



Title VI of the Civil Rights Act of 1964

U.S. EPA | ENVIRONMENTAL JUSTICE AT EPA NEW ENGLAND

EPA NEW ENGLAND'S ENVIRONMENTAL JUSTICE PROGRAM

works to protect all people, regardless of race, color, national origin or income, from environmental harms and risks, and to involve all citizens in making decisions that affect their environment. The program is designed to achieve environmental and public health improvements for communities disproportionately burdened by the impacts of pollution.



INTRO:

Federal law prohibits discrimination on the basis of race, color, or national origin in all programs or activities receiving federal financial assistance. Title VI of the Civil Rights Act of 1964 authorizes all federal agencies to put in place regulations that prohibit discriminatory effects as well as intentional discrimination. Policies or practices that result in discriminatory effects, even if they were not intended to discriminate, violate EPA's Title VI regulations unless it is shown that they are justified and that there is no less discriminatory alternative.

EXECUTIVE ORDER 12898:

In February 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." Executive Order 12898 directs federal agencies to make achieving environmental justice part of its mission by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. However, it is important to clarify that Executive Order 12898 does not create any new rights and cannot be enforced against EPA in court. The Executive Order states, "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."

In a separate memorandum, President Clinton identified Title VI of the federal Civil Rights Act of 1964 as one of several federal laws already in place to help "prevent minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects."

TITLE VI:

Title VI of the federal Civil Rights Act of 1964 allows persons to file administrative complaints with federal departments and agencies alleging discrimination by financial assistance recipients. The National Office of Civil Rights has the responsibility within EPA to process and review Title VI administrative complaints.

To file a complaint alleging a violation of Title VI or EPA's Title VI regulations (40 C.F.R. Part 7), the complaint must be in writing and must describe the alleged discriminatory acts which violate Title VI. The complaint should: (1) provide an avenue for OCR to contact the complainant; (2) describe an alleged discriminatory act that, if proven true, may violate EPA's Title VI regulations; (3) identify with specificity the nature and date(s) of the alleged discriminatory act(s); and (4) identify a recipient of EPA financial assistance that allegedly committed the discriminatory act. The complaint may be mailed to the Environmental Protection Agency, Office of Civil Rights, Mail Code 1201A, 1200 Pennsylvania Ave NW, Washington, D.C. 20460, or sent via facsimile (FAX) to (202) 501-1836. If the complaint is faxed, a signed copy also must be mailed within the 180-day time period provided by EPA's Title VI regulations. It is encouraged but not required that complainants make use of the recipient's own grievance procedure before filing a federal administrative complaint. Please note this will not extend the 180-day period for filing federal administrative complaints.

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*www.epa.gov/civilrights/
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