

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

February 11, 1994

EXECUTIVE ORDER

FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE
IN MINORITY POPULATIONS AND LOW-INCOME POPULATIONS

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1-1. Implementation.

1-101. Agency Responsibilities. To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, 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 minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

1-102. Creation of an Interagency Working Group on Environmental Justice. (a) Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency ("Administrator") or the Administrator's designee shall convene an interagency Federal Working Group on Environmental Justice ("Working Group"). The Working Group shall comprise the heads of the following executive agencies and offices, or their designees: (a) Department of Defense; (b) Department of Health and Human Services; (c) Department of Housing and Urban Development; (d) Department of Labor; (e) Department of Agriculture; (f) Department of Transportation; (g) Department of Justice; (h) Department of the Interior; (i) Department of Commerce; (j) Department of Energy; (k) Environmental Protection Agency; (l) Office of Management and Budget; (m) Office of Science and Technology Policy; (n) Office of the Deputy Assistant to the President for Environmental Policy; (o) Office of the Assistant to the President for Domestic Policy; (p) National Economic Council; (q) Council of Economic Advisers; and (r) such other Government officials as the President may designate. The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

(b) The Working Group shall: (1) 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;

(2) coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy as required by section 1-103 of this order, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner;

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(3) 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 in accordance with section 3-3 of this order;

(4) assist in coordinating data collection, required by this order;

(5) examine existing data and studies on environmental justice;

(6) hold public meetings as required in section 5-502(d) of this order; and

(7) develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

1-103. Development of Agency Strategies. (a) Except as provided in section 6-605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b)-(e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum:

- (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations;
- (2) ensure greater public participation;
- (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and
- (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations.

In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.

(c) Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.

(d) Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.

(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

(f) Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.

(g) Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

1-104. Reports to the President. Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

Sec. 2-2. Federal Agency Responsibilities for Federal Programs. Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.

Sec. 3-3. Research, Data Collection, and Analysis.

3-301. Human Health and Environmental Research and Analysis. (a) Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as minority populations, low-income populations and workers who may be exposed to substantial environmental hazards.

(b) Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.

(c) Federal agencies shall provide minority populations and low-income populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

3-302. Human Health and Environmental Data Collection and Analysis. To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a): (a) each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(b) In connection with the development and implementation of agency strategies in section 1-103 of this order, each Federal agency, whenever practicable and appropriate, shall collect, maintain and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have a substantial environmental, human

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health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial Federal environmental administrative or judicial action. Such information shall be made available to the public, unless prohibited by law; and

(c) Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are: (1) subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001-11050 as mandated in Executive Order No. 12856; and (2) expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public, unless prohibited by law.

(d) In carrying out the responsibilities in this section, each Federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with States, local, and tribal governments.

Sec. 4-4. Subsistence Consumption of Fish and Wildlife.

4-401. Consumption Patterns. In order to assist in identifying the need for ensuring protection of populations with differential patterns of subsistence consumption of fish and wildlife, Federal agencies, whenever practicable and appropriate, shall collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. Federal agencies shall communicate to the public the risks of those consumption patterns.

4-402. Guidance. Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or wildlife. Agencies shall consider such guidance in developing their policies and rules.

Sec. 5-5. Public Participation and Access to Information.

(a) The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Working Group.

(b) Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.

(c) Each Federal agency shall work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public.

(d) The Working Group shall hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice. The Working Group shall prepare for public review a summary of the comments and recommendations discussed at the public meetings.

Sec. 6-6. General Provisions.

6-601. Responsibility for Agency Implementation. The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct internal reviews and take such other steps as may be necessary to monitor compliance with this order.

6-602. Executive Order No. 12250. This Executive order is intended to supplement but not supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance. Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

6-603. Executive Order No. 12875. This Executive order is not intended to limit the effect or mandate of Executive Order No. 12875.

6-604. Scope. For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.

6-605. Petitions for Exemptions. The head of a Federal agency may petition the President for an exemption from the requirements of this order on the grounds that all or some of the petitioning agency's programs or activities should not be subject to the requirements of this order.

6-606. Native American Programs. Each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition, the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally-recognized Indian Tribes.

