

**Environmental Justice Advisory Council Response:
Covered Agencies Civil Rights and Environmental Justice Complaint Summaries
Report**
May 15, 2024

Introduction.

The Vermont Environmental Justice (EJ) Advisory Council (AC) is committed to serving the citizens of the State of Vermont by assisting the Vermont Agency of Natural Resources and other agencies in meeting their responsibilities regarding the implementation of the Vermont Environmental Justice Law (Act 154 of 2022).

This document is the AC's collective response to the Civil Rights and Environmental Justice Complaint Summaries Reports submitted to us by the covered agencies, as required pursuant to 3 V.S.A. § 6004(d).

Here, we, the AC members, outline various factors/components that we propose for the development of a unified Complaint Response System that will be easy for communities to access and understand, and that will assure complaints are addressed in a timely manner and resolved to the best of the agencies' abilities.

Please find a section of useful definitions, background information and other resources at the end of this report.

General remarks.

A thoughtful, unified-across-agencies Complaints Response System needs to be put in place. The system should include the following parts:

- 1) Staff/personnel to receive and give an initial response to complaints in a timely manner,
- 2) A unified-across-agencies intake form to record all the data needed to address and categorize the complaint,
- 3) A mechanism to investigate, follow-up on and resolve the complaints by the difference agencies,
- 4) One central database (across agencies) for all complaints to be compiled and to generate metrics for evaluation and informing future decisions.

Communities need to be informed about this system so folks know where to send complaints.

Below, please find sections which detail the AC's thoughts and expectations behind each of the four parts outlined above.

1. Staff/personnel to Receive Complaints.

- A designated staff should collect and monitor the reception of complaints: via phone, via email, talk-to-text, voice memo, in person if required.
- Staff should be trained in the Vermont EJ Law and help the complainant complete all the parts of the intake form so that the data can be later categorized and measured.
- Staff should be committed to following up on complaints and activating the mechanism for resolution.
- Staff should avoid sending community members in multiple directions to file their complaints.
- Language accessibility should be provided.

2. Intake Form – Elements of an EJ Complaint.

- There should be one, unified-across-agencies complaint intake form available both as hard copy and electronic format.
- If agencies have forms in place for collecting Title VI/Civil Rights complaints, then those forms could be re-written or edited to include language that allows for an EJ complaint as well.
- The form should briefly describe the difference between a Civil Rights and an Environmental Justice complaint. Also, describe where these two might overlap and allow room for the complainant to explain if in doubt.
- Jargon-like language should be avoided: The form should be in plain language (Grade 6 reading level), and include provisions for language translation, interpretation, and other forms of accommodations for disability accessibility at no cost to complainant.
- Space/opportunity for thorough descriptions should be provided.
- Intake form should include:
 - Name/Address/Contact info
 - Pertinent agency
 - Topic/issue - description of the problem/situation:
 - Cause of the problem - if known
 - Place/Location/Area
 - Population impacted
 - Level of impact: Community/Group/Individual
 - Proposed remedies by the complainant

3 & 4. Investigation, Follow-up, and Resolution Mechanism & Central Database.

Part of developing a fair, simple, and effective system to collect complaints is connected to the way that those complaints will be prioritized, categorized, followed-up, investigated, and resolved. Even though this report is the response to the agencies' reports of their complaints, we would like to bring up the following considerations related to this.

- Determine priority: What complaints are urgent and will need to take priority? Which ones can be answered in a first come, first served manner?
- Tracking mechanism to follow-up complaints: What is the course of action, response, and resolution?
- Complainants and impacted community members need to be involved the solution-building process as much as they desire to be.
- Categorize and track complaints and develop metrics.
- Agencies should respond to volume of incoming complaints and add staff as needed, go back to the AC with updates and budget needs.
- Provide an FAQ Section.
- Allow for an iterative process, share case stories, ask for community feedback about process and effectiveness.
- Agencies' Civil Rights and Environmental Justice Reports to the AC should include a list of complaints and respective resolutions/in-progress status. Copies of intake forms should be available for inspection if members of the AC request them.

Conclusion and Closing Remarks.

