



*Commonwealth of Virginia*  
*Office of Governor Ralph S. Northam*

## **Virginia Council on Environmental Justice (VCEJ)**

### ***2020 Annual Report Draft*** ***July 2020***

*Drafting Leads: Jevonte/Nathan/Taysha*

*Due note: July 13, 2020*

Report prepared by members of the Virginia Council on Environmental Justice

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WORKING-DRAFT

### **Virginia Council on Environmental Justice**

Environmental justice is defined by the U.S. Environmental Protection Agency as the fair treatment and meaningful involvement of all people regardless of race, color, faith, national

origin, or income, in the development, implementation, and enforcement of environmental laws, regulations, and policies.

No population, especially minority, low-income, or historically-underserved communities, should face higher levels or greater impacts of pollution than other populations. Some of these communities face more severe environmental degradation, which disproportionately affects public health and quality of life.

Addressing environmental injustice has been and continues to be a focal point of Governor Northam's administration. Establishing a state advisory council on environmental justice was part of his campaign platform in 2017. Because this issue is so important, Governor Northam continued Governor McAuliffe's Council through his first term. Governor Northam issued EO-29 establishing the Virginia Council on Environmental Justice (VCEJ) on January 22, 2019.

Recommendations to ensure that environmental justice concerns are understood, and that a framework is in place to address these concerns, are extremely valuable to the Commonwealth. While some state agencies incorporate environmental justice into their review process, there is currently no consistency in how these issues are evaluated. The VCEJ will help generate proposals for consistent approaches to evaluate environmental justice.

#### **Executive Members**

- **Beth Roach**, Chair
- **Janet A. Phoenix, MD, MPH**, Vice Chair

#### **Current Members**

1. **Nikki Bass** of Washington, D.C., Tribal Councilwoman, Nansemond Indian Nation
2. **Tom Benevento** of Harrisonburg, Co-Director, New Community Project
3. **Jevonte Blount, MPA** of Hampton, Asst. Program Coordinator, John Tyler Community College

4. **Herbert Brown** of Warfield, Marketing Manager, Browntown Farms
5. **Hope F. Cupit** of Bedford, President and CEO, Southeast Rural Community Assistance Program
6. **Taysha DeV Vaughan** of Wise, President, Southern Appalachian Mountain Stewards
7. **Reverend Dr. Mike Ellerbrock** of Blacksburg, Professor, Department of Agricultural and Applied Economics, Virginia Tech and Minister, Catholic Diocese of Richmond
8. **Jay Ford** of Belle Haven, Virginia Voices Coordinator, Chesapeake Bay Foundation and Owner, Shine and Rise Farm
9. **Reverend Dr. Faith B. Harris** of Varina, Vice Chair, Virginia Interfaith Center for Public Policy and Chair, Virginia Interfaith Power and Light
10. **Reverend Dr. Lisa Johnson** of Accomack, Diversity and Inclusion Program Specialist, NASA Goddard Space Flight Center
11. **Nathaniel X. Marshall** of Lynchburg, Equal Employment Opportunities Manager, BWX Technologies, Inc.
12. **Janet A. Phoenix, MD, MPH** of Herndon, Assistant Research Professor, George Washington University
13. **Beth Roach** of Richmond, Tribal Councilwoman, Nottoway Indian Tribe
14. **EJ Scott** of Manassas, Environmental Program Manager, Sev1Tech, Inc.

#### **Ex officio members**

- **Nathan James Burrell** of Richmond, Deputy Director, Department of Conservation & Recreation

#### **Virginia State Government Staffing Liaisons**

- **Meryem Karad**, Policy and Communications Advisor to the Secretary of Natural Resources
- **Christiana Lockwood**, Senior Policy Advisor, Virginia Department of Environmental Quality
- **Katie Sallee**, Confidential Assistant to the Secretary of Natural Resources

#### **Committees**

On Friday, July 12, 2019 the VCEJ held its inaugural meeting and five standing subcommittees were established: Policies, Permits, Programs, Procedures and Including Local Government, Partnerships, and Communication Subcommittee, Climate Change and Resiliency Subcommittee, Outdoor Recreation Access Subcommittee, and the Public Health Subcommittee.

- **Policy, Permits, Programs, and Procedures**  
**Members:** Jay Ford (Chair), Faith Harris, Jevonte Blount, Raul Garcia, Nathaniel Marshall, EJ Scott, and Hope Cupit  
 Mission/Vision:

- **Outdoor Access**

**Members:** Nate Burrell (Chair), Beth Roach, Taysha DeVaughn, Jevonte Blount, Herbert Brown, Jay Ford, and Mike Ellerbrock

**Mission/Vision:** *Public spaces should serve everyone. Equal and equitable access to these spaces and natural areas is critical to fostering healthy communities. The Council shall provide recommendations for best practices and tools to ensure that all communities have public access to outdoor areas.*

- **Climate Change & Resilience**

**Members:** Faith Harris (Chair), Jay Ford, Taysha DeVaughn, Nikki Bass, Mike Ellerbrock, and Nate Burrell

**Mission/Vision:** *Climate change is one of the biggest threats of our time, and its impacts can disproportionately affect minority, low-income and historically-underserved communities. Executive Order Twenty-Four (EO-24) was issued to increase Virginia's resilience to recurrent flooding, sea level rise, and other natural hazards. The Council shall consider EO-24 as it provides advice on this issue and include suggestions for resilience investments that would help reduce impacts on vulnerable communities. The Council may also recommend ways to increase equitable renewable energy development, clean energy technology, and energy efficiency programs to help ensure these climate solutions are available to all.*

- **Public Health**

**Members:** Janet Phoenix (Chair), Nikki Bass, Taysha DeVaughn, Lisa Johnson, Nate Burrell, Hope Cupit

Mission/Vision:

- **Clean Energy & Transportation**

**Members:** Taysha DeVaughn (Chair) and Tom Benevento

**Mission/Vision:** *Many communities impacted by reduced demand for thermal coal are in rural areas. A just transition is crucial, and sustainable economic development is increasingly important. The Council shall research Virginia's regions that are transitioning away from coal and provide recommendations to support those communities.*

## Overview

Pursuant to Governor Ralph S. Northam's Executive Order Number Twenty-Nine (2019):  
*Establishment of the Virginia Council on Environmental Justice.*

The Council shall prioritize providing guidance for the development of policies and procedures to address environmental justice in its report. Proposing a long-term framework for the state, focusing on equality and equity, to ensure environmental justice issues are heard is essential. This framework shall also include recommendations on the integration of environmental justice considerations into existing state policies, permits, programs, and procedures. The Council shall provide options, across state agencies, for the Governor to consider.

