

State Strides on Environmental Justice & Title VI of the Civil Rights Act

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INTRODUCTION

"ECOS always needs to focus on the most relevant and challenging topics for states, and climate change and environmental justice are two of the most critical. Both matters are complex because they touch on a wide range of environmental harms and policy responses, which vary even more given diverse conditions across the country, creating many different perspectives and regional opportunities." – ECOS Executive Director Ben Grumbles.

The Environmental Council of the States (ECOS), which represents the environmental agency leaders of all 50 states and additional territories, has endorsed a vision of a clean and healthy environment for all, supported by local, state, and federal partnerships. Equity and environmental justice (EJ) have been elevated as a top leadership priority, and ECOS has committed to advancing equity by increasing access to environmental benefits and decreasing burdens in communities that are underserved.¹

This important ECOS mission is driven by the high-profile, high-impact ECOS EJ Workgroup and ECOS EJ Steering Committee. Together, they promote discussion, strategies, and action around state EJ efforts and challenges. Established in Fall 2021, the ECOS EJ Workgroup enjoys the participation of more than 35 state environmental agencies, and the ECOS EJ Steering Committee consists of six state environmental agency leaders, led by the ECOS members from California and Nebraska.² ECOS supports both groups through virtual meetings, workshops, and peer-learning opportunities held in conjunction with U.S. Environmental Protection Agency (U.S. EPA) partners. Guided by a Fall 2022 document, <u>ECOS Environmental Justice and External Civil Rights Vision, Principles, and Priorities</u>, the workgroup and steering committee look forward to actively advancing equity and EJ across the United States over the next several years.

¹ See <u>ECOS Environmental Justice and External Civil Rights Vision, Principles, and Priorities</u>.

² See the ECOS Environmental Justice and Title VI of the Civil Rights Act webpage.

This ECOS Green Report provides highlights of four well-attended 2022 virtual ECOS EJ Workgroup meetings, held in conjunction with U.S. EPA. Spotlighted topics described in this report include working with local government, building community capacity, defining disadvantaged communities, and employing mapping tools. We thank the environmental agencies of California, Michigan, New York, South Carolina, and Washington for presenting during the virtual ECOS EJ Workgroup meetings and for providing assistance in review of this report.

2022 ECOS EJ Workgroup Calls

January 18 EJ Workgroup Call

Pennsylvania Department of Environmental Protection (DEP), EJ Public Participation Policy New Jersey DEP EJ Assessment Process

February 22 EJ Workgroup Call

Illinois Environmental Protection Agency EJ program, including its EJ Start mapping tool, which screens permit applications and generates EJ notification letters as part of Illinois EPA's enhanced public outreach efforts

March 21 EJ Workgroup Call, *EJ Program Overviews*

Maryland Department of the Environment (EJ Policy) Colorado Department of Public Health & Environment EJ Overview (Colorado Environmental Justice Act Implementation & Memorandum of Understanding with EPA Region 8 on EJ in Enforcement)

April 18 EJ Workgroup Call, Working with Local Government

South Carolina Department of Health and Environmental Control on EJ

May 16 EJ Workgroup Call, Building Community Capacity

Michigan Department of Environment, Great Lakes, and Energy Benton Harbor Drinking Water Response

Air Quality in EJ Community Schools, Mobile Air Project, and more. EJ Projects, Initiatives, and Past Actions

June 24 EJ Workgroup Call, Defining Disadvantaged Communities New York State Department of Environmental Conservation

July 18 EJ Workgroup Call

New Jersey Environmental Justice Rulemaking, NJ Office of EJ New Jersey Environmental Justice Mapping, Assessment and Protection Tool

August 15 EJ Workgroup Call, State Mapping Tools Washington Environmental Health Disparities Map and CalEnviroScreen 4.0

October 17 EJ Workgroup Call, ECOS EJ Session Fall Meeting Debrief

December 19 EJ Workgroup Call, Form 4700-4, "Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance" EPA Form 4700-4 (pdf)

Tips for Completing EPA Form 4700-4

Figure 1: List of 2022 ECOS EJ Workgroup calls, with additional related resources. Rows highlighted in light blue indicate states/topics spotlighted in this report.

Readers should note that the spotlights contained in this report reflect only select examples of the many ways in which states incorporate equity and EJ considerations in their programs. This report is intended to be a learning and informational tool and does not provide a comprehensive view of any state's EJ or civil rights program. Any errors or omissions in this report are the responsibility of ECOS, and readers are encouraged to bring them to ECOS' attention.

Specific questions regarding implementation of a state's program or activities should be directed to the state itself. ECOS welcomes additional state contributions and perspectives as this effort continues. Please direct questions and comments to ECOS EJ staff lead Paulina Lopez-Santos at <u>plopezsantos@ecos.org</u>.

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The ECOS Environmental Justice (EJ) Workgroup, composed of state environmental agency leaders, hosted meetings with U.S. EPA Office of Environmental Justice staff for "peer learning conversations" to identify areas where EPA and states can continue to partner to advance equity and EJ principles. The ECOS EJ Workgroup is led by the ECOS EJ Steering Committee and Co-Chairs Serena McIlwain, Undersecretary of the California Environmental Protection Agency, and Jim Macy, Director of the Nebraska Department of Environment & Energy.

