

October 4, 2022

Via E-mail and USPS
Governor Roy Cooper, roy.cooper@nc.gov

The Office of the Governor
1 East Edenton Street
Raleigh, NC 27601

Dear Governor Cooper,

On behalf of the undersigned organizations, we urge you to take critical next steps to prioritize action on environmental justice by issuing a new executive order that builds on Executive Order 246 (hereinafter “EO 246” or “EO”). We advocate executive action that is visionary, community-focused, and active in the pursuit of environmental justice. We hope a new executive order will:

- (1) Recognize the need and opportunity to advance environmental justice beyond the scope of climate change and transportation policy;
- (2) Clearly define, effectively identify, and meaningfully engage communities suffering environmental injustice; and
- (3) Prioritize protection of, and investment in, these communities through informed decision making and action by cabinet agencies.

Forty years ago, protests in Warren County gave birth to the environmental justice movement. In its announcements and actions to date, your administration has taken first steps to bring environmental justice to communities across the state; it is now time to build on these initial directives with actions that will make a real difference for North Carolinians, especially those that have been living with severe environmental impacts and racially unjust policies for far too long.

I. Directing Action that Meets the Moment

We appreciate the strategic vision set forth in EO 246 to combat climate change and direct a multi-agency effort to reduce emissions from the transportation sector. Yet, although that EO directs cabinet agencies to consider environmental justice in these specific contexts,¹ it remains unclear whether, or how, agencies are doing so.

¹ EO 246 §2 (“The Governor's Office and Cabinet agencies shall incorporate environmental justice and equity considerations and benefits in the implementation of this Executive Order, Executive Order No. 80 and Executive Order No. 218 ‘Advancing North Carolina's Economic and Clean Energy Future with Offshore Wind.’ Executive Order Nos. 80 and 218 are hereby amended to effectuate this directive.”)

To ensure more effective implementation of current and future directives regarding environmental justice, we urge you to clarify your vision to achieve environmental justice in a new executive order. We request you articulate clear goals and broaden the scope of directed agency action while maximizing collaboration and leveraging contributions by interested parties and partners outside cabinet agencies. Meanwhile, the vision you set forth must be coupled with dedicated support to agency personnel that equips them to achieve progress in advancing environmental justice.

Articulating Clear Goals

Your commitments to environmental justice can be wholly met only with clearer directives to cabinet agencies. In EO 246, you articulated specific, measurable, attainable, relevant, and time-bound goals to inform state action to combat climate change and advance clean transportation policy.² Regrettably, the EO articulates no comparable goals with regard to environmental justice.³ Clear goals are necessary for agencies and the public to evaluate North Carolina's progress on environmental justice. Clarifying your vision and expectations will help ensure necessary related action is taken by your cabinet agencies.

We also reiterate the need for each agency to develop concrete plans and strategies for achieving specific environmental justice goals related to their stated mission. As you implement and build on EO 246, additional guidance is necessary from your office to enable each agency to develop its own concrete plans and strategies for achieving specific environmental justice goals.⁴

Broadening the Administration's Efforts to Achieve Environmental Justice

Like climate change, environmental justice is cross-sectional and demands multi-agency collaboration and expertise sharing. Many environmental policy decisions made by cabinet agencies outside the scope of EO 246 could alleviate the disproportionate burden of pollution on communities of color and low-income in North Carolina, or, without changes in how decisions are made, increase inequity. A new executive order should reach these decisions.

We request that you provide guidance to your agencies that appropriately prioritizes environmental justice and recognizes the scope of necessary action by issuing a new executive order that improves the way our government treats its most vulnerable residents *whenever* it is developing, implementing, or enforcing environmental policies. We urge recognition of the relevant scope of actions taken by cabinet agencies as well as leadership to ensure your administration does not miss opportunities to advance environmental justice.

Collaborating with Partners Outside of Cabinet Agencies

² EO 246 §1.

