

2020 Environmental Justice Interagency Working Group Report

*Report to Virginia House Appropriations and Senate
Finance and Appropriations Committees*

Contents

Environmental Justice Act	3
2020 Interagency Environmental Justice Working Group.....	3
Executive Summary	4
Impacted Agencies by Secretariat.....	5
Secretary of Natural Resources.....	5
Secretary of the Commonwealth.....	10
Secretary of Administration.....	10
Secretary of Agriculture and Forestry.....	11
Secretary of Commerce and Trade.....	14
Secretary of Education.....	19
Secretary of Finance	24
Secretary of Health and Human Resources.....	25
Secretary of Public Safety and Homeland Security	31
Secretary of Transportation.....	32
Secretary of Veterans Affairs.....	40
Office of Workforce Development	42
Office of Diversity, Equity and Inclusion.....	42
Findings	43
Recommendations.....	43

Environmental Justice Act

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

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

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

D.1. There is hereby established the Interagency Environmental Justice Working Group, to be comprised of 10 environmental justice coordinators representing each of the Governor's Secretaries. The Secretary of Natural Resources shall designate a chairman and vice chairman from among the membership of the Working Group.

Legislative Mandate: *The Working Group shall conduct an assessment of the processes and resources required of state agencies to develop agency-specific environmental justice policies. In conducting its assessment, the Working Group shall provide that agency policies at a minimum: (i) ensure environmental justice is meaningfully considered in the administration of agency regulations; (ii) consistently identify environmental justice communities and fenceline communities; (iii) identify how such communities are affected by agencies' regulatory activities; (iv) consider the economic development and infrastructure needs of environmental justice communities and fenceline communities in agency decision-making processes; and (v) contain robust public participation plans for residents of environmental justice communities and fenceline communities potentially affected by agency actions.*

*The Working Group shall provide the findings of its assessment, and associated recommendations, to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020.***

2020 Interagency Environmental Justice Working Group

Secretary of Natural Resources
Secretary of the Commonwealth
Secretary of Administration
Secretary of Agriculture and Forestry
Secretary of Commerce and Trade
Secretary of Education
Secretary of Finance

Secretary of Health and Human Resources
Secretary of Public Safety and Homeland Security
Secretary of Transportation
Secretary of Veterans Affairs
Office of Workforce Development
Office of Diversity, Equity, and Inclusion

Environmental Justice Coordinators:

Meryem Karad, Chair, Secretary of Natural Resources
Trieste Lockwood, Vice Chair, Governor's Policy Office
Dr. Janice Underwood, Chief Diversity, Equity, and Inclusion Officer
Turner Widgen/Carrie Hearn, Secretary of Commerce and Trade
Brad Copenhaver/Heidi Hertz, Secretary of Agriculture and Forestry
Nick Donahue/Amy Wight, Secretary of Transportation
Asif Bhavnagri, Secretary of Administration
Marvin Figueroa, Secretary of Health and Human Resources
Shawn Talmadge, Secretary of Public Safety and Homeland Security
Tori Noles, Secretary of Education
Felix Shapiro, Office of Workforce Development
Kathleen Jabs, Secretary of Veteran Affairs
Traci J. DeShazor, Secretary of the Commonwealth
Nate Dowdy, Secretary of Finance

Interagency EJ Working Group Activities Meetings:

EJ Interagency Work Group Meeting #1- October 1, 2020, 1-3pm, virtual
EJ Interagency Work Group Meeting #2- October 16, 2020, 1-2:30pm, virtual
EJ Interagency Work Group Meeting #3- November 9, 2020, 2-3:30pm, virtual
EJ Interagency Work Group Public Comment, November 29, 2020, 5:30-6:30pm, virtual

Executive Summary

The Working Group conducted a total of four meetings and working sessions in the fall of 2020 to compile this report. Fourteen Environmental Justice Coordinators represented the Governor's Secretariats and consulted with their respective agencies to inform and fulfill the requirements of this report. Each Secretariat identified impacted agencies within its purview - as required by the legislative mandate - for further analysis based on four areas.

Policies and regulations: Does the agency have any agency-specific environmental justice policy? How is EJ considered in regulatory decisions?

Community Engagement & Meaningful Involvement: Does the agency consistently identify environmental justice communities and fenceline communities as stakeholders in its operations and/or regulatory activities? What resources or strategies does the agency use to do so? What are the standards for community engagement (ex. public comment, relationship building, communications, etc.)? Does the agency have public participation policies and plans for residents of environmental justice communities and fenceline communities potentially affected by agency actions?

Economic Development & Infrastructure: To what extent are EJ determinations and concerns of environmental justice communities considered in the decision-making process regarding the economic development and infrastructure needs affiliated with the agency?

Fiscal Impact & Resources: Identify any fiscal impacts and additional required resources associated with implementing a full assessment for EJ compliance.

Impacted Agencies by Secretariat

Secretary of Natural Resources

The Secretary of Natural Resources advises the Governor on Virginia's natural resources and works to advance the Governor's top environmental priorities. The Secretary oversees six agencies that protect and restore the Commonwealth's natural and historic resources. Addressing environmental injustice has been and continues to be a focal point of Governor Northam's administration, led by the Secretary of Natural Resources.

Department of Environmental Quality (DEQ)

DEQ is dedicated to protecting Virginia's environment and promoting the health and well-being of every resident of the Commonwealth. As Virginia's leader on environmental protection, the agency has taken several historic steps over the last few years to incorporate environmental justice considerations into both the decision making process and policy at the agency.

Policies and regulations:

One of the purposes of DEQ is to "further environmental justice and enhance public participation in the regulatory and permitting processes," as defined in section §§ 10.1-1182 and 10.1-1183 of the Code of Virginia.

In 2019, DEQ engaged the talents of Charlottesville-based Skeo Solutions, Inc., a nationally recognized leader in environmental planning and community engagement, to conduct a study and provide independent recommendations on how to incorporate environmental justice principles into strategic planning and program implementation.

Environmental justice at DEQ does not just depend on the work of a few. This statewide effort is supported by all staff within DEQ's Central Office and six regional offices, with full engagement of the agency's executive team. Success in advancing environmental justice through DEQ's activities won't simply involve "checking boxes," but rather putting a process in place to build trust, share understanding, and align values among community members, stakeholders, local, state and federal government, industry partners and DEQ staff.

Community Engagement & Meaningful Involvement:

DEQ holds that everyone whose health and environment may be potentially affected by activities should be sought out and included in decision-making. The agency believes that in order to be successful we must find a way forward – together – using a transparent and inclusive process.

Skeo Solutions held a series of interviews with environmental justice community advocates and representatives, as well as a webinar on June 17, 2020 to share themes gathered during

interviews as part of the environmental justice (EJ) study for DEQ. More than 600 people registered for the event. For those unable to attend, full recordings in either English or Spanish, and the slide presentations were made available on the DEQ website and provided upon request. A survey was released to the public electronically and feedback was included in DEQ's final report, which was published in 2020.

During state board meetings, public comment continues to be properly noticed and held in accordance with FOIA requirements. DEQ continues to hold virtual meetings as well as host a page through the agency website for projects that are identified and requested by the public for an upcoming project or permit under consideration by DEQ.

DEQ is working to increase community outreach and engagement efforts to underrepresented communities. The agency is currently hiring a new position of Director of Environmental Justice, and preparing to stand up Virginia's first Environmental Justice Office.

Economic Development & Infrastructure:

Environmental justice determinations and concerns of environmental justice communities are weighed and considered in the decision-making processes regarding permitting and development. Although leadership and agency departments are actively working to incorporate environmental justice values and meaningful involvement by the public, a full review of existing regulatory requirements is still needed for a comprehensive understanding and definition of what criteria is needed to implement environmental justice considerations.

Fiscal Impact & Resources:

In order for DEQ to develop the robust environmental justice policy and public participation plan, the agency will require additional resources and staff time. To implement such a plan will require at least two additional FTEs in DEQ's newly created Environmental Justice Office, and an additional one FTE per regional office (six FTEs) to conduct necessary community outreach. This cannot be done with existing resources.

While development of an environmental justice plan can be accomplished with existing resources, implementing its provisions will require additional staff and at least a two-year commitment. Cumulative impact analysis will require the development of new regulations that include technical review criteria yet to be understood. This will take considerable research as will reviewing plans by staff with a health and toxicology background. DEQ has no existing staff resources to do this work when permit applications are submitted to the agency. This will require significant resources to review all of the agency's air, water, and waste regulations in making this determination (four FTEs).

Department of Conservation and Recreation (DCR)

Policies and regulations:

The Department of Conservation and Recreation (DCR) is the state's lead natural resource conservation agency. DCR protects what Virginians care about - natural habitat, parks, clean water, dams, open space and access to the outdoors. DCR is committed to address inequities that may deter people from enjoying and benefiting from Virginia's natural and cultural resources.

DCR upholds that public spaces should serve everyone. Equal and equitable access to these spaces and natural areas is critical to fostering healthy communities. While the agency is working to develop best practices and tools to ensure that all communities have public access to outdoor areas, this is an ongoing process. DCR accomplishes its mission through funding, expertise, education, acquisition, and improved access. An area of focus for the agency is increased outdoor access for all, and DCR will continue to work with the Virginia Environmental Justice Council on these matters.

Community Engagement & Meaningful Involvement:

DCR, in concert with grant opportunities including the Virginia Land Conservation Fund, continues to seek ways to identify environmental justice communities and fenceline communities' needs and special projects. Public comment and community outreach is done in relation to projects, land acquisitions, and educational efforts. DCR continues to build on relationships with various communities, and upholds its strong relationship with Virginia Indian Tribes.

DCR utilizes public comment, relationship building, communications, etc. The agency accomplishes its mission through funding, expertise, education, acquisition, and improved access.

Fiscal Impact & Resources:

Though some of this work can be done internally, additional resources including staff time and funding for programming are deemed necessary to serve environmental justice and fenceline communities.

In order for DCR to develop robust environmental justice policy and a public participation plan, the agency will require additional resources and staff time. To implement such a plan will require at least two additional FTEs that will work in direct consultation with DEQ to ensure any environmental regulatory or permitting considerations are covered as well. This cannot be done with existing resources.

While development of an environmental justice plan can be accomplished with existing resources, implementing its provisions will require additional staff and at least a two-year commitment.

Department of Wildlife Resources (DWR)

Policies and regulations:

DWR does not have agency-specific environmental justice policy currently in place. However, in 2018, the agency hired the first Director of Diversity and Inclusion, with a focus on a strategic review of equitable agency policies and practices. Further considerations and analysis of the agency's full regulatory requirements related to environmental justice have not yet been completed at this time.

Community Engagement & Meaningful Involvement:

DWR is committed to relationship building across its diverse constituencies and increasing communications to traditionally underserved populations. Adopting environmental justice values regarding community engagement and meaningful involvement can be done at an agency level and are being woven through the agency's operations under diversity and inclusion.

