LETTER FROM THE ACTING ADMINISTRATOR

In August 2011, the U.S. General Services Administration (GSA) joined 15 Departments and Agencies in signing a Memorandum of Understanding (MOU) on Environmental Justice. The agency published its first ever Environmental Justice Strategy in February 2012, which identified key areas that GSA would be focusing on during 2012.

Since that time, GSA has made significant strides in advancing the cause of Environmental Justice. GSA continues its long-term commitment to the principles of Environmental Justice in the work that we do for the American taxpayer, and we are proud to release our first progress report.

While much work lies ahead, GSA remains committed to advancing this interagency effort and the cause of Environmental Justice.

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Acting Administrator

Federal Agency Environmental Justice Strategies
Annual Progress Report
U.S. General Services Administration

Introduction/Overview:

During the past two years, Federal agencies have made significant progress towards fulfilling the promise of Executive Order (EO) 12898 under the leadership of the U.S. Environmental Protection Agency (EPA) and the Council on Environmental Quality (CEQ). Starting with a cabinet-level meeting and the first-ever White House Forum on Environmental Justice, Federal agencies reinvigorated the Interagency Working Group on Environmental Justice (IWG). In August, 2011, 17 cabinet secretaries or agency heads, which included the U.S. General Services Administration (GSA), signed a Memorandum of Understanding (MOU) on Environmental Justice and EO 12898 that formally recommitted their agencies to Environmental Justice and established priorities, structures and procedures for the IWG. Environmental Justice is defined as "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." The IWG identified the National Environmental Policy Act (NEPA), Title VI of the Civil Rights Act, as amended (hereinafter referred to as Title VI), and goods movement as priority issues.

IWG Committee Reports:

<u>NEPA Committee Report</u>:

Recognizing that NEPA provides an important opportunity to advance the consideration of Environmental Justice through meaningful engagement of minority, low-income, and tribal populations potentially impacted by Federal actions, the IWG formed the NEPA committee. The committee is co-chaired by the U.S. Department of Transportation (DOT) and EPA and currently includes representatives from approximately 20 departments and agencies. The committee's purpose is to improve the efficiency of the NEPA process across the Federal Government to enhance the consideration of Environmental Justice through the sharing of best practices and lessons learned. Thus, the NEPA committee supports Federal agency NEPA implementation to "focus Federal attention on the environmental and human health conditions in minority communities and low-income communities with the goal of achieving Environmental Justice."

Since its inception in May 2012, the NEPA committee has taken several steps toward achieving its mission, such as:

-- Commencing a series of inter-agency meetings to identify and promote best practices related to Environmental Justice and NEPA analyses, including those related to public engagement and the mitigation and monitoring of environmental and human health impacts.

-- Commencing a series of cross-agency training on existing tools, methods, and agency-specific focal areas for further incorporating Environmental Justice analysis within the NEPA process. The training is designed to inform agencies of the current state of NEPA-related Environmental Justice efforts across the Federal family.

-- Commencing the development of a national NEPA training module on Environmental Justice. The national training module will provide Federal officials, at all levels, with a foundational understanding of NEPA's role in addressing Environmental Justice issues.

-- Creating the Environmental Justice Resources Compendium, gathering in one place the publicly available NEPA and Environmental Justice-related documents from Federal agencies (e.g., regulations, guidance and circulars), providing hyperlinks to each document for quick access. The committee will publish the compilation online.

The NEPA committee plans to build on these early accomplishments in 2013.

Title VI Committee Report:

The Presidential Memorandum accompanying EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Population,* directs each Federal agency, in accordance with Title VI of the Civil Rights Act of 1964, to ensure that 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. Title VI prohibits recipients of Federal financial assistance from discriminating on the basis of race, color, or national origin in programs or activities that receive Federal assistance. GSA's Office of Civil Rights is responsible for ensuring compliance with Title VI by its funding recipients.

GSA serves on the Title VI Committee of the IWG. The committee supports agencies' efforts to connect their civil rights enforcement responsibilities with their efforts to achieve Environmental Justice.

Goods Movement Committee Report:

Goods movement refers to the distribution of freight (e.g., raw materials, parts, and finished consumer products) by all modes of transportation, including marine, air, rail, and truck. Goods movement facilities, also called freight facilities, include seaports, airports, land ports of entry (i.e., border crossings), rail yards, and distribution centers. The United States has an extensive network of infrastructure to support goods movement, including highways, bridges, and rail lines. Goods movement activities have increased significantly in the past 20 years. In fact, container shipments quintupled at the ten largest U.S. container ports from 1980 to 2006, and over the last decade alone, shipments have grown by 81 percent. The Federal Highway Administration (FHWA) forecasts that between 2006 and 2035:

--Freight tonnage hauled by trucks will grow by 80 percent;
--Rail tonnage hauled will grow by 73 percent;
--Water transportation tonnage will increase by 51 percent;
--Intermodal tonnage will increase by 73 percent; and
--Air cargo tonnage will quadruple.

