

DEPARTMENT OF LABOR

ENVIRONMENTAL JUSTICE STRATEGY

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EXECUTIVE SUMMARY

President Obama has extended the call for federal agencies to renew their commitment to Environmental Justice. Environmental Justice is identifying and addressing, as appropriate, the disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority, tribal, and low-income populations. Environmental Justice in the Labor context is the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level, with respect to development, implementation, and enforcement of employment laws, regulations, programs, and policies.

The Department of Labor (Department or DOL) continues to pursue Environmental Justice as a part of our efforts to protect the health, and safety, and promote the training of workers, including low-income, minority, and Native American workers. The Department's Environmental Justice Strategy is in line with the mission of the Department and the Secretary's vision for the future: *Good Jobs for Everyone*. This vision includes ensuring that workplaces are safe and healthy; helping workers who are in low-wage jobs or out of the labor market find a path into middle-class jobs; and helping middle-class families remain in the middle class.

The Department's Environmental Justice Strategy focuses on agencies directly involved with worker training, health and safety issues, and measurement – the Bureau of Labor Statistics (BLS), the Civil Rights Center (CRC), the Employment Training Administration (ETA), the Mine Safety and Health Administration (MSHA), the Office of Recovery for Auto Communities and Workers (ORACW), the Occupational Safety and Health Administration (OSHA), the Office of Workers' Compensation Programs (OWCP), and the Wage and Hour Division (WHD). This document describes how each of these agencies pursues Environmental Justice with programs that protect the health, safety, equity, and security of low-income, Native American, and minority workers.

The Department is committed to pursuing Environmental Justice and the work of the Interagency Working Group on Environmental Justice. This Environmental Justice Strategy represents the next step forward in the partnership with the public and other government agencies toward achieving our Environmental Justice goals.

VISION STATEMENT

Ensuring the training, health, and safety of workers, including minority, Native American, and low-income workers, is at the heart of much of the Department's activities. In pursuit of Environmental Justice, the Department will continue to pursue effective and efficient goals and strategies and engage public participation and trust.

I. INTRODUCTION

A. Overview

- On February 11, 1994, Executive Order 12898 (EO 12898) was issued, which tasked several federal agencies with making Environmental Justice (EJ) part of their mission. The agencies were directed to do so by identifying and addressing, as appropriate, the disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations.
- President Obama, through the Interagency Working Group on Environmental Justice (EJ IWG), has renewed the commitment to Environmental Justice. In August 2011, agencies listed in EO 12898 signed a Memorandum of Understanding (MOU), which, among other things, commits agencies to publish an updated EJ strategy.
- The Department publishes this draft Environmental Justice Strategy as part of its renewed commitment to the goals of EO 12898 and the work of the EJ IWG.
- The Department views Environmental Justice from a workplace training, health, and safety perspective. The Department's Environmental Justice Strategy focuses on agencies directly involved with worker training, health, and safety issues and measurement – the Bureau of Labor Statistics (BLS), the Civil Rights Center (CRC), the Employment Training Administration (ETA), the Mine Safety and Health Administration (MSHA), the Office of Recovery for Automotive Communities and Workers (ORACW), the Occupational Safety and Health Administration (OSHA), the Office of Workers' Compensation Programs (OWCP), and the Wage and Hour Division (WHD).

B. Guiding Environmental Justice Principles

Environmental Justice in the Labor context is fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level, with respect to the development, implementation, and enforcement of employment laws, regulations, programs, and policies. Fair treatment means ensuring that all persons enjoy the same degree of protection from workplace safety and health hazards. Meaningful involvement is when all stakeholders have informed participation in decision making that could affect their places of work. Traditionally, many minority, low-income, and tribal communities have lacked access to the required information and technical advisers to be informed participants with respect to various risks that accompany numerous workplace activities.

Department of Labor Environmental Justice principles:

- Meaningful public participation
- All populations share in (and are not excluded from) the benefits of agency programs and activities affecting human health and safety
- Tribal consultation
- Fairness, equity and non-discrimination
- Language access
- Transparency and accountability

C. Relationship of Environmental Justice to Agency Mission and Agency Strategic Plan Goals or Objectives

This Environmental Justice Strategy, which aims to identify and address disproportionate workplace safety or health effects on minority, tribal, and low-income populations, is consistent with the Department's Strategic Plan, which provides a roadmap for continuing to meet the workplace and economic challenges of the Nation. It is also in line with the mission of the Department and Secretary Solis's vision for the future: *Good Jobs for Everyone*. The Department's vision of a good job includes the following:

