

MISSISSIPPI

How Does Mississippi Define Environmental Justice and Environmental Justice Communities?

Environmental Justice Definitions:

The Mississippi Department of Environmental Quality defines environmental justice as 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.¹ Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

It is the policy of the Mississippi Department of Transportation (MDOT) to assure full and affirmative compliance with Title VI of the Civil Rights Act of 1964, as amended and related statutes and implementing regulations. MDOT has given certain assurance to the U.S. Department of Transportation.²

Environmental Justice Mapping Tools:

MDEQ uses the EPA's [EJScreen](#) to assist in finding potential environmental justice communities in Mississippi. This mapping and screening tool, while not determinative of all cases, is based on nationally consistent data that combines environmental and demographic indicators in maps and reports.

How Does Mississippi Consider Environmental Justice in its Substantive Actions³?

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

N/A.

Consideration of Environmental Justice in Permitting:

Permit Board of the Mississippi Department of Environmental Quality, considers hardship that proposed landfill would cause adjacent county, including increased maintenance

¹ MDEQ, Off. of Cmty. Engagement, *Environmental Justice*, <https://www.mdeq.ms.gov/about-mdeq/office-of-community-engagement/environmental-justice/> (last visited June 30, 2022).

² MDOT, *Civil Rights: Title VI*, https://mdot.ms.gov/portal/civil_rights (last visited June 30, 2022) (scroll down about halfway down the page for "Title VI" section).

³ 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 (June 30, 2022).

costs for road, conflict with adjacent county's comprehensive plan, and danger and hardship to the health and well-being of residents living near the site.⁴

Consideration of Environmental Justice in Enforcement:

N/A.

Consideration of Environmental Justice in Land Use:

In the Mississippi Annotated Code of 1972 under Title 17. Local Government; Provisions Common to Counties and Municipalities, Chapter 17. Solid Waste Disposal, there are provisions requiring an opportunity for public comment on renewals or extensions of permits for solid or hazardous waste disposal facilities; that applications for solid or hazardous waste disposal facilities are public information that shall be made available upon proper request; an opportunity for public participation in the development of criteria and standards to be considered in location and permitting of commercial hazardous waste management facilities and nonhazardous solid waste management facilities; and, public comment and at least one public hearing for the county nonhazardous solid waste management plans.

State Environmental Policy Act “Mini-NEPA”:

N/A.

Dedicated Funding to Environmental Justice Communities:

N/A.

Consideration of Cumulative Impacts:

Under the Mississippi Annotated Code of 1972, Title 53. Oil, Gas, and Other Minerals there is a requirement to consider cumulative impacts of surface coal mining and reclamation activities on hydrology and on surface and ground water availability in determining whether to issue permits for these activities.⁵

In addition, in 1991, Mississippi enacted a Hazardous Waste Facility statute that carries an anti-concentration provision.⁶ The provision states: “Based on the needs of the State of Mississippi, it is the intent of the Legislature that there shall not be a proliferation of unnecessary facilities in any one (1) county of the state.”⁷

Prohibitions on Disparate Impact Discrimination:

N/A.

⁴ *Hinds Cnty. v. Mississippi Comm'n on Env't Quality*, 61 So. 3d 877 (Miss. 2011).

⁵ MISS. CODE ANN. § 53-9-25 (2020).

⁶ MISS. CODE ANN. § 17-17-151 (2020).

⁷ *Id.*

Established Environmental Rights:

N/A.

How Does Mississippi Address Environmental Justice in its Procedures⁸?

Environmental Justice as Part of Environmental Agency's Mission:

The Mississippi Department of Environmental Quality (MDEQ) has established an Office of Community Engagement (OCE) which is tasked with “assist[ing] MDEQ Offices and Divisions with their education and engagement efforts to improve communication and collaboration with communities; support public awareness and stewardship activities that include various approaches for creating a conversation with communities; and, increase education and engagement network collaborations within MDEQ to reduce duplication, leverage resources, and expand local, regional, and national opportunities.”⁹ MDEQ OCE prioritizes community engagement and has focused on communities with environmental justice areas near Superfund sites.¹⁰ To this end, they engage in numerous stakeholder meetings each year and are actively engaged in state and federal level working groups addressing environmental justice concerns.¹¹ MDEQ OCE has also prioritized public access to information and provides a number of resources on its website including its enSearch online tool which is a comprehensive database of records for past and current permits.¹²

The Mississippi Department of Transportation (MDOT) has robustly incorporated environmental justice into their decision making processes. MDOT has promulgated an Environmental Procedures Manual with social, community, and environmental justice impacts incorporated into the assessment of proposed projects.¹³ Similarly, the Mississippi Gulf Coast Metropolitan Planning Organization has also robustly incorporated environmental justice into their decisionmaking and long-term planning strategies.¹⁴ However, like other States, this emphasis on environmental justice in transportation planning is likely driven by U.S. Department of Transportation environmental justice requirements imposed upon funding recipients rather than any State led focus on addressing environmental justice.

⁸ 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 (last visited June 30, 2022).

⁹ MDEQ, *Off. of Cmty. Engagement*, <https://www.mdeq.ms.gov/about-mdeq/office-of-community-engagement> (last visited June 30, 2022).

¹⁰ MDEQ, *2013 Annual Report* (2013).

