



Prepared Testimony of

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Before the

House Environmental Resources and Energy Committee

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Good morning Chairman Vitali, Chairman Causer, and members of the Environmental Resources & Energy Committee. Thank you for the opportunity to present my testimony regarding environmental justice. My name is Fernando Treviño, Special Deputy Secretary for Environmental Justice at the Pennsylvania Department of Environmental Protection (DEP). Today, I am joined by Justin Dula, Director of the Office of Environmental Justice at DEP.

I would like to start my remarks by sharing with this Committee some highlights of DEP's new vision for environmental justice. In order to be inclusive of all Pennsylvanians facing environmental challenges, especially the most vulnerable, our approach for environmental justice includes a strategy that is comprehensive and intentional, implements external-facing tactics but also targets internal processes, and seeks to fully take advantage of the federal resources intended for Environmental Justice Areas (EJ Areas) like the Justice 40 initiative and other federal funding sources.

Acting Secretary Negrin already presented a preview of the Administration's vision during his budget testimony before the House Appropriations Committee. Our vision is broad and inclusive, with an expansive view of what environmental justice is.

DEP has long worked with communities around Pennsylvania, large and small, rural and urban, to further environmental justice in line with the statutes and authorities administered by the Department.

We will continue the conversation about communities of color, about the systemic racism that has plagued environmental issues, there is no question about it. But, quoting Acting Secretary Negrin, "environmental justice just can't be about communities of color. We need to take a broad view in Pennsylvania around environmental justice in a way that brings all of us along." That includes more intentional engagement with low-income Pennsylvanians that live in poor rural areas across the Commonwealth, as well.

To accomplish this vision, the Acting Secretary decided to raise the profile and influence of the Office of Environmental Justice, elevating it to a Special Deputy Secretary level for the first time in Pennsylvania.

In addition to raising the profile of the office, we are assembling a professional team to plan, execute, and manage our new vision. We increased the office's bandwidth across the Commonwealth by adding a Deputy Director and an environmental justice regional coordinator in each of DEP's six regions.

Furthermore, the office is in the process of adding a special projects coordinator who will serve as support staff to our six regional coordinators and take the lead in our engagement with Asian-American Pacific Islander (AAPI) communities.

The work of the new DEP environmental justice team will be guided by an updated Environmental Justice Policy, that outlines measures DEP will take to proactively educate,

engage, and empower Pennsylvanians living in EJ Areas across the Commonwealth, ensure enhanced opportunities for community involvement and public participation in the permit application review process for permits in EJ Areas; explains how DEP will prioritize Environmental Justice in its compliance and enforcement activities; identifies DEP grant opportunities to facilitate environmental justice; and, identifies mitigation and restoration practices for consideration by applicants for projects in EJ Areas.

HB 652 codifies two important elements of our updated Environmental Justice Policy: the designation of burdened or EJ Areas and the enhanced public participation guidance for DEP's internal permitting process.

Designation of burdened or Environmental Justice Areas.

HB 652 stipulates that “the methods to identify an EJ Area shall be determined and regularly reviewed by DEP.” This will allow for the bill to remain relevant to the latest analysis of environmental justice without requiring amendments.

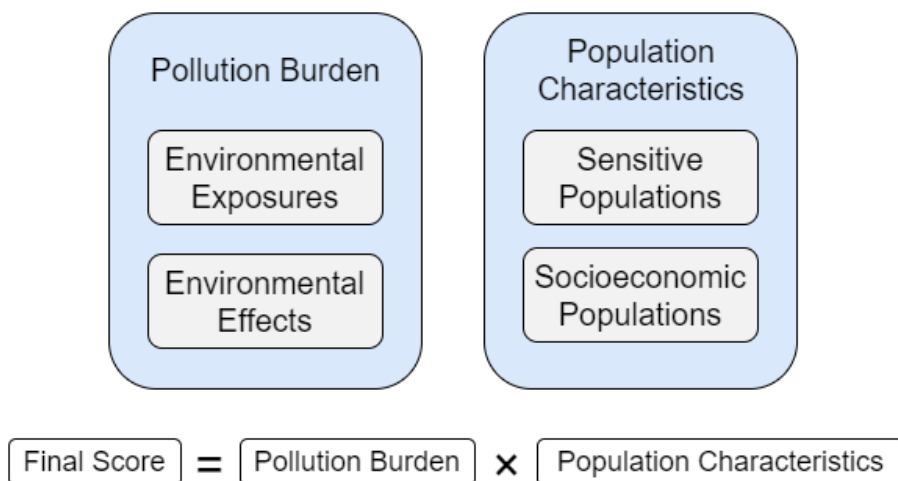
DEP's updated Environmental Justice Policy defines Environmental Justice Area as “a geographic area characterized by increased pollution burden, and sensitive or vulnerable populations based on demographic and environmental data,” and suggests that DEP should regularly update the criteria used to evaluate EJ Areas, ensuring that DEP uses the latest available methodology, data, and science when implementing our updated policy.

