

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 Senate Bill No. 148 entitled “An act relating to environmental justice in
4 Vermont” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 Sec. 1. FINDINGS

8 The General Assembly finds that:

9 (1) According to data published by the American Journal of Public
10 Health in 2014 and affirmed by decades of studies, Black, Indigenous, and
11 Persons of Color (BIPOC) and individuals with low income are
12 disproportionately exposed to environmental hazards and unsafe housing,
13 facing higher levels of air and water pollution, mold, lead, and pests.

14 (2) In Executive Order 12898 of 1994, the federal government required
15 each federal agency to make achieving environmental justice a part of its
16 mission by identifying and addressing disproportionately high and adverse
17 human health or environmental effects of its programs, policies, and activities
18 on minority populations and populations with low incomes in the United
19 States.

20 (3) Census data shows that water contaminants like lead and
21 perfluoroalkyl substances (PFAS) are disproportionately found in Vermont

1 communities with higher populations of BIPOC and individuals with low
2 income.

3 (4) The cumulative impacts of environmental harms, including air,
4 water, and land pollution, low-quality housing stock, and greater exposure to
5 extreme weather events disproportionately and adversely impact the health of
6 BIPOC and communities with low income. These disproportionate adverse
7 impacts are exacerbated by lack of access to affordable energy, adequate
8 transportation, healthy food, and green spaces.

9 (5) According to the U.S. Department of Agriculture, 24 percent of
10 Vermonters have low access to grocery stores, which factors in distance to and
11 quantity of stores, family and neighborhood income, and vehicle and public
12 transportation availability. A study conducted at the University of Vermont
13 showed that in Vermont, BIPOC individuals were twice as likely to have
14 trouble affording fresh food and to go hungry in a month than White
15 individuals.

16 (6) Lack of adequate transportation can be a major barrier to health care
17 for Vermonters. In a University of Vermont study, about nine percent of
18 surveyed patients reported that transportation problems prevent them from
19 accessing health services, like doctor’s appointments, and BIPOC individuals
20 were twice as likely to lack access to transportation and to not own a vehicle
21 compared to White individuals in Vermont, and those who did not own a

1 vehicle were twice as likely to not have access to fresh food and a primary care
2 doctor.

3 (7) Inadequate transportation also impedes job access, narrowing the
4 scope of jobs available to individuals with low income and potentially
5 impacting job performance.

6 (8) In 2020, the Center for American Progress found that 76 percent of
7 BIPOC individuals in Vermont live in “nature deprived” census tracts with a
8 higher proportion of natural areas lost to human activities than the Vermont
9 median. In contrast, 20 percent of White individuals live in these areas.

10 (9) The U.S. Centers for Disease Control and Prevention states that
11 systemic health and social inequities disproportionately increases the risk of
12 racial and ethnic minority groups becoming infected by and dying from
13 COVID-19.

14 (10) According to the Vermont Department of Health, inequities in
15 access to and quality of health care, employment, and housing have contributed
16 to disproportionately high rates of COVID-19 among BIPOC Vermonters.
17 Long-term exposure to particulate matter in the air increases the likelihood of
18 severe COVID-19 outcomes.

19 (11) Extreme weather events are projected to increase progressively this
20 century. Vermont experienced an uptick in federally declared flood disasters
21 in recent decades, and the State government projects that Vermont will become

1 wetter in the winter and spring. A study by the University of Vermont shows
2 that BIPOC Vermonters were three times more likely to report Lyme disease
3 than White Vermonters.

4 (12) An analysis by University of Vermont researchers found that
5 mobile homes, whether in a park or on private land, are more likely than
6 permanent structures to be located in a flood hazard area. The State
7 government reports that during Tropical Storm Irene, mobile parks and over
8 561 mobile homes in Vermont were damaged or destroyed, impacting the
9 public health and safety of residents. Mobile homes make up 7.2 percent of all
10 housing units in Vermont and were approximately 40 percent of sites affected
11 by Tropical Storm Irene.

