

**2014 Environmental Justice Progress  
Report for the US Department of Labor  
Making a Visible Difference in Overburdened Communities**

The MOU on Environmental Justice (EJ) and Executive Order 12898 (EO) directs each Federal agency to provide a concise report on progress during the previous year in carrying out the agency's EJ Strategy.

**I. INTRODUCTION/OVERVIEW**

The Department of Labor (DOL or Labor) is working to make a visible difference in overburdened, underserved, and economically distressed communities, including tribes. Under President Obama, Federal agencies have made significant progress towards fulfilling the promise of Environmental Justice. 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) established under EO 12898, signed by President Clinton. Seventeen cabinet members and White House offices signed the Memorandum of Understanding on Environmental Justice (EJ MOU) in 2011.

Throughout 2012, led by the Environmental Protection Agency and the White House Council on Environmental Quality, Federal agencies issued final agency Environmental Justice strategies, implementation plans, and/or progress reports. The IWG further identified the National Environmental Policy Act (NEPA), Title VI of the Civil Rights Act, and goods movement as priority issues, and initiated efforts to address them. In addition, the IWG collaborated with other Federal and regional partnerships to minimize and mitigate disproportionate negative impacts while fostering environmental benefits, public health benefits, and economic benefits for overburdened communities. These strategies represent a significant step forward in the Administration's commitment to integrating Environmental Justice into Federal decision-making.

In 2013, the President also initiated a Climate Action Plan which calls upon Federal agencies to "continue to identify innovative ways to help our most vulnerable communities prepare for and recover from impacts of climate change" through their annual Federal agency Environmental Justice Progress Reports.

Environmental Justice is identifying and addressing, as appropriate, the disproportionately high and adverse human health or environmental effects

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of programs, policies, and activities on minority, tribal, and low-income populations. Environmental Justice in the Labor context is the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level, with respect to development, implementation, and enforcement of employment-related statutes, regulations, programs, and policies.

## **II. IMPLEMENTING ENVIRONMENTAL JUSTICE STRATEGY AT THE DEPARTMENT OF LABOR**

The Department of Labor continues to pursue Environmental Justice as a part of our efforts to protect the health, safety, equity, and security of workers, including low-income, minority, and Native American workers. Labor's Environmental Justice Strategy is in line with its vision of opportunity for all. This vision includes ensuring that workplaces are safe and healthy, helping workers who are in low-wage jobs or out of the labor market find a path into middle-class jobs, and helping middle-class households remain in the middle class.

## **III. ENVIRONMENTAL JUSTICE STRATEGY**

This Implementation Progress Report documents the DOL Environmental Justice Strategy, DOL's engagement with the IWG, DOL's engagement of the public concerning its Environmental Justice work, and some of the specific Environmental Justice programs or projects of DOL agencies in 2014. The following agencies of DOL have specific Environmental Justice Strategies: the Bureau of Labor Statistics (BLS), the Civil Rights Center (CRC), the Employment Training Administration (ETA), the Mine Safety and Health Administration (MSHA), the Occupational Safety and Health Administration (OSHA), the Office of Workers' Compensation Programs (OWCP), the Wage and Hour Division (WHD), and the Women's Bureau (WB).

## **IV. 2014 US DEPARTMENT OF LABOR NOTABLE ACCOMPLISHMENTS**

The Department of Labor (DOL) fosters and promotes the welfare of the job seekers, wage earners, and retirees of the United States by improving their working conditions, advancing their opportunities for profitable employment, and protecting their retirement, health care, and other benefits. Toward this end, DOL, through its component agencies, administers and enforces Federal

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laws and regulations that cover the workplace for some 10 million employers and 125 million workers all for the purpose of expanding access to opportunity for America's workers.

One of the things DOL does to expand access to opportunity is to help people obtain the skills they need and find jobs to help them get into the middle class. In 2014 the Congress passed a bipartisan bill, the Workforce Innovation and Opportunities Act (WIOA). WIOA was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes the Workforce Investment Act of 1998 (WIA) and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. DOL's Employment and Training Administration (ETA) grants have been funded primarily by WIA, but will be funded by WIOA in the future. ETA, through job services under Wagner Peyser, also provides a soft landing for many low-income workers who lose their jobs.

