

Environmental Justice and Title VI (Civil Rights) Rulemaking Review

Definitions and guidance are provided on Ecology's [Environmental Justice and Title VI](#) SharePoint site, and by contacting [Millie Piazza](#), Environmental Justice Coordinator.

What is Environmental Justice (EJ)?

The Environmental Protection Agency (EPA) defines environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies."

What is Title VI of the Civil Rights Act?

Title VI of the Civil Rights Act is one of several federal laws that can help "to prevent minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects." Title VI of the Civil Rights Acts of 1964 requires that no person shall, on the basis of race, color, or national origin, including limited English proficiency, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

For Ecology's Rulemaking process this means:

- Identifying the population characteristics of the people affected by this rule (such as minority populations, low-income populations, non-English speaking populations, and tribes).
- Assessing and addressing disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.
- Planning for and facilitating the meaningful involvement of affected communities in the rule-development process. Ensuring that potentially affected populations have appropriate opportunity to learn about, participate in, and influence Ecology's decisions and actions.

How have you taken into account Environmental Justice and Title VI issues?

Use this document to discuss with your team possible environmental justice and Title VI considerations related to your rulemaking. Based on your discussion of the items below, provide an answer to the question in the following rulemaking document:

- D2 Briefing document.
1. **Discuss and think about the communities affected by the rule and the environmental justice history and context related to the rulemaking:**
 - Are there potentially impacted minority populations, low-income populations, or tribes?

- Are there non-English speaking populations in your intended audience or in the population potentially impacted by the rule?
 - Check the [rulemaking docket](#) (last column on right) to see if previous rulemakings had translation requests.
 - *Information on how to find language data is available on Ecology's Translation Services [Language Data](#) SharePoint site, and by contacting [Millie Piazza](#).*
- Are there other demographic characteristics of the audience and potentially affected population that might hinder meaningful involvement (e.g., geographic isolation, educational attainment, literacy, age)?
- Are there prior environmental justice and/or Title VI Civil Rights concerns, requests, complaints, or legal actions? Check the rulemaking docket for information related to past rulemakings on this topic (started November 2017).
- Is there relevant media coverage and public interest related to environmental justice, Title VI Civil Rights, or environmental health?

2. Consider existing and/or new disproportionate environmental and public health impacts on minority populations, low-income populations, and tribes.

- If the discussions above identify possibly impacted populations, consider the following and document it as part of your answer in D2. Provide this documentation to your economist for the Economics Spreadsheet.
- Could the rulemaking have potentially adverse effects on, or benefits to, the identified populations?
- What are the concerns expressed by the potentially impacted populations?
- Document analyses, resources, and/or tribal consultation activities used to identify the concerns of impacted populations. You can use the Economics Spreadsheet or your Communication Strategy as a central location for documentation purposes.
- Identify alternatives or mitigation that would address potentially disproportionate adverse impacts, and that is responsive to community concerns (rulemaking requirements or non-regulatory).

3. Use a transparent participation process and ensure meaningful opportunities for involvement.

- Are there environmental justice or Title VI Civil Rights focused organizations, groups, or individuals who should be included in your outreach? *As necessary, consult with program outreach staff and the agency Environmental Justice Coordinator, Millie Piazza.*
- Discuss where, how, and how many opportunities communities with environmental justice considerations will have to be involved and comment?
- As appropriate, update your communication strategy to reflect how the rulemaking process and public involvement addresses environmental justice and Title VI Civil Rights issues.

- Involve your Communications Manager at each major phase of the rulemaking (including pre-planning) to ensure ample opportunities for consultation and planning.
 - Within the agency and cross programs
 - With external audiences

4. Document response for Environmental Justice and Title VI Civil Rights issues in rulemaking document (D2)

Environmental Justice and Title VI (IM#??)	
How have you taken into account Environmental Justice and Title VI issues related to this rulemaking?	
Approval and Announcement Phase:	<p>[Review and discuss the <i>Environmental Justice and Title VI (Civil Rights) Rulemaking Review</i> document. At a minimum use the response below, add more details if needed.]</p> <p>We have considered environmental justice and Title VI Civil Rights as it relates to this rulemaking. We are translating a brief statement about the rulemaking into the following language(s): [enter languages]. This will be included in our website and notices about this rulemaking. At this time, we have not identified any specific EJ or Title VI issues related to this rulemaking. As we continue work on this rulemaking, we will revisit and update our process and opportunities to participate in this rulemaking as appropriate.</p> <p>[After discussing the items in the review document, if you decide to take other actions please describe them here. Delete the highlighted sentence in the previous paragraph.]</p>
Proposal Phase:	[If appropriate, update and add more details to the above answer.]
Adoption Phase:	[If appropriate, update and add more details to the above answer.]

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