



April 22, 2024

SUBMITTED VIA EMAIL

Governor's Environmental Justice Advisory Council

Jeff Hart
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James A. Weaver
Secretary
Department of Information Technology
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**Re: Comments in Response the Department of Information Technologies'
Draft Environmental Justice Goals and Measurable Outcomes**

Dear Council and Secretary Weaver:

On behalf of West End Revitalization Association, 7 Directions of Service, Neighbors for Better Neighborhoods, Environmental Justice Community Action Network, NC FIELD, Inc., Center for Biological Diversity, Winyah Rivers Alliance, North Carolina Environmental Justice Network, CleanAIRE NC, Toxic Free NC, The Lilies Project, North Carolina NAACP, Emancipate NC, Down East Coal Ash Environmental and Social Justice Coalition, Duplin County Branch of NAACP, Danielle Koonce, Wake Forest Environmental Law and Policy Clinic, McDowell Local Food Advisory Council, UNC Environmental Justice Action Research Clinic, North Carolina Sustainable Business Council, NC Sierra Club, North Carolina Conservation Network, First Missionary Baptist Church of Magnolia Ministries, Inc., and Dogwood Alliance, the Southern Environmental Law Center and the Southern Coalition for Social Justice submit the following comments on the draft Environmental Justice Goals and Measurable Outcomes of the North Carolina Department of Information Technology ("DIT" or "Department"). On October 24, 2023, Governor Roy Cooper signed Executive Order 292 Advancing Environmental Justice for North Carolina ("EO 292").¹ Section 7 of the order directed each cabinet

¹ Exec. Order No. 292, Advancing Environmental Justice for North Carolina, <https://governor.nc.gov/executive-order-no-292/open>.

agency to develop and submit to the Governor’s Environmental Justice Advisory Council (“EJAC”) for public comment at least three draft environmental justice goals and measurable outcomes.”²

We commend DIT for going beyond the minimal requirement and providing five draft environmental justice goals and outcomes (“EJ goal”). However, the Department’s goals must be modified to include specific, measurable, achievable, relevant, and time-bound actions and outcomes.³ This comment letter will focus primarily on Goal 2, which is focused on DIT’s obligations to create a mapping tool as directed under EO 292. While the agency’s EJ goals should state actions that the agency will take outside of pre-existing obligations, we nonetheless put forth recommendations below on how the forthcoming EJ mapping tool (“EJ mapping tool”) can be made more helpful and accessible for the public. We will begin with Goal 2 then address the remaining goals.

I. Recommendations for EJ Mapping Tool, EJ Hub Webpage, & EJ Goal 2

EO 292 is explicit about what the Governor expects from the Department of Information Technology (“DIT”). Section 8 states:

Cabinet agencies in collaboration with DIT shall develop and maintain a statewide environmental justice mapping tool (“Mapping Tool”). The Mapping Tool shall be easily accessible and usable by the public, local and tribal governments, public and private organizations, and the State. The Mapping Tool shall, at a minimum, integrate data used in DEQ’s Community Mapping System, DEQ’s Environmental Justice Tool, the North Carolina Department of Health and Human Service’s environmental health data dashboard, and the North Carolina Department of Transportation’s EJ and Transportation Disadvantage Index mapping tool. The Mapping Tool shall include, at a minimum, demographic data on the census block level, permitted facility locations, and relevant health data on the smallest geographic scale publicly available, while ensuring data privacy and protection. Cabinet agencies will provide EJ data associated with: ambient air quality data, climate stressors such as flooding and sea level rise risk, and locations of sensitive receptors such as schools, nursing homes, and affordable housing communities.⁴

In response to this directive, and the mandate to draft EJ goals and measurable outcomes, DIT proposed Goal 2, which proposes, in part, that it will “lead the effort to create an Environmental Justice Hub webpage (“EJ Hub”) that will host environmental

² *Id.* § 7.

³ Kimberlee Leonard & Rob Watts, *The Ultimate Guide to S.M.A.R.T. Goals*, FORBES (May 4, 2022) <https://www.forbes.com/advisor/business/smart-goals/>.

⁴ Exec. Order No. 292 § 8 (“North Carolina Environmental Justice Mapping Tool and Justice Hub”).

justice information and activities, including a mapping tool and grant information available across the state agencies.”⁵ DIT then reiterates the data that EO 292 requires, promises to update EJAC monthly on its progress and provide a minimum viable product by October 31, 2024. While we challenge all cabinet agencies to create EJ goals that include new actions to advance environmental justice, as opposed to recommitments to pre-existing obligations or directives, we acknowledge that DIT has put forth four new actions.⁶ Therefore, if DIT’s mapping and EJ Hub-related goals are to remain in the Department’s final goals, we encourage the Department provide more details on how it will develop and deploy these platforms.

