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How Pennsylvanians Define Environmental Justice

Kayla Hofmann

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ABSTRACT

The Pennsylvania Department of Environmental Protection (DEP) defines an environmental justice area as any census tract that partially or wholly includes a 30 percent or greater minority population or 20 percent or more of people living in poverty.¹ However, little is known about how the average Pennsylvanian defines environmental justice, hindering our ability to determine whether the current definition is adequate. Using transcripts from nine listening sessions on the DEP's tour of affected counties, I address 3 questions: (1) How do people define environmental justice? (2) What do people think are the most pressing issues in each county? and (3) How do perceived injustices shape people's understanding of environmental justice? Using definitions of environmental justice from transcripts as well as definitions from governmental agencies, I determine differences among definitions and make a policy argument for the creation of multiple definitions by region rather than one definition for the Commonwealth.

INTRODUCTION

To understand environmental justice, one must first recognize how the term came to be. Environmental justice is defined by the Department of Environmental Protection as the "fair treatment and meaningful involvement of all people with the development, implementation, and enforcement of environmental policies, regulations,

¹ "PA Environmental Justice Areas," DEP, <https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/Pages/PA-Environmental-Justice-Areas.aspx>.

and laws; as well as with respect to the identification of environmental issues that affect the most vulnerable communities.”² The definition is based on findings from the DEP-commissioned Environmental Justice Work Group (EJWG). EJWG, formed in 1995, was comprised of 30 total members, including lawyers, presidents of companies, environmental activists, citizens, scientists, and others. Two members of the DEP served as work group members, while other DEP and government officials were made available to the internal work group for counsel and advice.³ The EJWG’s findings also shaped the DEP’s 2004 public participation policy, which was designed to ensure that minorities and the poor had an enhanced opportunity for involvement in the decision-making processes regarding their communities and environment. To be included in the policy, one must live in an EJ area, which is defined as “any census tract where 20 percent or more individuals live in poverty, and/or 30 percent or more of the population is minority.”⁴

Chester, Pennsylvania, located in Delaware County, is known in the environmental justice world as a town that sued the DEP for violating the Civil Rights Act.⁵ The case ultimately made it to the United States Supreme Court before being dismissed based on mootness.⁶ Their community remains active in the fight for environmental justice; at a Delaware County listening session held by the DEP, there were 38 residents present and 24 of them gave oral testimony. These DEP-held

² Department of Environmental Protection, Environmental Justice Public Participation Policy, 2004.

³ Environmental Justice Work Group, “Draft Report to the Department of Environmental Protection,” report prepared for the Department of Environmental Protection, June 2001.

⁴ “Pennsylvania Environmental Justice Areas.”

⁵ *Chester Residents Concerned for Quality Living v. Seif* 97 U.S. 1125.

⁶ *Chester Residents*, 97 U.S. at 1125.

listening sessions across the state in nine counties, providing people a platform to express environmental justice concerns to the DEP. At one point during this meeting, Dr. Mark Wallace, a professor of environmental studies and religion at Swarthmore College, asked to give oral testimony. In his testimony, he claimed that “no other town or community would endure the degrading environmental impacts that Chester has. But Chester has put up with this because folks in Chester, largely African-Americans, oftentimes middle to low income, have not been able to leave this area in spite of the impacts.”⁷ Dr. Wallace, a white man, then drew a comparison to his own town: “the town where I live, in Swarthmore, or take another majority white, largely well-to-do suburban neighborhood in and around Chester, would not put up with the sorts of things that have happened here.”⁸ His comparison implies two things: one, that those living in Chester do so out of necessity and lack of choice, and two, that white, wealthier people would not tolerate such environmental concerns because of their perceived position of power, or rather, Chester’s lack of autonomy and power. This was certainly not the first instance of someone speaking for a minority group over the duration of the nine listening sessions, but it was the first time a member of the minority group spoke up and refuted someone’s claim. Immediately following Dr. Wallace’s testimony, Portia West, a resident of Chester, offered testimony to “set the record straight”: “I love Chester. And there are a lot of us who feel the same way. So it’s not that we can’t get out. A lot of us

⁷ *Delaware County Environmental Justice Listening Session, Before the Department of Environmental Protection*, p. 27 (May 23 2017) (statement of Dr. Mark Wallace, Professor of Religious Studies and Environmental Science).

⁸ Wallace, p. 7.

can and some of us do. But some of us choose to stay here. And we choose to stand and fight for a safe environment for ourselves and our children.”⁹

This conversation between the two parties ties into a major theme of environmental justice: letting communities speak for themselves. Well-meaning neighboring towns surely want the best for nearby residents, but their suggestions may be hindering public participation in environmental justice areas by dominating a meeting designed for the underrepresented populations within the community. At a public meeting coordinated by the state government, it is not possible to deny the wealthy and the white from attending as spectators or speakers, but according to the current definition of environmental justice, special respect should be paid to “vulnerable communities,” which the DEP defines as racial or ethnic minorities as well as impoverished communities.

Everyone in attendance at the meeting (and even those not in attendance) had the chance to voice any concerns or opinions they had; however, the listening sessions were framed by the DEP using the following guiding questions:

(1) What environmental justice concerns are most pressing in your community? (2) Do you feel that the current definition of an environmental justice community (20% poverty and/or 30% minority) properly represents the needs of your community and the commonwealth at large? (3) Do you feel that the DEP is engaged with marginalized communities to ensure that they have a voice in the decision-making process? How can the DEP be more engaged with these communities? (4) What tools have you used to find out more information on DEP permitting/enforcement actions? (5) How can the DEP be more effective at receiving public input? (6) What ways can the DEP be more effective at receiving public input? (7) What resource(s) is your community lacking that the DEP can provide that

⁹ *Delaware County Environmental Justice Listening Session, Before the Department of Environmental Protection* p. 30 (May 23, 2017) (statement of Portia West).

would assist in efforts to ensure environmental equity? (8) What additional steps can be taken by the DEP to effectively reach out to these vulnerable communities to ensure that their concerns are taken into consideration?¹⁰

The DEP did not require these questions to be answered, but many who gave oral testimony chose to use them to shape their speeches. Of the seven questions provided, the most commonly answered were questions one and two, demonstrating, perhaps, that the most important issues community members felt needed to be addressed related to protecting vulnerable groups and expressing concerns on the environmental justice issues in their communities. It is also possible that because speakers were only given three minutes initially, they may have either run out of time to talk about other topics or prioritized these two questions over the others to make their points.

