



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Pennsylvania DEP's Environmental Justice Policy Air Quality Technical Advisory Committee (AQTAC)

April 7, 2022

Tom Wolf, Governor

Patrick McDonnell, Secretary

DEP Mission

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.

Definition of Environmental Justice

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.

US EPA

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

Pennsylvania DEP

Seventeen Principles of Environmental Justice.

First People of Color Environmental Leadership Summit

**Distributive
Justice**

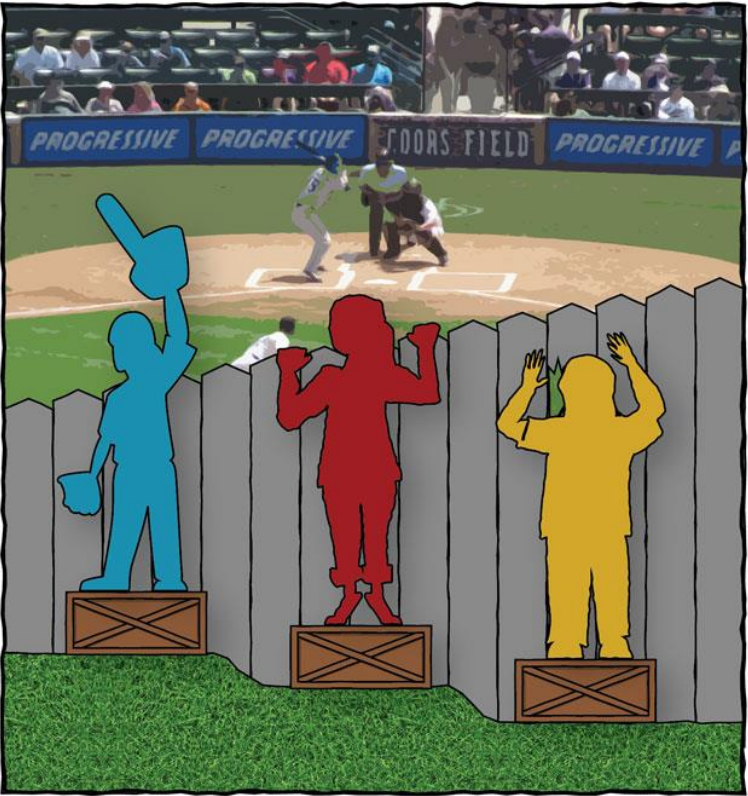
**Procedural
Justice**

**Corrective
Justice**

**Social
Justice**

