

Good morning! I am very honored to be here today introducing An Act Relating to Environmental Justice in Vermont. My name is Jennifer Byrne, I am an Environmental Masters Fellow in the Environmental Justice Clinic at Vermont Law School, and today I am here representing the REJOICE Project.

I will be starting things off today by providing you with some history of the groundwork that went into developing this bill, and will highlight a few key components of the bill's connection to the deep community engagement work being undertaken by many people throughout Vermont. This bill represents the input and expertise of many individuals across the state, and we worked hard in the senate committee alongside advocates and agencies to reach these agreements and compromises. We fully support this policy and are satisfied with the current bill as a first step to developing a framework on how to increase environmental justice throughout VT.

Environmental Justice is a term that until recently, was seldom used in Vermont. The demographics and rural setting of this state can hide environmental injustices in our communities, and yet issues of water quality, indoor air quality, energy affordability, transportation access, food insecurity, and associated health risks still disproportionately affect low-income and BIPOC individuals in the state. **Community-focused groups across Vermont have been organizing for 5 years to inform the creation of this bill.**

We believe the environmental movement should be led by the communities who have the most at stake. **We support** and rely on community knowledge and expertise to co-construct interventions, policies, and transformative approaches toward building sustainable, just, and resilient futures for overburdened and underserved communities in Vermont.

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

We seek to identify how environmental, health, housing, transportation, energy, and food policies overly burden low-income and BIPOC populations, **and to eliminate** structural "barriers to entry" in public decision-making processes.

Over the past 5 years, we have heard directly from overburdened and underserved communities to identify shared experiences with unseen environmental injustices in Vermont, all pointing to the need for the fundamental procedural justice protections S148 is seeking to establish.

Presentation:

Slide 1 I would now like to introduce you to the REJOICE project. REJOICE is a collective of academics, activists, non-profit leaders, and community partners. REJOICE is an acronym, which stands for Rural Environmental Justice Opportunities Informed by Community Expertise. Our fundamental purpose is to craft environmental justice policies for Vermont based on the testimony of those who have been systematically excluded from the mainstream environmental movement. We strive to deepen the democratic process by creating a space for BIPOC, working-class, and digitally-underserved Vermonters to speak out for state-wide change that centers the most impacted communities.

Slide 2 REJOICE Project Partners include representatives from [Center for Whole Communities](#), [Community Action Works](#), [CVOEO's Mobile Home Program](#), [the Environmental Justice Clinic at Vermont Law School](#), and

[University of Vermont's Rubenstein School of Environment and Natural Resources](#). We *have* expanded our network and partnerships to include other groups and individuals, which I will touch on shortly.

Slide 3 Over the past five years, the REJOICE Project has been conducting surveys, interviews, and focus groups around the state, forming connections in VT's most isolated and underserved communities in order to inform iterative, community-led policy in Vermont.

Slide 4 In the months before the pandemic, REJOICE began implementing deep relational methods for community engagement: working with and compensating community liaisons to co-design and facilitate meetings, paying stipends and providing food and child care to participants of community conversations, working with interpreters and hosting fully accessible meetings as appropriate, and inviting agency partners to attend as witnesses to the meetings. During the pandemic, REJOICE continued to engage communities, extending these practices to an online context.

Slide 5 In the summer of 2020, REJOICE held 17 virtual conversations with 77 participants from digitally underserved communities across Vermont. We drew on established relationships to hold focus groups with members of the Bhutanese Nepali, Somali Bantu, migrant farmworker, senior, rural, deaf/hard of hearing, disabled, and mobile home communities.

Slide 6 Our aim was to produce evidence-based accounts of environmental justice in Vermont. The driving questions behind our work were:

- 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 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 factors contribute to structural racism in Vermont, and thus contribute to environmental justice issues?

Slide 7 In our pandemic-era focus groups we asked questions about access to information and resources relating to the pandemic, and challenges to accessing healthy food, safe housing, transportation, healthcare, and environmental information and resources. REJOICE's commitment to valuing the time and expertise of affected community members is central to ensuring equity throughout this type of community engagement.

Click Website Data from these conversations has been collected and analyzed by REJOICE in order to understand community health and environmental concerns, how community members access information and participate in government systems and programs, and what barriers and gaps exist in current policies and procedures, as experienced by Vermonters. I encourage you all to browse this database of the community-identified findings and recommendations relating to environment, health, food, transportation, economy, education, housing, and equal access.

It is very important to note that members of communities who had strong ties to service and advocacy groups or “case workers”, were less likely to express concern about lack of information because they had trusted sources of information and support.

