

Vermont's Environmental Justice (EJ) Advisory Council

Draft Meeting Minutes

April 29, 2024

Note to reader: These draft minutes were compiled by staff from the Agency of Natural Resources and facilitation contractors from the Consensus Building Institute (CBI). If you would like to see any changes to these draft minutes, please reach out to [insert ANR point-person email].

Meeting Information:

Date: April 29, 2024

Meeting Time: 12:00 PM to 3:00 PM

Location: Dill Building, 2178 Airport Road, Barre, VT 05641, Hybrid via Zoom.gov

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

Attendance:

- **EJ Advisory Council Members Present:** Trey Martin, Gayle Pezzo, Mariana Sears, Maryam Abbasi, Rich Holschuh, Reverend Walter Brownbridge
 - **Vermont State Agency Staff Present:** Karla Raimondi, Kim Barrett, Juliet Birch, Megan Cousino, Katelyn Ellerman, Rachel Stevens
 - **Members of the Public Present:** Bridgit Phillips
 - **Additional Support Staff:** Ashira Pelt (CBI Facilitator), Brandon Chambers (CBI notetaker), Kira Mok (EPA), Kristi Rea Simoneau (EPA)
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Agenda:

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|----------|---|
| 12:00 PM | Welcome and Introductions
Icebreaker - Introducing AC Members and Other Participants
Consent to Community Agreements
Review December 18, 2024 Minutes
Approve Agenda |
| 12:10 PM | Vermont Environmental Justice Law Updates
Recap from One-on-one Meetings
Legislative Requests |

	Core Principles of Community Engagement
12:30 PM	Public Comment
12:40 PM	Break
12:45 PM	Civil Rights and Environmental Justice Complaint Report Response Introduction and Context Title VI Complaint Summary Environment Justice Complaint Summary Recommendations & Response: Guided Questions and Discussion
1:45 PM	Public Comment
1:55 PM	Break
2:00 PM	Civil Rights and Environmental Justice Complaint Report Response (cont'd) Define Process and Delegate Tasks
2:30 PM	Task Groups Community Engagement Environmental Benefits Mapping Tool
2:45	Closing Next Steps and Survey Appreciations

Meeting Recording: [insert Youtube link of recording]

Meeting Notes:

Welcome and Introductions

Ashira introduced herself and welcomed participants.

The Advisory Council reviewed Relational Community Agreements. A member read each agreement out loud.

Members approved the minutes from the 12/18 meeting.

Ashira reviewed the agenda for the day.

Vermont Environmental Justice Law Updates

Kim Barrett led recap of 1:1 meetings: See overarching themes, next steps from slides.

Karla R. led the legislative updates. Document & recalibrated deadlines include interim milestones to keep legislators and presented the recalibrated deadlines & raised the importance of including these deadlines updates on this, but she is looking to provide an update prior to the close of the legislative session. Other to legislators (Sen. Ram-Hinsdale).

Questions:

What would happen if recalibrated deadlines are not enacted? Karla would prefer to wait until that event natural recalibration due to per diem issues (so deadlines pushed back 2 months). Depends on what happens

Kim led Core principles comment period update

Ashira led Mentimeter on the last question *“What ways can you connect your communities to the public comment period?”* not clear what we are asking them to comment on. Karla replied that statute requires

AC to develop core principles for community engagement, and had to go before public comment. Questions with communities (e.g., educational events).

- Distributing principles along with the request for public comment via email networks.
- Social media posts; collaborating with the Land Access Opportunity Board.

Responses from Mentimeter:

- Not clear what we are asking them to comment upon.
- Invite collaboration with LAOB, affordable housing operators and residents, conservation orgs and
- Distribute the Principles along with the request for public comment via our email networks
- Canvassing our communities with tablets and interviewing citizens. Leaving flyers with QR CODES
- Collaborate with African American Living in Vermont organization
- Meetings with communities in person
- Invite collaboration with LAOB, affordable housing operators and residents, conservation orgs and
- Social Media posts are also possible for me

Ashira advised that Microsoft Form will be sent out after the meeting.

Public Comment

No public comments.

Break

Civil Rights and Environmental Justice Complaint Report Response

Juliet – reviewed slide on CR & EJ Complaint report response

Rachel Stevens – reviewed statutory language, what it means to be a Title VI violation.

- Reviewed Title VI of Civil Rights Act
- Each agency that receives federal funding is subject to oversight. ANR receives funding from regulation, and respond and report to EPA.