EJ Programs and Initiatives Spotlight: Engaging with Local Government in South Carolina

Keisha D. Long, Environmental Justice Coordinator, Office of Environmental Affairs, South Carolina Department of Health & Environmental Control (SCDHEC)



The <u>South Carolina Department of Health & Environmental</u> <u>Control (SCDHEC)</u> is a combined agency of approximately 4,500 staff members with the dual mandate of protecting environmental health and public health. Around 1,000 Environmental Affairs employees work with stakeholder groups, including EJ groups. DHEC is typically the "agency of last resort" – the agency a resident will call when communication with other agencies is unsuccessful.

What does EJ mean for SCDHEC?

The state of South Carolina does not have an EJ law and thus depends on collaborative partnerships, working with communities, staying engaged, and listening and responding to concerns in a collaborative way. SC also refrains from labeling communities and rather relies on self-identification as a community with environmental justice concerns.

"EJ tends not to just be one issue, it's multiple stressors like landfills, lack of transportation, little access to healthcare, and no broadband access or affordable broadband access. EJ response is triggered when multiple bureaus or other areas of the agency are involved in a particular event."

- 1. Ensure that EJ Communities are Meaningfully Involved and Routinely Considered Throughout Decision-Making Processes
- 2. Proactively Promote Partnerships Between Communities and Other Stakeholders
- 3. Encourage and Facilitate Capacity Building and Collaborative Problem Solving within EJ Communities
- 4. Proactively Build and Strengthen Relationships with Communities by Sharing Information, Providing Technical Assistance, and Identifying Resources, and
- 5. Strengthen Our Agency's Leadership with the Goal of Sustaining Environmental Justice within SCDHEC.



When does SCDHEC get involved in EJ?

SCDHEC is working to strengthen agency leadership with the goal of sustaining EJ over time. All staff need to be involved and have the EJ lens when performing routine roles and responsibilities. SCDHEC EJ staff can also get involved when there is a trigger event.

A trigger could happen when:

- Working on an issue involving an EJ community
- Multiple bureaus or other areas of the agency are (or need to be) involved
- Multiple calls come in from an EJ community
- There is media coverage on a health or environmental hazard/issue in an EJ community
- Grants/opportunities focused on ameliorating issues and/or concerns in EJ communities are available, and
- There are concerns from the Legislature.



Once a trigger is established, SCDHEC mobilizes a team to help identify resources and come together to develop with a good strategy to respond (see graphic above). During the implementation phase, communication is key – communication with the impacted community, communication with the requestor, and communication to the SCDHEC staff. SCDHEC has a communications group and an outreach committee to help support this and document actions to inform future responses to similar events.

SPOTLIGHT PROJECTS

Environmental Justice Hub	EJ Strong (funded by U.S. EPA through a \$200,000 cooperative agreement)
Active engagement with EJ communities throughout the year. This effort builds relationships, trust, and collaboration over time.	Based on community feedback, this effort focuses on emergency response – what to do during an
Quarterly meetings are set to discuss updates and to make progress on various projects.	community? How does the response change depending on the emergency (e.g., a toxic release vs. a hurricane and subsequent flooding of a Superfund site)?
	In-person workshops to facilitate discussions on response and to learn what resources are available to communities both internally and externally.

Local Government Summits	<u>Chatbot</u>
A program to communicate a heads-up to community members on a particular issue. For example, there may be a small town with its own water treatment system built when textiles and tobacco were prominent. It is now in disrepair and noncompliant. The permit issued is in the name of the newly elected town mayor who has no idea what is involved in a water treatment system or how to meet the chemical reporting requirements. The small town now faces multiple violations, fees, and upset residents.	SCDHEC started a chat bot where any individual can log on over the Internet and type in a question. With the bot, individuals will receive an immediate answer to frequently asked questions without having to make multiple phone calls. This bot is based on a guide developed by SCDHEC staff and continues to be improved based on the types of complaints received.
A local government summit is called to help the town mayor and local residents understand their responsibility in maintaining their water treatment system. The goal is to help communities stay in compliance, avoid fees, and have access to clean and safe water.	

During the COVID-19 response, SC Environmental Affairs staff used connections to obtain masks, hand sanitizer, and other personal protective equipment. Staff were able to distribute thousands of these items to EJ, rural, and other vulnerable communities.

SCDHEC Engagement & Communication

There are often opportunities to enhance engagement already explicitly required by various regulations. For example, the Hazardous Waste Management Regulatory requirement for notification and engagement is as follows:

The Department shall provide public notice as set forth in Sec. 124.10(c)(1)(iv), and notice to appropriate units of State and local government as set forth in Sec. 124.10(c)(1)(v), that a part B [RCRA] permit application has been submitted to the Department and is available for review.

Often, the process is both formal and informal, and SC DHEC looks to take advantage of established processes to improve communication and engagement by:

- Developing a checklist to notify local government entities when a meeting is being held, where a record of decision is being issued, and when a proposed plan meeting is being worked on.
- Informing neighboring offices whenever someone from the SC DHEC central office is in their territory, so all local government entities are aware of each other's presence for a particular event (e.g., giving an award, taking a cleanup action) and are prepared to notify the community.



How does SCDHEC build and maintain relationships with non-traditional partners?

At SCDHEC, it is really about leveraging connections. In the example on the left, we can see that "You" needs to find a connection to Beyoncé. This graphic shows the theory of the six degrees of separation – that any person on the planet can be connected to any other person on the planet through a chain of acquaintances that number five or less. This is how SC approaches building relationships and engaging people – thinking outside the box and knowing that it is possible to connect with any other person.