DIT’s Goal 2 does not provide specific actions or measurable outcomes related to the mapping tool content or functionality. It is not lost on us that the task of integrating the *over seventy distinct indicators* specified by EO 292 into *one mapping tool* is a steep challenge, and based on the agency’s Scoping Document, it appears that they have thus far focused their efforts on gathering information on these indicators.⁷ Even though EO 292 details a clear task, the agency has not included a plan for executing its responsibilities. Without any specificity, it is unclear whether DIT’s mapping tool will meet the state requirements of functionality and accessibility. To that end, we urge DIT to modify this goal and draft outcomes as suggested in this letter below.

DIT cannot lose sight of the greater purpose of creating the map tool—to advance environmental justice in North Carolina and ensure that state government will continue to center environmental justice in future decision-making processes. We urge DIT to adopt values that apply across the mapping project to ensure its alignment with the aims of environmental justice. As a baseline, we suggest that DIT’s guiding values include accessibility, government accountability, and mutual respect between communities and government agencies. These guiding values will direct the DIT’s actions toward EO 292’s ultimate goals.

Also relevant to this goal, DIT should not be working alone to develop the EJ mapping tool or EJ Hub. EO 292 directs EJAC to, “with public input, direct the development of the Mapping Tool.”⁸ EJAC has created two subcommittees: the cumulative impacts subcommittee and mapping tool subcommittee. Members of these subcommittees are subject matter experts on environmental justice, GIS, and EJ mapping tools. DIT should turn to their expertise for guidance in creating the EJ mapping tool and EJ Hub webpage. We encourage DIT to state its intention and plan to work with EJAC’s subcommittees to develop the EJ mapping tool and EJ Hub.

⁵ *Id.*

⁶ See North Carolina Department of Information Technology, Environmental Justice Goals at Goals 1, 3, 4, & 5 (2024) [herein after Draft EJ Goals].

⁷ See James A. Weaver, N.C. Dep’t of Info. Tech., EJ Mapping Tool & Hub Project (Mar. 19, 2024).

⁸ See Exec. Order No. 292 § 8.

a. DIT should commit to developing cumulative impact indexes from available data layers.

Cumulative impacts analysis is a central component of environmental justice because it creates a way to measure how many combined harms or vulnerabilities may impact any one community or individual. An index, a compound measure that aggregates multiple indicators, is a very common type of cumulative impact analysis. For example, NC Department of Transportation’s (“DOT”) Transportation Disadvantage and Environmental Justice Index Tool uses an index of seven indicators to characterize relative difficulty accessing transportation.⁹ Despite the centrality of cumulative impacts analysis to environmental justice, DEQ’s Community Mapping Tool does not employ any indexes to measure relative environmental burden from permitted facilities. Similarly, despite the Department of Health & Human Services’ (“DHHS”) deployment of an index to characterize social determinants of health, it does not employ any indexes to characterize cumulative health burden in its Environmental Health and Data Dashboard.¹⁰ Meanwhile, grassroots organizations like the NC Environmental Justice Network, advocacy groups like SELC and NC Conservation Network, and the Governor’s own Environmental Justice and Equity Advisory Board (“EJEAB”) have repeatedly urged agencies, particularly DEQ, to develop cumulative impacts analyses and use them to inform permitting processes.¹¹

While developing indexes is more onerous than simply presenting individual data layers, it is the difference between a mapping tool and an EJ mapping tool. Without indexes, it is impossible to compare the relative burden of environmental harms or social vulnerabilities among communities. Without indexes, it is impossible to identify cumulative impacts. Simply put, humans cannot successfully interpret over 70 data layers in combination without summarizing those layers. Indexes provide invaluable interpretative value and increase the accessibility of the tool to community users and people working across agencies. Indexing need not be complex to be successful, and DIT need not invent a novel cumulative impacts approach. The Center for Disease Control and Prevention’s (“CDC”) Environmental Justice Index, EPA’s EJSCREEN 2.0, the Biden administration’s Climate and Economic Justice Screening Tool (“CEJST”), and

⁹ *Environmental Justice / Transportation Disadvantage Index Tool*, CONNECT NCDOT, <https://connect.ncdot.gov/projects/planning/Pages/EJ-TDI-maps.aspx> (last visited Apr. 18, 2024).

