



**2021 Interagency Environmental  
Justice Working Group**  
A Guide for 2022

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## Environmental Justice

Environmental justice first came to prominence in the early 1980s. The concept was formed by individuals, primarily people of color, who worked to shift the focus of environmental protection from solely the protection of natural areas to include communities, largely of color, who were experiencing environmental degradation to air, water, and land.

## The Commonwealth's Environmental Justice Act of 2020

In 2020, Governor Ralph S. Northam signed historic legislation passed by the General Assembly to integrate environmental justice into Virginia Law and state actions.

The Environmental Justice Act of 2020, introduced by Senator Ghazala Hashmi (SB406) and Delegate Mark Keam (HB704), established that the policy of the Commonwealth is to promote environmental justice as defined in the bill, and to ensure that environmental justice is carried out throughout the Commonwealth.

It defines environmental justice as "... the fair treatment and meaningful involvement of every person, regardless of race, color, national origin, income, faith, or disability, regarding the development, implementation, or enforcement of any environmental law, regulation, or policy."

The Interagency Environmental Justice Working Group was established by the 2020 budget amendment Item 372 #1c (SNR), accompanying SB406 and HB704, to assess and provide recommendations regarding agency improvements to meaningfully engage environmental justice communities and fenceline communities in decision-making processes for agency activities that affect them.

*To be comprised of 10 environmental justice coordinators representing each of the Governor's Secretaries. The Secretary of Natural Resources shall designate a chairman and vice chairman from among the membership of the Working Group.*

*Legislative Mandate: The Working Group shall conduct an assessment of the processes and resources required of state agencies to develop agency-specific environmental justice policies. In conducting its assessment, the Working Group shall provide that agency policies at a minimum:*

- (i) ensure environmental justice is meaningfully considered in the administration of agency regulations;*
- (ii) consistently identify environmental justice communities and fenceline communities;*
- (iii) identify how such communities are affected by agencies' regulatory activities;*
- (iv) consider the economic development and infrastructure needs of environmental justice communities and fenceline communities in agency decision-making processes; and (v) contain robust public participation plans for residents of environmental justice communities and fenceline communities potentially affected by agency actions.*

The Working Group provided the findings of its assessment, and associated recommendations, to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees on December 1, 2020.

In 2021, the Interagency Environmental Justice Working Group reconvened to determine the direction of environmental justice work throughout the whole of government. This effort was undertaken by the Secretariats of Agencies of the Commonwealth and their departments with staff support. The members met three times:

August 30, 2021, October 5, 2021, and November 17, 2021. The members hosted a listening session that took place on October 5, 2021 and provided input to this report.

## Members of the 2021 Interagency Environmental Justice Working Group

Office of Diversity, Equity, and Inclusion	Virginia Department of General Services
Secretary of Agriculture and Forestry	Virginia Department of Health
Secretary of Commerce and Trade	Virginia Department of Historic Resources
Secretary of Health and Human Resources	Virginia Department of Housing & Community Development
Secretary of Natural Resources	Virginia Department of Marine Resources
Southern Appalachia Mountain Stewards	Virginia Department of Military Affairs
Virginia Department of Agriculture & Consumer Services	Virginia Department of Rail and Public Transportation
Virginia Department of Conservation and Recreation	Virginia Department of Wildlife Resources
Virginia Department of Education	Virginia Department of Transportation
Virginia Department of Energy	Virginia Economic Development Partnership
Virginia Department of Emergency Management	Virginia Information Technologies Agency
Virginia Department of Environmental Quality	Virginia Interfaith Power and Light
Virginia Department of Forestry	

## Staff support to the 2021 Interagency Environmental Justice Working Group

Renee Hoyos	Virginia Department of Environmental Quality
Lindsey Paisley	Virginia Department of Environmental Quality
Carrie Hearne	Virginia Department of Energy
Michael Skiffington	Virginia Department of Energy
Brenden Rivenbark	Virginia Department of Health
Tristan Bradsher	Virginia Department of Military Affairs
Richard Walton	Virginia Department of Transportation
Angel Deem	Virginia Department of Transportation
Sandra Norman	Virginia Department of Transportation
Meryem Karad	Office of the Governor

## Collaboration to Fulfill the Environmental Justice Act of 2020 – Determining Future Actions.

Since the enactment of the 2020 *Virginia Environmental Justice Act*, the Commonwealth has invested resources to analyze existing efforts across state agencies in identifying environmental justice and fence line communities. Moving forward, these investments will focus on developing a statewide practice for identifying and assessing impacts to, and communicating with, environmental justice communities that could be affected by a proposed state action. Currently, state agencies with actions that have a federal nexus conduct environmental justice analyses as a part of their National Environmental Policy Act (NEPA) documentation. The level of detail applied to this NEPA analysis varies based on the lead federal agency. These federal analyses not only assess the effects of proposed projects on environmental justice communities, but allow for engagement with these communities during the project development process. In the Commonwealth, the process of identifying how the state will match or exceed the federal expectations and react to future changes in federal requirements is underway and expected to result in a series of substantive decisions in the coming year.

The decision-making process will begin by determining how a state agency, together with environmental justice organizations, will identify environmental justice and fence line communities. These decisions will include the determination of appropriate sources of data to be used to identify and map these populations. This may include data sources, like the Census and local or regional population data sets, as well as mapping tools that could range from an online tool like the Environmental Protection Agency's EJSCREEN to the use of standardized geographic information system (GIS) data sets produced by state agencies. Decisions will also be made about how many of these tools would be used for an analysis and if the analysis would vary based on the scope of the project or proximity of the given project to an environmental justice community.

Once decisions on identification are made, agencies can then move on to the second step, which involves determining how to assess if a proposed project effects a given population. One of the first considerations in the coming year will be the level of detail to be applied to disproportionate impacts analysis. This determination includes addressing if an analysis will consider varying levels of impacts (direct vs. indirect, and short-term vs. permanent). In addition, decisions will be made about the level of analysis to be applied to actions that all state agencies conduct compared to those that may be agency-specific actions. Discussions in the coming year also will focus on what type of actions would qualify as beneficial or adverse impacts. In many cases, a single action could result in beneficial and adverse impacts of varying intensity and duration, and our work in the coming year will lay out a process for an agency to come to these decisions and for those findings to be deemed acceptable by permitting or approving agencies and communities.

State agencies will discuss standards for engaging environmental justice communities. Considerations include: determining if each type of action or level of potential impact requires the same type of outreach, when outreach is deemed successful, and if there will be statewide guidance for this outreach or if agencies will update and follow their respective public involvement plans. These discussions could speak to the timing of necessary outreach, the tools to be used for that outreach, and what level of review and approval of an outreach plan is required.

Agencies realize environmental justice is an ongoing communication with communities that will be affected by decisions as well as changing laws and rules.

**Recommendation.** State agencies work together to make environmental justice a priority in their already mandated DEI plans and by consistently identifying environmental justice communities given the limitation of resources and to fulfill the Environmental Justice Act of 2020 by providing early and meaningful involvement of environmental justice communities in agency decisions per Goal 5 of the ONE Virginia Plan.

## Work Being Done

### Equity in Action. The Transition from Fossil Fuels to Renewable Sources of Energy – Virginia Department of Energy

An example of forward-thinking policy, using equity principles, and interagency collaboration is the work spearheaded by Virginia Department of Energy on the Virginia Clean Economy Act of 2020. As described below, this project can provide a road map for interagency collaboration using an equity frame to transition from fossil fuels to renewable energy while developing capacity in environmental justice communities and reducing pollution to air, land, and water.

The energy industry serves as the backbone of the Commonwealth's economy, and Virginia's energy policy is both forward-looking and adaptive to enable the transformations that are happening worldwide, while identifying an equitable approach to benefit all Virginians.

