



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

December 22, 2022

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Principles for Addressing Environmental Justice in Air Permitting

FROM: Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation

TO: Air and Radiation Division Directors
Regions I-X

I am pleased to share the attached “Principles for Addressing Environmental Justice in Air Permitting” for your immediate use. These principles provide an interim operating framework for identifying, analyzing, and addressing environmental justice concerns in the context of Clean Air Act (CAA) permitting as EPA continues to build more tools and explore additional opportunities to advance environmental justice and equity with our co-regulatory partners, communities, and other stakeholders. EPA regional air permitting staff are encouraged to apply these eight principles in developing federal CAA permit decisions. Regions are equally encouraged to share these principles with state, tribal, and local partners and to work proactively and collaboratively with those partners to facilitate consideration and application of these principles in their air permitting actions.

I want to thank the national EPA workgroup that developed these principles and supporting information resources for EPA permit writers. The principles reflect a number of best practices the regions have developed over many years, including early identification of potential environmental justice concerns in specific locations and early, ongoing engagement with communities throughout the permitting process. The principles also recognize the various types of Clean Air Act permits and the need to determine the appropriate scope of an environmental justice analysis on a case-by-case basis. Similarly, opportunities for addressing disproportionately high and adverse effects associated with a permitting action may also vary from one situation to another. The principles encourage consideration of all relevant statutory and regulatory authorities available to develop permit terms and conditions to address or mitigate identified air quality impacts to the extent feasible. These may include state and local authorities as well as discretionary authorities under federal laws. Examples of legal discretion under existing federal authorities may be found in *EPA Legal Tools to Advance Environmental Justice*. The principles also recognize the importance of

ensuring that permitting decisions do not, either intentionally or in effect, discriminate against people on the basis of race, color, or national origin (including limited English proficiency), disability, age or sex in violation of federal nondiscrimination laws, including Title VI of the Civil Rights Act of 1964. Compliance with the federal civil rights laws by EPA recipients of federal financial assistance is mandatory and represents an important enforcement tool for achieving environmental justice. The principles also cross-reference the “Interim Environmental Justice and Civil Rights in Permitting Frequently Asked Questions (FAQs)” at appropriate junctures.

The goal in applying these principles is to improve and consistently practice meaningful stakeholder involvement and fair treatment at all stages of the permitting process, promote issuance of air permits containing terms that are appropriately protective of public health and the environment consistent with applicable environmental laws, and improve transparency in the permitting process.

Please share these principles with your staff, as well as colleagues at state, tribal and local air agencies. We anticipate refining the principles as we gain experience in their application and welcome your feedback on them. We have set up a mailbox at ejinairpermitting@epa.gov where such feedback can be sent. I will also be sharing the principles with state and tribal associations for their use and feedback and look forward to additional robust conversation on the principles with our implementation partners in the months ahead.

If you have any questions concerning this memorandum, please contact John Mooney (mooney.john@epa.gov) or Scott Mathias (mathias.scott@epa.gov). If states, tribes, or stakeholders have questions, we encourage them to reach out to relevant regional office contacts. This memorandum is posted on EPA’s website at: <https://www.epa.gov/caa-permitting>.

Attachment

cc: Regional Administrators
Deputy Regional Administrators
Tomas Carbonell
Alejandra Nunez
Elizabeth Shaw
John Shoaff
John Millett
Peter Tsirigotis
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