

DEPARTMENT OF COMMERCE ENVIRONMENTAL JUSTICE STRATEGY

EXECUTIVE SUMMARY

The Department of Commerce (DOC) Environmental Justice Strategy outlines the specific steps the Department will take to ensure the fair treatment and meaningful involvement of all individuals by integrating environmental justice into its programs, policies, and activities. In implementing this Strategy, DOC will seek to meaningfully engage with communities and stakeholders.

I. INTRODUCTION

A. Overview

On February 11, 1994, President Clinton issued Executive Order 12898, which made it the mission of every Federal agency to achieve environmental justice by identifying and addressing “disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions....” Section 1-103 of the Executive Order required each Federal agency to develop an agency-wide environmental justice strategy to identify and address its programs, policies and activities that disproportionately affect the health or environment of minority and low-income populations. Section 6-601 of the Executive Order further committed each Federal agency to conduct internal reviews and such other steps as are necessary to ensure compliance with the Executive Order. The requirements of the Executive Order help implement Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal assistance. Title VI provides that if a recipient of Federal assistance is found to have discriminated, and voluntary compliance cannot be achieved, the Federal agency providing the assistance should either initiate fund termination proceedings or refer the matter to the Department of Justice for appropriate legal action. Aggrieved individuals may file administrative complaints with the Federal agency that provides assistance to a recipient thought to be discriminating.

On August 4, 2011, building on its commitment to ensure strong protection from environmental and health hazards for all Americans, the Obama Administration announced that Federal agencies signed a Memorandum of Understanding (MOU) to develop or update existing environmental justice strategies to protect the health of people living in communities overburdened by environmental and health hazards. Through the MOU, the signatory agencies agreed to:

- Declare the continued importance of identifying and addressing environmental justice considerations in agency programs, policies, and activities as provided in Executive Order 12898, including as to agencies not already covered by the Order.
- Renew the process under Executive Order 12898 for agencies to provide environmental justice strategies and implementation progress reports.

- Establish structures and procedures to ensure that the Interagency Working Group operates effectively and efficiently.
- Identify particular areas of focus to be included in agency environmental justice efforts.

In 1995, the Department of Commerce issued an Environmental Justice Strategy in compliance with section 1-103 of Executive Order 12898. This current Environmental Strategy includes updates and builds upon the commitments made in the 1995 Strategy. The 1995 Strategy is hereby replaced in full.

B. Relationship of Environmental Justice to Agency Mission and Agency Strategic Plan Goals or Objectives

The Department of Commerce creates the conditions for economic growth and opportunity by promoting innovation, entrepreneurship, competitiveness, and stewardship informed by world-class scientific research and information. The Department's programs to promote job creation, economic growth, sustainable development, and improved standards of living for all Americans foster and public health benefits for disadvantaged and distressed communities and businesses. The Department's strategic goals of promoting innovation and entrepreneurship, market development and commercialization, science and information, and environmental stewardship all aid in efforts to achieve environmental justice.

To promote innovation and entrepreneurship, DOC is developing tools, systems, policies, and technologies to transform our economy, foster competitiveness, and drive the development of new business, many of which can assist communities overburdened by environmental and health hazards. The National Institute of Standards and Technology fosters the creation of new technologies and processes and their subsequent market penetration; the Economic Development Administration provides grants to encourage innovation and foster commercialization; the National Telecommunications and Information Administration's Broadband Technology Opportunities Program expands access to enabling technologies in underserved or unserved areas of the country; and the Minority Business Development Agency provides assistance to foster minority business entrepreneurship, particularly in high-growth innovative industries. In light of environmental justice concerns, these Department operating units can ensure that these technologies and services are reaching low-income and minority populations in a manner that facilitates full and fair participation in the economy and helps address long-standing economic disparities or historical inequities.

The pursuit of market development and commercialization also presents opportunities for the Department to address environmental justice issues. The National Institute of Standards and Technology and the Economic Development Administration support small and medium-sized enterprises to support job growth with a focus on environmentally friendly, sustainable technologies that will ensure that future environmental justice issues do not arise. The Minority Business Development Agency and the Economic Development

Administration both specifically assist in developing markets in disadvantaged or distressed communities.

