



Scorecard of Environmental Justice Policies in Northeast-Midwest States

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Introduction

Environmental justice policies are swiftly becoming recognized for the incredibly important role they play in reducing disparities throughout the United States, especially in the Northeast-Midwest region. Certain northeastern and midwestern states have been leaders in enacting policies that help communities without clean water, clear air, and unpolluted environments. While these states have made enormous strides to achieve justice for their citizens, others have lagged and failed to enact meaningful reforms.

This report will outline how northeast-midwestern states are tackling this important issue and explore some trends- looking at which states have or have not pursued comprehensive E.J. policies and what they have in common. It analyzes 10 key criteria that gauge each state's commitment to environmental justice legislation and executive action, from whether the state has tasked an agency with addressing E.J. issues to whether it has passed recent legislation (and how effective that legislation was) to whether it has published reports and online resources for E.J. community members. A comprehensive scorecard that uses objective metrics to measure each state's commitment to environmental justice has been attached to this report, offering an overview of each state's actions on environmental justice and a score based on how states have met these metrics.

The Northeast-Midwest

As a region, the northeast-midwest has been a leader in embracing many environmental justice initiatives and policies. Of the 18 states in the region, 15 have directed their state environmental protection agencies to implement environmental justice policies and 12 have drafted environmental justice policies, reports, or proposals. A majority have published (or are developing) online tools to educate the public- these include informational websites and interactive maps that outline where [environmental justice communities](#) are located. Broad environmental justice legislation has been passed in 7 states, and similar bills are currently being considered by the legislatures of 6 more states. These bills do everything from simply defining environmental justice and E.J. communities to outlining how the state must consider

socioeconomic factors before giving permits to industries that pollute. Unfortunately, most states in the region have not yet passed these broad but important environmental justice bills. The region is making progress, but there is still work to be done before the Northeast-Midwest achieves environmental justice for all its residents.

The Mid-Atlantic

(New York, New Jersey, Pennsylvania, Delaware, and Maryland)

Many of these states are leaders in environmental justice policy. Maryland, New York, and New Jersey have all enacted major E.J. reforms in recent years, and Delaware and Pennsylvania are not far behind. [New Jersey](#) and [New York](#) both maintain Offices of Environmental Justice, and have passed major [bills](#) that define environmental justice communities and protect them from pollution and hazardous materials. Generally, corporations in these two states are no longer allowed to build polluting facilities in communities that have already been damaged by pollution, and their Environmental Protection Agencies are required to consider environmental justice before issuing permits. New York is perhaps the most E.J. friendly state in the region, with 10 points on the E.J. scorecard. New Jersey is close behind, with 9.5 points (they have not passed E.J. legislation in the past year). Maryland has also been a major leader on environmental justice, passing [legislation](#) that requires the Department of the Environment to consider an area's pollution burden exposure, the environmental effects of pollution, sensitive populations, and socioeconomic factors before issuing these permits. The state has also passed [legislation](#) that cracks down on expired "zombie" pollution permits, requiring Maryland's Department of the Environment to inspect facilities in noncompliance with state and federal law and cracking down on facilities that continue to pollute after their permits have expired. The state's Department of the Environment also maintains a [Commission on Environmental Justice and Sustainable Communities](#), which is tasked with advising state agencies and analyzing the effectiveness of the state's E.J. policy. Maryland has done excellent work, earning 10 points on the scorecard.

Delaware and Pennsylvania have not passed major legislation on environmental justice in recent years, but both appear to be working to address E.J. issues and help disadvantaged communities. Delaware's Department of Natural Resource and Environmental Control employs a [Community Ombudsman](#), whose job is to serve as a liaison between the Department and communities throughout the state. The DNREC has also expressed a commitment to E.J. policy, pledging to [prioritize](#) E.J. considerations and work with communities. There is also a [bill](#) being considered by the legislature that would define overburdened communities and force industries to provide an environmental impact report before the state grants permits to build or expand polluting facilities. Delaware has received 8 points on the scorecard- the state has not passed legislation in recent years but has made excellent progress in most other areas. Pennsylvania's Department of Environmental Protection also has an [Office of Environmental Justice](#), which may be codified into state law by the legislature in the near future. This office is tasked with minimizing adverse environmental impacts, empowering communities, and fostering economic opportunities. The state also maintains an [Environmental Justice Advisory Board](#), which advises the state on E.J. policies and issues. Pennsylvania has earned 7.5 points on the scorecard- the state has not passed legislation recently, nor does it have legislation pending in the state legislature.

The Mid-Atlantic region has been a national leader when it comes to environmental justice policy. New York and New Jersey have the strongest environmental justice regulations in the United States, and the rest of the region has some of the strongest protections for E.J. communities, most stringent regulations on polluting industries, and most explicit actions taken by state agencies and legislatures in the nation.