**Virginia Tribal Recommendations** (Section Leaders: Nikki, Beth, Taysha)

- 3-5 Recommendations

**Commented [1]:** Include Nikki Bast's document: Build Relationships with Tribal Communities to Fill Data Gaps in Environmental Justice Screening Tools

- Issues in EO:
  - Communications and partnerships
  - Differences between tribal communities and different organizations
  - Local Government
  - State vs. Federal Recognition
  - legislation, regulations, policies, and research initiatives

- 1) Re-establish Virginia Council on Indians
  - a) Provide background info/recommend new charge
  - b) Create Indigenous Environmental Quality Task Force
    - i) Standing subcommittee?
- 2) Proactive co-management of resources
  - a. Regional DEQ representative to develop relationships with tribal communities
  - b. Meet quarterly to discuss local issues
  - c. Field visits to understand significance of sites (where and when appropriate)
- 3) Prior to comment periods, implement processes to dive deeply into potential issues with projects.
  - a) *Free, Prior and Informed Consent (FPIC) is a specific right that pertains to indigenous peoples and is recognised in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). It allows them to give or withhold consent to a project that may affect them or their territories. Once they have given their consent, they can withdraw it at any stage. Furthermore, FPIC enables them to negotiate the conditions under which the project will be designed, implemented, monitored and evaluated. This is also embedded within the universal right to self-determination.*
  - b) Current comment period windows do not provide tribal governments adequate time to digest the information, inform their citizens, and come to consensus about which direction the tribal body wishes to take.
  - c) Work with companies, infrastructure, and tribal stakeholders to understand the "lay of the land" and what hotspots might exist
- 4) EJ Screens don't cover all our history. Census information..Work with native people and state universities to conduct history and treaties (with the Crown and the early colonial government) as well as race laws following the Civil War, Jim Crow and Walter Plecker Eras with land use and the destruction of culture and identity
- 5) Provide equitable treatment between federal and state tribes. Each has a different set of internal priorities and legal authorities. Yet, regardless of **what** status tribes have and **when** they gained that status, each tribe needs to be treated with the same amount of care and attention. There are a myriad of reasons why and how tribes achieved their status. One is not above the other.

**Commented [2]:** Was there a charter for the VCI or a document that we could cite to show that it was meeting some of the needs defined by the VCEJ (e.g. building coalitions, developing competencies across tribes)?

**Commented [3]:** great question! I'm scheduled to talk with Deanna Beachum today, last staff person to work the VCI. She relayed last night in an email that purpose morphed several times over the years. I think our recommendation would need to explicitly state what the new charge should be for the VCI. I would say this is the most important recommendation that we could provide.

**Commented [4]:** This is really important and I'm working on this issue right now so I don't mind elaborating/developing additional narrative.

**Commented [5]:** I agree with this and propose that we list consultation entitlements given to federally recognized tribes and then recommend that all tribes receive the same opportunities for meaningful engagement.

**Commented [6]:** Agreed!

**Climate change and resilience** (Section Lead: Faith Harris)

Climate change is one of the biggest threats of our time, and its impacts can disproportionately affect minority, low-income and historically-underserved communities. Executive Order Twenty-Four (EO-24) was issued to increase Virginia's resilience to recurrent flooding, sea level rise, and other natural hazards. The Council shall consider EO-24 as it provides advice on this issue and include suggestions for resilience investments that would help reduce impacts on vulnerable communities. The Council may also recommend ways to increase equitable renewable energy development, clean energy technology, and energy efficiency programs to help ensure these climate solutions are available to all.

- 3-5 Recommendations
- Issues in EO:
  - Communications and partnerships
  - Public health
  - Local Government
  - legislation, regulations, policies, and research initiatives
  - Virginia Agriculture and Environmental Justice, Climate Resiliency
  - Recycling and Waste

## **Environmental Justice and Climate Resiliency for Virginia Agriculture**

Recommendations from the Virginia Council on Environmental Justice

Prepared by Tom Benevento

May 2020

### **Executive Summary:**

Current Virginia agricultural practices and policies can be improved to promote environmental justice, climate resiliency, and sustainable agriculture. Virginia state agencies can lead the way by addressing historic harms and ending discriminatory practices against socially disadvantaged farmers. This document offers multiple policy strategies to increase land access, provide training and technical assistance in sustainable agriculture, and increase farm administration for farmers from traditionally marginalized and exploited groups including Black, Hispanic, Indigenous, Recent Immigrants, and Women. If enacted, these strategies will improve climate resiliency and ecological health, and cultivate racial justice in the agriculture sector of Virginia.<sup>1</sup>

There are three key recommendation areas for policy improvement:

1. **Land Access** - fostering a new generation of culturally diverse farmers through equitable and inclusive practices.
2. **Regenerative and Sustainable Agriculture** - providing training and technical assistance to support culturally diverse farmers.
3. **Farmer Administration** - promoting racial justice in farm ownership, operation, and income.

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<sup>1</sup> <https://rodaleinstitute.org/why-organic/issues-and-priorities/climate-change/>

Following these recommendations, additional background and justification information is provided.

### **Recommendations:**

The following section details recommended strategies and policies to ensure a more sustainable, healthier, and equitable agricultural system.

1. **Land Access** - *Fostering a new generation of culturally diverse farmers through equitable and inclusive practices.*

Innovative programs can transform the historical discrimination of government policies and agency practices against socially disadvantaged farmers. Equitable policies must limit land consolidation by large-scale corporate agriculture and investment funds in order to make more farmland available to beginning and socially-disadvantaged farmers who plan to farm sustainably. The rights of landowners to set prices and influence land management must be integrated by the need to establish farmers who practice sustainable agriculture.<sup>2</sup>

### **Policy recommendations:**

1. Create educational and legal/grant assistance programs to address heirs' property issues and loss of black farmland and indigenous land.
2. Appoint a *Land Commission* that includes black, hispanic, and indigenous members to conduct a periodic statewide land tenure study. This will provide a holistic perspective on the socio-economic, political, and market-based factors limiting equitable access to land and provide policy recommendations to address these inequities.
3. Study state own lands that have the potential for agriculture and explore potential state acreage to be converted to community land trusts for farmers from traditionally marginalized and exploited groups. Establish state and federal partnerships for land banks of properties to make available below market rate to new culturally diverse farmer cooperatives under special sustainable agriculture covenants. In addition, explore state owned land to be converted to community land trusts for farmers from traditionally marginalized and exploited groups. (*Example legislation: California AB936 - REEAL Act of 2019*).
4. Limit land investment by large corporations and lower barriers to entry for new farmers from disadvantaged communities. (*Example legislation: North Dakota Cent. Code § 10-06.1-01 to -25, recently upheld in state court; South Dakota Codified Law 47-9A - Corporate Farming Restrictions*)

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<sup>2</sup> Meleiza Figueroa and Leah Penniman, Land Access for Beginning and Disadvantaged Farmers, Green New Deal Policy Series: Food and Agriculture, pg.8, March 2020.

5. The state offers various resources for those looking to start a farm, but very few grant/loan opportunities. Create state grant and loan guarantee programs to strengthen land access rights for culturally diverse and beginning farmers, as well as help meet marketing challenges faced by small farmers and rural communities. Examples include strengthening/establishing local markets, Community-Supported Agriculture (CSA) networks between producers and consumers, and providing incentives for cooperative business development.

