Environmental Justice Policy
Feedback Sessions

March 22, 2021
March 31, 2021
• Withdrew a draft Policy that included several revisions and updates but continued to focus solely on public engagement in the permitting process.

• How can DEP address EJ in addition to public participation in the permit review process?

• Focused on incorporating a meaningful community engagement process to ensure inclusive community voice around its creation.

• Center this discussion on the voices of those who live in communities facing environmental burdens.
DEP Mission

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.
OEJ Goals

• **Minimizing Adverse Environmental Impacts** - All communities are not unjustly and/or disproportionally burdened with adverse environmental impacts

• **Empowering Communities** - Ensuring citizens have meaningful involvement and a voice in decision-making process

• **Fostering Economic Opportunities** - Enable environmentally responsible economic development to and within EJ communities and in some cases build collaborations and relationships with the community and industry
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
- DEP Environmental Justice Work Group (EJWG) created in 1999
  Report and Recommendations released in 2001

Sources: Swarthmore Phoenix & CQ Press
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
- 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
- 1999 PA EJWG formed
- 1999 California EJ Act Enacted
- 2002 PA DEP Office of Environmental Advocate formed
- 2002 PA DEP hosts EJ Summit
- 2003 South Carolina EJ Act
- 2004: PA EJ Public Participation Policy
- 2008 Connecticut EJ Act
- 2009 PA DEP hosts EJ Summit
- 2010 CalEnviroScreen Proposed
- 2010-2016 EPA Plan EJ 2014
- 2012-2020 California EJ Statutes: SB 535, SB 1505, AB 685, SB 1000, SB 673, AB 617, SB 200
- 2016 EJScreen Issued
- 2016 Illinois Future Energy Jobs Act
- 2017 - 2020 PA EJ Listening Sessions & Roundtables
- 2018 New Jersey EJ Executive Order
- 2019 Michigan EJ Executive Order
- 2019 Maryland EJ Executive Order
- 2019 New Jersey EJ Legislation A2212 Passed
- 2020 New Jersey EJ Legislation A2212 Passed
- 2021 Executive Order 14008
- 2019 NYS Climate Leadership and Community Protection Act
- 2019 Washington Environmental Health Disparities Map and SB 5116
- 2020 NYS Climate Leadership and Community Protection Act
How can the EJ Policy address communities’ environmental justice concerns?
EJ Public Participation Policy

• Applies to Trigger Permits (and Opt-in Permits).

• In Environmental Justice Areas and Area of Concern.
  • EJ Areas – 30% People of Color and/or 20% Low-income
  • Area of Concern is 0.5-mile buffer.
Questions

• What worked and what were challenges with the current EJ Policy?
• How can we improve the public participation process within the policy?
• How can DEP address environmental justice concerns in addition to public participation in the permitting review process?
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

<table>
<thead>
<tr>
<th>Distributive Justice</th>
<th>Procedural Justice</th>
<th>Corrective Justice</th>
<th>Social Justice</th>
<th>Structural Justice</th>
</tr>
</thead>
</table>

Seventeen Principles of Environmental Justice.

First People of Color Environmental Leadership Summit
Tools: EPA EJSCREEN

EJSCREEN Training Videos
https://www.epa.gov/ejscreen/ejscreen-videos

Environmental Indicators
- PM 2.5
- Ozone
- NATA Diesel PM
- NATA Air Toxics Cancer Risk
- NATA Respiratory Hazard Index
- Lead Paint (pre-1960s Housing)
- Traffic Proximity
- Proximity-NPL Sites
- Proximity-RMP Facilities
- Proximity-TSD Facilities
- Proximity-Waste Water Dischargers

Demographic Indicators
- Low-Income
- Minority
- Less than High School Education
- Linguistic Isolation
- Individuals under Age 5
- Individuals over Age 64

Index: Calculated as (Low income + minority) / 2
CalEnviroScreen

• Combines pollution burden and population characteristics
• Ranks communities according to combined scores for cumulative impacts
• Informed by significant and ongoing public input

Available as an interactive web map

Pollution Burden

Population Characteristics

Average of Exposures and Environmental Effects

Average of Sensitive Populations and Socioeconomic Factors

CalEnviroScreen Score

Graphics Source: US EPA, CalEnviroScreen
DEP currently delineates EJ Areas based on race (>30% minority) and income (>20% in poverty). Do you feel that the current definition, or any definition, of an Environmental Justice Area is effective? What revisions would you recommend for identifying priority populations? Note that there is no federal definition as the US EPA intentionally does not create a definition for EJ Areas or communities, though their EJSCREEN tool is available and uses a variety of factors.
Planning

Fall – Winter 2020
Inform internal and external partners about withdrawal of policy and planning for EJ Policy Development and Implementation.
Draft plan and timetable for outreach and get initial feedback on outreach from internal and external partners.

Outreach and Engagement

Fall 2020 – Spring 2021
Identify internal (DEP and state agency) partners for feedback on EJ Policy and outreach process.
Develop outreach questions, survey and strategy.
EJAB, EJ Stakeholders and other external engagement.

Drafting and Finalization

Spring 2021 – Spring 2022
Present draft of EJ Policy for internal review and input.
EJAB Comments on Policy
Public Comment – Fall 2021
Comment and response document preparation.
Internal review.
Finalize policy.

Implementation

Spring – Summer 2022
Staff and state agency training on policy.
EJAB overview of Policy.
Community Engagement about Policy.
Office of Environmental Justice

General Comments & Questions
RA-EPOEJ@pa.gov

Allison Acevedo, Director
alacevedo@pa.gov
(484) 250-5818

Allison Acevedo
Western Region
alacevedo@pa.gov
(484) 250-5818

John Brakeall
Central Region
jbrakeall@pa.gov
(717) 783-9731

Justin Dula
Eastern Region
jdula@pa.gov
(484) 250-5820