There are currently eight staff members at SC DHEC specifically tasked with community engagement. They are connected to many people across the state and try to stay connected through regular listserv emails and by attending conferences, courses, and webinars. After all, this is one of the **4C pillars** of DHEC's environmental affairs:

- Community engagement
- Customer service
- Continuous improvement, and
- **C**ompliance assistance.

What is one of SCDHEC's biggest challenges?

South Carolina is challenged by capacity issues and staff turnover. SCDHEC is involved in thousands of actions every year, yet few staff are working full-time on EJ. There are also issues of staff turnover across the agency, which leads to a loss in experience and knowledge. Therefore, it becomes increasingly important that EJ coordinators work together, build connections, and avoid duplication of effort. The Office of Environmental Justice tries to maximize efforts by employing an "EJ-lens" approach so that as staff are reviewing actions, they have EJ at the forefront of their mind.

Related South Carolina Examples

The <u>ReGenesis Project</u> demonstrated the creation, implementation, and sustainability of a successful private public-community partnership that involves the community, local industry, and government agencies in Spartanburg, SC. The project worked with 124 partners to raise public awareness and reverse the health impacts that industrial toxic wastes have had on the Spartanburg region. In addition, the project established 13 ReGenesis Health Care centers/pharmacies that remain dedicated to reducing and eliminating economic, racial, social, gender, and age barriers to wellness in the community. The ReGenesis Project has also trained more than 50 of its residents in environmental trades and empowered residents to directly address EJ issues.

EJ Programs and Initiatives Spotlight: Building Community Capacity in Michigan

Regina Strong, Environmental Justice Public Advocate, Office of the Environmental Justice Public Advocate, Michigan Department of Environment, Great Lakes, & Energy (EGLE)



In 2019, Michigan Governor Gretchen Whitmer created the <u>Office</u> of the Environmental Justice Public Advocate, a Type I agency housed within EGLE's Executive Office. As a Type I agency, the office has a direct line to the Governor's office, and it serves as an external and internal voice for EJ throughout Michigan. The office establishes and implements processes and reporting of EJ complaints and helps to resolve issues. Michigan also created an Advisory Council for EJ, as well as an Interagency EJ Response Team in 2019, which is composed of state departments.

Collectively, these entities play a critical role in helping Michigan address the capacity challenges of communities across the state, including the regular engagement necessary to address equitable application of environmental laws and regulations.

What does "meaningful involvement" mean for EGLE?

Meaningful involvement means that people have an *opportunity to participate* in decisions that affect their environment and/or health. Decision makers *seek out and facilitate* the involvement of those potentially affected. Peoples' *concerns are considered* in decision-making processes, and people can *influence* state agency decisions.

What does "equitable treatment" mean for EGLE?

Equitable treatment means that no group bears a *disproportionate share* of the negative consequences resulting from governmental, industrial, or commercial operations and policies. All people *benefit* from the application of laws and regulations, *elimination of barriers* such as poverty and lack of access, as well as *repair of systematic injustices*.

Disparate Impacts and Building Community Capacity

Communities that suffer from disparate impacts need certain levels of capacity building. When disparate impacts converge in communities, EGLE relies on a multi-sector approach to help communities on the ground share their concerns. EGLE works to help local governments partner with the state and often, federal partners, to address the concerns impacting communities.



Building community capacity requires developing creative ways to address the specific issues of impacted communities. Capacity building is accomplished by working directly with the local governments and communities, not coming in and doing things for them, but working collaboratively, side by side. It is important to let communities speak for themselves, and to have them help guide next steps, while providing financial and other support, as needed. This is crucial in creating effective partnerships and building capacity, while addressing disparate impacts and responding to community needs.

The City of Benton Harbor Drinking Water Response



A water crisis emerged in the City of Benton Harbor in the fall of 2021. Elevated lead levels in drinking water over a three-year reporting period led advocates of the community to push for help from U.S. EPA, EGLE, and the State of Michigan. The Governor responded with an all-hands-ondeck state government response to drinking

water issues in the city. Benton Harbor, a small majority African-American community of less than 10,000 people, sits on the western side of the state near Lake Michigan, and is a community challenged with high poverty and unemployment rates.

Surrounding Benton Harbor, there are three drinking water systems, the oldest of which is that of Benton Harbor. The local government has sustained longstanding challenges related to limited resources available to ensure that the public drinking water system is in compliance with drinking water standards, prompting advocates to call on EGLE, as well as local, state, and federal government agencies, to help residents restore the safety of their drinking water.

Issues in a community can often be thought of as specific to the community. However, in order to build community capacity, a collaborative effort across all levels of government may be required to address a community-wide issue. Given the longstanding challenges in Benton Harbor, the trust in local, state, and federal government was low. The community suffered from a history of disinvestment and felt discounted and abandoned by those in government upon whom it relied to ensure their health and safety.

