

New York City’s Environmental Justice for All Report Scope of Work

**Environmental Justice Interagency Working Group
December 2021**

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<i>Comment noted, thank you. We will look at meaningful involvement and participation in environmental decision-making by New Yorkers living in EJ Areas, including NYCHA residents. NYCHA is continuously improving its relationship as an agency with the residents and resident governments. On September 8th, 2021, NYCHA signed an MOA with the Citywide Council of Presidents committing to greater coordination across all areas of planning, procurement, training and hiring opportunities.</i>	<i>71</i>

BACKGROUND

Environmental justice (EJ) refers to the principle that all people, regardless of race, disability status, age, or socioeconomic background, have a right to live, work, and play in communities that are safe, healthy, and free of harmful environmental conditions. To advance environmental justice, New York City (City or NYC) must provide for the [fair treatment and meaningful involvement of all New Yorkers in the development, implementation, and enforcement of environmental laws, regulations, policies, and activities](#).

The City has committed to environmental justice with nation-leading legislation¹ to investigate persistent environmental injustices and develop a plan to tackle these disparities. These laws also aim to advance equity and embed environmental justice into the fabric of the City's decision making.

New York City's Environmental Justice laws (Local Laws 60 & 64 of 2017)² center on three main products—a report, an online EJ portal, and a plan. The *Environmental Justice for All Report* (EJ Report) will provide a comprehensive view of the present state of environmental justice in the city, as outlined below, and inform the development and implementation of the remainder of the EJ program. The data and analysis from the EJ Report will be used to create a public, web-based portal and mapping tool where New Yorkers can see what environmental justice looks like in their community. This work culminates with the creation of the City's comprehensive Environmental Justice Plan. The plan will identify potential citywide and local initiatives for promoting environmental justice and outline a set of discrete recommendations for better embedding equity and environmental justice into the City's decision-making processes. The City's Environmental Justice Advisory Board (EJAB) (see page 5 below) will conduct public hearings to inform and engage city residents in each phase of the EJ program.

These products will be developed and implemented by three distinct teams: the Mayor's Office of Climate & Sustainability (MOC&S), the Environmental Justice Interagency Working Group (EJ IWG or IWG) comprised of staff from 19 City Agencies, and the EJAB made up of nationally recognized EJ advocates and local subject matter experts appointed jointly by Mayor de Blasio and Speaker of the City Council Corey Johnson. See below for a list of IWG and EJAB members.

The urgency to understand and address environmental and health disparities is compounded by the reality of our changing climate. The impacts of climate change are already felt within the city's five boroughs, and future climate impacts from extreme heat to harsh winter storms can worsen existing environmental and health vulnerabilities and impact New Yorkers' resilience to adapt and respond to climate emergencies.

¹ Local Law 60 of 2017 and Local Law 64 of 2017

² Local Laws 60 and 64 of 2017 are codified in Title 3 of the New York City Administrative Code Chapter 10 Sections 3-1001 through 3-1007.

A comprehensive report on environmental justice lays the foundation for a successful EJ Program that addresses systemic and persistent environmental inequality. The directive of this work is to address both the outcomes, environmental and health disparities in the city, and the inputs that created those disparities, structural racism, and inequality.

Below is a description of key objectives and tasks for the City's first comprehensive *Environmental Justice for All Report*.

Objective

Provide a comprehensive assessment of the present state of environmental justice in the city to lay the foundation for a successful EJ Plan.

Participating Agencies

Local Law 64 of 2017³ established an EJ Interagency Working Group responsible for delivering on the requirements of the City's Environmental Justice Laws. Members of the EJ IWG were selected based on their expertise in environmental policy and data analysis and their agencies' contribution to the environment and health of New Yorkers. The following agencies are participating members of the EJ IWG and have contributed to the development of this document:

- Mayor's Office of Climate and Sustainability (MOC&S)
- Department of Buildings (DOB)
- Department of City Planning (DCP)
- Department of Citywide Administrative Services (DCAS)
- Department of Environmental Protection (DEP)
- Department of Health and Mental Hygiene (DOHMH)
- Department of Housing Preservation & Development (HPD)
- Department of Parks & Recreation (Parks)
- Department of Sanitation (DSNY)
- Department of Transportation (DOT)
- Economic Development Corporation (EDC)
- Mayor's Office of Climate Resiliency (MOCR)
- Mayor's Office of Environmental Coordination (OEC)
- Mayor's Office of Environmental Remediation (OER)
- Mayor's Office of Operations (Ops)
- New York City Commission on Human Rights (CCHR)
- New York City Housing Authority (NYCHA)
- Office of Administrative Trials and Hearings (OATH)

Other agencies who are not members of the EJ IWG, but have been consulted with and may contribute data and information in accordance with the tasks below include:

- Department of Education (DOE)

³ Local Law 64 § 3-1002.

- Mayor’s Office of Economic Opportunity (NYC Opportunity)
- New York City Law Department (Law)
- New York City Office of Emergency Management (NYCEM)

External Stakeholders

Local Law 64 established an Environmental Justice Advisory Board comprised of external Environmental Justice leaders—advocates, academics, and public health experts—to advise the City as they implement these laws and to bring this work to New Yorkers through public hearings and other forms of engagement. The EJ Board’s charge is to ensure the work is grounded in the lived experiences of New Yorkers living in the city’s EJ communities.

Environmental Justice Advisory Board

- Chair: Peggy Shepard, Co-Founder & Executive Director, WE ACT for Environmental Justice
- Rebecca Bratspies, Professor of Law, CUNY School of Law
- Shoshanah Brown, Founder and CEO, AIRnyc
- Marco Carrión, Executive Director, El Puente
- Dr. Luz Claudio, Professor of Environmental Medicine & Public Health, Icahn School of Medicine, Mt. Sinai
- Costa Constantinides, CEO, Variety Boys & Girls Club of Queens
- Omar Freilla, Co-Founder, Collective Diaspora
- Diana Hernandez, PhD, Assistant Professor of Sociomedical Sciences, Columbia University’s Mailman School of Public Health
- Anhthu Hoang, New York City Resident
- Albert Huang, Senior Policy & Legal Analyst, Coming Clean
- Tina Johnson, NYCHA Resident and Community Activist
- Morgan Monaco, Executive Director, Red Hook Initiative
- Beryl Thurman, Founder and Executive Director, North Shore Waterfront Conservancy of Staten Island

Prior to the development of the scope, the City, in partnership with the NYC Environmental Justice Advisory Board, held multiple public comment periods to hear from New Yorkers and ensure the scope, report, and plan address the real-life issues EJ communities are facing. The comment period was open to all New Yorkers, though effort was made to prioritize outreach in the low-income communities and communities of color that have borne the brunt of environmental degradation, the climate crisis, and America’s fossil fuel economy.

Following the release of this document the public will have additional opportunities for input during the development of the EJ Report. New Yorkers will also have opportunities to propose solutions to issues covered in the report as part of the development of the EJ Plan. Finally, the City will hold a public comment period on a draft EJ Plan to solicit feedback before the document is final.

KEY COMPONENTS

To establish a foundation for the EJ Plan to build from and to provide a comprehensive analysis of the state of environmental justice in the City, the IWG will complete the following tasks as part of the *Environmental Justice for All Report*:

TASK 1 - ANALYSIS OF ENVIRONMENTAL OUTCOMES AND CLIMATE VULNERABILITIES

Purpose

This section of the report will identify and describe Environmental Justice Areas (EJ Areas) in the city in accordance with Local Laws 60 and 64 of 2017. This section will also identify and describe specific environmental justice concerns and assess the extent to which these concerns are present in EJ Areas and elsewhere in the city. It will analyze existing environmental data and other environmental justice indicators to determine the distribution of environmental benefits and burdens across New York City and where practicable, identify, map, and discuss the neighborhoods where disparities and disproportionate vulnerabilities may exist.

Referenced Definitions

- Environmental Benefit⁴
 - Includes, but is not limited to, access to grants, subsidies, loans and other financial assistance relating to energy efficiency or environmental projects; access to open space, green infrastructure and, where relevant, access to waterfronts; and the implementation of environmental initiatives, including climate resilience measures.
- Environmental Burden
 - An environmental factor that has the potential to negatively impact New Yorkers' health, well-being, quality of life or enjoyment. Examples include point sources of air pollution, hazardous waste, housing with maintenance deficiencies, lack of public open space, or other negative environmental consequences.
- Environmental Justice⁵
 - The fair treatment and meaningful involvement of all persons, regardless of race, color, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations, policies and activities and with respect to the distribution of environmental benefits. Fair treatment means that no group of people, including a racial, ethnic or socioeconomic group, should (i) bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state or local programs and policies or (ii) receive an inequitably low share of environmental benefits.
- Environmental Justice Area⁶

⁴ Local Law 64 § 3-1001.

⁵ Ibid.

⁶ Ibid.

- A low-income community located in the city or a minority community located in the city.
- Fair Treatment⁷
 - Fair treatment means that no group of people, including a racial, ethnic or socioeconomic group, should (i) bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state or local programs and policies or (ii) receive an inequitably low share of environmental benefits.
- Low-Income Community⁸
 - A census block group, or contiguous area with multiple census block groups, having a low-income population equal to or greater than 23.59 percent of the total population of such block group or groups, or such other percentage as may be determined by the New York State Department of Environmental Conservation in the course of setting parameters for the location of potential environmental justice areas within the state of New York and made publicly available on the website of such department.
- Low-Income Population⁹
 - A population having an annual income that is less than the poverty threshold established by the United States Census Bureau.
- Minority Community¹⁰
 - A census block group, or contiguous area with multiple census block groups, having a minority population equal to or greater than 51.1 percent of the total population of such block group or groups, or such other percentage as may be determined by the New York state Department of Environmental Conservation in the course of setting parameters for the location of Potential Environmental Justice areas within the state of New York and made publicly available on the website of such department.
- Minority Population¹¹
 - A population that is identified or recognized by the United States Census Bureau as Hispanic, African-American or Black, Asian and Pacific Islander or American Indian.
- Public Open Space¹²
 - Open Space are areas of the City that are accessible to the public on a constant and regular basis for active and passive recreation. Open Space may be under public (i.e., government) or private jurisdiction.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² This definition is derived from City Environmental Quality Review (CEQR) Technical Manual, Chapter Seven, Open Space: https://www1.nyc.gov/assets/oec/technical-manual/07_Open_Space_2020.pdf

- Parks¹³
 - Parks are areas, typically formally demarked, operated, or managed by City, State, or federal governments, with a specified purpose for public active and passive recreation. Parks may include community, neighborhood and regional parks, beaches, pools, golf courses, boardwalks, playgrounds, ballfields, natural areas, and recreational facilities that are available to the public at no cost (or through a nominal fee, such as DPR recreation centers and golf courses).
- Renewable Energy Systems
 - Systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.¹⁴
- Wastewater Resource Recovery Facility
 - Wastewater resource recovery facilities (WRRFs) were formerly called wastewater treatment plants. NYC DEP is transforming from an agency that conveys and treats wastewater to being a leader in resource recovery and an essential partner in the circular economy delivering maximum environmental benefits. Therefore, DEP rebranded wastewater treatment infrastructure as resource recovery infrastructure and developed metrics to drive decision making towards the highest valued resource recovery opportunities to ensure sustainability and optimal cost-effective operation.

Overview of Task 1

- Task 1.1 - Delineate the locations and boundaries of the City's Environmental Justice Areas in accordance with Local Law 64 of 2017
- Task 1.2 - Describe environmental justice concerns that may affect Environmental Justice Areas
- Task 1.3 - Analyze data related to environmental justice concerns to assess the distribution of environmental benefits and burdens, and identify areas which may be experiencing multiple, compounding EJ concerns.
- Task 1.4 - Identify locations and attributes of infrastructure which may implicate environmental justice concerns
- Task 1.5 Identify concentrations of violations and complaints of City environmental regulations which may reflect environmental justice concerns
- Task 1.6 - Describe and analyze climate change impacts that may affect Environmental Justice Areas and exacerbate environmental justice concerns

¹³ This definition is derived from the City Environmental Quality Review (CEQR) Technical Manual, Chapter Seven, Open Space: https://www1.nyc.gov/assets/oec/technical-manual/07_Open_Space_2020.pdf

¹⁴ New York State Climate Leadership and Community Protection Act: <https://legislation.nysenate.gov/pdf/bills/2019/S6599>

Detailed Scope of Task 1

Task 1.1 - Delineate the locations and boundaries of the City's Environmental Justice Areas in accordance with Local Law 64 of 2017

In accordance with Local Law 64 of 2017, an Environmental Justice Area (EJ Area) is a low-income community located in the city or a minority community located in the city. The thresholds for determining low-income and minority communities were set in local law and based on US Census data. For more detailed information about criteria for EJ Areas, see the "Referenced Definitions" section above.

This task will utilize [2015-2019 American Community Survey data](#) from the United States Census Bureau and build on the preliminary [Environmental Justice Areas Map](#) that was created and published by the EJ IWG in February 2021. This includes, where possible, labeling "Potential EJ Areas" within the map. These are areas where the difference between the census data and the EJ Area thresholds are not statistically significant, therefore it cannot be determined if the areas meet the low-income or minority thresholds to be considered an EJ Area.

Task 1.2 - Describe environmental justice concerns that may affect Environmental Justice Areas

The environmental justice concerns proposed in this document were defined with input from the EJ Advisory Board and the public via multiple public comment periods in 2021. Based on this input, the EJ IWG took a broad approach to delineating environmental justice concerns covered in this report. Overall, top priorities for inclusion in this scope include issues that have documented direct and indirect linkages to environmental and health outcomes; documented disparate health or environmental outcomes based on race or income; or documented unequal protection or regulation enforcement under existing laws.

Also considered and included below are a broader set of issues that relate to quality of life and the principle that all people, regardless of race, disability status or socioeconomic background, have a right to live, work, and play in communities that are safe, healthy, and free of harmful environmental conditions. This included a review of issues with less empirical or documented evidence, but that are key NYC community-specific exposure or regulation enforcement concerns, as well as issues for which the City government has minimal or no ability to influence outcomes or existing impacts.

The EJ IWG weighted issues based on relevance (i.e., how direct is the link to environmental and health outcomes?) and impact (i.e., to what degree would a focus on the issue have a strong, additive impact to existing research, analysis and literature). The three tiers of relevance and impact are summarized below in Table 1 to provide transparency on the EJ IWG's decision-making processes.

Table 1: Evaluation criteria for inclusion of issues as “EJ concerns”

Answers the question: How relevant do we think this topic is to "environmental justice"?		
Level	Description	Recommendation
Relevance 1	- Conditions or decisions with a DIRECT, documented link to environmental and health outcomes, including disparities based on race or income, and/or; - Conditions or decisions contributing to, or revealing, unequal protection or regulatory enforcement	In scope
Relevance 2	- Conditions or decisions with an INDIRECT, documented link to environmental and health outcomes, including disparities based on race or income, and/or; - Conditions or decisions with anecdotal links to unequal protection or regulatory enforcement	Consider including
Relevance 3	- Conditions or decisions with a POSSIBLE, BUT UNDOCUMENTED link to environmental and health outcomes, including disparities based on race or income	Consider removing
Answers the question: To what degree would a focus on this topic have a strong, additive impact?		
Level	Description	Recommendation
Impact 1	- Topic with limited public debate and study over the past 3-5 years, and/or; - Topic in which NYC government has DIRECT ability to influence outcomes	Major focus
Impact 2	- Topic with limited public debate and study over the past 1-3 years, and/or; - Topic in which NYC government has INDIRECT ability to influence outcomes	Minor focus
Impact 3	- Topic with substantial public debate and study over the past 1-3 years, and/or; - Topic in which NYC government has MINIMAL ability to influence outcomes	Minimal focus

The order of the concerns listed below is not based on any ranking of issues. The EJ Report will evaluate every concern listed below with the same rigor.

