

TENNESSEE

How Does Tennessee Define Environmental Justice and Environmental Justice Communities?

Environmental Justice Definitions:

There is no official statewide definition. However, the Tennessee Department of Health defines environmental justice as “not only protecting human health and the environment for everyone, but also ensuring that all people are treated fairly and given the opportunity to participate meaningfully in the development, implementation, and enforcement of environmental laws, regulations, and policies.”¹

Environmental Justice Mapping Tools:

The Tennessee Department of Environmental Conservation maintains a Division of Remediation Sites mapping tool.²

How Does Tennessee 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 Tenn. Dep’t of Health, *Environmental Justice*, <https://www.tn.gov/health/cedep/environmental/healthy-places/healthy-places/health-equity/he/environmental-justice.html> (last visited July 5, 2022).

² ArcGIS, Tenn. Dep’t of Env’t Conservation, TDEC Division of Remediation Sites, <https://tdeconline.tn.gov/dor/> (last visited July 7, 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 5, 2022).

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 Tennessee 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:

The Tennessee Department of Environment and Conservation (TDEC) Office of Policy and Planning serves as the coordinating office for environmental justice. TDEC has a Title VI/Environmental Justice Coordinator and a Title VI Complaint Officer.

- Grievance Procedures:

Any person who believes that a state agency has discriminated based on race, color, or national origin, including limited English proficiency (LEP), may file a written complaint within 180 days of the alleged discriminatory act with the Tennessee Human Rights Commission in addition to any complaint filed with the state or federal agency involved.⁵

⁴ Procedural is defined rules as 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 5, 2022).

⁵ Tenn. Dep't of Transp., TDOT Language Access Assessment: Subrecipient Limited English Proficiency Guide (2014) at p.11, <https://www.tn.gov/content/dam/tn/tdot/civilrights/TDOT-LanguageAccessAssessmentSubrecipientLEP2014.pdf> (last visited July 5, 2022).

- Enhanced Public Participation and Information Access:

The TDEC does not have regulations regarding enhanced access, but the website’s environmental justice page notes that in some cases TDEC may “deem it appropriate to go above and beyond what is required by law when there is an action that is anticipated to be controversial, face significant community opposition, or impact a community that is environmentally overburdened.”⁶ TDEC has internal guidance that provides best practices to staff regarding public participation opportunities, including the use of EJSscreen to understand community characteristics and develop appropriate public participation practices.⁷

- Language Access:

TDEC’s language assistance webpage is in English and lists a contact in each TDEC division “who can help customers get free language assistance in their division.”⁸ TDEC also has a Limited English Proficiency (LEP) Policy and Procedures.⁹

The Tennessee Department of Transportation (TDOT) also maintains an up-to-date list of employees who have volunteered interpreting skills. TDOT and TDEC have contracts with AVAZA to provide interpretation and translation services when needed.¹⁰

- Consultation with Indigenous Communities and Tribal Nations:

N/A.

Governmental Environmental Justice Structures, Positions, and Funding Streams:

- Environmental Justice Coordinating Agency:

⁶ TDEC, Environmental Justice FAQs,

<https://www.tn.gov/environment/program-areas/opsp-policy-and-sustainable-practices/opsp-title-vi-and-environmental-justice/environmental-justice-faqs.html>.

⁷ Email Interview with Jenn Tribble, TDEC, by Vermont Law School Environmental Justice Clinic (VLS EJC) (Apr. 13, 2022) (interview on file with the VLS EJC).

⁸ TDEC, *Language Assistance*, <https://www.tn.gov/environment/contacts/language-assistance.html> (last visited July 5, 2022).

⁹ TDEC, TDEC Limited English Proficiency (LEP) Policies and Procedures (Feb. 24, 2021), *available at* https://www.tn.gov/content/dam/tn/environment/sustainable-practices/title-vi-and-environmental-justice/opsp_title-vi_lep-policy-and-procedures.pdf.

¹⁰ Tenn. Dep’t of Transp., TDOT Language Access Assessment: Subrecipient Limited English Proficiency Guide (2014) at p.20,

<https://www.tn.gov/content/dam/tn/tdot/civilrights/TDOT-LanguageAccessAssessmentSubrecipientLEP2014.pdf>

(last visited July 5, 2022); TDEC, LEP Policy and Procedures (Feb. 24, 2021),

https://www.tn.gov/content/dam/tn/environment/sustainable-practices/title-vi-and-environmental-justice/opsp_title-vi_lep-policy-and-procedures.pdf (last visited July 5, 2022).

TDEC has a coordinating office in the Office of Policy and Planning which coordinates environmental justice for TDEC but coordinates with other state agencies on an as-needed basis.¹¹

- *Environmental Justice Coordinator:*

N/A.

- *Environmental Justice Advisory Board:*

N/A.

- *Funding for Environmental Justice:*

N/A.

Additional Tennessee Environmental Justice Provisions?

N/A.

Tennessee Environmental Justice Contacts?

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

¹¹ Email Interview with Jenn Tribble, TDEC, by Vermont Law School Environmental Justice Clinic (VLS EJC) (Apr. 13, 2022) (interview on file with the VLS EJC).

Constitutional Provisions:

N/A.

Executive Orders:

N/A.

Legislation and Statutes:

N/A.

Regulations:

N/A.

Policies/Guidance:

- Tennessee Department of Environment and Conservation, *Limited English Proficiency (LEP) Policy and Procedures*,
https://www.tn.gov/content/dam/tn/environment/sustainable-practices/title-vi-and-environmental-justice/opsp_title-vi_lep-policy-and-procedures.pdf.
- Tennessee Department of Transportation, *TDOT Language Access Assessment: Subrecipient Limited English Proficiency Guide (2014)*,
<https://www.tn.gov/content/dam/tn/tdot/civilrights/TDOT-LanguageAccessAssessmentSubrecipientLEP2014.pdf>.

Mapping Tools:

N/A.

Other:

N/A.