



COMPREHENSIVE ENVIRONMENTAL JUSTICE ENFORCEMENT STRATEGY ANNUAL REPORT

“ALTHOUGH VIOLATIONS OF OUR ENVIRONMENTAL LAWS CAN HAPPEN ANYWHERE, COMMUNITIES OF COLOR, INDIGENOUS COMMUNITIES, AND LOW-INCOME COMMUNITIES OFTEN BEAR THE BRUNT OF THE HARM CAUSED BY ENVIRONMENTAL CRIME, POLLUTION, AND CLIMATE CHANGE.

FOR FAR TOO LONG, THESE COMMUNITIES HAVE FACED BARRIERS TO ACCESSING THE JUSTICE THEY DESERVE.

THE OFFICE OF ENVIRONMENTAL JUSTICE WILL SERVE AS THE CENTRAL HUB FOR OUR EFFORTS TO ADVANCE OUR COMPREHENSIVE ENVIRONMENTAL JUSTICE ENFORCEMENT STRATEGY. WE WILL PRIORITIZE THE CASES THAT WILL HAVE THE GREATEST IMPACT ON THE COMMUNITIES MOST OVERBURDENED BY ENVIRONMENTAL HARM.”

ATTORNEY GENERAL MERRICK B. GARLAND

The Environmental Justice Enforcement Steering Committee

The Comprehensive Environmental Justice Enforcement Strategy directs the Steering Committee to provide leadership and guidance for implementing the Strategy and authorizes it to make recommendations to Department of Justice leadership on all aspects of the Department's efforts to further environmental justice enforcement.

THE STEERING COMMITTEE MEMBERS

OFFICE OF THE ATTORNEY GENERAL

OFFICE OF THE DEPUTY ATTORNEY GENERAL

OFFICE OF THE ASSOCIATE ATTORNEY GENERAL

CIVIL DIVISION

CIVIL RIGHTS DIVISION

COMMUNITY RELATIONS SERVICE

ENVIRONMENT AND NATURAL RESOURCES DIVISION

EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS

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UNITED STATES ATTORNEY'S OFFICE
FOR THE EASTERN DISTRICT OF LOUISIANA

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FOR THE EASTERN DISTRICT OF WASHINGTON

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FOR THE SOUTHERN DISTRICT OF NEW YORK

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Overview



Attorney General Merrick Garland announcing the establishment of the Office of Environmental Justice within the Environment and Natural Resources Division. Photo Credit: DOJ/OPA

On May 5, 2022, the Associate Attorney General issued a [Comprehensive Environmental Justice Enforcement Strategy](#) for the Department of Justice (DOJ). The Strategy has four principles. The principles ensure that the Department’s environmental justice (EJ) efforts are transparent, and consistent across Divisions.

In addition, the Strategy identifies specific actions for the Department to take, including prioritizing and pursuing cases that reduce public health and environmental harms to overburdened and underserved communities and forming various workstreams, or teams of DOJ employees working together, to advance other priorities.

For the first year of implementation, the workstreams were Civil Rights, Community Outreach, Environmental Enforcement Taskforces, Incorporating EJ in the Department’s Defensive Practices, Investigating EJ Impacts in Civil and Criminal Cases, Training, and Tribal Environmental Justice.

Finally, as directed by the Strategy, Department components and personnel strengthened relationships within and outside DOJ in service of the work to identify areas of greatest concern to impacted communities and ensure timely and effective remedies for environmental violations.

One year later, we are pleased to share the progress the Department has made in advancing environmental justice under the Strategy, through the efforts of components across the Department and our new Office of Environmental Justice (OEJ). This report details the work done to implement each of the four principles, including both specific cases and related activities. The information included here is current through August 3, 2023.

OVERVIEW

Highlights of the report include several cases related to EJ. For example, the Environment and Natural Resources Division (ENRD) worked with the Environmental Protection Agency (EPA) to address the [drinking water crisis in Jackson, Mississippi](#), and sued to curb harmful air pollution from a petrochemical manufacturer, [Denka Performance Elastomer, LLC, in Louisiana](#). The Civil Rights Division secured an interim resolution agreement in its [first Title VI environmental justice investigation](#).

Additionally, each of the 94 United States Attorneys' offices has [appointed an Environmental Justice Coordinator](#). [Capacity-building and training](#) increased with a number of engagements. DOJ has also had extensive [engagement with Tribal and other communities](#) to lay the groundwork for more.

PRINCIPLE 1: Prioritize cases that will reduce public health and environmental harms to overburdened and underserved communities.

The following section addresses the actions taken to implement the first Principle. The six subsections address: (1) enforcement actions brought by several DOJ components; (2) evaluating adverse effects on EJ communities during investigations; (3) the designation of EJ coordinators in U.S. Attorneys' offices; (4) Tribal EJ; (5) environmental enforcement taskforces; and (6) the Department's coordination with EPA and other federal agencies on EJ.

Enforcement Actions.

In the Strategy's first year, the Department identified cases with the potential to significantly reduce environmental and public health harms, or natural resource injuries, in overburdened and underserved communities. In the cases below, DOJ's enforcement of federal law, most often in coordination with federal agency partners, achieved or seeks to achieve meaningful relief to address injuries, environmental violations, or contamination.

Case highlights include ENRD's and EPA's lawsuits to address the drinking water crisis in Jackson, Mississippi, and curb harmful air pollution from Denka Performance Elastomer LLC in Louisiana. The Civil Rights Division secured an interim resolution agreement in its first Title VI EJ investigation. The Eastern District of New York also secured an agreement from the City of New York to clean up radioactive materials on city-owned property. Read on for these and other enforcement actions.

Civil Division

Civil Division - In re Liquidating Trust of Old Ruby, No. 22-10278 (Bankr. D. Del.). In bankruptcies, the Civil Division works to ensure that those with federal right of ways do not use the bankruptcy process to escape their decommissioning, and reclamation responsibilities. The individuals who benefit live near federal lands. For example, during decommissioning, a company may be required to shut down equipment and facilities properly. The company may also have a reclamation duty to restore the land to a natural state.

In this case, the Bureau of Land Management previously granted various federal right of ways to Ruby, a natural gas transporter, in Nevada, Utah, and Wyoming. The Commercial Litigation Branch, Corporate and Financial Litigation Section worked to preserve the decommissioning and environmental reclamation duties associated with the federal right of ways granted to Ruby.

