

**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 16 voting members appointed by the DEQ Secretary.

Members will serve at the Secretary's pleasure and may be reappointed by the Secretary. The Secretary shall designate one member as Chair, and 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, and Native American Indian Tribes.

Board membership will be subject to the following, additional specifications:

- A minimum of one doctoral level economist, sociologist, public health scientist, or environmental scientist with a strong background in disparate communities or health disparities.
- A minimum of one doctoral level epidemiologist who is employed by either the state or the federal government and has at least five years of experience with environmental health studies.
- A minimum of two Native American Tribal representatives.
- A minimum of one Hispanic/Latino individual knowledgeable of environmental justice concerns.
- A minimum of one member who is of Asian descent.
- A minimum of one member who is currently enrolled at or a recent graduate of a North Carolina college or university.
- A minimum of four representatives of environmental organizations or other community organizations.
- A minimum of one representative from the North Carolina chapter of the National Association for the Advancement of Colored People.
- A minimum of one representative from either the North Carolina League of Municipalities or the North Carolina Regional Councils of Government.
- A minimum of one representative with knowledge of nutritional disparity issues.

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 provide oversight and direction to the Advisory Board and will serve as the Department's Liaison to the Advisory Board. The Liaison will coordinate technical support that will be provided to the Advisory Board by members of the Department. Communications between the Advisory Board and the Department shall be through the Liaison.
- (2) In support of the Board, DEQ's EJ/Title VI Coordinator will act as a Board member except when Title VI discussions are presented before the Board. The EJ/Title VI Coordinator will additionally ensure transparency between the Board, NCDEQ, and the State of NC by creating a webpage, acting as the point of contact for transmittals and needed coordination, and anything else deemed by the Department or the Board.
- (3) 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 immediately.
- (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 second day of May, in the year of our Lord two thousand eighteen.



May 2, 2018

Michael S Regan
Secretary
Department of Environmental Quality

Date

**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.
4. Innovation – New methods, alterations, etc. that have not been permitted within the Department.
5. 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