



# THE OFFICE OF ENVIRONMENTAL JUSTICE

U.S. EPA  
FAX: 202/260-0852  
OFFICE: 202/260-6357

NUMBER OF PAGES INCLUDING THIS ONE: \_\_\_\_\_

HARDCOPY TO FOLLOW:                    YES                    NO

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TO: Rosslyn Miller

OFFICE: White House

PHONE: \_\_\_\_\_

FAX NO: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

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FROM: Renee Loring

PHONE: Office of Env. Justice



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 13 1994

THE ADMINISTRATOR

Ms. Carol Rasco, Assistant  
to the President for  
Domestic Policy  
17th and Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Ms. Rasco:

On February 11, 1994, President Clinton signed Executive Order #12898, "Federal Actions To Address Environmental Justice In Minority Populations and Low-income Populations." The Order directs Federal Agencies to identify and address those programs, policies, and activities which have an adverse impact on minority and/or low-income populations.

The Order establishes an Interagency Working Group, which I have been asked to Chair. The Working Group is expected to oversee and support the implementation of the Order by taking the following actions: a) providing guidance to Agencies on identifying environmental justice problems; b) working with Agencies to develop environmental justice strategies; c) coordinating environmental justice health research, data collection, and analysis; d) developing interagency environmental justice projects; and e) holding public meetings.

In addition to the above, the Order also identifies Agencies expected to participate in this effort and requires the Agency head or his/her designee to attend the Working Group meetings. The first meeting of the Environmental Justice Interagency Working Group will be held on May 3, 1994, from 2:00 P.M. to 4:00 P.M. at the Environmental Protection Agency, 401 M Street, SW, Room 1103 West Tower.

We will contact your office shortly to inquire whether you will be available to attend the meeting. If you or your staff have any questions please contact Kathy Aterno, Deputy Assistant Administrator for Administration and Management, at (202) 260-4600.

Sincerely,

A handwritten signature in cursive script that reads "Carol M. Browner".

Carol M. Browner

**INTERAGENCY PRE-MEETING ON ENVIRONMENTAL JUSTICE****APRIL 28, 1994****1 - 3:00PM****DRAFT AGENDA**

- I. OVERVIEW OF ENVIRONMENTAL JUSTICE**
- II. AGENCY REQUIREMENTS IN ENVIRONMENTAL JUSTICE  
E.O. 12898**
  - KEY DEADLINES**
- III. INTERAGENCY WORKING STRUCTURE**
- IV. PILOT PROJECTS**
- V. QUESTIONS/ANSWERS**

**LOCATION OF MEETING: EPA  
401 M ST SW  
WIC CONFERENCE ROOM #17  
DIRECTIONS ATTACHED**

**FOR MORE INFORMATION CALL: CHRIS BULLOCK AT (202) 260-4600.**

THE WHITE HOUSE  
OFFICE OF DOMESTIC POLICY

CAROL H. RASCO  
Assistant to the President for Domestic Policy

REC'D

Called  
Buar  
4/22

To: \_\_\_\_\_

Draft response for POTUS  
and forward to CHR by: \_\_\_\_\_

Draft response for CHR by: \_\_\_\_\_

Please reply directly to the writer  
(copy to CHR) by: \_\_\_\_\_

Please advise by: \_\_\_\_\_

Let's discuss: \_\_\_\_\_

For your information: \_\_\_\_\_

Reply using form code: \_\_\_\_\_

File: *Orig attached*

Send copy to (original to CHR): \_\_\_\_\_

Schedule ?  Accept  Pending  Regret

Designee to attend: \_\_\_\_\_

Remarks: *Orig I ~~was~~ received  
I faxed copy of earlier  
for this meeting I need  
cc of actual Exec Order -  
we should have in file or*

APR 21 REC'D



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 13 1994

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Sincerely,

A handwritten signature in black ink that reads "Carol M. Browner".

Carol M. Browner

THE WHITE HOUSE  
WASHINGTON

February 18, 1994

MEMORANDUM FOR CAROL RASCO  
BRUCE REED  
KATHI WAY  
BILL GALSTON

FROM: BRIAN BURKE BB (8)

SUBJECT: THE ENVIRONMENTAL JUSTICE EXECUTIVE ORDER AND  
RECOMMENDED NEXT STEPS

**Recommended Next Steps**

The Environmental Justice Executive Order (signed by the President on February 11, 1994; Attached) designates DPC and OEP to oversee an Interagency Working Group, which will be chaired by EPA. The Executive Order requires that the Working Group and its participating agencies submit reports and strategies (described below) to the President through DPC and OEP. To assure the interagency process functions as planned, I suggest we proceed as follows:

- DPC meeting to discuss the substance of the Order, ideas for the operation of the Work Group and the timetable to be followed prior to the first Working group meeting in three months;<sup>1</sup>
- Schedule a meeting with Carol Browner and Katie McGinty to discuss the operation of the Working Group, the proposed timetable and other operational concerns.

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<sup>1</sup> The Executive Order deadlines are as follows:

- 5/11/94: Convene Interagency Working Group. 1-102(a)
- 6/11/94: Agencies identify an internal administrative process for developing a strategy. 1-103(b)
- 8/11/94: Agencies deliver Working Group with outline of proposed strategy. 1-103(c)
- 12/11/94: Agencies deliver proposed strategy to Working Group. 1-103(d)
- 2/11/95: Finalize strategy and schedule for implementing projects in the strategy. 1-103(e)
- 4/11/95: Working Group report to President due. 1-104

## Background

Historically minority and low income neighborhoods have borne disproportionate human health and environmental risks from pollution. The General Accounting Office (GAO) and the United Church of Christ (UCC) conducted the first and most widely known studies on this problem. The GAO study looked at the four offsite hazardous waste landfills in EPA Region IV.<sup>2</sup> The results showed that communities of low income, African-American people host three of the four hazardous waste landfills. The small size of the study precluded any wide-scale conclusions about the problem. However, it prompted the UCC to conduct its much broader study which found that race was the single greatest factor in determining where hazardous waste was likely to be located.

The National Law Journal (NLJ) studied the issue and published results of several studies in its September 21, 1992 issue which illustrated disparities in environmental law enforcement among white, minority and low income communities. After studying every federal environmental lawsuit resolved in the seven years prior to the article, and every residential toxic waste site in the 12 year history of the Superfund program, the NLJ concluded that EPA enforcement procedures discriminate against minorities. The findings concluded that:

- It took 20% longer for advanced hazardous waste sites in minority communities to be placed on the National Priority List;<sup>3</sup>
- Minority areas wait the longest for a federal response to hazardous waste complaints, low income communities wait almost as long;

EPA published a study in 1992 which concluded that death and disease rates differ by race, but the study stopped short of linking that result with racial differences in pollution exposure. The full nature and extent of the problem is unknown.

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<sup>2</sup> The GAO report defines offsite landfills "those not part of or contiguous to an industrial facility".

