

New York City’s Environmental Justice for All Report Draft Scope

Environmental Justice Interagency Working Group

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BACKGROUND

Environmental justice (EJ) refers to the principle that all people, regardless of race, disability status, age, or socioeconomic background, have a right to live, work, and play in communities that are safe, healthy, and free of harmful environmental conditions. To advance environmental justice, New York City (City or NYC) must provide for the [fair treatment and meaningful involvement of all New Yorkers in the development, implementation, and enforcement of environmental laws, regulations, policies, and activities](#).

Under the leadership of Mayor Bill de Blasio, the City has committed to environmental justice with nation-leading legislation¹ to investigate persistent environmental injustices and develop a plan to tackle these disparities. These laws also aim to advance equity and embed environmental justice into the fabric of the City's decision making.

New York City's Environmental Justice laws (Local Laws 60 & 64 of 2017) created a program centered on three main products—a report, an online EJ portal, and a plan. The *Environmental Justice for All Report* (EJ Report) will provide a comprehensive view of the present state of environmental justice in the city, as outlined below, and inform the development and implementation of the remainder of the EJ program. The data and analysis from the EJ report will be used to create a public, web-based portal and mapping tool where New Yorkers can see what environmental justice looks like in their community. All this work leads up to the creation of the City's comprehensive Environmental Justice Plan. The plan will identify potential citywide and local initiatives for promoting environmental justice and outline a set of discrete recommendations for better embedding equity and environmental justice into the City's decision-making processes. The City's Environmental Justice Advisory Board (EJAB) (see page 5 below) will conduct public hearings to inform and engage city residents in each phase of the EJ program.

These products will be developed and implemented by three distinct teams: the Mayor's Office of Climate & Sustainability (C&S), the Environmental Justice Interagency Working Group (EJ IWG or IWG) comprised of staff from 19 City Agencies, and the EJAB made up of nationally recognized EJ advocates and local subject matter experts appointed jointly by Mayor de Blasio and Speaker of the City Council Corey Johnson. See below for a list of IWG and EJAB members.

A comprehensive report on environmental justice in the city will lay the foundation for a successful EJ Program. Information and analysis gleaned from the report will ultimately inform both the online EJ portal and the Environmental Justice Plan. Below is a description of key objectives and tasks for the City's first comprehensive *Environmental Justice for All Report*.

Objective

Provide a comprehensive assessment of the present state of environmental justice in the city to lay the foundation for a successful EJ Plan.

¹ Local Law 60 of 2017 and Local Law 64 of 2017

Participating Agencies

Local Law 64 of 2017² established an EJ Interagency Working Group responsible for delivering on the requirements of the City’s Environmental Justice Laws. Members of the EJ IWG were selected based on their expertise in environmental policy and data analysis and their agencies’ contribution to the environment and health of New Yorkers. The following agencies are participating members of the EJ IWG and have contributed to the development of this document:

- Mayor’s Office of Climate and Sustainability (C&S)
- Department of Buildings (DOB)
- Department of City Planning (DCP)
- Department of Citywide Administrative Services (DCAS)
- Department of Environmental Protection (DEP)
- Department of Health and Mental Hygiene (DOHMH)
- Department of Housing Preservation & Development (HPD)
- Department of Parks & Recreation (Parks)
- Department of Sanitation (DSNY)
- Department of Transportation (DOT)
- Economic Development Corporation (EDC)
- Mayor’s Office of Climate Resiliency (MOCR)
- Mayor’s Office of Environmental Coordination (OEC)
- Mayor’s Office of Environmental Remediation (OER)
- Mayor’s Office of Operations (Ops)
- New York City Commission on Human Rights (CCHR)
- New York City Housing Authority (NYCHA)
- Office of Administrative Trials and Hearings (OATH)

Other agencies who are not members of the EJ IWG, but have been consulted with and may contribute data and information in accordance with the tasks below include:

- Department of Education (DOE)
- Mayor’s Office of Economic Opportunity (NYC Opportunity)
- New York City Law Department (Law)
- New York City Office of Emergency Management (NYCEM)

External Stakeholders

Local Law 64 established an Environmental Justice Advisory Board comprised of external Environmental Justice leaders—advocates, academics, and public health experts—to advise the City as they implement these laws, and to bring this work to New Yorkers through public hearings and other forms of engagement, ensuring the work is grounded in the lived experiences of New Yorkers living in the city’s EJ communities.

² Local Law 64 § 3-1002.

