Environmental Justice and Equity in Peer Climate Legislation

Ellie Curtis
<table>
<thead>
<tr>
<th>State</th>
<th>VT</th>
<th>ME</th>
<th>MA</th>
<th>CT</th>
<th>NY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pop</td>
<td>623,989</td>
<td>1,344,212</td>
<td>6,892,503</td>
<td>3,565,287</td>
<td>19,453,561</td>
</tr>
<tr>
<td>Race White/African American/ Latins/ American Indian/ Asian/ 2+ Races</td>
<td>92.6%/ 1.4%/ 2.0% / 0.4%/1.5%/2.0%</td>
<td>93.0%/ 1.7%/ 1.8%/ 0.7%/ 1.3%/ 1.8%</td>
<td>71.1%/ 9.0%/ 12.4%/ 0.5%/ 7.2%/ 2.6%</td>
<td>65.9%/ 12.2%/ 16.9%/ 0.6%/ 5.0%/ 2.5%</td>
<td>55.3%/ 17.6%/ 19.3%/ 1.1%/ 9.0%/ 2.7%</td>
</tr>
<tr>
<td>Age</td>
<td>18% under 18</td>
<td>19% under 18</td>
<td>20% under 18</td>
<td>20% under 18</td>
<td>21% under 18</td>
</tr>
<tr>
<td></td>
<td>20% 65+</td>
<td>21% 65+</td>
<td>17% 65+</td>
<td>18% 65+</td>
<td>17% 65+</td>
</tr>
<tr>
<td>Disability rate under 65</td>
<td>11%</td>
<td>12%</td>
<td>8%</td>
<td>7%</td>
<td>8%</td>
</tr>
<tr>
<td>%Rural</td>
<td>67%</td>
<td>65%</td>
<td>9%</td>
<td>12%</td>
<td>14%</td>
</tr>
<tr>
<td>Poverty rate</td>
<td>10%</td>
<td>11%</td>
<td>9%</td>
<td>10%</td>
<td>13%</td>
</tr>
<tr>
<td>Energy burden</td>
<td>4-10%</td>
<td>5%</td>
<td>9%</td>
<td>3%</td>
<td>3%</td>
</tr>
</tbody>
</table>

Adapted from Middlebury College GWSA Project Presentation by Grace Maley, Max Lucas, Mollie Ockene, Nicole Pollack & Jack Allnutt on Dec. 10, 2020.
NY
Timeline:

- **2020**: Climate Leadership and Community Protection Act (CLCPA) passed
- **Jan. 2023**: Scoping plan due
- **Jan. 2024**: NY State Dept. of Energy and Conservation transforms strategies into regulations
CLCPA structure:

- Climate Justice Working Group
- Just Transitions Working Group

Advisory Panels:

- Energy Efficiency and Housing Advisory Panel
- Transportation Advisory Panel
- Land Use and Local Government Advisory Panel
- Power Generation Advisory Panel
- Energy-Intensive and Trade-Exposed Industries Advisory Panel
- Waste Advisory Panel
- Agriculture and Forestry Advisory Panel
Equity Lens in CLCPA

- **Climate justice requirements in CLCPA**
  - Scoping Plan to prioritize disadvantaged communities
  - 35% minimum funding to disadvantaged communities

- **Environmental Justice Working Group:**
  - Establish criteria to identify and develop a list of disadvantaged communities
  - develop a Benefits Framework
  - Consults with CAC on draft plan
  - Consult with DEC on barriers report and air monitoring program
  - Coordinate with advisory panels

- **Just Transitions Working Group:**
  - advise and provide recommendations on workforce matters
  - identify electric generation sites and issues/opportunities presented by site reuse
  - identify industries, sector-specific impacts
  - develop guiding principles on Just Transition to inform CAC and Advisory Panels
  - conduct study on employment impacts
Identification and Mapping Disadvantaged Communities

- Built on lessons from CalEnviroScreen
- **Place-based** vs. Individual Definition?
- Rubric for Criteria Selection
  - Applicability
  - Actionable and addressable by CLCPA investments?
  - Contribution of Indicator to Scoring Approach
  - Data Sufficiency and Quality
- Still in identifying and wrangling data phase
- Interim DAC approach
  - HUD 50% Area Median Income (AMI) threshold + within DEC
  - race/ethnicity)
  - New York State Opportunity Zones: Individual poverty rate + Family income
Takeaways

- Embedded equity lens
- Longer timeline
- Separated climate justice from just transition
- Reliance on place-based mapping with a very thorough process
MA Timeline

