

U.S. DEPARTMENT OF HOMELAND SECURITY



ENVIRONMENTAL JUSTICE ANNUAL IMPLEMENTATION REPORT

FY 2021

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I. Introduction

Executive Order (EO) 12898,¹ *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, requires federal agencies to identify and address, as appropriate, “disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” The U.S. Environmental

Protection Agency (EPA) currently defines environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. These goals will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process in order to have a healthy environment in which to live, learn, and work.”

EO 12898 and an accompanying Presidential Memorandum,² brought federal attention on the disproportionately adverse environmental and human health conditions prevalent in minority communities and low-income communities and directed each federal agency to make environmental justice part of its mission. EO 12898 listed participating federal agencies and directed the EPA to establish a Federal Environmental Justice Interagency Working Group (EJIWG) to provide a forum for federal agencies to collectively advance environmental justice principles. The EJIWG was renamed the Environmental Justice Interagency Council (EJ IAC) in 2021 and oversees many subcommittees. The EJ IAC works as a federal family to increase local community capacity to promote and implement innovative and comprehensive solutions to environmental justice issues. To recommit to address environmental justice through a more collaborative, comprehensive, and efficient process, members of the former EJIWG signed a 1994 Memorandum of Understanding on Environmental Justice and EO 12898 (EJ MOU)³ in August 2011. Although the Department of Homeland Security (Department or DHS) did not exist in 1994 and was not expressly included in the EO, the Department joined 17 other federal agencies in signing the EJ MOU. The EJ MOU focuses on four main areas of interagency focus, which are further advanced through agency Environmental Justice Strategies. The four EJ MOU goals are:

1. implementation of the National Environmental Policy Act (NEPA);
2. implementation of Title VI of the Civil Rights Act of 1964, as amended;

The Department of Homeland Security continues to achieve meaningful results in identifying and addressing environmental justice in the four focus areas outlined in the Department’s 2012 Environmental Justice Strategy.

¹ <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>

² https://www.epa.gov/sites/production/files/2015-02/documents/clinton_memo_12898.pdf

³ The EJ MOU is available at <https://www.epa.gov/sites/production/files/2015-02/documents/ej-mou-2011-08.pdf>. Concurrently with the MOU, the participating agencies issued a *Charter for the Interagency Working Group on Environmental Justice*, available at <http://www.epa.gov/environmentaljustice/resources/publications/interagency/iwg-charter-2011.pdf>.

3. impacts from climate change; and
4. impacts from commercial transportation and supporting infrastructure (i.e., “goods movement”).

Participating federal agencies were tasked with creating an Environmental Justice Strategy to outline agency strategic goals toward meeting the intent of the EJ MOU and EO 12898 and encouraged to report annually on progress towards meeting those goals.

Additionally, in January 2021, President Biden issued three executive orders that strengthen federal agency efforts related to environmental justice:

- Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. January 20, 2021;
- Executive Order 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*. January 20, 2021; and
- Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*. January 27, 2021.

DHS took actions to advance the principles of these new EOs through implementation of the Department’s Environmental Justice Strategy. The following report serves as the Department’s Annual Implementation Report for fiscal year (FY) 2021.

Annual Report Organization

While this report is not all inclusive of the Department’s environmental justice and equity efforts, it provides an overview of DHS programs and policies and its commitment toward achieving the goals set forth in EO 12898, the EJ MOU, and the Department’s 2012 Environmental Justice Strategy. A new Environmental Justice Strategy was signed in May 2021 and covers initiatives through FY 2025. This report will focus primarily on goals outlined in the 2012 Environmental Justice Strategy by highlighting accomplishments in FY 2021. However, this report will also discuss implementation of the FY 2021-2025 strategy and provide an update on meeting the new strategic goals.

***With honor and integrity,
we will safeguard the
American people, our
homeland, and our values.***

II. The Department of Homeland Security and Environmental Justice

Established in 2002 in response to the September 11, 2001 terrorist attack, the Department is headed by the Secretary of Homeland Security. DHS is comprised of 14 Operational and Headquarters Support Components each with a vital mission to secure the nation from the many threats it faces. This requires the dedication of approximately 240,000 employees in jobs that range from aviation and border security and emergency response, to cybersecurity and infrastructure protection. The duties are wide-ranging with a clear goal - keeping America safe.

