

U.S. DEPARTMENT OF HOMELAND SECURITY



ENVIRONMENTAL JUSTICE ANNUAL IMPLEMENTATION REPORT

FY2020

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I. Introduction

Executive Order (EO) 12898, *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, issued in 1994 by the Clinton Administration, set out to focus federal attention on the environmental and human health conditions in minority communities and low-income communities and directs each federal agency to make environmental justice part of its mission. The EO 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 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 EJIWG signed a Memorandum of Understanding (MOU) on Environmental Justice and EO 12898 (EJ MOU)¹ in August 2011. Although the DHS did not exist in 1994 and is thus not an agency expressly included in the EO, the Department joined 17 other federal agencies by signing the EJ MOU.

As part of the EJ MOU, participating federal agencies were tasked with creating an Environmental Justice Strategy to outline agency strategic goals toward meeting the intent of the agreement and EO 12898, and encouraged to report annually on progress towards meeting those goals. The following report serves as the Department’s Annual Implementation Report for the fiscal year 2020 (FY2020). DHS primarily considers environmental justice through the National Environmental Policy Act (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 process. The Department also has a responsibility through 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

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 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>.

nondiscrimination in the Department's federally assisted programs, including those that affect human health or the environment. While the following report is not all inclusive of Departmental environmental justice efforts, it provides an overview of programs and policies and DHS's commitment toward achieving the goals set forth in EO 12898, EJ MOU and the Department's Environmental Justice Strategy.

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

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

In FY 2021, DHS will take action to advance the principles of these new EOs through implementation of the Department's Environmental Justice Strategy.

II. The Department of Homeland Security

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 each with a vital mission to secure the nation from the many threats it faces. This requires the dedication of more than 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 Operational and Support Components

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
- Management Directorate
- Office of Intelligence and Analysis
- Office of Operations Coordination

DHS and Environmental Justice

As explained more fully in the DHS Environmental Justice Strategy² (DHS EJ Strategy), the Department approaches environmental justice through the missions and general strategic framework set forth in the Quadrennial Homeland Security Review³ (QHSR). The QHSR establishes the Department's six missions, listed below. Environmental justice considerations can arise within all areas.

- 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.

DHS has undertaken several commitments to further the aims of environmental justice, including the implementation of the DHS EJ Strategy and annual progress reports on its implementation,⁴ and finalization of DHS Directive 023-04, *Environmental Justice*. DHS also co-chairs an intra-agency Working Group on Environmental Justice (DHS EJWG) through the Office of the Chief Readiness Support Officer (OCRSO), Sustainability and Environmental Programs office (SEP), and the Office for Civil Rights and Civil Liberties (CRCL). These offices have been delegated by the Secretary to: serve as lead for Departmental environmental programs, including but not limited to policies and matters related to environmental compliance, sustainability, environmental planning, natural resources, historic preservation, and cultural resources (OCRSO); and establish and implement policy to ensure that all federally assisted programs or activities of the Department comply with various civil rights requirements (CRCL).

III. Implementing Commitments of the EJ MOU

In FY2020, DHS remained an active member of the EJIWG by working to advance the integration of environmental justice principles throughout the enterprise and at all levels of government. Chaired by the EPA with participation from 16 federal agencies and the White House, the EJIWG strives to engage and support local communities in addressing environmental and human health impacts of federal programs, policies, and activities by promoting comprehensive solutions for addressing environmental justice. In FY2020, Department environmental justice efforts focused on expanding program awareness and increasing interagency engagement with an emphasis on the focus areas discussed below.

² Department of Homeland Security, *Environmental Justice Strategy* (February 2012), available at <http://www.dhs.gov/xlibrary/assets/mgmt/dhs-environmental-justice-strategy.pdf>.

³ 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>.

⁴ Department of Homeland Security, *Environmental Justice Annual Implementation Progress Report* for the periods FY 2011 through FY2018 are available at <https://www.dhs.gov/dhs-environmental-justice-strategy>.

Focus Area 1: Implementation of the National Environmental Policy Act

Under NEPA, 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 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, under its delegated authority, provides governance and oversight of the environmental planning and historic preservation program for the Department. Authored by OCRSO's Sustainability and Environmental Programs, DHS Directive 023-01, rev. 01, *Implementation of the National Environmental Policy Act*,⁵ complies with the CEQ regulations and requires a description of the affected environment and environmental consequences, to include environmental justice communities, regarding the significance of environmental impacts for the proposed action. 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. The CEQ has provided specific guidance for considering environmental justice in analyses under NEPA through the *CEQ Environmental Justice Guidance Under the National Environmental Policy Act*.⁶

In addition to implementing the Department's NEPA policy, OCRSO actively participates in the NEPA Committee of the EJIWG. The NEPA Committee seeks to improve the effective, efficient, and consistent consideration of environmental justice issues in the NEPA process through the sharing of best practices, lessons learned, research, analysis, training, consultation, and other experiences of federal NEPA practitioners.

In FY2020, DHS Components undertook the following specific efforts for implementing environmental justice considerations and NEPA in agency actions:

Cyber Security and Infrastructure Security Agency (CISA) – NEPA Integration

CISA projects, acquisitions, and policy changes are provided to the CISA Environmental, Energy and Sustainability Program for review through formal processes, action tracker systems, direct e-mail, or acquisition systems to ensure CISA has not only integrated environmental factors, including environmental justice policies, into operations and activities, but is complying with environmental laws, regulations, Executive Orders, and DHS and CISA policy.

U.S. Customs and Border Protection (CBP) – Bog Creek Environmental Impact Statement

⁵ Department of Homeland Security Directive 023-01, *Implementation of the National Environmental Policy Act* and DHS NEPA Instruction Manual 023-01-001-01, Rev. 01 are available online at <http://www.dhs.gov/national-environmental-policy-act>.

⁶ <https://ceq.doe.gov/docs/ceq-regulations-and-guidance/regs/ej/justice.pdf>

CBP released the Final Record of Decision for the Bog Creek Road Project to the public in FY2020. In coordination with the U.S. Forest Service as a joint preparer of the final Environmental Impact Statement (FEIS), CBP regularly engaged the local community and the Kootenai Tribe of Idaho to incorporate their concerns and consider any impacts on their ability to access parts of the Idaho Panhandle National Forests for recreational and cultural purposes. Due to the nature of the proposed action, the lack of proximity to communities (low income, minority, or otherwise), and the lack of any direct, indirect, or cumulative human health and safety impacts, or impacts to access for the purpose of subsistence hunting, fishing, or other food gathering, analysis within the FEIS did not find potential environmental justice impacts requiring detailed analysis and discussion.

