

Environmental Justice (EJ) Advisory Council and Interagency EJ Committee Draft Meeting Minutes September 25, 2023

Note to reader: These are draft minutes were compiled by Phoebes Potter. If you would like to see any changes to these draft minutes, please reach out to phoebes.potter@vermont.gov

Meeting Information:

Date: September 25, 2023

Meeting Time: 10:00am – 12:30pm

Location: Virtual via Microsoft Teams

Meeting Details and Materials: <https://anr.vermont.gov/about-us/civil-rights-and-environmental-justice/vermont-ej-law/calendar>

Attendance:

- **EJ Advisory Council Members Present:** Xusana Davis, Britaney Watson, Gayle Pezzo, Mariana Sears, Jennifer Byrne, Rev. Walter Brownridge, Zoraya Hightower,
 - **Interagency EJ Committee Members Present:** Grace Vinson, Gretel St Lawrence, Amy Redman, Stephanie Smith, Claire McIlvennie, Xusana Davis, Sabina Haskell, Jenny Ronis, Elizabeth Schilling, Karla Raimundi, Neuvic Malembanie, Dave Pelletier, Abbey Willard
 - **Vermont State Agency Staff Present:** Phoebes Potter, Rebecca Williams, Mega Cousino, Emily Rogers, Bridget Phillips, Isaac Kaplan, Jamie Bates, Rachel Stevens
 - **Members of the Public Present:** 5 members of the public attended virtually: Carlin Molander, Michael Fernandez, Mae Kate Campbell, Hayley Jones (Slingshot), Mia Montoya Hammersley
-

Agenda:

1. Kick off & Housekeeping
 - a. Minutes approval
 - b. Agenda approval
 - c. Community Agreements
2. EJ Coordinator Update
3. Public Comments (round 1)
4. EJFP Data Visual Aids Presentation
5. Core Engagement Principles
6. Public Comments (round 2)

Notes:

1. Kick off & Housekeeping –

- a. Note at start of meeting: do not have quorum in the AC in order to come to consensus points – will adjust agenda as needed to honor this.
- b. Approval of minutes from July 18th joint meeting delayed until quorum met
- c. Agenda approved (with modification of only seeking consensus if quorum met)
- d. Review of [community agreements](#)

2. EJ Coordinator Update

- a. Phoebis Potter presents EJ Coordinator update ([reference slides here](#)).
- b. Acknowledge contributions by Alex Lintner, former EJ Coordinator (last day was September 21st); note Phoebis down to part-time hours (24 hrs/week)

3. Public Comments (round 1): Opportunity for public comment was provided at time indicated on agenda; no comments were made

EJ Coordinator update continued: Questions/Discussion:

- a. Claire: What are the suggested changes to the deadlines we are thinking of proposing to the legislature?
 - i. Phoebis: will be following up with a specific proposal for three priority areas to get feedback from group
 - ii. Karla: At ANR, given the multiple roles we have in the implementation of this law, we are discussing what role we are playing in advocating for changes to the law to the legislature, still discussing priorities and extent of advocacy. Requesting extension on deadlines is a priority area.
- b. Phoebis: We want to think long-term about having coordinated asks for building capacity to do the work across agencies and collaboratively bring forward recommendations to that end. Current asks are focused on foundational capacity issues
 - i. Rachel: if other agencies or AC members are asking for additional funds the CR/EJ unit would want to be aware of those requests so that they can coordinate.
- c. Phoebis: will be sending follow-up survey to gather ideas on moving forward on these areas of work.

4. EJFP Data Visual Aids Presentation

a. Phoebis: introduction

- i. The Advisory Council and the Interagency Committee shall jointly consider and recommend to the General Assembly, on or before December 1, 2023,

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

- ii. To kick-off your review and consideration of the EJFP definition, staff from the Department of Environmental Conservation have put together a series of data visualizations of the current definition, and fact sheet, to help us all better understand the current definition terminology, thresholds, and criteria.
- iii. This presentation is NOT providing any suggestions or recommendations, it is just meant to be informational. Staff are here in the capacity of Agency of Natural Resource staff providing technical assistance to the AC and IAC, per Section 6006 of the VT EJ Law.
- iv. This presentation is really meant to be a starting point – we only have 50 minutes, and the reality is this is an important, complicated piece of the work that will require ongoing learning and discussion. We hope this provides a baseline of knowledge for us to build on between now and December.

b. **Presentation:** Rebecca Williams, Environmental Analyst in the Planning and Innovative Division, DEC; Emily Rogers, Accessible Assistance Specialist in the Environmental Assistance Office, DEC.

