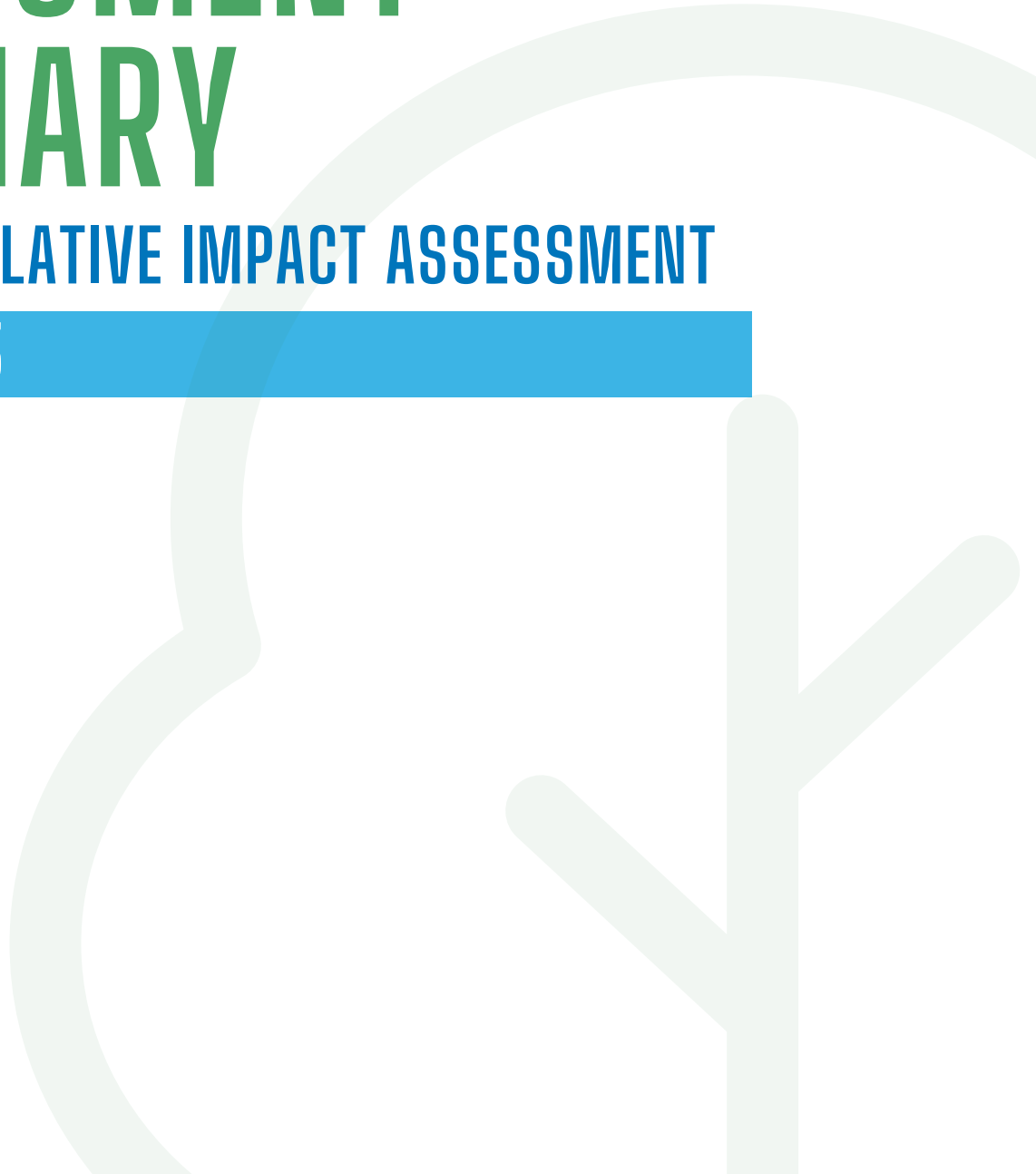


LANDSCAPE ASSESSMENT SUMMARY

CHICAGO CUMULATIVE IMPACT ASSESSMENT

JUNE 26, 2023



1. INTRODUCTION

Every day, people are exposed to pollution through the air, water, and land. The impacts of these exposures accumulate and—combined with health conditions and social factors—have substantial negative effects on individuals and communities. These effects are known as cumulative impacts.

Certain communities experience disproportionate cumulative impacts and endure multiple environmental, health, and social stressors; as a result, cumulative impacts have become an issue of environmental justice. Building upon the work of community-led environmental justice organizations, Chicago’s Cumulative Impact Assessment (the “Assessment”) is a citywide, community-led project that will provide data on how environmental burdens and other stressors vary across Chicago. Assessment working groups include those for data and methods, communications and engagement, and policy to design and implement the community-led Assessment.

As a first step in creating the Assessment, the Chicago Department of Public Health (CDPH) and partners (Tetra Tech and the Illinois Public Health Institute) reviewed municipal and state cumulative impact programs and environmental justice organizations throughout the United States to create “landscape assessments.” Categories that were researched included people and process, legislative processes, policies, definitions of impacted communities and cumulative impacts, community engagement efforts, and indicators. This document summarizes the information gathered in these landscape assessments. It does not replace the individual landscape assessments; rather, it is an overview of the research background and key findings. A combined individual working group landscape assessment matrix with all the research findings is included as an attachment.

1.1. CHICAGO ENVIRONMENTAL EQUITY WORKING GROUP (EEWG) PRINCIPLES

The Assessment incorporates the following principles from the Chicago EEWG into their work, including but not limited to, this Landscape Assessment:

1. **Antiracism.** Participants actively challenge and redress racist systems through processes, policies, and strategies.
2. **Equity Focus.** The working groups consider who benefits and who is burdened by proposed solutions as well as the issues that may disproportionately burden certain communities.
3. **First Voice.** The first voice is the ability of individuals or communities to express their condition in their own voice. No policy is decided without the direct participation of the members of the group being affected.
4. **Accountability and Transparency.** Members of each working group practice mutual accountability and transparency by sharing data, information, and resources while taking personal responsibility.

1.2. CUMULATIVE IMPACT ASSESSMENT GOALS

The Assessment's goal is to describe how environmental, health, and social stressors affect our communities, and to identify neighborhoods that experience the greatest impacts. The landscape assessments identified trends, opportunities, gaps, challenges, and best practices in state and local jurisdictions to support the Assessment goals.

Assessment working groups will use the findings from landscape assessments to build upon the Community Input Summary and provide data on the environmental, health, and social stressors that affect Chicago communities. The Community Input Summary can be found at [City of Chicago: Chicago's Cumulative Impact Assessment](#).

The analysis of other city and state programs for qualitative data supports the Assessment with additional perspectives, lessons learned, policies, and indicators. Additionally, because the Assessment working groups have overlapping or compounding tasks, the combined landscape assessments act as a common knowledge base for developing the baseline Assessment in Chicago.

Overall, the landscape assessments will provide valuable references throughout the development of the Assessment and inform the Environmental Justice considerations that will be incorporated in zoning, permitting, and enforcement decisions.

2. LANDSCAPE ASSESSMENT APPROACH AND METHODOLOGY

The City of Chicago Department of Public Health (CDPH), the Office of Climate and Environmental Equity, and Assessment subcontractors Tetra Tech, Inc. (Tetra Tech) and Illinois Public Health Institute (IPHI) prepared three landscape assessments:

- People and Process Landscape Assessment. Prepared by CDPH's Health Equity in All Policies (HEiAP) Team and IPHI, this assessment explores community participation and co-design in select jurisdictions.
- Data and Methods Landscape Assessment. Prepared by Tetra Tech and CDPH's Office of Permitting & Inspections, this assessment reviews underlying data sources and methodologies of existing federal, state, and local assessments and indicators.
- Policy Landscape Assessment. Prepared by CDPH's HEiAP Team assessment discusses state and local environmental justice and cumulative impact policies.

The Environmental Equity Working Group (EEWG), the Chicago Environmental Justice Network (CEJN) and the U.S. Environmental Protection Agency (EPA) provided resources, data, and recommendations to inform these landscape assessments.

The compiled findings of the landscape assessments are presented in a matrix included as an attachment. This section summarizes the recommendations and key takeaways from the CIA team's current research along with the gaps and opportunities identified in the three landscape assessments.

2.1. RECOMMENDATIONS AND KEY TAKEAWAYS

The Assessment team reviewed the individual landscape assessments and identified recommendations and key takeaways that help inform the Assessment. These are grouped by overarching, data and methods, policy, and people and process areas.