CBP – Migrant Processing Centers

CBP continues to plan for construction of new regional migrant processing centers in response to the migrant crisis at the Southwest border. The central processing centers (CPC) are permanent processing facilities constructed to accommodate migrants and staff for the processing and temporary holding of migrants who have crossed into the United States. As part of this effort, CBP developed three environmental assessments (EA) to inform the public of the planned construction of new or renovated central processing centers in Yuma, Arizona, Nogales, Arizona, and El Paso, Texas. CBP completed public involvement activities to identify significant issues related to the projects by publishing notices of availability for the draft EAs in local newspapers and soliciting feedback from the public. CBP also coordinated with appropriate local, state, and federal agencies, as well as Federally recognized tribes, throughout the EA processes. By providing the public and community stakeholders opportunities to voice comments and concerns, CBP sought to ensure that the impacts on the surrounding communities from the projects would be minimal.

U.S. Coast Guard – Ongoing Implementation of the Environmental Planning Warrant (EPWP) Program

Coast Guard environmental staff must sign all final NEPA documentation and must hold an EPWP warrant in order to sign. Continuous learning is required to maintain these warrants. The EPWP reduces the risk to the Coast Guard of incomplete or improper compliance with E.O.12898, the National Historic Preservation Act (NHPA), Section 106, and NEPA, and ensures that we have environmental staff trained on their requirements. The Coast Guard's EPWP increased the total number of Coast Guard staff trained on environmental justice, NEPA, and Section 106 and tribal consultation and authorized to review and sign NEPA compliance documents. The Coast Guard maintains and regularly updates the EPWP training compendium with new trainings related to environmental justice, Section 106, NEPA, and tribal consultation, and provides notice to all warrant holders when new trainings become available. For example, the EPWP training compendium contains information on 17 different trainings related to environmental justice.

The Coast Guard EPWP for NEPA document reviewers requires all Level II warrant holders to have a minimum of eight hours of training on the NHPA, Section 106 and level II and III warrant holders to have a minimum of one hour of training on tribal consultation. To assist personnel in

meeting these EPWP training requirements, the Coast Guard awarded an environmental training development contract in FY2020. Under the environmental training contract, the contractor will develop the following Coast Guard–specific online trainings for Coast Guard warrant holders and applicants: NHPA, Section 106 online training (eight hours), and tribal consultation online training (one hour). NHPA, Section 106 and tribal consultation training will assist in ensuring that the Coast Guard will conduct appropriate Section 106 consultation and government-to-government consultation with tribes when Coast Guard proposed actions might affect tribes, tribal lands, or sacred sites.

Focus Area 2: Implementation of Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 (“Title VI”) prohibits race, color, or national origin discrimination by recipients of financial assistance from DHS. Environmental justice issues may arise in programs and activities supported through federal financial assistance. By delegation from the Secretary and through regulations at 6 C.F.R Part 21, CRCL leads the Department’s compliance efforts to assure that its 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.

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.⁷ 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 the intersection 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.

In FY2020, CRCL continued to implement the DHS-wide Title VI compliance program. Major accomplishments included:

- 1. DHS Civil Rights Evaluation Tool.** In FY2020, CRCL, in coordination with the Federal Emergency Management Agency (FEMA) and other DHS Components, continued to review information submitted from recipients of DHS financial assistance (e.g., grantees) via the DHS Civil Rights Evaluation Tool, which collects data on civil rights complaints, and information on policies and procedures required to fulfill various civil rights obligations. The DHS Civil Rights Evaluation Tool assists grantees and other recipients of DHS financial assistance in understanding and meeting their requirements under civil rights laws and regulations. Based on the information received, in FY2020

⁷ 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).

CRCL and FEMA provided technical assistance and resources to over 150 recipient organizations to address gaps in their programs and strengthen accessibility for persons with disabilities and persons with limited English proficiency.

- 2. Technical Assistance to Recipients.** CRCL launched a monthly civil rights webinar series for recipients of DHS financial assistance to provide technical assistance on implementing civil rights requirements related to the Civil Rights Evaluation Tool.

CRCL publishes resources on its webpage for recipients of DHS financial assistance. For more information, visit: <https://www.dhs.gov/resources-recipients-dhs-financial-assistance>.

On January 20, 2021, President Biden signed EO 13985; *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. 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. In FY 2021, CRCL will establish a Task Force on Racial Equity 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. CRCL's work through the Task Force will help strengthen and expand compliance and enforcement activities under Title VI.

Federal Emergency Management Agency (FEMA) – Office of Equal Rights

FEMA's Office of Equal Rights (OER) has responsibility for enforcing and ensuring compliance with Title VI in program and activities receiving FEMA financial assistance, including those that impact human health and the environment. OER processes all allegations of discrimination regarding projects and activities by recipients of FEMA financial assistance and, when required, conducts compliance reviews.

The OER deploys a Cadre of Civil Rights Advisors (CRADs) to disaster locations to provide technical assistance and guidance on environmental justice considerations in recipient programs and community engagement concerns. CRADs engage with FEMA program offices and directorates, communities, stakeholders, and recipients of FEMA financial assistance to support environmental justice compliance activities and address discrimination allegations. FEMA's whole community approach to emergency management includes the development of a community assessment by the CRADs at every disaster based on the demographic data for the impacted communities to proactively identify and resolve community specific needs and concerns, including language, transportation, and other accessibility needs.

Focus Area 3: Impacts from Climate Change

DHS identified climate change as a strategic priority in its mission to prevent, protect against, mitigate, respond to, and recover from threats and hazards, as well as to build in security, ensure resilience, and facilitate customs and exchange. The Department is strategically positioned to demonstrate the inseparability of security and resilience. In FY2017, DHS formed a tiger team led by OCRSO in collaboration with the Office of Operations, Continuity Division as a follow-

on to the Department’s issuance of its Climate Resilience Directive 023-03 in July 2016. The tiger team developed the “DHS Resilience Framework”, which was signed by the DHS Under Secretary for Management in August 2018. The Framework focuses on critical infrastructure areas: energy and water, facilities, information and communication technology, and transportation. The Framework also establishes guidelines for implementing, monitoring, and identifying DHS resilience readiness. Phases of resilience readiness include man-made and natural disaster emergency response, continuity of operations, devolution, recovery and reconstitution. The Framework also mandated each Operational Component to submit a “Plan for Resilience” by August 30, 2019; the deadline was met.

