



March 22, 2019

VIA ELECTRONIC MAIL

eo23@dep.nj.gov

RE: COMMENTS ON NJDEP DRAFT ENVIRONMENTAL JUSTICE EXECUTIVE ORDER NO. 23 GUIDANCE

To Whom It May Concern:

On behalf of our members, the Chemistry Council of New Jersey (CCNJ) appreciates the opportunity to provide the following comments to the New Jersey Department of Environmental Protection (NJDEP, the Department) on the draft Environmental Justice (EJ) Executive Order No. 23 Guidance, dated December 17, 2018.

First, CCNJ agrees that the NJDEP does not need to create its own definition of “environmental justice”, and is supportive of the use of the USEPA’s definition. Regarding the identification of EJ communities, CCNJ originally recommended that the NJDEP refer to the United States Environmental Protection Agency (USEPA) Guidance for Statistical Determination of Appropriate Percent Minority and Percent Poverty Distributional Cutoff Values Using Census Data for an EPA Region II Environmental Justice Project. Though we do not oppose the NJDEP’s recommendation that state agencies use the USEPA EJSCREEN tool, as it does incorporate various environmental and demographic indicators, CCNJ has the following questions that we would appreciate response/clarification on:

- What are the minimum criteria for indicators such as low-income population, minority population, and demographic index that will be used to identify EJ communities?
- How many people and/or what size of an area is sufficient to establish an EJ community (e.g. Is it one person or 100? Is it one block or a township?)?

Also, EJ should not be a consideration if environmental conditions are within accepted norms and the population is not being adversely impacted (or impacted more than any other adjacent area).

CCNJ strongly believes that EJ policy should focus on the fact that any potential development or redevelopment can be used to progress both economic growth and environmental improvement in EJ communities. For too long, EJ has been viewed and used by many as a means to prevent development/redevelopment in and near low-income communities; existing environmental rules already in place only serve to ensure that development does not produce significant environmental issues. If a

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proposed development/redevelopment has a potential negative impact on an environmental area of concern, means to offset that impact to the EJ community should be allowed to be considered before outright blocking the project. CCNJ's opinion is that EJ communities are the areas that can most benefit from development, redevelopment, and growth/expansion both directly and indirectly through jobs, community improvements, and increased tax base. Rather than using EJ as a means to identify why something cannot or should not be done, EJ should be a policy that identifies how government and businesses can collaborate and work together to encourage growth and economic expansion with the goal of improving communities through integrated environmental improvements (e.g. restoration/open space/community projects, taxes dedicated to environmental improvements such as community low emission vehicles, etc.).

Regarding the identification of opportunities to improve engagement and collaboration with EJ communities, CCNJ highly recommends and supports Community Advisory Panels (CAPs). Involving the community through a CAP or CAP-like process is critically important in making sure that all constituencies are part of the conversation; our members who currently participate in CAPs, along with their communities, have found them to be very beneficial and successful. This process also results in identification of projects and opportunities (e.g. development of community centers, recreational facilities, etc.) in partnership with industry for the overall betterment of quality of life for the community.

We would like the record to reflect our support of any comments submitted by regular members of CCNJ.

Thank you for your consideration of our comments on this very important issue. We look forward to continuing to work with the NJDEP on this and other matters of critical importance to CCNJ members. If I can be of further assistance, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'DH', with a long horizontal flourish extending to the right.

Dennis Hart
Executive Director