6-607. Costs. Unless otherwise provided by law, Federal agencies shall assume the financial costs of complying with this order.

6-608. General. Federal agencies shall implement this order consistent with, and to the extent permitted by, existing law.

6-609. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance of the United States, its agencies, its officers, or any other person with this order.

WILLIAM J. CLINTON

THE WHITE HOUSE,
February 11, 1994.

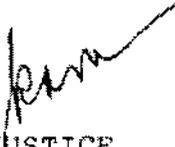
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THE WHITE HOUSE

WASHINGTON

July 6, 1993

MEMORANDUM FOR THOMAS MCLARTY
ROY NEEL
GEORGE STEPHANOPOULOS
DAVID GERGEN

FROM: KATIE MCGINTY 

SUBJECT: ENVIRONMENTAL JUSTICE

I. Action Forcing Event

Several civil rights and environmental groups have requested a meeting with the President to discuss environmental justice issues. These organizations are concerned about the seeming disproportionate impact of environmental hazards on people of color. This was one of the issues highlighted in the President's Earth Day Address, and I would like to continue to make progress on this front.

As you may know, Ben Chavis has identified this as a flagship issue for the NAACP; it will be highlighted at their National Convention this week. Rev. Chavis has requested a "summit meeting" with the President on this matter. I strongly recommend that we schedule this meeting. This is an issue of increasing importance to the civil rights community, and we are in a position to address many of their concerns.

II. Background

Several recent independent studies have indicated that predominately minority communities may bear an excess burden of pollution. The Bush Administration paid lip service to these studies and formed an EPA working group on this issue, but no action was forthcoming. I believe that we can take action that will be warmly welcomed by the environmental justice community.

Specifically, I would propose that we:

- 1) Afford Rev. Chavis and other leaders of the environmental justice community a meeting with the President;
- 2) Follow up on the meeting with an Executive Order on this issue.

You should also know that this executive order may be crucial to our efforts to push the EPA Cabinet bill through the House. Representative John Conyers has been stalling on introducing his version of the Cabinet bill while he tries to include environmental justice concerns in his draft. We would like to address environmental justice issues outside of the EPA Cabinet bill so that we can move a clean bill. EPA and Justice concur with the idea of issuing an executive order and, in fact, have already been working with my office on a draft. Without the executive order, our efforts in the House and relations with Conyers may be difficult.

In further congressional action on this issue, Sen. Baucus and Rep. Lewis have reintroduced the Environmental Justice Act (EJA), similar to the Gore bill of last year (that I drafted together with Rev. Chavis.) The administration may be asked for views soon. We may not be able to support the legislation as written because of agency concerns about budget implications. If we do not have a proactive stance on environmental justice before we are asked to comment on the EJA, we run the risk of appearing indifferent or opposed to this important issue.

Because of these concerns, we could be on a short time frame. Ideally, I would like to have the meeting between the environmental justice leaders and the President in the next few weeks with an executive order ready soon thereafter.

Please let me know your comments on this matter, and how we may best proceed. Thank you for your assistance.

cc: Alexis Herman
Bruce Reed

THE WHITE HOUSE

WASHINGTON

February 18, 1994

MEMORANDUM FOR CAROL RASCO
BRUCE REED
KATHI WAY
BILL GALSTON

FROM: BRIAN BURKE *BB* (1)

SUBJECT: THE ENVIRONMENTAL JUSTICE EXECUTIVE ORDER AND
RECOMMENDED NEXT STEPS

Recommended Next Steps

The Environmental Justice Executive Order (signed by the President on February 11, 1994; Attached) designates DPC and OEP to oversee an Interagency Working Group, which will be chaired by EPA. The Executive Order requires that the Working Group and its participating agencies submit reports and strategies (described below) to the President through DPC and OEP. To assure the interagency process functions as planned, I suggest we proceed as follows:

- DPC meeting to discuss the substance of the Order, ideas for the operation of the Work Group and the timetable to be followed prior to the first Working group meeting in three months;¹
- Schedule a meeting with Carol Browner and Katie McGinty to discuss the operation of the Working Group, the proposed timetable and other operational concerns.