New England

(Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island)

New England states have also made some impressive strides in addressing environmental justice. Massachusetts has been a national leader, passing important [legislation](#) in recent years to define environmental justice communities, regulate emissions in a way that protects these communities, and mandates an environmental impact report before granting

permits within a 1-mile radius of these communities. The Bay State has maintained an [Environmental Justice Task Force](#), and the Office of Energy and Environmental Affairs has [pledged](#) to remain committed to environmental justice. Massachusetts has also published a comprehensive [environmental justice policy](#) that defines key terms, establishes metrics to measure environmental justice communities and outlines ways the state can aid those communities. Massachusetts has made excellent progress, earning a 10 on the E.J. scorecard.

Other New England states have also led in this area. Connecticut has recently passed important [legislation](#) that requires industries to develop a public participation plan to “facilitate meaningful public participation in the regulatory process”, host public meetings, and allows them to enter into a “community environmental benefit agreement” with community leaders if necessary. The state also maintains an [Environmental Justice Advisory Council](#) and provides a wide variety of E.J. resources online. The state has earned 8.5 points on the scorecard, as it has not passed major E.J. legislation in the past year. Rhode Island has also made strides to prioritize environmental justice in the state. R.I. does not have an official E.J. office, but has published a [draft of a new E.J. policy](#) for the Department of Environmental Management. The DEM has also [designated](#) an E.J. Sanitary Engineer and has published [requirements](#) for Public Notice before site remediation in E.J. areas. Because of this, R.I. has earned 7.5 points on the E.J. scorecard. Maine has also made significant progress on environmental justice, though the state falls short in some areas. Though Maine’s legislature has made progress in protecting E.J. communities from pollution by [considering racial impact statements in the legislative process](#) and [requiring consideration of equity impacts](#), the state does not have a designated E.J. office. Due to their lack of executive E.J. protection and online E.J. community tool, the state has only earned 3.5 points.

New Hampshire’s environmental justice initiatives are virtually nonexistent. Unlike its neighbors, New Hampshire’s legislature has not passed any legislation concerning environmental justice, the state government does not have a designated Office of Environmental Justice, and the state’s Department of Environmental Services does not mention

environmental justice on its website. New Hampshire does not even have a mapping tool to chart E.J. communities, a key component of most other states' E.J. policies. DES appears to handle issues like clean water access and air quality monitoring but does not address disparities of air and water quality between different communities. New Hampshire's E.J. policies are severely behind their neighbors', and the state only earns a meager 1.5 points for having an environmental services department and advocacy from outside the government.

Most New England states have made excellent progress on E.J. reforms and regulations. States like Massachusetts and Connecticut have some of the most comprehensive policies in the nation, and others like RI and Vermont are making progress on meeting the standard set by their neighbors. Unfortunately, New Hampshire has not made satisfactory reforms, deciding against any new policies and choosing not to focus on this important issue. New Hampshire could make these necessary reforms by creating an Office of Environmental Justice and passing legislation that defines E.J. communities and outlines a way for the state's regulatory bodies to protect them from pollution and other hazardous conditions.

The Midwest

(Michigan, Ohio, Indiana, Illinois, Minnesota, Iowa, and Wisconsin)

Some of these states have made impressive strides to reform their environmental justice policies and regulations. Minnesota is a regional leader in environmental justice issues, with a comprehensive [E.J. policy framework](#) and easily accessible online tools. The state has also [banned](#) PFAS, which are harmful chemicals that can cause cancer and a wide variety of other health issues when ingested. Illinois has been another regional leader, with a comprehensive [policy](#) that creates a dedicated Office of Environmental Justice, E.J. Coordinator, and [Commission on Environmental Justice](#). This policy also outlines the state's policies concerning public meetings, outlines a public notification process for people living in areas of "environmental justice concern", and highlights ways to submit formal complaints. Minnesota's excellent strides towards achieving environmental justice have earned it 7.5 points on the scorecard, similar to states like Rhode Island and Pennsylvania.

