

EXECUTIVE ORDER

Commonwealth of Pennsylvania
Governor's Office

Title:

Executive Order 2021-07, Environmental Justice

Date:

October 28, 2021

By Direction of:



Tom Wolf, Governor

- WHEREAS, Article 1, Section 27 of the Constitution of the Commonwealth of Pennsylvania, the Environmental Rights Amendment (ERA), provides that the "people have a right to clean air, pure water, and the preservation of the natural, scenic historic and esthetic values of the environment"; and
- WHEREAS, the people's rights under the Pennsylvania Constitution are guaranteed regardless of race, ethnicity, color, natural origin, or income; and
- WHEREAS, the Commonwealth must ensure the rights and duties of Article I, Section 27 protect all the people of Pennsylvania, including generations yet to come; and
- WHEREAS, all Pennsylvanians should be able to live in and enjoy a clean and healthy environment, that includes outdoor spaces, access to clean energy resources, accessible public lands, and public natural resources; and
- WHEREAS, historically and currently, low-income communities and communities of color bear a disproportionate share of adverse climate and environmental impacts with accompanying adverse health impacts; and
- WHEREAS, all Pennsylvanians are entitled to fair and equitable treatment and meaningful involvement in decision-making that affects their environment, communities, homes, livelihoods, and health; and
- WHEREAS, meaningful public participation in the Commonwealth's environmental decision-making is necessary to reduce adverse impacts on low-income residents, communities of color, and vulnerable residents; and
- WHEREAS, the Commonwealth has acknowledged the importance of Environmental Justice and, in 1999, developed a statewide Environmental Justice Work Group that produced the Environmental Justice Work Group Report, with recommendations carried out through the development of an Environmental Justice Advisory Board and an Office of Environmental Justice within the Department of Environmental Protection (DEP) to address Environmental Justice issues; and

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WHEREAS, the Federal government has underscored the significance of Environmental Justice in Executive Order 14008 of January 27, 2021, *Tackling the Climate Crisis at Home and Abroad*, and prioritized Environmental Justice through actions such as development of a White House Environmental Justice Interagency Council, creation of a geospatial Climate and Economic Justice Screening Tool and maps and direction that 40 percent of Federal investments benefit disadvantaged communities.

NOW, THEREFORE, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do order and direct:

1. Definitions.

- a. **DEP.** The Commonwealth of Pennsylvania Department of Environmental Protection.
- b. **Environmental Justice.** The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the Commonwealth's development, implementation, and enforcement of environmental laws, regulations, and policies.
- c. **Secretary.** The Secretary of DEP.

2. Office of Environmental Justice.

The Office of Environmental Justice (OEJ) is established within the Department of Environmental Protection.

- a. OEJ is headed by the Director of Environmental Justice, who shall be appointed by and serve at the pleasure of the Secretary.
- b. Responsibilities:
 - (1) OEJ shall make recommendations to the Secretary on the integration of Environmental Justice considerations throughout DEP's programs, regulations, policies, and procedures, strengthening partnerships on Environmental Justice among Federal, state, and local government agencies and enhancing research and assessment approaches to Environmental Justice; coordinate the Environmental Justice Interagency Council; and staff the Environmental Justice Advisory Board.
 - (2) OEJ may establish an online repository of Environmental Justice information and data.
 - (3) OEJ may establish an Environmental Justice mapping tool to examine environmental and health impacts on vulnerable Pennsylvania communities with additional data provided by other agencies at the request of the OEJ.
 - (4) OEJ shall work with other DEP program offices to identify economic development opportunities, environmental benefits, and funding opportunities that do, or should, consider Environmental Justice in the grant awarding process.

