



September 2019

ENVIRONMENTAL JUSTICE

Federal Efforts Need Better Planning, Coordination, and Methods to Assess Progress

Why GAO Did This Study

Environmental justice seeks to address the disproportionately high distribution of health and environmental risks among low-income and minority communities by seeking their fair treatment and meaningful involvement in environmental policy. In 1994, Executive Order 12898 directed 11 federal agencies to identify and address environmental justice issues related to their activities and tasked an interagency working group to coordinate federal environmental justice efforts. In 2011, 16 agencies, including the 11 original agencies, recommitted to planning and reporting on environmental justice efforts by signing an MOU.

GAO was asked to review federal environmental justice efforts. This report examines agencies' environmental justice actions, strategic plans and progress reports, and working group collaboration. GAO reviewed agency environmental justice plans, reports, and funding data; interviewed agency officials; and compared working group collaboration to leading collaborative practices.

What GAO Recommends

GAO is making 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 goals. Of the 15 agencies with recommendations, eight agreed. Other agencies' responses included partial agreement, disagreement, and no comment. GAO continues to support its recommendations.

View [GAO-19-543](#). For more information, contact J. Alfredo Gómez at (202) 512-3841 or gomezj@gao.gov.

ENVIRONMENTAL JUSTICE

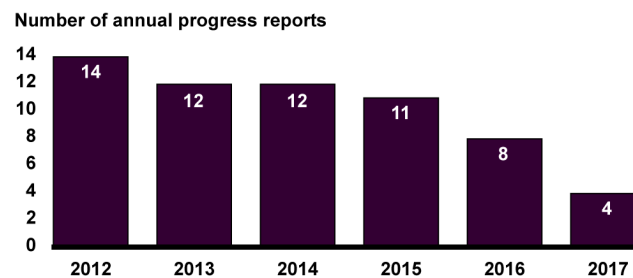
Federal Efforts Need Better Planning, Coordination, and Methods to Assess Progress

What GAO Found

Most of the 16 agencies that are members of the interagency working group on environmental justice—created by Executive Order 12898 in 1994—reported taking some actions to identify and address environmental justice issues, such as creating data tools, developing policies or guidance, and building community capacity through small grants and training. For example, the Environmental Protection Agency (EPA) created a mapping tool that can help identify low-income and minority communities exposed to health or environmental risks. Several agencies, such as EPA and the Departments of Justice, Homeland Security, and the Interior, also developed policies or guidance to analyze environmental justice issues during environmental reviews or enforcement activities. Most of the agencies supported their efforts with funds and staff from related programs, but EPA and the Department of Energy provided funds (\$8.3 million in fiscal year 2018) and staff specifically for environmental justice.

Agencies' progress toward environmental justice is difficult to gauge, however, because most do not have updated strategic plans and have not reported annually on their progress or developed methods to assess progress. As they agreed to do in a 2011 Memorandum of Understanding (MOU), most of the agencies developed environmental justice strategic plans, but only six have updated them more recently. Few agencies have measures or methods for assessing progress, and the working group has not provided guidance to help agencies with such assessments. The number of agencies issuing annual progress reports has declined (see fig.). Updated strategic plans and annual progress reports, along with guidance on performance measures and methods, would help agencies provide essential information to assess their progress.

Number of Annual Progress Reports Issued by 16 Agencies from the Interagency Working Group on Environmental Justice since Fiscal Year 2012



Source: GAO review of agency environmental justice progress reports. | GAO-19-543

The working group, chaired by EPA, has developed committees and written agreements to carry out its responsibilities to coordinate agencies' environmental justice efforts, but it is not carrying out several functions in the 1994 Executive Order. GAO has found that collaborative mechanisms, such as the working group, benefit from clear goals, but the working group's organizational documents do not contain clear strategic goals aligned to address the order. Clear strategic goals to carry out the executive order could enhance the group's strategic direction for intergovernmental environmental justice efforts.

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Abbreviations

CEQ	Council on Environmental Quality
Commerce	Department of Commerce
DHS	Department of Homeland Security
DOD	Department of Defense
DOE	Department of Energy
DOI	Department of the Interior
DOJ	Department of Justice
DOL	Department of Labor
DOT	Department of Transportation
Education	Department of Education
EJSCREEN	Environmental Justice Screening and Mapping Tool
EPA	Environmental Protection Agency
FTE	Full-time equivalent
HHS	Department of Health and Human Services
HUD	Department of Housing and Urban Development
GPRA	Government Performance and Results Act
GSA	General Services Administration
MOU	Memorandum of understanding
NEJAC	National Environmental Justice Advisory Council
NEPA	National Environmental Policy Act
NOAA	National Oceanic and Atmospheric Administration
OMB	Office of Management and Budget
SBA	Small Business Administration
USDA	Department of Agriculture
VA	Department of Veterans Affairs

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September 16, 2019

The Honorable Bernie Sanders
Ranking Member
Committee on the Budget
United States Senate

The Honorable Bennie Thompson
Chairman
Committee on Homeland Security
House of Representatives

The predominantly minority and low-income community of West Oakland, California, is surrounded by three interstate freeways and abuts a major port. Since 2000, the city has been redeveloping the port and the adjacent Oakland Army Base. This redevelopment includes additional infrastructure for the movement of commercial goods, such as warehouses and distribution centers, which brings truck traffic and diesel emissions to local streets. Up to 3,000 trucks visit the port each day.¹ A study conducted by the California Air Resources Board in 2008 found that West Oakland residents are exposed to air concentrations of diesel pollution that were almost three times higher than average background levels in the surrounding area.² Research indicates that West Oakland's experience reflects a nationwide problem with the distribution of environmental and health risks for minority and low-income communities. For example, a 2018 study found that minority and low-income communities in most states and counties across the country are disproportionately exposed to facilities that emit harmful air pollution (e.g., industrial or waste disposal facilities).³

Concerns about disparities in the health and environmental risks faced by low-income and minority communities gave rise to the concept of

¹City of Oakland and Port of Oakland, *West Oakland Truck Management Plan* (Oakland, CA: May 2019).

²State of California, Air Resources Board, *Diesel Particulate Matter Health Risk Assessment for the West Oakland Community* (Sacramento, CA: December 2008).

³Mikati, Ihab, Adam F. Benson, Thomas J. Luben, Jason D. Sacks, and Jennifer Richmond-Bryant, "Disparities in Distribution of Particulate Matter Emission Sources by Race and Poverty Status." *American Journal of Public Health* vol. 108, no. 4 (2018): 480-485.

environmental justice. Specifically, the environmental justice movement grew out of efforts in the 1980s to draw attention to the location of hazardous waste sites near poor communities with largely minority and rural populations. The movement gained national attention in 1982 with large-scale protests against the siting of a toxic landfill in a predominantly African-American community in Warren County, North Carolina.

Environmental justice issues include a broad array of environmental hazards, such as unsafe drinking water, proximity to chemical facilities, and risks from climate change and natural disasters. The Environmental Protection Agency (EPA) describes environmental justice as seeking 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. In practice, this would mean that all communities enjoy the same degree of protection from environmental and health hazards and equal access to decision-making processes.

Federal agencies have been making efforts to identify and address environmental justice issues for more than 25 years. In 1994, the President signed Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*.⁴ The executive order directed each of 11 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.” It also directed agencies to develop environmental justice strategies that include a list of programs, policies, and activities that should be revised to better address environmental justice issues.⁵ In addition, the executive order

⁴Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (Feb. 11, 1994).

⁵Executive Order 12898 applied to the Departments of Agriculture, Commerce, Defense, Energy, Health and Human Services, Housing and Urban Development, the Interior, Justice, Labor, Transportation, and the Environmental Protection Agency. The executive order also included the Office of Management and Budget, Office of Science and Technology Policy, Office of the Deputy Assistant to the President for Environmental Policy, Office of the Assistant to the President for Domestic Policy, National Economic Council, Council of Economic Advisers, and such other government officials as the President may designate. Unlike the agencies, the offices were not required to prepare environmental justice strategic plans or progress reports.

established the Interagency Working Group on Environmental Justice (working group), chaired by EPA.

After taking initial actions to implement the 1994 executive order, agency participation fluctuated over the succeeding decades. EPA continued some efforts to integrate environmental justice into its programs and more widely across the federal government, but in 2004 and 2006, EPA's Inspector General made a number of recommendations to improve EPA's environmental justice efforts.⁶ In response to the 2006 report, EPA took additional steps to implement the executive order, such as identifying national environmental justice priority areas (e.g., reduce air toxics) and improving environmental justice action plans.

We have also recommended improvements in EPA's environmental justice efforts, and the agency has largely implemented them. In July 2005, we made four recommendations to EPA to help ensure that environmental justice issues are adequately identified and considered when clean air rules are being drafted and finalized, and, in July 2007, provided testimony on the status of these efforts.⁷ EPA disagreed with these recommendations but subsequently implemented all four of them by taking several actions. These actions included developing additional demographic variables for use in a mapping program that it uses to help identify communities of concern; requiring environmental justice training for all regulatory policy staff in 2007; and drafting a policy for how EPA's Office of Air and Radiation will integrate environmental justice into its programs, policies, and activities. EPA also created an agency-wide process and a set of protocols for conducting environmental justice program reviews when setting standards and developing rulemakings or regulations.

In October 2011, we made four additional recommendations to support EPA's continued progress toward the effective integration of

⁶EPA Office of Inspector General, *Evaluation Report: EPA Needs to Consistently Implement the Intent of the Executive Order on Environmental Justice*, Report No. 2004-P-00007 (Mar. 1, 2004) and *Evaluation Report: EPA Needs to Conduct Environmental Justice Reviews of Its Programs, Policies, and Activities*, Report No. 2006-P-00034 (Sept. 18, 2006).

⁷GAO, *Environmental Justice: EPA Should Devote More Attention to Environmental Justice When Developing Clean Air Rules*, [GAO-05-289](#) (Washington, D.C.: July 22, 2005) and *Environmental Justice: Measurable Benchmarks Needed to Gauge EPA Progress in Correcting Past Problems*, [GAO-07-1140T](#) (Washington, D.C.: July 25, 2007).

environmental justice considerations into the agency's programs, policies, and activities.⁸ EPA partially agreed with the four recommendations and implemented three of them by taking several actions. For example, EPA defined key environmental justice terms in documents, developed an environmental justice screening and mapping tool based on nationally consistent environmental and demographic data, engaged states regarding their roles and responsibilities (such as through briefings on EPA's 2014 environmental justice plan), and included milestones and measures for implementation in its 2020 environmental justice action agenda. EPA did not implement the fourth recommendation, which was related to assessing resources, saying it was difficult to implement because environmental justice efforts were integrated throughout the agency.

In addition to taking these actions, EPA reaffirmed its commitment to environmental justice through a 2010 memo, in which the EPA Administrator cited environmental justice as one of the agency's top priorities. The agency also identified environmental justice as a cross-cutting strategy in its agency-wide strategic plan for fiscal years 2011 through 2015.

⁸GAO, *Environmental Justice: EPA Needs to Take Additional Actions to Help Ensure Effective Implementation*, [GAO-12-77](#) (Washington, D.C.: Oct. 6, 2011).

Members of the Interagency Working Group on Environmental Justice

Sixteen federal agencies and one agency of the Executive Office of the President are the 17 working group members that signed the 2011 Memorandum of Understanding:

- Council on Environmental Quality
- Environmental Protection Agency
- General Services Administration
- Small Business Administration
- Department of Agriculture
- Department of Commerce
- Department of Defense
- Department of Education
- Department of Energy
- Department of Health and Human Services
- Department of Homeland Security
- Department of Housing and Urban Development
- Department of the Interior
- Department of Justice
- Department of Labor
- Department of Transportation
- Department of Veterans Affairs

Source: 2011 Memorandum of Understanding on Environmental Justice. | GAO-19-543

As EPA reaffirmed its commitment to environmental justice, other agencies also took action. In August 2011, 16 federal agencies—the 11 agencies listed in the executive order and five additional agencies⁹—signed a memorandum of understanding (MOU) in which they

- (1) agreed to participate in the working group;
- (2) declared the continued importance of identifying and addressing environmental justice considerations in federal programs, policies, and activities as provided in Executive Order 12898;
- (3) renewed the process for all working group agencies to develop environmental justice strategies, with each agency committing to develop or update its strategy by early 2012;¹⁰ and
- (4) called for all working group agencies to issue annual progress reports on the implementation of their strategies.

The Council on Environmental Quality (CEQ)¹¹ also agreed to participate in the working group given its responsibility to oversee implementation of

⁹The additional agencies that opted to sign the 2011 MOU as participating agencies are the Departments of Education, Homeland Security, and Veterans Affairs; the General Services Administration; and the Small Business Administration. One agency of the Executive Office of the President also signed the 2011 MOU—the Council on Environmental Quality; the other offices named in the 1994 executive order did not.

¹⁰The 2011 MOU and Executive Order 12898 use the term “environmental justice strategies.” For the purposes of this report, we use the term “environmental justice strategic plans,” because working group members have used environmental justice strategic plans to document their environmental justice strategies.

¹¹CEQ officials stated that CEQ participates in the working group but was not required to prepare an environmental justice strategic plan or report on progress because it is a participating office of the working group. Under the interagency working group’s charter, participating offices take part in the activities of the working group as appropriate and as consistent with Executive Order 12898. CEQ’s statutory purpose, among other things, is to develop and recommend to the President national policies to foster and promote the improvement of environmental quality and to oversee the implementation of NEPA. We include CEQ when we examine the extent to which the working group collaborated on environmental justice because CEQ agreed to participate. When we examine the plans, progress shown, and examples of agency actions, we do so for the 16 agencies that agreed to prepare environmental justice strategic plans and progress reports.

the National Environmental Policy Act (NEPA).¹² In 2016, the working group released its *Framework for Collaboration*, which described how it planned to provide guidance, leadership, and support to federal agencies in carrying out environmental justice efforts.

Executive Order 12898 directs each federal agency 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 or low-income populations. For example, when the contractor operating a Department of Homeland Security's (DHS) Customs and Border Protection inspection facility relocated the facility in West Oakland, California, in 2014 as part of the redevelopment of the port and waterfront area, the contractor did not initially consider the community's previously identified concerns over truck traffic and diesel emissions. However, the community identified concerns about increased truck traffic and emissions after the relocation and requested that federal agencies such as the Department of Transportation (DOT) and DHS's Customs and Border Protection take action to help resolve the problems. Starting in 2015, the community mapped and monitored air pollution related to these diesel emissions with assistance from partners including EPA, an environmental non-profit organization, and Google. DHS officials stated that when the contract ended, the facility moved to a non-residential area. DHS officials told us that the agency is considering incorporation of environmental justice into its contracting procedures, as it already does for NEPA processes.

You requested that we examine federal agencies' environmental justice strategies. This report examines (1) the extent to which the 16 working group agencies have developed environmental justice strategic plans and shown progress toward environmental justice goals since 2011; (2) the actions the agencies have taken to identify and address environmental justice issues related to their programs, policies, and activities since the executive order was issued in 1994 and the resources they have used to do so in recent years; and (3) the extent to which the working group has collaborated on environmental justice efforts. To address all three objectives, we reviewed the executive order, working group documents,

¹²See NEPA Section 204 codified at 42 U.S.C. § 4344. Under NEPA, federal agencies must evaluate the environmental impacts of their proposed major federal actions using an environmental assessment or a more detailed environmental impact statement, unless a categorical exclusion applies.

and agency plans, reports, and related documents; and interviewed agency officials. We also attended the 2018 National Environmental Justice Conference and Training Program in Washington, D.C., and visited sites in Oakland, California, and Richmond, California, to add context to our review with observations of communities with environmental justice issues. We selected these sites because they had minority and low-income populations with environmental and health concerns.

To examine the extent to which the 16 agencies developed environmental justice strategic plans and showed progress toward environmental justice goals since 2011, we reviewed agency plans and reports issued from 2012 through 2018 and interviewed agency officials about the origin and status of their plans and reports. We compared the agencies' environmental justice strategic plans against leading practices for federal strategic planning that our past work has identified, such as updating plans at least every 4 years, articulating specific goals, establishing a method to assess progress toward these goals, and aligning the plans and goals with the agency's mission.¹³ We also interviewed agency officials about their progress toward the goals of the executive order and their strategic plans.

To examine the actions agencies took to identify and address environmental justice issues related to their programs, policies, and activities, we reviewed agency environmental justice strategic plans, progress reports, and related documents; and interviewed agency officials about their environmental justice efforts since the issuance of the 1994 executive order.¹⁴ To examine what resources the agencies used for environmental justice efforts in recent years, we obtained and reviewed agency budget justification documents and agency-reported resources data for fiscal years 2015 through 2018. We assessed the reliability of the

¹³We have previously reported that the strategic planning practices required at the federal agency level under the Government Performance and Results Act of 1993 (GPRA) can serve as leading practices for planning at lower levels within agencies such as individual programs or initiatives. These practices and associated Office of Management and Budget guidance, together with practices we have identified, provide a framework of leading practices in federal strategic planning. GAO, *Puget Sound Restoration: Additional Actions Could Improve Assessments of Progress*, [GAO-18-453](#) (Washington, D.C.: July 19, 2018), [GAO-12-77](#), and *Managing for Results: Critical Issues for Improving Federal Agencies' Strategic Plans*, GGD-97-180 (Washington, D.C.: Sept. 16, 1997).

¹⁴We interviewed the officials primarily responsible for environmental justice efforts for each working group member.

agency-reported resources data by corroborating with agency budget justification documents or other internal agency budget documentation and comparing it with information on any reported examples of environmental justice efforts. In addition, we conducted 33 interviews with environmental justice stakeholders about the agencies' efforts. These stakeholders included representatives from local and national nonprofit organizations, universities, and private companies. We selected stakeholders based on their expertise on a range of issues directly related to environmental justice and on geographic dispersion. The views of stakeholders we interviewed cannot be generalized to all similar stakeholders, but they represent a range of stakeholder perspectives and provide illustrative examples of views on agency efforts.

To determine the extent to which the working group has collaborated on environmental justice efforts, we reviewed working group documents from 2012 through 2018, including recent plans and progress reports. We also interviewed officials from working group committees. We compared the working group's organization, documents, and actions with key features of collaborative mechanisms that we previously identified, including clarifying roles and responsibilities, participating, establishing written guidance and agreements, and establishing outcomes and accountability.¹⁵ We selected these features because they were most relevant to the working group's activities. For further details on our objectives, scope, and methodology, see appendix I.

