

# FOIA MARKER

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**Collection/Record Group:** Clinton Presidential Records  
**Subgroup/Office of Origin:** Council on Environmental Quality  
**Series/Staff Member:** Kathleen (Katie) McGinty  
**Subseries:**

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**OA/ID Number:** 4299  
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**Folder Title:**  
Environmental Justice

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<b>Stack:</b>	<b>Row:</b>	<b>Section:</b>	<b>Shelf:</b>	<b>Position:</b>
<b>S</b>	<b>61</b>	<b>7</b>	<b>1</b>	<b>3</b>



CENTER FOR AFRO-AMERICAN STUDIES  
160 HAINES HALL  
405 HILGARD AVENUE  
LOS ANGELES, CALIFORNIA 90024-1545  
(310) 825-7403, FAX (310) 206-3421

September 21, 1993

Secretary Hazel O'Leary  
Department of Energy  
1000 Independence Avenue, S.W.  
Washington, DC 20585

Dear Secretary O'Leary:

I am writing you as an individual who along with Dr. Benjamin F. Chavis served on the Clinton Transition Team in the Natural Resources/Environment Cluster (e.g., Departments of Agriculture, Energy, and Interior, and Environmental Protection Agency). The initial call for me to serve on the Transition Team came from Mr. Tom Grumbly (now DOE Assistant Secretary for Environmental Restoration and Waste Management).

I am currently serving as public representative on a Protocol Committee (an ad hoc group of academicians and community leaders) that is working with several federal agencies to plan a national health research symposium. The public representatives of the Protocol Committee are writing you to urge the Department of Energy to join with the National Institute of Environmental Health Sciences and other federal agencies to become a sponsor of the national "Health Research Needs to Eliminate Environmental Injustices" conference planned for February, 1994 in the Washington, DC area.

Some key areas that will be explored at the 1994 conference include:

- o Identification of "at risk" populations, research gaps, methodologies for assessing vulnerabilities, and federal financial resources committed to this area;
- o Development of comprehensive multi-year intra- and inter-agency research agendas (with projected funding) that incorporate community needs and priorities of affected (at-risk) populations;
- o Delineation of general conceptual design of prevention and intervention models as part of a larger research, education, training, and community outreach effort to multilingual,

- multicultural, multiracial, and multiethnic populations;
- o Conceptual design of vehicles for increasing public input and participation (especially from underrepresented populations) in problem formulation, research design, data collection, and implementation plans;
  - o Mechanism for diversifying (inclusion of experts from impacted and underrepresented communities) the pool of people of color professionals trained in energy and environmental health fields, scientific advisors, and peer review panelists on policy studies and health research grants; and
  - o Recommendations on interagency cooperation related to research needs of at-risk populations and resource "targeting" that builds on strengths of existing agency mandates and directives.

At present, the conference is jointly sponsored by the National Institute for Environmental Health Sciences (NIEHS), Environmental Protection Agency (EPA), Agency for Toxic Substances and Disease Registry (ATSDR), National Institutes of Health (NIH), National Institute for Occupational Safety and Health (NIOSH), and the Department of Energy (DOE). For example, NIEHS has allocated over \$150,000, EPA \$100,000, and DOE Office of Economic Impact and Diversity/Argonne \$10,000, in addition to important technical support, toward this conference.

We appreciate the financial resources provided by DOE's Office of Economic Impact and Diversity. However, we feel that this level of financial commitment is not commensurate with the problems addressed, DOE's overall budget, and financial commitment of the other lead federal agencies (i.e., NIEHS and EPA). Thus, we are requesting that other DOE offices, such as those for Environmental Restoration and Waste Management, Health, etc. provide additional support to the upcoming health conference.

We feel that the participation of DOE as an equal partner in planning, developing, and implementing a research agenda to eliminate environmental injustices is important to assuring that all appropriate Federal agencies are a part of what we believe will be a milestone in the progress of the environmental justice movement. NIEHS is the lead agency for coordinating the planning of this research conference, and we know that you will be hearing directly from Dr. Ken Olden, NIEHS Director, with a request to join in your support. Again, we urge you to participate. We would appreciate hearing from your office in follow-up to this letter; please contact Dr. Robert D. Bullard at (310) 825-7403.

