorities may also consider whether other federal, state, Tribal or local entities have authority that may be used to address or mitigate effects and engage with those entities, where feasible, to implement solutions.

## 6. Provide federal support throughout the air permitting process

When a permitting action by an EPA recipient may result in disproportionately high and adverse human health or environmental effects on a community, including one with environmental justice concerns, EPA will be available to collaborate with the permitting authority to provide technical support, guidance, and recommendations to address these effects on the community, including cumulative effects.

## 7. Enhance transparency throughout the air permitting process

It is important that permitting authorities provide transparency in decision making throughout the air permitting process with consideration of the specific needs of the community. The administrative record for the permitting action should be readily available in a format and location that is easily accessible to the affected community. We recommend clearly documenting the affected community's concerns and addressing those concerns to the extent possible. The permitting authority and applicant can consider ways to make compliance monitoring, test results, records, and reports required by the permit publicly available in a meaningful way that is understandable and readily accessible by the community. For more information and available resources

## 8. Build capacity to enhance the consideration of environmental justice in the air permitting process

EPA's capacity to confront environmental justice challenges will depend on a coordinated, long-term effort with our regulatory partners, stakeholders, and affected communities nationwide. EPA recognizes the importance of building the collective capacity of EPA, state, Tribal, and local co-regulators to promote the fair treatment and meaningful involvement of communities with environmental justice concerns in the air permitting process. OAR supports the development of EPA, state, local and Tribal capacity to identify and address these concerns through training, technical assistance, and outreach activities. Many permitting authorities have already developed effective tools to advance environmental justice. EPA supports peer-to-peer learning between our regulatory partners, stakeholders, and affected communities to identify best practices on how to address environmental justice concerns and collectively expand our positive impact in environmentally overburdened communities.

# Additional Tools

- [\*EPA Legal Tools to Advance Environmental Justice\*](#)
- [\*Interim Environmental Justice and Civil Rights in Permitting Frequently Asked Questions\*](#)