



Exploring Climate Solutions Webinar Series

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Special series:

Equity and Environmental Justice in Climate Solutions

State Environmental & Climate Justice Laws and Policies

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Policy Goals

State laws & policies to advance –

- Procedural Justice
- Distributive Justice



Climate Justice

“People who are socially, economically, culturally, politically, institutionally, or otherwise marginalized are especially vulnerable to climate change and also to some adaptation and mitigation responses.... This heightened vulnerability is rarely due to a single cause. Rather, it is the product of intersecting social processes that result in inequalities in socioeconomic status and income, as well as in exposure. Such social processes include, for example discrimination the basis of gender, class, ethnicity, age, and disability.”

Connecticut Populations

Social Determinants of Health

- Housing
- Access to Health Care
- Race
- Language
- Disability
- Age

I. State Laws: EJ/CJ Policy

- Environmental Justice Policy
- Environmental Justice Definition
- EJ Structure
 - EJ Office
 - EJ Coordinator
- EJ Grants
- Environmental Justice (DEEP)
- "...no segment of the population should, because of its racial or economic makeup, bear a disproportionate share of the risks and consequences of environmental pollution or be denied equal access to environmental benefits."
CTDEEP's Environmental Equity Policy, 1993

CT EJ Policy Commitments

- Review and assess the impacts of and opportunities provided by its activities with regard to race and ethnicity and lower income residents.
- Enhance communication with, and improve environmental education opportunities for communities of color and low-income communities.
- Encourage community participation in the Department's ongoing operations and program development, including but not limited to inclusion on the agency's advisory boards and commissions, regulatory review panels, and planning and permitting activities.
- Foster a heightened awareness of environmental equity issues among its own staff and will provide training ... Managers will implement specific environmental equity goals in their respective programs.
- Diversify the racial and ethnic makeup of its staff to better reflect and represent the Department's diverse constituency.
- Staffing to ensure that environmental equity principles are incorporated into all the Department's policies and programs.

Virginia Environmental Justice Act

2.2-235

”It is the policy of the Commonwealth to promote environmental justice and ensure that it is carried out throughout the Commonwealth with a focus on environmental justice communities and fenceline communities.”

- EJ Communities: “any low-income community or community of color”
- Fenceline Community: “an area that contains all or part of a low-income community or community of color and that presents an increased health risk to its residents due to its proximity to a major source of pollution”

Title VI of the Civil Rights Act of 1964

- “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”
- “A recipient shall not use criteria or methods of administering its program which have *the effect* of subjecting individuals to discrimination....” (EPA regulation)

Requirements

- Prohibition against discrimination
 - Assurance that programs & activities don't discriminate by having an unjustified racially discriminatory impact
 - Must evaluate: are programs & activities disproportionately impacting communities on the basis of race, national origin; if so, is this disproportionate impact justified or is there a less discriminatory alternative?
- Prohibition against exclusion from processes
 - Public participation
- Language access

II. State Laws: Ensuring Meaningful Participation

- EEJ Report: Procedural Equity: ***Planning in partnership with low-income communities and BIPOC communities.***
- Public Participation
- Language Access
- EJ Advisory Boards



CT EJ Law

- Procedural: increased public participation in decisions to site or expand facilities in EJ communities
- Amendments: requires signs, advertisement of hearings, written notice to neighborhoods, elected officials with sanctions for failing

State Rep. Geraldo Reyes, sponsor of amendment (2020):

“This whole bill is about transparency and accountability.”

Public Participation

See EEJ Report, Public Participation Recommendations

Some components of state policies and plans include:

- Defined community, community participation, set goals
- Assessment
- Public engagement methods (NC), venues
- “Subject matter expert consultation group” (Colorado) - serve as resource, measure, maintain guidance, etc.
- Measurement and reporting

Language Access

Components include:

- Assessment (beyond census)
- Building capacity for interpretation & translation
- Training
- Funding for community involvement
- Interpretation on request
- Translation of vital documents (including notices)
- Evaluation

EJ/CJ Advisory Boards

- Virginia Council on EJ
- NC EJ & Equity Bd
- NY Permanent EJ Advisory Group

Considerations:

- Scope of responsibilities
 - Adopting policies
 - Advising state agencies
 - Monitoring compliance with EJ policies
 - Making recommendations
 - Timetable for action
- Composition
 - Community-based representation
 - Terms of office (length, at will?)
- Powers
 - Subpoena power
 - Conduct hearings
 - Regulatory (adoption of rules and regulations)
- Staffing, budget
 - Reimbursement for expenses
- Meeting schedule? Open meetings?

