
Appendix K: Environmental Justice Materials
For
Chicago Area Waterway Systems (CAWS)
Dredged Material Management Plan (DMMP)



May 2020



**US Army Corps
of Engineers®**
Chicago District



CDOT
CHICAGO DEPARTMENT
OF TRANSPORTATION

Page intentionally left blank



Environmental Justice Materials

Contents

1.0	Purpose	4
2.0	Background	4
3.0	Environmental Justice	5
4.0	Affected Environment.....	6
4.1	Environmentally Overburdened Communities in the Study Area	7
5.0	Impacts Analysis.....	8

Tables:

Table 1:	Population and demographic information for Cook County, Illinois and Chicago, Illinois	6
Table 2:	Household income data for the City of Chicago, Illinois and Cook County, Illinois.	7
Table 3:	Population and demographic information for five representative neighborhoods that cover the majority of Calumet River and Harbor.....	9
Table 4:	population and demographic comparison of the study area to the general population	10
Table 5:	Household income information for three representative neighborhoods that cover the majority of Calumet River and Calumet Harbor.....	12
Table 6:	Household income comparison of the study area to the general population.....	13

Attachments:

- A. Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations [59 FR 7629; February 16, 1994]
- B. Department of Defense Strategy on Environmental Justice [March 24, 1995]

Appendix K: Environmental Justice Materials

For

Chicago Area Waterway Systems (CAWS)

Dredged Material Management Plan (DMMP)

1.0 Purpose

Based on comments that have been received through previous and ongoing public outreach and coordination efforts, it is apparent that there is a clear concern over possible environmental justice issues related to the development of the Chicago Area Waterway System (CAWS) Dredged Material Management Plan (DMMP). The study area where potential locations for construction of a dredged material management facility (DMDF) are located, is comprised of the lands adjacent to the Calumet River and Harbor. The study area was identified during the plan formulation process based on the historical and forecasted future dredging needs throughout the CAWS. 97% of all anticipated dredging over the 20-year study period will occur in the Calumet River and Calumet Harbor, making this area the most logical and efficient location for a facility to safely manage that material. Environmental justice concerns that have been raised to date are primarily related to communities in the study area in southeast Chicago.

2.0 Background

The CAWS DMMP and integrated Environmental Impact Statement documents the analyses completed to identify and evaluate alternatives for dredged material management for the CAWS. There are six navigation projects in the CAWS: Calumet Harbor and River; the Calumet-Saganashkee (Cal-Sag) Channel; Chicago Harbor; Chicago River; the South Branch of the Chicago River; and the Chicago Sanitary and Ship Canal. The alternatives were sized based upon the anticipated volume of dredged material generated in the operation and maintenance of federal navigation channels over a 20-year period of analysis.

Maintaining safe navigation throughout the CAWS is an important part of sustaining the economic viability of the region. Continued maintenance of these waterways allows barges and vessels to move commodities and other goods through the channels very efficiently. When navigable depths are reduced, barges and vessels may need to light-load and increase the number of trips in order to move the same amount of cargo, thereby leading to higher transportation costs. Therefore, waterway maintenance creates transportation cost savings by supporting the efficient transportation of goods, allowing shippers to use maximum depths, and using fewer resources.

Navigation in the CAWS is maintained by periodic dredging of the channels to congressionally-authorized depths. Dredging is required because of sedimentation and the formation of shoals which affect navigation safety and efficiency in the CAWS. Since 1984, maintenance dredging associated with these projects has been made possible by the operation of the Chicago Area confined disposal facility (CDF), where dredged material can be safely confined. The Chicago Area CDF was built in 1984 on Lake Michigan bottom at the mouth of the Calumet River, with the Illinois International Port District (IIPD)

Environmental Justice Materials

Iroquois Landing site to the west and the Illinois-Indiana state boundary making up its eastern boundary. The site is currently accessed through the IIPD property, but is owned by the Chicago Park District. In the years since the CDF was constructed, it has been filled with dredged material and is now at-grade with respect to the lakeshore (an upland site). This facility will reach full capacity in 2022 and will no longer be able to receive dredged material.

Only Calumet Harbor and River and the Cal-Sag Channel are anticipated to require dredging over the 20-year study period. An estimated 1,030,000 cubic yards (cy) of sediment is anticipated to be dredged from these two projects over this time, with the vast majority (97%) coming from Calumet Harbor and River. Anticipated minor dredging needs have been identified on the Cal-Sag Channel at some point during the study period, but currently no specific plans exist to dredge this waterway.

Federal law and U.S. Army Corps of Engineers (USACE) policy require that a Base Plan for managing dredged material be identified, addressing placement needs for at least 20 years. The Base Plan is the least-cost dredged material disposal alternative that is consistent with sound engineering practices and meets all federal environmental standards, including Section 404 of the Clean Water Act (CWA) of 1972. Due to elevated levels of contamination in material dredged from Calumet River and the Cal-Sag Channel, this material cannot be placed in open water or unconfined upland locations. Over the 20-year project life, Calumet River is projected to generate 500,000 cubic yards of dredged material and the Cal-Sag Channel to generate 30,000 cubic yards of dredged material. The Calumet Harbor is also projected to generate 500,000 cubic yards of dredged material but this material is much less contaminated and can be used beneficially in certain upland applications.

Federal navigation projects are evaluated based upon their contribution to the national economy. National Economic Development (NED) benefits represent the avoided increases in transportation costs due to continued channel maintenance. Typically, commercial navigation benefits are based upon the cost savings between water borne commerce and rail/truck transport for those commodities. On average, the deep draft tonnage transiting Calumet Harbor and River between 2019 and 2045 is estimated to be 5.7 million tons per year. Tonnage transiting the shallow draft Cal-Sag Channel during the same 20-year period is estimated to be 5.1 million tons per year, on average. Continued maintenance of Calumet Harbor and River and the Cal-Sag estimated to provide \$10,900,000 (FY 2019 price level) in average annual NED benefits, with \$7,081,000 attributed to Calumet Harbor and River and \$3,819,000 attributed to Cal-Sag Channel. These benefits are estimated using a 20-year project evaluation period, a base year of 2026, the FY19 Federal discount rate (FDR) of 2.875%, and FY19 price levels.

3.0 Environmental Justice

Executive Order 12898 of 1994 directs federal agencies to identify and address any disproportionately high adverse human health or environmental effects of federal actions to minority and/or low-income populations, which the DoD implemented through the Department of Defense's Strategy on Environmental Justice of 1995. These documents are publically available online, but have been included as attachments to this appendix for increased accessibility and easier reference.

Environmental Justice Materials

4.0 Affected Environment

Demographics

The City of Chicago is located in Cook County, Illinois. The city has an estimated population of 2,722,568. Chicago is a racially and ethnically mixed city with the largest racial or ethnic groups being white (32.7%), black or African American (30.1%), and Latino or Hispanic (29.0%).

Table 1: Population and demographic information for Cook County, Illinois and Chicago, Illinois

	City of Chicago		Cook County, IL	
Total Population	2,722,586		5,238,541	
Hispanic or Latino AND Race	Total	Percent (%)	Total	Percent (%)
White	890,322	32.7	2,235,598	42.7
Black or African American	820,180	30.1	1,226,134	23.7
American Indian or Alaska Native	3,354	0.1	5,216	0.1
Asian	167,575	6.2	363,084	6.9
Native Hawaiian/Other Pacific Islander	442	0.0	1,123	0.0
Some other race	4,983	0.2	9,461	0.2
Two or more races	46,017	1.7	85,621	1.6
Hispanic or Latino (of any race)	789,713	29.0	1,312,304	25.1
Percent Minority (Not White Alone)	67.3		57.3	

2013-2017 American Community Survey 5-Year Estimates

Income

Minority populations are those persons who identify themselves as Black, Hispanic or Latinx, Asian American, American Indian/Alaskan Native, and Pacific Islander. A minority population exists where the percentage of minorities in an affected area either exceeds 50 percent or is meaningfully greater than in the general population. The demographic data presented in Table 1 and Table 2 serves as the ‘general population’ against which more site specific populations along the CAWS are compared during plan formulation and analysis. Localized comparisons of racial and/or ethnic minority populations related to the alternative plans developed in this report are included in Section 0.