¹¹ *Id.*

¹² Sierra Club, *Environmental Justice Staff Guidance: How to Incorporate Equity & Justice Into Your State Clean Power Approach* (Jan. 2016), available at <https://www.sierraclub.org/sites/www.sierraclub.org/files/blog/ej%20guidance%20version%206%20dec%2016%202015.pdf>; MDEQ, *enSearch Online*, <https://opcgis.deq.state.ms.us/ensearchonline/> (last visited June 30, 2022).

¹³ MDOT Env't Div., *Env't Procedures Manual* (July 2017).

¹⁴ Miss. Gulf Coast Metropolitan Plan. Org., *2040 Metropolitan Transportation Plan* (Dec. 2018), <http://www.grpc.com/mpo-plans/mtp/2040-long-range-plan-review-oct-26-dec-10/>; Miss. Gulf Coast Metropolitan Plan. Org., *Public Participation and Civil Rights Plan* (Mar. 2019), available at http://www.grpc.com/wp-content/uploads/2019/04/FY2019_PPP_3.31.19_Final_.pdf.

MDOT also has a brochure describing community rights under Title VI.¹⁵

Environmental Justice as Part of Other Agency's Mission:

N/A.

Processes and Procedures (including Title VI):

- Non-Discrimination Policy:

Mississippi uses the same language from Title VI.

- Grievance Procedures:

MDOT has a complaint form on their www.Mdot.ms.gov website.

- Enhanced Public Participation and Information Access:

N/A.

- Language Access:

MDOT has a language Access plan that mirrors Executive Order 13166. <https://mdot.ms.gov/documents/Public%20Transit/Forms/Title%20VI/Limited%20English%20Proficiency%20Plan.pdf>.

- Consultation with Indigenous Communities and Tribal Nations:

N/A.

Governmental Environmental Justice Structures, Positions, and Funding Streams:

- Environmental Justice Coordinating Agency:

Mississippi does not have an environmental justice office but the MDOT has a civil rights office. Additionally, MDEQ has an Office of Community Engagement which hosts yearly environmental justice symposiums.

- Environmental Justice Coordinator:

Jim Rigby
Title VI Coordinator
MDOT
601-359-7970

¹⁵ MDOT, Your Rights Under Title VI of the Civil Rights Act of 1964, <https://mdot.ms.gov/documents/Civil%20Rights/Programs/Title%20VI/Your%20Rights%20-%20Title%20VI%20Brochure.pdf> (last visited June 30, 2022).

- Environmental Justice Advisory Board:

N/A.

- Funding for Environmental Justice:

N/A.

Additional Mississippi Environmental Justice Provisions?

In the Mississippi Annotated Code of 1972 under Title 49. Conservation and Ecology there are provisions requiring an opportunity for public comment on regulations proposing limitations relating to the taking, possession, transportation, exportation, processing, purchasing, sale or offer for sale, or shipment of nongame wildlife; requiring an opportunity for public comment on regulations proposing a list of species of wildlife indigenous to the state which are determined to be endangered within the state; authorizing an opportunity for public comment on the issuance, reissuance, denial, modification or revocation of air pollution control permits, water pollution control permits, and permit required under the Solid Wastes Disposal Law of 1974; and, requiring an opportunity for public comment and a hearing on the issuance, reissuance, denial, modification, transfer, or revocation of a permit for a commercial hazardous waste management facility or commercial municipal solid waste landfill or incinerator; requiring an opportunity for public comment on brownfield agreements.¹⁶

The Mississippi Annotated Code of 1972 under Title 51. Waters, Water Resources, Water Districts, Drainage, and Flood Control, Chapter 4. Mississippi Scenic Streams Stewardship Act requires the opportunity for public comment on the designation of a scenic stream.¹⁷

The Mississippi Annotated Code of 1972 under Title 53. Oil, Gas, and Other Minerals contains provisions authorizing the opportunity for public comment on permits for surface mining; requiring the opportunity for public comment on any rules and regulations on surface coal mining and reclamation; requiring the opportunity for public comment on permits for surface coal mining; and, requiring the opportunity for public comment on grant applications for land reclamation.¹⁸

Mississippi Environmental Justice Contacts?

Title VI Coordinator
Office of Civil Rights
Mississippi Department of Transportation
Post Office Box 1850
Jackson, Mississippi 39215

¹⁶ MISS. CODE ANN. §§ 49-5-107, 109, 49-17-29, 49-35-9 (2020).

¹⁷ MISS. CODE ANN. §§ 51-4-9 (2020).

¹⁸ MISS. CODE ANN. §§ 53-7-41, 53-9-11, 33, 37, 105 (2020).

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Public Input and Reporting Environmental Concerns
Office of Community Engagement
Toll-free [1-888-786-0661](tel:1-888-786-0661)
Director Cassandra Johnson

Where to Find Mississippi Environmental Justice Laws, Policies, and Tools?

Constitutional Provisions:

N/A.

Executive Orders:

N/A.

Legislation and Statutes:

- Miss. Code. R. § 07-000-090 (2020).
- Miss. Code Ann. § 53-9-25 (2020).
- Miss. Code Ann. § 17-17-151 (2020).
- Miss. Code Ann. §§ 49-5-107, 109, 49-17-29, 49-35-9 (2020).
- Miss. Code Ann. §§ 51-4-9 (2020).
- Miss. Code Ann. §§ 53-7-41, 53-9-11, 33, 37, 105 (2020).

Regulations:

N/A.

Policies/Guidance:

N/A.

Mapping Tools:

N/A.

Other:

- The Mississippi Department of Environmental Quality;
<https://www.mdeq.ms.gov/about-mdeq/office-of-community-engagement/environmental-justice/>.