These two questions are integral to how Pennsylvanians define environmental justice and how the DEP should understand environmental justice as well. Across county lines, the needs of environmental justice community members are vast and varied, exposing a potential need for a more inclusive definition of environmental justice to address all vulnerable Pennsylvanians. These vulnerable groups refer to those with a higher health risk, racial, ethnic, and class minorities, and any communities living near a source of pollution. As the definition stands, some speakers expressed concern that it is too limiting and exclusive and gave suggestions as to which other groups should be included. This analysis describes these concerns and offers policy recommendations to the DEP.

¹⁰ Pennsylvania Department of Environmental Protection, Environmental Justice Brochure (2017).

METHODS

To address the question of how Pennsylvanians define environmental justice, I utilized nine transcripts from listening sessions the Pennsylvania DEP conducted across nine counties. The transcripts are posted on the Department of Environmental Protection's website.¹¹ These meetings were conducted by the DEP Secretary, Patrick McDonnell, the Director of the Office of Environmental Justice (OEJ), Carl Jones Jr., and typically a mediator and/or a regional director. The sessions were designed for DEP officials to gain an understanding of community needs prior to rewriting the 2004 Environmental Justice Public Participation policy. The policy was first written with consideration given to the EJWG's suggestions. The work group outlined the type of relationship community members, corporations, and the government agency should have, how community members could find information, and their rights as inhabitants of an environmental justice community. Prior to the publishing of the 2004 policy, the DEP made a draft of the document accessible to the public and allowed a commenting period in which concerned Pennsylvanians could offer input on the policy. After the commenting period ended, the comments were then reviewed by the DEP and taken into consideration before the final policy was completed. In 2017, the DEP decided to review the policy and again requested the public's commentary, first in the form of these listening sessions, and then again in a commenting period after the draft was published.¹²

¹¹ "Listening Sessions," Department of Environmental Protection, <https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/Pages/Listening-Sessions.aspx>.

¹² Department of Environmental Protection, "History of the Office of Environmental Justice," <https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/Pages/PA-Environmental-Justice-Areas.aspx>.

To begin the discussion, the office presented the eight framing questions, referred to as “focus areas,” on both a PowerPoint slide and in a brochure, for reflection throughout the meeting. The sessions were held between April 2017 and May 2017 in Greene County, Allegheny County, Lycoming County, Erie County, Dauphin County, Delaware County, and Philadelphia County and were used by the DEP to establish an idea of what residents of these areas would most like to see addressed by the DEP and within the future draft of the enhanced participation policy. Greene County and Allegheny County are represented by the Southwest Regional Office, Lycoming County is represented by the Northcentral Regional Office, Erie County is represented by the Northwest Regional Office, Dauphin County is represented by the Southcentral Regional Office, and Delaware County and Philadelphia County are represented by the Southeast Regional Office. As such, every region of Pennsylvania was visited. DEP’s map of environmental justice areas shows that the counties chosen have the highest concentration of environmental justice communities, which may have influenced the DEP’s decision to hold meetings in those nine counties.¹³

The listening sessions were conducted prior to the draft of the 2017 enhanced public participation policy. After the DEP conducted and evaluated the listening sessions, the draft was published on the DEP’s website in the summer of 2018. The policy was then subjected to a public comment period, either electronically or by mail, from July 14th, 2018 until August 28th, 2018. During this period, 206 comments were published on the DEP’s website; however, since the comments were in reaction to the

¹³ *Environmental Justice Areas of Pennsylvania*, map, (Harrisburg: Department of Environmental Protection 2004) http://files.dep.state.pa.us/PublicParticipation/Office%20of%20Environmental%20Advocacy/EnvAdvocacyPortalFiles/Environmental_Justice_Areas_PA.pdf.

draft policy, I chose to use the listening sessions conducted prior to the draft as the meetings were framed using broad questions regarding environmental justice and community concerns.

I approached the research both inductively and deductively, starting with the idea of environmental justice to guide my research. To identify the research question, I first read the transcripts, then created labels to divide the topics into subcategories of environmental justice. I created categories of topics which related to implicit and explicit definitions of environmental justice; varying environmental concerns, such as fracking, air pollution or lead contamination, to name a few; and the protection of vulnerable communities, among other topics. The previously mentioned categories emerged as recurring themes throughout the listening sessions, so I then reread the documents, locating any previously overlooked instances of these themes. Rather than creating general labels, I refocused my attention on my topics of interest and only took notes on those topics. These themes were of interest to me as the issues that counties addressed helped to shape an idea of their community and what was important to them, but not necessarily important to other counties or communities. I used the explicit references in the text to health outcomes and to regional environmental matters as such topics are objective but used both explicit and implicit definitions for environmental justice as it is more subjective. Using the notes taken throughout research, I found commonalities and differences between oral testimonies across counties to answer the question: How do Pennsylvanians define environmental justice?

RESULTS

The Greene County meeting was the first of nine listening sessions conducted throughout the Commonwealth. The session was held at Miller Middle School in Waynesburg, Pennsylvania, on Wednesday, April 12th, 2017 at 4:41 pm. Of the 31 people in attendance, 18 gave oral testimony. Greene County is in southwestern Pennsylvania and was previously impacted by coal extraction. The most prevalent topics in discussion by those who gave testimony were legacy pollution, shale gas development, protecting vulnerable populations, and expanding the definition of environmental justice. Little has been done to rid the area of legacy pollution, but now the area is used by the oil and gas industry for shale gas development.

Environmental justice was defined during the listening session three times, the first time by Jim Rosenberg, who represented Fayette Marcellus Watch. Rosenberg stated that “EJ is primarily interpreted as enhanced public participation.”¹⁴ He then went on to say that public participation, and therefore environmental justice, is inhibited greatly by the deficiencies in the participation process. Four testimonies after Rosenberg, Mr. Jan Kiefer spoke. He opened with a halfhearted thanks directed towards the Department and a definition to guide his testimony: “Justice equals fairness.”¹⁵ After defining what justice is to him, he then said that justice is saying no to corporations that can potentially cause harm, and that justice is not upholding these corporations. At the end of his examples of justice and injustice, Kiefer stated “we have no environmental justice.”¹⁶ Carol Cutler, a community member in attendance, began

¹⁴*Greene County Environmental Justice Listening Session, Before the Department of Environmental Protection* p. 7 (April 12 2017), (statement of Jim Rosenberg, representative of Marcellus Shale Watch).