<sup>3</sup> The National Priorities List is EPA's list of the most serious uncontrolled and abandoned hazardous waste sites identified for possible long-term remedial action under Superfund.

## The Executive Order

To address this issue, the President promulgated the Environmental Justice Executive Order<sup>4</sup> which will help to close the gaps by providing more data collection, analysis and dissemination of information. In addition, it will change how agencies view programs and activities which disproportionately affect minority and low income people, including Indian Tribes. The Order directs federal agencies to review all programs and activities which substantially affect human health or the environment and to identify those which disproportionately and adversely impact upon low income and minority populations. (Section 1-101). One year after review begins, the agencies will submit a strategy describing how they will change the conduct of their programs and activities so that they do not exclude participation by, deny benefits to, or discriminate against persons or populations because of their race, color or national origin. (Sections 1-103(e) and 2-2). Each agency will collect and analyze data about the race, national origin and income level of those affected by their programs and activities, including cumulative effects. Sections 3-301(b) and 3-302(a)). All agencies will also work to improve public participation in programs and access to information relating to human health and the environment. (Section 5-5). An Interagency Working Group (as mentioned above) will oversee and provide guidance to the agencies as they develop their strategies. (Section 1-102(a) and (b)). DPC and OEP, will be responsible for reporting progress to the President and, with EPA, for providing the agencies with effective criteria. (Section 1-104).

The President signed this Order to coincide with a major Environmental Justice conference held in Washington, sponsored by EPA, NIH, CDC, and ATSDR, and invited the leaders of the environmental justice movement to attend the signing, including Ben Chavis (NAACP), John Adams (NRDC) and Charles Lee (UCC). The Vice President, who sponsored legislation on this topic in 1992 and worked with these communities for many years, also attended the signing ceremony. The Order has been well-received by the environmental justice community, the environmental community and the press (Articles Attached). In fact, generally,

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<sup>4</sup> While other terms have been used to describe this phenomenon, notably environmental racism and environmental equity, "justice" is often the preferred term because it reflects the theory that when decisions are made which cause these concentrated impacts, an injustice occurs which goes beyond environmental wrongs and into the civil rights arena.



support has been forthcoming from Congress, the NGA<sup>5</sup>, and industry as well.

### DPC's Function

The scope of this executive order is far wider than may appear at first glance. In fact, a wide variety of agencies<sup>6</sup> and issues are covered, including, civil rights, health care, environmental, intergovernmental, transportation, education, etc. DPC has the opportunity to assure that the implementation of the order is accomplished in the most efficient manner.

At a minimum, programs, policies, planning and public participation processes and enforcement related to human health and the environment must: (1) promote enforcement of all relevant statutes; (2) ensure greater public participation; (3) improve relevant research and data collection; and, (4) identify differential patterns of consumption of natural resources among different populations. (Section 1-103(a)). Without DPC input, there is no guarantee agencies will comply in a substantial, useful and timely manner.

The following are a few policy areas where the Executive Order overlaps with other DPC issues:

- Health Care: Studies show even small exposures to lead (especially paint) can cause health and mental problems, particularly in children. People residing near industrial plants or incinerators breathe in smokestack releases and retain the pollutants on their skin and clothes. Often various hazards occur in the same neighborhoods, but are considered separately during permitting procedures. The impact of multiple exposures must be considered in order to measure the health effect, including the health effects of transportation decisions, community development programs and subsistence living.
- Transportation: When highway planning results in decisions to place highways in minority and low income neighborhoods, the neighborhood character is destroyed and the people are exposed to higher air pollution levels. In addition, pollutants settle on the soil,

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<sup>5</sup> NGA suggested that States, facing the same problem with their agencies, may use the President's Executive Order as a model.

<sup>6</sup> At a minimum, HHS, HUD, DOT, USDA, DOD, DOJ, OMB, Labor, Commerce, Energy, EPA, Interior, the Office of Science and Technology Policy, NEC and CEA will sit on the Working Group.

creating the possibility of exposure through dermal absorption and ingestion.

- Tribal/Indian Rights: Tribal peoples depend on subsistence consumption of fish, wildlife and crops to a greater degree than the population as a whole. Toxic levels, which are set with average consumption in mind, may not be safe when larger amounts are consumed. The effect on tribal peoples is unknown, but higher disease rates are suspected. (See L.A. Times article, Attached).
- Civil Rights: If the NLJ study is correct, then minorities and low income people are not receiving equal protection of the law. Environmental, health and other related legal areas such as housing and occupational safety laws must be equally enforced.
- Enterprise Zones: Economic and community development includes improving the health and environmental quality in zoned areas. People with limited employment opportunities may feel compelled to accept any job with decent wages, even jobs which may imperil their own health and safety, or that of local residents. Further, employees may be unaware of job hazards. Strategic plans should endeavor to create clean, safe jobs which do not carry high health and environmental risks for the employees, their families or local residents.
- Housing: Studies show minority populations are more likely to have elevated blood lead levels than other groups, regardless of income level. Because minorities experience housing discrimination, they often remain in poorer housing stock, which is more likely to contain peeling lead paint and lead pipes.

### Conclusion

I suggest we meet sometime in the next week to discuss the issues raised in this memo.

THE WHITE HOUSE  
Office of the Press Secretary

For Immediate Release

February 11, 1994

February 11, 1994

MEMORANDUM FOR THE HEADS OF ALL DEPARTMENTS AND AGENCIES

**SUBJECT:** Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Today I have issued an Executive order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. That order is designed to focus Federal attention on the environmental and human health conditions in minority communities and low-income communities with the goal of achieving environmental justice. That order is also intended to promote nondiscrimination in Federal programs substantially affecting 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 human health or the environment.

The purpose of this separate memorandum is to underscore certain provision of existing law that can help ensure that all communities and persons across this Nation live in a safe and healthful environment. Environmental and civil rights statutes provide many opportunities to address environmental hazards in minority communities and low-income communities. Application of these existing statutory provisions is an important part of this Administration's efforts to prevent those minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects.

I am therefore today directing that all department and agency heads take appropriate and necessary steps to ensure that the following specific directives are implemented immediately:

In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or 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.

Each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. section 4321 *et seq.* Mitigation measures outlined or analyzed in an environmental assessment, environmental impact statement, or record of decision, whenever feasible, should address significant and adverse environmental effects of proposed Federal actions on minority communities and low-income communities.

more

(OVER)

Each Federal agency shall provide opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of meetings, crucial documents, and notices.

The Environmental Protection Agency, when reviewing environmental effects of proposed action of other Federal agencies under section 309 of the Clean Air Act, 42 U.S.C. section 7609, shall ensure that the involved agency has fully analyzed environmental effects on minority communities and low-income communities, including human health, social, and economic effects.

Each Federal agency shall ensure that the public, including minority communities and low-income communities, has adequate access to public information relating to human health or environmental planning, regulations, and enforcement when required under the Freedom of Information Act, 5 U.S.C. section 552, the Sunshine Act, 5 U.S.C. section 552b, and the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11044.

