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Imagining Equitable Policy

Coding Equity in Federal Agencies: Department of Transportation, Department of Commerce, Department of Energy, and the Environmental Protection Agency

Introduction

President Biden's Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, directed federal agencies to create Equity Action Plans. In these action plans, federal agencies detail how they plan to center equity in various processes and policies to ensure access to resources for marginalized groups. Our group focused on four federal agencies' plans: Department of Transportation (DOT), Department of Commerce (DOC), Department of Energy (DOE), and the Environmental Protection Agency (EPA). Collectively, our agencies typically focused on community benefits, rather than individual benefits, while targeting racial and ethnic populations with economic and knowledge benefits. All agencies also recognized the groups they were targeting, to varying degrees, with most agencies historically contextualizing their items. However, all agencies formatted their plans differently. Also, while DOE and EPA acknowledge their ignorance and included action items on information gathering, DOT and DOC did not speak on their engagement with communities when developing their plans. Lastly, EPA stood out among our agencies for its commitment to ongoing accountability measures.

Ultimately, the lack of qualitative data, standardized formatting, and consistent language, in addition to their unwillingness to prioritize distributive justice, implies an overall fractured understanding of the concept of equity. Most departments also display a lack of understanding of the communities they are trying to reach. Since equity work involves sustained commitment, agencies should revisit their Equity Action Plans with a better consensus of what equity means as they continue or begin to engage with the communities they hope to reach.

Similarities

All agencies engaged in recognition equity, especially when compared to distributive equity. For example, the DOT acknowledged crowding out of small, disadvantaged businesses in procurement and contracting; the DOC recognized communities that are systematically denied a full opportunity to participate in aspects of economic prosperity; the EPA acknowledged past shortcomings and the disproportionate burden of certain environmental exposures on BIPOC and low-income communities; and lastly, the DOE recognized poor data collection practices and limited support for diversity in financial assistance to underserved communities. Recognition across equity items was necessary to contextualize the equity items, so it is not surprising that all agencies included this dimension. However, only 9 action items were distributional, highlighting a failure of agencies to reach the end goal of allocating resources to their target communities.

Similarly, all agencies (excluding the DOE) historically contextualized issues of inequity related to action items. The DOT root drivers and their basis in the historical status quo, while the DOC and the EPA included sections at the beginning of each action item that acutely discussed the historical barriers to equitable outcomes. The DOE failed to substantially acknowledge this historical context on issues, yet attributed this lack of context to substandard data and focused an equity item on targeting this problem.

All agencies targeted racial or ethnic groups across their equity action items. These items were both focused internally and externally. For example, the DOT focused on small disadvantaged businesses and minority business enterprises (MBEs) in their exploration of wealth creation and intervention by expanding contract dollars, business networks, and professional experiences. Likewise, the DOC pledged to ensure economic development dollars advance racial equity and

support historically disadvantaged communities and MBEs. The DOE aimed to expand strategic tribal and stakeholder engagement, while also including multiple languages in its public engagement. The EPA followed suit, but also included internal measures for improving racial equity, like strengthening its external civil rights compliance program and ensuring that civil rights compliance is an agency-wide responsibility.

The connection between racial equity and gaps in economic opportunity and information or access provides insight into the agencies' framing of dimensions of value. Action plans focused mainly on economic and knowledge benefits/resources. Across equity action items, 13 of the 21 explicitly included both types of benefits. Every other item had either economic or knowledge benefits. These benefits targeted a broad range of demographics: MBEs, BIPOC, victims of environmental racism, LGBTQIA+ persons, rural communities, and the particularly vulnerable (i.e. elderly, children), among others. In the DOT these benefits manifested as increased access to federal grants, reduction of cost burdens, and enhanced public participation in urban planning. The DOC focused on expanding access to broadband, increasing data accessibility and usability, and expanding opportunities for 'disadvantaged communities' largely through NTIA funding. For the EPA, these benefits were mainly provided by integrating community science and community-led projects into implementation programs, as well as creating a more equitable procurement and contracting process. Although DOE benefits focused more on knowledge, they targeted economic inequities by expanding access and engagement in programs through financial assistance.

The aforementioned benefits focused on the community, rather than individuals. Mentions of underserved communities, the LGBTQIA+ community, the BIPOC community, etc. were common throughout equity action plans. However, a few individual benefits stood out. For example, the DOT placed a focus on reducing cost burdens experienced by low-income commuters, while the DOC targeted inventors and entrepreneurs from historically underserved communities by enhancing access to intellectual property (IP) information and alleviating financial barriers to obtaining IP legal assistance. The DOE focused on individual benefits the most, aiming to increase participation by individuals underrepresented in DOE R&D and other programs, expanding tribal and stakeholder engagement, and improving access and equity in the Weatherization Assistance Program (for elderly, young, and handicapped individuals). The framing of equity as a communal issue has broad implications for policy solutions.

Differences

Most notably, there is no standard format, content inclusion, or language use across departments. Despite being pieces of our federally mandated equity agenda, each department's report appears as a standalone document. The egregious formatting discrepancies (see appendix for details) imply a lack of interdepartmental communication or industry standards. Inconsistent language suggests there is not a consensus among government agencies as to what an equitable future ought to look like.