³ While we support your efforts to improve public participation in agency decision-making processes, appoint equity leads at cabinet agencies, and engage a third party to "facilitate conversations to identify and prioritize key issues" that may inform the administration's "environmental justice, equity, and affordability priorities," more work is needed to achieve measurable environmental justice progress, starting with clear definitions and directives.

⁴ For example, one of the duties assigned to each agency EJ Lead is to "[i]dentify, describe, and post on a readily available page of the agency's website agency decisions that significantly impact or may significantly impact underserved communities." EO 246 § 7. We appreciate this commitment to transparency, but have yet to witness the implementation of this directive. And, to achieve the promise of EO 246, your agencies need clear guidance on the nature of the environmental justice impacts that must be evaluated as well as the sources of information that should inform their evaluations.

We recognize the complexity of the issues implicated in the struggle for environmental justice. And while our state government should do more, agency policy making would benefit from greater collaboration with partners in academia, other governments, and local community organizations.⁵ We are especially interested in collaboration designed to evaluate cumulative and disparate impacts in North Carolina, and encourage engagement of tribal governments and minority-serving institutions in this endeavor.

Supporting Agency Personnel Tasked with Advancing Environmental Justice

Once clearer and broader goals are stated, we know implementation will depend heavily on agency staff. EO 246 requires cabinet agencies to “identify an environmental justice and equity lead (‘EJ Lead’).”⁶ We reiterate our suggestion, from our March 2022 letter to your office, that progress on EJ Lead duties, and other EJ-related directives in the EO, be published in regular, publicly available progress reports that educate the public about the administration’s environmental justice efforts.

We also encourage the provisions of targeted financial and human resources to equip the new EJ Leads to achieve success. We are concerned by the delay in training and the lack of a plan for further empowering these EJ Leads. We understand part of the delay stemmed from the lack of devoted funding to implement EO 246. As the upcoming legislative session approaches, we are mindful of the importance of providing adequate financial resources to cabinet agencies to advance environmental justice. We ask that you work with us to explore options for securing this needed funding to ensure progress on environmental justice does not suffer from lack of resources or competing demands placed on the limited capacity of designated personnel.

In addition to financial resources, it is important that each agency devote the necessary human resources to advance environmental justice. As you know, each of the named EJ Leads is tasked with performing additional duties beyond those in their official job descriptions, and directed to do so without additional compensation. Performance of these duties is too important to rely on a single individual. We recommend assigning both a senior level and a staff level person in each agency to work towards environmental justice. This will help ensure both the authority and capacity is available as needed to direct agency actions.⁷

II. Identifying and Engaging Environmental Justice Communities

Operationalizing an appropriately widened approach to environmental justice by your cabinet agencies will require inter-agency action to effectively identify and meaningfully engage environmental justice communities. We request that you define critical terms and direct your agencies to evaluate cumulative impacts—including impacts on public health—by collecting and analyzing relevant data.

⁵ The value of “partnering with non-Cabinet agencies, public health agencies, community organizations, and research institutions,” is recognized in EO 246 with regard to work to increase understanding and awareness of the health impacts of climate change. EO 246 § 11. But such collaboration would also be beneficial to advance environmental justice more broadly.

⁶ EO 246 §7. We appreciate that each cabinet agency has done so, and many of us have taken the opportunity to engage with agency EJ Leads. We also understand that plans are underway for a third-party contractor to provide training to these individuals at some point during this year.

⁷ We are concerned that sole reliance on senior agency officials (e.g., Assistant Secretaries) may delay action on environmental justice because of the capacity limitations of agency leadership. However, sole reliance on staff appointees risks a lack of institutional endorsement, direction, and authority.

Defining Terms to Capture Relevant Factors

It is critical for cabinet agencies that must comply with EO 246, or any future EO focused on environmental justice, to have shared definitions of key terms. Notably, EO 246 includes references to “underserved communities” in five different sections,⁸ but the EO does not define the term.⁹ To ensure consistency in implementation of your directives across cabinet agencies, we urge you to articulate, in a stand-alone environmental justice executive order, a uniform definition to be used by all cabinet agencies to advance environmental justice.

