

DEPARTMENT OF VETERANS AFFAIRS
ENVIRONMENTAL JUSTICE STRATEGY
Draft: For Public Comment – December 8, 2011

VISION STATEMENT

The Department of Veterans Affairs (VA) integrates environmental justice into its mission by ensuring that it identifies and addresses programs, policies, and activities with the potential for disproportionately high and adverse human health or environmental effects on minority, low-income, or tribal populations. VA will continue to encourage and facilitate full and meaningful involvement of affected stakeholders and communities and consultation with tribes. In addition, VA will annually evaluate and report on progress in implementing and maintaining compliance with Executive Order (EO) 12898.

I. INTRODUCTION

A. Overview

On February 11, 1994, the President signed EO 12898, *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*. On August 4, 2011, VA and 16 other Federal agencies signed the *Memorandum of Understanding on Environmental Justice and EO 12898* (EJ MOU). Combined, EO 12898 and the EJ MOU (EJ MOU/EO 12898):

- Require each covered and participating agency 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.”
- Declare the continued importance of identifying and addressing environmental justice considerations in agency programs, policies, and activities as provided in EO 12898.
- Renew the process for agencies to provide environmental justice strategies and implementation progress reports.
- Establish structures and procedures to ensure that the Environmental Justice Interagency Working Group (EJ IWG) operates effectively and efficiently.
- Require development or review/update of each agency’s environmental justice strategy.
- Require agencies to provide opportunities for the public to submit comments and recommendations relating to the agency’s Environmental Justice Strategy, Annual Implementation Progress Reports, and ongoing efforts to incorporate environmental justice principles into its programs, policies, and activities.

As part of EO 12898, the President directed agencies to review the following four Federal laws particularly relevant to identifying and addressing environmental justice considerations:

- In accordance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. Section 2000d *et seq.*, each 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.

- Each agency shall analyze the environmental effects, including human health, economic, and social effects, of Federal actions, including effects on minority communities, low-income communities, and tribes, when such analysis is required by the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. Section 4321 *et seq.* Mitigation measures outlined or analyzed in an environmental assessment, environmental impact statement, or record of decision, whenever feasible, should address significant and adverse environmental effects of proposed Federal actions on minority communities, low-income communities, and tribes. Each agency shall provide opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of meetings, crucial documents, and notices.
- The Environmental Protection Agency (EPA), when reviewing environmental effects of proposed action of other agencies under Section 309 of the Clean Air Act (CAA), 42 U.S.C. Section 7609, shall ensure that the involved agency has fully analyzed environmental effects on minority communities, low-income communities, and tribes, including human health, social, and economic effects.
- Each agency shall ensure that the public, including minority communities, low-income communities, and tribes, has adequate access to public information relating to human health or environmental planning, regulations, and enforcement when required under the Freedom of Information Act (FOIA), 5 U.S.C. Section 552, the Sunshine Act, 5 U.S.C. Section 552b, and the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. Section 11044.

VA's charge is to serve America's Veterans and their families with dignity and compassion and to be their principal advocate in ensuring that they receive medical care, benefits, social support, and lasting memorials promoting the health, welfare, and dignity of all Veterans in recognition of their service to this Nation.¹ It is VA's intent and practice that this mission is accomplished in a manner that is neutral with respect to race, ethnicity, gender, or income – so that ALL Veterans are treated equally and no disproportionate burdens are imposed.

B. Relationship of Environmental Justice to VA's Mission and Strategic Plan Goals or Objectives

VA, established as an independent agency under the President by EO 5389 on July 21, 1930, was elevated to Cabinet level on March 15, 1989 (Public Law No. 100-527). VA is responsible for a timeless mission: *To fulfill President Lincoln's promise – "to care for him who shall have borne the battle, and for his widow, and his orphan" – by serving and honoring the men and women who are America's Veterans.*²

VA is comprised of a Central Office (VACO), located in Washington, DC, and field offices throughout the Nation administered by its three major line organizations: Veterans Health Administration (VHA), Veterans Benefits Administration (VBA), and National Cemetery Administration (NCA). Services and benefits are provided through a network of 153 hospitals, 956 outpatient clinics, 134 community living centers, 90 domiciliary residential rehabilitation treatment programs, 232 Vet centers, 57 Veterans benefits regional offices, and 131 national cemeteries³.

¹ [Department of Veterans Affairs 2010 Organization Briefing Book](#), page 1.

² [Department of Veterans Affairs Strategic Plan – Refresh: Fiscal Year 2011-2015](#), page 5.

³ VA 2010 Organization Briefing Book, page 1.

