

STANDARD-SETTING: EJ Hook Fact Sheet

Summary of the Law

While Congress has enacted laws to protect human health and the environment, it also gave the U.S. Environmental Protection Agency (EPA) authority to set standards and adopt rules. These “regulations” add important detail to the broad statutory mandates of Congress. For example, they can address facility design by establishing day-to-day operating procedures; pollutant controls by determining what pollutants can enter the environment in what manner and at what levels; and natural resource protection by determining the use and quality of the resource.

There are four broad categories of standards: technology-based; design and practice; harm-based; and substance regulation. The process for setting standards includes important roles for community participation, including providing written and verbal testimony at government hearings or initiating rule-making proceedings.

Environmental Justice Hooks

Community residents can use the standard-setting process to focus attention on environmental justice challenges. They can provide written information and testimony that relate to actual circumstances of human exposure (e.g. cumulative risks and impacts) and environmental conditions (e.g. surface water flows).

Illustrations of legal provisions and examples of where community residents can use the standard-setting process to address environmental justice include the following:

- 1) Clean Water Act: States issue water quality standards for rivers, lakes, and other surface waters. These standards identify the designated uses for which these waters will be protected, and the levels of water quality for various pollutants and other water conditions necessary to protect those uses. Community residents can provide information on the actual uses of water bodies in their communities (e.g. fishing, swimming, raw water consumption). This information can result in more protective standards.
- 2) Clean Air Act: EPA establishes “national ambient air quality standards” for important air pollutants that occur almost everywhere in the country. These standards define how much pollution can be in the air from all sources combined. These standards must address the ways in which different pollutants combine and interact, provide an “adequate margin of safety,” and address health risks to “sensitive populations.” Community residents can bring information on special impacts to sensitive populations, such as the elderly and children, during public hearings held on proposed standards.
- 3) Clean Water Act: States or tribal governments set criteria to protect “fishable uses.” They can set fish consumption values based on a national default value. Or they can use site-specific information, including fish consumption by subsistence fishers. Community residents can provide this information to the government regulatory agency.