

303 Environmental Justice

Environmental justice (EJ) is the *fair treatment and meaningful involvement* of all people, regardless of race, ethnicity, income, national origin, or educational level with respect to the development, implementation and enforcement of environmental laws, regulations, and policies.

Fair treatment is when no population, due to policy or economic disempowerment, is forced to bear a disproportionate burden of the negative human health and environmental impacts, including social and economic effects, resulting from transportation decisions, programs, and policies made, implemented, and enforced at the Federal, State, local, or tribal level. Source: US Department of Transportation (USDOT) Environmental Justice Strategy (2016).

Meaningful involvement is when:

- People have an opportunity to participate in decisions about activities that may affect their environment and/or health;
- The public's contribution can influence the regulatory agency's decision;
- Their concerns will be considered in the decision-making process; and
- The decision makers seek out and facilitate the involvement of those potentially affected.

Source: US Environmental Protection Agency

EJ involves identifying and addressing disproportionately high and adverse effects of an agency's programs, policies, and activities on minority populations and low-income populations to achieve an equitable distribution of benefits and burdens. This includes the full, fair, and meaningful participation by all potentially affected communities through all phases of transportation decision making. Source: Federal Highway Administration.

Legal Foundation and Guiding Principles

[Executive Order 12898](#), Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994), was designed to define EJ communities and task every Federal administrative agency to build EJ considerations into their programs. The basic charge of Federal agencies from this directive is to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects, of its programs, policies, and activities.

[USDOT Order DOT 5610.2C \(2021\)](#) promotes the principles of EJ in all Departmental programs, policies, and activities. The agency's [Environmental Justice Strategy \(1995, as amended\)](#), includes three guiding principles for EJ:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

Applicability

FDOT considers EJ when engaging in decision making that has the potential to disproportionately affect a minority population or low-income population. EJ must be considered in both planning and project phases. A Categorical Exclusion designation within NEPA does not eliminate the responsibility to assess whether or not a transportation proposal requires further EJ analysis.

Department public involvement activities, especially when associated with a proposal having the likelihood of adverse effects on a human environment, should ensure opportunities for minority and low-income communities to participate in and influence the planning and decision-making processes.

Definitions

Adverse Effects

The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies, or activities.

Disproportionately High and Adverse Effect on Minority and Low-Income Populations

Effects that are 1) predominately borne by a minority population and/or a low-income population, or 2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Low-Income Person

A person whose median household income is at or below the Department of [Health and Human Services poverty guidelines](#).

Low-Income Population

Any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers) who will be similarly affected by a proposed agency program, policy, or activity.

Minority Person

A person who is:

- Black: a person having origins in any of the black racial groups of Africa;
- Hispanic or Latino: a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- Asian American: a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent;
- American Indian and Alaskan Native: a person having origins in any of the original people of North America, South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition; or

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- Native Hawaiian and Other Pacific Islander: people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Minority Population

Any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers) who will be similarly affected by a proposed agency program, policy, or activity.

Source: Executive Order 12898.

Public Involvement Supports EJ

FDOT recognizes that the benefits and burdens of a proposed transportation action, as well as past actions by both public and private entities, may be distributed among some members of a community more so than others. Early public engagement is a critical means to avoiding disproportionately high and adverse effects, including direct, indirect, and cumulative effects, that could result from a transportation action. Early engagement provides opportunities to assess identified effects and develop appropriate avoidance, minimization, or mitigation measures. Reaching EJ population groups in the community is critical to achieving meaningful public involvement and furthering EJ in the communities we serve.

Strategies for effectively engaging with minority populations and low-income populations should be considered when developing the public involvement strategy. Unconventional outreach strategies can help to garner input from vulnerable populations.

To learn more about environmental justice conditions in a project area, explore [EJSCREEN](#): Environmental Justice Screening and Mapping Tool developed by USEPA.

