

STATEMENT OPPOSING GOVERNOR YOUNGKIN'S ACTIONS TO UNDERMINE THE VIRGINIA COUNCIL ON ENVIRONMENTAL JUSTICE

The undersigned organizations and individuals condemn Governor Glenn Youngkin's recent actions to undermine the Virginia Council on Environmental Justice ("Council"). The Council was created initially by former Governor Terry McAuliffe in 2017 through executive order and made a permanent advisory body to the Executive Branch through legislation in 2020. For at least the past 2 years, Governor Youngkin had not made any appointments to the Council until this March, preventing the Council from maintaining a quorum, making official [votes](#), and completing and delivering its annual report to the General Assembly.

After the General Assembly recessed the 2024 Regular Session on March 9th, Governor Youngkin appointed five individuals to the Council, none of whom are representatives of any of the seven constituencies the 2020 legislation requires the Governor to select from to serve on the Council. Additionally, we reject Governor Youngkin's view of the Council as a body "capable of obstructing local projects" that has "prevent[ed] the construction of infrastructure in underserved communities", as he stated in his veto message of legislation introduced this past session related to the Council.

According to its enabling legislation, the Council was created ***"to advise the Governor and provide recommendations that maintain a foundation of environmental justice principles intended to protect vulnerable communities from disproportionate impacts of pollution."***

(Virginia Code §2.2-2699.9). The Council is comprised of 27 members, 21 of whom are to be nonlegislative citizen members. The 21 nonlegislative citizen members must be residents of the Commonwealth and shall be representatives of one of the following 7 groups: (i) American

Indian tribes, (ii) community-based organizations, (iii) the public health sector, (iv) nongovernmental organizations, (v) civil rights organizations, (vi) institutions of higher education, and (vii) communities impacted by an industrial, governmental, or commercial operation, program, or policy. Virginia Code §2.2-2699.10(A).

On March 14, 2024, Governor Youngkin vetoed HB 333, a bill that amended the 2020 legislation creating the Council. In his veto message, Governor Youngkin mischaracterized the purpose and responsibilities of the Council, which is to protect vulnerable communities from disproportionate impacts of pollution:

[T]he theory of the Council conflicts with its duties as a state-level body capable of obstructing local projects. The proposed top-down approach would perpetuate past disparities, preventing the construction of infrastructure in underserved communities, hindering permits necessary for the advancement of clean energy, and imposing regressive costs that disproportionately affect Virginia's poorest citizens. Consequently, this approach reinforces historical barriers to achieving overdue objectives.

Veto Message, available at

<https://www.governor.virginia.gov/media/governorvirginiagov/governor-of-virginia/pdf/VETOES.pdf>

The next day, Governor Youngkin filled five vacancies on the Council. Four of the five vacancies were filled by employees of polluting industries that have adversely affected environmental and health conditions in low-income and minority communities: landfills, asphalt plants, natural gas, and electric utilities. The fifth seat was filled by an attorney who represents businesses in occupational safety and health matters. None of the five appointees represent any of the seven constituencies from which Council members are required by law to represent.

Governor Youngkin's actions regarding the Council demonstrate a disregard for environmental justice by his administration, defined in Virginia 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.” Virginia Code §2.2-234. His mischaracterization of the Council as a body that is “obstructing local projects” and “preventing the construction of infrastructure in underserved communities” reinforces the “unfair treatment” and lack of “meaningful involvement” experienced by Black, non-White, and low income Virginians who fought infrastructure projects that would pollute their communities, disturb or destroy cultural heritage sites, and degrade their health and quality of life. Recent examples include Black residents of Union Hill (Gas Pipeline Compressor Station), Pine Grove (Landfill), Charles City County (Gas Power Plants and Landfill), and Brown Grove (Wegmans Distribution Facility).

We urge the General Assembly to reject all five appointments to the Council. Also, we urge Governor Youngkin to withdraw those five appointments, reappoint existing Council members who wish to continue serving and whose terms have expired, and fill any remaining vacancies with representatives of the seven constituencies as required by law.

Thank you,

Gustavo Angeles
Environmental Justice Program Manager
Sierra Club Virginia Chapter

Robin van Tine
Environmental Justice Chair
Sierra Club Virginia Chapter

Victoria Higgins
Virginia Director
Chesapeake Climate Action Network

Monica Esparza
Trustee
Image Church - Renewal of Life Land Trust

Sonja Branch-Wilson
President
AMMD Pine Grove Project

Dr. Lakshmi Fjord
Environmental Justice Chair
AMMD Pine Grove Project

Joy Loving
Steering Committee member
Climate Action Alliance of the Valley

Lillian Anderson
Clean Energy & Climate Justice Policy & Campaigns Manager
Virginia Conservation Network

Stewart Schwartz
Executive Director
Coalition for Smarter Growth

Lee Francis
Deputy Director
Virginia League of Conservation Voters

Freda Cathcart
GFWC Star Woman's Club

Robin Broder
Deputy Director
Waterkeepers Chesapeake

Tyneshia Griffin
Environmental Policy Analyst, Analista de Política Ambiental
New Virginia Majority, Nueva Mayoría de Virginia

Brian Johns
Executive Director
Virginia Organizing

Faith Harris
Executive Director
Virginia Interfaith Power & Light

La'Veesha Allen Rollins
Concerned Citizens of Charles City County (C5)

Susan Kruse
Executive Director.
Community Climate Collaborative (C3)

Renee Grebe
Northern Virginia Conservation Advocate
Nature Forward

Bill & Diana Johnson
Trustees
JF Environmental Trust Foundation (JFETF)

Barbara L. Walsh
Executive Director
Rockbridge Conservation (RACC)

Garry Harris
Center for Sustainable Communities/ECO District Hampton Roads
National Environmental Justice Institute

Chad Oba
President
Friends of Buckingham

Mary Varson Cromer
Deputy Director
Appalachian Citizens' Law Center, Inc.

Hope Cupit

Mary Finley-Brook

Steve Padgett

Kenda Hanuman

Bob Egbert