

U.S. DEPARTMENT OF HOMELAND SECURITY



ENVIRONMENTAL JUSTICE ANNUAL IMPLEMENTATION REPORT

FY 2022

Table of Contents

I.	Introduction.....	3
II.	DHS and Environmental Justice	4
III.	Efforts in Furthering EO 12898 and the Interagency EJ MOU	7
	National Environmental Policy Act.....	7
	Title VI of the Civil Rights Act of 1964.....	8
	Climate Change.....	9
	Goods Movement.....	10
IV.	Meeting the Goals Set Forth in the DHS EJ Strategy	12
	<i>Goal 1:</i> Expand Department-wide awareness of environmental justice considerations that might result from its programs, policies, and activities.	12
	<i>Goal 2:</i> Further the integration of environmental justice principles into DHS lines of business, prominently including mitigation, adaptation, and resilience.	13
	<i>Goal 3:</i> Strengthen outreach to communities and stakeholders through public ... engagement.	13
	<i>Goal 4:</i> Expand collaboration and knowledge-sharing with interagency partners, as to efficiently focus Department resources and technical assistance.	14
	<i>Goal 5:</i> Integrate environmental justice principles into Departmental climate change initiatives.	17
V.	Public Comments.....	17
VI.	Conclusion	18

I. Introduction

Formed in 2003 in response to the September 11, 2001, terrorist attacks, the Department of Homeland Security (Department or DHS) is headed by the Secretary of Homeland Security. DHS is comprised of 15 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 260,000 employees in jobs that range from aviation, 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:

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

Executive Order (EO) 12898,¹ *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994), 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.”

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

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

requires that DHS maintain a substantial presence along thousands of miles of land and water 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 have the potential to include or affect environmental justice communities.

The Department holds five guiding principles² 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.

II. DHS and Environmental Justice

The Department’s ability to affect environmental justice arises principally through environmental review of the impact of our own operations, financial assistance to state, tribal, territorial, and local governments, and the public, and environmental compliance activities, and through regulatory permitting. 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, ongoing policy development to incorporate environmental justice considerations, and strong partnerships.

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 OCRSO and CRCL’s roles and responsibilities, including the creation of this annual report, and establishes an internal DHS Environmental Justice Working Group.

EO 12898 and an accompanying 1994 Presidential Memorandum,³ brought federal attention to the disproportionately adverse environmental and human health conditions prevalent in historically marginalized communities and low-income communities and directed each federal agency to make environmental justice part of its mission. In August 2011, there was an interagency call recommitting to addressing environmental justice through a more collaborative, comprehensive, and efficient process through the signing a Memorandum of Understanding on Environmental Justice and EO 12898 (EJ MOU).⁴ Although DHS did not exist in 1994 and was

² <https://www.dhs.gov/guiding-principles>

³ https://www.epa.gov/sites/production/files/2015-02/documents/clinton_memo_12898.pdf

⁴ 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*

not expressly included in EO 12898, the Department joined 17 other federal agencies in signing the EJ MOU.

The Department's commitment to uphold the tenets of the 2011 EJ MOU facilitated the development of its first Environmental Justice Strategy in 2012, for which an Annual Implementation Report⁵ has been prepared every year since. The first strategy focused on creating policy, developing broad goals, and identifying environmental justice analysis for disproportionately high and adverse human health and environmental effects. The Department's 2012 EJ Strategy committed DHS to integrating environmental justice principles into its operations through concrete steps and ongoing operational improvements. More recently, the Department updated its Environmental Justice Strategy in May 2021 in light of the continuing evolution of the environmental justice landscape due to climate change, new scientific and social understandings, and an increased policy⁶ focus throughout the federal government. The updated strategy reflects the Department's renewed commitment to upholding the principles of EO 12898, while also establishing new goals and objectives to support resilient communities and provide meaningful participation for all persons in federal decision-making processes that involve the environment in alignment with the new EOs and laws described below. The following report highlights the Department's fiscal year (FY) 2022 efforts to advance environmental justice by meeting the objectives outlined in the updated EJ Strategy and federal policy and law.