Minority, low-income and tribal populations have borne a disproportionate share of the health impacts from goods movement. Per the Environmental Justice MOU, Federal agencies have made goods movement a focus area when "identifying and addressing, as appropriate, any disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations." A keystone for meeting this requirement is interagency collaboration.

The U.S. Department of Homeland Security and the EPA co-chair the IWG Goods Movement committee. The committee was established in 2012 and is currently composed of eight agencies. Outlined below are the committee's 2012 accomplishments.

--Launched biweekly interagency meetings.

--Developed draft FY 2013 Goods Committee Action Plan focused on supporting Federal agency initiatives to (1) reduce the environmental and health effects of agency efforts related to commercial transportation and supporting infrastructure and impacts on low-income, minority and tribal populations; and (2) assure that overburdened communities have greater opportunities to benefit from Federal efforts related to Goods Movement.

--Facilitated the engagement with and support and utilization of the Ports Task Force, led by the White House, to develop a Federal strategy for future port and related infrastructure investments.

--Enhanced Federal collaboration and information sharing by evaluating and utilizing interagency tools and resources such as the Committee on the Marine Transportation System Data Map, FHWA Freight Analysis Framework and OMB Maxx.

Regional Environmental Justice Committee:

Section 1-102 and Section 5-5 of EO 12898 outline the importance and necessity of engaging and involving the public for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning Environmental Justice.
The IWG formed the Regional Interagency Working Group (RIWG) Committee as a logical collaborative effort to better address issues, concerns, and recommendations that may result from public engagement at the local and regional levels, and to increase cooperation across Federal agencies in support of EO 12898.

One key function of any RIWG is to respond to Environmental Justice issues or concerns in a more timely and unified manner, help build community capacity, and leverage resources of Federal agencies and where appropriate, with state, tribal and local agencies, as well as individual communities, the private sector and NGOs regarding Environmental Justice issues. The RIWG effort expands upon and supports other IWG initiatives to better assist communities such as the recently developed Environmental Justice Resource Compendium and Environmental Justice Contact Directory. Because each Federal agency is organized differently, the geographic hub for the RIWG is defined by the existing EPA Regional structure.

The RIWG Committee is chaired by the Department of the Interior and co-chaired by EPA. To date, the RIWG Committee has taken several important steps:

--The committee initially developed a draft document to begin the discussions of the feasibility of a RIWG;

--Committee members commenced the drafting of a concept paper to formalize an agreed upon structure.

--The IWG finalized the RIWG concept to include its vision, goals, membership, organization, and key principles.

--The RIWG is working towards establishing tangible outcomes for 2013.

Development of Environmental Justice Strategy and Implementation Plans:

In 2012, 15 Federal agencies issued final Environmental Justice strategies, implementation plans and/or reports, affirming their commitment to protect communities facing greater health and environmental risks. These strategies represent a significant step forward in the Administration's commitment to integrating Environmental Justice into Federal decision-making.

Federal agencies reviewed their portfolios to: (1) assess how their programs, policies, and activities may have disproportionate adverse health and environmental effects; and (2) identify overarching strategies, as well as specific programs and initiatives, to reduce environmental or health hazards, ensure access to beneficial programs, and increase community participation in agency decision-making.

GSA published its first Environmental Justice Strategy (hereinafter referred to as the *Strategy)* in February, 2012. GSA's *Strategy* highlighted several actions the agency would take to help shape its focus on Environmental Justice. These actions will help GSA improve its data collection and analysis and assist the agency in assessing potential Environmental Justice impacts on communities. They will also strengthen GSA's already robust public engagement efforts.

The range of GSA actions is wide—from capital project planning, to leasing, or acquiring real property and structures, to building and renovating structures, and, ultimately, the disposal of excess Federal real property. GSA is also involved in productively addressing the issue of e-waste disposal government-wide.

In total, GSA's Implementation Plan included 21 action items to help ensure Environmental Justice becomes a common thread in the fabric of GSA's work.

As GSA's Environmental Justice Working Group reached agency-wide to consider GSA's work in light of Environmental Justice principles, it became very clear that GSA had already been embedding Environmental Justice principles into much of its work. With GSA's *Strategy*, the agency will expand and refocus its efforts to consider Environmental Justice principles, as appropriate, so they become even further woven into our daily practices.

Community Engagement Activities and Results/Impacts:

The IWG conducted 17 community dialogue sessions across the country between February 2011 and July 2012, as part of it effort to ensure that communities had a voice in helping to provide direction to Federal agencies working to address environmental,

human health and economic concerns. The sessions held were representative of the country in geographic, racial, ethnic and cultural diversity. Many communities voiced frustration regarding not knowing about available resources. The IWG responded by creating two documents, the Environmental Justice Federal Interagency Directory, and the Community-Based Federal Environmental Justice Guide. In addition, Federal agencies incorporated the community input into their agency Environmental Justice strategies.

GSA published its Strategy on its newly launched Environmental Justice web page and solicited public comment on the *Strategy*. No comments were received.

