



February 28, 2020

By Submission to Transportation and Climate Initiative ([“TCI” Portal](#))

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Subject: Conservation Law Foundation Comments on TCI Draft Regional Memorandum of Understanding

Dear TCI Leaders:

Conservation Law Foundation (“CLF”) is pleased to submit these comments in support of the December 17, 2019 draft memorandum of understanding (“MOU”) of the Transportation and Climate Initiative (“TCI”) and suggests several changes for incorporation into the final MOU. CLF works to combat climate change and improve access to healthy and safe multimodal transportation, while eliminating greenhouse gas emissions and air pollution, overcoming historic disinvestment and structural inequality, and improving public health and social mobility. CLF advocates that all people should have a transportation system that is accessible, reliable, affordable, and free of air pollution and greenhouse gas emissions. To achieve that system, all people should be able to participate in and influence transportation planning, funding, and decision-making that impact their communities. CLF is working to equitably phase out

emissions from the transportation sector in New England to achieve economy-wide net zero carbon emissions by 2050.

CLF has been a participant in TCI regional and state discussions since April 2017. CLF supports a cap-and-invest program that reduces greenhouse gas emissions and associated pollution while concurrently benefitting low-income communities, communities of color, English-isolated residents, youth, older adults, immigrants, New Americans, rural communities, and other populations who most need improved, reliable, affordable access to multimodal transportation options. CLF is a signatory to the Our Transportation Future comments submitted on February 21, 2020<sup>1</sup> and a forthcoming joint letter on equitable investments. CLF endorses and incorporates by reference those comments. CLF offers these additional comments.

### **I. The TCI Cap-and-Invest Program Goals Should Reference Expanded Transportation Options and Equitable Investments.**

Some of our neighbors have been disproportionately impacted by terrible air pollution and have lacked access to good, affordable transportation options for generations. TCI presents an opportunity to not only help tackle the climate crisis, but to also redress some of these inequities and longstanding public health issues, while ensuring that such changes are affordable for low-income and rural residents. Beyond the obvious climate benefits, true transportation justice must be the goal.<sup>2</sup> Transportation justice results from policies that help urban, suburban, and rural low-income residents see sorely-needed transportation investments while improving climate and public health impacts. CLF suggests a modified definition for TCI Program that explicitly includes a goal to expand transportation options and ensure equitable distribution of benefits. CLF recommends the following language be included in a modified TCI Program definition (additions to the draft MOU are in red text):

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<sup>1</sup> The joint letter is available at [https://www.transportationandclimate.org/sites/default/files/webform/tci\\_2019\\_input\\_form/Joint%20Comments%20on%20Draft%20TCI%20MOU%20and%20Modeling%202-24-20.pdf](https://www.transportationandclimate.org/sites/default/files/webform/tci_2019_input_form/Joint%20Comments%20on%20Draft%20TCI%20MOU%20and%20Modeling%202-24-20.pdf) (submitted on February 21, 2020 and modified to include additional signatories on February 24, 2020).

<sup>2</sup> Transportation justice acknowledges the rights of all people – no matter their race, age, physical ability, income, or immigration status – to move freely between the places they live, learn, work, worship, and play. Just transportation systems are affordable, reliable, and safe and do not jeopardize one community to benefit others. Transportation justice ensures that residents, riders, pedestrians, workers, and cyclists can influence decisions that impact their lives and centers people who have been historically marginalized and underserved. CLF recognizes the power of transportation justice to help redress racial, socioeconomic, geographic, and health inequities and create just solutions to environmental burdens and the climate crisis.

“TCI Program” shall mean the regional cap-and-invest program to reduce carbon dioxide (“CO<sub>2</sub>”) emissions from transportation and to invest proceeds from the program in measures designed to further reduce CO<sub>2</sub> emissions, **expand transportation options in each Signatory Jurisdiction, achieve equitable distribution of benefits**, and provide incentives for low-carbon and more resilient transportation.<sup>3</sup>

CLF supports the plan to allow for a 60-day public review and input period prior to establishing the Model Rule.<sup>4</sup>

