

# Executive Order 12898: Environmental Justice

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This fact sheet is for applicants and subapplicants to provide awareness of Environmental Justice requirements for their grant programs. The fact sheet will help applicants and subapplicants understand how FEMA reviews proposed projects for compliance with Executive Order 12898 and provides examples of project types that can have environmental justice considerations.

## Environmental Justice in FEMA's Grant Programs

FEMA considers environmental justice impacts as required by [Executive Order 12898](#)<sup>1</sup> Environmental Justice, which directs each federal agency to avoid disproportionately high and adverse human health or environmental effects on low-income and minority populations. Federal agencies must conduct their programs, policies, and activities that substantially affect human health or the environment to avoid excluding persons or populations and avoid subjecting persons or populations to discrimination because of their race, color, or national origin.

FEMA Programs, applicants and subapplicants all play a critical role in achieving environmental justice by being aware of and identifying the presence of low-income and minority populations within a proposed projects' impacted area as early as possible. The impacted area includes all areas of the scope of work for the proposed project, any staging areas or hauling routes, and any areas outside of the immediate project area that may be impacted indirectly by the proposed project. This allows the consideration of disproportionate impacts of environmental hazards early in the project development stage. In 2022, FEMA is prioritizing the development of guidance to assist applicants and subapplicants with addressing Environmental Justice in their project implementation.

FEMA uses the [U.S. Environmental Protection Agency's \(EPA\) definition of environmental justice](#): "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process in order to have a healthy environment in which to live, learn, and work."

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<sup>1</sup> Full title: Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994).



## Disproportionate Impacts by Category

FEMA-funded projects that have the following types of environmental impacts may trigger environmental justice concerns:

- Health and Safety (e.g., hazardous air pollutants, odor, sewage systems, noise, or vibration)
- Aesthetics (e.g., visual impacts)
- Social (e.g., siting issues; concerns about consistency with land uses; relocation or displacement of existing communities; changes to accessibility and/or location of community facilities or social services; added traffic; potential impacts to communities that engage in subsistence consumption of fish, vegetation, or wildlife)
- Economic (e.g., projects that change access to employment opportunities)

## Common FEMA-Funded Project Types that Can Have Environmental Justice Concerns

Table 1 provides examples of common project types funded by FEMA that may have disproportionately high and adverse effects on minority and low-income populations and may trigger environmental justice considerations in project design to minimize, mitigate, or avoid negatively impacting disproportionately low income, minority communities. All impacts from a proposed project must be considered, including those directly at the project site and those that may be further removed.

**Table 1: Common Project Types that may have Environmental Justice Concerns**

Project Type	FEMA Program	Potential Environmental Justice Concern
Debris hauling	Public Assistance	The hauling route runs disproportionately through a low-income or minority community
Debris burning	Public Assistance, Hazard Mitigation Assistance	The debris burning is conducted disproportionately in or upwind of a low-income or minority community
Road repairs or mitigation	Public Assistance, Hazard Mitigation Assistance	Road closures that divert traffic primarily through low-income or minority neighborhood(s)
Relocation of public facilities (e.g., hospitals, fire stations, and parks)	Public Assistance	Disproportionate changes in environmental and health impacts from relocated facilities (such as contaminated sites or limiting available greenspace) or decrease in accessibility of relocated facilities
Closure, relocation, or consolidation of housing, employment opportunities, public schools	Public Assistance	Where the relocation would be to an area with disproportionate environmental and health hazards (such as contaminated sites, or an area with air quality issues), or decrease in accessibility of relocated facilities

Project Type	FEMA Program	Potential Environmental Justice Concern
Utility return to pre-disaster condition	Public Assistance	Where the pre-disaster condition would perpetuate disproportionate and adverse impacts
Alternate/Improved Projects and New Construction, Mitigation Reconstruction, Construction of New Communication Towers	Public Assistance, Hazard Mitigation Assistance, Grant Programs Directorate	Disproportionate negative environmental and health impacts from new or improved facilities
Site locations of temporary housing or permanent housing construction	Individual Assistance	Location in an area with existing disproportionate and adverse environmental health hazards
Flood mitigation	Hazard Mitigation Assistance	Redirection of floodwaters that disproportionately affect low-income or minority communities