Fiscal Impact & Resources:

Additional staff support and resources are required to complete a full assessment for EJ compliance at the agency. It is possible to complete this work with existing resources under the Director of Diversity and Inclusion, however, it is understood that the level of regulatory and legislative considerations relevant to environmental justice is typically done in consultation with DEQ.

Department of Historic Resources (DHR)

DHR'S mission is to foster, encourage, and support the stewardship of Virginia's significant historic architectural, archaeological, and cultural resources.

Policies and regulations:

DHR does not have agency-specific environmental justice policy currently in place but continues to support and engage in the Commonwealth's Historic and Environmental Justice initiatives.

DHR represents the Commonwealth of Virginia's interests in our significant historic, architectural, archaeological, and cultural resources. The Review and Compliance Division (RCD) serves to advise and assist Federal and state agencies in determining if their projects will affect our significant historic/cultural resources and, if so, how to address and resolve those effects.

This includes both federal and state projects, covering Section 106 and Section 110 of the National Historic Preservation Act and the National Environmental Policy Act. DHR covers a number of programs and permits relevant to environmental review including in the areas of archeology, burial permits, threatened sites project proposal, easements, state environmental review, historic registers and rehabilitation tax credits.

The agency also provides technical Assistance for local rezoning requests and preservation ordinances, permits for archaeological investigations on state-controlled lands, burials, underwater exploration and recovery, and cave collections.

Community Engagement & Meaningful Involvement:

DHR is committed to relationship building across its diverse constituencies and increasing communications to traditionally underserved populations. Adopting environmental justice values regarding community engagement and meaningful involvement can be done at an agency level and are being woven through the agency's operations.

DHR's role in the environmental review process is internal but actively provides opportunities for community engagement and public comment periods. Further considerations and analysis of

the agency's full regulatory requirements related to environmental justice are unknown at this time.

Fiscal Impact & Resources:

Additional staff support and resources are required to complete a full assessment for EJ compliance across the agency, especially in respect to a full review of the laws and regulations that apply to state and Federal preservation codes as well as burial laws. Additionally, a deeper analysis of the appropriate regulatory and permitting responsibilities is required to identify environmental justice considerations among those.

It is not possible to complete this work with existing resources. An additional (one) FTE would be required to lead the process for full EJ assessment and an outside consultant may be required.

Virginia Marine Resources Commission (VMRC)

Policies and regulations:

VMRC does not have agency-specific environmental justice policy currently in place. The agency's activities support the economic and cultural resources of the fisheries and aquaculture in the Commonwealth. The Commission deals with a diverse and changing community along Virginia's waterways and industry. Marine management in Virginia is unique in that living resources and the habitat on which they depend, are under the jurisdiction of the same agency. As VMRC continues to modernize and broaden its mission, the agency seeks to handle operations in an equitable and environmentally just manner. Further considerations and analysis of the agency's full regulatory requirements related to environmental justice have not yet been completed at this time.

Community Engagement & Meaningful Involvement:

VMRC is committed to improving public engagement and communications with traditionally underserved populations across Virginia's watershed. Adopting environmental justice values regarding community engagement and meaningful involvement can be done at an agency level and are being woven through the agency's operations under diversity and inclusion. Currently, VMRC continues to engage in efforts to both diversify the conversation workforce, in this case the Marine Police, and make considerations for the various demographics and communities represented.

Fiscal Impact & Resources:

Additional staff support and resources are required to complete a full assessment for EJ compliance at the agency. It is understood that the level of regulatory and legislative considerations relevant to environmental justice is typically done in consultation with DEQ, and further development of an environmental justice plan will require frequent collaborating on this topic.

Impacted agencies: DCR, DEQ, DWR, DHR, VMRC

Fiscal Impact: DEQ (12 FTEs), DCR (2 FTEs), DWR (internal assessment, 50K), DHR (1 FTE), VMRC (1 FTE)

Secretary of the Commonwealth

The Secretary of the Commonwealth (SOC) does not oversee any state agencies. The daily operations and responsibilities of the office do not directly link to environmental justice. SOC does however provide staff and organizational support to four advisory boards serving various constituencies across the Commonwealth. These include the Virginia African American Advisory Board, Virginia Asian Advisory Board, Virginia Council on Women, and Virginia Latino Advisory Board.

Additional resources used to target environmental justice communities may be required in the future. EJ assessments of state agencies and guidance from DEQ would better inform and define SOC's role in promoting and supporting environmental justice within the Commonwealth.

Impacted Agencies: none

Fiscal Impact: staff time, internal assessment

Secretary of Administration

The five state agencies in the Administration secretariat manage the Commonwealth's buildings and grounds, administer employee policies and benefits, oversee elections, safeguard human rights, work to improve manager-employee relations in state government, direct state funds to constitutional officers, and oversee the Commonwealth's information technology.

Department of General Services (DGS)

DGS is an intra-governmental service organization that administers the capital outlay budget, provides services to state agencies and local government such as procurement and fleet services. Projects initiated by state agencies and subject to environmental review and subject to the State's Environmental Review Act, are handled by DGS, who coordinates reviews by DHR, DEQ, DCR and consultants. Each reviewing agency is responsible for accepting public comments on state agency projects in their respective area, in accordance with the Environmental Review Act.

Virginia Information Technologies Agency (VITA)

The Virginia Information Technologies Agency (VITA) is the Commonwealth's consolidated information technology organization. VITA supports the Commonwealth by providing cybersecurity, IT infrastructure services, and IT governance to state agencies and institutions of higher education. Several data tools across state government can be reviewed for collaborative use regarding environmental and health data. Further direction from environmental and health agencies is required to better understand the need and resources required.

Fiscal Impact & Resources:

An additional two FTEs (one per agency impacted) is required to support the data collection and collaboration across state government on these efforts. Further collaboration with DEQ, DHR, and DCR will be required and continued inter-agency collaborations.

Impacted Agencies: DGS, VITA

Fiscal Impact: Two FTEs to support the data collection and collaboration across state government, as well as work in concert with the Governor's Office of ODEI.

Secretary of Agriculture and Forestry

The Office of the Secretary of Agriculture and Forestry (SAF) advances the Governor's vision for agriculture and forestry industries through three priority areas including rural economic development, forest and farmland retention, and food security. The secretariat and agencies within the secretariat have prioritized efforts to address environmental justice within each focus area.

SAF is engaged in efforts to address environmental injustice. The Secretariat is an active participant in the Virginia Council on Environmental Justice, established by Governor Northam's Executive Order 29. Additionally, the Secretariat continues to lead and collaborate on initiatives including Healthy Watersheds, Chesapeake Bay Restoration, and coastal resilience, with a commitment to environmental justice and working closely with diverse stakeholders to address inequities.

As part of the Secretariat's efforts to conserve working landscapes, the Secretariat of Agriculture and Forestry has long collaborated with the Black Family Land Trust in their efforts to address issues of black land loss. During the 2020 session, the Virginia General Assembly unanimously passed a consensus piece of legislation that aims to solve many of the problems associated with heirs property and is an important first step toward ensuring more Virginia families can stay on the land they have stewarded for generations. This work would not have been possible without leadership from the Black Family Land Trust, Virginia's United Land Trusts, the Virginia Bar Association and the Uniform Law Commission and others.

Additionally, the Secretariat recognizes that limited availability and access to supermarkets, farmers' markets, and other food outlets that provide healthy, affordable food options is an environmental justice challenge for many Virginians, in both rural and urban areas. The Secretariat of Agriculture and Forestry is working to address issues of food access and hunger through the Governor's Children's Cabinet, launching the Virginia Roadmap to End Hunger, prioritizing food security during the Commonwealth's response to the COVID-19 crisis, and focusing on alleviating food deserts as part of economic development.

Virginia Department of Agriculture and Consumer Services (VDACS)

Policies and regulations:

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

input during the development of policies and procedures; and ensuring that programs, policies and procedures effectively meet customer needs.”

Community Engagement & Meaningful Involvement:

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

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

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

Economic Development & Infrastructure:

The 2021 General Assembly provided funding to VDACS to establish the Virginia Food Access Investment Fund (VFAIF) and program to fund the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, or innovative food retail projects in underserved communities.

The VFAIF program has been developed using the Equitable Food-Oriented Development Model, a development strategy that uses food and agriculture to create economic opportunities, healthy neighborhoods, and explicitly seeks to build community assets, pride, and power by and with historically marginalized communities.

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

Fiscal Impact & Resources:

The VFAIF program was established and funded by the General Assembly. Of the amount provided by the General Assembly, \$1.0 million is provided in fiscal year 2021 for the agency to establish and operate the Virginia Food Access Investment Program, to support improving healthy food access for communities with limited access to fresh locally grown products. In addition to this amount, \$125,000 is provided annually to establish a Food Access Coordinator position to administer this program.

Virginia Department of Forestry (VDOF)

Policies and regulations:

The agency does not currently have any environmental justice policies in play. Primarily, VDOF is not a regulatory agency and has not had any recent regulatory changes that have required or involved environmental justice considerations.

Community Engagement & Meaningful Involvement:

Since the inception of Urban and Community Forestry (U&CF), VDOF has prioritized outreach to underserved communities as part of that program. VDOF has a long time partnership with the Black Family Land Trust to provide technical assistance and cost-share to minority farmers and forest landowners and to address heirs' property issues.

Community engagement is a requirement for all U&CF tree planting projects. Relationship building is critical and occurs with all partners including the Black Family Land Trust. In addition, VDOF provides targeted outreach through social media.

VDOF has incorporated environmental justice and strategies for public input and participation for communities through its Forest Action Plans. The Forest Action Plans reference engagement with underserved, diverse, and non-traditional populations as specific strategies for Urban and Community Forestry. Additionally, the Forest Action Plan identifies the goal of ensuring that communities of all types (size, location, demographics, etc.) have equal access to trees, urban forests, and green infrastructure.

Economic Development & Infrastructure:

VDOF's grant programs allow for in-kind match, making funding more accessible to all communities. Additionally, VDOF has used environmental justice screening tools through the federal Environmental Protection Agency (EPA) to prioritize the use of tree planting funding in the Chesapeake Bay Watershed.

VDOF has also prioritized environmental justice communities through tree planting activities and utilized tree planning grant funds to address needs in high vulnerability areas in both rural and urban regions of the Commonwealth. VDOF has collaborated with state entities and universities to conduct heat mapping studies to prioritize where tree planting activities should be conducted to mitigate urban heat island effects in urban localities. Additionally, through the Urban and Community Forestry Program, VDOF has assisted with planning services to economically challenged communities, many in rural counties.

Fiscal Impact & Resources:

VDOF does not currently have the expertise or knowledge to perform an effective self-assessment. VDOF would benefit from working with other agencies or third party consultants to assist with these efforts.

