

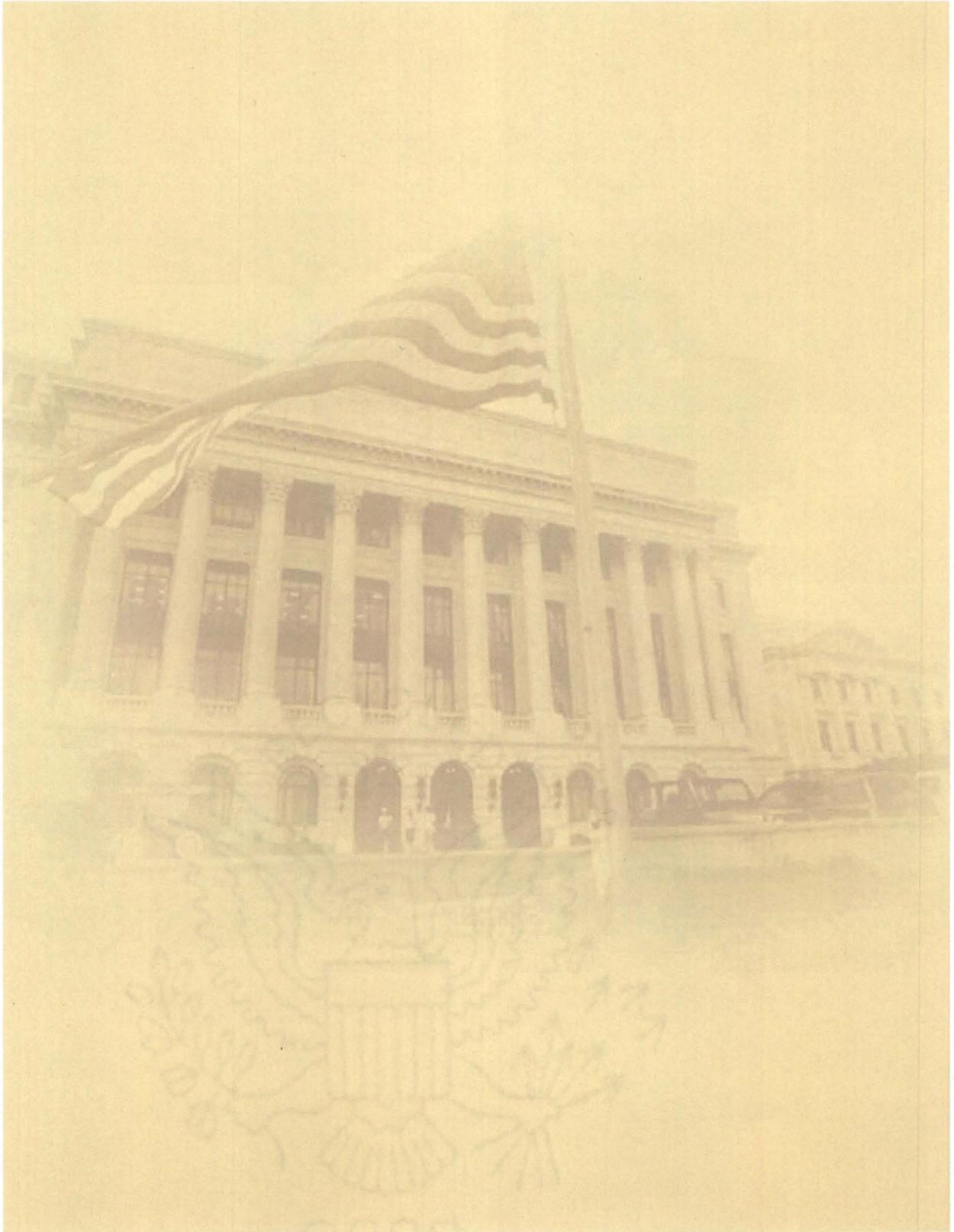
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**Environmental Justice Strategic Plan:
2012–2014**

**U.S. Department of Agriculture
Washington, D.C.**

November 28, 2011—Final Draft



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Message from the Secretary

At the U.S. Department of Agriculture (USDA), we are committed to achieving environmental justice throughout every community in America. We strive to create opportunities to improve the environment and human health in all communities in which we work while ensuring that environmental burdens do not affect any one community disproportionately. Given that USDA programs touch almost every American every day, the Department is well positioned to help in this effort. To effectively and efficiently meet its goals and deliver results, USDA has developed this *Environmental Justice Strategic Plan* outlining key priorities and strategies.

