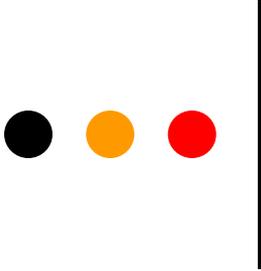


# **DEPARTMENT OF LABOR**

## **Environmental Justice**

### **Implementation Progress**

### **Report On 2013 Activities**

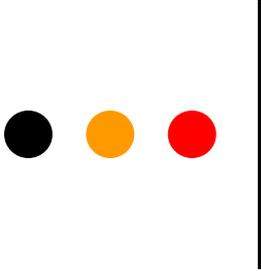


## Environmental Justice Implementation Progress Report on 2013 Activities

Under President Barak 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 Executive Order (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 the following year, 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.

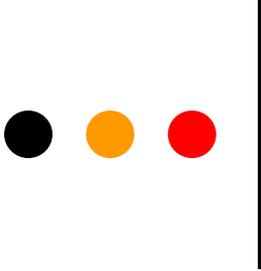
In 2013, the President also initiated a Climate Action Plan which calls upon Federal agencies to “continue to identify innovative ways to help our most vulnerable communities prepare for and recover from impacts of climate change” through their annual Federal agency Environmental Justice Progress Reports.



Agencies are now to renew their commitment to Environmental Justice for 2014 and report on activities of 2013. Environmental Justice is identifying and addressing, as appropriate, the disproportionately high and adverse human health or environmental effects 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.

The US Department of Labor (DOL) 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. The Department'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 families remain in the middle class.

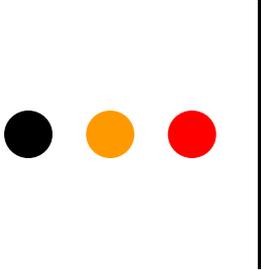
This Implementation Progress Report documents the DOL Environmental Justice Strategy, DOL's engagement with the IWG, DOL's engagement of the public concerning its Environmental Justice work, and some of the specific Environmental Justice programs or projects of DOL agencies including the work of the Bureau of Labor Statistics (BLS), the Civil Rights Center (CRC), the Employment Training Administration (ETA), the Mine Safety and Health Administration (MSHA), the Office of Recovery for Automotive Communities and Workers (ORACW), 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).



## Priority Issue: National Environmental Policy Act

NEPA is a US law designed to ensure that all communities and people across this Nation are afforded an opportunity to live in a safe and healthy environment. 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. 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. Thus, the Federal Government takes hundreds of actions every day that are, in some way, informed by the NEPA environmental review process.

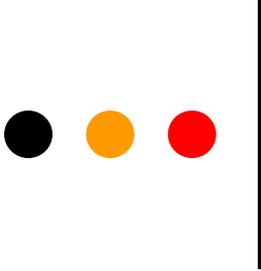
The NEPA Committee is improving the effectiveness, efficiency and consistency of the NEPA process to enhance consideration of Environmental Justice through the sharing of best practices, lessons learned, training and other tools. Since its inception in May 2012, the NEPA committee has taken several steps toward achieving its mission. Initially, an electronic compendium of publicly-available NEPA and Environmental Justice related documents from almost twenty Federal agencies was provided on the IWG website; key references from this Environmental Justice and NEPA Agency Resource Compendium was also included on EPA's NEPA Webpage. In addition, the NEPA Committee has conducted a cross-agency training series on existing tools, methods, and agency-specific focal areas. The Community of Practice Subcommittee is compiling a best practices approach that efficiently and effectively considers Environmental Justice in NEPA reviews. The Education Subcommittee has conducted a review of existing Federal agency training materials on Environmental Justice and NEPA, and is using this assessment to produce a national NEPA training module with the focus on effective Environmental Justice analysis in the NEPA process.



## Priority Issue: National Environmental Policy Act, continued

Moving forward, the Committee will continue to advance Environmental Justice through increased understanding of challenges and opportunities, articulation of effective best practices, training on general and specific NEPA and Environmental Justice topics, and other measures. These efforts will continue to provide Federal officials, at all levels, with a foundational understanding of NEPA's role in addressing EJ through assessment, consideration of alternatives, avoidance and mitigation during the NEPA review process.

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 but no findings of significant impact under NEPA arose this year at DOL, we continue to be engaged in the workings of the committee.

