

**TESTIMONY BY NJ STATE SENATOR TROY SINGLETON  
PA HOUSE ENVIRONMENTAL RESOURCES & ENERGY COMMITTEE  
ENVIRONMENTAL JUSTICE HEARING  
MONDAY JUNE 5, 2023**

Thank you to Chairman Vitali, and members of the House Environmental Resources and Energy Committee, for allowing me the opportunity to testify before you today about New Jersey's landmark environmental justice law.

I'd like to take a moment to explain the origin story of our Cumulative Impacts law – and like so many other stories of policies going from idea to implementation, this story begins with advocates.

In this instance, advocates from the Ironbound Community Corporation in Newark, New Jersey's largest city, stood up for environmental injustice, and demanded that their voices be heard. They and their neighbors and families were literally sick from the air and fumes they were breathing each and every day.

In fact, one of the leaders of this movement, Maria Lopez Nunez, said she and her neighbors would play a game trying to identify which factory stench was in the air that day.

But this is just a snapshot of what millions of people across our nation live with every day. Asthma. Lung cancer. Respiratory infections. COPD. There are just some of the many ailments that are attributed to pollution.

We know that air pollution is directly associated with heart and lung issues, premature death, and respiratory issues. We also know that adults living in urban areas are at higher risk for complications than those living in rural areas – and compared to much of the rest of the country, New Jersey is a mainly urban landscape.

And it's significant to note that nationally, more than 40% of US citizens live with unhealthy air, many of whom are people of color.

**EVERY BILL HAS A SEASON:**

Upon joining the Senate in 2018, I introduced legislation that seeks to provide these communities with the environmental justice they have long deserved.

The journey started long before my involvement on this issue. It's been a long journey for the advocates, my legislative predecessors, and a decades-long journey for the people living in these communities.

But it is indisputable that timing was key to this law's passage.

This legislation was something I worked on for several years. After years of waiting, we finally had the momentum needed to get this bill to the finish line in the wake of George Floyd's murder in 2020.

As I said at peaceful protests and rallies across our state at the time, his murder and the Black Lives Matter movement was an opportunity to turn that moment in our country's history into a movement to create a more fair and just society...not just in one aspect...but in every aspect of our society.

Turning this pivotal moment in our history into a movement – one where black lives matter in crafting police reform, education policy and even environmental regulations. Environmental justice is a key pillar in that effort.

The Governor announced his public support for this bill on Juneteenth 2020, and the bill was signed into law three months later on September 18, 2020.

There was an urgency to get this done – once and for all – because generations of New Jerseyans are having adverse health effects due to the overabundant siting of these toxic facilities in their neighborhoods.

## **OVERVIEW**

So, what does our law do? It authorizes the NJ Department of Environmental Protection to evaluate the environmental and public health impacts of certain polluting facilities on “overburdened communities.”

Under the law, these communities would be given an opportunity to voice their concerns during public hearings on the siting of future projects and would require the DEP to assess the environmental impacts to the area.

Essentially, this law seeks to promote and build upon the type of host community engagement that some environmentally intensive facilities already undertake by requiring community involvement in certain environmental permitting decisions.

We estimate that there are 310 municipalities in New Jersey that have overburdened communities.

To determine if a community is “overburdened” the NJDEP would use the following criteria:

- At least 35% of households must qualify as low-income.
- At least 40% of residents must identify as minority or a member of a tribal community.
- Or at least 40% of households would have limited English proficiency
- Additionally, the community must house major sources of air pollution.

The law would apply to a narrow set of facilities that may be proposed in a minority or low-income census block group as determined by the latest census data. This is the most finite unit of neighborhood census data analysis. This unit of analysis was chosen to promote a narrow application of the bill's requirements, focusing in on those areas in communities that are most in need.

The law **does not** mandate the denial of environmental permits for the eight types of covered facilities. These facilities include recycling facilities, garbage incinerators, landfills, sludge processing, large sewerage treatment plants, scrap metal facilities, and medical waste incinerators (not those serving hospitals or universities).

It only seeks to identify existing environmental and public health stressors within a host community and instill a regulatory mechanism for resolving disproportionate impacts **if** such localized impacts are found to exist.

### **EVOLUTION OF LEGISLATION:**

As previously noted, it took years to get this bill to become law. I joined with advocates from the Ironbound Community Corp, Clean Water Action, Sierra Club, and the League of Conservation Voters, to name a few to get this issue the attention it needed.

And their support spoke volumes against the opposition we faced from the business community, who feared that the bill would impede economic development.

We could not ignore that there was an economic and environmental reality that frames this debate.

History and experience have shown us that environmental protection and economic development are not mutually exclusive.

We are not going to abolish the market economy that drives these decisions...nor can we outlaw all pollution...or equalize its incidences.

However, what we can and must do is do more to address the most egregious imbalances and risks that result from those with more financial resources and louder political voices crowding out those who are bereft of both... which has created a concentration of these facilities in lower socioeconomic communities and leading to documented adverse health conditions.

This law will support, not undermine, sorely needed opportunities for growth and development in our overburden communities, and we will ensure a greater commitment to public health in doing so.

### **CLOSING:**

Finally, just this past April – nearly 3 years after Governor Murphy signed the law – the New Jersey Department of Environmental Protection implemented the EJ rules. These

rules reinforce the basic foundation of our EJ Law that no community should shoulder a greater environmental burden than environmental benefit.

It is such a simple idea that when I visit elementary schools and teach the kids about how bills become a law, we do an interactive demonstration on exactly how this law works. And every, single time the kids get that three, four or five polluting facilities are just too much for one community.

Chairman Vitali, Members of the Committee – I hope you will follow New Jersey's lead and pass this legislation out of committee today. I am available to answer any questions you might have.