

Vermont Environmental Justice Law

Presentation to the Just Transitions Subcommittee of the Vermont Climate Council

September 7th, 2023

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Just Transitions Subcommittee (Act 153 of 2020)

“This subcommittee shall focus on ensuring that strategies to reduce greenhouse gas emissions and to build resilience to adapt to the effects of climate change **benefit** and support all residents of the State fairly and **equitably**. This subcommittee shall ensure that strategies consider the **disproportionate** impact of climate change on **rural, low income, and marginalized communities** and that programs and incentives for building resilience are designed to be accessible to all Vermonters and do not unfairly **burden** any groups, communities, geographic locations, or economic sectors. This subcommittee may adopt a measurement tool to assess the equitability of programs and strategies considered by the Council.”

Environmental Justice Policy (Act 154 of 2022)

“No segment of the population of the State should, because of its racial, cultural, or economic makeup, bear a **disproportionate** share of **environmental burdens** or be denied an **equitable** share of **environmental benefits**.”

“To provide the opportunity for the **meaningful participation** of all individuals, with particular attention to **environmental justice focus populations**, in the development, implementation, or enforcement of any law, regulation, or policy.”



Preview: Overlap of Just Transitions Subcommittee & EJ Law

Just Transitions

- Guiding Principles of Just Transition
 - Develop and maintain principles and scoring rubric tool
 - Oversee the use of principles and scoring rubric
- Serve as liaisons to other Subcommittees and task groups
- Support the development of recommendations for CAP (next iteration due July 2025)
- Annual budget considerations for climate work

Overlap

- Community engagement
- Climate Engagement Plans
- Equity impact of climate policies
- Definition of EJ Focus Populations

EJ Law

- Community engagement
 - Core Principles
 - Community Engagement Plans
- Equitable distribution of environmental benefits
 - Guidance
 - Spending reports
 - Goal of proportional investment
- Reduction of environmental burdens
 - EJ mapping tool
 - Rulemaking
- EJ Reporting and Accountability

Quick Poll

How familiar are you with the Vermont Environmental Justice (EJ) Law (Act 154 of 2022) on a scale from 1-5?

- 1 = I have never looked into it.
- 3 = I have looked into it but don't know the details.
- 5 = I know this law like the back of my hand!

Key Stakeholders

Environmental Justice Law

Covered Agencies

1. Agency of Natural Resources
2. Agency of Transportation
3. Agency of Commerce & Community Development
4. Agency of Agriculture
5. Agency of Education
6. Public Utility Commission
7. Natural Resources Board
8. Department of Health
9. Department of Public Safety
10. Department of Public Service

Advisory Council

10 representatives of Environmental Justice Focus Populations + 1 Office of Racial Equity Representative

Interagency Committee

Abbey Willard & Claire McIlvennie are members

10 representatives from the Covered Agencies + 1 Office of Racial Equity Representative

Vermont Public

EJ Focus Populations

1. Low-income residents
2. BIPOC living in Vermont
3. Vermonters who speak a language other than English

Note: The definition of EJ Focus Populations as written in the EJ Law is subject to regular review.

Role of EJ Advisory Council

- Ensure EJ Focus Populations are meaningfully engaged throughout the process
- Determining how to best coordinate engagement efforts and use dedicated funding
- Consult state agencies on implementation

Key aspects of Vermont's Environmental Justice Law

1. Meaningful Community Engagement

2. Equitable Distribution of Environmental Benefits

3. Reduction of Environmental Burdens

4. EJ Reporting and Accountability

Meaningful Community Engagement

Environmental Justice Law

Timeline and Process



Interagency Committee

Adopt core principles of community engagement to guide covered agencies community engagement plans

