

NEW YORK STATE
DEPARTMENT OF LABOR (NYSDOL)
ENVIRONMENTAL JUSTICE INTERAGENCY TASKFORCE
DRAFT ACTION AGENDA

I. General Recommendations and Agency Actions

Recommendation 1: Provide for Increased Community Representation and Access to Decision Making Processes

Action Agenda

- NYSDOL's Office of Communications will collaborate with the New York State Department of Environmental Conservation (NYSDEC), to develop Environmental Justice (environmental justice) information resources appropriate for NYSDOL to include in its various forms of communication with the public (e.g., publications, fliers, incoming phone-calls, etc.). NYSDOL will also participate on an Interagency Task Force charged with developing a resource to be used by all interagency staff to facilitate timely and appropriate referrals of incoming calls from the public with environmental justice implications.

Recommendation 2: Continue Collaboration with the Environmental Justice Community

Action Agenda

- NYSDOL will dedicate a place on its website to present general information on environmental justice issues and display links to help end users navigate to other sites best suited to meet their respective environmental justice needs. In addition, NYSDOL will designate a representative to assist the public with information regarding environmental justice concerns and assist with access to NYSDOL information.
- At the Interagency Task Force stakeholder meeting on February 27, 2009, NYSDOL agreed to work with stakeholder group WE ACT for Environmental Justice. WE ACT will serve as an intermediary between NYSDOL and the environmental justice community. In order to ensure compliance with the New York State ethics law, WE ACT will not be applying for funding through RFPs or other measures.
- This NYSDOL Action Agenda also addresses the specific stakeholder recommendation of the Air Quality Working Group – "Each State Agency will designate an environmental justice person who will assist the public with information regarding environmental justice activities and achievements."

Recommendation 3: Create a New York State Environmental Justice Database and Map

Action Agenda

- NYSDOL’s Division of Research and Statistics and Planning and Technology Division will collaborate on this project. A NYSDOL representative will participate on the workgroup.

Recommendation 4: Give Priority to Environmental Justice Communities in Relevant RFP requirements, Scoring Systems for Funding, Assistance and Training Programs

Action Agenda

- NYSDOL will work to incorporate environmental justice into the scoring of its grant solicitations. NYSDOL has an extensive history of offering grants to private sector, for-profit and not-for-profit organizations for skills training and other activities. These opportunities are offered through the issue of competitive and non-competitive requests for proposals and requests for applications. The positive impact of these grants cannot be overstated.
- The NYSDEC has maps posted on-line at <http://www.dec.ny.gov/public/899.html> which show the environmental justice areas of the state on a county-by-county basis. The Department will work with NYSDEC to develop a more refined listing that would allow environmental justice zones to be readily identified. In the interim, NYSDOL will identify the boundaries of environmental justice areas throughout the state, using the same census tract data as the NYSDEC maps. Grant applicants that are located and/or grant applications which target individuals for services who live in environmental justice zones would be eligible to receive additional points in the scoring of their applications. These additional points would increase the chance of an award being received and potentially increase the amount of grant funds flowing into environmental justice impacted areas. Grant solicitation, application and review documents would have to be modified to request, capture and score the new information—NYSDOL will work with NYSDEC to achieve this. The assessment of the eligibility for these additional points would be made at the beginning of the application review process.

Recommendation 5: Prioritize Enforcement Actions and Pollution Reduction Programs and Resources in Environmental Justice Communities

Action Agenda

- NYSDOL’s Asbestos Control Bureau will factor in environmental justice criteria so that an asbestos project in an environmental justice area would be assigned a higher priority than another similar project. NYSDOL’s Asbestos Control Bureau oversees the abatement of toxic hazards associated with asbestos fiber during the rehabilitation, reconstruction or demolition of buildings and other structures originally constructed with asbestos or asbestos containing materials. The Bureau enforces the New York State Labor Law and Industrial Code Rule 56 (Asbestos). Requirements of this code include the licensing of contractors, certification of all persons working on asbestos projects, filing of notifications of large asbestos projects and pre-demolition survey of buildings to identify any asbestos, which may be present, to ensure proper abatement of asbestos materials.

