



United States Department of the Interior

Office of the Secretary
Washington, D.C. 20240

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PEP/ER

PEP - ENVIRONMENTAL COMPLIANCE MEMORANDUM NO. ECM 70-1

To: Heads of Bureaus and Offices

From: Stephen G. Tryon, Acting Director
Office of Environmental Policy and Compliance

Subject: Reporting Environmental Justice Activities

STEPHEN TRYON
Digitally signed by STEPHEN TRYON
Date: 2020.06.18 14:48:51 -04'00'

PURPOSE

The purpose of this memorandum is to provide guidance to bureaus and offices (bureaus) on when and how to submit information needed for reporting the Department's activities relating to environmental justice.

BACKGROUND

Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, directs Federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, to the greatest extent practicable and permitted by law. The EO 12898 promotes nondiscrimination in Federal programs that affect human health and the environment, as well as providing minority and low-income communities with access to public information and public participation.

In 2011, the Department, along with 16 other Federal agencies, signed the *Memorandum of Understanding on Environmental Justice and Executive Order 12898* (EJ MOU). In the EJ MOU¹, the Department committed to providing a concise report on progress related to environmental justice efforts for the previous fiscal year (FY). The Department also committed

¹ As outlined in the EJ MOU, beginning in 2012, each Federal agency will provide a concise report on progress during the previous fiscal year and will include: performance measures, description of participation in interagency collaboration, responses to recommendations submitted by members of the public, and any updates or revisions to the agency's Environmental Justice Strategy. The EJ MOU does not have an expiration date.

to conducting annual reports in the Department's Environmental Justice Strategic Plan² and the Departmental Manual Chapter on environmental justice - *525 DM 1 - Environmental Justice Implementation Policy*.³ The Department's environmental justice annual reports are found on the Department's environmental justice webpage.⁴

The Office of Environmental Policy and Compliance (OEPC) is providing the following guidance on the implementation of a new reporting process with the intent to minimize bureau and OEPC workload and to provide more current information on the Department's activities to the public.

GUIDANCE

For FY 2020 and beyond, bureaus are encouraged to submit information on their environmental justice activities throughout the FY; at a minimum bureau shall submit information by October 1st of each FY. Information will be submitted in the form of a post that will be used on the Department's environmental justice webpage. At the end of the FY, OEPC will combine all the posts into one document to become the Department's environmental justice annual report. The OEPC will then transmit the report to the Environmental Protection Agency (EPA) and post it on the Department's environmental justice webpage. The Department's environmental justice annual report will not be circulated to the bureaus for surnaming as the bureaus approved the posts prior to being uploaded on the Department's environmental justice webpage.

The OEPC will send an email to the bureaus each quarter as a reminder to submit activities for inclusion on the Department's environmental justice webpage. The bureaus may provide as many posts as applicable throughout the FY. Posts should fall under one or more of the Department's five Environmental Justice Strategic Plan⁵ goals:

1. Ensure 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 have disproportionately high and adverse human health or environmental effects on minority, low-income, or tribal populations;
2. Ensure minority, low-income, and tribal populations are provided with the opportunity to engage in meaningful involvement in the Department's decision-making processes;

² The Department's EJ Strategic Plan, last updated in 2017, includes an action plan that covers FYs 2016 through 2020. In that action plan, the Department states that we will continue to submit annual reports to the Environmental Protection Agency and post annual reports on the Department's environmental justice website. The EJ Strategic Plan also states that any updates to the EJ Strategic Plan or Action Plan will be announced to the public through the Department's annual report.

³ Section J of the DM Chapter states that the Department will publish a report on its' progress during the previous year. The DM requires that the annual report provide information on how the Department is meeting its EJ Strategic Plan goals; examples of successful consideration of environmental justice; and any revisions and updates to the EJ Strategic Plan and polices and guidance related to environmental justice.

⁴ <https://www.doi.gov/oepec/resources/environmental-justice>

⁵ https://www.doi.gov/sites/doi.gov/files/uploads/doi_ej_strategic_plan_final_nov2016.pdf

3. The Department will, on its own or in collaboration with partners, identify and address environmental impacts that may result in disproportionately high and adverse human health or environmental effects on minority, low-income, or tribal populations;
4. Use existing grant programs, training, and educational opportunities as available to aid and empower minority, low-income, and tribal populations in their efforts to build and sustain environmentally and economically sound communities; and
5. Integrate the DOI's environmental justice strategies with its Title VI of the Civil Rights Act enforcement responsibilities to improve efficiencies while preserving the integrity of Title VI and environmental justice activities.

Bureaus should submit relevant and timely information that either announces ongoing activities, such as a public event, training opportunities, or grant opportunities or provide information on activities that occurred in the FY. The submission is to be from publicly available information that has been through the bureau review process for public release.

Bureaus should keep their submission succinct; the post should be a maximum of two paragraphs in length. Bureaus should use plain language and emphasize important information necessary for the public to understand the bureau's action, rather than providing extensive background information.

To submit a blog post, bureaus should use the online Microsoft form at:

<https://forms.office.com/Pages/ResponsePage.aspx?id=urWTBhhLe02TQfMvQApUIK6Kak3igu dFsT-7jGr6ksBUNkIPRVA0SjBFQUQwRkRZMzFOVDBUTDNZNS4u>

The form is attached for reference and asks for bureaus to provide information on what Environmental Justice Strategic Plan goal(s) the post falls under, the title of the post, the post paragraph, the link to the bureau related news release, event page, or document (as applicable), and the bureau.

Bureaus may decide how information is approved for use prior to submission to OEPC; however, given that the blog post is to utilize a previously approved and released bureau link, the OEPC recommends relying on the previous review of the existing news release, event post, or document for efficiency.

GENERAL

This memorandum is not intended to, and does not create any right or benefit, substantive or procedural, enforceable by law or in equity by a party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Additionally, nothing in this guidance is intended to affect the authority and responsibility of the United States Department of Justice with respect to the conduct of litigation on behalf of the United States.

This memorandum is new and issued as ECM 70-1.

Attachment

Environmental Justice Post Submission

Bureaus may submit a post to be placed on the Department's Environmental Justice webpage. The post will also be used at the end of the fiscal year as part of the Department's Environmental Justice Annual Report. Thank you for your support in sharing the Department's activities towards environmental justice! If you have any questions, please reach out to Cheryl Kelly, OEPC, at 202-208-7565 or cheryl_kelly@ios.doi.gov.

1. Which goal does the post meet? (select one or more)

Goal 1.: Ensure 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 have disproportionately high and adverse human health or environmental effects on minority, low-income, or tribal populations

Goal 2.: Ensure minority, low-income, and tribal populations are provided with the opportunity to engage in meaningful involvement in the Department's decision making processes

Goal 3.: The Department will, on its own or in collaboration with partners, identify and address environmental impacts that may result in disproportionately high and adverse human health or environmental effects on minority, low-income, or tribal populations

Goal 4.: Use existing grant programs, training, and educational opportunities as available to aid and empower minority, low-income, and tribal populations in their efforts to build and sustain environmentally and economically sound communities

Goal 5.: Integrate the DOI's environmental justice strategies with its Title VI of the Civil Rights Act enforcement responsibilities to improve efficiencies while preserving the integrity of Title VI and environmental justice activities.

2. Title of Post:

[Insert text here.]

[Insert text here.]

3. Post:

4. Link to bureau related news release or event page (if applicable):

[Insert text here.]

5. Bureau (select one)

- BLM
- FWS
- OSMRE
- BOEM
- BSEE
- OIA
- Reclamation
- BIA
- NPS