

ADVANCING ENVIRONMENTAL JUSTICE

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WHY IT MATTERS

Throughout the United States, communities of color and lower-wealth communities continue to bear unfair burdens of pollution and other environmental harms while enjoying fewer environmental benefits.¹ In Virginia, this disparity can take many forms, including substandard wastewater infrastructure and septic systems, concentrations of industrial sources of air pollution, and a higher percentage of income devoted to home energy costs. The effects of climate change only exacerbate these imbalances, as extreme heat, more intense rainfall, and increased flooding also disproportionately affect people of color and of lower wealth.²

Addressing these inequities and ensuring all people have equal access to and influence over environmental decisions that affect them is at the heart of environmental justice. The Virginia Environmental Justice Act defines environmental justice 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.”³ While we cannot – and must not – erase the legacy of past injustices, we can right them by ensuring our future is one where all Virginians breathe clean air, drink clean water, and access clean and affordable energy.

CURRENT LANDSCAPE

Since the 2020 passage of the Virginia Environmental Justice Act, it has been the official policy of the Commonwealth to promote environmental justice and ensure it is carried out throughout the state.⁴ The Act’s express objectives are that no group of people bears a disproportionate share of any adverse environmental consequence and that affected residents can influence decisions about activities that affect their environment or health.

However, Virginia has taken halting steps in the intervening years to realize the Act’s promise. In 2022, the Virginia Department of Environmental Quality (DEQ) took the positive step of launching Virginia EJScreen+, a web mapping application that provides public access to a range of community-specific demographic, health, and environmental data.⁵ But other measures moved Virginia in the wrong direction. DEQ’s 2023 draft guidance to outline how the agency would incorporate environmental justice into its permitting process fell well short of the Act’s mandate and has never been finalized.⁶ The General Assembly’s removal of permitting authority from Virginia’s citizen boards in 2022 eliminated an avenue

for public involvement in the state’s environmental decision-making.

More recently, on the federal level, the current presidential administration has revoked executive orders and guidance documents outlining the government’s approach to achieving environmental justice,⁷ eliminated programs and offices that addressed pollution in disadvantaged communities,⁸ and taken steps to cancel congressionally appropriated funding for projects that support environmental justice communities, including in Virginia.⁹ The federal government’s abdication of its role in addressing environmental injustice presents a challenge for Virginia, but also an opportunity to lead on environmental justice.

OPPORTUNITIES

Because actions taken by state agencies can have an outsized effect on the health and well-being of environmental justice communities, prime opportunities for progress on environmental justice begin with state government.

State agencies whose actions affect the environment could develop and implement an official environmental justice policy to include procedures for identifying and engaging communities of color and lower-wealth communities in agency decision-making and for considering the effects the agency’s activities may have on such communities. In particular, permitting agencies such as the DEQ could consult with affected community members early in the permitting process, and be empowered to deny a permit or require minimization of adverse impacts where issuance of the permit would cause disproportionate adverse impacts on a community of color or a lower-wealth community.

Virginia could also prioritize the appropriation and allocation of funds to support local efforts to address environmental challenges in overburdened communities. For example, Virginia could ensure that Department of Housing and Community Development’s Housing Innovations in Energy Efficiency (HIEE) program¹⁰ funding is expended, as intended, on energy efficiency upgrades in residents’ homes; invest in technological solutions to the problem of fugitive coal dust escaping coal terminals and settling in adjacent neighborhoods; or devote funds to help lower-wealth residents make needed improvements to their septic systems (or, if necessary, to relocate to areas with adequate wastewater infrastructure).

Finally, the Virginia Council on Environmental Justice is pivotal in keeping the administration abreast of issues across Virginia and making recommendations on advancing environmental justice through

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agency actions. The Council is often the state entity most accessible to grassroots community members. An annual budget of \$150,000 to increase the administrative support provided by the Secretary of Natural and Historic Resources would enable the Council to make site visits throughout Virginia and host four to six meetings per year to hear concerns directly from impacted communities; to research issues raised through testimony at these meetings; and to prepare the annual report to make recommendations to the governor.

Fully implementing the objectives of the Virginia Environmental Justice Act will have long-term, positive impacts for communities across every demographic.

TOP TAKEAWAYS

At the heart of environmental justice are efforts to address the historic pollution burden communities of color and lower-wealth communities face and to ensure members of these communities have influence over environmental decisions that affect them.

With the federal government abdicating its role in furthering environmental justice, Virginia has an opportunity to lead by promoting the fair treatment and meaningful involvement of all Virginians in environmental decision-making.

State agencies could develop procedures to incorporate environmental justice into permitting and other decision-making and could prioritize funding to address environmental challenges in overburdened communities.

ENDNOTES

1. Sheats, N. (2017). Achieving Emissions Reductions for Environmental Justice Communities Through Climate Change Mitigation Policy. *Wm. & Mary Env't L. & Policy Review*, 41, 382. <https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1674&context=wmelpr>
2. Katz, J. (2017, Sept. 1). *Who suffers when disasters strike? The poorest and most vulnerable*. Washington Post. <https://perma.cc/UGA9-CWH5>
3. Va. Code § 2.2-234. <https://law.lis.virginia.gov/vacode/title2.2/chapter2/section2.2-234/>
4. Va. Code § 2.2-235. <https://law.lis.virginia.gov/vacode/title2.2/chapter2/section2.2-235/>
5. VA EJSscreen+. Virginia Department of Environmental Quality. <https://vadeq.maps.arcgis.com/apps/webappviewer/index.html?id=bad3e23c0d6545a1b6b36c1a45e8ed43>
6. *Environmental Justice*. Virginia Department of Environmental Quality. <https://www.deq.virginia.gov/our-programs/environmental-justice>
7. Exec. Order No. 14,148, 90 Fed. Reg. 8237 (Jan. 20, 2025). <https://www.federalregister.gov/documents/2025/01/28/2025-01901/initial-rescissions-of-harmful-executive-orders-and-actions>
8. Exec. Order No. 14,148, 90 Fed. Reg. 8237 (Jan. 20, 2025). <https://www.federalregister.gov/documents/2025/01/28/2025-01901/initial-rescissions-of-harmful-executive-orders-and-actions>
9. Exec. Order No. 14,148, 90 Fed. Reg. 8237 (Jan. 20, 2025). <https://www.federalregister.gov/documents/2025/01/28/2025-01901/initial-rescissions-of-harmful-executive-orders-and-actions>
10. *Housing Innovations in Energy Efficiency (HIEE)*. Department of Housing and Community Development. <https://www.dhcd.virginia.gov/hiee>