

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

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HOUSE BILL 684

Short Title: Environmental Justice in North Carolina. (Public)

Sponsors: Representatives Crawford, Harrison, Alston, and T. Brown (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 3, 2025

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO ENVIRONMENTAL JUSTICE IN NORTH CAROLINA.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** The General Assembly finds all of the following:

- 5 (1) According to American Journal of Public Health studies published in 2014
6 and 2018 and affirmed by decades of research, Black, Indigenous, and Persons
7 of Color (BIPOC) and individuals with low income are disproportionately
8 exposed to environmental hazards and unsafe housing, facing higher levels of
9 air and water pollution, mold, lead, and pests.
- 10 (2) The cumulative impacts of environmental harms disproportionately and
11 adversely impact the health of BIPOC and communities with low income,
12 with climate change functioning as a threat multiplier. These disproportionate
13 adverse impacts are exacerbated by lack of access to affordable energy,
14 healthy food, green spaces, and other environmental benefits.
- 15 (3) Since 1994, Executive Order 12898 has required federal agencies to make
16 achieving environmental justice part of their mission by identifying and
17 addressing disproportionately high and adverse human health or
18 environmental effects of its programs, policies, and activities on minority
19 populations and populations with low incomes in the United States.
- 20 (4) In 2018, the Secretary of the North Carolina Department of Environmental
21 Quality established the Secretary's Environmental Justice and Advisory
22 Board.
- 23 (5) Executive Order 14008 issued in 2021 created the White House
24 Environmental Justice Interagency Council within the Executive Office of the
25 President and the White House Environmental Justice Advisory Council
26 within the Environmental Protection Agency.
- 27 (6) Following Executive Order 14008, the U.S. Department of the Interior enacted
28 Secretary Order 3399 to establish the Climate Task Force to address current
29 and historic environmental injustice. This order also made it the Department's
30 mission to consider environmental justice when conducting National
31 Environmental Protection Act analyses.
- 32 (7) Executive Order 14096 issued in 2023 established a goal that forty percent
33 (40%) of the overall benefits of certain federal climate, clean energy,
34 affordable and sustainable housing, and other investments flow to



- 1 disadvantaged communities that are marginalized by underinvestment and
2 overburdened by pollution.
- 3 (8) Governor Cooper issued Executive Order 246 in 2022 and Executive Order
4 292 in 2023 directing various actions to advance environmental justice in
5 North Carolina, including requirements that agencies consider environmental
6 justice when taking actions related to climate change, resilience, and clean
7 energy, and identify an environmental justice lead to serve as the point person
8 for agency environmental justice efforts.
- 9 (9) State agencies receiving federal funds are also subject to the
10 antidiscrimination requirements of Title VI of the Civil Rights Act of 1964.
- 11 (10) In response to the documented inadequacy of state and federal environmental
12 and land use laws to protect vulnerable communities, increasing numbers of
13 states have adopted formal environmental justice laws and policies.
- 14 (11) The 1991 Principles of Environmental Justice adopted by The First National
15 People of Color Environmental Leadership Summit demand the right of all
16 individuals to participate as equal partners at every level of decision making,
17 including needs assessment, planning, implementation, enforcement, and
18 evaluation.
- 19 (12) Section 33 of Article I of the North Carolina Constitution establishes the
20 government as a vehicle for the common benefit, protection, and security of
21 the State's citizens and not for the particular emolument or advantage of any
22 single set of persons who are only a part of that community. This principle,
23 coupled with Section 1 of Article I of the North Carolina Constitution's
24 guarantee of equal rights to enjoying life, liberty, and enjoyment of the fruits
25 of their own labor, and the assurance of timely and equitable justice for all set
26 forth in Article I. Sections 18 and 19 of the North Carolina Constitution
27 encourage political officials to identify how particular communities may be
28 unequally burdened or receive unequal protection under the law due to race,
29 income, or geographic location.
- 30 (13) Lack of a clear environmental justice policy has resulted in a piecemeal
31 approach to understanding and addressing environmental justice in North
32 Carolina and creates a barrier to establishing clear definitions, metrics, and
33 strategies to ensure meaningful engagement and more equitable distribution
34 of environmental benefits and burdens.
- 35 (14) It is the State's responsibility to pursue environmental justice for its residents
36 and to ensure that its agencies do not contribute to unfair distribution of
37 environmental benefits to or environmental burdens on low-income,
38 limited-English proficient, and BIPOC communities.

