

Vermont Environmental Justice Law

Overview

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Contact Information

This document was created by the Environmental Justice Coordinators to support in onboarding new members of the Advisory Council and the Interagency Committee.

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Vermont Environmental Justice Law Overview

Background

Also known as Act 154 of 2022, the Vermont (VT) Environmental Justice (EJ) Law is the state's first law specifically meant to address environmental health disparities and improve the health and well-being of all Vermont residents. The VT EJ Law establishes Vermont's Environmental Justice State Policy.

The purpose of the Environmental Justice Law is to ensure all Vermonters regardless of race, cultural background, or income have equitable access to environmental benefits such as clean air and water, healthy food, and public transportation. The VT EJ Law also protects communities from disproportionate environmental burdens such as polluted air and water, climate change impacts, and limited access to green spaces. The VT EJ Law requires State agencies to meaningfully engage Vermonters in the environmental decision-making processes.

In June of 2024, the passage of Act 181 revised the meeting cap (raised from 8 meetings to 12) and deliverable deadlines under Act 154. Please see the Due Date Revisions to learn more about the current deadlines under the Law.

To learn more about the VT EJ Law, please see the Vermont Environmental Justice Law Fact-sheet.

Founding Principles of Environmental Justice

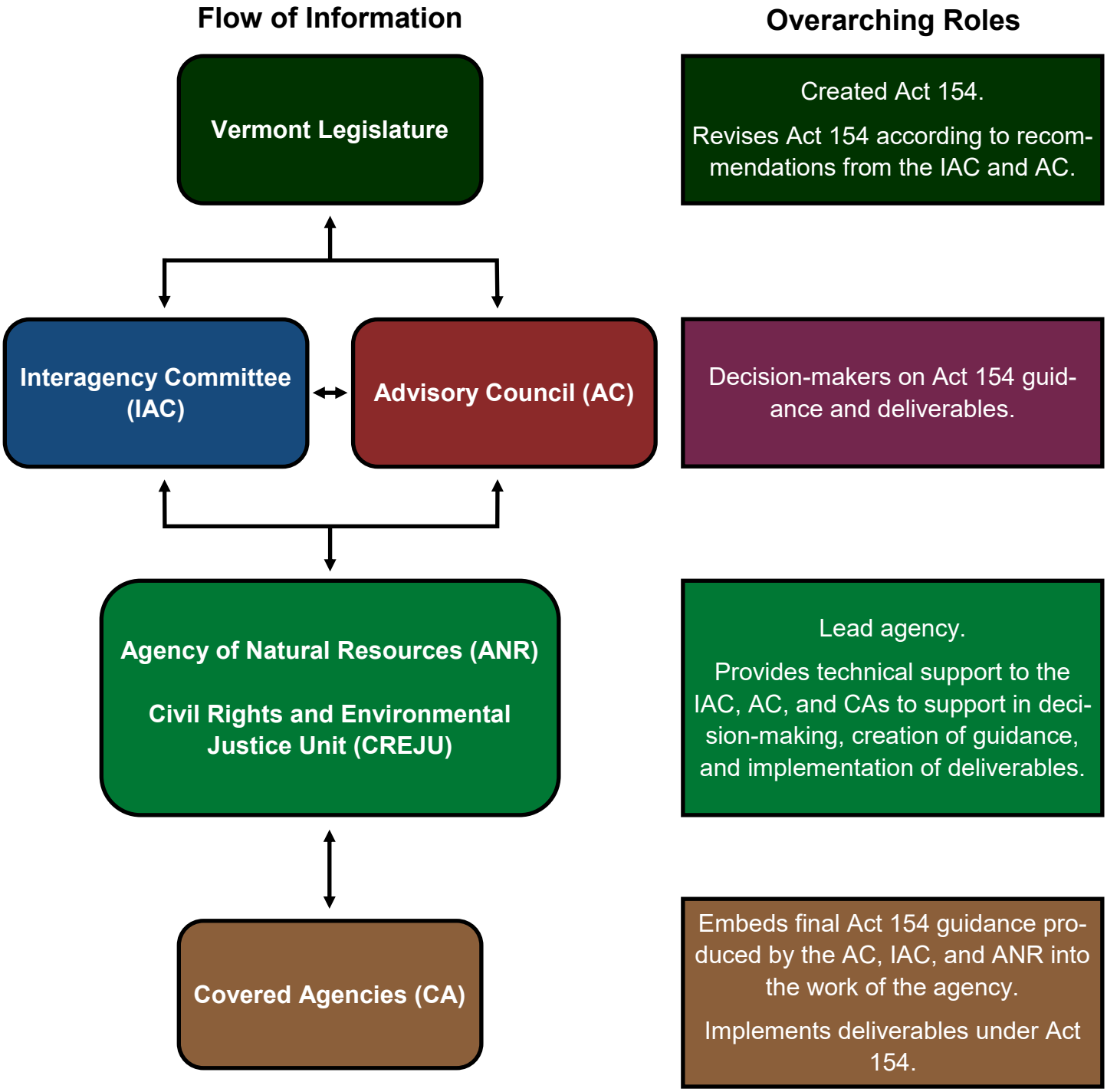
The Principles of Environmental Justice outline seventeen clear principles intended to assert values, affirmations, and demands that represented the needs of the marginalized communities involved in the First National People of Color Environmental Leadership Summit in 1991. These principles were amongst the first of their kind and laid a foundation for future EJ activism and advocacy. They center around themes of accessibility, inclusivity, accountability, transparency, reciprocity, autonomy, safety, culture, and more.
For more foundational resources, see the Founding Principles folder on the EJ Online Resource Library.