The Department's science and innovation and environmental stewardship strategic goals also relate to environmental justice concerns. The National Oceanic and Atmospheric Administration (NOAA) manages fisheries, coastal habitats and species, and protected areas across the Nation. NOAA also monitors and models the environment; provides information and warnings to the Nation about weather conditions; and develops climate information, tools, and services to help the American people, including vulnerable populations, understand and plan for future change. The Economics and Statistics Administration, through the Census Bureau and the Bureau of Economic Analysis, provides statistics critical to the planning and delivery of public and private sector services.

C. Guiding Environmental Justice Principles

In pursuing its mission of ensuring environmental justice in its programs, policies and activities, the Department is guided by the following principles:

- The public should be afforded meaningful opportunities to participate in the formulation, design and execution of Departmental programs, policies and activities.
- Tribes should, on a government-to-government basis, be afforded regular and meaningful consultation and collaboration opportunities in the development of Department policies that have tribal implications (see Executive Order 13175).
- All populations should have an opportunity to share in (and are not excluded from) benefits of Departmental programs, policies and activities affecting human health or the environment.
- No populations should be affected in a disproportionately high and adverse manner by agency programs, policies or activities affecting human health or the environment.
- The Department will engage in environmental justice activities in a transparent and accountable manner.

D. Previous Environmental Justice Strategy

In 1995, the Department of Commerce issued an Environmental Justice Strategy in compliance with section 1-103 of Executive Order 12898. Several of the goals discussed in that 1995 Strategy were accomplished, such as increasing the representation of minorities and the disadvantaged on the Marine Fisheries Advisory Committee and incorporation of environmental justice concerns into Departmental National Environmental Policy Act determinations, but much of the work is on-going in nature. As such, this current Environmental Strategy is intended to update and build upon the commitments made in the 1995 Strategy. The 1995 Strategy is hereby replaced in full.

II. 2011 ENVIRONMENTAL JUSTICE STRATEGY

A. How the Environmental Justice Strategy Was Developed

The revised Department of Commerce Environmental Justice Strategy was drafted through a combination of internal Departmental discussions and drafting, stakeholder input, and review by the Interagency Working Group on Environmental Justice. Stakeholders were provided numerous opportunities to comment on the Department's draft Environmental Justice Strategy, including through the Department's participation in numerous public meetings and teleconferences, targeted distribution of the draft Strategy to environmental justice organizations, and a public comment process that ran from on September 30, 2011 to November 30, 2011 on the Department's website. Through these avenues, the Department received numerous verbal and three written comments or suggestions.

As a result of the comments and suggestions provided by the public, several changes were made to the draft Environmental Justice Strategy. Many of the comments dealt with environmental justice concerns that are outside the statutory authority of the Department to address. A majority of the commenters expressed a desire to have access to the National Oceanic and Atmospheric Administration's (NOAA) climate change information and tools. The NOAA section was revised to clarify the sorts of climate change information that is publicly available. One commenter requested that NOAA increase implementation of housing improvements, ecosystem management or increased services to vulnerable populations in relation to climate change and severe weather events. Unfortunately, these sorts of activities are not within NOAA's statutory authority. Notwithstanding this constraint, NOAA will provide information and technical support (to the extent that such support is statutorily authorized) for climate change adaptation strategies and responses to severe weather events.

In response to a public comment requesting more minority outreach, the section of the draft Environmental Justice Strategy dealing with the Minority Business Development Administration (MBDA) was revised to more fully describe the services available through MBDA.

Another commenter expressed a concern that communities in the San Joaquin Valley not identified as census designated places (CDPs) were not counted in the 2010 Census. While recognition as a CDP does provide for dissemination of decennial census and American Community Survey data specific to that community, it is also important to note that all decennial census data are available by census block. Therefore, data for individual blocks can be aggregated to create data for an individual community, or an approximation of a community. Moreover, it is not correct to assume that if a particular community was not designated as a CDP that it was not counted. The Census Bureau distributes census forms and conducts data collection activities based on information about housing units, group quarters, and other living quarters contained within the Master Address File (MAF), and without reference to designation of communities or territory as either an incorporated place or a CDP. All living quarters were included in the decennial census, and therefore data for their communities are included in Census Bureau data products, regardless of whether the Census Bureau identified a community as a CDP. The Census Bureau works with local

partners—generally county government agencies or regional organizations—to review and update CDPs prior to each decennial census as part of the Participant Statistical Areas Program (PSAP). In addition to working with local PSAP partners for the counties within the San Joaquin Valley in advance of the 2010 Census, the Census Bureau also worked with California Rural Legal Assistance to identify additional CDPs not identified by the PSAP partner for each county. The Census Bureau does not have a formal process to identify new, and update existing, CDPs between censuses.

