

CJWG Meeting

WebEx- 03/12/2021

At a Glance:

- Discussion with CA EJ Representatives
- Update on data analysis
- Information regarding meetings and materials can be found on www.climate.ny.gov

Participants/ CJWG Members:

- Elizabeth Yeampierre, Executive Director, UPROSE
- Sonal Jessel, Policy and Advocacy Coordinator, WEACTION for Environmental Justice
- Eddie Bautista, Executive Director, NYC Environmental Justice Alliance
- Rahwa Ghirmatzion, Executive Director, PUSH Buffalo
- Jerrod Bley, Clean Energy Program Director, Adirondack North Country Association
- Amy Klein, Executive Director, Capital Roots
- Abigail McHugh-Grifa, Climate Solutions Accelerator
- Mary Beth McEwen, Cornell Cooperative Extension Of Oneida County
- Rosa Méndez, Director, Office of Environmental Justice, DEC
- Chris Coll, Director of Energy Affordability and Equity Program, NYSERDA
- Neil Muscatiello, Director of the Bureau of Environmental and Occupational Epidemiology, Center for Environmental Health, DOH
- Joseph McNearney, Director of Stakeholder Engagement, DOL

California Participants:

- Yana Garcia
Deputy Secretary for Environmental Justice, Tribal Affairs and Border Relations at the California Environmental Protection Agency (CalEPA)
- Martha Dina Arguello
Executive Director
Physicians for Social Responsibility Los Angeles
- Diane Takvorian
Executive Director
Environmental Health Coalition

Presenters:

- Amanda Dwelley, Illume Advising
- Alex Dunn, Illume Advising

NYS DEC:

- Jared Snyder, Deputy Commissioner
- Jordan Gougler, Office of Environmental Justice

Meeting Start: 11:05 AM

Welcome & Roll Call

California Discussion

Eddie: How did regulators and community work together to arrive at an ultimate enviro screen? What lessons have we learned from how that partnership evolved? How did California deal with inclusion of indigenous communities in enviro screen development? There has not been indigenous engagement in NY panels. How can we properly identify and ensure they are part of discussion/resources that will flow?

Diane: Background on EJ advisory committee process: In late 90s California started the EJ definition that mirrored the federal layout. A group met for a few years to discuss EJ issues in California. Information and testimony from those meetings about the pollution issues was gathered. After two years of meetings 115 recommendations were made in 2004. Top recommendation was to create a cumulative impact system. Calenviro introduced that in 2011 and took time to develop it. Process involved a lot of public meetings. There is still some debate on how it will unfold. There is not complete satisfaction on how communities are represented. There is pretty good representation of where pollution is the worst. Health and other social factors were included. Calenviro was integrated into legislation directing investment into those communities.

Diane: Could we benefit from discussion at local level but set a framework that is useful as a model? This year it incorporated lead homes. Representation of pollution at US/Mexico border is not sufficient. It is a port of entry. Can it still be improved?

Martha: At the time the debate was about permitting not taking in the lived experience as part of decision. Calenviro was created separate from cap and trade. Green zones brought the tool into decision making. Having more granular data on health outcomes would be beneficial. Race was not included.

Martha: The stakeholder process included a lot of meetings and finished in 2011. Stakeholder process on investments came next. Tool is important as an advocacy tool which was used to map COVID. I'd like it to get into permitting.

Yana: It's a long community process that is ongoing including on other uses for the tool. Have yet to use as part of a precautionary approach. On indigenous communities, federally and state recognized are not explicitly identified in the tool. Can we capture broad breadth of indigenous communities through other means. Likely a longer conversation from data side.

Elizabeth: How incorporate unrecognized tribes?

Yana: Don't have explicit way to capture indigenous communities. One way is to identify linguistically isolated (for immigrant community as well). In part because CA does not track race.

From Chat: How have investments played out on the ground?

Diane: It isn't one thing. If framework is solid you can build legislative pieces that go with it to attack problems that are most important in those communities. It's not the enviro screen that has the impact but the laws around it.

Martha: Any state level laws that do this? But then there are the processes and procedures for implementation. Central to that is who decides how money is invested? The role community plays in decision making is also important. One example is a community that created a commission. Also helped build their movement on the ground to work with other organizations including housing related. Need a strong justice focus to avoid perpetuating inequalities.

Yana: Mentioned transformative Climate Communities as best practices and guidelines for investment dollars. What about including anti displacement mechanisms? Comes from greenhouse gas (GHG) reduction fund.

Abigail: Recommendations on the definition itself. How do we guard against side effects? What about rural and migrant farm workers. Where do they fit?

Martha: Still having those debates. We often hear from allies in rural areas about limitations. Every iteration is done to get better. Want to ensure that plans have EJ incorporated but those are challenges. qualitative and quantitative data used? Absence of data doesn't mean proof of justice or equity.

Yana: It is a geographically focused tool and there is a lot gained through it. Some gained is lost including how to understand the threat of climate change for migrant communities. We had to look at more refined ways of looking at drinking water issues in rural areas.

