

**U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)**  
**NATIONAL ENVIRONMENT JUSTICE ADVISORY COUNCIL (NEJAC)**

**VIRTUAL PUBLIC MEETING**

**Washington, District of Columbia**

**AUGUST 18 - 19, 2021**

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## ATTENDEES LIST

SPEAKERS AND FACILITATORS	
FRED JENKINS, PhD	DESIGNATED FEDERAL OFFICER (DFO) ENVIRONMENTAL PROTECTION AGENCY (EPA)
MATTHEW TEJADA, PhD	DIRECTOR, U.S. EPA OFFICE OF ENVIRONMENTAL JUSTICE
SYLVIA ORDUÑO	NEJAC CHAIR MICHIGAN WELFARE RIGHTS ORGANIZATION
NA'TAKI OSBORNE JELKS, PhD	NEJAC VICE CHAIR WEST ATLANTA WATERSHED ALLIANCE AND PROCTOR CREEK STEWARDSHIP COUNCIL
MICHAEL TILCHIN	NEJAC VICE CHAIR JACOBS ENGINEERING
KURD ALI	ENDYNA
JANET MCCABE	DEPUTY ADMINISTRATOR U.S EPA
RADHIKA FOX	PRINCIPAL DEPUTY ASSISTANT ADMINISTRATOR FOR WATER (EPA)
MARIANNE ENGELMAN-LADO	DEPUTY GENERAL COUNSEL FOR ENVIRONMENTAL INITIATIVES (EPA)
MICHAL FREEDHOFF, PhD	ASSISTANT ADMINISTRATOR FOR THE OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION (EPA)
JOSEPH GOFFMAN	ASSISTANT ADMINISTRATOR FOR THE OFFICE OF AIR AND RADIATION (EPA)
CHRISTOPHER FREY, PhD	DEPUTY ASSISTANT ADMINISTRATOR FOR SCIENCE POLICY IN THE OFFICE OF RESEARCH AND DEVELOPMENT (EPA)
CARLTON WATERHOUSE, PhD	DEPUTY ASSISTANT ADMINISTRATOR FOR OFFICE OF LAND AND EMERGENCY MANAGEMENT (EPA)
VICKI ARROYO	ASSOCIATE ADMINISTRATOR OF THE OFFICE OF POLICY (EPA)
LARRY STARFIELD	ACTING ASSISTANT ADMINISTRATOR FOR THE OFFICE ENFORCEMENT AND COMPLIANCE ASSURANCE (EPA)
SHEILA LEWIS	DEPUTY DIRECTOR, OFFICE OF ENVIRONMENTAL JUSTICE

	U.S.EPA
KAREN MARTIN	WHEJAC member and former NEJAC DFO
<b>NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL (NEJAC) MEMBER CHAIRS</b>	
SYLVIA ORDUÑO	NEJAC MEMBER CHAIR <i>Michigan Welfare Rights Organization</i>
NA'TAKI OSBORNE JELKS, PhD	NEJAC MEMBER VICE-CHAIR <i>West Atlanta Watershed Alliance and Proctor Creek Stewardship Council</i>
MICHAEL TILCHIN	NEJAC MEMBER - VICE-CHAIR <i>Jacobs Engineering</i>
<b>ACADEMIA (5) NEJAC MEMBERS</b>	
APRIL BAPTISTE, PhD	NEJAC MEMBER <i>Colgate University</i>
JAN FRITZ, PhD, C.C.S.	NEJAC MEMBER <i>University of Johannesburg and University of South Florida</i>
BENJAMIN J. PAULI, PhD	NEJAC MEMBER <i>Kettering University</i>
SANDRA WHITEHEAD, PhD	NEJAC MEMBER <i>George Washington University</i>
SACOBY WILSON, PhD	NEJAC MEMBER <i>University of Maryland</i>
<b>COMMUNITY BASED ORGANIZATION (3)</b>	
CEMELLI DE AZTLAN	NEJAC MEMBER <i>La Mujer Obrera</i>
RICHARD MOORE	NEJAC MEMBER <i>Los Jardine Institute</i>
CHERYL JOHNSON	NEJAC MEMBER <i>People for Community Recovery</i>
<b>NONGOVERNMENTAL/ENVIRONMENTAL GROUP (5)</b>	
RITA HARRIS	NEJAC MEMBER <i>Sierra Club</i>
AYAKO NAGANO, JD	NEJAC MEMBER <i>Common Vision</i>
JEREMY F. ORR, JD	NEJAC MEMBER <i>Natural Resources Defense Fund</i>
JACQUELINE SHIRLEY	NEJAC MEMBER <i>Rural Community Assistance Corporation</i>

HERMILIA “MILY” TREVINO-SAUCEDA	NEJAC MEMBER <i>Alianza Nacional De Campesinas</i>
TRIBAL/INDIGENOUS GOVERNMENTS AND ORGANIZATIONS (3)	
JOHN DOYLE	NEJAC MEMBER <i>Little Big Horn College</i>
KELLY C. WRIGHT	NEJAC MEMBER <i>Shoshone-Bannock Tribes</i>
JOY BRITT	NEJAC MEMBER <i>Alaska Native Tribal Health Consortium</i>
STATE/LOCAL GOVERNMENT (4)	
MELISSA MCGEE-COLLIER	NEJAC MEMBER <i>Mississippi Department of Environmental Quality</i>
MILLICENT PIAZZA	NEJAC MEMBER <i>Washington State Department of Ecology</i>
DENNIS RANDOLPH	NEJAC MEMBER <i>City of Kalamazoo</i>
KAREN SPRAYBERRY	NEJAC MEMBER <i>South Carolina Department of Health and Environmental Control</i>

# AGENDA



**FINAL AGENDA  
UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY  
NATIONAL ENVIRONMENTAL JUSTICE  
ADVISORY COUNCIL  
FULLY VIRTUAL PUBLIC MEETING  
AUGUST 18-19, 2021  
3:00 P.M. – 7:30 P.M. EDT DAILY**

<b>DAY 1: WEDNESDAY AUGUST 18, 2021</b>	
3:00 pm – 3:05 pm	<b>WELCOME, INTRODUCTIONS, &amp; OPENING REMARKS</b> <ul style="list-style-type: none"><li>o Fred Jenkins Jr., PhD, Designated Federal Officer – U.S. EPA</li><li>o Matthew Tejada, PhD, Director, Office of Environmental Justice – U.S. EPA</li><li>o Sylvia Orduño, National Environmental Justice Advisory Council Chair – Michigan Welfare Rights Organization</li><li>o Na'Taki Osborne Jelks, PhD, National Environmental Justice Advisory Council Vice Chair – West Atlanta Watershed Alliance and Proctor Creek Stewardship Council</li><li>o Michael Tilchin, National Environmental Justice Advisory Council Vice Chair – Jacobs Engineering</li></ul>
3:05 pm – 3:35 pm	<b>WELCOME, EPA UPDATES, &amp; DIALOGUE</b> <ul style="list-style-type: none"><li>o Matthew Tejada, PhD, Office of Environmental Justice – U.S. EPA</li><li>o Janet McCabe, Deputy Administrator – U.S. EPA</li></ul>
3:35 pm – 5:25 pm	<b>EPA Leadership (AA) Remarks to “NEJAC’s 100 Days Letter”</b>
5:25 pm – 6:25 pm	<b>Office of Environmental Justice- Additional Updates on Agency EJ Activities</b> <ul style="list-style-type: none"><li>o Matthew Tejada, PhD, Director, Office of Environmental Justice – U.S. EPA</li><li>o Sheila Lewis, Deputy Director, Office of Environmental Justice- U.S.EPA</li></ul>
6:25 pm -6:40 pm	<b>Break</b>
6:40 PM – 7:55 PM	<b>PUBLIC COMMENT PERIOD</b>

	Members of the public will be given three (3) minutes to present comments on their issue or concern to the NEJAC.
7:55 PM - 8:00 PM	<b>CLOSING REMARKS &amp; ADJOURN</b>
<b>DAY 2: THURSDAY AUGUST 19, 2021</b>	
3:00 pm – 3:15 pm	<b>WELCOME, INTRODUCTIONS, &amp; DAY 1 RECAP &amp; OPENING REMARKS</b> <ul style="list-style-type: none"> <li>○ <b>Fred Jenkins Jr., PhD, Designated Federal Officer – U.S. EPA</b></li> <li>○ <b>Matthew Tejada, PhD, Director, Office of Environmental Justice – U.S. EPA</b></li> <li>○ <b>Sylvia Orduño, National Environmental Justice Advisory Council Chair – Michigan Welfare Rights Organization</b></li> <li>○ <b>Na'Taki Osborne Jelks, PhD, National Environmental Justice Advisory Council Vice Chair – West Atlanta Watershed Alliance and Proctor Creek Stewardship Council</b></li> <li>○ <b>Michael Tilchin, National Environmental Justice Advisory Council Vice Chair – Jacobs Engineering</b></li> </ul>
3:15 pm – 4:00 pm	<b>NEJAC WORKGROUP UPDATES</b> <ul style="list-style-type: none"> <li>○ <b>Community Air Quality Workgroup</b></li> <li>○ <b>Farm Worker and Pesticides Workgroup</b></li> <li>○ <b>Financial and Investment (Justice40)</b></li> <li>○ <b>NEPA</b></li> <li>○ <b>PFAS/PFOA/ PFOS</b></li> <li>○ <b>Water Infrastructure</b></li> </ul>
4:00 pm – 4:45 PM	<b>HONORS COMMEMORATIONS &amp; REMARKS FOR DEPARTING NEJAC MEMBERS</b> <ul style="list-style-type: none"> <li>○ <b>Matthew Tejada, PhD, Director, Office of Environmental Justice – U.S. EPA</b></li> <li>○ <b>Sylvia Orduño, National Environmental Justice Advisory Council Chair – Michigan Welfare Rights Organization</b></li> </ul>



4:45 PM – 5:00 PM	<b>BREAK</b>
5:00 PM – 6:25 PM	<p><b>NEJAC BUSINESS MEETING REFLECTION AND DISCUSSION MOVING FORWARD INCLUDING:</b></p> <ul style="list-style-type: none"> <li>○ <b>NEJAC discussion on efficient coordination with EPA Program Offices</b></li> <li>○ <b>Future of EPA EJ Grant Program</b></li> <li>○ <b>NEJAC discussion on OEJ becoming a National Program Office</b></li> </ul>
6:25 PM – 6:30 PM	<p><b>CLOSING REMARKS &amp; ADJOURN</b></p> <ul style="list-style-type: none"> <li>○ <b>Fred Jenkins Jr., PhD, <i>Designated Federal Officer – U.S. EPA</i></b></li> <li>○ <b>Sylvia Orduño, <i>National Environmental Justice Advisory Council Chair – Michigan Welfare Rights Organization</i></b></li> </ul>
<p><b>Note:</b> Please be advised that agenda times are approximate; when the discussion for one topic is completed, discussions for the next topic will begin. For further information, please contact the Designated Federal Officer for this meeting, Fred Jenkins Jr., PhD, at <a href="mailto:jenkins.fred@epa.gov">jenkins.fred@epa.gov</a>.</p>	

## PREFACE

The National Environmental Justice Advisory Council (NEJAC) is a federal advisory committee that was established by charter on September 30, 1993, to provide independent advice, consultation, and recommendations to the Administrator of the U.S. Environmental Protection Agency (EPA) on matters related to environmental justice.

As a federal advisory committee, NEJAC is governed by the Federal Advisory Committee Act (FACA) enacted on October 6, 1972. FACA provisions include the following requirements:

- Members must be selected and appointed by EPA.
- Members must attend and participate fully in meetings.
- Meetings must be open to the public, except as specified by the EPA Administrator.
- All meetings must be announced in the Federal Register.
- Public participation must be allowed at all public meetings.
- The public must be provided access to materials distributed during the meeting.
- Meeting minutes must be kept and made available to the public.
- A designated federal official (DFO) must be present at all meetings.
- The advisory committee must provide independent judgment that is not influenced by special interest groups.

EPA's Office of Environmental Justice (OEJ) maintains summary reports of all NEJAC meetings, which are available on the NEJAC web site at <https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council-meetings>. Copies of materials distributed during NEJAC meetings are also available to the public upon request. Comments or questions can be directed via e-mail to [NEJAC@epa.gov](mailto:NEJAC@epa.gov).

**NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL**  
**VIRTUAL PUBLIC MEETING**  
**AUGUST 18, 2021**

**MEETING SUMMARY**

The National Environmental Justice Advisory Council convened via Zoom meeting on Wednesday, August 18, 2021. This summary covers NEJAC members' deliberations during the meeting and the discussions during the public comment period.

**WELCOME, INTRODUCTIONS, & OPENING REMARKS**

**Dr. Matthew Tejada**, Office Director, Office of Environmental Justice (OEJ), welcomed everyone to the meeting and thanked them for joining today's National Environmental Justice Advisory Council, NEJAC, meeting. He announced that all meeting attendees are in listen and view only mode and only preregistered participants will be heard during the public comment period. He had those instructions interpreted in Spanish and Navajo. He then turned the meeting over to Dr. Fred Jenkins, the Designated Federal Officer (DFO) for NEJAC, U.S. Environmental Protection Agency (EPA).

**Dr. Fred Jenkins**, Designated Federal Officer (DFO) for NEJAC, U.S. Environmental Protection Agency (EPA), thanked everyone for tuning into the meeting. He then proceeded to go over a few administrative points before beginning the meeting. He then turned the meeting back to Mr. Tejada.

**Dr. Matthew Tejada**, OEJ, introduced Ms. Silvia Orduño, NEJAC Chair,

**Ms. Sylvia Orduño**, NEJAC Chair, **introduced herself, and she ask each of the NEJAC members to introduce themselves.**

## WELCOME, EPA UPDATES, & DIALOGUE

**Dr. Matthew Tejada**, OEJ, introduced Ms. Janet McCabe, Deputy Administrator (EPA).

**Ms. Janet McCabe**, Deputy Administrator (EPA), thanked the NEJAC for giving her the opportunity to speak on behalf of the Biden-Harris administration and for Administrator Regan, whose travel schedule had taken him to the west coast which why he was unable to attend this NEJAC's meeting.

She relayed that Administrator Regan had made it clear to all that environmental justice will be a central and driving principle in the work they do to implement our nation's laws to protect human health and the environment. She personally shared the administrator's focus on this issue and his appreciation for the work that everyone has been carrying forward.

She remarked that next year, 2022, will mark three decades of advancing environmental justice and working across the country's environment and public health protection efforts to explicitly address environmental justice as a critical part of the mission. She stated that we could not have reached 30 years without the NEJAC and without the Board's commitment to uplifting the voices of communities who have, for far too long, been left out of the conversation.

She acknowledged that EPA has not done nearly enough. She noted that systemic racism in this country has left too many communities with a great share of environmental burden than what is fair, equitable, or just. In too many cities, towns, and rural areas across this country, people are exposed to toxic pollution in their air and their drinking water on the land where they live, work, play, and pray because of their ZIP code, the color of their skin or how much money they make or education they have. She said that many of the Board members have been working on these issues far longer than she had. She acknowledged their significant hard work on these issues. She stated that in her decades in state and federal government and, more recently, in academia, she had felt frustrated at how long it was taking to bring real change. Many of the steps that are taken in government involve changing institutional processes, advocating for more resources focused on communities that have been neglected, and exploring legal authorities to address injustices in different ways.

She stated that some progress was made during the Obama administration, but not nearly enough. The Biden-Harris administration has made it crystal clear that this administration is committed to lead forward and put equity at the top of the list for the federal government to consider in everything it does. That's the charge that EPA has been given by Administrator Regan, together, to fulfill the responsibility to empower the communities who are on the frontlines of pollution, who suffer disproportionately from the impacts of so many environmental changes.

She noted that all of EPA's leadership team were here to respond to the letter that the NEJAC sent to Administrator Regan shortly after the 100th day of this administration and that they want to talk to the NEJAC about moving forward. The voices and the advice in the NEJAC's letter that were provided are critical to ensuring that all communities are empowered and don't just have a seat at the table as we work to fulfill our missions, but that EPA takes the message of your voices and the realities of the communities and make them central considerations as they decide policies, allocate resources, and prioritize their actions. She explained that this is exactly why the NEJAC was created and why EPA's relationship has been so important over the past nearly-30 years.

She recalled that when she met with NEJAC in their May 6, 2021, public meeting, she noted that the NEJAC has provided the Agency with nearly 60 formal reports and almost 1,000 recommendations. The advice has influenced every program area and has a personal impact on her decisions when she was in EPA's Air office. She stated that to say the input is important to this Agency would be an understatement.

She noted that on behalf of Administrator Regan and herself, she wanted to thank them all for their input and for giving the EPA the opportunity to respond. The NEJAC's letter outlines these incredibly pressing issues. She stated that today, EPA's goal is to share their response to these important items. She also noted that, while they look forward to engaging with the NEJAC today on the issues raised in the letter, they will also follow up with a substantive written response to the NEJAC in September to memorialize this conversation and the status of EPA's efforts.

Before going into a more detailed response to the letter, she wanted to highlight the following recent important updates. EPA is working under the leadership of the Council on Environmental Quality (CEQ) and Office of Management and Budget (OMB) on the implementation of the Justice40 Initiative, guidance for which was received on July 20th from OMB. She stated that the first phase of implementation of Justice40 focuses on community, partner, and stakeholder engagement, and that the Office of Environmental Justice is currently leading efforts across EPA to develop their engagement plan. She articulated that NEJAC's involvement, advice, and recommendations will be critical as they move forward.

She emphasized that this is a whole new thing for EPA, so advice is needed. She was so happy that the drinking and clean water state revolving funds have been identified as among the Justice40 pilots. They will have early experience making these commitments real in communities across the country. She stated that EPA is actively supporting CEQ as they provide support for the White House Environmental Justice Interagency Council and the White House Environmental Justice Advisory Council.

