

*Questions and Answers regarding Environmental Justice  
and Executive Order #12898*

**Q** What's the authority for Environmental Justice (EJ)?

**A** It is the Executive Order #12898, which is titled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations."

**Q** Who does the Executive Order affect?

**A** It affects the federal agencies on the Interagency Working Group, and other agencies that have a substantial impact on health and the environment and are designated by the President.

**Q** What is the purpose of the Executive Order?

**A** The Executive Order focuses on human health and the environment in minority and low-income communities. It aims both to improve public participation by providing access to decision-making to those communities, and to ensure non-discrimination in federal agencies and programs that affect health or the environment.

**Q** What are the responsibilities of these federal agencies?

**A** They must identify and address disproportionately high and adverse human health or environmental effects on EJ populations. They must conduct research to analyze how EJ populations are affected, if that information does not exist.

**Q** Accompanying Executive Order #12898, President Clinton produced a memo explaining the motivation behind the order. What did that say?

**A** The Executive Order does not set any new laws, it merely mandates new duties for federal agencies. But it reminds us that there currently are laws that can be used to achieve better environmental justice. The memo underscored provisions of the National Environmental Policy Act (NEPA), the Clean Air Act, Section 309, and Title VI of the Civil Rights Act, all of which can be interpreted as laws designed to ensure environmental justice, among other things.

**Q** What rights does the public have in light of the current laws?

**A** Through laws like the Freedom of Information Act, the Government in the Sunshine Act, and the Emergency Planning and Community Right-to-know Act, the public must have access to health or environmental information for planning, regulations and enforcement.

**Q** What exactly is said regarding the National Environmental Policy Act (NEPA)?

**A** The existing NEPA law states that the government’s regular environmental analyses must include human health, economic and social effects including the effects on low-income and minority communities. Also, opportunities for community input must be provided.

**Q** What about the Clean Air Act, Section 309, which is also referred to in the memo?

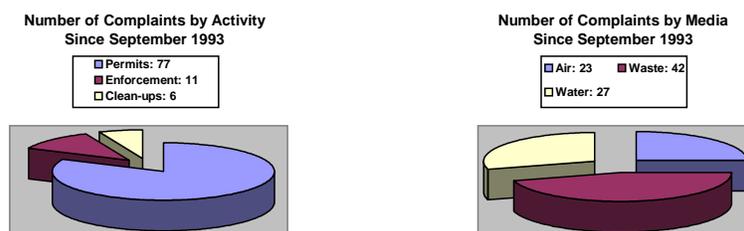
**A** The Clean Air Act mandates that opportunities for community input must be provided for air cleanliness issues. It also ensures that federal agencies analyze the environmental effects on EJ communities.

**Q** And Title VI?

**A** That law states that any program receiving Federal financial assistance cannot discriminate on the basis of race, color or national origin. Title VI is broader in scope than the executive order, because the executive order only applies to Federal agencies, but the doctrine of environmental justice is more tightly ensured by the executive order because it applies to low-income as well as minority populations.

**Q** How does Title VI work in practice?

**A** For issues of environmental justice, complaints can be made in Federal Court to the EPA’s Office of Civil Rights. Since September 1993, there have been 94 Title VI Complaints made to the EPA. 42 of them have involved waste programs. Virtually all of the complaints challenge state permit decisions. Here is a breakdown of the number of complaints by activity and media:



**Q** What exactly does “Environmental Justice” mean?

**A** It is the fair treatment of people of all races and incomes with respect to the development, implementation and enforcement of environmental laws, regulations and policies.