If there are any question re DOE's involvement to date, please call

Secretary Hazel O'Leary  
Page Three

Ms. Georgia Johnson U.S. DOE - Office of Economic Impact and  
Diversity at (202) 586-1593.

We thank you in advance for your support and look forward to  
working with your Department on this most important issue.

Sincerely,

Dr. Robert D. Bullard  
Professor

Dr. Bunyan Bryant  
School of Natural of Natural Resources  
University of Michigan

Dr. Beverly Wright  
Center for Environmental Programs  
Xavier University

Mr. Charles Lee  
Commission for Racial Justice  
United Church of Christ

Mr. Delane Garner  
Southern Organizing Committee for Economic and Social Justice  
Atlanta, GA

Dr. Janet Phoenix  
National Safety Council/National Lead Information Center  
Washington, DC

Ms. Marjorie Moore  
Environmental Health Center  
Hunter College

Ms. Rose Marie Augustine  
Tucsonian for A Clean Environment  
Tucson, AZ

cc: ✓ Katherine McGinty  
Deputy Director to the President  
Office on Environmental Policy

Congressman Louis Stokes  
U.S. House of Representatives

Dr. Benjamin F. Chavis, Jr.  
NAACP

Enviro Justice Pan

Event | Oct. | Nov.

Jackie Lawing <sup>fax</sup> 708-3336  
~~708-2690~~

is HUD interested in  
co chairing <sup>Interagency Task Force</sup> an Enviro Justice

{ EPA  
Justice  
Hud (?) } 708 0270

**Kansas Geological Survey**  
1930 Constant Avenue--Campus West  
The University of Kansas  
Lawrence, KS 66047

Phone: (913) 864-3965  
FAX: (913) 864-5317

To TREY - URGENT!

Phone No. 202 456 - 2910

FAX No. \_\_\_\_\_

From PAM

Date 9-9

No. of pages (including cover sheet) 11

Priority ( ) Normal (X) Urgent

Comments

As we discussed -- can you get to Jacquie?? Jkt.

Pam.  
Call me if you hear anything.

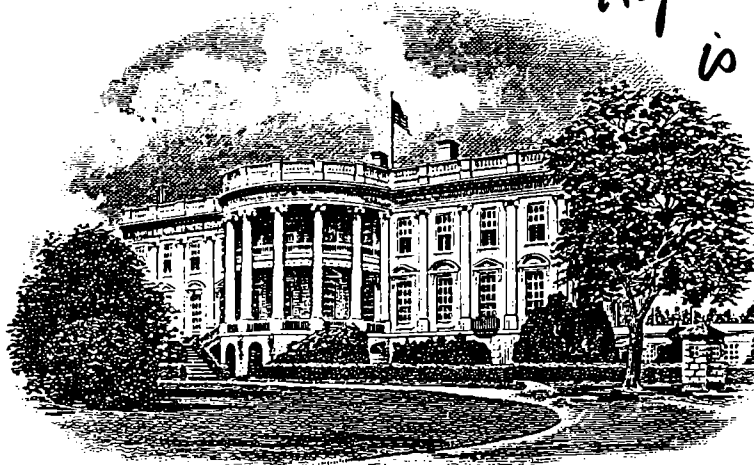
# WHITE HOUSE OFFICE ON ENVIRONMENTAL POLICY

TO: Jackie Lawing  
FROM: Trey Lindseth  
DATE: 9-10  
FAX: 708-3336

Number of pages including cover: 11

COMMENTS: Jackie - This is what I'm calling  
about. Pam has left & so I'm trying  
to wrap up a few things for her. Let  
me know your thoughts on HUD  
involvement. Thx! Trey

*Hope everything  
is going well.*



PHONE - (202) 456-6224 FAX - (202) 456-2710  
OLD EXECUTIVE OFFICE BUILDING, ROOM 360  
WASHINGTON, DC 20501

## THE WHITE HOUSE

WASHINGTON

August 24, 1993

MEMORANDUM FOR JACQUIE LAWING, Deputy Ass't Secretary, HUD

FROM: PAM MCELWEE, Special Ass't, Office on  
Environmental Policy

RE: ENVIRONMENTAL JUSTICE

Sorry to catch you at a bad time today. Katie and I wanted to ask you if HUD might be interested in taking a lead role in an initiative our office is putting together.