¹⁵ *Greene County*, p. 21 (statement of Jan Kiefer).

¹⁶ *Greene County*, p. 23 (statement of Jan Kiefer).

her testimony by referencing the DEP's brochure on their website, which states that "environmental justice ensures that everyone has an equal seat at the table."¹⁷ Cutler then went on to give her personal experience with environmental justice, in which she attended a meeting regarding an oil plant in Westmoreland County at which "lots and lots of statements" were made.¹⁸ After this meeting, she said, the plant continued with its plans and the public's input did not make any difference. She concluded her testimony by saying that environmental justice would take "an act of God," as she implied that decisions have been predetermined prior to listening sessions or other instances of public participation. Some found that the definition of an environmental justice area as it stands is not sufficient; Kirk Jalbert, an environmental sociologist and member of the DEP's Environmental Justice Advisory Board (EJAB), believed that the definition of an environmental justice area needs to move away from just race and poverty indicators, especially because the oil and gas industry most affects nonminority whites.¹⁹ The EJAB is made up of thirteen Pennsylvanians and its purpose is to "recommend to the Secretary the adoption, amendment, or repeal of such rules, regulations, standards, criteria, policies, guidance and procedures as it deems necessary and advisable for implementation of the agency's environmental programs and recommendations of the Environmental Justice Work Group."²⁰

Jill Kriesky, associate director of the Southwest Pennsylvania Environmental Health Project (EHP), was the first to recommend special protections for other

¹⁷ *Greene County*, p. 50 (statement of Carol Cutler).

¹⁸ *Greene County*, p. 50 (statement of Carol Cutler).

¹⁹ *Greene County*, p. 43 (statement of Kirk Jalbert, member of the Environmental Justice Advisory Board).

²⁰ Department of Environmental Protection of Pennsylvania, Environmental Justice Advisory Board Bylaws, 2013.

populations. Kriesky cited vulnerable populations, such as the elderly, women of childbearing age, and children as “especially susceptible to health impacts from fracking” and requested consideration in the definition of environmental justice areas for these groups.²¹ Veronica Coptis, a resident of Carmichaels, Pennsylvania and Executive Director of the Center for Coalfield Justice, stated that the current definition of an environmental justice area leaves other at-risk communities out of the conversation and should factor in “sensitive areas,” such as homeownership rates, reduced school lunches, school district ratings, disability, and elderly populations. Additionally, coalfields were suggested as an environmental justice area, due to the impact the coal industry had on decreasing population.²² Patrice Tomcik, another community member concerned with the current definition of an environmental justice area, represented Moms Clean Air Force as a field organizer. She stated that in addition to the race and poverty triggers, gas and oil permits should be added as triggers. She encouraged the DEP to go outside of the census tract and look at other factors, such as “the working poor, home ownership rates, assisted school lunch rates, disability and elderly populations, and also language barriers.”²³ She also suggested that “special locations of where vulnerable populations are found should also be considered, such as schools, childcare facilities, and hospitals.”²⁴

The Allegheny County meeting was the second listening session and was held at The Blakey Program Center in Pittsburgh, Pennsylvania on Thursday, April 13th, 2017 at

²¹ *Greene County*, p. 13 (statement of Jill Kriesky, associate director of the Southwest Pennsylvania Environmental Health Project).

²² *Greene County*, p. 19 (statement of Veronica Coptis, Executive Director of the Center for Coalfield Justice).

²³ *Greene County*, p. 30 (statement of Patrice Tomcik, field organizer for Moms Clean Air Force).

²⁴ *Greene County*, p. 30 (statement of Patrice Tomcik).

4:05 pm. Of the 26 people in attendance, 24 gave oral testimony. Allegheny County, also located in southwestern Pennsylvania, had similar concerns to Greene County, such as redefining environmental justice areas and legacy pollution; however, those who spoke at the listening session also brought up air pollution concerns. Allegheny County includes Pittsburgh, a post-industrial city with high-volume traffic.

In his opening remarks, Carl Jones Jr., the director of the Office of Environmental Justice (OEJ), summed up environmental justice as “making sure that people have an equal seat at the table.”²⁵ During the listening session, the current definition of an environmental justice area was called into question on eleven different occasions. Jessa Chaveau of Southwest Pennsylvania Environmental Health Project proclaimed that she “found that the definition of EJ communities is so limiting, that most marginalized communities are missed.”²⁶ Carrie Hahn, a resident of an Old Order Amish community (although not a member herself), requested that the Amish community be included as an environmental justice community, as they do not have the access to technology that is necessary to participate effectively.²⁷ Angelo Taranto, a member of Allegheny County Clean Air Now (ACCAN), provided a list of communities that he felt should be contained in an expanded definition of environmental justice areas, which included “communities that are downwind from major source air polluters, communities that are close to highways and rail lines and communities that have a high percentage of senior citizens or children.”²⁸ An organizer for Clean Water Action, Adam Tuznik, invoked the idea of

²⁵ *Allegheny County Environmental Justice Listening Session, Before the Department of Environmental Protection*, p. 10 (April 13 2017) (statement of Carl Jones Jr., director of the Office of Environmental Justice).

²⁶ *Allegheny County*, p. 36 (statement of Jessa Chaveau of Southwest Pennsylvania Environmental Health Project).

²⁷ *Allegheny County*, p. 18 (statement of Carrie Hahn).

²⁸ *Allegheny County*, p. 44 (statement of Angelo Taranto, member of Allegheny County Clean Air Now).

expanding the definition so that it includes locations in relation to sources of pollution, referring to a community within proximity to a polluter.²⁹ Downwind communities may not necessarily live within a traditional environmental justice community, but Tuznik believes that they need special protection due to their proximity to pollution.

While other statements during the listening session did not explicitly define or question environmental justice or its areas in Pennsylvania, they related to environmental justice communities and the harm felt within them. Tom Hoffman, a member of the Sierra Club, recalled a project that he participated in at Carnegie Mellon University in which members superimposed EJ communities over air pollution mapped in Pennsylvania. Red indicated the highest concentration of air pollution, while pink, yellow and other colors indicated less air pollution. Hoffman quoted the man who was working on the map. “He said he had this trick, want to see me make all the pollution disappear? And all you do is lift out of the EJ community.”³⁰ Later in the listening session, a registered nurse from Allegheny County working in Washington County named Laura Dagley stated her belief that the most pressing environmental justice issue in southwestern Pennsylvania is air pollution. She focused on the levels of particulate matter found in the air, which she claimed causes up to twelve percent of total deaths in Allegheny County.³¹ She also advocated for the inclusion of the elderly, infants, and children in the definition of environmental justice area, as she found that these populations were most vulnerable to air pollution. By focusing largely on the issue

²⁹ *Allegheny County*, p. 60 (statement of Adam Tuznik, organizer for Clean Water Action).

