



Meeting Minutes

Special Meeting on Cumulative Impacts

Thursday March 16, 2023

6:00 PM –8:00 PM

Green Square Training Room

217 West Jones St, Raleigh NC

At 6:05 pm, Chair Johnson called the meeting to order, read the ethics statement, and asked Ms. Indyah Bryant to call the roll.

Board Members Present:

Chairman Dr. Jim Johnson
Vice Chair Dr. Marian Johnson-Thompson
Marilynn Marsh-Robinson
Dr. Danelle Lobdell
Sherri White-Williamson
Rev. Rodney Sadler Jr.
Naeema Muhammed (*Virtual*)
Ranee Haven-O'Donnell (*Virtual*)
William Barber III (*Virtual*)

Board Members Absent

Jeff Anstead
Veronica Carter
Dr. Deepak Kuman
Carlos Velazquez
Elke Weil
La'Meshia Whittington
Carolina Fonseca Jimenez

Chair Johnson thanked Ms. White-Williamson for coordinating the Special Meeting.

Ms. White-Williamson thanked the members of the committee for developing a report on Cumulative Impacts. She indicated a plan to submit the report to the Board with the intent to submit to DEQ.

I. Jasmine Washington, *Southern Environmental Law Center*: “Legal Obligations for DEQ to Consider Cumulative Impacts”

Ms. Washington spoke about SELC’s perspective on DEQ’s requirements to assess cumulative impacts under Title VI of the Civil Rights Act of 1964. Ms. Washington reminded the board that the DEQ is required to consider Title VI in permitting decisions and that the legal obligations of Title IV are separate and distinct from environmental law.

II. Charles Lee, *US EPA*: “EPA: Cumulative Impacts Framework for addressing Equity Goals”

Mr. Lee spoke about the EPA’s work to conduct legal analysis for cumulative impacts. The EPA is currently focusing on expanding research efforts on cumulative impacts and creating a legal framework for addressing cumulative impacts.

III. Nicky Sheats, Director, *Center for Urban Environment*

Mr. Sheats discussed the history of addressing cumulative impacts through environmental justice initiatives in the New Jersey area from 2007-2020. The NJ Environmental Justice Alliance’s research revealed estimated amount of pollution in NJ neighborhoods was strongly correlated with race and income. Sheats concluded that cumulative impact laws and regulations are needed to address cumulative impacts of disproportionate pollution burdens.

IV. Bobby Jones, *Downeast Coal Ash, Wayne County, NC*

Mr. Jones noted that the main sources of rural pollution in North Carolina are industrial hog and poultry farms, coal plants, methane, and natural gas. Mr. Jones discussed the history of coal ash pollution in his community, which has re-emerged over time from Hurricane impacts. Mr. Jones shared concerns that new industry has begun to re-burn coal ash and waste from hog and poultry farms as toxic waste.

V. Ron Ross, *Clean Aire NC, Charlotte, NC*: “Health and Equity in the Historic West End Green District”

Mr. Ross spoke about air pollutants in the urban environment of Charlotte, NC, specifically in their Public Health Priority Areas in 2012. Major pollutants of concern in their environment are rock quarries, recycling facilities, truck stops, toll roads, and other industrial facilities. Most recently, measurements on personal monitoring projects have detected unhealthy pollution

levels. The Historic West End has been granted a new PM 2.5 monitor to measure comparative air quality to more affluent areas of Charlotte.

VI. Discussion, led by Ms. White-Williamson

Ms. Johnson-Thompson asked Mr. Lee and Ms. Washington about barriers that have prevented DEQ and EPA from addressing cumulative impacts.

Ms. Washington responded there has been a lack of political drive, and states other agencies such as DOT have denied funding based on Title VI.

Mr. Lee added that the new federal administration has committed to addressing cumulative impacts as a barrier to achieving equity. Issues with addressing this are program setup and answering science and policy questions.

Ms. Marsh-Robinson asked Mr. Sheats for examples of complementary policies to address concerns of the communities that should go along with the cumulative impacts bill that was passed.

Mr. Sheats suggested two kinds of policy: 1) through cumulative impact itself, which is the kind of law NJ has; 2) policy that addresses the different kinds of pollution. He gave the example of a policy for mandatory reductions to reduce emissions specific to coal pollutants in EJ communities; carbon reductions are currently collective efforts across the state and still allow EJ communities to experience disproportionate impacts. For this example, EPA and state departments are both involved.

Mr. Sadler asked Mr. Sheats what are some of the lessons he learned from working on cumulative impacts in NJ that the DEQ could immediately benefit from?

Mr. Sheats advised not to wait for the perfect policy or cumulative impact tools. The science for addressing cumulative impacts is there for other states to have implemented tools. He suggested picking a method and working to assess cumulative impact and embed it in policy that actually reduces pollution. Indecision is in itself a decision, and the science is politically credible at the moment to produce action. There may be legal action or authority that needs to be involved to make this happen.

Mr. Jones added that previous inquiries to the DEQ with evidence for cumulative impact have been responded with DEQ saying they don't have statutory authority.

Ms. White-Williamson asked Mr. Sheats for recommendations for people looking at cumulative impacts in rural areas?

Mr. Sheats replied that the CA and NJ tools measure cumulative impacts in rural areas. He emphasized making sure methodology and indicators are clear for rural as well as urban areas. With CAFOs, there are indicators present in NC.

VII. Closing

Ms. White Williamson motioned that the Board take recommendations to bring back to board for submission to DEQ as soon as possible. The motion passed.

The Board motioned to adjourn before public comment period.

VIII. Public Comment Period

Public Comment period began at 1:22:31 on the Special Meeting Recording, available at:

[Secretary's Environmental Justice and Equity Advisory Board Special Meeting 03/16/2023](#)

Chair Johnson invited Mr. Sheats to respond to a question posed by Mr. Omega Wilson during public comment regarding the legal authority of NC to address cumulative impacts.

Mr. Sheats posed a question in response asking whether it would be easier to pass state legislation in NC regarding cumulative impacts or to look at existing laws and examine where there may be legal authority in NC statutes to address cumulative impacts. Mr. Sheats noted that the position of NJ Department of Environment was that they did not have the authority to address cumulative impacts when the NJ cumulative impacts bill was passed. The EJ community believes that the regulatory agency does have the authority and had coordinated to begin examining legal authority.

Rev. Sadler noted that he thought cumulative impacts was already part of legislation and had wondered why some permits were able to move forward. Rev. Sadler noted that as a Board it would be helpful for people to push us with an argument.

Dr. Johnson-Thompson noted that the EJEAB is an advisory board and do not have the power to tell DEQ what to do. She noted similarities between DEQ and EPA which both have oversight from the legislature or Congress. She noted many changes have taken place through the ballot box.

Ms. Muhammad noted the difference of view between elected officials and communities seeing environmental harms. She underscored that she continues to ask why DEQ cannot deny permits, asking if DEQ does not have the authority to deny permits, who does?

At 7:58 PM, Chair Johnson closed public comment, thanked the guests who appeared virtually and in person. Chair Johnson noted that the EJEAB will be preparing a document, taking into account what the Board heard during the Special Session and considering next steps. Chair Johnson closed stating that we should think about this idea of business recruitment and how cumulative impact ought to be up front and center for the kinds of industries we invite to our state so that we do not have to deal with continued permitting issues.