



**Environmental Justice  
Annual Implementation Progress Report**

**February 11, 2012**

**U.S. Department of Agriculture  
Washington, D.C.**



In fulfillment of the obligations outlined in the Memorandum of Understanding (MOU) on Environmental Justice and Executive Order 12898, the U.S. Department of Agriculture (USDA) has completed this annual implementation progress report. The report outlines USDA's past and ongoing commitments to environmental justice, including participation in interagency collaboration. Pursuant to the MOU, the report also outlines the Department's recent efforts to revise its Environmental Justice Strategy, respond to associated public comments, and chart implementation progress through performance measures.

## **Background**

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and the enforcement of environmental laws, regulations, and policies. Historically, low-income, minority and indigenous populations have carried some of the greatest human health and environmental burdens. In 1994, Executive Order 12898 was issued in order to focus Federal attention on the environmental and human health conditions in these communities with the goal of achieving environmental justice. Government agencies are required under the Executive Order to assess the potential for disproportionately high and adverse human health impacts from actions taken by the Federal government. Thus, the U.S. Government is committed to addressing concerns with how environmental problems disproportionately affect poor and marginalized communities in the United States and around the world.

Environmental justice calls for the need for full participation of all communities as equal partners in environmental decisionmaking, including needs assessment, planning implementation, enforcement and evaluation. USDA was one of the first Federal agencies identified in the Executive Order from 1994 to address the issue of environmental justice due to the broad sweep of the Department's agencies with respect to the environment. Given that USDA programs touch almost every American every day, the Department is well positioned to lead in this effort.

Since 1994, we have learned how to better realize healthy and sustainable communities in environmentally overburdened communities. In addition to making environments safe and clean from pollution, Federal agencies also have an affirmative role in coordinating their efforts to provide overburdened communities with access to environmental, public health and economic benefits that contribute to healthy and prosperous communities. Today, environmental justice at USDA refers to meeting the needs of underserved communities by reducing disparate environmental burdens, removing barriers to participation in decisionmaking, and increasing access to environmental benefits that help make all communities safe, vibrant, and healthy places to live and work.

## **Interagency Environmental Justice Efforts**

On September 22, 2010, the Environmental Justice Interagency Working Group led by the Council on Environmental Quality (CEQ) and the Environmental Protection Agency (EPA) reconvened for the first time in more than a decade. Cabinet members and agency representatives including Attorney General Eric Holder, EPA Administrator Lisa Jackson, CEQ Chair Nancy Sutley, U.S. Department of Health and Human Services Secretary



Kathleen Sebelius, U.S. Department of Labor Secretary Hilda Solis, U.S. Department of the Interior Secretary Ken Salazar, and U.S. Department of Housing and Urban Development Secretary Shaun Donovan, were in attendance to speak about their Department's existing and future environmental justice activities. USDA was represented by Under Secretary of Natural Resources and Environment Harris Sherman. Mr. Sherman reaffirmed USDA's commitment to environmental justice and highlighted a Forest Service partnership with Eden Place Nature Center, built on a former brownfield site in Chicago, as an example of USDA's ongoing work in support of environmental justice communities.

On December 15, 2010, the Interagency Working Group participated in the first White House Forum on Environmental Justice. Environmental justice leaders from across the country attended the day-long event. Chair Sutley, Administrator Jackson, Attorney General Holder, Secretary Salazar, Secretary Solis, Secretary Sebelius, and Secretary Napolitano each gave brief remarks throughout the day to illustrate the Obama Administration's commitment to ensuring all Americans have strong Federal protection from environmental and health hazards. USDA Interagency Working group representatives participated in this forum.

Following the forum, the Interagency Working Group held several meetings to reinvigorate the provisions of the executive order on environmental justice. In August 2011, USDA Secretary Thomas J. Vilsack signed a MOU on environmental justice along with 16 other Federal department and agency heads, intended to give agencies the appropriate support and momentum needed to move forward with environmental justice activities. Among other responsibilities, the MOU outlined the requirements that each Federal agency review and update existing environmental justice strategies "where applicable and as the agency deems appropriate," and provide annual implementation progress reports.

