

RESPONSE TO COMMENTS
FY 2025-2026 NATIONAL PROGRAM GUIDANCE
OFFICE OF ENVIRONMENTAL JUSTICE AND EXTERNAL CIVIL RIGHTS

PUBLICATION NUMBER: 231F24004

Comment	Commenter(s)	Location in Draft Guidance	National Program Offices Response	Action Taken in Final Guidance
ETC encourages EPA to rely on data gathered from the technical environmental analyses performed as part of the permit review process in addressing disproportionate impacts in vulnerable communities and EJ analysis on rulemakings.	Environmental Technology Council (ETC)	p. 10, B.2	Thank you for your comment. OEJECR will review your recommendation.	Made no changes to the NPG.
ETC supports OEJECR's planned effort to lead EPA's EJScreen Steering Committee's goal to advance tool capabilities and updates. The benefit of EJScreen is dependent upon its accuracy and user efficiency.	Environmental Technology Council (ETC)	p. 10, B.2	Thank you for your comment. OEJECR is consistently leading the EPA's EJScreen Steering Committee to advance tool capabilities and updates. OEJECR has an annual process for reviewing and updating the tool, based on feedback from users. OEJECR has engaged on the Science Advisory Board for a peer review on EJScreen and is incorporating recommendations received.	Made no changes to the NPG.
Regarding permit applications and Title V permit renewals, when applying EJ analysis to disproportionate impacts, EPA should consider environmental regulations that mitigate environmental or public health stressors as a benefit for the regulated community. EPA and state partners should allow consideration for reduction of stressors as well as improvements to environmental and public health benefits.	Environmental Technology Council (ETC)	p. 11, B.3	Thank you for your comment. OEJECR will review your recommendation.	Made no changes to the NPG.

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Measures that exceed minimum regulatory requirements should also be considered as part of the cumulative assessment of stressors that may be present near covered facilities.				
A suggestion for strengthening community-industry stakeholder relationships that will improve EPA’s program implementation, is for state permitting authorities to consider and address the positive impacts that economic investment, tax base, and job creation will have on an overburdened community. Additionally consider, community service and community support that ETC member companies and others often provide to residents living near industrial facilities, such as volunteer programs, educational and workforce training programs, and grants to improve services or quality of life. Many ETC members already have successful, transparent Community Advisory Panels (CAPs) and/or community engagement with first responders, community members, and elected officials that increased the communities’ trust in facility operations.	Environmental Technology Council (ETC)	p. 11, B.3	Thank you for your comment. The EPA supports community-industry engagement.	Made no changes to the NPG.
Is there a timeline for the development of guidance on assessing cumulative impacts in communities?	Antonio Bivins – State of Delaware Department of Natural Resources and Environmental Control	11	Thank you for your question. Development and implementation of guidance and standard operating procedures consistent with the framework to advance consideration of cumulative impacts, and “fit for purpose” to different decision-making contexts, will be carried out by programs and regions. EPA is already engaged in many activities to develop capacity to assess and	On page 11, bullet 3, changed the word “guidance” to “framework”.

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			address cumulative impacts in the areas of organizational change, learning, tool development, and engagement. Information on these activities will be shared together with the framework document.	
Are there plans to use a more granular geography (ie block groups or blocks instead of tracts)	Antonio Bivins – State of Delaware Department of Natural Resources and Environmental Control	11	Thank you for your question. OEJECR agrees that granular geographies to address concerns at the community level are needed. EJScreen is currently presenting data at the block group level, and also allows users to import their own data into the tool.	Made no changes to the NPG.
A timeline for developing meaningful engagement training?	Antonio Bivins – State of Delaware Department of Natural Resources and Environmental Control	12	Thank you for your question. OEJECR already provides training to build the capacity of OEJECR colleagues on meaningful engagement skills and capabilities. In addition, once the EPA's "Achieving Health and Environmental Protection Through EPA's Meaningful Engagement Policy" is finalized, training on policy implementation is anticipated to occur within approximately 5 months.	Made no changes to the NPG.
Ensure that specific EPA Offices are named and accountable for activities, programs, and outcomes, etc.	Andrew Gainey – Delaware Department of Natural Resources and Environmental Control	7	Thank you for your comment. National Program Guidances provide national guidance on program priorities, strategies, and metrics to implement the President's Budget. The activities therein, are generally described at	Made no changes to the NPG.

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			a high-level. As most activities are tied to the implementation of metrics, the accountability of specific EPA offices occurs through internal EPA processes.	
Provide a foundation to better understand how public ideas, input, feedback, and recommendations are considered. What does this currently look like at EPA? If it exists, how is it evolving?	Andrew Gainey – Delaware Department of Natural Resources and Environmental Control	12	<p>Thank you for your comment and questions. The environmental statutes that established the EPA’s programs along with their implementing regulations require that the public has the opportunity to participate in the EPA’s decision-making processes. The EPA encourages public participation to ensure that there is full consideration of the possible effects of its actions, e.g., rulemaking, permit issuance, and has developed materials, including policy and guidance documents to assist both the public and the EPA staff in achieving this goal. One example of an agency-wide policy is the EPA’s 2003 Public Involvement Policy, which is currently being updated through the EPA’s action development process (ADP). Learn more about ADP here: https://work.epa.gov/sites/default/files/2021-06/adpguidance-rev-03-00-2018.pdf.</p> <p>The EPA has embedded the concept of applying public ideas,</p>	Made no changes to the NPG.

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			<p>input, feedback, and recommendations into this draft document, "Achieving Health and Environmental Protection Through EPA's Meaningful Engagement Policy", which will assist the EPA staff in providing meaningful public engagement in all of its programs. Once the policy is finalized, there are plans to develop and provide training to support policy implementation across the EPA. The public review draft of the policy is located on OEJECR's website: https://www.epa.gov/system/files/documents/2023-12/final_meaningful-involvement-policy_eams_11.7.2023_508.pdf.</p> <p>OEJECR also has a National Program Guidance measure (EJCR19 on page 20) on planning for meaningful engagement with a goal to transparently document input from the public on specific agency actions.</p>	
<p>Are there any case studies, examples, or models that will be used to better facilitate internal, external, cross-organizational, and public collaboration?</p>	<p>Andrew Gainey – Delaware Department of Natural Resources and Environmental Control</p>	<p>12</p>	<p>Thank you for your question. There are case studies and examples from the EPA's Collaborative Problem Solving (CPS) model which is an effective approach to addressing local environmental and/or public health issues in a collaborative manner with various stakeholders</p>	<p>Made no changes to the NPG.</p>

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			<p>such as communities, industry, academic institutions, and others. Here is a link to the CPS model: https://www.epa.gov/sites/default/files/2016-06/documents/cps-manual-12-27-06.pdf.</p> <p>The EPA also implements the Environmental Justice Collaborative Problem Solving (EJCPS) Cooperative Agreement Program to provide financial assistance to communities with EJ concerns, utilizing the EPA's CPS Model.</p>	
<p>I'd like to see how EPA considers EJ and Civil Rights in their own work to be helpful, such as best practices, and mention of how past initiatives inform future efforts, etc.</p>	<p>Andrew Gainey – Delaware Department of Natural Resources and Environmental Control</p>	<p>5</p>	<p>Thank you for your comment. OEJECR supports the agency's mission by providing leadership on the EPA's environmental justice and external civil rights priorities. Within the EPA, many offices continue this important work, including two notable examples. The first is OEJECR's Office of External Civil Rights Compliance (OECRC), which enforces federal civil rights laws, including Title VI of the Civil Rights Act of 1964, that, together, prohibit discrimination on the basis of race, color, or national origin (including on the basis of limited-English proficiency); sex; disability; or age by applicants for and recipients of federal financial assistance from</p>	<p>Made no changes to the NPG.</p>

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			<p>the EPA. The second is OEJECR's Office of Policy, Partnerships and Program Development (OPPPD), which works with the EPA's national programs and regional offices to integrate equity, environmental justice, and civil rights into its decision-making related to rules, permits, cleanups, and other core activities, as allowed by law. Additionally, OEJECR's Grants Management Division (GMD) works to oversee the historic funding opportunities available to communities across the country as a result of various past initiatives in the Biden-Harris Administration, including but not limited to the Inflation Reduction Act (IRA), Justice40, and the Revitalizing Our Nation's Commitment to Environmental Justice for All Executive Order (14096). Working together and in collaboration with the rest of OEJECR and the EPA as a whole, these offices continue to ensure that environmental justice and civil rights remain at the forefront of the EPA's mission and work.</p>	
<p>The second bullet is great, and EJ / Civil Rights need to be baked into the entire process, while supporting communication during all and post-grant award phases.</p>	<p>Andrew Gainey – Delaware Department of Natural Resources and</p>	<p>18</p>	<p>Thank you for your comment. OEJECR will review your recommendation.</p>	<p>Made no changes to the NPG.</p>

