

Recommendations for Covered Agencies Preparing Environmental Justice and Title VI Complaint Reports Per 3 V.S.A. § 6004(d)

This document provides the Agency of Natural Resources (ANR) recommendations for covered agencies preparing their first Environmental Justice and Title VI Complaint Report on March 15, 2024, pursuant to 3 V.S.A. § 6004(d). These recommendations cover the general format of the report, considerations for content, and anticipated method for submission to the Environmental Justice (EJ) Advisory Council.

Deliverable Description

Section 6004(d) provides:

The covered agencies shall submit an annual summary beginning on January 15, 2024 and annually thereafter to the Environmental Justice Advisory Council, detailing all complaints alleging environmental justice issues or Title VI violations and any agency action taken to resolve the complaints. The Advisory Council shall provide any recommendations concerning those reports within 60 days after receipt of the complaint summaries. Agencies shall consider the recommendations of the Advisory Council pursuant to subdivision 6006(c)(1)(E) of this title and substantively respond in writing if an agency chooses not to implement any of the recommendations, within 90 days after receipt of the recommendations.

Due Date

- Original due date: January 15, 2024
- Revised due date: March 15, 2024

During the 2023 Legislative Session, ANR Secretary Julie Moore informed the Legislature via written notice that short-term due dates in the VT EJ Law would be extended two-months due to a delay in authorization of per diem payments to EJ Advisory Council members. As such, covered agencies would also have a two-month extension to complete their initial Environmental Justice and Title VI Complaint Reports. In future years, covered agencies may be expected to return to completing this annual reporting requirement every January 15th, as originally envisioned in the VT EJ Law, or an alternative recurring date.

Format

Use letterhead for your agency or department (Agency).

Address to the Environmental Justice Advisory Council.

Describe whether your Agency has system(s) for receiving and processing complaints or whether it plans to develop such system(s).

Create separate sections for Environmental Justice and Civil Rights (Title VI) complaints.

For any complaints received since May 31, 2022, summarize the complaint and the resolution.

Content for the Environmental Justice (EJ) and Title VI (Civil Rights or CR) Reports

What is a complaint?

- An EJ complaint is a formal grievance or allegation brought forward by individuals, groups, or organizations to address specific instances of environmental injustice or violation of environmental rights. Environmental Justice is defined in the VT EJ Law, 3 V.S.A. § 6002(3). EJ complaints may assert that certain populations, often marginalized or disadvantaged communities based on factors such as race, income, or ethnicity, are disproportionately burdened with environmental burdens or lack access to environmental benefits.
 - Note that environmental justice concerns or informal inquiries encompass broader issues or problems related to environmental justice, while environmental justice complaints involve specific allegations or grievances brought forward through a formal process to seek redress for environmental injustices or violations.
- A CR complaint is a formal grievance or allegation submitted by an individual pursuant to Title VI of the Civil Rights Act of 1964 (“Title VI”). Title VI complaints may allege discrimination on the basis of race, color, or national origin, which includes language proficiency.

Consider the following questions when preparing your EJ and CR reports:

- Does your Agency have intake systems and/or procedures for receiving and processing EJ and CR Complaints? (e.g., a complaint form or a grievance procedure).
 - Yes. Please describe your intake systems and/or procedures and provide information in support of your answer. Include when the systems were created and how the public is informed about your process.
 - No. Please describe what steps your Agency can or will take to develop a reporting system for the future.
 - Does your Agency have a timeline or workplan to create these systems?
 - Do you have any questions or need any feedback about your systems from the Environmental Justice Advisory Council?
- Has your Agency received EJ and/or CR Complaints since May 31, 2022?
 - No. Include this information in your report.
 - Yes. Please describe the complaint and how it was resolved. Include the following information:
 - Date complaint was received.
 - Describe the complaint and the allegations.
 - Describe how the complaint was resolved, including any corrective actions taken by the Agency, enforcement actions initiated, or changes in policies or practices implemented because of the complaint.
 - Take care not to describe personal information about the party or parties involved in the complaint, or information designated confidential or exempt from disclosure under Vermont’s Public Records Act.
 - Please make sure to answer content questions for each area (EJ and CR) separately.

Submission: Please submit your Report to ANR at karla.raimundi@vermont.gov on or before March 15, 2024, and ANR will make a single covered agency submission to the EJ Advisory Council shortly thereafter.