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DEPARTMENT OF HOMELAND SECURITY ENVIRONMENTAL JUSTICE STRATEGY DRAFT

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

Fiscal Years 2021-2025

Executive Summary

*The Executive Summary concisely summarizes the strategy and outlines the focus by defining the problem, challenge, or opportunity; summarizing the solution space or new direction; and describing the process for implementation. **The summary will be written once the document is finalized.***

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I. Introduction

“Environmental justice” describes the commitment of the Federal Government, through its policies, programs, and activities, to avoid disproportionately high and adverse effects on the human health and environment of minority populations and low-income populations. As described in the 2014 Quadrennial Homeland Security Review (QHSR), the Nation envisions a homeland that is safe and secure, resilient against terrorism and other hazards, and where American interests and aspirations can thrive. In seeking to fulfill this vision, the Department of Homeland Security (DHS or Department) is committed to taking environmental justice considerations into account for mission and operational activities associated with efforts to secure the Nation.

II. Vision and Scope

DHS will continue efforts to incorporate environmental justice into its programs, policies, and activities through stakeholder engagement, policy, and public reporting. By identifying goals, objectives, and outcomes within the following updated Environmental Justice Strategy, the Department will carry out its obligations under Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*¹, the National Environmental Policy Act (NEPA)², and Title VI of the Civil Rights Act of 1964³, 42 U.S.C. § 2000d et seq (Title VI).

Every Component of the Department has a responsibility to avoid burdening minority populations and low-income populations with a disproportionate share of any high and adverse human health or environmental effects associated with the Department’s activities. Building upon the 2012 Environmental Justice Strategy, the Department continues to identify major programs, policies, and activities it believes can best advance environmental justice considerations. This document outlines the key goals and objectives to integrate and uphold the principles of environmental justice in the Department’s larger mission efforts over the next five years (Fiscal Years 2021-2025).

III. Background

DHS began the development of the first Environmental Justice Strategy to promote a comprehensive, consistent, and adaptive strategy among DHS operational and support Components in 2010. Initially through participation in the Environmental Justice Interagency Working Group⁴ (EJ IWG) led by the U.S. Environmental Protection Agency (EPA), DHS began tailoring its strategy to mission requirements by establishing internal environmental justice points of contact in its major areas of responsibility. From these points of contact, DHS formed

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

² <https://ceq.doe.gov/>

³ <https://www.govinfo.gov/content/pkg/USCODE-2010-title42/pdf/USCODE-2010-title42-chap21-subchapV.pdf>

⁴ <https://www.epa.gov/environmentaljustice>

a working group of those Components with a larger role in ensuring environmental justice is appropriately considered in securing the homeland. The DHS Environmental Justice Working Group (DHS EJ WG) was co-chaired by the Office for Civil Rights and Civil Liberties (CRCL) and the Office of the Chief Readiness Support Officer (OCRSO), Sustainability and Environmental Programs (SEP) and met regularly to identify programs already implemented with consideration to environmental justice.

The first DHS Environmental Justice Strategy was approved in February 2012⁵, after the opportunity for public input. That strategy outlined several strategic objectives including: creating policy; identifying, reviewing, and addressing programs, policies, and activities; creating a DHS EJ WG; developing compliance and review capacity to test policy performance measures; collaborating with other agencies on environmental justice related matters; and effectively communicating with the public and various stakeholders.

In 2019, the Government Accountability Office (GAO) was asked by Congress to review federal environmental justice efforts. The project consisted of the review of agencies' environmental justice actions, strategic plans and progress reports, and working group collaboration. GAO also reviewed agency environmental justice plans, reports, and funding data, interviewed agency officials, and compared working group collaboration to leading collaborative practices. As a result of its review, GAO made 24 recommendations, including that agencies update environmental justice strategic plans and report on progress annually, and that EPA consult with other working group members to provide guidance on assessing progress and to set strategic goals⁶. Of the 15 agencies with recommendations, eight concurred, including DHS. Shortly after the report was issued in October 2019, the Department began reviewing and updating its 2012 Environmental Justice Strategy through CRCL, OCRSO, and the DHS EJ WG.