The Virginia Clean Economy Act of 2020 (VCEA) put forth significant clean energy transition goals into law, including the following policies of the Commonwealth to ensure the development of energy programs benefit local workers and disadvantaged communities while also monitoring if the Act imposes any disproportionate burdens on these communities. Virginia Department of Energy has a key role in leading this analysis and implementation:

#### VCEA Enactment Clause 5:

*That beginning September 1, 2022, and every three years thereafter, the [Department of Energy], in consultation with the Council on Environmental Justice and appropriate stakeholders, shall determine whether implementation of this act imposes a disproportionate burden on historically economically disadvantaged communities, as defined in § 56-576 of the Code of Virginia, as amended by this act, and shall report by January 1, 2023, and every three years thereafter, to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor and to the Council on Environmental Justice.*

#### VCEA Enactment Clause 7:

*That it shall be the policy of the Commonwealth that the State Corporation Commission, [Department of Energy], and Virginia Council on Environmental Justice, in the development of energy programs, job training programs, and placement of renewable energy facilities, shall consider whether and how those facilities and programs benefit local workers, historically economically disadvantaged communities, as defined in § 56-576 of the Code of Virginia, as amended by this act, veterans, and individuals in the Virginia coalfield region that are located near previously and presently permitted fossil fuel facilities or coal mines.*

Virginia Department of Energy has also explicitly consulted with the Council on Environmental Justice and other stakeholders relating the Enactment Clause 6 of the VCEA, and the mandated "decarbonization modeling" report relating to "recommendations on how to achieve 100 percent carbon-free electric energy generation by 2045 at least cost for ratepayers." The report will be submitted to the General Assembly no later than January 1, 2022.

Prior to the passage of the VCEA, Governor Northam issued [Executive Order 43](#), "Expanding Access to Clean Energy and Growing the Clean Energy Jobs of the Future."

Virginia Department of Energy, in consultation with other state agencies, has been directed by the Office of the Governor to develop a plan of action to produce thirty percent of Virginia's electricity from renewable energy sources by 2030 and one hundred percent of Virginia's electricity from carbon-free sources by 2050. The plan that Virginia Department of Energy is developing seeks to address equity and environmental justice so the outcomes are achieved in a just manner that advances social and environmental equity.

In addition, Executive Order 43 sets forth goals to ensure the Commonwealth has the workforce in place to meet the growing needs and technological advancements of the clean energy sector. The Order calls on developing awareness of clean energy sector career opportunities and creating open access to career pathways and programs, including creating pathways out of poverty through career training in renewable energy and energy efficiency. This can be achieved in part by leveraging existing efforts such as the Virginia Department of Energy Workforce Consortium and the Department of Education's collaborative efforts with energy stakeholders in building career pathways and curricula for recently passed energy career cluster legislation.

Further, a public-private solar training program called SHINE (Solar Hands-On Instructional Network of Excellence) is scaling up to prepare Virginians for solar jobs across the state, facilitating hands-on industry education as well as interviews with companies to prepare workers for maximum employment. This is a public-private partnership founded by the Southside Virginia Community College and the Chesapeake Solar and Storage Association with the mission of increasing economic development through solar energy jobs across Virginia.

Virginia Department of Energy will continue to be actively engaged in economic and community development opportunities in Southwest Virginia during the transition to decarbonize our energy grid. Fortunately, there are many organizations involved in the region's prosperity, which together can leverage private capital from businesses and investors while partnering with the expertise of non-profit organizations and building on existing public infrastructure and agencies. Innovative public-private partnerships aimed at supporting efforts to grow the economy, increase renewable energy deployment and increase workforce development opportunities will be critical to the region's success in the years ahead.

In recent years, the General Assembly has passed numerous pieces of legislation designed to accelerate the clean energy transition. In 2020, Governor Northam signed [HB1634](#) and [HB1647](#). These bills directed the State Corporation Commission (SCC) to establish regulations by which eligible customers could participate in [shared solar programs](#). Shared solar programs are designed to appeal to those customers who either do not own their home or whose homes are not a good fit for solar installations. These customers can "subscribe" to a nearby solar facility and receive proportional credits on their utility bills, lowering their costs.

However, neither of these initiatives are truly statewide. HB1634 does not apply to Southwest Virginia customers served by Appalachian Power or Old Dominion Power. Similarly, Appalachian Power is not bound by the provisions of HB1647. If the General Assembly were to extend these programs into Southwest Virginia, there will be economic multiplier effects through job creation, workforce development, and community wealth building through lower energy bills, all while helping the Commonwealth meet its previously stated clean energy and greenhouse gas emission goals.

Similarly, if the General Assembly were to fund the Clean Energy Advisory Board, staffed by Virginia Department of Energy, it could help eliminate barriers to the success of the Low to Moderate Income Solar Loan and Rebate Fund. Funding this program would allow eligible customers to access financing for on-site (behind the meter) solar photovoltaic installations. This would be consistent with the Commonwealth's previously stated goals to ensure energy equity, reduce energy burdens for historically economically disadvantaged communities, and fulfill the intent of the policy that directs Virginia Department of Energy to administer this Fund.

Fully implementing these existing, but underutilized, programs will help ensure that the Commonwealth honors its commitments of environmental justice and equitable access to the opportunities a clean energy transition brings, such as workforce development, lower electricity bills, and homeowner investments that lead to greater community wealth.

Virginia Department of Energy is growing its team in Southwest Virginia and across the Commonwealth to incorporate equity into programs, and to invest capacity in support of creating a just transition to a clean energy

economy. Virginia Department of Energy welcomes the opportunity to be of service, working in partnership with other agencies, non-profit organizations, private sector entities and individuals across Virginia's diverse communities.

i. Projects with multi agency involvement.

Per § 10.1-1330, Virginia Department of Energy is available to provide technical assistance to the low-income energy efficiency program. Virginia Department of Energy has been involved in an advisory capacity to the Department of Housing and Community Development's (DHCD) new Housing Innovations in Energy Efficiency (HIEE) program, which utilizes a portion of Regional Greenhouse Gas Initiative (RGGI) proceeds for the Virginia Community Flood Preparedness Fund. This new DHCD program bolsters the Weatherization Assistance Program and adds new opportunities to reach additional low-income households for greater energy efficiency measures. Staff of Virginia Department of Energy have participated in the formation of this HIEE program and advised on both workgroups, including planning for historically economically disadvantaged communities and measurement and verification of the program for data tracking and quantification purposes.

Furthermore, Virginia Department of Energy will be involved in a joint annual report on use of the (RGGI) funds:

*The Department, the Department of Conservation and Recreation, DHCD, and VDOE shall prepare a joint annual written report describing the Commonwealth's participation in RGGI, the annual reduction in greenhouse gas emissions, the revenues collected and deposited in the interest-bearing account maintained by the Department pursuant to this article, and a description of each way in which money was expended during the fiscal year. The report shall be submitted to the Governor and General Assembly by January 1, 2022, and annually thereafter.*

ii. Identify ways we can work together better.

Virginia Department of Energy holds important permitting data, mapping resources and a wide network of available partners relating to abandoned mine lands, mined land reclamation, coal mining operations, and the extraction of oil and gas in the Commonwealth. In addition to the resources from the regulatory side of Department, staff are actively involved in short- and long-term approaches to helping the Commonwealth transition to a clean energy economy, with projects ranging from writing the Virginia Department of Energy Plan (due October 1, 2022) to identifying state and local buildings and lands that can be host sites to renewable energy projects and energy efficiency measures. The Virginia Department of Energy team can, and should, be a strategic and tactical partner relating to environmental justice mapping for the Commonwealth.

This effort is a great example of multiple agencies coming together to leverage their strengths and the strengths of the private sector to improve the lives of Virginians, particularly those in environmental justice communities. While there is room to do more in this program, it exemplifies how agencies can work together, center the project to address the needs of communities that experience environmental degradation, and promote economic development.



## Work to Do

### Disproportionate and Cumulative Impacts

According to the U.S. Environmental Protection Agency, “cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation...”<sup>1</sup>

Cumulative or disproportionate impact analysis is a powerful approach to addressing complex social issues through cross-sector collaboration. As equity continues to grow into a focal point of Virginia’s social and political infrastructure, it is becoming increasingly critical that Virginia’s state agencies collaborate across sectors and secretariats.