We conducted this performance audit from November 2017 to September 2019 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

In 1994, Executive Order 12898 directed each federal agency to develop an environmental justice strategy that identifies and addresses disproportionately high and adverse human health or environmental

¹⁵GAO, *Managing for Results: Key Considerations for Implementing Interagency Collaborative Mechanisms*, [GAO-12-1022](#) (Washington, D.C.: Sept. 27, 2012), and *Results-Oriented Government: Practices That Can Help Enhance and Sustain Collaboration among Federal Agencies*, [GAO-06-15](#) (Washington, D.C.: Oct. 21, 2005).

effects of its programs, policies, and activities on minority populations and low-income populations. Together, the 1994 executive order and the 2011 MOU include eight areas that agencies' environmental justice efforts should address, as appropriate, such as NEPA implementation and public participation. Working group members have documented their environmental justice strategies using environmental justice strategic plans.

We have previously reported on the importance of certain leading practices in developing or updating strategic plans and developing periodic progress reports, including in our October 2011 review of EPA's environmental justice efforts.¹⁶ We reported that a multi-year strategic plan articulates the fundamental mission of an organization and lays out its long-term general goals for implementing that mission, including resources needed to achieve the goals. To that end, during strategic planning, which should occur at least every 4 years, an agency should review its mission statement, review its strategic goals, align strategic goals and strategies, and align strategic and annual performance goals. In addition, a strategic plan should contain a description of how the goals will be achieved, including human capital, information, and other resources needed. Finally, agencies should develop annual performance plans with annual performance goals—linked to the overall strategic goals—and describe how the goals will be measured to assess progress in achieving them. As one method for assessing such progress, we identified key attributes of successful performance measures, such as having measurable targets.

Interagency Collaboration on Environmental Justice

The 1994 executive order also created an interagency working group to coordinate federal environmental justice efforts by serving the following seven functions:

- Provide guidance to federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.
- Coordinate with, provide guidance to, and serve as a clearinghouse for each federal agency as it develops an environmental justice strategy, in order to ensure consistent administration, interpretation, and enforcement of programs, activities, and policies.

¹⁶[GAO-12-77](#).

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- Assist in coordinating research by, and stimulating cooperation among, EPA; the Department of Health and Human Services (HHS); Department of Housing and Urban Development (HUD); and other agencies conducting certain research, data collection, or analysis.
 - Assist in coordinating data collection.
 - Examine existing data and studies on environmental justice.
 - Hold public meetings.
 - Develop interagency model projects on environmental justice that demonstrate cooperation among federal agencies.

After a period of relative inactivity, 16 agencies and CEQ recommitted to collaborating on environmental justice efforts through a revitalized interagency working group when they signed the 2011 MOU.

We have previously found that federal agencies have used a variety of mechanisms to implement interagency collaborative efforts, including working groups, and that interagency collaboration mechanisms benefit from key features, which raise issues to consider when implementing such mechanisms.¹⁷ These features include defining and articulating a common outcome; reinforcing agency accountability for collaborative efforts through agency plans and reports; developing mechanisms to monitor, evaluate, and report on results; agreeing on or clarifying roles and responsibilities; including all relevant participants and determining their ability to commit resources; identifying and addressing resource needs; and documenting written guidance and agreements.

Federal Framework for Addressing Environmental Justice

The 1994 executive order did not create new authorities or programs to carry out federal environmental justice efforts. As a result, federal environmental justice efforts seek to use existing federal laws, programs, and funding to address environmental and health problems that disproportionately burden minority and low-income communities, such as exposure to environmental pollutants.

¹⁷[GAO-12-1022](#) and [GAO-06-15](#).

Example of Capacity Building Funded by an EPA Environmental Justice Grant in Spartanburg, South Carolina

EPA provided a \$20,000 environmental justice grant to a community organization in Spartanburg, South Carolina, in 2000 to support three research projects on the health of residents and former employees at a fertilizer plant and landfill sites. The target area, on the south side of Spartanburg, had a 96 percent African-American population according to EPA's 2002 *IWG Status Report*. EPA's initial \$20,000 grant paid for research to help confirm health issues related to nearby hazardous waste sites. According to EPA officials, this initial investment has helped Spartanburg secure investments in the community. As a result, Spartanburg now has community health centers, affordable housing, and a recreation center.



Source: Environmental Protection Agency (EPA). | GAO-19-543

Several environmental laws regulate pollutants in the air, water, or soil and generally require a regulated facility to obtain permits from EPA or a state. These laws also authorize the issuance of administrative orders, among other things, to require cleanup of contamination. For example:

- Under the **Clean Air Act**, EPA, along with state and local government units and other entities, regulates air emissions of various substances that harm human health.
- **The Clean Water Act** regulates discharges of pollutants into waters of the United States, including lakes, streams, and other water bodies.
- **The Resource, Conservation, and Recovery Act** prohibits the treatment, storage, and disposal of hazardous waste without a permit.
- In addition, **the Comprehensive Environmental Response, Compensation, and Liability Act** authorizes EPA to compel the responsible parties to clean up contaminated sites and also allows EPA to conduct cleanups and then seek reimbursement from the responsible parties.

Federal enforcement actions include administrative orders issued by EPA and civil or criminal judicial actions brought by the Department of Justice (DOJ).¹⁸

- Under **NEPA**, federal agencies must evaluate the environmental impacts of their proposed major federal actions using an environmental assessment or a more detailed environmental impact statement, with some exceptions.¹⁹ CEQ is responsible for overseeing federal agencies' implementation of NEPA. In 1997, the council

¹⁸Civil enforcement actions include settlements, civil penalties, injunctive relief, mitigation, and Supplemental Environmental Projects. Injunctive relief brings the entity into compliance with environmental laws by performing or refraining from some designated action. Mitigation is additional injunctive relief to reduce or offset harm caused by past or ongoing violations. Supplemental Environmental Projects are environmentally beneficial projects or activities that are not required by law that a defendant voluntarily agrees to perform as part of the settlement. See EPA's *2015 Update to the 1998 U.S. EPA Supplemental Environmental Projects Policy*. However, on August 21, 2019, DOJ issued a memorandum announcing restrictions on the use of Supplemental Environmental Projects in settlements with state and local governments. In its memo, DOJ wrote that in the absence of congressional approval, there are compelling legal and policy reasons militating against the use of these projects in settlements or consent decrees with state and local governments.

¹⁹Federal agencies have determined that some types of actions do not individually or cumulatively have a significant effect on the human environment and therefore neither an environmental assessment nor an environmental impact statement is required (i.e., categorical exclusions).

issued guidance stating that agencies should consider environmental justice issues at several stages of the NEPA process, as appropriate. This guidance provides principles for considering whether particular agency actions raise environmental justice issues, such as looking at the demographic composition of the affected area and seeking public participation.

- HHS has programs and initiatives that address environmental health issues. Such efforts include the Centers for Disease Control and Prevention’s National Environmental Public Health Tracking Network—a data initiative which brings together health and environmental data from national, state, and city sources—and the Centers for Disease Control and Prevention’s National Report on Human Exposure to Environmental Chemicals—a series of reports that uses biomonitoring to assess the U.S. population’s exposure to environmental chemicals.
- Title VI of the **Civil Rights Act of 1964**, as amended, prohibits discrimination based on race, color, or national origin in programs or activities that receive federal financial assistance. To carry out and enforce the provisions of the act, federal agencies have developed programs to receive and investigate allegations of discriminatory actions taken by recipients of federal funding.

In addition to these laws and programs, EPA also established a National Environmental Justice Advisory Council (NEJAC) in 1993 to provide advice and recommendations to EPA’s Administrator about issues related to environmental justice. NEJAC provides a forum for diverse perspectives, with representatives from various sectors, including academia, community groups, industry and business, non-governmental and environmental organizations, state and local governments, and tribal governments and indigenous groups. In recent years, NEJAC has issued reports on key environmental justice issues, including one on industrial waterfront areas (ports) and another on water and wastewater infrastructure.²⁰

²⁰See National Environmental Justice Advisory Council, *Proposed Recommendations for Promoting Community Resilience in Environmental Justice Industrial Waterfront Areas*, (Washington, D.C.: May 2015), and National Environmental Justice Advisory Council, *EPA’s Role in Addressing the Urgent Water Infrastructure Needs of Environmental Justice Communities*, (Washington, D.C.: August 2018).

Most Agencies Have Developed Environmental Justice Strategic Plans but Have Not Shown Clear Progress toward Environmental Justice Goals

Most of the agencies that signed the 2011 MOU have developed environmental justice strategic plans that contain strategic goals, but most have not shown clear progress toward these goals. Specifically, 14 of the 16 agencies have developed environmental strategic plans, and 12 also established strategic goals in these plans, but several agencies have not updated their plans in recent years. In addition, most agencies have not issued annual progress reports or established methods to assess progress.

Most Agencies Have Developed Environmental Justice Strategic Plans and Established Goals, but Several Agencies Have Not Updated These Plans Recently

Most of the 16 agencies have developed environmental strategic plans, and most of these plans included strategic goals to help direct the agencies' environmental justice efforts. As shown in table 1, 14 of the 16 agencies issued environmental justice strategic plans after 2011, when they agreed to develop or update such plans under the 2011 MOU.

Table 1: Agencies' Development of Environmental Justice Strategic Plans since 2011

Agency	Developed an environmental justice strategic plan (most recent year developed)	Included strategic goals in strategic plan
Department of Agriculture	● (2016)	●
Department of Commerce	● (2012)	○
Department of Defense	○	N/A
Department of Education	● (2012)	●
Department of Energy	● (2017)	●
Department of Health and Human Services	● (2012) ^a	●
Department of Homeland Security	● (2012)	●
Department of Housing and Urban Development	● (2012)	○
Department of the Interior	● (2016)	●
Department of Justice	● (2014)	● ^b
Department of Labor	● (2012)	●
Department of Transportation	● (2016)	●
Department of Veterans Affairs	● (2012)	●

Agency	Developed an environmental justice strategic plan (most recent year developed)	Included strategic goals in strategic plan
Environmental Protection Agency	● (2016)	●
General Services Administration	● (2016)	●
Small Business Administration	○	N/A
Total	14	12

Key: ● = Yes; ○ = No; N/A = Not applicable

Source: GAO review of agencies' environmental justice strategic plans. | GAO-19-543

^aHealth and Human Services' most recent environmental justice strategic plan was developed in 2012, but it has posted a list of "priority areas of focus" for environmental justice for 2015 through 2016 on its website.

^bDepartment of Justice did not include strategic goals in its strategic plan. However, strategic goals are included in the department's companion guidance to its plan.

Of the 14 agencies that developed environmental justice strategic plans, 12 also established strategic goals in these plans, as shown in table 1.²¹ Many of the agencies had multiple goals with common themes.²² For example, eight agencies included goals that involved providing assistance, such as grants, technical assistance, or direct services, to environmental justice communities. Eight agencies also included goals that involved promoting public participation; seven agencies included goals that involved identifying and addressing environmental justice issues; four agencies included goals related to training or educating agency staff on environmental justice; four agencies included goals related to promoting enforcement of Title VI; three agencies included goals related to conducting research on environmental justice issues; and three agencies included goals related to incorporating environmental justice considerations into policies or guidance.

²¹The Office of Management and Budget defines a strategic goal as a "statement of aim or purpose" that "articulate[s] clear statements of what the agency wants to achieve." Office of Management and Budget, Circular No. A-11, Part 6, *Federal Performance Framework: Strategic Planning, Annual Performance Plans and Reports, Priority Goals, Performance Reviews, Customer Experience, and Program and Project Management* (Washington, D.C.: June 2018).

²²The two agencies that did not include strategic goals in their plans listed "guiding environmental justice principles." Although these guiding principles are not goals, they help to articulate the agencies' general approach to environmental justice efforts. Among their guiding principles, both agencies included statements that the public should be offered opportunities to contribute to policymaking, that tribes should be consulted regularly, that all people should be treated fairly and have access to equal opportunities, and that the agencies' environmental justice efforts should be conducted in a transparent and accountable manner.

Two agencies—the Department of Defense (DOD) and Small Business Administration (SBA)—did not issue environmental strategic plans after 2011 even though by signing the MOU they agreed, as appropriate, to develop or update their environmental justice strategies by early 2012. DOD issued such a plan in 1995, shortly after the executive order was signed but has not updated its plan since. We have previously reported that strategic planning serves as the starting point and foundation for defining what the agency seeks to accomplish, identifying the strategies it will use to achieve desired results, and then determining how well it succeeds in achieving goals and objectives.²³ DOD officials said that the agency has not prioritized environmental justice efforts. By updating its environmental justice strategic plan, DOD would have a foundation for such efforts.

SBA has never issued an environmental justice strategic plan. SBA officials said that the agency is uncertain whether it has a role in implementing environmental justice and they were in the process of reviewing whether SBA should continue its membership in the working group. By assessing whether to participate in the 2011 MOU, SBA could clarify its role.

Of the 14 agencies that developed environmental justice strategic plans after 2011, six agencies have updated those plans and one has updated its priority areas on its website. The 2011 MOU directs agencies to update their strategic plans periodically, and GAO's leading practices for strategic planning suggest that strategic plans should be updated every 4 years.²⁴ Five of the six agencies—the U.S. Department of Agriculture (USDA), Department of the Interior (DOI), DOT, EPA, and General Services Administration (GSA)—issued updated strategic plans in 2016 in response to a request from the working group that all agencies update their strategic plans. The sixth agency, the Department of Energy (DOE),

²³GAO, *Agencies' Strategic Plans under GPRA: Key Questions to Facilitate Congressional Review*, [GAO/IGD-10.1.16](#) (Washington, D.C.: May 1, 1997).

²⁴The Government Performance and Results Act Modernization Act of 2010 requires that federal agencies update their strategic plans every 4 years. We have previously reported that the act's requirements also can serve as leading practices for strategic planning at lower levels within federal agencies. See, for example, GAO, *Coast Guard: Actions Needed to Enhance Performance Information Transparency and Monitoring*, [GAO-18-13](#) (Washington, D.C.: Oct. 27, 2017).

issued an updated strategic plan in 2017.²⁵ HHS posted a list of “priority areas of focus” for environmental justice for 2015 through 2016 on its website.²⁶ Agency officials noted that this was less resource-intensive than conducting a full review and update of the strategic plan.

The remaining seven agencies—Commerce, Education, DHS, HUD, DOJ, Department of Labor (DOL), and Department of Veterans Affairs (VA)—have not updated their plans since issuing them after 2011. Six of these agencies issued their environmental justice strategic plans in 2012, and one of these agencies, DOJ, issued its revised strategic plan and a companion guidance document in 2014. As a result, as of 2019, these plans are more than 4 years old and may not reflect the agencies’ current approach. Some of these agencies have taken preliminary steps to update their plans, but with the exception of DHS, they do not have a time frame for developing an update according to agency officials.

DHS officials stated that the agency was developing an updated environmental justice strategic plan, which is scheduled for formal internal review during calendar year 2019 and for release in 2020. DOJ officials stated that they plan to meet in 2019 to review and discuss possible updates to their strategic plan, but the agency does not intend to update it unless any significant changes have taken place since they reissued it in 2014. According to HUD officials, HUD prepared a draft of an updated environmental justice strategic plan for 2016 through 2020 and posted it online for public comment in November 2016, but the agency has not worked on the draft plan since then. According to agency officials, the draft plan has not been finalized because of staff losses and because HUD leadership prioritized other issues, such as long-term disaster recovery, over environmental justice issues.

Officials from Commerce stated that the agency has not updated its environmental justice strategic plan because of the time and resources that this would require. Officials from Education, DOJ, DOL, and VA said that they do not believe it is necessary to update their agency plans

²⁵In 2008, DOE issued an environmental justice strategy and an environmental justice 5-year implementation plan. According to the implementation plan DOE created for its 2008 strategy, the strategy and plan covered the years 2009 through 2013. Therefore, the 2008 plan was still active at the time DOE signed the memorandum of understanding.

²⁶These priority areas include climate change, community capacity, data and tools, and funding opportunities. HHS identified specific action steps it planned to take in each of these areas.

because they are continuing to implement their existing plans or because their approach to environmental justice work has not changed since their plans were issued. However, in updating their plans, which are no longer current, the agencies could explain that significant changes were not made. By updating their strategic plans or by reaffirming the validity of their current plans, these agencies (Commerce, Education, DHS, HUD, DOJ, DOL, VA) would have a current plan to guide their environmental justice activities as they committed to do in the 2011 MOU.

Most Agencies Have Not Shown Clear Progress toward Environmental Justice Goals

While 12 agencies have developed an environmental justice strategic plan with strategic goals, most of them have not shown clear progress toward achieving their environmental justice goals and the purpose of the executive order. Specifically, the agencies have not comprehensively assessed how environmental justice fits with their overall missions or their progress toward the implementation of their strategic goals by issuing annual progress reports or by establishing methods to gauge their progress, such as performance measures. Furthermore, officials from most agencies said that they are unable to determine how much progress they have made toward achieving the major requirement from the executive order because they do not have a way to assess progress.

Seven Agencies Assessed Environmental Justice within Their Agency Missions, and Seven Agencies Did Not Clearly Do So

Of the 14 agencies that developed environmental justice strategic plans after 2011, we found that seven of the agencies—Commerce, DHS, DOE, DOL, EPA, GSA, and HUD—assessed and discussed how their environmental justice efforts aligned with their overall missions. For example, HUD’s environmental justice strategic plan contains a section that describes HUD’s mission to create strong, sustainable, inclusive communities and quality, affordable homes for all. The section then discusses its overall strategic goals and their relationship to environmental justice. For example, HUD’s goal to build inclusive and sustainable communities free from discrimination includes a subgoal to promote energy-efficient buildings and location-efficient communities that are healthy, affordable, and diverse. Similarly, Commerce includes a section in its environmental justice strategic plan entitled “Relationship of Environmental Justice to Agency Mission and Agency Strategic Plan Goals or Objectives.” Among the agency-wide goals that support environmental justice, Commerce describes the National Oceanic and Atmospheric Administration’s (NOAA) efforts to manage fisheries, coastal habitats and species, and protected areas, and to provide information and warnings about weather conditions to the nation, including vulnerable populations.

In our review of the 14 agencies' environmental justice strategic plans, we found that seven of these plans did not clearly show how the agencies assessed alignment between the agencies' environmental justice plans and overall mission, although the 1994 executive order directed each agency 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. In addition, EPA officials questioned how some environmental justice strategic plans from agencies related to their agency's core missions and stated that to be effective, environmental justice should be considered throughout agencies' missions.

