

## OTHER EXECUTIVE ORDERS ON ENVIRONMENTAL PROTECTION

The following Executive Orders (EOs) are discussed in detail elsewhere in this guide, on the pages noted:

- [Executive Order 11988](#) (Floodplain Management) (page 2-67),
- [Executive Order 11990](#) (Protection of Wetlands) (page 2-69), and
- [Executive Order 12898](#) (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) (page 2-88).

The following is a list of other EOs that address federal facilities and actions with regard to environmental protection. A copy of the full text of all EOs can be found online at <http://www.nara.gov/fedreg/eo.html>. Listed at the end of this section are websites that are useful for reference on many of the orders listed below. The following list is not authoritative, as new EOs are published weekly and old EOs are amended and withdrawn often. Each federal agency should check the websites of the Council on Environmental Quality's NEPA net (<http://ceq.eh.doe.gov/nepa/nepanet.htm>) and the U.S. Environmental Protection Agency (EPA) (<http://es.epa.gov/oeca/fedfac/yellowbk/>) for current guidance and EOs.

### **EXECUTIVE ORDER 11514 (PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY) AS AMENDED BY EXECUTIVE ORDER 11991 (RELATING TO PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY)**

EO 11514 directs federal agencies to monitor, evaluate, and control their activities to protect and enhance the quality of the environment. Agencies are directed to develop programs and procedures for disseminating timely public information about the programs, and to provide information about existing or potential environmental problems to other federal, state, county, and entities as appropriate.

### **EXECUTIVE ORDER 11593 (PROTECTION AND ENHANCEMENT OF THE CULTURAL ENVIRONMENT)**

EO 11593 requires agencies to nominate qualifying properties for the National Register of Historic Places (NRHP), maintain and restore historic sites, and work with the U.S. Department of the Interior (DOI) in managing historic sites. Before a historic site is altered or destroyed, agencies must receive comments from the Advisory Council on Historic Preservation and provide the Library of Congress with detailed records on the property. The DOI must encourage historic preservation, expedite the placement of federal property on the NRHP, support federal historic preservation, and review surplus federal property transfers.

## **EXECUTIVE ORDER 12088 (FEDERAL COMPLIANCE WITH POLLUTION CONTROL STANDARDS) (SECTIONS 5–8 ONLY)**

EO 12088 requires all federal agencies to comply with environmental laws and fully cooperate with EPA, State, interstate, and local agencies to prevent, control, and abate environmental pollution. The EO directs EPA to establish guidelines to assist federal agencies when developing environmental plans. Exemptions to EO 12088 requirements may be granted in the “interest of national security or in the paramount interest of the United States”.

## **EXECUTIVE ORDER 12580 (SUPERFUND IMPLEMENTATION)**

EO 12580 delegates the President’s authorities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to the heads of various federal agencies if there is a release on or solely from a vessel or facility under the agency’s jurisdiction, control, or custody. The EO delegates most response authority to EPA and the U.S. Coast Guard. However, authority to address releases at federal facilities is generally delegated to the head of the federal agency with jurisdiction over the federal facility. In addition, EO 12580 requires federal agencies to assume certain duties, such as participating on regional response teams. EO 12580 was amended by EO 13016 (see below), which delegated certain CERCLA abatement and settlement authorities to the Secretaries of Commerce, Interior, Agriculture, Defense, and Energy, to be exercised in concurrence with EPA.

## **EXECUTIVE ORDER 12777 (IMPLEMENTATION OF SECTION 311 OF THE FEDERAL WATER POLLUTION CONTROL ACT OF 1972, AS AMENDED, AND THE OIL POLLUTION ACT)**

EO 12777 implements the Oil Pollution Act of 1990 by outlining emergency response procedures for managing spills of oil and hazardous materials into the waters inside U.S. jurisdiction.

## **EXECUTIVE ORDER 12844 (FEDERAL USE OF ALTERNATIVE-FUEL VEHICLES)**

EO 12844 requires federal agencies to adopt aggressive plans to exceed the purchase requirements of alternative-fuel vehicles established by the Energy Policy Act of 1992.

## **EXECUTIVE ORDER 12856 (FEDERAL COMPLIANCE WITH RIGHT-TO-KNOW LAWS AND POLLUTION PREVENTION REQUIREMENTS)**

EO 12856 requires federal facilities to comply with the provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Pollution Prevention Act. The intent of EO 12856 is to ensure greater public access to information about hazardous and toxic chemicals in communities. EO 12856 mandates that federal agencies develop pollution prevention plans for reducing or eliminating the use of hazardous and toxic chemicals.

## **EXECUTIVE ORDER 12902 (ENERGY EFFICIENCY AND WATER CONSERVATION AT FEDERAL FACILITIES)**

EO 12902 establishes agency goals and reporting requirements for increasing energy and water use efficiency at federal facilities. All federal facilities (including government-owned/contractor-operated facilities) must adhere to these goals and requirements. Waivers may be obtained from the U.S. Department of Energy (DOE) if EO 12902 requirements are inconsistent with the agency's mission.

