



April 22, 2024

SUBMITTED VIA EMAIL

Governor's Environmental Justice Advisory Council

Jeff Hart
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Kody Kinsley
Secretary, Department of Health and Human Services
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Re: Comments in Response to the North Carolina Department of Health and Human Services' Draft Environmental Justice Goals and Measurable Outcomes

Dear Environmental Justice Advisory Council Members and Secretary Kinsley:

Please accept these comments on the draft Environmental Justice Goals and Measurable Outcomes that the Department of Health and Human Services (the "Department") has developed in response to Governor Cooper's Executive Order 292 ("EO 292"). We applaud the commitment to environmental justice that the Department's draft goals demonstrate. While the Department's goals are specific, measurable, achievable, relevant, time-bound,¹ and clearly support the objectives of EO 292, they are somewhat limited. In these comments, we offer specific suggestions for making the goals more robust and impactful and for expanding the measurable outcomes; we recommend increasing the strength, breadth, and ambition of the goals themselves and including additional metrics for assessing their impacts.

These comments are submitted by Southern Environmental Law Center and Southern Coalition for Social Justice, on behalf of themselves as well as West End Revitalization Association, 7 Directions of Service, Down East Coal Ash Environmental

¹ See Kimberlee Leonard & Rob Watts, *The Ultimate Guide to S.M.A.R.T. Goals*, FORBES, <https://www.forbes.com/advisor/business/smart-goals/> (last updated May 4, 2022) (identifying those five attributes as characteristic of effective goal-setting).

and Social Justice Coalition, Warren County Environmental Action Team, North Carolina Environmental Justice Network, Danielle Koonce, NC FIELD, Inc., Winyah Rivers Alliance, NOTRA, CleanAIRE NC, Toxic Free NC, North Carolina Environmental Justice Network, Environmental Justice Community Action Network, First Missionary Baptist Church of Magnolia Ministries, Inc., North Carolina NAACP, Duplin County Branch of NAACP, Emancipate NC, Neighbors for Better Neighborhoods, North Carolina League of Conservation Voters, Inc, UNC Environmental Justice Action Research Clinic, Wake Forest Environmental Law and Policy Clinic, McDowell Local Food Advisory Council, North Carolina Sustainable Business Council, NC Sierra Club, NC Black and Green Network, Waterkeeper Alliance, The Lilies Project, Center for Biological Diversity, and Dogwood Alliance, First Missionary Baptist Church of Magnolia Ministries, Inc., and North Carolina Conservation Network. Together, these non-profit, public-interest groups advocate for and work alongside communities to achieve the meaningful involvement of all people in implementing and enforcing environmental laws and to ensure equitable access to a clean, healthful, sustainable, and livable environment for all people, especially those who have been disproportionately affected by climate change and environmental pollution.

We encourage the Department to be more ambitious in setting its final goals in order to more fully comply with the spirit of EO 292.² In 2021, Executive Order 246 set environmental justice and equity as a priority for all cabinet agencies. It instructs agencies to partner with experts, other agencies, and affected communities to, among other things, “incorporate environmental justice and equity considerations . . . into their work,” “invest in historically underserved communities,” “advance health equity,” and “increase understanding and awareness of the health impacts of climate change.”³

EO 292 further elevates environmental justice as a priority for Governor Cooper’s administration. It instructs each cabinet agency to “develop at least three draft EJ goals and measurable outcomes.”⁴ The preamble to EO 292 makes clear that the governor intended for all cabinet agencies, in developing their goals and outcomes, to endeavor to fully incorporate environmental justice and equity considerations into the full range of the agencies’ work and to invest meaningful amounts of funding into achieving those goals.⁵ Section 5 emphasizes the importance of identifying funding sources for environmental justice work, maximizing the state’s dedication of resources for

² See Exec. Order 292 No., Advancing Environmental Justice for North Carolina (Oct. 24, 2023), <https://governor.nc.gov/executive-order-no-292/open>.