- i. Reference [data visualizations and fact sheets](#) for presentation information

c. **Additional context, questions, and discussion:**

- i. Rachel Stevens: the issue of census block / geographic level scale to use did come up in Legislative discussions during the Law passage; something important to understand / consider.
- ii. Original methodology updates for more recent 2021 ACS data results in 62% of state being covered (versus 52% from the old data). Clarification: map shows census blocks where at least one criteria is being met.
- iii. Rachel Stevens: policy consideration: when you visualize the data, what % of the total population is covered? What % do we want covered?
- iv. Request made for more zoomed in maps that show towns that are included
- v. Request for % of total population of VT that meets three criteria
- vi. Malembanie, Neuvic: I would love to hear about what is causing income disparities in Vermont and how we could better address that.
- vii. Different definition used for race in Census vs. ACS data – important thing to note is the change in data source shifts the % of the VT population that is included in the EJFO definition from 44% of population to 90%.
- viii. Review of CLF methodology for definition of BIPOC (also used in this presentation): Subtract # of people identifying as white alone; count what's

left as BIPOC. Then identify whether census block group has 6% or more of population meeting that criteria.

- ix. Zoraya: one thing if it's just a higher filter to go from census numbers to ACS numbers; but that's not the case (i.e. there are census blocks covered under ACS definition but not census data). Not just a finer filter to go from census to ACS; results in different census blocks showing up.
 1. Rebecca: there are 550 census blocks; not sure what the overlap % is. Follow-up data to provide.
- x. Different methodology for asking about race needs to be accounted for (Census vs. ACS) - request for the survey questions used in each.
- xi. Rachel: consider impact of block groups being so large, and VT's total population being small. Are there multiple towns inside one census block
 1. Rebecca: yes, such as the really large NEK block.
- xii. Amy: have you seen any examples of mixed data collection methods (quantitative *and* qualitative, storytelling, different frameworks for gathering information). Any examples?
- xiii. Gayle: can we get map with towns?
 1. Answer: Yes. Clarification: presentation today are of static data visualizations, not from a mapping tool (VT's tool doesn't exist yet; separate process to build that. It *will* include EJFP definition).
- xiv. Zoraya: possible to have different levels across the census vs. ACS to not be exclusive. At some point, we want the highest levels from both of them.
- xv. Claire: Is there a resource that compares definitions (and methods, to Amy's question!) used in other states / at the federal level so we can compare? Or an intention to develop such a comparative resource?
 1. Byrne, Jennifer: As an example for comparison, Page 6 & 7 of the Massachusetts EJ policy describes their definition, including an "opt-in" petition process for communities that do not fall under the definition, as well as a vulnerable health definition: <https://www.mass.gov/doc/environmental-justice-policy6242021-update/download>
 2. Rachel Stevens: The New School Tischman Center professor Dr. Ana Baptista is collecting all state EJ definitions and has several resources [NEW RESEARCH: UNDERSTANDING THE EVOLUTION OF 'CUMULATIVE IMPACTS' DEFINITIONS AND POLICIES IN THE U.S. — Tishman Environment and Design Center \(tishmancenter.org\)](#). Here's another state-comparison resource: [Projects & Publications — Tishman Environment and Design Center \(tishmancenter.org\)](#)
 3. Jennifer: <https://ejstatebystate.org/>
 4. Rachel: [Defining EJ Communities for Policy \(carto.com\)](#) more links!

- xvi. Phoeb: [Environmental Justice Focus Population \(EJFP\) Definition - All Documents \(vermont.gov\)](#). CLF methodology notes are available in the link above, and staff from CLF have offered to make themselves available to answer any questions, etc.
- xvii. Karla: To Rachel: “We should share links to relevant information provided during the legislative process.”
 - 1. Stevens, Rachel: I can work on this summary with links to key committee sessions.
 - 2. Karla: Thank you!

[Break]

5. Core Engagement Principles

- a. **Retake attendance:** Quorum reached for both groups
- b. **Phoeb opening: Goal is to consent to the following proposal (once we agree on a timeframe to include):** “The Advisory Council and Interagency Committee consent to Draft 3 of the Core Principles of Community Engagement being posted online for final stakeholder feedback for a period of XX days. After this feedback period, input will be meaningfully integrated into a final draft for the Advisory Council and Interagency Committee to adopt (via consensus) and share with covered agencies to begin their planning process.”
- c. **Circle process – do you support this proposal; how long do you suggest we keep the stakeholder input period open for?**
 - i. Grace – looking good, 30 days minimum, maybe 60 days, interested to hear others thoughts
 - ii. Abbey – in awe of the true time it takes to do this work to reach consensus and have engagement – appreciate and hold space for all the work, more steps remain. Feel similarly – looking good, no specific comments on the principles, no concerns, 30 days feels sufficient
 - iii. Amy: quick reflections, no big concerns, want to hear from AC on their thoughts and reflections; VDH has community engagement tool kit being worked on pulling that together with this work
 - iv. Stephanie: nothing to add other than what has been said
 - v. Claire: circulated to leadership at Dept. doc is in good shape, suggestions are more about supporting implementation than the draft itself. support moving it forward for public input; 45 days for public comment was initial thought; curious about feedback from public survey that is currently out.
 - vi. Xusana: good with this draft, amount of time we’re talking about – okay with range we’re talking about (30-60 days)
 - vii. Sabina: support draft, same length about 30-45 days
 - viii. Jennifer: 30 days in line with legal comment period
 - ix. Elizabeth: 30 days while taking AC opinions into consideration

- x. Karla: echo what's been said regarding the appropriateness of moving the document public comment; want feedback from AC regarding what they believe is appropriate length of time to engage meaningfully with the communities they represent to better form an opinion
- xi. Neuvic: ok with 30 days
- xii. Dave: well documented and researched; Karla's comment about wanting to really hear from AC resonates, also we must be mindful of how we solicit review/approval based on techniques in material – don't just want to post on website leave for 30 days and call it good, we should practice what we're preaching; not easy as we've dealt with over the past few years to change how we do that
 - 1. Significant support for this statement expressed via chat and reactions on Teams.

