

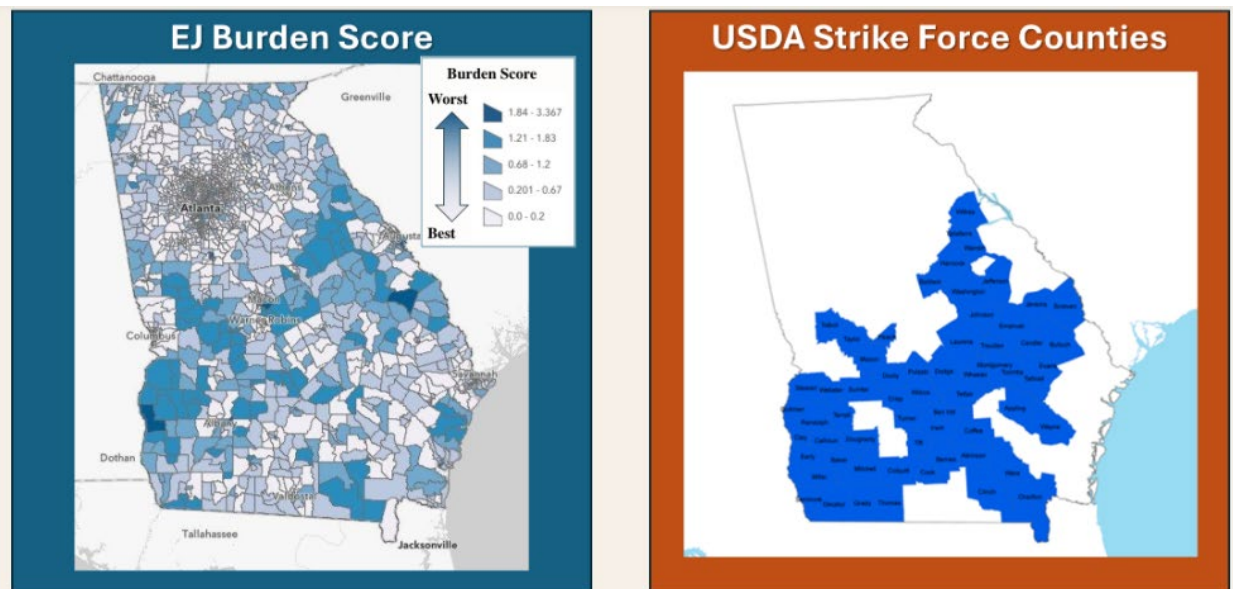
How Can Cumulative Impact Laws Safeguard Community Well-Being in Georgia?

Lessons From Existing Legislation

In Georgia and across the United States, environmental burdens are unequally distributed. Marginalized and disadvantaged communities face the disproportionate effects of air, soil, and water pollution from industrial development that is often touted as a job creator. While most communities welcome economic growth, there is a way to achieve it without also furthering the negative impacts on the physical and economic well-being of citizens. From the very beginning of planning, communities must be part of new growth projects. This includes being made aware of the positive and negative impacts of development and then working with the new developer to grow in a way that benefits all.

One method of building awareness and then mitigating potential negative effects is to conduct a cumulative impact analysis. This analysis looks at a community's history of environmental burden and considers the impacts of new proposed developments in the context of this history. It uncovers the hidden public health and economic cost of repeated environmental degradation and pollution. Advocates of cumulative impact legislation argue that it is the best way to bring awareness of the long-standing harms that need to be considered to ensure that new growth does not place further health and environmental burdens on communities.

Below we show an image of locations in Georgia with a high health and environmental burden (darker blue indicates higher burden) and an image of [USDA "StrikeForce" counties](#), where 30% of the population has lived 30% below the federal poverty line for at least 30 years. There is a high overlap. These areas are targets of new economic development, yet they are also highly burdened. Cumulative impact analyses would be highly beneficial in achieving smart growth, preventing short-term gains that have negative long-term impacts.



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In this policy brief, we aim to provide an overview of cumulative impact legislation and detail the environmental and economic reasons why state governments should consider requiring cumulative impact analyses for new industrial development. We then provide a survey of states where cumulative impact legislation has been signed into law or implemented. Most often, the state's environmental division is tasked with defining an overburdened community based on socio-economic characteristics. For new industrial developments that require an environmental permit and are proposed in an overburdened community, the state requires a cumulative impact analysis wherein it determines whether the development would cause substantial adverse impacts on the community. The analysis uses many health, economic, and environmental indicators to determine both the existing community conditions and the projected impact of the development, which then informs permitting decisions.

