

**2004 UPDATE TO
TEACHER'S MANUAL FOR
RECHTSCHAFFEN AND GAUNA,
ENVIRONMENTAL JUSTICE: LAW, POLICY AND REGULATION (2002)**

CHAPTER 1

Text, p. 3. Pathfinder.

Other valuable recently published resources on environmental justice include:

Environmental Law Institute, A CITIZENS GUIDE TO USING ENVIRONMENTAL LAWS TO SECURE ENVIRONMENTAL JUSTICE & , OPPORTUNITIES FOR ADVANCING ENVIRONMENTAL JUSTICE;

Environmental Law Institute Research Report, OPPORTUNITIES FOR ADVANCING ENVIRONMENTAL JUSTICE, AN ANALYSIS OF U.S. EPA STATUTORY AUTHORITIES (November 2001), available at www.eli.org;

ENVIRONMENTAL JUSTICE FOR ALL: A FIFTY-STATE SURVEY OF LEGISLATION, POLICIES, AND INITIATIVES (2004), available at

<http://www.abanet.org/irr/committees/environmental/statestudy.pdf>;

National Academy of Public Administration, ENVIRONMENTAL JUSTICE IN EPA PERMITTING: REDUCING POLLUTION IN HIGH RISK COMMUNITIES IS INTEGRAL TO THE AGENCY'S MISSION (December 2001);

National Academy of Public Administration, MODELS FOR CHANGE: EFFORTS BY FOUR STATES TO ADDRESS ENVIRONMENTAL JUSTICE (2002);

National Academy of Public Administration, ADDRESSING COMMUNITY CONCERNS: HOW ENVIRONMENTAL JUSTICE RELATES TO LAND USE PLANNING AND ZONING (2003). available at

http://www.napawash.org/pc_economy_environment/recent_publications.html; &

US Civil Rights Commission, NOT IN MY BACKYARD: EXECUTIVE ORDER 12, 898 AND TITLE VI AS TOOLS FOR ACHIEVING ENVIRONMENTAL JUSTICE (2003), available at

<http://www.usccr.gov/pubs/pubsndx.htm>.

Federal Interagency Working Group on Environmental Justice, STATUS REPORT, ENVIRONMENTAL JUSTICE COLLABORATIVE MODEL: A FRAMEWORK TO ENSURE LOCAL PROBLEM SOLVING (February 2002), EPA 300-R-02-001, available at <<http://www.epa.gov/compliance/resources/publications/ej/iwg-status-02042002.pdf>>

National Environmental Policy Commission, FINAL REPORT TO THE CONGRESSIONAL BLACK CAUCUS, ENVIRONMENTAL JUSTICE BRAINTRUST. Washington, DC. September 23, 2003

League of United Latin American Citizens and Martha Keating, Clean Air Task Force, AIR OF INJUSTICE: HOW AIR POLLUTION AFFECTS THE HEALTH OF HISPANICS AND LATINOS, Washington, DC. July 2004.

CHAPTER 2

Text, p. 27, Land Use Practices

A recent report by the National Academy of Public Administration highlights the role that federal lending policies played in creating racially segregated neighborhoods:

Federally-insured mortgages provided by the Federal Housing Authority (FHA) and the Veteran Administration (VA) also helped to shape exclusionary practices by subsidizing the suburbs at the expense of America's urban areas, thus propagating race-based housing policies that continued well into the 1960s. The FHA's *Underwriting Manual*, in use between 1934 and 1947, advised against "the infiltration of inharmonious racial and national groups," "a lower class of inhabitants," and "the presence of incompatible racial elements" in new housing.¹⁴ FHA also supported the use of racial covenants in real estate and prevented African-Americans from obtaining mortgage insurance in "redlined" black or integrated communities. Although equal opportunity policies began in the 1950s, FHA acquiesced in the discriminatory practices of private lending institutions until 1968 by continuing to provide mortgage insurance for segregated residential areas. The long-term impacts of discriminatory practices by both FHA and VA have been significant, because together they subsidize half of all home mortgages.

