

Agencies' Pact Seen Forcing Action To Address Environmental Justice

EPA and 16 other major federal agencies have signed a memorandum of agreement (MOA) to bolster environmental justice cooperation across the federal government, a move that is being widely praised by some environmentalists and industry officials who say it will force agencies to show progress in addressing the issue.

The Aug. 4 MOA recommitments the 17 agencies and departments that signed the deal to implementing the Clinton-era Executive Order (EO) 12898, which generally required agencies to make environmental justice part of their missions and established a federal Interagency Working Group (IWG) on Environmental Justice.

The new agreement renews the process required by EO 12898 for agencies to develop strategies to protect communities overburdened by pollution, and now requires them to provide the public with input opportunities on new annual progress reports on the efforts — a major step that will pressure the agencies to show progress, one industry source says.

"The annual progress report means things have to get done, particularly by EPA but a number of other institutions [because] when they send out a report they actually have to show progress. So I expect this to mean something and that it really does elevate [equity] in the administration," the source says.

An environmentalist also lauds the move as a "courageous" step by the Obama administration, which has made environmental justice a top priority.

The agreement also establishes "structures and procedures" for effective operation of the IWG, and requires agencies "to identify particular areas of focus to be included in agency environmental justice efforts," including climate change.

EPA and the Department of Justice (DOJ) led the effort to win cabinet-level backing for the MOA. One source promised last month that the MOA "is going to happen" and that the two agencies were working hard to engage other major agencies (*Inside EPA*, July 15).

While EO 12898 had established the interagency working group, the new agreement establishes a first-time IWG charter that lays out the framework, procedures and responsibilities for the group that sources say is helping to reinvigorate the group.

The charter provides details for operation of the IWG, for example noting it will be chaired by the EPA administrator, and requires the group to "serve as a clearinghouse to help identify opportunities for targeted interagency cooperation on environmental justice." It also instructs the group to develop "listening sessions and other similar opportunities" to hear from the public, and coordinate responses to public input.

Further, the charter gives the IWG a role in addressing the dozens of Civil Rights Act complaints that many agencies face under the law's Title VI provision. The charter creates a Title VI committee within the interagency group, which "will be a resource available to help agencies connect their civil rights enforcement responsibilities with other efforts to achieve environmental justice," the agreement says.

The agreement also helps solidify and broaden work by EPA Administrator Lisa Jackson to prioritize equity issues throughout agency decisionmaking, and builds on efforts by EPA and DOJ to include more equity-related work in settlements, for example in new consent decrees addressing sewer overflows that include hefty supplemental environmental projects to replace failing sewers in low-income neighborhoods in St. Louis; Newark, NJ; and Kansas City, MO (*Inside EPA*, Aug. 5).

"Expanding the conversation on environmentalism and working for environmental justice are some of my top priorities for the work of the EPA, and we're glad to have President Obama's leadership and the help of our federal partners in this important effort," Jackson said in a statement. "Every agency has a unique and important role to play in ensuring that all communities receive the health and environmental protections they deserve. Our broad collaboration will mean real progress for overburdened communities."

The MOA requires the agencies to release their environmental justice strategies by Sept. 30, which must be periodically reviewed and updated. It also says that each agency will "ensure that meaningful opportunities exist for the public to submit comments" on the strategies. And it requires each agency to release an annual progress report Feb. 11 — the anniversary of the original 1994 executive order.

Further, it specifically lists issues, such as climate change effects and goods movement, as well as implementation of statutes, including the National Environmental Policy Act and Title VI of the Civil Rights Act, as areas of focus for disproportionate adverse impacts.

Other agencies and departments signing the MOA include Agriculture, Labor, Health & Human Services, Transporta-

tion, Energy, Commerce, Defense, Education, Veterans Affairs, Homeland Security, the White House Council on Environmental Quality, the General Services Administration and the Small Business Administration.

The industry source says the MOA is significant because “not only have they managed to get all members of the IWG to sign off on this but they actually have priorities and action-forcing mechanisms.” The source adds the priorities identified — including goods movement and climate change — mean the government may harness resources to actually “do something,” such as cleaning up polluted ports and helping communities adapt to climate change.

Additionally, one environmental justice advocate calls the MOA “a big deal. . . . Anytime the federal government works collaboratively across multiple agencies it is big news. . . . Also, given the all-out assault on EPA’s budget, statutory and regulatory authority as expressed [by House appropriators] any aggressive forward movement by EPA is newsworthy I think. This is a courageous step . . . Everyone who lives in a community that is disproportionately exposed to environmental hazards and pollution, coupled with poverty and other markers of inequality will be glad to know that at the highest levels of their government they have not been forgotten, even in this time of extreme economic contraction.”

However, a second activist downplays the significance of the MOA, saying, “It is meaningless that the federal government simply dusts off the [equity] program, puts a new binder on it, and sits it higher on the shelf only to collect more dust. . . . Politics doesn’t stop pollution from killing people. All the agencies signing this [pact] should move their offices to” equity neighborhoods. “Then maybe there would be enforcement of the law. Instead, there is a complete cerebral disconnect from Washington to the street.”

The MOA comes as speculation grows that Jackson may be complicating an overdue response by the United States in a first-time petition alleging the government has violated residents’ human rights by overburdening them with pollution, possibly arguing for the case to proceed. — *Dawn Reeves*