DHS is comprised of Operational and Headquarters Support Components including:

- Cybersecurity and Infrastructure Security Agency
- U.S. Citizenship and Immigration Services
- U.S. Customs and Border Protection
- U.S. Coast Guard
- Federal Emergency Management Agency
- Federal Law Enforcement Training Centers
- U.S. Immigration and Customs Enforcement
- Transportation Security Administration
- U.S. Secret Service
- Science and Technology Directorate
- Countering Weapons of Mass Destruction Office
- Management Directorate
- Office of Intelligence and Analysis
- Office of Operations Coordination

As explained more fully in the DHS Environmental Justice Strategy⁴ (DHS EJ Strategy), the Department approaches environmental justice through the missions and general strategic framework set forth in the Quadrennial Homeland Security Review⁵ (QHSR). The 2014 QHSR helps outline the vision and goals for the Department while highlighting past accomplishments and informs the Department’s environmental justice priorities. The QHSR compliments the DHS Strategic Plan,⁶ which establishes a common framework to analyze and inform the Department’s management decisions, including strategic guidance, operational requirements, budget formulation, annual performance reporting, and mission execution. The Department executes six overarching missions, all having an environmental justice nexus such as stakeholder engagement and partnerships, operational activities, or internal environmental justice training and literacy. The six mission areas that make up the DHS 2020-2024 Strategic Plan are:

- Counter Terrorism and Homeland Security Threats;
- Secure U.S. Borders and Approaches;
- Secure Cyberspace and Critical Infrastructure;
- Preserve and Uphold the Nation’s Prosperity and Economic Security;
- Strengthen Preparedness and Resilience; and
- Champion the DHS Workforce and Strengthen the Department.

Countering terrorism and homeland security threats and preserving and upholding the nation’s prosperity and economic security includes DHS taking action to secure the nation’s ports for both people and goods moving in and out of the country. Securing U.S. borders and approaches require that DHS maintain a substantial presence along thousands of miles of land and water

⁴ Department of Homeland Security, *Environmental Justice Strategy* (February 2012), available at <http://www.dhs.gov/xlibrary/assets/mgmt/dhs-environmental-justice-strategy.pdf>.

⁵ Department of Homeland Security, *Quadrennial Homeland Security Review Report: A Strategic Framework for a Secure Homeland* (June 2014), available at <http://www.dhs.gov/publication/2014-quadrennial-homeland-security-review-qhsr>.

⁶ <https://www.dhs.gov/publication/department-homeland-securitys-strategic-plan-fiscal-years-2020-2024>

border. Strengthening preparedness and resilience requires DHS to have robust programs for emergency preparedness, mitigation, and response and disaster recovery. Each of these programs and activities has the potential to affect environmental justice communities.

The Department holds five guiding principles⁷ to shape its mission, four of which have relevance to implementation of the DHS environmental justice program:

- Champion “Relentless Resilience” for All Threats and Hazards;
- Reduce the Nation’s Risk to Homeland Security Dangers;
- Promote Citizen Engagement and Strengthen and Expand Trusted Partnerships; and
- Uphold Privacy, Transparency, Civil Rights, and Civil Liberties.

DHS Environmental Justice Program

The DHS Environmental Justice Program is co-led by the Office of the Chief Readiness Support Officer (OCRSO) and the Office for Civil Rights and Civil Liberties (CRCL). This designation is outlined in DHS Directive 023-04, rev. 00, *Environmental Justice*, which establishes policy for the Department's ongoing efforts to incorporate environmental justice principles into its programs, policies, and activities. Additionally, the Directive outlines the roles and responsibilities between OCRSO and CRCL, including the creation of this annual report, and establishes an internal DHS Environmental Justice Working Group.

The Department’s ability to affect environmental justice arises principally through environmental review of the impact of our own operations, financial assistance to state, local, and tribal governments, and through regulatory permitting activities. Recognizing that the incorporation of environmental justice policies may be highly variable across the Department depending on a Component’s mission, the DHS Environmental Justice Program is intended to promote a comprehensive, consistent, and adaptive strategy among our Components through training, good policy, and strong partnerships.

Implementation of the National Environmental Policy Act

Under the NEPA, 42 U.S.C. § 4321 *et seq* and the Council on Environmental Quality (CEQ) implementing regulations at 40 C.F.R. Parts 1500-1508, federal agencies consider the environmental effects of proposed major federal actions with the potential to significantly affect the human environment. The NEPA process provides a framework for considering potential disproportionately high and adverse health and environmental effects on minority populations and low-income populations. NEPA review encompasses analysis of potential effects on the human environment, including human health, economic, and social effects arising from proposed federal actions, and consideration of reasonable alternatives, development of mitigation measures for significant impacts, and public input in federal decision making.

OCRSO provides governance and oversight of environmental planning and historic preservation programs for the Department, including implementation of environmental review procedures

⁷ <https://www.dhs.gov/guiding-principles>

under the NEPA. The Department's NEPA implementing procedures, established in DHS Instruction Manual 023-01-001-01, include public involvement to specifically reach affected minority populations and low-income populations to ensure consideration of environmental justice pursuant to EO 12898, CEQ's guidance for consideration of environmental justice under NEPA, and the DHS EJ Strategy. Environmental assessments and environmental impact statements are published on DHS or Component websites and are compliant with Section 508 of the Rehabilitation Act of 1973.