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	Environmental Control			
<p>Some grants require the use of EJ Screen or CEJST; however, these tools may not capture all eligible communities. Will allowances be made for the use of state developed mapping tools to identify underserved communities for competitive funding?</p>	<p>Katera Moore – Delaware Department of Natural Resources and Environmental Control</p>	<p>8</p>	<p>Thank you for your comment. Applications for Environmental Justice Grants must include relevant information such as demographics, geographic location, and community history. While applicants are encouraged to use EJSCREEN or CEJST to further help characterize and describe target communities, it is not required. Local screening and mapping tools can also be used.</p> <p>Additional information about Environmental Justice Grants can be found here: https://www.epa.gov/environmentaljustice/environmental-justice-grants-funding-and-technical-assistance.</p>	<p>Made no changes to the NPG.</p>
<p>The draft Guidance states that “OEJECR continues to partner with the EPA’s regions and programs to determine how best to integrate these measures and take advantage of every opportunity to advance EJ and civil rights compliance, considering each region and program’s financial, capacity, and statutory limitations.”</p> <p>EPA’s OEJECR NPG should especially consider the financial, other resource/capacity, and statutory limitations of state and local agencies. AAPCA recognizes that EPA incorporated and maintained this feedback from previous comments on FY 2023</p>	<p>Association of Air Pollution Control Agencies (AAPCA)</p>	<p>Page 4 Section I. Introduction</p>	<p>Thank you for your comment. The EPA recognizes that there are considerations for financial, capacity, and statutory limitations when we partner with state, local, and Tribal stakeholders to advance equity, environmental justice and external civil rights.</p>	<p>On page 7, section A.3 - Strong partnerships with states and Tribes, added the following sentence to the introductory paragraph: "The EPA recognizes that financial, capacity, and</p>

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and FY 2024 NPGs from the Association.				statutory limitations are important considerations when working with federal, state, Tribal and local partners."
<p>EPA’s draft OEJECR Guidance states, “The EPA and other governmental partners must include the principles of meaningful involvement and equity in their work with underserved and overburdened communities,” and “A fundamental element of achieving this is to strengthen the capacity of community members to meaningfully engage and provide input to government programs on the decisions that may affect them.”</p> <p>As co-regulators responsible for Clean Air Act implementation, air agencies are critical partners in this outreach. State and local air agencies can bring important details and history as well as gain insight that could inform environmental decision-making. AAPCA underscores that working together to provide meaningful and consistent communication from federal, state, and local partners is crucial for effective public outreach efforts.</p> <p>EPA should also acknowledge the financial, other resource/capacity, and statutory limitations of governmental partners that may exist, and continue to support co-regulators by providing technical support and maximum flexibility to conduct meaningful engagement in their</p>	Association of Air Pollution Control Agencies (AAPCA)	<p>Page 6</p> <p>Section II. Strategic Plan Implementation</p> <p>A. Objective 1: Promote EJ and Civil Rights at the Federal, Tribal, State, Local, and Community Levels</p>	<p>Thank you for your comment. OEJECR agrees that state and local air agencies are critical partners, as indicated in the current NPG language. OEJECR also agrees that it is important for community members and advocates to clearly understand the roles and capabilities across federal, state, and local agencies. Whole-of-government, collaborative action with community partners is essential for real progress.</p> <p>On page 6, section A1, of the NPG, OEJECR states that the EPA environmental justice grant programs, have expanded to 3 billion dollars (through Inflation Reduction Act and annual appropriation act funding). Of the 3 billion, \$84.1 million funded 88 Environmental Justice Government-to-Government (EJG2G) cooperative agreements. This grant program supports government activities that lead to</p>	On page 6, section A.1, added "along with state, local, and Tribal government partners" within the first sentence in the introductory paragraph. The sentence now reads: "Through the EPA’s environmental justice grant programs, which have expanded to 3 billion dollars, and dedicated technical assistance programs, communities, along with state, local, and Tribal

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jurisdictions.			measurable environmental or public health impacts in communities disproportionately burdened by environmental harms. Here is a link to the EJG2G grant program: https://www.epa.gov/environmentaljustice/environmental-justice-government-government-program .	governmental partners, are provided support as they develop and implement solutions that significantly address environmental and/or public health issues at the local level."
AAPCA appreciates OEJECR's commitment to provide technical assistance and training for state and local agency recipients of EPA's financial assistance to better understand civil rights compliance, including procedural safeguards and best practices.	Association of Air Pollution Control Agencies (AAPCA)	Page 9 Section II. Strategic Plan Implementation A. Objective 1: Promote EJ and Civil Rights at the Federal, Tribal, State, Local, and Community Levels -- Also: Page 16 C. Strengthening Civil Rights Enforcement in Communities with Environmental Justice Concerns	OEJECR appreciates your comment and will continue to provide technical assistance and training for state and local agency recipients of EPA's financial assistance.	Made no changes to the NPG.
IDEM shares EPA's concern for environmental	Indiana	Draft FY 2025-	Thank you for your comments.	See NPG changes

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<p>justice and agrees with the need to find solutions to environmental burdens faced by disadvantaged communities. As a heavily industrialized state that had industry in place long before any environmental laws or regulations existed, we certainly appreciate efforts to address the lingering effects of legacy pollution, as it's not something our state is equipped to tackle alone.</p> <p>We have actively pursued initiatives like our Environmental Stakeholder Inclusion program, demonstrating our ongoing dedication to this issue. We hired two full-time outreach coordinators, one of which is bilingual in Spanish. We have conducted over fifty meetings with community groups across the state, focusing on groups from disadvantaged communities and those promoting environmental justice. We have provided grant funding to assist with waste cleanup efforts and continue to use our office as a platform to raise issues of critical importance to these communities. We also strongly encourage the use of Supplemental Environmental Projects in our enforcement programs to direct penalty dollars back into disadvantaged communities. Our current environmental justice efforts are focused on maximizing our impact within the scope of our legal authority and available resources.</p> <p>While we appreciate the chance to comment on the draft OEJECR guidance, we can't help but notice that an imbalance exists between EPA's growing staffing levels and the lack of additional funding allocated to states. EPA delegates the vast majority of environmental permitting and compliance</p>	<p>Department of Environmental Management</p>	<p>2026 OEJECR National Program Guidance</p>	<p>Similar issues were highlighted in the Association of Air Pollution Control Agencies (AAPCA). OEJECR provided responses to address considerations for financial, capacity, and statutory limitations when we partner with states and other external governmental entities.</p> <p>In response to IDEM, the EPA has identified principles for EJ in CAA permitting that should be considered by states, based on existing legal authorities. See https://www.epa.gov/system/files/documents/2022-12/Attachment%20-%20EJ%20in%20Air%20Permitting%20Principles%20.pdf. Writing a permit that uses existing authorities to minimize or mitigate disproportionately adverse effects should be part of the core work of an effective environmental protection program. This is true regardless of whether civil rights law is understood to impose requirements beyond the scope of environmental law.</p> <p>Most of the additional EPA EJ resources are devoted to grantmaking, including to states; and the EPA permitting programs</p>	<p>noted above in response to two Association of Air Pollution Control Agencies (AAPCA) comments on pages 9-10.</p>

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<p>functions to the states, yet the funding we receive from EPA hasn't substantially increased in decades. While EPA's budget continues to grow to support the agency's administrative functions, states are left struggling to figure out how to make ends meet to implement these programs, which is particularly challenging given the rising costs states have incurred in recent years. When EPA requests that the states take on additional activities like those highlighted in this draft guidance, it becomes clear that EPA is unaware of how significant a burden this would be on already strained state resources.</p> <p>This draft guidance cites a desire to better understand states' needs and increase our capacity to implement programming. We suggest considering an approach where EPA staffing and budget increases are accompanied by increased funding to the states – specifically in the form of categorical block grants. This would allow states to implement our delegated environmental protection responsibilities more effectively, which would directly benefit our disadvantaged communities.</p> <p>Further complicating efforts to advance environmental justice initiatives is the use of laws, like the civil rights acts mentioned here, that were not designed for this purpose. Though well-intentioned, this introduces a lack of legal clarity that will create difficulties for states and regulated facilities in navigating these issues.</p> <p>While not specifically mentioned in this guidance,</p>			<p>are addressing these principles in their work without additional resources. Where regulated facilities have formed expectations that Agency discretion will be exercised in their favor, without full consideration of the vulnerability of communities to impacts in a context of documented cumulative impacts, challenging those expectations may take some resources but this is a necessary correction to past practice in order improve the effectiveness of permitting programs in delivering on their mission to protect human health and the environment.</p> <p>The Inflation Reduction Act funding that is available through OEJECR's Environmental and Climate Justice Program (Community Change Grants) offers opportunities for states to partner with community-based organizations on environmental justice activities that support underserved communities. Additionally, OEJECR's Environmental Justice Government-to-Government (EJG2G) has specific set-asides for state organizations to address environmental justice concerns statewide and in local</p>	