EO 12898 does not provide criteria for determining whether an area consists of a low-income population. For the purpose of this assessment, the CEQ criteria for defining a low-income population has been adapted to determine whether a minority population occurs in the watershed. A low-income population exists within a given geographic area where:

- A. The percentage of low-income households is at least 50% of the total number of households
- B. The percentage of low-income households is meaningfully greater than the percentage in the general population or other appropriate unit of geographic analysis.

Low-income populations as of 2019 cover those whose income is \$25,750 for a family of four and are identified using the Census Bureau’s statistical poverty threshold. The Census Bureau defines a “poverty area” as a Census tract with 20 percent or more of its residents below the poverty threshold and an “extreme poverty area” as one with 40 percent or more below the poverty level. This is updated annually at <https://aspe.hhs.gov/poverty-guidelines>. The income data presented in Table 2 serves as the

Environmental Justice Materials

‘general population’ against which more site specific populations along the CAWS are compared during plan formulation and the impact analysis. Localized comparisons of socioeconomic data related to the alternative plans developed during this study are included in Section 5.0 below.

Table 2: Household income data for the City of Chicago, Illinois and Cook County, Illinois.

	City of Chicago		Cook County, IL	
Number of Households	1,046,789		1,956,561	
Household Income	Total ^[1]	Percent (%)	Total ^[1]	Percent (%)
Less than \$10,000	107,687	10.3	159,561	8.2
\$10,000 - \$14,999	57,490	5.5	89,384	4.6
\$15,000 - \$24,999	113,976	10.9	189,773	9.7
\$25,000 - 34,999	95,984	9.2	173,798	8.9
\$35,000 - \$49,999	124,810	11.9	232,740	11.9
\$50,000 - \$74,999	164,936	15.8	321,931	16.5
\$75,000 - \$99,999	114,428	10.9	234,621	12.0
\$100,000 - \$149,000	132,548	12.7	278,593	14.2
\$150,000 - \$199,999	60,954	5.8	126,015	6.4
\$200,000 or Greater	73,976	7.1	150,319	7.7
Median Household Income (\$)	52,497		59,426	
Percent of Individuals below Poverty Level	20.6		15.9	

2013-2017 American Community Survey 5-Year Estimates

[1] 2017 inflation-adjusted dollars

4.1 Environmentally Overburdened Communities in the Study Area

Communities adjacent to industrial land uses can be disproportionately affected by environmental hazards if proper controls are not implemented and/or environmental regulations are not adequately enforced. Throughout the CAWS, the U.S. Environmental Protection Agency (USEPA) has identified two such communities adjacent to existing industrial corridors: Pilsen and Little Village, and Southeast Chicago.

Pilsen and Little Village

Located adjacent to the South Branch of the Chicago River industrial corridor, the Pilsen and Little Village neighborhoods on the Lower West Side of Chicago continue to be burdened with soil contamination (particularly lead contamination) and air quality issues. According to the USEPA:

EPA is coordinating with representatives from the City of Chicago Department of Public Health, Illinois Environmental Protection Agency, Illinois Department of Public Health, and the Agency for Toxic Substances and Disease Registry on a number of projects in Chicago's Pilsen and Little Village neighborhoods to monitor and enforce air quality standards, oversee remediation projects, conduct site assessments, and establish and implement appropriate cleanup plans.

More information on contamination issues in this area can be found on the USEPA's website at <https://www.epa.gov/il/environmental-issues-chicagos-little-village-pilsen-neighborhoods>

Environmental Justice Materials

Southeast Chicago

Located along the Calumet Harbor and River and the Cal-Sag Channel, Southeast Chicago has a legacy that is defined by over a hundred years of steel production, bulk material handling, and waste disposal. These activities, carried out over such a long period and predating modern environmental regulations, have caused and continue to cause significant adverse impacts to the environmental quality of the area. Thanks to the recent trend of raised awareness by community activists and other stakeholders, actions are being taken to address impacts to environmental quality in the area. According to the USEPA:

Through partnerships with advocacy groups, industry, other agencies and individual residents, EPA has empowered the environmentally overburdened community in Southeast Chicago to achieve significant environmental benefits in a short timeframe, while building capacity that will ensure the area's continued progress.

In cooperation with Illinois EPA and the City of Chicago's Department of Public Health, over 75 companies were investigated for Clean Air Act compliance since 2014. Notably, U.S. EPA inspected 30 of these facilities in direct response to listening to the community about their concerns, including exposure to petcoke dust. Of the several resultant enforcement cases, three enforcement actions, in particular, culminated in dramatic air quality improvements for the community.

More information on specific operators in the area and enforcement actions can be found on the USEPA's website at <https://www.epa.gov/il/environmental-issues-southeast-chicago>

5.0 Impacts Analysis

A preliminary review of the USEPA Environmental Justice Screening and Mapping Tool (<https://ejscreen.epa.gov/mapper/>) first conducted on 29 March 2019 indicates that both low-income and minority populations are present within the study area. The area analyzed with this tool was composed of a two-mile buffer along the course of the Calumet River, from the approach channel of Calumet Harbor to the river's intersection with Interstate 94. Based on these results from the EJScreen tool, a more in-depth analysis of demographics related to race, ethnicity, and income was conducted.

Within the study area, all of the action alternatives are in close proximity to 5 neighborhoods that span the majority of Calumet Harbor and River: South Deering, East Side, Hegewisch, Calumet Heights, and South Chicago. Each of these neighborhoods has a minority population greater than 50 percent. Combined, racial and ethnic minorities make up approximately 83 percent of the population in the study area (Table 3). Additionally, minority populations in the study area are meaningfully greater than the general populations of Chicago and Cook County (Table 4), which are 67 percent and 57 percent minority, respectively, based on 2013-2017 American Community Survey 5-Year Estimates.

Environmental Justice Materials

Table 3: Population and demographic information for five representative neighborhoods that cover the majority of Calumet River and Harbor.

	South Deering		East Side		Hegewisch		Calumet Heights		South Chicago		Study Area Combined	
Total Population	14,614		23,771		9,384		13,188		28,263		89,220	
Hispanic or Latino AND Race	Total	Percent (%)	Total	Percent (%)	Total	Percent (%)	Total	Percent (%)	Total	Percent (%)	Total	Percent (%)
White	600	4.1	3,850	16.2	3,645	38.8	219	1.7	791	2.8	9,105	10.2
Black or African American	9,360	64.0	695	2.9	341	3.6	12,426	94.2	21,317	75.4	44,139	49.5
American Indian or Alaska Native	0	0.0	24	0.1	0	0.0	7	0.1	0	0.0	31	0.0
Asian	1	0.0	65	0.3	0	0.0	13	0.1	15	0.1	94	0.1
Native Hawaiian or Other Pacific Islander	0	0.0	0	0.0	0	0.0	5	0.0	12	0.0	17	0.0
Some other race	0	0.0	9	0.0	0	0.0	0	0.0	58	0.2	67	0.1
Two or more races	62	0.4	11	0.0	18	0.2	61	0.5	185	0.7	337	0.4
Hispanic or Latino (of any race)	4,591	31.4	19,117	80.4	5,380	57.3	457	3.5	5,885	20.8	35,430	39.7
Percent Minority (Not White Alone)	95.9		83.8		61.2		98.3		97.2		89.8	

2013-2017 American Community Survey 5-Year Estimates.

Environmental Justice Materials

Table 4: population and demographic comparison of the study area to the general population of Chicago and Cook County, IL.