She recalled that earlier this summer, they announced EPA's priorities for expenditure of the American Rescue Plan \$100 million, including \$50 million specifically for environmental justice priorities. She understood that Matt Tejada and Deputy Director Sheila Lewis will be joining later in this meeting to provide more information regarding this program, as well as to engage with discussions about the future of the EJ grant activities and other EJ program priorities. She stated that the president's budget for fiscal year 2022 had requested an almost 2-order of magnitude increase for environmental justice funding at EPA. She said that most of this funding will go to critical program areas, such as cleaning up contaminated sites, water infrastructure needs, and support for enforcement to focus on EJ priorities.

She explained that the budget also requested a huge new investment in the environmental justice program, including historic levels of support for environmental justice grants, more resources to engage and assist communities, and support for more advanced data and real-time information tools. She added that the president's budget also contains a request for a historic elevation of the Office of Environmental Justice into a full-fledged national program. She stated that it's fitting that this request could potentially become a reality in the same year that they commemorate

three decades of advancing environmental justice in EPA. They began this journey due to the advocacy and activism of communities and leaders across the US. The voices are what continue to propel them forward on their journey towards justice. She stated that as a critical form for elevating these voices, she knew the NEJAC is excited to dive into discussions on these developments over the next two days. She added that as they anxiously await the approval of the budget from Congress., today's meeting is just the starting point of those discussions. She wanted to mention a couple of other ways the Agency has stepped forward since the beginning of the Biden administration.

She explained that Administrator Regan has directed offices to take specific actions to ensure that environmental justice is incorporated across the Agency's work. That includes strengthening enforcement of environmental laws -- and there have been policy memos issued by that office on this issue -- increasing engagement and building environmental justice consideration into our regulations. She said that Administrator Regan wrote to Chicago Mayor Lightfoot several months ago recommending a pause in the permitting of a scrap metal facility being relocated from a more affluent, predominantly white community in Chicago to a lower-income, already environmentally burden, primarily Latino and Black community on the southeast side until an environmental justice analysis, such as a health and practice assessment, could be completed. She noted that Mayor Lightfoot agreed with that. Administrator Regan had issued an order to the Limetree Bay Refinery in St. Croix, US Virgin Islands, directing it to cease its operations after a number of incidents resulted in pollution released to the nearby environmental justice community, sickening many residents there. She added that the EPA has initiated a comprehensive review of its Title VI enforcement program.

She explained that these are initial, first-step actions that this administration has taken, but it demonstrates a commitment by this administrator to be bold and show leadership on these issues. She thinks all of these steps that she had just outlined represent progress, not fast enough -- never fast enough -- and an intention to environmental justice issues that have been lacking over the last two years. She stated that she knows that a critical step in rebuilding trust and making real progress is improved communication and coordination with NEJAC and also doing the real things in real life. The EPA intends to do that. She stated that she wanted to thank them for raising the issue of communication coordination in your 100 Day Letter and took a few

minutes to respond directly on this point.

She stated that a lot of the other EPA leaders will address other specific points. EPA senior leadership, including herself and Administrator Regan, are committed to enhancing their coordination. The EPA has a lot of ground to make up, but they have a president and an administrator who have both pledged to prioritize environmental justice and put a whole of government behind advancing a systematic approach to racial justice, civil rights, and equal opportunity.

She stated that Administrator Regan has said that considering EJ will become part of our DNA here in EPA, and their partnership and coordination with the NEJAC and their commitment to provide firsthand information on the issues the communities across the country are facing will serve as one measure of transparency and accountability for their commitments. She also believes that NEJAC deserve responses to their input and questions, even if they may not always agree. She noted that it starts today by bringing the EPA national program leadership to this meeting to speak with them and to take their questions. She recognized that the EPA appreciates that NEJAC is an all-volunteer all representative member Federal Advisory Committee , and, if the NEJAC can commit so much of their time to this forum, than EPA leadership can and should do the same.

She reiterated that, in this administration, the NEJAC will have consistent senior leadership engagement at their public meetings. She said she also understood that the NEJAC has initiated a number of working groups to focus on urgent issues. These working groups will provide an excellent opportunity for more regular, in-depth engagement between NEJAC members and program leadership and staff in the coming months. The EPA looks forward to hearing about the progress to date and then report outs tomorrow any final recommendations and advice that these working groups present for consideration to the full NEJAC body.

She recalled that when she spoke with them this spring, their advice and recommendations are a critical part of the foundation for all of their work at EPA. She committed to them that, in this administration, their written advice and recommendations will receive prompt, written acknowledgment followed by engagement directly with the NEJAC by relevant leadership and



programs. After both this engagement and also for the opportunity for EPA to fully consider and reflect on NEJAC's advice, they will provide and fulsome, written response with substance and feedback. Before she closed and handed it over to her colleagues, she wanted to know that they've also heard their request that EPA will improve their coordination between the NEJAC and the White House Environmental Justice Advisory Council. She stated that both EPA and CEQ support this request and, OEJ is responsible for supporting both organizations. She said she's hopeful that this coordination will get underway very soon, and it will continue and grow over time.

Lastly, she wanted to close by recognizing a couple of members of the Council who are joining the meeting today for their final meeting as NEJAC members. She said she knew a great part of their years of service likely did not play out as they had originally envisioned, especially with the onset of the pandemic curtailing the vital opportunity for them to engage together in person and with communities across the US and with us at EPA.

She said that EPA wants to thank everyone for everything that they've done. They're incredibly grateful that, regardless of challenges or changing context, the NEJAC has always maintained an unwavering commitment to speaking powerfully about environmental justice in our nation and the responsibility of EPA to live up to our words and mission. She said that, although these are challenging times, she hoped that, as their service ends, they take great pride in the fact that they rose to every challenge; they stuck it out through some pretty dark times and helped to maintain the NEJAC's relevance, voice, and integrity. She recognized the departing NEJAC members, Sacoby Wilson, Cheryl Johnson, Richard Moore, Mily Treviño-Sauceda, Melissa McGee-Collier, Dennis Randolph, and Kelly Wright. She thanked them all again. She turned it back to Matt for a few questions.

# NEJAC'S 100 DAYS LETTER



## NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

### Members:

Sylvia Marie Orduño, Chair

Na'Taki Osborne Jelks,  
Vice-Chair

Michael Tüchín  
Vice-Chair

April Baptiste, PhD

Joy Britt

Cemelli de Aztlan

John Doyle

Jabari O. Edwards

Jan Fritz, PhD

Venu Ghanta

Rita Harris

Cheryl Johnson

Virginia King

Mildred McClain, PhD

Melissa McGee-Collier

Richard Moore

Ayako Nagano, Esq

Jeremy F. Orr, Esq

Benjamin Pauli, PhD

Millie Piazza, PhD

Dennis Randolph

Jerome Shabazz

Jacqueline Shirley

Karen Sprayberry

Pamela Talley

Hermila Trevino-Sauceda

Sandra Whitehead, PhD

Sacoby Wilson, PhD

Kelly C. Wright

Karen L. Martin,  
Designated Federal Officer

July 12, 2021

Administrator Michael Regan  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

**Subject:** The National Environmental Justice Advisory Council's Recommendations and Calls to Action

Dear Administrator Regan:

The National Environmental Justice Advisory Council (NEJAC) has provided service and insight to the EPA Administrator since NEJAC's establishment in 1993. NEJAC's mission is to provide independent advice to the EPA Administrator on broad, cross-cutting issues related to environmental justice, and impart a holistic awareness of the impacts that environmental regulations have on the residents of the United States, particularly among the nation's most vulnerable populations. By its charter, the NEJAC represents community organizations, non-governmental organizations, academia, indigenous peoples and tribal governments, state and local governments, and business and industry. Through providing the EPA administrators with advice and recommendations on issues of environmental justice, the NEJAC offers voices from frontline communities experiencing environmental injustice, ranging from the Black Belt of Alabama to the native villages of Alaska, and from the hills of Appalachia to the deserts of the Southwest.

As a multi-stakeholder advisory Council, the NEJAC's five (5) primary objectives are to:

1. Integrate environmental justice considerations into Agency programs, policies, and activities.
2. Improve the environment and public health in communities disproportionately burdened by environmental harms and risks.
3. Address environmental justice by ensuring meaningful involvement<sup>1</sup> in EPA decision-making, building capacity in disproportionately burdened communities, and promoting collaborative problem-solving for issues involving environmental justice.

<sup>1</sup> Meaningful Involvement: People have an opportunity to participate in decisions about activities that may affect their environment and/or health; The public's contribution can influence the regulatory agency's decision; Community concerns will be considered in the decision-making process; Decision makers will seek out and facilitate the involvement of those potentially affected.

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4. Strengthen its partnerships with other governmental agencies, such as other Federal agencies and State, Tribal, or local governments, regarding environmental justice issues.
5. Enhance research and assessment approaches related to environmental justice.

We take seriously these responsibilities and accept our federal advisory role in the EPA with integrity and pride. Your firm commitment to environmental justice priorities offers a much needed and appreciated return to addressing disproportionate and cumulative health impacts in affected communities. The NEJAC is greatly encouraged by the commitments you are making to embrace its objectives as front and center in EPA's agenda, i.e., "a central driving factor" in all that EPA does, and we are prepared to help your Administration make that commitment a reality.

We submit this letter shortly after the milestone of your first one-hundred (100) days as the EPA Administrator, and seek your response to several matters of importance, as indicated in three (3) sections of this letter: (I) Unanswered or inadequate responses from the previous Administration to the NEJAC's letters and reports from 2017-2020; (II) Communication and coordination improvements between the NEJAC and EPA leadership; and (III) A recommendation and request regarding collaboration between the NEJAC and the White House Environmental Justice Advisory Council (WHEJAC). Across them you will find specific concerns, updates, and recommendations from the Council as you set forth your Administration's priorities and practices.

We want to assure the EPA that the Council is resolute in making sure that the cumulative health impacts, safety, and welfare of our people, especially communities of color, are addressed by your Administration. In addition, we want to make certain the EPA is focused on conserving and improving the environment through focused research, proper monitoring, and responsible regulation. The NEJAC conveys these matters to you with meaningful purpose and, in kind, expects a meaningful response from your Administration.

Finally, as previously mentioned, the NEJAC work groups are currently researching and consulting on several priority issues that impact environmental justice communities and reflect and incorporate input from dozens of public comments. These priorities reflect nearly three (3) years of extensive public engagement and discussions. We expect to provide updated reports and recommendations from the following six (6) work groups at the NEJAC's August 18-19, 2021, public meeting:

1. Farmworker Concerns and Pesticides
2. PFAS/PFOA Issues
3. Water Infrastructure Charge Update (to include water equity and quantity)
4. NEPA Roll Backs
5. Community Air Quality

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## 6. Finance/Justice40

The NEJAC truly appreciates your openness and responsiveness to the issues and concerns we raise, and we look forward to meaningful engagement with your Administration. Please know that we are actively engaged in improving stakeholder education on environmental justice across public and private sectors in support of your objectives. Alongside our colleagues in the Office of Environmental Justice and in the WHEJAC, we are honored to provide leadership and service to the EPA to address environmental priorities and the needs of impacted residents throughout our national, tribal, and territorial communities.

### THE NEJAC'S REQUESTS TO THE ADMINISTRATOR

As the EPA moves forward with a host of important and timely measures to enact the current Administration's initiatives and priorities, the NEJAC believes it is important to bring your attention to some outstanding matters of concern. First and foremost are eleven (11) public letters and three (3) reports that the Council submitted to previous EPA Administrators from 2017 to 2020, plus one (1) report submitted in May 2021. They underscore important environmental justice concerns about EPA and federal changes to environmental protections, including: Toxicants and chemical policy rollbacks; Safe Drinking Water Act (SDWA) and Clean Water Act (CWA) violations; failed worker protections; inadequate youth engagement; deficient data mapping; the NEJAC's 2019 Water Infrastructure Report in response to the Office of Water's 2016 charge to the NEJAC; and the 2018 Report: Youth Perspectives on Climate Change. A summary of the communication is listed below in **Section I**, which the NEJAC is requesting that the EPA Administrator review and provide a response. **Section II** provides a set of NEJAC's requests to the EPA Administrator to improve the communication, coordination, and collaboration between the work of the Council and across the offices of the EPA. The letter concludes with a request in **Section III** to the Administrator for approval to collaborate with the WHEJAC on environmental justice initiatives.

Finally, we understand there are initiatives underway throughout the current EPA Administration that respond to the issues communicated in these three sections. The Council is eager to learn about them as we continue to engage across the Agency and look forward to your timely written responses.

#### **Section I: Unanswered or inadequate responses from the previous Administration to the NEJAC's letters and reports from 2017-2020**

Coordinated with NEJAC's ongoing work on priority issues, NEJAC's body of recent work includes eleven (11) NEJAC recommendation letters and four (4) reports submitted to the EPA Administration dated from July 2017 to May 2021. In most

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cases, NEJAC received inadequate responses, or no response to these charges and letters. We request your review of these prior submittals from NEJAC, and provide NEJAC status updates, Agency positions, and Agency actions you will take in response to these issue letters and the recommendations those letters contain. Brief summaries of the recommendation letters are included below, along with links to each letter or report.

1. July 31, 2017 - Letter to Administrator Scott Pruitt re: Flint, Michigan Drinking Water Contamination.
2. July 31, 2017 - Letter to Administrator Scott Pruitt re: Title VI of the Civil Rights Act of 1964.
3. July 31, 2017 - Letter to Administrator Scott Pruitt re: Address Toxic Exposures Found at Discount Retail Stores.
4. July 31, 2017 - Letter to Administrator Scott Pruitt re: Worker Protection Standard Regulation to Protect Farmworkers and Their Families from Toxic Pesticides.
5. September 29, 2017 - Report to Administrator Scott Pruitt re: Recommendations and Guidance for EPA to Develop Monitoring Programs in Communities
6. July 31, 2018 - Report to Acting Administrator Andrew Wheeler re: Best Practices for Youth Engagement and Addressing Health Impacts of Climate Change.
7. December 18, 2018 - Letter to Acting Administrator Andrew Wheeler re: Halting Efforts to Rescind Portions of the Agricultural Worker Protection Standard and the Certification of Pesticide Applicators Rule.
8. March 1, 2019 - Report to Administrator Andrew Wheeler re: EPA's Role in Addressing the Urgent Water Infrastructure Needs of Environmental Justice Communities.
9. May 3, 2019 - Letter to Administrator Andrew Wheeler re: Recommendation to Preserve the Chemical Disaster Safety Rule.
10. May 3, 2019 - Letter to Administrator Andrew Wheeler re: Recommendation to Regulate Ethylene Oxide to Protect Public Health and to use the Findings and Conclusions of the EPA Integrated Risk

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Information System Chemical Assessments in Regulatory Determinations.

11. August 14, 2019 - Letter to Administrator Andrew Wheeler re: Recommendations to Strengthen the PFAS Action Plan.
12. August 14, 2019 - Letter to Administrator Andrew Wheeler re: National Environmental Policy Act (NEPA) and Environmental Justice.
13. August 14, 2019 - Letter to Administrator Andrew Wheeler re: Data Limitations on EPA Mapping Tools.
14. August 14, 2019 - Letter to Administrator Andrew Wheeler re: Recommendations for Promoting Environmental Regulation on Aboveground Storage Tanks.
15. May 6, 2021 - Report to Administrator Michael Regan re: Superfund Remediation and Redevelopment for Environmental Justice Communities.

**Summary of the NEJAC Recommendation Letters to the EPA Administrator dated July 2017 to May 2021 (as noted above):**

**1. [July 31, 2017 - Letter to Administrator Scott Pruitt re: Flint, Michigan Drinking Water Contamination](#)**

- October 12, 2016: At its public meeting, a resident and grassroots organization leader of Flint presents a summary of the city's devastating lead water crisis and recommendations to the NEJAC for the EPA.
- [July 31, 2017](#): The NEJAC submits a letter of its concerns regarding the Flint, Michigan water crisis with recommendations toward solutions. Additionally, the Council requests an interagency group to undertake key initiatives to ensure overburdened and underserved populations are free from adverse effects of contaminated or inaccessible water.
- August 21, 2020: The NEJAC Chair and Council receive a letter from NEJAC member, Dr. Benjamin Pauli, on behalf of the Environmental Transformation Movement of Flint (ETMF) responding to the NEJAC's 2017 Flint water crisis letter to the Administrator.

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- *Updated requests:*
  - Respond to the 2017 letter's list of recommendations and concerns.
  - Review the 2020 ETMF letter for updates and assessments regarding the NEJAC's 2017 letter to the Administrator.
  - Consider what may be the wrong lessons about the Flint water crisis, i.e., where the EPA may be complicit in federal and state limited foci on infrastructure and testing, and less so on cumulative health impacts and other related contaminants and conditions.

2. [July 31, 2017 - Letter to Administrator Scott Pruitt re: Title VI of the Civil Rights Act of 1964](#)

In September 2016, the U.S. Commission on Civil Rights (USCCR) released its report: Environmental Justice – Examining the Environmental Protection Agency's Compliance and Enforcement of Title VI and Executive Order 12898. Among the most alarming conclusions is that while many EJ communities have filed Title VI complaints with the EPA over many years, only two affirmative findings were made in 46 years. With this report and the communities that the Council represent in mind, the NEJAC believes the EPA must invest in a series of recommendations to address Title VI compliance concerns, including case backlogs, deadlines, and complainant involvement in settlements discussions.

3. [July 31, 2017 - Letter to Administrator Scott Pruitt re: Address Toxic Exposures Found At Discount Retail Stores](#)

Discount retail stores (commonly called "dollar stores") are often the only source of affordable household products and food in many communities already impacted by environmental justice issues. NEJAC recommended that federal agencies take specific steps to help vulnerable environmental justice communities reduce toxic exposures from products sold in discount stores which disproportionately impact households that experience economic restrictions and limited market choices. Recommendations to reduce toxic exposure included the Safer Choice Program, and inclusion of the FDA, USDA, and DOJ in the examination of chemical food packaging, food insecurity, and civil rights enforcements.