National Academy of Public Administration, ADDRESSING COMMUNITY CONCERNS: HOW ENVIRONMENTAL JUSTICE RELATES TO LAND USE PLANNING AND ZONING 26 (2003).

Text, p. 45, Politics

The NAPA report also details how low income communities and communities of color are often under-represented on local planning and zoning boards, which are responsible for key land use and siting decisions. As discussed in the report, a 1987 survey by the American Planning Association on the composition of planning commissions revealed that:

- § Nearly eight out of 10 members of planning boards were men;
- § More than nine out of 10 members were white, although in some larger cities
- § the number was closer to seven out of ten;
- § Almost eight out of ten were 40 years of age or older; and
- § Most board members were professionals, such as businesspeople, lawyers,
- § engineers, educators, and real estate agents.

Id., at 50.

CHAPTER 3

Text, p. 71, More Recent Studies

A study of traffic density in California found that low income families were three times more likely to live in areas with high traffic density than were upper income families, and that children of color were about three times more likely to live in high-traffic areas than were white children. Motor vehicle emissions are a major source of air pollution in California, accounting for most of the estimated emissions of several air toxics, and exposure to motor vehicle exhaust has been associated with adverse health outcomes in several epidemiological studies of children. Robert B. Gunier, et. al., *Traffic Density in California: Socioeconomic and Ethnic Differences Among Potentially Exposed Children*, 13 J. EXPOSURE & ENVT'L EPID. 240 (2003).

CHAPTER 6

Text p. 150, Notes and Questions

Wisconsin v. EPA weakens arguments against granting tribes "Treatment as State" status in two significant ways. First, the ruling establishes that a tribe's inherent authority to regulate water quality within its reservation does not depend on who owns title to the land underneath the water. Wisconsin had argued that the tribe did not have authority over Rice Lake because the state owned the beds underlying the lake. The 7th Circuit found that even if were true that the state owned the underlying beds, the federal government still had authority to regulate the lake under the Commerce Clause, and that it could delegate this authority to the tribe. Second, the 7th Circuit found that the tribe could exercise authority over the entire lake even though a small percentage of it was located off the reservation and the legal description of the reservation runs only to the lake's high-water mark. For discussion of the case, see Kathleen Kannler, *The Struggle Among the States, the Federal Government, and Federally Recognized Indian Tribes to Establish Water Quality Standards for Waters Located on Reservations*, 15 GEO. INT'L ENVTL. L. REV. 53 (2002), and Paul M. Drucker, *Wisconsin V. EPA: Tribal Empowerment and State Powerlessness under § 518(e) of the Clean Water Act*: 5 U. Denv. Water L. Rev. 323 (2002). Drucker concludes that

The decision by the Seventh Circuit Court of Appeals in Wisconsin v. EPA ... correctly foreclosed the most feasible legal challenges to a tribe's TAS designation. In fact, it now appears that in all practicality, any opposition by a state to the grant of TAS status is futile. Put simply, the court's opinion and the EPA's regulations and operating procedures make clear that TAS status to administer water quality standards is available for the tribes' taking. The importance of water resources to tribes and this latest affirmation of the ease in which TAS status may be obtained will likely persuade many Indian tribes to direct their limited environmental resources to obtaining control over reservation waters.

Id., at 393.

CHAPTER 8

Text, pp. 201, n. 3

Another case that examines compliance with the alternative and social cost criteria of CAA §173(a)(5) is *In Re Dow Chemical Company*, in which the EPA Administrator rejected a citizen petition that EPA object to Louisiana’s decision to issue a NSR and Title V modification permit. Pet. No. 5-02-03, Oct. 20, 2002). The Administrator noted with approval the state’s conclusion that the “minor environmental impact costs” were far outweighed by the significant benefits of the project -- 50 permanent new jobs with an expected payroll and income tax base of \$2.5 million (the state analysis also noted that Dow proposed to hire as many of its employees from residences as close to the facility as possible).

