

**NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY
SECRETARY'S ENVIRONMENTAL JUSTICE AND EQUITY
ADVISORY BOARD CHARTER**



The scope of the Environmental Justice and Equity Advisory Board is to assist the Department in achieving and maintaining the fair and equal treatment and meaningful involvement of North Carolinians regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Consistent engagement between communities, industry, and the Department will advance the State's mission of protection of human health and the environment. The Board will advise on vulnerable, at risk, limited English proficiency, North Carolinians with disabilities and American Indian Tribes.

Preamble

Whereas, North Carolina citizens, regardless of race, color, national origin or income, should be able to pursue their lives and dreams without being subject to discrimination; and

Whereas, it is essential to understand North Carolina's varying demographics, which may include race, ethnicity, color, national origin, income, age, sex, poverty level, language barriers or disabilities, as the North Carolina Department of Environmental Quality (the Department) develops, implements and enforces environmental laws, regulations, and policies; and

Whereas, it is imperative for government agencies to have meaningful relationships with Native American Indian Tribes, including the following North Carolina Tribes and Organizations: Coharie Tribe, Eastern Band of Cherokee Nation, Haliwa-Saponi Tribe, Lumbee Tribe of North Carolina, Meherrin Indian Tribe, Occaneechi Band of Saponi Nation, Sappony, Waccamaw Siouan Tribe, and the Urban Indian Organizations, as well as the North Carolina Commission of Indian Affairs. Such relationships aid the Department as it develops, implements and enforces environmental laws, regulations and policies; and

Whereas, North Carolina has established a system to categorize the economic wellbeing of all 100 counties, based on a county's poverty rate. As the Department develops, implements and enforces environmental laws, regulations and policies, the agency must consider the economic well-being of potentially impacted counties to ensure citizens in those counties are properly informed; and

Whereas all people in North Carolina, regardless of race, income, culture, religion or zip code, should have access to clean air, clean water, clean soil and the opportunity to live in safe and healthy communities; and

Whereas North Carolina's people, businesses, infrastructure, communities, state and local governments, and economy are already impacted by sea level rise, more severe flooding and more intense and frequent hurricanes, heat waves, and other extreme weather events fueled by climate change; and

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Whereas communities, businesses, and the state and local governments in North Carolina must prepare for and build resilience to sea level rise, more extreme weather and other climate change effects, and reduce greenhouse gas pollution from energy, transportation, agriculture and other sources to protect the public health, well-being, and prosperity of all North Carolinians.

Now therefore, it is necessary to create a standing environmental justice and equity advisory board (herein referred to as the "Board") to advise the Secretary on the consistent implementation of fair treatment and meaningful involvement of North Carolina citizens across the Department regarding: new and ongoing complex permits; ongoing and proposed innovation; ongoing and future mitigation of contaminant exposures to human health and the environment; equitable policies and initiatives to reduce greenhouse gas emissions and achieve a just transition to clean energy; raise community awareness of climate change threats; build community capacity to help shape and implement policy solutions; and other items deemed by the Department.

Section I. Establishment

I hereby establish the Secretary's Environmental Justice and Equity Advisory Board (herein referred to as the "Board") within the North Carolina Department of Environmental Quality (herein referred to as "DEQ"). The Board shall be composed of 17 voting members appointed by the DEQ Secretary.

Members will serve for a term of two years and may be reappointed. The Secretary shall designate one member as Chair, and at least one member as Vice-Chair. The members appointed by the Secretary shall include, but not be limited to representatives of academic institutions, environmental organizations, community organizations, local governments and Native American Indian Tribes. Every attempt shall be made to create a Board that represents the diverse interests, people, and perspectives in North Carolina.

Section II. Functions

The Board shall advise the Secretary on any matter which the Secretary may refer to the Board.