For instance, if the intent is to apply the definition of “potentially underserved” communities developed by DEQ, that should be clearly stated.²⁰ However, DEQ has recently acknowledged the limitations of considering only race and poverty data, and appropriately considered other relevant information when evaluating applications for water and wastewater infrastructure funding this year.¹⁰ And, as recognized by guidance issued to inform implementation of the Biden administration’s Justice40 initiative, “[a]gencies should consider appropriate data, indices, and screening tools to determine whether a specific community is disadvantaged based on a combination of variables,” including but not limited to race and poverty data.¹¹ Ultimately, we recommend articulating a definition that considers not only community composition and vulnerability, but also the disparate pollution burdens borne by local residents. A good example is found in proposed federal legislation, the Environmental Justice for All Act, which defines an “environmental justice community” as a “community with significant representation of communities of color, low-income communities, or Tribal and Indigenous communities, that experiences, or is at risk of experiencing higher or more adverse human health or environmental effects.”¹²

Evaluating Cumulative Impacts

Too often, environmental decisions are made without considering the cumulative impacts of multiple sources of pollution in the host community. Yet, when numerous sources of pollution are concentrated in one area, they combine to have an even greater impact on health

⁸ EO 246 encourages NCDOT and other partners to collaborate with underserved communities in the development of the Clean Transportation Plan. EO 246 § 5. It directs agency-specific EJ Leads to identify, describe, and publish agency actions that “significantly impact or may significantly impact” underserved communities. *Id.* § 7. It requires the development of public participation plans designed, in part, to improve communication with underserved communities. *Id.* § 8. It envisions investment in historically underserved communities and notification of residents and businesses in underserved communities of funding opportunities. *Id.* § 10. And it requires public education about the impact of climate change on underserved communities. *Id.* § 11.

⁹ Nor does the order clarify the difference between “historically underserved communities” and “underserved communities.” *But see* § 10 (using both terms).

¹⁰ *See* DEQ, *NC DEQ Division of Water Infrastructure’s Plan to Administer American Rescue Plan Act’s State Fiscal Recovery Fund Appropriated in the State Budget for Drinking Water, Wastewater and Stormwater Projects* (Feb. 3, 2022) (noting consideration of “demographic, historical, cultural, linguistic, or low-wealth factors”).

¹¹ Shalanda D. Young, Acting Director, Office of Management and Budget, *Interim Implementation Guidance for the Justice40 Initiative 2-3* (July 20, 2021) (urging consideration of variables including but not limited to “low income, high and/or persistent poverty,” “high unemployment and underemployment,” “racial and ethnic residential segregation, particularly where the segregation stems from discrimination by government entities,” “linguistic isolation,” “high housing cost burden and substandard housing,” “distressed neighborhoods,” “high transportation cost burden and/or low transportation access,” “disproportionate environmental stressor burden and high cumulative impacts,” “limited water and sanitation access and affordability,” “disproportionate impacts from climate change,” “high energy cost burden and low energy access,” “jobs lost through the energy transition,” and “access to healthcare.”).

¹² Environmental Justice for All Act, S. 872, 117th Cong. § 3(8) (2021).

and the environment than impacts attributable to a single actor or single agency decision. Consequently, many communities are currently overburdened as a result of policy decisions creating pollution “hot spots” or “sacrifice zones.” We urge you to acknowledge the effect of multiple anthropogenic stressors on environmental quality and public health and work to ensure that state agencies incorporate evaluation of cumulative impacts into their environmental policy decisions. Of course, we recommend evaluation of cumulative impacts in the context of environmental permitting; however, the evaluation of cumulative impacts can also inform other agency actions, including but not limited to rulemaking and the allocation of funding.

Considering Impacts on Public Health

When considering cumulative impacts, it is important to consider not only effects on environmental quality but also impacts to human health. Section 11 of EO 246 states that the North Carolina Department of Health and Human Services, in partnership with “other relevant Cabinet agencies” shall work to “increase understanding and awareness of the health impacts of climate change.”¹³ Evaluating and emphasizing the impacts of environmental policy choices on vulnerable North Carolinians is integral to advancing environmental justice and building the case for action.¹⁴ However, evaluation of health disparities should not be limited to efforts to combat climate change or reform the transportation sector; rather it needs to deliberately extend to all environmental justice efforts.

