



## Environmental Justice Rule

# Public Hearing Best Practices

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*All residents of the State of New Jersey, regardless of income, race, ethnicity, color, or national origin, have a right to live, work, learn, and recreate in a clean and healthy environment. Environmental justice requires fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, in the development, implementation, and enforcement of environmental laws, rules, and policies.*

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A key component of meaningful public participation is the public hearing required by the Environmental Justice Rule. Under the Environmental Justice Rules at N.J.A.C. 7:1C-4.2, applicants are required to hold a public hearing to present the Environmental Justice Impact Statement to the members of the overburdened community, by providing detailed operational information, the environmental and public health stressors affecting the community, how the facility might impact those stressors and what the facility would propose to do to avoid or minimize those impacts.

To ensure that the public hearing provides members of the public with a clear understanding of the proposed project and meaningful opportunity to engage and comment, the Department offers the following guidance and best practices:

### Location and Timing

- The public hearing must be held within the overburdened community in a venue suitable to support community attendance and provide a safe and secure experience.
  - If a suitable venue is not available, the applicant may seek approval from the Department to hold the hearing in a venue in as close proximity as possible to the overburdened community and in a manner that maximizes public participation.
  - If the facility is located in more than one overburdened community, the applicant is required to identify a central location within close proximity to all affected overburdened communities.
- The public hearing must be conducted during a weekday and begin no earlier than 6 p.m.
- The public hearing must be conducted in person and must also have a virtual component.

- For the virtual component, the applicant should include a registration link in the notice of public hearing that provides access to the meeting by automatically emailing a link to join the meeting. Applicants should also offer the public the option to email an individual who manually returns a link to join the meeting.
- The public hearing must be recorded and officially transcribed.
  - The Department recommends that the transcription be by a licensed stenographer. Microsoft Teams and Zoom recordings are acceptable. Audio only recordings are also acceptable.
- If a large attendance is expected, the Department recommends that the hearing be moderated. As necessary, a separate individual could be used to facilitate virtual engagement.

## Language Access

- In communities that speak multiple languages, the Department recommends that interpreters be present. The Department also recommends the use of the closed-captioned translation capabilities of Microsoft Teams or Zoom. If interpreters are present, the Department recommends the applicant make known that interpretation services for specific language(s) will be provided in the notice of public hearing.

## Hearing Content

- In preparing and presenting the EJIS, the applicant's goal should be to provide the relevant information in a clear, concise and accessible manner, avoiding overly technical language or jargon, utilizing plain language wherever possible.
- Presentation of the EJIS must be visually and auditorily accessible to all attendees.
- The use of microphone(s) with a public announcement system is recommended. Microphone(s) should be able to mute and unmute. Testing of all equipment prior to hearing is recommended.
- The applicant should allot sufficient time for public comment.
  - If the applicant determines a reasonable limitation on individual comments is necessary, community members should be given no less than three (3) minutes each to speak. The Department recommends use of a publicly visible timer to inform individuals of their remaining time to comment and demonstrate consistency of approach.
- The applicant may not exclude any members of the public from offering comment but may prioritize the voices of members of the overburdened community.
- The applicant should clearly explain expectations for the hearing at the outset including:



- The purpose of the hearing and the applicant’s intent to foster community engagement;
- The meeting agenda including any intended time of conclusion;
- The process of accepting comments, including addressing how commenters will be invited to speak both in-person and virtually;
- Provide necessary direction on technical aspects of virtual attendance;
- Whether and how the applicant will respond to questions during the hearing
  - While the purpose of the hearing is largely to receive community comment, applicants are encouraged to engage in a dialog with community members to address comments to the extent necessary to ensure a clear understanding of the information provided
- Informing the public that the applicant will document and respond to all comments received and provide its responses to the Department;
  - Applicants should advise commenters of their ability to provide written comments and the method for doing so.

## Hearing Conclusion

- The applicant may conclude when all members of the public who wish to comment have had their opportunity to do so.
  - The Department recommends extending the hearing for as long as reasonable to allow all community members to comment. If insufficient time has been allotted for public comment or a significant number of members of the overburdened community have not been afforded an opportunity to speak, the Department may request that the applicant hold a second public hearing.

## Accessibility

- The applicant must provide copies of the EJIS, public notice and other supportive materials in languages commonly spoken in the community and secure interpretative services, including closed captioning or headset interpretation, to support engagement at the meeting.
- The Department also recommends the use of the closed-captioned and translation capabilities of virtual platforms such as Microsoft Teams or Zoom.