4. [July 31, 2017 - Letter to Administrator Scott Pruitt re: Worker Protection Standard Regulation to Protect Farmworkers and Their Families from Toxic Pesticides](#)

The NEJAC found that there is an urgent need for information, training, and representation regarding pesticide hazards, protective measures, workers' rights, and employer responsibilities under the new Worker Protection Standard (WPS) rule.

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Among the most important provisions in the revised WPS is the requirement for annual training of farmworkers on a broader range of pesticide hazard protection, including their rights to file pesticide safety complaints. The letter contained detailed recommendations on:

- The development of WPS educational materials and programs,
- Designated representative provision and other worker rights, and enforcement of WPS provisions and protections; and
- Recommendations regarding Exclusion Zones.

5. [September 29, 2017 – Report to Administrator Scott Pruitt re: Recommendations and Guidance for EPA to Develop Monitoring Programs in Communities](#)

This report was completed in August 2017 in response to the EPA's four (4) charge questions presented to the Council in October 2015. The report provided guidance on how the EPA could ensure that monitoring information required by permit or settlement is accessible and useful to local communities. Within this is the critical need to measure, monitor and address cumulative health impacts. Community trust in the regulatory process is essential to meaningful community engagement. Hence, a good community monitoring program includes: 1) The collection of timely and useful data; 2) The provision of accessible and accurate data; 3) The delivery of monitoring reports in very accessible ways to affected communities; and 4) The building of community capacity through technical training, experts, resources, community-based research, and useful analyses that recognizes the digital divide in impacted communities.

6. [July 31, 2018 - Report to Acting Administrator Andrew Wheeler re: Best Practices for Youth Engagement and Addressing Health Impacts of Climate Change](#)

The NEJAC's Youth Work Group, consisting of sixteen (16) young people and eight (8) Council members, responded to the EPA's 2015 charge with a report that presents important recommendations to mentor, train, and engage youth leaders in decision-making and capacity building, and by allocating adequate resources and implementing principles for their engagement in climate justice. The youth members employed various methodology to collect data and establish their findings in a set of recommendations that were presented to and supported by the NEJAC. We believe the youth report deserves attention and a response from the EPA Administration.

7. [December 18, 2018 - Letter to Acting Administrator Andrew Wheeler re: Efforts to Rescind Portions of the Agricultural Worker Protection Standard and the Certification of Pesticide Applicators Rule](#)

NEJAC strongly urged EPA to vigorously enforce the standards laid out in the current versions of the Worker Protection Standard (WPS) and the Certification of

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Pesticide Applicators rule. These measures exist to protect vulnerable farmworkers and people living in rural, agricultural communities who need protection by the federal government to work safely. Further, the Council seeks protection for minor children under 18 as pesticide handlers and early entry workers. It is the duty of the Agency to ensure the health and safety of these vulnerable communities and workers, including appropriate workplace communication and information on pesticide exposure.

8. [March 1, 2019 - Report to Administrator Andrew Wheeler re: EPA's Role in Addressing the Urgent Water Infrastructure Needs of Environmental Justice Communities](#)

- October 13, 2016: The Water Infrastructure Charge is presented to the NEJAC by the EPA Office of Water at the Council's public meeting.
- [March 1, 2019](#): The completed NEJAC report, which included participation from four members of the Environmental Financial Advisory Board, is sent to the EPA Administrator summarizing our recommendations and seeking the Agency's response.
- [April 18, 2019](#): The EPA Administrator sent to the NEJAC Chair a letter acknowledging receipt of, and appreciation for, the National Environmental Justice Advisory Council's report titled *EPA's Role in Addressing the Urgent Water Infrastructure Needs of Environmental Justice Communities*.
- August, 2020: Office of Water leadership conveyed to the Office of Environmental Justice its enthusiasm to present on their actions related to the NEJAC water infrastructure report at the next in-person meeting of the NEJAC, including at least one matter they think is responsive to the recommendations. Additionally, they asked for the NEJAC's feedback on the report's most important recommendations to make sure they consider and speak to those things when they next meet with the Council.
- October 7, 2020: Leadership from the Office of Water, Office of Wastewater, Office of Environmental Justice, and the NEJAC's water charge group met to discuss potential responses to the report. We learned from the Office of Water and Office of Wastewater they have draft documents that respond to aspects of the charge report which they would share. No follow up meeting was scheduled nor were documents forwarded to the OEJ or the NEJAC Chair that we are aware of.
- *Update*: While the NEJAC believes that all the recommendations are still relevant to some extent, there are four (4) principles and objectives that we

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see as foundational for achieving our water goals within the report and more broadly; and two (2) additional major crises that are impacting EJ communities since the report's completion:

Core principles and objectives

- **Government treats water as a human right:** This should remain at the top of the list as it is central to every other aspect of the work. If the EPA does not view water as something that every person should have as an absolute right, then, essentially every other goal becomes debatable.
- **Be accountable, rebuild public confidence, and trust in regulations:** People do not trust regulations because they do not trust the regulators. It appears that government regulators are the responsible parties not enforcing the regulations that are required in EJ communities, as indicated by data on water violations and enforcement. The water infrastructure charge report addresses the critical need for meaningful community engagement, but an important part of this gap is ensuring that the EPA does its duty, to step in, when local or state regulators fail or lack the capacity to do so. EPA needs to fulfill its duty as the ultimate federal regulator and be prepared to ensure that environmental justice and other environmental protection responsibilities be carried out in a just and fair manner.
- **Prioritize issues in EJ communities:** We must start with prioritizing EJ communities in crisis because we know that without firm prioritization, resources will continue to flow preferentially in the direction of economic and sociopolitical power, and EJ communities will continue to be left behind.
- **Recognize the impact of climate change:** In municipal systems, drinking water, wastewater, stormwater infrastructure assessments, choice, and cost must consider how source water and waste systems are affected by changes to water quantity and quality from environmental pollutants, contaminants, and climate change. Additionally, where rural communities are affected by inadequate access to and limited quantities of drinking water sources, water scarcity must be incorporated into assessments and recommendations for mitigating housing, farming, cultural, and other life impacts due to climate change.

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Major crises

- **Inequitable water infrastructure funding and priorities:** Urban and small public systems in communities of color are typically low-income, under-resourced, disinvested, and in grave need of lead service line (LSL) replacement to address the drinking water health needs of children, pregnant women, elders, and people with chronic health conditions. Most water utilities are not prioritizing LSL replacement in Action Level neighborhoods or EJ communities with multiple environmental contamination impacts.
- **Inadequate water quantities in drought-ridden regions:** Several plains, southwest, and west coast states and First Nations are experiencing greater degrees of water insecurity due to drought, climate change, drinking water contamination, surface and groundwater diversions, and inadequate community water rights.

9. [May 3, 2019 - Letter to Administrator Andrew Wheeler re: Recommendation to Preserve the Chemical Disaster Safety Rule](#)

The NEJAC implored EPA to halt efforts to rescind, weaken, and further delay parts of the Chemical Disaster Rule (also known as the January 2017 Risk Management Program [“RMP”] Amendments). NEJAC believes that the Chemical Disaster Rule should be fully implemented and enforced. The safety improvements this rule contains are essential to protect the lives and well-being of fence-line communities, workers, and first responders.

- In addition, there were prior NEJAC letters addressing chemical disaster safety rules: [Letter from Elizabeth Yampierre, Chair, NEJAC, to EPA Administrator Lisa P. Jackson \(Mar. 14, 2012\)](#).
- [Letter from EPA Assistant Administrator Mathy Stanislaus to Ms. Margaret J. May, Vice Chairwoman, NEJAC at 1 \(Aug. 29, 2013\)](#).

10. [May 3, 2019 - Letter to Administrator Andrew Wheeler re: Recommendation to Regulate Ethylene Oxide to Protect Public Health and to use the Findings and Conclusions of the EPA Integrated Risk Information System Chemical Assessments in Regulatory Determinations](#)

NEJAC requested a response from the EPA on the following points:

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1. Confirmation from EPA that it intends to continue using the best available science, including the 2016 IRIS value on Ethylene Oxide, consistent with its responsibility under the Clean Air Act and the Agency's longstanding practice.
2. Additional information on EPA's planned efforts to reduce emissions of this chemical from each of the industrial sources that it has identified, including:
  - a. Miscellaneous Organic Chemical Manufacturing.
  - b. Polyether Polyols Production.
  - c. Synthetic Organic Chemical Manufacturing.
  - d. Commercial sterilizers.
  - e. Hospital Ethylene Oxide Sterilizers.
  - f. Ethylene Oxide production facilities.
3. The EPA was asked to provide this information within the next 30 days to the NEJAC and to local community members in an accessible way, so that they can consider any federal, state, or local actions that may be appropriate.
4. The Administrator's obligation to take prompt regulatory action under the Clean Air Act that assures the emission reductions needed from all chemical manufacturing and other sources, to protect public health from exposure to Ethylene Oxide, together with other toxic pollutants.
5. The EPA, conduct a proper rulemaking process by issuing a proposed rule, request notice and comment from the public, and provide an adequate period for submitting comments in order to strengthen its regulations for each of the above-listed source categories of hazardous air pollution, as well as any additional sources it identifies as sources that require review.

11. [August 14, 2019 - Letter to Administrator Andrew Wheeler re: Recommendations to Strengthen the PFAS Action Plan](#)

NEJAC asked that EPA expand its investigation and assessments of the environmental and health impacts of PFAS contamination, as detailed in the recommendation letter, to include more participation from impacted, frontline communities. Further, we request an update on the current Administration's efforts to address the national PFAS crisis since its most recent PFAS Action Plan; and the status of the "EPA Council on PFAS," particularly to remediate these dangerous, complex chemicals in drinking water and to develop national drinking water regulation for PFOA and PFOS.

12. [August 14, 2019 - Letter to Administrator Andrew Wheeler re: National Environmental Policy Act \(NEPA\) and Environmental Justice](#)

To strengthen the validity and integrity of environmental justice analysis and considerations in the NEPA process, this NEJAC letter identified several concerns and priority actions that need a closer look. Among them are concerns with inadequate economic impact analyses and the seeming selection of the least environmentally impactful alternatives by EPA analysts for environmental justice community benefits. The Council believes the EPA must raise both the quality and quantity of environmental justice analyses in the NEPA process so the impacts affecting EJ communities are front and center.

13. [August 14, 2019 – Letter to Administrator Andrew Wheeler re: Data Limitations on EPA Mapping Tools](#)

NEJAC has a continuing desire to make sure the communities we represent have the appropriate tools and resources needed to do their own due diligence so that they can continue to protect and improve their health and safety. Tools created by EPA for communities lack completeness depending on where the person resides. For example, the EJSCREEN and EnviroAtlas tools do not cover all the areas of the United States, its territories, or all federally recognized tribal lands; these resources have very limited data for those areas. These deficiencies place thousands of people who could utilize these tools at a severe disadvantage as they investigate surrounding industries or hazards being proposed within their communities. NEJAC recommended that EPA ensure that any tools developed and introduced are inclusive and available to all our communities.

14. [August 14, 2019 - Letter to Administrator Andrew Wheeler re: Recommendations for Promoting Environmental Regulation on Aboveground Storage Tanks](#)

Over the past several years, various reports have included recommendations for creating and improving rules that govern the operation of Aboveground Storage Tanks (AST) beyond voluntary programs. The NEJAC cites several examples between 2005-2019 where AST incidents caused by facilities that choose not to “self-regulate” have endangered the public. In addition to the recommendations in this letter, the NEJAC reiterated specific courses of action in the 2015 NEJAC report, “Proposed Recommendations for Promoting Community Resilience in Environmental Justice Industrial Waterfront Areas,” and requested an update on the status of their implementation.

15. [May 6, 2021 - Report to Administrator Michael Regan re: Superfund Remediation and Redevelopment for Environmental Justice Communities](#)

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In this recently submitted report, the NEJAC provides specific recommendations regarding changes to the Superfund program to ensure the meaningful involvement of impacted people in decisions that affect their lives and instill confidence in the EPA. The NEJAC notes that the Superfund program is underfunded, as best evidenced by the growing backlog of sites that are ready to be cleaned up, but the work to protect communities is slowed or delayed indefinitely due to insufficient program funding. Furthermore, while Superfund cleanups have focused on preventing future exposure to hazardous chemicals, the program has not considered the long-term impacts on community health and economic opportunities for communities with environmental justice concerns that have been impacted by Superfund sites. In May of 2021, NEJAC issued its report, *Superfund Remediation and Redevelopment for Communities with Environmental Justice Concerns*. That report includes an integrated and actionable set of strategies and recommendations that NEJAC believes will have a positive and transformative impact on EJ communities and the Superfund program.

## **Section II: Communication and collaboration improvements between the NEJAC and EPA leadership**

The NEJAC is greatly encouraged by the commitments you are making to embrace its objectives as front and center in EPA's agenda, as a "central driving factor" in all that EPA does, and we are prepared to help your Administration make that commitment a reality through our federal advisory role. To effectively advise EPA on these issues, it is important that NEJAC be aware of what plans and actions EPA is currently pursuing that relate to these issues, and there be active engagement between the NEJAC work groups and the relevant program offices.

We know that not all Administrations have shared your commitment and the Council has experienced first-hand the deprioritization of its work in recent years. To create and maintain a highly effective working relationship, NEJAC proposes an establishment of the following actions for effective communication, cooperation, and collaboration between the Council and the EPA Administration:

- The NEJAC welcomes and will extend invitations to the EPA Administrator and the EPA leadership team to all its public meetings.
- The NEJAC will provide appropriate advance notice to the EPA Administrator as soon as meeting dates are determined to schedule availability to meet.
- The NEJAC will seek EPA staff and FACA member participation in its working groups.

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- The NEJAC will provide the EPA Administrator with timely and well-considered recommendations on matters of importance to the Council and among the priorities of the EPA Administrator.

In turn, the NEJAC requests:

- The EPA Administrator will attempt to attend a minimum of one NEJAC public meeting per year and ensure that at least one member of the Administrator's leadership team attend all NEJAC public meetings.
- The EPA leadership will demonstrate in NEJAC's public meetings its commitment to environmental justice and provide timely, first-hand information on issues facing environmental justice communities.
- The EPA Administrator will support the addition of EPA staff and FACA member participation in the Council's working groups, as needed.
- The EPA Administrator will respond in a timely and well-considered manner to the recommendations of the NEJAC and encourage EPA Offices to reflect the same.

With the EPA Administrator's support, the NEJAC believes a commitment to these objectives will ensure effective communication, prioritization, and outcomes for the benefit of environmental justice communities.

### **Section III: A communication and collaboration request between the NEJAC and the WHEJAC**

The NEJAC is delighted with the formation of the White House Environmental Justice Advisory Council (WHEJAC) and enthusiastic about working with the WHEJAC to address and remedy the long standing and significant harm done to the nation's most vulnerable populations. The NEJAC envisions a strong synergy with WHEJAC through mutual cooperation and communication, the two Councils can have a 'multiplier effect' in developing and promoting policies and actions that meaningfully improve the lives of environmental justice communities. Frequent communication and coordination between the two Councils are essential to achieving combined goals and objectives.

**The NEJAC strongly requests that the EPA Administrator recommend to the White House Council on Environmental Quality that coordinated work be undertaken by the WHEJAC and the NEJAC beginning with a meeting between the leadership of both Councils. The purpose of the initial meeting will be to establish communication protocols, identify shared objectives, activities, and**

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priorities; and develop processes for coordinated environmental and climate justice efficacy. To underscore its intentionality, the NEJAC has formed a Finance/Justice40 Working Group to complement the work of the WHEJAC's Justice40-driven reviews and recommendations. We believe this collaboration will enhance the work of both Councils and facilitate the Administration's objectives and timeline for environmental and climate justice outputs and outcomes.

Thank you for your review and consideration of this letter.

Sincerely,



Sylvia Orduño  
Chair

cc: NEJAC Members  
Janet McCabe, Deputy Administrator  
Victoria Arroyo, Associate Administrator for the Office of Policy  
Matthew Tejada, Director for the Office of Environmental Justice  
Karen L. Martin, Designated Federal Officer, NEJAC

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## **EPA LEADERSHIP (AA) REMARKS TO "NEJAC'S 100 DAYS LETTER"**

**Dr. Matthew Tejada**, OEJ, stated that Sylvia Orduño will moderate the question and answer part.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked Deputy Administrator McCabe for her comments and stated that they've been waiting for at least one administration to hear these things. She thought what's especially critical about what she shared with them are the points about intentionality. Ms. Orduño stated that they're especially excited to hear from many of the other AAs here today in response to the 100 Day Letter.

Ms. Orduño acknowledged their appreciation for being able to make it so that this Council can now start working with WHEJAC and really work more strongly and in a more cohesive way to share a lot of the ideas that she thinks they've had across the councils and that they really hope it will have a more meaningful impact as well.

Ms. Orduño invited the first chair Emeritus of the NEJAC Richard Moore and the co-chairs of the Council to give some initial remarks before they open it up to one or two other members of the Council.

**Mr. Richard Moore**, NEJAC Member, stated that it's been an honor on his behalf and his behalf here at Los Jardines Institute to have the opportunity to not only work with the incoming administration but the opportunity, in some cases, to work with outgoing administrations. He thanked the current NEJAC Chair, Sylvia Orduño and the Office of Environmental Justice. Mr. Moore thanked the additional staff, the interpreters, and the translators for a tremendous, tremendous job. Mr. Moore stated that he looks forward now in his new assignment as co-chair of the White House Environmental Justice Advisory Council to assuring this body that they will do everything that's been asked for and everything in their possibility to make sure the intersections between WHEJAC and NEJAC are carried out with the advice and so on of the Madame Deputy Administrator and the staff.