Structure of the VT EJ Law

Description:

The VT EJ Law established two bodies, the Advisory Council and the Interagency Committee, to be the advisors to the work completed under it. Additionally, the VT EJ Law names ten agencies, the Covered Agencies, to implement it. To support all of these groups in their, the VT EJ Law names the Agency of Natural Resources as the lead agency to provide technical assistance.

The diagram below depicts how information flows across these groups.



Advisory Council (AC)

Description:

The AC is a council made up of representatives from communities that experience environmental injustices. There is also one representative from the State Office of Racial Equity. The AC supports in the implementation of the VT EJ Law by using their expertise and lived experience. They do this by:

- Attending and participating in public meetings for the VT EJ Law
- Maintaining awareness of progress under the VT EJ Law by reviewing technical assistance materials provided by ANR
- Advocating for the needs and perspectives of the communities they represent
- Engaging in decision-making (alongside the IAC) around deliverables in the VT EJ Law including definitions and guidance
- Advising CAs on the creation of policies and the use of the VT EJ Mapping Tool
- Providing recommendations to CAs to improve their practices and to the Vermont legislature to improve the VT EJ Law

Membership (as of January, 2025):

Municipal Government – *Vacant*
Social Justice Organization – Britaney Watson
Mobile Home Community -- *Vacant*
EJ Focus Population – Walter Brownridge
Food Security Organization – Mariana Lamaison Sears
Immigrant Community – Maryam Shabbir Abbasi
Statewide Environmental Organization -- *Vacant*
Vermont Native American Tribe Representative – Rich Holschuh
Vermont Housing and Conservation Board – Trey Martin
Natural Resources Conservation Council – Jennifer Byrne
Office of Racial Equity – Xusana Davis

Statutory Language:

- "The Environmental Justice Advisory Council (Advisory Council) to provide independent advice and recommendations to State agencies and the General Assembly on matters relating to environmental justice, including the integration of environmental justice principles into State programs, policies, regulations, legislation, and activities" 3 V.S.A. § 6006 (a)(1)(A)
- Duties: To see a complete list of duties for the AC, please see 3 V.S.A. § 6006 (c)(1)

Resources:

- Onboarding Guide — EJ Advisory Council

Interagency Committee (IAC)

Description:

The IAC is a committee made up of one representative from each of the CAs and one representative from the State Office of Racial Equity. These representatives ensure that the needs of each covered agency is represented in the foundational work of the VT EJ Law.