- Good jobs increase workers' incomes, narrows wage and income inequality, and provides workplace flexibility for family and personal care-giving;
- Good jobs help workers who are in low-wage jobs or out of the labor market find a path into middle-class jobs, and help middle-class families remain in the middle class;

- Good jobs ensure workplaces are safe and healthy, and assure workers a voice in the workplace;
- Good jobs break down barriers to fair and diverse workplaces so that every worker's contribution is respected;
- Good jobs foster fair working conditions in the global marketplace;
- Good jobs provide opportunities to acquire the skills and knowledge for the jobs of the future – like green jobs;
- Good jobs facilitate return to work for workers experiencing workplace injuries or illnesses for those who are able to work and provide sufficient income for those who are unable to work;
- Good jobs provide income security when work is impossible or unavailable; and
- Good jobs provide health benefits and retirement security.

D. Previous Environmental Justice Strategy

In response to the issuance of EO 12898, the Department issued its Environmental Justice Strategy in 1995. The Department viewed Environmental Justice from a workplace health and safety perspective. To that end, OSHA and MSHA developed their own Environmental Justice strategies and BLS completed an analysis of its data to identify disparities in the risks of occupational injuries and fatalities faced by workers of differing race, ethnicity, and income.

In 1998, the Department's Office of the Assistant Secretary for Policy (OASP) began a partnership with the Washington Navy Yard that resulted in the formation of Bridges to Friendship. Bridges to Friendship was a community-based, sustainable development partnership composed of community organizations, businesses, D.C. government agencies, and federal government organizations that came together to contribute to the revitalization of Southeast and Southwest Washington, D.C. This alliance was focused on enhancing the quality of life and preserving the natural and cultural heritage of the area by promoting economic development and environmental protection. In particular, the partnership strove to use existing resources in new ways and support existing community efforts with new allies. This partnership lasted until 2008 and the development plan that began with Bridges to Friendship was adopted by the D.C. government as the Anacostia Waterfront Initiative.

OASP also worked on an “envirojobs” program from 2000 to 2004 that focused on all facets of environmental training with a large segment of training focusing on abatement in construction, brownfields, superfund sites, etc. “Envirojobs” were a precursor of what are now called “green” jobs.

II. 2012 DEPARTMENT OF LABOR ENVIRONMENTAL JUSTICE STRATEGY

A. Development of the Department of Labor Environmental Justice Strategy

The 2012 Department of Labor Environmental Justice Strategy is the product of past and present efforts of the Department, public engagement, and collaboration with other federal agencies. Using the Department’s original, 1995 strategy as a starting point, this strategy builds on past efforts and includes the Department’s ongoing work to train workers and protect the health and safety of workers in minority, tribal, and low-income communities.

The Department launched an internet portal to engage the public concerning the development of its Environmental Justice Strategy and collect public comment and ideas. The Department also reviewed Environmental Justice strategies of other agencies in preparing its own.

As a result of these efforts, this Strategy reinforces the Department’s strategic plan to ensure Good Jobs for Everyone.

B. Environmental Justice Strategy Goals

The Environmental Justice Strategy will:

Goal 1: Identify and address programs, policies, and activities of the Department that may improve the training, health, and safety of workers in minority, low-income, and tribal populations.

Goal 2: Expand research and analysis of data relating to work environments of minority, low-income, and tribal populations.

C. Agency-Wide Efforts that Advance Environmental Justice

Encouraging Public Participation and Outreach

Agencies within the Department will continue to meet with stakeholders and hold public hearings at venues where affected workers are located, produce public documents that are concise and understandable, and translate crucial documents. The Department has participated in several Environmental Justice meetings with stakeholders hosted by the EJ IWG. Regional representatives from OSHA and MSHA provided information about the Department's programs and responded to questions from stakeholders. The Department, along with other members of the EJ IWG is considering suggestions and input from stakeholders.

Compliance Assistance

Agencies within the Department will continue to provide technical assistance to employers and employees. For example, employers operating small businesses can request free on-site consultation services from OSHA on how to detect and correct serious hazards at their worksite. Small businesses that take advantage of this free service improve workplace safety and health conditions for their workers, including minority and low-income workers.

Outreach

The Department provided two opportunities for the public to comment on the development of the Environmental Justice Strategy through the use of an interactive website (<http://dolenvironmentaljustice.ideascale.com>). The first opportunity sought input on the general themes and process for developing the strategy. The second opportunity requested comment on the draft strategy. The website provided a forum in which the public could provide suggestions both on the substance of the strategy and the means of engaging the public on EJ issues.

On December 28, 2011, the Department published a Request for Comments in the *Federal Register* seeking public input on its draft EJ strategy. (76 FR 81541). The notice invited the public to provide input using the Department's interactive website created specifically for this purpose.