Michigan has also made progress, creating an [environmental justice response team and public advocate](#), hosting an environmental justice [conference](#), and assessing air quality in E.J. community schools. The state also maintains an [Advisory Council on Environmental Justice](#), which is tasked with advising the E.J. Response Team and E.J. Public Advocate. However, Michigan's legislature has failed to pass meaningful reforms- the most notable E.J. bill recently signed into law focused on [prohibiting water shutoffs](#). Much of the state's progress on environmental justice has been executive action rather than broader legislation. Wisconsin's progress has been similar to Michigan's- Wisconsin governor Tony Evers [announced](#) the creation of an Office of Environmental Justice in 2022, acknowledging the disparities that flooding and other disasters have on historically disadvantaged communities and committing to resilience planning for vulnerable E.J. communities. Much like in Michigan, Wisconsin's legislature is unwilling to take up meaningful E.J. reforms- the state legislature even [removed](#) Gov. Evers' Office of Environmental Justice from the state budget in 2021, forcing him to issue an executive order establishing it this year. Wisconsin's executive actions have pushed the state in the right direction but have not yet been fully implemented. Paired with a lack of legislative action, the state earns only 3 points on the E.J. scorecard.

Other states have fallen behind on E.J. policy, including Indiana, Ohio, and Iowa. These three states have failed to pass any meaningful legislation on environmental justice, with Ohio's legislature holding up a [bill](#) that would define environmental justice communities and Indiana's holding up a [bill](#) that would create an environmental justice task force in committee. None of the three states' governments have created environmental justice regulatory agencies, nor have any published their E.J. policies in decades. Indiana's most recent [E.J. Strategic Plan](#) was adopted in 2001, more than 20 years ago. Ohio and Indiana earned 3 and 2.5 points on the E.J. scorecard respectively, as their actions have not gone far enough in pushing for E.J. reform.

Several states in the Midwest have enacted meaningful reforms and have committed to environmental justice for their citizens. Illinois and Minnesota are two such states- both have made great strides in E.J. legislation and executive action. Michigan and Wisconsin are also

making progress, though their legislatures are unable to pass broad E.J. legislation. States like Indiana, Ohio, and Iowa have not made satisfactory progress and must do more to achieve justice for E.J. communities in their states. These states should enact these urgent reforms by creating Environmental Justice regulatory agencies, passing legislation that helps protect E.J. communities, and drafting policies that communicate their states' positions and a path forward.

Overview and Trends

The various states of the Northeast-Midwest have taken many different paths towards environmental justice for their citizens. New York and New Jersey have made excellent strides, followed closely by Massachusetts and Connecticut. These four states are governed by Democrats- according to [538's partisan lean analysis](#), these states have an average +19.2 point advantage for Democrats in statewide elections. All four states' legislatures are dominated by Democrats, who also hold three of the four states' governorships (excluding Massachusetts Governor Charlie Baker).

Some of the states with the least progress towards achieving environmental justice for their citizens are New Hampshire and Indiana. These two states lack key laws and regulations that could increase community input and protect already disadvantaged communities from being subjected to even more pollution. They have not passed meaningful legislation that would enact these regulations into law, and their government agencies/government officials have not taken executive action to work for environmental justice. Ohio and Iowa are two other states that have also failed to make significant progress on passing environmental justice legislation and taking executive action that defends E.J. communities. These states are all governed by Republican trifectas, and have an average +10.45 point advantage for Republicans in statewide elections according to [538's partisan lean analysis](#).

These states also have certain population metrics in common. The four states with the most E.J. progress are densely populated, with an [average population density](#) of 836 people per square mile. By comparison, the four states with the most unsatisfactory progress on

environmental justice reform have far lower population densities- with an average of 172 people per square mile. It seems that states with more people- especially people living in cities- are far more receptive to environmental justice reforms than those with less people who mostly live in rural or suburban towns. It also seems that states along the coast have made greater strides on tackling environmental justice issues than those in the Midwest. All four of the states with the most impressive E.J. reforms are coastal, in the New England and Mid-Atlantic regions. All the states with the most unsatisfactory E.J. track records are landlocked in the Midwest, apart from New Hampshire.

In general, coastal states with a high population density and high proportion of democratic voters tend to have a more impressive E.J. track record. These states are almost entirely controlled by the Democratic Party, which seems to be more open to addressing environmental justice issues with sweeping legislation and executive action. Conversely, landlocked states (excluding New Hampshire) with a lower population density and high proportion of Republican voters tend to have an unsatisfactory record on environmental justice issues. These four states are completely controlled by the Republican Party, which seems to oppose addressing E.J. issues with broad, meaningful reforms.

Though the northeast-midwest region has made excellent progress in achieving environmental justice for its citizens, some states have lagged. Many states have fully committed to environmental justice, passing laws that protect overburdened and historically marginalized communities from pollution and environmental degradation. Others are currently evolving to meet the growing needs of these communities, enacting laws and creating government agencies to address pressing E.J. issues. A smaller group of states is not doing what is required to achieve environmental justice and has not acted to meet the current moment. These states are a minority in the northeast-midwest region but must act quickly to achieve environmental justice for all communities to improve the health, living standards, and lives of their citizens.

