



EJ & CUMULATIVE IMPACTS POLICY RECOMMENDATIONS OVERVIEW

CUMULATIVE IMPACT ASSESSMENT



INTRODUCTION

Chicago's historic role as an industrial center and key transportation hub in the United States has contributed to environmental, social, and health burdens for generations of residents who work or live near industrial facilities and transportation nodes.

In collaboration with organizers from these communities – and with the assistance of experts in public health, data collection, law, and environmental protection – the City embarked on a baseline Cumulative Impacts Assessment (the “Assessment”) between May 2022 and August 2023. The Assessment was intended to describe how environmental burdens, health conditions, and social stressors vary across Chicago; identify “Environmental Justice (EJ) Neighborhoods” that experience the greatest cumulative impacts; and produce policy recommendations to address past harms.

The EJ & Cumulative Impacts Policy Recommendations Overview describes the process by which a Policy Working Group came together to understand the issues facing EJ Neighborhoods, research and identify potential solutions, and develop the policy recommendations outlined here as a key deliverable of the Cumulative Impact Assessment.

POLICY WORKING GROUP PROCESS

Background Research

At the outset of the Cumulative Impact Assessment, the Chicago Department of Public Health (CDPH), with guidance from the Environmental Equity Working Group (EEWG), initiated background research to inform policy development. This included summarizing what was already known from first-hand feedback and comments about the lived experience of people from EJ neighborhoods, along with background research of national best practices.

- **Lived Experience Data:** CDPH conducted a qualitative analysis of community input provided through other City plans and actions in recent years. The findings were compiled as an **Initial Community Input Summary**, which contained points of concern that communities want the Cumulative Impacts Initiative to address, as well as recommendations that could be used as basis for policy solutions.
- **National Best Practices:** Next, CDPH commenced work on a **Landscape Assessment Summary** to collect information on environmental justice and cumulative impacts policies and best practices implemented in jurisdictions across the country. The team used research provided by partners from Chicagoland Environmental Justice Network (CEJN) for the analysis of local ordinances, and from United States Environmental Protection Agency (USEPA) for analysis of state laws.

The team then built on this material to determine what elements were needed for effective EJ and cumulative impacts policy, as well as considerations for implementation.

Formation of Policy Working Group

As part of the Cumulative Impact Assessment project structure, a Policy Working Group (PWG) was formed to develop a set of policy recommendations for addressing cumulative impacts. Membership on the PWG was determined by a self-selection process open to members of the City's Environmental Equity Working Group (EEWG) – community representatives, environmental leaders, and local organizations that provide strategic counsel and advice on Chicago's environmental initiatives. The PWG met for the first time in January 2023 to brainstorm the group norms, procedures, and community agreements for the remaining meetings. The PWG adopted rules to guide decisions on policy development process and content. For significant decisions, the group would use the "Fist-to-Five" consensus voting method, whereby voting members would submit a vote to signal their agreement or dissent. Voting and discussion would continue until all voting members signaled willingness to proceed with the consensus direction.

The group also did level-setting and started to discuss priorities and the purpose of the working group through a brainstorming exercise. The questions included:

- *What is the need for the draft policy? What are we addressing?*
- *What do we want to change about the current state of community-government relations around environmental work?*
- *Who is impacted by current state and must benefit from changes?*

To ensure that the group would be informed and guided by lived experience data and national best practices, PWG members also reviewed the [Initial Community Input Summary](#) and [Landscape Assessment Summary](#), and provided their reactions and input. The PWG used this material to define a problem statement to guide the group's work moving forward

PWG Goal Statement

Based on PWG members' input about their priorities at the first meeting in January 2023, the group developed the following PWG Goal Statement:

Our ambition is to reform community land use, the city zoning code, the environmental decision-making process, public enforcement, and transportation inequities to remedy health disparities, concentrated pollution, and uneven development. Community voice and well-being is centered in our decision-making process, and it will be reflected in the policies we propose.