¹ The Executive Order deadlines are as follows:

- 5/11/94: Convene Interagency Working Group. 1-102(a)
- 6/11/94: Agencies identify an internal administrative process for developing a strategy. 1-103(b)
- 8/11/94: Agencies deliver Working Group with outline of proposed strategy. 1-103(c)
- 12/11/94: Agencies deliver proposed strategy to Working Group. 1-103(d)
- 2/11/95: Finalize strategy and schedule for implementing projects in the strategy. 1-103(e)
- 4/11/95: Working Group report to President due. 1-104

Background

Historically minority and low income neighborhoods have borne disproportionate human health and environmental risks from pollution. The General Accounting Office (GAO) and the United Church of Christ (UCC) conducted the first and most widely known studies on this problem. The GAO study looked at the four offsite hazardous waste landfills in EPA Region IV.² The results showed that communities of low income, African-American people host three of the four hazardous waste landfills. The small size of the study precluded any wide-scale conclusions about the problem. However, it prompted the UCC to conduct its much broader study which found that race was the single greatest factor in determining where hazardous waste was likely to be located.

The National Law Journal (NLJ) studied the issue and published results of several studies in its September 21, 1992 issue which illustrated disparities in environmental law enforcement among white, minority and low income communities. After studying every federal environmental lawsuit resolved in the seven years prior to the article, and every residential toxic waste site in the 12 year history of the Superfund program, the NLJ concluded that EPA enforcement procedures discriminate against minorities. The findings concluded that:

- It took 20% longer for advanced hazardous waste sites in minority communities to be placed on the National Priority List;³
- Minority areas wait the longest for a federal response to hazardous waste complaints, low income communities wait almost as long;

EPA published a study in 1992 which concluded that death and disease rates differ by race, but the study stopped short of linking that result with racial differences in pollution exposure. The full nature and extent of the problem is unknown.

² The GAO report defines offsite landfills "those not part of or contiguous to an industrial facility".

³ The National Priorities List is EPA's list of the most serious uncontrolled and abandoned hazardous waste sites identified for possible long-term remedial action under Superfund.

The Executive Order

To address this issue, the President promulgated the Environmental Justice Executive Order⁴ which will help to close the gaps by providing more data collection, analysis and dissemination of information. In addition, it will change how agencies view programs and activities which disproportionately affect minority and low income people, including Indian Tribes. The Order directs federal agencies to review all programs and activities which substantially affect human health or the environment and to identify those which disproportionately and adversely impact upon low income and minority populations. (Section 1-101). One year after review begins, the agencies will submit a strategy describing how they will change the conduct of their programs and activities so that they do not exclude participation by, deny benefits to, or discriminate against persons or populations because of their race, color or national origin. (Sections 1-103(e) and 2-2). Each agency will collect and analyze data about the race, national origin and income level of those affected by their programs and activities, including cumulative effects. Sections 3-301(b) and 3-302(a)). All agencies will also work to improve public participation in programs and access to information relating to human health and the environment. (Section 5-5). An Interagency Working Group (as mentioned above) will oversee and provide guidance to the agencies as they develop their strategies. (Section 1-102(a) and (b)). DPC and OEP, will be responsible for reporting progress to the President and, with EPA, for providing the agencies with effective criteria. (Section 1-104).

The President signed this Order to coincide with a major Environmental Justice conference held in Washington, sponsored by EPA, NIH, CDC, and ATSDR, and invited the leaders of the environmental justice movement to attend the signing, including Ben Chavis (NAACP), John Adams (NRDC) and Charles Lee (UCC). The Vice President, who sponsored legislation on this topic in 1992 and worked with these communities for many years, also attended the signing ceremony. The Order has been well-received by the environmental justice community, the environmental community and the press (Articles Attached). In fact, generally,

⁴ While other terms have been used to describe this phenomenon, notably environmental racism and environmental equity, "justice" is often the preferred term because it reflects the theory that when decisions are made which cause these concentrated impacts, an injustice occurs which goes beyond environmental wrongs and into the civil rights arena.

support has been forthcoming from Congress, the NGA⁵, and industry as well.

DPC's Function

The scope of this executive order is far wider than may appear at first glance. In fact, a wide variety of agencies⁶ and issues are covered, including, civil rights, health care, environmental, intergovernmental, transportation, education, etc. DPC has the opportunity to assure that the implementation of the order is accomplished in the most efficient manner.