12 (13) A University of Vermont study reports that BIPOC individuals
13 were seven times more likely to have gone without heat in the past year, over
14 two times more likely to have trouble affording electricity, and seven times
15 less likely to own a solar panel than White Vermonters.

16 (14) The U.S. Environmental Protection Agency recognized Vermont's
17 deficiencies in addressing environmental justice concerns related to legacy
18 mining and mobile home park habitability, providing grants for these projects
19 in 1998 and 2005.

20 (15) Vermont State agencies receiving federal funds are subject to the
21 antidiscrimination requirements of Title VI of the Civil Rights Act of 1964.

1 Historically, however, Vermont has lagged in the development of policies and
2 procedures necessary for Title VI compliance, such as meaningful and
3 effective public participation or community engagement plans consistent with
4 federal guidance.

5 (16) Increasing numbers of states across the nation have adopted formal
6 environmental justice laws and policies.

7 (17) At least 17 states around the nation have developed mapping tools
8 to help identify environmentally overburdened communities and environmental
9 health disparities in order to understand cumulative impacts and direct
10 resources for monitoring, community awareness and engagement,
11 enforcement, remediation, allocation of funding, and restrictions on permitting
12 in these communities.

13 (18) The Vermont Department of Health has developed the Social
14 Vulnerability Index based on 2011–2015 American Community Survey data
15 and provides census tract vulnerability measures under socioeconomic,
16 demographic, and housing/transportation themes. The U.S. Environmental
17 Protection Agency’s EJSCREEN environmental justice mapping and screening
18 tool provides 11 environmental indicators, six demographic indicators, and
19 11 environmental justice indicators. The Vermont Agency of Natural
20 Resources’ (ANR) Natural Resources Atlas provides geographic information
21 about environmental features and sites that the ANR manages, monitors,

1 permits, or regulates. The State of Vermont does not currently have a State-
2 managed mapping tool that clearly identifies environmentally overburdened
3 communities.

4 (19) The 1991 Principles of Environmental Justice demand the right of
5 all individuals to participate as equal partners at every level of decision
6 making, including needs assessment, planning, implementation, enforcement,
7 and evaluation.

8 (20) Article 7 of the Vermont Constitution establishes the government
9 as a vehicle for the common benefit, protection, and security of Vermonters
10 and not for the particular emolument or advantage of any single set of persons
11 who are only a part of that community. This, coupled with Article 1’s
12 guarantee of equal rights to enjoying life, liberty, and safety, and Article 4’s
13 assurance of timely justice for all, encourages political officials to identify how
14 particular communities may be unequally burdened or receive unequal
15 protection under the law due to race, income, or geographic location.

16 (21) On January 27, 2021, President Biden signed Executive Order
17 14008, “Tackling the Climate Crisis at Home and Abroad,” that created a
18 government-wide “Justice40 Initiative” that aims to deliver 40 percent of the
19 overall benefits of federal investments related to climate, natural disasters,
20 environment, clean energy, clean transportation, housing, water and
21 wastewater infrastructure, and legacy pollution reduction to disadvantaged

1 communities that have been historically marginalized and overburdened by
2 pollution and underinvestment in housing, transportation, water and
3 wastewater infrastructure, and health care.

4 (22) Federal agencies determine whether a specific community is
5 “disadvantaged” for purposes of the Justice40 Initiative based on a
6 combination of variables that include low income and high or persistent
7 poverty; high unemployment and underemployment; racial and ethnic
8 residential segregation, particularly where the segregation stems from
9 discrimination by government entities; linguistic isolation; high housing cost
10 burden and substandard housing; high transportation cost burden or low
11 transportation access; disproportionate environmental stressor burden and high
12 cumulative impacts; limited water and sanitation access and affordability;
13 disproportionate impacts from climate change; high energy cost burden and
14 low energy access; jobs lost through the energy transition; and access to
15 healthcare.

16 (23) According to American Community Survey data from 2016–2019,
17 at least 51 percent of census block groups in Vermont (or 52 percent of
18 Vermont’s population) meet the Justice40 Initiative federal guidance of a
19 disadvantaged community.

