



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Environmental Justice Overview & Pennsylvania Context

National Tanks Conference
September 12, 2022

Tom Wolf, Governor

Ramez Ziadeh, Acting Secretary



Welcome to Pennsylvania

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."

Definitions of Environmental Justice

U.S. EPA

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.

Pennsylvania DEP

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

First People of Color Environmental Leadership Summit

Seventeen
Principles of
Environmental
Justice.

**Distributive
Justice**

**Procedural
Justice**

**Corrective
Justice**

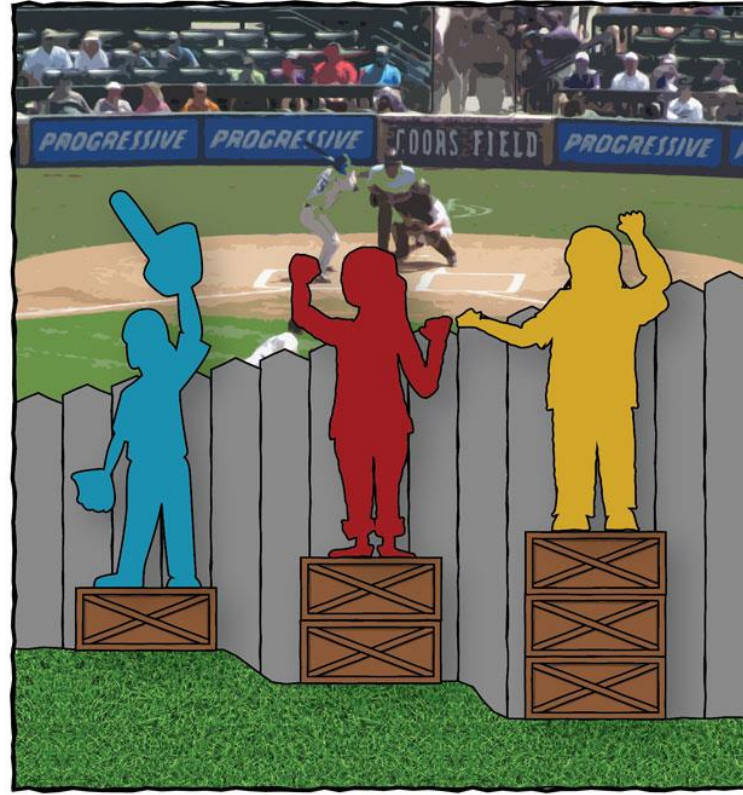
**Social
Justice**

**Structural
Justice**

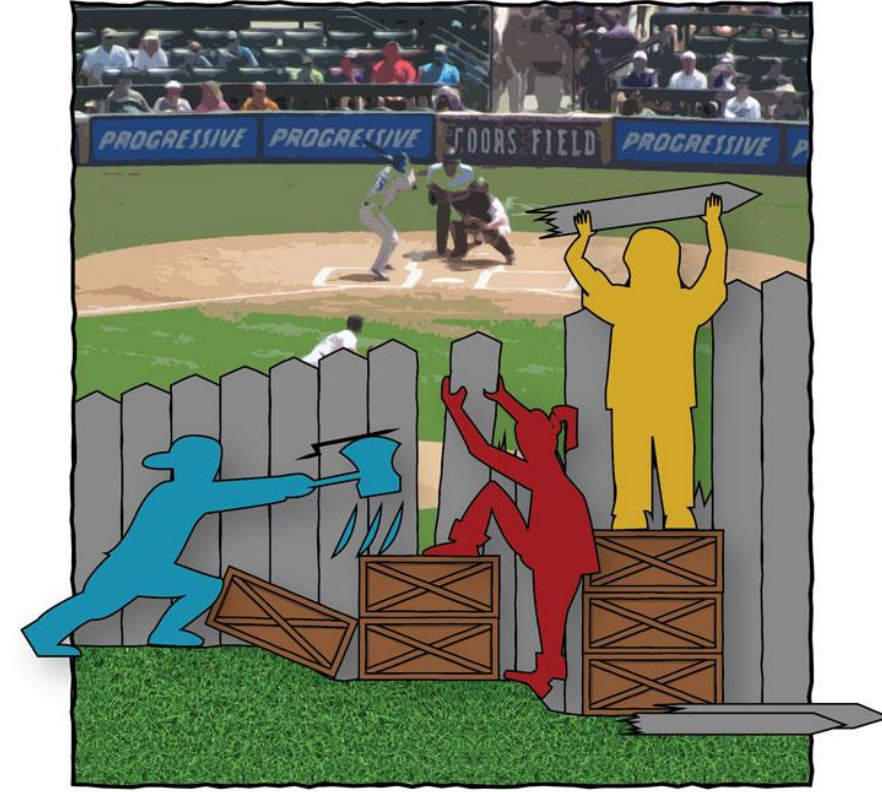
Equality, Equity, and Justice



EQUALITY



EQUITY



JUSTICE

Historical Legacy of EJ: Redlining & Structural Racism

Mapping Inequality Redlining in New Deal America

Introduction Downloads & Data About Contact Us Am

map options

Search for city

Demographics

671,659 Total Population (1940)
78.1% Native-born white
12.6% Foreign-born white

Area Descriptions

click to select

search

Selections from the Area Descriptions

B22

Jewish threatening

(Inhabitants)

