

PROTECTING ENVIRONMENTAL JUSTICE COMMUNITIES

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WHY IT MATTERS

The past century has seen communities of color and lower-wealth communities in Virginia and throughout the United States survive Jim Crow, union-busting, **redlining**, and **corporate divestment**. Despite their resilience, many of the communities that have been systematically and economically left behind are the same ones that now carry the heaviest pollution and climate disruption burdens. These **environmental justice communities** remain disproportionately subjected to environmental stressors, from harmful air pollution and substandard wastewater infrastructure to extreme weather events and sea level rise.¹

Across Virginia, these burdens take concrete forms. Commercial sterilizer facilities near Richmond and chemical plants in Hopewell emit toxic pollutants into the surrounding communities.^{2,3} Coal dust from massive, uncovered piles at terminals in Newport News and Norfolk settles in neighbors' homes and yards.⁴ Aging septic systems on low-lying, rural Hampton Roads properties fail because of flooding and rising groundwater tables caused by climate change.⁵ And new polluting facilities and other environmental hazards—from gas plants and data centers to mega-landfills—continue to be sited in communities that already bear an unfair cost.^{6,7}

Environmental justice is the principle that every person deserves meaningful involvement and fair treatment in environmental decision-making, regardless of race, color, national origin, income, faith, or disability.⁸ We must refocus government decision-making and funding to prioritize the people who are most vulnerable to environmental harms and insufficient infrastructure, and who have the least access to the resources needed to recover, rebuild, or relocate after climate-fueled disasters.

CURRENT LANDSCAPE

The groundwork is in place for Virginia to make meaningful progress on behalf of environmental justice communities. The **Virginia Environmental Justice Act**, passed in 2020, makes it state policy to promote environmental justice and ensure that it is carried out throughout the Commonwealth.⁹ The Act provides that no group of people should bear a disproportionate share of any negative environmental consequence and requires that the perspectives of affected residents shape decisions about activities that affect their environment or health.¹⁰

In practice, however, this has not been the case. Polluting facilities continue to be sited in overburdened communities with little meaningful consideration

of their **cumulative effects** on public health and well-being. Vulnerable Virginians facing the accelerating effects of climate change, such as recurrent flooding and extreme heat, lack the infrastructure and resources they need to adapt. The promise of the Act has not yet been matched by the action and urgency its mandate demands.

Recent federal rollbacks in legal protections and funding for environmental justice communities have also left a substantial gap for Virginia to fill. The current federal administration has dismantled programs and terminated funding that addressed pollution in disadvantaged communities.¹¹ Meanwhile, the administration has also taken steps to weaken core substantive environmental safeguards, including limits on toxic air emissions,¹² standards for industrial chemicals in drinking water,¹³ and the legal foundation for regulation of greenhouse gases.¹⁴ These actions do more than shift priorities; they weaken pollution controls, reduce enforcement capacity, and cut off resources that communities need to monitor, prevent, and respond to environmental harm. As federal protections recede, Virginia can play a critical role in preserving baseline safeguards and protecting communities from public health and environmental risks.

OPPORTUNITIES PERMITTING AND PLANNING

Meeting this responsibility starts with ensuring that state agencies meaningfully incorporate environmental justice considerations into their permitting and planning decisions. Virginia should codify requirements for key agencies to identify environmental justice communities potentially affected by agency action and engage members of those communities early and often in all parts of the state. Agencies should also consider whether their actions would cause disproportionate adverse impacts on environmental justice communities and proceed only if those impacts have been minimized or eliminated. As part of that consideration, agencies should assess the cumulative effects of past and present environmental stressors on communities' health and well-being, not merely the effects of the particular activity that would be permitted.

RESOURCES FOR ADAPTATION TO CLIMATE CHANGE

Virginia should additionally provide infrastructure and resources to help vulnerable communities adapt to the effects of climate change. This assistance includes supporting planning for voluntary and equitable managed retreat—the strategic relocation of structures or abandonment of land to manage nat-

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ural hazard risk. Too often, Black, Brown, Indigenous, and rural families lose generational land because of rising waters. Virginia can proactively invest in managed retreat strategies by prioritizing community-scale planning, nature-based solutions, and equity-driven flood resilience that will lower public costs in the future while protecting flood-threatened regions now.

SUPPORT FOR VIRGINIA COUNCIL ON ENVIRONMENTAL JUSTICE

Finally, Virginia should increase its financial and administrative support for the **Virginia Council on Environmental Justice**.¹⁵ Increased support would enable the Council to make more frequent site visits throughout Virginia, research issues raised by impacted community members, and prepare a robust annual report advising the governor on measures state agencies can take to advance environmental justice.

ENDNOTES

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TOP TAKEAWAYS

While environmental justice communities have proven their resilience over the years, they remain disproportionately vulnerable to environmental stressors and their resulting health impacts.

Virginia has the opportunity to strengthen its protections for environmental justice communities—particularly in the face of the federal government's retrenchment.

State agencies should take measures to ensure that their permitting decisions do not compound the burdens on environmental justice communities and to help these communities adapt to the effects of climate change.