Overarching Recommendations and Key Takeaways

A holistic view of environmental burdens and indicators provides a framework to elevate the lived experience throughout cumulative impact processes. Structured decision-making is critical throughout the cumulative impact process, particularly for defining and identifying overburdened or environmental justice communities and providing a defined process that incorporates all voices.

Data and Methods

- A methodology for selecting and evaluating indicators is best established early. A set of defined criteria should apply throughout the evaluation and selection process.
- Local indicator data should be a substitute or supplement for national datasets. Additionally, local authorities and stakeholders should be consulted when identifying indicators and data sources.

- Programs should be resilient to change in communities and integrate new regulations, mitigation measures, and identified metric trends.

Policy

- Permitting processes can require applicants to better consider the cumulative impact of pollution.
- The cumulative impact assessment and ordinance processes are resource intensive.
- Municipal jurisdictions have highlighted the need for funding and building capacity within their infrastructure alongside the development of policy.
- Chicago's program has the opportunity to create a model for cumulative impacts in land use and zoning that can inform other jurisdictions Environmental Justice programs.
- By writing model legislation within the co-design framework, program participants can create definitions and components that affirm a community's vision for health equity.

People and Process

- Codified engagement processes provide a sustainable benchmark for community codesign.
- Programs should engage all stakeholders early in the process to connect communities, government agencies, and regulatory bodies to instill respect and integrity into the process.

2.2. RECOMMENDATIONS

Based on the research conducted for multiple jurisdictions through the landscape assessments, the Assessment working groups offer the following recommendations for the City of Chicago:

- Revise the environmental permitting process to incorporate engagement at multiple entry points.

- Establish offices for environmental justice and improve capacity among staff.
- Maintain transparency by keeping historical records and current documentation of public engagement.
- Add additional health indicators (such as elevated blood lead levels, developmental problems, and emergency room visits for myocardial infarction) as well as indicators of a lived experience, both current and historical (such as a history of environmental racism and inadequate public participation).
- Identify opportunities for data collection and specific intervention points throughout the Assessment process to inform permitting and zoning policies.
- Establish baseline conditions using indicators representative of local environmental, health, social, climate resiliency, and systemic stressors.
- Develop metrics to evaluate improvements or areas for additional work for overburdened or environmental justice communities.

2.3. GAPS AND OPPORTUNITIES

The landscape assessments identified six gaps and opportunities that can contribute to long-term success of the implementation of the Assessment findings in the City of Chicago:

- Environmental justice laws often focus on permitting. There is an opportunity to create a program that considers zoning and land use to provide community members the ability to contribute toward planning what developments are built in their communities.

- States and municipalities often rely on national datasets for indicators. To reflect the lived experience, team members can ground-truth data in communities and supplement national datasets with data collected by CDPH, other Chicago departments, and other local and state organizations.
- There is often a lack of meaningful incorporation of both positive and negative environmental features and data. Working groups should consider community assets and resources to both identify trends in resource distribution and build upon positive community features that may be incorporated into permitting and zoning.
- Mature assessment programs offer developmental insights. Learning from other assessments involves interviewing program developers and implementers and considering their lessons learned for integration into the Assessment as well as ordinance and permitting revisions.
- Assessment decision-making is enhanced through data gathering and community engagement. There is an opportunity to increase the rigor of the Assessment by implementing incentives for community and city department data collection to inform a more accurate Assessment and subsequent programs.
- The City of Chicago's air quality and zoning responsibilities are spread across three departments. Stretching responsibilities across departments can strain capacities and be difficult to coordinate. Strategic planning and resourcing will be critical to ensure cumulative impact policies and operations are implemented and regularly evaluated for effectiveness.

Review Topic	Landscape Assessment Source	Massachusetts	New Jersey	Colorado
Bill or Act Name and Law and Year Passed	People & Process, Policy	An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy (The Climate Law), signed into law 2021	Environmental Justice Bill, signed into law 2020	Environmental Justice Act, 2021
People & Process Description	People & Process	<p>The Climate Law directs the Massachusetts Environmental Policy Act Office (MEPA) to require an environmental impact report (EIR) for all projects within MEPA jurisdiction proposed (within 1- or 5-miles of EJ populations depending on the facility).</p> <p>The EIR must assess whether the identified EJ populations bear an existing “unfair or inequitable environmental burden” based on the cumulative effect of “prior or current private, industrial, commercial, state, or municipal operation or project” that has damaged the environment and must additionally evaluate whether the added project impacts will cause “disproportionate adverse effects” on the identified EJ populations or increase or reduce the effects of climate change.</p>	<p>The concept of cumulative impacts should be incorporated into the permitting process in such a way that at least two goals are achieved:</p> <ol style="list-style-type: none"> 1. Applications for new pollution permits can be denied in EJ communities, and communities already overburdened with pollution, if granting the permit would increase the amount of pollution in the community; 2. The amount of pollution in a community would be decreased by a facility’s operations or actions when the facility applied for a permit renewal. 	<p>The Environmental Justice Act commits to strengthening environmental justice. It prioritizes reducing environmental health disparities in disproportionately impacted communities.</p>
Background on Legislative Process and Advocacy	Policy	Not Applicable	Not Applicable	Not Applicable
Policy Description	Policy	<p>The Climate Law directs the Massachusetts Environmental Policy Act Office (MEPA) to require an environmental impact report (EIR) for all projects within MEPA jurisdiction proposed (within 1- or 5-miles of EJ populations depending on the facility).</p> <p>The EIR must assess whether the identified EJ populations bear an existing “unfair or inequitable environmental burden” based on the cumulative effect of “prior or current private, industrial, commercial, state, or municipal operation or project” that has damaged the environment and must additionally evaluate whether the added project impacts will cause “disproportionate adverse effects” on the identified EJ populations or increase or reduce the effects of climate change.</p>	<p>The concept of cumulative impacts should be incorporated into the permitting process in such a way that at least two goals are achieved:</p> <ol style="list-style-type: none"> 1. Applications for new pollution permits can be denied in EJ communities, and communities already overburdened with pollution, if granting the permit would increase the amount of pollution in the community; 2. The amount of pollution in a community would be decreased by a facility’s operations or actions when the facility applied for a permit renewal. 	<p>Law requires Air Quality Control Commission in state’s Department of Public Health and Environment to include GHGs in air pollution emission notice and create additional fee structure for GHGs. Also calls for creation of EJ Ombudsman and advisory board for the state</p>
Overseeing Agency	People & Process, Policy	<p>Massachusetts Department of Environmental Protection</p> <p>Massachusetts Environmental Policy Act Office</p>	New Jersey Department of Environmental Protection	Air Quality Control Commission and Colorado Department of Public Health and Environment

Review Topic	Landscape Assessment Source	Colorado	Minnesota	Washington	California
Bill or Act Name and Law and Year Passed	People & Process, Policy	Air Toxics Act, 2021	The Cumulative Levels and Effects Statute, signed into law 2008	The Healthy Environment for All (HEAL) Act, signed into law 2021	Permit Criteria- Community Protection, signed into law 2015 The Dept. of Toxic Substances Control is implementing this law by dividing the regulations into two tracks: 1. Track 1: hazardous waste facility- permitting criteria (effective Jan. 2019) 2. Track 2: vulnerable communities and cumulative impacts permitting criteria (in development).
People & Process Description	People & Process	The Air Toxic Acts provides additional public health protections related to air toxic emissions and also amends a previous bill (25-7-141 - Public Health And Environment; Article 7 - Air Quality Control. The bill finds that (1) Air Toxics are pollutants that cause or may cause serious health effects (2) Impacts Low- Income and people of color disproportionately.	Minnesota Pollution Control Agency (MPCA) may not issue a permit without first analyzing and considering the cumulative levels and effects of past and current environmental pollution from all sources on the environment and residents.	The HEAL Act seeks to prevent and mitigate cumulative environmental health impacts. It directs state agencies to develop and incorporate an environmental justice implementation plan into strategic plans by January 1, 2023. The HEAL Act is based on recommendations from a state-funded environmental task force which found that people of color and low income people were experiencing higher risk of adverse health outcomes from environmental exposures and that these risks were amplified by preexisting social and economic barriers. The act also defines terms such as, "environmental benefit," "overburdened community," and "cumulative environmental health impact."	Not Applicable
Background on Legislative Process and Advocacy	Policy	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Policy Description	Policy	Not Applicable	Minnesota Pollution Control Agency (MPCA) may not issue a permit without first analyzing and considering the cumulative levels and effects of past and current environmental pollution from all sources on the environment and residents.	The HEAL Act seeks to prevent and mitigate cumulative environmental health impacts. It directs state agencies to develop and incorporate an environmental justice implementation plan into strategic plans by January 1, 2023. The HEAL Act is based on recommendations from a state-funded environmental task force which found that people of color and lowincome people were experiencing higher risk of adverse health outcomes from environmental exposures and that these risks were amplified by preexisting social and economic barriers. The act also defines terms such as, "environmental benefit," "overburdened community," and "cumulative environmental health impact."	The below info is from the Dept's Cumulative Impacts and Community Vulnerability Draft Regulatory Framework (published May 2021). The Dept. plans to use the draft and feedback it receives to develop draft formal regulatory text to be submitted in 2022. The law directs the Department of Toxic Substances Control (DTSC) to consider, "the vulnerability of, and existing health risks to, nearby populations" when deciding whether to issue new or modified permits or permit renewals of hazardous waste facilities and also authorizes DTSC to consider the use of "minimum setback distances from sensitive receptors" (e.g., schools, childcare facilities, hospitals, etc.) in making a permitting decision. The draft framework provides a more detailed draft methodology for integrating potential facility impacts and community vulnerabilities into DTSC's permitting process.
Overseeing Agency	People & Process, Policy	Not Applicable	Minnesota Pollution Control Agency	The covered state agencies include the Departments of Ecology, Health, Natural Resources, Commerce, Agriculture, and Transportation.	Not Applicable

