

## **DISTRICT OF COLUMBIA (“D.C.” or “the District”)**

### **How Does D.C. Define Environmental Justice and Environmental Justice Communities?**

#### **Environmental Justice Definitions:**

D.C. Municipal Regulations define “environmental justice” as follows:

Environmental justice refers to the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. It is about equal and fair access to a healthy environment and equal enforcement of environmental regulations regardless of community characteristics.<sup>1</sup>

Additionally, the DOEE adopted an Equity Framework in 2021 which used the EPA definition for “environmental justice” stating that it is “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.”<sup>2</sup>

#### **Environmental Justice Mapping Tools:**

While the District does not have environmental justice mapping tools *per se*, the District has various useful maps.<sup>3</sup> For example, the

DC Atlas Plus [system] is a mapping tool that contains over 340 different data layers, organized by category. DC Atlas Plus is the updated version of DC Atlas, which was created by OCTO GIS, as an easy way to view geographic information about the District of Columbia.<sup>4</sup>

Further, individuals visiting the site can access a solar map, a watershed map, as well as a map detailing the flood index for the area. Though not as comprehensive as the datasets in U.S. EPA’s EJSCREEN, the District has more overlays available than other “early stage environmental justice” states. Also, as noted in the “*Consideration of Environmental Justice in Enforcement*” section below, DOEE maintains a database of

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<sup>1</sup> D.C. Mun. Regs. § 10-A625.1.

<sup>2</sup> D.C. Dept. of Energy & Environment, Equity Framework (Oct. 13, 2021), *available at* [https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service\\_content/attachments/DOEE%20Equity%20Framework\\_Oct%202021.pdf](https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service_content/attachments/DOEE%20Equity%20Framework_Oct%202021.pdf).

<sup>3</sup> D.C. Dept. of Energy & Environment, *Environmental Maps*, <https://doee.dc.gov/node/26932> (last visited July 6, 2022).

<sup>4</sup> D.C. Dept. of Energy & Environment, *Atlas Plus*, <http://atlasplus.dcgis.dc.gov/> (last visited July 6, 2022).

post-2015 environmental enforcement actions by type of violation, yielding results on a map of the District.<sup>5</sup>

### **How Does D.C. Consider Environmental Justice in its Substantive Actions<sup>6</sup>?**

#### *Environmental Justice as a Policy of the Environmental Agency or Across All Agencies:*

N/A.

#### *Consideration of Environmental Justice in Permitting:*

N/A.

#### *Consideration of Environmental Justice in Enforcement:*

The siting of the environmental justice function within the Office of Enforcement and Environmental Justice of DOEE magnifies the possibility of realizing equity in the enforcement process. DOEE's Enforcement & Compliance Database (ECD) system provides the public with information related to environmental complaints, inspections and administrative enforcement actions with maps displaying the location and prevalence of complaints and fines.<sup>7</sup> Citizens may submit environmental complaints, and track the progress of the complaint using the ECD system, as well.<sup>8</sup>

#### *Consideration of Environmental Justice in Land Use:*

See “Solid Waste Transfer Site Selection Advisory Panel” below in the section for “*Environmental Justice Advisory Board*.”

The 2012 *Sustainable DC Plan* set out the aspiration that environmental justice principles should govern waste disposal: “Exporting waste from one community to another raises serious questions of environmental justice. A sustainable society manages its own waste stream without negatively affecting the quality of life for others.”<sup>9</sup>

#### *State Environmental Policy Act “Mini-NEPA”:*

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<sup>5</sup> D.C. Dept. of Energy & Environment, *DOEE Enforcement Dashboard*, available at: <https://doee.dc.gov/service/eed> (last visited July 6, 2022) [hereinafter DOEE].

<sup>6</sup> Substantive is defined as governing the original rights and obligations of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, [https://www.law.cornell.edu/wex/substantive\\_law](https://www.law.cornell.edu/wex/substantive_law) (last visited July 6, 2022).

<sup>7</sup> Dept. of Energy & Environment, DOEE, *supra* note 4.