At a minimum, programs, policies, planning and public participation processes and enforcement related to human health and the environment must: (1) promote enforcement of all relevant statutes; (2) ensure greater public participation; (3) improve relevant research and data collection; and, (4) identify differential patterns of consumption of natural resources among different populations. (Section 1-103(a)). Without DPC input, there is no guarantee agencies will comply in a substantial, useful and timely manner.

The following are a few policy areas where the Executive Order overlaps with other DPC issues:

- Health Care: Studies show even small exposures to lead (especially paint) can cause health and mental problems, particularly in children. People residing near industrial plants or incinerators breathe in smokestack releases and retain the pollutants on their skin and clothes. Often various hazards occur in the same neighborhoods, but are considered separately during permitting procedures. The impact of multiple exposures must be considered in order to measure the health effect, including the health effects of transportation decisions, community development programs and subsistence living.
- Transportation: When highway planning results in decisions to place highways in minority and low income neighborhoods, the neighborhood character is destroyed and the people are exposed to higher air pollution levels. In addition, pollutants settle on the soil,

⁵ NGA suggested that States, facing the same problem with their agencies, may use the President's Executive Order as a model.

⁶ At a minimum, HHS, HUD, DOT, USDA, DOD, DOJ, OMB, Labor, Commerce, Energy, EPA, Interior, the Office of Science and Technology Policy, NEC and CEA will sit on the Working Group.

creating the possibility of exposure through dermal absorption and ingestion.

- Tribal/Indian Rights: Tribal peoples depend on subsistence consumption of fish, wildlife and crops to a greater degree than the population as a whole. Toxic levels, which are set with average consumption in mind, may not be safe when larger amounts are consumed. The effect on tribal peoples is unknown, but higher disease rates are suspected. (See L.A. Times article, Attached).
- Civil Rights: If the NLJ study is correct, then minorities and low income people are not receiving equal protection of the law. Environmental, health and other related legal areas such as housing and occupational safety laws must be equally enforced.
- Enterprise Zones: Economic and community development includes improving the health and environmental quality in zoned areas. People with limited employment opportunities may feel compelled to accept any job with decent wages, even jobs which may imperil their own health and safety, or that of local residents. Further, employees may be unaware of job hazards. Strategic plans should endeavor to create clean, safe jobs which do not carry high health and environmental risks for the employees, their families or local residents.
- Housing: Studies show minority populations are more likely to have elevated blood lead levels than other groups, regardless of income level. Because minorities experience housing discrimination, they often remain in poorer housing stock, which is more likely to contain peeling lead paint and lead pipes.

Conclusion

I suggest we meet sometime in the next week to discuss the issues raised in this memo.

Presidential Documents

Title 3—

Executive Order 12898 of February 11, 1994

The President

Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1-1. IMPLEMENTATION.

1-101. Agency Responsibilities. To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, 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 minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

1-102. Creation of an Interagency Working Group on Environmental Justice
 (a) Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency ("Administrator") or the Administrator's designee shall convene an interagency Federal Working Group on Environmental Justice ("Working Group"). The Working Group shall comprise the heads of the following executive agencies and offices, or their designees: (a) Department of Defense; (b) Department of Health and Human Services; (c) Department of Housing and Urban Development; (d) Department of Labor; (e) Department of Agriculture; (f) Department of Transportation; (g) Department of Justice; (h) Department of the Interior; (i) Department of Commerce; (j) Department of Energy; (k) Environmental Protection Agency; (l) Office of Management and Budget; (m) Office of Science and Technology Policy; (n) Office of the Deputy Assistant to the President for Environmental Policy; (o) Office of the Assistant to the President for Domestic Policy; (p) National Economic Council; (q) Council of Economic Advisers; and (r) such other Government officials as the President may designate. The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

(b) The Working Group shall: (1) 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;

(2) coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy as required by section 1-103 of this order, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner;

(3) 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 in accordance with section 3-3 of this order;

(4) assist in coordinating data collection, required by this order;

- (5) examine existing data and studies on environmental justice;
- (6) hold public meetings as required in section 5-502(d) of this order and
- (7) develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

1-103. Development of Agency Strategies. (a) Except as provided in section 6-505 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b)-(e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.