## **II. The Model Rule for Establishment of the TCI Program Should Include a Section on Equitable Investments.**

The forthcoming Model Rule should include a section on the participating jurisdictions’ commitment to equitable investments. The participating jurisdictions’ regional framework from October 2019 leads with a section on equity. This statement on equity must be followed by action, which is more likely to result if the final MOU includes language about equitable investments. To demonstrate the participating jurisdictions’ commitment to equity, CLF recommends the following language be included in the final MOU specifying that the Model Rule will describe equitable investments (additions to the draft MOU are in red text):

**Equitable Investments: participating jurisdictions (1) intend to prioritize equity, meaningful public participation, meaningful substantive outcomes, and non-discrimination; and (2) will initiate a process at least one year prior to program commencement to define guidance for equitable investments of TCI proceeds.**

CLF recommends that the final MOU set a timeline by which each participating jurisdiction will commence and complete the process to define the equitable investments. Such a timeline should commence at least one year prior to program commencement to allow for robust public engagement. For example, if a participating jurisdiction intends to commence program operation by January 2022, it must commence a process in January 2021 to define equitable investments.

## **III. The Final MOU Should Include a Cap of At Least 25 Percent Reduction Between 2022 and 2032.**

CLF supports a transportation fuels carbon cap that requires greenhouse gas pollution reductions of at least 25 percent relative to projected 2022 reference case levels by 2032.<sup>5</sup> The participating

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<sup>3</sup> Draft MOU, § 1(A)(1).

<sup>4</sup> Draft MOU, § 1(B).

<sup>5</sup> See Draft MOU, § 2(D). Per the reference case modeling, the 2022 cap would be 254 million metric tons CO<sub>2</sub>. The 2032 cap would be no higher than 192 million metric tons CO<sub>2</sub>.

Transportation and Climate Initiative, Webinar: Draft Memorandum of Understanding & 2019 Cap-and-Invest Modeling Results (Dec. 17, 2019),

[www.transportationandclimate.org/sites/default/files/TCI%20Public%20Webinar%20Slides\\_20191217.pdf](http://www.transportationandclimate.org/sites/default/files/TCI%20Public%20Webinar%20Slides_20191217.pdf).

jurisdictions’ modeling shows that a 25 percent cap would result in 1,000 fewer premature deaths, 1,300 fewer asthma attacks, and 1,700 fewer traffic injuries, resulting in public health benefits of \$10 billion a year.<sup>6</sup> The 25 percent cap would also yield nearly \$3 billion in new net economic growth, almost \$2 billion in increased personal disposable income, and 8,900 new jobs over a ten-year period.<sup>7</sup> Since the modeling shows the policy’s benefits continue to grow with more ambitious cap reductions, CLF also encourages TCI jurisdictions to consider a cap reduction greater than 25 percent by 2032, which could lead to even larger net benefits. CLF recommends that the carbon cap decline by a fixed number of tons each year between the first year and 2032.

#### **IV. The MOU Should Use Consistent Language Referencing Equity and Language Explaining How to Achieve Equitable Outcomes.**

The TCI jurisdictions have a heightened responsibility to prohibit discrimination and safeguard and enhance the lives of environmental justice communities and other overburdened and underserved populations.<sup>8</sup> These communities contribute least to climate change, yet face its most persistent and mounting environmental and socioeconomic effects, which are related to legacies of racial and ethnic discrimination.<sup>9</sup> These communities also have the most limited access to resources needed to adapt to risks associated with climate change, are served poorest by our transportation systems, and experience ongoing declines in job proximity.

CLF is working with partner organizations and a research team from Salem State University to identify which communities in New England states are most overburdened by climate change and underserved by our transportation system. CLF intends to provide a forthcoming analysis recommending which communities would most benefit from transportation investments.

CLF applauds the participating jurisdictions for including language that addresses equity, including the following sections of the draft MOU:

*“WHEREAS, Signatory Jurisdictions recognize and are committed to investing in and mitigating the impacts on low-income and disadvantaged communities that are disproportionately burdened by vehicular pollution, the costs of the current*

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<sup>6</sup> Transportation and Climate Initiative, Webinar: Draft Memorandum of Understanding & 2019 Cap-and-Invest Modeling Results, slide 37 (Dec. 17, 2019), [www.transportationandclimate.org/sites/default/files/TCI%20Public%20Webinar%20Slides\\_20191217.pdf](http://www.transportationandclimate.org/sites/default/files/TCI%20Public%20Webinar%20Slides_20191217.pdf).

<sup>7</sup> *Id.* at slide 36.

