



COMPREHENSIVE ENVIRONMENTAL JUSTICE ENFORCEMENT STRATEGY ANNUAL REPORT

“ALTHOUGH VIOLATIONS OF OUR ENVIRONMENTAL LAWS CAN HAPPEN ANYWHERE, COMMUNITIES OF COLOR, INDIGENOUS COMMUNITIES, AND LOW-INCOME COMMUNITIES OFTEN BEAR THE BRUNT OF THE HARM CAUSED BY ENVIRONMENTAL CRIME, POLLUTION, AND CLIMATE CHANGE.

FOR FAR TOO LONG, THESE COMMUNITIES HAVE FACED BARRIERS TO ACCESSING THE JUSTICE THEY DESERVE.

THE OFFICE OF ENVIRONMENTAL JUSTICE WILL SERVE AS THE CENTRAL HUB FOR OUR EFFORTS TO ADVANCE OUR COMPREHENSIVE ENVIRONMENTAL JUSTICE ENFORCEMENT STRATEGY. WE WILL PRIORITIZE THE CASES THAT WILL HAVE THE GREATEST IMPACT ON THE COMMUNITIES MOST OVERBURDENED BY ENVIRONMENTAL HARM.”

ATTORNEY GENERAL MERRICK B. GARLAND

The Environmental Justice Enforcement Steering Committee

The Comprehensive Environmental Justice Enforcement Strategy directs the Steering Committee to provide leadership and guidance for implementing the Strategy and authorizes it to make recommendations to Department of Justice leadership on all aspects of the Department's efforts to further environmental justice enforcement.

THE STEERING COMMITTEE MEMBERS

OFFICE OF THE ATTORNEY GENERAL

OFFICE OF THE DEPUTY ATTORNEY GENERAL

OFFICE OF THE ASSOCIATE ATTORNEY GENERAL

CIVIL DIVISION

CIVIL RIGHTS DIVISION

COMMUNITY RELATIONS SERVICE

ENVIRONMENT AND NATURAL RESOURCES DIVISION

EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS

OFFICE FOR ACCESS TO JUSTICE

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UNITED STATES ATTORNEY'S OFFICE
FOR THE EASTERN DISTRICT OF LOUISIANA

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FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES ATTORNEY'S OFFICE
FOR THE SOUTHERN DISTRICT OF NEW YORK

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Overview



Attorney General Merrick Garland announcing the establishment of the Office of Environmental Justice within the Environment and Natural Resources Division. Photo Credit: DOJ/OPA

On May 5, 2022, the Associate Attorney General issued a [Comprehensive Environmental Justice Enforcement Strategy](#) for the Department of Justice (DOJ). The Strategy has four principles. The principles ensure that the Department’s environmental justice (EJ) efforts are transparent, and consistent across Divisions.

In addition, the Strategy identifies specific actions for the Department to take, including prioritizing and pursuing cases that reduce public health and environmental harms to overburdened and underserved communities and forming various workstreams, or teams of DOJ employees working together, to advance other priorities.

For the first year of implementation, the workstreams were Civil Rights, Community Outreach, Environmental Enforcement Taskforces, Incorporating EJ in the Department’s Defensive Practices, Investigating EJ Impacts in Civil and Criminal Cases, Training, and Tribal Environmental Justice.

Finally, as directed by the Strategy, Department components and personnel strengthened relationships within and outside DOJ in service of the work to identify areas of greatest concern to impacted communities and ensure timely and effective remedies for environmental violations.

One year later, we are pleased to share the progress the Department has made in advancing environmental justice under the Strategy, through the efforts of components across the Department and our new Office of Environmental Justice (OEJ). This report details the work done to implement each of the four principles, including both specific cases and related activities. The information included here is current through August 3, 2023.

OVERVIEW

Highlights of the report include several cases related to EJ. For example, the Environment and Natural Resources Division (ENRD) worked with the Environmental Protection Agency (EPA) to address the [drinking water crisis in Jackson, Mississippi](#), and sued to curb harmful air pollution from a petrochemical manufacturer, [Denka Performance Elastomer, LLC, in Louisiana](#). The Civil Rights Division secured an interim resolution agreement in its [first Title VI environmental justice investigation](#).

Additionally, each of the 94 United States Attorneys' offices has [appointed an Environmental Justice Coordinator](#). [Capacity-building and training](#) increased with a number of engagements. DOJ has also had extensive [engagement with Tribal and other communities](#) to lay the groundwork for more.

PRINCIPLE 1: Prioritize cases that will reduce public health and environmental harms to overburdened and underserved communities.

The following section addresses the actions taken to implement the first Principle. The six subsections address: (1) enforcement actions brought by several DOJ components; (2) evaluating adverse effects on EJ communities during investigations; (3) the designation of EJ coordinators in U.S. Attorneys' offices; (4) Tribal EJ; (5) environmental enforcement taskforces; and (6) the Department's coordination with EPA and other federal agencies on EJ.

Enforcement Actions.

In the Strategy's first year, the Department identified cases with the potential to significantly reduce environmental and public health harms, or natural resource injuries, in overburdened and underserved communities. In the cases below, DOJ's enforcement of federal law, most often in coordination with federal agency partners, achieved or seeks to achieve meaningful relief to address injuries, environmental violations, or contamination.

Case highlights include ENRD's and EPA's lawsuits to address the drinking water crisis in Jackson, Mississippi, and curb harmful air pollution from Denka Performance Elastomer LLC in Louisiana. The Civil Rights Division secured an interim resolution agreement in its first Title VI EJ investigation. The Eastern District of New York also secured an agreement from the City of New York to clean up radioactive materials on city-owned property. Read on for these and other enforcement actions.

Civil Division

Civil Division - In re Liquidating Trust of Old Ruby, No. 22-10278 (Bankr. D. Del.). In bankruptcies, the Civil Division works to ensure that those with federal right of ways do not use the bankruptcy process to escape their decommissioning, and reclamation responsibilities. The individuals who benefit live near federal lands. For example, during decommissioning, a company may be required to shut down equipment and facilities properly. The company may also have a reclamation duty to restore the land to a natural state.

In this case, the Bureau of Land Management previously granted various federal right of ways to Ruby, a natural gas transporter, in Nevada, Utah, and Wyoming. The Commercial Litigation Branch, Corporate and Financial Litigation Section worked to preserve the decommissioning and environmental reclamation duties associated with the federal right of ways granted to Ruby.

Civil Division - In re MLCJR, LLC, No. 23-90324 (Bankr. S.D. Tex.).

The Civil Division also works to ensure that those with federal oil and gas leases do not use the bankruptcy process to avoid their decommissioning, reclamation, and remediation obligations, benefiting those who depend on the Gulf of Mexico for their livelihood. In addition to the responsibilities listed above, a company with a remediation obligation may be ordered to clean up its environmental damage.

The Civil Division is working to preserve lessee Cox Oil's and previous lessees' estimated \$3.4 billion in decommissioning, reclamation, and environmental remediation obligations. The case relates to a substantial number of offshore federal oil and gas leases in the Gulf of Mexico.

Civil Division - United States v. Klamath Drainage District, No. 1:22-cv-00962-CL (D. Or.). The Civil Division sued to legally prevent Klamath Drainage District, a local irrigation district in Klamath Falls, Oregon, from diverting water from the Klamath River without approval from the Bureau of Reclamation.

The Bureau operates a reclamation project in the Klamath River Basin, and the District, through a contract with the Bureau, receives water from the project.

Due to drought conditions during the 2022 irrigation year, the Bureau allocated no water to the District. The District nevertheless diverted water from the river, potentially harming downstream Tribal reserved water rights held for fisheries purposes.

The United States secured a judgment against the District enforcing the contract and legally prohibited further diversions.

Civil Rights Division



Covered sewage ditch in Lowndes County, Alabama. Photo Credit: DOJ/Civil Rights Division

Civil Rights Division - Lowndes County, Alabama. On May 4, 2023, the Civil Rights Division announced an [interim resolution agreement](#) in its first ever Title VI environmental justice investigation. Title VI was created as part of the landmark Civil Rights Act of 1964. It prohibits discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance.

In November 2021, the Division opened its investigation into the Alabama Department of Public Health and the Lowndes County Health Department (collectively ADPH) in Lowndes County, Alabama. The investigation aimed to determine whether ADPH operated its onsite wastewater disposal program in a manner that unlawfully discriminated against Black residents of Lowndes County.

The agreement puts ADPH on a path toward ensuring the development of equitable and safe wastewater disposal and management systems in Lowndes County. The investigation was conducted with the Department of Health and Human Services (HHS) Office for Civil Rights with support from the U.S. Attorney's Office for the Middle District of Alabama.

Civil Rights Division – Houston, Texas. In June 2023, the Division reached a settlement agreement in its environmental justice investigation into the City of Houston's response to illegal dumping in Black and Latino neighborhoods.

The agreement builds upon the City's recently announced One Clean Houston initiative. The comprehensive plan addresses pervasive illegal dumping and its negative impacts on the health, safety, and quality of life of Houston residents.

The agreement memorializes the City's continuing cooperation with the Department of Justice as it takes these new steps to combat illegal dumping and develops improved waste management services for residents.

In July 2022, the Department launched its investigation after it received a civil rights complaint. The complaint, filed on behalf of Houston residents, alleged that the City discriminated against Black and Latino residents of the Trinity/Houston Gardens neighborhood in northeast Houston in violation of Title VI.

The Department's 10-month investigation focused on Houston's efforts to address illegal dumping, a persistent and pervasive problem that occurs more often in the City's Black and Latino neighborhoods. In March 2023, the city announced its One Clean Houston initiative. One Clean Houston focuses on rapid cleanup, better enforcement, and prevention and education.

Along with confirming the City's commitment to One Clean Houston, the agreement establishes the following:

- A three-year period of federal monitoring and data reporting;
- A Title VI training program for certain City employees;
- A community outreach initiative that includes a plan to reach residents with limited English proficiency; and
- A commitment to evaluate additional strategies to combat commercial sources of illegal dumping and reduce burdensome restrictions residents face in using waste depositories.



Straight piping sewage to ditch behind home in Lowndes County, Alabama. Photo Credit: DOJ/Civil Rights Division

“TODAY THE JUSTICE DEPARTMENT IS TAKING ACTION IN FEDERAL COURT TO ADDRESS LONG-STANDING FAILURES IN THE CITY OF JACKSON’S PUBLIC DRINKING WATER SYSTEM.”

“THE DEPARTMENT OF JUSTICE TAKES SERIOUSLY ITS RESPONSIBILITY TO KEEP THE AMERICAN PEOPLE SAFE AND TO PROTECT THEIR CIVIL RIGHTS. TOGETHER WITH OUR PARTNERS AT EPA, WE WILL CONTINUE TO SEEK JUSTICE FOR THE RESIDENTS OF JACKSON, MISSISSIPPI. AND WE WILL CONTINUE TO PRIORITIZE CASES IN THE COMMUNITIES MOST BURDENED BY ENVIRONMENTAL HARM.”

**ATTORNEY GENERAL
MERRICK B. GARLAND**

Environment and Natural Resources Division (ENRD)

ENRD - DCP Operating Company. In July 2022, a [settlement](#) required DCP Operating Company (DCP) to pay a \$3.25 million civil penalty for alleged violations of leak detection and repair requirements in federal and state clean air laws. DCP will also implement an enhanced Leak Detection and Repair program, and a mitigation project to reduce emissions of harmful air pollutants at eight facilities in Colorado. Several facilities are in disproportionately impacted communities.

ENRD - Jackson, Mississippi. ENRD attorneys filed a Safe Drinking Water Act [lawsuit](#) on behalf of EPA and negotiated an interim order with City and State officials to name a court-appointed manager and begin to stabilize the Jackson, Mississippi drinking water system.

ENRD - Denka Performance Elastomer, LLC (Denka). ENRD attorneys in collaboration with the U.S. Attorney’s Office for the Eastern District of Louisiana filed a Clean Air Act [lawsuit](#) on behalf of EPA and sought immediate action by Denka to curb hazardous chloroprene emissions from its plant in LaPlace, Louisiana.

Children under 16 are particularly vulnerable to chemicals leading to cancer, such as chloroprene. Denka’s chloroprene emissions reached over 300 young children who attended the 5th Ward Elementary School, located around 450 feet from Denka’s facility.

Approximately 1,200 children who attend East St. John High School, located roughly a mile-and-a-half north of Denka, were also exposed to the emissions.

ENRD - The Williams Companies, Inc., MPLX LP, and WES DJ Gathering LLC f/k/a Kerr-McGee Gathering LLC. ENRD secured [settlements](#) in April 2023 with three natural gas processors. The companies are required to pay a combined \$9.25 million in civil penalties and make improvements at 25 gas processing plants and 91 compressor stations to resolve violations of the Clean Air Act’s Leak Detection and Repair requirements.

Children, the elderly, and those working or exercising outdoors have a higher risk of being harmed from breathing ozone. These settlements will reduce harmful air pollution and improve air quality in 12 states, including in communities disproportionately impacted by pollution, and in Indian Country.

ENRD - BP Products North America Inc. In May 2023, ENRD secured a [settlement](#) to reduce benzene and other hazardous air pollutants at BP Products’ Whiting Refinery in Indiana. The refinery is surrounded by communities with environmental justice concerns.

Benzene is known to cause cancer in humans. Short-term inhalation exposure to benzene also may cause drowsiness, dizziness, headaches, irritation, and, at high levels, unconsciousness. Long-term inhalation exposure can cause various blood disorders.

DOJ and EPA recovered a record-setting penalty for a single source under the Clean Air Act. A single stationary source of air pollution may include factories, refineries, or power plants, that emit air pollutants. The defendant was also directed to spend \$5 million to reduce diesel emissions in four EJ communities to improve air quality.

