DUE DATE RECALIBRATION FOR THE VERMONT EJ LAW

The following suggested interim due dates were prepared by the EJ Coordinator for review, and adopted by unanimous consent by the Environmental Justice Advisory Council and Interagency Environmental Justice Committee on December 18, 2023

Key:
Bold date: = due date for deliverable following colon (you can find detailed descriptions of each deliverable at end of chart)
Italicized text = proposed interim steps to aid in completion of deliverable (not explicitly required in VT EJ Law)
Lead responsible entity shown in ( ) after each deliverable: CA=covered agency; ANR = Agency of Natural Resources; AC = EJ Advisory Council; IAC = Interagency EJ Committee; Leg = State Legislature. Note: most deliverables require lead entity to consult other entities. See VT EJ Law for details.

Deliverables Related To: **Community Engagement**

Year:	**2023**	**2024**	**2025**	**2026**	**2027**	**2028**
Original Due Date:	**July 1:** Core Principles of Community Engagement (IAC)		**Jul 1:** Agency Community Engagement Plans (CA)			
Proposed 2-Year Statutory Extension Dates:			**July 1:** Core Principles of Community Engagement (IAC)		**Jul 1:** Agency Community Engagement Plans (CA)	
Suggested Interim Due Date:	*First draft of Core Principles adopted by IAC and AC (done)*	*Public comment period (45-days) for Core Principles* **July 1:** Core Principles of Community Engagement (IAC) *Education and planning support for covered agencies*	*Education and planning support for covered agencies* *Jul 1: Agency Community Engagement Draft Plans (assess and address barriers to implementation)*	*Education and planning support for covered agencies* **July 1:** Final Agency Community Engagement Plans (CA)		

Deliverables Related To: **The Equitable Distribution of Environmental Benefits**						
Year:	**2023**	**2024**	**2025**	**2026**	**2027**	**2028**
Original Due Date:	**Sep 15:** Environmental Benefit Spending Guidance (ANR)	**Feb 15:** Baseline Environmental Benefit Spending Reports (CA) **Jul 1:** Establish Goal of Proportionate Investment (CA)	**Dec 15:** Baseline Spending Report Summary (ANR)	**Jul 1:** Agency changes to rules, policies, procedures to implement EJ Law (CA)		
Proposed 2-Year Statutory Extension Dates:			**Sep 15:** Environmental Benefit Spending Guidance (ANR)	**Feb 15:** Baseline Environmental Benefit Spending Reports (CA) **Jul 1:** Establish Goal of Proportionate Investment (CA)	**Dec 15:** Baseline Spending Report Summary (ANR)	**Jul 1:** Agency changes to rules, policies, procedures to implement EJ Law (CA)
Suggested Interim Due Date:	*Create guidebook to drafting the Environmental Benefit Spending Guidance (done)*	*Draft/ public comment period (40 days) for Guidance* **Oct 31:** Environmental Benefit Spending Guidance (ANR)	**Mar 31:** Baseline Environmental Benefit Spending Reports (CA)* **Jul 1:** Establish Goal of Proportionate Investment (CA)	**Jul 15:** Baseline Spending Report Summary (ANR) *Jul 15: Update spending report guidance for annual reports*	*AC and IAC members advise agencies about specific rule, policy, and procedural changes*	**Jul 1:** Agency changes to rules, policies, procedures to implement EJ Law (CA)

* The three-year look-back period for baseline reports is intended to be the three calendar or fiscal years preceding the completion of the reports by covered agencies, accounting for lag times in data availability. Final guidance from ANR will clarify specific expectations for covered agencies, but agencies should be ready to provide data anywhere between FY 2021 (July 2020 – June 2021) and FY 2024 (July 2023 – June 2024).