Civil Division - In re MLCJR, LLC, No. 23-90324 (Bankr. S.D. Tex.).

The Civil Division also works to ensure that those with federal oil and gas leases do not use the bankruptcy process to avoid their decommissioning, reclamation, and remediation obligations, benefiting those who depend on the Gulf of Mexico for their livelihood. In addition to the responsibilities listed above, a company with a remediation obligation may be ordered to clean up its environmental damage.

The Civil Division is working to preserve lessee Cox Oil's and previous lessees' estimated \$3.4 billion in decommissioning, reclamation, and environmental remediation obligations. The case relates to a substantial number of offshore federal oil and gas leases in the Gulf of Mexico.

Civil Division - United States v. Klamath Drainage District, No. 1:22-cv-00962-CL (D. Or.). The Civil Division sued to legally prevent Klamath Drainage District, a local irrigation district in Klamath Falls, Oregon, from diverting water from the Klamath River without approval from the Bureau of Reclamation.

The Bureau operates a reclamation project in the Klamath River Basin, and the District, through a contract with the Bureau, receives water from the project.

Due to drought conditions during the 2022 irrigation year, the Bureau allocated no water to the District. The District nevertheless diverted water from the river, potentially harming downstream Tribal reserved water rights held for fisheries purposes.

The United States secured a judgment against the District enforcing the contract and legally prohibited further diversions.

Civil Rights Division



Covered sewage ditch in Lowndes County, Alabama. Photo Credit: DOJ/Civil Rights Division

Civil Rights Division - Lowndes County, Alabama. On May 4, 2023, the Civil Rights Division announced an [interim resolution agreement](#) in its first ever Title VI environmental justice investigation. Title VI was created as part of the landmark Civil Rights Act of 1964. It prohibits discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance.

In November 2021, the Division opened its investigation into the Alabama Department of Public Health and the Lowndes County Health Department (collectively ADPH) in Lowndes County, Alabama. The investigation aimed to determine whether ADPH operated its onsite wastewater disposal program in a manner that unlawfully discriminated against Black residents of Lowndes County.

The agreement puts ADPH on a path toward ensuring the development of equitable and safe wastewater disposal and management systems in Lowndes County. The investigation was conducted with the Department of Health and Human Services (HHS) Office for Civil Rights with support from the U.S. Attorney’s Office for the Middle District of Alabama.

Civil Rights Division – Houston, Texas. In June 2023, the Division reached a settlement agreement in its environmental justice investigation into the City of Houston’s response to illegal dumping in Black and Latino neighborhoods.

The agreement builds upon the City’s recently announced One Clean Houston initiative. The comprehensive plan addresses pervasive illegal dumping and its negative impacts on the health, safety, and quality of life of Houston residents.

The agreement memorializes the City’s continuing cooperation with the Department of Justice as it takes these new steps to combat illegal dumping and develops improved waste management services for residents.

In July 2022, the Department launched its investigation after it received a civil rights complaint. The complaint, filed on behalf of Houston residents, alleged that the City discriminated against Black and Latino residents of the Trinity/Houston Gardens neighborhood in northeast Houston in violation of Title VI.

The Department’s 10-month investigation focused on Houston’s efforts to address illegal dumping, a persistent and pervasive problem that occurs more often in the City’s Black and Latino neighborhoods. In March 2023, the city announced its One Clean Houston initiative. One Clean Houston focuses on rapid cleanup, better enforcement, and prevention and education.

Along with confirming the City’s commitment to One Clean Houston, the agreement establishes the following:

- A three-year period of federal monitoring and data reporting;
- A Title VI training program for certain City employees;
- A community outreach initiative that includes a plan to reach residents with limited English proficiency; and
- A commitment to evaluate additional strategies to combat commercial sources of illegal dumping and reduce burdensome restrictions residents face in using waste depositories.



Straight piping sewage to ditch behind home in Lowndes County, Alabama. Photo Credit: DOJ/Civil Rights Division

“TODAY THE JUSTICE DEPARTMENT IS TAKING ACTION IN FEDERAL COURT TO ADDRESS LONG-STANDING FAILURES IN THE CITY OF JACKSON’S PUBLIC DRINKING WATER SYSTEM.”

“THE DEPARTMENT OF JUSTICE TAKES SERIOUSLY ITS RESPONSIBILITY TO KEEP THE AMERICAN PEOPLE SAFE AND TO PROTECT THEIR CIVIL RIGHTS. TOGETHER WITH OUR PARTNERS AT EPA, WE WILL CONTINUE TO SEEK JUSTICE FOR THE RESIDENTS OF JACKSON, MISSISSIPPI. AND WE WILL CONTINUE TO PRIORITIZE CASES IN THE COMMUNITIES MOST BURDENED BY ENVIRONMENTAL HARM.”

**ATTORNEY GENERAL
MERRICK B. GARLAND**

Environment and Natural Resources Division (ENRD)

ENRD - DCP Operating Company. In July 2022, a [settlement](#) required DCP Operating Company (DCP) to pay a \$3.25 million civil penalty for alleged violations of leak detection and repair requirements in federal and state clean air laws. DCP will also implement an enhanced Leak Detection and Repair program, and a mitigation project to reduce emissions of harmful air pollutants at eight facilities in Colorado. Several facilities are in disproportionately impacted communities.

ENRD - Jackson, Mississippi. ENRD attorneys filed a Safe Drinking Water Act [lawsuit](#) on behalf of EPA and negotiated an interim order with City and State officials to name a court-appointed manager and begin to stabilize the Jackson, Mississippi drinking water system.

ENRD - Denka Performance Elastomer, LLC (Denka). ENRD attorneys in collaboration with the U.S. Attorney’s Office for the Eastern District of Louisiana filed a Clean Air Act [lawsuit](#) on behalf of EPA and sought immediate action by Denka to curb hazardous chloroprene emissions from its plant in LaPlace, Louisiana.

Children under 16 are particularly vulnerable to chemicals leading to cancer, such as chloroprene. Denka’s chloroprene emissions reached over 300 young children who attended the 5th Ward Elementary School, located around 450 feet from Denka’s facility.