Our previous work found that effective strategic plans include, among other things, agency missions and long-term goals, and that to encourage the use of performance information, agency-wide goals and measures should align.²⁷ Specifically, we have previously found that an agency's program goals should flow from its mission statement and that its strategic goals—those that explain what results are expected and when they should be achieved—should also grow out of the mission statement. Although half of the agencies' environmental justice strategic plans did not clearly show that their agencies assessed their connection to their overall mission, officials from DOI, DOJ, USDA, and VA said that they considered their agencies' overall strategic plan's mission and goals when they developed their environmental justice strategic plans. HHS officials commented that although HHS's overall strategic plan is at a very high level, some elements within its environmental justice strategic plan, such as research, align with its overall strategic plan. The remaining agencies did not explain whether they had considered their agencies' overall mission and goals when developing their environmental justice strategic plans.

The 1994 executive order requires that each federal agency makes achieving environmental justice part of its mission and requires the working group to provide guidance to agencies in developing their environmental justice strategies. However, the working group has not provided guidance to federal agencies on how to develop a strategic plan,

²⁷GAO, *Results-Oriented Government: GPRA Has Established a Solid Foundation for Achieving Greater Results*, [GAO-04-38](#) (Washington, D.C.: Mar. 10, 2004) and *Managing For Results: Enhancing Agency Use of Performance Information for Management Decision Making*, [GAO-05-927](#) (Washington, D.C.: Sept. 9, 2005).

including how to demonstrate they have considered their broader agency missions in developing their environmental justice strategic plans. According to the working group’s charter, the working group creates committees to carry out its responsibilities under this executive order, and one of those committees—the Strategy and Implementation Progress Report Committee—is to be available as a resource to federal agencies as they develop and update their environmental justice strategies. However, according to officials from EPA, which chairs the working group, this committee has not provided guidance to agencies on what to include in their strategic plans because each agency determines the direction of their plans. By developing such guidance, the working group could assist agencies in planning more strategically about which parts of their mission are important for achieving environmental justice.

Fourteen Agencies Issued at Least One Progress Report after 2011, but Most Have Not Done So Annually

Of the 14 agencies that developed environmental justice strategic plans after 2011, all have issued at least one annual progress report on the implementation of these plans, but most have not issued such reports every year, as they agreed to do in the 2011 MOU (see table 2).

Table 2: Agencies’ Issuance of Annual Environmental Justice Progress Reports after 2011

Agency	Environmental justice progress report, by year ^a						Number of reports issued
	2012	2013	2014	2015	2016	2017	
Department of Agriculture	●	○	●	●	○	○	3
Department of Commerce	●	●	●	○	○	○	3
Department of Defense	○	○	○	○	○	○	0
Department of Education	●	○	○	○	○	○	1
Department of Energy	●	●	●	●	●	○	5
Department of Health and Human Services	●	●	●	●	●	○	5
Department of Homeland Security	●	●	●	●	●	●	6
Department of Housing and Urban Development	●	●	●	○	○	○	3
Department of the Interior	●	●	●	●	●	○	5
Department of Justice	●	●	●	●	●	●	6
Department of Labor	●	●	●	●	●	○	5
Department of Transportation	●	●	●	●	○	○	4
Department of Veterans Affairs	●	●	●	●	○	○	4
Environmental Protection Agency	●	●	○	●	●	●	5
General Services Administration	●	●	●	●	●	●	6 ^b

Agency	Environmental justice progress report, by year ^a						Number of reports issued
	2012	2013	2014	2015	2016	2017	
Small Business Administration	○	○	○	○	○	○	0
Total	14	12	12	11	8	4	61

Key: ● = Yes; ○ = No.

Source: GAO review of agencies' environmental justice progress reports. | GAO-19-543

^aSome agencies have reported by fiscal year, while others have reported by calendar year. This table therefore includes both fiscal year and calendar year reports. For example, the column for 2012 includes progress reports covering either calendar year 2012 or fiscal year 2012.

^bGeneral Services Administration issued one progress report covering fiscal year 2016 through fiscal year 2018.

As shown in table 2, two of the 16 agencies—DHS and DOJ—have issued progress reports every year.²⁸ In addition, several agencies issued progress reports consistently during the first few years after signing the 2011 MOU but subsequently stopped issuing reports. For example, four agencies—DOE, HHS, DOI, and DOL—issued progress reports through 2016 but have not issued reports for 2017. Four additional agencies issued reports through either 2014 or 2015 but have not issued any reports since then. Only four agencies—DHS, DOJ, EPA, and GSA—have issued progress reports for 2017. The two agencies that did not develop environmental justice strategic plans after 2011—DOD and SBA—have not issued any progress reports.

According to the 2011 MOU, each agency should issue an annual report on the progress it has made over the previous year in implementing its environmental justice strategic plan. However, agency officials from most of the agencies said that they had not issued annual progress reports because of competing priorities. In addition, officials from some agencies, including USDA, DOE, and VA, cited the change in administration in January 2017 as a factor in delaying or not issuing their progress reports. Officials from DOE, HHS, and DOT said that they planned to issue overdue progress reports in the near future. The remaining agencies who have not issued a progress report since 2016 or earlier either did not have plans to issue progress reports or did not provide information on the status of their progress reports. However, we have previously found that annual program performance reports can provide essential information needed to assess federal agencies' performance and hold agencies

²⁸GSA issued one progress report covering fiscal year 2016 through fiscal year 2018.

Most Agencies Have Not Established Methods for Assessing Progress toward Their Environmental Justice Goals

accountable for achieving results.²⁹ Further, we have previously found that reporting is part of a broader performance management process that includes identifying mission and desired outcomes, measuring performance, and using this information to report on performance and to identify gaps in performance.³⁰ By issuing progress reports each year, the agencies—Commerce, DOD, DOE, DOI, DOL, DOT, Education, HUD, HHS, USDA, and VA—can have more reasonable assurance that they have the information needed to assess their performance and to demonstrate results.

The agencies' progress reports generally describe the environmental justice activities that the agencies conducted but do not include any methods to assess progress. In our review of the most recent progress reports issued by each of the 14 agencies, we found that these reports contain information on activities undertaken by the agency over the previous year. Some of the reports are organized by the goals that the agencies identified in their environmental justice strategic plans and include information on the agencies' future plans for environmental justice efforts.

However, most agencies have not established a method that would allow them to evaluate their progress toward their environmental justice goals, such as establishing performance measures. According to Office of Management and Budget (OMB) guidance, performance measures are a means of evaluating efficiency, effectiveness, and results. The guidance also describes different types of these measures, including outcome measures—indicating an agency's progress toward achieving the intended results of its efforts—and output measures—usually expressed quantitatively and describe the level of activities that will be provided over a period of time (e.g., the number of meetings held or the number of people trained).³¹ Agencies may assess their progress using milestones, which are scheduled events signifying the completion of a major deliverable or a phase of work (e.g., a date by which the agency will

²⁹[GAO-05-927](#).

³⁰GAO, *Executive Guide: Effectively Implementing the Government Performance and Results Act*, [GAO/GGD-96-118](#) (Washington, D.C.: June 1, 1996).

³¹Office of Management and Budget, Circular No. A-11, Part 6, *Federal Performance Framework: Strategic Planning, Annual Performance Plans and Reports, Priority Goals, Performance Reviews, Customer Experience, and Program and Project Management* (Washington, D.C.: June 2018).

release a certain product), according to OMB guidance.³² While not performance measures, milestones can help agencies track the actions they have completed in implementing their environmental justice strategic plans.

Of the 16 agencies that signed the 2011 MOU, four agencies—DOI, EPA, HHS, and USDA—have established performance measures or milestones for their environmental justice efforts. Of these four agencies, two agencies—HHS and EPA—have reported on their progress toward achieving the performance measures or milestones they established. Examples of how the four agencies measured the progress of their environmental justice efforts include the following:

- DOI established performance measures in its 2012 environmental justice strategic plan and reported on progress using these measures in its 2013, 2014, and 2015 annual progress reports. DOI changed from performance measures to milestones in its 2016 strategic plan. For example, in the 2016 plan, DOI has target years for establishing public outreach strategies and creating a best practices report on public outreach activities for environmental justice communities. According to agency officials, DOI made this change because the performance measures from the 2012 plan were difficult and time-consuming to use, were not helpful in tracking progress, and did not result in actionable outcomes. DOI believed that an action plan would be easier to use for identifying actions to meet goals and for measuring progress. DOI has not yet reported on the milestones from its 2016 strategic plan. Its most recent progress report is from fiscal year 2016, the first year that the strategic plan covers. Agency officials stated that DOI plans to report on the milestones in its fiscal year 2017 progress report but did not provide a timeline for when this report would be issued.
- In its environmental justice strategic plan for 2016 through 2020, EPA established four goals for reducing environmental and health hazards: reducing children’s exposure to lead, reducing contamination of small and tribal drinking water systems, reducing fine particle air pollution,³³

³²Office of Management and Budget, Circular No. A-11, Part 6.

³³Fine particle air pollution is a complex mixture of extremely small particles and liquid droplets in the air. When inhaled, these particles—especially particles equal to or smaller than 2.5 micrometers in diameter—can reach the deepest regions of the lungs. Exposure to particle pollution is linked to a variety of significant health problems.

and reducing contamination at hazardous waste sites.³⁴ EPA established performance measures for tracking progress toward each of these goals at the national level. For example, EPA's goal is to achieve air quality that meets national standards for fine particle pollution in all areas of the country, with special emphasis on communities with poor air quality and low-income populations. EPA collected data from air monitors to determine its progress toward achieving this goal. In its progress report for fiscal year 2017, EPA reported an increase from 43 percent of low-income populations living in counties that attained the standards in 2006 through 2008 to 92 percent in 2014 through 2016. According to agency officials, EPA plans to continue reporting on the goals in the future. EPA has also established several other performance measures and milestones for its environmental justice activities. For example, in its environmental justice strategic plan for 2016 to 2020, EPA provides the status for 28 environmental justice activities that it had included in its environmental justice 2014 strategic plan.

- HHS established many performance measures and milestones in its 2012 environmental justice strategic plan and reported on its progress toward these measures and milestones in its annual progress reports. In its most recent progress report, HHS reported that, as of January 2017, 30 of the 37 actions that it committed to undertake in the 2012 strategic plan had a status of "complete or substantial progress," three had achieved "some progress," and four could not be carried out and were deemed "inactive." For example, HHS reported that it has conducted outreach events to educate local communities on the purpose and functions of the HHS Office for Civil Rights. In this report, HHS also stated that it will no longer be reporting on these measures and milestones going forward and that it would be developing a new plan of action to achieve its environmental justice goals. HHS has not yet developed such a plan and therefore does not have any current performance measures or milestones.
- USDA established several performance measures and milestones for its five strategic goals in its environmental justice strategic plan for 2016 through 2020. For its first environmental justice strategic goal,

³⁴Two of the goals—those related to children's lead exposure and fine particle air pollution—include measures specifically focused on reducing disparities among low-income and non-low-income populations. The other two goals do not include measures specific to environmental justice populations. However, in a technical appendix to its 2016-2020 environmental justice strategic plan, EPA explained how all four of the goals relate to environmental justice and stated that vulnerable communities would be a particular focus for these two goals.

USDA established performance measures involving increased funding for environmental justice-related programs. USDA established milestones for the rest of its goals. Its five strategic goals are: ensure USDA programs provide opportunities for environmental justice communities; increase capacity-building within environmental justice communities; expand public participation in program operations, planning activities, and decision-making processes to benefit environmental justice communities; ensure USDA's activities do not have disproportionately high and adverse human health impacts on environmental justice communities and resolve environmental justice issues and complaints; and increase awareness, skills, and abilities of USDA employees regarding environmental justice issues. However, the agency has not issued a progress report since its 2016 strategic plan and has not yet reported on these measures and milestones. Agency officials said that USDA has collected information on these measures and milestones, but has not issued progress reports with this information.

In our interviews with agency officials, a few described plans for developing new performance measures. In particular, EPA has proposed to implement a measure that would involve identifying key decisions across the entire agency in which environmental justice was taken into account. According to EPA officials, a significant way to incorporate environmental justice into an agency's mission, including its programs, policies, and activities, is to include environmental justice considerations in its various decision-making processes. For example, EPA has set a goal of including environmental justice issues in the analyses for regulatory or permitting decisions, such as Clean Air rules or permits; officials stated that they could count the number of such decisions that have included environmental justice issues in the underlying analyses for the decisions. Under the new performance measure, every EPA office would be responsible for identifying a certain number of decisions it has made and explaining how these decisions were affected by environmental justice considerations. The measure would also allow EPA to share examples of how various offices are taking environmental justice into account, so that other offices could learn from these examples (e.g., integrating environmental justice into permitting decisions). EPA plans to pilot this new measure through September 2019.

The remaining 12 agencies have not established any performance measures or milestones. In the absence of annual progress reports that evaluate progress using performance measures or milestones, we interviewed agency officials about the progress they had made toward the

primary directive in Executive Order 12898—to identify and address disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority or low-income populations. Officials from most of these agencies said that they are unable to determine how much progress they have made toward achieving this directive. Specifically, officials from six of the agencies (Commerce, DOD, Education, DOJ, DOL, and VA) stated that they do not have a method for gauging their progress, although several of these agencies stated that they are able to identify specific accomplishments they have made toward addressing environmental justice issues. A seventh agency, DOT, said that it has made significant progress, but faced challenges in developing quantitative performance measures. Officials from DHS and GSA said that they gauge their progress by tracking the completion of action items or goals from their environmental justice strategic plans, and DOE said that it periodically gauges its progress through conducting qualitative reviews of its environmental justice work. Finally, DOD and SBA reported no efforts to gauge progress toward implementing the executive order. Officials for most of the 12 agencies that have not developed performance measures for their environmental justice efforts said they have not done so because it would be difficult and they are unsure how to do so. For example, DOJ officials commented that it would be difficult to develop meaningful measures that are indicative of true progress toward achieving environmental justice. EPA officials commented that encouraging agencies to adopt performance measures for environmental justice would align with their agency's efforts and would involve, among several things, providing guidance and training to the agencies.

The 2011 MOU states that annual progress reports issued by the agencies should include performance measures as deemed appropriate by each agency. In our previous work, we have found that it is important for agencies to establish a method to assess their progress toward their goals; such methods should ideally include performance measures or milestones.³⁵ We have also reported that performance measures are important for tracking progress in achieving goals and are a key element of effective strategic planning.³⁶ Performance measures provide

³⁵GAO, *Managing for Results: Agencies Need to Fully Identify and Report Major Management Challenges and Actions to Resolve them in their Agency Performance Plans*, [GAO-16-510](#), (Washington, D.C.: June 15, 2016).

³⁶[GAO-12-77](#).

managers with information on which to base their decisions, including how effectively offices are integrating environmental justice in their decisions. Performance measures also create powerful incentives to influence organizational and individual behavior. Leading practices we have identified include clearly relating performance measures to the performance they will be used to evaluate and creating a set of performance goals and measures that addresses important and varied aspects of program performance.³⁷

The executive order directs the working group to provide guidance to agencies in developing their environmental justice strategies. However, the working group has not provided guidance to its members on methods to assess and report on their environmental justice progress, such as through performance measures, according to officials from EPA, which chairs the working group. According to these officials, EPA is still pursuing its own agency-wide performance measures. By developing such guidance or creating a committee, the working group could assist agencies in tracking and measuring their progress in achieving their environmental justice goals.

Most Agencies Reported Taking Various Actions to Identify and Address Environmental Justice Issues, and Most Reported Supporting These Actions with Existing Resources

Most agencies that signed the 2011 MOU reported taking various actions to identify and address environmental justice issues related to their programs, policies, and activities; most also reported having limited resources for these efforts. Examples of actions they reported taking included improving research and data collection by creating data tools, considering environmental justice issues when implementing NEPA and enforcing environmental laws, and revising processes to ensure greater public participation. Most agencies used resources from existing related programs (e.g., civil rights or environmental programs) to support environmental justice efforts, although two agencies provided dedicated resources specifically to environmental justice efforts from fiscal years 2015 through 2018.

³⁷GAO, *The Results Act: An Evaluator's Guide to Assessing Agency Annual Performance Plans*, Version 1, [GAO/IGD-10.1.20](#) (Washington, D.C.: April 1, 1998) and *Agency Performance Plans: Examples of Practices That Can Improve Usefulness to Decisionmakers*, [GAO/IGD/AIMD-99-69](#) (Washington, D.C.: Feb. 26, 1999).

Agencies Reported Creating Data Tools and Revising Processes for Public Participation and Environmental Review

Most of the 16 agencies reported planning and implementing actions to identify and address environmental justice issues to carry out the 1994 executive order and 2011 MOU.³⁸ The executive order contains four areas that agencies' environmental justice strategies should include, as appropriate:

- Promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations.
- Ensure greater public participation.
- Improve research and data collection relating to the health of and environment of minority populations and low-income populations.
- Identify differential patterns of consumption of natural resources among minority populations and low-income populations (e.g., subsistence fishing or hunting).

The 2011 MOU contains four additional areas that the 16 agencies agreed federal environmental justice efforts should include, as appropriate:

- Implement the National Environmental Policy Act (NEPA).
- Implement Title VI of the Civil Rights Act of 1964, as amended.
- Consider impacts from climate change.
- Consider impacts from commercial transportation and supporting infrastructure (goods movement).

Each of the 14 agencies that produced an environmental justice strategic plan discussed in their most recent plan how they would identify and address environmental justice issues related to at least one of these eight areas. Although most agencies did not formally report on progress annually, all of the 14 agencies provided examples—in their strategic plans or progress reports, in other related documents or on their websites, or in interviews with us—of actions they implemented to identify

³⁸“Planned” refers to plans included in each agency’s most recent environmental justice strategic plan since 2011. Fourteen agencies completed an environmental justice strategic plan after signing the 2011 MOU, and six also updated their plan more recently. Because most agencies did not formally report on progress annually, “implementing actions” includes illustrative examples of actions that agencies reported in environmental justice strategic plans since 2011 or environmental justice progress reports fiscal year 2012 through fiscal year 2017, documented in related documents such as internal policy documents or training materials, or provided during interviews we conducted.

and address environmental justice issues. In addition to the eight areas outlined in the 1994 executive order and 2011 MOU, agencies also provided examples of actions they took to provide internal training and conduct external capacity building. See appendix II for additional examples of agency actions to identify and address environmental justice issues.

Improve research and data collection. In their most recent environmental justice strategic plans, 11 agencies discussed planning to improve research and data collection on environmental justice issues. At least eleven agencies provided examples of research or data actions they implemented, including creating data tools. For example, in 2015, EPA publicly released its Environmental Justice Mapping and Screening Tool (EJSCREEN), a web-based mapping tool that includes environmental and demographic data at a local level, allowing users to identify potential exposure to environmental pollutants and related health risks across different communities. Officials from DOJ's Environmental and Natural Resources Division told us that they regularly use EJSCREEN to help determine if cases involve environmental justice issues. Also, since 2015, EPA and HHS's National Institute on Minority Health and Health Disparities and National Institute of Environmental Health Sciences have co-funded a collaborative research and data effort called the Centers of Excellence on Environmental Health Disparities Research. This effort facilitates research on diseases that are a burden on populations with environmental justice issues and promotes knowledge sharing among researchers.