Given your work on community empowerment and the interest HUD had in participating in the President's Sustainable Development Council, we thought HUD might want to play a large part of a new task force we are setting up. We are going to have the President sign an executive order on environmental justice as an attempt to remedy the disproportionate environmental impacts that have fallen on disadvantaged and minority communities. As part of this executive order, we plan to establish an interagency working group to advise federal agencies on how to incorporate environmental justice concerns into their planning, programs and enforcement authority.

EPA and Justice have already expressed interest in co-chairing the working group. Would HUD be interested in participating as a third co-chair? While this executive order relates specifically to environmental impacts, bringing community empowerment and economic redevelopment into the picture would be very powerful.

The workload would be variable. EPA has indicated they are willing to shoulder most of it in terms of staff resources. HUD's involvement would entail coordinating with the other co-chairs on meetings and strategies for the working group.

I've enclosed the executive order we are working on with some possible language, if HUD is interested in the co-chairmanship. We held an interagency meeting on the executive order in late July, which Bruce Katz attended, so please share this idea with him as well.

Let me know if you have questions. I can be reached at 456-6224. Thanks for your assistance in this matter.

**EXECUTIVE ORDER**

- - - - -

**FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN MINORITY AND LOW INCOME COMMUNITIES**

WHEREAS, all communities and all persons across this nation are entitled to a safe and healthful environment;

WHEREAS, studies have shown that environmental hazards have had a disproportionate impact on minority and low income communities;

WHEREAS, environmental hazards shall be managed and controlled, and where appropriate, eliminated, so that all communities, including minority and low income communities, receive environmental protection;

WHEREAS, environmental and civil rights statutes provide opportunities to address environmental hazards in communities disproportionately impacted and the Federal government has the responsibility to equally enforce these laws;

WHEREAS, the federal government should lead in the effort to improve the environmental quality of life for all Americans, including minority and low-income Americans, by ensuring that the management of its facilities, the establishment of its policies, and the planning and implementation of its actions promote environmental protection for all;

WHEREAS, the federal government should identify potentially disproportionate adverse impacts on minority and low-income communities from Federal Activities, actions, programs, and policies; projects funded by Agencies and Departments ; and private acts authorized by Federal permits;

WHEREAS, each Federal Agency should make environmental justice a high priority in all relevant programs by incorporating environmental justice into short and long term planning processes such as regulatory and policy making activities, enforcement, data collection, data analysis, education and outreach, communications practices, employment, job training, economic development, pollution prevention, and siting of projects and facilities;

WHEREAS, each Federal Agency, in the implementation of its policies, should ensure that minority and low income communities have adequate access to public information and key public planning decisions;

WHEREAS, each Federal Agency should promote state Agency, Tribal, local and non-federal implementation of environmental justice and to that end should encourage, and where appropriate

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require, States, Tribes, local Agencies and other non-federal agencies to review delegated programs, Federally funded programs, and implementation of permitting programs to reflect environmental justice.

AND IN ORDER TO:

Ensure that all federal agencies and departments conduct their activities so that environmental hazards do not place minority and low income communities at disproportionate risk;

Identify and implement methods by which Federal permitting, granting, monitoring and enforcement processes will reduce any disproportionate concentration of environmental hazards in minority and low income communities;

Ensure that Federal health or environmental activities do not have a discriminatory effect based on race, color or national origin.

Require that all federal agencies identify the economic and social impacts of major Federal Actions significantly affecting the quality of the environment, including impacts on minority and low income communities, in accordance with the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321-4370b, and other statutes relating to health and the environment.

Require that any inequities or adverse social impacts of major federal actions that were identified in the environmental analysis taken under the National Environmental Policy Act, 42 U.S.C. §§ 4321-4307b, to the extent feasible, be remedied in the final plans for such actions.

Improve federal research and data collection efforts on health and the environment to ensure that such efforts consider any disproportionate and adverse impact of environmental hazards on minority and low income communities; and

Involve minority and low income communities in the decision making process relating to Federal activities affecting health or the environment and make public information accessible to these communities;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

#### **Section 1-1. Implementation**

1-101. Federal Mandate

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It is a Federal priority for each Federal Agency to eliminate any disproportionate risks from environmental hazards borne by minority and low income communities.

1-102. Federal Strategy

Each Federal Agency will make achieving environmental justice part of its mission.