Sept 1, 2023*

Consult: **Advisory Council** and **Agency of Natural Resources**

* Delayed due date

Covered Agencies

Create and adopt community engagement plans

July 1, 2025

Consult: **Advisory Council**

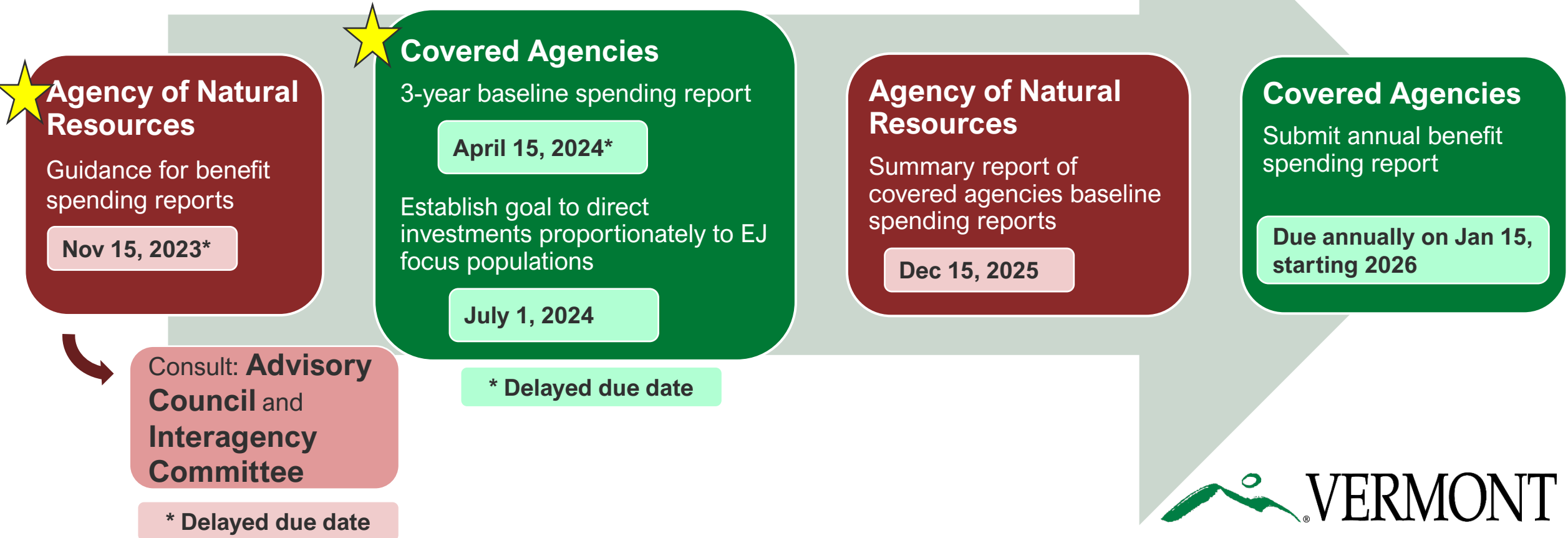
Excerpts from the VT EJ Law: Sec. 1. FINDINGS

(16) The 1991 Principles of Environmental Justice adopted by The First National People of Color Environmental Leadership Summit demand the right of all individuals to participate as equal partners at every level of decision making, including needs assessment, planning, implementation, enforcement, and evaluation.

Equitable Distribution of Environmental Benefits

Environmental Justice Law

Timeline and Process



Reduction of Environmental Burdens

Environmental Justice Law

Timeline and Process

Agency of Natural Resources
Create statewide EJ mapping tool
Jan 1, 2025

Agency of Natural Resources
Cumulative environmental burden rulemaking and agency guidance for EJ mapping tool
July 1, 2025

Covered Agencies
Adopt or amend policies, procedures, guidance, and/or rules to consider cumulative environmental burdens
July 1, 2026

Consult: **Advisory Council** and **Interagency Committee**

Consult: **Advisory Council** and **Interagency Committee**

Consult: **Advisory Council**



EJ Reporting and Accountability

Environmental Justice Law

Timeline and Process

Advisory Council and Interagency Committee

Recommend amended definitions, focusing on EJ focus population criteria

Dec 1, 2023

Agency of Natural Resources, in consultation with **Advisory Council** and **Interagency Committee**, will review definitions at least every five years and recommend revisions

Covered Agencies

Civil Rights and EJ Complaint Reports

Due annually on Jan 15, starting in 2024

Advisory Council reviews reports and provides recommendations within 60 days

Covered Agencies

EJ Summary Action Reports

Due annually on Jan 15, starting in 2025

Covered Agencies

Environmental Benefit Spending Reports

Due annually on Jan 15, starting in 2026

How is the process unfolding to date?