To meet the level of need and effort truly required to build community capacity in Benton Harbor, EGLE needed to collaborate with the following groups:

- Local Community EGLE needed to fully understand the drinking water concerns
- Local Government EGLE worked with the local government to identify processes, and provide resources and support to address deficiencies and violations
- Local Partners EGLE worked with local partners to support educational efforts and move toward solutions, and
- Local Businesses/Organizations EGLE engaged local businesses in the process to see how they
 could better support the effort

Working with local partners, the EGLE Offices of the Clean Water Public Advocate and EJ Public Advocate worked to create a drinking water task force prior to the escalation of the emergency. The existing drinking water task force was expanded to serve as the basis for weekly meetings with community partners. Due to growing advocate concerns about the filters and the state of water quality, the State of Michigan issued a bottled water advisory in September 2021. A coordinated response, as well as education and information sharing, became key steps in the process of this restoration effort. EGLE, along with state partners, prioritized working collaboratively and effectively throughout the process.

EGLE became part of an all-levels of government response that continued to work directly with the community as a united front, providing resources and communicating effectively throughout this public emergency. The effective communication effort driven by the state, and led by partners, led to the publication of daily press releases and educational materials that included information regarding availability of bottled water, identifying what partners were part of the response effort, and more. Through these communication efforts, Benton Harbor residents were notified regularly of state, county public health and city efforts, and how the state was



planning to work with the city and county partners, or whichever partner was leading the announcement on a particular day.

The economic conditions of the Benton Hard community compounded the challenges associated with the drinking water issues in the area. Benton Harbor community members were now living off bottled water, many unemployed, and this crisis occurred in the midst of the COVID-19 pandemic. It was important for EGLE and

partners to recognize that there were many points of need when it came to this collaborative response. To further build capacity and ensure local residents had access to resources, and to address contributing and longstanding unemployment in the community, EGLE's Office of the Environmental Justice Public Advocate collaborated with community partners to host community resource and job fairs alongside local partners at community locations. EGLE and partners continued to provide financial support to local groups to create solution-based teams. Collaborating with local churches and organizations within the community to serve as water distribution sites and hiring local residents to play a role in this distribution are examples of how EGLE and state partners addressed compounding issues

and needs throughout this response effort.

EGLE worked with the local government to determine both financial and organizational capacity support needed to integrate state and federal resources to address community deficiencies, and provide community communications representing the collaborative effort between the state and city of Benton Harbor. Not only was including the local government important, but having it lead communications, directly to the people of

Benton Harbor, was critical. The EGLE Office of the Environmental Justice Public Advocate worked with local partners to collaborate with the city's community-based, Benton Harbor Team Solutions, to coordinate with the city, state, and county to host resource fairs focused on providing residents with education, resources, and information needed during the water emergency. In addition, partners hosted job fairs to prioritize hiring local residents as part of the lead service line replacement work and to connect with other opportunities.



Local businesses and organizations also played a large role in the process of

replacing the lead service lines in Benton Harbor through the hiring of an engineering firm. Incorporating local community members in this opportunity opened up opportunities for local businesses and organizations to financially benefit from newly paid positions to assist in government work to address concerns and provide water resources. Moreover, the efforts of EGLE, in conjunction with many other state agencies, local communities, partners, governments, and businesses, was critical in the drinking water response of Benton Harbor. The building of community capacity is ongoing. Learn more about this effort here.

EJ Programs and Initiatives Spotlight: Defining Disadvantaged Communities in New York

Alanah N. Keddell-Tuckey, Director, Office of Environmental Justice, New York State Department of Environmental Conservation



What are the Climate Leadership Community Protection Act and the Climate Justice Working Group (CJWG)?

The 2019 Climate Leadership and Community Protection Act (i.e., Climate Act) requires the State of New York to reduce economy-wide greenhouse gas emissions 40% by 2030 and no less than 85% by 2050 from 1990 levels. The Climate Act also calls for 35 to 40% of all benefits from New York State spending on clean energy to accrue in disadvantaged communities. To support implementation of this law, a Climate Action Council was initiated and charged with developing a scoping plan of recommendations to meet these targets and place the state on a path toward carbon neutrality.

As advisory group to the Climate Action Council, the CJWG, provides strategic advice for incorporating the needs of disadvantaged communities in meeting and achieving the goals of the Climate Act. The CJWG is comprised of representatives from EJ communities statewide, including three members from New York City communities, three members from rural communities, and three members from urban communities in upstate New York, as well as representatives of the State Departments of Environmental Conservation, Health, Labor, and New York State's Energy Research and Development Authority.

What are the disadvantaged communities (DACs) criteria?

As part of the Climate Act, it is important to identify DACs not just for co-pollutant reduction, but also to steer benefits toward these communities. The purpose of DACs criteria is to identify communities that are overburdened and in need so that state agencies, including the Department of Environmental Conservation, can prioritize them for greenhouse gas emission and co-pollutant reductions.

To implement this work, the CJWG was charged with identifying the location of disproportionately burdened communities by relying on the

Purpose of Disadvantaged Communities Criteria

ECL § 75-0111(1)(b)

"The [climate justice] working group, in consultation with the department, the departments of health and labor, the New York state energy and research development authority, and the environmental justice advisory group, will establish criteria to identify disadvantaged communities for the purposes of co-pollutant reductions, greenhouse gas emissions reductions, regulatory impact statements, and the accounting of investments related to this article"

availability of environmental hazards, public health, and geography data, including socioeconomic factors like race, income, education levels, unemployment rates, and housing conditions. Over a year and a half, the CJWG developed the DACs criteria to show how pollution and climate change can exacerbate difficult circumstances already faced by communities that are burdened with income inequality and a legacy of past discrimination. The CJWG unanimously voted for its draft criteria release on December 13, 2021, prompting a public comment period on March 9 - July 7, 2022. The CJWG will vote on finalized criteria early in 2023.