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<p>we are aware that EPA is placing significant pressure on states to include environmental justice as a factor in permitting. Existing federal laws and rules do not provide states with clear authority to tackle environmental justice in a way envisioned by EPA, despite efforts to convince otherwise. This has led to legal challenges and uncertainty for states, businesses, and the general public. Until federal environmental laws are amended to explicitly require EPA and delegated states to consider environmental justice in permitting decisions, IDEM cannot and will not require regulated entities to do more than what we are already asking of them.</p> <p>Beyond the necessary authority, states also need additional resources to implement these changes when and if they are required.</p> <p>We believe a collaborative approach is key to achieving our shared environmental justice goals. EPA should engage states to develop clear and implementable guidance, and IDEM would be a willing partner in that conversation. However, guidance in the form of unfunded suggestions that lack clear legal authority could lead to a decrease in the effectiveness of environmental programs at the state level. We urge EPA to consider increasing funding for states alongside any additional programmatic requests. Effective partnerships between EPA and the states can only occur when funding and resources are shared. This guidance could be strengthened by considering the specific needs and limitations of state environmental agencies.</p>			<p>communities.</p> <p>Environmental and Climate Justice Program (Community Change Grants: https://www.epa.gov/inflation-reduction-act/inflation-reduction-act-environmental-and-climate-justice-program. EJG2G website: https://www.epa.gov/environmentaljustice/environmental-justice-government-government-program.</p>	

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<p>There is a lot of discussion of making things easier, more equitable, etc. as well as capacity building, etc. for communities. But it is critical to recognize and then provide for the need for ongoing education, workshops, training, and evaluation for the government workers including sensitivity and communication, recognizing systems of oppression, and working to change them, as well as about how best to transparently and accountably engage with communities. It is critical to equip staff with the best understanding, language, formats, tools, and other skills to work in an inclusive and equitable way within a system that is designed in stark juxtaposition to those values.</p>	<p>Global Alliance for Incinerator Alternatives (GAIA)</p>	<p>Overview (and all offices' Guidance: OAR, OW, OECA, OLEM, OCPP, OCIR, OITA, OCFC, OEJECR)</p>	<p>Thank you for your comment. The EPA has embedded many of the suggested competencies into the draft "Achieving Health and Environmental Protection Through EPA's Meaningful Engagement Policy", which guides the EPA staff to provide meaningful public engagement in all its programs and regions. Public comments on the draft policy closed on January 16, 2024. The EPA is considering the comments provided by the public in developing the final policy. Once the policy is finalized, there are plans to develop and provide training to support policy implementation across the EPA. The public review draft of the policy is located on OEJECR's website: https://www.epa.gov/system/files/documents/2023-12/final_meaningful-involvement-policy_eams_11.7.2023_508.pdf.</p>	<p>Made no changes to the NPG.</p>
<p>The draft says, "The EPA will take . . . especially those that require new investments in resources and staffing". It should also include "training and education."</p>	<p>Global Alliance for Incinerator Alternatives (GAIA)</p>	<p>Page 4, section 1</p>	<p>Thank you for your comment. OEJECR agrees with your recommendation with a slight modification to the suggested language. Instead of "training and education", OEJECR is opting to use "training and learning".</p>	<p>On page 4, section 1, paragraph 2, added "training and learning" to the end of the first sentence.</p>
<p>Similar comment. The draft says, "The EPA is committed to integrating EJ and civil rights</p>	<p>Global Alliance for Incinerator</p>	<p>Page 5, paragraph 1</p>	<p>Thank you for your comment. OEJECR agrees with your</p>	<p>On page 5, paragraph 1,</p>

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<p>considerations into its own work, include EPA permitting, rulemaking, guidances, etc.". This must also include and say "ongoing education, training, workshops, and evaluation, etc. for EPA (and ideally other agency) staff".</p>	<p>Alternatives (GAIA)</p>		<p>recommendation with a slight modification to the suggested language (see modified language in the Action Taken in Final Guidance column).</p>	<p>added "To support this, OEJECR is committed to providing ongoing education, training, workshops, and evaluation, as resources allow, for EPA staff."</p>
<p>In addition to dedicated technical assistance programs and support "as they develop and implement solutions that significantly address environmental and/or public health issues at the local level," EPA should also provide outreach about upcoming grant availability as well as technical support and capacity building for developing grant applications and reporting.</p>	<p>Global Alliance for Incinerator Alternatives (GAIA)</p>	<p>Page 7, paragraph 2</p>	<p>Thank you for your comment. OEJECR provides outreach about upcoming grant availability as well as technical support, including capacity building for developing grant applications and reporting through a variety of mechanisms. They are:</p> <p>OEJECR's Environmental Justice Grants, Funding and Technical Assistance website: https://www.epa.gov/environmentaljustice/environmental-justice-grants-funding-and-technical-assistance.</p> <p>The Environmental Justice Thriving Communities Technical Assistance Centers: https://www.epa.gov/environmentaljustice/environmental-justice-thriving-communities-technical-assistance-centers.</p>	<p>Made no changes to the NPG.</p>

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			<p>Road Shows: https://www.epa.gov/community-equity-resiliency/regional-roadshows. National Environmental Justice Community Engagement Calls: https://www.epa.gov/environmentaljustice/national-environmental-justice-community-engagement-calls.</p> <p>EJ Listserv: Subscribe to EPA's Environmental Justice listserv by sending a blank email to: join-epa-ej@lists.epa.gov.</p>	
<p>In addition to capacity building in communities, there should be government staff capacity building including education about how to best engage. There must also be a clear and stated understanding and expectation that community members' lived experience and expertise is never subjugated to "formal" education and expertise</p> <p>And the examples of capacity building for communities - using resources such as training (workshops, train-the-trainer, etc.), handbooks, best practice guides, dedicated technical assistance - should also be implemented internally for staff.</p>	Global Alliance for Incinerator Alternatives (GAIA)	Page 7, paragraph 3	Thank you for your comment. OEJECR agrees with your suggestions and speaks to internal capacity-building in sections B.3 (Supporting collaborative, community-driven approaches with communities) and B.4 (Practicing meaningful engagement in EPA's decision-making).	Made no changes to the NPG
<p>Human health adversely affected by EMFs / Need for Radiation Protection: It is estimated that at least 30% of population is afflicted from this radiation poisoning and about 1% is severely disabled that they can no longer work or live in areas that have this radiation. The disabled didn't see it coming. Exposure gives rise to a</p>	National Call for Safe Technology	Sec II.B.1. Reducing disparities in environmental and public health conditions p.9	Thank you for sharing this information. The EPA sets protective limits on ionizing radiation in the environment resulting from human use of radioactive elements such as uranium. The EPA does not	Made no changes to the NPG.

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<p>constellation of symptoms, some of which include: headaches, nausea, vomiting, tinnitus, hearing loss, heart arrhythmia, tachycardia, neurological disorders; oxidative stress; immune dysfunction; ADHD, and damage to the blood-brain barrier. See https://bioinitiative.org/conclusions/.</p> <p>Based on a population of 332.4 million people in the U.S., the numbers are shockingly high:</p> <p>Can't work – 0.65% - 2.16 million Severe symptoms – 1.5% - 4.99 million Moderate symptoms – 5% - 16.6 million Mild symptoms – 30% - 99.7 million</p> <p>See 2019 Bevington study, https://mdsafetech.files.wordpress.com/2019/10/2018-prevalence-of-electromagnetic-sensitivity.pdf.</p> <p>Access to work is critical for disadvantaged communities. The EMF disabled are most affected when they cannot work safely in environments containing RF radiation inside a building, such as Wi-Fi, or RF radiation coming from outside a building from nearby base station antennas. This is not a disability that only affects the EMF disabled, but given the estimated number of people with EMS symptoms in the U.S., it has the potential of adversely affecting America's workforce. EMS disability can be accommodated by creating RF radiation free zones that employ only wired facilities in the work and home environments.</p>			<p>regulate non-ionizing radiation that is emitted by electrical devices such as cell phones and transmitters. The Federal Communications Commission (FCC) regulates radiofrequency (RF) emissions from FCC-regulated transmitters and devices, including for the purposes of considering significant environmental effects and human exposure. The FCC provides information on the potential hazards associated with RF electromagnetic fields through their website: www.fcc.gov/rfsafety, which among other things, has an FAQ that addresses common questions. For further information on RF safety, including site specific questions, inquirers may reach FCC directly via email at rfsafety@fcc.gov.</p>	