	Chicago, Illinois		Cook County, Illinois		Study Area Combined	
Total Population	2,722,586		5,238,541		89,220	
Hispanic or Latino AND Race	Total	Percent (%)	Total	Percent (%)	Total	Percent (%)
White	890,322	32.7	2,235,598	42.7	9,105	10.2
Black or African American	820,180	30.1	1,226,134	23.7	44,139	49.5
American Indian or Alaska Native	3,354	0.1	5,216	0.1	31	0.0
Asian	167,575	6.2	363,084	6.9	94	0.1
Native Hawaiian or Other Pacific Islander	442	0.0	1,123	0.0	17	0.0
Some other race	4,983	0.2	9,461	0.2	67	0.1
Two or more races	46,017	1.7	85,621	1.6	337	0.4
Hispanic or Latino (of any race)	789,713	29.0	1,312,304	25.1	35,430	39.7
Percent Minority (Not White Alone)	67.3		57.3		89.8	

2013-2017 American Community Survey 5-Year Estimates.

EO 12898 does not provide criteria for determining whether an area consists of a low-income population. For the purpose of this assessment, the CEQ criteria for defining a low-income population has been adapted to determine whether a low-income population occurs in the watershed. A low-income population exists within a given geographic area where:

- A. The percentage of low-income households is at least 50% of the total number of households
- B. The percentage of low-income households is meaningfully greater than the percentage in the general population or other appropriate unit of geographic analysis (household data is shown in the top of Table 5 and Table 6).

The South Deering and South Chicago neighborhoods' individual poverty rates may be meaningfully greater than the general population in and around the study area (see Table 5 and Table 6). However, the whole study area combined has an individual poverty rate that is similar (within approximately 3 percent) to that of Chicago as a whole, but more significantly greater than that of Cook County, Illinois (approximately 8 percent higher). Based on the methodology described above, it could reasonably be argued that some of the neighborhoods in the study area should be considered low-income communities.

Alternatively, the Census Bureau defines a "poverty area" as a Census tract with 20 percent or more of its residents below the poverty threshold and an "extreme poverty area" as one with 40 percent or more below the poverty level. This is updated annually at <https://aspe.hhs.gov/poverty-guidelines>. Low-income populations as of 2019 cover those whose income is \$25,750 for a family of four and are identified using the Census Bureau's statistical poverty threshold. Individual poverty data is shown in

Environmental Justice Materials

Table 6. Based solely on this definition, the study area would qualify as a poverty area, as would the entire City of Chicago.

Environmental Justice Materials

Table 5: Household income information for three representative neighborhoods that cover the majority of Calumet River and Calumet Harbor.

	South Deering		East Side		Hegewisch		Calumet Heights		South Chicago		Study Area Combined	
Total Number of Households	5,009		6,843		3,499		5,271		10,406		31,028	
Household Income^[1]	Total	Percent (%)	Total	Percent (%)	Total	Percent (%)	Total	Percent (%)	Total	Percent (%)	Total	Percent (%)
Less than \$10,000	819	16.4	452	6.6	204	5.8	333	6.3	1,595	15.3	3,403	11.0
\$10,000 - \$14,999	379	7.6	284	4.2	331	9.5	339	6.4	1,040	10.0	2,373	7.6
\$15,000 - \$24,999	797	15.9	997	14.6	285	8.1	765	14.5	1,847	17.7	4,691	15.1
\$25,000 - 34,999	553	11.0	953	13.9	373	10.7	479	9.1	1,320	12.7	3,678	11.9
\$35,000 - \$49,999	732	14.6	1085	15.9	416	11.9	732	13.9	1,445	13.9	4,410	14.2
\$50,000 - \$74,999	836	16.7	1148	16.8	646	18.5	890	16.9	1,538	14.8	5,058	16.3
\$75,000 - \$99,999	460	9.2	934	13.6	424	12.1	686	13.0	814	7.8	3,318	10.7
\$100,000 - \$149,000	322	6.4	721	10.5	552	15.8	724	13.7	582	5.6	2,901	9.3
\$150,000 - \$199,999	97	1.9	148	2.2	179	5.1	168	3.2	182	1.7	774	2.5
\$200,000 or Greater	14	0.3	121	1.8	89	2.5	155	2.9	43	0.4	422	1.4
Percent of Individuals Below the Poverty Line	28.9		21.0		15.9		16.0		30.1		23.9	

2013-2017 American Community Survey 5-Year Estimates.

[1] 2017 Inflation-adjusted dollars

Environmental Justice Materials

Table 6: Household income comparison of the study area to the general population of Chicago, Illinois and Cook County, Illinois

	Chicago, Illinois		Cook County, Illinois		Study Area Combined	
Total Number of Households	1,046,789		1,956,561		31,028	
Household Income^[1]	Total	Percent (%)	Total	Percent (%)	Total	Percent (%)
Less than \$10,000	107,687	10.3	159,561	8.2	3,403	11.0
\$10,000 - \$14,999	57,490	5.5	89,384	4.6	2,373	7.6
\$15,000 - \$24,999	113,976	10.9	189,773	9.7	4,691	15.1
\$25,000 - 34,999	95,984	9.2	173,798	8.9	3,678	11.9
\$35,000 - \$49,999	124,810	11.9	232,740	11.9	4,410	14.2
\$50,000 - \$74,999	164,936	15.8	321,931	16.5	5,058	16.3
\$75,000 - \$99,999	114,428	10.9	234,621	12.0	3,318	10.7
\$100,000 - \$149,000	132,548	12.7	278,593	14.2	2,901	9.3
\$150,000 - \$199,999	60,954	5.8	126,015	6.4	774	2.5
\$200,000 or Greater	73,976	7.1	150,319	7.7	422	1.4
Percent of Individuals Below the Poverty Line	20.6		15.9		23.9	

2013-2017 American Community Survey 5-Year Estimates.

[1] 2017 Inflation-adjusted dollars

Whether or not the study area meets the definition of an environmental justice population based on income, it certainly meets the definition of a minority community and, therefore, must be identified under E.O. 12898 and any disproportionately high adverse human health impacts or environmental effects must be addressed. The potential alternatives presented in this DMMP were identified as a result of applied site selection criteria that are based upon operational efficiency, environmental considerations, and responsible investment of federal funds, as documented in the main report. Nearly all (97 percent) of the projected dredging needs in the CAWS over the next 20 years will be in Calumet Harbor and River. As such, a DMDF sited in this same vicinity would decrease waterway traffic, the use of fuel, the risk of spillage during transportation, and lower overall transportation costs. These factors are not dependent on, or related to, the socioeconomic status of the study area.

The potential alternatives are all located on industrial land and construction of the facility will not displace any existing community facilities or disrupt existing social patterns or activities. No significant adverse impacts to the human and natural environment are anticipated as a result of constructing a DMDF at any of the alternative sites. Further, shoaling in the Calumet Harbor and River, and the Cal-Sag Channel could force shippers to rely more heavily on trucks and rail to move commodities, increasing industrial traffic on local streets in the study area. Maintenance dredging reduces this risk of increased traffic while also helping to remove and safely contain a portion of the contaminated sediment that currently exists unconfined in close proximity to low-income and minority populations. For these reasons, none of the potential sites

Environmental Justice Materials

identified for the development of a DMDF in the Final Array of Alternatives would represent a significant adverse Environmental Justice impact if selected. Results from implementation of the project would support local and regional economies dependent on navigation, which is considered a benefit to neighboring communities, the region, and the Nation.

Environmental Justice Materials

Attachments:

- A. Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations [59 FR 7629; February 16, 1994]

- B. Department of Defense Strategy on Environmental Justice [March 24, 1995]

Presidential Documents

Title 3—

Executive Order 12898 of February 11, 1994

The President

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 populations) 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.

A handwritten signature in black ink that reads "William J. Clinton". The signature is written in a cursive style with a large, prominent "W" and "C".

THE WHITE HOUSE,
February 11, 1994.