Review Topic	Landscape Assessment Source	Massachusetts	New Jersey	Colorado	Colorado
Definition of Impacted Community	People & Process	A neighborhood is defined as an EJ population if one or more of the following four criteria are true: 1. The annual median household income is not more than 65% of the statewide annual median household income; 2. Minorities comprise 40% or more of the population; 3. 25% or more of household lack English language proficiency; or 4. Minorities comprise 25% or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150% of the statewide annual median household income. Where a neighborhood does not meet any of those criteria, but a geographic portion of that neighborhood meets at least one of those criteria, the Secretary may designate that geographic portion as an environmental justice population upon petition of at least 10 residents of that geographic portion.	An overburdened community means any census block group, as determined in accordance with the most recent United States Census, in which: At least 35% of the households qualify as low-income households; At least 40% of the residents identify as minority or as members of a State recognized tribal community; or at least 40% of the households have limited English proficiency.	A Community that is in a census block group where more than 40% of the households are low income; more than 40% of households identify as a minority, Or more than 40% of households are housing cost-burdened. Communities identified by a state agency would also be in accordance so long as they have a history of environmental racism (through redlining, anti-indigenous, anti-immigrant, anti-Hispanic, or anti-black laws) A disproportionately impacted community is also one where multiple factors, including socioeconomic stressors, disproportionate environmental burdens, vulnerability to environmental degradation, and lack of public participation, may act cumulatively to affect health and the environment and contribute to persistent disparities.	Impacted Communities include: Low Income Neighborhoods and Residents who identify as Black, Indigenous, Latinx, and People of Color and are disproportionately affected by air toxic emissions
Definition of Cumulative Impacts/ Analysis/ Assessment	Policy	Cumulative impact analysis: an analytical approach used in air permitting that will evaluate the potential impacts of an applicable proposed project's air emissions in or near EJ populations while also considering how existing environmental, public health, and socioeconomic stressors affect community condition.	Not Applicable	N/A does not have discrete "cumulative impact" definition. Definition for disproportionately impacted community includes language around what factors contribute to cumulative impacts. Within the duties of the task force, an "environmental equity analysis[...] could include a process for identifying and describing cumulative impacts to health and environment of (DICs)"	Not Applicable
Applicable Facilities	Policy	A cumulative impacts analysis (CIA) would be required for a comprehensive plan approval (CPA) for any new facility in or near EJ populations. A cumulative impacts analysis would also be required for an existing facility that has a CPA and applies for a new or modified CPA that would increase emissions above 1 ton per year.	"Facility" means any: 1. Major source of air pollution defined by the Clean Air Act; 2. Resource recovery facility or incinerator; 3. Sludge processing facility, combustor, or incinerator; 4. Sewage treatment plant with a capacity of more than 50 million gallons per day; 5. Transfer station or other solid waste facility, or recycling facility intending to receive at least 100 tons of recyclable material per day; 6. Scrap metal facility; 7. Landfill including landfills that accept ash, construction or demolition debris, or solid waste; 8. Medical waste incinerator	Note: State has cumulative impacts assessment as possible requirement that could come out of task force recommendations, nothing established yet Facilities with air pollution emission notices (APENs) must begin to include green house gases (GHGs) within these and pay an increased per ton fee based on their emissions. Permitting with state also includes additional requirements if facilities are sources of pollutants within DICs	Not Applicable

Review Topic	Landscape Assessment Source	Minnesota	Washington	California
Definition of Impacted Community	People & Process	The facility must be located in Hennepin County and the community must meet all of the following conditions: 1. Is within a half mile of a site designated by the federal government as an EPA superfund site due to residential arsenic contamination; 2. A majority of the population are low-income persons of color and American Indians; 3. A disproportionate percent of the children have childhood lead poisoning, asthma, or other environmentally related health problems; 4. Is located in a city that has experienced numerous air quality alert days of dangerous air quality for sensitive populations between February 2007 and February 2008. 5. Is located near the junctions of several heavily trafficked state and county highways and two one-way streets which carry both truck and auto traffic.	An "overburdened community" is a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, any census tract with a 9 or 10 overall rank (scale is 1-10) on the Washington environmental health disparities map, or any census tract with tribal lands. "Vulnerable populations" are population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms due to adverse socioeconomic factors and sensitivity factors.	For the purpose of the draft framework, a CalEnviroScreen+ score higher than the 60th percentile is considered a vulnerable community. If a facility has an aggregate score higher than the 60th percentile, then DTSC proceeds to a second screening to differentiate facilities into a tiered pathway (see 'Description of analysis'). The area of analysis distance is determined by the hazardous waste operations of the facility. For example, the area of analysis for storage RCRA facilities or small RCRA treatment facilities is 1-2 miles. +CalEnviroScreen consists of many factors related to the pollution burden or population vulnerability of a community, which are aggregated into a final, relative cumulative impact score.
Definition of Cumulative Impacts/ Analysis/ Assessment	Policy	Cumulative levels and effects analysis: a comprehensive look at all the environmental health related information in an area that could be affected by a project. This info may include description of environmental health data, description of facility specific analyses, summaries of community stressors and vulnerabilities, description of nearby sources, and modeling results for air toxics and criteria pollutants	Cumulative environmental health impact: the combined, multiple environmental impacts and health impacts on a vulnerable population or overburdened community.	Cumulative impact: exposures, public health or environmental effects from the combined emissions and discharges, in a geographic area, including environmental pollution from all sources, whether single or multi-media, routinely, accidentally, or otherwise released. Impacts will take into account sensitive populations and socio-economic factors, where applicable and to the extent data are available.
Applicable Facilities	Policy	Newly proposed facilities in study area or facilities that are making changes to permit	Not Applicable	New and existing hazardous waste facilities