Furthermore, health inequity is not driven by insufficient knowledge as much as by inadequate access to health care and insufficient environmental protection. As such, we recommend that a new executive order explicitly direct consideration of health disparities in environmental justice communities so that agency policy decisions can reduce, rather than contribute to, discriminatory health outcomes.

Collecting and Analyzing Relevant Data

The increasing use of mapping tools and geographic information systems to identify communities experiencing environmental injustice holds great promise.¹⁵ We encourage the development and improvement of mapping tools to visualize relevant data and inform environmental policy decisions.¹⁶ Numerous other jurisdictions have developed mapping tools to evaluate environmental exposures and community vulnerability then direct policy decisions by identifying the communities bearing the greatest risk due to environmental pollution. To harness the full power of these tools, a new executive order should direct cabinet agency collaboration¹⁷ to collect data, create map layers, and use data at the most local level possible to identify environmental justice communities and distinguish communities in greatest need of protection

¹³ EO 246 § 11.

¹⁴ We were pleased to learn recently that NC DHHS received a federal grant to continue work on its environmental health data dashboard, but also understand that the grant covered only a fraction of the proposed work to construct and refine this tool, suggesting the agency has plans in place but needs additional funding to implement them.

¹⁵ Charles Lee, *A Game Changer in the Making? Lessons From States Advancing Environmental Justice Through Mapping and Cumulative Impact Strategies*, 50 *Env'tl. L. Rev.* 10203, 10214 (Mar. 2020).

¹⁶ We emphasize that these tools cannot effectively identify the communities on which your administration urges focus without a clear definition of relevant terminology and consideration of adequately granular data. We have concerns about the usability of the “EJ Tool” in DEQ’s Community Mapping System (CMS) which appears to inadvertently exclude communities that would otherwise likely fit the agency’s definition of “underserved communities” due to inconsistency of data scales and coarse resolution of the details for consideration.

¹⁷ Different cabinet agencies in your administration collect and evaluate data related to, for instance, environmental quality, human health, economic development, and the transportation sector. It is important that the relevant agency expertise, and data, inform mapping tools if, as we urge, the goal is to better understand cumulative impacts and drive responsive agency action.

and investment.¹⁸

Notably, the utility of such mapping tools depends on the quality and volume of data available for inclusion and consideration. To maximize the utility of mapping tools, we urge intentional focus on collecting data about environmental exposures and public health outcomes in environmental justice communities. Cabinet agencies collect data using their own limited assets, but many are also authorized to require additional data collection by nongovernmental entities, including but not limited to recipients of environmental permits. We recommend the prioritization of data collection in environmental justice communities to improve the availability of data to evaluate cumulative and disparate impacts of environmental policy decisions.

Finally, we recommend below that you direct cabinet agencies to take or forego action in a way that prevents compounding environmental injustice. In order for mapping tools to serve this purpose, data must be compiled and presented with adequate granularity and consistency to enable identification of disparate and cumulative impacts to communities of color and low wealth North Carolinians.¹⁹ In other words, data needs to be collected, and mapping tools need to be developed, in a way that allows for direct comparison of the demographic, health, and sensitive receptor data to accurately inform agency decisions.

III. Protecting and Investing in Environmental Justice Communities

The actions recommended above are critical to articulate and inform important action on environmental justice. But the final goal of preventing and mitigating disparities requires final agency decisions—including those about permitting, funding, and economic development—that are meaningfully influenced by impacted communities and ultimately ensure the fair treatment of all North Carolinians.

Participation by Impacted Communities in Decision Making

Public engagement is an essential component of environmental justice. EO 246 directs each cabinet agency to develop an agency public participation plan guided by stakeholder input.²⁰ We encourage further development of public participation plans for boards, commissions, and other bodies under your purview involved in environmental decision making.