Environmental Justice Advisory Board

- Chair: Peggy Shepard, Co-Founder and Executive Director, WE ACT for Environmental Justice
- Rebecca Bratspies, Professor of Law, CUNY School of Law
- Shoshanah Brown, Founder and CEO, AIRnyc
- Marco Carrion, Executive Director, El Puente
- Dr. Luz Claudio, Professor of Environmental Medicine & Public Health, Icahn School of Medicine, Mt. Sinai
- Omar Freilla, Environmental Justice Organizer and Bronx Resident
- Diana Hernandez, PhD, Assistant Professor of Sociomedical Sciences, Columbia University's Mailman School of Public Health
- Anhthu Hoang, New York City Resident
- Albert Huang, Senior Attorney, Urban Program, Natural Resources Defense Council
- Tina Johnson, NYCHA Resident and Community Activist
- Beryl Thurman, Founder and Executive Director, North Shore Waterfront Conservancy of Staten Island

Prior to the development of the draft scope, the NYC Environmental Justice Advisory Board, in partnership with the City, launched a community engagement process to hear from New Yorkers and ensure the scope, report, and plan address the real-life issues EJ communities are facing. The engagement effort prioritized outreach in the low-income communities and communities of color that have borne the brunt of environmental degradation, the climate crisis, and America's fossil fuel economy. This engagement process included a 90-day public comment period and remote town hall. Following the release of this document, the public will have additional opportunities to comment on the draft scope, provide feedback on the draft EJ Report, propose solutions for the EJ Plan, and comment on the draft EJ Plan.

KEY COMPONENTS

To establish a foundation for the EJ Plan to build from and to provide a comprehensive analysis of the state of environmental justice in the City, the IWG will complete the following tasks as part of the *Environmental Justice for All Report*:

TASK 1 - ANALYSIS OF ENVIRONMENTAL OUTCOMES AND CLIMATE VULNERABILITIES

Purpose

This section of the report will identify and describe Environmental Justice Areas (EJ Areas) in the city in accordance with Local Laws 60 and 64 of 2017. This section will also identify and describe specific environmental justice concerns and assess the extent to which these concerns are present in EJ Areas and elsewhere in the city. It will analyze existing environmental data and other environmental justice indicators to determine the distribution of environmental benefits and harms across New York City and where practicable, identify, map, and discuss the neighborhoods where disparities and disproportionate vulnerabilities may exist.

Referenced Definitions

- Environmental Benefit³
 - “Include, but not limited to, access to grants, subsidies, loans and other financial assistance relating to energy efficiency or environmental projects; access to open space, green infrastructure and, where relevant, access to waterfronts; and the implementation of environmental initiatives, including climate resilience measures.”
- Environmental Justice⁴
 - “The fair treatment and meaningful involvement of all persons, regardless of race, color, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations, policies and activities and with respect to the distribution of environmental benefits. Fair treatment means that no group of people, including a racial, ethnic or socioeconomic group, should (i) bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state or local programs and policies or (ii) receive an inequitably low share of environmental benefits.”
- Environmental Justice Area⁵
 - “A low-income community located in the city or a minority community located in the city.”
- Low-Income Community⁶
 - “A census block group, or contiguous area with multiple census block groups, having a low-income population equal to or greater than 23.59 percent of the total population of such block group or groups, or such other percentage as may be determined by the New York State Department of Environmental Conservation in the course of setting parameters for the location of potential environmental justice areas within the state of New York and made publicly available on the website of such department.”
- Low-Income Population⁷
 - “A population having an annual income that is less than the poverty threshold established by the United States Census Bureau.”
- Minority Community⁸
 - “A census block group, or contiguous area with multiple census block groups, having a minority population equal to or greater than 51.1 percent of the total population of such block group or groups, or such other percentage as may be

³ Local Law 64 § 3-1001.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

determined by the New York state Department of Environmental Conservation in the course of setting parameters for the location of Potential Environmental Justice areas within the state of New York and made publicly available on the website of such department.”

- Minority Population⁹
 - “A population that is identified or recognized by the United States Census Bureau as Hispanic, African-American or Black, Asian and Pacific Islander or American Indian.”

Overview of Task 1

- Task 1.1 - Delineate the locations and boundaries of the City’s Environmental Justice Areas in accordance with the specific criteria in Local Law 64 of 2017
- Task 1.2 - Describe environmental justice concerns that may affect Environmental Justice Areas
- Task 1.3 - Analyze data related to environmental justice concerns to assess the distribution of environmental benefits and harms, and identify EJ Areas which may be experiencing multiple, compounding EJ concerns.
- Task 1.4 - Identify locations and attributes of infrastructure which may implicate environmental justice concerns
- Task 1.5 Identify concentrations of violations and complaints of city environmental regulations which may reflect environmental justice concerns
- Task 1.6 - Describe and analyze climate concerns that may affect Environmental Justice Areas
- Task 1.7 - Estimate investment in key programs and projects that can advance climate and environmental justice

Detailed Scope of Task 1

Task 1.1 - Delineate the locations and boundaries of the City’s Environmental Justice Areas in accordance with the specific criteria in Local Law 64 of 2017

In accordance with Local Law 64 of 2017, an Environmental Justice Area (EJ Area) is a low-income community located in the city or a minority community located in the city. For more detailed information about criteria for EJ Areas, see the “Referenced Definitions” section above.

