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## **8.0 ECONOMIC JUSTICE**

The Environmental Protection Agency's (EPA's) Office of Environmental Justice defines environmental justice as "[t]he 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. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic group[s] should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies". Meaningful involvement means that: (1) community residents in the potential impact area have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those in the potential impact area (EPA 2002).

In sum, environmental justice is a goal to be achieved for all communities and persons across the U.S. Environmental justice is achieved when everyone--regardless of race, culture, or income--enjoys the same degree of protection from environmental and health hazards and has equal access to the decision-making process to have a healthy environment in which to live, learn, and work (EPA 2002).

EO 12898 (February 11, 1994) and its accompanying memorandum have the primary purpose of ensuring that "each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. ..." EO 12898 also explicitly calls for the application of equal consideration for Native American programs. To meet these goals, EO 12898 specified that each agency develop an agency-wide environmental justice strategy.

The goal of this "fair treatment" is not to shift risks among populations, but to identify potential disproportionately high and adverse effects and identify alternatives that may mitigate these impacts.

The Presidential Memorandum that accompanied EO 12898 calls for a variety of actions. Four specific actions were directed at *National Environmental Policy Act* (NEPA)-related activities, including the following.

1. Each federal agency must analyze environmental effects (i.e., human health, economic and social effects) of federal actions, including effects on minority communities and low-income communities, when such analysis is required by NEPA.
2. Mitigation measures outlined or analyzed in environmental assessments, EISs, or RODs, whenever feasible, should address significant and adverse environmental effects of proposed federal actions on minority communities and low-income communities.
3. Each federal agency must provide opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving accessibility of public meetings, official documents, and notices to affected communities.
4. In reviewing other agencies' proposed actions under Section 309 of the *Clean Air Act*, the EPA must ensure that the agencies have fully analyzed environmental effects on minority communities and low-income communities, including human health, social, and economic effects.

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## 8.1 DEFINING MINORITY AND/OR LOW-INCOME POPULATION

### 8.1.1 Minority Communities

Minority or low-income communities that may be addressed in the scope of NEPA analysis are generally considered as follows.

- Minority - Individual(s) classified by OMB Directive No. 15 as Black/African American, Hispanic, Asian and Pacific Islander, American Indian, Eskimo, Aleut, and other non-white persons.
- Minority Population - Minority populations should be identified where either:
  - (a) the minority population of the affected area exceeds 50% or
  - (b) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis.

In identifying minority communities, agencies may consider as a community either: (1) a group of individuals living in geographic proximity to one another, or (2) a geographically dispersed/transient set of individuals (such as migrant workers or American Indians), where either type of group experiences common conditions of environmental exposure or effect. The selection of the appropriate unit of geographic analysis may be a governing body's jurisdiction, a neighborhood, census tract, or other similar unit that is to be chosen so as to not artificially dilute or inflate the affected minority population.

A minority population also exists if there is more than one minority group present and the minority percentage, as calculated by aggregating all minority persons, meets one of the above-stated thresholds.

### **8.1.2 Low-Income Population**

Two of the tests available for identifying low-income populations in an affected area are:

- (a) the Department of Health and Human Services poverty guidelines or
- (b) the Department of Housing and Urban Development statutory definition for very low-income for the purposes of housing benefits programs.

In identifying low-income populations, agencies may consider as a community either a group of individuals living in geographic proximity to one another, or a geographically dispersed/transient set of individuals (such as migrant workers or Native Americans), where either type of group experiences common conditions of environmental exposure or effects. The guidance for low-income population provides two ways to calculate low-income: in most circumstances, agencies should apply the test that most accurately reflects the relative cost of living in the particular geographic area under consideration, taking into account the need to ensure full coverage of all low-income communities pursuant to EO 12898.

### **8.1.3 Disproportionately High and Adverse Human Health Effects**

When determining whether human health effects are disproportionately high and adverse, agencies are to consider the following three factors to the extent practicable:

- (a) whether the health effects, which may be measured in risks and rates, are significant, unacceptable, or above generally accepted norms. (Adverse health effects may include bodily impairment, infirmity, illness, or death.);
- (b) whether the risk or rate of hazard exposure by a minority population or low-income population to an environmental hazard is significant and appreciably exceeds or is likely to appreciably exceed the risk or rate to the general population or other appropriate comparison group; and
- (c) whether health effects occur in a minority or low-income population affected by cumulative or multiple adverse exposures from environmental hazards.

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## **8.2 PROJECT STUDY AREA**

### **8.2.1 Minority Communities**

Application of the EPA's defining guidelines reveals there are no minority communities that would be affected by the proposed projects. About 2.5% of the Lincoln County population, 3.2% of the Sublette County population, and 11% of the Sweetwater County population is minority as compared to 8.9% for the State of Wyoming, (EPA 2003). There are no potentially affected communities within the study area where the minority population exceeds 50% nor are there any population clusters where the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population; therefore, development would not unduly affect minority populations (email from Karen Kellen [acting director], Environmental Justice, Region 8, EPA, on February 20, 2003); therefore, environmental justice issues for minority communities are not discussed further herein.

### **8.2.2 Low-Income Population**

Approximately 10.8% of the Lincoln County population, 8.4% of the Sublette County population, and 8.0% of the Sweetwater County population lives below the poverty level as compared to 11.9% for the State of Wyoming (EPA 2003).

No low-income populations have been identified as a community (i.e., a group of individuals living in geographic proximity to one another) or as a geographically dispersed/transient set of individuals (e.g., migrant workers or Native Americans), that would experience common conditions of environmental exposure or effects. Development would not unduly affect low-income individuals in the study area (email from Karen Kellen [acting director], Environmental Justice, Region 8, EPA, on February 20, 2003), therefore, environmental justice issues for low-income communities is not discussed further herein.

**8.2.3 Disproportionately High and Adverse Human Health Effects**

It is not anticipated that development of the projects would result in any health effects (i.e., bodily impairment, infirmity, illness, or death), which could be measured in risks and rates, that would be significant, unacceptable, or above generally accepted norms. No risk or rate of hazard exposure by a minority population or low-income population to an environmental hazard would be significant or appreciably exceed or be likely to appreciably exceed the risk or rate to the general population or other appropriate comparison group. No health effects would occur in a minority or low-income population as a result of exposures from environmental hazards related to the proposed projects.