

Environmental Justice Strategy



U.S. DEPARTMENT OF
ENERGY

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Introduction

The February 11, 1994, Presidential Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, tasked each Federal agency to make achieving environmental justice part of its mission. The agencies were directed to do so by identifying and addressing, as appropriate, the disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. Executive Order 12898 provided a unique opportunity to involve all organizations within the U.S. Department of Energy (DOE) and its stakeholders in specific actions necessary to achieve the environmental justice objective. The Executive Order also required the agencies to prepare a strategy for integrating environmental justice into all of their activities.

In response to Executive Order 12898, DOE prepared and issued its *Environmental Justice Strategy* in 1995. Since then, the agency has conducted a series of activities to implement the Strategy. Both the Executive Order and the Strategy require that DOE establish and maintain an integrated approach for identifying, tracking, and monitoring environmental justice across the Department.

In 1995, the Department's Environmental Justice Program was assigned to the Office of Economic Impact and Diversity and later transferred to the Office of Environmental Management. In 2004, the Secretary designated the Office of Legacy Management responsible for the Environmental Justice Program.

In November 2007, the Department re-established its Environmental Justice Task Force to review and update the current *Environmental Justice Strategy* and develop an Environmental Justice Five-Year Plan. Offices represented on the task force supporting the Environmental Justice Program are the offices of Civilian Radioactive Waste Management; Chief Financial Officer; Congressional and Intergovernmental Affairs; Economic Impact and Diversity; Energy Efficiency and Renewable Energy; Environmental Management; General Counsel; Health, Safety, and Security; Science; National Nuclear Security Administration; Carlsbad Field Office; Savannah River Operations Office; and Western Area Power Administration. The Environmental Justice Task Force is chaired by the Department's Environmental Justice Program Manager.

The Environmental Justice Definition and Core Principles

Environmental justice is “fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level with respect to development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that racial, ethnic, or socioeconomic groups should not bear a disproportionate share of negative environmental consequences resulting from industrial, municipal, and commercial operations, or from the execution of federal, state, and local laws, regulations, and policies.”¹ Environmental justice is not an outcome but a process. It seeks to ensure that all persons enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process to enjoy a healthy environment in which to live, learn, and work. Environmental justice further strives to ensure that no population suffers a disproportionate share of adverse environmental effects.

Environmental justice is facilitated when a community is environmentally aware and is an active participant in decision-making relating to environmental protection. In those cases where the community lacks environmental knowledge or access to trusted technical assistance, the government may promote environmental justice by providing assistance to the community in acquiring the knowledge and technical assistance to provide for its own environmental protection.

The fundamental principle of environmental justice is that all stakeholders should have meaningful and informed participation in all aspects of environmental decision-making that could affect their community. Affected communities must have the ability to effectively collect data and other information in order to be informed and active participants in decision-making processes.

Environmental justice strives to ensure that no population suffers a disproportionate share of adverse environmental effects.

Traditionally, many minority, low-income, and tribal communities have lacked access to the required information and technical advisers to be informed participants with respect to various risks that accompany numerous environmental activities. In order to provide the necessary assistance to these communities, DOE has developed and conducts a number of capacity building projects to help communities gain and sustain the necessary tools to achieve environmental justice for themselves.

Community capacity building can be defined as the process that gives local community groups the necessary tools they need for meaningful participation in agency decision-making. Capacity building programs help minority, low-income, and tribal communities improve their ability to participate in environmental decision-making. They encourage citizen involvement, and provide the tools that enable them to do so. Capacity

building activities such as training and technical assistance programs improve the capability of stakeholders to participate in DOE decision-making.

Because environmental justice means that no population should suffer a disproportionate share of adverse environmental impacts, it logically follows that no population should experience less than its fair share of environmental benefits. Environmental justice means that those who have suffered a disproportionate share of environmental burdens should enjoy some of the environmental benefits of publicly funded production activities.

¹Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses, April 1998, page 2.