\* \* \*

This memorandum is intended only to improve the internal management of the Executive Branch and is not intended to, nor does it create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

WILLIAM J. CLINTON

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# Presidential Documents

Title 3—

The President

Executive Order 12898 of February 11, 1994

## Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

### Section 1-1. IMPLEMENTATION.

**1-101. Agency Responsibilities.** To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

**1-102. Creation of an Interagency Working Group on Environmental Justice**  
 (a) Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency ("Administrator") or the Administrator's designee shall convene an interagency Federal Working Group on Environmental Justice ("Working Group"). The Working Group shall comprise the heads of the following executive agencies and offices, or their designees: (a) Department of Defense; (b) Department of Health and Human Services; (c) Department of Housing and Urban Development; (d) Department of Labor; (e) Department of Agriculture; (f) Department of Transportation; (g) Department of Justice; (h) Department of the Interior; (i) Department of Commerce; (j) Department of Energy; (k) Environmental Protection Agency; (l) Office of Management and Budget; (m) Office of Science and Technology Policy; (n) Office of the Deputy Assistant to the President for Environmental Policy; (o) Office of the Assistant to the President for Domestic Policy; (p) National Economic Council; (q) Council of Economic Advisers; and (r) such other Government officials as the President may designate. The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

(b) The Working Group shall: (1) provide guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(2) coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy as required by section 1-103 of this order, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner;

(3) assist in coordinating research by, and stimulating cooperation among, the Environmental Protection Agency, the Department of Health and Human Services, the Department of Housing and Urban Development, and other agencies conducting research or other activities in accordance with section 3-3 of this order;

(4) assist in coordinating data collection, required by this order:

(5) examine existing data and studies on environmental justice;

(6) hold public meetings as required in section 5-502(d) of this order and

(7) develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

**1-103. Development of Agency Strategies.** (a) Except as provided in section 6-605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b)-(e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.

(c) Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.

(d) Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.

(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

(f) Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.

(g) Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

**1-104. Reports to the President.** Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

**Sec. 2-2. FEDERAL AGENCY RESPONSIBILITIES FOR FEDERAL PROGRAMS.** Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including popu-

lations) to discrimination under such programs, policies, and activities, because of their race, color, or national origin.

#### Sec. 3-3. RESEARCH, DATA COLLECTION, AND ANALYSIS.

**3-301. Human Health and Environmental Research and Analysis.** (a) Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as minority populations, low-income populations and workers who may be exposed to substantial environmental hazards.

(b) Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.

(c) Federal agencies shall provide minority populations and low-income populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

**3-302. Human Health and Environmental Data Collection and Analysis.** To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a): (a) each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(b) In connection with the development and implementation of agency strategies in section 1-103 of this order, each Federal agency, whenever practicable and appropriate, shall collect, maintain and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have a substantial environmental, human health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial Federal environmental administrative or judicial action. Such information shall be made available to the public, unless prohibited by law; and

(c) Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are: (1) subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001-11050 as mandated in Executive Order No. 12856; and (2) expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public, unless prohibited by law.

(d) In carrying out the responsibilities in this section, each Federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and tribal governments.

#### Sec. 4-4. SUBSISTENCE CONSUMPTION OF FISH AND WILDLIFE.

**4-401. Consumption Patterns.** In order to assist in identifying the need for ensuring protection of populations with differential patterns of subsistence consumption of fish and wildlife, Federal agencies, whenever practicable and appropriate, shall collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. Federal agencies shall communicate to the public the risks of those consumption patterns.

**4-402. Guidance.** Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or wildlife. Agencies shall consider such guidance in developing their policies and rules.

**Sec. 5-5. PUBLIC PARTICIPATION AND ACCESS TO INFORMATION.** (a) The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Working Group.

(b) Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.

(c) Each Federal agency shall work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public.

(d) The Working Group shall hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice. The Working Group shall prepare for public review a summary of the comments and recommendations discussed at the public meetings.

**Sec. 6-6. GENERAL PROVISIONS.**

**6-601. Responsibility for Agency Implementation.** The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct internal reviews and take such other steps as may be necessary to monitor compliance with this order.

**6-602. Executive Order No. 12250.** This Executive order is intended to supplement but not supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance. Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

**6-603. Executive Order No. 12875.** This Executive order is not intended to limit the effect or mandate of Executive Order No. 12875.

**6-604. Scope.** For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.

**6-605. Petitions for Exemptions.** The head of a Federal agency may petition the President for an exemption from the requirements of this order on the grounds that all or some of the petitioning agency's programs or activities should not be subject to the requirements of this order.

**6-606. Native American Programs.** Each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition, the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally-recognized Indian Tribes.

**6-607. Costs.** Unless otherwise provided by law, Federal agencies shall assume the financial costs of complying with this order.

**6-608. General.** Federal agencies shall implement this order consistent with, and to the extent permitted by, existing law.

**6-609. Judicial Review.** This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural.



enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance of the United States, its agencies, its officers, or any other person with this order.

*William Clinton*

THE WHITE HOUSE,  
February 11, 1994.

[FR Doc. 94-2685  
Filed 2-14-94; 3:07 pm]  
Billing code 3185-01-P

*Editorial note: For the memorandum that was concurrently issued on Federal environmental program reform, see issue No. 6 of the Weekly Compilation of Presidential Documents.*



EXPEDITE

# U.S. Environmental Protection Agency

Office of the  
Assistant Administrator  
for  
Administration and Resources Management

## FACSIMILE TRANSMITTAL FORM

FAX RECIPIENT: CAROL RASEO  
FAX NUMBER: 456-2878  
LOCATION: WASH. D.C.  
SUBJECT: EJ

SENDER NAME: CHRIS BULLOCK  
PHONE NUMBER: 260-8433  
NUMBER OF PAGES: 2  
(INCLUDING THIS SHEET)  
DATE: 4-14-94

COMMENTS: PLEASE DISREGARD 4-13-94 FAX ON  
EJ. INCORRECT MEETING TIME. CORRECT MEETING  
TIME IS 2:00-4:00PM ON 5-3-94.

**URGENT**

**PLEASE DISREGARD THE  
PREVIOUS FAX -- THE TIME  
FOR THE MEETING IS  
INCORRECT -- THE  
ATTACHED LETTER HAS THE  
CORRECT TIMES.**

**THANK YOU**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 13 1994

THE ADMINISTRATOR

Ms. Carol Rasco, Assistant  
to the President for  
Domestic Policy  
17th and Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Ms. Rasco:

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The Order establishes an Interagency Working Group, which I have been asked to Chair. The Working Group is expected to oversee and support the implementation of the Order by taking the following actions: a) providing guidance to Agencies on identifying environmental justice problems; b) working with Agencies to develop environmental justice strategies; c) coordinating environmental justice health research, data collection, and analysis; d) developing interagency environmental justice projects; and e) holding public meetings.