¹⁰ *North Carolina Social Determinants of Health by Regions*, NC STATE CTR. FOR HEALTH STATISTICS, <https://arcg.is/9bbHr> (last visited Apr. 18, 2024).

¹¹ See, e.g., *DEQ’s “Community Mapping Tool”*, N.C. ENV’T JUST. NETWORK (Feb. 5, 2019), <https://ncejn.org/2019/02/deqs-community-mapping-tool/>; N.C. CONSERVATION NETWORK, NORTH CAROLINA STATE OF THE ENVIRONMENT (2019), <https://www.ncconservationnetwork.org/wp-content/uploads/2019/09/SOE-Summary-Report.pdf>; Env’t Just. & Equity Advisory Bd., *Recommendation to Assess and Consider Cumulative Impacts in North Carolina Department of Environmental Quality Permitting Process* (2023), <https://www.deq.nc.gov/ej/ejeab-cumulative-impacts-letter/download?attachment>.

Federal Emergency Management Agency’s (“FEMA”) Community Disaster Resilient Zones and National Risk Index all offer excellent examples of the deployment of indexes to characterize cumulative impacts.¹² EPA also developed a page of resources on cumulative impacts research that offers recommendations and research publications on the subject.¹³

We offer the following measurable outcomes for DIT to adopt. First, DIT will review the cumulative impacts analysis approaches used by DOT, EPA, CDC, the Biden Administration and FEMA, and summarize the approaches in a presentation or other document. With this research, DIT can approach EJAC and propose an appropriate index methodology for review and approval. Second, DIT will work with DEQ to organize permit data into environmental risk categories, grouping similar facilities by pollution theme. For example, a groundwater contamination risk theme could include the data layers for “Coal Ash Structural Fills,” “Underground Storage Tank Incidents,” and “Solid Waste Seepage Sites.” Each theme can then be built into a new index, so in the example given, those 3 data layers would be aggregated to calculate a groundwater contamination risk index. Third, DIT will work with DHHS to organize health data into health risk categories, grouping related diseases into themes. DIT can then follow the same process to create health indexes. Given the October 31 deadline, it may not be feasible for DIT to produce indexes for the preliminary beta tool, yet it is essential for DIT to begin the process now. Without cumulative impacts indexes, the mapping tool will do little to advance environmental justice in North Carolina.

b. DIT should commit to incorporating built-in reporting tools that summarize data for an area of interest and compare local statistics to regional statistics.

DIT has been tasked with creating a mapping tool that both presents a large quantity of information while also being accessible to many audiences, including the public. One of the primary aims of this tool and the EJ Hub webpage is to bring relevant EJ information together in one place. Since the existing tools already deliver information within each agency “silo,” we urge DIT to focus on how the new mapping tool can successfully integrate data across the agencies and synthesize that data into a narrative. Indexing (as described in the first goal) helps synthesize information. Another

¹² *Environmental Justice Index (EJI)*, AGENCY FOR TOXIC SUBSTANCES & DISEASE REGISTRY, <https://www.atsdr.cdc.gov/placeandhealth/eji/index.html> (last updated Mar. 14, 2024); *EJScreen: Environmental Justice Screening and Mapping Tool*, EPA, <https://www.epa.gov/ejscreen> (last updated Apr. 2, 2014); CLIMATE AND ECONOMIC JUSTICE SCREENING TOOL, <https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5> (last visited Apr. 18, 2024); *National Risk Index for Natural Hazards*, FEMA, <https://www.fema.gov/flood-maps/products-tools/national-risk-index> (last updated Mar. 4, 2024).

¹³ *Cumulative Impacts Research*, EPA, <https://www.epa.gov/healthresearch/cumulative-impacts-research> (last updated Jan. 11, 2024).

strategy is customizable reports. For example, EPA EJSCREEN 2.0 has a tool that lets the user define an area of interest and then prepares a report for that area summarizing EJSCREEN's indexes and the indicators that make up each index. EJSCREEN's report also compares the area indicators to state or national averages. The comparisons are crucial since comparing to a regional average is the basis for understanding where the *disproportionate* burden is happening.

DHHS already deploys customizable reporting in its tool through the "Fact Sheets" section of the application. For DHHS, the fact sheet is how a user brings together information on one area of interest. Whether the audience is community advocates, tribal governments, or permitting agencies, summarization, and integration of information about a single place is crucial to how most users will use a mapping tool. We offer the following measurable outcomes for DIT to implement customizable reports.

