



Environmental Justice in the Water Sector: NACWA Statement of Principles and Recommended Actions on Environmental Justice

The issue of environmental justice (EJ) has been discussed in the context of environmental and water policy for many years. It has, however, taken on a more vital focus due to the [clear commitment](#) by the Biden-Harris Administration to ensure that EJ is an across-the-board consideration in all environmental policy initiatives. EPA Administrator Michael Regan has [instructed](#) his staff to examine ways in which EJ can be better incorporated into all that the Agency does and there is discussion of creating a Senate-confirmed Assistant Administrator (AA) for Environmental Justice on a par with the AAs of other EPA program offices like water and enforcement.

NACWA has engaged in EJ issues in the past, most recently through the publication of a [compendium](#) in 2017 demonstrating how clean water utilities are addressing EJ concerns within their communities and service areas. The Association has not to date set forth a clear vision and statement about what its appropriate role should be in the EJ arena and how it should engage in related actions to support that vision. This document, developed under the direction of NACWA's Board Task Force on Environmental Justice, seeks to take the first major step towards making EJ a permanent strategic priority for NACWA from both an advocacy as well as a utility peer-to-peer sharing standpoint.

EPA's Definition of Environmental Justice

The concept of EJ is wide-ranging and can incorporate many different elements. However, for NACWA to engage in EJ conversations in a meaningful way, it is important to identify a set of principles related to the Association's core competencies – and the roles of NACWA members in their communities – to effectively guide NACWA's efforts.

For this to be the case, we must first work from a set of definitions for the key terms that fall under the EJ umbrella. EPA has already done significant work on this and below are some definitions from EPA's [Environmental Justice website](#) and recent policy documents on these issues:

- **Environmental Justice** is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws regulations and policies.

- **Fair treatment** means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, government, and commercial operations or policies.
- **Meaningful involvement** means
 - People have the opportunity to participate in decisions about activities that may affect their environment and/or health;
 - The public's contribution can influence the regulatory agencies' decision;
 - Community concerns will be considered in the decision-making process; and
 - Decision makers will seek out and facilitate the involvement of those potentially affected.

EPA further interprets the fair treatment and meaningful involvement as being achieved when everyone enjoys:

- The same degree of protection from environmental and health hazards; and
- Equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

The Agency additionally notes that its EJ mandate extends to the entirety of its work, including:

- setting standards
- permitting facilities
- awarding grants
- issuing licenses
- regulations
- reviewing proposed actions by the federal agencies

With these EPA definitions in mind, it is important for NACWA to outline some core principles around EJ that both ensure public clean water agencies have a central role in the national EJ dialogue and that will guide NACWA's EJ advocacy work.

Defining Environmental Justice from the Public Clean Water Agency/NACWA Perspective

In the water context – when EPA talks about “listening to community concerns,” or “having equal access to the decision-making process,” or to ensuring “fair treatment” when projects are being bid, sited, workforces hired, or having input into rate-setting – it is clear that public clean water agencies play a vital role in ensuring the goals of equity, fair treatment and meaningful involvement – among others – for all ratepayers and residents.

In line with this important utility function, NACWA believes there are some key EJ principles that must be clearly articulated:

- Clean water utilities play a vital role in environmental and public health protection in their communities. They also provide dependable, good paying jobs for the community and support local economies. This is done through investment in capital projects, operation and maintenance, and other service opportunities. Clean water utilities serve as environmental and economic anchor institutions for their communities. NACWA will pursue policies and initiatives that acknowledge and support the triple bottom line benefits – environmental, social, and economic – provided by clean water utilities, especially in underserved communities.
- The engagement of the clean water sector in EJ issues must be based on the goal of promoting equity. For NACWA, equity is a condition or circumstance of situational fairness, achieved by applying differential resources to unequal needs. It can be achieved when we make targeted universalism – the process of setting universal goals pursued by targeted processes to achieve those goals – actionable. For universally acceptable outcomes, we must use targeted strategies because people are situated differently.
- All individuals, regardless of race, ethnicity or economic status, should have access to reliable and safe clean water service at an affordable cost. Utilities cannot, however, provide clean water services for free. NACWA will pursue advocacy initiatives, particularly around water affordability and assistance, to ensure that all households have access to clean water services while also ensuring utilities are able to charge the rates necessary for sustainable clean water services that benefit all. NACWA will also work to ensure that affordability becomes a central component of EJ discussions and considerations.
- It is critical that historically disadvantaged EJ communities be given a greater voice in defining what clean water means for them and engage directly with their clean water utility. To ensure this happens, clean water utilities must first acknowledge their role in creating systemic EJ challenges. Moving forward, greater community outreach and engagement to these populations, whose voices and input have often gone unheard for far too long, is vital to ensure the public clean water sector is making EJ a central component of its work.

