



Department of
Environmental
Conservation

THE ENVIRONMENTAL JUSTICE REPORT

2023 Year in Review for the Office of Environmental Justice

A NOTE FROM OUR DIRECTOR ALANAH KEDDELL-TUCKEY

Welcome back. It has been a while since the Office of Environmental Justice (OEJ) has issued a review of our activities and we are excited to let you know what we have been up to for the last year. In 2023, OEJ achieved major milestones and progress in serving vulnerable New Yorkers. We are dedicated to assuring respectful communication, fair treatment, and meaningful involvement as we continue to promote environmental justice principles across Department of Environmental Conservation (DEC) programs. We hope you continue to follow us as we grow our capacity and offerings in the coming year.

DISADVANTAGED COMMUNITIES CRITERIA

On March 27, 2023, New York State's Climate Justice Working Group (CJWG), a 13-member working group tasked with establishing the criteria for identifying disadvantaged communities (DACs) across New York State, finalized the criteria for the State's DACs. The criteria will guide the equitable implementation of the State's ambitious Climate Leadership and Community Protection Act (Climate Act) by requiring that all agencies and authorities prioritize DACs in air pollution and climate-altering greenhouse gas emissions reductions, decision-making, and clean and efficient energy investments.

Over the course of three years, the CJWG evaluated over 170 potential indicators to identify communities that bore the burden of negative public health effects, environmental pollution, impacts of climate change, and possessed certain socioeconomic vulnerabilities. The CJWG ultimately voted to include 45 indicators of population characteristics and health vulnerabilities,

and environmental burdens and climate change risks. Using a methodology that incorporated statewide data available at the U.S. Census tract level, the CJWG combined and ranked all indicators into an overall score. The 45 indicators identify 36% of New York State as DACs.

Under the Climate Act, the CJWG must review the DAC criteria on an annual basis. This review will allow for the criteria to potentially change as the provisions of the Climate Act are implemented and new data sources are considered. To ensure the CJWG continues to represent communities across the state and keeps the criteria up to date with data, the working group approved a set of bylaws in November. These bylaws covered requirements for members, procedures for future candidates and resignations, term limits, powers and duties of the group, clarifying rules for physical presence at meetings (quorum), and amendments to previous bylaws.

Additional draft documents have been released to support Climate Act implementation, including DEP 23-1 and the Disadvantaged Communities Investments and Benefits Reporting Guidance. [DEP 23-1](#), also known as Permitting and Disadvantaged Communities under the Climate Leadership and Community Protection Act, is a draft DEC policy implementing Section 7(3) of the Climate Act, which provides guidance for DEC in reviewing permit applications. While DEP 23-1 is specific to DEC, Section 7(3) of the Climate Act requires that all State entities shall not disproportionately burden DACs when issuing permits, licenses, and other administrative approvals and decisions, and shall prioritize reductions of greenhouse gas emissions and co-pollutants in DACs.

The draft Disadvantaged Communities Investments and Benefits Reporting Guidance was developed by the New York State Energy Research and Development

Authority (NYSERDA) and DEC as a blueprint for tracking and reporting energy efficiency and clean energy program investments to DACs by New York State agencies, authorities, and entities. This will advance consistency and transparency in complying with the Climate Act requirement that a minimum of 35%, with a goal of 40%, of the state's clean energy and energy efficiency investments benefit DACs. This draft guidance is available for a public comment period closing on March 15, 2024.

For more information about DACs and the Reporting Guidance, visit the Climate Act website at climate.ny.gov/.

ENVIRONMENTAL JUSTICE GRANTS

OEJ administers grant opportunities throughout the calendar year to assist communities facing high vulnerabilities and exposures to environmental issues. Since 2006, OEJ has awarded nearly \$15 million for 236 projects to help support communities overburdened by environmental issues. Grant opportunities through OEJ are supported by New York State's Environmental Protection Fund, with resources designated to environmental justice communities. This funding assists communities in developing and implementing programs that address environmental issues, harms, and health hazards, as well as build community consensus, set priorities, and improve public outreach and education.

In 2023, OEJ further expanded its grants program to include the Community Air Monitoring Capacity Building Grant and Air Quality Monitoring Grant, funding opportunities for community-based organizations' efforts to support community-driven projects to improve air quality and help advance the goals of the Climate Act.



NUFFI volunteers planting seedlings at Downing Farm in Newburgh, NY.

