VT EJ AC Public Meeting-20260408_101432-Meeting Recording

April 8, 2026, 2:14PM

1h 46m 58s

Barrett, Kim started transcription

Barrett, Kim 0:04

Now. OK, great. So welcome to a meeting of Vermont's Environmental Justice Advisory Council. Thank you for joining.

Here are our community agreements, which we'll just leave up on the screen. If everyone can give a thumbs up when when you've done, when you've read them, just let us know. Thank you.

Alright, everyone good?

And we can go to the next slide.

Birch, Juliet 1:04

Okie dokie.

Barrett, Kim 1:08

OK. So here's our agenda for today. And also we have meeting minutes that we need to approve, but we'll need to wait for a quorum to do that. So the plan for today is we want to provide you with a reorient.

Orientation to the environmental justice complaint as a whole. So we'll be talking about what that is later. And then after that you all will have an unfacilitated discussion around the EJ complaint.

Birch, Juliet 1:38

OK.

Barrett, Kim 1:48

And we have prompts for you to talk that through.

We'll break for public comments and then from there our legal team will be joining to provide you with another reorientation to this deliverable called Cumulative Environmental Burden Rulemaking.

Birch, Juliet 1:59
Yes.

Barrett, Kim 2:10
Which is a mouthful, but we did, we did discuss that at the executive session that we had last year. So it was a lot of information and today is focused solely on you all as the Advisory Council.

Birch, Juliet 2:13
Yeah.

Barrett, Kim 2:28
So that's the plan. Does that at least work for you all on the call?

Birch, Juliet 2:36
Mhm.

Barrett, Kim 2:36
No objections. Alright, cool.

Victor 2:38
Works for me.

Barrett, Kim 2:40
Awesome. OK, you can continue.
Alright, so for the reorientation, we're going to explain the importance of having an environmental justice complaint definition.
And also how it will be used. We'll also explain the distinction between civil rights and environmental justice complaints. We're going to recap some of the previous discussions that you all have.
Had on this work.
And then also the ways that you all can advance the work. So the ultimate outcome for the reorientation is just for you to have enough information to have the

conversations that you need to have later in the meeting.
All right.

Birch, Juliet 3:38
Oh, sorry, moved a little too fast. Here you go.

Barrett, Kim 3:44
OK, OK, So what deliverables does the environmental justice complaint definition actually pertain to? So the first is the civil rights and environmental justice complaint report and if you remember.
The purpose of those reports are for the covered agencies to provide you with details on any complaints they received and also share about any actions that they took to resolve them.
And then the second is the Advisory Council. You all can choose to submit recommendations in response to the reports that the the IAC members submit.
OK. So moving more into the differences between civil rights and EJ, this is actually something that we talked about a bit at one of our very first meetings, at least one of Julia and I's very first meetings in April of 2024.
But the Civil Rights Act, what is it? It is a federal law that prohibits discrimination based on race, color, or national origin, including language access.
In programs or activities that receive federal financial assistance. And so obviously the elements are very clear and yeah, we can go to the next slide.
And most of the agencies or some of the covered agencies receive federal funding assistance. So how are these two complaints different? And Mariana, I'm going to mention you and it's not to call you out for any reason, but I've been reviewing all the meeting notes.

Birch, Juliet 5:32
OK.

Barrett, Kim 5:48
And materials from all of these meetings that we've talked about this content and you asked a really good question, which was how do these two things like connect and and how exactly should we be exploring these topics? So essentially civil rights complaints are federally.

Structured. So that means that agencies do not have discretion on how they actually or on what they include in their complaint reports. And then of course, the elements are clearly defined.
And then also the procedures that agencies take to actually receive and respond to these complaints, they're set. Those are requirements that cannot change. But here with the environmental justice complaints, this is something that we're developing in real time.
Per the Vermont EJ law. And so because of that, agencies actually do have some discretion on what can be included in the complaints and the reports.

BJ **Birch, Juliet** 6:59
Yes.

BK **Barrett, Kim** 7:00
But because this is a completely, it's something that we're all working together on and doesn't currently, it's not currently defined. It will require its own unique intake. In response procedure. So those are the main the main differences. Does that resonate with everyone?

BJ **Birch, Juliet** 7:17
Mm.
Yeah, just have an observation.

BK **Barrett, Kim** 7:31
Yes.

Rich Holschuh 7:34
The civil right, civil rights description here is federally derived, and so it's in a in a hierarchical sense, it's above state law and state law.
Operates differently because of that that relative position. But I'm just looking at the lines there. Agencies don't have discretion and agencies have discretion. And I'm thinking about I'm, I'm ad-libbing here. That word discretion can mean different things, yeah.
You can lack discretion also other than possess and and and what comes in there is is maybe agency or coalition. So on the federal level, even though they don't have

discretion, they do have coalition and it can fail on that count.
And the state has discretion. Mm-hmm.
They can choose to take that differently, which is why we're here. Yeah.
I don't know. I just power structures are fascinating.

Karla Raimundi
Yeah, that's actually a really good point. This is Carla from the Agency of Natural Resources. I see. Oh, I see Mariana. Mariana, I hadn't seen your hand up because of the way that Julius is sharing the screen here.
My apologies. I also think that it's really important to contextualize where the discretion exists because.
In a very real sense, what you know, the volition, the desire, the the action that agencies take with regards to civil rights complaints, although in terms of content like the substance of how.
that structure and the framework should operate is prescribed by the federal government, agencies do have the ability to stand up um structures to comply with those
Civil rights requirement requirements that come from the federal government. So there is an important sense in which agencies have the ability to design and stand up systems to comply with those federal civil rights requirements.
And then on the other side, environmental justice complaints, the discretionary component is that because it does not have a defined um defined content,
The agencies can develop content for what would fall under or what would be considered an environmental justice complaint. So civil rights space, the federal government prescribes which categories are suspect categories.
or protected categories, and sort of like the mechanisms whereby agencies as recipients of federal support will need to stand up. The way in which they do that depends a lot on which entity it is, the resources that they have,
And then environmental justice complaints, we don't have content. So This is why we're having this conversation with you all. The Advisory Council members is it would be for us very helpful to start understanding.
From your perspective, what kind of things could be considered an environmental justice complaint so that then the agencies have the ability to stand up the mechanisms?

That we will require to intake, manage those complaints and resolve the complaints, and this is all under the state law Act 154 of 2022.

Juliet Birch
Mariana, did you want to weigh in?

MS **Mariana Sears** 12:01
I just, yes, I wanted to. This is very conceptual, so bear with me. I appreciate your patience.

BJ **Birch, Juliet** 12:08
Thank you.
Mhm.

MS **Mariana Sears** 12:13
This is came to me as I as some of you were talking. So can we see or is this coming in the next slide or is part of this conversation? What are those elements that are clearly defined in a civil right complaint?

BJ **Birch, Juliet** 12:21
OK.
OK.

MS **Mariana Sears** 12:31
Because elements doesn't mean much to me. And then at least in a slide, maybe if I and then then the second question is.
Could we could you guys find for us examples that can put in?
In a life, in a real life context, this. So basically, can you share with us a complaint, a civil rights complaint that an agency have received and there you can show us the structure.
The not discretionary items, the elements, how are they clearly defined and what procedures they were in place to take that complaint and what was the response from us like can we see a real life example so.

Birch, Juliet 13:26
Mm.

Mariana Sears 13:29
Because I I'm, I have. I'm not sure if I can help in any way to do what we are supposed to do, which is to give you some feedback as of what elements can be included in an environmental justice.
Complain if.
If I'm not even sure what we mean by elements, you know, I could from my imagination, I could say, could I could, I could say, could someone come to the Agency of Agriculture and Markets and say that?

Birch, Juliet 13:50
Mm-hmm.

Mariana Sears 14:04
I live in an area that is a food desert, and I think that's my environmental justice complaint. I have no idea what I'm talking about. This is amazing. This is coming from my imagination. Is that an element? Is that a what's the discretion? How do I put in real life example all these conceptual intellectual?