DHS Component-specific efforts to address impacts from climate change in FY2020 included:

Science and Technology Directorate (S&T), Office of Innovation and Collaboration, Office of University Programs – *Coastal Resilience Center*

The Coastal Resilience Center, a university-led DHS Center of Excellence, is funding research to explore ways to further the ability to mobilize universities for post-disaster community recovery in under-resourced communities. The work is being conducted in partnership with FEMA and is an outcome of the lead researchers experience engaging universities to assist impacted communities in the wake of Hurricane Michael. The results of the study will be used to inform implementation of university engagement within FEMA’s National Disaster Recovery Framework⁸.

Three DHS Summer Research Teams (SRT) funded through the DHS S&T Minority Serving Institutions Program, conducted research in partnership with the Coastal Resilience Center to investigate faster and more accurate ways to model hurricanes, as well as utilize a tool to track the well-being of those experiencing storms first-hand. SRT teams—from University of Puerto Rico-Mayagüez (UPRM), North Carolina A&T University (NCA&T) and Fayetteville State University (FSU) – worked with Coastal Resilience Center researchers from June to August on short-term research projects, and recently completed final reports on that work⁹.

One team looked at “Storm Surge Prediction with Integration of Physical Knowledge in Machine Learning Models” to inform decisions and policy for at-risk coastal communities. Another researcher studied social vulnerability of neighborhoods eligible for floodplain buyouts. This project makes use of storm surge model results from historical storms, as well as social vulnerability, storm damage assessment, and flood insurance data to create a process to prioritize potential buyout locations in advance of a storm. The researcher theorizes in a master’s thesis that considering social vulnerability from the outset of a buyout process could ensure existing inequalities in land use and development are not reinforced with government funding. Flood risk is not evenly dispersed in communities across socio-economic backgrounds which can lead to greater disaster impacts for environmental justice communities.

⁸ <https://coastalresiliencecenter.unc.edu/2020/11/hurricane-michael-story-part-1/>

⁹ <https://coastalresiliencecenter.unc.edu/2020/09/ai-modeled-hurricanes-combined-surge-modeling-and-wellness-apps-summer-research-teams-complete-10-week-projects/>

Coastal Resilience Center researchers have also developed the first Historically Black Colleges and Universities PhD program in Engineering, with concentrations in Coastal Engineering (focusing on hurricanes and floods) and Computational Engineering (focusing on computational fluid dynamics). The goal of this project is to ensure that graduates of the PhD program (more than 80-percent of students at Jackson State University are minorities) are prepared to enter the workforce and to increase opportunities for minority students from underserved minorities to help ameliorate the deficiency in widespread coastal engineering expertise. The project aims to provide graduates with the fundamental coastal engineering knowledge and principles necessary to address engineering challenges in a coastal environment, including those faced by communities arising from coastal natural disasters.

FEMA – *Building Resilient Infrastructure and Communities Program*

FEMA’s Building Resilient Infrastructure and Communities (BRIC) Program, which was rolled out in 2020, incentivizes projects that take future conditions into account (e.g., population changes, demographic changes, climate changes, including sea level rise, and land-use and development shifts). The program also recognizes that social, economic, and geographic factors shape the exposure of people and communities to climate-related impacts and their capacity to respond. Risks are often highest for those that are already vulnerable, including low-income communities, some communities of color, children, and the elderly. Climate change threatens to exacerbate existing social and economic inequalities that result in higher exposure and sensitivity to extreme weather and climate-related events and other changes. FEMA expects more frequent and intense extreme weather and climate-related events, increases in coastal flooding, disruption of ecosystem services, and other changes to increasingly threaten the health and well-being of the American people, particularly populations that are already vulnerable. As a result, BRIC supports adaptation and mitigation policies and programs to help individuals, communities, and states prepare for the risks of a changing climate to reduce the number of injuries, illnesses, and deaths from climate-related health outcomes.

BRIC considers underserved communities by focusing on building capacity (one of the BRIC guiding principles) in the following ways:

- Flexible cost-share: Raising the number of communities that will qualify for BRIC funding (compared to those that would have qualified under previous Hazard Mitigation Assistance [HMA] funding). Small impoverished communities are eligible for an increase in cost-share up to 90 percent federal/10 percent non-federal.
- Project scoping: Support to assist underserved communities in developing project scopes to assist with the application process and raise the possibility of success in funding award.
- Phased projects: Provide initial funding for project designs, with a second phase for construction to help communities that do not have the capacity or resources to fully develop project scopes on their own.

The proposed BRIC Policy streamlines the existing economic criteria that must be met to qualify as a small and impoverished community and in turn be eligible for a lower non-federal cost share. The revised criteria include a single metric that measures economic disadvantage and

increases the number of qualifying communities while reducing the complexity of requirements for application. This will ensure more communities can access BRIC funding, potentially increasing the number of eligible small and impoverished communities by as much as 25% over the previous Pre-disaster Mitigation Program (PDM) levels.

The proposed BRIC Policy broadens the requirements for projects to be considered cost-effective to include those which “will result in increased benefits to society,” therefore giving lower capacity communities greater flexibility and an increased likelihood of receiving grant awards under the Program.

Coast Guard – Response to Effects of Climate Change on Coastal Native Alaskan Villages and Infrastructure

The Coast Guard regularly engages with Native Alaskan communities in the Arctic. These minority and low-income communities are subject to disproportionate impacts of climate change in the form of 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. As a result of this outreach, the Coast Guard has become more cognizant of the considerable climate change impacts on coastal Native Alaskan village subsistence resources, infrastructure, economy, and community health. Coast Guard continues to strategize on appropriate ways and means to evaluate and respond to the needs of Alaskan Native villages.

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). 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.

Focus Area 4: Impacts from Commercial Transportation and Supporting Infrastructure

DHS is instrumental in the movement of goods through mission activities that occur at ports of entry and centralized examination stations along the nation’s borders, during emergency response efforts, and as the grantor of certain permits for bridges. OCRSO and the DHS Office of General Counsel participate in the EJIWG Goods Movement Committee when meetings are held.¹⁰ The EJIWG identified goods movement as one of four areas of focus in the EJ MOU for coordination among federal agencies for appropriate consideration of potential adverse environmental and human health effects from the commercial transportation of freight and supporting infrastructure on minority, low-income, and tribal/indigenous populations.

