

VERMONT

How Does Vermont Define Environmental Justice and Environmental Justice Communities?

Environmental Justice Definitions:

In an effort to “identify, reduce, and eliminate environmental health disparities to improve the health and well-being of all Vermont residents”¹ Vermont defines environmental justice as meaning

all individuals are afforded equitable access to and distribution of environmental benefits; equitable distribution of environmental burdens; and fair and equitable treatment and meaningful participation in decision-making processes, including the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice recognizes the particular needs of individuals of every race, color, income, class, ability status, gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief, or English language proficiency level. Environmental justice redresses structural and institutional racism, colonialism, and other systems of oppression that result in the marginalization, degradation, disinvestment, and neglect of Black, Indigenous, and Persons of Color. Environmental justice requires providing a proportional amount of resources for community revitalization, ecological restoration, resilience planning, and a just recovery to communities most affected by environmental burdens and natural disasters.²

Every five years, the Agency of Natural Resources, the Environmental Justice Advisory Council, and the Interagency Environmental Justice Committee must review the 3 V.S.A. § 6002 definitions and recommend revisions to the General Assembly.³

Additionally, The [Vermont Agency of Transportation](#) identifies three fundamental principles of environmental justice:

- “To avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.

¹ 3 V.S.A. § 6001.

² 3 V.S.A. § 6002 (the statute also lists definitions for “Environmental Benefits”, “Environmental Burdens”, and “Environmental Justice Focus Population”).

³ 3 V.S.A. § 6004(e).

- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.”

Environmental Justice Mapping Tools:

Where there is no formal environmental mapping tool currently available, the recent passage of 3 V.S.A. § 6007 charges the Agency of Natural Resources to create and maintain a mapping tool “to depict environmental justice focus populations and measure environmental burdens at the smallest geographic level practicable.”⁴ The tool can be made to incorporate federal mapping tools (like [EJSCREEN](#)) and State mapping tools like the Vermont Social Vulnerability Index.⁵ The statute mandates that the mapping tool must be made available on or before January, 1 2025.⁶

The Vermont Social Vulnerability Index⁷ (SVI) is a planning tool that is used to evaluate the relative social vulnerability across the state. Social vulnerability refers to the resilience of communities when responding to or recovering from threats to public health. The SVI draws together 16 different measures of vulnerability in three different themes: socioeconomic, demographic, and housing/transportation. The tool is helpful at identifying communities in need of additional help during emergencies or disasters.

The Vermont Environmental Public Health Tracking tool⁸ is used to better understand how environmental hazards can contribute to certain illnesses. The tool has identified and linked known environmental hazards to the occurrence of certain chronic diseases. This mapping tool focuses on ensuring that strategies created to reduce greenhouse gas emissions and to build resilience to adapt to the effects of climate change benefit and support all residents of the state fairly and equitably. The Vermont Departments of Health and Environmental Conservation jointly implement the program. One program goal is to build a nationwide network that allows the public, policy makers, and public health officials to use environmental and health data more effectively.

The Vermont Transportation Resilience Planning Tool⁹ (TRPT) is a web-based application that identifies bridges, culverts, and road embankments that are vulnerable to damage from floods, estimates risk based on the vulnerability, and criticality of roadway segments, and identifies potential mitigation measures based on the factors driving the vulnerability. The TRPT

⁴ 3 V.S.A. § 6007(a).

⁵ 3 V.S.A. § 6007(b).

⁶ 3 V.S.A. § 6007(c).

⁷ Vermont Department of Health, *Vermont Social Vulnerability Index*, <https://ahs-vt.maps.arcgis.com/apps/MapSeries/index.html?appid=9478be15d6d4410f8eef8d420711310b> (last visited June 27, 2022).

⁸ Vermont Department of Health, *Vermont Environmental Public Health Tracking Tool* <https://www.healthvermont.gov/tracking> (last visited June 27, 2022).

⁹ Vermont Agency of Transportation, *Vermont Transportation Resilience Planning Tool*, <https://vtrans.vermont.gov/planning/transportation-resilience> (last visited June 27, 2022).

combines river science, hydraulics and transportation planning methods and is applied at a watershed scale. The project will likely inform project scoping, capital programming and hazard mitigation planning for state and local highways.

How Does Vermont Consider Environmental Justice in its Substantive Actions¹⁰?

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

Law states that Vermont’s environmental justice policy should ensure that no segment of the population

because of its racial, cultural, or economic makeup, bear a disproportionate share of environmental burdens or be denied an equitable share of environmental benefits. It is further the policy of the State of Vermont to provide the opportunity for the meaningful participation of all individuals, with particular attention to environmental justice focus populations, in the development, implementation, or enforcement of any law, regulation, or policy.¹¹

Consideration of Environmental Justice in Permitting:

N/A.