[FR Citation 59 FR 7629]

DEPARTMENT OF DEFENSE



Strategy on Environmental Justice

March 24, 1995

CONTENTS

Section

[1 SUMMARY REPORT](#)

[2 STRATEGY ON ENVIRONMENTAL JUSTICE](#)

[3 IMPLEMENTATION PLAN](#)

Attachments

A [Executive Order 12898](#) and accompanying [Presidential Memorandum](#)

B [List of Acronyms](#)

SECTION 1 SUMMARY REPORT



INTRODUCTION

On February 11, 1994, President Clinton issued an Executive Order entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. The measure requires Federal agencies to identify and address disproportionately high and adverse human health and environmental effects of Federal programs, policies, and activities on minority and low-income populations.

The Department of Defense (DoD) has developed a strategy that identifies the major programs and areas of emphasis it believes can best meet the intent of the Executive Order, minimize any adverse effects on the human health and environment of minority and low-income populations, and carry out the defense mission. DoD's strategy is outlined in [Section 2](#) of this document. The implementation plan outlined in [Section 3](#) describes the specific steps DoD will take to execute this strategy.

DoD's strategy and implementation plan are designed to allow for change as DoD identifies new opportunities and initiatives and modifies or enhances existing or proposed initiatives. Aspects of the plan may change in response to new directions from the Administration and the Interagency Working Group on Environmental Justice (IWG) chaired by the Environmental Protection Agency (EPA). In addition, DoD plans to implement the Executive Order principally through its compliance with the provisions of the National Environmental Policy Act (NEPA).

DoD's strategy focuses on implementing institutional changes, rather than one-time projects, to ensure that a healthy and safe environment exists around DoD activities that are located in or near minority and low-income populations. To that end, DoD will operate in accordance with the following principles:

- *Promote partnerships with all stakeholders*
- *Identify the impacts of DoD activities on minority and low-income populations*
- *Streamline government*
- *Improve the day-to-day operations of installations*
- *Foster nondiscrimination in DoD programs*

Existing environmental and civil rights statutes provide opportunities to address environmental hazards and economic opportunities. DoD recognizes that application of

existing statutory provisions is an important part of its efforts to ensure that its programs, policies, and activities do not have the effect of excluding persons from participating in, denying persons the benefits of, or subjecting persons to discrimination under such programs because of their race, color, or national origin.

INTERNAL ADMINISTRATIVE PROCESS

In the 12 months since the Executive Order was issued, DoD has undertaken and completed many actions to establish a decision-making infrastructure through which to implement provisions of the Executive Order:

- DoD identified the Office of the Deputy Under Secretary of Defense (Environmental Security) to lead the development of the strategy and to oversee implementation provisions of the Executive Order. DoD also established a DoD-wide Committee on Environmental Justice (CEJ) to develop, help implement, and monitor DoD's environmental justice activities. The CEJ is made up of senior level staff who will guide the implementation of environmental justice within DoD. In addition, each of the DoD military departments and key defense agencies has identified an office that will execute the requirements and goals of the Executive Order within their department.
- DoD established mechanisms for working with the IWG and has actively participated on the task force committees established to assist the IWG in implementing the provisions of the Executive Order. DoD co-chairs the IWG Task Force Committee on Outreach.

DoD will continue to build a foundation to support the integration of environmental justice into its programs, policies, and activities. Specific actions are:

- DoD continue the CEJ as a formal forum for guiding the process for implementing the strategy.
- DoD will evaluate its progress toward implementing the Executive Order on an annual basis, using the framework of the *Defense Environmental Quality Annual Report to Congress* to collect information and report progress.
- DoD will establish an accountability system for identifying and monitoring environmental justice activities. DoD military departments, defense agencies, and defense field activities will hold periodic reviews to assess progress and share lessons learned. As part of their self-audits, each will conduct a review of its operations, activities, and land use to determine whether disproportionately high and adverse human health and environmental effects on minority and low-income populations living near the installation have been addressed.

PROGRAMS, POLICIES, AND PLANNING PROCESSES UNDER REVISION

- DoD will use NEPA as the primary mechanism to implement the provisions of the Executive Order. When appropriate, environmental assessments, environmental impact statements, and records of decision will evaluate the potential environmental effects (including human health, economic, and social) of its actions on minority and low-income populations. To encourage efforts to streamline government and eliminate duplication, DoD will coordinate with other Federal agencies to improve data collection and research needed to support environmental analysis.
- DoD will strengthen the community relations plan (CRP) as a tool to understand the socioeconomic makeup of the populations in and around its operations. Installations will combine data gathered from interviews with members of the local community with information gathered from the U.S. Bureau of the Census and various databases maintained by the military departments, defense agencies, and other agencies such as the EPA and local and tribal governments. Where this information does not exist, DoD will coordinate with other Federal, state, local, and tribal governments to develop the data.
- DoD will continue to maintain its data exchange and information network, known as the Defense Environmental Network Information Exchange (DENIX), to encourage sharing of data among all DoD facilities and provide information electronically to other Federal, state, local, and tribal agencies. DoD will make the information available to the public, whenever practicable and appropriate.
- DoD will enhance existing or, as appropriate, develop new site-specific study mechanisms to identify high risk populations or populations. As discussed earlier, DoD will revise and reissue DoD guidelines on implementing NEPA to ensure that environmental justice considerations are documented in the NEPA process.
- DoD installations will, through periodic updates to their installation master plans, assess how their operations and activities affect the communities located near DoD facilities.
- DoD installations will, prior to applying for a variance from any local environmental requirements, evaluate each request to determine if such a variance will have a disproportionately high or adverse human health and environmental effect on minority and low-income populations.
- DoD will review and revise as appropriate, all policy documents addressing procedures for the sale and disposal of surplus and off-specification DoD materials and supplies. The review will focus on the provision of safeguards (such as verification of buyer responsibility) to prevent such material from having disproportionately high and adverse human health and environmental effects on minority and low-income populations.

- DoD will administer environmental permitting, compliance, research, grant, and agreement programs to avoid, disproportionately high and adverse human health and environmental effects on minority and low-income populations.
- DoD will support efforts to develop and implement a coordinated strategy to conduct health research. Where appropriate, the DoD will include diverse segments of the population, such as minority and low-income populations and workers who may be exposed to substantial environmental hazards, in the development of research proposals. DoD will encourage the participation of these groups in the development of its research strategies. DoD also will review, as part of the development of integrated natural resource management plans, any risks associated with the consumption of fish and wildlife and other food gathered on DoD installations.
- DoD will integrate environmental justice training into education and outreach programs for appropriate DoD employees, including senior leaders. DoD will expand environmental and leadership training programs to ensure that DoD military personnel and civilian employees understand their obligation to address issues of environmental justice in their day-to-day activities.
- DoD will continue efforts to enhance diversity in the membership of Restoration Advisory Boards (RAB). Guidelines issued in August 1994 require that each RAB reflect the diversity of the communities in which RABs operate.
- DoD will improve existing outreach and communication systems to include environmental justice stakeholders. At a minimum, DoD installations will (1) provide translation of crucial public documents and conduct interpretation of hearings, (2) prepare documents using language that is non-technical, (3) ensure that document repositories are readily accessible to the public, (4) schedule meetings with the public at times and places that are convenient to members of the community, and (5) increase the use of community organizations and non-traditional news organizations that may be primary sources of information for minority and low-income populations.

PUBLIC PARTICIPATION AND OUTREACH PROCESSES

DoD recognizes that public involvement focuses on providing communities access to information on, and participation in, matters related to human health and the environment. To that end, DoD will continue to promote Restoration Advisory Boards (RAB) and Technical Review Committees (TRC) as forums for discussion about environmental cleanup activities at DoD. DoD also will develop new mechanisms to improve opportunities for minority and low-income populations to participate in decision-making processes that affect them. In addition, DoD will continue to promote public participation during the NEPA process to address potential human health and environmental effects from proposed major DoD actions, and public involvement in the development of integrated natural resource management plans. DoD will enhance existing mechanisms, such as the Legacy Resources Management Program, to encourage diverse stakeholder participation in DoD activities that affect human health and the environment.