Some of the grants and programs funded by ETA in 2014 were under the Trade Adjustment Assistance Community College and Career Training (TAACCCT) competitive grant program which provided career training programs that help job seekers get the skills they need for in-demand jobs in industries like information technology, health care, energy, and advanced manufacturing. More than \$450 million went to nearly 270 community colleges, which partnered with more than 400 employers nationally. The recipients of the 2014 grants built on nearly \$1.5 billion in TAACCCT grant funds that have been awarded over the past three years to strengthen and expand job-driven training partnerships to train low-wage workers for middle-class jobs. All grantees are required to partner with employers to develop training programs to enable workers to build skills that will help them obtain good jobs. Partnerships with employers gives access to thousands of low-wage Americans to more internships, apprenticeships, and job-relevant basic skills education and training in order to move up the career ladder into better-paying jobs that employers across the country are looking to fill.

ETA also awarded \$74 million in Face Forward 2 and Training to Work 2 grants to 37 community service organizations to provide employment, training and support services to successfully re-integrate formerly incarcerated adults and youth into their communities. These grant programs target areas with high-poverty and high-crime, and several of the new

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grantees are located in areas designated as "Promise Zones" by the U.S. Department of Housing and Urban Development. Promise Zones partner with local communities and businesses to create jobs, increase economic security, expand educational opportunities, increase access to quality and affordable housing, and improve public safety.

ETA's Office of Apprenticeship's overarching goal in creating the Registered Apprenticeship-College Consortium (RACC) is to facilitate the articulation of the Registered Apprenticeship certificate for college credit on a national scale. This effort will provide an important opportunity for apprentices to continue on a career pathway and earn an associate's or bachelor's degree, creating a skills acquisition continuum from Registered Apprenticeship to college with gainful employment. It also opens a new pipeline of degree seekers that can help support the President's goal that by 2020, America will once again have the highest proportion of college graduates in the world. As important, the Consortium seeks to enhance the competitiveness of American businesses by enlarging the pool of highly-trained workers that possess in-demand skills and competencies. Current colleges registered with the consortium include two and four year institutions and a number of Tribal and Native American institutions.

ETA's Job Corps is taking steps to help protect our environment and connect students with businesses and their surrounding communities through green training. For example, the Job Corps Center in Gulf Port Mississippi is preparing students for the green economy through green training in the advanced manufacturing, automotive, and construction industry areas.

MSHA published a final rule in 2014 revising MSHA's existing standards on miners' occupational exposure to respirable coal mine dust. Chronic exposure causes lung diseases that can lead to permanent disability and death. This rule will greatly improve health protections for coal miners by reducing their occupational exposure to respirable coal mine dust and by lowering the risk that they will suffer material impairment of health or functional capacity over their working lives.

A new OSHA regulation extends the crane operator certification requirements from 2014 to 2017, allowing more time to develop a certification that will allow the protection of workers while operating cranes at construction sites.

OSHA also awards Susan Harwood Training Grant Program grants to nonprofit organizations on a competitive basis with the amount based upon

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Congressional appropriation. The focus of the program is to provide training and education for workers and employers on the recognition, avoidance, and prevention of safety and health hazards in their workplaces, and to inform workers of their rights and employers of their responsibilities.

A big part of what DOL does is to try to protect workers ensuring not only their physical safety but also helping to ensure a fair day's pay for a fair day's work. For example, WHD's newly implemented rule for home care workers, typically low-income workers, has allowed the workers to benefit from minimum wage and overtime protections.

