

Proactive Community Engagement as Foundation for Environmental Justice

Fernando Treviño

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Fernando Treviño is the Special Deputy Secretary for Environmental Justice for the Pennsylvania Department of Environmental Protection

I think this symposium has done an amazing job of presenting much of the global perspective of what's going on across the world. But we also need to talk about what's happening with environmental justice in Pennsylvania. I work for the Department of Environmental Protection (DEP), the regulatory agency in charge of and responsible for administering Pennsylvania's environmental laws and regulations. It is committed to general environmental education and encouraging effective public involvement in setting environmental policy.

The Shapiro administration understands the need to prioritize environmental justice, and for the first time in more than twenty-five years, it has changed the mission of the DEP, just slightly but importantly, to include the Environmental Rights Amendment, article one, section twenty-seven of the Pennsylvania Constitution. Pennsylvania is one of a handful of states, even though we're a commonwealth, with a constitutional amendment protecting the environment for all people in Pennsylvania. For the first time, we're including environmental justice as part of the agency's mission. This is the new vision for the DEP. We want to be a role model for other environmental agencies. We want to use best practices to ensure clean land, water, and a few other things. We must recognize current and future environmental challenges, including climate change. I'm going to go through our six objectives. I encourage you to visit our website for all this information.

One of the objectives is to "foster relationships between DEP and communities." One of the biggest challenges and frustrations for me, my staff, and a lot of members of the advocacy community in Pennsylvania is that the Office of Environmental Justice is not allowed to advocate for environmental justice communities. Why? Because we belong to the DEP, the regulatory agency, so we cannot advocate directly. We need to be neutral on topics, but we are finding different ways of helping. Even though it sounds a little bit patronizing, we are finding ways to educate communities that need more support and to bring tools and resources to those communities so they can advocate better for themselves.

Why me? Don't be fooled by my Pennsylvania accent. I'm not from Pennsylvania. I'm an immigrant from Mexico. I came as a diplomat many, many years ago. After leaving the Mexican government and getting back into politics and campaigning, I developed expertise in engaging with minoritized and disenfranchised communities. You grab the strategy of a political campaign and the mission of an agency like the DEP, and you tailor this strategy so that every group affected can easily understand. You cannot have the same message for an African American community in Chester, rural communities in Lancaster, or the Latino community in North Philadelphia. You must adapt and understand the different nuances of all the affected communities to be better at engaging with them and asking them to be part of the process.

When Governor Josh Shapiro and Secretary Rich Negrin of the DEP invited me to join the administration, I said, "Hell no." I am the only one on this amazing symposium panel who is not an expert on environmental issues. I am not a scholar or a researcher. But once again, my expertise is engaging with the communities that need it most. The Governor and Secretary back then (and now Secretary Jessica Shirley) saw that we have plenty of environmental experts in the DEP but said they needed people with my profile who have expertise working with these communities. I was asked to reinvent the Office of Environmental Justice to continue the great work that my former colleagues were doing and bring it to the next level.

I felt it was important to start, if not from zero, with being very intentional about going back to basics. We wanted to have a new vision. We wanted to establish a broad definition of environmental justice that supports not just the most vulnerable communities, but all vulnerable communities. We are working with Black and Brown communities always and we will continue to do so. They have been the most marginalized and the most affected by environmental issues. But in Pennsylvania, because of the Marcellus Shale Coalition (a trade organization that represents the interests of the natural gas industry) and the Marcellus Shale, and because of the history of mining, we know several communities in rural Pennsylvania that are also affected and vulnerable to these environmental factors. We needed to develop a new framework, a new environmental justice policy that moved beyond a focus on permits to incorporate other elements like public participation. We are intentional in developing a proactive community approach.

We put together a team of community experts and I'm always very proud and love to brag about them. We brought on people with the same profile as mine. We needed staff from different areas of Pennsylvania with existing relationships and networks in those communities to effectively engage with them. For the first time, we have an environmental justice coordinator in each of the six regions across Pennsylvania. That was the strategy for reinventing the office. We're trying to position the DEP as an

agency that is inclusive of all Pennsylvanians facing environmental challenges, especially the most vulnerable, and one that implements a new environmental justice approach that is comprehensive and intentional. That includes external-facing tactics and changes to internal processes. The reality is that the DEP never prioritized environmental justice before in the way that it needed to. Now, we finally have the resources and the priority from Governor Shapiro, so we want to start changing some of the internal processes.