MODEL PROJECTS AND PROGRAMS

- DoD has begun an initiative that will develop case studies of Army installations located in areas targeted for potential environmental justice concerns. Through the leadership of the Army, DoD will use existing data and programs and data collected by other sources, to analyze environmental justice impacts in the BRAC program, public participation in the cleanup program, and environmental analysis for the NEPA program. The initiative also will include the development of training opportunities and course material that can be broadened for inclusion into DoD's training programs.
- Under the *Joint Land Use Studies* program, DoD works with local communities to develop a plan for implementing land use recommendations around a military installation. The fundamental objective of the JLUS program is to protect community health, safety and welfare, and the military mission.
- DoD has recently embarked on a program to post multilingual signs warning of potential environmental hazards in areas adjacent to cleanup sites. The Navy has taken the lead in this project to communicate possible risks associated with consuming fish and wildlife on DoD property undergoing environmental cleanup.
- *Restoration Advisory Boards* (RABs) are the cornerstone of DoD efforts to expand community involvement in decisions about cleanup at military bases. By bringing together people who reflect the many diverse interests within the community, a RAB can help identify issues of concern and reduce potential communication problems that could result in needless delays. In addition to providing input on cleanup activities, each RAB acts as a liaison between the community and the base.
- DoD is examining a proposal to develop a comprehensive *Public Information and Outreach Strategic Guide* that will provide specific guidance on all aspects of public information. The guide will focus on enhancing existing mechanisms, as well as developing new mechanisms for communicating with stakeholders. One proposed element takes advantage of the "information superhighway" to facilitate the exchange of information.
- The *Legacy Resources Management Program* was created to assist DoD in balancing the use of its lands for military training and testing with the protection of natural and cultural resources. The Legacy Program supports projects that promote an understanding of, and an appreciation for, natural and cultural resources, as well as promotes partnerships with Native American tribal governments.

SECTION 2 STRATEGY ON ENVIRONMENTAL JUSTICE

VISION

DoD will integrate the President's policy on environmental justice into its mission by ensuring that its programs, policies, and activities with potential disproportionately high and adverse human health or environmental effects on minority and low-income populations are identified and addressed. Affected communities will be partners in the process to address these concerns; together, we will build a foundation that reflects an awareness and understanding of environmental justice issues. In addition, DoD will annually evaluate progress in implementing and maintaining compliance with the provisions of the Executive order.

GOAL 1: IMPLEMENTATION

Establish a decision-making infrastructure to implement the provisions of the Executive Order

IDENTIFY AN INTERNAL ADMINISTRATIVE PROCESS FOR DEVELOPING THE STRATEGY

- Establish ODUSD(ES) as lead to staff strategy development and oversee implementation of the Executive Order (*Completed April 1994*).
- Establish a DoD-wide Committee on Environmental Justice under the Defense Environmental Security Council to coordinate and facilitate implementation of the Executive Order (*Completed May 1994*).
- Identify offices in each service branch that will execute the requirements and goals of the Executive Order. (*Completed May 1994*)
- Coordinate with agency General Counsel and the DoD Office of Equal Employment Opportunity to review legal implications of the Executive Order. (*Ongoing*)

ESTABLISH MECHANISMS FOR WORKING COOPERATIVELY WITH THE INTERAGENCY WORKING GROUP ON ENVIRONMENTAL JUSTICE (IWG)

- Select representatives from the DoD Committee on Environmental Justice to serve as members of the 10 Task Forces established to assist the IWG. (*Completed May 1994*)
- Select representative from the DoD Committee on Environmental Justice to co-chair the Outreach Task Force Committee of the IWG. (*Completed May 1994*)

IDENTIFY AN INTERNAL ADMINISTRATIVE PROCESS FOR MONITORING AND EVALUATING PROGRESS TOWARD IMPLEMENTING THE STRATEGY

- Complete a survey of DoD activities, studies, databases, agreements, and other information that could assist DoD and the IWG in meeting the goals of the Executive Order. (*Completed June 1994*)
- Evaluate implementation progress on an annual basis, including the conduct of internal interviews and take all the steps necessary to monitor compliance with the Executive Order.
- Identify and develop a schedule for implementing several specific projects to address particular concerns identified during the development of the strategy.
- Establish an accountability system for identifying, tracking, and monitoring environmental justice activities.
- Integrate environmental justice training into education and outreach programs for appropriate DoD employees, including senior leaders.

GOAL 2: HUMAN HEALTH AND ENVIRONMENTAL RESEARCH, DATA COLLECTION, AND ANALYSIS

Identify populations and communities that may be exposed to disproportionately high and adverse human health or environmental effects caused by activities under DoD's U.S. jurisdiction

- Establish a strategy to gather existing demographic data within appropriate geographic areas.
- Establish an information resource management strategy to maintain demographic data within appropriate geographic areas.
- Enhance existing, or as appropriate, develop new site specific study mechanisms to identify high risk populations or communities.

Identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of DoD programs, policies and activities on minority and low-income populations at DoD U.S. sites and facilities

- Collect, maintain, and analyze information, whenever practicable and appropriate to assess and compare disproportionately high and adverse environmental and human health risks borne by populations identified by race, national origin, and income.
- Conduct, whenever practicable and appropriate, a systematic review of DoD U.S. programs, policies and activities to identify activities that may have a

disproportionately high and adverse environmental or human health effect on minority and low-income populations.

- Assess DoD's methods for determining changes to existing or additions of new military operations and siting of facilities such as sanitary landfills and wastewater treatment plants.
- Identify opportunities to avoid or mitigate disproportionately high and adverse human health and environmental impacts on minority and low-income populations and identify and undertake new or existing model demonstration programs to reduce such effects.
- Ensure that DoD programs and actions involving environmental permitting, compliance, research, grants, and agreements, are administered so as to identify and address, where appropriate, disproportionately high and adverse human health or environmental effects of DoD U.S. activities on minority and low-income populations.

Ensure that DoD environmental and human health research, whenever practicable and appropriate, includes diverse segments of the population

- Evaluate current risk assessment methodologies as they relate to affected communities, including cumulative and multiple exposures and/or synergistic effects.
- Review, and revise accordingly, guidance for appropriate inclusion of high risk populations in DoD's health-related research.

Identify the patterns of consumption for, and communicate the health risks to, populations who principally rely on fish and/or wildlife for subsistence at DoD U.S. installations

- Assess the cumulative exposures affecting human health.
- Assess the cumulative risks related to consumption of fish and/or wildlife.

GOAL 3: PUBLIC PARTICIPATION AND OUTREACH

Improve opportunities for minority and low-income communities to participate in and have access to information on DoD policies and practices that affect human health and the environment

- Identify DoD stakeholder groups and their environmental justice concerns and interests.
- Encourage stakeholder participation in the implementation of the Executive order.

- Improve existing outreach and communication systems to include Environmental Justice stakeholders.
- Enhance existing, or as appropriate, develop new mechanisms to encourage stakeholder participation in DoD activities that affect human health and the environment.
- Provide translation of crucial public documents and conduct interpretation of hearings, where practicable and appropriate. Communication should be clear and concise to facilitate comprehension.

GOAL 4: NONDISCRIMINATION-TITLE VI

Foster nondiscrimination in DoD-funded programs or activities that substantially affect human health or the environment as required by Title VI of the Civil Rights Act

- Review compliance with Title VI of the Civil Rights Act and develop adequate oversight to determine that programs and activities receiving DoD financial assistance that affect human health or the environment do not discriminate on the basis of race, color, or national origin.

