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Energy and Environmental Justice

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Energy and Environmental Justice: Legal Framework

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Executive Order 12898 (1994)

- Directs federal agencies to develop environmental justice strategies to help address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations.
- Presidential Memorandum (1994)
- Federal Interagency Working Group
- Interagency MOU (2011)



What is Environmental Justice?

- EJ = 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.
 - Fair treatment means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.
 - Meaningful involvement means:
 - People have an opportunity to participate in decisions about activities that may affect their environment and/or health
 - The public's contribution can influence the regulatory agency's decision
 - Community concerns will be considered in the decision making process
 - Decision makers will seek out and facilitate the involvement of those potentially affected
- Source: EPA

- EJ and NEPA
 - *e.g., Sierra Club v. FERC* (D.C. Cir. Aug. 22, 2017)
- EJ and Title VI
- EJ and the States

EPA: Promising EJ Practices for Permit Applicants

- 1) Think Ahead
- 2) Engage Community Leaders
- 3) Engage Effectively
- 4) Communicate Effectively
- 5) Follow-Up
- 6) Return on Investment

Source: 78 Fed. Reg. 27,220 (2013)

Further resources...

- EPA's Office of Environmental Justice – Fact Sheet
 - https://www.epa.gov/sites/production/files/2017-09/documents/epa_office_of_environmental_justice_factsheet.pdf
 - Promising Practices for NEPA & EJ
 - https://www.epa.gov/sites/production/files/2016-08/documents/nepa_promising_practices_document_2016.pdf
 - EPA Policy on EJ, Tribes & Indigenous Peoples
 - <https://www.epa.gov/sites/production/files/2017-10/documents/ej-indigenous-policy.pdf>
 - EPA's EJ 2020 Action Plan
 - <https://www.epa.gov/environmentaljustice/ej-2020-action-agenda-epas-environmental-justice-strategy>
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