Consideration of Environmental Justice in Enforcement:

The [Vermont Agency of Transportation](#) states that:

“Effective transportation decision making includes understanding and properly addressing the unique needs of diverse socio-economic groups. VTrans is committed to a more comprehensive and inclusive approach while accounting for changes in both the human and natural environments resulting from transportation projects. The implementation of non-discriminatory environmental justice principles improves all levels of transportation-related decision making. This approach will produce transportation decisions that meet the needs of a diverse community, increase and strengthen community-based participation and partnerships in the transportation development process, and improve the access and quality of transportation services in the project area.”¹²

Consideration of Environmental Justice in Land Use:

N/A.

¹⁰ 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 8, 2022).

¹¹ 3 V.S.A. § 6003.

¹² Vermont Agency of Transportation, *Environmental Justice*, <https://vtrans.vermont.gov/civil-rights/compliance/titlevi/environmental-justice> (last visited June 27, 2022).

State Environmental Policy Act “Mini-NEPA”:

N/A.

Dedicated Funding to Environmental Justice Communities:

N/A.

Consideration of Cumulative Impacts:

With the recent passage of Vermont’s environmental justice law, 3 V.S.A. § 6005 mandates that the Agency of Natural Resources adopt rules to define “cumulative environmental burdens”, implement consideration of cumulative environmental burdens, and inform the public and government on the implementation of cumulative environmental burdens and use of the environmental justice mapping tool.¹³

Further, agencies shall consider cumulative environmental burdens, ... and access to environmental benefits when making decisions about the environment, energy, climate, and public health projects; facilities and infrastructure; and associated funding.¹⁴

Prohibitions on Disparate Impact Discrimination:

N/A.

Established Environmental Rights:

N/A.

How Does Vermont Address Environmental Justice in its Procedures¹⁵?

Environmental Justice as Part of Environmental Agency’s Mission:

Despite the Vermont Department of Environmental Conservation not having an explicit environmental justice policy, it convenes an Environmental Justice Team that meets, manages, advises, and oversees information, contacts, training, and administration.¹⁶

Environmental Justice as Part of Other Agency’s Mission:

N/A.

Processes and Procedures (including Title VI):

¹³ 3 V.S.A. § 6005.

¹⁴ 3 V.S.A. § 6004(b).

¹⁵ 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 July 8, 2022).

¹⁶ Vermont Agency of Natural Resources, Department of Environmental Conservation, *DEC Environmental Justice Team*, <https://dec.vermont.gov/commissioners-office/planning/environmental-justice#Function/> (last visited June 27, 2022).

- *Non-Discrimination Policy:*

See section “*Grievance Procedures*” below.

- *Grievance Procedures:*

In Vermont, the Agency of Natural Resources has published Civil Rights and Nondiscrimination Grievance Procedures.¹⁷

Additionally, agencies must now submit an annual summary (beginning on January 15, 2024) to the Environmental Justice Advisory Council “detailing all complaints alleging environmental justice issues or Title VI violations and any agency action taken to resolve the complaints. The Advisory Council shall provide any recommendations concerning those reports within 60 days after receipt of the complaint summaries.”¹⁸

- *Enhanced Public Participation and Information Access:*

Informed by the Interagency Environmental Justice Committee and the Environmental Justice Advisory Council, each agency must create a community engagement plan “that describes how the agency will engage with environmental justice focus populations as it evaluates new and existing activities and programs.” Further, “each plan shall describe how the agency plans to provide meaningful participation in compliance with Title VI of the Civil Rights Act of 1964.”¹⁹

- *Language Access:*

The Vermont Department of Transportation has a resource page for those with limited English proficiency.²⁰ The department uses the resources page as a means to ensure meaningful participation - which is described on the resources page. The page links the following: translations services & resources for Vermont state agencies, tele-language interpretation posters, a language assistance plan, maps, frequently asked questions, the limited english proficiency-federal interagency website (www.LEP.gov), and a page on how to engage lep populations in transportation decision making.

¹⁷ Vermont Agency of Natural Resources, Civil Rights and Nondiscrimination Grievance Procedures (Dec. 8, 2021), available at

<https://anr.vermont.gov/sites/anr/files/2021.12.08%20Final%20Title%206%20Grievance%20Procedure.pdf> (last visited July 8, 2022).

¹⁸ 3 V.S.A. § 6004(d).

¹⁹ 3 V.S.A. § 6004(c).

²⁰ Vermont Agency of Transportation, *Limited English Proficiency*, <https://vtrans.vermont.gov/civil-rights/compliance/titlevi/lep> (last visited June 27, 2022).

The Vermont Judiciary has language access services²¹ available and is “committed to ensuring that people who have a limited ability to speak, read, write, or understand English as well as people who are Deaf or hearing impaired have meaningful access to the Judiciary’s programs and services.” The judiciary’s main language access services is through the use of interpreters but the system also has a [language access plan](#)²² and a [language access operations manual](#).²³

Law defines "Limited English proficiency" as meaning “... that a household does not have a member 14 years or older who speaks English "very well" as defined by the U.S. Census Bureau.”²⁴

- *Consultation with Indigenous Communities and Tribal Nations:*

N/A.