We follow the review of existing legislation by addressing the issue of effectively engaging stakeholders. We argue that those crafting cumulative impact legislation must be transparent and work with citizens to properly address community needs, and that a state-level environmental justice mapping tool is critical. Finally, we assess how cumulative impact analysis would fit into the Georgia legislative and governmental structure. We highlight the role of Economic Development Authorities, a unique mechanism that hold much power in Georgia's economic environment. Above all else, transparency and community engagement in all aspects of new development will lead to positive growth for all in Georgia.

Summary of Recommendations

A review of existing cumulative impact policies identified these main themes:

1. Transparency is key. Most existing issues are a result of a lack of sharing and engagement with all stakeholders in the community. Permit applications should be accompanied by plain language assessments of impacts (both positive and negative) and public comment periods or community meetings.
2. That which can be measured can be obtained. It is vital to identify and implement a method to measure existing health and environmental burdens so all involved can make an informed decision. All states with cumulative impact legislation maintain a publicly assessable map of health and environmental burdens.

What is Cumulative Impact?

The fundamental idea behind cumulative impact is that environmental burdens cannot be examined in a vacuum. Most communities that experience environmental issues in the United States today have experienced different iterations of environmentally caused harms over generations. To grasp the full impact of a proposed new industrial development in a certain community, legislators, policymakers, and rule makers must examine that new development in the

full context of a history of harms and degradation inflicted over multiple generations. When combined with a history of harm, even incremental increases in pollution can have substantial adverse impacts on human health and well-being. Studying cumulative impact allows permitting authorities to understand the full scope of environmental impact in a given area before greenlighting new developments. States that pass cumulative impact legislation do so with the goal of identifying vulnerable communities and ensuring that future economic development does not result in more inequitable social outcomes.

Cumulative impact legislation in the United States thus far has taken place almost entirely at the state level because most development that would be subject to cumulative impact legislation requires permits from a state government. When considering whether to issue a permit for a facility with environmental externalities, states generally evaluate the public health and environmental impact of that project in isolation. However, cumulative impact laws require that these state agencies also consider the impact of already existing and historically existing hazardous facilities and developments. If a community is already bearing the brunt of pollution and environmental degradation and another development would significantly add to its burden, agencies ought not to approve that development or at least require significant community engagement and impact mitigation strategies. Cumulative impact analyses are designed to demonstrate whether the additional burden is substantial and adverse. Herein, we provide an overview of existing state statutes and methods used to identify areas and developments that should be subject to cumulative impact analysis, and finally how to calculate the cumulative impact.

Why Study Cumulative Impact?

Environmental burdens accumulate both in space and over time to deliver disproportionate impacts to communities. Spatially, if two polluting facilities in a certain community both pollute below the regulatory limit but do so in similar geographic areas, their local community will feel the cumulative effects. Over time, pollution is felt intergenerationally. Pregnant women who live near pollutants are [more likely to have negative birth outcomes](#), and their children are more likely to be born premature or have slow development. In addition, pollution lingers in [soil](#) over time. Consistent exposure to heavy metal contaminants in soil hinders child development and perpetuate intergenerational health issues.

New industrial development is often billed as an economic bonus despite environmental side effects. In Epes, Alabama, [a new wood pellet plant](#) to produce biomass energy broke ground in 2023. Enviva, the company behind the development, promised 350 high-paying jobs and lawmakers declared the development an economic win for rural communities. However, [wood pellet plants also emit countless harmful air pollutants](#) such as particulate matter, black carbon, nitrogen dioxide, and volatile organic compounds. Although Enviva disclosed information about the pollutants in its application for an operating permit, neither the company or state was required to consider the existing environmental, health, and socio-economic conditions in the local

community and whether the new development would worsen those conditions. In this case, the local community was already at the [90th national percentile for asthma](#) according to the U.S.'s Climate and Economic Justice Screening Tool, certainly qualifying it as overburdened. Cumulative impact analyses are intended to uncover these hidden costs to development and better involve community members who stand to gain or lose from new projects. Any potential economic benefit from industrial development is often negated by the public health outcomes that [hold communities back](#). Cumulative impact underlines the economic fragility at the heart of polluting industries.