C16

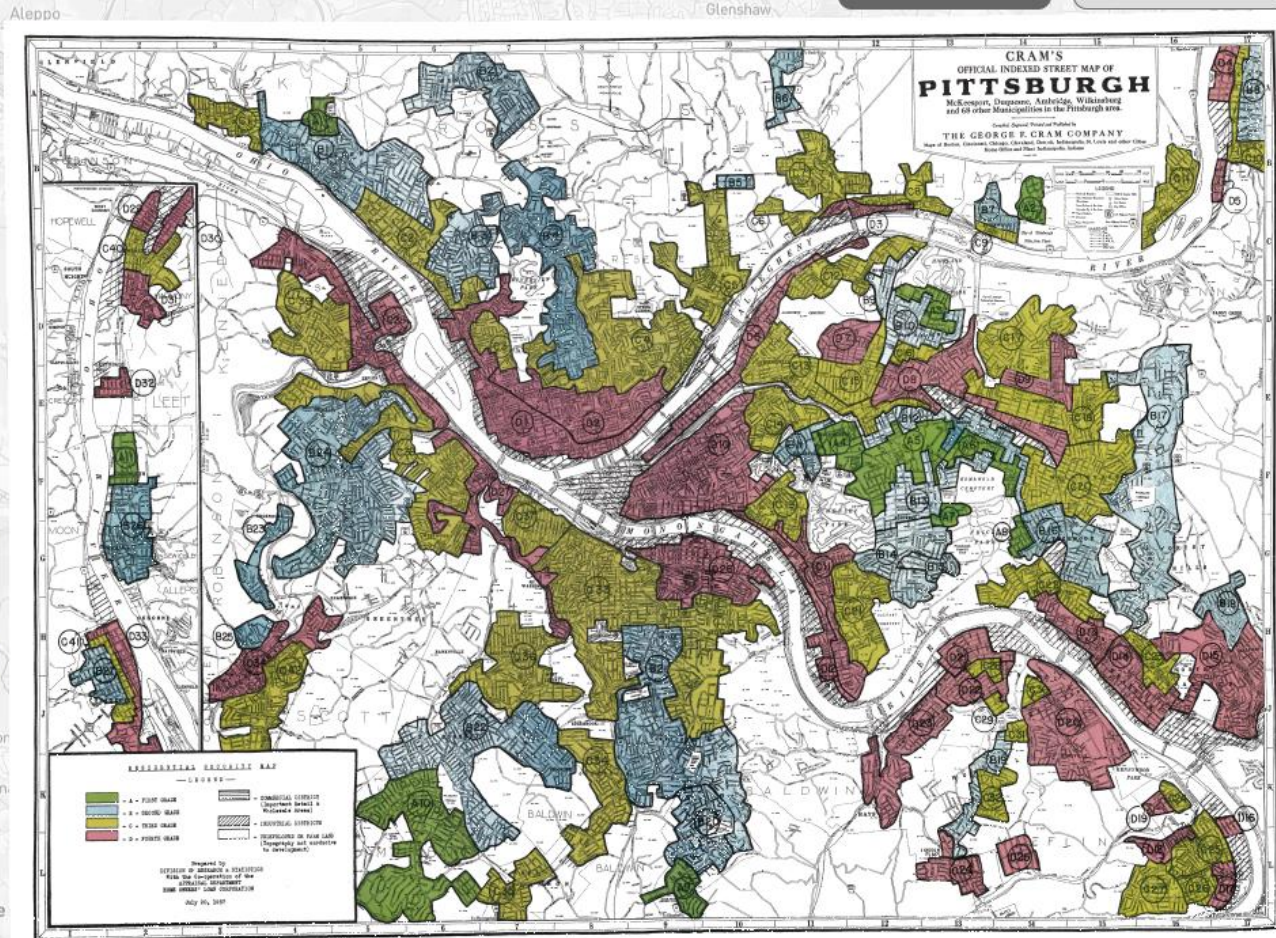
Negro encroachment threatening.

(Detrimental Influences)

B27

The section is very spotty with negro scattered throughh the best parts.

(Clarifying Remarks)



Relationship of EJ to Civil Rights

State programs 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)

“[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



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

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)

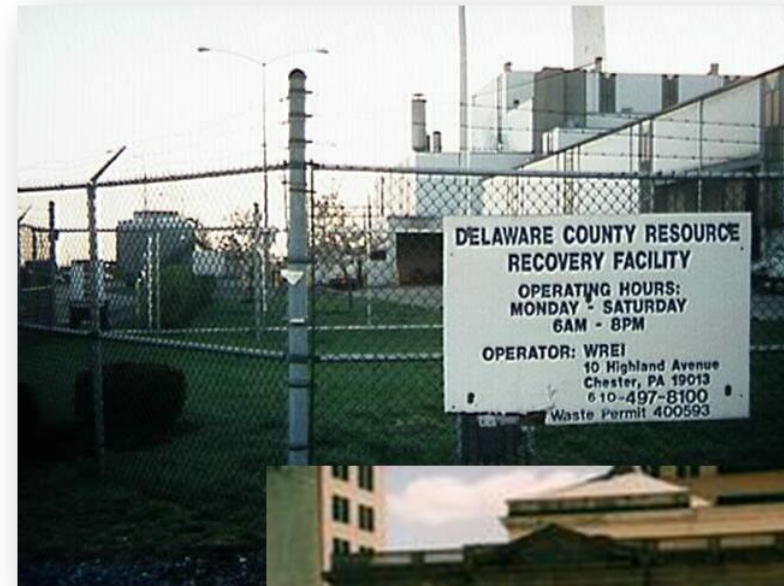


Executive Order
12898 (1994)

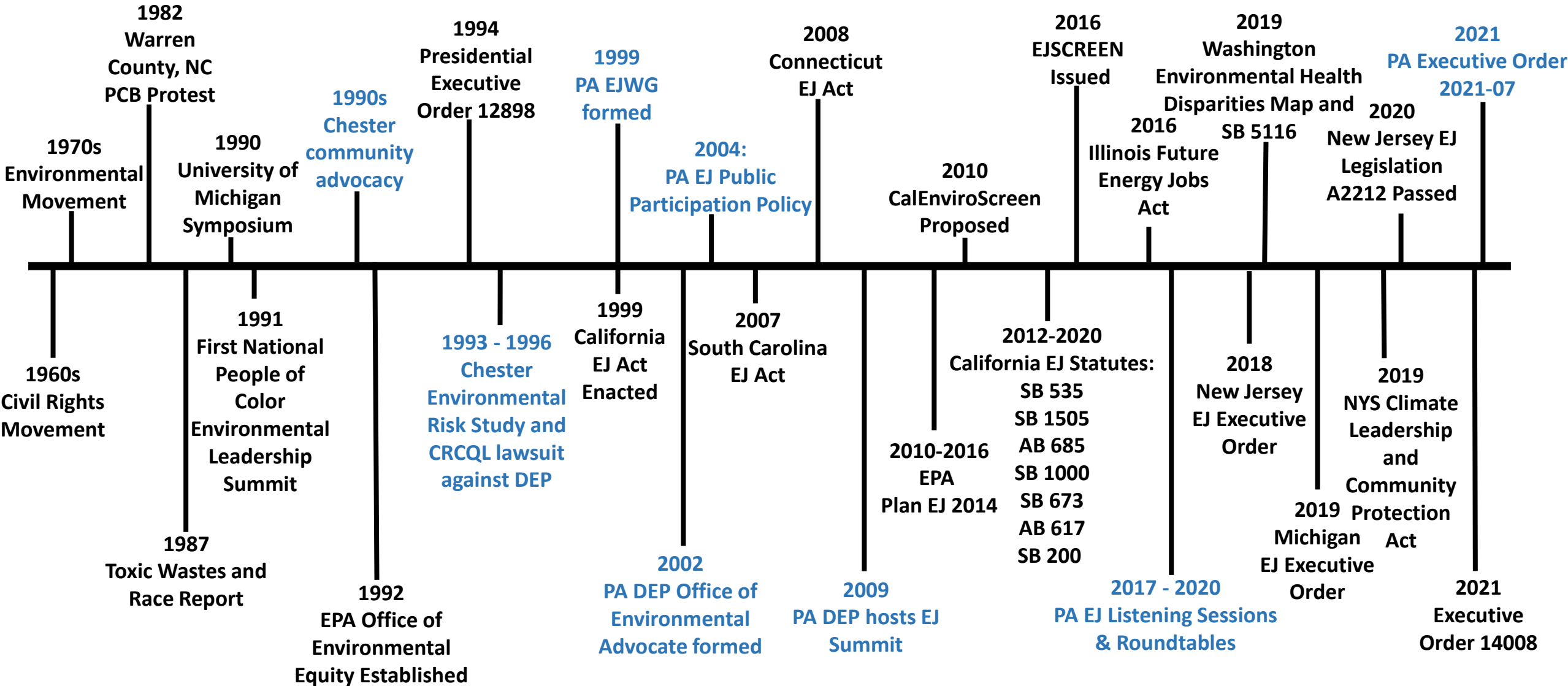
The EJ movement, started by people (primarily people of color) to address inequitable environmental protection and environmental services in their communities was grounded in civil rights and the environmental movement. The movement builds on the lived experience of disproportionately impacted communities.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