USDA's *Environmental Justice Strategic Plan* provides an overarching vision that is reflected in our environmental justice goals. We have identified key priorities—to increase capacity building, public participation, and opportunities for minority, low-income, and Tribal populations—as well as the best ways to achieve results. USDA has purposely developed broad goals to guide its agencies in the development of their work plans, with specific and measureable targets adapted to appropriate responsibilities and priorities. I believe that this approach is necessary to address the complexity of environmental justice in a timely, deliberate, and coordinated manner.

The Department is committed to actively participating with the Interagency Working Group on Environmental Justice and to collaborating with other Federal agencies on joint efforts to achieve environmental justice. Our *Environmental Justice Strategic Plan* represents a dynamic process within USDA to ensure best results. Through this process, the Department will continually assess the quality of its services to the public and seek ways to improve its performance.

In order to implement this *Strategic Plan* and better serve our customers, I am directing each USDA agency to designate a point of contact on environmental justice at the Senior Executive Service level by December 15, 2011. I am also directing each agency to develop environmental justice strategies based on the six goals outlined in this document on or before April 15, 2012, and to begin implementation of these strategies as soon as possible.

The Department's *Environmental Justice Strategic Plan* is currently in draft form. We value your input very highly and would appreciate receiving your comments and suggestions during the 30-day comment period. Our review of comments and target dates will reflect the importance of public input and subsequent agency action. In addition to comments on the *Strategic Plan* itself, please identify USDA programs that have been the most beneficial to your community. Kindly send your written comments to EJStrategy@osec.usda.gov.

Thank you for your participation in our work together on behalf of environmental justice.

Sincerely,



Thomas J. Vilsack
Secretary of Agriculture

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A. Overview

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations* (February 11, 1994), requires each Federal agency to achieve environmental justice as 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 (hereinafter “environmental justice communities”). At the U.S. Department of Agriculture (USDA), environmental justice refers to meeting the needs of these underserved communities by reducing disparate environmental burdens, removing barriers to participation in decisionmaking, and increasing access to environmental benefits that help make all communities safe, vibrant, and healthy places to live and work. (See page 14 for definitions of commonly used terms.)

The Executive Order required each Federal agency to prepare a strategy for environmental justice. In the latter part of 1994, USDA formulated an environmental justice strategy to ensure that environmental justice principles and initiatives were incorporated into Departmental programs, policies, planning, public participation processes, enforcement, and rulemaking. The USDA strategy guided each USDA agency in addressing environmental justice in the areas of research, data collection, analysis, interagency coordination, and development of model projects as well as broader public participation, planning, outreach, communication, partnerships, sharing of information, education, and training.

The strategy outlined three goals to achieve environmental justice within the Department. The first goal was to issue a Departmental Regulation establishing USDA’s environmental justice plan. The second was to incorporate environmental justice principles and objectives into all relevant USDA programs, policies, and systems. The third goal was to ensure effective implementation of USDA’s environmental justice strategy. This approach helped to ensure that environmental justice principles and objectives were part of the day-to-day activities of USDA operations.

By integrating environmental justice into Departmental programs rather than creating new and costly programs and systems, USDA was able to effectively and efficiently meet many of the principles and objectives of environmental justice. Key accomplishments since 1994 include establishment of the USDA Civil Rights Assessment and Implementation teams, development of the Environmental Justice Department Regulation, and the making of a host of environmental justice investments through USDA program and loan activities. Still, USDA recognizes that further work in support of environmental justice remains.

In August 2011, the Department joined with other Federal agency members in signing the Memorandum of Understanding (MOU) and Charter for the Interagency Working Group on Environmental Justice under Executive Order 12898. This MOU reaffirms the Federal Government’s commitment to environmental justice. A part of the MOU calls on each Federal agency to review and update existing environmental justice strategic plans where applicable and as appropriate. This document outlines the steps to be taken for future environmental justice activities at USDA.