³⁰ *Allegheny County*, p. 60 (statement of Tom Hoffman, member of the Sierra Club).

³¹ *Allegheny County*, p. 64 (statement of Laura Dagley, registered nurse).

of air pollution, those who live and work in Allegheny County are conveying to the Department of Environmental Protection that the organization is not doing an adequate job upholding the people's constitutional right to clean air and water.³² By the DEP allowing corporations to use the pristine lands of Pennsylvania for fossil fuel extraction and general development, they violate citizens' right to a pristine environment, and as a trustee of the resources, destroying rather than conserving.

The Lycoming County meeting was the third listening session. The session was held at Genetti Hotel in Williamsport, Pennsylvania on Thursday, April 20th, 2017 at 4:41 pm. Of the fifteen people in attendance, 12 gave oral testimony, and six of those who spoke initially used additional time at the conclusion of the speakers list to complete or add on to their original testimonies. Lycoming County is in northeast Pennsylvania but had similar concerns to southwestern counties such as air pollution and the pervasiveness of the gas industry. While the county includes the city of Lycoming, those who spoke at the session were more concerned about the preservation of Loyalsock State Forest for recreational and economic reasons.

This listening session was the first thus far that did not suggest an expansion or change to the current definition of environmental justice or an environmental justice area; however, two women gave their interpretation of the definition in their opening remarks, and one woman loosely described what environmental justice is by giving examples. Gail Landers, a member of the environmental justice team for the United Church of Christ, stated that for her, "that's [environmental justice] a very broad and

³² Penn. Const. Amend. XVII.

inclusive term, not just for those who are marginalized. So I appreciate your first statement for including all of us, not just the marginalized in environmental justice.”³³

This interpretation takes away from the current definition, as an EJ community is officially determined by either 20% or more people living in poverty or 30% or more minority living in a census tract. Later in the listening session, Karen Frock, a Plunketts Creek Township resident, made a similar claim when she stated “all communities are environmental justice communities at the very definition of justice.”³⁴ She did not define justice, and instead moved into her testimony. At the listening sessions, DEP officials cannot respond, only listen, and so both Ms. Landers’s and Ms. Frock’s claims on environmental justice areas went uncontested by community members and DEP staff. Tina McCafferty, a resident of Lycoming County, was most upset by the DEP’s compliance in permitting the oil, gas, and plastic industries, which she claims is “poisoning our water, poisoning our air, we’re wrecking our PA Wilds.”³⁵ In her condemnation of the DEP suing communities who attempt to protect their environments, she invoked the phrase “our objectives,” referring to the purpose of the Office of Environmental Justice, the Department of Environmental Protection, and the current guiding principles behind the idea of environmental justice. To conclude her testimony, Ms. McCafferty stated: “In this place, there is no environmental justice and we’re not protecting the environment.”³⁶

³³*Lycoming County Environmental Justice Listening Session, Before the Department of Environmental Protection*, p. 22 (April 20 2017) (statement of Gail Landers, member of environmental justice team for the United Church of Christ).

³⁴ *Lycoming County*, p. 32 (statement of Karen Frock).

³⁵ *Lycoming County*, p. 30 (statement of Tina McCafferty).

³⁶ *Lycoming County*, p. 31 (statement of Tina McCafferty).

Frock, who also touched on what environmental justice meant to her, also spoke on the topic of conserving wildlife, citing the beauty and pristineness of the mountains and streams, the potential for sustainable tourism, and the connection between people and nature.³⁷ She believes that “if we let our wild places and communities be destroyed, we lose our heritage and our future as well as our present way of life,” indicating that life in Lycoming County is not simply a choice, but a part of who the residents are.³⁸ On several occasions, those participating in the oral testimony mentioned reductionist thinking on the part of the DEP, either explicitly or implicitly. Barbara Jarmoska spoke previously in the session, but spoke again about the dangers of reductionism, summarizing the process of permitting as follows:

We put things in these tiny little boxes and we will permit this, and then this. Not only are we not looking at the aggregate when it comes to deforestation, when it comes to air pollution, DEP is not looking at that. You’re looking at a single compressor station and seeing if that is within your limits.³⁹

Rather than only considering the potential harm the approval of one permit will cause, Jarmoska encouraged the DEP to consider the cumulative harm that a permit can cause by adding it to an already over-burdened area. She then referenced Spencer Myers’s oral testimony, who fought the rhetoric on fossil fuel being good for the economy, as his children will not reap the benefits of the fossil fuel industry but will have

³⁷ *Lycoming County*, p. 32 (statement of Karen Frock).

³⁸ *Lycoming County*, p. 32 (statement of Karen Frock).

³⁹ *Lycoming County*, p. 48 (statement of Barbara Jarmoska).

to live with the negative consequences instead.⁴⁰ Jarmoska implored the DEP to consider the “the big picture, because that’s where the justice is.”⁴¹

The Erie County meeting was held on Thursday, April 27th, 2017 at the Tom Ridge Environmental Center at 5:00 pm. Of the twelve people at the meeting, ten people gave oral testimony, and two of those who spoke used additional time allotted at the end of the meeting. The most common topics mentioned throughout the oral testimonies related to vulnerable, potentially unprotected populations and lead poisoning.

During the meeting, the definition of environmental justice was stated explicitly once by Carl Jones Jr. - “making sure that everyone has an equal seat at the table.”⁴² On five separate occasions, concerns about the vulnerability of certain groups were raised, relating to how an environmental justice area should be defined. Adam Trott, a resident of Erie County, was most concerned about the demolition of a bike path, which he claimed is a critical link for pedestrians. While the destruction of a bike path is not necessarily an environmental injustice, Trott argued that it is the second most impoverished area in the city, and when he pressed the Federal Highway Administration further on the topic, they responded “well, that’s not a classified minority group. If we were hitting African-Americans, Native Americans, Hispanics, whatever, then that would be a group. But people who don’t have cars is not a group.”⁴³ This experience inspired

⁴⁰ *Lycoming County*, p. 39 (statement of Barbara Jarmoska).

⁴¹ *Lycoming County*, p. 49 (statement of Barbara Jarmoska).

