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**HOUSE DEMOCRATIC POLICY COMMITTEE**

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**HOUSE OF REPRESENTATIVES**

COMMONWEALTH *of* PENNSYLVANIA

***House Democratic Policy Committee Hearing***

Environmental Justice co-hosted by the Pennsylvania Legislative Black Caucus

Wednesday, Oct. 5, 2022 | 10 a.m.

Representative Donna Bullock

**PANEL ONE**

10 a.m.

Nathan Walker, Acting Policy Director  
*PennDOT*

Nicole Tyler, Director of Equitable Transportation  
*PennDOT*

**PANEL TWO**

10:30 a.m.

Anthony David, Student  
*Harrisburg University*

Rafiyqa Muhammad, Co-founder  
*Ngozi Inc.*

**PANEL THREE**

11 a.m.

Maurice Sampson, Eastern Pennsylvania Director  
*Clean Water Action*

Dr. Jamil Bey, PhD, Founder/CEO  
*UrbanKind Institute*

**PANEL FOUR**

11:30 am

Veronica Coptis, Executive Director  
*Center for Coalfield Justice*

Ashley Funk, Executive Director  
*Mountain Watershed Association*

Q&A with state lawmakers

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**HOUSE OF REPRESENTATIVES**  
COMMONWEALTH *of* PENNSYLVANIA

October 5, 2022

Members of the House Democratic Policy Committee and Pennsylvania Legislative Black Caucus,

On behalf of the undersigned organizations, we support HB 2043 and urge you to do so as well.

This legislation would uplift Environmental Justice communities by requiring facilities seeking permits within these already burdened areas to prepare a cumulative environmental impact assessment that includes any potential negative impacts their operations may have on the surrounding area. It would also empower the Pennsylvania Department of Environmental Protection (DEP) to deny a permit application if it finds that the cumulative impacts of the facility would further degrade environmental conditions within the community and therefore be too great to justify approval.

There are over 1,000 identified Environmental Justice areas throughout Pennsylvania which DEP defines as any census tract where 20% or more individuals live at or below the federal poverty line and/or 30% or more of the population identifies as a non-white minority. Historically, these areas have been forced to bear a disproportionate share of adverse environmental impacts. These conditions result in poor health, including cancer and asthma and prevent communities from growing by creating dangerous and undesirable living conditions.

Pennsylvania's current Environmental Justice practices are limited to the primary goal of increasing communities' awareness and involvement in the public participation part of the permitting process.

That's why Environmental Justice legislation, like HB 2043 is so vital in helping address this systemic racism through creating meaningful avenues that assure the fair treatment 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.

It is ALL of our duty to ensure that every Pennsylvanian, especially those that have typically been disenfranchised, has an equal say and seat at the table in order to ensure a healthy environment in which to live, learn and work.

Sincerely,

Conservation Voters of PA- Katie Blume, Political & Legislative Director

Homewood AME Zion Church- Rev. Dr. Jonathon Countz, Pastor

Sierra Club Pennsylvania Chapter- Thomas Schuster, Interim Chapter Director

Clean Air Council- Robert Routh, Policy and Regulatory Attorney

PennFuture- Ezra Thrush, Senior Director of Government Affairs

Breathe Project- Matthew Mehalik, Executive Director

Beyond Training- Trey Mccune, Co owner

Physicians for Social Responsibility Pennsylvania- Tammy Murphy, Advocacy Director

Grounded Strategies- Rebecca Simon, Project Manager of Policy and Land Stewardship

Pittsburgh United- Anna Coleman, Environmental Justice Organizer

Valley Clean Air Now- Qiyam Ansari, Lead Organizer

Homewood Children's Village- JaLissa D. Coffee, Deputy CEO / Director of Youth Development

Group Against Smog & Pollution- Patrick Campbell, Executive Director

POWER Interfaith- Rabbi Julie Greenberg, Climate Justice and Jobs Director

Upstream Pittsburgh- Aaron Birdy, Watershed Programs Coordinator

Philadelphia Orchard Project- Kim Jordan, Co-Executive Director

Community Empowerment Association, INC.- Marlene Davis, Deputy Director

Women for a Healthy Environment- Michelle Naccarati-Chapkis, Executive Director

Mantua Civic Association- De'Wayne Drummond, President



**Testimony of**  
**Nathan Walker, Acting Policy Director, and Nicole Tyler, Equitable Transportation Director**  
**Pennsylvania Department of Transportation**  
**Public Hearing on Environmental Justice**  
**House Democratic Policy Committee**  
**October 5, 2022**

Good morning Chairman Bizzarro, Chair Bullock, and members of the committee. My name is Nathan Walker, Acting Policy Director for PennDOT, and accompanying me today is Nicole Tyler, Equitable Transportation Director for PennDOT. On behalf of Secretary Yassmin Gramian, we appreciate the opportunity to join you today and discuss how PennDOT incorporates environmental justice (EJ) into the planning and project development process and our ongoing efforts to increase diversity and participation in our Disadvantaged Business Enterprise (DBE) program.

Addressing environmental justice and equity concerns is an integral part of the planning process at PennDOT and is central to PennDOT's implementation of the National Environmental Policy Act (NEPA) for federally funded transportation projects. The NEPA process is a public decision-making process that requires agencies to consider (1) the environmental impact of a proposed action; (2) any adverse effects that cannot be avoided; and (3) alternatives to the proposed action while actively soliciting input from the public, regulatory and resource agencies, and other stakeholders. There are three classes of action of NEPA evaluation:

- Environmental impact statements (EIS) for complex projects with significant environmental impacts;
- Environmental assessments (EA) for moderately complex projects where additional work is needed to determine if impacts are significant; and
- Categorical exclusion evaluations (CE) for non-complex to moderately complex projects that have no significant impacts.

It is important that we first share the federal executive orders and legislation that set the foundation for environmental justice and what it means for PennDOT.

Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (signed 2/11/1994), directs procedures to be put in place to identify and address any disproportionately high and adverse human health or environmental effects on minority and low-income population groups. EO 12898 reinforces the importance of fundamental rights and legal requirements contained in Title VI of the Civil Rights Act of 1964.