<sup>8</sup> *Id.*

<sup>9</sup> District of Columbia, *Sustainable DC Plan* (2012) at p.89, available at: [https://sustainable.dc.gov/sites/default/files/dc/sites/sustainable/page\\_content/attachments/SDC%20Final%20Plan.pdf](https://sustainable.dc.gov/sites/default/files/dc/sites/sustainable/page_content/attachments/SDC%20Final%20Plan.pdf) (last visited July 6, 2022). *Sustainable DC Plan 2.0* (2018) omits the environmental justice goal, but specifies a variety of mechanisms for reducing waste streams, at pp.130-141, available at: <https://sustainable.dc.gov/sdc2> (last visited July 6, 2022).

The District of Columbia adopted the District of Columbia Environmental Policy Act in 1989. The DC EPA has a few requirements of the District, chief among them “to prepare an environmental impact statement...[for]...an action that, if implemented, is likely to have a significant effect on the quality of the environment; to ensure the residents of the District of Columbia safe, healthful, productive, and aesthetically pleasing surroundings; and to develop a policy to ensure that economic, technical, and population growth occurs in an environmentally sound manner.”<sup>10</sup> The law is silent as to environmental justice considerations, however.

*Dedicated Funding to Environmental Justice Communities:*

N/A.

*Consideration of Cumulative Impacts:*

N/A.

*Prohibitions on Disparate Impact Discrimination:*

N/A.

*Established Environmental Rights:*

N/A.

**How Does D.C. Address Environmental Justice in its Procedures<sup>11</sup>?**

*Environmental Justice as Part of Environmental Agency’s Mission:*

N/A.

*Environmental Justice as Part of Other Agency’s Mission:*

In its Comprehensive Plan, the District aspires “to focus a greater effort on environmental justice to repair the damages done in the past and avoid over concentrations in the future.”<sup>12</sup> In addition, the District plans “to reduce the adverse effects of these uses, such as enhanced buffering, sound walls, operational improvements, truck routing, increased monitoring of impacts, and zoning changes to reduce land use conflicts.”<sup>13</sup>

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<sup>10</sup> The Council on Environmental Quality, *Introducing Federal National Environmental Policy Act Practitioners to the District of Columbia Environmental Policy Act Process*, available at [https://ceq.doe.gov/docs/laws-regulations/state\\_information/Federal%20Practitioner%20Guide%20to%20DCEPA\\_15Dec2015.pdf](https://ceq.doe.gov/docs/laws-regulations/state_information/Federal%20Practitioner%20Guide%20to%20DCEPA_15Dec2015.pdf) (last visited July 6, 2022).

<sup>11</sup> Procedural is defined as rules and the methods used to ensure the rights of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, [https://www.law.cornell.edu/wex/procedural\\_law](https://www.law.cornell.edu/wex/procedural_law) (last visited July 6, 2022).

<sup>12</sup> D.C. Mun. Regs. § 10-A625.2.

<sup>13</sup> D.C. Mun. Regs. § 10-A625.3.

Processes and Procedures (including Title VI):

- Non-Discrimination Policy:

N/A.

- Grievance Procedures:

N/A.

- Enhanced Public Participation and Information Access:

While the District has not promulgated enhanced public participation plans, under its Comprehensive Plan for development, the District aspires to “to focus on public participation to create fair and meaningful opportunities to participate in environmental decisions” for communities already affected by environmental degradation. The Comprehensive Plan also aspires to expand “efforts to involve economically disadvantaged communities, particularly those historically impacted by power plants, trash stations, and other industrial uses, in the planning and development processes.”<sup>14</sup>

- Language Access:

The D.C. Office of Human Rights manages the Language Access Program which is “dedicated to removing language as a barrier to obtaining information and services from the District government.”<sup>15</sup> The program “exists to eliminate language-based discrimination, enabling DC residents, workers, and visitors to receive equivalent information and services from the DC government, regardless of what language they speak.”<sup>16</sup> The program is divided into four topic areas: “enforcement, compliance monitoring, technical assistance, and community engagement.”<sup>17</sup> “DC’s Language Access Program began with the passage of the Language Access Act of 2004. This Act established the Program at the Office of Human Rights, identified covered entities and enumerated their responsibilities, stipulated requirements for meeting these responsibilities, and outlined mechanisms for compliance monitoring and enforcement.”<sup>18</sup> Every year, the program publishes an annual compliance report.<sup>19</sup>

- Consultation with Indigenous Communities and Tribal Nations:

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<sup>14</sup> D.C. Mun. Regs. §§ 10-A625.2 and 10-A625.4.

<sup>15</sup> D.C. Office of Human Rights, *Language Access Program Information Portal*, <https://ohr.dc.gov/service/language-access-program-information-portal> (last visited July 20, 2022).