United States Attorneys' offices (USAOs)

Civil and criminal prosecutors in the 94 United States Attorneys' offices and their partners have secured, during the first year of the Strategy:

- A 12-month split sentence for a dust-examiner and fines and restitution from a coal company that submitted false coal dust samples in [Kentucky](#). Respirable coal dust causes “black lung” disease in coal workers. Black lung disease leads to lung failure, but it is preventable by reducing miners' exposure to respirable coal dust (E.D.K.Y.);
- Criminal charges against three companies and 11 individuals in a scheme to disable the emissions control systems of semi-trucks in [Michigan](#) (W.D. Mich.);
- An agreement with a nationwide seller of unregistered antimicrobial household products targeted at lower-income customers who face disproportionate environmental burdens, imposing injunctive relief and a \$1.5 million civil penalty in [New York](#) (S.D.N.Y.);
- Indictments for dumping construction waste into the wetlands of [Puerto Rico](#) (D.P.R., ENRD, and FBI);
- A guilty plea from a wastewater hauling business that discharged industrial waste into the Jackson sewer system, in [Mississippi](#) (S.D. Miss. and FBI);
- An agreement from the City of New York to clean up radioactive materials on city-owned property in [Queens, New York](#) (E.D.N.Y.);
- Indictments for selling contaminated grape juice to the National School Lunch Program in [Yakima, Washington](#) (E.D. Wash.); and
- Felony convictions for mismanagement of an industrial waste landfill in [Alloy, West Virginia](#) (S.D. W. Va.).

Case Type Highlight: Lead Paint

As EPA has explained, millions of people, especially those living in poorly maintained buildings, continue to be exposed to lead at home and in other buildings where lead-based paint is found in deteriorating condition. Many of these people also live in communities that have environmental justice concerns. Judicial enforcement of EPA and the Department of Housing and Urban Development (HUD) lead paint regulations can be an important tool for protecting people, particularly children, from harmful lead exposure.

The lead regulations include:

- EPA and HUD Lead Disclosure Rules, which require the disclosure of lead-based paint hazards during residential property transactions. 40 C.F.R. Part 745, Subpart F (EPA); 24 C.F.R. Part 35, Subpart A (HUD); and
- EPA's Renovation, Repair, and Painting (RRP) Rule and HUD's Lead Safe Housing Rule (LSHR), which require lead-safe work practices when housing is renovated, repaired, or painted. 40 C.F.R. Part 745, Subpart E; 24 C.F.R. Part 35, Subparts B-R.

EPA and HUD do important work in this area, including grantmaking, compliance assistance, and administrative enforcement. DOJ can also seek judicial enforcement to stop the harms to communities whose children are exposed to lead-based paint. ENRD is engaging U.S. Attorneys' offices to conduct investigations. Further, ENRD is exploring creative remedies that could advance environmental justice.

ENRD has had multiple conversations with representatives from EPA, HUD, and the U.S. Attorneys' offices to discuss enforcement priorities and case development resources.

ENRD has also discussed ways that the agencies can collaborate to use a whole-of-government approach to share resources when policy goals are aligned but resources may be limited.

Lead Paint (continued)

It will take time to build a docket of cases. But there are already examples of lead paint efforts by ENRD, the U.S. Attorney's Office for the Southern District of Indiana (S.D. Ind.), the Civil Division, the U.S. Attorney's Office for the Southern District of New York (S.D.N.Y.), and the Civil Rights Division:

- ENRD and EPA recently secured important EJ remedies in Chicago and its suburbs, through [settlements](#) with Logan Square Aluminum Supply Inc. The settlements resolved alleged violations of the RRP Rule at renovation projects performed by Logan Square and its contractors. As part of its settlements with the United States, Logan Square agreed to perform \$2 million of lead-based paint abatement work in lower income properties located in the Chicago area, focused on communities with a higher incidence of childhood lead poisoning.

- S.D.N.Y., working closely with HUD and EPA, is implementing a settlement agreement and monitorship with New York City's public housing agency. The settlement requires the agency, home to roughly 400,000 lower-income residents, to follow lead paint safety regulations and other health and safety requirements. S.D.N.Y. is also investigating lead paint safety and other health and safety issues in housing owned by private landlords, including HUD- subsidized housing.

- HUD's Office of Inspector General (OIG), EPA, and S.D. Ind. secured a 16-month sentence for a contractor who violated federal lead paint safety laws when renovating low- and median-income housing in Indianapolis, Indiana.

- In the upcoming fiscal year, the Civil Rights Division will develop a framework for addressing lead exposure in underserved communities through coordination with ENRD, EPA, and HUD. The framework will establish a process for collaboration and employing legal authorities the Civil Rights Division has for identifying adversely impacted communities.

Evaluating adverse effects on EJ communities during investigations.

Under the Investigating EJ Impacts in Civil and Criminal Cases Workstream, OEJ works with DOJ components to help federal investigative agencies assess EJ impacts during their investigations of legal violations. The group also improves interagency information sharing and coordination for enforcement work affecting overburdened communities. The work falls within two major categories.

Compile and develop resources and best practices documents to help enforcement agencies identify environmental justice impacts during investigations.

- OEJ created a detailed document to guide DOJ attorneys in developing an outreach plan for cases affecting overburdened communities. The document was reviewed by ENRD, the Community Relations Service, and the Civil Rights Division. OEJ is coordinating with EPA to finalize the document.
- In 2022 and 2023, the Civil Rights Division and ENRD co-sponsored interview skills training for DOJ professional staff to prepare them to engage community members when assessing the EJ impacts of civil rights and environmental violations.
- ENRD's Environmental Crimes Section (ECS) and Law and Policy Section offered trauma-based interview training to prosecutors around the country.
- EPA's Criminal Investigation Division and ECS collaborated on a community impact statement form and prosecutors are beginning to distribute it in cases.

Identify priority enforcement agencies with potential to strengthen their assessment of EJ impacts during investigations and coordination with DOJ.

For example:

- **EPA.** EPA's Office of Enforcement and Compliance Assurance (OECA) has been a key partner in ENRD's environmental enforcement efforts for years. In implementing the Strategy, ENRD has built upon that long history of collaboration. There has been extensive coordination between ENRD and OECA on a range of topics, including developing outreach guidance and materials and use of EPA's EJScreen, a mapping and screening tool, to identify overburdened communities.
- **HUD.** Over the past year, we have had multiple discussions with HUD to facilitate information sharing, discuss investigation priorities, and coordinate efforts across multiple agencies to address lead paint exposure in communities that have environmental justice concerns.

Environmental Justice Coordinators in U.S. Attorneys' offices.

Each of the 94 United States Attorneys' offices has appointed at least one civil or criminal prosecutor to serve as an Environmental Justice Coordinator (EJC).

Tribal environmental justice.

The Strategy recognizes that achieving environmental justice for Tribal populations requires considering the sovereign status of federally recognized Indian Tribes and Alaska Native Villages.

In addition to more familiar environmental and public health issues, environmental justice concerns in Tribal communities may include damage or potential injury to cultural and sacred sites and resources, depletion of fisheries or harm to traditional hunting and gathering areas, impairment of treaty rights, and degradation of water and land resources on or needed to support Tribal homelands or associated rights.

Highlights from the Tribal Environmental Justice Workstream, involving members of ENRD, the Office of Tribal Justice (OTJ), and others, include:

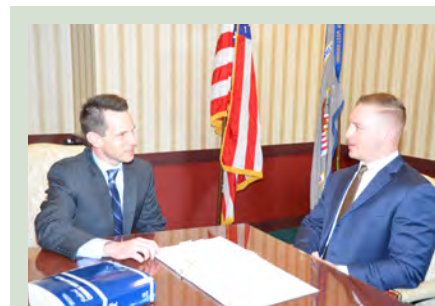
Tribal Consultation. In November 2022, DOJ issued an [updated policy statement on Tribal Consultation](#) to strengthen coordination between DOJ and Tribes regarding DOJ policies that have Tribal implications.

ENRD/OTJ Tribal Strategy. In 2022, ENRD and OTJ launched a strategy to work with Tribal government representatives, including technical and legal experts, to explore how DOJ can identify and prioritize affirmative litigation involving Tribal environmental justice issues.

The Tribal outreach strategy kicked off with a side event to the 2022 White House Tribal Leaders Summit, as ENRD and OTJ co-hosted a Tribal Listening Session focused on Tribal water rights, Tribal treaty rights related to protection of natural resources, and Tribal climate adaptation plans.

OEJ Liaison. The Office of Tribal Justice designated a formal Tribal Liaison to OEJ. This collaboration connects OEJ with Tribes and facilitates the government-to-government relationship regarding environmental justice issues.

Additional Tribal related engagements are discussed in the [community outreach section](#).



Max Nogay (right), the first Environmental Justice Coordinator for the U.S. Attorney's Office for the Northern District of West Virginia, and U.S. Attorney Bill Inhlenfeld (left), as featured in the [local press](#), on Max's appointment.

Photo Credit: DOJ/The U.S. Attorney's Office for the Northern District of West Virginia

U.S. Attorneys' offices EJCs

91 United States Attorneys' offices have also stood up environmental justice community reporting systems to improve community members' ability to inform local government representatives about concerns.

The reporting procedures encourage citizens to report their concerns about public health, safety, or environmental matters to United States Attorneys' offices and partner agencies such as EPA.

Environmental enforcement taskforces.

Environmental enforcement taskforces are effective ways of focusing and coordinating enforcement efforts. DOJ has participated in several active taskforces.

The Environmental Enforcement Taskforces Workstream has identified and launched several efforts to encourage participation in taskforces, encourage existing taskforces to incorporate environmental justice principles, and establish and reinvigorate taskforces where they do not exist or have become inactive.

Environmental Enforcement Exchanges. The Taskforces Workstream has been engaged in research and collaboration on the potential for starting and supporting regional “Environmental Enforcement Exchanges.”

The Exchanges would be scaled-up taskforces, bringing together participants from across individual districts and states within geographic regions with shared and similar environmental enforcement and environmental justice issues.

Reinvigorating Existing Taskforces. The workstream is also identifying opportunities to assist U.S. Attorneys’ offices in starting, restarting, or expanding district-level environmental crimes taskforces. In collaboration with EPA’s Criminal Investigation Division, the workstream compiled a list of existing taskforces and their membership. Workstream participants are gathering information on whether and how the taskforces have been or could be used to advance EJ.

More concretely, the team is working to help re-start the Detroit-area environmental crimes taskforce or a state-wide environmental crimes taskforce. Their partners include the U.S. Attorney’s Office for the Eastern District of Michigan (both its Environmental Justice Coordinator and its Environmental Crimes Coordinator) and EPA’s Criminal Investigation Division, along with the Western District of Michigan. The workstream’s goal is to hold a meeting in early fall.

Active Environmental Crimes Taskforces. ENRD’s Environmental Crimes Section has worked to incorporate environmental justice principles into its work and advance environmental justice by:

- Supporting and participating in Environmental Crimes Taskforces nationwide, including in the Western District of Virginia, Tennessee, Ohio, and a brand new federal environmental crimes taskforce in [Puerto Rico and the U.S. Virgin Islands](#).
- Speaking with our USAO counterparts and law enforcement partners about environmental justice in various forums, including a New York City Environmental Crimes Taskforce meeting and the February 2023 Tennessee Environmental Crimes Summit.

Federal Bureau of Investigation (FBI)

In 2022, the FBI established a nationwide initiative to combat federal environmental crimes, especially related to corruption, financial crime, and organized crime.

The FBI has joined or formed six environmental taskforces with EPA across the United States, including the environmental crimes taskforce in [Puerto Rico and the U.S. Virgin Islands](#). To expand its case portfolio, the FBI strengthened relationships with federal, state, and local partners through working groups and taskforces, and conducted trainings that have reached over 600 FBI employees.

ENRD’s Environmental Crimes Section has also worked with the FBI on training and increasing visibility related to environmental crimes investigations. Overall, these efforts have contributed to an increase in operational successes.

Additional FBI environmental crime successes are highlighted under the [USAO Enforcement Actions section](#).

Interagency Relationship Building.

Effective communication and collaboration among federal agencies are essential to the whole-of-government effort to advance EJ. ENRD continues to expand its collaboration with EPA's Office of Enforcement and Compliance Assurance, as well as other EPA offices. In addition, DOJ has coordinated with other federal agencies that have regulatory, enforcement, cleanup, or restoration authorities that can contribute to providing timely and effective remedies for environmental violations, contamination, and injury to natural resources in overburdened communities. For example:

- The Civil Rights Division continues to lead the Environmental Justice Title VI Workgroup of the White House Environmental Justice Interagency Council.

These meetings have been critical to coordination, collaboration, and information sharing among senior federal civil rights staff who provide federal financial assistance for programs and activities related to the environment and public health.

The workgroup meets monthly and includes EPA, HUD, HHS, and the Departments of Agriculture, Energy, Homeland Security, and Transportation.

- The Civil Rights Division gathered key staff from EPA, HUD, and the Department of Transportation to determine the best approach for communicating to recipients of our funding that compliance with civil rights laws is required in addition to compliance with environmental laws.
- ENRD's Environmental Defense Section, Natural Resources Section, Law and Policy Section, and Appellate Section continue to identify National Environmental Policy Act (NEPA) best practices. The group will discuss its recommendations with the NEPA Workgroup of the White House Environmental Justice Interagency Council as well as an interagency group of federal career attorneys that ENRD, along with EPA's Office of General Counsel, first organized in 2011 to discuss legal issues that arise with respect to environmental justice.
- ENRD continues to collaborate with HUD and EPA surrounding lead paint and on areas of mutual concern.
- The Community Relations Service met with the Director of EPA's Conflict Prevention and Resolution Center (CPRC) to discuss a pilot project for CPRC that would increase capacity to address environmental justice concerns and aid impacted communities.

*“EPA AND THE JUSTICE
DEPARTMENT’S PARTNERSHIP
TO PROTECT OVERBURDENED
AND UNDERSERVED
COMMUNITIES ACROSS
AMERICA HAS NEVER BEEN
STRONGER.”*

EPA ADMINISTRATOR REGAN,
on the launch of the Comprehensive
Environmental Justice Enforcement
Strategy.
May 5, 2022

In the first year of the Strategy, DOJ also advanced environmental justice in the defensive context. ENRD began to develop a coordinated approach to consulting with agency clients across the federal family on rulemakings and other agency actions that addressed environmental justice concerns. This counseling work, led by ENRD's Law and Policy Section, helped to ensure that rulemakings and agency actions were defensible and consistent with the Strategy.

ENRD's Environmental Defense Section continues to hold meetings with EPA's Office of Enforcement and Compliance Assurance to build better operating procedures. ENRD also created a cross-section workgroup to create best practices for considering and addressing environmental justice issues that arise in ENRD's diverse defensive docket.

