

Environmental Justice Collaborative Problem Solving (EJCPS) and Community Action for a Renewed Environment (CARE)

Two Models at EPA

Carmen Sirianni, July 2020

These two programs at the U.S. Environmental Protection Agency (EPA) emerged as a response to rising claims of environmental justice (EJ) communities for greater voice in local problem solving. Communities wanted to see tangible results that improved the lives of children and families, health and environment, while also creating capacities for tackling further challenges down the line. Hundreds of earlier EJ small grants elicited collaboration from various community and institutional actors, and these two programs developed higher levels of funding, but with explicit program requirements and incentives for collaborative and accountable action. CARE directly built upon EJCPS. One hundred CARE grantees celebrated this milestone at EPA and with the White House Council on Environmental Quality at the beginning of the Obama administration.

Both programs have been held up as models to build upon in Green New Deal and other ambitious climate policies before Congress, though typically with little more than a brief mention. Critics have argued that such grants programs largely demobilize EJ activism and are counterproductive. We thus need to appreciate their designs more fully.

Environmental Justice Collaborative Problem Solving (EJCPS)

- *EJ background:* while people have organized around disproportionate exposures to environmental hazards in communities and workplaces for many decades, an explicitly framed “environmental justice” movement began to emerge in the 1980s and took clear shape with the convening of the National People of Color Environmental Leadership Summit in 1991. See [CivicGreen Glossary: environmental justice](#).

The EPA responded by setting up an office of environmental equity to consider the rising evidence of disparities of many sorts, and after Bill Clinton was elected in 1992, he established an Office of Environmental Justice (OEJ), thereby adopting the more robust language of the movement.

The president issued Executive Order 12898 in early 1994 requiring each federal agency to make EJ part of its mission and established an interagency working group (EJ IWG) composed of representatives of eleven of the most relevant federal agencies (later expanded), and chaired by EPA. These agencies included Housing and Urban Development (HUD), Transportation (USDOT), Health and Human Services (HHS), and others.

The National Environmental Justice Advisory Council (NEJAC), established several months prior according to federal advisory committee guidelines, required “balance”

among relevant stakeholders. Thus, prominent EJ activists were to deliberate and develop strategies alongside multiple stakeholders from academia, industry, state, local and tribal governments, and other environmental groups. Their meetings were sometimes contentious but often quite productive.

As NEJAC's [*20-Year Retrospective Report \(1994-2014\)*](#) makes clear, “meaningful participation” among communities disproportionately burdened has been a core emphasis in virtually all its activities and reports, as has collaboration among a broad array of stakeholders.

- *legal and regulatory remedies*: since the EJ movement takes much of its framing from the civil rights movement, it is no surprise that it has sought various legal and regulatory remedies, and with important – if very incomplete – achievements, such as fairer participation of communities of color in state permitting for hazardous waste sites, greater enforcement of existing laws, expanded legal resources for communities, heightened federal administrative scrutiny, and increasing numbers of state EJ statutes and programs.

References:

David Konisky, ed., [*Failed Promises: Evaluating the Federal Government's Response to Environmental Justice*](#) (Cambridge, MA: MIT Press, 2015).

Jill Lindsey Harrison, [*From the Inside Out: The Fight for Environmental Justice within Government Agencies*](#) (Cambridge, MA: MIT Press, 2019).

Demos, [*Frontlines Climate Justice Executive Action Platform: Policy Memorandum*](#) New York: Demos, May 2020).

- *community participation*: EPA, as well as states, has also focused on how to engage EJ communities more directly. Community participation has always been a central component of the EJ movement, and some sectors of the movement, along with EPA and other federal and state agencies, have come to promote collaborative community problem-solving as an important tool in the larger EJ tool kit, even as the agency has sought to expand and better align its full suite of tools, as through its strategic *Plan EJ 2014* and *Plan EJ 2020*.

While developing further legal and regulatory tools remains a central priority for genuine advances on environmental and climate justice, more robust strategies for community engagement must be a central part of a well-aligned toolkit.