If FEMA determines that a proposed project would have disproportionately high and adverse impacts on minority or low-income populations, then FEMA will work with an applicant or subapplicant to revise the scope of work to avoid the impacts or condition a project with mitigation measures to alleviate the impacts. Additionally, FEMA may work with applicants and subapplicants to solicit public input on the proposed project for a more informed decision-making process.

## Environmental Justice Considerations in Action

One example of a project type with environmental justice complexities is debris hauling from disaster areas. After the 2018 Camp Fire Disaster in California, the Public Assistance Program confirmed with the Environmental and Historic Preservation team that a proposed truck route for a debris staging area would traverse mainly through low-income neighborhoods. The Public Assistance team consulted with the applicant/subapplicant and helped select an alternate staging site that could be accessed through multiple truck routes. This alleviated the disproportionate adverse human health effects (e.g., traffic, noise, and pollution) to the low-income population.

## FEMA's Compliance with Environmental Justice

FEMA complies with Executive Order 12898 by reviewing a proposed project to identify the presence of low-income and/or minority populations that could be affected by the project. FEMA then analyzes if those populations/communities would bear any disproportionately high and adverse human health or environmental effects from the project's implementation. If FEMA determines that the proposed project could cause disproportionately high and adverse effects for low-income or minority populations,

FEMA must consider measures to minimize, mitigate, or avoid those impacts. FEMA must engage with potentially affected communities throughout the analysis, including identifying potential effects and mitigation measures and

monitoring communities' needs and preferences. FEMA may engage with federal agencies; state, local, tribal, and territorial governments; minority populations; low-income populations; and the general public to receive input on proposed FEMA-funded projects.

FEMA's Office of Environmental Planning and Historic Preservation (OEHP) and Office of Equal Rights provide technical assistance and guidance to FEMA components and program offices and other stakeholders regarding environmental justice to ensure the identification and addressing, as appropriate, of disproportionately high and adverse human health or environmental effects of FEMA and FEMA-funded programs, policies, and activities on disadvantaged, minority, and low-income populations. In the event there is an environmental justice complaint that alleges a FEMA-funded project is in violation of federal civil rights law, Office of Equal Rights will process and seek to resolve the complaint. More information about the Office of Equal Rights can be found at [here](#).

## Environmental Justice Tools and Resources

An accompanying [Presidential Memorandum](#) to the Executive Order also requires federal agencies to ensure all programs or activities receiving federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin, in accordance with Title VI of the Civil Rights Act of 1964.

In January 2021, President Biden issued [Executive Orders 13985](#) and [14008](#) to further address the need to achieve environmental justice and equity across the federal government. These new executive orders direct federal agencies to renew their energy, effort, resources, and attention to implement environmental justice and underscore the administration's commitment to environmental justice.

To learn more about environmental justice, visit the following websites:

Environmental Protection Agency's Environmental Justice website: [Environmental Justice | US EPA](#)

- EPA's Office of Environmental Justice coordinates Agency efforts to address the needs of vulnerable populations by decreasing environmental burdens, increasing environmental benefits, and working collaboratively to build healthy, sustainable communities.

Environmental Protection Agency's Environmental Justice 2020 Glossary: [EJ 2020 Glossary | US EPA](#)

- Glossary of Environmental Justice terms

Environmental Justice Screen: EJSCREEN: [Environmental Justice Screening and Mapping Tool | US EPA](#)

- Environmental Protection Agency's environmental justice mapping and screening tool

Social Vulnerability Index: [CDC/ATSDR's Social Vulnerability Index \(SVI\)](#)

- Centers for Disease Control and Prevention's Census Data mapping tool to determine the social vulnerability of every census tract