Example of Addressing Environmental Justice Issues in EPA Rulemaking

In January 2017, EPA released a final rule amending its Risk Management Program, a program under the Clean Air Act that requires facilities using extremely hazardous substances to develop a risk management plan to submit to EPA at least once every 5 years. The rule changes were identified by a Chemical Facility Safety and Security Working Group composed of the Administrator of EPA, and the department heads of Labor, Homeland Security, Justice, Agriculture, and Transportation, which was created in 2013 by Executive Order 13650 after chemical facility incidents that resulted in fatalities. The executive order requires that the working group develop ways to improve operational coordination with state, local, tribal, and other partners, including enhancing federal agency information sharing.

In a May 2014 report, the working group cited the need to familiarize all agencies with Executive Order 12898 on environmental justice. It identified concerns of communities living adjacent to chemical facilities, many of them low-income and minority, and the need to share information with these communities, including first responders.

Under EPA's 2017 rule, risk management plans must be provided to members of the public upon request. The notice publishing the final rule contained a section on environmental justice comments and its response to address environmental justice concerns.

In May 2018, EPA proposed to rescind several amendments to its rule. Industry and some states raised concerns about the cost and burden to carry out the rule.

Sources: Environmental Protection Agency (EPA) and GAO-18-538. | GAO-19-543

Promote enforcement of health and environmental statutes. In their most recent environmental justice strategic plans, 13 agencies discussed planning to promote enforcement of health or environmental statutes in some form. At least 12 agencies provided examples of actions they implemented to promote enforcement, including ensuring enforcement of environmental laws in communities with environmental justice issues and addressing such issues in the resolution of cases against violators. For example, in its 2017 progress report, EPA reported combining EJSCREEN with enforcement and compliance data to help regional offices and state, local, and tribal authorities focus reviews of compliance with environmental laws in overburdened communities. EPA reported reviewing all enforcement cases to see if communities with environmental justice issues were affected and tracking how agency enforcement actions to resolve these cases benefitted the affected communities.³⁹ As a result, EPA reported tracking that 45 percent of Supplemental Environmental Projects—a type of beneficial environmental project implemented as part of a civil enforcement action settlement—in fiscal year 2017 were in locations with potential environmental justice issues.⁴⁰

Ensure greater public participation. In their most recent environmental justice strategic plans, 14 agencies discussed planning to ensure greater public participation in decision-making processes. All 14 agencies provided examples of public participation actions they implemented, including seeking public input on their environmental justice strategic plans or consulting communities directly during environmental analyses under NEPA, siting decisions, or enforcement cases. For example, in its 2016 progress report, DOI reported formally inviting tribes to participate in environmental analyses and revising policies on tribal-government relations. DOI also continued to have publicly designated environmental

³⁹EPA can take civil or criminal enforcement action against violators of environmental laws.

⁴⁰Supplemental Environmental Projects are environmentally beneficial projects or activities not required by law that an alleged violator voluntarily agrees to perform in addition to any other required actions specified in civil judicial settlements and administrative settlements. According to EPA, the agency and state environmental agencies offer such projects as an option for partial settlement of violations of environmental regulations. Such projects allow the regulated entity to develop an environmentally beneficial project in lieu of part of its fine. However, on August 21, 2019, DOJ issued a memorandum announcing restrictions on the use of Supplemental Environmental Projects in settlements with state and local governments. In its memo, DOJ wrote that in the absence of congressional approval, there are compelling legal and policy reasons militating against the use of these projects in settlements or consent decrees with state and local governments.

justice coordinators for each of its bureaus (e.g., Bureau of Land Management), many of which deal directly with tribes or manage natural resources they rely on, such as land or water.

Example of an EPA Environmental Justice Grant to Study Microplastics in Tribal Foods

In 2017, the Sitka Tribe of Alaska received an Environmental Protection Agency (EPA) Environmental Justice Small Grant to study microplastics in its traditional food sources, such as mussels and clams. Microplastics are tiny pieces of plastic that are less than 5 millimeters in length and, according to EPA, may contain toxic chemicals that can pose human health and ecosystem risks when ingested by aquatic animals.

According to EPA, the tribe planned to collect samples of water and traditional foods from four locations within its traditional territory and test them for the presence of microplastics and associated toxins. The results were to be shared with the tribe and the public to inform decisions about harvesting traditional foods. Local students collected and tested Butter Clam and Blue Mussel samples in 2018, which showed that more than 80 percent of the mussels and 100 percent of the clams contained microfibers and other microplastic particles.



Microplastic samples.

Source: National Oceanic and Atmospheric Administration. | GAO-19-543

Identify differential patterns of consumption of natural resources.

Because many Native Americans and other minority communities rely on hunting, foraging, or fishing for food, five agencies planned actions to identify or address risks to these food sources in their most recent environmental justice strategic plans. At least eight agencies provided examples of actions they implemented in this area, including collecting or providing information on human health risks associated with the consumption of polluted fish or wildlife. For example, in its 2015 progress report, USDA reported that the Forest Service's Alaska Regional Office coordinated with DOT's Federal Aviation Administration to accelerate cleanup of petroleum-contaminated soil at a mixed-ownership site containing national forest lands. According to USDA, the need for accelerated cleanup arose because increasing sea-levels and tidal surges that were encroaching on the area would have washed the pollutants into nearby waters supporting a local subsistence fishery.

Implement NEPA. In their most recent environmental justice strategic plans, 12 agencies discussed planning to consider environmental justice issues in their NEPA analyses. At least 13 agencies provided examples of NEPA actions they had implemented, including providing internal guidance on how to include environmental justice issues in NEPA analyses.⁴¹ For example, at DOI, it is departmental policy for all bureaus to include consideration of environmental justice in the NEPA process and some bureaus have developed their own guidance for doing so. For example, DOI's 2015 National Park Service NEPA Handbook requires the agency's environmental analyses to discuss and evaluate the impact of proposals on minority and low-income populations and communities, including the distribution of the benefits and risks among different communities and populations.

Implement Title VI of the Civil Rights Act of 1964. In their most recent environmental justice strategic plans, 11 agencies planned to consider environmental justice issues when implementing their Title VI programs.

⁴¹Under NEPA, federal agencies must evaluate the environmental impacts of their proposed major federal actions, which can include siting facilities, using an environmental assessment or a more detailed environmental impact statement, unless a categorical exclusion applies.

At least 10 agencies provided examples of Title VI environmental justice actions they implemented, some of which focused on providing training and guidance. For instance, in 2016, DOJ, DHS, HUD, HHS, and DOT jointly issued interagency guidance on Title VI to state and local agencies involved in emergency activities. DHS and DOJ reported that DHS's Office for Civil Rights and Civil Liberties and DOJ's Civil Rights Division coordinated to distribute this guidance in the aftermath of the 2017 hurricane season to ensure that federal funding recipients (e.g., state and local agencies) were aware of their obligations to provide emergency management services across communities without discrimination.

Consider impacts from climate change. In their most recent environmental justice strategic plans, nine agencies discussed planning to address impacts from climate change on communities with environmental justice issues. At least 11 agencies provided examples of actions they implemented in this area, including providing communities with information on how climate change may affect them. For example, in its 2016 progress report, DOI reported that the U.S. Geological Service working with the Swinomish Indian Tribal Community and Skagit River System Cooperative to build a coastal model to evaluate the impacts of sea-level rise, storm surge, and waves, including effects on foods such as salmon and shellfish. DOI reported that the model was used to inform tribal climate adaptation and resilience plans.

Consider impacts from goods movement. In their most recent environmental justice strategic plans, three agencies discussed planning to address environmental justice issues arising from goods movement, and at least five agencies provided examples of actions they implemented in this area. For example, DOT's Federal Highway Administration developed a detailed freight and land use handbook in 2012, which highlights potential negative impacts in communities with minority or low-income residents (e.g., air quality or light pollution) and provides guidance on integrating freight and land-use planning to balance freight's beneficial economic impacts and harmful environmental impacts for affected communities. For example, the handbook advises using off-peak deliveries or anti-idling technologies to reduce impacts from emissions.

Provide internal training. Eleven agencies also provided us with examples of training programs to help their staff identify and address environmental justice issues within their work. For example, EPA developed an introductory training on environmental justice, which was required training for all EPA staff agency-wide when it was first launched in 2015. More recently, EPA reported providing environmental justice

training in 2017 to more than 1,000 employees and contractors across the government who were responsible for implementing NEPA. DOI developed a web-based introductory training on environmental justice in 2015 that is available to all DOI employees and became required training for project managers for the Central Hazardous Materials Fund in 2016.

Example of an EPA Environmental Justice Grant to Build Community Capacity to Reduce Exposure to Contaminated Soil through Community Education

In 2017, the Trumbull Neighborhood Partnership in Warren, Ohio, received an EPA Environmental Justice Small Grant for an educational initiative to reduce residents' exposure to soil contamination from former industrial activities, such as steel production. According to EPA, with support from the grant, the neighborhood partnership planned to create a curriculum of best practices, repurpose vacant land, and share a range of educational materials with residents to help them learn how to avoid exposure to contaminated soil. As part of the educational campaign on safe soil handling practices for residential and community land use, the partnership created a website to host educational materials and also shared the materials in person with residents and contacted local contractors to help ensure safe demolition practices.

Source: Environmental Protection Agency (EPA). | GAO-19-543

Conduct external capacity building. Thirteen agencies also provided examples of actions they implemented to fund and assist communities with environmental justice issues to build their capacity to access available resources and participate in federal decisions that affect them. For example, since its inception in 1994, EPA's Environmental Justice Small Grants Program has awarded more than \$24 million to over 1,400 organizations working with communities with environmental justice issues. EPA provides these grants for up to \$30,000 to support projects that help communities build understanding of local environmental and public health issues, develop strategies for addressing these issues, and facilitate discussions about community priorities.

Most Agencies Support Environmental Justice Efforts with Resources from Related Programs

From fiscal year 2015 through 2018, most of the 16 agencies reported supporting environmental justice efforts through existing related program funding and staffing resources that were not specifically dedicated to environmental justice. EPA and DOE were the only agencies that dedicated resources specifically for environmental justice efforts in their budgets.⁴²

⁴²Environmental Protection Agency, *Justification of Appropriation Estimates for the Committee on Appropriations Fiscal Year 2019* (February 2018). Department of Energy, *Budget Request Volume 2 Fiscal Year 2019* (March 2018).

In fiscal year 2018, EPA provided about \$6.7 million, which, according to EPA officials, supported 31 full-time-equivalents (FTE)⁴³ for Office of Environmental Justice staff in its headquarters and environmental justice coordinators in regional offices and two environmental justice grant programs.⁴⁴ These staff support data tools such as EJSCREEN, provide training sessions, and coordinate federal efforts through the Interagency Working Group on Environmental Justice. The two grant programs provide communities with funding to research and understand potential environmental and health issues in their communities. For fiscal years 2015 through 2018, EPA awarded an average of about \$1.2 million annually in environmental justice grants to communities through the Environmental Justice Small Grants Program and Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program. EPA officials also reported using other related resources to support environmental justice efforts, but said the agency does not track these resources separately.

In fiscal year 2018, DOE provided about \$1.6 million and, according to DOE officials, one FTE for its environmental justice program in its Office of Legacy Management.⁴⁵ These resources support activities to manage problems and concerns arising from the materials and chemicals on DOE sites by giving communities and tribes near these sites opportunities and tools to participate in DOE decisions. DOE also uses its funds and staff to sponsor the annual National Environmental Justice Conference and Training Program and to participate in the interagency working group.

Eleven of the remaining 14 agencies reported undertaking some examples of environmental justice efforts with support from funding and staff from existing related programs (e.g., civil rights or environmental programs) from fiscal year 2015 through 2018. According to budget documents and agency officials, these 11 agencies did not formally track resources used to support environmental justice activities. Four of these agencies—USDA, DOI, GSA, and HUD—provided us with estimates of

⁴³FTEs refer to the total number of regular hours worked by employees divided by the number of payable hours in a given fiscal year. An FTE can refer to one or more employees that make up a full-time schedule.

⁴⁴According to EPA officials, EPA alternates funding for these two grant programs each year.

⁴⁵The Office of Legacy Management is responsible for long-term management of more than 90 federal sites that are now closed, many of which contain hazardous materials from past energy and nuclear research.

staffing or funding resources used to support environmental justice efforts. USDA estimated that a total of about eight FTEs annually were charged by many different staff for fiscal years 2015 through 2018 and that between \$10,000 and \$22,500 in funding annually supported the National Environmental Justice Conference and Training Program. DOI reported that it has one full-time Environmental Justice Outreach Specialist and that most DOI bureaus have an Environmental Justice Coordinator who handles environmental justice responsibilities as a collateral duty. DOI also reported funding one small research project related to environmental justice. GSA reported that staffing related to environmental justice efforts constituted a portion of the total FTE allocation within its Office of Civil Rights and estimated that this amounted to less than one FTE annually for fiscal years 2015 through 2018. HUD also estimated that less than one FTE was used specifically to support environmental justice efforts annually for the period, with one designated environmental justice lead and other staff serving on the working group as needed.

Officials from the other seven agencies did not quantify estimates of resources but told us that staff conduct these activities as collateral duties. For example, DHS told us that its Office of the Chief Readiness Support Officer, Office for Civil Rights and Civil Liberties, the Office of General Counsel support its environmental justice efforts as needed. In another instance, DOJ designated an Environmental Justice Director, created a Senior Litigator for Environmental Justice position, and reported that the department has other staff that spend a portion of their time working on environmental justice efforts. Several agencies also reported establishing internal working groups or other coordinating bodies to help implement their environmental justice efforts, which means using some staffing resources to support these coordinating efforts.

Three agencies—DOD, Education, and SBA—reported providing no funding or staffing resources to carry out any environmental justice efforts and also did not report any examples of environmental justice efforts from fiscal year 2015 through 2018. Agency resources for environmental justice were one of the concerns several stakeholders that we interviewed raised (see textbox).

Stakeholder Perspectives on Federal Environmental Justice Efforts

Several stakeholders expressed concerns about agency resources, agency responsiveness to and awareness of environmental justice issues, legal tools for raising environmental justice concerns, or overall prioritization of environmental justice efforts. Stakeholders expressed concerns about the limited availability of resources for environmental justice efforts, including staff to carry out environmental justice work and funding for related programs. One stakeholder told us that agencies need to prioritize their environmental justice efforts because they have not identified all communities with potential environmental justice issues and lack the resources to address all environmental justice issues. Several stakeholders discussed concerns about variation in agency staff familiarity with environmental justice issues or responsiveness to issues raised. Stakeholders also expressed concerns about the ability of existing legal tools to address environmental justice issues in the absence of a legal framework that specifically addresses them. For example, stakeholders said that risks from cumulative pollutant exposure are not addressed by existing environmental statutes. Several stakeholders also expressed concern about federal prioritization of environmental justice issues overall, including enforcement, changes to existing environmental regulations, and limited consideration of environmental justice in rulemaking processes.

Some stakeholders we interviewed, including representatives from local and national nonprofit organizations, university professors, federal officials, and employees of private companies, also said that agencies' efforts to build community capacity and develop tools that address environmental justice issues have been helpful. Stakeholders told us that EPA's Environmental Justice Small Grants Program has helped communities, and DOE's National Environmental Justice Conference and Training Program brings together grassroots leaders, stakeholders, and agencies. Stakeholders said that EJSCREEN is a useful tool for agencies and the public to screen for communities with potential environmental justice issues. Stakeholders also said agencies could use EJSCREEN in additional ways (e.g., in rulemaking and permitting) and discussed some limitations for its use (e.g., data limitations and the need to directly engage communities).

Source: GAO analysis of stakeholder interviews. | GAO-19-543

The Working Group Has Collaborated to Issue Guidance and on Other Actions but Does Not Demonstrate Some Key Features of Interagency Collaboration

The working group has collaborated in issuing guidance and in several other areas regarding environmental justice. The working group has also demonstrated three of the key features of interagency collaboration that we reviewed—leadership, clarity of roles and responsibilities, and written guidance and agreements.⁴⁶ However, its use of two features of interagency collaboration—participation and organizational outcomes and accountability—was limited.

⁴⁶GAO, *Managing for Results: Key Considerations for Implementing Interagency Collaborative Measures*, [GAO-12-1022](#), (Washington, D.C.: Sept. 27, 2012).

The Working Group Has Collaborated to Issue Guidance and Assist Communities

Collaboration from an Interagency Working Group Committee Assists with Environmental Justice Issues in Lowndes County, Alabama

A November 2017 American Journal of Tropical Medicine and Hygiene study of hookworm conducted in Lowndes County, Alabama, highlighted a long-standing situation created by poor wastewater management affecting a largely rural, minority population in the state. The makeshift septic tanks that residents use in the absence of proper wastewater treatment infrastructure do not function properly in the moist, rich soil common in that area. This problem increased residents' exposure to parasites, such as hookworm, through untreated wastewater.

According to agency officials, in 2018, the General Services Administration collaborated with the Rural Communities Committee of the Interagency Working Group on Environmental Justice to help apply for Department of Agriculture rural development grant funding for decentralized sewer systems in Lowndes by using federal surplus personal property as matching funds. As of March 2016, the Equal Justice Initiative and Alabama Center for Rural Enterprise were working to identify and employ alternative decentralized technologies to treat wastewater in the county. The two entities were also attempting to write and implement policies requiring residents to connect to public sewers.



Hookworms can be found in soil contaminated by untreated wastewater.

Source: Centers for Disease Control and Prevention's Division of Parasitic Diseases and Malaria. | GAO-19-543

The working group has collaborated to develop and issue guidance on several topics, participated in a variety of meetings to provide information and opportunities for communities to discuss environmental justice issues, and coordinated ways the 16 member agencies and CEQ could assist communities. For example, the working group created nine committees to help carry out its environmental justice responsibilities under the executive order. Through these committees, among other things, the working group has accomplished the following:

- In 2017, the Impacts from Commercial Transportation committee released a compendium on publicly available federal resources to assist communities impacted by goods movement activities.
- In fiscal year 2017, with input and vetting from the Rural Communities committee, USDA compiled and launched a web page with links to community tools, funding opportunities, educational or training assistance, and case studies to support rural communities according to USDA officials.
- In March 2016, the NEPA committee issued guidance entitled, "Promising Practices for Environmental Justice Methodologies in NEPA Reviews." According to working group officials, this guidance can assist federal agencies with incorporating environmental justice during their NEPA reviews. In March 2019, the committee also completed guidance for communities entitled, "Community Guide to Environmental Justice and NEPA Methods."