- EO 12898 defines *minority* as a person who is:
  - (1) Black: a person having origins in any of the black racial groups of Africa;
  - (2) Hispanic or Latino: a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;

- (3) Asian American: a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent;
- (4) American Indian and Alaskan Native: a person having origins in any of the original people of North America, South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition; or
- (5) Native Hawaiian and Other Pacific Islander: people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- EO 12898 defines *low income* as: a person whose median household income is at or below the Department of Health and Human Services poverty guidelines.
- Title VI prohibits discrimination on the basis of race, color, and national origin, including matters related to language access for persons with limited English proficiency (LEP). Supplemental legislation provides these same protections from discrimination based on sex, age, disability, or religion.
- Title VI and EO 12898 overlap partially, but have some differences:

**Relationship between EO 12898 and Title VI**

SIMILARITIES	DIFFERENCES
<ul style="list-style-type: none"> <li>▪ Both address non-discrimination.</li> <li>▪ Both capture minority populations.</li> <li>▪ Both are rooted in the constitutional guarantee (14<sup>th</sup> Amendment) that all citizens are created equal and are entitled to equal protection.</li> <li>▪ Both address involvement of impacted citizens in the decision-making process through meaningful involvement and participation.</li> </ul>	<ul style="list-style-type: none"> <li>▪ EO 12898 covers minority and low-income, while Title VI and supplemental legislation cover race, color, national origin, sex, age, disability and religion.</li> <li>▪ EO 12898 is an executive order (an order of the President of the United States), while Title VI is a law (an act of Congress).</li> <li>▪ EO 12898 mandates a process, while Title VI prohibits discrimination.</li> </ul>

Most recently, EO 13985, Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (signed 1/20/2021), directs federal agencies to revise policies to account for racial inequities in their implementation of...

- EO 13985 defines *equity* as: "...the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality."
- EO 13985 defines *underserved communities* as: "...populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of 'equity.'"

In compliance with all applicable state and federal requirements, PennDOT – in cooperation with the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and PennDOT’s Planning Partners at the county level – coordinates with the 23 regional Metropolitan or Rural Planning Organizations (MPO/RPO) to develop a regional Transportation Improvement Program (TIP). These TIPs are then incorporated into the Statewide Transportation Improvement Program (STIP).

As part of their review and findings of PennDOT's STIP process, FHWA and FTA provided the following commendation: "PennDOT and MPOs/RPOs have made tremendous progress to improve the EJ analysis process in planning. FHWA and FTA commend PennDOT's efforts to incorporate the EJ Core Elements into the TIP General Procedural Guidance and to provide training, data sets, and technical assistance and resources to the MPOs/RPOs. FHWA and FTA commend the MPOs/RPOs for their efforts to integrate the EJ Core Elements into the TIP development process and explore new ways to conduct outreach to traditionally underserved populations. These collaborative efforts have resulted in significant improvements to the planning process across the Commonwealth."

A key consideration in the project selection and prioritization process is Environmental Justice (EJ). Executive Order 12898 requires federal agencies and federal aid recipients to adhere to the following core principles:

- To avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

To develop a single consistent EJ analysis that can be applied statewide, the South Central Metropolitan Planning Organizations (MPO) in PennDOT District 8 generated a proposed methodology to evaluate the potential impacts of transportation plans and programs on EJ populations. This guide has been, and continues to be, shared by PennDOT with all MPOs during the TIP update process.

The South Central PA MPO EJ Study, referred to as the Unified EJ Guide, includes several noteworthy practices adopted from MPOs around the country. For example, one practice states that the EJ analysis should be completed during program development and shared as part of the public comment period documentation. If disproportionately high and adverse impacts are identified, the MPO/RPO should work with PennDOT, FHWA, and FTA to develop and document strategies to avoid, minimize, or mitigate these impacts. It is important to note that determinations of disproportionately high and adverse effects take into consideration the mitigation and enhancement measures that are planned for the proposed action. The TIP then undergoes a 30-day public comment period which includes outreach efforts initiated through local elected officials, community/civic leaders, religious organizations, housing projects, and others to obtain comments on the documents.

The department is currently participating in the US Department of Transportation (USDOT) "2022 Survey on Equity and Public Involvement in the Transportation Planning Process," which takes an in-depth looking into our Equity process. At this time, the department covers equity within our Statewide Long-Range Transportation Plan (LRTP) and the Transportation Alternatives Statewide Set-Aside program, which both reflect the latest transportation legislation. The PennDOT Office of Planning ensures environmental justice efforts within our STIP process are consistent with most of the equity principles as outlined by the USDOT. Our mission is to avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority and low-income populations; ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations. As mentioned earlier,

the survey we participated in did include areas of improvement in the future. The two areas we are looking to improve are our Highway/Bridge and Transit TIP processes.

During the project development process PennDOT project teams perform various tasks to consider EJ and equity issues at the project level. In compliance with EO 12898 PennDOT applies the same methods to all projects, regardless of the class of action, with the following steps, and with participation from the public:

- Determine if the project is exempt from further EJ analysis. Some project types (such as bridge preservation, guiderail installation, and construction of bike lanes), that have little to no impacts are exempt, by agreement with the Federal Highway Administration (FHWA).
- Identify if there are EJ populations in the vicinity of a project using Census data and other best available data.
- Determine if those populations would be impacted by the project.
- Determine if those impacts are disproportionately high and adverse — that is, do they fall more heavily on the EJ populations than non-EJ populations?
- Incorporate in the project measures that avoid, minimize, or otherwise mitigate adverse impacts to EJ populations.
- Central to this process is continuous outreach and engagement with affected individuals and communities.

More detail is available in PennDOT's Publication 746 — Project Level Environmental Justice Guidance.

In compliance with Title VI, PennDOT works to ensure that all people have a fair opportunity to provide input on projects during the NEPA process. PennDOT policy directs project teams to design public outreach programs to meet the specific needs of minority and low-income communities in a project area and seek out participation from LEP populations. More detail is available in PennDOT's Publication 295 — Project Level Public Involvement Handbook.