39 **SECTION 2.** Chapter 143 of the General Statutes is amended by adding a new
40 Article to read:

41 "Article 21D.

42 "Environmental Justice.

43 **"§ 143-215.130. Purpose.**

44 The purpose of this Article is to identify, reduce, and eliminate environmental health
45 disparities to improve the health and well-being of all State residents.

46 **"§ 143-215.131. Definitions.**

47 The following definitions apply in this Article:

- 48 (1) Communities of color. – Communities in which the share of nonwhites and
49 Hispanic or Latino (of any race) residents is forty percent (40%) or higher or
50 at least ten percent (10%) higher than the residing county or State share.

- 1 (2) Community. – A group of individuals living in geographic proximity to one
2 another as a census block group or at the municipal level.
- 3 (3) Disproportionate impact. – Disproportionately higher adverse health or
4 environmental effects on communities of color, low-income communities,
5 limited English language proficiency communities, or indigenous
6 communities at levels that are statistically significant.
- 7 (4) Environmental benefits. – The assets and services that enhance the capability
8 of communities and individuals to function and flourish in society. Examples
9 of environmental benefits include access to a healthy environment and clean
10 natural resources, including air, water, land, green spaces, constructed
11 playgrounds, and other outdoor recreational facilities and venues; affordable
12 clean renewable energy sources; public transportation; fulfilling and dignified
13 green jobs; healthy homes and buildings; health care; nutritious food;
14 indigenous food and cultural resources; environmental enforcement; and
15 training and funding disbursed or administered by governmental agencies.
- 16 (5) Environmental burdens. – Any significant impact to clean air, water, and land,
17 including any destruction, damage, or impairment of natural resources
18 resulting from intentional or reasonably foreseeable causes. Examples of
19 environmental burdens include climate change impacts; air and water
20 pollution; improper sewage disposal; improper handling of solid wastes and
21 other noxious substances; excessive noise; activities that limit access to green
22 spaces, nutritious food, indigenous food or cultural resources, or constructed
23 outdoor playgrounds and other recreational facilities and venues; inadequate
24 remediation of pollution; reduction of groundwater levels; increased flooding
25 or stormwater flows; home and building health hazards, including lead paint,
26 lead plumbing, asbestos, and mold; and damage to inland waterways and
27 waterbodies, wetlands, forests, green spaces, or constructed playgrounds or
28 other outdoor recreational facilities and venues from private, industrial,
29 commercial, and government operations or other activities that contaminate
30 or alter the quality of the environment and pose a risk to public health.
- 31 (6) Environmental justice. – The just treatment and meaningful involvement of
32 all people, regardless of income, race, color, national origin, tribal affiliation,
33 or English language proficiency, in State action that affect human health,
34 well-being, quality of life, and the environment so that people:
- 35 a. Are protected from disproportionate and adverse human health effects
36 and environmental hazards, including: those related to climate change,
37 the cumulative impacts of environmental and other burdens, and the
38 legacy of racism or other structural barriers.
- 39 b. Have equitable access to environmental benefits in which to live, play,
40 work, learn, grow, worship, and engage in cultural and subsistence
41 practices.
- 42 c. Have meaningful participation in decision-making processes,
43 including the development, implementation, and enforcement of
44 environmental laws, regulations, and policies.
- 45 (7) Environmental justice communities. – Communities of color, low-income
46 communities, indigenous communities, and limited English language
47 proficiency communities that experience, or are at risk of, environmental
48 burdens or lack access to environmental benefits.
- 49 (8) Indigenous communities. – Communities where "American Indian Tribes" as
50 defined by 01 NCAC 15. 0292, reside or where the share of American and

1 Alaskan Native populations are five percent (5%) higher than the residing
2 county or State share.

3 (9) Limited English language proficiency communities. – Communities where at
4 least one percent (1%) or more of households do not have a member 14 years
5 or older who speaks English "very well" as defined by the U.S. Census
6 Bureau.

7 (10) Low-income communities. – Communities in which the share of population
8 experiencing poverty is more than twenty percent (20%) or the share of
9 households in poverty is at least five percent (5%) higher than the residing
10 county or State share.

