

**Testimony to the Act 250 Legislative committee on incorporating equity and environmental justice within all state policies and divisions**

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Good Afternoon Madam Rep Sheldon, Rep Lefebvre, Rep. Squirrell, Rep. Bates, Rep. Smith, Rep. Terenzini, Rep. McCollough, Rep Morgan, Madam Rep. Olde, and madam Rep Dolan. Thank you for giving us this opportunity to talk about our work on environmental justice in Vermont, and to share our views on addressing equity and environmental justice in Act 250.

My name is Bindu Panikkar. I am an Assistant Professor at the Rubenstein school of the Environment and Natural Resources. My prior affiliations have been at the Tufts University Environmental Health Program, Brown University Children's Environmental Health Center, Superfund Research Program, and Contested Illness Research Group, the Social Science Environmental Health Research Center at Northeastern University and also the Arctic Institute of North America at the University of Calgary. I have spent my academic career focused on community based research, environmental health, and environmental justice. Since 2002, my work on environmental justice has addressed asthma and clean air issues in Dorchester MA, immigrant occupational health issues in Somerville MA, Children's environmental health issues, brownfield and superfund site exposures, PFOA contamination and health issues in Merrimack, NH, relicensing issues with the pilgrim nuclear power plant, and the permitting process of newly proposed industrial scale mines in Alaska. I describe my experiences to note that I do have some insights into the permitting process in MA, and Alaska and now I am becoming familiarized with the Act 250 process in Vermont as well.

I was looking into the latest media response to the Committee report on Act 250, and it reads that "Vermont's historic land use law, Act 250, strikes fear and loathing in the hearts of some who find the law onerous and obstructive; and love and gratitude in the hearts of others, who believe Act 250 has played a major role in preserving Vermont's natural character."<sup>1</sup> There is no doubt, we do have one of the most progressive land use planning and development policies in the united States. Indeed, this is a state that gives great importance to protecting its ecosystems and rural landscape. It even protects scenic beauty, ensuring that development is consistent within these goals. It is even encouraging and gratifying to read in the new report that the policy is taking into consideration impacts of climate change on land use and developmental agendas— and even how development will influence carbon emissions. Still leafing through this recently published 84 page document, which just came out last January, the *Report of the Commission on Act 250: The next 50 years*, regretfully, nowhere in this entire report was there any reference to equity and environmental justice. Again, for such a progressive state, this omission was regretful. Now, I know it does not mean that the state does not care about equity and injustice, otherwise we would not be here.

A student of mine, Kate Longfield evaluated *Vermont's Land Use Policy (Act 250) working with Toxics Action Center*. Some of her main findings were that the Act 250 has 1) many loopholes that developers have devised ways to work around the law, 2) that there are inconsistencies between District

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<sup>1</sup> <https://www.burlingtonfreepress.com/story/money/2019/01/09/act-250-vermont-land-use-law-big-changes-development-permit/2362635002/>

Commissions, 3) that the public engagement process is often inadequate, and often the state does not provide adequate access to public information and knowledge on the permitting process and proposed land use development projects. These are points to note for they have profound implications for environmental justice in Vermont.

Considering that Vermont lands have been developing faster than its population growth since 1982 and while we are not sure how this trend might change in the next 50 years and considering that there is a trend in Vermont of significant creation of small parcels, it is important to question, who does our land use policy and development goals benefit? Does it build inclusive policies? Whose views are taken into consideration? How does our land use policies not only provide economic growth but also alleviate poverty and economic divides. How can we improve the quality of growth for all of its citizens? Do our land use policies create more social divisions-unaffordable and expensive to a certain segment of the population. Since Act 250 only applies to developments that cross the 10-acre, 10-unit threshold. We wonder where do 9-acre developments and subdivisions fall, where the progressive purview of Act 250 does not apply.

In our ongoing research we ask some of these questions: What are the challenges to access, inclusion, and participation in state environmental and land use policy? How do these challenges contribute to existing environmental health issues? What are the key environmental and health issues of concern to frontline communities? How do ethnoculturally diverse and low-income communities identify, prioritize, and integrate health and ecological concerns? What factors contribute to structural racism in Vermont, and thus contribute to environmental justice issues? We utilize a Community-Based Participatory Research (CBPR) approach to identify the distributive, procedural, and epistemic injustices (and their interrelations) in frontline communities. Study methods will include spatial analysis (to identify distributive inequities) as well as community panels, surveys, interviews, and state interagency EJ forums to identify procedural and epidemic justice issues. As an environmental health professional, I believe that we cannot address the persistent health disparities in this country, the high rates of incarceration rates, income inequality and the wage gap without addressing environmental justice issues.

Our goals are simple: Design an EJ policy stemming from the experience of EJ communities in Vermont. We have been collecting extensive spatial data over the past year, we will be starting our in-depth data collection on the ground, spending at least a week in hot spot EJ communities of concern.

We believe that Framing a comprehensive EJ policy can help the State to be a leader in addressing rural environmental justice issues. We know that land use policy has a huge implications on equity and justice. However, we cannot limit addressing equity and environmental justice to a single state agency. We need to think broadly, we need to address equity and justice within all of our state-wide policies and programs that encompass all divisions of energy, housing, transportation, climate, food, workforce development, education, gender and health. My colleague Jennifer Byrne will talk about our initiative to hold a state interagency forum on environmental justice, and specifically, on the importance of starting an environmental justice advisory board for the state that is diverse, adaptable, visionary, and actively engages the state officials, as well as scholars, and the citizens from across the state, and especially from its under privileged communities. We recommend that a committee or an act can be established to launch an investigative environmental justice collaborative, and an Environmental Justice Advisory board for the state of Vermont.

Vermont should not be one of the last states to incorporate Environmental justice within state policies and regulations. We need the state support and resources to carry out this transformative work forward. We are already engaging community organizations across the state, Middlebury College and Bennington College are ready to be part of the initiative. Our vision also has wide support from some of the leading environmental justice scholars in the world, including Robert Bullard, the father of the environmental justice movement. In addition, we are closely connected to the Northeastern Environmental Justice Research Collaborative, and EJ scholars and leaders throughout the country.

In closing, our policies have power, it invariably affects the way that environmental injustices are produced, experienced, reproduced, and resisted. Place-making is about building inclusive communities that people can collectively reimagine and reinvent a shared future. Whereby each individual feels they have something to contribute in shaping, making, and co-creating a joint endeavor to ensure a better quality of life for all, now and into the future.