- EO 13985,⁷ *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (January 20, 2021), 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. In January 2022, pursuant to EO 13985, DHS released its Equity Action Plan.⁸
- EO 13990,⁹ *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* (January 20, 2021), directs federal agencies to immediately review, and take action to address: federal regulations promulgated and other actions taken during the previous 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

Environmental Justice, available at <http://www.epa.gov/environmentaljustice/resources/publications/interagency/iwg-charter-2011.pdf>.

⁵ <https://www.dhs.gov/dhs-environmental-justice-strategy>

⁶ This FY 2022 annual report does not include authorities issued subsequently.

⁷ <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>

⁸ <https://www.dhs.gov/publication/equity>

⁹ <https://www.federalregister.gov/documents/2021/01/25/2021-01765/protecting-public-health-and-the-environment-and-restoring-science-to-tackle-the-climate-crisis>

expand our national treasures and monuments; and prioritize both environmental justice and employment.

- EO 14008,¹⁰ *Tackling the Climate Crisis at Home and Abroad* created a White House Environmental Justice Interagency Council (IAC) to develop a strategy to address current and historic environmental injustice, the creation of the Climate and Economic Justice Screening Tool (CEJEST)¹¹ to aid in the identification of disadvantaged communities, the Environmental Justice Scorecard (EJ Scorecard) to provide a baseline assessment of the federal government's efforts to secure environmental justice, and the creation of the Justice40 Initiative,¹² which aims to deliver at least 40 percent of overall benefits from federal investments in climate change, clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, remediation and reduction of legacy pollution, and the development of critical clean water and wastewater infrastructure to disadvantaged communities that have been historically marginalized, underserved, and overburdened by pollution.
- Infrastructure Investment and Jobs Act of 2021,¹³ provides funding to support national climate resilience, toxic pollution clean-ups, remediation of legacy pollution, expansion of clean drinking water access, and other investments in public health, pollution reduction, and economic revitalization to overburdened communities.
- EO 14052,¹⁴ *Implementation of the Infrastructure Investment and Jobs Act*, prioritizes climate adaptation and resilience, meaningful coordination with stakeholders, and the equitable investment of public dollars through the Justice40 Initiative to be overseen by an Infrastructure Implementation Task Force.
- EO 14057,¹⁵ *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*, requires agencies to achieve greenhouse gas emission reductions and net-zero building emissions, reduce water and energy usage, develop a climate and sustainably focused workforce, have climate resilient infrastructure and operations, accelerate progress through domestic and international partnerships, and advance environmental justice and equity-focused operations.

¹⁰ <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>

¹¹ <https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5>

¹² <https://www.whitehouse.gov/environmentaljustice/justice40/>

¹³ <https://www.congress.gov/bill/117th-congress/house-bill/3684/text>

¹⁴ <https://www.federalregister.gov/documents/2021/11/18/2021-25286/implementation-of-the-infrastructure-investment-and-jobs-act>

¹⁵ <https://www.federalregister.gov/documents/2021/12/13/2021-27114/catalyzing-clean-energy-industries-and-jobs-through-federal-sustainability>

- Inflation Reduction Act of 2022,¹⁶ builds upon the Infrastructure Investment and Jobs Act and advances the Justice40 Initiative consistent with EO 14008 by improving public health, reducing pollution, and revitalizing communities that are marginalized, underserved, and overburdened by pollution while increasing accessibility to clean energy.

III. Efforts in Furthering EO 12898 and the Interagency EJ MOU

The EJ MOU covers four main areas of interagency focus, which are further advanced through agency Environmental Justice Strategies. The four goals of the EJ MOU are:

1. implementation of the National Environmental Policy Act (NEPA);
2. implementation of Title VI of the Civil Rights Act of 1964, as amended;
3. impacts from climate change; and
4. impacts from commercial transportation and supporting infrastructure (i.e., “goods movement”).

National Environmental Policy Act

Under NEPA, 42 U.S.C. § 4321 *et seq.* and the White House 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 under 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.