### **Revising USDA's Environmental Justice Strategy**

Building on momentum from the White House Forum, and in response to the needs outlined in the Interagency MOU, Under Secretary Sherman convened a meeting of key leadership from each mission area within USDA to form an environmental justice working group at the Department. The Departmental Working Group immediately set to the task of reviewing the Department's 1994 Strategy and revising the plan to reflect contemporary issues and opportunities.

USDA's previous strategy outlined three goals to achieve environmental justice within the Department. The first goal was to issue a Departmental Regulation establishing USDA's environmental justice plan. The second was to incorporate environmental justice principles and objectives into all relevant USDA programs, policies, and systems. The third goal was to ensure effective implementation of USDA's Environmental Justice Strategy. This approach helped to ensure that environmental justice principles and objectives were part of the day-to-day activities of USDA operations.

By integrating environmental justice into Departmental programs rather than creating new and costly programs and systems, USDA was able to effectively and efficiently meet many of the principles and objectives of environmental justice. Key accomplishments since 1994 include



establishment of the USDA Civil Rights Assessment and Implementation teams, development of the Environmental Justice Department Regulation, and the making of a host of environmental justice investments through USDA program and loan activities.

Despite these many accomplishments, the USDA environmental justice working group concluded that further work in support of environmental justice should be undertaken by the Department. Through working across agencies within the Department, the working group updated and expanded the Department’s Environmental Justice Strategy in limited but important ways. A draft of the new strategy was posted for public comment in December 2011. The group identified six goals related to expanding opportunities, capacity building, public participation, civil rights, employee training, and updating regulations that will guide the Department’s work on environmental justice moving forward.

**Public Comments on USDA’s Draft Environmental Justice Strategy**

USDA received nearly 100 comments reflecting diverse perspectives and valuable suggestions on the Department’s Draft Environmental Justice Strategy. Many commenters suggested that the Department add additional guidance and specific measurable performance goals to the strategy. Agencies within USDA have been tasked with developing metrics to ascertain increased participation in their technical and financial assistance programs pursuant to the Strategy’s first goal. Other commenters raised concerns over implementation costs and changes in USDA programs. USDA acknowledges these concerns and assures interested constituents that the Department will advance environmental justice goals within the confines of existing laws, funding and authorities. A summary of comments received and the Department’s response is detailed in the following table.

COMMENT	CATEGORY	USDA RESPONSE
On what authority is USDA implementing the Environmental Justice (EJ) Strategy?	Authority	Executive Order (EO) 12898- <i>Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations</i>
Is USDA granting special privileges to EJ communities?	Authority	USDA is addressing implementation of EO 12898 within the confines of existing laws, funding and authorities. The Department’s EJ Strategy supports equal access to technical and financial programs, but does not alter or augment existing approaches for awarding assistance. Whether attributed to real or perceived barriers in communications, decisionmaking, or community capacity, USDA recognizes that certain obstacles may unduly preclude participation in USDA programs. In acknowledging and seeking to address these barriers, USDA affirms its obligation to assure that all Americans have access to the Department’s programs and decisionmaking.



<p>What will the cost be to implement this plan?</p>	<p>Cost</p>	<p>USDA is addressing implementation of EO 12898 within the confines of existing regulations, funding and authorities; no additional costs are anticipated. Many action items identified are currently implemented by USDA agencies through complying with NEPA requirements.</p>
<p>USDA should make certain that State programs accepting Federal funds involve EJ communities where water run-off may affect their shellfish and fishing resources.</p>	<p>Goal 1: Ensure USDA programs provide opportunities for EJ communities</p>	<p>This comment will be forwarded to appropriate agency personnel for review.</p>
<p>Real data should be more easily available by the public for USDA projects.</p>	<p>Goal 3: Expand public participation in program operations, planning activities, and decisionmaking processes to benefit EJ communities</p>	<p>USDA is currently including public participation as part of agency NEPA processes and will ensure that EJ communities are engaged more effectively.</p>
<p>USDA should require that all NRCS programs embrace EJ, especially when their program includes urban watersheds, rivers and Long Island Sound.</p>	<p>Goal 4: Ensure USDA's activities do not have disproportionately high and adverse human health impacts, and resolve EJ issues and complaints</p>	<p>This comment will be forwarded to appropriate agency personnel for review.</p>
<p>Could USDA incorporate health and safety training for farm workers so that their health is not compromised?</p>	<p>Goal 4: Ensure USDA's activities do not have disproportionately high and adverse human health impacts, and resolve EJ issues and complaints</p>	<p>This comment will be forwarded to appropriate agency personnel for review. This comment will also be forwarded to EJ contacts at the Department of Labor.</p>
<p>USDA should acknowledge and account for the role industrial agriculture and Concentrated Animal Feed Operations have played in creating environmental injustices in rural communities.</p>	<p>Goal 4: Ensure USDA's activities do not have disproportionately high and adverse human health impacts, and resolve EJ issues and complaints</p>	<p>This comment will be forwarded to appropriate agency personnel for review.</p>