This task will utilize [2015-2019 American Community Survey data](#) from the United States Census Bureau and build on the preliminary [Environmental Justice Areas Map](#) that was created and published by the EJ IWG in February 2021. This includes, where possible, labeling “Potential EJ Areas” within the map. These are areas where the difference between the census data and the EJ Area thresholds are not statistically significant, therefore it cannot be determined if the areas meet the low-income or minority thresholds to be considered an EJ Area.

⁹ Ibid.

Task 1.2 - Describe environmental justice concerns that may affect Environmental Justice Areas

The environmental justice concerns proposed in this document were defined with input from the EJ Advisory Board and the public via a public comment period from February to April 2021. Based on this input, the EJ IWG took a broad approach to delineating environmental justice concerns covered in this report. Overall, top priorities for inclusion in this scope include issues that have documented direct and indirect linkages to environmental and health outcomes; documented disparate health or environmental outcomes based on race or income; or documented unequal protection or regulation enforcement under existing laws.

However, also considered and included below are a broader set of issues that relate to quality of life and the principle that all people, regardless of race, disability status or socioeconomic background, have a right to live, work, and play in communities that are safe, healthy, and free of harmful environmental conditions. This included a review of issues with less empirical or documented evidence, but that are key NYC community-specific exposure or regulation enforcement concerns, as well as issues for which NYC government has minimal or no ability to influence outcomes or existing impacts.

The EJ IWG weighted issues based on relevance (i.e., how direct is the link to environmental and health outcomes?) and impact (i.e., to what degree would a focus on the issue have a strong, additive impact to existing research, analysis and literature). The three tiers of relevance and impact are summarized below in Table 1.

Table 1: Evaluation criteria for inclusion of issues as “EJ concerns”

<i>Answers the question: How relevant do we think this topic is to "environmental justice"?</i>		
Level	Description	Recommendation
Relevance 1	<ul style="list-style-type: none"> - Conditions or decisions with a DIRECT, documented link to environmental and health outcomes, including disparities based on race or income, and/or; - Conditions or decisions contributing to, or revealing, unequal protection or regulatory enforcement 	In scope
Relevance 2	<ul style="list-style-type: none"> - Conditions or decisions with an INDIRECT, documented link to environmental and health outcomes, including disparities based on race or income, and/or; - Conditions or decisions with anecdotal links to unequal protection or regulatory enforcement 	Consider including
Relevance 3	<ul style="list-style-type: none"> - Conditions or decisions with a POSSIBLE, BUT UNDOCUMENTED link to environmental and health outcomes, including disparities based on race or income 	Consider removing

Answers the question: To what degree would a focus on this topic have a strong, additive impact?		
Level	Description	Recommendation
Impact 1	- Topic with limited public debate and study over the past 3-5 years, and/or; - Topic in which NYC government has DIRECT ability to influence outcomes	Major focus
Impact 2	- Topic with limited public debate and study over the past 1-3 years, and/or; - Topic in which NYC government has INDIRECT ability to influence outcomes	Minor focus
Impact 3	- Topic with substantial public debate and study over the past 1-3 years, and/or; - Topic in which NYC government has MINIMAL ability to influence outcomes	Minimal focus

For purposes of the *Environmental Justice for All Report*, “environmental justice concerns” to be analyzed include:

- Drinking water quality
- Proximity to impaired water bodies, streams, and park lakes, including consideration to:
 - Illegal sewer connections and other illicit discharges
 - State Pollutant Discharge Elimination System (SPDES) permitted facilities, including combined sewer overflow (CSO) and municipal separate storm sewer system (MS4) outfalls and other SPDES regulated industrial facilities
 - Fertilizer and other types of runoff
 - Or other impairments (e.g., trash)
- Sewer infrastructure quality and management, including but not limited to, street flooding and drainage issues, smells, and backups
- Hazardous materials exposure, including:
 - Lead (Pb) exposure, including but not limited to exposure in private housing, public housing, workplaces, and public places such as schools, community gardens and parks.
 - Proximity to:
 - National Priority List sites (Superfund)
 - Toxic Release Inventory sites
 - Remedial sites (Brownfield Cleanup Program sites, Significant threat sites, Environmental Restoration Program sites)
 - Resource Conservation and Recovery Act (RCRA) generator sites
 - Open petroleum spills
 - NYC Mayor’s Office of Environmental Remediation Voluntary Cleanup Program sites
- Solid waste management, including but not limited to illegal dumping

- Non-park green resources, including street trees and natural areas
- Park, waterfront, and public green spaces access
- Park and tree canopy maintenance and quality
- Indoor air and housing quality, including exposure to indoor environmental pollutants such as mold, pests, asbestos, and fine particulates
- Outdoor air quality, including proximity to major mobile or stationary sources of air pollutants regulated under the federal Clean Air Act
- Noise, including from construction and heavy infrastructure
- Land use issues which may contribute to other EJ concerns
- Traffic, including traffic volumes, congestion on major arterials, and traffic safety
- Fresh food and nutrition access
- Energy use and utility affordability, including energy cost burden and energy inefficiency
- Transit and alternative transportation access