11 (11) Meaningful participation. – The opportunity for all individuals to participate
12 in energy, climate change, and environmental decision making. Examples
13 include needs assessments, planning, implementation, permitting, compliance
14 and enforcement, and evaluation. Meaningful participation also integrates
15 diverse knowledge systems, histories, traditions, languages, and cultures of
16 Indigenous communities in decision-making processes and requires that
17 communities are enabled and administratively assisted to participate fully
18 through education and training. Finally, meaningful participation requires the
19 State to operate in a transparent manner with regard to opportunities for
20 community input and also encourages the development of environmental,
21 energy, and climate change stewardship.

22 (12) Program. – The Environmental Justice Program of the Department of
23 Environmental Quality.

24 (13) Rules Review Commission. – As defined in G.S. 143B-30.1.

25 **"§ 143-215.132. Environmental justice State policy.**

26 It is the policy of the State that no segment of the population of the State should, because of
27 its racial, cultural, or economic makeup, bear a disproportionate share of environmental burdens
28 or be denied an equitable share of environmental benefits. It is further the policy of the State to
29 provide the opportunity for the meaningful participation of all individuals, with particular
30 attention to environmental justice communities, in the development, implementation, or
31 enforcement of any law, regulation, or policy.

32 **"§ 143-215.133. Implementation of State policy.**

33 (a) As used in this Article, "covered agencies" means the following State agencies: the
34 Departments of Environmental Quality, Health and Human Services, Transportation, Commerce,
35 Public Safety, Agriculture and Consumer Services, and Public Instruction and the Utilities
36 Commission.

37 (b) The covered agencies shall consider cumulative environmental burdens and access to
38 environmental benefits when making decisions about the environment, energy, climate, and
39 public health projects; facilities and infrastructure; and associated funding.

40 (c) Each of the covered agencies shall create and adopt on or before July 1, 2027, a
41 community engagement plan that describes how the agency will engage with environmental
42 justice communities as it evaluates new and existing activities and programs. Each plan shall
43 describe how the agency plans to provide meaningful participation in compliance with Title VI
44 of the Civil Rights Act of 1964.

45 (d) The covered agencies shall submit an annual summary beginning on January 15,
46 2026, and annually thereafter, to the Environmental Justice Advisory Council, detailing all
47 complaints alleging environmental justice issues or Title VI violations and any agency action
48 taken to resolve the complaints. The Advisory Council shall provide any recommendations
49 concerning those reports within 60 days after receipt of the complaint summaries. Agencies shall
50 consider the recommendations of the Advisory Council pursuant to sub-subdivision (c)(1)e. of

1 G.S. 143-215.135 and substantively respond in writing if an agency chooses not to implement
2 any of the recommendations within 90 days after receipt of the recommendations.

3 (e) The Program, in consultation with the Environmental Justice Advisory Council and
4 the Interagency Environmental Justice Committee, shall review the definitions contained in
5 G.S. 143-215.131 at least every five years and recommend revisions to the General Assembly to
6 ensure the definition achieves the environmental justice State policy.

7 (f) The Program, in consultation with the Interagency Environmental Justice Committee
8 and the Environmental Justice Advisory Council, shall issue guidance on how the covered
9 agencies shall determine which investments provide environmental benefits to environmental
10 justice communities on or before September 15, 2025. A draft version of the guidance shall be
11 released for a 40-day public comment period before being finalized.

12 (g) Covered Agency Baseline Spending Reports. –

13 (1) On or before February 15, 2026, the covered agencies shall, in accordance
14 with the guidance document developed by the Program pursuant to subsection
15 (f) of this section, review the past three years and generate baseline spending
16 reports that include all of the following:

17 a. Where investments were made, if any, and which geographic areas, at
18 the municipal or census block group level, where practicable, received
19 environmental benefits from those investments.

20 b. A description and quantification of the environmental benefits as an
21 outcome of the investment.

22 (2) The covered agencies shall publicly post the baseline spending reports on their
23 respective websites.

24 (h) On or before July 1, 2026, it shall be the goal of the covered agencies to direct
25 investments proportionately in environmental justice communities.

26 (1) Beginning on January 15, 2028, and annually thereafter, the covered agencies
27 shall either integrate the following information into existing annual spending
28 reports or issue annual spending reports that include all of the following:

29 a. Where investments were made and which geographic areas, at the
30 municipal and census block group level, where practicable, received
31 environmental benefits from those investments.

32 b. The percentage of overall environmental benefits from those
33 investments provided to environmental justice communities.

34 (2) The covered agencies shall publicly post the annual spending reports on their
35 respective websites.

36 (i) Beginning on January 15, 2027, the covered agencies shall each issue and publicly
37 post an annual report summarizing all actions taken to incorporate environmental justice into its
38 policies or determinations, rulemaking, permit proceedings, or project review.