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- (5) OEJ shall develop and publish an Environmental Justice strategic plan (EJ Plan) every five (5) years. The EJ Plan should include recommendations for advancing Environmental Justice, focusing attention on the environmental and public health issues and challenges confronting the Commonwealth's minority and low-income populations. The plan should also make recommendations on the integration of Environmental Justice considerations into existing DEP programs.
- (6) OEJ, in consultation with the Environmental Justice Advisory Board, Environmental Justice Interagency Council, and other stakeholders, shall develop, subject to public participation requirements, a revised comprehensive Environmental Justice Policy consistent with existing legal authority, that may include, but is not limited to the following:
 - (a) Develop a comprehensive statewide definition of "Environmental Justice Area," "cumulative environmental impacts," and "disproportionate environmental impacts."
 - (b) Establish criteria for Environmental Justice Areas.
 - (c) Develop an enhanced public participation plan for Environmental Justice areas potentially affected by development projects, brownfield remediation, industrial operations, and commercial facilities resources, that includes outreach activities that enhance public participation opportunities in Environmental Justice areas, includes a plan for communicating in multiple languages, includes guidelines for scheduling public meetings at locations and times convenient for neighborhood stakeholders, and which may also include resources for expert consultation.
 - (d) Identify economic development opportunities, environmental benefits, and other discretionary funding programs that do, or appropriately should, consider the needs of an Environmental Justice Population in the grant process.
 - (e) Develop standardized mitigation and/or restoration practices for consideration by applicants and permit application reviewers in the permitting or cleanup context.
- 3. **Environmental Justice Advisory Board.** The Environmental Justice Advisory Board (EJAB) is established within the Department.
 - a. Composition of the EJAB.
 - (1) The EJAB shall consist of no fewer than nine (9) and no more than fifteen (15) members of the public who are appointed by the Secretary.
 - (2) A chairperson shall be selected by the members of the EJAB for a term of two (2) years.
 - b. Terms of Membership.

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- (1) Members shall be appointed for terms of two years and shall continue to serve thereafter until their successors have been appointed. A member may be reappointed for one or more additional terms. All members serve at the pleasure of the Secretary.
 - (2) Should a vacancy occur on the EJAB, the Secretary will appoint a successor; and the successor shall serve the remainder of the unexpired term.
- c. Expenses. Members of the EJAB shall not be compensated for their services to the EJAB, but shall be entitled to reimbursement for expenses necessarily incurred in accordance with procedures established by the Commonwealth.
 - d. Responsibilities.
 - (1) The EJAB shall make written recommendations to the Secretary concerning policies, practices, and actions that DEP may implement to advance the goals of Environmental Justice.
 - (2) EJAB shall meet at least semi-annually. The EJAB may hold public meetings at its discretion for the purposes of receiving public comments and conducting inquiries concerning Environmental Justice.
- 4. Environmental Justice Interagency Council.** The Environmental Justice Interagency Council (EJIC) is hereby established.
- a. Membership. The EJIC shall consist of the following members:
 - (1) Secretary or designee;
 - (2) Secretary of the Department of Conservation and Natural Resources or designee;
 - (3) Secretary of the Department of Education or designee;
 - (4) Secretary of the Department of Agriculture or designee;
 - (5) Secretary of the Department of Health or designee;
 - (6) Secretary of the Department of Transportation or designee;
 - (7) Secretary of the Department of Community and Economic Development or designee;
 - (8) Such other Cabinet members or agency heads or their designees as determined by the Governor.
 - b. The Secretary or designee shall convene meetings of the EJIC and serve as its Chair. The first meeting of the EJIC shall be held no later than 90 days after the effective date of this Executive Order. The EJIC shall meet at least semi-annually.

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- c.** The EJIC shall act in an advisory capacity and will:

 - (1)** Review and provide input and information to DEP related to the agency's development, implementation, and update of the EJ Plan, including specific mechanisms for monitoring and measuring the effects of implementing the Plan.
 - (2)** Identify and make recommendations to the Governor's Office to address potential disproportionate environmental impacts that state laws, regulations, policies, and activities may have on Pennsylvania residents in Environmental Justice Areas.
 - (3)** Recommend to executive agencies processes to incorporate Environmental Justice considerations into decision-making.
 - (4)** Make recommendations to the Governor's Office to ensure consistency with federal Environmental Justice programs.
 - (5)** Recommend a comprehensive Environmental Justice training plan for executive branch Commonwealth agencies.
 - d.** Each EJIC member agency shall develop and post online every five years its own strategic plan to promote Environmental Justice in ways tailored to the specific agency and its authority, mission, and programs.
- 5. Effective date.** This Executive Order shall take effect immediately and shall remain in effect until amended or rescinded by the Governor.