Approximately 1,200 children who attend East St. John High School, located roughly a mile-and-a-half north of Denka, were also exposed to the emissions.

ENRD - The Williams Companies, Inc., MPLX LP, and WES DJ Gathering LLC f/k/a Kerr-McGee Gathering LLC. ENRD secured [settlements](#) in April 2023 with three natural gas processors. The companies are required to pay a combined \$9.25 million in civil penalties and make improvements at 25 gas processing plants and 91 compressor stations to resolve violations of the Clean Air Act’s Leak Detection and Repair requirements.

Children, the elderly, and those working or exercising outdoors have a higher risk of being harmed from breathing ozone. These settlements will reduce harmful air pollution and improve air quality in 12 states, including in communities disproportionately impacted by pollution, and in Indian Country.

ENRD - BP Products North America Inc. In May 2023, ENRD secured a [settlement](#) to reduce benzene and other hazardous air pollutants at BP Products’ Whiting Refinery in Indiana. The refinery is surrounded by communities with environmental justice concerns.

Benzene is known to cause cancer in humans. Short-term inhalation exposure to benzene also may cause drowsiness, dizziness, headaches, irritation, and, at high levels, unconsciousness. Long-term inhalation exposure can cause various blood disorders.

DOJ and EPA recovered a record-setting penalty for a single source under the Clean Air Act. A single stationary source of air pollution may include factories, refineries, or power plants, that emit air pollutants. The defendant was also directed to spend \$5 million to reduce diesel emissions in four EJ communities to improve air quality.

United States Attorneys' offices (USAOs)

Civil and criminal prosecutors in the 94 United States Attorneys' offices and their partners have secured, during the first year of the Strategy:

- A 12-month split sentence for a dust-examiner and fines and restitution from a coal company that submitted false coal dust samples in [Kentucky](#). Respirable coal dust causes “black lung” disease in coal workers. Black lung disease leads to lung failure, but it is preventable by reducing miners' exposure to respirable coal dust (E.D.K.Y.);
- Criminal charges against three companies and 11 individuals in a scheme to disable the emissions control systems of semi-trucks in [Michigan](#) (W.D. Mich.);
- An agreement with a nationwide seller of unregistered antimicrobial household products targeted at lower-income customers who face disproportionate environmental burdens, imposing injunctive relief and a \$1.5 million civil penalty in [New York](#) (S.D.N.Y.);
- Indictments for dumping construction waste into the wetlands of [Puerto Rico](#) (D.P.R., ENRD, and FBI);
- A guilty plea from a wastewater hauling business that discharged industrial waste into the Jackson sewer system, in [Mississippi](#) (S.D. Miss. and FBI);
- An agreement from the City of New York to clean up radioactive materials on city-owned property in [Queens, New York](#) (E.D.N.Y.);
- Indictments for selling contaminated grape juice to the National School Lunch Program in [Yakima, Washington](#) (E.D. Wash.); and
- Felony convictions for mismanagement of an industrial waste landfill in [Alloy, West Virginia](#) (S.D. W. Va.).

Case Type Highlight: Lead Paint

As EPA has explained, millions of people, especially those living in poorly maintained buildings, continue to be exposed to lead at home and in other buildings where lead-based paint is found in deteriorating condition. Many of these people also live in communities that have environmental justice concerns. Judicial enforcement of EPA and the Department of Housing and Urban Development (HUD) lead paint regulations can be an important tool for protecting people, particularly children, from harmful lead exposure.

The lead regulations include:

- EPA and HUD Lead Disclosure Rules, which require the disclosure of lead-based paint hazards during residential property transactions. 40 C.F.R. Part 745, Subpart F (EPA); 24 C.F.R. Part 35, Subpart A (HUD); and
- EPA's Renovation, Repair, and Painting (RRP) Rule and HUD's Lead Safe Housing Rule (LSHR), which require lead-safe work practices when housing is renovated, repaired, or painted. 40 C.F.R. Part 745, Subpart E; 24 C.F.R. Part 35, Subparts B-R.

EPA and HUD do important work in this area, including grantmaking, compliance assistance, and administrative enforcement. DOJ can also seek judicial enforcement to stop the harms to communities whose children are exposed to lead-based paint. ENRD is engaging U.S. Attorneys' offices to conduct investigations. Further, ENRD is exploring creative remedies that could advance environmental justice.

ENRD has had multiple conversations with representatives from EPA, HUD, and the U.S. Attorneys' offices to discuss enforcement priorities and case development resources.

ENRD has also discussed ways that the agencies can collaborate to use a whole-of-government approach to share resources when policy goals are aligned but resources may be limited.

Lead Paint (continued)

It will take time to build a docket of cases. But there are already examples of lead paint efforts by ENRD, the U.S. Attorney's Office for the Southern District of Indiana (S.D. Ind.), the Civil Division, the U.S. Attorney's Office for the Southern District of New York (S.D.N.Y.), and the Civil Rights Division:

- ENRD and EPA recently secured important EJ remedies in Chicago and its suburbs, through [settlements](#) with Logan Square Aluminum Supply Inc. The settlements resolved alleged violations of the RRP Rule at renovation projects performed by Logan Square and its contractors. As part of its settlements with the United States, Logan Square agreed to perform \$2 million of lead-based paint abatement work in lower income properties located in the Chicago area, focused on communities with a higher incidence of childhood lead poisoning.

- S.D.N.Y., working closely with HUD and EPA, is implementing a settlement agreement and monitorship with New York City's public housing agency. The settlement requires the agency, home to roughly 400,000 lower-income residents, to follow lead paint safety regulations and other health and safety requirements. S.D.N.Y. is also investigating lead paint safety and other health and safety issues in housing owned by private landlords, including HUD- subsidized housing.

- HUD's Office of Inspector General (OIG), EPA, and S.D. Ind. secured a 16-month sentence for a contractor who violated federal lead paint safety laws when renovating low- and median-income housing in Indianapolis, Indiana.

- In the upcoming fiscal year, the Civil Rights Division will develop a framework for addressing lead exposure in underserved communities through coordination with ENRD, EPA, and HUD. The framework will establish a process for collaboration and employing legal authorities the Civil Rights Division has for identifying adversely impacted communities.

Evaluating adverse effects on EJ communities during investigations.