## **EXECUTIVE ORDER 13006 (LOCATING FEDERAL FACILITIES ON HISTORIC PROPERTIES IN OUR NATION'S CENTRAL CITIES)**

EO 13006 directs federal agencies to use and maintain historic properties and districts wherever operationally appropriate and economically prudent, especially properties and districts located in central business areas. When implementing policies, the federal government must institute practices and procedures that are sensible, understandable, and compatible with current authority and that impose the least burden on, and provide the maximum benefit to, society. Federal agencies responsible for managing federal facilities or managing historic resources must take steps to reform regulations that impede the government's ability to establish or maintain a presence in historic districts or to acquire historic properties to satisfy federal space needs, unless such regulations are designed to protect human health and safety or the environment.

## **EXECUTIVE ORDER 13007 (INDIAN SACRED SITES)**

EO 13007 directs each executive branch agency with statutory or administrative responsibility for managing federal lands to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites, to the extent practicable and permitted by law, and where doing so would not be clearly inconsistent with essential agency functions. Where appropriate, agencies must maintain the confidentiality of sacred sites. A "sacred site" means any specific, discrete, narrowly delineated location on federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion. (The tribe or appropriate authority of an Indian religion must have informed the agency that such a site exists.)

Where practicable and appropriate, agencies must implement procedures to ensure that reasonable notice is provided of proposed actions or land management policies that may restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites. In implementing EO 13007, agencies must comply with the presidential memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments".

## **EXECUTIVE ORDER 13016 (AMENDMENT TO EXECUTIVE ORDER 12580)**

EO 13016 amends EO 12580 by delegating certain CERCLA abatement and settlement authorities to the Secretaries of Commerce, Interior, Agriculture, Defense, and Energy, to be exercised in concurrence with EPA. Please see EO 12580 (Superfund Implementation) above.

## **EXECUTIVE ORDER 13045 (PROTECTION OF CHILDREN FROM ENVIRONMENTAL HEALTH RISKS AND SAFETY RISKS)**

EO 13045 requires each federal agency to make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children. EO 13045 also requires that each agency's policies, programs, activities, and standards address disproportionate risks to children that result from risks to environmental health and safety.

## **EXECUTIVE ORDER 13101 (GREENING THE GOVERNMENT THROUGH WASTE PREVENTION, RECYCLING, AND FEDERAL ACQUISITION)**

EO 13101 has done all of the following:

- elevated implementation of waste prevention and recycling activities to a new, White House-level steering committee;
- discontinued, since the end of 1998, all government purchases of printing and writing paper not containing 30% postconsumer fiber;
- provided new ways for the federal government to build markets for environmentally preferable products and services, which can reduce pollution, save energy and materials, and create jobs;
- increased government purchases of biologically based products to develop markets for these items;
- obliged all federal facilities to comply with recycling and recycled content purchasing requirements under the Federal Facility Compliance Act; and
- required agencies to establish long-term goals both for waste prevention and recycling and for buying recycled and environmentally preferable products.

## **EXECUTIVE ORDER 13112 (INVASIVE SPECIES)**

EO 13112 directs each federal agency whose actions may affect the status of invasive species to:

- identify such actions,
- use relevant programs and authorities to prevent the introduction of invasive species,

- detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner,
- monitor populations, and
- provide for restoration of native species and habitat conditions in ecosystems that have been invaded.

The agencies are also directed to conduct research on invasive species, develop control plans, and promote public education on control of invasive species. The EO states that if a federal agency believes that an action is likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere, it must not authorize, fund, or carry out that action unless it determines, and has made public its determination, that:

- the benefits of such an action clearly outweigh the potential harm caused by invasive species, and
- all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the action.

**EXECUTIVE ORDER 13123 (GREENING THE GOVERNMENT THROUGH EFFICIENT ENERGY MANAGEMENT)**

EO 13123 directs federal agencies to promote energy efficiency, conserve water, use renewable energy products, and foster markets for emerging technologies. The EO directs the implementation of various measures, such as reducing greenhouse gas emissions attributed to facility energy use, reducing energy consumption per gross square foot of its facilities, and conserving water. Federal facilities will not be exempt from these goals unless they meet new criteria for exemptions, to be issued by DOE.

**EXECUTIVE ORDER 13148 (GREENING THE GOVERNMENT THROUGH LEADERSHIP IN ENVIRONMENTAL MANAGEMENT)**

EO 13148 directs the head of each federal agency to ensure that the agency takes all necessary actions to integrate environmental accountability into its day-to-day and long-term planning processes, across all missions, activities, and functions. The EO sets forth timelines for developing and implementing systems to support environmental leadership programs, policies, and procedures. This order applies to federal facilities throughout the United States. “Facility” means “any building, installation, structure, land, and other property owned or operated by, or constructed or manufactured and leased to, the federal government, where the federal government...[must comply] with environmental requirements [on] discharge, emission, release, [or] spill of any waste, contaminant, hazardous chemical, or pollutant”.