How were the DACs criteria developed?

Narrowed down from more than 170 initial indicators from both state and national sources, the CJWG ended up with 45 draft indicators for use in the disadvantaged communities criteria incorporating census tracts. These draft indicators consider data on environmental hazards, climate change, and public health, among other riskrelated information. While this process was guided by the language in the Climate Act, data availability and the personal lived experiences of the CJWG greatly informed the development process.

As part of their comprehensive approach, the group voted to:

- Score census tracts on a relative basis using a scoring approach (see details below)
- Include 35% of New York State census tracts as geographic disadvantaged communities in recognition
 of the fact that populations tend to be more spread out in upstate and rural communities
- Include low-income households with incomes at or below 60% of the state median income as disadvantaged communities, for the purposes of benefits and investments, and not permitting decisions
- Revisit and review the criteria and methodology annually as required in the Climate Act legislation
- Ensure that the criteria are reaching the people that they are meant to reach, and
- Account for new information and data points over time.

As seen below, twenty draft-final indicators include data related to environmental burdens and climate change risks (e.g., pollution, potential pollution exposures, and land uses and facilities that are associated with historical discrimination or disinvestment and potential climate change risks). The remaining 25 draft-final indicators relate to population characteristics and health vulnerabilities.

Potential Pollution Exposures	Land use and facilities associated with historical discrimination or disinvestment	Potential Climate Change Risks	Income, Education & Employment	Race, Ethnicity & Language	Health Impacts & Sensitivities	Housing, Energy, Communications
Vehicle traffic density Diesel truck and bus traffic Particulate Matter (PM2.5) Benzene constration Wastewater discharge	Remediation Sites (e.g., NPL Superfund or State Superfund/Class II sites) Regulated Management Plan (chemical) sites Major oil storage facilities (incl. airports) Power generation facilities Active landfills Active landfills Municipal waste combustors Scrap metal processors Industrial/manufacturing/mining land use (zoning) Housing vacancy rate	Externe heat projections (>90' days in 2050) Flooding in coastal and tidally influenced areas (projected) Flooding in India areas (projected) Low vegetative cover Agricultural land Driving time to hospitals or urgent/critical care	Pct <80% Area Median Income Pct <100% of Federal Poverty Line Pct without Bachelor's Degree Unemployment rate Pct Single-parent households	Pct Latino/a or Hispanic Pct Black or African American Pct Asian Pct Native American or Indigenous Limited English Proficiency Historical redlining score	Asthma ED visits COPD ED visits COPD ED visits Heart attack (MI) hospitalization Premature Deaths Low Birthweight Pet without Health Insurance Pet with Disabilities Pet Adults age 65+	Pct Renter-Occupied Homes Housing cost burden (rental costs) Energy Poverty / Cost Burden Manufactured homes Homes built before 1960 Pct without Internet (home or cellular)

What is the criteria scoring approach?



The criteria scoring approach is a multi-step process that estimates factor scores as weighted averages of indicator percentile ranks, then estimates the component scores as a weighted average of percentile scores. As seen above, Potential Climate Change risk indicators are given

double weight to equalize the combined weights of environmental factors (pollution exposures and lands use) with climate.

The percentile ranks of these indicators for each of the census tracts are combined to produce a value, and that value measures the census tract's relative environmental burden and climate change risk, as well as the population characteristics and health vulnerabilities relative to the other tracts. Tracts with a higher score

relative to other tracks, or relative to their region, are identified as DACs. There is no official formula to identify them, but these are determined by relativity to one another.

Quick Summary of the Criteria Scoring Approach at the Census Tract Scale

- 1. Group the indicators into factors.
- 2. Combine those factors into scores.
- 3. Multiply those components and use results to calculate an overall score.
- 4. An overall statewide rank is created, in addition to a New York City rank.

Note: The vast majority of DACs are concentrated in New York City because it is a highly urbanized area and about half the population of New York.



The overall DACs criteria approach included 4,780 census tracts and 19 indigenous/tribal owned areas and state recognized nation-owned land. These 19 areas were incorporated to recognize the unique discrimination and history of these areas and to acknowledge the communication that happens on a government-to-government basis. The CJWG recognize that these tribal nations have the right to selfdetermine, so they were not automatically included in the

process and still have an opportunity to review process and decide how they would like to be included.

Des Reg	ignational l	on: Results		
Across the sta	Share of Geographic DACs	Share of NY Total Population	Ily more or fewer [Share of NY Low Income Population	NYC makes up 59% of
New York City	59%	43%	51%	compared with 51% of low-
Long Island	5%	15%	7%	income households
Mid-Hudson	14%	12%	9%	
Western NY	6%	7%	8%	
Finger Lakes	5%	6%	7%	
Capital Region	3%	6%	5%	
Central NY	4%	4%	4%	
Southern Tier	2%	3%	4%	
Mohawk Valley	1%	2%	3%	
North Country	1%	2%	3%	
Tetel	100%	100%	100%	

<u>Figure 1</u>: New York City has the largest share of geographic DACs and the largest low-income population as compared to the rest of the state.

To capture all individuals not captured by the geographic DAC data who are low-income and worthy of benefits, the CJWG added additional low-income information at a level of 60% of the state median income.

