

**Joint Meeting of Vermont's Environmental Justice (EJ) Advisory  
Council and Interagency EJ Committee  
Draft Meeting Minutes  
October 23, 2023**

**Note to reader:** These draft minutes were compiled by staff from the Agency of Natural Resources. If you would like to see any changes to these draft minutes, please reach out to [phoebs.potter@vermont.gov](mailto:phoebs.potter@vermont.gov)

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**Meeting Information:**

**Date:** October 23, 2023

**Meeting Time:** 1:00PM to 4:00M

**Location:** Virtual via Microsoft Teams

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

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**Attendance:**

- **EJ Advisory Council Members Present:** Jennifer Byrne, Rich Holschuh, Mariana Sears, Reverend Walter Brownridge, Maryam Shabbir Abbasi, Gayle Pezzo
  - **Interagency EJ Committee Members Present:** Claire McIlvennie, Jenny Ronis, Gretel St. Lawrence, Amy Redman, Neuvic Kalmar Malembanie, Abbey Willard, Karla Raimundi, Dave Pelletier, Issac Kaplan, Elizabeth Schilling
  - **Vermont State Agency Staff Present:** Phoebs Potter, Emily Rogers, Bridget Phillips, Megan Cousino, Rebecca Williams, Rachel Stevens, Emma Ramirez-Richer, Sophi Veltrop, Carey Hengstenberg
  - **Members of the Public Present:** Annette Smith, Emily Alger, John Brabant, Kati Gallagher, Kyla Schweber, Lex Detrick, Tina Wilber, Hayley Jones
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**Agenda:**

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| 1:00 PM | <b>Welcome and introductions</b><br>Consenting to <a href="#">Community Agreements</a><br>Approve <a href="#">July 18, 2023 Minutes</a> and <a href="#">September 23, 2023 Minutes</a><br>Review and Approve October 23, 2023 Agenda (this document) |
| 1:20 PM | Legislative priorities to support implementation of VT's EJ Law  |
| 2:00 PM | Public comment   |

2:10 PM	Break
2:20 PM	Update on major deliverables of the VT EJ Law
2:40 PM	Planning for the meaningful participation of the public/EJ focus populations in the Implementation of VT's EJ Law
3:40 PM	Public comment
3:50 PM	Wrap-up / next steps

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**Meeting Recording:** [Joint Meeting with the Advisory Council and Interagency Committee, October 23, 2023 - YouTube](#)

### Meeting Notes:

- Draft meeting minutes from July 18, 2023 and September 23, 2023 meetings approved as final by AC and IAC members
- Draft agenda for meeting approved
- **Agenda Topic 1: Legislative priorities to support implementation of VT's EJ Law**
  - **Priority 1: compensating the people doing the work (per diems)**
    - **Proposal 1: state-wide per diem rate, want to get input on what that should be**
    - **Proposal 2: ID barriers to compensating community engagement**
    - Tied to principle 7 from core community engagement principles
    - Previous request - \$200/day \$25/hour
    - There are examples of other per diem compensations
    - Question: (Abbey Willard) what is the current proposal?
      - We want to come up with a number that makes sense - \$250/day is the current thought which translates to about \$31/hour
    - Link for context from Jennifer Byrne (original budget request submitted in 2022 to support S.148): <https://docs.google.com/spreadsheets/d/1bsDignezsSBWzugSni6JKR3HcGWCN9MrnYGRQBc6LpU/edit#gid=533053046>
    - Survey Results:
      - All who responded did so in support to increase statewide per diem rate from \$50 to \$250 with a few additional comments – see presentation for comments
    - Approach:
      - Letter of support from ANR secretary
      - Gather support from as many agencies, boards, institutions as possible by Jan. 2024

- **Questions & Discussion:**
  - Neuvic – pretty normal to increase to \$250
  - Elizabeth – Utility Commission supports \$250 and is happy to help support advocacy for that
  - Abbey – are there thoughts around strategy for if there isn't consensus on increasing statewide per diem rate - what is our plan to ensure that the EJ's AC's per diem can be increased on its own
  - Karla – consensus that the issue does need to be addressed statewide, if long shot it's this group's prerogative to pursue a one-off solution for this AC, a one-off may cause issues within ANR's other ACs, but still up to this group to decide
  - Walter: 1) I support the increase to \$200-250, both and advocating for statewide but may take longer to do a statewide approach, what's the most effective, need to advocate for ourselves but if we can work with others that's good. 2) Will my participation continue without per diem increase – my role will continue but greater motivation with greater per diem because he juggles a lot of roles, motivation is intrinsic but increase in per diem is appreciated 3) The people who represent the most marginalized groups in the state are being paid the lowest per diem – that's iron
  - Mariana – support Walter's points, trust those more familiar with government to guide decision making process, important to recognize we may be leaving ppl behind if we cannot compensate them, my participation will continue as this is part of my job; how are the other boards determining their amounts and why did we get the short end of the stick
  - Rachel – legislature defaulted to standard per diem; there wasn't a weighing of the value of one board compared to others
  - Karla - \$50 is the standard, others receiving more requested increases and legislatively increased their per diems, question is should we do the same or advocate from statewide increase; no guarantee we would get what we are asking for
  - Gayle: are other boards getting the \$50 rate?
    - Phoebes: yes most get the \$50
    - Gayle: so what are the pros and cons of advocating for the increase?
      - Pros: increasing equity, group that represents diverse populations, need to make accessible for lower income Vermonters, \$6.50 an hour is not accessible
      - Cons: big financial ask, cost for our council vs. Statewide solution
  - Rich: on another board that gets \$50 and it's inadequate and inequitable