Advisory Boards – NY

Structure

- Enacted by statute
- Permanent
- 17 members
- 4 year term
- Reimbursed for expenses
- Staff services

Powers & Duties

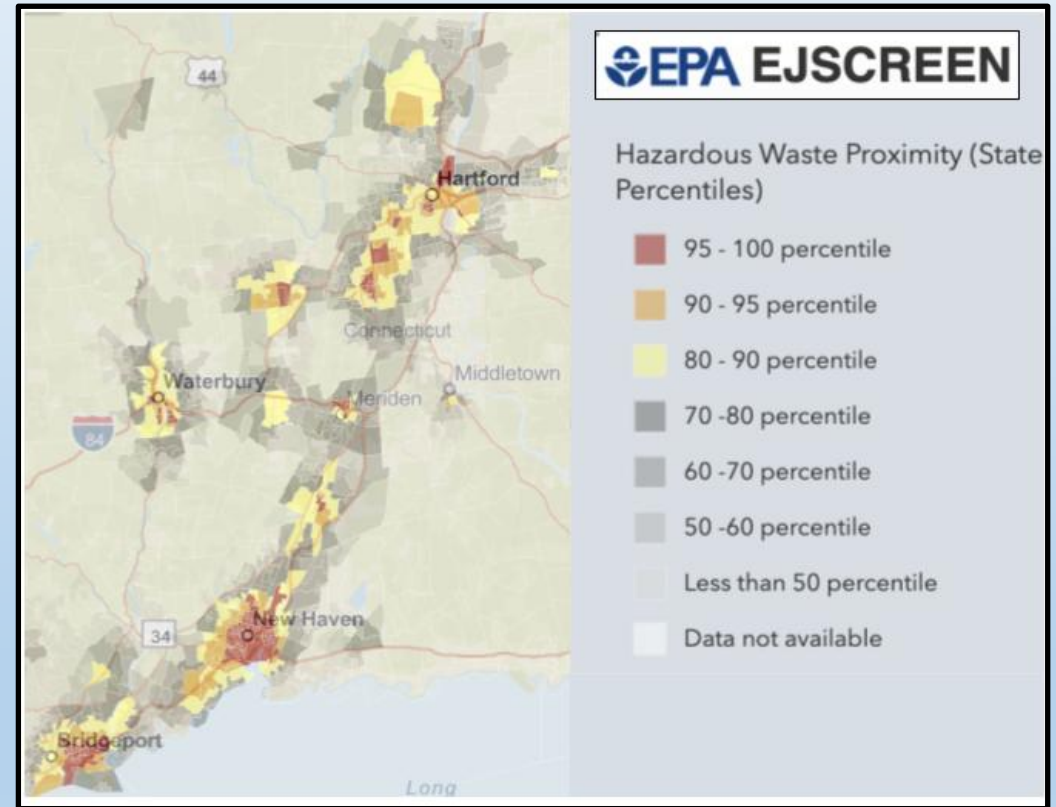
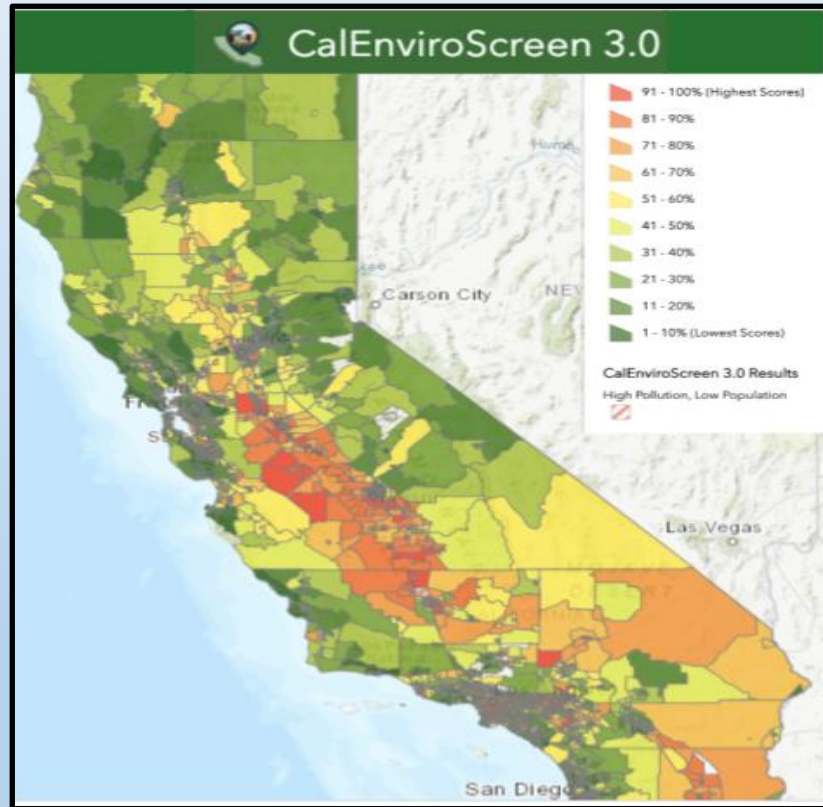
- Adopt model EJ policy applicable to state agencies within 1 year
- In consultation w stakeholders
- Advise state agencies
- Monitor compliance, make recommendations
- Comment on rules, regulations
- Conduct public hearings....