<p>We commend USDA for including goals and objectives related to access to fresh, healthy food, providing clean drinking water, and reducing exposure to toxic chemicals. USDA should incorporate the need to improve opportunities for physical activity for underserved communities in the strategy.</p>	<p>Goal 1: Ensure USDA programs provide opportunities for EJ communities</p>	<p>Examples of USDA’s work in this arena include efforts with First Lady Obama's <i>Let's Move in Indian Country</i>, healthy food access efforts, and Forest Service’s Urban Youth outreach programs. USDA will continue to look for opportunities to improve access to physical activity for underserved communities as part of the Department's EJ efforts. This comment will also be forwarded to appropriate agency personnel for further review.</p>
<p>USDA should prepare detailed performance measures and implementation guidance in the final USDA strategic plan.</p>	<p>EJ Guidance</p>	<p>USDA's EJ Strategy directs each agency to set appropriate measurements to ascertain increased participation in technical and financial assistance and other programs by EJ communities. Due to the diverse programs offered throughout USDA, the Department has elected to allow each agency to retain and exercise appropriate discretion in determining how best to measure and implement the EJ Strategy.</p>
<p>USDA should clearly explain that whenever a proposed action could have an adverse disproportionate impact on a minority population, a Title VI analysis and an EJ analysis are required.</p>	<p>Goal 4: Ensure USDA's activities do not have disproportionately high and adverse human health impacts, and resolve EJ issues and complaints</p>	<p>USDA's EJ Strategy identifies the inclusion of EJ in civil rights compliance reviews as a key objective. Specifically, the plan directs the Department's agencies to "integrate environmental justice strategies with enforcement responsibilities under Title VI of the Civil Rights Act, especially with recipients of Federal financial assistance."</p>
<p>Alaska Tribes and Tribal Communities of Alaska are not minority populations as noted in the definitions.</p>	<p>Definitions</p>	<p>EO 12898 directs Federal agencies to address EJ in “minority populations” and “low-income populations,” but it does not define those terms. OMB lists American Indian/Alaska Native as a minority group for census purposes. USDA has elected to include Alaskan Native individuals in the definition of “minority” to ensure broad reach of the EJ strategy the definition focuses on individuals, not governing bodies. The inclusion of Alaskan Native individuals in the Department EJ Strategy does not modify the sovereign rights of Tribal governments and associated Federal Government responsibilities.</p>
<p>USDA should present more program information in languages other than English as EO 13166 states.</p>	<p>Goal 3: Expand public participation in program operations, planning activities, and decisionmaking processes to benefit EJ communities</p>	<p>USDA can work with Alaska Native groups and others to obtain interpretive program information. One example of USDA’s activities in this area comes from the area of Food Safety. In March 2011, the Food Safety and Inspection Service began work on the Food Safety in Native Languages project proposal—an effort to translate food safety messages in at least three Native languages for public broadcasting.</p>



