INTRODUCTION
Virginia made environmental justice progress, unprecedented nationally, during the 2020 legislative session. Yet, vulnerable populations continue to be at increased risk for climate change impacts, siting of toxic fossil fuel facilities, and pollution exposure. The Department of Environmental Quality’s adoption of environmental justice directives, codification of the state’s Environmental Justice Council, and the passage of the Environmental Justice Act are key steps towards achieving environmental justice in Virginia. The statewide clean energy economy transition, environmental racism, and the systemic inequalities heightened by the COVID-19 pandemic still require steadfast policy development to protect and secure better livelihoods for all Virginians.

BACKGROUND
The environmental justice movement first emerged in the 1980s as the combination of social justice and environmental movements. In 1994, the EPA established the National Environmental Justice Advisory Council and the Interagency Workgroup on Environmental Justice, while the Clinton Administration released Executive Order 12898 to require federal agencies to assess adverse impacts of their actions, policies, and projects on environmental justice communities.1

In 2020, with the passage of the Virginia Environmental Justice Act, environmental justice now has greater meaning in Virginia, being codified in law as “the fair treatment and meaningful involvement of every person, regardless of race, color, national origin, income, faith, or disability, regarding the development, implementation, or enforcement of any environmental law, regulation, or policy.”2 Important federally recognized benchmarks of environmental justice, fair treatment and meaningful involvement, were also defined in law.3 The legislature officially declared it the policy of the commonwealth to ensure environmental justice is achieved and maintained statewide. But, more progress requires a robust process for integrating environmental justice throughout state agencies to ensure impacted communities are properly identified in permitting processes and have mandated influence over infrastructure siting and permitting decisions.

MORE PROGRESS REQUIRES A ROBUST PROCESS FOR INTEGRATING ENVIRONMENTAL JUSTICE THROUGHOUT STATE AGENCIES TO ENSURE IMPACTED COMMUNITIES ARE PROPERLY IDENTIFIED IN PERMITTING PROCESSES AND HAVE MANDATED INFLUENCE OVER INFRASTRUCTURE SITING AND PERMITTING DECISIONS.

Furthermore, with the passage of the Virginia Clean Economy Act, state agencies and the Council on Environmental Justice are empowered to review the impact of the clean energy transition on vulnerable communities and enforce the policy of the Commonwealth to prioritize disadvantaged communities when considering new job training programs and renewable energy projects. These provisions are vital, as communities and workers with fossil-fuel reliant livelihoods will face economic hardship through this transition.

THERE CAN BE NO ENVIRONMENTAL JUSTICE WITHOUT RACIAL JUSTICE
Nationally, police brutality has led to violent murders and physical attacks in Black communities. These acts of violence, connected to racial prejudice, are not tangential to our shared environmental agenda. Policies and practices designed to eliminate institutionalized racism and protect all Virginians’ right to live and safely access and enjoy natural environments without the burden of racial prejudice must be incorporated into Virginia’s permitting processes, environmental regulations, conservation programs, state and local parks, and watershed and land protections. As state agencies begin to view actions through an environmental justice lens, so too their actions must be viewed as a concerted effort to end racial inequities in the development, implementation, and oversight of public policy.

SOUTHWEST VIRGINIA
The residents of Southwest Virginia live with the impacts of coal and gas extraction, including polluted waters, increased risks of cancer and birth defects, and damage to property from blasting, landslides, and subsidence. Because of shifting energy markets and the reduction in coal mining in the region, these communities are facing economic decline, leaving them with fewer resources to deal with these problems. The coal industry has abandoned these communities, leaving a hazardous mess of unreclaimed mine

WORKING TOWARD ENVIRONMENTAL JUSTICE
Chelsea Barnes // Appalachian Voices | Kendyl Crawford // Virginia Interfaith Power and Light
Tynesia Griffin // New Virginia Majority | Kim Jemaine // Chesapeake Climate Action Network
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sites, contaminated soils, polluted waters, and aging housing. Additionally, fossil-fuel power plants in the region will now be shut down in the coming decades, putting more communities at risk. These communities have borne incomprehensible burdens in order to provide fuel to power this nation. Justice requires that we address these legacy impacts and compensate burdened communities. Establishing a Just Transition Office at the state-level to strategically guide and support a community-led and centered transition is one of the first steps to effectively create immediate jobs, attract new residents and businesses, invest in water infrastructure and housing for existing residents, and clean up mine and power plant sites, water, and brownfields.