Birch, Juliet 14:16
Mhm.

Mariana Sears 14:23
Wording. So I'm not sure if I made sense, so I apologize, but that's what I'm trying to understand. Figure out at least.

Birch, Juliet 14:25
Mhm.
Oh, you did. You did a lot of. Yeah. If I could jump in, Mariana, what you just said made so much sense. And while we don't necessarily, I think have like an example right now of a complaint that we have managed at A&R like like it the.
We don't necessarily have an example right off the cuff, but I could describe some

things to you if that's helpful. So, for example, in Title Six of the Civil Rights Act, it specifically calls out race, color, and national origin, which includes language.
What language you speak as three things that you can't be discriminated against for. So you can't be discriminated against on the basis of your race or your color. You can't be discriminated against on the basis of your national origin, which includes what language you speak, how you dress if you wear some sort of like cultural garb or.
Cultural Insignia and discrimination under the Civil Rights Act can be either intentional discrimination, like I am specifically making a decision because you are of a certain race and I've decided to exclude you.
Because of that, or it could be just by impact. I've developed some sort of policy that maybe is flawed and by the way that it comes to fruition, it inadvertently.
Excludes an entire group of people, even though it wasn't like I'm specifically deciding to exclude you on the basis of your race. That's still the thing that ends up happening. One of the examples that I think Rachel Stevens, our attorney, has used in the past is like if you have a.
Waste incineration site that happens to be located in a predominantly black or and or predominantly low income area. You may not have decided to put that waste incineration site there because the people there are black or low income.
But the impact is still that those people who are predominantly black and or low income are the ones who are negatively impacted by the waste incineration, right?
And so that's how we know that a civil rights complaint is clearly defined.
Like when it comes to Title 6, we know that if you have been discriminated against on the basis of race, color or national origin, it's a civil rights complaint. We also have other types of civil rights like disability, age, et cetera. But that's the focus of Title 6.

MS **Mariana Sears** 17:14
So just.
So, so where you just described race, gender, origin, are those the elements?

BJ **Birch, Juliet** 17:21
Yeah.
Yes, those would be the elements. And so in the context of in the context of an environmental justice complaint, I'm just spitballing here. But it could be like the

elements that are a part of the EJFP definition. It could be you may also want to like distinguish.

Mariana Sears 17:28
OK. Uh, la la. Yes.

Birch, Juliet 17:45
What makes it something just related to environmental justice? Like maybe it has to do with a specific disproportionate impact related to food, like what you were saying. Like if someone lives somewhere where they feel like they don't have easy access to food, they're in a food desert. Or maybe it has to do with pollution.
Or maybe it has to do with wastewater, or has to do with erosion or flooding. There could. I'm just spitballing. But one of the things that we just don't have is, you know, an environmental justice complaint is a new concept for all intents and purposes. The federal government knows what a civil rights complaint is.
They don't acknowledge environmental justice complaints, but we do. So how do we figure out, like, if we get a complaint about something, OK, this is an EJ complaint. Let's handle it based off of XY or Z process, you know? Sorry, go ahead, Victor.

Victor 18:42
Well, I I think I just, I want to make sure that I'm understanding the framing and the setup for this. It is our job as a part of the EJC to help develop elements that would help define.

Birch, Juliet 18:45
OK.

Victor 18:58
The boundaries of the environmental justice complaints.

Birch, Juliet 19:04
That would be helpful, yes.

Victor 19:07

I assume that a part of us doing that has to also be considerate to how agencies currently manage and think about scope and scale. So like I'm, I'm, I'm.

Birch, Juliet 19:10
OK.

Victor 19:23
And tell me if I'm wrong for like imagining this. I am imagining that it would be more difficult for us to pass through hyper specific things like for example PFAS specific piece of legislation.
But broader scope things that could potentially help even the playing field for citizens making complaints and having arguments would probably be a better catch all for the sake of implementation. Does that feel right? Cause like I I'm imagining something like if I were to put like, hey, you can't put anything from the family of PFA like anything.

Birch, Juliet 19:49
Hmm.

Victor 19:59
Contam.
That feels too broad, but having the capacity for contamination like the the Vermont Clean Water Protection Act, for example, has all these broad standards for what counts as groundwater contamination and as a result of that.
Act. You have folks in Shaftsbury suing a chemical company for having polluted their groundwater, and they have a good shot of winning because that act is defined is broad definedly, right? It wasn't about PFAS.
But because it's broad, it's harder to dodge in a way that's important, I think. And I I guess I'm saying this cause I have PFAS on the mind, but I'm imagining that that would be potentially better because had that law been specific, you could just like change a few tweaks in the chemical formula to avoid it.

Birch, Juliet 20:43
Mm.

Victor 20:55
2.

Birch, Juliet 21:01
Yeah, Kim, I don't know if your thought was related to Victor or if like Carla wants to speak to what Victor just shared.

Barrett, Kim 21:16
support this conversation. I love that the discussion is already happening, but also just want to mitigate any anxiety around this and also want to uplift, Mariana, that the questions you're asking, you know, like even if food
access could be included, like those types of things will illuminate themselves in your discussion. And so we're not necessarily asking that, you know, we define this, what an EJ complaint is down to the exact letter.
But the questioning, the questions that you all are asking and the discussion that we'll have to attempt to answer them will actually provide, you know, and make it more clear what the scope is and what could be included and what could be excluded. So I hope that

Birch, Juliet 22:11
The.

Barrett, Kim 22:13
helps a little and then Carla if you want to respond directly to Victor.

Karla Raimundi 22:21
Actually, my comment was trying, was going to, I was going to try to shed some light on the question that Mariana asked regarding elements. I wanted to expand on what Juliet mentioned. So because I don't want to lose track of
that question. If I may, I would like to try to...
Share what I had in mind, and then open the floor for anyone else who has something to share about Victor's question. Is that if that is that OK?
Okay. So, Mariana, your question about the elements for civil rights complaints, and it says, you know, the way that it's presented in this slide is no discretion, although I

already tried to qualify the discretion in terms of
substantive elements that would be part of what agencies must consider as they comply with civil rights requirements. That's the non-discretionary part. So then as part of that structure,
that the federal government has created. Let me just also mention that the states also have non-discrimination laws. So that's also something important to consider, but let's just keep our focus on Title VI, which is named in our statute, in our law.
So the federal agencies taking the mandate from the legislative body from Congress in Title 6, there are three categories that are protected categories, right? And we already mentioned them.
So then what the federal agencies have done to create a system based on that mandate, no discriminatory actions shall be taken for on the basis of national origin, race and color.
the agencies have stood up, the agencies that the many different federal agencies have stood up based on the Department of Justice's regulations and guidance. They have identified elements that the agencies needs to stand up.
to make sure that we are not discriminating against individuals for those three reasons. For example, one element is that the agencies need to create a language access plan.
That is an element that safeguards protecting national origin, which is in Title 6. National origin includes language. Therefore, the agencies, the federal agencies, have decided that they're going to ask
that recipients, so that we do not discriminate, develop a language access plan. And that the language access plan is the document that communicates how the Agency of Natural Resources, for example, will safeguard
national origin. Like what kinds of things are we going to offer members of the public who speak languages other than English to ensure that they can have equal access to our services. That is one element. Another element that agencies need to comply with as part of civil rights
requirements is that the agencies need to identify a non-discrimination coordinator. And the purpose of identifying this individual for an agency is that they will ensure that certain safeguards are developed and are being tracked.
And then also this individual is the person who's going to receive complaints by members of the public.
So that is another element. Another element is civil rights requirement also includes