<p>RUS should offer culturally appropriate technical assistance for Alaska Native communities focused on grant writing and needs assessments for key RUS programs.</p>	<p>Goal 3: Expand public participation in program operations, planning activities, and decisionmaking processes to benefit EJ communities</p>	<p>This comment will be forwarded to appropriate agency personnel for review.</p>
<p>USDA should provide resources directly to Tribal Governments and Alaska's indigenous peoples for the development of Tribal food policy councils to address the profound issues facing disproportionate environmental impacts and adverse health effects to all Tribal food sources.</p>	<p>Goal 1: Ensure USDA programs provide opportunities for EJ communities</p>	<p>This comment will be forwarded to appropriate agency personnel for review.</p>
<p>USDA should build capacity by granting resources directly to Federally-recognized Tribal Governments and Tribal Consortia similar to the US EPA Indian General Assistance Program</p>	<p>Goal 2: Increase capacity building for EJ communities</p>	<p>USDA is addressing implementation of EO 12898 within the confines of existing regulations, funding and authorities.</p>
<p>USDA should improve access to resources for Tribal governments and indigenous peoples for expanding participation in key decisionmaking and planning activities.</p>	<p>Goal 3: Expand public participation in program operations, planning activities, and decisionmaking processes to benefit EJ communities</p>	<p>USDA's EJ Strategy directs each agency to increase capacity building sessions and develop outreach materials for EJ communities, including American Indian and Alaskan Native individuals, within the confines of existing laws and authorities.</p>
<p>USDA should ensure that Alaska's Tribal communities are involved in the EJ trainings with USDA staff.</p>	<p>Goal 5: Increase the awareness, skills and abilities of USDA employees regarding EJ</p>	<p>This comment will be forwarded to appropriate agency personnel for review.</p>
<p>USDA should strengthen its commitment to racial equality by ensuring timely adjudication of civil rights claims brought under Title VI of the Civil Rights Act and creating equitable access to resources and programs.</p>	<p>Goal 4: Ensure USDA's activities do not have disproportionately high and adverse human health impacts, and resolve EJ issues and complaints</p>	<p>USDA affirms its commitment to addressing and adjudicating civil rights claims in a timely and effective manner.</p>



<p>USDA should leverage existing programs and create regulations that support local and sustainable agriculture by incorporating pollution control, conservation, and environmental stewardship requirements in its contracts, loans, and grant programs.</p>	<p>Goal 4: Ensure USDA's activities do not have disproportionately high and adverse human health impacts, and resolve EJ issues and complaints</p>	<p>USDA is addressing implementation of EO 12898 within the confines of existing regulations, funding and authorities. Many current USDA programs require environmental stewardship by participants, including compliance associated with NEPA, the Endangered Species Act, the National Historic Preservation Act, CERCLA and others.</p>
<p>USDA should develop a plan to address food insecurity in urban and rural EJ communities in its EJ plan strategy, and it should expand innovative programs such as the Healthy Food Financing Initiative.</p>	<p>Goal 3: Expand public participation in program operations, planning activities, and decisionmaking processes to benefit EJ communities</p>	<p>This comment will be forwarded to appropriate agency personnel for their review.</p>
<p>USDA should revise its definition of "rural" to include extremely disadvantaged EJ communities that live in rural areas. USDA should leverage its rural and sustainable development programs to the fullest extent possible to correct persistent infrastructure inequalities and unemployment in rural and Tribal EJ communities.</p>	<p>Goal 1: Ensure USDA programs provide opportunities for EJ communities</p>	<p>This comment will be forwarded to appropriate agency personnel for their review.</p>
<p>USDA's strategy should include commitments to intra- and interagency collaborations that will maximize impact and support holistic efforts to achieve EJ.</p>	<p>All goals</p>	<p>USDA affirms its sustained commitment to Interagency (and supporting intragency) EJ efforts consistent with the MOU on EO 12898 signed in August, 2011</p>





## Implementation Progress

While USDA's Environmental Justice Strategy has only recently been finalized, the departmental working group has been advancing many of the performance measures identified in the strategy, including auditing existing training, communications, and regulations and identifying and prioritizing improvements to better serve environmental justice communities. Each agency within USDA has also identified a Senior-Executive-Service level leader who will serve as the agency's point of contact and principal leadership to support implementation of the Environmental Justice Strategy moving forward.

The departmental working group is working with USDA agencies to develop measurements of increased participation in technical and financial assistance and other programs by environmental justice communities. The effort will help the Department better quantify and track environmental justice programs across agencies. While each agency implements systems for meeting these new tracking goals, several agencies are able to share early examples from their work. These examples offer a glimpse of the diverse activities happening across agencies at USDA to improve access to technical and financial assistance programs for environmental justice communities.

