Environmental Justice Overview & Environmental Justice Policy Implementation
OEJ Vision

Emphasize Importance of EJ:
- Create Special Deputy for EJ
- Increase Staffing
  - 1 regional coordinator per region
  - Central office staff
- Include EJ as a core pillar in DEP’s vision

Proactive Community Engagement:
- Build trust and relationships in advance of environmental disasters or controversial permit

Institutionalize EJ throughout DEP (& beyond)
- Update EJ Policy
- Update Executive Order
- Consider EJ in every project in an EJ area
DEP Vision and Pillars

1. Operational Excellence
2. Climate Leadership
3. Cultural Competence
4. Environmental Justice

1) Operational Excellence –
DEP will achieve operational excellence by utilizing the Center of Excellence (KPI, Permit Reform) moving from process-focused performance management to an outcome-based strategy. Organizational units are empowered to drive strategic outcomes and mission-critical initiatives through individualized, innovative approaches and are held accountable for achieving results in a manner that breaks down silos and shares best practices.

2) Climate Leadership –
DEP will serve as a Thought Leader on proactive climate action. That involves considering new initiatives such as the sequestration potential of protecting wetland development, creating new wetlands to sequester carbon, or monitoring harmful algal blooms. It also means the creation of new programs that assist with citing renewable energy on Brownfields or reclaimed mine lands and incorporating climate considerations into DEP’s new enforcement strategy and Community Environmental Projects.

3) Cultural Competence –
Cultural competence goes beyond traditional definitions of good cultural awareness and includes agency interaction, communication and the general customer experience with both internal and external entities. Our diverse executive leadership team will lead by example, track internal and external outcomes while mentoring staff when outcomes don’t meet agency standards and policies.

4) Environmental Justice –
All of us at DEP will be working to ensure environmental justice because our most vulnerable across all communities will not flourish without it. DEP aims to reach out proactively to provide communities with the necessary tools to advocate for themselves more effectively, benefit from available resources proactively and with the goal of preventing environmental crises from occurring in the first place.
1. Establish a broad definition of Environmental Justice to support all vulnerable populations.
2. Elevate the Office of Environmental Justice to a Special Deputy Secretary level to raise its profile and influence.
3. Add a Deputy Director to create bandwidth across the state.
4. Add an environmental justice regional coordinator per each of DEP’s six regions to increase programmatic capacity.
5. Develop a proactive community outreach and engagement program that will allow DEP to build long-lasting relationships with communities outside of individual projects.
6. Publish an updated Environmental Justice Policy with a community outreach-first approach, enhanced public participation process, and includes compliance with Title VI, in permitting, enforcement, grants, remediation, and climate change.
7. Design PennEnviroScreen, a new environmental justice mapping and screening tool that contains environmental, health, socioeconomic, and demographic indicators and is the main tool for mapping EJ Areas in Pennsylvania.
"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."
Environmental justice means the just treatment and meaningful involvement of all people, regardless of income, wealth, race, color, national origin, area of residence, Tribal affiliation, or disability, in agency decision-making and other activities that affect human health and the environment so that people: are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices. It further involves the prevention of future environmental injustice and the redress of historic environmental injustice.
Definitions of Environmental Justice

U.S. EPA

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.

Pennsylvania DEP

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

First People of Color Environmental Leadership Summit

Seventeen Principles of Environmental Justice.

Distributive Justice

Procedural Justice

Corrective Justice

Social Justice

Structural Justice
Equality, Equity, and Justice

Equality

Equity

Justice

Graphics Source: Cultural Organizing
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”

Graphics Source: Mapping Inequality Project.
• How Interstate Highways Gutted Communities—and Reinforced Segregation (Farrell Evans).

• The highway expansion, implemented largely between the late 1950s and the early 1970s, came at a huge cost to America’s urban communities of color.

• The communities decimated by highway projects were largely Black and impoverished.

• Highway engineers came to think of “killing two birds with one stone” to “improve traffic conditions and remove undesirable populations.
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.

