

# Environmental Justice (EJ) Advisory Council

## Draft Meeting Minutes

August 21, 2023

**Note to reader:** These are draft minutes were compiled by Alex Lintner. If you would like to see any changes to these draft minutes, please reach out to [Alex.Lintner@vermont.gov](mailto:Alex.Lintner@vermont.gov).

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## Meeting Details

**Date:** August 21, 2023

**Meeting Time:** 9:00am – 12:00pm

This was a virtual meeting using Microsoft Teams.

[Meeting Resources Folder](#)

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## Attendance

- **EJ Advisory Council Members Present:** Zoraya Hightower, Britaney Watson, Gayle Pezzo, Mariana Lamaison Sears, Kiah Morris, Rich Holschuh, Trey Martin, Jennifer Byrne
- **Vermont State Agency Staff Present:** Phoebes Potter, Alex Lintner, Karla Raimundí, Emily Rogers, Rachel Stevens
- **Members of the public who made public comment:** Earl Hatley, Hannah Gianotto, Mike Bald, Cheryl (last name unknown)

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## Minutes organized by Agenda Topic:

### Welcome and Introductions (~9:00am – 9:15am)

- Housekeeping
- Reminder of Community Agreements
- Review and approval of agenda
  - Identified two public comment periods and the times
- Introductions

### Consultation on core principles of community engagement (~9:15am – 10:15am)

Phoebes Potter: Explain circle process.

- Circle process order: Zoraya, Britaney, Gayle, Walter, Mariana, Maryam, Kiah, Rich, Trey, Jennifer, Xusana
- Prompt: Advisory Council members go around in circle and can either: (1) add a principle to list, (2) clarify/modify a principle already on list, (3) reinforce importance of a

principle already on list, or (4) suggest removing a principle on the list. Go around until group feels exercise is complete.

- Alex Lintner live scribe in [Draft 2](#) of Core Principles of Community Engagement.

### *First Round of Circle Process*

Zoraya Hightower: High level concern. Agencies will be implementing. What does this look like on an organizational level? Who is accountable for implementing the principles? What is the accountability mechanism?

Britaney Watson: No additions or subtractions at this time. Will continue to review materials.

Gayle Pezzo: No additions or subtractions at this time.

Mariana Sear: Feels very comfortable with the principle. One general feedback is to consider, simpler language. Plain language is important. Suggestions regarding language in fliers, like: “I would like to hear from you” rather than “public input.” Combine principles to make it shorter. Section 1 combine 5 and 7. Section 2 only combine transparency principles 14 and 18.

Kiah Morris: Great guidance but agency will need hands held. Need direct / clear examples. Note this is not an exhaustive list. Nod to previous work appreciated. Appreciate citations back to law. Appreciated importance of compensation was highlighted.

Rich Holschuh: Feels pretty good with principles. Definitions important. Principles point back to glossary. EJ Focus population definition – keep this definition wide open since it is extremely limited in only focusing on humans (anthropocentric view). Issue with this perspective. Very capitalistic. Open it up! More of an economic focus not environmental with current definition.

Trey Martin: Appreciates background included (Just Transition Principles and resource library). How can we share resource library and past resources with communities? How to make this presentable and accessible? Such a rich / large library of materials. How to not gloss over content? Echo and appreciate Rich Holschuh comment about anthropocentric perspective.

Jennifer Byrne: Law is calling for principles to guide development of the creation of the community engagement plans. Wondering whether there’s opportunity to include how agencies can collaborate to create plans. Emphasize sections for how agencies can draft these plans. Existing guidance for developing plans (EPA Title VI compliance planning guidance – see [Connecting People to Power](#) report). Process needs to be built into how agency works. Guidance is not just for agencies but recipients of funds. There are smaller entities putting out contracts that are underfunded. Important to have guidance around funding – making sure projects are sufficiently resourced. Could add another level for guiding agency action. Principle 3 is important and should be teased out more. What does this mean? Perhaps lacking information guiding agency action.

Xusana Davis: Appreciates that her prior comment regarding principle 6 was incorporated re. pattern matching. Principle 14 “only make promises that can be delivered.” Concern regarding

if you cannot deliver do not promise. Potential sabotaging and providing novel loophole to uninterested actors.

### *Second Round of Circle Process*

Zoraya Hightower: Weary of adding additional section of principles. Wants to see acknowledgement of these principles in agency plans.

Britaney Watson: Pass.

Gayle Pezzo: Pass.