In FY 2022, DHS documented 1,556 projects with no or minimal impacts on the human environment under approved 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 NEPA reviewers to answer questions regarding consideration of natural and cultural resources from proposed project activities, including potential impacts on environmental justice

¹⁶ <https://www.congress.gov/bill/117th-congress/house-bill/5376/text>

communities. Additionally, EPHP DSS users uploaded 10 environmental assessments and two environmental impact statements in which environmental justice was considered. DHS recorded more than 20,000 categorical exclusions and 80 Environmental Assessments for the Federal Emergency Management Agency (FEMA) in its system of record for financial assistance activities, each of which evaluated potential impacts on environmental justice communities.

Title VI of the Civil Rights Act of 1964

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, ensure nondiscrimination in the Department's federally assisted programs.¹⁷ In particular, they 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.

Title VI is an important tool for addressing environmental justice concerns. Pursuant to Title VI and DHS regulations, individuals may file administrative complaints with DHS and agencies that provide financial assistance alleging intentional discrimination based on race, color, or national origin by recipients of federal funds or alleging a program or activity has a discriminatory impact. Additionally, DHS has the authority to conduct compliance reviews of recipients to ensure their activities do not violate Title VI.¹⁸

CRCL has expanded its capacity to monitor recipients through the Civil Rights Evaluation Tool (CRET), a two-page data collection instrument and technical assistance tool designed to assist DHS recipients in understanding and meeting their civil rights obligations. DHS provides federal financial assistance to approximately 3,000 non-federal entities as primary recipients. In FY 2022, CRCL continued development of the DHS-wide federally assisted compliance program and increased capacity for in-depth compliance reviews, complaint investigations, training and technical assistance, and data collection, including implementation of the DHS CRET. The CRET collects data on recipients' civil rights complaints, including those raising environmental justice concerns, and information on recipients' civil rights-related policies and procedures. In turn, CRCL provides training, detailed feedback, and technical assistance to recipients to assist them with completing the CRET. This communication between CRCL and recipients supports recipients in understanding and meeting their requirements under civil rights laws and regulations, including those that affect human health and the environment. In FY 2022, CRCL increased its capacity to provide timely and detailed feedback and technical assistance to recipients (grantees) through additional staff and the procurement of a state-of-the-art data management system. CRCL also conducted monthly civil rights webinars to educate recipients on the CRET and provide targeted training on specific civil rights-related topics.

Under Title VI, specifically its prohibition against national origin discrimination, recipients of DHS financial assistance must take reasonable steps to provide meaningful access to their

¹⁷ <https://www.dhs.gov/resources-recipients-dhs-financial-assistance>

¹⁸ See 6 C.F.R. § 21.11 and 44 C.F.R. § 7.11.

programs and activities for limited English proficient (LEP) persons.¹⁹ LEP persons (i.e., those who have a limited ability to speak, read, write, or understand English) may also be part of low-income or historically marginalized communities that are subject to disproportionately high and adverse environmental effects from federal actions. DHS is committed to taking actions to increase awareness of environmental justice and responsibilities under Title VI in recipient programs, including obligations to persons with limited English proficiency. 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 qualified interpreters at meetings and in other interactions, supports environmental justice goals and Title VI compliance.

In FY 2022, DHS CRCL continued to actively participate in monthly federal Environmental Justice and Title VI Coordination meetings led by the U.S. Department of Justice. DHS CRCL also participated in the 2022 National Environmental Justice Conference and presented on Title VI and environmental justice enforcement tools. DHS continues to coordinate with its federal interagency partners on cross-cutting civil rights issues and complaints to advance environmental justice through robust enforcement of Title VI.

Climate Change

Although everyone is affected by climate change, certain communities are at a greater risk of disproportionately high and adverse human health or environmental effects. These communities are typically low-income and consist largely of minority populations. Lack of resources and systemic inequality often leave these communities more at risk from natural disasters and infectious diseases and enhance their risk of displacement because of climate change (e.g., intensified natural disasters and rising sea levels).

A changing climate calls for a focus on planning for resilience to prevent, anticipate, adapt, and recover from natural and human-made disruptive events. To responsibly and effectively execute DHS efforts to strengthen national preparedness and resilience, the Department has taken action to integrate the principles and requirements of environmental justice and racial equity into climate change initiatives, such as through the Justice40 Initiative.

