EPA InSight POLICY PAPER

This supplement to EPA InSight contains up-to-date policy information from the Administrator/Deputy Administrator to all EPA employees.

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EXECUTIVE ORDER #12898 ON ENVIRONMENTAL JUSTICE

Below is a memorandum from **President Clinton** to the heads of all departments and agencies on "Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" -- February 11, 1994:

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

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

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

In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin.

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

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

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

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

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The following is a statement from **EPA Administrator Carol Browner** on the Environmental Justice Executive Order:

For too long, low-income communities and minority communities have borne a disproportionate burden of modern industrial life. Today's Executive Order seeks to bring justice to these communities.

All Americans deserve to be protected from pollution -- not just those who can afford to live in the cleanest, safest communities. All Americans deserve clean air, pure water, land that is safe to live on, food that is safe to eat.

Last April, on Earth Day, President Clinton called on federal agencies to ensure equal environmental protection to all Americans. Today's Executive Order means that federal agencies will address environmental injustice -- past, present, and future.

We will develop strategies to bring justice to Americans who are suffering disproportionately -- farm workers who are exposed to high-risk pesticides, children who are exposed to lead paint in old buildings, people who fish in polluted waters, those who live near hazardous waste incinerators.

We will develop strategies to ensure that low-income and minority communities have access to information about their environment -- and that have an opportunity to participate in shaping government policies that affect their health and their environment.

The Clinton Administration's proposal to reform our Superfund law speaks to these concerns -- by increasing public participation in Superfund decision-making.

The President has asked me to convene an interagency working group to begin to implement the Executive Order.

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look forward to working with my colleagues in this Administration to ensure that all Americans have a safe and healthy environment.

Below is a fact sheet on the Environmental Justice Executive Order:

Environmental Justice Strategies

·Each federal agency must develop within one year an environmental justice strategy that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.

Public Participation and Access to Information

·To ensure adequate public participation and access to information, Federal agencies must:

• Solicit public recommendations in developing and implementing environmental justice strategies;

• Use public documents that are concise and understandable;

• Promote a better public understanding of risks associated with principally relying on fish or wildlife for subsistence;

• Translate appropriate public documents for limited-English speaking populations;

• Allow public participation in the development of certain research strategies.

Interagency Working Group

• The executive order creates an interagency working group chaired by the EPA Administrator and composed of other agency heads.

• The working group will:

• Provide guidance, coordinate, and review the Federal government's implementation of the Executive Order;

• Hold public meetings for fact-finding, receiving public comments, and conducting inquiries into environmental justice.

Research and Data Collection

• Agencies shall, whenever practicable and appropriate:

• Include diverse segments of the population in epidemiological and clinical studies and identify multiple and cumulative exposures;

• Collect, maintain, and analyze information in order to provide assessments of environmental and human health risks borne by populations identified by income, race, and national origin.

• Agencies shall collect, maintain, and analyze information on the race, national origin, and income levels of areas surrounding the following types of facilities, if they are expected to have a substantial environmental, human health or economic effect on surrounding populations:

• Federal facilities subject to the Emergency Planning and Community Right-to-Know Act's reporting requirements; and

• Facilities that become the subject of substantial Federal administrative or judicial action.

Federal Program

·Each federal agency must conduct its programs and activities that substantially affect human health or the environment on a manner that does not exclude participation in, deny benefits of, or discriminate against persons or populations because of their race, color, or national origin.

Subsistence Consumption of Fish and Wildlife

• Federal agencies must collect, maintain, and analyze information on the consumption patterns of populations that principally rely on fish and/or wildlife for subsistence and communicate the risks of those consumptions patterns.

• Federal agencies, as appropriate, must publish guidance on methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or wildlife and consider such guidance in developing their policies and rules.

General Provisions

· The Executive Order:

• Covers agencies that conduct programs or activities that substantially affect human health or the environment;

• Requires implementation to be consistent with the principles set forth in the National Performance Review;

• Applies to Federal agency activities 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.

• Requires Federal agencies to assume any financial costs of complying with the Executive Order, unless otherwise provided by law.

At Headquarters, copies of the Environmental Justice Executive Order #12898 dated February 11, 1994 are available for review in the EPA HQ Library (Room 2904Mall).

This Policy Paper is available on Email (at the Email menu, type VTX, press Enter, then 2 and press Enter). To minimize paper usage, one copy off the Policy Paper is provided for every two employees. Employees are encouraged to share their copies with other employees to ensure that all have access to the information. If you have any questions about the Policy Paper series, please contact Kym Burke, OCEPA, in Room 3623Mall or by Email: Burke.Kym or Voice Mail: 202-260-0336.