## **II. Regenerative and Sustainable Agriculture - Providing training and technical assistance to support culturally diverse farmers.**

There are many obstacles for new and current farmers that want to establish operations based on agroecology and regenerative agriculture. USDA Natural Resource Conservation Service programs exist with soil experts but receive very little funding to train farmers.<sup>3</sup> Additionally, the current crop insurance programs and subsidy programs support commodity crop production instead of food production and ecological restoration. Increasing investments in state conservation programs, and supply management programs centered on ensuring that markets provide fair prices for farmers are critical for the family farming sector. Reforming current federal farming subsidy programs to prioritize independent, family-scale producers and eliminate loopholes that allow corporations and large-scale absentee landowners to receive the majority of farm program benefits are also part of this solution. Innovative programs must both ensure that a new generation of small-scale and mid-scale farmers can make a living feeding their communities, nurturing land and watershed health, and addressing the climate crisis, while also addressing the unprecedented levels of corporate control and concentration that are pushing farmers off the land.<sup>4</sup>

### **Policy recommendations:**

1. Develop and provide anti-oppression training for state agriculture departments and support existing community education groups that offer culturally diverse approaches.
2. Create a *Land Commission* that includes black, hispanic, women, and indigenous members who can work closely with the Virginia Department of Agriculture and Consumer Services and VSU's Small Farm Outreach program, to increase access to federal farm loan and price support programs for beginning farmers, racial and ethnic

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<sup>3</sup> Horst, Megan, and Amy Marion. "Racial, Ethnic and Gender Inequities in Farmland Ownership and Farming in the U.S." *Agriculture and Human Values*, pp. 1–16. October 2018.

<sup>4</sup> Meleiza Figueroa and Leah Penniman, *Land Access for Beginning and Disadvantaged Farmers*, Green New Deal Policy Series: Food and Agriculture, pg.9, March 2020.

minority farmers and women producers. This would be designed to increase access to value-added, direct sale, organic, and specialty crop operations, agricultural youth organizations needing financial assistance for income-producing, educational, and agricultural projects, urban farmers and roof-top producers, and operations using alternative farming methods such as hydroponics, aeroponics, vertical farming, and freight container farming.

3. Increase funding to state conservation programs such as the Virginia Cooperative Extension, the Virginia Department of Conservation and Recreation, and the Agricultural Stewardship program to increase on-ground staff and technical assistance capacity to train in the principles of agroecology targeting disadvantaged farmers. Invest in and adapt from existing programs such as Future Harvest CASA's Field School and Farm School NYC for examples of culturally diverse agricultural training. <https://www.futureharvestcasa.org/foodshed-field-school> and <http://www.farmschoolnyc.org/>. Additional information can be found in *Data for Progress' Regenerative Farming* document.
4. Increase funding in upcoming years for Virginia House Bill 1509 (McQuinn) Virginia Food Access and Investment Program and Fund.
5. Earmark funds for down-payment assistance and financial support grants for new farms practicing sustainable agriculture through the first 10 years of operation.

### **III.) Farmer Administration - Promoting racial justice in farm ownership, operation, and income.**

White people own 97% of all Virginia farmland and thus generate nearly all farm-related income from land ownership.<sup>5</sup> Black, hispanic, and indigenous farmers, especially those renting land, can face discrimination in a system that provides legal and social power to landowners.<sup>6</sup> Farmers that are vulnerable, because of their race, ethnicity, legal status, or farming history are particularly at risk of predatory lease arrangements. Creating new recourse and oversight for farmers who experience discrimination and state immigration reform is vital in providing a pathway for beginning and socially disadvantaged farmers.<sup>7</sup>

#### **Policy recommendations:**

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<sup>5</sup> 2017 Census for Agriculture: Race/Ethnicity/Gender Profile.

<sup>6</sup> Federation of Southern Cooperatives/ Land Assistance Fund. Land Loss Trends Among Socially Disadvantaged Farmers and Ranchers in the Black Belt Region From 1969 to 2018. Report submitted to Socially Disadvantaged Farmers and Ranchers Policy Research Center, 2018. <https://bit.ly/2qNTe81>

<sup>7</sup> Meleiza Figueroa and Leah Penniman, Land Access for Beginning and Disadvantaged Farmers, Green New Deal Policy Series: Food and Agriculture, pg.10, March 2020.

1. Create an Office of Equity at the Virginia Department of Agriculture and Consumer Services (VDACS) with robust anti-discrimination guidelines to review policy proposals and mandate black, hispanic, and indigenous participation on agricultural decision making boards.
2. Empower the new office to legally address claims of discrimination in agricultural credit, land credit & markets; conduct oversight of VDACS practices. (Model: National Labor Relations Board)
3. Examine the role of heirs property in the loss of land for black farmers and Virginia tribal communities, and offer education and technical assistance for families to retain property.
4. Support comprehensive immigration reform that provides pathways to citizenship. The proposed "blue card" legislation in California provides a template for a bare minimum approach that would protect farm tenants who are currently undocumented.<sup>8</sup>
5. Examine and repeal any Jim Crow era legislation still on the Virginia books related to farming and land use/rights for farmers and tenant farmers. Explore and develop decolonizing land programs that return to indigenous sovereignty.

## Background and Justification

"We believe that sustainable small-scale farming and local food consumption will reverse the actual devastation and support millions of farming families. Agriculture can also contribute to the cooldown of the earth by using farm practices that store CO2 and considerably reduce the use of energy on farms."

- La Via Campesina

"Small-Scale Sustainable Farmers are Cooling Down the Earth"

### ***Inequitable Land Ownership***

Through broken treaties, stolen land and displacement of indigenous nations, and enslaved African people as commodity and free labor, agriculture in the United States became a wealth-producing industry.<sup>9</sup> Over one hundred years ago in 1910, one in seven farmers nationally were African-American and they held titles to approximately 16-19 million acres of farmland. Between 1910-2010, 98% of Black farmers were dispossessed through discriminatory practices and various federal farm programs. Today, 98% of private rural land is owned by white people, while less than 1% of agricultural land is Black-owned.<sup>10</sup> In Virginia, as of 2017, there are 43,225 total

<sup>8</sup> Meleiza Figueroa and Leah Penniman, Land Access for Beginning and Disadvantaged Farmers, Green New Deal Policy Series: Food and Agriculture, pg.10, March 2020.

<sup>9</sup> Edward E. Baptist, The Half Never Been Told, Basic Books, 2014.