Objective

This *Environmental Justice Strategy* integrates the requirements of Executive Order 12898 into DOE operations. It is consistent with the Department's Strategic Plan Theme 4, "Environmental Responsibility."² The Department will undertake appropriate action to protect human health and the environment from residual risks. Over the next six years the Department's Strategic Plan calls for applying advanced science, engineering, and cleanup technology to help ensure its national environmental cleanup goals. DOE is responsible for the risk reduction and clean up of the environmental legacy of the nation's nuclear weapons program, one of the largest, most diverse, and technically complex environmental programs in the world. The Department will successfully achieve this strategic goal by ensuring the safety of DOE employees and the public, acquiring the best resources to complete the complex tasks, and by managing projects throughout the United States in the most efficient and effective manner.

The Department's *Environmental Justice Strategy* reflects a commitment to advancing the quality of life for our communities. It formulates goals based on clear priorities and tangible benefits that consider programmatic, legislative, and regulatory responsibilities. It emphasizes community participation, stakeholder involvement, and community empowerment. It refocuses research to reflect the recognition of various health issues in minority, low-income, and tribal communities. It encourages new approaches to occupational and environmental-science research for high-risk communities and workers, embraces interagency coordination to facilitate environmental justice, and heightens the sensitivity of our managers and staff to environmental justice within DOE.

Vision Statement

In accordance with Executive Order 12898, DOE will incorporate environmental justice into our management infrastructure to promote environmental justice through:

- ◆ Effective and efficient goals and strategies
- ◆ Engaging public participation and trust
- ◆ Ensuring accountability through performance metrics

DOE seeks to be a federal leader in environmental justice addressing the needs of energy and technology-directed work to improve the quality of life in communities and DOE facilities.

²DOE Strategic Plan, 2006, www.energy.gov/media/2006StrategicPlanSection8.pdf.

Strategy

The *Environmental Justice Strategy* consists of the following four goals:

Goal 1 – Identify and address programs, policies, and activities of the Department that may have disproportionately high and adverse human health or environmental effects on minority, low-income, and tribal populations.

Goal 2 – Enhance the credibility and public trust of the Department by further making public participation a fundamental component of all program operations, planning activities, and decision-making processes.

Goal 3 – Improve research and data collection methods relating to human health and the environment of minority, low-income, and tribal populations.

Goal 4 – Further Departmental leadership by integrating environmental justice with activities and processes related to human health and the environment.

Implementation

The Environmental Justice Program Manager will be responsible for coordination of implementation of the policy by the DOE program offices. Furthermore, the Environmental Justice Program Manager will provide appropriate guidance to ensure a consistent approach throughout the Department with respect to environmental justice matters, and perform various environmental justice assessments.

Public Participation

Public participation is the process by which the views and concerns of the public are identified and considered in DOE's decision-making. Public participation includes identifying public concerns and issues; providing information and opportunities for the public to assist DOE in identifying issues and problems and evaluating alternatives; providing forums for public input; listening to the public; incorporating public concerns and input into decision-making; and providing feedback on how decisions do or do not reflect input received.

Senior Departmental programs, staff offices, and field managers are accountable for ensuring that public participation and community relations activities meet the goals of the Department's public participation policy, are fully coordinated, and reflect DOE principles and values.³ Program or staff offices and project managers are responsible for ensuring that appropriate public participation and community relations activities are included in their decision-making processes.

The Department's public participation process emphasizes heightening the sensitivity of all our personnel and constituents to environmental justice. All stakeholders will have an opportunity to suggest ways to implement the Environmental Justice Five-Year Plan. In addition, tribes, site-specific community advisory boards, community organizations working with the various sites, and other entities communicate with the agency regularly. All of these communications will help the implementation process.

Environmental Justice Goals

The Department seeks to establish a leading role by developing and maintaining an integrated approach to identify, track, and monitor environmental justice activities as follows:

- ◆ Issuing an Environmental Justice Policy in the Department's directive system;
- ◆ Using training sessions and various other resources to heighten the Department's sensitivity to identifying and addressing disproportionately high and adverse human health and environmental effects of our programs, policies, and activities on minority, low-income, and tribal communities;
- ◆ Protecting human health while improving and maintaining the quality of the environment and level of safety for our workers and our communities;
- ◆ Ensuring full compliance with environmental, safety and health laws, regulations, and DOE directives;
- ◆ Enhancing procedures to detect and mitigate potential disproportionately high and adverse human health or environmental effects of the Department's programs, policies, and activities and to promote nondiscrimination among various population segments;
- ◆ Focusing on a "Partnership in Participation Approach" with stakeholders including the general public; affected communities; and federal, state, local, and tribal governments in the early stages of planning and implementing environmental justice; and
- ◆ Continuing to use the National Environmental Policy Act of 1969 process to determine whether an agency's proposed action would have disproportionately high and adverse human health or environmental effects on minority, low-income, and tribal populations.

