



## OFFICE OF ENVIRONMENTAL JUSTICE AND EXTERNAL CIVIL RIGHTS

WASHINGTON, D.C. 20460

October 8, 2024

### MEMORANDUM

**SUBJECT:** Emergency Review of Information Collection Request (ICR) for the *Environmental Justice Thriving Communities Grantmaking Program Applications for Subawards – October Launch* (OMB Control Number 2035-NEW; EPA ICR Number 7790.01)

**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 – October 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 subawards 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.

The sections that follow explain how this request meets the criteria for emergency clearance under 5 CFR 1320.13 (a)-(d).

## **Information Collection Activities Essential to the Agency Mission Involved in this Emergency Request**

In order to distribute subawards, the 11 Grantmakers must solicit applications from eligible entities. These information collections will enable the Grantmakers to verify (a) the eligibility of the applicants for the subawards; (b) the alignment between the proposed project and the goals of the Environmental Justice Thriving Communities Subgrants Program and the EPA; and (c) the feasibility and appropriateness of the planned activities and outcomes given the proposed budget, staffing plan, partners, and other aspects of the plan.

If the afore-mentioned information were not collected via applications, the Grantmakers 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—to distribute subawards to address environmental justice issues in underserved communities—cannot be met. This will significantly undermine efforts to carry out EPA’s and the Administration’s commitment to designing and implementing 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 Cannot Reasonably Comply with the Normal Clearance Procedures: Summary Description Using a Grantmaker Example**

EPA is applying for emergency ICR clearance for six Grantmakers to begin their first round of solicitations for applications for the subaward program and for all 11 Grantmakers to collect information about Quality Assurance and Human Subjects Review from all applicants in the first round of subaward applications. The rationale 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). The time between these Grantmakers’ receipt of their funding awards and the launch of their subaward programs (3 months) does not allow sufficient time to obtain PRA clearance using the standard ICR process (which typically takes 6-9 months).

It is essential that each Grantmaker launch their subaward program and publish a call for the first round of applications within three months of receiving the initial award, so that they have time to engage in two or three subaward processes before the end of their three-year performance period. Having multiple subaward processes offers small and capacity-constrained entities more than one opportunity to develop project ideas and apply for awards, in line with program objectives and EPA’s and the Administration’s commitment to environmental justice principles. This approach also enables each Grantmaker to spread out the awards over multiple funding cycles, which will spread out the corresponding workload of administering the awards and thus enhance their capacity for rigorous oversight.

It was not possible for EPA to develop and submit an ICR package earlier because each Grantmaker could only start work on the application materials after receiving their initial financial award. For example, the Region 5 Grantmaker, Minneapolis Foundation, received their initial award on June 24, 2024. Before receiving this award, Minneapolis Foundation did not work on specific project activities (e.g., developing subaward applications), as there was no funding provided to support the work. As soon as Minneapolis Foundation received their initial award they began developing the materials for their subaward program. As part of this process, they consulted with their Advisory Group and community stakeholders in line with their workplan and 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). On October 7, 2024, 79 working days after the initial award date, EPA finalized the current Emergency ICR package that includes Minneapolis Foundation's application materials and prepared it for publication in the Federal Register and submission to OMB.

EPA could not develop a standard set of subaward application materials prior to the initial awards for the Grantmakers to use, because the Grantmaking Program's design requires each Grantmaker to develop their own materials. To ensure EPA compliance with EPA's policy for interpreting the Federal Grant and Cooperative Agreement Act (FGCCA), Minneapolis Foundation, as a cooperative agreement award recipient, must make the final decisions on the structure and content of important documents such as subaward application materials. While Minneapolis Foundation did take information provided by EPA into consideration (e.g., sample applications), they developed 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.

### **Rationale for Multiple Requests for Emergency Clearance**

EPA is submitting three Emergency ICR packages to authorize the 11 Grantmakers' solicitation of applications for the first round of the subaward programs. All three ICR packages have the same rationale for requesting emergency clearance, but each focuses on a subset of the Grantmakers. Two packages have been approved by OMB/OIRA: the first package covered the first two Grantmakers to launch subaward programs in August 2024 (OMB Control Number = 2090-0035; approval date = August 1, 2024) and the second package covered the next three Grantmakers to launch subaward programs in September 2024 and early October 2024 (OMB Control Number = 2090-0036; approval date = September 27, 2024). The current package represents the third and final request for emergency clearance, and covers the last six Grantmakers who will launch their subaward programs in October 2024.

The reasons for submitting multiple requests for emergency clearance are outlined below:

- **Award timeline:** The 11 Grantmakers are receiving their Initial Awards at different times between May 2024 and August 2024, and thus are operating on three different timelines for launching their subaward programs: August 2024; late September/early October 2024; and mid October 2024. Having three Emergency ICR packages mirrors this program structure and thus

allows each set of Grantmakers to have time to develop their materials and then launch their programs shortly after they have finalized their materials, without having to adjust their pace of work to accommodate other Grantmakers that received their awards at a different time.

- **Program Strategic Objective:** The Grantmaking program seeks to increase efficiency and reduce barriers to federal funds for disadvantaged communities. There is great public interest in this work, and eligible entities in local communities have communicated great interest in applying for funds. In order to capitalize on this energy and ambition, it is essential that each Grantmaker launches their subaward program as soon as practicable after receiving their Initial Award, rather than waiting for the later Grantmakers to catch up.
- **Program Management:** Staggering the 11 Grantmakers' subaward program launches over a period of months enables EPA to have the capacity to provide sufficient advice and support (e.g., in developing materials for the ICR package). This is important as most of the Grantmakers are first-time recipients of EPA funding to serve as pass-through entities.
- **Program Oversight:** Each Grantmaker will distribute the bulk of their EPA funding to eligible entities via their subaward programs. EPA can most effectively engage in proper oversight of these projects if the subaward programs are launched in three groups (including two, three, and six Grantmakers respectively), rather than launching all 11 programs at the same time.

OMB's approval of the first Emergency ICR package stipulated 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. EPA is currently developing this standard ICR package. The first Federal Register Notice (FRN) was published on January 8, 2024 (FRL-11583-01-OEJECR) and the 60 day comment period closed on March 8, 2024 with one non-substantive comment ([EPA-HQ-OEJECR-2023-0531](#)). EPA expects to publish the second FRN by early November.

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

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.

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 (October 18, 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](mailto:kerwin.courtney@epa.gov)), Aarti Iyer ([iyer.aarti@epa.gov](mailto:iyer.aarti@epa.gov)), and Marisa Valdez ([valdez.marisa@epa.gov](mailto:valdez.marisa@epa.gov)).

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