**Structural
Justice**

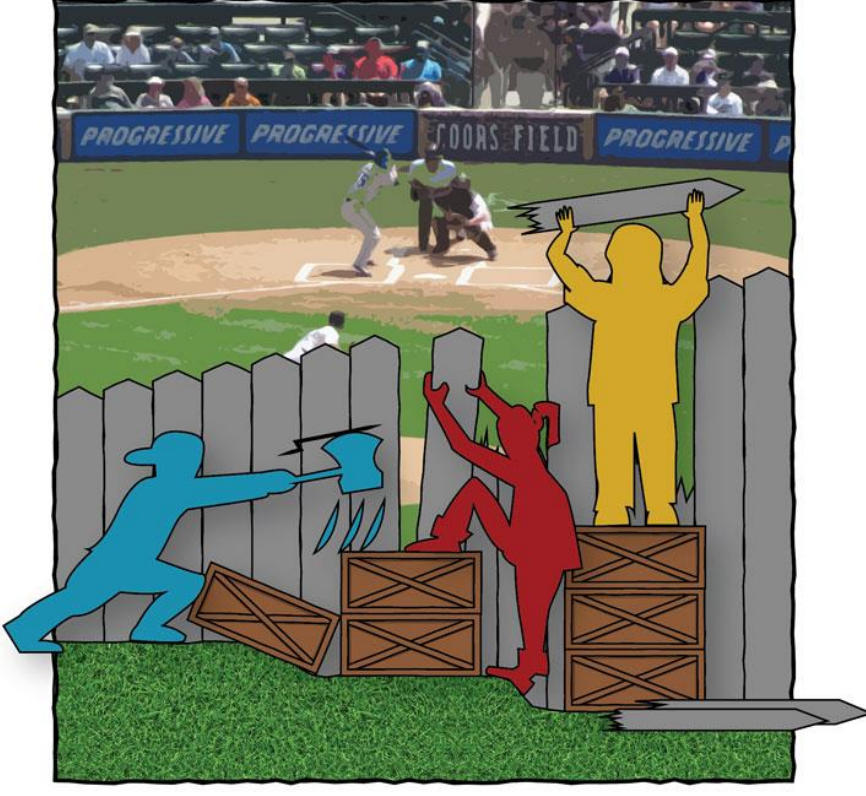
Equality, Equity, and Justice



EQUALITY



EQUITY



JUSTICE

Historical Legacy of EJ: Redlining & Structural Racism

Mapping Inequality Redlining in New Deal America

Introduction Downloads & Data

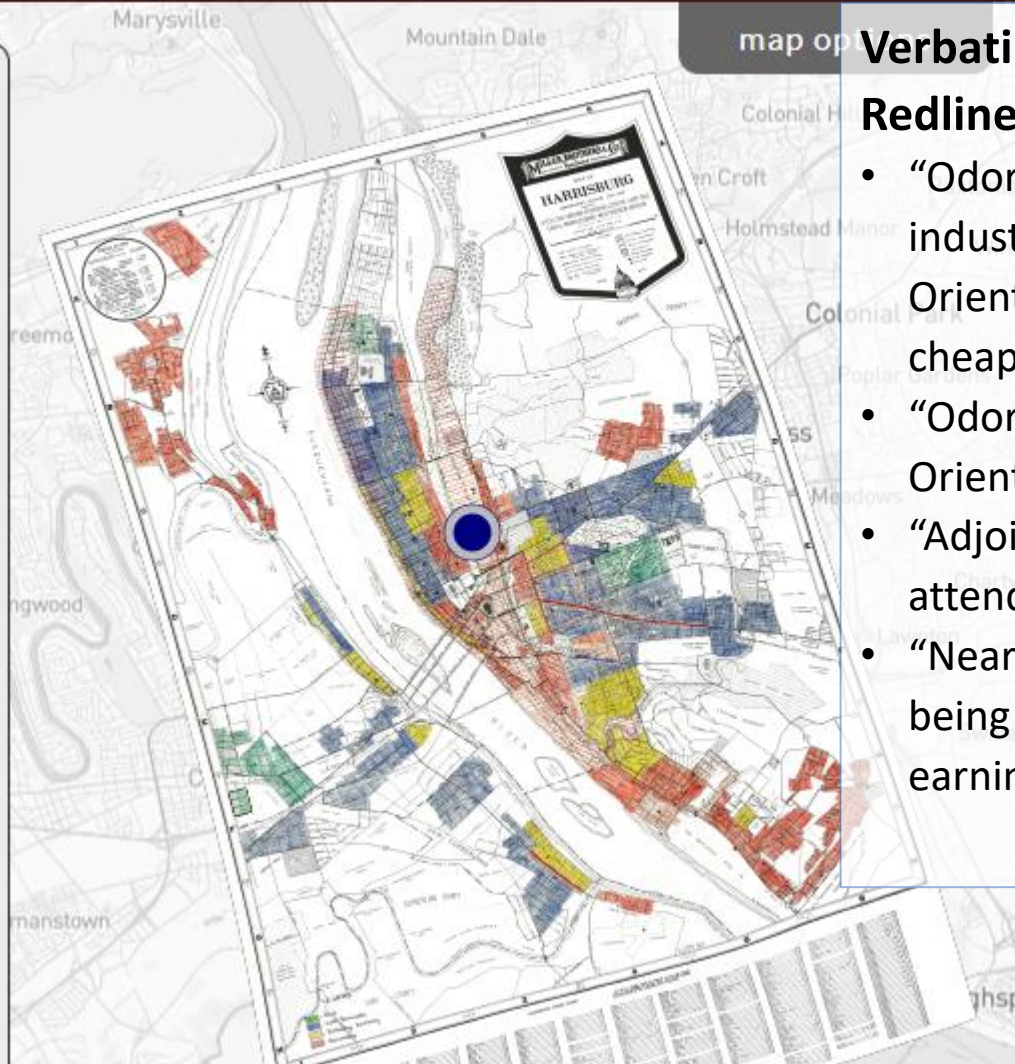
Harrisburg, PA

Areas by Grade

Area	Grade
7%	A "Best"
46%	B "Still Desirable"
11%	C "Definitely Declining"
36%	D "Hazardous"

Demographics

83,893	Total Population (1940)
3.9%	Foreign-born white



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”

Relationship of EJ to Civil Rights

State programs and activities 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)



