



Stop Environmental Racism, Pass S232/A2212 - July 2020

Why is it so important to pass S232 now without any changes? This bill begins to prevent future environmental injustices as well as right the injustices of the past. Communities Of Color and low income communities have been disproportionately poisoned by pollution for far too long, and are suffering more than other communities under the COVID pandemic. DEP does not currently have a policy in place to consider cumulative, disproportionate pollution or its public health effects when issuing permits for highly polluting facilities. This bill has been 12 years in the making. People of Color lives matter and we can't afford more delay.

What does S232/A2212 do? It requires DEP to: 1) evaluate environmental and public health stressors in overburdened communities when reviewing permit applications for highly polluting facilities; and 2) approve, condition or deny a permit after meaningful consultation with the applicant and overburdened community.

Who supports the bill? The Senate passed it June 29th with bi-partisan support led by NJ Sens. Singleton, Weinberg and Ruiz. The Assembly bill has 16 sponsors led by Asm. McKeon. Gov. Murphy, US Sen. Booker, the NJ Urban Mayors Assoc. led by Mayors Kelly and Baraka, Lt. Gov. Oliver, DEP Commissioner McCabe, and NJ's environmental justice and environmental communities all have publicly endorsed the bill.

What is an "overburdened community" as defined in the bill? Any census block (the smallest unit of analysis possible) where at least: 35% of households are low income; 40% of residents are Of Color; OR 40% percent of households have limited English proficiency. These thresholds are based on our NJ state averages and conforms with the definitions in other states like NY, CT, MN, and CA.

How easy will it be for applicants to prepare an environmental justice impact statement (EJIS)? It is intended for the EJ analysis to be based on existing data sources and information that the applicant will have regarding their own operations, as well as information about baseline conditions in the overburdened community. Through an open and transparent process, DEP will develop regulations to assist applicants in developing an EJIS and establishing the criteria that will govern the bill's implementation.

What "environmental and public health stressors" will be evaluated? Existing empirical data sets tracked by DEP and other agencies and institutions, which will be made publicly available. DEP rulemaking will determine how stressors should be weighted and evaluated in the permitting process.

How will this bill impact existing businesses / permit renewals? Permit renewals, except for major sources of air pollution (Title V Facilities) in overburdened communities, are exempt. Under this bill, DEP can work with applicants to develop an EJIS and appropriate conditions to reduce disproportionate, cumulative environmental and health impacts in already overburdened communities but DEP cannot deny renewals.

How will it impact economic growth, business expansion and new facilities? The bill applies to only 8 types of facilities (landfills, incinerators, major sources of air pollution, large sewage treatment plants, etc.) in overburdened communities seeking a permit for a new facility or expansion of an existing facility. Like other environmental rules, this Bill supports (and does not erode) positive economic development while protecting our communities.

I've heard stories that this bill will stop universities, hospitals and casinos from expanding, that can't be true can it? Correct, those stories are crazy! There are those that say People of Color lives matter but don't back it up with action. We cannot permit business as usual where it's ok to keep poisoning People of Color and the low income for economic growth. We can and must have economic growth AND environmental justice. If a new or expanded facility (see definition of facility above) in an overburdened community would cause or contribute to adverse stressors (more pollution), higher than those borne by other communities, DEP should deny its permit.

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