In order to accomplish this, DEP is about to publish a Pennsylvania Environmental Justice Mapping and Screening Tool, called PennEnviroScreen, to standardize the assessment of EJ Areas in an accessible format. Though PennEnviroScreen was created for use by DEP in implementing the Environmental Justice Policy, it is designed so that it may also be used for guiding policy by other Commonwealth agencies to best target resources and aid Environmental Justice Communities. Backing this tool with legislation such as HB 652 will help strengthen the implementation of this tool.

The purpose of PennEnviroScreen is to incorporate a variety of factors into one cumulative index. Multiple factors present in a certain community have a greater, and potentially interactive, effect than any one factor alone. In the development of the PennEnviroScreen tool, DEP systematically evaluated the methodologies used in other EJ screening tools created by federal and state agencies. Agencies with publicly accessible EJ tools generally rely on environmental and demographic characteristics, utilizing a risk-scoring framework that incorporates the formula: $Risk = Threat \times Vulnerability$ (Brody, 2020). This formula, with varying degrees of complexity, has gained widespread adoption and acceptance by environmental justice screening tools developed by both federal and state agencies.

The PennEnviroScreen model consists of four indicator components (each containing several indicators), grouped into two broad categories: The Pollution Burden (threat) category contains the Environmental Exposures and Environmental Effects components, and the Population

Characteristics (Vulnerability) category contains the Sensitive Populations and Socioeconomic Populations components.



We selected indicators by considering the type and quality of information based on the following inclusion process:

1. Identify potential indicators representing widespread concerns about environmental justice based on stakeholder/community input and review of other state-level environmental justice screening tools.
2. Inclusion of an indicator should be supported by evidence from scientific literature.
3. Data for an indicator must either be available at the census block group level or translatable to this resolution.
4. Indicators should be available across the entire Commonwealth of Pennsylvania.
5. Data should be regularly/continuously updated.

Attached to this testimony you will find the complete list of the 32 indicators used in our methodology to identify EJ Areas.

The PennEnviroScreen tool was designed by DEP to be regularly updated as new data becomes available. The use of this tool, which would be consistent with and supported by HB 652, will allow the bill to remain relevant to those communities most impacted by environmental justice concerns.

DEP's internal permitting process and enhanced public participation guidance.

DEP fully supports the requirements imposed on certain categories of permit applicants, as well as additional powers and duties for DEP by HB 652, particularly regarding the preparation and submission of a cumulative environmental impact report assessing the environmental impact of

the proposed project, cumulative impacts on the EJ Area, and the adverse environmental effects that cannot be avoided or mitigated should the permit be granted.

DEP's updated EJ Policy expands the public participation elements covered by HB 652 to include outreach activities and other support for EJ communities. Our enhanced public participation may additionally facilitate meaningful public comment through technical or other consulting support. Our guidelines are intended to empower environmental justice communities to have meaningful participation in the permitting process.

Other elements included in DEP's new environmental justice vision

Before I finish my testimony, I would like to take the liberty to mention two other elements that will help provide this Committee a full picture of our new environmental justice vision.