This includes identifying and considering environmental justice concerns raised by plaintiffs and impacted communities across the range of defensive cases.

The following case example from the Civil Division also highlights EJ in the defensive context.

- ***Ak-Chin Indian Community v. Maricopa-Stanfield Irrigation and Drainage District, No. 20-cv-00489-PHX-JJT (D. Ariz.)***. The Civil Division is litigating to protect the Bureau of Reclamation's contractual obligations for provision of water, benefiting Native American communities and other entitled water recipients.

An Arizona Indian Tribe sued two irrigation districts for allegedly degrading the water that the Ak-Chin Tribe is entitled to receive under federal law by pumping groundwater into the Santa Rosa Canal.

The court joined the United States to the litigation under 43 U.S.C. § 390uu because contracts between the Bureau of Reclamation and the two irrigation districts were at issue in the litigation. After joinder, the Civil Division filed crossclaims against the districts, seeking a declaratory judgment that the Bureau of Reclamation's contracts with the districts do not permit them to pump groundwater into the canal and that, even if pumping is permitted, the districts cannot violate Ak-Chin's right to water suitable for agricultural use.

PRINCIPLE 2: Make strategic use of all available legal tools to address environmental justice concerns.

In the first year of the Strategy, the Department used various enforcement authorities and tools to remedy environmental violations and contamination. These tools include enforcement actions under environmental protection, civil rights, worker safety, and consumer protection laws, and the False Claims Act, and appropriate settlement tools such as Supplemental Environmental Projects (SEPs).

Pursuit of timely and effective remedies in enforcement matters.

The Department will continue to incorporate more mitigation and SEPs into settlements. SEPs are environmentally beneficial projects that are strongly connected to the alleged violations and are not otherwise required by law.

Examples of tailored remedies include those in the [Logan Square Aluminum Supply, Inc.](#), lead paint case and the SEPs in the [BP Whiting](#) case.

Logan Square must now ensure that its contractors are certified and trained to use lead-safe work practices. The company will also pay a \$400,000 penalty and perform \$2 million of lead-based paint abatement work in lower-income properties located in Chicago and Chicago suburbs in communities with a higher incidence of childhood lead poisoning.

The BP Whiting case secured a settlement in Indiana to reduce benzene and other hazardous air pollutants. The company will undertake a \$5 million supplemental environmental project to reduce diesel emissions in the communities surrounding its Whiting Refinery. A citizens' advisory group in each community will help identify the projects.

Use of Title VI and other civil rights authorities.

The Civil Rights Division advanced Title VI civil rights investigations focused on allegations of discriminatory treatment related to environmental, public health, and quality of life issues. [The Enforcement Actions](#) section lists several cases demonstrating the Civil Rights Division's use of Title VI and other civil rights authorities.

During the first year of the Strategy, the Division also named a formal [Civil Rights Liaison](#) to OEJ.

“AS WE REFLECT ON THE DEPARTMENT’S EFFORTS TO ADVANCE ENVIRONMENTAL JUSTICE DURING THE FIRST YEAR OF THE STRATEGY, THE ATTORNEY GENERAL’S RESTORATION OF SUPPLEMENTAL ENVIRONMENTAL PROJECTS IS SIGNIFICANT BECAUSE THESE ARE IMPORTANT SETTLEMENT TOOLS TO ADDRESS HARMS TO OVERBURDENED AND UNDERSERVED COMMUNITIES.”

**DIRECTOR
CYNTHIA M. FERGUSON,
DOJ’S OFFICE OF
ENVIRONMENTAL JUSTICE**

The Division will continue to identify new opportunities for Title VI investigations and Statements of Interest, which permit DOJ to attend to the interests of the United States in any case pending in a federal court, as well as how best to use other civil rights authorities such as the Fair Housing Act.

The Civil Rights Division will also continue to organize and participate in listening sessions and conferences with EJ advocates and federal agencies. Additionally, the Division intends to continue its leadership role on the White House Environmental Justice Interagency Council's Title VI Workgroup.

In addition to the Civil Rights Division's and the Civil Rights workstream's EJ efforts noted above, more than 10 civil rights engagements are listed in the [training](#) and [outreach](#) sections.

Civil Division enforcement.

The Civil Division has effectively used its enforcement tools to address environmental and public health issues affecting communities. Under [Enforcement Actions](#) there are examples of cases that show the Division's work under the Strategy. The Civil Division has also expanded its efforts by sharing with other DOJ Divisions and Offices information about civil authorities that could advance EJ and training USAOs to use the False Claims Act to promote EJ.

Development of trainings and other environmental justice materials.

The Department has engaged attorneys, professional staff, and the public through presentations, and webinar discussions. These engagements have included the development of, and participation in, the following:

- In September 2022, ENRD offered intensive EJ training to its incoming Honors Attorneys. It will become part of our core training for new attorneys.
- In December 2022, ENRD offered an EJ course during the Civil Trial Advocacy training at the National Advocacy Center on the University of South Carolina's campus.
- Beginning in October 2022, OEJ and the Executive Office for U.S Attorneys hosted monthly EJ trainings for the Department's Environmental Justice Coordinators, covering such topics as: how to be an EJ Coordinator (based on the experiences of EJ Coordinators in ENRD over the past decade), community outreach best practices, and EPA's EJ mapping tool, EJScreen.



Vanessa Waldref (right), U.S. Attorney for the Eastern District of Washington and the Chair of the EJ & Environmental Issues Subcommittee for the Attorney General's Advisory Committee, and Todd Kim (left), U.S. DOJ Assistant Attorney General, ENRD. Photo Credit: Michael Vacca

- ENRD, the Executive Office for U.S. Attorneys, and the Chair of the EJ & Environmental Issue Subcommittee for the Attorney General's Advisory Committee (U.S. Attorney for the Eastern District of Washington) co-hosted an EJ orientation for EJ Coordinators in the U.S. Attorneys' offices in August 2022.
- The Community Relations Service (CRS) has integrated EJ into its training and outreach to expand the component's ability to address community concerns. The Training and Program Development team is creating an EJ module for CRS' New Conciliator Training. In addition to other duties, Conciliation Specialists often lead facilitated dialogues to increase mutual understanding among parties, identify issues and solutions, and develop actions. The module will ensure all new Conciliation Specialists are prepared to address EJ issues as a regular part of their work.
- At the National Advocacy Center, EJ training was provided to the USAO Civil Chiefs in February and March 2023, and to the USAO Appellate Chiefs in May 2023.
- ENRD's Environmental Defense Section held an EJ training for its staff.
- ENRD also incorporated EJ in a training for State Attorneys General staff.
- The Civil Rights Division has participated in or organized 10 trainings and presentations since May 2022. These engagements include:
 - American Bar Association's Section on Environment, Energy, and Resources Conference Presentation with EJ leadership from EPA and Department of Energy.

- o Government Alliance on Race and Equity (GARE) Webinar on Title VI of the Civil Rights Act, Environmental Justice, and Transit Equity.
 - o American Bar Association’s Section on Environment, Energy, and Resources and Civil Rights Section Panel Discussion with environmental justice advocates and EPA.
 - o National Environmental Justice Conference and Training Program. The Division coordinated and moderated the panel discussion on Federal agency Title VI enforcement efforts.
- OEJ created a stock EJ PowerPoint presentation to assist USAOs in external trainings.
 - CRS developed an EJ fact sheet to help communities determine how CRS can support conflicts that involve environmental issues.
 - OEJ participated in a training for the [U.S. Trustees Program](#) and DOJ Association of Black Attorneys.
 - CRS developed a presentation, “Conducting Effective Community Outreach to Federally Recognized Tribes,” specifically for outreach to Tribal communities concerned with environmental justice matters.
 - OEJ developed an anticipated DOJ wide EJ survey to assess the Department’s familiarity with EJ.
 - In the coming months, OEJ will lead an EJ segment at an [ENRD Ambassadors Program](#) Training, participate in a State Attorney General training, and facilitate an EJ Screen training for ENRD’s Environmental Crimes Section.

ENRD also worked with DOJ Divisions and Offices including the Civil Division, the Civil Rights Division, and the U.S. Attorney’s Office for the Southern District of New York, to identify high potential civil, civil rights, consumer protection, worker safety, and environmental authorities to address violations in overburdened and underserved communities.

PRINCIPLE 3: Ensure meaningful engagement with impacted communities.

The Department made significant efforts to identify areas of environmental injustice of greatest concern to impacted communities. The Department increased outreach and listening sessions, developed case-specific community outreach plans, and increased coordination with the Community Relations Service.

In over 27 engagements, the Department increased the public’s familiarity with federal environmental laws, enforcement processes, the roles of various government agencies, the available remedies to address environmental harms, and how to report concerns about polluting activities or potential violations of law.

Increased outreach and listening sessions.

DOJ personnel held listening sessions with community leaders in Warren and Sansome Counties, North Carolina; the Detroit/River Rouge area; Houston, Texas; Lowndes County, Alabama; Jackson, Mississippi; and throughout the Northern District of West Virginia (Wheeling/Martinsburg). Several community outreach engagements are highlighted below.

The Environment and Natural Resources Division (ENRD) and the Civil Rights Division Listening Sessions and Outreach

Environmental Justice Title VI Alliance Listening Session. In May 2023, Assistant Attorney Generals (AAGs) Kristen Clarke of the Civil Rights Division and Todd Kim of ENRD, hosted a virtual listening session with Environmental Justice Title VI Alliance, a national coalition of environmental justice and civil rights advocates and attorneys.

Lowndes County, Alabama Listening Session. Additionally, the Civil Rights Division hosted a listening session in Lowndes County, Alabama regarding the Interim Resolution Agreement between DOJ, HHS, and the Alabama Department of Public Health.

Federal Environmental Crimes Outreach. In September 2022, ENRD’s Environmental Crimes Section organized and participated in a Federal Environmental Crimes outreach session, held in River Rouge, Michigan, for community members and advocates in and around Southwest Detroit.

*“WE WILL CONTINUE TO
SEEK JUSTICE FOR AND
PROTECT COMMUNITIES THAT
ARE DISPROPORTIONATELY
BURDENED BY
ENVIRONMENTAL HARMS.”*

**ATTORNEY GENERAL
MERRICK B. GARLAND**

PRINCIPLE 3

The U.S. Attorney’s Office for the Eastern District of Michigan, EPA’s Criminal Investigation Division and Region 5, OEJ, and the Community Relations Service assisted with the outreach.

Houston, Texas Listening Session. In August 2022, AAGs Clarke and Kim and OEJ hosted a listening session in Houston, Texas following the Civil Rights Division’s announcement of a Title VI investigation into Houston’s response to illegal dumping in Black and Brown communities.



Images of items left on the side of the road, in Houston, TX. Photo Credit: DOJ/Civil Rights Division

2023 Environmental Justice Conference. In March 2023, OEJ, the Civil Rights Division, the U.S. Attorney’s Office for the Eastern District of Washington and ENRD’s Indian Resources Section participated in the 2023 Environmental Justice Conference. The group discussed the Department’s implementation of the Strategy, Tribal environmental justice, community outreach, and the U.S. Attorneys’ offices EJ efforts.

Presentations in North Carolina, Oregon, and Washington D.C. In March and April 2023, OEJ and its partners conducted presentations at the University of Oregon Law School, Howard University School of Law, and North Carolina Central School of Law.

OEJ partnered with ENRD’s Environmental Enforcement Section, EPA, and the U.S. Attorney’s Offices for the Eastern District of North Carolina and the District of Columbia. Together with recruitment, the presentations educated the community on the Strategy and requested input on strengthening the Strategy and improving community outreach.

Tribal Listening Sessions and Outreach

Listening Session with Tribal Leaders. In November 2022, coinciding with the White House Tribal Nations Summit, the Office of Tribal Justice (OTJ) and ENRD hosted a listening session for Tribal leaders. The participants focused on how to improve affirmative litigation of cases that impact Tribal homelands and related rights.

February 2023, Defending & Strengthening Tribal Homelands: Climate Adaptation, Resilience and Environmental Justice” Summit. ENRD and OTJ co-hosted the “Defending & Strengthening Tribal Homelands: Climate Adaptation, Resilience and Environmental Justice” summit to discuss collaborative approaches in cases involving Tribal water rights, climate adaptation, and treaty rights. The three-day meeting included opportunities for discussions between federal and Tribal representatives, as well as opportunities for federal and Tribal groups to meet separately, to discuss how federal agencies can improve outcomes in Tribal water rights and treaty rights cases. Participants also discussed how DOJ and other federal agencies can partner with Tribal governments in support of Tribal climate adaptation plans.

Midwest Association of Sovereign Tribes (MAST) Meeting. In March 2023, OTJ spoke about environmental justice at the MAST meeting.

July 2023, Tribal Summit. In July 2023, the Indian Resources Section, OTJ, and the U.S. Attorney’s Office for the Eastern District of Washington hosted a Regional/Federal/Tribal meeting to continue to explore the issues raised at the summit held in February 2023. Tribal nations in the Bureau of Indian Affairs’ Northwest and Rocky Mountain Regions were invited.

Development of case-specific community outreach plans.

Jackson, Mississippi Outreach. The Office of Environmental Justice (OEJ) has worked with EPA, the Community Relations Service, the U.S. Attorney’s Office for the Southern District of Mississippi, and ENRD’s Law and Policy and Environmental Enforcement Sections, to build an outreach strategy for Jackson, Mississippi in support of the [EPA/ENRD Safe Drinking Water Act enforcement action](#) in that city. OEJ has played a central role in developing and carrying out an outreach plan to ensure that Jackson residents and workers have an opportunity to engage in the enforcement process.

The group’s initial outreach goal was to provide enforcement updates and gather community input on the impacts of the crisis.

PRINCIPLE 3

Outreach since the entry of the interim order has sought input on long-term solutions. This community input will inform the federal case team’s work to obtain a consent decree settlement.

