

VT's Environmental Justice Bill (S.148)



Overview of S.148 as passed out of SNRE

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CLF is a part of the environmental justice movement.

- Working with partners and state gov'ts across New England on environmental justice issues.
- Helped enact MA's first EJ law.
- Supporting Maine Governor's Office to develop EJ protections.
- Partnering with many orgs and stakeholders in VT on this bill

Organizations Supporting S.148

- 350Vermont
- Association of Africans Living in Vermont
- Audubon Vermont
- Capstone Community Action
- Center for Whole Communities
- Champlain Valley Office of Economic Opportunity
- Climate Economy Action Center of Addison County
- Community Action Works
- Conservation Law Foundation
- Environmental Justice Clinic, Vermont Law School
- Lake Champlain Committee
- Renewable Energy Vermont
- Rights & Democracy Vermont
- Rural Environmental Justice Opportunities Informed by Community Expertise
- Rural Vermont
- Rutland Area NAACP
- Seventh Generation
- Sierra Club Vermont Chapter
- SunCommon
- The Nature Conservancy
- Vermont Affordable Housing Coalition
- Vermont Association of Planning and Development Agencies
- Vermont Businesses for Social Responsibility
- Vermont Climate and Health Alliance
- Vermont Conservation Voters
- Vermont Energy Education Program
- Vermont Interfaith Power and Light
- Vermont Natural Resources Council
- Vermont Public Interest Research Group
- Vermont Racial Justice Alliance
- Vermont Releaf Collective
- Vermont Renews
- Vermont Youth Lobby

It's critical for Vermont to act this year on environmental justice.

- Increasing states across the country enacting environmental justice laws.
- 17 states have EJ mapping tools.
- VT's agencies lack community engagement plans, which serve as an indicator of compliance with Title VI of the federal Civil Rights Act.
- VT's Climate Action Plan calls for an Environmental Justice Policy.



S.148 contains these core components:

1. Findings
2. Definitions
3. Environmental Justice State Policy w/targeted spending in EJ pops
4. Rulemaking
5. EJ Advisory Council & Interagency EJ Committee
6. Environmental Justice Mapping Tool
7. Appropriations

1. Findings

Contextualize the need for the bill with relevant data re: disproportionate impacts of environmental burdens and inequitable distribution of environmental benefits.

2. Definitions

- “Environmental benefits”
- “Environmental burdens”
- “Environmental justice”
- “Environmental justice population”
- “Meaningful participation”



**“Environmental
justice
populations”
should be defined
in statute based
on demographics
(as opposed to
hazard exposure).**

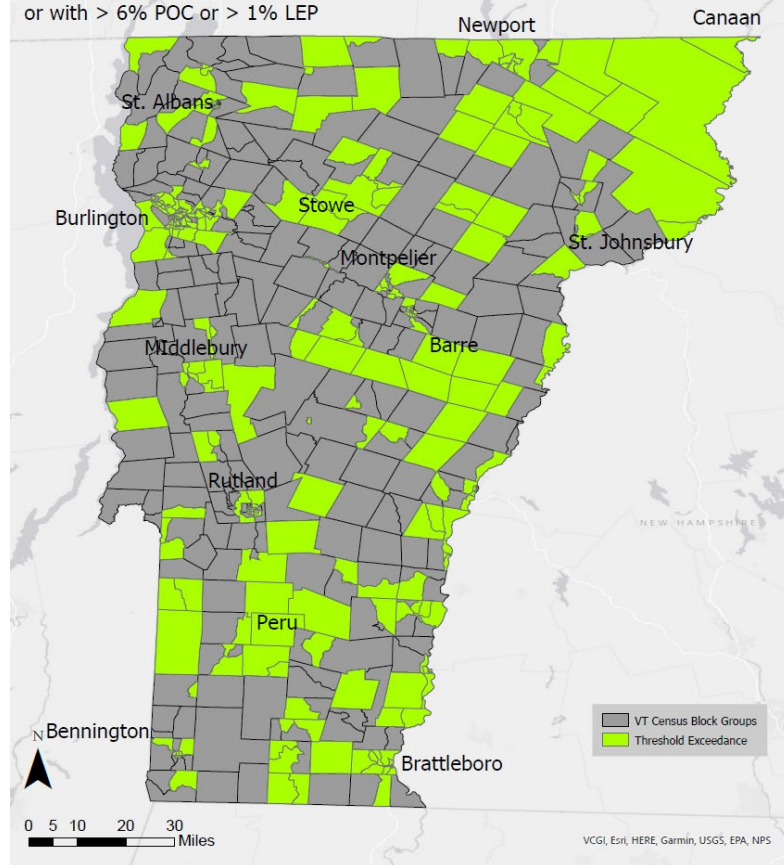
Definition in S.148 is based on three demographic criteria:

- **Race** ($\leq 6\%$ POC);
- **Low income** (80% of statewide annual median household income); and
- **Limited English proficiency** ($\leq 1\%$ of households have LEP)
- Reviewed by ANR at least every five years

This proposed definition covers 52% of Vermont's population.

Vermont

Census Block Groups where Median Household Income is < 80% of the state median or with > 6% POC or > 1% LEP



3. Environmental Justice State Policy

- A. “No segment of the population of the State should, because of its racial, cultural, or economic makeup, bear a disproportionate share of environmental burdens or be denied a proportionate share of environmental benefits.”
- B. Meaningful participation in decisionmaking – all Agencies adopt community engagement plans by July 1, 2025.
- C. State agencies/dept’s/bodies* shall consider “cumulative environmental burdens” & access to environmental benefits when making decisions re: env, energy, climate, public health projects, infrastructure & funding.