Initial Policy Themes

To begin a policy development process with the PWG, CDPH presented a list of proposed "priority elements" for EJ and cumulative impacts policy based on research from the Initial Community Input Summary and Landscape Assessment Summary. The PWG agreed to the following as a starting point: **Procedural & Decision-making Process, Enforcement, Accountability, Existing Land Uses, Government Communication & Engagement, and Decision-making Authority (departments).**



VOTING MEMBERS

- CDPH (co-chair)
- Environmental Law and Policy Center (co-chair)
- Equitable Resilience Sustainability
- Greater Chicago Legal Clinic
- Little Village Environmental Justice Organization
- Metropolitan Planning Council
- Natural Resources Defense Council

The co-chairs then led the group in a discussion and engagement activity to gather specific policy ideas for each respective priority element. The PWG members were asked:



What policy components would your ideal environmental justice policy contain?

What policy components would be the minimum the new EJ policy must contain to demonstrate progress?

After analyzing the feedback from the group, CDPH policy analysts and supporting contractors returned to the group with a refined list of themes, including:

Community Power in Government Decision-Making

Community Investment

Accessible Resident Reporting and 311

Addressing Existing Facilities and Risks

Legal Pathway to Compel to Deny Decisions

Proactive Government Communications and Engagement

EJ Review as Step in Decision-Making Process

Developing Specific Policy Recommendations

CDPH policy analysts and supporting contractors then researched how to turn these themes and suggestions into policy “mechanisms,” which refer to actions that could be taken to achieve the goal. Using feedback from the group, CDPH policy analysts and supporting contractors listed possible mechanisms for each category and asked group members to consider them. After going through all categories and developing the mechanisms with the group, CDPH policy analysts worked internally and with colleagues in other departments to assess the feasibility of the proposed policy mechanisms and to define the options for approaching these mechanisms.

An important development during the time the PWG was working on their recommendations was the release of the Executive Order on Environmental Justice (the “EJ EO”) and a Voluntary Compliance Agreement (VCA) executed by the City of Chicago, the federal Department of Housing & Urban Development (HUD), and Southeast Side organizations. The VCA resolved a civil rights complaint filed against the City by Southeast Side organizations, challenging its land use and zoning practices. The EJ EO and VCA set out specific policy changes for the City to make.



Determining Pathways for Action

This process resulted in the identification of dozens of specific policy changes the City could make to better protect EJ communities from cumulative impacts. Then, the PWG needed to determine the appropriate pathway to pursue each recommendation.

PWG recommendations that can be acted upon by one or more City departments under their existing authorities were referred to the Interdepartmental Environmental Justice Work Group. Departments were asked to consider incorporating these recommendations into the [City of Chicago's Environmental Justice Action Plan](#), to ensure that justice and equity principles are part of their day-to-day operations and decision-making.



Further ideas were considered for inclusion in the EJ & Cumulative Impacts policy recommendations. These were sorted into three categories – [Environmental Justice Fundamentals, Cumulative Impacts Elements, and Community Benefits](#) – and refined through consultation with other City department representatives. A combined slate of draft EJ & Cumulative Impacts Policy Recommendations was presented to the PWG. The group had time to make additions or changes to this draft set of preliminary recommendations before approving it by consensus vote at the end of May 2023.

Throughout the recommendation development period, PWG members put forward many ideas, but not all ideas had clear and immediately actionable mechanisms to achieve them. These ideas were accounted for and identified as

needing further strategic discussion and development with the group and other City partners, with the possibility of being more actively pursued at a later time.

A full list of policy recommendations solicited through the PWG and a description of how they are being addressed is included in the [PWG Policy Recommendations Crosswalk](#) (see [Appendix A](#)).

Community Input on Preliminary EJ & Cumulative Impacts Policy Recommendations

Once [preliminary EJ & Cumulative Impacts Recommendations](#) were established, they were shared during Cumulative Impact Assessment community engagement events and available for comment on the City's website during the summer of 2023. Comments related to the draft recommendations and any other policy related suggestions were compiled and summarized by supporting contractors. Detailed information about this input is included in the Cumulative Impact Assessment's [Community Input Provided During Assessment](#) report.

