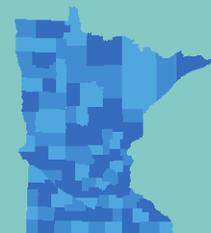


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# Environmental Justice Framework

Our vision, strategies, and implementation actions for integrating environmental justice principles into our work.



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# Introduction

In Minnesota, we are fortunate to live in a state with a healthy natural environment that contributes to a high quality of life. This is in large part due to a long history of shared responsibility and action to build societal systems that support healthy ecosystems, livable communities, and a strong economy. Unfortunately, these systems have not benefitted everyone equally and have contributed to disparities in outcomes for lower income residents and people of color. These include well-documented gaps in educational and economic achievement, health outcomes and differences in exposure to environmental pollution.

The Minnesota Pollution Control Agency (MPCA) is committed to making sure that pollution does not have a disproportionate impact on any group of people — the principle of environmental justice. This means that all people — regardless of their race, color, national origin or income — benefit from equal levels of environmental protection and have opportunities to participate in decisions that may affect their environment or health.

This document, MPCA’s Environmental Justice Framework, originally prepared in 2015 and updated in 2022, represents our commitment to act using our authority, influence, expertise and creativity to focus our work where it will have the greatest effect in repairing past harm and reducing the impact of environmental pollution. It provides direction and guidance to modify our practices and integrate environmental justice principles into our work. Striving to address environmental inequities across Minnesota is an ambitious and long-term effort. We can only achieve this by working with people, governments, and organizations across the state. Please join us as we strive for a better Minnesota!

## Foundational policies and goals

### MPCA Environmental Justice Policy

**Policy statement:** The Minnesota Pollution Control Agency expects the fair treatment and meaningful involvement of communities of color, Indigenous communities, and low-income communities in agency actions and decisions that affect them. It is the policy of the MPCA that an outcome of its work, in addition to protecting and improving the environment and public health, must address environmental justice concerns.

**Purpose:** Coordination and collaboration with members of environmental justice communities and MPCA Divisions, Programs, and Units is a priority in addressing environmental inequities and related health disparities caused by disproportionate pollution impacts.

“Fair treatment” means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

“Community of color” means any geographically distinct population with a substantial number of individuals who identify as Black, African-American, Latinx, Asian American, Asian Minnesotan, Asian.

Pacific Islander, or any other nonwhite race.

“Environmental justice” means the right of communities of color, Indigenous communities, and low-income communities, to the enjoyment of a healthy environment and to fair treatment with

respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

"Environmental justice community" or "EJ community" means a people group or geographic location that experiences environmental justice related harms and risks.

### **Meaningful Involvement happens when:**

- People have an opportunity to participate in decisions about activities that may affect their environment and/or health;
- The public's contribution can influence the regulatory agency's decision;
- Community concerns are considered in the decision-making process; and
- The decision makers seek out and facilitate the involvement of those potentially affected.
- Communities of color, indigenous communities, and low-income residents have a right to live in conditions that support a healthy and fulfilling life. The MPCA is committed to using its authority and influence to identify and support opportunities that improve environmental conditions and reverse generations of environmental inequities in areas of concern, enhancing environmental quality, and providing economic opportunities for future generations of Minnesotans.

## **Strategic Plan and Long-term goals**

### **2018-2022 Strategic Plan Goal**

Incorporate strategies to address environmental justice concerns in all programs

Related goal: Increase involvement of communities in decisions and actions that affect them.

### **MPCA long-term goal**

Disproportionate negative impacts from pollution are reduced or prevented (Carry-over from previous strategic plan and refreshed in 2018). Media Forum metrics track progress.

## **Environmental justice framework goals and approach**

### **Framework goals**

Building on the foundation of the MPCA's policy and strategic plan goal, the framework seeks to ensure that:

- Pollution does not have disproportionate negative impacts on any group of people.
- The benefits, opportunities, and risks of agency policies, decisions, and activities are fairly and equitably distributed.
- All individuals and groups are given the opportunity for meaningful involvement in agency decisions that may impact them.
- Environmental justice concerns are given due consideration by agency decision-makers during the development, implementation, and enforcement of environmental laws, regulations, and policies.
- The MPCA and its stakeholders have mechanisms in place to regularly evaluate progress, success, and failure in meeting the agency's goals and the outcomes of those evaluations are used to inform future planning and decision-making by the agency.

