



ENVIRONMENTAL JUSTICE SURVEY REPORT

SEPTEMBER 2021



INTRODUCTION



Over the past 50 years, the Clean Air Act has delivered air quality benefits to Americans in communities across the country, but in recent years attention has been increasingly focused on the disproportionate harms historically caused by air pollution that have been borne by low-income communities, communities of color, and other vulnerable communities. The same communities that bore the greatest burden of harm decades ago continue to face the greatest public health threats from dirty air today. Environmental justice (EJ) aims to address the disproportionate harms from pollution that are experienced by these communities.

In 2020, the National Association of Clean Air Agencies (NACAA) revised its mission and values to help invigorate our efforts to address these more localized impacts and to help center EJ and equity in our activities. NACAA issued a statement and direction on racial justice to help guide our activities.¹ As part of this focus, in August 2021 NACAA surveyed its members to explore the issues, opportunities, constraints, and successes that state and local air agencies have experienced on EJ and equity in their air pollution prevention programs. The survey was distributed to all 155 NACAA members, with a response rate of nearly 30%. Respondents include agencies from every region of the country, including agencies of all sizes, and were evenly split between state agencies (22) and local agencies (23).

¹ https://www.4cleanair.org/event_meeting_notes/nacaa-statement-direction-for-racial-justice/

THE SURVEY



The survey included 33 questions, covering agency programs that target EJ outcomes, as well as concerns, barriers, growth areas, and successes. The following takeaways can be drawn from the responses.

Agencies are active on EJ. Nearly all 45 agencies that responded to the survey reported that they are already engaged in programs focused on improving protections for EJ communities. Of the respondents, 70% said that their agencies have a designated staff person to oversee the EJ components of their activities. This is consistent with a number of respondent's comments that agencies are integrating EJ into every aspect of their programs. A total of 80% of respondents collaborate with other units of state and local government on EJ; in some cases, the air agency is not the lead agency addressing impacted communities and, instead, partners with public health agencies, economic development agencies, energy offices, and consumer advocates.

But many are taking action without dedicated staff, budget, or policy support. For more than half of the respondents, EJ is not a specific budgeted item, although respondents are investing in staff, training, and EJ-focused programs. While almost all of the responding agencies are taking steps to address EJ, only 31% have a formal policy identifying and prioritizing specific action on EJ, while 33% report having implementation guidance that facilitates their inclusion of EJ in their air program activities. Among those who reported that they do not yet have a policy, 40% responded that they are currently developing a policy. This suggests that an opportunity exists for sharing best practices, so that agencies developing policies can benefit from the experiences of agencies that already have one.

Many agencies have procedures to identify and work with EJ communities. Only 26% of the agencies who responded to our survey do not have a mechanism for identifying EJ communities. Among survey respondents, 64% use mapping and facility proximity to assess or anticipate potential EJ issues. More than two thirds of responding agencies perform public outreach to raise awareness or share information about EJ and equity issues. About half the responding agencies provide support, training, or capacity-building to disproportionately affected communities. Over 75% involve trusted community institutions such as churches and community organizations as a matter of course in their actions.

But EJ is not always the determining factor in agency decisions. Half of the responding agencies give a role to EJ communities in creating or implementing policies. However, only 16% of responding agencies undertake mitigation programs targeting impacts in EJ communities and only 12% prohibit, constrain, or restrict projects as a matter of course when EJ issues are raised. Cumulative impacts from multiple projects and/or non-project effects (such as poverty and other stressors) can be considered by 38% of responding agencies; improving the ability to consider and understand these impacts has been identified as a way to taking action to reduce disproportionate burdens on communities that are affected by multiple stressors, facilities and pollution sources.

Diversity and inclusion at agencies is making a difference. Nearly three quarters of responding agencies encourage diversity in hiring, and about two thirds of respondents reported that they felt the level of diversity within their agency was not an impediment to their ability to implement EJ programs.

Agencies perceive benefits, but most do not measure them. Regarding the success of their equity and EJ programs, 60% of responding agencies reported that they believe their programs are making a visible/measurable difference; most of the remaining respondents were “unsure.” However, only 13% reported having success metrics against which to measure their efforts. Only 31% responded that they report on their EJ efforts and 25% have their EJ efforts evaluated externally. This suggests another opportunity for technical assistance and peer-to-peer information sharing on evaluating and reporting on the benefits and outcomes of these programs.

Funding and resources would especially help. In reporting what they think would be most helpful to advance their EJ efforts, 77% of respondents identified dedicated funding for staff and implementation. Two-thirds reported that improved monitoring, mapping, or other technology would facilitate greater progress, 61% reported that they felt that a better understanding of EJ communities and impacts in their jurisdictions was a key avenue for improving the success of their EJ efforts, and 60% thought a formal EJ policy would help. Only 43% of the respondents said that a lack of explicit legislative or regulatory authority was a barrier in this area, and only 20% said that greater emphasis from political leadership would help.

EJ efforts extend beyond air agencies' usual roles. EJ exists across a much larger domain than just air pollution regulation, but thanks to early leadership by state and local clean air agencies,² there are areas where the air agency is among the most visible points of interface in government for advancing EJ. Some agencies that responded to our survey reported that when they began taking on EJ activities, they also had to take on actions outside those traditionally within their purview and these then became elements of their programs. Examples include offering grants and incentives for programs and activities benefiting

² One of the pioneering environmental justice programs in the United States was established in 2017 under California's AB 617 law, which requires extensive involvement of environmental justice communities in the actions of California's state and local clean air agencies. This program has served as a model for numerous environmental justice programs subsequently established at the federal, state, and local level, giving clean air agencies a high profile in environmental justice.

Communities, involving communities in using sensors and screening monitors to gather air quality data, facilitating community involvement in broader state and local public health efforts, and becoming involved in issues like cleaner public transportation and land use issues.

NACAA can help - NACAA can help state and local air agencies advance their EJ efforts. Over 85% of respondents said facilitating the sharing of experiences and best practices amongst agencies to enable them to learn from one another would be helpful. Respondents called for technical assistance and peer-to-peer information sharing on evaluating and reporting on the benefits and outcomes of these programs. Other themes that emerged are advocating for EPA to include EJ considerations in their rules and actions; developing templates, sample policies and guidance, and other tools; and advocating for funding for air agencies to be successful in advancing EJ.

In conclusion, EJ programs and activities have become one of the central goals of implementing the Clean Air Act and providing clean for all. In some cases, clean air agencies may not be the best positioned agencies to implement these programs, emphasizing the value of collaboration with other units of government and with the communities themselves. Most agencies expect EJ to become an increasing area of activity in the future, and clean air agencies are showing interest in improving their ability to improve EJ outcomes. In the words of one respondent, “Community air protection centered on equity and EJ is a new paradigm for air quality management. This means ‘the book still has to be written,’ and in many ways, it feels like we are flying the plane and building as we go. But the alternative business-as-usual is definitely behind us for good.”