(a) In order to achieve environmental justice, each Federal Agency shall add to its Administrative regulations a regulation to the following effect:

The Agency intends to conduct all planning and programs affecting health or the environment, administer, interpret and enforce all regulations, and permit, site and operate all facilities in a manner that seeks to address the disproportionately high exposure of minority and low-income communities to environmental hazards.

(b) Each Federal Agency shall, within six months of this Order, certify to the Working Group, (see § 2-201 infra) that it has issued a notice of proposed rulemaking to assure that the Federal environmental justice mandate extends to agency programs and regulations to the extent permitted by law. Such certification shall include the schedule for issuance of the final regulation.

(c) Additionally, within nine months of this order, each Federal Agency shall provide the Working Group (see § 2-201 infra.) with a preliminary strategy for addressing environmental justice, which includes a list of its planning processes, programs, activities and policies related to health or the environment, including facility siting or permitting, where revisions can be undertaken to reflect environmental justice and to expeditiously reduce the disproportionate exposure of minority and low-income communities to environmental hazards. Such a strategy also applies to the implementation and enforcement of Federal environmental statutes to reflect environmental justice.

(d) Each Federal Agency shall implement its programs, activities, and policies related to health or the environment in a manner consistent with any recommendations made by the Working Group and consistent with Federal law.

1-103. Nondiscrimination Responsibilities

(a) Each Federal Agency shall conduct any Federal program or activity or any Federal Action that affects human health or the environment in a manner that assures that such programs, actions or activities do not have the effect of excluding persons (including their communities) from participation in, denying them

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the benefits of, or subjecting them to discrimination because of their race, color or national origin.

(b) Each Federal Agency that extends Federal financial assistance is obligated under Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et. seq. to ensure and that all Federally assisted programs or activities that affect, or have the potential to affect, human health or the environment do not directly or through contractual or other arrangements use criteria, methods or practices that have the effect of excluding persons (including their communities) from participation in, denying them the benefits of, or subjecting them to, discrimination because of their race, color or national origin.

(c) Each Federal Agency shall require assurances and compliance reports from each nonfederal agency or entity that it is responsible for overseeing or reviewing. Such assurances and reports shall state that the programs, implementation plans, or other activities delegated to or implemented by the nonfederal agency or entity shall comply with the requirements of section 1-103 (a) of this order.

(d) Each Federal Agency shall take necessary actions, including but not limited to, on-site monitoring and evaluation, to ensure that each nonfederal agency or entity that it is responsible for overseeing or reviewing is complying with the requirements of section 1-103 (a-c) of this Order in programs, implementation plans, or other actions.

1-104. Responsibilities under National Environmental Policy Act

The National Environmental Policy Act (NEPA) regulations 40 C.F.R. § 1508.14 define the human environment as the natural and physical environment and the relationship of people with that environment.

(a) When required by the National Environmental Policy Act 42 U.S.C. §§ 4321 et. seq., each Federal Agency shall analyze the social and economic impacts of major Federal actions that significantly affect the human environment.

(b) Each Federal Agency is directed to implement new and innovative ways of including community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with the affected communities and improving the accessibility of meetings, crucial documents and notices. Each Agency should put priority on expediting Freedom of Information Act requests and on making available acceptable, pertinent, and clear public documents relating to the NEPA process.

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(c) In order to assist affected communities, and in collaboration with them where feasible, mitigation measures outlined or analyzed in an environmental assessment (EA), and Environmental Impact Statement (EIS) or Record Of Decision (ROD) by each Federal Agency shall attempt to ameliorate significant and adverse social and economic effects of the proposed action on minority and low income communities.

(d) EPA, when reviewing environmental impacts under Section 309 of the Clean Air Act, 42 U.S.C. § 7609, is directed to assure that social and economic impacts on minority and low income communities are analyzed.

(e) Within 8 months of this Order, the Agency responsible for oversight of the NEPA shall issue specific additional guidance to Federal Agencies on how to address social and economic impacts within the NEPA process.

#### 1-105. Data Collection, Research, and Analysis

Each Federal Agency, whenever feasible, shall consider the needs and concerns of minority and low income communities in research, data collection and analysis processes.

(a) Environmental health research, whenever feasible, shall include different segments of the population in epidemiological and clinical studies, including disaggregated sectors at disproportionate risk from environmental hazards, such as the young, elderly, minorities and low income communities, workers exposed to environmental hazards. and persons who are exposed to multiple environmental hazards.

