



**Testimony before the
Joint Standing Committee on Environment and Natural Resources
April 24, 2023**

LD 1621 An Act Regarding Environmental Justice

Senator Brenner, Representative Gramlich and members of the Environment and Natural Resource Committee, my name is Sean Mahoney and I am the Vice-President of the Conservation Law Foundation. I appreciate this opportunity to testify in support of LD 1621, “An Act Regarding Environmental Justice.”

CLF, founded in 1966, is a public interest advocacy group that works to solve the environmental challenges that threaten the people, natural resources and communities in Maine and across New England. In Maine for almost four decades, CLF is a member-supported organization that has worked to ensure that laws and policies are developed, implemented and enforced that protect and restore our natural resources, are good for Maine’s economy and environment, and address the climate crisis in a manner that recognizes the fierce urgency of that crisis, as well as the need to do so in a just and inclusive way.

As you well know, last year the Committee considered and voted ought to pass on a bill, LD 2018 that proposed in sections 3 and 4 almost identical language as is before you today in LD 1621. That bill, which also included a provision for intervenor funding for those interested but financially unable to participate in proceedings before the Maine Public Utilities Commission, was enacted by the 130th but the provisions concerning funding before you today were removed by the Appropriations Committee in an amendment and ultimately, LD 2041, the last-day errors bill, removed those two sections altogether.

We are enormously grateful then that Speaker Talbot-Ross, along with members of this Committee including the chairs, Representatives Doudera (the sponsor of LD 2018 last year), Bell and Bridgeo and Senator Carney, and other legislators have taken up this important legislation in the 131st Legislature. As we did last year, we strongly urge its adoption and ultimately its full and complete funding.

Maine’s decision-making agencies must ensure the fair treatment and meaningful involvement of all people with respect to the development, implementation, and enforcement of environmental laws, rules, regulations and policies. The Legislature expressly recognized the need to incorporate equity considerations into decision making by state agencies in 2021 when it enacted Public Law 2021, Chapter 279, requiring the Governor’s Office of Policy Innovation and the Future (GOPIF) to develop and submit a report to this Committee and the Committee on Energy, Utilities and Technology including recommendations on methods of incorporating equity

considerations into actions at the DEP, PUC, and other state agencies. That report was submitted on February 25, 2022¹ and led to last year's LD 2018.

The bill before you today will provide the same beginnings of a framework for a more meaningful engagement of environmental justice populations in the procedural aspects of permitting and decision making before the Department of Environmental Protection. It puts Maine on a similar path as a few other states, including Vermont and Massachusetts², as well as the federal government³, who have all recognized the importance of procedural and substantive reforms to address longstanding inequities faced by environmental justice populations. CLF wholeheartedly supports LD 1621.

As with most bills, CLF also believes that LD 1621 could be strengthened, and we have attached a version of the bill with suggested language to do so. In short, the additional language would do the following:

1. Add to the definitions section of the bill definitions for “environmental benefits”, “environmental burdens” and “environmental justice populations”;
2. Requires the Department to create and adopt an Environmental Justice Community Engagement Plan that sets forth how the Department will provide meaningful involvement in the Department’s decision making process;
3. Requires the Department to take into account the cumulative impacts on environmental justice populations in its decision making process;
4. Establishes an Environmental Justice Advisory Council; and
5. Provides dates certain for developing the rules called for by the legislation.

As noted above, we are enormously grateful to Speaker Talbot Ross and the other sponsors of LD 1621. This bill is a good and necessary step forward and we are committed to continuing to work with this and future Legislatures and the Department in continuing to move Maine forward in terms of providing environmental justice and equity for all Mainers.

¹ Governor’s Office of Policy Innovation and the Future, “Report on Equity Considerations in Decision Making,” February 25, 2022, <https://www.maine.gov/tools/whatsnew/attach.php?id=6869935&an=1>.

² See <https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT154/ACT154%20As%20Enacted.pdf> and <https://malegislature.gov/Laws/SessionLaws/Acts/2021/Chapter8>.

³ The Federal Government’s Justice 40 Initiative has made it a goal that 40 percent of the overall benefits of certain Federal investments flow to disadvantaged communities that are marginalized, underserved, and overburdened by pollution. <https://www.whitehouse.gov/environmentaljustice/justice40/>.