- In 2016, the working group’s Rural Communities committee participated in a brownfields redevelopment conference to help local organizations understand and access resources to redevelop brownfields in their communities.⁴⁷
- In 2016, the Regional Interagency Working Groups committee coordinated technical assistance to communities in EPA’s regions 2 and 4. For example, the group is working in North Birmingham, Alabama, and other communities to evaluate air, water, and waste issues.

The Working Group Demonstrated Some Key Features That Benefit Collaboration, but Participation and Use of Goals Were Limited

With respect to the five key features of interagency collaboration that we reviewed, we found that the working group demonstrated leadership, clarity of roles and responsibilities, and written guidance and agreements. However, its use of two other key features—participation and clear goals—was limited.

Leadership

In our September 2012 report on interagency collaborative mechanisms, we identified leadership as a key feature of collaborative groups and stated that identifying a leader and sustaining that role throughout the groups’ efforts are important.⁴⁸ For the working group, EPA’s Administrator was identified as the chair of the group in both the 1994 executive order and the 2014 Charter for Interagency Working Group on Environmental Justice. EPA officials we interviewed described the agency’s role as providing guidance to the working group agencies and coordinating their efforts. More specifically, EPA officials we interviewed said that as chair of the working group, EPA’s responsibilities include the following:

- Convene monthly meetings with the working group.

⁴⁷Brownfields—sites whose redevelopment or reuse may be complicated by the presence or potential presence of hazardous substances—sit abandoned or underused across the country. Brownfields can include industrial properties, former gas stations, warehouses, and residential buildings. These sites have remained largely undeveloped for several reasons, including uncertainty about the presence of contamination, limited cleanup resources, and fear by the sites’ owners—or prospective purchasers—that they might be held liable for cleaning them up. See GAO, *Brownfield Redevelopment: Stakeholders Report That EPA’s Program Helps to Redevelop Sites, but Additional Measures Could Complement Agency Efforts*, [GAO-05-94](#) (Washington, D.C.: Dec. 2, 2004).

⁴⁸[GAO-12-1022](#).

Clarity of Roles and Responsibilities

- Provide public access to working group agencies' environmental justice strategic plans and annual implementation progress reports, a list of working group agencies, and other information relevant to the working group.
- Lead the development and publication of the working group's plans and reports.

Our September 2012 report identified the need for collaborative groups to have clarity about the roles and responsibilities of the participating agencies.⁴⁹ We stated that clarity can come from agencies working together to define and agree on their respective roles and responsibilities, as well as steps for decision-making. The working group has done this by assigning roles to its chair and most of its member agencies. In particular, according to working group officials, the topics for the nine working group committees were based on the seven functions that the executive order assigned to the working group and public input. Officials from 13 of the working group members agreed to either chair or become a member of one or more committees. The topics that these committees address, their chair, members, and purpose are identified in table 3:

Table 3: Interagency Working Group on Environmental Justice Committees, as of March 2019

Committee name	Summary of purpose
<p>Public Participation <i>Chair:</i> Department of Justice (DOJ), Environmental Protection Agency (EPA) <i>Members:</i> Department of Homeland Security (DHS), Department of the Interior (DOI), General Services Agency (GSA)</p>	Facilitates collaboration and public participation by developing listening sessions and opportunities for public input.
<p>Regional Interagency Working Groups <i>Chair:</i> EPA, Housing and Urban Development (HUD) <i>Members:</i> DOI, DOJ, Health and Human Services (HHS), U.S. Department of Agriculture (USDA)</p>	Develops relationship between federal field and regional staff. Develops community resource materials. Strengthens education, training, and engagement on environmental justice by local and state agencies.
<p>Strategy and Implementation Progress Report <i>Chair:</i> EPA, DOJ <i>Members:</i> GSA, DOI, USDA</p>	Serves as a resource for federal agencies as they review, update, or develop their environmental justice strategy and the annual progress reports. Manages implementation of the working group plans and standard operating procedures.

⁴⁹[GAO-12-1022](#).

Committee name	Summary of purpose
Title VI of the Civil Rights Act <i>Chair:</i> DOJ <i>Members:</i> DHS, Department of Energy (DOE), DOI, Department of Labor (DOL), Department of Transportation (DOT), EPA, GSA, HHS, HUD, and USDA,	Serves as a resource to help agencies connect their civil rights enforcement responsibilities with their other efforts to achieve environmental justice.
Native Americans/ Indigenous Peoples <i>Chair:</i> DOJ, USDA <i>Members:</i> EPA, Department of Commerce (Commerce), DOI, GSA, DHS, DOE, U.S. Army Corps of Engineers, HHS, Advisory Council on Historic Preservation	Facilitates coordination and collaboration of federal agencies with federally recognized tribes, indigenous peoples, and others living in Indian country.
Rural Communities <i>Chair:</i> USDA, EPA <i>Members:</i> DOI, HHS, GSA, DHS, DOL, Commerce, HUD, DOJ	Supports efforts to ensure collaboration between federal agencies and rural environmental justice communities. Coordinates federal agency investments to further community-based solutions that reduce environmental justice issues.
Impacts from Climate Change Inactive since June 2017.	Supports collaboration across federal agencies including consideration of vulnerable populations in agency adaptation activities; providing information, services, and data to help make communities more resilient; providing relevant tools, systems, and policies to communities and businesses to mitigate impacts on natural resources and human health.
Impacts from Commercial Transportation (Goods Movement) <i>Chair:</i> DOT, EPA <i>Members:</i> DHS, DOJ, GSA	Serves as a resource to coordinate with other federal agencies on reducing environmental and health effects of commercial transportation and supporting infrastructure that impacts low-income, minority, and tribal populations.
National Environmental Policy Act (NEPA) <i>Chair:</i> DOE, EPA <i>Members:</i> Council on Environmental Quality, GSA, DHS, DOI, DOJ, DOT, Federal Energy Regulatory Commission, HHS, HUD, Department of State, USDA	Improves effective, efficient, and consistent consideration of environmental justice principles in the NEPA process by sharing promising practices and lessons learned developed by federal departments and agencies.

Source: Interagency Working Group on Environmental Justice. | GAO-19-543

Note: Table reflects chair and membership positions as of March 2019 and does not include past chair and membership participation.

Written Guidance and Agreements

Our September 2012 report on interagency collaborative mechanisms stated that agencies that articulate their agreements in formal documents can strengthen their commitment to working collaboratively.⁵⁰ Since 2011, when the 16 agencies and CEQ recommitted to carrying out environmental justice efforts, the working group has developed several such documents including:

- **MOU on Environmental Justice.** This document, signed in 2011, is an agreement among member agencies to recommit to addressing

⁵⁰ [GAO-12-1022](#).

environmental justice issues. It also listed the four areas that the agencies agreed to work on: NEPA, Title VI of the Civil Rights Act, impacts from climate change, and impacts from goods movement.⁵¹

- **Charter for Interagency Working Group on Environmental Justice.** This document, which was adopted in 2011 and updated in 2014, outlines the governance structure for the working group. It also lists four committees to help carry out the working group's responsibilities under the executive order: public participation, regional interagency working group, Title VI, and strategy and implementation progress reports.
- **Framework for Collaboration.** This document, which was issued in 2016 and covered a 3-year period through 2018, listed four goals of the working group to advance greater federal agency collaboration. It also listed and described the purpose of the nine working group committees.

Participation

In our September 2012 report, we found that it is important to ensure that the relevant participants have been included in the collaborative effort.⁵² Participation in working group activities has been mixed. In the 2011 MOU, the 16 signing agencies and CEQ agreed to address environmental justice issues and participate as members of the working group. According to agency officials, most working group members attend the monthly meetings.

The most active members of the working group, in terms of participation in working group committees, have been EPA and DOJ. EPA, the chair of the working group, also chaired or co-chaired six committees, and DOJ chaired or co-chaired four. Both also participated in all eight of the active committees (see table 4).⁵³

⁵¹On March 28, 2017, Executive Order 13783 revoked a previous executive order and a presidential memorandum related to climate change. Exec. Order No. 13783, *Promoting Energy Independence and Economic Growth*, 82 Fed. Reg. 16,094 (Mar. 28, 2017). When we asked about environmental justice efforts related to climate change, some agencies said they were instructed not to focus on this area, and in one case, an agency's environmental justice strategic goal on climate change was dropped from its progress report.

⁵²[GAO-12-1022](#).

⁵³The ninth committee, Impacts of Climate Change, was inactive in fiscal year 2018 and thus, was excluded from this review.

Table 4: Summary of Interagency Working Group on Environmental Justice Member Participation in Committees, as of March 2019

Working group member	Number of committees chaired or co-chaired	Total number of committees participated in
Environmental Protection Agency	6	8
Department of Justice	4	8
Department of the Interior	0	7
General Services Administration	0	7
Department of Agriculture	2	6
Department of Homeland Security	0	6
Department of Health and Human Services	0	5
Department of Housing and Urban Development	1	4
Department of Energy	1	3
Department of Transportation	1	3
Department of Commerce	0	2
Department of Labor	0	2
Council on Environmental Quality	0	1
Department of Defense	0	0
Department of Education	0	0
Department of Veterans Affairs	0	0
Small Business Administration	0	0

Source: GAO presentation of Interagency Working Group on Environmental Justice information. | GAO-19-543

Notes: Table reflects chair and membership positions as of March 2019 and does not include past chair and membership participation. Because the Impacts of Climate Change committee was inactive at the time of our review, we did not include it in our analysis. The U.S. Army Corps of Engineers participates in one committee. However, Department of Defense officials told us the participant is from the U.S. Army Corp of Engineers' civil works program, which is separate from the Department of Defense.

However, four agencies—DOD, Education, SBA, and VA—did not attend any of the working group’s monthly meetings in fiscal year 2018. These agencies also did not participate as leaders or members in any working group committees in fiscal year 2018. Furthermore, DOD and SBA did not have a designated representative as of March 2019.

These four agencies had various reasons for not participating more actively in the working group or its committees. DOD officials said that DOD has not been involved with the working group since August 2017, when its working group representative retired, because it does not have the resources to participate in the working group. Education officials also said that they have had a limited role with the working group because

many of the topics discussed have not been relevant to their agency's missions. For example, according to Education officials, while research has established that schools with poor environmental health conditions often serve disadvantaged students, Education does not have authority to plan, fund, construct, maintain, or operate school facilities and grounds. As discussed earlier, SBA officials we interviewed said that they were unclear on whether environmental justice applied to SBA's mission and that they were in the process of reviewing whether SBA should continue its membership in the working group. VA officials confirmed that it has also been inactive with the working group, but will call in to a meeting if there are topics of relevance.

EPA officials commented that it is difficult to characterize what specific opportunities are missed from the lack of representation by an agency. However, they also commented that nonparticipation limits the working group's ability to fulfill its mandates in a strategic, methodical way across the entire federal government. EPA officials further stated that the limiting factor for the working group in its efforts to address the executive order on environmental justice has always been the will of leadership across federal government to make clear, measurable commitments of those priorities and to adequately resource the attainment of those commitments.

However, the participants signed the 2011 MOU about 8 years ago, and the agreement has become dated and may not reflect the agencies' current commitments or abilities to participate in the working group or the broader environmental efforts. Our 2012 report on interagency collaborative mechanisms stated that written agreements and documents are most effective when they are regularly updated and monitored.⁵⁴ By updating the 2011 MOU and renewing the commitment among participating agencies, EPA and the working group agencies would have more reasonable assurance that those agencies who sign the agreement are committed to participating.

Clear Goals

Our September 2012 report found that collaborative mechanisms such as the working group benefit from clear goals to establish organizational outcomes and accountability.⁵⁵ The report stated that participants might

⁵⁴The Government Performance and Results Act Modernization Act of 2010 recommends that priority goals should be revised or updated every 4 years at a minimum. This time frame can be applied to updates of other documents.

⁵⁵[GAO-12-1022](#).

not have the same overall interests or may even have conflicting interests, but by establishing a goal based on common interests, a collaborative group can shape its own vision and define its purpose.

The executive order that created the working group assigned the working group seven functions to carry out, as listed in table 5. While the working group has developed documents with agreed-upon goals, which is beneficial to collaboration, none of them address all the seven functions of the executive order.

Table 5: Interagency Working Group on Environmental Justice Functions from the 1994 Executive Order and Examples of Working Group or Environmental Protection Agency (EPA) Roles and Responsibilities in Relation to These Functions

Working group functions from the 1994 executive order	Examples of working group or EPA roles and responsibilities
Provide guidance to federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.	EPA provides an online mapping tool called EJSCREEN, which allows users to screen for potential communities facing environmental justice issues by combining place-based environmental exposure and demographic data.
Coordinate with, provide guidance to, and serve as a clearinghouse for, each federal agency as it develops an environmental justice strategy.	The working group’s Strategy and Implementation Plan Committee serves as a resource for federal agencies as they review, update, or develop their environmental justice strategy and annual progress reports according to the working group.
Assist in coordinating research by, and stimulating cooperation among the Environmental Protection Agency, the Department of Health and Human Services, the Department of Housing and Urban Development, and other agencies conducting research or other activities.	None. ^a
Assist in coordinating data collection required by this order.	None. ^a
Examine existing data and studies on environmental justice.	None. ^a
Hold public meetings as required in this order.	The working group’s public participation committee holds listening sessions and opportunities for public input.
Develop interagency model projects on environmental justice that evidence cooperation among federal agencies.	In 2002, EPA released a report titled, “Environmental Justice Collaborative Model: A Framework to Ensure Local Problem-Solving,” which discussed 15 environmental justice projects. According to EPA officials, the working group continues to seek opportunities for interagency cooperation through its regular meetings. In the working group’s fiscal year 2017 progress report, the working group described two projects that involved the collaboration of agencies to address environmental justice challenges.

Source: Executive Order 12898 and GAO analysis of working group documents and interviews with agency officials. | GAO-19-543

^aHealth and Human Services officials commented that although the working group does not coordinate research or data collection, federal agencies, both formally and informally, collaborate on research, data collection, and mapping tools.

The working group’s organizational documents do not contain strategic goals aligned to address the executive order as suggested by our

previous work on establishing clear goals for collaborative mechanisms. Further, the three functions involving environmental justice research, data collection, and studies are not described as part of the goals of the working group, as laid out in its various documents:

- The 2011 MOU includes four focus areas for the working group members: NEPA, Title VI, impacts from climate change, and impacts from goods movement. These do not include the executive order functions of environmental justice data collection, research, and studies.
- The 2011 Charter for Interagency Working Group on Environmental Justice states that the committees were created to help carry out the working group's responsibilities under the executive order. The committees focus on certain working group roles and responsibilities, including NEPA, goods movement, strategic planning, and public participation. However, none of the committees focus on environmental justice research, data collection, or studies.
- The working group's fiscal year 2016-2018 *Framework for Collaboration's* has four goals for collaboration: (1) enhance communication and coordination to improve the health, quality-of-life, and economic opportunities in overburdened communities; (2) enhance multi-agency support of holistic community-based solutions to provide assistance as needed to address environmental justice issues; (3) advance interagency strategies to identify and address environmental justice issues in agency programs, policies, and activities; and (4) develop partnerships with academic institutions to assist in providing long-term technical assistance to overburdened communities. These goals do not pertain to environmental justice research, data collection, or studies.

We found that the organizational documents do not provide strategic goals with clear direction for the committees to carry out the functions of the working group as laid out in the executive order. Our analysis, which compares the functions of the executive order to documented working group roles and responsibilities, shows that coordinated data collection and examination of research and studies on environmental justice are not included in these documents or committee purposes and have not been a focus of the interagency working group since at least 2011. A DOI official acknowledged that the working group has not addressed all of these functions from the executive order; the official attributed the omission to a lack of resources for the working group. EPA officials commented that some individual agencies, such as HHS and EPA, have done work in

environmental justice data collection and research. As leaders of the working group, EPA officials told us that the 2011 MOU, committee groups, and framework for collaboration reflect the current priorities of the working group, based on the public's input. They were unsure whether a coordinated effort in the data collection, research, and studies areas was needed, but they said such an effort could be useful. They said that the most useful role of the working group in research may be as a forum for sharing of information and providing training opportunities. By clearly establishing strategic goals in the working group's organizational documents to carry out the 1994 executive order, EPA, in consultation with working group members, could enhance its strategic direction for intergovernmental environmental justice efforts.

Conclusions

The interagency working group on environmental justice and its 16 member agencies have put in place the building blocks for an environmental justice program across the federal government. They have conducted a number of efforts over the last 25 years to implement the Executive Order on Environmental Justice. Through these efforts, they have developed tools such as EJSCREEN and guidance for incorporating environmental justice under NEPA. Most of the agencies have also developed strategic plans since 2011, although two agencies we reviewed have not, and many others have not kept their plans updated. SBA is in the process of reviewing whether it should continue its membership in the working group, which should clarify its role after SBA completes its review. DOD developed an environmental justice strategic plan in 1995 after the executive order was issued but not since 2011 when the interagency working group members signed the MOU. By updating its environmental justice strategic plan, DOD would have a foundation for its environmental justice efforts. Another seven agencies developed environmental justice strategic plans in 2012 but have not updated them since. By updating their strategic plans, these agencies—Commerce, DHS, DOJ, DOL, Education, HUD, and VA—would have a current plan to guide their environmental justice activities as they committed to do in the 2011 MOU.

Moreover, most agencies—Commerce, DOD, DOE, DOI, DOL, DOT, Education, HHS, HUD, USDA, and VA—have not shown clear progress toward achieving their environmental justice goals in the 8 years since they signed the working group's 2011 MOU because they have not consistently issued progress reports. By issuing progress reports each year, the agencies can provide essential information needed to assess their performance and demonstrate results.

The 16 agencies and CEQ signed the 2011 MOU to establish a collaborative initiative across agencies to carry out environmental justice efforts. Under the leadership of EPA, they have also put in place a structure to coordinate with each other on their environmental justice efforts. One area that the group has not coordinated, however, is in developing guidance on what to include in strategic plans, such as demonstrating how environmental justice is part of an agency's mission, or developing methods to assess and report on progress, which many of the agencies said they needed. Under GAO's leading practices for strategic planning, agencies' plans should address their missions, articulate goals, and lay the groundwork for assessing progress. Only half of the agencies that developed environmental justice strategic plans after 2011 clearly assessed how their plans fit into their overall missions. By developing guidance on what agencies should include in their environmental justice strategic plans, the working group could assist agencies in planning more strategically about what parts of their mission are important for achieving the environmental justice directives outlined in Executive Order 12898. Few of the agencies had performance measures or other methods to assess progress. By developing guidance on methods that the agencies could use to assess and report on progress, or creating a committee to do so, the working group could assist agencies in tracking and measuring their progress in achieving their environmental justice goals.