GOAL 5: NATIONAL PERFORMANCE REVIEW

Promote the principles set forth in the *Report of the National Performance Review: From Red Tape to Results: Creating a Government That Works Better and Costs Less*, in the planning, development, and implementation of the provisions of the Executive Order

- Identify opportunities for interagency data collection, studies, and projects that could be used to meet the goals of Executive Order 12898.
- Utilize the Defense Environmental Network and Information Exchange (DENIX) to share information with other Agencies.
- Cooperate and work with other Federal agencies in the government-wide implementation of Executive Order 12898, to ensure efficient use of information data systems and to avoid duplication and waste of federal resources.

SECTION 3 IMPLEMENTATION PLAN

INTRODUCTION

On February 11, 1994, President Clinton issued an Executive Order entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. The measure requires Federal agencies to identify and address disproportionately high and adverse human health and environmental effects of Federal programs, policies, and activities on minority and low-income populations.

The preceding strategy identifies the major programs and areas of emphasis where the Department of Defense (DoD) believes it can best meet the intent of the Executive Order, minimize any adverse effects on the human health and environment of minority and low-income populations, and carry out the defense mission. This implementation plan outlines the specific steps DoD will take to execute this strategy.

DoD considers this plan to be a living document. It is designed to allow for change as DoD identifies new opportunities and initiatives and modifies or enhances existing or proposed initiatives. Aspects of the plan may change in response to new directions from the Administration and the Interagency Working Group on Environmental Justice (IWG) chaired by the Environmental Protection Agency (EPA). In addition, DoD plans to implement the Executive Order principally through its compliance with the provisions of the National Environmental Policy Act (NEPA). As such, elements of this plan may change based on changes in regulations for implementing NEPA.

This plan focuses on implementing institutional changes, rather than one-time projects, to ensure that a healthy and safe environment exists around activities that are located in or near minority and low-income populations. To that end, DoD will operate in accordance with the following principles:

- *Promote partnerships with all stakeholders:* DoD believes that establishing more meaningful dialogue with its stakeholders, particularly those at the state, local, and tribal level, will help it fulfill its environmental responsibilities and carry out its mission. DoD is doing this through greater community involvement with organizations such as Restoration Advisory Boards (RAB) that facilitate cleanup at military bases. Another example is the Legacy Resources Management Program which engages the community in projects that promote an understanding of, and an appreciation for, our nation's natural and cultural resources.
- *Identify the impacts of DoD activities on minority and low-income populations:* DoD will use the NEPA process to assess the effects proposed actions may have on minority and low-income populations. The NEPA requires DoD installations to collect and analyze data on the socioeconomic makeup of the populations that may be affected by proposed actions, as well as on any risks to human health or the environment posed by the proposed action.

- *Streamline government:* In keeping with the spirit of the National Performance Review to reinvent government rather than create additional layers of bureaucracy, DoD will rely on its existing processes and programs to implement the strategy. In addition, DoD will encourage increased cooperation between Federal agencies as key to reducing duplication and waste of Federal resources.
- *Improve the day-to-day operations of installations:* DoD believes that there are many opportunities in and around military installations where DoD can increase its public participation efforts. Using RABs (for cleanup activities) and other similar groups (for non-cleanup activities), DoD installations will actively involve populations in decisions about base operations which may affect the human health and environment of the local community. Installations will take affirmative steps to include members of minority and low-income populations in planning initiatives that affect these groups.
- *Foster nondiscrimination in DoD programs:* DoD recognizes that many existing laws, such as Title VI of the Civil Rights Act of 1964, provide opportunities to address environmental hazards in minority and low-income populations. DoD efforts in this area will focus on enforcement of basic provisions for non-discrimination in its programs.

The following discussion corresponds to the goals outlined in [Section 2](#).

GOAL 1: IMPLEMENTATION

DoD understands the importance of infusing an ethic of environmental justice throughout its day-to-day operations and activities. To that end, DoD will integrate principles of environmental justice into its programs, policies, and activities. Coupled with its goal to develop a highly qualified and well-trained environmental work force, DoD sees education and training as the foundation for infusing this ethic into its environmental programs.

In the 12 months since the Executive Order was issued, DoD has undertaken and completed many actions to establish a decision-making infrastructure through which to implement provisions of the Executive Order:

- DoD identified the Office of the Deputy Under Secretary of Defense (Environmental Security) to lead the development of the strategy and to oversee implementation provisions of the Executive Order. DoD also established a DoD-wide Committee on Environmental Justice (CEJ) under the Defense Environmental Security Council to develop, help implement, and monitor DoD's environmental justice activities. The CEJ is made up of senior level staff who will guide the implementation of DoD's strategy on environmental justice. In addition, each of the DoD military departments and key defense agencies has identified an office that will execute the requirements and goals of the Executive Order within its department.

- The CEJ actively worked with the DoD General Counsel and the DoD Office of Equal Employment Opportunity to ensure that the strategy incorporated the legal requirements of the Executive Order.
- DoD established mechanisms for working with the IWG and actively participated on the task force committees established to assist the IWG in implementing the provisions of the Executive Order. DoD co-chairs the IWG Task Force Committee on Outreach.
- DoD participated in the first interagency Public Meeting on Environmental Justice held in Atlanta, Georgia, on January 20, 1995.

DoD will continue to build a foundation to support the integration of environmental justice into its programs, policies, and activities. It will continue the CEJ as a formal forum for guiding the implementation process. DoD will expand environmental and leadership training programs to ensure that DoD military personnel and civilian employees understand their obligation to address issues of environmental justice in their day-to-day activities.

Key actions:

DoD will evaluate its progress toward implementing the Executive Order on an annual basis. Using the framework of the *Defense Environmental Quality Annual Report to Congress* to collect information and report progress, DoD will conduct internal reviews and take the steps necessary to monitor compliance with the Executive Order. The environmental quality report describes the achievements and initiatives in DoD's environmental quality programs for pollution prevention, conservation, technology, and education and training. The report is published in early spring each year and was developed to fulfill the requirements outlined in Executive Order 12856 and 10 U.S.C. Section 2706(b).

DoD will establish an accountability system for identifying and monitoring environmental justice activities. In general, accountability will be overseen through the environmental compliance review process discussed above. Specifically, DoD will identify military departments and key defense agencies that are leading or will lead the development and implementation of model projects and programs contained in the implementation plan. Each department or agency will hold periodic reviews to assess progress and share lessons learned. As part of their self-audits, DoD military departments, defense agencies, and defense field activities will conduct a review of installation operations, activities, and land use to determine whether disproportionately high and adverse human health and environmental effects on minority and low-income populations living near the installation have been addressed.

DoD will integrate environmental justice training into education and outreach programs for appropriate DoD employees, including senior leaders. To that end, DoD will develop a curriculum outline about environmental justice for incorporation into all DoD environmental training programs and appropriate DoD senior leadership courses. To ensure consistency in training between the various military departments and defense agencies, DoD will use the Inter-Service Environmental Education Review Board (ISEERB) which was established in

1994 to integrate disparate DoD environmental education and training programs into a single school system that eliminates duplication and improves the quality of courses. To further expand awareness of environmental justice, DoD will create and disseminate to its military personnel and civilian employees a video that discusses issues of environmental justice and communicates DoD policy on environmental justice.

GOAL 2: HUMAN HEALTH AND ENVIRONMENTAL DATA COLLECTION, ANALYSIS, AND RESEARCH

DoD recognizes that a consistent and fully integrated approach to data management is key to assessing the impacts of its operations on local populations. To that end, DoD will use NEPA as the primary mechanism to implement the provisions of the Executive Order. When appropriate, environmental assessments, environmental impact statements, and records of decision will evaluate the potential environmental effects (including human health, economic, and social) of its actions on minority and low-income populations. To streamline government and eliminate duplication, DoD will coordinate with other Federal agencies to improve the data collection and research needed to support environmental analysis. To support that effort, DoD strongly encourages the effective use of existing databases and, if necessary, the development of new national databases.