This Environmental Justice Strategy ensures integration of the requirements of EJ MOU/EO 12898 into VA operations. VA plans to implement the EO principally through its compliance with NEPA and VHA's environmental management system (referred to as the Green Environmental Management System or GEMS). VA's Environmental Justice Strategy focuses on ensuring that:

1. A healthy and safe environment exists around VA facilities and activities that are located in or near minority, low-income, and tribal populations.
2. The site selection process for new facilities fairly and openly considers sustainability and equity factors (e.g., using the *Recommendations for Sustainably Siting Federal Facilities* guidance developed under *EO 13514, Federal Leadership in Environmental, Energy, and Economic Performance*, the *Implementing Instructions - Sustainable Locations for Federal Facilities*) and includes the full participation of potentially impacted communities or tribes.
3. In alignment with VA's hiring practices for all jobs, equal opportunities for green jobs and workforce development are given to minority and low-income populations, and especially the Veterans among them, as VA implements *EO 13423 (Strengthening Federal Environmental, Energy and Transportation Management)*, *EO 13514, Energy Independence and Security Act of 2007, 42 U.S.C. Section 17001 et seq.*, and *Energy Policy Act of 2005, 42 U.S.C. Section 15801 et seq.*, and otherwise undertakes efforts to reduce its environmental impacts.

VA will establish an Environmental Justice Task Force (EJ Task Force) that will continue to develop and finalize the strategy, create an action plan, and, as appropriate, design and undertake a meaningful public participation process. The strategy is designed to allow for change as VA identifies new opportunities and initiatives, and modifies or enhances existing or proposed initiatives. Aspects of the strategy and the upcoming action plan may also change in response to Veteran inputs, other public feedback, or any new direction from the Administration or the EJ IWG.

This Environmental Justice Strategy is consistent with the *VA Strategic Plan – Refresh: Fiscal Year 2011-2015 (VA Strategic Plan)*, particularly with the following components:

- Goal 1. Improve the quality and accessibility of health care, benefits, and memorial services while optimizing value.
- Integrated Objective 2. Educate and empower Veterans and their families through proactive outreach and effective advocacy.
- The three guiding principles: people-centric, results-driven, and forward-looking.
- The Supporting Initiative to establish enterprise energy cost reduction and implement a VA-wide greenhouse gas initiative to address VA's carbon footprint – Greening VA.

The *VA Strategic Plan* acknowledges the evolving nature of VA's mission by recognizing the changing Veteran population and the implications for health services and benefits. For example, the *VA Strategic Plan* recognizes that the diversity of the Veteran population is shifting in a way that reflects changes in the broader American population.

- *In 2006, for example, minorities composed 15 percent of the Veteran population, and by September 2009, the number had increased to approximately 20 percent. Operation Enduring Freedom/Operation Iraqi Freedom (OEF/OIF) users of VA benefits and services in Fiscal Year 2008 were approximately 40 percent minority Veterans. These changes in Veteran demographics will require VA to continually develop a culturally sensitive and competent workforce.*⁴

⁴ *VA Strategic Plan-Refresh*, page 13.

As a response to the changing demographics, Congress established the Center for Minority Veterans (CMV) on November 2, 1994, to promote, evaluate, and assess minority⁵ Veterans' use of VA programs and recommend solutions to better serve minority Veterans. The CMV serves as a principal advisor to the Secretary and is charged with identifying barriers to service and health care access as well as increasing local awareness of minority Veteran-related issues by developing strategies for improving minority participation in existing VA benefits programs.⁶

C. Guiding Environmental Justice Principles

Rather than one-time projects, VA's strategy focuses on implementing institutional changes into existing programs and operations to ensure that healthy and safe environments exist around VA facilities and activities, that new facilities are sustainably sited, and job opportunities to green VA are open to all. To that end, VA will operate in accordance with the following principles:

- Be people-centric, results-driven, and forward-looking.
- Promote partnerships and meaningful participation with all stakeholders.
- Identify the impacts of VA programs and activities on minority and low-income populations.
- Enhance the sustainability of and reduce the environmental impacts associated with VA's facilities and operations.
- Promote fairness and equity, and foster non-discrimination in all VA programs and operations.
- Engage in tribal consultation.

D. Previous Environmental Justice Strategy

VA signed on as a participating agency under EJ MOU/EO 12898 in August 2011. While VA practices the principles of environmental justice through the assurance of fair and equitable care of our Nation's Veterans and compliance with environmental and non-discrimination laws, no formal environmental justice strategy document existed prior to this strategy beyond those embodied within the NEPA process and through compliance with Title VI.

II. 2011 ENVIRONMENTAL JUSTICE STRATEGY

A. How the Environmental Justice Strategy Was Developed

The VA Environmental Justice Strategy is a dynamic framework intended to be a "living document." This draft is an initial step in an ongoing effort to ensure integration of environmental justice objectives into VA's activities. Because of its leadership role in managing the Greening VA initiative, VA identified the Office of Asset Enterprise Management (OAEM) to prepare the draft Environmental Justice Strategy, to participate on the EJ IWG, and to oversee implementation of EJ MOU/EO 12898.