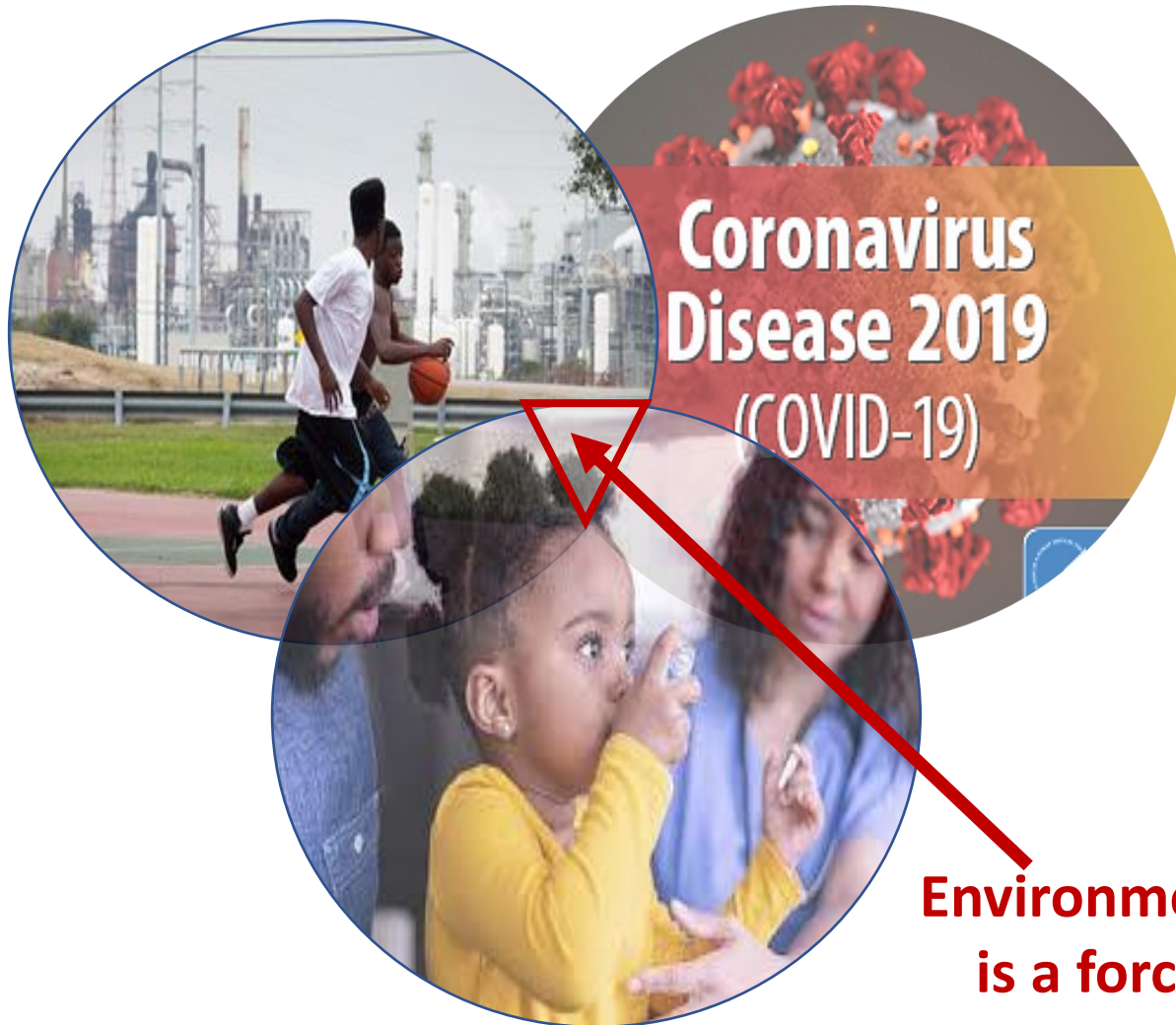
- Organizing of Chester in early 1990s
- Environmental Risk Study by EPA in conjunction with DER in 1993
- Chester residents (CRCQL) lawsuit against DEP in 1996
- DEP Environmental Justice Work Group (EJWG) created in 1999 Report and Recommendations released in 2001



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**

Empirical Scientific Evidence

Thousands of peer-reviewed articles now exist addressing multiple areas through multiple methodologies. Literature continuously expands to new areas of research.

Multiple Issues

- Exposure and proximity to pollution sources
- Physical infrastructure
- Health impacts and disparities
- Social vulnerability
- Unique exposure pathways
- Psycho-social stress
- Climate and natural disasters
- Cumulative impacts

