

NORTH DAKOTA

How Does North Dakota Define Environmental Justice and Environmental Justice Communities?

Environmental Justice Definitions:

N/A.

Environmental Justice Mapping Tools:

While not focused on environmental justice, North Dakota's Department of Environmental Quality has several mapping tools related to Surface Water, Source Water Protection, and Ambient Air Quality.¹ Under the Source Water Protection mapping tool are four divisions: Arsenic in Groundwater; Wellhead Protection and Source Point Protection Areas; Ground Water Monitoring Program; Municipal Facilities Inspector Regions.² "The aquifers shown" in the Ground Water Monitoring Program mapping tool "have been sampled as part of the various groundwater monitoring programs." These tools may be used to identify areas of concern for environmental justice communities.

How Does North Dakota 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:

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.

¹ See e.g., North Dakota Dept. of Environmental Quality, "Water Quality Data Portal," https://deq.nd.gov/WO/3_Watershed_Mgmt/6_DataPortal/Data.aspx (last visited July, 1 2022).

² North Dakota Dept. of Environmental Quality, "Data & Maps," <https://deq.nd.gov/portal/DataMaps/default.aspx> (last visited July, 1 2022).

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 (last visited July 1, 2022).

Dedicated Funding to Environmental Justice Communities:

N/A.

Other Consideration of Cumulative Impacts:

N/A.

Prohibitions on Disparate Impact Discrimination:

N/A.

Established Environmental Rights:

N/A.

How Does North Dakota Address Environmental Justice in its Procedures⁴?

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:

N/A.

- Grievance Procedures:

N/A.

- Enhanced Public Participation and Information Access:

N/A.

- Language Access:

N/A.

- Consultation with Indigenous Communities and Tribal Nations:

N/A.

⁴ Procedural is defined 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 July 1, 2022).

Governmental Environmental Justice Structures, Positions, and Funding Streams;

- Environmental Justice Coordinating Agency:

N/A.

- Environmental Justice Coordinator:

N/A.

- Environmental Justice Advisory Board:

N/A.

- Funding for Environmental Justice:

N/A.

Additional North Dakota Environmental Justice Provisions?

While North Dakota does not directly confront environmental justice, the North Dakota Department of Health’s efforts to better “health equity” provides an opportunity to meet many of the underlying effects of environmental injustice. “Health equity” is defined as “[w]hen all people have the opportunity to attain their full health potential and no one is disadvantaged from achieving this potential because of their social position or other socially determined circumstance.”⁵ In addition, “health inequities” are defined as “[a] difference or disparity in health outcomes that is systematic, avoidable and unjust.”⁶ The 2017 report identifies disparities in health outcomes among various demographic categories.

North Dakota also has a New American/Foreign Born/Immigrant (NFI) Advisory Board, which provides recommendations to the Department of Health on how North Dakota can better serve NFI health needs.⁷ The Board’s mission is to create a safe, transparent and consistent platform for the NFI population to make a difference in the health of North Dakotans.⁸

North Dakota Environmental Justice Contacts?

N/A.

⁵ N.D. Dep’t of Health, *Health Equity Report* (2017) at p.42, available at https://www.health.nd.gov/sites/www/files/documents/Files/HSC/HEO/Health_Equity_Report.pdf (last visited July 1, 2022).

⁶ *Id.*

⁷ N.D. Dep’t of Health, *New American/Foreign Born/Immigrant (NFI) Advisory Board Charter* (July 1, 2022), available at https://www.health.nd.gov/sites/www/files/documents/Files/HSC/HEO/NFI_Advisory_Board_Membership-Charter.pdf.

⁸ *Id.*

Where to Find North Dakota 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.