The impact of amending public outreach plans is limited if public input has no apparent effect on final agency decisions. Agency staff must receive training on how to improve decision making during the public participation process with the goal of identifying disparities and ensuring agency decisions advance equity. Moreover, it is important that North Carolinians who

¹⁸ You previously directed “cabinet agencies [to] evaluate the impacts of climate change on their programs and operations and integrate climate change mitigation and adaptation practices into their programs and operations.” EO 80 §2 (2018). However, your DEQ has continued to insufficiently monitor and regulate emissions from the hog industry in NC. This is of specific concern in the context of EO 80 given the vast amounts of methane released by this industry. But evaluation of emissions is also important because many of the unmonitored emissions from this industry—including ammonia, hydrogen sulfide, particulate matter, and volatile organic compounds—that threaten public health in nearby environmental justice communities.

¹⁹ Looking again at DEQ’s Community Mapping System, demographic information is entered by census block group and health data is input by county. The data shown is averaged across the number of census blocks that appear within the extent of the map window, which skews the data and misinforms the user. Also, sensitive receptors cannot be viewed on the same map as the facilities. Therefore, a user could not, for example, use the map’s buffer tool to draw a radius around a facility and gain information about the number and location of churches, schools, nursing homes, or other sensitive receptors within a given distance of a facility.

²⁰ EO 246 § 8. We acknowledge the achievement of this goal, as well as the work to develop a model plan to inform these efforts.

participate in public decision making processes see evidence on the record reflecting both the substance of their input and how the agency responded. This will help ensure that agency personnel are actually considering public input and explaining how and whether it influenced their final decisions.

We further recommend intentional engagement of voices from communities historically deprived of opportunities for input in agency decision making. EO 246 directs improved participation by “all members of the public, including underserved communities and populations with limited English proficiency.”²¹ Since members of the public do not all encounter the same barriers to access, public participation plans should enhance engagement of historically marginalized community members in agency decision making. For example, North Carolinians with limited English proficiency need greater investment in translation and interpretation services during public meetings. Other meetings may require flexibility in when they are scheduled and childcare services. And, whenever possible, public meetings should be held in-person in the community most directly impacted by the policy decision under consideration.

We are also mindful of large disparities in internet access and availability of internet-enabled devices. We therefore encourage future executive action to ensure opportunities for notice, access to information, and participation in decision making processes are available to those without broadband internet service.²² To enable equal participation, meetings held to solicit public input should be in-person and include a virtual option that allows remote participants to submit comments remotely, view and converse with agency presenters.

Exercising Permitting Authority

Involving impacted communities in decision making is a necessary and important first step toward increasing transparency and accountability, but it is insufficient if the ultimate process does not yield a fair and equitable treatment for communities of color and low wealth communities bearing the disproportionate brunt of environmental injustice. The statutory and regulatory authority already exists to deny or condition permits in order to advance environmental justice.²³ We urge you to direct agencies to uphold their obligations under federal law to avoid actions that will result in discriminatory impacts.

As recently reiterated in EPA guidance, mere compliance with environmental statutes like the Clean Water Act or Clean Air Act is insufficient because “State, local, and other recipients of federal financial assistance have an *independent* obligation to comply with federal civil rights laws with respect to all of their programs and activities, including environmental

²¹ EO 246 § 8.

²² We are aware of the Digital Equity Collaborative convened by the Broadband Infrastructure office of the North Carolina Department of Information Technology (NC DIT). We also appreciate the formation, before EO 246 issued, of the Division of Broadband and Digital Equity within NC DIT. While we appreciate these efforts to ensure more equitable internet access, the reality is that the digital divide exists currently and should be considered when agencies, boards, and commissions consider how to engage the public that they serve.

²³ *See, e.g.*, 42 U.S.C. § 2000d (“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”); *Id.* § 2000d-4a (defining program or activity as “all of the operations of . . . a department, agency, special purpose district, or other instrumentality of a State or of a local government . . . any part of which is extended Federal financial assistance”); 40 C.F.R. § 7.30 (“No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving EPA assistance on the basis of race, color [or] national origin.”); 40 C.F.R. § 7.35 (prohibiting discrimination through the “contractual, licensing, or other arrangements” related to, or the use of “criteria or methods of administering,” a federal funding recipient’s program or activity).

permitting programs.”²⁴ We urge you to direct cabinet agencies to follow federal civil rights laws when issuing environmental permits.