Resources associated with a full assessment of EJ compliance may require an outside consultant with an approximate cost of \$50,000, to \$100,000 per agency. Additionally, implementing a plan

for robust and meaningful involvement will require at least one FTE per agency to create and implement an environmental justice plan.

Impacted Agencies: VOF, VDACS

Fiscal Impacts: Two FTEs (one per impacted agency), full EJ assessment \$50,000 to \$100,000

Secretary of Commerce and Trade

The Secretary of Commerce and Trade is dedicated to developing and growing an economy that works for all Virginians. The 12 agencies under the Secretariat are dedicated in assisting Virginians in a variety of ways, enabling them to actively contribute to our economy.

Department of Housing and Community Development (DHCD)

Committed to creating safe and affordable housing by regulating building and fire codes, DHCD invests more than \$100 million each year into affordable housing and community development projects throughout the Commonwealth.

Policies and regulations:

There are several areas of policy and regulations that are applicable and relevant, although DHCD is not directly responsible for environmental justice policy development or implementation. Leveraging data and feedback from diverse stakeholders and identifying innovative equitable strategies to better serve and support marginalized communities, while advocating for equitable housing and community development for all is a priority for the agency.

Community Engagement & Meaningful Involvement:

DHCD does not take any action until the environmental review compliance is completed. Both federal and state partners help ensure that environmental information is available to the public before decision are made and before action is taken. While no action is taken until environmental review compliance is achieved, there is no explicitly named environmental justice component identified.

Fiscal Impact & Resources:

Additional resources and staff time will be required to internally create and implement an environmental justice policy at DHCD. Review of National Environmental Policy Act of 1969, HUD Regulations (24 CFR Part 58 and NEPA-related laws and authorities (24 CFR 58.5), and others will need to be reviewed in concert with the development of any regulatory or policy changes.

Close collaboration with various agencies and guidance from state environmental authorities will be critical to a full environmental justice assessment at DHCD.

Department of Mines, Minerals and Energy (DMME)

DMME's mission is to enhance the development and conservation of energy and mineral resources in a safe and environmentally sound manner to support a more productive economy.

Policies and regulations:

Virginia is dedicated to ensuring that there are not disproportionate impacts on economically disadvantaged or minority communities during the siting of energy resources. DMME is placing focus on programs that ensure these communities share in the benefits of renewable energy and are not disproportionately impacted by not having access to programs that facilitate the clean energy transition.

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

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

Virginia has deployed mechanisms to assist low-income communities by increasing access to energy efficiency and renewable energy resources. The recommendations that follow in the sections below provide additional options to expand these clean energy resources in a way that benefits underserved and low-income populations. DEQ's existing obligations to ensure that all regulated entities comply with health-based standards will continue in all permitting activities to reduce public health burdens on all populations.

Community Engagement & Meaningful Involvement:

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

Under the Virginia Clean Economy Act, DMME, in consultation with the Council on Environmental Justice, is charged with determining whether implementation of the VCEA imposes a disproportionate burden on historically economically disadvantaged communities and reporting this determination on a triennial basis. DMME is currently in the beginning phases of establishing which metrics it will use in making this determination.

DMME's notice requirements for permit applications are set out in statute for each regulatory division. These generally involve publication in newspapers of general circulation, online

publication of permit applications and public hearings. Certain affected individuals also have the right to file an objection to the permit application.

DMME continues to provide opportunities for input from all participants. Prior to the coronavirus pandemic, participants were afforded an opportunity to participate in person as well as virtually through an online webinar-type platform. The agency continues to invest resources and staff time to ensure continued equitable public engagement.

Stakeholder group meetings have included:

- Solar energy industry and advocacy organizations
- Wind energy industry and advocacy organizations
- Organizations representing other energy sources
- Environmental and environmental justice organizations
- Business associations and large customers
- Historic preservation and land use organizations
- Advocacy Groups for energy affordability for residential customers
- Local governments
- Virginia electricity providers

There continues to be concerns surrounding the stakeholder engagement process over the years, and although DMEE and partners are dedicated to a transparent and inclusive process, more resources and process review is required to support this statewide endeavor.

In addition to the requirements listed above, DMME has initiated a review of its existing public relations and permitting policies to determine if additional considerations for environmental justice and fenceline communities are necessary.

Concerns surrounding the stakeholder engagement process are understood, and although DMME and partners are dedicated to a transparent and inclusive process, managing the complex relationship between historic mining operations and the disadvantaged communities surrounding their locations may require additional resources and process review.

We continue to hear from stakeholders on a number of issues and hold regular stakeholder public comment periods.

Economic Development & Infrastructure:

DMME is aware of environmental and environmental justice considerations pertaining to renewable energy, mining, modernizing the energy grid and options for energy expansion, permitting and facilities.

There is a need for further, detailed guidelines on environmental justice considerations in both the decision making of siting, permitting, and particularly best practices. Review of guidelines and regulations, such as the Permit by Rule (PBR) and land use siting is currently being prioritized and available for public comment.

Environmental and environmental justice organizations, business associations and large customers, solar energy industry and advocacy organization, other energy sources, and local governments groups suggested that Virginia consider developing incentives for renewable energy developers to build renewable energy facilities on post- industrial “brownfields” and abandoned or reclaimed mine land.

Through the Abandoned Mine Land program, DMME has awarded over \$47.8 million to public water projects throughout far Southwest Virginia, a historically economically disadvantaged community. This has created over 1,400 jobs.

DMME is realigning its resources to reflect market trends away from fossil fuels and towards clean energy. Part of this realignment involves creating positions devoted to energy equity issues.

Fiscal Impact & Resources:

Several historic preservation and land use organizations, solar energy industry and advocacy organizes, and wind energy industry and advocacy organizations elevated the need to increase staff resources and financial resources at DEQ and DHR.

Additional resources and staff support is critical to DMME’s ability to create and implement a full environmental justice policy and implementation plan.

Virginia Economic Development Partnership (VEDP)

VEDP was created to encourage, stimulate, and support development and expansion of the Commonwealth’s economy. To accomplish these objectives, the Partnership focuses on business recruitment, expansion, and international trade.

Policies and regulations:

By statute, VEDP creates economic opportunity for the Commonwealth through eight core categories of responsibility:

- Ensure that effective marketing programs are delivered
- Engage in business development activities
- Engage in product development activities
- Encourage coordination of economic development organizations
- Encourage exports of Virginia’s products and services
- Assist in formulating Virginia’s economic development strategies
- Administer economic development incentive programs
- Fulfill administrative and reporting responsibilities

Although VEDP fulfills its state and federal requirements on grounds of public engagement and meaningful involvement, it does not have specific environmental justice policies or guidance pertaining to community engagement and meaningful involvement.

Environmental Justice Considerations:

VEDP relies on localities, through their zoning and land-use determinations, and their local connections and knowledge, to understand the sensitivities of local communities to prospective economic development projects. VEDP relies on Virginia's regulatory agencies to determine, impose and enforce environmental, health, and historic resources regulations to protect all Virginians, including environmental justice communities and fenceline communities.

Through its administration of the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund, VEDP, together with the Department of Environmental Quality, provides grant funding for communities to address environmental problems or obstacles to reuse of contaminated sites.

To bolster the resources available to localities to understand, among many other things, the impacts of economic development on environmental justice communities and fenceline communities, VEDP has embarked on a comprehensive Local and Regional Competitiveness Initiative that will help localities to understand their strengths and weaknesses for economic development efforts and to benchmark their efforts against the efforts of their peers. Through this discovery process, localities will better understand the factors that go into siting a business location or expansion, thereby being more conscious of environmental justice and social justice concerns. Further, VEDP has encouraged the education of local leaders through the Rural Leadership initiative of the Virginia Rural Center. VEDP's outreach activities bring a valuable boots on-the-ground perspective, and broaden the talent-base of local economic development professionals.

VEDP is committed to relationship building across all communities in Virginia and increasing communications to traditionally underserved populations. Those relationships are likely to be targeted at the overarching concerns of those populations, and not at specific economic development opportunities. Adopting environmental justice values regarding community engagement and meaningful involvement can be done at a VEDP-level and are being woven through VEDP's operations under diversity and inclusion. Leveraging data and feedback from diverse stakeholders and identifying innovative equitable strategies to better serve and support marginalized communities, while advocating for robust economic development for all, is a priority for VEDP. While VEDP is not a regulatory agency, it understands that it has a responsibility to be mindful of the environmental justice and social justice impacts of its activities.

Fiscal Impact & Resources:

Additional resources include staff support and an environmental justice assessment would be required to fully understand the role and responsibilities, as well as further fiscal impacts necessary for environmental justice compliance. At this time, there is no direct legislative or regulatory requirements to coordinate and implement an agency-wide approach to environmental justice.

It is not possible to complete this work with existing resources. If this work were to be performed internally at VEDP, at least one additional FTE would be required to lead the process for full EJ assessment and an outside consultant will likely be required.

Virginia Housing (VH)

VH's mission is to help Virginians attain quality, affordable housing. The agency's role is to promote access to home loans, and homeowner and homebuyer education to ensure quality, affordable housing for all in Virginia.

Community Engagement & Meaningful Involvement:

While there are a number of different community engagement and meaningful outreach efforts to traditionally underserved communities, and efforts centered on equity and access, the agency does not currently have specific environmental justice policies or practices specific to environmental justice.

Community Outreach

Virginia Housing's Community Outreach Team works with local governments, nonprofits and housing agencies in all areas of Virginia to address the housing needs of underserved Virginians. The team supports high-priority state policy initiatives including community revitalization, homelessness, and housing accessibility. VH's work also links housing, economic development, and transportation planning in support of the Virginia economy.

The team is involved in delivering technical assistance and housing and community development training. VH also facilitates grants that are designed to support housing planning activities and increase the capacity and business sustainability of Virginia's Affordable Housing Delivery Network.

Each year, VH reinvests a portion of its net revenues into Virginia communities through REACH Virginia (Resources Enabling Affordable Community Housing in Virginia). This is a multifaceted resource that VH uses to support housing initiatives through Homeownership, Rental, and Community Outreach programs.

VH offers free revitalization consultation and specialized training and industry best practices, all designed to help make the most of resources. VH's outreach activities bring a valuable boots-on-the-ground perspective.

Fiscal Impact & Resources:

Additional resources and staff time will be required to do a full environmental justice assessment. It is unclear what specific environmental justice policy areas need to be addressed, and the agency would likely benefit from both inter-agency collaboration across state government, as well as a targeted partnership with DHCD and DEQ.

Impacted Agencies: DHCD, DMME, VEDP, VH

Fiscal Impacts: 5 FTEs (1 respectively for DHCD, VEDP, VH; 2 DMME), full EJ assessment \$50,000 to \$100,000 to DMME and \$100,000 for outside consultant for VEDP.

