



Governor Murphy Announces First-in-the-Nation Environmental Justice Rules

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On Monday, April 17, 2023, New Jersey Governor Phil Murphy announced the adoption of the New Jersey Department of Environmental Protection's (DEP) [Environmental Justice Rules](#) (EJ Rules) implementing New Jersey's landmark [Environmental Justice \(EJ\) Law](#) signed in 2020. The EJ Law and implementing rules are the first in the nation aimed at reducing pollution in historically overburdened communities that have been subjected to a disproportionately high number of environmental and public health stressors.

In his announcement, Governor Murphy stated, "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."

DEP Commissioner Shawn M. LaTourette added that, "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."

Under the new rules, which are effective immediately, state environmental officials considering permit requests of eight specific types of [facilities](#) must include impacts to residents of affected communities in their decision-making process. The eight types of facilities that must comply with the new EJ Rules are: gas-fired power plants, cogeneration facilities, and other major sources of air pollution; recycling facilities, garbage incinerators, and landfills; sludge processing facilities; large sewage treatment plants; scrap metal facilities; and medical waste incinerators, except those serving hospitals and universities.

When proposing to locate any of the eight types of facilities in an [overburdened community](#), an applicant must prepare an environmental justice impact statement that evaluates existing environmental and public health “[stressors](#)” in the community, how the proposed or existing facility will impact those stressors, and any measures that the applicant proposes to address those impacts. The applicant must also engage with the community in a public hearing, 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 the “stressors” at levels disproportionate to those in less burdened communities.

“Stressors,” as defined by the rules, include:

- concentrated areas of air pollution
- mobile sources of air pollution
- contaminated sites, including soil contamination deed restrictions, groundwater classification exception areas, and currently known extent restrictions
- transfer stations or other solid waste facilities, recycling facilities, and scrapyards
- point-sources of water pollution, including water pollution from facilities or combined sewer overflows
- density/proximity stressors such as proximity/density of permitted air sites, National Pollutant Discharge Elimination System sites, and emergency planning sites
- social determinants of health, including unemployment and education levels
- conditions that may cause potential public health impacts, such as asthma, cancer, elevated blood lead levels, lack of recreational open space, lack of tree canopy, impervious surfaces, floodings, and cardiovascular disease

The EJ Rules require permit applicants to avoid and minimize such stressors, including through the use of added pollution control technology. Where found disproportionate impacts are not avoidable, new proposed facilities could be refused in an overburdened community, or existing facilities could be subject to additional permit conditions that reduce environmental and public

health stressors affecting the community.

The New Jersey Business and Industry Association has opposed the EJ Law signed in 2020, saying it will discourage businesses from locating in the state and will cost the state good-paying manufacturing jobs.

On the flip side, environmental justice advocates have praised the work done by the Murphy Administration. 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, commented: "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."

For those who wish to obtain information on the location and assessment of overburdened communities to which the regulations apply, you can visit DEP's [Environmental Justice Mapping, Assessment and Protection Tool \(EJMAP\)](#).

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