The Commonwealth does not have a law, regulation or policy that defines or requires disproportionate impact analysis. Nor does one exist at the federal level. Until such a definition becomes codified, state agencies across the Commonwealth are encouraged to work together to determine how to coordinate efforts to reduce harm to communities that have been negatively impacted by agency decisions.

To support previous and current environmental justice communities, the Secretariats of the Commonwealth are committed to ongoing and intentional collaboration to ensure that Virginia’s continued economic growth and social infrastructure complement one another. Aligning strategic investments, regulatory actions, legislative priorities, and technical resources will ensure that any decision that could potentially yield adverse environmental impacts for communities across the Commonwealth will be identified and mitigated.

**Recommendation.** Agencies will collaborate to determine components of a disproportionate impact analysis and explore how those components vary by sector.

### Mapping As a Tool for Equity

Geographic Information Systems can help us determine environmental justice communities and potentially help determine disproportionate impacts to a community by viewing data spatially. We have the ability to convert government data into mapping data layers and analyze potential impacts to communities, monitor the equity of funding programs, and center future decisions around the concerns of these communities. Currently, the U.S. Environmental Protection Agency has created a map to be used as a screening tool. This program is [EJSCREEN](#), and the data found in this tool is national in scope and provides demographic and environmental data for use by the community and decision makers nationwide. Several states have created their own state-level environmental justice screening tools that provide more localized data using smaller geographic scales.

Many agencies throughout the Commonwealth are creating equity maps and dashboards. Currently, the Office of Diversity, Equity, and Inclusion has created equity [dashboards](#). These dashboards provide at-a-glance information and can be helpful in evaluating progress toward environmental justice goals. In addition, the Virginia Department of Environmental Quality has received a grant from the U.S. Environmental Protection Agency to create a Virginia EJSCREEN.

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<sup>1</sup> United States Environmental Protection Agency, Consideration Of Cumulative Impacts In EPA Review of NEPA Documents, Office of Federal Activities (2252A), EPA 315-R-99-002/May 1999

While many agencies are considering the creation of environmental justice maps, it may be a far more efficient use of tax-payer dollars to create a mapping portal where all data layers reside and can easily be accessed at one location. Certainly, to provide adequate data for disproportionate impact analysis, multiple data locations would create confusion and frustration for both agency personnel using spatial data to assist decision making and the public interested in impacts to communities.

The Interagency Environmental Justice Working Group has determined that mapping is an important tool in agency decision making, and will work together in 2022 to determine the viability of having a single portal for mapping information. In order to accomplish this, agencies must determine the following: consistency of data layers, creation of an agreed upon QA/QC system, and a process for approving required data layers.

**Recommendation.** In collaboration with the already codified Emergency Management Equity Working Group, create a work group to determine the efficacy of a single mapping portal or an equivalent solution that maintains consistency and efficiency in the creation of mapping tools for the Commonwealth

## Agency Updates

In the 2020 Environmental Justice Interagency Working Group – A Report to the Legislature. All Secretariats were asked a set of questions regarding their agency’s efforts toward implementing environmental justice principles. As a review, the 2021 Environmental Justice Interagency Working Group presented all agencies with the same six questions from the previous report.

In 2021, awareness and action on the part of the Commonwealth agencies toward fulfilling the Environmental Justice Act has grown. Agencies have increased institutional knowledge, many have reshaped programs, and some created new departments to further environmental justice goals.

The questions below were presented to the Secretariats and their answers are provided alphabetically by agency.

1. How does your agency ensure environmental justice is meaningfully considered in the administration of agency regulations?
2. How does your agency consistently identify environmental justice communities and fenceline communities?
3. How does your agency identify how such communities are affected by agencies' regulatory activities?
4. How does your agency consider the economic development and infrastructure needs of environmental justice communities and fenceline communities in agency decision-making processes?
5. How does your agency contain robust public participation plans for residents of environmental justice communities and fenceline communities potentially affected by agency actions?
6. Were you able to get dedicated resources for environmental justice and what are they?

## Virginia Department of Agriculture and Consumer Services

### ***How does your agency ensure environmental justice is meaningfully considered in the administration of agency regulations?***

The agency mission statement of the Virginia Department of Agriculture and Consumer Services (VDACS) includes the goals of encouraging environmental stewardship and providing consumer protection. Additionally, the agency's strategic plan includes the following core value: "In dealing with customers, commitment to providing quality professional service in a timely manner; treating customers with courtesy, openness, fairness and equity; soliciting customer input during the development of policies and procedures; and ensuring that programs, policies and procedures effectively meet customer needs."

### ***How does your agency consistently identify environmental justice communities and fence line communities?***

It is a core value of VDACS to treat all stakeholders equitably, with dignity and respect. Our operations and regulatory actions are undertaken using established processes that promote impartiality and ensure equal treatment and equal opportunity for all.

### ***How does your agency identify how such communities are affected by agencies' regulatory activities?***

VDACS posts all required meeting notices on the Virginia Regulatory Town Hall and the Commonwealth Calendar. VDACS actively uses its website and social media to communicate with the public and provide opportunities for community engagement. VDACS prides itself on providing excellent customer service to all members of the public.

### ***How does your agency consider the economic development and infrastructure needs of environmental justice communities and fenceline communities in agency decision-making processes?***

The 2021 General Assembly provided funding to VDACS to establish the Virginia Food Access Investment Fund (VFAIF) and program to fund the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, or innovative food retail projects in underserved communities. The VFAIF program has been developed using the Equitable Food-Oriented Development Model, a development strategy that uses food and agriculture to create economic opportunities, healthy neighborhoods, and explicitly seeks to build community assets, pride, and power by and with historically marginalized communities.

VDACS is currently participating as a pilot agency in the ONE Virginia Plan established by the Governor's Office of Diversity, Equity, and Inclusion. As such, VDACS is working alongside other pilot agencies to establish a Diversity, Equity, and Inclusion Council to ensure that VDACS is a welcoming and inclusive workplace where employees can learn from each other and ensure that each feels valued and respected. Goals of the Diversity, Equity, and Inclusion Council will be to collect data to learn, adapt and improve relevant policies and procedures, identify and address any systems of inequity, and provide training for employees and opportunities for staff discussions and small group interactions.

### ***How does your agency contain robust public participation plans for residents of environmental justice communities and fenceline communities potentially affected by agency actions?***

VDACS's regulatory boards have all adopted public participation regulations based on the model public participation guidelines issued by the Department of Planning and Budget. VDACS and its associated boards and work groups follow all meeting requirements outlined in the Virginia Freedom of Information Act and provide opportunities for public comment at all board and work group meetings.

## Virginia Department of Conservation and Recreation

***How does your agency ensure environmental justice is meaningfully considered in the administration of agency regulations?***

Virginia Department of Conservation and Recreation (DCR) is currently engaged with our partners at Virginia Tech to develop an equity tool box as a part of our Diversity, Equity and Inclusion strategy. The Equity tool box will be used to evaluate existing and new programs within the agency and provide recommendations on how to ensure all Virginians have access to the opportunity DCR offers.

***How does your agency consistently identify environmental justice communities and fenceline communities?***

Currently DCR uses the social vulnerability index - VIMS to identify environmental justice and fence line communities. DCR would greatly benefit from a statewide environmental justice mapping tool as well as the development of a Park Equity Map layer that is linked to the Virginia Outdoors Plan. This will allow us to better understand where existing community recreational amenities are located and identify communities where land conservation and recreational amenities are most needed.

***How does your agency identify how such communities are affected by agencies' regulatory activities?***

DCR identifies affected communities through the implementation of program equity reviews using the equity tool box that we are developing in conjunction with Virginia Tech. This tool will provide a better understanding of how our programs and regulatory activities impact or create barriers to such communities.

***How does your agency consider the economic development and infrastructure needs of environmental justice communities and fenceline communities in agency decision-making processes?***

DCR currently considers development and infrastructure needs by incorporating underserved community criteria into the scoring of The Virginia Land Conservation Foundation grant to develop conservation and recreational amenities across the Commonwealth.