Secretary of Education

The Education Secretariat is committed to ensuring Virginia's education system provides the Commonwealth's students with what they need to succeed from cradle to classroom to career. Ensuring that all Virginians have access to a high quality education by eliminating opportunity gaps in the K-12 space and increasing accessibility to early childhood and higher education programs is foundational to this mission. The Education Secretariat provides guidance to the Virginia Department of Education (VDOE), the Virginia Community College System (VCCS) and The State Council of Higher Education for Virginia (SCHEV), as well as Virginia's 16 public colleges and universities, 23 community colleges, five higher education and research centers, and seven state-funded arts/cultural institutions.

Of these institutions and organizations, only some of them directly engage in environmental justice work. However, most agencies are working in some capacity to ensure students and families have a deeper understanding of environmental justice.

Environmental Justice & Gunston Hall's Mission

Gunston Hall is the former home of George Mason. Louis and Eleanor Hurtle gifted the home to the Commonwealth of Virginia in 1932. It has since become a museum and historical center. First, Gunston Hall's mission is to stimulate the exploration and understanding of principles expressed by George Mason in the 1776 Virginia Declaration of Rights. They fulfill this mission in part by exploring the historical context of this seminal document and the revolutionary movement in which it was created. Gunston Hall also does this by examining the progressive arc of justice and equality since 1776 that has sought to fulfill the promises of Mason's Virginia Declaration of Rights and ensure equal rights and freedom for everyone, everywhere, and in every situation. While Mason did not articulate anything specifically relating to environmental justice in his Declaration, his work, his legacy, and Gunston's Hall organizational mission provide them with opportunities to explore issues of rights and justice more broadly.

Land Stewardship

Gunston Hall's campus includes 554 acres of land located along the Potomac River. The environmental and natural resources on this site are vast, diverse, and in some cases, distinct to the property, given the vast amount of development in Northern Virginia. Over its long history, the land was occupied by indigenous populations, English colonists, enslaved African Americans, and, in present times, an increasingly diverse population. The collective totality of these narratives, as well as each distinctive story and perspective, is important to not only understanding the history of Gunston Hall, but also its present and future. The leadership of Gunston Hall acknowledges their responsibility to serve as stewards of their land and the surrounding aquatic ecosystems. This includes the responsibility to understand how Gunston Hall's land, and the land around the site has been used, developed, occupied, and in some cases preserved. As they endeavor to steward these resources wisely, they remain committed to environmental justice.

Community Engagement & Meaningful Connections

As Gunston Hall seeks to better understand and support the cause of environmental justice, they are actively identifying and nurturing relationships with a growing list of diverse partners who are engaged with promoting environmental justice or who offer a platform for Gunston Hall to explore these issues in new and impactful ways. These organizations include the Chesapeake

Bay Foundation, Mason Neck Citizens Association, and the American Revolution 250 Commission. Gunston Hall will also be leading a virtual panel discussion about museums and environmental justice in partnership with the Virginia Association of Museums. Additionally, Gunston Hall plans to recommend that the Advisory Council associated with the American Revolution 250 Commission include someone with expertise in environmental justice.

Scott Stroh, Executive Director of Gunston Hall, has a personal interest in environmental justice and has participated in webinars with presenters from DEQ, the General Assembly, other environmental organizations, and US Congress. These experiences have not yet generated any formal partnerships, but they offer great opportunities for collaboration and continued engagement going forward.

Policies and Future Opportunities

Gunston Hall does not yet have any specific policies relating to environmental justice as a non-regulatory agency, but is actively seeking ways to engage in environmental justice efforts in ways that are aligned with their mission, stewardship, and role in the larger community.

Science Museum of Virginia

Science literacy is a national priority and a fundamental competency necessary for success in today's world. The Science Museum of Virginia is located in Richmond, and is housed in the former Broad Street Station, built in 1917. The Science Museum of Virginia is the state's flagship institution for informal STEM learning, with a mission to inspire Virginians to enrich their lives through science.

The Museum provides a broad cross section of Virginians with engaging and meaningful experiences through the school systems, institutions of higher learning, youth agencies, environmental groups and more. A partner of choice and go-to resource on informal STEM learning, the Museum advises on Virginia's Standards of Learning for Science and works with the Virginia Association of Science Teachers, Virginia Math Science Coalition, and the Virginia Chamber of Commerce to improve integration of STEM into PK-20 curricula. The Museum also maintains active partnerships with local youth agencies and school systems, hosting science fairs, field trips, teacher training and in-depth out of school time experiences.

Heat Vulnerability Research

With major support from the National Oceanic and Atmospheric Administration, the Museum has established a national reputation for fostering climate literacy and resilience. In addition to a robust body of public programming and media outreach, Climate Scientist Dr. Jeremy Hoffman's 2017 Urban Heat Vulnerability assessment has positioned the Museum as a trusted source and partner of choice on addressing climate change in the Commonwealth and nation. Valued as the local authority, Hoffman weighs in on behalf of the Museum on what Richmond and Virginia can do to foster resilience.

Building on data collected during the heat island campaigns, the Museum collaborated on a study that explored the link between the New Deal-era neighborhood ranking system called "redlining" and hotter surface temperature. New research finds limited-resource redlined communities of color are disproportionately impacted by extreme heat and susceptibility to climate change. New

information published in the journal *Climate* found that formerly redlined neighborhoods are hotter than non-redlined neighborhoods in 94 percent of the more than 100 cities studied, with surface temperature differences within the same city topping 12 degrees. This is the first nationwide study to explore a relationship between long-run community development—or lack thereof—and susceptibility to climate change.

National Partners are engaged, including Institute of Museum Library Services (grant recipient and data partner, National Fish and Wildlife Association (grant recipient and data partner), National Oceanic and Atmospheric Administration (grant recipient and data partner), and the National Science Teacher Association.

Collaborative Climate Resilience Project

The National Oceanic and Atmospheric Administration (NOAA) awarded the Science Museum of Virginia a nearly \$308,000 grant to support the work of community organizations helping Richmond neighborhoods equitably prepare for the impacts of climate change. The project focuses on zip codes with the highest exposure to climate inequity, which include the Oak Grove-Bellemeade and Blackwell neighborhoods, as well as Hull Street corridor areas of the city's Southside and the Highland Park area on the city's Northside. These communities were redlined during the 1930s and 1940s, resulting in decades of underinvestment due to unjust and racially discriminatory housing and lending policies. These neighborhoods also tend to be home to individuals – mostly Black and Brown – with the fewest resources to adapt to the health and financial impacts of human-caused climate change, which continues to intensify each year.

Community Engagement & Meaningful Involvement

Richmond nonprofits Groundwork RVA, Happily Natural Day, Southside ReLeaf, and Virginia Community Voice will partner with the Museum to work with citizens to learn about local climate inequity and impacts, facilitate climate resilience role-playing forums and implement green infrastructure-focused projects. These efforts will have an impact at the neighborhood level by improving public health, equity, and cohesion and climate resilience.

The local not-for-profit project partners have proven track records of effecting change through community engagement as well as urban greening initiatives. They are already embedded in historically marginalized neighborhoods, are trusted by community members, and will provide invaluable insight and resources for the project's locally focused climate science education outcomes. Project partners work closely with citizens to listen and understand how residents want to make their neighborhoods more sustainable, and to determine how the neighborhoods are most likely to be harmed, or are currently being harmed, by flooding and extreme heat hazards.

The work will foster a better understanding of the science of climate change and its current and future impacts on residents' lives. It will help individuals connect science theory with real-life resiliency strategies that they could apply in their own backyards. By including youth involvement, the work will also build social cohesion and help train the future green workforce.

Virginia Cooperative Extension (VCE)

VCE is an educational outreach program of Virginia's land-grant universities: Virginia Tech and Virginia State University, and a part of the National Institute for Food and Agriculture, an agency of the United States Department of Agriculture. Extension agents and specialists form a network of educators whose classrooms are the communities, homes, and businesses of Virginia, where they bring research-based solutions to the problems facing Virginians today. VCE is a product of cooperation among local, state, and federal governments in partnership with tens of thousands of citizens, who, through local Extension Leadership Councils, help design, implement, and evaluate our needs-driven programs. VCE is a dynamic organization that stimulates positive personal and societal change, leading to more productive lives, families, farms, and forests as well as a better environment.

For VCE to engage more deeply in environmental justice efforts, they would need additional resources to include personnel with facilitation and convening skills.

Virginia Department of Education (VDOE)

VDOE strives to maximize the potential of all learners through advancing equitable and innovative learning opportunities in the Commonwealth's public schools. The agency provides guidance and oversight to Virginia's 132 school divisions. VDOE does not have an agency-specific environmental justice policy. However, VDOE does provide for the education of Virginia's students on the issues related to environmental justice and their role as a citizen. In order to ensure consistency, VDOE supports the Board of Education in developing Standards of Learning in history and science that drive curriculum development in all Virginia school divisions.

Below are highlighted Standards of Learning from science and history and social science that address environmental justice.

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

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

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

Earth Science (typically Grade 8 or 9)

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

- a) chemical, biological, and physical changes affect the oceans;
- b) environmental and geologic occurrences affect ocean dynamics;
- c) unevenly distributed heat in the oceans drives much of Earth's weather;
- d) features of the sea floor reflect tectonic and other geological processes; and

- e) human actions, including economic and public policy issues, affect oceans and the coastal zone including the Chesapeake Bay.

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

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

Community Engagement & Meaningful Involvement

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

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

- Science: American Chemical Society and the Virginia Resource Use Education Council
- History and Social Science: Virginia Tribal Education Consortium (formerly, at the time of revision, representation was from the Virginia Indian Tribes)

Fiscal impacts and resources:

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

Impacted Agencies: VDOE, VCE

Fiscal Impacts: 1 FTE at the VCE for additional resources, continued inter-agency collaborative efforts

Secretary of Finance

The Secretary of Finance provides guidance to the four key agencies within the Finance Secretariat. These agencies handle all the financial transactions of the Commonwealth — from collecting taxes, to paying bills, to distributing aid to localities.

Their responsibilities include, forecasting and collecting revenues, managing the Commonwealth's cash and investments, selling bonds, overseeing internal audits, making strategic financial plans, preparing and executing the Commonwealth's budget. There are no direct policy and daily regulatory requirements carried out by the Secretariat that require an EJ assessment.

Secretary of Health and Human Resources

The Health and Human Services Secretariat is committed to protecting the health and environment of all citizens. The term environmental justice acknowledges the racial and economic disparities among communities bearing disproportionate environmental costs, like lead exposure in housing, inadequate drinking and wastewater infrastructure, potentially dangerous industrial facilities and other health hazards in the places people live, work and play. All communities need tools to help them prepare for, respond to, and cope with the impacts of these and other environmental issues. This includes addressing climate change, which exacerbates risk for vulnerable populations like low-income populations and communities of color. Environmental justice is a public health issue that the Virginia Department of Health (VDH) seeks to recognize, inform citizens of, and consider in all agency decisions and actions.