<sup>10</sup> USDA National Agriculture Statistics Service. Selected Principal Operator Characteristics by Race, 2012. [https://www.nass.usda.gov/Publications/AgCensus/2012/Full\\_Report/Volume\\_1,\\_Chapter\\_1\\_US/st99\\_1\\_062\\_062.pdf](https://www.nass.usda.gov/Publications/AgCensus/2012/Full_Report/Volume_1,_Chapter_1_US/st99_1_062_062.pdf)

farm producers. 41,924 are white, while only 1,335 are black, 704 are Hispanic, and 376 are American Indian.<sup>11</sup>

Farmers from socially disadvantaged groups including African-American, Hispanic, Native American, women, and immigrants, face great barriers to farming access, including structural socio-economic inequalities and a history of discrimination in credit markets, and federal farm programs, and real estate.<sup>12</sup> The financial system favors large-scale farms that specialize in a few crops, most of which are not directly for human consumption. Many of these excluded farmers who possess valuable agro-ecological knowledge - inherited from Native American traditions, Central and South American farming traditions, and legacies of black sustainable agriculture - are at risk of being lost without opportunities to practice it and pass it to future generations.<sup>13</sup>

### **Advantages of Sustainable Farming**

According to the EPA, industrial agriculture contributes an estimated 9.9% of US greenhouse gas emissions<sup>14</sup> through fuel for machinery, food processing, transporting, and by the manufacturing of synthetic fertilizers.<sup>15</sup> However estimates from the United Nations Food and Agriculture, WorldWatch Institute, and Stanford University studies show greenhouse gas emissions from agriculture to be above 30% due to lost carbon in the soil, methane release from livestock, unaccounted farm inputs, and lost sequestration from deforestation.<sup>16</sup> Regenerative farming methods on average use 45 percent less energy and release 40 percent fewer carbon emissions than industrial agriculture.<sup>17</sup> Industrial agriculture promotes excessive tilling of the soil which releases sequestered carbon into the atmosphere, whereas sustainable farming prioritizes minimized tilling methods.<sup>18</sup> Many well known sustainable agricultural practices can reduce emissions including perennial cropping, crop rotation, cover crops, No-till and reduced till, management-intensive grazing, agroforestry and silvopasture, dry manure management,

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USDA Economic Research Service. Farmland Values, Land Ownership, and Returns to Farmland, 2000-2016. Economic Research Report No.

(ERR-245), February 2018. <https://www.ers.usda.gov/publications/pub-details/?pubid=87523>

<sup>11</sup> 2017 Census of Agriculture, Race/ethnicity/Gender profile

<sup>12</sup> Megan Horst and Amy Marion, "Racial, ethnic and gender inequalities in farmland ownership and farming in the US." *Agriculture and Human Values* 36(1), pp. 1-16, March 2019.

<https://link.springer.com/article/10.1007/s10460-018-9883-3>

<sup>13</sup> Laura-Anne Minkoff-Zern, "Pushing the boundaries of indigeneity and agricultural knowledge: Oaxacan immigrant gardening in California."

*Agriculture and Human Values*, 29(3), pp.381-392, September 2012.

<https://link.springer.com/article/10.1007/s10460-011-9348-4>

<sup>14</sup> EPA Inventory of Greenhouse Gas Emissions and Sinks, 2018

<https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks>

<sup>15</sup> <https://www.ecoliteracy.org/article/industrial-agriculture-agroecology-and-climate-change>

<sup>16</sup> Jeff McMahan, "Why Agriculture's Greenhouse Gas Emissions are Almost Always Underestimated", *Forbes*, Dec. 2, 2019.

<sup>17</sup> <https://rodaleinstitute.org/why-organic/issues-and-priorities/climate-change/>

<sup>18</sup> <https://rodaleinstitute.org/why-organic/issues-and-priorities/climate-change/>

organic fertilizer use, and planting riparian buffers and wind breaks. These practices are well known and have been proven and successfully demonstrated with virtually all crops in most regions of the country at most scales. They have been found to be both productive at reducing greenhouse gas emissions and increasing soil carbon and increasing productivity and farmer profitability.<sup>19</sup> In addition, small, sustainable farms are generally more connected to the local community and more labor-intensive. These attributes result in reduced poverty and social exclusion in the community.<sup>20</sup>

### **Barriers to Culturally Diverse Farmers Gaining Access to Land**

Securing access to affordable, high-quality farmland is the greatest barrier to new farmers and disadvantaged farmers' entry and success. American farmers are struggling to hold onto their livelihoods. At this time, over half of farmers live with negative on-farm income.<sup>21</sup>

New farmers face numerous hurdles in gaining access to land due to three primary factors.<sup>22</sup>

1. Nationwide loss of farmland to development and large/institutional investment funds.
2. The high cost of land combined with the low purchasing power of new farmers.
3. Historic race- and gender-based discrimination, both legal and extralegal practices limiting land and credit access. Black farmers experience discrimination in access to credit, seeds, and other assistance, and face foreclosure at six times the rate of their White counterparts.<sup>23 24</sup>

Additional barriers make utilizing sustainable practices economically unfeasible for beginning farmers. Significant capital and training are required for new sustainable farmers to remain solvent during the initial startup phase. In addition, there is a multi-year process of land restoration, soil remediation, and the establishment of optimally productive agroecosystems that eventually replace the need for external inputs.

### **Inspirations from a Patchwork of Innovation**

Mitigating climate change in the agriculture sector requires three moves: *encouraging* ownership by new farmers, *practicing* regenerative agriculture, and *repairing* historical disparities to land access and tenure. Innovative programs such as those found in the Green New Deal, can

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<sup>19</sup> Jeff McMahon, "Why Agriculture's Greenhouse Gas Emissions are Almost Always Underestimated", Forbes, Dec. 2, 2019.

<sup>20</sup> <https://www.ecoliteracy.org/article/industrial-agriculture-agroecology-and-climate-change>

<sup>21</sup> USDA Economic Research Service, Highlights from the August 2019 Farm Income Forecast. August 2019. <https://www.ers.usda.gov/topics/farm-economy/farm-sector-income-finances/highlights-from-the-farm-income-forecast/>

<sup>22</sup> Calo and Petersen-Rockney, "What Beginning Farmers Need Most in the Next Farm Bill: Land", Policy Brief, Berkeley Food Institute, Aug. 2018.

<sup>23</sup> USDA Commission on Small Farms, "A Time to Act," Report, January 1998. <https://archive.org/details/timetoact1545usda>

<sup>24</sup> Meleiza Figueroa and Leah Penniman, Land Access for Beginning and Disadvantaged Farmers, Green New Deal Policy Series: Food and Agriculture, pg.6, March 2020.

facilitate new farmers' access to farmland through coordinated efforts at the federal, state, and local levels.<sup>25</sup>

Several NGOs and local governments have already been experimenting with creative solutions to address these barriers. These solutions include farmland protection, conservation easements, and various forms of long-term land leases and land sharing agreements, as well as creating equitable ownership opportunities for new farmers from historically disadvantaged communities.<sup>26</sup>

There has also been a resurgence of farmland cooperatives, using a number of institutional means, such as community land trusts, to secure and protect tenure rights for small farmers.<sup>27</sup> Local and national organizations working on means for land acquisition include: Black Family Land Trust, Agrarian Trust, California Farmer Justice Collaborative, and the National Young Farmers Coalition. The first land trust in the US was established by black farmers in Georgia called New Communities Inc.<https://www.newcommunitiesinc.com/>

These innovations are currently implemented in piecemeal, experimental settings. Statewide innovative programs can provide the much-needed resources to scale these efforts into programs that would benefit the citizens of the Commonwealth of Virginia, our nation, and our planet.<sup>28</sup>

## Policies, permits, programs, and procedures

- 3-5 Recommendations
- Issues in EO:

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<sup>25</sup> Meleiza Figueroa and Leah Penniman, Land Access for Beginning and Disadvantaged Farmers, Green New Deal Policy Series: Food and Agriculture, pg.7, March 2020.