Task 1.3 - Analyze data related to environmental justice concerns to assess the distribution of environmental benefits and harms, and identify EJ Areas which may be experiencing multiple, compounding EJ concerns

Data included in these analyses are those the IWG, with input from the EJ Advisory Board, determines to be best indicators to understand and measure the environmental justice concerns outlined in task 1.2. Data will be obtained from sources including, but not limited to:

- [American Community Survey on Selected Housing Characteristics](#)
- [New York City Department of City Planning \(DCP\) PLUTO](#)
- [DOHMH Environment and Health Data Portal](#)
- [DOHMH Community Health Profiles](#)

Additional insights could be obtained from state and federal environmental data such as the [EPA's EJ Screen tool](#). It should be noted that the aforementioned datasets collect information at varying geographic scales (e.g., some may disaggregate data by Census Tract while others may use Community District or Zip Code). Indicators will be included to the extent possible based on the limitations of the data. To the extent possible, data will be disaggregated by race/ethnicity, income, EJ Area, Neighborhood Tabulation Area, Community District, and other indicators which may allow for greater understanding of environmental concerns in EJ Areas.

In addition to analyzing EJ concerns, the report will attempt to assess the distribution of environmental and health benefits including distribution of parks, bike lanes, bus lanes, environmental initiatives, and water and resource recovery benefits of City infrastructure.

For each environmental justice concern, the IWG will:

- Identify locations within the city experiencing such concern, where spatially explicit data is available.
- Conduct an analysis that assesses both the physical presence of the EJ concern overlaid with social and economic vulnerability.

- Assign grades that correspond to areas with highest and lowest risk of experiencing such concern, to the extent practicable.
- Propose data collection, research, or analysis that may be undertaken by a City agency to identify locations within the city experiencing the environmental justice concern or better understand such concern, should sufficient data not exist.

Note: The EJ IWG wants to uplift concerns among some stakeholders that the provision of environmental benefits studied in this report, (such as parks, waterfront improvements, bike lanes, etc.) which aim to improve the physical environment and quality of life for New Yorkers may also have negative unintended consequences such as impacts on housing affordability and displacement. The EJ report will examine the inclusivity and equity of decision-making processes that inform the provision of these environmental benefits, as well as the environmental impact of infrastructure placement decisions that directly affect affordability. However, understanding, measuring, and preventing displacement associated with environmental benefits requires broad safeguards on housing affordability and more equitable wages, important issues that extend beyond environmental justice and the scope of the EJ Report. So while this report will not explicitly study issues such as gentrification, we will be following closely the separate efforts across the City aimed at assessing these impacts, including [the City's Where We Live NYC Plan](#) and following the implementation of its recommendations.

Task 1.4 - Identify locations and attributes of infrastructure which may implicate environmental justice concerns

For purposes of the *Environmental Justice for All Report*, types of infrastructure to be analyzed include discretionary core infrastructure, both public and private, that is owned, maintained, operated, permitted, used, or contracted by the City, and additional infrastructure not managed by the City that does not fit the above criteria but is determined by the EJ IWG to otherwise implicate environmental justice concerns. Attributes to be analyzed include location, geographic concentration, proximity to EJ Areas, and, to the extent practicable, regulatory compliance history, and risk the infrastructure (or lack thereof) may pose to the surrounding physical environment and health of neighboring communities. Data to conduct this analysis will come from a variety of sources, including but not limited to:

- [NYC Facilities Explorer](#) maintained by the NYC Department of City Planning
- [EJSCREEN](#) maintained by the US Environmental Protection Agency
- [DECinfo Locator](#) maintained by NYS Department of Environmental Conservation.

Based on the criteria above, the EJ IWG has identified the infrastructure to be covered in the EJ Report as follows:

- Solid Waste
 - Solid waste processing, including landfills and infrastructure to process putrescible waste, construction and demolition (C&D) waste, recycling, and organic waste
 - Solid waste transfer facilities, carting, and garages
- Wastewater and Pollution Control

- Wastewater resource recovery facilities and outfall locations
- Other wastewater infrastructure such as pumping stations
- Combined sewage overflow (CSO) outfall locations
- Transportation
 - Bus depots and terminals
 - Ports and ferry landings and terminals
 - Airports, terminals, and heliports
 - Rail yards and maintenance facilities
 - Cruise terminals
 - Parking lots
- Material Supplies and Wholesale Markets
 - Asphalt plants, concrete/cement plants, and other materials processing facilities
 - Wholesale food and commercial markets and distribution hubs
- Electricity
 - Power plants
 - Substations, distribution and transmission
 - Citygate stations
 - High-pressure regulators stations over 300psi
- Bulk Storage of Chemicals and Petroleum
 - Fuel terminal facilities
 - Fuel tank barges
 - Commercial and industrial oil/fuel storage facilities
 - Hazardous waste treatment, storage, and disposal facilities
 - Major oil storage facilities
 - Reporting facilities that store hazardous substances under the City's Right-to-Know Law
 - Other Regulated bulk storage facilities relevant to measuring EJ concerns
- Parks, Gardens, and Public Open Space
 - Parks
 - Recreation and waterfront sites
 - Open public spaces including, streetscapes, plazas, malls, and privately owned public space
 - Community gardens
 - Natural areas, including forests, preserves and conservation areas
- Residential buildings with a history of non-compliance with environmental laws and regulations or other documented contribution to environmental justice concerns
- Other:
 - Container terminals
 - Any facilities not covered above that are subject to a Title V Air Permit
 - Residential, commercial, and industrial illicit connections to the sewer system