Review of Current State-Level Cumulative Impact Laws: Structure and Function

A cumulative impact law generally requires either a state government agency or a permit applicant to carry out an analysis to determine whether a proposed project would cause substantial adverse effects on the community in which it would be located. These laws and analyses take various forms across the seven states that have implemented them. However, they share a somewhat similar structure characterized by the identification of communities vulnerable to, or already affected by, existing environmental and health burdens, the requirement of performing an impact analysis, and the incorporation of that impact statement into the permit approval process.

The Who: The Government Departments that Manage Cumulative Impact Laws

Cumulative impact laws can come in two forms: as part of completely new legislation, or as an amendment to an existing statute or code. In either case, the result is the same – the legislature and governor task a division of the state government with overseeing a cumulative impact program.

The exception to this rule is California, where no single agency bears the burden of evaluating and enforcing a cumulative impact law alone. In California, [cumulative impact rules](#) were added to the 1970 California Environmental Quality Act (CEQA) and the California Code of Regulations (CCR), and both state and local departments of government are required to consider cumulative impact when considering a new project proposal. This includes, but is not limited to, departments of transportation, city planning, environmental protection, and health. As such, the Attorney General of California, which also enforces the CEQA, enforces cumulative impact legislation on these agencies.

The table below outlines existing state legislation, how it was implemented, and the overseeing agency.

State	Cumulative Impact Legislation Name	Addition or New Legislation?	Overseeing Agency
California	CEQA and CCR	Addition	Department of Justice
Colorado	Cumulative Impacts and Environmental Justice Law	New Legislation	Department of Public Health and the Environment
Maryland	M.D. Environmental Justice Screening	New Legislation	Department of the Environment
Massachusetts	Mass Environmental Justice Policy	Addition	Executive Office of Energy and Environmental Affairs
Minnesota	Frontline Communities Protection Act	New Legislation	Pollution Control Agency
New Jersey	N.J. Environmental Justice Law	New Legislation	Department of Environmental Protection
New York	N.Y. Environmental Conservation Law	Addition	Department of Environmental Conservation
Washington	Clean Energy Transformation Act	New Legislation	Department of Health

The What: The Kinds of Projects Subject to Cumulative Impact Legislation

Generally, any project or development that is subject to an environmental review is also subject to potential cumulative impact legislation. This includes both state-funded and private sector projects. However, state governments have the ultimate say in controlling which department has jurisdiction in environmental review and subsequently, cumulative impact legislation. As a result, the types of projects a cumulative impact law may impact depend heavily on the jurisdiction of the agency that oversees the program. Maryland limits its cumulative impact law to the projects approved by the [Department of the Environment](#), which can issue permits for air pollutants, water pollutants, landfills, sewage, hazardous waste, and nuclear waste. Any projects that require these permits will need to incorporate Maryland’s cumulative impact analysis requirements before receiving a green light. Maryland is emblematic of other state-level cumulative impact laws. The kinds of projects that most people associate with environmental and health concerns and receive heavy scrutiny from state-level environmental protection departments are subject to cumulative impact assessments.

The When: Defining the Necessity of a Cumulative Impact Assessment

States have taken different tracks in deciding when a permit must also include a cumulative impact assessment. In many states, identifying the location of vulnerable populations is central to deciding whether a cumulative impact analysis is necessary. These states require a cumulative

assessment when a proposed project or facility is within a certain distance from the census tract containing that population.

Other states may require a cumulative impact analysis regardless of whether it borders an environmental justice area if the project contains particularly harmful elements such as an incinerator.

However, some states choose not to define overburdened communities at all. [Maryland's 2022 legislation](#) directs permit applicants to include an Environmental Justice score in their application which they calculate using Maryland's EJ screening tool. By skipping a step, Maryland puts slightly more burden on the permit applicant but avoids a potentially time-intensive process of defining vulnerable communities.