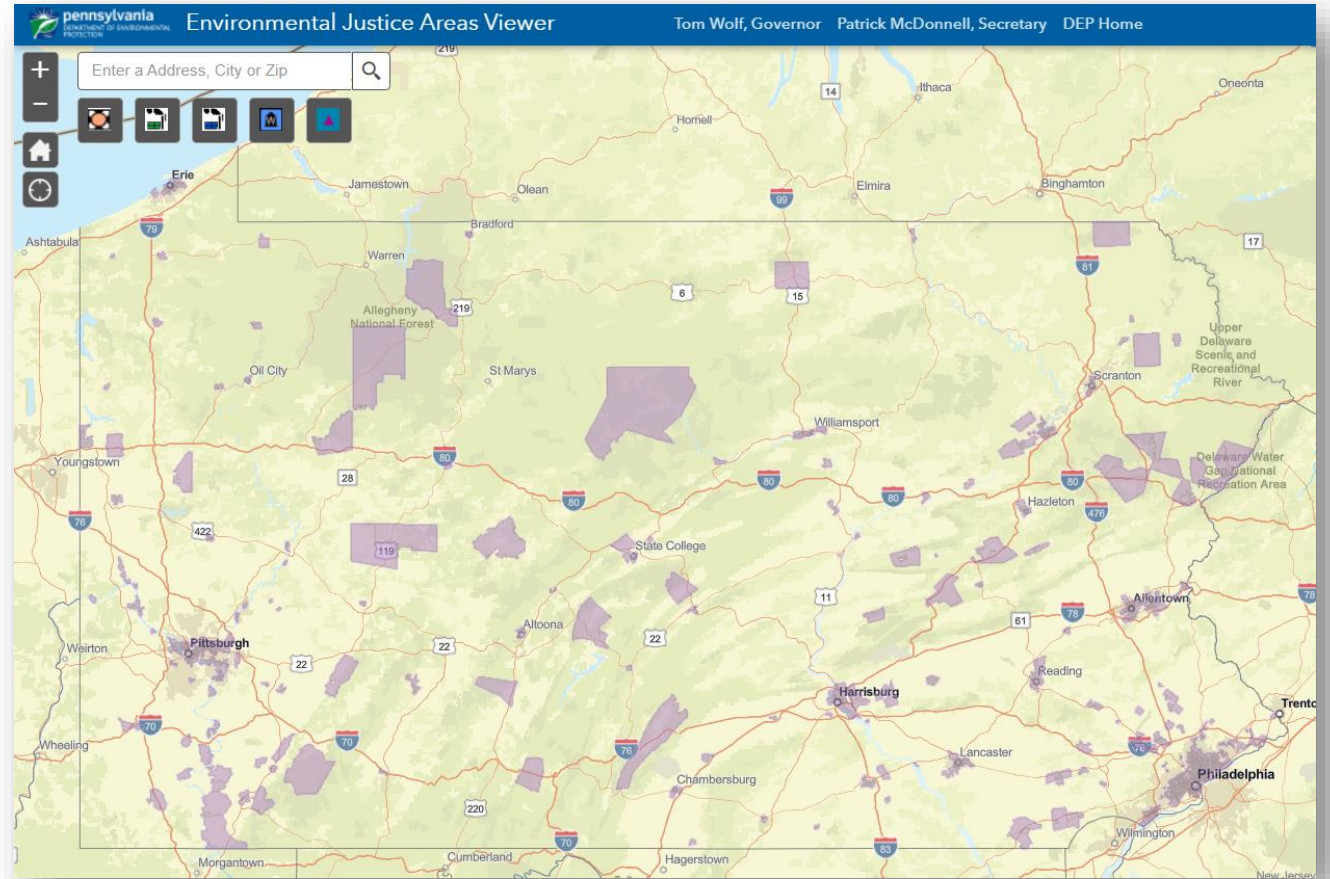
Multiple Media

- Air
- Water
- Land
- Waste
- Toxics
- Workers



EJ Public Participation Policy

- Applies to Trigger Permits (and Opt-in Permits).
- In Environmental Justice Areas and Area of Concern.
 - EJ Areas – 30% People of Color and/or 20% Low-income
 - Area of Concern is 0.5-mile buffer.



Purpose of EJ Policy Updates

- Look beyond solely focusing on public engagement in the permitting process and did not address wider concerns.
- How can DEP address EJ in addition to public participation in the permit review process?
- Focused on incorporating a meaningful community engagement process to ensure inclusive community voice around its creation.
- Center this discussion on the voices of those who live in communities facing environmental burdens.

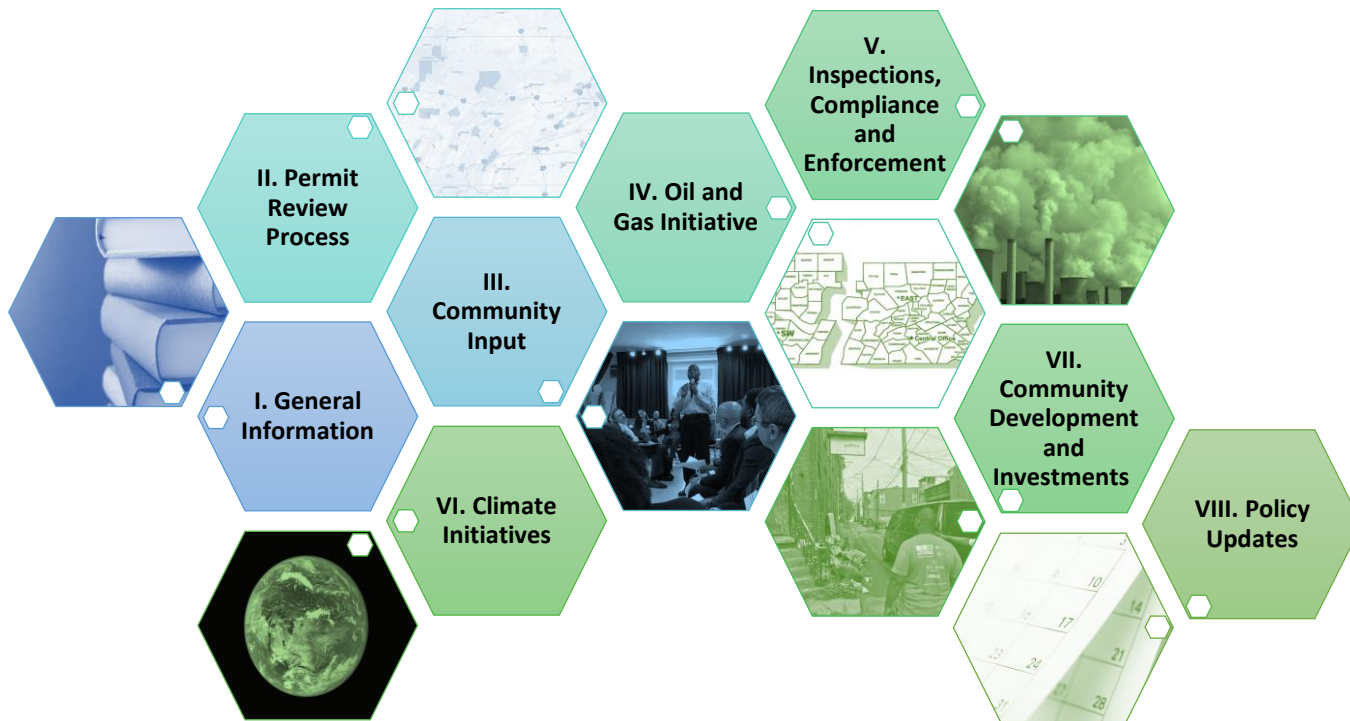


2021 EJ Executive Order

- Requires the development of a revised, comprehensive EJ policy.
- Recommends many components for the policy including redefining EJ area criteria and developing language access accommodations.