Task 1.5 - Identify concentrations of violations and complaints of city environmental regulations which may reflect environmental justice concerns

This analysis will look for concentrations of complaints and violations citywide which may reflect environmental justice concerns. The EJ IWG recognizes there may be limitations to this analysis as violations and complaints require that a site be properly inspected on a regular basis, or that people are sufficiently aware of issues and feel empowered to raise them through official channels. To the extent possible, data will be disaggregated by response rate, race/ethnicity, income, EJ Area, Neighborhood Tabulation Area, Community District, and other indicators which may allow for greater understanding of environmental concerns in EJ Areas.

Violations to be analyzed in the *Environmental Justice for All Report* include, but are not limited to:

- Air code violations, including but not limited to construction dust, boilers, and vehicle idling
- Asbestos violations
- Violations of lead safe work practices
- Disposal of sewage violations
- Cooling tower violations
- Illegal dumping violations
- Transfer station violations
- Housing maintenance code violations, including but not limited to mold, pest, and lead paint violations
- Damaged underground storage tanks.

Complaints to be analyzed in the *Environmental Justice for All Report* include but are not limited to:

- Noise
- Air quality
- Park maintenance complaints
- Streetlight complaints
- Drinking water complaints
- Dry weather sewage discharge complaints
- Standing water and street flooding complaints
- Wastewater resource recovery facility complaints
- Water leak complaints
- Water access, pressure, or temperature complaints
- Waterway complaints
- Sewage leak complaints
- Sewer backup complaints
- Catch basin complaints
- Chemical complaints
- Ventilation and exhaust system complaints

- Dust complaints
- Foul odor complaints
- Idling vehicle complaints
- Waste transfer station complaints
- Vehicle exhaust complaints
- Garbage and recycling complaints
- Asbestos complaints
- Mold complaints
- Rat or mouse complaints
- Lead paint complaints

Task 1.6 - Describe and analyze climate concerns that may affect Environmental Justice Areas

The EJ Report will include a review of existing climate risk and vulnerability assessments, especially those with a focus on human health, safety, and social vulnerability. While the New York City Panel on Climate Change (NPCC) assessments serve as a foundation for the City, the EJ Report will, in addition to NPCC reports, review and synthesize assessments from a broad range of sources including City reports, academic literature, and community-based resiliency and adaptation plans.

For the purposes of the EJ Report, the review will consider key factors, including but not limited to:

- Multiple physical, socio-economic, ecological, and health factors, such as those reflected in the [NYC Well-Being Index](#), [Heat Vulnerability Index \(HVI\)](#), and [Social Vulnerability Index](#)
- Current and future projected risk
- Individual and multiple climate hazards, such as:
 - Heat
 - Flooding from heavy rains
 - Coastal flooding
 - Droughts
 - Cold snaps

Where spatially explicit data is available, the EJ Report will provide locations within the city experiencing climate impacts and vulnerabilities, including but not limited to those listed above. To the extent possible, data will be disaggregated by race/ethnicity, income, EJ Area, Neighborhood Tabulation Area, Community District, and other indicators which may allow for greater understanding of climate concerns in EJ Areas.

The EJ Report will also outline EJ-related climate knowledge gaps and research needs, including data collection and monitoring, modeling and analysis, and other empirical research to better depict or understand cumulative impacts of climate vulnerability and environmental justice concerns. The proposed gaps will also be highlighted and further explored in the City's State of Climate Knowledge reports.

Task 1.7 - Estimate investment in key programs and projects that can advance climate and environmental justice

New York City has been a global leader in the fight against climate change for decades. From [PlaNYC](#) to [OneNYC2050](#), the City has been on the cutting edge of climate policy, with commitments to 100% clean energy, deep decarbonization of the buildings sector, and divestment from fossil fuels. Task 1.7 will attempt to measure the extent to which key climate investments have made impacts in the city's Environmental Justice Areas.

The EJ Report will include an estimate of investments per capita in the following City programs and projects. To the extent possible, the report will quantify both federal and state investments in these areas, including City programs funded with state and federal funds in addition to those locally funded. To the extent possible, data will be disaggregated by race/ethnicity, income, EJ Area, Neighborhood Tabulation Area, Community District, and other indicators which may allow for greater understanding of environmental concerns in EJ Areas.