In addition to the above, the Order also identifies Agencies expected to participate in this effort and requires the Agency head or his/her designee to attend the Working Group meetings. The first meeting of the Environmental Justice Interagency Working Group will be held on May 3, 1994, from 2:00 P.M. to 4:00 P.M. at the Environmental Protection Agency, 401 M Street, SW, Room 1103 West Tower.

We will contact your office shortly to inquire whether you will be available to attend the meeting. If you or your staff have any questions please contact Kathy Aterno, Deputy Assistant Administrator for Administration and Management, at (202) 260-4600.

Sincerely,

A handwritten signature in cursive script that reads "Carol M. Browner".

Carol M. Browner

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**AGENDA**  
**INTERAGENCY WORKING GROUP ON**  
**ENVIRONMENTAL JUSTICE**

**MAY 3, 1994**  
**3:15 - 4:30 P.M.**

**ENVIRONMENTAL PROTECTION AGENCY**  
**401 M. STREET SW**  
**ROOM 1103 - WEST TOWER**

**CHAIR: CAROL BROWNER, EPA ADMINISTRATOR**

**I. INTRODUCTIONS AND GOALS**

**II. BACKGROUND ON ENVIRONMENTAL JUSTICE**

**III. REVIEW EXECUTIVE ORDER AND PRESIDENTIAL  
MEMORANDUM DIRECTIVES**

**IV. WORKING GROUP STRUCTURE AND OPERATIONS**

**V. REVIEW ASSIGNMENTS, TIMELINES, DISCUSS NEXT  
STEPS**

**VI. NEW AGENDA ITEMS**

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**Fact Sheet on Executive Order 12898**  
***"Federal Actions To Address Environmental Justice in  
Minority Populations and Low-Income Populations"***  
**and Its Accompanying Presidential Memorandum**

**I. Executive Order 12898**

**A. Background**

- Issued by the President on February 11, 1994 and became effective on that date.
  
- **General Purposes:** 1) to focus attention of federal agencies on the human health and environmental conditions in minority communities and low-income communities with the goal of achieving environmental justice (EJ); 2) to foster non-discrimination in federal programs that substantially affect human health or the environment; 3) to give minority communities and low-income communities greater opportunities for public participation in, and access to public information on matters relating to human health and the environment.

**B. Federal Agency Responsibilities Under the Order**

**1. Scope and General Agency Responsibility**

- The Order applies to federal agencies named to an interagency working group, and other agencies designated by the President, that conduct activities that substantially affect human health or the environment.
  
- To the greatest extent practicable and permitted by law, agencies must make achieving Environmental Justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

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- **Agency heads may petition the President for a full or partial exemption from the requirements of the Order.**

## **2. Interagency Working Group**

- **To assist agencies in carrying out their responsibilities, the Order creates an interagency Federal Working Group on Environmental Justice (Working Group) chaired by the EPA Administrator or her designee. The Working Group is comprised of the heads of various agencies and White House offices or their designees.**
- **The Administrator or her designee must convene the Working Group by May 11, 1994.**
- **Responsibilities of the Working Group include:**
  - **developing guidance on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;**
  - **coordinating with federal agencies during the development of Environmental Justice strategies to ensure consistent implementation of the Order;**
    - **assisting in research coordination;**
    - **assisting in data collection coordination;**
  - **holding public meetings for fact-finding, receiving public comments, and making inquiries about Environmental Justice, and preparing for public review a summary of the comments and recommendations discussed at such meetings;**
  - **examining existing Environmental Justice data and studies; and**
  - **developing interagency model projects that show cooperation among agencies.**

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- **By April 11, 1995, the Working Group must report to the President, through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy, on implementation of the Order.**

### **3. Environmental Justice Strategy**

- **Each agency must develop an agency-wide Environmental Justice strategy that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations, by taking the following steps:**
  - **identifying an internal administrative process for developing an agency-wide Environmental Justice strategy and informing the Working Group of that process by June 11, 1994;**
  - **providing to the Working Group an outline of the agency's proposed Environmental Justice strategy by August 11, 1994;**
  - **giving to the Working Group the agency's proposed Environmental Justice strategy by December 11, 1994;**
  - **finalizing the agency's Environmental Justice strategy and giving a copy and written description of it to the Working Group by February 11, 1995;**
  - **including in the agency's final Environmental Justice strategy:**
    - **the identity of, and an implementation schedule for, several specific projects that can be undertaken promptly to address particular concerns identified during the development of the proposed Environmental Justice strategy;**

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- a list of agency programs, policies, planning, and public participation processes, enforcement, and/or rulemakings that should be revised to, at a minimum: 1) promote enforcement of environmental and health statutes in areas with minority populations and low-income populations; 2) ensure greater public participation; 3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and 4) identify differential patterns of subsistence use of natural resources among those populations; and
  - where appropriate, a timetable for undertaking and identified revisions and consideration of economic and social implications of the revisions; and
  - reporting to the Working Group by February 11, 1996 on the agency's progress in implementing its final strategy.

#### **4. Nondiscrimination in Federal Agency Programs**

- Each agency must conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures that they do not have the effect of: excluding persons (including populations) from participation in; denying them the benefits of; or subjecting them to discrimination under such programs, policies, and activities, because of their race, color, or national origin.

#### **5. Research, Data Collection, and Analysis**

- Whenever practicable and appropriate, federal agency environmental human health research must include diverse segments of the population in epidemiological and clinical studies, including those at high risk from environmental hazards, such as minority populations, low-income populations, and workers who may be exposed to substantial environmental hazards.

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- **Whenever practicable and appropriate, federal agency human health analyses must identify multiple and cumulative exposures.**
  - **Agencies must give minority populations and low-income populations an opportunity to comment on agency research strategies developed under the Order.**
  - **To the extent permitted by existing law, each agency, whenever practical and appropriate, must collect, maintain, and analyze information that assesses and compares environmental and human health risks borne by populations identified by race, national origin, or income.**
  - **To the extent practical and appropriate, each agency must use this information to determine whether its programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.**
  - **In connection with the development and implementation of its Environmental Justice strategy, each agency, whenever practicable and appropriate, must collect, maintain, and analyze readily available information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding:**
    - **facilities or sites that are expected to have a substantial environmental, human health, or economic effect on the surrounding populations, when those facilities or sites become the subject of a substantial federal environmental administrative or judicial action; and**
    - **federal facilities that are subject to the Emergency Planning and Community Right-to-Know Act reporting requirements in Executive Order 12856 and are expected to have a substantial environmental, human health, or economic effect on the surrounding populations.**

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- **Unless prohibited by law, agencies must make available to the public the information they collect on populations surrounding these facilities or sites.**
  - **In carrying out the human health and environmental data collection and analysis provisions of the Order, each agency, whenever practicable and appropriate, must share information and eliminate duplication of efforts through use of existing data systems and cooperative agreements among other federal agencies and with State, local, and tribal governments.**