a grievance procedure. The agencies need to develop a document that communicates to members of the public how
they can file a complaint against our agency, for example, the Agency of National Resources. That is another requirement. So we already talked about the element of language access plans, an element that has to do with identifying an individual in the agency who's gonna oversee civil rights compliance and receive complaints members of the public. We also have a requirement that we need to put together this document that's going to tell members of the public how it is that they can file a complaint against us and the process that we, the agencies, the agencies need to abide by.
to manage that case properly. Another element of compliance under Title 6 and civil rights generally is that the agencies need to develop a non-discrimination statement. You know, that statement that you've probably seen that indicates
this institution is an equal protection institution and does not discriminate for, you know, and that it enumerates the categories that are protected. That is another requirement. So then when thinking about
Okay, so I'm gonna file a complaint.
Then you think about the categories that are protected, national origin.
You think about color, you think about race. And then discrimination is the agency treating me differently.
Because of my my color.
If so, then they would follow through processes in the grievance procedure to file a complaint. Well, those are the elements of compliance. There are more. So there is a list that all of the agencies needs to stand up.
And those are the things that the federal agencies would look at to provide oversight and technical assistance to us.
So then thinking of our environmental justice, a good place to start would be what is the definition of environmental justice?
You know, so what what would make a particular matter for under environmental justice?
And then how is that? How does that pertain to agencies actions? So for example, it could be that the actions that will be subjected to reviewed are actions that create this
Correct impacts on certain members of the public.
This spread environmental impacts. Why this spread? Because that is what

environmental justice is concerned with.
Then you start thinking about what elements should agencies safeguard.
under that framework of what falls under environmental justice.
I hope this this.
Help to eliminate a little bit of more of the complexities and tangible examples.
that the agencies need to comply with under civil rights on Title 6 and other non-discrimination laws.

BK **Barrett, Kim** 31:20
Thank you for that, Carla. I also want to mention that some of those questions that Carla mentioned, so starting from this place of what is environmental justice and using that to figure out what some of these elements could look like, those are discussions that actually happened last
in 2024, which I recognize was a while ago. And so in the chat, I'm going to put, you know, the minutes and some of the resources from those meetings so you can kind of jog your memory and Victor, you can also catch up. But yeah.
Just know that some of these discussions have happened and today is just about building on them. With that in mind, does anyone else have additional questions though? Because

BJ **Birch, Juliet** 32:10
Nope.

BK **Barrett, Kim** 32:13
It's helpful to discuss this way.
Yep, go ahead, Mariana.

MS **Mariana Sears** 32:26
I probably have.
more questions, but I'm not sure if I am ready to verbalize them in a clear way. So I want to know what is more useful if continue with the presentation and you like us to kind of like if something pops up in our mind, ask you like we did right now.

BK **Barrett, Kim** 32:37
Mhm.

Birch, Juliet 32:39
Bing.
Play.

Mariana Sears 32:50
or try to absorb until I know there is a moment in the agenda in which we're supposed to have our discussion or time to debrief. So just my question now is, is there any preference or we should just go with the flow and raise our hands?

Birch, Juliet 32:50
Mhm.

Mariana Sears 33:09
if we need to.

Barrett, Kim 33:09
Yeah. Yeah, I think raising your hands is great. And I just wanted to let you know that some of that is coming so you don't, so you're not worried about why all the information isn't being given to you at this exact moment. And what I'm also going to do is put in the chat the 2024

Birch, Juliet 33:15
Yeah.

Mariana Sears 33:25
Right.

Barrett, Kim 33:30
resources. And so, you know, if you want to, you can open these up. You're not, you don't have to, but just wanted to make sure you have it there. So the first resource is the meeting minutes from the, that meeting that we had where
CBI, the Consensus Building Institute, came and facilitated. That's where we had some of these really robust discussions. And those discussions led to the advisory council's development of your response to the interagency committee.

So, I'm mentioning that because...
That might jog your memory.
I think we went over the differences between the EJ and civil rights complaints, so we can move on from there.
Thank you. So what will actually result from having this clear environmental justice complaint definition? How does this support the work?
So essentially, part of what will happen is the environmental justice portion of these, you know, summary reports, the agencies will be able to actually advance those sections, because right now, they're able to provide you reports that go over any civil rights complaints that come up. And without having this, you know, definition, the agencies are able to contribute the information they have. But moving forward, once we have this definition, that'll support, you know, them providing you like a complete report as opposed to

BJ **Birch, Juliet** 35:05
See.

BK **Barrett, Kim** 35:18
only a portion of their report, if that makes sense.
It'll also advance the interagency committee's environmental justice complete intake system development process. That's also really wordy to say, but essentially based on the advisory council's guidance and consultation,
to have this, you know, intake system that works really well for the public. The interagency committee really liked that idea and just recognized that, like we said earlier, EJ complains their intake system processes will have to look differently.
because the requirements and criteria is different. So the interagency committee put together a work plan that they shared with you earlier this year. And so having this definition will certainly support the development of that intake system. And then, since this is new,
Any procedures that the covered agencies may need to amend or stand up.
to execute this intake system, they'll be able to move those things forward or figure them out once they have that definition. So those are three big ways that this will support the interagency committee and the covered agencies. That resonate?

Birch, Juliet 36:47
Mhm.

Barrett, Kim 36:48
Okay, thanks.
All right. So we're going to go to what can you all do to advance the work you're doing it right now, which is great having these discussions. And again, I want to highlight that perfection is not the goal here. The interagency committee is really just looking for enough substance that they can work off of.
So one thing you can do is review past discussions and work products and achievements because a lot of this work has already been done. Like I said, you've had really robust conversations around what EJ is. You've identified some aspects of what could be included in complaints.

Birch, Juliet 37:19
Okay.

Barrett, Kim 37:31
Um...
And so, additionally, the two bullets here, the elements to include and then elements to exclude, was inspired by you, Rich, because I remember as we were having this discussion in
I forget which year now, you, you know, you had said, hey, sometimes it's easier to figure out how to actually define something by figuring out what to exclude, like figuring out what it is not, like what the thing isn't. And so that really resonated with me and I think, and we're offering it to you as a suggestion for how to cut right to the chase there.

Birch, Juliet 37:57
You got it.
Ah.

Barrett, Kim 38:18
So what elements do you feel like should be included to your question, Mariana?

And a part of that is really just trying to understand what environmental justice issues we feel like need to be resolved or improved for folks in Vermont. And then of course,
figuring out what to exclude from that. And then, if at all possible, identifying any challenges or opportunities that you would want to recommend to the interagency committee when utilizing this definition. And that might sound really technical in nature, but if, again, if you have
thoughts, the interagency committee is very open to hearing about it.
Any questions about this slide?
All right, the last slide is, oh, oh, go ahead. Thanks.

Rich Holschuh 39:11
Oh, Rich has a question. This is Rich. No, I know we're working through a screen. Yeah. We can't all see each other. I just want to thank you, Kim, for keeping that up in the air, that aspect of this, as we work out definitions and
I guess I want to affirm that as we...
formulate things and forward them to the interagency.

BK **Barrett, Kim** 39:42
Mhm.

Rich Holschuh 39:42
Committee that that that we leave that we leave room for that.
And, and don't come up, you know, codify, come up with a set of...
black and white definitions and say, we're done. Move on. Recognize that this is a work in progress, that it's a learning.

BK **Barrett, Kim** 40:00
Yes.

Rich Holschuh 40:05
journey and that we can't think of everything right now for any number of reasons. We don't know, we don't have time, we don't have funding, other priorities, urgencies, so that this can evolve because I do have

Barrett, Kim 40:12
Mhm.

Rich Holschuh 40:25
concerns and we may not get to all of them, but let's not just check the box and move on to just.
Let the interagency committee know that.

Barrett, Kim 40:38
Hmm.

Rich Holschuh 40:39
We're not done. We're never done. Yeah.