⁴² *Erie County Environmental Justice Listening Session, Before the Department of Environmental Protection*, p. 7 (April 27 2017) (statement of Carl Jones Jr., Director of Office of Environmental Justice).

⁴³ *Erie County*, p. 13 (statement of Adam Trott).

him to think about the ways in which social justice is defined currently, and what could be lacking. Freda Tepfer, a Resource Specialist for Erie Connect+Respect (CPR), found that “Federal Highways, PennDOT, and the city of Erie declined to see that as an environmental justice issue, they did not look at some of the issues of danger and concern for the kind of environment that they’re putting these children into, and also, whichever pedestrians are already in the community,” referencing the destruction of the East Street Viaduct. Erie CPR is an activist group whose main priority is to save the East Street Viaduct. Tepfer specifically mentioned children as a group that needs protection, a group that is not explicitly recognized in the current parameters of environmental justice.⁴⁴ Ann McCarthy is a Benedictine Sister on the East side of Erie, and she said that she lives in a high poverty census tract, where a “high concentration” of children and “a lot of immigrants” live.⁴⁵ These are groups that Sister McCarthy implied need more protection and are left out of the typical classifications of race and class.

The most pressing environmental issue was the presence of lead in Erie County, more specifically how lead impacts children’s development. Kathleen Lutz, an advocate for parents of children with special needs, claimed that lead levels in Erie County are higher than lead levels in Flint, Michigan and cause lead poisoning in more children than in Flint.⁴⁶ According to Ms. Lutz, children in Erie County are tested twice for lead poisoning before their second birthday, but there is no follow up on developmental

⁴⁴ *Erie County*, p. 17 (statement of Freda Tepfer, Resource Specialist for Erie CPR).

⁴⁵ *Erie County*, p. 23 (Statement of Sister of Ann McCarthy).

⁴⁶ *Erie County*, p. 15 (statement of Kathleen Lutz).

milestones related to lead poisoning or how it impacts their ability to learn later in life.⁴⁷ Related to Ms. Lutz's concerns about lead and its connection to education, Cindy Pervis, a resident of the city of Erie, brought up the school systems "are going bankrupt, and they're having to deal with students that are victims of lead poisoning and the special needs they have, the money's just not there."⁴⁸ Such concerns about lead poisoning focus on the vulnerability of children and the impacts lead can have on their developing minds and bodies.

The Dauphin County listening session was the fifth of nine meetings on the listening tour. Those who spoke at the meeting raised the issue of lead contamination, like Erie County, and fracking, which had been spoken about in every listening session thus far. The session took place at the Department of Environmental Protection's South-Central Regional Office in Harrisburg, Pennsylvania on Tuesday, May 2, 2017 at 4:35 pm. Of the fifteen people in attendance, four gave oral testimony; however, it should be noted that the second speaker, Kirk Jalferr, a participant in the oral testimonies, was a member of the EJAB and used his testimony to encourage community members to give oral testimony. Prior to Jalferr's comment, John Brakeall, the DEP's regional coordinator, read the roster of names on the sign in sheet, with only one community member offering oral testimony and one community member asking to be placed at the end of the speakers' list.

⁴⁷ *Erie County*, p. 15, (statement of Kathleen Lutz).

⁴⁸ *Erie County*, p. 19 (statement of Cindy Pervis).

Ellen Gerhart, a retired special education teacher who lives in Huntingdon County, began her testimony by defining environmental justice:

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.⁴⁹

The Environmental Protection Agency definition that Mrs. Gerhart provided can be interpreted in two ways: one, that race, class, or ethnicity should not impact one's ability to participate meaningfully in environmental matters; and two, that environmental justice is for everyone, regardless of race, class, or ethnicity. However, it was not clear through Ms. Gerhart's oral testimony which interpretation of the definition she used to shape her argument. She claimed after providing the definition that "in Pennsylvania, there is no environmental justice" and used examples of pipeline violations, protests against pipelines on private property resulting in arrests, and the underfunded and understaffed DEP, which prevented the policing and monitoring of corporations, notably Energy Transfer Partners.⁵⁰

Tina Hayes, a transplant from New York to Duncannon, Pennsylvania and part of the Americorp VISTA program, was most concerned with lead found in the water. While she did not express concern about the dangers of lead consumption, she did raise the issue of accessibility to information. She found it difficult to obtain data on lead levels and first found out about lead in her water from the municipality. She suggested that the DEP may find this method the most straightforward way of distributing information;

⁴⁹ *Dauphin County Environmental Justice Listening Session, Before the Department of Environmental Protection* p. 9 (May 2 2017) (statement of Ellen Gerhart).

⁵⁰ *Dauphin County*, p. 11 (statement of Ellen Gerhart).

however, in her hesitant testimony, she seemed confused as to why the DEP would not be directly involved with environmental injustices. To conclude her segment on lead, she said “so I don’t know if that’s a common way that you reach out to people, that you go to the local municipalities and where people pay bills, so that they can pick up some information from there, especially if you’re in a low-income area where they don’t have access.”⁵¹ In her reasoning, she seems to justify why the DEP would provide information at a place residents must go to pay bills, rather than in the DEP’s regional office, but also questions the hands-off approach they take.

The Lehigh County listening session was the sixth one held. The meeting was held in the Allentown Public Library’s Community Room on Thursday, May 11th, 2017 at 5:13 pm. It is unclear how many people attended the meeting, but four community members gave oral testimony, with two people taking additional time at the end to add to their original testimony. Lehigh County is in eastern Pennsylvania and those who expressed concerns at the meeting also shared concerns with many other counties, including air emissions, lead, coal waste power, and expanding the definition of an environmental justice area.

Eli Brill, a member of the EJAB, addressed the large settlement that Pennsylvania received from Volkswagen and believed that “the money should be directed towards environmental justice communities that tend to bear the impacts of

⁵¹ *Dauphin County*, p. 9 (statement of Ellen Gerhart).

diesel pollution.”⁵² This money, he argued, could be used in the form of a grant to environmental justice communities where it “could do the most good.”⁵³

Russell Zerbo, an employee of the Clean Air Council, a non-profit environmental organization based in Philadelphia, was most concerned with the use of coal waste power. He claimed that “Pennsylvania has 14 out of the country’s 18, every single one of them is in an area where within three miles at least 20% of the surrounding population lives under the poverty line,” a subtle point to show that Zerbo does not think the poor are being adequately protected.⁵⁴ Additionally, he made the claim that “there were a lot of children in this community that were on the autism spectrum. And we found that lead is actually a possible contributor, especially if you’re pregnant or very, very young and that was really scary.”⁵⁵ Zerbo’s belief that coal waste power caused children to develop autism again subtly points out that children are not being adequately protected by the definition of an environmental justice area and that the definition may be flawed.