The policy now includes a new definition of environmental justice for the Commonwealth: environmental justice in Pennsylvania is the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, area of residence, tribal affiliation, or disability in agency decision-making and other activities that affect human health and the environment. It furthers the prevention of future environmental injustice and addresses the historic environmental injustice in the commonwealth. Once again, we wanted to be very intentional about moving the DEP beyond permitting to include environmental justice considerations on public participation, proactive community engagement on inspections, compliance enforcement, and more.

We have changed the way that the Pennsylvania government speaks about environmental justice. This is what we're trying to do with our community and engagement approach. We're increasing proactive outreach and engagement across Pennsylvania to build long-lasting relationships with communities outside of individual projects. We're increasing strategic community education, outreach, engagement, and capacity building, and we're building community trust through intentional action. Even though this sounds like the most basic idea, if you want to work with a specific community, you must build trust.

As we have changed the environmental justice criteria, we have created PennEnviroScreen. Until August 2023, Pennsylvania used only two demographic indicators, poverty and race, to identify environmental justice communities. Our new policy uses thirty-two indicators, including a comprehensive list of pollution burdens and exposures to environmental effects. It considers not only demographic and socioeconomic population characteristics but also sensitive populations. Yes, we are still using race and poverty, but we now also have a full set of environmental indicators beyond race and poverty that help us identify the most vulnerable Pennsylvanians.

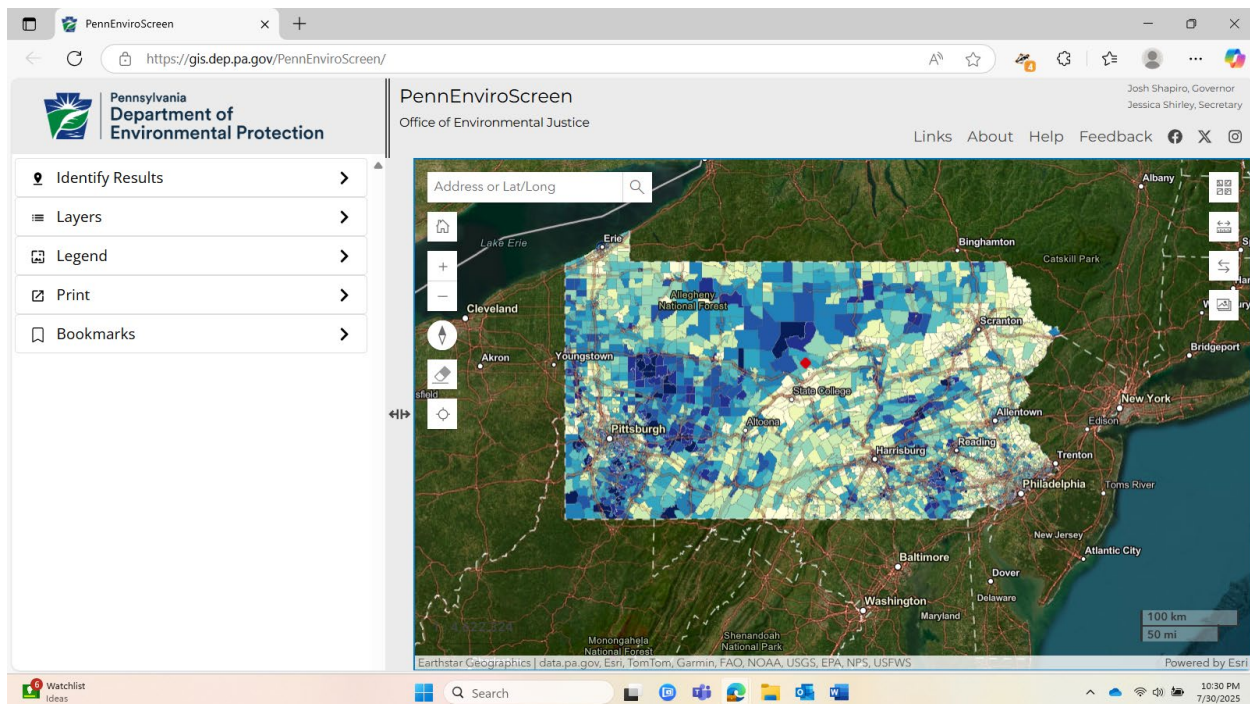


Figure 1: PennEnviroScreen.

Image credit: Pennsylvania Department of Environmental Protection, Office of Environmental Justice.