Over the last ten years, trends within environmental justice have evolved into a more holistic approach which continues to focus on traditional concerns of disproportionate environmental burdens, but also focuses on creating sustainable communities. Environmental justice communities continue to be at greater risk of disproportionate environmental and human health effects from elevated temperatures and associated co-pollutants, are more vulnerable to natural disasters and illnesses, are at greater risk of being impacted from energy and food insecurity and are at greater risk of displacement due to rising sea levels⁷. A changing environment calls for a strategy that focuses on planning for resilience to prevent, anticipate, adapt, and recover from natural and man-made events while considering potential impacts from Departmental actions on environmental justice communities.

As the first DHS Environmental Justice Strategy was being developed, the Department focused on creating policy, developing broad goals, and reporting evidence of environmental justice analysis and impacts. As the environmental justice landscape continues to evolve, the maturity of the Department's environmental justice program, the continued requirement to promote

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

⁶ <https://www.gao.gov/assets/710/701401.pdf>

⁷ <https://www.epa.gov/cira/coastal-property-impacts-environmental-justice>

further integration within all mission areas, as appropriate, and the Department's commitment to implementing GAO's recommendations, has necessitated an update to this Strategy.

A. Guiding Documents and Principles

Signed February 11, 1994, EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, resulted in three main federal mandates, among others:

1. Federal agencies make "achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands";
2. Executive Offices and Agencies participate in an EPA-led Federal Environmental Justice Interagency Working Group (EJIWG) where Federal staff provide best practices, receive public comments, and research how environmental justice is considered throughout the federal government; and
3. Federal agencies prepare an environmental justice strategy that lists programs, policies, planning, and public engagement processes that a) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (b) ensure greater public participation; (c) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (d) identify differential patterns of consumption of natural resources among minority populations and low-income populations.

The Department was established in 2002 and is thus not an agency expressly included in the EO; however, DHS affirmed its commitment to environmental justice by joining 16 other federal agencies in signing the August 2011 Memorandum of Understanding⁸ (MOU) on Environmental Justice and EO 12898 (EJ MOU). The EJ MOU created a charter and served as a formal agreement among federal agencies to recommit addressing environmental justice through a more collaborative, comprehensive and efficient process. It also broadened the EJIWG to include additional agencies and articulates additional commitments made by member agencies.

B. DHS Authorities

In addition to implementing EO 12898 and the EJ MOU, DHS is also required to consider environmental justice impacts through compliance with the National Environmental Policy Act

⁸ The EJ MOU is available at <https://www.epa.gov/environmentaljustice/memorandum-understanding-environmental-justice-and-executive-order-12898>. Concurrently with the MOU, the participating agencies issued a *Charter for the Interagency Working Group on Environmental Justice*, available at <https://www.epa.gov/environmentaljustice/charter-interagency-working-group-environmental-justice>.

(NEPA), 42 U.S.C. 4321 et seq. When considering a proposed action, NEPA requires federal agencies to 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 potentially disproportionate high and adverse environmental justice impacts on minority populations and low-income populations. This is accomplished through environmental analysis, the consideration of reasonable alternatives, development of mitigation measures for significant impacts, and public input in federal decision-making.

DHS also has a responsibility through Title VI, including 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, including those that affect human health or the environment. Title VI prohibits race, color, and national origin discrimination by recipients of financial assistance from DHS. 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.

DHS Delegation and Policy

By delegation from the Secretary (Delegation No. 19003) and through regulations at 6 C.F.R. Part 21, CRCL leads the Department's compliance efforts to assure federally assisted programs, 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 and the Department's implementing regulations. Through Delegation No. 00501, OCRSO leads the Department in environmental management, energy management and resilience, and environmental planning & historic preservation, through its SEP office. CRCL and OCRSO are the Department's delegated authorities charged with executing and administering the programs and responsibilities of the environmental justice program.

In addition to delegations of authority, in 2016, the Department issued Directive 023-04, rev. 00, *Environmental Justice*, which establishes the policy for the Department's ongoing efforts to incorporate environmental justice principles into its related programs, policies, and activities. Additionally, the Directive outlines the roles and responsibilities between OCRSO and CRCL and establishes the DHS EJ WG.

DHS Mission

DHS approaches environmental justice consistent with the Department's mission: to secure the nation from the many threats we face. 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 fourteen Operational and Headquarter Support Components with more than 240,000 employees in jobs that range from aviation and border security to emergency response, from cybersecurity to infrastructure protection. The duties are wide-ranging with a clear goal - keeping America safe.