***How does your agency contain robust public participation plans for residents of environmental justice communities and fenceline communities potentially affected by agency actions?*** As a part of DCR's Diversity, Equity, and Inclusion Strategy, we have developed diversity contact lists that are used by each division to facilitate participation by environmental justice and fenceline communities. Each division updates the list with contacts as they are identified.

***Were you able to get dedicated resources for environmental justice and what are they?***

DCR has not received dedicated resources for environmental justice related work.

## Virginia Department of Education

The Virginia Department of Education (VDOE) strives to maximize the potential of all learners through advancing equitable and innovative learning opportunities in the Commonwealth's public schools. The agency provides guidance and oversight to Virginia's 132 school divisions.

The VDOE does not have an agency-specific environmental justice policy or regulations. However, VDOE does provide for the education of Virginia's students on the issues related to environmental justice and their role as a citizen. In order to ensure consistency, VDOE supports the Virginia Board of Education (VBOE) in developing Standards of Learning that drive curriculum development in all Virginia school divisions.

### Community Engagement & Meaningful Involvement

The Standards of Learning for each subject area are reviewed and revised at least every seven years through an inclusive process that involves many stakeholders. Included in these stakeholder groups are teachers, school administrators, parents, students, and community members, including those representing business, industry, advocacy groups, and other organizations. In addition, the general public, including those from environmental justice communities and fenceline communities, is invited to make comments throughout each revision process via statewide public hearings and email.

When standards may be relevant to or impact a particular group or community, VDOE seeks to ensure participation and representation from such groups during the review and revision process. Specific to the history and science, the following groups have been invited to engage in past standards review:

- Science: American Chemical Society and the Virginia Resource Use Education Council, state agency designated environmental education staff, and nonprofit environmental organizations
- History and Social Science: Virginia Tribal Education Consortium (formerly, at the time of revision, representation was from the Virginia Indian Tribes)

### Standards of Learning Related to Environment Justice

Below are highlighted Science Standards of Learning that address environmental justice. The Standards of Learning in history are currently in the revision process.

Science (Grade 6; Theme: Our world; our responsibility)

6.9 The student will investigate and understand that humans impact the environment and individuals can influence public policy decisions related to energy and the environment. Key ideas include:

- a) Natural resources are important to protect and maintain;
- b) Renewable and nonrenewable resources can be managed;
- c) Major health and safety issues are associated with air and water quality;
- d) Major health and safety issues are related to different forms of energy
- e) Preventive measures can protect land-use and reduce environmental hazards; and there are cost/benefit tradeoffs in conservation policies.

Earth Science (high school course option)

ES.10 The student will investigate and understand that oceans are complex, dynamic systems and are subject to long- and short-term variations. Key ideas include:

- a) Chemical, biological, and physical changes affect the oceans;
- b) Environmental and geologic occurrences affect ocean dynamics;

- c) Unevenly distributed heat in the oceans drives much of Earth's weather;
- d) Features of the sea floor reflect tectonic and other geological processes; and
- e) Human actions, including economic and public policy issues, affect oceans and the coastal zone including the Chesapeake Bay.

ES.11 The student will investigate and understand that the atmosphere is a complex, dynamic system and is subject to long-and short-term variations. Key ideas include:

- a) Composition of the atmosphere is critical to most forms of life;
- b) Biologic and geologic interactions over long and short time spans change the atmospheric composition;
- c) Natural events and human actions may stress atmospheric regulation mechanisms; and
- d) Human actions, including economic and policy decisions, affect the atmosphere.

Environmental Science (high school course option)

ENV.12 The student will investigate and understand that their actions as an environmentally literate citizen will play a role in environmental policies. Key content includes

- Consumer choices in Virginia impact jobs, resources, pollution, and waste here and around the world;
- Environmental justice is the study of the impact of environmental policy including resource allocation, pollution regulations, and waste disposal across all communities;
- Political, legal, social, and economic decisions may affect global and local ecosystems;
- Media impacts public opinion and public policy;
- Individuals and interest groups influence public policy;
- Environmental decisions should include a cost-benefit analysis and may lead to trade-offs in conservation policy; and
- Different methods are used by local, state, national, and international governments and organizations with varying results to protect the environment.

In addition to the science Standards of Learning, all instructional departments at the VDOE provide support to both school teachers and leaders in order to meet the instructional needs of all students. This support includes training and professional development and classroom resources. Support is also provided to address other needs of schools and students to include (but not limited to) school nutrition programs, facilities, transportation, counseling, and socioemotional support.

For the VDOE to engage more deeply in environmental justice efforts, it would require additional resources. The VDOE would recommend that support (monetary for staff dedicated to environmental education work) be provided to enable increased instructional resource development and professional development statewide. The VDOE believes that environmental justice compliance issues at VDOE are limited, but a full assessment would likely require additional staff to conduct a compliance review.

## Virginia Department of Energy

### ***How does your agency ensure environmental justice is meaningfully considered in the administration of agency regulations?***

It is the policy of Virginia Department of Energy that in the development of energy programs, job training programs, and placement of renewable energy facilities, the agency consider whether and how those facilities and programs benefit local workers, historically economically disadvantaged communities, veterans, and individuals in the Virginia coalfield region that are located near previously and presently permitted fossil fuel facilities or coal mines.

The siting of projects is one aspect of environmental justice, but there are broader environmental justice initiatives developing within the Commonwealth that have become priority considerations for the agency. The 2018 Virginia Department of Energy Plan outlines a number of areas where Virginia's laws and regulations regarding renewable energy present challenges for access and expansion. Virginia Department of Energy continues to consider and deal with challenges for accessing renewable energy in a changing and patchwork landscape that at times creates legal uncertainties and barriers for both expansion and increased access to energy in Virginia.

### ***How does your agency consistently identify environmental justice communities and fenceline communities?***

Through increasing the use of public engagement processes and initiatives, staff and agency resources increasingly rely on public engagement and opportunity for meaningful engagement by the public to ensure representation from diverse stakeholders. Environmental justice and fenceline communities are being identified for inclusion as key stakeholders in collecting perspective.

Under the Virginia Clean Economy Act (VCEA), Virginia Department of Energy, in consultation with the Council on Environmental Justice, is charged with determining whether implementation of the VCEA imposes a disproportionate burden on historically economically disadvantaged communities and reporting this determination on a triennial basis. Virginia Department of Energy is currently in the beginning phases of establishing which metrics it will use in making this determination. The report is due to the General Assembly in 2023.

### ***How does your agency identify how such communities are affected by agencies' regulatory activities?***

The overwhelming majority of permits issued by Virginia Department of Energy are located in historically economically disadvantaged communities. The agency's notice requirements for permit applications are set out in statute for each regulatory program. These generally involve publication in newspapers of general circulation, online publication of permit applications and public hearings. Certain affected individuals also have the right to file an objection to the permit application.

Additionally, Virginia Department of Energy has initiated a review of its existing public relations and permitting policies to determine if additional considerations for environmental justice and fence line communities are necessary.

### ***How does your agency consider the economic development and infrastructure needs of environmental justice communities and fenceline communities in agency decision-making processes?***

Throughout its history, Virginia Department of Energy has effectively balanced concerns relating to economic development and environmental protection in all the communities it serves. Through the Abandoned Mine Land

program, Virginia Department of Energy has awarded over \$47.8 million to public water projects throughout far Southwest Virginia. This has created over 1,400 jobs.

Virginia Department of Energy is realigning its resources to reflect market trends away from fossil fuels and toward clean energy. Part of this realignment involves creating positions devoted to energy equity issues. As discussed above, most of the permits issued by the agency are located in environmental justice communities and the agency continues to examine how better to incorporate environmental justice principles. Further feedback from local government and land use planners may be helpful.

***How does your agency contain robust public participation plans for residents of environmental justice communities and fenceline communities potentially affected by agency actions?***

In addition to the statutory requirements listed above, Virginia Department of Energy has existing Public Participation Guidelines that govern how communities can weigh in on potential agency actions. The agency's review of its existing public relations and permitting policies to determine if additional considerations for environmental justice and fenceline communities are necessary is ongoing.

