



## COUNCIL ON ENVIRONMENTAL QUALITY AGENCY EQUITY ACTIONS

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*Due Date:* Thursday, January 20<sup>th</sup>, 2022 (Upload by 5:00 PM)  
*Method of Submission:* MAX: <https://collect.max.gov/x/Ms6gnO>  
*Maximum Length of Report:* See guidance below.  
*Format:* Microsoft Word Document, 12 pt. font, normal margins  
*Release:* This document, per Executive Order (EO) 13985, contains an Equity Action Plan (“Plan”) to meaningfully address the barriers and opportunities identified through the agency’s equity assessment. The Plan will be used to help set public expectations and promote accountability, and inform the agency’s longer-term equity planning and implementation strategy. The Plan should be reviewed by the agency’s Office of General Counsel (OGC) prior to submission, and may be used to inform public documents released by the Domestic Policy Council (DPC).

### **(1) Executive summary**

- Agency name and mission
  - The Council on Environmental Quality (CEQ) within the Executive Office of the President coordinates the federal government’s efforts to improve, preserve, and protect America’s public health and environment.
- Summary of Action Plan
  - Executive Order 14008 tasked CEQ with leading many facets of the environmental justice work across the federal government, including but not limited to: establishing and chairing the White House Environmental Justice Interagency Council; leading the Justice40 initiative with OMB and CPO; updating NEPA regulations; and incorporating equity into agency sustainability plans. CEQ also facilitated the establishment of the White House Environmental Justice Advisory Council, which provides recommendations to the CEQ chair.
  - Additionally, CEQ will continue to host a series of stakeholder engagements, develop equity-based policies, and establish new partnerships.
  - Finally, CEQ will continue to coordinate efforts on equity and environmental justice policy across agencies.

### **(2) Summary of early accomplishments**

- Please highlight any equity-related achievements or successes (e.g., innovative stakeholder engagement, notable changes in policies or operations, new partnerships, etc.) since EO 13985 was released on January 20, 2021.

- **Policy**

- March 2021: CEQ established and held the first meeting of the White House Environmental Justice Advisory Council
- April 2021: CEQ held the first meeting of the White House Environmental Justice Interagency Council
- July 2021: CEQ, OMB and CPO issued Justice40 Interim Implementation Guidance
- October 7, 2021: CEQ required that agencies include environmental justice considerations in their agency climate adaptation plans (<https://www.sustainability.gov/adaptation/>). Of the more than 20 climate adaptation plans submitted by principal (large) agencies, most included reference or a commitment to addressing environmental justice in their climate adaptation plans, with twenty-one (21) providing discussion of agency strategy, plans, or actions. Those with more complete plans connected environmental justice objectives to programmatic areas and agency management decisions, including procurement, energy systems, energy demands, energy purchases, site locations, supply chains, and broad risk reduction programs.
- November 2021: CEQ and the Office of Science and Technology Policy issued a memorandum expressing the Federal government's commitment to elevating Indigenous Traditional Ecological Knowledge in federal decision making and convening an interagency working group to develop guidance for release in 2022.

- **Tribal Consultations**

- On April 26, 2021, CEQ adopted an Action Plan for Consultation and Coordination with Tribal Nations, as Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships
- September 30, 2021: CEQ hosted a Tribal consultation on the overall National Environmental Policy Act (NEPA) regulations. A second consultation was held on November 12, 2021, which focused on the Phase 1 NEPA regulations proposed rule, as well as the Phase 2 rulemaking effort and the effort to update guidance on consideration greenhouse gas and climate change considerations in NEPA reviews.
- October 22, 2021: CEQ participated in a Tribal consultation with Alaska Native Tribes and Executive Office of the President offices on the Ambler Road project on October 22, 2021. Chair Mallory attended, along with the Chief-of-Staff, General Counsel, and Senior Directors for Environmental Justice and Lands.
- October 26 and 28, 2021: CEQ Chair Mallory convened two tribal consultations on the President's America the Beautiful initiative. There were 236 total participants and 20 tribal leaders provided verbal comment during the sessions. CEQ summarized all the comments received and

share a synopsis with participants to acknowledge the breadth of the insight provided. CEQ continues to accept written comments on the initiative until November 23, 2021 and will use these comments to guide further engagement and policy initiatives as part of America the Beautiful.