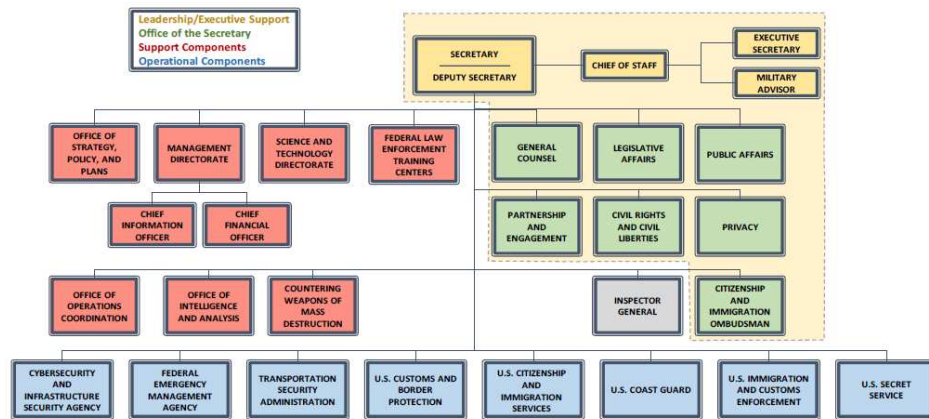


Figure 1: Department of Homeland Security Organizational Chart

In carrying out the mission, the Department holds five guiding principles, two of which have relevance to implementation of the DHS environmental justice program: Promote Citizen Engagement and Strength and Expand Trusted Partnerships; and Uphold Privacy, Transparency, Civil Rights, and Civil Liberties

Additionally, the Department executes five overarching homeland security missions that make up the DHS Strategic Plan and which are set forth in the 2014 Quadrennial Homeland Security Review (QHSR). The QHSR helps outline the vision and goals for the Department while highlighting past accomplishments and informs the Department's environmental justice priorities.

- Prevent Terrorism and Enhance Security;
- Secure and Managing Our Borders;
- Enforce and Administer Our Immigration Laws;
- Safeguard and Secure Cyberspace; and
- Strengthen National Preparedness and Resilience.

The Department's mission often includes interactions with communities that may include minority populations and low-income populations. For example, countering terrorism and homeland security threats includes DHS acting to secure the nation's ports for both people and goods moving in and out of the country. Securing and managing the nation's borders requires that DHS maintain a substantial presence along thousands of miles of land and water border that may include minority populations and low-income populations. Further, strengthening preparedness and resilience requires DHS to have robust programs for emergency preparedness, mitigation, and response and disaster recovery. Meaningful communication with potentially affected communities, including minority populations and low-income populations, is critical to ensuring that those impacted by disasters receive fair and equitable treatment in both planning, preparedness, and mitigation activities as well as response and recovery actions.

C. Strategy Development

This Environmental Justice Strategy is intended to promote a comprehensive, consistent and adaptive method for achieving environmental justice throughout the actions of the DHS

Components. CRCL and OCRSO began updating the DHS Environmental Justice Strategy in the fall of 2019, with the assistance of the DHS EJ Working Group. Through this process, DHS Components provided input on strategic goals and objectives to ensure alignment and consistency with Department priorities. From **DATE to DATE**, DHS made the Environmental Justice Strategy available for public recommendations by posting on a public website⁹. DHS will continue to provide meaningful opportunities for the public to submit recommendations relating to the revised Environmental Justice Strategy and the ongoing efforts to incorporate environmental justice principles into DHS programs, policies, and activities via the website.

D. Partnerships and Implementation

Partnerships

DHS Operational and Headquarter Support Components include: 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, and Office of Operations Coordination.

Table 1: Department of Homeland Security Operational and Support Components



⁹ <https://www.dhs.gov/dhs-environmental-justice-strategy>

Senior leadership in the following program areas have important roles in implementing the DHS Environmental Justice Strategy by ensuring environmental justice considerations are appropriately integrated into their specific mission: maritime safety, security, and stewardship; the administration of federally assisted programs; emergency management programs; border security; transportation security; immigration services; law enforcement training; science and technology research; cyber security; and mission support and asset management. As the Department's capacities and mission areas evolve in response to improved understanding of emerging threats to safety and security, the concepts of this strategy will be applied to programs and activities in those new areas.