Review Topic	Landscape Assessment Source	Massachusetts	New Jersey	Colorado	Colorado
Decision Criteria and Process	Policy	<ol style="list-style-type: none"> The applicant must conduct pre-application community notice/engagement The applicant must assess existing community conditions (environmental, health, socioeconomic indicators) The applicant must analyze cumulative impacts of existing and added air pollution/ consider non-air quality indicators The applicant fills permit application with CIA report/public notice and informal public comment Mass Department of Environmental Protection (MassDEP) reviews and proposes permit decision Hold public comment period MassDEP issues permit decision 	The applicant must prepare an environmental justice impact statement that assesses the potential environmental and public health stressors associated with the proposed new or expanded facility, or with the existing major source, as applicable, including any adverse environmental or public health stressors that cannot be avoided if the permit is granted, and the environmental or public health stressors already borne by the overburdened community as a result of existing conditions located in or affecting the overburdened community;	Law calls for rules/process to be developed around permitting	Not Applicable
Permitting Decision	People & Process, Policy	MassDEP issues proposed decisions, including a proposed application denial, depends on the resolution of several issues related to the extent a CIA can provide scientifically and legally defensible info used in the permit decision.	The department may deny a permit if it finds that, "...that approval of the permit or permit renewal, as proposed, would, together with other environmental or public health stressors affecting the overburdened community, cause or contribute to adverse cumulative environmental or public health stressors in the overburdened community..."	Doesn't appear to be change in decision-making in immediate law, only additional fees for GHG emission	Not Applicable
Voice and Choice (Community Engagement & Process)	People & Process, Policy	There is a pre-application community notice and stakeholder engagement to inform the public about the permit application. There is also an informal comment opportunity on CIA/ permit application that can inform MassDEP review. The act also extends the formal public comment period from 30 to 60 days.	The permit applicant must organize and conduct a public hearing in the overburdened community. Notice of the public hearing should be published in at least two newspapers circulating within the overburdened community, including one local non-English language newspaper.	Agency should use multiple languages and multiple formats and transparently share information about adverse environmental effects Public engagement and outreach should be scheduled for variable times of the day and days of the week including at least one weekend time, one evening time, and one morning time for public input <ol style="list-style-type: none"> 30 day notice before any public input opportunity or before the start of any public comment period Information should be disseminated through schools, clinics, social media, social and activity clubs, local governments, libraries, religious organizations, civic associations, community-based EJ organizations, or other local services Provide several methods for public input, such as in person, virtual, and online meetings, online comment portals or email, and call-in meeting" 	Utilizing relevant languages (as determined by the American Community Survey); Public Hearings on the plan before Division acts on the plan (held once in the evening and once on the weekend, provide remote capabilities, and provide childcare services for attendees)
Accountability Structure	Policy	Not Applicable	Not Applicable	Environmental Justice Advisory Board serving advisory role to Ombudsman, 12 member board, compensated, intended to represent the demographics of the state	Not Applicable
Examples of impacts/ Implementation info	Policy	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Review Topic	Landscape Assessment Source	Minnesota	Washington	California
Decision Criteria and Process	Policy	<p>The CL&E analysis comprises of:</p> <ol style="list-style-type: none"> Pollutant, HQ/cancer risk, percent of total project contribution, exposure duration (acute/noncancer or cancer), endpoint or physiological system (cancer is summed as one health endpoint) Quantitative and qualitative discussion of the potential contribution of the proposed project to existing stressors Synthesis or discussion of the environmental health data Socioeconomic data and a discussion of the percent of the population with health insurance included regardless of health endpoint outcomes Inclusion of other sites that have the potential to contribute exposures related to the health effects screen in through the facility-specific analysis and located within the facility's Study Area <p>The CL&E analysis is included as part of the permit application.</p>	<p>Environmental justice implementation plans must include:</p> <ol style="list-style-type: none"> Agency-specific goals and actions to reduce environmental and health disparities; Metrics to track and measure accomplishments; Methods to embed equitable community engagement with, and equitable participation from, members of the public; Strategies to ensure compliance with existing federal and state laws and policies relation to EJ; A plan for community engagement; Specific plans and timelines for incorporating environmental justice considerations into agency activities 	<ol style="list-style-type: none"> Community and facility screening: DTSC looks at community and facility characteristics Facility tiered pathway and designation: DTSC determines whether a facility should be placed in one of three facility tiered pathways; pathways are scaled to require the highest levels of actions from the largest facilities with the greatest potential to have an adverse effect on health risks for vulnerable communities Facility action: if a facility is placed in one of the three pathways, selects from a 'menu' of facility actions to address cumulative impacts and vulnerabilities. These actions fall under the categories of improvements to facility activities and operations, monitoring or other evaluation of community concerns, and public engagement and outreach strategies. Facility action workplan: facilities designated in one of the three tiered pathways would have to submit a workplan to propose actions that are scaled to the level of community vulnerability and the type and level of operations at the facility.
Permitting Decision	People & Process, Policy	Can't deny permit based on cumulative impacts itself; it's a high bar to deny a permit in Minnesota.	N/A, however, this may be addressed in some covered state agencies' strategic plans.	DTSC may deny or revoke a permit. DTSC will also consider a facility's 'violations scoring procedure' score which places a facility in a compliance tier based on its number and types of violations.
Voice and Choice (Community Engagement & Process)	People & Process, Policy	<p>Community engagement includes:</p> <ol style="list-style-type: none"> A webpage E-mail notification system One or more informational sessions held during the MPCA review of a permit application for a facility Extended public comment period - 45 days The MPCA will develop a summary (or fact sheet) of the results of the CL&E process for community members Public meeting during public comment period 	<p>By July 1, 2022, each covered agency must create and adopt a community engagement plan that describes how it will engage with overburdened communities and vulnerable populations. The plan has to describe how the agency will facilitate equitable participation and support meaningful and direct involvement of vulnerable populations and overburdened communities.</p>	<p>Elements 1-3 (listed in 'Description of analysis') include a public input component. A public notice is issued after a review of the application submittal, and there is an opportunity for public input after DTSC prepares a draft permit decision.</p> <p>All three of the tiered pathways also include some form of public engagement or outreach from the facility.</p>
Accountability Structure	Policy	Not Applicable	Not Applicable	Not Applicable
Examples of impacts/ Implementation info	Policy	Not Applicable	Not Applicable	Not Applicable

Review Topic	Landscape Assessment Source	Massachusetts	New Jersey	Colorado
Additional Observations	People&Process	Not Applicable	Not Applicable	Bill includes the following language: the goal of outreach to and engagement of disproportionately impacted communities is to build trust and transparency, provide meaningful opportunities to influence public policy, and modify proposed state action in response to received public input to decrease environmental burdens or increase environmental benefits for each disproportionately impacted community.
Number of Indicators	Data&Methods, People&Process	36	25	36
Environmental Indicators	Data&Methods, People&Process	<p>Ground Level Ozone // Fine Particulate Matter Diesel Particulate Mater // Cancer Risk from Air Toxics // Non-Cancer Risk from Air Toxics // Traffic Proximity and Volume // Proximity to Ports, Airports, and Rail Infrastructure Permitted Air Sites // Proximity to TSD Facilities // Large Quantity Hazardous Waste Generators // Large Quantity Toxics Users // Toxics Release Inventory Sites // Wastewater Treatment Plants // Energy Generation and Supply // Large Fuel Deposits</p>	<p>Ground Level Ozone // Fine Particulate Matter Diesel Particulate Matter // Cancer Risk from Air Toxics // Non-Cancer Risk from Air Toxics // Traffic-cars, lights, and medium-duty trucks // Railways // Known Contaminated Sites // Soil Contamination Deed Restrictions // Groundwater Classification Exemption Areas/Currently Known Extent // Restrictions // Solid Waste Facilities // Scrap Metal Facilities // Combined Sewer Overflows // Drinking Water // Emergency Planning Sites // Permitted Air Sites // NJPDES Sites</p>	<p>Ground Level Ozone // Fine Particulate Matter // Diesel Particulate Matter Cancer Risk from Air Toxics // Air Toxics Emissions // Other Air Pollutants Proximity to Solid Waste Facilities // Drinking Water Potential Lead Exposure // Noise // Proximity to Mining Proximity to NPL Sites // Proximity to Oil and Gas // Proximity to RMP Sites Water Discharges // Proximity to TSD Facilities Impaired Streams and Rivers</p>
Built Environment/ Climate Indicators	Data&Methods, People&Process	Lack of Tree Canopy // Impervious Surface	Potential Lead Exposure // Lack of Recreational Open Space Lack of Tree Canopy // Impervious Surface Flooding (Urban Land Cover)	Drought // Extreme Heat Days // Floodplains // Wildfire Risk
Socioeconomic and Demographic Indicators	Data&Methods, People&Process	Unemployment // Education // Age (<5 yrs old) Age (<64 yrs old) // Linguistic Isolation // Income People of Color // Renter Occupied Housing School (k-12) // Child/Day Care and Pre-Schools Long-Term Care Residences // Public Housing // Prison	Unemployment • Education	Education // Age (<5 yrs old) // Age (>64 yrs old) // Housing Cost Burdened Disability // Linguistic Isolation // Income // People of Color
Health Indicators	Data&Methods, People&Process	Asthma Hospitalization Rate // Life Expectancy Low Birth Weight // Heart Attack Elevated Blood Lead Elementary School Asthma Prevalence	Not Applicable	Asthma Hospitalization Rate // Cancer Prevalence // Diabetes Prevalence Heart Disease in Adults // Life Expectancy // Low Birth Weight // Mental Health
Neighborhood Planing Indicators	Data&Methods, People&Process	Not Applicable	Not Applicable	Not Applicable
Natural Features Indicators	Data&Methods, People & Process	Not Applicable	Not Applicable	Not Applicable