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

"[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

Historical Roots of Environmental Justice



Historical Roots of Environmental Justice



Warren County,
North Carolina, 1982



United Church of
Christ Study, 1987



First People of Color
Environmental Leadership
Summit, 1991



Executive Order
12898, 1994

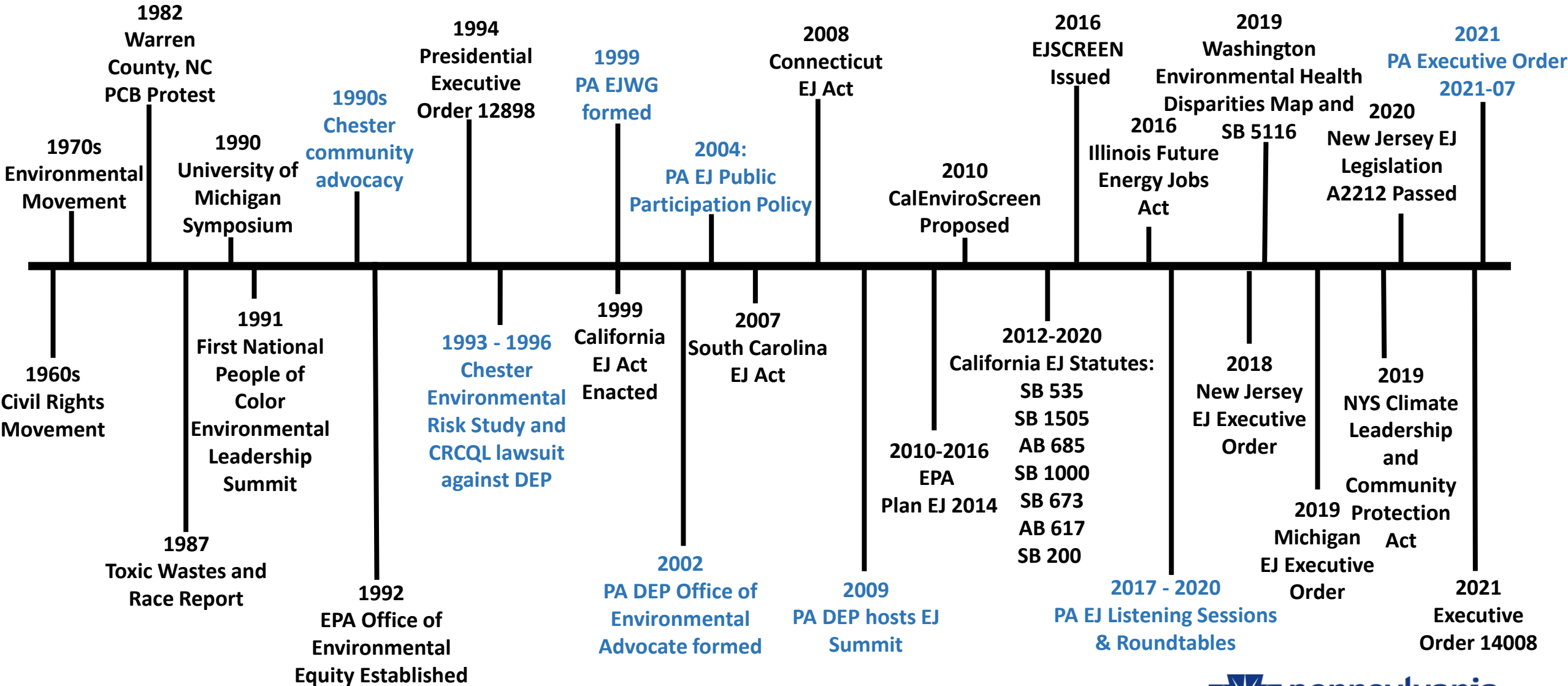
The EJ movement, started by people (primarily people of color) to address inequitable environmental protection and environmental services in their communities was grounded in civil rights and the environmental movement. The movement builds on the lived experience of disproportionately impacted communities. 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.