Accountability Concerning Economic Development Incentives

Further, the manner by which the state incentivizes industry to conduct business within its borders must also advance environmental justice. State laws governing the Department of Commerce (DOC) convey a legislative intent to encourage the expansion and recruitment of environmentally sound businesses and consider the environmental impact of economic development.²⁵ When this intent is not met, environmental justice communities often carry the disparate burden of new and expanding industries.

For example, the Job Development Investment Grant program (JDIG) empowers the DOC, through the Economic Investment Committee (EIC), to monitor, evaluate, and annually report to the legislature all environmental impacts of businesses that have received these incentives.²⁶ Currently, industry reports presented by the EIC rarely include permit violations, notices of violation, or assessments. This effectively short-circuits any accountability these businesses have to taxpayers, the environment, or impacted communities. We urge you to direct the Department of Commerce to meet their statutory obligation to environmental protection and justice by requiring that EIC itemize in its annual reports to all requisite legislative committees and the General Assembly’s Fiscal Research Division all permit violations, notices of violation, or assessments received by those businesses that have benefited from Job Development Investment or other incentive grants.²⁷

We further emphasize the need for your administration to use its economic development resources to pursue the expansion and recruitment of sustainable businesses to ensure that growth of the economy is not achieved by exacerbating pollution disparities in already overburdened communities.²⁸

Distributing State and Federal Funds

Recent federal legislation—including the American Rescue Plan Act, the Infrastructure Investment and Jobs Act, and the Inflation Reduction Act—includes billions of dollars of funding for investment by North Carolina agencies. EO 246 directed cabinet agencies to invest “applicable federal and state funding . . . with an emphasis on” achieving EO 80 and EO 246 directives.²⁹ A new executive order should clarify that all funding streams are “applicable” to

²⁴ US EPA, Office of General Counsel, Interim Environmental Justice and Civil Rights in Permitting Frequently Asked Questions 6 (Aug. 2022).

²⁵ See N.C. Gen. Stat. § 143B-428 (declaring it state policy to promote the expansion and recruitment of “environmentally sound” industry in North Carolina); *id.* § 143B-437 (“The Department of Commerce shall conduct an evaluation in conjunction with the Department of Environmental Quality of the effects on the State’s natural and economic environment of any new or expanding industry or manufacturing plant locating in North Carolina.”); *id.* § 143B-437.01 (prohibiting funding of certain projects unless DEQ “concludes, after consideration of avoidance and mitigation measures, that the proposed project will not have a significant adverse effect on the environment.”)

²⁶ See G.S. 143B-437.55(c)(8)(requiring DOC to report “[t]he environmental impact of businesses that have received grants under the program”).

²⁷ See N.C. Gen. Stat. § 143B-437.5 *et seq.*

²⁸ One particularly notable source of funding available for this purpose is the One North Carolina Fund administered by the Department of Commerce.

²⁹ EO 246 § 10 (directing the use of applicable funding streams to advance actions “including but not limited to actions that reduce GHG emissions and air pollution, promote resiliency, invest in historically underserved communities, increase affordability for low- and moderate-income households, advance health equity, and create jobs and economic growth through a clean North Carolina economy.”)

implementing your directives to “invest in historically underserved communities,” “increase affordability for low- and moderate-income households,” and “advance health equity.”³⁰

We urge the administration to ensure that a significant portion of these unprecedented public funds do, in fact, reach environmental justice communities. Many funding decisions made by state agencies involve reviewing competitive applications submitted by eligible applicants. The administration should not passively await these submissions, which often come from communities with more capacity and internal resources than those in the greatest need of investment. Instead, we recommend that agencies 1) develop and implement communications plans specifically designed to reach environmental justice communities; and 2) offer technical support to those communities to broaden the applicant pool and strengthen the competitiveness of these applications.

