

110TH CONGRESS  
1ST SESSION

# H. R. 1103

To codify Executive Order 12898, relating to environmental justice, to require the Administrator of the Environmental Protection Agency to fully implement the recommendations of the Inspector General of the Agency and the Comptroller General of the United States, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2007

Ms. SOLIS (for herself, Mr. WYNN, Mr. HASTINGS of Florida, Mr. UDALL of Colorado, Mr. CONYERS, and Mr. ELLISON) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To codify Executive Order 12898, relating to environmental justice, to require the Administrator of the Environmental Protection Agency to fully implement the recommendations of the Inspector General of the Agency and the Comptroller General of the United States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Environmental Justice  
3 Act of 2007”.

4 **SEC. 2. CODIFICATION OF EXECUTIVE ORDER 12898.**

5 (a) IN GENERAL.—The President of the United  
6 States is authorized and directed to execute, administer  
7 and enforce as a matter of Federal law the provisions of  
8 Executive Order 12898, dated February 11, 1994, (“Fed-  
9 eral Actions To Address Environmental Justice In Minor-  
10 ity Populations and Low-Income Populations”) with such  
11 modifications as are provided in this section.

12 (b) DEFINITION OF ENVIRONMENTAL JUSTICE.—For  
13 purposes of carrying out the provisions of Executive Order  
14 12898, the following definitions shall apply:

15 (1) The term “environmental justice” means  
16 the fair treatment and meaningful involvement of all  
17 people regardless of race, color, national origin, edu-  
18 cational level, or income with respect to the develop-  
19 ment, implementation, and enforcement of environ-  
20 mental laws and regulations in order to ensure  
21 that—

22 (A) minority and low-income communities  
23 have access to public information relating to  
24 human health and environmental planning, reg-  
25 ulations and enforcement; and

1 (B) no minority or low-income population  
2 is forced to shoulder a disproportionate burden  
3 of the negative human health and environ-  
4 mental impacts of pollution or other environ-  
5 mental hazard.

6 (2) The term “fair treatment” means policies  
7 and practices that ensure that no group of people,  
8 including racial, ethnic, or socioeconomic groups  
9 bear disproportionately high and adverse human  
10 health or environmental effects resulting from Fed-  
11 eral agency programs, policies, and activities.

12 (c) JUDICIAL REVIEW AND RIGHTS OF ACTION.—  
13 The provisions of section 6–609 of Executive Order 12898  
14 shall not apply for purposes of this Act.

15 **SEC. 3. IMPLEMENTATION OF RECOMMENDATIONS BY EN-**  
16 **VIRONMENTAL PROTECTION AGENCY.**

17 (a) INSPECTOR GENERAL RECOMMENDATIONS.—The  
18 Administrator of the Environmental Protection Agency  
19 shall, as promptly as practicable, carry out each of the  
20 following recommendations of the Inspector General of the  
21 agency as set forth in report # 2006–P–00034 entitled  
22 “EPA needs to conduct environmental justice reviews of  
23 its programs, policies and activities”:

24 (1) The recommendation that the agency’s pro-  
25 gram and regional offices identify which programs,

1 policies, and activities need environmental justice re-  
2 views and require these offices to establish a plan to  
3 complete the necessary reviews.

4 (2) The recommendation that the Administrator  
5 of the agency ensure that these reviews determine  
6 whether the programs, policies, and activities may  
7 have a disproportionately high and adverse health or  
8 environmental impact on minority and low-income  
9 populations.

10 (3) The recommendation that each program  
11 and regional office develop specific environmental  
12 justice review guidance for conducting environmental  
13 justice reviews.

14 (4) The recommendation that the Administrator  
15 designate a responsible office to compile results of  
16 environmental justice reviews and recommend appro-  
17 priate actions.

18 (b) GAO RECOMMENDATIONS.—In developing rules  
19 under laws administered by the Environmental Protection  
20 Agency, the Administrator of the Agency shall, as prompt-  
21 ly as practicable, carry out each of the following rec-  
22 ommendations of the Comptroller General of the United  
23 States as set forth in GAO Report numbered GAO-05-  
24 289 entitled “EPA Should Devote More Attention to En-  
25 vironmental Justice when Developing Clean Air Rules”:

1           (1) The recommendation that the Administrator  
2           ensure that workgroups involved in developing a rule  
3           devote attention to environmental justice while draft-  
4           ing and finalizing the rule.

5           (2) The recommendation that the Administrator  
6           enhance the ability of such workgroups to identify  
7           potential environmental justice issues through such  
8           steps as providing workgroup members with guid-  
9           ance and training to helping them identify potential  
10          environmental justice problems and involving envi-  
11          ronmental justice coordinators in the workgroups  
12          when appropriate.

13          (3) The recommendation that the Administrator  
14          improve assessments of potential environmental jus-  
15          tice impacts in economic reviews by identifying the  
16          data and developing the modeling techniques needed  
17          to assess such impacts.

18          (4) The recommendation that the Administrator  
19          direct appropriate agency officers and employees to  
20          respond fully when feasible to public comments on  
21          environmental justice, including improving the agen-  
22          cy's explanation of the basis for its conclusions, to-  
23          gether with supporting data.

24          (c) 2004 INSPECTOR GENERAL REPORT.—The Ad-  
25          ministrators of the Environmental Protection Agency shall,

1 as promptly as practicable, carry out each of the following  
2 recommendations of the Inspector General of the agency  
3 as set forth in the report entitled “EPA Needs to Consist-  
4 ently Implement the Intent of the Executive Order on En-  
5 vironmental Justice” (Report No. 2004–P–00007):

6           (1) The recommendation that the agency clearly  
7 define the mission of the Office of Environmental  
8 Justice (OEJ) and provide agency staff with an un-  
9 derstanding of the roles and responsibilities of the  
10 office.

11           (2) The recommendation that the agency estab-  
12 lish (through issuing guidance or a policy statement  
13 from the Administrator) specific time frames for the  
14 development of definitions, goals, and measurements  
15 regarding environmental justice and provide the re-  
16 gions and program offices a standard and consistent  
17 definition for a minority and low-income community,  
18 with instructions on how the agency will implement  
19 and operationalize environmental justice into the  
20 agency’s daily activities.

21           (3) The recommendation that the agency ensure  
22 the comprehensive training program currently under  
23 development includes standard and consistent defini-  
24 tions of the key environmental justice concepts (such  
25 as “low-income”, “minority”, and “disproportion-

1 ately impacted”) and instructions for implementa-  
2 tion of those concepts.

3 (d) REPORT.—The Administrator shall submit an ini-  
4 tial report to Congress within 6 months after the enact-  
5 ment of this Act regarding the Administrator’s strategy  
6 for implementing the recommendations referred to in sub-  
7 sections (a), (b), and (c). Thereafter, the Administrator  
8 shall provide semi-annual reports to Congress regarding  
9 his progress in implementing such recommendations as  
10 well as his progress on modifying the Administrator’s  
11 emergency management procedures to incorporate envi-  
12 ronmental justice in the agency’s Incident Command  
13 Structure (in accordance with the December 18, 2006, let-  
14 ter from the Deputy Administrator to the Acting Inspector  
15 General of the agency).

○