

Environmental Justice: Assessing a Year of Mixed Results and What Lies Ahead in a Pivotal 2024

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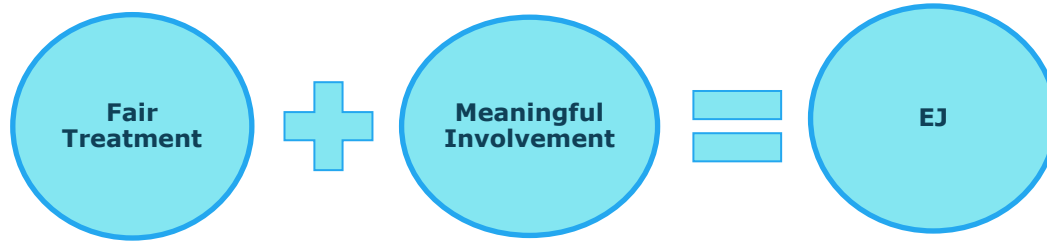
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Agenda

- **Fundamentals of Environmental Justice**
 - *Key Terms*
 - *History of the Movement*
- **Evolving Federal EJ Policy**
 - *EJ accomplishments in 2023*
- **State EJ Updates**
- **Developments in EJ Litigation, Enforcement, Advocacy**
- **EJ Forecast for 2024**
- **Questions & Discussion**

What is Environmental Justice?



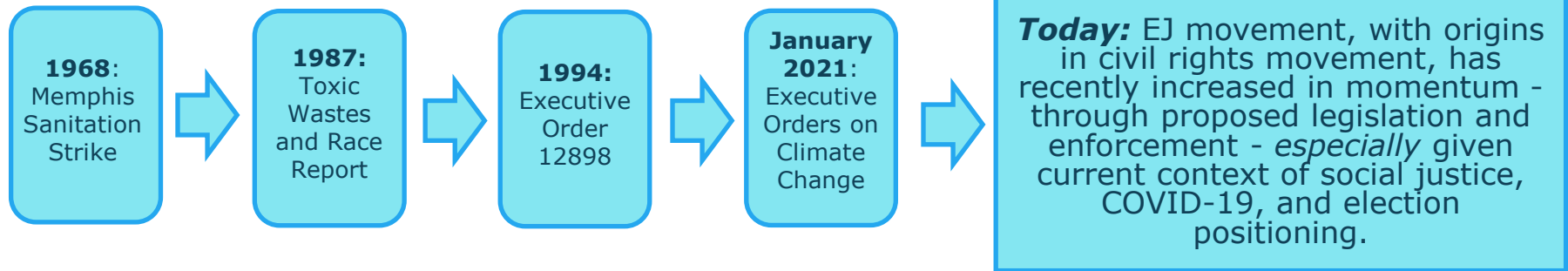
*"Environmental justice (EJ) is the **fair treatment** and **meaningful involvement** of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies."*

-U.S. Environmental Protection Agency

EJ Origins and Key Milestones

*"Any effort to address environmental equity [justice] issues effectively **must include all segments of society**: the affected communities, the public at large, industry, people in policy-making positions, and all levels and branches of government."*

- Bill Reilly, Former EPA Administrator



Evolving EJ Legislation and Policy: *Federal EJ Laws and Executive Orders*

There is no one overarching federal “environmental justice” law, but several environmental and civil rights laws address EJ issues.

Executive Orders

Civil Rights Laws

Interpretation of Existing Environmental Laws

EO 12898

Title VI of
the Civil
Rights Act
of 1964

Title VIII
of the Civil
Rights Act
of 1968
(FHA)

NEPA

Clean Air
Act

Clean
Water Act

...and
Others!

