

EXECUTIVE ORDER NO. 23

WHEREAS, as Governor, I am strongly committed to leading an administration that ensures all New Jersey residents, regardless of race, ethnicity, color, national origin, or income, receive equal protection under the laws of this State, are able to live and work in a healthy and clean environment, and have equal access to clean energy resources and other public programs such as energy efficiency programs; and

WHEREAS, historically, New Jersey's low-income communities and communities of color have been exposed to disproportionately high and unacceptably dangerous levels of air, water, and soil pollution, with the accompanying potential for increased public health impacts; and

WHEREAS, communities that are disproportionately affected by environmental degradation often face other serious problems beyond environmental issues, including health risks and housing challenges; and

WHEREAS, the New Jersey Department of Environmental Protection has recognized that "Environmental Justice" includes, at a minimum, ensuring that residents of all communities receive fair and equitable treatment in decision-making that affects their environment, communities, homes, and health; and

WHEREAS, the Federal government has underscored the importance of Environmental Justice in Executive Order 12898, which directed all federal agencies to prioritize the achievement of Environmental Justice as part of their missions, and created the National Environmental Justice Advisory Council to integrate Environmental Justice into the Environmental Protection Agency's policies, programs, initiatives, and activities; and

WHEREAS, in the past, the State of New Jersey has acknowledged the importance of Environmental Justice and has taken some responsive action by establishing an Office of Environmental Justice within the Department of Environmental Protection and by forming a temporary Environmental Justice Advisory Council ("EJAC") to evaluate and make recommendations for addressing Environmental Justice issues; and

WHEREAS, the Department of Community Affairs, the Department of Environmental Protection, the Department of Health, and the Department of Law and Public Safety have entered into interagency collaborations to address environmental, health, and quality of life issues in low-income communities and communities of color; and

WHEREAS, in order to expand and improve upon these past efforts, all of the various departments, agencies, boards, and commissions comprising the Executive Branch of State government should consider Environmental Justice in implementing their diverse statutory and regulatory responsibilities;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Department of Environmental Protection ("DEP"), in consultation with the Department of Law and Public Safety and other relevant departments, shall take the lead in developing guidance for all Executive branch departments and agencies for the consideration of Environmental Justice in implementing their statutory and regulatory responsibilities.

2. A first draft of the guidance required under this Order shall be submitted to the Governor's Chief Policy Advisor not later than six months after the execution of this Order. The final guidance shall be completed not later than 90 days thereafter and shall be published on the Internet website of the Department of Environmental Protection.

3. All Executive Branch departments and agencies are hereby required, to the extent not inconsistent with law, to cooperate fully with DEP and to furnish DEP with such relevant information and assistance on a timely basis as is necessary to accomplish the purposes of this Order.

4. Following publication of final guidance, all Executive branch departments and agencies shall consider the issue of Environmental Justice and make evaluations and assessments in accordance with that guidance, to the extent not inconsistent with law.

5. The Environmental Justice Advisory Council ("EJAC") created within the Department of Environmental Protection, which is scheduled to expire on December 31, 2018, is hereby continued.

6. The EJAC shall continue in its duties in support of the Commissioner, and coordinate with the DEP and the Office of Environmental Justice in providing advice and guidance to Executive Branch departments and agencies pursuant to this Executive Order.

7. Nothing in this Executive Order is intended to create a private right of action to enforce any provision of this Order or any rule, guidance, or agency action developed pursuant thereto; nor shall this Order be construed to diminish any existing legal rights or remedies; nor shall this Order override any statutory or regulatory requirements.

8. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

9. This Order shall take effect immediately.

[seal] GIVEN, under my hand and seal this
20th day of April,
Two Thousand and Eighteen,
and of the Independence of
the United States, the Two
Hundred and Forty-Second.

Philip D. Murphy
Governor

Attest:

Matthew J. Platkin
Chief Counsel to the Governor