Virginia Department of Health (VDH)

Office of Environmental Health Services (OEHS)

With no dedicated funding source, the OEHS has implemented several EJ initiatives by seeking grant assistance, speaking at conferences on the importance of environmental justice, providing EJ training to local health district staff, and developing an EJ segment on the VDH webpage. This EJ section provides the public with vital information, such as the public health impacts of climate change. Understanding that no group of people should bear a disproportionate share of negative environmental consequences from policies and permitting, VDH has sought to reach out to other agencies, stakeholders, and internal workgroups to form partnerships to address historic problems and provide future solutions.

Policies and regulations:

The OEHS oversees the regulation of onsite sewage treatment and disposal (conventional and alternative onsite sewage systems) and private wells in Virginia. The OEHS has partnered with the Virginia Institute of Marine Sciences and the Virginia Coastal Policy Center to develop data that is vital to producing solutions to decades long disparities among low income populations and communities of color for adequate sewage and private drinking water. OEHS secured a two year Chesapeake Bay Innovative Nutrient and Sediment Reduction Grant through the National Wildlife Foundation for septic repair that allowed households to install fully compliant alternative onsite sewage systems (AOSS) as opposed to installing repairs using waivers from treatment and pressure disposal. The grant program was targeted in the Three Rivers Health District, and areas comprising ten counties located on the Middle Peninsula and Northern Neck of Virginia. Typically, waivers of the regulations were allowed to the more protective

requirements of treatment and pressure dosing due to financial hardship, ultimately leading to low income households having less protective sewage systems serving them and their communities.

In 2018, OEHS also sought and received a three year grant from the Virginia Environmental Endowment, with additional funding from the Smithfield Foundation, which allows people to install fully compliant AOSS with total nitrogen reduction or sewer connection instead of using waivers from treatment and pressure disposal.

OEHS also obtained the Centers for Disease Control Strengthening Environmental Health Capacity (EHC) Grant in 2020. The grant funds that in part, OEHS will work with local health departments and the National Environmental Health Association to hire interns to plot the location of private wells in up to four counties in coastal Virginia and compare the locations to known sources of contamination and naturally occurring pollutants. This information will also be used to target outreach and engage communities living in disaster-prone areas, such as areas with a high number of private wells at risk of sea-level rise flooding. The grant provides seed funding to support assessment and planning to develop community based strategies to mitigate environmental health hazards. These communities are often low-income communities and communities of color due to a number of factors such as structural racism, power dynamics, resource allocation, discriminatory housing practices, and policies.

Community Engagement & Meaningful Involvement:

Recently, OEHS staff has participated in the Wastewater Infrastructure Workgroup, led by the Deputy Secretary for Natural Resources, to identify wastewater needs of the Commonwealth and how best to address them holistically. Community and onsite wastewater treatment is as critical a piece of infrastructure as housing, roads, and bridges for communities. In 2011 alone, VDH identified over 175 different communities with more than 80,000 homes, with inadequate wastewater infrastructure. That number does not take into account the smaller sewerage treatment plants regulated by the Virginia Department of Environmental Quality or the percentage of systems that are failing or likely to fail due to age in the very near future. Over one million Virginia residents rely upon onsite sewage treatment units for their wastewater needs.

The average lifespan of an onsite sewage treatment unit is 30-40 years. VDH records indicate that over half of onsite septic systems in the Commonwealth are over 40 years old, permitted under less stringent requirements. On top of these statistics, a 2004 report by the Rural Community Assistance Project found that Black households accounted for 40% of all households in the Commonwealth that lacked indoor plumbing; however, Black citizens make up only 20% of Virginia's total population, making this a dire case of environmental injustice. Working with the Virginia Institute for Marine Sciences, OEHS produced an online mapping tool to pinpoint wastewater islands and failure hot spots and to predict future hotspots based upon climate change. OEHS made recommendations to the Wastewater Infrastructure group that led to recent pending legislation, Senate Bill 1396, to provide funding for repairs of failing onsite sewage systems for low-income residents and to allow the consideration of climate change when enacting regulations for onsite systems.

OEHS staff developed and presented a report, Onsite Sewage and Environmental Justice, at the 2015 National Onsite Wastewater Recycling Association Conference regarding onsite sewage systems and environmental justice: Coining the phrase for the first time, “wastewater islands”, the presentation described communities cut off from adequate wastewater solutions because of poverty, structural racism, poor land quality and inadequate housing. Subsequently in 2020, OEHS staff participated in the Virginia League of Conservation Voters virtual town hall on Environmental and Racial Justice in the Era of COVID-19. The event discussed holistic initiatives to promote and spread awareness of environmental shortfalls while addressing the discrepancies of health, education, and finance in communities. Staff discussed wastewater islands, the threat of sea level rise on onsite sewage systems and private wells and the lack of resources available to address these issues.

VDH promulgates and enforces regulations to ensure the safe and healthy living conditions of migrant workers and their families during their employment and residence in Virginia. The agricultural industry employs a substantial number of migrant farm workers in the planting, cultivating, harvesting, and packaging of crops grown throughout the Commonwealth, approximately 13,000 per year.

Migrant farm workers are a uniquely environmentally burdened community. The population is typically low-income and Latinx, and is disproportionately at higher risk of exposure to groundwater pollution, particulate matter, pesticide exposure. In addition, farm workers also face a disproportionate health burden as it relates to global warming, heat stress. While the current program structure is limited in regulatory scope, OEHS is striving to tailor policies and regulations with an EJ lens through collaboration with current stakeholders such as the Interagency Migrant Worker Policy Committee and new partnerships with community leaders, government agencies, and community engagement.

Toxicology is another vital issue of EJ that the OEHS has taken steps to address. "The Public Health Toxicology Program within OEHS, works with communities and various state and federal agency officials to determine if contaminants in the environment are a health hazard. Assessments have included determining the amount of volatile organic compounds in air, the amount of lead contamination in soil, the level of tetrachloroethylene (PCE) in groundwater, or the amount of mercury in a body of water. The Program’s State Toxicologist provides press releases and meets with community members when the agency determines a public health threat exists and provides recommendations to eliminate or reduce the hazard. Frequently, the Toxicology Program is asked to provide a written report that summarizes any potential hazards, how individuals may be exposed, and make recommendations to the public. Past environmental exposure assessments include: Lambert’s Point Coal Terminal, Arsenic in Drinking Water Near Hidden Lane Landfill, Residential Well Water Samples Reviewed for Public Health Implications, and Rappahannock, James, and fish consumption advisories.

OEHS staff, in large part, have attended and graduated from the Virginia Natural Resources Leadership Institute wherein EJ principles are taught and discussed for implementation in regulatory settings. Considering these principles, OEHS staff has provided EJ training to all 32 health districts in the state. This training included a foundation of EJ principles, and provisions on the VDH website to help others identify EJ issues and report them to VDH.

Fiscal Impact & Resources:

Moving forward with EJ initiatives, OEHS would like to develop a policy for guidance of all staff to include EJ considerations in every permitting decision and agency action. In order to implement the policy, OEHS would need to expand substantially their EJ training for staff and to include specific initiatives for hiring more people of color in both OEHS and the local health departments. In order to do so, OEHS would seek to form partnerships with historically black colleges, community colleges, and other educational institutions to develop internships, collaborative projects, and volunteer opportunities. OEHS would also like to form partnerships with K-12 educational institutions to provide information on drinking water, wastewater, and the risks of climate change on these resources.

VDH Office of Radiological Health (ORH)

Policies and regulations:

ORH is responsible for protecting the public from unnecessary radiation exposure caused by a wide spectrum of applications used in the healing arts, research, educational institutions and industry. Specific examples of these applications include uranium mining, nuclear power, medical radiation.

Indigenous and low-income communities have historically been adversely impacted by the development of uranium mining and milling operations. This is an important factor as it applies to Virginia's moratorium on uranium mining and milling. ORH supports Virginia's moratorium on uranium mining and milling.

Nuclear power and industrial radioactive material use is another area monitored by the ORH that is pertinent to EJ. United States commercial reactors are disproportionately sited in the poorest part of the country, the Southeast, and in communities likely to have more people living in poverty. Radiation standards themselves may be environmentally unjust because they fail protect radiation workers at the same level they protect members of the public. Regulations allow nuclear workers to receive 50 times the annual radiation dose of the public. This may cause otherwise avoidable cancers, among additional adverse health effects. Nuclear waste management also remains an unresolved issue, where highly radioactive spent fuel is stored indefinitely at nuclear generating stations (again, typically in underserved communities) since a national high radiation waste repository has yet to be put into service.

Community Engagement & Meaningful Involvement:

ORH stands ready to comment on the siting of any new nuclear reactors in Virginia should this occur. ORH also reviews and sometimes comments on Nuclear Regulatory Commission decisions regarding nuclear power, and provides environmental monitoring surrounding Virginia's nuclear facilities. Furthermore, the ORH participates in nuclear/radiological emergency drills to maintain preparedness should an emergency occur. Steve Harrison, Director of ORH, is a Commissioner on the Southeast Compact for Low Level Radioactive Waste Disposal, engaging in policy discussions and recommendations on the management of low-level radioactive waste.

Work in health conscious environments, like hospitals and private provider practices, may place employees at risk, which is why ORH is dedicated to monitoring medical uses of radiation. While X-ray devices are important tools for helping identify illness, X-ray technicians may be harmed if they are not protected when using these machines; that is, the machines must be inspected and users properly trained per regulatory requirements. Similarly, providers that employ radioactive materials for therapy and treatment may be harmed if not properly trained on their use, and may cause a hazard (resulting in unnecessary exposure, unregulated waste, or both) if the materials are not properly controlled.

ORH maintains a competent workforce committed to protecting the health and safety of all Virginians through regulatory enforcement of x-ray device registrants, x-ray and mammography machines, and radioactive materials licensees. The Nuclear Regulatory Commission (NRC) recently affirmed ORH's Radioactive Materials Program as "adequate to protect public health and safety, and compatible with the NRC's program." In August and September, NRC and peer state representatives evaluated Virginia's program for the previous 5-year time period. No findings or recommendations were issued. This is the highest rating afforded by the NRC. As the ORH continues to grow, it is committed furthering its dedication to EJ principles

Office of Drinking Water (ODW)

The Virginia ODW supervises and controls all water supplies and waterworks in the Commonwealth insofar as the bacteriological, chemical, radiological, and physical quality of waters furnished for human consumption may affect the public health and welfare. ODW's authority is limited to "waterworks," and "water supplies," both defined by the Code of Virginia § 32.1-167. "Waterworks" are systems that serve "piped water for human consumption to at least 15 service connections or 25 or more individuals for at least 60 days out of the year." "Water supplies" is defined as "water taken into a waterworks from wells, streams, springs, lakes, and other bodies of surface water, natural or impounded, and the tributaries thereto, and all impounded ground water but [do] not include any water above the point of intake of such waterworks."