Later in his testimony, Zerbo cited seven areas of Pennsylvania that have coal plants that should be considered environmental justice communities but are not because “EJ goes along a census tract rather than a radii of the pollution source.”⁵⁶ He calls for a new way of defining environmental justice communities “because all a census

⁵² *Lehigh County Environmental Justice Listening Session, Before the Department of Environmental Protection*, p. 13 (May 11th 2017) (statement of Eli Brill, Environmental Justice Advisory Board member).

⁵³ *Lehigh County*, p. 13 (statement of Eli Brill).

⁵⁴ *Lehigh County*, p. 6 (statement of Russell Zerbo).

⁵⁵ *Lehigh County*, p. 6 (statement of Russell Zerbo).

⁵⁶ *Lehigh County*, p. 7 (statement of Russell Zerbo).

tract is is a place where 8,000 people live.”⁵⁷ A census tract, he argued, does not take into account representation in the same way that a voting district does.

The seventh meeting was held at the Harrisburg Area Community College (HACC) Lancaster Campus in Lancaster, Pennsylvania. The session took place on Monday May 15, 2017 at 5:00 pm. Lancaster County is in southeastern Pennsylvania, where the biggest issue among those who addressed the group was the Atlantic Sunrise Pipeline, a high-pressure pipe carrying gas underneath the Commonwealth. The number of community members in attendance is unknown; however, eight people who attended the meeting gave oral testimony and one man spoke twice when the audience was provided additional time at the end of the speakers’ list. In addition to the Atlantic Sunrise pipeline, the most salient issues to the speakers were the impact Pennsylvania’s environmental choices may have on other communities, states, and nations, and the definition of environmental justice and environmental justice areas.

Tim Spiece, a representative of Lancaster Against Pipelines and a construction superintendent, is an outspoken critic of the Atlantic Sunrise pipeline and has been arrested for standing in front of bulldozers while protesting the development of the pipeline.⁵⁸ Mr. Spiece was largely unsatisfied with the performance of the DEP and claimed that they are influenced by the industry and that the DEP is hypocritical for suing two townships that attempted to pass laws that would protect their environment.

⁵⁷ *Lehigh County*, p. 6 (statement of Russell Zerbo).

⁵⁸ *Lancaster County Environmental Justice Listening Session, Before the Department of Environmental Protection* p. 5 (May 15th 2017) (statement of Tim Spiece, representative of Lancaster Against Pipelines).

Patrick Grater was the former executive director of Center for Global Justice and is presently working as a Sierra Club representative and was largely concerned with the environmental rights of the people. He spoke about the dangers of piecemeal permits, claiming that “the piecemeal permitting structure that allows combined impacts of different industries, shale, gas, and coal mining, to go unaccounted for. Or to allow pipeline permitting to go piecemeal, piece by piece, without any sort of comprehensive analysis of what the overall impact is on the communities in which these industries operate.”⁵⁹ Not considering what impact a permit could have on a neighboring community is not technically wrong, but it could lead to more pollution as permits can ignore the cumulative impact.

Mr. Spiece defined environmental justice as “civil rights,” and the movement itself as “another civil rights movement.”⁶⁰ For the first time during a listening session, one speaker spoke to protect the dead, specifically Native Americans. She believed that “the justice to those dead people is really not being well served by the pipeline that’s going through exactly what their heritage had been and what our historical values were and are.”⁶¹ It seems that her argument is defending the rights of a race of people: although they are not living, they deserve to have their culture and heritage respected, and therefore should be included in an expanded definition of an environmental justice area.

The Delaware County listening session, the eighth, was held at Chester City Hall on Tuesday, May 23, 2017 at 5:06 pm. There were 38 people in attendance and 24 of

⁵⁹ *Lancaster County*, p. 16 (statement of Patrick Grater, Sierra Club representative).

⁶⁰ *Lancaster County*, p. 8 (statement of Tim Spiece).

⁶¹ *Lancaster County*, p. 9 (statement of speaker).

those who attended gave oral testimony, one of whom used additional time provided at the end of the speakers' list. Delaware County is in southeastern Pennsylvania and includes the city of Chester, a prominent town featured in the environmental justice movement in the 1990s. Participants in the meeting focused largely on the dangers of air pollution to the general population and also more vulnerable groups. The issues that speakers addressed during their testimonies included discussions of vulnerable populations, health risks, and pollution from various sources.

Though nobody in attendance gave a definition of environmental justice or an environmental justice area, Sue Edwards, a Swarthmore resident and volunteer for the southeastern Pennsylvania Sierra Club, suggested that “in addition to the 20 percent poverty and/or 30 percent minority rule defining an EJ area, there should be a measure of disproportionate burden.”⁶² This was not the only time a reference to disproportionate burden was made, either: In addition to Edwards stating “pollution does not stay in artificial boundaries”, Jocelyn Basamanti, resident of Chester County for thirty years, mentioned the impact that shale gas development has on climate change, health, and extinction of species.⁶³

Two major health concerns were raised during the Delaware County listening session: low birth weights and high infant mortality rates, and respiratory illnesses. Dr. Mark Wallace, the same man who caused controversy in the beginning of the meeting due to his generalizing statements, suggested that “the infant mortality rate and the low

⁶² *Delaware County Environmental Justice Listening Session, before the Department of Environmental Protection*, p. 22 (May 23 2017) (statement of Sue Edwards).

⁶³ *Delaware County*, (pgs. 22;45) (Statements of Sue Edwards and Jocelyn Basamanti).

birth weight in Chester City is one and a half to two times higher than any other place in the Commonwealth.”⁶⁴ Ms. Basamanti, who was concerned with the larger impact of pollution, also raised concerns about health related to air pollution in Chester County, and listed the side effects of particulate matter, carbon monoxide, and methane, which became more prevalent as pipelines were built. She claims that side effects to particulate matter can include heart attacks, kidney and liver damage, and nausea; carbon monoxide can lead to “headaches, drowsiness, nausea, muscle weakness, unconsciousness, and finally suffocation;” and exposure to methane “can lead to humans experiencing nausea, headaches, dizziness, unconsciousness, and potential suffocation.”⁶⁵

Philadelphia County was the final stop on the listening tour. The meeting was held at Fairmount Water Works in Philadelphia, Pennsylvania on Thursday, May 25, 2017 at 4:20 pm. Philadelphia County neighbors Delaware County and therefore shares similar concerns, especially regarding air pollution. It is unknown how many community members attended the meeting, but twenty-two audience members gave oral testimony, four of whom used allotted time at the end of the meeting to elaborate on their previous points. The most pressing issues to Philadelphia residents who spoke at the meeting were expanding the definition of environmental justice areas and vulnerable populations, in addition to air pollution as a result of traffic and factories.

