Pennsylvania DEP’s Environmental Justice Policy
Air Quality Technical Advisory Committee (AQTAC)

April 7, 2022

Tom Wolf, Governor
Patrick McDonnell, Secretary
To protect Pennsylvania's air, land, and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources.
Fair treatment and meaningful involvement of all people, regardless of race, color, national origin or income, in the development, implementation and enforcement of environmental laws, regulations and policies.

US EPA

Environmental justice embodies the principle that communities and populations should not be disproportionately exposed to adverse environmental impacts.

Pennsylvania DEP

Seventeen Principles of Environmental Justice.

First People of Color Environmental Leadership Summit
Historical Legacy of EJ: Redlining & Structural Racism

Verbatim Surveyor Descriptions of Redlined Areas during 1930s:

- “Odors and noises from local industries. Infiltration of colored and Orientals. Predominance of older, cheap cottages. Zoned for industry.”
- “Odors from factories; infiltration of Orientals and colored.”
- “Adjoining industrial area with attendant odors, smoke, etc.”
- “Nearest to the industries, thereby being mainly occupied by wage earning families”
State programs and activities receiving EPA financial assistance must comply with federal non-discrimination laws*:

- Title VI of the Civil Rights Act of 1964: recipients of federal financial assistance cannot discriminate on the basis of race, color, national origin (including limited-English proficiency)

“[C]ompliance with environmental laws does not ensure compliance with Title VI. ... [Recipients] are required to operate their programs in compliance with the non-discrimination requirements of Title VI and EPA’s implementing regulations.” EPA Title VI Public Involvement Guidance, 71 F.R. 14207, 14210

Other Non-discrimination Laws*:
- Section 504 of the Rehabilitation Act of 1973
- Age Discrimination Act of 1975
- Title IX of the Education Amendments of 1972
- Section 13 of Federal Water Pollution Control Act Amendments of 1972
- EPA’s nondiscrimination regulation, 40 C.F.R. Parts 5 and 7
Historical Roots of Environmental Justice

Graphics Source: Science History Institute
The EJ movement, started by people (primarily people of color) to address inequitable environmental protection and environmental services in their communities was grounded in civil rights and the environmental movement. The movement builds on the lived experience of disproportionately impacted communities. The work of these early advocates paved the way for program development starting in the early 1990’s, over the past 30 years, have resulted in significant progress at all levels of government.

Warren County, North Carolina, 1982

First People of Color Environmental Leadership Summit, 1991

United Church of Christ Study, 1987

Executive Order 12898, 1994

Graphics Source: US EPA
• Organizing of Chester in early 1990s
• Environmental Risk Study by EPA in conjunction with DER in 1993
• Chester residents (CRCQL) lawsuit against DEP in 1996
• DEP Environmental Justice Work Group (EJWG) created in 1999
  Report and Recommendations released in 2001
Timeline of Federal and State Government Response

1960s Civil Rights Movement
- 1970s Environmental Movement
- 1982 Warren County, NC PCB Protest
- 1990 University of Michigan Symposium
- 1990s Chester community advocacy
- 1993 - 1996 Chester Environmental Risk Study and CRCQL lawsuit against DEP
- 1999 PA EJWG formed
- 1999 California EJ Act Enacted
- 2001-2004 PA DEP Office of Environmental Advocate formed
- 2002 PA DEP hosts EJ Summit
- 2007 South Carolina EJ Act
- 2008 Connecticut EJ Act
- 2004: PA EJ Public Participation Policy
- 2009 PA DEP hosts EJ Summit
- 2010 CalEnviroScreen Proposed
- 2012-2020 California EJ Statutes: SB 535, SB 1505, AB 685, SB 1000, SB 673, AB 617, SB 200
- 2016 EPA Plan EJ 2014
- 2016 EJSCREEN Issued
- 2016 Illinois Future Energy Jobs Act
- 2016 Washington Environmental Health Disparities Map and SB 5116
- 2018 New Jersey EJ Executive Order
- 2018 New Jersey EJ Legislation A2212 Passed
- 2019 Michigan EJ Executive Order
- 2019 NYS Climate Leadership and Community Protection Act
- 2020 New Jersey EJ Legislation A2212 Passed
- 2021 PA Executive Order
- 2021 PA Executive Order 2021-07