The BLS, through the annual Survey of Occupational Injuries and Illnesses (SOII) and the annual Census of Fatal Occupational Injuries (CFOI), collects data that helps identify specific risks in the workplace environment faced by workers of different ethnicities and races. SOII produces the count and measure of severity of nonfatal workplace injuries and illnesses with days away from work by race and ethnic group. CFOI, in addition to measuring the number and rate of fatal injuries by race or ethnic group, also measures the number of cases of fatal occupational injuries to foreign-born workers.

In 2014 the Women's Bureau worked with the White House to hold a working family summit with the objective of having a national conversation and to craft an agenda to bring American workplaces into the 21st century. This summit covered minimum wage, paid leave, paid sick days and other issues that affect families in the United States.

## **V. PERFORMANCE MEASURES**

### **BLS**

Collect data that can help identify disparities in the safety and health workplace environments faced by workers of different races and ethnicities.

### **CRC**

Enforce civil rights laws in programs that receive certain types of Federal financial assistance so that these programs provide equal opportunity for members of minority and tribal populations, and that the programs provide meaningful access for people with limited English proficiency.

### **ETA**

Ensure that minority, tribal, and low-income individuals, who have multiple barriers to employment, obtain access to the training needed to secure good, safe jobs.

### **MSHA**

Through inspections and the promulgation of regulations, protect and significantly improve the lives of workers, including tribal, low-income, and minority workers, from health and safety hazards associated with mining.

### **OSHA**

Promote programs that improve working conditions in industries and occupations that have large numbers of minority and low-income workers as well as fund grant projects to provide training to workers in occupations populated by minority and low-income workers.

### **OWCP**

Assist eligible workers or their dependents receive compensation if injuries due to environmental hazards occur.

## WHD

Use both enforcement and public education efforts to ensure that workers are paid the minimum wage as well as reduce misclassification through a WHD's initiative. The newly implemented final rule for Home Care Workers, typically low-income workers, has allowed them to benefit from minimum wage and overtime protections.

## WB

Through outreach (using methods such as publications, teleconference calls, roundtables and webinars) show women the benefits of in-demand and emerging jobs.

## **VI. CLIMATE CHANGE ADAPTATION**

DOL responds to the requirement of the President's Climate Action Plan call for Federal agencies to "continue to identify innovative ways to help our most vulnerable communities *prepare for and recover from* impacts of climate change."

DOL agency mission requirements were paramount in conducting the high-level analysis of the vulnerability to climate change.<sup>i</sup> The agency's three highest-risk critical vulnerabilities/assets were found to be personnel, utilities (including information technology, telecommunications (data and voice), power, and water) infrastructure, and buildings (for Job Corps). Across these three major asset categories, DOL agencies most frequently identified severe weather events and extreme temperatures as the key climate stressors, followed by drought and temperature changes, and then sea level rise. Common climate change vulnerabilities fell into four broad categories: 1) workers health and access to workplace impacts; 2) infrastructure including information technology, telecommunications, transportation, utility and connectivity disruption among personnel and workers resulting from weather events; 3) fiscal resources diversion away from completing agency mission to funding climate change adaptive accommodations, e.g., additional travel, personnel and technical assistance, and lack of fiscal resources for completing mission in the face of climate change events; and 4) buildings on the Job Corps Center (JCC) campuses across the Nation affected by climate change. DOL agency workforces accomplish the missions of their agencies and the nearly 200 Federal laws and regulations through a variety of means, including inspecting work sites.

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For example, MSHA administers the Federal Mine Safety and Health Act of 1977 to enforce compliance with mandatory safety and health standards in the nation's mines. MSHA's mission is to prevent death, disease, and injury from mining and promote safe and healthful workplaces for the Nation's miners. Statutorily, MSHA is required to conduct complete inspections of all underground mines four times per year, and all active surface mines twice per year. Consequently, each day mining inspectors travel many miles to inspect the nation's mines to safeguard worker health and safety. Mines may be many miles apart and inspectors are subject to the impact of climate change to accomplish required inspections, e.g., extreme weather. Similarly, Labor's other six worker protection and enforcement agencies inspectors examine work sites every day. Approximately half of the DOL vehicle fleet is used by these worker protection agencies, which exposes the workers, work and vehicles to the effects of climate change, e.g., extreme weather.