We have a rating system that merges the data of each of the thirty-two indicators, and we score every region of Pennsylvania by census block. We can identify the specific limit of each of the indicators. To maximize our resources, we are targeting the 20% most-affected communities. The dark blue areas on the map have the highest number of these locations. Yes, Philadelphia and Pittsburgh are included, but you can see that most of the environmental justice communities are located in the Marcellus Shale areas of western Pennsylvania, where mining and natural gas extraction is happening. We intentionally cover the most vulnerable communities for permitting processes, narrative, budget decisions, and many other things.

We want to go beyond just a grade on environmental justice and provide answers to the question: “Do I live in an environmental justice community or not?” The map shows specifically where the environmental justice communities are. When you click on a specific location, you can identify two different indicators. It’s not only about telling people or informing community members that they live in an environmental justice area, but we’re also letting them know specifically why they are most vulnerable and, by considering this information, how they can better advocate for themselves.

Now that we have the framework, it is finally the time to get to work. We prioritized three specific action areas because we want to be diligent in building this office as a movement to stay in the DEP. The three areas that we have been prioritizing include (1) inserting or integrating environmental

justice considerations in the DEP, starting with prioritizing permitting; (2) continuing education for staff; and (3) strengthening relationships with other programs in the DEP with the proactive community engagement approach. I'm very proud of this.

Our work has produced some good results. We are not only developing environmental justice regional profiles as templates for action, but we are mapping our networks. Our communities and community leaders are actually doing the work so we can have a better sense not only of the issues but also the environmental justice players in each of our six regions. We want to do a better job of fostering external and institutional collaborations, not only with individual councils and boards but also with external partners. That's aspirational. Because of the limitations of our office, we won't be able to become the lead advocate for environmental justice. But we're hoping at the end of Governor Shapiro's first term to turn this office into the lead convener for environmental justice.

The most criticism we've received about the new environmental justice policy is that we were going to delay permitting and that an agency and commonwealth slow to interact with businesses would lead to problems. But we have proved that of the more than 40,000 permits received by the DEP since implementing the environmental justice policy, only 153 have been in an environmental justice area. We are implementing what we call "enhanced public participation" in just twenty-two permits. We have met, in less than a year, with over 150 different community-based organizations across the commonwealth. We are focusing on individuals, stakeholders, and community leaders. We are attending events. We have made more than fifty presentations, just like this one, to better understand the needs of the communities we are serving, to put information out there and to make sure that we develop relationships from the beginning.

I want to close with an example of community engagement and the real impact that this work is having. One of the most controversial facilities in Pennsylvania right now is the Shell Chemical Appalachia Company in Beaver County, Pennsylvania. It's a plastic producer. I'm going to be completely honest about them. This company is doing a lot of good work in the community, but at the same time, they have violated their permits and, therefore, the environmental rights of a lot of Pennsylvanians. The DEP negotiated a settlement, what we call a COA, or a consent order and agreement. We gave them the highest fine that we could: \$5 million. To be honest, that's not enough. Of the \$5 million, 75% goes to the DEP to further air quality programs. The other 25% goes to the local municipality based on Act 57, but the community doesn't gain anything.

Governor Shapiro and the DEP decided that we needed to force the company to be more responsible to the community. We negotiated an environmental mitigation community fund, the first of its kind, in which Shell didn't have the opportunity to decide how the money was to be used. The DEP also

didn't have that opportunity. The community did. We launched a complete pro-community-driven process; the Beaver County community decided what kinds of projects they wanted to fund, who could apply for funding, the location of the projects, and their specific timelines and processes. Once a group of community leaders put that together, they stepped back, and a different group of community leaders came together to be in charge of receiving all project applications. They received more than ninety proposals and chose twenty-one. The community not only designed the rules and the process, but they evaluated every single project and decided how the money was to be spent. The relationship between the DEP and that community transformed; we went from being one of the most hated agencies in the commonwealth to receiving positive feedback from the most active organizers against the DEP. I want to highlight the transparency and the willingness of the DEP to let the affected community play a key role in the process.

My last thought is on specific forums or decision-making areas that only technical staff, like PhD scholars or technocrats, can be part of. The United Nations COP is a good example. In the end, if we don't include the perspective and opinions of the communities affected by the policies designed in these places, or in this case, by the regulations implemented by DEP, we are missing a huge piece. Indeed, communities won't be able to draft a specific policy or decide on technical issues, but those doing so need to have direct communication with these communities. These communities must be at the table, and their perspective must be respected and taken into consideration; that's environmental justice. Environmental justice is about the communities being affected, not about the science. While science is important, if we want real environmental justice, we must ensure that the communities affected in this process have a voice. They might not be able to solve the technical problems, but they must take part in the conversation.