20 (24) Lack of a clear environmental justice State policy results in a
21 piecemeal, radically insufficient approach to understanding and addressing

1 environmental justice with clear definitions, metrics, and essential procedural
2 and language-access and other accessibility strategies. It also potentially puts
3 Vermont at a distinct disadvantage, potentially limiting the State’s ability to
4 access federal transportation and climate funds and other federal funding
5 sources.

6 (25) It is the responsibility of the State of Vermont to pursue
7 environmental justice for its residents and to ensure that its agencies do not
8 contribute to unfair distribution of environmental benefits to or environmental
9 burdens on low-income, limited English proficient, and BIPOC communities.

10 Sec. 2. 3 V.S.A. chapter 72 is added to read:

11 CHAPTER 72. ENVIRONMENTAL JUSTICE

12 § 6001. DEFINITIONS

13 As used in this chapter:

14 (1) “Cumulative environmental burdens” means the combined, multiple
15 environmental burdens on an environmental justice population or
16 overburdened community and shall be further defined by rule by the Agency of
17 Natural Resources.

18 (2) “Environmental benefits” means the benefits that enhance the
19 capability of communities and individuals to function and flourish in society,
20 such as access to a healthy environment and clean natural resources, including
21 air, water, and land, green spaces, constructed playgrounds and other outdoor

1 recreational facilities and venues, affordable clean renewable energy sources,
2 public transportation, fulfilling and dignified green jobs, healthy homes and
3 buildings, health care, access to nutritious food, including Indigenous food and
4 cultural resources, environmental enforcement, and training and funding
5 disbursed or administered by governmental agencies.

6 (3) “Environmental burdens” means any **significant** threat to ~~the fundamental-~~
~~right~~

7 ~~to~~ clean air, water, and land, including any destruction, damage, or impairment
8 of natural resources ~~that is not insignificant,~~ resulting from intentional or
9 reasonably foreseeable causes, including: climate change; air and water
10 pollution; improper sewage disposal; improper handling of solid wastes and
11 other noxious substances; excessive noise; activities that limit access to green
12 spaces, Indigenous food or cultural resources, nutritious food, or constructed
13 outdoor playgrounds and other recreational facilities and venues; inadequate
14 remediation of pollution; reduction of groundwater levels; increased flooding
15 or stormwater flows; home and building health hazards, including lead paint,
16 lead plumbing, asbestos, and mold; and damage to inland waterways and
17 waterbodies, wetlands, forests, green spaces or constructed playgrounds or
18 other outdoor recreational facilities and venues from private, industrial,
19 commercial, and government operations or other activity that contaminates or
20 alters the quality of the environment and poses a risk to public health.

1 (4) “Environmental justice” means all individuals are afforded the right
2 to equitable access to and distribution of environmental benefits; proportionate
3 equitable distribution of environmental burdens; fair and equitable treatment and
4 meaningful participation in decision-making processes and the development,
5 implementation, and enforcement of environmental laws, regulations, and
6 policies; and recognition of the unique needs of individuals of all race, color,
7 income, class, ability status, gender identity, sexual orientation, national origin,
8 ethnicity or ancestry, religious belief, or English language proficiency.
9 Environmental justice redresses structural and institutional racism, colonialism,
10 and other systems of oppression that result in the marginalization, degradation,
11 disinvestment, and neglect of Black, Indigenous, and Communities of Color.
12 Environmental justice requires prioritizing resources for community
13 revitalization, ecological restoration, resilience planning, and a just recovery to
14 communities most impacted by environmental burdens injustices and natural
15 disasters.

15 (5) “Environmental justice population” means:

16 (A) any census block group in which:

17 (i) the annual median household income is not more than 80
18 percent of the statewide annual median household income;

19 (ii) People of Color and Indigenous Peoples comprise at least six
20 percent or more of the population; or

1 (iii) at least one percent or more of households have limited
2 English proficiency; or

3 (B) a geographic portion of that census block group that meets at
4 least one criterion of subdivisions (A)(i)–(iii) of this subdivision (5) and is
5 designated by the Secretary of the Agency of Natural Resources as an
6 environmental justice population upon the petition of at least 10 residents of
7 the geographic portion of a census block group.

