Environmental Justice Overview & Draft Environmental Justice Policy

Oil and Gas Technical Advisory Board
April 25, 2022
“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.

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

Definitions of Environmental Justice

U.S. EPA

Pennsylvania DEP

Seventeen Principles of Environmental Justice.

First People of Color Environmental Leadership Summit

Distributive Justice

Procedural Justice

Corrective Justice

Social Justice

Structural Justice
Equality, Equity, and Justice

Graphics Source: Cultural Organizing
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”

Graphics Source: Mapping Inequality Project.
State programs 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.

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<th>Historical Roots of EJ</th>
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Graphics Source: US EPA
Roots of EJ in Pennsylvania

- 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

Sources: Swarthmore Phoenix & CQ Press
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
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

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

• Environmental Justice Advisory Board
II. Permit Review Process

• Builds on the existing policy with improvements and updates
• Clarifies applicable permits
• Outlines the process for permit applicants
  o Pre-submission
  o Public participation during application review
• Offers significantly more detail regarding the Opt-In permit process
Community Input

III. Community Input

• Describes the process for obtaining community input
  o Before permit review
  o During permit review
  o Following permit decision
  o Complaint submission

• Indicates opportunities for outreach and engagement
• New community engagement section specific to unconventional gas drilling

• Community feedback requested inclusion of EJ considerations in the unconventional drilling permit process
  
  o Public engagement & community meetings

• Legislatively mandated permit review timelines preclude these permits from the permit review process identified in sections II and III.
• Moving beyond public participation within DEP’s existing regulatory authority
• Prioritizing inspection and compliance
• Civil Penalty Enhancements
• Community Environmental Projects
VI. Climate Initiatives

• Climate Action Plan involvement
• Climate adaptation
• Integrates EJ considerations into climate investments
• Directs DEP to engage in public involvement that integrates the stated needs and concerns of EJ communities
Community Development and Investment

VII. Community Development and Investments

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

- Requires review of the EJ policy for updates every 4 years
- Updates 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
- Policy overview with EJAB
- Community Engagement
Office of Environmental Justice

General Comments & Questions
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