Historical Roots of Environmental Justice

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
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
• An Executive Order on environmental justice was issued on October 28, 2021.
• Permanently establishes the Office of Environmental Justice.
• Formally establishes the Environmental Justice Advisory Board.
• Creates an Environmental Justice Interagency Council.
• Outlines activities that executive branch agencies should take to further environmental justice goals.
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
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.
2018 EJ Policy Updates

• 2018 public comment period around policy revisions.
  • Enhancing public participation during permit reviews for specific trigger permits.
  • Update EJ Areas to block groups from census tracts.
• Withdrew a draft Policy revision.
• How can DEP address EJ in addition to public participation in the permit review process?
• Meaningful community engagement process to ensure inclusive community voice.
• Center this discussion on the voices of those who live in communities facing environmental burdens.
Outreach Efforts

Tools to share:

- **Press Release**
- **Webpage** ([dep.pa.gov/EJPolicyRevision](dep.pa.gov/EJPolicyRevision))
- **Share kit** (evolving)
- **Recorded EJ Policy webinar** (3/28)

Outreach efforts:

- Four (4) virtual public hearings (April 5, 12, 28, & May 4)
- Press Events
- Twenty (20) presentations
- **Video**
- Flier
- Social media
I. Introduction
II. Definitions
III. Environmental Justice Area Criteria
IV. Proactive Community Engagement
V. Enhanced Public Participation
VI. Inspections, Compliance, and Enforcement
VII. Community Development and Investment
VIII. Climate Initiatives
IX. Policy Updates
Introduction

• Background on the Policy.
• Some history of the policy
II. 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.
Environmental Justice Areas

III. Environmental Justice Criteria

• Describes **where** the policy applies
• Refers to Appendix for detailed mapping of where the policy will apply to allow for easy updating.
• Introduces PennEnviroScreen as the tool for researching these areas.
Proactive Community Engagement

IV. Proactive Community Engagement

• Reaching communities before an environmental project or crisis.
• Centering on community voices
V. Enhanced Public Participation

• Details the Enhanced Public Participation Process

A. Projects Covered (To which projects it can be applied in the permitting context)
   1. Trigger Projects
   2. Opt-in Projects

B. Enhanced Process (How it is applied in the permitting process)
   1. Pre-Project Community Outreach
   2. Language Access
   3. Permit Application
• Details the Enhanced Public Participation Process

B. Enhanced Process (How it is applied in the permitting process)

3. Permit Application
   i. Public Participation Strategy
   ii. Pre-Application Meeting
   iii. Notice
   iv. Public Meetings
   v. Public Comment
   vi. Technical Support

4. Communication After the DEP Authorization or Permit Issuance
V. Enhanced Public Participation

• Details the Enhanced Public Participation Process

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Enhanced Public Participation Checklist

- Coordinating our efforts to set the right level of public engagement that fits for the project.
- Building off of already required public outreach where identified.
- Team of OEJ, RCM, and LGL do most of the lifting on this with program support.
Opt-In Request Form

• Allow public to identify project concerns around a project.
• Give heads up on projects with community concern
• Creating an EJ Project Portal
• Looking at Pipeline Portal as a model
• Link to Community Information Pages where those exist for projects.
• Suggestions welcome
VI. Inspections, Compliance, and Enforcement

- Moving beyond public participation within DEP's existing regulatory authority
- Prioritizing of Competing Demands
- Civil Penalty Enhancements
- Use of Civil Penalties
- Community Environmental Projects
- Filing Complaints
• Targeting grants
• Promoting brownfield redevelopment
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
IX. Policy Updates

- Requires review of the EJ policy for updates every 5 years

- Update EJ area identification and mapping every 2 years, based on latest data
Tools: EJ Areas Viewer

- Mapping tool
- Allows user to search by address
- Use for DEP and community partners
- Determines whether DEP engages in enhanced public outreach
- Used by other PA agencies