For purposes of the *Environmental Justice for All Report*, “environmental justice concerns” to be analyzed include:

- Drinking water quality
- Proximity to impaired water bodies, streams, and park lakes, including consideration to:
 - Illegal sewer connections and other illicit discharges;

- State Pollutant Discharge Elimination System (SPDES) permitted facilities, including combined sewer overflow (CSO) and municipal separate storm sewer system (MS4) outfalls and other SPDES regulated industrial facilities;
- Fertilizer and other types of runoff;
- Or other impairments (e.g., trash)
- Sewer infrastructure quality and management, including but not limited to, street flooding and drainage issues, smells, and backups
- Potential exposure to hazardous materials, including:
 - Lead (Pb) exposure, including but not limited to exposure in private housing, public housing, workplaces, and public places such as schools, community gardens and parks
 - Storage, use, and handling of hazardous substances subject to regulation under the City's Community Right-to-Know Law (Local Law 26 of 1988)
 - Proximity to and level of concentration of:
 - National Priority List sites (Superfund)
 - Toxic Release Inventory sites
 - New York State Remedial sites (Brownfield Cleanup Program sites, Significant threat sites, Environmental Restoration Program sites)
 - Resource Conservation and Recovery Act (RCRA) generator sites
 - Petroleum spills
 - NYC Mayor's Office of Environmental Remediation Voluntary Cleanup Program sites
 - Construction and/or demolition sites out of compliance with City, state, and federal environmental or safety regulations
 - Bulk storage of chemicals and petroleum
 - Any relevant facilities not covered above that are categorized by the City's Building Code as Occupancy Group H, High-Hazard¹⁵
- Solid waste management, including but not limited to illegal dumping, access to recycling and diversion programs such as Curbside Composting and Food Scrap Drop Off locations, sidewalk ratings, and litter basket maintenance
- Proximity to and quality of non-park green resources, including tree canopy and natural areas
- Park, waterfront, and other public open space access
- Park and street tree maintenance and quality
- Housing quality, including indoor air quality, exposure to indoor environmental pollutants such as mold, pests, asbestos, and fine particulates, general maintenance conditions, and energy inefficiency
- Outdoor air quality, including proximity to major mobile or stationary sources of air pollutants regulated under the federal Clean Air Act

¹⁵ New York City Administrative Code Title 28, Chapter 7 Section BC 307

- Noise, including but not limited to residential noise, and noise due to construction and proximity to heavy infrastructure
- Land use issues or other infrastructure placement decisions which may contribute to new or existing EJ concerns, including but not limited to environmental justice considerations in environmental review processes
- Traffic, including traffic volumes, congestion and proximity to major arterials, and traffic safety
- Access to fresh food and nutrition, and prominence of licensed vendors offering less healthy food, alcohol, and tobacco
- Utility affordability, including energy cost burden
- Transit and alternative transportation access, and walkability

Task 1.3 - Analyze data related to environmental justice concerns to assess the distribution of environmental benefits and burdens, and identify areas which may be experiencing multiple, compounding EJ concerns

Data included in these analyses are those the EJ IWG, with input from the EJ Advisory Board, determines to be the best indicators to understand and measure the environmental justice concerns outlined in Task 1.2. Data will be obtained from City agencies as needed (see: *Participating Agencies*, page 4) and official sources including, but not limited to:

- [American Community Survey on Selected Housing Characteristics](#)
- [New York City Department of City Planning \(DCP\) PLUTO](#)
- [DOHMH Environment and Health Data Portal](#)
- [DOHMH Community Health Profiles](#)

Additional insights could be obtained from state and federal environmental data such as the [EPA's EJ Screen tool](#). It should be noted that the aforementioned datasets collect information at varying geographic scales (e.g., some may disaggregate data by Census Tract while others may use Community District or Zip Code). Indicators will be analyzed to the extent practicable based on the limitations of the data. Gaps in existing data or research that prohibit a sufficient understanding of any EJ concern(s) will be noted in the EJ Report. To the extent practicable, data will be disaggregated by race/ethnicity, income, EJ Area, Neighborhood Tabulation Area, Community District, and other indicators which may allow for greater understanding of environmental justice concerns in New York City.

In addition to analyzing EJ concerns, the report will make effort to assess the distribution of environmental and health benefits of community assets including but not limited to the distribution of parks, bike lanes, bus lanes, fresh food markets, environmental initiatives, and water and resource recovery benefits of City infrastructure.

For each environmental justice concern, the IWG will:

- Identify locations within the city experiencing such concern, where spatially explicit data is available.

- Conduct quantitative and qualitative analyses to evaluate both the physical presence of the EJ concern, and to the extent practicable, severity of the concern, overlaid with social and economic vulnerability.
- Analyze the distribution of environmental benefits and/or burdens associated with the concern to identify potential fair treatment concerns.
- Differentiate areas by level of priority of risk mitigation / risk management required with regards to the specific concern, to the extent practicable.
- Propose data collection, research, or analysis that may be undertaken by a City agency to identify locations within the city experiencing the environmental justice concern or better understand such concern, should sufficient data not exist.

Note: The charge of the Environmental Justice for All Report is to assess the distribution of environmental benefits and burdens. Some community members and advocates have expressed concerns that the provision of environmental benefits, which aim to improve the physical environment and quality of life for New Yorkers, may contribute to displacement and neighborhood change. The EJ report will examine the inclusivity and equity of decision-making processes that inform the provision of these environmental benefits (see Tasks 2 & 3) as well as the environmental impact of infrastructure placement decisions, but it will not assess the degree to which environmental benefits contribute to displacement. Understanding, measuring, and preventing displacement (whether associated with environmental benefits or not) requires broad policies on housing affordability, workforce development, and more equitable incomes, important issues that extend beyond environmental justice and the scope of the EJ Report.

We recognize that discussions of displacement prevention, housing stability, and neighborhood demographic change are an important supplement to this work. Separate efforts across City government exist specifically to analyze these issues, such as the City's [Where We Live NYC Plan](#), the City's 5-borough [Affordable Housing Plan](#), and the Equitable Development Data Tool and Racial Equity Reports required under Local Law 78 of 2021.¹⁶ So, while this report will not explicitly study issues such as displacement, analysis from the EJ Report can contribute to the understanding of the connection between investments made in EJ Areas and sectors such as housing and economic justice by providing critical data that may be used for ongoing efforts like those described above.

Task 1.4 - Identify locations and attributes of infrastructure which may implicate environmental justice concerns

For purposes of the *Environmental Justice for All Report*, types of infrastructure to be analyzed include discretionary core infrastructure, both public and private, that is owned, maintained, operated, permitted, used, or contracted by the City, and additional infrastructure not managed by the City that does not fit the above criteria but is determined by the EJ IWG to otherwise implicate environmental justice concerns.

¹⁶ Local Law 78 of 2021: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3963886&GUID=D2C9A25B-0036-416E-87CD-C3AED208AE1B>

The attributes to be analyzed include location, geographic concentration, proximity to EJ Areas, and, to the extent practicable, regulatory compliance history, and risk the infrastructure (or lack thereof) may pose to the surrounding physical environment and health of neighboring communities. Data to conduct this analysis will come from a variety of sources, including but not limited to:

- [NYC Facilities Explorer](#) maintained by the NYC Department of City Planning
- [EJSCREEN](#) maintained by the US Environmental Protection Agency
- [DECinfo Locator](#) maintained by NYS Department of Environmental Conservation.

Based on the criteria above, the EJ IWG has identified the infrastructure to be covered in the EJ Report as follows:

- Solid Waste
 - Solid waste processing, including landfills and infrastructure to process municipal solid waste (MSW), commercial waste, construction and demolition (C&D) waste, recycling, and organic waste
 - Solid waste transfer facilities, recycling and material recovery facilities, and carting facilities
- Wastewater and Pollution Control
 - Wastewater resource recovery facilities (formerly known as Wastewater Treatment Plants) and outfall locations
 - Other wastewater infrastructure such as pumping stations
 - Combined sewage overflow (CSO) outfall locations
 - Green infrastructure including, but not limited to rain gardens, green roofs, permeable pavement, and other infrastructure to mitigate stormwater flooding
- Transportation
 - Depots, garages, and maintenance facilities for heavy-duty vehicles
 - Bus terminals
 - Bus lanes and busways
 - Bus shelters and City benches
 - Local and express bus routes
 - Subway stations, including accessible subway stations
 - Ports and ferry landings and terminals
 - Airports, terminals, and heliports
 - Rail yards, railways, and rail maintenance facilities
 - Highways
 - Cruise terminals
 - Parking lots
 - Car share parking locations and electric vehicle charging stations
 - Bike lanes, bike shelters, bike sleds/corrals, and Citi Bike Stations
- Material Supplies and Wholesale Markets

- Asphalt plants, concrete/cement plants, and other materials processing facilities
- Wholesale food and commercial markets and distribution hubs
- Warehousing, distribution, and other logistics centers
- Energy and Electricity
 - Power plants
 - Substations, distribution, and transmission
 - Citygate stations
 - High-pressure regulators stations over 300psi
 - Any boilers burning fuel oil #4 or #6 with or without waivers from City agencies
 - Renewable energy systems, including solar PV, wind, microgrids, and energy storage
 - Generators required to be registered with DEP
- Bulk Storage of Chemicals and Petroleum
 - Fuel terminal facilities
 - Fuel tank barges
 - Commercial and industrial oil/fuel storage facilities
 - Hazardous waste treatment, storage, and disposal facilities
 - Major oil storage facilities
 - Reporting facilities that store hazardous substances under the City's Right-to-Know Law
 - Facilities that release toxic substances as recorded in EPA's Toxic Release Inventory
 - Other Regulated bulk storage facilities relevant to measuring EJ concerns
- Parks, Gardens, and Public Open Space
 - Parks
 - Recreation and waterfront sites
 - Public open space not covered elsewhere in this section including, streetscapes, plazas, malls, and privately owned public space, and other open space as defined under the City Environmental Quality Review (CEQR) Technical Manual¹⁷
 - Community gardens
 - Natural areas, including forests, preserves, conservation areas, freshwater wetlands, tidal wetlands, and vernal pools
- Fresh Food, Nutrition, and relevant Licensed Vendors
 - Fresh Food Markets
 - Tobacco and e-Cigarette Vendors
 - Liquor Vendors
- Residential buildings with a history of non-compliance with environmental laws and regulations or other documented contribution to environmental justice concerns
- Other:

¹⁷ City Environmental Quality Review (CEQR) Technical Manual, Chapter Seven, Open Space: https://www1.nyc.gov/assets/oec/technical-manual/07_Open_Space_2020.pdf

- Any facilities not covered above that are categorized by the City’s Building Code as Occupancy Groups F and H¹⁸, and that the EJ IWG determine may contribute to EJ Concerns.
- Container terminals
- Any facilities not covered above that are subject to a Title V Air Permit
- Residential, commercial, and industrial illicit connections to the sewer system

Task 1.5 - Identify concentrations of violations and complaints of City environmental regulations which may reflect environmental justice concerns

This analysis will look for concentrations of complaints and violations of City environmental regulations which may reflect environmental justice concerns. Additionally, the report will analyze the issuance of summonses for relevant violations to measure the City’s enforcement of regulations related to environmental justice concerns. Data to be used in this analysis may include, but are not limited to, violations data available through NYC [Open Data](#), complaint data from the City’s [3-1-1](#) system, complaint data submitted through NYCHA resident portals, and summons’ data from the Office of Administrative Trials and Hearings.

The EJ IWG recognizes there may be limitations to this analysis as violations and complaints require that a site be properly inspected on a regular basis, or that people are sufficiently aware of issues and feel empowered to raise them through official channels, such as 3-1-1. To the extent practicable, data will be disaggregated by response rate, race/ethnicity, income, EJ Area, Neighborhood Tabulation Area, Community District, and other indicators which may allow for greater understanding of environmental justice concerns in New York City.

Complaints to be analyzed in the *Environmental Justice for All Report* include but are not limited to:

- Noise
- Air quality (both indoor and outdoor, where possible)
- Housing Maintenance, including boiler complaints
- Park maintenance complaints
- Streetlight complaints
- Sidewalk complaints
- Drinking water complaints
- Dry weather sewage discharge complaints
- Standing water and street flooding complaints
- Wastewater resource recovery facility complaints
- Water leak complaints
- Water access, pressure, or temperature complaints
- Waterway complaints

¹⁸ New York City Administrative Code Title 28, Chapter 7 Sections BC 302.1 (definitions), 306 (Factory and Industrial classifications), and 307 (High Hazard classifications)

- Sewage leak complaints
- Sewer backup complaints
- Catch basin complaints
- Chemical complaints
- Ventilation and exhaust system complaints
- Dust complaints
- Foul odor complaints
- Idling vehicle complaints
- Waste transfer station complaints
- Vehicle exhaust complaints
- Garbage and recycling complaints
- Asbestos complaints
- Mold complaints
- Rat or mouse complaints
- Lead paint complaints

Violations to be analyzed in the *Environmental Justice for All Report* include, but are not limited to:

- Air code violations, including but not limited to construction dust, boilers, and vehicle idling
- Asbestos violations
- Violations of lead safe work practices
- Disposal of sewage violations
- Cooling tower violations
- Illegal dumping violations
- Transfer station violations
- Housing maintenance code violations, including but not limited to mold, pest, and lead paint violations
- Damaged underground storage tanks
- Noise code violations
- Violations issued under the Department of Environmental Protection community Right-to-Know program¹⁹
- Sidewalk violations

Task 1.6 - Describe and analyze climate change impacts that may affect Environmental Justice Areas and exacerbate environmental justice concerns

The EJ Report will make effort to understand where current and future impacts of climate change may cumulatively impact communities experiencing EJ concerns. This includes a review of

¹⁹ Community Right to Know Law, Local Law 26 of 1988, <https://www1.nyc.gov/assets/dep/downloads/pdf/about/community-right-to-know/nyc-community-right-to-know-laws-and-regulations.pdf>

existing climate risk and vulnerability assessments, especially those with a focus on human health, safety, and social vulnerability. While the New York City Panel on Climate Change (NPCC) assessments serve as a foundation for the City, the EJ Report will, in addition to NPCC reports, review and synthesize completed assessments from a broad range of sources including City reports, academic literature, and community-based resiliency and adaptation plans.

For the purposes of the EJ Report, the review of existing assessments will consider studies, reports, and assessments that incorporate a focus on key factors, including but not limited to:

- Multiple physical, socio-economic, ecological, and health factors, such as those reflected in the [NYC Well-Being Index](#), [Heat Vulnerability Index \(HVI\)](#), and [Social Vulnerability Index](#)
- Current and future projected risk
- Individual and multiple climate hazards, such as:
 - Heat
 - Flooding from heavy rains
 - Coastal flooding
 - Droughts
 - Cold snaps

Based upon that review, and where spatially explicit data is available, the EJ Report will provide locations within the city experiencing climate impacts and vulnerabilities, including but not limited to those listed above. Further, the EJ Report will use that baseline understanding of climate risk and vulnerability to conduct a spatial analysis to identify areas of the city potentially experiencing cumulative and disproportionate impacts of both climate risk and vulnerability in addition to EJ concerns as outlined in Task 1.2 of this document. To the extent practicable, data will be disaggregated by race/ethnicity, income, EJ Area, Neighborhood Tabulation Area, Community District, and other indicators which may allow for greater understanding of cumulative impacts of climate and EJ concerns in the City of New York.

The EJ Report will also outline EJ-related climate knowledge gaps and research needs, including data collection and monitoring, modeling and analysis, and other empirical research to better depict or understand cumulative impacts of climate vulnerability and environmental justice concerns. The proposed gaps will also be highlighted and further explored in the City's State of Climate Knowledge reports. Possible coordination between the NPCC and EJ Advisory Board may serve as another opportunity to align priorities and fill identified gaps and research needs.

Note: In October 2021, the City Council passed Intro 1620, requiring the development of a Citywide Adaptation Plan. The NYC Mayor's Office of Climate Resiliency will fulfill the objectives of this legislation through the release of the Climate Adaptation Roadmap in 2022, which will consist of several components, including a citywide climate hazard analysis and a new framework for planning and sequencing NYC's next generation of climate adaptation investments. The Climate Adaptation Roadmap will also highlight the climate impacts and related strategies to mitigate risk to Environmental Justice Areas. Although the full Roadmap may not be complete in time for reference in the EJ Report, the Mayor's Office of Climate & Sustainability will remain coordinated with the Mayor's Office of Climate Resiliency on this effort throughout.

Task 1 Deliverable(s)

- Priority populations and/or areas for action to address environmental justice concerns, determined based on need, vulnerability, and/or disparity

TASK 2 – ANALYSIS OF THE CITY’S CONTRIBUTION TO ENVIRONMENTAL JUSTICE

Purpose

This section will focus on the extent to which City agencies contribute to environmental justice in NYC. The Environmental Justice Interagency Working Group will inventory agencies’ relevant programs, processes, activities, and policies to understand and describe the specific ways City government plays a role in contributing to environmental justice and environmental injustice. Additionally, the Mayor’s Office of Climate and Sustainability and EJ Advisory Board will partner on a citywide outreach initiative to bring perspectives of New Yorkers, particularly those in EJ Areas, into the analysis of all areas of Task 2. This outreach will include listening sessions, surveys, and other opportunities to weigh-in about how City programs, processes, activities, and policies contribute to environmental justice.

Referenced Definitions

- Fair Treatment²⁰
 - Fair treatment means that no group of people, including a racial, ethnic or socioeconomic group, should (i) bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state or local programs and policies or (ii) receive an inequitably low share of environmental benefits.
- Renewable Energy Systems
 - Systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.²¹

Overview of Task 2

- Task 2.1 - Provide a historic perspective of environmental justice in New York City
- Task 2.2 - Evaluate existing City programs and processes that advance environmental justice goals and may be used by the public to participate in City agency decision-making and those which may implicate environmental justice concerns
- Task 2.3 - Conduct an overview of environmental justice action by governments across the country
- Task 2.4 - Estimate investment in key programs and projects that can advance climate and environmental justice

²⁰ Ibid.

²¹ New York State Climate Leadership and Community Protection Act:
<https://legislation.nysenate.gov/pdf/bills/2019/S6599>

Detailed Scope of Task 2

Task 2.1 – Provide a historic perspective of environmental justice in New York City

The EJ Report will synthesize the historic role governments, including but not limited to New York City, have played in creating healthy environments in addition to contributing to environmental inequality, environmental racism, and disparities covered elsewhere in this report. Sources for this analysis will include a literature review of existing academic scholarship on this topic, policy and legal analysis on local, state, and federal levels, and anecdotal data from community sources.

Task 2.2 – Evaluate existing city programs and processes that advance environmental justice goals and may be used by the public to participate in City agency decision-making and those which may implicate environmental justice concerns

Agencies and other branches of the City whose programs and processes will be evaluated include members of the EJ Interagency Working Group. Other agencies whose duties and services confer environmental benefits or whose work has a heavy environmental impact may also be considered. See “*participating agencies*” on page four for more information.

The criteria to evaluate whether a program advances environmental justice goals are as follows:

- Program or process must be currently ongoing.
- Have a primary intent to:
 - Reduce negative environmental outcomes or;
 - Reduce poor health, particularly environmental health outcomes or;
 - Improve quality of life, including but not limited to the areas of mobility, accessibility, sanitation and waste, and housing conditions, or;
 - Support re-use, renewable energy systems, or green jobs or;
 - Confer environmental benefits, such as improving air quality, water quality, and environmental education or;
 - Bolster resiliency against climate hazards.
- Fall into one of the two categories:
 - Citywide programs that may lead to positive impacts on people living in EJ areas;
 - Targeted programs in specific communities based on vulnerability, need, and historic or systemic inequality.
- Allow for public participation in agency decision-making (program design, comment period, feedback, etc.)