## Summary of framework approach

The framework consists of strategies that integrate environmental justice into the MPCA's regulatory, monitoring, and assistance programs. It outlines the procedures, resources, and tools needed to support integration. This includes:

- 1. Identify areas where low-income Minnesotans, people of color, and others may be experiencing more harm or are more susceptible to environmental conditions as areas of focus for environmental justice action.**
  - Use demographic data, information about environmental conditions, and health data to identify areas of concern for environmental justice.
  - Use community knowledge to verify and supplement data sources.
- 2. Modify our approach and increase our work in order to address environmental justice issues.**
  - Better understand sources of pollution and health risks through monitoring and assessment.
  - Thoroughly examine ways to reduce these sources using our regulatory authority and influence.
  - Target education, outreach, technical assistance, and grants.
  - Do a better job of facilitating public participation and engagement of people around the actions and decisions that affect them.

# Strategies for integrating environmental justice into MPCA programs

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## Regulatory programs

### Permitting, environmental review, and remediation

#### Goals

Provide for meaningful involvement of community members in the environmental review, permitting, and remediation processes. Use MPCA authority and influence to address environmental justice issues to the extent we are able.

#### Strategies

- 1. Identify facility and permit types that warrant additional actions based on the potential for adverse effects.** Evaluate the types of activities and sources of pollutants that pose the greatest risk in areas of concern for environmental justice. Consider the context of existing burdens, including multiple facilities and dispersed sources such as vehicles and stormwater run-off.
  - 2. During permitting, identify and evaluate additional measures, beyond meeting established permit limits, to avoid and diminish impacts.** This could include changing processes or procedures, installing additional pollution control equipment, or otherwise achieving a lower level of pollutant release than required by state or federal requirements. Work with the permittee to incorporate these measures into the permit or supplemental documents as possible.
  - 3. Employ civic engagement, public participation, and outreach tools for community groups and residents.** Implement outreach and public participation tools identified in the MPCA's outreach and public participation plan (See page 9) to ensure early and meaningful involvement, including:
    - Inform community members early and often using trusted, community-identified sources.
    - Explain the key decision points and how and when community members can have the most influence. Assist community members in understanding technical aspects of regulatory decisions.
    - Provide easily accessible and understandable information to community members.
    - Actively seek to understand and address community concerns and ways in which our regulatory processes present obstacles to their participation.
    - Report back to community members on how their involvement was considered.
  - 4. Foster increased community involvement and actions on the part of the entities that we regulate.** Encourage facilities located in areas of concern for environmental justice to increase engagement with local government, community groups, and area residents, especially early on in the environmental review and permitting process, to understand and address concerns. Work with regulated parties to jointly explore ways to mitigate environmental and health-related impacts in the community and make other quality-of-life enhancements. Provide guidance to facilities on best practices for community engagement.
- 1. Consider ways to prioritize work in order to enhance benefits to areas of concern for environmental justice.** Outside of responding to proposals for new and expanding sources, prioritize review and evaluation of expired permits, permit reissuance, or the review of non-expired permits to identify possible ways to reduce risks. When investigating contaminated sites for vapor

intrusion and other risks, consider environmental justice concerns when determining which sites to evaluate before others.

## Compliance and enforcement

### Goal

Increase compliance and enforcement work to further ensure facilities operating in areas of concern for environmental justice are in full compliance. For facilities out of compliance, explore ways for them to provide benefits to the community in addition to addressing violations.

### Strategies

- 1. Conduct additional compliance determination and enforcement activities.** Conduct more frequent inspections or other compliance determination work at facilities in areas of concern to ensure they are meeting applicable regulations and permit conditions. Select facilities based on their potential to release pollutants of concern in a particular area.
- 2. Resolve noncompliance with community benefit in mind.** Seek resolution of compliance issues at facilities located in areas of concern for environmental justice in ways that benefit the community. For example, the facility, with encouragement by the MPCA or community, could reduce releases beyond what is needed to be in compliance, or propose a community improvement project as part of their means to correct violations, or to reduce a penalty.
- 3. Support MPCA permitting programs with additional compliance determination and assistance to facilities.** When an existing facility submits a permit application to modify or expand its operations, or when the MPCA is renewing a permit, MPCA staff will thoroughly research the facility's compliance history, determine current compliance status (either by inspection, site visit, or file review), inform the community, and, if needed, provide additional compliance assistance to the facility.
- 4. Communicate with affected communities.** When compliance issues occur at facilities in potential environmental justice areas, and when there is potential for adverse effects, provide information about the violation in a timely manner to community contacts, except when prohibited by law such as during a formal investigation or ongoing enforcement action.

## Monitoring, assessment, and consideration of cumulative impacts

### Goal

Through the uses of tools and resources for monitoring, modeling, risk assessment and cumulative impacts analysis, strive to identify and understand environmental impacts, inform and target efforts to address past and present impacts, and avoid future disproportionate impacts.