8 (6) “Limited English proficiency” means that a household does not have
9 an adult who speaks English “very well” according to the United States Census
10 Bureau.

11 (7) “Meaningful participation” means that all individuals have the ~~right~~
12 ~~and~~ opportunity to participate in energy, climate change, and environmental
13 decision making, including needs assessments, planning, implementation,
14 permitting, compliance and enforcement, and evaluation. “Meaningful
15 participation” also means that Indigenous communities and diverse knowledge
16 systems, histories, traditions, languages, and cultures are integrated in
17 decision-making processes; communities are enabled and administratively
18 assisted to participate fully through education and training; and communities
19 are given transparency by the State government with regards to opportunities
20 for community input and are encouraged to develop environmental, energy,
21 and climate change stewardship.

~~1 (8) “Overburdened or underserved community” means a geographic
2 area that is determined pursuant to a rule promulgated by the Secretary of the
3 Agency of Natural Resources and based on the Environmental Justice mapping
4 tool established in section 6005 of this title and the funding reports generated
5 pursuant to subsection 6002(d) of this title. An overburdened or underserved
6 community does not have to meet the criteria of a designated environmental
7 justice population.~~

8 § 6002. ENVIRONMENTAL JUSTICE STATE POLICY

9 (a) It is the policy of the State of Vermont that no segment of the
10 population of the State should, because of its racial, cultural, or economic
11 makeup, bear a disproportionate share of environmental burdens or be denied an
12 proportionate equitable share of environmental benefits. The following State
13 agencies
14 shall consider cumulative environmental burdens as defined by rule pursuant to
15 subsection 6003(a) of this title, and access to environmental benefits when
16 making decisions about environment, energy, climate, and public health
17 projects, facilities and infrastructure, and associated funding: Agencies of
18 Transportation, of Commerce and Community Development, of Agriculture,
19 Food and Markets, and of Education and the Departments of Health, of Public
20 Safety, and of Public Service, and the Natural Resources Board. It is further the
21 policy of the State of Vermont
to provide the opportunity for the meaningful participation of all individuals,
with particular attention to environmental justice populations and

1 overburdened or underserved communities, in the development,
2 implementation, or enforcement of any law, regulation, or policy.

3 (b) On or before July 1, 2024, every Vermont State agency shall create and
4 adopt a community engagement plan that describes how the agency will
5 engage with environmental justice populations and overburdened or
6 underserved communities as it evaluates new and existing activities and
7 programs, taking into consideration the recommendations of the Advisory
8 Council on Environmental Justice pursuant to subdivision 6004(c)(2)(B) of
9 this title. This plan shall describe how the agency plans to facilitate equitable
10 participation and support meaningful and direct involvement of environmental
11 justice populations and overburdened or underserved communities in
12 compliance with Title VI of the Civil Rights Act of 1964.

13 (c) Every State agency shall submit annual summaries to the Advisory
14 Council on Environmental Justice established pursuant to section 6004 of this
15 title, detailing all complaints alleging environmental justice issues or Title VI
16 violations and any agency action taken to resolve such complaints. Agencies
17 shall consider the recommendations of the Advisory Council pursuant to
18 subdivision 6004(c)(2)(D) of this title and substantively respond in writing if
19 an agency chooses not to implement any such recommendations, within 90
20 days of receipt of recommendations.

1 (d) The State shall spend at least 55 percent of environmental, renewable
2 energy, climate mitigation, transportation, and climate resilience investments funds
3 in
4 designated environmental justice populations and overburdened or underserved
5 communities, provided that those funds are not already reserved for certain
6 populations that meet eligibility criteria.

7 (e) On or before December 15, 2022, the Agencies of Natural Resources
8 and of Transportation and the Departments of Public Safety and of Public
9 Service shall report to the General Assembly the percentage of funding for the
10 last three years that has been spent in communities where some portion of the
11 community is designated as an environmental justice population or
12 overburdened or underserved community as defined in section 6001 of this
13 title.