Recommendations

Environmental justice policies cannot be duplicated from state to state. The states of the northeast-midwest must tailor laws, executive actions, and agency directives to address the specific needs of their populations to be effective. Even so, there are certain policies and actions that could achieve environmental justice in most states regardless of demographics or other specific circumstances. This section outlines some of these basic policies that most states should implement to achieve environmental justice for their citizens.

Any effort to achieve environmental justice must first begin with an outline of current E.J. disparities and policies that may ease those disparities. Each of the states in the northeast-midwest should draft and publish a report that outline problems and recommend policies to fix those problems. States like Maryland publish annual environmental justice [reports](#); highlighting challenges, updating on the status of past actions and recommending policies for the next year. Developing a plan, outlining policies, and reviewing successes and failures is integral to achieving environmental justice- these reports are essential to establishing a coherent plan and developing accountability before implementing E.J. policies.

After drafting a report on the state of environmental justice reform and outlining policies that would ease disparities, states should pass legislation that statutorily defines environmental justice and outlines policies like requiring environmental impact reports, community meetings, and consideration of historic environmental pollution before granting certain building and pollution permits. Involving communities in important decisions that can have drastic impacts on their health and safety is a key facet of environmental justice, as is weighing historic discrimination and pollution. These two important policies can help these communities clean up their environments and build longer and healthier lives. Massachusetts has had success in passing such a [bill](#), which has the potential to include marginalized communities in decisions that affect their safety and health.

States must also invest in digital tools that allow their citizens to understand what environmental justice is and where E.J. communities are. Without these tools E.J. community members may not know about the status of their community, their rights under the law, or the dangers of living in a polluted environment. States like New Jersey have created detailed [maps](#) that outline the borders of E.J. communities, identify the locations of polluting facilities, and summarize environmental and public health stressors in different communities. Online tools like these must be part of every northeast-midwestern state's E.J. strategy.

Conclusion

E.J. advocates have much to accomplish before achieving justice for all underrepresented communities in the United States. Far too many people are being poisoned by polluting facilities, and local governments are often failing to protect their citizens. Certain states have made excellent progress while others have failed to meet the needs of the current moment and are falling behind. If the northeast-midwestern states are to achieve environmental justice for all their citizens, they must implement important E.J. reforms and continue to study the effects of generational discrimination on historically marginalized communities.

Scorecard

States are ordered from highest to lowest environmental justice score.

	Agency/Program that deals with E.J.	Legislative Committee that deals with E.J.	Environmental Justice State Employee(s)	Environmental Justice Advisory Commission	Environmental Justice Plan/Report	Advocacy by Outside Organizations	Resolutions or Acknowledgements passed by State Legislature	E.J. Bills passed in the past 4 years	E.J. Bills in 2021-2022	Online Tools	TOTAL	PARTISAN LEAN (538)
MARYLAND	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	10	D+25.9
MASSACHUSETTS	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	10	D+32.6
NEW YORK	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	10	D+20.0
NEW JERSEY	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	9.5	D+12.0
VERMONT	YES	YES	YES	YES	YES	YES	YES	YES	YES	UNDER DEVELOPMENT	9	D+27.5
CONNECTICUT	YES	NOT EXPLICITLY	YES	YES	YES	YES	YES	YES	NO	YES	8.5	D+12.1
DELAWARE	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	8	D+13.7
MICHIGAN	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	8	R+1.6
RHODE ISLAND	YES	YES	YES	NO	YES	YES	NO	NO	YES	YES	7.5	D+24.0
MINNESOTA	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES	7.5	D+1.9
PENNSYLVANIA	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES	7.5	R+2.9
ILLINOIS	YES	NOT EXPLICITLY	YES	YES	YES	YES	NO	NO	YES	YES	6.5	D+13.4
MAINE	YES	NO	NO	NO	YES	YES	NO	NO	YES	NO	3.5	D+4.0
IOWA	YES	NO	YES	NO	NO	YES	NO	NO	NO	NO	3.5	R+9.7
OHIO	YES	NOT EXPLICITLY	NO	NO	NO	YES	NO	NO	YES	YES	3	R+12.4
WISCONSIN	YES	NO	NOT YET	NO	NO	YES	NO	NO	NO	UNDER DEVELOPMENT	3	R+4.1
INDIANA	YES	NO	NO	NO	YES	YES	NO	NO	YES	NO	2.5	R+20.0
NEW HAMPSHIRE	YES	NO	NO	NO	NO	YES	NO	NO	NO	NO	1.5	D+0.3

This data was sourced from each state’s Department of Environmental Protection (or similar state agency) and state legislature’s website. For example, the information from Maryland was sourced from the state’s [Department of the Environment](#) and [General Assembly Website](#).

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