

Defend Our Citizen Boards

OPPOSE: SB81, SB657, HB1204, HB1261

Citizen Boards play a key role in Virginia's balanced framework for protecting the environment by ensuring that citizens drawn from across the Commonwealth are actively involved in certain regulatory and permitting decisions.

- **Citizen Boards are the true embodiment of government "by the people."** While elected members of the General Assembly enact environmental laws that agencies implement through regulations and permits, Virginia's regulatory boards uniquely ensure that Virginians—volunteer members from the public—engage in meaningful decision-making that shapes the specific rules designed to protect our air, water, lands and communities. Citizen Board members, with diverse educational backgrounds, training and experience, bring thoughtful, real-world perspectives to supplement technical agency guidance.
- **Citizen Boards promote transparency** by ensuring that the most important environmental decisions are made in full public view. Our Citizen Boards meet in public, deliberate in public, receive input from the public, and cast their up-or-down votes in public. Removing the Air and Water Board's permitting approval authority will result in permits being negotiated between the applicant and DEQ behind closed doors.
- **Citizen Boards encourage public engagement** and ensure that every day Virginians have a meaningful opportunity to voice their concerns on the most important environmental permitting and regulatory decisions. Regularly scheduled public meetings are open to everyone; public comment requirements exist to allow for additional public input on specific decisions, that wouldn't exist but for Citizen Boards; each meeting typically reserves time for general "public comment" allowing residents to openly communicate with policy makers.

Members of the Citizen Boards are nominated by the Governor and confirmed by the General Assembly for four-year terms. Appointments on the Boards are staggered, so that no one Governor can replace all of the members of a given board at a particular time. This provides consistency in decision-making and helps insulate the Boards from political pressures, especially considering the prohibition on Virginia Governors serving consecutive terms.

Rather than seeking to reduce the authority of Citizen Boards to act on behalf of residents of the Commonwealth, the General Assembly should *reduce barriers* to the Citizen Boards' work. For example, the Boards should be encouraged to engage with communities directly affected by proposed projects. Additionally, the General Assembly should clarify the Boards' ability to independently act when making final decisions related to regulations and permits.

SB81 (Stanley): removes important considerations from the Air Board's decision making process for permits and regulations, meaning it may no longer consider: the potential for interference with safety, health or the reasonable use of property; the social and economic value of the activity; the suitability of the activity to the area; and the practicality of reducing pollution from the activity.

SB657 (Stuart): removes the Air and Water Boards' permitting authority and much more. The Air Board may no longer consider the suitability of the activity to the area. The public may no longer request public hearings from the Air or the Water Boards. And the Boards may no longer initiate requests of the Department of Environmental Quality. The most important environmental permits would be discussed and decided behind the closed doors of the agency.

HB1204 (Kilgore): removes the Air Board's authority to issue a minor new source review air permit. Those permit decisions would not benefit from the public engagement process of the Air Board and would only take place within the agency.

HB1261 (Bloxom): similar to SB657, this bill removes the Air and Water Boards' permitting authority. Additionally, HB1261 would inject partisan politics into Virginia's Citizen Boards (including the Waste Management Board) by allowing the House and Senate to appoint some of the Boards' members.