In addition to the *Federal Register* notice, the Department engaged in a variety of activities to encourage public involvement and dialogue. The Department's outreach offices, including the Office of Public Engagement and Center for Faith-Based and Neighborhood Partnerships, coordinated efforts to ensure the full range of Department stakeholders were aware of the opportunity and

mechanism for providing comments. The outreach effort encouraged national organizations to publicize the opportunity for public comment with their local affiliates, chapters, and networks, thus multiplying outreach capacity. In addition, the Department participated in a stakeholder outreach call organized by the EJ IWG.

In response to the public comments received from these stakeholders, the Department of Labor is issuing this final Environmental Justice strategy document. The final EJ strategy for DOL incorporates references to the EJ-related initiatives that have been undertaken by the CRC and the WHD, includes an expanded discussion of the Department's public outreach activities, and provides additional information concerning data collection by BLS. The Department will continue to engage businesses, including small businesses and other regulated entities, labor organizations, faith-based communities, and the general public as part of its ongoing effort to promote Environmental Justice.

D. Department of Labor Program Efforts that Advance Environmental Justice

Bureau of Labor Statistics

BLS is the principal Federal agency responsible for measuring labor market activity, working conditions, and price changes in the economy. Its mission is to collect, analyze, and disseminate essential economic information to support public and private decision-making. BLS provides products and services that are objective, timely, accurate, and relevant.

The BLS collects several sets of data that together can help identify disparities in the workplace safety and health environments faced by workers of different income, race, and ethnicity. The BLS Survey of Occupational Injuries and Illnesses (SOII) provides annual, national information about non-fatal workplace injuries and illnesses, including by race, ethnicity, industry, and occupation. The BLS Census of Fatal Occupational Injuries (CFOI) supplies similar data on fatal work-related injuries and includes fatality information according to country of birth. Both the SOII and CFOI report the number of workplace injury and illness cases experienced by different groups of workers, as well as the rate of occurrence of these cases per hundred, ten-thousand or one-hundred-thousand workers.

In addition to information on worker characteristics, both the SOII and CFOI contain data about case circumstances, including the nature of the case (e.g., fracture), the body part affected, the event (e.g., fall), and source (e.g., floor) and, for non-fatal cases, the median number of days away from work for recuperation. The latter is a measure of the severity of a non-fatal workplace injury or illness. These case circumstances can be used to identify race,

ethnicity, and income disparities in the severity and occurrence of types of workplace injuries and illness.

Neither of the BLS workplace injury and illness data sources supplies information on job risks by the income levels of workers. However, other BLS sources, including the Current Population Survey (CPS) and Occupational Employment Statistics (OES) program, tabulate income (CPS) and earnings (OES) by occupation that can be matched to the workplace injury and illness data. Together, these data can indicate the riskiness of various occupations by income and earnings level.

As part of the Department of Labor Environmental Justice Strategy, BLS will analyze and report the incidence rate and severity of non-fatal workplace injuries and illnesses and the rate of fatal injuries according to workers' occupation, race/ethnicity, and income/earnings level.

Additionally, for the first time, BLS has produced estimates for seven specific groups of Asian Americans from the Current Population Survey, including Asian Indians, Chinese, Filipinos, Japanese, Koreans, Vietnamese and Other Asians. The data covered labor force participation, employment and unemployment for each of these groups from 2003 through 2010. Since the sample size for these groups was quite small, BLS also combined data for several years to produce additional estimates for a variety of demographic characteristics, including age, sex, educational attainment, nativity and citizenship status. These estimates were published in the BLS *Monthly Labor Review* (available online at <http://www.bls.gov/opub/mlr/2011/11/art1full.pdf>). BLS has also requested that the Census Bureau investigate the possibility of including on the public-use CPS microdata file a variable to identify these seven Asian American groups. These estimates greatly enhanced the information that policymakers and researchers have available to understand the labor market situation for the Asian American population.

Civil Rights Center

The CRC enforces the civil rights laws that protect applicants to, and employees and customers of, programs that receive certain types of Federal financial assistance – primarily programs provided through the nation's One-Stop Career Center system for delivering employment-related training and services. These programs include such significant examples as the Employment Service and Unemployment Insurance (UI) programs, as well as Job Corps, Indian and Native American programs, and the National Farmworker Jobs Program.