It is our hope that agencies seriously take these suggestions into consideration to develop a Complaint Response System that will be accessible to the most impacted and vulnerable of our communities and assure complaints are addressed and resolved so that the Vermont Environmental Justice Law can be implemented. The Principles of Environmental Justice focus on the core beliefs and structures around protecting the environment and giving people control over what happens to their communities.

Since the First National People of Color Environmental Leadership Summit was held in 1991, the movement for environmental justice has been a struggle to make real the promises of environmental protection and sustainability for everyone. The Principles of Environmental Justice are to:¹

- Increase ecological protection and safety within disadvantaged communities.
- Expand cultural awareness and address potential language barriers.
- Promote environmental education.
- Provide additional opportunities for everyone to participate in the decision-making process, regardless of race or socioeconomic status.

The establishment of these principles gave greater legitimacy to the environmental justice movement. Here in Vermont, it is now our obligation to pursue these goals for the life of the planet, humanity, and particularly for those who have been neglected in the area of environmental protection and safety.

¹ See, <https://bencrump.com/environmental-justice-lawyer/what-are-the-principles-of-environmental-justice/>

Definitions, Background Information and Resources.

Environmental Justice² means the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other activities that affect human health and the environment so that people:

- Are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and
- Have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.

To accomplish these goals, meaningful engagement is required that allows all citizens to participate fully in environmental health, safety, protection, and the remedy of environmental hazards.

Meaningful Engagement means:³

- Providing timely opportunities for members of the public to share information or concerns and participate in decision-making processes.
- Fully considering public input provided as part of decision-making processes.
- Seeking out and encouraging the involvement of persons and communities potentially affected by State, Federal, and Private activities by:
 - Ensuring that agencies offer or provide information on a state activity in a manner that provides meaningful access to individuals with limited English proficiency and is accessible to individuals with disabilities;
 - Providing notice of and engaging in outreach to communities or groups of people who are potentially affected and who are not regular participants in state decision-making;
 - Addressing, to the extent practicable and appropriate, other barriers to participation that individuals may face; and
 - Providing technical assistance, tools, and resources to assist in facilitating meaningful and informed public participation whenever practicable and appropriate.

² The Equal Protection Agency, <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>.

³ The Equal Protection Agency, <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>.

The Guiding Principles for Citizen–Complainant Participation ⁴

Various methods of citizen participation outlined in these guidelines rely on different principles of good practice to ensure their quality. Even though methods have their own specificities, there are general principles to keep in mind when implementing citizen participation activities that can help ensure the quality of a participation process. Those who have studied and implemented citizen participation have suggested several (ten) guiding principles. This document shall simply outline these principles.

1) Clarity and Impact.

The objective of a citizen participation process should be defined from the outset and linked to a defined public problem or challenge.

2) Commitment and Accountability.

Public authorities should be clear about the expected results of the process to manage participants' expectations.

3) Transparency.

The participation process should be announced publicly before it begins. Any applicable decision-making process that follows should be fully transparent.

4) Inclusiveness and Accessibility.

Any interested person or stakeholder should be able to participate, and the processes should reflect the diversity of the community.

5) Integrity.

The process must have an honest intention. Efforts should be made to protect the process from private interests or policy capture by specific interest groups.

6) Privacy.

Participants' privacy should be respected. Any data collected and published should have participants' consent. All participants' personal information and data should be treated in compliance with good practices,

7) Information.

Participants should have access to a wide and diverse range of accurate, relevant, and accessible evidence and expertise.

⁴ Principles 1 – 9, were created by the Organization for Economic Cooperation and Development (OECD). https://www.oecd-ilibrary.org/sites/3b93098f_en/index.html?itemId=/content/component/3b93098f-en#:~:text=Methods%20of%20citizen%20participation%20outlined,informati%2C%20resources%2C%20and%20evaluation. The tenth principle was added by the EJ Advisory Council.

8) Resources.

Public authorities should secure the necessary resources, such as human, financial, and technical, to implement participatory processes properly.

9) Evaluation.

Participation processes should be evaluated to create an opportunity to learn and improve.

10) Simplicity.

The Complaint Response System must be “user-friendly” and provide for ease of participation.