The types of processes and activities to be evaluated are matters that directly or indirectly impact the environment, quality of life, or public health, including, but not limited to:

- Collaboration between agencies
- Decision-making processes of agencies, including but not limited to the incorporation of environmental justice considerations into existing analyses and/or decision-making
- Actions taken to evaluate the efficacy of programs covered under this task, and actions taken upon completion of an evaluation

Programs, policies, activities, and processes that implicate environmental justice concerns are those that:

- May exacerbate environmental or environmental health disparities due to inequitable investment, outreach, planning, etc.;
- May lead to negative environmental impacts, particularly on low-income communities and communities of color;
- Worsen quality of life, including but not limited to the areas of mobility, accessibility, sanitation and waste, and housing conditions;
- Do not allow for or otherwise impair meaningful involvement of community members in environmental decision-making that impacts their communities.

The methodology used to evaluate programs and processes will vary based on the data and key performance metrics (KPIs) tracked by the relevant agency. To the extent practicable, data will be disaggregated by agency, race/ethnicity, income, EJ Area, Neighborhood Tabulation Area, Community District, and other indicators which may allow for greater understanding of City contribution to environmental justice.

Programs and processes that fit the above criteria will be evaluated quantitatively and qualitatively, in part based on the following:

- Number of EJ concerns addressed;
- Funding or investment directed towards EJ Areas;
- Magnitude of impact of the program, such as neighborhoods or people affected;
- Magnitude of commitment to the program, including longevity, programmatic funding, and/or legal commitment to a process;
- Fair treatment of all New Yorkers
- Level of public involvement and engagement;
- Adequacy of monitoring and data collected and used by the agency to evaluate impact on equity and environmental justice.

Task 2.3 – Conduct an overview of environmental justice action by governments across the country

The Mayor’s Office of Climate and Sustainability (MOC&S) will meet with staff, leadership, and/or partners from programs related to environmental justice in other municipalities, states, and the Federal government to gain knowledge on best practices, considerations, and approaches to environmental justice. MOC&S will tap into leading climate networks to engage city and state peers, with potential network partnership on activities such as a listening tour or symposium focused on environmental justice programs and opportunities in state and local governments. Through this effort, the EJ Report will identify EJ programs and proposals across the country and evaluate whether they are relevant and/or applicable for consideration in NYC.

MOC&S will identify and aim to engage governments on the federal, state, and local levels undertaking or proposing efforts to:

- Understand and address systemic environmental injustice;

- Support equitable community investment in environmental benefits or climate solutions;
- Advance participatory decision-making or co-governance with disenfranchised communities in local environmental decision-making;
- Address environmental disparities in low-income communities and/or communities of color;
- Hire Environmental Justice Advisors in senior leadership positions in governmental agencies;
- Support and resource low-income communities, communities of color, and/or frontline communities in developing and implementing community-developed climate action plans.

Task 2.4 - Estimate investment in key programs and projects that can advance climate and environmental justice

New York City has been a global leader in the fight against climate change for decades. From PlaNYC to OneNYC2050, the City has been on the cutting edge of climate policy, with commitments to 100% clean energy, deep decarbonization of the buildings sector, and divestment from fossil fuels. Task 2.4 will attempt to measure the extent to which key climate investments have made impacts in the city's Environmental Justice Areas.

The EJ Report will include an estimate of investments per capita in the following City programs and projects. For purposes of the EJ Report, investment refers to funding both the deployment and maintenance of the programs and projects listed in this section.

To the extent practicable, the report will quantify both federal and state investments in these areas, including City programs funded with state and federal funds in addition to those locally funded. To the extent practicable, data will be disaggregated by race/ethnicity, income, EJ Area, Neighborhood Tabulation Area, Community District, and other indicators which may allow for greater understanding of investments and incentives in New York City.

The *Environmental Justice for All Report* will assess investments and incentives supporting:

- Renewable energy systems
- Parks and publicly owned public space, including street trees
- Clean drinking water standards (including the Safe Drinking water Act), and delivering drinking water
- Meeting standards and improving water quality for waters in and around New York City
- Climate change adaptation and mitigation, including but not limited to investments in existing infrastructure to improve sustainability and climate change resilience, green construction, stormwater controls, emissions reductions, energy efficiency, or climate resiliency

Task 2 Deliverable(s)

- A list of programs, by agency, that are helping to advance environmental justice, and a description of how those programs were designed and executed.

- A list of programs, by agency, that implicate environmental justice concerns and a description of which areas of the program are contributing to that concern.
- An overview of environmental justice approaches and initiatives in leading cities and states across the country that are applicable for consideration in NYC.

TASK 3 – REVIEW INCLUSIVITY AND ENGAGEMENT WITH RESPECT TO ENVIRONMENTAL DECISION-MAKING

Purpose

In this section, the report will assess engagement between City agencies and offices with the New Yorkers they serve, with a focus on engagement with historically underserved population groups in EJ Areas with respect to environmental decision-making. The assessment will cover formal, legally mandated engagement around environmental decision-making and land use, in addition to engagement and outreach activities with New Yorkers living in EJ Areas that are conducted as a manner or practice or protocol by City agencies and other arms of the City. This section will seek to understand how the City involves New Yorkers in environmental decision-making, particularly in respect to the distribution of environmental benefits and decisions, which may implicate environmental justice concerns (see task 1.2). Finally, this section will seek to understand historic barriers to engagement and identify opportunities and best practices for improving engagement processes to better incorporate equity and environmental justice principles. To supplement the assessment by the EJ Interagency Working group, the Mayor's Office of Climate and Sustainability and EJ Advisory Board will partner on a citywide outreach initiative to bring perspectives of New Yorkers, particularly those in EJ Areas, into the completion of Task 3. This outreach will include listening sessions, surveys, and other opportunities to weigh-in about engagement in environmental decision-making.

Referenced Definitions

- Environmental Justice²²
 - The fair treatment and meaningful involvement of all persons, regardless of race, color, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations, policies and activities and with respect to the distribution of environmental benefits.
- Meaningful Involvement
 - In the context of the [National Environmental Policy Act \(NEPA\)](#)—the Federal counterpart to the [New York State Environmental Quality Review Act \(SEQRA\)](#) and the [New York City Environmental Quality Review \(CEQR\)](#)—the U.S. Department of Energy identified the following as characteristics of meaningful engagement:
 - Opportunity to participate in agency decision-making
 - Ability to influence agency decision-making
 - Concerns of community members are taken seriously
 - Public is educated about potential impacts of agency decisions
 - Early engagement with affected communities
 - Consistent engagement with affected communities throughout the planning process
 - Language accessibility
 - Varied meeting styles

²² Local Law 64 § 3-1001.

- Accessible facilities
- Both electronic and non-electronic communication
- Consider forming committees composed of members of affected communities
- Environmental decision-making
 - Environmental decision-making refers to decisions related to the development, implementation and enforcement of environmental laws, regulations, policies, and activities and with respect to the distribution of environmental benefits or burdens. This includes, but is not limited to, formal processes such as [CEQR](#), [SEQRA](#), and the Uniform Land Use Review Procedure ([ULURP](#)).
- Environmental Justice Stakeholders
 - Environmental Justice Stakeholders refers to citywide or community-based non-profit organizations whose mission is to advance environmental and climate justice and/or community-based organizations who serve residents living in EJ Areas.

Overview of Task 3

- Task 3.1 – Assess the City’s formal public engagement including engagement regarding siting facilities and infrastructure and other environmental decision-making processes
- Task 3.2 – Assess the City’s public engagement regarding environmental decision-making that is not legally required
- Task 3.3 – Assess citywide processes for developing public comments on matters related to the climate and/or environment
- Task 3.4 – Evaluate City environmental decision-making processes for meaningful involvement of impacted New Yorkers
- Task 3.5 – Identify barriers to meaningful involvement in environmental decision-making
- Task 3.6 – Examine principles and values from the environmental justice movement

Detailed Scope of Task 3

Task 3.1 – Assess the City’s formal public engagement including engagement regarding siting facilities and infrastructure and other environmental decision-making processes.

The EJ Report will identify and describe existing City programs and processes that require public engagement with and participation in environmental decision-making by City agencies. This task includes an overview of legally mandated processes related to the siting of facilities and infrastructure, such as CEQR and ULURP. The report will also identify situations in which environmental decision-making processes or formal public engagement are not legally mandated regarding the siting of facilities and infrastructure, such as when private facilities or businesses can be established as-of-right under zoning, or when changes occur through City or State legislation. The types of facilities and infrastructure covered in this analysis shall be those defined in Task 1.4 of this document.

Task 3.2 – Assess the City’s public engagement regarding environmental decision-making that is not legally required

The EJ Report will identify and describe existing City programs and processes that include public engagement with and participation in environmental decision-making conducted as a manner or practice or protocol by City agencies and other arms of the City. This task includes an overview of engagement not legally mandated, such as voluntary stakeholder groups or advisory committees. Environmental laws, regulations, policies, and activities to be covered in the EJ Report are those that relate to environmental justice concerns outlined in Task 1.2 of this document.

Task 3.3 – Assess citywide processes for developing public comments on matters related to the climate and/or environment

In the normal course of government operations, the City of New York regularly comments on proposed rulemaking, policies, or other initiatives put forth by the State or Federal government pursuant to administrative procedures allowing for public comment. The EJ Report will assess the processes undertaken to develop citywide comments with the intent of:

- Examining how EJ concerns and EJ Areas are considered when developing formal positions or comments
- Understanding how citywide comments represent not only the interests of the City as an institution but also the interests of New Yorkers who are most affected by the proposed rule, policy, or initiative

Task 3.4 – Evaluate City environmental decision-making processes for meaningful involvement of impacted New Yorkers

To the extent practicable, the EJ Report will examine the extent to which public engagement in the programs and processes identified in Tasks 3.1 and 3.2 above support the federal policy of meaningful involvement of all New Yorkers in environmental decision-making, particularly low-income communities and communities of color in EJ Areas. This qualitative analysis will include:

- A legal overview of the term meaningful involvement according to the law, policy, or guidance from federal government agencies.
- A description of existing community power and influence, both within and outside EJ Areas, in local environmental decision-making, including via processes like Uniform Land Use Review Procedure or participatory budgeting.
- Evaluation of the meaningful involvement of people living in EJ Areas as well as involvement of environmental justice stakeholders in environmental decision-making.
- Perspectives of New Yorkers, particularly in EJ Areas, on the City’s environmental decision-making processes.

Task 3.5 – Identify barriers to meaningful involvement in environmental decision-making

The EJ Report will identify and describe barriers to meaningful participation in environmental decision-making affecting low-income communities and communities of color in Environmental Justice Areas and environmental justice stakeholders. This task includes a qualitative review of how City agencies and programs have knowingly or unknowingly contributed to these barriers.

This area of the EJ Report will be informed by discussion with the EJ Advisory Board and New Yorkers in EJ Areas. Additionally, this task will provide:

- At least one case study of a local environmental planning or decision-making process which demonstrates barriers or contribution to barriers to meaningful involvement, whether known or unknown to the city agency or entity at the time of engagement.
- At least one case study of local environmental planning or decision-making process which demonstrates how a city agency or entity can effectively address common barriers to meaningful involvement.

Task 3.6 – Examine principles and values from the environmental justice movement

The EJ Report will examine principles and values from the environmental justice movement and related social and racial justice movements in order to explore ways the City of New York could incorporate those values and principles into their understanding and practice of meaningful involvement in environmental decision-making. The task will involve extensive collaboration with the NYC EJ Advisory Board and engagement in EJ Areas. This area of the report will culminate with a proposal of City principles or values on meaningful involvement in environmental decision-making, informed by movement principles, the EJ Advisory Board, and New Yorkers in EJ Areas. Examples of existing principles and values to be examined include, but are not limited to:

- [17 Principles of Environmental Justice](#)
- [Jemez Principles of Democratic Organizing](#)
- [BlackSpace Manifesto](#)
- [The Spectrum of Community Engagement to Ownership](#)

Task 3 Deliverable(s)

- Outline possible changes to existing processes and policies to incorporate EJ principles and facilitate better participation by populations in EJ Areas
- City principles or values on meaningful involvement in environmental decision-making to guide City agencies involved in environmental decision-making
- Toolkit of meaningful participation for city agencies to use for environmental decision-making processes

APPENDIX A

Glossary

Definitions as it relates to the Environmental Justice for All Report

- Communities of color
 - A minority community (see below)
- Environmental Benefit (Task 1)²³
 - Include, but not be limited to, access to grants, subsidies, loans and other financial assistance relating to energy efficiency or environmental projects; access to open space, green infrastructure and, where relevant, access to waterfronts; and the implementation of environmental initiatives, including climate resilience measures.
- Environmental Burden (Task 1)
 - An environmental factor that has the potential to negatively impact New Yorkers' health, well-being, quality of life or enjoyment. Examples include point sources of air pollution, hazardous waste, housing with maintenance deficiencies, lack of public open space, or other negative environmental consequences.
- Environmental Decision-Making (Task 3)
 - Environmental decision-making refers to decisions related to the development, implementation and enforcement of environmental laws, regulations, policies, and activities and with respect to the distribution of environmental benefits or burdens. This includes, but is not limited to, formal processes such as [CEQR](#), [SEQRA](#), and the Uniform Land Use Review Procedure ([ULURP](#)).
- Environmental Justice²⁴
 - The fair treatment and meaningful involvement of all persons, regardless of race, color, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations, policies and activities and with respect to the distribution of environmental benefits. Fair treatment means that no group of people, including a racial, ethnic or socioeconomic group, should (i) bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state or local programs and policies or (ii) receive an inequitably low share of environmental benefits.
- Environmental Justice Area (Task 1)²⁵
 - A low-income community located in the city or a minority community located in the city.
- Fair Treatment (Task 2)¹⁶
 - Fair treatment means that no group of people, including a racial, ethnic or socioeconomic group, should (i) bear a disproportionate share of the negative

²³ Local Law 64 § 3-1001.

²⁴ Ibid.

²⁵ Ibid.

environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state or local programs and policies or (ii) receive an inequitably low share of environmental benefits.

- Low-Income Community (Task 1)²⁶
 - A census block group, or contiguous area with multiple census block groups, having a low-income population equal to or greater than 23.59 percent of the total population of such block group or groups, or such other percentage as may be determined by the New York State Department of Environmental Conservation in the course of setting parameters for the location of potential environmental justice areas within the state of New York and made publicly available on the website of such department.
- Low-Income Population (Task 1)²⁷
 - A population having an annual income that is less than the poverty threshold established by the United States census bureau.
- Meaningful Involvement (Task 3)
 - In the context of the [National Environmental Policy Act \(NEPA\)](#)—the Federal counterpart to the [New York State Environmental Quality Review Act \(SEQRA\)](#) and the [New York City Environmental Quality Review \(CEQR\)](#)—the U.S. Dept of Energy identified the following as characteristics of meaningful engagement:
 - Opportunity to participate in agency decision-making
 - Ability to influence agency decision-making
 - Concerns of community members are taken seriously
 - Public is educated about potential impacts of agency decisions
 - Early engagement with affected communities
 - Consistent engagement with affected communities throughout the planning process
 - Language accessibility
 - Varied meeting styles
 - Accessible facilities
 - Both electronic and non-electronic communication
 - Consider forming committees composed of members of affected communities
- Minority Community (Task 1)²⁸
 - A census block group, or contiguous area with multiple census block groups, having a minority population equal to or greater than 51.1 percent of the total population of such block group or groups, or such other percentage as may be determined by the New York state department of environmental conservation in the course of setting parameters for the location of potential environmental

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

justice areas within the state of New York and made publicly available on the website of such department.

- Minority Population (Task 1)²⁹
 - A population that is identified or recognized by the United States census bureau as Hispanic, African-American or Black, Asian and Pacific Islander or American Indian.
- Parks (Task 1)¹¹
 - Parks are areas, typically formally demarked, operated, or managed by City, State, or federal governments, with a specified purpose for public active and passive recreation. Parks may include community, neighborhood and regional parks, beaches, pools, golf courses, boardwalks, playgrounds, ballfields, natural areas, and recreational facilities that are available to the public at no cost (or through a nominal fee, such as DPR recreation centers and golf courses).
- Public Open Space (Task 1)¹²
 - Open Space are areas of the City that are accessible to the public on a constant and regular basis for active and passive recreation. Open Space may be under public (i.e., government) or private jurisdiction.
- Renewable Energy Systems (Task 2)¹⁷
 - Systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.
- Wastewater Resource Recovery Facility (Task 1)
 - Wastewater resource recovery facilities (WRRFs) were formerly called wastewater treatment plants. NYC DEP is transforming from an agency that conveys and treats wastewater to being a leader in resource recovery and an essential partner in the circular economy delivering maximum environmental benefits. Therefore, DEP rebranded wastewater treatment infrastructure as resource recovery infrastructure and developed metrics to drive decision making towards the highest valued resource recovery opportunities to ensure sustainability and optimal cost-effective operation.

²⁹ Ibid.

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Appendix B

Input on the Draft Scope

The Mayor’s Office of Climate and Sustainability and the City’s Environmental Justice Interagency Working Group released a draft scope for the Environmental Justice for All Report in August 2021 and held a public comment period from August - September. The Draft Scope was developed based on what the City heard during the first public engagement process in Spring 2021. The draft scope included:

- A list of environmental justice concerns we will study in the report and our approach to analyzing them;
- Our approach to reviewing city programs and policies that impact environmental justice;
- Our approach to examining how the City engages communities on environmental decision-making.