First, DIT will collaborate with DHHS to get feedback on the implementation of "Fact Sheets" in their tool. DIT will then interview all agencies to glean what kinds of information are most requested from each tool and what the highest priority indicators are. Then DIT will discuss the highest priority indicators with EJAC, tribal governments, and other environmental justice community advocate representatives. These conversations will enable DIT to write an outline of a customizable report to bring before EJAC. Second, DIT will scope the technological needs for implementing customizable reports and integrate those considerations into its build out. Third, DIT will calculate County and State comparison averages for all the indicators (as applicable) already slated to be incorporated into the tool. As DIT develops indexes, DIT will also incorporate comparison data for indexes.

c. DEQ should commit to ensuring a functional user experience for multiple audiences.

As defined by EO 292, the EJ mapping tool will incorporate many data layers and must be usable by diverse audiences, including the public, tribal governments, organizations, and state and local governmental agencies. For everyone (or anyone) to have a positive experience using the tool, DIT needs to prioritize the user experience. We suggest the following measurable outcomes. First, DIT will identify where agencies use overlapping data sources and where DOT's indexes overlap with data layers presented elsewhere in the tool. Where overlapping data exist, DIT must clarify the authoritative source, the appropriate scale, and the most recent vintage of data to use. To avoid confusion, DIT needs to eliminate overlapping data usage where possible. Second, building off the development of indexes, DIT will group and signpost data in the mapping tool by theme. Without organizational structure, it will be nearly impossible for any user to successfully navigate to the data layers that they wish to explore. Third, DIT will conduct user tests across stakeholders to ensure that users from all the intended

audiences can provide feedback on the mapping tool’s functionality and user experience.

- d. DIT should commit to following open data principles on the EJ Hub webpage to preserve data access for researchers and other data users.*

Open data describes ways of cataloging data such that users are assured that they have access to the most faithful records and the best information to describe those records. Open data is guided by seven principles.¹⁴ It is *public* with exceptions for privacy, confidentiality, security, and law.¹⁵ It is *accessible*, which ensures not only that it is available but also that data are in convenient, modifiable, and open formats that are machine-readable.¹⁶ It is *described*, meaning that adequate metadata are provided and that users have information on the strengths, weaknesses, and limitations of data.¹⁷ It is *reusable* without any restrictions on public use.¹⁸ It is *complete*, published in raw form, and at the finest possible granularity.¹⁹ It is *timely* and updated regularly.²⁰ Finally, open data is *managed* by someone who provides their contact information to the public.²¹ We urge DIT to follow the principles of open data in the construction of the EJ Hub so that the data can be used to the greatest extent possible with the greatest audience possible.

II. DIT should clarify Goal 1 with specific, time-bound actions for its proposed convenings.

DIT must modify Goal 1 to provide a specific, time-bound action and outcome. Goal 1 states, in part, that DIT “will convene environmental justice leaders 1-2 times per year to support computer and device recycling and other internet access and adoption efforts.”²² Several questions remain unanswered based on what DIT provides. What exactly will these convenings consist of? (e.g., will they be facilitated dialogues or traditional public hearing format?) Where will they be held? (e.g., in-person in environmental justice communities (“EJ communities”) or virtually?) How long will the convenings last? (e.g., will these be multi-day gatherings or hour-long sessions?) How will they “support computer and device recycling and other internet access and adoption efforts”? What will be required of the “environmental justice leaders”? (e.g., will

¹⁴ *Principles*, RESOURCES.DATA.GOV, <https://resources.data.gov/PoD/principles/> (last visited Apr. 20, 2024).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² Draft EJ Goals at Goal 1.

leaders be designing and leading sessions or merely listening to DIT presentations?) What specific outcomes or results does DIT anticipate will result from these convenings? (e.g., will there be a report on these sessions?)

DIT, must at a minimum, commit to working with EJ community leaders to design these convenings. If these convenings are intended to be listening sessions for DIT to learn from EJ communities how to best address the digital divide, then DIT should commit to hosting regular, ongoing meetings in EJ communities across the state. For example, the final goal could state that DIT will host quarterly convenings in various EJ communities across the state, particularly in rural eastern and western North Carolina. Recognizing the digital divide, DIT should host these convenings in-person in EJ communities and not rely solely on virtual platforms. The results or findings from these convenings should be published to the public in an annual report.