The IAC guides and coordinates State agency implementation of the VT EJ Law. They do this by:

- Attending and participating in public meetings for the VT EJ Law
- Maintaining awareness of progress under the VT EJ Law by reviewing technical assistance materials provided by ANR
- Advocating for the needs and perspectives of the agencies they represent
- Engaging in decision-making (alongside the AC) around deliverables in the VT EJ Law including definitions and guidance
- Consulting ANR on guidance developed to support CAs in implementation of deliverables
- Providing recommendations to the Vermont legislature to improve the VT EJ Law

Membership (as of January, 2025):

Agency of Natural Resources – Karla Raimundí
Agency of Transportation – Michele Boomhower
Agency of Commerce and Community Development – Grace Vinson
Agency of Agriculture, Food and Markets – Abbey Willard
Agency of Education – Bob Donohue
Public Utility Commission – Elizabeth Schilling
Natural Resources Board – Jenny Ronis
Department of Health – Amy Redman
Department of Public Safety – Stephanie A. Smith
Department of Public Service – Claire McIlvennie
Office of Racial Equity – Xusana Davis

Statutory Language:

- "The Interagency Environmental Justice Committee (Interagency Committee) to guide and coordinate State agency implementation of the Environmental Justice State Policy and provide recommendations to the General Assembly for amending the definitions and protections set forth in this chapter." 3 V.S.A. § 6006 (a)(1)(B)
- Duties: To see a complete list of duties for the AC, please see 3 V.S.A. § 6006 (c)(2)

Covered Agencies (CA)

Description:

The CAs are required to implement deliverables under the VT EJ Law in coordination with the AC and IAC. The legislature identified each CA as offering some service that relates to environmental justice.

The CAs guides and coordinates State agency implementation of the VT EJ Law. They do this by:

- Preparing the agency for implementation before starting their work on a deliverable
  - Identifying training and technical assistance needs
  - Creating and maintaining internal agency staff awareness around deliverables
  - Planning for long-term sustainability such as creating more capacity for EJ work
- Gathering information in response to AC and IAC needs to support decision-making
- Implementing deliverables under the VT EJ Law
- Responding to AC recommendations to improve their practices

Covered Agencies:

Agency of Natural Resources
Agency of Transportation
Agency of Commerce and Community Development
Agency of Agriculture, Food and Markets
Agency of Education
Public Utility Commission
Natural Resources Board
Department of Health
Department of Public Safety
Department of Public Service

Statutory Language:

- Implementation of State Policy: To see a complete list of deliverables to be completed by CAs, please see 3 V.S.A. § 6004

Resources:

- A Guidebook for Covered State Agencies

Agency of Natural Resources (ANR)

Description:

ANR is identified under the VT EJ Law as being the lead agency. As the lead agency, ANR is responsible for providing technical assistance to the AC, IAC and CAs. ANR is also tasked with some unique deliverables under the VT EJ Law including the creation and maintenance of the EJ Mapping Tool. ANR acts as the lead agency by:

- Facilitating public meetings of the AC and/or IAC to support decision-making
- Developing technical assistance materials to maintain awareness about initiatives under the VT EJ Law and support in decision-making
- Procuring expert input as needed on technical substantive content
- Developing guidance to support CAs in the implementation of deliverables
- Consulting with the AC and AC to support rulemaking
- Coordinating communications with the AC, IAC and CAs to support in efficient implementation of deliverables
- Creating and maintaining the EJ Mapping Tool

Civil Rights and Environmental Justice Unit:

Director of CR and EJ – Karla Raimundí

EJ Coordinator – Kim Barrett

EJ Coordinator – Juliet Birch

Statutory Language:

- Implementation of State Policy: To see a complete list of deliverables to be completed by ANR, please see 3 V.S.A. § 6004
- Rulemaking: To see a complete list of rulemaking to be completed by ANR, please see 3 V.S.A. § 6005
- "The Advisory Council shall have the administrative, technical, and legal assistance of the Agency of Natural Resources." 3 V.S.A. § 6006 (d)(6)
- "The Agency of Natural Resources shall create and maintain the State environmental justice mapping tool..." 3 V.S.A. § 6007 (a)

Resources:

- Examples of technical assistance materials:
  - Climate Superfund Act AC Talking Points Joint Oct 25.pdf
  - EJFP definition presentation by John Adams

Modes of Influence of the VT EJ Law

Description:

The VT EJ Law outlines several key categories of deliverables through which it intends to achieve EJ. In the implementation of the VT EJ Law, ANR also refers to these key categories as "modes of influence." The modes of influence of the VT EJ Law are:



Community Engagement

Developing policies and procedures so members of the public can meaningfully engage with State work.



Proportionate Distribution of Environmental Benefits

Assessing agency spending around environmental benefits to more proportionately distribute them across populations.