## **EXECUTIVE ORDER 13149 (GREENING THE GOVERNMENT THROUGH FEDERAL FLEET AND TRANSPORTATION EFFICIENCY)**

EO 13149 directs each federal agency operating 20 or more motor vehicles within the United States to reduce its entire vehicle fleet's annual petroleum consumption by at least 20% by the end of fiscal year (FY) 2005, compared with FY 1999 petroleum consumption levels. The EO directs federal agencies to develop a strategy, including most, but not all of the following measures:

- the use of alternative fuels in light, medium, and heavy-duty vehicles;
- the acquisition of vehicles with higher fuel economy, including hybrid vehicles;
- the substitution of cars for light trucks;
- an increase in vehicle load factors;
- a decrease in vehicle miles traveled; and
- a decrease in fleet size.

This order applies to all agencies defined as an executive agency in 5 USC 105.

## **EXECUTIVE ORDER 13150 (FEDERAL WORKFORCE TRANSPORTATION)**

EO 13150 has directed federal agencies to implement a transportation fringe benefit program no later than October 1, 2000. Such a program must offer qualified federal employees the option to exclude from taxable wages and compensation employee commuting costs incurred through the use of mass transportation and vanpools. The EO also directs federal agencies to use any nonmonetary incentive allowable by law to encourage mass transportation and vanpool use.

## **EXECUTIVE ORDER 13158 (MARINE PROTECTED AREAS)**

EO 13158 directs each federal agency whose authorities provide for the establishment or management of marine protected areas (MPAs) to take appropriate actions to enhance or expand protection of existing MPAs and to establish or, as appropriate, recommend new MPAs. Each federal agency must identify any action it conducts, approves, or funds that affects natural or cultural resources protected by an MPA and must avoid causing harm to MPAs. Federal agencies are directed to check the list of MPAs published by the Secretary of Commerce and the Secretary of the Interior that meet the definition of an MPA for the purposes of this EO. For the purposes of this EO, "marine protected area" means any area of the marine environment that has been reserved by federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of its natural and cultural resources.

## **EXECUTIVE ORDER 13175 (CONSULTATION AND COORDINATION WITH INDIAN TRIBAL GOVERNMENTS)**

EO 13175 directs federal agencies to establish regular and meaningful consultation and collaboration with tribal officials when developing policies that have tribal implications. “Policies that have tribal implications” refers to regulations, legislative comments on proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, or on the relationship between or the distribution of power between the federal government and Indian tribes. Each agency must have an accountable process to ensure meaningful and timely input by tribal officials when regulatory policies are developed and must increase flexibility for tribal waivers. This EO revokes EO 13084 (Consultation and Coordination with Indian Tribal Governments).

## **EXECUTIVE ORDER 13186 (RESPONSIBILITIES OF FEDERAL AGENCIES TO PROTECT MIGRATORY BIRDS)**

EO 13186 requires that the environmental documentation for any project with federal involvement address the impacts of federal actions on migratory birds. The EO is designed to assist federal agencies in their efforts to comply with the Migratory Bird Treaty Act (MBTA) and requires that agencies work with the U.S. Fish and Wildlife Service to develop a Memorandum of Understanding (MOU) to promote the conservation of migratory bird populations. To the extent practicable, federal agencies must do the following:

- avoid and minimize, to the extent practicable, adverse impacts on migratory bird resources when conducting agency actions;
- restore and enhance habitat of migratory birds; and
- prevent or abate the pollution or detrimental alteration of the environment for the benefit of migratory birds, as practicable.

## **EXECUTIVE ORDER 13211 (ACTIONS CONCERNING REGULATIONS THAT SIGNIFICANTLY AFFECT ENERGY SUPPLY, DISTRIBUTION, OR USE)**

EO 13211 requires agencies to include in their environmental documentation a discussion of an action’s adverse effects on energy supply, distribution, or use, as well as reasonable alternatives to the action and the expected effects of such alternatives. An action qualifies as a “significant energy action” if it supports or leads to a final rule or regulation that is a significant regulatory action under EO 12866 (Regulatory Planning and Review) (or any successor order), and

- is likely to have a significant adverse effect on the supply, distribution, or use of energy; or
- is designated by the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, as a significant energy action.

## NOTE

The EOs listed above were researched at the following websites. However, all EOs can be found at the Federal Register website.

- Federal Register (<http://www.nara.gov/fedreg/eo2001c.html>),
- The Yellow Book: Guide to Environmental Enforcement and Compliance at Federal Facilities (<http://es.epa.gov/oeca/fedfac/yellowbk/>),
- NEPAnet Executive Orders (<http://ceq.eh.doe.gov/nepa/regs/executiveorders.htm>), and
- Virtual Facility Regulatory Tour: Executive Orders Affecting Federal Facilities (<http://es.epa.gov/oeca/fedfac/cfa/eo.html>).



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