CRC's main role in supporting DOL's Environmental Justice Strategy is to make sure that these programs provide equal opportunity for members of minority and tribal populations, and that the programs provide meaningful access for people with limited English proficiency (LEP). Although Title VI of the Civil Rights Act of 1964 is the enforcement vehicle on occasion, CRC's Environmental Justice-related actions are typically brought under section 188 of the Workforce Investment Act. Through its published guidance and training efforts, CRC has explained how to assess the needs of the relevant LEP population, balance those needs against the nature and importance of a given program, and decide what steps must be taken to ensure meaningful access to that program for LEP persons.

CRC also investigates complaints alleging denial of such access, and initiates its own compliance reviews of recipients to ensure that they are providing services and information in appropriate languages other than English. The current CRC initiative most directly connected with the Environmental Justice Strategy is a recently-launched series of compliance reviews of State unemployment insurance (UI) programs to determine whether their electronic filing systems unlawfully exclude LEP persons.

Employment and Training Administration

ETA administers federal job training and worker dislocation programs, federal grants to states for public employment service programs, and employment insurance benefits with the goals of enhanced employment opportunities and business prosperity. The mission of ETA is to contribute to the more efficient functioning of the U.S. labor market by providing high-quality job training, employment and labor market information, and income maintenance services primarily through state and local workforce development systems. ETA's vision is to promote pathways to economic advancement for individuals and families working to achieve the American Dream.

ETA's main role in supporting the Department's Environmental Justice Strategy is to ensure that minority, tribal, and low-income individuals, who have multiple barriers to employment, obtain access to the training needed to secure good, safe jobs. ETA's recent activities related to Environmental Justice are described below.

Job Corps

Job Corps, ETA's residential job training program for at-risk youth, serves more than 60,000 young people, ages 16 to 24, per year. The majority of participants are economically disadvantaged youth who dropped out of high school. The

mission of Job Corps is to teach participants the relevant skills needed to become employable and independent and help prepare them for success in life by securing meaningful jobs or opportunities for further education. Job Corps offers a variety of career training opportunities in various occupations and industries, including health care, automotive, advanced manufacturing, culinary arts, and the building trades.

Boosted by American Recovery and Reinvestment Act of 2009 (ARRA) funding as well as earlier requirements for resource conservation in Federal facilities, Job Corps has instituted a number of measures in recent years to “green” its job training programs as well as its facilities. The majority of the ARRA funding to Job Corps was used for rehabilitation, modernization (especially of classrooms and training labs), and repair of Job Corps facilities while meeting sustainable building standards. ARRA funding was also used to incorporate “green” training elements into the automotive, advanced manufacturing, and construction trades at Job Corps centers nationwide and to pilot three new “green” training programs at selected Job Corps centers: Solar Panel Installation, Weatherization, and SmartGrid. Because of these initiatives, Job Corps now offers employers a group of highly employable young people who are at the forefront of “green” industry practices.

YouthBuild

The Department of Labor’s YouthBuild program funds competitive awards to organizations that include a variety of community and faith-based organizations, housing authorities, workforce investment boards, community colleges, and school systems. The YouthBuild program targets out-of-school youth ages 16 to 24 and provides an alternative education pathway that provides youth with a high school diploma or GED credential and promotes advancement to post-secondary education or employment. YouthBuild participants include youth who have been adjudicated as youth offenders, are in or aging out of foster care, are disabled, have one or both parents incarcerated, are a minority youth, or are low income. As part of the YouthBuild program, young people not only receive academic instruction but also receive occupational skills training while building affordable housing for their communities. This community involvement strengthens participants' commitment to their communities and ensures that the program's positive impact endures long after individuals graduate. YouthBuild serves approximately 7,000 youth per year.

The majority of YouthBuild programs have incorporated green building into their construction training. As part of this training, participants learn about environmental issues that affect their communities and how they can provide leadership in this area. Many of their community service learning projects are environmentally focused. For example, Casa Verde Builders in Austin, Texas is a

“green” jobs training service program teaching youth, ages 17 to 24, cutting-edge, “green” construction techniques. Over 150 participants have built energy-efficient, affordable homes in East Austin for first-time homebuyers.

Pathways Out of Poverty Grants

Many individuals living below or near the poverty level face a unique set of challenges that make the job market particularly difficult. These individuals may lack basic literacy and job readiness skills and may face other barriers to employment, such as the need for childcare or transportation. To help individuals meet these challenges, ETA has invested approximately \$150 million in ARRA funds for the Pathways Out of Poverty grants, which integrate training and supportive services into cohesive programs to help targeted populations find pathways out of poverty and into economic self-sufficiency through employment in energy efficiency and renewable energy industries. These grants are part of the \$500 million in ARRA funds designated for “green” jobs training projects that prepare workers for careers in these industries.