For our next phase of work, REJOICE partners and members of VT Renews Coalition are currently contracted to develop the Department of Environmental Conservation’s Community Engagement Plan, and recently received funding from the EPA to develop the Environmental Justice Network, which will serve as a bridge between communities and their government, improving communication between historically marginalized Vermonters and state decision-makers, while fairly compensating BIPOC and low-income residents for their lived experiences and expertise.

Please visit www.environmentaljusticvt.org to learn more.

I would like to turn now to S.148 and give some very brief highlights of the bill.

Slide 8 For context, the EJ Clinic at Vermont Law School is engaged in a multi-year effort to document environmental justice laws and policies across all 50 U.S. states and territories. This slide details the building blocks of EJ policy. We can say with confidence that this bill incorporates the basic fundamentals of effective EJ legislation, and is a starting point for ensuring substantive, procedural, and distributive justice in environmental decision making in Vermont.

Slide 9&10 So What does S.148 do?

Slide 11

I would like to provide some legal context for the necessity of including the deadline for Title VI compliance. One of the driving missions of the Environmental Justice Clinic’s work at Vermont Law School is to enforce Title VI in the environmental context. You will note in the legislation that we establish a deadline for **all** state agencies to attempt to come into compliance with Title VI of the Civil Rights Act of 1964 by developing and adopting meaningful community engagement plans, also known as public participation plans. Title VI provides that 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 otherwise be subjected to discrimination under any program or activity administered by a recipient of federal funds.¹ In effect, according to federal guidance, in order to show compliance with Title VI, recipients of federal funds, including any state agencies that receive federal funds, must establish and implement meaningful public participation and language access plans.

¹ 42 U.S.C. §§ 2000d - 2000d-7, <https://www.justice.gov/crt/fcs/TitleVI-Overview>.

To date, most Vermont state agencies are grossly out of compliance with this law. By enforcing Civil Rights law in this way, we are dedicating our state to incorporating key Principles of Environmental Justice, including “the fundamental right to political, economic, cultural and environmental self determination of all peoples,” and “the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement, and evaluation.”²

Developing a clear public participation and community engagement strategy can be partially informed by census and geographic data as a starting point. However, in Vermont, as we have seen, the lingual, geographical, transportational, and technological barriers to participation are so varied, data **must** be supplemented by the expertise of community members in order to understand community experience, needs, and desires.

Budget

I would now like to point out a few critically important budgeting considerations that advocates for this bill agree must be incorporated by the House in order to have the intended effect of equitably and meaningfully engaging overburdened community members. As we saw from the Climate Council process, without adequate funding or time for engagement with communities or onboarding of council members, the most overburdened and underserved community voices will be silenced, and we as a state will fail to benefit from the expertise and vision of our most affected community members.

We have provided this sample budget, based on the work of REJOICE, to account for per diems, training, facilitation, and community engagement in standing up the advisory council. While the fiscal note from JFO and the budget from Senate appropriations did not include any funding for this critical advisory council work, the fiscal note does point out precedent for paying certain councils’ members higher than the typical \$50 per diem rate. We strongly recommend an amendment to this bill to include language that provides EJ Advisory Council members at least \$200 per meeting, to better account for the actual costs of preparing for and attending meetings, and the personal costs of representing their communities’ lived experiences of environmental and health issues of concern.

Additionally, this budget includes funding for engagement work in each county and each community represented on the EJ Advisory Council. This funding is intended to support the necessary engagement to recruit Council members and to host community meetings to support and inform the Council members as they perform their duties. The budget breakdown in column H is based on REJOICE’s engagement model, and includes stipends for participants, liaisons, and any necessary interpreters. This relatively small funding request is the critical bedrock that will allow for a successful rollout that will not be extractive of the very community

² The Principles of Environmental Justice, <https://www.nrdc.org/sites/default/files/ej-principles.pdf>.

members we seek to serve with this bill. We did submit this budget to the Senate committees, and we hope that you will consider taking it up in the House.

Slide 12

So, in summation, We believe the environmental movement should be led by those who are most affected by the impacts of climate change and pollution both as a matter of principle and, also, to ensure that any policies developed to address environmental and climate challenges will benefit from and incorporate the perspectives of people from all corners of the state. We believe in upholding community members as co-designers of environmental and climate policies, and defend communities' rights to self-determination in decision making. Community perspectives should be sought out, valued, and incorporated into policies and programs that affect community health and the environment; by doing so, we are confident that the result of this level of engagement **will be** stronger, more effective, and more resilient policies, programs, and communities. We are grateful to you all for taking up this bill for consideration, and hope that you will consider us as willing partners in the effort to create an equitable future for all Vermonters. Thank you very much for your time today, I look forward to engaging with you further and am available any time for questions or further conversation.