CHAPTER 11

Other EPA enforcement policies discuss prioritizing efforts in impacted communities. For instance, EPA’s Guidance on the Use of Section 7003 of RCRA, Section II., Bullet 1 (Oct. 1997) provides that:

“When prioritizing actions to be taken under Section 7003, the Regions should give the highest priority to those sites and facilities that pose serious risks... As part of this analysis, the Regions should give particular consideration to sites and facilities that pose environmental justice concerns, such as those involving risk aggregation.”

Likewise, EPA’s Compliance and Enforcement Strategy Addressing Combined Sewer Overflows and Sanitary Sewer Overflows,” Section IV, B. 2. (April 27, 2000) states that

“Regions should identify the universe of SSO discharge violations and ensure that 20%... of the priority systems will be addressed each year. . . . Special emphasis should be placed on SSOs in Priority watersheds or in areas where receiving waters are impaired, and/or in environmental justice areas. . . .”

CHAPTER 12

Text, pp. 301-302, following Professor Arnold’s Excerpt

In 2003, the National Academy of Public Administration issued a report entitled, ADDRESSING COMMUNITY CONCERNS: HOW ENVIRONMENTAL JUSTICE RELATES TO LAND USE PLANNING AND ZONING. The report concluded that “there are many legal and regulatory authorities for federal, state, and local officials to use when addressing environmental justice concerns, but they are not being fully or creatively utilized.” (*Id.*, at 2) It recommended that local governments use their planning and zoning authorities in a number of ways to promote environmental justice, including:

- § eliminating nonconforming uses that present health and environmental hazards;
- § setting up conditional uses that impose restrictions on certain uses that raise environmental justice concerns
- § establishing overlay zones that impose additional requirements to provide for extra environmental protection;
- § using performance zoning to regulate the adverse impacts of nuisance-like activities, such as noise and odor; and
- § establishing buffer zones in transitional areas between incompatible land uses, especially for industrial areas adjacent to residential areas.

Id. at 19. The report profiles in detail innovative measures adopted by several communities, including:

- § Huntington Park, CA, which revised its zoning ordinance for commercial mixed use areas to allow the city to impose in building/operating permits conditions that require mitigation and reduction of adverse environmental impacts on residential areas, including impacts from diesel emissions
- § Chester, PA, which adopted an ordinance that prohibits any new heavy industrial facility from producing a net increase in environmental pollution, and adopted a series of performance measures to mitigate impacts from new facilities, including noise, glare and air pollution.
- § Austin, TX , which created an overlay district requiring that any new facility with operations more intense than a commercial use must obtain a special use permit. When current industrial owners close their facilities in the district, the zoning is then changed to a less intense use.

The report also urged that by executive order or other means, states “should direct their agencies to use the full range of legal authorities for advancing [environmental justice] goals and integrate them into the core missions of state agencies.” (*Id.*, at 12) NAPA also suggested that the federal government to condition federal funding for land use, transportation, or environmental programs on having state and local governs adopt policies that address environmental justice issues through local planning and zoning mechanisms. (*Id.*, at 52)

Text, pp. 309-311

A recent California Environmental Quality Act decision emphasizes the importance of evaluating cumulative impacts in an environmental justice context. In *CBE v. California Resources Agency*, 103 Cal. App.4th 98, 120 (2002), the court noted that “[i]n the end, the greater the existing environmental problems are, the lower the threshold should be for treating a project’s contribution to cumulative impacts as significant.”

Text p. 316-321, LES Decision

The Nuclear Regulatory Commission (NRC) has issued proposed guidance providing that it will not be bound by the Executive Order in licensing proceedings. According to the guidance, NEPA is the only basis for considering environmental justice contentions in licensing proceedings; the Executive Order does not provide a legal basis for introducing such claims. The guidance also reiterates that the NRC will not consider issues of racial bias as part of a NEPA claim. 68 Fed. Reg. 62642 (Nov. 5, 2003)).