Roots of EJ in Pennsylvania

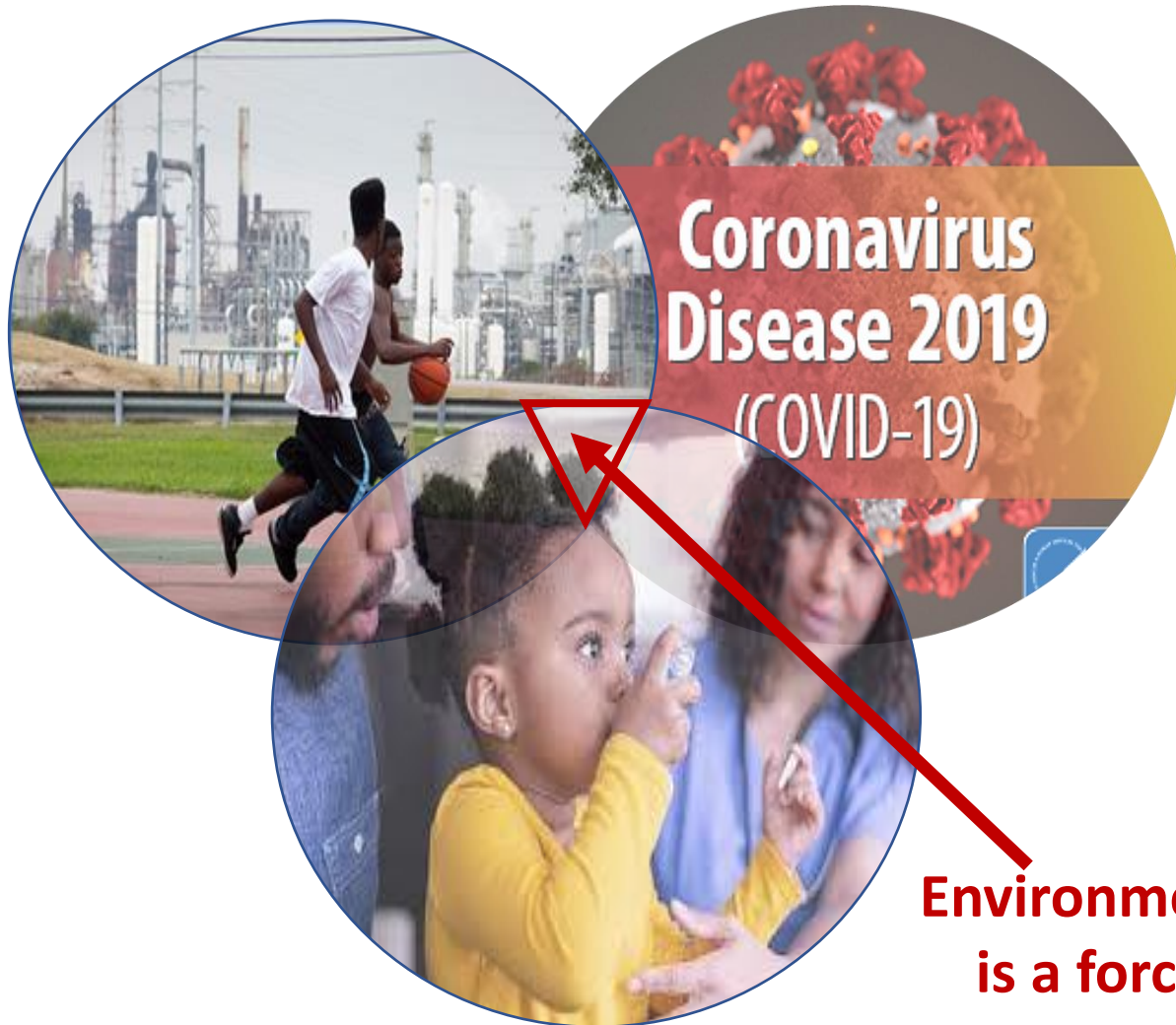
- Organizing of Chester in early 1990s
- Environmental Risk Study by EPA in conjunction with DER in 1993
- Chester residents (CRCQL) lawsuit against DEP in 1996
- DEP Environmental Justice Work Group (EJWG) created in 1999
Report and Recommendations released in 2001