OEJ is using this outreach effort, along with ENRD experience and the Community Relations Service trainings, to create and improve outreach protocols and templates for future cases. Doing so will make it easier for other DOJ case teams to do effective community outreach. OEJ and others on the outreach team completed the following outreach tools and activities in Jackson:

- An Outreach Plan identifying goals, strategies, and tactics for case-related outreach.
- A contact list of more than 150 community leaders from faith, business, health, education, and nonprofit stakeholder groups.
- A December 6, 2022, listening session with community leaders, with the goals of providing an enforcement update and gathering input on the impacts of the water crisis.
- A January 2023 meeting with a group of several hundred local business owners to provide an enforcement update.
- Seven in-person events in March 2023, with almost 180 community leaders from a range of stakeholder groups. At each event, DOJ and EPA gave an enforcement update and then heard from community leaders about their priorities for long term solutions.
- A Community Statement survey to gather written recommendations for long term solutions. The survey is available online and in hard copy form, in both English and Spanish, and has received hundreds of responses for consideration by the case team.



U.S. DOJ and U.S. EPA Community Meeting in Jackson, Mississippi, December 6, 2022. From left: Mitzi Dease Paige, Assistant U.S. Attorney, S.D. Miss.; Todd Kim, U.S. DOJ Assistant Attorney General, ENRD; Darren LaMarca, U.S. Attorney, S.D. Miss.; and Carol Kemker, Acting Deputy Regional Administrator U.S. EPA Region 4. Photo Credit: DOJ/ENRD

Increased coordination with the Community Relations Service.

The Community Relations Service (CRS) worked extensively to increase its coordination with other offices within the Department. Staff members attend the Department's EJ work group bimonthly meeting and supports outreach. It serves on the OEJ work group which is working on an EJ data mapping project. This endeavor aims to create further transparency regarding incidents, efforts, and results across the country.

CRS partnered with OEJ and served as the keynote speaker for the Executive Office for U.S Attorneys' convening of all 94 environmental justice coordinators. From this event, many attendees reached out to CRS for further assistance and engagement.

CRS also has worked extensively outside the Department. The office worked with EPA Region 7's Heartland Environmental Justice Work Group and supported a special project for the Community Outreach Workstream working group on relevant programs at key law schools in the U.S.

CRS partnered with ENRD and EPA in several communities to work in the Northern District of Indiana. In Cahokia Heights, Illinois, CRS worked to address the needs of communities of color disparately impacted by environmental pollution. Staff consulted with ENRD and EPA on developing an outreach plan to ensure that communications reach all members of the diverse community. At a Superfund site in Kellogg, Idaho, CRS facilitated a dialogue between community members and the EPA to discuss community concerns, available EPA grant programs and technical assistance.

CRS has also worked with ENRD, EPA, and USAOs to connect with community members in Jackson, Mississippi; the Navajo Nation in Arizona; and community leaders in Salinas, Puerto Rico, to learn more about their environmental justice-related concerns.

To better understand the effectiveness of its environmental justice-related work, CRS in coordination with OEJ, developed an evaluation form for environmental justice dialogues.

Along with the work listed above, the office supported trainings by creating an EJ module for its New Conciliator Training, an EJ factsheet, and a presentation for Tribal outreach.

*“OUR ACCOMPLISHMENTS
OVER THE PAST YEAR
CONFIRM THAT ADVANCING
ENVIRONMENTAL JUSTICE
IS CORE TO THE JUSTICE
DEPARTMENT’S MISSION.
ALL AMERICANS, NO MATTER
WHERE THEY LIVE OR WORK,
DESERVE THE PROTECTION OF
FEDERAL LAWS PROTECTING
CLEAN AIR, CLEAN WATER,
WORKER SAFETY, AND QUALITY
OF LIFE.”*

**ASSOCIATE ATTORNEY
GENERAL
VANITA GUPTA**

PRINCIPLE 4: Promote transparency regarding environmental justice enforcement efforts and their results.

The Strategy affirmed that communities with EJ concerns should be able to easily access information about enforcement actions and the benefits achieved under the Strategy. While enforcement work sometimes requires confidentiality, the Department has implemented several steps described below to hold ourselves accountable.

Development of performance standards.

Year One Performance Measures

The Office of Environmental Justice (OEJ) developed new performance measures by including metrics from the [DOJ Strategic Plan](#) and creating original metrics for the workstreams based on some of the relevant information from the Strategic Plan.

Under the Strategic Plan, DOJ identified metrics for the United States Attorneys' offices (USAOs), Community Relations Service (CRS), the Civil Rights Division, and the Environment and Natural Resources Division (ENRD) to advance environmental justice.

OEJ then reviewed the workstream goals and objectives, and ultimately identified quantitative and qualitative measures to assess progress and gain a deeper understanding of the impact of our work. The external metrics are shown below.

The Comprehensive Environmental Justice Enforcement Strategy’s Performance Measures

Annual Performance Measure(s)	Lead Component(s)
<u>DOJ Strategic Plan Performance Measure(s)</u>	
1. Number of Environmental Justice Coordinators designated.	USAO
2. Percent of environmental enforcement matters in or substantially affecting overburdened and underserved communities that are favorably resolved.	ENRD
3. Number of matters that address adverse environmental and public health effects brought under civil rights statutes.	Civil Rights Division
4. Percent of participants in CRS facilitated environmental justice programs who perceive stronger community capacity to address alleged inequities.	Community Relations Service
Community Outreach (Non - Case Specific Outreach) Performance Measure(s)	
5. Percent of participants in OEJ-facilitated environmental justice events who indicate an increased awareness of DOJ’s efforts to advance environmental justice so that they can provide feedback on the Department’s efforts or use that awareness to advance their environmental justice work.	ENRD/OEJ
Training Performance Measure(s)	
6. Percent of trainees (or recipients of materials) who indicate an increased awareness and capacity to identify and address environmental justice concerns.	ENRD/OEJ
7. Number of trainings offered.	ENRD/OEJ
8. Number of participants at the trainings.	ENRD/OEJ

Tracking Progress.

To increase transparency regarding work under the Strategy, OEJ has taken several steps. OEJ regularly updates the [OEJ website](#) with press releases that DOJ Divisions and Offices issue about cases, judgments, settlements, and remedies secured under the Strategy. DOJ Divisions and Offices also tag press releases with relevant EJ cases or updates on their websites. OEJ also marked the one-year anniversary of the office and Strategy by issuing a [fact sheet](#) on May 5, 2023, outlining DOJ's efforts to advance environmental justice.

Updating the Strategy.

OEJ received external correspondence concerning the Strategy via mail and online surveys developed in collaboration with ENRD's Executive Office. Comments and recommendations include:

- Revising the Strategy to directly address how environmental justice can be prioritized in DOJ's defensive work and ensure that DOJ's involvement with climate litigation, in which it is not a party, is consistent with its environmental justice directives.
- Engaging, educating, and informing community leaders to ensure that EJ cases are brought to the Department's attention.
- Creating a strategy for communicating beyond listservs and channels to reach those with limited access to the Internet and certain technology.
- Increasing training of federal and state agencies regarding the implications of not enforcing laws pertaining to environmental and public health issues, and the overall cost to human health due to inaction.
- Defining meaningful stakeholder engagement.
- Continuing to tailor community outreach and capacity-building to the cultural context and needs of each community.

OEJ will continue to request feedback on the Strategy and, in collaboration with the Environmental Justice Enforcement Steering Committee, recommend any necessary adjustments to the Strategy.

Presidential Documents

Executive Order 14008 of January 27, 2021

Tackling the Climate Crisis at Home and Abroad

The United States and the world face a profound climate crisis. We have a narrow moment to pursue action at home and abroad in order to avoid the most catastrophic impacts of that crisis and to seize the opportunity that tackling climate change presents. Domestic action must go hand in hand with United States international leadership, aimed at significantly enhancing global action. Together, we must listen to science and meet the moment.

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

PART I—PUTTING THE CLIMATE CRISIS AT THE CENTER OF UNITED STATES FOREIGN POLICY AND NATIONAL SECURITY

Section 101. Policy. United States international engagement to address climate change—which has become a climate crisis—is more necessary and urgent than ever. The scientific community has made clear that the scale and speed of necessary action is greater than previously believed. There is little time left to avoid setting the world on a dangerous, potentially catastrophic, climate trajectory. Responding to the climate crisis will require both significant short-term global reductions in greenhouse gas emissions and net-zero global emissions by mid-century or before.

It is the policy of my Administration that climate considerations shall be an essential element of United States foreign policy and national security. The United States will work with other countries and partners, both bilaterally and multilaterally, to put the world on a sustainable climate pathway. The United States will also move quickly to build resilience, both at home and abroad, against the impacts of climate change that are already manifest and will continue to intensify according to current trajectories.

Sec. 102. Purpose. This order builds on and reaffirms actions my Administration has already taken to place the climate crisis at the forefront of this Nation's foreign policy and national security planning, including submitting the United States instrument of acceptance to rejoin the Paris Agreement. In implementing—and building upon—the Paris Agreement's three overarching objectives (a safe global temperature, increased climate resilience, and financial flows aligned with a pathway toward low greenhouse gas emissions and climate-resilient development), the United States will exercise its leadership to promote a significant increase in global climate ambition to meet the climate challenge. In this regard:

(a) I will host an early Leaders' Climate Summit aimed at raising climate ambition and making a positive contribution to the 26th United Nations Climate Change Conference of the Parties (COP26) and beyond.

(b) The United States will reconvene the Major Economies Forum on Energy and Climate, beginning with the Leaders' Climate Summit. In cooperation with the members of that Forum, as well as with other partners as appropriate, the United States will pursue green recovery efforts, initiatives to advance the clean energy transition, sectoral decarbonization, and alignment of financial flows with the objectives of the Paris Agreement, including with respect to coal financing, nature-based solutions, and solutions to other climate-related challenges.

(c) I have created a new Presidentially appointed position, the Special Presidential Envoy for Climate, to elevate the issue of climate change and underscore the commitment my Administration will make toward addressing it.

(d) Recognizing that climate change affects a wide range of subjects, it will be a United States priority to press for enhanced climate ambition and integration of climate considerations across a wide range of international fora, including the Group of Seven (G7), the Group of Twenty (G20), and fora that address clean energy, aviation, shipping, the Arctic, the ocean, sustainable development, migration, and other relevant topics. The Special Presidential Envoy for Climate and others, as appropriate, are encouraged to promote innovative approaches, including international multi-stakeholder initiatives. In addition, my Administration will work in partnership with States, localities, Tribes, territories, and other United States stakeholders to advance United States climate diplomacy.

(e) The United States will immediately begin the process of developing its nationally determined contribution under the Paris Agreement. The process will include analysis and input from relevant executive departments and agencies (agencies), as well as appropriate outreach to domestic stakeholders. The United States will aim to submit its nationally determined contribution in advance of the Leaders' Climate Summit.

(f) The United States will also immediately begin to develop a climate finance plan, making strategic use of multilateral and bilateral channels and institutions, to assist developing countries in implementing ambitious emissions reduction measures, protecting critical ecosystems, building resilience against the impacts of climate change, and promoting the flow of capital toward climate-aligned investments and away from high-carbon investments. The Secretary of State and the Secretary of the Treasury, in coordination with the Special Presidential Envoy for Climate, shall lead a process to develop this plan, with the participation of the Administrator of the United States Agency for International Development (USAID), the Chief Executive Officer of the United States International Development Finance Corporation (DFC), the Chief Executive Officer of the Millennium Challenge Corporation, the Director of the United States Trade and Development Agency, the Director of the Office of Management and Budget, and the head of any other agency providing foreign assistance and development financing, as appropriate. The Secretary of State and the Secretary of the Treasury shall submit the plan to the President, through the Assistant to the President for National Security Affairs and the Assistant to the President for Economic Policy, within 90 days of the date of this order.

(g) The Secretary of the Treasury shall:

(i) ensure that the United States is present and engaged in relevant international fora and institutions that are working on the management of climate-related financial risks;

(ii) develop a strategy for how the voice and vote of the United States can be used in international financial institutions, including the World Bank Group and the International Monetary Fund, to promote financing programs, economic stimulus packages, and debt relief initiatives that are aligned with and support the goals of the Paris Agreement; and

(iii) develop, in collaboration with the Secretary of State, the Administrator of USAID, and the Chief Executive Officer of the DFC, a plan for promoting the protection of the Amazon rainforest and other critical ecosystems that serve as global carbon sinks, including through market-based mechanisms.

(h) The Secretary of State, the Secretary of the Treasury, and the Secretary of Energy shall work together and with the Export-Import Bank of the United States, the Chief Executive Officer of the DFC, and the heads of other agencies and partners, as appropriate, to identify steps through which the United States can promote ending international financing of carbon-

intensive fossil fuel-based energy while simultaneously advancing sustainable development and a green recovery, in consultation with the Assistant to the President for National Security Affairs.

(i) The Secretary of Energy, in cooperation with the Secretary of State and the heads of other agencies, as appropriate, shall identify steps through which the United States can intensify international collaborations to drive innovation and deployment of clean energy technologies, which are critical for climate protection.

(j) The Secretary of State shall prepare, within 60 days of the date of this order, a transmittal package seeking the Senate's advice and consent to ratification of the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, regarding the phasedown of the production and consumption of hydrofluorocarbons.

Sec. 103. *Prioritizing Climate in Foreign Policy and National Security.* To ensure that climate change considerations are central to United States foreign policy and national security:

(a) Agencies that engage in extensive international work shall develop, in coordination with the Special Presidential Envoy for Climate, and submit to the President, through the Assistant to the President for National Security Affairs, within 90 days of the date of this order, strategies and implementation plans for integrating climate considerations into their international work, as appropriate and consistent with applicable law. These strategies and plans should include an assessment of:

(i) climate impacts relevant to broad agency strategies in particular countries or regions;

(ii) climate impacts on their agency-managed infrastructure abroad (e.g., embassies, military installations), without prejudice to existing requirements regarding assessment of such infrastructure;

(iii) how the agency intends to manage such impacts or incorporate risk mitigation into its installation master plans; and

(iv) how the agency's international work, including partner engagement, can contribute to addressing the climate crisis.

(b) The Director of National Intelligence shall prepare, within 120 days of the date of this order, a National Intelligence Estimate on the national and economic security impacts of climate change.

(c) The Secretary of Defense, in coordination with the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, the Chair of the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Administrator of the National Aeronautics and Space Administration, and the heads of other agencies as appropriate, shall develop and submit to the President, within 120 days of the date of this order, an analysis of the security implications of climate change (Climate Risk Analysis) that can be incorporated into modeling, simulation, war-gaming, and other analyses.