***Were you able to get dedicated resources for environmental justice and what are they?***

Though the agency continues to realign its resources, it has yet to retain sufficient resources dedicated to environmental justice. The agency recently hired an Associate Director for Energy Equity programs, and is currently recruiting for related positions in far Southwest Virginia, the overwhelming majority of which is a historically economically disadvantaged community.



## Virginia Department of Environmental Quality

### ***How does your agency ensure environmental justice is meaningfully considered in the administration of agency regulations?***

Virginia Department of Environmental Quality (DEQ) created the Office of Environmental Justice in 2021 to, among other things, review current practices and procedures to meaningfully engage environmental justice communities in agency decisions. In order to do this, staff at the Office of Environmental Justice is working with the Environmental Justice Collaborative to determine the best way to engage the public.

As a practice, the Office of Environmental Justice regularly meets with the Virginia Environmental Justice Collaborative to discuss ways to engage communities in decisions that affect them, answer questions and assist them with capacity building. The Office of Environmental Justice is reviewing practices, procedures and policies to identify ways in which to engage communities early and in a meaningful fashion.

### ***How does your agency consistently identify environmental justice communities and fenceline communities?***

The Environmental Justice Act of 2020 defines environmental justice communities. However, the definition is broad and resources at DEQ are smaller than the need. Currently the Office of Environmental Justice is working with environmental justice groups to determine communities and permits that should always receive enhanced outreach.

### ***How does your agency identify how such communities are affected by agencies' regulatory activities?***

DEQ's Office of Environmental Justice is creating internal guidance so that potential impacts to communities can be flagged early in the process. The Office of Environmental Justice is also working with other state environmental agencies across the country, and the EPA on defining and analyzing disproportionate impacts.

### ***How does your agency consider the economic development and infrastructure needs of environmental justice communities and fenceline communities in agency decision-making processes?***

DEQ does not have a mechanism or authority to consider the effects of economic development and infrastructure needs on these communities. The Office of Environmental Justice recognizes that environmental justice requires the whole of government and is a supporter of interagency coordination on decisions that may negatively impact communities.

### ***How does your agency contain robust public participation plans for residents of environmental justice communities and fenceline communities potentially affected by agency actions?***

DEQ's Office of Environmental Justice is working on public participation plans to increase meaningful involvement in agency decisions. Departments within DEQ have different timelines. The Office of Environmental Justice seeks to create plans that will be tailored to each department and to provide training to the public to make sure they understand all the various opportunities they have and how all the participation opportunities fit together.

Projects may have multiple permits by multiple departments. However, the public thinks of the project as one whole. In order to present the entire project, DEQ has purchased software that can contain all the permits and their public participation schedules, along with additional information, opportunities for public comment, all in one location on DEQ's website.

***Were you able to get dedicated resources for environmental justice and what are they?***

Yes. In 2021, we requested and received funding for four Environmental Justice Coordinators. These coordinators will work in the DEQ regions as boots-on-the-ground support to communities where there will be state agency actions. These coordinators will develop and maintain relationships, notify communities of upcoming agency decisions, and assist them through agency processes.

In 2022, we requested funding for two more Environmental Justice Coordinators to provide one in each DEQ region.

## Virginia Department of General Services

***How does your agency ensure environmental justice is meaningfully considered in the administration of agency regulations?***

DGS follows the established regulatory process in Town Hall when updating or issuing regulations.

How does your agency consistently identify environmental justice communities and fence line communities?

DGS provides services to other government entities rather than directly to the public. I went back and reviewed our response in last year's report and it is still current and correct.

***How does your agency identify how such communities are affected by agencies' regulatory activities?***

DGS provides services to other government entities rather than directly to the public. Our response in last year's report was reviewed and it is still current and correct.

***How does your agency consider the economic development and infrastructure needs of environmental justice communities and fence line communities in agency decision-making processes?***

DGS provides services to other government entities rather than directly to the public. Our response in last year's report was reviewed and it is still current and correct.

***How does your agency contain robust public participation plans for residents of environmental justice communities and fence line communities potentially affected by agency actions?***

DGS provides services to other government entities rather than directly to the public. Our response in last year's report was reviewed and it is still current and correct.

***Were you able to get dedicated resources for environmental justice and what are they?***

At this time, DGS's role is a support function of duties we currently do. However, for DEI efforts, we have requested funding and approval to hire a position.

## Virginia Department of Health

### ***How does your agency ensure environmental justice is meaningfully considered in the administration of agency regulations?***

The Virginia Department of Health (VDH) approaches all public health planning discussions through an equity lens. To ensure VDH staff and partners leverage equity as the focal point of all programs, VDH is committed to educating staff on the intersect between equity, environmental justice, and health outcomes. VDH is also committed to expanding upon the regulatory requirements set forth in the Administrative Process Act, incorporating equity considerations into VDH's regulatory framework. This includes answering the following questions during regulatory actions:

- Who does this regulatory action benefit?
- Who could this regulatory action harm?
- Which stakeholders have not provided any feedback to VDH during this phase of the regulatory process?
- Does this regulatory action advance equity?

### ***How does your agency consistently identify environmental justice communities and fence line communities?***

VDH provides ongoing, intentional outreach to vulnerable populations during all program and policy planning efforts and the integration of VDH's Office of Health Equity (OHE) to support the functions of all other VDH Offices, to include the recruitment of a health economist.

### ***How does your agency identify how such communities are affected by agencies' regulatory activities?***

VDH embraces and implements VDH's Strategic Plan, which calls for equity, diversity, and inclusion to be foundational in all VDH activities, and is also committed to expanding upon the regulatory requirements set forth in the Administrative Process Act

### ***How does your agency consider the economic development and infrastructure needs of environmental justice communities and fence line communities in agency decision-making processes?***

VDH leverages the expertise of VDH's newly-hired Chief Diversity, Equity, and Inclusion Officer to enhance equity discussions across the agency, including economic development and infrastructure needs of these communities.

### ***How does your agency contain robust public participation plans for residents of environmental justice communities and fence line communities potentially affected by agency actions?***

VDH is expanding the data expertise of VDH's OHE to identify vulnerable communities and make such data available and accessible to partners and the public. VDH is also expanding community outreach as a key function of Virginia's local health districts.

### ***Were you able to get dedicated resources for environmental justice and what are they?***

The 2021 Virginia General Assembly approved legislation (SB 1396) which, in part, establishes a Commonwealth Policy to prioritize universal access to wastewater treatment that protects public health and the environment and supports local economic growth and stability. As part of this policy, the Commonwealth endorses the prioritized, focused, and innovative use of state and federal funding. This legislation also established a Wastewater Infrastructure Policy Working Group. The purpose of the Working Group is to coordinate, align, and capitalize on available state and federal grants and loans to landowners, local governments, and other partners to improve water quality, protect human health, and address the economic disadvantages from inadequate and failing wastewater treatment. § 32.1-164 of the Code was amended to authorize VDH to include considerations for the

impacts of climate change in the regulations for design and permitting of onsite sewage systems. Additionally, §32.1-164.1.01 of the Code was amended to authorize VDH to use the funds collected and deposited into the Onsite Sewage Indemnification Fund for loans and grants to assist qualifying homeowners with repairing or improving onsite sewage systems.

VDH's Office of Environmental Health Services (OEHS) is leading the American Rescue Plan Act Septic and Private Well Project (\$11.5 million) allocated by the Virginia General Assembly during the 2021 Special Session. This project is intended to provide financial incentives for septic and private well improvements for property owners at or below 200% of the federal poverty guidelines. The program will assist property owners to repair failing septic systems, replace straight pipes, and replace privies. The program will also assist in the replacement of inadequate private wells and properly abandoning unused wells. Similar to septic systems, there are significant inequities for many homes served by private wells. Currently, 1.7 million Virginians, approximately 22% of the population, rely on private wells or other non-regulated sources for drinking water.