DoD has identified three areas in which to address issues related to data collection, analysis, and research: (1) identifying minority and low-income populations that may be affected by DoD programs, (2) identifying and addressing programs that may affect minority and low-income populations, and (3) ensuring that environmental research reflects the diversity of populations.

IDENTIFY POPULATIONS AND POPULATIONS THAT MAY BE EXPOSED TO DISPROPORTIONATELY HIGH AND ADVERSE HUMAN HEALTH AND ENVIRONMENTAL EFFECTS CAUSED BY ACTIVITIES UNDER DOD'S U.S. JURISDICTION

Key to the NEPA process will be the identification of minority and low-income populations. DoD installations will strengthen the community relations plan (CRP) as a tool to understand the

socioeconomic makeup of the populations in and around their operations. Installations will combine data gathered from interviews with members of the local community with data

MODEL PROJECTS/PROGRAMS

ENVIRONMENTAL EQUITY PROJECT

The Department of Defense (DoD) has begun an initiative that will develop case studies of Army installations located in areas targeted for potential environmental justice concerns. Through the leadership of the Army, DoD will use existing data and programs, such as the Army's Economic Impact Forecast System and EPA databases, to provide a basis for analysis of environmental justice issues. The project also will examine data collected by other sources, including historically black colleges. The Army will use the data to analyze environmental justice impacts in the BRAC program, public participation in the cleanup program, and environmental analysis for NEPA. The initiative also will include the development of training opportunities and course material that can be broadened for inclusion into DoD's training program.

gathered from the U.S. Bureau of the Census and various databases maintained by the military departments, defense agencies, and other agencies such as the EPA and local and tribal governments. Where this information does not exist, DoD will coordinate with other Federal, state, local, and tribal governments to develop the information.

At a minimum, DoD military departments, defense agencies, and defense field activities will determine whether proposed actions will affect the environment and human health of minority and low-income populations. For those installations for which a potential impact has been identified, DoD proponents will develop data for any proposed major action that is subject to the provisions of NEPA or to the reporting requirements under the Emergency Planning and Community Right-To-Know Act.

Key actions:

- DoD military departments, defense agencies, and defense field activities will coordinate with other Federal agencies and state, local, and tribal governments to compile or develop demographic and socioeconomic data with respect to race, national origin, income level, and other appropriate information, as necessary. DoD proponents will use this information to assess whether any proposed action may have disproportionately high and adverse human health and environmental effects on minority or low-income populations. To the extent practicable, DoD will undertake these assessments during the NEPA or community planning processes.
- DoD will continue to maintain its data exchange and information network, known as the Defense Environmental Network Information Exchange (DENIX), to encourage sharing of data among all DoD facilities and provide information electronically to other Federal, state, local, and tribal agencies. DoD will make the information available to the public, whenever practicable and appropriate.
- DoD will enhance existing or, as appropriate, develop new site-specific study mechanisms to identify high risk populations or populations. As discussed earlier, DoD will revise and reissue DoD guidelines on implementing NEPA to ensure that environmental justice considerations are documented in the NEPA process.

IDENTIFY AND ADDRESS, AS APPROPRIATE, DOD PROGRAMS, POLICIES AND ACTIVITIES THAT MAY HAVE DISPROPORTIONATELY HIGH AND ADVERSE HUMAN HEALTH AND ENVIRONMENTAL EFFECTS ON MINORITY AND LOW-INCOME POPULATIONS AT DOD U.S. SITES AND FACILITIES.

DoD's primary means for addressing any disproportionately high and adverse human health and environmental effects on minority and low-income populations at DoD sites and facilities will be implemented in connection with the NEPA process. All major federal actions are subject to the NEPA process which involves assessing any potential effects to the physical and human environment. In documents prepared under NEPA, DoD will discuss the impacts of its proposed actions on minority and low-income populations.

Another means for addressing environmental justice concerns is through the master plans prepared by each installation. In preparing the master plans, DoD installations will assess how their operations and activities affect the communities located near DoD installations. During periodic updates to the master plans, the installations will evaluate whether there are any adverse impacts of its operations or activities on any minority or low-income populations with respect to human health and the physical environment.

Key actions:

- In the development of NEPA documents or installation master plans, DoD military departments, defense agencies, and defense field activities will collect, maintain, and analyze information for assessing whether these activities or proposed actions have disproportionately high and adverse environmental and human health effects on minority or low-income populations. For example, DoD military departments, defense agencies, and defense field activities will use the NEPA process when determining changes to existing, or additions of, new military operations and the siting of facilities such as sanitary landfills and wastewater treatment plants.
- DoD military departments, defense agencies, and defense field activities also will identify opportunities to avoid or mitigate disproportionately high and adverse human health and environmental impacts on minority and low-income populations and identify and undertake new or existing model demonstration programs to reduce such effects. For example, installations will, prior to applying for a variance from any local environmental requirements, evaluate each request to determine if such a variance will have a disproportionately high or adverse human health and environmental effect on minority and low-income populations. Similarly, DoD will review and revise as appropriate, all policy documents addressing procedures for the sale and disposal of surplus and off-specification DoD materials and supplies. The review will focus on the provision of safeguards (such as verification of buyer responsibility) to prevent such material from having disproportionately high and adverse human health and environmental effects on minority and low-income populations.

MODEL PROJECTS/PROGRAMS

JOINT LAND USE STUDIES PROGRAM (JLUS)

Under the JLUS program, DoD works with local populations to develop a plan for implementing recommendations for land use around a military installation. The fundamental objective of the JLUS is to protect community health, safety and welfare, and the military mission.

Public involvement is an essential part of this process. The JLUS program was developed in 1985 to provide technical and financial incentives for local communities to help resolve potential conflicts between DoD mission objectives and community growth patterns.

- DoD military departments, defense agencies, and defense field activities involved with environmental permitting, compliance, research, grants, and agreements, will identify and address, where appropriate, disproportionately high and adverse human health and environmental effects of these actions on minority and low-income populations. The DoD proponent will administer environmental permitting and compliance programs to avoid, whenever practicable and appropriate, disproportionately high and adverse human health and environmental effects on minority and low-income populations.

ENSURE THAT DOD ENVIRONMENTAL AND HUMAN HEALTH RESEARCH, WHENEVER PRACTICABLE AND APPROPRIATE, INCLUDES DIVERSE SEGMENTS OF THE POPULATION AT HIGH RISK FROM ENVIRONMENTAL HAZARDS, SUCH AS MINORITY POPULATIONS, LOW-INCOME POPULATIONS, AND WORKERS WHO MAY BE EXPOSED TO SUBSTANTIAL ENVIRONMENTAL HAZARDS.

DoD's principal proponents for conducting environmental and human health research are: (1) the Office of the Assistant Director of Defense, Research, and Engineering, which is responsible for coordinating research and development programs DoD-wide; (2) the Office of the Assistant Secretary of Defense for Health Affairs, which is responsible for DoD health policies, programs, and activities; and (3) the counterpart agencies within the Military Departments, including the Army Center for Health Promotion and Preventive Medicine, Navy Environmental Health Center, and the Air Force Office of the Surgeon General. In addition, DoD works with the Agency for Toxic Substances and Disease Registry (ATSDR) under a cooperative agreement to determine the risks to human health and the physical environment that might arise from DoD activities.

DoD recognizes that health research provides an opportunity for Federal, state, local, and tribal governments to work together to eliminate duplication and reduce costs. DoD will support efforts to develop and implement a coordinated strategy on health research. Where appropriate, the DoD proponents identified above will include diverse segments of the population, such as minority and low-income populations and workers who may be exposed to substantial environmental hazards, in the development of research proposals. DoD will encourage the participation of these groups in the development of its research strategies. DoD also will review, as part of the development of integrated natural resource management

MODEL PROJECTS/PROGRAMS
<p>ENVIRONMENTAL WARNING SIGNS</p> <p>The Department of Defense has recently embarked on a program to post multi-lingual signs warning of potential environmental hazards in areas adjacent to cleanup sites. The Navy has taken the lead in this project to communicate possible risks of consuming fish and wildlife on property undergoing environmental cleanup. One program posts signs along the shoreline of Hunters Point Naval Shipyard in San Francisco, CA, in four languages: English, Spanish, Vietnamese, and Chinese. Specifically the signs warn against the consumption of shellfish taken from the waters in the area, as well as warn against potential environmental hazards in the area.</p>

plans, the risks associated with the consumption of fish, wildlife, and other food gathered on DoD installations.