<sup>8</sup> Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d; Massachusetts Executive Order 552 (2014).

<sup>9</sup> See generally Christopher W. Tessum et al., *Inequity in Consumption of Goods and Services Adds to Racial–Ethnic Disparities in Air Pollution Exposure*, 116 Proceedings of the Nat’l Acad. of Sci. of the U.S. 6001 (2019).

*transportation system, the lack of access to clean transportation options, and vulnerable to the impacts of a changing climate”<sup>10</sup>...*

*“**BE IT FURTHER RESOLVED**, that Signatory Jurisdictions will work with communities to ensure that the benefits of a cap-and-invest program flow equitably to communities that are underserved by clean transportation alternatives, disproportionately bear the costs of the current transportation system, or suffer disproportionate impacts of vehicular pollution and climate change...”<sup>11</sup>*

In Section 3 of the draft MOU, the participating jurisdictions discuss investment of proceeds and equity. The inclusion of this language in the draft MOU signals an acknowledgement of equity, yet provides little detail as to how TCI will achieve equitable outcomes. Moreover, the draft MOU language in the “Whereas” clauses and Section 3 contains various terms to refer to equitable investments.

For example, the paragraph on page 1, in the ninth “Whereas” clause and the third paragraph on page 2, the third “Be it further resolved” clause should be revised to ensure consistency by stating that benefits of a cap-and-invest program will flow equitably to undeserved communities, including low-income and other communities that are disproportionately burdened by vehicular pollution, the costs of the current transportation system, the lack of access to clean transportation options, and at highest risk for experiencing the negative impacts of a changing climate. On page 8 in the “investments and equity” section, section B, the language should be revised to ensure consistency between pages 1 and 2.

CLF recommends the following language be included in the final MOU stating that:

*it is a shared priority to expand low-income and clean mobility options particularly for undeserved communities, including low-income and other communities that are disproportionately burdened by vehicular pollution, the costs of the current transportation system, the lack of access to clean transportation options, and at highest risk for experiencing the negative impacts of a changing climate.*

Additional clarity is needed at the end of this section to explain the process that each participating jurisdiction will use to assess the equity impacts of the program on an ongoing basis.

As noted above, the draft MOU contains inconsistent terminology regarding equity. Moreover, many participating jurisdictions have existing policies and methodologies to identify communities disproportionately burdened by emissions from the transportation sector. Prior to the program commencement, each participating jurisdiction should identify underserved populations by first referencing existing state statutory and policy definitions. As participating

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<sup>10</sup> Draft MOU at page 2.

<sup>11</sup> Draft MOU at page 3.

jurisdictions determine how to identify underserved and overburdened communities for the purpose of implementing an equitable TCI program and targeting investment proceeds, CLF recommends that TCI jurisdictions consider existing definitions of target populations for guidance about populations of concern. CLF compiled Appendix A with existing definitions in each TCI jurisdiction.

**V. In Addition to the Final MOU, the Participating Jurisdictions Should Consider Complementary Policies.**

TCI must be part of a comprehensive set of transportation policies that combat climate change, achieve transportation improvements with a targeted percent benefitting low-income communities, communities of color, youth, seniors, immigrants, and New Americans, and improve public health in communities most burdened by climate and pollution. Complementary policies could include implementing low-income public transit fares, expanding air quality modeling to ensure air pollution reduction in pollution hotspots, using engineering practices to reduce health impacts to communities adjacent to highways, and supporting transit-oriented development and affordable housing policies that consider anti-displacement strategies. CLF supports TCI jurisdictions advancing complementary policies as soon as practicable and in advance of TCI implementation in 2022.

CLF recommends that each TCI jurisdiction identify and document the complementary policies that it implements to ensure that the public understands what each jurisdiction is doing in the transportation sector to reduce greenhouse gas emissions and improve transportation options. Each TCI jurisdiction should consider providing funds for community-based organizations and low-income residents and workers to participate in the development and implementation of TCI complementary policies. Further, CLF urges TCI jurisdictions to ensure that the complementary policies provide benefits for a geographically diverse set of populations, including urban, suburban, and rural residents.

Thank you for the opportunity to provide comments. Please direct questions about these comments to Staci Rubin at [SRubin@clf.org](mailto:SRubin@clf.org) or 617-850-1781.

