EXECUTIVE SUMMARY

The challenge of governing during a pandemic invited useful innovations that exemplified how technology can remotely connect constituents with their state government. The return to business as usual is imperative that state and federal policy makers consider the effect of limiting or locking out affected community members.1 The return to fully in-person meetings limit access for (among others) parenting, differently-abled, low-income, aging, and working Virginians. However, these policies end with the emergency order, leaving access to modern and inclusive participation at risk.2

| SOLUTION |
| - State agencies and the General Assembly should consider how continued use of remote participation in regulatory meetings brings broader engagement with diverse and more representative perspectives. The General Assembly should continue to provide live video streams for all floor proceedings as well as all committee and subcommittee meetings. The General Assembly should also retain and improve newly created opportunities for constituents to provide written testimony in advance of meetings and oral testimony by phone or video conference during committee and subcommittee meetings.3

- During the declared state of emergency, state agencies were permitted to conduct many stakeholder engagement activities, like regulatory advisory panels and technical advisory committees, by video conference without a quorum of participants physically present. Remote participation in regulatory meetings enabled broader engagement by members of the public. With the lapse of the COVID-related emergency order on July 1st, 2021, lawmakers should consider revising state statute to retain and expand opportunities for virtual participation and ensure that the robust participation seen in 2020 and 2021 does not recede.

Public notice procedures do not reach people with poor internet services and skills or people not traditionally involved with governmental processes. Procedural constraints on commenters, particularly during board meetings, arbitrarily limit the scope and effectiveness of public comments. Additional forums targeted at a wider and more inclusive population must be used to distribute notices. Commenting forums must allow submitters to introduce new information and adequate time to respond to agency presentations. Agency public participation policies must include procedures to foster environmental justice.

POLICY RECOMMENDATIONS

- Extend and codify remote options for Public Participation in legislative and agency processes.

- Provide wider notice of agency actions, through media forums, contacts with community groups, and direct contacts to residents whose properties or interests are directly affected.

- Remove restrictions on submittal of new information at board meetings to increase the public’s ability to respond to agency comment summaries.

- Amend the APA to require that public participation policies ensure meaningful involvement of disadvantaged populations and include board committees to interact with affected communities and conduct fact-finding initiatives. These policies should include a provision to (a) fund the expenses of those who serve on state committees, commissions and panels, (b) hold meetings convenient via rail and public transit, and (c) work to expand broadband access in rural areas and frontline communities.

- Make permanent the Environmental Justice Office within DEQ, and authorize the promulgation of regulations to implement the Department’s environmental justice policy.

Virginia’s State Insect: Eastern Tiger Swallowtail
Butterfly (Papilio glaucus) - Blue Ridge Parkway

Image credit: Michael Proechel