Governmental Environmental Justice Structures, Positions, and Funding Streams:

- *Environmental Justice Coordinating Agency:*

Recently, Vermont created the Interagency Environmental Justice Committee “to guide and coordinate State agency implementation of the Environmental Justice State Policy and provide recommendations to the General Assembly for amending the definitions and protections set forth in this chapter.”²⁵

- *Environmental Justice Coordinator:*

Vermont Agency of Natural Resources has a [Civil Rights Coordinator](#)²⁶ who can be contacted with questions or complaints.

Additionally, the Vermont Agency of Transportation has a [Title VI Coordinator](#).²⁷

- *Environmental Justice Advisory Board:*

²¹ Vermont Judiciary, *Language Access Services*, <https://www.vermontjudiciary.org/programs-and-services/language-access-interpreters-and-translators#:~:text=The%20Vermont%20Judiciary%20is%20committed,the%20Judiciary's%20programs%20and%20services> (last visited June 27, 2022).

²² Vermont Judiciary, *Language Access Plan*, <https://www.vermontjudiciary.org/sites/default/files/documents/Language%20Access%20Plan%20Final.pdf> (last visited June 27, 2022).

²³ Vermont Judiciary, *Language Access Operations Manual*, <https://www.vermontjudiciary.org/sites/default/files/documents/Language%20Access%20Operations%20Manual%20Final%20%285-6-21%29.pdf> (last visited June 27, 2022).

²⁴ 3 V.S.A. § 6002(5).

²⁵ 3 V.S.A. § 6006(a)(1)(B).

²⁶ Vermont Agency of Natural Resources, *Notice of Nondiscrimination*, <https://anr.vermont.gov/content/notice-nondiscrimination> (last visited June 27, 2022).

²⁷ Vermont Agency of Transportation, *Environmental Justice*, <https://vtrans.vermont.gov/civil-rights/compliance/titlevi/environmental-justice> (last visited June 27, 2022).

The Environmental Justice Advisory Council is tasked to “provide independent advice and recommendations to State agencies and the General Assembly on matters relating to environmental justice, including the integration of environmental justice principles into State programs, policies, regulations, legislation, and activities.”²⁸

- *Funding for Environmental Justice:*

The Vermont Agency of Natural Resources has a community funding resource page for their “[Building Resilient Communities](#)” tab.²⁹ The page links to grant and loan opportunities from ANR, the Vermont Community Foundation, the Vermont Land Trust, and the Vermont Housing and Conservation Board.

Further, state law has mandated that “On or before July 1, 2024, it shall be the goal of the covered agencies to direct investments proportionately in environmental justice focus populations.”³⁰ Further, those covered agencies “shall either integrate the following information into existing annual spending reports or issue annual spending reports that include: (A) where investments were made and which geographic areas, at the municipal level and census block group, where practicable, received environmental benefits from those investments; and (B) the percentage of overall environmental benefits from those investments provided to environmental justice focus populations.”³¹

Additional Vermont Environmental Justice Provisions?

N/A.

Vermont Environmental Justice Contacts?

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²⁸ 3 V.S.A. § 6006(a)(1)(A).

²⁹ Vermont Agency of Natural Resources, *Funding Opportunities for Communities*, https://anr.vermont.gov/about_us/faq/ct#How%20can%20I%20find%20funding%20opportunities%20for%20my%20community (last visited June 27, 2022).

³⁰ 3 V.S.A. § 6003(h).

³¹ 3 V.S.A. § 6003(h)(i)(1)(a)-(b).

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

Constitutional Provisions:

N/A.

Executive Orders:

N/A.

Legislation and Statutes:

- Environmental Justice, 3 V.S.A. §§ 6001 - 6007.

Regulations:

N/A.

Policies/Guidance:

- Civil Rights and Nondiscrimination Grievance Procedure, Agency of Natural Resources, <https://anr.vermont.gov/sites/anr/files/2021.12.08%20Final%20Title%206%20Grievance%20Procedure.pdf>.
- Language Access Plan, Vermont Judiciary, <https://www.vermontjudiciary.org/sites/default/files/documents/Language%20Access%20Plan%20Final.pdf>.
- Language Access Operations Manual, Vermont Judiciary, <https://www.vermontjudiciary.org/sites/default/files/documents/Language%20Access%20Operations%20Manual%20Final%20%285-6-21%29.pdf>.

Mapping Tools:

- EJScreen, <https://ejscreen.epa.gov/mapper/>.
- Vermont Social Vulnerability Index, <https://ahs-vt.maps.arcgis.com/apps/MapSeries/index.html?appid=9478be15d6d4410f8ee-f8d420711310b>.
- Vermont Environmental Public Health Tracking Tool, <https://www.healthvermont.gov/tracking>.
- Vermont Transportation Resilience Planning Tool, <https://vtrans.vermont.gov/planning/transportation-resilience>.

Other:

N/A.