¹⁰ 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).

On December 4, 2015, the Fixing America’s Surface Transportation (FAST) Act was signed into law. Title 41 of the FAST Act, 42 U.S.C. § 4370m *et seq.*, referred to as “FAST-41,” created a new governance structure, set of procedures, and funding authorities to improve the federal environmental review and authorization process for covered infrastructure projects. FAST-41 also established the Federal Permitting Improvement Steering Council (Permitting Council). The Permitting Council consists of members from 14 federal agencies, the CEQ, and the Office of Management and Budget. DHS is an active member of the Permitting Council. Additionally, in 2017, the President issued EO 13807, *Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects*, also known as One Federal Decision, to streamline federal permitting environmental analysis.

Infrastructure projects covered by FAST-41 lead to increased commercial freight transportation activity and supporting infrastructure (i.e., goods movement), fostered by the USCG Bridge Permit program and Office of Operating and Environmental Standards (CG-OES) deepwater port licenses. Goods movement includes the distribution of freight (raw materials, parts and finished products) by all means of transportation including marine, air, rail, and truck. Goods movement facilities include seaports, inland ports, airports and land ports of entry (border crossings), rail yards, and rail lines, highways, highway truck traffic roads, pipelines, and warehouse and distribution centers. The EJIWG Goods Movement Committee is principally focused on addressing the issues and concerns of overburdened communities impacted by goods movement.

DHS Component-specific efforts related to goods movement in FY2020 included:

Coast Guard – Bridge Permits

In FY2020, the Coast Guard Bridge Program routinely examined environmental justice issues as part of its NEPA analysis of proposed projects, and actively engaged with potentially impacted minority, low-income, or tribal groups. All thirty-four bridge permits issued in FY2020 included this analysis.

CBP – Centralized Examination Stations

CBP has operations at 42 Centralized Examination Stations (CES). Of the 42, four CES sites are located near residential areas or community parks. CBP continues to monitor these CES facilities to ensure that they do not put undue strain on the community. To date, there have been no official or unofficial environmental justice complaints regarding these sites.

- Miami and Chicago CES are located near residential areas
- Gulfport and Philadelphia CES are located next to baseball fields.

In FY2020, CBP began operations at Houston World Trade CES in Houston, Texas. The trucks do not access residential areas. To avoid impacts on local neighborhoods, trucks are routed in and out of this facility through industrial and commercial areas.

IV. Implementation of the DHS Environmental Justice Strategy

The DHS Environmental Justice strategy integrated environmental justice principles into the Department's everyday operations in FY2020 through a variety of methods. The following are several examples of DHS FY2020 implementation efforts that were not previously addressed in Section III of this report.

Creating a Directive and Instruction on Environmental Justice

In FY2020, DHS furthered implementation of the 2016 DHS Directive 023-04, *Environmental Justice*, at the Headquarters and Component levels.

Office of Partnership and Engagement (OPE), Intergovernmental Affairs, Tribal Government Affairs

The Tribal Government Affairs program within the Office of Partnership and Engagement continues to assist offices and components in their engagement with tribal governments in promulgating policy, rules, directives, or making legislative recommendations. This supplements environmental justice efforts and provides an additional resource. In FY2020, the Tribal Government Affairs program published a draft Tribal Consultation Policy, hosted consultation conferences and solicited comments on the internal policy. The Tribal Consultation Policy establishes an accountable process for consultation and consideration of recommendations on matters that may have tribal implications. NEPA and other requirements generally trigger tribal consultation, but the Department's revision to its Tribal Consultation Policy will add an additional layer of resources to address environmental justice issues.

U.S. Citizenship and Immigration Services (USCIS)

The USCIS published National Environmental Policy Act (NEPA) Management Directive (MD-119-014) and Instruction (Instruction 119-014-001) on June 19, 2020. The new policy adheres to Departmental NEPA policy and requires USCIS to ensure potential environmental justice issues are identified and addressed.

Federal Protective Services (FPS)

In June 2020, FPS hired its first Environmental Protection Specialist to build an FPS Environmental Compliance Office. In FY2021, FPS will develop Component-level policy directives to assure compliance with a host of applicable environmental, energy, sustainability, cultural and historic preservation requirements, to include environmental justice.

Developing Compliance and Review Capacity

DHS continued to expand the Department's environmental justice compliance and review capacity in FY2020.

DHS-wide

As established by *Directive 023-01, Rev 01, Implementing the National Environmental Policy Act*, the Environmental Planning and Historic Preservation Decision Support System (EHP DSS) is the online system of record for documenting NEPA review and compliance for certain DHS actions. In FY2020, DHS documented 1,253 categorical exclusions in the EHP DSS, where preparers were required to answer questions regarding consideration of natural and cultural resources, including environmental justice. Additionally, EHP DSS users uploaded 37 environmental assessments and one environmental impact statement where environmental justice was considered.

FEMA

One key component to ensuring the incorporation of environmental justice into FEMA's environmental planning and historic preservation compliance reviews is training of personnel engaged in a variety of roles within the organization such as Grant Program staff, Headquarters staff, Regional staff, and EHP staff deployed to disasters. During the reporting period, FEMA offered the following classes, which included environmental justice compliance requirements and tools as a training component:

1. Six courses of FEMA E/L-0253 "Introduction to Environmental and Historic Preservation Compliance" (typically an in-person class) during the FY2020 reporting period. A total of 80 students attended.
2. In addition to these classroom offerings, FEMA offered four virtual "EHP Orientation Bootcamp" training courses to new employees. Twenty-three individuals completed this training during the reporting period.

CBP

The United States Border Patrol (USBP) provides CBP Environmental and Cultural Stewardship training at the academy for all newly hired agents to provide them with tools to mitigate the impacts that operations have on the environment and instruction on how environmental impact assessment is incorporated into planning for projects supporting the operational mission. All agents must also attend annual refresher training via the online DHS PALMS training portal. The USBP divides the United States into 20 geographic operational areas called sectors. Each sector has identified personnel, such as Public Lands Liaison Agents (PLLAs), who specialize in mitigation of environmental impacts and addressing public concerns. In January 2020, PLLAs participated in Interagency Regional Wilderness Stewardship Training alongside land managers from the Department of Interior. The course emphasized interpreting and applying the 1964 Wilderness Act, agency policies, and wilderness management principles.