⁶⁴ *Delaware County*, p. 27 (statement of Mark Wallace).

⁶⁵ *Delaware County*, p. 43 (statement of Jocelyn Basamanti).

The south Philadelphia oil refinery is in the city of Philadelphia and, as claimed by resident Bryan Ratcliffe, is listed in the top one percent of polluters in the nation by point source pollution.⁶⁶ Jasper Jones Bey, a Cherokee Indian speaking on behalf of the Shaykamaxum Republic, alleged that for residents of Philadelphia County, the I-95 corridor traffic in the area contributed to more than 12,000 childhood asthma attacks.⁶⁷ Additionally, Lese Baxter, a member of an environmental coalition in Lower Bucks County, claimed that the proposed location for Elcon Recycling Plant is “in an area that is already failing air pollution standards, and is located near the source of drinking water for millions of people.”⁶⁸ Dr. Walt Tseu, a public health physician and former Health Commissioner for Philadelphia, drew attention to the SEPTA gas plant under construction and claimed that “putting a gas plant in Nicetown is kind of like putting Tower Records on the dawn of the internet. We’re making a 20 year or 30 year investment in something that will be obsolete the day it’s built.”⁶⁹ Such an investment in fossil fuels, he believes, is not appropriate as the world looks towards alternative fuels.

Joe Minott, the Executive Director and Chief Counsel of the Clean Air Council, urged the DEP to review their current definition of an environmental justice area, as it “requires a holistic consideration of other factors in the larger environment inhabited by communities including employment, health status of community members, literacy

⁶⁶ *Philadelphia County Environmental Justice Listening Session, Before the Department of Environmental Protection*, p. 13 (May 25 2017) (statement of Bryan Ratcliffe).

⁶⁷ *Philadelphia County*, p. 13 (statement of Jasper Jones Bey).

⁶⁸ *Philadelphia County*, p. 36 (statement of Lese Baxter).

⁶⁹ *Philadelphia County*, p. 37 (statement of Dr. Walt Tseu).

levels, culture and linguistic differences and barriers, and limited financial and time resources.”⁷⁰ Later in the listening session, Coryn Wolk, a member of the environmental advocacy organization Adjective, gave the definition that the Delaware Valley Regional Planning Committee uses to delineate environmental justice areas, which includes groups such as “elderly populations, female-headed households which are often single mothers with small children, and elderly people with limited mobility... and these populations often have vulnerabilities or needs that are not the same as this broader definition.”⁷¹

This expanded definition still does not touch on the concern of some who live outside a designated environmental justice area, which is proximity to pollution. Throughout the nine listening sessions, requesting a known polluter qualifier in a revised version of an environmental justice area was common for those who lived near a known polluter but did not live in a census tract designated as an EJ area, but not everyone agreed. In the final listening session Jerome Shabazz, the executive director of Overbrook Education Center, tried to refocus on why the Office of Environmental Justice exists in the first place:

And instead of talking about the point-source egregious activities of industry or utility, I want to make sure that we emphasize that we’re talking about vulnerable communities. As environmental justice issues, we need to realize that these are communities where people do not have a lot of resources.⁷²

⁷⁰ *Philadelphia County*, p. 15 (statement of Joe Minott, Executive Director and Chief Counsel of the Clean Air Council).

⁷¹ *Philadelphia County*, p. 40 (statement of Coryn Wolk).

⁷² *Philadelphia County*, p. 43 (statement of Jerome Shabazz, Executive Director of Overbrook Education Center).

Mr. Shabazz implies that those who try to include themselves in the environmental justice movement and areas based on their proximity to pollution do not understand what environmental justice is, and that living near a gas plant or oil refinery does not make you a member of an EJ community. Those who live within a designated environmental justice area determined by the current guidelines need more protection than others because minorities and impoverished people have been historically underrepresented and left out of conversations regarding their well-being, he argued.

CONCLUSION

The definitions provided by speakers at the listening sessions focused on protecting vulnerable populations in two forms: vulnerability based on identity, and vulnerability based on location. Referring to a vulnerable population or multiple vulnerable populations during a listening session was the most common way to redefine or expand upon the current definition of an environmental justice area, with the primary focus on protecting children and the elderly. However, vulnerable populations were described by those who spoke using a number of qualifiers, including, but not limited to, all nonminority whites, immigrants, coalfield residents, and even burial grounds of Native people. One seemingly important qualifier in one county to one person would not be mentioned in another. Speakers did not explicitly define what they meant by a vulnerable population, but they can be categorized as either vulnerable due to identity, or vulnerable due to location. A vulnerable group may refer to those who will bear the effects of environmental issues from a health standpoint, such as infants, children, the elderly, disabled, or those living near polluters, without regard to race or income. This status of vulnerability is caused by proximity to pollution. The second type of vulnerable

population refers to historically underrepresented groups, which included race, ethnicity, and impoverished communities, or vulnerability as a result of identity. Underrepresented groups were defined as groups that have had little social or political influence throughout America's history.

The other subcategory of vulnerable populations, proximity to pollution, is a more controversial suggestion than suggestions that will protect vulnerable identities.

Proximity to pollution refers to an area that is impacted by pollution but does not fit into the parameters of the current definition of an environmental justice area, as it can impact any group of people, not just a minority group or impoverished area. Throughout the nine listening sessions, requesting a proximity to pollution qualifier in a revised version of environmental justice areas was common for those who lived near a known polluter, but did not live in a census tract designated as an environmental justice area. As we saw in the results section, Mr. Shabazz, the executive director of Overbrook Education Center and an environmental justice advocate and educator, attempted to refocus the conversation of how environmental justice areas should be defined by defending the current parameters for inclusion of race and poverty and dismissed the idea of including proximity as a qualifier. Living near a source of pollution but not being a person living in poverty or a person of color does not make one a member of the environmental justice community when considering both the current definition and the principles that environmental justice was founded on.

