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Environmental Justice



Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

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Justice in Minority Populations and Low-Income Populations, 1994

reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

pedestrian-friendly design, and murals celebrating the community's cultural heritage.

IS ENVIRONMENTAL JUSTICE A NEW REQUIREMENT?

No. The recipients of Federal-aid have been required to certify and the U.S. DOT must ensure nondiscrimination under Title VI of the Civil Rights Act of 1964 and many other laws, regulations, and policies. In 1997, the Department issued its *DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations* to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice.

The need to consider environmental justice is already embodied in many laws, regulations, and policies such as:

•Title VI of the Civil Rights Act of 1964

•National Environmental Policy Act of 1969 (NEPA)

•Section 109(h) of Title 23

•The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended

•The Transportation Equity Act for the 21 st Century (TEA-21)

•Other U.S. DOT statutes and regulations.

HOW DOES ENVIRONMENTAL JUSTICE IMPROVE TRANSPORTATION DECISION MAKING?

Environmental justice is more than a set of legal and regulatory obligations. Properly implemented, environmental justice principles and procedures improve all levels of transportation decision making. This approach will:

- Make better transportation decisions that meet the needs of all people.
- Design transportation 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 and usefulness of transportation in their lives.
- Improve data collection, monitoring, and analysis tools that assess the needs of, and analyze the potential impacts on minority and low-income populations.
- Partner with other public and private programs to leverage transportation-agency resources to achieve a common vision for communities.
- 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.

TITLE VI AND ENVIRONMENTAL JUSTICE ADDRESS WHICH GROUPS?

Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, and national origin. The *DOT Order on Environmental Justice* and Executive Order 12898 address persons belonging to any of the



affirm and reinforce nondiscrimination, Federal staff will take other important actions to:

- Ensure that Title VI compliance and environmental justice principles are understood and implemented in metropolitan and statewide planning activities and in NEPA processes and documents.
- Identify effective practices, potential models, and other technical assistance resources to promote the integration of environmental justice into all planning, development, and implementation activities.



Tulalip Tribal Model Partnership Listening Session. In 1998, FHWA held a nationwide series of community workshops - planned, coordinated, and conducted by community organizations and environmental justice groups - to address the transportation challenges facing minority and low-income populations.

State DOTs - are at the heart of planning, design, construction, and operations and maintenance projects across all travel modes. They allocate resources from various Federal-aid programs. State DOTs successfully integrate Title VI and environmental justice into their activities when they:

- Develop the technical capability to assess the benefits and adverse effects of transportation activities among different population groups and use that capability to develop appropriate procedures, goals, and performance measures in all aspects of their mission.
- Ensure that State Transportation Improvement Program (STIP) findings of statewide planning compliance and NEPA activities satisfy the letter and intent of Title VI requirements and environmental justice principles.
- Enhance their public-involvement activities to ensure the meaningful participation of minority and low-income populations.
- Work with Federal, State, local, and transit planning partners to create and enhance intermodal systems, and support projects that can improve the natural and human environments for low-income and minority communities.

MPOs - serve as the primary forum where State DOTs, transit providers, local agencies, and the public develop local transportation plans and programs that address a metropolitan area's needs. MPOs can help local public officials understand how Title VI and environmental justice requirements improve planning and decision making. To certify compliance with Title VI and address environmental justice, MPOs need to:

- Enhance their analytical capabilities to ensure that the long-range transportation plan and the transportation improvement program (TIP) comply with Title VI.
- Identify residential, employment, and transportation patterns of low-income and minority populations so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed.
- Evaluate and - where necessary - improve their public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision making.

Transit Providers- offer mobility for all citizens whether they own a vehicle or



A PDF file of the printed version of this brochure is also available - [ej2000.pdf \(483KB\)](#)

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United States Department of Transportation - **Federal Highway Administration** - Federal Transit Administration

(6) hold public meetings at required in section 5-502(d) of this order; and

(7) develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

1-103. Development of Agency Strategies. (a) Except as provided in section 6-605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b) - (e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.

(c) Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.

(d) Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.

(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

(f) Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.

(g) Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

1-104. Reports to The President. Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

Sec. 2-2. Federal Agency Responsibilities For Federal Programs. Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the

4-402. Guidance. Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or wildlife. Agencies shall consider such guidance in developing their policies and rules.

Sec. 5-5. Public Participation and Access to Information (a) The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Working Group.

(b) Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.

(c) Each Federal agency shall work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public.

(d) The Working Group shall hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice. The Working Group shall prepare for public review a summary of the comments and recommendations discussed at the public meetings.

Sec. 6-6. General Provisions.

6-601. Responsibility for Agency Implementation. The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct internal reviews and take such other steps as may be necessary to monitor compliance with this order.

6-602. Executive Order No. 12250. This Executive order is intended to supplement but not supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance. Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

6-603. Executive Order No. 12875. This Executive order is not intended to limit the effect or mandate of Executive Order No. 12875.

6-604. Scope. For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.

6-605. Petitions for Exemptions. The head of a Federal agency may petition the President for an exemption from the requirements of this order on the grounds that all or some of the petitioning agency's programs or activities should not be subject to the requirements of this order.

6-606. Native American Programs. Each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally- recognized Indian

Tribes.

