Revision of Technical Guidance for Assessing Environmental Justice in Regulatory Analysis
November 2023

EPA is revising technical guidance (Technical Guidance for Assessing Environmental Justice in Regulatory Analysis) to assist Agency analysts in assessing environmental justice for Agency regulatory development. This latest guidance takes into account EPA's past experience in evaluating environmental justice as part of the rulemaking analytic process and underscores EPA's ongoing commitment to ensuring the just treatment and meaningful involvement of all people with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Following an internal Agency review, EPA expects to share the draft revised guidance document publicly in November for a 60-day public comment period and to have the document subsequently undergo expert review by the Science Advisory Board.

Background

Technical Guidance for Assessing Environmental Justice in Regulatory Analysis was first published in 2016, and EPA is in the process of updating it to reflect the current state of the science, new peer-reviewed Agency guidance, and new terminology, priorities, and direction (including Executive Order 14096).

The main purpose of the technical guidance is to outline analytic expectations and discuss technical approaches and methods that can be used by Agency analysts to evaluate environmental justice concerns for regulatory actions. Improvements relative to the original version include expanded or new discussions of:

- How meaningful involvement can inform regulatory analysis;
- New terminology and definitions;
- Vulnerability as function of intrinsic and extrinsic factors;
- Compliance and enforcement;
- Vulnerability to climate change;
- Considering the role of multiple stressors;
- Hot spots as a function of existing conditions;
- Investigating underlying heterogeneity; and
- Presentation of results.

Key Recommendations in the Revised Technical Guidance

- While analysts should use best professional judgement to decide on the type of analysis that is feasible and appropriate, when risks, exposures, outcomes, or benefits are quantified, some level of quantitative analysis of environmental justice concerns is recommended.
- Analysts should integrate environmental justice into the planning phase of a risk assessment conducted for the regulatory action.
- Analysts should strive to characterize the distribution of risks, exposures, or outcomes within each population group, not just average impacts.
- Analysts should follow best practices appropriate to the analytic questions at hand.
- As relevant, analysts should consider any economic challenges that may be exacerbated by the regulatory action for relevant population groups of concern.