B. Environmental Justice Strategy and Performance Measures

1. Agency-Wide Efforts that Advance Environmental Justice

The Department of Commerce has or will implement the following Department-wide initiatives to promote environmental justice:

- During National Environmental Policy Act reviews of major agency actions, any potential disproportionate and adverse environmental or health effects on low-income or minority populations are considered.
- On a government-to-government basis, tribes are afforded regular and meaningful consultation and collaboration opportunities in the development of Department policies that have tribal implications (see Executive Order 13175).
- Research conducted by the Department will take into account the ability of the research to remedy past environmental injustices or prevent future environmental justice issues from occurring.

2. Operating Unit Efforts that Advance Environmental Justice

i. National Oceanic and Atmospheric Administration

The National Oceanic and Atmospheric Administration's (NOAA) mission is to understand and predict changes in climate, weather, oceans, and coasts; to share that knowledge and information with others; and to conserve and manage coastal and marine ecosystems and resources. NOAA plays an active and fundamental role in carrying out the President's commitment to integrate economic prosperity and environmental quality.

NOAA's extensive environmental science, tools, and services provide governments, non-governmental partners, and communities with important information for assessing the potential for disproportionate and adverse environmental impacts on low-income and minority populations. NOAA provides data, information and planning tools that are easily accessible, empowering communities to take action on environmental justice issues. NOAA also supports programs to build the capacity of underserved communities.

Public engagement using a variety of different tools including fishery management councils, advisory councils and cooperative agreements with educational and research institutions, is very important for NOAA. This engagement allows NOAA to have regular contact with a broad constituency concerning specific programs, policies and activities, and for those communities to have an opportunity to communicate their concerns and preferences to NOAA. NOAA seeks to ensure that the membership of all formally established committees is broadly representative, and allows for relevant populations, which may include those representing the interests of low income and economically disadvantaged persons, the opportunity to provide comment and guidance to NOAA, including on the environmental impact of NOAA's activities. These practices help NOAA's effort to ensure that benefits are as broadly spread across populations as possible, that adverse impacts are not unfairly and unnecessarily concentrated, and that NOAA's activities are conducted in a transparent and accountable manner.

Finally, NOAA is committed to not only engage but work in close partnership with vulnerable communities.

a. Recovery of Protected Species

NOAA strives to recover endangered and threatened species, and takes a proactive approach to managing these resources. NOAA's scientific research and management processes help design and implement protected species regulations and recovery plans for marine mammals and endangered or threatened marine and coastal species. NOAA also works to monitor species health and identify species and habitat of particular concern that would benefit from proactive management measures.

To ensure that environmental justice concerns are taken into account while recovering protected species:

- NOAA will continue its current research and management activities to determine the impact of subsistence harvest on protected resources, and the impacts of other factors (e.g., commercial fishing, habitat loss, renewable energy development, oil and gas production, and pollution) on subsistence activities.
- NOAA will continue to conduct research to determine the status of North Pacific marine mammals used by indigenous peoples. In addition, NOAA will continue to support Eskimos' full participation in the International Whaling Commission and provide information in support of sustaining the bowhead whale quota allocated to subsistence use.
- NOAA will also ensure that the activities it authorizes are conducted in a manner that ensures no unmitigable adverse impacts on subsistence use of marine mammals. NOAA will also continue to implement the provisions of Secretarial Order 3206 to ensure government-to-government consultation on actions it is contemplating which may affect Tribal trust resources and will incorporate

Tribal resource management plans, to the maximum extent practicable, in actions to address the conservation needs of listed species.

b. Sustain Healthy Coastal Ecosystems

As a Federal trustee for the Nation's coastal resources, NOAA's goal is to promote healthy coastal ecosystems by protecting and restoring habitat and ensuring that economic development in coastal areas is managed to maintain or enhance biodiversity and long-term productivity for sustained use.