EJ Policy Under the Biden Administration

Whole-of-Government Approach

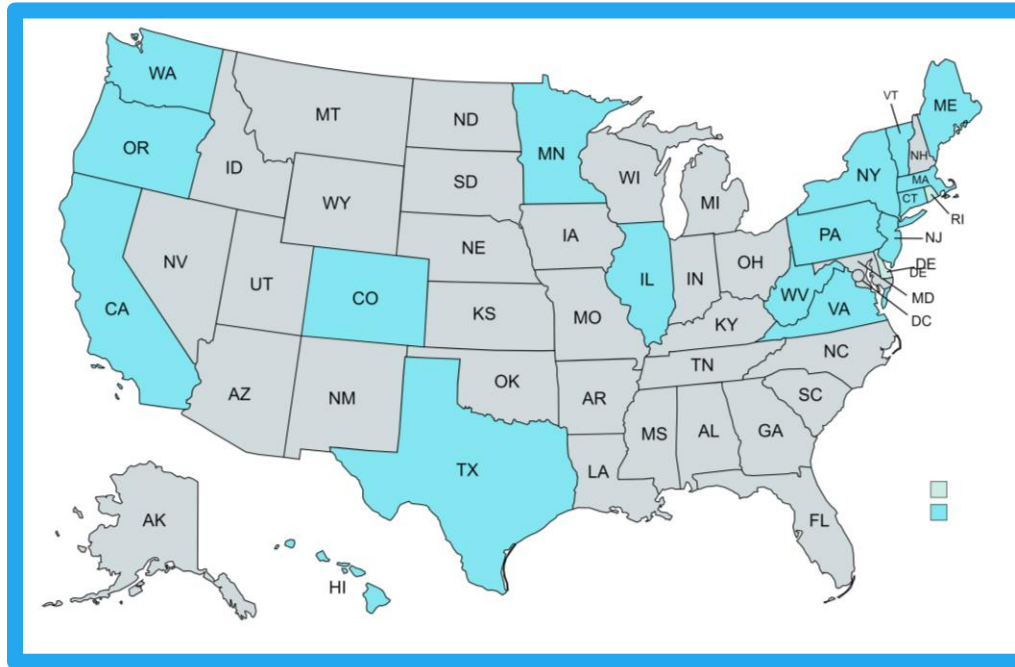
- **E.O. 13895, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*:** Establishes policy of federal government to use comprehensive approach in advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality
- **E.O. 13990, *Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis*:** Reviewing Trump-era environmental policies through an EJ lens
- **E.O. 14008, *Tackling the Climate Crisis at Home and Abroad*:** Revisions to EO 12898 + agency accountability, Justice40, enforcement, monitoring

EJ Prioritization Continues

Highlights from 2023

- Existing EO implementation
- E.O. 14096, *Revitalizing Our Nation's Commitment to Environmental Justice For All*
- Distribution of federal EJ funding
- Continued emphasis on EJ enforcement
- Continued EPA integration of EJ into agency activities
- Other agency integration of EJ into missions

Evolving EJ Legislation and Policy: *Emerging State Environmental Justice Laws*



Note: This is illustrative and not intended to be exhaustive.

Evolving EJ Legislation and Policy: *Emerging State Environmental Justice Laws*

New Jersey

- NJDEP regulations to implement landmark 2020 legislation which can lead to a permit being denied solely on EJ grounds
- Finalized cumulative impact regulations in 2023.

North Carolina

- Recent climate change executive order directing agencies to consider EJ when taking actions related to climate change, resilience, and clean energy

Minnesota

- Passed law requiring cumulative impact analyses of pollution before receiving permit in EJ areas

Massachusetts

- MassDEP proposed cumulative impacts analysis regulations for air permits. Set to be final in early 2024.

New York

- Cumulative impacts signed into law in 2023
- Expands SEQRA procedures

West Virginia

- Developing a mapping system to evaluate communities potentially affected by a project

EJ Advocacy, Litigation, and Enforcement

- Uptick in EPA civil rights investigations
 - State pushback
 - *State of Louisiana v. U.S. Environmental Protection Agency*
- Other EJ litigation
- Enforcement update

Looking Ahead: *What to Expect in 2024?*

- EJ-focused enforcement
 - Possible shift in civil rights approach
- Distribution of federal funding
- Agency activity, driven by EO implementation
- Development, refinement, and deployment of screening tools and data sources

Thank You!



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