³ Exec. Order No. 246, North Carolina’s Transformation to a Clean, Equitable Economy § 2, 10, 11 (Jan. 7, 2022), <https://governor.nc.gov/executive-order-no-246/open>.

⁴ Exec. Order No. 292 § 7 (emphasis added).

⁵ *Id.* at 1–2.

advancing environmental justice, and developing sources of expertise and guidance to aid in pursuing and achieving environmental justice.⁶

Accordingly, while the Department has drafted laudable goals and outcomes that will achieve significant progress for environmental justice communities (“EJ communities”),⁷ these comments seek to identify ways in which the goals and outcomes could be even more robust and reach even more areas under the purview of the Department. In offering our comments and suggestions, we will address each draft goal in turn.

I. Proposed Draft Goals

- A. *Goal 1: DHHS will increase interactions with local health departments and North Carolina residents impacted by environmental injustice to improve understanding and inform investigations of potential health impacts.***

Outcome: DHHS staff in the Division of Public Health and the Health Equity Portfolio, in coordination with other programs as applicable, will facilitate DHHS Environmental Justice Town Hall meetings twice a year.

We fully support this goal. We applaud the Department for committing to increase its engagement with local health departments and residents to improve its own understanding of health-related concerns of residents impacted by environmental justice issues. The work prompted by this goal will also promote public participation and increase awareness among community members of the environmental issues that affect them, thereby furthering the objectives of EO 292.

We do, however, recommend that the outcome be defined more specifically. As written, it could be satisfied by holding a town hall meeting during a workday in Raleigh twice a year, but doing that would have far less impact and do far less to “improve understanding and inform investigations” than would holding town hall meetings closer to the EJ communities they are meant to serve. For example, the Department might consider holding an annual town hall meeting at a central location in every county where more than 50% of the census tracts rank in the highest quartile of the Centers for Disease Control and Prevention’s (“CDC”) Environmental Justice Index. By our

⁶ *Id.* § 5.

⁷ “‘Environmental Justice Communities’ or ‘EJ Communities’ means communities of color, low-income communities, or Indigenous communities that are experiencing, or are at risk of, disparate impacts as a result of the agency action under consideration.” Exec. Order No. 292 § 6.

calculations, there are thirteen counties that meet that criterion.⁸ Recognizing capacity constraints within DHHS, we recommend, at a minimum, the Department host at least one town hall in each of its 6 regions.⁹ Each meeting should be held in a county where more than 50% of the census tracts rank in the highest quartile of the CDC Environmental Justice Index. Equally important as meeting in a location proximate to the affected communities, the Department should specify that the meetings should be held on days and at times that minimize conflicts with people’s work, school, childcare, and religious obligations. We suggest that the current outcome be revised to holding one town hall in each such county at least once each year, at a location, date, and time to maximize opportunities for attendance.

We also suggest that the Department could develop additional measurable outcomes, as many other cabinet agencies did.¹⁰ The Department might commit to establishing an online “suggestion box” to allow community members to submit their environmental concerns and their ideas for addressing them between town hall meetings, and it might further commit to responding to each submission with a substantive reply within a certain number of days or weeks of receipt.

As another goal or measurable outcome, the Department might commit to creating an environmental justice webpage on its website to address common environmental justice concerns and frequently asked health questions such as how to obtain free or low-cost in-home water quality testing, septic system inspections, and repairs, and lead paint testing and remediation. While we understand that resources related to many such health-related issues are addressed in various places on the Department’s website, having a single page to address the most common concerns and then promoting the link to that page within overburdened communities, at local health clinics, community centers, schools, churches, etc., would help people access the information more easily. A print-copy one-pager with the same information could be distributed to communities through the same channels and at town hall meetings.

This “environmental justice resources” webpage could also house comprehensive information on fish advisories or include a link to a similar but separate webpage for fish advisories. Currently, information about fish advisories is dispersed through several different government department web pages. The Department should create a webpage that serves as a one-stop shop for all information related to fish

⁸ *Environmental Justice Index (EJI) Explorer*, Ctr. for Disease Control <https://onemap.cdc.gov/portal/apps/sites/#/eji-explorer> (last Apr. 17, 2024).