The *Environmental Justice for All Report* will assess investments and incentives supporting:

- Renewable energy
- Parks and publicly owned public space
- Clean drinking water
- Improving water quality for waters in and around New York City
- Climate change adaptation and mitigation, including but not limited to green construction, stormwater controls, emissions reductions, energy efficiency, or climate resiliency

Task 1 Deliverable(s)

- Priority populations and/or areas for action to address environmental justice concerns, determined based on need, vulnerability, and/or disparity

TASK 2 – ANALYSIS OF THE CITY’S CONTRIBUTION TO ENVIRONMENTAL JUSTICE

Purpose

This section will focus on the extent to which City agencies contribute to environmental justice in NYC. The Environmental Justice Interagency Working Group will inventory agencies’ relevant programs, processes, activities, and policies to understand and describe the specific ways City government plays a role in contributing to environmental justice and environmental injustice.

Overview of Task 2

- Task 2.1 - Provide a historic perspective of environmental justice in New York City
- Task 2.2 - Evaluate current existing City programs and processes that advance environmental justice goals and may be used by the public to participate in City agency decision-making
- Task 2.3 - Evaluate existing City programs, policies, activities, and processes that may implicate environmental justice concerns
- Task 2.4 - Conduct an overview of environmental justice action by governments across the country

Detailed Scope of Task 2

Task 2.1 – Provide a historic perspective of environmental justice in New York City

The EJ Report will synthesize the historic role governments, including but not limited to New York City, have played in creating healthy environments in addition to contributing to environmental inequality, environmental racism, and disparities covered elsewhere in this report. Sources for this analysis will include a literature review of existing academic scholarship on this topic and policy and legal analysis on local, state, and federal levels.

Task 2.2 – Evaluate current existing city programs and processes that advance environmental justice goals and may be used by the public to participate in City agency decision-making

Agencies and other branches of the City whose programs and processes will be evaluated include members of the EJ Interagency Working Group. Other agencies whose duties and services confer environmental benefits or whose work has a heavy environmental impact may also be considered. See “*participating agencies*” on page four for more information.

The criteria to evaluate whether a program or process advances environmental justice goals are as follows:

- Program or process must be currently ongoing.
- Have a primary intent to:
 - Reduce negative environmental outcomes or;
 - Reduce poor health, particularly environmental health outcomes or;
 - Improve quality of life, including but not limited to the areas of mobility, accessibility, sanitation and waste, and housing conditions, or;
 - Support re-use or renewable energy sources, or;

- Confer environmental benefits, such as improving air quality, water quality, and environmental education or;
- Bolster resiliency against climate hazards.
- Fall into one of the two categories:
 - Citywide programs that may lead to positive impacts on people living in EJ areas;
 - Targeted programs in specific communities based on vulnerability, need, and historic or systemic inequality.
- Allow for public participation in agency decision-making (program design, comment period, feedback, etc.)

The methodology used to evaluate programs and processes will vary based on the data and key performance metrics (KPIs) tracked by the relevant agency. Programs and processes that fit the above criteria will be evaluated quantitatively and qualitatively, in part based on the following:

- Number of EJ concerns addressed;
- Funding or investment directed towards EJ Areas;
- Longevity, including programmatic funding or legal commitment to a process;
- Level of public involvement and engagement;
- Adequacy of monitoring and data collected and used by the agency to evaluate impact on equity and environmental justice.

Task 2.3 – Evaluate existing City programs, policies, activities, and processes that may implicate environmental justice concerns

- Programs, policies, activities, and processes that implicate environmental justice concerns are those that:
 - May exacerbate environmental or environmental health disparities due to inequitable investment, outreach, planning, etc.;
 - May lead to negative environmental impacts, particularly on low-income communities and communities of color;
 - Worsen quality of life, including but not limited to the areas of mobility, accessibility, sanitation and waste, and housing conditions;
 - Do not allow for or otherwise impair meaningful involvement of community members in environmental decision-making that impacts their communities.

Task 2.4 – Conduct an overview of environmental justice action by governments across the country

The Mayor’s Office of Climate and Sustainability (C&S) will meet with staff, leadership, and/or partners from programs related to environmental justice in other municipalities and/or state governments to gain knowledge on best practices, considerations, and approaches to environmental justice. C&S will tap into leading climate networks and city networks to engage city and state peers, with potential network partnership on activities such as a listening tour or

symposium focused on environmental justice programs and opportunities in state and local governments.

C&S will identify and aim to engage states and municipalities undertaking or proposing efforts to:

- Understand and address systemic environmental injustice;
- Support equitable community investment in environmental benefits or climate solutions;
- Advance participatory decision-making or co-governance with disenfranchised communities in local environmental decision-making;
- Address environmental disparities in low-income communities and/or communities of color;
- Hire Environmental Justice Advisors in senior leadership positions in governmental agencies;
- Support and resource low-income communities, communities of color, and/or frontline communities in developing and implementing community-developed climate action plans.

