

Governor Phil Murphy

Governor Murphy Announces Nation's First Environmental Justice Rules to Reduce Pollution in Vulnerable Communities

04/17/2023

TRENTON – On the first day of Earth Week, Governor Phil Murphy today announced the final adoption of regulations to implement New Jersey's landmark Environmental Justice (EJ) Law. The EJ Law and implementing rules are the first in the nation aimed at reducing pollution in historically overburdened communities and communities of color that have been subjected to a disproportionately high number of environmental and public health stressors.

The EJ Rules were developed by the New Jersey Department of Environmental Protection (DEP) through an extensive stakeholder process that brought together affected communities, environmental and public health advocates, and leaders in business and industry to offer critical insights that shaped the regulations. Effective upon their publication in the New Jersey Register today, the EJ Rules pioneer a community-first approach to planning and permitting certain pollution-generating facilities. First, the rules require enhanced upfront community engagement before such facilities are proposed in the state's overburdened communities ([https://urldefense.com/v3/_https://t.e2ma.net/click/byqaej/7ys5259b/zc2nf3_!!J30X0ZrnC1oQtba!LGCQEIoXkUCJKp6WOhvLjmEuaOwXuJx3p2lduCCq7sAGcxaGbuG144yu6pCCoX3Pvrhahf5\\$](https://urldefense.com/v3/_https://t.e2ma.net/click/byqaej/7ys5259b/zc2nf3_!!J30X0ZrnC1oQtba!LGCQEIoXkUCJKp6WOhvLjmEuaOwXuJx3p2lduCCq7sAGcxaGbuG144yu6pCCoX3Pvrhahf5$)). Second, using community-level environmental and public health data available through DEP's Environmental Justice Mapping, Assessment and Protection (EJMAP) ([https://urldefense.com/v3/_https://t.e2ma.net/click/byqaej/7ys5259b/f52nf3_!!J30X0ZrnC1oQtba!LGCQEIoXkUCJKp6WOhvLjmEuaOwXuJx3p2lduCCq7sAGcxaGbuG144yu6pCCoX3Pao8_sM5\\$](https://urldefense.com/v3/_https://t.e2ma.net/click/byqaej/7ys5259b/f52nf3_!!J30X0ZrnC1oQtba!LGCQEIoXkUCJKp6WOhvLjmEuaOwXuJx3p2lduCCq7sAGcxaGbuG144yu6pCCoX3Pao8_sM5$)) tool, the EJ Rules direct permit applicants to avoid and minimize environmental and public health stressors and enable the DEP to establish permit conditions that better protect vulnerable communities.

"Since the outset of my Administration, we have worked incredibly hard to ensure that all people—regardless of income, race, ethnicity, color, or national origin—can enjoy their right to live, work, learn, and recreate in a clean and healthy environment," said **Governor Murphy**. "As we enter Earth Week 2023, the final adoption of DEP's EJ Rules will further the promise of environmental justice by prioritizing meaningful community engagement, reducing public health risks through the use of innovative pollution controls, and limiting adverse impacts that new pollution-generating facilities can have in already vulnerable communities."

"With the adoption of the nation's first EJ Rules, New Jersey is on a course to more equitably protect public health and the environment we share," said **Commissioner of Environmental Protection Shawn M. LaTourette**. "My DEP colleagues and I are grateful for the partnership of frontline community leaders and those in the business community who worked with us to build regulations that will make our environment and our neighbors' lived experiences of it better. While our work is far from complete, the EJ Rules offer new hope for New Jersey communities long overburdened by pollution, and new opportunity for New Jersey businesses to demonstrate their commitment to equity and environmental stewardship."

"The rules that implement the state's environmental justice law have the potential to provide significant relief to New Jersey's overburdened communities," said **Kandyce Perry, Director of the DEP Office of Environmental Justice**. "The law and implementing regulations are just one of the State's tools to further the promise of environmental justice. New Jersey's work to make our state a fairer and more equitable place for all does not begin and end with the Environmental Justice Law. Though we are leading the nation in considering cumulative stressors when reviewing permits, we will continue to seek every opportunity and authority the State has to apply a lens of environmental justice to our work. I look forward to continuing partnerships with environmental justice advocates, residents of overburdened communities, and the regulated community in furthering progress along this important journey."

"It's no secret that poor, urban, and minority communities have been oversaturated with toxic facilities, and they have never had a real voice in determining whether these businesses and institutions were acceptable," said **Senator Troy Singleton**. "For generations, these communities have suffered from the adverse health effects of the environmental degradation of their neighborhoods. By tackling this issue head on, New Jersey has an opportunity to send a clear message that everyone – regardless of their zip code, income, or race – deserves the right to breathe the clean air, to drink clean water, and to live free of toxic pollutants."

"The concentration of energy, water and waste management infrastructure near urban neighborhoods has been a longstanding issue; one that has left vulnerable communities disproportionately impacted and exposed to pollutants to an unimaginable detriment," said **Assemblyman John McKeon**. "The Environmental Justice Rules will offer relief to communities that have been overburdened by pollution and the resulting public health risks. I am proud to have sponsored legislation that makes good on our commitment to put the needs of New Jersey residents and communities first. The EJ Rules will be a critical tool as we strive for environmental justice because everyone deserves to enjoy a healthy environment regardless of where they live."

