



## **Essex County Environmental Justice Community Engagement Session**

**Where:** Newark Main Public Library, 5 Washington Street Newark, NJ 07102

**When:** Tuesday, April 30th, 2024

*Spanish, Brazilian Portuguese, and Haitian Creole interpretation provided.*

**Summary:** The New Jersey Department of Environmental Protection (DEP) Commissioner Shawn LaTourette, Office of Environmental Justice (OEJ) Director Kandyce Perry and EPA Regional Administrator for Region 2 Lisa Garcia led a community engagement session with residents of Essex County to discuss environmental justice issues in their area.

### **Introductory Remarks**

**Kandyce Perry**, the Environmental Justice Director at New Jersey's Department of Environmental Protection, welcomed everyone to the meeting. She introduced Shawn LaTourette, the Commissioner for the Department of Environmental Protection, and Lisa Garcia, the U.S. EPA Regional Administrator for Region 2.

DEP acknowledged that minority, non-English speaking, and low-income communities have historically endured disproportionate environmental burdens in their neighborhoods. These same neighborhoods have been under resourced and often have limited access to environmental benefits like green space and the ecosystem services it provides. Essex County experiences some of the most egregious environmental injustices in the state due to high densities of contaminated sites and its industrial legacy. Major sources of air and water pollution including power plants, junk yards, incinerators, truck and port traffic accumulate and render communities more vulnerable to public health risks and climate change hazards.

DEP emphasized the importance of hearing directly from impacted communities to inform government actions and incorporate their lived experiences.

Special thanks were extended to partners including Newark Public Library and community advocates for their guidance and warm welcome.

**DEP Commissioner Shawn LaTourette** expressed gratitude to residents and local representatives for their hospitality and for taking time out of their schedule to attend the meeting.

He explained that the purpose of the meeting is to discuss environmental justice in Essex County and invited attendees to share comments, questions, and concerns. Engaging with communities in this way and understanding their issues is crucial, and helps the DEP to make informed decisions.

The Commissioner emphasized the importance of being on the ground and hearing directly from residents, stating that the lessons learned from community engagement shape DEP's daily work and enable the government to more effectively serve the people. He further shared that these sessions provide an opportunity for DEP staff to listen and learn, and while he could not promise to have all the answers, he would work hard to get them.

**Regional Administrator for EPA Region 2 Lisa Garcia** expressed gratitude to Commissioner LaTourette, Director Perry, and Essex County for their partnership and for hosting. She emphasized the importance of engaging in person and hearing directly from the community to improve their work.

**Assistant US Attorney, Attorney General for the District of New Jersey Alex Silagi** spoke about his role as the lead attorney for Environmental Justice cases, working to enforce federal environmental legislation. He offered the [Attorney General Office's Environmental Justice Program](#) as a legal resource available to all residents.

### **Discussion**

1. **Comment:** A community advocate shared concerns about air quality and public health, calling for continued collaboration with the DEP and EPA in order to implement community air monitoring initiatives and hold polluters accountable. They stated that Newark residents are prepared to work with both agencies to adopt more effective emission reduction strategies, including those that address the cumulative impacts of truck traffic.
2. **Comment:** The chair of the Bloomfield Environmental Commission noted appreciation for both agencies' data-driven approach to locating overburdened communities but asked what the next steps were. She asked how the agencies' data-based online tools translate into actions that strengthen the Environmental Justice law, and if community air monitoring projects funded by state and federal grant programs compile similar online tools with their data.

**Response: Regional Administrator Garcia** noted that the EPA and the Biden Administration use data collected to inform equitable environmental policy. For example, as part of the [Justice 40 Initiative](#), 40 percent of all federal funding must be used to support projects in overburdened communities. [Online mapping tools](#) are useful to identify overburdened communities and ensure they are prioritized in investment decisions. Regional Administrator Garcia also offered [Air Now](#) as a resource to learn more about air quality issues by providing an interactive map that uses data from air monitors, including community air monitors, to assess air quality on a local, state, and national scale.

**Commissioner LaTourette** shared that mapping tools are a large component of enforcing the [Environmental Justice \(EJ\) law](#) and identifying key public health and environmental stressors. DEP can evaluate the community's environmental baseline conditions to determine if a polluting facility should be permitted to operate there and use the data to give more resources and funding where it is needed most.