The Where: Defining Overburdened Communities

To have a cumulative impact analysis, the responsible agency must first determine whether a cumulative impact analysis is even necessary for the nearby community. After all, some project proposals might be in an area with little to no existing environmental burden concerns. While such proposals still go through the regular environmental protection protocols in their respective state, if they don't pose environmental and health burden concerns, cumulative impact laws would have no bearing on these development proposals. However, agencies must decide which communities are vulnerable enough to warrant a cumulative impact analysis. To do so, they rely on socio-economic indicators that give them clues as to which communities are already bearing the brunt of environmental inequalities. In general, what are these indicators? The Minnesota Pollution Control Agency (MPCA) relies entirely on socio-economic factors, labeling "[environmental justice areas](#)" as census tracts (small subdivisions of a county or city) that meet *any* of the following criteria:

- 35% or more of households have incomes at or below 200% of the federal poverty level
- 40% or more of the population is nonwhite.
- 40% or more of the population over the age of 5 has limited English proficiency.
- The area is located within Indian country.

Most other states that identify overburdened communities also rely on socio-economic factors. [New Jersey](#) uses almost identical criteria to Minnesota; [Massachusetts](#) does not include Indian country as a criterion and lowers the threshold for non-English speakers to 25% of the tract's population.

[New York does it entirely differently](#). The state's effort to identify overburdened communities predates its cumulative impact legislation. The [Climate Leadership and Community Protection Act \(Climate Act\) of 2019](#) required the identification of overburdened communities to ensure that investment from the new law was directed to underprivileged communities. To determine whether a community is disadvantaged, the Department of Environmental Conservation used 45 indicators

encompassing historic environmental burden, climate change risk, population demographics, health outcomes, and housing trends. For each of the 45 indicators, the census tract received a percentile score. These scores were then combined to produce a measure of a tract's relative level of "Environmental Burden and Climate Risk" and "Population Characteristics and Health Vulnerabilities." From there, the Department classified the highest scoring 35% of New York's population as belonging to an environmentally disadvantaged community. They also classified nineteen census tracts containing recognized Indian land as disadvantaged communities regardless of their score. It's not clear why New York set a threshold for the top 35% of communities. It could be because the Climate Act calls for 35% of all funding to be directed to DACs, but the [criteria fact sheet](#) does not explicitly say so. What is also unclear is how New York classifies the other 65% of its population. Do communities in danger of being disadvantaged receive specific attention to ensure they do not fall behind? Transparency around decision-making such as this is crucial because residents in those communities deserve to know how the state will treat new developments that could cause adverse impacts. Ambiguity, on the other hand, leaves residents without an understanding of how their communities stand to be impacted by new legislation.

The How: Calculating Cumulative Impact

So far, we have provided an overview of which agencies oversee cumulative impact, identified the kinds of projects that might need an analysis, and shown how states identify the communities that require this analysis. Carrying out the cumulative impact analysis itself is another task. The objective of a cumulative impact assessment is to identify whether a proposed project would cause substantial adverse impacts on a community, but how do we decide what counts as a substantial adverse impact? How do we quantify the impacts of existing facilities? And who carries out the analysis itself?

States with cumulative impact laws provide structure, guidance, and data for cumulative impact analyses, but they put the onus of preparing a cumulative impact report on the permit applicant. Typically, states direct permit applicants to use a state-specific environmental burden mapping tool to search the one-mile radius of their proposed project for any census tracts that contain overburdened communities. Then, they use data from that mapping tool to assess existing community conditions before projecting how their proposal would add to those conditions. The state agency typically reviews this report to determine whether the proposal would result in significant adverse impacts on the local community. If the proposal does result in a significant adverse impact, it may be outright denied or go through a few more hurdles to demonstrate community benefit.

To quantify existing community conditions, a few states perform a similar analysis to New York's identification of overburdened communities. [New Jersey](#) begins by identifying 26 environmental stressors such as ground-level ozone, waste facilities, and lack of tree canopy cover. Each stressor

is compared to a geographic benchmark: either the 50th percentile for the state or the 50th percentile for the county, whichever is lower, excluding data from other overburdened communities. If the stressor falls above the 50th percentile, it is considered adverse. Using its mapping tool, New Jersey [gives each census tract a score](#) based on how many adverse stressors it has. Applicants for a permit with the New Jersey Department of Environmental Protection (DEP) are required to include the stressor score for any nearby overburdened communities in their application. New Jersey is not the only state with this format. Massachusetts, Maryland, and California also quantify existing conditions in similar ways by using a combination of mapping and indicators to create a cumulative score.