Section 10 also states that cabinet agencies shall alert NC residents and businesses of state and federal grant opportunities.³¹ When providing notice to residents and businesses, agencies must distinguish which funding streams are accessible to individuals versus local governments. Also, given that funding will be available from different agencies on different timelines, there is a significant variation of when local governments, as well as local residents and business, become aware of pending and upcoming funding opportunities. We recommend the creation of a website outlining government-wide funding streams, funding cycles, application deadlines, and appropriate agency contacts.³²

Conclusion

We know when you issued EO 246 that you saw the need for additional action to advance environmental justice. Section 9 of EO 246 states that the Governor’s Office and cabinet agency leadership, in consultation with the Andrea Harris Task Force and Environmental Justice and Equity Advisory Board, shall seek public input on additional executive action to advance “environmental justice, equity, and affordability priorities of North Carolinians that live in, work in, or represent low and moderate-income communities, indigenous communities, and communities of color.”³³ Months later, however, it remains unclear how public input will be obtained or when the process of soliciting it will begin.³³ When this process allows, we will provide input. After the third party is selected, we would like the opportunity to inform the agenda and design of the public input sessions. In the interim, we hope this letter serves to identify various priorities for executive action, and we hope you will act on our recommendations before the conclusion of the long-delayed process mentioned in EO 246. And, when you act, giving greater clarity and force to your vision for environmental justice, we hope to see agency implementation of your directives. To date, we have been concerned by a litany of missed opportunities to advance environmental justice, which serve to underscore the urgency of a new executive order.

For instance, your Department of Environmental Quality continues to issue permits for

³⁰ *Id.*

³¹ EO 246 § 10.

³² In addition, we encourage efforts to make this information, once compiled, available to North Carolinians who lack internet access.

³³ The Andrea Harris Task Force has been relieved of its duties specific to environmental justice and inclusion since being reconvened. *Compare* EO 268 (Aug. 17, 2022) (reestablishing the Andrea Harris Task Force) *with* EO 143 (June 4, 2020)(creating the Andrea Harris Task Force, assigning duties related to environmental justice and inclusion). Meanwhile, the EJEAB only has one more meeting scheduled for 2022 to finalize recommendations on cumulative impacts.

greenwashed energy projects such as swine biogas operations and wood pellet facilities despite their demonstrated disparate impact on communities of color and their harmful contribution to climate change. Meanwhile, in the development of the Clean Transportation Plan, we have not seen holistic consideration of environmental justice or any evaluation of the distribution of health outcomes stemming from various transportation policies under consideration.³⁴ And agencies have allocated millions of dollars without clear prioritization of environmental justice.

We are eager to continue to work with your office to the ends of preventing and alleviating the disproportionate burden of environmental harm on communities of color and low wealth North Carolinians. We would like to meet with your office this fall to discuss the implementation of the environmental justice provisions in EO 246 and the need for a new executive order. Thank you very much for your time and attention.

Signatories:

Dana Sargent
Executive Director
Cape Fear River Watch

Daisha Williams
Environmental Justice Manager
CleanAIRE NC

Veronica Oakler
Executive Director
Clean Water for North Carolina

Lisa Rider
Executive Director
Coastal Carolina Riverwatch

Suzannah Park
Program Director
Community Roots

Belinda Joyner
President
Concerned Citizens of Northampton County

Sanja Whittington
Executive Director
Democracy Green

³⁴ The focus of the reduction of greenhouse gas emissions in Sections 4 and 5 of EO 246 is primarily on the increased use of “zero emission vehicles.” There are several critical elements that are missing in the discussion on the transportation sector. Electric cars are not an equitable solution to transportation disparities without additional policy action. Priority needs to be given to public transportation, including its accessibility and routes. And environmental justice factors should inform the evaluation of the impacts of new road construction. The transportation sector is a critical area in which to advance environmental justice, from the early stages of transportation planning and investment decision making through construction, operation and maintenance of assets. We thus ask you to include holistic, sustainable, and equitable recommendations on development of accessible public transportation.