Under the EJ Rules, when proposing to locate certain pollution-generating facilities in an overburdened community, an applicant must prepare an environmental justice impact statement and engage directly with members of their proposed host community by hosting a public hearing. The applicant must collect all public comments and respond to them in writing. DEP will then evaluate whether pollution from the proposed facility would cause or contribute to environmental and public health stressors at levels disproportionate to those in less burdened communities. The EJ Rules require permit applicants to avoid and minimize such stressors, including through the use of added pollution control technology. Where disproportionate impacts are not avoidable, certain new facilities could be limited, or existing facilities could be subject to additional permit conditions that reduce environmental and public health stressors affecting the community.

"The EJ Law has been dreamed up and fought for by frontline communities historically excluded from the environmental protections that allow the rest of our state to be a garden. We are depending on this law to put a stop to a legacy of siting toxic industries in low-wealth, communities of color," said **María Lopez-Nuñez, Deputy Director of Organizing and Advocacy for the Ironbound Community Corp.**

"The city of Newark and all the Environmental Justice communities in New Jersey have been waiting with bated breath a long time for the implementation of the Environmental Justice law," said **Kim Gaddy, National Environmental Justice Director for Clean Water Action**. "These rules are an important part of the process to protect communities impacted by cumulative impacts of pollution from unwanted facilities in their neighborhood. They must be applied right away especially to dirty gas plants currently being considered in overburdened communities to ensure healthier neighborhoods for the future generation to live and thrive."

"The New Jersey Environmental Justice Alliance congratulates the grassroots and frontline, organizers and advocates who tirelessly fought to see cumulative impacts considered in permit applications and renewals for facilities in our EJ communities," said **Melissa Miles, Executive Director for the New Jersey Environmental Justice Alliance**. "This is a decades-long struggle that has finally borne fruit. By raising the bar in overburdened communities, everyone will benefit. This is a victory for us all."

"These regulations and the law they will implement are an important step in addressing the disproportionate and harmful pollution that plagues communities of color and communities with low-income in our state," said **Dr. Nicky Sheats, Ph.D., Director for the Center for the Urban Environment, John S. Watson Institute for Urban Policy**



and Research at Kean University. "I look forward to helping the State develop other policies that are needed to fully achieve environmental justice in New Jersey."

"Environmental justice communities in New Jersey are eager to see the implementation of the landmark Environmental Justice law and its forceful application with the release of the final rules. These rules will hopefully be the first step in a suite of environmental justice strategies, investments, and policies that can deliver on the promise of environmental justice for all," said Dr. Ana Baptista, Ph.D., Professor of Environmental Policy & Sustainability Management and Co-Director the Tishman Environment & Design Center at The New School.

"We are very pleased that this day is finally upon us. Expecting entities to do the right thing hasn't ever been a winning strategy for our constituents most vulnerable to exploitation, adverse environmental impacts, gross inaction, and divestment," said New Jersey Progressive Equitable Energy Coalition Chairman Marcus Sibley. "We need strong laws, we need strong rules, we need legitimate enforcement and accountability. We are grateful that New Jersey now has a new tool to further assist in the fight to ensure we're leaders doing what's right."

Governor Murphy signed the nation's strongest EJ Law (https://urldefense.com/v3/_https://t.e2ma.net/click/byqaej/7ys5259b/vx3nf3_!!J30X0ZrnC1oQtBA!LGCQEloXkUCJKp6WOhvLjmEuaOwXuJx3p2lduCCq7sAGcxaGbuG44Yu6pCCoX3PeAkhpYs) in 2020 to address inequities inherent to preexisting environmental laws. Historically, New Jersey's overburdened communities and communities of color have been subject to a disproportionately high number of environmental and public health stressors, including pollution from numerous industrial, commercial, and governmental facilities. As a result, residents in the State's overburdened communities have suffered from increased adverse health effects. The EJ Law enhances existing environmental laws that did not previously enable DEP to consider environmental and public health stressors on a community level and empowers DEP to evaluate pollution potential on a facility-wide basis and apply conditions that will help facilities avoid and minimize adverse impacts.

There are eight types of facilities covered by the EJ Rules:

1. Major sources of air pollution (i.e., gas fired power plants and cogeneration facilities);
2. Resource recovery facilities or incinerators; sludge processing facilities;
3. Sewage treatment plants with a capacity of more than 50 million gallons per day;
4. Transfer stations or solid waste facilities;
5. Recycling facilities that receive at least 100 tons of recyclable material per day;
6. Scrap metal facilities;
7. Landfills; or
8. Medical waste incinerators, except those attendant to hospitals and universities.

