

# DEPARTMENT OF LABOR

## Environmental Justice

### Implementation Progress

### Report On 2012 Activities



During the past two years, 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 Executive Order 12898, signed by President Clinton. In August 2011, 17 cabinet secretaries or agency heads signed a Memorandum of Understanding on Environmental Justice and recommitted their agencies to environmental justice and established priorities, structures and procedures for the IWG .

Throughout 2012, 15 Federal agencies issued final agency environmental justice strategies, implementation plans, and/or progress reports. The IWG identified the National Environmental Policy Act (NEPA), Title VI of the Civil Rights Act, and goods movement as priority issues. In addition, the IWG collaborated with other Federal partnerships to produce environmental, health 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.

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.

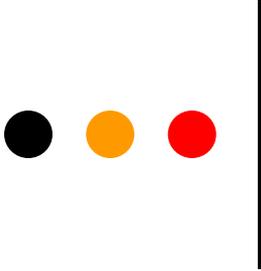
These 15 agencies affirmed their commitment to protect communities facing greater health and environmental risks. In keeping with a commitment to hear from communities, the IWG conducted 20 listening sessions across the country.



Agencies are now to renew their commitment to environmental justice for 2013 and report on activities of 2012. 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 for the future: *Good Jobs for Everyone*. 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).

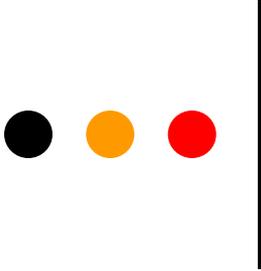


## 2012 Priority Issues: NEPA, Title VI of the Civil Rights Act, & Goods Movement

In 2012, DOL was involved in a range of environmental justice activities including the three priority issues of the IWG.

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 of which DOL is a member. 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.

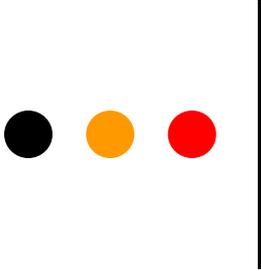
Actions subject to NEPA at DOL include Federal construction. This construction occurs in Job Corps, the Occupation Safety and Health Administration, as well as the Mine Safety and Health Administration. Communities are given the opportunity to access public information on and participate in the agency decision-making process for these actions. While no specific instances of NEPA came into play this year at DOL, we continue to be engaged in the workings of the committee.



## 2012 Priority Issues: NEPA, Title VI of the Civil Rights Act, & Goods Movement

The President's memorandum accompanying Executive Order 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 for LEP persons. During fiscal year 2012, CRC provided three on-site training sessions that included LEP-related issues for Equal Opportunity (EO) Officers from at least six different states. These EO 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.

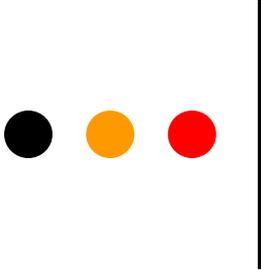


## 2012 Priority Issues: NEPA, Title VI of the Civil Rights Act, & Goods Movement

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 fact, container shipments quintupled at the ten largest US container ports from 1980 to 2006, and over the last decade alone, shipments have grown by 81 percent. 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 environmental justice memorandum of understanding, 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.

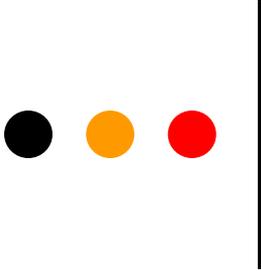
For example, DOL’s WHD helped the Environmental Protection Agency to understand labor laws that applied to shippers who were negatively affecting the low-income residents of a nearby neighborhood.



## 2012 Department of Labor Notable Achievements

BLS developed a definition of green jobs for use in data collection in two surveys. Green jobs are either: A.) Jobs in businesses that produce goods or provide services that benefit the environment or conserve natural resources or B.) Jobs in which workers' duties involve making their establishment's production processes more environmentally friendly or use fewer natural resources. Green jobs information from BLS provides data on jobs related to production of green goods and services, jobs related to use of green technologies and practices, and green careers. The jobs data are produced through three data collection activities. The development of the BLS green jobs definition is described in an article within the January 2013 *Monthly Labor Review*.

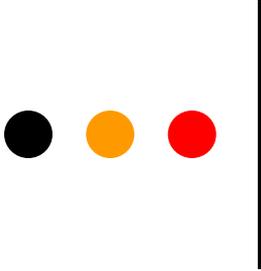
ETA's Job Corps, subject to Executive Order 13514, is required to meet sustainable building standards. By 2015, 15 percent or more of Job Corps buildings, and going forward all new Job Corps buildings, will meet the "Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings." At new sites, students will study and experience sustainability in real terms as part of center life. The majority of Job Corps centers, however, require significant renovation to become "green." The Alaska Job Corps Center in Palmer is the first center to achieve "green" certification. To meet this challenge, Job Corps created a certification process through its Center of Environmental Excellence, which requires centers to implement a broad range of sustainability measures in a way that is cost-effective. The process engages a center's staff and students, regional and national Job Corps representatives, as well as an engineering support contractor.