This addition is to ensure that there is a marked increase in the number of communities covered as a DAC, especially in areas like Long Island and the North Country, which includes the Adirondacks, the Mohawk Valley, and the Southern Tier.

While the Climate Act cites a goal of 40% of funds spent to benefit DACs, the remaining

60% of the benefits and other spending on renewable energy can be allocated to the rest of the state. The targeted goal of 40% invested in DACs will help ensure that individuals eligible for funding like the Home Energy Assistance Program, Supplemental Nutrition Assistance Program, and other low-income programs receive the assistance and investments in accordance with state law.

Learn more <u>here</u>.

EJ Programs and Initiatives Spotlight: California State Mapping Tool

Laura August and Walker Wieland, Office of Environmental Health Hazard Assessment, California Environmental Protection Agency



The <u>Office of Environmental Health Hazard Assessment</u> (OEHHA) is one of six constituent organizations and only non-regulatory office under the umbrella of California Environmental Protection Agency (CalEPA). Scientists and toxicologists at OEHHA research and provide scientific recommendations to other CalEPA boards and departments and other state agencies on risk assessment, place-based cumulative impact,

climate change, and environmental justice evaluations using CalEnviroScreen.

What is CalEnviroScreen?

California's <u>CalEnviroScreen 4.0</u>, the most recent version of tool released in October 2021, is an iterative map-focused screening method and tool that looks at cumulative burdens across the state. The tool uses 21 indicators related to pollution and on people in communities and their vulnerability to pollution. These indicators form a cumulative index at the community scale using the 8,000 census tracts in California.

The purpose of CalEnviroScreen is to combine information and identify locations across the state that are most affected by many sources of pollution, as well as populations that have characteristics that might make them more sensitive to the effects of that pollution. OEHHA creates many topic areas and maps related to pollution burden. CalEnviroScreen is focused on displaying data and analyzing information related to people's vulnerability, and the combination of these two creates the CalEnviroScreen overall score.



Background

- Laws passed in the late 1990s focused on addressing EJ required California state agencies to take action in implementing various programs and policies.
- In the mid-2000s, an EJ action plan developed for CalEPA provided recommendations to CalEPA boards and departments on how to address cumulative impacts and how to address EJ in various programs and policies.
- This plan led to the formation of a cumulative impacts working group, a multi-stakeholder group with a range of perspectives (e.g., state agency, academia, community-based organizations, industry, local government) answering the question, *"How do we define cumulative impacts as it relates to CalEPA's programs and what would it take to put together a screening tool that addresses cumulative impacts?"*



- OEHHA conducted workshops in consultation with communities. OEHHA was able to share their work given the information available and ask for feedback directly from users in the community.
- OEHHA depends on public outreach, public comment, and workshops to obtain feedback from communities using the tool. OEHHA receives and reviews hundreds of comment letters through workshops and during the public comment period that are considered and incorporated if topic areas fit the scope of CalEnviroScreen.
- Continuous public engagement has been core and essential to the improvement of the tool over time. New versions of CalEnviroScreen represent an improvement over the previous version, with a simultaneous acknowledgement that there is always more work to do.

CalEnviroScreen uses four components to represent cumulative impacts - exposures, environmental

effects, sensitive populations, and socioeconomic factors. Exposures contains data on air pollution and drinking water contaminants and other potential contact with pollutants. Other data, not necessarily associated with exposure, are still important and represent environmental effects on a community, such as where groundwater has been contaminated or locations where hazardous waste is treated or stored. Sensitive populations contain information on health conditions that can be exacerbated by pollution, like high asthma rates in the community. Core socioeconomic metrics like poverty, linguistic isolation, and unemployment are also included as they can increase community vulnerability to pollution.

Version 4.0 Highlights

New indicators incorporated into Version 4.0 include:

- Information on children's lead risk from housing. This metric considers, based on the age of housing, the likelihood that a house would be refurbished and whether lead paint would have been removed from the home. This indicator also considers, children, a sensitive subgroup, in poverty.
- Increased drinking water systems coverage to better represent rural and tribal areas across the state.
- Reevaluated and newly updated pesticide use



<u>Fiqure 1</u>: CalEnviroScreen's cumulative impact indicators are broken out into the four categories above, each representing key data and topic areas.



Figure 2: Current list of indicators within CalEnviroScreen.

lists to incorporate additional pesticides that are used in especially agricultural parts of California.

- Information on dairies and feedlots as an addition to the groundwater threats indicator.
- Information on chrome metal plating facilities as an addition to the hazardous waste indicator representing more of an urban area.
- Improved representation of particulate matter 2.5 and diesel particulate matter emissions to better capture granularity of the data and pollutions that originate in Mexico and travel north to California.

Results of CalEnviroScreen



Because CalEviroScreen covers a range of topics, a number of analyses, data acquisitions, and quality assurance quality control processes must be conducted. Percentiles are used to standardize the final list of indicators across datasets and allow for a relative ranking methodology. All indicators on the pollution side are combined to create this percentile average, and then multiplied by population characteristics data to create this CalEnviroScreen map of overall cumulative results. Individual indicator-by-indicator breakdown maps can also be viewed by specific issue or indicator.

CalEnviroScreen does not include indicators of race and ethnicity due to a CalEPA decision to avoid concerns in using the tool to allocate California State resources. However, a supplemental analysis of CalEnviroScreen and race and ethnicity has been developed to examine issues of equity and race across the state.