14 (f) On or before December 15, 2023, and annually thereafter, the Agencies
15 of Natural Resources and Transportation and the Departments of Public Safety
16 and of Public Service shall issue reports that detail how environmental justice
17 criteria were used for awarding grants and prioritizing program funding for the
18 prior fiscal year. The report shall show, at the census block group level, the
19 amount of public funds, or publicly leveraged funds, used and for what
20 projects.

1 (g) The Agency of Natural Resources, in iterative consultation with the Advisory
2 Council on Environmental Justice and the Interagency Council on

3 Environmental Justice, shall review the definition of “environmental justice
4 population” every five years and recommend revisions to the General
5 Assembly to ensure the definition achieves the Environmental Justice State
6 Policy.

2 § 6003. RULEMAKING

3 (a)(1) Within ~~one year~~ 18 months of the effective date of this act, the Agency of
4 Natural Resources, in ~~iterative~~ consultation with the Advisory Council on
5 Environmental Justice and the Interagency Council on Environmental Justice,
6 shall adopt rules to ~~define and~~ implement consideration of cumulative
7 environmental burdens as required by subsection 6002(a) of this title.

8 (2) Within six months of publishing the Environmental Justice Mapping
9 Tool pursuant to section 6005 of this title, the Agency of Natural Resources, in
10 ~~iterative~~ consultation with the Advisory Council on Environmental Justice and the
11 Interagency Council on Environmental Justice, shall adopt rules to guide how
12 the public and State agencies ~~should~~ shall use the Mapping Tool.

13 (3) The Agency of Natural Resources shall also incorporate the
14 principles of the Environmental Justice State Policy into rules and guidance
15 where applicable.

16 (b) The Agencies of Transportation, of Commerce and Community
17 Development, of Agriculture, Food and Markets, and of Education and the
18 Departments of Health, of Public Safety, and of Public Service, ~~and the Natural~~
19 Resources Board, in ~~iterative~~ consultation
20 with the Advisory Council on Environmental Justice, shall adopt or amend
21 policies and procedures, plans, guidance, and rules, where applicable, to
 implement this chapter.

~~1 (c) The Agency of Natural Resources, in consultation with the Advisory
2 Council on Environmental Justice and the Interagency Council on
3 Environmental Justice, shall review the definition of “environmental justice
4 population” every five years and recommend revisions to the General
5 Assembly to ensure the definition achieves the Environmental Justice State
6 Policy.~~

7 (d) Any proposed rules and access to the detailed record required pursuant
8 to this section shall be provided to the Advisory Council on Environmental
9 Justice not less than 45 days prior to submitting the proposed rule or rules to
10 the Interagency Committee on Administrative Rules (ICAR). The rule must then be
11 approved by ~~the If more than 25~~
12 ~~percent of the members of~~ the Advisory Council on Environmental Justice by a
13 ~~supermajority vote. If the rule is not approved, are~~
14 ~~opposed to any proposed rule as determined by vote,~~ the relevant Agency must
15 ~~reconsider the proposed rule and prepare a revision that responds to member~~
16 ~~concerns. The Advisory Council on Environmental Justice shall also have access to~~
17 ~~review public comments as they are submitted on any proposed rules during the~~
18 ~~formal public comment period.~~

15 § 6004. ENVIRONMENTAL JUSTICE ADVISORY COUNCIL AND

16 INTERAGENCY COUNCIL ON ENVIRONMENTAL JUSTICE

17 (a) Advisory Council and Interagency Council.

18 (1) Within 90 days of the effective date of this act, there is created:

19 (A) an Environmental Justice Advisory Council (Advisory Council)

20 to provide independent advice and recommendations to State agencies and the

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General Assembly on matters relating to environmental justice, including the

1 integration of environmental justice principles into State programs, policies,
2 regulations, legislation, and activities; and

3 (B) an Interagency Council on Environmental Justice (Interagency
4 Council) to guide and coordinate State agency implementation of the
5 Environmental Justice State Policy and provide recommendations to the
6 Legislature for amending the definitions and protections set forth in this
7 chapter.