Karla Raimundi
I am raising my hand. I don't know if it can be seen by folks on the other side, but I do appreciate that, Rich, a lot, and that actually offers an approach.
to coming up with content for this portion of our work in implementing the EJ law.
And the approach may be that this is grounded.
in the statutory mandates, right? Because for us to, for all four agencies to be able to implement the deliverables, we've identified a myriad of resources and capacity constraints.
And what the goal is, is that as a collective, the AC and the IAC work together to advance these concerns and try to mitigate the concerns by working together to secure resources.
Right, and we can talk about ways in which we can do that, you know, like the advisory council advocating before the General Assembly for resources. And this is all to say that what Rich mentioned may have sparked perhaps
the consideration of taking what's in statute, for example, the definition of environmental justice, the policy mandates and the deliverables as the basis for developing an environmental justice
complaint framework.
So in other words, the complaint gets grounded, like the basis for the complaint, like in Title 6, it's national origin, color, race, an equivalent for the EJ complaint

framework.
could be actions that desperately impact.
certain geographies, certain communities, right? And those are elements that are part of our EJ law that agencies are already tasked with accomplishing.
And so by folding into the environmental justice complaint framework, the elements that agencies are building, we will be collectively advancing and reinforcing deliverables
by working on them and connecting them to each other through a complaints EJ system or framework.

Juliet Birch
Yeah. We are going to be joined later today by two attorneys who are going to talk to us about rulemaking as well. So I am just flagging for time purposes. I think it's important for us to
close this conversation out. Kim.

BK **Barrett, Kim** 44:19
Yeah, that's what I was going to say. Thank you, Carla, for that. I, before we move on, just to make this feel more tangible. So.

BJ **Birch, Juliet** 44:22
Thank you.

BK **Barrett, Kim** 44:32
The exclusions that you come up with or brainstorm will help you or help us develop maybe the scope, perhaps, or the boundaries. Like what are the boundaries of this definition? Figuring out elements to include, like is it food access? Is it PFAS? What does that look like?
Once you start generating ideas, you can see if you can pull key terms or themes or, you know, what does that look like? And then you can start developing additional language from there. So it can happen organically. The next slide is just
an illustration of all of the progress that has been made. We don't really need to go into it. I'm going to put in the chat all of the links, though, to some of the materials that were developed. And so in real time, though, 2026,

Birch, Juliet 45:24
The.

Barrett, Kim 45:32
The interagency committee, they submitted their reports to you all last month. And so part of what needs to happen next is you all decide if you'd like to respond and provide a response by
May, I think it's May 15th. And then also if there are, again, elements of this complaint that you want to, that you want to deliberate on. So what I found is that you all, you know, discuss and the information flows from there. And so I feel like we should.
pass the mic to you all and we should step back. You know, our unit should step back. It's 11 o'clock and the...
The legal team will be on, I believe, at 1130. And so I'd love to give you all 30 minutes, the space to do that. Feel free to ask questions and also just trust yourselves to move the conversation where it needs to go.

Victor 46:45
I find this exciting, personally. I think I might, I broadly like developing structure and systems more than I like authority by a large margin. And...

Birch, Juliet 46:48
Yep.
Yeah.
Yeah.

Victor 46:59
I think this is a real opportunity to help create a more level playing field. I think, I don't think, I don't think the EJC or the EJ Law could ever be designed in such a way as to actually fix all the problems that exist within environmental justice. But I think it has an incredible opportunity to make it easier for community members

Birch, Juliet 47:05

Yes.
No.

Victor 47:23
to seek those tangible changes that they need to see by making there be a public access point for those kinds of corrections. Right. So I think, yeah, I think that's what excites me and is it for me is what hopefully will drive me when we get to the point where we're actually doing the creation process for these things.
because I think there's going to be a lot of...
clever definitions that we're going to need to make that allow us to both catch a wide net of potential connection points for community members within a handful of definitions to make it implementable.
I think that's for me is my biggest concern and the challenges I am the most interested in trying to overcome when we inevitably get there.

Rich Holschuh 48:26
This is Rich. Thank you, Victor. I think that's an important, very important aspect, especially at this point that we...
We enable the ability to do that, those kinds of things, those collection points.
you know, open that up. Otherwise, if there's no space to do that, nothing's going to happen or less will happen. Yeah. So thank you.
Just remark that I think we already moved into this open discussion a while ago. So we're kind of on track. Anyway.

Barrett, Kim 49:04
Oh yeah, definitely.

Rich Holschuh 49:08
Yeah. I just wanted to reflect a little bit about something Carla was saying, referring back to the Civil Rights Act and that title.
which names those 3 categories.
Race, color, national origin, but we all know that it includes a lot more.
And similarly, with our environmental justice complaint, we may come up with a set of definitions that provide a framework and that will grow.
over time, as we recognize that there's some gaps that need to be filled. You know,

so I just want to embrace the fact that
As Carla reminds us often, we do have statutory requirements and deadlines and deliverables that we need to take care of and let's stay on track. Let's not forget that. That's important reminder. And know that there's more to come.

Mariana Sears 49:55
The.

Rich Holschuh 50:10
Fraught with potential, right? That word fraught. Sometimes it's a scary word, but it actually can be exciting too.

Mariana Sears 50:20
Well, I can join in the excitement, although I feel very intimidated too by this type of work.

Birch, Juliet 50:28
Mhm.

Mariana Sears 50:29
I am, I don't know. I'm not sure if I have done this before, as the way it is described right in front of us. But if somebody tells me, what was that meeting about? I would say, I don't know. We were discussing things. So that's, you know.

Birch, Juliet 50:47
I.

Mariana Sears 50:49
That's sometimes where I am. But in any case, I'm excited. And what comes to mind right now is the word access. I think as the elements, I would say, I've been thinking access to green views, access to clean water, access to land.

Birch, Juliet 51:00
Yes.

Mariana Sears 51:11

access to food, access to clean air. So, you know, we're trying to find elements. I think the elements of a healthy ecosystem should be all name, and we should, everyone should have access to all those aspects of a healthy ecosystems. And also what can, we can't, what can't,

came to me at some point is when somebody says we should keep on looking at the definition of environmental justice and I just reread it.

What came to me was...

Reach, reach.

first comments when we started as of how this definition talks about environmental justice, but doesn't talk about the environment. And it's mostly about the people in the environment. So I am, I resonated strongly with that, Rich, and I did not forget one day that you said that.

And I wonder when is the time to, or if there's ever an opportunity to revise this definition and how to do so, and what elements should be included in this definition that is not, that are not included. And also, you know, if we're going to talk about justice,

Birch, Juliet 52:14

You can.

Mariana Sears 52:31

As much as I understand that historically, there are certain groups that have been discriminated against, and as a result, they bear most of the environmental burdens right now.

I think there should be a review of, or there should be also a place where we clearly state that we're working for justice and access for everyone.

and not just, and I'm not saying that that's what it says in the definition, but I'm saying that we should stay that everyone should have access.

And, um...

And I would just be concerned that in an effort. So what I'm going to say comes from me recently learning about a documentary that is going out about how young men in Vermont

Are being.

Very vulnerable right now, and...
and falling into the trap of depression and anxiety and a lot of mental diseases because they feel disconnected from the society. And
And most young men in Vermont do not feel that they have communities and that they have spaces where they belong. And I didn't see the documentary, but in conversations with people that saw it, apparently there is a link.
To.
to how the society has been repeating to young men that they are
to, in partly to blame to some of the discrimination against women. And there's, I am perhaps simplifying this, but what I'm trying to see is here a comparison in between these two different things. I just want to make sure that we don't create more separation and discrimination to everybody that is not.
is explicitly listed in the environmental justice definition. So that I hope that did not.

BJ **Birch, Juliet** 55:01
Mm.

MS **Mariana Sears** 55:06
sounded too rumble and or confused. It could be confused and that's okay. But yeah, I'm just trying to make sure that in the future we don't make the same or that we don't repeat somehow just to, you know, to intentionally protect a group. We are

BJ **Birch, Juliet** 55:09
Yeah.

MS **Mariana Sears** 55:26
damaging other groups. So I think justice should be for all. And I do clearly recognize the historical context that it is in place here. So I am not blind to that. So yes, a lot of things. I'm sorry.

