

## **Governor's Advisory Council on Environmental Justice (ACEJ)**

**Patrick Henry Building – Richmond  
Conference Room I  
November 13, 2018  
10:00am – 12:30 PM**

### **Executive Summary**

The Governor's Advisory Council on Environmental Justice (ACEJ or Council) Subcommittee Meeting was held on Tuesday, November 13, 2018 at the Patrick Henry Building in Richmond. The Council began with a blessing and welcome by Vice Chair Beth Roach. The subcommittee reviewed initial drafts of their annual report, reviewing each section's current draft content as a group and offering feedback. The subcommittee discussed the structure of the annual report, identified additional topics and priorities for inclusion in the annual report, and reached consensus on a number of edits. The subcommittee also heard public comments from a number of representatives of environmental justice communities and organizations. The council intends to receive further draft language for review by December 1<sup>st</sup>. The group will then review the report during the next meeting of the full body on December 18, 2018 in Richmond, and work to deliver a final version in December approved by the full Advisory Council.

### **Welcome & Introductions, *Dr. Janet Phoenix and Ms. Beth Roach***

The meeting was opened by Beth Roach, Vice Chair of the ACEJ with a blessing. Dr. Phoenix thanked members of the council for their continued participation, feedback, and perspective. Ms. Roach then opened the floor for a brief round of introductions. Council members present included Dr. Janet Phoenix (Chair), Beth Roach (Vice Chair), Dawone Robinson, Dr. Michelle Covi, Angela Harris, Dr. Mike Ellerbrock, Mary Finley-Brook. Also in attendance were Meryem Karad, Office of the Governor, Trieste Lockwood, Department of Environmental Quality, Isaac Sarver, Department of Conservation and Recreation, Don Anderson from the Office of the Attorney General and members of the public.

### **Annual Report Drafting Overview and Logistics, *Meryem Karad, Office of the Governor***

Ms. Roach called on Ms. Karad to review the agenda and provide an overview of the drafting process. Ms. Karad noted that members are using Dropbox to communicate comments and edits, and encouraged members to email her if they are having any issues. Ms. Karad shared that the documents submitted thus far by committee members have been uploaded to DropBox and are available for comment or edit proposals by committee members, though Ms. Karad will enter the actual edits into the body of the draft report to comply with FOIA and preserve records of activity. For this meeting, members of the subcommittee will be going through the draft items by section, with the realization that some items are not yet complete. Ms. Karad shared that she would take note of any comments raised during today's meeting, and noted that members should provide any comments on the side of the document in Dropbox. Ms. Karad will then insert edits requested by the group.

Dr. Phoenix reminded EJAC members of the approaching deadlines that the council established for its annual report. Dr. Phoenix specifically mentioned the December 1<sup>st</sup> target date to incorporate

comments and complete a 2<sup>nd</sup> draft, and the December 10<sup>th</sup> target date to submit comments on the 2<sup>nd</sup> draft.

Members of the Council then discussed the draft outline and content for the EJAC's Annual Report:

### **First Draft Review by Section**

#### ***Section I: Introduction to Environmental Justice***

Ms. Karad invited members to review "Introduction to Environmental Justice" located in Dropbox. Dr. Phoenix noted that much of the language of this section came from the Buckingham County letter preamble section. Several council members expressed that while the draft language for this section provides an overview of environmental justice at the national level, that they would like to see the addition of language specific to environmental justice in the context of Virginia. Dr. Phoenix agreed to work with Rev. Faith Harris and Tom Benevento to revise the report's introductory section accordingly. With consent from the members present, discussion of the section then concluded.

#### ***Section II: Events Leading to Formation of the Environmental Justice Advisory Council***

Dr. Finley-Brook noted that she and Angela Harris were the two members assigned to work this section, and invited members to review the draft section and offer their comments and feedback. Dr. Finley-Brook noted that in the course of preparing content for this section, that she emphasized shortening case examples with a focus on positive outcomes. She explained that her aim was to show positive work by different environmental justice councils over time. Dr. Phoenix complimented the comparison of Virginia to other states, and asked if Maryland could be added as an additional point for comparison. Dr. Phoenix asked if Angela Harris could provide some historical context on the timeline of events leading up to the formation of the Environmental Justice Advisory Council here in Virginia, and council members expressed their approval of this idea. Dr. Finley-Brook noted that New Virginia Majority and Appalachian Voices both have recommendations for content, which will be sent in the form of text to the council, given their early work involving the Environmental Justice Advisory Council. Dr. Finley-Brook and Angela Harris expressed a desire to include reference to the work of other councils. Ms. Harris expressed a desire to take an inclusive approach in the report that addresses all other councils as well as local, state, and regional partners. Members of the council present agreed that the addition of context regarding partners and development of a timeline in this section would be priorities moving forward. With consent from the members present, discussion of the section then concluded.

