

Department of Veterans Affairs Environmental Justice 2014 Implementation Progress Report

BACKGROUND

The Department of Veterans Affairs (VA), established as an independent agency under the President by EO 5389 on July 21, 1930, was elevated to Cabinet level on March 15, 1989 (Public Law No. 100-527). VA's charge is to serve America's Veterans and their families with dignity and compassion and to be their principal advocate in ensuring that they receive medical care, benefits, social support, and dignified resting places at national shrines that honor and commemorate Veterans' service and sacrifice to our Nation. It is VA's intent and practice that this mission is accomplished in a manner that treats all Veterans equally and without regard to race, ethnicity, gender, or income. This ensures that all Veterans are treated equally and no disproportionate burdens are imposed.

On February 11, 1994, the President signed EO 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations. On August 4, 2011, VA and 16 other Federal agencies signed the Memorandum of Understanding on Environmental Justice and EO 12898 (EJ MOU).

While VA practices the principles of environmental justice (EJ) through the assurance of fair and equitable care of our Nation's Veterans and compliance with environmental and non-discrimination laws, prior to the Environmental Justice Strategy issued in February 2012, it previously had no formal strategic EJ plan beyond those embodied within the processes under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. Section 4321 et seq. (NEPA) and through compliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. Section 2000d et seq.

VA EJ STRATEGIC PLANNING AND IMPLEMENTATION ACTIVITIES

Since signing the EJ MOU, VA has been working to integrate EJ into its mission by ensuring that it identifies and addresses programs, policies, and activities with the potential for disproportionately high and adverse human health or environmental effects on all people regardless of race, ethnicity, gender, or income with the respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

In 2012, VA worked with stakeholders to develop a strategic plan and launch a more formal EJ program throughout VA. In 2013 and 2014, VA continued implementation of the plan. A few highlights from 2014 include:

- Continued participation in the NEPA Committee of the Federal EJ Interagency Working Group (EJIWG). The purpose of the NEPA Committee is to improve the effective, efficient and consistent consideration of EJ in the NEPA process through sharing of promising practices and lessons learned. Thus, the NEPA Committee supports Federal agency NEPA implementation precisely to "focus Federal attention on the environmental and human health conditions in minority communities and low-income communities with the goal of achieving environmental justice." Deliverables of the NEPA Committee include:
 - Community of Practice: Monthly interagency meetings have established a vehicle for cross agency training and dialogue for addressing complex

- issues through sharing of experiences and effective practices in addressing EJ in the NEPA process
- EJ and NEPA Agency Resource Compendium: The compendium, available on the Federal IWG on EJ webpage, gathers publically available information from twenty Federal Agencies (e.g. Regulations, orders, guidance, EJ strategic plans) on the intersection of environmental justice and NEPA into one place and hyperlinks them so that documents can be easily accessed. A select set of key references are also available on the EPA NEPA Webpage.
 - Promising Practices on EJ Methodologies in NEPA Reviews: The NEPA committee is drafting a compilation of promising practices which represents the results of research, analysis and discussions by participants of the NEPA Committee concerning the interface of environmental justice considerations through NEPA processes. It represents the professional expertise of the NEPA Committee participants, and their collective thinking and thoughtful deliberation of information sources and is not formal agency guidance. The Draft final document will be presented to the Chair of the Federal IWG on EJ.
 - National Training Product on EJ and NEPA: The NEPA Committee is drafting a National Training Product on EJ and NEPA. This training product is a companion to EJ Methodologies that provides history of NEPA and EJ, promising practices, and examples from federal agency NEPA reviews.
 - Lexicon: the NEPA Committee is drafting a lexicon and compendium of key terms as used by federal agencies to consider environmental justice in NEPA reviews.
- Maintained an internal EJ Task Force comprised of staff across VA programs and offices. The VA EJ Task Force is tasked with overseeing implementation of VA's EJ strategy.
 - Continued implementation of VA's EJ Strategy.
 - VA's EJ strategy has three overarching goals:
 - **Goal 1:** Identify and address VA programs, policies, and activities that may have disproportionately high and adverse human health or environmental effects on minority, low-income, or tribal populations (which may include Veterans).
 - **Goal 2:** Ensure transparent and accessible information sharing and promote public participation for programs, activities, and operations that have potential EJ implications.
 - **Goal 3:** Identify areas to improve research and data collection methods relating to human health and the environment of minority, low-income, and tribal populations (which may include Veterans).
 - The strategy is designed to allow for change as VA identifies new opportunities and initiatives, and modifies or enhances existing or proposed initiatives. Aspects of the strategy and the upcoming action plan may also change in response to Veteran inputs, other public feedback, or any new direction from the Administration or the EJ IWG.
 - VA continued to implement the strategy principally through its compliance with NEPA and the Veterans Health Administration (VHA) environmental