B. Relationship of Environmental Justice to Agency Mission and Agency Strategic Plan

USDA's overall goal is not only to institutionalize environmental justice principles at USDA but to continuously make a positive difference in the lives of the American people. To this end, USDA is committed to integrating the best education, research, outreach, and technical assistance across USDA agencies into programs that meet the needs of its customers in environmental justice communities. USDA is committed to working collaboratively with Federal, State, Tribal, and local Governments, nongovernmental organizations, and private individuals to address the underlying conditions that put people at risk and to assist families across the Nation in striving to achieve environmentally suitable living conditions and healthier lives.

C. Environmental Justice Goals

USDA's environmental justice goals provide an overall direction for continued integration of environmental justice at the Department. The goals were developed with the input of the USDA Environmental Justice Working Group, comprised of key staff and leadership from each of the Department's mission areas. USDA has purposely developed broad goals to guide its agencies in the development of work plans, with specific and measureable targets adapted to agency responsibilities and priorities. We have identified six goals involving opportunities, capacity building, public participation, civil rights, employee training, and updating regulations.

Goal 1: Ensure USDA programs provide opportunities for environmental justice communities.

In support of this goal, USDA will provide targeted technical and financial assistance to aid and empower environmental justice communities in their efforts to build and sustain environmentally and economically sound communities.

Objectives

The objectives for this goal are to:

- Fully integrate environmental justice into existing technical and financial assistance program strategies and evaluations.
- Ensure accountability by tracking increased participation in programs by environmental justice communities.

Agency Performance Measures	Target Date
Set appropriate measurements to ascertain increased participation in technical and financial assistance and other programs by environmental justice communities.	On or before April 15, 2012

Examples of agency-specific programs, activities, or policies that currently support or will contribute to this strategic goal include the following:

- USDA's Agricultural Marketing Service is implementing the Farmers Market Promotion Program with special emphasis on food deserts—areas where low-income communities have limited access to local grocery stores—to support America's underserved communities in their pursuit of improved access to fresh, healthy food.
- The Department is deploying a cross-agency "StrikeForce" composed of USDA's Natural Resources Conservation Service; Farm Service Agency; Rural Development; Food and Nutrition Service; Marketing and Regulatory Programs; and National Institute for Food and Agriculture to better serve socially disadvantaged rural farmers in persistent poverty counties. The StrikeForce coordinates activities among all USDA agencies, its sister agencies, and community-based organizations in relation to these farmers as well as private landowners. StrikeForce is currently identifying and addressing disproportionate environmental impacts and adverse human health or environmental effects occurring in persistent poverty counties in the pilot States of Arkansas, Georgia, and Mississippi.
- USDA has deployed the InterTribal Technical Assistance Network, working through the Office of Tribal Relations in the Office of the Secretary, to ensure that Tribal governments, communities, and individuals are receiving technical assistance that will improve their access to USDA programs and services. Tribal communities face unique land tenure issues, unemployment, and teen suicide rates that in many locations are double the national average, as well as failing water and sewer systems. The Network will work with all Tribal governments across the United States, and potential impacts will be felt across 55 million acres of reservation lands and the communities that are located on these lands.
- USDA is participating in the *Let's Move in Indian Country* initiative by increasing participation by Bureau of Indian Education schools in Federal nutrition programs, in the development of community gardens on Tribal lands, and in the development of Tribal food policy councils.
- USDA's Food and Nutrition Service and USDA's Center for Faith-Based and Neighborhood Partnerships are implementing *La Mesa Completa*, the Department's initiative to reduce hunger among Latinos through technical assistance focused on Federal nutrition programs in targeted Latino communities with high rates of food insecurity.
- USDA Rural Development's Water and Environmental Programs provide loans, grants, and loan guarantees for clean drinking water and for sanitary solid waste and storm drainage in rural areas. This helps meet the basic infrastructure needs of many environmental justice communities.

- USDA is an active leader in the Urban Waters Federal Partnership, an interagency initiative dedicated to restoring the health of urban waters and revitalizing the underserved neighborhoods that surround them, transforming overlooked assets into treasured centerpieces and drivers of urban revival.

Goal 2: Increase capacity building for environmental justice communities.

In support of this goal, USDA will provide targeted training and capacity-building sessions to environmental justice communities to better enable them to achieve environmental justice.