Mitigation of Cumulative Environmental Burdens

Assessing the impact of environmental burdens on populations to develop a mitigation plan.



Annual Agency Reporting

Regularly reporting on things like spending, actions, response to complaints, etc. to be more transparent.



Legislative Adaptation

Reevaluating key definitions in the VT EJ Law to ensure these terms accurately depict the perspectives of "environmental justice focus populations."

Community Engagement

Deliverable: The Core Principles of Community Engagement

Responsible Party: IAC and AC

Deadline: July 1, 2025

Status: Complete

Description:

The "Core Principles of Community Engagement" will guide the creation of community engagement plans by CAs. The audience for these principles is State agency staff tasked with developing community engagement plans under the VT EJ Law.

Statutory Language:

"The Interagency Committee shall (. . .) develop, in consultation with the Agency of Natural Resources and the Environmental Justice Advisory Council, a set of core principles to guide and coordinate the development of the State agency community engagement plans (. . .)." 3 V.S.A. § 6006 (c)(2)(B).

Resources:

- The Core Principles of Community Engagement
- The Core Principles of Community Engagement factsheet

Deliverable: Community Engagement Plans

Responsible Party: CA in consultation with the AC

Deadline: July 1, 2027

Status: In development — Preparatory work underway

Description:

The CAs are responsible for creating Community Engagement Plans. They will outline standards for how the agency engages with the public, particularly EJFPs. These Community Engagement Plans must be informed by the Core Principles of Community Engagement and created under the advisement of the AC.

Statutory Language:

"Each of the covered agencies shall create and adopt on or before July 1, [2027] a community engagement plan that describes how the agency will engage with environmental justice focus populations as it evaluates new and existing activities and programs… Each plan shall describe how the agency plans to provide meaningful participation in compliance with Title VI of the Civil Rights Act of 1964." 3 V.S.A. § 6004 (c)

Proportionate Distribution of Environmental Benefits

Deliverable: Environmental Benefits Spending Guidance

Responsible Party: ANR in consultation with the AC and IAC

Deadline: September 15, 2025

Status: In development — Task Group is convening to develop Guidance

Description:

As the lead covered agency under the VT EJ Law, ANR is tasked with drafting Environmental Benefits Spending Guidance (EBSG) to support covered agencies in the creation of their Baseline Spending Reports. This guidance will set the foundation for the completion of each of the subsequent deliverables under this mode of influence.

Statutory Language:

"The Agency of Natural Resources, in consultation with the Interagency Environmental Justice Committee and the Environmental Justice Advisory Council, shall issue guidance on how the covered agencies shall determine which investments provide environmental benefits to EJFPs on or before September 15, 2025. A draft version of the guidance shall be released for a 40-day public comment period before being finalized." 3 V.S.A § 6004 (f)

Resources:

- A Guide to Creating the Guidance for Covered Agency Environmental Benefits Spending Reports
- Environmental Benefits Resources folder

Deliverable: Baseline Spending Reports (3-Year Lookback Reports)

Responsible Party: CA

Deadline: February 15, 2026

Status: In development — Preparatory work underway to establish a strong basis for 3-Year lookback

Description:

The Baseline Spending Report asks each CA to take a snapshot of their investments in environmental benefits during the defined three-year period. This snapshot helps CAs understand where investments are going. This will support in the next deliverable of establishing a goal of proportional distribution of environmental benefits to EJFPs.

Statutory Language:

- To see a complete description of this deliverable, please see 3 V.S.A § 6004 (g)

Proportionate Distribution of Environmental Benefits

Deliverable: Establish a Goal of Proportionate Investment

Responsible Party: CA

Deadline: July 1, 2026

Status: Not yet in development — Completion of deliverable conditioned on Baseline Spending Reports

Description:

For the environmental benefits that CAs provide, CAs must utilize their Baseline Spending Reports and subsequent annual reports to establish a goal to more proportionately invest in environmental benefits between EJFPs and populations that are not EJFPs.