Implementation of Title VI of the Civil Rights Act of 1964

The Department also has a responsibility under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.* and the DHS implementing regulations at 6 C.F.R. Part 21 and 44 C.F.R. Part 7, to ensure nondiscrimination in the Department's federally assisted programs,⁸ including those that affect human health or the environment. Title VI prohibits discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance from DHS and its Components. Environmental justice issues may arise in programs and activities supported through federal financial assistance. In this context, Title VI is an important tool for addressing those concerns.

In order to ensure adherence to Title VI, and specifically its prohibition against national origin discrimination, recipients of DHS financial assistance must take reasonable steps to provide meaningful access to its programs and activities for limited English proficient (LEP) persons.⁹ LEP persons (i.e., those who have a limited ability to speak, read, write, or understand English) may also be a part of low-income or minority communities that are subject to disproportionately high and adverse environmental effects from federal actions. In carrying out enforcement of Title VI, it is critical for DHS to identify intersections with environmental justice as well as to educate recipients on fulfilling their language access obligations. To that end, integrating LEP persons into environmental justice efforts, such as through multilingual outreach and the regular use of competent interpreters at meetings and in other interactions, supports environmental justice goals and Title VI compliance.

III. DHS 2012 Environmental Justice Strategy Goals and Accomplishments

The first DHS EJ Strategy established in 2012, focused on creating policy, developing broad goals, and identifying environmental justice analysis] and disproportionately high and adverse human health and environmental effects. The 2012 EJ Strategy outlined five goals:

1. Creating a Directive and Instruction on Environmental Justice to outline DHS roles and responsibilities for the various Headquarters and Operational Components in achieving the tasks set out in this strategy.

⁸ <https://www.dhs.gov/resources-recipients-dhs-financial-assistance>

⁹ See, e.g., *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*. 76 Fed. Reg. 21755 (April 18, 2011).

2. Identifying and addressing programs, policies, and activities of the Department that may have disproportionately high and adverse human health or environmental effects on minority, low-income, and tribal populations. A review of existing programs through the Environmental Justice Working Group, through the process of updating NEPA documentation, through Title VI review, and other mechanisms. New programs will consider environmental justice when preparing documentation required by NEPA.
3. Developing compliance and review capacity to test the effectiveness of the requirements in the Directive and Instruction and to measure performance. This includes incorporating environmental justice into compliance reviews under Title VI.
4. Collaborating fully with other agencies on environmental justice related matters, as the need arises.
5. Communicating effectively through active outreach efforts with the public, the academic community, other agencies, and non-federal governmental entities, including government-to-government contact with tribes, to anticipate, understand, and resolve specific issues of concern raised by our activities, including activities designed to adapt to climate change. Communication on initiatives related to environmental justice will implement the DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (http://www.dhs.gov/xabout/laws/gc_1277242893223.shtm, along with multi-lingual summaries), and with the Department's forthcoming language access plan.

The Department's 2012 EJ Strategy committed DHS to the seamless integration of environmental justice principles into its operations through concrete steps and ongoing operational improvements. Departmental accomplishments have been highlighted in publicly available reports going back to 2012.¹⁰ Some examples of Departmental successes achieved in the 2012-2020 timeframe include:

- execution of DHS Directive 023-04;
- creation of an internal DHS working group on environmental justice;
- institutionalization of environmental justice reporting at annual SEP Program Management Reviews;
- publicly posted annual implementation reports since 2011;
- participating in the White House Council on Native American Affairs;
- participating and leadership roles in EJ IWG/IAC subcommittees on NEPA, Title VI, Goods Movement, and Natural Resources;
- establishment of environmental justice considerations within the DHS Environmental Planning and Historic Preservation Decision Support System for evaluating and documenting NEPA compliance for categorically excluded actions;
- implementation of the DHS Civil Rights Evaluation Tool for recipients of DHS financial assistance;

¹⁰ [DHS Environmental Justice Strategy | Homeland Security](#)

- CRCL technical assistance to recipients as part of the DHS Federally Assisted Compliance Program;
- creation of a draft DHS Tribal Consultation Policy;
- review of language access plans and public outreach to environmental justice communities during the COVID pandemic;
- creation of environmental justice training modules within the U.S. Coast Guard Environmental Planning NEPA Warrant Program, CBP, and FEMA required trainings;
- deployment of a FEMA cadre of Civil Rights Advisors to disaster locations to provide technical assistance and guidance on environmental justice considerations in recipient programs and community engagement concerns;
- funding research through a university-led DHS Center of Excellence, the Coastal Resilience Center, to explore ways to further the ability to mobilize universities for post-disaster community recovery in under-resourced communities;
- improving relationships with environmental justice communities before, during, and after natural disasters; and
- assisting indigenous peoples with access to traditional subsistence gathering.