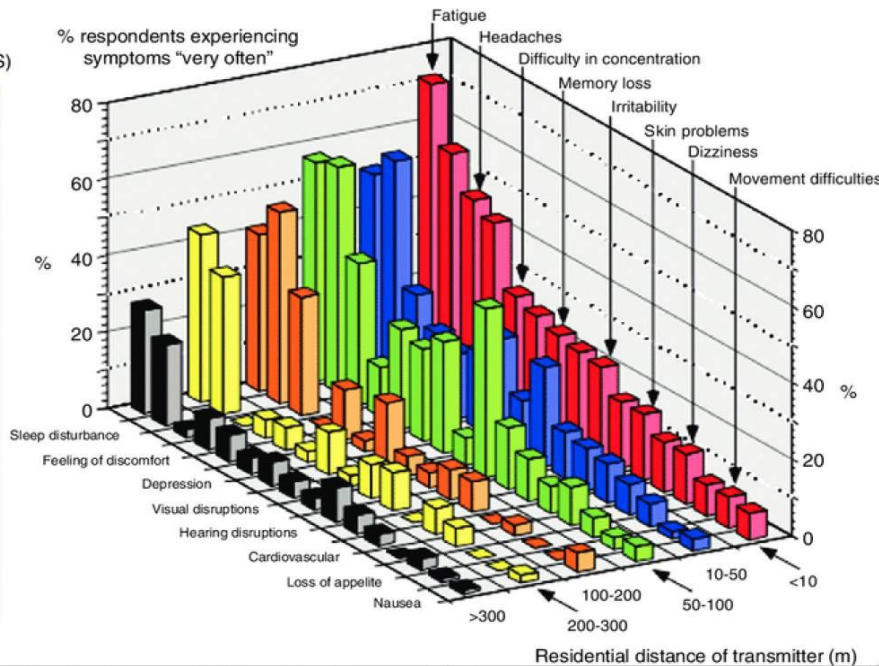
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<p>Disability from electromagnetic field (EMF) radiation is as silent and invisible as the toxin that creates the disability in the first place. Those suffering from EMF exposure, however, cannot travel to Washington DC to potentially sit on the Capitol steps to advocate for themselves. EMF is so pervasive that any effort similar to the “Capitol Crawl” to raise awareness would put them at physical risk. These people have been silenced and rejected. They are isolated from play with other children, from study with fellow students, from advancement in the workforce and the financial means to support themselves in anything but subsidized housing. But even federally-subsidized housing is becoming inaccessible since those buildings appear to be a target for wireless tower leases because it is the path of least resistance in increasingly resistant communities.</p> <p>See History Series, “When the ‘Capitol Crawl’ Dramatized the Need for Americans with Disabilities Act,” https://www.history.com/news/americans-with-disabilities-act-1990-capitol-crawl.</p> <p>The following chart shows a worsening of symptoms when closer to a cell tower but a lessening of symptoms when farther away from a cell tower.</p>				

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*Note: This image was submitted to the EPA as part of a public comment. Please contact National Call for Safe Technology for any questions regarding this image.

Rapid aging syndrome (RAS)
Electro-Hyper-Sensitivity (EHS)

1. Fatigue
2. Sleep disturbance
3. Headaches
4. Feeling of discomfort
5. Difficulty concentrating
6. Depression
7. Memory loss
8. Visual disruptions
9. Irritability
10. Hearing disruptions
11. Skin problems
12. Cardiovascular
13. Dizziness
14. Loss of appetite
15. Movement difficulties
16. Nausea



Symptoms experienced by people near cellular phone base stations; RF radiation affects the blood, heart and autonomic nervous system.1 Source: Santini, et al (France): Pathol Biol. 2002;50:S369-73.

<p>Environmental Justice and Civil Rights</p> <p>Disability from EMFs is as silent and invisible as the EMF toxin that creates the disability in the first place. They are isolated from play with other children, from study with fellow students, from advancement in the workforce and the financial means to support themselves in anything but subsidized housing. But even federally-subsidized</p>	<p>National Call for Safe Technology</p>	<p>Sec II.B.B.5. The EPA's implementation of environmental justice and civil rights compliance p. 13</p>	<p>See the EPA's response on pages 16-17.</p>	<p>Made no changes to the NPG.</p>
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<p>housing is becoming inaccessible since those buildings appear to be a target for wireless tower leases because it is the path of least resistance in increasingly resistant communities. Those suffering from EMFs, however, cannot travel to Washington DC to potentially sit on the Capitol steps to effectuate change. That is what it took to get the Americans with Disabilities Act of 1990 (ADA) passed. The “Capitol Crawl” showed the disabled leaving their wheelchairs behind as they crawled the Capitol steps, including an 8-year old disabled girl. EMF is so pervasive that any effort similar to the “Capitol Crawl” to raise awareness would put those disabled by EMF at physical risk. These people have been silenced and rejected.</p> <p>This is particularly compelling since the DC Circuit Court of Appeals ruled against the FCC in 2021 and remanded its emission limits for its failure to review 11,000 pp of scientific peer-reviewed studies showing harm below its limits, along with accounts of personal injury. See https://ehtrust.org/court-judgment-on-fccs-record-review-of-1996-wireless-radiation-standards/.</p> <p>See also, Wyoming Governor’s letter to the FCC, https://ehtrust.org/letter-to-the-honorable-jessica-rosenworcel-chairwoman-federal-communications-commission-from-wyoming-governor-mark-gordon-children-and-fcc-wireless-radiation-safety-limits/.</p> <p>Therefore, these limits do not protect the public but provide a safe harbor for industry that shields it from liability for personal injury so long as the</p>				

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<p>industry operates within the FCC exposure limits (the Telecommunications Act of 1996 provides this shield, heavily negotiated by industry at the time). To date, the FCC has failed to comply with the court order. Essentially, we're flying blind on public health and safety. See US Senator Blumenthal at https://mdsafetech.org/2019/02/13/no-research-on-5g-safety-senator-blumenthal-question-answered/.</p> <p>To put this in perspective, Martin L. Pall, PhD, Professor Emeritus of Biochemistry and Basic Medical Sciences, Washington State University, had provided in the FCC's docket that the FCC's existing RF exposure limits "are approximately 7.2 million times too high." See https://ehtrust.org/appeals-court-tells-fcc-to-address-non-thermal-health-impacts-of-radiation-from-wireless-technology-on-children-the-public-and-the-environment/.</p> <p>The EMF disabled require equal access to web services in a manner that does not injure them and that does not otherwise put them in harm's way. They cannot use a technology that is injuring them – EMF radiation.</p> <p>The digital divide is no less relevant for the EMF disabled who may not be able to use web-based services and who cannot use mobile devices. For the EMF disabled, being required to use mobile services and devices to access necessary medical programs and services would only guarantee the digital divide for the EMF disabled. HHS must</p>				

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<p>promulgate rules to ensure that access to such necessary services does not require wireless connectivity on mobile devices.</p> <p>Mention has been made of the pandemic and the need for more web access. However, the best access is through wired connections. For instance, the National Telecommunications Information Administration (NTIA) has prioritized fiber to the premises for the nation in order to bridge the digital divide, not mobile.</p> <p>See NTIA Official Acknowledges Clear Preference for Fiber in Infrastructure Deployment Program, June 13, 2022, https://broadbandbreakfast.com/2022/06/ntia-official-acknowledges-clear-preference-for-fiber-in-infrastructure-deployment-program/.</p> <p>Lest the EPA believes that mobile access will bridge the digital divide, it will not. So, to digress a moment on the benefits of fiber to the premises ... Underscoring the importance of fiber over wireless, former FCC Chairman, Tom Wheeler, in his March 2021 Congressional testimony, described fiber as “future proof,” and prioritized a “fiber first” policy for the nation. See Tom Wheeler’s Testimony to Congress, https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Witness%20Testimony Wheeler FC 2021.03.22.pdf. Wheeler’s statements point to the fact that wireless and fiber are not equivalent broadband media, and that wireless should be used only as a last resort. “Fiber is unmatched in its speed,</p>				

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<p>performance [and] reliability ... “ far exceeding the promise of any generation of wireless technology. See “Reinventing Wires: The Future of Landlines and Networks,” National Institute for Science, Law and Public Policy, authored by Timothy Schoechele, PhD; https://electromagnetichealth.org/wp-content/uploads/2018/02/ReInventing-Wires-1-25-18.pdf.</p> <p>Wired connections, such as fiber and cable, to the premises provide the best capacity for remote learning for children and students, particularly those who are already EMF disabled, and more reliable access to medical and other services for the elderly and disabled during emergencies or severe weather when wireless service is more likely to be interrupted. Wired connections will also prevent the exclusion of the EMF disabled who cannot be near RF radiation emitted from mobile devices and equipment.</p>				
<p>Grants should be provided for accommodations for the EMF disabled. See below.</p> <p>ACCESSIBILITY RECOMMENDATIONS</p> <p>The importance of providing accommodation for the EMF disabled for medical programs and services is two- fold. First, exposure to RF / EMR / EMF / MW radiation in medical facilities can be life-threatening. Second, a “patient’s vital signs or test results may vary dependent on EMF/EMR exposures at a specific location and at a specific moment (electrosmog can affect the autonomic nervous system, the blood, the heart and even blood sugar levels in some sensitive diabetics) ...</p>	National Call for Safe Technology	Sec II.B.B.5. The EPA’s implementation of environmental justice and civil rights compliance p.13	See the EPA’s response on pages 16-17.	Made no changes to the NPG.