<sup>26</sup> Annelise Jolley, "The Co-op Farming Model Might Help Save America's Small Farms." Civil Eats blog, October 3, 2018. <https://civileats.com/2018/10/03/co-op-farming-models-might-help-save-americas-small-farms/>

<sup>27</sup> Agroecology Research Action Collective, "The Need for a Food and Agriculture Platform in the Green New Deal." <https://agroecologyre-searchaction.org/green-new-deal/>

<sup>28</sup> Meleiza Figueroa and Leah Penniman, Land Access for Beginning and Disadvantaged Farmers, Green New Deal Policy Series: Food and Agriculture, pg.7, March 2020.

- Communications and partnerships
- Public health
- Local Government
- legislation, regulations, policies, and research initiatives.

**Local Government:** Many decisions affecting efforts to ensure environmental justice are made at the local level. The Council shall suggest an environmental justice framework, for local governments to reference as guidance.

## Virginia Universal Recycling Law

### Recommendations

May 2020

Draft Prepared by Tom Benevento and Sarah Koth

The Virginia Council on Environmental Justice

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## **I. Executive Summary**

This document proposes the executive order known as the Virginia Universal Recycling Law to transition Virginia’s waste system to a universal recycling. It has key environmental justice benefits including; increased food for vulnerable populations, reduction in greenhouse gases, and increased green jobs and green infrastructure. In summary, the committee proposes:

- Phasing out disposals including recyclables, yard debris, and food residuals
- Implementing a parallel recycling and composting system
- Implementing a “Pay-As-You-Throw” (PAYT) system, with a voucher program for low-income households.
- Reframing waste as “mismanaged resources” and waste management as “material management”

## **II. Background and Basis**

This recommendation is inspired by Vermont’s successful implementation of its Universal Recycling Program known as Act 148. The state created a timeline that showed the process of implementing the act, on which we’ve based our proposed timeline and universal recycling symbols (See Appendix A). The Vermont General Assembly unanimously enacted Act 148 in May of 2012, undertaking the largest change to its solid waste system in 25 years.

One of its pivotal first decisions was to jettison the concept of waste itself. Waste became “mismanaged resources,” which led to the revitalization of the waste management system as “material management.” Based on the EPA’s model, the state created a Food Recovery Hierarchy<sup>29</sup> (See Appendix B), which serves as a model for all material management areas. Vermont emphasizes food waste and food donations throughout the Universal Recycling Law.

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<sup>29</sup> EPA. (2017) Sustainable management of food: Food recovery hierarchy. [Infographic] Retrieved from <https://www.epa.gov/sustainable-management-food/food-recovery-hierarchy>

*“Vermont’s Universal Recycling law has shifted the focus from feeding landfills to feeding hungry Vermonters. What is not donated can be fed to animals, composted, or used to create renewable energy in anaerobic digesters.”*

*—Alyssa B. Schuren, VT Dept. of Environmental Conservation Commissioner*

Since its implementation in 2013, the Vermont General Assembly has passed amendments to ensure the smooth transition of waste management.<sup>30</sup> This proposal is based on the original Act 148, and future adjustments will be addressed as necessary. To begin, product-manufacturing methods and product packaging will be reviewed to assist business owners in keeping up with the ever-changing recycling opportunities, and to encourage them to purchase their goods from environmentally responsible manufacturers.<sup>31</sup> We estimated \$4.5-5 billion for the change in infrastructure over the next ten years.

### **III. Universal Recycling Goals<sup>32</sup>**

- Decrease waste disposal and increase composting and recycling
- Protect the environment through conserving natural resources and reducing greenhouse gas emissions
- Provide consistent and convenient recycling and composting services statewide.
- Incentivize investment in recycling, food donation, and organics diversion to build businesses and jobs that strengthen Virginia’s economy.

<sup>30</sup>See: 2018 Legislative Changes to Vermont Solid Waste and Bottle Bill Laws

<sup>31</sup> See: Mountain Alliance. (2015). Solid waste implementation plan. Retrieved from [https://randolphvt.org/vertical/sites/%7BD7EA543D-4DEE-41D3-BD57-86E65A3C936B%7D/uploads/SWIP\\_Mtn\\_Alliance\\_Draft\\_-\\_20150721.pdf](https://randolphvt.org/vertical/sites/%7BD7EA543D-4DEE-41D3-BD57-86E65A3C936B%7D/uploads/SWIP_Mtn_Alliance_Draft_-_20150721.pdf)

<sup>32</sup> These goals are based on Vermont Dept. of Environmental Conservation State Report on December 2016; see [https://dec.vermont.gov/sites/dec/files/wmp/SolidWaste/Documents/Universal.Recycling.Status.Report.Dec.\\_2016.pdf](https://dec.vermont.gov/sites/dec/files/wmp/SolidWaste/Documents/Universal.Recycling.Status.Report.Dec._2016.pdf)

#### IV. What the Law Does<sup>33</sup>

- 1. Emphasizing recycling reboot and organics** bans the disposal of baseline recyclables, leaf/yard/clean wood debris, and food scraps (to be done in phases). Baseline recyclables include paper (mail, magazines, newspaper, office paper, paper bags, and box board); cardboard; aluminum (cans, foil, and pie tins); steel cans; glass bottles and jars; and hard plastic bottles and containers #1 and #2.
- 2. Recycling/composting services** requires transfer stations and haulers that collect trash to also offer collection services for baseline recyclables, leaf and yard debris, and food scraps. Haulers and facilities may charge for these services, but the goal is to create convenience and wider access.
- 3. Pay-as-you-throw** sets a variable rate of charge for trash collected from a household. The price is based on the volume or weight collected, resulting in those who produce more waste taking responsibility for the cost of managing such waste. Simultaneously, those who generate less waste —by reducing consumption, reusing, recycling, or composting— pay proportionately less. The PAYT system proves a successful incentive for reducing the number of recyclables that end up in landfills. The program can also be designed to provide vouchers for low-income households.
- 4. Public space recycling** requires publicly owned buildings and spaces (i.e. state buildings, parks, schools, town offices, and town parks) to offer a recycling container next to every trash container.

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<sup>33</sup> See Vermont's Universal Recycling Law Status Report Dec. 2016  
[https://dec.vermont.gov/sites/dec/files/wmp/SolidWaste/Documents/Universal\\_Recycling\\_Status\\_Report\\_Dec.\\_2016.pdf](https://dec.vermont.gov/sites/dec/files/wmp/SolidWaste/Documents/Universal_Recycling_Status_Report_Dec._2016.pdf)

## V. Environmental Justice Justifications

One of the most important reasons to advocate for this proposal is the movement toward environmental justice. Environmental justice, as described by the Virginia Secretary of Natural Resources, acknowledges that vulnerable populations are more susceptible to experiencing high or adverse effects from pollution, and such initiatives work toward alleviating these injustices.<sup>34</sup> This proposal serves to encourage the responsible use of resources by all, the protection of the environment, and aims to make large infrastructural changes that will positively impact all populations, particularly those vulnerable to pollution.