Several states have defined methods to **quantify substantial adverse impact**. New Jersey uses the most stringent criteria of any state – it dictates that if any stressor is already present at adverse levels, any additional impact from a new development automatically qualifies as a *substantial adverse impact*. The threshold for disproportionate environmental harm has already been met. New Jersey assumes that if a community already faces significant environmental burden, any kind of new development, regardless of its projected impact, will add to that burden.

[Massachusetts](#), on the other hand, relies on air quality dispersion modeling to project the potential impact of any new development permitted by the Massachusetts DEP, regardless of whether it is situated in an overburdened community. The applicant estimates the maximum potential emissions rates for each pollutant and combines it with recent meteorological data. When layered on top of the existing community conditions, the applicant gets an idea of how their development would add to current pollution levels. Applicants compare the total projected pollution to [Massachusetts Ambient Air Quality Standards to determine whether it is substantial and adverse](#). Regardless of the projected pollution, applicants must include mitigation efforts they will take to minimize pollution.

Without criteria, *substantial adverse impact* becomes an ambiguous term that is left to be battled over in the courts. A better solution may be to ignore this criterion completely and require transparency, community engagement, and mitigation plans for all facilities seeking permits in overburdened communities.

The Result: Requirements for Facilities in Overburdened Community

If a project is located near an overburdened community, the next step depends on the agency with jurisdiction. While it is within a state's authority to deny a permit due to public health concerns, existing cumulative impact laws do not require the agency in question to deny a permit on the basis of a demonstrated impact alone. In fact, no state with a cumulative impact law outright bans these kinds of proposals.

Some states may require the permit applicant to engage meaningfully with the public about the pros and cons of the development and acknowledge and address community feedback. Some

states carry the additional requirement of crafting a [Community Benefit Plan \(CBP\)](#). A CBP is a legal contract where environmental and health impacts are identified, and concrete actions are defined to address those impacts. These actions can include a multitude of things such as: transparent monitoring of emissions, steps to be taken if emission thresholds are exceeded, infrastructure and water management plans, addition of new community greenspace, or workforce training.

California, Washington, Maryland, and Massachusetts do not mention Community Benefit Plans. Instead, their state agency reviews the proposal and its projected impact and decides whether to approve it. It allows for a 60-day comment period on its decision.

New Jersey requires all steps. There, the applicant must enter a 60-day public notice period that includes a public hearing in the host community. Public notice with a reasonable time frame (at least 60 days), held in the actual community, and in their primary language, is critical for transparency. After the public comment period, the applicant provides the NJ DEP with its response to those comments and the DEP again determines whether the development can avoid a disproportionate impact after taking feedback and community engagement into consideration. In doing so, the applicant must create a plan to reduce the presence of every adverse stressor in the overburdened community it would be in, even if the development wouldn't add to the stressor. New Jersey enforces this with the intention of redressing past harms. If the plan cannot reduce every adverse stressor, the DEP denies the permit unless it serves a compelling public interest in that community. While Minnesota will not flesh out its cumulative impact requirements until 2026, the [PCA indicates](#) that applicants would need to enter a Community Benefit Plan before receiving a permit.

Effectively Engaging Stakeholders

Public Engagement: Working with Communities to Craft and Implement Cumulative Impact Legislation

As we have shown, cumulative impact requirements vary from state to state. One of the most critical parts of creating effective cumulative impact legislation is working with community stakeholders to understand their priorities. Many of the nation's environmental and health burdens have occurred because, in the past, decision makers did not engage community members. Every state's cumulative impact law should look slightly different, and this is not just because states have different departmental structures – it is because each plan should be tailored to the vulnerable communities in that state.

In tailoring cumulative impact legislation, Minnesota provides a useful example. Although Governor Tim Walz signed the bill into law in 2023, MPCA is waiting until 2026 to fully implement its procedure. During the three years between passage and adoption, the agency is working with community stakeholders through community meetings, working group sessions, and stakeholder

surveys to define and create its cumulative impact analysis protocol. MPCA is asking Minnesota residents what they feel are the most important stressors to decide what would count as a substantial adverse impact.