Identifying and Addressing Environmental Justice Considerations in Programs, Policies, and Activities

In FY2020, the DHS EJWG, composed of representatives from DHS Components and Headquarters offices, met bi-monthly to review DHS programs and activities, share best practices, and explore opportunities to advance intra- and inter-agency collaboration on current and emergent issues.

OPE, Intergovernmental Affairs, Tribal Government Affairs

The Tribal Government Affairs program in the Department's OPE, Office of Intergovernmental Affairs continuously scans for opportunities to identify environmental justice concerns and opportunities to support overall environmental justice efforts and objectives. This includes working directly with the 574 federally recognized tribes through a robust contact list to share information with over 4,200 tribal leaders, tribal staff, and tribal legal and legislative representatives. The tribal affairs program works to identify activities that might have a disproportionate impact on tribal populations by attending various professional tribal associations and tribal organization conferences and working groups and hosting monthly meetings to share information and updates with tribal nations. Travel and personal engagement during 2020 was somewhat limited due to the COVID pandemic but the tribal affairs program attended the Intertribal Agriculture Council conference, the National Congress of American Indians, the Association of American Indian affairs, and other conferences and engagements to identify potential impacts on American Indians and Alaska Natives. Information gained from attendance at these meetings was shared with the DHS Tribal Affairs working group.

USCIS

USCIS provides several humanitarian programs and protection to assist individuals in need of shelter or aid from disasters, oppression, emergency medical issues, and other urgent circumstances. This includes refugee and asylum status seekers, victims of human trafficking, battered family members, and other special situations like natural disasters. USCIS disseminates relevant immigration information to stakeholders by having pertinent USCIS resources available on the public website in 20 different languages.

CBP

In FY2020, CBP's border wall program worked on updating their public involvement plan to identify the process for communicating and engaging the public in environmental planning for the border wall.

CBP's border wall program created cultural resources protocols and communications plans for coordinating with tribal groups on border wall environmental planning activities in San Diego, El Centro, Yuma, Tucson, El Paso, and Del Rio sectors.

In FY2020, the border wall program engaged with 75 tribes over more than 55 engagements (virtual and in-person meetings, phone calls, emails, letters, and webinars).

Collaborating with Other Agencies on Environmental Justice Related Matters

As outlined in the QHSR, “Homeland security spans the authorities and responsibilities of federal departments and agencies; state, local, tribal, and territorial governments; the private sector; and private citizens and communities. For this reason, coordination and cooperation are essential to successfully carrying out and accomplishing the homeland security missions.”

OPE, Intergovernmental Affairs, Tribal Government Affairs

The Tribal Government Affairs supports various efforts to address environmental justice related issues through interagency working groups. In 2020, its efforts included support and staffing on the efforts to reinvigorate the White House counsel on Native American affairs; participation in the Native American Graves Protection and Repatriation Act and Archaeological Resources Protection Act working group; and participation in the EJIWG. The Tribal Government Affairs program also hosted a summer webinar series that provided a snapshot of interdepartmental efforts in the tribal affairs arena. These monthly workshops focused on a different office or component during each meeting to allow tribal affairs practitioners to gain awareness and insights on program activities and to identify environmental justice opportunities in Indian Country.

DHS HQ

CRCL and CRSO, along with FEMA, began participating in the newly formed Environmental Justice and Natural Disasters Subcommittee of the Environmental Justice Interagency Working Group. The Subcommittee is planning a series of townhall meetings in FY2021 to gain a better understanding of how natural disasters and COVID-19 impact minority, low-income, overburdened, and underserved communities, and how the Federal government can better provide support to these communities to prepare and respond to their needs before, during, and after natural disasters.

CBP

CBP’s border wall program met weekly with Department of the Interior bureaus (U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Indian Affairs, U.S. Geological Service, Bureau of Reclamation, and National Park Service) to coordinate border wall environmental planning efforts, to include outreach to Tribal Nations. The border wall program also regularly met with the EPA and U.S. Forest Service to provide project updates and coordinate on border wall construction.

In September 2018, Department of Interior (DOI) and DHS/USBP signed a Statement of Mutual Benefit and Support for the Southern Border Fuels Management Initiative to reduce the wildfire risk along the Southern Border and increase officer safety. In FY2020, U.S. Fish and Wildlife Service utilized additional funding to coordinate with USBP on fuels management projects that led to the increased viewshed of the technology in the area used by USBP. USBP HQ provided a presentation on the Border Wall Fence Replacement Project to the WRP. In January 2020, the Tucson Sector PLLA provided a presentation on USBP’s PLLA program to Department of Interior’s HQ Managers.

FEMA

Several regions implement their own environmental justice collaboration. For example, every calendar quarter, FEMA Region 6 EHP hosts a Texas Interagency Unified Federal Review (UFR) Meeting to discuss and align environmental and historic preservation (EHP) compliance for federally funded disaster recovery projects and activities with EHP practitioners from across the federal agencies, state agencies, and tribal governments with interest or authority/jurisdiction in the State of Texas.

Communicating Through Active Outreach Efforts

DHS remains committed to active outreach efforts to low-income and minority populations. During the reporting period, DHS led or participated in the following outreach efforts.

Tribal Government Affairs

The Tribal Government Affairs program works to coordinate opportunities for education and outreach with departmental components and offices that have environmental justice interests. This includes the use of an internal distribution list of some 260 contacts. Many of the Department's offices and components have local liaisons who coordinate and build relationships with federally recognized tribal governments and otherwise recognized tribes. The Tribal Government Affairs program acts as a conduit and provides expertise and assistance to components and offices in their formal consultation efforts on matters that might have tribal implications.

Coast Guard

The Coast Guard Bridge Program, as part of the standard application adjudication process, issued public notices prior to any bridge permit action, and solicited comments regarding environmental justice concerns. The Coast Guard Bridge Program frequently interacts with tribes that are environmental justice communities. In FY2020, the Coast Guard Bridge Program engaged with several tribal organizations as follows:

- The Long Island Bridge deck replacement project in Boston Harbor, Massachusetts includes archeological investigations and associated tribal representation.
- For a railroad bridge replacement across the Passaic River between Kearny and Newark, New Jersey, the Coast Guard initiated contact with tribal representatives and invited participation in the review of the National Historic Preservation Act (NHPA) Section 106 Memorandum of Agreement.
- The Pebble Mine Project in Alaska will require one bridge permit. As part of this project, the Coast Guard reached out to five tribes, two Alaska Native village corporations and one regional Alaska Native corporation. The Bridge Program consulted with one of the five Native Villages of Nondalton, and one regional corporation (Bristol Bay Native Corporation). The Coast Guard held two government-to-government meetings with the Bristol Bay Native Corporation.