Key actions:

- DoD health research proponents will evaluate current risk assessment methodologies as they relate to affected populations, including cumulative and multiple exposures and/or synergistic effects.
- DoD health research proponents will develop guidance to include high risk populations in DoD's health-related research.
- For DoD installations and activities located in areas where populations rely on fish and or wildlife for subsistence, the respective proponents will:

⇒Consider, during the NEPA process or the development of integrated natural resource management plans, the cumulative exposures and risks related to different patterns of consumption of fish and/or wildlife and the impact of DoD operations on fish and/or wildlife.

⇒Communicate to affected populations the risks associated with differential patterns of consumption of fish and/or wildlife. DoD will broaden efforts to post environmental warning signs in English, as well as in other languages appropriate for the community in which the signs will be posted.

GOAL 3: PUBLIC PARTICIPATION AND OUTREACH

DoD recognizes that public involvement focuses on providing communities access to information on, and participation in, matters related to human health and the environment. To that end, DoD will continue to promote Restoration Advisory Boards (RAB) and Technical Review Committees (TRC) as forums for discussion about environmental cleanup activities at DoD installations. RABs are a recent addition to DoD's efforts to provide opportunities for communities to provide input into cleanup activities at military installations. Guidelines issued in August 1994 require that each RAB reflect the diversity of the communities in which RABs operate.

DoD also will develop new mechanisms to improve opportunities for minority and low-income populations to participate in decision-making processes that affect them. In addition, DoD will continue to promote public participation during the NEPA process to address potential human health and environmental effects that may result from proposed major DoD actions. DoD will encourage public involvement in the development of integrated natural resource management plans.

DoD will enhance existing mechanisms, such as the Legacy Resources Management Program, to encourage diverse stakeholder participation in DoD activities that affect human health and the environment. The Legacy program, of which public awareness and education is a major component, promotes an understanding of, and access to, significant natural, cultural, and historical resources.

Key actions:

- DoD will identify DoD stakeholder groups and their environmental justice concerns and interests. For example, for those DoD installations for which a community relations plan (CRP) is required, each installation will strengthen its plan by identifying all stakeholders, particularly minority and low-income populations.
- DoD will enhance existing or, as appropriate, develop new mechanisms to encourage stakeholder participation in DoD activities that affect human health and the environment. DoD will continue to encourage stakeholder participation in RABs and similar groups.

MODEL PROJECTS/PROGRAMS

RESTORATION ADVISORY BOARDS (RAB)

RABs are the cornerstone of DoD efforts to expand community involvement in decisions about cleanup at military bases. By bringing together people who reflect the many diverse interests within the community, a RAB can help identify issues of concern and reduce potential communication problems that could result in needless delays. In addition to providing input on cleanup activities, each RAB acts as a liaison between the community and the base.

MODEL PROJECTS/PROGRAMS

COMPREHENSIVE PUBLIC INFORMATION AND OUTREACH STRATEGIC GUIDE (Proposed)

The Department of Defense is examining a proposal to develop a comprehensive Public Information and Outreach Strategic Guide that will provide specific guidance on all aspects of public information. The guide, to be developed primarily for use by DoD installations, will focus on enhancing existing mechanisms to encourage stakeholder participation but also includes the development of new mechanisms to broaden communication to all stakeholders.

One element of the proposed strategy takes advantage of the "information superhigh-way" to seek input from, and keep stakeholders informed of, DoD activities. Other elements include the:

- Design and creation of an on-line network linking DoD and such environmental justice stakeholders as historically black colleges and universities and Native American colleges
- Design and development of an "on demand telefax" capability to provide virtual real-time telefaxed responses to stakeholders

- DoD will improve existing outreach and communication systems to include environmental justice stakeholders. At a minimum, DoD will provide translation of crucial public documents and conduct interpretation of hearings, where practicable and appropriate. Documents will be written for the target audience. Each should be clear and concise, using language that is non-technical and illustrative to facilitate comprehension. DoD installations will ensure that document repositories are readily accessible to the public and schedule meetings with the public at times and places that are convenient to members of the community. In addition, installations will increase their use of community organizations and non-traditional news organizations that may be primary sources of information for minority and low-income populations. These expanded outreach efforts will include churches, community centers, tribal governments, schools, and other organizations that serve minority and low-income populations.

GOAL 4: NONDISCRIMINATION-(TITLE VI)

Existing environmental and civil rights statutes provide opportunities to address environmental hazards in minority and low-income populations. DoD recognizes that application of existing statutory provisions is an important part of its efforts to ensure that its programs, policies, and activities do not have the effect of excluding persons from

participating in, denying persons the benefits of, or subjecting persons to discrimination under such programs because of their race, color, or national origin. In accordance with DoD Directive 5500.1, *Nondiscrimination in Federally Assisted Programs*, DoD will foster nondiscrimination in its programs or activities that substantially affect human health or the environment.

Key action:

- Review compliance with Title VI of the Civil Rights Act to confirm that programs and activities receiving DoD financial assistance that affect human health or the environment do not discriminate on the basis of race, color, or national origin.

GOAL 5: NATIONAL PERFORMANCE REVIEW

The National Performance Review (NPR) was an intensive six-month study of the Federal government conducted in 1993 that had as its goal: moving from red tape to results to create a government that works better and costs less. A key element of the recommendations of the NPR focuses on Federal agencies working in cooperation to provide consistent direction and avoid duplication and waste of Federal resources. To that end, DoD will identify opportunities where it can work with other Federal agencies to collect data, conduct studies, and implement projects that can be used to meet the goals of the Executive Order. DoD will promote the principles set forth in the *Report of the National Performance Review: From Red Tape to Results: Creating a Government That Works Better and Costs Less*, in the planning, development, and implementation of the provisions of the Executive Order.

<p style="text-align: center;">MODEL PROJECTS/PROGRAMS</p> <p style="text-align: center;">LEGACY RESOURCES MANAGEMENT PROGRAM</p> <p>The Legacy Program was created in November 1990 to assist DoD in balancing the intensive use of its lands for military training and testing with the protection of natural and cultural resources. The Legacy Program supports projects that promote an understanding of, and an appreciation for, natural and cultural resources, as well as promote partnerships with Native American tribal governments.</p>
--

Key actions:

- Identify opportunities for interagency data collection, studies, and projects that could be used to meet the goals of the Executive Order.
- Expand and broaden access to the Defense Environmental Network and Information Exchange (DENIX) to encourage sharing of information with other agencies.
- Cooperate and work with other Federal agencies in the government-wide implementation of Executive Order, to ensure efficient use of information data systems and to avoid duplication and waste of Federal resources.

ATTACHMENT A

[E.O. 12898 of February 11, 1994](#) and accompanying [Presidential Memorandum](#)

ATTACHMENT B

LIST OF ACRONYMS

ATSDR Agency for Toxic Substances and Disease Registry

CEJ Committee on Environmental Justice

CRP Community Relations Plan

DENIX Defense Environmental Network and Information Exchange

DoD Department of Defense

E.O. Executive Order

EPA Environmental Protection Agency

ISEERB Inter-Service Environmental Education Review Board

IWG Interagency Working Group on Environmental Justice

JLUS Joint Land Use Studies Program

NEPA National Environmental Policy Act

NPR National Performance Review

ODUSD(ES) Office of the Deputy Under Secretary of Defense (Environmental Security)

RAB Restoration Advisory Board

TRC Technical Review Committee