IV. DHS FY 2021-2025 EJ Strategy Creation and Implementation

In January 2021, President Biden issued three executive orders to strengthen federal agency efforts related to environmental justice:

- Executive Order 13985,¹¹ *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. January 20, 2021. EO 13985 calls upon federal agencies to advance equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.
- Executive Order 13990,¹² *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*. January 20, 2021. EO 13990 directs Federal agencies to immediately review, and take action to address: Federal regulations promulgated and other actions taken during the last four years that conflict with national objectives to improve public health and the environment; ensure access to clean air and water; limit exposure to dangerous chemicals and pesticides; hold polluters accountable, including those who disproportionately harm communities of color and low-income communities; reduce greenhouse gas emissions; bolster resilience to the impacts of climate change; restore and expand our national treasures and monuments; and prioritize both environmental justice and employment.

¹¹ <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>

¹² <https://www.federalregister.gov/documents/2021/01/25/2021-01765/protecting-public-health-and-the-environment-and-restoring-science-to-tackle-the-climate-crisis>

- Executive 14008,¹³ *Tackling the Climate Crisis at Home and Abroad*. January 27, 2021. EO 14008 creates a White House Environmental Justice Interagency Council (IAC) to develop a strategy to address current and historic environmental injustice. The Chair of CEQ is required to create a “geospatial Climate and Economic Justice Screening Tool” and annually publish maps highlighting disadvantaged communities. EO 14008 also establishes a “Justice40 Initiative” that aims to direct federal investments in clean energy, energy efficiency, and other environmental programs such that 40 percent of the benefits go to disadvantaged communities.

As the environmental justice landscape continues to evolve due to climate change, new scientific and social understandings, and an increased policy focus throughout the federal government, the Department’s environmental justice program must also evolve. New and more ambitious approaches are essential, with concrete, substantive steps including the development of a Department-wide environmental justice educational framework and integration of environmental justice and racial equity considerations into Departmental policy and programs.

The updated EJ Strategy reflects the Department’s renewed commitment to upholding the principles of EOs 12898, 13985, 13990 and 14008, while also establishing new goals and objectives to support resilient communities and provide meaningful participation for all persons in federal environmental decision-making processes. Within each of the five identified EJ Strategy goals are objectives and outcomes that will help the Department advance equity and environmental justice. The five goals outlined in the FY 2021-2025 EJ Strategy are:

1. Expand Department-wide awareness of environmental justice considerations that might result from its programs, policies, and activities.
2. Further the integration of environmental justice principles into DHS lines of business, prominently including mitigation, adaptation, and resilience.
3. Strengthen outreach to communities and stakeholders through public engagement.
4. Expand collaboration and knowledge-sharing with interagency partners to efficiently focus Department resources and technical assistance.
5. Integrate environmental justice principles into Departmental climate change initiatives.

Over the next four years, DHS plans to create online libraries for employees, financial assistance recipients, and the public on equity and environmental justice. DHS will also establish a robust training program to ensure appropriate consideration and analysis of potential beneficial and detrimental impacts on environmental justice communities and ensure environmental justice considerations are integrated in future policies regarding the environment (e.g., sustainability,

¹³ <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>

resilience, climate change, historic preservation, environmental planning, etc.) and civil rights and civil liberties.

V. Highlights from FY 2021

The DHS Environmental Justice Strategy supports integration of environmental justice principles into the Department's programs, policies, and procedures. The following are several examples of DHS FY 2021 implementation efforts and accomplishments.

DHS Headquarters

On April 22, 2021, Secretary Mayorkas announced the establishment of the Climate Change Action Group (CCAG) comprised of senior officials from across DHS and focused on uniting, refocusing, and elevating the Department's efforts to tackle the climate crisis. DHS identified climate change adaptation and resilience as a strategic priority in its mission to prevent, protect against, mitigate, respond to, and recover from threats and hazards, and to build in security, ensure resilience, and facilitate customs and exchange. In developing this strategic priority, the Department recognized equity and environmental justice as key to climate resilience and reflected these principles in the DHS 2021 Climate Action Plan,¹⁴ Strategic Framework for Addressing Climate Change,¹⁵ and the 2021 Sustainability Report and Implementation Plan.¹⁶

DHS Office of Partnership and Engagement

The DHS Office of Partnership and Engagement contacted tribal leadership and held five listening sessions regarding four focal points of the DHS Tribal Affairs program in response to the January 26, 2021 Presidential Memorandum *Tribal Consultation and Strengthening Nation-to-Nation Relationships*.¹⁷ Additionally, DHS held a three-day Tribal Summit that included a presentation by OCRSO on environmental planning, historic preservation, and environmental justice to more than 200 attendees from Indian Country.