In *Communities Against Runway Expansion, Inc., et al., v. FAA*, 355 F.3d 678, 688-689 (D.C. Cir. 2004), the FAA prepared an environmental justice analysis as part of an Environmental Impact Statement prepared for a proposed redesign of Boston's Logan Airport. The analysis compared the demographics of the area immediately impacted by the project's significant noise impacts with the county in which the affected area is located. The analysis found that the minority population was actually lower in the impacted area than in the county as a whole, and concluded that the project's noise impacts would not be disproportionately borne by low-income or minority populations. The City of Boston challenged the analysis, arguing that the relevant comparison population should have been the greater Boston metropolitan area - Logan's "core service area."

The court first rejected the argument that plaintiffs could not challenge the analysis because it was carried out pursuant to the Executive Order, which does not create a private right to judicial review. The court found that since the FAA exercised its discretion to include the environmental justice analysis in its NEPA evaluation, the analysis was reviewable. The court then held that the FAA's choice of a comparison population was reasonable; in particular, it agreed that it was reasonable for the FAA to compare the population most significantly impacted by the project with the population "that otherwise might conceivably be affected by noise from the airport.

In separate litigation stemming from the same airport expansion project and arising under the Massachusetts Environmental Policy Act, a state court rejected another challenge to the methodology used in the agencies environmental justice analysis. In this case, plaintiffs alleged that the Massachusetts Port Authority misleadingly minimized the project's impacts on residents in Chelsea, South Boston, and East Boston, predominantly minority communities, by defining the area affected by the project to be a larger region that includes other non-minority and non-low income communities. The court ruled that it was not unreasonable for the agency to define the affected communities in this manner. *Massachusetts Port Authority v. Boston*, 17 Mass. L. Rep. 158 (Super. Ct. 2003).

CHAPTER 13

Teachers Manual, p. 165

Another Equal Protection claim (also against the City of Dallas) likewise survived defendant's summary judgment motions, and is currently awaiting trial. Plaintiffs in this case are homeowners in a predominantly African-American neighborhood, in which a non-conforming sand and gravel operation is located. The gist of plaintiffs' claim is that the city failed to take measures to stop illegal dumping at the site (the "Deepwood" site) that took place for over 15 years, even though it remedied illegal dumping at sites in predominantly white communities. In rejecting defendant's motion, the court found, that "[t]he evidence shows that the City issued Certificates of Occupancy to the owners of the Deepwood site which were based on applications indicating the owners' intent to fill the Deepwood site with solid waste, that the City was aware of the illegal dumping at the Deepwood site, that City contractors used the site to dispose of demolition waste, and that the City's efforts to terminate the use of the illegal landfill were sporadic and ineffective." *Cox v. City of Dallas*, 2004 WL 370242 (N.D. Tex. Feb. 24, 2004)

CHAPTER 14

Text. pp. 351-356:

The odds of prevailing on a Title VI administrative complaint remain extremely remote. As of 11/21/03, EPA had received 143 complaints, 82 were rejected without investigation; 28 were dismissed after being accepted, 4 were informally resolved or referred to other agencies; 29 were pending, and none had been granted. See <http://www.epa.gov/civilrights/docs/t6stnovember2003.pdf>

Text p. 368-369

Professor Brad Mank has criticized the Draft Guidance's approach to defining a "comparison population" on the grounds that it does not follow existing Title VII case law (which is often used by courts in Title VI litigation) requiring that a comparison population be similarly situated to the affected population. Specifically, he contends that EPA should not automatically use a general population, or even the non-affected sub-population of the general population, as the appropriate comparison group. At the same time, he also criticizes proposals by business groups that define "similarly situated" in an overly restrictive manner by contending that a comparison population must be in an area very similar to the affected population, having a similar range of residential, industrial, and commercial uses. In the context of environmental permits, he argues that a comparison population should be defined as similarly situated if the proposed facility in the affected area also could be sited in the comparison area, i.e. does the comparison area meet the minimum relevant requirements for the proposed facility. Bradford Mank, *Proving an Environmental Justice Case: Determining An Appropriate Comparison Population*, 20 VA. ENV'T L. J. 365, 404 (2001).