Diane: Something important to think about is the EJ screening model from Pastor and Froesch. Model included ground truthing project where communities walked data around neighborhood. Ground truthing is an important element.

Rahwa: How did you make decision on funds to set aside? Was there a tool?

Yana: Set-aside for indigenous communities are issue area and agency based. Held a series of listening sessions with those communities on energy need and infrastructure. Landed on an amount for grants that went out as a solicitation. Air resources board is still developing theirs. Various grant programs from different pots of monies. There are also loan opportunities.

Eddie: How are investments and correspondingly mandated percentages guided? Any accountability mechanisms?

Yana: We have both dollars going in and dollars benefitting. Legislation has pretty explicit direction. We have a tracking system in place also staffed by over 200 people.

Martha: Need a community driven process for making decisions. Tried to come up with an equity screen (benefits and burdens). Have to be transformative.

Diane: AB617 reference. 250M for grants to priority disadvantaged communities, democratized kind of program to go to most impacted communities administered by air districts. Steering committees for those projects are majority community residents. Community emission reduction plan but state hasn't provided guidelines. Still to be done. Need really strong requirements and technical assistance to empower community members in decision making roles.

Sonal: How are outcomes of investments tracked? Lessons learned?

Martha: Some would say driving gentrification but not all. They have data by assembly district available. For impacts, don't really have tracking. Caution about funding going to large private

entities. But not sure of impact. Idling trucks? Community based grant making as an idea to drive outcomes. Need to consider outcomes like lowering emissions and health benefits first.

Diane: We are in a very interesting time of when California adopts legislation. Discussion of incentives vs. regulation. Community needs vs funding for corporations to reduce emissions.

Abigail: If you could restart, what would you do differently? Geographic definition vs people?

Diane: Big question but see challenges of geography based systems. Could've done better integrating factors in addition to geographic but geographic is not a bad determinant because it gets at land uses. Can't reject geographic entirely. Has to be layered. Does also help to get community together including community planning. Geography is working in large part when accompanied by community participation.

Martha: We often have that discussion with policy issues. We have to acknowledge that some people are under protected and overexposed based on geography.

Elizabeth: No way of predicting how this process can be undermined. Need to focus on community solutions and grassroots driven processes. Need to put racial and equity justice at the center. Also thank you for bringing up displacement.

Martha: Collecting some lessons learned and hoping to share.

Chris: It's on our radar to discuss follow up conversations in the future.

Eddie: Front load questions in advance. Seems like tracking is complicated. Lots of good information there.

Rahwa: I am highlighting the importance of being able to track investments as part of the tool. Also highlight ongoing stakeholder process.

Elizabeth: Adding document the process, gaps, and pitfalls to learn from mistakes.

Neil: Interested to hear more on summarizing data.

Abigail: Geographic at census tract makes sense but needs community and stakeholder process. Can we make that recommendation to CAC (Climate Action Council) on top of definition?

Chris: No reason why we can't make those recommendations beyond the definition.

Eddie: Mandate of CJWG?

Rosa: There is a role apart from definition including in future.

Jared Snyder: Also for air monitoring in 2022 and 2024.

Jerrod: Request for California team on seeing summary of listening sessions with communities in California.

Chris: Will pull together list of follow up for California and share with working group to add. Then work to schedule at least one additional conversation.

Business Items

Chris: Any discussion on the draft minutes from 3/12?

Abigail: Any point on public engagement and people's time? What is possible for letting people know a time that they can be called on? Is there a way to do that?

Chris: I will need to follow up.

*Minutes approved at 12:35pm.

Data Analysis Update

Alex: We have covered a lot so far. We are now looking at data and combining. Still working on some GIS transformations. Looping back and forth and need the groundtruthing to test methods, and creating example combinations.

Alex: Threats vs. Vulnerabilities as example of combinations. Good way to go? Or stick to the three category groupings in legislation?

Elizabeth: I like that included historical discrimination/racism in two under vulnerabilities.

Abigail: Seems clearer and more intuitive.

Eddie: Helpful way to meld together. Do we have a slide on the pillars?

Alex: Pillar 1 is pollution burdens. Pillar 2 is population characteristics. And pillar 3 is population at risk due to climate change.

Jerrod: Information is more digestible in this format.

Amanda: Legislative categories are still there but grouped differently.

Elizabeth: Police misconduct, ICE, segregated schools, those are documented. Challenge is that race is factor regardless of income. Doesn't fit in neat boxes.

Alex: We do have race as a factor. Also looking at shifts in historical data (for segregation that is not currently captured). Many is not consistent even when tracked.

Alex: Can working group share census tracts that are DACs you are aware of? Or areas that might get captured but should not be a DAC. With reason why? Created a tool to help with that exercise. It's a map of NYS. Tool called Tableau. Allows you to hover over a neighborhood and see the census tract labeled as a geo-ID. We will use this as part of groundtruthing process. Aiming for 4 to 10 from each of you for this early example.

Chris: Next steps. Will send link to tableau tool and draft list of potential follow up with California. Then work on how to structure follow up. Then think through how to pull together implementation recommendations.

End 12:58pm