Projects funded by these grants target high-poverty geographic areas identified by the U.S. Census Bureau. Program components include: targeted recruitment and referral strategies; integration of basic skills and work-readiness training with occupational skills training; supportive services to help participants overcome barriers to employment; and training provided at easily accessible times and locations.

Grants ranging from approximately \$2 million to \$8 million each were awarded to eight national nonprofit organizations with networks of local affiliates and to 30 local public organizations or private non-profit organizations. All the grant projects are being implemented at the community level by partnerships that include nonprofit organizations, the public workforce system, the education and training community, employers and industry organizations, and labor organizations. As of September 30, 2011, the latest period for which data are available, over 19,800 participants had been served through these grants.

Indian and Native American Programs

The WIA Section 166 program provides employment and training grants to Indian tribes, non-profit tribal organizations, Alaska Native entities and Native Hawaiian organizations for the purpose of providing employment and training services to low-income and unemployed Native Americans in order to 1) develop more fully the academic, occupational, and literacy skills of such individuals; 2) make such individuals more competitive in the workforce; and 3) promote the economic and social development of Indian, Alaska Native, and Native Hawaiian communities in accordance with the goals and values of such communities.

The program operates an Adult Comprehensive Service Program and Supplemental Youth Service Program.

National Farmworker Jobs Program

The National Farmworker Jobs Program (NFJP) is a nationally directed program of job training and employment assistance for migrant and seasonal farmworkers (MSFWs). It is authorized by Congress in the WIA, Section 167, to counter the impact of the chronic unemployment and underemployment experienced by migrant and seasonal farmworkers.

ETA provided \$78,410,000 in NFJP grants in 2010 and NFJP grantees served over 18,000 participants. The program provides funding to community-based organizations and public agencies that assist migrant and seasonal farmworkers and their families attain greater economic stability. It assists farmworkers acquire new job skills in occupations that offer higher wages and a more stable employment outlook. In addition to skills training, the program provides supportive services that help farmworkers retain and stabilize their employment in agriculture. The NFJP also facilitates coordination of services through the One-Stop Career Center system for MSFWs so they may access the other services of the workforce system.

Green Capacity Building Grants

ETA invested approximately \$5 million in ARRA funds for grants to build the capacity of DOL-funded training programs to provide training for entry-level positions leading to career pathways and/or additional training in the energy efficiency and renewable energy industries. ETA awarded 62 of these capacity-building grants, ranging from \$50,000 to \$100,000. The awardees include existing operators of ETA-funded programs for targeted populations, including the Indian and Native American program, the National Farmworker Jobs Program, YouthBuild, the Prisoner Reentry Initiative and Youthful Offender grants.

2010 Gulf Oil Spill Response

National Emergency Grants (NEGs) temporarily expand the service capacity of Workforce Investment Act (WIA) Dislocated Worker training and employment programs at the state and local levels by providing funding assistance in response to large, unexpected economic events which cause significant job losses. NEGs generally provide resources to states and local workforce investment boards to quickly reemploy laid-off workers by offering training to increase occupational skills. In response to the 2010 BP oil spill in the Gulf of Mexico, ETA awarded \$27 million in NEGs to the states of Alabama, Florida,

Louisiana, and Mississippi to support the reemployment of workers impacted by the oil spill. Because these workers included many Vietnamese immigrants with limited English proficiency, services funded with these NEGs included culturally appropriate outreach, case management, and training provided by bilingual staff.

Community Health Worker Training

Community health workers (CHW), also known in Spanish as *promotoras* or *promotores*, assist individuals and communities to adopt healthy behaviors, particularly in areas where substantial health hazards exist. BLS officially recognized this occupation by adding it to its Standard Occupational Classification (SOC) system in 2010. Occupational growth for CHWs is projected as communities seek to build effective linkages with the health care system to provide health education and information, advocate for underserved individuals to receive appropriate services, and build the capacity of the community in addressing health issues.

Using ARRA funding, ETA awarded \$1.1 million in grants to the states of Florida and California to design pilot projects that explore approaches to supporting and training CHWs. The pilot projects are operating in Tulare County, CA and Immokalee, FL, which both have large populations of migrant and seasonal farmworkers with limited English proficiency. In the Florida pilot, the *promotora* staff training approved by the local workforce investment board includes pesticide safety. The program is working to develop “career ladders” for CHWs to progress into other community health or healthcare occupations.

Economy, Energy and Environmental Initiative

ETA is also representing DOL in its interagency Economy, Energy and Environment (E-3) Initiative, with the Environmental Protection Agency, Small Business Administration, and the Departments of Commerce, Energy, and Agriculture. The E-3 Initiative is designed to spark regional E-3 projects around the country to help manufacturers become more efficient, competitive, and sustainable, including through connections to trained and skilled workers in the “green” economy.