In addition, the working group faces challenges of unclear strategic goals and mixed levels of participation. As noted in our earlier work, collaborative mechanisms, such as the working group, benefit from clear goals to establish organizational outcomes and accountability. Although the 1994 executive order created the working group to carry out the functions of the executive order, the working group's framework focuses on how the agencies will collaborate rather than setting clear strategic goals to carry out the executive order. As a result, several of the executive order's functions are not being carried out by the working group. By clearly establishing, in its organizational documents, strategic goals for the federal government's efforts to carry out the 1994 executive order, EPA and the working group members could enhance the strategic direction for intergovernmental environmental justice efforts. Furthermore, by updating the 2011 MOU and having the 16 agencies and CEQ renew their commitment to participating in the interagency collaborative effort and the working group, EPA, as chair of the working group and consulting with other working group members, would have more reasonable assurance that those who sign the agreement are committed to participate.

Recommendations for Executive Action

We are making a total of 24 recommendations to 15 agencies of the Interagency Working Group on Environmental Justice—nine to the federal agencies that need to develop or update strategic plans (recommendations 1-9); 11 to the federal agencies that need to develop annual progress reports (recommendations 10-20); and four to the Environmental Protection Agency as chair of the working group (recommendations 21-24).

The Secretary of Commerce should update the department's environmental justice strategic plan. (Recommendation 1)

The Assistant Secretary of Defense for Sustainment should update the department's environmental justice strategic plan. (Recommendation 2)

The Secretary of Education should update the department's environmental justice strategic plan. (Recommendation 3)

The Secretary of Homeland Security should update the department's environmental justice strategic plan. (Recommendation 4)

The Secretary of Housing and Urban Development should update the department's environmental justice strategic plan. (Recommendation 5)

The Attorney General of the United States should update the department's environmental justice strategic plan. (Recommendation 6)

The Secretary of Labor should update the department's environmental justice strategic plan. (Recommendation 7)

The Administrator of the Small Business Administration should complete the agency's assessment of whether to participate in the 1994 Executive Order and the 2011 *Memorandum of Understanding*, and, if appropriate, develop an environmental justice strategic plan. (Recommendation 8)

The Secretary of Veterans Affairs should update the department's environmental justice strategic plan. (Recommendation 9)

The Secretary of Agriculture should issue a progress report on the department's environmental justice efforts each year. (Recommendation 10)

The Secretary of Commerce should issue a progress report on the department's environmental justice efforts each year. (Recommendation 11)

The Assistant Secretary of Defense for Sustainment should issue a progress report on the department's environmental justice efforts each year. (Recommendation 12)

The Secretary of Education should issue a progress report on the department's environmental justice efforts each year. (Recommendation 13)

The Secretary of Health and Human Services should issue a progress report on the department's environmental justice efforts each year. (Recommendation 14)

The Secretary of Energy should issue a progress report on the department's environmental justice efforts each year. (Recommendation 15)

The Secretary of Housing and Urban Development should issue a progress report on its environmental justice efforts each year. (Recommendation 16)

The Secretary of the Interior should issue a progress report on the department's environmental justice efforts each year. (Recommendation 17)

The Secretary of Labor should issue a progress report on the department's environmental justice efforts each year. (Recommendation 18)

The Secretary of Transportation should issue a progress report on the department's environmental justice efforts each year. (Recommendation 19)

The Secretary of Veterans Affairs should issue a progress report on the department's environmental justice efforts each year. (Recommendation 20)

The Administrator of EPA, as chair of the working group, should develop guidance for agencies on what they should include in their environmental justice strategic plans. (Recommendation 21)

The Administrator of EPA, as chair of the working group, should develop guidance or create a committee of the working group to develop guidance on methods the agencies could use to assess progress toward their environmental justice goals. (Recommendation 22)

The Administrator of EPA, as chair of the working group, and in consultation with the working group, should clearly establish, in its organizational documents, strategic goals for the federal government's efforts to carry out the 1994 Executive Order. (Recommendation 23)

The Administrator of EPA, as chair of the working group, and in consultation with the other working group members, should update the 2011 Memorandum of Understanding and renew the agencies' commitments to participate in the interagency collaborative effort and the working group. (Recommendation 24)

Agency Comments and Our Evaluation

We provided a draft of this report to CEQ and 16 federal agencies—Commerce, DHS, DOD, DOE, DOI, DOJ, DOL, DOT, Education, EPA, GSA, HHS, HUD, SBA, USDA, and VA—for review and comment. Fourteen agencies provided comments on our report. The comments of 12 agencies—DHS, DOD, DOE, DOI, DOJ, DOL, DOT, Education, EPA, HHS, USDA, and VA—are reproduced in appendixes III-XIV, respectively. HUD and SBA provided comments by email. Of these 14 agencies, eight agencies—DHS, DOE, DOI, DOJ, HHS, SBA, USDA, and VA—agreed with our recommendations. Of the other six agencies that provided comments, EPA agreed with two recommendations and disagreed with two others; DOD agreed with one recommendation and disagreed with one other; DOT partially agreed with the recommendation; DOL and HUD neither agreed nor disagreed with their recommendations, and Education did not agree with its two recommendations. We also made recommendations to Commerce, but it did not provide comments in time to include them in our report.

Although we did not make recommendations to them, CEQ and GSA reviewed our report. CEQ provided technical comments, which we incorporated as appropriate; GSA did not have any comments on our report. In addition to CEQ, we also received technical comments and clarifications from DHS, DOJ, DOT, EPA, HHS, and USDA, which we incorporated as appropriate.

We directed four recommendations to EPA as chair of the Interagency Working Group on Environmental Justice; the recommendations are

aimed at improving the strategic direction of the working group and the federal government's efforts. EPA stated that it appreciates our work on this subject area and understands the need for interagency coordination and is working closely and collaborating with its federal partners. EPA agreed with the two recommendations to develop guidance for agencies on what they should include in their environmental justice strategic plans (recommendation 21) and to develop guidance or create a committee of the working group to develop guidance on methods the agencies could use to assess progress toward their environmental justice goals (recommendation 22). However, EPA disagreed with the recommendations to update the 2011 MOU and renew the agencies' commitments to participate in the interagency collaborative effort and the working group (originally recommendation 23, now recommendation 24) and to clearly establish strategic goals for the federal government's efforts to carry out the 1994 Executive Order (originally recommendation 24, now recommendation 23).

EPA stated that it disagrees with recommendations 23 and 24; instead of updating the MOU, the agency will lead efforts to update the working group's fiscal year 2016-2018 *Framework for Collaboration* to include guidance for strategic plans, tracking progress toward goals, and defining alignment with the executive order. The agency also said that it believes that the intent of recommendation 24 could be combined with recommendation 23, making recommendation 24 unnecessary.

We believe that EPA misunderstood recommendation 24 and do not agree it should be combined with recommendation 23. We agree with EPA that the working group can benefit from greater guidance on strategic plans, tracking goals, and alignment with the executive order to carry out federal environmental justice efforts. In our report, we list three organizational documents—the 2011 MOU, the 2011 Charter for Interagency Working Group on Environmental Justice, and the *Framework for Collaboration*. Our recommendation is for EPA to clearly establish strategic goals for federal efforts to carry out the executive order and does not specify which organizational document needs to be updated to address these issues. To help avoid confusion about the intent of this recommendation, we made two changes in the report. First, we clarified in the report that we were referring to the interagency working group's strategic goals and organizational documents to show that we are not specifically recommending that the MOU be updated to meet this recommendation. Second, we switched the order of recommendations 23 and 24 so that our recommendation to establish strategic goals

(previously recommendation 24) would no longer follow our recommendation to update the MOU.

We disagree with EPA that it does not need to update the working group's MOU because it plans to update the working group's *Framework for Collaboration*. We believe that the MOU needs to be updated to address the matter of participation by the members who signed it but do not participate. As discussed in our report, the 2011 MOU is an agreement among member agencies to commit to addressing environmental justice issues. We do not have an opinion on when this document needs to be updated, however, and we believe that it can be updated after the working group discusses its strategic goals and updates its other organizational documents. Federal agencies may clarify how they can best participate through discussions of the working group's goals and how they can meet the purposes of the executive order.

DOD agreed with the recommendation that it update its environmental justice strategic plan (recommendation 2), but disagreed with the recommendation that it issue a progress report on its environmental justice efforts each year (recommendation 12). DOD provided two primary reasons why it disagreed with this recommendation. First, DOD stated that it had achieved the intent of Executive Order 12898 by including environmental justice considerations in its decision-making processes, primarily by using the NEPA review process. Second, the department stated that it has limited ability to further the implementation of environmental justice and create new goals and metrics in operating locations and mission. DOD stated that it is bound by its mission with limited opportunities to change where the department operates. According to DOD, for it to create new bases or close existing ones, it must first obtain congressional approval and then perform a NEPA analysis prior to implementation; also, its mission does not include a federal role in regulating or directing off-base activity or land uses; and aside from the U.S. Army Corps of Engineers civil regulatory functions, it does not routinely issue environmental permit decisions like federal regulatory agencies. DOD stated that these reasons make it a significant challenge for the department to meet our recommendation and therefore does not see a tangible benefit to additional reporting.

We disagree with DOD that it does not need to issue a progress report on its environmental justice efforts each year. As we state in the report, the purpose of an annual progress report is to provide essential information needed to assess federal agencies' performance and hold agencies accountable for achieving results. Reporting is part of a broader

performance management process that includes identifying mission and desired outcomes, measuring performance, and using this information to report on performance and to identify gaps in performance. DOD would be reporting on goals that it set within its mission and authorities. For this reason, we continue to believe that by issuing progress reports each year, DOD could have more reasonable assurance that it has the necessary information to assess its performance and to demonstrate results.

DOT stated that it partially concurs with recommendation 19 that it issue progress reports annually. DOT stated that it commits to issuing progress reports on its environmental justice efforts “when it determines that the circumstances of its activities so warrant.” However, we continue to believe that DOT should issue progress reports each year because doing so would give DOT more reasonable assurance that it has the information needed to assess its performance and to demonstrate results.

DOL neither agreed nor disagreed with the two recommendations for it to (1) update its environmental justice strategic plan and (2) issue a progress report on its environmental justice efforts each year (recommendations 7 and 18). DOL stated that it values our review of its work in this area and will review the recommendations and take appropriate actions to improve program performance and delivery of services.

HUD also neither agreed nor disagreed with our recommendations for it to update its environmental justice strategic plan and issue a progress report on its environmental justice efforts each year (recommendations 5 and 16). In an email, a HUD audit liaison official stated that the agency had no comments at this time and will continue to work with the current administration and the working group to update its environmental justice strategic plan and issue a progress report on its environmental justice efforts.

Education stated that our report did not sufficiently account for the limitations on its legal authority in the subject area of environmental justice and that our report would be more accurate and comprehensive if it included more information about the department’s limited role. Education also stated that it did not agree with the recommendations to update its environmental justice strategic plan (recommendation 3) and issue a progress report on its environmental justice efforts each year (recommendation 13) because it does not believe this is the most appropriate course of action for the department or an efficient use of resources. We disagree with Education’s assessment. In the report, we

discuss Education officials' comments that they have a limited role with the working group because many of the topics discussed have not been relevant to their agency's missions. We also discuss Education's legal authority by including Education officials' comment that the department does not have federal authority to plan, fund, construct, maintain, or operate school facilities and grounds. As discussed in the report, by updating its strategic plan, Education would have a current plan to guide its environmental justice activities, as it committed to do in the 2011 MOU. By issuing progress reports each year, Education could have more reasonable assurance that it has the necessary information to assess its performance and to demonstrate results.

As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. We are sending copies of this report to the appropriate congressional committees; the Chair of the Council on Environmental Quality; the Attorney General, Department of Justice; the Administrators of the Environmental Protection Agency and General Services Administration; the Acting Administrator of the Small Business Administration; the Secretaries of the Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, Labor, Transportation, and Veterans Affairs; and the Acting Secretary of the Department of Homeland Security. In addition, the report will be available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions concerning this report, please contact me at (202) 512-3841 or gomezj@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in appendix XV.



J. Alfredo Gómez
Director, Natural Resources and Environment

Appendix I: Objectives, Scope, and Methodology

This report examines (1) the extent to which the 16 working group agencies have developed environmental justice strategic plans and shown progress toward environmental justice goals since 2011; (2) the actions agencies have taken to identify and address environmental justice issues related to their programs, policies, and activities since the executive order was issued in 1994 and the resources they have used to do so in recent years; and (3) the extent to which the Interagency Working Group on Environmental Justice (working group) has collaborated on environmental justice efforts. Sixteen federal agencies and one agency of the Executive Office of the President are involved in environmental justice efforts: the Council on Environmental Quality (CEQ), Environmental Protection Agency (EPA), General Services Administration (GSA), Small Business Administration (SBA), Department of Agriculture (USDA), Department of Commerce (Commerce), Department of Defense (DOD), Department of Education (Education), Department of Energy (DOE), Department of Health and Human Services (HHS), Department of Homeland Security (DHS), Department of Housing and Urban Development (HUD), Department of the Interior (DOI), Department of Justice (DOJ), Department of Labor (DOL), Department of Transportation (DOT), and Department of Veterans Affairs (VA).

To address these objectives, we reviewed Executive Order 12898 (*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*), the *2011 Memorandum of Understanding on Environmental Justice* (MOU), working group documents, and agency environmental justice strategic plans and progress reports, and interviewed federal agency officials about the documents. We also attended the 2018 National Environmental Justice Conference and Training Program, in which leaders from various sectors share ideas and approaches to achieving environmental justice. At this conference, we observed sessions to gain background and context and interviewed some attendees whom we identified and arranged to interview prior to the conference. We also visited sites in Oakland, California, and Richmond, California, to add context to our review with observations of communities with environmental justice issues. We selected these sites because they had minority and low-income populations with environmental and health concerns. Including interviews we conducted at the conference, we conducted 33 interviews with environmental justice stakeholders about federal environmental justice efforts and related issues. Of these interviews, 10 were with representatives from national nonprofit organizations, seven were with representatives from nonprofit groups who work on local issues, six were with university professors, four were with employees of private

companies, two were with current or former government officials, and four were with mixed groups of stakeholders. We identified these stakeholders for interviews from our background interviews and document reviews. The views of the stakeholders we interviewed cannot be generalized to all similar stakeholders, but they represent a range of stakeholder perspectives and provide illustrative examples of views of agency efforts.

To examine the extent to which the 16 agencies developed environmental justice strategic plans since 2011, we determined which agencies had completed an environmental justice strategic plan after signing the 2011 MOU and which agencies had also updated their plans at EPA's request in 2016. We made these determinations by reviewing the website of each agency for its environmental justice documents, reviewing the environmental justice strategic plans, and interviewing agency officials about the origin and status of these environmental justice strategic plans.

To examine the extent to which the 16 agencies showed progress toward environmental justice goals since 2011, we determined whether each agency had completed annual environmental justice progress reports for each year for fiscal year 2012 through fiscal year 2017 by reviewing the website of each agency to identify these progress reports, reviewing the progress reports we located, and interviewing agency officials about the status and content of these progress reports.¹ We also reviewed the environmental justice strategic plans and progress reports to assess whether agencies included a method to assess progress in accordance with GAO's leading practices for strategic planning and reporting, including establishing goals and establishing a method to assess progress toward goals.² Specifically, we analyzed whether each agency's environmental justice strategic plan included goals and performance measures or milestones, and whether each agency assessed progress toward these goals using performance measures or milestones in subsequent progress reports. We also interviewed agency officials about their progress toward the goals of Executive Order 12898.

¹We reviewed agencies' environmental justice progress reports through fiscal year 2017 because this was the most recent year for which they were available. Agencies typically release reports for the prior fiscal year several months into the following calendar year.

²GAO, *Agencies' Strategic Plans under GPRA: Key Questions to Facilitate Congressional Review*, [GAO/GGD-10.1.16](#) (Washington, D.C.: May 1, 1997) and GAO, *Managing For Results: Enhancing Agency Use of Performance Information for Management Decision Making*, [GAO-05-927](#) (Washington, D.C.: Sept. 9, 2005).

To examine the actions the 16 agencies took to identify and address environmental justice issues related to their programs, policies, and activities since the executive order was issued in 1994, we reviewed agency environmental justice strategic plans, progress reports, and related documents to identify illustrative examples of agency efforts in each of the areas outlined in Executive Order 12898 and the 2011 MOU as well as two additional areas identified by agencies. We also interviewed officials from each agency to confirm or gather additional information on these examples. The analysis included a detailed review of the most recent environmental justice strategic plan and progress report for each agency to identify examples of agency actions and a content analysis of the most recent environmental justice strategic plan for each agency. From this review, we (1) counted how many agencies discussed plans to identify and address environmental justice issues related to the areas outlined in the 1994 executive order and 2011 MOU in their most recent environmental justice strategic plan, (2) developed a list of illustrative examples of agency efforts to identify and address environmental justice issues related to these areas, and (3) counted how many agencies provided examples of actions they implemented related to these areas. The examples are not a generalizable sample of the types or instances of agency actions, but illustrate the various ways that different agencies are implementing plans to identify and address environmental justice issues and different approaches to doing so that may be useful for other agencies, the Interagency Working Group on Environmental Justice, and environmental justice stakeholders. We report a minimum count of agencies that provided examples for each area because most agencies did not formally report on progress annually and the information we reviewed does not provide a complete record of agency environmental justice efforts.

To examine what resources working group members used to support their environmental justice efforts for fiscal year 2015 through 2018, we obtained and reviewed agency budget justification documents and agency estimates of resources data to determine which agencies (1) had any funding or staffing resources dedicated specifically for environmental justice in their budgets, (2) supported environmental justice efforts with a mix of existing funding and staff from related programs, or (3) did not report any examples of environmental justice efforts or use any resources specifically for any environmental justice efforts. We assessed the reliability of the agencies' estimated resources data, including for agencies that estimated no resources were used to support any environmental justice efforts, by corroborating it with agency budget justification documents or internal agency budget documentation,

interviewing agency officials about the data, and comparing it with information on any reported examples environmental justice efforts. We found it reliable for our purposes of describing which agencies had any resources dedicated specifically for environmental justice in their budgets and of presenting estimates of other funding and staffing resources used to support environmental justice efforts.