## 2012 Department of Labor Notable Achievements, continued

ETA lent expertise to the Department's International Labor Affairs Bureau when officials from Brazil found themselves needing assistance for workers displaced from the shutting down of a major landfill. ETA's green job training, the Job Corps, YouthBuild, and also a part of the green ARRA grants (i.e. Pathways Out of Poverty, Energy Training Partnership, State Energy Sector Partnership, and State Labor Market Information grants) were discussed. The closing of the Gramacho Landfill in Rio de Janeiro left many people, who relied on working sorting garbage on the landfill, without jobs. The Brazilian government, in partnership with local governments and non-profits/private sector, also looked to ETA regarding opportunities for urban redevelopment including green job training. Environmental Protection Agency staff were also able to connect to ETA staff.

DOL's WB released "Why Green is Your Color: A Woman's Guide to a Sustainable Career," and promoted it across the country. The Guide is designed to help women find and keep good jobs in the clean energy economy. The Guide helps workers learn about a range of in-demand and emerging jobs, as well as job training opportunities and career development tools. The Guide also serves as a resource for workforce development professionals, training providers, educators, career counselors and women's advocacy organizations. The Guide is an outcome of nationwide roundtables at which leaders from the public and private sectors discussed opportunities for women in the clean energy economy. These conversations revealed that an overall lack of awareness and information about nontraditional jobs was a significant challenge to women hoping to succeed in the marketplace.



## 2012 Department of Labor Notable Achievements, continued

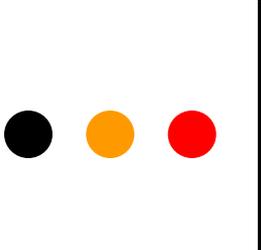
As authorized by the American Recovery and Reinvestment Act of 2009, ETA closed out the following green jobs and energy grants in 2012:

\$100 million / 25 grants - The Energy Training Partnership grant program provided training for workers that prepared them to enter the energy efficiency and renewable energy industries, as well as green occupations within other industries.

\$48.8 million / 30 grants - The State Labor Market Information Improvement grant program supported the analysis of labor market data to assess economic activity in energy efficiency and renewable energy industries as well as identified occupations and skill requirements within those industries.

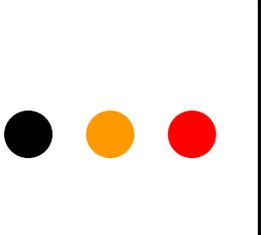
\$187 million / 34 grants - State Energy Sector Partnership and green jobs training grants highlighted the important roles States play in building a national green economy. ETA encouraged each grantee to engage in a strategic planning process that aligned with the Governor's overall workforce vision, the State's energy policies, and local and regional training activities.

\$148 million / 38 grants - Pathways Out of Poverty green jobs training grants integrated training and supportive services into cohesive programs that helped targeted populations find pathways out of poverty and into economic self-sufficiency through employment in energy efficiency and renewable energy industries.



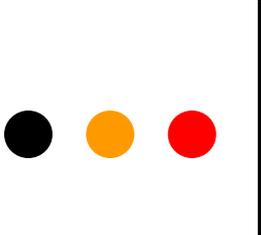
# Department of Labor **Environmental Justice** Implementation Progress Report

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>



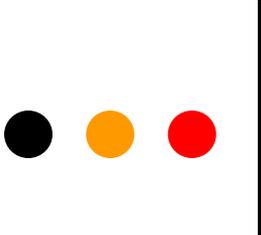
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ACTIVITIES	DELIVERABLES	MILESTONES
<p><b>Environmental Justice Efforts by DOL Agency</b></p>	<ul style="list-style-type: none"> <li>▪ <b>BLS</b> Collect data that can help identify disparities in the safety and health workplace environments faced by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



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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 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 1385"> <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 434 1819 678"> <p>▪ <b>Ongoing</b></p> </li> <li data-bbox="1311 749 1819 1056"> <p>▪ <b>Ongoing</b></p> </li> <li data-bbox="1311 1128 1819 1385"> <p>▪ <b>Ongoing</b></p> </li> </ul>



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<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 1825 468"> <p>▪ <b>Ongoing</b></p> </li> <li data-bbox="1265 702 1825 736"> <p>▪ <b>Ongoing</b></p> </li> <li data-bbox="1265 971 1825 1005"> <p>▪ <b>Ongoing</b></p> </li> </ul>