8 (2) Both the Advisory Council and the Interagency Council shall
9 consider and incorporate the Guiding Principles for a Just Transition developed
10 by the Just Transitions Subcommittee of the Vermont Climate Council in their
11 work and strive to create and maintain equitable dynamics within the culture
12 and operations of the Councils.

13 (b) Meetings. The Advisory Council and Interagency Council shall each
14 meet at least ~~four~~ **nine** times per year, with at least ~~two~~ **four** meetings occurring
jointly.

15 (c) Duties.

16 (1) The Advisory Council and the Interagency Council shall jointly:

17 (A) within one year of the effective date of this act, consider and
18 recommend to the General Assembly whether more inclusive thresholds and
19 additional criteria should be added to the definition of environmental justice
20 populations to include populations more likely to be at higher risk for poor
21 health outcomes in response to environmental burdens, ~~due to:~~

1 ~~(i) adverse socioeconomic factors, such as unemployment; high~~
2 ~~housing, transportation, and energy costs relative to income; limited access to~~
3 ~~nutritious food or adequate healthcare; linguistic isolation; and other factors~~
4 ~~that negatively affect health outcomes and increase vulnerability to the effects~~
5 ~~of environmental burdens; and~~

6 ~~(ii) sensitivity factors, such as low birth weight and higher rates of~~
7 ~~hospitalization; and~~

8 (B) examine existing data and studies on environmental justice and
9 consult with State, federal, and local agencies and affected communities
10 regarding the impact of current statutes, regulations, and policies on the
11 achievement of environmental justice.

12 (2) The Advisory Council shall:

13 (A) advise State agencies on environmental justice issues and on how
14 to incorporate environmental justice into agency procedures and decision
15 making as required under subsections 6002(b) and (d) of this title and evaluate
16 the potential for environmental burdens or disproportionate impacts on
17 environmental justice populations as a result of State actions and the potential
18 for environmental benefits to environmental justice populations;

19 (B) advise State agencies in the development of community
20 engagement plans and approve each Agency's plan by majority vote;

1 (C) advise State agencies on the use of the environmental justice
2 mapping tool established pursuant to section 6005 of this title, in the
3 enhancement of meaningful participation, reduction of environmental burdens,
4 and equitable distribution of environmental benefits;

5 (D) review and provide feedback to the relevant State Agency,
6 pursuant to subsection 6003(d) of this title, on any proposed regulations
7 implementing this chapter; and

8 (E) receive and review annual State agency summaries of complaints
9 alleging environmental justice issues, including Title VI complaints, and
10 suggest ~~recommend~~ options or alternatives to State agencies for the resolution of
 systemic issues raised in or by the complaints.

11 (d) Membership.

12 (1) Advisory Council. Each member of the Advisory Council shall be
13 well informed regarding environmental justice principles and committed to
14 achieving environmental justice in Vermont and working collaboratively with
15 other members of the Council. To the greatest extent practicable, Advisory
16 Council members shall represent diversity in race, ethnicity, age, and gender,
17 urban and rural areas, and different regions of the State. The Advisory Council
18 shall consist of the following ~~175~~ members, with a significant more than 50 percent
 number residing
19 in environmental justice populations:

20 (A) the Director of Racial Equity or designee;

1 (B) one representative of municipal government, appointed by the
2 Committee on Committees;

3 (C) two representatives who reside in a census block group that is
 designated as an environmental justice population ~~community affected by-~~
 environmental
4 justice concerns, one appointed by the Committee on Committees and one
5 appointed by the Speaker of the House;

6 (D) two representatives of social justice organizations, one appointed
7 by the Committee on Committees and one appointed by the Speaker of the
8 House;

9 (E) two representatives of organizations working on food security
10 issues, one appointed by the Committee on Committees and one appointed by
11 the Speaker of the House;

12 (F) two representatives of mobile home park issues, one appointed by
13 the Committee on Committees and one appointed by the Speaker of the House;

14 (G) two representatives of a State-recognized Native American
15 Indian tribe, recommended and appointed by the Vermont Commission on
16 Native American Affairs;

17 (H) two representatives of immigrant communities in Vermont, one
18 appointed by the Committee on Committees and one appointed by the Speaker
19 of the House; and

20 (I) one representative of a statewide environmental organization,
21 appointed by the Speaker of the House.

