

September 6, 2022

Governor Philip D. Murphy
Office of the Governor
PO Box 001
Trenton, NJ 08625

Re: Proposed Environmental Justice Rules, DEP Docket No. 04-22-04

Dear Governor Murphy,

We write to you as a diverse group of environmental justice (EJ), environmental, and academic organizations to express our sincere thanks and support for the Department of Environmental Protection's (DEP) proposed EJ rule. We have also stated this support for the proposed rule in a detailed set of comments which are attached and that have signatories from an even broader array of coalitions and organizations from across New Jersey. This rule reflects the deep commitment and realization of a promise made by you and your administration to ensure that no community has to suffer the disproportionate pollution burden resulting from a legacy of environmental racism and injustice. This proposed rule represents the most important step towards concretizing that promise and our collective commitment to realizing EJ.

Our groups were deeply engaged in the legislative process that led to the passage of the EJ law and have accompanied every step of the development of this implementing rule. DEP's proposed rule properly furthers the intent of the legislature when it passed the EJ law. We believe it is a national model for an innovative, empirically sound, and environmentally just rule to implement cumulative impacts protections for EJ communities, i.e., Of Color communities and communities with low-income. This rule will not only protect EJ communities in our state but is already paving the way for the federal government and other states to pass similar legislation. It will also cement New Jersey as a thoughtful and innovative EJ leader.

While we offer detailed comments in the public record to ensure the rule is fortified against spurious attacks and efforts to water down its impact, we believe the rule is legally and technically sound. It has undergone a rigorous internal and public vetting process over a two-year period. The attacks from a small group of individuals have misrepresented the impact of the rule, attempting to use unsubstantiated economic scare tactics to suggest the rule will halt economic prosperity in our communities. This rule in fact applies only to those facilities that produce significant amounts of pollution and just being designated an overburdened community does not necessarily mean the community has adverse cumulative impacts.

In the most recent public hearings, hundreds of residents from around the state from every walk of life and profession testified in support of the rule. This is a very rare showing of support for a DEP rule and

marks an important and unique moment where public officials, regulatory professionals, advocates and academics came together to develop, vet, and support a rule meant to implement this ambitious legislation. We cannot continue the business-as-usual approach of allowing a very narrow set of business interests to dictate the terms and conditions for environmental protection for our communities. We cannot allow economic exemptions such as those that business interests would like to include in the “compelling public interest” section of the rule, to create loopholes and essentially kill the intent of this important legislative mandate. The approach advocated by these business interests is what placed communities Of Color and communities with low income in harm’s way in the first place. This is the moment to strengthen our resolve and be reminded of the impetus for committing to doing the right thing.

The EJ rule is the realization of a long-stated promise of working to achieve EJ in New Jersey. We cannot go backward and undo these commitments - we urge you to stay the course and support the DEP’s implementation of a strong EJ Rule.

Sincerely,

Ironbound Community Corporation
New Jersey Environmental Justice Alliance
South Ward Environmental Alliance
Clean Water Action
Earthjustice
Tishman Environment and Design Center at the New School
Center for the Urban Environment of the John S. Watson Institute for Urban Policy and Research at
Kean University

CC: George Helmy, Chief of Staff
Parimal Garg, Chief Counsel
Shawn LaTourette, Commissioner, DEP
Sean Moriarty, Deputy Commissioner, DEP
Kandyce Perry, Director, Office of Environmental Justice, DEP
Nicholas P. Scutari, Senate President
M. Teresa Ruiz, Senate Majority Leader
Craig J. Coughlin, Assembly Speaker
Louis D. Greenwald, Assembly Majority Leader
Senator Troy Singleton
Assemblyman John F. McKeon
Senator Bob Smith

Assemblyman James J. Kennedy

Tim Lydon, Executive Director, Senate Majority Office

Harris Laufer, Legislative Director, Senate Majority Office

Dan Harris, Deputy Executive Director, New Jersey Assembly Democratic Office

Seth Hahn, Executive Director, New Jersey Assembly Democratic Office