Task 2 Deliverable(s)

- A list of programs, by agency, that are helping to advance environmental justice and equity goals, and a description of how those programs were designed and executed.
- A list of programs, by agency, that implicate environmental justice concerns and a description of which areas of the program are contributing to that concern.
- An overview of environmental justice approaches and initiatives in leading cities and states across the country.

TASK 3 – REVIEW INCLUSIVITY AND ENGAGEMENT WITH RESPECT TO ENVIRONMENTAL DECISION-MAKING

Purpose

In this section, the report will assess engagement between City agencies and offices with the New Yorkers they serve, with a focus on engagement with historically underserved population groups in EJ Areas with respect to environmental decision-making. The assessment will cover formal, legally mandated engagement around environmental decision-making and land use, in addition to engagement and outreach activities with New Yorkers living in EJ Areas that are conducted as a manner or practice or protocol by City agencies and other arms of the City. This section will seek to understand how the City treats and involves New Yorkers in environmental decision-making, particularly in respect to the distribution of environmental benefits and decisions, which may implicate environmental justice concerns (see task 1.2). Finally, this section will seek to understand historic barriers to engagement and identify opportunities and best practices for improving engagement processes to better incorporate equity and environmental justice principles.

Referenced Definitions

- Environmental Justice¹⁰
 - “The fair treatment and meaningful involvement of all persons, regardless of race, color, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations, policies and activities and with respect to the distribution of environmental benefits.
- Fair Treatment¹¹
 - “Fair treatment means that no group of people, including a racial, ethnic or socioeconomic group, should (i) bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state or local programs and policies or (ii) receive an inequitably low share of environmental benefits.”
- Meaningful Involvement
 - In the context of the [National Environmental Policy Act \(NEPA\)](#)—the Federal counterpart to the [New York State Environmental Quality Review Act \(SEQRA\)](#) and the [New York City Environmental Quality Review \(CEQR\)](#)—the U.S. Department of Energy identified the following as characteristics of meaningful engagement:
 - Opportunity to participate in agency decision-making
 - Ability to influence agency decision-making
 - Concerns of community members are taken seriously
 - Public is educated about potential impacts of agency decisions
 - Early engagement with affected communities

¹⁰ Local Law 64 § 3-1001.

¹¹ Ibid.

- Consistent engagement with affected communities throughout the planning process
- Language accessibility
- Varied meeting styles
- Accessible facilities
- Both electronic and non-electronic communication
- Consider forming committees composed of members of affected communities
- Environmental decision-making
 - Environmental decision-making refers to decisions related to the development, implementation and enforcement of environmental laws, regulations, policies, and activities and with respect to the distribution of environmental benefits. Specifically, this includes formal processes such as [CEQR](#), [SEQRA](#), and [ULURP](#).
- Environmental Justice Stakeholders
 - Environmental Justice Stakeholders refers to citywide or community-based non-profit organizations whose mission is to advance environmental and climate justice and/or community-based organizations who serve residents living in EJ Areas.

Overview of Task 3

- Task 3.1 – Assess the City’s formal public engagement including engagement regarding siting facilities and infrastructure and other environmental decision-making processes
- Task 3.2 – Assess the City’s public engagement regarding environmental decision-making that is not legally required
- Task 3.3 – Evaluate City programs and processes for fair treatment and meaningful involvement
- Task 3.4 – Identify barriers to meaningful involvement in environmental decision-making
- Task 3.5 – Examine principles and values from the environmental justice movement

Detailed Scope of Task 3

Task 3.1 – Assess the City’s formal public engagement including engagement regarding siting facilities and infrastructure and other environmental decision-making processes.

The EJ Report will identify and describe existing City programs and processes that allow for public engagement with and participation in environmental decision-making by City agencies. This task includes an overview of legally mandated processes related to the siting of facilities and infrastructure, such as CEQR and ULURP. The report will also note gaps in programs and processes where there is no formal public engagement regarding the siting of facilities and infrastructure or other environmental decision-making processes. The types of facilities and infrastructure covered in this analysis shall be those defined in Task 1.4 of this document.

Task 3.2 – Assess the City’s public engagement regarding environmental decision-making that is not legally required

The EJ Report will identify and describe existing City programs and processes that allow for public engagement with and participation in environmental decision-making conducted as a manner or practice or protocol by City agencies and other arms of the City. This task includes an overview of engagement not legally mandated, such as voluntary stakeholder groups or advisory committees. Environmental laws, regulations, policies, and activities to be covered in the EJ Report are those that relate to environmental justice concerns outlined in Task 1.2 of this document.