In compliance with EO 13985, the primary change to projects resulting from EO 13985 has been to NEPA class of action determinations. The USDOT has directed that, under most circumstances where residents or businesses would be displaced, projects cannot be CE-level projects. PennDOT compliance with EO 13985 on projects with potential displacements ensures that equity is considered along with environmental justice for individuals and neighborhoods displaced by the project. Based on this guidance from USDOT, FHWA and PennDOT changed nearly a dozen projects from CEs to EAs.

In addition to embedding equity into our public involvement and transportation planning process, the department is also focused on increasing diversity and participation in the Disadvantaged Business Enterprise (DBE) program through outreach to underserved and underrepresented companies. One of these outreach efforts is the Pathways to PennDOT conference event that is designed to connect small, minority, women-owned, and disadvantaged business enterprises (DBEs) with potential contracting opportunities at the department. The conference is open to DBE firms, primes, contractors, and industry leaders and covers topics such as DBE certification, the PennDOT prequalification process, branding strategies, and a panel discussion on best practices from current DBEs, among other sessions. The goal of the event is to help set DBEs up for success to secure contracting opportunities with PennDOT. This creates generational wealth for DBEs and their families, communities, and local economies.

The Bureau of Equal Opportunity (BEO), which oversees and administers the DBE program, will be conducting workshops assisting businesses with the certification process, on the job training opportunities to create labor opportunities, contract compliance training, removing barriers, and matching prime contractors with sub-contractors using Supportive Services and the new Mentor Protégé Program. The Mentor-Protégé program aims to facilitate partnerships between DBEs and established firms (i.e.,



connects DBEs with prime contractors to gain and expand experience in the industry). PennDOT's Mentor Protégé Program is designed to increase diversity and participation in the DBE program with a focus on drawing in underserved and underrepresented companies looking to grow and further expand, as well as those with little to no prior PennDOT experience.

There is an established comprehensive and effective DBE Supportive Services program, which we will continue to grow and improve. The program is intended to provide training, assistance, and services to DBE firms certified in the DBE program to facilitate their development into viable self-sufficient organizations capable of competing for and performing on federally-assisted projects. The program is designed to contribute to the growth and eventual self-sufficiency of certified DBE firms by providing assistance in the acquisition of skills and the identification of resources so that the firms can ultimately compete on an equal basis for contracts and subcontracts.

PennDOT is focused on improving on our foundations of how environmental justice is incorporated into the planning and project development processes and continuing to improve our diversity and participation in disadvantaged business enterprises.

Thank you for the opportunity to share PennDOT's progress on these important issues and we welcome any questions that you may have.

**Saleem Chapman, Chief Resilience Officer**  
**City of Philadelphia**  
**Testimony before the Pennsylvania House of Representatives Democratic Policy Committee**  
**October 5, 2022**

Good morning Chair Bizzario, and members of the committee. I am Saleem Chapman, the City of Philadelphia's Chief Resilience Officer and Director of the Office of Sustainability. And I'm sincerely grateful for you joining with Representative Bullock and the Pennsylvania Legislative Black Caucus to host this critical dialogue on the issue of environmental justice.

The goal of the Kenney Administration is to make Philadelphia a more resilient, equitable city for not only the residents of today but for generations to come. And we believe that rectifying the ongoing effects of environmental injustice is the starting point for placing communities on a path towards resilience.

Many of the persistent challenges undermining community wellbeing, like poverty, unequal health burden, the inaccessibility of housing, food insecurity, and aging infrastructure, are all rooted at the intersection of race, class, and place. These social factors drive vulnerability.

Like many jurisdictions across the Commonwealth, Philadelphia is not immune from the devastating reality that low-wealth communities and communities of color are more likely to live in neighborhoods experiencing multiple environmental burdens. Part of this comes from Philadelphia's industrial past combined with racially-biased and discriminatory policies and practices such as exclusionary zoning, racial covenants, and redlining.

The City of Philadelphia has taken concert steps recently towards addressing the effects of these past injustices. Earlier this year, the City of Philadelphia launched its first commission on environmental justice. The establishment of the Environmental Justice Advisory Commission represents a historic step in the City's commitment to centering the leadership of those experiencing environmental harm. Alongside the commission, the City established an Interagency Working Group on Environmental Justice and a community resilience and environmental justice grant fund to affirm the City's intentions to resourcing community-led solutions. Lastly, we created a new Senior Advisor for Environmental Justice position within the Office of Sustainability, the first dedicated role in the City focused on the subject, to establish an agenda for the work ahead.

However, even as we address the historical drivers of environmental inequity, the climate crisis is already impacting our residents in the form of more frequent and severe heat, storms, and flooding. Every day brings a clearer focus to the far-ranging impacts of climate change, especially for communities experiencing environmental injustice. A tropical storm in 2020 turned the Eastwick neighborhood in Southwest Philadelphia upside down. And even a year after the event, many residents struggled to make their lives whole again. The hardship and turmoil caused by this event offered troublesome insights into a future where climate injustices continue unresolved.

The current scope and pace of the climate crisis mean that we must simultaneously achieve environmental and climate justice goals. Philadelphia has employed place-based initiatives to go about this task. Place-based initiatives allow City to use a whole-of-government approach to address climate inequities as part of a broader framework for rectifying historical and current social, economic, and environmental injustice.

Our latest place-based initiative to accelerate resilience building, *Eastwick: From Recovery to Resilience*, is working to deliver contextualized solutions pinpointing the intersections of climate and other areas of vulnerability. It is also mobilizing resources from across our civic community. But, perhaps the most impactful outcome of all, accountable engagement between government and the community is restoring decades of broken trust.

While optimistic about the breakthroughs underway, the thought that more is needed quickly if the race to resilience is to be won is never far from my mind. This truth makes it all the more necessary that we turn our collective focus on maximizing the opportunity afforded by the unprecedented federal investment in climate action.

If everyone is to benefit equitably from this investment, we must ensure broad accessibility. The Inflation Reduction Act will offer a range of tax incentives for energy efficiency upgrades to housing. Though transformative, the benefits of these resources could be limited for working families who cannot pay the upfront cost of the improvement. As a Commonwealth, we must work to bridge the gaps and ensure an inclusive transition to energy-efficient housing.

If we are to resolve the intersecting and compounding crises of environmental and climate injustice, it is clear that we have much to think about. However, I hope the enormity of this unprecedented challenge does not obscure the transformative opportunity in front of us. These crises ask us to reimagine critical aspects of how our society functions. In doing so, we have the chance to move towards something that better reflects our stated ideals.