⁹ *Map of Regions*, N.C. DEP’T OF HEALTH & HUM. SERVS. (Feb. 17, 2022), <https://www.ncdhhs.gov/map-regions>.

¹⁰ The Department of Natural and Cultural Resources, the Department of Environmental Quality, and the Department of Public Safety, among others, each included multiple measurable outcomes for each of their environmental justice goals. See <https://governor.nc.gov/issues/environment/environmental-justice>.

advisories. The “environmental justice resources” webpage could also house comprehensive information on per- and polyfluoroalkyl (“PFAS”) contamination, including information on what PFAS is, which communities have elevated amounts in their drinking water, how to obtain testing for it, and how to treat for it, or include a link to a similar but separate webpage for PFAS.

This webpage should be distinct from the forthcoming Environmental Justice Hub webpage (“EJ Hub”) required under EO 292.¹¹ Notably, under Executive Order 246, each cabinet agency is required to “[i]dentify, describe, and post on a readily available page of the agency’s website agency decisions that significantly impact or may significantly impact underserved communities.”¹² We propose the Department expand upon this requirement and provide a separate single webpage where the public can access information related to environmental justice concerns within the Department’s jurisdiction. We suggest the EJ Hub link to this webpage.

Each of these suggestions could be memorialized in a separate goal or measurable outcome, with metrics such as target dates, response times, and funding commitments.

B. Goal 2: DHHS will work with local health departments to increase the inclusion of environmental justice chapters in Community Health Assessments.

Outcome: DHHS will work with local health departments to provide environmental justice education and community outreach to help increase the number of community health assessments with an environmental justice chapter from one in 2022 to at least eight by December 31, 2024.

We likewise support this goal but suggest revisions to make the measurable outcomes more detailed and robust. For instance, in addition to increasing the number of community health assessments with an environmental justice chapter to at least eight by December 31, 2024, the Department might also aim to ensure that every county where more than 50% of the census tracts rank in the highest quartile of the CDC Environmental Justice Index do so by December 31, 2029, given that every county must conduct an assessment every four years.¹³ Even better, since every county in North Carolina surely has communities of color, indigenous communities, low-income communities, and other communities within its boundaries that have been overburdened by environmental injustices, the Department might aim to encourage or

¹¹ See Exec. Order No. 292 § 8.

¹² Exec. Order No. 246 § 7.

¹³ 10A N.C. Admin. Code 48B .0201.

even require every North Carolina county to include an environmental justice chapter in its community health assessment by December 31, 2029.

The Department might also develop additional outcomes describing actions to increase the effectiveness and accountability of the goal. It could commit to creating guidelines to assist counties in conducting such an assessment. The Department could commit to assigning responsibility for assisting counties with assessing environmental justice to an existing employee or a new hire. It could commit to codifying the environmental justice chapter requirement and guidelines into its existing Chapter 10A, subchapter 48B rules, by adding a separate “benchmark” for environmental justice or by adding environmental justice activities to the benchmark that governs community health assessments, or both.¹⁴ It could even add environmental justice activities to some or all of the other forty health status benchmarks already set out in its rules.¹⁵ The Department could commit to providing funding and training to the first counties that volunteer to include an environmental justice chapter in their community health assessments. These efforts could help ensure that county health assessments “describe socioeconomic, educational and environmental factors that affect health” and “identify population groups at risk for health problems,” as currently required on the Department’s Community Health Assessment Checklist.¹⁶

We encourage the Department to consider these additional measurable outcomes and include as many as feasible in order to ensure that the goal is met and actually leads to real-world improvements in health outcomes in EJ communities.

C. Goal 3: DHHS will help address private well contamination and septic system failures in at least one county where more than 50% of census tracts are in the highest quartile of the CDC Environmental Justice Index.

Outcome: DHHS will pilot a private well and septic system program with partners that includes disseminating private well water and septic system education materials, conducting Train-the-Trainer sessions on private well testing and treatment and septic system maintenance, and providing private well testing and treatment.

