

Wilmington, Delaware
_____, 2024

#xxxx

WHEREAS, House Bill 422 (HB 422), An Act to Amend Title 7 of the Delaware Code

Sponsor:

Relating to Environmental Permits in Overburdened Communities, would amend Title 7 of the

**Council
Member
Harlee**

Delaware Code by creating a new chapter known as the “Healthy Communities and Environmental Justice Act.” The Act seeks to redress the historical accumulation of hazardous facilities in low-income communities, “exposing residents to disproportionate levels of environmental pollutants and cumulative health risks”; and

WHEREAS, the United States Environmental Protection Agency (EPA) defines overburdened communities as “minority, low-income, tribal and indigenous populations or communities in the United States that potentially experience disproportionate environmental harms and risks due to exposures or cumulative impacts or greater vulnerability to environmental hazards”; and

WHEREAS, current policies require the Department of Natural Resources and Environmental Control (DNREC) to evaluate industrial facilities’ environmental impacts in isolation. HB 422 would give DNREC greater flexibility to consider the aggregate effects of new commercial activity in vulnerable communities during the permitting process; and

WHEREAS, HB 422 would bring the State of Delaware in alignment with Executive Order 12898- Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and the EPA’s Plan EJ 2014, which the Agency’s roadmap for integrating environmental justice into its programs, policies, and activities; and

WHEREAS, environmental justice was cited as a major concern of the *Wilmington City Council Reparations Taskforce to Study and Develop Reparation Proposals for African*

Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States, also known as the Reparation Taskforce. The adoption and implementation of HB 422 would represent a significant step towards addressing the concerns raised in the Reparations Taskforce’s report and recommendations for addressing historical racial disadvantage for residents of the City of Wilmington; and

WHEREAS, by allowing greater consideration of the environmental contexts and cumulative health risks on vulnerable, overburdened communities, in the permitting process, HB 422 bolsters the Wilmington City Council’s 2022-2025 Strategic Plan goal of fostering a “Transparent and Well-Represented Wilmington.” DNREC’s permitting process also undergirds strong emergency management support mechanisms that contribute to the Strategic Plan goal of “Safe and Secure Wilmington”; and

WHEREAS, New Castle County received an “F” grade for ground-level ozone pollution in the American Lung Association’s 2022 “State of the Air” Report. Existing health disparities in low-income and minority communities, such as higher maternal and infant mortality rates, higher cancer risks, and limited access to healthcare are further exacerbated by pollution from industrial facilities and projects. Scientists have repeatedly reported disproportionate impacts of respiratory illnesses, one of the primary effects of exposure to pollutants, on low-income and minority communities. Nationally, African Americans are 1.5 times more likely than other races or ethnicities to be diagnosed with asthma, and African Americans diagnosed with Chronic Obstructive Pulmonary Disease (COPD) have higher risks of mortality and a lower quality of life when compared with non-Hispanic White individuals; and

WHEREAS, more than 200 of the sites certified as brownfields by the DNREC Brownfields Development Program are located in the City of Wilmington. The majority of

these sites are located in the 19801 zip code, where the Delaware Environmental Public Health Tracking Network reports that the median household income is approximately \$37,965 and roughly 80% of residents are minorities; and

WHEREAS, HB 422 is urgently needed to uphold the commitment to equity and quality of life of the State of Delaware and the City of Wilmington. The Environmental Justice Board this bill proposes would facilitate the identification of overburdened communities, reinforce DNREC’s capacities for environmental stewardship, and enhance community engagement and outreach for Delawareans living in vulnerable, overburdened communities during the environmental permitting process.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that this Legislative body urges the Delaware General Assembly to House Bill 422 (HB 422), An Act to Amend Title 7 of the Delaware Code Relating to Environmental Permits in Overburdened Communities its fullest consideration. HB 422 is a critical tool for counteracting persistent health inequities in low-income and minority communities.

BE IT FURTHER RESOLVED that this Legislative body expresses strong favor for the adoption and implementation of HB 422, and respectfully requests that the members of the Delaware General Assembly support this vital amendment to the Delaware State Code.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution urges the members of the Delaware General Assembly to support House Bill 422 (HB 422), An Act to Amend Title 7 of the Delaware Code Relating to Environmental Permits in Overburdened Communities, which would amend Title 7 of the Delaware Code by creating a new chapter known as the “Healthy Communities and Environmental Justice Act.” HB 422 would allow DNREC greater flexibility when considering environmental permit applications in overburdened low-income and minority communities with greater historical exposure to hazardous facilities.