Statutory Language:

"On or before July 1, 2026, it shall be the goal of the covered agencies to direct investments proportionately in environmental justice focus populations." 3 V.S.A § 6004 (h)

Deliverable: Baseline Spending Report Summary

Responsible Party: ANR

Deadline: December 15, 2027

Status: Not yet in development — Completion of deliverable conditioned on Baseline Spending Reports

Statutory Language:

"On or before December 15, 2027, the Agency of Natural Resources shall submit a report to the General Assembly describing whether the baseline spending reports completed pursuant to 3 V.S.A. § 6004(g) of this section indicate if any municipalities or portions of municipalities are routinely underserved with respect to environmental benefits... This report shall include a recommendation as to whether a statutory definition of "underserved community" and any other revisions to this chapter are necessary to best carry out the Environmental Justice State Policy." 3 V.S.A Sec. 3. SPENDING REPORT

Deliverable: Agency changes to rules, policies, and procedures

Responsible Party: CA with guidance from ANR

Deadline: July 1, 2028

Status: Not yet in development — Completion of deliverable conditioned on completion of all other deliverables under Proportionate Distribution of Environmental Benefits and Mitigation of Cumulative Environmental Burdens

Statutory Language:

- To see a complete description of this deliverable, please see 3 V.S.A § 6005 (b-c)

Mitigation of Cumulative Environmental Burdens

Deliverable: Environmental Justice Mapping Tool

Responsible Party: ANR in consultation with the AC and IAC

Deadline: January 1, 2027

Status: In development — CREJU is developing Request for Proposal to procure a contractor

Description:

As lead agency, the ANR is responsible for the creation and maintenance of the State environmental justice mapping tool.

The potential uses of the mapping tool are the following:

1. To aid CAs in identifying where EJFPs intersect with their programs, benefits, and services in order to support them in implementing policy and procedure changes in accordance with the Law.
2. To be used by EJFPs for advocacy and planning.

Statutory Language:

"The Agency, in consultation with the Environmental Justice Advisory Council and the Interagency Environmental Justice Committee, shall determine indices and criteria to be included in the State mapping tool to depict environmental justice focus populations and measure environmental burdens at the smallest geographic level practicable… On or before January 1, 2027, the mapping tool shall be available for use by the public as well as by the State government." 3 V.S.A § 6007

Deliverable: Environmental Burden Rulemaking

Responsible Party: ANR in consultation with the AC and IAC

Deadline: July 1, 2027

Status: Not yet in development — Completion of deliverable is conditioned on creation of Environmental Justice Mapping Tool

Statutory Language:

"On or before July 1, 2025, the Agency of Natural Resources, in consultation with the Environmental Justice Advisory Council and the Interagency Environmental Justice Committee, shall adopt rules to:

1. define cumulative environmental burdens;

2. implement consideration of cumulative environmental burdens within the Agency of Natural Resources; and

3. inform how the public and the covered agencies implement the consideration of cumulative environmental burdens and use the environmental justice mapping tool." 3 V.S.A § 6005 (a)

Annual Agency Reporting

Deliverable: CR and EJ Complaint Summary Reports

Responsible Party: CA with recommendations from the AC

Deadline: March 15, 2024 (annually thereafter)

Status: Recurrent

Description:

The VT EJ Law requires the CAs to report annually on the complaints they have received pertaining to environmental justice and civil rights issues. This deliverable is designed to encourage transparency and accountability from the CAs.

After the CAs submit their annual reports, the AC has the opportunity to review and provide recommendations to these reports. This allows the AC to utilize their expertise to improve the CA's procedural responses to these complaints.

Statutory Language:

"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." 3 V.S.A § 6004 (d)

Resources:

- 2024 Covered Agency Civil Rights and Environmental Justice Complaint Summaries Reports
- Advisory Council Recommendations 05/15/2024
- Interagency Committee Joint Response 08/15/2024
- ANR Individual Response 08/15/2024

Annual Agency Reporting

Deliverable: Environmental Justice Action Reports

Responsible Party: CA

Deadline: January 15, 2027 (annually thereafter)

Status: Not yet in development

Description: This deliverable asks CAs to report on actions they have taken towards environmental justice in their work. This asks CAs to be transparent with their work. It also allows them an opportunity to report on good environmental justice progress they make outside of the implementation of VT EJ Law deliverables.

Statutory Language:

"Beginning on January 15, 2025, the covered agencies shall each issue and publicly post an annual report summarizing all actions taken to incorporate environmental justice into its policies or determinations, rulemaking, permit proceedings, or project review." 3 V.S.A § 6004 (j)

Deliverable: Environmental Benefits Spending Reports

Responsible Party: CA

Deadline: January 15, 2028 (annually thereafter)

Status: Not yet in development — Completion of deliverable conditioned on Baseline Spending Reports

Description:

This deliverable is the annual follow up to the Baseline Spending Report (3-Year Lookback Report) and is designed to track how investments have changed and to hold agencies accountable to their commitment to redistribute investments to achieve proportionality.