<sup>16</sup> D.C. Office of Human Rights, *Language Access Program Information Portal: About the Language Access Program*, <https://ohr.dc.gov/page/LAportal/about> (last visited July 20, 2022).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

N/A.

Governmental Environmental Justice Structures, Positions, and Funding Streams;

- Environmental Justice Coordinating Agency:

The Office of Enforcement and and Environmental Justice within DOEE manages and enforces “over 30 laws that protect human health and the environment, mitigate pollution, and promote sustainability” with the goal to “preserve and restore the District of Columbia’s natural resources and makes the District a safer, healthier, and greener place for people to visit, work, and live.”<sup>20</sup>

- Environmental Justice Coordinator:

N/A.

- Environmental Justice Advisory Board:

The District has several advisory boards with potential input from environmental justice advocates.

- The Solid Waste Transfer Site Selection Advisory Panel provides recommendations to the Council that identify tracts of land suitable for solid waste transfer operations that safeguard the health, safety, welfare of residents, and businesses. In conducting its work, the panel is required to consult with the National Environmental Justice Advisory Council to assess the effect of municipal waste transfer operations on minority and disadvantaged communities.<sup>21</sup>
- The Urban Forestry Advisory Council is composed of 12 members, with a requisite three community representatives appointed by the mayor, “knowledgeable in the fields of urban forestry, public policy, environmental protection, public administration, or environmental justice and equity.”<sup>22</sup>
- The Commission on Climate Change and Resiliency is tasked with assessing the potential effects of climate change on the District. Among the selection criteria for the 16 voting members is demonstrable expertise in the following areas: Emergency preparedness, Energy, Environmental

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<sup>20</sup> D.C. Dept. of Energy and Environment, Office of Enforcement and Environmental Justice, *Fines and Enforcement*, <https://doee.dc.gov/service/fines-and-enforcement> (last visited July 20, 2022).

<sup>21</sup> D.C. Code § 8–1061(f).

<sup>22</sup> D.C. Code § 8–651.09(b)(9).

Justice, Environmental Science, Insurance, Natural Resources, Public Health, and Transportation.<sup>23</sup>

- Funding for Environmental Justice:

N/A.

### **Additional D.C. Environmental Justice Provisions?**

The District’s *Carbon Free DC by 2050* plan uses environmental justice principles in articulating a vision for carbon neutrality, recognizing the need to redress racial inequities as part of the commitment to address the problem of climate change.<sup>24</sup> Significantly, equity and community resilience are metrics for evaluating the success of climate change mitigation strategies, in “prioritiz[ing] solutions that advance racial equity.”<sup>25</sup>

The municipal regulations propose the continued study of the link between public health and the location impacts of municipal and industrial uses such as power plants and waste treatment facilities. This study's findings shall be used to inform public policy decisions and to minimize future community health impacts.<sup>26</sup>

### **D.C. Environmental Justice Contacts?**

Office of Enforcement  
Compliance & Environmental Justice Environmental Health Administration  
District of Columbia Department of Health  
51 N Street, NE  
[doee.enforcement@dc.gov](mailto:doee.enforcement@dc.gov)

### **Where to Find D.C. Environmental Justice Laws, Policies, and Tools?**

#### Constitutional Provisions:

N/A.

#### Executive Orders:

N/A.

#### Legislation and Statutes:

- D.C. Code § 8–1061(f)

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<sup>23</sup> D.C. Code § 8–181.02(b)(3).

<sup>24</sup> D.C. Dept. of Energy & Env’t, *Carbon Free DC*, <https://storymaps.arcgis.com/stories/034104405ef9462f8e02a49f2bd84fd9> (last visited July 6, 2022).

<sup>25</sup> *Id.*

<sup>26</sup> D.C. Mun. Regs. § 10-A625.5.

- D.C. Code § 8–651.09(b)(9)
- D.C. Code § 8–181.02(b)(3)

Regulations:

- D.C. Municipal Regulations § 10-A625

Policies/Guidance:

N/A.

Mapping Tools:

- Environmental Maps, <https://doee.dc.gov/node/26932>.
- Atlas Plus, <http://atlasplus.dcgis.dc.gov/>.
- Enforcement & Compliance Database (ECD), <https://doee.dc.gov/service/ecd>.

Other:

N/A.