Throughout the comment period on the draft scope, the Mayor’s Office of Climate and Sustainability, in partnership with the EJ Advisory Board, promoted the open comment period and held events to review the scope and solicit feedback. We held one citywide remote town hall on Zoom, participated in in-person events in all five boroughs, attended several community board meetings, and promoted the comment period digitally via email, social media, LinkNYC, NYC Gov cable access channel, and our [website](#).

This section provides an overview of comments received on the Draft Scope. As required under Local Law 60 of 2017 (§ 3-1007), all comments from the EJ Advisory Board are provided in full below, with responses from the EJ Interagency Working Group. Members of the EJ Advisory Board had access to all public comments received prior to submitting their own comments, and in some cases may have chosen concepts from public comments to uplift as part of their formal board comments.

Number of Organizations and Individuals who commented on the Draft Scope

Elected Officials: 1

Organizations and Businesses: 20

General Public: 317

Form Responses: 149

NYC Environmental Justice Advisory Board Comments and Responses

<p>Comment 1:</p>	<p>Referenced Definitions (Task 1): With this definition of environmental justice, a community does not have to demonstrate a disproportionate exposure to an environmental contaminant to be considered an EJ area. It only addresses two components: the “fair” treatment and the meaningful involvement of all people. However, it does not include a measure of disproportionate burden of exposure nor does it include a goal for lower exposure to potential environmental hazards. I suggest using the definition proposed by Dr. Robert Bullard which includes three components based on a goal of equality: equal protection, equal access, and equal enforcement.</p>
<p>Response 1:</p>	<p>Thank you for your input. Changing the definition of EJ Area, already developed with advocates and enshrined in local law, will prevent completion of this report and eventual implementation of this plan. Moreover, we would not know how to define areas based on these three components without doing the analysis which first requires the definition of areas. However, analysis of EJ and Potential EJ Areas as currently planned, and the development of a Plan afterwards, may consider these three components.</p>
<p>Comment 2:</p>	<p>Referenced Definitions (Task 1): The office of the Mayor should consider the low income population to be defined in relation to census block groups for New York City instead of using the US poverty line as a parameter for defining low income. I suggest considering, for example, the lowest quartile census block groups as the measure for low income in the city.</p>
<p>Response 2:</p>	<p>Thank you for your input. The definition of EJ Area was developed in 2017 with advocates and policymakers and enshrined in local law. The definition is based on US Census data at the census block group level. See <i>Glossary</i> above for more details. A preliminary version of the map is also available at: https://nycdohmh.maps.arcgis.com/apps/instant/lookup/index.html?appid=fc9a0dc8b7564148b4079d294498a3cf</p>
<p>Comment 3:</p>	<p>Referenced Definitions (Task 1): The definition of an environmental justice-sensitive area could also take into account a measure of potential vulnerability to the health effects of environmental hazards. In this context, children could be considered particularly vulnerable. Thus, areas that have particularly high proportion of children could be considered environmental justice areas. Another idea would be to consider institutions such as schools to be places of interest as potential environmental justice areas as a relatively small amount of an environmental pollutant could have a disproportionately high health effect on children.</p>

Response 3:	Thank you for your input. Changing the definition of EJ Area, already developed with advocates and enshrined in local law, will prevent completion of this report and eventual implementation of this plan. However, analysis of EJ and Potential EJ Areas as currently planned, and the development of a Plan afterwards, may consider some of the components raised in your comment, particularly around the vulnerability of children to certain health hazards.
Comment 4:	Overview of Task 1: Consider adding a task 1.8 to Identify environmental health and climate threats that are caused by local sources and have proven remedies that can be prioritized for intervention. I would recommend creating a list of actions that could alleviate some of the environmental health concerns that could be remedied with relatively simple interventions as “low hanging fruit” that can create momentum for some more significant interventions strategies. Priority should be given to potential interventions that have been proven in the scientific literature to reduce, remediate or eliminate environmental exposures or climate change hazards by using principles of implementation science. When possible, consider partnering with researchers to measure effects before and after any interventions have been implemented. This would dovetail with the evaluation criteria set in Table 1.
Response 4:	Duplicate comment, see comment 21
Comment 5:	Task 1.2: In the first paragraph, consider prioritizing environmental justice concerns based on the level of scientific evidence that an environmental exposure causes a health effect.
Response 5:	Duplicate comment, see comment 26.
Comment 6:	Task 1.2: Proximity to an NPL or TRI site is not necessarily a good measure of potential exposure to the community as this depends on the nature of the contamination (for example, soil vs air) and the level of containment of the site. Although I can understand that proximity is an easy and logical measure, there are other factors to consider in order to determine potential for actual exposure.
Response 6:	Duplicate, see comment 30.
Comment 7:	Task 1.3: It is an interesting idea to “assign grades” to areas with highest and lowest risk. However, it is important to consider any unintentional consequences or potential stigma that may be associated with these “grades”. Instead, I suggest using a term such as “high priority” areas instead of “grades” which imply a value judgement on the quality of that area. The demarcation of priority areas could include both environmental concerns as well as environmental assets. We can describe different levels of risk by geography in a way that avoids stigma (e.g. without using the word "grade.")

Response 7:	We will refrain using the word grade to avoid exacerbating the stigma associated with it. Instead we will explore other vocabulary options that better describe the different levels of risk.
Comment 8:	Task 1.5: A the “concentration of violations and complaints” may also include occupational or industrial releases of environmental hazards that may have been reported to OSHA or other such authorities as these releases could also affect surrounding communities in addition to the workers that may be directly affected.
Response 8:	Industrial releases, including those required to report Toxic Release Inventory data with the New York State Department of Environmental Conservation and reported by DEP’s Division of Emergency Response and Technical Assessment (DERTA) are a covered EJ concern and will be explored in the EJ Report. See Tasks 1.2 & 1.4. Information concerning occupational exposures of accidents reported to OSHA are outside the scope of the EJ report unless they result in a release to the outside environment, in which case they may be tracked by the relevant NYC agency.
Comment 9:	Referenced Definitions (Task 3): Meaningful Involvement – measures could be put in place to ensure that the aspects of meaningful engagement can be quantifiable. For example, instead of just stating “opportunity to participate”, state specifically what those opportunities to participate in the agency decision-making will be. This would dovetail well with Task 3.1.
Response 9:	Thank you for your input. The definition of meaningful involvement in the scope is based on federal policy. However, we will review this definition and consider defining outcomes for meaningful engagement in environmental decision-making beyond this standard, particularly as we examine guiding principles from EJ movements. Through this task, we will explore guiding principles for community engagement, which should be a foundational step for us to begin thinking about what outcomes and measures we would be pushing for and assessing.
Comment 10:	Task 3.5: The city could also examine principles and values set forth in community-based participatory research (CBPR) in which academic researchers and community-based organizations partner to conduct advance public health. The process of CBPR provides a useful framework on partnerships of trust that can be implemented when the city tries EJ issues in communities, particularly with communities of color or those that are low income.
Response 10:	Thank you for your comment. CBPR is a valuable framework for researchers and community-based organizations to partner on public health and other forms of research related to EJ and to climate change. The City is working with the academic community to incorporate CBPR and other similar principles and frameworks (e.g. coproduction of knowledge and sustained assessment) and looks to encourage exactly

	these types of research through efforts like, but not limited to, the Climate Knowledge Exchange. We can also review as part of the EJ Report.
Comment 11:	Referenced Definitions (Task 1): The statute’s definition of “environmental justice area” doesn’t take into account varying environmental burdens and lack of benefits experienced by communities of color throughout the City. The focus on income alone misses the fact that communities of color that do not fit neatly into the political boundaries for the convenience of the Census Bureau or the Postal Service. Moreover, the literature increasingly shows that the social environment contributes to poor health outcomes as well. How do we incorporate this and other like issues into the EJ for All analysis?
Response 11:	Thank you for your input. The definition of EJ Area was developed in 2017 with advocates and policymakers and enshrined in local law. The definition is based on US Census data and includes both income and race/ethnicity demographics. A preliminary version of the map is available at https://nycdohmh.maps.arcgis.com/apps/instant/lookup/index.html?appid=fc9a0dc8b7564148b4079d294498a3cf . Task 1 of this scope outlines how the EJ IWG proposes to evaluate environmental burdens and benefits and assess their distribution across the city, including but not limited to the geographies described as EJ Areas. The report will examine disaggregated data where possible to assess disparities in environmental benefits and burdens in the city, including by race/ethnicity.
Comment 12:	Referenced Definitions (Task 1): The statute’s definition of “low-income community” is going to be difficult to define and therefore identify. How will the City designate EJ areas? by neighborhoods? By petition? The City should come up with a way to rank communities based on this parameter. There is a lot of variation in how much less than the poverty threshold a community can be.
Response 12:	Thank you for your input. The definition of EJ Area was developed in 2017 with advocates and policymakers and enshrined in local law. The definition is based on US Census data. A preliminary version of the map is available at https://nycdohmh.maps.arcgis.com/apps/instant/lookup/index.html?appid=fc9a0dc8b7564148b4079d294498a3cf
Comment 13:	Referenced Definitions (Task 1): The definition of “low-income” is too narrow. The poverty level is defined nationally and is a bad fit for NYC. For example, an annual income of \$22,000 goes much further in Oklahoma City than in NYC. This definition should be pegged to the area median income. Understanding that there is nothing we can do about the statutory definition, how do we expand the EJ for All analysis to better fit impacted communities?

Response 13:	Thank you for your input. Changing the definition of EJ Area, already developed with advocates and enshrined in local law, will prevent completion of this report and eventual implementation of this plan. However, analysis of EJ and Potential EJ Areas as currently planned, and the development of a Plan afterwards, may consider evaluating concerns like the one raised in your comment.
Comment 14:	Referenced Definitions (Task 1): Regarding renewable energy, should include in the footnotes some definition of what is encompassed by RE = solar, community solar programs, wind, RE powered microgrid investments, geothermal – this will also prevent false solutions to be considered. Make it clear that "possibility of conversion to hydrogen" in the future is not renewable energy investment.
Response 14:	Comment noted. We have added a definition to renewable energy into the scope, which is aligned with the definition under New York State's Climate Leadership and Community Protection Act. "Renewable Energy Systems are systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity."
Comment 15:	Background: With this definition of environmental justice, a community does not have to demonstrate a disproportionate exposure to an environmental contaminant to be considered an EJ area. It only addresses two components: the "fair" treatment and the meaningful involvement of all people. However, it does not include a measure of the disproportionate burden of exposure nor does it include a goal for lower exposure to potential environmental hazards. I suggest using the definition proposed by Dr. Robert Bullard which includes three components based on a goal of equality: equal protection, equal access, and equal enforcement.
Response 15:	Duplicate comment, see comment 1.
Comment 16:	Referenced Definitions (Task 1): In referenced definition of "Environmental Burden/Harm," environmental harm should be defined as, "An environmental condition that has the potential to impact public health, well-being, or quality of life of residents and the environment. Examples include: point sources of air pollution (air permits), brownfield sites, proximity to roadways, etc."
Response 16:	Thank you for your input. As local law does not appear to include a definition for this term, we will consider defining "environmental burden" in a way similar to what has been proposed (note capitalized changes): "An environmental FACTOR that has the potential to NEGATIVELY impact NEW YORKERS' HEALTH, well-being, or quality of life, or ENJOYMENT. Examples include: point sources of air pollution, HAZARDOUS

	WASTE, HOUSING WITH MAINTENANCE DEFICIENCIES, LACK OF ACCESS TO OPEN SPACE, OR OTHER NEGATIVE ENVIRONMENTAL CONSEQUENCES."
Comment 17:	Referenced Definitions (Task 1): The office of the Mayor should consider the low income population to be defined in relation to census block groups for New York City instead of using the US poverty line as a parameter for defining low income. I suggest considering, for example, the lowest quartile census block groups as the measure for low income in the city.
Response 17:	Duplicate comment, see comment 2.
Comment 18:	Referenced Definitions (Task 1): The definition of an environmental justice-sensitive area could also take into account a measure of potential vulnerability to the health effects of environmental hazards. In this context, children could be considered particularly vulnerable. Thus, areas that have particularly high proportion of children could be considered environmental justice areas. Another idea would be to consider institutions such as schools to be places of interest as potential environmental justice areas as a relatively small amount of an environmental pollutant could have a disproportionately high health effect on children.
Response 18:	Duplicate comment, see comment 3.
Comment 19:	Referenced Definitions (Task 1): EJ Areaimpacted by disparate amount of pollution and/or polluting facilities
Response 19:	Thank you for your input. Changing the definition of EJ Area, already developed with advocates and enshrined in local law, will prevent completion of this report and eventual implementation of this plan. Moreover, we would not know how to define areas based on these components without doing the analysis which first requires the definition of areas. However, analysis of EJ and Potential EJ Areas as currently planned, and the development of a Plan afterwards, may consider these components.
Comment 20:	Task 1.1: The City should also include DOE data here. How many kids qualify for free or reduced lunch? Consider the environs around Title I schools and the quality of the environment near those schools, and their catchments.
Response 20:	Thank you for your comment. City law stipulates how EJ areas should be defined; amending that law to include DOE data would require an act of City Council. Moreover, share of area households with low incomes serves as a better proxy because households may not have children; housed children may not be accessing benefits to which they are entitled, and may attend schools in neighborhoods far from where they (and

	other low-income members of their families) live. However, analysis in the Report will examine placement of resources, which may include schools.
Comment 21:	Overview of Task 1: Consider adding a task 1.8 to Identify environmental health and climate threats that are caused by local sources and have proven remedies that can be prioritized for intervention. I would recommend creating a list of actions that could alleviate some of the environmental health concerns that could be remedied with relatively simple interventions as “low hanging fruit” that can create momentum for some more significant interventions strategies. Priority should be given to potential interventions that have been proven in the scientific literature to reduce, remediate or eliminate environmental exposures or climate change hazards by using principles of implementation science. When possible, consider partnering with researchers to measure effects before and after any interventions have been implemented. This would dovetail with the evaluation criteria set in Table 1.
Response 21:	Thank you for your input. "Environmental and climate threats" are already considered under "environmental benefits and burdens" in Task 1.3. The extent to which this comment focuses on solutions rather than analysis, it would be better addressed in the EJ Plan rather than the Report. We look forward to describing potential interventions and solutions in the Plan.
Comment 22:	Task 1.1: There is no mention of reviewing boundaries of EJ areas where the community has been incorrectly separated by the current boundaries from EJ communities across the street in the same NYCHA developments. Infrastructure like elevators in NYCHA, lacking infrastructure for the disabled. These are all locations and attributes of infrastructure which may implicate EJ concerns related to heat and ability to get to a cooling center, evacuate in the case of extreme weather, or access emergency services in a timely manner. The above comment also relates to task 1.5-1.7. There is no intention or even example metrics and specific quantitative goals in the scope as stated intention for what is expected out of this exercise.
Response 22:	The definition of EJ Area was developed in 2017 with advocates and policymakers and enshrined in local law. The definition is based on US Census data. A preliminary version of the map is available at https://nycdohmh.maps.arcgis.com/apps/instant/lookup/index.html?appid=fc9a0dc8b7564148b4079d294498a3cf . Changing the definition of EJ Area will prevent completion of this report and eventual implementation of this plan. However, analysis of EJ and Potential EJ Areas as currently planned, and the development of a Plan afterwards, may consider evaluating concerns like the one raised in your comment. Additionally, the report scope lists goals and deliverables after each task.