To effectively engage and listen to communities about cumulative impact, states must have transparency and sound public engagement embedded in their departmental infrastructure. The MPCA's public outreach is thorough because the agency and Minnesota's government prioritizes effective community engagement. [Community advocacy groups](#) in Minnesota such as the Community Members for Environmental Justice had a strong hand in crafting the Frontline Communities Protection Act. They worked well with state legislators and lobbied effectively to pass cumulative impact legislation. If cumulative impact legislation and policy is to be well-researched, state bureaucracies and legislatures that don't have a strong tradition of working with community advocates must begin to do so. Not only does it make legislation more well-reasoned, but it also increases overall public engagement when crafting what an analysis should look like. If legislatures pass bills without any community engagement at all, it is unrealistic to expect that these groups will show up to the table later in the process.

Once cumulative impact laws exist, is it vital that the analyses and permit approvals under the law are open and transparent as well. Public notices and hearings are well-intentioned but often fall short in effectively engaging community members to provide input. There are several ways to increase the chances that there is meaningful community engagement. First, hearings must physically take place in the community that will be affected by the development and posted with enough time to enable community members to attend. Second, if there is a feedback period instead of a hearing, the period must be long enough, and the notice of the comment period made available via multiple channels. New Jersey allows for a minimum of 60 days, which the Department of Environmental Protection believes has worked well in garnering community engagement. Finally, hearings and notices must be in the primary language (or languages) of the community and written in plain language that the public can understand. Air and soil pollutants are complicated – regulating agencies must make sure the potential impact of such elements is clear. Community residents want a seat at the table, but governments and industry must give them a chance to effectively participate.

On the Importance of Mapping and Visualizations

[Mapping changed popular perceptions of environmental and health burdens](#). Suddenly, researchers and policymakers could see on a map how a specific environmental burden correlated with race, income level, and other socioeconomic factors. Mapping is similarly central to analyzing cumulative impact. Whereas previous mapping efforts generally focused on one variable or index at a time, mapping cumulative impact combines many variables into one comprehensive visualization. On [New Jersey's EJ MAP](#), users can click on any census tract and learn how many adverse stressors it has. This has two effects: firstly, policymakers can clearly see the areas most

affected by environmental burdens. This is crucial for advocacy groups who wish to clearly demonstrate how environmental burdens combine to affect communities. Secondly, it makes cumulative impact analyses much easier. All that permit applicants have to do in Maryland to fulfill the state's cumulative impact requirement is visit [Maryland's EJ Map](#) and review the EJ score for the area in which the proposed is located.

In short, a state-level mapping system is a necessity to effectively carry out a cumulative impact assessment initiative. Every state with a cumulative impact law has some form of state-level environmental burden map. These maps offer significantly more detail than the [Environmental Protection Agency's \(EPA\) national-level EJ Screen](#). While EPA EJ Screen can show numerous indicators like hazardous waste proximity, it doesn't have the same level of detail as state-level systems. State-level systems can show specific facility sites and thus show how these facilities combine to have an adverse impact.

Screening tools are the direct product of bottom-up community action. Community advocates in California lobbied elected officials and civil servants to establish a screening tool, and EJ screens directly incorporate feedback and lived experiences from community members. [Researchers argue](#) that these mapping tools can easily be replicated in other contexts, especially in state and local governments.

Cumulative Impact Legislation's Potential in Georgia

How would cumulative impact analysis work in Georgia? A group of Democratic legislators attempted to flesh that out in 2023. [Senate Resolution 754](#) would have created the Senate Cumulative Impact of Pollution on Economic Development and Growth Study Committee, but this bill died before being voted on. As suggested by the name, the authors framed cumulative impact as an economic issue. The bill asserted that water and air pollution threatened the viability of Georgia's economic and cultural resources in addition to being a health risk. The terms "environmental justice," "vulnerability," and "minority neighborhood" do not appear in the bill text at all. Despite the bill's toned-down language, it failed.

In the Georgia House of Representatives, [House Bill 491](#) in 2023 held more direct language regarding environmental justice. The bill would have defined overburdened communities with thresholds for minority population, low-income households, and limited English proficiency – almost identical to Minnesota, Massachusetts, and New Jersey. The bill also would have required applicants for certain environmental permits to comply with environmental justice requirements. If a permit applicant wished to build or renew a permit for a polluting facility near an overburdened community, they would have had to overcome multiple barriers. This included an environmental justice impact statement assessing adverse stressors already facing the community, projected stressors brought on by the project, and a public hearing period. This bill looked quite similar to New Jersey's Environmental Justice Law, but never received a committee hearing.