A Sample Analysis: If you look at the 10% most impacted neighborhoods, corresponding to the highest CalEnviroScreen scores, they are overwhelmingly made up of people of color at 91%.

When compared to the 10% least impacted neighborhoods, corresponding to the lowest CalEnviroScreen scores, the pattern is reversed, with about 67% identifying as white and 33% as people of color.



How is CalEnviroScreen used in the State?

CalEnviroScreen is used in a variety of California government policies and state agencies. At CalEPA, it is used to support identification of some of our important enforcement priorities and initiatives. Examples of other uses across state agencies include:

- The California Department of Toxic Substance Control factors in CalEnviroScreen information when permitting hazardous waste facilities.
- The California Air Resources Board uses the tool in the identification of communities for air pollution reduction.
- The California Public Utilities Commission uses the tool as a funding prioritization tool.
- The California Natural Resources Agency uses the tool in an equity decision support layer.
- The tool has been promoted and used to fulfill requirements of <u>SB1000</u>, which requires cities to integrate an element of EJ and their general plans.
- The tool is used as the primary way to designate and prioritize "disadvantaged communities" (DACs) for the state's greenhouse Gas Reduction Fund investments, as required by <u>Senate Bill 535 of 2012</u>. CalEPA

updated its list of DACs in May 2022, which continued to include census tracts identified in the top 25% using CalEnviroScreen 4.0 (see below). Other designations include lands under the control of federally recognized tribes.

SB 535 Disadvantaged Communities (2022 Update) Census tracts receiving the highest 25 percent of overall scores in CalEnviroScreen 4.0 (1,984 tracts). Census tracts lacking overall scores in CalEnviroScreen 4.0, but receiving the highest 5 percent of CalEnviroScreen 4.0 cumulative pollution burden scores (19 tracts). Census tracts identified in the 2017 DAC designation as disadvantaged, regardless of their scores in CalEnviroScreen 4.0 (307 tracts). Lands under the control of federally recognized tribes.

Note: Data gaps related to tribal nations can make it difficult for the California State government to fully assess the pollution burden and population vulnerabilities. As sovereign governments, tribal lands may not be required to report the same types of data.

EJ Programs and Initiatives Spotlight: Washington State Mapping Tool

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What is Washington's Environmental Health Disparities (EHD) Map?

The <u>EHD map</u> Version 2, released in July 2022, is part of a suite of tools available through the <u>Washington Tracking</u> <u>Network</u>, the overarching public platform for public health data from the Department of Health (DOH). The EHD map uses data to identify and highlight health and environmental inequities in the state of Washington. Identifying communities that are disproportionately impacted allows Washington State to target its resources and programmatic efforts to areas with the greatest needs. The EHD map resulted from a two-year partnership between organizing communities, academia, and government.



<u>Front and Centered</u>, an organization that represents communities of color and lower income throughout the state, was called to action to serve as the initial organizing force behind a statewide coalition of community based organizations and groups. Front and Centered talked to people in communities, especially those who are most vulnerable to the devastation of climate and environmental burdens, including communities of color, low-income households, immigrants, refugees, and linguistically isolated groups. This work, which included a series of 11 listening sessions in 2017, contributed to the development of the EHD map.

Two questions asked during the listening sessions aimed to better understand the impact of pollution burdens on communities:

- 1. What kinds of pollution, if any, are impacting your life or work and that of your family and community?
- 2. What factors best show if your community is healthy or doing well compared to other communities?

These listening sessions allowed community members to speak for themselves on pressing issues and concerns around pollution, climate change, water, and more. Feedback from the listening sessions, and



accompanying literature reviews, informed the identification and use of 19 indicators included in the final EHD map. Based on data availability, the 19 indicators fit into four main themes – environmental exposures, environmental effects, sensitive populations, and socioeconomic factors.

Washington's EHD map is based on a conceptual model where *risk* = *threat x vulnerability*. Threat is a combination of

environmental exposures and effects, and vulnerability is made up of population characteristics that affect peoples' susceptibility to environmental pollution, including socioeconomic factors and sensitive health conditions. The overall model calculates the final cumulative environmental health impact score for each census tract, which equals overall risk.

How does the map use a relative ranking system?

A relative ranking system is used to compare all communities across Washington State, using census tracts. The census tracts are approximately equally distributed across the 10 ranks. People who live in a census tract with a rank of 1 experience the least environmental health disparities risk, and census tracts with a rank of 10 experience the most environmental health disparities risk. A census tract with the relative rank of 8 means that about 10% of communities are similarly impacted, 70% of communities are less impacted, and 20% of communities are more impacted. Although the EHD is a helpful tool to identify communities



overburdened and highly impacted by environmental hazards and exposure, the map is not comprehensive. There are environmental health threats and vulnerabilities not included in the model. DOH makes every attempt to communicate to all users that the EHD map should be used only as a starting point to identify at-risk communities. This map is not a substitute for meaningful community engagement, nor a deeper understanding of community experiences.

Why are these environmental health disparities ranks important, and how do they relate to health inequities?



This figure shows the difference in life expectancy across the 10 environmental health disparities ranks compared to the state average. For example, the population and census tracts with the lowest environmental health disparities (rank 1) lived on average 5.4 years longer than those in census tracts with the highest environmental health disparities, ranked 10. These data help to illuminate what we already know – living in areas with more environmental hazards, pollution, and population vulnerabilities is associated with a shorter lifespan.