Working with a focus group comprised of VA staff across a range of programs and operations, OAEM conducted a preliminary assessment of environmental justice within the context of the Department's mission and reviewed VA's Strategic Plan, programs, and policies to identify potential environmental justice connections. The initial review of programs and policies led to the components outlined in this strategy. VA will continue to work across program areas to identify and

⁵ Includes the following Veteran minority groups: African American, Hispanic, Asian American, Pacific Islander, and Native American, including American Indian, Alaska Native, and Native Hawaiian.

⁶ VA 2010 *Organization Briefing Book*, page 47.

address other potential environmental justice considerations for Department missions, goals, and programs.

VA management reviewed the draft strategy to ensure the commitment to environmental justice is aligned with and advances VA's mission. Further internal review and evaluation will be part of the VA EJ Task Force's mission to finalize the strategy and develop an action plan. In addition to making this draft strategy available to public stakeholders and seeking feedback from the EJ IWG, the VA EJ Task Force will identify other public participation forums to ensure that all affected stakeholders have a reasonable opportunity to provide comments on VA's Environmental Justice Strategy.

VA has participated in the EJ IWG and will continue to be an active member to further the dialogue on environmental justice and compliance with EJ MOU/EO 12898, and to seek opportunities for interagency collaboration.

B. Environmental Justice Strategy and Performance Measures

VA proposes the following three goals for its Environmental Justice Strategy.

Goal 1: Identify and address VA programs, policies, and activities that may have disproportionately high and adverse human health or environmental effects on minority, low-income, or tribal populations.

Goal 2: Ensure transparent and accessible information sharing and promote public participation for programs, activities, and operations that have potential environmental justice implications.

Goal 3: Identify areas to improve research and data collection methods relating to human health and the environment of minority, low-income, and tribal populations.

The VA EJ Task Force will develop metrics to measure VA performance in achieving integration of environmental justice considerations into the Department's mission. In addition to being reliable, accurate, and meaningful, the needed information should be readily obtainable and create minimal burden in cost and administrative processes.

1. Department-Wide Efforts that Advance Environmental Justice

As illustrated by the following examples, VA has several Department-wide efforts that advance environmental justice. As this draft strategy is finalized with inputs from the public and the EJ IWG, and through the deliberation process of the VA EJ Task Force, these efforts will be fine-tuned and, as appropriate, additional efforts will be identified and implemented.

Environmental Compliance in Siting, Construction, or Renovation of Facilities

The Presidential memorandum issued with EO 12898 emphasizes that existing laws, including NEPA, provide opportunities for agencies to address potential environmental impacts in minority communities, low-income communities, and tribes. VA takes appropriate measures to ensure compliance with all regulations set out under NEPA. VA's implementation of NEPA is guided by VA's administration and operational regulations, 38 C.F.R. Part 26, and its companion standard, *NEPA Interim Guidance for Projects Operational Environmental Compliance*.

Operational Environmental Compliance

VHA's environmental management system also ensures compliance with all other environmental laws that relate to VA activities and operations including, among others, the Clean Air Act, 42 U.S.C. §7401 *et seq.*, the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6901 *et seq.*, and the Clean Water Act (CWA), 33 U.S.C. Section 1251 *et seq.*

Public Participation and Stakeholder Engagement

VA recognizes that advancing environmental justice concerns requires proactive and timely outreach to stakeholders to promote public participation and engagement. VA seeks to educate and empower Veterans and their families, as well as the stakeholder communities surrounding VA facilities. It is important that VA and its stakeholders engage in regular two-way communication to build relationships and share accurate information. VA will continue to improve the quality of information on human health and environmental impacts, as well as affected stakeholders' access to this information. VA staff across all programs and operations implement the requisite public information techniques applicable to their activities, including, among other things compliance with FOIA, EPCRA, the Sunshine Act, and the Administrative Procedures Act (APA), 5 U.S.C. Section 500 *et seq.*, and 38 C.F.R. Section 26.9.

Procurement Practices

VA recognizes the importance of partnerships in conducting business across VA program areas. VA takes care and consideration in supporting business populations that often find it difficult to compete with large business markets. Through procurement efforts, VA acknowledges and implements certain preferences for Service-Disabled Veteran-Owned Small Business, Veteran-Owned Small Business, Small Disadvantaged Business (includes Section 8(a)), Historically Underutilized Business (HUB) Zone Small Business, and Women-Owned Small Business. These contracting directives apply to environmental, renewable energy, and other sustainability services and goods, thus promoting opportunities for disproportionately burdened populations to benefit from VA's efforts to reduce its environmental impacts.