Sincerely,



Staci Rubin  
Senior Attorney  
Conservation Law Foundation

**APPENDIX A: State Demographic Definitions for TCI Jurisdictions**

Existing Definitions of Environmental Justice Populations, Underserved Communities,  
Overburdened Communities, Disadvantaged Communities

**State Demographic Definitions of Environmental Justice Populations, Underserved Communities, Overburdened Communities, Disadvantaged Communities**

State	Term	Definition	Source
<b>Connecticut</b>	Environmental justice population	<p>“Environmental justice community” means (A) a United States census block group, as determined in accordance with the most recent United States census, for which thirty per cent or more of the population consists of low income persons who are not institutionalized and have an income below two hundred per cent of the federal poverty level, or (B) a distressed municipality, as defined in subsection (b) of section 32-9p;”</p> <p>“‘Distressed municipality’ means, as of the date of the issuance of an eligibility certificate, any municipality in the state which, according to the United States Department of Housing and Urban Development meets the necessary number of quantitative physical and economic distress thresholds which are then applicable for eligibility for the urban development action grant program under the Housing and Community Development Act of 1977, as amended, or any town within which is located an unconsolidated city or borough which meets such distress thresholds. ... In the event that the commissioner determines that amendatory federal legislation or administrative regulation has materially changed the distress thresholds thereby established, ‘distressed municipality’ means any municipality in the state which meets comparable thresholds of distress which are then applicable in the areas of high unemployment and poverty, aging housing stock and low or declining rates of growth in job creation, population and per capita income as established by the commissioner ...”</p>	<p><a href="#">CONN. GEN. STAT. § 22a-20a. (a)(1) (2019)</a></p> <p><a href="#">CONN. GEN. STAT. § 32-9p. (b) (2019)</a></p>



State	Term	Definition	Source
	Overburdened community	N/A: A bill introduced in 2004 would have used the following definition:  "‘[O]verburdened community’ means those towns, cities or boroughs, or portions thereof, that have high amounts of air pollutants, toxic emissions, gallons of waste water treated or tons of solid waste stored, transferred, treated or disposed."	<a href="#">An Act Concerning Overburdened Communities and Notice of Polluting Events, H.B. 5535 §1 (a), Feb. Sess. (Ct. 2004).</a>
	Underserved community	“Medically Underserved Areas/Populations are areas or populations designated by HRSA as having: too few primary care providers, high infant mortality, high poverty and/or high elderly population.”	<a href="#">Connecticut Department of Public Health, Shortage Designation Overview (2019),  https://portal.ct.gov/DPH/State-Health-Planning/Primary-Care/Shortage-Designation-Overview.</a>
Delaware	Environmental justice population	N/A	
	Overburdened community	N/A	
	Underserved community	“Medically Underserved Area: An area, as defined by the Department of Health and Human Services, as not having an adequate supply of health care providers.”	<a href="#">10 Del. Reg. Regs. 1619 (Apr. 1, 2007).</a>
Maine	Environmental justice population	N/A	
	Overburdened community	N/A	

State	Term	Definition	Source
	Underserved community	Medically Underserved Area defined as having too few primary care providers, with high infant mortality, high poverty rates and/or high elderly populations.	<a href="https://mainehealth.org/-/media/community-health/new-chna/chna-county-report-stmarys-final-2016.pdf?la=en">St. Mary's Regional Medical Center, Community Health Needs Assessment 2016, 4 (2016), https://mainehealth.org/-/media/community-health/new-chna/chna-county-report-stmarys-final-2016.pdf?la=en.</a>
Maryland	Environmental justice population	N/A	
	Overburdened community	N/A	
	Underserved community	Maryland references medically underserved communities in health regulations to mean a population designated by the Health Resources Services Administration of the United States Department of Health and Human Services as having: (a) too few primary care providers; (b) high infant mortality; (c) high poverty; (d) high elderly population; or (e) a combination of the above criteria.	<i>See, e.g.,</i> <a href="#">MD Code Regs. 10.01.01.02(B)(9) (2018).</a>
Massachusetts	Environmental justice population	“Environmental justice populations are discrete and identifiable communities, mostly lower income and of color, that are at risk of being disparately and negatively impacted by environmental policies and overburdened by a higher density of known contaminated sites and by air and water pollution.”	<a href="https://www.mass.gov/files/documents/2017/11/29/Executive%20Order%20on%20Environmental%20Justice%20links%20to%20PDF%20file.pdf">Executive Order on Environmental Justice, Exec. Order No. 552 (2017), https://www.mass.gov/files/documents/2017/11/29/Executive%20Order%20on%20Environmental%20Justice%20links%20to%20PDF%20file.pdf.</a>