39 **"§ 143-215.134. Rulemaking.**

40 (a) On or before July 1, 2027, the Department of Environmental Quality, in consultation
41 with the Environmental Justice Advisory Council and the Interagency Environmental Justice
42 Committee, shall adopt rules to:

43 (1) Define cumulative environmental burdens;

44 (2) Implement consideration of cumulative environmental burdens within the
45 Program; and

46 (3) Inform how the public and the covered agencies implement the consideration
47 of cumulative environmental burdens and use the environmental justice
48 mapping tool developed by the Program.

49 (b) On or before July 1, 2028, and as appropriate thereafter, the covered agencies, in
50 consultation with the Environmental Justice Advisory Council, shall adopt or amend policies and
51 procedures, plans, guidance, and rules, where applicable, to implement this Article.

1 (c) The following requirements apply to rulemaking by covered agencies:

2 (1) Prior to drafting new rules required by this Article, agencies shall consult with
3 the Environmental Justice Advisory Council to discuss the scope and
4 proposed content of rules to be developed. Agencies shall also submit draft
5 rulemaking concepts to the Advisory Council for review and comment. Any
6 proposed rule shall be provided to the Advisory Council not less than 45 days
7 prior to submitting the proposed rule or rules to the Rules Review Commission
8 (RRC).

9 (2) The Advisory Council shall vote and record individual members' support or
10 objection to any proposed rule before it is submitted to RRC and make
11 documentation of that proceeding as part of the rulemaking record submitted
12 to RRC.

13 **"§ 143-215.135. Environmental Justice Advisory Council and Interagency Environmental**
14 **Justice Committee.**

15 (a) Advisory Council and Interagency Committee. –

16 (1) There is created:

17 a. The Environmental Justice Advisory Council (Advisory Council) to
18 provide independent advice and recommendations to State agencies
19 and the General Assembly on matters relating to environmental
20 justice, including the integration of environmental justice principles
21 into State programs, policies, regulations, legislation, and activities.

22 b. The Interagency Environmental Justice Committee (Interagency
23 Committee) to guide and coordinate State agency implementation of
24 the Environmental Justice State Policy and provide recommendations
25 to the General Assembly for amending the definitions and protections
26 set forth in this Article.

27 (2) Appointments to the groups created in this subsection shall be made on or
28 before December 15, 2025.

29 (3) Both the Advisory Council and the Interagency Committee shall consider and
30 incorporate the Equitable Access & Just Transition to Clean Energy
31 provisions of the North Carolina Clean Energy Plan in their work.

32 (b) Meetings. – The Advisory Council and the Interagency Committee shall each meet
33 not more than eight times per year, with at least four meetings occurring jointly. Meetings may
34 be held in person, remotely, or in a hybrid format to facilitate maximum participation and shall
35 be recorded and publicly posted on the Secretary's website.

36 (c) Duties. –

37 (1) The Advisory Council shall have the following duties:

38 a. To advise State agencies on environmental justice issues and on how
39 to incorporate environmental justice into agency procedures and
40 decision making and evaluate the potential for environmental burdens
41 or disproportionate impacts on environmental justice communities as
42 a result of State actions and the potential for environmental benefits to
43 environmental justice communities.

44 b. To advise State agencies in the development of community
45 engagement plans.

46 c. To advise State agencies on the use of the environmental justice
47 mapping tool established by the Program and on the enhancement of
48 meaningful participation, reduction of environmental burdens, and
49 equitable distribution of environmental benefits.