#### **6. Subsistence Consumption of Fish and Wildlife**

- **To assist in identifying the need for ensuring protection of populations with differential consumption patterns, agencies, whenever practicable and appropriate, must collect, maintain, and analyze information on the consumption patterns of populations who rely principally on fish and/or wildlife for subsistence.**
- **Agencies must inform the public of the risks of those consumption patterns.**
- **Based on the latest scientific information available, agencies, whenever practicable and appropriate, must work in a coordinated manner to publish guidance concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or wildlife.**
- **Agencies must consider this guidance in developing their policies and rules.**

#### **7. Public Participation and Access to Information**

- **Agencies must convey to the Working Group recommendations made by the public relating to the incorporation of Environmental Justice principles into their programs or policies.**



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- **Whenever practicable and appropriate, agencies may translate crucial public documents, notices, and hearings relating to human health or the environment for limited English-speaking populations.**
  - **Agencies must work to ensure that public documents, notices, and hearings relating to human health and the environment are concise, understandable, and readily accessible to the public.**

#### **8. General Provisions**

- **Agency heads are responsible for ensuring compliance with the Order. Agencies must conduct internal reviews and take such other steps as may be necessary to monitor compliance.**
- **Agency responsibilities under the Order apply equally to Native American programs. The Interior Department, in consultation with the Working Group, and, after consultation with tribal leaders, must coordinate steps to be taken under the Order that address federally-recognized Indian Tribes.**
- **Unless otherwise provided by law, agencies must assume the financial costs of their actions to comply with the Order.**
- **Agencies must implement the Order consistent with, and to the extent permitted by, existing law, including the unfunded mandate provisions of Executive Order 12875 entitled "Enhancing the Intergovernmental Partnership." The Order does not create a basis for a cause of action or a right to judicial review.**
- **The Order supplements, but does not supersede, Executive Order 12250 implementing laws prohibiting discrimination in federal financial assistance programs.**

#### **II. Federal Agency Responsibilities Under the Presidential Memorandum**

- **Issued concurrently with Executive Order 12898.**

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- **The presidential memorandum underscores several provisions of environmental, civil rights, and other statutes that provide opportunities to prevent minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects.**
  - **Pursuant to Title VI of the Civil Rights Act, agencies must ensure that programs or 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.**
  - **Each agency must analyze the environmental effects, including human health, economic and social effects, of its actions, including their effects on minority communities and low-income communities, when such analysis is required by the National Environmental Policy Act (NEPA).**
  - **Agencies must provide opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of meetings, crucial documents, and notices.**
  - **In analyzing mitigation measures in its environmental assessments, environmental impact statements, and records of decision under NEPA, agencies, whenever feasible, should address significant and adverse environmental effects of their proposed actions on minority communities and low-income communities.**
  - **In its Clean Air Act section 309 review of environmental effects of proposed actions of other federal agencies, EPA must ensure that the action agency has fully analyzed environmental effects on minority communities and low-income communities, including human health, social, and economic effects.**

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- **Agencies must ensure that the public, including minority communities and low-income communities, has adequate access to public information relating to human health or environmental planning, regulations, and enforcement when required under the Freedom of Information Act, the Government in the Sunshine Act, and the Emergency Planning and Community Right-to-Know Act.**

## *Outputs Defined in Executive Order 12898*

<u>WHEN</u> (by what date)	<u>WHAT</u>
05/11/94	EPA Administrator convenes and conducts Working Group
06/11/94	Agencies identify process for developing Environmental Justice strategy and inform Working Group
ongoing	While developing strategy, identify pilot projects to address problems found
08/11/94	Agencies provide outline of Environmental Justice strategy to Working Group
12/11/94	Proposed strategies to Working Group
02/11/95	Provide copy and written description of final strategies to Working Group  Each agency report to Working Group on implementation of Environmental Justice strategies
04/11/95	Working Group, through the Office of Environmental Policy and the Domestic Policy Council, submits a progress report to the President
periodically	Reports from agencies, as requested by Working Group
undefined	Work Group to hold public meetings for fact-finding, receiving public comments, conducting inquiries on Environmental Justice
"	Receive from agencies, public comments they received on incorporating Environmental Justice principles
"	Provide guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health effects of environmental effects on minority populations and low-income populations



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# Background on Title VI

Prepared by the  
U.S. DEPARTMENT OF JUSTICE  
Civil Rights Division  
Coordination and Review Section

## ***ATTORNEY-CLIENT PRIVILEGED INFORMATION***

The Civil Rights Act of 1964 was a product of the growing demand during the early sixties that a nation-wide offensive be launched by the Federal Government against racial discrimination.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d to 2000d-6, prohibits discrimination on the basis of race, color, or national origin in all Federally assisted programs. In calling for its enactment, President Kennedy identified "simple justice" as the justification for Title VI.

Title VI itself is embodied in its first four parts. Section 601 sets forth the basic national policy that controls the other provisions of Title VI:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

This enunciates the basic principle that Federal funds should not be used to subsidize discrimination. By its terms, discrimination on the basis of race, color, or national origin is prohibited in any program or activity receiving Federal financial assistance.

If Section 601 is the heart of Title VI, Section 602 is the body. It provides the administrative framework upon which the implementation of Title VI is built. Section 602 directs every Federal department or agency granting financial assistance "by way of grant, loan, or contract other than a contract of insurance or guaranty" to effectuate Section 601 by issuing rules, regulations, or orders of general applicability consistent with the objectives of the funding statute.

Section 603 of Title VI provides that any action taken pursuant to Section 602 is subject to such judicial review as may otherwise be provided for by law for similar agency actions taken by such department or agency on other grounds.

Section 604 of Title VI provides, in essence, that the prohibitions of Title VI do not apply to the employment practices of recipients unless a primary objective of the Federal assistance to the recipient is to promote employment.

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As provided by Section 602, above, each of the 28 agencies providing Federal financial assistance has issued Title VI regulations. Thus it is the granting agency that is responsible for enforcing title VI for its own programs and activities. Each agency's programs and activities covered by Title VI should be listed in Appendix A to the Agency's Title VI regulations.

One of the issues in carrying out environmental justice responsibilities will be identifying State and local entities that are recipients of Federal financial assistance and are thus subject to Title VI. (Note that the Civil Rights Restoration Act of 1967 broadened the definition of "program or activity" to include all the operations of "a department, agency, special purpose district, or other instrumentality of a State or local government..."). 42 U.S.C. 2000d-4a. The easiest method for identifying a recipient is to determine whether an entity directly receives a Federal grant, loan, or contract other than a contract for insurance or guaranty. However, to determine the reach of Title VI solely on the basis of a cash flow analysis is to improperly restrict its intended scope. Title VI aid can flow from aid that enhances a recipient's ability to improve or expand the allocation of its resources in addition to aid that increases those resources. Therefore "Federal financial assistance" may be in the form of not only cash but also goods, services, or equipment.

