



OFFICE OF THE UNDER SECRETARY OF DEFENSE

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ACQUISITION AND
TECHNOLOGY

Honorable Carol M. Browner
Administrator
Environmental Protection Agency
Washington, D.C. 20460

31 MAR 1995

Dear Ms. Browner:

Thank you for your March 6, 1995, letter to Secretary Perry concerning Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." Our strategy for implementation of the Executive Order and report are currently under final review and approval by the Secretary. I expect that it will be approved within the next few days. In the interim, I am pleased to provide an advance copy of our final strategy.

Our strategy was developed in coordination with your staff, the Interagency Working Group on Environmental Justice, Administration officials, other Federal agencies, and the public. Our strategy and implementation plan are based on incorporating the Executive Order, to the extent practicable, into DoD's existing programs and day-to-day operations. This means that we will be: (1) using the National Environmental Policy Act process to assess environmental justice impacts; (2) seeking greater public involvement in DoD's activities that affect minority and low-income populations; (3) incorporating environmental justice principles into DoD training programs; and (4) enhancing communication and information sharing among Federal, state, and local agencies, and the public.

The Secretary and I support the principles of the Environmental Justice Executive Order and will work to ensure that they are integrated into our programs and activities.

If you have any questions concerning our strategy and implementation plan, please contact Len Richeson, my point of contact for implementation of the Environmental Justice Executive Order, at (703) 604-5583.

Sincerely,



Sherri W. Goodman
Deputy Under Secretary of Defense
(Environmental Security)

Enclosure



DEPARTMENT OF DEFENSE



Strategy
on
Environmental Justice

March 24, 1995

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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 model projects and programs described in Section 3 lists several projects and programs that address particular concerns identified during the development of the strategy.

DoD's strategy 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).

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 will 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, where practicable and appropriate, (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.
- ◆ DoD has undertaken several demonstration projects to address the needs and concerns of Native Americans regarding access to and maintenance of traditional cultural properties located on DoD installations. Working in partnership with Native American tribal governments, Native American veterans, and other groups with expertise in Native American affairs, DoD is establishing contacts within Native American communities and documenting Native American archaeological sites located on DoD installations or affected by military operations. Under one demonstration project, DoD is working with the Muscogee (Creek) Nation to develop procedures that outline how

DoD will work in consultation with Native Americans. The project also will provide access to traditional Creek properties on approximately 15 military bases in southeastern U.S. One demonstration project focused on the reinterment of 3,000 year-old bones of 10 Native Americans, whose remains had been uncovered during an environmental assessment at Eaker AFB in Arkansas.

- ◆ DoD has begun development of a data management model of cultural, natural, and historical resources to serve as a prototype. The project will establish uniform procedures for assessment, management, and decision-making for all DoD bases located in or near urban areas. Project tasks include assessment of GIS capabilities.

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.
 - ⇒ Evaluate 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.
- ◆ 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.
 - ⇒ Oversee accountability through the environmental compliance review process.
 - ⇒ 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.
 - ⇒ Conduct periodic reviews to assess progress and share lessons learned.
 - ⇒ Use the self-audit process to 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.
- ◆ Integrate environmental justice training into education and outreach programs for appropriate DoD employees, including senior leaders.
 - ⇒ Develop a curriculum outline about environmental justice for incorporation into all DoD environmental training programs and appropriate DoD senior leadership courses.
 - ⇒ Use the Inter-Service Environmental Education Review Board (ISEERB) to ensure consistency in training between the various military departments and defense agencies.

- ⇒ Create and disseminate to 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 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 MODEL PROJECTS AND PROGRAMS



INTRODUCTION

Executive Order 12898 requires each Federal agency to identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of its strategy on environmental justice. In keeping with its strategy to integrate environmental justice into its programs, policies, and activities, DoD identified the following projects:

- ◆ 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 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. 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 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. 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.
- ◆ *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, 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 stakeholders. One element of the proposed strategy takes advantage of the "information superhighway" to facilitate the exchange of information by seeking input from and keeping stakeholders informed of, DoD activities. Other elements include:
 - ⇒ 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 has undertaken several demonstration projects to address the needs and concerns of Native Americans regarding access to and maintenance of traditional cultural properties located on DoD installations. Working in partnership with Native American tribal governments, Native American veterans, and other groups with expertise in Native American affairs, DoD is establishing contacts within Native American communities and documenting Native American archaeological sites located on DoD installations or affected by military operations. Under one demonstration project, DoD is working with the Muscogee (Creek) Nation to develop procedures that outline how DoD will work in consultation with Native Americans. The project also will provide access to traditional Creek properties on approximately 15 military bases in southeastern U.S. One demonstration project focused on the reinterment of 3,000 year-old bones of 10 Native Americans, whose remains had been uncovered during an environmental assessment at Eaker AFB in Arkansas.
- ◆ DoD has begun development of a data management model of cultural, natural, and historical resources to serve as a prototype. The project will establish uniform procedures for assessment, management, and decision-making for all DoD bases located in or near urban areas. Project tasks include assessment of GIS capabilities.

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) Security)	Office of the Deputy Under Secretary of Defense (Environmental
RAB	Restoration Advisory Board
TRC	Technical Review Committee