Proactive Community Outreach and Engagement

As I mentioned before, DEP has long worked with communities around Pennsylvania—large and small, rural and urban—to further environmental justice in line with the statutes and authorities administered by the Department. DEP's work has included public engagement throughout the permitting process and will continue to do so as outlined in the enhanced public participation section of our updated EJ Policy.

This policy also outlines ways to increase proactive outreach and engagement across Pennsylvania and build long-lasting relationships with communities outside of individual projects. DEP will continue to reach out to communities when they are facing an environmental crisis or dealing with a newly permitted facility. This policy recommends that DEP increase strategic community education, outreach, engagement, and capacity, building trust through intentional action. This policy also recommends that DEP do additional outreach proactively to communities to help understand their concerns and to provide communities with the tools to help address environmental issues.

DEP will continue to engage Community-Based Organizations (CBOs), community liaisons, stakeholders, and communities that have experience working on environmental justice issues. But, to bring new voices to the environmental justice conversation in Pennsylvania, our updated policy empowers DEP to intentionally target those that have not formally been engaged by the Department in the past. This outreach guarantees a diverse approach for engagement, not only in terms of the demographics they serve but also the stakeholder groups they represent and the geographical regions where they are located.

DEP will implement a comprehensive set of tactics to proactively educate, engage, and empower Pennsylvanians across the Commonwealth, with a focus on EJ Areas. Among other tactics, DEP will implement the following: individual targeted outreach to share our new EJ vision and develop potential partnerships; continue staff participation at partner events and organize its own; in coordination with partners, OEJ may present, host, and/or sponsor educational forums to educate, engage, and empower Pennsylvanians; and, a communications strategy to maximize

DEP's message and mission, promote activities and events, and share news and updates with EJ communities via traditional and social media.

Funding opportunities to secure sustainability for environmental justice projects

As part of our proactive community outreach and engagement initiative, DEP will work to identify and facilitate access to future funding opportunities for environmental justice communities.

DEP has two Infrastructure Implementation Coordinators in-house, who help us take full advantage of federal resources intended for Environmental Justice Areas under the Justice 40 initiative and other federal funding sources under the IIJA (Bipartisan Infrastructure Investment and Jobs Act) and IRA (Inflation Reduction Act). These coordinators work daily with the Office of Environmental Justice and other DEP Programs to identify grants that are available for DEP and other entities located in EJ Areas.

Our proactive community outreach and engagement initiative will include educational sessions for CBOs and stakeholders on how to identify funding opportunities from government grants, philanthropy, and provides basic technical assistance.

Furthermore, DEP's new EJ Policy incorporates a specific section for grants that reinforces DEP's Grants Management Policy to prioritize EJ in grantmaking, and in particular, provides additional consideration for applications that support community-driven projects that emphasize EJ and are in EJ Areas. DEP grant guidance documents include an overview of EJ, and grant applications provide preference in the grant evaluation and scoring process for applications located in an EJ Area or emphasize EJ.

In closing, please allow me to express once again our full support to HB 652. We are happy to schedule follow-up meetings to show you the draft PennEnviroScreen tool and identify your local communities that would benefit from HB 652 and potentially qualify for the funding described above.

Thank you so much for your time. Justin and I are happy to answer any questions that you may have.

ATTACHMENT 1 - INDICATORS

INDICATORS

Pollution Burden: Environmental Exposures
Ozone
Fine Particulate Matter of 2.5 micrometers or less in diameter
Diesel Particulate Matter
Toxic Air Emissions
Toxic Water Emissions
Pesticides
Traffic Density
Compressor Stations
Children's Lead Risk
Pollution Burden: Environmental Effects
Oil Gas Locations (Conventional wells)
Oil Gas Locations (Unconventional wells)
Proximity to Railroads
Land Remediation
Hazardous Waste and Storage Sites
Municipal Waste Sites
Coal Mining
Impaired lakes and streams
Abandoned Mining Concerns
Flood Risk
Population Characteristics: Sensitive Populations
Asthma
No Health Insurance
Cancer
Disability
Heart Disease
Population Characteristics: Socioeconomic Population
Low Educational Attainment
Linguistic Isolation
Housing-Burdened Low-Income Households
Poverty
Unemployment
Race
Age over 64
Age under 5