- When it comes to EJ the inequity is even more obvious – if this is what we get it doesn't seem like the state is serious about environmental justice
  - Abbey from chat: 'pro' of including a phased-in approach (2 years) offering boards and supporting Agencies time to dedicate the budget. I would hope most would implement immediately but may capture consensus if we give a bit of time
  - Jennifer: questions relating to process – first foray into asking legislature to act. EJ AC's job to do that, not sure how the IAC does the advocacy work for something like this (what's the line?) AC could draft a sign-on letter in support of increasing per diem to \$250
  - Karla: appreciate the sign-on letter approach, can gather list of alternative approaches, gather info from IAC members once they are able to go back and see if there is support at their agency. Is there is list of other boards that also receive the \$50/day rate? Get those boards to sign-on to present a stronger argument for implementing this change – power in numbers.
- **Priority 2: take the time to do things right**
  - Committed to achieving meaningful community engagement and participation
    - **Proposal 1 - extend dues dates by 2 years** which will enable:
      - Solid groundwork to do this work well
        - Addressing compensation barriers
        - Systems for meaningful participation
        - Outreach, education, and trust-building with stakeholders
      - EJFP input at every stage of policy development, capacity building and culture change at SOV, research into best practices and learning from other states
      - Adaptability such as changing sequence of deliverables since they are inextricably interrelated
      - Survey – some support with hesitancy around the extension just delaying work getting done – interim due dates used to keep work on track but having statutory breathing room
- Discussion:**
  - Jennifer Byrne – not in support of two-year extension on community engagement principles and interim spending reports – need interim due dates
    - Especially interim spending reports because the statute was written with intention to capture covid money (2020). If reports are pushed out to 2026, we would miss that funding and how/if it was distributed with EJ in mind

- Phoeb: does group want to agree to IAC and AC setting interim deadlines within 2 year deadline recalibration?
  - Jennifer Byrne: Does the IAC and AC have the power to do this?
  - Rachel: we have failed to meet almost every deadline, and statutorily that's not good, helpful to have discussion about recalibrating because statutory deadlines are the absolute latest things must be done by. There is no mechanism within the law to compel an agency to meet an interim deadline.
  - Elizabeth: within the proposal to extend deadline by 2 years include interim steps to get buy in from legislature
  - Claire: in support and her agency is definitely in support and would use extra time to continue not delay work
- Mariana: where did the 2-year timeframe come from? 2 years seems a like a big extension
- Karla: part of strategy, can fall back on 1-year proposal if legislature denies 2-year extension; in thinking through work, lots of the processes can take long periods of time to work through and implement. EPA's experience in implementing Justice40 – reflective of the experience here, trying to learn from the pitfalls they fell into
- Abbey: don't want to send message to legislature that all we need is more time because we don't JUST need time, there will be other needs moving forward
  - Extension without resources will not help us accomplish goals
- Claire: what could the agencies do to show good faith in completing tasks by interim due dates?
- Neuvic: interim deadline at my department have been very helpful and proven to work when working with schools
- Phoeb: requested temperature check: any blocking concerns at the moment amongst people present?
  - None indicated, made note that numerous Advisory Council members not present who will need to be consulted outside of this meeting before any consensus is formally reached.
- Phoeb: proposal for creation of a Procedural Justice committee to guide our process (how we meet, setting due dates, etc. -- similar to a steering committee) with the explicit focus on making the proceedings accessible /

supportive to people from directly impacted communities involved in the work

- Jennifer Byrne: note that virtual meeting format has been expressed as not accessible for at least one member. Phoebs noted temporary shift to virtual only to address capacity issues; will be returning to hybrid for December 18<sup>th</sup> joint meeting.