#### ***Section III: Work During Year One***

Members of the council discussed amending the title of the section from "Issue's and Region's Explored" to address a more holistic view of the Environmental Justice Advisory Council's work. Dr. Phoenix noted that this section should address the council's work with the Buckingham and Union Hill community. Ms. Harris indicated support for inclusion of public comments in either this section or a later portion of the

report. After further discussion, and upon a recommendation from Ms. Roach the council reached consensus on re-naming the section heading to “Work During Year One” as a compromise. Dr. Finley-Brook solicited other members of the council to help expand the outline of work which the EJAC has addressed over the course of the past year. Dr. Phoenix agreed to make a preliminary effort to expand the content in this section. Mr. Robinson agreed to work on an analysis or summary table of public comments, consolidated for this section. Ms. Karad shared that she had included all public comments in an appendix section, with those comments available for Mr. Robinson and council members to utilize in developing content. Ms. Harris inquired if there would be a mechanism for members to include photos and other forms of media reflecting the EJAC’s work. Dr. Phoenix recommended sending photos and other materials to Ms. Karad for her to create a folder in Dropbox. With consent from the members present, discussion of the section then concluded.

#### ***Section IV: Next Steps for the Council***

Members of the council discussed amending the title from “Upcoming Issues and Regions” to address future issues, site visits, and the overall work plan of the Environmental Justice Advisory Council. After some discussion among council members, a consensus was reached to re-name the section “Next Steps for the Council”.

Council members then turned their discussion to the content of the section. Dr. Finley-Brook introduced the topics of reissuance of the executive order authorizing the Environmental Justice Advisory Council, a budget for the body, and staff resources. Dr. Phoenix inquired about the appropriateness of listing those items in this section, given that they are outside of the council’s direct control. Ms. Lockwood noted that the report can be used as a mechanism for the Environmental Justice Advisory Council to provide feedback to the Governor and Secretary of Natural Resources about reissuing an Executive Order. After discussion among members, consensus was reached to address the issues of budgeting, staffing, and reissuance of an executive order in a preface to the report, as well as in recommendations at the end of the report rather than in Section IV.

Dr. Finley-Brook reviewed the next issues in the section, highlighting Executive Directive 11 and the Air Board’s recent introduction of environmental justice concerns into the rule-making process. Ms. Harris inquired about the inclusion of renewable energy concerns, and Virginia’s leadership role in that sector. Council members reached a consensus to continue the group’s focus on equity in cap and trade, and to highlight it in this section of the report.

Dr. Finley-Brook highlighted the second major ongoing issue in this section of the report, the work of the pipeline subcommittee over the past year. Dr. Finley-Brook noted that with the consideration and potential construction of natural gas infrastructure in Buckingham and Union Hill, the issue would remain relevant and timely for the Environmental Justice Advisory Council’s involvement.

Ms. Harris expressed support for diversifying the range of topics covered in the report to reflect local, state, regional, and national stakeholder concerns. She noted the importance

of bringing forth the human perspective in this report, and made specific mention of the human impacts of recurrent flooding, transportation infrastructure, and sea level rise issues in Hampton Roads as important areas for consideration. Ms. Harris encouraged members to include personal stories from public comments, and to use language that reflects those individual concerns and impacts.

Dr. Finley-Brook and Dr. Phoenix acknowledged the points raised by Ms. Harris. Dr. Phoenix noted the importance of treating all environmental justice issues in an even-handed matter, so as not to favor or disfavor a particular set of policy issues or communities. Dr. Ellerbrock expressed agreement, noting that the committee should adopt a fair approach in order to maintain credibility. Dr. Finley-Brook noted that public comments and news articles provided some evidence about the relative importance of certain environmental justice issues over the past year. To finish discussion on the pipeline sub-section, Dr. Phoenix recommended, and Dr. Finley-Brook seconded changing the sub-section heading to “Continued Work with Communities Impacted by the Pipelines” in order to acknowledge the ongoing nature of the issue and the council’s work. Council members who were present reached consensus to make that change.

Ms. Harris asks if the council are going to include the Cumberland County landfill in this section. Dr. Finley-Brook makes a note and the group reaches a consensus to examine that topic further.