To determine the extent to which the working group has collaborated on environmental justice efforts, we reviewed working group documents including the group's fiscal year 2016-2018 *Framework for Collaboration* and associated progress reports, its published guidance entitled *Promising Practices for Environmental Justice Methodologies in NEPA Reviews*, and its resource guide entitled *Goods Movement Federal Resources Compendium*. We also conducted semi-structured interviews with officials from working group committees. We compared the working group's organization, documents, and actions with key features of collaborative mechanisms that GAO has identified, including clarifying roles and responsibilities, participation, establishing written guidance and agreements, and establishing outcomes and accountability.³ We selected these features because they were most relevant to the activities of the working group organization.

We conducted this performance audit from November 2017 to September 2019 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

³GAO, *Managing for Results: Key Considerations for Implementing Interagency Collaborative Mechanisms*, [GAO-12-1022](#) (Washington, D.C.: Sept. 27, 2012).

Appendix II: Additional Examples of Agency Actions to Identify and Address Environmental Justice Issues

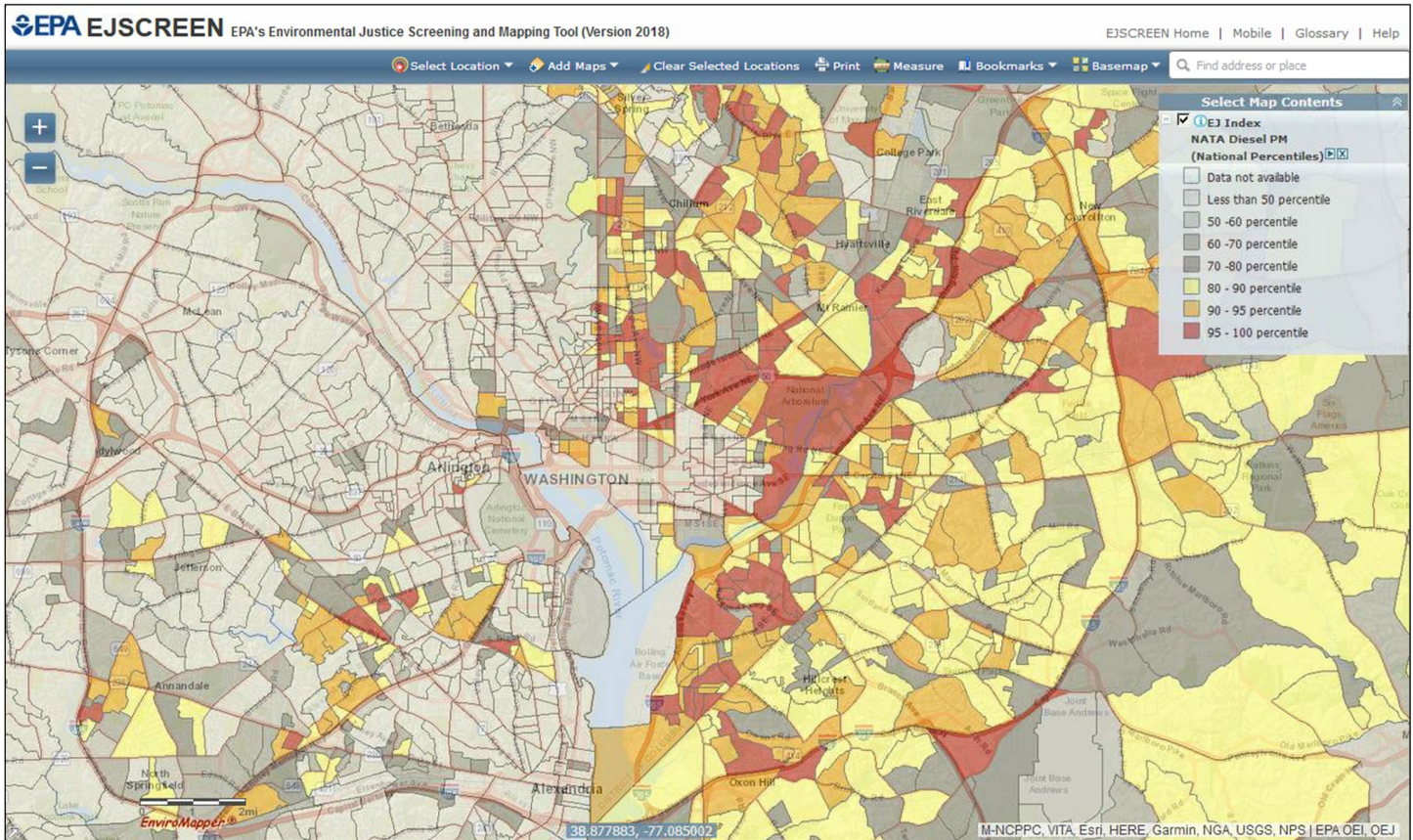
Agencies provided examples of actions to identify and address environmental justice issues:

Improve research and data collection

- In 2017, the Department of Housing and Urban Development (HUD) and the Environmental Protection Agency (EPA) entered into a memorandum of understanding (MOU) to improve communication and data sharing about public and HUD-assisted housing located near contaminated Superfund sites to help both agencies prioritize actions protecting against human health and environmental risks.
- The Department of the Interior (DOI) provided an example in which the National Park Service used EPA's Environmental Justice Mapping and Screening Tool (EJSCREEN) in 2015 to check for populations with respiratory health risks near a prescribed burn area (i.e., a planned, controlled fire to manage wildfire risks) in Jean Lafitte, Louisiana, as part of an environmental assessment (see fig. 1 for example of EJSCREEN display).

Appendix II: Additional Examples of Agency Actions to Identify and Address Environmental Justice Issues

Figure 1: Example of EJSCREEN Display (Environmental Justice Index: Demographic Data and National Percentiles of Diesel Particulate Matter Level in the Air in Washington, D.C.)



Source: The Environmental Protection Agency's Environmental Justice Mapping and Screening Tool (EJSCREEN) (2018). | GAO-19-543

Promote enforcement of health and environmental statutes

- The Department of Justice (DOJ) officials told us that its attorneys consider environmental justice issues when pursuing cases to enforce federal environmental laws, and in 2014 it updated and reissued guidance on how its attorneys should identify and address environmental justice issues in their work. For example, DOJ reported in its 2017 progress report that it sought and incorporated community input on resolutions for a 2017 case involving several petrochemical facilities alleged to be violating the Clean Air Act that were located in Texas and Louisiana communities with environmental justice issues. DOJ reported that some of the injunctive relief and monitoring

requirements included in the case settlement reflected suggestions made by the community.

- According to internal DOI guidance from 2018, the Central Hazardous Materials Fund, which supports cleanup of contaminated sites on federal lands through the Comprehensive Environmental, Response, Compensation, and Liability Act, requires projects to be screened for any potentially affected environmental justice communities and for the requesting bureau to work with any communities that are identified near the proposed project.¹

Ensure greater public participation

- In its 2014 progress report, Commerce reported that the National Oceanic and Atmospheric Administration (NOAA) developed a handbook on procedures for government-to-government consultation with federally recognized Indian tribes and Alaska Native Corporations as part of an effort to facilitate meaningful and timely input from Tribes into federal decisions that directly affect them.²
- In 2013, DOJ and EPA reported seeking and incorporating input from low-income and minority communities on resolutions for several Clean Water Act violations for sewer overflows in cities in Tennessee, Mississippi, and Washington; these resolutions included requiring the cities to address overflows at specific sites impacting these communities and developing Supplemental Environmental Projects for the cities to fix leaking private sewer pipes.

¹The mission of the Central Hazardous Materials Fund is to protect public health and the environment by addressing the most contaminated sites within national parks, national wildlife refuges, and other Department-managed public lands. The fund supports remediation projects using the authorities under the Comprehensive Environmental Response, Compensation, and Liability Act.

²Federal recognition confers specific legal status on tribes and imposes certain responsibilities on the federal government, such as an obligation to provide certain benefits to tribes and their members. As of May 1, 2019, the federal government recognized 573 Indian tribes. Alaska Native Corporations are corporations established pursuant to the Alaska Native Claims Settlement Act to be the vehicle for distributing land and monetary benefits to Alaska Natives in lieu of a reservation system. These corporations are not federally recognized Indian tribes but federal law requires federal agencies to consult with Alaska Native corporations on the same basis as Indian tribes.

Identify differential patterns of consumption of natural resources

- In its 2016 progress report, DOJ reported that its Environment and Natural Resources Division negotiated a settlement to help improve the passage of steelhead and salmon—fish that are important to the Muckleshoot and Puyallup tribes—on the White River in Washington.
- In its 2016 progress report, DOI reported that the U.S. Geological Service worked with the Stillaguamish tribe in Washington, to assess the effects of possible wastewater contamination on fish and wildlife in the Stillaguamish River.

Implement NEPA

- The Department of Homeland Security (DHS) issued an agency-wide directive on the National Environmental Policy Act (NEPA) implementation in 2014 and the accompanying 2014 NEPA instruction manual included public involvement requirements for populations with environmental justice issues. For agency staff to implement this guidance, DHS included questions about potential environmental justice issues related to the proposed action in its NEPA assessment system.
- Since at least 2012, as part of the NEPA process for HUD-assisted projects, HUD requires the environmental review record to document any adverse and disproportionate impacts on low-income or minority populations, and steps to engage the community in meaningful participation about mitigating the adverse impacts or moving the project.
- The General Services Administration's (GSA) 1999 Public Building Service NEPA Desk Guide includes a section specifically on environmental justice, which states that each GSA NEPA review should include some level of environmental justice analysis. In its 2015 progress report, GSA reported that it continues to consider environmental justice issues for proposed Public Buildings Service projects.
- The U.S. Department of Agriculture's (USDA) 1997 Departmental Regulation on Environmental Justice directs USDA component agencies to incorporate environmental justice into their NEPA processes (e.g., Rural Development's official guidance includes a section on integrating environmental justice and socioeconomic analyses into environmental reviews as part of the NEPA process).

Implement Title VI of the Civil Rights Act of 1964

- In its 2017 progress report, EPA reported that its External Civil Rights Compliance Office provided training and technical assistance on federal civil rights obligations to local agencies, tribal governments, and 38 states across the agency's 10 regions through outreach calls and meetings in 2017.

Consider impacts from climate change

- According to the Department of Commerce, NOAA has developed information, tools, and services to help society understand, plan for, and respond to climate variability and change. As part of this effort, NOAA built a web-based resource called Digital Coast, which can be used to identify the risk of potential sea-level rise and inundation to vulnerable populations (e.g., low-income).
- According to the Department of Energy's (DOE) 2015 progress report, the 2015 National Environmental Justice Conference and Training Program focused on climate change and climate justice. DOE also issued a 2015 report on the vulnerabilities that tribal energy systems, such as electric grid infrastructure, have to climate change and extreme weather, and announced a grant opportunity to establish clean energy projects and energy efficiency projects on tribal lands.

Consider impacts from goods movement

- In its 2017 progress report, EPA reported prioritizing funding projects to reduce elevated diesel emissions from equipment moving goods and people near seaports and airports through its Diesel Emissions Reduction Act grants.
- The Department of Transportation's (DOT) Federal Highway Administration created an Environmental Justice Tools Peer Network to share transportation practitioners' experiences using EJSCREEN and other relevant data tools in decisions about transportation planning or project development.

Provide internal training

- DOJ officials told us that new attorneys and staff in its Environment and Natural Resources Division—the primary division responsible for prosecuting environmental cases—received training on environmental justice issues.

- In its most recent environmental justice strategic plan, DOT reported that it offers environmental justice training throughout the agency to help federal employees and grantees ensure compliance with environmental justice policies. For example, in its 2015 progress report, DOT stated that its Federal Highway Administration and Federal Transit Administration offered courses and webinars on such topics as environmental justice fundamentals, planning, and analysis; Title VI; and freight impacts.
- USDA officials told us that its National Resources Conservation Service developed a webinar in 2014 to assist conservation planners, partners, and technical service providers understand, analyze, and document environmental justice issues related to planned conservation actions under NEPA, such as data sources and potential mitigation measures.

Conduct external capacity building

- In its 2017 progress report, EPA reported holding training sessions for community organizations on how to use EJSCREEN, how to apply for grants, and other strategies and resources to deal with specific environmental justice issues, such as lead exposure and poisoning.
- Since 2007, DOE has sponsored an annual conference, the National Environmental Justice Conference and Training Program, with support from other agencies, to bring together community leaders; federal, state, and local government representatives; tribal leaders; environmental justice organizations; and others. The conference provides a forum to share information, tools, and strategies for identifying and dealing with specific environmental justice issues that communities may be facing, and agencies in the working group reported participating.
- Since at least 2012, HUD has offered online training on environmental justice for HUD grantees to help build their capacity to meet environmental review responsibilities for HUD-assisted projects.
- In 2017, DOI and EPA entered into an MOU to collaborate on environmental justice and economic development issues by assisting underserved communities through academic partnerships, technical assistance, and training, in collaboration with the communities.
- In its 2016 progress report, the Department of Labor reported that the Employment and Training Administration's Job Corps, a job training program for low-income and at-risk youth, offers training in fields such as green building and hazardous waste removal.

Appendix III: Comments from the Department of Homeland Security

U.S. Department of Homeland Security
Washington, DC 20528



July 17, 2019

J. Alfredo Gómez
Director, Natural Resources and Environment
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Re: Management Response to Draft Report GAO-19-543 "ENVIRONMENTAL JUSTICE: Federal Efforts Need Better Planning, Coordination, and Methods to Assess Progress"

Dear Mr. Gómez:

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the U.S. Government Accountability Office's (GAO) work in planning and conducting its review and issuing this report.

The Department is pleased to note GAO's positive recognition of DHS as being one of only two Federal Agencies to issue annual progress reports since the signing, by 16 Federal agencies, of the 2011 "Memorandum of Understanding on Environmental Justice and Executive Order 12898." DHS remains committed, to the greatest extent practicable and permitted by law, to integrating environmental justice into its programs, policy, 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 Islands.

It is important to note, however, that 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.

The draft report contained 24 recommendations, including one with which the Department concurs. Attached, find our detailed response to this recommendation. Technical comments were previously provided under separate cover.'

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Sincerely,



JIM H. CRUMPACKER, CIA, CFE
Director
Departmental GAO-OIG Liaison Office

Attachment

**Attachment: Management Response to Recommendation
Contained in GAO-19-543**

GAO recommended that the Secretary of Homeland Security:

Recommendation 4: Update the department's environmental justice strategic plan.

Response: Concur. The DHS Office of the Chief Readiness Support Officer, Sustainability & Environmental Programs, in conjunction with the DHS Office of Civil Rights and Civil Liberties is developing an updated environmental justice strategic plan. We anticipate that this plan will enter the formal DHS review and clearance process by December 31, 2019. Estimated Completion Date: June 30, 2020.

Appendix IV: Comments from the Department of Defense



SUSTAINMENT

ASSISTANT SECRETARY OF DEFENSE
3500 DEFENSE PENTAGON
WASHINGTON, DC 20301-3500

AUG 23 2019

Mr. J. Alfredo Gomez
Director, Natural Resources and Environment
U.S. Government Accountability Office
441 G Street, N.W.
Washington, DC 20548

Dear Mr. Gomez:

This is the Department of Defense (DoD) response to the Government Accountability Office (GAO) Draft Report, GAO-19-543, "ENVIRONMENTAL JUSTICE: Federal Efforts Need Better Planning, Coordination, and Methods to Assess Progress," dated June 13, 2019 (GAO Code 102432). Thank you for the opportunity to review the draft report and provide our response. The DoD response to the GAO recommendations is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "R. McMahon", is written over a horizontal line.

Robert H. McMahon

Enclosure:
As stated

GAO Draft Report Dated June 13, 2019
GAO-19-543 (GAO CODE 102432)

“ENVIRONMENTAL JUSTICE: FEDERAL EFFORTS NEED BETTER PLANNING,
COORDINATION, AND METHODS TO ASSESS PROGRESS”

DEPARTMENT OF DEFENSE COMMENTS
TO THE GAO RECOMMENDATION

The Assistant Secretary of Defense for Energy Installations and Environment position was eliminated in FY19. The responsibilities transferred to the Assistant Secretary of Defense for Sustainment (ASD(S)).

RECOMMENDATION 2: The Assistant Secretary of Defense for Energy, Installations, and Environment should update the Department’s environmental justice strategic plan.

DoD RESPONSE: Concur. In light of the above-described transfer of responsibilities, the update would be performed under the responsibility of the ASD(S).

RECOMMENDATION 12: The Assistant Secretary of Defense for Energy, Installations, and Environment should issue a progress report on the Department’s environmental justice efforts each year.

DoD RESPONSE: Non-concur.

The recommendation to report is predicated on measuring agency progress towards achieving goals to incorporate Environmental Justice considerations into its decision making.

DoD has achieved the intent of Executive Order 12898 by including Environmental Justice considerations into its decision making processes primarily using the National Environmental Policy Act (NEPA) review process.

Additionally, DoD has limited ability to further the implementation of EJ and create new goals and metrics in operating locations and mission. DoD is bounded by its mission with limited opportunities to change where the Department operates. In order to create new bases or close existing ones, DoD must first obtain Congressional approval and then perform a NEPA analysis prior to implementation. Moreover, unlike federal regulatory and land use management agencies, DoD’s mission does not include a federal role in regulating or directing off base activity or land uses. In addition, aside from the U.S. Army Corps of Engineers civil regulatory functions, DoD does not routinely issue environmental permit decisions like federal regulatory agencies.

These reasons make it a significant challenge for DoD to meet the GAO recommendation to produce an annual progress report on new goals and metrics with measurable outcomes for further EJ implementation. Therefore, DoD does not see a tangible benefit to additional reporting and non-concurs with the recommendation.

Appendix V: Comments from the Department of Energy



Department of Energy
Washington, DC 20585

July 22, 2019

Mr. J. Alfredo Gomez
Director
Natural Resources and Environment
U.S. Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Gomez:

Thank you for providing the Department of Energy (DOE) an opportunity to review and comment on the Government Accountability Office's (GAO) draft report entitled: *Environmental Justice – Federal Efforts Need Better Planning, Coordination, and Methods to Assess Progress, GAO-19-543*. DOE agrees with the GAO's draft report's findings and recommendation.

The draft report contained a total of twenty-four recommendations, of which GAO directed one recommendation to DOE, Recommendation 15. DOE concurs with this recommendation. Details regarding planned actions to address GAO's recommendation are provided in the enclosure.

If you have any questions, please contact Mrs. Melinda Downing, Environmental Justice Program Manager, Office of Legacy Management, at 202-586-7703.

Sincerely,

Carmelo Melendez
Director
Office of Legacy Management

Enclosure



ENCLOSURE

Management Response

**GAO Draft Report: Environmental Justice – Federal Efforts Need Better
Planning Coordination, and Methods to Assess Progress (GAO-19-543)**

GAO Recommendation:

Recommendation 15: The Secretary of Energy should issue a progress report on the Department's environmental justice efforts each year.