(d) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall consider the security implications of climate change, including any relevant information from the Climate Risk Analysis described in subsection (c) of this section, in developing the National Defense Strategy, Defense Planning Guidance, Chairman's Risk Assessment, and other relevant strategy, planning, and programming documents and processes. Starting in January 2022, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall provide an annual update, through the National Security Council, on the progress made in incorporating the security implications of climate change into these documents and processes.

(e) The Secretary of Homeland Security shall consider the implications of climate change in the Arctic, along our Nation's borders, and to National

Critical Functions, including any relevant information from the Climate Risk Analysis described in subsection (c) of this section, in developing relevant strategy, planning, and programming documents and processes. Starting in January 2022, the Secretary of Homeland Security shall provide an annual update, through the National Security Council, on the progress made in incorporating the homeland security implications of climate change into these documents and processes.

Sec. 104. *Reinstatement.* The Presidential Memorandum of September 21, 2016 (Climate Change and National Security), is hereby reinstated.

PART II—TAKING A GOVERNMENT-WIDE APPROACH TO THE CLIMATE CRISIS

Sec. 201. *Policy.* Even as our Nation emerges from profound public health and economic crises borne of a pandemic, we face a climate crisis that threatens our people and communities, public health and economy, and, starkly, our ability to live on planet Earth. Despite the peril that is already evident, there is promise in the solutions—opportunities to create well-paying union jobs to build a modern and sustainable infrastructure, deliver an equitable, clean energy future, and put the United States on a path to achieve net-zero emissions, economy-wide, by no later than 2050.

We must listen to science—and act. We must strengthen our clean air and water protections. We must hold polluters accountable for their actions. We must deliver environmental justice in communities all across America. The Federal Government must drive assessment, disclosure, and mitigation of climate pollution and climate-related risks in every sector of our economy, marshaling the creativity, courage, and capital necessary to make our Nation resilient in the face of this threat. Together, we must combat the climate crisis with bold, progressive action that combines the full capacity of the Federal Government with efforts from every corner of our Nation, every level of government, and every sector of our economy.

It is the policy of my Administration to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure. Successfully meeting these challenges will require the Federal Government to pursue such a coordinated approach from planning to implementation, coupled with substantive engagement by stakeholders, including State, local, and Tribal governments.

Sec. 202. *White House Office of Domestic Climate Policy.* There is hereby established the White House Office of Domestic Climate Policy (Climate Policy Office) within the Executive Office of the President, which shall coordinate the policy-making process with respect to domestic climate-policy issues; coordinate domestic climate-policy advice to the President; ensure that domestic climate-policy decisions and programs are consistent with the President's stated goals and that those goals are being effectively pursued; and monitor implementation of the President's domestic climate-policy agenda. The Climate Policy Office shall have a staff headed by the Assistant to the President and National Climate Advisor (National Climate Advisor) and shall include the Deputy Assistant to the President and Deputy National Climate Advisor. The Climate Policy Office shall have such staff and other assistance as may be necessary to carry out the provisions of this order, subject to the availability of appropriations, and may work with established or ad hoc committees or interagency groups. All agencies shall cooperate with the Climate Policy Office and provide such information, support, and assistance to the Climate Policy Office as it may request, as appropriate and consistent with applicable law.

Sec. 203. *National Climate Task Force.* There is hereby established a National Climate Task Force (Task Force). The Task Force shall be chaired by the National Climate Advisor.

(a) Membership. The Task Force shall consist of the following additional members:

- (i) the Secretary of the Treasury;
- (ii) the Secretary of Defense;
- (iii) the Attorney General;
- (iv) the Secretary of the Interior;
- (v) the Secretary of Agriculture;
- (vi) the Secretary of Commerce;
- (vii) the Secretary of Labor;
- (viii) the Secretary of Health and Human Services;
- (ix) the Secretary of Housing and Urban Development;
- (x) the Secretary of Transportation;
- (xi) the Secretary of Energy;
- (xii) the Secretary of Homeland Security;
- (xiii) the Administrator of General Services;
- (xiv) the Chair of the Council on Environmental Quality;
- (xv) the Administrator of the Environmental Protection Agency;
- (xvi) the Director of the Office of Management and Budget;
- (xvii) the Director of the Office of Science and Technology Policy;
- (xviii) the Assistant to the President for Domestic Policy;
- (xix) the Assistant to the President for National Security Affairs;
- (xx) the Assistant to the President for Homeland Security and Counterterrorism; and
- (xxi) the Assistant to the President for Economic Policy.

(b) Mission and Work. The Task Force shall facilitate the organization and deployment of a Government-wide approach to combat the climate crisis. This Task Force shall facilitate planning and implementation of key Federal actions to reduce climate pollution; increase resilience to the impacts of climate change; protect public health; conserve our lands, waters, oceans, and biodiversity; deliver environmental justice; and spur well-paying union jobs and economic growth. As necessary and appropriate, members of the Task Force will engage on these matters with State, local, Tribal, and territorial governments; workers and communities; and leaders across the various sectors of our economy.

(c) Prioritizing Actions. To the extent permitted by law, Task Force members shall prioritize action on climate change in their policy-making and budget processes, in their contracting and procurement, and in their engagement with State, local, Tribal, and territorial governments; workers and communities; and leaders across all the sectors of our economy.

USE OF THE FEDERAL GOVERNMENT'S BUYING POWER AND REAL PROPERTY AND ASSET MANAGEMENT

Sec. 204. *Policy.* It is the policy of my Administration to lead the Nation's effort to combat the climate crisis by example—specifically, by aligning the management of Federal procurement and real property, public lands and waters, and financial programs to support robust climate action. By providing an immediate, clear, and stable source of product demand, increased transparency and data, and robust standards for the market, my Administration will help to catalyze private sector investment into, and

accelerate the advancement of America's industrial capacity to supply, domestic clean energy, buildings, vehicles, and other necessary products and materials.

Sec. 205. *Federal Clean Electricity and Vehicle Procurement Strategy.* (a) The Chair of the Council on Environmental Quality, the Administrator of General Services, and the Director of the Office and Management and Budget, in coordination with the Secretary of Commerce, the Secretary of Labor, the Secretary of Energy, and the heads of other relevant agencies, shall assist the National Climate Advisor, through the Task Force established in section 203 of this order, in developing a comprehensive plan to create good jobs and stimulate clean energy industries by revitalizing the Federal Government's sustainability efforts.

(b) The plan shall aim to use, as appropriate and consistent with applicable law, all available procurement authorities to achieve or facilitate:

(i) a carbon pollution-free electricity sector no later than 2035; and

(ii) clean and zero-emission vehicles for Federal, State, local, and Tribal government fleets, including vehicles of the United States Postal Service.

(c) If necessary, the plan shall recommend any additional legislation needed to accomplish these objectives.

(d) The plan shall also aim to ensure that the United States retains the union jobs integral to and involved in running and maintaining clean and zero-emission fleets, while spurring the creation of union jobs in the manufacture of those new vehicles. The plan shall be submitted to the Task Force within 90 days of the date of this order.

Sec. 206. *Procurement Standards.* Consistent with the Executive Order of January 25, 2021, entitled, "Ensuring the Future Is Made in All of America by All of America's Workers," agencies shall adhere to the requirements of the Made in America Laws in making clean energy, energy efficiency, and clean energy procurement decisions. Agencies shall, consistent with applicable law, apply and enforce the Davis-Bacon Act and prevailing wage and benefit requirements. The Secretary of Labor shall take steps to update prevailing wage requirements. The Chair of the Council on Environmental Quality shall consider additional administrative steps and guidance to assist the Federal Acquisition Regulatory Council in developing regulatory amendments to promote increased contractor attention on reduced carbon emission and Federal sustainability.

Sec. 207. *Renewable Energy on Public Lands and in Offshore Waters.* The Secretary of the Interior shall review siting and permitting processes on public lands and in offshore waters to identify to the Task Force steps that can be taken, consistent with applicable law, to increase renewable energy production on those lands and in those waters, with the goal of doubling offshore wind by 2030 while ensuring robust protection for our lands, waters, and biodiversity and creating good jobs. In conducting this review, the Secretary of the Interior shall consult, as appropriate, with the heads of relevant agencies, including the Secretary of Defense, the Secretary of Agriculture, the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, the Secretary of Energy, the Chair of the Council on Environmental Quality, State and Tribal authorities, project developers, and other interested parties. The Secretary of the Interior shall engage with Tribal authorities regarding the development and management of renewable and conventional energy resources on Tribal lands.

Sec. 208. *Oil and Natural Gas Development on Public Lands and in Offshore Waters.* To the extent consistent with applicable law, the Secretary of the Interior shall pause new oil and natural gas leases on public lands or in offshore waters pending completion of a comprehensive review and reconsideration of Federal oil and gas permitting and leasing practices in light of the Secretary of the Interior's broad stewardship responsibilities over the public lands and in offshore waters, including potential climate and

other impacts associated with oil and gas activities on public lands or in offshore waters. The Secretary of the Interior shall complete that review in consultation with the Secretary of Agriculture, the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, and the Secretary of Energy. In conducting this analysis, and to the extent consistent with applicable law, the Secretary of the Interior shall consider whether to adjust royalties associated with coal, oil, and gas resources extracted from public lands and offshore waters, or take other appropriate action, to account for corresponding climate costs.

Sec. 209. *Fossil Fuel Subsidies.* The heads of agencies shall identify for the Director of the Office of Management and Budget and the National Climate Advisor any fossil fuel subsidies provided by their respective agencies, and then take steps to ensure that, to the extent consistent with applicable law, Federal funding is not directly subsidizing fossil fuels. The Director of the Office of Management and Budget shall seek, in coordination with the heads of agencies and the National Climate Advisor, to eliminate fossil fuel subsidies from the budget request for Fiscal Year 2022 and thereafter.

Sec. 210. *Clean Energy in Financial Management.* The heads of agencies shall identify opportunities for Federal funding to spur innovation, commercialization, and deployment of clean energy technologies and infrastructure for the Director of the Office of Management and Budget and the National Climate Advisor, and then take steps to ensure that, to the extent consistent with applicable law, Federal funding is used to spur innovation, commercialization, and deployment of clean energy technologies and infrastructure. The Director of the Office of Management and Budget, in coordination with agency heads and the National Climate Advisor, shall seek to prioritize such investments in the President's budget request for Fiscal Year 2022 and thereafter.

Sec. 211. *Climate Action Plans and Data and Information Products to Improve Adaptation and Increase Resilience.* (a) The head of each agency shall submit a draft action plan to the Task Force and the Federal Chief Sustainability Officer within 120 days of the date of this order that describes steps the agency can take with regard to its facilities and operations to bolster adaptation and increase resilience to the impacts of climate change. Action plans should, among other things, describe the agency's climate vulnerabilities and describe the agency's plan to use the power of procurement to increase the energy and water efficiency of United States Government installations, buildings, and facilities and ensure they are climate-ready. Agencies shall consider the feasibility of using the purchasing power of the Federal Government to drive innovation, and shall seek to increase the Federal Government's resilience against supply chain disruptions. Such disruptions put the Nation's manufacturing sector at risk, as well as consumer access to critical goods and services. Agencies shall make their action plans public, and post them on the agency website, to the extent consistent with applicable law.

(b) Within 30 days of an agency's submission of an action plan, the Federal Chief Sustainability Officer, in coordination with the Director of the Office of Management and Budget, shall review the plan to assess its consistency with the policy set forth in section 204 of this order and the priorities issued by the Office of Management and Budget.

(c) After submitting an initial action plan, the head of each agency shall submit to the Task Force and Federal Chief Sustainability Officer progress reports annually on the status of implementation efforts. Agencies shall make progress reports public and post them on the agency website, to the extent consistent with applicable law. The heads of agencies shall assign their respective agency Chief Sustainability Officer the authority to perform duties relating to implementation of this order within the agency, to the extent consistent with applicable law.

(d) To assist agencies and State, local, Tribal, and territorial governments, communities, and businesses in preparing for and adapting to the impacts of climate change, the Secretary of Commerce, through the Administrator

of the National Oceanic and Atmospheric Administration, the Secretary of Homeland Security, through the Administrator of the Federal Emergency Management Agency, and the Director of the Office of Science and Technology Policy, in coordination with the heads of other agencies, as appropriate, shall provide to the Task Force a report on ways to expand and improve climate forecast capabilities and information products for the public. In addition, the Secretary of the Interior and the Deputy Director for Management of the Office of Management and Budget, in their capacities as the Chair and Vice-Chair of the Federal Geographic Data Committee, shall assess and provide to the Task Force a report on the potential development of a consolidated Federal geographic mapping service that can facilitate public access to climate-related information that will assist Federal, State, local, and Tribal governments in climate planning and resilience activities.

EMPOWERING WORKERS THROUGH REBUILDING OUR INFRASTRUCTURE FOR A SUSTAINABLE ECONOMY

Sec. 212. Policy. This Nation needs millions of construction, manufacturing, engineering, and skilled-trades workers to build a new American infrastructure and clean energy economy. These jobs will create opportunities for young people and for older workers shifting to new professions, and for people from all backgrounds and communities. Such jobs will bring opportunity to communities too often left behind—places that have suffered as a result of economic shifts and places that have suffered the most from persistent pollution, including low-income rural and urban communities, communities of color, and Native communities.

Sec. 213. Sustainable Infrastructure. (a) The Chair of the Council on Environmental Quality and the Director of the Office of Management and Budget shall take steps, consistent with applicable law, to ensure that Federal infrastructure investment reduces climate pollution, and to require that Federal permitting decisions consider the effects of greenhouse gas emissions and climate change. In addition, they shall review, and report to the National Climate Advisor on, siting and permitting processes, including those in progress under the auspices of the Federal Permitting Improvement Steering Council, and identify steps that can be taken, consistent with applicable law, to accelerate the deployment of clean energy and transmission projects in an environmentally stable manner.

(b) Agency heads conducting infrastructure reviews shall, as appropriate, consult from an early stage with State, local, and Tribal officials involved in permitting or authorizing proposed infrastructure projects to develop efficient timelines for decision-making that are appropriate given the complexities of proposed projects.