Mariana Sears: Reinforce Rich Holschuh's last comment. How can definitions be expanded and revised? How to make sure glossary is up to date? And follow up on Jennifer's and Zoraya's comments re. implementation. How can this process be collaborative between agencies? How can we ensure this is made easier through collaboration? Can agencies work together to share plans?

Kiah Morris: Unclear what "work toward a yes" (principle 15) means. Not sure what we want agencies to buy into. Zoraya Hightower: Provides clarity. This came from listening session feedback. Liz Curry public comment. Easier to say no than try to find a way to incorporate feedback. Try to find a way to tell community yes. Kiah Morris: Found Zoraya's input helpful and added that principle needs clarification, it reads as if the public is the one needed to approach issues with a yes mentality, to be persuaded. Clarify that it's agency. Add more words to clarify.

Rich Holschuh: Back up Mariana's last comment. Concern about references / glossary in process documents. These definitions – especially EJFP – these will be adapted. Needs to be made clear these definitions will be adapted. Not sure where openings are located. Need clarity in documents going forward. Phoebus Potter: We will address this process question when done with circle process.

Trey Martin: Importance of educating agencies on principles. Education platform for agencies? Agency sign off that they are committed to meaningfully engaging with these principles? Don't want this to be static document. Principles for action tested in real time. How to refine agency actions when hit barriers? Hard work gets harder, and people get weary and impatient. How to make these renewing and inspiring? It may serve the agencies well to incorporate a mechanism to allow for the revision of plans, accompanied by a corroboration of best practices for meaningful engagement.

Jennifer Byrne: Appreciates harkening back to work already done. DEC report ([Connecting People to Power](#)) contains the how for state agencies. There are 10 state agencies developing community engagement plans – there are some core principles in all plans. Core part of all community engagement plans. Then unique approaches for agencies. Why/how/who. There will always be an agency specific section. How to not overburden community members? For example, 10 community engagement contracts go out at same time. Advisory Council needs a

strategic plan to anticipate this. How can Advisory Council work together to set agencies up to implement core principles but not overburden community.

Xusana Davis: Common push back from agencies for why they do not do community engagement: 1) Timeline does not work. 2) No budget. 3) Unfamiliar with how to do this. 4) Legislation does not call for this / not legally required. 5) Interested but no capacity. These are the 5 pillars that need to be knocked down first! A lot of great guides on community engagement already exist. Resources and guidance out there and we can tailor to be Vermont specific. People don't want to do it and get it wrong or just want to do minimally what they are asked. A lot falls outside of these two buckets, but these are common excuses. Guidance and encouragement on how – but how widely known and reasonably practiced. Not about how but committing to doing it. Office of Racial Equity's (ORE) Impact Assessment (IA) tool – often only consulted in the final check. Don't use IA tool as final check but ask the right equity questions on the front end! For community engagement, different to say let's engagement community early vs. doing it at the end.

Phoebes Potter: End of second circle process. Provides reflections and answers some outstanding questions.

- ORE is member of both EJ Law bodies. What Xusana captured in her feedback was raised during the Interagency EJ Committee meeting by members. In addition to considerations like: are these principles aspirational or commitments? Upcoming joint meeting presents a good opportunity to talk about these questions.
- July 2025 community engagement plans deadline. EJ Coordinators are working on guidance that will allow for what Jennifer mentioned regarding the importance of capturing the unique nature of each agencies' work.
- To Rich's and Mariana's question re. definitions: All definitions revised every 5 years, but EJFP will be revised end of this year. This is a big piece of this work for all of us here. Discussions will be prompted and facilitated by EJ Coordinators.

### *Third Round of Circle Process*

Zoraya Hightower: Thinking about this community engagement process for a different panel – reviewing justice-based reports. A lot of reports expressed concerns Kiah Morris brought – central importance of compensation. People on the Advisory Council and Interagency Committee are worried about how this work will have without compensation. Need a culture shift – doing less and doing it better. How to implement these principles if there is not a broader cultural change in the agencies?

Britaney Watson: Agree with Zoraya Hightower when looking at process and looking ahead. Area that comes up is the time to implement the EJ law and how we are operating. Worried about how we will be engaging each other in this process. And how we are going to get this work done in the time we have to do this. Important folks are compensated. Recognition for

this big lift. This needs to translate into how folks are compensated. Acknowledge and express support for Kiah Morris comments around central importance of compensation.

Gayle Pezzo: How are we going to do this work in 8 meetings? Was this discussed in prior meetings?

Phoebes Potter: No clear decisions about this.

Gayle Pezzo: Does Rich mean including wildlife in the EJFP definition when he mentions that this definition is narrow and anthropocentric?