**Director Perry** added that the [Environmental Justice Mapping, Assessment, and Protection \(EJMAP\) Tool](#) is updated twice a year with environmental and public health stressor data. DEP is

currently working to integrate facility violations into EJMAP, so that information is more readily accessible and connected. EJMAP does not have public health data, but Director Perry recommended the [Healthy Community Planning NJ Tool](#) to see health outcomes by municipality like disproportionate asthma and cancer rates.

3. **Comment:** A community organizer for the South Ward Environmental Alliance shared that she worked at the Newark Port for 31 years. In that time, she saw ships with extensive emission violations, and worker health issues caused and exacerbated by constant exposure to pollutants. She speculated that shoreman probably have to follow international regulations but asked what EPA and DEP can do to implement air monitoring at ports, where air quality data would likely indicate critical public health risk and justify stricter emission regulations. She also asked what the agencies can do to advocate for stronger restrictions on the international level.

**Response: The Commissioner** thanked resident and encouraged attendees to hold space for the emotions that come up in discussing our experience of the environment. He added that how our environment affects us and the people we love can be very personal. He followed with a few thoughts, stating that while DEP does not have maritime authority, it does have power over emissions in New Jersey ports. There are regulations that ships must follow while they are docked that the state can and should enforce. [Last year, regulations were passed](#) to inspect and upgrade diesel-powered cargo handling equipment that are reaching enforcement phase now. DEP will continue to invest in zero-emission port equipment as similar regulations are passed and implemented.

**Regional Administrator Garcia** brought up similar investments and initiatives at the federal level, including the [Clean and Healthy Ports grant](#) which Newark Port Authority has applied for. She also noted there are a number of truck traffic emission regulations coming out, and that EPA is currently building a suite of tools to address port emissions and related health issues cumulatively.

4. **Comment:** The executive director of the Weequahic Park Association acknowledged government engagement efforts but expressed that WPA feels left behind. The director expressed frustrations that, despite their continuous environmental justice advocacy and proposals, the association is still not included or represented sufficiently in these types of conversations with the government. The director urged DEP to fill these gaps in engagement approaches.

**Response: The Commissioner** committed to ensuring that WPA has a seat at the table and urged the director to look into green space funding as a non-profit, not on behalf of the municipality. [Green Acres](#) has funding opportunities explicitly reserved for non-profits.

**Regional Administrator Garcia** echoed these sentiments, acknowledging the importance of being out in the community and meeting people on the ground. She urged the participant to connect with EPA staff.

5. **Comment:** A Newark Ironbound resident asked when the city would have an effective air monitoring system. The resident expressed concerns about air quality, particularly in the hotter summer months, and emphasized the need to assess pollutant levels in order to effectively reduce them.

**Response:** The Commissioner advocated for a combination of state air quality data and citizen science that speak to each other. Using community monitoring and traditional state measuring systems together, would provide a fuller assessment. Federal grants are frequently available for community-based organizations doing this work.

**Regional Administrator Garcia** reinforced that there are grants available and that EPA will share the grants with participants during their next funding rounds.

**Director Perry** shared that the [Environmental Justice Advisory Council's Air Working Group](#) has been thinking about how community air monitoring can be implemented to better affect policy decisions. There are upcoming pilot programs that DEP is working to implement with residents in Newark.

6. **Comment:** A resident asked about continuous air monitoring initiatives at the Covanta incinerator.

**Response:** The Commissioner stated that under state and federal law, continuous air monitoring by permitted facilities is already required. Covanta's emission data is publicly available online.

**Regional Administrator Garcia** noted that in January, the [EPA proposed stricter regulations for polluting facilities](#) aimed to reduce 9 separate pollutants including soot, smog, and particulate matter, and improve health outcomes in disadvantaged communities.

7. **Comment:** A Newark business owner asked about potentials for a Remote Emissions Testing program and policy for vehicles in NJ. The resident advocated for real time, onboard greenhouse gas emissions monitoring to ensure proper measurement of pollutants released and proper vehicle inspection, and to inform more effective diesel emission reduction strategies statewide. Typically, environmental justice communities can't afford electric vehicles, so this would be a more accessible alternative. The business has yet to gain much traction in NJ, but there is a lot of interest in California.

**Response:** The Commissioner shared that NJ often follows California as a leader in environmental policy. The next step would likely be to meet with the Motor Vehicle Commission and DEP.