- **Proposal 2: removing meeting cap**

- No discussion

- **2:00pm Public comment**

- **Annette Smith (Vermonters for a Clean Environment):** “Vermonters for a Clean Environment works with Vermonters in our communities dealing with regulatory processes including Agency of Natural Resources permits and Public Utility Commission regulatory processes, and Act 250. We’ve been doing this work for 24 years, our interest in this process has to do with the implementation. As I look at the core principles and trying to figure out how to connect up the work we do on the ground helping raise the voices of Vermonters so they have a say in what goes on in their communities, I’m a bit challenged to understand how it will be implemented. I have some ideas, and John Braband who works with me who also worked with ANR for 24 years is also in this meeting. He will bring some very important insights. My initial comment has to do with the focus populations, and how I try to take the EJ issues that I see through that lens. We see environmental injustice that occurs to people of all income levels, not just low income. I will honestly say that in our work in many communities all over VT for more than 2 decades we have not worked with very many people of color and the third category about people who do not speak English is also not something we encounter. We have encountered people who are Hispanic who speak English well. The developments that we deal with are often the kind of developments that are inappropriate, they’re often too large scale. We’ve worked on large farms, landfills, quarries. The organization got started dealing with a huge billion-dollar natural gas powerplant and pipeline project that was proposed for Southwestern Vermont in 1999. And the injustices occur regardless of the income levels or what color people are or what language they speak. I did weigh in a bit in the Just Transitions Committee of the Climate Council because I’ve been concerned about how Environmental Justice is defined and the definition in the documents you’ve put together say “all people”, or “all Vermonters”. That’s what we see. How do we address this injustice when corporations come in with plans that are way out of scale, but they have billions of dollars. This is something we’ve been dealing with for years, where citizens are up against a very short time period to put together very expensive lawyer and expert testimony. It’s a massive injustice. It doesn’t matter if there’s someone who has money, why should the people who live in a community dealing with a really inappropriate development have to empty

their pockets? And often it's a lot of money to counter the developers. There are some ways to deal with this. There has been talk for years about creating some sort of an office of public advocate that is independent. Other states have it, often called a consumer advocate. Another thing that does exist in state agencies is the ability to bill back to the applicant so that the agencies can hire their own experts, or for instance a consumer advocate could hire experts. I realize I'm getting ahead of where you all are in your discussions, but I did want to let you know how I'm looking at, how is this going to work on the ground? How are the state agencies going to actually do what is called for in these Principles about how to engage in our communities, because coming in and holding a meeting and saying "Ok, we're hearing from people and especially the focus groups," your focus population is not going to affect very many of the people who are affected by the types of developments that we've been seeing. So I want to say thank you very much for the opportunity to comment on this and I will hope to weigh in more as this progresses. Thank you.

- Addition comment from Annette Smith in chat: "I have worked with a lot of people who may be willing to speak. Sadly, many of the people we work with find the participation in state agency permitting to be so awful they never want to think about it again once the case is over."

- **Agenda Topic 2: Update on major deliverables of the VT EJ Law**

- **Community Engagement**

- Core Principles – draft 4 approved to move forward to final stakeholder input period, need concrete plan for 45-day public comment period
- Agency Plans – considering development of a guide/approach for covered agencies to use core engagement principles once they are finalized to draft their plans.

- **Environmental Benefits**

- Guidance is the first deliverable (ANR responsibility) to inform covered agencies 3-year spending reports
  - Task group of mostly ANR staff and Advisory Council reps has come together and just finished a [Guide to writing the Guidance deliverable](#)
  - Task group now shifting focus to drafting the Guidance itself
- Once covered agency reports are submitted, ANR will summarize the findings, and agencies are expected to change policy to achieve goal of proportionate distribution of environmental benefits.
- Seeking feedback from IAC and AC on the Guide to the Guidance:
  - Are these the right questions?
  - Who should be at the table to answer questions?
  - What's needed to make it accessible for stakeholders to engage
  - What relationship do you want with task group? Report outs?

- IAC members: can you identify staff from a program or business office that we could collaborate with to pilot draft guidance?
- **Environmental Burdens**
  - Mapping tool development is next major part of this work
- **Annual Agency Reports**
  - Phoebs: we will need to provide guidance to covered agencies on whether January 15, 2024 due date for Civil Rights & EJ Issue complaint reports will be impacted by recalibration of due dates.
- **Definition Updates**
  - EJFP – looking ahead to 2025 session to introduce revision, if desired
    - Build in health indicator? Will bring VDH staff into the work.
    - Engage stakeholders in consideration of updating the definition
  - ANR staff continuing to put together requested supplemental data / information on EJFP definition from last meeting
    - Rachel - [Guide to Access VT EJ Law Legislative History.pdf \(vermont.gov\)](#)
      - Mariana – can we go through this together? Yes
- **Agenda Topic 3: Planning for the meaningful participation of the public/EJ focus populations in the Implementation of VT's EJ Law**
  - Bump to next time
- **3:40pm Public comment**
  - No comments volunteered
- **Wrap-up / next steps**
  - **Rachel Stevens** provides walk through of the Guide to Access VT EJ Law Legislative History.