



OFFICE OF ENVIRONMENTAL JUSTICE AND EXTERNAL CIVIL RIGHTS

WASHINGTON, D.C. 20460

August 23, 2024

MEMORANDUM

SUBJECT: Emergency Review of Information Collection Request (ICR) for the *Environmental Justice Thriving Communities Grantmaking Program Applications for Subawards – September Launch* (OMB Control Number 2035-NEW; EPA ICR Number 7787.01)

FROM: Theresa Segovia, Principal Deputy Assistant Administrator
Office of Environmental Justice and External Civil Rights

THRU: Courtney Kerwin, Director
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TO: OMB Desk Officer for EPA's Office of Environmental Justice and External Civil Rights
Office of Information and Regulatory Affairs
Office of Management and Budget

Pursuant to section 3507(j) of the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et seq.), as implemented in the Office of Management and Budget (OMB) regulations at 5 CFR §1320.13, the Environmental Protection Agency (EPA) is hereby requesting emergency processing of a proposed information collection, the Environmental Justice Thriving Communities Grantmaking Program Applications for Subawards – September Launch.

EPA's Environmental Justice Thriving Communities Grantmaking Program provides \$600 million in 11 cooperative agreements funding to "Grantmakers" who will distribute competitive and noncompetitive subaward to eligible entities in order to address environmental justice issues in underserved communities. The Grantmaking program aims to (1) increase efficiency and reduce barriers to accessing federal grant funding; (2) support local capacity-building through assessment, planning, and project development; and (3) encourage meaningful involvement of community members in decision-making that affects their communities.

Below, we explain how this request meets the criteria for emergency clearance under 5 CFR 1320.13 (a)-(d).

Information Collection Activities Involved in this Emergency Request

In order to distribute subawards, the Grantmakers must solicit applications from eligible entities. These information collections will enable the Grantmakers to verify the eligibility of the applicants for the subaward; the alignment between the proposed project and the goals of the Environmental Justice Thriving Communities Subgrants Program and the EPA; and the feasibility and appropriateness of the planned activities and outcomes given the proposed budget, staffing plan, partners, and other aspects of the plan.

EPA is applying for emergency ICR clearance for three Grantmakers to begin their first round of solicitation for applications for the subaward program, because the time between the Grantmakers award and the launch of their subaward program (3 months) does not allow sufficient time to obtain PRA clearance using the standard ICR process (which typically takes 6-9 months).

The rationale for requesting emergency clearance is based on 44 U.S.C. 3507(j)(2) and 5 CFR 1320.13(a)(2)(iii): *“The use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information or is reasonably likely to cause a statutory or court ordered deadline to be missed”* (emphasis added). If EPA were to obtain standard clearance for the first round of applications (August – October 2024), then the Grantmakers would not be able to launch their subaward programs on the planned dates. This would create delays in providing this first round of subawards, which leave the Grantmakers less time to develop and award subsequent rounds of funding within the program. Reducing the total number of funding cycles is not consistent with the environmental justice principles that underpin the program’s primary objective, for the Grantmakers to increase efficiency and reduce barriers to federal funds for disadvantaged communities.

The current request for Emergency clearance covers three Grantmakers who plan to launch their subaward programs in September 2024. The rationale for this request is the same as EPA’s earlier Emergency ICR submission (OMB Control Number = 2090-0035, EPA ICR Number = 7780.01) on behalf of two other Grantmakers to launch subaward programs in August 2024. OMB/OIRA approved this request on August 1, 2024 after consulting with Counsel, with the stipulation that EPA will submit a standard ICR following normal clearance procedures to cover all other information collection activities in the program, including future rounds of subaward applications that Grantmakers are expected to collect from January 2025 through December 2027. The current emergency clearance request is consistent with these terms, as we are requesting coverage for three new Grantmakers’ first round of subaward applications to begin in September 2024. Multiple Emergency ICR packages are needed because the Grantmakers are all launching their programs at different times, based on the different dates that they received their initial awards. EPA is currently developing the standard ICR package that will authorize future rounds of subaward applications starting in January 2025.

Information Collection is Essential to the Mission of the Agency

If the information requested under this emergency clearance were not collected, EPA would have no mechanism for selecting and distributing subaward grants. Without this activity, the central programmatic objectives of the Environmental Justice Thriving Communities Grantmaking Program

cannot be met. This will significantly undermine efforts to carry out EPA's and the Administration's commitment to design and implement environmental justice projects that deliver relevant and useful benefits to local communities have been historically underserved and overburdened by pollution and other environmental problems.

