



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

March 8, 2023

OFFICE OF
THE ADMINISTRATOR

The Honorable Kamala D. Harris
President of the Senate
Washington, D. C. 20510

Dear Madam President:

Please find attached the White House Council on Environmental Quality's (CEQ) response to the White House Environmental Justice Advisory Council's (WHEJAC) Phase One Scorecard Recommendations Report (Scorecard Report).

President Biden established the WHEJAC as a Federal Advisory Committee within the Environmental Protection Agency (EPA) in Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (January 27, 2021). Among other things, Executive Order 14008 directs the White House Office of Management and Budget, in coordination with CEQ, the U.S. Digital Service, and other relevant agencies, to publish an annual Environmental Justice Scorecard detailing agency environmental justice performance measures. The Executive Order further directs the White House Environmental Justice Interagency Council (IAC) to develop performance measures to ensure accountability. On March 8, 2022, after multiple deliberations and based upon feedback the WHEJAC received during its public meetings, the WHEJAC presented CEQ and the IAC with the Scorecard Report, which sets forth its recommendations regarding development of the Environmental Justice Scorecard.

Section 6(b) of the Federal Advisory Committee Act (FACA) requires the President or his delegate to report to Congress on the status of Presidential advisory committee recommendations within one year of receiving them. Section 2 of Executive Order 14048, *Continuance or Reestablishment of Certain Federal Advisory Committees and Amendments to Other Executive Orders* (September 30, 2021), directs the EPA Administrator to carry out the functions of the President under the FACA with respect to the WHEJAC. Accordingly, EPA is transmitting CEQ's response to the Scorecard Report.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Timothy Del Monico".

Timothy Del Monico
Associate Administrator

Cc: Brenda Mallory, Chair, White House Council on Environmental Quality and White House Environmental Justice Interagency Council

Enclosure

Purpose of this Report

The primary purpose of this report is to provide a response to the White House Environmental Justice Advisory Council's (WHEJAC) March 8, 2022 [Phase One Scorecard Recommendations Report](#). The White House Council on Environmental Quality (CEQ) is pleased to provide this response with updates on work undertaken to advance the first-ever Environmental Justice Scorecard. The President established the WHEJAC as a Presidential Federal Advisory Committee in Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, and this report fulfills the statutory obligation under the Federal Advisory Committee Act to provide a report to Congress within one year of receiving recommendations from a Federal Advisory Committee.¹

Background

On January 27, 2021, President Joseph R. Biden, Jr. issued [Executive Order 14008](#), *Tackling the Climate Crisis at Home and Abroad*. This Executive Order recognizes that all Americans deserve to live in healthy, thriving communities, but many people lack access to safe places to live, work, play, grow, and learn. Furthermore, communities with environmental justice concerns are often left out of decisions that directly impact their health and well-being. To begin to address these inequities and ensure that communities have greater input in Federal policies and decisions, the Executive Order established several brand-new initiatives, including the White House Environmental Justice Advisory Council (WHEJAC) and the Environmental Justice Scorecard.

President Biden created the WHEJAC in Executive Order 14008 to ensure that the voices and expertise of environmental justice leaders are heard in the White House and considered in the development of Federal policies and decisions. The WHEJAC is charged with providing independent advice and recommendations to the Chair of the White House Council on Environmental Quality (CEQ) and the White House Environmental Justice Interagency Council (IAC) on how to increase the Federal Government's efforts to address current and historic environmental injustice. The members of the WHEJAC are dedicated and accomplished individuals who volunteer their time to fulfill the WHEJAC's mission. Advancing environmental justice is a top priority of the Biden-Harris Administration, and the WHEJAC's recommendations help create lasting, on-the-ground change in communities across the country.

Executive Order 14008 also requires the development and presentation of agency environmental justice performance measures in an annual Environmental Justice Scorecard, which will detail the efforts of the Federal Government to address historic and current environmental injustice. The Executive Order directs the White House Office of Management and Budget (OMB) to develop the Environmental Justice Scorecard in coordination with CEQ, the U.S. Digital Service (USDS), and other relevant agencies. The Executive Order further directs the IAC to develop performance measures to ensure accountability.

The Environmental Justice Scorecard

President Biden elevated environmental justice as a priority for the Federal Government by launching a whole-of-government effort to confront longstanding environmental injustices and inequities. A signature component of his commitment is the Environmental Justice Scorecard, which will be the first

¹ FACA § 6(b), 5 U.S.C. Chapter 10.

government-wide assessment of Federal agencies' efforts to advance environmental justice across their work. Previous administrations have initiated other assessments of Presidential priorities, such as the [Sustainability Scorecard](#), but the Environmental Justice Scorecard will be the first tool to assess progress Federal agencies are making on environmental justice. The first version of the Environmental Justice Scorecard will establish a baseline so that, over time, it will show how the Administration's actions are making meaningful changes to protect communities.

