

Environmental Justice

Executive Order 12898

- ◆ 1994 – President Clinton
- ◆ "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."

Specific Issues in EO

- ◆ Requires agency-specific Environmental Justice strategies
- ◆ Multiple and cumulative exposures to hazards
- ◆ Patterns of subsistence consumption
- ◆ Ensure effective public participation

GROUPS ADDRESSED THROUGH ENVIRONMENTAL JUSTICE

- ◆ **Black** - a person having origins in any of the black racial groups of Africa.
- ◆ **Hispanic** - a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- ◆ **Asian** - a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.
- ◆ **American Indian and Alaskan Native** - a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.
- ◆ **Low-Income** - a person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services poverty guidelines.
- ◆ **Native Hawaiian or Other Pacific Islander** - a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

CEQ General Guidance

- ◆ Consider demographics of affected area and disproportionate effect
- ◆ Consider multiple/cumulative exposures
- ◆ Recognize factors that may amplify natural/physical effects
- ◆ Develop effective public participation strategies (linguistic/cultural/geographic)
- ◆ Assure meaningful community representation in NEPA process
- ◆ Seek tribal representation in process

Assessing Impacts to Environmental Justice

- ◆ **Disproportionate Adverse Impact**
 - Low-income Population
 - Minority Population
 - Indian Tribes
- ◆ **Identify Source of Potential Impacts**
 - Changes in Land Use - Displacements
 - Indirect Impacts (Health Effects of Adjacent Land Use)
 - Changes in Access
- ◆ **Determine Study Area**
 - Generally the area of direct impact or adjacent properties
- ◆ **Determine Existing Conditions**
 - Demographics (Census/State/County/Municipality Data)
 - State/Local Health Agencies
 - Use of Local Resources – Citizen Groups
 - Native American Tribes
 - Field Reconnaissance

Environmental Justice (cont.)

- ◆ Identify Standard
 - None
- ◆ Impact Prediction
 - Direct Taking
 - Local Air & Water Quality/Noise Levels
 - Hazardous Materials
 - Human Health Effects
- ◆ Assess Significance of Impacts
 - Professional Judgment
- ◆ Mitigation
 - Limit Magnitude of Project
 - Redesign Project
 - Relocation
 - Public Participation (get views of affected populations)

NEPA Considerations

- ◆ Environmental Justice may lead to significant impact
- ◆ Project may go ahead with significant impacts to EJ with heightened attention to alternatives/mitigation/monitoring
- ◆ No specific section of EIS/EA, integrate analyses appropriate manner

Specific Phases in NEPA

- ◆ Scoping
- ◆ Public Participation
- ◆ Determining Affected Environment
- ◆ Analysis of Impacts
- ◆ Alternatives
- ◆ Record of Decision should consider EJ
- ◆ Mitigation

ENVIRONMENTAL JUSTICE IN NEPA DECISION MAKING

- ◆ Make better decisions that meet the needs of all people.
- ◆ Design facilities that fit more harmoniously into communities.
- ◆ Enhance the public-involvement process, strengthen community-based partnerships, and provide minority and low-income populations with opportunities to learn about and improve the quality
- ◆ Improve data collection, monitoring, and analysis tools that assess the needs of, and analyze the potential impacts on minority and low-income populations.
- ◆ Avoid disproportionately high and adverse impacts on minority and low-income populations.
- ◆ Minimize and/ or mitigate unavoidable impacts by identifying concerns early in the planning phase and providing offsetting initiatives and enhancement measures to benefit affected communities and neighborhoods.