- management system (referred to as the Green Environmental Management System, or GEMS).
- VA's EJ Strategy focuses on ensuring that:
 - A healthy and safe environment exists around VA facilities and activities, including those located in or near minority, low-income, and tribal populations (which may include Veterans).
 - The site selection process for new facilities fairly and openly considers sustainability and equity factors (e.g., using the Recommendations for Sustainably Siting Federal Facilities guidance developed under EO 13514, Federal Leadership in Environmental, Energy, and Economic Performance, the Implementing Instructions - Sustainable Locations for Federal Facilities) and includes the full participation of potentially impacted communities or tribes.
 - In alignment with VA's hiring practices for all jobs, equal opportunities for green jobs and workforce development are given to minority and low-income populations, and especially the Veterans among them, as VA implements EO 13423 (Strengthening Federal Environmental, Energy and Transportation Management), EO 13514 (Federal Leadership in Environmental, Energy, and Economic Performance), Energy Independence and Security Act of 2007, 42 U.S.C. Section 17001 et seq., and Energy Policy Act of 2005, 42 U.S.C. Section 15801 et seq., and otherwise undertakes efforts to reduce its environmental impacts.
 - Continued outreach and education regarding VA's mission and EJ Strategy. For example, maintained and updated an [EJ webpage](#), attended and/or made presentations at conferences and meetings (e.g., Partnerships in Healing Environments, National EJ Conference), and prepared and published the [VA Environmental Justice FY 2013 Implementation Progress Report](#) (February 2014).

ONGOING VA EJ PROGRAMS - 2014 ACTIVITY HIGHLIGHTS

VA has several specific programs to advance EJ. Their continuation and the development of future programs to address EJ will be a key part of implementing VA's EJ Strategy. Highlights of 2014 activities are provided after each program summary.

- Green Environmental Management System (GEMS). VHA established GEMS to ensure all VHA facilities meet or exceed all environmental laws, regulations, and best practices. VA views the GEMS process as an expression of its commitment to ensuring that environmental compliance is a key component in planning, purchasing, and operating decisions, wherever practicable. By definition and design, GEMS is a systematic approach that helps ensure all VHA facilities meet environmental compliance and program management requirements without consideration of where the facility is located. This minimizes potential disproportionate impacts on EJ communities. To ensure health environments for Veterans, medical center staff, and the communities surrounding VHA facilities, VHA has completed two notable accomplishments:
 - VHA issued and implemented a VHA Directive (2011-015) on the safe use of ethylene oxide (EtO). EtO is a flammable, colorless and highly toxic chemical with acute and chronic health effects. EtO is an established carcinogen and mutagen in animal toxicity models and a suspect carcinogen in humans, it is also a hazardous air pollutant regulated by U.S. Environmental Protection Agency (EPA) under the Clean Air Act (40CFR 63). EtO is commonly used by the VA's