In the end, political will is the final determinant of whether a cumulative impact bill passes and becomes law. For cumulative impact to become law in Georgia, bottom-up community action is crucial. Community organizations and well-researched advocacy are often the main drivers of legislative change around environmental justice, and studying cumulative impact is no different. To aid this, there are multiple things that can happen in the interim. To begin, Georgia needs its own environmental justice mapping tool that includes information on cumulative impact. Although other state governments have set a blueprint, EJ mapping can happen inside or outside of government. Data on hazardous and polluting facilities is widely available, and online Geographic Information System platforms provide a useful tool for mapping. There are several existing tools to build on, for example: [the Federal Government's CEJST](#), the [EPA's EJ Screen](#), and [Sci4Ga's Env Burden Index](#). Further research on the science behind cumulative impact is equally critical for explaining the importance of environmental justice in a business-friendly state like Georgia. Finally, better quantifying the links between cumulative impact and economic viability might give bills like SR 754 a better chance at succeeding. There are countless ways to influence the passage of important legislation – research and advocacy are great ways to begin.

Working with the Georgia Legislature

Georgia has developed a reputation for being a [business-friendly state](#). Tax breaks and other economic incentives drive industrial development to rural and urban areas alike. As such, cumulative impact legislation in Georgia has the potential to affect both rural and urban areas, albeit in different ways. [Atlanta's staggering growth](#) since 2000 means that industrial developments in the Atlanta area receive less public attention altogether. Urban landscapes change all the time, and jobs constantly flow in and out of a city. The economic benefit of an industrial development in an urban area might be less important to residents than its potential to pollute harmful chemicals and toxins or prevent another business from moving in. In contrast, the national trend of urbanization puts rural areas under constant pressure. While rural areas in Georgia perform better than other states in the southeast, the promise of new jobs for a small town is always enticing. This extends beyond those who stand to gain employment – new jobs can attract newcomers who will in turn spend more in the local economy and increase property values for those who already own land in the area. Rural legislators and Economic Development Authorities don't want to appear anti-business, and citizens are aware of the potential economic benefits. Nonetheless, [residents in rural Georgia have fought developments](#) that promise jobs but also bring negative environmental and public health issues.

Despite different priorities, it is crucial that rural and urban legislators work together to build a coalition that supports cumulative impact legislation. Since Georgia is a business-friendly state, advocates who lobby legislators should emphasize the economic costs of avoiding addressing cumulative impacts. All the while, holding community-centered events in rural areas to hear from residents about their experiences with environmental burdens is crucial to forming good policy that draws on lived experience. We recommend that advocates begin by looking at legislators and

residents in Georgia's officially designated [StrikeForce](#) counties. These counties are the most vulnerable to disproportionate environmental burdens. Their legislators may be more receptive to hearing the case for cumulative impact legislation, especially as it comes from their constituents. The StrikeForce designation also compels external entities to research the exact vulnerabilities of such counties, and more information on their environmental burden is [available](#).

The Unique Circumstance of Economic Development Authorities

Georgia is a home rule state, meaning the state government grants significant autonomy to local governments. As a result, economic development is hyper-localized – local bodies have more power in dictating development than in other states. The bodies that manage this development are called Economic Development Authorities (EDAs). Officially chartered by a local government, they promote the development of trade, commerce, and industry in their respective county or city. To do so, they can buy property, borrow money, issue bonds or loans, and provide tax credits for job creation. Estimates vary on the number of EDAs in Georgia, as a [Senate Study Committee](#) reported 575 while the [Department of Audits and Accounts](#) found 487. Oversight of the EDAs in Georgia is lacking; there isn't even a definitive count of the number of EDAs in Georgia. The Department of Community Affairs (DCA) is the reporting agency for every EDA, and while EDAs are required to submit annual reports to the DCA, it has no enforcement or tracking mechanism to make these reports are submitted. This lack of oversight from the DCA on EDAs creates a lack of public transparency.