III. State Laws: Fairness in Distribution of Burdens and Benefits

EEJ Report: Distributive Equity: ***Placing the most vulnerable communities at the forefront of any potential benefits a policy might create; ensuring that the distribution of the benefits and burdens of climate change mitigation and adaptation are equitably distributed.***

- EJ/CJ Mapping Tools
- Targeting Resources & Enforcement Activities
- Considering EJ in Permitting
- Cumulative Impacts

EJ Mapping Tools



Target Resources to Environmentally Overburdened Communities

- Cal SB 535/AB 1550: Target investment of proceeds from states Greenhouse Gas Reduction Fund to “disadvantaged communities”
- SB 673: directs Dep’t of Toxic Substances Control to include cumulative impact when issuing and renewing facility permits (e.g. hazardous waste permitting)
- Active Transportation Program: 25% of program funds set aside for projects in disadvantaged communities
- Targeted environmental enforcement in census tracts w/top 5% of scores
- AB 693: allocates \$ for solar installations on multi-family affordable housing in disadvantaged communities...

EJ Assessments in Permitting/Rulemaking

- Disparate impact assessments (Title VI)
- Health equity assessments
- Environmental justice assessments
 - See, e.g., EJ Reports at <https://deq.nc.gov/outreach-education/environmental-justice/environmental-justice-reports>

Addressing Cumulative Impacts

New Jersey S. 232:

-Finding: “no community should bear a disproportionate share of the adverse environmental and public health consequences that accompany the State’s economic growth...; that it is in the public interest for the State, where appropriate, to limit the future placement and expansion of such facilities in overburdened communities.”

Definitions

Environmental or health stressors: sources of environmental pollution including:

- Concentrated areas of pollution, mobile sources of air pollution, contaminated sites, transfer stations, recycling facilities, scrap yards
- Point sources of water pollution
- Conditions that may cause potential public health impacts including asthma, cancer, elevate blood lead levels, cardiovascular disease....

Overburdened community: any census block group in which:

- At least 35% of households qualify as low-income
- At least 40% of residents identify as “minority” or members of state recognized tribal community or
- At least 40% of households are LEP.

Permitting Decisions Based on Cumulative Impacts Analysis

“[T]he department shall... deny a permit for a new facility or for the expansion of an existing facility or apply new conditions to the renewal... upon a finding that approval ... would, together with other environmental or public health stressors affecting the overburdened community, cause or contribute to adverse cumulative environmental or public health stressors in the overburdened community that are higher than those borne by other communities within the State, county, or other geographic unit of analysis....”

Climate Justice, final note

Climate justice in state climate laws: Vermont's Global Warming Solutions Act – includes

- Just Transitions Subcommittee: “ensuring that strategies to reduce GHG emissions and to build resilience to adapt ... benefit and support all residence of the State fairly and equitably” The Subcommittee may adopt a measurement tool to assess equity.