(J) Executive Director of the Vermont Housing and Conservation Board or designee.

(K) Chair of the Natural Resources Conservation Council or designee.

1 (2) Interagency Council. The Interagency Council shall consist of the
2 following ~~nine~~ 11 members:

3 (A) the Secretary of Administration or designee;

4 (B) the Secretary of Natural Resources or designee;

5 (C) the Secretary of Transportation or designee;

6 (D) the Commissioner of Housing and Community Development or
7 designee;

8 (E) the Secretary of Agriculture, Food and Markets or designee;

9 (F) the Secretary of Education or designee;

10 (G) the Commissioner of Health or designee;

11 (H) the Director of Emergency Management or designee; ~~and~~

12 (I) the Commissioner of Public Service or designee;

13 (J) the Chair of Public Utilities Commission or designee; and

14 (K) the Chair of the Natural Resources Board or designee.

15 (3) The Advisory Council and the Interagency Council may each elect
16 two co-chairs and may hold public hearings.

17 (4) After initial appointments, all appointed members of the Advisory
18 Council shall serve six-year terms and serve until a successor is appointed.
19 The initial terms shall be staggered so that a third of the appointed members
20 shall serve a two-year term, another third of the appointed members shall serve
21 a ~~three~~four-year term, and the remaining members shall be appointed to a six-year

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term.

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1 (5) Vacancies of the Advisory Council shall be appointed in the same
2 manner as original appointments.

3 (6) The Advisory Council shall have the administrative, technical, and
4 legal assistance of the Agency of Natural Resources.

5 (7) The Secretary of the Agency of Natural Resources shall implement
6 recommendations of the Advisory Council to the extent they are consistent
7 with this chapter.

8 (8) Members of the Advisory Council who are neither State nor
9 municipal employees shall be entitled to per diem compensation and
10 reimbursement of expenses as permitted under 32 V.S.A. § 1010.

11 § 6005. ENVIRONMENTAL JUSTICE MAPPING TOOL

12 (a) In **iterative** consultation with the Advisory Council on Environmental Justice
13 and
14 the Interagency Council on Environmental Justice, the Agency of Natural
15 Resources shall determine indices and criteria to be included in a State
16 mapping tool to depict environmental justice populations and measure
17 environmental burdens at the smallest geographic level practicable. The
18 Agency of Natural Resources shall **provide monthly updates to the Advisory Council**
19 **on Environmental Justice as it develops the mapping tool to solicit input and advise.**
20 **The Agency of Natural Resources shall maintain the mapping tool.**

18 (b) The Agency of Natural Resources may cooperate and contract with
19 other states or private organizations when developing the mapping tool. The
20 mapping tool may incorporate the federal environmental justice mapping tool,

1 EJSCREEN, as well as existing State mapping tools such as the Vermont
2 Social Vulnerability Index.

3 (c) On or before January 1, 2024, the mapping tool shall be available for
4 use by the public as well as by the State government.

5 Sec. 3. ANNUAL REPORT

6 Beginning on July 1, 2023, the Agencies of Natural Resources, of
7 Transportation, of Commerce and Community Development, of Agriculture,
8 Food and Markets, and of Education and the Departments of Health, of Public
9 Safety, and of Public Service shall issue and publicly post an annual report
10 summarizing all actions taken to incorporate environmental justice into the
11 Agency’s policies or determinations, rulemaking, permit proceeding, or project
12 review.

13 Sec. 4. FUNDING

14 [Placeholder: funding language to be inserted here].

15 Sec. 5. EFFECTIVE DATE

16 This act shall take effect on passage.

18 (Committee vote: _____)

19 _____

20 Senator _____

21 FOR THE COMMITTEE