



State of Vermont, Agency of Natural Resources

Legislative History of the Vermont Environmental Justice Law

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Document Information

This update from the Agency of Natural Resources (ANR) and the Department of Environmental Conservation (DEC) staff outlines and responds to questions and requests generated during the September 25, 2023, Joint meeting of the EJ Advisory Council and EJ Interagency Committee.

If you have questions concerning the information in this document, please contact the staff listed on the previous page.

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How to Access Vermont Laws and Legislative History Online

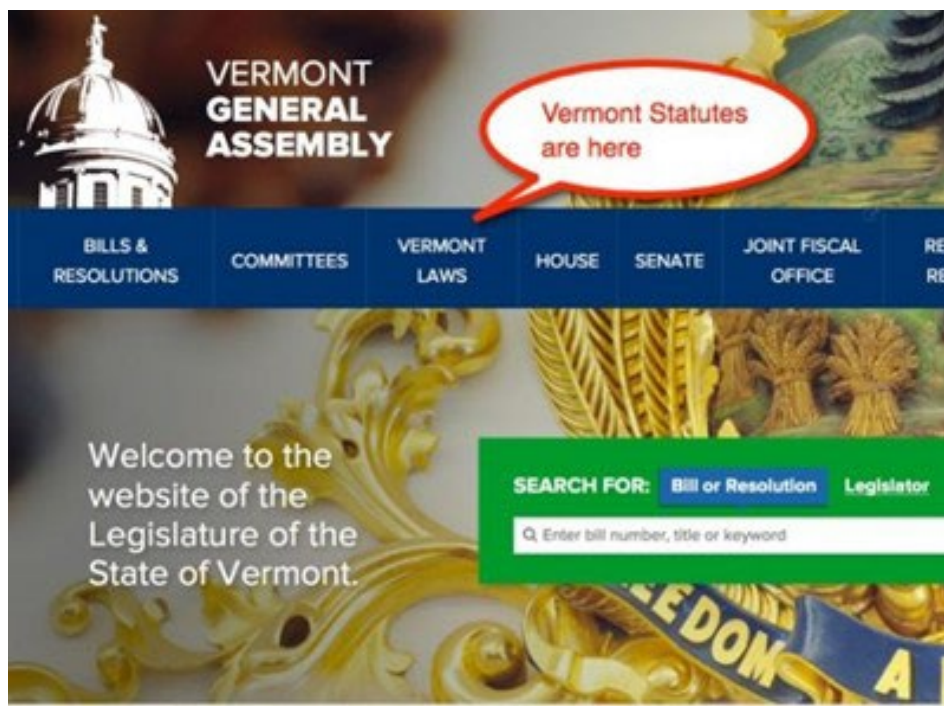
To begin researching information about the legislative history for the Vermont EJ law visit the Vermont General Assembly website found at: <https://legislature.vermont.gov/>. This website includes information about the legislative session, recordings of legislative committee meetings, witness presentations and materials, draft bills, and final versions of Vermont laws.

Vermont laws have a “statute” number that refers to the official codified law, and laws have an “act” number assigned when they are signed by the Governor. Before laws are passed by the General Assembly and signed by the Governor, they are given a “bill” number. Generally, the act includes more information than the statute, such as legislative “findings” that are not found in the statute itself.

The Vermont EJ law statute number is [3 V.S.A. Chapter 72](#) or 3 V.S.A. §§ 6001-6007; its act number is [Act 154 of 2022](#); and its bill number is [S.148](#). The bill was considered during the 2021-2022 Legislative Session.

Where can I find the Vermont Statutes?

Visit <https://legislature.vermont.gov/> and click on “Vermont Laws” button in top left of the page.





How can I see bills and information from prior legislative sessions?

Visit <https://legislature.vermont.gov/> and click on “Bills & Resolutions” button in top left of the page.



Once you select the “2021-2022 Session” from the drop-down menu, you will be able to search for S.148 or Act 154 in the search bar. This will bring you to the comprehensive legislative history page for the Vermont EJ law. Here, you can access all draft versions of the bill that were considered, you can watch YouTube videos of the legislative committee meetings, and access witness presentations and materials that were considered by the legislative committees.

- To access the Committee meeting schedule and meeting recordings, select the [Committee Activity](#) tab. Select the date for the meeting you would like to view a recording.
- The list of documents and handouts reviewed by the Committees appears in the [Documents](#) tab. Documents reviewed by the Senate Committee on Natural Resources are available online.
- Key draft versions of the EJ bill being considered by the Committees can be found on each Committee’s Activity page. [Draft versions of the EJ bill](#) developed by the Senate Committee on Natural Resources and Energy are available online.



- To access fiscal information from the Vermont Legislative Joint Fiscal Office, select the [Fiscal Information](#) tab.

Evolution of the “Environmental Justice Focus Population” Definition in S.148

Bill as introduced

The [original draft EJ bill](#) sponsored by Senator Kesha Ram Hinsdale did not include a specific definition for “Environmental Justice Focus Population” or “EJFP.” The first draft of the bill as introduced required the Advisory Council to:

“[i]dentify and define ‘environmentally distressed communities,’ informed by the use of the environmental justice mapping tool established pursuant to [the law]. These communities shall be identified based on geographic, socioeconomic, demographic, public health, and environmental hazard criteria and may include:

(A) areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation; and

(B) areas with concentrated populations of Black, Indigenous, and Persons of Color, individuals who are of low income, high unemployment, low levels of homeownership, limited English proficiency, high rent or energy burden, low transportation, sensitive populations, or low levels of educational attainment.”

Proposed EJ population definition

In January 2022, the Conservation Law Foundation testified before the Senate Committee on Natural Resources and Energy and proposed a definition for “environmental justice population” based on the three demographic indices similar to what exists in the current law. The January 21, 2022 presentation can be viewed online in two recordings, Part 1 and Part 2, and the presentation [materials are available online](#).

In February 2022, [the draft bill](#) included a process for residents to petition the Agency of Natural Resources to be added as an EJ population:

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

The definition was discussed by the Senate Committee on Natural Resources and Energy on [February 3, 2022](#). The petition language was removed from [the draft bill](#) a



few days later and discussed by the Senate Committee on Natural Resources and Energy on [February 8, 2022](#).

Other considerations

In March 2022, Senate Committee on Natural Resources and Energy voted the [draft bill](#) out of Committee and then the bill was taken up by the House Committee on Natural Resources, Fish and Wildlife which heard additional testimony and further edited the draft bill. The House did not change the EJFP definition, but they did consider testimony about what data to use for the definition and the mapping tool. This testimony consisted of DEC's [presentation](#) on data and mapping tools on April 13, 2022, and [other written testimony](#) advocating for specific language in the definitions.