



Takiyah A. Douse
Interim Administrator

TO: Takiyah Douse, Interim Administrator
FROM: Charles Jackson, Deputy Administrator
DATE: September 12, 2023
SUBJECT: Environmental Justice Ordinance Recommendations

Background

The following information provides a policy analysis on the potential impact of an environmental justice ordinance if adopted by Augusta-Richmond County. Expert opinions are provided by the Augusta Engineering and Environmental Services Department, the Augusta Planning Department, the Economic Development Authority of Augusta, Georgia, and the Augusta Metro Chamber of Commerce.

On August 8, 2023, the Augusta Commission discussed the option of adopting an environmental justice ordinance. During the discussion members of the Commission posed questions regarding the potential impact of an ordinance. Although the Commission did not determine a conclusive path forward, a directive was given to the Office of the Administrator to provide a recommendation based on input from (1) Community Stakeholders and (2) Environmental Experts on how a proposed ordinance would impact Augusta. The update is expected to address various issues, which include:

Figure 1. Commission Priorities in Assessing the Impact of an Environmental Justice Ordinance

1. Environmental and health impact on neighborhoods near a proposed project.
2. Long-term impact on the growth and development on area manufacturing and industrial industries.
3. Administrative impact on city departments responsible for regulatory and enforcement of a proposed ordinance (zoning/permitting/enforcement, environmental services, etc.)
4. Unforeseen legal challenges in which may threaten or expose Augusta to liability.

Stakeholder Input

Through coordination with the Office of the Administrator, several external and internal stakeholder groups were consulted to address priorities and concerns expressed by the Augusta Commission. Among those stakeholders are:

1. Augusta Planning Department
2. Augusta Engineering and Environmental Services Department
3. Augusta Economic Development Authority
4. Augusta Metro Chamber of Commerce



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Key Facts: Defining Environmental Justice Communities

According to the Environmental Protection Agency (EPA), *Environmental Justice* is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. ***This goal will be achieved when everyone enjoys:***

- The same degree of protection from environmental and health hazards, and
- Equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

[Source: EPA.gov](https://www.epa.gov/ej)

Environmental Justice typically addresses neighborhoods or communities, composed predominantly of persons of color or a substantial proportion of persons below the poverty line, that is subjected to a disproportionate burden of environmental hazards and/or experiences a significantly reduced quality of life relative to surrounding or comparative communities. ***The most common socio-economic indicators related to environmental justice communities include:***

1. Minority Communities
2. Low-income Households
3. Limited English-Speaking Households
4. Households with Less than High School Education
5. Individuals over age 64
6. Individuals under age 5
7. Individuals suffering from health disparities (asthma, cancer, heart disease, persons with disabilities).

[Source: EPA Screen Map](https://www.epa.gov/ej)

The EPA utilizes various statistical indices to regulate and remedy the negative impact of the sources of pollution, which impact environmental justice communities. ***These sources of pollution include:***

1. Particulate Matter
2. Diesel Particulate Matter
3. Hazardous Waste Proximity
4. Underground Storage Tanks
5. Wastewater Discharge
6. Air Toxins (and level of cancer risk)

[Source: EPA Screen Map](https://www.epa.gov/ej)

Methodology: Using Qualitative Interviews and Quantitative Data

Qualitative interviews were conducted with stakeholder groups to (1) Communicate Commission Priorities and Concerns, (2) Solicit Expert Input from stakeholders on the impact of a proposed ordinance and (2) Summarize the findings to present to the Commission on September 26, 2023.

Internal and External Stakeholder Position Statements

The findings from our community stakeholders are outlined below. These findings represent areas of interest and concern that the Augusta Commission should factor into determining the impact of an environmental justice ordinance.

1. Augusta Planning Department
2. Augusta Engineering and Environmental Services Department
3. Augusta Economic Development Authority
4. Augusta Metro Chamber of Commerce

Stakeholder 1 - Augusta Planning and Development

Position:

Does not Support an Environmental Justice Ordinance

Reasons:

1. ***Lack of Specific Need:*** Environmental Justice ordinances typically require thorough collaboration with relevant agencies, such as the Georgia Environmental Protection Division (EPD) and the Environmental Protection Agency (EPA), to ensure they address the specific environmental equity concerns of the community.
2. ***Compliance Costs:*** The cost of compliance for the Augusta business community is likely to negatively impact the region's growth and development.
3. ***Legal Complications:*** Environmental Justice encompasses various and complex (1) legal, (2) regulatory and (3) policy (development) factors. Examining these factors should not be considered without soliciting a third-party expert that specializes in such activities. The study, development, implementation, and evaluation of these factors require months (and likely years of directed effort).