Comment 23:	Task 1.3: If data are not available for the suggested parameters, the City should figure out a way to collect them.
Response 23:	Thank you for your feedback. This suggestion is already our charge under the local law. We will explore "methods for improving research and data collection relating to human health and the environment". We have updated the scope to make that clearer.
Comment 24:	Referenced Definitions (Task 1): Where is "environmental justice concern" defined? Is this the definition of "Environmental Harms/Burdens" that should be included in the definition list at the beginning?
Response 24:	Thank you for your input. As local law does not appear to include a definition for this term, we will consider defining "environmental burden" in a way similar to what has been proposed from comment 16. Environmental burden: "An environmental factor that has the potential to negatively impact New Yorkers' health, well-being, or quality of life, or enjoyment. Examples include point sources of air pollution, hazardous waste, housing with maintenance deficiencies, lack of access to open space, or other negative environmental consequences."
Comment 25:	Task 1.2 - Describe environmental justice concerns that may affect Environmental Justice Areas: For Table 1, Relevance 3, it is important to include and accept data that is based on a community's lived experience, even though there may not be a definable set of data to link environmental and health outcomes, including disparities based on race or income. Limiting acceptance of this type of data reinforces the inequity in data collection and minimizes what may be an "environmental justice" area or problem.
Response 25:	Thank you for your input. The table is meant to provide transparency into what the IWG eventually categorized as an EJ concern. The phrase "documented" does not only refer to quantitative data, but also to qualitative data like input from community members on their lived experiences. Our first two comment periods, as well as community engagement processes and Advisory Board input, aim to collect this qualitative data and reflect the community perspective, and will inform the process of deciding which topics to include.
Comment 26:	Task 1.2 - Describe environmental justice concerns that may affect Environmental Justice Areas: In the first paragraph, consider prioritizing environmental justice concerns based on the level of scientific evidence that an environmental exposure causes a health effect.
Response 26:	Thank you for your input. The goal of the report is to examine all documented environmental justice concerns, so it is unclear what effect prioritizing these concerns would have on the report. When we work

	to develop the Environmental Justice Plan, we may seek to prioritize issues by level of severity to ensure that more severe issues are tackled first, but such prioritization is not necessary at this stage.
Comment 27:	Task 1.2: Evaluation criteria, Relevance 3- Conditions or decisions with a POSSIBLE, BUT UNDOCUMENTED link to environmental and health outcomes, including disparities based on race or income. Should be kept in the document.
Response 27:	Thank you for your input. If the scope were to consider conditions or decisions with even a possible link to environmental and health outcome, it would have an impossibly large scope. Every condition or decision has a possible link to environmental and health outcomes; those decisions that have a link documented either by scientific literature or community input will be prioritized to ensure that the report is achievable and in line with the intent of local law.
Comment 28:	Task 1.2: There is a contradiction between Relevance 3 for Relevance and Impact 1 of Impact. "Possible but undocumented impacts" is a reason to remove, but "limited public debate and study" is a reason to have a major focus. That does not make sense.
Response 28:	Thank you for your input. The table is meant to provide transparency into what the IWG eventually categorized as an EJ concern. We do not believe that re-studying topics that have a recent history of substantial debate and literature would be a good expenditure of City resources. For example, the several-hundred page "Where We Live" report documents housing affordability concerns across the city, so it would not make sense for this report to devote substantial time to this topic when public debate and study has recently occurred. By contrast, no recent, high-profile City study has considered the overall impact of bus depot placement on the health and wellbeing of residents by neighborhood, even though the effects of noise and air pollution on residents is documented. Because recent public debate and study of this topic has been limited, and because the potential effects of this type of infrastructure are documented, this study should address this gap.
Comment 29:	Task 1.2: Drinking water should be assessed at residences, schools and other places of congregation (e.g., senior centers, childcare centers).
Response 29:	Drinking water quality is routinely assessed from monitoring stations across the City, rather than from residences, for compliance with the Safe Drinking Water Act. The results of this extensive compliance monitoring are summarized each year in an annual consumer confidence report provided to customers and the public, State/Federal regulators, DOHMH, and posted on the DEP website. In addition to compliance monitoring, DEP responds to water quality taste, odor, and visual complaints (e.g. milky water) reported by the public through 311. Inspectors are sent out for qualifying 311 complaints to sample and test the drinking

	<p>water within residences and nearby sampling stations or hydrants. Written results are mailed to each resident where testing has occurred. DEP also provides free residential test kits to allow residents to test their tap water for the presence of lead in the tap water. The source of any lead in NYC tap water is not from water in the water mains, rather lead sources are from service lines and plumbing owned by the property owner. Written lead results are provided to each resident, along with instructions on reducing lead exposures through drinking water. Results are also shared with DOHMH. When other agencies request lead testing in schools, daycares and other locations, DEP assists in performing testing. No new samples will be collected for the Report, but the Report will review existing data described above and note any gaps in collection or monitoring that emerge from the data. The new federal Lead and Copper Rule will take effect in December 2021 and requires the DEP to develop a lead service line replacement plan as well as to establish a lead service line inventory; this new rule has significant consequences for how the Agency responds to lead level exceedances, replaces lead service lines. Compliance is required as of October 16, 2024.</p>
Comment 30:	<p>Task 1.2: Proximity to an NPL or TRI site is not necessarily a good measure of potential exposure to the community as this depends on the nature of the contamination (for example, soil vs air) and the level of containment of the site. Although I can understand that proximity is an easy and logical measure, there are other factors to consider in order to determine potential for actual exposure.</p>
Response 30:	<p>Potential for exposure is indeed the concern. We have revised the scope to further identify circumstances that may indicate ongoing concentrations of contaminants.</p>
Comment 31:	<p>Task 1.2: Lead exposure can occur through water consumption and lead paint. Lead tends to accumulate in soil near roadways, bridges, and older buildings. These issues should be addressed in the lead exposure analysis under hazard exposure. I also recommend including dry cleaners and dry cleaning “factories” in the hazard exposure analysis somehow.</p>
Response 31:	<p>Thank you for your comment. Lead exposure is covered broadly in the scope of the EJ Report to cover all of the potential pathways of exposure, including those raised in your comment. Based on your suggestion, we looked into the hazardous exposure section of the scope and expanded it to include more potential exposure points.</p>
Comment 32:	<p>Task 1.2: “Drinking” should be removed and it should just say Water Quality. But for the purpose of clarity. What is the City's position on the U.S. EPA's Clean Water Act?</p>

Response 32:	Drinking water quality regulated through the Safe Drinking Water Act (SDWA), and surface water quality regulated under the Clean Water Act (CWA), are two separate issues, both of which will be addressed in the EJ Scope of work. Therefore, this scope will retain the differentiation between "drinking water quality" and "proximity to impaired waterbodies." CWA issues are addressed in the second bullet which addresses the definition and location of impaired water bodies, as well as other issues under the CWA.
Comment 33:	Task 1.2: Hazardous material exposure: Lead should include proximity to airports. Avgas is a primary source of new lead in the environment.
Response 33:	Lead analyses will examine all available data on lead in the environment, which will include areas near airports.
Comment 34:	Task 1.2: Proximity to roadways should be included here because the toxicity of traffic emissions (e.g., PAHs) are different than the public safety hazard posed by proximity to traffic and high traffic volume addressed later.
Response 34:	Outdoor air quality is already included in the list of EJ concerns (pg. 9). Air quality is impacted by multiple issues, including traffic. Air quality analysis should be comprehensive to include relevant sources. Proximity to roads cannot be used to assess air quality, as it does not address how the roads are used (volumes, congestion, etc.).
Comment 35:	Task 1.2: Recycling centers, scrap yards, and composting facilities should be included in the waste management analysis.
Response 35:	Thank you for your comment. We have revised the solid waste management topics in Task 1.2.
Comment 36:	Task 1.2: In the bullets under "Hazardous Materials Exposure" and "Proximity To," add the following bullets: Dry cleaners, scarp yards, chrome plating shops, etc any smaller less regulated point
Response 36:	Thank you for your comment. Based on your suggestion, we reviewed the hazardous exposure section of the scope and expanded it to include more potential exposure points.
Comment 37:	Task 1.2: Under the "Solid Waste Management" header, add following bullets: Proximity to transfer stations, NYC Sanitation truck depots, sanitation related processing facilities (recycling centers, organics separation and processing plants, anaerobic digesters, etc.)
Response 37:	Thank you for your comment. We will examine proximity to waste related facilities, including waste transfer stations, DSNY garages and facilities, and material recovery facilities. This topic is covered under Task 1.4.

Comment 38:	<p><i>Task 1.2:</i> Housing, especially public facilities, should be added as its own category. Other issues: street violence, crime, public safety (e.g., such as large potholes, ease of crossing street, sidewalk maintenance), availability of cigarettes/vapes, alcoholic beverages and other health threats. I think this assessment should also include mental health and opioid addiction.</p>
Response 38:	<p>Thank you for your input.</p> <ul style="list-style-type: none"> - Because this Report seeks to examine the distribution of environmental benefits and burdens across different communities, it will look at how environmental benefits and burdens occur through housing--in indoor air quality, hazardous material exposure, presence of pests, proximity to traffic, etc. Housing quality will be a critical piece of each of these sections, and public facilities will be included in these analyses. <ul style="list-style-type: none"> - The report will add analyses of tobacco vendors and liquor vendors; analyses of the number of licensed vendors by neighborhood are publicly available. - Structural racism and neighborhood divestment are core drivers of social challenges like street violence and crime, and can contribute to an increase in the visibility and the prevalence of people with severe mental health conditions and substance use disorders amongst community members and residents. Analyzing the prevalence of mental health and substance use disorders alone, however, will likely not help us understand the causes of environmental injustices defined in this report and how to remedy them; they are symptoms which might help us identify where structural injustices are a problem. Instead we should analyze environmental drivers that may compound structural injustices and all their symptoms. - We have added walkability to Task 1.2 and sidewalk complaints/violations to Task 1.5, which we believe can address several of the public safety concerns cited in your comment. However, it should be noted that sidewalk maintenance is the responsibility of individual property owners.
Comment 39:	<p><i>Task 1.2:</i> The link of noise to construction and heavy infrastructure implies the City would only examine this type of noise. I think that residential noise and noise enforcement should be included, because of other sources of noise such as restaurants/bars/night life establishments, traffic activities such as the ATV vehicles that many now enjoy revving on city streets, and the like.</p>
Response 39:	<p>All recorded types of noise complaints will be analyzed. These complaints include construction, commercial music, dog barking and other noise sources.</p>

Comment 40:	Task 1.2: The assessment of access to nutrition should include ease of access to fast-food, unhealthy food, and tobacco and marijuana products such as e-cigarettes. There has been a proliferation of tobacco and smoke stores targeting youth in our EJ communities.
Response 40:	Thank you for your input. The report can add analyses of tobacco vendors, liquor vendors, and affordable, healthy foods; analyses of the number of licensed vendors by neighborhood are publicly available.
Comment 41:	Task 1.2: The transit assessment should include station maintenance and service quality (including disability accessibility) in addition to geographical access to transit stations. Many subway stations in EJ communities are littered with waste (sometimes even human waste) and our bus shelters are badly maintained, not to mention that many of the stations uptown are not compliant with the American with Disabilities Act despite the fact that residents of these communities have mobility challenges.
Response 41:	Most of the suggestions in this comment are outside of City jurisdiction and therefore out of scope for the EJ Report. Data requests on distribution of cleaner transit options and related infrastructure should be coordinated with MTA. Additionally, DOT has maintenance requirements and service levels for bus shelters, including twice a week cleaning and set deadlines for making repairs. DOT does regular inspections of the shelters and reports poor conditions, complaints, etc. The EJ Report will cover access to transit and alternative transportation, but expanding beyond that to include accessibility, cleanliness and maintenance of subway stations would require coordination with MTA to understand the full picture. However, if the EJ Board is concerned about bus shelters in a particular part of the City, DOT would be happy to work with you to review the issue.
Comment 42:	Task 1.2: Implementation of green infrastructure for flood mitigation and water quality protection should be added to the list of EJ concerns.
Response 42:	The NYC Green Infrastructure Program is one of a number of infrastructure tools the City implements to improve drainage and reduce pollution into the NYC Harbor. NYC Harbor water quality is currently included in environmental justice concerns to be analyzed, with green infrastructure contributing to that analysis.
Comment 43:	<i>Task 1.2:</i> Under the bullet point "Land Use issues" which may contribute to other EJ concerns, this should include "As Of Right Zoning."
Response 43:	Task 1.2 is intended to focus on environmental justice concerns with direct and indirect linkages to environmental and health outcomes, including land use conflicts that may disproportionately impact

	environmental justice areas. The report will not take as a given that as-of-right zoning is inherently an environmental justice concern. However, Tasks 2 and 3 will evaluate city processes that may be used by the public to participate in city decision-making, as well as barriers to meaningful participation in decision-making.
Comment 44:	<i>Task 1.2:</i> Under "Park and tree canopy maintenance and quality" bullet, ensure that "quality" includes access within walking distance, usability, relative condition of recreation facilities, proximity to roadways and traffic density
Response 44:	Information regarding the quality of Parks and their accessibility would be assessed as part of the scope of work for the Park-related bullets listed in Task 1.2.
Comment 45:	<i>Task 1.2:</i> Under "Outdoor air quality, including proximity to major mobile or stationary sources of air" bullet, it would be useful to detail which outdoor air quality measures you can track here since different air pollutants and sources can have different impacts on local health. Also will you include NATA cancer risk, NATA respiratory hazard indices, etc. in addition to ambient air quality? Could also include local, community led air monitoring results in some form so as to show examples of more granular assessments of localized air pollution if possible. For example – would be most important to track particulate matter emissions (PM 2.5, PM10, etc, black carbon, and NOx, specific HAPS like Pb and Mercury if possible – local air monitoring and EPA data bases for these emissions can be accessed I am assuming.
Response 45:	The report will review available QAQCed data on local air quality, including, but not limited to, EPA EJ Screen, DOHMH community air survey, and DEP/EPA/NYS DEC air permits and data. Please note that NATA cancer risk, NATA respiratory hazard indices are both in EPA EJ Screen. We are also open to reviewing other sources of air quality data that meet quality assurance and quality control standards.
Comment 46:	<i>Task 1.2:</i> Indoor Air Quality and Housing Quality should be a separate Task. The City should consider how it looks at "Indoor Housing and Air quality". As a category it is wholly insufficient for New York City to invoke the name of environmental justice and not consider indoor housing issues as an equity issue. The category is not reflective of the attention required to effect true changes in how EJ communities will thrive. In the Scope outdoor environmental issues have garnered the majority of interest and design, as these naturally reflect environmental issues that affect everyone walking through the city. Although understandable, this is a city with vertical neighborhoods and that makes a stunted inside approach problematic. EJ communities that are located in these vertical settings are often doubly effected by negative environmental justice pressures, exacerbated by problems with decades of outdated electrical code, insufficiently maintained

	building envelopes that do not keep out vermin and effect the electrical, electrical infrastructure that effects access to the outside environment for residents for either mundane reasons like a job, or in the case of an emergencies.
Response 46:	Thank you for your input. Because this Report seeks to examine the distribution of environmental benefits and burdens across different communities, it will look at how environmental benefits and burdens occur through housing —in indoor air quality, hazardous material exposure, presence of pests, proximity to traffic, etc. Housing quality, including housing maintenance, will be a critical piece of each of these sections, and public facilities will be included in these analyses. We have reviewed the language to ensure our scope reflect the importance of this issue.
Comment 47:	<i>Task 1.2:</i> Under "Noise, including from construction and heavy infrastructure" bullet, is this related to zoning measures, land use zoning categories like Industrial zoning, etc? Noise should include airports and elevated subway tracks, as well as highways, and commercial activities like waste transfer stations. Noise with construction and heavy infrastructure, vibrations should also be included along with a review of how many decimals does it take to move furniture, cause shifting in foundations that can cause ceilings and floors to drop and/or crack brick, cement or cinderblock foundations, as well as walls and plaster in homes and buildings.
Response 47:	All forms of noise complaints will be analyzed (see response to #39). Regarding vibration, data availability limits the report from being able to incorporate this recommendation.
Comment 48:	<i>Task 1.2:</i> Under "Energy use and utility affordability, including energy cost burden an energy inefficiency" bullet, change "energy inefficiency" to "access to energy efficiency and renewable energy investments."
Response 48:	Thanks for your feedback. We will not be making this language change because we are exploring more than just access to energy efficiency and renewable energy.
Comment 49:	<i>Task 1.2:</i> Under "Transit and alternative transportation access" bullet, clarify that "transportation access" includes access to cleaner transit options like electric buses.
Response 49:	The suggestions in this comment are outside of City jurisdiction and therefore out of scope for the EJ Report. Data requests on distribution of cleaner transit options and related infrastructure should be coordinated with MTA. The EJ Report will cover access to transit and alternative transportation but expanding beyond that would require coordination with MTA to understand the full picture.
Comment 50:	<i>Task 1.4:</i> Open space, pedestrian plazas, taxis, untraditional transit access

