



NJDEP Hearing July 28, 2022
Verbal testimony of Tracy Carluccio, Delaware Riverkeeper Network
New Jersey Proposed Environmental Justice Rules

Thank you for the opportunity to testify in support of regulations that implement New Jersey's environmental justice law.

Delaware Riverkeeper Network recognizes the gravity of the milestone these rules represent and the tremendous work and commitment that has gone into the journey that has brought us here. We thank environmental justice advocates who have worked so hard for so long using their expertise, their personal time and energy, and community knowledge to help draft these rules. The law holds tremendous promise that provides a strong and community-driven foundation for these ambitious regulations. How the regulations are finally drawn, based on input from the process such as this hearing tonight, will define how effectively the spirit and the letter of the EJ Law can be executed.

We consider it of utmost importance that the rules are swiftly adopted by DEP – the burning need for environmental justice in our state's overburdened communities continues to this very moment with polluting projects being promoted as we speak. The law and these regulations are long overdue but, finally, they offer a crucial opportunity for real change. Let's get this done.

DRN will be submitting written comment but we'd like to mention a couple of points now.

Permits for existing facilities – There is an exception in the proposed rules for existing projects seeking renewal that allows an existing project to continue with conditions, even if it is found to have negative impacts from stressors, while new projects can be denied a permit. This section needs to be strengthened by requiring not only that a public health and environmental analysis be done for existing facilities and that conditions are added, but that permits for existing projects that are found to have harmful impacts can be **denied a permit** by DEP.

"Compelling public interest" – This is a provision that can easily become an enormous loophole. At a minimum, not allowing economic considerations to be considered is essential, so industry can't spin baseless economic arguments to justify polluting projects, a common practice that has been a public health and environmental disaster for New Jersey.

Everyone has a right to clean air and water and a healthy environment and with the best EJ regulations possible, New Jersey can finally move towards making this true not just for the privileged but for environmental justice communities as well.