8. **Comment:** A resident raised concerns about chemical air pollution released by the Covanta incinerator and related health risks. The resident cited many local governments developing transition plans to phase out these types of facilities once their contracts are up, and asked if New Jersey could work to prepare a transition plan.

**Response:** The Commissioner expressed appreciation for the question and referenced the Environmental Justice Law as a step toward greater regulation of incinerators. The Environmental Justice Law applies to existing facilities seeking renewal permits, so that provides an inflection point for public participation and additional regulation. From a government perspective, DEP cannot simply tell a private facility to cease all operations, but it can create and enforce greater protective standards. The incinerators that the resident referenced might be government run which changes the level of authority a state agency such as DEP has over a facility. New Jersey only has privately owned incinerators, so different rules apply. He noted that residents have a say in where their county sends its solid waste, so that may be a more direct point of advocacy to address this issue.

**Director Perry** specified that the EJ law provides an opportunity for community engagement through required public hearings for facility permit applicants. Concerns raised by community members in these hearings are used to set conditions for the facility's development or expansion. Director Perry emphasized the importance of resident perspective to inform conditions and provided the [Office of Environmental Justice's website](#) as a resource.

9. **Comment:** A resident raised a number of concerns related to public transit, a proposed turnpike expansion, communication between DEP and other state departments, food insecurity in Newark, and ongoing investigations into alleged Lead Service Line Repair issues. Specifically, the resident discussed public transit fare hikes' effect on low-income communities and increased air pollution from additional turnpike traffic.

**Response: The Commissioner** agreed that environmental justice and transportation issues are interconnected and emphasized the importance of integrating environmental justice actions into all government agencies. Though the services the Department of Transportation might not directly seem related to the environment, residents cannot reduce diesel emissions in their own communities if they don't have consistent access to public transit. The Commissioner also offered the [Erase Food Waste program](#) as a resource to learn about food redistribution efforts in New Jersey. In regard to [Lead Service Line Repair](#), the Commissioner stated that DEP has not found a significant replacement failure rate. Rather, there have been instances where replacement work was incomplete. The Commissioner recognized that residents may have an understandable skepticism toward Newark's water but reassured that the city of Newark currently has no violation of a standard for lead exposure. Even in cases where replacement work is incomplete, residents are still protected by a corrosive control treatment applied to the city water system that prevents any lead from leaching into water supply. The investigation has not identified alleged failure rate as a city-wide problem, and more information will be shared soon.

10. **Comment:** A representative from the Weequahic Park Association asked about public health education campaigns and government supports for families that can't afford necessary screening after exposures to poor air quality. The representative asked what DEP is doing to empower communities to protect themselves and called for greater urgency in how DEP addresses these health concerns.

**Response:** The Commissioner referenced the Healthy Community Planning Tool as a good starting place. The tool shows air quality reports, vulnerabilities to related health issues, and provides relevant resources and screening guidance to help the public address them. Understanding the extent of fugitive dust, for example, traveling from a facility helps DEP know how to better regulate nearby sources. Additionally, the Commissioner offered the [WarnDEP app](#) as a resource for residents when they notice something that should be reported to the DEP. This helps to ensure that protective measures are informed by resident experience, and that environmental pollution is accurately located and addressed.

**Regional Administrator Garcia** acknowledged that government efforts toward environmental justice can often seem piecemeal and slow, but as new policies reach enforcement phase, and more initiatives are introduced to address gaps, residents will hopefully begin to see a difference. She also shared that Newark is a recipient of [EPA's Government to Government grant](#) to fund community projects that improve air quality and mitigate climate change impacts.

11. **Comment:** A resident suggested improved food waste management practices that use composting as an alternative to incinerator and landfill. The resident discussed challenges with current compost programming and barriers to wider implementation in communities, including lack of funding and regulations that favor conventional disposal. The resident urged the panel to review current regulations and work to make composting practices realistic at the local level.

**Response:** The Commissioner agreed that landfill and incinerators have been the dominant waste management strategies. Investing in programs that separate food waste from other solid waste and work to make composting to a practical local alternative is critical.

Regional Administrator Garcia echoed these points and advised that EPA has funding available for waste reduction under the [Solid Waste Infrastructure for Recycling Program](#) grants. EPA is also working to implement composting incentives and education more widely.