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<p>this can lead to misdiagnosis, over-treatment, under-treatment, inappropriate medications or dosages . . ." Further reasons and a detailed list of recommendations for accommodation are provided by the ElectroSensitive Society – see ElectroSensitive Society https://www.electrosensitivesociety.com/how-hospitals-can-accommodate-patients-who-have-ehs/.</p> <p>Here are some examples of accommodations needed for the EMF disabled. The EMF disabled need landline corded phones as they cannot use or be dependent on cell phones, human agents and, where necessary, paper rather than electronic communications if it is hazardous for them to touch a computer or any Wi-Fi enabled device. The Building Biology Institute provides additional recommendations. See https://buildingbiologyinstitute.org/wp-content/uploads/2022/04/EMR Factsheet v2.0r.pdf?kx=rTGycWw57cXYTKX7Sp9116a7XwgrVJvuJ7aQ34KIbyY%3D.UN8Sad.</p> <p>Accessibility Access to medical programs and services may be accessed wirelessly or by wired connections. The EMF disabled require access by wired connections or by paper; such programs and services cannot be coupled with wireless-only access, such as by mobile applications and devices. To be clear, access to web content and services is not synonymous with a wireless connection, but would engage any technology which would provide access to a disabled individual so as to receive</p>				

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<p>medical programs and services on an equal basis as others. Requiring access to wired technology, such as copper wires, cable or fiber optics, as well as providing paper alternatives, would help ensure that parity for the EMF Disabled.</p> <p>The National Institute for Science, Law and Public Policy published a report of hard-wiring broadband connections which would be of tremendous benefit for making accommodation for the EMF disabled.</p> <p>Federal agencies should ensure that providing mobile applications and promoting their use on mobile devices does not impair the EMF Disabled from accessing medical programs and services by more traditional means, i.e., wired connections (copper, cable and fiber), as well as by landline phone, human agents and paper communications via the U.S. Postal Service, by which many of the EMF Disabled are only able to access essential medical programs and services, including emergency care.</p> <p>For those EMF Disabled who are so disabled that they cannot even touch a computer to retrieve services via the web, it is essential that there be access to a staffed telephone information line. In effect, a website or check-in device or kiosk by which a person would otherwise access medical programs and services becomes inaccessible to the extent that the EMF Disabled cannot even touch a computer or electronic device to access medical programs and services. Web-based services will never replace the need for an EMF Disabled person</p>				

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<p>to speak to a live person. Cutting off access to a live person would cut off the life-line of the EMF Disabled who would be in dire need of medical services.</p> <p>Correct Wiring. Correct wiring, up to code, especially at the junction and breaker boxes in buildings, needs to be enforced. This should be certified by accredited entities. And for the EMF disabled, the electrical and magnetic fields need to be at the safe levels as per the Building Biology Institute standards. See https://buildingbiology.com/site/downloads/rich twerte-2015-englisch.pdf. Wiring errors are frequently made in buildings which increases the EMF's (electromagnetic fields) to unsafe levels. These can be prevented and many remedied. If an outlet is incorrectly wired, especially the grounding, the increased electric fields will travel through the air into the room and through the wire to any device plugged into it. Light switches and fixtures will have unsafe levels of electric and magnetic fields if incorrectly wired or grounded.</p> <p>Creating Safe Zones. A zone should be designed to provide safe web access for the EMF disabled at the premises of public entities, so that a portion of each such public entity would not expose the EMF disabled to RF radiation. Wi-Fi/wireless free zones are areas in a building that do not have Wi-Fi or other wireless connectivity and are free of any RF radiation or wireless frequency of any kind, including, but not limited to, that generated by mobile devices such as cell phones, tablets, Wi-Fi routers, or any smart meters on the premises.</p>				

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<p>Creating a Wi-Fi/wireless free zone would include a way to terminate all wireless transmitting signals originating from within the zone and attenuate all wireless receiving signals penetrating into the zone. Transmitting signals can be terminated with a combination of a hard wire shut-off, permanent Wi-Fi free software deactivation that does not reset itself or just by using fiber to the premises and cabled modems / routers / computer / telecommunications equipment. Received signals can be lowered with a combination of RF attenuation building materials, equipment and products that reduce the RFR penetrating into the zone. The objective is to create an “as low as reasonably achievable” level of RFR for receiving signals.</p> <p>All telecommunications access should be provided by telecommunications equipment (e.g., modems or routers) connected only by copper wire, cable or fiber optics. Any connectors for fiber optics and other hard- wired alternatives must be secured and ensure a leak-free connection. The zone would have a means to terminate all wireless transmitting signals originating from within the zone and attenuate all wireless receiving signals penetrating into the zone. Transmitting signals can be terminated with a combination of a hard wire shut-off, permanent Wi-Fi free software deactivation that does not reset itself. Alternatively, telecommunications equipment could simply be permanently connected to fiber optics or cable for an even faster, more secure and healthier experience.</p>				

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<p>Received signals can be lowered with a combination of radio frequency attenuation building materials, equipment and products that reduce the radio frequency penetrating into the zone. The objective is to create an “as low as reasonably achievable” level of radio frequency receiving signals.</p> <p>The zone could also be “flexible,” by equipping it with an easily accessible and visible “off” switch and robust software that does not permit wireless signals and prohibits these software settings from being automatically overridden or reset. Those needing a connection for their cell phones would simply turn off their Wi-Fi and cellular connections and plug into the hardwired connections that would be made available to them at various locations within the zone, without any attenuation in service and with the possible advantage of even faster and more reliable service without expense to their health.</p> <p>In order for the EMF disabled to reach a flexible zone, any wireless frequency within these public entities would require some form of wireless frequency attenuation (such as RF blocking, shielding or reduction device) over the wireless telecommunications equipment to significantly reduce the amount of wireless frequency emitting from that equipment without affecting wireless connectivity.</p> <p>The EMF disabled must have direct access through human agents, e.g., who are able to answer and respond to telephone calls and written</p>				

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<p>correspondence conducted through the USPS first class mail.</p> <p>In addition, the EMF disabled require emergency services in case of any acts of God, access to which, incidentally, may also become interrupted with wireless infrastructure.</p> <p>Accommodation for Emergencies</p> <p>The EMF disabled require hardwired connections in the event of any emergency or natural disaster, such as heavy weather conditions or a tornado. An example of how fiber optics made possible the restoration of service during an emergency is in Chattanooga, TN. In November 2012, a tornado ripped through Chattanooga. Because of the fiber optics installation, the system was able to either prevent or automatically restore service from 23,000 customer outages. “Smart Grid Helps Keep Lights Burning,” May 19, 2017 Editorial, Hamilton County Herald, https://www.hamiltoncountyherald.com/Story.aspx?id=8646&date=5%2F19%2F2017.</p> <p>Accommodation in Data Systems</p> <p>A web and app-based, mobile-only environment, utilized as a communications and information portal to access services, programs, and activities offered by public entities, is problematic. Sole reliance on technology for access creates additional barriers to access for the EMF disabled, whose disabilities would worsen from such</p>				

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<p>access.</p> <p>The EMF disabled have severe health impairments and multiple disabilities that are cardiac, neurological, and sensory, including those with cognitive and processing disabilities, many of whom are at risk for further health impairments. It is critical for this information to be entered into data systems. Therefore, this information is often overlooked and omitted from government data systems because there is no mechanism for it to be created in the drop-down menus of Title II public entities. These systems just throw these individuals into the “Other Health Impairment” category which is akin to a waste bucket in the IEP categorical data collection system. Therefore, a category for the EMF disabled should be created to properly account for their disabilities, so that theirs will also be considered “relevant” within the data systems.</p> <p>See List of Accommodations below:</p>				
<p>List of Accommodations</p> <p>The following is a short list of readily achievable, affordable modifications, submitted to the National Council on Disability in 2022 (Submitted to the Board of the National Council on Disability, May 12, 2022 by Susan Molloy, M.A., Snowflake, AZ.):</p> <ul style="list-style-type: none"> • Daylight, skylights, or option of incandescent lightbulbs (no fluorescents or LEDS) in designated areas of the facility; • Remove Fragrance Emission Devices (“FEDS”) in designated restrooms, no fragrance distribution systems in Heating, Ventilation, Air Conditioning (“HVAC”) systems, no scented products; • Do not use Wi-Fi to monitor indoor air pollutants; 				