Management Response: Concur.

DOE will prepare a combined 2017 and 2018 environmental justice progress report, and will prepare annual reports thereafter.

Estimated Completion Date: August 2019.

Appendix VI: Comments from the Department of the Interior



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUL 17 2019

Mr. Alfredo Gómez
Director, Natural Resources and Environment
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Gómez:

Thank you for providing the Department of the Interior (Department) the opportunity to review and comment on the draft U.S. Government Accountability Office (GAO) report entitled, *Environmental Justice: Federal Efforts Need Better Planning, Coordination, and Methods to Assess Progress* (GAO-19-543). We appreciate GAO's review of Federal environmental justice efforts.

GAO issued the Department one recommendation to address its findings. Below is a summary of actions planned to implement the recommendation.

Recommendation 17: The Secretary of the Interior should issue a progress report on the Department's environmental justice efforts each year.

Response: Concur. The Department is committed to providing information to the public on our environmental justice efforts on an annual basis. We are currently in the process of reevaluating our environmental justice strategic plan and annual report process and expect to begin implementing a new annual report format in Fiscal Year 2020.

If you have any questions or need additional information, please contact Cheryl Kelly, in the Department's Office of Environmental Policy and Compliance, at (202) 208-7565 or at cheryl_kelly@ios.doi.gov.

Sincerely,

Scott J. Cameron
Principal Deputy Assistant Secretary
for Policy, Management and Budget

Appendix VII: Comments from the Department of Justice



U.S. Department of Justice

Washington, D.C. 20530

JUL 18 2019

Mr. Alfredo Gómez
Director
Natural Resources and Environment Team
U.S. Government Accountability Office
441 G Street
Washington, DC

Dear Director Alfredo Gómez:

The Department of Justice (the Department or DOJ) has reviewed its recommendation contained in the U.S. Government Accountability Office (GAO) report entitled “Environmental Justice: Federal Efforts Need Better Planning, Coordination, and Methods to Assess Progress” (GAO-19-543). The Department is pleased to respond to GAO’s recommendation.

Recommendation 6: The Attorney General of the United States should update the department’s environmental justice strategic plan.

Response: The Department concurs with this recommendation as follows. The Department commits to review the “Department of Justice Environmental Justice Strategy” (2014) and to revise it if the review indicates significant changes are needed. As part of that review, DOJ anticipates considering any guidance issued by the Director of the Environmental Protection Agency’s Office of Environmental Justice concerning what agencies should include in environmental justice strategic plans pursuant to Recommendation 21 of this report.

If you have any questions, please do not hesitate to contact Louise Duhamel, Acting DOJ Audit Liaison, at 202-514-0469, or me at 202-514-3101.

Sincerely,

for
Lee J. Lofthus
Assistant Attorney General
for Administration
Justice Management Division

Appendix VIII: Comments from the Department of Labor

U.S. Department of Labor

Office of the Assistant
Secretary for Policy
Washington, D.C. 20210



JUN 28 2019

Mr. J. Alfredo Gómez
Director
National Resources and Environment
U.S. Government Accountability Office
441 G. Street, N.W.
Washington, D.C. 20548

Dear Mr. Gómez:

Thank you for the opportunity to review and comment on the Government Accountability Office's (GAO) draft report entitled, "ENVIRONMENTAL JUSTICE: Federal Efforts Need Better Planning, Coordination, and Methods to Assess Progress" (GAO-19-543, Job Code 102432). The draft report makes a total of 24 recommendations, two of which apply directly to the Department: (1) updating the Department's environmental justice strategic plan, and (2) issuing a progress report on the Department's environmental justice efforts each year. The Department of Labor ("Department") values GAO's review of its work in this area and will review the recommendations and take appropriate actions to improve program performance and delivery of services.

We recognize and support GAO's work to improve the Interagency Working Group on Environmental Justice outcomes, and share your commitment to promote and ensure the effectiveness, efficiency, and integrity of the program. If you would like additional information or have any questions please contact me at 202-693-5080.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephanie Swirsky".

Stephanie Swirsky
Deputy Assistant Secretary for Policy

Appendix IX: Comments from the Department of Transportation



**U.S. Department
of Transportation**

Office of the Secretary
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

JUL 22 2019

J. Alfredo Gomez
Director, Natural Resources and Environment
U.S. Government Accountability Office (GAO)
441 G Street NW
Washington, D.C. 20548

Dear Mr. Gomez:

Thank you for providing the Department of Transportation (Department or DOT) with the opportunity to review the GAO's draft Report to Congressional Requesters on Environmental Justice.

In accordance with its mission, the Department is committed to ensuring that our Nation has a fast, safe, efficient, and modern transportation system that improves the quality of life for all Americans, and is accessible, and convenient for all communities nationwide. DOT also partners with State and local organizations to enable minority and low-income communities to engage in and provide meaningful input during the transportation planning and decision-making processes.

Upon review of the draft report, the Department partially concurs with Recommendation 19. DOT commits to issuing progress reports on its Environmental Justice efforts when it determines that the circumstances of its activities so warrant.

Please contact Madeline M. Chulumovich, Director, Audit Relations and Program Improvement, at (202) 366-6512 with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Loren Smith".

Loren Smith
Deputy Assistant Secretary for Transportation Policy

Appendix X: Comments from the Department of Education



UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, DC 20202

July 16, 2019

Mr. Alfredo Gómez
Director
Natural Resources and Environment Team
Government Accountability Office
Washington, D.C. 20548

Dear Mr. Gómez:

Thank you for the opportunity to review the Government Accountability Office (GAO) draft report, *Environmental Justice: Federal Efforts Need Better Planning, Coordination, and Methods to Assess Progress* (GAO-19-543). The U.S. Department of Education (Department) appreciates this opportunity to respond to the recommendations to the Secretary of Education in the draft report.

At the same time, the draft report does not sufficiently account for the limitations on the Department's legal authority in the subject area. As background, we note that issues relating to a school's environment (facilities and grounds) are almost exclusively within the purview of local and state education and health authorities. The Department does not have express grant programs or authorities that focus on these issues.

Nevertheless, in 2011, the Department signed an interagency Memorandum of Understanding (MOU) to help implement Executive Order 12898, with the aim of serving as a liaison with education stakeholders for this interagency work.

Since 2011, the Department has reviewed materials sent by the Interagency Working Group on Environmental Justice (EJIWG) and stayed in communication with EJIWG's chairs, which are appropriately from the U.S. Environmental Protection Agency (EPA), whose mission is to protect human health and to safeguard the natural environment. On the EJIWG, the Department's role is limited to providing input and helping communicate when there are school environment-specific issues, programs, and resources. This has been the most effective use of resources and consistent with the Department's limited role and statutory constraints.

The Department does implement U.S. Department of Education Green Ribbon Schools (ED-GRS), for which it produces an annual report that highlights progress in school sustainability and includes information about safe and healthy environments for students. ED-GRS is a well-intended communications and outreach mechanism – not an environmental enforcement tool.

The draft GAO report would be more accurate and comprehensive if it included this type of information regarding the Department's limited role.

www.ed.gov

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

GAO Report Recommendations

The Secretary of Education should update the Department's environmental justice strategic plan (recommendation 3) and issue a progress report on the Department's environmental justice efforts each year (recommendation 13).

Department Response

As noted above, the federal authority on environmental issues rests primarily with the EPA. Indeed, the Department was not identified as one of the original agencies directed by Executive Order 12898 to make achieving "environmental justice" part of its mission, because the Department's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access to education.

As an example, although federal grantees are required to certify compliance with many statutes, including environmental statutes, the Department does not manage real property, including extensive lands or facilities, and does not directly implement the National Environmental Policy Act (NEPA) in the same way as other agencies with a larger geographic footprint. Therefore, the Department has little to add to EJIWG's lengthy discussions on the implementation of NEPA. Similarly, the Department does not collect data on environmental issues, does not enforce health and environmental statutes, and does not have resources or personnel trained in environmental or natural resource issues.

In that context, while the Department understands the intent of GAO's two recommendations, it does not agree that this is the most appropriate course of action for the Department or an efficient use of resources. If the Department did publish a strategic plan and annual report, these documents would have little substantive content. We believe these recommendations should be reconsidered in light of this information.

Going forward, the Department supports revising the EJIWG to differentiate those with implementation obligations from those who only provide technical assistance. The latter should have more appropriate, less burdensome reporting responsibilities. The Department is also reviewing if it is still an appropriate party to the MOU.

Sincerely,



Nathan Bailey
Assistant Secretary for Communications
and Outreach (delegated)

Appendix XI: Comments from the Environmental Protection Agency



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 24, 2019

OFFICE OF
POLICY

Mr. J. Alfredo Gomez
Director, Environmental Protection
Natural Resources and Environment
U.S. Government Accountability Office
441 G Street, N.W.
Washington, DC 20548

Dear Mr. Gomez:

Thank you for the opportunity to review and comment on the U.S. Government Accountability Office's (GAO) draft report entitled "Environmental Justice: Federal Efforts Need Better Planning, Coordination, and Methods to Assess Progress (GAO-19-543)," dated August 2019. This letter provides the U.S. Environmental Protection Agency's (EPA) response to GAO's draft report, findings, conclusions, and recommendations.

EPA is committed to assisting low-income and disadvantaged communities that are often disproportionately impacted by environmental risks or hazards by helping local communities across the country address critical environmental challenges, such as reducing air pollution, combatting lead exposure, and improving water quality.

The Interagency Working Group on Environmental Justice (EJ IWG) facilitates the active involvement of Federal agencies to implement Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." Established through the Executive Order (EO), the EJ IWG provides a forum for Federal agencies to collectively advance environmental justice principles. The EJ IWG works as a federal family to increase local community capacity to promote and implement innovative and comprehensive solutions to environmental justice issues. The EJ IWG is chaired by the EPA Administrator and includes 17 Federal agencies and White House offices with standing committees and other committees established as necessary to carry out responsibilities outlined by the EO. The IWG consists of senior leadership representatives, senior staff representatives, and other persons delegated by an agency. In 2011, IWG agencies adopted a Charter and signed the Memorandum of Understanding on Environmental Justice and EO 12898 (MOU). The MOU served as an agreement among Federal agencies to recommit to addressing environmental justice through a more collaborative, comprehensive and efficient process.

The EPA appreciates the GAO's work on this subject area and the collegial working relationship and dialogue with our staff. EPA understands the need for interagency coordination and is working closely and collaborating with our many federal partners to achieve real benefits and improvements to communities with EJ concerns. To that end we hope that the final recommendations will recognize the accomplishments of the IWG and the continued enhancement of its work.

Recommendations 21-24 are directed at EPA. Below are EPA's responses to GAO's recommendations. We have included several technical corrections as an addendum.

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Recommendation 21 and 22:

The Director of EPA's Office of Environmental Justice, as chair of the working group, should develop guidance for agencies on what they should include in their environmental justice strategic plans (Recommendation 21).

The Director of EPA's Office of Environmental Justice, as chair of the working group, should develop or create a committee of the working group to develop guidance, on methods the agencies could use to assess progress toward their environmental justice goals (Recommendation 22).

EPA Response:

EPA agrees with recommendations 21 and 22.

Recommendation 23 and 24:

The Director of EPA's Office of Environmental Justice, as chair of the working group, and in consultation with the other working group members, should update the *2011 Memorandum of Understanding* and renew the agencies' commitments to participate in the interagency collaborative effort and the working group (Recommendation 23).

The Director of EPA's Office of Environmental Justice, as chair of the working group, and in consultation with the working group, should clearly establish its goals and define the scope of these goals to carry out the 1994 Executive Order (Recommendation 24).

EPA Response:

EPA disagrees with Recommendations 23 and 24. In consultation with the EJ IWG, EPA will lead efforts to update the FY 16-18 Framework for Collaboration to include guidance for strategic plans, tracking progress towards goals and defining alignment with the EO in lieu of revising the MOU. EPA believes that the intent of Recommendation 24 can thus be combined within Recommendation 23 and is therefore no longer necessary.

If there are questions or concerns regarding our response to the recommendations or if additional information is required, please contact Matthew Tejada, Director, Office of Environmental Justice at tejeda.matthew@epa.gov or (202) 564-8047.

Sincerely,



Brittany Bolen
Associate Administrator

Appendix XII: Comments from the Department of Health & Human Services



DEPARTMENT OF HEALTH & HUMAN SERVICES

OFFICE OF THE SECRETARY

Assistant Secretary for Legislation
Washington, DC 20201

JUL 15 2019

Alfredo Gómez
Director, Natural Resources and Environment Team
U.S. Government Accountability Office
441 G Street NW
Washington, DC 20548

Dear Mr. Gómez:

Attached are *comments* on the U.S. Government Accountability Office's (GAO) report entitled, "*Environmental Justice: Federal Efforts Need Better Planning, Coordination, and Methods to Assess Progress*" (GAO-19-543).

The Department appreciates the opportunity to review this report prior to publication.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sarah Arbes".

Sarah Arbes
Acting Assistant Secretary for Legislation

Attachment

GENERAL COMMENTS FROM THE DEPARTMENT OF HEALTH & HUMAN SERVICES ON THE GOVERNMENT ACCOUNTABILITY OFFICE'S DRAFT REPORT ENTITLED – ENVIRONMENTAL JUSTICE: FEDERAL EFFORTS NEED BETTER PLANNING, COORDINATION, AND METHODS TO ASSESS PROGRESS (GAO-19-543)

The U.S. Department of Health & Human Services (HHS) appreciates the opportunity from the Government Accountability Office (GAO) to review and comment on this draft report.

Recommendation 14

The Secretary of Health and Human Services should issue a progress report on the department's environmental justice efforts each year.

HHS Response

HHS concurs with GAO's recommendation. HHS will begin the process of developing a progress report on environmental justice efforts covering 2017 and 2018.

Appendix XIII: Comments from the Department of Agriculture



United States
Department of
Agriculture

JUL 25 2019

Office of the
Assistant Secretary
for Civil Rights

Via Email

1400 Independence
Avenue SW
Washington, DC
20250

TO: Susan Iott
Assistant Director, Natural Resources and Environment
U.S. Government Accountability Office

THROUGH: Winona Lake Scott
Associate Assistant Secretary for Civil Rights

WINONA LAKE
SCOTT
Digitally signed by WINONA LAKE
SCOTT
(Date: 2019.07.25 16:09:22 -0400)

FROM: Jeffrey Knishkowsky *Jeff Knishkowsky*
Environmental Justice Coordinator
Office of the Assistant Secretary for Civil Rights

SUBJECT: Draft Report: Federal Efforts in Environmental Justice,
Engagement Code 102432

The U.S. Department of Agriculture (USDA) submits the following response to GAO's Draft Report: *Environmental Justice: Federal Efforts Need Better Planning, Coordination, and Methods to Assess Progress* (GAO-19-543).

GAO RECOMMENDATION #10: Recommendation #10, GAO's only recommendation to USDA (and identical in content to GAO's recommendations to 10 other departments), states: "The Secretary of Agriculture should issue a progress report on the department's environmental justice efforts each year."

USDA RESPONSE: USDA agrees that it should issue a progress report on its environmental justice efforts each year and appreciates GAO's acknowledgement of those reports USDA has submitted since 2012.

In addition, USDA would like to clarify one point in the Draft Report at p. 31 regarding Lowndes County, Alabama. The "Department of Agriculture rural development grant funding" GAO references has not yet been secured. (See USDA email to GAO, April 5, 2019: "The Alabama Department of Public Health applied for \$2,557,500.00 from RD, and that application is still being reviewed by the appropriate USDA offices before a decision is reached on the application.")

We appreciate GAO's interest in environmental justice and the significant time and effort it has made to support the federal government's efforts in this important work.

AN EQUAL OPPORTUNITY EMPLOYER

Appendix XIV: Comments from the Department of Veterans Affairs



THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

July 11, 2019

Mr. J. Alfredo Gomez
Director
Natural Resources and Environment
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Gomez:

The Department of Veterans Affairs (VA) has reviewed the Government Accountability Office (GAO) draft report: ***ENVIRONMENTAL JUSTICE: Federal Efforts Need Better Planning, Coordination, and Methods to Assess Progress*** (GAO-19-543).

The enclosure contains the actions to be taken to address the draft report recommendations.

VA appreciates the opportunity to comment on your draft report.

Sincerely,

A handwritten signature in blue ink that reads "Robert L. Wilkie".

Robert L. Wilkie

Enclosure

Enclosure

Department of Veterans Affairs (VA) Comments to
Government Accountability Office (GAO) Draft Report
***ENVIRONMENTAL JUSTICE: Federal Efforts Need Better Planning,
Coordination, and Methods to Assess Progress***
(GAO-19-543)

Recommendation 9: The Secretary of Veterans Affairs should update the department's environmental justice strategic plan.

VA Comment: Concur. VA will update its environmental justice strategic plan pending the Environmental Protection Agency's (EPA) guidance on what agencies should include in their plans (Recommendation #21 to EPA). Target Completion Date: Within 6 months of EPA's issuance of guidance.

Recommendation 20: The Secretary of Veterans Affairs should issue a progress report on the department's environmental justice efforts each year.

VA Comment: Concur. VA will issue an annual progress report pending EPA or the Interagency Working Group (IWG) guidance on methods agencies could use to assess progress towards their environmental justice goals (Recommendation #22 to EPA). Target Completion Date: Following issuance of guidance and per reporting schedule established by the Environmental Justice IWG.

Appendix XV: GAO Contact and Staff Acknowledgments

GAO Contact

J. Alfredo Gómez, (202) 512-3841 or gomezj@gao.gov.

Staff Acknowledgments

In addition to the individual named above, Susan Iott (Assistant Director), Allen Chan (Analyst-in-Charge), Peter Beck, Hannah Dodd, Juan Garay, Rich Johnson, Matthew Levie, Ben Licht, Cynthia Norris, Amber Sinclair, Kiki Theodoropoulos, and Elise Vaughan Winfrey made key contributions to this report.

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Congressional Relations

Orice Williams Brown, Managing Director, WilliamsO@gao.gov, (202) 512-4400, U.S. Government Accountability Office, 441 G Street NW, Room 7125, Washington, DC 20548

Public Affairs

Chuck Young, Managing Director, youngc1@gao.gov, (202) 512-4800, U.S. Government Accountability Office, 441 G Street NW, Room 7149, Washington, DC 20548

Strategic Planning and External Liaison

James-Christian Blockwood, Managing Director, spel@gao.gov, (202) 512-4707, U.S. Government Accountability Office, 441 G Street NW, Room 7814, Washington, DC 20548



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