DHS Office of the Chief Readiness Support Officer

Collaboration continued with the General Services Administration (GSA) on the St. Elizabeths West Campus development, which is located in a low-income and minority community in Washington, D.C. Although the campus development was thoroughly analyzed under NEPA in FY 2020, DHS and GSA continued to work with the surrounding community to provide job opportunities, education on development of the campus, and shared-use space.

In FY 2021, DHS documented 1,157 categorical exclusions in the Environmental Planning and Historic Preservation Decision Support System (EPHP DSS), the online system of record for documenting NEPA review and compliance for certain DHS actions. The EPHP DSS requires

¹⁴ [DHS Climate Action Plan to Address the Impacts of Climate Change and Ensure the Department's Climate Resilience | Homeland Security](#)

¹⁵ [DHS Strategic Framework for Addressing Climate Change | Homeland Security](#)

¹⁶ [Sustainability and Environmental Programs | Homeland Security \(dhs.gov\)](#)

¹⁷ [Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships | The White House](#)

NEPA reviewers to answer questions regarding consideration of natural and cultural resources, including potential impacts on environmental justice communities. Additionally, EPHP DSS users uploaded 27 environmental assessments and one environmental impact statement in which environmental justice was considered. DHS recorded more than 30,000 categorical exclusions and 82 Environmental Assessments for FEMA in its system of record, each of which evaluated potential impacts on environmental justice communities.

Office for Civil Rights and Civil Liberties

CRCL leads the Department's compliance efforts to assure that its federally assisted program, including those that affect human health or the environment, do not discriminate based on race, color, or national origin, and comply with the affirmative requirements of Title VI of the Civil Rights Act of 1964 and the Department's implementing regulations. In FY 2021, CRCL continued development of the DHS-wide federally assisted compliance program including implementation of the DHS Civil Rights Evaluation Tool. The Tool collects data on civil rights complaints, and information on policies and procedures required to fulfill various civil rights obligations to assist recipients of DHS financial assistance (e.g., emergency management agencies) in understanding and meeting their requirements under civil rights laws and regulations. In FY 2021, CRCL expanded its capacity to review DHS grantees' Civil Rights Evaluation tool submissions and provide detailed feedback and technical assistance to grantees through an increase in staffing and the procurement of a state-of-the-art data management system. CRCL also conducted monthly civil rights webinars to educate recipients on the tool and provide targeted training on specific civil rights topics.

Advancing Equity in DHS Programs

In FY 2021, CRCL also led DHS in efforts to advance equity consistent with EO 13985. CRCL established a DHS Equity Task Force to support implementation of the EO and to assess whether, and to what extent, agency programs and policies perpetuate systemic barriers to opportunities and benefits for people of color and other underserved groups. The cross-Component Task Force contributed to the development of the Department's plan for Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. The plan sets forth actions to reduce barriers facing underserved communities with respect to the following program areas:

1. Airport screening;
2. Accessing Trusted Traveler Programs;
3. Applying for naturalization;
4. Filing complaints and seeking redress in DHS programs and activities;
5. Bidding on a contract at DHS;
6. Accessing humanitarian protection during immigration processing; and
7. Countering domestic violent extremism and targeted violence.

Nondiscrimination in COVID-19 Response

CRCL continued to work with FEMA's Office of Equal Rights and other federal partners to ensure that the civil rights and civil liberties of all individuals are upheld before, during, and after disasters. As the COVID Public Health Emergency continues and other natural disasters impact

our nation, DHS works to ensure an equitable response to meet the needs of affected communities. FY 2021 efforts include:

- Provision of guidance and support within the Department on the provision of meaningful access to LEP persons in COVID-19 response operations and activities;
- Issuance of a joint letter to certain states regarding concerns from several organization that individuals who are LEP have not received meaningful access to COVID-19 services (e.g., testing, vaccines, treatment, contact tracing) during the ongoing public health emergency. In the letter, the U.S. Department of Health and Human Services, Office for Civil Rights; FEMA Office of Equal Rights; and CRCL requested updates on the actions that states have taken to provide language access services;
- Issuance of a DHS statement on nondiscrimination in vaccine access; and
- Engagement with disability organizations to learn about and address concerns about civil rights compliance in response to COVID-19.

Federal Emergency Management Agency

Federal Emergency Management Agency (FEMA) 2022-2026 Strategic Plan

In FY 2021, FEMA commenced two major initiatives to develop its 2022-2026 Strategic Plan, an Equity Enterprise Steering Group, and establishment of a robust stakeholder engagement process. FEMA has four Strategic Goals for 2022-2026.¹⁸ To define outcomes within the Strategic Plan, two working groups were established with FEMA staff from various program areas to provide context and strategies of establishing outcomes and performance measures.