- *collaborative approach*: the emergence of the collaborative frame results from several factors:
 - *limits of administrative and legal remedies*: to administrators as well as local citizen groups. For the latter, legal action can take many years, consume

inordinate organizational resources, and demobilize constituents, often only to lead to disappointment in final outcomes.

Courts have systematically refused to apply Title VI of the 1964 Civil Rights Act against polluters without direct evidence of discriminatory intent, which is notoriously difficult to prove, especially in the face of competing explanations for unequal outcomes. The latter include relative land values, housing market dynamics, agglomeration economies in industry clustering, and scientific uncertainties in differential health impacts.

EPA has had little more success with such discriminatory intent claims than have community groups and activist lawyers, though some argue that it has not been nearly as vigorous as it could be. The Supreme Court added further obstacles to suits on disparate impact in its 2001 *Sandoval* decision.

The political barriers to changes in statutes have also been substantial.

References:

Holly D. Gordon and Keith I. Harley. 2005. "Environmental Justice and the Legal System," in David Naguid Pellow and Robert J. Brulle, eds., *Power, Justice, and the Environment: A Critical Appraisal of the Environmental Justice Movement*. Cambridge: MIT Press, 2005), 153-170.

Christopher Foreman Jr., *The Promise and Peril of Environmental Justice* (Washington, DC: Brookings, 1998).

Lisa Schweitzer and Max Stephenson Jr., "Right Answers, Wrong Questions: Environmental Justice as Urban Research," *Urban Studies* 44 (2007): 319-337.

- *potential opportunities*: key EJ movement networks, working within the multi-stakeholder policy forum of NEJAC, have concluded that, on key issues such as cumulative risk and pollution prevention, a place-based collaborative approach can deliver substantial payoffs for communities most vulnerable to multiple and interactive risk factors.
- *NEJAC reports*: two NEJAC reports represent a self-described "paradigm shift," though some movement leaders have been less enthusiastic than others.
 - *Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts* (2004): the NEJAC workgroup argues that, where there are multiple physical, chemical, biological, social, and cultural factors, which cumulatively and in the aggregate contribute to distinct vulnerabilities for low-income and minority communities, a place-based approach across multiple media and programs (air, water, waste, and toxics) can provide the

most effective way to generate a “bias for action” that engages various stakeholders in making quick and tangible improvements.

Tackling immediate risks and ones broadly recognized as pressing problems can enable local actors and institutions to build trust for addressing more difficult and contentious issues down the line.

Residents can directly contribute to local health diagnoses and practical solutions through participatory action research and community health education campaigns, for which there are robust models and much experience in local health departments and universities.

- [*Advancing Environmental Justice through Pollution Prevention*](#) (2003): this NEJAC report argues that pollution prevention (P2) strategies have advanced significantly through a broad range of initiatives in cleaner technologies and materials, energy efficiency and green building, transportation and land-use planning, and management and work systems. The Pollution Prevention Act of 1990 and a host of voluntary programs have encouraged this.

To get the full benefit of P2 approaches at the community level, especially for those most vulnerable, however, would require far more intentional collaboration among civic organizations, environmental groups, small and large businesses, health departments and other local government agencies. Building the capacity of local groups for multi-stakeholder collaboration, as well as broad public education to make P2 an everyday habit, would require significant financial, technical, and programmatic support from public agencies, as well as private sources.

- *EJ movement embeddedness and critique*: support for a collaborative EJ community problem-solving frame has been driven by various community and EJ movement leaders, albeit in a context where EPA and NEJAC have created an institutional framework for genuine policy learning among community groups, regional movement networks, industry representatives, academic scientists, public health experts, and administrators from various local, state, and federal agencies.

However, criticism also exists among some movement leaders and academics, partly because of this very institutional context.