The subcommittee took up discussion of the Hampton Roads/Tidewater regional issues sub-section. Dr. Finley-Brook inquired as to whether or not the term “Hampton Roads” should be substituted for “Tidewater” to be more geographically inclusive. Members of the council discussed whether the Planning District Commission structure would be appropriate. After vigorous discussion, the group reached a consensus to have Michelle Covi and Beth Roach work on defining the region for the purposes of the Environmental Justice Advisory Council. Ms. Harris recommended reaching out to Angela King at the College of William and Mary, suggesting that she might have some academic studies and data that would be helpful for this sub-section. Michelle Covi asked if the focus of this area of the report should focus mostly on the urban areas of Southeastern Virginia, or if the group intended to also be inclusive of rural areas in Southeastern Virginia. The group reached a consensus that issues from urban and rural areas of Southeastern Virginia were both appropriate for inclusion in the event that individuals lives were being impacted by issues of environmental justice.

The committee then moved on to discussion of regional issues in Southwest Virginia in the next sub-section. Dr. Phoenix shared that Mary Cromer had been communicating with her about the content for this area of the report, and that language will be coming shortly. With no further update, discussion moved on to the next topic.

Dr. Finley-Brook identified Executive Order 6 and the Virginia Energy Plan as two final topics to consider for inclusion in the “Next Steps” section of the report. Several members of the subcommittee noted that while there were a broad range of issues to

discuss, the committee as a whole has not had a chance to address or reach consensus on Executive Order 6 and the Virginia Energy Plan. Committee members discussed meeting more frequently, and developing prioritization processes for issues like the Virginia Energy Plan in the years ahead. Consensus was reached to research these issues and others that may have been left out in greater depth over the coming weeks, and to bring them up at the December meeting of the full Environmental Justice Advisory Council. With consent from the members present, discussion of the section then concluded.

#### ***Section V: Framework for Future Work***

Ms. Karad invited members to review the proposed content under “Framework for Future Work” for a few minutes and solicits comments. Dr. Phoenix notes that the section does not presently include language addressing the current operating framework of the Environmental Justice Advisory Council, a planned emphasis on larger cross-cutting issues, and identifying a process based on previous discussions that explains how the EJAC identifies policy issues for consideration. After some discussion among subcommittee members, Dr. Phoenix agreed to take the lead on developing further content for this section of the report. Dr. Finley-Brook requested that a review of references to environmental justice language in relevant state policies be included in this section. Ms. Harris expressed an interest in meeting with Ms. Covi, Dr. Phoenix, and Angela King from the College of William and Mary to discuss regional approaches and engage those local partners. With consent from the members present, discussion of the section then concluded.

#### ***Section VI: Goals and Constraints***

Ms. Karad invited members to review the proposed content in the “Goals and Constraints” section of the report, which Dr. Ellerbrock and Ms. Roach had taken the lead in drafting.

Subcommittee members held a brief discussion of the section, noting that the draft language very effectively highlighted constraints encountered by the Environmental Justice Advisory Council. A consensus was reached to expand the goals with a broad focus relative to the more targeted recommendations. Several members of the subcommittee identified a desire for funding to support the EJAC’s work, and noted that members of the council had limited ability to interact outside of meetings. With consent from the members present, discussion of the section then concluded.

#### ***Section VII: Recommendations***

Dr. Phoenix noted that recommendations will be pulled from full meeting minutes of the council, to populate that section with content for the members to consider and review at the December meeting. With consent from the members present, discussion of the section then concluded.

## **Next Steps**

Ms. Karad advised members of the subcommittee that all assignments and comments from the discussion today were noted as the meeting progressed today as the first draft. A folder for the first draft will be created in Dropbox for members to review and send their communications to Ms. Karad in order to reach a consensus by December 1<sup>st</sup>.

## **Public Comment**

*Dr. Lakshmi Fjord, Friends of Buckingham and Yogaville Community Member*

- Dr. Fjord expressed her gratitude to council members, specifically citing the EJAC's role in bring attention to environmental justice concerns in state permitting processes.
- Dr. Fjord had initially been concerned that the demography and historic preservation work of the Friends of Buckingham had vanished into the regulatory process, until the Environmental Justice Advisory Council conducted their site visit in Buckingham County and established this regional process.
- Dr. Fjord expressed that at the recent Air Control Board meeting, members of the board are now ensuring that projects look at environmental justice concerns and involving DEQ in that process.
- Dr. Fjord expressed gratitude to Secretary Strickler's office and the Environmental Justice Advisory Council for drawing attention to these issues, and expressed hope that the council's work would continue with permanent funding in the future.

*Jeeva Abbate, Buckingham County Resident*

- Mr. Abbate offered comments supportive of Dr. Fjord. Mr. Abbate also requested that the Environmental Justice Advisory Council look into siting of roads for the Buckingham County compressor station, as it relates to VDOT's internal environmental justice guidelines.
- Dr. Finley-Brook asked if Mr. Abbate could send analysis from Freeman Hobbs Allen to the group for the EJAC to review and read through.
- Ms. Harris asked for Mr. Abbate to send his contact information to her, so that she could assist him in connecting with the regional representative for the Virginia Department of Transportation.