Deliverables Related To: **The Mitigation of Cumulative Environmental Burdens**						
Year:	**2023**	**2024**	**2025**	**2026**	**2027**	**2028**
Original Due Dates:			**Jan 1:** EJ Mapping Tool (ANR) **Jul 1:** Environmental Burden Rulemaking (ANR)	**Jul 1:** Agency changes to rules, policies, procedures to implement EJ Law (CA)		
Proposed 2-Year Statutory Extension Dates:					**Jan 1:** EJ Mapping Tool (ANR) J**ul 1:** Environmental Burden Rulemaking (ANR)	**Jul 1:** Agency changes to rules, policies, procedures to implement EJ Law (CA)
Suggested Interim Due Dates:		*Dec 1: Finalize contract and scope of work for development of EJ Mapping Tool & gathering input on Environmental Burden rulemaking*	*EJ Mapping Tool public education and input process to scope EJ mapping tool / inform rulemaking on cumulative environmental burdens*	*EJ Mapping Tool development with feedback from AC and IAC members* *AC members advise ANR on rulemaking* *IAC members identify policies, procedures, rules impacted within covered agencies*	**Jan 1:** EJ Mapping Tool (ANR) **Jul 1:** Environmental Burden Initial Rulemaking (ANR) *AC and IAC members advise agencies on specific rule, policy, and procedural changes*	**Jul 1:** Agency changes to rules, policies, procedures to implement EJ Law (CA)

Deliverables Related To: **Annual Agency Reporting**						
Year:	**2023**	**2024**	**2025**	**2026**	**2027**	**2028**
Original Due Date:		**Jan 15:** Civil Rights and EJ Complaint Summaries (CA) **Mar 15:** Recommendations concerning complaint reports (AC)	**Jan 15:** Civil Rights and EJ Complaint Summaries (CA) **Mar 15:** Recommendations concerning complaint reports (AC) **Jan 15:** Annual EJ Action Report (CA)	**Jan 15:** Civil Rights and EJ Complaint Summaries (CA) **Mar 15:** Recommendations concerning complaint reports (AC) **Jan 15:** Annual EJ Action Report (CA) **Jan 15:** Annual Benefit Spending Report (CA)	**Jan 15:** Civil Rights and EJ Complaint Summaries (CA) **Mar 15:** Recommendations concerning complaint reports (AC) **Jan 15:** Annual EJ Action Report (CA) **Jan 15:** Annual Benefit Spending Report (CA)	**Jan 15:** Civil Rights and EJ Complaint Summaries (CA) **Mar 15:** Recommendations concerning complaint reports (AC) **Jan 15:** Annual EJ Action Report (CA) **Jan 15:** Annual Benefit Spending Report (CA)
Proposed 2-Year Statutory Extension Dates:				**Jan 15:** Civil Rights and EJ Complaint Summaries (CA) **Mar 15:** Recommendations concerning CR & EJ complaints (AC)	**Jan 15:** Civil Rights and EJ Complaint Summaries (CA) **Mar 15:** Recommendations concerning complaint reports (AC) **Jan 15:** Annual EJ Action Report (CA)	**Jan 15:** Civil Rights and EJ Complaint Summaries (CA) **Mar 15:** Recommendations concerning complaint reports (AC) **Jan 15:** Annual EJ Action Report (CA) **Jan 15:** Annual Benefit Spending Report (CA)

Deliverables Related To: **Annual Agency Reporting (cont'd)**						
Year:	**2023**	**2024**	**2025**	**2026**	**2027**	**2028**
Suggested Interim Due Date:		**Mar 15:** Civil Rights and EJ Complaint Summaries (CA) **May 15:** Recommendations concerning complaint reports (AC)	**Jan 15:** Annual EJ Action Report (CA) **Mar 15:** Civil Rights and EJ Complaint Summaries (CA) **May 15:** Recommendations concerning complaint reports (AC)	**Jan 15:** Annual EJ Action Report (CA) **Mar 15:** Civil Rights and EJ Complaint Summaries (CA) **May 15:** Recommendations concerning complaint reports (AC)	**Jan 15:** Annual EJ Action Report (CA) **Jan 15:** Annual Benefit Spending Report (CA) **Mar 15:** Civil Rights and EJ Complaint Summaries (CA) **May 15:** Recommendations concerning complaint reports (AC)	**Jan 15:** Annual EJ Action Report (CA) **Jan 15:** Annual Benefit Spending Report (CA) **Mar 15:** Civil Rights and EJ Complaint Summaries (CA) **May 15:** Recommendations concerning complaint reports (AC)