DHS has prioritized climate change adaptation and resilience across its mission areas 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. The Department recognized equity and environmental justice as key to climate resilience and reflected these principles in the strategic priorities in the DHS 2021 Climate Action Plan,²⁰ Strategic Framework for Addressing

¹⁹ See, e.g., [Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons | Homeland Security \(dhs.gov\)](#) 76 Fed. Reg. 21755 (April 18, 2011).

²⁰ <https://www.dhs.gov/publication/dhs-climate-action-plan-address-impacts-ensure-resilience>

Climate Change,²¹ and the 2022 Sustainability Plan.²² Additional information on DHS' response to the climate crisis may be found on DHS' Addressing Climate Change website.²³

As mentioned previously, the Justice40 Initiative set a goal that 40 percent of overall federal investments, including grants and financial assistance, in certain categories would go to disadvantaged communities. The categories of investment are climate change, clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, remediation and reduction of legacy pollution, and the development of critical clean water and wastewater infrastructure. Currently, DHS's Federal Emergency Management Agency (FEMA) has identified four programs covered under the Justice40 Initiative. In FY 2022, more than \$4M in financial assistance was given through the following FEMA programs under the Justice40 Initiative:

1. Building Resilient Infrastructure and Communities;²⁴
2. Flood Mitigation Assistance (FMA);²⁵
3. FEMA Risk Mapping, Assessment and Planning;²⁶ and
4. Regional Catastrophic Preparedness Grant Program.²⁷

In FY 2022, Sustainability and Environmental Programs, within OCRSO, received \$500M in the Inflation Reduction Act. Of this money, \$25M was slated for projects that have an added benefit toward communities with environmental justice concerns as identified in CEQ's Climate and Economic Justice Screening Tool as a disadvantaged community; \$25M allocated for environmental compliance, testing, and remediation projects; and the remaining \$450M allocated for climate resilience, sustainability, regional consolidation, and energy efficiency projects. Proposed beneficial EJ projects must have a nexus to the Department's mission and policies including the EJ Strategy and Climate Action Plan. Project sponsors will work with communities with EJ concerns to implement projects and determine benefits. In FY 2022, DHS created its first Climate Change Professionals Program (CCP). The CCP is a two-year program designed to develop motivated individuals into highly competent DHS leaders and professionals. The participants perform environmental protection and compliance activities to include energy, sustainability, and resilience to advance the Department's climate change initiatives under the DHS Climate Change Action Plan. The CCPs identified a capstone project which includes creating a department-wide Climate Literacy training to encompass environmental justice considerations.

Goods Movement

²¹ <https://www.dhs.gov/publication/dhs-strategic-framework-addressing-climate-change>

²² <https://www.dhs.gov/publication/2022-dhs-sustainability-plan>

²³ <https://www.dhs.gov/climate-change>

²⁴ <https://www.fema.gov/grants/mitigation/building-resilient-infrastructure-communities>

²⁵ <https://www.fema.gov/grants/mitigation/floods>

²⁶ <https://www.fema.gov/flood-maps/tools-resources/risk-map>

²⁷ <https://www.fema.gov/grants/preparedness/regional-catastrophic>

In its role as protector of the nation’s borders and the grantor of bridge permits, DHS is instrumental in the movement of goods. “Goods movement” refers to the distribution of freight (including raw materials, parts, and finished consumer products) by all modes of transportation, including marine, air, rail, and truck. Goods movement facilities, also called freight facilities, include seaports, airports, and land ports of entry, rail yards and rail lines, highways and high truck traffic roads, warehouse, and distribution centers.²⁸ At the same time, environmental justice calls for appropriate consideration of the environmental and health effects of goods movement and the need for effective communication with affected communities.

The U.S. Coast Guard must deploy and operate in the Arctic to ensure safety and movement of goods. Prior to any planned deployment of personnel and assets to a specific location in the Arctic, District 17 External Affairs office and Arctic outreach staff work closely with local communities and tribal entities to ensure operations and activities comply with any local/regional requirements, and are understood/expected in terms of timing, scope, and scale. This minimizes disruptions to EJ communities and ensures the delivery of supplies.

