





# Environmental Justice in Virginia

## Office of Environmental Justice

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# Presentation Overview

- Defining Environmental Justice in the Commonwealth
- Historical Perspective of Environmental Justice in Virginia
- Current Role of Environmental Justice
- Stakeholder Engagement



# What is Environmental Justice?



Virginia Environmental Justice Act defines “Environmental Justice” as: the fair treatment and meaningful involvement of every person regardless of race, color, national origin, income, faith or disability, regarding the development, implementation, or enforcement of any environmental law, regulation, or policy.

Virginia Environmental Justice Act defines “Fair Treatment” as: the equitable consideration of all people whereby no group of people bears a disproportionate share of any negative environmental consequence resulting from an industrial, governmental, or commercial operation, program, or policy.

# What is Meaningful Involvement?

Virginia Environmental Justice Act defines “Meaningful Involvement” as the requirements that:

- i. Affected and vulnerable community residents have access and opportunities to participate in the full cycle of the decision-making process about a proposed activity that will affect their environment or health and,
- ii. Decision makers will seek out and consider such participation, allowing the views and perspectives of community residents to shape and influence the decision.



# History: Staff Training

- In 2000, DEQ initiated a campaign to educate and train staff about Environmental Justice, ~4 years after President Clinton's Executive Order
- DEQ's Air program took the lead:
  - Trained and educated staff about EJ
  - Interacted directly with EPA's newly formed EJ program
  - Coordinated EJ efforts in Virginia, primarily complaint investigations



# History: Inspection Strategies

- In 2007, DEQ assigned an EJ coordinator, working with agency program managers and EPA
- In 2008, DEQ worked with EPA Region 3 to develop the first Risk Based Inspection Strategy in the country; EJ played a role in that strategy and EPA's approval
  - Facilities being located within or adjacent to EJ areas is included in reasons to increase inspection frequency
- In 2008, DEQ introduced EJ into the agency's inspection strategy for all of the core programs: water, air, solid waste, and hazardous waste



# History: Staff Recruiting

- 2009: Partnership with EPA, Norfolk State University, and Hampton University
  - Memorandum of Understanding (MOU) to share resources in an effort to attract minorities into the natural resource profession
- DEQ recruited students for paid summer intern positions from partner universities to work along environmental professionals in the air program. This has been a huge success.
- 2014 and 2019: Re-signed MOUs



# Environmental Justice Study

- Until recently, environmental justice was not part of the regulatory discourse nor part of the permitting process
- In 2019, DEQ hired a consultant (SKEO) to chart a path forward



- **Purpose:** To provide independent recommendations to DEQ on how to incorporate environmental justice principles into DEQ strategic planning and a phased program implementation.

# EJ Study Anticipated Recommendations

- Regulatory actions within existing DEQ authority
- Potential regulatory and statutory changes that clarify or expand state authority to promote equity in environmental decision making
- A potential plan to further enhance DEQ's education, communication, and outreach.



# 2020 General Assembly Session



## Two Environmental Justice Bills:

- **SB 406/HB 704** - Provided that it is the policy of the Commonwealth to promote environmental justice, defined in the bill, and to ensure that it is carried out throughout the Commonwealth.
- **SB 883/HB 1042** - Establishes the Virginia Council on Environmental Justice, consisting of 27 members, to advise the Governor and provide recommendations intended to protect vulnerable communities from disproportionate impacts of pollution as well as provide such communities meaningful involvement in the decision-making process
- Both Bills passed into law and became effective July 1, 2020

# Virginia's Environmental Justice Law

- Added requirement to the DEQ's statement of policy to “further environmental justice and enhance public participation in the regulatory and permitting processes.”
- Added to DEQ's purpose in the agency's mission to “ensure the fair and meaningful involvement of all people regardless of race, color, national origin, faith, disability, or income with respect to the administration of environmental laws, regulations, and policies.”