- The Coast Guard is lead federal agency for the construction of a new bridge adjacent to an historic railroad bridge across the Missouri River at Bismarck, North Dakota and invited 15 federally recognized and one non-federally recognized tribe to participate in consultation and the signing of an NHPA Section 106 Programmatic Agreement. Two Tribes (the Mandan, Hidatsa, and Arikara Nation and the Northern Cheyenne Nation) accepted the invitation to participate in consultation.
- For the Gamble Island Bridge Replacement project across the Snake River near Parma, Idaho, the Coast Guard sent notifications of adverse effects and invitations to participate as consulting parties to five Native American tribes.

Sector Buffalo personnel provided notification and updates for known pollution threats from four commercial vessel groundings upriver from the St. Regis Mohawk tribal lands. The vessels had the potential to release approximately 335,000 gallons of oil into the river. As those threats occurred and the binational responses ensued, the St. Regis Mohawk Tribe offered assistance with equipment and personnel to operate the equipment. The cleanup responses concluded before the Coast Guard needed to use the St. Regis assets. The release of oil was limited to only 1,200 gallons because of quick actions to mitigate the threat and contain the upstream contamination. The quick response and coordination ensured that the oil discharge did not impact Tribal lands.

U.S. Coast Guard, District 17 received concurrence from the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NMFS) and the United States Fish and Wildlife Service (USFWS) that Coast Guard operations are not likely to have a significant impact on federal trust resources. Consultation with NMFS and the USFWS confirmed the effectiveness of Coast Guard standard operating procedures to avoid adversely affecting protected species and habitat. Native Alaskan Communities utilize listed species such as salmonids, Bowhead whales, pinnipeds, Ringed seals, Yellow-Billed loons, Stellar sea lions, and other subsistence species for food and cultural purposes.

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 (PARS) to move deep-draft traffic offshore. This study helps prevent conflicts with vessels and 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.

District 17, via co-leadership of the Alaska Regional Response Team (ARRT), continues 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 carry out 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 Coast Guard awarded a \$1,000,000 contract to perform an environmental response action at the former Long Range Navigation (LORAN) Station Cocos Island in Guam. The contracted work will include removal of debris from Cocos Island and Cocos Lagoon associated with Polychlorinated Biphenyls (PCB) and hydrocarbon fuel contamination to mitigate the threat to the environment and to the human health of the subsistence fishermen of the village of Merizo, Guam. The Coast Guard is undertaking this response action to protect human health and the environment pursuant to the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act and E.O. 12580 for sites not on the National Priorities List. Coast Guard Civil Engineering Unit Honolulu (CEUHONO) communicated with the Guam State Historic Preservation Officer (SHPO) to provide information regarding the proposed action. CEUHONO will continue to coordinate with the Guam SHPO regarding any substantive requirements of the NHPA as they develop the work plan.

The Coast Guard has an active College Student Pre-Commissioning Initiative Scholarship Program. This program assists high caliber underrepresented students in receiving degrees and joining the Coast Guard as officers. It also helps provide education and leadership opportunities to environmental justice communities.

CBP

Public Comment

CBP's border wall program held 10 public comment periods for projects in San Diego, El Centro, Yuma, Tucson, El Paso, Del Rio, and Laredo sectors. These comment periods invited the public to provide input on potential environmental, socioeconomic, and quality of life impacts of the border wall projects within these sectors. The comment periods were promoted through a variety of media including letters, emails, flyers, media advisories, advertisements, website and webinars. Materials were made available in English and Spanish. More than 7,000 comments were received in response to the request for comments. A summary of the information received is publicly available on the CBP.gov website.

Tribal Coordination

During FY2020, the border wall program implemented a robust tribal outreach and coordination effort working with sector tribal liaisons. The outreach effort involved supplementing existing contact lists with research of updated and new tribal contacts. The program then implemented a series of targeted outreach meetings (held virtually due to COVID) tailored to tribes on the border as well as outreach to additional tribal groups that may have ancestral lands on the border. This initial outreach resulted in established regular meetings with several tribes on the border including biweekly meetings with the Quechan, Kumeyaay Tribal Nation, Tohono O'odham Nation, and Pascua Yaqui. The border wall program also regularly engages with other tribal entities whose reservation or ancestral lands may be impacted by border wall construction.

Non-governmental Organizations (NGO) and Academic Outreach

The San Pedro River is a valuable natural resource and a designated national riparian conservation area. Many NGOs and stakeholders have an interest in the border barrier construction across the San Pedro River. In June, the border wall program and Tucson sector held a webinar with NGO representatives, interested members of the public, and local elected officials to review the environmental planning for the project and the proposed design.

In FY2020, the border wall program involved 776 organizations in environmental planning efforts including tribes, NGOs, academic institutions, and federal, state, and local government agencies.

USBP PLLAs participated in Real Estate and Environmental Outreach in FY2020 for the Border Wall Fence Replacement Project in San Diego and El Centro, California, Yuma and Tucson, Arizona, and El Paso, Texas. PLLAs met with local stakeholders and Tribes to address any possible impacts or concerns related to the proposed border barrier project.

V. Notable and Innovative Community-based Projects

The Corona Virus, SARS-CoV-2 (COVID-19) crisis has shown that low-income communities and minority communities are being disproportionately affected by the virus, the crisis, and response efforts^{11, 12, 13, 14}. DHS's efforts in preparedness and readiness have facilitated a speedy, whole-of-government response in confronting COVID-19, keeping Americans safe, and helping detect and slow the spread of the virus.

DHS remains vigilant against the COVID-19 virus and continues to lead the national response to minimize the impact of COVID-19 on communities and workers¹⁵. As the nation transitions to a phased approach of reopening the economy the Department and its Components remain steadfast in their commitment to ensure a safe, secure, and prosperous Homeland for the American people. As part of the Department-wide, layered response, CISA, Countering Weapons of Mass Destruction, FEMA, ICE, Coast Guard, and S&T, and others are actively working to protect the nation as described below.