Under the Investigating EJ Impacts in Civil and Criminal Cases Workstream, OEJ works with DOJ components to help federal investigative agencies assess EJ impacts during their investigations of legal violations. The group also improves interagency information sharing and coordination for enforcement work affecting overburdened communities. The work falls within two major categories.

Compile and develop resources and best practices documents to help enforcement agencies identify environmental justice impacts during investigations.

- OEJ created a detailed document to guide DOJ attorneys in developing an outreach plan for cases affecting overburdened communities. The document was reviewed by ENRD, the Community Relations Service, and the Civil Rights Division. OEJ is coordinating with EPA to finalize the document.
- In 2022 and 2023, the Civil Rights Division and ENRD co-sponsored interview skills training for DOJ professional staff to prepare them to engage community members when assessing the EJ impacts of civil rights and environmental violations.
- ENRD's Environmental Crimes Section (ECS) and Law and Policy Section offered trauma-based interview training to prosecutors around the country.
- EPA's Criminal Investigation Division and ECS collaborated on a community impact statement form and prosecutors are beginning to distribute it in cases.

Identify priority enforcement agencies with potential to strengthen their assessment of EJ impacts during investigations and coordination with DOJ.

For example:

- **EPA.** EPA's Office of Enforcement and Compliance Assurance (OECA) has been a key partner in ENRD's environmental enforcement efforts for years. In implementing the Strategy, ENRD has built upon that long history of collaboration. There has been extensive coordination between ENRD and OECA on a range of topics, including developing outreach guidance and materials and use of EPA's EJScreen, a mapping and screening tool, to identify overburdened communities.
- **HUD.** Over the past year, we have had multiple discussions with HUD to facilitate information sharing, discuss investigation priorities, and coordinate efforts across multiple agencies to address lead paint exposure in communities that have environmental justice concerns.

Environmental Justice Coordinators in U.S. Attorneys' offices.

Each of the 94 United States Attorneys' offices has appointed at least one civil or criminal prosecutor to serve as an Environmental Justice Coordinator (EJC).

Tribal environmental justice.

The Strategy recognizes that achieving environmental justice for Tribal populations requires considering the sovereign status of federally recognized Indian Tribes and Alaska Native Villages.

In addition to more familiar environmental and public health issues, environmental justice concerns in Tribal communities may include damage or potential injury to cultural and sacred sites and resources, depletion of fisheries or harm to traditional hunting and gathering areas, impairment of treaty rights, and degradation of water and land resources on or needed to support Tribal homelands or associated rights.

Highlights from the Tribal Environmental Justice Workstream, involving members of ENRD, the Office of Tribal Justice (OTJ), and others, include:

Tribal Consultation. In November 2022, DOJ issued an [updated policy statement on Tribal Consultation](#) to strengthen coordination between DOJ and Tribes regarding DOJ policies that have Tribal implications.

ENRD/OTJ Tribal Strategy. In 2022, ENRD and OTJ launched a strategy to work with Tribal government representatives, including technical and legal experts, to explore how DOJ can identify and prioritize affirmative litigation involving Tribal environmental justice issues.

The Tribal outreach strategy kicked off with a side event to the 2022 White House Tribal Leaders Summit, as ENRD and OTJ co-hosted a Tribal Listening Session focused on Tribal water rights, Tribal treaty rights related to protection of natural resources, and Tribal climate adaptation plans.

OEJ Liaison. The Office of Tribal Justice designated a formal Tribal Liaison to OEJ. This collaboration connects OEJ with Tribes and facilitates the government-to-government relationship regarding environmental justice issues.

Additional Tribal related engagements are discussed in the [community outreach section](#).



Max Nogay (right), the first Environmental Justice Coordinator for the U.S. Attorney's Office for the Northern District of West Virginia, and U.S. Attorney Bill Inhlenfeld (left), as featured in the [local press](#), on Max's appointment.

Photo Credit: DOJ/The U.S. Attorney's Office for the Northern District of West Virginia

U.S. Attorneys' offices EJCs

91 United States Attorneys' offices have also stood up environmental justice community reporting systems to improve community members' ability to inform local government representatives about concerns.

The reporting procedures encourage citizens to report their concerns about public health, safety, or environmental matters to United States Attorneys' offices and partner agencies such as EPA.

Environmental enforcement taskforces.

Environmental enforcement taskforces are effective ways of focusing and coordinating enforcement efforts. DOJ has participated in several active taskforces.

The Environmental Enforcement Taskforces Workstream has identified and launched several efforts to encourage participation in taskforces, encourage existing taskforces to incorporate environmental justice principles, and establish and reinvigorate taskforces where they do not exist or have become inactive.

Environmental Enforcement Exchanges. The Taskforces Workstream has been engaged in research and collaboration on the potential for starting and supporting regional “Environmental Enforcement Exchanges.”

The Exchanges would be scaled-up taskforces, bringing together participants from across individual districts and states within geographic regions with shared and similar environmental enforcement and environmental justice issues.

Reinvigorating Existing Taskforces. The workstream is also identifying opportunities to assist U.S. Attorneys’ offices in starting, restarting, or expanding district-level environmental crimes taskforces. In collaboration with EPA’s Criminal Investigation Division, the workstream compiled a list of existing taskforces and their membership. Workstream participants are gathering information on whether and how the taskforces have been or could be used to advance EJ.

More concretely, the team is working to help re-start the Detroit-area environmental crimes taskforce or a state-wide environmental crimes taskforce. Their partners include the U.S. Attorney’s Office for the Eastern District of Michigan (both its Environmental Justice Coordinator and its Environmental Crimes Coordinator) and EPA’s Criminal Investigation Division, along with the Western District of Michigan. The workstream’s goal is to hold a meeting in early fall.

Active Environmental Crimes Taskforces. ENRD’s Environmental Crimes Section has worked to incorporate environmental justice principles into its work and advance environmental justice by:

- Supporting and participating in Environmental Crimes Taskforces nationwide, including in the Western District of Virginia, Tennessee, Ohio, and a brand new federal environmental crimes taskforce in [Puerto Rico and the U.S. Virgin Islands](#).
- Speaking with our USAO counterparts and law enforcement partners about environmental justice in various forums, including a New York City Environmental Crimes Taskforce meeting and the February 2023 Tennessee Environmental Crimes Summit.