**Mr. Michael Tilchin**, NEJAC Vice Chair, thanked Deputy Administrator McCabe for reassuring them of getting that frank feedback, both of your intentions going forward and a reflection on what has happened or really not happened in recent years. Mr. Tilchin stated that as they proceed through this meeting, engaging with her and her leadership, the opportunity to provide the EPA with full and frank opinions and perspectives to help them realize their stated objectives of making environmental justice a core principle in defining EPA's policies and programs and funding decisions is exactly what they intend to do.

**Dr. Na'Taki Osborne Jelks**, NEJAC Vice Chair, thanked Deputy Administrator McCabe for her time today and for sharing a little bit about the vision of EPA at this time with respect to environmental justice. Dr. Jelks said she looks forward to working with Ms. McCabe to make those things a reality.

Dr. Jelks shared that she wanted to share her appreciation also for the members of the Council who will be leaving after this meeting. She explained that it's been a pleasure to learn from those leaving, and she is disappointed that it's coming to an end in terms of their formal service on the Council. Dr. Jelks said she knows that she can always look to them and call upon them for their perspectives, guidance, and advice as they move forward on this journey collectively.

**Ms. Sylvia Orduño**, NEJAC Chair, said she wanted Deputy Administrator McCabe to consider, especially for the report that she's going to be bringing in September, with all of the energy and all of the work that's taking place around environmental justice in many administrations and in multi levels and locations, how she can maybe help them understand what is NEJAC's role in this. Ms. Orduño stated that they've been the space where a lot of the environmental justice conversations and recommendations and stakeholder engagement has taken place, and they've seen that also take place out at the states that are also developing their own councils.

Ms. Orduño explained that what has felt to some of them like a frenzy of environmental justice and climate justice work, they really want to figure out how it is that they can best be effective in their recommendations to the administration with all that's going on in so many different spaces. Ms. Orduño stated that they want to be able to work well in other spaces so that they're not doing so much overlapping, and they can actually spread out, in the best ways possible, all that needs

to be done and responded to and reported. Ms. Orduño asked that, after considering all that, how can the Council be the most effective, and if she can give some useful advice for them?

**Ms. Janet McCabe**, Deputy Administrator (EPA), stated that she thinks that's a very fair point. She also said they should all feel free to call her Janet. She admitted that this will be an ongoing conversation, and they feel a bit overwhelmed. She continued that they also feel like they need to be as efficient as possible. They have a pretty new political team at EPA, although, several of them have been around for six months. She noted that there's a lot of stuff getting started, which is kind of frustrating because you have less to show for these efforts right at the beginning. She thinks as things move along, as they get more clarity on the budget, as they get more clarity on the infrastructure bill, as they get more clarity on the guidance for Justice40, as they get more clarity on the strategic plan, which they're also doing a refresh of or a whole new strategic plan that elevates environmental justice in a way that it hasn't been before, they'll be able to sort things into areas.

She stated that she doesn't think they expect the members of the NEJAC to be able to engage on everything single thing. They'll have to be thoughtful. There will be things that they feel they have more ability, more interest, in weighing in on. They'll want to help you focus their efforts, so you can be as effective as possible. She noted that working in work groups on discreet things can be a very effective way to get input on discreet topics.

**Ms. Sylvia Orduño**, NEJAC Chair, agreed and she asked Ms. McCabe to consider another thing that has come before the Council in terms of how it is that NEJAC can figure out how they can create more spaces for environmental justice conversations in the EPA and really trying to see how it is that, perhaps, the regions that could help be more effective in those ways, as well. Ms. Orduño stated there's always the considerations about whether or not they have the adequate staffing and resources to be able to do that. It might be that, with all of the interest and enthusiasm around trying to really implement environmental justice priorities and policies and make sure that the funding gets down to the communities as needed, that they can figure out a way to better flatten this in some ways as you might see possible, as well.

**Ms. Janet McCabe**, Deputy Administrator (EPA), agree that it's a really good suggestion, and

our regional offices are very eager to be as engaged as possible and to increase their ability to work on these issues.

**Ms. Sylvia Orduño**, NEJAC Chair, mentioned that they're at the time or near the time allowed us. She asked the NEJAC members to submit any questions they may have in writing.

**Ms. Janet McCabe**, Deputy Administrator (EPA), thanked the Council for their time.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked her again for being with them. She acknowledged the originator of the idea, Melissa [McGee-Collier] who is a member from the state government, for EPA speakers to address the issues raised at NEJAC. Ms. Orduño stated that they really felt like this is something they want to actually revisit and hope that this administration and all of the care and concern that they're putting into making sure that environmental justice is being properly applied and expanded and implemented in a variety of ways can help us to at least be able to understand where this administration is on those issues and help us also understand some of the serious concerns that happened in the last administration, perhaps before, where they believed that there some changes or differences that were not necessarily helpful to EJ communities.

Ms. Orduño stated that they will begin with our first speaker who's coming from the Office of Water, Radhika Fox.

**Mr. Matthew Tejada**, Office Director, Office of Environmental Justice (OEJ), reminded the Council members that they will have two blocks of our assistant and associated administrators speaking with the NEJAC, explaining that three of their leaders will speak. Then there will be a pause for some engagement with the NEJAC members, and then the others will go.

**Ms. Radhika Fox**, Assistant Administrator for the Office of Water (EPA), thanked NEJAC and explained that she's worked with Ms. Orduño, Dr. Jelks, Mr. Orr, and Mr. Tilchin in her former role as the CEO of the US Water Alliance. Ms. Fox said she is excited to forge a productive partnership in this new capacity as the Assistant Administrator of the Office of Water. She noted that she read the 100 Day Letter that NEJAC provided and she thought the NEJAC's letter was

explicitly clear in both process recommendations and process concerns that were raised as well as some very substantive and important policy recommendations. Ms. Fox articulated that she would speak broadly to three of the substance of issue areas: the Flint water crisis, the issue of water infrastructure, and PFAS. In addition to the formal, written response that Janet mentioned earlier, she welcomed the opportunity to meet further with NEJAC on these significant issues which are certainly priorities for us in the Office of Water.

Ms. Fox provided an update that, first, on the Flint water crisis, last month, July 2021, she and the Administrator traveled to Flint. She noted that the Administrator read the concerns that were raised by NEJAC. Ms. Fox also explained that in addition, the Administrator wanted to hear directly from the community about how this new EPA can continue to support the community's recovery and resilience which is why they traveled to Flint. Ms. Fox spoke about having an opportunity during their trip to tour the Flint Community Water Lab, where they met with residents and some of the staff and volunteers, the young people who are bringing such energy to that community water lab. They also had a session with community leaders who raised several concerns, as well as requests for information. Ms. Fox explained that, since that meeting in July in Flint, they have been working closely with the regional office to respond to some of those issues, and they will continue to do so. They are also continuing to meet monthly with the state of Michigan and the city of Flint on some of the water quality monitoring and other concerns. Ms. Fox stated that they are working to respond to many of the issues that the NEJAC has raised. For the administrator and for herself, they feel like this is only the beginning of ongoing commitment from us around the Flint water crisis and recovery.

Ms. Fox continued to say that we made the decision early in this administration to extend the effective date of the Lead and Copper Rule in large part because they've heard the multiple concerns from low-income communities and communities of color that they were not fully included and engaged in a process of that rule development. So they have done about ten (10) community roundtables around the country. They're very seriously looking at the feedback from these roundtables as they consider what's next in that important rule making.

Ms. Fox noted that the second issue from the 100 Day Letter was regarding water infrastructure, and she had an opportunity to read the very substantive, excellent water infrastructure report that

was developed by NEJAC. Ms. Fox remarked that she believes that, with the Justice40 pilot and with the two Drinking Water and Clean Water State Revolving Fund (SRF) as pilots for the Justice40 initiative, are opportunities where that talk and walk can come together.

Ms. Fox stated that they have about over \$50 million that's proposed in water infrastructure investment with the current infrastructure bill. Here again, she noted that EPA is seeking a close partnership with NEJAC to actually implement the great ideas that were in that water infrastructure report in the context of that infrastructure package. Ms. Fox welcomed a deeper discussion about how EPA can partner with NEJAC to move some of the very concrete and good ideas in that infrastructure report forward.

Ms. Fox stated that the third area was around PFAS, where she had the great fortune of being able to co-chair the PFAS council that Administrator Regan assembled early in his administration. Ms. Fox stated that in the fall, it is their intention to come back to the NEJAC to share their roadmap and to have a broad process of engagement around the roadmap's recommendation. She also noted that they are working toward embedding equity considerations into those roadmap recommendations, and they are looking for engagement from the NEJAC on that effort.

Ms. Fox, said finally, within the Office of Water, she will say that they are moving forward at an accelerated rate with some key PFAS recommendations that you and others have asked us to consider, including establishing a national primary drinking water regulation. They are also in the process of finalizing the Unregulated Contaminant Monitoring (UCMR) where they will be monitoring 29 different PFAS that are in the drinking water system. Ms. Fox thought that these are some early steps that they're taking to address some of the concerns that have been raised by NEJAC.

**Dr. Fred Jenkins**, DFO, informed the Committee that Dr. Freedhoff was next to speak.

**Ms. Sylvia Orduño**, NEJAC Chair, introduced Assistant Administrator for the Office of Chemical Safety and Pollution Prevention, Dr. Michal Freedhoff.

**Dr. Michal Freedhoff**, Assistant Administrator for the Office of Chemical Safety and Pollution Prevention (EPA), thanked the Board for inviting him to discuss OCSPP's work on chemical and pesticide safety and how they're integrating environmental justice initiatives into their programs.

Dr. Freedhoff stated that, in the past, she knows that the NEJAC has provided a steady voice that outlined a variety of recommendations and advice to the Agency. Dr. Freedhoff stated that she is here to strengthen the partnership between NEJAC and OCSPP and to develop new opportunities to work together to protect all people from potential risk from pesticides and toxic chemicals. As you've already heard from a couple of the other speakers, in this administration, environmental justice will be a consistent force in all EPA does. She stated that the partnerships, the programs, and policy decisions will have environmental justice principles carefully considered throughout. Dr. Freedhoff stated that EPA will be transparent and honest about the work they're doing and strive to build engagement and give those communities a meaningful voice and honestly consider community input on how they manage potential risks.

Dr. Freedhoff explained that, as our advisors on critical environmental justice issues, they just issued a final goal with revoking the tolerances for all food uses of chlorpyrifos. That means that it will be illegal to use chlorpyrifos on food. They also canceled all of the registered food uses of chlorpyrifos.

Dr. Freedhoff spoke about how this long-awaited action to remove a harmful pesticide from our food supply comes after over a decade of studying large body of science and how the science has shown that chlorpyrifos causes adverse neurological impacts. While the exact level of exposure at which each potential neurological impact occurs is still uncertain, it's clear that this pesticide poses a very real threat to children's health. Dr. Freedhoff continued that this is particularly true for children of farm workers and those living near farming communities. Unfortunately, the previous administration chose to minimize some of the epidemiological studies that've showed some of these neuro developmental affects. Additionally, farm workers applying chlorpyrifos to crops can also experience serious health affects at high enough doses, making today's action even more important to underserved communities.

Dr. Freedhoff said that revoking the tolerances also responds to the Ninth Circuit's order

directing the EPA to issue a final rule in response to the 2007 petition filed by PANNA and NRDC over the potential neurological effects on children's health. In its scathing order, the court said that EPA had abdicated their statutory responsibility and even used to take delay tactics to avoid our duty under the law to determine whether or not continued use of chlorpyrifos met the legally required safety standard. She stated that the court's essential direction about this petition, that has actually been pending before the Agency since the Bush administration, was to tell the Agency to do its job. EPA heeded the court's direction.

Dr. Freedhoff stated that the Agency has concluded that current aggregate exposures from the use of chlorpyrifos do not meet the legally required safety standard about reasonable certainty of no harm. She explained that, because they were unable to make the safety finding, they must stop the use of chlorpyrifos in food to keep children and farm workers safe, furthering this administration's commitment to following the science and keeping environmental justice issues at the forefront of our decision making.

Dr. Freedhoff stated that she would turn to some of the other issues that she knows were important to NEJAC. As other have said, they do plan to respond to all of your letters in writing. For now, she wanted to give a high-level overview of how they've already addressed some of your suggestions. She noted that she knows that worker protection is one of the issues the NEJAC has written to the Agency about.

Dr. Freedhoff continued to say that, as today's announcement of chlorpyrifos shows, protecting workers from potential adverse effect of pesticides is an important function of EPA's pesticide program. The 2015 revisions to the Worker Protection Standard (WPS) regulation strengthened elements of the rule to better protect workers and handlers from occupational exposure to pesticides and reduce the numbers of potentially preventable pesticide incidences and disease and illnesses. She stated that she knows the NEJAC is particularly interested in the Application Exclusion Zone (AEZ) provision of the WPS. While the previous administration sought to implement revisions to the AEZ, a preliminary injunction stayed the effective date of the 2020 rule. Therefore, until further notice, the 2015 WPS remains in effect with no changes to the AEZ provisions. She stated that she knows that in the past several years, the NEJAC has also expressed different recommendations to the Agency to help protect farm workers, including but



not limited to working with farm workers to develop training materials to ensure they're understandable, culturally relevant, and linguistically appropriate. She stated that we've taken these concerns seriously, and we are working to provide better training for farm workers.

Dr. Freedhoff explained that currently, EPA has a cooperative agreement with the Association of Farmworker Opportunity Programs (AFOP) that supports the development of a suite of bilingual, low-literacy trainings and supplemental materials to address the most critical health and safety hazards in agricultural settings. The EPA has also recently convened a farm worker and clinician training work group to discuss evaluation of WPS activities, grants, and programs, and how and when EPA should reach out to stakeholders, including worker-community based organizations.

Dr. Freedhoff noted that another area they're continuing to invest in is the Safer Choice Program. While the previous administration sought to eliminate this program for each of the four years they were here, this administration is committed to rebuilding Safer Choice because it plays a critical role in protecting human health and the environment. To start that rebuilding process, EPA has restored stock to the Safer Choice Program and is looking for ways to further expand it. EPA also agreed with the NEJAC's previous recommendations for EPA to work with discount regional stores to encourage Safer Choice Program practices and to increase transparency on cost.

Dr. Freedhoff stated that she's happy to say that for the remainder of FY 2021 and into the FY 2022, they've added a specific focus on bringing Safer Choice-certified products to underserved communities, including communities of colors and low-income communities. While programs like Safer Choice help reduce exposure to toxic chemicals, the heart of our work to manage chemical risks from a regulatory perspective is under the Toxic Substance Control Act (TSCA). She noted that a couple of months ago, they announced some policy changes relating to our TSCA risk evaluations that will ensure the safety of chemicals used in all communities, including those that have been historically underserved. One change they're pursuing is with the previous administration's decision to not account for specific exposure pathways, like the air we breathe or the water we drink, in most of the first ten risk evaluations. They argued that these exposures were or theoretically could be regulated under other EPA administered laws, and that

was why they could be excluded from consideration under TSCA. She explained that this approach may, at times, have let potential exposures unaccountable for, including exposures to fence-line communities that are near industrial facilities and that maybe have been disproportionately exposed to a wide range of substances for a long period of time.

Dr. Freedhoff explained that going forward, EPA intends to develop approaches for evaluating all potential exposure routes and to additionally develop the screening methodology to determine whether some communities might face a higher risk of exposure than others. EPA plans to use this screening methodology to assess fence-line exposures for six of the first ten chemicals they think has such a potential. That approach will ultimately ensure that the most vulnerable communities are protected. She noted that EPA has committed to developing protective risk management actions for chemicals in a way that's transparent and includes meaningful consultations with communities and other stakeholders. They've initiated consultations on the risk management for nine of the first ten chemicals with federally recognized tribes and environmental justice communities. She stated that she really hoped and encouraged that NEJAC will consider feedback as several of those consultation periods will be ending within the next two weeks. She stated that, parallel to those efforts, the Agency's also working with more tribal partners to better understand unique tribal exposure scenarios and tribal lifeways to inform toxic risk evaluations and risk management efforts.

She stated that another aspect of managing risk from chemicals is actually knowing where those chemicals are being used and how they're being disposed of. Every person in this country has the right to know about what chemicals are released into their communities. The Toxics Release Inventory is an important tool for increase public awareness. Earlier this year, EPA announced that the Agency will be taking important steps under the TRI to advance environmental justice, improve transparency, and increase the access to information. The comprehensive plan includes expanding the scope of TRI reporting requirements to include additional chemicals and facilities, including facilities that are not currently reporting on ethylene oxide releases. She stated that, by requiring new and more data on chemical releases from facilities, EPA and its partners will be better equipped to protect the help of every individual, including people of color and low-income communities that are often located near these facilities that have been left out of the conversation for far too long. EPA has also taken several steps to make TRI more useful and accessible to

community with environmental justice concerns. They have enhanced the TRI search tool to include a demographic profile section displayed in a map, launched a Spanish version of the TRI website, and promoted the use of the pollution prevention tool.

She closed with they will be providing more in depth, written responses to NEJAC's letters, but she hoped this provided an overview of some of the ways they've incorporated their feedback to date. She stated that she really looks forward to advancing our partnership with NEJAC and hearing more on how they can work together to further integrate environmental justice in all that we do in OCSPP. She turned the floor back over to Ms. Orduño.

**Ms. Sylvia Orduño**, NEJAC Chair, stated that they can only take two questions or comments at this time, and they are from Mr. Moore and Dr. Wilson.

**Mr. Richard Moore**, NEJAC Member, commented that he thinks that the farm workers also could do some workshops for the staff themselves. The farm workers are the ones that have the most experience. He stated that he thought that interaction between the farm workers and the EPA would be very, very crucial. He asked if she could respond to Risk Management Plan (RMP) rule?