Timeline of Federal and State Government Response



Science of Disproportionate Environmental Impacts

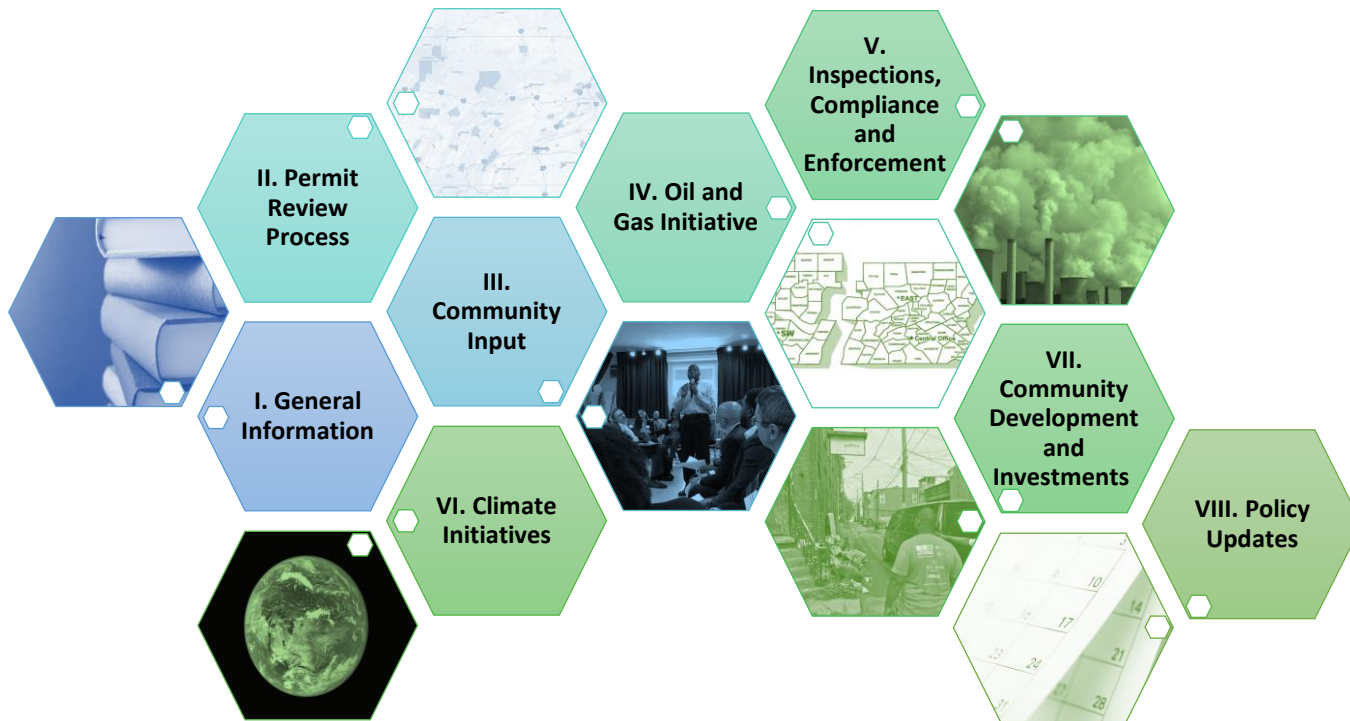


DRIVERS

- 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 Policy Components



- I. General Information
 - a. Definitions, OEJ, EJAB
- II. Permit Review Process
- III. Community Input
- IV. Oil and Gas Engagement
- V. Inspections, Compliance and Enforcement
- VI. Climate Initiatives
- VII. Community Development and Investment
- VIII. Policy Updates

Definitions



I. General Information

- 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.