OEHS recently received funding from the Centers for Disease Control and Prevention (CDC) to, in part, use existing private well data and to collect new environmental health data to identify, characterize, and eventually mitigate environmental health concerns that impact private wells. Under current regulations for private wells, persons who install or modify a private well are required to have a permit from their local health department and demonstrate adequate water quality prior to putting the well in use. However, after a private well is constructed and approved for use, nothing in state law or regulations requires owners to perform ongoing water quality testing or monitoring. Further, there are not any enforceable regulatory standards for water quality in private wells.

VDH's Office of Drinking Water (ODW) regulates waterworks, which are different from private wells because they serve 25 or more people, 60 or more days per year. Waterworks have to comply with standards for drinking water quality in Virginia's Waterworks Regulations. ODW receives annual funding from the EPA (\$18.1 million in 2021) through the Drinking Water State Revolving Fund (DWSRF) to provide subsidized, low interest loans to waterworks owners, helping them build, maintain, and expand their systems to improve their ability to consistently and reliably comply with the standards for drinking water quality. The DWSRF Program recognizes the additional challenges small, economically disadvantaged, low-income communities face, so it provides low-interest, extended loan terms (up to 30 years) and grant funding (up to 100%) to help ease the financial strain of infrastructure investment. Waterworks that propose to use DWSRF loans/grants to address public health issues and those that serve disadvantaged communities (meaning the annual cost of water is greater than 1 percent of the median household income in the community served by the waterworks) receive prioritization for funding.

The DWSRF also supports the Lead Elimination Assistance Program (LEAP), formally known as the Lead Service Line Replacement (LSLR) Program. The original LSLR Program began in 2017. It targets disadvantaged and environmental justice communities. In 2020, ODW renamed the LSLR Program as "LEAP" to say that Virginia is "leaping," or moving forward to replace lead service lines.

- Up to four waterworks per year are eligible to receive a grant of up to \$500,000 to replace lead service lines at single-family homes and rental properties, benefitting lower income and minority families that disproportionately occupy rental properties in many communities. Waterworks can use up to \$5,000 per lead service line to reimburse property owners, or cover their direct costs for replacement.
- LEAP takes into account lead action level exceedances and blood lead levels in children when evaluating potential lead service line replacement projects. Qualified Opportunity Zones have also been used for evaluation, but ODW is strongly considering moving toward using the EPA's EJSCREEN tool to more accurately target communities with a higher risk of exposure to lead.

- Funding for building a Lead Service Line Inventory is now available. While LEAP continues to provide funding for lead service line replacement, it now also provides funding of up to \$250,000 for waterworks to build an inventory of lead service lines in their distribution system.

The American Rescue Plan Act of 2021 (ARPA) included funds “to make necessary improvements in water ... infrastructure.” ARPA § 9901 (c)(1)(D). From the ARPA funds that came to Virginia, the General Assembly appropriated \$100 million to the Department of Health “to support equal access to drinking water at small and disadvantaged community waterworks.” Acts of Assembly Chapter 1 (2021 Special Session II). ODW identified more than 50 projects at waterworks across the Commonwealth that would support equal access to drinking water in small and disadvantaged communities. Criteria for selecting projects included inability to qualify for DWSRF assistance, inadequate DWSRF assistance, the waterwork’s ability to implement the project within the timeframe specified under ARPA, need, particularly in the case of several abandoned waterworks, and ability to address health violations and public health concerns. For purposes of the Act, “disadvantaged” means the annual cost of water is greater than 1 percent of the median household income in the community served by the waterworks. ARPA must be committed by December 31, 2024 and fully expended by December 31, 2026.

During 2019-2020, ODW applied for and received \$1,159,000 in grant funds from EPA, under Section 2107 of the Water Infrastructure Improvements for the Nation (WIIN) Act of 2017, to test drinking water for lead. The grant prioritizes public schools and child day centers in disadvantaged communities, but will be open to all public schools and child day centers. ODW, in conjunction with Virginia Tech and Old Dominion University, expects to begin the sampling program in January 2022.

ODW also received a \$1.3 million grant under Section 2105 of the WIIN Act to cover remediation costs in schools and child day centers that find lead in interior plumbing and fixtures. The grant requires a 25% state match (Approx. \$325,000) and is only for public schools and child day centers in small and disadvantaged communities.

Through Section 2104 of the WIIN Act, ODW is funding waterworks improvements and infrastructure serving disadvantaged communities in Bedford County, Dickenson County, and Scott County. The total funding from the Section 2104 Grant for the projects is \$605,000.

## Virginia Department of Historic Resources

***How can your agency ensure environmental justice is meaningfully considered in the administration of agency regulations?***

The Department of Historic Resources (DHR) will do this by consulting with descendant communities as part of the issuance of burial permits, supporting the identification of historic resources associated with environmental justice communities, making recommendations to consulting agencies on the need for and scope of consultation with stakeholders, and ensuring compliance by consulting agencies with their responsibilities to meaningfully consider the opinions of stakeholders.

***How can your agency consistently identify environmental justice communities and fenceline communities?***

DHR will establish contacts and maintain relationships with communities through the work of DHR's Community Outreach Coordinator and Community Services Division. The department will also provide information on our agency website for how communities may establish contact with DHR and its programs.

***How can your agency identify how such communities are affected by agencies' regulatory activities?***

DHR will include communities in the decision-making process and actively listen to concerns, as well as consult with stakeholders and outreach by staff.

***How can your agency consider the economic development and infrastructure needs of environmental justice communities and fenceline communities in agency decision-making processes?***

DHR will make preservation incentive programs more accessible to underrepresented communities.

***How can your agency provide robust public participation plans for residents of environmental justice communities and fenceline communities potentially affected by agency actions?***

DHR will provide opportunities for participation at locations and times that support a range of situations.

***Were you able to get dedicated resources for environmental justice and what are they?*** DHR has not received any additional resources for environmental justice purposes.

## Virginia Department of Housing and Community Development

### ***How can your agency ensure environmental justice is meaningfully considered in the administration of agency regulations?***

While the Department of Housing and Community Development (DHCD) does not have an agency-specific environmental justice policy, many of the programs that it administers require additional processes and consideration of environmental justice issues on types of investments that could have an environmental justice impact. The agency also has specific environmental justice requirements for many federal programs. As it relates to regulatory decisions, DHCD allows for public input from all members of the public and stakeholders – including those with environmental justice interests – in accordance with the Administrative Process Act requirements for which all DHCD-administered boards and commissions are required to follow.

### ***How can your agency consistently identify environmental justice communities and fenceline communities? How can your agency identify how such communities are affected by agencies' regulatory activities?***

From an operational standpoint, DHCD strives to identify and engage with all relevant stakeholders regarding its policies and programs. These programs include the following subject matter areas: housing rehabilitation, affordable housing production, homelessness assistance, the statewide building and fire prevention code, broadband deployment, infrastructure rehabilitation and development, small businesses assistance, economic development, downtown revitalization, regional economic development, local government cooperation and transitions, regional cooperation and collaboration, and many other related subject matter areas. DHCD specifically focuses much of its resources to support low and moderate income communities and works to ensure grantees engage with low to moderate income Virginians in program design. DHCD programs are by their focus usually required to focus assistance toward low to moderate income residents for program benefits. In addition, programs specifically encourage outreach and engagement to communities with barriers to access.

### ***How can your agency consider the economic development and infrastructure needs of environmental justice communities and fenceline communities in agency decision-making processes?***

The majority of DHCD's economic development and infrastructure programs target economically distressed localities and focus program benefits on low to moderate income Virginians. DHCD works to encourage participation of all communities, especially through outreach and engagement to low to moderate income Virginians.

### ***How can your agency provide robust public participation plans for residents of environmental justice communities and fenceline communities potentially affected by agency actions?***

The majority of DHCD's program guidelines concern application-based programs for intermediaries such as local governments or nonprofit organizations to deliver the program, so DHCD's role and the guidelines concerning such matters are designed to facilitate the agency's response in an equitable way while also adhering to the law. Generally, DHCD makes such processes open to all members of the public through matters such as public input sessions, workshops, public hearings, and others.