# Nine Recommendations Categories from SKEO Report



- Authority
- Leadership
- Staff Capacity
- Guidance & Tools
- Accessible Information
- Relationship Building
- Community Engagement
- EJ Community Capacity
- Local Government Coordination

# Environmental Justice Study – Next Steps

- Review findings
- Alignment of recommended outcomes with needed resources
- Evaluate potential statutory changes to incorporate recommendations into permitting programs
- Development of community outreach plan based on study recommendations
- Long term sustainable commitments to EJ



# Operational Commitment to EJ Study Recommendations

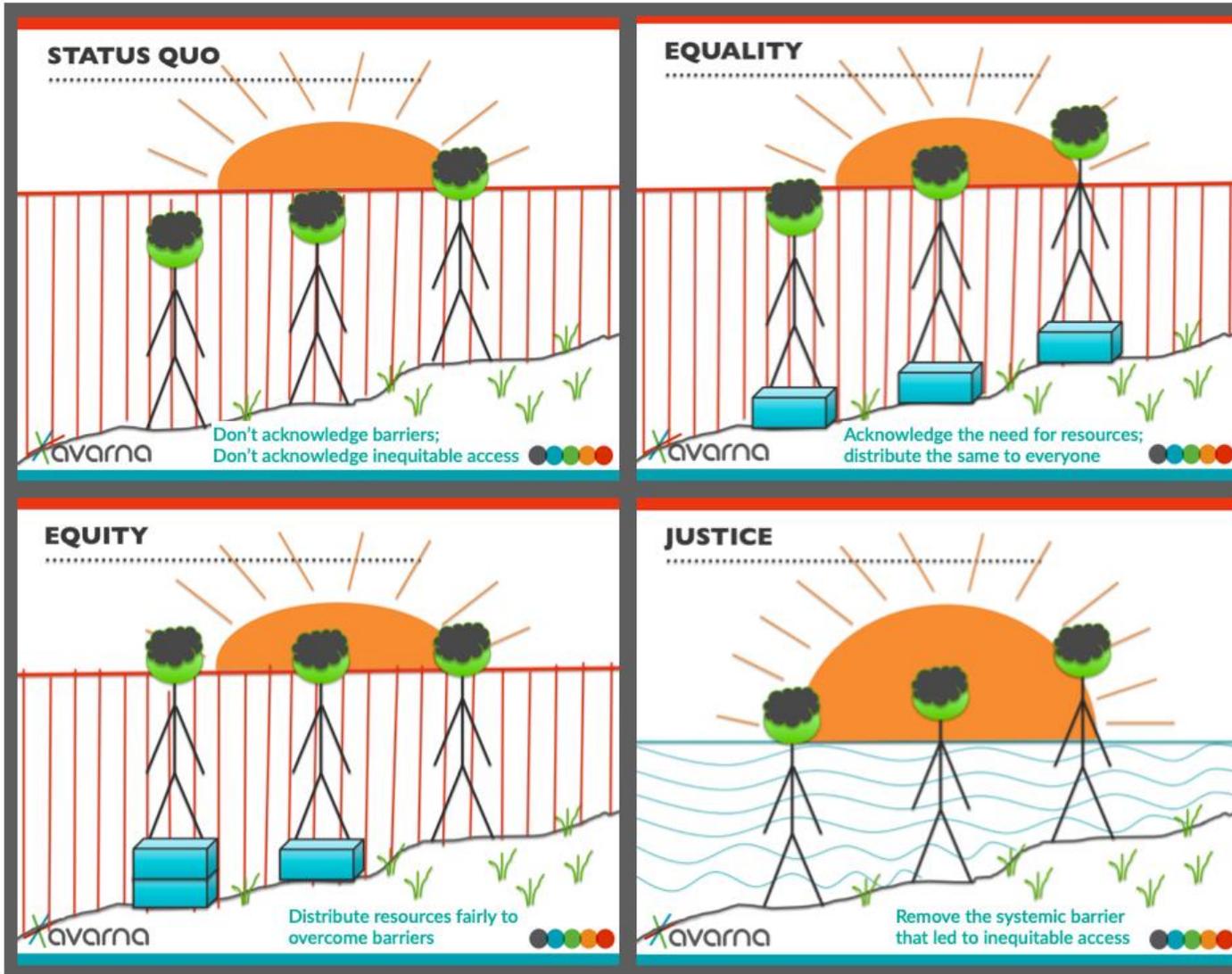


- Planned to implement an Office of Environmental Justice
- Introduced Renee Hoyos as the Director of the Office of Environmental Justice, and
- Officially launched the Office of Environmental Justice on April 26, 2021

## Moving Forward...

- Work to enhance EJ **education and training** - Possible creation of “EJ Academy”
- Research the development of a Virginia specific EJ **GIS Screening Tool**
- Reach out to **localities** to partner on EJ matters (to include education & training)
- Work toward funding EJ **programs, projects, and positions**
- Examine expanding EJ **partnerships**





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