*Food for vulnerable populations.* The Bill Emerson Good Samaritan Food Donation Act encourages people to donate food and grocery products to charitable nonprofit organizations. Unless due to gross neglect, donors are not liable when they donate food they see as fit. Donors may include farmers, processors, distributors, wholesalers, food service establishments, restaurants, or food retailers.<sup>35</sup> For instance, if grocery stores or restaurants donate to food banks, they are protected from civil and criminal liability.<sup>36</sup>

Solid waste in Virginia includes organics, food waste, and recyclables. Without organic waste bans or waste recycling laws at the state level, resources that could be utilized end up in landfills.<sup>37</sup> Landfilling these materials (particularly food scraps) contributes to climate change by producing methane, a potent greenhouse gas (GHG). These resources could have been donated to emergency kitchens or recycled to animal feed. In Virginia, 893,720 people struggle with hunger. 249,170 of those people are children, meaning 1 in 8 children deal with food

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<sup>34</sup> See: <https://www.naturalresources.virginia.gov/initiatives/advisory-council-on-environmental-justice/>

<sup>35</sup> See: <https://www.gpo.gov/fdsys/pkg/PLAW-104publ210/pdf/PLAW-104publ210.pdf>

<sup>36</sup> The Bill Emerson Act protects donors; see also <https://law.uark.edu/documents/2013/06/Legal-Guide-To-Food-Recovery.pdf>

<sup>37</sup> See: ReFED, 2018

insecurity.<sup>38</sup> The average cost for a meal in Virginia is \$3.07, yet people facing hunger in Virginia are estimated to report needing \$468,094,000 more per year to meet their food needs.<sup>39</sup>

To visualize the data in a local sphere, consider the Blue Ridge Area Food Bank (BRA). The BRA covers one-third of the state geographically, but less than one-third of the population. 1 out of 12 people struggle with hunger in the Blue Ridge Area and 1 in 8 children experience food insecurity.<sup>40</sup> In the food bank network, trucks go directly to their donors to pick up fresh produce and meat, which are distributed to at-risk populations. Retail donations, manufacture donations, and growers/traders donate 67% of BRA's food,<sup>41</sup> of which 27% is fresh produce.<sup>42</sup>

**Climate change.** Greenhouse gasses (GHG) have actively contributed to the issue of climate change. Discarded food that ends up in landfills decomposes in an unnatural environment, where it emits methane.<sup>43</sup> After implementing Act 148, Vermont is estimated to have reduced GHG by 37% by 2022.<sup>44</sup> Virginia's landfill GHG emissions have yet to be measured.<sup>45</sup> Knowing the scope and success rate of Vermont urges the implementation of this proposal.

**Green jobs and green infrastructure.** With this growing sector, Virginia's job economy will offer more blue collar jobs. The act incentivizes investment in recycling, food donation, animal feeding, composting, and anaerobic digestion processing businesses. Green sectors are more labor-intensive than other industries, and so investing in green infrastructure could generate

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<sup>38</sup> See: Feeding America. (2016). Map the Meal Gap Project.

<sup>39</sup> See: [https://www.reformer.com/stories/brattleboro-leads-in-landfill-diversion\\_548004](https://www.reformer.com/stories/brattleboro-leads-in-landfill-diversion_548004)

<sup>40</sup> See: <https://www.brafb.org/learn/hunger-in-our-area/>

<sup>41</sup> See: <https://www.brafb.org/learn/hunger-in-our-area/>

<sup>42</sup> See: <https://www.whsv.com/content/news/Local-politicians-and-high-schoolers-volunteer-at-Blue-Ridge-Area-Food-Bank-493705631.html>

<sup>43</sup> See: ReFED. (2018). Virginia food waste policy. Retrieved from <https://www.refed.com/tools/food-waste-policy-finder/virginia>

<sup>44</sup> See: <https://www.nrdc.org/resources/vermonts-universal-recycling-law>

<sup>45</sup> Have not yet found measurement of GHG in state of Virginia

more employment per dollar invested.<sup>46</sup> Additionally, the state would gain a strong national reputation of forward-thinking by taking the initiative to implement this green infrastructure.

**Organic and recycling.** As previously stated, green sectors are more labor intensive, and so require more jobs, such as organic rescue and recycling programs. Changing the infrastructure of material management will promote more green, stable jobs than landfilling systems. This proposal will also mitigate waste disposal fees.

Consumers have welcomed recyclables and compostables, which allows marketers to redefine such materials as valuable resources rather than as waste. Vermont has had success with the PAYT system of recycling, as it proves a successful incentive for reducing the number of recyclables that end up in landfills.

## **VI. Additional Justifications and Incentives**

**Taxes.** Virginia receives incentives as a credit rather than a deduction, which may be based on food waste, food donations, and vary in the type of donation. These incentives would benefit agricultural businesses, which make up 54,000 jobs across the state and Virginia's largest private industry.<sup>47</sup> Restaurants and grocers would also benefit from donation incentives.

Tax incentives make food donations more cost-effective and economically beneficial, as opposed to simply incentivizing less waste and helping people struggling with hunger. According to the Virginia Tax Code, food donations benefit 30% of fair market value, which can be up to \$5,000 annually. Eligible donors include people engaged in the business of farming. They may donate food crops such as grains, fruits, nuts, or vegetables. Eligible recipients include nonprofit food banks, people in need, or other nonprofits.<sup>48</sup>

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<sup>46</sup> See: Yap, L. (2017). Green jobs: An alternative to neoliberalism? Recycling in Buenos Aires, Argentina and Toronto, Canada. Retrieved from <https://vorkspace.library.vorku.ca/xmlui/handle/10315/33413> <https://vorkspace.library.vorku.ca/xmlui/handle/10315/33413>

<sup>47</sup> See: <http://www.vdacs.virginia.gov/markets-and-finance-agriculture-facts-and-figures.shtml>

<sup>48</sup> See: ReFED. (2018). Virginia food waste policy. Retrieved from <https://www.refed.com/tools/food-waste-policy-finder/virginia>

Along with the state taxes, businesses will gain from federal level tax incentives. The two tax deductions for food donations are a general deduction and an enhanced deduction. An enhanced deduction offers a significantly higher financial benefit. When the donated food meets certain criteria, the enhanced deduction allows businesses to deduct a value for donated food that is almost double the general deduction. Such incentives have proven to motivate agricultural businesses.<sup>49</sup>

## VII. Work with Virginia Stakeholders

In order to implement this proposal, the following stakeholders will need to be considered and included in dialogue:

Solid Waste District Managers Assn.	Superintendents Association
Solid Waste Haulers	Dept. of Health Sanitarians
Retail Grocers Association	Agency of Agriculture
Health Care Association	Buildings and General Services
Campus Sustainability Network	Public Service Dept.
Assoc. Of Hospitals & Health Systems	Dept. of Corrections
VA Municipal League	Agency of Transportation
Principals Association	Fish and Wildlife Dept.
School Boards Association	Dept. of Forests, Parks, & Rec.
Nonprofit Organizations	Religious Organizations

## VIII. Virginia and National Overview of Universal Recycling and Zero Waste

The United States does not have nationwide laws concerning recycling, which places the responsibility and power on the state and local governments.<sup>50</sup> The EPA functions at the national

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<sup>49</sup> See: ReFED. (2018). Virginia food waste policy. Retrieved from <https://www.refed.com/tools/food-waste-policy-finder/virginia>

<sup>50</sup> See: <https://harmony1.com/recycling-laws/>

level to oversee waste issues, and it has set national goals for reducing waste by half by the year 2030.<sup>51</sup> The EPA and the United States Department of Agriculture (USDA) set this first domestic goal in September 2015, and it was based on the United Nations Sustainable Development Goals. Participants who have signed up to become a United States Food Loss and Waste 2030 member include Aramark and Walmart.<sup>52</sup> They champion to reach the United States 2030 Food Loss and Waste Reduction Goal.