CRCL

CRCL reviewed the accessibility of DHS COVID-19 public messaging for LEP communities. With DHS Component support, CRCL reviewed DHS COVID-19 public messaging, evaluated the information, and made recommendations to each Component on what additional actions, if any, it should consider taking in order to meet its obligations to take reasonable steps to provide meaningful access to LEP persons consistent with EO 13166, *Improving Access to Services for Persons with Limited English Proficiency*, and the DHS Component Language Access Plans.

¹¹ <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/race-ethnicity.html>

¹² <https://projects.iq.harvard.edu/covid-pm>

¹³ https://www.dhs.gov/sites/default/files/publications/mql_sars-cov-2_-_cleared_for_public_release_20201215.pdf

¹⁴ <https://nca2018.globalchange.gov/>

¹⁵ <https://www.dhs.gov/coronavirus>

CRCL reminded all DHS Components that in determining what information to translate and in what languages, to consider the 4-factor analysis set forth in the DHS Language Access Plan to help agencies in assessing meaningful access. CRCL requested DHS Components to consider how they can provide meaningful access to both existing and newly developed COVID-19 information for the public rather than translate information that has become outdated or is subject to frequent change.

CRCL's Community Engagement Section worked during the pandemic to continue connecting with diverse communities across the United States in a virtual setting. Section staff participated in national and regional calls with individual stakeholders and large organizations to focus in on the key issues facing particularly vulnerable populations and then to raise those issues to senior leadership within the Department to influence policy. The Community Engagement Section highlights civil rights and civil liberties concerns by elevating the voices of the most impacted communities in our nation.

Coast Guard

The Coast Guard, as the lead federal agency in the maritime domain, continues to 'stand the watch' through the ongoing global pandemic. The USCG has recalled and deployed 342 reservists since the beginning of the pandemic. Reservists have been activated to serve in numerous types of roles, including work in IT support, medical clinics, PPE warehouses, command centers and other incident management roles, notably assisting federal partners such as the U.S. Department of Health and Human Services, and supporting state emergency operations centers on behalf of FEMA.

Due to the potential for disproportionate effects from COVID-19 on tribal and remote communities, the Coast Guard undertook special procedures to ensure that its 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 Coast Guard missions in tribal and remote communities. Coast Guard 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 Coast Guard personnel travel in support of enforcement and aviation deployments.

Coast Guard addressed community and regulatory agency concerns for potential COVID-19 spread through the maritime transportation sector on the St. Lawrence River and into the Great Lakes transportation system, which passes through the St. Regis Mohawk/Akwesasne tribal lands. The Coast Guard held two virtual exercises to address these concerns. Additionally, Sector Buffalo coordinated participation in a follow-on Canadian exercise during the planning for, and eventual opening of, the Saint Lawrence Seaway transportation system to foreign vessel traffic on April 1, 2020. The St. Regis Mohawk Tribe was a part of the unified command during the exercises. The Tribe participated to identify their information needs and to ensure the mitigation of potential impacts to tribal communities. Additional organizations that participated in the exercises included New York State Department of Health, Transport Canada, and river pilot groups.

CISA

In September 2020, CISA released the [Emergency Communications Support to Alternate Care Facilities Guideline](#). The best practices guide is meant for those establishing Alternate Care Sites (ACS) to consider communications best practices gleaned from public safety. Although the target audience is state, local, tribal, and territorial public safety and public health communities, the best practices guide may also help to inform planning documents implemented to support communications when coordinating with national and federal entities, such as the U.S. Army Corps of Engineers and the U.S. Army National Guard.

Countering Weapons of Mass Destruction (CWMD)

CBP and CWMD (which houses the Department's Chief Medical Officer), are providing direct support to the Centers for Disease Control and Prevention (CDC) efforts by conducting enhanced health screenings at 13 major airports. At all air, land, and sea Ports of Entry (POE), CBP Officers and Border Patrol Agents continue to identify and refer individuals with symptoms of COVID-19, or a history of travel to China, Iran, or certain European countries in the past 14 days, to CDC or local public health officials for enhanced health screening.

FEMA

In addition to aiding those impacted by this year's California wildfires and historic hurricane season, FEMA continues to lead the operational coordination for the federal interagency response to the COVID-19 pandemic¹⁶. FEMA supports the COVID-19 response through programs such as grants, lost wage assistance, evacuation and shelter assistance, testing supplies and personal protective equipment, remote home inspections, and medical support staff. In FY2020, more than 19,500 FEMA, Department of Defense, National Guard, and HHS personnel were deployed across the country to support state, local, tribal and territorial COVID-19 response efforts. FEMA and interagency partners were constantly tailoring staffing and resources across agencies, always ensuring the agency could provide support when and where it was needed most.

FEMA continues to be on the front lines of COVID-19 response efforts and continues to explore ways to ensure its services are more equitable for all to access. For example:

1. FEMA has a statutory exclusion under Section 316 of the Stafford Act that exempts COVID-19 projects for emergency protective measures from NEPA, such as purchasing medical supplies and PPE or repurposing existing facilities to serve as temporary medical and sheltering sites. FEMA is committed to seeking out innovative solutions for environmental compliance and mission activities by:
 - Integrating the protection and enhancement of environmental, historic, and cultural resources into FEMA's mission and program delivery;
 - Ensuring that FEMA's activities and programs comply with applicable environmental and historic preservation (EHP) laws, regulations, and executive orders, including EO 12898; and