Objectives

The objectives for this goal are to:

- Conduct community-based training to enhance the capacities of communities.
- Develop, implement, and promote communication strategies with USDA public affairs offices to disseminate information about USDA resources to environmental justice communities.
- Conduct public meetings, listening sessions, and forums to inform, engage, and involve environmental justice communities.
- Prepare guidance on technical and financial assistance for farmers in environmental justice communities, including best practices for sustainable agriculture and conservation.
- Participate in Tribal consultation and coordination efforts as required by Executive Order 13175 and thereafter as appropriate.

Agency Performance Measures	Target Date
Increase capacity-building sessions held for environmental justice communities.	On or before April 15, 2012, agencies will set and announce training schedules.
Develop outreach materials on USDA programs for environmental justice communities.	On or before April 15, 2012, agencies will develop preliminary outreach materials.

Examples of agency specific programs, activities, or policies that currently support or will contribute to this strategic goal include the following:

- USDA has a long tradition of conducting effective research, outreach, and education efforts aimed at improving participation by and access to decisionmaking for minority

populations at national, regional, State, and local levels, including cooperative efforts with:

1. Land Grant Institutions and other historically Black colleges and universities,
 2. The Hispanic Association of Colleges and Universities,
 3. Tribal Nations, Tribal Colleges and Universities, and the 1994 Tribal Land Grant institutions as well as the Tribal governments they represent and the Bureau of Indian Education,
 4. Support for USDA Employee Organization Groups (African American, Hispanic, Asian American and Pacific Islander, and Native American),
 5. Stakeholder groups and USDA county and advisory committees, and
 6. Non-profit organizations.
- The Outreach and Technical Assistance for Socially Disadvantaged Farmers and Ranchers program provides grants to Land Grant Institutions (1862, 1890, or 1994), Native American Tribal Governments and organizations, Latino-Serving Institutions, State Controlled Institutions of Higher Education, and community-based organizations and non-profit organizations that work with minority farmers and that assist them in owning and operating farms and participating in agricultural and USDA-specific programs.
 - The Expanded Food and Nutrition Education Program (EFNEP) delivers hands-on, interactive nutrition education programs to low-income families with young children and low-income youth to improve their diet and nutritional well-being. EFNEP reaches more than half a million new program participants each year. In fiscal year 2010, at least 70 percent of adults were minorities, and 87 percent of those who reported income were at or below 100 percent of poverty, earning \$22,050 a year or less for a family of four.
 - USDA's Food and Nutrition Service provides financial support for VISTA volunteers who work to increase the capacity of local communities to conduct outreach and application assistance for the Supplemental Nutrition Assistance Program.
 - USDA's Forest Service operates several Urban Field Stations to conduct environmental, economic, and social science research about urban natural resources' structure, function, stewardship, and benefits. Through mapping and assessment tools, the Forest Service will help communities create baseline data about the distribution of tree canopy resources and their associated benefits—identifying disparities and opportunities for environmental justice.

Goal 3: Expand public participation in program operations, planning activities, and decision making processes to benefit environmental justice communities.

In support of this goal, USDA will enhance the credibility and public trust of the Department by continuing to make public participation a fundamental component of all program operations.

Objectives

The objectives for this goal are to:

- Ensure public access to data and other information necessary for meaningful participation at the local level.
- Integrate environmental justice into USDA agencies’ public participation guidelines.
- Establish relationships with environmental justice communities through USDA’s Office of Advocacy and Outreach.
- Through USDA’s Office of Tribal Relations, continue the improvement of USDA’s recognition of and support for its government-to-government relationship with Tribal governments, which will in turn provide improved support for Tribal communities and individuals.
- Maintain a database of national and community-based organizations and networks concerned with environmental justice, and integrate this information with existing mailing lists held by agencies and offices.
- Identify media through which announcements and other information may be disseminated to improve communication with minority, low-income, and Tribal populations.
- Ensure that the composition of USDA's advisory boards and groups reflect the communities they represent.
- Engage in place-based partnerships to enhance the health and prosperity of environmental justice communities.
- Ensure compliance with Civil Rights Impact Analysis process.

Agency Performance Measures	Target Date
Update agency public participation guidelines to include environmental justice.	On or before April 15, 2012, agencies will review or initiate public participation guidelines.
Encourage interested environmental justice communities to be involved in the public participation process for Environmental Assessments and Environmental Impact Statements.	On or before February 29, 2012.