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- 1990s Chester community advocacy
- 1991 First National People of Color Environmental Leadership Summit
- 1992 EPA Office of Environmental Equity Established
- 1993 - 1996 Chester Environmental Risk Study and CRCQL lawsuit against DEP
- 1994 Presidential Executive Order 12898
- 1999 PA EJWG formed
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Timeline of Federal and State Government Response
Science of Disproportionate Environmental Impacts

DRIVERS

• Built Environment: Proximity to pollution sources (e.g., stationary and mobile air emissions)

• Natural Environment: Disasters (e.g., wildfires, heat waves, pandemics)

• Social Environment: Health disparities (e.g., asthma, heart disease, hypertension, diabetes)

Environmental injustice is a force multiplier

Graphics Source: US EPA
I. General Information
   a. Definitions, OEJ, EJAB
II. Permit Review Process
III. Community Input
IV. Oil and Gas Engagement
V. Inspections, Compliance and Enforcement
VI. Climate Initiatives
VII. Community Development and Investment
VIII. Policy Updates
Definitions

I. General Information

• Robust definitions section defines terms ranging from applicant to public meeting.
• Assist in clarifying the document and ensuring that it is similarly interpreted by the public, DEP staff, and permit applicants.
• Enhances the overall readability and accessibility of the document.
OEJ and EJAB

• Office of Environmental Justice
  • Define Role of the Office of Environmental Justice
  • Training
  • EJ Maps and Identification of Environmental Justice Areas
  • Annual Report
  • Language Access Services
  • EJ Strategic Plan
  • Environmental Justice Interagency Council

• Environmental Justice Advisory Board
II. Permit Review Process

• Builds from the current policy with improvements and updates
• Clarifies permits covered
• Offers significantly more detail in the Opt-In permit process
Community Input

III. Community Input

- Describes the process for community input
- Indicates a number of potential outreach options
• New section specific to unconventional gas drilling
• Community concern about including some EJ considerations in the process
• Legislatively mandated permit review timelines don’t allow for these permits to be included with the permit review process identified in sections 2 and 3.
• Moving beyond public participation within our existing regulatory authority
• Prioritizing inspection and compliance
• Community Environmental Projects
Climate Initiatives

- Climate Action Plan involvement
- Climate adaptation
- Directs DEP to engage in public involvement that integrates the stated needs and concerns of EJ communities
Community Development and Investment

- Targeting grants
- Promoting brownfield redevelopment
- Partnering with higher education institutions
Policy Updates

- Requires review of the EJ policy for updates every 4 years
- Update EJ area identification and mapping every 2 years, based on latest data
EJ Policy Update Timeline

Planning
Fall – Winter 2020

Outreach and Engagement
Fall 2020 – Summer 2021

Drafting and Finalization
Spring 2021 – Summer 2022

Implementation
Summer 2022
Planning

*Fall – Winter 2020*

Inform partners about withdrawal of policy and plan for EJ Policy development and implementation.

Draft plan and timetable for outreach and get initial feedback on outreach.


Outreach and Engagement

*Fall 2020 – Summer 2021*

Identify internal (DEP and state agency) partners for feedback.

Develop outreach questions, survey and strategy.

EJAB, EJ Stakeholders and other external engagement.
EJ Policy Update Commenting

Drafting and Finalization

- Spring 2021 – Summer 2022
- Internal review and input
- EJAB comments on Policy
- Public comment – Spring 2022
- Comment and response document preparation
- Internal review
- Finalize policy

Implementation

- Summer 2022
- Staff and state agency training on policy
- EJAB overview of Policy
- Community Engagement about Policy
Comment on Policy Revision

- Comment in writing or verbally at a hearing (both equal consideration)
- Virtual Hearings (must register 24 hrs in advance to comment)
  - Tuesday, April 5, 2022 at 5 p.m.
  - Tuesday, April 12, 2022 at 6 p.m.
  - Thursday, April 28, 2022 at 12 p.m.
- Submit on [online eComment tool](#)
- E-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov)
- Written comments may be mailed to the:
  Technical Guidance Coordinator
  Department of Environmental Protection, Policy Office
  Rachel Carson State Office Building
  P.O. Box 2063
  Harrisburg, PA 17105-2063
Office of Environmental Justice

General Comments & Questions
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