**Ms. Michal Freedhoff**, Assistant Administrator for the Office of Chemical Safety and Pollution Prevention (EPA) answered that the RMP rule goes through OLEM, meaning that she thought that might be a question for Carlton Waterhouse. She added that she appreciated the feedback on the farmer worker engagement.

**Dr. Sacoby Wilson**, NEJAC Member, stated that one big issue that's not covered on a Toxic Release Inventory enough is Concentrated Animal Feeding Operations (CAFOs). There's been some progress made that said they have to be covered by various EPA regulatory steam, including Clean Air Act. He stated that, as it relates to EPCRA, TRI, and also TSCA, there's some work that needs to be done in that area. He asked, what EPA is going to do to address the gaps because a lot of folks are being impacted by multiple chemicals, ammonia, hydrogen sulfide, organic compounds, methane gas, mercaptans?

**Dr. Michal Freedhoff**, Assistant Administrator for the Office of Chemical Safety and Pollution Prevention (EPA) answered that she thought, under TSCA, the EPA prioritizes chemicals for risk evaluation. Then, when they find risk, they take action to reduce those risks. She added that, they are looking specifically at fence-line communities and other communities that might be exposed to multiple pollutants over a long period of time just to make sure that what we're doing has identified the risks that they might pose that might be different from average members of other communities and taking the steps that they need to make sure that their rules protect those communities, as well.

**Dr. Sacoby Wilson**, NEJAC Member, then asked about the Toxic Release Inventory (TRI)?

**Ms. Michal Freedhoff**, Assistant Administrator for the Office of Chemical Safety and Pollution Prevention (EPA) answered that they've announced a number of actions that are going to expand the number of chemicals that have to be reported under TRI and, in some cases, the types of facilities that have to report because only some types of ethylene oxide facilities have to report under TRI. Some of those facilities actually stopped reporting releases once they became aware of that. EPA announced that they're going to be making those changes and ensuring that everybody who's releasing ethylene oxide will have to report it to the Agency.

**Dr. Sacoby Wilson**, NEJAC Member, thanked her for her answer.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked Dr. Freedhoff again for coming and then introduced the Deputy General Counsel for Environmental Initiatives, Marianne Engelman-Lado.

**Ms. Marianne Engelman-Lado**, Deputy General Counsel for Environmental Initiatives (EPA), thanked the Committee for the opportunity to speak regarding EPA's external civil rights program. She noted that they know that discrimination on the basis race, color, national origin, and language status, as well as disability, are barriers to achieving environmental justice and affirm their commitment to fighting race discrimination as an important part of the Agency's efforts to advance equity in environmental justice. EPA, through its External Civil Rights Compliance Office, ECRCO, is strengthening civil rights enforcement and prioritizing the integration of accountability for complying with civil rights laws through all EPA programs and

activities. She continued with the longstanding backlog of cases in EPA's External Civil Rights Program is now behind us. Over the past several years, EPA focused its energy and resources on managing its complaint docket, including addressing in full the backlog of cases and markedly improving its case processing time for new cases.

Ms. Engelman-Lado explained that, moving forward, EPA has put in place internal accountability measures to ensure a timely investigation and resolution of complaints. For EPA to strengthen civil rights enforcement and assure compliance, particularly with Title VI of the Civil Rights Act of 1964, EPA recognizes that it must also move its External Civil Rights Program from being reactive, responding only to complaints, to proactive. This includes utilizing EPA's affirmative authority to conduct post-award compliance reviews as the NEJAC suggested. She stated that they would like to come back to the NEJAC on a yearly basis as they set annual priorities for affirmative compliance, verifying civil rights compliance before funds are awarded to applicants for EPA financial assistance, again as suggested, developing and issuing strong policy guidance to provide clarity to recipients and other stakeholders regarding legal requirements, including standards for disparate impacts, including cumulative impacts, that are applicable to programmatic decisions under civil rights law.

Ms. Engelman-Lado noted that the need for EPA recipients to come into compliance with foundational nondiscrimination program requirements, including clarifying expectations for recipients to collect and maintain important data about the communities they serve, and further, for recipients to use that data to ensure that their programmatic decisions, such as permitting, do not result in discriminatory outcomes on the basis of race, color, national origin, including LEP status, limited-English proficiency status.

In the July 2017 letter, the NEJAC also raised other concerns about the External Civil Rights Program. She stated that she will briefly address two. The first is complaint and involvement in the complaint-resolution process. She stated that EPA is committed to promoting the involvement of complainants in complaint investigation and informal review processes. Going forward and consistent with principles in the EJ, EPA is prioritizing greater communication and engagement with complainants. She stated that they have some ideas they're exploring.

Second, EPA is also interested in engaging with the NEJAC to explore the feasibility of establishing a Title VI NEJAC workgroup. The question was asked earlier about how the NEJAC might be most effective, and this might be one of those areas. She added that they strongly support increased and meaningful outreach to overburdened communities and lasting incredible engagement with stakeholders including the NEJAC to inform our policies, practices, and procedures, and workgroup might be a way to do that. She said that she would be happy to hear the Committee's thoughts and discuss any of these important issue during discussion.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked Ms. Engelman-Lado for her comments and appreciated it because it resonated very much with the communities that Ms. Orduño works with at the grassroots level. She asked the Committee if anyone had any comments or questions. She turned the floor over to Dr. Pauli.

**Dr. Benjamin Pauli**, NEJAC Member, asked Radhika about any Agency plans to follow up on the recent trip to Flint. Numerous residents are keenly interested in that follow up because trust in the EPA had been badly shaken in Flint. In many respects, the Agency and the Region 5 office especially, have yet to demonstrate to residents' satisfaction their trustworthiness. Some residents have expressed skepticism that the EPA does in fact intend to address the concerns they raised in a robust way. He stated that it's critical to think about how that follow up is going to be conducted. It's especially important that Region 5, specifically, and the Office of Water reach out to and, to the extent possible, build relationships with the range of community groups in Flint that are working on water. He asked if she had any thoughts about that follow up.

**Ms. Radhika Fox**, Assistant Administrator for the Office of Water (EPA), thanked Ben for his thoughts and question about the follow through. She explained that they take seriously the fact that trust was broken and that repaired feeling of that relationship is needed, and that was one of the things that Administrator Regan did speak about when they were there.

Since their visit to Flint, there was a range of items that were discussed. Some were things such as information. Really the community leaders wanting and the community residents wanting information about things like corrosion control study that the city of Flint was undertaking and how could they have access to that information or with the switch in the water supply, those

sorts of things. There was a series of information requests. What her team in the Office of Water has been doing with the region is putting that together and then sharing it as it comes together. A number of those requests, though, were also things that, for example, the state of Michigan and EGLE really have that information. Her office has been coordinating on that, and they see that as something that's ongoing.

Ms. Fox also expressed another big area of discussion at the Community Roundtable was really a discussion that was pretty far ranging around how can the EPA and the state better support residents and community organizations in Flint to be able to, for example, access the range of funding and financing programs that are coming down. For example, there's the billion dollars in resources that HHS has around emergency water assistance. She explained that Michigan is positioned to get \$35, 36 million through the dependent allocation.

She stated that for the residents of Flint to access it, there is a whole process of preparing an application and applying and all of that. It's going to be even more so the case should this infrastructure package be passed into law. She noted that one of the big areas that was discussed is how do they actually collectively work together and build that capacity. She stated that they have some ideas that they're exploring. There was a request around, could they provide more technical assistance, or could they provide a position in Flint on a temporary basis to especially be able to tap some of those opportunities? Her office is working on and following up with those things.

She suggested a follow-up conversation with him. If there's mechanisms that he thinks are best to keep that dialogue going, recognizing there are some things that EPA can do, but of course, there's other things that the state and the local government can do.

**Dr. Benjamin Pauli**, NEJAC Member, stated that he'd be happy to follow up offline.

**Mr. Michael Tilchin**, NEJAC Vice Chair, called on Dr. Wilson next.

**Dr. Sacoby Wilson**, NEJAC Member, thanked Ms. Engelman-Lado for her comments. He said that he just wanted to be able to provide some quick thoughts on how is this work that NEJAC's doing around water infrastructure connected to Justice40? He said that he is a co-chair of the

Justice40 workgroup within NEJAC. There's been some concerns about how the administration's Justice40 plan around these benefits portrays a lack of clarity around the investments because we talked about benefits. This time they're talking about investments in a clear manner and how it relates to water infrastructure, not for communities like Flint and others who have infrastructure issues or eroding infrastructure problems. He was talking about communities that don't have any infrastructure. There seems to be a lack of discussion and a plan from Justice40 and the infrastructure bill to invite infrastructure communities who've never had sewer water, who are still on well water, who don't have paved roads, who still own septic tanks. These are communities that we call unserved; in many cases they're the unincorporated.

Dr. Wilson stated that it can be seen and that he's made this comment in previous discussions. From migrant workers to some of our brothers and sisters who live on reservations, and to our unincorporated communities, that's a whole bunch of folks who don't have water. He asked, how is Justice40 going to address that? EPA has the pilot program. How are you going to work with other agencies through NHC working group? When it comes to these real communities who don't have infrastructure, it would be a failure if Justice40 and the infrastructure bill don't address the needs of real communities who don't have infrastructure. He stated that this question's really specifically about water.

**Ms. Radhika Fox**, Assistant Administrator for the Office of Water (EPA), responded with there are really two big comments that you were making. She invited Matt Tejada to also weigh in on this. On the question of Justice40 and the fact that the two SRFs have been selected by the White House and OMB, we are figuring this out right now. She stated that it's overwhelming the number of ways that NEJAC get engaged. Right now, they have gotten initial guidance from OMB around, if your programs have been selected by a pilot, the initial planning that's needed to do. She stated that the first piece is really around an engagement plan around how you will engage with environmental justice communities and development of the definition of benefits and the plan moving forward. Matt Tejada and OEJ will be coordinating our Agency-wide engagement. She noted that they have provided ideas specifically related to the SRF and how that happens.

Ms. Fox acknowledged that she's incredibly excited by both the challenge and the opportunity



that is presented by having the SRFs selected because the SRFs go the states with some guidance and direction from EPA. Then, really the states are the ones that develop their funding plans and resources. She stated that part of what they are thinking about in this pilot here is what support, tools, and resources they need to provide to states to help them get more of these SRF dollars into low-income communities, communities of color. Lower-income communities don't always have the technical, financial, and managerial capacity to be able to get in the queue for those SRF funds in the first place. She noted that they, collectively, have to provide technical support and assistance to really support those communities to be able to access those funds. Those are some of things they're going to need to work through as well as some of these definitional things around what does the 40 percent benefit looks like. Especially since there's already any existing Justice40 workgroup of NEJAC, it may be the Office of Water working with Matt's team can bring some of the thinking and ideas to that workgroup, and they can do all that together.

Ms. Fox noted that on this issue of those communities who have never gotten centralized water, infrastructure drinking water, wastewater infrastructure in the first place, this is an issue that is something that she had worked on for years, closing the water access report that looked at some of those communities. She said she agreed that, especially if we get this infrastructure proposal through the finish line, they do need to have targeted support to support those communities. The SRFs can support infrastructure development in these areas. She said that she doesn't think it's left up to the aspiration of what it could do. She said that she is committed that this will be a focus in the Office of Water and across the EPA as they both pilot Justice40 and then potentially have future infrastructure investments, if enacted by congress and signed by the president.

**Ms. Sylvia Orduño**, NEJAC Chair, asked if they can help NEJAC figure out what are the very necessary justice components that are going to continue to be a struggle here as they implement some of these programs? She knows that they have the intention of trying to figure out how it is that they can connect what is needed down to the community-based levels. However, she noted that there continues to be gaps in understanding.

For instance, they need to understand how it is that it's not acceptable to keep asking low-income environmental justice communities to keep taking more loans. They're not even the ones signing those loans. They are the utilities and other agencies that are signing those loans and agreeing to

pay that debt on behalf of those rate payers. She stated that meaningful engagement issues aren't happening without real conversation about if those communities can afford them, and not doing meaningful analysis to really determine what are the impacts.

This is all on top of the affordability issues that have been raised for a long time. She stated that they keep saying that part of the conversations around how justice has to be delivered is that they need grants not loans. If it is not recognized that the additional burdens that are being placed on these communities by taking on all that debt, which is already on top of existing debt, they're never really going to get the kind of water security that they need, and we're further putting communities in vulnerable situations. These are some real situations with some of our small systems where we've got large communities of color. She stated that sometimes other systems were formed off of that system, and now these are part of the systems that are being considered for consolidation or regionalization. She noted that questions are being raised about whether they actually have the technical capacity or even if they should be allowed to really continue.

Ms. Orduño raised the question, 'why don't you just consolidate with the bigger system that actually spun off of you?' There are a lot of justice issues that also tie into housing. A lot of communities that are in this situation where they don't even know what to do other than they're being told, well, you all better lawyer up because you're not going to get the kind of support, relief, even regulatory help in some ways from the state. She stated that communities are really trying to figure out how it is in these conversations around environmental justice and implementation, that they are not being skirted because of the economic issues that are being prioritized by the utilities. Even with the states saying it's just necessary for people to understand. People don't want to understand that you're going to close their system or that you're going to consolidate them into someone else because it also has an impact, again, on housing, quality of life, and history of communities. She asked if maybe that can be considered because there's a lot of folks that are doing community legal services for cases where the need exists.

**Ms. Radhika Fox**, Assistant Administrator for the Office of Water (EPA), thanked Sylvia for the question. She answered that what you are describing is the complexity of what it means to live in a community that is low income that doesn't have all the assets that it needs to thrive. Then, the reality is the state, federal, local funding sources, and programs are still cut and siloed,

and it's very difficult to really think about the community when these challenges present. She added that EPA right now wants to hear about these kinds of challenges, and there is an administrator and a leadership team here that will do their part. We can do certain things as EPA. They want to hear about these challenges, and they will do their part. She stated that there is a need for grants versus loans, and she does think they have a real opportunity that they should partner with NEJAC on to really see how far they can go.

For example, a number of states right now have the ability to put out SRF money, more money as grants or zero-interest loan than they currently utilize. They have greater program authority than they're utilizing. She said, as we're thinking about how we support states to partner with us on this Justice40 pilot and this Justice40 commitment, that's an area that they can try to do some problem solving together. Then, if the senate infrastructure package passes -- with tremendous leadership from President Biden and Vice President Harris -- it can get us to this point even as we still wait to see what happens in the House. She added that what is promising about that at least is that a great share must be put out as grants and zero-interest loans, around half of it across most of those SRF pots. She stated that one of the areas for partnership with NEJAC on that is how does EPA work with the states to make sure that that 50 percent is actually going to low-income and disadvantaged communities. I think we want to see that we really match where the grants and where the zero-interest loans go.

Ms. Fox noted that they match it to the communities that need it the most and that there are other communities that really can take on those low-interest loans because there are many that can. They should get the loans, and then the disadvantaged communities really should be prioritized for that. She said that she is happy to have a follow-up discussion with NEJAC.

Ms. Fox underscored the water infrastructure report and that it recently came to her attention in relationship of the 100 Day Report. She stated that there's a lot of excellent recommendations, and now is the moment to walk the talk of some of those recommendations because we have this opportunity with this new administration.

**Ms. Marianne Engelman-Lado**, Deputy General Counsel for Environmental Initiatives (EPA) added to what Radhika said that this is very much an all-hands work in progress. They are very much trying to figure and fly the plane while we're building it, figure out how they can meaningfully integrate both civil rights and environmental justice in all that they do, as the Executive Order 12898 requires them to do, as well the new Executive Orders 13985 and others, require them to do. This is a partnership, and the NEJAC's questions will be raised. How is that done? Radhika's talking about ways in which the Office of Water doing so. She noted that although it's not apparent, EPA is having those conversations about how they integrate these issues of justice in everything they do.

Ms. Engelman-Lado shared that, when Richard Moore was talking earlier about needing to hear from farm workers, just one piece of that is, as part of their own self-assessment required by Executive Order 13985, they're doing public engagement and had a really terrific meeting with a number of farm workers that was organized by a number of farm worker groups as well as Michal's office and the Office of General Counsel. It was really meaningful for people. That is happening. There's never enough time. She noted that she did want them at least to know that that's happening.

**Mr. Michael Tilchin**, NEJAC Vice Chair, recognized Ms. Nagano to speak.

**Ms. Ayako Nagano**, NEJAC Member, addressed Deputy Counsel Marianne Engelman-Lado that she had mentioned that she wanted to invite NEJAC to form a Title VI working group. Regarding the NEPA working group, she would like to follow up with her regarding Title VI matters.

**Ms. Marianne Engelman-Lado**, Deputy General Counsel for Environmental Initiatives (EPA), said she looks forward to it and feel free to reach out.

**Ms. Millie Piazza**, NEJAC Member, added, as a state government agency representative, she's really excited to hear about the elevation and attention to Title VI, particularly about supporting growing clarity about what compliance looks like. She stated that the Title VI procedural checklist from EPA as well as the chapter one of the compliance toolkit have been invaluable.

She said she's a little bit nervous about the attention and focus on the important but potentially concerning process of accountability through assessments and audits when they still don't have that growth and capacity of understanding of what compliance looks like, especially in agencies where a single person may be responsible for a technical field plus Titled VI plus EJ. Growing that capacity through trainings and maybe as much transparency about what an assessment and audit look like would be incredibly valuable.

**Ms. Marianne Engelman-Lado**, Deputy General Counsel for Environmental Initiatives (EPA), said that they can have a greater conversation about the sequencing of doing this work. She explained that one of our challenges right now is that they have so few people. Right now, they have nine FTEs in the Civil Rights External Compliance Office to handle guidance documents, complaints, compliance reviews. Of course, there are other people who help, but there's a need there. She stated that they're looking forward to seeing what's happening with the budget, as the Deputy Administrator says. Then they are trying to think through the sequencing to make sure there's no hesitation that they make those expectations clear then one thing can follow another. She noted that they're trying to do as much as possible and feel that same sense of urgency that the NEJAC 2017 suggested and then trying to do it well in the right sequence.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked her for her time and moved on to the next speaker, Assistant Administrator for the Office of Air and Radiation Joseph Goffman.

