



January 19, 2024

Ms. Brenda Mallory  
Chair  
Council on Environmental Quality  
730 Jackson Place NW  
Washington, DC 20503

Re: Docket number CEQ-2023-0005 Environmental Justice Scorecard

Dear Chair Mallory,

The Association of Metropolitan Water Agencies (AMWA) is pleased to have the opportunity to comment on the Council of Environmental Quality (CEQ) Environmental Justice Scorecard (EJ Scorecard). AMWA represents the largest metropolitan, publicly owned drinking water systems in the nation, and collectively, its members serve more than 160 million people. AMWA members regularly interact with many federal infrastructure programs covered by the Justice40 Initiative, including the Clean Water and Safe Drinking Water State Revolving Funds and the Water Infrastructure Improvements for the Nation (WIIN) program. AMWA appreciates CEQ’s leadership in advancing environmental justice initiatives across federal agencies, and the association is pleased to provide the following feedback on Phase One of the EJ Scorecard and potential future versions.

**AMWA General Feedback on the EJ Scorecard** – AMWA appreciates the goals of the EJ Scorecard, which assesses the progress of 24 federal agencies on advancing the President’s Justice40 Initiative, implementing and enforcing environmental and civil rights laws, and embedding environmental justice throughout the Federal Government. AMWA continues to believe the integration of environmental justice policies into the central practices of all federal agencies, including those that provide infrastructure funding and needed scientific resources, including the Environmental Protection Agency (EPA), the National Oceanic and Atmospheric Association (NOAA), and the Federal Emergency Management Agency (FEMA), among others. The association recognizes the EJ Scorecard as one method to ensure subsequent administrations continue to evaluate the federal government’s role in addressing historic environmental inequities.

As the regulatory agency for water utilities and the agency that provides the bulk of water infrastructure funding, EPA’s commitment to combat environmental injustices is critical to

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establishing water equity. AMWA believes the EJ Scorecard can continue to help the agency hold itself accountable to its mission and, therefore, addresses EPA portions of the EJ Scorecard in this letter.

**AMWA Response to EJ Scorecard Phase One** – AMWA appreciated that EPA’s EJ Scorecard Phase One report highlighted funding and specific practices to incorporate environmental equity in EPA programs. Specifically, AMWA was pleased to see EPA mention its support of guidance and resources for states revisiting their disadvantaged community definitions in the Drinking Water State Revolving Fund (DWSRF) in the report. Additionally, AMWA was pleased to see EPA highlight its engagement with SRF partners to prioritize and launch technical assistance pilots for disadvantaged communities, as water utilities can struggle to both apply for SRF funding and identify the necessary tools to apply for funding targeted for disadvantaged communities.

**Additional Metrics and Qualitative Information** – AMWA would like to see more descriptive analysis of the metrics related to Justice40 Initiative programs at EPA to ensure that the agency meets the goal of delivering 40 percent of the overall benefits of certain federal investments to “disadvantaged communities that are marginalized and overburdened by pollution and underinvestment,” including “federal investments that address climate change...and the development of critical clean water and wastewater infrastructure.”<sup>1</sup>

AMWA notes with interest that EPA’s Phase One EJ Scorecard metrics include \$14 billion in total funding available to Justice40 programs in Fiscal Year 2022 but do not include an accounting of the total funding that specifically went to disadvantaged communities. AMWA has previously raised the issue of state definitions conflicting with the intent of Justice40 with CEQ, noting that discrepancies between state definitions of disadvantaged communities and the definition used by the Climate and Economic Justice Screening Tool (CEJST), the tool used to define disadvantaged community under Justice40, make it difficult to track total funding delivered to disadvantaged communities.

To briefly reiterate those concerns, inconsistencies exist between federal statutes and state definitions that make tracking federal investments and their impact on local communities difficult to follow under the CEQ EJ Scorecard. As an example, EPA cannot simply rely on the Safe Drinking Water Act (SDWA) definition of a “disadvantaged community” and related state definitions of “disadvantaged community” when calculating Justice40 metrics under the EPA’s DWSRF program. The SDWA section 1452(d)(3) definition of “disadvantaged community” is limited to “the service area of a public water system that meets affordability criteria established ... by the State in which the public water system is located.” In practice, states may apply this definition in a way that differs vastly from CEJST.

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<sup>1</sup> Environmental Protection Agency (EPA). (2023). Environmental Justice Scorecard. <https://ejscorecard.geoplatform.gov/scorecard/environmental-protection-agency/>

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AMWA believes in the federal government's commitment to understanding progress on federal investments going to vulnerable communities. We recognize the complexity inherent in tracking these metrics and encourage CEQ, EPA Office of Water, and other federal partners to develop further conversations with water sector representatives on ways to track these investments and benefits related to water infrastructure best.

### **Conclusion**

AMWA thanks CEQ for the opportunity to comment on its Environmental Justice Scorecard Phase One and appreciates the agency's efforts toward advancing environmental justice across the federal enterprise. AMWA recognizes the constraints EPA faces in reporting its EJ Scorecard metrics and looks forward to the opportunity to hold further conversations. If you have questions, please contact Jessica Evans ([evans@amwa.net](mailto:evans@amwa.net)), AMWA's Manager of Government Affairs and Sustainability.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Dobbins". The signature is fluid and cursive, with a large initial "T" and "D".

Thomas Dobbins  
Chief Executive Officer

cc: Matthew G. Lee-Ashley, CEQ  
Kareem Ihmeidan, CEQ  
Sharmila L. Murthy, CEQ  
Bruno Pigot, EPA OW  
Jennifer McLain, EPA OGWDW  
Andrew Sawyers EPA OWM