

Vermont Environmental Justice Advisory Council Members Rich Holschuh and Mariana Sears Response

Re: 2025 Covered Agency Civil Rights and Environmental Justice Complaint Summary Reports

Submitted to the Vermont Environmental Justice Interagency Committee on May 15, 2025.

Background:

As required by the Vermont Environmental Justice Law (Act 154 of 2022), the covered agencies submitted their annual Civil Rights (CR) and Environmental Justice (EJ) Complaint Summary Reports to the Vermont Environmental Justice Advisory Council (AC) on March 15, 2025 (3 V.S.A. § 6004).

Under the VT EJ Law, covered agencies must submit an annual summary of all complaints alleging environmental justice issues or Title VI violations, along with any agency actions taken to resolve those complaints (3 V.S.A. § 6004). The Advisory Council then has 60 days to review and provide recommendations concerning the reports (3 V.S.A. § 6004).

The following document includes a joint response from 2 members of the VT EJ Advisory Council:

- **Rich Holschuh**, appointed representative on behalf of the **Vermont Commission on Native American Affairs (VCNAA)**.
- **Mariana Sears**, appointed representative for **Food Security** with Hunger Free Vermont.

These reflections offer comments and recommendations based on the 2025 CR and EJ Complaint Summary Reports. While these recommendations were not submitted on behalf of the full AC through a consensus process, they represent thoughtful input from two distinct communities and issue areas represented on the AC.

Response:

Comments on the 2025 Covered Agency CR and EJ Complaint Summary Reports:

- A recurring and fundamental aspect, necessary to full and due process of the EJ law but yet to be specifically engaged or resolved, is a response to the question: “What constitutes an Environmental Justice Complaint?” The expectations for compliance with citizens’ Civil Rights as embodied in law is already well-defined, so the grounds for a complaint process flows therewith. The VT EJ law is still in a formative stage, so the definition of a complaint or complainant is not clear. This needs to be prioritized in the coming year. While we work on defining the process for Environmental Justice complaints, we should follow rules and processes for Civil Rights complaints and have EJ complaints filed as such or in any way that is accessible to the citizens of Vermont. It should not fall on the shoulders of citizens to have to sort out what type of complaint they are filing. We should listen to, and take in, and respond to all complaints.
- There are still open questions about how Environmental Justice itself should be viewed, with existing working definitions not always seen as equitable or accommodating of disparate cultural perspectives. Speaking as representative of the VCNAA, we have concerns about the high degree of anthropocentricity, with little to no consideration given to other-than-humans; about the framing in terms of Western legal concepts of justice centered on the human individual and associated property rights; and the focus on urban settlement and development patterns and their effects. These concerns are yet to be considered.
- In a repeat to the 2024 EJ Complaint Report, and due in part to the shortfalls remarked upon above and the early implementation stage of the EJ law (Act 154 of 2022), there is a lack of substantive complaints received from the covered agencies for the current reporting period (2025). Much of the text for the 2024 Report response from the Advisory Council can be reiterated as applicable for this year.