- *NEJAC movement leader*: Charles Lee, the main author of the formative United Church of Christ report on environmental racism in 1987 and a key organizer of the first EJ leadership summit, chaired the NEJAC subcommittee that conducted public dialogues on Brownfields and urban revitalization in five major cities in 1995, where strong support for assets-based community development (ABCD) emerged.

In 1999, Lee went from movement leader to EPA’s Office of Environmental Justice (OEJ), playing a key staff role in the NEJAC reports on cumulative risk

and pollution prevention, as well as chairing the EJ Interagency Working Group. The IWG developed the collaborative framework for EJ based upon a wide scan of the community building field and a series of demonstration projects beginning in 2000, as well as by paying careful attention to the forms of community collaboration that had been emerging from grassroots EJ action over nearly a decade.

References:

National Environmental Justice Advisory Council (NEJAC), [*Environmental Justice, Urban Revitalization, and Brownfields: The Search for Authentic Signs of Hope*](#). A Report on “Public Dialogues on Urban Revitalization and Brownfields: Envisioning Healthy and Sustainable Communities,” Washington, DC, 1996.

U.S. EPA, Office of Policy, Economics, and Innovation, [*Towards and Environmental Justice Collaborative Model: Case Studies of Six Partnerships Used to Address Environmental Justice Issues in Communities*](#) (2003).

- *community and IWG convergence on complexity*: given its multi-agency composition, the IWG was not only especially attuned to the enormous complexity of EJ problems (housing stock, transportation patterns, industry clusters, waste treatment facility siting, children’s health, disaster planning and response), but also to the limits of addressing such problems through the usual programmatic and regulatory stovepipes of their separate agencies.

Communities also clearly wanted integrative strategies that worked on the ground and involved a broad range of stakeholders, including polluters, even as those with the least formal power and at greatest risk may still have to mobilize and protest to bring others to the table.

EJ communities also needed federal, state, and local agencies to provide the institutional supports for local collaboration. As the EPA’s strategic plans for EJ continued to evolve through the Obama administration, collaborative community-based models remained central, but were further aligned with other tools (rulemaking, permitting, compliance, enforcement), also a NEJAC priority.

References:

U.S. EPA, Office of Policy, Economics, and Innovation, [*Towards and Environmental Justice Collaborative Model: Case Studies of Six Partnerships Used to Address Environmental Justice Issues in Communities*](#) (2003).

U.S. EPA, [*Plan EJ 2014*](#) (Washington: EPA Office of Environmental Justice, 2011).

U.S. EPA, [*Plan EJ 2020: The U.S. EPA's Environmental Justice Strategic Plan, 2016-2020*](#) (Washington: EPA Office of Environmental Justice, 2016).

- *EJ leaders*: various prominent EJ community and movement leaders contributed to these NEJAC and IWG activities (affiliations at the time of the reports):
 - Peggy Shepard of West Harlem Environmental Action (WE ACT)
 - Wilma Subra of the Louisiana Environmental Action Network
 - Mary Nelson of Bethel New Life in Chicago
 - Donele Wilkins of Detroiters Working for Environmental Justice
 - Connie Tucker of the Southern Organizing Committee for Economic and Social Justice
 - Tom Goldtooth of the Indigenous Environmental Network
 - Tirso Moreno of the Farmworkers Association of Florida
 - Bahram Fazeli from Communities for a Better Environment in California

These EJ leaders drew upon their own experiences, as well as many other community groups that had been developing local civic problem solving and partnership strategies.

In some cases, such as Bethel New Life, an assets-based community development (ABCD) frame and strategy had preceded EJ work in this congregation-based community development corporation (CDC), as has been the case with other CDCs.

- *small EJ grants to communities*: collaborative EJ strategies emerged with the support of OEJ's small grant programs as early as 1994, as well as funding from other offices at EPA and several other federal agencies, such as the National Institute of Environmental Health Sciences at the National Institutes of Health.