(c) Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.

(d) Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.

(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

(f) Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.

(g) Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

1-104. Reports to the President. Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

Sec. 2-2. FEDERAL AGENCY RESPONSIBILITIES FOR FEDERAL PROGRAMS. Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including popu-

lations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.

Sec. 3-3. RESEARCH, DATA COLLECTION, AND ANALYSIS.

3-301. Human Health and Environmental Research and Analysis. (a) Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as minority populations, low-income populations and workers who may be exposed to substantial environmental hazards.

(b) Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.

(c) Federal agencies shall provide minority populations and low-income populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

3-302. Human Health and Environmental Data Collection and Analysis. To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a): (a) each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations:

(b) In connection with the development and implementation of agency strategies in section 1-103 of this order, each Federal agency, whenever practicable and appropriate, shall collect, maintain and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have a substantial environmental, human health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial Federal environmental administrative or judicial action. Such information shall be made available to the public, unless prohibited by law; and

(c) Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are: (1) subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001-11050 as mandated in Executive Order No. 12856; and (2) expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public, unless prohibited by law.

(d) In carrying out the responsibilities in this section, each Federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and tribal governments.

Sec. 4-4. SUBSISTENCE CONSUMPTION OF FISH AND WILDLIFE.

4-401. Consumption Patterns. In order to assist in identifying the need for ensuring protection of populations with differential patterns of subsistence consumption of fish and wildlife, Federal agencies, whenever practicable and appropriate, shall collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. Federal agencies shall communicate to the public the risks of those consumption patterns.

4-402. Guidance. Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or wildlife. Agencies shall consider such guidance in developing their policies and rules.

Sec. 5-5. PUBLIC PARTICIPATION AND ACCESS TO INFORMATION. (a) The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Working Group.

(b) Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.

(c) Each Federal agency shall work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public.

(d) The Working Group shall hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice. The Working Group shall prepare for public review a summary of the comments and recommendations discussed at the public meetings.

Sec. 6-6. GENERAL PROVISIONS.

6-601. Responsibility for Agency Implementation. The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct internal reviews and take such other steps as may be necessary to monitor compliance with this order.

6-602. Executive Order No. 12250. This Executive order is intended to supplement but not supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance. Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

6-603. Executive Order No. 12875. This Executive order is not intended to limit the effect or mandate of Executive Order No. 12875.

6-604. Scope. For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.

6-605. Petitions for Exemptions. The head of a Federal agency may petition the President for an exemption from the requirements of this order on the grounds that all or some of the petitioning agency's programs or activities should not be subject to the requirements of this order.

6-606. Native American Programs. Each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition, the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally-recognized Indian Tribes.

6-607. Costs. Unless otherwise provided by law, Federal agencies shall assume the financial costs of complying with this order.

6-608. General. Federal agencies shall implement this order consistent with, and to the extent permitted by, existing law.

6-609. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural.

enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance of the United States, its agencies, its officers, or any other person with this order.

William Clinton

THE WHITE HOUSE,
February 11, 1994.

{FR Doc. 94-3685
Filed 2-14-94; 3:07 pm}
Billing code 3195-01-P

Editorial note: For the memorandum that was concurrently issued on Federal environmental program reform, see issue No. 6 of the *Weekly Compilation of Presidential Documents*.

Clinton to Order Effort to Make Pollution Fairer

By JOHN H. CUSHMAN Jr.

Special to The New York Times

WASHINGTON, Feb. 9 — The Clinton Administration is about to order all Federal agencies to insure that their programs do not unfairly inflict environmental harm on the poor and members of minorities, officials said today.

An executive order to be signed within days by President Clinton would require every agency to come up with a comprehensive strategy to redress and prevent such inequities, which until recently were rarely considered in setting Federal policies.

The order would govern programs as diverse as the removal of lead from public housing, pollution control in urban rivers, the licensing of hazardous-waste incinerators, the exposure of farm workers to pesticides and the setting of health standards for contaminants found in game and fish.

In planning Federal programs, enforcing pollution laws and writing regulations, agencies will have to make sure that all segments of the population have equal opportunities to make their views known and to benefit from the results.

