

ENVIRONMENTAL JUSTICE

I. Purpose

This Directive establishes the Department of Homeland Security (DHS) policy regarding the administration of the Environmental Justice Program.

II. Scope

This Directive applies throughout DHS, except where inconsistent with the statutory independence of the Inspector General (Title 5, United States Code (U.S.C.)).

III. Authorities

This Directive is governed by numerous Public Laws, Regulations, and Executive Orders (EO), such as but not limited to:

- A. Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- B. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.)
- C. Title 6 Code of Federal Regulations Part 21, Nondiscrimination on the basis of race, color, or national origin in programs or activities receiving federal financial assistance from the Department of Homeland Security
- D. 29 U.S.C. 794 (Section 504 of the Rehabilitation Act of 1973)
- E. Memorandum of Understanding on Environmental Justice and EO 12898 (August, 2011)
- F. Delegation 00501, Delegation for Environmental Management, Energy Management, and Environmental Planning & Historic Preservation
- G. EO 13166, Improving Access to Services for Persons with Limited English Proficiency, to the list of authorities
- H. Delegation Number 19001 Delegation to the Deputy Officer for Civil Rights and Civil Liberties Programs and Compliance

- I. Delegation 19003, Delegation to the Office for Civil Rights and Civil Liberties For Matters Involving Civil Rights And Civil Liberties, Including Equal Employment Opportunity and Workplace Diversity

IV. Responsibilities

This section outlines the basic responsibilities as determined by this Directive.

- A. Per Delegation 00002, Delegation to the Under Secretary for Management, the **Under Secretary for Management** establishes and oversees the implementation of policies within the Department and, except as otherwise provided by law, and carries out additional functions of the agency.
- B. The **Office of the Chief Financial Officer**, through the Financial Assistance Policy and Oversight Division, provides guidance and exercises oversight of grant programs, in coordination with the Office of the Chief Readiness Support Officer (OCRSO).
- C. The **Office of the Chief Readiness Support Officer** oversees the administration and direction of actions to ensure environmental justice considerations are taken into account in programs, policies, and activities.
 1. Co-chairs the DHS Environmental Justice Workgroup.
 2. Represents the Department on the Federal Environmental Justice Interagency Working Group (EJIWG), and subcommittees as required, with the exception of EJIWG Title VI subcommittee.
 3. Manages the development of the DHS Environmental Justice Annual Progress Implementation Report.
 4. Provides technical assistance and guidance on addressing the environmental justice requirements of Departmental programs, policies and activities.
- D. The **Office of Civil Rights and Civil Liberties (CRCL)** oversees the Department's efforts to assure nondiscrimination in its federally assisted programs, including those programs that affect human health or the environment, in accordance with Title VI of the Civil Rights Act of 1964 and related statutes.
 1. Co-chairs the DHS Environmental Justice Working Group.

2. Provides technical assistance and guidance to recipients on their obligations, and has responsibility for processing complaints and conducting compliance reviews to ensure nondiscrimination in their federally assisted programs and activities, including those that may affect human health or the environment.
 3. Provides technical assistance and guidance to recipients and Department stakeholders on fulfilling obligations to persons with limited English proficiency and persons with disabilities or other access and functional needs as part of broader efforts to effectively engage environmental justice communities.
 4. Reports on efforts to address environmental justice issues in programs and activities supported through federal financial assistance in the DHS Environmental Justice Annual Progress Implementation Report and CRCL's annual report to Congress, as appropriate.
 5. Supports the development of the DHS Environmental Justice Annual Progress Implementation Report.
 6. Represents the Department on the EJIWG Title VI subcommittee and the Public Participation subcommittee.
- E. The **Office of the General Counsel** provides legal advice, guidance, and review for all environmental justice policy and supports Departmental compliance or implementation actions.
- F. The **Office of Partnership and Engagement** oversees and manages Departmental relationships with state, local, and tribal governments to ensure adequate consideration of environmental justice issues in the Department's activities.
- G. The **Office of Policy** ensures Departmental policies support the objectives and priorities set forth in the DHS Environmental Justice Strategy.
- H. The **Component Heads**:
1. Assure Component compliance with EO 12898.
 2. Appoint a Component representative(s) responsible for the integration of the tenets of environmental justice, including but not limited to, Title VI of the Civil Rights of Act of 1964 (as applicable), goods movement, climate change and the National Environmental Policy Act, into Component programs, policies and activities.

- I. The **Component Representatives**:
 1. Oversees the integration of the tenets of environmental justice into existing management controls and decision-making processes throughout the organizations.
 2. Assures submission to the OCRSO of Component data required for the DHS Environmental Justice Annual Implementation Progress Report, Congressional inquiries, and other data calls.

V. Policy and Requirements

- A. The Department approaches environmental justice through the missions and general strategic framework set forth in the 2014 Quadrennial Homeland Security Review (QHSR), which guides the activities of the homeland security enterprise, including those of the Department.
- B. Environmental justice considerations can arise within four of the QHSR's five homeland security missions: Prevent terrorism and enhance security; enforce and administer immigration laws, secure and manage our borders; and strengthen national preparedness and resilience; as well as all of the strategic priorities. To the greatest extent practicable and permitted by law, it is the Department's policy to integrate environmental justice into programs, policy and activities, by identifying and addressing, as appropriate, the disproportionately high and adverse human health or environmental effects on minority populations and low-income populations throughout the United States, including its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands.
- C. DHS ability to affect environmental justice arises principally through environmental review of the impact of operations, financial assistance to state, local and tribal governments, and through regulatory permitting activities. Due to the diversity of Component missions, incorporation of environmental justice policies across the Department may be highly variable. The program addresses, at a minimum, the nine program areas listed below:
 1. Federal grant and assistance programs
 2. Public participation and access to information
 3. Research, data collection and analysis
 4. Subsistence consumption of fish and wildlife
 5. National Environmental Policy Act
 6. Title VI of the Civil Rights of 1964
 7. Climate Change

8. Goods Movement
9. Reporting

D. Consistent with the DHS Environmental Justice Strategy, the Department:

1. Ensures that meaningful opportunities exist for stakeholder engagement and input on to the DHS Environmental Justice Strategy and the Department's ongoing efforts to incorporate environmental justice principles into its related programs, policies, and activities.
2. Publishes, upon approval for signature by the Secretary or designee, an annual Environmental Justice Implementation Progress Report.
3. Assures environmental justice is considered in the advancement of the DHS Quadrennial Homeland Security Review.
4. Reports all environmental justice inquiries recommendations and complaints to the OCRSO and CRCL.
5. Discusses environmental justice, as relevant and appropriate, in the quarterly or annual reports to Congress mandated by the Homeland Security Act of 2002 and other statutes.

VI. Questions

Please address questions to the Chief Readiness Support Officer.



Russell C. Dejo
Under Secretary for Management



Date