**Mr. Joseph Goffman**, Assistant Administrator for the Office of Air and Radiation (EPA), stated that he'd like to do is spend his time reiterating and making clear that EPA is committed to addressing ethylene oxide from industrial sources. As Administrator Regan made clear, the EPA intends to continue using the best available science on issues around toxic air chemicals, including ethylene oxide, and to do that to support all of our actions. It's a central tenet of the Agency, and it's a central tenet of Administrator Regan's leadership. Using best available science is particularly relevant with respect to dose-response information used in our risk assessments for facilities and factories that emit ethylene oxide into the air. He stated that they're going to be looking at section 112(f)(2) of the Clean Air Act as our authority because that's the authority that we use to perform health risk assessments for hazardous air pollutants or air toxics that have been identified under the Clean Air Act.

Mr. Goffman said, first, is to assemble the best available data information and analysis and to build a platform for taking protective action in the form of protective air emission standards requiring emissions reductions. In their health risk assessments, they often use an Integrated Risk Information System analysis for assessment; it's their IRIS system. An IRIS assessment provides the toxicity value for health effects resulting from chronic exposures of chemicals. Now, some stakeholders have raised issues about the IRIS value for EtO.

Mr. Goffman assured them that they do not plan to revisit our IRIS assessment for ethylene oxide at this time. In fact, we stand firmly behind the ethylene oxide IRIS value. He explained that the ethylene oxide IRIS assessment was published in 2016. It underwent not one but two rounds of public comment and two rounds of peer reviewed by EPA's Science Advisory Board. The Science Advisory Board peer review process provided the EPA with high-level scientific guidance and advice from external subject matter experts that their actions and research activities generally and in particular with respect to the assessment they made under IRIS of ethylene oxide. They are about to step off on a series of rule makings or regulations that apply to industries that emit ethylene oxide.

Mr. Goffman explained that, for each of these rules, which will be complex, they're going to work to develop up-to-date, accurate information about emissions from the industries. They're going to share information with surrounding communities. And they're going to seek input from those communities, not only during the rule-making process, but, in some cases, before we even begin the rule-making process so that they are moving step by step with the communities most affected by this chemical.

Mr. Goffman continued with entering the rule-making process with as clear an understanding as they can have about how the problem is experienced by people living in those communities. They're going to start by looking at manufacturers of commercial sterilizers. They're going to move quickly to look at manufacturing of hospital sterilizers and then onto synthetic organic chemicals manufacturing industry sources and finally with manufacturers or producers of polyethylene polypills.

Mr. Goffman added that they're going to look also at chemical manufacturing area sources. Now, that is going to feed into a broader air toxics strategy. They're going to begin that by granting reconsideration of an action the Agency took last year, that is, in 2022, with respect to the National Emission Standards for Hazardous Pollutants under what is call the MON with miscellaneous organic chemicals manufacturing residual risk in technology review. He stated that they were presented with five different administrative petitions, and they're going to take actions on all of them.

Mr. Goffman finished by saying they have embarked to their regional offices, through a series of community engagement providing information to those communities that are near or affected by ethylene oxide facilities, about the information we have about potential risks that emissions from the facilities may pose to the communities. Of course, they're going to build on that platform as they do the rulemakings.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked him for his comments and moved onto the next speaker Christopher Frey.

**Dr. Christopher Frey**, Deputy Assistant Administrator for Science Policy in the Office of Research and Development (EPA), said he served on a number of EPA advisory committees and he appreciates all the hard work that they have put into service on the NEJAC.

Dr. Frey stated that he wanted to report out on three of NEJAC's letters. Regarding the July 21st, 2018 letter on youth engagement, he really wanted to give credit to his hardworking career staff. ORD's EnviroAtlas team has produced teaching materials and curricula for training youth in K through 12 and college. That's available at [epa.gov/enviroatlas](http://epa.gov/enviroatlas). The EnviroAtlas team has ongoing engagement with communities.

An example is Project PEACE by Youth, where PEACE stands for Promoting Environmental Action and Community Empowerment. He explained that this project is designed to engage young people on issues of importance in their communities and to build their capacity to use online tools to understand, explore, and create action plans to address local issues. In 2021, ORD held or led several sessions in several low-income North Carolina school districts with diverse

student populations of something called Generate. Generate is “The Game of Energy Choices”.

Dr Frey explained that Generate was developed by EPA researchers to demonstrate how using fossil fuels to generate electricity impacts air quality, climate, and surface water consumption. The participants learned how renewable energy and energy efficiency can reduce such impacts. ORD was also involved in creating the Awesome Girls: Protect the Planet virtual event with the Girls Scouts of USA, targeted for elementary through high school youth. That virtual event was recorded in December and, through playback, still provides a way for youth to learn about EPA and citizen and community science and to earn an EPA patch. Their local programs, such as the Community Engagement and STEM Education Program in RTP, are committed to increase equity and build capacity for a more diverse workforce and to prioritize requests from schools with a high percentage of free or reduced lunch.

Dr. Frey continued with regards to NEJAC's September 29th, 2017, letter on monitoring programs in communities, the Office of Research and Development has used research-grade instruments to study issues such as near-road air pollution, near-railyard air pollution, and fenceline monitoring near refineries for impacted communities. EPA's ORD's research program has included intramural research as well extramural challenge grants that address the development of sensors and data visualization for air and water quality monitoring for use in community science. Advances in sensor technology have enabled an expansion of community member direct participation in air measurement studies. ORD has made remote sensing data from satellites publicly accessible through visualization software. Recently, ORD has partnered with EPA Regions 2, 5, 9, and 10 to initiate air sensor loan programs for the benefit of communities.

Dr. Frey gave some specific examples of ORD work related to monitoring including Village Green, the Kansas City and Local-Scale Air Quality Study, and Rubbertown projects to address community-scale air quality monitoring and visualization of data, also the Wildfire Advancing Science Partnerships for Reduction of Smoke Exposures, or ASPIRE, program to develop better data for areas affected by wildfire smoke, remote sensing and visualization tools, including the CyAN app, which provides information on harmful algal blooms, the Odor Explore mobile app, to help better understand the cause of odors in community, and Village Blue, which is a real time



water quality monitoring project created by ORD and the US Geological Survey to demonstrate the use of water quality sensors and help communities better understand their local water quality, as demonstrated in Baltimore Harbor and Lake Pontchartrain.

Dr. Frey went on that EPA is collaborating with others to advance tools and other resources to inform communities, such as “bloomWatch” which uses crowdsourcing to help identify harmful algal blooms. EPA's engaging entrepreneurial community to develop new technologies to address issues of concern to communities, an example is the Advanced Septic System Sensor Challenge to develop affordable sensors to monitor septic system operation. ORD is periodically called upon to provide technical support, including at tribal and community levels. For example, ORD is working with the Inupiat Community of the Arctic Slope in Alaska to identify PFAS present in water sediment and fish tissue.

Then, with regard to NEJAC's August 2019 letter on mapping data, EPA has continued to develop EnviroAtlas, increasing its capabilities and value for public, community, and educator use. If anyone is not familiar with it, EnviroAtlas provides geospatial data, easy-to-use tools. Another resource is related to ecosystem services, such as clean air and clean water, and their chemical and nonchemical stressors and their interactions with human health. EnviroAtlas has hundreds of data layers as well as US census and other demographic data. For the contiguous US, all community and tribal lands in the contiguous US are covered.

Dr. Frey explained, however, in response to NEJAC, ORD has added, which is subject to data availability, approximately 100 layers based on high-resolution data for featured population places covering 1,400 cities and town, ranging in size from 2,000 to 9.8 million population. ORD has added GIS layers to EnviroAtlas for Alaska, Hawaii, Puerto Rico, and the US Virgin Islands, this includes as much data as was available for those. EPA will continue to develop training materials so all communities can use EnviroAtlas.

Dr. Frey stated that he also wanted to make two general points: one in response to Sylvia's opening remarks about what is NEJAC's role and what are other resources that EPA has. He stated that he wanted to highlight that one of the first decisions of Administrator Regan was to reset the Science Advisory Board and, in so doing, establish a new Environmental Justice (EJ)

Committee of the EPA Science Advisory Board. There is a federal advisory committee that is focused on EJ science. In fact, in ORD, they've already made plans to ask for advice from that committee on several key science issues.

Dr. Frey added that the last thing he wanted to say with regard to ORD is they're in the beginning of a development of a multiyear strategic research action plan. As part of that, they are giving tremendous priority and emphasis to environmental justice science issues and are seeking input from partners at states and regions and tribal input. They'll be seeking input from the SAB Environmental Justice Committee and through our board of scientific counselors to leverage our resources to advance the state of science. He handed the floor back to Sylvia.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked him for his comments and she is hopeful about the additional projects and initiatives for youth. That's been something they've been trying to figure out also as a Council, how to be more youth inclusive. She introduced the next speaker, the Associate Administrator of the Office of Policy, Vicki Arroyo.

**Ms. Vicki Arroyo**, Associate Administrator of the Office of Policy (EPA), thanked the Committee and was grateful for the honor of speaking to NEJAC. She said that she was especially excited to come back in this role in the Office of Policy because of their work with OEJ and because of their work on environmental justice.

Ms. Arroyo noted that there's a lot of good work going on across the Agency to really try to better integrate EJ considerations in their work. That's true across the Office of Policy, as well. She said she was asked to speak today to the remarks on the Nation Environmental Policy Act, NEPA, your comments on NEPA, and recommendations around incorporating environmental justice more in the analysis under NEPA in the federal government. She stated that because many of your recommendations actually extend beyond EPA's Clean Air Act Section 309, NEPA review role, they've shared those recommendations with the White House, the EQ, and with the Environmental Justice Interagency Council and their NEPA subcommittee. They are working very closely with CEQ on really bolstering their efforts around EJ and climate change as well.

Ms. Arroyo stated that they will be providing a more detailed response to the 100 Day Letter. She wanted to focus on a few of the larger things that they're currently focused on in the NEPA program. EPA has substantially increased their focus on early engagement with federal agencies in NEPA process. We've found that, with early engagement, we're better able to influence environmental outcome and attention to EJ responsiveness rather than solely relying on their comment letters, although we are certainly leaning in on the comment letters as well. EPA is increasing our focus on providing training and technical assistance on how to integrate EJ considerations to NEPA to improve the quality and content of their review, of other agencies' EISs, and externally with federal agency and with key stakeholders.

Ms. Arroyo explained an example that they recently initiated a webinar series with tribes and indigenous peoples on NEPA to help them better understand the NEPA process and how to effectively engage with agencies. They'd welcome their recommendations as NEJAC on other key agencies and stakeholders that they should reach out to for training as well.

Ms. Arroyo continued explaining, for our EIS review authorities under Section 306 of the Clean Air Act, they created an internal working group with members from across our regions to identify and improve on the tools we have for them and for other agencies, improved the training for all of their staff on best management practices for integrated environmental justice analysis into NEPA, and provided expertise and advice around potential impacts to communities with EJ concerns to any region reviewing EISs with complex issues. They're actively looking at their current policies to see where and how they can improve tools available to influence federal agencies and ensure they're communicating in plain language, making their concerns, recommendations, and expected next steps clear to the federal agency decision makers and to the public who might be reading their letters.

Across the federal government, there's a grand swell of interest and request for support to help better integrate EJ into our thinking and decisions. She said she appreciated the powerful role that EPA can play in leaning into this demand, as Madam Chair and others were saying earlier on the call. For example, she recently sent a letter on behalf of the EPA to FOP emphasizing the need to engage affected community and address greenhouse gas emissions and climate impacts on communities with EJ concerns.

Ms. Arroyo said she's also been reaching out to colleagues across the federal government to personally engage and remind other agencies that they're here to support their efforts to advance EJ in their work. They're reviewing their own policies and procedures for integrated EJ into their actions that require NEPA compliance and all our permitting programs, as well. Because their role in the NEPA process is unique, she reached out to the NEPA working group and planned in the near future to have a first of what may be many discussions to share specifically about our Clean Air Act 309 role, as it pertains to NEPA, and to be available to discuss other ideas that they may have to help improve our recommendations and comments to other federal agencies. She turned it back over to Sylvia.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked Ms. Arroyo for her comments and introduced the next speaker Deputy Assistant Administrator for Office of Land and Emergency Management, Dr. Carlton Waterhouse.

**Dr. Carlton Waterhouse**, Deputy Assistant Administrator for Office of Land and Emergency Management (EPA), thanked the Committee for the opportunity and appreciated the invitation. He stated that he will focus his remarks around some of the key findings in the May 6th report that NEJAC provided regarding superfund remediation and redevelopment. In particular, they pointed out addressing community concerns, challenges, and opportunities; strengthening community voices in superfund decision making; remediation and redevelopment consistency; and expanding the superfund role. He also thanked the NEJAC superfund working group for the Superfund Remediation and Redevelopment for Environmental Justice Communities Report. He said he won't be able to go into a response in depth to all 87 pages of the report, and he will pull out a few highlights. Their recommendations shine an important light on the work before them.

Dr. Waterhouse stated that many of the recommendations in the report are already underway, and they're evaluating how they can more strategically apply them to overburdened and underserved communities. Their superfund remedial program has been identified as a pilot for Justice40 in the Justice40 Initiative in an opportunity that will give them additional chances to apply their recommendations. They look forward to continuing to be in conversation as they seek their support as they move forward around the Justice40 work.

Dr. Waterhouse noted that with regards to addressing community concerns, challenges, and opportunity, one, he wanted to note that engaging community and ensuring residents have a role and voice in the decision-making process with superfund clean ups is a critical element of environmental justice as we understand it within OLEM. He agreed that we need to continue to expand and build on our ability to ensure communities have equal access to information that they need to fully participate in the superfund decision-making process. The superfund program, along with other parts of the office, is working on an environmental justice action plan that's going to help guide their efforts. They do look forward to future conversations about the plan and their feedback on that, as well.

Dr. Waterhouse agreed with NEJAC's report's findings that the greatest opportunities to strengthen community engagement efforts do flow from consistently engaging impacted community when the clean-up process begins at the planning stage, with the early engagement effort devoted to listening and seeking to genuinely understand community concerns. He explained that work is underway as part of their EJ action plan to address this recommendation specifically. Work is also underway to improve their superfund website and their site-specific websites to clearly communicate potential risk and provide increased access to site information and community resources in an accessible way. He acknowledged that they're also participating in the Agency's risk-wide communication workgroup, where many of his staff are getting training and are working on actions to enhance our risk-community activities in community affected by superfund cleanups. Also, through working with a committee of residents and EPA staff, they're updating the Technical Assistance Grant website and the TAG application process to make it less burdensome for communities to apply. With regards to remediation and redevelopment, one of the most exciting opportunities they have to transform communities is to reuse and redevelop the superfund beneficial sites.

Dr. Waterhouse agreed with NEJAC's report's recommendation that success is best achieved when both remediation and reuse redevelopment efforts are aligned. He also agrees that discussions about redeveloping sites must happen early in the cleanup process. Work is ongoing right now to enhance the superfund redevelopment program by examining ways to provide more training to site teams and to place more emphasis on early engagement to help communities plan

for beneficial site reuse and to emphasize redevelopment's role in protecting the [inaudible]. He stated that they're also working hard to foster engagement of financial stakeholders to maximize available resources that communities are able to access. They're working with different organizations to accomplish this, including the Council of Development Finance Agencies, Local Initiatives Support Corporation, which is the largest community development organization in the United States, as well as developer trade groups and local governments. We'll continue to encourage the regions to start redevelopment conversations at the very beginning and to identify communities where we can apply our resources to support their visions.

Dr. Waterhouse stated that with they're going to keep promoting the Superfund Training Initiative and the training that provide valuable and transferable life skills and technical skills needed for cleanup contractors at superfund sites and beyond. With regards to consistency, he agreed with the NEJAC's recommendation for applying policies and practices consistently across the regions, and he's committed to continuing the evaluative process to make sure how they can make that more uniform and effective.

Dr. Waterhouse stated that they plan to update our Lead Cleanup Policy to ensure superfund in required cleanup decisions involving lead soil, protect the most vulnerable populations. As part of their Justice40 work, they are developing a collaborative lead response strategy for responding to lead at residential superfund sites. They're really excited about this because it's a comprehensive, across-the-agency, across-the-federal-government approach to dealing with lead at superfund sites where the concerns go beyond the actual site boundaries. They're collaborating with HUD as well as HHS to be able to lean in closely around these sites and to use multiple resources to be able to address the needs of communities.

In terms of NEJAC's key finding on expanding the EPA superfund role, he noted that the report offers several ideas for expanding the superfund role in redevelopment, community health, and creation of community assets, and they're developing these approaches as they move forward under the Justice40 work.

Lastly, Dr. Waterhouse wanted to take some time to say a little bit about something that wasn't as focused on but is really important with regards to their Brownfields program is providing

funding for the establishment of Groundwork USA's Groundwork Trust and is used- development programs. They are going back to some early NEJAC recommendations about enhancing the development and the work with youth in the Brownfields program. The Groundwork Trust work includes Green Teams. Green Teams youth receive extensive environmental education, build their community and conservation skills, and learn to work professionally and effectively as a team. He noted that they're going to be developing best practices in collaboration with Groundworks in order to do that. We also are looking specifically at concerns about ant-displacement strategies as an integral part of the way the Brownfields program operates. His office will continue to encourage community efforts to prevent displacement as brownfields are developed.