Among the most prominent programs that would be affected is the Superfund, which helps pay for the cleanup of toxic-waste sites, many of which are in depressed urban areas populated mainly by racial minorities. Under the order, the Superfund program would have to correct disparities in the pace of cleaning up those sites.

For years, researchers in the civil rights movement have been collecting evidence suggesting that the poor, in general, and minorities in particular, suffer disproportionately from exposure to toxic pollution and that the environmental needs of their communities are not being fairly addressed.

But legal and political remedies have proved elusive, and much remains to be done to demonstrate exactly how the unequal effects of pollution are felt.

The Administration's action, spelled out in a draft of the executive order, will govern "any Federal program or activity, or any Federal action, that substantially affects human health or the environment."

Executive orders are not laws to be enforced by the courts but are instructions from the chief executive to the top officials throughout the executive branch of the Government, who serve at the President's pleasure.

The policy is intended to promote cooperation among agencies not always immersed in environmental matters, like the Department of Housing and Urban Development, which, for example, oversees efforts to remove lead paint from public housing.

"This is a problem that cannot be solved by any one agency," said Carol M. Browner, the Administrator of the Environmental Protection Agency, perhaps the agency most affected by the order. "The executive order will be an important step to solving the problem, but it is going to take a lot of work, with a lot of people."

Deadlines Are Set

Although the executive order does not set forth detailed prescriptions for specific actions to be taken by Federal agencies, it establishes a deadline of one year for each agency to complete its own strategy under the supervision of the White House, which drafted the order. The strategies are supposed to cover the agency's objectives and enforcement mechanisms.

"It's not the whole resolution, by any stretch of the imagination, but it does represent a sound beginning," said Deohn Ferris of the Lawyers Committee for Civil Rights.

The executive order calls, for the first time, for the collection and analysis of census and pollution data by agencies throughout the Government. Two years ago, a Federal study published by the Environmental Protection Agency found that "racial minority and low-income populations experience higher than average exposures to selected air pollutants, hazardous waste facilities, contaminated fish and agricultural pesticides," a finding it described as "a clear cause for health concerns." But that study complained that there were not enough data to completely address the concerns.

In one exception where there is ample information, epidemiologists demonstrated decades ago that blacks face greater health risks from lead poisoning than whites. The exposure, largely from old paint, has been attributed to housing discrimination and inadequate public housing.

The Administration, which has been working on the executive order for a year, is addressing an issue that over the years has been variously described as "environmental racism" and "environmental equity."

In recent months, the Administration has opened investigations into whether states violated the Civil Rights Act by granting permits to companies for hazardous-waste operations in minority areas.

After opponents of a hazardous-waste treatment plant appealed such case to Federal regulators under the Civil Rights Act, Louisiana decided last month to reject the application for Supplemental Fuels Inc. to build the plant in the Carville area. The state said concerns about possible racism had been a factor in the decision.

LEVEL 1 - 8 OF 14 STORIES

Copyright 1994 The Dallas Morning News
THE DALLAS MORNING NEWS

February 11, 1994, Friday, HOME FINAL EDITION

SECTION: NEWS; Pg. 5A

LENGTH: 615 words

HEADLINE: Federal agencies focus on achieving environmental justice

BYLINE: Randy Lee Loftis, Environmental Writer of The Dallas Morning News

DATELINE: WASHINGTON

BODY:

WASHINGTON - Federal agencies launched an unprecedented effort Thursday to let minorities help shape anti-pollution actions in their communities.

The opening of a three-day conference on health research and environmental justice drew more than 1,000 scientists, officials and neighborhood organizers from across the country, twice as many as planners expected.

Environmental justice is usually defined as ensuring that poor people or minorities don't bear an undue share of pollution's toxic effects. Numerous studies have demonstrated that hazardous waste sites, factories and other potential threats are concentrated in minority communities.

But little research has been done to pinpoint the pollution's health effects. Federal health and environmental agencies invited community organizers to the conference to lay out their concerns.

Agencies have begun handing out grants to researchers studying disadvantaged communities. Using one such grant, scientists at Tulane and Xavier universities will study lead poisoning, respiratory illness and chemical exposures in the Mississippi River delta area.

