



COMDTINST 5810.3  
27 MAY 2003

COMMANDANT INSTRUCTION 5810.3

Subj: COAST GUARD ENVIRONMENTAL JUSTICE STRATEGY

- Ref:
- (a) Executive Order (E.O.) 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 11 February 1994 (*Federal Register*, 16 February 1994, Vol. 59, No. 32)
  - (b) "Notice of (Coast Guard) Environmental Justice Strategy," (*Federal Register*, 3 April 1998, Vol. 63, No. 32)
  - (c) National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq*
  - (d) National Environmental Policy Act (NEPA) Implementing Procedures, COMDTINST M16475.1 (series)
  - (e) Environmental Compliance Evaluation (ECE) Program, COMDTINST 16478.5
  - (f) Department of Homeland Security's Title VI implementing regulation, "6 CFR Part 21, Regulation Regarding Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance from the Department of Homeland Security," (*Federal Register*, 6 March 2003, Vol. 68, No. 44)
  - (g) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d

1. **PURPOSE.** This Instruction responds to the requirements of references (a), E.O. 12898, and (b), the *Federal Register* "Notice," by establishing the Environmental Justice (EJ) Strategy for the United States Coast Guard (hereafter, "Coast Guard" or "USCG"). As used in this Instruction, "Environmental Justice" means the fair treatment of people of all races, cultures and incomes with respect to the development, implementation and enforcement of environmental laws and guidance, references (c), (d) and (e), and their meaningful involvement in the decision making process of the Coast Guard, when appropriate.

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NON-STANDARD DISTRIBUTION:

2. **ACTION.** Area and district commanders, commanders of maintenance and logistics commands, commanding officers of integrated support commands, commanding officers of headquarters units, assistant commandants for directorates, Chief Counsel and special staff elements at Headquarters shall ensure compliance with the provisions of this Instruction. Internet release is authorized.
3. **DIRECTIVE(S) AFFECTED.** None.
4. **JUDICIAL REVIEW.** As stated in Section 6-609 of E.O. 12898, "This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance of the United States, its agencies, its officers, or any other person with this order."
5. **BACKGROUND.**
  - a. On 11 February 1994, the President issued E.O. 12898, which (1) directed every Federal agency to make Environmental Justice part of its mission by identifying and addressing the effects of all programs, policies, and activities on minority populations and low-income populations and (2) directed every Federal agency to develop an EJ Strategy.
  - b. On 3 April 1998, the Coast Guard published reference (b), "Notice of Environmental Justice Strategy," announcing its development of an EJ Strategy to implement the E.O. in all relevant programs and activities funded, sponsored, supported, or undertaken by the Coast Guard.
  - c. On 1 March 2003, the Coast Guard transferred to the Department of Homeland Security (DHS). On 6 March 2003, DHS published reference (f), "6 CFR Part 21, Regulation Regarding Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance from the Department of Homeland Security," to implement Title VI of the Civil Rights Act of 1964, reference (g).
6. **RESPONSIBILITY.**
  - a. Consistent with this Instruction and E.O. 12898, the Assistant Commandant for Civil Rights [hereafter, "Commandant (G-H)"] shall, to the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. § 552a), provide leadership to the Coast Guard and policy guidance to the Commandant regarding the collection and analysis of data involving minority populations and low-income populations, as required by Section 3-302 of E.O. 12898.

- b. Consistent with this Instruction, and as stated in Section 2-2 of E.O. 12898, the Coast Guard shall, "...conduct its programs, policies and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color or national origin."
- c. The Coast Guard shall implement its Environmental Justice Strategy within the framework of existing civil rights and environmental laws and guidance, including references (c), (d), (e), (f) and (g).
- d. In conducting the minority populations and low-income populations data collection and analysis responsibilities, the Commandant (G-H), as lead, and its Directorate partners should coordinate efforts, maximize existing resources, share information, eliminate unnecessary duplication and minimize impacts on field units and operations.
- e. This Instruction authorizes no additional resources or operational requirements within the Coast Guard's Maintenance and Logistics Commands to carry out the minority populations and low-income populations-related data collection and analysis responsibilities of E.O. 12898.
- f. The Commandant (G-H) shall be responsible for preparing a list of all existing and new/changing Coast Guard operating facilities and/or sites in or near areas with minority and/or low-income populations. The Commandant (G-H) shall also collect, analyze, and update socioeconomic and demographic profile maps of areas adjacent to the Coast Guard's existing or new/changing operating facilities and/or sites and, periodically, verify its data by site visits. As required by Section 4-4 of reference (a), and whenever practicable and appropriate, the data collection and analysis may include information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence, including Native American populations.
- g. When collecting and analyzing data, the Commandant (G-H) shall, whenever practicable and appropriate, identify low-income populations in an affected area utilizing the annual statistical poverty thresholds from the Bureau of the Census' Current Population Reports on income and poverty.
- h. In coordination and cooperation with facility Commanding Officers and Directorate partners, the Commandant (G-H) shall, whenever practicable and appropriate, conduct periodic site visits to verify available data, including socioeconomic and demographic profile maps. Whenever practicable and appropriate, the Commandant's (G-H's) site visits should complement the Environmental Compliance Evaluation (ECE) site visits required under reference (e). Whenever practicable and appropriate, the Commandant (G-H), ECE evaluation teams and others participating in the EJ site visits shall share draft site visit data and other information necessary for consistency.

- i. All Coast Guard Headquarters' Directorates should be partners in the EJ Strategy and share responsibility for integrating EJ principles into Coast Guard programs, policies, regulations, guidance, activities and operations. This includes ensuring that the Commandant (G-H) is given the opportunity to assist in the evaluation of Coast Guard programs, policies, regulations, guidance, activities and operations that have the potential for disproportionately high and adverse human health or environmental effects upon minority populations or low-income populations within the framework of existing environmental laws and guidance, references (c), (d) and (e).
7. **ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS**. As stated in Section 2, above, this Instruction is intended to improve the internal management of the Coast Guard. The Commandant (G-H) considered the environmental aspects and impacts of this Instruction and determined that the implementation of this Instruction does not significantly impact the environment.
8. **FORMS AND REPORTS**. There are no reporting requirements assigned to Coast Guard Maintenance and Logistic Commands or other Directorates relating to the collection and analysis of data involving minority populations and low-income populations required by Section 3-302 of E.O. 12898 or this Instruction.

W.R. SOMERVILLE /s/  
Assistant Commandant for Civil Rights