Stakeholder 2 - Augusta Engineering and Environmental Services

Position:

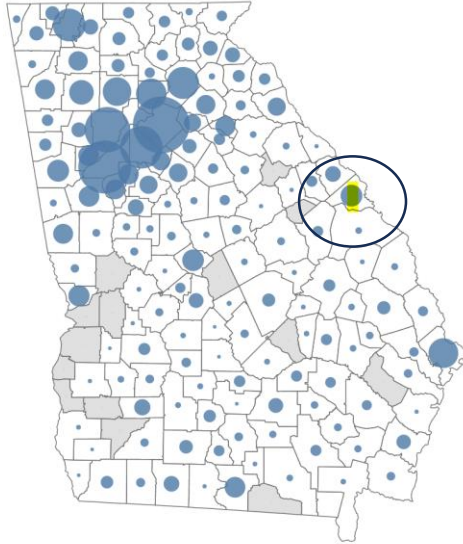
Does not Support an Environmental Justice Ordinance

Reasons:

1. ***Competitive Economic Disadvantage:*** Ordinance may negatively impact new development or expansion of existing development—particularly in the areas of manufacturing and industrial sectors. Such an ordinance could create competitive challenges among peer counties.

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Fig.2 Number of Manufacturing Establishments across Georgia Counties.



[Source U.S. Census Bureau](#)

- 2. Strong Legal Opposition due to Minimal Federal Enforceability:** Augusta will likely face development related legal challenges by implementing an environmental justice ordinance. The challenges are amplified by the lack of federal law governing environmental justice. **According to the Harvard School of Law (in 2020):**

“There is no federal law governing environmental justice (EJ). This means that agencies, including EPA, have no authority to mandate actions or remedies addressing EJ concerns independent of their authorities under other statutes. Executive Order 12898, signed by President Clinton in 1994, requires all agencies to “make achieving environmental justice part of [their] mission.” However, the order is not judicially enforceable.”

EPA’s EJ efforts to-date have been insufficient to address the scale and severity of environmental injustice in the US. According to Dr. Clarice Gaylord, the first director of the Office of Environmental Justice (then the Office of Environmental Equity), this minimal progress can be attributed to the office’s lack of authority to monitor and enforce Executive Order 12898. Marianne Engelman Lado, Director of the Environmental Justice Clinic at Vermont Law School, confirms that “any meaningful effort to address race discrimination in the environmental sector” will require EPA “to spend political capital. . . or for leadership outside of the agency to assume responsibility for civil rights enforcement in the context of environmental justice.”

Stakeholder 3 - Augusta Economic Development Authority (AEDA)

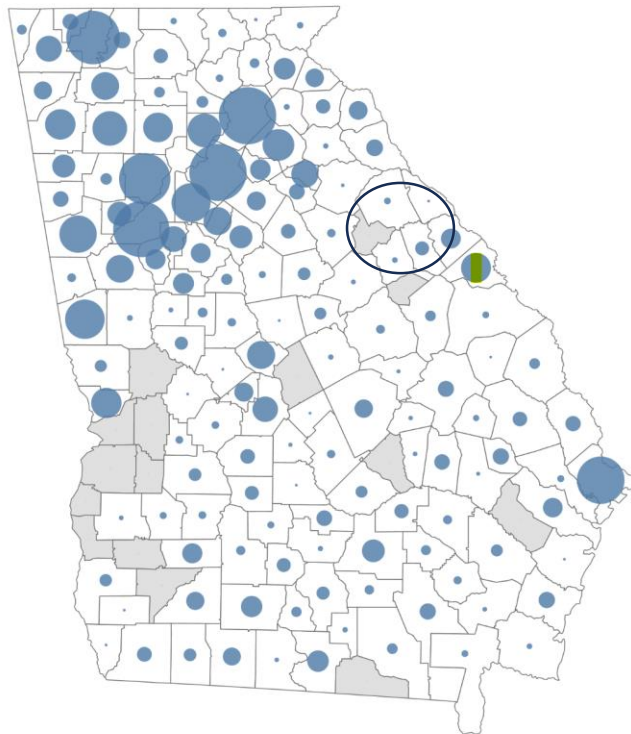
Position:

Does not Support an Environmental Justice Ordinance

Reasons:

1. **Suitable Health and Welfare Protections already Exist:** AEDA asserts that there are already discretions in place for the Augusta Commission to consider “health, welfare, environmental concerns, etc.” without requiring a ‘burdensome’ list of reports.
2. **Creates Perception of ‘Unfriendly’ Business Environment:** AEDA asserts that such an ordinance will hinder manufacturing and industrial growth. Prospective firms will likely be dissuaded from applying for zoning permits due to excessive regulations.
3. **Eliminate Job Creation:** AEDA predicts that an environmental justice ordinance will significantly impact job creation for residents.