Policies and regulations:

ODW protects public health and helps ensure all Virginians, particularly those in EJ and fenceline communities, have a safe and adequate supply of drinking water by:

- Serving as Virginia's advocate for safe drinking water;
- Monitoring drinking water quality;
- Applying engineering judgment;
- Providing technical assistance and training with respect to all drinking water issues;
- Financing improvements to drinking water systems and seeking funding sources for drinking water projects; and
- Enforcing drinking water regulations and standards of the Virginia Public Water Supply Law and the federal Safe Drinking Water Act.

Fiscal Impact & Resources:

During 2019-2020, ODW applied for and received \$737,000 in grant funds from the U.S. Environmental Protection Agency (EPA), under the Water Infrastructure Improvements for the

Nation (WIIN) Act of 2017, to test drinking water for lead, focusing on public schools and child day centers in disadvantaged communities. Under a different grant program in the WIIN Act, ODW is seeking funding to support waterworks improvements and infrastructure in two low income communities, one in Bedford County and one in Dickenson County.

Separately, ODW receives annual funding from EPA (\$18.1 million in 2020) through the Drinking Water State Revolving Fund (DWSRF). ODW uses the EPA funding to provide subsidized, low interest loans to waterworks owners, helping them build, maintain, and expand their systems. The DWSRF Program recognizes the additional challenges small, economically disadvantaged, low-income communities face, so it provides low-interest, extended loan terms (up to 30 years) and grant funding (up to 100%) to help ease the financial strain of infrastructure investment. Waterworks that propose to use DWSRF loans/grants to address public health issues and those that serve disadvantaged communities, meaning water rates are greater than 1% of the median household income, receive prioritization for funding.

The DWSRF also supports ODW's Lead Service Line Replacement (LSLR) Program, which began in 2017 and targets EJ communities. Up to four waterworks per year are eligible to receive a grant of up to \$500,000 to replace lead service lines at single-family homes and rental properties, benefitting lower income and minority families that disproportionately occupy rental properties in many communities. Waterworks can use up to \$5,000 per lead service line to reimburse property owners, or cover their direct costs for replacement. The City of Richmond, the Henry County PSA, and Virginia American Water (Alexandria) have all received funding from the LSLR Program. The City of Chesapeake will also receive funding in fiscal year 2021.

In order to continue addressing EJ, the LSLR Program recently initiated a new campaign called the Lead Elimination Assistance Program (LEAP) to say that Virginia is "leaping," or moving forward to replace lead service lines. Under LEAP, ODW takes into account lead action level exceedances (ALEs), blood lead levels (BLLs) in children, and Qualified Opportunity Zones (QOZs), which are more specific to lead service line replacement projects. Use of these criteria enables ODW to target communities with a higher risk of exposure to lead.

When mapping ALEs and BLLs in Virginia, ODW discovered that many areas with multiple lead ALEs and localities with the greatest number of elevated BLLs overlapped. ALEs occurred more in the central and southeastern parts of the state, while elevated BLLs occurred more in densely urban populated areas with older homes (built before 1980) such as Northern VA, Richmond, Roanoke, and Henrico County. Those who live in housing built prior to 1980 have a greater risk of exposure to lead in their drinking water since lead was not banned in plumbing until 1986. QOZs are low-income census tracts that are available to investors to promote economic and community development. Examining QOZs also helps ODW to prioritize lead service line replacement needs at a more granular level. While ALEs and BLLs provide an overview at a county level, QOZs are at a neighborhood level.

Community Engagement & Meaningful Involvement:

With the LEAP campaign, ODW hopes to grow its marketing and outreach for the LSLR Program and, in the future, aims to offer educational materials in multiple languages to the

communities. As the LSLR Program grows, it will continue to work on improving ways to address EJ.

Impacted Agencies: VDH, ORH, ODW

Fiscal Impacts: 3 FTEs (one per impacted agency), full EJ assessment 50-100K

Secretary of Public Safety and Homeland Security

The Secretary of Public Safety and Homeland Security advises the Governor on Virginia's emergency preparedness, response, mitigation, and recovery capabilities and works to advance the Governor's all-hazards emergency response and recovery priorities. The Secretary oversees eleven agencies which support Commonwealth-wide public safety and homeland security policies. The Secretary's office does not directly address EJ policies and its implementation.

Virginia Department of Emergency Management (VDEM)

Policies and regulations:

VDEM is not directly responsible for environmental justice policy development or implementation; however, the agency has been actively updating strategic priorities to integrate equity into all programs and plans to prioritize the needs of marginalized and frontline communities. Communities impacted by environmental justice issues represent those disproportionately at risk for disaster impacts. Leveraging data and feedback from diverse stakeholders, VDEM is identifying innovative and equitable strategies to support marginalized communities while coordinating the state's response to more frequent and impactful disasters.

Policies and regulations:

VDEM is not a regulatory agency nor is it responsible for the development of environmental justice policies. VDEM manages a number of federal grant programs, some of which includes stipulations to comply with a variety of environmental justice related requirements.

Communities facing environmental justice issues are at heightened risk of negative impacts during disasters. Communities disproportionately impacted by disasters mirror communities most in need of environmental protection policies and regulations. These communities include communities of color and historically under-resourced and marginalized communities. Since the beginning of the COVID-19 VDEM has actively participated in the Health Equity Leadership Taskforce and Working Group.

VDEM is committed to promoting environmental justice and implementing equitable strategies to mitigate the disproportionate impact of disasters on marginalized and frontline communities. The agency is actively identifying new approaches to all programs to better prioritize the needs of those most at risk.

Economic Development & Infrastructure:

VDEM administers three programs through the Federal Emergency Management Agency (FEMA) designed to reduce the long-term risk to people and property through hazard mitigation

concepts. They are known as the Hazard Mitigation Grant (post-federal disaster), Flood Mitigation Assistance, and the Building Resilient Infrastructure and Communities (a new program starting in 2020) programs. While hazard mitigation opportunities are 100% voluntary by the property owners, VDEM incentivizes projects which target communities experiencing disproportionate impacts from disasters, and are closely tied to the Health 360 data developed from the Health Equity Task Force. These grants can be used to provide residential and commercial flood protection, as well as large scale flood protection measures such as stream restoration, water/wastewater protection, and other critical infrastructure at risk to natural hazards.

Fiscal Impact & Resources:

VDEM is currently working through programmatic and funding opportunities using a Health Equity lens. VDEM is currently funding two temporary positions focused on health equity in emergency management; however, this funding is limited to 15-months and the agency requires additional funding to sustain these positions to ensure equitable emergency management practices continues.

Should a standard and implementation of an agency-specific EJ policy be required, VDEM would require at least one FTE, and possible additional funding for a full assessment.

Impacted Agencies: VDEM

Fiscal Impacts: 1-2 FTEs

Secretary of Transportation

The Transportation Secretariat is committed to creating and maintaining a multimodal network that connects Virginians to jobs, education, and health care across the Commonwealth and serves as the platform for Virginia's economy. Ensuring that all Virginians can access economic opportunity underlies our transportation planning efforts. While Federal Title VI requirements directly apply to the work of several transportation agencies, all of them proactively address environmental justice impacts.

Office of Intermodal Planning and Investment (OIPI)

The goals of the OIPI are to promote transparency and accountability of the programming of transportation funds; to ensure that the Commonwealth has a multimodal transportation system that promotes economic development and all transportation modes, intermodal connectivity, environmental quality, accessibility for people and freight, and transportation safety; to encourage the use of innovation and best practices to improve the efficiency of the Commonwealth's surface transportation network and to enhance the efficacy of strategies to improve such efficiency; and to promote the coordination between transportation investments and land use planning. OIPI's commitment to inclusivity begins with the planning processes.

Policies and regulations:

OIPI takes a leadership role across three key steps within the performance-based planning and programming process: Plan, Invest, and Manage. In this role, OIPI convenes stakeholders and

engages the public, conducts planning studies and technical analysis, prioritizes investments, and tracks system performance.

Consideration of EJ communities is an inherent component of the long-term transportation planning undertaken by OIPI. OIPI is responsible for developing the Commonwealth's long-range transportation planning document, VTrans, which examines data across a broad spectrum, including the mobility needs of communities throughout Virginia.

Community Engagement & Meaningful Involvement:

VTrans lays out the overarching vision and goals for transportation in the Commonwealth, identifies transportation investment priorities, and provides direction on implementation strategies and programs to the Commonwealth Transportation Board (CTB), transportation agencies, and Metropolitan Planning Organizations (MPOs). VTrans outlines the Commonwealth's transportation goals and helps identify funding priorities.

Economic Development & Infrastructure:

Accessibility Geographic Information System (GIS) tools allow OIPI to overlay different maps to see how residents in EJ communities interact with their environment and how the Commonwealth can positively impact those communities. VTrans interactive maps help us identify: transit needs, activity centers, where there are good connections, where there may be a lack of connections, and improvements to create/improve access. This allows transit operators to see where they should target improvements.

Fiscal Impact & Resources:

Additional staff resources and environmental justice consultant may be necessary to address agency specific needs.

Virginia Department of Transportation (VDOT)

Policies and regulations: The Virginia Department of Transportation (VDOT) builds, maintains, and operates the state's roads, bridges, and tunnels focusing on safety, enabling easy movement of people and goods, enhancing the economy, and improving our quality of life. Virginia has the third-largest state-maintained highway system in the country.

VDOT is committed to the principles of environmental justice and is assessing and documenting the impacts of transportation projects on minority and low-income populations as a normal part of its environmental analysis efforts. A key aspect of an EJ analysis is to ensure the involvement of affected communities in the project development process. VDOT's "Environmental Justice Guidelines" provide Environmental, Planning, Right of Way, Location and Design, Civil Rights, and other applicable divisions with a consistent framework for both preparing an EJ analysis and developing an effective public involvement strategy. Additional guidance documents outline processes for an Indirect and Cumulative Effects Analysis for transportation projects and for determining project-specific EJ populations.

Economic Development & Infrastructure:

An EJ analysis must be completed for each build alternative. Additionally, the No-Build alternative must be carefully considered as well. For example, it is possible that not building transportation improvements could impact minority or low-income populations (i.e., increased noise or air pollution, limited access to employment, etc.). A clearly written description of all EJ findings must be included in the environmental document.

Environmental Division

VDOT's Environmental Division works with the Environmental Protection Agency on how to assess/identify EJ populations through census data. Efforts include public outreach, the identification and assessment of potential impacts, and developing strategies for the avoidance or mitigation of the impacts.

All National Environmental Policy Act (NEPA) documents require some level of an EJ analysis. When completing NEPA documents, the Federal Highways Administration (FHWA) and VDOT must determine if the proposed action results in a disproportionate and adverse impact(s) to minority or low-income populations. If analysis reveals that the project would have a disproportionate and adverse impact to one or more EJ communities, the first step is to evaluate the project to determine whether the project's schedule, implementation, and/or final design can be altered to avoid the disproportionate and adverse impact(s).

