

Virginia Council on Environmental Justice

Meeting Minutes

May 28, 2020 – 10:00am-1:30pm

Virtual Public Meeting

Executive Summary

Welcome and Bill Signing– *Ms. Meryem Karad, Policy and Communications Advisor to the Secretary of Natural Resources*

The event began at 10:00am. In attendance are Governor Northam, Secretary Strickler. Members of the Virginia Council on Environmental Justice (VCEJ), Senator Locke, Senator Lewis, Senator Hashmi, Delegate Lopez, Delegate Keam and several other legislators.

Secretary Strickler welcomed the council. He thanked Dr. Janet Phoenix, VCEJ Chair, for her leadership and guidance.

Governor Northam welcomed all the attendees and thanked them for their work and praised Dr. Phoenix and Beth Roach's work with the council. He stated, "Our admin has been looking to address many inequities such as access to healthcare, education, criminal justice, voting, job opportunities, and the environment. This is a top priority for this administration and this is a team effort."

David Paylor, Director of the Department of Environmental Quality (DEQ) took over to discuss the finalization for the regulations to join the Regional Green House Gas Initiative. He pointed to evidence that carbon emissions contribute to the increase in violent storms. Virginia is joining 10 other states with the expectation of reducing carbon emissions by 30% in the next 10 years. He signed the regulation and informed that Virginia will actively participate in January 2021.

Deputy Secretary Angela Navarro thanked the VCEJ council. She correlated the work as a team effort linking Commerce and Trade and Natural Resources together. She thanked various senators, delegates, and DEQ.

Majority Leader Herring explained that greenhouse gases pose a significant health risks to Virginians. She loved that the environmental justice bill was worded to include *all Virginians*.

Senator Mamie Locke, Senator Lynwood Lewis, Dr. Phoenix, Delegate Mark Keam, Delegate Alfonso Lopez, and Senator Ghazala Hashmi all offered appreciation for the work all the members.

Governor Northam signed House Bill N42, Senate Bill 883, House Bill 704, Senate Bill 406, House Bill 1162, House Bill 1164, House Bill 981, and House Bill N27

Council Meeting & Chair Welcome – *Dr. Janet Phoenix, Chair*

Ms. Karad transitioned the official meeting at 10:40am with Ms. Sallee and stated that the meeting will be focused on finalizing the report.

Dr. Phoenix introduces herself and asks that others to do the same. Ms. Sallee does the roll call with Hope Cupit, Mike Ellerbrock, Nat Marshall, Taysha DeV Vaughn, Tom Benevento, Faith Harris, EJ Scott, Jay Ford, Nathan Burrell, Nikki Bass, Jevonte Blount, and Herbert Brown in attendance.

Dr. Phoenix wanted to start the meeting by discussing recommendations and then transition to the report.

Tribal Community Recommendations

Mr. Blount began with the Virginia Tribal recommendations.

Dr. Phoenix and Ms. Bass discussed the change in formatting for this section.

Per Dr. Phoenix direction, Mr. Blount loaded Ms. Bass's contribution to the draft regarding Virginia Tribes. Ms. Bass discussed her proposal to reform the VCI, inclusion of tribal communities in our tools for EJ concerns. She outlined the GIS tools that other State agencies use that do not include information on the Virginia Indian community. She proposed to partner with other agencies and academic institutions to assist with developing GIS information to empower the communities to advocate for themselves and lastly she wants to see equitable consultation across tribes.

Dr. Phoenix asked her to restate her recommendations as a motion to be voted on and it passed unanimously.

Policy, Permits, Programs, and Procedures (4 Ps) Committee

Mr. Ford recommended the administration develop criteria for EJ, impacted, and conservation community representation on all work groups that result in a public facing action.

Ms. Scott interjected and wanted to see language about risk communication and vulnerable stakeholders involved across the board. She wanted to make sure the language supported community involvement as opposed to business interest.

Ms. Cupit thinks representation is an important consideration to have explicitly spelled out in the narrative with a percentage. Mr. Benevento asked if Mr. Ford could define vested stakeholders.

