Relational Community Agreements

1. **Be present with yourself and one another.** Be present with your body and feelings; if you need to take a break to take care of yourself, please do. Be present for one another by listening deeply.

2. **Calling in and calling out.** Assume best intent but attend to impact. We can stop things that are being said that are hurtful and be curious and create a space for learning (tools include using "oops"/"ouch" to indicate a pause is needed).

3. **Expect and accept non-closure.** We are unlikely to leave here feeling 100% ready to go, or to have everything on our agenda wrapped up, especially if we are committed to moving at the speed of trust.

4. **Center respect.** Be respectful, intentional, and work to build trust and create a safe and inviting space.

5. **Share verbal (and other) space mindfully:** consider the balance of taking and making space ("move up, move back"). Tools to do this include the acronym W.A.I.T ("why am I talking?") and vocalizing support for another person's comment without repeating the same points that have already been made.

1:00 PM	**Welcome and introductions** Consenting to Community Agreements Approve July 18, 2023 Minutes and September 23, 2023 Minutes 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**

AGENDA TOPIC: LEGISLATIVE PROPOSALS

Purpose: Advance effective implementation of Vermont's Environmental Justice Law

1:20-2:00 (public comment 2:00-2:10)

PRIORITY 1: Compensating the People Doing the Work (adequate per diem)

"To ensure participation in the Environmental Justice Board is accessible and the public has the opportunity to meaningfully engage in this work, participants must be adequately compensated for their time and contributions. The current compensation model ($50 per meeting) does not adequately account for the time and labor exerted between meetings to prepare and follow up on action items. The bill as passed does not fulfill the mandate of "meaningful participation" defined in the bill."

VT Renews BIPOC Council Follow up Letter to the Statehouse | Date: 9/23/2022
Subject: Experience of Black, Indigenous and People of Color in the legislative process
From: VT Renews BIPOC Advisory Council and VT Renews Coalition

Compensating the People Doing the Work

Proposal 1: Provide SOV advisory boards and councils with adequate per diem rate, and provide base budget funding to support the Advisory Council at this rate.

Proposal 2: Identify and address legal barriers to agencies directly compensating for community engagement

State of Vermont, Vermont Environmental Justice Law
The Core Principles of Community Engagement – Draft 4

Principle 7. Compensate community members for their expertise.

"[this Principle] also means advocating for equitable pay for members of citizen advisory boards charged with conducting work of the state" (page 17)

Original request for VT EJ Law: $200/day ($25/hr) - $17,600 annual total

(as submitted by Conservation Law Fund, Rejoice, Rights and Democracy, & Vermont Public Interest Research Group – full budget request available here

Table 1 – Examples of per diem compensations that differ from 32 V.S.A. § 1010

Board/Council	Per diem compensation for members	Details	Statute/Act
Vt Dairy Promotion Council	$75	The appointive members shall each receive $75.00 per day for each day spent in actual attendance at meetings of the council, but not exceeding a total compensation of $750.00 per annum for each member, and they also shall receive their actual necessary expenses and mileage while attending to their duties	6 V.S.A. § 2971
Parole Board	$100	Members are entitled to per diem for each day of official duties together with reimbursement of reasonable expenses incurred in the performance of their duties	32 V.S.A. § 1010
The Labor Board Review Panel	$125 for members $175 for Chair	The members including the Chair shall be reimbursed for their necessary expenses incurred in the performance of their duties.	3 V.S.A. § 921
Vermont Community Broadband Board	$250	Members are entitled to per diem each day spent in the performance of their duties and each member shall be reimbursed for his or her reasonable expenses incurred in carrying out his or her duties under this chapter	30 V.S.A. § 8084(a)(5)

Sep 2023 Survey Results (6 IAC & 5 AC Members)

Request: Increase the statewide per diem rate from $50 to $250

- **Yes, support request (No Additional Comment): 7**
- **Responses with Additional Comment: 4**

- Yes - and I feel it would be even a stronger result to compensate EJ Adv Board members at an hourly rate. This is the proposal that came from LAOB last year in their Sunrise Report [p. 18], which would have compensated both in-meeting and preparation ti
- Yes, support. Hopefully will change the per diem rates expectations for other groups and result in greater community engagement. Also hope that this effort will demonstrate the importance of advisory council members participation and value of their time, ideas, commitment, and effort.
- Endorsed with the equity-focus caveat
- Generally support a request to increase per diem rates for EJAC members, but has any analysis been done on what that would mean in terms of budget, particularly in combination with the second legislative request below (to eliminate the cap on how often we can meet)? Also, the wording of "change the statewide per diem rate" is a little confusing, is the legislative ask specific to Act 154 or to statewide per diems rates more broadly? The latter would be a different magnitude of ask.