Refining EJ & Cumulative Impacts Policy Recommendations

With the benefit of this community input, the recommendations were refined through several steps. City representatives identified sections of the Municipal Code that would need to be amended and/or added. They began drafting more detailed policy recommendations and flagged topics that required further discussion with community partners to guide the approach. The PWG members approved these recommendations through the consensus process, both in meeting and a virtual option using a survey. At the suggestion of the EEWG, the OCEE also scheduled a series of “policy intensive” sessions with members who were interested in helping to address the remaining open questions.

The final EJ & Cumulative Impacts Policy Recommendations produced by this process for EJ Fundamentals, Cumulative Impact Elements, and Community Benefits are outlined in the following sections.

EJ FUNDAMENTALS

GOAL

Governance systems and structures ensure that City policies and processes promote EJ

PROPOSED APPROACH

Codify Environmental Justice Executive Order (2023-3) to:

- Define “environmental justice”
- Designate EJ Neighborhoods based on the Chicago EJ Index
- Formalize EJ Advisory Body
- Require cumulative impact assessment at least every three years to update Chicago EJ Index; require departments to collect and report related data
- Adopt EJ Action Plan and require public reporting on progress
- Develop and implement an enhanced notification process, public participation policy, and discrimination complaint procedure

COMMUNITY INPUT

The Initial Community Input Summary provided themes and sub-themes around government decision-making processes, lack of community voice in those decisions, and a need for historical reckoning on the wide spectrum of environmental harms that community members attribute to City actions. Findings from the Landscape Assessment Summary showed that it was common for jurisdictions to establish a definition of “environmental justice” to shape the city or state’s work around it. During the PWG meetings, members expressed the need for a community-based body to have increased decision-making power in environmentally impactful decisions, as well as to standardize community engagement best practices across City of Chicago government operations. These suggestions were used to form the Environmental Justice Executive Order (2023-3) issued on May 10, 2023. Part of the approach for this proposal is to codify components of that order into ordinance.

During community engagement sessions where preliminary policy recommendations were presented, community members confirmed that they wanted structures where more community oversight and power were implemented and wanted improved standards for community engagement performed by all departments. PWG members expressed that departments should be accountable for taking steps outlined in the City of Chicago Environmental Justice Action Plan.

CUMULATIVE IMPACTS ELEMENTS

GOAL

The City is required to consider environmental, health, and social stressors in decision-making

PROPOSED APPROACH

Amend the City's Air Quality Zoning (AQZ) ordinance to:

- Require cumulative impact study, the form and content of which will be developed by departments in consultation with the EJ Advisory Body
- Remove by-right zoning to expand review process for uses subject to the AQZ ordinance
- Provide opportunity for EJ Advisory Body to submit written recommendation on proposed facilities in EJ Neighborhoods

Amend/add environmental permitting regulations and authorities to:

- Align requirements for permits not otherwise subject to the AQZ ordinance to require cumulative impact study for new/expanding facilities
- Provide opportunity for public comment on permit applications
- Consider reforms to the current fines and fees structure for violations, as guided by community input

COMMUNITY INPUT

The Initial Community Input Summary reflected community members' understanding of the structural nature of environmental racism and how zoning policies concentrated or failed to prevent industrial uses in areas where the majority of residents are people of color. Community members felt they had no say or recourse in these decisions and experienced few of the expected benefits compared to many of the burdens. Key findings included community demand for better questioning of benefits and burdens of polluting industries, concern about the normalization of pollution in overburdened communities, and a need for increased inclusion of community member voice and lived experience in government decision-making.

Findings from the Landscape Assessment Summary showed examples of how other cities and states had expanded what data was included within "cumulative impacts" and how they mandated community voice be included as a factor in decision-making. While most of the cities and states used the cumulative impacts framework to approach only permitting decisions, community expressed a need for that framework to apply to land use and zoning decisions, as well. The PWG agreed that the Air Quality Zoning Ordinance should be a foundation to build upon for developing recommendations to address these issues.