State	Term	Definition	Source
	Environmental justice population	<p>"Environmental Justice (EJ) Population" means a neighborhood where 25% of the households have an annual median household income that is equal to or less than 65 percent of the statewide median or 25% of its population is Minority or identifies as a household that has English Isolation."</p> <p>"Minority" refers to individuals who identify themselves Latino/Hispanic, Black/African American, Asian, Indigenous people, and people who otherwise identify as non-white.</p> <p>"English Isolation" refers to households that are English Language Isolated according to federal census forms, or do not have an adult over the age of 14 that speaks only English or English very well.</p>	<p><a href="https://www.mass.gov/files/documents/2017/11/29/2017-environmental-justice-policy_0.pdf">Environmental Justice Policy of the Executive Office of Energy and Environmental Affairs, 3-4 (2017),  https://www.mass.gov/files/documents/2017/11/29/2017-environmental-justice-policy_0.pdf.</a></p>
	Overburdened community	N/A	

State	Term	Definition	Source
	Underserved community	“Underserved community,’ a low-income and moderate income census tract determined to be an area with low supermarket access by the United States Department of Agriculture as identified in the United States Department of Agriculture’s Food Access Research Atlas, through a methodology that has been identified as having low access to a supermarket or grocery store or through a methodology that has been adopted for use by the department of food and agriculture, the department of economic development or another governmental or philanthropic healthy food initiative.”	<a href="#">M.G.L. c. 23A, § 65 (a) (2019).</a>
New Hampshire	Environmental justice population	NH engages in and publishes environmental justice population analyses for the purpose of complying with federal executive orders but does not have its own state definition.	See, e.g. <a href="#">State of New Hampshire Department of Transportation Bureau of Environment, Franklin, X-A000(737), 13928A Categorical Exclusion/de minimis 4(f) Determination, Ex. 7, 2, (2015).</a>
	Overburdened community	N/A	

State	Term	Definition	Source
	Underserved community	N/A	
New Jersey	Environmental justice population	No definition specifically for "environmental justice population."  Executive Order #96 on environmental justice mentions a "community . . . subject to disproportionate adverse exposure to environmental health risks, or disproportionate adverse effects resulting from the implementation of laws affecting public health or the environment."	<a href="#">Exec. Order No. 96, 36 N.J. Reg. 1259(c) (Feb. 18, 2004)</a> , <a href="https://nj.gov/infobank/circular/eom96.htm">https://nj.gov/infobank/circular/eom96.htm</a> .
	Overburdened community	NJ Department of Environmental Protection uses the term "overburdened community" but has no definition.  Context: "reducing environmental burdens in overburdened communities"	<a href="#">See generally New Jersey Department of Environmental Protection, STANDARD OPERATING PROCEDURES FOR INCORPORATING SUPPLEMENTAL ENVIRONMENTAL PROJECTS INTO SETTLEMENT AGREEMENTS, (Dec. 5, 2011)</a> , <a href="https://www.nj.gov/dep/enforcement/docs/NJDEP%20Incorporating%20SEPs%20in%20Settlements.pdf">https://www.nj.gov/dep/enforcement/docs/NJDEP%20Incorporating%20SEPs%20in%20Settlements.pdf</a> .