Approach for Increasing Per Diem Rate

Letter of Support from ANR Secretary | key arguments:

- Seeking statewide change to 32 V.S.A. Sec. 1010 – **need to agree on minimum rate**
- Cite from DEC Community Engagement Report: Community members are fellow experts and colleagues, adequate compensation is a recognition of their expertise
- Level of funding doesn't come anywhere near what the state regularly spends on "expert consultants" for strategic planning, research, policy development, etc.
- "outsourcing" the work of the state – must compensate people charged to do it
  - e.g. providing written recommendations on how agencies should respond to civil rights & EJ complaints – this is an annual requirement of EJ Advisory Board

Seek backing of as many agencies/boards/institutions as we can by January

- Other Advisory Boards and the agencies that administer those Boards
- Legislators: Kesha Ram Hinsdale
- Suggestions?

Questions / Discussion

PRIORITY 2: Taking the Time to Do Things Right: 2-Year Due Date Recalibration

"that which takes too much time to understand gets left behind"

- Kiah Morris, testimony to VT Senate Committee on Natural Resources and Energy regarding S.148 (draft VT EJ Law), January 2022



State of Vermont, Vermont Environmental Justice Law
The Core Principles of Community Engagement – Draft 4

Principle 11. Commit enough time to do engagement well.

"Do not sacrifice the integrity of the process for the sake of meeting deadlines" (page 25)

Achieving Meaningful Participation

- means that all individuals have the opportunity to participate in energy, climate change, and environmental decision making.
- integrates diverse knowledge systems, histories, traditions, languages, and cultures of Indigenous communities in decision- making processes.
- requires that communities are enabled and administratively assisted to participate fully through education and training.
- requires the State to operate in a transparent manner with regard to opportunities for community input.
- encourages the development of environmental, energy, and climate change stewardship.

as defined in the VT EJ Law, 3 V.S.A. § 6002(6).

PRIORITY 2: Taking the Time to Do Things Right:

Proposal 1: Extend all due dates in the Vermont EJ Law (Act 154) by two years, maintaining the same sequence as initially envisioned.

Proposal 2: Remove annual meeting caps to allow for more touch points with IAC and AC members and overall flexibility.

State of Vermont, Vermont Environmental Justice Law
The Core Principles of Community Engagement – Draft 4

Principle 11. Commit enough time to do engagement well.

"Do not sacrifice the integrity of the process for the sake of meeting deadlines" (page 25)

What the additional time allows for:

Lay the Groundwork

- Address compensation barriers (includes initial 6-month delay in 2023)
- Establish sustainable, accessible systems for meaningful participation
- Outreach, education, and trust-building with stakeholders

Do the Work Well

- EJFP input at every stage of policy development (includes time needed for language access)
- Capacity-building and culture change in covered agencies
- Researching best practices and learning from other states

Be adaptable

- Gives space to shift the sequence of deliverables, since they all inform one another (EPA experience)
- Allows time to ensure stakeholders aren't left behind as we tend to our complex lives

Sep 2023 Survey Results (6 IAC & 5 AC Members)

Request: Eliminate Meeting Cap

- **Yes, support request (No Additional Comment): 5**
- **Responses with Additional Comment: 6**

- yes at least initially because it is all so new
- Just raising the cap would be fine honestly (to 10 or 12 with 5 or 6 being joint)
- I understand the desire for this, though it currently feels like we are able to meet with sufficient regularity under the current guidance.
- Yes. We should acknowledge and take into consideration the capacity needs at ANR to support our work, but otherwise the council members should determine this for ourselves.
- Yes, support. Flexibility and trust are required here. I believe we have to trust the process of professional leaders to determine how many meetings per year are needed. My guess is we will need more in the trust building and development stage and fewer meetings over time, once all systems and relationships are in place.
- Generally support this request. The current 8 meeting / year cap places a number of limitations, but in particular for the Interagency Committee is a big limitation on supporting interagency communication about and coordination on the various deliverables.