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<ul style="list-style-type: none"> • Use no “smart” meters for electricity, gas, or water in or around public areas of a facility unless they are thoroughly and effectively shielded; • Separate the electrical wiring and fiber optics for designated parts of the facility and install kill switches for designated areas, so that non-essential computers, printers, fluorescents, equipment can be shut down without impacting all areas of the facility; • Maintain landline telephones, re-install old-style payphones, in and around the facility; • Use independent variable fresh air ventilation system (fan and operable window) for designated areas that can be operated by the room occupant without assistance; • Use signage on and around the facility, in pertinent formats, indicating where to find wheelchair- and otherwise accessible sidewalks, ramps, doors, restrooms, phones, conference rooms, parking, along with a posted schedule of recent maintenance materials; • Use signage to designate areas where wi-fi, pest control and maintenance chemicals, and recent remodeling are present to avert accidental exposures (to the degree possible); • Designate areas for re-charging wheelchair batteries, cell phones, computers, vehicles, others, using wired electrical outlets; • Install hard-wired, wheelchair-accessible, buzzer or intercom outside the facility to summon building occupants such as the receptionist, doctor, your child, police, social service staff, grocer, shopkeeper; • We request a Memorandum of Understanding (“MOU”) available to us, on good stationery, explaining specifically that we are to be given safe® passage and accommodation; • Study the California Building Standards “Cleaner Air Room” concept and language as per the Indoor Environmental Quality (“IEQ”) Report, pages 47-55, 2005, posted on the U.S. Access Board’s website; • Request development of shielding or redesign of computers and other technology to block electromagnetic fields and wifi, at the point of manufacture; • Parking and passenger-loading zones protected from EV battery re-chargers, wireless or 5G equipment, cell towers; • Other guidelines include those in the Indoor Environmental Air Quality report 				

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<p>In addition, for a facility to be safer for the public, as well as more accessible to the EMF disabled per Coloradans for Safe Technology:</p> <ul style="list-style-type: none"> • Use correct wiring, up to code, especially at the junctions and breaker boxes in buildings. • Wiring errors are frequently made in buildings, which increase the MW/EMFs to unsafe levels. If an outlet is incorrectly wired, or especially the grounding, the increased electric fields will travel out into the room and to any device plugged in. Light switches and fixtures will emit unsafe levels of electric and magnetic fields if incorrectly wired or incorrectly grounded (there does not appear to be a U.S. bio-safe standards for electrical and magnetic fields, other than those meant to prevent acute electrocution) • Units in multifamily buildings, for EMF disabled residents, must be in areas away from large electrical sources like the elevator, mechanical room, laundry room, electric vehicle charging stations, and others. EMS safer units must include safe path of travel. • MW/EMF shielding of premises, using triple-pane Low-E windows, Faraday curtains and Faraday canopies for example, plus for outdoors: Faraday screens to protect parking, paths of travel, and yard areas. • When a single person who is EMF disabled needs to find a place to live, too often HUD restrictions that limit a person to one bedroom do not work. That individual may need a standalone house if there are no other accommodation away from MW/EMFs. • Public entity facilities need wired internet, phones, security systems in designated areas, if not throughout. They are a must for the EMF disabled along with non-electric appliances (office equipment, heaters), low EMF refrigerators or an electrical shut off for them so they can be opened without fear of them turning on, which would activate high electrical and magnetic fields. • Shielding screen made of protective metals on windows. • Safer public areas inside or adjacent to facilities are may best be placed at the end of the floor, with access to stairs rather than only to the elevator. Accurate RF-EMR meters for the facilities' managers and maintenance officials will help maintain safe areas and to determine if a part of a public facility might be safer for an EMF disabled member of the public to enter. 				
<p>Water Infrastructure – no EMF-emitting, fee-collecting devices (e.g., “smart” water meters) There is the case of a resident of North Carolina who had to evacuate her house because an EMF emitting, fee-collecting device was installed in her neighbor’s house and was exposing her to such radiation that her skin was burning and she was about to faint. She now has no access to her water</p>	<p>National Call for Safe Technology</p>	<p>Sec II.B.B.5. The EPA’s implementation of environmental justice and civil rights compliance p.13</p>	<p>See the EPA’s response on pages 16-17.</p>	<p>Made no changes to the NPG.</p>

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because she cannot enter her house with further injury.				
OEJECR should amend the NPG to include in section C.2 under “activities” the creation of a publicly accessible database with state agencies and industry that have entered into agreements with EPA and the Department of Justice (e.g. Informal Resolution Agreements) which provide background on the initial violation, terms of the agreement, timelines and updates to impacted communities on compliance.	Shiv Srivastava, Policy Director Fenceline Watch (Community Based EJ Organization)	C.2 Proactive external civil rights compliance pg. 16	Thank you for your comment. OEJECR will review your recommendation.	Made no changes to the NPG.
The guidance must ensure equity within public comment timelines for alternative language and differently abled communities	Fenceline Watch (Community Based EJ Organization) Yvette Arellano, Founder Director	(A. Objective 1)(Page.6)	The timelines for National Program Guidances are dependent on the issuance of the President's Budget. As National Program Guidances are used by regulatory partners in states, Tribes, and territories to inform summer grant work planning, any delays in the issuance of the President's Budget can impact the length of time for public comments. Having said that, there is room for improvement in communicating public comment timelines to ensure equity for communities. OEJECR appreciates this feedback as we continue to learn and grow as an organization.	Made no changes to the NPG.
The implementation of Environmental Justice and civil rights compliance activities for National Programs and Regions must include community outreach how to file complaints	Fenceline Watch (Community Based EJ Organization) Yvette Arellano, Founder Director	(B.5) (Page 13)	Thank you for your comment. OEJECR has information about filing complaints on the following publicly available webpage: https://www.epa.gov/external-civil-rights/filing-discrimination-complaint-against-recipient-epa-	Made no changes to the NPG.

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			funds.	
OEJECR Specific activities must include community engagement on compliance w/ agreements for those found in violation (EPA/DOJ actions)	Fenceline Watch (Community Based EJ Organization) Yvette Arellano, Founder Director	(B.5) (Page 13)	Thank you for your comment. For information about how OEJECR engages with complainants, please see the Case Resolution Manual: https://www.epa.gov/ogc/case-resolution-manual .	Made no changes to the NPG.
Meaningful access to the EPA’s programs and activities for persons with disabilities must include conducting public stakeholder evaluations to ensure effectiveness of resources and services	Fenceline Watch (Community Based EJ Organization) Yvette Arellano, Founder Director	B.7	Thank you for your comment. OEJECR will consider your recommendation as the disability program is developed and implemented in Fiscal Year 2025.	Made no changes to the NPG.
Public The term “ the public ” is used in the broadest sense, meaning the general population of the United States. <u>Many segments of “the public” may have a particular interest. The public must not extend to applicants and affiliated interested with vested economic or business interest.</u> The public must also exclude trade associations, industrial and agricultural organizations and affiliates that represent industry outcomes. We believe that the EPA must establish a conflict-of- interest policies across the agency including in the definition of “the public.” There is a fundamental and irreconcilable conflict between the polluting industry’s interests and public health policy interests. EPA must ensure consistent and effective separation between its activities and those of the polluting industry, to preserve its integrity and reputation and in promoting development. In setting and implementing their public health, implementation	Fenceline Watch (Community Based EJ Organization) Yvette Arellano, Founder Director	B.4 p 12 and throughout document references to public. Achieving Health and Environmental Protection Through EPA’s Meaningful Engagement Policy (an update to the EPA’s 2003 Public Involvement Policy in FY 2024) https://www.epa.gov/system/files/documents/2023-12/final_meaningf	Thank you for your comment. In the EPA's draft "Achieving Health and Environmental Protection Through EPA's Meaningful Engagement Policy", the term “the public” is used in the broadest sense, meaning the general population of the United States. Many segments of “the public” may have a particular interest in or may be affected by the EPA programs and decisions. The Public Participation Model (within the policy) provides information on how to “identify segments of the public” to select a narrower definition of “public” that includes individuals or entities interested in or affected by EPA	Made no changes to the NPG.