Dr. Waterhouse explained that they recently awarded a new three cooperative agreement to Groundwork USA to help communities incorporate equitable development and EJ approaches into their environmental justice projects. They're also exploring and plan to share what they learned from different community-led approaches and models that they've seen at some brownfields communities, one combining a social impact bond and brownfields assessment grant to gear brownfield's revitalization efforts to meet local affordable housing needs and local market programs in Richmond to California, and in talking with organizations across the country who developed and are now implementing equitable development plans for large infrastructure reuse projects so we can help identify and share their lessons learned. One example of that is Atlanta's BeltLine as well as D.C.'s 11th Street Bridge and other projects. He thanked the NEJAC again and turned it back over to Ms. Orduño.

**Ms. Sylvia Orduño**, NEJAC Chair, introduced the next speaker Larry Starfield, the acting Assistant Administrator for the Office of Enforcement and Compliance Assurance.

**Mr. Larry Starfield**, Acting Assistant Administrator for the Office Enforcement and Compliance Assurance (EPA), said that he was very happy to be there at NEJAC again to talk about the high priority that the enforcement program the EPA places on environmental justice. He noted that President Biden and Executive Order 14008 called for stronger enforcement of environmental violations with disproportionate impact on overburdened communities, and with the strong support of Administrator Regan, he issued four directives starting in April to advance

environmental justice in our enforcement order. He hoped that Matt Tejada will send links to those four documents.

Mr. Starfield went on and explained that, in civil enforcement, that means more inspections in EJ communities. It means innovative remedies and increased community engagement. In the criminal enforcement world, that means strength in detection of environmental crimes in overburdened communities, improved outreach to crime victims, and enhanced remedies that they will seek in our environmental crimes' cases.

With clean-up enforcement, they're going to require PRPs to take early and prompt clean-up action pressing for more robust enforcement instruments and increasing the oversight of how enforcement instruments are implemented. He issued a fourth memo on remedies urging case teams to use the full array of policy and legal tools to ensure benefits to communities including mitigation to address past harms and the use of SEPs, supplemental environmental projects, which is now under review at DOJ.

Mr. Starfield stated that they have already taken a number of actions in situations to stop pollution where it does pose a threat to communities to people's health. For example, in May, they did two emergency orders under the Clean Air Act. There had only been about 11 in the history of EPA. They issued one, Deputy Administrator McKay mentioned, in the Virgin Islands at the Lime Tree facility to cease operations there due to operational issues and emissions in the community. They issued an emergency order in South Carolina at the new Indy container board facility to address hydrogen sulfide emissions from the pulp and paper mill there.

They've also taken a number of actions in drinking water areas. In Jackson, Mississippi, they issued a non-consent in order with the city for long-term repairs to the drinking water system. And they're working with the other parts of the Agency to provide technical assistance and funding to help Jackson succeed in its drinking water efforts.

Mr. Starfield mentioned that in Region 5, the Cuyahoga Heights, Illinois, situation, they issued an emergency order to require actions necessary to protect residents from drinking water threats due to a deteriorating system, the lack of an adequate staffing plan, and threats of infiltration. In



West Virginia, Clarksburg, Region 3, they issued an emergency order on drinking water because they found elevated lead levels at various residences.

They've had the support of the states in all of those five cases he mentioned. He views EJ as a shared goal. But as he noted in his April 30th memo, if there's a situation where the community's help may be impacted by non-compliance and our co-regulator is not taking timely or appropriate action, they should not hesitate to step in and take necessary action. They need to ensure the protection of communities regardless of where a person lives.

They'd be happy to engage more with NEJAC on these issues but recognizing how busy they are working with their Office of Public Engagement as well as a group of NGOs to connect to EJ groups for advice on how better to engage communities on enforcement issues. They are committed to making a difference in the lives of overburdened communities that are impacted by environmental non-compliance. He turned it over to Ms. Orduño.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked him for his comments. She asked Mike, again, to help us with Q and A from Council members.

**Mr. Michael Tilchin**, NEJAC Vice Chair, invited Richard to speak.

**Mr. Richard Moore**, NEJAC Member, wanted to cover a few things. One was the reason he had asked the question earlier because we see in the presentations that each of the presentations that they've gotten thus far overlap into another area.

Mr. Moore stated that, from their experiences in the past, in many cases, there has been lack of input from grassroots communities. Having the Agency's assistant administrator of an office communicating with another office inside the EPA has been very, very challenging to them, one, in terms of NEPA. He stated that he's seen, heard, and gotten calls around the attempt to by-pass the NEPA regulations in terms of the sighting of particular permits and by-passing the NEPA.

Mr. Moore stated that the second piece is with Carlton again in regard to the RNP. Those calls, those listening sessions that took place were excellent. They've gotten great feedback from

various sectors within the EPA or with the NEJAC about those particular listening sessions, rollbacks, cutbacks, RNP. He asked, where are we going to be on RNP? They've been asking for it for years, and so then where are they at, right now?

Mr. Moore finished with many people on this call or this Zoom know that enforcement has been a major, major issue or the lack of enforcement has been a major issue in communities that are surrounded by various facilities and so on. He asked for a response to those comments and questions.

**Dr. Carlton Waterhouse**, Deputy Assistant Administrator for Office of Land and Emergency Management (EPA), thanked Richard for his comments and questions. He started with RNP and how the comments can continue to be submitted, but they won't be on the docket. He added that when they actually come out with the proposed rule, which they're planning to do next year, they will take additional comments, of course, and there will be more opportunities for more public engagement.

Dr. Waterhouse stated that they're planning on addressing this administration's priorities in the proposed rule that they plan to come out with next year, which would include bolstering resilience to climate change, prioritizing environmental justice, and also conclude new accident prevention or emergency response program elements and changes to existing elements and other changes to the existing provisions all in order to ensure greater levels of protectants.

**Mr. Larry Starfield**, Acting Assistant Administrator for the Office Enforcement and Compliance Assurance (EPA), jumped in with a comment. He stated that enforcement is back. That's a simple way to say it. This administrator is committed to using all available tools to make a difference in the lives of people. And, so, they're very excited to be back in full strength and committed to getting involved and stopping health problems when they see them around the country.

**Ms. Vicki Arroyo**, Associate Administrator of the Office of Policy (EPA), jumped in to say a comment on NEPA. They are absolutely ensuring that the protocols are followed and that EJ is integrated into the work. They're working closer with CEQ to make sure that EJ is elevated in the

regulations that are forthcoming. Just to show that this goes beyond EPA's leadership on EJ, it's an administration-wide priority. She noted that they might not know because this might have just been released to the media since this meeting started. The Army Corps just ordered a full-blown EIS on the Formosa plant in my home state of Louisiana.

Ms. Arroyo added that that's a really exciting development, and it's just another sign of the fact that people know that they need to take a hard look at alternatives and everything that is required by EPA through that full-blown EIS process in many of these larger matters, as it relates to EJ and climate change and other things.

**Dr. Sacoby Wilson**, asked, as it relates to Justice40 and the engagement of the various programs, superfund and brownfields, how is EPA looking at the ReGenesis model?

Dr. Wilson added that he wanted to highlight this with NEPA, are they making sure health equity assessments are integrated in NEPA? He also added the point of climate change, the oil and gas different structures across the country that are pollution intensive. If that's critical infrastructure, then why aren't they doing more from an impact perspective through IWG, EPA, with Homeland Security, with FEMA to make sure that infrastructure is protected from these rising sea levels. There are too many above-ground storage tanks that get knocked out by wind and water, and there are residual impacts on local communities from Louisiana to the Houston ship channel to other parts of the Gulf coast.

Dr. Wilson asked, why hasn't more been done there as it relates to this supposed infrastructure being critical to our economy? As they transition from dirty fossil fuels, why aren't they doing more to make sure these communities that fenceline are being protected? And, so, this is how Homeland Security needs to step up, and how is EPA engaging with them on that?

Dr. Wilson added that science piece and the air quality monitors are really, important. How is EPA making sure that community science has been integrated into enforcement, regulations, and compliance? It is about time the EPA changes its way and does monitoring to make sure they have more, better technology.

Dr. Wilson stated that they have a cooperative agreement with Aclima. They're doing block-by-block monitoring that is showing much higher levels of PM and other contaminants being put above the criteria of OSHA standards. So how is EPA integrating better technology to protect our frontline and fenceline communities?

Dr. Wilson noted that this issue of cumulative impacts, how are they going to address these issues? Have they not actually looked at what's happened from a cumulative perspective?

Dr. Wilson brought up enforcement and compliance: If the state agencies are not doing their jobs, when's the EPA going to come in and take over? When are they going to start getting the money to folks who keep poisoning people? He noted that there are communities dealing with toxic trauma, toxic stress. When we permit facilities in communities already overburdened that's state-sanctioned poisoning in a form of state-sanctioned violence. He asked when is the EPA going to stop that, stop being part of criminalizing communities by dumping on them and using them as sacrifice zones? He stated that he appreciated the EPA's back, but they've got a lot of work to do.

**Dr. Na'Taki Osborne Jelks**, NEJAC Vice-Chair, wanted to go back and thank again Chris Frey for everything that he shared about ORD. She wanted to ditto what Sacoby said about really integrating and using this community science-generated data to assist with enforcement decisions, especially when that monitoring is able to really capture things at a very fine grain community or even street level which is a lot better in many cases than some of the stationary monitors that are in different areas across communities and across different locales.

Dr. Jelks added that, in reference to the tools that you mentioned, she was definitely very encouraged by a lot of the tools that were mentioned around citizen and community science. She asked, when is that rollout going to happen in terms of other states or other regions? She said that she didn't hear Region 4, which is where she is from in Atlanta, so she's very interested in knowing how these tools are being shared with the regions? She asked, would there be EJ offices in each region? And how are they, then, rolling this information out so the communities can know how to take advantage of these things whether they're talking about things around youth engagement or things that can be useful for broader community use?

Dr. Jelks addressed Carlton. She was very encouraged to hear about the work with Brownfield U.S.A. and really encouraged to hear about the anti-displacement strategies around some of the brownfield redevelopment projects. She thought that was critical, and she hoped that EPA will really dig in on this because they're seeing this as a major issue in different cities across the country.

Dr. Jelks stated that the social impact piece is also very encouraging. She really wanted to just emphasize the fact that communities have to be at that table. She's seen some of this work around community, around the social, environmental impact with these social elements. In some cases, unfortunately, it's still been a top-down approach. If a municipality has gotten funding and they're implementing certain types of projects -- I can use Atlanta as an example -- those who are around the table have to keep asking, how can the community be involved in helping to co-create and co-design these community metrics of success when we talk about the social impact elements? She emphasized that the community has to be at these tables to make sure that what they are calling out as benefits are really seen as true benefits, needs, and desires of the communities that will be impacted.

Dr. Jelks stated, as Sacoby talked about, are they looking at the ReGenesis model? He talked about critical infrastructure being protected. She asked if there are any sort of holistic models that they are looking in terms of superfund or brownfield redevelopment projects in terms of Superfund emergency removal projects?

Dr. Jelks mentioned the Proctor Creek Watershed in Atlanta, which had been identified as one of the urban waters' federal partnership sights. There is now an emergency lead removal that is going on. Unfortunately, thinking about things from a holistic standpoint, the lead soil is being removed. In some cases, trees are being removed from people's homes, but those trees are not being re-planted in many instances. She explained that, to this point, they're finding that in some cases, some of the homeowners who are distanced and don't live in Atlanta are saying, oh, don't put back a tree. So what is now happening is that residents are complaining about the flooding and the heat and other things that they are now being impacted by because those trees were removed.

Dr. Jelks added that, in terms of some of the conversation that they're having, they're just hearing, oh, well, we just can't do anything about it. She stated that it just doesn't make sense to them after EPA's invested so much time and resources in issues like green infrastructure and projects to reduce flooding that, through this emergency removal, that we would take away some of that critical infrastructure that is dealing with the lead issue, but it's now creating these other problems and challenges. She questioned the holistic models. When they're talking about redevelopment, it's not just about removal of those toxicants from whatever environmental media it's impacting, but how are they looking holistically at how these sites are left to benefit communities.

Dr. Jelks addressed Mr. Starfield. She stated that they definitely understand, and they're glad that enforcement is back. They made some sort of comment about the fact that that the NEJAC is overloaded and really busy, and so they're working with NGOs. They're working with the Office of Public Engagement to reach out to EJ communities. She still wanted to offer the NEJAC as a resource.

Dr. Jelks noted that the NEJAC gets so many comments during public comment period around issues of enforcement, so they are one of those places where people are coming with their issues. In addition to the work that EPA is doing through the Office of Public Engagement through the NGOs that are part of their trusted advisors, please don't forget about the NEJAC because they are hearing many of those comments and are in contact with many of the communities who are dealing with and have some challenges and struggles around enforcement and compliance.

**Dr. April Baptiste**, NEJAC Member, had a quick question for Dr. Frey. She said it relates to how is the EnviroAtlas related to the EJSCREEN and are there interconnections between the two? Are they feeding one into the other? She suspected that they serve different purposes. She thought it would be good to talk a little bit about that and whether they all have been engaged in any of those discussions about tracking of different impacts.

Dr. Baptiste asked her second question, have any type of assessment been done on the EnviroAtlas and sort of with its use, particularly in communities? Have you all been testing to

see its impact, like, its reaching and if communities have found it meaningful in addressing some of their environmental justice concerns?

**Dr. Christopher Frey**, Deputy Assistant Administrator for Science Policy in the Office of Research and Development (EPA), answered that EnviroAtlas is a different tool than EJSCREEN, and it has a slightly different point of view. But the data layers that have been developed for EnviroAtlas are eligible, and, in many cases, have been incorporated into EJSCREEN. Thus, they're not mutually exclusive tools. The group in ORD that works with EnviroAtlas has very intentionally focused on demonstrating community-focused applications. Thus, there is for example, on the website a case study for designing greenways in communities and what the benefits are.

Dr. Frey added that, to the specific question of, what's been the reception within communities to EnviroAtlas? He said he didn't have a ready answer for that. He said he would have to check on that specific point. But it's a great question, and he will find out. He stated that they're going to be providing a written report, and so they'll incorporate that.

Dr. Frey also acknowledged that Dr. Sacoby Wilson's question is a critical issue. That is one of the highest priority things that he talks about day-by-day within the front office at ORD and with our national programs and with our centers in ORD, and it's part of their strategic research planning process, and they're going to come back to him now that he's moving to the Science Advisory Board's EJ Science Committee. They're going to be seeking more of Dr. Sacoby's advice in this critical issue.

Dr. Frey stated that cumulative environmental impact is front and center and not just within ORD, but, within all the programs represented, there are going to be needing that enhancing capability. He stated that he wanted to address Sacoby's point about the relationship between science and enforcement and invite Larry to add. In ORD, they've developed tools in science and data, and they're mindful that there's many different decision-makers. However, ORD, itself, is not a decision-maker. Joseph Goffman, Carlton Waterhouse, Larry Starfield, or Radhika Fox, they're the decision-makers. Thus, so they need to do science that's relevant to their program partners and that's part of their research-planning process is to make sure they're doing that.

Dr. Frey added that there's other decision-makers, too, at the state level, at the local government level, the community level. And, so, their goal is to do what they can to inform those decisions, but, at least, he doesn't control those decisions. They are a team. That's why they're all here today. They're part of a whole of government, a whole EPA approach, and they do talk to each other, and they do work together and they will continue to do that. Thus, I think they're here and they need to do more of that, but perhaps others can weigh in on how do they translate the science into enforcement?

**Mr. Larry Starfield**, Acting Assistant Administrator for the Office Enforcement and Compliance Assurance (EPA), wanted to add a word on that. He stated that cumulative risk is probably the hardest issue for them to deal with. From an enforcement perspective, they can only enforce what they find in violation. Consequently what they're trying to do is when they find high levels of a contaminant, and they find a source that has a violation. Subsequently, they can deal with that source. They need to bring in the permitting folks to access the permits that are being issued to other sources that other people may actually be in compliance with, but the cumulative impact is still adverse. Thus, they need to take a team approach, as Dr. Frey mentioned.

Mr. Starfield continued, on the comment about, "If the state's not doing an adequate job, the EPA needs to step in," that's what they plan to do. That's what's in his April 30th memo, and they are pressing the states. I've talked to Environmental Council of the States (ECOS), and they expect the states to step up, but that's not always true. If they don't and there's a health concern, they're going to step up. That's the commitment they've made. Regarding community data, it's incredibly important, and there are a lot of communities that have their own infrared (IR) cameras that send us photos of flares that are burning improperly. This is incredibly helpful. Thus, they're working with ORD and others to try and figure out what tools there are. That's a very active, ongoing project.

**Ms. Sylvia Orduño**, NEJAC Chair, stated that it's time for the next session with Matt and Sheila. She asked the Council members that had their hand up if they really just needed to make a final comment or ask a question just for the record.



**Mr. Richard Moore**, NEJAC Member, stated that there were two quick points additionally that he'd like to flag. One is military toxics for those of us that live around military facilities. We've gotten testimony over and over again throughout the years from Alaska, from other communities, and so on that are impacted by military toxics. So that's very crucial.

Mr. Moore added that the other one is relocation and dislocation. That's another issue that consistently comes up.

Mr. Moore mentions that, yes, the states in many cases, the relationship between many of their communities and the states have been not only challenging but deeper than the word challenging. And, so, that's been very, very crucial.

Mr. Moore stated that his last point are the regional offices. Those that know, at least from where he's from in Region 6, the most contact that many of their grassroots groups have are with those regional offices. He wanted to encourage them to continue, and there's a commitment made by the administration that the open-door policy with communities is within the structures of the regions.

**Ms. Sylvia Orduño**, NEJAC Chair, wanted to echo or follow up on his point, especially, if it seems appropriate to know if there are any agencies or departments in the federal government that might not be part of the whole plan around how to implement environmental justice. She stated that they would not want to hear at any point the DoD has opted out. They're hearing some things about where the Air Force, for instance, is trying to figure out what they can do around PFAS. She noted that if they're looking at the whole of government, they want to make sure that all units of government are trying to figure out what their approach will be. That would be helpful to learn at some point, too.