Sep 2023 Survey Results (6 IAC & 5 AC Members)

Request: Extend all Due Dates by Two Years via Technical Correction

- **Yes, support request (No Additional Comment): 5**
- **Responses with Additional Comment CONTINUED: 6**

- My only concern with simply moving dates 2 years out is that agencies may simply delay work. I would suggest that the Interagency Committee and Advisory Council look at all the dates at our next meeting and suggest extending certain dates where needed/appropriate.
- I think this is a reasonable request given the complexity and importance of the work and the relatively low level of staffing specifically assigned to the work. I believe it was originally envisioned that it would take far more staff support, in particular at ANR, to implement and staff ongoing Act 154 activities. My agency is currently at capacity to be able to participate with existing staff and will consider requesting at least a part-time position in the future to be able to support this work.
- I do not want to extend the deadline for so long because that might prevent EJ Law benefiting people most impacted by environmental burdens. I think one year could be a more reasonable extension.

Sep 2023 Survey Results (6 IAC & 5 AC Members)

Request: Extend all Due Dates by Two Years via Technical Correction

- **Yes, support request (No Additional Comment): 5**
- **Responses with Additional Comment: 6 [CONTINUED FROM PRIOR SLIDE]...**

- I support this request, and I hope we can identify interim deliverables and milestones, so that we can celebrate successes and achievements en route to the statutory due dates. I have found that taking time to appreciate the work, even on small victories, helps sustain the pace towards larger, longer term goals.
- I think 2 years is too long. I think 1 year for building the foundation and engaging community perspective is sufficient. Longer than that to me feels like we will lose interest and public support of government's commitment without sufficient action and story telling of accomplishments within 1 additional year. Plus, I know my Agency will need additional staff capacity before 2 years from now. So, we need to move along in the development stage so we can request $ for additional EJ/DEI staff at the Agency levels.
- Generally support a request to extend the deadlines in the law, although it would be helpful to know where the 2-year timeframe came from specifically. An extension would allow the covered agencies to build and advocate for the necessary capacity to implement this law, in addition to allowing for meaningful consulting with the EJAC and EJ focus populations.

REVISED TIMELINE: 2-YEAR ACROSS-THE-BOARD EXTENSION OF DUE DATES:

2023-2024: Lay the Groundwork	Implementation	2025	2026	2027	2028
- Address compensation barriers -Outreach and relationship building -RFPs for additional capacity and subject matter expertise -Stakeholder outreach, orientation, & education -Plan for EJFP engagement -Establish task groups for completing work	**Meaningful Engagement of EJFPs:**	**Sep 1:** Core Principles of Community Engagement (IAC)		**Jul 1:** Agency Community Engagement Plans (CA)	
	Equitable Distribution of Environmental Benefits:	**Nov 15:** Environmental Benefit Spending Guidance (ANR)	**Apr 15:** Baseline Environmental Benefit Spending Reports (CA) **Jul 1:** Establish Goal of Proportionate Investment (CA)	**Dec 15:** Baseline Spending Report Summary (ANR)	
	Mitigation of Cumulative Environmental Burdens:			**Jan 1:** EJ Mapping Tool (ANR) **Jul 1:** Environmental Burden Initial Rulemaking (ANR)	**Jul 1:** Agency change to rules, policies, procedures to implement EJ Law (CA)
	Annual Agency Reporting:		**Jan 15:** Civil Rights and EJ Complaint Summaries (CA)	**Jan 15:** Annual EJ Action Report (CA)	**Jan 15:** Annual Benefit Spending Report (CA)
	Legislative Adaptation:	**Dec 1:** Revisiting the Definition of EJ Focus Populations	**Dec 15:** Appointments(1/3 change – Leg)		**Dec 15:** Appointments (1/3 change - Leg)