U.S. Customs and Border Protection (CBP) has the critical responsibility to enforce U.S. trade laws prior to merchandise arriving at U.S. ports of entry, once merchandise arrives at our ports, and even after merchandise is released into the U.S. marketplace. Among other critical mission sets, CBP is charged with balancing the facilitation of legitimate trade that supports economic growth with the duty to shield the American public and businesses from unsafe products, intellectual property theft, and unfair trade practices. Recent studies indicate that global supply chains may account for as much as 80 percent of the world’s total carbon emissions. In addition, environmental crime represents between \$85 billion and \$265 billion in criminal revenue each year and is often linked to money laundering and the funding of transnational criminal organizations. CBP is well positioned to help develop and enforce a cleaner, more sustainable international trading environment through the agency’s influence on global supply chain practices and enforcement of laws against environmental crimes, which have devastating economic and environmental effects on local and international communities.

In FY 2022, CBP’s Office of Trade Relations and U.S. Environmental Protection Agency (EPA) hosted a webinar on November 18, 2021, to provide an overview of the American Innovation and Manufacturing (AIM) Act and discuss the upcoming requirements for importing hydrofluorocarbons (HFCs). Also in FY 2022, CBP released a Green Trade Strategy, a framework to incentivize green trade, strengthen CBP’s environmental enforcement posture, accelerate green innovation, and improve climate resilience and resource efficiency. The Strategy establishes a proactive model to combat the negative impacts of climate change on the agency’s trade mission while strengthening existing enforcement activities against environmental trade crimes including illegal logging; wildlife trafficking; illegal, unreported, and unregulated fishing; and illegal mining.

²⁸ Environmental Protection Agency, [*EPA’s Response to the National Environmental Justice Advisory Council Report: Reducing Air Emissions Associated with Goods Movement: Working Toward Environmental Justice*](#) (June 28, 2010).

IV. Meeting the Goals Set Forth in the DHS EJ Strategy

Within each of the five identified Environmental Justice Strategy goals are objectives and outcomes that will help the Department advance equity and environmental justice. 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 2022 implementation efforts and accomplishments.

Goal 1: Expand Department-wide awareness of environmental justice considerations that might result from its programs, policies, and activities.

- OCRSO and CRCL led four DHS Environmental Justice Working Group meetings in FY 2022. All Components were represented and participated in discussions on new environmental justice initiatives within DHS and the White House Council for Environmental Quality and received training from the EPA on the online tool, EJScreen,²⁹ an environmental justice mapping and screening tool that provides the EPA with a nationally consistent dataset and approach for combining environmental and demographic socioeconomic indicators.
- In March 2022, FEMA's Office of Environmental Planning and Historic Preservation (OEHP) drafted a public-facing EO 12898 Environmental Justice Factsheet³⁰ to distribute to applicants and provide awareness on some of the more common environmental justice considerations in disaster recovery.
- Awareness of environmental justice considerations and EO 12898 NEPA compliance reviews was enhanced through training of FEMA Environmental Planning and Historic Preservation (EHP), Regional, and Program staff.
 - In August 2022, OEHP supported the 2-day Shipley EJ training for FEMA Region II in New York City to ensure that all information provided to attendees was in accordance with the new EO 12898 interim guidance for compliance reviews. This training course was attended by Regional EHP, Program, Hazard Mitigation, and External Affairs staff, as well as state partners from New York and New Jersey.
 - In October 2022, OEHP offered an overview of environmental justice, EO 12898, and the new EO 12898 interim guidance at an EHP Monthly Seminar attended by approximately 250 people.
 - In October 2022, OEHP presented at a Public Assistance (PA) Workshop to provide an overview of environmental justice and the roles and responsibilities of Program in ensuring projects follow EO 12898.
- In October 2022, OEHP rolled out EO 12898 Environmental Justice Interim Guidance for the FEMA EHP Cadre to provide a step-by-step EO 12898 compliance review process for all FEMA projects.