*ANR, AOT, ACCD, AAFM, AOE, PUC, NRB, DOH, Dept of Public Service, Dept of Public Safety

3. Environmental Justice State Policy Cont'd

D. Targeted spending in EJ populations. By July 1, 2024, Agencies/dept's/bodies shall direct investments to EJ populations with a goal that at least 55% of the overall benefits from those investments go to EJ populations.

Tracks Justice40 Initiative & included as rec in Climate Action Plan

Targeted spending timeline

- **7/1/23** - ANR issues guidance
- **1/15/24** – entities develop baseline spending reports
- **7/1/24** – entities begin directing investments towards 55% goal
- **7/1/25** and annually – entities issue annual spending reports

4. Rulemaking authority and direction

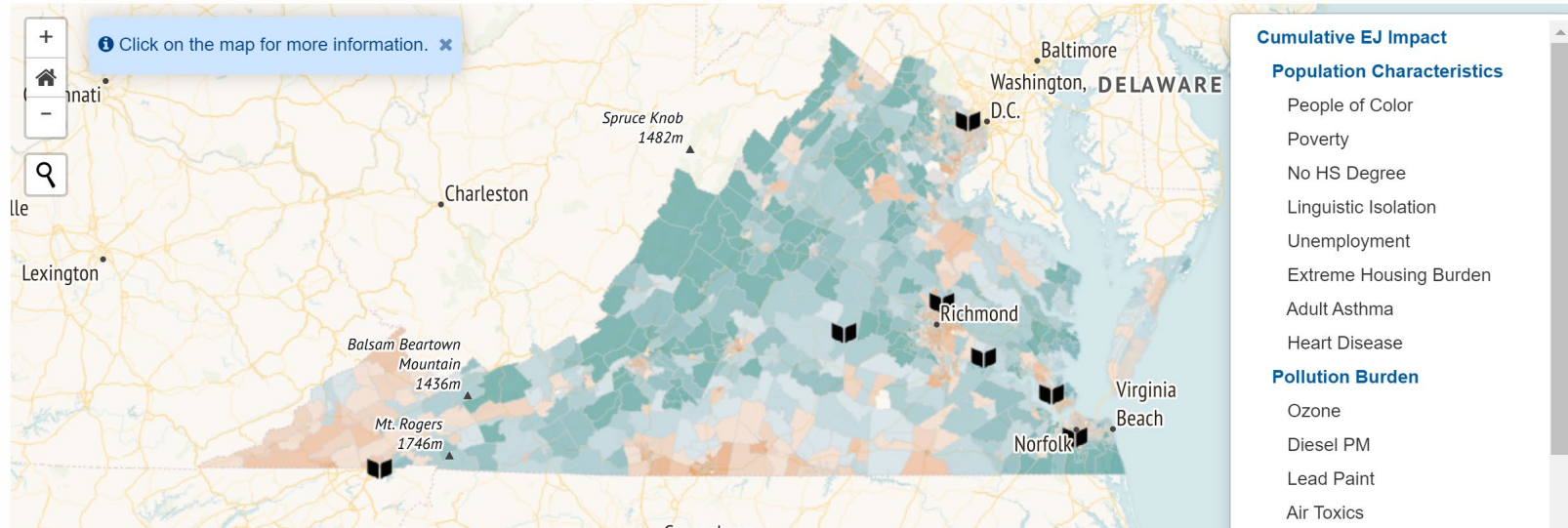
- ANR adopts rule to: (1) Define cumulative environmental burdens; (2) implement consideration of cumulative env. burdens; and (3) use of EJ mapping tool.
- Authorizes other Agencies/Dept's/Bodies to adopt rules as applicable
- Advisory Council provides feedback on rules via review and recorded vote that is submitted to ICAR and LCAR.

5. Environmental Justice Advisory Council & Interagency Environmental Justice Committee

EJ Advisory Council	Interagency EJ Committee
17 community representatives, majority residing in EJ populations	12 state gov't representatives
Staffed and supported by ANR	Led by ANR
Advisory role, but <u>has power to influence</u>	Coordination and recommendation role
Duties: advise state agencies on implementing EJ Policy; use of EJ Mapping Tool; review rules & cmtly engagement plans; review Title VI complaints.	Duties: (jointly with Advisory Council) w/in 1 year review EJ definition, consult with ANR on state investments guidance doc, develop core principles for cmtly engagement plans
Per diem: \$200 + access to cmtly engagement fund	

6. Environmental Justice Mapping Tool

- Depict environmental justice populations AND measure environmental burdens and distribution of benefits (i.e., more than just demographic info)
- ANR created and maintained



Example of Cumulative EJ Impact Map for West Virginia; <https://mappingforej.berkeley.edu/virginia/>.

7. Appropriations

- In Year 1, funding is required to (1) stand up, operationalize, and support the Advisory Council; (2) support ANR staff to carry out initial implementation of the rule.

S.148 is an opportunity to take a necessary, modest step forward towards achieving environmental justice in Vermont.

- Widespread, demonstrated support for passage of S.148.
- Sets up a modest initial environmental justice framework. (e.g., unlike NJ EJ law, it does not require permit denial if project presents cum. env. harms)
- Critical first step for VT to take this year.



Thank you & Questions?

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