- Title VI complaints can be submitted to state agencies or federal agencies directly.

Questions:

Mariana Sears: How does Title VI relate to environmental justice? Should we look into discrimination or in agencies? Rachel previously worked at EJ clinic at Vermont Law School. Example of how they may overlap landfill, was 90% Black. Siting of the landfill was environmental justice issue. Landfill was accepting waste example of both an injustice and example of discrimination. (It's a fine line.) There is a legal definition for Title VI Civil Rights Act does not protect income, however.

Katelyn Ellerman: this is an area of federal law and compliance for the agencies. So it fits into regulatory or additional reporting step). It is also important to be respectful of complainants' privacy.

Karla: Title VI violations are federal in nature, so agencies do not have discretion on what is included. Race violation found, or investigation pending, etc.). Agencies clear on what a complaint is. However, the hardest complaint is.

Kim: asked AC members "What does Environmental Justice mean to you?"

Rich: As we've discussed it, centers on human beings and not the environment at all. Environment to weigh in.

Trey: It is easy to imagine EJ law taking effect in cases of a burden on communities, however it is also

Britaney Watson: Equal distribution of benefits and burdens in communities. There will continue to be equally distributed (not predominantly in marginalized communities).

Mariana: Would Rich say we should incorporate environment more into EJ (along with communities)

Rich: Narrowly framed on impact to human communities. It is anthropocentric. Everything looks based on calculus). It becomes a one-way transactional way of looking at things. Even if everyone is on the giving everything. Mother Nature/Earth continues to lose out.

Rachel: Maybe one way that might show up is less pollution overall is a benefit to people and the planet

Gayle: What does that look like? Rich: page 4 of the core principles of community engagement.

Mariana: Motion to have a conversation on this in a future agenda.

- Motion agreed to.

Karla: This is the AC's first response. AC will have another opportunity next year to issue a response in the future, we hopefully get to a place where we can better engage with this concept of environmental justice

Ashira moved to complaint report response questions. AC members answered questions in breakout groups. Responses are in Appendix A.

Kim Barrett (red box, what should agencies' steps be)—

- Agencies need to categorize complaints and develop metrics
- Need for solution-building, involving whoever was impacted
- Ensure people know where to send complaints
- Streamline complaint process
- Lots of consensus

Mariana & Walter (orange box, elements of an EJ complaint)—

- Some kind of intake form (who is impacted, why, what would a remedy look like).
- What to do if people make complaints in person.
- Rich – looks comprehensive + ask if we missed something obvious

Rich (yellow box, how should agencies collect complaints)—

- Multiple avenues, others from worksheet
- Central repository across agencies
- First come first served, highly responsive—eventually a set goal of a response time
 - Gayle- Some might be more crucial than others so first come, first serve might be better
 - Britaney – if one complaint is more critical should it be elevated?
 - Juliet—who determines what the priority should be?

Walter & Mariana (green box, content of reports)

- If there's a mechanism for Title VI, could use a similar mechanism for EJ complaints.
- Rich & Britaney – some way to categorize things, outward tracking
- Juliet—might be good to outline common sections for each of the reports

Ashira reminded AC that they will have more opportunities to revise their response.

Public Comment

No public comment.

Break

Civil Rights and Environmental Justice Complaint Report Response (cont'd)

Ashira asked the following questions: Does the group want to draft one report as a group? If so, individual group response. Who will work on drafting this response? How will this effort be coordinated?

AC concurred with sending one report (Mariana suggested AC could adjust in the future if needed).

Ashira made the working document static.

Rev. Walter Brownbridge agree to send a draft by May 8

Mariana Sears volunteered to review a 2nd draft, then send to members by May 9

AC agreed to send document to Kim & Juliet by May 13

Karla – this is the first time we’re doing this, will have a better process next year.

Task Groups

Kim & Juliet read through details in slides

Task groups:

Mariana recommended people sign up for community engagement task group

Karla outlined that the community engagement task group is the cornerstone of the implementation of the better with marginalized communities. Task group should start meeting as soon as possible.

Closing

Ashira recommended filling out the survey to provide feedback & where the AC wants to take meetings.

Joint interagency committee & AC meeting will be May 29 @ 10-1. Encouraged people to join in person if possible.

Karla recognized Claudia’s Catering (provided chicken tacos, frijoles, rice). Another member of the communities will prepare food next time.