²⁹ <https://www.epa.gov/ejscreen>

³⁰ <https://www.fema.gov/fact-sheet/executive-order-12898-environmental-justice>

Goal 2: Further the integration of environmental justice principles into DHS lines of business, prominently including mitigation, adaptation, and resilience.

- Environmental justice considerations were incorporated into the Department’s 2022 Sustainability Plan, FY 2022 interagency reporting to CEQ regarding resilience and climate adaptation, and 2022 DHS Equity Action Plan.
- As part of planning for border barrier remediation activities, CBP sought public input on restoration priorities and mitigation actions resulting from border barrier construction activities. CBP held six public comment periods and three public webinars to inform the public on border barrier remediation and solicit input. Materials were made available in English and Spanish. Spanish language interpretation and closed captioning was made available on the public webinars.
- U.S. Coast Guard Office of Environmental Management, (CG-47), is working to expand Coast Guard’s awareness of environmental justice through increasing outreach to offices and units across the Coast Guard requesting that they contribute to the DHS Environmental Justice Annual Report. In FY 2022, CG-47 was able to increase the number of offices providing information for this report and is planning ways to continue to expand awareness and increase contributions further in the future.

Goal 3: Strengthen outreach to communities and stakeholders through public engagement.

- Cybersecurity and Infrastructure Security Agency (CISA) expanded its outreach to tribal communities with the launch of the CISA Tribal Affairs website³¹ which provides a clearing house of agency services and resources that are available to assist Native American and Alaska Native tribes in strengthening the resilience of critical infrastructure, including improving operable and interoperable communications, an enhanced cyber posture, consultative engagement, outreach, advocacy, technical assistance, and coordination.
- The U.S. Coast Guard Shore Infrastructure Logistics Command (SILC)/Civil Engineering Unit (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 CEU Honolulu 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.

³¹ <https://www.cisa.gov/about/cisa-tribal-affairs>

- FEMA is building equity into its programs through the updated State and Local Mitigation Planning Policy Guides,³² released in April 2022, which will go into effect in April 2023. These updates require state and local governments to plan for climate change and equitable outcomes, by requiring hazard mitigation plans to include considerations for climate change impacts and other future conditions in their risk assessment. The updates promote inclusivity in the planning process by requiring proof that stakeholders of underserved communities can engage in the planning process, requiring an analysis that considers underserved communities, and requiring a plan of action that benefits underserved communities.
- In District 11, the U.S. Coast Guard was the lead federal agency for NEPA for the proposed replacement bridge that is part of the Port of Stockton Rail Bridge Replacement and Rail Improvements Projects³³ at Stockton, San Joaquin County, CA. The Port formed the Port Outreach Committee, which is a stakeholder engagement group comprising of representatives from the Port, the Port's community outreach experts, environmental managers from the Port's business partners and tenants, members of the community, environmental justice groups, and local organizations. Its purpose is to create a communication channel between the involved stakeholders, thus establishing a strategic network with opportunities for enhanced communication, cooperation, collaboration, and transparency. While a primary focus of the committee is the environmental quality at and near the Port, the Port is also providing property tours and tenant presentations and discussing other topics of interest with the involved stakeholders.
- CRCL participates in weekly conference calls that disability organizations across the country hold to discuss inclusive emergency response for persons with disabilities before, during, and after disasters.

Goal 4: Expand collaboration and knowledge-sharing with interagency partners, as to efficiently focus Department resources and technical assistance.

- DHS established the first-ever Tribal Homeland Security Advisory Council³⁴ in FY 2022. The Council will engage with DHS agencies and offices and produce recommendations and reports for the Secretary. The Council will be charged with collaborating on all matters of homeland security as they relate to Tribal Nations and indigenous communities, including implementation of EO 12898.
- OCRSO and CRCL are active participants for the Department on many Environmental Justice Interagency Council (IAC) committees led by CEQ. The IAC Committees include: the Justice40 Initiative, NEPA, Public Participation, Rural Communities, Strategy, and Implementation, Regional, Native Americans and Indigenous Peoples,

³² https://www.fema.gov/sites/default/files/documents/fema_local-mitigation-planning-policy-guide_042022.pdf

³³ <https://ceqanet.opr.ca.gov/2021060578>

³⁴ www.dhs.gov/tribal-advisory-council

Impacts from Commercial Transportation – Goods Movement, Title VI of the Civil Rights Act, and Natural Disasters & Environmental Justice.