DOL's Job Corps delivers comprehensive job skills training and education to eligible youth, most of whom live, train, and study on the 125 residential campuses comprising nearly 2400 buildings located in 48 states, Puerto Rico, and the District of Columbia. The other half of the DOL vehicle fleet is used on Job Corps campuses for student transportation and for staff to conduct key functions of the program's mission. For example, fleet vehicles transport students to work-based learning sites, community colleges, recreational activities, public and private transportation (bus lines, airports), and are used to evacuate students during emergency events. These students and the workers who run the programs are subject to climate change impacts.

Job Corps is DOL's leader on renewable energy. In addition to training students for jobs in renewable energy careers, Job Corps uses sustainable technologies and equipment at their centers. DOL and Job Corps sustainability efforts are boosted through these technologies by installing these solutions on Job Corps Centers nationwide. Through these efforts, and others, Labor meets the E.O. 13514 requirement to increase the use of renewable energy, and is already prepared to meet the higher requirements of the Presidential Memorandum—*Federal Leadership on Energy Management* (December 5, 2013).

Job Corps produces renewable energy with wind turbines at the Pine Ridge, Angell, Cassadaga, Hawaii/Maui, solar photovoltaic production at the Westover, Edison, and Woodland Job Corps Centers, and solar hot water at the Miami Job Corp Center. The Loring and Albuquerque Job Corps Centers produce domestic hot water using biomass. Additional Job Corps renewable energy projects planned are: biomass boilers at the

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Boxelder Job Corps Center and a wind turbine at the Weber Basin Job Corps Center.

DOL efforts to install renewable energy on Job Corps campuses, some of which is sold to the national grid, are intended to reduce the carbon emissions that are contributing to climate change and also to help to make these geographic localities more resilient to withstand power outages due to climate change. Further, DOL has exceeded the EAct 2005 requirement that agencies increase renewable energy use such that at least 7.5 percent of the agency's total electricity consumption is accounted for by Renewable Energy Credits for FY 2013 and beyond. In FY 2013, DOL's renewable energy use as a percentage of total electricity consumption already clocked in at 11.1%.

Job Corps' unique strength lies in its role as a community member and Federal partner positioned to provide trained young adults who volunteer to provide assistance. Over the years, Job Corps students have been involved in fire-fighting and other disaster management efforts all across the country. Job Corps' federally operated centers (Civilian Conservation Centers), operated by the USDA Forest Service, work closely with DOL to establish health, safety, and emergency planning and responses. Job Corps works with other Federal agencies in emergencies many of which result from extreme weather.

DOL has considered the need to improve climate adaptation resilience, including the costs and benefits of such improvement. DOL's capital equipment investment in information technology infrastructure and the move to the cloud increases resilience in the ability of DOL personnel to telework and therefore accomplish mission despite climate change impacts. DOL has relocated and consolidated existing facilities, e.g., data centers. This move provides resilience for the DOL IT infrastructure and for telework. As to suppliers and supply chain, agency leasing and building upgrades, DOL, like all Federal agencies, looks to the General Service Administration to address climate change adaptation matters in these areas.

DOL will look at any barriers that discourage investments or actions to increase resilience. DOL will continue to look at how its component agencies' funding programs affect State, local and tribal communities' climate change risk, e.g., grantees through the employment and training agencies. Further, DOL will continue to update policies related to the National Environmental Policy Act. DOL is proud of its unique contribution to the opportunity for America's workers to work in a safe environment.