EJ Policy Components



- I. General Information
- 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

Inspection, Compliance and Enforcement



V. Inspections, Compliance and Enforcement

- Moving beyond public participation within DEP's existing regulatory authority
- Prioritizing inspection and compliance
- Civil Penalty Enhancements
- Community Environmental Projects

Community Development and Investment

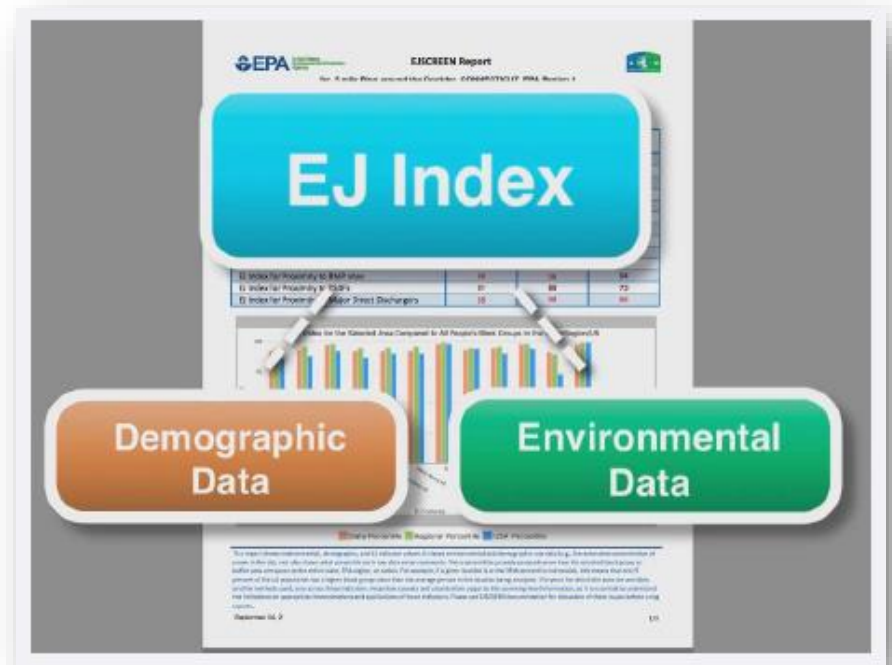
VII. Community Development and Investments

- Targeting grants
- Promoting brownfield redevelopment



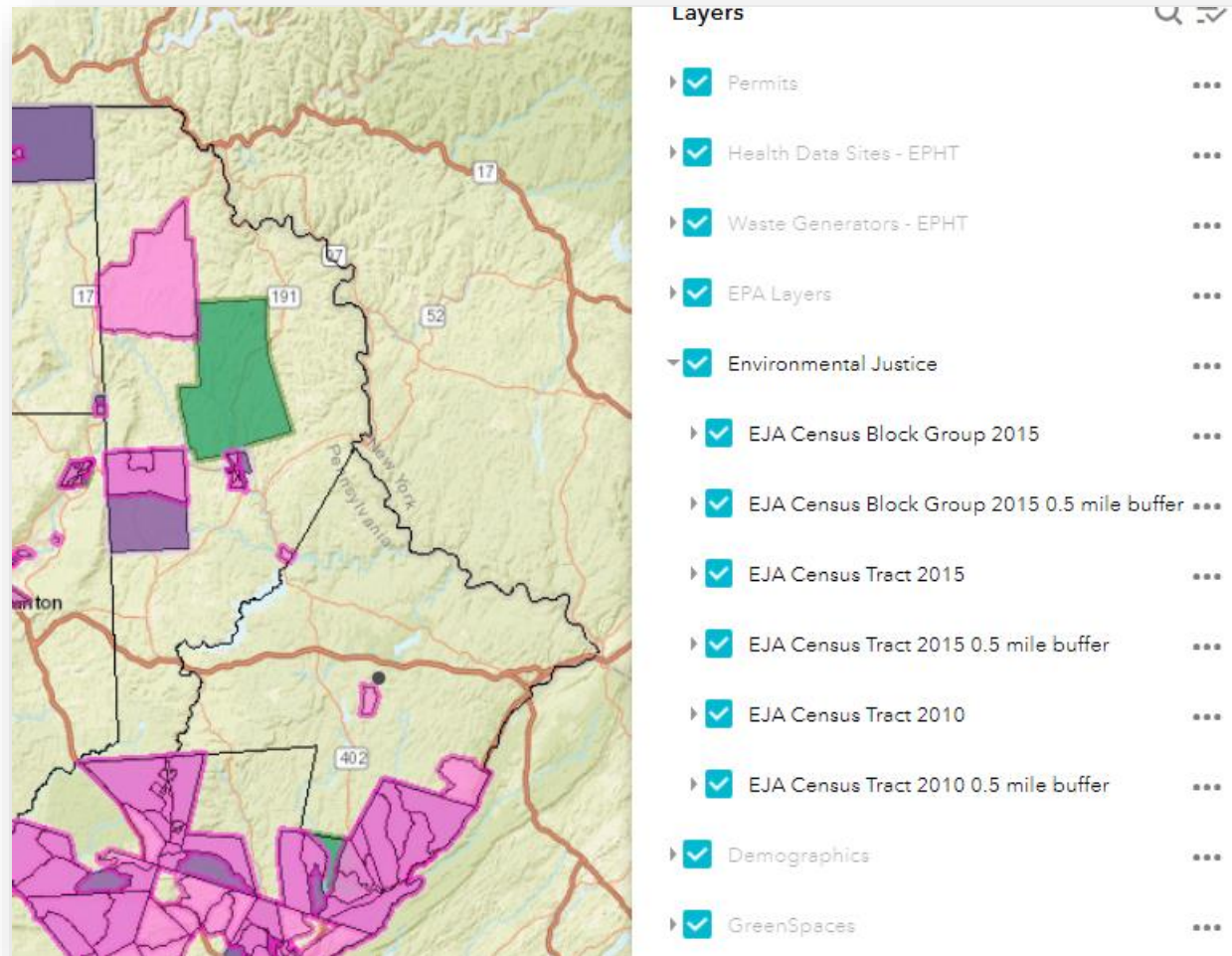
Tools: EPA EJSCREEN

- Mapping tool: epa.gov/ejscreen
- Includes demographic and environmental data
- Nationwide
- Can produce reports at the census tract level
- Working on training with other departments.



