

How Does New Hampshire Define Environmental Justice and Environmental Justice Communities?

Environmental Justice Definitions

NHDES (New Hampshire Department of Environmental Services) uses the EPA definition for environmental justice, which is stated 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.”

NHDES policy states that “[t]here is a body of evidence that suggests certain communities often bear a disproportionate impact from the implementation of environmental policies. These communities are more likely to experience:

- Greater exposure to environmental hazards, both outside and inside the home.
- Less access to green space, clean air, and clean water.
- Less access to opportunities for involvement in policy and permitting decisions.”

NHDES recognizes the importance of treating all of our communities and residents equally and fairly within the existing federal and state statutes and regulations under the Department’s jurisdiction.

Environmental Justice Mapping Tools

NHDES uses EPA EJScreen: <https://ejscreen.epa.gov/mapper/>

NHDES also has an Environmental Public Health Tracking database: <https://www.dhhs.nh.gov/programs-services/environmental-health-and-you/environmental-public-health-tracking>

NHDES’ mapping tool OneStop Data Mapper shows data about facilities, structures, monitoring, and protected sites, but does not contain demographic information

How Does New Hampshire Consider Environmental Justice in its Substantive Actions?

The State of New Hampshire does not have any state statutes setting any EJ standards or requirements in NHDES’ review and approval processes. However, NHDES has a Public Participation Policy and makes every effort to notify communities of activities or projects that may impact those communities.

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

NHDES includes an Environmental Justice Policy and Plan within its 2022 [Civil Rights and Nondiscrimination Implementation Plan](#).

The 2022 NHDES policy is based on a recognition that “environmental health disparities exist within the state. These disparities have a lasting impact on the communities in which we live and serve. Therefore, NHDES is committed to advancing EJ in New Hampshire.”

Pursuant to the NHDES policy, NHDES “will continue to watch for policy changes at the federal and state level and will identify opportunities for inclusion of EJ principles in agency practices and will work to achieve better environmental outcomes and reduce disparities in the state’s most overburdened communities by:

- Collecting and organizing EJ resources, including US EPA tools and state specific data that can be used to inform and improve NHDES efforts.
- Attending and taking part in regional and national workgroups related to EJ.
- Promoting training and providing resources and technical assistance to NHDES staff and partners to incorporate EJ principles in NHDES’ programs.”

Consideration of Environmental Justice in Permitting

The State of New Hampshire does not have any state statutes setting any EJ standards or requirements in NHDES’ permitting processes. As a result, NHDES’ efforts focus on training staff, the use of EJ tools, and increased community engagement through the implementation of the agency’s Public Participation Policy.

Consideration of Environmental Justice in Enforcement

The State of New Hampshire does not have any state statutes setting any EJ standards or requirements in NHDES’ compliance assurance processes. However, NHDES has a Compliance Assurance Response Policy that identifies the tools to be used in the event of noncompliance. NHDES seeks to be evenhanded in its enforcement approach, consistent with the facts and applicable statutory authority, across all programs. Also, as part of the FFY ’24-’25 Priorities and Commitments List (*i.e.*, a negotiated two-year, EPA-funded work plan), NHDES will consider and develop alternative compliance monitoring strategies (CMSs), as appropriate, to request flexibility from EPA-required CMS frequency and coverage, to prioritize and focus compliance evaluations of facilities in environmental justice areas as determined or defined by the state.”

Consideration of Environmental Justice in Land Use

The State of New Hampshire does not have any state statutes setting any EJ standards or requirements in NHDES’ review and approval processes. As a result, NHDES’ efforts focus on training staff, the use of EJ tools, and increased community engagement through the implementation of its Public Participation Policy. Also, In New Hampshire, as a general matter, local governments have jurisdiction over local land use decisions.

State Environmental Policy Act “Mini-NEPA”

The State of New Hampshire does not have a state NEPA.

Dedicated Funding to Environmental Justice Communities

The State of New Hampshire does not have any dedicated funding for EJ activities. However, NHDES has a number of programs that offer services dedicated to communities identified by

NHDES as underserved and disadvantaged. These include the NHDES Brownfields Program, the Emergency Drought Assistance Program, the Water Assistance for Natural Disaster Program, the NH Drinking Water and Groundwater Trust Fund (DWGTF) Construction Assistance Program, and the NH Coastal Resiliency Grant Program.

Consideration of Cumulative Impacts

The State of New Hampshire does not have any statute regarding cumulative impacts.

Prohibitions on Disparate Impact Discrimination

The State of New Hampshire does not have any statute regarding Prohibitions on Disparate Impact Discrimination.

Established Environmental Rights

The State of New Hampshire does not have any statute regarding Established Environmental Rights.

How Does New Hampshire Address Environmental Justice in its Procedures?

Environmental Justice as Part of Environmental Agency's Mission

NHDES convenes an Environmental Justice Core Team that meets and internally advises its program personnel about its EJ Mission Statement.

