

Vermont Environmental Justice Law Act 154

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State of Vermont Environmental Justice Policy

“It is the policy of the State of Vermont that 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 an equitable share of environmental benefits.** It is further the policy of the State of Vermont to provide the opportunity for **the meaningful participation of all individuals, with particular attention to environmental justice focus populations, in the development, implementation, or enforcement of any law, regulation, or policy.**”

EJ Advisory
Council &
Interagency
Committee
create the
definitions and
tools

- The **Environmental Justice Advisory Council** (11 members) will provide independent advice and recommendations to State agencies and the General Assembly
- The **Interagency Environmental Justice Committee** (11 members) will guide and coordinate State agency implementation of the VT Environmental Justice Law
- Both the **Advisory Council** and the **Interagency Committee** shall consider and incorporate the **Guiding Principles for a Just Transition** developed by the **Just Transitions Subcommittee of the Vermont Climate Council** in their work.

What does this mean for legislators?

1. Act 154 directs the advisory council and interagency council to report out investments on environmental burdens and benefits, at a municipal level and census block level; in addition to rulemaking around cumulative impacts – likely not complete until 2028.
2. Human resilience and Natural resilience are not one in the same. There are distinct categories to assess distribution of benefits and burdens, Environmental Justice bring those things together.
3. Environmental Justice work promotes an evaluation of strategies to ensure equitable distribution of benefits while also meaningfully engaging Vermonters on resilience efforts and their needs and priorities.
4. Timing matters, and a comprehensive statewide analysis within resilience efforts is critical in good strategy

Time to Scope Deliverables Is crucial for S.259

1

Technical Work on resilience, to evaluate needs and gaps (resilience implementation strategy)

2

Community Engagement on climate action (part of what we need to do for phase II of Climate Action Plan) and the intersection with EJ focus populations

3

Fold opportunity assessment, community engagement, and understand how to bring these overlays together to create the impact intended

Takeaways

1

Intent of the legislation is a good one, and the implementation is a massive undertaking for the State.

2

Being intentional in the building of the foundation (resilience implementation strategy) is an important first step to understand the Statewide impact. This is much bigger than ANR.

3

Environmental Justice requires language access, meaningful community engagement, and distribution or redistribution of benefits/resources to EJ focus populations, and is now required by State law.

Thank you!

Public Participation: VT EJ Calendar

Scan the QR Code to visit the calendar (bit.ly/ej-calendar) and learn about engagement opportunities



ANR EJ CONTACT

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Definitions

- **“Environmental justice”** means all individuals are afforded equitable access to and distribution of **environmental benefits**; equitable distribution of **environmental burdens**; and fair and equitable treatment and **meaningful participation** in decision-making processes, including the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice recognizes the particular needs of **individuals of every race, color, income**, class, ability status, gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief, or **English language proficiency level**. Environmental justice redresses structural and institutional racism, colonialism, and other systems of oppression that result in the marginalization, degradation, disinvestment, and neglect of Black, Indigenous, and Persons of Color. Environmental justice requires providing a proportional amount of resources for community revitalization, ecological restoration, resilience planning, and a just recovery to communities most affected by environmental burdens and natural disasters.’

Definitions

- **“Environmental benefits”** means the assets and services that enhance the capability of communities and individuals to function and flourish in society.
- “Examples of environmental benefits include access to a healthy environment and clean natural resources, including air, water, land, green spaces, constructed playgrounds, and other outdoor recreational facilities and venues; affordable clean renewable energy sources; public transportation; fulfilling and dignified green jobs; healthy homes and buildings; health care; nutritious food; Indigenous food and cultural resources; environmental enforcement; and training and funding disbursed or administered by governmental agencies.”

Definitions

- **“Environmental burdens”** means any significant impact to clean air, water, and land, including any destruction, damage, or impairment of natural resources resulting from intentional or reasonably foreseeable causes.
- “Examples of environmental burdens include climate change impacts; air and water pollution; improper sewage disposal; improper handling of solid wastes and other noxious substances; excessive noise; activities that limit access to green spaces, nutritious food, Indigenous food or cultural resources, or constructed outdoor playgrounds and other recreational facilities and venues; inadequate remediation of pollution; reduction of groundwater levels; increased flooding or stormwater flows; home and building health hazards, including lead paint, lead plumbing, asbestos, and mold; and damage to inland waterways and waterbodies, wetlands, forests, green spaces, or constructed playgrounds or other outdoor recreational facilities and venues from private, industrial, commercial, and government operations or other activities that contaminate or alter the quality of the environment and pose a risk to public health.”

Definitions

- **“Meaningful participation”** means that all individuals have the opportunity to participate in energy, climate change, and environmental decision making.’
- “Examples include needs assessments, planning, implementation, permitting, compliance and enforcement, and evaluation. Meaningful participation also integrates diverse knowledge systems, histories, traditions, languages, and cultures of Indigenous communities in decision-making processes. It requires that communities are enabled and administratively assisted to participate fully through education and training. Meaningful participation requires the State to operate in a transparent manner with regard to opportunities for community input and also encourages the development of environmental, energy, and climate change stewardship.”

Implementation of Vermont EJ Law: Deliverables

1

Create and Adopt
Community
Engagement Plans

2

Direct Investments
with Environmental
Benefits
Proportionately to
Environmental Justice
Focus Populations

3

Consider Cumulative
Environmental Burdens
and Access to
Environmental Benefits
When Making
Decisions

Deliverable Timeline

2023

- 09/01/23*: Core Principles for Agency Community Engagement Plans
- 11/15/23*: Environmental Benefit Spending Report Guidance
- 12/01/23: EJFP Definition Changes Proposed to General Assembly

2024

- 01/15/24: Agency Annual Reporting (1): CR and EJ Complaints
- 04/15/24*: Agency Baseline Environmental Benefit Spending Reports
- 07/01/24: Agencies Set Goals for Proportional Investment in EJFPs

2025

- 01/01/25: EJ Mapping Tool Available
- 01/15/25: Agency Annual Reporting (2): CR and EJ Complaints **plus** EJ Actions
- 07/01/25: EJ Map and Environmental Burden Rulemaking (ANR)
- 07/01/25: Agency Community Engagement Plans
- 12/15/25: ANR Summary of Agency Baseline Benefit Spending Reports

2026

- 01/15/26: Agency Annual Reporting (3): CR and EJ Complaints **plus** EJ Actions **plus** Environmental Benefit Spending -- *annual reporting continues beyond 2026*
- 07/01/26 (ongoing): Agencies update policies and procedures, plans, guidance, and rules to implement the EJ Law

*Note: Due date reflects a two-month extension resulting from a two-month delay required to statutorily authorize per diem payments for EJ Advisory Council members during the 2023 Legislative Session.