State	Term	Definition	Source
	Underserved community	“A medically underserved area means an urban or rural area or population group within the State of New Jersey which has a medical or dental manpower shortage as determined by the Commissioner of Health and Senior Services, or a public or not-for-profit private health care facility or other facility which is so designated.”	<a href="https://www.nj.gov/health/fhs/primarycare/documents/njmmu99.pdf">Health and Senior Services, Division of Family Health Services, New Jersey Medically Underserved Index, N.J.A.C. 9:16-1 Public Notice, https://www.nj.gov/health/fhs/primarycare/documents/njmmu99.pdf.</a>
New York	Environmental justice population	“'Environmental justice area' or 'EJ area' means a minority or low-income community that may bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.”	<a href="#">N.Y. COMP. CODES R. &amp; REGS., tit. 6 §487.3 (1) (2012).</a>
	Overburdened community	"The Department explained there is no definition of 'overburdened' in New York; however, . . . regulations [to reduce the disproportionate environmental impact of siting major electric generating facilities] use long-established demographics on race, ethnicity and income used in . . . the Department's EJ Policy, which establishes a mechanism for identifying Potential EJ Areas."	<a href="#">N.Y. COMP. CODES R. &amp; REGS., tit. 6 §487.3 (2012).</a>
	Underserved community	NY uses the federal definition of "medically-underserved community":  “The term ‘medically underserved community’ means an urban or rural area or population that-- (A) is eligible for designation . . . as a health professional shortage area; (B) is eligible to be served by a migrant health center . . . a community health center . . . a grantee under section 330(h) [42	<a href="#">N.Y. PUB. HEALTH LAW § 2817 (Consol. 2004).</a>  <a href="#">42 U.S.C.S. § 295p (6) (2014).</a>

State	Term	Definition	Source
		USCS § 254b(h)] (relating to homeless individuals), or a grantee under section 340A (relating to residents of public housing); (C) has a shortage of personal health services . . . (D) is designated by a State Governor (in consultation with the medical community) as a shortage area or medically underserved community.”	
	Disadvantaged community	<p>“Disadvantaged communities’ means communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate- income households, as identified pursuant to section 75-0111 of this article.”</p> <p>Under §75-0111, “Disadvantaged communities shall be identified based on geographic, public health, environmental hazard, and socioeconomic criteria, which shall include but are not limited to: i. areas burdened by cumulative environmental pollution and other hazards that can lead to negative public health effects; ii. areas with concentrations of people that are of low income, high unemployment, high rent burden, low levels of home ownership, low levels of educational attainment, or members of groups that have historically experienced discrimination on the basis of race or ethnicity; and iii. areas vulnerable to the impacts of climate change such as flooding, storm surges, and urban heat island effects.”</p>	<p><a href="#">N.Y. ENVTL. CNSERV. LAW §75-0101 (McKinney 2019).</a></p> <p><a href="#">N.Y. ENVTL. CNSERV. LAW §75-0111 (McKinney 2019).</a></p>
<b>Pennsylvania</b>	Environmental justice population	N/A	
	Overburdened community	N/A	

State	Term	Definition	Source
	Underserved community	<p>“‘Designated Medically Underserved Area.’ Any of the following:</p> <p>(1) An area designated by the Secretary of Health as a primary health care practitioner shortage area using criteria which take into account the special barriers to the provision of health care services in a rural or inner-city area.</p> <p>(2) An area designated by the United States Department of Health and Human Services as a medically underserved area, a medically underserved population or a health professional shortage area.</p> <p>(3) An area designated by the United States Department of Health and Human Services as a health manpower shortage area.”</p>	<p><a href="#">62 PA. STAT. ANN. § 5001.1301 (West 2019).</a></p>
<b>Rhode Island</b>	Environmental justice population	<p>“‘Environmental justice focus areas’ means areas defined by United States Census block groups that are in the highest fifteen percent (15%) of all Census block groups in Rhode Island with respect to the percent population identified as racial minorities or the highest fifteen percent (15%) of Rhode Island census block groups with respect to percent population with income identified as being twice the federal poverty level or below (utilizing the most recent and readily available data from the United States Census).”</p>	<p><a href="#">140-30-1 R.I. CODE R. §1.4 A.20. (West 2018).</a></p>
	Overburdened community	N/A	
	Underserved community	<p>N/A for the state</p> <p>RI appears to use the federal definition for a "Medically Underserved Population":</p> <p>“Medically Underserved Areas/Populations are areas or populations designated by HRSA as having too few primary care</p>	<p><a href="#">See RI.Gov, Press Releases: RIDOH Announces Awards to Strengthen Healthcare Workforce And Address Health Disparities, Related Links</a></p>



