What is the Environmental Justice Law? Signed by Governor Phil Murphy on September 18, 2020, New Jersey’s Environmental Justice Law, N.J.S.A. 13:1D-157, (Law) requires the New Jersey Department of Environmental Protection (NJDEP) to evaluate the contributions of certain facilities to existing environmental and public health stressors in overburdened communities when reviewing certain permit applications. Read New Jersey’s Environmental Justice Law.

Why is my community receiving this notification? The Law directs the NJDEP to periodically publish a list of overburdened communities and provide notice to the municipalities in which those communities are located. NJ first identified overburdened communities using the 5-year American Community Survey (ACS) Data 2015 to 2019 and notified affected municipalities in 2021. Since then, the US Census Bureau has released the 2020 ACS Data 2016 – 2020, along with 2020 Census redistricting for newly created and updated census block groups. This new information changed the State’s overburdened communities as defined by the Law.

What is an “overburdened community”? Pursuant to the Law, an overburdened community is any census block group, as determined in accordance with the most recent United States Census, in which: (1) at least 35 percent of the households qualify as low-income households (at or below twice the poverty threshold as determined by the United States Census Bureau); (2) at least 40 percent of the residents identify as minority or as members of a State recognized tribal community; or (3) at least 40 percent of the households have limited English proficiency (without an adult that speaks English “very well” according to the United States Census Bureau). Census block groups with zero population and located immediately adjacent to an OBC are labeled as “adjacent.” Existing or proposed facilities located in adjacent block groups may be required to conduct further analysis in accordance with the Environmental Justice Rules.

What information did NJDEP use to define “overburdened community”? NJDEP used the most recent census data from 2020 (5-year American Community Survey Data 2016 to 2020). Calculations were done for Census Block Groups (Summary Level 150) and Tribal Areas (Summary Level 280) with municipal boundaries determined by using the US Census County Subdivision GIS files. These files are similar to New Jersey’s municipal boundaries but align with the census block group files. If at least one Block Group or Tribal Area in the municipality meets the definition of overburdened community, the municipality will be notified.

How did the 2020 Census impact the identification of OBCs? 2020 is a Decennial census year which is a big transition year for Census data. Under P.L. 94-171 every 10 years the US Census Bureau works in a nonpartisan manner with states to identify and provide the small-area population counts needed for legislative redistricting. It involves redrawing congressional and state legislative district boundaries, including new block group boundaries and identification numbers that form the basis for OBCs.

Data collected in the Decennial census survey form is limited to 9 questions for each person in a household. Responses to these questions only provides information on minority status, leaving poverty and linguistic isolation statistics to the ACS. Due to these differences in data availability, the Department has interpretated “the most recent US Census” as the information contained in the most recent annual 5-year ACS release, since this survey provides data for all three OBC criteria (minority, poverty, and linguistic isolation). Therefore, for consistency for periodic updates, the OBC determination is based on the most recent ACS available.

The new block group boundaries developed for the 2020 Decennial census, which are different than the boundaries used in the original 2019 list of OBCs, were used to identify OBCs in the 2020 list. There were block groups added to New Jersey in 2020 (6,599 total block groups in 2020 up from 6,320 in 2019).

How did the list of OBCs change between 2020 and 2019? For overall coverage of the State, the number of OBCs in 2020 is similar to the initial list of OBCs published in 2019. In 2019, approximately 50% of the state block groups met one of the EJ Law criteria and were considered OBCs. In 2020, 52% of block groups met the criteria.

While the state a whole showed similar results, 2020 ACS show some shifting demographics resulting in some
areas losing their OBC status, while others gain that status, and still others remain unaffected. As discussed above, 2020 is a Decennial census year with lots of changes making it difficult to directly compare individual OBCs between 2019 and 2020. To provide insight on these OBC block group changes the Department performed a spatial analysis and found there are 4,175 block group areas at least one acre in size that met the OBC criteria in 2019 or 2020. Of these areas:

- 3,365 were OBC in both 2019 and 2020
- 342 were OBC only in 2019
- 468 were OBC only in 2020.

Where can I view the overburdened communities list?
The data is being provided in the following formats through the NJDEP’s Office of Environmental Justice webpage.

- List of block groups identified as an overburdened community within a municipality in an Excel spreadsheet.
- Tab in the Environmental Justice Mapping, Assessment, and Protection (EJMAP) tool.
- PDF maps for each municipality that has any part designated as an overburdened community; and
- Downloadable GIS layer

How will the list of overburdened communities be used by NJDEP? The Law requires permits issued by the NJDEP for certain facilities to meet the requirements set forth in the implementing regulations, including providing residents in overburdened communities with opportunities for enhanced participation in the permitting process. These requirements will go into effect upon adoption of the implementing regulations. The NJDEP proposed these regulations on June 6, 2022. To review the rule proposal and participate in the public comment period, visit the NJDEP’s Rules website.

How can I learn more? Visit NJDEP’s Office of Environmental Justice website to learn about the Environmental Justice Law and the NJDEP’s comprehensive rule development stakeholder process that led to the rule proposal.

How can I get involved? All municipalities are also invited to participate in the Environmental Justice rulemaking process. Visit the NJDEP’s Rules website to learn how to submit comments and/or participate in one of the public hearing events.

How can I get updates? Subscribe to the Environmental Justice Rulemaking email list to stay informed about rule development and implementation.

All links above are also available at the Environmental Justice Website: www.nj.gov/dep/ej/