

April 13, 2022

HNRE Committee Comments on S.148

Maggie Gendron, ANR Deputy Secretary

Good morning – for the record my name is Maggie Gendron, Dep Sec ANR and I have with me today Ms. Hegstenberg, Ms. Ellerman, and Ms. Stevens.

Environmental Justice is important work, a complex body of work, and is an evolving conversation with important and core foundational elements that the Agency of Natural Resources is actively working to incorporate into our work.

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

Fair treatment means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies; and,

Meaningful involvement means:

- People have an opportunity to **participate in decisions** about activities that may affect their environment and/or health;
- The **public's contribution can influence the regulatory agency's decision;**
- Community **concerns will be considered in the decision making** process; and
- Decision makers will seek out and facilitate the involvement of those potentially affected.

While this work is complex, it is not a new concept, but many of us in State Agencies are coming at EJ from a different lens or perspective, depending on your familiarity with the work and what kind of work you do – whether it be permitting, rulemaking, enforcement, etc.

S.148 is often referred to as the Environmental Justice bill, although the scope of the bill is considerably broader – going beyond the development, implementation and enforcement of environmental laws, regulations and policies – to include consideration of issues that extend into the realm of Social Justice such as food security, public transit and housing. As the lead implementer of this legislation, the Agency sees some serious challenges with S.148 that include:

1. The timelines, and
2. funding allocated by the Senate appropriations Committee, and the scope of work as it relates to the resources available to perform the work and the mission of the Agency.

1. Timelines

- a. [Use timeline sheet to talk through timelines] items to note:
- b. Timing of the creation of the council and committee and the work that needs to happen concurrently
- c. relationship building between the advisory council and interagency committee, and we need to allow for pauses when there is disagreement, and time for the drafting process to be one that is collaborative and incorporates Vermonters in a more meaningful way
- d. Space to engage on definitions, impacts, benefits/burdens, and understand J40 and how we think about investments from state and federal funds. These definitions are meaningful and deserve time to engage communities

I understand the urgency to coordinate Environmental Justice in the State of Vermont, and I also understand the need to build side boards on this work so that we stay focused.

It is important now to highlight that this work **cannot** be accomplished without the funding to support it, and the Senate appropriations committee provided for \$500,000 for a mapping tool and 2 positions at ANR. I want to be clear the positions are not new position numbers, and there are no currently vacant positions at the Agency that can be redirected to this work. Further, there is no funding allocated for the community engagement component of this work.

If the legislature funds Environmental Justice with \$500,000 for a mapping tool and base funding for two permanent, **new positions**, it would accelerate the Agency's work to develop an Environmental Justice Policy by 2024, completion of a community engagement plan template for each agency to adopt by 2025, the building of a EJ mapping tool by 2024, and the ongoing support of the council and committee work.

To be successful, the remainder of components outlined in the bill require resources that are not currently allocated. One approach, could be to direct a collaborative effort between the council and committee to draft a report back to the legislature that would include recommendations on definitions of burdens, benefits, and cumulative impacts; how state and federal investments to EJ communities (aligned with the J40 guidance to States) should be tracked; and how community feedback can be more broadly sought and more fully incorporated into the decision-making process and how State Agencies will drive a cohesive path forward in the space of Environmental Justice.

The \$700,000 in funding proposed by the Senate is also incomplete, even for the step-wise effort I've just described, as it does not include funding necessary to support the work of public participation from childcare to language access, and it does not support the request of the Advisory Council to better reflect an appropriate stipend for the work.

So to summarize, I am asking you to ensure that the resources allocated to this important work is appropriately matched with the scope of the legislation and timelines. What I recommended above is just that, a recommendation, one approach to tailoring the steps directed by the bill to the available resources – and stand ready to engage further with you about this as you hear more testimony.

I do want to save the majority of the time for my Colleague, Ms. Hegstenberg to provide you with a presentation of a EJ mapping tool and how it could look based on the research she has participated in for the Agency over the last year and a half.