We are particularly glad to see the Department include a goal to address inadequate and failing septic systems and their effect on groundwater supplies. We

¹⁴ 10A N.C. Admin. Code .0101.

¹⁵ 10A N.C. Admin. Code 48B .0201 to .1308.

¹⁶ Community Health Assessment Checklist: NC Local Health Department Accreditation, N.C. Dep’t of Health & Hum. Servs. (2022), <https://schs.dph.ncdhhs.gov/units/ldas/docs/CHA-BlankSelfAssessmentChecklist.docx>

wholeheartedly support this goal as well as the measurable outcome DHHS has described regarding a pilot program that includes disseminating information and training.

Failing septic systems are a major cause of risks to public health, especially in rural and poor communities, which are more likely to rely on aging septic systems. In order to work properly, septic systems must be maintained, including by periodically emptying the septic tanks and inspecting the drainage fields for damage. These preventive maintenance tasks can be very expensive, often more expensive in the long run than paying for sewer service would be if it were available, and thus, homeowners, especially those struggling to make ends meet, understandably delay undertaking them. Moreover, there are often no signs that a septic system needs attention until it is already failing, at which point the homeowner may need to either replace the tank or relocate the drainage field or both, which is even more expensive, perhaps even beyond the means of many people who live in homes served by septic systems. And yet the consequences of failed septic systems can be catastrophic for both the homeowners and their neighbors in terms of untreated human waste rising to the surface of the drainage field, contaminating the backyards where their children and pets play, backing up into their homes, and contaminating their groundwater supplies.

Inadequate sanitation is one of the most significant environmental justice issues, particularly in the American South and particularly in rural and socioeconomically disadvantaged communities. Environmental justice pioneer and Duke University professor Catherine Coleman Flowers examines the issue extensively in her scholarship. She explains the problem as she observed it play out in Alabama as follows:

Lowndes County faces complex sanitation issues, resulting from entrenched poverty and natural and climatic conditions, such as soil conditions and a lack of infrastructure. In many areas, clay soil prevents water from percolating into the ground. When combined with an inadequate sanitation infrastructure, these conditions are a recipe for disaster. Many towns in Alabama's Black Belt have inefficient – or even non-existent – wastewater systems. Systems often overflow when it rains, exposing residents to raw sewage in their homes or yards. Climate change is likely to make heavy rains and high temperatures more common in Alabama, exacerbating these issues. . . . This is typical of many rural communities in the South. Many households are responsible for the installation and maintenance of their own wastewater disposal systems, whereas

wastewater infrastructure may be publicly provided to wealthier areas of the country at a fraction of the cost.¹⁷

We would encourage the Department to be more ambitious and amend the goal to aim higher.¹⁸ Ideally, the Department would offer assistance to every county, or at least every county that meets the criterion of having more than 50% of its census tracts in the highest quartile of the CDC Environmental Justice Index and would commit to doing so by a particular date. Failing that, aiming to help more than one county seems appropriate and achievable. The Department could offer assistance to *all* counties and set several measurable outcomes that could be met in fewer than all counties. Acknowledging that funding constraints may limit the scope of this pilot program, we alternatively propose that the Department amend its goal to commit to seeking additional funding opportunities to replicate the original pilot program in other EJ communities.

In addition, we recommend setting an additional measurable outcome of developing model language for a program like the “septic health initiative” that Nags Head operates at the coast.¹⁹ Nags Head is a coastal community where approximately 80% of the residential properties use septic systems for their waste. The town offers incentives such as (1) free aid from town staff to locate residents’ septic systems, inspect the systems, and guidance, (2) a \$150 credit on residents’ water accounts when they pump out their septic tanks, and (3) low-interest loans for residents who need to make repairs to their septic systems. The residents benefit by receiving aid in financing the preventive maintenance of their septic system, as well as aid in preventing failures and financing necessary repairs. They and their neighbors benefit from cleaner groundwater that has not been tainted by human waste from failing septic systems. The Department could set a measurable outcome of developing a model program along these lines for any county to copy by December 2024, another outcome of encouraging a set number

