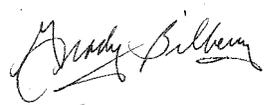


**For:** State and County Offices

**Environmental Justice Compliance for FSA Programs**

**Approved by:** Acting Deputy Administrator, Farm Programs



**1 Overview**

**A  
Background**

FSA is responsible for ensuring that its farm loan, price support, conservation, and other programs comply with Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

EO 12898 was signed on February 11, 1994, and committed the Federal Government to environmental justices principles. It requires Federal agencies to incorporate environmental justice as part of the overall agency mission by identifying and addressing disproportionately high and adverse human health or environmental effects, including social and economic, of programs, policies, or activities on minority populations and low-income populations including American Indian tribal populations.

Environmental justice means ensuring that all people without regard to race, color, national origin, or income:

- are provided with fair treatment and meaningful involvement with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies
- have the opportunity to express comments or concerns before decisions are rendered on the Federal programs, policies, procedures, or activities affecting them

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<b>Disposal Date</b>  October 1, 2002	<b>Distribution</b>  State Offices; State Offices relay to County Offices
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## Notice EQ-110

### 1 Overview (Continued)

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#### A

##### Background (Continued)

- share in the benefits of, are not excluded from, and are not adversely or disproportionately affected by Federal programs, procedures, policies, or activities.

In addition, Departmental Regulation 5600-002 provides direction to agencies for integrating environmental justice considerations into USDA programs and activities.

Adverse environmental or human health effects to be considered include:

- bodily impairment, infirmity, illness, or death
- air, noise, and water pollution and soil contamination
- destruction or disruption of manmade or natural resources
- destruction or diminution of aesthetic values
- destruction or disruption of community cohesion or economic vitality
- destruction or disruption of public and private facilities and services
- displacement of persons, businesses, farms, or nonprofit organizations
- isolation, exclusion, or separation of individuals within a community or from the broader community
- the denial, reduction in, or significant delay in the receipt of, benefits of USDA programs or activities.

In determining whether the effect on a minority or low income population is disproportionately high and adverse, agencies should consider whether the adverse effect is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population or nonlow income population.

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#### B

##### Purpose

This notice provides State and County Offices with direction on how to complete environmental justice review for FSA programs.

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## Notice EQ-110

### 1 Overview (Continued)

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#### C

##### Definitions

Environmental justice means that, to the greatest extent practicable and permitted by law, all populations are provided the opportunity to comment before decisions are rendered on, allowed to share in the benefits of, not excluded from, and not affected in a disproportionately high or adverse manner by, government programs and activities affecting human health or the environment.

Human health or environmental effects as used in this notice and DR 5600-002 includes social and economic effects.

Low-income population means any readily identifiable group of low-income persons who live in geographic proximity to one another who will be similarly affected by USDA programs or activities. This includes migrant farm workers and other geographically disbursed or transient persons. Low income populations may be identified using data collected by an agency or from the annual statistical poverty thresholds from the Bureau of Census' Current Population Reports, Series P-60 on income and poverty.

Minority means a person who is a member of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic.

Minority population means any readily identifiable group of minority persons who live in geographic proximity to one another who will be similarly affected by USDA programs or activities. This includes migrant farm workers and other geographically disbursed or transient persons.

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### 2 Responsibilities

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#### A

##### State and County Office Responsibilities

Any State or County Office employee who performs the environmental review has the responsibility for ensuring that environmental justice concerns are addressed at the same time.

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#### B

##### National Office Responsibilities

The staff in the Conservation and Environmental Programs Division are available to assist State and County employees in implementing EO 12898.

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### 3 Implementation

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#### A

#### **Reviewing for Compliance with Environmental Justice**

FSA will complete a review for compliance with environmental justice whenever 1 of the following levels of environmental review is completed:

- RD 1940-22, Environmental Checklist for Categorical Exclusion
- FSA-850, Environmental Evaluation Checklist
- RD 1940-21, Class I Environmental Assessment (EA)
- Class II EA
- Environmental Impact Statement.

The compliance procedures for the National Environmental Policy Act (NEPA) provide USDA agencies with a significant opportunity to integrate environmental justice considerations into the NEPA compliance process. Agencies are required to consider environmental justice issues even if an action is a categorical exclusion under NEPA.

State and County Offices will analyze the environmental effects (including human health, economic and social effects) of loans and other FSA projects on minority and low income populations. Whenever feasible, staff will identify mitigation measures that reduce significant and adverse environmental effects from loans or projects on these populations. Community input will be encouraged to identify potential effects and mitigation measures.

As part of its environmental review, environmental justice issues will be considered during the scoping process so that low income or minority communities that may be impacted by the project are involved in meeting environmental justice requirements and considerations. These groups will be identified and included early in the planning process so that it may be adapted to ensure full participation of these communities. Where necessary, this will include using different types of media to contact minorities and low income populations. Also, FSA will, where necessary, provide information in alternative languages, make meeting times more accessible to working people, and identify target groups through public health organizations, civil rights groups, and tribal or religious groups.

When determining the project's area of potential effect, the reviewer will look at the overall demographic data to help identify the presence of low income and minority groups.

During the environmental review, any disproportionately high human health or environmental impacts to low income or minority groups must be addressed, including a discussion of issues, and the feasibility and appropriateness of alternatives and mitigation options.

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Notice EQ-110

3 Implementation (Continued)

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**B**  
**Documenting**  
**Compliance**  
**With EO 12898**

Documentation of compliance with EO 12898 will be achieved according to this table.

<b>Level of Environmental Review</b>	<b>Instruction</b>
RD 1940-22, Environmental Checklist of Categorical Exclusion	Attach documentation showing that project was reviewed to determine compliance with environmental justice requirements of EO 12898 and the findings of the review.
FSA-850, Environmental Evaluation Checklist	Complete Question 6.
RD 1940-21, Class I EA	Include documentation at the bottom of page 3 demonstrating that the project was reviewed to determine compliance with environmental justice requirements of EO 12898 and findings of review. Also include similar documentation and findings in the Finding of No Significant Impact (FONSI).
Class II EA	Incorporate a section into the Class II EA format documenting the project was reviewed to determine compliance with environmental justice requirements of EO 12898 and findings of review. Also include similar documentation and findings in FONSI.
Environmental Impact Statement	Incorporate a section into the Class II EA format to document the project was reviewed to determine compliance with environmental justice requirements of EO 12898 and findings of review. Also include similar documentation and findings in the Record of Decision (ROD).

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## Notice EQ-110

### 3 Implementation (Continued)

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C

#### Judicial Review

This notice:

- is intended only to improve internal management
  - does not create any substantive or procedural right or benefit enforceable at law or equity by a party against FSA, its officers, employees, or any other person
  - shall not be construed to create any right to judicial review involving the compliance or noncompliance of FSA, its instrumentalities, officers, or any other person.
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