The Bureau conducts inspections of ongoing asbestos projects with a priority given to complaints and to projects involving larger amounts of friable asbestos and higher potential impact on the public, such as schools, hospitals, day care centers, and malls. Within any given level of priority, the Bureau could factor in environmental justice criteria so that an asbestos project in an environmental justice area would be assigned a higher priority than another similar project. Thus, for example, while the Bureau may not have sufficient staff to inspect all asbestos projects involving smaller residences, factoring in environmental justice can ensure that the residences the Bureau does inspect will include those in environmental justice areas.

To accomplish this, NYSDOL would make use of data provided by NYSDEC that identifies potential environmental justice areas by geographic categories such as zip codes. NYSDOL would work with NYSDEC to use Service Oriented Architecture to enable NYSDEC's data to be automatically queried through the Bureau's computerized case management system; an environmental justice indicator could thus be assigned to project notifications (based in a zip code match) so that the computerized system could use that environmental justice indicators to highlight specific notifications involving an environmental justice location and to sort prioritized lists of notifications, which individual supervisors in each region could use in assigning inspectors to specific sites.

Recommendation 6: Diversify and Green the Workforce

Action Agenda

- NYSDOL continues to pursue opportunities to address the workforce needs of low-income individuals to further goals of environmental justice. Early in 2008, NYSDOL identified clean energy (which includes energy efficiency) as a priority sector, and has since begun redirecting resources to address the workforce development needs of the Clean Energy sector. This includes creating employment opportunities that move low-wage workers into self-sufficiency.
- In addition, NYSDOL has been directed to assist with addressing workforce development (“green jobs”) for the Governor’s Renewable Energy Task Force, and the Department is working closely with the Governor’s Office to align the work of the Governor’s Renewable Energy Task Force with other State workforce development initiatives, notably that of the State’s Energy Efficiency Portfolio Standard (EEPS).
- NYSDOL’s role with the Governor’s Renewable Energy Task Force has facilitated positive collaboration on workforce development to address green job career pathways, which provide individuals in environmentally and economically disadvantaged communities with the work readiness skills, occupational skills and employment supports needed to obtain entry-level positions as a career pathway to higher skilled-higher wage employment. The collaboration includes the following New York State agencies: NYSDEC; NYSDOL; Department of Public Service (DPS); Division of Housing and Community Renewal (DHCR); Dormitory Authority (DASNY); Empire State Development Corporation (ESDC); Energy Research and Development Authority (NYSERDA); Office of Children and Family Services (OCFS); and Office of Temporary

Disability Assistance (OTDA). It also includes SUNY, CUNY, New York City Economic Development Corporation (NYCEDC), the Center for Energy Efficiency and Building Science (CEEBS), advocacy organizations, BOCES, community-based organizations and the Workforce New York One-Stop System.

This NYSDOL Action Agenda also addresses the following work group recommendations:

- Land Use Work Group – The State should determine which agencies currently are or could be involved in supporting Green Job training and identify sources of funding for this training.
- Water Quality Work Group – Sustainable green collar jobs should be made available to residents in environmental justice communities; RFPs should explicitly set forth that goal. Establish green collar training programs and apprenticeships by working with community colleges, existing training programs and BOCES.

Recommendation 7: Provide Environmental Justice Training for Agency Staff

Action Agenda

- NYSDOL’s Office of Staff and Organizational Development (OSOD) will collaborate with NYSDEC and the Governor’s Office of Employee Relations (GOER), to develop environmental justice awareness training for NYSDOL staff. The environmental justice awareness training would be similar to the current staff awareness training for hazardous materials and sexual harassment.
- The environmental justice awareness training would initially be targeted for staff that tend NYSDOL’s toll free numbers, to increase their awareness and recognition of environmental justice related issues which may be raised directly or indirectly by callers. This would allow calls with environmental justice implications to get appropriate referrals. NYSDOL field staff would subsequently be targeted for environmental justice awareness training to help them recognize circumstances with environmental justice implications, with a view towards making appropriate referrals.
- NYSDOL will also encourage local workforce investment boards, as well as other workforce development partners, to adopt policies intended to increase environmental justice awareness among their staff. NYSDOL would provide information and assistance to its partners in adopting such policies.
- This NYSDOL Action Agenda also addresses the specific stakeholder recommendation of the Air Quality Work Group to, “Develop agency procedures that detail how agencies will listen and respond to environmental justice community concerns.”