REVISED TIMELINE: 2-YEAR ACROSS-THE-BOARD EXTENSION OF DUE DATES:

2023-2024: Lay the Groundwork	Examples of Work Completed in 2023	Examples of Work Ahead of Us...
-Address compensation barriers -Outreach and relationship building -RFPs for additional capacity and subject matter expertise -Stakeholder outreach, orientation, & education -Plan for EJFP engagement -Establish task groups for completing work	- Addressing lack of per diem authorization in original legislation - Research and advocacy for per diem increase for advisory boards - Individual calls with environmental and social/racial justice organizations - Maintaining list-serv with regular email updates to people who sign-up - Developing educational materials and training for AC and IAC on EJFP Definition - Providing trainings on the VT EJ Law to stakeholder groups (e.g. Hunger Councils of VT, VT Asthma Advisory Council) - Public website and online learning library - Establishing Task Group to write the benefit spending report guidance	-Advocating for per diem increase for AC -RFP for compensated community input events / engagement support -RFP for facilitation support ***Note: contracts can take 6-8 months to issue and award*** -Building systems alongside AC members for direct engagement with EJFPs -Planning community engagement forums with local partners -Continued development of educational and training materials in plain language -Translation of education and facilitation materials to facilitate involve people who speak language other than English -Creating learning opportunities for all stakeholders

Workplan Development: Setting Internal Deadlines

- Within the 2-year statutory extension, interim deadlines may be identified by which certain tasks and deliverables must be completed
- Accountability measures to promote transparency and regular feedback will be put in place to ensure trust that has been built is not corroded
- The working groups shall continue advancing work undertaken while honoring the time needed to do the work well (especially meaningful participation) within our existing bureaucratic systems.

Setting Interim Goals: Example: Community Engagement

	2024	2025	2026	2027	2028
2-Year Extended Statutory Deadlines:		**Sep 1:** Core Principles of Community Engagement (IAC)		**Jul 1:** Agency Community Engagement Plans (CA)	
Potential Interim Approach:	**Sep 1:** Core Principles of Community Engagement (IAC) *Finalized with public input; build toolkit* Engage and educate agency staff on principles prior to launching into planning process	Launch series of strategic planning sessions for covered agencies – coordinated and solo – to develop plan Incorporate EJFP / AC input throughout the planning process	**Jul 1:** Agency Community Engagement Plans (CA) Identify barriers to implementing plan and develop legislative proposals/ advocate for changes in federal policies as needed	Ensure Annual EJ Action Plans address fidelity to engagement plans Continue to advocate for needed resources	

Setting Interim Goals: Example: Benefit Spending

	2024	2025	2026	2027	2028
2-Year Extended Statutory Deadlines:		**Nov 15:** Environmental Benefit Spending Guidance (ANR)	**Apr 15:** Baseline Environmental Benefit Spending Reports (CA) **Jul 1:** Establish Goal of Proportionate Investment (CA)	**Dec 15:** Baseline Spending Report Summary (ANR)	**Jan 15:** Annual Benefit Spending Report (CA)
Potential Interim Approach:	Develop guidance with input from stakeholders and lessons learned from other states/ Justice40 **Oct 15:** Environmental Benefit Spending Guidance (ANR) - PHASE I	**Apr 15:** Initial data reporting from covered agencies – used to determine inclusion and review data availability **Oct 15:** Environmental Benefit Spending Guidance (ANR) - PHASE II	**Apr 15:** Baseline Environmental Benefit Spending Reports (CA) **Jul 1:** Establish Goal of Proportionate Investment (CA)	**Apr 15:** Baseline Spending Report Summary (ANR) **July 15:** Update guidance based on findings to inform annual benefit spending reports	**Jan 15:** Annual Benefit Spending Report (CA) Provide ongoing technical support for agencies to meet their goal

Approach to Due Date Extension

1: Request technical correction by Legislature extending all due dates in VT EJ Law by two years

2: Seek consensus at our **December 18th meeting** on a set of **interim due dates** based on suggestions of Task Groups and/or the EJ Coordinator.

