

NEW JERSEY ENVIRONMENTAL JUSTICE LAW

2022 Overburdened Communities Notification

FAQ

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. In subsequent years, NJ updated the OBC lists using new US Census Bureau data released annually. While the 2020 update, using *2020 ACS Data 2016 – 2020*, was significant in that it was a decennial census year that included redistricting boundaries for newly created and updated census block groups, those boundaries are now set for another decade (e.g., 2030). The NJDEP most recently updated its OBC list using *2022 ACS Data 2018-2022*. 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 identified as Adjacent Block Groups or ABGs. Existing or proposed facilities located in ABGs 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 2022 (*5-year American Community Survey Data 2018 to 2022*). 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 2022 Census impact the identification of OBCs?

The 2022 update retains the updated redrawing of congressional and state legislative district boundaries completed as part of the 2020 decennial census, including new block group boundaries and identification numbers that form the basis for OBCs. Therefore, the only changes for the 2022 update are related to population-based statistical changes in the block group data. Since the data collected in the Decennial census [survey form](#) is limited to 9 questions for each person in a household, it only provides information on minority status, leaving poverty and linguistic isolation statistics to the ACS. Due to this limitation in data availability, the NJDEP interprets "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.

How did the list of OBCs change between 2021 and 2022?

For overall coverage of the State, the number of OBCs in 2022 is similar to the initial list of OBCs published in 2021. In 2021, approximately 53.1% of the state block groups met one of the EJ Law criteria and were considered OBCs. In 2022, 54.3% of block groups met the criteria.

While the state as a whole showed similar results, 2021 ACS shows some shifting demographics resulting in some areas losing their OBC status, while others gain that status, and still others remain unaffected. To provide insight on these

OBC block group changes, the NJDEP performed a one-to-one analysis between the 2021 and 2021 block groups. Of these areas:

- 3,317 were OBC in both 2021 and 2022.
- 178 were OBC only in 2021.
- 258 were OBC only in 2022.

Where can I view the overburdened communities list?

The data is 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 OBC; 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.

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 adoption.

How can I get updates? Subscribe to the [Environmental Justice Rulemaking email list](#) to stay informed about rule implementation.