Mr. Ford said the original term he used was "vested financial interest" and he felt it was ambiguous and wanted to consult legal counsel on the proper phrasing to match the code. He wanted to save further discussion for later in the meeting and Dr. Phoenix agreed so that the meeting could continue.

Mr. Ford's second recommendation involved outreach communication. He stated that the meetings need to be in the communities that are directly impacted. Currently meetings involving the Eastern Shore occur in Richmond and that does not leave a meaningful impact on the communities.

Next, he discussed how agencies are communicating with communities through various media platforms and recommended developing a public outreach plan to promote accountability by the agencies.

Dr. Phoenix stated that she does not see this recommendation explicitly spelled out in the draft however, she agreed with the recommendation to develop a plan to inform the public about meetings in communities with nontraditional forms of communication in terms of community events. She feels there should be more discussion about what will go into the plan.

Mr. Ford feels there should be a narrative about the options availability but accountability lies with agency.

Ms. Cupit asked if the report should explicitly explain how the notice would be distributed and accessed.

Mr. Ford does not want to “prescribe” how they notice it so instead he thought the narrative should highlight that the “one size fit all” model does not apply in certain communities and it is important that they develop a specialized plan for them.

Ms. DeVaughn asks if it can be specified in the recommendation that the agency develop a written outreach plan specific to the community.

There is some discussion about the use of the phrase “specific to the community” and Dr. Phoenix suggested a clause that takes in account literacy, accessibility, and accessible communication channels.

Mr. Ford asked Mr. Blount to add internet access the draft. The next recommendation which states there should not be a requirement to submit a public comment before speaking to a board. He feels the current process is inconvenient for community members.

Dr. Phoenix wants to see the narrative highlight the barriers and negative impacts the current structure the board has on community decision making.

Dr. Ellerbrock suggested the word balance or equitable composition of stake holders to be used in the narrative.

Dr. Phoenix strongly recommended describing the imbalance to readers of the report and the inequity in the processes.

Ms. DeVaughn and Ms. Cupit sought clarity on who is included in the statement “equitable composition of stakeholders”

Mr. Ford suggested Mr. Blount provide context in the EJ draft.

Dr. Ellerbrock had to leave the meeting and left proxy with Ms. Harris.

Ms. Cupit had questions about public comments from disadvantage communities.

Mr. Ford’s last recommendation is to include the topic of climate change.

Ms. Scott said she wants to see the SCC as an included agency when taking in consideration environmental justice considerations. Mr. Ford thinks they should be included as an agency but there doesn't need to be a list of specific agencies since they're a regulatory group so they would be automatically included.

Mr. Ford asked Mr. Blount to add an introduction to the 3rd recommendation to reference to the Governor's executive order on climate change and the passage of the Virginia Clean Economy Act.

Mr. Ford then discussed the Interagency Task Force recommendations.

Ms. Cupit asks how the taskforce would maintain integrity and continuity across administrations.

Ms. Karad informed that per the code the taskforce membership ends when the report is submitted in December before the next General Assembly session in January.

The council moves a motion to pass Mr. Ford's recommendations under the condition that edits are required.

Meeting took a break for lunch at 12:30pm and reconvened at 1pm

Public Health Subcommittee

Dr. Phoenix asked Ms. Cupit to discuss the recommendations. Ms. Cupit discussed food deserts in communities and the impacts to their health. Ms. Cupit recommended investments in EJ communities, growing their own food or partnering with local farmers and providing a subsidy from the investments.

Dr. Phoenix discussed nutrition and lead poisoning, and Mr. Benevento recommended tying in public schools to promote nutrition.

Ms. Cupit's last recommendation is a train the trainer program that provides continuing education about proper eating habits to slow down diseases caused by processed foods that plague EJ communities.

Mr. Ford asked if we should task another agency with this task. He recommends Department of Health. Ms. Cupit mentions Department Of Education. Mr. Benevento agrees

Dr. Phoenix asked if this was a planning issue when addressing food deserts.

Ms. Cupit discussed her work in food deserts and the challenges communities are facing to gain access to healthy food options. She touched on high crime, low investment, and the market failure.

