



Cumulative Impacts Policy Primer

The following are examples of cumulative impacts policies. The first two come from New Jersey and the third is a national policy. This document is not intended to be a comprehensive compilation of cumulative impacts policies. Instead it offers examples of the types of policies that might be developed.

A. NJ EJ Alliance Statewide Cumulative Impacts Policy

1. Identify EJ and/or overburdened neighborhoods using a screening tool.
 - a. There will be overlap between these two types of neighborhoods.
2. Protect these neighborhoods from new sources of pollution by not granting a pollution permit to a new large polluting source unless they can demonstrate they will not increase the amount of pollution in the neighborhood by showing either:
 - a. They will have no pollution emissions; or
 - b. They will reduce existing pollution in the neighborhood by a greater amount than any pollution emissions they might have.
3. Reduce existing pollution by not renewing pollution permits of major polluters unless they show they will reduce pollution in the neighborhood by either:
 - a. Reducing their own emissions; or
 - b. Reducing existing pollution in the neighborhood by a greater amount than their own pollution emissions.
4. Provide incentives that would address other quality of life issues such as:
 - a. Attracting non-polluting businesses that produce job and entrepreneurship opportunities;
 - b. Ensuring the availability of nourishing, affordable, food;
 - c. Ensuring sufficient green space.

Note: A (2)(b) and (3)(b) describe what are commonly referred to as “offsets” and the EJ community generally opposes them (e.g., offsets used in cap and trade), because they do not protect specific neighborhoods or locations. The offsets recommended here are specific to the neighborhoods likely to be affected by the polluter and therefore distinguishable from offsets as they are typically conceptualized. But the policy could be implemented without the offsets if the neighborhood still has reservations concerning them.

B. EJ and Cumulative Impacts Municipal Ordinance

1. The ordinance was adopted by the City of Newark in October 2016 after over three years of advocacy and organizing.



2. The adopted ordinance is an altered version of a model EJ and Cumulative Impacts ordinance that took a year to develop.
3. The partners would like to obtain the resources to evaluate the ordinance for effectiveness and to determine if any changes need to be made.
4. Substantive parts of the ordinance:
 - a. City must create a “natural resources index” that lists the major sources of pollution, their location along with demographic data, and the type and amount of pollution they emit.
 - b. Applies to commercial and industrial activities that need an environmental permit or are seeking a site plan approval or variance;
 - c. A commercial activity must submit a pollution checklist that provides the type and amount of pollution the activity will emit.
 - d. An industrial activity must complete the checklist as well as estimates of other impacts such as employment opportunities to be generated.
5. The Newark zoning ordinance has been amended to prohibit certain uses and make others conditional.
6. The purpose of the ordinance is to provide information to city staff, city committees and boards, and city residents so they can make better informed decisions as to whether they should support or oppose a proposed new activity.

C. The Environmental Justice Act of 2019

1. This is a federal bill from Senator Booker and Representative Ruiz.
2. A permit will not be issued or renewed under the Clean Air or Clean Water Act if, due to cumulative impacts, there is not a reasonable certainty of no harm.
3. There are other parts of the bill that address other issues besides cumulative impacts.

D. Cumulative Impacts Bill in the New Jersey Legislature.

1. A permit can be denied if, due to cumulative impacts, permit approval would pose an unreasonable health risk to the residents of a burdened community.
2. A burdened community is defined as a census tract in the lowest 33% of census tracts in the State in median household income.
3. NJEJA, the Ironbound Community Corporation and allies are urging the sponsors of the Bill to consider a different standard than “unreasonable risk.”