

Comments Submitted to the New Jersey Department of Environmental Protection on Reducing CO₂ Emissions from Stationary Sources

There is evidence produced by the New Jersey Department of Environmental Protection (NJDEP), which strongly suggests that Of Color communities and low-income communities, i.e. environmental justice (EJ) communities, in New Jersey suffer from more pollution than other communities in the state.¹ For that reason, the New Jersey Environmental Justice Alliance (NJEJA) and its allies believe that climate change mitigation policy should be one type of strategy used to reduce the disproportionate amount of pollution in New Jersey EJ communities. NJEJA developed a policy it refers to as mandatory emissions reductions, which would require power plants located in EJ communities, or whose air pollution emissions significantly impact EJ communities, to reduce their emissions if they are subject to a climate change mitigation policy.² This would be true no matter if it were a regulatory policy or a market based policy. The mandatory emissions reductions policy would decrease locally harmful GHG co-pollutants such as fine particulate matter that contribute to the elevated pollution load in EJ communities. NJEJA and allies, including the Ironbound Community Corporation, met with New Jersey State Government³ and requested that this policy be incorporated into New Jersey's Regional Greenhouse Initiative (RGGI) operating rule. It also made the same request, in the form of a recommendation, through comments submitted to NJDEP on RGGI.⁴ NJEJA and its allies never received a formal answer from the State.

NJEJA participated in the morning session of the September 3, 2020 NJDEP GHG emissions reductions stakeholder workshop. NJEJA and its allies would like to meet with NJDEP to discuss the NJEJA mandatory emissions reductions policy and the ideas NJDEP presented at its stakeholder meeting. If several of NJDEP's policies that are currently under consideration are implemented with the intent of ensuring emissions reductions from power plants located in EJ

¹ See figures produced by a nascent cumulative impacts screening tool created by NJDEP in 2009. The figures show the relationship between race, income and cumulative impacts in census block groups in New Jersey and can be found in a power point and report, which are both entitled "A Preliminary Screening Method to Estimate Cumulative Environmental Impacts". The figures are located on slide 19 of the power point and page five of the report which can be accessed at http://www.state.nj.us/dep/ej/docs/ejc_screeningmethods_pp20091222.pdf and http://www.state.nj.us/dep/ej/docs/ejc_screeningmethods20091222.pdf, respectively. For the purposes of the figures in the screening tool an informal definition for cumulative impacts is a rough estimate of the total amount of pollution in a community. A more formal definition often used by the EJ community in New Jersey is that cumulative impacts are the risks and impacts caused by multiple pollutants both individually and through their interaction with each other and with any social vulnerabilities that exist in the community. These pollutants are usually emitted by multiple sources sited in the community. See *Cumulative Impacts: Building a Scientific Foundation*, CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY, at 3 (2010); *Ensuring Risk Reduction In Communities With Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts*, NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL, at 5 (2004).

² For a brief explanation of the policy see a short memo from NJEJA dated January 21, 2018, which is attached. For a more in-depth discussion of the policy see Sheats, N., *Achieving Emissions Reductions For Environmental Justice Communities Through Climate Change Mitigation Policy*, 41(2) *William and Mary Environmental Law and Policy Review* 377 (winter 2017). (also attached)

³ The best NJEJA institutional memory indicates this meeting occurred in the early winter of 2018.

⁴ See *Comments on the CO₂ Budget Trading Program, Proposed Amendments: N.J.A.C. 7:27-22.1 and 22.16 and 7:27A-3.2, 3.5 and 3.10, Proposed New Rules: N.J.A.C. 7:27-2.28 and 7:27C*, submitted by the NEW JERSEY ENVIRONMENTAL JUSTICE ALLIANCE, FEBRUARY 15, 2019, prepared by Nicky Sheats.

communities they could resemble NJEJA's mandatory emissions reductions policy. An example of one such policy that appears to be under consideration is placing emissions limits on new and existing electric generating units.⁵ NJEJA verbally requested a meeting with NJDEP during the stakeholder workshop and NJDEP agreed to such a meeting. NJEJA and its allies would now like to follow-up on that request, is eager to meet with NJDEP and looks forward to discussing the topics included in these comments.

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⁵ See Owen, N., Electric Generating Units, slide seven of a power point presentation, September 3, 2020.