The FEMA Equity Enterprise Steering Group and a robust stakeholder engagement process facilitated the development of its 2022-2026 Strategic Plan. As part of its strategic goals, FEMA developed performance measures to achieve the following outcomes that advance equity and environmental justice:

- FEMA resources can be accessed and leveraged by underserved communities in ways that meet their needs;
- FEMA decisions about policy and program implementation are routinely informed by underserved communities;
- FEMA and our partners have the training and tools required to advance equity in their programs;
- FEMA establishes continuous and mutually beneficial partnerships with underserved communities; and

¹⁸ [2022–2026 FEMA Strategic Plan | FEMA.gov](#)

- FEMA programs are routinely evaluated for disparities in outcomes across communities.

FEMA Equity Enterprise Steering Group

The new Equity Enterprise Steering Group is focused on assessing issues like access and delivery of FEMA programs, services, and activities and is designed to drive forward a commitment to equity in every part of FEMA. The Steering Group is co-chaired by the Office of Equal Rights and the Office of Response and Recovery and its membership includes representatives from each of the major offices across FEMA, including the Office of Environmental Planning and Historic Preservation. The Steering Group's broader mission objectives include:

- Creating a FEMA-wide definition of equity and framework for implementing equity into its programs, in line with FEMA's core values: compassion, fairness, integrity, and respect; and
- Reviewing and recommending revisions to FEMA-wide policies, procedures, plans and guidance, in collaboration with FEMA's Enterprise Governance Boards, as appropriate, to ensure the integration of equity considerations to drive equitable outcomes.

Advancing Equity

FEMA continues to use equity as a lens to drive disaster response operations and deliver better services to marginalized and other vulnerable populations. In FY 2021, while FEMA continued to work towards creating equitable outcomes for survivors, it worked within its specific authorities and responsibilities to take actions and make changes, including:

- Spearheading a successful Community Vaccination Centers Mission to combat COVID-19 and administer vaccinations--in which more than 58% of all vaccines were given to individuals of color providing a model for how equity considerations can be incorporated into other policies and programs.
- Hosting a Command and General Staff "Equity Stand Down" with over 400 FEMA field leaders on August 4-5, 2021. This event provided critical information on civil rights law and equity resources that field leaders can access and use to enhance equity, and training on how to use the many tools available within FEMA to incorporate equity into tactical decision making (e.g., where to locate Disaster Recovery Centers).
- Issuing a request for information and soliciting public comment on FEMA programs to help identify regulations and policies that may benefit from modification, streamlining, expansion or repeal to better address climate change and underserved communities and populations.
- Expanding eligibility criteria for Critical Needs Assistance to include applicants who state they have a need for shelter but have not been able to leave their damaged dwelling.
- Expanding access to services by integrating a Documentation Drop Off Center model for Disaster Recovery Centers that enables survivors to submit documentation in person,

receive notification when a representative is available, and obtain estimated wait time information.

Civil Rights Summit

On December 3, 2020, FEMA's Office of Equal Rights conducted a Civil Rights Summit focused on environmental justice with more than 500 participants. FEMA shared information with the public regarding environmental justice efforts and directly answered questions from individual stakeholders. FEMA's Office of Equal Rights conducted its second Civil Rights Summit on November 17, 2021, addressing FEMA's efforts regarding climate adaptation and equity.

Tribal Affairs

The FEMA Region 6 Tribal Liaison helped to coordinate disaster recovery efforts, including COVID-19 Tribal calls. In the Louisiana Integration and Recovery Office, OEHP worked closely with disaster resource applicants to encourage effective Public Notice for FEMA funded projects affecting culturally sensitive communities. FEMA facilitated communication between applicants, neighborhood organizations, and other government agencies to ensure that community concerns were addressed, and project updates were provided to the community.

Justice40

Two FEMA programs are serving as pilot programs in the Administration's Justice40 initiative in FY 2021: Building Resilient Infrastructure and Communities (BRIC) and Flood Mitigation Assistance (FMA). Economically Disadvantaged Rural Communities as defined in the 2021 BRIC notice of funding opportunity are eligible for an increase in cost share up to 90 percent federal / 10 percent non-federal funds. A disadvantaged community may be characterized by variables including, but not limited to: low income; high and/or persistent poverty; high unemployment and underemployment; racial and ethnic segregation, particularly where the segregation stems from discrimination by government entities; linguistic isolation; high housing cost burden and substandard housing; distressed neighborhoods; high transportation cost burden and/or low transportation access; disproportionate environmental stressor burden and high cumulative impacts; limited water and sanitation access and affordability; disproportionate impacts from climate change; high energy cost burden and low energy access; jobs lost through the energy transition; access to health care; and all geographic areas within Tribal jurisdictions.