Outliers in definitions of environmental justice and its areas were also present. During the Allegheny listening session, two women mentioned that environmental justice is for everyone and that all communities are environmental justice communities.

While nobody during the Allegheny listening session refuted their claims, Mr. Shabazz's argument from the Philadelphia listening session, that proximity to pollution should not be included in an expanded definition of an environmental justice area, still applies. He argued that no, environmental justice is not for proximity to pollution, and no, it is certainly not for everyone: environmental justice is for those who "do not have a lot of resources", and according to the DEP, his argument is correct.⁷³ Resources do not explicitly refer to economic resources but can also include political resources that give a community the voice and the information they need to be informed about decisions made in their neighborhoods. The DEP explains on their website why environmental justice exists in Pennsylvania:

Historically, minority and low-income Pennsylvanians have been forced to bear a disproportionate share of adverse environmental impacts. It is our duty to ensure that all Pennsylvanians, especially those that have typically been disenfranchised, are meaningfully involved in the decisions that affect their environment and that all communities are not unjustly and/or disproportionately burdened with adverse environmental impacts.⁷⁴

While the quote does imply that environmental justice includes all Pennsylvanians, it is also implied that those who are not disenfranchised have already been included throughout history, and therefore do not need additional protection through the enhanced public participation policy or definition of an environmental justice area. White, middle-class people have not typically been left out of important conversations regarding their health, environment, and life in general, but the poor and minority groups have. Environmental concerns not only impact the vulnerable populations of Pennsylvania, but even impact the privileged. However, those who are privileged are

⁷³ Environmental Justice Policy.

⁷⁴ DEP, "What is Environmental Justice?"

<https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/Pages/FAQ.aspx>

unlikely to continue to suffer the impacts for an extended period due to their ability to have their voices heard and recognized. There are circumstances and groups that may be excluded by the current definition that are also categorized as white and middle or working class, like coalfield residents, but in most situations the majority groups in Pennsylvania do not need enhanced protection. According to the DEP, those who requested known polluters to be added to the definition of environmental justice area fail to realize that including this phrase would enhance the majority group's already present voice and would slow down the process of restoring justice to traditional environmental justice communities. In order to restore justice to both the vulnerable identity group and vulnerable location group, the DEP must have proper funding to address issues in both vulnerable groups. Since the DEP is currently underfunded and understaffed, adding another vulnerable group to the list of areas they need to investigate would delay procedural justice in the original environmental justice areas; until the DEP is properly funded and staffed, adding proximity to pollution is not a viable option.

Considering the arguments made in favor of expanding the definition of an environmental justice area, I propose that the DEP considers creating multiple definitions of environmental justice areas for use by counties or regional offices. As noted in the introductory section, the concerns of counties and regions are varied and specific to their communities and cannot adequately be summed up in one definition for the entire state. As such, the regional offices of the DEP should review their county-specific listening sessions and develop a more tailored definition that will satisfy their constituents.

Using nine transcripts from listening sessions conducted by the Department of Environmental Protection, I conducted a thorough analysis to determine what Pennsylvanians in various counties found to be the most important topics regarding environmental justice. Though their specific environmental concerns and definitions of the phrase varied, I found that those who gave oral testimony were generally most concerned with protecting vulnerable populations through expansion of the current definition of an environmental justice area, as well as gaining insight as to their concerns regarding air pollution, fracking, and legacy pollution.

This testimony, along with the finding that the Delaware County Regional Planning Commission has its own more inclusive definition of an environmental justice area, and the evidence that each county has distinct obstacles, creates the framework of an argument for providing multiple definitions of the phrase. Attempting to find out how Pennsylvanians define environmental justice and environmental justice areas is essential to understanding communities and how the state government can be of assistance based on the needs expressed. Emphasizing the explicit requests of those who gave oral testimony shapes the practical argument for the DEP to utilize the listening sessions so that all people may feel represented and protected.

Though most of the information necessary to complete the research conducted was available on the DEP's website, the DEP did not video or audio record the listening sessions; only transcripts were posted. This made it difficult to determine inflection, tone, and body language by both spectators and speakers alike. However, this minor setback only minimally impacted the ability to determine attitudes and moods as those who came to the meeting and spoke were likely passionate about environmental justice

and had experiences, either negative or positive, with some aspect of the departments, agencies, or corporations.

This analysis is only the beginning of what could be a much larger study. To fully understand the scope and history of environmental justice, it is important to have a timeline that guides both the reader and the researcher, starting from the beginning. As far as I can tell from the DEP's website, the inception of environmental justice in Pennsylvania began with the commissioning of the Environmental Justice Work Group in 1999, which then created the framework for the first enhanced public participation policy in 2004. The policy was subjected to public comments, which are currently unavailable on the DEP's website. After comments were submitted, the policy remained enforced but unedited for thirteen years before the Department decided to reexamine it, which led to listening sessions, a draft policy written in 2017, and again a round of public comments. The final draft will likely be completed in late summer of 2019. Using a twenty-year period with multiple primary sources readily available on the DEP's website will allow for a holistic and thorough analysis of the evolution of environmental justice in Pennsylvania.

To create a completely relevant and useful definition would require the input of all county residents, similar to voting in an election. Since 2012, and subsequently every midterm election until 2018, an average of 51.8 percent of all Pennsylvanian voters showed up at the polls to vote in any election (presidential, state, local).⁷⁵ To determine the most useful definition, a referendum could be added to the next ballot, limiting a

⁷⁵ "Voter Turnout in 2018 Elections", FairVote, https://www.fairvote.org/voter_turnout#voter_turnout_101.

county's definition of an environmental justice area to only the voters' perspective. However, the referendum would likely be drafted after reviewing listening sessions and public comments, allowing the DEP to shape the suggested change using the public's requests, suggestions, and current issues with the definition.

Creating multiple definitions could prove challenging as the needs of the community may change more frequently than the state's needs as a whole, but this will also allow for more community engagement with the DEP's regional offices. These contacts are designed to be a primary source of information for residents in each region, so theoretically the contacts will also be more in touch with the community's needs and changes. As communities grow and change, the definition of environmental justice areas should as well. To ensure that such needs are being met, the regional offices should plan an annual meeting to assess the current definition, take suggestions, and gain insight from residents to make any necessary changes to the standing definition. To ensure that minorities and impoverished communities will still have protection under the new definition, the current definition will be the minimum required and residents can decide what other groups they would like to see represented and protected.

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