Mine Safety and Health Administration

The purpose of MSHA is to prevent death, disease, and injury from mining and to promote safe and healthful workplaces for the Nation's miners. Many mining facilities are located in rural areas among high densities of low-income people, such as those in Montana, northern Minnesota, the Upper Peninsula of

Michigan, West Virginia, and Kentucky. MSHA's work furthers the Department's Environmental Justice agenda by protecting and significantly improving the lives of workers, including Native American, low-income, and minority workers, from health and safety hazards associated with mining.

MSHA Inspections

MSHA conducts a full inspection of every surface mine at least two times a year and every underground mine at least four times a year. These inspections include mines located in low-income and indigenous communities. MSHA's commitment to worker health and safety means that enforcement resources are allocated to provide equitable protection for workers in the most vulnerable populations.

Regulatory Agenda

MSHA's Fall 2011 regulatory agenda furthers the Department's Environmental Justice Strategy because it includes several rulemakings designed to improve the health and safety of workers exposed to the hazards associated with mining. The workers who will benefit from these improvements include workers in the mines in low-income communities in Appalachia. These rulemakings include: Examination of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards; Lowering Miners' Exposure to Respirable Coal Mine Dust; Pattern of Violations; and Respirable Crystalline Silica.

Office of Recovery for Automotive Communities and Workers

Since its inception in 2009, ORACW's mission has been to assist communities nationwide that have been confronted with the abrupt closure of automobile manufacturing and related facilities. Many of these communities have substantial minority and low-income populations. Acting in coordination with the States and other federal agencies such as the Small Business Administration, the Environmental Protection Administration, and the Department of Transportation, ORACW has been instrumental in assisting laid-off auto workers to obtain the training they need for a new job, streamlining the redevelopment of shuttered facilities to spur economic growth, and helping affected communities develop a new vision for their economic future. One of ORACW's most significant accomplishments thus far has been its work with industry and community stakeholders to create and fund a trust for the cleanup and marketing of the 89 properties left behind in the GM bankruptcy, two-thirds of which are known to have been contaminated with hazardous waste. This innovative trust (known as the Revitalizing Auto Communities Environmental Response Trust, or RACER Trust) was formally established in March of 2011 after

months of negotiations involving the federal government, 14 state governments, and the St. Regis Mohawk tribe. The RACER Trust empowers affected communities to participate in devising strategies for rehabilitating these properties and returning them to economically productive uses.

Occupational Safety and Health Administration

With the Occupational Safety and Health Act of 1970, Congress created OSHA to assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance for both employers and employees. OSHA's efforts on behalf of workers include promoting Environmental Justice through programs that improve the working conditions in industries and occupations that have large numbers of minority and low-income workers. OSHA also funds grant projects to provide training to workers in occupations populated by minority and low-income workers.

OSHA Inspection Targeting

OSHA identifies high-hazard industries for targeted inspection efforts to increase its impact on improving worker safety and health in these workplaces. Existing Environmental Justice data indicate that workplaces with the most dangerous jobs have a disproportionate number of minority and low-income workers. By addressing hazards in these workplaces, OSHA can assure that minority and low-income workers will not experience disproportionately high and adverse human health problems.

OSHA Outreach and Education Initiative to Reach Vulnerable Workers

OSHA has a robust outreach and education initiative to provide minority and low-income workers with education and training about their workplace rights in order to enhance their ability to use their rights, such as filing OSHA complaints when there are serious workplace hazards.

OSHA's outreach initiative includes designated Diverse Workforce Limited English Proficiency Coordinators in each of its ten regional offices. These individuals are responsible for managing OSHA's outreach and training to employers and workers in the Latino, the Asian American and Pacific Island (AAPI) communities, as well as other vulnerable worker populations.

Key OSHA initiatives to reach minority populations include:

OSHA's Campaign to Prevent Heat Illness in Outdoor Workers

In April 2011, Secretary Solis launched a national outreach initiative by OSHA to educate workers and their employers about the hazards of working outdoors in the heat and steps needed to prevent heat-related illnesses. If not quickly addressed, heat exhaustion can become heat stroke, which killed more than 30 workers last year. Outdoor workers at risk of experiencing heat illness include a disproportionate share of minority and low-wage workers.

OSHA has developed heat illness educational materials in English and Spanish, as well as a curriculum to be used for workplace training. These materials have been distributed to farmworker and other outdoor worker groups throughout the country.