To support implementation of the EJ Rules, the DEP developed the Environmental Justice Mapping, Assessment and Protection (EJMAP) tool (https://urldefense.com/v3/_https://t.e2ma.net/click/byqaej/7ys5259b/bq4nf3_!!J30X0ZrnC1oQtBA!LGCQEloXkUCJKp6WOhvLjmEuaOwXuJx3p2lduCCq7sAGcxaGbuG44Yu6pCCoX3PbSHZWrB\$) to help users locate overburdened communities, identify covered facilities within those communities, and analyze relative environmental and public health stressors impacting those communities. To learn how EJMAP works, view this tutorial (https://urldefense.com/v3/_https://t.e2ma.net/click/byqaej/7ys5259b/ri5nf3_!!J30X0ZrnC1oQtBA!LGCQEloXkUCJKp6WOhvLjmEuaOwXuJx3p2lduCCq7sAGcxaGbuG44Yu6pCCoX3PRN-NDyAS\$).

To learn more about the adopted Environmental Justice Rules, read the frequently asked questions (https://urldefense.com/v3/_https://t.e2ma.net/click/byqaej/7ys5259b/7a6nf3_!!J30X0ZrnC1oQtBA!LGCQEloXkUCJKp6WOhvLjmEuaOwXuJx3p2lduCCq7sAGcxaGbuG44Yu6pCCoX3PbSclyEz\$) and visit https://dep.nj.gov/ej/law/ (https://dep.nj.gov/ej/law/).

To learn about and participate in public hearings regarding facilities that are subject to the EJ Law, sign up to receive automated email notifications by county (https://urldefense.com/v3/_https://t.e2ma.net/click/byqaej/7ys5259b/n36nf3_!!J30X0ZrnC1oQtBA!LGCQEloXkUCJKp6WOhvLjmEuaOwXuJx3p2lduCCq7sAGcxaGbuG44Yu6pCCoX3PacVd71CS\$).

To learn more about environmental justice in New Jersey, visit DEP's Office of Environmental Justice (https://urldefense.com/v3/_https://t.e2ma.net/click/byqaej/7ys5259b/3v7nf3_!!J30X0ZrnC1oQtBA!LGCQEloXkUCJKp6WOhvLjmEuaOwXuJx3p2lduCCq7sAGcxaGbuG44Yu6pCCoX3PWPwXblv\$).

Governor Phil Murphy

Statewide

Home (/governor/)	Key Initiatives	Social	NJ Home
Administration	Economy & Jobs	Facebook	(//www.nj.gov)
Governor Phil Murphy	(/governor/initiatives/#Economy)	(https://www.facebook.com/governorphilmurphy/)	Services A to Z
(/governor/admin/about/)	Education	Twitter	(//www.nj.gov/njgov/njgov/alphaserv.html)
Lt. Governor Sheila Oliver	(/governor/initiatives/#Education)	(https://twitter.com/GovMurphy)	Departments/Agencies
(/governor/admin/lt/)	Environment	Instagram	(//www.nj.gov/njgov/deptserv/)
First Lady Tammy Snyder	(/governor/initiatives/#Environment)	(https://www.instagram.com/govmurphy/)	FAQs
Murphy	Health	Snapchat	(//www.nj.gov/faqs/)
(/governor/admin/fl/)	(/governor/initiatives/#Health)	(https://www.snapchat.com/add/philmurphy)	Contact Us
Cabinet	Law & Justice	YouTube	(//www.nj.gov/njfeedback.html)
(/governor/admin/cabinet/)	(/governor/initiatives/#Justice)	(https://www.youtube.com/njgovernorsoffice)	Privacy Notice
Office of Health Care	Transportation		(//www.nj.gov/nj/privacy.html)
Affordability and	(/governor/initiatives/#Transportation)	Contact Us	Legal Statement &
Transparency	News & Events	(/governor/contact/scheduling/)	Disclaimers
(/governor/admin/affordablehealthcare/index.shtml)	Press Releases	Contact Us	(//www.nj.gov/nj/legal.html)
Boards, Commissions &	(/governor/news/news/562023/approved/20230417a.shtml)		Accessibility Statement
Authorities	Photos		(//www.nj.gov/nj/accessibility.html)
(/governor/admin/bca/)	(https://www.flickr.com/photos/govmurphy)		
Internship Opportunities	Public Addresses		
(/governor/admin/internship.shtml)	(/governor/news/addresses)		

Governor's Residence - Executive Orders
 Drumthwacket (/infobank/eo/056murphy/approved/eo_archive.html)
 (http://drumthwacket.org/) Administrative Orders
 (/governor/news/ao/approved/ao_archive.shtml)
 Direct Appointments
 (/governor/news/appointments)
 Advice and Consent
 Appointments
 (/governor/news/acappointments)
 Statements on
 Legislation
 (/governor/news/statements/approved/statements_archive.shtml)
 Administration Reports
 (/governor/news/adminreports/approved/archive.shtml)
 Transition Reports
 (/governor/news/reports/approved/reports_archive.shtml)
 Press Kits
 (/governor/news/press)

(//nj.gov/opra/)

Copyright © State of New Jersey, 1996-2023
 Office of Governor PO Box 001
 Trenton, NJ 08625
 609-292-6000

(https://my.state.nj.us/openam/UI/Login)

(https://tech.nj.gov/)