EPA's Office of Pollution Prevention and Toxics (OPPTS), for instance, provided much relevant experience through its Design for Environment (DfE) program, which utilized civic networking strategies among trade associations and unions in various industries with large numbers of small, often ethnic, businesses (printing, dry cleaning, and auto body repairs), as well as through its intensive research pilot program, Community Partnership for Environmental Protection in South Baltimore and its EJP2 grants program.

- *EJ movement and academic critics*: major differences exist among proponents of EJ collaborative problem solving and critics within the movement and the academy. Such criticisms include:
 - *undermine stronger responses*: such grants “demobilize,” “neuter,” and “discipline” movements from seeking more ambitious policy and regulatory goals, challenging state actors and businesses, campaigning for

stronger enforcement, or seeking more radical or revolutionary solutions (the latter a not uncommon albeit not universal position among critics).

- *advisory committees coopt*: because advisory committees are multi-stakeholder, EJ actors narrow their range of deliberations and solutions to what is acceptable to other actors, including bureaucratic state and corporate actors.
- *grant writing*: consumes time, distracts from other organizing, and favors groups with professional grant-writing skills, thus further marginalizing grassroots groups that need resources the most.

Critics do not necessarily question all forms of EJ collaborative problem solving or other assets-based forms of community development that include EJ components (e.g. community gardens, urban parks and forests). But they worry about the overall balance tipping away from grassroots contentious action and state regulatory strategies.

However, invoking such terms as “neuter,” “demobilize,” and “discipline” represents theoretical assumptions more than empirical investigation focusing on the range of forms of local action or of the ways in which federal agencies can and do support such action.

References:

Jill Lindsey Harrison, *From the Inside Out: The Fight for Environmental Justice within Government Agencies* (Cambridge, MA: MIT Press, 2019), for an especially complex and nuanced version of this critique, based upon extensive interviews of activists and EJ government staff who hold diverse views on these questions.

Community Action for a Renewed Environment (CARE)

- *background*: the CARE program was designed in 2005 as a way of leveraging much EPA experience in community-based work over several decades.

It emerged most directly from the EJPCS design, as well as continued pressure from EJ groups in NEJAC for the agency to deliver on an urban air toxics strategy that had been projected once the Clean Air Act (CAA) Amendments of 1990 had secured a robust implementation strategy.

The senior manager who took the lead was Robert Brenner, principal deputy assistant administrator of the Office of Air and Radiation and director of its Office of Policy Analysis and Review. Brenner had a long career of distinction at the agency, and had been a key player in the Congressional passage and implementation of the 1990 amendments.

Under relentless pressure from grassroots leaders at NEJAC meetings who claimed not to have seen results in their communities, however, he sat down with them to help develop a policy design for CARE cooperative agreements with multi-stakeholder community grantee teams. “To put it politely, I pretty much got beat up at those meetings,” was how Brenner himself presented his St. Paul conversion path to grantee teams at the first national CARE training in Denver in 2005.

By this point, he had come to see CARE as a “new way of doing business [at the agency]. In ten years, we hope to have hundreds of empowered communities.” He had come to view CARE as “part of a very diverse movement in communities to build partnerships, part of a much broader movement.”

- *partnership design*: the CARE design is based on “partnership” in three institutional forms (highlighted in red):
 - *self-sustaining partnerships*: the CARE grant is intended to enable “self-sustaining partnerships” at the community level that can draw upon a diverse range of civic, nonprofit, local public agency, business, and other institutions, such as schools and universities.

Partnerships would mobilize a wide range of assets in the community to help identify and prioritize risks and to develop strategies for addressing them, while generating broad legitimacy based on communication, trust, and collaboration.

The local grantee might be an EJ or other environmental group, a community development corporation, a local public health agency, or a university, which in turn assembles a core group of partners from these and other groups in the community.

Some partnerships, of course, already exist among the applicant communities, and most projects begin with at least five partners. Some double or triple this number during the grant period, but others see some erosion after growth.

There are various types of partners:

- *small business partners*: have been typically drawn from nail salons, dry cleaners, auto body shops, metal platers, restaurants and others where there have been health concerns around toxics, since the program originally was meant to address toxics, broadly defined.