Mr. Ford felt that this requires government solution and believe that a financial investment from the government would be a good solution to address this problem.

Dr. Phoenix agreed with Ms. Cupit and Mr. Ford and suggests the government provide transportation to residents in food deserts to nearby grocery stores while exploring financial incentives to grocers to develop in underserved communities. She also suggests grass root efforts

such as incentives to farmers or farmers markets. Dr. Phoenix mentioned that some stores in NOVA have invested in ride services to provide local residents with rides to the store. Which in turn has provided jobs to the community.

Dr. Phoenix then discussed Asthma in Virginia. She discussed the lack of data and recommends VDH to report accurate data based on race, income, and geographic asthma on the website and analyze the data for correlation

Ms. Cupit voiced some questions about the wording on the asthma recommendation, so Mr. Blount corrects the draft.

Dr. Phoenix explained her work on lead poisoning with Queen Zakia Shabazz and received a HUD grant for \$1M to do remediation. She recommends exploring elevated blood lead levels and examine if there is continuing exposure. Furthermore, she recommends that data should be disaggregated by ethnicity and income and reported to VDH and CDC. All are in favor of moving this motion forward

The meeting moved along to emergency management; however, Rev. Dr. Lisa Johnson is not available. Dr. Phoenix takes over this section and explains the importance of proper emergency preparedness for areas that have a higher probability of being effected. Planning committees should afford opportunities for community members to voice their concerns.

There are existing emergency management plans in plans that overlap many committee plans. Dr. Phoenix moves to adopt the motion to edit the second portion of the Disaster Planning Recommendation and make it more concise.

Climate Change Subcommittee

Mr. Benevento has been working on this with Ms. Harris. He recommends fostering a new generation of culturally diverse farmers through equitable and inclusive land acquisition, and to create educational and grant assistance programs to address property loss of black and indigenous farmers. Mr. Benevento discusses the historical context in which Black and Indigenous people had their lands taken from them.

Dr. Phoenix wanted to see eminent domain addressed as well in the land access portion of the draft and everyone agrees

Mr. Benevento picks back up with the recommendation to address converting some state land to community land trusts for farmers from marginalized groups, to limit investment by large corporations and lower barriers to entry for new farmers and incorporate language about the cost-sharing perspective, and to create state grants and loans to strengthen land accessibility.

The next section discussed is regenerative and sustainable agriculture. Mr. Benevento has a few recommendations: (1) develop and provide training (2) create a land commission that includes minorities who work closely with VDACS and VSU Small Farm Outreach program to increase access to federal farm loans and programs for beginning and minority farmers (3) increase funding to cooperative extension programs (4) increase funding for Virginia House Bill 1509

Virginia Food access and investment program and fund, and (5) to incentivize land training and tie in the food desert piece.

Next section discusses farmer administration and promoting racial justice in farm ownership, operation, and income. Dr. Phoenix asks if a representative of the farming community

Mr. Brown discussed the challenges of tackling the issues that minority farmers face and that it takes a taskforce such as creating an office of equity and targeted outreach for minority farmers.

Mr. Benevento recommends (1) Create an office of equity at VDACS to extensive anti-discrimination guidelines to review policies (2) empower the new office to legally address claims of discrimination (3) examine the role of heirs property and loss of land and how disenfranchised community members can retain property (4) support comprehensive immigration reform the provide and pathway for citizenship (5) examine and repeal Jim Crow era legislation related to farming

Ms. Karad stated that there is a commission put together by the governor's office to address this very issue and she will follow up with the council with further information.

Mr. Ford and Ms. Cupit correct the wording in the draft to change "disadvantage" to "disenfranchise" in the draft.

Everyone agrees to move the motion forward.

Clean Energy and Transportation

Ms. DeVaughn introduces Mr. Benevento's work on renewable energy. Mr. Benevento discusses some concerns such as redefining renewable energy. She recommends to remove the 1% cap on local production of renewable energy and create funding sources for energy efficiency upgrades for low income households, renters, seniors, and people who are disabled, incorporate a green jobs component that is inclusive, and to create legislative provisions for share solar to provide distributed renewable energy. In addition, she recommends creating a high energy effacing code mandate like California or DC, increasing the Virginia timeline for 100% renewable energy, and creating a liaison position to assist DMME and DEQ with regulatory enforcement.