Transparency is especially important because Economic Development Authorities can influence the type of economic development that comes into their jurisdiction. While they don't have the power to outright approve or reject certain business developments, they can provide significant incentives for new projects such as bonds or tax breaks. This is where most community tension arises, as an EDA promises a public bond for development, yet the community, who will ultimately bear the cost, has no knowledge of the economic or environmental viability of a project. Additionally, the [Department of Audits and Accounts report](#) found that EDA members are not trained on existing state regulations, and thus, often make promises that are not legal, triggering a cascade of lawsuits.

EDAs wield tremendous economic influence and are another avenue to increase transparency around the burden of new developments. They could be a vehicle to promote transparency, cumulative impact analysis, and even Community Benefit Plans for certain developments. For example, a tax abatement to a new industrial development could include a contractually binding community benefit plan with specific environmental benchmarks they must meet. EDAs and community governments could outright require public transparency, cumulative impact analyses, and community benefit plans for developments that require a permit from Georgia's Environmental Protection Division.

Making cumulative impact analyses widespread among Economic Development Authorities is a gargantuan task. There are hundreds of EDAs throughout the state, their transparency is limited, and regulation is taboo among General Assembly Members. In 2022 a [State Senate Study Committee on Economic Development Authorities recommended a number of changes](#) for EDAs, but these recommendations have not gained traction. These recommendations included:

- Legislation to provide for additional training for EDA board members and directors.
- Legislation requiring EDAs to maintain in-term membership to their boards through a limit to hold-over voting eligibility to within six months of a sitting member's term expiration.
- Legislation to cure contractor liability exposure for EDA agreements.
- Conduct a performance audit of EDAs to update the audit from 2013.
- Request the Georgia Economic Development Association to develop and implement a best practices list for EDAs to adopt.
- Legislation to allow local governments to pass legislation more clearly defining overlapping jurisdictions of EDAs to minimize conflict.

We have previously discussed how public transparency is crucial in cumulative impact legislation, and working through EDAs, while politically difficult, has great promise when considering needs are best considered at a local level. EDA board members live and work in the area they represent. They know their community and possess the resources to properly engage community members on what cumulative impact analyses and community benefit plans should look like. However, in practice, they typically focus their external communications on attracting business developers to invest in their community rather than discussing the community's needs with locals.

There are two ways to enact transparent local processes in Georgia – either through oversight from the Department of Community Affairs or through self-initiated reform from Economic Development Authorities. The former requires dramatic build up and regulatory muscle for the DCA. Currently, it does not have the bandwidth to require or enforce more transparency from each development authority. The sheer number of EDAs makes it difficult to meaningfully evaluate each and/or enforce regulations. The latter requires community organizations to incessantly lobby local governments and EDAs to get a seat at the decision-making table. Leaders from these organizations could lobby to be appointed to the EDA boards themselves and influence change from within. Board member selection is opaque and varies among authorities, but there are avenues for community-minded individuals to get involved.

To incentivize EDA reform, the Georgia legislature could expand the DCA or shift oversight to another department with more bureaucratic muscle. It could start by requiring all EDA members to receive training on existing environmental, tax, and business regulations in the state. The designated EDA overseer could provide an office of council to advise local EDAs about the legality and feasibility of specific proposed projects. Regardless, regulations should revolve around

disclosure, public transparency, and public engagement. For EDAs to access state benefits, they must do better in demonstrating how they work for the public good.

Conclusion

Cumulative impact assessments are crucial to fully understanding histories of environmental burdens that marginalized communities bear to this day. While eight states have initiated statewide reform through their respective legislative processes, Georgia's home-rule system, including the power of Economic Development Authorities offers both obstacle and opportunity. Across the state, a lack of transparency plagues economic development. Communities often have little knowledge about new proposed projects, and they hold little sway in the decision-making process for whether a development is permitted. They should have a stake in deciding on the balance between the perceived economic benefit and environmental cost. Other states have offered a blueprint on all the aspects of cumulative impact analysis including who should manage the process, what should be regulated, when and where it is needed, how it should be calculated, and what the ultimate results should be. Publicly accessible and easy-to-use mapping systems in each state that have a cumulative impact law increase transparency and makes cumulative impact easy to understand. This transparency provides mechanisms that empower communities to become an active part of the process. If Georgia can improve its bureaucratic processes, action will self-initiate. Advocating for increasing transparency in and outside of the government may make cumulative impact legislation a reality in Georgia. Passing cumulative impact legislation would signal that Georgia is invested in long-term, sustainable solutions that prioritize community well-being.

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