The Washington Environmental Justice Task Force was

responsible for recommending strategies for incorporating EJ principles into state agency actions. The Task Force released its final report in the fall of 2020, which included guidance on how to use the EHD map to identify communities overburdened and highly impacted by environmental hazards and exposures. An overall EHD rank of 9 or 10 was recommended as a starting point to identify overburdened communities and prioritize resources for communities with the greatest need.

How is the environmental health disparities map being used in legislation?

Awareness of the EHD map as a powerful tool has grown, and state legislation has begun to reference the map.

<u>Clean Energy Transformation Act</u> directs utilities to focus on reducing pollution and increasing benefits of

clean energy to highly impacted communities. *Highly impacted communities are defined as census tracts* with an EHD map rank of 9 or 10, or containing state recognized tribal lands.

- <u>The Healthy Environment for All Act (HEAL)</u> directs 7 agencies to conduct EJ assessments for decisions that impact overburdened communities and vulnerable populations. Assessments assist agencies with equitable distribution of environmental benefits and address environmental and health disparities. *HEAL recommends that agencies use the EHD map in their assessments and requires DOH to maintain and continuously update the map, including all of the indicators.*
- <u>The Climate Commitment Act</u> uses the EHD map as one source of data to identify overburdened communities that will receive at least 35% of the investments in clean energy transition, clean transportation, and climate resiliency projects that promote climate justice.

What are some ways that these types of mapping tools can effectively create pro-equity outcomes?

The most rewarding and important relationship building has been between DOH and the Washington Department of Ecology. These agencies have worked together to strengthen the EJ elements and uses of this map, collaborated on the EJ task force and its final report, and continue to coordinate on evaluation and implementation of the Washington State EJ law.

The EHD map is a useful tool to help inform agencies about whether they are equitably serving the population in Washington by helping the agency look at the distribution of agency services and activities statewide. For example, the EHD map allows for a better view and understanding of how investments and actions are distributed across the state, such as air quality monitors, grants, contaminated sites and cleanups, inspections, and pollution prevention projects.

Recommendations for How to use the EHD Map to Identify Overburdened Communities

Example 1: One map layer contains the Department of Ecology's cleanup sites. Distributing this information in an online mapping tool allows the public to view the location of cleanup sites in relation to where they live or work. At the agency level, data are used to consider how the toxic cleanup program might prioritize cleanup activities using EJ criteria, and where there may be gaps in services. This type of mapping can help identify opportunities for



focusing work in areas and communities with the highest risk, greatest gaps in service, or highest cumulative impacts.

Example 2: Perchloroethylene (PERC) is the most common chemical solvent used in dry cleaning operation throughout the United States. It is also a reproductive toxicant, neurotoxicant, potential carcinogen, and persistent environmental contaminant. Dry cleaning businesses are often minority owned, family run, and located in urban, overburdened communities. As state and federal regulations begin to phase out PERC use within the industry, state programs are offering reimbursements to dry cleaning facilities willing to switch from PERC based processes to less dangerous alternatives. EHD map data can be used to understand how dry cleaners are distributed across communities experiencing various levels of environmental health disparities. With this knowledge, the reimbursement program seeks to prioritize outreach and assistance to overburdened communities, promote equity, and address environmental health disparities.

Example 3: Another way to use EHD's ranking data is in the distribution of grants and funding across the state, and by asking where grant dollars go, where recipients are located, and whether there are geographic and community gaps for otherwise eligible recipients. A grant application might ask where the proposed project will be located, how it will benefit a community, and what the EHD map ranking is for the project location. Scoring and ranking criteria might include higher points for projects implementation in areas that are high risk or highly ranked in the environmental health disparities map. This type of pro-equity design can support the prioritization of funding in areas with the highest need.

Washington received approximately\$141 million in the Volkswagen settlement for violating the federal and state Clean Air Acts. In the first round of grants, the state prioritized funding projects in communities that have historically borne a disproportionate share of the air pollution burden. The Diesel Pollution & Disproportionate Impact mapping tool, on the same mapping platform as the EHD map, uses diesel emissions and socioeconomic factors to identify high-priority census tracts. Scoring criteria were established with this information to evaluate grant applications. In the first round of awards, highly impacted areas received 71% of the Volkswagen settlement grants, which is about 95% of the funds that were available. This served as a good indicator that dollars were spent on pro-equity outcomes.

CONCLUSION

States continue to make significant progress in advancing EJ and equity. As exemplified in the spotlights above, working with local government, building community capacity, defining disadvantaged communities, and developing mapping tools all require open and consistent communication between agency officials and the communities they serve. States recognize the importance and value of building and maintaining partnerships over time. While no two states have the same approach to tackling environmental inequities and injustices, states are taking steps to integrate EJ and equity into their programs through relationship building across all levels of government and through enhanced community outreach. These approaches will remain at the forefront of various state equity, EJ, and Title VI efforts around the nation.

ECOS looks forward to continuing to provide a forum for state agencies to come together to share state and federal initiatives embedding equity and EJ considerations into programmatic, day-to-day work. Upcoming activities of the ECOS EJ Workgroup include compilation state and federal best practices, coordination with U.S. EPA, and convening of states to inform policy discussions across federal partners.

Learn more about ECOS EJ and Title VI related work here.