- To help reverse the declines in abundance and productivity of fisheries resources used by minority and low-income population groups, NOAA will increase its research on the importance and restoration of habitats of living marine resources, and the effects of habitat degradation and loss, contaminants effects, nutrient overenrichment and other stresses on ecosystems that disproportionately and adversely impact minority and low-income population groups who harvest fish and shellfish as a major source of dietary protein for their families, or that may disproportionately depend on shoreline fishing as a low-cost source of recreation.
- The primary legislation for the management of US fisheries, the Magnuson-Stevens Fishery Conservation and Management Act, requires that NOAA take into account the social and economic impacts of proposed regulatory measures on fishing communities, to provide the sustained participation of these communities in fisheries and to, the extent practicable, minimize adverse economic impacts on communities. To implement this mandate, also known as "National Standard 8," NOAA will continue to require assessment and consideration of the social and economic impacts in the development of fisheries management plans.
- The Magnuson-Stevens Fishery Conservation and Management Act additionally requires a transparent and collaborative process in the development of fishery management plans and other relevant regulations, fostering participation of affected communities and populations. For example, NOAA and the Regional Fishery Management Councils must conduct public hearings to allow all interested persons an opportunity to be heard in the development of fishery management plans and amendments. Additionally, meetings of the Regional Fishery Management Councils are to be open to public participation, with limited exceptions. NOAA will continue to enable these opportunities for meaningful dialogue between communities and decision makers.

- The Magnuson-Stevens Fishery Conservation and Management Act recognizes the special role for tribes and other indigenous peoples in the development and implementation of fisheries policies. For example, the Act stipulates that the Pacific Fishery Management Council, responsible for fisheries of California, Oregon, Washington and Idaho, will include representation of a member of an Indian tribe with Federally recognized fishing rights from the region. Additionally, the reauthorization of the Act in 1996 authorized two additional community-based programs for the Council's implementation, the Western Pacific Community Development Program and the Western Pacific Community Demonstration Project Program. The goals of these programs include promoting the development of social, cultural and commercial initiatives that enhance opportunities for western pacific communities of American Samoa, Guam, Hawaii and the Commonwealth of the Northern Mariana Islands. NOAA will continue to support these efforts.

c. Habitat Protection Program

Under the Magnuson-Stevens Fishery Conservation and Management Act, NOAA is responsible for assessing and making recommendations to Federal and state agencies on the effects of proposed projects, programs and policies that protect over 119,000 square miles of coastal, marine and Great Lakes habitats per year from harmful impacts or identified threats. In addition to permit reviews, NOAA also restores degraded habitat through its restoration program, and contributes to the development and implementation of habitat restoration plans in regional inter-agency forums such as the Gulf Coast Ecosystem Restoration Task Force and the Federal Leadership Committee for the Chesapeake Bay. The agency also conducts supporting research on the importance of habitats to populations of living marine resources, and the effects of habitat degradation and loss, contaminants, nutrient over-enrichment and other stresses on ecosystems.

There are two major impacts of habitat degradation that disproportionately affect minorities and lower-income population groups: 1) health risks from consuming contaminated seafood and 2) declines in abundance and productivity of fisheries resources and other ecosystem services (such as natural storm buffer protection) used by these populations. Low-income communities depend on fish as a source of dietary protein for their families. In addition to subsistence needs, low-income groups may disproportionately depend on coastal fishing for income as well as a low-cost source of recreation. Finally, in areas that have lost natural storm protection as a result of habitat degradation, underserved communities are less equipped to recover from flooding and storm damage.

- To help avoid the consumption of contaminated fish and shellfish by minority and low-income population groups, NOAA will continue to conduct research on

environmentally induced hazards that disproportionately and adversely impact minority and low-income population groups who harvest fish and shellfish from contaminated waters.

- NOAA will support the development of a coastal conservation corps network currently being considered under both the National Ocean Policy and the America's Great Outdoors Initiative that calls for the establishment of a 21st Century Conservation Service Corps. Networking existing corps organizations will improve efficiencies and benefit under-served communities by focusing habitat restoration and protection efforts in coastal areas (particularly those located in under-served communities), and will provide community-based training and job opportunities for America's youth, including minority and low-income youth, and other unemployed individuals.

d. Climate Change

NOAA develops and delivers user-friendly information, tools, and services to help society understand, plan for, and respond to climate variability and change.