*Kim Behanaman, Yogaville Resident*

- Ms. Behanaman offered comments supportive of Dr. Fjord and Mr. Abbate, and expressed her hope that the council will continue to find ways to show the importance of its work to the Governor and other elected officials moving forward.

*Kevin Halligan, Cumberland County Landfill Awareness*

- Mr. Halligan expressed gratitude to the members of the subcommittee for bringing attention to issues of environmental justice.
- Mr. Halligan offered an update on the work of the Cumberland County Landfill Awareness group, sharing that they hold weekly meetings to strategize and organize with about 75 members.

- Mr. Halligan noted that Gustavo Angeles from the Sierra Club recently came out to the Pine Grove community in Cumberland County to meet with residents. Twenty-five community members came out for that meeting.

*Ms. Queen Shabazz, Virginia Environmental Justice Collaborative*

- Ms. Shabazz thanked the council for standing up for the people of Virginia, and for their continued work and responsiveness. She noted that she recently took a group of individuals and community leaders on a trip to Yogaville to raise awareness of what is occurring in that community. Ms. Shabazz thanked the council for “being human” by providing feedback.
- Ms. Shabazz inquired about the September 10<sup>th</sup>, 2018 letter from VEJC to the Environmental Justice Advisory Council and asked if the group would have any follow-up on that.
- Dr. Finley-Brook thanked Ms. Shabazz for her comments, and highlighted the support network that exists through institutions of higher education that can enable site visits.
- Dr. Phoenix thanked Ms. Shabazz for her comments, and noted that the letter would be among the public comments framed and incorporated in the report, and that this would remain on the radar screen for discussion by the full council.
- Ms. Harris echoed Dr. Finley-Brook’s comment about engaging students and higher education partners, and thanked Dr. Finley-Brook for recently bringing her students to Hampton Roads for a historical tour of the shipyards.

*Ms. Zakira Shabazz*

- Ms. Shabazz shared her personal story, indicating that her child with asthma has not been able to return to college for the past several weeks due to respiratory issues.
- Ms. Shabazz expressed her hope that the Environmental Justice Advisory Council would keep their eyes on national legislation that may be of concern, in addition to the state and local issues, using CAFE standards for automobiles as an example.
- Ms. Shabazz expressed her hope that the advisory council will be able to continue on with their mission, and have the authority necessary to accomplish its mission.

*Diane Ova, Clergy Member from Yogaville*

- Ms. Ova thanked the council for their work, and expressed her realization that environmental justice encompassed a great deal. Ms. Ova noted that the impact on vulnerable population and communities of color, added an extra dimension to the importance of the Environmental Justice Advisory Council’s work.
- Ms. Ova expressed concern that at the recent carbon emission meeting hosted by DEQ, that different definitions of environmental justice were used. Ms. Ova requested that the Environmental Justice Advisory Council find a way to share its expertise with DEQ to ensure consistency in how we define environmental justice, and asked if the council could work with the state air and water boards to ensure consistency in definitions of environmental justice.
- Ms. Ova inquired about an earlier reference to the comment period for Executive Order 6 being closed.

- Ms. Lockwood clarified that the report from DEQ to the Governor mandated by Executive Order 6, consistent with the timelines established in the order, had taken public feedback and that the report was submitted as required to Secretary Strickler's office. The public comments on that report are still available and visible online, so members can review the comments that were submitted.

*Barbara Adams, Friends of Buckingham County*

- Ms. Adams thanked members of the council for their efforts, and expressed concern that the controversies associated with some policy issues might be used to limit or restrain the work of the body as a whole. Ms. Adams expressed her hope that the council would meet often, communicate effectively, and establish protections.
- Ms. Adams inquired as to whether or not a report will be made available for the grant funds utilized over the last year, and expressed her hope for a broader discussion about how to fund the EJAC's work moving forward. Ms. Shabazz expressed her hope that the advisory council will be able to continue on with their mission, and have the authority necessary to accomplish its mission.
- Ms. Karad noted that she had not yet received a report on the grant expenditure, but would keep the subcommittee apprised.

***This concluded the public comment period at 12:30pm.***

Ms. Karad reminded members of the subcommittee to submit their draft language by December 1<sup>st</sup> so that the full council can meet and review the next draft of the report. Ms. Karad thanked members for their comments, for continuing to work with the Governor's staff, and for their support of the work of the Environmental Justice Advisory Council.

***Meeting adjourned at 12:33pm.***