Fig.3 Number of Manufacturing Employees across Georgia Counties.



Source U.S. Census Bureau



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Stakeholder 4 - Augusta Metro Chamber of Commerce (AMCC)

Position:

Does not Support an Environmental Justice Ordinance

Reasons:

1. **Costly Impact Assessments** AMCC asserts that requiring 'Impact Assessments' of any type will prove too costly for prospective firms. Such demands will produce negative outcomes such as loss of job creation and business expansion.
2. **Lack of Enforceability Expertise:** *AMCC asserts that a lack of enforcement expertise among city departments will not produce the desired results of an environmental justice ordinance.*
3. **Proper State Controls Already Exist:** AMCC asserts that oversight processes and measures of manufacturing and industrial sectors are properly designed and administered by the State of Georgia.



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Table 1. Summary of Stakeholder Positions Statements

Stakeholder	Position of Support	Reasons for Position
Augusta Planning & Development	Does not Support	<p>1. Lack of Specific Need: Environmental Justice ordinances typically require thorough collaboration with relevant agencies, such as the Georgia Environmental Protection Division (EPD) and the Environmental Protection Agency (EPA), to ensure they address the specific environmental equity concerns of the community.</p> <p>2. Compliance Costs: The cost of compliance for the Augusta business community is likely to negatively impact the region's growth and development.</p> <p>3. Legal Complications: Environmental Justice encompasses various and complex (1) legal, (2) regulatory and (3) policy (development) factors. Examining these factors should not be considered without soliciting a third-party expert that specializes in such activities. The study, development, implementation, and evaluation of these factors require months (and likely years of directed effort).</p>
Augusta Engineering & Environmental Services	Does not Support	<p>1. Competitive Economic Disadvantage: Ordinance may negatively impact new development or expansion of existing development—particularly in the areas of manufacturing and industrial sectors. Such an ordinance could create competitive challenges among peer counties.</p> <p>2. Strong Legal Opposition due to Minimal Federal Authority: Augusta will likely face development related legal challenges by implementing an environmental justice ordinance. The challenges are amplified by the lack of federal law governing environmental justice.</p>



Office of the Administrator

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Stakeholder	Position of Support	Reasons for Position
Agusta Economic Development Authority	Does not Support	<p>1. Suitable Health and Welfare Protections already Exist: AEDA asserts that there are already discretions in place for the Augusta Commission to consider “health, welfare, environmental concerns, etc.” without requiring a ‘burdensome’ list of reports.</p> <p>2. Creates Perception of ‘Unfriendly’ Business Environment: AEDA asserts that such an ordinance will hinder manufacturing and industrial growth. Prospective firms will likely be dissuaded from applying for zoning permits due to excessive regulations.</p> <p>3. Eliminate Job Creation: AEDA predicts that an environmental justice ordinance will significantly impact job creation for residents.</p>
Augusta Metro Chamber of Commerce	Does not Support	<p>1. Costly Impact Assessments: AMCC asserts that requiring ‘Impact Assessments’ any type will prove too costly for prospective firms. Such demands will produce negative outcomes such as loss of job creation and business expansion.</p> <p>2. Lack of Enforceability Expertise: AMCC asserts that a lack of enforcement expertise will not produce the desired results of an environmental justice ordinance.</p> <p>3. Proper State Controls Already Exist: AMCC asserts that oversight processes and measures of manufacturing and industrial sectors are properly designed and administered.</p>



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Citizen Forum

A town hall information meeting was held on August 29, 2023, regarding the proposed '*Construction & Operation of Renewable Energy (Biofuel) Facility*' at 1680 Dixon Airline Road, Augusta, Georgia. Residents were informed of the proposal elements and allowed public input. The key takeaways from the meeting included.

1. **Historical Incidents:** As in recent Commission meetings, residents expressed concern about proposals based on historical incidents of manufacturing and industrial projects.
2. **Early Disclosure to the Public regarding Proposed Projects:** Residents desired to have processes in place to alert the public about projects earlier than in the past.

Conclusion

Study findings indicate an overwhelming lack of support from department and business stakeholders in creating an environmental justice ordinance. These categories of stakeholders firmly assert the detrimental impact on job creation and a regional/state competitive disadvantage compared to Augusta's peer localities.

Residents are concerned with the timeliness of communication, whenever such projects are being considered. Those concerns are rooted in historical occurrences (real and perceived) and should be considered if/when proposals are initially presented to Augusta Richmond County Government.