- The Natural Resources Conservation Service's Strike Force Initiative in the states of Mississippi, Arkansas, and Georgia has identified 137 impoverished counties for workshops and other products to increase awareness of conservation programs and practices. The effort, which has provided over \$5 million in conservation support and technical assistance, has generated a 196 percent increase in contracts through the Environmental Quality Incentives Program, and the enrollment of over 254,111 acres.
- USDA has deployed the Intertribal Technical Assistance Network that works through the Office of Tribal Relations in the Office of the Secretary. The network ensures that Tribal governments, communities, and individuals are receiving technical assistance that will improve their access to programs and services. Many of these communities face unique land tenure issues, high unemployment and teen suicide rates, and failing water and sewer systems. The Network works with all Tribal governments across the United States.
- The Animal and Plant Health Inspection Service (APHIS) has launched an initiative with the Rural Coalition (Coalición)—an alliance of regionally and culturally diverse organizations working to build a more just and sustainable food system. The effort aims to bring fair returns to minority and other small farmers and rural communities, ensure just and fair working conditions for farm workers, protect the environment, and deliver safe and health food to consumers. APHIS will enter into a cooperative agreement with the Coalition for assistance in conducting outreach to small socially disadvantaged farmers and ranchers as well as support for regulatory review. The Rural Coalition will enter into subcontracts with the National Latino Farmers and Ranchers and Trade Association and National American Hmong Inc. to assist with these efforts.
- The Forest Service committed over \$264,000 in fiscal year (FY) 2011 to support the Urban Waters Federal Partnership—an interagency initiative involving USDA, the



Departments of Interior and Housing and Urban Development, and the EPA. Research demonstrates that a clean safe, accessible environment—including urban forests, gardens, parks, lakes, aquifers and rivers—is directly linked to improved public health, stronger local economies, greater neighborhood cohesion and lower crime rates. With the Forest Service’s support, the Maryland Department of Natural Resources is using \$75,000 to provide 14 urban youth green jobs in Baltimore City’s Summer Jobs Program, where their work will consist of urban watershed restoration. Additional efforts in Denver, Colorado, and northwest Indiana are underway.

- The Food Safety and Inspection Service’s (FSIS) Office of Outreach, Employee Education, and Training has conducted extensive outreach to underserved populations, including outreach targeted to minority farmers, food processors, and retailers. In 2011 FSIS signed a MOU with American Indian Science and Engineering Society—a group that has worked to substantially increase American Indian and Alaska Native representation in science, technology, engineering and math fields. The MOU seeks to increase the number of American Indians entering FSIS career positions and internships from Tribal colleges and universities. FSIS also worked with tribes and Tribal organization requesting information for slaughter and meat processing facilities in 2011, including Kiowa Native Farms, LLC; Wind River Arapahoe Tribe of Wyoming, First American Natural Good, LLC; Picuris Pueblo of New Mexico, Poarch Creek Indian Tribe of Alabama, Isleta Pueblo, Acoma, Zuni and the Navajo Nation.
- Through the Socially Disadvantaged Farmers and Ranchers Program, the Farm Service Agency (FSA) has increased program outreach in persistent poverty counties, leveraging over \$100,000 in FY 2011 to create outreach toolkits for FSA staff and develop partnerships with University Extension Services and key community partners.
- National Agricultural Statistics Service has maintained a close working relationship with over 50 community-based organizations, land-grant institution extension program specialists, Tribal members, and other outreach entities in order to better ensure that farmers and ranchers from every race, ethnicity, and gender are represented on the Census of Agriculture. These grassroots outreach partners often work with and serve socially disadvantaged producers that are not familiar with the programs and services that USDA and other departments have to offer—extending outreach to underserved producers on a host of USDA programs and tools.
- Agricultural Marketing Service (AMS) has been working with the town of Selma, Alabama, and Tuskegee University to provide technical assistance in designing a meat processing facility for research, teaching and outreach to local small, mid-sized and underserved producers. Follow-up plans are to work with Tuskegee University to increase use of AMS services by small vegetable farmers as they prepare to market product to major local retailers, including Wal-Mart, Sodexo and Whole Foods.