BJ **Birch, Juliet** 55:26
And.
Thanks, Mariana. I'll keep it really brief because I know that we're trying to not be part of this conversation. I just wanted to share.
I think what you just spoke to, Mariana, and what Rich was speaking to is that like

flexibility is really necessary in the implementation of this law, because even though there is historical context, we're also living history and context changes as history continues to develop. So what I was, I've been trying to like synthesize what you guys are talking about.
And I just wanted to drop this in the chat just because it came to mind. Is it like one of the ways that you could...
Potentially.
define like an environmental justice complaint is if someone has experienced lack of fair access to environmental benefits or disproportionate exposure to environmental burdens on the basis of being an EJFP. And I think the way that I think about this is like very flexible is that you and the interagency committee have the
ability to change the definitions of these three bolded terms as time goes on. And that could help also mold the what an EJ complaint is to meet needs as we're learning about EJ and as we're like learning by, you know, if we start receiving EJ complaints, we can learn by through case.
study as well. So I'm just putting that out there. I was trying to synthesize what you guys are thinking of or what I've been hearing from you. And I just wanted to drop that in the chat if it's helpful. It might not. It also might not be helpful at all. So recognizing that. That's good.

BK **Barrett, Kim** 57:33
I just want to, we should acknowledge Brittany is on the call. Hey, Brittany, glad you're here. Just to catch you up, we are, we did like a short presentation on EJ complaints and now we're just in an open discussion about
things that you know might be included, but also just whatever comes. So feel free to jump in with any thoughts that you have at all.

WB **Watson, Britaney** 58:06
Thanks. Yeah, I'm still getting myself settled, just coming off of a meeting. So I'm happy to be here and I'll chime in soon. Thanks.

BJ **Birch, Juliet** 58:12
Mhm.

BK **Barrett, Kim** 58:15

Mhm.
Sounds good. There are some links in the chat if you want to remind yourself of some of the discussions and just content that's happened in the last couple of years around this. And it's 1113, so would love to prioritize any other advisory council members who have
thoughts to share. We're definitely here to answer questions if needed. And then we do need to stop at like 1130 for the other folks to come on and do their presentation as well.

Karla Raimundi 59:10
Yeah.
Hi. So, Brittany, hello. Hi. Welcome. The topic of conversation, I think it's something that you would be like super interested in. We can we can offline to after the meeting if you would like to have a conversation about the substance of the conversation thus far.
Brittany, I would be very interested in having this conversation with you as well and fold into the larger group what you share. But I do, Mariana, when you said access, all sorts of things came to mind, right? So thinking about the structure for the environmental justice complaint system that we are sort of like talking about developing, right? When you say access, and this is based on the definition and on the work that we are all working towards,
as we implement the EJ law. Access to decision making.
right, to information. And so the way that this would show up, Mariana and folks, would be, can I participate?
Can I understand what's happening? You know, access to information.
Access to environmental benefits. Do I have access to clean air, to clean water, to parks, access to services and programs, grants, infrastructure, protections?
access to language and communication, right? Like we were talking about the language access that's required under federal law.
So then all of this that ties directly to meaningful participation, which is in our statute, right, of something that is a cornerstone of environmental justice. And then thinking about the complaint structure, and you asked for an example previously,
And although this is not a specific example based in reality, the way that access this value and the action could be turned into a complaint structure is in the shape of a trigger.

So then we would ask, was there access? Was the access denied?
Was the access limited?
Was the axis disparate or unequal?
And then as we look at the actions of the agencies, which is really what this would be looking at, right, then in terms of access, we would ask the question,
Has access been?
equally afforded to.
Protected category.
And so if a member of the public, and this is how BISL would shape up, if a member of the public in attempting to access, for example, a certain agencies programs, they cannot because the materials are not provided in the language that they speak.
Then, in theory.
That could give rise to...
an environmental justice complaint, and also a civil rights complaint.
Access.
And so as you look through the definition of environmental justice, meaningful participation in the law is defined.
So then we could take, we could think about that as a trigger.
And then build it into part of what could qualify as an environmental justice complaint.
Access.
In its many different forms.
Yeah, that would be a fundamental foundation. Right? Yeah. Yeah.
So, access.
came up as an important element for environmental justice considerations.
And...
The way that we're talking about it, it would be like an affirmative responsibility that the agencies have.
And if it's not provided, then...
It could subject.
The agencies or the entities that are not providing that access based on the structure that we're talking about here, open to a complete.
For example.
And then we can talk about the overlap between civil rights and EJ complaints and then which would trump. And that's more of a legal question, but this is the exercise.

Well, thank you very much, Mariana.
Eleven 20, I we made a lot of progress.

Rich Holschuh
I, I one of one of the ways that I look at things often is in terms of connection and... Connection and separation and and.
To use a graphic example, like boxes, we put people in boxes, and that's why we have these focus populations, because that is the practice, and...
Not only do those boxes contain those people, but it prevents them from getting out. And that's a question of access. You know, you've broken that connection in all directions or many directions.
Just an observation. So that is, I think, foundational. Recognize what you've been doing, what's been done, what's been the practice, what needs to change. Yeah. Hmm.
And all of that is built, and all of that is built on, sorry, I'm sorry.

MS **Mariana Sears** 1:06:10
Yeah, I...

Rich Holschuh 1:06:15
All that's built on cultural.
understandings or ontologies, to use a big word, but you know, the water you're swimming in.
I don't like salt water. I like fresh water. I can't live here. But it's water. It matters.
Sorry, I cut you off there, Mariana.

MS **Mariana Sears** 1:06:46
No, I was just going to say that I was just agreeing with you. I have thought of that so many times. The fact that we put people in labels, and then we try to measure people, and then we try to solve the problems of those people in those boxes. And That in itself might be part of it.
Problem.

BJ **Birch, Juliet** 1:07:12
Mm.

Mariana Sears 1:07:13
End.
Yeah, just...
I, yeah, I don't understand why we need to measure label people and measure them. measure us, why do I have to be whatever label they are creating for me? So.

Birch, Juliet 1:07:33
Mmh.

Mariana Sears 1:07:34
It's it's very.
foundational and yeah, I was just going to say that I agree with what you were, I think this is what you were saying and it is related to.
I don't even know what it is related to, but yeah, something a lot bigger than this ontology, probably cultured and human existence. I don't know. We try to measure and try to measure to come up with solutions. And we think that the data will bring solutions and

Birch, Juliet 1:07:51
At.
Mhm.

Mariana Sears 1:08:10
That's very interesting in itself.

Victor 1:08:15
I also hate labels and boxes, but I also there is, I think, an unfortunate truth to the fact that people do that regardless of whether or not it makes sense to do that. And then the instant you have people out there who are labeling people, if you don't label yourself, they'll do it for you.
So I think unfortunately, a part of this is almost like a defensive response to that. Like when you define the label first, and now you are in charge of that label. And I agree that I would rather there be no labels.

Birch, Juliet 1:08:34
Yeah.
Yeah. Oh, yeah.
Yeah.
Yep. Yeah.
I'm wondering in terms of, this is just a thought, when it comes to trying to avoid putting labels and measurements on people based off of things they can't control, maybe when it comes to an EJ complaint and what defines an EJ complaint, focusing less on the type of person making the complaint and more on the experience of the person making the complaint.
could be beneficial. So like going back to what I dropped in the chat, maybe it's eliminating those couple of words on the basis of being an EJFP. Maybe the complaint is just about the experience, lack of fair access to benefits or disproportionate exposure to burdens, regardless of who you are or where you are in the state.
Yeah.

Rich Holschuh
That's a good direction. Yeah, I think.\

Karla Raimundi
And that would make it more expensive than, for example, Title VI.
paying attention to what you all mentioned, right? The compelling interest of serving.

Victor 1:10:00
Yeah.

Karla Raimundi 1:10:12
Everyone.