Deliverables Related To: **Legislative Adaptation**							
Year:	**2023**	**2024**	**2025**	**2026**	**2027**	**2028**	**2029**
Original Due Date:	**Dec 1:** Review definition of EJ Focus Populations (AC & IAC)	**Dec 15:** AC Appointments -- 1/3 turnover (Leg)		**Dec 15:** AC Appointments -- 1/3 turnover (Leg)	**Jul 1:** Review all definitions in VT EJ Law (ANR) -- every 5 years	**Dec 15: AC** Appointments -- 1/3 turnover (Leg)	
Proposed 2-Year Statutory Extension Dates:			**Dec 1:** Review definition of EJ Focus Populations (AC & IAC)	**Dec 15:** AC Appointments -- 1/3 turnover (Leg)		**Dec 15:** AC Appointments -- 1/3 turnover (Leg)	**Jul 1:** Review all definitions in VT EJ Law (ANR) -- every 5 years
Suggested Interim Due Date:		**Dec 1:** Review definition of EJ Focus Populations (AC & IAC) **Dec 15:** AC Appointments -- 1/3 turnover (Leg)		**Dec 15:** AC Appointments -- 1/3 turnover (Leg)	**Jul 1:** Review all definitions in VT EJ Law (ANR)	**Dec 15:** AC Appointments -- 1/3 turnover (Leg)	

Detailed Descriptions of Deliverables from VT EJ Law (Act 154 of 2022) & References:

Deliverables Related to Community Engagement:

Core Principles of Community Engagement (Subsection 6006(c)(2)(B) – page 15)
The Interagency Committee shall: on or before July 1, 2023, develop, in consultation with the Agency of Natural Resources and the Environmental Justice Advisory Council, a set of core principles to guide and coordinate the development of the State agency community engagement plans required under subsection 6004(d) of this title.

Agency Community Engagement Plans (Subsection 6004(c) – page 9)
Each of the covered agencies shall create and adopt on or before July 1, 2025 a community engagement plan that describes how the agency will engage with environmental justice focus populations as it evaluates new and existing activities and programs. Community engagement plans shall align with the core principles developed by the Interagency Environmental Justice Committee pursuant to subdivision 6006(c)(2)(B) of this title and take into consideration the recommendations of the Environmental Justice Advisory Council pursuant to subdivision 6006(c)(1)(B) of this title. Each plan shall describe how the agency plans to provide meaningful participation in compliance with Title VI of the Civil Rights Act of 1964.

Deliverables Related to the Equitable Distribution of Environmental Benefits:

Environmental Benefit Spending Guidance (Subsection 6004(f) – page 10)
The Agency of Natural Resources, in consultation with the Interagency Environmental Justice Committee and the Environmental Justice Advisory Council, shall issue guidance on how the covered agencies shall determine which investments provide environmental benefits to environmental justice focus populations on or before September 15, 2023. A draft version of the guidance shall be released for a 40-day public comment period before being finalized.

Baseline Environmental Benefit Spending Reports (Subsection 6004(g) – page 10 & 11)
(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.

(2) The covered agencies shall publicly post the baseline spending reports on their respective websites.

Establish Goal of Proportionate Investment (Subsection 6004(h) – page 11)
On or before July 1, 2024, it shall be the goal of the covered agencies to direct investments proportionately in environmental justice focus populations**).**

Baseline Spending Report Summary (Section 3 – page 19)
On or before December 15, 2025, the Agency of Natural Resources shall submit a report to the General Assembly describing whether the baseline spending reports completed pursuant to 3 V.S.A. § 6004(g) of this section indicate if any municipalities or portions of municipalities are routinely

underserved with respect to environmental benefits, taking into consideration whether those areas receive, averaged across three years, a significantly lower percentage of environmental benefits from State investments as compared to other municipalities or portions of municipalities in the State. This report shall include a recommendation as to whether a statutory definition of "underserved community" and any other revisions to this chapter are necessary to best carry out the Environmental Justice State Policy.

Agency Changes to Rules, Policies, Procedures to Implement EJ Law (Subsection 6005(b&c) – page 12)
(b) On or before July 1, 2026 and as appropriate thereafter, the covered agencies, in consultation with the Environmental Justice Advisory Council, shall adopt or amend policies and procedures, plans, guidance, and rules, where applicable, to implement this chapter.
(c)(1) Prior to drafting new rules required by this chapter, agencies shall consult with the Environmental Justice Advisory Council to discuss the scope and proposed content of rules to be developed. Agencies shall also submit draft rulemaking concepts to the Advisory Council for review and comment. Any proposed rule and draft Administrative Procedure Act filing forms shall be provided to the Advisory Council not less than 45 days prior to submitting the proposed rule or rules to the Interagency Committee on Administrative Rules (ICAR).
(2) The Advisory Council shall vote and record individual members' support or objection to any proposed rule before it is submitted to ICAR. The Advisory Council shall submit the results of their vote to both ICAR and the Legislative Committee on Administrative Rules (LCAR).