Remember, we are actualizing a reality that hasn't existed, one that hasn't been truly imagined. The possibilities inherent in this should embolden all our spirits with grace and strength.

I appreciate this opportunity to appear before this committee and am available to answer any questions you may have.

Testimony of  
Anthony P. David Jr , Student  
Harrisburg University of Science and Technology

House Democratic Policy Committee  
October 5, 2022  
Environmental Justice

Good morning members of the PA House Democratic Policy Committee, the PA Legislative Black Caucus and Chair Donna Bullock. Thank you for this opportunity, my name is Anthony David Jr. I am a senior at the Harrisburg University of Science and Technology majoring in environmental science and sustainability. I currently sit on the Department of Environmental Protection's Environmental Justice Advisory Board, appointed by Secretary Partick McDonell back in January of this year. I am originally from Washington DC, however my experience with environmental justice in the Pennsylvania commonwealth is very unique.

When thinking about Environmental Justice, I think about the intersection of issues that community members face, which disproportionately impacts low income and minority populations. These same communities have seen the lack of resources and an increase in health care crisis that must be stopped. As a young person who has grown up just 1 mile outside of our US Capitol building, I've experienced what it's like to live in an area that lacked grocery stores, green spaces, mental health resources, poor school funding and a constant overarching fear of the rise in gun violence. At a young age I have been vocal about these issues and have met with many elected officials such as Senator Christopher Murphy and House Speaker Nancy Pelosi. Just last month I had a roundtable discussion with Congressman David Trone and Congresswoman Lucy McBath to discuss the Bipartisan Safer Communities Act.

Much like many cities across this country, strategic redlining rooted in racism has exacerbated environmental justice issues. For example, here in Harrisburg between 1935 and 1936 the Home Owners' Loan Corporation gathered information about the properties and the people of Harrisburg and its surrounding communities in order to divide zones into four grades: "Best," "Still Desirable," "Definitely Declining," and "Hazardous." These grades ensured that private and public loans were awarded to communities and neighborhoods based on their racial, ethnic, and economic characteristics. Redlining has caused many low-income minorities left without proper funding and resources, but also vulnerable to the siting of noxious waste facilities, such as the Harrisburg Incinerator. Redlining has left these communities in danger of environmental

hazards and exacerbates related health risks while also preventing chain supermarkets from being interested in building in environmental justice areas.

Here we are, 9 decades later, and not only are these communities still feeling the effects of redlining, but are continuously disrespected, neglected and exploited by public and private businesses. Since my time in Pennsylvania, I have been a part of community town hall meetings and participated in an investigation on the illegal construction waste dumping that has happened in the Camp Curtin neighborhood. I have seen piles of construction waste improperly stored and haphazardly laying around near open recreational spaces for children and community gardens. Many environmental justice communities across the state continue to be victims of the inactions of local representatives, while municipalities and public/private businesses continue to pollute, disinvest and exploit with utility pay increases.

I encourage you all to focus your energy and prioritize legislation that aims to invest in environmental justice areas, but also amends previous legislative mistakes. I challenge you all to take time out of your routine for actionable items such as mutual aid efforts that help mitigate the impacts of living in an environmental justice area.

I would like to thank the committee for the opportunity to comment on the environmental justice issues of Pennsylvania's commonwealth. I am open to assisting in any way that I can.

Anthony P. David Jr  
Environmental Justice Advisory Board Member  
Harrisburg University NAACP President

## **RAFIYQA MUHAMMAD BIO**

Rafiyqa Muhammad lifelong resident, Harrisburg High School 1976 Harrisburg, PA. She has been a central figure in the Harrisburg community for many years. Her work as an entrepreneur with urban agriculture, cultural outreach and non-profits have influenced the city as well as planted many seeds of growth and sustainability. Rafiyqa, co-founder and artistic director of Ngozi Inc. Ngozi, Inc. organized in 1985 is a 501 C-3 nonprofit organization that provides arts & cultural programming in African/American cultural and awareness, areas of physical fitness, food & nutrition, economics. She also ran a family business for the past thirty-four years along with her late husband Dr. Ali Muhammad, who passed in 2017. Creations of Family Muhammad, Broad Street Market. Rafiyqa implemented urban agriculture into the city of Harrisburg and started the "Let's Get Dirty! Certified Permaculture program. Ngozi's Let's Get Dirty! Certified has successfully internationally certified twenty-six individuals in permaculture design in three counties. (Dauphin, Cumberland, Lancaster). Several of these individuals have started their own business in permaculture farming, mural artist/design, teaching, and retail. 2016, Rafiyqa started Sustainable Human Environment, LLC or SHE. SHE's focus is to consult, educate families, communities, businesses & individuals on living a more sustainable life style through reducing their carbon foot print by recycling, healthy eating, rain water & waste management and disaster preparedness. Rafiyqa Muhammad a mother of 10, grandmother of 30 plus, great grandmother of 8.

### **Boards and Awards:**

2021 May 18, PA Environmental Right Amendment 50 yrs. <https://www.witf.org/2021/04/23/pas-environmental-rights-amendment-celebrates-50-years/> 202

May 5, PA DEP Climate Impacts Assessment 2021 statewide video presentation  
<https://www.facebook.com/PennsylvaniaDEP/videos/787958368762024>

2020-2021, April Co-Chaired Statewide Environmental Justice Symposium EJ IN PA  
<https://www.facebook.com/EJinPA>

2020 Mira Lloyd Dock Award, Honored for Conservation & Beautification

2019 to present PA Department of Environmental Justice Advisory Board

2017 to present Urban permaculture garden Coordinator Harrisburg Areas YMCA Camp Curtin Branch

2004-2018 Served on Keystone Human Services Keystone Autism board of directors & fundraising board

2013 to present The City of Harrisburg Environmental Advisory Council

2013 to present Designed & implemented program for Harrisburg Housing Authority Environmental Teen Corp. through the City of Harrisburg Environmental Advisory Council, goal to create sustainable systems in public housing.