Examples of agency-specific activities that currently support or will contribute to this strategic goal include the following:

- USDA is engaged in consultation and coordination with Tribal governments. According to Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, Federal agencies shall establish regular and meaningful consultation and collaboration with Tribal officials in the development of laws, regulations, and policies that have Tribal implications.
- USDA's Office of Tribal Relations and the Forest Service are reviewing current and proposed policies that will enable the agency to better protect and accommodate use of Native American Sacred Sites. The process has involved more than 50 listening sessions over several months, followed by government-to-government consultation with Tribes, further collaboration with spiritual leaders, and public comment. The results of this review, including recommendations, will be provided to Secretary Vilsack in early 2012.
- The National Forest Service Land Management Planning Rule guides the development of land management plans for the National Forest System. The process for engaging the public in developing the proposed planning rule was one of the most extensive in history. The proposed rule included requirements to provide meaningful opportunities for public participation and would require that managers take accessibility of the process and information into account when providing opportunities for public participation, as well as outreach to youth, low-income, and minority populations. USDA is currently developing a final rule.
- USDA will also emphasize the importance of compliance with Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*. The Executive Order requires that federally conducted programs provide improved access to persons with limited English proficiency. In addition, Section 508 of the Rehabilitation Act of 1973 requires Federal agencies to make electronic and information technology accessible to people with disabilities.
- USDA's Forest Service is expanding participation in key regional decision making and planning activities by working to diversify and broaden representation on its Resource Advisory Committees.

Goal 4: Ensure USDA's activities do not have disproportionately high and adverse human health impacts, and resolve environmental justice issues and complaints.

In support of this goal, USDA will integrate environmental justice strategies with its enforcement responsibilities under Title VI of the Civil Rights Act, especially with recipients of Federal financial assistance. It will also resolve issues and complaints relative to discrimination for environmental justice communities.

Objectives

The objectives for this goal are to:

- Ensure that USDA environmental programs identify any disparate impacts on environmental justice communities.
- Effectively resolve or adjudicate all environmental justice-related Title VI complaints.
- Include environmental justice as a key component of civil rights compliance reviews.
- Provide technical assistance and training on environmental justice to recipients of Federal financial assistance.

Agency Performance Measures	Target Date
Agencies will identify and review Title VI complaints related to environmental justice to ensure they are resolved or in the process of being adjudicated.	On or before April 15, 2012.
Include Environmental Justice in civil rights compliance reviews.	On or before February 29, 2012.
Incorporate environmental justice into Environmental Assessments and Environmental Impact Statements as appropriate, including necessary outreach.	Ongoing
Conduct research to ensure USDA programs do not have disproportionately high and adverse environmental and human health impacts.	On or before April 15, 2012, agencies will develop effective methodology to assess impacts.
Review proposed or existing USDA regulations to assess environmental justice impacts (DR-5600-2 will be reviewed separately).	On or before April 15, 2012, Agencies will have processes in place to evaluate environmental justice impacts or benefits in proposed regulations.

Examples of agency-specific programs, activities, or policies that currently support or will contribute to this strategic goal are as follows:

- The Natural Resources Conservation Service’s Environmental Compliance Program addresses and analyzes impacts to environmental justice communities as appropriate during the environmental assessment and conservation planning process for all Natural Resources Conservation Service conservation programs.

- USDA responds to research needs of industrial and field workers, such as byssinosis avoidance through cotton dust control, grain dust reduction, and safe pesticide application technology.
- USDA conducts research to describe the degradation of pesticides and other chemicals, thereby contributing to safe handling procedures. Well-designed safe handling procedures better ensure worker safety.
- USDA continues its outreach to environmental justice communities near or adjacent to hazardous wastes sites under its jurisdiction, custody, or control.

Goal 5: Increase the awareness, skills, and abilities of USDA employees regarding environmental justice.

In support of this goal, USDA will ensure that responsible officials are aware of the provisions of Executive Order 12898 and are able to identify and amend programs, policies, and activities under their purview that may provide targeted grants or technical or financial assistance to environmental justice communities. Additionally, officials should be able to identify and amend programs, policies, and activities that have disproportionately high and adverse human health or environmental effects on environmental justice communities.

Objectives

The objectives for this goal are to:

- Develop environmental justice training for responsible officials, i.e., an SES-level employee designated by each agency to be the agency’s point of contact on environmental justice.
- Use existing committees, working groups, and forums to champion environmental justice throughout the Department.