Review Topic	Landscape Assessment Source	Colorado	Minnesota	Washington	California
Additional Observations	People&Process	Not Applicable	Not Applicable	The bill also mentions community outreach and engagement throughout the environmental justice assessment.	Not Applicable
Number of Indicators	Data&Methods, People&Process	Not Applicable	20	18	21
Environmental Indicators	Data&Methods, People&Process	Not Applicable	Air Quality Traffic Related Environmental Health Information Surface Water Assessments Available Fish Tissue Data for Minneapolis Drinking Water Quality Land-Based Hazard Indices Air Emissions Facilities Hazardous Waste Generators Water Tank Sites Remediation Sites Noise	Ground Level Ozone Fine Particulate Matter Diesel Particulate Matter Cancer Risk from Air Toxics Non-Cancer Risk from Air Toxics Traffic Proximity and Volume Proximity to TSD Facilities Potential Lead Exposure Proximity to NPL Sites Proximity to RMP Sites Water Discharges Proximity to TSD Facilities Toxic Releases from Facilities	Ground Level Ozone Fine Particulate Matter Diesel Particulate Matter Drinking Water Contaminants Children's Lead Risk from Housing Pesticide Use Toxic Releases from Facilities Traffic Impacts Cleanup Sites Groundwater Threats Hazardous Waste Generators and Facilities Impaired Water Bodies Solid Waste Sites and Facilities
Built Environment/ Climate Indicators	Data&Methods, People&Process	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Socioeconomic and Demographic Indicators	Data&Methods, People&Process	Not Applicable	Not Applicable	Unemployment Linguistic Isolation Income People of Color Housing Cost Burdened Transportation Expense	Educational Attainment Housing-Burdened Low-Income Households Linguistic Isolation Poverty Unemployment
Health Indicators	Data&Methods, People&Process	Not Applicable	Blood Lead Data for Children Arsenic Biomonitoring Study Asthma Health Indicators Socioeconomic Status Housing Value Small for Gestation Age Cardiovascular Health Indicators Cancer Registry in Minnesota	Low Birth Weight Heart Disease in Adults	Asthma Cardiovascular Disease Low Birth Weight Infants
Neighborhood Planing Indicators	Data&Methods, People&Process	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Natural Features Indicator	Data&Methods,	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Review Topic	California	New York	North Carolina
Bill or Act Name and Law and Year Passed	AB 617, passed in 2017	Cumulative Impacts Bill Last action: Committed to Rules June 3, 2022	Environmental Justice Considerations Last action: Ref To Com On Rules, Calendar, and Operations of the House on May 4, 2021
People&Process Description	Not Applicable	Not Applicable	Not Applicable
Background on Legislative Process and Advocacy	Not Applicable	Not Applicable	Not Applicable
Policy Description	This adds to existing law regarding criteria air pollutants and toxic air contaminants. Among other requirements, it requires stationary sources to report their annual emissions for CAPs and toxic air contaminants, requires the California Air Resources Board (CARB) to prepare a monitoring plan for additional community air monitoring systems, and requires CARB to develop a statewide strategy to reduce air emissions in communities affected by a high cumulative exposure burden. Since the passing of the bill, 15 low-income communities of color across California have installed dozens of air monitors, collected air quality data, and created plans to limit emissions from nearby facilities.	The bill requires all agencies and applicants who plan to construct and manage environmental facilities in communities (defined below) to submit an existing burden report to determine whether such action may cause or increase a disproportionate inequitable burden on those communities. A permit may not be allocated if disproportionate harm would occur.	The act requires the consideration of the cumulative impact of a proposed environmental permitting decision on minority of low-income communities and to provide enhanced public participation opportunities for permitting decisions impacting overburdened communities.
Overseeing Agency	California Air Resources Board	New York Department of Environmental Conservation	Every state agency

Review Topic	Oregon	Rhode Island	Cincinnati
Bill or Act Name and Law and Year Passed	Cleaner Air Oregon Hazard Index Rulemaking Information, effective 2020, and Cleaner Air Oregon and Air Toxics Alignment and Updates Rulemaking, effective 2021	Environmental Justice Act Passed state Senate in March 2022 and was referred to House Environment and Natural Resources in March 2022.	Title X, Chapter 1041 - Environmental Justice, passed in June 2009 and repealed in 2010.
People&Process Description	Not Applicable	Not Applicable	Not Applicable
Background on Legislative Process and Advocacy	Not Applicable	Not Applicable	Advocacy was led by local EJ group Communities United for Action and supported by other local organizations. They provided the initial draft ordinance in 2005, which was amended by city leadership and other stakeholders and passed by a narrow margin (5 to 4) in 2009. Then industry groups, led by the Chamber of Commerce, organized an opposition campaign and put together a study on the detrimental economic impact. The city also was unable to fund the work. With the opposition and no resources, the ordinance was never enforced and was repealed in 2010. Cleveland State Law Review article with background: https://engagedscholarship.csuohio.edu/cgi/viewcontent.cgi?article=1007&context=clevstlrev
Policy Description	Cleaner Air Oregon is a health-based air toxics regulatory program that closes gaps in the state's Department of Environmental Quality's (DEQ) existing air permitting program that allowed some facilities to operate legally but still emit pollutants that could increase health risks. Facilities are required to report emissions of toxic air contaminants and calculate potential health risks to people nearby. Facilities would have to reduce risk from their emissions of air toxics if the levels exceed health risk benchmarks, called Risk Action Levels	The bill creates 'environmental justice focus areas' where permitting decisions would have to take into account the cumulative impact of pollution in certain neighborhoods and as well as community support/ lack thereof for the facility.	Requires that any new or expanding facility requiring a new or modified environmental permit from the US or Ohio EPA to undergo review by a newly created position, the EJ Examiner. The EJ Examiner reviews data about the impact of the proposed project on the environment, health, and existing conditions in the community within 1 mile of the facility. The EJ Examiner will either grant, conditionally grant or deny the EJ Permit and issue written findings and conclusions to be made available to the public. A conditional EJ permit will include measures to mitigate impacts and failure to comply with such measures constitutes a violation. A community council or any interested party can file an appeal of an EJ Examiner decision within 30 days. Appeals are heard by the EJ Board of Appeals, made up of 5 people with at least 1 person representing each: public environmental health, environmental engineering, business, and 2 community residents with knowledge and experience of EJ issues. The EJ Board of Appeals conducts a public hearing and decides by majority vote.
Overseeing Agency	Oregon Department of Environmental Quality	Rhode Island Department of Environmental Management	Office of Environmental Quality, EJ Examiner and EJ Board of Appeals

Review Topic	California	New York	North Carolina
Definition of Impacted Community	Disadvantaged communities: an area that is a low income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.	An "environmental justice community" means an economically distressed or minority community bearing a disproportionate or inequitable pollution burden and includes: 1. Economically distressed area characterized by a poverty rate of at least 20% or an unemployment rate of at least 125% of the statewide unemployment rate; 2. Disadvantaged community meaning communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households; 3. Minority community meaning any census tract, census block, or census block group that includes 25% or more of any ethnic group; and 4. Existing burden (see 'Description of analysis').	Low-income and minority communities
Definition of Cumulative Impacts/Analysis/ Assessment	N/A- the law does not provide definitions, however, does mention communities affected by a 'high cumulative exposure burden.'	Not Applicable	Not Applicable
Applicable Facilities	Applies to stationary sources which include: 1. A facility that is required to report to the state board the facility's greenhouse gas emissions 2. A facility that is authorized by a permit issued by a district to emit 250 or more tons per year of any nonattainment pollutant or its precursors 3. A facility that receives an elevated prioritization score based on cancer or noncancer health impacts	Any projects that are not a minor project and that may directly or indirectly affect an EJ or disadvantaged community	Any facility applying for a permit. The bill also directs that every state agency should include the cumulative impact of a proposed action when that actions involves 'significant expenditure' of public money or use of public land for projects and programs that significantly affect the environment.