2013 to present Ambassador for Capital Region Waster

2012 to present Certified Permaculture Designer and Instructor& Certified Eco Consultant

2013-2017 Community Outreach Coordinator & Culture Broker for the Wheel House a program of Jump Street, aquaponics education

2015 to Present Owner & Operator of Sustainable Human Environment LLC. (SHE) Aquaponics farmer, permaculture instructor/educator <https://www.facebook.com/Sustainable-Human-Environment>

2005 to present, program Let's Get Dirty! Urban Permaculture  
<https://www.facebook.com/NgozisLetsGetDirty> Rafiyqa continues to consults and works with several local businesses and non- profits throughout the community.

1985 to present Ngozi, Inc. Artistic Director <https://www.facebook.com/ngoziinc>

October 5, 2022

Jamil Bey, PhD  
President/CEO UrbanKind Institute  
5 Esther Street  
Pittsburgh, PA 15227

Dear James:

I appreciate the opportunity to present to you today and to provide my insight on environmental justice issues – particularly in Black and more recently brown communities in the Commonwealth.

I am Jamil Bey, founder, and director of the UrbanKind Institute in Pittsburgh. I am also the founder of the Black Environmental Collective – a network of more than 125 Black folks who work at the intersection of health, environment, food, and climate change across southwestern Pennsylvania. I am one of the founders and core members of the Black Equity Coalition – a network of folks, anchored in Pittsburgh but working across the state to support the creation of equitable systems to affirm the dignity of every human being through collaborations, networks, and policymaking.

UrbanKind Institute's mission is to eliminate barriers to family thriving in over-burdened and under-resourced communities.

We do this by working to include the voices and lived experiences of residents from these communities in the decisions, research, and investments in their communities so that they are the primary beneficiaries.

I am also a former High School social studies teacher, I taught for almost 10 years in 2 school districts in the Mon Valley, Clairton and McKeesport. It was there and then that I learned, from my students, that the injustices of being Black in America, being Black in Pennsylvania – these injustices that Black and brown folk face have disadvantaged people at a scale that we will never be able to overcome without deliberative, restorative, and reparative initiatives.

I am also trained as a geographer. I am political and economic geographer from Penn State University. This is all relevant to show my bona fides as a speaker advocating support of House Bills 2034, 2043, and 2256.

Not only here in Pennsylvania, but across the globe, Black and brown people withstand the worst of commercial and industrial pollution and now the worse impacts of climate change. While these bills propose some tools to address environmental exposures, they do not address the vulnerabilities that make residents in areas inflicted by environmental injustices.

At UrbanKind Institute we are working to de-silo how we fight for justice.

We recognize that one injustice perpetuates further injustices. Families in neighborhoods that are now labeled as EJ (Environmental Justice) communities are also fighting for housing justice, education justice, economic justice, health and medical justice, and justice in the way that they are policed and in their interactions with courts.



As long as we continue to silo our efforts to address the inherent injustices in how the commonwealth treats its most vulnerable residents, we are going to continue to have such poor outcomes.

Families would not likely remain in areas where their children are poisoned by the air they breathe, the water that they drink and in the soil in which they play if they had the resources to be elsewhere. If families had better access quality food and to healthcare and stronger relationships with medical doctors, many of the disparate instances of morbidities would be erased.

One injustice begets the others. Families with adequate resources, trusting relationships with a medical doctor, decent educational access, safe and healthy homes, food security, etc. Members of these families are far less susceptible even when overexposed to toxic levels of pollution and environmental contaminants.

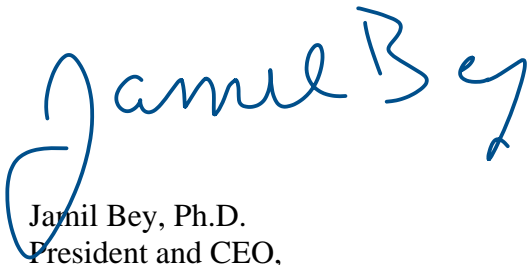
Environmental issues, environmental injustice is one part of it. Black folks are more vulnerable to environmental contamination, hazards, and threats, but our vulnerability is rooted in all the other injustices that keep us poor, in low paying jobs, in under resourced schools, in inadequate housing, and with poor health care access.

As a geographer – we see and attack the intersections of our challenges. We at UrbanKind built the Equitable and Just Greater Pittsburgh Platform to bring organizations and advocates together at the intersection of housing, livelihoods, education, transportation, food, health, and environment. This network engages institutions and policymakers to advance a pro-people agenda. We see this as a model for other regions to work for change at scale.

We urge you to continue to fight environmental injustices across the state with the recognition that it must be situated in the context of establishing justice in all contexts for all citizens.

Siloed justice efforts do little to impact change at scale.

Sincerely,

A handwritten signature in blue ink that reads "Jamil Bey". The signature is written in a cursive, flowing style with a large initial "J" and a long, sweeping underline.

Jamil Bey, Ph.D.  
President and CEO,  
UrbanKind Institute

**Maurice M Sampson II, Eastern Pennsylvania Director, Clean Water Action**  
**Testimony - Democratic House Joint Policy Hearing on Environmental Justice**  
**October 4, 2022**

Good morning

On behalf of Clean Water Action and our over 80,000 statewide members, I would like to thank Chairman Bizzario, representative Donna Bullock and the Pennsylvania Legislative Black Caucus for hosting this hearing on environmental justice and the opportunity to address you here today

My name is Maurice Sampson I am the Eastern Pennsylvania Director for Clean Water Action. Clean Water Action is a national non-profit environmental organization. We're celebrating our 50<sup>th</sup> anniversary this year of bringing issue expertise, solution-oriented thinking and people power to the table, in order to make further advancements to protect our environment, health, economic well-being and community quality of life as well as end environmental injustices.

Thirty-one years ago this month, I had the privilege to be the sole Pennsylvania delegate to the First National People of Color Environmental Leadership Summit– one of 1,100 delegates gathered in Washington, D.C, black-brown, red, and yellow delegates from all fifty states, Puerto Rico, Chile, Mexico, and as far away as Nigeria and the Marshall Islands. At the time of the summit, many white-led environmental organizations focused primarily on wilderness and wildlife. But the Summit attendees, coming from communities unfairly burdened with pollution, embraced environmental justice: the idea that all people are entitled to healthy environments in the places where they live and work.