Two DHS headquarters offices will lead efforts to ensure the success of the Environmental Justice Strategy.

- **OCRSO:** Environmental justice is considered at the earliest stages of planning new policies, programs and activities by OCRSO, which has Department-wide oversight of asset management and of environmental planning and historic preservation compliance. This is primarily accomplished through ensuring compliance with EO 12898 through use of the mandated NEPA compliance process.
- **CRCL:** CRCL supports the Department's mission to secure the Nation while preserving individual liberty, fairness, and equality under the law. CRCL works to integrate civil rights throughout the Department's programs, including rights secured by Title VI, which provides one legal underpinning of EO 12898. Title VI prohibits discrimination on the grounds of race, color, and national origin in programs or activities receiving federal financial assistance, including those affecting human health or the environment.

Three other headquarters offices provide critical support for the activities of OCRSO/SEP and CRCL in successfully implementing this strategy.

- **Office of the General Counsel** provides legal advice, guidance, and review for all environmental justice policy and supports Departmental compliance or implementation actions.
- **Office of Partnership and Engagement, Intergovernmental Affairs** establishes and maintains relationships with state, local, and tribal governments to ensure adequate consideration of environmental justice issues in the Department's activities.
- **Office of Strategy, Policy, and Plans** ensures that mission-driven policies of the Department support the objectives and priorities set forth in the Environmental Justice Strategy and provides a source of integration and analysis of Departmental policies, including in the context of environmental justice.

Implementation

DHS will provide a concise report on progress during the previous fiscal year toward achieving the goals of Executive Order 12898 and implementing the Department's Environmental Justice Strategy. Consistent with the EJ MOU, the annual implementation

report will address, as appropriate, the following areas of focus: (1) implementation of the National Environmental Policy Act; (2) implementation of Title VI; (3) impacts from climate change; and (4) impacts from commercial transportation and supporting infrastructure (“goods movement”). The annual implementation report will be posted on the agency’s environmental justice webpage and will include a summary of comments submitted by members of the public and any updates or revisions to the agency’s Environmental Justice Strategy. All such reports and other public information will be compliant with Section 508 of the Rehabilitation Act of 1973, and the reports or summaries thereof will be made available in languages other than English consistent with DHS’s language access policy. Environmental justice activities will also be discussed, as relevant and appropriate, in the quarterly or annual reports to Congress mandated by the Homeland Security Act of 2002 and other statutes.

IV. Goals and Objectives

Consistent with the DHS mission, QHSR, and Strategic Plan, the Department has established the following four Environmental Justice Strategic Goals.

Goal 1: *Expand Department-wide awareness of environmental justice and consideration of any disproportionately high and adverse environmental, and human health impacts on minority populations and low-income populations, that might result from its programs, policies, and activities.*

Issue Statement: Those with a foundational knowledge of environmental justice require continual training to apply best practices and strategies to their functional areas. Those without an understanding of environmental justice need opportunities to increase their awareness and understanding of Departmental policy.

Objectives:

- 1.1 Establish environmental justice training, education, and awareness opportunities through programs such as the DHS NEPA Warrant Program. The purpose of the DHS NEPA Warrant Program is to enhance NEPA compliance within the Department by ensuring staff have consistent training and experience to review and approve technically sufficient NEPA documents. The DHS NEPA Warrant Program covers not only NEPA compliance, but also other relevant laws, regulations, and EOs.
- 1.2 Advance Departmental strategies to identify and address environmental justice concerns in agency programs, policies, and activities by working with the DHS EJ WG to develop fact sheets on environmental justice for decision makers within the Department and Components.

Outcome: Goal 1 objectives would result in streamlining the Department’s consideration of environmental justice during project planning and execution by appropriately training and preparing its workforce.

Goal 2: *Further the integration of environmental justice principles, as appropriate, into appropriate DHS lines of business.*

Issue Statement: The Department and its Components have a broad range of missions. Additional information and resources are needed for relevant lines of business to appropriately understand their responsibilities.

Objectives:

- 2.1 Develop environmental justice guidance for consideration within procurement and acquisition activities for applicable DHS contracting actions at the Department and Component-level.
- 2.2 Ensure environmental justice principles are integrated in efforts to strengthen the resiliency of communities and federal agency organizational structure by updating the Environmental Justice DHS Directive 023-04 and creating an accompanying guidance document.

