

1 S.____

2 Introduced by _____

3 Referred to Committee on _____

4 Subject: Due date revisions for Act 154, Vermont Environmental Justice Law.

5 It is hereby enacted by the General Assembly of the State of Vermont:

6 Sec. 1. 3 V.S.A. § 6004 is amended to read:

7 § 6004 IMPLEMENTATION OF STATE POLICY

8 . . .

9 (c) Each of the covered agencies shall create and adopt on or before ~~July 1,~~
10 ~~2025~~July 1, 2027 a community engagement plan that describes how the agency will
11 engage with environmental justice focus populations as it evaluates new and existing
12 activities and programs. Community engagement plans shall align with the core
13 principles developed by the Interagency Environmental Justice Committee pursuant to
14 subdivision 6006(c)(2)(B) of this title and take into consideration the recommendations
15 of the Environmental Justice Advisory Council pursuant to subdivision 6006(c)(1)(B)
16 of this title. Each plan shall describe how the agency plans to provide meaningful
17 participation in compliance with Title VI of the Civil Rights Act of 1964.

18 (d) The covered agencies shall submit an annual summary beginning on ~~January 15,~~
19 ~~2024~~March 15, 2024 and annually thereafter to the Environmental Justice Advisory
20 Council, detailing all complaints alleging environmental justice issues or Title VI
21 violations and any agency action taken to resolve the complaints. The Advisory
22 Council shall provide any recommendations concerning those reports within 60 days

1 after receipt of the complaint summaries. Agencies shall consider the
2 recommendations of the Advisory Council pursuant to subdivision 6006(c)(1)(E) of this
3 title and substantively respond in writing if an agency chooses not to implement any of
4 the recommendations, within 90 days after receipt of the recommendations.
5 . . .

6 (f) The Agency of Natural Resources, in consultation with the Interagency
7 Environmental Justice Committee and the Environmental Justice Advisory Council,
8 shall issue guidance on how the covered agencies shall determine which investments
9 provide environmental benefits to environmental justice focus populations on or before
10 ~~September 15, 2023~~ September 15, 2025. A draft version of the guidance shall be
11 released for a 40-day public comment period before being finalized.

12 (g)(1) On or before ~~February 15, 2024~~ February 15, 2026, the covered agencies
13 shall, in accordance with the guidance document developed by the Agency of Natural
14 Resources pursuant to subsection (f) of this section, review the past three years and
15 generate baseline spending reports

16 (h) On or before ~~July 1, 2024~~ July 1, 2026, it shall be the goal of the covered
17 agencies to direct investments proportionately in environmental justice focus
18 populations.

19 (i)(1) Beginning on ~~January 15, 2026~~ January 15, 2028, and annually thereafter, the
20 covered agencies shall either integrate the following information into existing annual
21 spending reports or issue annual spending reports that include

1 (j) Beginning on ~~January 15, 2025~~ **January 15, 2027** the covered agencies shall each
2 issue and publicly post an annual report summarizing all actions taken to incorporate
3 environmental justice into its policies or determinations, rulemaking, permit
4 proceedings, or project review.

5 Sec. 2. 3 V.S.A. § 6005 is amended to read:

6 § 6005. RULEMAKING

7 (a) On or before ~~July 1, 2025~~ **July 1, 2027**, the Agency of Natural Resources, in
8 consultation with the Environmental Justice Advisory Council and the Interagency
9 Environmental Justice Committee, shall adopt rules to . . .

10 (b) On or before ~~July 1, 2026~~ **July 1, 2028** and as appropriate thereafter, the covered
11 agencies, in consultation with the Environmental Justice Advisory Council, shall adopt
12 or amend policies and procedures, plans, guidance, and rules, where applicable, to
13 implement this chapter.

14 . . .

15 Sec. 3. 3 V.S.A. § 6006 is amended to read:

16 § 6006. ENVIRONMENTAL JUSTICE ADVISORY COUNCIL AND

17 INTERAGENCY ENVIRONMENTAL JUSTICE COMMITTEE

18 (c) Duties.

19 . . .

20 (2) The Interagency Committee shall:

21 (A) consult with the Agency of Natural Resources in the development of the
22 guidance document required by subsection 6004(g) of this title on how to determine

1 which investments provide environmental benefits to environmental justice focus
2 populations; and

3 (B) on or before ~~July 1, 2023~~ July 1, 2025, develop, in consultation with the
4 Agency of Natural Resources and the Environmental Justice Advisory Council, a set of
5 core principles to guide and coordinate the development of the State agency community
6 engagement plans required under subsection 6004(d) of this title.

7 (3) The Advisory Council and the Interagency Committee shall jointly:

8 (A) consider and recommend to the General Assembly, on or before ~~December~~
9 ~~1, 2023~~ December 1, 2025, amendments to the terminology, thresholds, and criteria of
10 the definition of environmental justice focus populations, including whether to include
11 populations more likely to be at higher risk for poor health outcomes in response to
12 environmental burdens; and

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

16 . . .

17 Sec. 4. 3 V.S.A. § 6007 is amended to read:

18 § 6007. ENVIRONMENTAL JUSTICE MAPPING TOOL

19 . . .

20 (c) On or before ~~January 1, 2025~~ January 1, 2027, the mapping tool shall be available
21 for use by the public as well as by the State government.

22 Sec. 5. Act 154 (2022) Sec. 3 is amended to read:

1 Sec. 3 SPENDING REPORT

2 On or before ~~December 15, 2025~~ December 15, 2027, the Agency of Natural Resources
3 shall submit a report to the General Assembly describing whether the baseline spending
4 reports completed pursuant to 3 V.S.A. § 6004(g) of this section indicate if any
5 municipalities or portions of municipalities are routinely underserved with respect to
6 environmental benefits, taking into consideration whether those areas receive, averaged
7 across three years, a significantly lower percentage of environmental benefits from
8 State investments as compared to other municipalities or portions of municipalities in
9 the State. This report shall include a recommendation as to whether a statutory
10 definition of “underserved community” and any other revisions to this chapter are
11 necessary to best carry out the Environmental Justice State Policy.

12 . . .

13

14 **§ 6006. Environmental Justice Advisory Council and Interagency**
15 **Environmental Justice Committee**

16 (a) Advisory Council and Interagency Committee.

17 (1) There is created:

18 (A) the Environmental Justice Advisory Council (Advisory Council)
19 to provide independent advice and recommendations to State agencies
20 and the General Assembly on matters relating to environmental justice,

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

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

8 (2) Appointments to the groups created in this subsection shall be
9 made on or before December 15, 2022.

10 (3) Both the Advisory Council and the Interagency Committee shall
11 consider and incorporate the Guiding Principles for a Just Transition
12 developed by the Just Transitions Subcommittee of the Vermont Climate
13 Council in their work.

14 (b) Meetings. The Advisory Council and Interagency Committee shall
15 each meet ~~not more than~~ **at least** eight times per year, with at least four
16 meetings occurring jointly. Meetings may be held in person, remotely, or
17 in a hybrid format to facilitate maximum participation and shall be
18 recorded and publicly posted on the Secretary's website

19