- 2008: GWSA passed
- 2012: GWSA Implementation Advisory Committee (IAC) convened
- 2014: Executive Order creates Environmental Justice Advisory Council
- 2015: Clean Energy and Climate Plan for 2020 released
- 2017: 10 year Progress report
- 2018: Environmental Justice Policy Update
- 2019: “Clean Energy and Climate Plan for 2030” and 2050 Decarbonization Roadmap released
- Dec.-Jan. 2020-21: IAC created Climate Justice Working Group (CJWG) (originally named Equity Working Group)
Structure:

MA Environmental Justice Advisory Committee (MEJAC)

Technical Steering Committee

GWSA Implementation Advisory Committee

Climate Justice Working Group

Working groups:
- Buildings
- Electricity
- Land Use and Nature-Based Solutions
- Transportation
Climate Justice Working Group

- Clear definitions for each concept
  - Environmental Justice Populations: defined by percentage of households meeting certain threshold for income, minority population, or English isolation
  - Climate justice: right to access and obtain the resources needed to have an equal chance of survival and freedom from discrimination
  - Equity: treating an individual or community according to their needs
- Proposed Guiding Questions to Evaluate Scenarios
- Proposed Scoring System
- Recommendations for the Decarbonization Roadmap for 2050 and Clean Energy and Climate Plan 2030
Mapping and Identification:

- Resilient MA Interactive Map Viewer: shows climate justice areas
- Environmental Justice Viewer: shows environmental justice populations
  - Conducted sensitivity analyses to minimize false classification as EJ community or missing those that should

Takeaways

- Define environmental justice and climate justice differently
- Simpler indicator identification process
- Long history of environmental justice considerations within the executive branch, while GWSA was slow to pick up climate justice work.
GWSA passed

Environmental Justice Law signed: increased public participation in siting decisions

Governor’s Council on Climate Change (GC3) by Executive Order

Equity and Environmental Justice Working Group created

"An Act Requiring Evaluation of the State’s Environmental Justice Law" passed

First report on the progress on mitigation strategies and the Adaptation and Resilience Plan completed

Timeline

GWSA structure:

Governor's Council on Climate Change

Climate Change Adaptation & Resilience Subcommittee

Equity and Environmental Justice Working Group (EEJWG)
- Equity, Environmental Justice Adaptation Subcommittee
- Equity, Environmental Justice Mitigation Subcommittee
- Equity, Environmental Justice
- Public Participation Subcommittee

Infrastructure and Land Use Adaptation

Public Health and Safety

Science and Technology

Financing Adaptation and Resilience

Working and Natural Lands

Sub-Groups

Progress on Mitigation Strategies

Subgroups
Equity and Environmental Justice Working Group

- Definitions of equity: Distributive, Procedural, Contextual and Corrective
- Role of Group
  - Develop guidelines for diverse stakeholder engagement
  - Evaluate recommendations through equity and EJ lens
  - Identifying vulnerable populations with a mapping tool
  - Identify strategies to for ongoing inclusion in implementation and investment decisions
- Equity & Environmental Justice Working Group Report
  - Developed recommendations to each other Working Group by asking the following questions for each:
    1. What were the equity and environmental justice highlights from this working group’s action items?
    2. What are some proposed changes or concerns EEJ or your EEJ subcommittee has about this report?
    3. What are additional ideas and/or recommendations for incorporation into this working group’s report?
    4. What items need of further discussion, investigation, and/or deliberation as the GC3 continues to meet in 2021?
- Delivered to CG3 and incorporated into Phase 1 Report: Near-Term Actions
- Limited time: only given 2 weeks to cover many working group reports
- Webinar Series to engage public
Takeaways

- Definition of Equity brings together different tasks of group
- Equity considerations brought in after legislation, took executive action to implement equity lens
- Formed 4 subcommittees to focus on each role/deliverable
Maine Climate Council launched with passage of LD1679
Working groups stood up

MCC considers draft strategies; UMaine Equity Assessment Team completes framework and delivers rec.s

4-years plan delivered to Governor and Legislature, Equity Subcommittee created

Climate Council continues to meet quarterly to monitor progress

Timeline:
- Sept. 2019: Maine Climate Council launched with passage of LD1679
- Oct. 2019: Working groups stood up
- June 2020: Working groups present draft strategies
- Summer 2020: MCC considers draft strategies; UMaine Equity Assessment Team completes framework and delivers rec.s
- Dec. 2020: 4-years plan delivered to Governor and Legislature, Equity Subcommittee created
- Ongoing: Climate Council continues to meet quarterly to monitor progress
GWSA structure:

Maine Climate Council

Scientific and Technical Subcommittee

Equity Subcommittee

working groups:

Coastal and Marine
Transportation
Community Resilience Planning, Public Health & Emergency Management
Buildings Infrastructure, and Housing
Natural and Working Lands
Energy
Mapping and Identification

- Focused on:
  - Community Vulnerability
  - Employment and economic vulnerability
  - Building and Infrastructure vulnerability

- Limitations:
  - cumulative impacts not studied
  - completed for no-action alternative analysis, unclear whether this mapping work will actually be used to target programs

Maine SVI based on factors such as socioeconomic status, minority status, household composition and disability, and housing and transportation, overlaid with climate projections. SVI developed by Eileen S. Johnson (Bowdoin College); Jeremy M. Bell, Daniel Coker, and Nicole LaBarge (The Nature Conservancy); and Gavin Blake (Colby College).
Equity Assessment

Equity Framework, Analysis and Recommendations Report by UoM Mitchell Center for Sustainability Solutions

- Recommendations
  - Create an Equity Working Group and process for measuring equity goals throughout implementation (now the Equity Subcommittee)
  - Active Vulnerable Community Involvement with compensation
  - Consider multitude of factors affecting equity, not just climate change

- Limitations
  - Conducted without public input by 3 members of academia, non-representative of populations they were discussing
Takeaways

- Equity lens applied retroactively, and lack of diversity on initial Equity Assessment Team, although a new subcommittee has taken its place
- Equity Subcommittee now has a year to develop key equity metrics
- Only mapping tool that looked at jobs and employment
What can we learn from other states?

- **Process:**
  - Definition and Identification ➔ Council Plan ➔ Framework ➔ Assess Proposed Strategies ➔ Develop Equity Recommendations before Final plan Release

- **Structure:** where states place equity, divide up the issue varies
  - Helpful to break the work up into several sup-groups

- **Framing**
  - ME: "vulnerable populations"
  - NY: "disadvantaged communities"
  - MA: "EJ populations"
  - CT: "vulnerable communities"

- **Focus on spacial distribution of historically marginalized and underfunded groups**

- **Academia/consulting expertise**
VT Timeline and Structure

- VT GWSA enacted (Sept. 2020)
- First Meeting (Nov. 2020)
- Council adopts Climate Action Plan (Dec. 2021)
- ANR adopts and implements rules (Dec. 2022)

Vermont Climate Council

Steering Committee

Subcommittees:
- Rural Resilience Subcommittee
- Cross-Sector Mitigation Subcommittee
- Science and Data Subcommittee
- Agriculture & Ecosystems Subcommittee
- Just Transitions Subcommittee
What can we build on?

- EV’s Energy Burden Report: offers metric for assessing economic inequity and maps highest need areas
- VT SVI on socioeconomics indicators
- REJOICE work
  - Community, research, and policy cores
  - Draft Environmental Health Disparity Index from UVM’s research core
Where to next?

- Subgroups?
- Vulnerability indicators and mapping
- Framework for working groups to structure their work
- Assessment tool for us to evaluate strategies

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Thanks for listening!
Potential Contacts for VT JTS Presentation

1. ME:
   a. Maine Equity Assessment team: Dr. Linda Silka (silka@maine.edu), Sara Kelemen and Dr. David Hart (david.hart@maine.edu)
   b. Equity Subcommittee Co-chairs: Maulian Dana, Penobscot Nation Tribal Ambassador and Spencer Thibodeau Portland City Councilor

2. NY:
   a. Amanda Dwelley, Illume Consulting
   b. CJWR: Rosa Mendez, Chair, Director of Environmental Justice, DEC

3. MA:
   b. Marcos Luna, Professor of Geography and Sustainability, Salem State University and author of "Evaluation of Massachusetts Environmental Justice Criteria"

4. CT
   a. Co-Chairs of EEJWG:
      i. Lee Cruz, Community Outreach Director, The Community Foundation of Greater New Haven
      ii. Marianne Engelman-Lado, Yale University, Vermont Law School (and recent Biden pick for EPA's deputy gc!)
   b. Chair Public Participation Subcommittee: Alex Rodriguez, CT League of Conservation Voters
   c. Chair Mitigation Subcommittee: Sena Wazer, CT Sunrise Movement
   d. Chair EEJ & Adaptation Subcommittee: Dr. Mark Mitchell, Center for Climate Change Communication, George Mason University