Federal Bureau of Investigation (FBI)

In 2022, the FBI established a nationwide initiative to combat federal environmental crimes, especially related to corruption, financial crime, and organized crime.

The FBI has joined or formed six environmental taskforces with EPA across the United States, including the environmental crimes taskforce in [Puerto Rico and the U.S. Virgin Islands](#). To expand its case portfolio, the FBI strengthened relationships with federal, state, and local partners through working groups and taskforces, and conducted trainings that have reached over 600 FBI employees.

ENRD’s Environmental Crimes Section has also worked with the FBI on training and increasing visibility related to environmental crimes investigations. Overall, these efforts have contributed to an increase in operational successes.

Additional FBI environmental crime successes are highlighted under the [USAO Enforcement Actions section](#).

Interagency Relationship Building.

Effective communication and collaboration among federal agencies are essential to the whole-of-government effort to advance EJ. ENRD continues to expand its collaboration with EPA's Office of Enforcement and Compliance Assurance, as well as other EPA offices. In addition, DOJ has coordinated with other federal agencies that have regulatory, enforcement, cleanup, or restoration authorities that can contribute to providing timely and effective remedies for environmental violations, contamination, and injury to natural resources in overburdened communities. For example:

- The Civil Rights Division continues to lead the Environmental Justice Title VI Workgroup of the White House Environmental Justice Interagency Council.

These meetings have been critical to coordination, collaboration, and information sharing among senior federal civil rights staff who provide federal financial assistance for programs and activities related to the environment and public health.

The workgroup meets monthly and includes EPA, HUD, HHS, and the Departments of Agriculture, Energy, Homeland Security, and Transportation.

- The Civil Rights Division gathered key staff from EPA, HUD, and the Department of Transportation to determine the best approach for communicating to recipients of our funding that compliance with civil rights laws is required in addition to compliance with environmental laws.
- ENRD's Environmental Defense Section, Natural Resources Section, Law and Policy Section, and Appellate Section continue to identify National Environmental Policy Act (NEPA) best practices. The group will discuss its recommendations with the NEPA Workgroup of the White House Environmental Justice Interagency Council as well as an interagency group of federal career attorneys that ENRD, along with EPA's Office of General Counsel, first organized in 2011 to discuss legal issues that arise with respect to environmental justice.
- ENRD continues to collaborate with HUD and EPA surrounding lead paint and on areas of mutual concern.
- The Community Relations Service met with the Director of EPA's Conflict Prevention and Resolution Center (CPRC) to discuss a pilot project for CPRC that would increase capacity to address environmental justice concerns and aid impacted communities.

*“EPA AND THE JUSTICE
DEPARTMENT’S PARTNERSHIP
TO PROTECT OVERBURDENED
AND UNDERSERVED
COMMUNITIES ACROSS
AMERICA HAS NEVER BEEN
STRONGER.”*

EPA ADMINISTRATOR REGAN,
on the launch of the Comprehensive
Environmental Justice Enforcement
Strategy.
May 5, 2022

In the first year of the Strategy, DOJ also advanced environmental justice in the defensive context. ENRD began to develop a coordinated approach to consulting with agency clients across the federal family on rulemakings and other agency actions that addressed environmental justice concerns. This counseling work, led by ENRD's Law and Policy Section, helped to ensure that rulemakings and agency actions were defensible and consistent with the Strategy.

ENRD's Environmental Defense Section continues to hold meetings with EPA's Office of Enforcement and Compliance Assurance to build better operating procedures. ENRD also created a cross-section workgroup to create best practices for considering and addressing environmental justice issues that arise in ENRD's diverse defensive docket.

This includes identifying and considering environmental justice concerns raised by plaintiffs and impacted communities across the range of defensive cases.

The following case example from the Civil Division also highlights EJ in the defensive context.

- ***Ak-Chin Indian Community v. Maricopa-Stanfield Irrigation and Drainage District, No. 20-cv-00489-PHX-JJT (D. Ariz.)***. The Civil Division is litigating to protect the Bureau of Reclamation's contractual obligations for provision of water, benefiting Native American communities and other entitled water recipients.

An Arizona Indian Tribe sued two irrigation districts for allegedly degrading the water that the Ak-Chin Tribe is entitled to receive under federal law by pumping groundwater into the Santa Rosa Canal.

The court joined the United States to the litigation under 43 U.S.C. § 390uu because contracts between the Bureau of Reclamation and the two irrigation districts were at issue in the litigation. After joinder, the Civil Division filed crossclaims against the districts, seeking a declaratory judgment that the Bureau of Reclamation's contracts with the districts do not permit them to pump groundwater into the canal and that, even if pumping is permitted, the districts cannot violate Ak-Chin's right to water suitable for agricultural use.

PRINCIPLE 2: Make strategic use of all available legal tools to address environmental justice concerns.

In the first year of the Strategy, the Department used various enforcement authorities and tools to remedy environmental violations and contamination. These tools include enforcement actions under environmental protection, civil rights, worker safety, and consumer protection laws, and the False Claims Act, and appropriate settlement tools such as Supplemental Environmental Projects (SEPs).

Pursuit of timely and effective remedies in enforcement matters.

The Department will continue to incorporate more mitigation and SEPs into settlements. SEPs are environmentally beneficial projects that are strongly connected to the alleged violations and are not otherwise required by law.

Examples of tailored remedies include those in the [Logan Square Aluminum Supply, Inc.](#), lead paint case and the SEPs in the [BP Whiting](#) case.

Logan Square must now ensure that its contractors are certified and trained to use lead-safe work practices. The company will also pay a \$400,000 penalty and perform \$2 million of lead-based paint abatement work in lower-income properties located in Chicago and Chicago suburbs in communities with a higher incidence of childhood lead poisoning.

The BP Whiting case secured a settlement in Indiana to reduce benzene and other hazardous air pollutants. The company will undertake a \$5 million supplemental environmental project to reduce diesel emissions in the communities surrounding its Whiting Refinery. A citizens' advisory group in each community will help identify the projects.

Use of Title VI and other civil rights authorities.

The Civil Rights Division advanced Title VI civil rights investigations focused on allegations of discriminatory treatment related to environmental, public health, and quality of life issues. [The Enforcement Actions](#) section lists several cases demonstrating the Civil Rights Division's use of Title VI and other civil rights authorities.