Rich Holschuh: Intent is to speak to everyone and anyone other than human. Operative foundation is dependent on what is other than us. This is not brought into the calculus or equation. If we only focus on human impacts, then we will have nothing else to work with. Trying to leave the door open to a right for the natural world amendment to legal system. It has been ignored. Down the road. This is a big lift, but we can start somewhere.

Phoebes Potter: Suggests creating a principle that can speak to this.

Trey Martin: Future must include multiple perspectives. Importance of process. Emphasize Zoraya comment and Jennifer comment. How to drive this into agency budgets? This process begins in early June until governor budget address in January. Reach out to Interagency EJ Committee now and ask how existing FTEs are including this (community engagement / EJ) in job description and work plans. This is not a new initiative. It is supported by administration. Need to ensure there is money where the mouth is! Wants to return to Rich Holschuh comment. Mention lawsuit in Montana.

Jennifer Byrne: Supports thinking about budget requests now.

Phoebes Potter: At the Interagency EJ Committee meeting we discussed as a group, in our next joint meeting, we will address as a collective. Among other topics like the Per diem and meeting caps. We started discussing existing capacity, how to increase it.

Kiah Morris: Important to recognize agency buy in. Advocacy in January 2024 will support the future but that does not support us now. We need support now. There are conversations about the budget going on now. There are opportunities that were abandoned.

### **Public Comment Period (~10:15am – 10:30am)**

Earl Hatley: Thank you to Abenaki brother Rich Holschuh. Recognized the landmark Montana case where rights of nature are at issue. First got involved with EJ in 1989. Worked with Indigenous Environmental Network. There's always been an indigenous side to this work. Oklahoma has 39 federally recognized tribes in a county where the whole county is a superfund site. So, what we say is not only human centric because where the animals and plants are all contaminated subsistence is not possible. Need to look at things wholistically. Regarding

principles. They are great but without definitions there's no context. They're only as good as the agencies implementing them. They are vague.

Mike Bald: Reference Kiah's comment regarding budget: can we please work on this now. There are many issues with pesticides and agencies like Department of Health and Agency of Ag have no interest in addressing this work. We will continue advocating. The process: thanks for making it inclusive, but it's hard to participate when the process drags on for years and years. It's a question of socioeconomic status. When you must work you can't be at a meeting at 8am or 9am. I'll continue to participate as much as I can.

Mike Bald also submitted a written comment over email: "My concern is that the subject of EJ may ignore impacts of pesticides on people least able to participate in any kind of regulatory or enforcement action. There is zero interest in Vermont on the topic of pesticide regulation, starting with the legislature and continuing through every state agency. The Agency of Health is probably the most negligent in this realm, which is truly disturbing."

Hannah Gianotto: Bennington County Conservation District. Curiosity about how and process. Principle 18 and accountability. Theme in principle 8 and 11 – agencies learning together. How is the Advisory Council providing standardization in how success is being measured and defined? How to ease process of learning and iterating? Curious about if this is being thought about moving forward.

Phoebes Potter: Responds to comments. Opportunity to AC members first. None. Proceeded. Hannah, there has been conversation about your question. Next part of this meeting is addressing how the agency will implement. Process has not been fleshed out but it's being discussed.

Rachel Stevens: Comments in the chat. Suggestion to add Jennifer Byrne's comment about agencies working together / coordinating on community engagement planning but also recognizing their unique needs to principle 8.

### **Break (~10:30am – 10:45am)**

### **How we want to work together (~10:45am – 11:45am)**

Phoebes Potter: Introduces a new circle prompt: What group does your position on Council represent? Temperature check: how are you feeling in your role as community representative? Any current/recent efforts/ideas/challenges around community engagement related to this work you want to share?

Zoraya Hightower: Municipal government representative. Feels good about process and folks included. Not a good enough understanding of public engagement atm. Don't want to engage too early – will feel like it drags on. Anxious for clarity about what we are doing and how. Need to get to nitty gritty details. Want to provide public participation at a time and way that is meaningful.

Britaney Watson: Social justice representative. EJ Committee chairperson for Rutland area. NAACP member. Releaf member. EJ network manager. Trying to adjust to meeting format. Coming at it from lens of wanting to consider groups she is a part of. What can she get from this space and bring it back to groups she is a part of.

Mariana Sears: Food security representative. Outreach manager at Hunger Free Vermont. Partners with community organization that work directly with Vermonters impacted by food insecurity. Confident that spaces she works in will be good to bring messages back and forth. For example, there are 10 hunger councils in Vermont. Alex and Phoebes have attended some of our Hunger Council meetings to talk about the EJ Law. Importance of going to community spaces (when invited) instead of expecting them to come to us. Some people from public coming to the Advisory Council with concerns about specific environmental burdens. Does not feel able to provide answers. How can we be better prepared to answer these questions?