In Virginia, each county, town, or regional authority must have a recycling rate of at least 25% unless they have a population density of less than 100 people per square mile or an unemployment rate 50% higher than the statewide average, in which case their rate must be at least 15%.<sup>53,54</sup> Only about 10% of glass is being recycled yearly in Virginia, which means that about 315,000 tons of glass is being sent to landfills. The glass is commonly ground up and used as landfill daily cover, or more recently, it is being converted to be used for road construction projects.<sup>55</sup> In state policies and regulation there is little mention of food waste goals for Virginia specifically, but nationally 38 million tons of food was thrown away in 2014.<sup>56</sup>

A number of states and cities have passed more stringent recycling laws. Michigan establishes deposits or refunds values on beverage containers, while other states emphasize recycling goals, such as California and Illinois. Wisconsin, Minnesota, Michigan,<sup>57</sup> and North Carolina have passed laws concerning landfill bans of recyclable material.<sup>58</sup> The state of

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<sup>51</sup> See: <https://www.epa.gov/sustainable-management-food/united-states-2030-food-loss-and-waste-reduction-goal>

<sup>52</sup> See: USDA Food Loss and Waste <https://www.usda.gov/foodlossandwaste>

<sup>53</sup> Mandatory Recycling Rates of Localities. (n.d.). Retrieved February 2, 2020 from <https://www.deq.virginia.gov/Programs/LandProtectionRevitalization/RecyclingandLitterPreventionPrograms/MandatoryRecyclingRates.aspx>

<sup>54</sup> Frequently Asked Questions. (n.d.). Retrieved February 2, 2020 from <https://www.deq.virginia.gov/Programs/LandProtectionRevitalization/RecyclingandLitterPreventionPrograms/FrequentlyAskedQuestions.aspx>

<sup>55</sup> Glass Container Recycling - Virginia Recycling Association

<sup>56</sup> Waste Reduction. (n.d.). Retrieved February 2, 2020 from <https://www.deq.virginia.gov/Programs/PollutionPrevention/VirginiaGreen/VirginiaGreenResourcesLinks/WasteReduction.aspx>

<sup>57</sup> See <http://www.wasteresources.wi.gov/docview.asp?docid=5954&locid=83>; and [https://en.wikipedia.org/w/index.php?title=Recycling\\_in\\_the\\_United\\_States&oldid=860031006](https://en.wikipedia.org/w/index.php?title=Recycling_in_the_United_States&oldid=860031006)

<sup>58</sup> See <http://wastenot.enr.state.nc.us/swhome/landfillbans.asp>

Massachusetts passed a law called the Commercial Food Waste Disposal Ban, in which food waste haulers, processors, and food rescue organizations have generated a total of more than \$46 million of labor income and created 900 direct and indirect jobs. It also stimulated \$175 million in economic activity across the state during the first two years of its landfill ban. The state of Connecticut and the city of Seattle, Washington have implemented mandatory recycling laws that may fine citizens who throw away a certain percentage of recyclable materials in their garbage waste.<sup>59</sup>

As described in Act 148, Vermont has banned recyclable materials, food and yard waste, and wood from its landfills. There are also voluntary programs and educational programs to increase recycling where it is not mandated by law.<sup>60</sup> Since we have based this proposal off of Act 148, a close comparison of Virginia and Vermont will aid in the process of creating a successful system.

As of 2017, the population of Vermont is 623,457.<sup>61</sup> In 2016, Vermont produced 585,789 tons of municipal waste. Due to the implementation of the Universal Recycling Law, 211,152 tons of that waste was diverted from the landfill.<sup>62</sup> A statewide study shows that Vermont's waste composition could be reduced by half. Virginia houses 8,470,020 people, which inevitably leads to more waste production than Vermont. Because of its larger population, Virginia would benefit from this proposal as a state and contribute to the national and global community in reducing its footprint.

## **IX. Universal Recycling Benefits**

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<sup>59</sup> See: [https://www.ct.gov/deep/cwp/view.asp?a=2714&q=324894&deepNav\\_GID=1645](https://www.ct.gov/deep/cwp/view.asp?a=2714&q=324894&deepNav_GID=1645) ; [https://en.wikipedia.org/w/index.php?title=Recycling\\_in\\_the\\_United\\_States&oldid=860031006](https://en.wikipedia.org/w/index.php?title=Recycling_in_the_United_States&oldid=860031006)

<sup>60</sup> See: [https://en.wikipedia.org/w/index.php?title=Recycling\\_in\\_the\\_United\\_States&oldid=860031006](https://en.wikipedia.org/w/index.php?title=Recycling_in_the_United_States&oldid=860031006)

<sup>61</sup> See: US Census Bureau, 2017 estimates

<sup>62</sup> See: <https://dec.vermont.gov/sites/dec/files/wmp/SolidWaste/Documents/2016-Diversion-and-Disposal-Report.pdf>

- Saves valuable resources and promotes sustainability
- Reduces GHG emissions
- Supports green jobs, creating new markets and business opportunities
- Reduces need for landfills, improving the health of our environment

To exemplify the benefits of this proposal, consider Brattleboro, Vermont. Brattleboro began a pilot program of curbside organics collection that incorporated food scraps. After a successful run, Brattleboro extended this program to all residents. To cover the startup cost of the curbside organics recycling program, the town used the savings it had accumulated from the reduction in its tipping fees resulting from its compost and recycling program. As of August 2018, Brattleboro has diverted nearly 64% of its solid waste stream, surpassing the state goal of 50% diversion rate by 2020.<sup>63</sup> With these initiatives in mind, we propose that economic vitality and growth can coincide, and thrive, with social and ecological justice.