¹⁷ Inga T. Winkler & Catherine Coleman Flowers, “America’s Dirty Secret:” *The Human Right to Sanitation in Alabama’s Black Belt*, 49 COLUM. HUM. RTS. L. REV. 181, 186–88 (2017), [\(https://1.next.westlaw.com/Document/lac8bd203f4ae11e79bf099c0ee06c731/View/FullText.html?transitionType=SearchItem&contextData=\(sc.Search\)\)](https://1.next.westlaw.com/Document/lac8bd203f4ae11e79bf099c0ee06c731/View/FullText.html?transitionType=SearchItem&contextData=(sc.Search)) (citation omitted).

¹⁸ It is unclear whether the pilot program proposed under this goal is part of the Environmental Justice Government-to-Government program awarded to DHHS earlier last year. See 2023 Environmental Justice Government-to-Government (EJG2G) Program Project Summaries at 19 (2023), <https://www.epa.gov/system/files/documents/2024-04/2023-ej-government-to-government-ejg2g-project-summaries.pdf> (“The main objective of the Partnership to Address Private Well Contamination in Sampson County, North Carolina is to provide water treatment for private wells in Sampson County while helping residents understand what pollutants may be in their water and the importance of clean water for health.”). If the proposed pilot program is part the pre-existing obligations under this grant program, then we especially ask that DHHS broaden the scope of this goal and commit to expanding this pilot program beyond Sampson County.

¹⁹ Town of Nags Head, Todd D. Krafft Septic Health Initiative Program, <https://www.nagsheadnc.gov/280/Septic-Health-Initiative-Water-Quality>.

of counties to adopt the program by December 2025, and yet another outcome of providing funding for a particular number of counties to implement such a program by December 2025. Ideally, any funding awarded to counties would come from a revolving fund, replenished by repayment from the first counties to receive the funding when they begin to realize cost savings in their enforcement and drinking water treatment programs.

Another outcome for this goal might include encouraging local governments to adopt ordinances to address leaking, failing, overflowing, and abandoned septic systems. Again, using Nag’s Head as an example, its ordinances governing the moving or demolition of buildings require that “all septic tanks, drain lines, and service lines shall be removed from the site in their entirety,” and they also provide for the county department of environmental health to aid in the location of the septic system prior to removal and for the building inspector to inspect the site before the septic components are removed from the site.²⁰ DHHS could use examples such as these to draft model ordinances for counties and municipalities to adopt.

Toward these ends, we recommend the Department add outcomes to support these ideas. The Department might add an outcome to secure the adoption of the above-described model ordinances and model program in at least one county where more than 50% of census tracts are in the highest quartile of the CDC Environmental Justice Index by 2025 and in all counties where more than 50% of census tracts are in the highest quartile of the CDC Environmental Justice Index by 2030. It could also add an outcome to explore and identify funding sources for aiding local governments in providing the incentives and enforcing the ordinances described above.

II. Recommended Goals

A. Recommended Goal: Ensure access to clean, safe, and affordable drinking water and adequate sanitation for all North Carolinians

Finally, we urge the Department to think more ambitiously and consider a goal and outcome that mirrors the United Nations’ aspirations. The United Nations identifies access to clean water and adequate sanitation as one of its seventeen sustainable development goals.²¹ Much as EO 292 instructs North Carolina cabinet agencies to do, the United Nations goes on to identify “targets and indicators” for achieving that goal.

²⁰ Town of Nag’s Head Code of Ordinances §§ 10-153 and 10-212 (2023); see generally Town of Nag’s Head Code of Ordinances §§ 10-151, 10-152, 10-153, 10-191, 10-211, & 10-212 (2023).