Kiah Morris: Member of the EJ Advisory Council. Equity consultant. Member of Releaf. On the EJ Network. Engages in this work nationally and internationally through Oxfam America. How she is imagining herself engaging with this work is still evolving. Coming with open heart and caution. Needs to be real about capacity. Comment made about compensation – volunteer capacity. Need restorative process and reparations to make this work feasible. Tired and wary but grateful to be here.

Rich Holschuh: Representative of indigenous communities. Communication and reporting back is always a challenge. Daunting and overwhelming process. Spread thin but glad we are starting.

Trey Martin: Vermont Housing and Conservation Board (VHCB) Representative. Reticence. Wants to explain how VHCB how it fits in. Appreciated Mariana's comment about HFV being an entity that work with other entities but not directly with folks on the ground. VHCB works with the affordable housing community and through partners. Mentions Land Access and Opportunity Board (LAOB). Conservation mission. Need a transformational approach. Biosphere as entity we protect for future generations. VHCB a few steps removed from state government. But a step closer to state government than lots of nonprofits. Can help with conversations around capacity. Part of his job and work plan and FTE. VHCB can be bridge.

Jennifer Byrne: Conservation district representative. Conservation districts are unique and overlooked unit of government. Birthed out of New Deal. Decentralized democratic decision-making bodies. Extremely underutilized. Existed for over 80 years. 14 districts throughout the state. Supervisors all residents of the district. NRCC Council is an agency of the state – not sure what this means. Do not receive much state funding. Works with farmers and land stewards / municipalities / schools. Close connection to USDA. Ongoing public input processes send recommendations up chain no how residents want money sent. In Vermont, underutilized arm for community engagement.

Xusana Davis: Office of Racial Equity representative. Review role of ORE. In both groups. Bridge. Parallels in convos had in Advisory Council and Interagency Committee. A lot of current and recent efforts and challenges and a lot of expertise in the room. We can figure this out. Reminded of the principle of WAIT.

Gayle Pezzo: Temperature check? Warm. Struggling with representing Mobile Home Communities (MHC). Her MHC does not have significant EJ concerns. Other MHC of 200 plus in VT have these issues. Struggle connecting with MHCs. Of 25 reached out to, only heard from 3. Need them to give her the input so she can bring it to the table. This is not unfamiliar territory. Difficult to get people to engage. Public negative about state agencies. Community member sentiment – “I don’t know anything about this (the EJ Law) and let the state figure it out.”

Phoebes Potter: Pick up where we left off at the joint meeting on July 18th and see if we can maybe move a little bit further along and making some decisions about roles and action steps. Share potential action steps [handout](#). Topic areas: 1. Community engagement of Advisory Council, 2. Agency accountability, 3. Governance. Request: Explicitly state if you are making a proposal.

Mariana Sears: Proposal 1. Suggest proposal for next time. Gather community input and engage with communities to let them know we exist. List of regional happenings that are already in place. Insert ourselves without imposing to request attendance. Existing and community grass roots space. Host part of our meeting there. 20-30 minutes and have a public input time and bring key prompts. Engage with people now where they are. It might be too complex to do, but worth exploring.

Mariana Sears: Proposal 2. Next time that fliers are developed. Share with AC members and get their feedback. Friendlier language.

Phoebes Potter: Reiterate requests/proposals he heard:

- Attend events – ask for space on the agenda.
- Schedule our business meetings to line up with community events.
- But together list of regional gatherings and events.

Jennifer Bryne: Thinking about how these meeting and Council are the only place for people to come and report on things that are broken. Through latest disaster began broken things spreadsheet. Love for this Council to have an active database for complaints that come to this Council. Sometimes only simple policy needed to resolve an issue. Almost like our own complaint process. Comments and problems wanting to fix. She shared this in the chat: [Brokenthings - Google Sheets](#)

Trey Martin: Important to have findings that are actionable for state decision makers. Create a manageable process to say these are issues. How does this align with existing programs and funding opportunities?



Trey Martin: If we are attending regional meetings, helpful to agree to a set of talking points. Process needed. How not to promise too soon.

Phoebes Potter: Alex and Phoebes will draft talking points for circulation and revision.