3: Establish a **Procedural Justice Committee** to advise EJ Coordinator(s) on how the proceedings of the Interagency Committee, Advisory Committee, and EJ Law Task Groups can ensure BIPOC, low income, and other members from directly-impacted communities may engage in these processes in ways that enable them to take better care of themselves and their communities.[1]

[1] This proposal is based on the stated expectations of the Renews BIPOC Council: Renew BIPOC Council Letter Apr 2021.pdf - Google Drive

Questions / Discussion

Looking ahead to 2025 Session…

"The Environmental Justice bill was passed without adequate funding for community engagement and funding towards the most underserved communities in Vermont." - Renews BIPOC Council

Additional one-time funding asks as needed for EJ Law implementation (still have $110,000 available for use now and into 2024)

Annual "EJ Legislative Package"

- ❖ Coordinated base-budget asks to sustain work in covered state agencies
- ❖ Identify and address legal barriers to implementation of EJ Policy (identify concerns and solutions in annual covered agency "EJ Action" reports)

Potential proposal to update the **EJ Focus Population definition** (originally requested Dec 1, 2023 for consideration in 2024 session)

Questions / Discussion

AGENDA TOPIC:

Update on major deliverables of the VT EJ Law

2:20-2:40

"Major deliverables"

Community Engagement: Core Principles | Agency Plans

Environmental Benefits: Guidance | 3-Year Agency Spending Reports | Summary Findings | Agency Policy Change

Environmental Burdens: EJ Mapping Tool | Cumulative Burden Rulemaking | Agency Policy Change

Annual Agency Reports: Civil Rights & EJ Issues | Benefit Spending | EJ Actions

Definition Updates: EJ Focus Population

Community Engagement

- Draft 4 of Community Engagement Principles consented to by IAC and AC (9/25/23) as ready to move to stakeholder input period
- Currently developing plan for 45-day public input period
- Looking ahead: develop a plan to guide covered agencies through the drafting of plans using core engagement principles

EJFP Definition Update

- **Looking ahead to 2025 session to introduce a revision, if desired**. This will not slow down the work planned for 2024 – and gives us time to engage stakeholders in the consideration of updating the definition.
- Presentation and data on current EJFP definition given by DEC staff on 9/25/23 (find materials here)
- Requests for additional data during 9/25 meeting are in process
  - Prepared for today: Guide to Legislative History (Rachel Stevens)
- ANR staff are currently preparing a guide to facilitate the review of the EJFP definition and consideration of adding a health factors
- More formal task group being established (ANR staff + VDH +…) to guide this process over coming year

Environmental Benefit Spending

- Task Group established with ANR staff and Advisory Council representatives. Remains open to additional members
- Recently finalized a guide to writing the guidance for covered agency reports that lays out the key questions and considerations
- Task Group now shifting to drafting the guidance with stakeholder input along the way.
- Draft guidance must go through a 45-day public comment period

IAC and AC Input on Benefit Spending Report "Guide to the Guide"

- 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?