Response 50:	Open space and pedestrian plazas will be covered under “Parks, Gardens and Public Open Space” as infrastructure to be evaluated. Alternative transportation access is included in Task 1.2 under “Transit and alternative transportation access.”
Comment 51:	Task 1.3: For “Data will be obtained from sources including, but not limited to...,” include Dept of Education data here--about absentee, asthma rates (another slice--not just neighborhood b/c school catchments are more localized) eligibility for free or reduced lunch, English as a new language, etc. Also evidence about whether environmental justice and climate justice are part of the curriculum
Response 51:	Thank you for your input; we have noted the comment. In addition to the cited data repositories listed in Task 1.3, the EJ Report will pull relevant data from agencies for our analysis. We have updated the scope to make that clearer.
Comment 52:	Task 1.3: The City should consider recovering the land that it gave away through Variances and sales which is now needed for infrastructure improvement.
Response 52:	Thank you for your input. Purchasing land previously owned by the City would be an action item for the EJ Plan and would emerge as a potential solution to a specific gap or issue identified in the EJ Report. Your comment suggests that the gap or issue is that there is currently insufficient land for infrastructure improvement. The Report will analyze infrastructure, and to the extent that gaps are identified, further analyses will reveal if land, funding, or political will are the key drivers of those gaps.
Comment 53:	Task 1.3: I’m assuming COVID related mortality and rates can also be examined in relation to the air quality particulate matter data the city has from local data sources?
Response 53:	Thank you for your input. Some preliminary studies not yet reviewed or endorsed by the City or DOHMH have concluded that "higher chronic PM2.5 exposure is associated with increased COVID-19 mortality and ICU admission." (https://ehp.niehs.nih.gov/doi/abs/10.1289/isee.2021.O-LT-002) We can note this as an emerging area of research in the report, giving more urgency to actions to reduce ambient PM2.5 levels, particularly in neighborhoods with higher rates of respiratory illnesses.
Comment 54:	Task 1.3: Regarding this statement, "The EJ report will examine the inclusivity and equity of decision-making processes that inform the provision of these environmental benefits, as well as the environmental impact of infrastructure placement decisions that directly affect affordability," The NPCC Equity workgroup is also going to be examining metrics by which the City can better understand the risks of climate related displacement and migration related to both climate risks/impacts and climate resiliency/adaptation

	investments – so could be useful to include the NPCC as another point of reference for this type of assessment.
Response 54:	Thank you for this comment. We will continue to explore opportunities for NPCC and the EJ Advisory Board to collaborate, especially on aspects of their respective work that relate to equity and climate justice.
Comment 55:	<i>Task 1.3: What is the time period being given for data collection and review?</i>
Response 55:	The EJ Report will outline new data needs to better understand EJ issues. As we have not identified those issues yet, it is hard to specify the time period for collection and review as this will likely vary based on several factors.
Comment 56:	<i>Task 1.3: Regarding grade assignments for risk, do we want to assign a grade or issue a relative ranking of scores based on the citywide average for each indicator?</i>
Response 56:	Thank you for your input. Citywide averages will not be available for all EJ concerns, so this approach will not be possible. We will conduct an analysis that assesses both the physical presence of the EJ concern, and to the extent practicable, severity of the concern, overlaid with social and economic vulnerability, but citywide average for each indicated may not be feasible.
Comment 57:	It is an interesting idea to “assign grades” to areas with highest and lowest risk. However, it is important to consider any unintentional consequences or potential stigma that may be associated with these “grades”. Instead, I suggest using a term such as “high priority” areas instead of “grades” which imply a value judgement on the quality of that area. The demarcation of priority areas could include both environmental concerns as well as environmental assets.
Response 57:	Duplicate comment, see comment 7
Comment 58:	<i>Task 1.3: Regarding “grades”, the City should develop a cumulative impact index that characterizes an area based on the cumulative exposure to burdens, relative availability of environmental benefits and health outcomes. Ideally, the product would be some way to rank communities based on this index. It would also be helpful to assign some form of a “grade” to identify acceptable/unacceptable levels of performance for a particular environmental issue. National databases such the Census Bureau and EJScreen (which is based on Census and other federal sources of data) are very roughly collected. The City should make efforts to “ground truth” these data; perhaps develop a protocol for randomly spot checking data. To the extent data are not available, the analysis should identify the “missing” data and make recommendations for how the City might fill the gap or collect the necessary data in the future.</i>
Response 58:	Thank you for your input. A cumulative impact index is attractive from an academic perspective, but less helpful from an action-oriented perspective. The goal of the Report is to facilitate a subsequent EJ Plan that

	will identify specific steps to address each concern; lumping together air quality, sanitation, and traffic concerns will not help provide clarity to the different agencies and community partners that will need to tackle each of these different issues. If two communities have a very similar rank, but because of entirely distinct issues (e.g. flood risk and air quality), then the ranking would not be very helpful. Much of the data collected by City Agencies, which will be analyzed and displayed in this Report, is not "roughly collected," but rather collected using standardized protocols and regularly updated. In most cases, randomly spot checking the data would be duplicative (and outside of the scope of the Report). Identifying gaps in the data, however, lays well within the bounds of the scope, and is already part of the scope document.
Comment 59:	<i>Task 1.3:</i> While I applaud the idea of bike lanes in EJ communities, my experience is that these infrastructure "improvements" have actually become burdens as high income, "Tour de France" wannabe riders have taken over bike lanes in EJ communities and coopted them to their own high speed use. These weekend warriors take over large swaths of the street in groups of sometimes 30-50 riders, creating traffic disruptions and noise pollution in addition to posing a public safety hazard as they speed through EJ communities especially in upper Manhattan. There ought to be enforcement against these groups
Response 59:	Regardless of who uses the streets, we believe that all people in NYC should have access to the safety benefits of our projects. We do not want to see a particular neighborhood suffer disproportionately as a result of a few bad actors. We expect all cyclists, regardless of whether they are recreational, delivery, club, or commuter, to follow all traffic laws to ensure their safety and safety of all street users.
Comment 60:	<i>Task 1.3:</i> I disagree that "housing affordability and more equitable wages" (within the context of preventing gentrification induced by green developments) are "important issues that extend beyond EJ and the scope of the EJ report". Displacement is a force that keeps people in polluted areas with little green benefits. This study should examine and recommend ways to ensure that there are protections against displacement in hand with green development projects. See Table 1, Relevance 2: "Conditions or decisions with an INDIRECT, documented link to environmental and health outcomes, including disparities based on race or income" And See List of EJ Concerns: "Non-park green resources, including street trees and natural areas • Park, waterfront, and public green spaces access • Park and tree canopy maintenance and quality"
Response 60:	Understanding, measuring, and preventing displacement requires broad safeguards on housing affordability and more equitable incomes, important issues that extend beyond environmental justice and the scope of the EJ Report. We recognize that discussions of displacement prevention, housing stability, and neighborhood demographic change are an important supplement to this work. Therefore, the EJ Report and Plan will align with the City's ongoing work to promote more equitable housing and economic

	development through the City's Fair Housing Plan, Where We Live, and the introduction of the Equitable Development Data Tool next year. Those projects will offer additional data and analysis that can speak to the concerns raised in your comment.
Comment 61:	<i>Task 1.4:</i> The City needs to define “proximity” in this analysis, but more importantly, to the extent possible the identification of infrastructure with EJ implications should include data on impact, not just proximity. Infrastructure’s impact on communities depend on the type of infrastructure, not necessarily how far it is from a community. In addition, infrastructure could be a benefit to a community, not just a risk. The EJ for All analysis should identify infrastructure that is not available to promote benefits to the environment or health as well as those that pose a risk.
Response 61:	To clarify, the report is not solely focused on infrastructure that implicates environmental justice burdens. The report is also intended to address access and proximity to infrastructure such as parks, gardens, and natural areas, that provides environmental benefits. Additionally, under Task 1.7 the report will address investments in key programs and projects including infrastructure projects that can advance climate and environmental justice. Additionally, to identify locations and attributes of infrastructure that may implicate environmental justice concerns, to the extent practicable (and consistent with security and legal requirements), the report will first map the locations and geographic concentration of the infrastructure identified under Task 1.4. Thereafter, the report will, to the extent practicable: identify whether the infrastructure facilities are operating under state, federal, or local environmental permits; assess regulatory compliance history; and where available, identify pollutant loads to air and where practicable provide risk estimates in surrounding areas. Air, noise, and other complaints will also be mapped and examined to assess whether there might be nuisance odor or other problems associated with facilities such as waste transfer stations or wastewater treatment plants warranting further attention and analysis of local impacts. In conclusion, the IWG agrees with the comment that impact areas not just proximity is the important attribute to consider, and we believe our analysis is robust and will cover both to the extent practicable. We have not defined “proximity” in this document but remain open to working with the EJ Board on this topic during the development of the report.
Comment 62:	<i>Task 1.4:</i> Regarding "putrescible," this is mixed municipal residential and commercial waste not just organics right? In the analysis of solid waste, putrescible should be removed as it refers only to organic — mostly kitchen waste, and municipal solid waste (such as household) and commercial waste encompass so much more. All such waste degrade and could cause unhealthy emissions, odor, and pests.

Response 62:	We amended the text to include the waste streams in your comment. The revised text reads: Solid waste processing facilities, including infrastructure to process municipal solid waste (MSW), commercial waste, construction and demolition (C&D) waste, recycling, and organic waste.
Comment 63:	<i>Task 1.4:</i> "Solid waste transfer facilities, carting, and garages" add "sorting."
Response 63:	Comment noted. We expanded the list of waste management related infrastructure to include material recovery and recycling facilities.
Comment 64:	<i>Task 1.4:</i> For the bullet point "Parks, Gardens, and Public and Privately Owned Open Spaces," under "natural areas, including forests preserves and conservation areas, should add "fresh and tidal wetlands (including Vernal wetlands)."
Response 64:	This bullet has been revised to clarify that natural areas include freshwater wetlands, tidal wetlands, and vernal pools.
Comment 65:	<i>Task 1.4:</i> The NYC Tree map (which is a data source that should be included) only maps public trees, so it does not give a full picture of the full tree canopy of neighborhoods with plentiful private trees. To only rely on the NYC tree count is to significantly understate the disparity between neighborhoods.
Response 65:	The reference to "street trees" has been modified to reference the overall tree canopy and consider the contribution of all trees to the overall coverage in the city.
Comment 66:	<i>Task 1.4:</i> Under "Transportation," add "freight lines" to bullet saying, "Rail yards and maintenance facilities."
Response 66:	Thank you for your input. We have broadened this bullet to read "Rail yards, railways, and rail maintenance facilities," which would cover all lines, both freight and passenger. Please note that NYC DOT does not have jurisdiction over freight rail.
Comment 67:	<i>Task 1.4:</i> Under the "transportation" bullet point, should include elevated subways, freight rail lines, and highways. It should also include passenger train (such as the NYC subway, LIRR) maintenance yards and terminals, municipal vehicle garages and maintenance facilities (such as garbage truck depots, construction vehicles yards), delivery truck for breweries and other businesses in addition to UPS, Amazon and Fresh Direct distribution centers and maintenance depots, municipal salt piles. Delivery truck depots are a transportation issue that is different from the proposed study of warehousing. The City should also study the impact of application of road salt on local waterways. In EJ communities, subsistence fishing still occurs, and road salt has been shown to affect aquatic ecosystems negatively and could contaminate fish and aquatic wildlife populations that are then taken by subsistence fishermen.
Response 67:	Elevated subways, freight rail lines, passenger trains, and rail maintenance yards and terminals will all be included in the scope. The bullet beneath "Transportation" in Task 1.4 has been broadened to read, "Rail

	yards, railways, and rail maintenance facilities. Highways will also be added to the bulleted list beneath "Transportation" and included in the study. Regarding the suggestion to include municipal vehicle garages and maintenance facilities (e.g., garbage truck depots, construction vehicle yards) as well as delivery truck depots, the first bullet under "Transportation" will be broadened to say, "depots, garages, and maintenance facilities for heavy-duty vehicles." However, the EJ IWG has determined road salt to be out of scope for purposes of the EJ Report.
Comment 68:	<i>Task 1.4:</i> Regarding the "Electricity" bullet, the electricity analysis should include a study of renewable energy battery energy where currently deployed. In addition, although boilers are a slightly different category, I don't see them mentioned in the list. I would add them and require that the analysis examine where the cleanest burning boilers (gas v. oil) are operated in the City. Also should include solar installations and micro grids
Response 68:	Thank you for your comment. Renewable energy (including solar PV, energy storage, and microgrids) is covered under task 1.7, but we have added it to Task 1.4 as well to ensure it is covered as infrastructure. We also amended the text to include any boilers using fuel oil required to be phased out by or before 2030.
Comment 69:	<i>Task 1.4:</i> For the "Parks" bullet, I would suggest defining a "park" for purposes of the parks analysis. The Bloomberg administration had set a goal for a community's access to "parks" and declared success when they found that most communities in the city were within 0.25 mile of a park. However, the administration defined "park" so loosely that even a green square in the middle of a busy street or the Broadway mall would constitute a park. I would suggest that the EJ for All analysis limit the definition of "park" to those areas that can truly be easily and safely accessed on foot by the surrounding community members and that is large enough to support some kind of active sport.
Response 69:	Definition of "parks" has been added to the scope in line with the city's CEQR Technical Manual.
Comment 70:	<i>Task 1.4:</i> For residential buildings--include buildings assigned a C or below (D or below?) under Local Law 97.
Response 70:	Thank you for your comment. The first reporting requirement for buildings under Local Law 97 will be May 1, 2025. Local Law 33, which requires display of energy grades had a first reporting requirement of October 2020. However, it is expected that the quality and completeness of data in the initial years maybe deficient for statistical use. In addition, the data reported for October 2020 and 2021 are based on oddities of energy usage during COVID-19, which is not representative for a regular usage of a normal period. However, we will review the Local Law 33 data and determine whether it is a useful metric for measuring EJ concerns. Due to the discrepancy between the timeline for this Report and the reporting deadlines for Local Law 97, it is not

	feasible to include Local Law 97 data in this EJ Report. Once the data from Local Law 97 and Local Law 33 reports has been normalized for statistical use, these data will be included in the scope of future EJ reports.
Comment 71:	<i>Task 1.4:</i> For "Wastewater resource recovery facilities," does this include all sewage treatment plants, not just the sewage plants that recover gas? Are wastewater treatment plants considered "wastewater recovery facilities?" If not, then they should be explicitly included. The description of wastewater treatment plants should name them specifically "waste water recovery facilities" seems like the analysis is being restricted perhaps or cogeneration facilities or some other type of facilities.
Response 71:	All 14 wastewater treatment plants in NYC have been rebranded as wastewater resource recovery facilities. We have added a definition to that term in the final scope to reduce any confusion.
Comment 72:	<i>Task 1.4:</i> Under "Material Supplies and Wholesale Markets," add a bullet saying, "Warehousing, distribution and other logistics centers." Sometimes this is specified by size of the warehouse facility – over 100,000 square feet -or by number of truck bays or truck intensity of the operation (i.e. over 50 bays).
Response 72:	Comment noted. "Warehousing, distribution and other logistics centers" has been added under "Material Supplies and Wholesale Markets" in Task 1.4.
Comment 73:	<i>Task 1.4:</i> Change "Material Supplies and Wholesale Markets" to "Material Supplies, Wholesale Markets, and Distribution Centers". Then add new bullet saying "E-Commerce Fulfillment centers"
Response 73:	Comment noted. "Warehousing, distribution and other logistics centers" has been added under "Material Supplies and Wholesale Markets" in Task 1.4.
Comment 74:	<i>Task 1.4:</i> Under the "Electricity" section, edit the bullet currently reading "Power plants," to add " including backup generators, black start and peaker plants (5-25 MGW)." Also, also pipelines should be specifically identified as infrastructure that will be considered.
Response 74:	Thank you for the comment. Peaker plants will be included in analysis of power plants, and generators that are registered with DEP will be analyzed. Pipelines are out of scope and feasibility for this current effort due, in part, to security concerns about sensitive infrastructure.
Comment 75:	<i>Task 1.4:</i> Under the "Other" section, what about adding industrial and manufacturing facilities with any nuisance related issues odor, noise, lights, fugitive dust, truck intensity, or with any air permits? Or is this already covered by the permitted point source sites?
Response 75:	Thank you for your comment. Environmental violations and complaints on air quality, noise, odor, and dust will be covered broadly in the scope of the EJ Report to cover all businesses and industries. Based on your suggestion, we have added industrial and manufacturing occupancy group "H" and "F" in the "other section".

Comment 76:	<i>Task 1.5:</i> To create more accurate identification of violations and complaints citywide there needs to be centralized tracking of concentrations of violations and complaints of environmental justice areas. For instance in NYCHA there is no clear mechanism for making a complaint (noise, construction, poor service, etc.). All tenants are redirected to the housing assistants and resident managers after first calling the Customer Care Center and can only put in tickets for work to the CCC.
Response 76:	Thank you for your comment. NYCHA Residents can submit complaints online to NYCHA’s Compliance, Environmental Health and Safety or the Quality Assurance Departments through the “Submit Concern” portal on NYCHA’s website. Residents may also submit complaints through the MyNYCHA application on their phone or by calling the Customer Contact Center (CCC). NYCHA complaint data does not roll up to 311. For noise complaints residents can call 311. Ideas to better track and report this data can be considered by the EJ IWG and EJAB as part of the development of the EJ Plan.
Comment 77:	<i>Task 1.5:</i> For "complaints to be analyzed," include a bullet that reads: any city, state, and/or federal civil, human or disability right complaints raising environmental justice issues.
Response 77:	Comment noted. Task 1.5 in the Draft Scope of EJ Report covers “concentrations of complaints and violations citywide which may reflect environmental justice concerns.” The scope of Task 1.5 covers various areas related to environmental justice concerns. City, State, and/or federal civil, human or disability rights complaints are beyond the scope of what the EJ Report is designed to address. Complaints are not necessarily publicly available. Looking at the number of disability or civil or human rights complaints generally would be overly broad. It could be possible to survey agencies to assess how often complaints raise EJ issues, but that may not provide the complete universe of information. Further, while the EJ report may not be an appropriate conduit for those specific concerns, affected individuals may instead want to consider contacting local, state, and federal human/civil rights agencies. The New York City Commission on Human Rights (CCHR) is a New York City agency charged with the enforcement of the Human Rights Law, and with educating the public and encouraging positive community relations. Complaints related to human or civil rights (which includes disability rights among other protected categories) within the City can be directed to CCHR. An individual may call CCHR directly at (212) 416-0197 or may also report discrimination online at https://www1.nyc.gov/site/cchr/about/report-discrimination.page .
Comment 78:	<i>Task 1.5:</i> A the “concentration of violations and complaints” may also include occupational or industrial releases of environmental hazards that may have been reported to OSHA or other such authorities as these releases could also affect surrounding communities in addition to the workers that may be directly affected.
Response 78:	Duplicate comment, see comment 8

Comment 79:	<i>Task 1.5:</i> For "complaints to be analyzed," broaden the bullet that reads "rat or mouse complaints" to read "vermin (rat, mouse, cockroach, etc.) complaints."
Response 79:	Thank you for your input. Complaint data descriptions are limited by how 311 categorizes complaints; we will include cockroaches if and where possible. Cockroach and other vermin data can also come from the Housing Vacancy Survey —these are not complaints but based on a survey approach.
Comment 80:	<i>Task 1.5:</i> For "complaints to be analyzed," broaden the 2nd bullet to read: Air Quality (Indoor and Outdoor).
Response 80:	Thank you for your input. Complaint data descriptions are limited by how 311 categorizes complaints; we will include mold and pest complaints which are most relevant and address indoor air quality in other ways (e.g. using Housing Vacancy Survey, etc.). We have broadened this bullet to express our intent to cover both.
Comment 81:	<i>Task 1.5:</i> In regards to text saying that "complaints to be analyzed in the Environmental Justice for All Report include but are not limited to," do any of these environmental complaints go to the state agencies or are they all channeled to City hotlines?
Response 81:	Thanks for your input. The EJ Report will focus on complaints and violations of City environmental regulations. We added information into the scope about source of complaint and violation data.
Comment 82:	<i>Task 1.5:</i> In regards to "complaints," is there a way to also access complaints made to elected officials, esp city council member offices?
Response 82:	Thank you for the idea. We can consider assessing constituent services data for NYC Council Members as part of Task 1.5. However, this may not be feasible due to incomplete data. NYC Council Constituent Services data can be found at https://data.cityofnewyork.us/City-Government/NYC-Council-Constituent-Services/9hzi-kbqb . According to this page, "This dataset aggregates the information that individual staff have input. However, district staffs handle a wide range of complex issues. Each office uses the program differently, and thus records cases differently and so comparisons between accounts may be difficult. Not all offices use the program."
Comment 83:	<i>Task 1.5:</i> In regards to the analysis looking at "concentrations of complaints and violations citywide which may reflect environmental justice concerns," what about tracking enforcement or penalties assessed both by state and local entities for violations – there is a federal database tracking major source enforcement actions, but perhaps the state also tracks these enforcement actions, or the city can detail the size of the penalties – if any – were issued?
Response 83:	Thanks for your input. The EJ Report will focus on complaints and violations of City environmental regulations. We added information into the scope about source of complaint and violation data.

