

## **IOWA**

### **How Does Iowa Define Environmental Justice and Environmental Justice Communities?**

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

Iowa's Department of Natural Resources (DNR) has no definitions nor information on Environmental Justice programs within the state government.

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

N/A.

### **How Does Iowa Consider Environmental Justice in its Substantive Actions<sup>1</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:**

N/A.

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

N/A.

#### **State Environmental Policy Act "Mini-NEPA":**

N/A.

#### **Dedicated Funding to Environmental Justice Communities:**

N/A.

#### **Consideration of Cumulative Impacts:**

N/A.

#### **Prohibitions on Disparate Impact Discrimination:**

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<sup>1</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 June 29, 2022).

Not expressly; however, the Iowa Civil Rights Act (including Iowa Code 216.7 applicable to DNR) is accepted as extending to disparate impact discrimination.<sup>2</sup>

Established Environmental Rights:

N/A.

**How Does Iowa Address Environmental Justice in its Procedures<sup>3</sup>?**

Environmental Justice as Part of Environmental Agency's Mission:

N/A.

Environmental Justice as Part of Other Agency's Mission:

N/A.

Processes and Procedures (including Title VI):

- Non-Discrimination Policy:

Iowa DEQ does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, English-language proficiency, disability, or age in the administration of its programs or activities in accordance with applicable laws and regulations.<sup>4</sup>

Additionally, the Iowa Department of Transportation (DOT) has a Civil Rights Bureau to handle Title VI complaints; complaints may be filed online.<sup>5</sup>

- Grievance Procedures:

Grievance procedure forms are available on the DNR's website.<sup>6</sup>

- Enhanced Public Participation and Information Access:

N/A.

- Language Access:

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<sup>2</sup> Survey Response Letter from Rachel Toenjes Zander, Attorney and Environmental Justice Coordinator, Legal Services Bureau, Iowa DNR, to Vermont Law School Environmental Justice Clinic (July 15, 2022) (on file with author).

<sup>3</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 June 29, 2022).

<sup>4</sup> Iowa DNR, *Civil Rights and Environmental Justice*, <https://www.iowadnr.gov/About-DNR/Civil-Rights-and-Environmental-Justice> (last visited July 7, 2022).

<sup>5</sup> Iowa DOT, "Title VI Complaint Form," <https://iowadot.seamlessdocs.com/f/TitleVIComplaintForm> (last visited June 29, 2022).

<sup>6</sup> Iowa DNR, *supra* note 3; See also Iowa DNR, Civil Rights Grievance Procedure, available at <https://www.iowadnr.gov/Portals/idnr/uploads/files/about-dnr/ComplaintProcedure.pdf> (last viewed July 7, 2022).

Iowa DNR has a Limited English Proficiency Plan available for download.<sup>7</sup> The document is broken into sections on definitions, a recognition for demand, determining the need for language assistance, preferences for language assistance providers, vital documents, plan access, and plan updating.<sup>8</sup>

- Consultation with Indigenous Communities and Tribal Nations:

N/A.

#### Governmental Environmental Justice Structures, Positions, and Funding Streams:

- Environmental Justice Coordinating Agency:

N/A.

- Environmental Justice Coordinator:

Rachel Zander is the acting environmental justice coordinator for the Iowa Department of Natural Resources.<sup>9</sup>

- Environmental Justice Advisory Board:

N/A.

- Funding for Environmental Justice:

- N/A.

#### **Additional Iowa Environmental Justice Provisions?**

While Iowa has almost no information on environmental justice programs, It should be noted, however, that almost 30% of the state’s public water supplies are threatened by nitrate pollution.<sup>10</sup> Nitrate’s classification as a carcinogen,<sup>11</sup> and the vulnerability of less affluent communities to water quality issues render this contamination a classic environmental justice issue.

#### **Iowa Environmental Justice Contacts?**

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<sup>7</sup> Iowa DNR, Limited English Proficiency Plan, *available at* <https://www.iowadnr.gov/Portals/idnr/uploads/files/about-dnr/LanguageAccessPlan.pdf> (last visited July 7, 2022).

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

<sup>9</sup> Iowa DNR, *supra* note 3.

<sup>10</sup> Donelle Eller, *Des Moines Register*, “High Nitrate Levels Plague 60 Iowa Cities: 30% of Water Systems Susceptible to Nitrate Pollution, Data Show” (July 4, 2015), <https://www.desmoinesregister.com/story/money/agriculture/2015/07/04/high-nitrates-iowa-cities/29720695/> (last visited June 29, 2022).

<sup>11</sup> Env’t Monitoring and Assessment, *Health and economic impact of nitrate pollution in drinking water: a Wisconsin case study*, <https://link.springer.com/article/10.1007/s10661-020-08652-0> (last visited June 29, 2022).

Rachel Zander  
Acting Environmental Justice Coordinator  
Iowa Department of Natural Resources  
502 E 9th St., Des Moines, IA 50319  
[rachel.zander@dnr.iowa.gov](mailto:rachel.zander@dnr.iowa.gov)

## **Where to Find Iowa Environmental Justice Laws, Policies, and Tools?**

### Constitutional Provisions:

N/A.

### Executive Orders:

N/A.

### Legislation and Statutes:

N/A.

### Regulations:

N/A.

### Policies/Guidance:

N/A.

### Mapping Tools:

N/A.

### Other:

N/A.