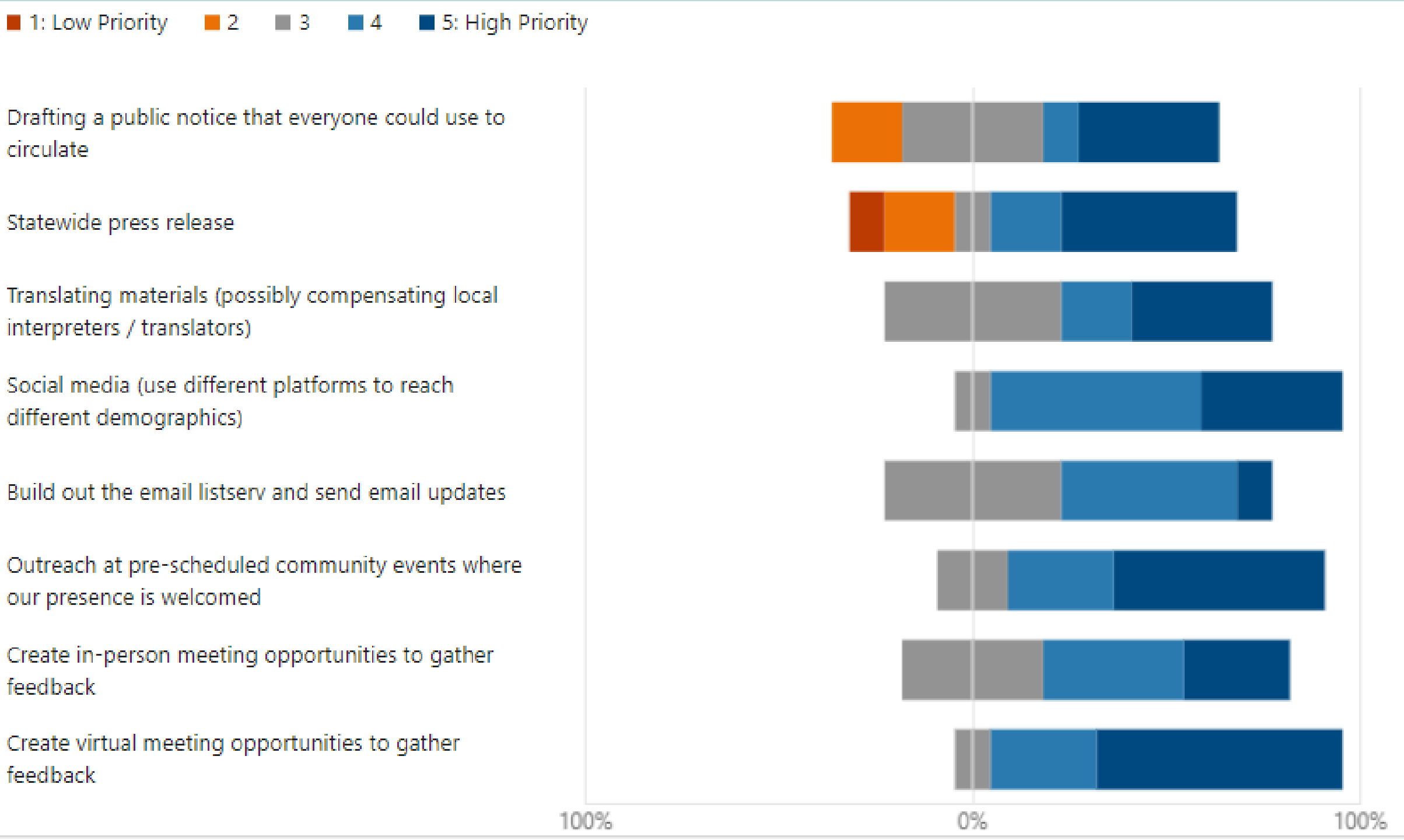
IAC members: can you identify staff from a program or business office that we could collaborate with to pilot draft guidance?

How can we model "meaningful participation" through our implementation of these deliverables?

AGENDA TOPIC:

Planning for the meaningful participation of the public/EJ focus populations in the Implementation of VT's EJ Law

2:40-3:40 (public comment 3:40-3:50)


1: Low Priority
2
3
4
5: High Priority
Drafting a public notice that everyone could use to circulate
Statewide press release
Translating materials (possibly compensating local interpreters / translators)
Social media (use different platforms to reach different demographics)
Build out the email listserv and send email updates
Outreach at pre-scheduled community events where our presence is welcomed
Create in-person meeting opportunities to gather feedback
Create virtual meeting opportunities to gather feedback
100%
0%
100%

Break-out discussion prompts

Please Identify One Person to Keep Notes / Report Out

1. Identify which directly impacted communities are represented by the Advisory Council members in your group (or choose a focus area)
2. Choose one of the following major areas of the VT EJ Law: (1) defining "EJ Focus Population" (2) agency community engagement plans (3) equitable access to environmental benefits (4) mitigating cumulative environmental burdens
3. Brainstorm the top three things the communities you represent would need to know about this area of our work to engage in a meaningful conversation
4. Brainstorm the top three things you want to know from the communities you represent to inform how you would go about implementing this area of the work
5. Identify one existing/trusted forum or method you think would be effective for sharing/gathering information with each of the communities you represent