To inform the development of the first-ever Environmental Justice Scorecard, CEQ sought the WHEJAC's formal advice and recommendations by issuing a charge to the WHEJAC in March 2021. In September 2021, the WHEJAC established an Environmental Justice Scorecard Workgroup. Over several months, the WHEJAC worked to develop recommendations on the types of indicators or data that would be useful in a Federal agency scorecard. On March 8, 2022, the WHEJAC submitted its [Phase One Scorecard Recommendations Report](#) to CEQ and the IAC.

The WHEJAC's March 2022 recommendations focused on the core principles and bases of an Environmental Justice Scorecard, including its goals, scale, and scope. Since March 2022, OMB, CEQ, and the IAC have been reviewing the WHEJAC's recommendations and considering them in the development of the Environmental Justice Scorecard.

Informed by the WHEJAC's recommendations, in August 2022, OMB and CEQ issued a [Request for Information](#) (RFI) on the Environmental Justice Scorecard to solicit public feedback on the vision, framework, and outcomes of the Environmental Justice Scorecard. The draft framework for the Environmental Justice Scorecard, on which OMB and CEQ sought feedback and comment, would use various metrics to assess the efforts that Federal agencies are taking toward reducing burdens and harms in communities with environmental justice concerns, delivering benefits to disadvantaged communities, and centering justice in decision-making. By soliciting public input, OMB and CEQ sought to provide transparency about the Federal Government's vision, goals, and process in the development of the Environmental Justice Scorecard. The comment period for the RFI concluded in November 2022 and OMB and CEQ received [44 public comments](#). As with the WHEJAC recommendations, OMB and CEQ are considering the public's comments on the RFI in the development of the Environmental Justice Scorecard.

As outlined in the RFI, the first version of the Environmental Justice Scorecard, which OMB, CEQ, USDS, and relevant Federal agency heads anticipate releasing in the near future, will provide a baseline assessment of the Federal Government's efforts to secure environmental justice. It will focus on and describe the processes and progress that Federal agencies have made starting in 2021, through 2022. This baseline is useful to establish because it will enable the measurement of progress over time and help make the Environmental Justice Scorecard a valuable tool for transparency and accountability.

Action in Progress

Progress on the Environmental Justice Scorecard, including to address the recommendations of the WHEJAC, is underway. Developing the Environmental Justice Scorecard is a whole-of-government effort that requires coordination and deliberation, including with members of the IAC. The IAC has provided significant input on the types of environmental justice-related strategies, policies, and activities that

could be included in the Environmental Justice Scorecard that relate to IAC member agencies' work. To develop the first version of the Environmental Justice Scorecard, OMB and CEQ are reviewing and considering the recommendations from the IAC, the WHEJAC, and the public; engaging and coordinating with agencies, including members of the IAC; and working in partnership with USDS to design and develop the Environmental Justice Scorecard website.

CEQ is grateful to the members of the WHEJAC for the time and effort they spent developing the Phase One Scorecard Recommendations Report and engaging on this critically important initiative. The WHEJAC's recommendations have positively impacted the development of the first version of the Environmental Justice Scorecard. The first version of the Environmental Justice Scorecard will employ agency data to advance the goals of transparency and agency accountability across the Federal Government, as a starting point for further evaluation and assessment of ways to achieve important long-term goals of environmental justice and demonstrate agencies' progress in doing so.

OMB, CEQ, USDS, and relevant agency heads will release the first version of the Environmental Justice Scorecard in the near future. As Executive Order 14008 directs, OMB, in coordination with CEQ and other Federal agency partners, will update the Environmental Justice Scorecard annually, with the goal of creating a durable, robust, and comprehensive tool to assess and demonstrate the Federal Government's environmental justice efforts. For future versions of the Scorecard, CEQ intends to continue to provide opportunities for the WHEJAC, environmental justice stakeholders, and the public to provide recommendations, including specific metrics and indicators, to assess the Federal Government's efforts to advance environmental justice. CEQ looks forward to receiving the WHEJAC's future recommendations on subsequent versions of the Environmental Justice Scorecard.



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The Honorable Kevin McCarthy
Speaker of the House of Representatives
Washington, D.C. 20515

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