During the first year of the Strategy, the Division also named a formal [Civil Rights Liaison](#) to OEJ.

“AS WE REFLECT ON THE DEPARTMENT’S EFFORTS TO ADVANCE ENVIRONMENTAL JUSTICE DURING THE FIRST YEAR OF THE STRATEGY, THE ATTORNEY GENERAL’S RESTORATION OF SUPPLEMENTAL ENVIRONMENTAL PROJECTS IS SIGNIFICANT BECAUSE THESE ARE IMPORTANT SETTLEMENT TOOLS TO ADDRESS HARMS TO OVERBURDENED AND UNDERSERVED COMMUNITIES.”

**DIRECTOR
CYNTHIA M. FERGUSON,
DOJ’S OFFICE OF
ENVIRONMENTAL JUSTICE**

The Division will continue to identify new opportunities for Title VI investigations and Statements of Interest, which permit DOJ to attend to the interests of the United States in any case pending in a federal court, as well as how best to use other civil rights authorities such as the Fair Housing Act.

The Civil Rights Division will also continue to organize and participate in listening sessions and conferences with EJ advocates and federal agencies. Additionally, the Division intends to continue its leadership role on the White House Environmental Justice Interagency Council's Title VI Workgroup.

In addition to the Civil Rights Division's and the Civil Rights workstream's EJ efforts noted above, more than 10 civil rights engagements are listed in the [training](#) and [outreach](#) sections.

Civil Division enforcement.

The Civil Division has effectively used its enforcement tools to address environmental and public health issues affecting communities. Under [Enforcement Actions](#) there are examples of cases that show the Division's work under the Strategy. The Civil Division has also expanded its efforts by sharing with other DOJ Divisions and Offices information about civil authorities that could advance EJ and training USAOs to use the False Claims Act to promote EJ.

Development of trainings and other environmental justice materials.

The Department has engaged attorneys, professional staff, and the public through presentations, and webinar discussions. These engagements have included the development of, and participation in, the following:

- In September 2022, ENRD offered intensive EJ training to its incoming Honors Attorneys. It will become part of our core training for new attorneys.
- In December 2022, ENRD offered an EJ course during the Civil Trial Advocacy training at the National Advocacy Center on the University of South Carolina's campus.
- Beginning in October 2022, OEJ and the Executive Office for U.S Attorneys hosted monthly EJ trainings for the Department's Environmental Justice Coordinators, covering such topics as: how to be an EJ Coordinator (based on the experiences of EJ Coordinators in ENRD over the past decade), community outreach best practices, and EPA's EJ mapping tool, EJScreen.



Vanessa Waldref (right), U.S. Attorney for the Eastern District of Washington and the Chair of the EJ & Environmental Issues Subcommittee for the Attorney General's Advisory Committee, and Todd Kim (left), U.S. DOJ Assistant Attorney General, ENRD. Photo Credit: Michael Vacca

- ENRD, the Executive Office for U.S. Attorneys, and the Chair of the EJ & Environmental Issue Subcommittee for the Attorney General's Advisory Committee (U.S. Attorney for the Eastern District of Washington) co-hosted an EJ orientation for EJ Coordinators in the U.S. Attorneys' offices in August 2022.
- The Community Relations Service (CRS) has integrated EJ into its training and outreach to expand the component's ability to address community concerns. The Training and Program Development team is creating an EJ module for CRS' New Conciliator Training. In addition to other duties, Conciliation Specialists often lead facilitated dialogues to increase mutual understanding among parties, identify issues and solutions, and develop actions. The module will ensure all new Conciliation Specialists are prepared to address EJ issues as a regular part of their work.
- At the National Advocacy Center, EJ training was provided to the USAO Civil Chiefs in February and March 2023, and to the USAO Appellate Chiefs in May 2023.
- ENRD's Environmental Defense Section held an EJ training for its staff.
- ENRD also incorporated EJ in a training for State Attorneys General staff.
- The Civil Rights Division has participated in or organized 10 trainings and presentations since May 2022. These engagements include:
 - American Bar Association's Section on Environment, Energy, and Resources Conference Presentation with EJ leadership from EPA and Department of Energy.

- o Government Alliance on Race and Equity (GARE) Webinar on Title VI of the Civil Rights Act, Environmental Justice, and Transit Equity.
 - o American Bar Association’s Section on Environment, Energy, and Resources and Civil Rights Section Panel Discussion with environmental justice advocates and EPA.
 - o National Environmental Justice Conference and Training Program. The Division coordinated and moderated the panel discussion on Federal agency Title VI enforcement efforts.
- OEJ created a stock EJ PowerPoint presentation to assist USAOs in external trainings.
 - CRS developed an EJ fact sheet to help communities determine how CRS can support conflicts that involve environmental issues.
 - OEJ participated in a training for the [U.S. Trustees Program](#) and DOJ Association of Black Attorneys.
 - CRS developed a presentation, “Conducting Effective Community Outreach to Federally Recognized Tribes,” specifically for outreach to Tribal communities concerned with environmental justice matters.
 - OEJ developed an anticipated DOJ wide EJ survey to assess the Department’s familiarity with EJ.
 - In the coming months, OEJ will lead an EJ segment at an [ENRD Ambassadors Program](#) Training, participate in a State Attorney General training, and facilitate an EJ Screen training for ENRD’s Environmental Crimes Section.

ENRD also worked with DOJ Divisions and Offices including the Civil Division, the Civil Rights Division, and the U.S. Attorney’s Office for the Southern District of New York, to identify high potential civil, civil rights, consumer protection, worker safety, and environmental authorities to address violations in overburdened and underserved communities.

PRINCIPLE 3: Ensure meaningful engagement with impacted communities.

The Department made significant efforts to identify areas of environmental injustice of greatest concern to impacted communities. The Department increased outreach and listening sessions, developed case-specific community outreach plans, and increased coordination with the Community Relations Service.

In over 27 engagements, the Department increased the public’s familiarity with federal environmental laws, enforcement processes, the roles of various government agencies, the available remedies to address environmental harms, and how to report concerns about polluting activities or potential violations of law.

Increased outreach and listening sessions.

DOJ personnel held listening sessions with community leaders in Warren and Sansome Counties, North Carolina; the Detroit/River Rouge area; Houston, Texas; Lowndes County, Alabama; Jackson, Mississippi; and throughout the Northern District of West Virginia (Wheeling/Martinsburg). Several community outreach engagements are highlighted below.