In partnership with the National Oceanic and Atmospheric Administration (NOAA), OSHA has developed a heat index smart phone application that will display the NOAA heat index at the user's location with action alerts on how to prevent heat illness on the job. Worker safety precautions are also now included in excessive heat alerts and warnings issued throughout the country, as well as on NOAA's Heat Watch page.

Dangers in Hair and Nail Salons

OSHA published a Hazard Alert on Hair Smoothing Products, and has since translated the document into Vietnamese. In addition, OSHA published a new web page on salon hazards and is currently developing a new publication and web page addressing employee exposure to chemical hazards in salons. The agency has also recently shared with the Healthy Nail Alliance many new products focused on worker rights that are translated into Chinese and Vietnamese, and will soon be available in Korean.

Preventing Falls in Construction

OSHA has developed educational materials and provided extensive outreach to workplaces on preventing falls which are the leading cause of death in construction. The materials are in English and Spanish—Latino workers comprise approximately 25 percent of the construction industry and are often in the most dangerous jobs.

Susan Harwood Training Grants

OSHA's Susan Harwood grants assist organizations in providing safety and health training, and educational programs for workers and employers. Targeted Topic Training Grants are one-year grants that support the development of quality occupational safety and health training materials and programs for workers and employers addressing workplace hazards and prevention strategies. Multi-year capacity building grants help to create more opportunities for organizations to provide training and related services to workers and employers. A key target population for these grants is minority and low-income workers in high hazard industries. Grants are provided to non-profit community-based organizations, unions, employer associations, and academic institutions. Targeted populations include farmworkers, construction workers, food processing workers, and salon workers. Materials and training are delivered in English, Spanish, and various Asian languages, as appropriate.

Office of Workers' Compensation Programs

The Environmental Justice goals of the Department include providing Good Jobs for Everyone and training employers and workers to prevent hazards to worker health and safety. If injuries due to environmental hazards occur, however, the Department has programs to assist eligible workers or their dependents receive compensation. The Office of Workers' Compensation Programs administers four major disability compensation programs which provide wage replacement benefits, medical treatment, vocational rehabilitation, and other benefits to certain workers or their dependents who experience work-related injury or occupational disease and support the Department's Environmental Justice goals.

Division of Coal Mine Workers' Compensation

The Division of Coal Mine Workers' Compensation, or Federal Black Lung Program, administers occupational disease claims filed under the Black Lung Benefits Act. The Act provides monthly benefits to coal miners who are totally disabled by pneumoconiosis arising out of exposure to respirable coal mine dust, and to eligible survivors of coal miners. Monthly payments are increased for dependents of the beneficiary. The Act also provides eligible miners with medical coverage for the treatment of lung diseases related to pneumoconiosis. Payments to beneficiaries under Part B of the Act are made by the Department of Labor out of general revenue funds, and benefits under Part C are paid by the Black Lung Disability Trust Fund or by a responsible coal mine operator.

The beneficiaries of the program, both miners and their survivors, live primarily in the coal fields of Appalachia, including Virginia, West Virginia, Kentucky, Pennsylvania, and Ohio, all of which contain high concentrations of low-income workers.

Division of Energy Employees Occupational Illness Compensation

Part B of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) compensates current or former employees (or their survivors) of the Department of Energy (DOE), its predecessor agencies, or some of its vendors, contractors, and subcontractors, who are diagnosed with a radiogenic cancer, chronic beryllium disease or sensitivity or chronic silicosis as a result of exposure to radiation, beryllium, or silica when employed at covered facilities. The EEOICPA also provides compensation to individuals (or their eligible survivors) awarded benefits by the Department of Justice under section 5 of the Radiation Exposure Compensation Act (RECA). Part E of EEOICPA compensates DOE contractor/subcontractor employees, eligible survivors of such employees, and uranium miners, millers and ore transporters as defined by RECA for illnesses that are linked to toxic exposures in the DOE or mining work environment. Implementation of EEOICPA is a uniquely intergovernmental activity, involving the coordinated efforts of four Federal agencies.

Division of Federal Employees' Compensation

The Federal Employees' Compensation Act (FECA) provides workers' compensation coverage to approximately 2.7 million Federal workers. The FECA also provides coverage to Peace Corps and Vista volunteers, Federal petit and grand jurors, volunteer members of the Civil Air Patrol, Reserve Officer Training Corps Cadets, Job Corps, Youth Conservation Corps enrollees, and nonfederal law enforcement officers when injured under certain circumstances involving crimes against the United States. The primary goal of the FECA program is to assist Federal employees who have sustained work-related injuries or disease by providing financial and medical benefits as well as help in returning to work.