(b) Whenever feasible, environmental health studies shall include multiple and cumulative exposures.

(c) Where appropriate, each Federal Agency shall establish, maintain, and analyze information which provides an objective basis for assessment of risks by income, race, ethnicity, occupation and national origin by collecting the appropriate demographic data and health information to assess the risk from environmental hazards. Efforts should be made to use existing demographic data to avoid duplication and inconsistency.

(d) Each Federal Agency shall make every effort to share information and eliminate unnecessary duplication of efforts through cooperative agreements and use of existing data systems among agencies and with States, Tribes and local governments.

(e) Each Federal Agency, whenever feasible, shall collect, maintain, and analyze information on the social and economic status of communities surrounding Federal facilities that, if not

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FINAL DRAFT

a federal facility, would be subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. §§ 11001-11050. In addition, each Federal Agency, when feasible, shall identify health information relating to the community surrounding such facilities. Such information shall be made available to the public, unless prohibited by law.

(f) Each Federal Agency, whenever feasible, shall collect, maintain and analyze information on the social and economic status of communities surrounding facilities or sites when such facilities or sites become the subject of Federal environmental administrative or judicial actions. Where appropriate, each Federal Agency shall identify health information relating to the community surrounding such facilities. Such information shall be made available to the public, unless prohibited by law.

#### 1-106. Access to Public Information

(a) Each Federal Agency shall ensure that minority and low-income communities have adequate access to public information relating to health or environmental planning, regulations, and enforcement as required under the Freedom of Information Act, 5 U.S.C. § 552, the Sunshine Act, 5 U.S.C. § 552b, and the Emergency Planning and Community Right-to Know Act 42, U.S.C. § 11044.

(b) Where appropriate, crucial public documents, notices and hearings shall be translated for limited-English speakers.

(c) Each Federal Agency shall work to ensure that public documents, notices and hearings relating to health or the environment are concise and clear, and where feasible, non-technical.

#### 1-107. Funding Responsibilities.

Each Federal Agency shall place high priority on obtaining funding and resources needed for implementing all aspects of this order, including the environmental justice strategies and assessments required by this Order, by identifying, requesting, and allocating funds through line-item or direct funding requests. Federal agencies shall make such requests as required through agency budget requests as outlined in Office of Management and Budget Circulars A-106 and A-11 respectively.

### **Section 2-2 Agency Coordination**

#### 2-201. Creation of Interagency Working Group on Environmental Justice

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(a) Within three months of this Order, the Administrator of the Environmental Protection Agency, the Attorney General, and the Secretary of Housing and Urban Development, or their designees, will convene and conduct an interagency Federal Working Group on Environmental Justice, hereafter referred to as the Working Group. The Working Group will be composed of at least one senior official designated by the head of each appropriate Federal agency that conducts environmental programs or activities or undertakes actions with potential to affect human health or the environment. It shall also include agencies whose expertise in addressing environmental justice would be important to the Working Group, including, but not limited to, the U.S. Commission on Civil Rights. The Working Group shall report Federal environmental justice activities to the President through the White House Office on Environmental Policy, which shall also sit on the Task Force.

(b) The Working Group, or subcommittees thereof, shall be responsible for coordinating, developing and ensuring the implementation of agreements, policies and practices that promote environmental justice with regard to past, present or future agency actions.

(c) The Working Group shall --

- (1) define terms used in this Order;
- (2) recommend comprehensive strategies to identify environmental justice issues within federal agencies;
- (3) recommend comprehensive strategies to reduce or eliminate the disproportionate impact of environmental hazards on minority and low-income communities;
- (4) monitor and advise each Federal Agency on its strategy to ensure that the administration, interpretation and enforcement of such programs, activities and policies are undertaken in a manner that expeditiously reduces the disproportionate exposure of minority and low-income communities to environmental hazards.
- (5) serve as a mechanism through which agencies shall coordinate research by, and stimulate cooperation between, the Environmental Protection Agency, the Department of Health and Human Services, and such other agencies as may be appropriate to determine the health effects of environmental hazards on all communities, including minority and low-income communities.
- (6) seek to identify budget and funding concerns that affect multiple agencies and can be coordinated.