Statutory Language:

"(1) Beginning on January 15, 2028, and annually thereafter, the covered agencies shall either integrate the following information into existing annual spending reports or issue annual spending reports that include:

(A) where investments were made and which geographic areas, at the municipal level and census block group, where practicable, received environmental benefits from those investments; and

(B) the percentage of overall environmental benefits from those investments provided to environmental justice focus populations.

(2) The covered agencies shall publicly post the annual spending reports on their respective web-

Legislative Adaptation

Deliverable: 1/3 Turnover of Advisory Council Membership

Responsible Party: VT Legislature

Deadline: December 15, 2024 & February 15, 2025 (biannually thereafter)

Status: Recurrent

Description:

To ensure that many perspectives are represented on the AC, 1/3 of the appointments turn over every two years. After the first round of turnovers, during which the term lengths will be staggered, the term lengths will be six years per appointment. The seats are appointed by the Speaker of the House and the Committee on Committees.

Statutory Language:

- To see the statutory language behind AC turnover, please see 3 V.S.A § 6004 (d)(4-5)

Resources:

- Advisory Council Terms and Turnover

Deliverable: Review of Definitions

Responsible Party: AC and IAC provides recommendations to the VT Legislature

Deadline: December 1, 2025 (every five years thereafter)

Status: In development — AC and IAC are continuing conversations regarding this deliverable through public meetings

Description:

The VT EJ Law asks the Advisory Council and the Interagency Committee to evaluate the definitions under Law, specifically: environmental justice focus populations, environmental benefits, environmental burdens.

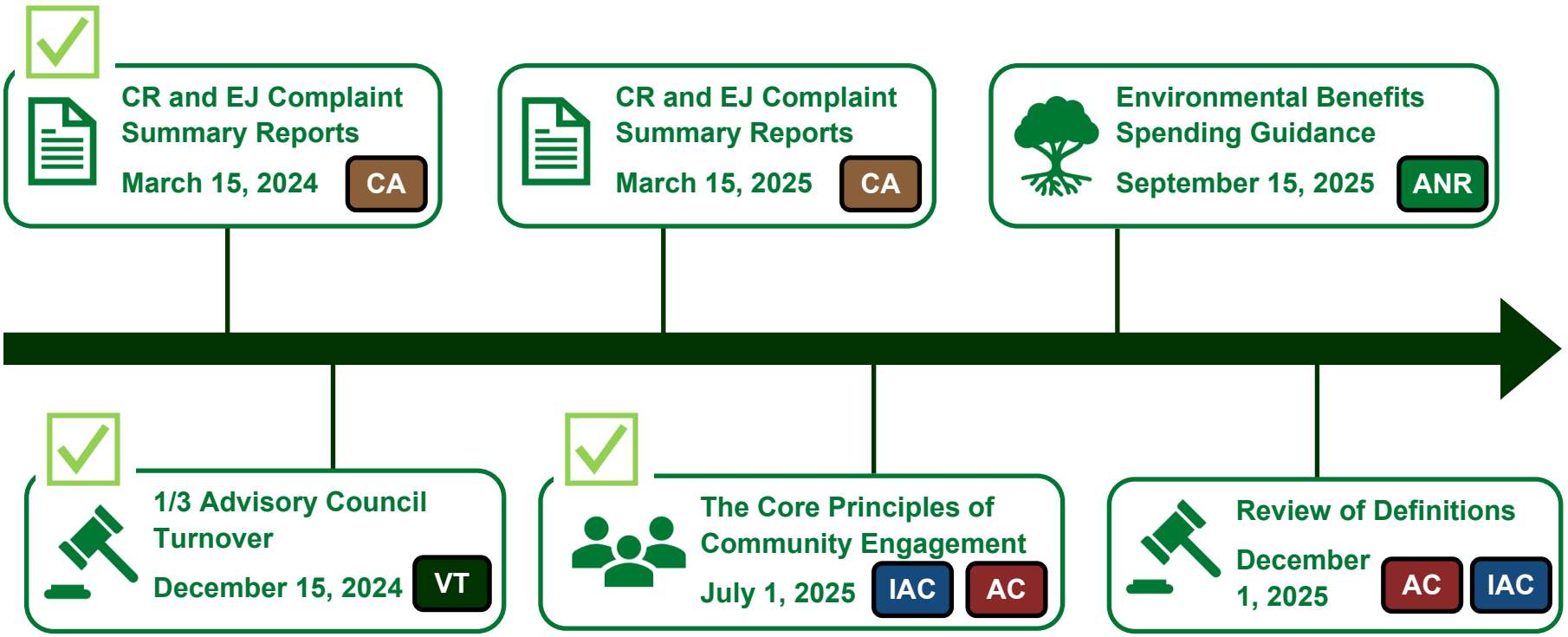
Statutory Language:

“The Advisory Council and the Interagency Committee shall jointly: Consider and recommend to the General Assembly, on or before December 1, 2025, amendments to the terminology, thresholds, and criteria of the definition of environmental justice focus populations, including whether to include populations more likely to be at higher risk for poor health outcomes in response to environmental burdens” 3 V.S.A § 6006 (c)(3)(A)

Resources:

- EJFP definition methodology and data — Conservation Law Foundation
- EJFP definition fact sheet and visuals
- EJFP definition presentation by John Adams

VT EJ Law Timeline: 2024 — 2025



Statutory Language:

- To see the statutory language behind the VT EJ Law timeline, please see 3 V.S.A § 6004. Please note: The deadlines in Act 154 were extended by 2 years under Act 181.

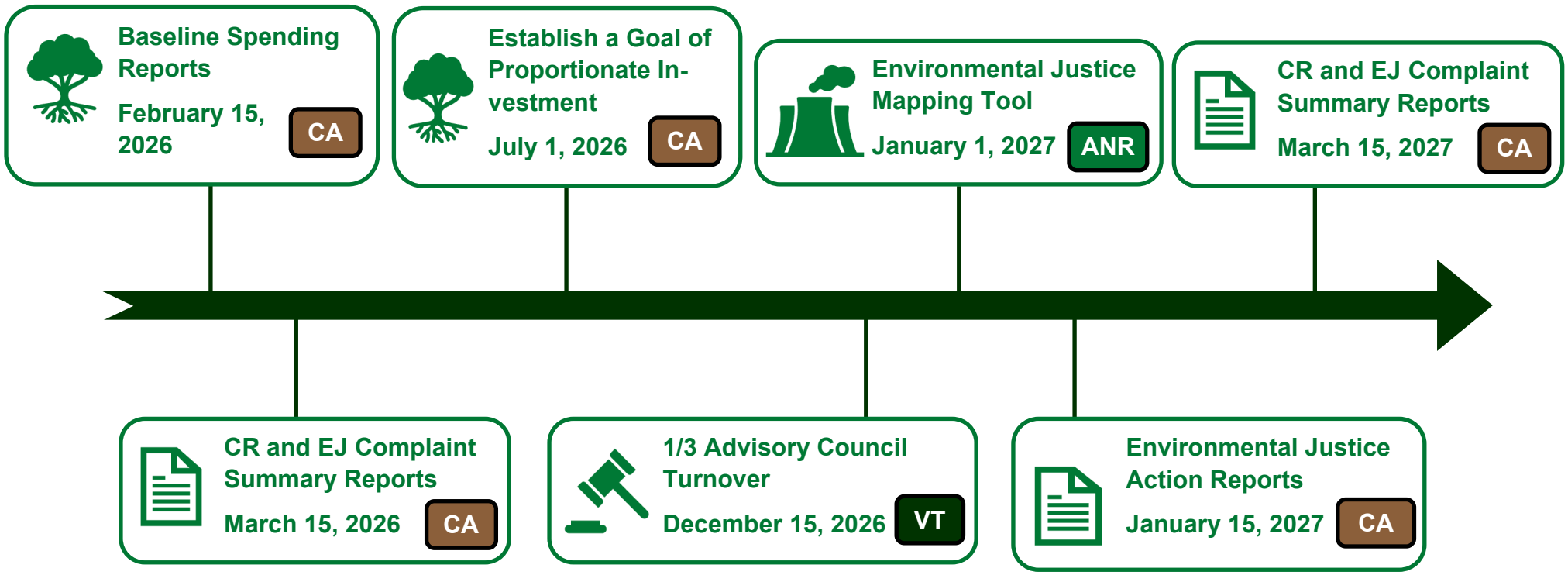
Resources:

- Act 181 — Revised deadlines
- Due Date Revisions for the VT EJ Law

Revised: January 7, 2025

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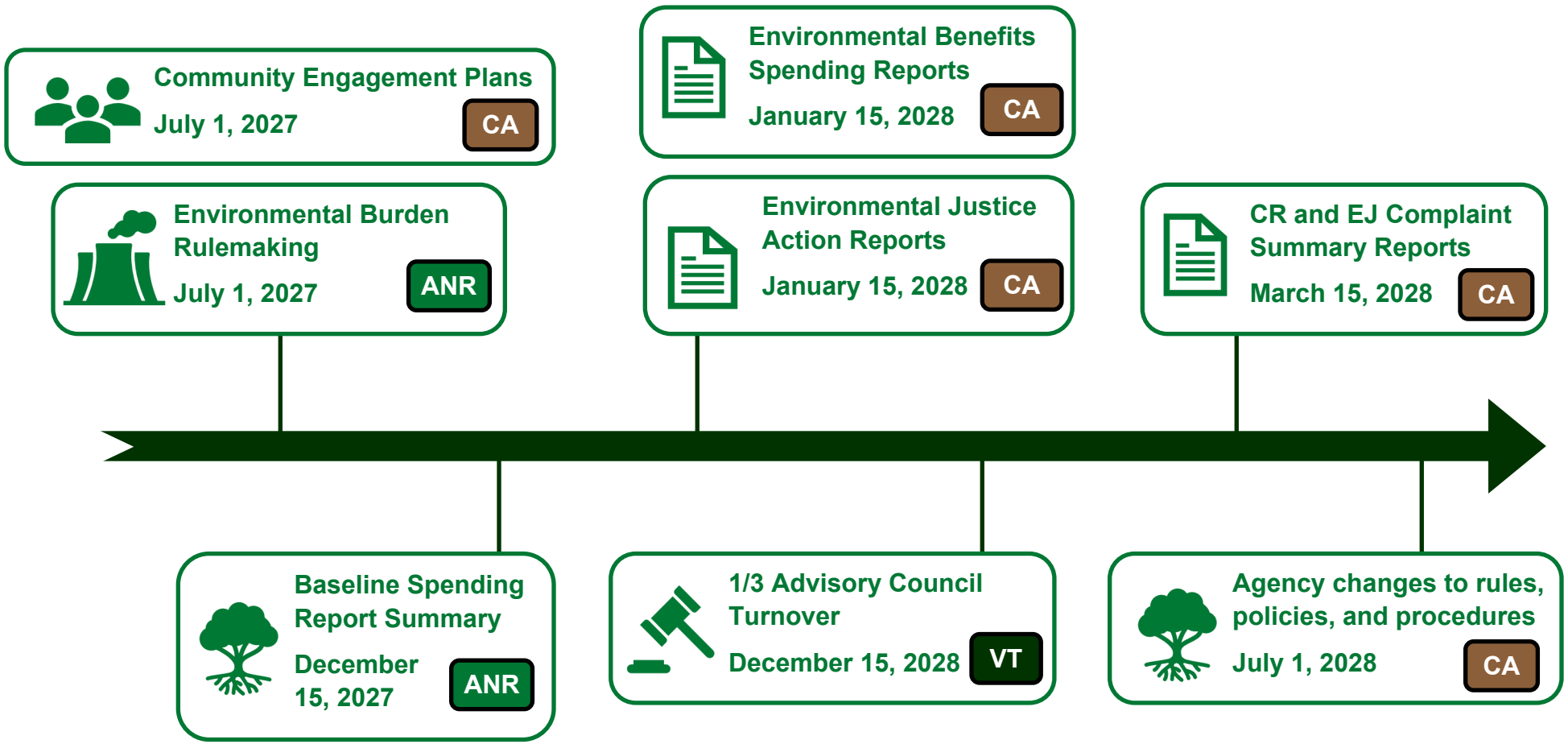
VT EJ Law Timeline: 2026 — March 2027



Revised: January 7, 2025

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VT EJ Law Timeline: July 2027— March 2028



Revised: January 7, 2025