Mr. Blount added two additional recommendations: to support alternative methods of traditional transportation with and environmental justice lens, and to create a climate office to oversee and understand Virginia's climate and sequestration efforts.

Outdoor Access Subcommittee

Mr. Burrell directs the participants to his section Outdoor Access. His recommendations include: subsection-planning for outdoor recreation, land conservation and trail development, access for all, and outdoor education.

Ms. Cupit explained that there should be some language about equality and training LEOs. She explained a friend was recently visiting the Blue Ridge Parkway and was stopped by an officer

and questioned about the purpose of his visit. Mr. Burrell agreed that this needs to be addressed because it does not promote welcoming environments.

The council passed the motion to adopt Mr. Burrell's recommendations.

Recycling and Waste Subsection

Mr. Benevento wanted see if Recycling and Waste was added to the draft, Mr. Blount confirmed that he included it.

Mr. Benevento provides a brief overview of his recommendations: increasing food access to vulnerable communities, reducing greenhouse gas emissions, and create blue collar green jobs, and emphasizing recycling.

Mr. Ford asked Mr. Benevento if he can break down his recommendations into different sections and informed that some of his recommendations have overlap with local authority and other state agencies.

Mr. Ford points out that many of Virginia's waste management systems are antiquated and Dr. Phoenix suggests taking an exploratory look at what other states have done.

Next Steps

Dr. Phoenix drafted a letter to the chairs and sent it to Ms. Roach. She also wanted to see what progress has been made from each section and the time line to get to finalize the report.

Dr. Phoenix suggests July 8th as the deadline for committee chairs to get all the edits into the narrative to Mr. Blount.

Mr. Blount set the deadline for draft edits at July 10th.

Ms. Karad sets the final draft deadline at July 15th.

Public Comment

Dr. Phoenix asked if there are any people who wish to comment. Ms. Karad informs that she has asked people to send comments in advance and that there is one that she will read and answer.

Tanisha Griffin from the New Virginia Majority asked if there will be funding provided to the Environmental Justice committee and if it has, how has the money been used? Ms. Karad answered that at the start of the council under Governor McAuliffe, the Energy Foundation provided a grant for the council for the facilitation of University of Virginia's program for environmental negotiations. Since Governor Northam has been in office, appropriations have come from the Secretary of Natural Resources and has been used to reimburse members for travel expenses and other necessary accommodations. Moving forward, funding will continue coming from the Secretary of Natural Resources and the Governor would like to see the appropriations used for Environmental Justice initiatives.

Closing

Dr. Phoenix takes over for one more vote for a motion to approve the final report. It passes unanimously.

Dr. Phoenix asks for closing comments from council members.

Ms. Cupit commended the council for its organization and in the future would like to see a real true effort to bring change, not just lip service.

Mr. Benevento appreciates the comradery and hopes that in the future the meetings can be around the state to capture the voices of the communities.

Ms. Scott thanked Dr. Phoenix for her leadership and agreed with Mr. Benevento that meeting with members in various communities would be beneficial as well.

Mr. Burrell also commends Dr. Phoenix for her leadership with the council and EJ initiatives.

Mr. Marshall comments that he is amazed at the dedication and knowledge the council members have and he has learned about from the meetings

Ms. DeVaughn echoed the comments from the previous speakers and noted that she would like to see physical presence in the communities that the recommendations directly affect.

Mr. Ford voiced his appreciation for the myriad of perspectives that the council offers and their patience with him. He hopes to continue working with committee members in the future.

Dr. Phoenix offers commendations about the council and frustrations with travel limitations for the communities in Southwest Virginia.

Mr. Ford offered his appreciation to Ms. Sallee, Mr. Blount, and Ms. Karad for their support.

Ms. Sallee thanked the council on behalf of herself and Ms. Karad.

Meeting Adjourned

There being no other business, the meeting adjourned at 3:19pm