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<p>and public engagement policies with respect to pollution controls protective of human health, biodiversity and the environment. EPA should act to protect these policies from commercial and other vested interests of polluting industry in accordance with national law.</p> <p>This is a framework already reflected in the World Health Organizations, Framework Convention on Tobacco Controls (WHO, FCTC, (February 27, 2005)</p> <p>https://fctc.who.int/docs/librariesprovider12/default-document-library/fctc-model-policy---short-.pdf</p>		<p>ul-involvement-policy_eams_11.7.2023_508.pdf</p>	<p>decisions. The public review draft of the policy is located on OEJECR's website: https://www.epa.gov/system/files/documents/2023-12/final_meaningful-involvement-policy_eams_11.7.2023_508.pdf.</p> <p>Bringing people together to address environmental challenges is central to how the EPA does business. The EPA has a long history of success in seeking input from the public, working with stakeholders to reach common ground, and providing mediators and facilitators to reach mutually acceptable agreements on contentious issues. Learn more about Environmental Collaboration and Conflict Resolution (ECCR) at EPA at this website: https://www.epa.gov/eccr.</p>	
<p>Under the activities portion of OEJECR –specific: (second bullet point) external stakeholder engagement must ensure that these meetings are publicly accessible.</p> <p>Under National Program: The guidance must include identifying origin of disparities and establishing linkages across multiple barriers.</p>	<p>Fenceline Watch (Community Based EJ Organization) Yvette Arellano, Founder Director</p>	<p>B.1 (page 10)</p>	<p>Thank you for your comments. OEJECR is committed to stakeholder engagement that is publicly accessible and has added suggested language to the OEJECR-specific section of B1.</p> <p>OEJECR will review the recommendation from your second comment.</p>	<p>On page 10, 2nd bullet under OEJECR-specific activities, added "publicly accessible".</p>
<p>Under National programs and regions: (the guidance) must include opportunities for regional</p>	<p>Fenceline Watch (Community</p>	<p>B.2 (Page 11)</p>	<p>Thank you for your comments. OEJECR is committed to providing</p>	<p>Made no changes to the</p>

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<p>and state regulatory agencies to receive training on environmental justice and equity screening tools.</p> <p>Additionally, the guidance must include providing a public facing timeline over progress made in regional offices and how practices to address disproportionate impacts are being operationalized.</p>	<p>Based EJ Organization) Yvette Arellano, Founder Director</p>		<p>training on environmental justice and equity screening tools. EJScreen Office Hours are facilitated bi-monthly, and training sessions are offered throughout the year. For more information on regularly scheduled office hours and trainings, visit this website: https://www.epa.gov/ejscreen/ejscreen-office-hours-training.</p> <p>Trainings can also be requested using the 'contact us' link on the above referenced website, via email to ejscreen@epa.gov, or by contacting regional environmental justice staff: https://www.epa.gov/environmentaljustice/environmental-justice-your-community.</p> <p>In addition, EJScreen office hours and training sessions are communicated through the EJ Listserv. Subscribe to EPA's Environmental Justice listserv by sending a blank email to: join-epa-ej@lists.epa.gov.</p> <p>For your second comment, the EPA utilizes annual environmental justice and external civil rights (EJECR) implementation plans for programs and regions to list actions and track progress on</p>	<p>NPG.</p>

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			agency priorities, including those of addressing disproportionate impacts in overburdened communities.	
Under activities specific to OEJECR the guidance must connect NEJAC and WHEJAC recommendations to broader public by making them publicly available.	Fenceline Watch (Community Based EJ Organization) Yvette Arellano, Founder Director	B.3 (Page 12)	Thank you for your comment. The EPA publishes all final recommendations from the National Environmental Justice Advisory Council (NEJAC) and the White House Environmental Justice Advisory Council (WHEJAC) on the following public-facing webpages: NEJAC recommendations: https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council-recommendations . WHEJAC recommendations: https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council#whejacrecommendations .	Made no changes to the NPG.
Under OEJECR activities: The guidance must include the activity of identifying and highlighting key decision-making processes including rulemaking opportunities to the public. Rulemaking processes inclusive of affected communities allow the public to engage in the remedy to disproportionate harm by incorporating affected communities input to rectify systemic failures.	Fenceline Watch (Community Based EJ Organization) Yvette Arellano, Founder Director	B.4 (Page 13)	Thank you for your comment. The EPA continuously strives to improve meaningful engagement with communities in line with the Administration’s Executive Order 14094: Modernizing Regulatory Review: https://www.govinfo.gov/content/pkg/FR-2023-04-11/pdf/2023-07760.pdf .	Made no changes to the NPG.

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			To learn more about meaningful community engagement in rules, visit the EPA’s regulatory agenda webpage: https://www.epa.gov/laws-regulations/regulatory-agendas-and-regulatory-plans .	
<p>National Programs and regional guidance must include re- establishing EPA regional in person meetings with travel support for participants.</p> <p>The last one held was under Israel Anderson in 2016 in Oklahoma City. These gatherings included support for travel. Below is the detail outlined from these meaningful engagement opportunities. Opportunities that offered us to connect and build relationships with agency staff and other advocates. The currency of trust in our agencies has eroded.</p> <p>“The last one held was: Environmental Justice Training Workshop scheduled for June 13-15, 2015, at the Aloft Hotel Oklahoma City Downtown – Bricktown, 209 North Walnut Avenue, Oklahoma City, OK 73104, phone 405- 6052100. This is confirmation of your invitational travel assistance from the U.S. Environmental Protection Agency (EPA) to attend the workshop. EPA will reimburse you for airfare, two (2) nights lodging, and per diem. The hotel does not provide an airport shuttle service to the airport. Therefore, you should plan on using a taxi for which you will be reimbursed. Please ensure that you get all</p>	<p>Fenceline Watch (Community Based EJ Organization) Yvette Arellano, Founder Director</p>	<p>B.4 (Page 13)</p>	<p>Thank you for your comment. Regions regularly carry out in-person, hybrid, and remote meetings with community partners. Examples include "Regional Roadshows" (https://www.epa.gov/community-equity-resiliency/regional-roadshows) and EJ Caucus meetings at annual Brownfields conventions (for 2023, see https://brownfields2023.org/schedule/).</p> <p>Regions welcome outreach from community partners to discuss convening additional meetings, including with travel support if resources are available. Points of contact in each Region's EJ program are at https://www.epa.gov/environmentaljustice/environmental-justice-your-community.</p>	<p>Made no changes to the NPG.</p>

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<p>receipts for reimbursement Upon completion of this travel, it is requested that you review, sign and date your travel voucher and return it with all receipts to Mr. James Butler at butler.james@epa.gov”</p> <p>https://www.epa.gov/sites/default/files/2017-03/documents/oklahoma_action_plan.pdf</p>				
<p>The guidance must include that OEJECR must provide oversight, compliance, transparency on informal resolution agreements and remedy processes. This must include responding to community queries and clarification requests on the remedy process.</p>	<p>Fenceline Watch (Community Based EJ Organization) Yvette Arellano, Founder Director</p>	<p>B.5 (Page 13)</p>	<p>Thank you for your comment. For information about how OEJECR engages with complainants, please see the Case Resolution Manual: https://www.epa.gov/ogc/case-resolution-manual.</p>	<p>Made no changes to the NPG.</p>
<p>OEJECR-specific activities must include establishing a database of agreements entered with industry, state partners and DOJ that includes information on timeline, remedy actions, original Title VI complaints, recommendations and agreed actions.</p>	<p>Fenceline Watch (Community Based EJ Organization) Yvette Arellano, Founder Director</p>	<p>B.5 (Page 13)</p>	<p>Thank you for your comment. OEJECR will review your recommendation.</p> <p>For information about the external civil rights compliance case docket, visit this webpage: https://www.epa.gov/external-civil-rights/external-civil-rights-docket-2014-present.</p>	<p>Made no changes to the NPG.</p>
<p>In the guidance for meaningful access to the EPA’s program and activities for person with limited-English proficiency OEJECR activities should include:</p> <ul style="list-style-type: none"> • Provide framework to maximize outreach about language as a protected right. • Provide evaluation metrics for LEP translation/ interpretation services. <p>Conduct public stakeholder evaluations of affected communities to measure effectiveness of resources and services.</p>	<p>Fenceline Watch (Community Based EJ Organization) Yvette Arellano, Founder Director</p>	<p>B.6 (Page 14)</p>	<p>Thank you for comment. OEJECR will review your recommendation.</p>	<p>Made no changes to the NPG.</p>

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<p>In the guidance for meaningful access to EPA’s program and activities for persons with disabilities OEJECR activities should include:</p> <ul style="list-style-type: none"> • Provide framework to maximize outreach about access for people with disabilities as a protected right. • Provide evaluation metrics for disability services <p>Conduct public stakeholder evaluations of affected communities to measure effectiveness of resources and services.</p>	<p>Fenceline Watch (Community Based EJ Organization) Yvette Arellano, Founder Director</p>	<p>B.7 (page 15)</p>	<p>Thank you for comment. OEJECR will review your recommendation.</p>	<p>Made no changes to the NPG.</p>
<p>Under Section III. Implementing Tribal Work : The guidance must assure Free Prior and Informed Consent</p>	<p>Fenceline Watch (Community Based EJ Organization) Yvette Arellano, Founder Director</p>	<p>C.2 (Page 17)</p>	<p>Thank you for your comment. OEJECR’s NPG follows current U.S. guidance regarding free, prior and informed consent found in the 2011 Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples: Initiatives to Promote the Government-to-Government Relationship & Improve the Lives of Indigenous Peoples, located here: https://2009-2017.state.gov/documents/organization/154782.pdf. It states that the United States understands free, prior and informed consent to call for a process of meaningful, government-to-government consultation with Tribal leaders, but not necessarily the agreement of those leaders, before the actions addressed in those consultations are taken. governments. According</p>	<p>Made no changes to the NPG.</p>