The Environment and Natural Resources Division (ENRD) and the Civil Rights Division Listening Sessions and Outreach

Environmental Justice Title VI Alliance Listening Session. In May 2023, Assistant Attorney Generals (AAGs) Kristen Clarke of the Civil Rights Division and Todd Kim of ENRD, hosted a virtual listening session with Environmental Justice Title VI Alliance, a national coalition of environmental justice and civil rights advocates and attorneys.

Lowndes County, Alabama Listening Session. Additionally, the Civil Rights Division hosted a listening session in Lowndes County, Alabama regarding the Interim Resolution Agreement between DOJ, HHS, and the Alabama Department of Public Health.

Federal Environmental Crimes Outreach. In September 2022, ENRD’s Environmental Crimes Section organized and participated in a Federal Environmental Crimes outreach session, held in River Rouge, Michigan, for community members and advocates in and around Southwest Detroit.

*“WE WILL CONTINUE TO
SEEK JUSTICE FOR AND
PROTECT COMMUNITIES THAT
ARE DISPROPORTIONATELY
BURDENED BY
ENVIRONMENTAL HARMS.”*

**ATTORNEY GENERAL
MERRICK B. GARLAND**

The U.S. Attorney’s Office for the Eastern District of Michigan, EPA’s Criminal Investigation Division and Region 5, OEJ, and the Community Relations Service assisted with the outreach.

Houston, Texas Listening Session. In August 2022, AAGs Clarke and Kim and OEJ hosted a listening session in Houston, Texas following the Civil Rights Division’s announcement of a Title VI investigation into Houston’s response to illegal dumping in Black and Brown communities.



Images of items left on the side of the road, in Houston, TX. Photo Credit: DOJ/Civil Rights Division

2023 Environmental Justice Conference. In March 2023, OEJ, the Civil Rights Division, the U.S. Attorney’s Office for the Eastern District of Washington and ENRD’s Indian Resources Section participated in the 2023 Environmental Justice Conference. The group discussed the Department’s implementation of the Strategy, Tribal environmental justice, community outreach, and the U.S. Attorneys’ offices EJ efforts.

Presentations in North Carolina, Oregon, and Washington D.C. In March and April 2023, OEJ and its partners conducted presentations at the University of Oregon Law School, Howard University School of Law, and North Carolina Central School of Law.

OEJ partnered with ENRD’s Environmental Enforcement Section, EPA, and the U.S. Attorney’s Offices for the Eastern District of North Carolina and the District of Columbia. Together with recruitment, the presentations educated the community on the Strategy and requested input on strengthening the Strategy and improving community outreach.

Tribal Listening Sessions and Outreach

Listening Session with Tribal Leaders. In November 2022, coinciding with the White House Tribal Nations Summit, the Office of Tribal Justice (OTJ) and ENRD hosted a listening session for Tribal leaders. The participants focused on how to improve affirmative litigation of cases that impact Tribal homelands and related rights.

February 2023, Defending & Strengthening Tribal Homelands: Climate Adaptation, Resilience and Environmental Justice” Summit. ENRD and OTJ co-hosted the “Defending & Strengthening Tribal Homelands: Climate Adaptation, Resilience and Environmental Justice” summit to discuss collaborative approaches in cases involving Tribal water rights, climate adaptation, and treaty rights. The three-day meeting included opportunities for discussions between federal and Tribal representatives, as well as opportunities for federal and Tribal groups to meet separately, to discuss how federal agencies can improve outcomes in Tribal water rights and treaty rights cases. Participants also discussed how DOJ and other federal agencies can partner with Tribal governments in support of Tribal climate adaptation plans.

Midwest Association of Sovereign Tribes (MAST) Meeting. In March 2023, OTJ spoke about environmental justice at the MAST meeting.

July 2023, Tribal Summit. In July 2023, the Indian Resources Section, OTJ, and the U.S. Attorney’s Office for the Eastern District of Washington hosted a Regional/Federal/Tribal meeting to continue to explore the issues raised at the summit held in February 2023. Tribal nations in the Bureau of Indian Affairs’ Northwest and Rocky Mountain Regions were invited.

Development of case-specific community outreach plans.

Jackson, Mississippi Outreach. The Office of Environmental Justice (OEJ) has worked with EPA, the Community Relations Service, the U.S. Attorney’s Office for the Southern District of Mississippi, and ENRD’s Law and Policy and Environmental Enforcement Sections, to build an outreach strategy for Jackson, Mississippi in support of the [EPA/ENRD Safe Drinking Water Act enforcement action](#) in that city. OEJ has played a central role in developing and carrying out an outreach plan to ensure that Jackson residents and workers have an opportunity to engage in the enforcement process.

The group’s initial outreach goal was to provide enforcement updates and gather community input on the impacts of the crisis.

PRINCIPLE 3

Outreach since the entry of the interim order has sought input on long-term solutions. This community input will inform the federal case team’s work to obtain a consent decree settlement.

OEJ is using this outreach effort, along with ENRD experience and the Community Relations Service trainings, to create and improve outreach protocols and templates for future cases. Doing so will make it easier for other DOJ case teams to do effective community outreach. OEJ and others on the outreach team completed the following outreach tools and activities in Jackson:

- An Outreach Plan identifying goals, strategies, and tactics for case-related outreach.
- A contact list of more than 150 community leaders from faith, business, health, education, and nonprofit stakeholder groups.
- A December 6, 2022, listening session with community leaders, with the goals of providing an enforcement update and gathering input on the impacts of the water crisis.
- A January 2023 meeting with a group of several hundred local business owners to provide an enforcement update.
- Seven in-person events in March 2023, with almost 180 community leaders from a range of stakeholder groups. At each event, DOJ and EPA gave an enforcement update and then heard from community leaders about their priorities for long term solutions.
- A Community Statement survey to gather written recommendations for long term solutions. The survey is available online and in hard copy form, in both English and Spanish, and has received hundreds of responses for consideration by the case team.