### Strategies

- 1. Consider known or potential areas of concern for environmental justice when planning for environmental monitoring.** When deciding where, when, and what to monitor, expressly consider contaminants of concern in areas of concern for environmental justice. Evaluate whether additional monitoring would help to understand risks. Seek and consider input from community members on monitoring plans, and involve community members in citizen monitoring and science activities as resources permit.
- 2. Consider more comprehensive risk assessment and cumulative impact analysis.** In areas of concern for environmental justice, determine if additional analysis of pollution from multiple sources and the evaluation of non-chemical stressors and community vulnerability will better inform decisions. When lacking the authority or ability to address these impacts, advocate for and work

with other government entities to alleviate these stressors. MPCA programs (air permitting, remediation, wastewater permitting, etc.) will identify when and how they support more comprehensive cumulative impact analysis.

- 3. Communication and outreach.** Seek to better understand and respond to community concerns about cumulative impacts and risks. Clearly explain to community members when and how we conduct risk assessments, how we consider cumulative impacts in our existing standards, procedures and reviews, and when additional analysis is conducted. When concerns are expressed about non-chemical stressors (such as safety concerns) and community vulnerability, involve others who may be able to assist in addressing concerns that are not within the scope of MPCA authorities. Explain findings and proposed decisions to community members, including how community concerns were considered.

## Prevention and assistance

### Goal

MPCA prevention and assistance work improves environmental quality and livability in areas of concern for environmental justice, and businesses and residents in areas of concern for environmental justice experience the full benefits of MPCA's services and work.

### Strategies

- 1. Identify programs and tools with the greatest potential to contribute to environmental and human health benefits.** Considering pollutants and sources of greatest concern in areas of concern for environmental justice, the MPCA, along with other partners, will identify program areas and strategies that are likely to lead to the greatest reductions in those pollutants, and have the largest positive effect on impacted communities and their quality of life.
- 2. Prioritize prevention and assistance work.** In collaboration with community members, identify and give priority to prevention and assistance work that has the potential to eliminate or reduce harmful pollution or bring other benefits to areas of concern for environmental justice. This could include modifying existing pollution prevention grants and technical assistance programs to prioritize work in areas of concern.
- 3. Increase outreach and engagement.** In collaboration with community members and partner organizations, increase awareness of and access to the MPCA's prevention and assistance programs and resources. Proactively promote the availability of grants, technical assistance, and services to community organizations, local units of government, and others serving in areas of concern for environmental justice. The MPCA will also broaden outreach and education efforts focused on reducing pollution in these areas.
- 4. Foster increased partner involvement and actions.** In areas of concern for environmental justice, the MPCA will look for opportunities to reduce risk and improve access to services through building and leveraging partnerships with other state agencies, local units of government, and community organizations serving low-income and communities of color. The MPCA will strive to increase the impact and effectiveness of our prevention and assistance work through the sharing of resources, knowledge, skills, and experience with others working toward common goals.

# Rulemaking, policy development, and program implementation

## Goals

MPCA rules and policies are fair and equitable, address disparities in exposures and impacts where possible, and are developed reflecting the input of all Minnesotans.

## Strategies

- 1. Actively engage all Minnesotans in rule and policy development.** Employ outreach and civic engagement strategies and tools outlined on pages 13-14 to facilitate early and meaningful involvement in rulemaking and policy development processes.
- 2. Review and document the equity impacts of rules.** Prepare an analysis for each rule that shows the effects of the proposed rule and how the proposed rule changes the existing distribution of burdens and benefits between groups of concern. Conduct this analysis as an additional component of the “Statement of Need and Reasonableness” already prepared for each rule.
- 3. Identify and evaluate equity implications of policies and program implementation.** Seek to understand and evaluate equity impacts of policies developed as part of specific program implementation. When possible equity concerns are identified by the MPCA or stakeholders, the MPCA will conduct a qualitative analysis of possible equity impacts to inform policy development and program implementation decisions.

# Resources to support environmental justice integration

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## Screening to identify areas of concern for environmental justice

### Strategies

- 1. Develop data-driven screening methodology.** Identify data sources and procedures to provide information about possible environmental justice concerns in a geographical area using demographic and environmental variables. Variables provide information on race and income levels, potential environmental exposures, number of facilities and contamination sites in the surrounding area, and other factors to characterize the potential burdens and vulnerabilities faced by residents. Data sources should include other state agency data, county and city data, and EPA-developed tools such as EJSCREEN.
- 2. Include community engagement in the screening process to gather community knowledge.** Seek out information from community members about conditions in their community, including non-chemical stressors. Use this information to verify and supplement data-driven sources. Discuss what additional sources of information could help to characterize the community.
- 3. Apply the screening methodology to identify areas for further review and action by MPCA programs and facilities located in these areas.** As described throughout this document, MPCA program areas act as appropriate to adapt program work to engage community members, further evaluate risks, mitigate disproportionate impacts, and take other actions.