Rich Holschuh
And that's where it diverges from something like civil rights, maybe a bit.
Yeah.

completely recognizing, as you know, Victor and Mariana have pointed out, that there are boxes. They do exist. Right. And just recognizing that is a step in the right direction.
Yeah.

Barrett, Kim 1:10:53
Yeah, Mariana.

Birch, Juliet 1:10:53
Mariana.

Mariana Sears 1:10:56
Yeah, I also think we should expand this somehow at some point. And again, I wish this is the right thing to say at this point. I don't know. So I'm throwing it at you. You take it for whenever it is a good moment to talk about this. This makes me think that equal participation and access
So there should be more people having this discussion with us right here, right now. And we have tried to reach out, right, to people based on some categories that are defined by the statute. A representative of this, a representative of that. How about if we want to break out with

Birch, Juliet 1:11:23
Yeah.

Mariana Sears 1:11:37
the definitions imposed by us, and we want to let people define themselves, as Victor said, because it's a mechanism of defense. So whoever wants to be part of this council, why can't they join?
and they bring who they are represented, representing. Instead of us searching for representing of this and that, we call out, are you interested in environmental justice? We don't care who you are. You tell us who you are and you represent those like you. And then we will have more people bringing new perspective to this council. And we will also perhaps be able to have a...
more representative discussion of those who feel strongly about environmental justice.

Victor 1:12:31
This is a public session right now, isn't it?

Birch, Juliet 1:12:32
Thank you.
Yes, yes.

Victor 1:12:36
It does feel like, like I entirely feel what you're saying. And I think in an ideal circumstance, this space would be that space for people to have a voice to raise themselves. So I think some of our job and like, this is up for future interpretation at some point, right? Like everything we're going to do will be at some point up for redefinition.

Birch, Juliet 1:12:40
Yes.

Victor 1:12:58
potentially. And the most we can do right now with everything we are given and everyone we were given to do a good but imperfect job, I think creates a kind of marketing campaign to the general public. Like if we can succeed, then people tend to want to flock around a good idea.

Birch, Juliet 1:13:00
Mhm.

Victor 1:13:20
And if people are seeing the tangible results but have critiques, it means that they have an excuse to be here right now. I think it's a little harder for people to show up to something that hasn't fully developed yet. And it takes a kind of pioneering mindset to be in that kind of place potentially, or just in my case, being a busybody.

Birch, Juliet 1:13:38
Yeah.

Victor 1:13:42
So.
Yeah, so like I fully hear where you're coming from with that, but I do wonder if unfortunately we might be bearing the burden of doing our best to then be chipped, I kind of ripped apart later, justifiably.

Rich Holschuh 1:14:02
That's fair.

Barrett, Kim 1:14:10
Thanks for that. Brittany, go ahead.

Watson, Britaney 1:14:15
Thanks, so.
What Victor said had me thinking, and I'm wondering if it's possible for us to hold like a special meeting that would be an opportunity for members of the general public to come and share their concerns. I think for me, when I think of meeting spaces like this, I feel limited and I feel like
I would question how sincere it is to hear my viewpoints. And there's like this time limit that's given in these public spaces, right, where it's like one to two minutes. And wondering if we can maybe like provide more of an opportunity, like for us as a council, I'm hearing, you know, everyone, it seems, is finding it important to
to hear and have more voices and more representation. I think maybe we need to take a...
a moment to think about what that would look like for us and how we could put that into practice as a council and how we can be really intentional around that. Thank you.

Barrett, Kim 1:15:23
Great, I think I saw you raise your hand, Rich.

Rich Holschuh 1:15:26
Yeah, I'm looking at the time and all your legal folks are coming on in a minute. Here's a crazy question.

there is this environmental justice process, which we're participating in today. I am aware on some level that there is a thing called the Environmental Justice Coalition in this state, and there seems to be absolutely no intersection between these groups. They are having a summit in the beginning of June. It was going to be in May. They're moving it into June. And I'm wondering if anyone from this group is going to present there so that we know we're doing the same kind of work in very different ways.

Victor 1:16:12
Is this is the one that um, Katagun from 350 Vermont is a part of?

Watson, Britaney 1:16:18
I could probably speak to it. It's the Environmental Justice Network that is hosting an environmental justice summit that'll happen in Montpelier in June. I believe it's June 13th, 12th and the 13th.

Mariana Sears 1:16:36
12 from 13, yeah.

Rich Holschuh 1:16:37
Correct. Yeah.
Are there opinions about that idea or is there some explanation as to why these are in silos?

Karla Raimundi
So Brittany, do you know who, so who's running the network right now, Brittany?

Mariana Sears 1:16:46
Yeah.

Watson, Britaney 1:16:53
Destiny Pierce is running in now, yes.

Karla Raimundi 1:16:54

Destiny, ohh, fabulous. OK, OK, OK, yeah, so I reached out to Destiny. I will reach out to her again.

Victor 1:17:00
Ohh.

Mariana Sears 1:17:04
Yeah, and...

Watson, Britaney 1:17:04
And Carla, I believe I was supposed to reach out to her too, and I'll send an email with the two of you. And yes.

Birch, Juliet 1:17:09
There you go. Perfect.

Mariana Sears 1:17:13
And I am presenting, Rich, but I am presenting and I've been thinking, geez, I need to tell the council that I am presenting. And I keep on forgetting. And I said, I keep on thinking of telling everyone how, why we're not more connected.

Birch, Juliet 1:17:13
And for for...
Yep.

Mariana Sears 1:17:32
I am presenting on some of the work that we do with Hunger-Free Vermont around the food security networks and how this is a space for everybody to participate in creating a food secure future for Vermonters. And I was also going to mention the work that I do in this committee.
And this council, I'm sorry. And yeah, if there's enough time and possibilities, maybe we should have a conversation as of how we as a council want or should present something there too.

Rich Holschuh 1:18:09

Um...
Yeah, agreed. And full disclosure, I'm going to be there too. I'm on a panel presenting indigenous perspectives on Friday. So maybe we could talk about this on next month's agenda.

BK **Barrett, Kim** 1:18:15
Hello.

Rich Holschuh 1:18:26
For this, this group, yeah, I next month's agenda would be the May joint meeting, right? That's the May, if we could at least touch on it,

Karla Raimundi
yeah, that would be fantastic, 'cause the summit is in June, and yeah, you're gonna connect us with Destiny, connect me with Destiny so that I can touch base.

BK **Barrett, Kim** 1:18:39
Okay.

WB **Watson, Britaney** 1:18:46
Yes.

BK **Barrett, Kim** 1:18:46
Mhm.

WB **Watson, Britaney** 1:18:50
Yes, I'll do that right now just so it doesn't slip you.
Thanks.

BK **Barrett, Kim** 1:18:56
Thank you. Thank you all for that. Hey, Rachel. Hey, Simone. Quick question as we wrap up this discussion. What would feel like good next steps for you as the council around this? Is there interest in so the next advisory council meeting is

BK **Barrett, Kim** 1:19:16

May 13th. And if you want to submit a response to the interagency committee, that would be due May 15th. It feels like there was a lot discussed here and a lot of like forward movement and perhaps another time just to connect around this could be helpful.
In the past, we've had office hours to do that, and also folks have just met independently as well. So I just wanted to see if anyone has thoughts on what would feel good so that you don't lose momentum.
Here.

BJ **Birch, Juliet** 1:19:55
I also just want to add, we do have a full agenda for the May 13th meeting in terms of the substantive content. So that's not necessarily on the table to continue this conversation, but an office hour might be a good way to develop the response. Just putting that out there. Sorry.

BK **Barrett, Kim** 1:20:06
Yeah.

BJ **Birch, Juliet** 1:20:14
Yeah. Well, less about boundaries and more about just forewarning. We can facilitate, we can facilitate whatever it is that you as a council prefer. Office hours, it may be a good idea. We can create a forum where we center this conversation and continue developing

BK **Barrett, Kim** 1:20:18
Okay.