Deliverables Related to the Mitigation of Cumulative Environmental Burdens:

EJ Mapping Tool (Subsection 6007 – page 18-19)
(a) The Agency of Natural Resources shall create and maintain the State environmental justice mapping tool. The Agency, in consultation with the Environmental Justice Advisory Council and the Interagency Environmental Justice Committee, shall determine indices and criteria to be included in the State mapping tool to depict environmental justice focus populations and measure environmental burdens at the smallest geographic level practicable.
(b) The Agency of Natural Resources may cooperate and contract with other states or private organizations when developing the mapping tool. The mapping tool may incorporate federal environmental justice mapping tools, such as EJSCREEN, as well as existing State mapping tools such as the Vermont Social Vulnerability Index.
(c) On or before January 1, 2025, the mapping tool shall be available for use by the public as well as by the State government

ANR Rule Adoption (Subsection 6005(a) – page 12)
On or before July 1, 2025, the Agency of Natural Resources, in consultation with the Environmental Justice Advisory Council and the Interagency Environmental Justice Committee, shall adopt rules to:
(1) define cumulative environmental burdens;
(2) implement consideration of cumulative environmental burdens within the Agency of Natural Resources; and
(3) inform how the public and the covered agencies implement the consideration of cumulative environmental burdens and use the environmental justice mapping tool.

Agency Changes to Rules, Policies, Procedures to Implement EJ Law (Subsection 6005(b&c) – page 12)
(b) On or before July 1, 2026 and as appropriate thereafter, the covered agencies, in consultation with the Environmental Justice Advisory Council, shall adopt or amend policies and procedures, plans, guidance, and rules, where applicable, to implement this chapter.

(c)(1) Prior to drafting new rules required by this chapter, agencies shall consult with the Environmental Justice Advisory Council to discuss the scope and proposed content of rules to be developed. Agencies shall also submit draft rulemaking concepts to the Advisory Council for review and comment. Any proposed rule and draft Administrative Procedure Act filing forms shall be provided to the Advisory Council not less than 45 days prior to submitting the proposed rule or rules to the Interagency Committee on Administrative Rules (ICAR).
(2) The Advisory Council shall vote and record individual members' support or objection to any proposed rule before it is submitted to ICAR. The Advisory Council shall submit the results of their vote to both ICAR and the Legislative Committee on Administrative Rules (LCAR).

Deliverables Related to Annual Agency Reporting:

Civil Rights (Title VI) and EJ Complaint Summaries (Subsection 6004(d) – page 9 & 10)
The 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.

Annual Benefit Spending Reports (Subsection 6004(j) – page 11 & 12)
Beginning on January 15, 2025, the covered agencies shall each issue and publicly post an annual report summarizing all actions taken to incorporate environmental justice into its policies or determinations, rulemaking, permit proceedings, or project review.

Annual EJ Action Reports (Subsection 6004(i) – page 11)
(1) Beginning on January 15, 2026, and annually thereafter, the covered agencies shall either integrate the following information into existing annual spending reports or issue annual spending reports that include:
(A) where investments were made and which geographic areas, at the municipal level and census block group, where practicable, received environmental benefits from those investments; and
(B) the percentage of overall environmental benefits from those investments provided to environmental justice focus populations. (2) The covered agencies shall publicly post the annual spending reports on their respective websites.

Deliverables Related to Legislative Adaptation:

Appointments (Subsection 6006(d)(4) – page 17)
After initial appointments, all appointed members of the Advisory Council shall serve six-year terms and serve until a successor is appointed. The initial terms shall be staggered so that one third of the appointed members shall serve a two-year term, another third of the appointed members shall serve a four-year term, and the remaining members shall be appointed to a six-year term

Review Definition of EJ Focus Populations (Subsection 6006(c)(3)(A) – page 15-16)
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

Review All Definitions in VT EJ Law (Subsection 6004(e) – page 10)
The Agency of Natural Resources, in consultation with the Environmental Justice Advisory Council and the Interagency Environmental Justice Committee, shall review the definitions contained in section 6002 of this title at least every five years and recommend revisions to the General Assembly to ensure the definition achieves the Environmental Justice State Policy