

## Scorecard Department of Justice



### Department of Justice

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### About the Department of Justice (DOJ)

The mission of the Department of Justice (DOJ) is to uphold the rule of law, to keep our country safe, and to protect civil rights. The Department is committed to ensuring equal justice under law by advancing the cause of environmental justice.

This page provides information on how **the Department of Justice (DOJ)** is working to advance environmental justice for communities across America. It is part of Phase One of the Biden-Harris Administration's Environmental Justice Scorecard.

## Environmental and Civil Rights Protection

### DOJ's Highlights

DOJ undertook a number of steps to further environmental justice, including the following:

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ENRD announced a settlement with Chevron Phillips Chemical Company LP to resolve allegations that it failed to properly operate and monitor its industrial flares, resulting in excess emissions of harmful air pollution at three facilities in Texas. Chevron agreed to pay a \$3.4 million civil penalty and perform compliance measures that will eliminate thousands of tons of air pollution near overburdened communities.

The US Attorney's Office in the Eastern District of Washington announced an indictment in a case involving tainted grape juice in the Yakima area. The indictment alleges that the company violated food safety laws, lied to regulators, and sold rotten and dangerous juice products to customers, including for the National School Lunch Program, which provides free or reduced-cost lunches to children.

The US Attorney's Office in the Eastern District of New York announced a prosecution for multiple leaks from gas stations in low-income areas and communities of color that suffer disproportionately from environmental burdens.

The Civil Rights Division provides support and legal counsel to federal agencies on their Title VI enforcement and compliance efforts, including efforts related to environmental justice. The Division has conducted a number of activities related to environmental justice concerns, including coordination on investigations and reviewing policy guidance documents.

During FY 2022, the United States Trustee Program, the DOJ component that oversees the administration of bankruptcy cases and private trustees, created a training presentation for trustees to help them identify issues relating to environmental justice as they administer bankruptcy cases. The training was presented via 34 one-hour sessions that were attended by nearly 700 trustees. It focused on teaching trustees how to spot instances where fair and meaningful involvement for all parties could be improved, and how to elevate such instances to the appropriate Department officials.

Federal agencies are advancing environmental justice by carrying out their responsibilities under the law to identify and address disproportionate and adverse public health and environmental, climate-related, and cumulative impacts on communities with environmental justice concerns. Agencies are working to ensure that all communities experience the protection of our country's bedrock environmental laws. The following information reflects some of the environmental and civil rights work **the Department of Justice (DOJ)** has done from January 2021 to September 2022.

For more information, please visit

[DOJ's Comprehensive Environmental Justice Enforcement Strategy](#) .

## National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal agencies to consider and disclose the environmental, health, and community impacts of certain decisions or actions before taking them. Environmental reviews help ensure the public is informed about potential actions, and give communities an opportunity to participate in the government's decision-making process. Environmental reviews also ensure that federal agencies consider ways to protect and enhance public health and the environment, and advance environmental justice in their decision-making. The following information highlights some work **the Department of Justice (DOJ)** has done from January 2021 to September 2022.

Phase One Scorecard metrics and highlights include:

- DOJ litigating components and U.S. Attorneys' offices typically encounter environmental justice concerns in the context of litigation over other agencies' NEPA related actions. However, DOJ's Bureau of Prisons (BOP) directly addresses environmental justice in its NEPA regulations that apply to new and existing BOP facilities as well as the closing of existing BOP institutions. Environmental justice is a consideration noted in DOJ's Drug Enforcement Administration's (DEA) instructions for completing an Environmental Assessment or an Environmental Impact Statement.
- **There are no** project modification(s) where environmental justice concerns were raised during the NEPA process
  - DOJ's BOP NEPA-related documents analyze environmental justice impacts. To date, no mitigation measures have been recommended or implemented for BOP actions.
  - DOJ's DEA has no ongoing projects or litigation involving environmental justice.
  - For employees who work on NEPA, DOJ's Environment and Natural Resources Division (ENRD) provides training annually to attorneys and staff on environmental justice considerations under NEPA, for purposes of defending agency decisions in federal litigation. For example, in October 2021, ENRD conducted environmental justice training for its new attorneys joining the Division through the Attorney General's Honors Program. For attendees who work on NEPA, the training covered NEPA and environmental justice.
- **During the reporting period DOJ held at least 1** training(s) on environmental justice considerations during NEPA reviews

## Title VI of the Civil Rights Act of 1964 and Environmental Justice

Title VI of the Civil Rights Act of 1964 requires that no person be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance on account of race, color, or national origin. Title VI requires federal agencies to ensure that programs or activities receiving federal funding, including those that affect human health or the environment, do not use discriminatory criteria, methods, or practices. The following information

includes updates from January 2021 to September 2022 from **the Department of Justice (DOJ)** on Title VI that are related to environmental justice.

