

## PUERTO RICO<sup>1</sup>

### **How Does Puerto Rico Define Environmental Justice and Environmental Justice Communities?**

#### Environmental Justice Definitions:

N/A.

#### Environmental Justice Mapping Tools:

N/A.

### **How Does Puerto Rico Consider Environmental Justice in its Substantive Actions<sup>2</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”:

Puerto Rico has a mini-NEPA statute, called the Environmental Public Policy Act (EPPA). “EPPA requires that state agencies study the environmental consequences of their actions, including permitting and financial assistance. It also requires them to take all feasible measures to avoid, minimize, and mitigate damage to the environment.”<sup>3</sup> According to Ms.

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<sup>1</sup> Many of the relevant policies, regulations, and laws are only accessible in Spanish. Most of the research comes from an interview with a lawyer and environmental policy expert based in Puerto Rico. There may be gaps in the research due to the language barrier.

<sup>2</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>3</sup> Memorandum: Introducing Federal National Environmental Policy Act Practitioners to the Puerto Rico Environmental Public Policy Act Process (Dec, 28, 2015), available at [https://ceq.doe.gov/docs/laws-regulations/state\\_information/PR\\_NEPA\\_Comparison\\_28Dec2015.pdf](https://ceq.doe.gov/docs/laws-regulations/state_information/PR_NEPA_Comparison_28Dec2015.pdf); See also Cornell L. Sch., LII, e-CFR, 40 CFR § 52.2723, *EPA-approved Puerto Rico regulation and laws*, <https://www.law.cornell.edu/cfr/text/40/52.2723> (last visited July 6, 2022); Guillermo Silva-Wiscovich, ABA, *Environmental protection in Puerto Rico: Island at a crossroads* (May 1, 2017),

Santiago, EPPA requires cumulative impact analyses and environmental impact statements. However, it seems as though the law is not strictly enforced as environmental impact statements are rare.

*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 Puerto Rico Address Environmental Justice in its Procedures<sup>4</sup>?**

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

There is no explicit mention of environmental justice, however the current environmental agency in Puerto Rico is the Department of Natural and Environmental Resources (DNER),<sup>5</sup> but it used to be called the Environmental Quality Board (EQB), so keep an eye out for that name as well. The DNER website has links to some environmental laws and regulations.

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

There is no explicit mention of environmental justice, however the DNER, Puerto Rico Planning Board, and Puerto Rico Energy Bureau share procedural rules called “Joint Regulations” or “Regulaciones Conjunto.”

*Processes and Procedures (including Title VI):*

- *Non-Discrimination Policy:*

N/A.

- *Grievance Procedures:*

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[https://www.americanbar.org/groups/environment\\_energy\\_resources/publications/trends/2016-2017/may-june-2017/environmental-protection-in-puerto-rico/](https://www.americanbar.org/groups/environment_energy_resources/publications/trends/2016-2017/may-june-2017/environmental-protection-in-puerto-rico/) (last visited July 6, 2022).

<sup>4</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>5</sup> P.R. DRNA, <http://www.drna.pr.gov/> (last visited July 6, 2022).

N/A.

- Enhanced Public Participation and Information Access:

The Uniform Administrative Procedure Act. This Act contains various public participation requirements. § 2122 Public participation, 3 L.P.R.A. § 2122; § 2123 Public hearings, 3 L.P.R.A. § 2123; etc. *See generally* “Title 12. Conservation” of Puerto Rico Statutes & Court Rules for conservation and environmental laws.

- Language Access:

N/A.

- 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:

N/A.

- Environmental Justice Advisory Board:

N/A.

- Funding for Environmental Justice:

N/A.

### **Additional Puerto Rico Environmental Justice Provisions?**

In 2019, Puerto Rico passed a climate change law called the Puerto Rico Energy Public Policy Act. The Act commits to 100% “renewable-energy sources by the year 2050 and phasing out all coal plants by 2028.”<sup>6</sup>

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<sup>6</sup> Brentin Mock, Bloomberg, *No, Puerto Rico’s New Climate-Change Law is Not a ‘Green New Deal,’* (Apr. 22, 2019, 4:12 PM), <https://www.bloomberg.com/news/articles/2019-04-22/don-t-call-pr-s-new-energy-law-a-green-new-deal> (last visited July 6, 2022); P.R. S.B. 1121 No. 17-2019 (Apr. 11, 2019), available at <https://aeepr.com/es-pr/QuienesSomos/Ley17/A-17-2019%20PS%201121%20Politica%20Publica%20Energetica.pdf>.

Further, 22 L.P.R.A. §§ 1051–1056 (Westlaw) is the Puerto Rico Energy Transformation and Relief Act. According to our interviewees, this law requires a consideration of the environmental impacts of energy generation. This Act requires the Energy Bureau of the Public Service Regulatory Board to adopt rules to implement an Integrated Resource Plan (IRP).<sup>7</sup>

### **Puerto Rico Environmental Justice Contacts?**

N/A.

### **Where to Find Puerto Rico 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.

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<sup>7</sup> P.R. Energy Bureau, *Integrated Resource Plan*, <https://energia.pr.gov/en/integrated-resource-plan/> (last visited July 6, 2022).