Phoebes Potter: Community engagement approach and accessing funds. Pathways. Option 1: go through ANR, EJ coordinators disperse funds. At minimum \$110,000 for community engagement. OR Option 2: could be putting out an RFP for community-based organizations to be supporting community engagement. Important support for paying stipends etc. Note RFP process can take 4-6 months.

Zoraya Hightower: Weary of hiring one organization. Populations we are each representing are so diverse. Difficult to have one organization that can plug into all the different populations. Don't know how we will get this done with 8 meetings. Frustration about not being paid. Weary to hire single contractor to represent all 10 members.

Jennifer Byrne: What is possible and legal with the money that is designated with community engagement? Paying for own time to hold engagement meetings? Hire a community liaison? Mini contractor to run engagement? Almost like a staff person to Council member. Wants to keep engagement in the hands of Council members and resource them at the same time.

Zoraya Hightower: Seconds this.

Phoebes Potter: Clarify that there is \$10,000 per each AC member. Alex and Phoebes will go back to legal team. Allowable uses for \$110,000?

Phoebes Potter: Three joint meetings for the rest of the year. For next AC meeting, what would we want to bring?

Kiah Morris: Meeting in person better. Accessibility challenges.

Jennifer Bryne: Transportation stipends for far away members?

Phoebes Potter: Will follow up on question. Mileage reimbursement part of per diem.

Gayle Pezzo: Are we proposing in person only?

Trey Martin: Hybrid ideal. A few meeting locations in certain parts of state. Equipment has to work well.

Kiah Morris: Prefer hybrid. Personally challenged with online only.

Phoebes Potter: Next meeting (August 28) is hybrid. Good venue for relationship building.

Phoebes Potter: Current proposals: Budget and allowable uses. Regional event list. Share fliers for feedback. Written repository of complaints and comments etc.

Phoebes Potter: Propose buddy system. Connect with 1-2 covered agencies. Open floor to this proposal.

Trey Martin: Thumbs up.

Phoebes Potter: Survey follow up?

Gayle Pezzo: Meeting with each other?

Mariana Sears: Find time to meet with other Advisory Council members. Springboard off each other and make it more cohesive.

Zoraya Hightower: Weary of adding to many extra meetings. Assignments to different agencies will create relationships between Advisory Council members. This will create smaller groups that are working together.

Mariana Sears: How can Advisory Council collaborate? Need to build relationships. Jennifer mentioned conversations districts are being underutilized. Same with VHCB.

Kiah Morris: Wants to be transparent. Will need to limit contributions to official spaces. Especially since this is not compensated. Many spaces that already exist that Advisory Council members can be in community external to this. She cannot add another dimension. Already giving enough to the space. Recommended spaces to tap into: Releaf, Professionals of Color Network. Specific and finite what she gives to work. Reminder that this is an extractive process. Keep it 100% real.

Phoebes Potter: Need to right size what feels good to folks and keep in front of mind inequitable compensation. Echo that there are similar spaces across the state doing this work. EJ Summit this past weekend for example. Credit to Britaney.

### **Public Comment Period (~11:45am – 12:00pm)**

Cheryl (last name unknown): Not familiar with format of the EJ Law. There is a lot of public interest in getting something real to happen. Suggests a website. A tool to connect people to people. Simple front end on Vermont EJ site. Go there to connect with other people interested in the EJ Law and connect to resources. Feed into a database. Something tangible that the public can go to.

Earl Hatley: Difficulty of engaging folks in the communities. Flooding and climate issues. Like to see this Council reach out to communities about recent flooding experiences. Climate issues impact housing / utilities / etc. Legislation around energy and climate policy. Suggests surveys of BIPOC and low-income communities. Instead of asking what are your EJ concerns? Instead ask them about climate change concerns. Ask them their experience with the flooding. Ask them what a just transition would look like. Another question: How will this work translate into legislation? This is an important space for the EJ Council to focus on. Comment in the chat from Earl: “Knowing their issues, is how you get to figuring out how to solve them.”

Phoebes Potter: Asks for Advisory Council response to comments.

Zoraya Hightower: Appreciate Earl's ideas. Wait and see. Survey for the sake of surveys can be extractive if not implementing feedback. Need to think about how to best do this.

Jennifer Byrne: Appreciate interactive public facing website suggestion from Cheryl. Fits into the use and functionalities of EJ mapping tool. This is at the heart of what community engagement money is for. Mapping tool many questions remain: how it will be used and who will use it? Hopes it will be a community engagement tool and opportunity to hear from people.

Phoebes Potter: Alex and Phoebes will do next steps work. Final circle process facilitated by Phoebes will this closing prompt: How do you feel closing this meeting and what non-human/more than human element would you like to honor?