- NOAA's Coastal Services Center's Digital Coast Partnership offers several key tools to better plan for climate impacts as part of the Coastal Inundation Toolkit. The Coastal Inundation Toolkit is designed to help communities determine their coastal flooding vulnerability and what steps they can take to reduce their risk. One of the features of the tool is to display the percentage of a county's population below the poverty line and the population over the age of 65 that live in the county's floodplain. This key information can help local planners develop more equitable adaptation plans.
- The National Sea Grant College Program, which NOAA administers, supports scientific researchers and outreach experts in coastal communities across the country. Sea Grant extension agents are embedded in the communities they serve and provide informal education and transfer new technology to local communities. They use their extension and education capabilities to support the development of healthy coastal communities that are economically and socially inclusive and environmentally resilient.

e. Weather

NOAA is working toward a Weather-Ready Nation, which is about building community resilience in the face of increasing vulnerability to extreme weather and water events. Weather-Ready Nation is about empowering people to make lifesaving decisions that also prevent devastating economic losses. It is all of us working together as a Nation known for its resilience in the face of deadly weather and water events.

ii. **The Economic Development Administration (EDA)**

EDA provides grant-based investments to units of state and local government, institutions of higher education, tribal governments, and non-profits working with units of local government in communities and regions suffering from economic distress in order to foster an environment in which long-term jobs are created or retained and private capital investment is generated. EDA's place-based economic development programs include strategic planning, technical assistance, and infrastructure construction.

EDA is committed to the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

EDA fosters environmental, health and economic benefits for communities and regions through the following activities and efforts:

- EDA serves communities and regions that may frequently be identified as impacted by environmental justice issues: economically distressed urban and rural communities, often with minority and low-income populations. Through its suite of economic development grant programs, EDA funds projects (i.e., 'investments') that have been developed at the local level and are supported by the community. By funding only community-driven, regionally-owned investments, EDA avoids imposing environmental burdens on an unknowing community.
- EDA routinely performs its own environmental reviews to identify any adverse environmental impacts associated with its project investments, as required under the National Environmental Policy Act of 1969. EDA's environmental review process is an opportunity to evaluate the full environmental impact of an EDA-funded project, to ensure that the EDA-funded project complies with all applicable environmental laws and regulations and identify any potential disproportionate and adverse environmental or health effects on low-income and minority populations.
- EDA implements a set of investment policy priorities to help prioritize and focus EDA investment funding as part of the competitive grant process. Two of these priorities are aimed specifically at mitigating the burdens of, or bringing benefits to, communities experiencing environmental justice issues and promoting equitable development. The *Economically Distressed and Underserved Communities* priority is intended to promote EDA-funded projects that strengthen diverse communities that have suffered disproportionate economic and job losses and/or are rebuilding to become more competitive in the global economy. The *Environmentally-Sustainable Development* priority encourages EDA-funded projects that promote economic competitiveness through improvements in environmental quality (e.g., brownfields redevelopment,

developing green end-products, greening of processes, or development of green buildings or places).

iii. Economics and Statistics Administration/Census Bureau/Bureau of Economic Analysis

The Economics and Statistics Administration (ESA), which includes the Bureau of the Census and the Bureau of Economic Analysis (BEA), collects, prepares and publishes a broad range of annual and periodic economic, business, household, social, and demographic statistics. ESA plays a special role in providing environmental justice data. ESA's resources and infrastructure can assist the mobilization of Federal resources towards environmental justice solutions. The income and population data generated by ESA, BEA, and the Census Bureau will be vital to other agencies in assessing the disproportionate and adverse environmental or health effects of their programs. To that end:

- ESA, BEA and the Census Bureau will continue to generate and distribute high quality income and population data for use by other agencies in evaluating potential environmental justice issues.

iv. Minority Business Development Agency

The Minority Business Development Agency's (MBDA) mission is to promote the growth and expansion of minority businesses. MBDA accomplishes its mission through strategic business consulting programs which are delivered through its cadre of business development specialists as well as through its network of business development centers across the nation. MBDA has 44 business development centers and offices primarily located in communities with a high density of minority populations, many affected by environmental justice issues.

MBDA's centers are funded through grants which are cooperative agreements. Eligible applicants include for-profit entities, non-profit organizations, state and local government entities, American Indian Tribes and educational institutions. MBDA centers operate under the following programs: the MBDA Business Center (MBC), the MBDA Federal Procurement Center (MFPC), the Native American Business Enterprise Center (NABEC), and the Minority Business Enterprise Center (MBEC). These programs provide strategic business and management consulting services, and facilitate access to capital, markets and procurement opportunities for minority-owned businesses. Pursuant to Executive Order 11625, 15 C.F.R. Part 1400, and 25 U.S.C. § 4303 eligible clients for MBDA services are business concerns that are owned or controlled by the following persons or groups of persons: African Americans, Hispanic Americans, Asian and Pacific Islander Americans, Native Americans (including Alaska Natives, Alaska Native Corporations and Tribal entities), Asian Indian Americans and Hasidic Jewish Americans.