A second issue concerns the "effects" language in the regulatory list of prohibited discrimination. Prohibiting conduct that has the effect of discriminating appears in two places in many Title VI regulations:

A recipient, in determining the type of disposition, services, financial aid, benefits, or facilities which will be provided...may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination.... 28 C.F.R. Section 42.104(b)(2). (Department of Justice regulations)(emphasis added).

In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination....C.F.R. Section 42.104(b)(3). (Department of Justice regulations)(emphasis added).

The Supreme Court has recognized that agencies may issue Title VI regulations which reach the effects or actions or decisions by recipients. This is often referred to as reaching actions that have a disparate impact. *Guardians Assn. v. Civil Serv. Common*, 436 U.S. 582,(1983). This is particularly important in the environmental justice area because there will seldom be evidence of intentional discrimination in decisions reached by a variety of State and local governmental entities.

A third issue likely to arise in the environmental justice area is the duration of coverage when assistance is provided to acquire or improve land or structures on land. Several

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agencies' regulations make a distinction in the duration of Title VI coverage between assistance provided to acquire or improve land or structures on land and assistance to acquire personal property. Under the regulations of agencies that make this distinction, a recipient of assistance providing land or structures and any subsequent transference is subject to Title VI for as long as the land or structure is used for a purpose for which the assistance was intended or for the provision of services or benefits similar to those originally contemplated. In the case of personal property, Title VI applies only for as long as the recipient retains either ownership or possession of the property. Under the regulations of agencies grouping land, structures, and personal property together, the obligations of Title VI last as long as the land, structures, or personal property is used for a purpose for which the assistance was intended, services or benefits are provided that are similar to those originally contemplated, or the recipient retains ownership or possession of the property, whichever is longer. In these situations, the property for which the assistance was advanced has a relatively permanent character. Each time Federally assisted real or personal property is used, the recipient receives a continuing benefit.

At present, authority for coordination of Title VI resides in the Coordination and Review Section of the Civil Rights Division. The Section has primary staff responsibility for carrying out the duties set forth in Executive Order 12250, Leadership and Coordination of Nondiscrimination Laws. Both the Section and the Agencies extending financial assistance are guided by the Department's regulations concerning coordination of enforcement of non-discrimination in Federally assisted programs, found at 42 C.F.R. Sections 42.401-.415.

Primary enforcement responsibility for Title VI remains with the 28 agencies providing Federal financial assistance. If a Title VI complaint is filed directly with the Department of Justice, the complaint will be referred to the appropriate funding agency for investigation. Each agency's regulation provides for the enforcement mechanisms, such as submission of assurances of compliance and compliance reports. Periodic compliance reviews are specifically required in agency regulations. In addition, any individual may file a complaint, and agency regulations require a prompt investigation. Whether determined through a compliance review or a complaint investigation, if there has been a failure to comply with the regulation, the recipient is informed and an informal resolution is attempted. If this cannot be accomplished, the Federal assistance may be suspended or terminated, following an express finding after opportunity for a hearing, of a failure to comply. Alternatively, the case may be referred to the Department of Justice for litigation. Once the Department has filed suit, both injunctive relief and compensatory damages may be available. (In *Franklin v. Gwinnett City Public Schools*, \_\_\_ U.S. \_\_\_, 112 S. Ct. 1028 (1992), the Supreme Court held that damages were available for an action brought to enforce Title IX of the Education Amendments of 1972, as amended; remedies available under Title VI are identical to those under Title IX.) Examples of appropriate injunctive relief might be ordering a new site selection or a prohibition on placing a facility with adverse environmental consequences in a minority community.



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For further information, please contact Catherine M. Sheafor, Environmental Justice Coordinator (202-514-2704) (FAX 202-514-4231); Merrily Friedlander, Acting Chief, Coordination and Review Section, Civil Rights Division (202-307-2222); or Daniel A. Searing, attorney, Coordination and Review Section (202-307-2215) (TDD number 202-307-2678) (FAX 202-307-0595).



# Interagency Working Group on Environmental Justice

Chair: Carol Browner, EPA Administrator

Level: Cabinet Secretaries of  
DOJ, HHS, DOC, HUD, DOT, DOA, DOL,  
DOI, DOE, DOT, DOD

Heads of  
OMB, OSTP, CEA, CEQ, DPC, OEP

Subcommittee on Policy and Coordination  
Task Force Chairpersons and Staff  
Level: Undersecretary, Deputy

DOJ, HHS, DOC, HUD, DOT, DOA, DOL, DOI  
DOE, DOT, DOD, OMB, OSTP, CEA, CEQ, DPC, OEP

Task Force on  
Research and  
Health  
Co-Chair: \_\_\_\_\_  
\_\_\_\_\_

Task Force on  
Outreach  
Co-Chair: \_\_\_\_\_  
\_\_\_\_\_

Task Force on  
Data  
Co-Chairs: \_\_\_\_\_  
\_\_\_\_\_

Task Force on  
Enforcement and  
Compliance  
Co-Chairs: \_\_\_\_\_  
\_\_\_\_\_

Task Force on  
Native Americans  
Co-Chairs: \_\_\_\_\_  
\_\_\_\_\_

Task Force on  
Definitions and  
Standards  
Co-Chairs: \_\_\_\_\_  
\_\_\_\_\_

Task Force on  
Interagency  
Projects  
Co-Chairs: \_\_\_\_\_  
\_\_\_\_\_

# **DRAFT LIST OF INITIAL TASK FORCE RESPONSIBILITIES**

## **RESEARCH AND HEALTH:**

1. Identify research on health issues conducted by other agencies;
2. Interact with other agencies who are conducting multiple exposure studies or that may have collected data.
3. Compile information on chemicals, toxics, get a better understanding on how Agencies are using this information

## **OUTREACH:**

1. Develop strategy on public hearings -- when, where
2. Want to highlight success stories;
3. How do we locate and reach out to stakeholders out);

## **DATA:**

1. Agency inventory of major relevant data systems;
2. Develop standards and methodology
3. Determine age and useability of data;
4. Identify primary vs. secondary;
5. Identify other sources outside of federal government with good data

## **COMPLIANCE AND ENFORCEMENT:**

1. Develop educational materials on Title VI;
2. Conduct compliance reviews;
3. Inventory what Agencies are doing on pre-grant, post-assessments

## **NATIVE AMERICANS:**

1. Recognize/unrecognized tribes;
2. Statues that apply specifically to Native Americans;
3. Trust Responsibility and government-to-government relationship;

## **DEFINITIONS AND STANDARDS:**

1. Agencies will compile a list of definitions and standards they would like the Task Force to work on.

## **INTERAGENCY PROJECTS:**

1. Examine existing MOU's, IG, and pilot projects underway;
2. Develop list of possible projects highlight interagency cooperation.



## MEMORANDUM TO INTERAGENCY WORKING GROUP PARTICIPANTS:

Attached is a two-page survey which will assist the Interagency Working Group in its efforts to obtain baseline information on programs and activities relating to environmental justice.