U.S. DOJ and U.S. EPA Community Meeting in Jackson, Mississippi, December 6, 2022. From left: Mitzi Dease Paige, Assistant U.S. Attorney, S.D. Miss.; Todd Kim, U.S. DOJ Assistant Attorney General, ENRD; Darren LaMarca, U.S. Attorney, S.D. Miss.; and Carol Kemker, Acting Deputy Regional Administrator U.S. EPA Region 4. Photo Credit: DOJ/ENRD

Increased coordination with the Community Relations Service.

The Community Relations Service (CRS) worked extensively to increase its coordination with other offices within the Department. Staff members attend the Department’s EJ work group bimonthly meeting and supports outreach. It serves on the OEJ work group which is working on an EJ data mapping project. This endeavor aims to create further transparency regarding incidents, efforts, and results across the country.

CRS partnered with OEJ and served as the keynote speaker for the Executive Office for U.S Attorneys’ convening of all 94 environmental justice coordinators. From this event, many attendees reached out to CRS for further assistance and engagement.

CRS also has worked extensively outside the Department. The office worked with EPA Region 7’s Heartland Environmental Justice Work Group and supported a special project for the Community Outreach Workstream working group on relevant programs at key law schools in the U.S.

CRS partnered with ENRD and EPA in several communities to work in the Northern District of Indiana. In Cahokia Heights, Illinois, CRS worked to address the needs of communities of color disparately impacted by environmental pollution. Staff consulted with ENRD and EPA on developing an outreach plan to ensure that communications reach all members of the diverse community. At a Superfund site in Kellogg, Idaho, CRS facilitated a dialogue between community members and the EPA to discuss community concerns, available EPA grant programs and technical assistance.

CRS has also worked with ENRD, EPA, and USAOs to connect with community members in Jackson, Mississippi; the Navajo Nation in Arizona; and community leaders in Salinas, Puerto Rico, to learn more about their environmental justice-related concerns.

To better understand the effectiveness of its environmental justice-related work, CRS in coordination with OEJ, developed an evaluation form for environmental justice dialogues.

Along with the work listed above, the office supported trainings by creating an EJ module for its New Conciliator Training, an EJ factsheet, and a presentation for Tribal outreach.

*“OUR ACCOMPLISHMENTS
OVER THE PAST YEAR
CONFIRM THAT ADVANCING
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IS CORE TO THE JUSTICE
DEPARTMENT’S MISSION.
ALL AMERICANS, NO MATTER
WHERE THEY LIVE OR WORK,
DESERVE THE PROTECTION OF
FEDERAL LAWS PROTECTING
CLEAN AIR, CLEAN WATER,
WORKER SAFETY, AND QUALITY
OF LIFE.”*

**ASSOCIATE ATTORNEY
GENERAL
VANITA GUPTA**

PRINCIPLE 4: Promote transparency regarding environmental justice enforcement efforts and their results.

The Strategy affirmed that communities with EJ concerns should be able to easily access information about enforcement actions and the benefits achieved under the Strategy. While enforcement work sometimes requires confidentiality, the Department has implemented several steps described below to hold ourselves accountable.

Development of performance standards.

Year One Performance Measures

The Office of Environmental Justice (OEJ) developed new performance measures by including metrics from the [DOJ Strategic Plan](#) and creating original metrics for the workstreams based on some of the relevant information from the Strategic Plan.

Under the Strategic Plan, DOJ identified metrics for the United States Attorneys' offices (USAOs), Community Relations Service (CRS), the Civil Rights Division, and the Environment and Natural Resources Division (ENRD) to advance environmental justice.

OEJ then reviewed the workstream goals and objectives, and ultimately identified quantitative and qualitative measures to assess progress and gain a deeper understanding of the impact of our work. The external metrics are shown below.

The Comprehensive Environmental Justice Enforcement Strategy’s Performance Measures

Annual Performance Measure(s)	Lead Component(s)
<u>DOJ Strategic Plan Performance Measure(s)</u>	
1. Number of Environmental Justice Coordinators designated.	USAO
2. Percent of environmental enforcement matters in or substantially affecting overburdened and underserved communities that are favorably resolved.	ENRD
3. Number of matters that address adverse environmental and public health effects brought under civil rights statutes.	Civil Rights Division
4. Percent of participants in CRS facilitated environmental justice programs who perceive stronger community capacity to address alleged inequities.	Community Relations Service
<u>Community Outreach (Non - Case Specific Outreach) Performance Measure(s)</u>	
5. Percent of participants in OEJ-facilitated environmental justice events who indicate an increased awareness of DOJ’s efforts to advance environmental justice so that they can provide feedback on the Department’s efforts or use that awareness to advance their environmental justice work.	ENRD/OEJ
<u>Training Performance Measure(s)</u>	
6. Percent of trainees (or recipients of materials) who indicate an increased awareness and capacity to identify and address environmental justice concerns.	ENRD/OEJ
7. Number of trainings offered.	ENRD/OEJ
8. Number of participants at the trainings.	ENRD/OEJ

Tracking Progress.

To increase transparency regarding work under the Strategy, OEJ has taken several steps. OEJ regularly updates the [OEJ website](#) with press releases that DOJ Divisions and Offices issue about cases, judgments, settlements, and remedies secured under the Strategy. DOJ Divisions and Offices also tag press releases with relevant EJ cases or updates on their websites. OEJ also marked the one-year anniversary of the office and Strategy by issuing a [fact sheet](#) on May 5, 2023, outlining DOJ's efforts to advance environmental justice.

Updating the Strategy.

OEJ received external correspondence concerning the Strategy via mail and online surveys developed in collaboration with ENRD's Executive Office. Comments and recommendations include:

- Revising the Strategy to directly address how environmental justice can be prioritized in DOJ's defensive work and ensure that DOJ's involvement with climate litigation, in which it is not a party, is consistent with its environmental justice directives.
- Engaging, educating, and informing community leaders to ensure that EJ cases are brought to the Department's attention.
- Creating a strategy for communicating beyond listservs and channels to reach those with limited access to the Internet and certain technology.
- Increasing training of federal and state agencies regarding the implications of not enforcing laws pertaining to environmental and public health issues, and the overall cost to human health due to inaction.
- Defining meaningful stakeholder engagement.
- Continuing to tailor community outreach and capacity-building to the cultural context and needs of each community.

OEJ will continue to request feedback on the Strategy and, in collaboration with the Environmental Justice Enforcement Steering Committee, recommend any necessary adjustments to the Strategy.