- medical centers to sterilize reusable medical equipment. To improve both worker and general public safety around VHA medical facilities, the VHA Directive targeted the phase-out and replacement of two types of sterilizer systems to minimize exposures to VA medical center staff and additionally went beyond federal Clean Air Act compliance requirements by requiring the installation of air pollution control devices by October 1, 2014 on any of its 150 medical center sterilizers still using EtO. As of December 2014, eighty-nine per cent of VA medical centers had either transitioned to medical sterilant alternatives for EtO or installed air pollution control devices to neutralize EtO's hazardous air emissions.
- VHA seeks to use environmentally preferable products where feasible. For example, VHA's Center for Engineering and Occupational Safety and Health (CEOSH) have published five reports presented monthly training, and published a "How to Guide" to assist users to compare the environmental impact of commonly used products with "greener" alternatives, to include bio-based products.
 - VA Green Programs. VA is committed to being a good steward of the environment and promoting the development and implementation of sustainable programs and practices across VA to ensure its environmental impacts are minimized. To implement EOs 13423 and 13514 and other mandates, and to address VA's main environmental challenges, VA created several internal task forces and working groups, including the Environmental Management Task Force and Green Purchasing Working Group. The Greening VA programs include the Environmental Management Program, the Fleet Management Program, the Energy & Water Management Program, the Sustainable Building Program, and the Green Routine. In fulfilling VA's commitment to care for our Nation's Veterans and their families, VA also strives to ensure a healthy and sustainable environment for current and future generations. Greening VA reduces human health and environmental impacts to all populations and creates green job opportunities.
 - Green Careers Program. Veterans face unique challenges as part of their reentry into the workforce when their military service ends. In the interest of ensuring that VA not only provides quality care for the Nation's Veterans, but also strives for a healthy and sustainable environment, VA developed a green career program – Green to Green – to connect Veterans to the green jobs market. The purpose of the program is to develop a pathway to assist men and women who have served our country to transition from uniform service into training education programs and career and/or job opportunity in the green technology, energy, and recycling fields. The goal of this program is to work collaboratively with organizations and other agencies to explore and identify existing and established programs in green technology, energy, and recycling fields, and to develop and implement a comprehensive process for providing this information to Veterans. The program is offered to all applicable Veterans regardless of race, ethnicity, income, or other socio-economic factors and strives to increase the workforce aimed at correcting environmental impacts.
 - In 2014, VA continued efforts to expand the Green to Green project beyond the Chicago area through outreach, including giving a presentation to the VHA Program Office Partnership in December 2014.
 - Public Health. VA's Office of Public Health (OPH) serves as the leader and authority in public health within VA. Public Health in VA is the science and practice of promoting health and preventing disease among Veteran and VA staff populations. In this context, health can be affected by natural or human-made environments, present and past

occupations, place in society, gender, and other social or individual characteristics. OPH provides epidemiological surveillance and studies to monitor the health of the Veteran population potentially exposed to environmental or other health hazards. OPH is able to detect and respond to public health threats using various mechanisms of surveillance.

- Town Hall Meetings. To ensure that VA remains respectful of all stakeholders affected by programming, VA Medical Center Directors often hold town hall style meetings that are open to the public, especially the community of the Medical Center facility. These forums can be used to help address any potential EJ concerns for the communities which host VA facilities. The open forums allow VA to share important information about environmental impacts and programs, as well as hear directly from stakeholders affected by operations. Leveraging this existing forum for public participation will help VA reach its target audience for EJ messages and facilitate needed feedback loops.
- Climate Change Adaptation. VA continues to improve climate adaptation and resilience measures already incorporated in ongoing business practices. VA is responding to physical and resource vulnerabilities by (1) proactively ensuring that full consideration is given in design and construction of new infrastructure, and (2) collaborating with partners at the regional level, tailoring each facility's response to local threats. New design requirements and standards take into account changing baseline climate data for energy use, potential sea level rise and storm surge, and other aspects of physical threats associated with climate change.
- Title VI of the Civil Rights Act of 1964 (Title VI). Title VI prohibits race, color, and national origin discrimination by recipients of financial assistance from VA. Environmental justice issues may be raised in programs and activities supported through federal financial assistance. In those circumstances, Title VI is an important tool for addressing those concerns. VA's Office for Civil Rights is responsible for enforcing Title VI for the agency. VA is committed to using its authority under Title VI to achieve the goals of Executive Order 12898. In addition, the Director of the Center for Minority Veterans performs functions with respect to Veterans who are minorities which include: serving as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting Veterans who are minorities; making recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and the other Department officials for the establishment or improvement of programs in the Department for which Veterans who are minorities are eligible; and providing support and administrative services to the Advisory Committee on Minority Veterans.

As VA continues to participate on the EJ IWG activities and works to implement our EJ Strategy, additional opportunities for intra-departmental and inter-agency collaboration may be identified. VA looks forward to more progress in the upcoming year and to working with all interested stakeholders to reach the goals we have established and improve the state of EJ in VA across the country.