Comment 84:	<i>Task 1.5:</i> What is a cooling tower violation? Is this a reference to power plant cooling water discharge temperature?
Response 84:	Thank you for your question. This is not a reference to power plant infrastructure. Per DOHMH: "Cooling tower systems are used in some buildings to remove heat, often as part of air conditioning or refrigeration systems. Owners of buildings with cooling towers must register their cooling tower with the City. Building owners must conduct Legionella sampling and compliance inspections every 90 days and perform routine monitoring and maintenance whenever the cooling tower is operating. The Health Department conducts routine inspections of cooling towers to make sure that building owners are complying with City requirements. If violations are found during an inspection, the building owner may be issued a summons that is subject to fines."
Comment 85:	<i>Task 1.5:</i> The City should explain from where the "violations" to be analyzed will be drawn. If the IWG intends to use 311 as the data source, you should understand that the 311 system is extremely flawed. I have rarely been successful making complaints to the system. The operator almost never knows where to direct my call and when I am transferred to a City agency, the transfer almost never goes through and the call is dropped.
Response 85:	Thank you for your comment. In addition to 311, the City maintains the NYC Open Data website which includes a wealth of public data generated by NYC agencies, and is available for public use. We will analyze violations data available through that portal, and data sets such as OATH Hearings Division Case Status. Assessing complaints is more difficult. The City's 311 data may be the best source of complaint data related to City environmental regulations, although we understand and have noted the shortcomings of that data source.
Comment 86:	<i>Task 1.5:</i> The City should also cross examine "violations" related to housing conditions in EJ communities. With heat Islands, overcrowding, and flooding the number of people are huddling in illegal basement apartments in particularly flood zones will require more dynamic review.
Response 86:	Thank you for your comment. We agree this is important and requires a more dynamic review. Per the New Normal Report , we will be creating a database of subgrade spaces citywide to identify any subgrade spaces, including basements. We are working to understand the locations of subgrade spaces and then will layer in climate risks that will make these spaces even more vulnerable to climate change impacts. This analysis may not be complete in time for inclusion in the EJ Report, but the Mayor's Office of Climate and Sustainability remains coordinated with the Mayor's Office of Climate Resiliency on this topic.
Comment 87:	<i>Task 1.5:</i> Should add bullets for auto body shops runoff and odors, perc from dry cleaners co-located

Response 87:	Thank you for your comment. Environmental violations and complaints on air quality, waste leak, ventilation and exhausts systems will be covered broadly in the scope of the EJ Report to cover all businesses and industries in EJ areas, including those raised in your comment.
Comment 88:	<i>Task 1.6:</i> "climate concerns," should include both climate risks (projected) and climate impacts (past).
Response 88:	Thank you for your comment. We will cover both current and future climate risks and present-day and projected impacts to these risks.
Comment 89:	<i>Task 1.6:</i> There is no analysis metric or criteria for the city that sets an intention for examining negative or positive outcomes of practices and patterns of problems overlaid and intertwined with EJ and Climate Concerns/ EJ communities. What does the scope seek to focus historically beyond a tour of history? We are here because the historic perspective was skewed for the most part. What are the SMART goals for this area of review?
Response 89:	Thank you for this comment. We agree that further clarity was needed in Task 1.6 about how the EJ Report will interact with existing and future climate assessments, and what analysis the EJ Report will cover related to climate concerns. We have updated the scope to speak to the concerns raised in your comment. The EJ Report will not conduct any original research about climate change projections or vulnerabilities. Rather, we will use the official NPCC assessments and other sources noted in the scope as our baseline understanding of climate concerns. The EJ Report will then build upon this baseline to explore the overlap between areas with high climate vulnerability and those experiencing compounding EJ concerns.
Comment 90:	<i>Task 1.6:</i> In addition to academic sources, include lawsuits, and news reports and other information about protests, independent reports produced by community organizations, as well as testimony at community boards and city council.
Response 90:	Thank you for your comment. We acknowledge that these sources provide important markers for history and, more germane to Task 1.6, help understand contextual factors that contribute to vulnerability. For example, complaints of mold are a perennial problem in frequently flooded neighborhoods. While we will not be looking at these specific sources to assess climate risk and vulnerability, we acknowledge the importance of reviewing and incorporating community perspective and input on their climate risk and vulnerability, and will be reviewing reports done by community-based organizations to better understand the history of these issues in communities.
Comment 91:	<i>Task 1.6:</i> Might be good to add a note that coordination between EJAB and NPCC on these analysis will occur to get most up to date assessments of risks.

Response 91:	Thank you for your comment. The Environmental Justice for All Report will be incorporating all the latest science and data from NPCC so we are providing the most up to date assessment of climate risk. Additionally, the Mayor's Office of Climate Resiliency (MOCR) formed an Interagency Climate Assessment Team (ICAT) that includes the Senior Advisor for Environmental Justice from the Mayor's Office of Climate and Sustainability. In contrast to Mayoral advisory bodies and task forces, ICAT is a coordinating body to ensure, among other things, that NPCC assessment efforts are responsive and relevant to the Environmental Justice Advisory Board.
Comment 92:	<i>Task 1.6:</i> The analysis of climate hazards should include impacts of heavy snowfall and other types of precipitation not just rainfall. Flooding is a very big issue but so are road closures and garbage pile-ups during rainfall. Heavy hail and other types of precipitation can also damage housing. The climate impacts analysis should also examine public safety issues. For example, during heavy snows or rain, trees fall and branches and debris are thrown considerable distances. In EJ areas, these trees are often badly maintained and therefore already vulnerable to extreme force and the wind force and other storm characteristics could be the final blow.
Response 92:	The Report can incorporate findings from ongoing work, both from the NPCC and the Climate Adaptation Roadmap that examine these issues from a few perspectives. Information from the NPCC can incorporate impacts from winter storms on energy infrastructure, such as what followed from the snow event post-Sandy, which exacerbated power outages in the city. The Climate Adaptation Roadmap's impact assessment begins to translate how projected changes in climate hazards can impact people's lives, especially those in EJ areas, including the ways high winds create property damage and risk to individuals (e.g., risk of physical trauma, personal injury, reduced mobility, etc.).
Comment 93:	<i>Task 1.6:</i> Under the bullet titled "Individual and multiple climate hazards, such as:" add "disease outbreaks resulting from climate-induced animal/insect migrations"
Response 93:	Climate change will likely increase the prevalence of insects and pests throughout the city, as well as the diseases they carry or help transmit. In the case of some illnesses, like West Nile virus, the effects of this spread are anticipated to be citywide, and data suggests that neither mosquito increases nor efforts to control them will occur more or less frequently in specific areas of the city. Other illnesses, like dengue and chikungunya, which currently are not found in New York City mosquitos, are most common among people who live in low-income neighborhoods and who have traveled abroad to visit friends and family where these viruses circulate. As a result, these same neighborhoods would be more likely to experience introduction of these viruses to New York City mosquitoes if travelers return and are still viremic.

	Rats and mice (which are associated with refuse and housing maintenance deficiencies) likely spread more intensely in specific areas of the City. Study of these pests is already included in the EJ Report scope. However research to consider how climate change may further impact EJ Areas through insects, pests and their related illnesses is beyond the scope of the EJ Report and may be an issue better suited for the EJAB to discuss with the NPCC.
Comment 94:	<i>Task 1.6:</i> I assume the City will examine vulnerability of superfund sites (state, city and federal), brownfield, and manufacturing sites to flooding, heavy snow (which would cause flooding events when the snow melts) and extreme wind — and even extreme heat. The report should also examine integrity of roadways during these extreme weather events. The extreme heat events in the Pacific Northwest demonstrated that some transportation infrastructure are vulnerable to extreme high temperatures.
Response 94:	Thank you for your comment. These are important potential vulnerabilities and impacts to examine and very much on the leading edge of the resiliency and adaptation field. We will build on existing assessments and coordinate with NPCC to further explore some of these potential vulnerabilities and impacts.
Comment 95:	<i>Task 2.4:</i> Under "The Environmental Justice for All Report will assess investments and incentives supporting:" Add new bullet for "street trees and green infrastructure (i.e. rain gardens, planted medians, green roofs, cool roofs, etc)." It's not clear if these are considered part of "stormwater controls".
Response 95:	Green infrastructure is one type of stormwater control. The scope has been revised to include street trees.
Comment 96:	<i>Task 2.4:</i> Regarding investments and incentives, do we want to track climate and EJ education programs, job training programs tied to clean energy or green infrastructure, community based environmental/climate planning, emergency response and disaster readiness funds, COVID related relief funds? EJ Education should also include guided boat tours of the NYC Islands, so that students understand that they live on islands and space is limited. Therefore, careful thought has to be given to how the land is used.
Response 96:	Thank you for your suggestions. Climate change adaptation is already covered in Task 2.4. As for the rest of the suggestions, while they are all important areas, the analysis of investments and incentives will be limited to specific projects that are place-specific, have impacts long in duration, and involve changes to the physical environment. These guidelines ensure we will be able to deliver a spatial analysis that looks at investments inside and outside of EJ Areas. However, some of these items may be included elsewhere in the EJ Report as part of our analyses of city programs (see Task 2.2).
Comment 97:	<i>Task 2.4:</i> The City needs to define "Renewable Energy." This definition should not include any form of waste to energy or fossil fuel-based energy and should include the modalities Ana mentioned in her comments. I

	would also add battery and fly wheel capability. Drinking water investment should include delivery infrastructure — including building pipes.
Response 97:	Comment noted. We have added a definition to renewable energy into the scope, which is aligned with the definition under New York State's Climate Leadership and Community Protection Act. "Renewable Energy Systems are systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity."
Comment 98:	<i>Task 2.4:</i> Add a bullet point: "An immediate moratorium on the building of all fresh water wetlands, vernal ponds and forests privately and publicly owned until such time as their uses for Climate Change Mitigation/Environmental Justice Improvements can be determined".
Response 98:	Task 2.4 will estimate investments in programs and projects that are underway and is not intended to estimate the cost of potential programs, projects or policies that have not yet occurred. More broadly, the Environmental Justice for All Report is intended to serve as an evaluation of environmental justice issues in New York City, which will feed into a subsequent EJ Plan. While the EJ Plan may ultimately recommend policy changes that relate to the use of wetlands, vernal ponds, forests, or other sensitive and valuable environments, it would go beyond the scope of this report to evaluate programs, projects, or policies that have not yet occurred.
Comment 99:	<i>Task 2.4:</i> I'm assuming the reference to water quality is about surface waters. The assessment should include the extent to which local surface waters can be used for recreation and the relative investments made in infrastructure for that purpose. The assessment should also include the relative deployment of green infrastructure for stormwater and flood control in various areas. `
Response 99:	Thank you for your comment. The requests made in this comment are already covered in Task 1 of the scope and will be part of the EJ Report.
Comment 100:	<i>Task 2.1:</i> Academic sources are not enough to understand the role government has played in creating environmental injustices, especially in instances where communities were unable to sufficiently organize to ensure that their side of the story was sufficiently told. EJ Advocacy groups & Community Based Orgs are a crucial primary source of info and need to be consulted. NYC Examples include the NYC Environmental Justice Alliance and it's member community-based organizations; as well as WEACTION.
Response 100:	Thank you for your input. We understand "policy and legal analysis on local, state, and federal levels" to include analysis from community members and organizations. We can explicitly state that analysis will come

	from "academic, advocacy, and community sources." There will be ongoing public engagement as the EJ Report is developed to inform several areas of Task 2 and 3.
Comment 101:	<i>Task 2.2:</i> Evaluate current existing city programs etc. A review and change is needed in how the City is clustering social services in EJ communities and not spreading them out so that 1 or 2 EJ communities are not burdened by numerous and various varieties of social services, their clientele and the other issues that they bring. There is no way that 1 EJ community should have over 50 social services and residences in it. No community should have more than 8 to 10 individual social services if it is not an accredited hospital. In addition, it should be mandatory by law that the NYC DOH know all of the locations of the various social services and residences be they a contractor, non for profit, or privately owned and regardless of how they get their funding be it through private donations, City, State or Federal means. It is imperative that the NYC DOH know their locations in order to monitor and prevent Redlining/the clustering of social services into EJ communities.
Response 101:	Thank you for your input. The City (and specifically NYC DOHMH) does not do site selection for the types of mental health or substance use treatment facilities most often raised in comments like these (e.g. shelters and opioid use disorder treatment centers); state and federal authorities place and license these facilities. When a substance use treatment provider plans to open a new site, DOHMH has the ability to provide recommendations, but not approval on the placement of a new site. Those recommendations are informed by our population-level epidemiological data and the service needs present in a particular community. Perhaps more importantly, the clustering of substance use facilities are a result of the intersections of structural racism and historical neighborhood divestment. For example, NYC in particular has seen a worsening of overdose deaths rates and a deepening of the burden of overdose deaths in certain high poverty neighborhoods over time, and a very real and challenging part of that impact is more visibility of community members without homes and stable employment, and with substance use disorders, and severe mental health conditions in need of care and treatment. Mental health and substance use treatment facilities are not covered infrastructure in the EJ Report, but there may be separate efforts happening across the City to analyze some the concerns raised in your comment. The Mayor's Office of Climate and Sustainability can work with the EJAB to identify more appropriate avenues to address this concern.
Comment 102:	<i>Task 2.2:</i> For "Funding or investment directed towards EJ Areas," does programmatic funding include maintenance (i.e. maintaining planted medians and landscaping)? Add it to be explicit. Investing millions in a greenway for an EJ area would look good on its own but less so if we see that that greenways in low-income communities of color are less maintained than greenways in wealthy white communities. Would it

	be possible to track improvements in environmental metrics like air quality improvements, reduction of toxics, lead remediated homes, EE audits, or other environmental outcomes?
Response 102:	Maintenance will be assessed as part of the EJ Report. For Parks this is noted under Task 1.2, Task 1.5, and Task 2.4.
Comment 103:	<i>Detailed Scope of Task 2:</i> Task 2.2. and 2.3 seem very similar – one links back to public engagement but both seem to be an evaluation of existing programs – why the distinction? Can they be collapsed into the same Task with the inclusion of a procedural equity evaluation?
Response 103:	We agree that it would be more clear to collapse Tasks 2.2 and 2.3 into one task, and the scope has been adjusted accordingly. Task 2.2 was intended to assess programs and processes that advance environmental justice goals, while Task 2.3 focuses on programs and processes that have the potential to contribute to environmental justice concerns. The combined task within the final scope of work will continue to evaluate City programs and processes that advance environmental justice goals or those that may contribute to environmental justice concerns.
Comment 104:	<i>Task 2.3:</i> Part of this task is the development and application of evaluation metrics, which in and of itself is a great contribution that will be useful beyond this report for future assessments.
Response 104:	Comment noted. We agree that the development of evaluation metrics for equity and environmental justice will be a great contribution to the City and beyond. As some agencies have begun this work prior to the EJ Report, we will be able to refer to those tools as a starting point for the EJ Report.
Comment 105:	<i>Task 2 Deliverable(s):</i> One bullet reads: "An overview of environmental justice approaches and initiatives in leading cities and states across the country." Can we make this more specific to highlighting best practices that are most applicable to NYC context and create a resource list of those approaches for public use as well as internal use?
Response 105:	The report will identify EJ programs/proposals across the country and determine whether they are informative/applicable for NYC. For programs not applicable to NYC, the study will explain why. For relevant programs, the study will evaluate their utility and value.
Comment 106:	<i>Task 2.3:</i> Add the federal government/agencies as places to look at EJ programs, not just cities and states.
Response 106:	Thank you for your input. We have updated the scope to include a review of federal EJ programs.
Comment 107:	<i>Task 2.2:</i> For "Number of EJ Concerns," it could be changed to Number of EJ areas or number of people in the EJ areas that are implicated in the program or process could be other measures
Response 107:	The phrase "number of EJ concerns addressed" is intended to mean that the program evaluation will consider the number of distinct environmental justice concerns from Task 1.2 that are addressed by the