Meeting adjourned at around 3:02

Appendix A: Vermont Environmental Justice Advisory Council - Complaints Response Worksheet

Vermont Environmental Justice Advisory Council - Complaints Response Worksheet

Directions:

1. Start at your designated starting point - answer the question as thoroughly as possible. Record your answers **in bold**. Add any off topic questions or comments in the purple box at the bottom. Do not move on to the next section until the facilitator gives you next instructions. **(15 mins)**
2. Move to the box directly below where you started (Group 1 moves to orange, Group 5 starts back at red) - Discuss what the previous group wrote with your partner/group (discussion is key!)

this is not an individual activity). Add suggestions, comments, and questions - in regular font - **not bold** - **write your names at the end of your responses**. Rotate in a downward direction at your own pace. (15 mins)

3. At the facilitator's direction, return to your starting point. Read the suggestions and be ready to present your starting topic and the suggestions to the group. (5 mins)

Starting points:

- Group 1 - Red - Trey and Gayle
- Group 2 - Orange - Mariana and Walter
- Group 3 - Yellow - Rich and Britaney
- Group 4 - Green -

What steps should agencies take when addressing an EJ complaint? What would a good procedure be?

- The agencies need to categorize complaints and develop metrics for that.
- Agencies need to find the right people to remediate the complaint or issue.
- Agencies need to involve complainants and involve whoever was impacted in solution-building process.
- Naming that communities wouldn't even know where to send complaints *A thoughtful system needs to be put in place first and then made available clearly (Rich & Britaney)*
- Agencies need to reduce sending community members in multiple directions to file their complaints

Agree with all points! (Mariana)

- *Agencies need to track how EJ complaints are being addressed with the intent of getting to aligned responses, to ensure that all agencies are responding in a human-centered and consistent manner (Rich & Britaney) - **Agree (Mariana)***
- *Have a single person that is monitoring compliance with EJ law and signs off on reception of complaint to acknowledge before response is generated (Rich & Britaney) - **Agree (Mariana)***
- *Committed follow up to the complaints (Mariana & Walter)*

What are the elements of an EJ complaint?

- **topic/issues - description of the problem / situation**
- **Cause of the problem - if known**
- **Place / location / area**
- **Population**
- **Level of impact: Community / group / individual**
- **Name / Address / Contact info**
- **Possible remedies / solutions / what are the complainant's needs**
- **Ask if there's something missing, address that gap (Rich & Britaney)**

Should be identified in an Intake form (or some mechanism that walks the person through). Consider using the same intake forms as a Title 6 complaint - no need to reinvent wheel

- A human person to walk the complainant through the process.

How should agencies collect complaints? Written and orally? What parameters need to be considered?

- The various agencies should have multiple avenues to collect: oral, written, recorded, talk to text, voice memo, etc.
- One central database for all complaints, a central contact point to receive complaints (phone, email, mail), language accessibility is necessary (burden of provision on state, not complainant), and a dedicated staff person to receive and direct the complaints. Provide FAQ.
 - All agencies
- First come first served, highly responsive.
 - Responding as the complaints come in, set a goal of response time.
 - Staffing
 - If one complaint is more critical should it be elevated?
 - Who determines priority? - Juliet + Kim
 - What competencies and skills would that decision-making person need? - Kim
- Track pertinent agency for their respective complaint, follow-up, what was course of action, response, who resolved it
- Assess volume of incoming complaints, add staff as needed, go back to Advisory Council with updates, budget needs

What content should agencies include in their reports in the future? How should the agencies structure their summary reports?

- **If the agency has a form (or mechanism) in place for collecting Title 6 complaints, then those forms could be re-written or edited to include language that allows for EJ complaints as well (MARIANA & WALTER). Perhaps there could be a brief explanation differentiating EJ from Title 6 and then have the entity complaining identify what type of complaint they think it is. Folks might not be able to differentiate necessarily what is an EJ vs Title 6, but given that there is so much overlap, we could use the same mechanism.**
- ***Accessible, plain language (6th grade level), translation services***
- ***Iterative process, share case stories, ask for community feedback about process and effectiveness (Rich & Britaney)***
- ***Metrics, how are we collecting and categorize concerns/reasons (Rich & Britaney)***
 - ***Outward tracking in effort to be transparent with communities around which communities are struggling***

- *Helps determine where invest in the future*
- *Structured in a way that is easy for AC to read. All look the same and have the same structure.*
- *Specific common sections?*

Additional Questions, Comments, Concerns

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