

Good afternoon and thank you for the opportunity to provide testimony. My name is Jennifer Byrne; I am a master's student at Vermont Law School. I am representing the Policy Research Core of the REJOICE Project (Rural Environmental Justice Opportunities Informed by Community Experts). I am here to describe the importance of incorporating a community-driven environmental justice perspective into any policy that affects land use, public health, or the human environment. Currently, Vermont does not have a statewide Environmental Justice Policy. Language which adds an Environmental Justice or "EJ" consideration into Act 250 will help low-income and minority populations enjoy equal protection under the law. We hope this testimony is educational and useful to you as you examine updates to Act 250.

I would like to tie together the timeline of where we are now and where we are going in regard to the REJOICE project. In 2015, the Vermont DEC signed a Performance Partnership Agreement with the U.S. EPA which identified enhancing Environmental Justice as a key project area in Vermont. The agreement charges the DEC to "work with Region I and the entire Agency to help EPA and VT DEC to integrate environmental justice into everything they do, cultivate strong partnerships to improve on-the-ground results, and chart a path forward for achieving better environmental outcomes and reducing disparities in the nation's most overburdened communities."

The Vermont DEC established its environmental justice policy work based on three principles:

- (1) Avoiding disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority and low-income populations;
- (2) Ensuring the full and fair participation by all potentially affected communities in the decision-making process; and
- (3) Preventing the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

To assist the DEC in achieving these measurements of success, in coordination with DEC Commissioner Boedecker, we have formed an informal working group which has grown to become the REJOICE Project, comprised of research experts from the University of Vermont, policy experts from Vermont Law School, and community experts from Center for Whole Communities, Toxics Action Center, and CVOEO's Mobile Home Project.

We know by studying the history of the environmental justice movement in our country, that the act of ensuring the meaningful involvement of all people means actually building processes to enhance public participation in decision making. We also know that in rural areas, environmental decisions may affect one small community far greater than a community just one valley over.

It is with this in mind that we developed the REJOICE Project policy-building work plan, which focuses on accessing local knowledge and expertise from isolated communities. We seek to identify how environmental, health, housing, transportation, energy, and food policies may overly burden low-income and minority populations. We will compile and analyze this community data to drive an evaluation of state policies with the goal of formulating solutions and eliminating structural barriers to entry in the public decision-making process.

My team from Vermont Law School took a deep look at the processes which built successful environmental justice policies in other states: specifically Minnesota, Massachusetts, and California. Each one of these states came to the issue of EJ policy creation via different channels: one legislatively, one agency driven, and one through executive order. No matter the instigator, the

resulting policy building processes in these states each notably included the same key components, which we identify as the 3 Central Pillars to creating effective EJ Policy. They are as follows:

- 1) Encourage public involvement through consistent communication with communities, lawmaker attended community listening sessions, appropriate translation or child care services, etc.;
- 2) Collect data and develop monitoring tools (such as integrative maps) for both public and governmental use; and
- 3) Establish an Environmental Justice Advisory Council comprised of members from affected communities, academia, government, tribal groups, faith-based organizations, and the fields of public health and science.

It is important to codify the state's commitment to Environmental Justice in the form of written policy because of constitutional anti-discrimination and equal justice mandates. Article 7 of the Vermont Constitution establishes the government as a vehicle for the common benefit, protection, and security of the people and not for the particular emolument or advantage of any single set of persons who are only a part of that community. This, coupled with Article 1's guarantee of equal rights to enjoying life, liberty, and safety, and Article 4's assurance of timely justice for all, makes it imperative that the officers of government seek to identify how particular communities may be unequally burdened or receive unequal protection under the laws due to race, income, or geographic location.

It is these constitutional rights which give state agencies and state legislators the purview to develop environmental equity or environmental justice policies. Many state agencies have the ability to incorporate environmental justice concepts and considerations into their work. While right now we are working solely with the DEC, our efforts would be greatly enhanced with a commitment to this community-driven process by the legislature so that we have the ability to address other agency's purviews in our recommendations. A commissioned report from the REJOICE Project by this committee, or other parts of the legislature, would also enhance our fundraising capabilities and our focused staff attention.

I greatly appreciate your time today and hope you can use the REJOICE Project to assist in understanding Vermont's community needs as you look at Act 250's next 50 years.