



*Commonwealth of Virginia  
Office of the Governor*

## *Executive Order*

### **NUMBER TWENTY-NINE (2019)**

#### **ESTABLISHMENT OF THE VIRGINIA COUNCIL ON ENVIRONMENTAL JUSTICE**

##### **Importance of Environmental Justice**

The Constitution of Virginia states that it is the Commonwealth's policy to "protect its atmosphere, lands, and waters from pollution, impairment, or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth." The protection of our natural resources applies equally to all individuals. All deserve to live in a healthy environment. The Commonwealth has a duty to protect our air, water, and land, and to ensure that no community in Virginia is disproportionately impacted by the negative effects of climate change.

Environmental justice is defined by the U.S. Environmental Protection Agency as the fair treatment and meaningful involvement of all people regardless of race, color, faith, national origin, or income, in the development, implementation, and enforcement of environmental laws, regulations, and policies.

No population, especially minority, low-income, or historically-underserved communities, should face higher levels or greater impacts of pollution than other populations. Some of these communities face more severe environmental degradation, which disproportionally affects public health and quality of life.

Recommendations to ensure that environmental justice concerns are understood, and that a framework is in place to address these concerns, are extremely valuable to the Commonwealth. While some state agencies incorporate environmental justice into their review process, there is currently no consistency in how these issues are evaluated. The Virginia Council on Environmental Justice (Council) will help generate proposals for consistent approaches to evaluate environmental justice.

##### **Establishment of the Virginia Council on Environmental Justice**

The Commonwealth requires a consistent, action-oriented approach to incorporating environmental justice into decision-making. The Council will provide recommendations to

establish a foundation of environmental justice principles intended to protect vulnerable communities from disproportionate impacts of pollution. Accordingly, I hereby formally convene this Council to provide independent advice and recommendations to the Executive Branch.

### **Composition and Support of the Council**

The Governor will appoint members to carry out the assigned functions of the Council, and the members shall serve at the Governor's pleasure. The Governor may make appointments to the Council at any time. The Secretary of Natural Resources (Secretary) will designate from the appointed Council members a chair and a vice chair. Subject to the approval of the Secretary, the Council chair may appoint Council members to subcommittees to address specific topics between meetings of the full Council. The Council shall consult with the Secretary or the Secretary's designee to gain an understanding of emerging issues where their advice would be helpful to the Council. The Council may consult with issue area experts and members of the public to help develop recommendations and advice for the Commonwealth.

The Secretary will provide staff support for the Council. The Secretary of Health and Human Resources and the Secretary of Commerce and Trade may provide additional support and expertise as needed. The Council will serve in an advisory role without compensation, in accordance with § 2.2-2100 of the *Code of Virginia*, and will meet quarterly, at a minimum.

### **Duties of the Council**

The Council shall issue a report to the Governor. This report shall provide advice and recommendations, demonstrating the Council's progress, and be submitted no later than January 22, 2020. The Council shall provide any additional reports and recommendations as requested by the Secretary or state agencies seeking specific advice.

The Council shall prioritize providing guidance for the development of policies and procedures to address environmental justice in its report. Proposing a long-term framework for the state, focusing on equality and equity, to ensure environmental justice issues are heard is essential. This framework shall also include recommendations on the integration of environmental justice considerations into existing state policies, permits, programs, and procedures. The Council shall provide options, across state agencies, for the Governor to consider.

The guidance shall focus on the following issues:

- A. Communications and partnerships: A focus on the experience of minority, low-income, and underserved communities in formulating environmental justice policies and procedures is an important part of having a meaningful impact. Executive Order Six (EO-6) supports the critical role of the Virginia Department of Environmental Quality in protecting Virginia's air, water, and public health. EO-6 strives to enhance communications providing more opportunities for proactive education, especially among

underserved communities. The communication goals outlined in EO-6 should guide the Council as it looks at other agencies and their communication with stakeholders.

As Virginia evolves and new environmental justice issues emerge, communication and partnerships with stakeholders will be extremely important. In its report, the Council shall suggest a framework that includes best practices, tools, and different approaches to enhance communications and build partnerships in vulnerable communities regarding state decisions. Such advice should help to ensure engagement in decision-making, capacity-building in disproportionately-burdened communities, and collaborative problem solving. The Council shall also provide recommendations on strengthening partnerships among governmental agencies, including federal, state, tribal, and local governments.

- B. Public health: Protecting public health is a priority for the Commonwealth. In its report, the Council shall suggest a framework to use in identifying potential risks or disproportionate public health impacts related to environmental pollution.
- C. Local governments: Many decisions affecting efforts to ensure environmental justice are made at the local level. The Council shall suggest an environmental justice framework, for local governments to reference as guidance.
- D. The report shall include solutions such as proposed legislation, regulations, policies, and research initiatives. The Council's report shall also consider the following items and include specific recommendations regarding:
  - 1. Climate change and resilience: Climate change is one of the biggest threats of our time, and its impacts can disproportionately affect minority, low-income and historically-underserved communities. Executive Order Twenty-Four (EO-24) was issued to increase Virginia's resilience to recurrent flooding, sea level rise, and other natural hazards. The Council shall consider EO-24 as it provides advice on this issue and include suggestions for resilience investments that would help reduce impacts on vulnerable communities. The Council may also recommend ways to increase equitable renewable energy development, clean energy technology, and energy efficiency programs to help ensure these climate solutions are available to all.
  - 2. Transportation systems: Low-income and minority communities can be more vulnerable to health impacts from transportation pollution and may lack access to cleaner public transportation and walking or biking routes. The Council shall examine transportation systems and include recommendations regarding areas that could be improved to reduce air pollution and other transportation-related environmental concerns and to provide equitable access to clean and efficient transportation choices.
  - 3. Clean Energy Transition: Many communities impacted by reduced demand for thermal coal are in rural areas. A just transition is crucial, and sustainable

economic development is increasingly important. The Council shall research Virginia's regions that are transitioning away from coal and provide recommendations to support those communities.

4. Outdoor Access: Public spaces should serve everyone. Equal and equitable access to these spaces and natural areas is critical to fostering healthy communities. The Council shall provide recommendations for best practices and tools to ensure that all communities have public access to outdoor areas.

The Council shall solicit public comments and recommendations addressing these issues. The Council shall consider different perspectives and provide balanced advice and recommendations to the Governor.

**Effective Date of the Executive Order**

This Executive Order shall be effective upon signing and shall remain in full force and effect for a year from its signing, pursuant to § 2.2-134 and § 2.2-135 of the *Code of Virginia*, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 22<sup>nd</sup> day of January 2019.



Handwritten signature of Ralph S. Northam in black ink.

Ralph S. Northam, Governor

Attest:

Handwritten signature of Kelly Thomasson in black ink.  
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Kelly Thomasson, Secretary of Commonwealth