



# Support Omnibus Environmental Justice Bill (2021)

House Bill [\(HB\) 2074](#); Patron: House Del. [Shelly Simonds](#)

**In brief:** This Omnibus Environmental Justice bill (“Bill”) builds on the Virginia Environmental Justice Act of 2020 (“VEJA”) (§§ [2.2-234](#), [2.2-235](#)), which declared environmental justice (EJ) as the policy of the Commonwealth. First, the Bill amends VEJA to require every state agency to adopt agency specific EJ policies, and codifies the EJ Interagency Working Group created in last year’s [budget bill](#). Second, it requires the Department of Environmental Quality (“VDEQ”) and its Citizen Boards to approve a public participation plan before accepting permit applications for a range of environmentally hazardous uses and to consider EJ and any cumulative impact issues raised by the proposed permit. It also authorizes the EJ Interagency Working Group to conduct an assessment on the state’s air quality monitoring practices. Lastly, the bill requires local planning commissions to include an EJ strategy in their jurisdiction’s comprehensive plan.

**Background:** The adoption of VEJA marked an important step towards protecting vulnerable populations, people of color, and low-income people from disproportionate risk and harms resulting from polluting facilities. VEJA defines key terms related to EJ largely based on definitions used by the U.S. Environmental Protection Agency (EPA), such as “*fenceline communities*,” “*environmental justice*,” “*fair treatment*,” and “*meaningful involvement*”; the latter 2 terms are in the definition of “*environmental justice*.”

Although Virginia now has a basic EJ policy, the state still lacks the tools to ensure EJ is carried out. Operationalizing EJ at the state and local levels requires improved transparency and public involvement in decision-making, and authorizing agencies to make decisions to mitigate adverse impacts. **These policy proposals:**

- 1. Amend the VEJA; Codify EJ Interagency Working Group.**
  - Require state agencies to adopt and implement agency specific EJ policies to cover a range of agency activities by October 1, 2021 and to issue regulations to implement those policies.
  - Include “*cumulative impacts*” among those matters which must be considered in administration of agency actions, bearing in mind these impacts may result from individually minor but collectively significant agency actions over time.
  - Codify EJ Interagency Working Group in the executive branch of state government.
- 2. Create new permitting requirements for VDEQ and the Citizen Boards’ that expand public involvement and consider EJ and cumulative impacts; Authorize Air Monitoring Study.**
  - Require applicants to implement an approved public participation plan for the expansion of existing or development of certain new polluting facilities, such as large power plants, landfills, and sewage treatment plants.
  - Require applicants to provide with its permit application a cumulative impact assessment of the proposed permit and an EJ impact statement where the proposed covered activity may affect an EJ community.
  - Direct the EJ Interagency Working Group to study the current air quality monitoring practices in Virginia.
- 3. Require local planning commissions (PDCs) to incorporate environmental justice in their comprehensive plans.**
  - Require each PDC to identify EJ and fenceline communities within their jurisdiction.
  - Require these local bodies to recommend policies that promote the health and wellbeing of EJ and fenceline communities.