Tools: EJ Areas Viewer

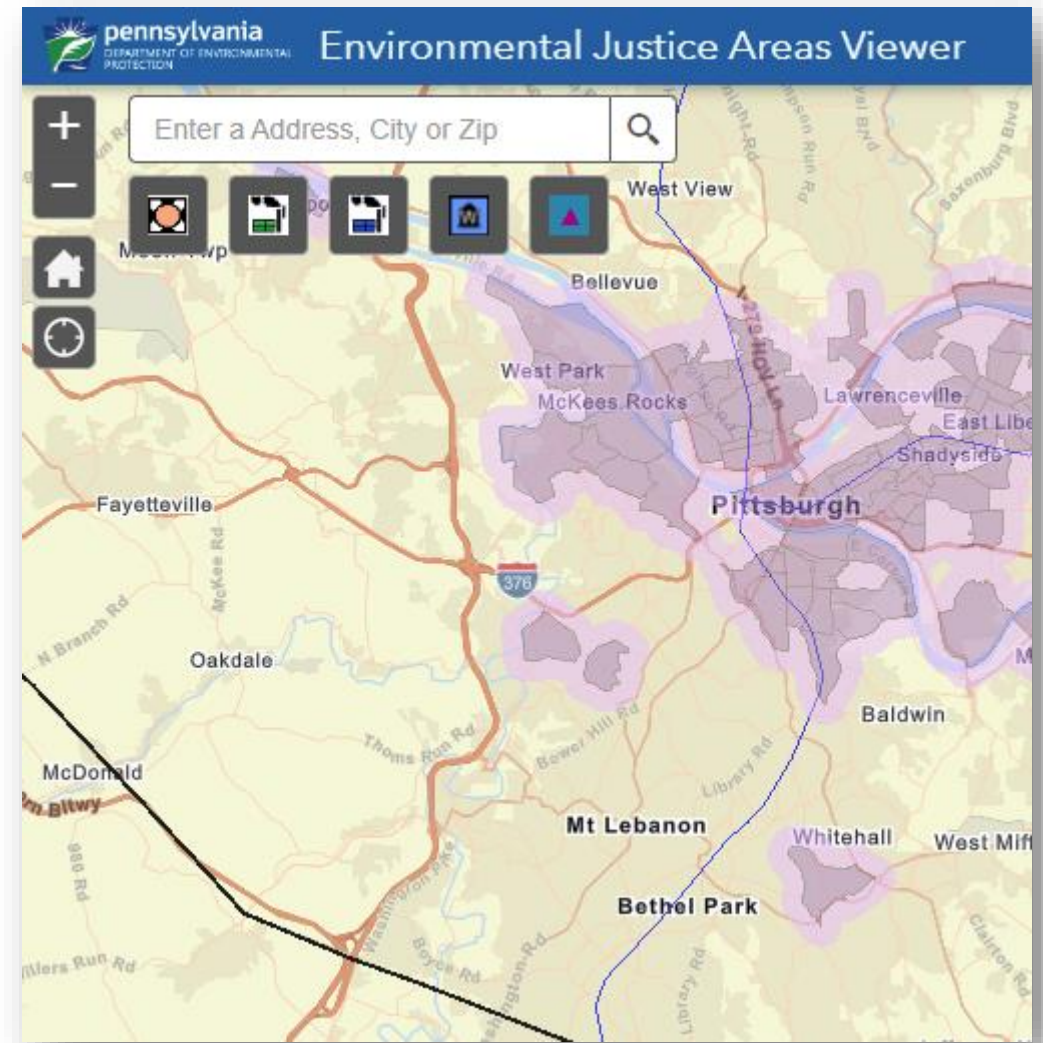
- Mapping tool
- Allows user to search by address
- Use for DEP and community partners
- Determines whether DEP engages in enhanced public outreach
- Used by other PA agencies



dep.pa.gov/ejviewer

Updating State Mapping Tools

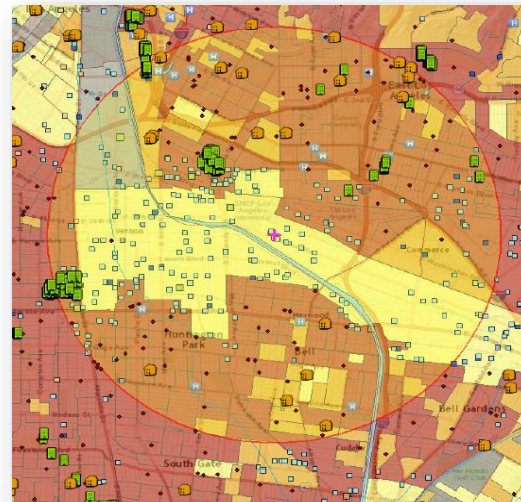
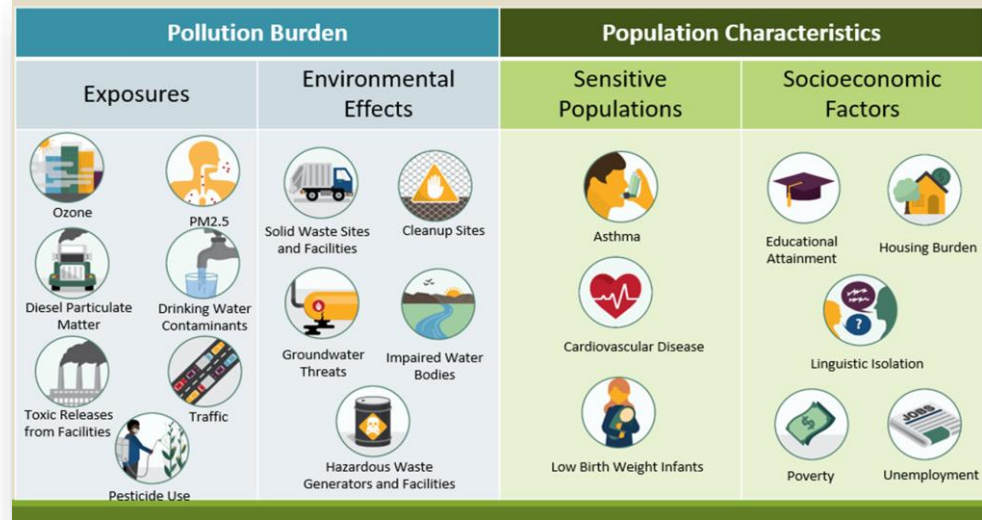
- Heard from community members, DEP Staff, and other agencies on the limitations of using only two demographic indicators
- More publicly available and regularly updated data available
- Being used more broadly than just our EJ Policy implementation
- Nationally tools are looking at pollution burden
- Look to have more regular updates to keep the data up to date



Tool Comparison

U.S. EPA EJ Screen	Updated EJ Areas Viewer
Provides data in percentiles	Will provide data in percentiles
Uses data available on a national level	Will use statewide and national data
Can explore individual factors	Will be able to explore individual factors
Updated periodically	Will have data updated on an annual schedule, with periodic larger updates
Pre-decisional analysis tool	Will be used to determine whether to implement the EJ policy

Describing-Quantifying-Mapping Disproportionate Impacts



Disproportionate impacts is the consistent pattern of a combination of greater **pollution burden** and **population vulnerability** affecting the same communities, primarily minority, low-income, indigenous populations, as demonstrated by ample evidence.

Sources: CalEPA Office of Environmental Health Hazard Assessment and EPA EJSCREEN