Environmental Justice as Part of Other Agency's Mission

The New Hampshire Department of Transportation also manages an Environmental Justice Program.

Processes and Procedures (including Title VI)

Non-Discrimination Policy

The NHDES Nondiscrimination Policy is available to the public on the NHDES webpage, and also within the [NHDES Civil Rights and Nondiscrimination Implementation Plan](#). NHDES also has a [Nondiscrimination Notice](#).

Grievance Procedures

Grievance procedures can be found within NHDES Civil Rights and Nondiscrimination Implementation Plan, as well as on the [Discrimination Complaints Section of the NHDES webpage](#)

Enhanced Public Participation and Information Access

The NHDES Core EJ Team promotes environmental justice principles through internal education and outreach activities, as well as through its [external web page](#), simultaneous interpretation at public hearings, document translation, and community outreach.

Language Access

It is NHDES policy to ensure “that individuals with Limited English Proficiency (LEP) have meaningful access to all NHDES programs.” NHDES policy relies on EPA guidance, which defines LEP as “individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.”

Information regarding the NHDES Communication and Language Access Services is available to the public on the NHDES [Civil Rights and Environmental Justice webpage](#).

NHDES staff considers the following four factors when determining the language access resources to provide when interacting with LEP communities:

- The number of LEP individuals likely to be served or affected by the project or program.
- The frequency with which LEP individuals may come in contact with the program or project.
- The nature and importance of the project or program for the LEP community.
- The availability and costs of language translation resources.

NHDES staff may utilize the American Communities Survey, LEP Community Mapping Tool, EJScreen: Environmental Justice Screening and Mapping Tool, or other resources to determine which New Hampshire communities are considered LEP. NHDES will use these resources to determine the most common languages spoken. Upon request, written and oral communication regarding a project affecting LEP communities shall be translated and interpreted in the most effective way possible. Language access services will be provided by a third-party vendor. If necessary, language access services may also be provided by volunteer interpreters. Independently, NHDES may also undertake its own analysis on a project-by-project basis, depending on the demographic analysis of any area potentially impacted by a project and translate vital documents.

NHDES will provide written translation for vital documents for each eligible LEP language group that constitutes either: 5% of the affected community’s population; or Includes 1,000 people within the community who are likely to be encountered or affected by the project, program, or activity.

NHDES staff will use whichever of these two options comprises the least amount of people to determine document translation. If there are fewer than 50 people in a language group that reaches the 5% of the affected communities’ population threshold, NHDES is not required under existing state law or policy to translate vital documents but may choose to do so. NHDES will provide written notice in the primary language of the LEP language group of their right to receive oral or written translation of these vital documents free of cost. LEP community members may request a translation of these vital documents.

NHDES will also provide oral interpretation services upon request. Oral interpretation services may be provided for interactions between state officials and LEP individuals or communities. Oral interpretation services may also be provided for public meetings in LEP communities.

Consultation with Indigenous Communities and Tribal Nations

NHDES does not have a dedicated process for consultation with Indigenous communities and Tribal Nations. However, the NH Department of Natural & Cultural Resources administers the [Commission on Native American Affairs](#) and the New Hampshire Division of Historical Resources maintains a [Section 106 Project and Review and Compliance webpage listing Native American Organizations with geographical and cultural history in the state](#).

Governmental Environmental Justice Structures, Positions, and Funding Streams

Environmental Justice Coordinating Agency

The State of New Hampshire does not have a designated agency for coordinated, state-wide environmental justice activities.

Environmental Justice Coordinator

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Environmental Justice Advisory Board

The State of New Hampshire does not have an advisory board for environmental justice activities.

Funding for Environmental Justice

The State of New Hampshire does not have any dedicated funding for environmental justice activities. However, NHDES has committed resources to focus on implementing environmental justice principles.

Additional New Hampshire Environmental Justice Provisions

The State of New Hampshire does not have any state statutes setting any environmental justice standards or requirements in its review and approval processes.

New Hampshire Environmental Justice Contacts

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Where to Find New Hampshire Environmental Justice Laws, Policies, and Tools

The State of New Hampshire does not have any state-wide environmental justice statutes or rules. However, NHDES does have policies and tools as indicated above.

Legislation and Statutes

The State of New Hampshire does not have any state-wide statutes setting any environmental justice standards or requirements.

Regulations

The State of New Hampshire does not have any state-wide regulations regarding environmental justice.

Policies/Guidance

The NHDES Civil Rights and Nondiscrimination Implementation Plan, as well as the Nondiscrimination Notice, Language Access Plan, and Environmental Justice Statement can be found on the [NHDES Civil Rights and Environmental Justice webpage](#).

Mapping Tools

- EPA's Environmental Justice Screening and Mapping Tool: [EJScreen](#)
- [New Hampshire Environmental Public Health Tracking Database](#)