**CHARLES CITY AND CHESAPEAKE**

The proposed Header Improvement Project is a natural gas proposal that would build three intrastate pipelines and three new compressor stations in multiple communities of color that are already in proximity to federally recognized superfund sites.

The Gidley Compressor station in the city of Chesapeake is proposed for the middle of a dense neighborhood composed of 65 percent people of color — much higher than the state’s average of 37.4 percent. The neighborhood is also made up of a disproportionately high level of low-income residents — 30.8 percent compared to the state’s average of 25.2 percent. Additionally, the project is slated to feed into the proposed C4GT station, which would be located about a mile from the proposed massive Chickahominy Power Station. Both power plants would be located in Charles City County, another majority-minority community — about 55 percent people of color.

**HAMPTON ROADS**

Increased flooding related to a changing climate regularly impacts coastal communities. Low-income residents bear a disproportionate burden, since they cannot afford to move to higher ground or pay expensive flood insurance premiums. Lack of investment in critical infrastructure improvements such as a comprehensive transportation system, flood management control, displacement protections, and climate resilient housing building codes make these residents vulnerable during recurrent storm and flooding events.

**CONCLUSION**

Virginia’s environmental justice work is not limited to one particular community, pollution site, or infrastructure project. It involves an essential procedural framework and set of actions required to ensure that policies and programs represent and benefit all Virginians and do not cause disproportionate harm to low-income communities and communities of color. Environmental justice work includes ensuring access to clean energy for all, access to safe drinking water for all, preventing toxic pollution exposure for all, among other concerns, to allow all communities to thrive.

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**A PRESERVED BARN IN THE GREEN SPRINGS HISTORIC DISTRICT IN LOUISA, VA.**

*Image credit: Harlow Chandler*
POLICY RECOMMENDATIONS

Pursue policy reform on environmental justice including:

Formally recognize racism as a public health crisis in the Commonwealth.

Amend the Virginia Environmental Justice Act with state agencies directives:

- Require state agencies to develop agency-specific environmental justice policies,
- Require state agencies to determine whether any proposed actions or funding decisions under agency duties are likely to adversely impact environmental justice communities; and,
- Require state agencies to mitigate or eliminate adverse impacts in any action/no-action decision.

Appropriate $100,000 for operational funding to the Environmental Justice Council — this funding is essential for the council to cover costs associated with securing expert consultation, independent studies, facilitators, and offering grants to communities to identify their environmental justice concerns and priorities.

Create an Environmental Justice Office housed in the most appropriate state agency and appoint an environmental justice community ombudsperson.

Incorporate a review of environmental justice impacts in state environmental impact reports for new major projects, such as fossil-fuel infrastructure.

Weigh health impacts and environmental justice as a factor in all siting, rule-making, and permitting decisions.

Establish additional environmental justice staff within the Department of Environmental Quality, Department of Conservation and Recreation, the Virginia Department of Health, and Virginia Department of Agriculture and Consumer Services.

Provide environmental justice training for staff across state agencies.

Require an environmental justice analysis for new energy, industrial, infrastructure, and agricultural (i.e. CAFOs, AFOs) projects.

Further a just transition for fossil-fuel-dependent localities at the state-level by:

Establish a Virginia Just Transition Office coordinated with the Environmental Justice Council that relies on community-based and expert-informed planning processes for individual communities and for state legislation and regulations and appropriate at least $100,000 for its administration (see Building an Equitable Clean Energy Economy for Communities and Workers, p. 44).

Develop equitable strategies for maintaining community safety and protection:

Prioritize approval of community safety policy recommendations that include:

- Tracking and addressing policing in state and local parks and along public trails and sidewalks;
- Preventing biased criminalization of certain pedestrians and people using these facilities; and,
- Increasing the economic accessibility and cultural inclusiveness of state and local park facilities.

Create and appropriate funding for a Racial Justice Council to study and outline potential proposals for providing reparations to African Americans as a part of a greater strategy to remedy historical and contemporary racial injustices.
SUNRISE ON COW CREEK, VIRGINIA BEACH VA.
Image credit: Erik Moore