- On August 13, 2022, the fishing vessel Aleutian Isle sank to a depth of 100 ft with approximately 2500 gallons of diesel fuel. The location of sunken vessel made retrieval very difficult. The Coast Guard, Sector Puget Sound, was the federal On-Scene Coordinator and established a Unified Command that included the State of Washington and the Swinomish Tribes. The Aleutian Isle sinking occurred off the coast of the San Juan Islands in the Haro Strait in extremely environmentally sensitive area that included the local endangered killer whale pod, salmon runs, and other wildlife. The tribe assisted in decision making for this very complicated incident. This event was complicated by the depth and currents at the wreck site, debris that complicated diving operations, the local whale population and other endanger/sensitive wildlife, and local/national and political public interest. District 13 regularly briefed other tribes in the area that had usual and accustomed fishing rights that could be affected, including the Lummi, Samish, Muckleshoot, Nooksack, Northwest Indian Fisheries Commission, Sauk-Suiattle Indian Tribe, Stillaguamish Tribe of Indians, Suquamish Tulalip, Upper Skagit Tribe. District 13 also stood up the Joint Response Team, since the incident was near the border with Canada, and provided updates that Canadian Coast Guard shared with First Nations.
- The U.S. Coast Guard will be instrumental in the White House National Strategy for the Arctic,³⁵ especially in the areas of national defense, homeland security, sustainable economic development, community adaptation, and climate resilience. As outlined in the 2021 Strategic Approach for Arctic Homeland Security,³⁶ DHS will bolster resilience from man-made and natural events by focusing on leveraging partnerships, including Alaskan Natives, and infrastructure in a surge capacity. In doing this, DHS and its Components will be able to focus on prevention and response, rather than overall footprint. DHS will lead engagement with Alaskan Natives representing generations of experience often seen as critical “first responders” in the region. In support of EO 13175, *Consultation and Coordination with Indian Tribal Governments*,³⁷ DHS Components will “strengthen United States government-to-government relationships” with federally recognized tribes and bolster Arctic Governance through Targeted, Enhanced National and International Engagement and Cooperation.
- Staff from U.S. Coast Guard Bridges (CG-BRG-2) participated in a U.S. Committee on the Marine Transportation System (CMTS) roundtable on Environmental Justice in the Marine Transportation System on October 5, 2021, and provided to the CMTS on November 9, 2021, a presentation on the Bridge Program environmental justice efforts for the Bayonne Bridge, which connects Bayonne, New Jersey with Staten Island, New York.

³⁵ <https://www.whitehouse.gov/briefing-room/statements-releases/2022/10/07/fact-sheet-the-united-states-national-strategy-for-the-arctic-region/>

³⁶ <https://www.dhs.gov/publication/strategic-approach-arctic-homeland-security>

³⁷ <https://www.federalregister.gov/documents/2000/11/09/00-29003/consultation-and-coordination-with-indian-tribal-governments>