12. **Comment:** The President of Weequahic Park Sports Authority raised a concern about illegal dumping at a former Brownfield site across the street from the park. If the site catches on fire, local people and firefighters would be exposed to chemicals. The site was closed a year ago, but there is still dust and other chemicals being released and exposing park goers to pollutants. He also expressed frustration with EPA's follow up approach, noting that the lake in Weequahic Park was tested for contaminants in 2015, but the community never received results. Similarly, updates on the White Chemical Corporation Superfund site remediation have not been readily shared with the community. He emphasized that these pollutants have real, detrimental impacts, and that organizations like the South Ward Environmental Alliance that actually work in the community should be prioritized to improve quality of life outcomes for Newark. He asked what will be done to preserve commitments made in these meetings if a new administration comes in.

**Response: The Commissioner** began by saying that the DEP does not hold these engagement sessions just for the sake of engagement. Rather, they are held to spur action. In the cases mentioned, DEP can act by sharing state monitoring records of the Weequahic Park lake. DEP

can also look into the site where chemicals may have been left behind, and find the answers needed. The Commissioner admitted that he does not know exactly what will happen in the next administration, but he emphasized that whoever fills their roles is obligated to serve the people and listen to the collective.

**Regional Administrator Garcia** answered that the EPA is trying to embed environmental justice into everything federal agencies do so that this progress is harder for future administrations to undermine. Garcia also shared updates related to the White Chemical Corporation site, sharing that EPA completed a remedial design plan in 2016. There was previously no responsible party obligated to remediate the site, but EPA has recently received funding under the Bipartisan Infrastructure law to take over and lead clean-up.

### **Closing Remarks**

The Panel expressed gratitude to all participants for attending and sharing their perspectives and emphasized that this session is not the end of our relationship or engagement.

### **Follow Up /Next Steps:**

- **Air Quality and Odors:** DEP will share educational and outreach materials for learning about how to report odors as well as how residents can [report odors to DEP](#) if they suspect a facility violation. DEP will also share information and opportunities for participation in community air monitoring pilot programs to supplement daily facility and ambient air monitoring. DEP will share tutorials on how to use [DataMiner](#) as a resource for residents to identify facility violations, daily emissions, and ongoing enforcement actions.

DEP will circulate educational materials about health risks of poor air quality exposures and increase outreach to ensure communities know the best protective actions to take.

**Specifically, DEP recommends the [NJ Healthy Community Planning Tool](#) to assist local officials in addressing health and environmental concerns, identifying strategies for improvement, implementing public health actions, and shaping policy decisions.** The Tool's Community Summary Tables provide a snapshot of environmental public health with county and state comparisons to help identify priorities for improvement. **Summaries for Essex County are [available online](#).**

- **Truck Traffic and Mobile Emission Reduction:** The [Clean Heavy-Duty Vehicles Grant Program](#) funds replacement of heavy polluting trucks with zero-emission vehicles.
- **Water Quality:** DEP will share periodic updates with participants about the ongoing [Lead Service Line Replacement Program](#) in Newark.
- **Illegal Dumping and Contaminated Site Remediation:** DEP will share state monitoring data for the Weequahic Park lake with residents and investigate illegal dumping claims at the adjacent Brownfield site. EPA will connect with residents to ensure they have updated information about clean up at the [White Chemical Corp Superfund site](#) and can meaningfully influence any future redevelopment decisions there. The site's [August 2024 Community](#)

[Update](#) is available online.

- **Food Security and Food Waste Reduction:** DEP and EPA will continue to provide guidance to help municipalities develop alternatives to incinerator waste processing and adopt practical composting food waste reduction practices. The [DEP Office of Sustainability's Food Waste Toolkit](#) offers resources to support residents, workplaces, schools, and local governments implement food waste prevention and management practices. [EPA's Food: Too Good to Waste Implementation Guide and Toolkit](#) provide behavior change strategies and outreach tools to assist community organizations, local governments, and households in effectively enacting and promoting food waste reduction initiatives. Funding for local governments and community-based organizations leading these initiatives is available through both the [Consumer Recycling Education and Outreach Grant Program](#) and the [Solid Waste Infrastructure for Recycling Grant Program](#).
- **Ports:** DEP will share sustainable port funding opportunities as they are released, including EPA's [Clean and Healthy Ports Program](#) which recently [selected Newark Port Authority for a \\$344 million grant award](#). DEP will provide updates as regulations regarding inspection and upgrade of diesel-powered cargo handling equipment reach enforcement phase.