Division of Longshore and Harbor Workers' Compensation

The Longshore and Harbor Workers' Compensation Act (LHWCA) is a federal law administered by OWCP, providing medical benefits, compensation for lost wages, and rehabilitation services to employees who are injured during the course of employment, or contract a work-related occupational disease related to employment, occurring on the navigable waters of the United States, or in adjoining areas, and for certain classes of workers covered by extensions of the Act.

Several statutes extend the provisions of the Act to cover classes of additional workers. These include: The Outer Continental Shelf Lands Act, which covers workers who are engaged in the extraction of natural resources of the outer continental shelf of the United States; The Defense Base Act, which provides workers compensation protection to civilian employees working outside the

United States on U.S. military bases or under a contract with the U.S. government for public works or for the national defense; The District of Columbia Workers Compensation Act (repealed 1982 for new injuries) which provides compensation for disability or death resulting from certain employment in the District of Columbia; The Non Appropriated Fund Instrumentalities Act, which applies to civilian employees of the Morale, Welfare & Recreational activities at U.S. military installations.

Compensation and medical benefits for covered work-related injuries and illnesses include all medical, surgical, and hospital treatment, as well as the cost of travel and mileage incidental to such treatment. Covered work-related illnesses may include those resulting from exposure to hazardous noise, chemical cleaners and solvents, toxic chemicals, biological hazards, water and airborne pollutants, and others. Medical documentation is necessary to relate the injury/illness to the employment. Death benefits are provided if the work-related injury causes the employee's death.

Wage and Hour Division

The WHD mission is to promote and achieve compliance with labor standards to protect and enhance the welfare of the Nation's workforce. Failure to pay wages guaranteed by law and misclassification of employees as independent contractors are practices that have a disproportionate and dramatic impact on minority, low-income, and tribal workers. WHD contributes to the Department's EJ goals through enforcement and public education efforts designed to ensure that workers are paid the minimum wage and are not misclassified.

The Fair Labor Standards Act (FLSA) requires that covered employees be paid at least the federal minimum wage of \$7.25 per hour as well as time and one-half their regular hourly rates for every hour they work beyond 40 per week. The law also requires employers to maintain accurate records of employees' wages, hours and other conditions of employment, and prohibits employers from retaliating against employees who exercise their rights under the law.

Secretary Hilda L. Solis has made vigorous enforcement of the FLSA a key priority for the Department of Labor. "The nation's laws are for the protection of everyone who works in this country," Secretary Solis has said. "It is appropriate and correct that vulnerable workers receive what the law promises, and that no employer gain a marketplace advantage by using threats or coercion to cheat workers from their rightful wages. I have added more than 250 new field investigators nationwide — an increase of a third — to help in this effort."

The efforts of the WHD have helped connect America's most vulnerable and low-wage workers with the broad array of services offered by the Department of Labor. WHD has placed a special focus on reaching employees in such industries as janitorial work, hotel/motel services, food services and home health care. The results of WHD's enforcement efforts are included in the Department's online enforcement database 2.0 (<http://ogesdw.dol.gov/>)

The misclassification of employees as independent contractors is an alarming trend, particularly in industries such as construction that often employ low-wage, vulnerable workers. This practice is a serious threat both to workers entitled to good, safe jobs, and to those employers who comply with the law. Too often workers are deprived of overtime and minimum wages, and are forced to pay taxes that their employers are legally obligated to pay. Honest employers have a difficult time competing against scofflaws. The Department is committed to ensuring that workers receive the pay and benefits to which they are legally entitled, and to level the playing field for employers that play by the rules.

In 2010, the WHD collected nearly \$4 million in back wages for minimum wage and overtime violations under the FLSA that resulted from employees being misclassified as independent contractors or otherwise not treated as employees. The misclassification of employees as something else, such as independent contractors, presents a serious problem, as these employees often are denied access to critical benefits and protections — such as family and medical leave, overtime compensation, minimum wage pay and UI — to which they are entitled. In addition, misclassification can create economic pressure for law-abiding business owners, who often find it difficult to compete with those who are skirting the law. Employee misclassification also generates substantial losses for state UI and workers' compensation funds.

The Department's Misclassification Initiative, which was launched under the auspices of Vice President Biden's Middle Class Task Force, is charged with the goal of preventing and remedying employee misclassification. As part of this Initiative, DOL has signed memoranda of understanding with state government agencies to assist in the detection of this practice. Colorado, Connecticut, Hawaii, Illinois, Maryland, Massachusetts, Minnesota, Missouri, Montana, Utah and Washington have signed agreements with DOL as of December 2011.

E. Reporting and Accountability

The Department will post this final Strategy to the DOL website and the EJ IWG website. The Department will post subsequent reports concerning its Environmental Justice Strategy to its website.