Many of these are ethnic businesses that find it difficult to come into compliance with regulations that might force them to close, which neither they, their workers, nor their surrounding neighborhoods wish to see.

- *large business partners*: might be electric and gas utilities, airports, and transportation depots.

The CARE project might convene a regular business-community roundtable in some communities.

- *state agencies*: were excluded as potential grantees on the recommendation of a committee of the Environmental Council of the States (ECOS) to eliminate conflicts of interest of states as EPA partners delivering technical assistance; some state agencies might also provide funding.
- *flexible configuration*: the grantee exercises considerable flexibility in bringing on board the “right partners,” in terms of groups that have relevant assets, commitment, legitimacy, and authority to set priorities and catalyze action.
- *community competence*: the philosophy that pervades the program is “community competence,” in the sense of respecting and building upon knowledge and leadership skills at the local level, but also of developing further local competence through the EPA and its institutional partners.

Robust partnerships that generate further skills, community assets, trust, and legitimacy would also be positioned to leverage further resources, such as foundation funding, for sustaining the partnership or building still others.

- *EPA partnership with local partners*: this second type of institutional partnership entails the EPA working in multiple ways to enable effective community action among the grantee teams. Design components for this include:
 - *cooperative agreements*: CARE grants are “cooperative agreements” that entail ongoing assistance in using the full range of regulatory and nonregulatory tools and to provide annual training for grantee teams.
 - *toolkit*: staff developed a *Community Guide to EPA’s Voluntary Programs* so that grantees had easy access to tool kits on community-based childhood asthma strategies, green building, clean school buses, smart growth, green suppliers network, diesel retrofit, brownfields remediation, Design for Environment industrial and workplace technologies, and more.
 - *regional project officer*: since CARE is fundamentally a cross-media approach to enable communities to develop integrative strategies across the four main programs at EPA (air, water, waste, and toxics), the agency provides a regional project officer to each grantee to coordinate the search

for relevant assistance across program offices at the regional and headquarters levels.

They also link grantees to Technical Assistance Services to Communities (TASC), which are provided independently (with EPA funding) through university centers and other contractors.

➤ *partnership within EPA*: this third level of partnership entails EPA staff developing the capacity for collaboration across its own bureaucratic silos. Design components for this include:

- *staffing*: CARE staff are drawn from all main offices and devote their time to CARE as a (varied) percentage of their overall duties, while not leaving their regular jobs to join a separate community-based office (which was tried under another guise in the late 1990s at EPA).

Staff who enlist to work with CARE grantees have demonstrated a high-level of enthusiasm, because they get to see people on the ground utilizing their leadership and other skills for direct improvements and reinforcing a spirit of community collaboration.

At one day-long retreat, several staff recounted how CARE revitalized them, with one noting – to general assent – that his 50/50 percent allocation of regular and CARE duties often turned into 50/80, i.e. 130 percent, since he was willing to work well above and beyond to help enable community partnerships.

- *teams*: the CARE design further reinforces internal collaboration through various teams (outreach and communications, training and support, regional coordination), and some sixty regional teams.
- *EPA/CDC partnership*: the Center for Disease Control (CDC) has also worked with EPA through a memorandum of understanding and has tapped its experience and networks in community health.
- *program leadership and management*: the overall management and leadership team at EPA headquarters rotates co-chairs among all four of the main program offices, so that all develop a stake in successful community-based work. They see this design as amplifying the overall impact of their regulatory and other tool kits.

Under presidents Bush and Obama, the executive committee was drawn from deputy assistant administrators (DAAs), that is, top career staff, working through the Innovation Action Council representing all DAAs in program and regional offices.

The structural design is thus fundamentally about enhancing community competence in ways that are well aligned with other relevant tools and legitimating community action through core administrative leadership.