EMPOWERING WORKERS BY ADVANCING CONSERVATION, AGRICULTURE, AND REFORESTATION

Sec. 214. Policy. It is the policy of my Administration to put a new generation of Americans to work conserving our public lands and waters. The Federal Government must protect America's natural treasures, increase reforestation, improve access to recreation, and increase resilience to wildfires and storms, while creating well-paying union jobs for more Americans, including more opportunities for women and people of color in occupations where they are underrepresented. America's farmers, ranchers, and forest landowners have an important role to play in combating the climate crisis and reducing greenhouse gas emissions, by sequestering carbon in soils, grasses, trees, and other vegetation and sourcing sustainable bioproducts and fuels. Coastal communities have an essential role to play in mitigating climate change and strengthening resilience by protecting and restoring coastal ecosystems, such as wetlands, seagrasses, coral and oyster reefs, and mangrove and kelp forests, to protect vulnerable coastlines, sequester carbon, and support biodiversity and fisheries.

Sec. 215. Civilian Climate Corps. In furtherance of the policy set forth in section 214 of this order, the Secretary of the Interior, in collaboration with the Secretary of Agriculture and the heads of other relevant agencies,

shall submit a strategy to the Task Force within 90 days of the date of this order for creating a Civilian Climate Corps Initiative, within existing appropriations, to mobilize the next generation of conservation and resilience workers and maximize the creation of accessible training opportunities and good jobs. The initiative shall aim to conserve and restore public lands and waters, bolster community resilience, increase reforestation, increase carbon sequestration in the agricultural sector, protect biodiversity, improve access to recreation, and address the changing climate.

Sec. 216. *Conserving Our Nation's Lands and Waters.* (a) The Secretary of the Interior, in consultation with the Secretary of Agriculture, the Secretary of Commerce, the Chair of the Council on Environmental Quality, and the heads of other relevant agencies, shall submit a report to the Task Force within 90 days of the date of this order recommending steps that the United States should take, working with State, local, Tribal, and territorial governments, agricultural and forest landowners, fishermen, and other key stakeholders, to achieve the goal of conserving at least 30 percent of our lands and waters by 2030.

(i) The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, and the Chair of the Council on Environmental Quality shall, as appropriate, solicit input from State, local, Tribal, and territorial officials, agricultural and forest landowners, fishermen, and other key stakeholders in identifying strategies that will encourage broad participation in the goal of conserving 30 percent of our lands and waters by 2030.

(ii) The report shall propose guidelines for determining whether lands and waters qualify for conservation, and it also shall establish mechanisms to measure progress toward the 30-percent goal. The Secretary of the Interior shall subsequently submit annual reports to the Task Force to monitor progress.

(b) The Secretary of Agriculture shall:

(i) initiate efforts in the first 60 days from the date of this order to collect input from Tribes, farmers, ranchers, forest owners, conservation groups, firefighters, and other stakeholders on how to best use Department of Agriculture programs, funding and financing capacities, and other authorities, and how to encourage the voluntary adoption of climate-smart agricultural and forestry practices that decrease wildfire risk fueled by climate change and result in additional, measurable, and verifiable carbon reductions and sequestration and that source sustainable bioproducts and fuels; and

(ii) submit to the Task Force within 90 days of the date of this order a report making recommendations for an agricultural and forestry climate strategy.

(c) The Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, shall initiate efforts in the first 60 days from the date of this order to collect input from fishermen, regional ocean councils, fishery management councils, scientists, and other stakeholders on how to make fisheries and protected resources more resilient to climate change, including changes in management and conservation measures, and improvements in science, monitoring, and cooperative research.

EMPOWERING WORKERS THROUGH REVITALIZING ENERGY COMMUNITIES

Sec. 217. *Policy.* It is the policy of my Administration to improve air and water quality and to create well-paying union jobs and more opportunities for women and people of color in hard-hit communities, including rural communities, while reducing methane emissions, oil and brine leaks, and other environmental harms from tens of thousands of former mining and well sites. Mining and power plant workers drove the industrial revolution and the economic growth that followed, and have been essential to the growth of the United States. As the Nation shifts to a clean energy economy,

Federal leadership is essential to foster economic revitalization of and investment in these communities, ensure the creation of good jobs that provide a choice to join a union, and secure the benefits that have been earned by workers.

Such work should include projects that reduce emissions of toxic substances and greenhouse gases from existing and abandoned infrastructure and that prevent environmental damage that harms communities and poses a risk to public health and safety. Plugging leaks in oil and gas wells and reclaiming abandoned mine land can create well-paying union jobs in coal, oil, and gas communities while restoring natural assets, revitalizing recreation economies, and curbing methane emissions. In addition, such work should include efforts to turn properties idled in these communities, such as brownfields, into new hubs for the growth of our economy. Federal agencies should therefore coordinate investments and other efforts to assist coal, oil and gas, and power plant communities, and achieve substantial reductions of methane emissions from the oil and gas sector as quickly as possible.

Sec. 218. *Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization.* There is hereby established an Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization (Interagency Working Group). The National Climate Advisor and the Assistant to the President for Economic Policy shall serve as Co-Chairs of the Interagency Working Group.

(a) Membership. The Interagency Working Group shall consist of the following additional members:

- (i) the Secretary of the Treasury;
- (ii) the Secretary of the Interior;
- (iii) the Secretary of Agriculture;
- (iv) the Secretary of Commerce;
- (v) the Secretary of Labor;
- (vi) the Secretary of Health and Human Services;
- (vii) the Secretary of Transportation;
- (viii) the Secretary of Energy;
- (ix) the Secretary of Education;
- (x) the Administrator of the Environmental Protection Agency;
- (xi) the Director of the Office of Management and Budget;
- (xii) the Assistant to the President for Domestic Policy and Director of the Domestic Policy Council; and
- (xiii) the Federal Co-Chair of the Appalachian Regional Commission.

(b) Mission and Work.

(i) The Interagency Working Group shall coordinate the identification and delivery of Federal resources to revitalize the economies of coal, oil and gas, and power plant communities; develop strategies to implement the policy set forth in section 217 of this order and for economic and social recovery; assess opportunities to ensure benefits and protections for coal and power plant workers; and submit reports to the National Climate Advisor and the Assistant to the President for Economic Policy on a regular basis on the progress of the revitalization effort.

(ii) As part of this effort, within 60 days of the date of this order, the Interagency Working Group shall submit a report to the President describing all mechanisms, consistent with applicable law, to prioritize grantmaking, Federal loan programs, technical assistance, financing, procurement, or other existing programs to support and revitalize the economies of coal and power plant communities, and providing recommendations for action consistent with the goals of the Interagency Working Group.

(c) Consultation. Consistent with the objectives set out in this order and in accordance with applicable law, the Interagency Working Group shall seek the views of State, local, and Tribal officials; unions; environmental justice organizations; community groups; and other persons it identifies who may have perspectives on the mission of the Interagency Working Group.

(d) Administration. The Interagency Working Group shall be housed within the Department of Energy. The Chairs shall convene regular meetings of the Interagency Working Group, determine its agenda, and direct its work. The Secretary of Energy, in consultation with the Chairs, shall designate an Executive Director of the Interagency Working Group, who shall coordinate the work of the Interagency Working Group and head any staff assigned to the Interagency Working Group.

(e) Officers. To facilitate the work of the Interagency Working Group, the head of each agency listed in subsection (a) of this section shall assign a designated official within the agency the authority to represent the agency on the Interagency Working Group and perform such other duties relating to the implementation of this order within the agency as the head of the agency deems appropriate.

SECURING ENVIRONMENTAL JUSTICE AND SPURRING ECONOMIC OPPORTUNITY

Sec. 219. Policy. To secure an equitable economic future, the United States must ensure that environmental and economic justice are key considerations in how we govern. That means investing and building a clean energy economy that creates well-paying union jobs, turning disadvantaged communities—historically marginalized and overburdened—into healthy, thriving communities, and undertaking robust actions to mitigate climate change while preparing for the impacts of climate change across rural, urban, and Tribal areas. Agencies shall make achieving environmental justice part of their missions by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts. It is therefore the policy of my Administration to secure environmental justice and spur economic opportunity for disadvantaged communities that have been historically marginalized and overburdened by pollution and underinvestment in housing, transportation, water and wastewater infrastructure, and health care.

Sec. 220. White House Environmental Justice Interagency Council. (a) Section 1–102 of Executive Order 12898 of February 11, 1994 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations), is hereby amended to read as follows:

“(a) There is hereby created within the Executive Office of the President a White House Environmental Justice Interagency Council (Interagency Council). The Chair of the Council on Environmental Quality shall serve as Chair of the Interagency Council.

“(b) Membership. The Interagency Council shall consist of the following additional members:

- (i) the Secretary of Defense;
- (ii) the Attorney General;
- (iii) the Secretary of the Interior;
- (iv) the Secretary of Agriculture;
- (v) the Secretary of Commerce;
- (vi) the Secretary of Labor;
- (vii) the Secretary of Health and Human Services;
- (viii) the Secretary of Housing and Urban Development;

- (ix) the Secretary of Transportation;
- (x) the Secretary of Energy;
- (xi) the Chair of the Council of Economic Advisers;
- (xii) the Administrator of the Environmental Protection Agency;
- (xiii) the Director of the Office of Management and Budget;
- (xiv) the Executive Director of the Federal Permitting Improvement Steering Council;
- (xv) the Director of the Office of Science and Technology Policy;
- (xvi) the National Climate Advisor;
- (xvii) the Assistant to the President for Domestic Policy; and
- (xviii) the Assistant to the President for Economic Policy.

“(c) At the direction of the Chair, the Interagency Council may establish subgroups consisting exclusively of Interagency Council members or their designees under this section, as appropriate.

“(d) Mission and Work. The Interagency Council shall develop a strategy to address current and historic environmental injustice by consulting with the White House Environmental Justice Advisory Council and with local environmental justice leaders. The Interagency Council shall also develop clear performance metrics to ensure accountability, and publish an annual public performance scorecard on its implementation.

“(e) Administration. The Office of Administration within the Executive Office of the President shall provide funding and administrative support for the Interagency Council, to the extent permitted by law and within existing appropriations. To the extent permitted by law, including the Economy Act (31 U.S.C. 1535), and subject to the availability of appropriations, the Department of Labor, the Department of Transportation, and the Environmental Protection Agency shall provide administrative support as necessary.

“(f) Meetings and Staff. The Chair shall convene regular meetings of the Council, determine its agenda, and direct its work. The Chair shall designate an Executive Director of the Council, who shall coordinate the work of the Interagency Council and head any staff assigned to the Council.

“(g) Officers. To facilitate the work of the Interagency Council, the head of each agency listed in subsection (b) shall assign a designated official within the agency to be an Environmental Justice Officer, with the authority to represent the agency on the Interagency Council and perform such other duties relating to the implementation of this order within the agency as the head of the agency deems appropriate.”

(b) The Interagency Council shall, within 120 days of the date of this order, submit to the President, through the National Climate Advisor, a set of recommendations for further updating Executive Order 12898.

Sec. 221. *White House Environmental Justice Advisory Council.* There is hereby established, within the Environmental Protection Agency, the White House Environmental Justice Advisory Council (Advisory Council), which shall advise the Interagency Council and the Chair of the Council on Environmental Quality.

(a) Membership. Members shall be appointed by the President, shall be drawn from across the political spectrum, and may include those with knowledge about or experience in environmental justice, climate change, disaster preparedness, racial inequity, or any other area determined by the President to be of value to the Advisory Council.

(b) Mission and Work. The Advisory Council shall be solely advisory. It shall provide recommendations to the White House Environmental Justice Interagency Council established in section 220 of this order on how to increase the Federal Government’s efforts to address current and historic environmental injustice, including recommendations for updating Executive Order 12898.

(c) Administration. The Environmental Protection Agency shall provide funding and administrative support for the Advisory Council to the extent permitted by law and within existing appropriations. Members of the Advisory Council shall serve without either compensation or reimbursement of expenses.

(d) Federal Advisory Committee Act. Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.), may apply to the Advisory Council, any functions of the President under the Act, except for those in section 6 of the Act, shall be performed by the Administrator of the Environmental Protection Agency in accordance with the guidelines that have been issued by the Administrator of General Services.

Sec. 222. Agency Responsibilities. In furtherance of the policy set forth in section 219:

(a) The Chair of the Council on Environmental Quality shall, within 6 months of the date of this order, create a geospatial Climate and Economic Justice Screening Tool and shall annually publish interactive maps highlighting disadvantaged communities.

(b) The Administrator of the Environmental Protection Agency shall, within existing appropriations and consistent with applicable law:

(i) strengthen enforcement of environmental violations with disproportionate impact on underserved communities through the Office of Enforcement and Compliance Assurance; and

(ii) create a community notification program to monitor and provide real-time data to the public on current environmental pollution, including emissions, criteria pollutants, and toxins, in frontline and fenceline communities—places with the most significant exposure to such pollution.

(c) The Attorney General shall, within existing appropriations and consistent with applicable law:

(i) consider renaming the Environment and Natural Resources Division the Environmental Justice and Natural Resources Division;

(ii) direct that division to coordinate with the Administrator of the Environmental Protection Agency, through the Office of Enforcement and Compliance Assurance, as well as with other client agencies as appropriate, to develop a comprehensive environmental justice enforcement strategy, which shall seek to provide timely remedies for systemic environmental violations and contaminations, and injury to natural resources; and

(iii) ensure comprehensive attention to environmental justice throughout the Department of Justice, including by considering creating an Office of Environmental Justice within the Department to coordinate environmental justice activities among Department of Justice components and United States Attorneys' Offices nationwide.

(d) The Secretary of Health and Human Services shall, consistent with applicable law and within existing appropriations:

(i) establish an Office of Climate Change and Health Equity to address the impact of climate change on the health of the American people; and

(ii) establish an Interagency Working Group to Decrease Risk of Climate Change to Children, the Elderly, People with Disabilities, and the Vulnerable as well as a biennial Health Care System Readiness Advisory Council, both of which shall report their progress and findings regularly to the Task Force.