Gaps in scientific knowledge about pollution and minority health are huge, many conference participants said.

"The truth is we know that communities have been exposed," said Dr. Kenneth Olden, director of the National Institute of Environmental Health Sciences, an arm of the National Institutes of Health. "We don't know if there's necessarily a correlation to disease."

In hundreds of cases around the country, however, community organizers have gathered stories of neighborhoods studded with pollution sources. Typically, these areas have lacked the political clout to stop the pollution.

Rose Marie Augustine, a community organizer from Tucson, Ariz., described life in a neighborhood where chemicals from a Hughes Aircraft plant contaminated drinking water wells.

"Those of us who live in the area were never informed," Ms. Augustine said. "We bathed in it and cooked with it for 40 years."

THE DALLAS MORNING NEWS, February 11, 1994

The area has been a federal Superfund site since 1981.

Federal officials acknowledge that the government's interest in such human health concerns is new. Because few questions were asked in the past, they said, serious problems weren't investigated or were glossed over.

In Triana, Ala.; no one tracked the long-term health of 20,000 black residents exposed to extremely high levels of the banned pesticide DDT decades ago, according to Dr. Devra Davis, a federal environmental health adviser. "So we have no idea what long-term studies would have shown."

In a keynote speech, the executive director of the NAACP said preventing environmental racism has become a mainstream civil rights issue.

"We must have the same passion about environmental justice as we had about voting rights," Dr. Ben Chavis said. "The same forces that are destroying the ozone layer are destroying the (human) layers in our communities."

The conference marks the first time that federal science agencies have asked such a wide range of civil rights and grass-roots groups to help write the pollution research agenda.

Senior White House advisers and agency officials at the meeting said the Clinton administration is committed to preventing minorities from bearing an undue environmental burden.

One of those who said the conference gave him a voice in Washington was Luis Sepulveda, president of the West Dallas Coalition For Environmental Justice. He was among several residents of the lead-contaminated community who attended the meeting.

"Five years ago, minority people would not have been invited to a conference like this," he said. "Now somebody might be listening."

GRAPHIC: PHOTO(S): Dr. Ben Chavis.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: February 12, 1994

LEVEL 1 - 5 OF 14 STORIES

Copyright 1994 The Times Mirror Company
Los Angeles Times

February 12, 1994, Saturday, Home Edition

SECTION: Part A; Page 15; Column 1; National Desk

LENGTH: 760 words

HEADLINE: ' ENVIRONMENTAL JUSTICE' FOR U.S. MINORITIES IS ORDERED;
POLLUTION: CLINTON TELLS ALL AGENCIES TO EASE THE BURDEN ON DISADVANTAGED
COMMUNITIES. IMPACT OF HAZARDOUS CONDITIONS IN AREAS TO BE DOCUMENTED.

BYLINE: By MELISSA HEALY, TIMES STAFF WRITER

DATELINE: WASHINGTON

BODY:

President Clinton on Friday ordered all federal agencies to take steps to lighten what officials called a disproportionate burden on minority communities of pollutants and other environmental hazards.

Clinton signed an executive order requiring federal agencies to "make environmental justice a part of all they do." Under the order, fair treatment of minority communities would become a factor in decisions ranging from the regulation of pesticides to the prosecution of polluters.

The initiative also sets in motion an unprecedented data-gathering effort across the federal government to document the impact of pollution on minorities.

"Every community must be included in making decisions about their health and environment," said Vice President Al Gore, who has pressed for the initiative. Under the President's directive, he added, "we will ensure that disadvantaged populations have an opportunity to participate fully in making health and environmental decisions."

The initiative, which stems from an earlier promise by the President, has been hailed by groups struggling to counter what they view as a pattern of environmental racism that has befouled minority communities and left them vulnerable to the arrival of new sources of industrial pollution.

But a group of environmental activists meeting in Washington on Friday called on the Administration to do more to rid their communities of pollution. Specifically, they called for a ban on chemicals such as lead and benzene. All have been linked to a variety of illnesses ranging from cancer to nervous disorders to birth defects.