THROUGH THREE GRANT OPPORTUNITIES, OEJ AWARDED APPROXIMATELY \$4.4 MILLION IN 2023:

Nine community-based organizations across the state recently received almost \$900,000 in Environmental Justice Community Air Monitoring Capacity Building grants to help build healthier communities, particularly in areas with a disproportionate air pollution burden. The grants support projects proposed by nine community-based organizations to develop new, or strengthen existing, air monitoring programs focused on reducing exposure to harmful emissions and improving public health in DACs.

Four community-based organizations will receive over \$1.4 million in DAC Air Quality Monitoring grants. Eligible community-based organizations serving DACs were eligible for grants up to \$500,000 for initiatives that obtain air quality data tailored to concerns identified by community residents.

Twenty-two community-based organizations received \$2.1 million in Environmental Justice Community Impact Grants to support projects that address environmental and public health concerns. This year's projects, of varying size and scope, include the following categories: capacity building, green infrastructure, urban agriculture, habitat restoration, water, and air.

To learn more about Environmental Justice Grants, visit OEJ's grants page at dec.ny.gov/get-involved/environmental-justice/grant-programs.



Human Impacts Institute students showing off their workshop table.



Staff describe how student volunteers constructed a modular "bee hotel" for solitary bees at the Hudson Valley Bee Habitat in Kingston, NY.

PROGRAM UPDATE: OPERATION ECO-QUALITY


Operation ECO-Quality (OEQ) is a program enacted by DEC's Environmental Conservation Officers (ECOs), OEJ, and regional staff working together to improve neighborhood quality of life by helping businesses achieve compliance with applicable State environmental laws and regulations. OEQ focuses on small to mid-size regulated businesses within environmental justice areas. This program has been focused on improving the community's quality of life and reducing public health risks caused by pollution through a three-pronged approach: outreach, consultation, and compliance.

In 2023, DEC launched a new OEQ campaign in the Washington Heights and Inwood neighborhoods of Manhattan to address illegal pesticide sales and use. The goal of this educational and removal campaign was to notify and educate the community about the dangers of purchasing and using unregistered and illegal pesticides so that the demand and use of these products decreases. Illegal pesticides don't have U.S. Environmental Protection Agency registration numbers, and many don't provide instructions or warnings while containing chemicals that could be toxic. These chemicals can enter the body through drinking, touching, or breathing, and are particularly dangerous to children and pets.



Illegal pesticide products were seized from street vendors.

Pesticides from the street can harm you, your family, and your pets.



Legal pesticide labels include:

- EPA Registration Number
- "Caution," "Warning," or "Danger"
- Instructions on use, storage, and disposal
- First aid statement

Pesticide poisoning symptoms include:

- Nausea • Sweating • Diarrhea • Headache
- Vomiting • Fatigue • Drowsiness • Coma


IF YOU SUSPECT POISONING, PLEASE CALL 212-POISONS (212-764-7667). Call 911 if the victim is convulsing, having seizures, having difficulty breathing, or is unconscious.

For more information, contact the DEC at 1-718-482-4994 or scan the QR code.



NEW YORK STATE Department of Environmental Conservation

Los pesticidas de la calle pueden hacerle daño a usted, a su familia y a sus mascotas.



Las etiquetas de pesticidas legales incluyen:


- Número de registro de EPA
- "Caution" (Precaución), "Warning" (Advertencia) o "Danger" (Peligro)
- Instrucciones de uso, almacenamiento y desecho
- Declaración de primeros auxilios

Los síntomas de envenenamiento por pesticidas incluyen:

- Náuseas • Sudoración • Diarrea • Dolor de cabeza
- Vómitos • Fatiga • Somnolencia • Coma

Si sospecha DE envenenamiento, llame al 212-POISONS (212-764-7667). Llame al 911 si la víctima tiene convulsiones, dificultad para respirar o está inconsciente.

Para obtener más información, comuníquese con el DEC al 1-718-482-4994 o escanee el código QR.



NEW YORK STATE Department of Environmental Conservation



DEC staff collects seized products.

This past year's successful campaign can be attributed to the collaboration of our DEC Region 2 (New York City) OEJ, Environmental Conservation Police, and the Bureau of Pesticide Management in New York City and Long Island. Following the three-pronged approach, this campaign began with an initial consultation with community leaders to explain the program and identify key issues and concerns to highlight local needs and next steps that will further guide implementation efforts.