The term “environmental justice” evolved from a 1987 study, *Toxic wastes and Race in the United States, A National Report on the Racial and Socio-Economic Characteristics of Communities with Hazardous Waste Sites*<sup>1</sup>. In the first report of its kind, two cross-sectional studies were initiated utilizing appropriate statistical techniques to determine the extent to which African-Americans, Latinx Americans, Asian Americans, Pacific Islanders, Native Americans, and others are exposed to hazardous waste in their communities.

The findings indicated the incidence of the siting of such facilities in or near African American communities regardless of income was so prevalent it could be mistaken as criteria for locating such facilities. The same study repeated in 2007, *Toxic Wastes and Race at Twenty*<sup>2</sup> found the conditions had gotten worse. The Reverend Benjamin Chavis, Jr of the United Church of Christ, coined the term ‘environmental justice’ to describe the institutional racism in siting those facilities.

For the sake of clarity in these proceedings, I want to offer for the record a common definition of racism as defined by the National Council of Churches’ Racial Justice Working Group from 1987:

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<sup>1</sup> *Toxic wastes and Race in the United States, A National Report on the Racial and Socio-Economic Characteristics of Communities with Hazardous Waste Sites*”, published 1987, by the United Church of Christ, Commission for Racial Justice, <https://www.nrc.gov/docs/ML1310/ML13109A339.pdf>

<sup>2</sup> *Toxic Wastes and Race and Toxic Wastes and Race at Twenty 1987 - 2007*, published March 2007 by Justice and Witness Ministries of the United Church of Christ, <https://www.ucc.org/wp-content/uploads/2021/03/toxic-wastes-and-race-at-twenty-1987-2007.pdf>

"Racism is racial Prejudice plus power. Racism is the intentional or unintentional use of power to isolate, separate, and exploit others. This use of power is based on a belief in superior racial origin, identity, or supposed racial characteristics. Racism confers certain privileges on and defends the dominant group, which in turn sustains and perpetuates racism. Both consciously and unconsciously, racism is enforced and maintained by the legal, cultural, religious, educational, economic, political, environmental, and military institutions of societies. Racism is more than a personal attitude, it is the institutionalization of that attitude".

It was the findings of the 1987 Study that led to the organizing of the First National People of Color Environmental Leadership Summit in 1991. For those in attendance, it was a life-changing event. Peggy Shepard of WE ACT for Environmental Justice (Harlem, New York) summarized it well for many of us when said of the experience:

"It was the first time I understood that there were hundreds of groups like mine working on similar issues around the country. We began to ask, what are our values? What are our principles? What do we believe in, and why are we here? Who are we?"<sup>3</sup>

A committee was formed during the event, working night and day to develop the [17 Principles of Environmental Justice](#) adopted in 1991 and the lesser shared [Principles of Working Together](#), adopted at the Second People of Color Environmental Leadership Summit on October 26, 2002. These documents set up a multi-decade conversation about environmental justice as a lens and a practice.

I would submit to you our being here today, and the environmental justice legislation introduced by Rep Bullock and her colleagues is predicated on these events.

Community involvement must mean more than just the opportunity to be heard, which is the shortcoming and limitations of the current approach our Commonwealth takes to Environmental Justice policy. The package of bills introduced in the PA General Assembly will address these concerns through three primary objectives:

1. Require facilities seeking permits to prepare an environmental impact statement that includes any potential negative impacts they may have on the surrounding area and empower DEP to deny a permit application if it finds that the cumulative impacts of the facility on the community would be too great to justify its approval. It also gives greater weight to the comments and perspectives of impacted residents.
2. Codify the Office of Environmental Justice and the Environmental Advisory Board within the Pennsylvania Department of Environmental Protection,
3. Create a multi-agency Environmental Justice Rapid Response Task Force to address concerns from citizens or municipalities that are disproportionately exposed to environmental health risks

On behalf of Clean Water Action, I offer these comments for your consideration in the deliberation of Environmental Justice Policy in Pennsylvania.

First of all, let's recognize that Environmental Law is written to a standard that ultimately prioritizes the cost to corporate interest over the long-term impact on local residents and

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<sup>3</sup>30th anniversary of First National POC Environmental Leadership Summit: Roundtable, Island Press Urban Resilience Project, November 2021 <https://youtu.be/QQlbqsLIWWE>

ecosystems. Environmental justice legislation reasons those standards should also consider the well-being of the community and built environment. Socially responsible permit holders should be compelled to practice business to include rather than ignore people and the planet as a function of profit.

Second, the assessment of cumulative impacts in considering permits will only succeed if it is practiced without exception. Permits granted based solely on the allowable pollution they emit without considering the cumulative impact ignores the well-being of residents and workers. To give an example, the permitting of the Combined Power Natural Gas Plant in Philadelphia's Nicetown section ignores the fact that the permitted particulate matter emitted by the plant is a trigger for those who suffer from asthma in a neighborhood with the highest number of emergency room visits for asthma in Philadelphia.

Finally, as this legislation is deliberated among your colleagues, please reject any argument that these proposals or any environmental justice policy are limited to the exclusive interests of black and brown people.

A recent example of environmental justice policy is Senate Bill 522, voted unanimously out of the Senate Children and Youth Committee two weeks ago. This legislation calls for universal blood testing of children at least once before they are two years old. Exposure to lead is especially harmful to children during early formative years. Effects of lead poisoning are irreversible and severe. This is a major environmental justice issue. Even very low levels of lead exposure can cause significant neurologic damage to children and stunt normal brain growth. Such exposure is linked to cognitive and behavioral impairment which influences learning disabilities in children and violent behavior in teens. Low doses of lead can cause a broad range of functional problems such as loss of self-control, shortened attention span and a host of learning disorders that often cause lead-exposed children to perform poorly in school and ultimately to drop out<sup>4</sup>.

