Guidance for State Agencies covered[1] under Vermont's Environmental Justice Law (Act 154, 2022):

Revised due dates for covered agency deliverables

Prepared by: Phoebs Potter, Environmental Justice Coordinator, Civil Rights and Environmental Justice Unit, VT Agency of Natural Resources

Effective date: December 18, 2023

Background

The Agency of Natural Resources (ANR), under the advisement of the EJ Advisory Council and Interagency EJ Committee established under the VT EJ Law, are submitting a request to the Legislature for a technical correction extending all due dates originally established in the VT EJ Law by two-years.

Any such change in statute would officially take effect after July 1, 2024. **As such, this guidance specifically addresses deadlines for covered state agencies that occur before July 1, 2024.** Guidance regarding how any statutory changes will impact deadlines after July 1, 2024 will be provided once such statutory changes are approved by the Legislature. The EJ Advisory Council, Interagency EJ Committee, and Agency of Natural Resources are empowered to adopt interim due dates for covered agency deliverables within the statutory extension.

Summary of Due Date Changes

This document provides guidance regarding expectations for covered agencies to meet upcoming deadlines originally established under the Vermont (VT) Environmental Justice (EJ) Law (or Act 154 of 2022) -- specifically, those due prior to the end of the 2024 Legislative Session, when any statutory changes to VT EJ Law due dates would take effect. Those deliverables, and their original and new due dates, are:

- **Civil Rights and Environmental Justice Complaint Summaries:** originally due January 15, 2024 – extended due date is March 15, 2024

[1] *See 3 VSA § 6004(a) or Page 8 of the VT EJ Law for list of covered agencies*

- **Initial Environmental Benefit Spending Reports:**
  originally due February 15, 2024, extended due date is March 31, 2025 (5 months after the release of ANR's guidance for spending reports).

Civil Rights and Environmental Justice Complaint Summaries

- **Original due date:** January 15, 2024
- **Revised due date:** March 15, 2024

Deliverable as codified in the VT EJ Law (Section 6004(d)): "[t]he 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."

For additional information, please reference the guidebook for covered agencies.

OBJ

Justification for due date extension: During the 2023 Legislative Session, ANR Secretary Julie Moore informed the Legislature via written notice that short-term due dates in the VT EJ Law would be extended two-months due to a delay in authorization of per diem payments to EJ Advisory Council members. As such, covered agencies will also be granted a two-month extension to complete their initial Civil Rights and Environmental Justice Issue Complaint Reports.

Please note that the two-month extension (March 15, 2024) applies specifically to the January 2024 summary report. In future years, agencies may be expected to return to completing this annual reporting requirement every January 15, as originally envisioned in the VT EJ Law, or an alternative recurring date. As noted above, final adjustments to due dates beyond July 1, 2024 will be shared upon conclusion of the 2024 Legislative Session.

Next steps: Covered state agencies are encouraged to proactively identify the sources of information that will be needed to complete the deliverable as defined in the VT EJ Law, and the staff who will be responsible for compiling the reports. Please pass along any questions or comments via your representative on the Interagency Environmental Justice Committee.

Initial Environmental Benefit Spending Reports

- **Original due date:** February 15, 2024
- **Revised due date:** Within 5 months of receipt of Benefit Spending Report Guidance from the Agency of Natural Resources – anticipated completion date of the Guidance is October 31, 2024, which would mean a covered agency due date of March 31, 2025.

Deliverable as codified in the VT EJ Law (Section 6004(g)(1)): "On or before February 15, 2024, the covered agencies shall, in accordance with the guidance document developed by the Agency of Natural Resources pursuant to subsection (f) of this section, review the past three years and generate baseline spending reports that include: (A) where investments were made, if any, and which geographic areas, at the municipal level and census block group, where practicable, received environmental benefits from those investments; and (B) a description and quantification of the environmental benefits as an outcome of the investment."

For additional information on this deliverable, please reference page 10 of the Guidebook for Covered State Agencies.

Justification for due date extension: The Agency of Natural Resources is currently developing the Guidance for covered agencies to submit Environmental Benefit Spending Reports. This Guidance is delayed from its original due date, and requires additional time beyond the two-month extension initially requested of the Legislature to allow for development of the document with stakeholder input (including a required 40-day public comment period). As such, covered agencies will receive a proportionate extension to complete their reports once the Guidance is finalized to allow a full five months to complete the reports, as originally envisioned in the Law.

Next steps: A dedicated Task Group, based within ANR, is currently developing the Guidance for benefit spending reports. That task group will collaborate with Interagency EJ Committee members to ensure the Guidance will work for the wide range of covered

agencies expected to submit data. They will also be collaborating with the EJ Advisory Council to get public input on the Guidance. Agency staff from business offices or who would otherwise be involved in the collection and reporting of the data requirements described with the VT EJ Law are encouraged to connect with their Interagency Committee member about how best to prepare for this deliverable.