MBDA is committed to achieving entrepreneurial parity for minority-owned businesses, to ensure that the minority business community can participate in all aspects of economic activity and contribute to their full potential.

- To further environmental justice, MBDA supports minority communities affected by natural and man-made environmental disasters by facilitating the participation of minority-owned businesses in the environmental and economic recovery of these communities. MBDA achieves these goals through its programs:
 - The MBC Program promotes the growth and competitiveness of minority-owned businesses with a focus on securing large public and private sector contracts and financing awards, stimulating job creation, and facilitating entry to global markets for minority-owned businesses. MBDA funds 30 MBCs located throughout the United States and Puerto Rico and serves minority-owned firms nationwide.
 - The MFPC, which is scheduled to open in October 2011 in Washington, D.C., will promote the growth and competitiveness of minority business enterprises (MBEs) across the country and Puerto Rico by providing services that will best position MBEs to access and obtain Federal procurement awards, including prime and sub contracts. Through the MFPC program, MBDA will offer specialized assistance with both identifying and accessing Federal procurement opportunities, as well as guidance on how to excel in Federal contracts.
 - The NABEC Program promotes the growth and competitiveness of Native American and eligible minority-owned businesses. NABEC operators leverage project staff and professional consultants to provide a wide-range of direct business assistance services to Native American, tribal entities and eligible minority-owned firms. NABEC services include, but are not limited to, initial consultations and assessments, business technical assistance, and access to federal and non-federal procurement and financing opportunities. MBDA funds six NABEC centers located throughout the United States.
 - The MBEC Program promotes the growth and competitiveness of eligible minority-owned businesses. MBEC operators leverage project staff and professional consultants to provide a wide-range of direct business assistance services to eligible minority-owned firms. Services include, but are not limited to, initial consultations and assessments, business technical assistance, and access to federal and non-federal procurement and financing opportunities. MBDA funds two MBEC projects located throughout the United States.

- Through its Office of Business Development, MBDA has a team of Business Development Specialists located throughout the country that facilitate procurement opportunities and financial awards for minority business clients, many of whom are located in communities impacted by environmental justice issues.
- Through the Office of Native American Business Development, MBDA coordinates tribal consultation on a wide variety of policy issues and economic development, including initiatives to support communities impacted by environmental justice issues and to promote sustainable development in Indian country.
- As part of its outreach efforts, MBDA's professional team contacts federal, state and local governments, non-profit organizations, and private sector entities to educate them on MBDA programs and services and to facilitate contracting and capital access opportunities for minority business clients. To further these activities, the MBDA team also participates through speaking engagements and networking activities in conferences hosted by minority-owned businesses, tribal entities, minority professional organizations, minority trade associations, and minority chambers of commerce.

v. National Institute of Standards and Technology

The National Institute of Standards and Technology's (NIST) mission is to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve our quality of life. Since 1901, NIST, a non-regulatory agency, has been supplying the measurements and tools to help U.S. industry compete successfully through innovation.

a. NIST Standard Reference Materials Program

NIST supports accurate and compatible measurements by certifying and providing over 1300 of the highest quality and metrological value Standard Reference Materials to industry, academia, and government. These materials are used to perform instrument calibrations in units as part of overall quality assurance programs, to verify the accuracy of specific measurements, and to support the development of new measurement methods. These materials can be used to measure and monitor materials in the environment that may cause environmental harm.

In addition to the NIST laboratories the Technology Innovation Program (TIP), the Hollings Manufacturing Extension Partnership (MEP), and the Baldrige Performance Excellence Program all play key roles in meeting NIST's mission.

b. The MEP

Through grant-supported partnerships between Federal and state governments and non-profit organizations, NIST's Hollings MEP provides technical and business assistance to smaller manufacturers through a nationwide network in all 50 states and Puerto Rico. Field agents and programs are helping manufacturers understand, adopt, and apply new technologies and business practices, as well as reap the benefits through increased productivity, better performance, cost savings, waste reduction, and creation and retention of manufacturing jobs. Recently, MEP issued competitive awards focused on projects that will expand the range of services available to manufacturers. The new projects have a specific focus on:

- ✓ responding to evolving supply chains;
- ✓ accelerating the adoption of new technology to build business growth;
- ✓ implementing environmentally sustainable processes;
- ✓ establishing and enabling strong workforces for the future; and
- ✓ encouraging cultures of continuous improvement.

These projects will support the creation and adoption of improved technologies and provide resources to develop new products that respond to changing market needs.