Text, p. 373, n. 1 & Teachers Manual, pp. 203-204

Professor Brad Mank offers two reasons for why Title VI's discriminatory impact

regulations are valid. First, Title VI's legislative history strongly suggests that Congress intended to grant administrative agencies substantial deference in defining the term "discrimination." Second, several subsequent Congresses enacted related anti-discrimination statutes that explicitly incorporate Title VI disparate impact regulations as a model. Bradford C. Mank, *Are Title VI's Disparate Impact Regulations Valid?*, 71 U. CINN. L. REV. 517 (2002).

Text p. 381 & Teachers Manual, pp. 209-224

The 9th Circuit also has ruled that there is no right of action under 42 U.S.C. § 1983 to enforce Title VI's regulations. *Save Our Valley v. Sound Transit*, 335 F.3d 932 (9th Cir. 2003).

CHAPTER 15

Text, pp. 398-404

In 2004, EPA's Inspector General issued a critical report of EPA's implementation of the Executive Order on Environmental Justice. It concluded that EPA had failed to develop key definitions needed to fully implement the Order, including failing to define what constitutes "minority", "low income", and "disproportionate impact." The lack of these key definitions has resulted in inconsistent implementation of the Executive Order by regional EPA offices. The report also found that in 2001, the agency redefined environmental justice to mean environmental protection for everyone, de-emphasizing the need to focus special attention on minority and low-income populations in a manner that is inconsistent with the intent of the Executive Order. EPA INSPECTOR GENERAL, *EPA NEEDS TO CONSISTENTLY IMPLEMENT THE INTENT OF EXECUTIVE ORDER ON ENVIRONMENTAL JUSTICE* (2004).

The US Civil Rights Commission also analyzed how four agencies--- EPA, the Department of Transportation, the Department of Housing & Urban Development, and the Department of Interior, have implemented the Executive Order and Title VI. Among its conclusions, the Commission found that:

"Agencies have begun work in protecting minority and low-income communities, but much more needs to be done, and measures need to be developed to determine what else must be done. Environmental justice will not become a reality as long as the issue remains an optional exercise by agency staff, an afterthought to existing programs, or an abstract policy statement that does not change conditions in affected communities.... Although agencies have begun integrating environmental justice concerns into their programs, generally, they have not put accountability measures into place, nor are expectations linked to ways in which success can be measured. Without accountability measures, it is difficult to track or review positive steps in environmental justice program implementation."

U.S. CIVIL RIGHTS COMMISSION, *NOT IN MY BACKYARD: EXECUTIVE ORDER 12, 898 AND TITLE*

VI AS TOOLS FOR ACHIEVING ENVIRONMENTAL JUSTICE 162-63 (2003).

Text, pp. 414-416

In July, 2004, Cal/EPA issued a draft intra agency environmental justice strategy. A copy can be found at <http://www.calepa.ca.gov/EnvJustice/Documents/2004/0704Strategy.pdf>

Teachers Manual, p. 204.

For a more detailed discussion of California Gov't Code § 1135, see Rechtschaffen, Using California's Anti-Discrimination Law to Remedy Environmental Injustice (2003), available at <http://www.abanet.org/irr/committees/environmental/newsletter.html>

In October of 2003 The Public Law Research Institute of the Hastings College of Law and the ABA's Section of Individual Rights and Responsibilities co-sponsored a report of environmental justice initiatives in the 50 States. ENVIRONMENTAL JUSTICE FOR ALL: A FIFTY-STATE SURVEY OF LEGISLATION, POLICIES, AND INITIATIVES (2004). The report is organized by state and contains reference to the source documents of various references. For quick reference, a matrix organized by type of initiative, appears at the end of this update.

CHAPTER 16

Text, p. 428

As of April, 2004, twenty-three tribes have received authorization from EPA to set water quality standards under the Clean Water Act. See EPA, Office of Water, Federal Water Quality Standards for Waters in Indian Country: Questions and Answers (April 2004).