We ask you to do the following:

- Circulate this survey throughout your Agency and have one person who collects and assimilates all the information
- Provide the EPA's Office of Environmental Justice:
  - this information on disk
  - Word Perfect 5.0, 5.1, 6.0
  - Make sure you have the contact name, phone, fax, and internet number in case we need to ask questions
- Due Date: JUNE 3, 1994

### INFORMATION SHOULD BE SENT TO:

EPA OFFICE OF ENVIRONMENTAL JUSTICE  
Mail Code 3103, 401 M Street S.W.  
Washington, DC 20460  
Phone: (202) 260-6357  
Fax: (202) 260-0852

## AGENCY SURVEY ENVIRONMENTAL JUSTICE

NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

TITLE: \_\_\_\_\_ FAX: \_\_\_\_\_

BUREAU/OFFICE: \_\_\_\_\_ INTERNET: \_\_\_\_\_

*Please provide a brief description of what your Agency is currently doing or planning to do that relates to environmental justice. If there is a question that is not applicable, please put n/a. This information will assist us in identifying programs or initiatives as well as highlighting areas which may need further attention. We would appreciate receiving this information in an electronic format.*

1. WHAT SYSTEMS DO YOU HAVE IN PLACE WHICH PROVIDE FOR NON-DISCRIMINATION? (eg for grants and contracts, periodic audits/assessments, survey forms)
  
2. PLEASE IDENTIFY STUDIES WHICH COULD ASSIST THE WORKING GROUP. EXAMPLES INCLUDE RESEARCH, HEALTH, ECONOMIC, SOCIOBIOLOGICAL, DATA, OR TARGETED POPULATION STUDIES WHICH COULD ASSIST THE WORKING GROUP (Title, Date, and Reference Number).
  
3. IDENTIFY YOUR ORGANIZATION'S MAJOR RELEVANT DATABASES. LIST THE NAME OF THE DATABASE, A ONE SENTENCE DESCRIPTION OF THE TYPE OF INFORMATION CONTAINED IN THE DATABASE, AND IF THIS INFORMATION IS CURRENTLY OR COULD BE SHARED (eg XXX system, a database which contains baseline health data from a study conducted in the Louisiana Corridor, available through Internet)
  
4. HOW AND WHEN DOES YOUR ORGANIZATION GET PUBLIC INPUT INTO ITS ACTIVITIES? (Includes statutory and non-statutory)
  
5. WHAT TYPES OF OUTREACH PROGRAMS DO YOU HAVE THAT ARE TAILORED TO URBAN OR RURAL AREAS (with an emphasis on low-income populations or minority populations)?

6. IDENTIFY ANY MAJOR PROGRAMS OR ACTIVITIES INVOLVING TRIBAL GOVERNMENTS OR THAT MAY AFFECT AMERICAN INDIAN COMMUNITIES.

7. PLEASE IDENTIFY MEMORANDUMS OF UNDERSTANDING OR INTERGOVERNMENTAL AGREEMENTS IN THE AREA OF RESEARCH OR HEALTH THAT COULD BE RELATED TO ENVIRONMENTAL JUSTICE.

8. LIST PILOT/OR INTERAGENCY PROJECTS CURRENTLY UNDERWAY.

9. WHAT INTERAGENCY WORKING GROUPS DO YOU LEAD OR PARTICIPATE IN WHERE THERE COULD BE A LINKAGE WITH ENVIRONMENTAL JUSTICE ISSUES? (eg. Committees/Working Groups/Task Forces on Risk, National Information Infrastructure, Council on Sustainable Development, CENR)

10. WHAT COMPONENT OF YOUR AGENCY MAKES SITING DECISIONS THAT MAY EFFECT HUMAN HEALTH OR THE ENVIRONMENT.

11. PLEASE LIST ANY OTHER INFORMATION THAT WOULD HELP THE INTERAGENCY WORKING GROUP ADVANCE ENVIRONMENTAL JUSTICE GOALS.





***Sample of Current  
Interagency Environmental Justice Projects***

<b>Activity</b>	<b>Agencies Involved</b>
<b>D.C. Lead Abatement Program/Lead Initiative</b> <i>Training in lead abatement and restoration of under/unemployed</i>	<b>EPA, HUD, HHS, SBA, DOC</b>
<b>Pesticide Protection</b> <i>Holistic approach to pesticides protection, including farm worker protection, food residue levels, and ground water protection</i>	<b>EPA, USDA, OSHA, FDA</b>
<b>Federal Facility Compliance Initiative</b> <i>Multi-media enforcement/compliance initiative targeting high-priority facilities for inspection and follow-up enforcement</i>	<b>EPA, DOE, DOD, others</b>
<b>Delta Project</b> <i>A series of project analyzing environmental and health effects data in minority and low-income communities.</i>	<b>EPA, NIEHS, ATSDR, state agencies</b>
<b>Environmental Justice Health Symposium</b> <i>A three day symposium, attended by over 1100, examining future needs for Environmental Justice health research</i>	<b>EPA, NIEHS, ATSDR, DOE, NIOSH</b>
<b>Committee on Environment and Natural Resources</b> <i>Coordinates research government-wide (under the Office of Science and Technology Policy)</i>	<b>All</b>

## Possible Future Interagency Environmental Justice Projects

Activity	Potential List of Agencies
<p><b>Methodology - Data Collection Around Federal Facilities</b>  <i>Develop the protocols for the data collection around federal facilities called for in the Executive Order. Consistent collection of demographic and health data will facilitate analysis and consistency of results.</i></p>	<p><b>EPA, DOE, DOD, HHS, others</b></p>
<p><b>Environmental Justice Health Research</b>  <i>Coordinate efforts to develop health information (both existing data and future studies) to include diverse segments of the population.</i></p>	<p><b>EPA, DOE, HHS, others</b></p>
<p><b>Data Collection/Analysis of Consumption Patterns</b>  <i>Collect, maintain, and analyze consumption patterns of groups who rely on fish and wildlife for subsistence.</i></p>	<p><b>EPA, DOC, DOI, others</b></p>
<p><b>Coordination of Indian Programs</b>  <i>As called for in the Executive Order, the coordination of efforts directed at Native American communities.</i></p>	<p><b>All</b></p>
<p><b>Data availability and Quality</b>  <i>A project to look at existing data available within Federal agencies that could be useful for Environmental Justice analyses, both by government and the public. Seek to determine and/or improve the quality of the data and how to make it available for public use.</i></p>	<p><b>All</b></p>

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## Sample Partnerships

### **D.C. Lead Initiative**

Through a formal Memorandum of Understanding signed on May 7, 1993, EPA, HUD, DOC, SBA and the DC Government agreed to provide economic development opportunities for underemployed and unemployed residents of DC public housing, focusing on job training and business entrepreneurial development in lead paint abatement and restoration.