Climate Related Efforts

- In FY 2021, FEMA stood up a Climate Adaptation Enterprise Steering Group that has been tasked with developing a holistic, unified Agency approach to consider and address impacts of climate change across all its programs and operations. The Steering Group created an internal climate change assessment and climate change talking points.
- FEMA initiated planning and kicked off working groups to comply with E.O. 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input* (reinstated by E.O. 14030, *Climate-Related Financial Risk*) and improve the resilience of communities and Federal assets against the impacts of flooding.

- FEMA’s Flood Insurance and Mitigation Administration (Climate and Equity Request for Information team) solicited input through the *Federal Register* from communities with environmental justice concerns, at large, and Tribal governments, to determine the impacts of climate change and identifying ways to better serve communities.

U.S. Citizenship and Immigration Services

U.S. Citizenship and Immigration Services (USCIS) provides several humanitarian programs and protection to assist individuals in need of shelter or aid from disasters, oppression, emergency medicals issues, and other urgent circumstances or special situations like natural disasters. Individuals may include refugee and asylum status seekers, victims of human trafficking, and battered family members. USCIS also disseminates pertinent immigration information in 22 different languages through its public website.

In FY 2021, USCIS held 247 national multilingual engagements with 17,888 attendees to provide information and receive community input on agency updates, immigration-related topics, and to answer questions in the stakeholders’ specific languages. Engagements were held in-person, live stream, and by teleconference in Spanish, Chinese, Vietnamese, Korean, and Arabic.

U.S. Customs and Border Protection

Tribal Outreach and Coordination

During FY 2021, the U.S. Customs and Border Protection (CBP) implemented a robust tribal outreach and coordination effort on border barrier projects working with Sector tribal liaisons. The outreach effort involved supplementing existing contact lists with updated and new tribal contacts. CBP continued regular bi-weekly meetings with several tribes on the border. Additionally, CBP conducted numerous site visits with members of the Kumeyaay Tribal Nation and shared information related to data and research conducted as part of the development of the border barrier in California.

CBP also regularly engaged with other tribal entities whose trust or ancestral lands may have been impacted by development of border barrier. In early FY 2021, CBP engaged Tribes in Texas when cultural sites were identified as part of environmental surveys for the border barrier. The engagement included initial outreach through email and letters, tailored briefings and sharing of data.

In response to concerns voiced by Native American tribes and signatories to CBP’s Programmatic Agreement for Historic Preservation Consultation along the Southwest U.S. Border about possible damage to historic sites from CBP operations, CBP’s Office of Facilities and Asset Management, Facilities Management and Engineering (FM&E) initiated a first-of-its-kind cumulative impacts study of historic sites along the Arizona/U.S.-Mexico Border. The study evaluates the current state of fifteen historic sites near the border and includes conducting traffic studies of those sites at various times of the year and then re-evaluating the condition of the sites after one year. To ensure stakeholder input, FM&E reached out to Native American tribes, federal land managers, and the State Historic Preservation Officer in Arizona to form a workgroup. The workgroup identified a list of sites that could be included in the study, as well

as participated in prioritization of sites that would be evaluated. If the study identifies a CBP impact to the sites, the workgroup will assist CBP in identifying mitigative solutions.

Throughout FY 2021, CBP continued engagement on environmental planning efforts with 776 organizations including tribes; nongovernmental organizations (NGOs); academic institutions; and federal, state, and local government agencies. Of note, members of the Infrastructure Portfolio and Border Patrol met with Bureau of Land Management, NGOs, and academics at San Pedro River to review hydrology recommendations related to the design of the border barrier at the river.

Science and Technology

From June-August 2021, Science and Technology (S&T) led a Whole-of-Government Virtual Research and Development Showcase. This four-part series featured expert panels and exclusive content highlighting how U.S. government research organizations are investing in innovation to secure our future now and ensure no community is left behind. The theme was, “Unifying Research to Work for You”¹⁹ which addressed how S&T and its partners are moving research from the lab into the world. Series 2 of the four-part series included a panel-- Building Resilience and Innovation Equity--on enhancing community resilience equity and focused on how government research organizations are leveraging new scientific ideas, materials, and approaches by working directly with community leaders to define problems, mobilize public-private actions, and deliver solutions in the areas of transportation, public health, emergency management, and green infrastructure.

U.S. Coast Guard

The U.S. Coast Guard (USCG) authorities and operations significantly influence the safe movement of goods in and out of ports. USCG has a statutory responsibility under the Ports and Waterways Safety Act of 1972, Title 33 USC §1221, to facilitate the safety and environmental protection of U.S. ports and waterways. In addition to its daily mission, USCG has ensured the sustainment of maritime transportation systems and coordinated with Tribes regarding the use of anchorages within Tribal fishing grounds.