## **VII. IMPLEMENTATION PROGRESS IN EJ IWG FOCUS AREAS**

### **A. NEPA**

Background: The National Environmental Policy Act (NEPA) is designed to ensure that all communities and people across this Nation are afforded an opportunity to live in a safe and healthy environment. NEPA requires Federal agencies, before they act, to determine the environmental consequences of their proposed actions for the dual goals of informed agency decision-making and informed public participation. The Federal actions subject to NEPA include, but are not limited to those undertaken by the Department of Labor, such as: adoption of official policy, programs or plans; Federal construction projects; plans to manage and develop Federal lands; and Federal approvals of non-Federal activities such as grants, licenses, and permits. Additionally, NEPA gives communities the opportunity to access public information on and participate in the agency decision-making process for these varied Federal actions. The Presidential Memorandum accompanying Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, underscores the importance of procedures under NEPA 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.” Further, the Presidential Memorandum underscores public participation opportunities under NEPA, stating: “Each Federal agency shall provide opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of meetings, crucial documents, and notices.”

NEPA Committee of the Federal IWG on EJ: The purpose of the NEPA Committee is to improve the effective, efficient and consistent consideration of EJ in the NEPA process through sharing of promising practices and lessons learned developed by Federal departments and agencies since EO 12898 was signed in 1994. Thus, the NEPA Committee supports Federal agency NEPA implementation precisely 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 it was established in May 2012 by the Federal IWG on EJ, the NEPA Committee has employed a robust and innovative process to fulfill its purpose. Deliverables of the NEPA Committee include:

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- Community of Practice: Monthly interagency meetings have established a vehicle for cross agency training and dialogue for addressing complex issues through sharing of experiences and effective practices in addressing EJ in the NEPA process.
- EJ and NEPA Agency Resource Compendium: The compendium, available on the Federal IWG on EJ webpage, gathers publically available information from twenty Federal Agencies (e.g. Regulations, orders, guidance, EJ strategic plans) on the intersection of environmental justice and NEPA into one place and hyperlinks them so that documents can be easily accessed. A select set of key references are also available on the EPA NEPA Webpage.
- Promising Practices on EJ Methodologies in NEPA Reviews: The NEPA committee is drafting a compilation of promising practices which represents the results of research, analysis and discussions by participants of the NEPA Committee concerning the interface of environmental justice considerations through NEPA processes. It represents the professional expertise of the NEPA Committee participants, and their collective thinking and thoughtful deliberation of information sources and is not formal agency guidance. The Draft final document will be presented to the Chair of the Federal IWG on EJ.
- National Training Product on EJ and NEPA: The NEPA Committee is drafting a National Training Product on EJ and NEPA. This training product is a companion to EJ Methodologies that provides history of NEPA and EJ, promising practices, and examples from Federal agency NEPA reviews.
- Lexicon: the NEPA Committee is drafting a lexicon and compendium of key terms as used by Federal agencies to consider environmental justice in NEPA reviews.

In addition to the efforts by the NEPA Committee, DOL has also undertaken the following efforts to advance consideration of environmental justice in NEPA activities:

- Federal construction requiring a NEPA review occurs in ETA's Job Corps programs, under the Occupation Safety and Health Administration, as well as under the Mine Safety and Health Administration. Communities are given the opportunity to access public information on and participate in the agency decision-making process for these actions. While environmental assessments occurred, no findings of significant impact under NEPA arose this year at DOL.

In conclusion, the NEPA Committee is providing Federal departments and agencies with promising practices organized in a coordinated, functional

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framework as identified by NEPA practitioners across the Federal family. This community of practice is working in a collaborative manner to address complex environmental justice issues in a timely manner. Ultimately, the NEPA Committee intends its efforts provide the groundwork for a renewed and dynamic process to advance environmental justice principles through NEPA implementation.

### B. Title VI/Civil Rights/Climate Change

The President's memorandum accompanying EO 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," states that "each Federal agency shall 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." The statutes through which DOL effectuates that mandate are Title VI of the Civil Rights Act of 1964 and Section 188 of the Workforce Investment Act (about to be superseded by the Workforce Innovations and Opportunity Act), both of which prohibit discrimination on the cited bases. These statutory provisions are administered and enforced by DOL's CRC.