Training includes both classroom studies as well as on-the-job training where lead abatement work is being performed in public housing units in D.C. Wards. Special emphasis is placed on supervisory skills to improve the trainee's future employment opportunities in the lead abatement field. The DOC and SBA are working with those residents interested in developing their own lead abatement small business.

This cooperative initiative between several federal agencies and a local government hopes to achieve a mutual goal of empowering urban communities to alleviate environmental problems while at the same time stimulating economic growth and development in urban cities.

### **Baltimore Urban Environmental Risk Initiative**

HHS, EPA, the Maryland State Environmental and Health Agencies, and the City of Baltimore initiated this 2 year urban risk pilot project in July, 1993 to identify and, hopefully reduce human health and ecological risks to urban communities found to be at disproportionately greater risks than non-urban areas. This study will determine comparative risk assessments of major environmental factors affecting the city and identify sub populations and ethnic groups most impacted by these risks.

The project will use information from the Toxic Release Inventory (TRI) and the Geographic Information System (GIS) to identify sources of air, waste and soil contaminants and locate them on base maps of Baltimore. Demographic data is being collected to provide an objective basis for assessing risks by income, race, ethnic background and other significant factors. This pilot study expects to be completed in 1995.

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## **Interagency Tribal Initiatives**

### **Four-Party Memorandum of Understanding**

The Bureau of Indian Affairs (BIA), the Environmental Protection Agency (EPA), the Department of Housing and Urban Development (HUD) and the Indian Health Service (IHS) entered into this MOU "to identify areas of mutual interest and responsibility of the four agencies and to encourage the coordination of the agencies' respective activities to promote the most efficient and integrated utilization of resources". Quarterly meetings are to be called by BIA to discuss the implementation of the MOU. The MOU was signed in full in June, 1991. The Office of Federal Facilities is the current contact for EPA.

### **Interagency Task Force on Economic Development**

This White House lead task force last week held its first meeting for the subgroup on Tribal Economic Development. In addition to the group's general mission of facilitating Tribal economic activities, the task force is specifically looking at sustainable development, infrastructure development and education. This group may eventually expand its mission to act as the Administration's coordinating unit for a broad array of interagency initiatives in Indian Country. Martha Prothro is the current contact for EPA.

### **Superfund Reauthorization**

During the Administration's development of recommendations for the reauthorization of Superfund, the Department of the Interior lead an interagency working group on Tribal Issues. The participants in this initiative included staff from EPA, DOI, DOJ, IHS, ATSDR, HUD, DOD, DOE, COE and USDA. EPA lead the working group's series of eight outreach meetings throughout Indian Country, comments from which were later used in the development of recommendations on Tribal Issues for the Administration's reauthorization package. The Office of Federal Activities, with assistance for the Office of Environmental Justice, was the contact for EPA.

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**DRAFT LIST OF DEPARTMENTS/BUREAUS WHICH COULD ASSIST IN  
ENVIRONMENTAL JUSTICE INTEGRATION**

**DEPARTMENT OF AGRICULTURE**

- National Agriculture Statistics Service
- Agriculture Stabilization and Conservation Service
- Food Stamp Program
- Animal & Plant Health Inspection Service

**NATURAL RESOURCE & ENVIRONMENT**

- Soil Conservation Service
- Forest Service

**SCIENCE & EDUCATION**

- Agriculture Research Service
- Cooperative State Research Service

**DEPARTMENT OF COMMERCE**

- National Telecommunications and Information Administration
- Bureau of the Census

**TECHNOLOGY ADMINISTRATION**

- National Institute of Standards & Technology

**ECONOMIC DEVELOPMENT ADMINISTRATION**

**MINORITY BUSINESS DEVELOPMENT AGENCY**

**DEPARTMENT OF DEFENSE**

- Civilian Health and Medical Program of the Uniformed Services
- Health Affairs

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**AIR FORCE**

- Small and Disadvantaged Business Utilization
- Manpower, Reserve Affairs, Installations & Environments

**ARMY**

- Small and Disadvantaged Business Utilization
- Installation, Logistics & Environment

**NAVY**

- Installations & Environment
- Superfund Cleanup

**DEPARTMENT OF EDUCATION**

- Education Research and Improvement
- Intergovernmental and Interagency Affairs

**DEPARTMENT OF ENERGY**

**CONSERVATION AND RENEWABLE ENERGY**

- Industrial Technologies

**ECONOMIC REGULATORY ADMINISTRATION**

- Statistical Standards Office

**ENERGY INFORMATION ADMINISTRATION**

- Integrated Analysis & Forecasting

**ENVIRONMENT, SAFETY & HEALTH**

- Environment
- Health

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**ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

- American Indian, Alaskan and Native Hawaiian Program

**PUBLIC HEALTH SERVICE**

- Disease Prevention & Health Promotion
- Health Planning and Evaluation
- Agency of Health Care Policy & Research

**CENTER FOR DISEASE CONTROL & PREVENTION**

- National Center for Chronic Disease Prevention & Health Promotion
- National Center for Environmental Health
- National Center for Health Statistics
- National Institute for Occupational Safety & Health

**AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRATION**

**HEALTH RESOURCES AND SERVICES**

**INDIAN HEALTH SERVICE**

**NATIONAL INSTITUTES OF HEALTH**

- National Institute of Environmental Health Sciences

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**COMMUNITY PLANNING AND DEVELOPMENT**

- Economic Development
- Enforcement and Compliance

**LEAD BASED PAINT ABATEMENT AND POISON PREVENTION**

**PUBLIC AND INDIAN HOUSING**



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**DEPARTMENT OF THE INTERIOR**

**FISH, WILDLIFE AND PARKS**

- Natural Resources
- Fish and Wildlife Service

**INDIAN AFFAIRS**

**LAND AND MINERALS MANAGEMENT**

- Bureau of Land Management
- Surface Mining Reclamation & Enforcement

**WATER AND SCIENCE**

- Geological Survey
- Bureau of Mines
- Bureau of Reclamation

**DEPARTMENT OF JUSTICE**

- Environment and Natural Resources Divisions

**JUSTICE PROGRAMS**

- Bureau of Justice Statistics

**DEPARTMENT OF LABOR**

**EMPLOYMENT STANDARDS ADMINISTRATION**

- Federal Contract Compliance Programs

**BUREAU OF LABOR STATISTIC**

- Research and Evaluation

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**OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

- Compliance Programs
- Field Programs

**DEPARTMENT OF STATE**

- Economic and Agriculture Affairs
- Economic and Business Affairs Bureau

**OCEANS, INTERNATIONAL ENVIRONMENTAL & SCIENTIFIC AFFAIRS BUREAU**

**DEPARTMENT OF TRANSPORTATION**

- Information Technology Office
- Federal Highway Administration

**RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION**

- Hazardous Materials Transportation
- Pipeline Safety

**UNITED STATES COAST GUARD**

- Engineering Logistics & Development
- Health and Safety
- Marine Safety, Security & Environmental Protection