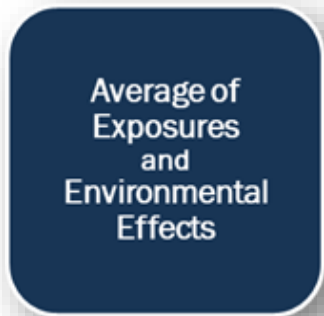
Tools: CalEnviroScreen



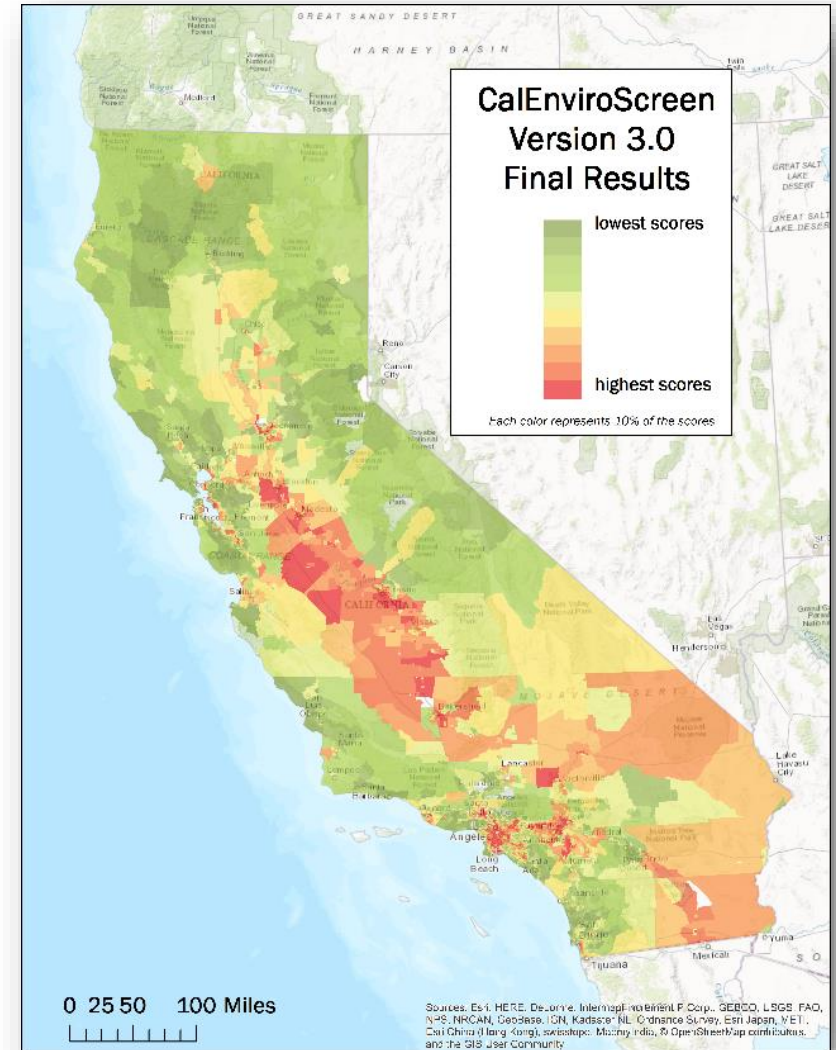
- Combines pollution burden and population characteristics
- Ranks communities according to combined scores for cumulative impacts
- Informed by significant and ongoing public input

Pollution Burden

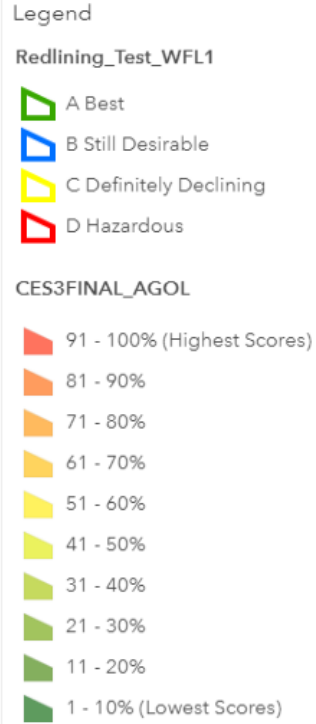
Population Characteristics



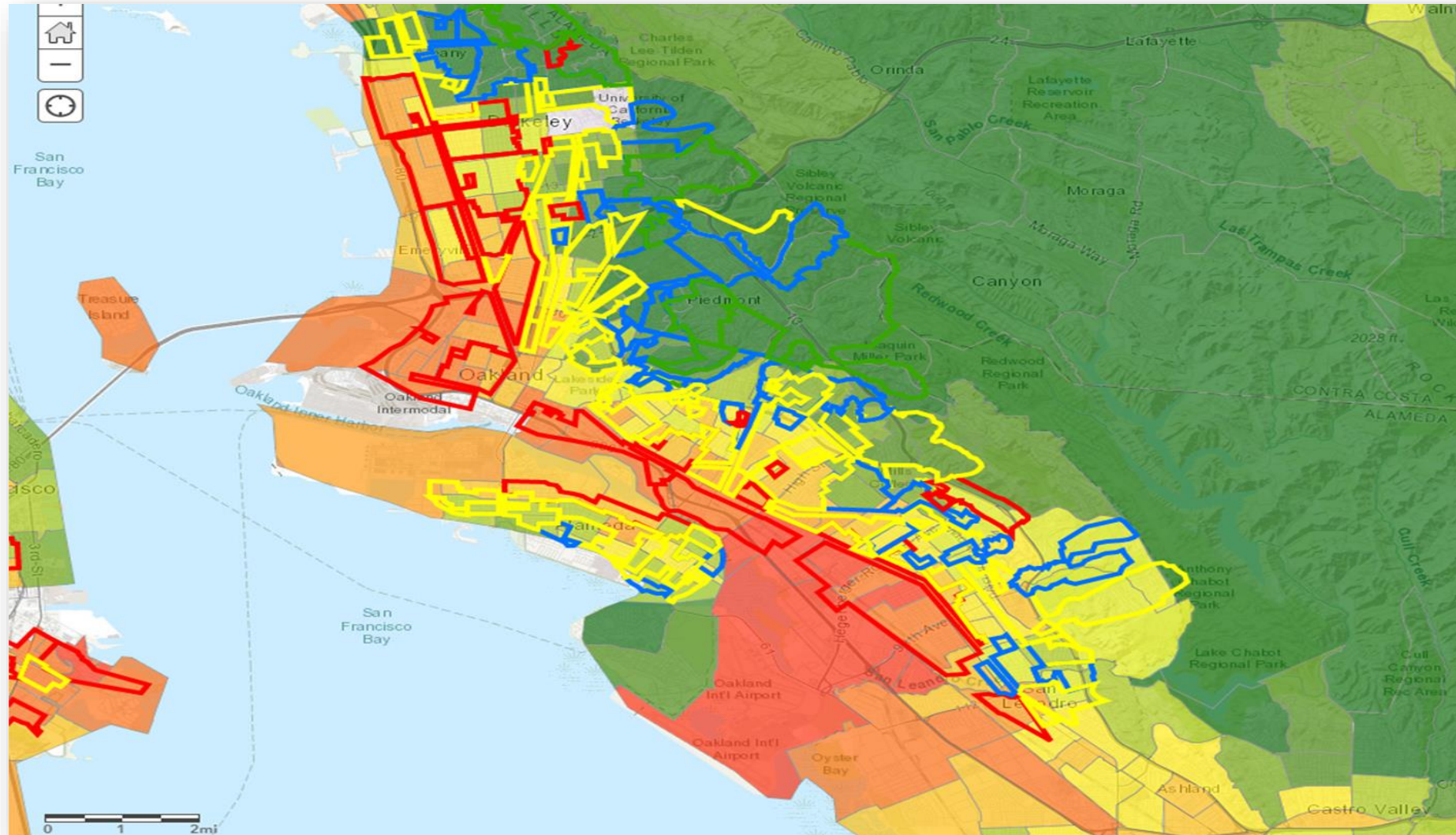
[Available as an interactive web map](#)



