

Vermont Environmental Justice Law
Act 154 of 2022
S.148 – 3 V.S.A. Chapter 72

Karla Raimundi, Director
Environmental Justice and Civil Rights Unit
Agency of Natural Resources
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Overview

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Purpose

- The purpose of this chapter is to identify, reduce, and eliminate environmental health disparities to improve the health and well-being of all Vermont residents.

Definitions

- **“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.

Definitions

- **“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.

Definitions

- **“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.

Definitions

- **“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.

Definitions

- **“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.


EJ State Policy

It is the policy of the State of Vermont that 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.** It is further the policy of the State of Vermont **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.

Covered Agencies

1. Agency of Natural Resources
2. Agency of Transportation
3. Agency of Commerce and 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

(These 10 and the Executive Director of Racial Equity also make up the EJ Interagency Committee)



Implementation of EJ State Policy

1

Create and Adopt
Community
Engagement Plans

2

Direct Investments
with Environmental
Benefits
Proportionately to
Environmental Justice
Focus Populations

3

Consider Cumulative
Environmental Burdens
and Access to
Environmental Benefits
When Making
Decisions

Guidance & Rulemaking

- The Agency of Natural Resources, in consultation with the Environmental Justice Advisory Council and the Interagency Environmental Justice Committee, shall
- **By Sept. 15, 2023, issue guidance** on how the covered agencies shall determine which investments provide environmental benefits to environmental justice focus populations
- **By July 1, 2025 adopt rules** to:
 - (1) define cumulative environmental burdens;
 - (2) implement consideration of cumulative environmental burdens within the Agency of Natural Resources; and
 - (3) inform how the public and the covered agencies implement the consideration of cumulative environmental burdens and use the environmental justice mapping tool.

EJ Advisory Council & Interagency Committee

- The **Environmental Justice Advisory Council** (11 members) will provide independent advice and recommendations to State agencies and the General Assembly on matters relating to environmental justice, including the integration of environmental justice principles into State programs, policies, regulations, legislation, and activities.
- The **Interagency Environmental Justice Committee** (11 members) will guide and coordinate State agency implementation of the Environmental Justice State Policy and provide recommendations to the General Assembly for amending the definitions and protections set forth in this chapter.
- Both the **Advisory Council** and the **Interagency Committee** shall consider and incorporate the **Guiding Principles for a Just Transition** developed by the **Just Transitions Subcommittee of the Vermont Climate Council** in their work.



EJ Mapping Tool

- By 2025, ANR will develop an environmental justice mapping tool with indices and criteria to depict environmental justice focus populations and measure environmental burdens at the smallest geographic level practicable.

Other Important Dates*

**these are not all of the deadlines*

- Dec. 1, 2023 - Council and Committee consider and recommend amendments to terminology, thresholds, and criteria of definition of EJ focus population
- Annually starting Jan. 15, 2024 – Submit annual EJ reports to the Council
- Feb. 15, 2024 - Review past three years of spending and generate baseline spending reports consistent with ANR guidance
- July 1, 2024 - Goal of covered agencies directing investments *proportionately* to EJ focus populations
- July 1, 2025 - Adopt community engagement plans
- Dec. 15, 2025 – Submit legislative report re whether spending reports indicate any municipalities or portions of municipalities are routinely “underserved” by environmental benefits. Report includes recommendation about “underserved community” definition.

ANR EJ Next Steps

- ANR has done some internal strategic planning with a **steering committee** to support participation across our three departments, build a clear process for internal and external stakeholder input, process questions, and recommendations.
- ANR will be sharing an **Agency-wide EJ working group structure** by the end of the year in order to support staff in process of when and how to get their EJ questions answered as it relates to Act 154 and their programs.
- The mapping tool development involves consultation with our partners across government and the Advisory Council. In the meantime, Carey and Rebecca have advanced a visual of Vermont EJ communities based on the definition in Act 154 to be presented to leadership once it is finalized. Expected January 2023.

ANR EJ Contacts

- **Karla Raimundi, Director of Environmental Justice and Civil Rights** is the central point of contact for the Agency of Natural Resources on environmental Justice and civil rights. Contact at **karla.raimundi@vermont.gov**.
- **Carey Hengstenberg** continues to be the point of contact for the Department of Environmental Conservation on Environmental Justice. Contact at **carey.hengstenberg@vermont.gov**.
- ANR has an EJ liaison in each Department and Division.
- All appointments for the EJ Advisory Council and Interagency Committee will be made by or after December 15, 2022. ANR's representative will be Karla Raimundi, once appointed by Secretary Moore.
- ANR will be hiring two EJ Coordinators to support Karla and the implementation of Act 154 for the Agency. Jobs estimated to be posted in December and hired in January.