Once a strategy was developed, the next step was for DEC to conduct enhanced outreach to residents in the community to inform them of the dangers of purchasing and using these illegal pesticide products. Through spring and into summer, staff passed out flyers and spoke to people at over 40 local businesses and 25 medical offices, and reached out to elected officials, organizations, community centers, and daycare networks to increase awareness about the campaign.

The last step was to remove the products from the market. During this enforcement phase, more than 14,000 pounds of illegal pesticides were seized from street vendors over four separate days. No violations were issued to vendors, as the focus of this campaign was to educate sellers and the public about the harm and health issues that illegal pesticides can cause and inform them about New York State laws and regulations regarding safe pesticide use.

Informational rack cards used in outreach, printed in English and Spanish.

STAFF SPOTLIGHT

For this Staff Spotlight, we would like to introduce the newest team member of the OEJ family, Kayla Baker. Kayla is a Public Participation Specialist who is working in DEC's Region 9 office.

Q. When did you first hear the term “environmental justice”?

A. I first heard about environmental justice in 2020 at the height of the COVID-19 pandemic. I was taking walks regularly and trying to find new podcasts to listen to related to the Black Lives Matter movement and racial justice protests taking place that year. I found one focused on the environmental harms and inequities accessing green space that many underserved communities face.

Q. How did you come to OEJ/DEC?

A. My career at DEC started in 2017 as an Excelsior Fellow with the Adventure NY program. With the Excelsior Service Fellowship you don't always get to pick the agency that you will work for. But the program helps place you based on agency needs and the applicant's job description. The majority of my background was focused on working at nonprofits and my master's project studied nonprofit collaborations and partnerships. This tied into my first role at DEC, where I was looking to better form relationships and support with the partners that the agency has.



Kayla Baker overlooks Schroon Lake.

Q. What role do you play for the department?

A. In June 2023, I became a Public Participation Specialist in DEC's Region 9 office, based in Buffalo. My focus is on environmental justice and working with regional leadership to develop and implement a regional outreach and engagement plan designed to serve the full range of DEC stakeholders. Our goal over the first year is to build trust and relationships with community-based organizations to build trust and form better relationships with DACs within the region.

Q. What do you like about the position?

A. I love that I get to be in the community, listening and establishing relationships. It is one thing to create a plan to establish outreach methods and a timeline, but truly one of the best parts of my job is being able to have a conversation with someone who is directly impacted by an environmental quality issue. I also get to facilitate a lot of communication between our dedicated staff and the community, and because I don't always understand the environmental jargon we may use, I can ask staff clarifying questions and help break it down for the community.

Q. What is something that you are currently working on?

A. In 2024, I really hope to expand on some of the outreach we have started to establish. Initially, my focus was on East Buffalo and establishing the East Buffalo Environmental Forum—a space where the community can ask DEC staff environmental questions—so I hope to carry some of the lessons learned into other disadvantaged communities in 2024, including Lackawanna and Niagara Falls.

Q. What are the most important takeaways you have learned?

A. The biggest lesson or takeaway that I have learned is that sometimes we just need to listen to residents of a community for a while before we can appropriately respond. Another related lesson is to understand that there are many different perspectives in the community and a single group cannot speak on behalf of an entire community. It is important to diversify the voices we are hearing from.

Q. What does it mean to you to push the values of environmental justice forward?

A. I think working in the environmental justice field is a constant reminder that there is a lot to learn and unlearn about our environment and how we and all communities have interacted with it. Being a steward of environmental justice also means working to make sure that disproportionately impacted residents and communities have access to the tools and information that will help them address their environmental concerns.

Q. What would you like the public to know about the work you do?

A. That I am not a perfect person, nor do I have all the answers to every topic. However, I will work to try and get the answers I can within the region! I am always down for a conversation and learning more and will do my absolute best to understand various perspectives.



Kayla (center) with the Region 9 communications team and Commissioner Seggos at the first gas well plugging completed in NYS using Bipartisan Infrastructure Law funding.



Kayla at National Night Out with Captain VerHague.

Q. And for a fun fact, where is the coolest place you have ever visited?

A. I took a trip to San Francisco in 2022 and was able to visit Yosemite National Park. It was such an amazing experience to be able to be at the base of El Capitan and see the rock climbers. Our tour guide also gave us a fantastic overview of the Indigenous history of the park and reminded us who were the original stewards of the land. I am going to Alaska in May 2024 and can't wait!