6-607. Costs. Unless otherwise provided by law, Federal agencies shall assume the financial costs of



Environmental Justice Questions - Fact Sheet

What is Environmental Justice?

The goal of environmental justice is to ensure that all people, regardless of race, national origin or income, are protected from disproportionate impacts of environmental hazards. To be classified as an environmental justice community, residents must be a minority and/or low income group; excluded from the environmental policy setting and/or decision-making process; subject to a disproportionate impact from one or more environmental hazards; and experience a disparate implementation of environmental regulations, requirements, practices and activities in their communities. Environmental justice is about real people facing real problems and designing practical solutions to address challenging environmental issues. The environmental justice movement advocates programs that promote environmental protection within the context of sustainable development. Utilizing various methods, including traditional knowledge about the eco-system and community mobilization, the environmental justice community has become a formidable force in protection of both the urban and rural environments.

How did the environmental justice movement arise?

The environmental justice movement was started by people, primarily people of color, who needed to address the inequity of environmental protection services in their communities. Grounded in the struggles of the 1960's civil rights movement, these citizens from every facet of life, emerged to elucidate the environmental inequities facing millions

of people. These communities rose to articulate and to sound the alarm about the public health dangers which posed an immediate danger to the lives of their families, their communities and themselves.

What information did EPA rely upon to determine that environmental injustice exists?

In response to a variety of concerns raised by EPA staff and the public (the Michigan Coalition, Congressional Black Caucus, and others), the EPA Administrator William Reilly formed the EPA Environmental Equity Workgroup in 1990 with staff from all EPA offices and regions across the Agency. The Workgroup was directed to assess the evidence that racial minority and low-income communities bear higher environmental risk burden than the general population, and consider what EPA might do about any identified disparities. The report entitled *Environmental Equity: Reducing Risk in All Communities* reviewed data that existed on the distribution of environmental exposures and risks across population groups and summarized a review of EPA programs with respect to racial minority and low-income populations. The Workgroup reported several major findings indicating the existence of environmental injustice and made a number of recommendations to the Agency including the prioritization of environmental equity.

Why did EPA undertake environmental justice as a guiding principle?

the Agency's programs, policies, and activities. The strategy contains five major areas with include: 1) Public Participation and Accountability, Partnerships, Outreach, and Communication with Stakeholders; 2) Health and Environmental Research; 3) Data Collection, Analysis, and Stakeholder Access to Public Information; 4) American Indian and Indigenous Environmental Protection; and 5) Enforcement, Compliance Assurance, and Regulatory Reviews.

How are environmental justice strategies being implemented at EPA?

Implementing environmental justice programs at EPA has required modifying the Agency's approach to include educating its officials to recognize that certain populations who are disproportionately impacted by environmental pollution are excluded from the decision and policy making process. EPA's implementation of environmental justice programs includes securing the commitment of senior management; environmental justice guidance for all staff; environmental justice training within the Agency; a cross-media team approach; coordination with states, Indian tribes, industry, and all stakeholders; devotion of resources to program implementation, systematic review and integration of environmental justice priorities into activities, establishment of pilot projects; and development of measurement tools for accountability.

What programs exist to educate individuals and communities about environmental justice issues?

The Office of Environmental Justice participates in several outreach programs for the purpose of education. For several years, EPA has sponsored an internship program with the express desire to encourage students to pursue an environmental career. The internships, which are limited to six months of duration, formalize training and provide "hands-on" experience for students. Students must be registered at a university to participate. In addition to the internship program, two grant programs assist communities and tribal governments in addressing local environmental concerns. A Small Grants Program and a Community-University Partnership Grants Program

(CUP) have been offered to increase environmental awareness, expand outreach, and provide training and education to resolve environmental problems such as exposure to environmental pollutants. Check with the Office of Environmental Justice relative to the status of availability of funding for these programs. Programs may not be offered every year.

What are the Environmental Justice Steering Committee, the Policy Workgroup, and Environmental Justice Coordinators?

In 1994, the Agency implemented a new organizational infrastructure to integrate environmental justice into EPA's policies, programs, and activities. This new organization created these groups to work in conjunction with the office of Environmental Justice. The Environmental Justice Steering Committee is made up of senior managers representing each of the Headquarters offices and representatives from the regions. It provides leadership and direction on strategic planning to ensure that environmental justice is incorporated into Agency operations. The Policy Workgroup is a group of high level policy staff brought together to ensure that cross-media policy development and coordination are implemented at all levels. The Environmental Justice Coordinators are the front-line staff specifically responsible to ensure policy input, program development, and implementation at regional and headquarters offices.

What is the NEJAC?

To ensure that EPA was obtaining adequate stakeholder advice and making appropriate changes as it implemented a national environmental justice program, the Agency chartered the National Environmental Justice Advisory Council (NEJAC) in 1993. The Council which is governed by the Federal Advisory Committee Act provides independent advice to EPA on all matters relating to environmental justice. It consists of 25 members appointed from stakeholder groups including community-based organizations; business and industry; academic and educational institutions; state and local government agencies; tribal government and community groups; non-governmental organizations and environmental groups. The Council has six subcommittee organized around themes to help develop strategic options for EPA. The subcommittees are: 1) Waste