If it is not possible to avoid the disproportionate and adverse impact, the path forward may include:

- coordinating with District management to identify measures to reduce project impacts,
- selecting effective mitigation measures acceptable to the FHWA and the EJ community to address the disproportionate and adverse impact, and
- adopting a robust public involvement plan focused on the EJ community.

VDOT's comprehensive EJ guidance could serve as a framework for others to tailor their own EJ guidance materials.

Civil Rights Division

In 1982, VDOT's Office of Equal Employment Opportunity, which later became the Civil Rights Division, was created to ensure equal opportunity and non-discrimination in all VDOT programs, services, and employment practices. Seven years ago, VDOT established its own Small Business Enterprise Program for set-asides on selected construction and consulting contracts to ensure that Disadvantaged Business Enterprises (DBEs) and Small, Women-owned, and Minority-owned (SWaM) businesses have maximum opportunity to participate on federally-assisted projects. VDOT also maintains a Business Opportunity and Workforce Development Center to help small businesses grow and become even more competitive. The work of the Civil Rights Division underlies the Commonwealth's efforts to build an accessible, equitable, and interconnected transportation system that serves as the platform for an inclusive growth economy.

Community Engagement & Meaningful Involvement:

VDOT is also looking internally. The Civil Rights Division has also informed the development and evolution of the VDOT of Tomorrow initiative. Launched last July, the initiative is designed

to begin preparing the agency for the future, modernizing its methods, empowering innovation, and re-envisioning the VDOT workforce and how employees work to enhance performance and maximize resources.

Virginia Department of Rail and Public Transportation (DRPT)

Policies and regulations:

DRPT's mission is to facilitate and improve the mobility of the citizens of Virginia, promoting the efficient transport of goods and people in a safe, reliable, and cost-effective manner. DRPT works with local, regional, state, and federal governments, as well as private entities, to provide support for projects and programs by:

- Assessing feasibility and environmental impacts of new and expanding services;
- Conducting statewide rail and public transportation studies;
- Planning and programming new services and capital improvement projects; and
- Providing leadership, advocacy, technical assistance, and funding.

DRPT integrates EJ evaluations into its planning and prioritization process.

Transit Strategic Plans

Established by 2018 legislation, transit strategic plans (TSP) are required for urban transit agencies operating more than 20 vehicles. The legislation specifically requires the assessment of access and impacts on underserved populations as part of the TSP.

This requirement applies to 15 transit agencies and is being phased in as transit development plans are updated. Hampton Roads Transit and Greater Lynchburg Transit Company were the two pilot agencies for the TSP process.

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

MERIT Transit Capital Prioritization Process

Also established by 2018 legislation, MERIT is a prioritization methodology DRPT utilizes for awarding capital grant funding. For major expansion projects (defined as a project that expands capacity and costs over \$2 million), 50% of the accessibility score is based on the impact the project has on disadvantaged populations. The process of developing major projects for state funding relies upon feasibility studies, which include an assessment of project benefits and impacts.

Transit Ridership Incentive Program

Chapter 1230 of the 2020 Acts of Assembly, the Governor’s Omnibus Transportation bill, includes the establishment of a Transit Ridership Incentive Program to promote improved transit service and reduce barriers to transit use by low-income individuals.

The legislation requires the CTB to establish a program to promote improved transit service in urban areas over 100,000 by encouraging implementation of routes of regional significance, regional funding models for transit, bus-only lanes, and integrated fare collection. In addition, the CTB must use up to 25% of the funds to reduce the impact of fares on low-income individuals through reduced fare programs.

Community Engagement & Meaningful Involvement:

DRPT recognizes that past transportation activities have threatened or destroyed environmental justice communities and cultural resources of importance to those communities, and now works with the Department of Historic Resources and stakeholder groups to ensure that degradation does not continue as a result of new transportation projects.

Passenger Rail Programs

DRPT supports more-frequent and more-reliable intercity passenger rail service in the Commonwealth to provide better access and mobility for EJ populations. Access to a wider geographic area for educational, medical, and employment opportunities would be improved, as well. DRPT has demonstrated its commitment to serving EJ populations and to avoiding environmental effects to EJ communities, and will continue to do so.

DRPT’s involvement with the Tri-Cities Area Multimodal Station Environmental Assessment (EA) is a great example. The 2017 EA and Section 4(f) Statement found that there were EJ populations present in the vicinity of each of the finalist candidate station sites, but that there were no disproportionately high and adverse impacts anticipated for any of the station alternatives. DRPT recognized that, beyond the federal EJ requirements, the location of the existing Tri-Cities Area Amtrak Station at Ettrick has a unique advantage to serve the minority community due to its proximity to Virginia State University (VSU), a Historically Black College, and downtown Petersburg.

Economic Development & Infrastructure:

DRPT will also work to ensure that any transportation improvement activities in these areas are conducted with the guidance and coordination of appropriate cultural resource professionals to assure the protection of resources during ground-disturbing construction. This commitment was demonstrated in the Final Environmental Impact Statement commitments for the DC2RVA project that went beyond requirements for Section 106 of the Historic Preservation Act with regard to Shockoe Hill in Richmond.

Port of Virginia

The Virginia Port Authority manages cargo transported through our six ports to various markets around the globe. Manufacturers, corporations, and individual consumers use these goods and supplies in their everyday lives. The Virginia Port Authority is committed to providing superior service, safe transport, and continuous improvement.

Environmental justice is woven into the port's sustainability efforts. The Port of Virginia's Environmental Management System (EMS) embodies the port's commitment to protecting, and preserving access to, the natural environment for the people of the Commonwealth and is fully certified to the International Organization for Standardization 14001:2015 standard.

The activities of the port have significant impacts to the areas in which the facilities are located. The port is committed to addressing potential impacts to effected EJ communities through:

- Policies and Regulations
- Community Engagement & Meaningful Involvement
- Economic Development and Infrastructure

Policies and Regulations

The port's policies and procedures address potentially hazardous substances, noise, and traffic, all of which may impact local communities. The port has modified processes pertaining to the procurement of goods and services to limit the use of potentially hazardous substances while promoting consideration of environmentally friendly alternatives. Based on feedback from the communities around port facilities and a recently completed noise study, the port is creating a new standard operating procedure to better understand and manage the impacts of noise associated with port operations. In 2019, the port created Design and Construction Standards and Preferences to guide architectural, engineering, and construction firms in the development of sustainable, environmentally-conscious, and resilient port infrastructure, including traffic design guidelines.

Community Engagement & Meaningful Involvement

The port cultivates healthy relationships with civic leagues in the neighborhoods that surround its facilities as well as partnerships with local governments, which creates opportunities to engage with citizens, private industry, and governmental officials.

Because many inter-facility routes intersect local communities and neighborhoods, the impacts of truck traffic are considered in the port's planning and engagement activities. The port has engaged with local governments to establish restricted trucking hours during peak commuter transportation times. Similarly, balancing the need to maintain and develop thriving and resilient rail access to port facilities with ensuring the port's plans are minimally impactful to its neighbors, the port remains actively engaged in conversations regarding the routing of rail lines and associated cargo.

Partnerships with local environmental non-profit organizations are also important to the port. The port helped create the 11-acre Paradise Creek Nature Park in Portsmouth by removing 300,000 cubic yards of dredge material to restore healthy tidal wetlands. Now a flourishing habitat for diverse flora and fauna, the park also serves as a living, hands-on learning environment for citizens across the region. Work continues on the network of 4.5 acres of oyster reefs across Hampton Roads as a part of the port's Craney Island Eastern Expansion mitigation plan. These reefs provide a cleaner and healthier Elizabeth River and connected waterways for recreation and commercial activities.

Sea level rise poses an increasingly serious threat to the port's facilities and operations, the communities around port facilities, and the region as a whole. Based on data from resiliency studies the port commissioned, it has taken steps to protect terminals from storm surge and extreme flooding, resulting in an improvement in the quality of the water that flows through retention ponds and into local waterways.

Economic Development and Infrastructure

Since 2015, the Port of Virginia has invested over a billion dollars to modernize and expand port services. One of the port's areas of focus is on reducing the emissions that can impact the communities around port facilities. The port periodically commissions an all-inclusive air emission inventory which enables the port not only to quantify the benefits of its investments in cleaner technology, processes, and projects, but also to model new and innovative solutions to further reduce its emission signature.

The port has made several equipment upgrades that embrace cleaner technology. Since 2015, the port purchased 54 diesel-electric hybrid shuttle carriers. These units reduce fuel consumption and emissions while enhancing efficiency and productivity and mitigating noise impacts to the community.

In 2018, the port began adding 86 electric rail-mounted gantry cranes to the expanded container yards at Virginia International Gateway and Norfolk International Terminals (NIT) as part of an \$800 million investment it has made in these facilities to increase capacity and productivity. The improved efficiency of these semi-automated machines reduces the amount of time that motor carriers spend idling at port facilities, significantly reducing the amount of emissions they produce. In 2020, the port implemented new all-electric cargo handling equipment on NIT and the Richmond Marine Terminal (RMT), further minimizing the impact of its operations on the environment and communities surrounding its terminals.

Nearly two-thirds of the port's container volume is carried on trucks. The port's 64 Express barge service, which connects the port's cargo terminals in Hampton Roads with the RMT via the James River, moved 38,000 containers in 2019, removing the same number of trucks from the roadways, reducing emissions along the I-64 corridor between 35-60%. The port's "Green Operator" program has helped more than 500 truck owners replace or retrofit their trucks to newer, more environmentally friendly models that give off 25% to 35% fewer harmful emissions. The reductions from these efforts will make a big difference in surrounding communities and across the Commonwealth.

Opened in 2018, and in partnership with VDOT, the four-lane I-564 Intermodal Connector provides more than 700 motor carriers each day with a dedicated, safe, and unimpeded road link between the interstate and the 26-lane North Gate at NIT. In addition to improvements in efficiency for the port and its trucking partners, it means less emissions, less wear and tear on roadways, and less congestion on the streets of Norfolk.

One in every three containers moving to and from the port's terminals travels via rail, which not only cuts air emissions on and around the terminals when compared to trucking, but also reduces traffic congestion and road wear and tear. In 2018, the port implemented a Truck Reservation

System with a goal to reduce turn times, shorten truck queues, and facilitate the movement of cargo at greater velocity. Shorter queues equate to less idling time and the port's most recent air emissions study indicates an approximate 22% reduction in NO_x, SO_x, and PM associated with diesel combustion.

Over the past several years, the port has invested over a billion dollars in on-terminal infrastructure and equipment, as well as dredging, to handle the ever-increasing size of cargo ships and associated large cargo volumes. That increased cargo requires a resilient and healthy transportation system, and the port is dedicated to participating in long-range transportation planning efforts as well as sustainable procurement activities to minimize those impacts to its neighbors and the environment.

