



## COMMENTS

# Comments on New Jersey Environmental Justice Rules (N.J.A.C. 7:1C)

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New Jersey Future is a nonpartisan, nonprofit organization that believes our state can be a great place for everyone with a strong, prosperous economy; safe, healthy communities, and open spaces. The current proposed rule generally does a good job of protecting communities disproportionately impacted by polluting facilities while expanding participation by overburdened communities to further reduce adverse environmental impacts. While this is a great step, there are a few key considerations that we support that will strengthen these protections and help New Jersey's overburdened communities to not just recover, but thrive.

Too often, overburdened communities are left to deal with the aftermath of unintended consequences that further destabilize the community and deprive residents of a safe and healthy environment. We reiterate that the compelling public interest exception should be applied very narrowly, excluding economics and jobs as factors in determining eligibility. Additionally, the regulation regarding this exception should make consideration of public input required, as opposed to optional in the case of "a significant degree of public interest."

In conjunction with allowing communities to weigh in on potential effects and adverse impacts, they must be given ample opportunities to receive and clearly understand the proposed changes. This involves equitable consideration about access to information and communication barriers, as overburdened communities are often the most culturally diverse and the most resource-deprived, due to limited literacy rates, English proficiency, time, and access to technology. Public notices should have translated versions available for multilingual communities, and should be disseminated through a wide variety of mediums beyond printed flyers and signs, including social media and online newsletters.

Additionally, we are supportive of the environmental justice (EJ) analyses contained in the proposed regulations. We caution that permits subject to the law should not be approved on the basis of pollution "offsets," which fail to protect overburdened communities and sensitive populations. Any pollution emissions reductions recognized by the law must come directly from the facility applying for the pollution permit. Moreover, the cumulative impact analysis should cover a unit of geography that captures people in census tracts next to facilities, including ones that are not immediately adjacent but would still be affected by environmental stressors.

Finally, New Jersey Future supports the adoption of the EJ rules and stands with the Environmental Justice leaders in urging that certain parts of the regulations be strengthened to ensure that this monumental legislation lives up to its label as the nation's strongest environmental justice law thus far. Thank you for considering this testimony.