State	Term	Definition	Source
		providers, high infant mortality, high poverty or a high elderly population. Health Professional Shortage Areas (HPSAs) are designated by HRSA as having shortages of primary medical care, dental or mental health providers and may be geographic (a county or service area), population (e.g. low income or Medicaid eligible) or facilities (e.g. federally qualified health center or other state or federal prisons).”	<p>(2019), <a href="https://www.ri.gov/press/view/27564">https://www.ri.gov/press/view/27564</a> (links to HRSA website).</p> <p><i>See also</i> <a href="#">Health Resources and Services Administration, MUA Find (2019)</a>, <a href="https://data.hrsa.gov/tools/shortage-area/mua-find">https://data.hrsa.gov/tools/shortage-area/mua-find</a> (defining “Medically Underserved Areas/Populations”).</p>
<b>Vermont</b>	Environmental justice population	N/A	
	Overburdened community	N/A	
	Underserved community	“Any community or region that is: (1) Designated as a medically underserved community by the Health Resources and Services Administration; and (2) Identified as have a poverty rate at or above the statewide rate of 12.2%”	<p><a href="#">Kirsten Murphy, Vermont Developmental Disabilities Council, Five-Year State Plan for 2017-21 Section Plan Goals, §124 (c)(3)(D), (2016)</a>, <a href="https://ddc.vermont.gov/sites/ddc/files/documents/planprojects/2017-2022-5year-goalsobjectives.pdf">https://ddc.vermont.gov/sites/ddc/files/documents/planprojects/2017-2022-5year-goalsobjectives.pdf</a>.</p>
<b>Virginia</b>	Environmental justice population	"environmental justice communities, [include] low income, minority and tribal communities"	<a href="#">9 VA. ADMIN. CODE §5-140-6440 (2019)</a> .
	Overburdened community	N/A	

State	Term	Definition	Source
	Underserved community	Virginia medically underserved area is defined as "an area in Virginia designated by the State Board of Health in accordance with the Rules and Regulations for the Identification of Medically Underserved Areas (12VAC5-540) or § 32.1-122.5 of the Code of Virginia."	<a href="#">33 Va. Regs. Reg. 702, 703 (Nov. 28, 2016).</a>
<b>Washington, D.C.</b>	Environmental justice population	N/A	
	Overburdened community	N/A	
	Underserved community	No definition for "underserved community"  Referenced in the definition for "public benefit": "The term 'public benefit' may include: ... Providing low-income or underserved individuals or communities in the District with reduced-price or free products, services, or commercial or community space . . ."	<a href="#">63 D.C. Reg. 10775, 10793 (Aug. 26, 2016).</a>

Other state definitions for "disadvantaged community" or "disadvantaged communities":

- Connecticut
  - "Disadvantaged communities' means the service area of a public water system that meets affordability criteria established by the Office of Policy and Management in accordance with applicable federal regulations." [CONN. GEN. STAT. § 22a-475 \(6\) \(Lexis 2019\).](#)
- Maine
  - "For purposes of this paragraph 'disadvantaged community' means the service area of a public water system that meets affordability criteria established by the department after public review and comment" ["Safe Drinking Water Act" ME. REV. STAT. ANN. tit. 22, § 2613 2. B. \(2019\).](#)
- Maryland

- “For loan subsidies for disadvantaged communities as provided by the federal Safe Drinking Water Act ...” [MD. CODE ANN., ENVIR. § 9-1605.1 \(d\)\(8\) \(LexisNexis 2019\)](#).
  - Safe Drinking Water Act: “In this subsection, the term ‘disadvantaged community’ means the service area of a public water system that meets affordability criteria established after public review and comment by the State in which the public water system is located. The Administrator may publish information to assist States in establishing affordability criteria.” [42 U.S.C. § 300j-12 \(d\)\(3\) \(2009\)](#).
- New Jersey
  - “disadvantaged communities, as identified by the department” [A.B. 4821, 218th Leg. \(N.J. 2018\)](#).
- Other New York definitions
  - “THE TERM "DISADVANTAGED COMMUNITY" MEANS A COMMUNITY WITH A MEDIAN HOUSEHOLD INCOME OF LESS THAN EIGHTY PERCENT OF THE STATEWIDE MEDIAN HOUSEHOLD INCOME FOR THE STATE.” [A.B. 4826, 242nd Leg., Reg. Sess. \(N.Y. 2019\)](#).

Federal definitions for “disadvantaged community” or “disadvantaged communities”:

- Safe Drinking Water Act: “In this subsection, the term ‘disadvantaged community’ means the service area of a public water system that meets affordability criteria established after public review and comment by the State in which the public water system is located. The Administrator may publish information to assist States in establishing affordability criteria.” [42 U.S.C. § 300j-12 \(d\)\(3\) \(2009\)](#).