- 1 d. To review and provide feedback to the relevant State agency, pursuant
2 to G.S. 143-215.134(c), on any proposed rules for implementing this
3 Article.
- 4 e. To receive and review annual State agency summaries of complaints
5 alleging environmental justice issues, including Title VI complaints,
6 and suggest options or alternatives to State agencies for the resolution
7 of systemic issues raised in or by the complaints.
- 8 (2) The Interagency Committee shall have the following duties:
- 9 a. To consult with the Program in the development of the guidance
10 document required by G.S. 143-215.133(f) on how to determine which
11 investments provide environmental benefits to environmental justice
12 communities.
- 13 b. On or before July 1, 2025, to develop, in consultation with the Program
14 and the Environmental Justice Advisory Council, a set of core
15 principles to guide and coordinate the development of the State agency
16 community engagement plans required under G.S 143-215.133(c).
- 17 (3) The Advisory Council and the Interagency Committee shall jointly:
- 18 a. Consider and recommend to the General Assembly, on or before
19 December 1, 2026, amendments to the terminology, thresholds, and
20 criteria of the definition of environmental justice communities,
21 including whether to include populations more likely to be at higher
22 risk for poor health outcomes in response to environmental burdens.
- 23 b. Examine existing data and studies on environmental justice and
24 consult with State, federal, and local agencies and affected
25 communities regarding the impact of current statutes, regulations, and
26 policies on the achievement of environmental justice.
- 27 (d) Membership. –
- 28 (1) Advisory Council. – Each member of the Advisory Council shall be well
29 informed regarding environmental justice principles and committed to
30 achieving environmental justice in North Carolina and working
31 collaboratively with other members of the Advisory Council. To the greatest
32 extent practicable, Advisory Council members shall represent diversity in
33 race, ethnicity, age, gender, urban and rural areas, and different regions of
34 the State. The Advisory Council shall consist of the following 11 members,
35 with a goal to have more than fifty percent (50%) residing in environmental
36 justice communities:
- 37 a. The head of the Program or designee.
- 38 b. The following members appointed by the Governor:
- 39 1. One representative of municipal government.
- 40 2. One representative of a social justice organization.
- 41 3. One representative of mobile home park residents.
- 42 4. One representative of a statewide environmental organization.
- 43 5. One person representing an organization working on food
44 security issues.
- 45 c. One person who resides in a census block group that is designated as
46 an environmental justice community by the House of Representatives
47 upon the recommendation of the Speaker of the House of
48 Representatives.
- 49 d. One person who is a representative of immigrant communities in
50 North Carolina appointed by the Senate upon the recommendation of
51 the President Pro Tempore of the Senate.

- 1 e. One representative of a State-recognized Native American Indian
 2 tribe, recommended and appointed by the North Carolina Indian
 3 Affairs Commission.
 4 f. The Executive Director of the North Carolina Housing Finance
 5 Agency or designee.
 6 g. The Executive Director of the North Carolina Land and Water Fund
 7 or designee.
 8 (2) Interagency Committee. – The Interagency Committee shall consist of the
 9 following nine members:
 10 a. The Superintendent of Public Instruction or designee.
 11 b. The Secretary of the Department of Environmental Quality or
 12 designee.
 13 c. The Secretary of Transportation or designee.
 14 d. The Director of the North Carolina Housing Finance Agency or
 15 designee.
 16 e. The Commissioner of the Department of Agriculture and Consumer
 17 Services or designee.
 18 f. The Secretary of the Department of Health and Human Services or
 19 designee.
 20 g. The Director of the Division of Emergency Management of the
 21 Department of Public Safety or designee.
 22 h. The Secretary of the Department of Natural and Cultural Resources or
 23 designee.
 24 i. The Chair of the Utilities Commission or designee.
 25 (3) The Advisory Council and the Interagency Committee may each elect two
 26 cochairs.
 27 (4) After initial appointments, all appointed members of the Advisory Council
 28 shall serve six-year terms and serve until a successor is appointed. The initial
 29 terms shall be staggered so that one-third of the appointed members shall serve
 30 a two-year term, another third of the appointed members shall serve a
 31 four-year term, and the remaining members shall be appointed to a six-year
 32 term.
 33 (5) Vacancies of the Advisory Council shall be appointed in the same manner as
 34 original appointments.
 35 (6) The Advisory Council shall have the administrative, technical, and legal
 36 assistance of the Program."

37 **SECTION 3.** Reports. – On or before December 15, 2027, the Program shall submit
 38 a report to the Joint Legislative Commission on Governmental Operations and the Fiscal
 39 Research Division of the General Assembly describing whether the baseline spending reports
 40 completed pursuant to G.S. 143-215.133(g), as enacted by Section 2 of this act, indicate if any
 41 municipalities or portions of municipalities are routinely underserved with respect to
 42 environmental benefits, taking into consideration whether those areas receive, averaged across
 43 three years, a significantly lower percentage of environmental benefits from State investments as
 44 compared to other municipalities or portions of municipalities in the State. This report shall
 45 include a recommendation as to whether a statutory definition of "underserved community" and
 46 any other revisions to Article 21D of Chapter 143 of the General Statutes, as enacted by Section
 47 2 of this act, are necessary to best carry out the policies described in this act.

48 **SECTION 4.** This act is effective when it becomes law.