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<sup>63</sup> See: <https://www.reformer.com/stories/brattleboro-leads-in-landfill-diversion.548004>

APPENDIX A: Proposed timeline

The symbols at the top of the timeline were adopted from the Vermont Agency of Natural Resources (ANR), and is public domain.<sup>64</sup>



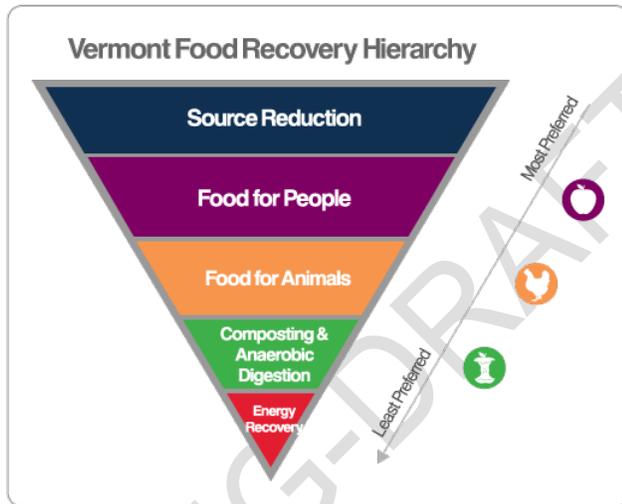
## Universal Recycling TIMELINE

- JANUARY 2021**
  - Transfer stations/Drop-off Facilities must accept residential recyclables at no extra charge
  - Food scrap generators of 104 tons/year (2 tons/week) must divert material to any certified facility within 20 miles
- JANUARY 2022**
  - Statewide unit based pricing takes effect, requiring trash charges be based on volume or weight
  - Recyclables are banned from the landfill
  - Transfer stations/Drop-off Facilities must accept leaf and yard debris
  - Haulers must offer residential recycling collection at no extra charge
  - Public buildings must provide recycling containers alongside all trash containers in public spaces (exception for restrooms)
  - Food scrap generators of 52 tons/year (1 ton/week) must divert material to any certified facility within 20 miles
- JANUARY 2023**
  - Leaf, yard, and clean wood debris are banned from the landfill
  - Haulers must offer leaf and yard debris collection
  - Food scrap generators of 26 tons/year (1/2 ton/week) must divert material to any certified facility within 20 miles
- JANUARY 2024**
  - Transfer stations/Drop-off Facilities must accept food scraps
  - Food scrap generators of 18 tons/year (1/3 ton/week) must divert material to any certified facility within 20 miles
- JANUARY 2027**
  - Food scraps are banned from the landfill
  - Haulers must offer food scrap collection

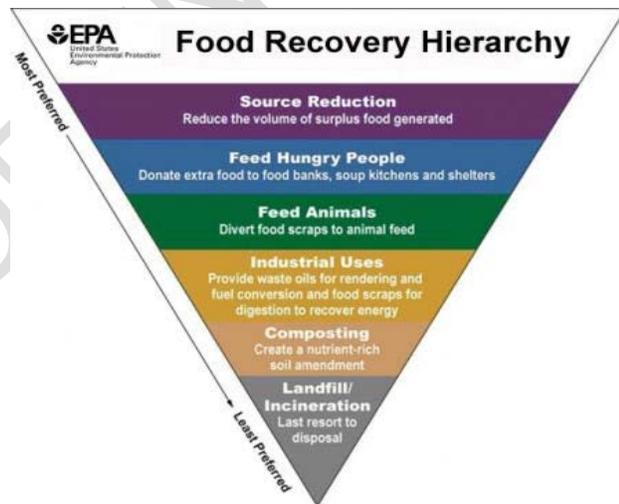
<sup>64</sup> See Agency of Natural Resources (2018) Universal recycling downloads. Retrieved from <https://dec.vermont.gov/waste-management/solid/universal-recycling/universal-recycling-symbols>

APPENDIX B

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<sup>65</sup> Tamarak Media. (2012). The Vermont food recovery hierarchy. [Infographic]. Retrieved from <http://highfieldscomposting.org/introduction/the-recovery-hierarchy>

<sup>66</sup> EPA. (2017) Sustainable management of food: Food recovery hierarchy. [Infographic]

**Transportation Systems** (Section Lead: Tom Benevoto)

Low-income and minority communities can be more vulnerable to health impacts from transportation pollution and may lack access to cleaner public transportation and walking or biking routes. The Council shall examine transportation systems and include recommendations regarding areas that could be improved to reduce air pollution and other transportation-related environmental concerns and to provide equitable access to clean and efficient transportation choices.

- 3-5 Recommendations
- Issues in EO:
  - Communications and partnerships
  - Public health
  - Local Government
  - legislation, regulations, policies, and research initiatives.

**Clean Energy Transition** (Section Leader: Taysha)

Many communities impacted by reduced demand for thermal coal are in rural areas. A just transition is crucial, and sustainable economic development is increasingly important. The Council shall research Virginia's regions that are transitioning away from coal and provide recommendations to support those communities.

- 3-5 Recommendations
- Issues in EO:
  - Communications and partnerships
  - Public health
  - Local Government
  - legislation, regulations, policies, and research initiatives.

## Outdoor Access

Public spaces should serve everyone. Equal and equitable access to these spaces and natural areas is critical to fostering healthy communities. The Council shall provide recommendations for best practices and tools to ensure that all communities have public access to outdoor areas.

- 3-5 Recommendations
- Issues in EO:
  - Communications and partnerships
  - Public health
  - Local Government
  - legislation, regulations, policies, and research initiatives.

### **Planning for Outdoor Recreation**

- 1) Build off of the current Recreation Access Model used by the Department of Conservation and Recreation (DCR) to **Develop a Statewide Park Equity Mapper**. The Park Equity Mapper should contain the following data points:
  - a) Census tract data for Race, Age, Education, localities without a local Parks and Recreation Agency, % below poverty line, % of population considered Obese, % of population with Diabetes, % of population with Heart Disease, % of population within a ten (10) minute walk of a local park/trail, % of population within a Thirty (30) minute drive of a Regional Park/trail, % of population within an hour drive of a State Park/Trail, and heat island data. Others?

- b) All local and state held lands, trails and water access points that are open to the public.
- 2) **Update all grant manuals for state grant funding and federal pass through grants** related to land conservation and trail development to emphasize and prioritise communities across the commonwealth who lack access to outdoor amenities based off of the Park Equity Mapper tool and existing scoring criteria.

#### Access for all

- 1) State Parks need to support various park operations through parking fees puts pressure on administrative officials to increase parking fees over the years to support visitor services. This has led to the current cost of parking at some of the more popular State Parks located close to urban centers to cost upto \$10 a day just to access the park. **The development of a sustainable funding source should be sought to allow all Virginians free access to all State Parks.** Currently Missouri and Alabama are the only two states that have dedicated funding to support free access for all citizens to their State Parks accomplished with a .2% tax. Alabama has a standing tax while Missouri's must be renewed every 10 years by voter referendum.

#### Outdoor Education

- 1) Environmental Justice communities are disproportionately underrepresented in the outdoor community and professions. This has led to not only a lack of diversity of those seeking careers in the field of Natural Resource Management but also in those seeking enjoyment of the outdoors. **The development of a State administered grant to increase access to outdoor education and recreation opportunities for EJ communities** would facilitate the development of future conservation leaders.

Climate Change & Public Health

## Clean Energy & Transportation

- Recycling included here, full proposal as appendix

WORKING-DRAFT

### Summary

**Public Comment**

WORKING-DRAFT