

# Directive

GIPSA 5600.2

6/6/00

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## ENVIRONMENTAL JUSTICE

### 1. PURPOSE

This Directive establishes the Grain Inspection, Packers and Stockyards Administration (GIPSA) policies and procedures for the implementation of Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

### 2. BACKGROUND

On February 11, 1994, President Clinton issued Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The Order focused Federal attention on the environmental and human health conditions in minority communities and low-income communities with the goal of achieving environmental justice. The order also promoted nondiscrimination in Federal programs that substantially affect human health and the environment, and to provide minority communities and low-income communities access to public information on, and an opportunity for public participation in, matters relating to health or the environment.

In addition to the executive order, the President issued a memorandum for the heads of all departments and agencies, dated February 11, 1994. The memorandum underscores certain provisions of existing civil rights laws (e.g., Title VI of the Civil Rights Act of 1964) and environmental laws (e.g., National Environmental Policy Act of 1969 (NEPA)) that can help ensure that all communities and persons live in a safe and healthy environment.

The President emphasized each agency's duty, in accordance with Title VI of the Civil Rights Act of 1964. The Act ensures that all programs/activities receiving Federal financial assistance that affect human health or the environment, do not directly or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin.

Executive Order 12898 requires that in complying with NEPA, Federal agencies must analyze the environmental effect of proposed Federal actions, including human health, and the economic and social effects on minority and low-income populations. NEPA, which was first established in 1970, simply required Federal agencies to develop an environmental impact analysis for "legislation and other major Federal action significantly affecting the quality of the human environment." So, in effect, the executive order expanded the scope of NEPA to require Federal agencies to identify mitigation measures that reduce significant and adverse environmental effects of proposed Federal action on minority and low-income populations and provide opportunity for public input in the NEPA process.

The NEPA rules were supplemented by regulations developed by the Council of Environmental Quality (see NEPA 7 CFR Part 1b). Accordingly, these regulations list the USDA agencies--including GIPSA--that carry out programs and activities which have been found not to have an individual or cumulative effect on the human environment. Furthermore, the regulations exclude these agencies--again, including GIPSA by name--from the requirements for preparing implementation procedures. The agencies are also "categorically excluded" for the preparation of Environmental Assessments and Environmental Impact Statements.

In accordance with Executive Order 12898, the Department of Agriculture (USDA) issued Departmental Regulation 5600-2. This regulation provides for the integration of environmental justice considerations into USDA programs and activities, in addition to any NEPA compliance requirements that USDA agencies are obligated to meet. All existing and future USDA programs and activities are subject to this regulation and the requirements of executive order 12898 even if an agency's activities are categorically excluded from the preparation of Environmental Assessments and Impact Statements, as is GIPSA.

Departmental Regulation 5600-2, "Environmental Justice," and Executive Order 12898 are adopted by reference and should be consulted for guidance and definitions.

### **3. POLICY**

GIPSA will take all necessary precautions to ensure that its operations do not result in or contribute to a disproportionately high adverse human health or environmental effect on minority populations and low-income populations in the United States, its territories, and the District of Columbia.

4. **RESPONSIBILITIES**

- a. All employees share, with the Administrator, a responsibility to ensure that no GIPSA operation adversely affects the human health or environment of minority or low-income populations.
- b. The Director, Civil Rights Staff, will serve as the primary environmental justice coordinator for GIPSA.
- c. The Safety and Occupational Health Manager will provide technical assistance.

5. **PROCEDURES**

In accordance with Section 1b.4 (a) of NEPA, the programs and activities which are carried out by GIPSA have been found to have no individual or cumulative effect on the human environment. Therefore, GIPSA is categorically excluded from the preparation of an environmental assessment or environmental impact statement, unless the GIPSA Administrator determines that a particular program or action may have a significant environmental effect.

Notwithstanding the aforementioned exclusion, GIPSA managers will continue to scrutinize their programs and activities to ensure that circumstances do not dictate the need for the preparation of an environmental assessment or environmental impact statement. The following step-by-step procedures and the attached flowchart show the general process by which GIPSA programs and activities should be evaluated to determine if such programs or actions might have a significant environmental effect, and if so, what action should be taken to address the issues.

- Step 1. Identify the program or activity.
- Step 2. Determine if the proposed program or activity is the type that might have an adverse environmental or human health effect on any population. If not, the environmental justice issue determination is complete.

If a determination is made that the program or activity has a potential for adverse environmental or human health effect on any population, continue to Step 3.

- Step 3. Identify interested and affected parties.
- Step 4. Initiate community outreaches to affected and interested parties (for example notification by public announcement and/or contact with community and civic organizations) and encourage participation and input on the proposed program or activity and any alternatives or mitigating options.
- Step 5. Apply developed criteria to evaluate information gathered from the outreach initiative along with all other information used in the decision making process, and analyze the effects of proposed program or activity and the effects of alternate or mitigating actions. If a determination is made that that proposed program or activity has or will have a disproportionately high adverse effect on the human health or the environment of minority or low-income populations, go to Step 6. If not, go to Step 7.
- Step 6. Consider the feasibility and appropriateness of alternative or mitigating options and their effects.
- Step 7. Notify interested and affected parties of agency decision.
- Step 8. Assess effectiveness of outreach initiatives.

## **6. INQUIRIES**

Contact the GIPSA Civil Rights Staff for questions about whether particular programs or activities may have a disproportionately high adverse human health or environmental effect on minority populations and low-income populations.

James Baker  
Administrator

Attachment

**Environmental Justice Flowchart for GIPSA Program and Activities**