EPA recognizes the importance of balancing the need for data collection efforts against respondent burden and costs. Participation in the Environmental Justice Thriving Communities Subgrants Program is voluntary, and thus entities who elect to submit a funding application to the Grantmakers are assumed to have determined that the expected benefits of participation outweigh any burden associated with preparing the responses. As described in Supporting Statement A, each Grantmaker will design the content, format, and collection method of the application in order to minimize burden on respondents as much as possible.

EPA Cannot Reasonably Comply with the Normal Clearance Procedures: Summary Description Using a Grantmaker Example from This Group

The Region 10 Grantmaker, Philanthropy Northwest, received their initial award (batch of funding) on June 14, 2024. Before receiving this initial award, Philanthropy Northwest did not work on specific project activities (e.g., developing grant applications), as there was no funding provided to support the work. As soon as the PNW received their initial award they began work on developing the materials for their subaward program. On August 22, 2024, 48 working days after the initial award date, EPA finalized the Emergency ICR package that includes Philanthropy Northwest's application materials and prepared it for publication in the Federal Register and submission to OMB.

It was not possible for EPA to develop and submit an ICR package earlier because Philanthropy Northwest could only start work on the application materials after receiving their initial awards. The program design requires all Grantmakers to develop their own subaward application materials. From mid June to late July, Philanthropy Northwest consulted with their Advisory Group and community stakeholders consistent with their grant workplans and in alignment with the Justice40 Initiative which commits EPA to environmental justice and meaningful involvement as described in Executive Order 14008 (Tackling the Climate Crisis at Home and Abroad) and Executive Order 14096 (Revitalizing Our Nation's Commitment to Environmental Justice for All). Furthermore, Philanthropy Northwest must develop bespoke application materials that address the priorities and needs of the local communities they serve and the stakeholders with whom they are partnering.

To ensure EPA compliance with EPA's policy for interpreting the Federal Grant and Cooperative Agreement Act (FGCCA), Philanthropy Northwest, as a cooperative agreement award recipient, must make the final decisions on the content of important documents such as subaward application materials. EPA must allow Philanthropy Northwest to determine what the structure and content of the subaward application materials as opposed to EPA directing Philanthropy Northwest to use a subaward application form EPA designed. EPA did provide the Philanthropy Northwest with examples and other tools to help them develop their subaward application materials. While Philanthropy Northwest did

take EPA information into consideration, consistent with the requirements of FCAA, and in alignment with the approach to EJ and meaningful involvement described in Executive Orders 14008 and 14096, the Grantmakers such as Philanthropy Northwest have the discretion to develop bespoke subaward applications and procedures for their subgrant program, in order to best meet the needs and priorities of the local communities that they serve.

EPA is requesting Emergency clearance for Grantmakers to launch their subaward programs and publish a call for the first round of applications, because it is essential that this initial work take place as early as possible in the award period. Under this program, Philanthropy Northwest and the other Grantmakers need to engage in multiple subaward processes, not just one, before the end of the 3-year performance period. This is because the small and capacity-constrained entities that will apply for these awards will typically be first-time grantees who cannot absorb funds quickly, because they need time and technical assistance, etc. The process has to be slow and steady, rather than a single plug of funding. These sub-awardees are organizations that likely have never received a federal grant before. Therefore, we need to do at least 2, preferably 3, subaward processes. EPA's experience with the Environmental Justice Community Change Grant Program's technical assistance is that most communities need a tremendous amount of time and support to develop project ideas and budgets.

EPA Has Taken All Practicable Steps to Consult with Relevant Parties in Order to Minimize Burden

Each Grantmaker developed estimates of burden hours and costs based on their staff members' (direct or indirect) knowledge of administering similar award competitions. Furthermore, the Grantmakers discussed their application materials and procedures with fewer than nine organizations who represent the range of eligible entities that are likely to apply for subaward grants. These consultations included discussions concerning potential response problems, clarity of questions and instructions, and other aspects of respondent burden.

Requested Approval Date for Emergency Clearance

EPA seeks to work with OMB to obtain approval for this emergency clearance before the target date (September 16, 2024) for the launch of the Grantmakers' subaward programs.

If you have any questions or need anything further, please contact Courtney Kerwin (kerwin.courtney@epa.gov), Aarti Iyer (iyer.aarti@epa.gov), and Marisa Valdez (valdez.marisa@epa.gov).

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