(e) The Director of the Office of Science and Technology Policy shall, in consultation with the National Climate Advisor, within existing appropriations, and within 100 days of the date of this order, publish a report identifying the climate strategies and technologies that will result in the most air and water quality improvements, which shall be made public to the maximum extent possible and published on the Office's website.

Sec. 223. Justice40 Initiative. (a) Within 120 days of the date of this order, the Chair of the Council on Environmental Quality, the Director of the

Office of Management and Budget, and the National Climate Advisor, in consultation with the Advisory Council, shall jointly publish recommendations on how certain Federal investments might be made toward a goal that 40 percent of the overall benefits flow to disadvantaged communities. The recommendations shall focus on investments in the areas of clean energy and energy efficiency; clean transit; affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; and the development of critical clean water infrastructure. The recommendations shall reflect existing authorities the agencies may possess for achieving the 40-percent goal as well as recommendations on any legislation needed to achieve the 40-percent goal.

(b) In developing the recommendations, the Chair of the Council on Environmental Quality, the Director of the Office of Management and Budget, and the National Climate Advisor shall consult with affected disadvantaged communities.

(c) Within 60 days of the recommendations described in subsection (a) of this section, agency heads shall identify applicable program investment funds based on the recommendations and consider interim investment guidance to relevant program staff, as appropriate and consistent with applicable law.

(d) By February 2022, the Director of the Office of Management and Budget, in coordination with the Chair of the Council on Environmental Quality, the Administrator of the United States Digital Service, and other relevant agency heads, shall, to the extent consistent with applicable law, publish on a public website an annual Environmental Justice Scorecard detailing agency environmental justice performance measures.

PART III—GENERAL PROVISIONS

Sec. 301. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget, relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to read "J. R. Biden Jr.", is located in the upper right quadrant of the page.

THE WHITE HOUSE,
January 27, 2021.

[FR Doc. 2021-02177
Filed 1-29-21; 8:45 am]
Billing code 3295-F1-P

Presidential Documents

Title 3—

Executive Order 14096 of April 21, 2023

The President

Revitalizing Our Nation's Commitment to Environmental Justice for All

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to advance environmental justice, it is hereby ordered as follows:

Section 1. Policy. To fulfill our Nation's promises of justice, liberty, and equality, every person must have clean air to breathe; clean water to drink; safe and healthy foods to eat; and an environment that is healthy, sustainable, climate-resilient, and free from harmful pollution and chemical exposure. Restoring and protecting a healthy environment—wherever people live, play, work, learn, grow, and worship—is a matter of justice and a fundamental duty that the Federal Government must uphold on behalf of all people.

We must advance environmental justice for all by implementing and enforcing the Nation's environmental and civil rights laws, preventing pollution, addressing climate change and its effects, and working to clean up legacy pollution that is harming human health and the environment. Advancing environmental justice will require investing in and supporting culturally vibrant, sustainable, and resilient communities in which every person has safe, clean, and affordable options for housing, energy, and transportation. It is also necessary to prioritize building an equitable, inclusive, and sustainable economy that offers economic opportunities, workforce training, and high-quality and well-paying jobs, including union jobs, and facilitating an equitable transition of the workforce as part of a clean energy future. Achieving this vision will also require improving equitable access to parks, tree cover, playgrounds, sports fields, rivers, ponds, beaches, lakes, and all of the benefits provided by nature, including America's public lands and waters. Pursuing these and other objectives integral to advancing environmental justice can successfully occur only through meaningful engagement and collaboration with underserved and overburdened communities to address the adverse conditions they experience and ensure they do not face additional disproportionate burdens or underinvestment.

We have more work to do to make environmental justice a reality for our Nation, both for today and for the generations that will follow us. Even as many communities in the United States have prospered and thrived in recent decades, many other communities have been left behind. Communities with environmental justice concerns face entrenched disparities that are often the legacy of racial discrimination and segregation, redlining, exclusionary zoning, and other discriminatory land use decisions or patterns. These decisions and patterns may include the placement of polluting industries, hazardous waste sites, and landfills in locations that cause cumulative impacts to the public health of communities and the routing of highways and other transportation corridors in ways that divide neighborhoods. These remnants of discrimination persist today. Communities with environmental justice concerns exist in all areas of the country, including urban and rural areas and areas within the boundaries of Tribal Nations and United States Territories. Such communities are found in geographic locations that have a significant proportion of people who have low incomes or are otherwise adversely affected by persistent poverty or inequality. Such communities are also found in places with a significant proportion of people of color,

including individuals who are Black, Latino, Indigenous and Native American, Asian American, Native Hawaiian, and Pacific Islander. Communities with environmental justice concerns also include geographically dispersed and mobile populations, such as migrant farmworkers.

Communities with environmental justice concerns experience disproportionate and adverse human health or environmental burdens. These burdens arise from a number of causes, including inequitable access to clean water, clean air, natural places, and resources for other basic human health and environmental needs; the concentration of pollution, hazardous waste, and toxic exposures; and underinvestment in affordable housing that is safe and healthy and in basic infrastructure and services to support such housing, including safe drinking water and effective sewage management. The cumulative impacts of exposure to those types of burdens and other stressors, including those related to climate change and the environment, further disadvantage communities with environmental justice concerns. People in these communities suffer from poorer health outcomes and have lower life expectancies than those in other communities in our Nation. Moreover, gaps in environmental and human health data can conceal these harms from public view, and, in doing so, are themselves a persistent and pernicious driver of environmental injustice.

Nearly three decades after the issuance of Executive Order 12898 of February 11, 1994 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations), the Federal Government must build upon and strengthen its commitment to deliver environmental justice to all communities across America. Our Nation needs an ambitious approach to environmental justice that is informed by scientific research, high-quality data, and meaningful Federal engagement with communities with environmental justice concerns and that uses the tools available to the Federal Government, including enforcement of civil rights and environmental laws. Our Nation must also take further steps to dismantle racial discrimination and institutional bias that disproportionately affect the health, environment, safety, and resiliency of communities with environmental justice concerns.

To ensure that the Nation's policies and investments respond to the needs of every community, all people should be afforded the opportunity to meaningfully participate in agency decision-making processes that may affect the health of their community or environment. The Federal Government must continue to remove barriers to the meaningful involvement of the public in such decision-making, particularly those barriers that affect members of communities with environmental justice concerns, including those related to disability, language access, and lack of resources. The Federal Government must also continue to respect Tribal sovereignty and support self-governance by ensuring that Tribal Nations are consulted on Federal policies that have Tribal implications. In doing so, we must recognize, honor, and respect the different cultural practices—including subsistence practices, ways of living, Indigenous Knowledge, and traditions—in communities across America. As our Nation reaffirms our commitment to environmental justice, the Federal Government must continue to be transparent about, and accountable for, its actions.

It is the policy of my Administration to pursue a whole-of-government approach to environmental justice. This order builds upon my Administration's ongoing efforts to advance environmental justice and equity consistent with Executive Order 13985 of January 20, 2021 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government), Executive Order 13990 of January 20, 2021 (Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis), Executive Order 14008 of January 27, 2021 (Tackling the Climate Crisis at Home and Abroad), Executive Order 14052 of November 15, 2021 (Implementation of the Infrastructure Investment and Jobs Act), Executive Order 14057 of December 8, 2021 (Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability), Executive Order 14082 of September 12,

2022 (Implementation of the Energy and Infrastructure Provisions of the Inflation Reduction Act of 2022), and Executive Order 14091 of February 16, 2023 (Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government). This order also supplements the foundational efforts of Executive Order 12898 to address environmental justice. In partnership with State, Tribal, territorial, and local governments, as well as community organizations, businesses, and members of the public, the Federal Government will advance environmental justice and help create a more just and sustainable future for all.

Sec. 2. Definitions. As used in this order:

(a) “Agency” means an executive agency as defined by 5 U.S.C. 105, excluding the Government Accountability Office and independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

(b) “Environmental justice” means the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people:

(i) are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and

(ii) have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.

(c) “Federal activity” means any agency rulemaking, guidance, policy, program, practice, or action that affects or has the potential to affect human health and the environment, including an agency action related to climate change. Federal activities may include agency actions related to: assuring compliance with applicable laws; licensing, permitting, and the reissuance of licenses and permits; awarding, conditioning, or oversight of Federal funds; and managing Federal resources and facilities. This may also include such activities in the District of Columbia and the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, and other Territories and possessions of the United States.

(d) “Tribal Nation” means an American Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges as a federally recognized Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 5130, 5131.

Sec. 3. Government-Wide Approach to Environmental Justice. (a) Consistent with section 1–101 of Executive Order 12898 and each agency’s statutory authority, each agency should make achieving environmental justice part of its mission. Each agency shall, as appropriate and consistent with applicable law:

(i) identify, analyze, and address disproportionate and adverse human health and environmental effects (including risks) and hazards of Federal activities, including those related to climate change and cumulative impacts of environmental and other burdens on communities with environmental justice concerns;

(ii) evaluate relevant legal authorities and, as available and appropriate, take steps to address disproportionate and adverse human health and environmental effects (including risks) and hazards unrelated to Federal activities, including those related to climate change and cumulative impacts of environmental and other burdens on communities with environmental justice concerns;

(iii) identify, analyze, and address historical inequities, systemic barriers, or actions related to any Federal regulation, policy, or practice that impair

the ability of communities with environmental justice concerns to achieve or maintain a healthy and sustainable environment;

(iv) identify, analyze, and address barriers related to Federal activities that impair the ability of communities with environmental justice concerns to receive equitable access to human health or environmental benefits, including benefits related to natural disaster recovery and climate mitigation, adaptation, and resilience;

(v) evaluate relevant legal authorities and, as available and appropriate, take steps to provide, in consultation with unions and employers, opportunities for workforce training and to support the creation of high-quality and well-paying jobs, including union jobs, for people who are part of communities with environmental justice concerns;

(vi) evaluate relevant legal authorities and, where available and appropriate, consider adopting or requiring measures to avoid, minimize, or mitigate disproportionate and adverse human health and environmental effects (including risks) and hazards of Federal activities on communities with environmental justice concerns, to the maximum extent practicable, and to address any contribution of such Federal activities to adverse effects—including cumulative impacts of environmental and other burdens—already experienced by such communities;

(vii) provide opportunities for the meaningful engagement of persons and communities with environmental justice concerns who are potentially affected by Federal activities, including by:

(A) providing timely opportunities for members of the public to share information or concerns and participate in decision-making processes;

(B) fully considering public input provided as part of decision-making processes;

(C) seeking out and encouraging the involvement of persons and communities potentially affected by Federal activities by:

(1) ensuring that agencies offer or provide information on a Federal activity in a manner that provides meaningful access to individuals with limited English proficiency and is accessible to individuals with disabilities;

(2) providing notice of and engaging in outreach to communities or groups of people who are potentially affected and who are not regular participants in Federal decision-making; and

(3) addressing, to the extent practicable and appropriate, other barriers to participation that individuals may face; and

(D) providing technical assistance, tools, and resources to assist in facilitating meaningful and informed public participation, whenever practicable and appropriate;

(viii) continue to engage in consultation on Federal activities that have Tribal implications and potentially affect human health or the environment, pursuant to Executive Order 13175 of November 6, 2000 (Consultation and Coordination With Indian Tribal Governments), the Presidential Memorandum of January 26, 2021 (Tribal Consultation and Strengthening Nation-to-Nation Relationships), and the Presidential Memorandum of November 30, 2022 (Uniform Standards for Tribal Consultation), and fulfill obligations established pursuant to Executive Order 13007 of May 24, 1996 (Indian Sacred Sites);

(ix) carry out environmental reviews under the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, consistent with the statute and its implementing regulations and through the exercise of the agency's expertise and technical judgment, in a manner that:

(A) analyzes direct, indirect, and cumulative effects of Federal actions on communities with environmental justice concerns;

(B) considers best available science and information on any disparate health effects (including risks) arising from exposure to pollution and

other environmental hazards, such as information related to the race, national origin, socioeconomic status, age, disability, and sex of the individuals exposed; and

(C) provides opportunities for early and meaningful involvement in the environmental review process by communities with environmental justice concerns potentially affected by a proposed action, including when establishing or revising agency procedures under NEPA;

(x) in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and agency regulations, ensure that all programs or activities receiving Federal financial assistance that potentially affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, policies, practices, or methods of administration that discriminate on the basis of race, color, or national origin;

(xi) ensure that the public, including members of communities with environmental justice concerns, has adequate access to information on Federal activities, including planning, regulatory actions, implementation, permitting, compliance, and enforcement related to human health or the environment, when required under the Freedom of Information Act, 5 U.S.C. 552; the Government in the Sunshine Act, 5 U.S.C. 552b; the Clean Air Act, 42 U.S.C. 7401 *et seq.*; the Clean Water Act, 33 U.S.C. 1251 *et seq.*; the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. 11001 *et seq.*; or other environmental statutes with public information provisions;

(xii) improve collaboration and communication with State, Tribal, territorial, and local governments on programs and activities to advance environmental justice;

(xiii) encourage and, to the extent permitted by law, ensure that Government-owned, contractor-operated facilities take appropriate steps to implement the directives of this order;

(xiv) consider ways to encourage and, as appropriate, ensure that recipients of Federal funds—including recipients of block grant funding—and entities subject to contractual, licensing, or other arrangements with Federal agencies advance environmental justice;

(xv) develop internal mechanisms to achieve the goals of this order, including by:

(A) creating performance metrics and other means of accountability;

(B) identifying and dedicating staff, funding, and other resources; and

(C) providing appropriate professional development and training of agency staff; and

(xvi) consistent with section 2–2 of Executive Order 12898, ensure that Federal activities do not have the effect of:

(A) excluding persons, including populations, from participation in Federal activities on the basis of their race, color, or national origin;

(B) denying persons, including populations, the benefits of Federal activities on the basis of their race, color, or national origin; or

(C) subjecting persons, including populations, to discrimination on the basis of their race, color, or national origin.

(b) The Administrator of the Environmental Protection Agency (EPA) shall:

(i) in carrying out responsibilities under section 309 of the Clean Air Act, 42 U.S.C. 7609, assess whether each agency analyzes and avoids or mitigates disproportionate human health and environmental effects on communities with environmental justice concerns; and

(ii) report annually to the Chair of the Council on Environmental Quality (CEQ) and the White House Environmental Justice Interagency Council (Interagency Council) described in section 7 of this order on EPA's Clean

Air Act section 309 reviews regarding communities with environmental justice concerns and provide recommendations on legislative, regulatory, or policy options to advance environmental justice in Federal decision-making.