Specific to the promulgation of Virginia's building and fire regulations, the Department, in coordination with the Board of Housing and Community Development, conducts extensive stakeholder engagement. The stakeholder process includes dozens of workgroup meetings open to anyone. Additionally, there are multiple online and in person venues to offer comments during adoption of the Codes. Further, Virginia's building and fire codes are based largely off of national model codes which also include an extensive stakeholder engagement



process. Also, as a component of training for Virginia code officials, the Virginia Building Code Academy includes customer service training for all code officials enforcing Virginia's building and fire regulations.

***Were you able to get dedicated resources for environmental justice and what are they?***

We have not received dedicated state or federal resources for environmental justice.

## Virginia Department of Rail and Public Transportation

### Highlights:

- Title VI: As a direct recipient of Federal Transit Administration (FTA) dollars, DRPT must maintain compliance with Title VI. DRPT also reviews Municipal Planning Organizations (MPO) public participation plans and Title VI plans as recipients of Section 5303 funds.
- Transit Equity & Modernization Study: DRPT is conducting a study to look beyond the Title VI requirements and better understand how equity and environmental justice considerations can be incorporated into the agency's decision-making process
- Transit Development Plan (TDP) or Transit Strategic Plan (TSP): DRPT requires all transit agencies to complete a Transit Development Plan (TDP) or Transit Strategic Plan (TSP) as a condition of accepting state transit funding. DRPT wants to ensure that, as part of the local transit planning process, agencies are considering equity and environmental justice. Public participation and outreach components of TDPs and TSPs also include efforts to engage underserved and transit dependent populations.
- VTrans: VTrans is the Commonwealth's Multimodal Transportation Plan, which includes Transit Access to Equity Emphasis Areas as one of the overarching plan goals. DRPT wants to ensure that the methods for defining equity emphasis areas and evaluating transit access to those areas is sound.

### **1. How can your agency ensure environmental justice is meaningfully considered in the administration of agency regulations?**

DRPT can ensure environmental justice is meaningfully considered through some of the following agency actions, programs, and regulations:

- As a primary recipient of federal transportation funds, DRPT is subject to Title VI of the Civil Rights act and maintains a Title VI plan and procedures that are reviewed by the Federal Transit Administration office of Civil Rights.
  - In addition to addressing nondiscrimination DRPTs Title VI plan also addressed EO 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" and EO 13166 "Improving access to Services for Persons with Limited English Proficiency (LEP).
- DRPT is undertaking a statewide Equity and Modernization Study that will provide guidance on how DRPT can improve equity and ensure that the agency actions are equitable and take environmental justice into consideration.
  - The study, which is ongoing, is evaluating many aspects of DRPTs approach to funding transit projects. Currently, DRPT utilizes a performance-based approach when allocating state transportation funding for capital projects. It is expected that the Equity and Modernization study may recommend changes to the approach that look at things like equity and environmental justice.
- Another area in which the study is expected to have an impact is on DRPTs Transit Development Plan and Transit Strategic Plan processes. DRPT maintains guidance for these processes which transit agencies are required to implement. DRPT may update these requirements with new policies and procedures for addressing environmental justice and equity within the scope of planning transit service growth, expansion, and delivery.
- The E&M study may also influence how funding is prioritized through the MERIT process. The process currently provides that:

- For major expansion projects (defined as a project that expands capacity and costs over \$2M), 50% of the accessibility score is based on the impact the project has on disadvantaged populations.
- The process of developing major projects for state funding relies upon feasibility studies, which should include an assessment of project benefits and impacts.

**2. How can your agency consistently identify environmental justice communities and fenceline communities?**

As a member of the Transportation Secretariat, DRPT’s actions are in line with VTrans, the Commonwealth’s Multimodal Transportation Plan, which includes Transit Access to Equity Emphasis Areas as one of the overarching plan goals. Equity Emphasis Areas are identified through a collaborative process and DRPT helps to ensure that:

- The right inputs are provided
- Areas are adequately characterized and reflect the needs of transit users
- Advise the process on tools specific to evaluating transit needs such as the Vulnerable Populations Index

**3. How can your agency identify how such communities are affected by agencies' regulatory activities?**

- DRPT provides funding to transit agencies and relies on their processes and outreach to these communities. (Agency Title VI plans and Public Participation Plans). DRPT looks to the agencies for feedback that these processes are working.
  - This includes DRPT conducting reviews of individual transit agency policies and programs through its oversight role.
  - Feedback also may take the form of official notifications provided to DRPT as part of its Title VI role. This can be the result of a transit agency question, or a formal Title VI complaint filed by a transit rider.
- MPO federal certification reviews with Federal Highways Administration and Federal Transit Administration identify Title VI and Environmental Justice areas in the planning process that may need corrective actions. DRPT works with VDOT and their Civil Rights Division to ensure compliance between both state agencies in oversight and administration of Section 5303 funds to MPOs in Virginia.

**4. How can your agency consider the economic development and infrastructure needs of environmental justice communities and fenceline communities in agency decision-making processes; and**

DRPT evaluates infrastructure needs in coordination with Virginia Transit agencies. The primary method for this is through DRPTs Transit Development Plan and Transit Strategic Plan process. These processes and plans are a prerequisite for transit agencies wishing to receive state funds. The planning process outlined in the TDP/TSP manuals’ require transit service planning that looks at transit service needs, infrastructure needs, rider demographics, environmental justice.

- This process specifically requires an analysis of land use, employment, population, and demographics (e.g. the location and prevalence of populations groups including: minority groups, older adults, low-income earners, those with limited English proficiency, and persons with disabilities), and discussion of how these groups effect transit demand and/or the propensity to utilize public transit services.
- The process also requires public engagement in the development of transit goals/vision and engagement in the development of service standards and approaches.

The ongoing Transit Equity and Modernization Study is expected to provide DRPT with actions that it can take to enhance these processes in terms of greater emphasis on equity and environmental justice. For example, one study recommendation is to encourage transit agencies to establish local rider advisory councils in order to further engage disadvantaged and under-served communities in the transit planning process.

***5. How can your agency provide robust public participation plans for residents of environmental justice communities and fenceline communities potentially affected by agency actions?***

DRPT is working on the Transit Equity and Modernization Study. It is expected that this effort will provide additional recommendations related to strengthening DRPTs public participation plans as well as transit agency PPPs. Currently DRPTs Public Participation efforts are guided by DRPTs Title VI plan. Transit agencies also maintain their own Title VI plans which guide their individual public participation efforts

DRPT engagement at the MPO level on review of their Public Participation and Title VI plans - DRPT staff serve on technical advisory committees and policy boards for the various MPOs in Virginia and provide review and comments on plan documents, checking for consistency with DRPT's own Title VI Plan.

## Virginia Department of Transportation

### ***How does your agency ensure environmental justice is meaningfully considered in the administration of agency regulations?***

While VDOT does not administer its own regulations related to environmental justice, the agency meets and exceeds the current federal and state expectations through its compliance with Federal Highway Administration (FHWA) regulations for implementing the National Environmental Policy Act (NEPA). NEPA includes the documentation of environmental justice impact analyses, which involves data collection and identification of potential impacts at a planning level. In addition, through NEPA, VDOT documents the level of public involvement including environmental justice specific outreach.

Consideration of environmental justice communities first begins with their identification. The process VDOT employs for the identification of environmental justice communities during the NEPA process was established through a collaborative effort involving VDOT, FHWA, and the EPA. The identification of these communities involves mapping out potential environmental justice communities relative to the project area and based on their location. Based on these locations, VDOT identifies potential impacts, seeks to minimize these impacts and documents this information in the NEPA document, which is made available for public review and comment. The NEPA process is supported by a public involvement effort during which VDOT goes strives to engage these groups through separate meetings or by having appropriate staff or interpreters at the public meeting(s) to interact with them.

As a project advances to more detailed design and construction activities, VDOT continues to conduct outreach in order to keep the public informed about the project and, when applicable, continues to provide specific outreach impacted communities. The right of way process allows VDOT to work directly with individual property owners directly impacted, hearing and responding to the needs identified. Finally, as a project moves to contracting and construction, VDOT is guided by federal and state requirements for consideration and inclusion of minority owned businesses in contract awards.