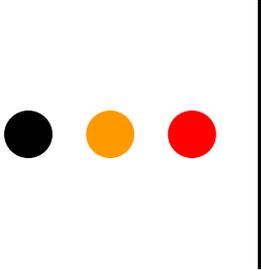


## Priority Issue: Civil Rights

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

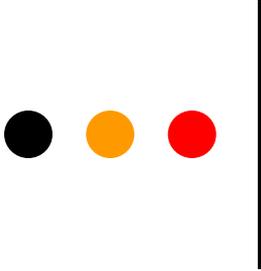


## Priority Issue: Goods Movement

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 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.

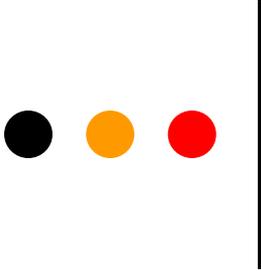


## Priority Issue: Climate Change Adaptation

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.

After major Hurricane Sandy savaged northeastern United States, DOL was able to assist. ETA, through the Workforce Investment Act, was able to fund grants for the temporary employment of people to help in the cleanup efforts.



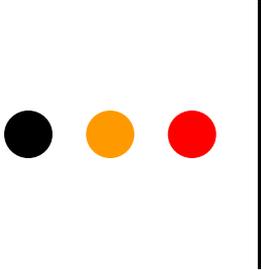
## 2013 US Department of Labor Notable Achievements

The BLS, through the Survey of Occupational Injuries and Illnesses (SOII) and the Census of Fatal Occupational Injuries (CFOI), collected data that helped identify specific risks in the workplace environment faced by workers of different ethnicities and races. SOII produced 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 measured the number of cases of fatal occupational injuries to foreign-born workers.

One of the things ETA does is help people by providing them with the skills they need to get into the middle class by funding about \$5 billion in grants. For example, in 2013, ETA again funded the job training Indian and Native American Program Grants under the Workforce Investment Act. It also funded the National Farmworker Jobs Program Grants. In addition, many more low income, minority, and tribal populations were helped through the adult and youth programs of the Workforce Investment Act, as well as through other ETA-funded programs such as Job Corps, YouthBuild, and the Senior Community Service Employment Act.

OSHA recently released a proposed rule to protect workers exposed to respirable crystalline silica. The proposed rule is expected to prevent thousands of deaths from silicosis, lung cancer, other respiratory diseases, and kidney disease. OSHA estimates that the proposed rule will save nearly 700 lives and prevent 1,600 new cases of silicosis per year once the full effects of the rule are realized. About 2.2 million workers are exposed to respirable crystalline silica in their workplaces. The majority of these workers, about 1.85 million, are in the construction industry.

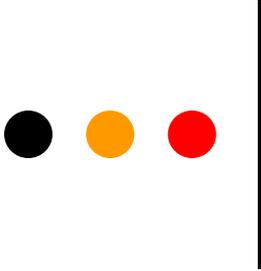
## 2013 US Department of Labor Notable Achievements, continued



The WB conducted outreach to workforce development agencies and career counselors across the country to promote *Why Green Is Your Color—A Woman's Guide to a Sustainable Career*. The guide and its accompanying online curriculum were designed to help women find and keep higher paying jobs in the clean energy economy.

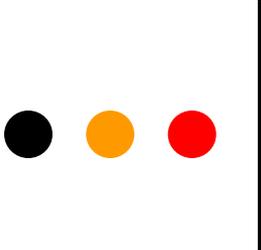
The WB also released a series of fact sheets on the economic status of women of color providing a snapshot of the current disparities occurring in wages, unemployment and educational attainment, and the interconnected effects of these factors on the larger populations of working women of color.

A survey to gauge the current level of worker voice in the workplace and the factors affecting voice was commissioned, specifically as it relates to the laws administered and enforced by DOL agencies, such as OSHA and WHD. DOL's working definition of voice in the workplace is the workers' ability to access information on their rights in the workplace, their understanding of those rights, and their ability to exercise these rights without fear of discrimination or retaliation. The WB funded oversampling of data sets to analyze how and if worker voice differs by gender, age, ethnicity, or other worker characteristics as well as in which types of entities and industries do women workers feel that their rights—occupational safety, wages, and/or leave policy—have been compromised. It showed distinct gender differences in worker voice, including that men were significantly more likely to have access to relevant education opportunities or information than women. The analysis also found differences in worker voice among women of different ages, races/ethnicities, and who work in different types of industries. These findings will shape the future development of worker education and rights materials.



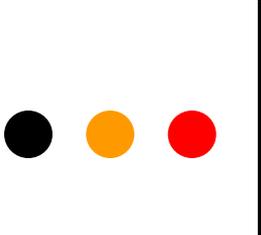
## 2013 US Department of Labor Notable Achievements, continued

As part of its work as a member of the President's National Equal Pay Task Force, DOL recognized the 50th Anniversary of the passage of the Equal Pay Act by releasing *Fifty Years After the Equal Pay Act... Assessing the Past, Taking Stock of the Future*. DOL's website includes educational materials to help employers identify potential wage discrimination and to assist them in complying with all applicable equal pay laws.