- The U.S. Coast Guard Memorandum of Agreement (MOA) with the Makah Tribe focuses on response, prevention, preparedness, technical assistance, and communications focused primarily on the all-hazards response community, and they are a member of the Regional Response Team. The MOA has created a framework to ensure consistent engagement throughout the year. An associated worklist informs what the cooperative arrangement will be for the following year. The Makah reservation is also host to Coast Guard Station Neah Bay, so there is also a daily interaction with the tribe and the Coast Guard to support safety and security in the region. The MOA is signed/approved by District 13 and the Makah Tribe.
- U.S. Coast Guard District 9 supported tribal nation preparedness for response to oil and hazardous substances in the Great Lakes region. In September of 2022, the District 9 Response Advisory Team and Coast Guard Sector Buffalo Response held a Maritime Transportation System exercise on the St. Lawrence River with the close involvement and cooperation with Akwesasne Mohawk/St. Regis Tribes. The event took place near the Canada/U.S. border and focused on a hypothetical disruption to the shipping system. This exercise was the latest in a long series of exercises that District 9 and Sector Buffalo have regularly conducted on the St. Lawrence with the tribes. The event helped strengthen and reinforce working relationships between the tribes, federal and state (New York) partners. D9 also worked with the National Oceanic and Atmospheric Administration (NOAA) to provide Shoreline Cleanup Assessment Technique training that the tribes participated in.
- U.S. Coast Guard 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, collaborated to develop – including a State of Alaska mandated public review process – 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.
- The U.S. Coast Guard Regional Response Team (RRT) 10 and the Sector Area Committees (ACs) engage, coordinated, consulted, and performed exercises with tribes and tribal organizations in the region for all-hazard response operations. The Makah, Yakama, and Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians (CTCLUSI) are all members of RRT10 and participate regularly to ensure that tribal treaty interests are a part of the response framework in the Northwest. They also provide an excellent example for other tribes' participation and coordination. The RRT10 has a Tribal Engagement Subcommittee that is focused on improving tribal engagement and participation in RRT and ACs oil spill and hazardous substance planning, preparedness,

and response. Tribal members and staff have detailed, unique, and deep knowledge that could be essential in responses to oil spills and hazardous substance releases. Tribal engagement is both a trust responsibility and a means to improve planning, decision-making, responder safety and environmental protection.

Goal 5: Integrate environmental justice principles into Departmental climate change initiatives.

- U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) has established a focus on combatting illegal wildlife and natural resource trafficking and published the article “Wildlife Trafficking: Why battling this illicit trade is crucial”.³⁸ The article on the ICE public website places an emphasis on illegal logging and its impact on climate change, particularly for forest-dependent communities.
- ICE identified an undertaking in the U.S. Virgin Islands (USVI) to construct a resilient solar-powered microgrid at the St. Thomas and St. Croix facilities. The microgrid will greatly reduce these facilities’ reliance on the local electrical grid and prevent extended power outages and associated operational impacts like those that were caused by Hurricanes Maria and Irma in 2017. During NEPA analysis, ICE identified several benefits to the local environmental justice community. These included marginally increasing construction expenditures within the Region of Influence for the duration of construction; potential creation of one full-time equivalent operation and maintenance job; minor reduction in energy costs; and a more reliable electric supply for the surrounding environmental justice community when excess electricity is produced at the facilities following construction of the microgrid. Additionally, ICE’s USVI facilities support vital communications capabilities for the ICE Tactical Communications (TACCOM) program, which manages and maintains the government communications equipment for the FEMA and Virgin Islands 911 on St. Thomas. Construction of the microgrid will provide a reliable source of electricity at both facilities, helping to ensure the efficient operation of emergency services, especially in the event of extreme weather events exaggerated by climate change.
- In FY 2022, FEMA launched a new program – the FMA Swift Current Initiative³⁹ – that requires each state provide FEMA with a written summary of actions taken to prioritize equitable selection of submitted sub-applications under the state’s allocation in support of Justice40.

V. Public Comments

DHS remains open to public comment on its Environmental Justice Strategy and Annual Reports at any time. Environmental justice concerns or questions may be sent to Office of the Chief

³⁸ <https://www.ice.gov/features/wildlife>

³⁹ <https://www.fema.gov/grants/mitigation/floods/swift-current>

Readiness Support Officer's Sustainability and Environmental Programs⁴⁰ and the Office for Civil Rights and Civil Liberties⁴¹ at: sep-ephp@hq.dhs.gov and CRCL@hq.dhs.gov.

VI. Conclusion

This FY 2022 Environmental Justice Annual Implementation Report serves as the official update of the Department's activities for the implementation of the FY 2021-2025 Environmental Justice Strategy and progress towards meeting the intent of the 2011 EJ MOU. DHS continues to educate its workforce on these important issues as well as expand its outreach and partnership efforts to empower communities with environmental justice concerns.

⁴⁰ <https://www.dhs.gov/SEP>

⁴¹ <https://www.dhs.gov/topic/civil-rights-and-civil-liberties>