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(7) develop model projects that demonstrate cooperation between Federal Agencies and that promote the goals of this Order.

2-202. Reports to the Working Group.

(a) Within nine months of this order, each Federal Agency shall provide the Working Group with a preliminary strategy for addressing environmental justice, which includes a list of its programs, activities and policies related to health or the environment, including facility siting or permitting, where revisions will be undertaken to reflect environmental justice.

(b) Within eighteen months of this order, each Federal Agency shall report to the Working Group on its efforts to implement its environmental justice initiatives and strategy under subsection (a). The Working Group may require additional periodic reports as it deems appropriate.

2-203. Public Involvement

(a) The public may submit to federal agencies or the Working Group recommendations relating to the incorporation of environmental justice principles into agency programs or activities. Upon receipt of such recommendations, each Federal Agency shall provide the Working Group with a copy of such recommendations. Likewise, when such recommendations are received by the Working Group, the Working Group shall forward such recommendations to the appropriate Federal agency. In addition, each Federal Agency shall publicize the right of the public to submit to each Federal Agency recommendations relating to environmental justice.

(b) The Working Group shall review such recommendations and consult with the appropriate Federal Agency to ensure that such recommendations receive appropriate review.

Section 3-3. Department of Justice Obligations.

The public and federal agencies may submit to the Department of Justice requests that the Department present the views of the United States in particular judicial, administrative, or other proceedings in which issues implicating the requirements of this Order are presented and the United States or a Federal Agency is not a party. Consistent with its responsibilities, the Department shall review and consider such requests. After consultation with any potentially affected Federal Agency, and the Working Group if necessary, the Department may present the view of the United States where it deems such participation is in the interest of the United States.

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**Section 4-4. General Provisions.**

4-401. The head of each Federal Agency shall be responsible for ensuring that all necessary actions are taken to comply with this Order. To that end, each Federal Agency shall conduct internal reviews and audits, and take such other steps, as may be necessary to monitor compliance with this Order.

4-402. Executive Order No. 12250 of November 2, 1980, requiring consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance, shall remain in effect.

4-403. Existing agency regulations implementing the nondiscrimination policies covered by this Order shall continue in effect until revoked or modified.

4-404. Any federal agency may petition the Working Group for exempt status under this Order and such petition may be granted upon a showing to the Working Group that the petitioning agency does not conduct any programs or activities that affect human health or the environment. Where appropriate, the Working Group may declare an agency to be partially exempt from the requirements of this Order.

4-405 Any federal Agency may petition the Working Group for additional time for in which to comply with the requirements in this Order and such petition may be granted upon a showing to the Working Group that the petitioning agency has a reasonable basis for such an extension.

4-405 Each Federal Agency responsibility set forth under this Order shall apply equally to Native American programs. The Department of the Interior, in coordination with the Working Group, shall, after consultation with tribal leaders, coordinate environmental justice programs and reforms which target Native American communities.

4-406. Nothing in this Order shall create any right or benefit, substantive or procedural, enforceable at law by any person against the United States, its Agencies, or its officers. Nothing in this Order may be construed to confer a defense in any proceeding involving a violation of any law or regulation. Nothing in this Order shall be construed to create any right of review of any agency's exercise of its discretionary authority.

**Kansas Geological Survey**  
1930 Constant Avenue--Campus West  
The University of Kansas  
Lawrence, KS 66047

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FAX: (913) 864-5317

To TREY - URGENT!

Phone No. 202 456 - 2710

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From PAM

Date 9-9

No. of pages (including cover sheet) 11

Priority ( ) Normal (X) Urgent

Comments

As we discussed -- can you get to Jacquie?? The.

Pam.  
Call me if you hear anything.

THE WHITE HOUSE

WASHINGTON

August 24, 1993

MEMORANDUM FOR JACQUIE LAWING, Deputy Ass't Secretary, HUD

FROM: PAM MCELWEE, Special Ass't, Office on  
Environmental Policy

RE: ENVIRONMENTAL JUSTICE

Sorry to catch you at a bad time today. Katie and I wanted to ask you if HUD might be interested in taking a lead role in an initiative our office is putting together.

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Let me know if you have questions. I can be reached at 456-6224. Thanks for your assistance in this matter.

1. Water

Air

Tech

Water Sources

NAFTA

UNCSD