Teachers Manual, p. 237

Postscript to Exercise about Native Americans and CEQA

After California's SB 1828 was defeated, another bill dealing with sacred sites, SB 18, that had the support of Governor Davis, fell three votes short of passing the State Assembly. SB 18 provided for the creation of a list of traditional tribal cultural sites ("TTCS"). If there were a proposal to develop property in a manner that might adversely affect a TTCS, then the traditional tribal site was to be given consideration in the CEQA process. During that process, the Native American Heritage Commission ("NAHC" or "Commission") would work with project proponents and the affected tribe to try to mediate acceptable mitigation measures. If those efforts failed, then the project was to be considered by the lead agency in the ordinary way, with one exception. If the project was located on state lands or federal lands managed by the state,

then the lead agency might vote to “override” the adverse impact on the TTCS only for reasons of “public health, safety or the environment.” These grounds are more narrow than that which applies in ordinary CEQA projects, when agencies can override for “economic, legal, social, technological or other” reasons. See Barry Goode, *Sacred Sites – A Legislative Approach to Protection* (2004) (copy on file with authors).

Fifty State Survey Matrix of Environmental Justice Programs

(<http://www.abanet.org/irr/committees/environmental/statestudy.do>)

EJ Program, Initiative, Policy, Statute, or Regulation	State and Activity
Executive Order	<p style="text-align: center;">Alabama:</p> <p style="text-align: center;">Louisiana: 1998 Mississippi River Corridor Task Force</p> <p style="text-align: center;">Maryland: Commission on Environmental Justice and Sustainable Comm. - annual reports</p> <p style="text-align: center;">Oregon:</p> <p style="text-align: center;">New Jersey:</p>
Anti-Concentration or Fair Share Regulations or Statutes	<p style="text-align: center;">Alabama: hazwaste – reg</p> <p style="text-align: center;">Arkansas: solid waste –stat</p> <p style="text-align: center;">Georgia: municipal .waste</p> <p style="text-align: center;">Mississippi: Hazwaste - statute is broadly worked -county</p>
Research and study	<p style="text-align: center;">Louisiana: stat-air/waste near residences- restricted funding</p> <p style="text-align: center;">Rhode Island: state wide GIS analysis + GIS for city of Providence</p> <p style="text-align: center;">South Carolina: siting study + enforcement study</p> <p style="text-align: center;">Virginia: legislative commission studied waste facilities</p>
EJ Office	<p style="text-align: center;">California: OPPR</p> <p style="text-align: center;">New York:</p> <p style="text-align: center;">Pennsylvania: Office of Environmental Advocate</p> <p style="text-align: center;">Texas:</p> <p style="text-align: center;">West Virginia: EJ Advocate</p>

EJ Program, Initiative, Policy, Statute, or Regulation	State and Activity
EJ Strategic Plan	California: requirement for general plan Hawaii: all agencies - pending legislation Indiana: Missouri: New Hampshire: to develop policies/guidance Tennessee: 2000
EJ Policy or mission statement	Arizona: public notification Connecticut: Illinois: interim California: mission statement Massachusetts: priority cleanup, enforcement, scrutinize air emissions Rhode Island: interim study + draft policy
EJ Staff Position/Liaison	Connecticut: complaint investigator Arizona: coordinator Delaware: statute created ombudsman Washington, DC: coordinator Illinois: EJ officer - investigate complaints Massachusetts: coordinator South Carolina: coordinator Washington: coordinator
EJ Statewide Advisory Board	California: Delaware: Maryland: EJ + children's health adv council New Jersey: recommendations on screening model but regs not adopted New York: 2002 issued recommendations for SEQRA Oregon: issued recommendations Pennsylvania: Texas: state and tribal

EJ Program, Initiative, Policy, Statute, or Regulation	State and Activity
Community or Local Advisory Boards	Arizona: Connecticut: Florida: comm health-discontinued funding Louisiana: EJ panel process changed to comm industry relations
Working Group - Agency or Interagency	California: interagency Michigan: EJ workgroup issued report Pennsylvania: agency - issued report Washington: agency EJ committee; Board of Health EJ report)
Performance Partnership Agreement	Arkansas: Colorado: Connecticut: Illinois: Indiana: Maryland: Massachusetts: Minnesota: Montana: New Hampshire: Pennsylvania: Rhode Island: South Dakota Utah: Washington:
Agency EJ Training - Personnel	Illinois: handbook Maine: informal Tennessee: Washington: EJ checklist for staff