Circle process of Advisory Council members:

- xiii. Zoraya: don't like the picture at the top – only change is the title page picture; folks will have more comments on the document once it's already implemented so need to be open to changing it down the road once people understand the impacts
 - 1. Phoeb: when we get to final consensus stage, we should consider making a commitment to revising/updating in the future – how can this be a living document?
- xiv. Britaney: 45-60 days supporting communities through the process, what supports are in place to facilitate the process?
- xv. Gayle: no concerns would like to see 45-60 days makes the most sense and would be sufficient
- xvi. Rev. Brownridge: impressed with amount of work done, 30 days is standard and appropriate
- xvii. Mariana: appreciate work in draft, proud to be part of this team, should begin walking the walk and start implementing this; 45 days seems like a middle ground with plenty of opportunity to gather input, give presentations, etc.
- xviii. Jennifer: list of about 10 grammatical spelling things; going to be really helpful, wonders about whether this document should point out what constitutes a topic for which agencies will seek public engagement; one thing to create overarching plan vs. a Public involvement plan (PIP) per project; principle 11 and 12 get a big plus mark, page 23 1st recommendation is really important – create systems to show how community feedback has been incorporated, needs to permeate all levels of agencies so that it's not just something to include in a plan but is meaningful

6. Public Comments (round 2): Opportunity for public comment was provided at time indicated on agenda

- a. Hayley Jones: Slingshot rep, excited to see the community engagement plan – curious as an organizer what would a win look like in getting meaningful public engagement, is there a number you are looking to hit? Methods for collecting? Offer support for collecting and facilitating engagement
 - i. Karla: offer reflection on Hayley’s comment – success will be a measure of the extent to which we can support the public input process as advised by AC, get feedback from AC regarding what meaningful engagement looks like in the communities. IAC, not a personal success barometer for covered agency staff other than capacity to meet needs to support effective outreach as identified by AC members.

Core Engagement Principles continued:

- a. **Phoeb puts forward proposal for consensus:** The Advisory Council and Interagency Committee consent to [Draft 3](#) of the Core Principles of Community Engagement (after removing the cover photo and making final grammatical edits identified by Jennifer Byrne) being posted online for final stakeholder feedback for **a minimum of 45 days**. After this feedback period, input will be meaningfully integrated into a final draft for the Advisory Council and Interagency Committee to adopt (via consensus) and share with covered agencies to begin their planning process.
 - a. **CONSENSUS REACHED (no stand asides).** NOT PRESENT:
 - i. **Immigrant Community Representative** Maryam Shabbir Abbasi
 - ii. **Statewide Environmental Organization Representative:** Kiah Morris
 - iii. **Vermont Native American Tribe Representative:** Rich Holschuh
 - iv. **Vermont Housing and Conservation Board Representative:** Trey Martin
- b. **Discussion via chat:** What suggestions or broad considerations can you offer for collecting input from stakeholders, especially those from environmental justice focus communities and agency personnel responsible for drafting community engagement plans?
 - a. Stevens, Rachel: for the brainstorm on engagement: we could work on a public notice that everyone could use to circulate, and perhaps a statewide press release? [like 4]
 - b. Davis, Xusana: language access! [like 3; heart 1]
 - i. Hayley: possibility of compensating local interpreters / translators?

1. Rachel: we can research this suggestion, this is our list of existing language access contractors/providers:
<https://bgs.vermont.gov/purchasing-contracting/contract-info/current#Translation%20Services>

- c. Raimundi, Karla: An assessment of outreach goals from AC and an evaluation of what's possible in terms of technical support and budget is likely to precede the opening of the public input period.
- d. Hayley: multiple types of outreach! including social media, email, in-person [like 1]
- e. Abbey Willard: what about capacity? At one point we discussed needed more help to engage the community input process [like 1]
- f. Gayle Pezzo: side note: I have a meeting with some UVM students that are studying communications. It appears that they have reported to me at an earlier time that IG is used by the younger folks and FB for the older population if we were to consider er those forums for public involvement. i will put that on my agenda today to confirm that point of view [like 4]

c. Next Steps (Phoebes):

- a. Next joint meeting is on Oct 23rd 1-4pm (virtual again)
- b. Anyone feel strongly we need meet in person to finalize an outreach plan for core engagement principles?
 - i. No response; two positively indicate email is sufficient via chat
- c. Thanks and closing of meeting