Opportunities within the Transportation System

The efforts and practices of the transportation secretariat are embracing the needs and importance of EJ for all. While EJ is integral to many of transportations process and operations, focused efforts on continuous improvement are essential.

Fiscal Impact & Resources:

The Commonwealth has an opportunity to build on existing VTrans capabilities to examine where development and infrastructure (e.g., sidewalks, pedestrian connections, bicycle paths) are needed and better address connectivity. An opportunity may also exist to better monitor consistent use of the thorough EJ analysis VDOT requires before beginning work on a project. While the model is widely touted, it is only as good as its implementation.

The potential for DRPT to better serve EJ communities lies in four areas:

- Implementation of the TRIP program – evaluation and implementation of zero-fare programs to reduce disproportionate impacts of the cost of transportation on low-income communities.
- Expansion of the deployment of Battery Electric Buses – focus on deployment in EJ communities which may experience disproportionate impacts from noise and pollution related to diesel buses.
- DRPT has also undertaken a Passenger Rail Station Needs Assessment, which DRPT and the Virginia Passenger Rail Authority will use to help guide funding decisions for station maintenance and upgrades, with an eye toward ensuring fair and equitable distribution of funding.
- DRPT has begun the process of updating its federally mandated Virginia Statewide Rail Plan. The agency will draft strong environmental justice provisions ensuring fair treatment for all Virginians.

While the Port of Virginia has a positive track record of working to minimize the impact of its operations on surrounding communities, bolster resources and amenities for residents, and reduce its carbon footprint, it will be imperative that future operations build on that momentum. An important consideration will be locating any new facilities and equipment in areas that limit the impact on EJ communities.

The Commonwealth is committed to transporting people and goods safely, efficiently, and sustainably through a multimodal transportation network that supports connected, healthy communities across Virginia. Deliberate consideration of the mobility needs of vulnerable communities is a critical part of the transportation planning process, and meaningful community involvement ensures transparency and access to the decision-making process, helping to create a more equitable transportation system that meets the needs of all Virginians.

Impacted Agencies: OIPI, VDOT, Port of Virginia, DRPT

Fiscal Impacts: 4 FTEs (one per impacted agency), full EJ assessment done internally through VDOT Civil Rights Division

Secretary of Veterans Affairs

The Secretary of Veterans and Defense Affairs (SVDA) serves the Commonwealth in four critical ways. First, it oversees the Virginia Department of Veteran Services (DVS), whose mission is to serve Virginia's Veterans, Guardsmen, Reservists, and their family members, by ensuring they receive timely transition, employment and education assistance, benefits, health care and long-term care and recognition they have earned through service to our Nation and Commonwealth. The Secretary distinguishes and elevates issues and opportunities for Veterans and transitioning Service members in the Commonwealth of Virginia. Of primary importance are the employment, health care, and education needs of our Veterans. With the seventh-largest Veteran population in the Nation and the greatest number of Veterans in the workforce per capita, the Secretariat maintains a particular focus on employment of our newest generation of Veterans who have the current skills needed here in the Commonwealth.

Second, the Secretariat serves as the primary liaison for the Commonwealth to the United States Department of Defense and its military communities. It leads the Governor's initiatives focused on relationship building with and support of our military and defense installations and the communities surrounding them. Through its involvement with various stakeholder groups and communities, the Commonwealth continues to be an engaged host in support of the military and defense missions in the state.

The Secretary also oversees the Virginia Department of Military Affairs (DMA), DMA's mission is to effectively integrate military and homeland defense capabilities into applicable state operations; employ, train, and manage the Virginia Militia, consisting of the Virginia National Guard (the Virginia Army National Guard and the Virginia Air National Guard) and the Virginia Defense Forces.

Lastly, the Secretariat oversees the Veteran Service Foundation (VSF). The VSF provides supplemental funding to programs, services, and initiatives of the Department of Veteran Services when state and federal resources are unavailable. All charitable donations to VSF stay right here in the Commonwealth and go toward providing access and services to Virginia Veterans. In its work with military communities and military installations, the Secretary of Veterans and Defense Affairs' work includes identifying, coordinating, and helping to mitigate encroachment on military training areas.

Environmental justice matters and concerns affect only the Office of the Secretary of Veterans & Defense Affairs and its efforts to address encroachment. It does not however effect the daily operations and policies directly of the Virginia Department of Veterans Services or the Virginia Department of Military Affairs.

Policies and regulations:

The aspect most relevant is one addressing encroachment is conducting Compatible Use Studies, formerly known as Joint Land Use Studies (JLUS), which identifies actions the local community and a military installation can take to ensure compatible economic development. All Compatible Use Studies involve the public in the determination of recommendations and findings.

Community Engagement & Meaningful Involvement:

Actions are taken to ensure specific public notification to environmental justice and fenceline communities. During this process we will ensure that consideration be given to all environmental justice and fenceline communities.

Most Compatible Use Studies are executed at the local community level. However, as a state representative on the Technical Committees our office can encourage the local communities to recognize the importance of ensuring input from environmental justice and fenceline communities. This will include specific actions taken to address the unique challenges to notify citizens in these communities.

All meetings and periods for open comment are advertised in accordance with applicable open-government rules, regulations, and statutes. The Compatible Use Studies are executed at the local level. They are encouraged to include specific actions taken to address the unique challenges to notify citizens in environmental justice and fenceline communities.

Economic Development & Infrastructure:

With regards to mitigating encroachment on military installations in the Commonwealth and its assessment during the Compatible Use Studies conducted by the Secretariat, any recommendation which could possible impact on environmental justice and fenceline communities will have specific language as to what steps were taken to include their concerns. In addition, the recommendation must provide address mitigation steps that should be considered before any recommendation is implemented.

Fiscal Impact & Resources:

No additional resources can be identified associated with implementing a full assessment of EJ compliance, although the benefits from working with other agencies and our federal partners on these efforts.

Impacted Agencies: VDVS, VDMA

Fiscal Impacts: none, continued inter-agency collaborative efforts

Office of Workforce Development

The Office of the Chief Workforce Advisor oversees a wide range of regional, state, and federal programs that connect Virginians to the skills, training, and opportunities they need to thrive in the 21st-century economy. In addition to public sector partners, Chief Workforce Advisor Megan Healy works closely with Virginia's labor and business communities to identify and fill vacant jobs in high-demand sectors.

Policies and regulations:

The Office of Workforce Development does not have any agencies that would require an EJ assessment. However, a number of initiative of the office and priorities have an equity component and require the sharing of data and information concerning all Virginians, including environmental justice and fenceline Communities.

Community Engagement & Meaningful Involvement:

While the Secretariat's operations do not have public participation policies and plans directly for residents of environmental justice communities and fenceline communities potentially affected, the mission of the Secretariat's work is to serve underserved and traditionally marginalized communities.

Economic Development & Infrastructure:

In the areas of economic development and infrastructure affiliated with the Secretariat is primarily dealing with work force and labor.

Fiscal Impact & Resources:

Possible fiscal impact of increased communications and resources to better target underserved communities that also fall into the environmental justice and fenceline communities category. An initial environmental justice assessment and plan is not required at this time, however, continued inter-agency cross referencing and collaboration would be beneficial.

Impacted Agencies: none

Fiscal Impacts: none

Office of Diversity, Equity and Inclusion

With the creation of the Office of Diversity, Equity, and Inclusion, Virginia is becoming a national exemplar in addressing the historical injustices and inequities that have existed for the last 400 years within all systems across our Commonwealth.

The shared goal of the Office of Diversity, Equity, and Inclusion is to develop Virginia into an inclusive state where people can live, learn, work, visit, and thrive. The purpose of the DEI office is to:

- Create a statewide assessment to evaluate inequities with formal and informal systems, processes, leaders, legislation, and overall logistics;

- Develop a sustainable framework for the continued promotion of inclusive practices across state government;
- Collaborate with 105+ state agencies within the Commonwealth to ensure equity and inclusion within the areas of employee engagement, hiring and retention practices, and the implementation of a diversity strategic plan; and
- Engage with diverse stakeholders around the Commonwealth to establish and increase inclusive excellence across the Commonwealth.
- Coordinate with state agencies to establish and maintain a comprehensive diversity, equity, and inclusion strategic plan according to HB 1993, the ONE Virginia Plan.

The Office of Diversity, Equity and Inclusion continues to play a critical leadership and advising role on environmental justice across the Commonwealth. The office's inclusion in the equitable creation and implementation of an environmental justice is necessary. However, although the office does not have any agencies under its purview, additional staff time and consultation will be required.

Impacted Agencies: none

Fiscal Impacts: 1 FTE, staff time

Findings

Overall, the working group identified 35 total state agencies directly affected by the creation and implementation of a Commonwealth-wide environmental justice policy.

The first step in this process is full EJ assessment plans in order to get accurate data and understanding of criteria for implementation. The working group found that additional FTEs, internal resources, and/or third party consultants would be required to complete full EJ assessments.

The Working Group identified an estimated 34 new FTEs at 24 state agencies would be necessary for the creation and implementation of a robust environmental justice policy and implementation plan.

Notably, six secretariats identified the need for an internal initial assessment of environmental justice-related state regulations and agency policies to develop a baseline level of understanding. Six state agencies indicated they would benefit from third party consultants in order to complete an EJ study.

While, an environmental justice assessment is not applicable for every Virginia state agency, the continuation of collaboration across state agencies, with leadership by environmental protection agencies, is beneficial to the continued progression of environmental justice policy in the Commonwealth.

Recommendations

Establishment of Environmental Justice Interagency Working Group:

Continuing to connect Virginia cabinet level agencies regarding Environmental Justice

The Working Group recommends continued interagency meetings and collaboration among state agencies on environmental justice. A similar body with shared responsibility of leadership among the secretariats listed.

The Secretaries of Natural Resources, Commerce and Trade, Transportation, Agriculture and Forestry, and Health and Human Resources should direct establishment of the Environmental Justice Work Group (Work Group) to continually assess environmental justice in the Commonwealth and develop policy recommendations. The Work Group shall include representatives from the Department of Environmental Quality, Department of Conservation and Recreation, Department of Historic Resources, the Marine Resources Commission, Department of Energy, Mines and Minerals, Virginia Department of Health, Department of Housing and Community Development, Virginia Department of Transportation, Virginia Department of Virginia Resources Authority. All 35 agencies identified in this report shall also be represented on this body, and may include other agency or Secretary Representatives as needed.

The Work Group should be advised by the Virginia Council on Environmental Justice and the Office of Diversity, Equity, and Inclusion.

The Work Group should invite participation by environmental justice and fenceline community advocates, hold regular public comments during meetings, as well as provide opportunities for meaningful and transparent involvement and engagement, such as providing language access, access for people with disabilities, and access for those without consistent access to technology.

The Work Group should annually report its findings to the Secretaries of Natural Resources, Commerce and Trade, Transportation, Health and Human Resources, Agriculture and Forestry, and the Commonwealth's Chief Diversity Officer by December 1.