To protect against environmental justice concerns:

- MEP Cooperative Agreements should encourage the manufacturing extension centers to provide an environmental justice component or a referral service to educate clients on environmental justice. The objective of the environmental justice education should be to promote the implementation of environmental technologies that eliminate disproportionate and adverse environmental or health impacts on minority and low-income populations. To accomplish this, NIST will provide brochures and other information to MEP service centers. NIST will also train service center personnel on environmental justice.

c. National Quality Award Program

The National Quality Award Program is responsible for managing the Malcolm Baldrige National Quality Award. The program's purpose is to stimulate quality improvement programs in industry by recognizing significant efforts toward quality management including public responsibility and corporate citizenship. Because these traits are key elements of environmental justice, the Malcolm Baldrige Award can be used to promote industrial practices that minimize disproportionate and adverse environmental health effects.

- The Baldrige Performance Excellence Program will give consideration to environmental justice when selecting of the recipients of the awards that it confers. Through the Baldrige criteria and the subsequent background check of

potential winners, the Baldrige program will emphasize responsibility that goes beyond compliance to role model behavior and environmental leadership.

vi. National Technical Information Service

The National Technical Information Service (NTIS) serves as the largest central resource for Government-funded scientific, technical, engineering, and business-related information available today. For more than 60 years, NTIS has assured businesses, universities, Government, and the public of timely access to approximately 3 million publications covering over 350 subject areas.

NTIS actively incorporates Open Government and transparency initiatives into its daily operations, providing the public with the ability to search its database at no charge through the NTIS Web site at www.ntis.gov back to the year 1964. It also offers free RSS Feeds through its Web site to enable the public, researchers, Government agencies, and others to keep up with recently catalogued materials in 39 individual subject categories.

In addition, NTIS has created the National Technical Reports Library (NTRL) which fills a recognized void in access to a large collection of historical and current Government technical reports that exists in many academic, public, Government, and corporate libraries. NTRL includes the ability to search 2 million titles with links to over 600,000 full-text PDF reports, including many titles related to environmental justice.

Through a joint venture with Information International Associates, Inc., NTIS has developed for Federal agencies a searchable, digital Federal Science Repository Service. An agency can use the entire service or select components to design a distinct gateway to its content, designating resources for internal use only, for sharing with specific communities, or to be made publically available in support of Open Government initiatives. Agencies can use this service to create environmental justice related content.

vii. National Telecommunications and Information Administration

The advancement of broadband access is essential to increase economic opportunities for those outside the mainstream of economic growth. By funding broadband deployment and sustainable adoption projects, the National Telecommunications and Information Administration's (NTIA) Broadband Technology Opportunities Program (BTOP) helps distressed urban and rural communities bridge the digital divide, improve access to education and healthcare services, and foster economic development for communities held back by limited or no access to broadband.

NTIA selected BTOP grant recipients that provide outreach, access, equipment, and support services in order to facilitate greater use of broadband services by

communities which are identified as impacted by environmental justice issues: economically distressed urban and rural communities, often with minority and low-income populations.

- NTIA analyzed all grant awards and projects for environmental impacts under the National Environmental Policy Act, including impacts associated with environmental justice. NTIA imposed special award conditions that require an environmental assessment or environmental impact statement, as appropriate, to identify any adverse environmental impacts of their projects, perform applicable regulatory agency consultations, and identify mitigation strategies to reduce or avoid identified impacts. NTIA evaluated these environmental assessments or environmental impact statements to determine the full environmental impact of a BTOP-funded project, to ensure that the project complies with all applicable environmental laws and regulations, and to identify any potential disproportionate and adverse environmental or health effects on low-income and minority populations.
- As part of the National Environmental Policy Act process for the BTOP, and to address environmental justice concerns associated with tribal entities, NTIA conducted government-to-government consultation with Native American tribes, as appropriate and when requested, to identify those tribes that might be disproportionately impacted by proposed BTOP projects. NTIA used the Federal Communications Commission's Tower Construction Notification System (TCNS) to provide the 562 federally recognized Indian Tribes, Native Hawaiian Organizations, Tribal Historic Preservation Officers, and State Historic Preservation Officers with early notification of proposed tower construction and other projects. The use of TCNS has ensured that NTIA can identify affected Native American tribes and provide them with an opportunity to consult on the project, to voice concerns, and to identify solutions to address such concerns.

viii. Patent and Trademark Office

The mission of the United States Patent and Trademark Office (USPTO) is to foster innovation, competitiveness and economic growth—domestically and abroad—by providing technologists and entrepreneurs timely and consistent intellectual property rights to protect their products and breakthroughs in the marketplace. By providing patent and trademark protection to thousands of businesses annually, the USPTO is able to ensure that enterprises, like those pursuing environmental solutions, are able to distribute those solutions widely, and spur follow-on R&D and breakthroughs in those sectors.