¹⁶ <https://www.fema.gov/disasters/coronavirus>

- Providing EHP technical assistance to FEMA staff, local, State, Federal, and Tribal partners, and recipients and subrecipients.
- a. In FY2020, FEMA funded more than 700 projects under the 102 COVID-19 Emergency and Major Disaster declarations, totaling more than \$3 billion in federal assistance funding under the Public Assistance grant program. Even more impressive, FEMA subject matter experts took an average of two days to review these projects for EHP compliance and no significant effects were made on human health or the environment.
 - b. During the pandemic, for those projects resulting from COVID-19 declared disasters, FEMA implemented streamlined procedures under the National Historic Preservation Act the Endangered Species Act, in consultation with appropriate partner agencies. As an example, multiple informational and listening sessions were held with Federally recognized tribes, including Alaskan Natives, and Native Hawaiian organizations on utilization of emergency procedures under Section 106 of the National Historic Preservation Act.
 - c. FEMA Regions continue to proactively coordinate with tribal entities. FEMA OEHP Region 6 Tribal Liaison helped coordinate disaster recovery including COVID-19 tribal calls, by keeping contact information up-to-date and actively consulting on FEMA projects.
2. FEMA continues to source and procure testing material – specifically, testing swabs and transport media – to support the White House Coronavirus Task Force and the Administration’s Testing Blueprint. In FY2020, FEMA and HHS coordinated the delivery of millions of N95 respirators, surgical masks, face shields, gloves, surgical gowns, coveralls, and testing swabs. The FEMA-sourced material was provided to states, territories, and tribes for a limited duration to help increase testing capacity and response efforts in support of their individualized plans.
 3. FEMA has shipped over 30,000 packages of medical supplies to nursing homes in 53 states and territories. FEMA coordinated two shipments totaling a 14-day supply of personal protective equipment to all 15,400 Medicaid and Medicare-certified nursing homes. The shipments supplement existing efforts to provide equipment to nursing homes.
 4. In July 2020, OER selected an External Civil Rights Division Director who will be responsible for developing OER’s environmental justice program. The Director will actively participate in the EPA’s Environmental Justice Workgroup and engage with leaders from other federal agencies, academic institutions, and in the private sector regarding environmental justice concerns to enhance OER’s environmental justice program. Finally, OER drafted [Ensuring Civil Rights During the COVID-19 Response](#) to provide best practices to assist SLTT partners in anticipating and attending to civil rights concerns during the COVID-19 pandemic, which included environmental justice best practices. Also, OEHP added guidance in the “EHP and Emergency Protection Measures COVID-19 Fact Sheet” to help applicants take environmental justice considerations into account.

U.S. Immigration and Customs Enforcement (ICE)

The health, welfare and safety of ICE detainees is one of the Department's highest priorities. Since the onset of reports of COVID-19, ICE epidemiologists have been tracking the outbreak, regularly updating infection prevention and control protocols, and issuing guidance to ICE Health Service Corps staff for the screening and management of potential exposure among detainees. ICE is actively working with state and local health partners to determine if any detainee requires additional testing or monitoring to combat the spread of the virus.

ICE's Operation Stolen Promise targets fraudulent activity stemming from the pandemic. The initiative combines ICE's Homeland Security Investigation's expertise in global trade investigations, financial fraud, and cyber investigations with robust private and public partnerships to disrupt and dismantle this criminal activity and strengthen global supply-chain security.

Science and Technology (S&T)

The Science and Technology Directorate (S&T) is harnessing the knowledge of its experts to help in response to COVID-19. It has focused its efforts on laboratory research and providing valuable resources to inform the broader response community and help keep front line responders and communities safe. S&T updates its [Master Question List](#) (MQL) weekly to compile available research on operationally-relevant questions to aid decision makers in the COVID-19 response. The MQL is a quick-reference guide covering what is known about the virus, what additional information is needed, and who may be working to address these fundamental questions.

United States Secret Service (USSS)

The USSS continues to expose fraudulent activity related to the Coronavirus Aid, Relief, and Economic Security (CARES) Act and remains committed to combating COVID-19 unemployment fraud so those in need are not negatively impacted. The USSS will continue to work closely with law enforcement partners and the U.S. Attorney's Office to investigate and arrest criminals who attempt to defraud the critical COVID-19 relief programs and the American taxpayer.

VI. Public Comments

No public comments were received on the FY2019 Environmental Justice Annual Implementation Progress Report. DHS remains open to public comment on its Environmental Justice Strategy and Annual Reports.

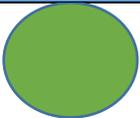
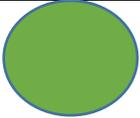
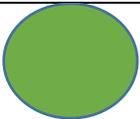
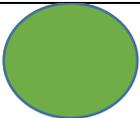
VII. Updates and Revisions to the DHS EJ Strategy

The DHS Environmental Justice Strategy was approved in February 2012 and outlines several strategic objectives. Appendix A: 2012 Strategic Objectives Update, summarizes the Department's progress towards the 2012 goals. The DHS Environmental Justice Strategy is available to the public at <https://www.dhs.gov/dhs-environmental-justice-strategy>. The Department is updating its Environmental Justice Strategy for finalization in FY2021.

VIII. Conclusion

This FY2020 Environmental Justice Annual Implementation Progress Report serves as the official update of the Department's activities for the implementation of the 2012 DHS Environmental Justice Strategy. The Department remains committed, to the greatest extent practicable and as permitted by law, to integrate environmental justice into its programs, policies, and activities, by identifying and addressing, as appropriate, the disproportionately high and adverse human health or environmental effects on minority and low-income populations throughout the United States, including its territories and possessions, such as the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Island.

Appendix A: Strategic Objectives Update

	Objective	Status	Activity Summary
1	Creating a Directive and Instruction on Environmental Justice through revisions to Directive 023-01 on Environmental Planning Program		<ul style="list-style-type: none"> ▪ NEPA Directive 023-01 issued 10/31/14 ▪ NEPA Instruction 023-01-001-01 issued 11/06/14 ▪ EJ Directive 023-04 issued 09/19/18
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.		<ul style="list-style-type: none"> ▪ Institutionalized Annual Program Management Reviews
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.		<ul style="list-style-type: none"> ▪ Establishment of the DHS Environmental Planning and Historic Preservation Decision Support System for evaluating and documenting NEPA compliance for CATEXs (FY2012) ▪ DHS Civil Rights Evaluation Tool implementation
4	Collaborating fully with other agencies on environmental justice related matters, as the need arises.		<ul style="list-style-type: none"> ▪ EJIWG ▪ Chair EJ Goods Movement Committee ▪ FEMA Unified Federal Review
5	Effectively communicating through active outreach efforts with the public, the academic community, other agencies, and non-federal governmental entities, including government-to-government contact with tribes.		<ul style="list-style-type: none"> ▪ CRCL technical assistance to recipients as part of the DHS Federally Assisted Compliance Program ▪ DHS Tribal Consultation Policy ▪ USCG/Tribal Nation MOU and Memorandum of Agreement ▪ FEMA/EPA Disaster Response collectives ▪ COVID-19 response efforts
	*not all inclusive	 completed  in progress  not started	