Emily Zucchini
Director of Community Engagement
Dogwood Alliance

Bobby Jones
President
Down East Coal Ash Environmental and Social Justice Coalition

Courtney Woods
Director
Environmental Justice Action Research Clinic at UNC

Danielle Koonce
Board Member
Environmental Justice Community Action Network

Elaine Chiosso
Executive Director
Emily Sutton
Haw Riverkeeper
Haw River Assembly

Steven Pulliam
Dan Riverkeeper
Good Stewards

Jodi Lasseter
Co-Founder & Co-Director
NC Climate Justice Collective

Sherri White-Williamson
Environmental Justice Policy Director
Will Hendrick
Environmental Justice Policy Deputy Director
North Carolina Conservation Network

Rania Masri, PhD
Director of Organizing and Policy
NC Environmental Justice Network

Jim Warren
Executive Director
NC WARN

Donna Chavis
Founder and Convener
RedTailed Hawk Collective

Mac Legerton
Co-Director
Robeson County Cooperative for Sustainable Development

Devon Hall, Sr.
Executive Director
Rural Empowerment Association for Community Help

Crystal Cavalier
Co-Founder
7 Directions of Service

Cynthia Satterfield
State Director
Sierra Club-North Carolina

Nakisa Glover
Co-Executive Director
Sol Nation

Heather Deck
Executive Director
Sound Rivers

Irena Como
Senior Attorney
Chandra Taylor-Sawyer
Senior Attorney and Leader of SELC's Environmental Justice Initiative
Southern Environmental Law Center

Rev. William (Bill) Kearney
Coordinator
Warren County Environmental Action Team

Larry Baldwin
NC CAFO Coordinator
Waterkeeper Alliance

Omega and Brenda Wilson
Co-Founders
West End Revitalization Association (WERA)

Jefferson Currie II
Lumber Riverkeeper
Winyah Rivers Alliance

Edgar Miller
Riverkeeper/Executive Director
Yadkin Riverkeeper

cc via email:

Jimmie Bellamy
Policy Advisor
Office of Governor Roy Cooper
jimmie.bellamy@nc.gov

Peter Ledford
North Carolina Clean Energy Director
Office of Governor Roy Cooper
peter.ledford@nc.gov

Kevin Monroe
Director of Intergovernmental Affairs
Office of Governor Roy Cooper
kevin.a.monroe@nc.gov

Eric Wilson
Deputy Director of Intergovernmental Affairs
Office of Governor Roy Cooper
eric.n.wilson@nc.gov

Ariel Aponte
Assistant Secretary Military Affairs
Military and Veteran Affairs
ariel.aponte@milvets.nc.gov

Mike Arnold
Deputy Director for Operations
Office of State Budget Management
michael.arnold@osbm.nc.gov

Elizabeth Musto
Policy and Strategic Planning Analyst
Department of Public Safety
elizabeth.musto@ncdps.gov

Ebony Pittman
Deputy Secretary for Business Administration
Department of Transportation
ejpittman@ncdot.gov

Lockhart Taylor
Director of Government Relations
Office of State Human Resources
lockhart.taylor@nc.gov

Tracey Burns
Deputy Secretary
Department of Natural and Cultural Resources
tracey.burns@ncdcr.gov

Virginia Guidry
Head of Occupational & Environmental Epidemiology
Department of Health and Human Services
virginia.guidry@dhhs.nc.gov

Haley Pfeiffer Haynes
Deputy Secretary of Service Operations
Department of Administration
haley.pfeifferhaynes@doa.nc.gov

Torre Jessup
Chief Operating Officer
Department of Information Technology
torre.jessup@nc.gov

Sharon Martin
Deputy of Secretary for Public Affairs
Department of Environmental Quality
sharon.martin@ncdenr.gov

Jennifer Mundt
Assistant Secretary of Clean Energy Economic Development
Department of Commerce
jennifer.mundt@nccommerce.com

McKinley Wooten
Assistant Secretary
Department of Revenue
mckinley.wooten@ncdor.gov