Task 3.3 – Evaluate City programs and processes for fair treatment and meaningful involvement

To the extent practicable, the EJ Report will examine whether public engagement in the programs and processes identified in Tasks 3.1 and 3.2 above constitute fair treatment and meaningful involvement of all New Yorkers in environmental decision making, particularly low-income communities and communities of color in EJ Areas. This qualitative analysis will include:

- A legal overview of the terms meaningful involvement and fair treatment according to the law, policy, or guidance from federal government agencies.
- The treatment and involvement of the people living in EJ Areas as well as treatment and involvement of environmental justice stakeholders.
- A description of existing community power and influence in local environmental decision-making

Task 3.4 – Identify barriers to meaningful involvement in environmental decision-making

The EJ Report will identify and describe barriers to meaningful participation in environmental decision-making affecting low-income communities and communities of color in Environmental Justice Areas and environmental justice stakeholders. This task includes a qualitative review of how City agencies and programs have knowingly or unknowingly contributed to these barriers. Additionally, this task will provide:

- At least one case study of a local environmental planning or decision-making process which demonstrates knowing or unknowing barriers or contribution to barriers to meaningful involvement.
- At least one case study of local environmental planning or decision-making process which demonstrates how a city agency or entity can effectively address common barriers to meaningful involvement.

Task 3.5 – Examine principles and values from the environmental justice movement

The EJ Report will examine principles and values from the environmental justice movement and related social and racial justice movements and explore ways the City of New York could incorporate those values and principles into our understanding and practice of fair treatment and meaningful involvement in environmental decision-making. The task will conclude by proposing City principles or values on meaningful involvement in environmental decision-making, to be deliberated with the EJ Advisory Board.

Existing principles and values to be examined include, but are not limited to:

- [17 Principles of Environmental Justice](#)
- [Jemez Principles of Democratic Organizing](#)
- [BlackSpace Manifesto](#)
- [The Spectrum of Community Engagement to Ownership](#)

Task 3 Deliverable(s)

- Outline possible changes to existing programs and policies to incorporate EJ principles and facilitate better participation by populations in EJ Areas
- City principles or values on meaningful involvement in environmental decision-making to guide City agencies involved in environmental decision-making
- Toolkit of meaningful participation for city agencies to use for environmental decision-making processes

APPENDIX

Glossary

Definitions as it relates to Environmental Justice

- Communities of color
 - A minority community (see below)
- Environmental Benefit (Task 1)¹²
 - “Include, but not be limited to, access to grants, subsidies, loans and other financial assistance relating to energy efficiency or environmental projects; access to open space, green infrastructure and, where relevant, access to waterfronts; and the implementation of environmental initiatives, including climate resilience measures.”
- Environmental Data (Task 1)
- Environmental Decision-Making (Task 3)
 - Environmental decision-making refers to decisions related to the development, implementation and enforcement of environmental laws, regulations, policies and activities and with respect to the distribution of environmental benefits.
 - CEQR, SEQRA, ULURP, Zoning
- Environmental Justice¹³
 - “The fair treatment and meaningful involvement of all persons, regardless of race, color, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations, policies and activities and with respect to the distribution of environmental benefits. Fair treatment means that no group of people, including a racial, ethnic or socioeconomic group, should (i) bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state or local programs and policies or (ii) receive an inequitably low share of environmental benefits.”
- Environmental Justice Area (Task 1)¹⁴
 - “A low-income community located in the city or a minority community located in the city.”
- Fair Treatment (Task 3)
 - “Fair treatment means that no group of people, including a racial, ethnic or socioeconomic group, should (i) bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state or local programs and policies or (ii) receive an inequitably low share of environmental benefits.”
- Low-Income Community (Task 1)¹⁵

¹² Local Law 64 § 3-1001.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

- “A census block group, or contiguous area with multiple census block groups, having a low-income population equal to or greater than 23.59 percent of the total population of such block group or groups, or such other percentage as may be determined by the New York State Department of Environmental Conservation in the course of setting parameters for the location of potential environmental justice areas within the state of New York and made publicly available on the website of such department.”
- Low-Income Population (Task 1)¹⁶
 - “A population having an annual income that is less than the poverty threshold established by the United States census bureau.”
- Meaningful Involvement (Task 3)
 - In the context of the [National Environmental Policy Act \(NEPA\)](#)—the Federal counterpart to the [New York State Environmental Quality Review Act \(SEQRA\)](#) and the [New York City Environmental Quality Review \(CEQR\)](#)—the U.S. Dept of Energy identified the following as characteristics of meaningful engagement:
 - Opportunity to participate in agency decision-making
 - Ability to influence agency decision-making
 - Concerns of community members are taken seriously
 - Public is educated about potential impacts of agency decisions
 - Early engagement with affected communities
 - Consistent engagement with affected communities throughout the planning process
 - Language accessibility
 - Varied meeting styles
 - Accessible facilities
 - Both electronic and non-electronic communication
 - Consider forming committees composed of members of affected communities
- Minority Community (Task 1)¹⁷
 - “A census block group, or contiguous area with multiple census block groups, having a minority population equal to or greater than 51.1 percent of the total population of such block group or groups, or such other percentage as may be determined by the New York state department of environmental conservation in the course of setting parameters for the location of potential environmental justice areas within the state of New York and made publicly available on the website of such department.”
- Minority Population (Task 1)¹⁸

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

- “A population that is identified or recognized by the United States census bureau as Hispanic, African-American or Black, Asian and Pacific Islander or American Indian.”

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