

CHARTER FOR INTERAGENCY WORKING GROUP ON ENVIRONMENTAL JUSTICE

On February 11, 1994, the President signed Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (“Executive Order 12898” or “Order”), and issued an accompanying Presidential Memorandum. The Order requires each agency that is covered by the Order to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” Executive Order 12898, sec. 1-101 (Feb. 11, 1994); *see also id.*, sec. 1-102 and 6-604. The Order establishes an Interagency Working Group on Environmental Justice (“Interagency Working Group”) comprised of the heads of the agencies and offices that are listed in section 1-102 of the Order, and any other government officials designated by the President, or their designees. *Id.*, sec. 1-102. References to the Order herein also generally include the accompanying Presidential Memorandum.

The Memorandum of Understanding on Environmental Justice and Executive Order 12898 issued in 2011 (“MOU”) adopted this Charter for Interagency Working Group on Environmental Justice (“Charter”).

1. Covered Agencies and Covered Offices in Executive Order 12898

Executive Order 12898 provides that the Interagency Working Group includes the heads of the following agencies or their designees: the Department of Agriculture, Department of Commerce, Department of Defense, Department of Energy, Department of Health and Human Services, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of Transportation, and the Environmental Protection Agency. The Interagency Working Group includes the heads of the following offices in the Executive Office of the President or their designees: Office of Management and Budget, Office of Science and Technology Policy; Office of the Deputy Assistant to the President for Environmental Policy, Office of the Assistant to the President for Domestic Policy, National Economic Council, and Council of Economic Advisers. The Interagency Working Group also includes such other Government officials as the President may designate or their designees. *Id.*, sec. 1-102 (Feb. 11, 1994).

The requirements of Executive Order 12898 apply to the above-listed agencies, as well as to any other agency designated by the President. *Id.*, sec. 6-604. All such agencies are referred to herein as “covered agencies.” The above-listed offices are referred to herein as “covered offices.”

2. Chairperson

The Administrator of the U.S. Environmental Protection Agency or designee will serve as convener of the Interagency Working Group (“IWG Chairperson”) pursuant to section 1-102(a) of the Executive Order.

3. Participating Agencies and Participating Offices

An agency that is not a covered agency can become a “Participating Agency” by signing the MOU and notifying the IWG Chairperson. The term “Federal agencies” herein refers to covered agencies that sign the MOU and to Participating Agencies that sign the MOU. An office in the Executive Office of the President that is not a covered office can become a “Participating Office” by notifying the IWG Chairperson. To the extent they are not otherwise represented on the Interagency Working Group, Participating Agencies and Participating Offices participate in the activities of the Interagency Working Group as appropriate and as consistent with Executive Order 12898. To the extent they were not already covered agencies before signing the MOU, Participating Agencies agreed in the MOU to carry out the requirements of Executive Order 12898, to the extent consistent with their statutory authorities, as if they were covered agencies.

4. Council on Environmental Quality

The Council on Environmental Quality is an office in the Executive Office of the President that has notified the IWG Chairperson of its role as a Participating Office.

5. Agency Representatives

Each Federal agency whose head is listed in section 1-102 as on the Interagency Working Group and each agency represented on the Interagency Working Group by an official designated by the President under section 1-102 will designate a Senior Leadership Representative and Senior Staff Representative to serve as its representatives to the Interagency Working Group in the absence of the agency head or official or other designee of the agency head or official. Each Participating Agency that is not already represented on the Interagency Working Group will also designate a Senior Leadership Representative and Senior Staff Representative to participate in activities of the Interagency Working Group as appropriate and consistent with Executive Order 12898. The Senior Leadership Representative will be a senior-level management official at the Deputy Assistant Secretary level or higher, or equivalent. Each Federal agency will provide the names of these designated Representatives to the IWG Chairperson and subsequently notify the IWG Chairperson as changes occur. The role of the Senior Leadership Representative will include conveying input from the agency’s head leadership to the Interagency Working Group.

6. Meeting

The Interagency Working Group will meet monthly or as otherwise convened by the IWG Chairperson. The meetings will generally be held at the offices of the Federal agencies.

7. Public Meetings

The Interagency Working Group will hold a public meeting at least once a year consistent with section 5-5(d) of the Executive Order.

8. Environmental Justice Strategies, Annual Implementation Progress Reports, and Other Material

The IWG Chairperson will receive Environmental Justice Strategies and Annual Implementation Progress Reports from Federal agencies, and provide public access to them through a public webpage and other means. The IWG Chairperson will similarly provide public access to the current list of Federal agencies, covered offices, and Participating Offices under the MOU, as well as to other information relevant to the Interagency Working Group.

9. Interagency Collaboration

The Interagency Working Group will serve as a clearinghouse to help identify opportunities for targeted interagency collaboration on environmental justice, and will help facilitate interagency coordination, including for research, data collection, and analysis consistent with sections 3-3 and 4-4 of the Executive Order, and for access to information consistent with section 5-5 of the Order. The interagency coordination should include regional and branch offices of Federal agencies. The Interagency Working Group will facilitate development of interagency model projects consistent with section 1-1 of the Order.

10. Committees

The Interagency Working Group will create standing and select committees to help carry out its responsibilities under the Executive Order. The members of the committees will consist of Senior Leadership Representatives, Senior Staff Representatives, and other persons put forth by an agency. The Interagency Working Group will create, revise, or terminate Select Committees as appropriate. The Interagency Working Group will maintain permanent Standing Committees including:

a. Public Participation Committee

This committee will develop listening sessions and other similar opportunities for the Interagency Working Group, federally recognized tribes, and other members of the public. It will propose venues and agendas, and facilitate participation by Federal agencies and members of the public. The committee will also help coordinate responses to public input.

b. Strategy and Implementation Progress Report Committee

This committee will be available as a resource for a Federal agency as it reviews, updates, or develops its environmental justice strategy, and as it develops its annual implementation progress reports. It will work with agencies to help coordinate programs, policies, and activities.

c. Title VI Committee

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d - 2000d-4a, prohibits recipients of Federal financial assistance from discriminating on the basis of race, color, or national origin in programs or activities that receive federal assistance. This committee will be a resource

available to help agencies connect their civil rights enforcement responsibilities with their other efforts to achieve environmental justice.

11. Areas of Focus

Consistent with the MOU, at least every three (3) years, the Interagency Working Group will, based in part on public recommendations identified in annual implementation progress reports, identify important areas for Federal agencies to consider and address, as appropriate, in environmental justice strategies, annual implementation progress reports and other efforts.

12. Amendment

The Interagency Working Group may amend this Charter in a manner not inconsistent with Executive Order 12898 and the MOU.