Since taking office, the Obama Administration has worked to ensure a cleaner, safer and more secure energy future – one that ultimately breaks our dependence on foreign oil and moves our nation toward a clean energy economy that creates jobs and keeps America competitive. The USPTO has been making progress toward this

goal by headlining transformative programs—such as the USPTO Employee Telework Program, which has resulted in more than 4,150 tons of reduced emission—which are directed at promoting environmentally groundbreaking technologies and a greener economy in the 21st century.

a. Green Technology Pilot Program

On December 8, 2009, the USPTO launched a pilot program to accelerate the review of green technology patent applications. The Green Technology Pilot Program was implemented to take those patent applications that pertained to environmental quality, energy conservation, and development of renewable energy or greenhouse gas emission reduction and advance them for expedited examination.

Normally, patent applications are examined in order by filing date. The Green Technology Pilot Program permitted green technology applications to move to the front for examination. By the close of the Green Technology Pilot program on March 30, 2012, over 3,500 petitions had been approved for green technology, and as of May 14, 2012, 1,134 patents have been granted.

While the Green Technology Program has officially closed, going forward, environmentally minded applicants may continue to use the Track One program to continue pushing their products through an accelerated review process. Not only does this route allow green technology companies to receive a final decision on their patent application within 12 months, but it also offers small businesses a 50% discount.

b. Clean Tech Conference

USPTO hosted its first Clean Technology Partnership Meeting on Wednesday, April 27, 2012. At the first conference, leading industry experts provided an overview of the clean technology landscape, addressed the importance of regional accelerators, and gave an update on clean tech patents, while highlighting the benefits of the USPTO's Green Technology Pilot Program.

With the goals of promoting clean technology innovation and improving USPTO programs and services, the clean tech conference was formed to provide a forum for stakeholders to share ideas, experiences, and insights while sharing ideas for how the USPTO could improve and expand its clean technology programs.

In the spirit of furthering the Obama Administration's goals, USPTO will host its second Clean Technology Partnership Meeting on Tuesday, June 12, 2012. This conference will be held in the South Auditorium, Madison Building, Concourse Level, located at 600 Dulany Street, in Alexandria, Virginia.

More information on this event is available at <http://www.uspto.gov/news/pr/2012/12-33.jsp>.

c. Patents for Humanity

Patents for Humanity is an award competition for patent owners and licensees. It is the USPTO's voluntary pilot program to recognize patent owners who apply their patented technology to address humanitarian needs including those with environmental implications such as water sanitization. This program rewards companies who bring life-saving technologies to underserved populations, while showing how patents are an integral part of tackling the world's challenges.

Upon launch of this program, participants will send in applications describing how they have used their patented technology or products to address humanitarian challenges. Judges will choose winners in four categories: medical technology, food and nutrition, clean technology and information technology. Winners will receive a certificate for accelerated processing of select patent USPTO matters. The program creates a powerful tool for businesses to expedite handling of their most important matters and help validate technology in the market – leading to quicker and more efficient investment decisions.

For more information, please visit <http://patentsforhumanity.challenge.gov/>.

III. Interagency Collaborations

The Department of Commerce will utilize its expertise to participate in the various interagency areas of focus identified in the August 4, 2011, MOU revitalizing Departmental environmental justice efforts and in future areas identified by the Interagency Working Group on Environmental Justice or between individual Departments. Of the areas of focus listed in the August 4, 2011, MOU, the Department of Commerce has special expertise in the areas of implementation of the National Environmental Policy Act, impacts from climate change, and impacts to and background information about oceans, coasts, fisheries and species.

IV. Reporting and Accountability

- The Department of Commerce will post this Environmental Justice Strategy on the Department's website and the Interagency Working Group on Environmental Justice's website.
- The Department of Commerce will annually produce reports on its efforts to implement this Environmental Justice Strategy and transmit these reports to the Interagency Working Group on Environmental Justice.
- The Department of Commerce will update this Environmental Justice Strategy as necessary through an open and transparent process.