Through community engagement sessions in summer 2023, community members echoed the need for establishing thresholds by which zoning approval and/or a permit can be denied, as well as the overall need for community voice, power, and oversight in the decision-making processes around permitting and land use. Community members expressed a need for CDPH and other authorities to give specific ways they are planning to increase enforcement and hold companies more fully accountable for their impacts.

COMMUNITY BENEFITS

GOAL

People who live in EJ Neighborhoods directly benefit from local development

PROPOSED APPROACH

- Establish a designated fund, with funds to potentially come from new fees and/or fines generated by violations, for use in community benefits projects as guided by the EJ Advisory Body
- Develop an internal policy to enable use of supplemental environmental projects in settlement agreements
- Consider opportunities to update Sustainable Development Policy to better align with EJ goals (see DPD EJ Action Plan strategy)
- Identify incentives for businesses to reduce emissions

COMMUNITY INPUT

Throughout the Initial Community Input Summary, residents reiterated that they were receiving very few of the benefits but most of the burdens of the development and industry in their neighborhoods. There were calls for investment in impacted communities and greater agency and ownership over the neighborhoods' assets. Many ideas put forward in the early stages of recommendation development with PWG members were around creating community funds to invest in impacted neighborhoods; providing incentives, supports and funds for community benefits; and allowing for some community control of what those benefits should be. Members made clear that, ideally, these funds would have affirmative investment not be tied to a "pay to pollute" model.

During community engagement sessions in summer 2023 where preliminary policy recommendations were presented, community members agreed that more developments should be environmentally friendly, community should have some ownership and agency over the benefits given to the community, and that there should be community funds and/or affirmative investment in their neighborhoods. One aspect that community brought out during engagement sessions was the need to avoid gentrification and displacement. Industry expressed needing access to greater incentives and supports that help businesses access programs that promote and operationalize environmental justice practices.

NEXT STEPS & CONTINUING ACCOUNTABILITY

As a key part of the Cumulative Impact Assessment, the PWG has provided recommendations that would better protect EJ neighborhoods from further environmental and health harms. In the months ahead, there is significant work to be done to finalize and advocate for EJ & Cumulative Impacts policy changes.

Continue Co-Governance with Environmental Equity Working Group

The OCEE will continue to engage and hold meetings with the EEWG, working closely together to develop and support legislation that incorporates cumulative impacts in land use decision-making, and to oversee the implementation of the City's Environmental Justice Action Plan.

Finalize and Advocate for the EJ & Cumulative Impacts Ordinance

OCEE and CDPH will continue to engage the EEWG to resolve open questions as needed to finalize a full draft ordinance by October 31, 2023. We intend to continue deliberative discussions with our community partners and the public to maintain the co-design aspects of this initiative; language in the final draft ordinance will be based on the recommendations provided here. We will also continue to educate City leaders and the general public about the assessment findings and will support ordinance introduction through participation in briefings, public hearings, and in other settings as needed.

Proceed with Cumulative Impacts-Related Rulemaking

If an EJ & Cumulative Impacts ordinance is passed, the City intends to develop, as appropriate, guidance, rules, and standards to inform decision-making for zoning, permitting, and enforcement. This could include preparation of draft rules, ordinance amendments, and technical guidance that will allow applicants to determine if a project is subject to cumulative impacts study and what such a study entails. Draft materials would be published for public comment and the City would consult with the EEWG and others to design and lead engagements in other forms to solicit input from people who live in EJ neighborhoods.

Develop Engagement Approach for Future EJ/Cumulative Impacts Efforts

As we transition into the next phase of EJ/Cumulative Impact efforts with a focus on policy change and implementation, it will be critical to deepen our engagement with the people and communities who are most affected by environmental, health, and social stressors – along with businesses and decision-makers who can address them. The EEWG will help to guide OCEE and CDPH on engagement approaches, building on the Communications & Engagement Working Group's efforts and lessons learned during the assessment process. The ongoing governance and project management structures to support this work will also be determined through collaborative decision-making.