



EANY SUPPORTS

Equitable Siting



[A.2103A \(Pretlow\)](#)
[S.1031B \(Steward-Cousins\)](#)

Explanation:

This bill amends the State Environmental Quality Review Act (SEQRA) to incorporate measures to help correct the historical pattern of siting industrial facilities in environmental justice (EJ) communities.

Low-income communities and communities of color have notoriously been disproportionately impacted by industrial contaminants, pollution, and other toxics that degrade the community's water, air, and soil. Black people in America are [1.54 times more likely to breathe the fine particulate matter](#), leading to a myriad of health impacts; while [Latinx and US Indigenous communities suffer higher rates of dangerous airborne pollution](#). [Over half of people living within 1.8 miles of hazardous waste facilities are Black Americans](#).

This legacy of disproportionate and inequitable siting of industrial and commercial facilities have left communities already struggling with basic needs, vulnerable to adverse health and environmental impacts.

While the Department of Environmental Conservation's (DEC) Commissioner Policy 29 (CP-29), Environmental Justice and Permitting seeks to incorporate environmental justice concerns into the SEQR Process, it is a weak nod to meaningful consideration and incorporation of environmental justice issues. This bill directly incorporates disproportionate and inequitable impacts on EJ communities into the SEQR siting process.

This legislation could be strengthened by ensuring the definition of environmental justice communities is aligned with the work of the Climate Justice Working Group (CJWG), the entity created by the CLCPA, currently undergoing a process to define and identify 'disadvantaged communities' throughout the state.

Summary:

The bill amends Article 8, Environmental Quality Review, of the Environmental Conservation Law requiring project proponents (agencies or applicants) to consider the effects of proposed actions on environmental justice communities, including the disproportionate or inequitable burdens placed on these communities. The bill requires the submission of an existing burden report to help determine whether such projects may cause or increase a disproportionate and/or inequitable burden on those communities directly or significantly indirectly affected by the action. The bill also requires that no action be carried out or approved if it causes or contributes to disproportionate or inequitable pollution burden on environmental justice communities.