Review Topic	Oregon	Rhode Island	Cincinnati
Definition of Impacted Community	The community must be between 2-10 km from facilities or all areas where risk >= 0.5 excess cancer risk or at a hazard index of 0.5 for chronic and acute noncancer hazard.	<p>“EJ focus area” refers to a neighborhood, community, census tract, or other geographically bounded region that meets one or more of the following criteria:</p> <ol style="list-style-type: none"> 1. Annual median household income is not more than 65% of the statewide annual median household income; 2. Minority population is equal to or greater than 40% of the population; 3. 25% or more of the households lack English language proficiency; or 4. Minorities comprise of 25% of more of the population and the annual median household income of the municipality in the proposed area does not exceed 150% of the statewide annual median household income. <p>An analysis also has to be done if the facility is in an EJ focus area or within 1/2 mile of an EJ focus area.</p>	Not Applicable
Definition of Cumulative Impacts/Analysis/Assessment	Cumulative impact analysis: refers to analysis developed under the 2021 Act to identify highly impacted communities, vulnerable populations and environmental health disparities in identified areas and populations (see in 'Description of analysis').	Cumulative impacts: an exposure, public health or environmental risk, or other effect occurring in a specific geographical area, including from any environmental pollution emitted or released routinely, accidentally, or otherwise, from any source, and assessed based on the combined past, present, and reasonably foreseeable emissions and discharges affecting the geographical area.	Material, cumulative adverse impact (EJ Standard): when operation of a proposed project would cause a public nuisance, significantly interfering with a public health or environmental right common to the general public...A proposed project shall be considered a public nuisance if the EJ Examiner finds there is a reasonable basis to conclude that the proposed project will 1) cause an excess cancer risk; 2) cause an excess risk of acute health effects; 3) cause an excess risk in the event of an accidently or 4) constitute an air pollution nuisance as defined in [state law]. The excess risks are quantified and determined through air modeling.
Applicable Facilities	Larger new facilities applying for an air permit. Existing facilities are not required to perform risk assessments until DEQ notifies them that they are “called in” to the program, unless they are making a major modification to their facility. DEQ will call in existing facilities based on the results of a prioritization process that considered types and amounts of emissions, information about existing controls, the surrounding community and other factors.	<p>“Facility” includes:</p> <ol style="list-style-type: none"> 1. Electric generating facility; 2. Resource recovery facility or incinerator; 3. Sludge combustor facility or incinerator; 4. Sewage treatment plant; transfer station, recycling center, or other 5. Solid waste facility; 6. Landfill, including but not limited to, a landfill that accepts ash, 7. Construction or demolition debris, or solid waste; 8. Medical waste incinerator; pyrolysis or gasification facility; 9. Any other activity that has the possibility of increasing cumulative impacts in an EJ focus area including, but not limited to, a major source of air pollution, as defined by the federal Clean Air Act, or a source of water pollution, as defined by the federal Clean Water Act 	Proposed projects include those that require a new or a major modification to an existing environmental permit from the US or Ohio EPA.

Review Topic	California	New York	North Carolina
Decision Criteria and Process	The main focus of this law is reducing exposure in communities most impacted by air pollution (those with a 'higher cumulative exposure burden').	<p>All applicants must provide an environmental impact statement that includes:</p> <ol style="list-style-type: none"> 1. A description of the proposed action including short-term and long-term effects 2. The environmental impact of the proposed action 3. Any adverse environmental effects which cannot be avoided should the proposal be implemented 4. Alternatives to the proposed action 5. Any irreversible and irretrievable commitments of resource 6. Mitigation measures 7. The growth-inducing aspects of the proposed action, where applicable and significant 8. Effects on the use and conservation of energy resources 9. Effects of proposed action on solid waste management 10. Effects on the comprehensive management plan of the special groundwater protection area program 11. Effects of any proposed action on EJ communities or disadvantaged communities, including whether the action may cause or contribute to, either directly or indirectly, a disproportionate or inequitable or both disproportionate and inequitable pollution burden on an EJ community or a disadvantaged community <p>The New York Department of Environmental Conservation must prepare an existing burden report which includes baseline monitoring data; identification of each existing pollution source or categories of sources affecting the community and the potential routes of exposure; ambient concentration of air pollutants; traffic volume; noise and odor levels; exposure to contaminated drinking water; exposure to lead paint; proximity to certain sites/sources; the potential or documented cumulative human health effects of each pollution; and the potential or projected contribution of the proposed action to existing pollution burdens in the community and potential health effects, taking into account existing pollution burdens.</p>	Not Applicable
Permitting Decision	Not Applicable	No action shall be carried out/approved if it may cause or contribute to, either directly or indirectly, a disproportionate and/or inequitable pollution burden on EJ/disadvantaged community	Permits can be denied if the Department of Environmental Quality finds that the cumulative impact of the proposed permit, when considered in relation to other similar impacts taken or proposed in the community, would have a disproportionate adverse impact on a low-income community or minority community.
Voice and Choice (Community Engagement & Process)	Air districts must hold public meetings to discuss topics such as the local public health and clean air benefits in the surrounding community, cost-effectiveness of control options, and the air quality and attainment benefits of each control option.	Not Applicable	The Department of Environmental Quality (or any Commission with permitting authority) must hold at least one public hearing in an overburdened community when considering an application for a permit.
Accountability Structure	Not Applicable	Not Applicable	Not Applicable
Examples of impacts/Implementation info	Not Applicable	Not Applicable	Not Applicable

Review Topic	Oregon	Rhode Island	Cincinnati
Decision Criteria and Process	Facilities must conduct a risk assessment. There are four risk assessment levels; the level selected is based on the complexity of the facility and the pollutants released. Facilities must submit a risk assessment report that summarizes total risk and how it compares to risk action levels (RALs)	The facility must prepare a report assessing the environmental impact of the proposed permitted activity, including any cumulative impacts on the EJ focus area, any adverse environmental effects that cannot be avoided should the permit be granted, and the public health impact on the EJ focus area. The bill says the department may issue guidance on how to evaluate cumulative impacts on its website; nothing has been posted yet.	In reviewing a proposed project, the EJ examiner will determine if the facility poses a material, cumulative adverse impact and any excess health risk above the allowable limits as determined by air modeling. The EJ examiner will also consider the project in the context of demographic and environmental maps; the number of nearby pollution sources, proximity, reported and measured emissions and other sources like roads; the prevalence of related health issues including cancers, asthma and heart disease; proximity to sensitive receptors like residences, schools, etc. and other information.
Permitting Decision	RALs trigger different requirements and considerations. No new facilities will receive permits above an estimated 25-in-a-million cancer risk or a hazard index of 1. Existing facilities may not receive a permit to operate above 500-in-a-million cancer risk or a hazard index of 20.	The department may deny a permit application in an EJ focus area if it finds that the approval of the permit would, "constitute an unreasonable risk to the health of the residents of the EJ focus area or to the environment in the EJ focus area."	In reviewing a proposed project, the EJ examiner will determine if the facility poses a material, cumulative adverse impact and any excess health risk above the allowable limits as determined by air modeling. The EJ examiner will also consider the project in the context of demographic and environmental maps; the number of nearby pollution sources, proximity, reported and measured emissions and other sources like roads; the prevalence of related health issues including cancers, asthma and heart disease; proximity to sensitive receptors like residences, schools, etc. and other information.
Voice and Choice (Community Engagement & Process)	Community engagement is based on RALs. All new facilities above a 5-in-a-million cancer risk or a hazard index above 1 will have community engagement requirements. For existing facilities, RALs that start below 50-in-a-million cancer risk or a hazard index of 5 and voluntarily reduce risk below 25-in-a-million cancer risk and a hazard index of 1 will not be required to do community engagement.	The bill defines "meaningful involvement" as people having an opportunity to participate in decisions about activities that may affect their environment and/or health; the public's contribution can influence the regulator agency's decisions; community concerns will be considered in the decision-making process; and decision makers will seek out and facilitate the involvement of those potentially affected. The report described above must be made available at least 30 days in advance of a required public hearing. The department will consider community support or lack thereof, in its decision to grant or deny a permit.	Written notice of a proposed project to be mailed to any community council, hospital, school or daycare located within 1 mile and any address within a quarter mile. Notice also posted online. The public can submit information for review during a 30 day comment period, which may be extended at the discretion of the EJ examiner. There is a public hearing in the event of an appeal.
Accountability Structure	Not Applicable	Not Applicable	Any interested party can appeal a decision of the EJ Examiner. Appeals are heard by the EJ Board of Appeals, an external board, which decides whether to approve/modify/deny any approval/conditional approval/denial of an EJ Permit.
Examples of impacts/Implementation info	Not Applicable	Not Applicable	The ordinance was fiercely opposed by industry groups and, led by the Chamber of Commerce, organized an opposition "environmental justice task force" advocacy campaign and put together a study on the detrimental economic impact. The city also was unable to fund the work. With the opposition and no resources, the ordinance was never enforced and was repealed in 2010.