The Clinton Administration is the first to address the issue at such a high level after years of appeals from minority organizations. Benjamin F. Chavis Jr., director of the National Assn. for the Advancement of Colored People, has made environmental justice a priority for his organization.

A 1987 study by Chavis, titled "Toxic Wastes and Race," established for the first time that communities with large minority populations -- even relatively prosperous ones -- were far more likely to have hazardous waste facilities and

Los Angeles Times, February 12, 1994

other pollution-producing industries in their midst than were other communities.

A more recent study published by the National Law Journal in 1992 concluded that polluters based in minority areas were treated less severely than those in largely white communities. It also found that toxic cleanup programs under the federal Superfund law took longer and were less complete in minority communities.

Under the initiative, the EPA is expected to gather new data and issue new regulations designed to stem the concentration of heavy industry in areas largely populated by minorities. Last week, the Administration proposed a series of reforms to the Superfund program that would give minority communities a greater voice in cleaning-up Superfund sites in their neighborhoods.

EPA Administrator Carol Browner added that the EPA also will reconsider many of the standards by which exposure to potentially harmful chemicals would be considered safe. Current standards for EPA's fish advisories, for instance, assume the consumption habits of a middle-class white male. Browner said that new standards would be explored to consider the exposure of minority groups that rely on fishing to subsist and as a result eat large amounts of fish, which can accumulate harmful toxins.

Also on Friday, Atty. Gen. Janet Reno said that the Justice Department will supplement the EPA's regulatory efforts to ensure that minority communities receive equal protection from polluters.

"What we want to do is to make sure we look at the people most at risk and to make sure that our environmental laws and our civil rights laws are used as vigorously as possible to correct injustice," said Reno.

In October, the Administration quietly handed minority communities a potentially powerful new tool to fight the introduction of hazardous materials sites in their neighborhoods. The Administration agreed to investigate two separate civil rights complaints from minority communities in Louisiana and Mississippi, which charged that the proposed siting of new plants in their midst was racially biased.

The decision marks the first time that the federal government has encouraged the use of the 1964 Civil Rights Act in community environmental battles, although the nation's courts traditionally have been wary of such efforts. Clinton Administration officials said that the move is a measure of their commitment to rectify environmental injustices.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: February 13, 1994

LEVEL 1 - 10 OF 14 STORIES

Copyright 1994 The New York Times Company
The New York Times

February 11, 1994, Friday, Late Edition - Final

SECTION: Section A; Page 34; Column 1; Editorial Desk

LENGTH: 381 words

HEADLINE: Environmental Justice

BODY:

It should come as no surprise that Washington is only now beginning to see that racial justice is essential to good environmental policy. The environmental movement is run by whites preoccupied with conservation rather than racial issues. Today's basic laws on clean air and water are only a quarter-century old. And for 12 of those years, when Ronald Reagan and George Bush occupied the White House, neither the environment nor racial justice ranked high on the official agenda.

President Clinton is thus to be commended for offering a measure of atonement in the form of an executive order, due in a day or so, asking all Federal agencies to insure that their programs do not inflict disproportionate environmental harm on the poor or on minorities.

The order would require these agencies to give minorities an equal voice in the planning and enforcement of regulations, ranging from the licensing of hazardous-waste incinerators to cleanups of toxic dumps. It would also insure that minorities share equally in the benefits of those programs.

Mr. Clinton's order owes much to two studies. In 1987 a pioneering survey by Benjamin Chavis, head of the National Association for the Advancement of Colored People, collected largely anecdotal evidence showing that communities with large minority populations, even relatively affluent ones, were more likely than white communities to have hazardous waste facilities and other polluters dropped in their midst.

Then in 1992, as part of an even more extensive survey, The National Law Journal, based in New York, demonstrated that minorities benefited unequally from Federal pollution programs. Cleanups of toxic waste dumps under the Superfund program took longer and were less thorough; polluters in minority neighborhoods paid fewer and smaller fines. This study caught the attention of Carol Browner, administrator of the Environmental Protection Agency, who pressed her case for environmental justice with the White House.

The order gives each agency a year to publish its strategy for fair treatment. Executive orders sometimes have an evanescent life, dissipating with the political winds. With that in mind, the White House has an obligation to see that today's good intentions become tomorrow's standard practice.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: February 11, 1994