



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. The Bill amends VEJA to require five state secretariats to adopt a secretariat-specific EJ policy by October 2022, and codifies the EJ Interagency Working Group created in last year’s [budget bill](#). It also authorizes the EJ Interagency Working Group to review the state’s air quality monitoring practices. Lastly, the bill requires local planning commissions to consider EJ 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. These amendments embed EJ considerations within key state and local entities and improve transparency and public involvement in decision-making processes. **These policy proposals:**

1. Amend the VEJA; Codify EJ Interagency Working Group.

- Require five secretariats to adopt and implement secretariat-specific EJ policies to cover a range of activities conducted by those agencies which are most likely to have EJ impacts, and requires each agency within each of these secretariats to evaluate EJ consequences for covered agency actions.
 - Affected secretariats include the Secretary of Agriculture and Forestry, Commerce and Trade, Health and Human Resources, Natural Resources, and Transportation. These must comply by October 1, 2022;
- 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. Authorize Air Monitoring Study.

- Direct the EJ Interagency Working Group to study environmental justice issues related to current air quality monitoring practices in Virginia, beginning with a focus on environmental justice communities.

3. Require local planning commissions (PDCs) to consider environmental justice in their comprehensive plans by:

- Identifying EJ and fenceline communities within their jurisdictions;
- Recommending policies that promote the health and wellbeing of EJ and fenceline communities; and
- Increasing public participation by EJ and fenceline community members.