In CRC's view, Environmental Justice complaints are those that raise discrimination issues in the context of programs and activities particularly affecting workplace safety and health hazards. CRC's main role in supporting Environmental Justice is to make sure that these programs provide equal opportunity for members of minority and tribal populations, and that the programs provide meaningful access for Limited English Proficient (LEP) people. Through its published guidance, CRC has explained how to assess the needs of the relevant LEP population, balance those needs against the nature and importance of a given program, and decide what steps must be taken to ensure meaningful access to that program for LEP persons. Equal Opportunity Officers, who are employees at the state and local levels of the nation's workforce development system, are charged with ensuring nondiscrimination and equal opportunity in covered programs. The Title VI Committee acts as a resource to help agencies connect their civil rights enforcement responsibilities with their efforts to achieve Environmental Justice. In 2013, the committee surveyed agencies to determine the extent to which Title VI complaints have included environmental justice issues and evaluated the relationship between Title VI and Environmental Justice. Moving forward, the committee plans on posting a webpage on the IWG website that articulates the interrelationship between

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Title VI and Environmental Justice and will identify opportunities for interagency collaboration.

### Priority Issue: Climate Change Adaptation

Across the United States and the world, climate change is already affecting communities, livelihoods, and the environment in significant ways. The impacts of climate change – including an increase in prolonged periods of excessively high temperatures, poor air quality, heavier downpours, increased flooding, an increase in wildfires, more severe droughts, permafrost thawing, ocean acidification, and sea-level rise – are already affecting communities, natural resources, ecosystems, economies, and public health across the Nation. These impacts are often most significant for communities that already face economic or health-related challenges. The uneven nature of climate change impacts creates differing levels of vulnerability across countries, communities, and even households, with important implications for adaptive actions. In addition, non-climatic stressors can interact with and exacerbate the impacts of climate stressors. Social and economic factors (e.g., economic status, race, ethnicity, age, gender, and health) can significantly affect people’s exposure and sensitivity to climate change, as well as their ability to prepare and recover. On June 25, 2013, President Obama announced his plan to cut carbon pollution and prepare the United States for the impacts of climate change. The President’s Climate Action Plan calls upon Federal agencies to “continue to identify innovative ways to help our most vulnerable communities prepare for and recover from impacts of climate change” through annual Federal agency Environmental Justice Progress Reports. This focus on building capacity in low-income, minority and tribal communities for climate adaptation comes from a number of policy mandates from both the White House and individual Agency leadership.

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The EJ IWG provided input to the President's State, Local and Tribal Leaders Task Force on Climate Preparedness and Resilience. The Task Force provided recommendations to the President on how the Federal Government can respond to the needs of communities nationwide that are dealing with the impacts of climate change. The section on addressing the needs of vulnerable populations recognized that low-income, minority and indigenous communities are more severely impacted by climate change. The Task Force recommended that agencies "develop guidance and tools that consider geographic, economic, and social contexts to help identify disproportionately vulnerable populations and those most at risk to the effects of climate change."

The EJ IWG also provided guidance to Agency's Senior Sustainability Officers to assist agencies in considering the impacts of climate change on minority and low-income communities. The guidance was offered in the spirit of EO 13653 and EO 12898 to ensure that agencies are appropriately considering EJ vulnerabilities in their Agency Adaptation Plans.

### C. Impacts from Commercial Transportation and Supporting Infrastructure (Goods Movement)

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. 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 recent years and the Federal Highway Administration forecasts additional truck, rail, water, air, and intermodal increases.

Minority, low-income and tribal populations have borne a disproportionate share of the health impacts from goods movement. Per the EJ MOU, Federal agencies have made goods movement a focus area for "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 Goods Movement Committee assists agencies: reduce environmental and health effects of goods movement efforts on overburdened communities; and increase opportunities for overburdened communities to benefit from goods movement efforts. In 2013, the Goods Movement

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Committee focused on: identifying Federal programs, policies and activities that are related to goods movement and impact overburdened communities; developing better partnerships with community groups; and identifying issues that most concern impacted communities. Moving forward, the committee will continue developing partnerships with communities and begin supporting the integration of Environmental Justice into specific agency efforts.

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