### ***How does your agency consistently identify environmental justice communities and fenceline communities?***

The method for identifying minority and low-income populations that comprise many environmental justice communities was developed and approved by FHWA and the EPA as a part of the NEPA process and is used consistently in the conduct on NEPA analyses. VDOT supplements this identification through the scoping activities that are part of the NEPA process. All of these efforts are documented as part of the publicly available NEPA document. As fenceline communities have yet to be formally defined at the federal or state level, VDOT has been unable to confirm how they are being addressed at the NEPA level. However, the consistent approach that is applied to all NEPA documents assumes a “worst case” impact and that if a large enough environmental justice population exists in a census block group, the entire census block group is treated as an environmental justice community.

### ***How does your agency identify how such communities are affected by agencies' regulatory activities?***

For all federalized projects, VDOT completes a NEPA document, which identifies potential environmental justice communities and generally identifies potential impacts. The NEPA process provides a general footprint for the

proposed project allowing for estimates about permanent property impacts. VDOT assesses the project and the impacted communities and develops estimates on construction activities and possible alternative project activities that could indirectly impact environmental justice communities. The State Environmental Review Process (SERP) provides opportunity for similar identification of potential impacts on state funded projects. Once NEPA or SERP are complete, VDOT can advance with more detailed phases of design and right of way acquisition. During the design phase, the final impacts, including direct property impacts, temporary construction impacts, and potential detours, are compiled and communicated to the public. For those properties that will be directly impacted, the VDOT/FHWA right of way process offers an opportunity for one-on-one communication with the affected land owner(s).

***How does your agency consider the economic development and infrastructure needs of environmental justice communities and fenceline communities in agency decision-making processes?***

VDOT's mission is to plan, deliver, operate, and maintain the Commonwealth's transportation system. Through various project development pathways that occur within VDOT or at the regional and local planning agency level, transportation needs are identified and funding decisions are made. These different project development pathways are informed by public comment, local planners, and elected officials who, under other purviews, are aware of local environmental justice communities and their needs.

***How does your agency contain robust public participation plans for residents of environmental justice communities and fenceline communities potentially affected by agency actions?***

VDOT's public participation plans for any project are guided by the Department's public involvement manual, which is required and reviewed by FHWA. While this manual lays out the framework for communicating with the public, each project is different and the manual provides flexibility to ensure project specific issues can be communicated to environmental justice communities in a manner that best suits these given groups and the project. As fenceline communities have yet to be identified by federal or state agencies, VDOT approaches all environmental justice outreach through the same lens.

***Were you able to get dedicated resources for environmental justice and what are they?***

VDOT has not acquired a dedicated resource for environmental justice; however, we continue to use our existing environmental staff to address identification, outreach and analysis of impacts.

## Virginia Army National Guard

***How does your agency ensure environmental justice is meaningfully considered in the administration of agency regulations?***

The National Guard Bureau (NGB) reviews all of the Virginia National Guards Large Projects that include New Construction and Troop Movement. NGB determines, through strict Legal review, that projects do not exponentially impact lower income communities and soldiers alike. Through the NEPA process, there must be alternatives considered and evaluated for impact to the area both environmentally and economically.

***How does your agency consistently identify environmental justice communities and fence line communities?***

The Virginia National Guard typically does not acquire new land that will impact communities. The Land is typically in areas with low impact to communities. If a situation arises, then it is evaluated through an Environmental Assessment to determine impact.

***How does your agency identify how such communities are affected by agencies' regulatory activities?***

The Virginia National Guard typically does not acquire new land that will impact communities. The Land is typically in areas with low impact to communities. If a situation arises, then it is evaluated through an Environmental Assessment to determine impact.

***How does your agency consider the economic development and infrastructure needs of environmental justice communities and fence line communities in agency decision-making processes?***

Through an extensive environmental assessment process.

***How does your agency contain robust public participation plans for residents of environmental justice communities and fence line communities potentially affected by agency actions?***

Through the NEPA process, public comment periods are held to determine the issues residents of the area. This would include environmental justice communities.

## Virginia Marine Resources Commission

### ***How does your agency ensure environmental justice is meaningfully considered in the administration of agency regulations? )***

Virginia Marine Resources Commission (VMRC) does not have an agency-specific environmental justice policy currently in place. However, our objective, as stated in §28.2-201 of the Code of Virginia, is to support the economic and cultural resources of the fisheries and aquaculture industry and their historic cultures through equitable decision making. Additionally, §28.2-1205 directs the Commission to consider both the public and private benefit of projects under our review. Project and agency decisions shall also be consistent with the public trust doctrine. As VMRC continues to modernize and broaden its mission, the agency seeks to handle rule-making, permit decisions, hiring, and spending in a way that is equitable and environmentally just. The public notice and review processes at the VMRC are governed by §28.2-209, §28.2-210, and §28.2-211 for Commission rule-making and fisheries decisions. Habitat Management public interest reviews are governed under 28.2-1205 for submerged lands, 28.2-1302 for tidal wetlands, and 28.2-1403 for coastal primary dunes and beaches.

Internally, the VMRC's new Diversity, Equity, and Inclusion Officer is building an agency program focused on promoting inclusive practices. The primary goals of this program are to:

1. Establish and implement strategies and platforms to support daily operations and prioritize investments in community engagement and outreach initiatives. These actions will be mobilized by building external partnerships with underserved communities, various organizations, schools, outreach programs, etc.
2. Recognize and ensure that systemic discrimination in the hiring process is eliminated by building an inclusive onboarding process. Our recruitment policy has been revised to reflect an open-recruitment process for all positions.
3. Educate staff by requiring continual training to build an environment that recognizes and dismantles bias.

### ***How does your agency consistently identify environmental justice communities and fenceline communities?***

The VMRC does not have a policy to specifically identify these communities.

### ***How does your agency identify how such communities are affected by agencies' regulatory activities?***

The VMRC does not have a policy to specifically identify these communities. However, the VMRC has a suite of [advisory committees](#) that were formed to represent the diverse sectors of the constituents we serve. These committees play an important role in understanding potential sociological, economic, and biological ramifications of Commission decisions and serve to make recommendations to VMRC staff and the full Commission based on their unique expertise. Additionally, the public interest review process of the Habitat Management Division was created such that, anyone in opposition to a project can be heard at a regularly scheduled Commission meeting.

### ***How does your agency consider the economic development and infrastructure needs of environmental justice communities and fenceline communities in agency decision-making processes?***

This has not been a direct part of the decision making process in the past, and there is not a written policy on this matter within the agency. However, a considerable portion of both oyster restoration and replenishment activity is conducted in environmental justice areas. This includes large scale oyster restoration efforts along the Elizabeth River and on the Eastern Shore of Virginia. There are currently ongoing discussions, within the Chesapeake Bay Program and the VMRC regarding the incorporation of an environmental justice component into the areas



targeted for future restoration activities. In addition, VMRC is generally supportive of the Virginia Aquaculture Industry and much of the related economic activity supports rural and historically underserved communities throughout the Commonwealth.

Similarly, our administration process for financial grants through the CARES Act in 2021 focused on communication and application strategies to ensure that rural and historically underserved constituents were informed, able to access an application, and provided equal funding. As such, we worked with industry to develop a plan to divide funds evenly among all eligible approved applicants, rather than dividing the funds by sector (seafood dealers and processors, charter for hire, fishing/crabbing/aquaculture). With industry input, it was decided that an even financial distribution would provide a much higher proportion of loss recovery to smaller fishing operations.

***How does your agency contain robust public participation plans for residents of environmental justice communities and fenceline communities potentially affected by agency actions?***

VMRC leadership anticipates the creation of a communications strategic plan using our newly hired Diversity, Equity, and Inclusion Officer, and our unfilled position of Communications Officer. This plan will strengthen VMRC's internal policies, decision making, and communications to ensure our policies and processes are inclusive and equitable.

***Were you able to get dedicated resources for environmental justice and what are they?***

We have not been able to obtain any additional resources to address environmental justice, specifically. An additional communications staff member is needed to adequately address this within the agency.