Title VI Compliance

VA's Office of Resolution Management has oversight responsibility for the Department's External Civil Rights Program which ensures compliance with Title VI and Title IX of the Civil Rights Act, including application of VA's regulations on non-discrimination in Federally-assisted VA programs (38 C.F.R. Part 18) and VHA Directive 2008-024.

2. Program Efforts that Advance Environmental Justice

As described in the following illustrative program summaries, VA has several specific programs which supplement Department-wide efforts to advance environmental justice. Their continuation and the development of future programs to address environmental justice will be a part of implementing this strategy.

Green Environmental Management System (GEMS)

VA is committed to delivering quality health care to our Nation's Veterans. Recognizing that accomplishing this mission includes a great deal of fiscal accountability, VA is committed to reducing environmental risk factors focusing on preventing pollution, reducing waste, and conserving natural and cultural resources. VA established GEMS to ensure all VHA facilities meet or exceed all environmental laws, regulations, and best practices. VA views the GEMS process as an expression of its commitment to ensuring that environmental compliance is a key component

in long range planning, purchasing, and operating decisions, wherever practicable. By definition and design, GEMS is a systematic approach that helps ensure fair and equitable treatment and minimizes potential disproportionate impacts.

VA Green Programs

VA is committed to being a good steward of the environment and promoting the development and implementation of sustainable programs and practices across VA to ensure its environmental impacts are minimized. To implement EOs 13423 and 13514 and other mandates, VA created several internal task forces and working groups, including the Environmental Management Task Force and Green Purchasing Working Group, to address VA's main environmental challenges. The Greening VA programs include the Environmental Management Program, the Fleet Management Program, the Energy & Water Management Program, the Green Buildings Council, and the Green Routine. In fulfilling VA's commitment to care for our Nation's Veterans and their families, VA also strives to ensure a healthy and sustainable environment for current and future generations. Greening VA reduces human health and environmental impacts to all populations and creates green job opportunities.

Green Careers Program

Veterans face unique challenges as part of their reentry into the workforce when their military service ends. Current economic conditions have a significant negative impact on Veterans and a disproportionate impact on recently-separated Veterans compared to the average American. In the interest of ensuring that VA not only provides quality care for the Nation's Veterans, but also strives for a healthy and sustainable environment, VA developed a green career program – Green to Green – to connect Veterans to the green jobs market. The purpose of the program is to develop a pathway to assist men and women who have served our country to transition from uniform service into training education programs and career and/or job opportunity in the green technology, energy, and recycling fields.

The goal of this program is to work collaboratively with organizations and other agencies to explore and identify existing and established programs in green technology, energy, and recycling fields, and to develop and implement a comprehensive process for providing this information to Veterans. The program is offered to all applicable Veterans regardless of race, ethnicity, income, or other socio-economic factors and strives to increase the workforce aimed at correcting environmental impacts.

Town Hall Meetings

To ensure that VA remains respectful of all stakeholders affected by programming, VA Medical Center Directors often hold town hall style meetings that are open to the public, especially the community of the Medical Center facility. These forums can be used to help address any potential environmental justice concerns for the communities which host VA facilities. The open forums allow VA to share important information about environmental impacts and programs, as well as hear directly from stakeholders affected by operations. Leveraging this existing forum for public participation will help VA reach its target audience for environmental justice messages and facilitate needed feedback loops.

III. INTERAGENCY COLLABORATIONS

VA is a member of the National Partnership for Action to End Health Disparities. In addition, VA participates in several interagency work groups related to enhancing the sustainability of the Federal government under EO 13415 and other directives (e.g., VA staff participates in the Sustainable Acquisition Materials Management group (SAMM) and the Interagency Sustainability Working Group (ISWG)). In addition, VA is working with EPA and the Department of Labor on its Green to Green Program.

As VA works with the EJ IWG, its internal EJ Task Force, and its stakeholders to finalize the Environmental Justice Strategy and develop an action plan, additional opportunities for interagency collaboration may be identified.

IV. REPORTING AND ACCOUNTABILITY

VA is committed to transparency and the accessibility of information about its policies and practices that affect human health and the environment. VA will post the draft and final Environmental Justice Strategy along with an annual progress report on its Website and the EJ IWG Website. VA welcomes input from all affected stakeholders.

Based on recommendations from the EJ IWG and through VA EJ Task Force deliberations, VA will announce other opportunities for stakeholder input and discussions related to VA's Environmental Justice Strategy and activities. To the extent practical, VA will utilize and leverage existing networks, public and Veteran forums, and other communication efforts as VA integrates environmental justice considerations into its mission. Depending on stakeholder input and VA assessment of potential language barriers, VA will provide the documents in other languages as appropriate.