Exposure to lead in the preschool years significantly increases the chance that children will be suspended or incarcerated during their school careers, according to research at Princeton University and Brown University<sup>5</sup>. Medical research has established a connection between early childhood lead exposure and future criminal activity, especially of a violent nature

While lead poisoning in the City of Chester and Philadelphia at alarming levels in these environmental justice communities, they only rank 8th and 16th respectively, and are the only two EJ

19 PENNSLVANIA CITIES w/BLLS OF 5 µg/dL AND ABOVE		
Only 2 are Environmental Justice Communities*		
City	Percentage of Children Tested w/ BLLs ≥5 µg/dL	% Minority Population
Allentown	23.11%	27.71
Altoona	20.45%	6.76
Scranton	19.45%	6.17
Johnstown	18.26%	5.33
Reading	16.14%	16.56
Easton	15.81%	17.12
Bethlehem	14.32%	9.2
Chester	13.73%	80.9
Wilkes-Barre	13.17%	13.66
Lebanon	12.99%	20.1
York	12.41%	26.28
Harrisburg	12.16%	51.7
Erie	12.09%	15.64
Williamsport	12.01%	13.5
Norristown	11.80%	45
Lancaster	11.03%	16.8
Philadelphia	10.19%	62.7
Pittsburgh	8.32%	22.98
Levittown	2.16%	26.26
State College	1.54%	3.1

\*DEP defines an EJ Area as any census tract where 20 percent or more individuals live at or below the federal poverty line, and/or 30 percent or more of the population identifies as a non-white minority based on data from the U.S. Census

SOURCES: 2014 Childhood Lead Surveillance Annual Report, PA Dept of Health & DEP Environmental Justice Public participation Policy, 2004

<sup>4</sup> Lanphear et al. 2005; Wilson et al. 2006; Chen et al. 2007; Bellinger 2008a, 2008b).

<sup>5</sup> [Needleman et al. 1996](#); [Needleman et al. 2002](#); [Wright et al. 2008](#)

communities among the 19 Pennsylvania cities with the percentage of children tested with blood lead levels at the action level of 5 or more micrograms per deciliter.

Under provisions of Environmental Justice policy, permit provisions that address hazardous operations that disproportionately impact the black and brown residents of the Cities of Chester, Harrisburg, Pittsburgh, and Philadelphia will also give voice to the decidedly white communities impacted by longwall mining in Green and Washington Counties, the coal mining and Fracking fields in Northeastern Pennsylvania, the landfills in Berks Lancaster and York Counties and the 200 plus miles of communities violated by the Mariner East Pipeline.

Environmental justice is about health and equity and full recognition of Article 1 Section 27 of the Pennsylvania Constitution, guaranteeing all Pennsylvania residents the right to clean air and pure water and to the preservation of the natural, scenic, historic, and ethical values of the environment.

Environmental Justice serves as all. As such, I would like to all share with the committee a letter signed by organizations from across Pennsylvania who, while not being able to testify today, still wanted to make their voices known that they support the Environmental Justice policies and bills being highlighted and pushed during today's hearing.

Thank you



House Policy Hearing on Environmental Justice  
Testimony Provided by Ashley Funk, Executive Director  
Mountain Watershed Association  
October 5th, 2022

My name is Ashley Funk, and I'm the Executive Director of Mountain Watershed Association, which works to protect, preserve, and restore the Youghiogheny River watershed and its broader communities through conservation, recreation, education, and advocacy. Our watershed is home to over a dozen environmental justice communities as defined by PA Department of Environmental Protection (DEP), with the majority of our work taking place in Fayette, Westmoreland, and Somerset Counties. A stronghold of our work in Fayette County takes place in Saltlick and Springfield townships, where 26% of the population is living in poverty. In 2017, a shocking 65.7% of those under the age of 18 in Saltlick Township were considered to be living in poverty.

Our organization is one of the few that is dedicated to advocating for and organizing with rural environmental justice communities in Southwestern PA. Rural communities outside of Pittsburgh have faced generations of extraction and environmental degradation at the hands of the coal and natural gas industries. Many residents experience what we call "learned acquiescence" - polluting industries have taken advantage of them for so long that they often do not know or believe that they can advocate for themselves or their communities. Our organization works to show these communities that they do have power, and it is critical that we have effective environmental justice policies in place to support our efforts.

We work every day with community members whose health and quality of life are threatened by the compounding impacts of new fossil fuel development in their communities. Some residents have orange abandoned mine water running through their basements while several new coal mines are being permitted down the road. Others are experiencing the cumulative impacts of new and proposed well pads, pipelines, and power plants all being constructed within eyesight of their homes. In another community, Pennsylvania's only hazardous waste landfill has applied for a permit to expand, even as nearby residents grapple with ongoing pollution and devastating health impacts from the existing facility. These residents have watched DEP give new facilities the greenlight even while their communities are still experiencing the impacts of ongoing or legacy

pollution. To them, it feels like DEP exists only to support polluting industries - not to actually protect residents or their environments. Given existing permitting procedures, these beliefs are grounded in some truth.

Currently, DEP reviews and approves permits without taking into account existing sources of pollution in a community. As long as an applicant meets the minimum requirements, DEP will issue them a permit to pollute - even in a community that may be inundated with existing facilities. In this way, DEP prioritizes industrial development over the protection of human and environmental health, and as a result, environmental justice communities continue to shoulder a disproportionate share of pollution. To remedy this, environmental justice policies should require DEP to evaluate the cumulative impacts of new permits so that communities are not overburdened with pollution. DEP also needs to be granted the authority to deny a permit due to environmental justice considerations. Otherwise, existing policies do little to actually protect residents.

Further, we need environmental justice policies that require regulators to effectively notify, educate, and engage communities prior to any permitting decisions that would impact environmental health and quality of life. Too often, we hear from residents in environmental justice areas who had no idea that, for instance, a new coal mine would soon undermine their home. In our experience, the most effective way to reach residents would be to require DEP to send mailings to nearby households, host public meetings, and have staff available to answer questions throughout the permitting process. Because many rural communities lack access to reliable internet connections, it is critical that meetings be held both in-person and virtually in order for them to be accessible to all residents.

Lastly, I want to name that while many of the environmental justice communities our organization serves are predominately white, we work to uplift the leadership of Black, Indigenous, and other communities of color who have been the bedrock of the environmental justice movement. Our work begins to build a bridge for rural, predominately white communities to understand how the issues we face in our backyards are tied to larger issues experienced by communities in other parts of the state, across the country, and around the globe. It is important that environmental justice initiatives work to build connections between communities who experience the burden of pollution so that they can learn together and better advocate for protections for all residents, regardless of their race or income.