DEC LIBRARY BOOK REVIEW

Toxic Communities: Environmental Racism, Industrial Pollution, and Residential Mobility

By Dorceta E. Taylor

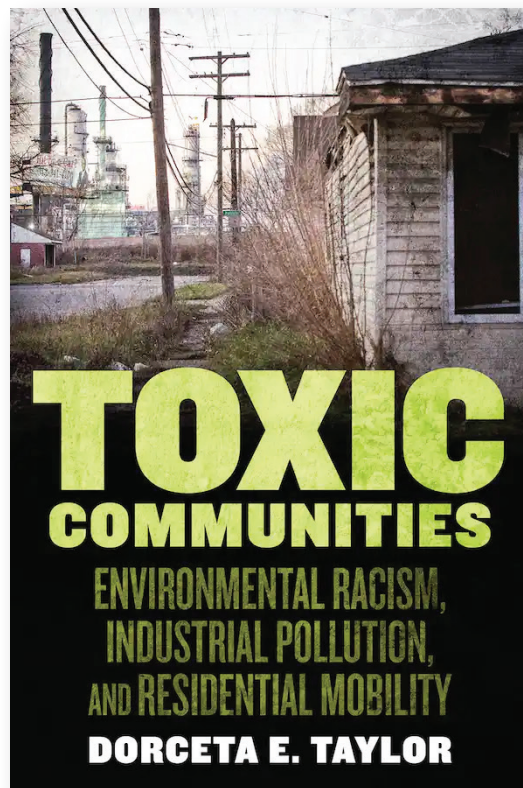
Review by Ann Morrow

Toxic Communities by Dorceta E. Taylor, a Yale professor and early proponent of environmental justice, has been widely praised for its long view of the movement. Going on 40 years, the field of environmental justice remains surrounded by controversy—though few would argue that low-income and minority neighborhoods are exposed to more human-caused toxicity than affluent White communities, with undisputed negative health effects for residents of the polluted areas. Awareness of the increased health risks for polluted communities came to attention early on with studies on the correlation between air pollution and asthma rates in African American children.

This is Taylor's second environmental justice book, and it focuses on one of the most contentious areas of environmental justice research—the hows and whys of the proximity of hazardous industrial activities to impoverished neighborhoods with predominantly people of color. A central part of *Toxic Communities* examines the southeastern United States, which continues to be a locus for industrial corporations establishing factories and plants. Though this development attracts financial gain for the companies and surrounding areas, low-income and predominantly Black communities bear the brunt of the environmental consequences while often remaining economically disadvantaged.

Using case studies and extensive documentation, Taylor examines the role of social inequality—particularly the trade-offs between environmental racism and economic interest—to explain the relationship between race and proximity to hazardous waste facilities. Most studies have found statistically significant racial and socioeconomic disparities associated with hazardous sites. However, there is considerable variation in the magnitude of these disparities, to which Taylor adds the question of how to dispense justice from the ground up without causing harm to the effected communities, such as forcing people to move.

The book also provides an analysis of environmental justice conflicts in the U.S. and the impact of social activism on environmental protection. Though Taylor's writing style qualifies as dry and academic, relying on case studies and statistics without any first-person input or narrative engagement, *Toxic Communities* provides a thorough and admirably balanced overview of the growing discipline of environmental justice, both where it's been and where it's going.



APPLY FOR FUNDING

Are you a community-based organization looking to fund a project? OEJ offers grants to not-for-profit organizations to address environmental harms in low income and environmental justice communities. For additional information on OEJ grants and a complete list of previous project awardees, please visit our website: www.dec.ny.gov/public/31226.html.

WE CAN'T DO IT WITHOUT YOU

Do you have concerns about the environment where you live? Do you want to make your voice heard? Do you want to stay informed about the different environmental issues affecting the state of New York?

JOIN OUR ENVIRONMENTAL JUSTICE LISTSERV

Go to: www.dec.ny.gov/public/65855.html and sign up to receive regular updates from the Office of Environmental Justice. Stay current on the issues that are important to you. As always, you can contact the Office of Environmental Justice with any concerns by sending an e-mail to: justice@dec.ny.gov. Please include:

- Your location/address
- City, town, village or borough
- The environmental concerns you wish to address
- List the potential source, if you know
- How or whether you wish to be contacted

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Albany, NY 12233-1500

518-402-8556 justice@dec.ny.gov

EJ Hotline 1-866-229-0497

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