²¹ Goal 6: *Ensure Access to Water and Sanitation for All*, UNITED NATIONS SUSTAINABLE DEVELOPMENT, <https://www.un.org/sustainabledevelopment/water-and-sanitation/#:~:text=Investments%20in%20infrastructure%20and%20sanitation,key%20to%20reducing%20water%20stress> (last visited Apr. 17, 2024)

Examples of targets include achieving “universal access to safe and affordable drinking water for all” and “access to adequate and equitable sanitation and hygiene” for all, both by the year 2030, and “support[ing] and strengthen[ing] the participation of local communities in improving water and sanitation management.”²² The United Nations’ targets, plus its measurable indicators for each of these targets, can serve as models for the Department’s measurable environmental justice outcomes.

If the United Nations can aim to achieve “universal and equitable access to safe and affordable drinking water for all” and “access to adequate and equitable sanitation and hygiene for all” by 2030, the Department should aim to do the same for the people of North Carolina. This could entail encouraging, incentivizing, or even requiring county and municipal utilities to extend water and sewer services to more communities within their geographic range, with an emphasis on extending service to the underbound communities of color, indigenous communities, and low-income communities, that is, those communities who have historically been excluded from municipal boundaries and therefore deprived of these services by municipalities.²³ The result would be reduced reliance on costly and unreliable septic systems and access to cleaner water and better sanitation for all, all at a lower cost for members of some of North Carolina’s most vulnerable communities.

B. Recommended Goal: Expand the eligibility of LIHEAP funding in North Carolina to include cooling assistance

The Department is responsible for administering the Low Income Heat and Energy Assistance Program, also known as LIHEAP. These federal block grant dollars are distributed to the states to help cover heating and cooling bills for residents experiencing energy burdens.²⁴ Residents apply to state agencies to qualify for the program and can receive monthly stipends during the selected program periods. Notably, North Carolina is currently the only state in the South that does not make

²² United Nations, Department of Economic and Social Affairs, Sustainable Development, “6: Ensure availability and sustainable management of water and sanitation for all,” https://sdgs.un.org/goals/goal6#targets_and_indicators.

²³ See, e.g., Hannah Gordon Leker & Jacqueline MacDonald Gibson, *Relationship Between Race and Community Water and Sewer Service in North Carolina, USA*, PLoS ONE (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5862451/pdf/pone.0193225.pdf> (quantitative analysis performed by two researchers from UNC’s Gillings School of Global Public Health at the request of a former North Carolina state public health director); Amber X. Chen, Expensive, Bad Water: How an ‘Upside-Down Water System’ Plagues Rural Communities of Color, USA TODAY (July 23, 2023), <https://www.usatoday.com/story/news/nation/2023/07/23/rural-communities-of-color-plagued-by-racial-and-rural-water-gap/70425019007/?gnt-cfr=1>.

²⁴ *Low Income Energy Assistance (LIEAP)*, N.C. DEP’T HEALTH & HUM. SERVS., <https://www.ncdhhs.gov/divisions/social-services/energy-assistance/low-income-energy-assistance-lieap> (last visited Apr. 17, 2024).

LIHEAP funding available for cooling assistance.²⁵ Every other southern state allows access to LIHEAP funds during hot summer months, in addition to the cold winter months, to make it possible for energy burdened households to protect themselves from both extreme heat and extreme cold. North Carolina's failure to administer LIHEAP funds for cooling has the potential to endanger residents during heatwaves, which are becoming more common with climate change.²⁶

As extreme heatwaves become more common, climate change is expected to increase demand for air-conditioning.²⁷ Access to household air-conditioning varies by race and income,²⁸ and even if a family has access to an air-conditioning system, they may not be able to afford the electricity to cool their home during peak heat. In the Southeast, high energy bills disproportionately affect rural and under-resources residents, elderly residents, and communities of color, making the lack of cooling access a clear environmental and climate justice concern.²⁹