III. DIT should modify Goal 3 to better engage EJ communities.

DIT should modify Goal 3 to provide more detail. Goal 3 states that DIT will “[d]evelop a strategy to introduce middle and high school students in environmental justice communities to careers in growing IT fields” by “partner[ing] with three middle schools or high schools in EJ communities to conduct onsite visits by DIT technologists to discuss career opportunities in the technology field” and “promot[ing] internships created under the Future Technologists program to high school students.”²³ While Goal 3 may not directly address injustices associated with environmental exposure, the goal does provide an important opportunity to engage with EJ communities.

We suggest the Department to use the activities under this goal’s initiative to meet with educators and community members to help address the digital divides in their communities. Further, DIT should clarify how it will identify the “three middle schools and or high schools in EJ communities” where it will “conduct onsite visits” and the actions it will take to “promote internships.”

IV. DIT should modify Goal 4 to commit to working with HUBs and the Department of Administration to design its proposed program and increase participation in the HUB program.

Similar to Goal 3, Goal 4 does not directly address environmental injustices, however it could provide unique opportunities to elevate Historically Underutilized Businesses (“HUBs”) from EJ communities. Goal 4 states, in part, that DIT will “[c]reate a comprehensive NCDIT program that provides contracting information, technical assistance and networking opportunities for [HUBs] that offer IT services and products by October 1, 2024.”²⁴ According to the North Carolina Hub Coalition, in 2021 and 2022

²³ *Id.* at Goal 3,

²⁴ *Id.* at Goal 4.

the state of North Carolina only spent 5.8% of its \$11 billion in goods and services on HUBs.²⁵ We are encouraged by DIT’s proposed effort to address the gap in contracting with HUBs. We recommend that DIT commit to working with HUBs and environmental justice community leaders to create its program.

DIT could also commit to working with the Office for Historically Underutilized Businesses in the Department of Administration to increase participation in the HUB program. The Office for Historically Underutilized Businesses offers assistance with online vendor registration for prospective HUBs,²⁶ but the existing network of HUBs in North Carolina shows a disappointing rate of HUB registration across the state.²⁷ DIT’s goal could focus specifically on conducting outreach to potential HUBs that offer IT services and products to increase participation in the HUB program.

V. DIT should modify Goal 5 to commit to including EJ communities in its proposed environmental justice training.

DIT should modify Goal 5 to ensure that EJ community members are included in environmental justice training. Goal 5 states that DIT will “[r]equire environmental justice training for NCDIT employees, beginning with senior leadership by November 1, 2024.”²⁸ We appreciate this commitment but encourage DIT to bring the voices of impacted community members into these trainings.

Any training on environmental justice should include the input and perspective of EJ communities. DIT should ensure, in its goals, that its environmental justice training will be more than online modules, void of human interactions. DIT’s environmental justice training should include at least one in-person session led by impacted community members. The lived experience of community members would provide valuable perspective to DIT. DIT staff could learn, face-to-face, from the individuals bearing the burden of the environmental injustice. Like any other third-party facilitator, these community members should be compensated for their time preparing for, travelling to and from, and attending these trainings.

²⁵ N.C. HUB COALITION, <https://www.nchubcoalition.com/> (last visited Apr. 19, 2024).

²⁶ *About HUB*, N.C. DEP’T OF ADMINISTRATION, <https://www.doa.nc.gov/divisions/historically-underutilized-businesses-hub/about-legislation> (last visited Apr. 22, 2024).

²⁷ *See How to Find Historically Underutilized Businesses*, DEP’T OF ADMINISTRATION, at 8, <https://www.doa.nc.gov/how-find-hub-vendors-2022/open> (last visited Apr. 22, 2024); see also *Historically Underutilized Businesses*, NC HUB COALITION, <https://www.nchubcoalition.com/> (last visited Apr. 22, 2024).

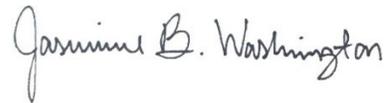
²⁸ We also recommend a grammatical change to this goal. To clarify a commit that all DIT employees receive this training by November 1, 2024, DIT should add a comma between “leadership” and “by.”

In sum, we offer these specific recommendations regarding the EJ mapping tool and draft EJ goals. We encourage the adoption of the suggestions detailed above to enhance their efficacy and accountability.

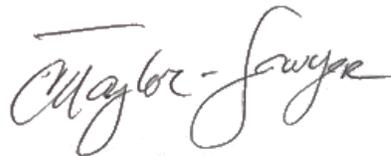
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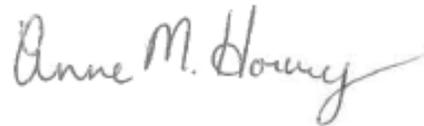


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