NACWA will pursue advocacy and member education initiatives that highlight the importance of this engagement, with a focus on greater consultation and dialogue to identify and address EJ issues and concerns. At the same time, NACWA will also work to ensure that regulators – both federal and state – also acknowledge the importance of community input and engagement around decisions that impact EJ communities.

- Different clean water utilities are in different places regarding their engagement on EJ issues, and there is much that can be learned and shared in this space via utility peer-to-peer connections. NACWA will leverage its membership and broader reach into the public clean water utility sector to foster peer-to-peer sharing of best practices around EJ and develop a more universal commitment from the sector to actively identify and address EJ considerations. Central to this effort will be helping utilities figure out how to create and advance EJ priorities within their own communities that are reflective of the needs of their citizens, as well as how to operationalize these practices moving forward to appropriately meet community expectations.

These principles will form the basis of NACWA's engagement on EJ issues moving forward and guide the Association's EJ advocacy work.

NACWA Key Initiatives: Advocacy and Peer-to-Peer Goals

The above outline of what EJ means to EPA nationally and to NACWA as a representative of public clean water agencies provides an important framework for how the Association will focus its EJ efforts. But these principles must be translated into more specific goals, both short-term and long-term, in the advocacy and utility peer-to-peer space.

Advocacy Short-Term Goals

- Ensure the new low-income household water assistance program (LIHWAP), administered via the Department of Health and Human Services, is as successful as possible in getting funds to those low-income customers that most need it.
- Support and advance existing federal legislation to make a LIHWAP-type program permanent, whether at HHS or EPA.
- Engage with EPA to determine how all existing programs, including financing programs like the CWSRF and WIFIA and permitting programs, can appropriately be used to better address the needs and concerns of EJ communities and for utilities interested to engage in EJ planning.

Advocacy Long-Term Goals

- Enshrine water affordability as a key element of EJ when discussing water issues and have this acknowledged by all EJ stakeholders (activists, government, academia, etc.).
- Develop meaningful relationships based on trust and mutual respect between EJ and community advocate groups and the public clean water sector to ensure meaningful involvement and equitable treatment.
- Secure regular public clean water utility representation on EPA's National Environmental Justice Advisory Committee (NEJAC).
- Ensure that EPA's notice and comment efforts on rulemakings and enforcement actions proactively seek input and meaningful involvement from highly impacted/disadvantaged communities.
- Ensure that the federal government's commitment to EJ issues does not change from administration to administration but becomes a core part of EPA's mission in the water space.
- Develop a set of metrics to track the inclusion of EJ principles and priorities in NACWA's advocacy work and also the effectiveness of NACWA's advocacy initiatives around EJ.

Peer-to-Peer Short-Term Goals

- Enhance use of NACWA's Engage network to promote the sharing of EJ efforts (successful and unsuccessful) among the Association's members.
- Ensure dedicated time at NACWA's conferences, webinars and committee meetings to exchange information on key EJ topics.

Peer-to-Peer Long-Term Goals

- Engage with other water sector associations such as the US Water Alliance, Association of Metropolitan Water Agencies (AMWA), etc. to create a "community of practice" around EJ issues and to promote innovative EJ practices.

- Consistently update NACWA's EJ and community service compendium with examples of how utilities can engage in EJ actions to ensure equitable treatment and meaningful involvement.
- Develop a set of metrics to measure the growth of EJ sharing and development across NACWA's membership and the clean water sector.

This *Statement of Principles and Recommended Actions on Environmental Justice* is a living document that will be updated regularly as thinking on the topic evolves. Please contact [Nathan Gardner-Andrews](#), NACWA's General Counsel & Chief Advocacy Officer, with any thoughts and input.