## Outreach, public participation, and engagement

### Goal

The MPCA engages with community members to build authentic relationships and build trust, and involve all Minnesotans in a meaningful and accessible manner.

### Strategies

3. **Build upon previous efforts to deepen community connections and understanding.** Collaborate to foster supportive partnerships, authentic relationships, and culturally competent long-term engagement. Expand the network of community stakeholders that we interact with to ensure representation from affected communities, and inclusion of as many community members and organizations working on environmental justice as possible. Encourage community members to be involved.
4. **Tailor outreach and public participation to specific community.** Seek to understand the community characteristics and specific barriers to meaningful involvement. Develop outreach and public participation to engage and inform the community. Use trusted and culturally relevant sources of information. Start communication with community members at the earliest possible opportunity.
5. **Use understandable language.** Written materials, presentations, and informal communication should be easily understandable, free of jargon and undefined acronyms, and available in multiple languages when appropriate. Highlight the most relevant information and assist community members in understanding the technical aspects of our work.
6. **Hold community meetings and events early and frequently.** In addition to and in advance of formal and required public meetings, employ a variety of formats early on and frequently to share information, listen to residents' concerns, and answer questions. Demonstrate how community input was considered.
7. Expand public notification methods. During certain actions, such as some permits and rulemaking, the MPCA is required to formally notify the public through specified traditional media. When environmental justice is of concern, the MPCA will employ additional methods specifically tailored to that community as early in the process as practical, and as often as appropriate.
8. **Encourage the facilities we regulate to plan for public participation.** In addition to employing the approaches above, the MPCA will suggest or request that the regulated party, such as a facility applying for a permit, prepare and implement a public participation plan that includes the same strategies as above.

## Agency training and development

### Goal

Develop and maintain a workforce that is trained in environmental justice, values diversity, and delivers services in a multi-culturally competent, sensitive, and equitable manner.

### Strategies

1. **Recruit, hire, and maintain a diverse work force.** Along with other state agencies, implement best practices to recruit, promote, and retain individuals from underrepresented communities in order to create a more vibrant, diverse work force. Additionally, increase awareness of the MPCA's mission and employment opportunities among diverse groups and communities. Build and strengthen partnerships and connections to aid in recruiting a diverse pool of candidates for MPCA and state of Minnesota positions. Encourage and facilitate applicants from diverse backgrounds to apply for

student worker and permanent positions. Create a workplace culture that values diversity and is inclusive.

2. **Train and develop** all managers and staff in multicultural competency, institutional racism, the MPCA's environmental justice policy, Civil Rights Act Title VI requirements, and other areas identified that support MPCA's capacity to assure equal access and achieve equitable outcomes.
3. **Train relevant program staff** in procedures and policies to integrate environmental justice principles into their specific area of work. Incorporate these responsibilities into employee work plans. Collect employee feedback to monitor effectiveness of capacity-building and awareness-raising work.

## Ongoing stakeholder and community involvement in framework implementation and improvement

### Goal

Feedback from a variety of stakeholders informs improvements to MPCA's environmental justice work and all interested stakeholders have a satisfying level of access and opportunity to contribute.

### Strategies

1. **Environmental justice advisory group.** Establish an advisory group that meets regularly to provide feedback to the MPCA on framework implementation and to collaborate on ways to improve MPCA's strategies and implementation. This group will be made up of a variety of stakeholders working on community engagement, environmental justice, health equity, and related work.
2. **Targeted engagement.** As needed or requested, provide opportunities for additional stakeholder input and feedback on MPCA's work with businesses, local and tribal governments, and others.
3. **Environmental justice events.** Convene and sponsor events that provide opportunities for all stakeholders to learn, share experiences, and provide feedback related to environmental justice work. The MPCA would present on implementation progress at these events.

## Coordination with federal, state, local, and tribal governments

### Goal

The MPCA coordinates its work with all levels of government to improve joint effectiveness in reducing disparities in exposures, health effects, and other related public interests.

### Strategies

1. **Coordinate work with state agencies and local government** in Minnesota to reduce disparities across multiple agencies/jurisdictions, enhance relationships, and together, implement Governor's directives on Tribal relations, diversity and inclusion. Involve local government staff, elected officials, and others in actions and projects in areas of concern for environmental justice.
2. **Learn from the experiences of other states and the EPA.** Identify best practices, tools, and lessons learned from the EPA and other states that could inform integration in Minnesota. Participate in national information-sharing and working groups such as those convened by EPA or the Environmental Council of States.
3. **Tribal coordination.** Ensure environmental justice issues are considered in our government-to-government interactions with Minnesota tribes.
4. **Collaborate with EPA.** Identify ways the expertise and resources of the EPA can help advance our work in Minnesota and identify ways the MPCA can support EPA's work in the state.