BJ **Birch, Juliet** 1:20:37
ideas the way that we've done, which I find very helpful. I think this meeting has been very productive.

BK **Barrett, Kim** 1:20:45
Me too. Okay, so we'll just follow up about that in the email, and then we'll pass it over to Rachel and Simone.

SR **Stevens, Rachel** 1:21:00
Great, did folks need a break or did you guys already have your break?

BK **Barrett, Kim** 1:21:03
You know what? I think we have not had a break, so maybe would it would it work for you two if we took?

SR **Stevens, Rachel** 1:21:09
Just noting a transition might be a quick five if folks need a quick five.

BK **Barrett, Kim** 1:21:13
Yeah, yeah, let's come back at 1140 if that works for you too.

Karla Raimundi 1:21:18
Hey, Jennifer.

BK **Barrett, Kim** 1:21:18
Okay, cool.

Karla Raimundi 1:21:20
Hi, Jennifer.

BK **Barrett, Kim** 1:21:22
Yeah.

JB **Jennifer Byrne** 1:21:24
Hi, everyone.

Karla Raimundi 1:21:29
Go ahead. We're moving into the cumulative breaking rulemaking portion of the meeting. Just an FYI.
Great.

BK **Barrett, Kim** 1:25:50

All right.
Let's jump in. I can share my screen.

Stevens, Rachel 1:26:03
Okay, great. Well, while Kim's doing that, I'll introduce myself and then Sman can introduce herself. So I know we've met several times. I'm Rachel Stevens. I'm an attorney at Agency of Natural Resources supporting the environmental justice work at the agency. Sman.

Valcour, Simonne 1:26:23
Hello, I am Saman Valcour. I am also an attorney and I also work for the Agency of Natural Resources. I think the only change is that I work primarily with the waste management and prevention division. So looking at hazardous waste, toxic solid waste, chemicals, all those fun kinds of things.

Stevens, Rachel 1:26:27
Yeah.

Valcour, Simonne 1:26:43
And I think in terms, I have not seen and appeared before the Advisory Council before, so I am new. I've just joined sort of the EJ team on the Agency National Resources end working with Rachel and with Carla's team. So it's lovely to meet all of you for the first time.
And I look forward to working with you going forward.

Stevens, Rachel 1:27:09
Okay, great. Thank you, Saman. And Saman is here because Saman is helping the agency work on the cumulative environmental burden rulemaking, which we're going to talk about today. So this is our agenda. When I say overview, I'm going to kind of remind you about an overview that I did in November.

Valcour, Simonne 1:27:25
Okay.

Stevens, Rachel 1:27:28

And then we're going to talk about a little bit about the process. So what are the phases of developing a rule? What's the current status? What are the next steps? And what should you expect in terms of advisory council role in the process? So that's kind of what we're going to hope to cover today. And I think the goal would be for you to have a good sense of where you can plug in
and provide input.
Next slide.
So what are we talking about? We're talking about a rule. This is a requirement in the Vermont EJ law. It's in three VSA 6005. I definitely encourage you to take a look at that section of the law if you're able to. And it directs the agency to draft and adopt A rule.
or also known as a regulation, that requires covered agencies to consider cumulative environmental burdens. So the purpose of the rule is laid out in the statute itself. It's going to accomplish a couple things, and these are the directives that are in the law. First, it will define cumulative environmental burdens.
As you know, environmental burdens as a term is defined in the EJ law currently, but cumulative environmental burdens is not defined. So that'll be a task of the rule is to define what we mean by cumulative. Second, the rule will set out how the Agency of Natural Resources will implement a consideration of cumulative environmental burdens into decision
making within the agency. It will also inform the public and covered agencies on a process for implementing the consideration of cumulative environmental burdens and discuss how the mapping tool that's under development can be used in a process like that. So those are kind of the objectives or the purpose of the rule. And again,
that's laid out in the law. So I just wanted to remind folks, and especially if you weren't on the call in November, we did a deep dive introduction to the rulemaking requirements at the November 17th, 2025 meeting. This was a joint meeting of the interagency committee in the AC.
This link, and we'll share a link with you, has a recording and kind of a transcript of the meeting. I definitely recommend that you take a look at that, just because we did a deeper dive in, you know, what are other states doing, what does cumulative mean in other contexts. So just wanted to encourage you to take a look at that.
Today, again, we're going to focus on process, but we did do an introduction on some of the substantive topics if you're interested.

Next slide.
So this is a lot of words on the screen, but this is to kind of give you a snapshot of the different phases of the process. So I'm going to kind of walk you through it, starting on the left. I don't know if it's left for you. I guess it's left. The column that says research. So this is the first phase.
And this is where we've been kind of introducing the requirements to agency leadership. We've been introducing the requirement to the interagency committee and the council. As I mentioned at the November meeting, we had a deeper dive. We are doing extensive research about these types of rules in other states because there are many.
many examples in other states like New Jersey, Massachusetts, Minnesota. So we're doing a deep dive in some what we call comparative research to see what other states are doing and to pull out some examples that might be relevant or useful as options to consider in Vermont. We're also developing what we're calling scoping questions. These are questions to help facilitate
decision making around the rule. So what are the decisions that we need to make in order to develop the contents of the rule? So that's what we're calling scoping questions. So then in the green column, this is what we call the pre-rulemaking phase or the drafting phase. So here we've been talking internally at ANR about the scoping questions. As I mentioned, we've been continuing to research.
and think about options for a rule. We've been doing internal ANR outreach within the agency and the department, many departments and divisions and programs. Asman referenced, you know, she works for the waste division. I work in the air division. And each of these programs has different and valuable perspectives about how this rule might work. So we've been doing internal engagement.
One of the next steps we'll talk about today is what we're calling a scoping meeting. So this will be a much deeper dive meeting with the IAC and the AC to talk about options for the rule and actually start to look at some content. And then there's an outreach plan development part of this phase where we begin to think about how to engage the public when we get to the formal rulemaking process. The next phase is to actually
draft the rule. So what are the options for the text of the regulation itself? And to begin the filing form. So there's a lot of administrative requirements that go into making a rule. As you can imagine, regulations have the force of law. And so there's a very extensive administrative process in order to get a rule

formally adopted in Vermont. So we'll begin to do the paperwork for that. We'll finalize the outreach plan for public engagement. And there is a process set out in the EJ law where we formally file the draft rule with the advisory council. So that'll be a step and we can talk a little bit more about what that looks like. But there will be a formal process where the advisory council will get the
the full rule package before it's filed in Vermont, and you'll have an opportunity to vote on whether you agree with the contents of the rule.
Next, the rule filing will be updated to reflect the vote of the advisory council members. And then we'll start what we call the formal rulemaking process, which is in the blue column. So the first step of the formal rulemaking process is to pre-file with what's called the Interagency Committee on Administrative Rules. And I'll just flag, we did do a deeper dive on some of these committees in the November meeting. And you can find
more information online as well. But this is a meeting of many different state agency representatives across Vermont, and they look at the rule proposal. They're focused specifically on making sure there is sufficient public engagement opportunities in the rulemaking process. So
They expect us to develop a plan and to discuss the plan at the meeting. So that'll be the first step is to have that meeting. If the rule is voted out and it's approved, we then move to the second phase, which is to file the proposal with the Secretary of State's office. This is the initiation of the public part of the process. So this is when the public comment period begins.
And this is when we would be doing extensive outreach in Vermont about the rule. We would host public meetings, public hearings. We can do information sessions. So phase two is a robust public engagement process to get input from the public and to provide information to Vermont about the rule.
Phase 3 is at the close of the public comment period. We'll move into the agency reviewing all comments and drafting responses. So the rule, the law in Vermont requires ANR to actually respond to all written comments in a summary that's provided with the final filing.
So that will take place. And then we will file the proposal with what's called the Legislative Committee on Administrative Rules. And as it sounds, this is a body of legislators that actually review all proposed rules from any agency before they are finalized. The purpose of this meeting is to ensure that the proposed rule is consistent.