Though all four departments target particular racial and ethnic populations, the extent to which they specify the boundaries of each population differs. Some seem to be more intentional with which groups they target, whereas others borrow broad language from other domains. For example, the DOE stood out as having thoughtfully constructed who their policy will help by being specific and thorough in the demographic identification process. While the DOC and DOT broadly defined beneficiaries as "underserved communities," the DOE lists twenty distinct and specific populations including but not limited to service-disabled veteran-owned businesses (SDVOB), women-owned small businesses (WOSBs), Native American-Serving Nontribal Institutions (NASNTIs), and Historically Black Colleges and Universities (HBCU).

Moreover, the EPA was the only department to include important details including current

barriers to equitable outcomes, planned actions to overcome the barriers, progress tracking in the near, mid, and long-term, and means of ensuring accountability. In doing so, the EPA synthesized a more actionable equity plan than those who merely put forth broad action items. Had there been content or structure mandates, all departments would have been forced to think about actually implementing action items, assessing them over time, and ensuring there was designated accountability. Without these important measures, it is likely that some departments will fail to successfully implement their action items. Accountability over time is particularly important because equity is by nature a highly contextualized process. Equity work needs to be malleable, continually monitored, and reconsidered to respond to the evolving needs of target communities. The overall profound lack of structure and significant interdepartmental differences creates a fractured vision for national equity action.

Evaluation

The evaluation process of these equity plans gives the public the unique opportunity to determine how each department plans to address the discrepancies in their communities, especially to reach the ultimate goal of distributive justice. Some equity plans use language to empower their affected communities, while others have strategic programs designed for community engagement. For instance, the DOT's equity plan explains how the department has always been at the center of America's racial and economic justice struggle. As we understand, transportation is a powerful tool that can connect people to employment, education, and capital. Thus, the DOT plans to reinforce Title VI of the Civil Rights Act, prohibiting discrimination from federally funded programs.

Furthermore, DOT plainly explains its department's capacity. They understand that they will not be able to enforce these policies on their own. Therefore, instead of being evaluators, DOT hopes that civilians will be advocates and hold the department and political leaders accountable. By creating a partnership between the community, the department empowers a group of individuals who have historically been contenders.

The EPA utilizes a different approach to the evaluation system. For example, EPA Administrator Michael S. Regan recognizes that "historically, the department has kept too many communities out of the room." Thus, the department has a specific evaluation plan for its six priority action items so the public can hold the department accountable. For instance, Priority Action #5 is the integration of community science into EPA's research and program implementation. EPA defines community science "[as research and science conducted by the community and/or a third party on its behalf to inform decision-making.](#)" Because the EPA wants to give the public more authority in the evaluation process, the department will report on progress through its advisory committees. The public will be allowed to engage with EPA administrators at these forums, empowering contenders and deviants.

The DOC hopes to increase community engagement with underserved communities, yet how they plan to do so is vague. The DOC equity plan mentions accountability, but they give this responsibility to Congress. They also mention having an evaluation criterion for each policy action item, but internal stakeholders seem to be the only group with authority during the evaluation process. The DOC hopes to uphold transparency with the community. Still, their method for doing so is by digitally uploading these updates to their website, where the public may have few opportunities to evaluate the organization's process. This leaves those disadvantaged communities in the "deviant" power structure.

The DOE is also ambiguous in its evaluation measures. Although the DOE's equity plan mentions stakeholder engagement and increased participation by the underrepresented, there is not much mention of how the community can hold the DOE accountable. While this organization recognizes that the impacted audience may be negative in construction, they also don't award them

much power.

Conclusion and Consideration for Next Time

President Biden's Executive Order 13985 prompted federal agencies to define equity for their respective agencies. The resulting Equity Action Plans saw different, and yet similar, interpretations of equity. DOT, DOC, DOE, and EPA all prioritized community benefits, targeted racial and ethnic populations, and aimed to provide economic and knowledge resources. These agencies also acknowledged the need to respect target populations while historically contextualizing their action items. However, there was no standardized format for agencies' Equity Action Plans. While DOE and EPA created action items to gather information directly from communities, DOT and DOC failed to highlight the extent of their community engagement when developing these plans. Since it is important to hear from target communities directly, this is concerning. Lastly, the EPA detailed their accountability measures in their action items, showcasing a deeper commitment to equity work than our other agencies. Without qualitative data, standardized formatting, and consistent language, plus their unwillingness to prioritize distributive justice, our agencies display a fractured understanding of equity and ignorance of their target communities. We suggest that our agencies revisit their Equity Action Plans with a renewed focus on defining equity as they start to implement their action items and engage with various communities.

When considering the future of these equity action plans, it is important to continually revisit and update these plans over time. Equity cannot be achieved without sustained investment, and it will be interesting to see how federal agencies mobilize to enact their action items and considerations over time. There is work to be done to properly contextualize and recognize historic injustice against various marginalized communities, and without proper community engagement, federal agencies will fail to meet the baseline criteria of equity work.

APPENDIX

- a. To highlight the forming discrepancies between each equity action plan, below are the title pages of each department's report.