	<p>program. However, the evaluation will also include metrics related to the magnitude of impact, which may include the extent of the geography impacted or the number of people who may be affected by the program. Given the available data and key performance metrics tracked by the relevant agency, different methods may be used across the evaluation of programs to describe the magnitude of each program's potential impact.</p>
Comment 108:	<p><i>Task 2.2:</i> Under "Longevity," in addition to longevity – you can track the staffing resources allocated to EJ. You can track where explicit EJ benchmarks are described and measured</p>
Response 108:	<p>We agree that staffing resources would be a useful indicator of the level of commitment to EJ programs. However, data limitations make it challenging to effectively evaluate staffing across programs, especially as many City employees work on a wide variety of programs, and staff time is rarely tracked with enough granularity to provide reliable information. The assessment of funding and investment directed toward EJ programs is intended to capture similar information about the scale of programs and the City commitment to them.</p>
Comment 109:	<p><i>Overview of Task 3:</i> One of the key tools needed for this evaluation will be a set of metrics to measure procedural equity, outcome or distributive equity in terms of resources and environmental improvements/burden reduction and systemic improvements examining the depth of institutionalization and embeddedness of EJ considerations. Perhaps one of the tasks to add to this list is the development or adoption of metrics that will guide the evaluation process along these various EJ characteristics. Another potential addition might be the gathering of feedback from EJ communities themselves on their perspectives with respect to evaluation of existing programs – beyond the review of engagement processes, you can ask EJ communities how well they think these program performed – since EJ communities are the intended targets of these activities – asking them directly or indirectly about their assessment would be important qualitative data to add to your assessment to cross check what agencies report. This could be done with a survey, interviews with selected stakeholders, listening sessions, in combination with the assessments included for Task 3.</p>
Response 109:	<p>Thank you for your input. The development of evaluation metrics for equity and environmental justice will be completed prior to relevant evaluations in Tasks 2 and 3 and will be informed by this scope. As some agencies have begun this work prior to the EJ Report, we will be able to refer to those tools as a starting point for the metrics used in the EJ Report. We are committed to including analysis from community members and organizations. We will update the scope to explicitly state that analysis will include community</p>

	sources, as there will be ongoing public engagement as the EJ Report is developed to inform several areas of Task 2 and 3.
Comment 110:	<i>Referenced Definitions (Task 3):</i> Meaningful Involvement – measures could be put in place to ensure that the aspects of meaningful engagement can be quantifiable. For example, instead of just stating “opportunity to participate”, state specifically what those opportunities to participate in the agency decision-making will be. This would dovetail well with Task 3.1.
Response 110:	Duplicate comment. See comment 9.
Comment 111:	Detailed Scope of Task 3.1. The last sentence: The report will also note gaps in programs and processes such as "As of Right Zoning/Development" and others where there is no formal public engagement regarding the siting of facilities and infrastructure or other environmental decision-making processes. The types of facilities and infrastructure covered in this analysis shall be those defined in Task 1.4 of this document.
Response 111:	Thank you for this suggestion. The scope of work will include a reference to development that occurs within as-of-right zoning as an example of programs and processes where there is no formal public engagement regarding the siting of facilities and infrastructure.
Comment 112:	<i>Referenced Definitions (Task 3):</i> Under "Environmental decision-making," you might consider adding to this definition – any decision making that is not explicitly within the purview of environmental laws but has impacts on the environment and quality of life of EJ areas – for example, transportation projects or economic development investments can have environmental impacts but are not always captured under environmental laws. What about including any decisions by the participating city agencies that have a direct or indirect impact on environmental and health conditions in EJ areas?
Response 112:	Thank you for your input. The definition was intended to include both decision-making processes that are mandated by environmental laws and those that are not, but do affect the distribution of environmental benefits, such as those expressed in your comment. We have reviewed the definition to try and make that intention clearer.
Comment 113:	<i>Referenced Definitions (Task 3):</i> Regarding "Meaningful Involvement," it might be useful to include some literature on other definitions of effective or meaningful public participation – for example, using Sherry Arnstein’s “Ladder of Participation” to describe ways in which to measure the power of participation in public decision making
Response 113:	Thank you for this helpful resource. We can reference this definition as we complete Task 3.6 in partnership with the EJ Advisory Board and EJ communities.

Comment 114:	<i>Overview of Task 3:</i> A literature review may be helpful in examining the City’s role in creating and perpetuating inequality, but that’s assuming the academy has studied injustice. I also caution that the academic view of equality has also evolved over history so that the literature analysis should take a fresh look at the data collected rather than rely on the conclusions reached in previous studies. The City should examine both action that were successful at reducing inequality and those that worsened inequality. I suggest that the City also conduct surveys and case studies of residents of EJ communities to hear from the impacted people how City policies and practices have contributed to injustice.
Response 114:	Thank you for your input. We understand "policy and legal analysis on local, state, and federal levels" to include analysis from community members and organizations. We can explicitly state that analysis will come from "academic, advocacy, and community sources." There will be ongoing public engagement as the EJ Report is developed to inform several areas of Task 2 and 3.
Comment 115:	<i>Purpose (Task 3):</i> Under this task I’m assuming you will be examining processes that require or mandate these engagement processes not just "allow" them?
Response 115:	Thanks for your input. We updated Task 3 to make this clearer in the scope.
Comment 116:	<i>Overview of Task 3:</i> How will “treatment” be determined - do you want to include methodologies like those listed in task 3.4 such as surveys, interviews, mapping, or case studies to make this determination. Will you just review meeting notes and agency report to make this determination or will you seek input from stakeholders, use information, media sources, etc.?
Response 116:	Comment noted. This section of the scope has been updated. Task 3.4 will evaluate environmental decision-making processes for meaningful involvement. The meaning of this term is based on federal guidance. See <i>Glossary</i> above for more details. The analysis of meaningful involvement as described by existing law will be complemented by efforts, in partnership with the EJ Advisory Board, to identify opportunities to better ensure equity and environmental justice in environmental decision-making.
Comment 117:	<i>Task 3.4:</i> For existing "community power and influence," does this include some assessment of how much voting power EJ areas have relative to the rest of the city, how much they have access to city budgeting or how many city council or zoning decisions they’ve been able to effect? how will “influence” be explored?
Response 117:	Task 3.4 will include a description of existing community power and influence specifically regarding local environmental decision making. We have added a few examples to the scope to provide more clarity. Power and influence will be explored through formal environmental decision-making processes, but there may be opportunities for the EJ Board and Interagency Working Group to work together as we decide how to quantify those important terms.

Comment 118:	<i>Task 3.1:</i> During rezoning and master plan development efforts, the City often solicits and receives public comments and suggestions. My experience is that the City often disregards these because it already has the idea that its plan is the ideal. I would suggest the City study public comments for these sorts of efforts say over a period of the past 20 years and identify recommendations that would have been help but not taken and look for opportunities to implement them in the future.
Response 118:	Thank you for this comment. Given data limitations and the extent of research required to conduct such an analysis, it would not be feasible to do a historical evaluation of public comments relative to project outcomes, as described. However, we understand the concern about how public comments are used to inform decision-making, and the perception that the City has predetermined outcomes at the start of public engagement periods has been voiced throughout the engagement around the EJ Report. We would like to work with the EJ Advisory Board to determine the best approach for evaluating this concern in the EJ Report and working with communities to ensure that community members feel and are listened to in public engagement processes.
Comment 119:	<i>Overview of Task 2:</i> As far as the metrics examined in the analysis of current city actions, the City should look at both the number and types of EJ concern addressed, funding or investment should include staffing and political support
Response 119:	The phrase "number of EJ concerns addressed" is intended to mean that the program evaluation will consider the number of distinct environmental justice concerns from Task 1.2 that are addressed by the program. However, the evaluation will also include metrics related to the magnitude of impact, which may include the extent of the geography impacted or the number of people who may be affected by the program being evaluated. Given the available data and key performance metrics tracked by the relevant agency, different methods may be used across the evaluation of programs to describe the magnitude of each program's potential impact.
Comment 120:	<i>Task 3.5:</i> The city could also examine principles and values set forth in community-based participatory research (CBPR) in which academic researchers and community-based organizations partner to conduct advance public health. The process of CBPR provides a useful framework on partnerships of trust that can be implemented when the city tries EJ issues in communities, particularly with communities of color or those that are low income.
Response 120:	Thank you for your comment. CBPR is a valuable framework for researchers and community-based organizations to partner on public health and other forms of research related to EJ and to climate change. The City is working with the academic community to incorporate CBPR and other similar principles and

	frameworks (e.g. coproduction of knowledge and sustained assessment) and looks to encourage exactly these types of research through efforts like, but not limited to, the Climate Knowledge Exchange. We can reference this framework as we complete Task 3.6 in partnership with the EJ Board and EJ communities.
Comment 121:	<i>Task 3.6:</i> Add bullet under "Existing principles and values to be examined include, but are not limited to:" to include "Principles of Emergent Strategy" Link for reference: https://fortelabs.co/blog/emergent-strategy-organizing-for-social-justice/
Response 121:	Thank you for this helpful resource. We can reference this definition as we complete Task 3.6 in partnership with the EJ Board and EJ communities.
Comment 122:	<i>Task 3.3:</i> Consider using participatory budgeting as a model for how to engage and listen to residents.
Response 122:	Thank you. We will explore how elements of participatory budgeting may be a good model.
Comment 123:	<i>Purpose (Task 3):</i> Again this is an opportunity for the city to intentionally analyze and evaluate its current outward direction of communication with citizens. If there are deficits in these areas what does the city seek to accomplish on what timeline? Could there be more specific measurable, time-bound goals nestled into the assessment. And report back to include analysis of deficits the scope may need to address and define? When the city is assessing city programs, policies, activities, and processes that may implicate environmental justice concerns, they must also evaluate the City's support for residents associations that offer good faith representation for tenants do to what amounts a form of "taxation without representation". They city must address situations where a so-called democratically organized body of tenants voted in by less than a 100 tenants are allowed to represent 4,400 units. For instance, for NYCHA's expediency, unrealistic and morally unacceptable standards of democratic system standards (resident association committees) where tenant's designated to lead these committees are incapable of servicing this level of democratic imbalance. For the CITY developing a scope and report from it is an intellectual exercise, that will hopefully lead to changes in managing an agency(ies) that are supposed to be lifelines for the low income citizens. The City needs to insure participation of the actual individuals that constitute an EJ area. What is their goal for the improvement? How many people in low income EJ areas will be targeted for participation in City Agency decision making? What commitment to improvements will the deliverables measure, if a one way process that does not empower EJ citizens and their communities is discovered? Finally, what will city specifically do to advance environmental justice goals, decision-making, and community involvement throughout this entire process with a eye on a citywide, democratic solution? And what would be the metric for improvement? (See this example comment from Washington Heights/Inwood citizen given on 8/7/21 2 5:49pm, regarding the integration of housing/ indoor issues on a continuum of the magnitude of issues being

	dealt with in EJ communities. This citizen explained. "I was born & raised in this city. It's gone to hell. The trash is a big problem, it causes rats. Housing is OLD; It needs to improve if you want this generation to live long. The noise has become unbearable for some of us in these low-incomed neighborhoods. Being poor does NOT define me and I should not have to be hanging on to my mental health because the city has not payed attention to these neighborhoods."
Response 123:	Comment noted, thank you. We will look at meaningful involvement and participation in environmental decision-making by New Yorkers living in EJ Areas, including NYCHA residents. NYCHA is continuously improving its relationship as an agency with the residents and resident governments. On September 8th, 2021, NYCHA signed an MOA with the Citywide Council of Presidents committing to greater coordination across all areas of planning, procurement, training and hiring opportunities.
Comment 124:	<i>Task 3.4:</i> I agree that this analysis will require clear metrics to determine whether inequality exists and how ingrain the practices and policies are the perpetuate them. I'd also suggest that the definition of an "inequality" should include a failure to address issues the City knows to exist — for example, failure to consider the digital divide between wealthy and low-income communities when conducting public outreach or information distribution.
Response 124:	Thank you for this comment. The scope does not define "inequality," but the development of evaluation metrics for equity and environmental justice will be completed prior to relevant evaluations in Tasks 2 and 3 and will be informed by this scope. Moreover, we interpret your suggestion to evaluate "issues the City knows to exist" to be regarding enforcement of existing environmental laws. This area of the scope is covered in Task 1.5.
Comment 125:	<i>Purpose (Task 2):</i> The City should examine how its siloed decision making allows multiple negative impacts on a community through rezoning, and permits that happen through separate channels without ever triggering a holistic cumulative impacts analysis. (this is really echoing Beryl's point about whether complaints about drainage give DEP any authority to block additional development until the problem is fixed. These city agencies should be talking to each other, and should have the ability to consider all the aspects of a problem
Response 125:	Thank you for your input. We will evaluate agency processes and how they contribute to environmental justice concerns in this report. That area is covered under Task 2 of this scope.
Comment 126:	<i>Task 3.3:</i> Criteria for evaluation should include: meets residents in a place that they are comfortable with, at a time that makes sense, whether child care, food, and translation is provided, and whether the process

	actively reaches out for input from affected community members through popup booths, presences at pta meetings, community fairs, houses of worship, and other community gatherings.
Response 126:	The evaluation in Task 3.3 will be based on whether the programs and processes identified in Tasks 3.1 and 3.2 meet the federal standard of meaningful involvement in environmental decision making. Therefore, we will be evaluating based on those criteria. We agree that all the issues raised in this comment contribute to creating an inclusive place to contribute to environmental decision-making. We can incorporate these considerations in our analysis of barriers to meaningful involvement in Task 3.4.
Comment 127:	<i>Purpose (Task 3):</i> An obvious potential product of this effort, which is not mentioned in the Scope, is the valuable outreach tools and study methodology for engaging the public and addressing EJ, respectively. Where possible, the City should partner with nearby municipalities to amplify successful EJ efforts. For example, partner with the City of Yonkers to help improve services to Yonkers -- and get the added benefit of helping Bronx residents. The City should also aim to mentor other municipalities that are known to have EJ issues. The Bloomberg administration used this strategy to develop a coalition of municipalities and non-profit organizations around the world to address sustainability and climate change. There are opportunities for positive synergy here that the City should consider.
Response 127:	Thank you for your input. We will look into sharing lessons learned with other cities.
Comment 128:	<i>Overview of Task 3:</i> In the section that says "Assess the City's formal public engagement including engagement regarding siting facilities and infrastructure and other environmentally related decision-making processes," add the word "legally mandated" after "formal."
Response 128:	Task 3.1 will go beyond an evaluation of legally mandated public engagement processes to be more inclusive of opportunities for the public to be involved in environmental decision-making. For this reason, the task will evaluate legally mandated public engagement processes, other formal public engagement processes, and gaps in programs and processes where no formal public engagement currently occurs.
Comment 129:	<i>Overview of Task 3:</i> In the section that says, "Task 3.5 – Examine principles and values from the environmental justice movement," edit that line to read, "Examine how principles and values from the environmental justice movement are reflected, or not, in the City's public engagement processes." I'm assuming the purpose of examining the EJ principles is to apply them in some way to the review of city processes.
Response 129:	Thank you. Yes, the purpose of reviewing these guiding principles from EJ movements would be to inform how we, as a City, define and implement meaningful involvement in environmental decision-making. The

	goal is to co-create guiding principles for the City that provide guidance and a goal post for City agencies in environmental decision-making. We have updated the scope to clarify the desired outcome.
Comment 130:	Task 3.4: The main issue I see in the City’s public engagement process around projects like rezoning efforts or major policy shifts is that it comes too late for the impacted communities to make a real difference in whatever action or policy the City adopts. The City should study characteristics of City actions and determine how soon in the planning process it’s feasible to include the public. For example, when an area’s zoning is recognized to be dated and a rezoning process could make better use of the area, the City should conduct community meetings to determine the local needs and work with the impacted community to develop a plan to ensure the rezoning meets those needs. The City should also work with stakeholders to build in community resilience so that the rezoning doesn’t lead to gentrification and displacement of residents. There are many models that have proven to be effective on this front and the City should examine those to see what makes sense for NYC. As far as I have seen holding public meetings and soliciting input after the plans are already developed and developers are already invested in the process does not result in good public participation; it only allows impacted communities to affect the margins or projects and feed at the scraps that are left after the big investment banks and builders and other profit makers have had their fill.
Response 130:	Comment noted. Task 3 in the Draft Scope of EJ Report covers community engagement and meaningful involvement; in particular this section seeks to assess how the City involves affected populations in environmental decision-making. The term ‘meaningful involvement’ includes both “ability to influence agency decision-making” and “early engagement with affected communities.” Therefore, the EJ Report will review timing in its assessment.
Comment 131:	<i>Glossary:</i> The definition of Environmental Justice Areas as defined in the enabling legislation is very general is too broad for the city. In it, “a low-income or minority community located in the city” would constitute most of New York City if an appropriate gradient is not implemented.
Response 131:	Thank you for your input. Changing the definition of EJ Area, already developed with advocates and enshrined in local law, will prevent completion of this report and eventual implementation of this plan.
Comment 132:	<i>Referenced Definitions (Task 1):</i> The study should also highlight communities with a disproportionate amount of pollution and/or polluting facilities, regardless of socioeconomic metrics.
Response 132:	The local laws set forth the definition of EJ Area, which includes not only socioeconomic metrics, but also areas defined as “minority community” regardless of socioeconomic metrics. However, data on pollution, polluting facilities, and related health outcomes for all communities will be evaluated and likely included in

	<p>the report. This data are also publicly available, namely on the "DOHMH Environment and Health Data Portal" available at: https://a816-dohbesp.nyc.gov/IndicatorPublic/</p> <p>Where such data is included in the report, efforts will be made to disaggregate data by not only EJ Area, but also race/ethnicity, income, Neighborhood Tabulation Area, Community District, and other indicators which may allow for greater understanding of environmental justice concerns in New York City. Therefore, the EJ Report will both explore environmental justice issues citywide and narrow in on understanding impact of EJ concerns on EJ Areas, as local law requires.</p>
Comment 133:	Given the Biden Administration’s emphasis on environmental justice in all government policies, the Board recommends that Task 2.4: “Conduct an overview of environmental justice action by governments across the country” should also include new initiatives by the federal government not only those of state and local governments.
Response 133:	Duplicate, see comment 106