Community Engagement

- **Draft 3 of Core Principles** of Community Engagement in progress
 - Will try to reach consensus between Advisory Council and Interagency Committee at the September joint meeting
 - Draft principles, reference material, and guide found online [here](#)
- Principles explicitly incorporate and reference the ***Guiding Principles for a Just Transition***

Principle 1: Utilize existing guidance for equitable community engagement.

Overview

Don't reinvent the wheel! There is a lot of existing information about effective community engagement practices, including resources specific to Vermont. It overburdens local communities when their prior input on how to do engagement effectively is not used or shared across state agencies. Actively identify existing materials and build on available resources when shaping your engagement plan.

Throughout the community engagement process, center the [Guiding Principles for a Just Transition](#) developed by the Just Transitions Subcommittee of the Vermont Climate Council in 2021. When developing community engagement plans, consult the self-assessment questions and scoring rubric embedded within the *Guiding Principles for Just Transition*.

Draft 3 Language



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Environmental Benefits

- Task group assembled and meeting regularly (with CAO representation)
- Developing guidance (subject to 40-day public comment period)

EJ Reporting & Accountability

- Mapping current EJ Focus population definition
- Developing a guide to review/update the definition

Upcoming engagement opportunities

- Upcoming meetings found on the **EJ Law calendar** (bit.ly/ej-calendar)
 - Public Meeting in September (Joint)
 - Public Meeting in October (Joint)
- Core Principles of Community Engagement Survey (<https://forms.office.com/g/NeDb5AgcYa>)

Just Transitions Subcommittee & EJ Law

Just Transitions

- Guiding Principles of Just Transition
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Populations

EJ Law

- Community engagement
 - Core Principles
 - Community Engagement Plans (due July 2025)
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 - Rulemaking
- EJ Reporting and Accountability

Questions? Reflections? Inspiration?

Want to learn more and get engaged?

Reach out to Alex (Alex.Lintner@vermont.gov; 802-261-5783) and
Phoebes (Phoebes.Potter@vermont.gov; 802-261-5784)

Supplementary slides to support answering questions

Deliverable Timeline

2023

- 09/01/23*: Core Principles for Agency Community Engagement Plans
- 11/15/23*: Environmental Benefit Spending Report Guidance
- 12/01/23: EJFP Definition Changes Proposed to General Assembly

2024

- 01/15/24: Agency Annual Reporting (1): CR and EJ Complaints
- 04/15/24*: Agency Baseline Environmental Benefit Spending Reports
- 07/01/24: Agencies Set Goals for Proportional Investment in EJFPs

2025

- 01/01/25: EJ Mapping Tool Available
- 01/15/25: Agency Annual Reporting (2): CR and EJ Complaints **plus** EJ Actions
- 07/01/25: EJ Map and Environmental Burden Rulemaking (ANR)
- 07/01/25: Agency Community Engagement Plans
- 12/15/25: ANR Summary of Agency Baseline Benefit Spending Reports

2026

- 01/15/26: Agency Annual Reporting (3): CR and EJ Complaints **plus** EJ Actions **plus** Environmental Benefit Spending -- *annual reporting continues beyond 2026*
- 07/01/26 (ongoing): Agencies update policies and procedures, plans, guidance, and rules to implement the EJ Law

*Note: Due date reflects a two-month extension resulting from a two-month delay required to statutorily authorize per diem payments for EJ Advisory Council members during the 2023 Legislative Session.

Definition: EJ Focus Population

“Environmental justice focus population” means any census block group in which:

(A) the annual median household income is not more than 80 percent of the State median household income;

(B) Persons of Color and Indigenous Peoples comprise at least six percent or more of the population; or

(C) at least one percent or more of households have limited English proficiency.

“Limited English proficiency” means that a household does not have a member 14 years or older who speaks English “very well” as defined by the U.S. Census Bureau.