Outcome: Goal 2 objectives would increase Departmental considerations of environmental justice and compliance with relevant statutes, regulations, EOs, and DHS policy and ensure environmental justice communities have equity in Departmental contracting and acquisition opportunities.

Goal 3: *Strengthen outreach to communities and stakeholders that may be disproportionately affected by high and adverse environmental and human health impacts from Department programs, policies, and activities through appropriate public engagement.*

Issue Statement: Engaging the public is a tenet of the environmental justice principles and is required to ensure the Department and Components are avoiding high and adverse, disproportionate environmental and human health impacts on minority populations and low-income populations.

Objectives:

- 3.1 Enhance public participation in environmental decision-making by providing resources and technical assistance to Department Components in planning meaningful engagement with communities and stakeholders through the development of an online resource library and guidance to Department Components during the planning process.
- 3.2 Ensure effective communication with persons with limited English proficiency, persons with disabilities, and other with access and functional needs in public participation efforts by providing language interpretation and translation services in accordance with the Departmental and Component Language Access Plans; and provide aids and services, including information in alternative formats, in accordance with the Component Disability Access Plans.

- 3.3 Build relationships with communities and stakeholders by providing routine opportunities for public input and engagement on potential or actual high and adverse and disproportionate impacts on human health and the environment on minority populations and low-income populations.
- 3.4 Provide opportunities and engagement, as appropriate, for indigenous and tribal communities to be involved in environmental justice strategies through increased collaboration between the environmental justice program and Department and Component Tribal Affairs Programs.
- 3.5 Increase recipient awareness of environmental justice considerations and responsibilities under Title VI in federally assisted programs and activities, including obligations to persons with limited English proficiency.
- 3.6 Expand opportunities for public input on the DHS Annual Environmental Justice Implementation Report.

Outcome: Goal 3 objectives would result in effective communication through active outreach efforts with the public, the academic community, other agencies, and non-federal governmental entities, including government-to-government consultation with tribes, and would increase understanding, strengthen partnerships, and address specific issues of concern raised by DHS activities.

Goal 4: *Expand collaboration and knowledge-sharing with interagency partners, as appropriate, to efficiently focus agency resources and technical assistance to address disproportionately high and adverse environmental or human health impacts on minority populations and low-income populations.*

Issue Statement: Trends in environmental justice may change due to specific, national, or international conditions. An understanding of these trends and best practices is needed to ensure the Department continues to appropriately consider environmental justice and serves as a leader across the federal government.

Objective(s):

- 4.1 Increase collaboration with interagency partners to better target environmental justice resources and technical assistance by serving in a leadership role in the EJ IWG.
- 4.2 Identify cross-cutting environmental justice issues and leverage resources to address environmental justice impacts by participating in national environmental justice symposiums, conferences, and trainings.

Outcome: Goal 4 would result in an expansion of knowledge and lead to innovative practices of Department and Component environmental justice practitioners and increase participation with interagency partners.

V. Conclusion

EO 12898 calls upon federal agencies to make “achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations...” Through its varied missions, DHS interacts with these communities. These interactions may include activities related to securing our ports for both people and goods moving in and out of the country; maintaining a substantial presence along thousands of miles of land and water border; and administering programs needed for emergency preparedness, mitigation, response, and recovery efforts. Accordingly, DHS has an obligation to identify and address the impacts of its program, policies and activities on minority populations and low-income populations. This fundamental obligation coupled with an evolving environmental justice landscape over the last decade necessitates a new strategy. This updated Environmental Justice Strategy reflects the Department’s renewed commitment to upholding the principles of EO 12898 while at the same time establishing new goals and objectives that mature the program and seek to support sustainable communities and provide meaningful participation for all persons in federal environmental decision-making processes.

During the next five years, OCRSO and CRCL, in coordination and consultation with Department and Component leadership, will implement the DHS Environmental Justice Strategy. This will include updating Department policy, identifying and developing training and educational resources for DHS personnel, building relationships with stakeholders, and engaging with our interagency partners, among other actions. DHS will track progress in meeting the goals outlined in the strategy by collecting data which will be compiled in an annual implementation report. DHS will reevaluate this strategy at the conclusion of the five-year implementation period.