GSA's Key Accomplishments and Implementation Progress:

GSA's accomplishments focused on eight key areas:

1. Education and Training
2. NEPA
3. Sustainability
4. Climate Change
5. Transportation (goods movement)
6. Early stages of capital project planning
7. Disposal of Federal surplus property
8. Title VI

Specific accomplishments of the Agency:

• GSA established an Environmental Justice Working Group (Working Group) led by the Associate Administrator, Office of Civil Rights. The Working Group is composed of diverse staff from across the agency's organizational units and regions. Among other things, the Working Group assisted in developing the Agency's first ever *Strategy* and coordinating progress throughout the year.

• While GSA's existing NEPA Desk Guide already includes guidance on considering Environmental Justice principles, additional emphasis is being placed on Environmental Justice principles to ensure they are integrated as a matter of regular practice. This is being accomplished through a new tracking and monitoring system, as well as newly developed training that will incorporate and emphasize Environmental Justice principles.

--GSA NEPA Network developed and instituted a tracking system for environmental assessments and environmental impact statements. A similar

system has been developed to include the tracking of checklist categorical exclusions by the GSA NEPA Network.

--The GSA NEPA Network is developing national NEPA training for all GSA business lines. The curriculum will include Environmental Justice.

• Creating a more sustainable Government is a high priority of GSA. Going green saves green, and GSA is committed to a sustainable Government that reduces energy and water use in Federal buildings, responsibly disposes of electronic waste, and greens the Federal fleet. GSA will continue to work with businesses to make sustainable products and services readily available and affordable throughout the Federal Government. GSA has also begun including life-cycle costs in our planning and decision making processes. We are also beginning the widespread implementation of innovative technologies and best practices from sources such as GSA's own Green Proving Ground. Through these efforts, we can reduce our Government's environmental and fiscal footprints.

• GSA is in the process of revising its sustainability governance structure and reviewing ways to make sustainability data more actionable and better tie sustainability measures to GSA operational activities. As part of this process, GSA is examining the development of triple bottom line performance indicators.

• GSA launched a Global Information System (GIS) tool, known as a Flexviewer, and it is now available to all GSA users for the purposes of mapping Federal inventory against demographic information, transit and transportation information, among other factors. GSA is working to address location accuracy issues for some Federal facilities. GSA is also looking to implement a map sharing system among business lines within GSA.

• GSA commenced a multi-prong effort involving several business lines that includes the revision of the Federal Management Regulations (FMR), the Leasing Desk Guide and Leasing documents, and the Real Property Guide to support the "Implementing Instructions--Sustainable Locations for Federal Facilities". All the revisions are in progress.

• GSA met FY 2011 targets for all but six of the measures included in its Strategic Sustainability Performance Plan. GSA is on track to meet its FY 2012 targets for two of the six measures that it did not meet targets for in FY 2011.

• GSA's Office of Governmentwide Policy (OGP) proposed a draft Transportation Data Bulletin to require agencies to report on an annual basis their transportation activities; and proposed a draft amendment to FMR 102-117, Subpart K-Reports, to mandate transportation reporting and identify agencies' compliance with their Environmental Justice plans. In addition, OGP is developing a Governmentwide data collection tool for reporting annually.

• GSA's Urban Development Program completed eight meetings with regional and local entities regarding issues of mutual interest to localities and the Federal Government during the reporting period for the 2012 Strategic Sustainability Performance Plan. Where appropriate, issues of environmental justice were discussed.

• GSA included Environmental Justice principles in its Agency-wide Climate Adaptation Plan.

• GSA's Working Group conducted a review of current policies and practices with regard to the early stages of capital project planning to determine whether to recommend new policies or practices that would include consideration of Environmental Justice principles. The working group determined that Environmental Justice components are already built into the early planning stages for capital projects, and that Environmental Justice principles are already being considered during the early capital planning stage. All regional staff use an established checklist that includes environmental considerations early in the planning process.

• GSA published Government-wide guidance (dated February, 2012) regarding the disposal of electronics (e-waste), with the stated purpose of the guidance "*to protect human health and the environment from the potentially harmful effects associated with the unsafe disposal of Federal Electronic Assets* (FEA)". Current efforts are underway to publish a proposed rule that will incorporate this policy, which will be open for public comment.

• GSA's Office of Civil Rights incorporated Environmental Justice principles into its civil rights training for recipients of Federal surplus property (i.e., Federal financial assistance), which was presented at a national conference of the organization that represents the largest group of recipients, the National Association of State Agencies for Surplus Property. Environmental Justice principles have also been incorporated in a new pilot Webinar training program for primary recipients that administer one of GSA's largest Federal financial assistance programs. The pilot is scheduled to launch February, 2013.

Conclusion:

This annual progress report will be posted on GSA's Environmental Justice web page for public viewing and comment. GSA continues its commitment to ensuring Environmental Justice awareness and compliance throughout the agency's programs and activities, as well as Government-wide policies. Much has been accomplished to ensure that Environmental Justice principles are engrained in day-to-day operations, with continued emphasis on education and training across all business lines at GSA.