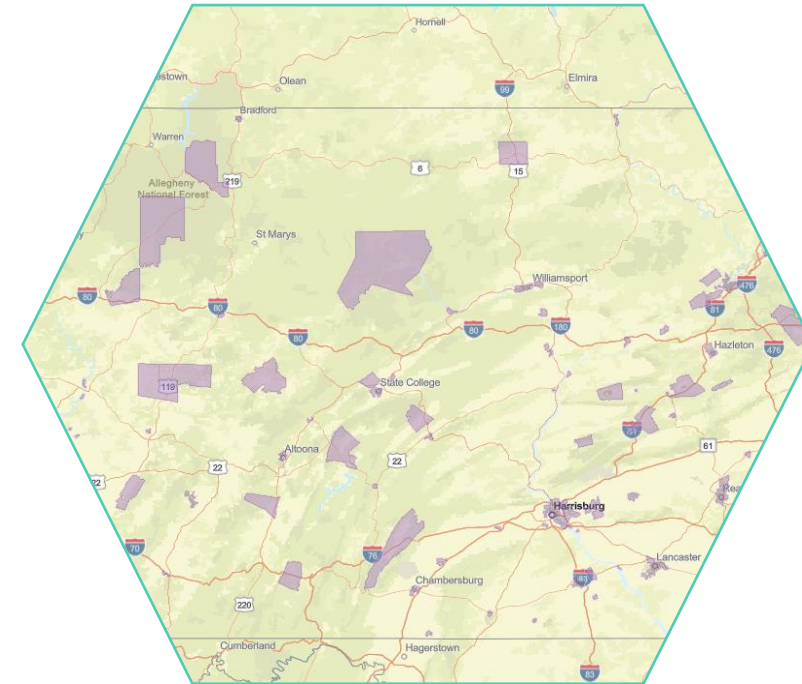
I. General Information

- Office of Environmental Justice
 - Define Role of the Office of Environmental Justice
 - Training
 - EJ Maps and Identification of Environmental Justice Areas
 - Annual Report
 - Language Access Services
 - EJ Strategic Plan
 - Environmental Justice Interagency Council
- Environmental Justice Advisory Board

Permit Review Process

II. Permit Review Process

- Builds from the current policy with improvements and updates
- Clarifies permits covered
- Offers significantly more detail in the Opt-In permit process



Community Input

III. Community Input

- Describes the process for community input
- Indicates a number of potential outreach options



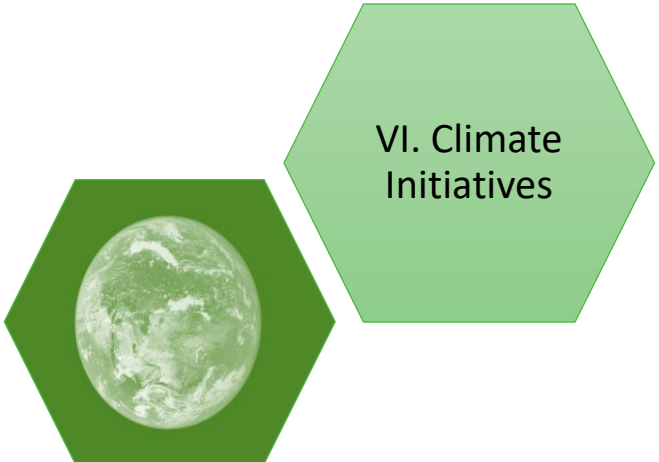
Inspection, Compliance and Enforcement

v.
Inspections,
Compliance
and
Enforcement



- Moving beyond public participation within our existing regulatory authority
- Prioritizing inspection and compliance
- Community Environmental Projects

Climate Initiatives



VI. Climate Initiatives

- Climate Action Plan involvement
- Climate adaptation
- Directs DEP to engage in public involvement that integrates the stated needs and concerns of EJ communities


Community Development and Investment

VII. Community Development and Investments

- Targeting grants
- Promoting brownfield redevelopment
- Partnering with higher education institutions



Policy Updates



VIII. Policy Updates

- Requires review of the EJ policy for updates every 4 years
- Update EJ area identification and mapping every 2 years, based on latest data

EJ Policy Update Timeline

Planning

Fall – Winter
2020

Outreach and Engagement

Fall 2020 –
Summer 2021

Drafting and Finalization

Spring 2021 –
Summer 2022

Implementation

Summer 2022

EJ Policy Update Timeline

Planning

Fall – Winter 2020

Inform partners about withdrawal of policy and plan for EJ Policy development and implementation.

Draft plan and timetable for outreach and get initial feedback on outreach

Consider development of EJ Policy Advisory Group

Outreach and Engagement

Fall 2020 – Summer 2021

Identify internal (DEP and state agency) partners for feedback

Develop outreach questions, survey and strategy

EJAB, EJ Stakeholders and other external engagement

EJ Policy Update Commenting

Drafting and Finalization

Spring 2021 – Summer 2022

Internal review and input

EJAB comments on Policy

Public comment – Spring 2022

Comment and response document preparation

Internal review

Finalize policy

Implementation

Summer 2022

Staff and state agency training on policy

EJAB overview of Policy

Community Engagement about Policy

Comment on Policy Revision

- Comment in writing or verbally at a hearing (both equal consideration)
- Virtual Hearings (must register 24 hrs in advance to comment)
 - Tuesday, April 5, 2022 at 5 p.m.
 - Tuesday, April 12, 2022 at 6 p.m.
 - Thursday, April 28, 2022 at 12 p.m.
- Submit on [online eComment tool](#)
- E-mail to ecomment@pa.gov
- Written comments may be mailed to the:

Technical Guidance Coordinator
Department of Environmental Protection, Policy Office
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063



Office of Environmental Justice

General Comments & Questions

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