³DOE Public Participation and Community Relations Policy, P 141.2 (2003).

Goal 1 – *Identify and address programs, policies, and activities of the Department that may have disproportionately high and adverse human health or environmental effects on minority, low-income, and tribal populations.*

- ◆ Use the Department's environmental justice decision-making infrastructure to ensure effective implementation of the provisions of Executive Order 12898, establish a high degree of program integration, and facilitate effective participation by all Departmental elements to address the concerns of our stakeholders.
- ◆ Provide periodic briefings on environmental justice to the Secretary of Energy and Senior Program Secretarial Officers and staff.
- ◆ Develop criteria for identifying and revising as necessary programs, policies, planning and public participation processes, and rulemakings related to human health or the environment to fully comply with the purpose of the Executive Order.
- ◆ Evaluate Departmental programs, policies, and activities to identify those that may have disproportionately high and adverse human health or environmental effects on minority, low-income, and tribal populations.
 - Identify and evaluate relevant operational procedures, processes, and activities for all Departmental organizations.
 - Develop and issue guidance for appropriate analyses to establish consistency in the analytical approach of the Department's organizations for evaluating the environmental justice impacts of their operations.
- Analyze appropriate demographic data to determine the distribution of environmental justice impacts of the individual operational elements on the affected communities.
- Draft guidelines on possible ways to avoid or mitigate adverse health, environmental, and safety impacts and discuss details with affected stakeholders.
- Create and apply an effective mechanism to facilitate stakeholder involvement in the Department's identification and analysis of environmental justice related issues regarding relevant Departmental operations.
- Produce and distribute information relating to environmental justice issues, including guidance from Departmental elements, fact sheets, newsletters, information briefs, and other relevant materials to internal and external stakeholders for review and constructive response.
- ◆ Distribute information on Department-wide and program-specific environmental justice initiatives.
 - Develop and distribute key documents in nontechnical, easily understood language, utilizing easily accessible communications media.
 - Develop effective methods for disseminating the Department's programmatic information among stakeholders.

Goal 2 – Enhance the credibility and public trust of the Department by further making public participation a fundamental component of all program operations, planning activities, and decision-making processes.

- ◆ Integrate environmental justice into the Department's Public Participation Policy.
- ◆ Ensure that the Department's advisory boards and groups reflect the communities they represent.
- ◆ Identify minority, low-income, and tribal populations and networks with which Departmental operations should establish relationships.
- ◆ Maintain a database of the national and community-based organizations and networks concerned with environmental justice, and integrate these with existing mailing lists held by individual offices.
- ◆ Identify media in which advertisements and other information may be used to effectively communicate with our minority, low-income, and tribal populations.
- ◆ Ensure that environmental justice is given high priority in all Departmental public participation activities.



Goal 3 – *Improve research and data collection methods relating to human health and the environment of minority, low-income, and tribal populations.*

- ◆ Review current relevant Departmental research and data collection practices and recommend modifications, including new data collection efforts, where necessary, to identify segments of the population at disproportionately high and adverse risk from environmental effects.
- ◆ Develop guidelines for implementation by all Department operations and for use in technical determinations related to:
 - The appropriate representation of diverse segments of the population in epidemiological and clinical studies.
 - Assessments of multiple and cumulative exposures that may arise from program activities and adversely affect human health.
 - The collection and analysis of information, including risk assessments that relate to the consumption patterns of populations that rely heavily on fish and wildlife for subsistence.
 - Determination and utilization of environmentally-compatible materials, technologies, and industrial processes.
 - Reassessment of criteria for the appropriate inclusion of disproportionately high and adverse risk populations (e.g., minority, low-income, and tribal populations) in the Department's health research databases and analyses.



Goal 4 – *Further Departmental leadership by integrating environmental justice with activities and processes related to human health and the environment.*

- ◆ Incorporate environmental justice into the Department's Mission Statement and Strategic Plan, and also into the strategic plans of individual organizations within the Department.
- ◆ Establish performance criteria to evaluate progress toward achieving environmental justice.



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