(c) In carrying out assigned responsibilities under Executive Order 12250 of November 2, 1980 (Leadership and Coordination of Nondiscrimination Laws), the Attorney General shall assess agency efforts to ensure compliance with civil rights laws in programs and activities receiving Federal financial assistance that potentially affect human health or the environment and shall report annually based on publicly available information to the Chair of CEQ regarding any relevant pending or closed litigation.

Sec. 4. Environmental Justice Strategic Plans. (a) No later than 18 months after the date of this order and every 4 years thereafter, each agency shall submit to the Chair of CEQ and make available to the public online an Environmental Justice Strategic Plan.

(b) Each Environmental Justice Strategic Plan shall, based on guidance provided by the Chair of CEQ under section 9 of this order, set forth the agency's vision, goals, priority actions, and metrics to address and advance environmental justice and to fulfill the directives of this order, including through the identification of new staffing, policies, regulations, or guidance documents.

(c) Each Environmental Justice Strategic Plan shall also identify and address opportunities through regulations, policies, permits, or other means to improve accountability and compliance with any statute the agency administers that affects the health and environment of communities with environmental justice concerns. Such measures may include:

(i) increasing public reporting by regulated entities;

(ii) expanding use of pollution measurement and other environmental impact or compliance assessment tools such as fence-line monitoring;

(iii) improving the effectiveness of remedies to provide relief to individuals and communities with environmental justice concerns, such as remedies that penalize and deter violations and promote future compliance, including harm mitigation and corrective action; and

(iv) considering whether to remove exemptions or waivers that may undermine the achievement of human health or environmental standards.

(d) No later than 2 years after the submission of an Environmental Justice Strategic Plan, each agency shall submit to the Chair of CEQ, and make available to the public, an Environmental Justice Assessment that evaluates, based on guidance provided by the Chair of CEQ under section 9 of this order, the effectiveness of the agency's Environmental Justice Strategic Plan. The Environmental Justice Assessment shall include an evaluation of:

(i) the agency's progress in implementing its Environmental Justice Strategic Plan;

(ii) any barriers to implementing the agency's Environmental Justice Strategic Plan; and

(iii) steps taken to address any barriers identified.

(e) An agency's completion of an Environmental Justice Strategic Plan and Environmental Justice Assessment shall satisfy the requirements of section 1–103 of Executive Order 12898.

(f) The Environmental Justice Scorecard established under section 223(d) of Executive Order 14008 shall address agency progress toward achieving the goals outlined in this order and shall include, among other items, a section on agencies' Environmental Justice Strategic Plans and Environmental Justice Assessments.

(g) The Chair of CEQ may request additional periodic reports, information, or evaluations on environmental justice issues from agencies.

(h) Independent regulatory agencies are strongly encouraged to comply with the provisions of this order and to provide a notice to the Chair

of CEQ of their intention to do so. The Chair of CEQ shall make such notices publicly available and maintain a list online of such agencies.

Sec. 5. Research, Data Collection, and Analysis to Advance Environmental Justice. (a) To address the need for a coordinated Federal strategy to identify and address gaps in science, data, and research related to environmental justice, the Director of the Office of Science and Technology Policy (OSTP) shall establish an Environmental Justice Subcommittee of the National Science and Technology Council (Environmental Justice Subcommittee).

(i) The Director of OSTP, in consultation with the Chair of CEQ, shall designate at least two co-chairs of the Environmental Justice Subcommittee and may designate additional co-chairs as appropriate. The membership of the Subcommittee shall consist of representatives of agencies invited by the Director, in consultation with the Chair of CEQ.

(ii) The Environmental Justice Subcommittee and the Interagency Council described in section 7 of this order shall hold an annual summit on the connection of science, data, and research with policy and action on environmental justice.

(iii) The Environmental Justice Subcommittee shall prepare, and update biennially, an Environmental Justice Science, Data, and Research Plan (Research Plan) to:

(A) analyze any gaps and inadequacies in data collection and scientific research related to environmental justice, with a focus on gaps and inadequacies that may affect agencies' ability to advance environmental justice, including through the Environmental Justice Strategic Plans required under section 4 of this order;

(B) identify opportunities for agencies to coordinate with the research efforts of State, Tribal, territorial, and local governments; academic institutions; communities; the private sector; the non-profit sector; and other relevant actors to accelerate the development of data, research, and techniques—including consideration of Indigenous Knowledge—to address gaps and inadequacies in data collection and scientific research that may affect agencies' ability to advance environmental justice;

(C) provide recommendations to agencies on the development and use of science, data, and research to support environmental justice policy and the agency responsibilities outlined in section 3 of this order;

(D) provide recommendations to the Chair of CEQ on data sources to include in the Climate and Economic Justice Screening Tool established pursuant to section 222(a) of Executive Order 14008;

(E) provide recommendations to agencies on ethical standards, privacy protections, and other requirements for the development and use of science, data, and research addressed in the Research Plan, including recommendations with respect to engaging in consultation with and obtaining consent of Tribal Nations; and

(F) provide recommendations to agencies on:

(1) encouraging participatory science, such as research or data collection undertaken by communities or the public, and, as appropriate, integrating such science into agency decision-making processes;

(2) taking steps to ensure or encourage, as appropriate, that collections of data related to environmental justice include data from the Territories and possessions of the United States;

(3) improving the public accessibility of research and information produced or distributed by the Federal Government, including through the use of machine-readable formats, where appropriate;

(4) disaggregating environmental risk, exposure, and health data by race, national origin, income, socioeconomic status, age, sex, disability, and other readily accessible and appropriate categories;

(5) identifying and addressing data collection challenges related to patterns of historical or ongoing racial discrimination and bias;

- (6) analyzing cumulative impacts (including risks) from multiple sources, pollutants or chemicals, and exposure pathways, and accounting for non-chemical stressors and current and anticipated climate change;
- (7) in collaboration with Tribal Nations, as appropriate, collecting, maintaining, and analyzing information on consumption patterns of fish, wildlife, and plants related to subsistence and cultural practices of Tribal and Indigenous populations;
- (8) providing opportunities for meaningful engagement for communities with environmental justice concerns on the development and design of data collection and research strategies relevant to those communities; and
- (9) implementing sections 3–3 and 4–4 of Executive Order 12898 in an efficient and effective manner.

(b) Consistent with sections 3–3 and 4–4 of Executive Order 12898, each agency shall take appropriate steps, considering the recommendations of the Environmental Justice Subcommittee, to promote the development of research and data related to environmental justice, including enhancing the collection of data, supporting the creation of tools to improve the consideration of environmental justice in decision-making, providing analyses of cumulative impacts and risks, and promoting science needed to inform decisions that advance environmental justice.

(c) When conducting research and data collection in furtherance of the directives in this order and Executive Order 12898, agencies shall comply with applicable regulations and directives, including those related to standards of ethics for the protection of human subjects, such as those set forth in Executive Order 12975 of October 3, 1995 (Protection of Human Research Subjects and Creation of National Bioethics Advisory Commission), and the Presidential Memorandum of January 27, 2021 (Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking).

Sec. 6. *Community Notification on Toxic Chemical Releases.* To ensure that the public, including members of communities with environmental justice concerns, receives timely information about releases of toxic chemicals that may affect them and health and safety measures available to address such releases:

(a) Each agency shall report in accordance with sections 301 through 313 of EPCRA after considering applicable EPA guidance and without regard to the Standard Industrial Classification or North American Industry Classification System delineations.

(b) No later than 6 weeks following a release requiring notification by an agency under section 304(a) of EPCRA, the notifying agency shall hold a public meeting providing the information required under section 304(b)(2) of EPCRA, including information on the nature of the release, known or anticipated health risks, and the proper precautions to take as a result. The agency shall provide notice of a public meeting no later than 72 hours after a release.

(c) The Administrator of EPA shall evaluate available legal authorities and consider any additional steps it may require or encourage non-Federal facilities that report releases under EPCRA to undertake in connection with the report.

(d) The Administrator of EPA shall provide the Environmental Justice Subcommittee established by section 5 of this order with an annual report on trends in data in the Toxic Release Inventory established by section 313 of EPCRA to inform the development of the Research Plan required under section 5(a)(iii) of this order.

Sec. 7. *White House Environmental Justice Interagency Council.* (a) Section 1–102(b) of Executive Order 12898, as amended by section 220(a) of Executive Order 14008, and further amended by section 4(b) of Executive Order 14082, creating the White House Environmental Justice Interagency Council, is amended to read as follows:

“(b) Membership. The Interagency Council shall consist of the following additional members:

- (i) the Secretary of State;
- (ii) the Secretary of Defense;
- (iii) the Attorney General;
- (iv) the Secretary of the Interior;
- (v) the Secretary of Agriculture;
- (vi) the Secretary of Commerce;
- (vii) the Secretary of Labor;
- (viii) the Secretary of Health and Human Services;
- (ix) the Secretary of Housing and Urban Development;
- (x) the Secretary of Transportation;
- (xi) the Secretary of Energy;
- (xii) the Secretary of Veterans Affairs;
- (xiii) the Secretary of Homeland Security;
- (xiv) the Administrator of the Environmental Protection Agency;
- (xv) the Director of the Office of Management and Budget;
- (xvi) the Chair of the Council of Economic Advisers;
- (xvii) the Administrator of General Services;
- (xviii) the Executive Director of the Federal Permitting Improvement Steering Council;
- (xix) the Director of the Office of Science and Technology Policy;
- (xx) the Assistant to the President and National Climate Advisor;
- (xxi) the Assistant to the President for Domestic Policy;
- (xxii) the Assistant to the President for Economic Policy;
- (xxiii) the Executive Director of the White House Gender Policy Council;
- (xxiv) the Senior Advisor to the President for Clean Energy Innovation and Implementation; and
- (xxv) other relevant agency heads as determined by the Chair of CEQ.”

(b) Section 1–102(d) of Executive Order 12898, as amended by section 220(a) of Executive Order 14008, is further amended by adding the following sentence at the end: “The Interagency Council shall support and facilitate interagency collaboration on programs and activities related to environmental justice, including the development of materials for environmental justice training to build the capacity of Federal employees to advance environmental justice and to increase the meaningful participation of individuals from communities with environmental justice concerns in Federal activities.”

(c) Section 1–102(g) of Executive Order 12898, as amended by section 220(a) of Executive Order 14008, is amended to read as follows: “Officers. The head of each agency on the Interagency Council shall designate an Environmental Justice Officer within the agency with the authority to represent the agency on the Interagency Council and with the responsibility for leading agency planning and implementation of the agency’s Environmental Justice Strategic Plan, coordinating with CEQ and other agencies, and performing such other duties related to advancing environmental justice as the head of the agency deems appropriate.”

(d) Section 1–102 of Executive Order 12898, as amended by section 220(a) of Executive Order 14008, is further amended by adding the following at the end:

“(h) Memorandum of Understanding. The Interagency Council shall adopt a Memorandum of Understanding among its members that sets forth the objectives, structure, and planned operations of the Interagency Council.

(i) Public meetings. In coordination with the White House Environmental Justice Advisory Council, the Interagency Council shall hold at least one public meeting per year. The Interagency Council shall prepare, for public review, a summary of the comments and recommendations discussed at public meetings of the Interagency Council.

(j) Clearinghouse. The Administrator of EPA, in coordination with the Interagency Council, shall, no later than March 31, 2024, establish a public, internet-based, whole-of-government clearinghouse composed of culturally and linguistically appropriate and accessible materials related to environmental justice, including:

(i) information describing the activities of the members of the Interagency Council to address issues relating to environmental justice;

(ii) information on technical assistance, tools, and resources to assist communities with environmental justice concerns in building capacity for public participation;

(iii) copies of training materials developed by the Interagency Council or its members to help individuals and employees understand and carry out environmental justice activities; and

(iv) any other information deemed appropriate by the Administrator, in coordination with the Interagency Council.”

(e) Section 5–5(a) of Executive Order 12898 is amended to read as follows: “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 Interagency Council.”

Sec. 8. *White House Office of Environmental Justice.* (a) The White House Office of Environmental Justice is hereby established within CEQ.

(b) The Office shall be headed by a Federal Chief Environmental Justice Officer, who shall be appointed by the President. The Federal Chief Environmental Justice Officer shall advance environmental justice initiatives, including by coordinating the development of policies, programs, and partnerships to achieve the policies set forth in this order; identifying opportunities for collaboration and coordination with State, Tribal, territorial, and local governments; supporting the Interagency Council; and advising the Chair of CEQ and the Interagency Council on environmental justice matters.

(c) The heads of all agencies shall cooperate with the Federal Chief Environmental Justice Officer and provide such information, support, and assistance as the Federal Chief Environmental Justice Officer may request, as appropriate.

Sec. 9. *Guidance.* Within 6 months of the date of this order, the Chair of CEQ shall issue interim guidance, in consultation with the Interagency Council, to inform agency implementation of this order, and shall request recommendations on the guidance from the White House Environmental Justice Advisory Council established by Executive Order 14008 (Advisory Council). To reduce redundancy and streamline reporting obligations, the interim guidance shall identify ways for agencies to align other related efforts, such as obligations that agencies may have under Executive Order 13985 and Executive Order 14008. Within 18 months of the date of this order, the Chair of CEQ shall issue final guidance after considering any recommendations of the Advisory Council. The Chair of CEQ may revise any guidance, or issue additional guidance under this order, as appropriate, and shall consider any additional recommendations made by the Advisory Council in issuing or revising guidance under this section.

Sec. 10. *Reports to the President.* Within 1 year of the date for the submission of agency Environmental Justice Strategic Plans to the Chair of CEQ under

section 4(a) of this order, the Chair shall, after consultation with the Inter-agency Council and after considering recommendations from the Advisory Council, submit to the President a report that describes the implementation of this order, includes each agency's Environmental Justice Strategic Plan, provides recommendations for additional steps to advance environmental justice, and, beginning with the second report, also provides any insights gathered from each agency's Environmental Justice Assessment required under section 4(d) of this order.

Sec. 11. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
April 21, 2023.