Agency Performance Measures	Target Date
Hold training session for SES-level points of contact.	On or before April 15, 2012.
Establish training program for all Responsible Officials at USDA.	On or before April 15, 2012.
Train Responsible Officials (includes Office or Program Managers)—e.g., Cultural Transformation and environmental justice Web training.	On or before April 15, 2012, Agencies will determine timeline for trainings.
Develop environmental justice web page for USDA Employees and Public.	On or before February 15, 2012, USDA will develop an environmental justice web page.

Identify agency programs that can impact or benefit environmental justice communities in order to target current and future training needs; display on agency websites.	On or before February 29, 2012, Agencies will identify such programs.
Incorporate environmental justice content into agency handbooks and manuals as appropriate.	On or before April 15, 2012, agencies will determine target dates for performance measure.

Goal 6: Update and/or Develop Departmental and Agency Regulations on Environmental Justice

In support of this goal—concurrent with the Departmental strategic plan—the Department and agencies will formulate and/or update their environmental justice regulations.

Objectives

The objectives for this goal are to:

- Review and update agency regulations and /or policies on Environmental Justice.
- Prepare and publish new, revised, and updated regulations and/or policies on environmental justice for public review and comment.

Agency Performance Measures	Target Date
Issue new and/or revised regulations and/or policies on environmental justice	On or before April 15, 2011, agencies will set a target date.

NOTE: This Strategic Plan is not classified as a rulemaking. It does not create any substantive or procedural right or benefit enforceable at law or equity by a party against USDA, its agencies, instrumentalities, officers, employees, or any other person.

Appendix A: Definitions

These definitions are listed for purposes of environmental justice at USDA.

Environmental justice—To the greatest extent practicable and permitted by law, all populations are provided the opportunity to comment before decisions are rendered on, are allowed to share in the benefits of, are not excluded from, and are not affected in a disproportionately high and adverse manner by government programs and activities affecting the environment and its impact on human health.

Environmental justice communities—Minority and/or low-income populations, including American Indian or Alaskan Native populations.

Minority—A person who is a member of one of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic.

Low-income population—Any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, migrant farm workers and other geographically dispersed/transient persons who will be similarly affected by USDA programs or activities. Low-income populations may be identified using data collected, maintained, and analyzed by an agency or from analytical tools such as the annual statistical poverty thresholds from the U.S. Census Bureau's Current Population Reports, Series P60, Consumer Income and Poverty.

Appendix B: Background on Title VI and Executive Order 12898

Title VI of the Civil Rights Act of 1964 (“Title VI”) prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. See 42 U.S.C. § 2000d. Title VI is also the model for several subsequent statutes that prohibit discrimination on other grounds in federally assisted programs or activities, including Title IX (discrimination in education programs prohibited on the basis of sex) and Section 504 (discrimination prohibited on the basis of disability).

Under Title VI, Federal assistance is not just limited to an award or grant of money. It may occur in nonmonetary forms such as the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Title VI provides that if a recipient of Federal assistance is found to have discriminated, and voluntary compliance cannot be achieved, the Federal agency providing the assistance should either initiate fund termination proceedings or refer the matter to the Department of Justice (Civil Rights Division) for appropriate legal action. Aggrieved individuals may file administrative complaints with the Federal agency that provides assistance to a recipient.

Title VI itself prohibits intentional discrimination. However, most funding agencies have implementing regulations for Title VI that prohibit recipient practices that have the effect of discrimination on the basis of race, color, or national origin.

In 1994, Executive Order 12898 was born out of a need to address concerns that the high and adverse environmental impacts of private or governmental actions were falling disproportionately on populations protected by laws such as Title VI (also sometimes referred to as “environmental justice” concerns).

In a Presidential memorandum accompanying Executive Order 12898, President Clinton identified Title VI as one of several Federal laws already in existence that can help “to prevent minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects” (President’s Memorandum for the Heads of All Departments and Agencies, 30 Weekly Comp. Pres. Doc. 279, 280, February 11, 1994).

Executive Order 12898 amplifies Title VI by providing that each Federal agency shall 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 environmental justice communities.

Although not all Title VI complaints involve environmental justice and not all environmental justice complaints involve violations of Title VI, there is typically a body of environmental justice issues that are raised in the context of complaints alleging Title VI violations. Federal agencies need to be aware of this intersection and incorporate it appropriately into their environmental justice strategies.