Definition: Environmental Justice

“Environmental justice” means all individuals are afforded equitable access to and distribution of environmental benefits; equitable distribution of environmental burdens; and fair and equitable treatment and meaningful participation in decision-making processes, including the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice recognizes the particular needs of individuals of every race, color, income, class, ability status, gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief, or English language proficiency level. Environmental justice redresses structural and institutional racism, colonialism, and other systems of oppression that result in the marginalization, degradation, disinvestment, and neglect of Black, Indigenous, and Persons of Color. Environmental justice requires providing a proportional amount of resources for community revitalization, ecological restoration, resilience planning, and a just recovery to communities most affected by environmental burdens and natural disasters.

Definition: Meaningful Participation

“Meaningful participation” means that all individuals have the opportunity to participate in energy, climate change, and environmental decision making. Examples include needs assessments, planning, implementation, permitting, compliance and enforcement, and evaluation. Meaningful participation also integrates diverse knowledge systems, histories, traditions, languages, and cultures of Indigenous communities in decision-making processes. It requires that communities are enabled and administratively assisted to participate fully through education and training. Meaningful participation requires the State to operate in a transparent manner with regard to opportunities for community input and also encourages the development of environmental, energy, and climate change stewardship.

Definition: Environmental Benefit

“Environmental benefits” means the assets and services that enhance the capability of communities and individuals to function and flourish in society. Examples of environmental benefits include access to a healthy environment and clean natural resources, including air, water, land, green spaces, constructed playgrounds, and other outdoor recreational facilities and venues; affordable clean renewable energy sources; public transportation; fulfilling and dignified green jobs; healthy homes and buildings; health care; nutritious food; Indigenous food and cultural resources; environmental enforcement; and training and funding disbursed or administered by governmental agencies.

Definition: Environmental Burden

“Environmental burdens” means any significant impact to clean air, water, and land, including any destruction, damage, or impairment of natural resources resulting from intentional or reasonably foreseeable causes. Examples of environmental burdens include climate change impacts; air and water pollution; improper sewage disposal; improper handling of solid wastes and other noxious substances; excessive noise; activities that limit access to green spaces, nutritious food, Indigenous food or cultural resources, or constructed outdoor playgrounds and other recreational facilities and venues; inadequate remediation of pollution; reduction of groundwater levels; increased flooding or stormwater flows; home and building health hazards, including lead paint, lead plumbing, asbestos, and mold; and damage to inland waterways and waterbodies, wetlands, forests, green spaces, or constructed playgrounds or other outdoor recreational facilities and venues from private, industrial, commercial, and government operations or other activities that contaminate or alter the quality of the environment and pose a risk to public health.

Environmental Justice Definitions

Environmental Justice Law

Environmental Burdens

Some examples:

- Air and water pollution
- Hunger
- Lack of access to green space
- Climate change impacts
- Improper sewage disposal

Environmental Benefits

Some examples:

- Clean air, water, land
- Nutritious food
- Access to greenspaces
- Affordable clean energy
- Dignified green jobs

Meaningful Participation

“Meaningful participation means that all individuals have the opportunity to participate in energy, climate change, and environmental decision making.”



Memphis Sanitation Strike

September 19, 2023 | 25

How did the Environmental Justice Movement Arise?

- Grassroots multiracial movement led by people of color
- Addresses the fact the people who live, work, and play in our most polluted environments are often people of color and low-income people *and* this is no accident
- Seeks to redress systemic environmental racism

EJ Advisory Council & Just Transitions

Just Transitions

- Develop and maintain Guiding Principles for a Just Transition, which includes a Scoring Rubric tool
- Oversee the use of the Guiding Principles and Scoring Rubric
- Serve as liaisons to other Subcommittees and task groups
- Support the development of recommendations for CAP
- Annual budget considerations for climate work

Overlap

- Engagement
- Climate Engagement Plans
- Equity Impact of Climate Policies
- Definition of EJ Focus Populations

EJ Advisory Council

- Core Principles of Community Engagement
- Environmental Benefit Spending Guidance
- Revisiting the Definition of EJ Focus Populations
- Civil Rights and EJ Complaint Summaries
- Baseline Environmental Benefit Spending Reports (annual)
- Goal of Equitable Investment
- EJ Mapping Tool
- Environmental Burden Initial Rulemaking Rule(s)
- Community Engagement Plans