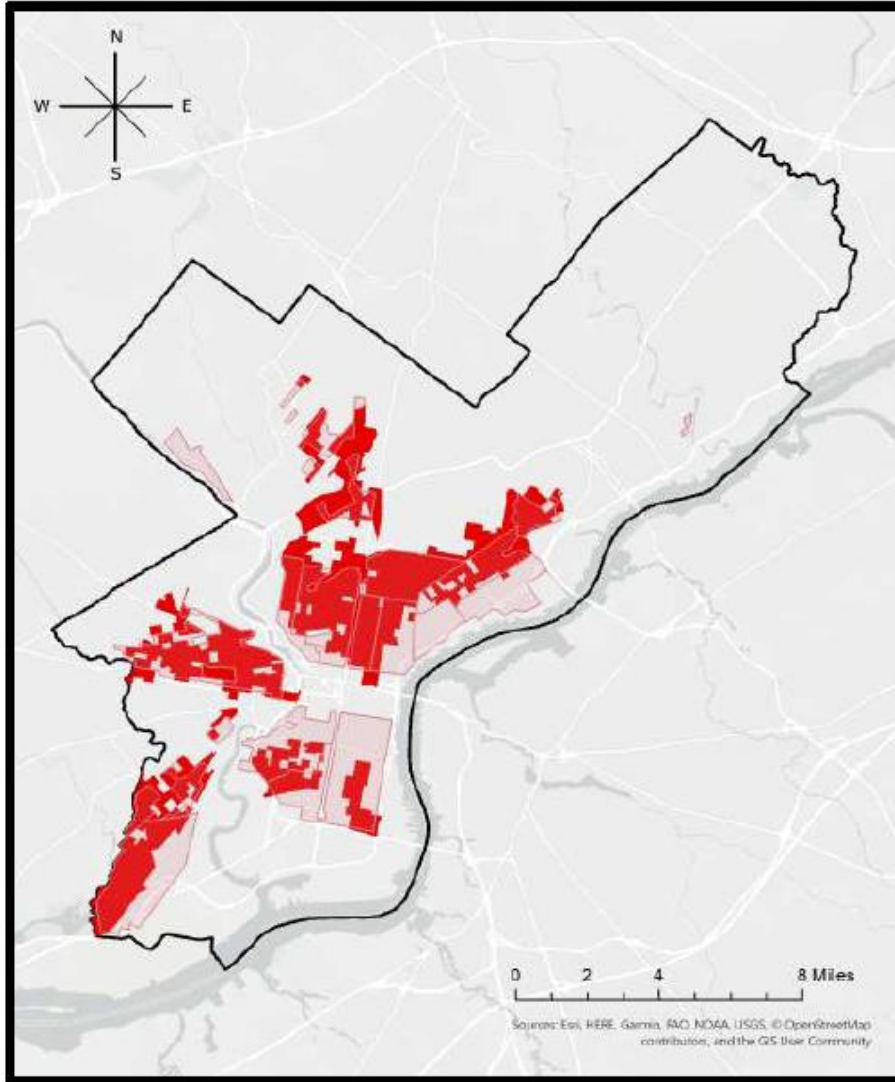
Historical Legacy of EJ: Redlining & Structural Racism



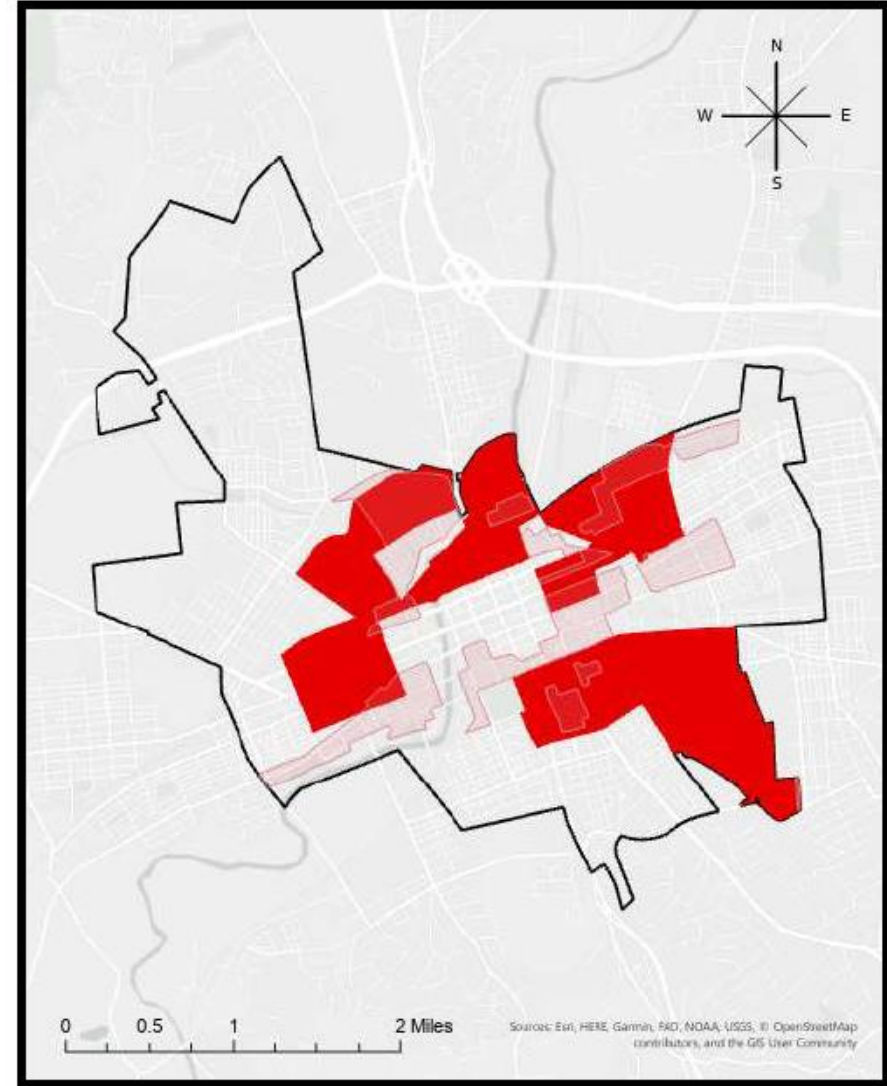
Oakland, California



Historical Legacy of EJ: Redlining in Pennsylvania



Philadelphia: Diesel Particulate Matter



York: Proximity to Hazardous Waste

International Association for Public Participation

Spectrum of Public Participation



Inform

Provide Information

- Fact Sheets
- Websites
- Open Houses

Consult

Obtain Feedback

- Public Comment
- Public Meetings
- Focus Groups

Involve

Two-Way
Conversations

- Advisory Groups
- Workshops
- Deliberative
Polling

Collaborate

Partner with Public
to Develop Preferred
Solution

- Consensus
Building
- Participatory
Decision-making

Empower

Public Makes
Decisions

- Voting
- Citizen Juries
- Delegated
Decision-making

Benefits of Community Engagement

- Learn local knowledge, experience, history
- Minimize delays in the permitting and regulatory processes
- Address concerns that may be outside scope of environmental regulations
- Develop relationships with future partners and potential funders



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