Review Topic	California	New York	North Carolina
Additional Observations	Not Applicable	Not Applicable	Not Applicable
Number of Indicators	Not Applicable	Not Applicable	5
Environmental Indicators	Not Applicable	Each existing pollution source or categories of sources affecting a disadvantaged community and the potential routes of human exposure to pollution from that source or categories of sources: 1. Traffic volume 2. Noise and odor levels 3. Exposure or potential exposure to lead based paint 4. Exposure or potential exposure to contaminated drinking water supplies 5. Proximity to solid or hazardous waste management facilities, wastewater treatment plants, hazardous waste sites, incinerators, recycling facilities, waste transfer facilities and petroleum or chemical manufacturing, storage, treatment, or disposal facilities 6. The potential or documented cumulative health effects of the foregoing pollution sources 7. The potential or projected contribution of the proposed action to existing pollution burdens in the community and potential 8. health effects of such contributions, taking into account existing pollution burdens.	Not Applicable
Built Environment/Climate Indicators	Not Applicable	Not Applicable	Not Applicable
Socioeconomic and Demographic Indicators	Not Applicable	Not Applicable	Race and Ethnicity // Annual Income // Median Household Income Homeowner Status // Dependent Populations // Limited English Status
Health Indicators	Not Applicable	Not Applicable	Not Applicable
Neighborhood Planning Indicators	Not Applicable	Not Applicable	Not Applicable
Natural Features Indicators	Not Applicable	Not Applicable	Not Applicable

Review Topic	Oregon	Rhode Island	Cincinnati
Additional Observations	Not Applicable	Not Applicable	Not Applicable
Number of Indicators	Not Applicable	Not Applicable	52
Environmental Indicators	Air Toxics Cancer Risk Air Toxics Hazard Quotient	Not Applicable	Traffic Exposure // Lead Paint Exposure Cancer Risk from Air Pollution // Respiratory Disease Risk from Air Pollution // Ozone Levels // Fine Particulate Matter Diesel Particulate Levels // Water Pollution Source Proximity Superfund Site Proximity Potentially Toxic Industrial Activity Proximity Hazardous Waste Treatment and Disposal Facility Proximity
Built Environment/Climate Indicators	Not Applicable	Not Applicable	Tree Canopy Coverage // Greenness of Land Surface Impervious Surface // Land in Parks and Green Spaces Heat Island Exposure // Walkability Transit Accessibility // Food Access // Daytime Population Flux Commuter Patterns
Socioeconomic and Demographic Indicators	Not Applicable	Not Applicable	Population Age Race and Ethnicity English Language Ability Persons Living in Poverty SNAP Recipient Households Educational Attainment Renter Occupied Households Rent Burdens Homeowner Mortgage Burdens Energy Burdens Vehicle Access
Health Indicators	Not Applicable	Not Applicable	Life Expectancy Asthma Prevalence Cancer Prevalence Diabetes Prevalence High Blood Pressure Prevalence Heart Disease Prevalence Kidney Disease Prevalence Obesity Prevalence Health Insurance Coverage Disability
Neighborhood Planning Indicators	Not Applicable	Not Applicable	Community Councils Community Development Corporations Community Plans
Natural Features Indicators	Not Applicable	Not Applicable	Not Applicable

Review Topic	New York City	New York City	Newark
Bill or Act Name and Law and Year Passed	Int 0495-2014 Reducing permitted capacity at putrescible and non-putrescible solid waste transfer stations in overburdened districts. Introduced in October 2014. Local Law 2018/152 Reducing permitted capacity at putrescible and nonputrescible solid waste transfer stations in overburdened districts. Introduced in January 2018 and enacted in August 2018.	Local Law 60 and Local Law 64, introduced in 2014 and 2015, and both enacted in 2017.	Environmental Justice and Cumulative Impact Ordinance, passed in July 2016
People&Process Description	Not Applicable	Not Applicable	Not Applicable
Background on Legislative Process and Advocacy	Enactment followed years of advocacy by community members and organizations, and happened years after several failed attempts to do the same thing. The earlier introductions were opposed by the NYC Department of Sanitation, while the 2018 version was supported. It seems to have helped that the groundwork was laid by a citywide waste plan, despite the 2018 legislation still being opposed by industry groups. Legislative history, including hearing testimony, available here: https://legistar.council.nyc.gov/Calendar.aspx	Not Applicable	The Newark Environmental Commission worked with local and state environmental justice groups, including nationwide advocates/experts in the field who happened to be local (Dr. Ana Baptista), to develop and advocate for the ordinance. This was part of a long time effort among NJ environmental justice organizations to work on EJ and cumulative impacts policies at the state and local level over the last 20 or so years. The election of a new mayor provided the opportunity to pass the ordinance. A cumulative impacts ordinance was recommended by the transition committee as a 100 day action and there was full support from the Commission to educate the public and city agencies. Case study of efforts here: https://njeja.org/wp-content/uploads/2021/08/Addressing-Cumulative-Impacts-Through-Local-Land-Use-and-Policy-Tools.pdf
Policy Description	This Policy reduced permitted capacity at putrescible and non-putrescible solid waste transfer stations in certain overburdened community districts in New York City.	Not Applicable	The goal of the Environmental Justice & Cumulative Impacts Ordinance is to advance Environmental Justice, good stewardship, and sustainable economic development. Requires certain commercial and industrial developments to provide information about potential cumulative environmental impacts, using an environmental assessment ("Natural Resources Index") as a baseline "to improve public understanding of the potential cumulative environmental impacts of proposed development and provide a basis for more informed policy decisions on municipal land use" and to inform the actions of decisionmakers.
Overseeing Agency	NYC Department of Sanitation	Not Applicable	Newark Planning Board or Newark Zoning Board of Adjustment

Review Topic	Philedelphia	Maryland	Virginia EJ Map
Bill or Act Name and Law and Year Passed	BILL NO. 220078 - CHAPTER 6-1400. CUMULATIVE IMPACTS ASSESSMENT. Currently in committee	Not Applicable	Not Applicable
People&Process Description	Not Applicable	Not Applicable	Not Applicable
Background on Legislative Process and Advocacy	Not Applicable	Not Applicable	Not Applicable
Policy Description	<ul style="list-style-type: none"> Provides identification of Environmental Justice Communities Includes Cumulative Impacts Assessment as part of certain permit and license review/approval processes Administration and enforcement of Cumulative Impacts Assessment approval process Expand powers and duties of the Environmental Justice Advisory Committee 	Not Applicable	Not Applicable
Overseeing Agency	Explicitly names Dept of Public Health but allows for Mayor to designate another; department must be in consultation with Environmental Justice Advisory Commission	Not Applicable	Not Applicable

Review Topic	New York City	New York City	Newark
Definition of Impacted Community	"Overconcentrated district" shall mean a community district that contains five percent or more of the total citywide permitted capacity for putrescible and non-putrescible solid waste transfer stations and fill material operations, including transfer stations operated by or on behalf of the department.	Not Applicable	N/A, to be decided through baseline inventory
Definition of Cumulative Impacts/Analysis/Assessment	Not Applicable	Disproportionate effect. The term "disproportionate effect" means situations of concern where there exists significantly higher and more adverse health and environmental effects on minority populations or low-income populations.	Not Applicable
Applicable Facilities	Solid waste transfer stations	Not Applicable	Commercial, light manufacturing or industrial uses that require one or more state or federal environmental approvals/permits or inclusion in the county solid waste plan.