[link: dep.pa.gov/ ejviewer]
Updating State Mapping Tools

- Heard from community members, DEP Staff, and other agencies on the limitations of using only two demographic indicators
- More publicly available and regularly updated data available
- Being used more broadly than just our EJ Policy implementation
- Nationally tools are looking at pollution burden
- Look to have more regular updates to keep the data up to date
What Isn’t Changing

• Use by DEP to implement the EJ Policy.
  • Which projects are automatically triggered for inclusion, and which are potential for Opt-In?
• Search by address functionality
  • Favored by DEP staff and the general public alike
Review of other states:

- How EJ Areas defined
- Data sets used
- Calculations performed

Types of indicators used by other states:

- Environmental: land, water, air quality
- Population: socioeconomic, community health

Our framework:

Risk = pollution burden (threat) × population characteristics (vulnerability)
Indicator Categories

Pollution Burden
- Environmental Exposures
- Environmental Effects

Population Characteristics
- Sensitive Populations
- Socioeconomic Populations

Final Score = Pollution Burden \times Population Characteristics
<table>
<thead>
<tr>
<th>Indicator Categories</th>
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<tbody>
<tr>
<td><strong>Pollution Burden:</strong> Environmental Exposures</td>
</tr>
<tr>
<td>Ozone</td>
</tr>
<tr>
<td>PM2.5</td>
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<tr>
<td>Diesel Particulate Matter</td>
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<tr>
<td>Toxic Air Emissions</td>
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<tr>
<td>Toxic Water Emissions</td>
</tr>
<tr>
<td>Pesticides</td>
</tr>
<tr>
<td>Traffic Density</td>
</tr>
<tr>
<td>Compressor Stations</td>
</tr>
<tr>
<td>Children’s Lead Risk</td>
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<tr>
<td>Flood Risk</td>
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</tbody>
</table>
Calculating Final Score

\[ C = \frac{\sum c}{n} \]

\( C \) = Component score
\( \sum c \) = Sum of all indicator percentiles within component
\( n \) = Number of indicators within component

\[ PB = \frac{\text{EXP}_{\text{avg}} + (\text{EE}_{\text{avg}} \times 0.5)}{1.5} \]

\( PB \) = Pollution Burden score
\( \text{EXP} \) = Environmental Exposures component score (average of all Environmental Exposures indicators)
\( \text{EE} \) = Environmental Effects component score (average of all Environmental Effects indicators)

\[ PC = \frac{\text{SOC}_{\text{avg}} + \text{SP}_{\text{avg}}}{2} \]

\( PC \) = Population Characteristics score
\( \text{SOC} \) = Socioeconomic Populations component score (average of all Socioeconomic Populations indicators)
\( \text{SP} \) = Sensitive Populations component score (average of all Sensitive Populations indicators)

\[ F = \left( \frac{PB}{PB_{\text{max}}} \times 10 \right) \times \left( \frac{PC}{PC_{\text{max}}} \times 10 \right) \]

\( F \) = Final Score
\( PB \) = Highest block group Pollution Burden score in state
\( PC \) = Highest block group Population Characteristics score in state
PennEnviroScreen – EJ Areas

https://gis.dep.uat.pa.gov/PennEnviroScreen/
Disproportionate impacts is the consistent pattern of a combination of greater pollution burden and population vulnerability affecting the same communities, primarily minority, low-income, indigenous populations, as demonstrated by ample evidence.

Sources: CalEPA Office of Environmental Health Hazard Assessment and EPA EJSCREEN

Graphics Source: US EPA
• 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

Graphics Source: US EPA, CalEnviroScreen
Historical Legacy of EJ: Redlining & Structural Racism

Oakland, California

Graphics Source: US EPA, Mapping Inequality Project, CalEnviroScreen
Redlining in Pennsylvania

Philadelphia: Diesel Particulate Matter

York: Proximity to Hazardous Waste

Graphics Source: US EPA
Benefits of Community Engagement

• Learn local knowledge, experience, history

• Minimize delays in the permitting and regulatory processes

• Address concerns that may be outside scope of environmental regulations

• Develop relationships with future partners and potential funders
<table>
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<tr>
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