



ADMINISTRATIVE AND MANAGEMENT POLICY

PHMSA ENVIRONMENTAL JUSTICE POLICY

POLICY NUMBER: PHMSA 5610.2

U.S. DEPARTMENT OF TRANSPORTATION

**PIPELINE AND HAZARDOUS MATERIALS
SAFETY ADMINISTRATION**

ORIGINATING OFFICE: OFFICE OF CHIEF COUNSEL

EFFECTIVE DATE: February 22, 2012

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NOTICE:

This publication is available digitally on the PHMSA Administrative Services SharePoint site. This policy document is supported by Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations."

OVERVIEW

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994), (E.O. 12898 or E.O.) requires each Federal agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations." The E.O. directs each Federal agency to develop an agency-wide environmental justice (EJ) strategy to implement its requirements. The U.S. Department of Transportation (DOT or the Department) issued its original EJ strategy in 1995.

On August 4, 2011, the Secretary of Transportation, along with heads of other Federal agencies, signed a Memorandum of Understanding on Environmental Justice and Executive Order 12898 (EJ MOU) confirming the continued importance of identifying and addressing EJ considerations in agency programs, policies and activities as required by E.O. 12898. As part of the EJ MOU, each Federal agency agreed to review and update its existing EJ strategy as appropriate, and to publicize the updated strategy. Accordingly, DOT has reviewed and updated its 1995 EJ strategy, which continues to reflect DOT's commitment to EJ principles and to integrating those principles into DOT programs, policies and activities. The updated strategy also continues to rely upon existing authorities for achieving EJ, such as the National Environmental Policy Act of 1969 (NEPA), Title VI of the Civil Rights Act of 1964 (Title VI) and related statutes, and Section 6-601 of the EO on Internal Reviews as well as conforming to the commitments and focus areas set forth in the EJ MOU.

E.O. 12898 directs agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of agency programs, policies, and activities on minority populations and low-income populations. DOT has also issued a revised EJ Order (DOT Order 5610.2) that establishes procedures for DOT to use in complying with the E.O.

RELATIONSHIP TO MISSION

DOT's policy is to promote EJ principles through the incorporation of EJ principles in all DOT programs, policies, and activities. DOT's commitment to EJ is consistent with DOT's overall mission "to serve the United States by ensuring a fast, safe, efficient, accessible, and convenient transportation system that meets our vital national interests that enhances the quality of life of the American people, today and into the future." As a DOT modal administration, PHMSA has committed to carry out DOT's policy by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of agency programs, policies, and activities on minority

populations and low-income populations. PHMSA must, also, continuously monitor its programs, policies, and activities to ensure that disproportionately high and adverse effects on minority populations and low-income populations are avoided, minimized or mitigated.

GUIDING EJ PRINCIPLES

PHMSA is committed to implementing EJ principles consistent with the E.O. and the EJ MOU, and will incorporate EJ principles in all its programs, policies, and activities within the framework of existing laws, regulations, and guidance. The following guiding principles of EJ are to be integrated into PHMSA's existing programmatic and regulatory processes, such as its legislative proposals, financial assistance programs, special permit request and review processes, rulemaking processes and its environmental (NEPA) analyses.

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

PUBLIC OUTREACH

Public engagement and participation in decision-making is a fundamental principle of EJ, and is critical to achieving outcomes that reflect the needs of all affected stakeholders to the greatest extent possible. Active participation of all affected communities will help ensure that agency actions avoid, minimize, or mitigate these impacts on low-income and minority populations. For this reason, PHMSA is committed to developing and using public engagement to encourage EJ populations to participate during the planning and implementation of PHMSA programs, policies, and activities.

As PHMSA implements an outreach strategy, it is committed to building relationships with stakeholders, including state and local partners and those who serve under-represented populations, recognizing that community leaders are ideally positioned to champion the public engagement process and disseminate information to their constituents. PHMSA will explore traditional and nontraditional strategies for engaging low-income and minority populations, including developing a web-based portal to organize PHMSA documents relevant to EJ in an easily searchable location. On this portal, PHMSA will receive informal dialogue and feedback from EJ stakeholders and representatives as needed. PHMSA will also ensure that affected communities with Limited English Proficiency (LEP) populations have access to information to the fullest extent feasible and that their participation in providing input into decision-making is encouraged.