Review Topic	Philedelphia	Maryland	Virginia EJ Map
Definition of Impacted Community	Department of Public Health uses maps to incorporate necessary data and public engagement to determine "Environmental Justice Communities" in conjunction with the established Environmental Justice Advisory Commission	Not Applicable	Not Applicable
Definition of Cumulative Impacts/Analysis/Assessment	(Note: doesn't offer discrete definition in a definition section) " assessment shall assess the planned and any other likely impacts on and risks to the environment and the health of people or human populations that will result from the incremental impact of the proposed project when added to the impact of other past, present, and reasonably foreseeable future sources of pollution across multiple pathways, considering the specific demographics and health or other vulnerabilities of the affected community" - https://chicagogov.sharepoint.com/sites/CDPHCumulativeImpactAssessment/Shared%20Documents/General/Background%20Research/CEJN%20Philadelphia%20EJ%20Bill%20No.%2022007800%20(1).pdf Also specifically identifies Notice/Communication (no specifics), Public Engagement, that final assessment must incorporate engagement feedback, and that assessment must either make a determination on approval or conditions for an approval that	Not Applicable	Not Applicable
Applicable Facilities	"...any permit or license applications, including renewals or expansions, for any industrial siting, activity, or operation that, through the release of pollution or other environmental contamination, could meaningfully and...."	Not Applicable	Not Applicable

Review Topic	New York City	New York City	Newark
Decision Criteria and Process	Permitted capacity will be reduced for solid waste transfer stations based on their location in an overconcentrated district based on current permitted capacity, whether operations include rail or barge transport, whether the facility processes recyclables, organic waste or construction and demolition debris for beneficial use.	Not Applicable	Covered applicants with a commercial or light manufacturing use complete the Basic Environmental Review Checklist Form: 1. Environmental Impact Activities: Air pollution, stormwater retention and discharge, hazardous or toxic materials, truck trips, fuel use, hazardous and solid waste and recycling. 2. Additional information on environmental mitigation activities (Optional) Covered applicants with an industrial use must complete the Full Environmental Review Checklist Form: 1. Detailed Project Description 2. Pre-existing Environmental Conditions Description 3. Environmental Impact Description: Air pollution, stormwater retention and discharge, water use, energy use, hazardous or toxic materials, truck trips, fuel use, waste and recycling, nuisance issues. 4. Economic Opportunity Description 5. Public Engagement Description 6. Quality of Life and Public Health Protection Measures 7. Alternative Design (Optional)
Permitting Decision	Capacity limits are first determined by location in an overburdened district, defined as having 10% or more of the total permitted capacity for solid waste in the city. Then, each affected transfer station's permitted capacity is reduced by 50 or 33% (depending on which borough it is located in). Exemptions are in place to incentivize modes of transport that do not rely on truck trips and recycling/beneficial reuse of materials.	Not Applicable	Completed Basic or Full Checklist Forms are submitted to the Zoning or Planning Board, and then shared with the Newark Environmental Commission and other city agencies. The Newark Environmental Council provides the Board with a written advisory opinion. The Boards review and decide whether to approve or not.
Voice and Choice (Community Engagement & Process)	Not Applicable	Not Applicable	The Newark Environmental Commission shall convene at least one public hearing to take comment on the development of the Natural Resources Index. Checklists and written advisory opinions available to the public.
Accountability Structure	Reports of any capacity exceedances go to the Mayor and Speaker of the Council	Interagency Working Group and Advisory Board	Newark Environmental Commission The Newark Environmental Commission is made up of Newark residents who serve in a volunteer capacity. The Commission is charged to advise the Mayor and the Municipal Council on issues of the environment and sustainability. Members are nominated or can apply to open positions and are appointed by the Municipal Council. They meet monthly and provide recommendations to the City of Newark about environmental, sustainability, and quality of life issues relevant to the City of Newark. The Commission prepares a written advisory opinion to the Planning or Zoning Board about any projects required to submit an environmental checklist.
Examples of impacts/Implementation info	Differences between introduced version shared by CEJN and the law that ended up passing include definitions of overconcentrated district (5% versus 10%) and a different mechanism for calculating appropriate reduced capacity. There won't be capacity reductions where all solid waste is transported by rail and does not use a public street between the transfer station and the rail facility and barged materials are excluded from calculations of daily permitted capacity. Also exempts processing recyclables and organic waste, redirecting construction and demolition debris for beneficial use, and those sending all out by rail from provision prohibiting increased permitted capacity for a facility in an overconcentrated district. Enacted version requires the city maintain a list of employees that have lost jobs as a result of capacity reductions.	Not Applicable	Though the ordinance specifies that the Natural Resources Inventory is the responsibility of the Newark Environmental Commission to be completed within a year of ordinance passage, due to capacity and resource issues, the Environmental Resources Index was actually developed by staffers from the Offices of Sustainability and Planning and Zoning and not published until nearly 5 years after passage, in April 2021.

Review Topic	Philedelphia	Maryland	Virginia EJ Map
Decision Criteria and Process	Synthesis of the public participation comments and the collected data on "the incremental impact of the proposed project when added to the impact of other past, present, and reasonably foreseeable future sources of pollution across multiple pathways, considering the specific demographics and health or other vulnerabilities of the affected community" are used to make a determination of approval/denial and/or conditions for approval.	Not Applicable	Not Applicable
Permitting Decision	Decision is ultimately made by city department (likely Public Health), but consultation is done with Environmental Justice Advisory Commission	Not Applicable	Not Applicable
Voice and Choice (Community Engagement & Process)	Community engagement first occurs with the determination of Environmental Justice Communities, then engagement is a necessary component of the Assessment process. The ordinance affirmatively requires thorough and accessible notice for community. The ordinance affirmatively only requires 1 public meeting for this feedback, but does require an accessible place and time.	Not Applicable	Not Applicable
Accountability Structure	Ordinance establishes Environmental Justice Advisory Commission, but is unclear whether this is internal to city government or incorporates community	Not Applicable	Not Applicable
Examples of impacts/Implementation info	Not Applicable	Not Applicable	Not Applicable

Review Topic	New York City	New York City	Newark
Additional Observation	Not Applicable	Not Applicable	Not Applicable
Number of Indicators	Not Applicable	Not Applicable	67
Environmental Indicators	Not Applicable	Not Applicable	Region Served by Airport and Seaport Region Served by Covanta Waste-to-Energy Incinerator PM2.5 Air Concentration Ground-Level Ozone Air Concentration Air Toxics Cancer Risk Air Toxics Respiratory Hazard Index Air Quality Permitted Facilities Toxic Release Inventory Sites Designated Truck Routes Traffic Proximity & Volume Diesel Particulate Matter Transportation Infrastructure: Railways Drainage Districts & Combined Sewer Outfalls Groundwater Contamination NJPDES Surface Water Discharge Sites NJPDES Regulated Facilities Monitoring Sites: Water Quality Data Known Contaminated Sites Brownfield Sites Superfund Sites Hazardous Waste Sites Waste & Recycling Facilities
Built Environment/Climate Indicators	Not Applicable	Not Applicable	Land Surface Temperature FEMA Flood Hazard Zones SLOSH Category 1 Flood Zones 2015 Land Use Parks and Open Space Urban Agriculture Vegetation Tree Canopy Cover Impervious Surfaces by Percent Imperviousness Passenger Rail
Socioeconomic and Demographic Indicators	Not Applicable	Not Applicable	Race & Ethnicity // Poverty // Child Poverty // Unemployment // Median Annual Household Income // Percent Female // Population Under 5 // Population Over 65 // Education // Linguistic Isolation // Health Care Facilities // Incarceration Facilities // Childcare Facilities // Affordable Housing // Healthy Food Access
Health Indicators	Not Applicable	Not Applicable	Asthma // Coronary Heart Disease // Life Expectancy High Blood Pressure // Obesity // Diabetes // Mental Distress Lead Exposure Risk
Neighborhood Planning Indicators	Not Applicable	Not Applicable	Not Applicable
Natural Features Indicators	Not Applicable	Not Applicable	Physiographic Regions of New Jersey // Bedrock Geology Surface Geology // Soil Hydrologic Groups // Soil Series & Historic Fill // Soil Phases // Elevation // Water Bodies and Wetlands // Watersheds Drinking Water Sources

Review Topic	Philedelphia	Maryland	Virginia EJ Map
Additional Observation	Not Applicable	Not Applicable	Not Applicable
Number of Indicators	Not Applicable	22	19
Environmental Indicators	Not Applicable	Air Toxics Cancer Risk Air Toxics Respiratory Hazard Diesel Particulate Matter Fine Particulate Matter Ozone Traffic Proximity and Volume Lead Paint Indicator Proximity to RMP Sites Proximity to TSD Facilities Proximity to NPL Sites Proximity to Major Direct Water Discharges Watershed Failure	Ozone Diesel Particulate Matter Lead Paint Federal Cleanup Sites Wastewater Releases High-Risk Chemical Facilities Hazardous Waste Facilities Mines Traffic Fine Particulate Matter Air Toxics
Built Environment/ Climate Indicators	Not Applicable	Not Applicable	Not Applicable
Socioeconomic and Demographic Indicators	Not Applicable	Percent Non-White Percent Low-Income Less than High School Education Linguistic Isolation Individuals Under Age 5 Individuals Over Age 64 Unemployment	People of Color Poverty No High School Degree Linguistic Isolation Unemployment Extreme Housing Burden
Health Indicators	Not Applicable	Asthma Emergency Discharges Myocardial Infarction Discharges Low Birth Weight Infants Asthma Emergency Visits	Adult Asthma Heart Disease
Neighborhood Planning Indicators	Not Applicable	Not Applicable	Not Applicable
Natural Features Indicators	Not Applicable	Not Applicable	Not Applicable