Arctic Operations

In FY 2021, USCG regularly engaged with Native Alaskan communities in the Arctic. These communities are subject to disproportionate impacts from climate change such as loss of winter shore fast ice (which may contribute to coastal erosion that is especially prevalent near remote coastal Native Alaskan villages during winter storms), permafrost thaw (which may contribute to damage to village infrastructure), loss of sea ice, warming waters, wildfires, and general weather changes. USCG District 17 conducts holistic mission outreach and operations, as a principal federal agency, meeting with these remote communities. Through this engagement, USCG has become more cognizant of the considerable climate change impacts on coastal Native Alaskan village subsistence resources, infrastructure, economy, and community health, and are strategizing appropriate ways and means to evaluate and respond.

¹⁹ [Enhancing Community Resilience Equity - YouTube](#)

Receding of seasonal sea ice edge is also opening the Arctic to more vessel traffic, greater variety of vessel types, and offshore lightering which inherently increases risks of pollution incidents and potential impacts to Alaskan Native subsistence species (e.g., walrus, whale, certain sea birds). USCG District 17 is working closely with partners and remote Alaskan Native communities to assess impacts and adapt operations/support activities to respond to these changes. USCG District 13 Aids to Navigation branch continually assesses the adequacy and potential changes to aids to maritime navigation in the region. Part of that process is to contact local Tribes that use the waterways to ensure that their perspective, experience, and knowledge in the region is utilized when developing waterways management assessments.

Pollution Preparedness Planning and Response

District 17, via co-leadership of the Alaska Regional Response Team (ARRT), continued to focus efforts at the regional and area levels on protection of subsistence, cultural, and economic resources in pollution preparedness planning and response activities. These resources are of particular importance for Alaska's remote communities, largely populated by Alaska Natives and members of federally recognized tribes. District 17, working alongside 14 other federal and state agencies of the ARRT, collaborates to develop and carryout environmental protection policies and protocols in pollution preparedness planning and response activities under the National Contingency Plan. This includes compliance with the requirements of federal environmental laws and the International Whaling Commission agreements for protection of some endangered/threatened, yet vital for subsistence, species.

USCG District 17 participated in three triannual Alaska Eskimo Whaling Commission (AEWC) meetings. The District is collaborating to develop measures that would improve safety of subsistence bowhead whale hunts from 11 Alaska Native villages. Protective measures included completing an Arctic Port Access Route Study to move deep-draft traffic offshore. One of the study's goals is prevent conflicts with subsistence whaling. District 17 worked with AEWC and the Marine Exchange of Alaska to develop procedures to use existing communication sites in new ways to transmit safety advisories to subsistence whalers.

The Shore Infrastructure Logistics Command (SILC)/CEU Honolulu Long Range Aid to Navigation (LORAN) Station Remediation is addressing legacy contamination at the former LORAN Station Cocos Island that threatens the Cocos Lagoon, which is an important fishing area for Native Hawaiian subsistence fishing. In undertaking a multi-year effort to investigate and clean up the contamination, the USCG has engaged the local community for valuable input and insight to ensure that the response action is designed to meet the needs of the community.

COVID-19 Response

Due to the potential for disproportionate effects from COVID-19 on tribal and remote communities, the USCG undertook special procedures to ensure that USCG personnel and tribal and remote communities were safe. District 17 Arctic staff established thorough precautions and mandatory pre-deployment procedures to prevent the transmission of COVID-19 while executing USCG missions in tribal and remote communities. USCG prioritized its activities and operations to keep the Maritime Transportation System up and running while also complying with all state

mandates for COVID-19 testing and quarantine connected to USCG personnel travel in support of enforcement and aviation deployments.

Coast Guard Scholarship Program

USCG has an active College Student Pre-Commissioning Initiative Scholarship Program. This program assists high-caliber underrepresented students in receiving degrees and joining the USCG as an officer, and it helps provide education and leadership opportunities to environmental justice communities.

Coast Guard Bridge Program

The Coast Guard Bridge Program frequently interacts with tribes and communities with environmental justice concerns. The Coast Guard Bridge Program, as part of the standard application adjudication process, issues public notices prior to any bridge permit action and solicits comments regarding environmental justice concerns. In FY 2021, the Program engaged with several tribal organizations as part of National Environmental Policy Act and National Historic Preservation Act compliance efforts.

VI. Public Comments

No public comments were received on the FY 2020 Environmental Justice Annual Implementation Progress Report. DHS remains open to public comment on its Environmental Justice Strategy and Annual Reports.

VII. Conclusion

This FY 2021 Environmental Justice Annual Implementation Progress Report serves as the official update of the Department's activities for the implementation of the 2012 and FY 2021-2025 Environmental Justice Strategies. DHS is acting to appropriately educate its workforce on these important issues as well as expand its outreach and partnership efforts to empower communities with environmental justice concerns. The disproportionate adverse impacts from climate change and COVID-19 on low-income populations and minority populations demand the Department's continued commitment to advancing equity and integrating environmental justice considerations into its programs, policies, and activities.