

PROMOTING ENVIRONMENTAL JUSTICE

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EXECUTIVE SUMMARY

Historically, the burdens of pollution have disproportionately affected communities of color and low-income communities. These communities have borne the brunt of environmental harms from energy, industrial, and agricultural development while others have enjoyed the economic gains. The impacts of climate change only exacerbate this disparity.

While Virginia in recent years has taken initial steps to promote environmental justice, there is more work to be done—developing agency policy and engaging communities in environmental permitting—to ensure that the benefits and burdens of economic development and environmental protection are equitably distributed across all communities in the Commonwealth.

CHALLENGE

In Virginia and throughout the nation, people of color and low-income individuals are more likely to live near polluting facilities and other environmental hazards,¹ posing disproportionate risks to their health and well-being. Addressing these inequities, and ensuring that people have equal access to and influence over environmental decisions that affect them, are at the heart of environmental justice, which Virginia defines 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

Recent years have witnessed some progress for environmental justice. The passage of the Virginia Environmental Justice Act in 2020 enshrined environmental justice as the official policy of the Commonwealth.³ In 2021, the State Air Pollution Control Board denied an air permit for a gas-fired compressor station in Pittsylvania County, finding that the facility’s emissions would unfairly burden an African American community.⁴ And in 2022, the James River Water Authority abandoned its effort to build a raw water intake on a sacred Monacan heritage site.⁵

Regrettably, however, these victories have been the exception, not the norm. In 2022, the General Assembly significantly eroded meaningful involvement by removing permitting authority from Virginia’s citizen boards, whose volunteer members had for years brought their real-world perspectives to make important permitting decisions in full public view. And Virginia’s environmental and health burdens continue to be borne disproportionately by those with the least political and economic power. A mega-landfill proposed for Cumberland County would sit adjacent to the Pine Grove Elementary School, a historic African American schoolhouse.⁶ An existing landfill in Bristol is plaguing local residents with noxious gases.⁷ A planned gas pipeline project would expose neighbors of a Prince George County compressor station to increased air pollution,⁸ while a proposed gold mine could threaten water quality across central Virginia.⁹ The hard work of

striving for environmental justice in Virginia has only just begun.

SOLUTION

Actions taken by state agencies have an outside effect on Virginia’s environmental justice communities. For the benefit of the public and the agencies themselves, agencies should clearly identify how they plan to ensure that environmental justice is carried out in the course of their permitting actions and other activities.

Each state agency whose actions impact public health or the environment should be required to develop and implement an official environmental justice policy. The policy should include methods for identifying environmental justice communities, a robust public participation plan to engage communities in agency decision-making, and a process for considering the potential effects the agency’s activities have on environmental justice communities.

The environmental permitting process deserves special focus. All too often, affected community members have learned about a proposed project too late to provide input that can influence the final decision. Effective public outreach from the outset makes the permitting process more inclusive—and more efficient, by incorporating the perspectives of affected communities before the final permitting decision is made. By considering whether the issuance of a permit will specifically burden a community of color or low-income community, regulators can start to address the historic pattern of siting multiple pollution sources in the same communities. And in light of the recent removal of the citizen boards’ permitting authority, it is critical that Virginia uphold and strengthen its existing protections for community participation in environmental decision-making.

POLICY RECOMMENDATIONS

Require appropriate agencies within the Secretariats of Natural and Historic Resources, Transportation, Commerce and Trade, and Health and Human Resources to develop and implement an official environmental justice policy.

Require agencies to consult with members of affected communities early in environmental permitting and to provide them with meaningful involvement throughout the permitting process, through pre-application notice, public meetings, and communication using methods tailored to the affected communities.

Ensure that agencies consider whether their issuance of an environmental permit would cause disproportionate adverse impacts on a community of color or low-income community, and empower them to require alternative sites or deny permits where appropriate.

Maintain the integrity and independence of the Virginia Environmental Justice Council.