- November 12, 2021: CEQ held a consultation with Tribal leaders on CEQ's revision of the NEPA regulations. The consultation was facilitated by CEQ's Office of the General Counsel.
- January 18-21, 2021: CEQ held four coordination meetings with Tribes to discuss conservation efforts for Columbia River salmon
- **Environmental Justice Engagement**
  - On November 16, CEQ Chair Mallory hosted a virtual roundtable on the Administration's America the Beautiful initiative with 20 leaders from the environmental justice and outdoor access community focused on nature deprived communities. These leaders shared what they are working on in their communities, how the federal government can best partner with them and what steps we should take to improve access to nature.
  - Ongoing: Chair Mallory engaged, in an ongoing basis throughout 2021, with environmental justice advocates, practitioners, and community members around issues affecting their communities.
  - Ongoing: Chair Mallory and CEQ staff attended the WHEJAC public meetings and working group meetings throughout 2021.
- **Travel**
  - October 4, 2021: Chair Mallory travelled to the Yakama Nation for a roundtable discussion with the Yakama Nation and Umatilla, Warm Springs, and Nez Perce Tribes, and the Columbia River Intertribal Fish Commission on salmon restoration and other issues.
  - October 5, 2021: Chair Mallory hosted an environmental justice Roundtable in Seattle, Washington with communities that live near the Port of Seattle.
  - October 12, 2021: Chair Mallory hosted an environmental justice Roundtable in Detroit, Michigan, in the most polluted zip code in the state.

### **(3) Equity action plan**

Please clearly identify **three to five** actions that your agency plans to undertake and list them **in order of priority**; provide evidence-based reasoning for selection; and outline high-level elements of implementation. (Actions should address the institutional resources available to offices responsible for advancing **civil rights** pursuant to Section 5(d) and **procurement and contracting** pursuant to Section 7(a) of EO 13985, but may also focus on other significant priorities identified by the agency regardless of whether they were included in the agency's equity assessment.)

### **Action 1: NEPA Phase 1 and Phase 2**

The changes proposed in the Phase 1 proposed rule for NEPA would restore the definitions of indirect and cumulative effects, which are central to the consideration of environmental justice in Federal decision making. Phase 1 also proposes to restore flexibility to Federal agencies to develop agency NEPA procedures that can go beyond the CEQ NEPA regulations. This flexibility could allow agencies to consider providing specific guidance on environmental justice analysis that may be relevant to an agency's specific programs and projects. Phase 1 also proposes to restore Federal agency discretion to develop purpose and need statements that respond to a variety of relevant considerations and allow agencies to consider the full range of reasonable alternatives, including those that avoid impacts on low income and minority populations.

Phase 2 will take a broader, comprehensive look at additional changes to NEPA to help ensure full and fair public involvement; meet environmental, climate change, and environmental justice challenges; provide regulatory certainty; and promote better decision-making. No specific changes have been proposed for phase 2 yet. The CEQ NEPA Team is currently engaged in stakeholder outreach including public meetings and interagency working groups to identify those areas where regulatory changes should occur to address environmental justice challenges. CEQ is already actively engaged with environmental justice stakeholders, and will continue this engagement as a matter of practice going forward.

**Action 2: Implement Justice40:** In partnership with OMB and CPO, CEQ will work to align Federal agencies' implementation of Justice40 commitments across more than 400 programs, including for programs funded through the Bipartisan Infrastructure Law. CEQ will direct agencies to begin to use the Climate and Economic Justice Screening Tool (CEJST), once it is published, to inform their implementation of Justice40.

**Action 3: Launch Climate and Economic Justice Screening Tool (CEJST):** CEQ will release a beta version of the CEJST to identify disadvantaged communities that will benefit from the Justice40 Initiative. CEQ will update the tool based on public feedback and release it for use.

**Action 4: Publish an environmental justice scorecard and strategy:** In partnership with OMB, CEQ will release a first annual scorecard that assesses and tracks the implementation of Justice40 and other key environmental justice commitments across Federal agencies. The scorecard will also frame and summarize the Administration's overall environmental justice strategy. CEQ will continue to coordinate the release and amplification of major environmental justice policies, grants, enforcement actions, and milestones across the government, including the delivery of achievable recommendations from the White House Environmental Justice Advisory Committee.

**Action 5: Develop a new EO on Environmental Justice:** Pursuant to direction in EO 14008, develop an executive order on environmental justice that will update EO 12898, issued by the Clinton Administration.