Phase One Scorecard metrics and highlights include:

- DOJ has opened two investigations since 2021. One investigation examines whether the Alabama Department of Public Health and the Lowndes County Health Department operate their onsite wastewater disposal program and infectious diseases and outbreaks program in a manner that discriminates against Black residents of Lowndes County in violation of Title VI. The investigation is also looking into whether the health departments' policies and practices have caused Black residents of Lowndes County to have diminished access to adequate sanitation systems and to disproportionately and unjustifiably bear the risk of adverse health effects associated with inadequate wastewater treatment. The other Title VI environmental justice investigation involves the question of whether the City of Houston engaged in intentional discrimination or whether the City's method of administering its solid waste management and enforcement programs adversely and disparately affects communities of color in Houston. The investigation focuses on Houston's Department of Neighborhoods, Police Department, Solid Waste Management Department, and 311 system, all of which play a role in the City's receipt of and response to illegal dumpsite concerns and service requests. DOJ's jurisdiction is limited to recipients of federal financial assistance from DOJ, which includes law enforcement agencies, state courts, or correctional facilities.
- **2** open Title VI investigation(s) or compliance review(s) related to environmental justice
- **4** internal training(s) on Title VI civil rights and environmental justice

## **Centering Environmental Justice in Decision-Making**

Federal agencies work to ensure that the voices, perspectives, and lived experiences of communities are heard and reflected in the priorities, policies, and decision-making of the federal government. Agencies also take steps to respect Tribal sovereignty and ensure government-to-government consultation on federal policies. The following information highlights work **the Department of Justice (DOJ)** has done from January 2021 to September 2022 to center environmental justice in its decision-making.

## **Community Input and Engagement**

Phase One Scorecard metrics and highlights include:

- **6** public process(es) related to environmental justice, e.g., requests for information or listening sessions
  - DOJ's Environment and Natural Resources Division (ENRD) and the Civil Rights Division held 2 listening sessions to receive input on developing an environmental justice enforcement strategy and establishing an Office of Environmental Justice (OEJ).
  - ENRD, OEJ, and the Civil Rights Division, in coordination with the Environmental Protection Agency (EPA), held a listening session after the Comprehensive Environmental Justice Enforcement Strategy, and DOJ's OEJ was announced. The Civil Rights Division, ENRD, and OEJ also hosted a

listening session following the Civil Rights Division's announcement of a new Title VI investigation in Houston, TX.

- OEJ and the US Attorney's Office in the Eastern District of North Carolina met with community leaders and took a tour of hog/poultry farms in North Carolina. In addition, ENRD and the US Attorney's Office in the Eastern District of Michigan held a community engagement in Detroit, MI regarding the federal environmental crimes process that included federal agency partners such as EPA.

## Consultation and Partnership with Tribal Nations

Phase One Scorecard metrics and highlights include:

- In December 2022, per the Office of Tribal Justice, DOJ announced updates to its policy on Tribal Consultations and working with Tribal Nations and Indigenous People on matters related to environmental justice. Also, DOJ's Community Relations Service is developing best practices for outreach to become part of the DOJ policy for Tribal Consultation.

## Institutionalizing Environmental Justice

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Since the start of the Biden-Harris Administration, federal agencies have been working to embed environmental justice into all aspects of their work, including by implementing [Executive Order 12898](#) and [Executive Order 14008](#). The following information shares some of the work **the Department of Justice (DOJ)** has done from January 2021 to September 2022 to institutionalize environmental justice.

Phase One Scorecard metrics and highlights include:

- **Has** an environmental justice strategic plan that **has been** updated in the past 5 years
  - On May 5, 2022 DOJ issued new Comprehensive EJ Enforcement Strategy (CEJES).
  - On July 1, 2022 DOJ issued an Fiscal Year 2022-2026 Strategic Plan that includes "Objective 3.5: Advance Environmental Justice and Tackle the Climate Crisis" (<https://www.justice.gov/doj/doj-strategic-plan/objective-35-advance-environmental-justice-and-tackle-climate-crisis>) under Strategic Goal 3: Protect Civil Rights.
  - As directed by the CEJES, all US Attorney's Offices designated Environmental Justice Coordinators and 84 published procedures for members of the public to report environmental justice concerns.
- **3** tool(s) or resources to advance environmental justice
- **150-200** staff that work on environmental justice, either in a full- or part-time capacity
- **4** internal training(s) for staff on environmental justice
- **Yes, DOJ has a** new or strengthened office(s) on environmental justice

- **At least 4** new or strengthened internal working group(s), steering committee(s), council(s) on environmental justice
- From January 2021 – September 2022, DOJ strengthened the ENRD environmental justice Workgroup; established a new DOJ-wide Environmental Justice Enforcement Strategy Steering Committee, as directed by the CEJES, and a Steering Committee Workgroup; and established a new Attorney General Advisory Committee Subcommittee on Environmental Justice and Environmental Issues to coordinate US Attorney Offices' leadership on environmental justice related issues. In addition, the US Attorney's Office in the Eastern District of New York established an Environmental Justice Team. DOJ serves as a member of the White House Environmental Justice Interagency Council (IAC), which was established in Executive Order 14008. DOJ co-chaired the Environmental Justice IAC's Native American/Indigenous Peoples Committee, Strategy Committee and Public Participation Committee and chairs the Title VI Environmental Justice Committee. DOJ was also a member of the NEPA and Environmental Justice Committee, Rural Communities Committee, and the Regional IACs Committee.

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