With the increased energy cost incurred during times of extreme heat, a person's decision to save money by turning off their air conditioning during a heatwave can turn fatal. Low-income residents who cannot pay their utility bills are more likely to have their power disconnected after a heat wave, leaving them vulnerable to future hazards,³⁰ and people of color are currently forty percent more likely to live in areas with the highest projected increases in extreme temperature-related deaths.³¹ Heat is particularly risky to the health of pregnant people, older adults, young children, and outdoor workers or athletes who spend a significant amount of time outdoors and need to be able to cool down regularly.³² Green land uses and tree cover can make it easier to ride out a heat wave, but neighborhoods of low wealth and more people of color tend to have fewer trees and green spaces to help mitigate heat. Studies have found clear relationships

²⁵ Note the absence of North Carolina from the LIHEAP Cooling Program catalog. *State & Territory Cooling Programs*, LIHEAP, <https://liheapch.acf.hhs.gov/tables/cooling.htm> (last visited Apr. 17, 2024)

²⁶ *Fifth National Climate Assessment: Southeast Chapter*, US GLOBAL CHANGE RESEARCH PROGRAM (2023) <https://nca2023.globalchange.gov/chapter/22/>.

²⁷ Renee Obringer et al., *Implications of Increasing Household Air Conditioning Use Across the United States under a Warming Climate*, 10 EARTH'S FUTURE (2021), <https://agupubs.onlinelibrary.wiley.com/doi/epdf/10.1029/2021EF002434>.

²⁸ Yasmin Romitti, *Inequality in the Availability of Residential Air Conditioning Across 115 US Metropolitan Areas*, 1 PNAS NEXUS 210 (2022) <https://pubmed.ncbi.nlm.nih.gov/36714868/>.

²⁹ WILLIAM D. BRYAN & MAGGIE KELLEY, ENERGY INSECURITY FUNDAMENTALS FOR THE SOUTHEAST, SOUTHEAST ENERGY EFFICIENCY ALLIANCE 19 (2021), https://issuu.com/seealliance/docs/report_energyinsecurity_02_15_2021_v1.

³⁰ Ashley Kruthoff, *Low-Income Households More Likely to Have Power Disconnected After Hot Summers*, UCLA NEWSROOM, (October 31, 2022), <https://newsroom.ucla.edu/releases/low-income-households-power-disconnected-hot-summers>.

³¹ *EPA Report Shows Disproportionate Impacts of Climate Change on Socially Vulnerable Populations in the United States*, ENV'T PROT. AGENCY (Sept. 2, 2021), <https://www.epa.gov/newsreleases/epa-report-shows-disproportionate-impacts-climate-change-socially-vulnerable>.

³² *Fifth National Climate Assessment: Southeast Chapter*, *supra* note 25.

between the historic practices of redlining, a lack of community infrastructure investments, and exposure to heat risk.³³

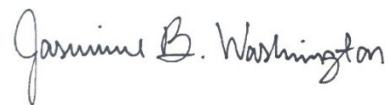
DHHS must consider the significant environmental justice benefits that would come from administering the LIHEAP program for cooling as well as heating assistance. We encourage the Department to include this recommendation in their agency goals and take action to allow access to the LIHEAP program for cooling as soon as possible, given that we are only a few months away from the season of summer heatwaves.

In sum, while we wholeheartedly support the Department's draft environmental justice goals and outcomes, we encourage the adoption of the suggestions detailed above to enhance their efficacy and accountability.

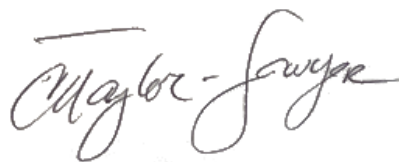
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³³ Jeremy Hoffman et al., *The Effects of Historical Housing Policies on Resident Exposure to Intra-Urban Heat: A Study of 108 US Urban Areas*, CLIMATE (2020), <https://www.mdpi.com/2225-1154/8/1/12>; see also *Throwing Shade in RVA*, JEREMY S. HOFFMAN, <http://jeremyscotthoffman.com/throwing-shade> (last visited Apr. 17, 2024)

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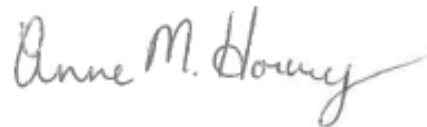


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