with the laws authorizing the agency to adopt rules. So the focus is really on whether or not the rule is within the authority of the agency and is consistent with the law kind of implementing, requiring implementation of a rule. This process, LCAR, this legislative committee, they have 45 days to review and provide comment and input. on a rule, and then the rule can be formally adopted. That's the final phase. As you can see, there is an adoption date in the law. It's July 1st, 2027. So that would be the date with which we would need to conclude this blue portion of the process.
The next step after we adopt the rule is one year later, you can see kind of at the end in white here at the bottom, one year later, covered agencies need to amend or amend any policies, procedures, or rules to be consistent with our rule. So as you can, as you may know,
Like our agency cannot bind other agencies in our rule, but other covered agencies would have to adopt kind of complementary plans or procedures or rules to conform. Now, I know I've covered A lot. The idea here is to just give you a snapshot. of what the whole process looks like. So you can start to think about this. And we're going to do it, we're going to do a deeper dive right now into some of these components and how specifically the AC will fit into these different phases.
Okay, next slide.
So where are we now? We are in the column on the left, the research phase, and the beginning of the pre-rulemaking phase. Can you go back one slide, Kim? Maybe I'll just show them on the screen.
So, we are, we've basically completed this research here on the left, and we're moving into phase one in the green area. So, we're talking about research. We've been engaging in internal engagement, and we're starting to plan for the scoping meetings with your with your council.
and develop the outreach plan.
OK, next slide.
One of the best, most important things that we've been doing is doing comparative state research, where we're looking at other state rules. We are not the first state to have a requirement like this, and we think it's really helpful to take a look at what other states are doing. We can learn from other states, see what's working, what's not working, and get some examples that you can consider. Like, what do we like about this rule? What do we like about this rule?
So this has been a big focus of the research that Saman and I have been working on. We've also developed the scoping questions that are going to be guiding discussions

to help facilitate your engagement and internal engagement on the rules. As we've mentioned, we've already done introductory meetings with the bodies about the rule and we've done introductory meetings with ANR internal leadership on the topic.
Slide.
So what's going to happen next? So the next step is that we're going to be scheduling scoping meetings with the IAC and the AC. The purpose of the scoping meeting is to do a deeper dive and to actually discuss and consider options for the scope and content of the rule. So at this meeting, the intent would be for us to actually look at some examples of definitions of cumulative.
environmental burdens and to consider what do we like about certain definitions and what do we not like about certain definitions. We're also going to be looking at different types of considerations and assessments that other states have done and consider what, you know, what might work in Vermont, what might not work. What do we like about Minnesota? What do we like about New Jersey? What might be an option for Vermont?
So this is kind of the goal for these scoping meetings. We also want to talk about, so for example, here's a scoping question. Which decisions does the rule apply to? So we'll have to think about what is the scope of the rule and are these permitting decisions or are these other types of decisions?
that the agency makes. And so this will all be part of a scoping meeting where you can help shape the scope and content of the rule at the early stage. We're also beginning development of the outreach plan, as I mentioned, this would be for public engagement. We have not begun to draft the rule, but this would be a next step after we have the scoping meeting.
to actually begin drafting rule text based on the feedback that we've received at the scoping meetings.
Next slide.
Okay, I'm going to turn it over to Saman.

VS **Valcour, Simonne** 1:40:31
All right. So what I'm going to cover is really more how specifically your council is going to be incorporated and involved in this process and what role that your council is going to be playing. And big picture overview, it's going to involve a lot of review, consultation, commenting, and then there's ultimately a vote. And then there's an

opportunity for additional comment after that. So
Pursuant to the rule, our statute that gives rise to this rule and requires us to adopt it, we will first need to consult with your council to discuss the scope and the contents of the rule. And this is what Rachel was just talking about with regard to the scoping questions. That's why we've developed these so that we have a more efficient consultation process.
We will also be providing draft rulemaking concepts for to allow your council an additional opportunity for review and comment. And then before we can move to ICAR, we must file the forms, the draft rule itself with your council for review.
and then it'll go to ICAR. Excuse me, then we'll have a vote and then we'll need to record any objections or approvals with regard to your membership. And then we will move to the interagency committee for ICAR.
Can I do the next slide, please?
Thank you. So what do we mean specifically by scoping? So scoping itself is really with regard to how do we implement this rule? So we're looking at what decisions we're going to need to require, what's the process for the rule, what needs to be analyzed, what are the bounds and what is the framework.
for this rule. So that's what we were talking about when we referred to scoping. So we'll be looking for your comments and insights into that process. Of course, before those scoping meetings, we'll be providing a lot of background information and options to review. Like Rachel said, we're looking at other states, we're looking at other examples.
And so it's good to do a kind of compare and contrast to help facilitate what we want to do for the state of Vermont so that it is, you know, relevant and appropriate and responsive to the needs of Vermont itself.
Could I have the next slide, please?
All right, so for those of you who are visual learners like me, this looks at, again, what our broader timeline is, but where specifically the role of the AC plays a part. So like Rachel said, we're in phase one. So the first or the next rather opportunity for comment and review
will be for the scoping meetings with your committee, with your council, excuse me. And then when we move to phase two, when we start doing the drafting elements, we will need to do a vote. So we'll have consultation and then phase two will be the vote on once we have the actual draft rule in front of us. And then after we go to ICAR,

It'll go to, like Rachel said, those public hearing and public comment period. So your council can also submit additional comments and participate in that process as well. Then once it goes to LCAR, then we'll have our final rule and be adopted.
So there's three kind of major touch points for us moving forward with regard to this rule.
All right.
So do you vote on it? Yes, you do. You can, before we file the proposed rule 40 days in advance, we'll submit the proposal to your council for review, and then we will be recording whether or not you object or if you accept or approve the proposal. And those objections or approvals will be part of the filing.
for ICAR and for LCAR. So there will be a record of your council's decisions. Can I do the next slide, please?
All right, other opportunities for contribution, so...
We have a outreach plan for, we are going to be developing an outreach plan for public engagement. That'll be looking at similar to what we're doing with the agency divisions right now where we're seeking input. We're trying to define what would work for the agency, what concerns they might have so we can incorporate all of that into the development of the rule, be doing the same thing for public engagement. So this would be a good ave for you to provide additional comments and suggestions for the outreach plan itself. The next place would be for, again, like we did on that, actually, can I move to the prior slide?
One, one more. Thank you.
So public comments. So this would be after the ICAR meeting. We're in this blue formal rulemaking section. So in phase two, once we have the proposed rule filed with the Secretary of State, then there'll be a public comment period. And like Rachel said, we will need to respond to all those comments. So ACC has opportunity there as well to submit additional comments.
All right, thank you.
One more, please.
Thank you.
And then I think for next steps, I'm actually, I'm right at noon, so I was trying to speed through that so I didn't go over time. But I think next steps I'm going to pass back to Kim because it was with regard to scheduling the next meeting and scoping meetings.

Barrett, Kim 1:46:01
Yeah, you're right at 12. Thank you for that. So those things, logistical things, we can touch base via email. I'm wondering if any advisory council members have questions that you'd like to put in the chat or send to our team.
And we can give those questions over to Rachel and Simon, just because we don't have time to get into them today. Does that work?
Okay.
Okay, sounds good. Thank you both for joining. And thank you, of course, to you, Advisory Council members. We appreciate you and we're very grateful for the discussion today.

Birch, Juliet 1:46:48
Yeah.

Barrett, Kim 1:46:51
Alright.

Birch, Juliet 1:46:51
Thanks, everyone. Have a wonderful day, everyone. Thank you.

Barrett, Kim 1:46:53
Take care.

Mariana Sears 1:46:54
Thank you so much. Bye bye.

Barrett, Kim 1:46:54
Bye.

Barrett, Kim stopped transcription