- (1) The Advisory Board shall meet at least four times per year and the Board's meetings shall be called by the Secretary.
- (2) The Advisory Board shall assist the Department in achieving the fair and equal treatment and meaningful involvement of North Carolinians regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. Consistent engagement between communities, and the Department will advance the agency's mission of protecting human health and the environment. The Advisory Board will advise the Department on the interests of Native American Indian Tribes as well as vulnerable, at-risk North Carolinians who face language barriers and disabilities.
- (3) The Advisory Board shall advise the Secretary on the consistent implementation of fair treatment and meaningful involvement of North Carolina citizens across the Department regarding new and ongoing complex permits, ongoing and proposed innovation, ongoing and future mitigation of contaminant exposures to human health and the environment, and other items deemed important by the Department.
- (4) The Advisory Board shall advise the Secretary on the integration of environmental justice and equity considerations into Departmental programs, policies and activities to mitigate the environmental or public health impacts in communities disproportionately burdened by environmental harms.

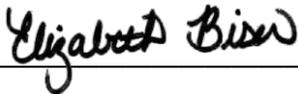
Section III. Administration

- (1) The Department's Assistant Secretary for the Environment will ensure that the appropriate DEQ staff provide oversight and direction to the Board. DEQ staff will also be responsible for coordinating technical support to the Board.
- (2) The DEQ Secretary shall designate a representative from NCDEQ to serve as an ex officio, nonvoting member of the Board. The ex officio representative from DEQ will promote transparency between the Board, NCDEQ and the State of NC.
- (3) The Title VI and Environmental Justice Coordinator will support the Board by creating and maintaining a webpage, assisting with transmittals and administrative coordination, and serve as the primary contact for communication between the Board, members and the Department.
- (4) Members of the Board will be reimbursed for necessary travel and subsistence expenses as authorized by North Carolina General Statute Section 138-5.

Section IV. Implementation and Duration

- (1) The Environmental Justice and Equity Advisory Board shall be effective from May 2, 2018 forward.
- (2) The Environmental Justice and Equity Advisory Board shall remain in effect for an indefinite period at the pleasure of the Secretary.

IN WITNESS THEREOF, I have hereunto signed my name in the State of North Carolina in the City of Raleigh, this twenty-second day of February, in the year of our Lord two thousand twenty-two.



February 22, 2022

Elizabeth Biser
Secretary

Date

Department of Environmental Quality

**NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY
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APPENDIX –DEFINITIONS

1. American Indian Tribe – per 01 NCAC 15 .0202, means a population of Indian people all related to one another by blood or kinship, tracing their heritage to indigenous Indian tribes, and recognized by the State or federal government.
2. Complex permits – Examples of complex permits that would be associated with the requirement of environmental justice analysis are National Environmental Policy Act (NEPA) permit applications, State Environmental Policy Act (SEPA) permit applications, and deemed by the Department.
3. Environmental Justice – as defined by USEPA, is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. In addition to using standard environmental justice guidelines from the U.S. EPA and the National Environmental Policy Act (NEPA) guidance, the DEQ protocol identifies Census block groups as potentially underserved if their populations are disproportionately nonwhite and disproportionately experiencing poverty.

Underserved populations meet the following criteria:

Racial composition:

- Share of nonwhites is over fifty percent OR
- Share of nonwhites is at least ten percent higher than county or state share

AND

Poverty rate:

- Share of population experiencing poverty is over twenty percent AND
- Share of households in poverty is at least five percent higher than the county or state share

4. Equity- is fair access to livelihood, education and resources; full participation in the political and cultural life of the community; and self-determination in meeting fundamental needs. For example, providing a tailored suite of resources to a community based on its population, demographics and needs assessment.
5. Innovation – New methods, alterations, etc. that have not been permitted within the Department.
6. North Carolina County economic well-being tiered system - The N.C. Department of Commerce annually ranks the state’s 100 counties based on economic well-being and assigns each a Tier designation. The 40 most distressed counties are designated as Tier 1, the next 40 as Tier 2 and the 20 least distressed as Tier 3. This Tier system is incorporated into various state programs to encourage economic activity in the less prosperous areas of the state. (<https://www.nccommerce.com/research-publications/incentive-reports/county-tier-designations>)

County Tiers are calculated using four factors:

- Average unemployment rate
- Median household income
- Percentage growth in population
- Adjusted property tax base per capita

The County Tier statute further specifies automatic qualifying criteria for Tier One and Tier Two status:

Tier One Automatic Qualifiers

- A county must be Tier 1 for at least two consecutive years
- A county with less than 12,000 people
- A county with a population less than 50,000 people AND a poverty rate of 19 percent or greater

Tier Two Automatic Qualifier

- A county with a population less than 50,000 people