- *CARE design as accountable autonomy*: while emphasizing leadership at the community level, the CARE model represents a form of “accountable autonomy” (Archon Fung’s general term).

The partnership receiving the grant, and thus entering into a cooperative agreement, has a good deal of autonomy in determining what to focus on, but is accountable in various ways:

- *template*: first, of course, is that the Request for Proposals (RFP) provides a basic template that applicants must address if they hope to be competitive for funding.
- *roadmap*: [the CARE Roadmap](#) sketches a process of ten key steps, which can be traversed with considerable flexibility, but nonetheless adds further detail and expectations to the template.

The first among these, as noted, is building a partnership from an array of suggested groups (see Table 1), such as local EJ and other environmental groups, community and economic development organizations, schools and universities, faith-based organizations, local chambers of commerce, and public health agencies. The size and configuration of the partnership can vary and change over the course of sequenced projects.

Local judgment determines the “right partners,” but with a high expectation of genuine voice from ordinary residents and community groups, as well as a diverse enough mix to ensure that partners can mobilize the further assets and institutional resources to accomplish agreed upon community goals.

The process for identifying community concerns, cumulative and comparative risks, and then for setting priorities and an action plan is expected to be participatory and build consensus, sometimes drawing upon participatory action and community-based health research methods. But no single model for deliberative process or relationship building is specified in the roadmap.

- *work plan*: further reinforcing mutual accountability is the requirement that grantee teams negotiate a work plan with their regional project officer and are expected to be in regular contact to ensure timely advice and access to assistance from other regional staff.
- *regional CARE coordinators*: support all the grantees in each of the ten EPA regions.

- *quarterly reports*: grantees are required to submit quarterly reports of their activities.
- *annual trainings*: grantees must also budget for and attend multi-day annual training workshops, in which teams from around the country share models and lessons. Planning the workshops is a joint responsibility of grantees and staff.

The program thus builds in high expectations for learning among the teams and within the agency. Grantees present in ways that stimulate vigorous yet supportive discussion among themselves and staff, without a hint of professional/lay hierarchy (at least in the several that the author directly observed).

Further leadership training and dispute resolution assistance have also been provided from relevant offices at EPA and other agencies, as well as from civic groups and professional associations (WE ACT, National Civic League, National Association of City and County Health Officials).

- *NAPA evaluation*: independent evaluation by a team from the National Academy of Public Administration (NAPA) was begun early to ensure real-time feedback and provide a basis for continuous improvement.
- *levels of funding*: the grant structure of Level I (\$100,000 for two years) and Level II (\$300,000 for two years) enables teams to apply at a basic or more advanced level, and encourages Level I grantees to progress to the next level, if they so choose.

One can imagine this multi-level sequencing extended further to one or several more levels, depending on the complexity of the challenges and the projected timeline for developing effective responses and self-sustaining partnerships. It could become a key design component of various types of funding for sustainable and resilient communities, environmental and climate justice.

The NAPA evaluation team argued for its relevance to other agencies, even as it also recommended ways to improve design.

References:

William H. Hansell, Elizabeth Hollander, and Dewitt John, *Putting Community First: A Promising Approach to Federal Collaboration for Environmental Improvement – An Evaluation of the Community Action for a Renewed Environment (CARE) Demonstration Program* (Washington: National Academy of Public Administration, 2009).

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Charles Lee, “[Evolving Visions of Environmental Justice](#),” Michigan Environmental Justice Summit, October 31, 2014 (55-minute YouTube video).

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Table1: Potential Partnership Members in CARE Roadmap

Local community members
Minority members of the community
Local environmental justice organizations
Local, regional, and national environmental organizations
Health care providers
Faith-based organizations
Local churches
Local Chambers of Commerce and other business organizations
Civic organizations
Local economic development organizations
Educational institutions (schools, universities, and colleges)
Community development groups

Environmental and natural resource agencies (local, state, federal, and tribal)
Health agencies (local, state, and federal)
Elected officials
Local environmental and tribal agencies
Business owners and managers
Unions