EJ Program, Initiative, Policy, Statute, or Regulation	State and Activity
Capacity Building and Citizen Tools - Public Participation	California: guidance doc for cleanups Connecticut: contact chart Illinois: community relations office Indiana: citizen guide - Spanish/English, and GIS maps identify EJ comm. Massachusetts: interactive mapping New York: EJ hotline + Web GIS tool Texas: toll-free line
Accountability /Measurement Success of EJ Programs	California: calepa indicator system; stat deadline for interagency strategy
Transportation Initiatives	Alabama: California: guide to planners Florida: EJ report for agencies Georgia: EJ analysis Hawaii: Identify EJ comm and evaluate planning Maryland: assessment tool - EJ analysis with no build alternative, EJ guidelines Wisconsin: EJ conference
Small Grants Program	California: Caltrans Minnesota
Permit Criteria - Enhanced Public Participation	California: Waste Management Board enhanced pub par and appeal rts Washington, DC: solid waste - consult with NEJAC Illinois: community relations group liaison New York: +technical assistance program and impact analysis South Carolina: plain language task force for permitting Virginia: statute - enhanced notice + citizen advisory group

EJ Program, Initiative, Policy, Statute, or Regulation	State and Activity
<p>Permit Criteria - Demographic, Impact and/or Alternative Site Analysis</p>	<p>Alabama: minor source permit cumulative impact analysis</p> <p>California: thermal power plant - disproportionate impact analysis</p> <p>Washington, DC: auto repair shops</p> <p>Kentucky: TSDf social/economic impact analysis</p> <p>Maryland: legislative. resolution - no further industrial activity/permits in Anne Arundel County because of cancer mortality rate</p> <p>Massachusetts: proposed solid waste siting regs</p> <p>Montana: major facility - cumulative impact analysis for expedited review</p> <p>New York: identify EJ comm and impact analysis - all permits?</p> <p>North Carolina: demographic and alternative site analysis landfill permits; cumulative and secondary impact analysis, permits generally</p>
<p>Cleanup initiatives</p>	<p>Florida: public health services near contaminated sites</p> <p>Rhode Island: enhanced public participation</p>

EJ Program, Initiative, Policy, Statute, or Regulation	State and Activity
Discrete EJ Program	<p>California: diesel reduction; calfed water mgmt program</p> <p>Florida: partnership with Academia - CEEJ created by statute</p> <p>Maryland: community index workgroup - identify EJ communities</p> <p>Massachusetts: EJ mailing list and media outlet; Native American outreach program</p> <p>Minnesota: good neighbor agreement program; sustainable communities web network</p> <p>North Carolina: mediator role bw facility and community</p> <p>Pennsylvania: advisory board has online discussion area</p> <p>Rhode Island: open space</p>
Brownfield Program with EJ Criteria	<p>Florida: utilize advisory committees</p> <p>Indiana: guide</p> <p>Massachusetts: expedite permits</p> <p>Wisconsin: remediation loan criteria</p>
Supplemental Environmental Projects with EJ Criteria	<p>Colorado:</p> <p>Connecticut:</p> <p>Florida: adopted EPA SEP policy</p> <p>Massachusetts:</p> <p>Oregon:</p> <p>Virginia</p>
Enforcement Initiatives	<p>Connecticut: complaint advocate - focus on schools</p> <p>New Jersey enforcement strikes</p> <p>Pennsylvania: on line tracking system</p>

EJ Program, Initiative, Policy, Statute, or Regulation	State and Activity
No EJ Programs, policies, statutes	Idaho: Iowa: Kansas: Nebraska: Nevada: New Mexico: North Dakota: Ohio: Oklahoma: South Dakota: Utah: Vermont: West Virginia: Wyoming