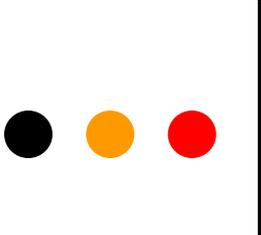
# Department of Labor **Environmental Justice** Implementation Progress Report

ACTIVITIES	DELIVERABLES	MILESTONES
<p><b>Participation in Interagency Collaboration</b></p>	<ul style="list-style-type: none"> <li>Hosted environmental justice IWG meeting with Assistant Secretary for Policy participation</li> </ul>	<ul style="list-style-type: none"> <li>January 2012</li> </ul>
<p><b>Public Engagement on Environmental Justice Issues</b></p>	<ul style="list-style-type: none"> <li>Revised draft Environmental Justice Strategy in response to comments concerning BLS, CRC, WHD, and public engagement</li> </ul>	<ul style="list-style-type: none"> <li>January 2012</li> </ul>
<p><b>Development of Environmental Justice Strategy</b></p>	<ul style="list-style-type: none"> <li>Published Final Environmental Justice Strategy</li> </ul>	<ul style="list-style-type: none"> <li>February 2012</li> </ul>



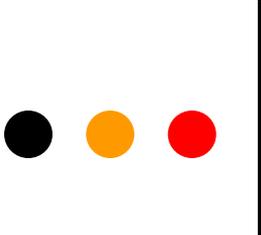
# Department of Labor Environmental Justice Implementation Progress Report

ACTIVITIES	DELIVERABLES	MILESTONES
<p><b>Environmental Justice Efforts by DOL Agency</b></p>	<ul style="list-style-type: none"> <li>▪ <b>BLS</b> Collect data that can help identify disparities in the safety and health workplace environments faced by workers of different races and ethnicities.</li>   <li>▪ <b>CRC</b> 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.</li>   <li>▪ <b>ETA</b> 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.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ongoing</li>   <li>▪ Ongoing</li>   <li>▪ Ongoing</li> </ul>



# Department of Labor Environmental Justice Implementation Progress Report

ACTIVITIES	DELIVERABLES	MILESTONES
<p><b>Environmental Justice Efforts by DOL Agency, continued</b></p>	<ul style="list-style-type: none"> <li data-bbox="685 435 1292 678"> <p>▪ <b>MSHA</b></p> <p>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.</p> </li> <li data-bbox="685 749 1292 1056"> <p>▪ <b>ORACW</b></p> <p>Assist communities nationwide that have been confronted with the abrupt closure of automobile manufacturing and related facilities, and empower affected communities to participate in devising strategies for rehabilitating these properties and returning them to economically productive uses.</p> </li> <li data-bbox="685 1128 1292 1378"> <p>▪ <b>OSHA</b></p> <p>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.</p> </li> </ul>	<ul style="list-style-type: none"> <li data-bbox="1311 435 1819 678"> <p>▪ <b>Ongoing</b></p> </li> <li data-bbox="1311 749 1819 1056"> <p>▪ <b>Ongoing through 2013</b></p> </li> <li data-bbox="1311 1128 1819 1378"> <p>▪ <b>Ongoing</b></p> </li> </ul>



# Department of Labor Environmental Justice Implementation Progress Report

ACTIVITIES	DELIVERABLES	MILESTONES
<p><b>Environmental Justice Efforts by DOL Agency, continued</b></p>	<ul style="list-style-type: none"> <li data-bbox="685 434 1246 614"> <p>▪ <b>OWCP</b></p> <p>Assist eligible workers or their dependents receive compensation if injuries due to environmental hazards occur.</p> </li> <li data-bbox="685 682 1246 891"> <p>▪ <b>WHD</b></p> <p>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.</p> </li> <li data-bbox="685 959 1246 1168"> <p>▪ <b>WB</b></p> <p>Through outreach (using methods such as publications, teleconference calls, roundtables and webinars) show women the benefits of in-demand and emerging jobs.</p> </li> </ul>	<ul style="list-style-type: none"> <li data-bbox="1265 434 1821 614"> <p>▪ <b>Ongoing</b></p> </li> <li data-bbox="1265 682 1821 891"> <p>▪ <b>Ongoing</b></p> </li> <li data-bbox="1265 959 1821 1168"> <p>▪ <b>Ongoing</b></p> </li> </ul>