Thank you for your time and attention on this issue. Our organization would be glad to share additional information about our experiences advocating for rural environmental

justice communities in Southwestern Pennsylvania, so feel free to contact me with any additional questions.

Ashley Funk

Mountain Watershed Association

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724-455-4200 x6#





**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

**Testimony of**

**Justin Dula**

**Director, Office of Environmental Justice**

**Pennsylvania Department of Environmental Protection**

**Environmental Justice**

**Before the House Democratic Policy Committee Hosted by the Pennsylvania Legislative Black Caucus**

**Wednesday, October 5, 2022**

Thank you Chair Bullock, Chair Bizzarro, and members of the House Democratic Policy committee and the Pennsylvania Legislative Black Caucus for the opportunity to provide written testimony for the House Policy Committee Hearing on Environmental Justice.

Last year Governor Wolf issued Executive Order 2021-07 to address environmental justice (EJ) and support low-income communities and communities of color that are adversely impacted by environmental issues with accompanying adverse health impacts. The Executive Order formally established DEP's Office of Environmental Justice, Environmental Justice Advisory Board, and Environmental Justice Interagency Council.

DEP created the Office of Environmental Justice (OEJ) in 2002 on the heels of, community-based efforts and advocacy initiatives that addressed environmental injustices in Pennsylvania. These efforts called for active participation by residents of communities that historically faced barriers to participating in policymaking and implementation of initiatives at DEP. The mission of OEJ is to ensure Pennsylvanians most at risk from environmental impacts have a role in the state's decision-making processes. OEJ has three main objectives: improve environmental impacts, empower communities, and support economic development in EJ Areas.

Since the Executive Order was signed last year, OEJ Justice has been managing several efforts to advance the Wolf Administration's environmental justice priorities.

Currently, OEJ is updating DEP's definition of "Environmental Justice Area", which was established in 2004 and is defined as a community with a population that is 30% people of color

and/or 20% low-income. While this definition was innovative in 2004, we, in collaboration with EJ stakeholders, believe this definition is inadequate and falls short of capturing the wide scope of variables impacting EJ communities. The new definition will be data-driven and will include additional demographic and environmental indicators. The new definition, in addition to the data analysis tool created to support this definition, will be published for public comment in the coming months.

Additionally, OEJ is in the final stages of publishing a revised Environmental Justice Policy which was updated to reflect the Department's efforts to integrate EJ considerations into its programs department-wide. DEP released a draft of the updated policy on March 12, 2022, for a 60-day public comment period. During the public comment period, DEP conducted extensive outreach to publicize the policy and engage with stakeholders. OEJ hosted four virtual public hearings on April 5, April 12, April 28, and May 4. OEJ also attended local events throughout the state, multiple Department advisory committee meetings, and other meetings at various communities' requests. Outreach materials in English and Spanish were also developed to help increase accessibility and awareness of the draft policy and public comment period.

Due to these outreach efforts, the Department received over 1,300 comments from communities large and small, rural and urban, across the state. In the comments that were received, Pennsylvanians requested better protections for EJ concerns that they are experiencing every day. These concerns relate to a variety of different environmental factors from air quality to water quality and beyond. Commenters often requested more governmental interventions that move beyond public participation. There were calls for actions such as increasing enforcement actions, re-evaluating violation penalties, improving access to data, and suggestions that the Department have the ability to deny permits based on EJ concerns. To address these comments, OEJ is working within our existing statutory and regulatory framework, but there are challenges that can only be addressed through legislation. The public comments reflect Pennsylvanians' desires to see more stringent environmental protections that affect their health, livelihood, and property. DEP looks forward to the opportunity to continue to work with the Legislature to further these efforts.

Now formally established by the Executive Order, the Department's Environmental Justice Advisory Board (EJAB) has been active in advancing EJ work throughout the state. EJAB is an active and diverse group of stakeholders from across the commonwealth who support OEJ with community outreach and provide guidance and recommendations regarding the Department's regulations and policies that address environmental inequities and support EJ communities.

The reach of DEP, OEJ, and EJAB is commonwealth-wide in scope. Through the implementation of the Environmental Justice Policy, OEJ and EJAB have held public meetings on projects in all corners of the state, from Westmoreland and Somerset Counties to Delaware and Philadelphia Counties. EJAB recently hosted a travelling meeting in Johnstown to engage with community organizations in southwestern Pennsylvania. Through these public meetings, the Department and EJAB interact directly with community leaders, residents, and other stakeholders who feel

it is important to share their experiences and express their concerns, both positive and negative, that are impacting their community.

Lastly, the Environmental Justice Interagency Council (EJIC), which is composed of Secretaries under the Governor's jurisdiction, has been convening quarterly to discuss each agency's role in integrating EJ considerations into their departmental programs. This group is integral for breaking down governmental silos and providing cohesion and improved communication between agencies about EJ initiatives. So far, the EJIC has discussed preliminary concepts for agency strategic plans, data collection and information sharing amongst agencies, the use and benefit of mapping tools, and relaying information about resources and activities occurring amongst federal agency counterparts.

During the release of the Executive Order, Governor Wolf joined with the Pennsylvania Legislative Black Caucus to announce the administration's commitment to EJ issues and to highlight legislative actions that would ensure that all Pennsylvanians, especially disadvantaged communities, are included in conversations and decisions to protect our environment and quality of life. These legislative proposals would create systems to better address community environmental concerns around the issues OEJ has heard about. Though these bills have not passed, they provide a good model for helping to address the concerns we have heard communities across the state. DEP is working to provide publicly available data and tools that can assist in legislative efforts to address these issues, with the help of partners in the Environmental Justice Interagency Council.

In conclusion, the Department continues to collaborate with communities on their specific EJ concerns and continues to work with engaged institutional partners to help advance EJ work in Pennsylvania. Local partners have on-the-ground knowledge of the issues facing a community and we are eager to continue our work with these communities and the legislature to advance EJ priorities in Pennsylvania.

I thank you for the opportunity to provide remarks and I look forward to working with you to further the work discussed today and to promote environmental justice in the Commonwealth of Pennsylvania.