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			to EPA's 2023 Tribal Consultation Policy, effective consultation means that information obtained from Tribes be given meaningful consideration and EPA should strive for consensus or a mutually desired outcome. EPA commits to provide early, meaningful engagement opportunities for Indigenous Peoples, consistent with EPA's 2014 EJ Policy for Working with Tribes and Indigenous Peoples, located here: https://www.epa.gov/sites/default/files/2017-10/documents/ej-indigenous-policy.pdf .	
<p>EJCR02: Percentage of new grant workplans must be publicly available and incorporate public input from disproportionately affected communities, submitted by states that include commitments to address disproportionate impacts.</p> <p>EJCR09: Percentage of programs that have developed guidance and have incorporated EJ and screening tools.</p> <p>EJCR13: Percentage of EPA national programs and regions that have established ej and external civil rights implementation plans with (must include) <u>public input from affected community's and resource allocation toward the implementation of plans</u></p> <p>EJCR14: Percentage of EPA national programs and regions that have implemented program and</p>	<p>Fenceline Watch (Community Based EJ Organization) Yvette Arellano, Founder Director</p>	<p>(Page 19) FY 2025 National Program Guidance Measures</p>	<p>Thank you for your suggested recommendations on National Program Guidance Measures. The language from these measures is directly tied to Long-term Performance Goals in the EPA's FY 2022 - 2026 Strategic Plan. OEJECR agrees on the importance of resource considerations for each referenced plan (EJCR13, EJCR14, EJCR15). All plans are based on allocated resources.</p> <p>Regional environmental justice staff are available for receiving public input on community issues, including those focused on disproportionate impacts, language accessibility, disability</p>	<p>Made no changes to the NPG.</p>

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<p>region-specific language assistance programs (must include) <u>public input from affected community's and resource allocation toward the implementation of plans</u></p> <p>EJCR15: Percentage of EPA national programs and regions that have implemented program and region-specific disability access plans (must include) <u>public input from affected community's and resource allocation toward the implementation of plans</u></p> <p>(SUCH PLANS MUST INCLUDE RESOURCE ALLOCATION TO SUCCEED FOR THE COMMUNITIES THEY SERVICE, otherwise they are simply written plans)</p> <p>EJCR18: The number of information sharing sessions and outreach and technical assistance events held with overburdened and underserved communities and environmental justice advocacy groups on civil rights and environmental justice issues must also be publicly available</p>			<p>accessibility, et. Regional EJ staff contacts are on this website: https://www.epa.gov/environmentaljustice/environmental-justice-your-community.</p>	
<p>The Office of Environmental Justice and Civil Rights Compliance (OEJECR) failed to conduct open public community stakeholders engagement regarding the FY 2025- 2026 National Program Guidance ahead of the opening of the comment period on April 23, 2024,</p> <p>In October of 2023 OEJECR held three stakeholder engagements:</p> <ul style="list-style-type: none"> National Environmental Justice Advisory Council- NEJAC Business 	<p>Shiv Srivastava, Policy Director Fenceline Watch (Community Based EJ Organization)</p>	<p>SECTION I. INTRODUCTION pg. 4</p>	<p>Thank you for bringing your experiences to our attention and for highlighting the ways in which OEJECR can improve processes for community engagement going forward. We have identified new best practices after reflecting on this feedback that we look forward to implementing next cycle.</p>	<p>Made no changes to the NPG.</p>

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<p>Meeting 10/5/2023</p> <ul style="list-style-type: none"> • State Partners-Monthly All-States Call 10/12/2023 • Community members, environmental justice advocacy groups, tribal members-Monthly engagement call 10/17/2023 <p>All three of these engagements were by invitation only and closed to the general public. Notice of the comment period of OEJECR's FY 2025-2026 National Program Guidance was not shared with EPA's EJ listserv. The first public engagement around OEJECR's NPG was conducted on May 21, 2024, during the EPA National EJ Community Engagement Call, a mere eight days prior to the initial June 4th, 2024 comment closure date.</p> <p>Fenceline Watch brought this to the attention of OEJECR staff and requested all stakeholder engagement conducted around the FY 2025-2026 public comment period. In addition to the three stakeholder meetings held in October of 2023, and were provided with these additional dates:</p> <ul style="list-style-type: none"> • National Environmental Justice Advisory Council (NEJAC): May 1st, 2024 • Monthly engagement call with environmental justice state partners: May 9th, 2024 • The Environmental Council of the States (ECOS): May 14th, 2024 • Informational Teleconference with Tribes: May 16th, 2024 <p>These engagements were also closed meetings with the general public unable to</p>				

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<p>attend.</p> <p>We requested for an extension in the comment period from OEJECR staff. We reached out for several days following this request with no update. We reached out to EPA Region 6 for what if any outreach had been conducted by the regional office; they were unable to provide any information regarding the NPG's and had conducted no outreach to communities. On June 6, 2024 we spoke to Regional Administrator for EPA's South Central Region 6, Earthea Nance about OEJECR's National Program Guidance; she seemed unaware of the guidance and the comment period and responded:</p> <p><i>“what do you want Region 6 to do about that? It is a OEJECR program you would need to contact them.”</i></p> <p>On June 3rd, 2024 one day prior to the comment periods closure date we were informed that an additional 10 business days had been added to the comment period. We reached out to EPA.</p> <p>The lack of equitable engagement around the Office of Environmental Justice and External Civil Rights Compliance National Program Guidance is extremely troubling. The OEJECR mission states:</p> <p>The Office of Environmental Justice and External Civil Rights (OEJECR) supports the agency's mission by providing leadership on EPA's environmental justice and external civil rights priorities. OEJECR coordinates implementation of</p>				

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<p>those priorities across the agency’s national programs, regions, the Administrator’s Office, and across our partnerships with other federal agencies and coregulators in state, tribal, and local government, and communities. OEJECR provides resources and other technical assistance on civil rights and environmental justice, engages with communities with environmental justice concerns, and provides support for community-led action.</p> <p>Unfortunately, EPA OEJECR failed on multiple of these charges. The agency did not provide assistance nor did they engage with our communities during this process.</p> <p><u>The very nature of OEJECR’s NPG is to provide cross- cutting guidance on embedding EJ principles throughout the agency that emphasis early and frequent stakeholder engagement in Agency actions. That the comment period for the very guidance that is meant to undergird EPA’s public engagement strategy is both ironic and unacceptable.</u></p> <p>The deficiencies of OEJECR are made more apparent when because Fenceline Watch, a small environmental justice community based organization with extremely limited capacity was put in the position of watch dogging a federal agency to ensure that our communities along the Houston Ship Channel, as well as environmental justice communities around the nation had the opportunity to provide meaningful feedback to the agency.</p>				

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<p>More concerning still is how their seems to be little to no coordination intra-agency coordination at EPA between headquarters and regional offices, as evidenced by Region 6’s lack of knowledge about the NPG’s or ability to provide any guidance to our community; this despite apparent state partner outreach being conducted by the office.</p> <p>In order to satisfy the goals set out in EPA FY 2022-2026 EPA Strategic Plan, specifically goal 2 Take Decisive Action to Advance Environmental Justice and Civil Rights, coordination at all levels of the agency must be assured. This clearly currently not the case at OEJECR or Region 6. Fenceline Watch policy director Shiv Srivastava attended a CEQ meeting with environmental justice stakeholders in which Senior Advisor for Environmental Justice and External Civil Rights Karim David Marshall was in attendance. When this matter was brought to him he erroneously stated that a federal register notice for OEJECR’s National Program Guidance had been posted, no such federal register notice exists for this National Program Guidance. Moreover, he stated while his intent was not to invalidate what was felt a federal register notice served as Office of Environmental Justice and External Civil Rights Compliance notice.</p> <p>The importance of meaningful engagement is spelt out in EPA’s Meaningful Involvement Policy that states:</p>				

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<p><i>Meaningful Involvement is used to describe EPA’s commitment to a public participation process that seeks and facilitates public input on EPA actions by “providing timely and culturally appropriate information, access for people with disabilities, and language access for persons with limited English proficiency, considering issue of access raised by location, transportation, and other factors affecting participation, and by making available technical assistance to build community-based capacity for participating. EPA recognizes that limited public involvement may be marginalizing and could have the effect of denying appropriate access to the EPA decision-making process.</i></p> <p>Therefore, addressing, as feasible, other barriers to participation that individuals may face allows for more informed and applicable EPA actions.</p> <p>The interactions with both Mr. Marshall as well as Regional Administrator Nance also do not comport with EPA Meaningful Involvement Policy; which encourage cultural competence and humility when engaging with the public as well as transparency, sincerity, and a willingness to learn when engaging with the public.</p> <p>The FY 2025-2026 OEJECR guidance should be amended to include specific strategies and actions that ensure collaboration and coordination between EPA and regional offices including explicit procedures being undertaken, ensure stakeholder engagement that is truly public and</p>				

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