**Dr. Na'Taki Osborne Jelks**, NEJAC Vice-Chair, said she hoped that they will get some follow up on other questions that were asked that they don't have time to cover right now.

**Ms. Vicki Arroyo**, Associate Administrator of the Office of Policy (EPA), wanted to answer one

of Na'Taki's questions that she thought might be of interest to this group. She stated that it's an exciting development that she's not sure they're aware of, but Administrator Michael Regan is actually a co-chair of a brand-new inter-agency work group on extreme heat events. There are similar workgroups on things like coastal issues in terms of storms and flooding and sea level rise, drought, and other things. She said she heard them about green infrastructure and importance to water absorption and all of that and they are having some opportunities for agency work groups that are very exciting that are just launching.

**Dr. Carlton Waterhouse**, Deputy Assistant Administrator for Office of Land and Emergency Management (EPA), mentioned that they are using ReGenesis as a model. They've had multiple conversations with Harold Mitchell, and it's playing a vital role for them. They're also exploring how cumulative risk can inform their bipolarization models. They're also taking under their guidance this discussion of social impact bonds and how they already are committed to making sure communities are partners so that they are not just being told what they're doing for them. He stated that they are working together to decide what will happen in their communities as much as they can support them. They're looking forward to continuing to work together with them and with the NEJAC on those issues.

**Ms. Sylvia Orduño**, NEJAC Chair, stated that it really means a lot to them to know that the Agency is really looking closely at these issues. Thus, they look forward to the reports, and the NEJAC is going to continue to also keep pushing on some of these issues, too. The NEJAC is actively trying to incorporate what they hear through public comments and written feedback to NEJAC, as well.

Ms. Orduño stated that scheduled next is the Office of Environmental Justice, and this is where Matt and Sheila will give some additional updates about Agency EJ activities. The took a quick break before that session.

[BREAK]

**OFFICE OF ENVIRONMENTAL JUSTICE - ADDITIONAL UPDATES ON AGENCY  
EJ ACTIVITIES**

**Dr. Matthew Tejada**, OEJ, explained that they wanted to continue with the theme of having leadership come and give responses to some of the high-level things happening across EPA and specific things back to the hundred-day letter. He and Sheila Lewis will cover some of the other stuff that's happening. He said he is using a slide show to paint as full of a picture as they could of what is happening on environmental justice in the first months of this administration.

Dr. Tejada stated that he will cover a lot of the stuff that's happened with executive orders and the American Rescue Plan. He stated that he will talk about EJ, how the EJ programs work, and what's going on in the regions as Richard and other folks were pointing to. He said that Sheila will give a little bit of a highlight of what they're thinking about in terms of grants.

Dr. Tejada stated that there will be a lot of items covered today and at the business meeting tomorrow. He emphasized that they don't have to get everything in at this time, and it is going to be a living conversation between OEJ and EPA and the NEJAC for years to come.

Dr. Tejada started with the executive orders. Obviously OEJ and the EJ program, they've been playing both leading and a supporting role on the agency-equity teamwork. This is Executive Order 13985. There are six work groups that have been set up at EPA to try to cover everything that they do. Regarding data, there's a data working group just on procurement like contracts. There's a work group just on grant and financing. There's one on research and science. There's one on just an engagement, and there's one on policy that is broken into sub work groups on permitting, on licensing, on rules, on all the different policy workstreams.

Dr. Tejada noted that there are EJ folks sitting on all of those. He is actually leading one. Some of the other people like Phil Fine, who is the deputy to Vicki Arroyo, is helping to lead another one. EJ is covering a lot of ground and helping to lead and also helping to support across a lot of these EO 13985 implementation issues.

Dr. Tejada explained that they just passed their first milestone with that. They turned a barrier report into the Domestic Policy Council. The next big one happens in January where they're supposed to do an actual action implementation plan; how we're going to break down all these barriers to advancing equity across everything that EPA does. He stated that there's a lot more work to do, but it's lining up nicely with some of the other work that they're going to talk.

Dr. Tejada then talked about Justice40. They're continuing to provide support to CEQ for Justice40. But CEQ and OMB are, obviously, in the lead of the Justice40 work. So, they're primarily -- aside from providing some support up to CEQ, leading the implementation inside of EPA. They are thinking about things like calculating benefits, disadvantaged communities. That's another item that EPA is going to be engaging with NEJAC for months and years to come.

Dr. Tejada then discussed the American Rescue Plan. Obviously, EPA received \$100 million in the American Rescue Plan. There were two pots of money: \$50 million for Environmental Justice, \$50 million for Enhanced Air Pollution Monitoring, \$100 million in all. For the Environmental Justice portion, they have plowed the largest amount of that into our EJ grants program. Close to \$17 million is going to be dedicated just for EJ grants. That's why they put out both of their solicitations this year -- both small grants and collaborative problem-solving. He said that they were able to reach back to some of the state and tribal and local and territorial grant proposals they had received at the end of 2020.

Dr. Tejada stated that they're also funding some into the Diesel Emission Reduction Act Rebate Program, looking at a pilot program of electric vehicles, electric school buses. So they're still working with their colleagues over in the Office of Transportation Air Quality on that DERA pilot with these ARP monies. They gave a pretty substantial amount to OECA, both for some work on drinking water capacity building but mostly for enforcement monitoring. He stated that there's a lot of hot spots around the country where nobody had enough dollars to buy the monitors, they needed in order to really understand what was going on from an enforcement perspective. Thus, they provided almost \$5 million to OECA to purchase monitors for these places so they could figure out what kind of enforcement needed to happen.

Dr. Tejada stated that they had only four statutes -- only sections of four statutes that they could use for these EJ dollars. It was not just, "Hey, figure it out. You can do whatever you want with it." Congress only gave us fairly narrow sections of four statutes. One was DERA; they funded that. The other was brownfields, and they maxed out how much they could put in the brownfields program because of other statutory limitations.

Dr. Tejada explained that what they wanted to do was look across all the other EPA programs and the ones they knew they could drive money into that would get on the ground for communities with EJ concerns as quickly as possible. Those were the things they were looking for. They wanted money to hit the ground in the right communities as quickly as possible. But the only way they could touch the ground after DERA and brownfields was that all we had left was safe drinking water and clean air and just sections of the Safe Drinking Water Act and the Clean Air Act. They couldn't do clean water stuff. They couldn't do other contamination. They fund pesticides activity. That was all barred. They are prohibited from using money for all those other activities, just Clean Air Act and Safe Drinking Water Acts activities.

Dr. Tejada then explained that the \$50 million for the Air Program, they're using in a few different ways. They actually got three pretty big sections of the Clean Air Act for theirs, so they have some more flexibility with what they can do with it. So they're out engaging right now. They were trying to figure out to have some carve-outs or some set-asides in there. Thus, some of that money will be open for states, some will be open for tribal governments, and some will be open for community-based organizations. That's what they're trying to figure out right now is how to craft this grant program that people will be able to apply to. They're still working on where a little over \$20 million is going to go.

Dr. Tejada then explained that one of the things that they really want to focus on for environmental justice concerns is particulate matter. There's a lot of old filter particulate matter monitors around the United States that, especially when there's wildfires or other things, they just fail. They don't give good information especially for people who are breathing the air and are in it. They want to replace those old filter monitors with real-time monitors.

Dr. Tejada then explained that they're also going to do some work -- again, because they're constantly getting calls, of course. They need a region to show up here, they need a region to show up there, and they just don't always have the equipment to do it. So, they're going to plow some money into buying the equipment so that EPA folks can show up when and where they need to and actually be able to monitor the air to protect communities in those instances.

Dr. Tejada then moved on to the strategic plan coming up. In an unprecedented move, EJ has been elevated as a core role of the Agency. So, they are crafting a strategic plan right now where -- just like traditionally -- they'll have air, clean air, and clean water, and enforcement, and science are kind of the pillars of the EPA strategic plan. They now have a pillar, a core central element of Environmental Justice. He noted that they're still working on the draft of that, but again that's going to be something that they're going to have an engagement period around that where they can show that and share that and take feedback. That's why Vicki Arroyo actually met with the steering committee last month just to give them a little preview and let them know once they get some stuff drafted up, they're going to be coming to take a look at it and to give us some feedback on it.

Dr. Tejada emphasized that, not only have they been listening today, but they've also been listening for 30 years, and they're taking advantage of this opportunity in the areas, the things, the commitments that people have asked us to make for a long time. Hopefully, that will be reflected in this agency-wide strategic plan.

Dr. Tejada reiterated that the Office of EJ mentioned some of these. They've got community engagement calls that are ramping up. They were doing them every quarter. They're about to start doing them every two weeks because they just need to do it. They're still working on the community-driven solutions effort with the Office of Community Revitalization. He stated that it's been a minute, but he's sure they would love to come back and talk to the NEJAC again about that community work.

Dr. Tejada stated that in addition to providing some support for the inter-agency council, they are fully supporting the NEJAC and the WHEJAC. They now have a nice little team for all of that. He said that they're still doing and are about to ramp back up the EJ and Systemic Racism

series that was been really popular. Earlier this year, they had thousands and thousands of people from all over the United States attending those.

Dr. Tejada stated that they've also been holding some tribal and indigenous peoples' webinars which, again, have been hugely successful. They've been holding those all this year. They have kind of broken off now and have also been doing some Pacific Islander and Hawaiian series because here's some real uniqueness once you go out into the ocean. So those have all been really well received, not just by community members and community leaders but by states and tribes and other governmental organizations.

Dr. Tejada added that they're still working on updates in education on EJSCREEN, as we always are. Not a day goes by that somebody doesn't do training on EJSCREEN somewhere. They have a record level of grant funding in 2021, which is why they're going to close this session out with Sheila talking. They'll be putting out more grant dollars this summer than we have in the previous decade. He noted that it is a huge increase in support that they are pushing out the door as quickly as they can. A lot of that is through the American Rescue Plan funding. They're going to be looking forward to larger amounts of funding, hopefully, in the future. They want NEJAC's advice on how to handle EJ grants in the future.

Dr. Tejada stated that they're already preparing for FY22 budget, and, as Janet mentioned opening up, part of the FY'22 budget is that the Office of Environmental Justice becomes the National Program of Environmental Justice. They're already taking on more responsibilities for that. EPA is more or less already treating us a national program which is fine because there's still only 26 of us at headquarters. He noted that they are being asked to play within EPA as if they are a national program already in these things like strategic planning, national program guidance, budget formulation. Thus, a lot of work up there is already ongoing.

Dr. Tejada mentioned a little bit about policy. They're already getting a ton of support from their rule writers and the folks that kind of manage the rule-making process. Developing new analytical tools, watching out all over the place, "Hey, you can do EJ there." "Hey, did you do EJ there?" All the rules that are coming up, they're getting a lot of support from our colleagues in ORPM in looking out for EJ. The same can be said for our National Center for Environmental

Economics crafting new analytical tools, providing a lot of support, and looking out for EJ all over the place.

Dr. Tejada added that the same can be said for their folks that are running on NEPA in the Office of Federal Activities looking at their relationships, looking at how they work with other federal agencies, looking at what they write, what kind of support they provide. He's really leaning into environmental justice and everything that we're doing in NEPA at EPA. The community work continues to blossom. That's another area where they're investing some American Rescue Plan funding.

Dr. Tejada then goes into the climate adaptation, too. With Janet's and Joe's leadership, they are finally seeing if somebody says, "climate, " the next word out of their mouths is "justice," right? Those two things cannot happen without one another. That is finally taking hold in a real way in every conversation around the Agency. Every once in a while, somebody will be having a private conversation and somebody taps them on the shoulder and says, "Hey, where's EJ in this?" "Where's OEJ? Where's the regions? Talk to people on the ground." Thus, it's been a hugely positive stepping up very quickly.

Dr. Tejada stated that Larry Starfield already gave a lot of information about some of the big policy things that he's already issued, but they're doing lots of other stuff, like updating critical tools like E-notify the providing training videos. He mentioned the Circuit Rider Program. It's a week that has that Circuit Rider Program around the United States especially out in rural areas, especially out in Indian country, and in working with tribes actually getting boots on the ground working with drinking water operators to help expand the accessibility of safe drinking water in parts of the United States where that has been very difficult in past times. He said that's one of the areas where they've plowed some of that American Rescue Plan money into.

Dr. Tejada then turned to OLEM, Land and Emergency Management, they're coming up with their own EJ strategy. Even while they're working on an agency-wide, multi-year strategy, they're like, "No, we want to go ahead and start figuring it out just for OLEM." So they've got a huge EJ strategy that they're pulling together. They've got a couple of their big programs that are, obviously implicated in the Justice40 initiative, and they are charging forward in getting those



programs playing in that Justice40. He said that Carlton Waterhouse also mentioned the lead response activity, really trying to bring to ground what are they doing on lead. Lead is a huge challenge that they need to tackle, and OLEM and Carlton are really providing some extraordinary leadership on getting going on lead.

Dr. Tejada talked about a new tool out on power plants. It's using EJSCREEN, but it's allowing you to really go in and look much more closely where are power plants? Who lives around power plants? What sort of impact might power plants be having on overburdened and vulnerable communities? They're also looking at things like Energy Star, again, with that climate trying to make sure it benefits things like having green technology, more efficient technology, things that are cheaper to operate, making sure that those reach those communities that in the past have been such a struggle to get those things into. And there's a lot of other stuff like indoor air quality, schools. He said he mentioned already the DERA program, working on the American Rescue Plan money.

Dr. Tejada then mentioned that the same goes for science. There's a big effort through the Agency Equity Team stuff, Executive Order 13985. They do this huge planning effort across the Office of Research and Development, and EJ is a central consideration in all of those. They are busier than they probably have ever been in their life because there is a lot of demand to make sure that they are really paying attention to EJ across all of that research endeavor.

Dr. Tejada stated that some of that is looking at really specific stuff like the lead work they have going on. Like the letter that Janet mentioned that Administrator Regan sent to Chicago mayor, Lori Lightfoot, which talked about health impact assessments and, OER, NEJAC is really diving in and helping them figure out what's going on with health impact success. How can they use this? The impacts of wildfires, especially on vulnerable populations, how could we advance the science on that? He stated that they developed an EJ council. They even already developed a new leadership position specifically for Environmental Justice which was huge. They not only have an EJ coordinator, but they have somebody in leadership specifically looking out for EJ and research. Chris also mentioned that the Science Advisory Board has some EJ folks on it for the first time, specifically, so that we can go to the SAB for specific environmental justice scientific advice.

Dr. Tejada continued in water. He knew Radhika covered a lot of these small and disadvantaged communities, funding for tribal programs, working in places like Alaskan Native villages or at a Navajo. There's a lot of lead in schools and childcare facilities. That's another one that's being implicated in the Justice40 work. There's more focus on just making sure that, especially in those rural areas and in those Indian country and tribal lands, they're plowing in focus. They're focusing allocation of resources to try to make an advance in the availability -- the sustainability and availability of safe drinking water for communities that desperately need it and have not had it before.

Dr. Tejada added that the same can be said for our colleagues over in the American Indian Environmental Office. Again, they're going to receive a little bit of ARP money just to help support tribes to engage with their local communities around issues of drinking water and clean air, particularly, with all of the impact in tribal country on indigenous communities from COVID. He thought this was a huge effort and a really needed effort for EPA to use some of our American Rescue Plan money. They're also leading a White House Council on Native American Affairs. One of sub-committees that they are co-leading is on human rights and environmental justice which is great. Thus, they can start to project some of the EPA's EJ experience and leadership out across the rest of the federal government.

Dr. Tejada mentioned children's health also received some American Rescue Plan money. The Pediatric Environmental Health Specialty Unit provide expert pediatric environmental health support. They've really boosted them up with some of that American Rescue Plan money. They gave some money for their clean schools and day care facilities to make sure they're preventing airborne forms of lead or other drinking water issues in those schools and in those day care facilities with a focus on making sure that they're serving schools and day care facilities in communities with environmental justice concerns.

Dr. Tejada also mentioned some of the regions. Region 1 has a tool that they've developed to identify lead drinking water lines. They've got the Health and Communities grant program that they've put out again this year. The EJ coordinator, Marcus Holmes, has done a great job. He's has half that region working on environmental justice right now, which is awesome.

Dr. Tejada talked about Region 2, which is Lime Tree Bay. Region 2 has really geared up and is engaging with the community in that region. Everything that went on around the facility, that was a huge effort for folks in Region 2, but it's been a good result for folks that live down on St. Croix.

Then he mentioned they also may have some specific American Rescue Plan projects for Puerto Rico, for the rest of the Caribbean. They wanted to make sure just looking back, especially, over the past few years with what has happened in that part of the United States that they wanted to spend American Rescue Plan funding specifically in the Caribbean.

Dr. Tejada then talked about how Region 3 continues to be one of the leading regions across the United States on engaging communities, working on collaborative plans with communities, and state and local partners using EJSCREEN, providing those trainings. There also has a lot of focus on trying to make progress in the Appalachian region. Thus, they are continuing to provide a lot of leadership there.

Dr. Tejada moved onto Region 4, down in the Southeast. It has started a new workshop series that they've started called, "Growing Grass Roots," where they're doing a virtual academy for community and community leaders and organizations around the Southeast which is really awesome. They're continuing to implement and support the College Underserved Community Partnership Program, and, of course, they're managing a ton of grants, a ton of training initiatives.

Dr. Tejada then moved onto Region 5, up in the Great Lakes area. They're working with one of the Council of Governments in Ohio to implement the EJ Academy, so that's actually going to be kicking off here in a few weeks on a Saturday which is really exciting. There's a lot of specific site activities already ongoing across Region 5. They got a great letter from some leaders in Michigan that they're going to be engaging them on very soon about some more specific site activities as well as some other stuff. He stated that they have spent some time today going over the details of that and some more EJ stuff is going to be happening in Michigan soon. And, of course, they were one of the ones that was needing more air monitoring support to be able to

respond to some of the EJ concerns that they were constantly hearing from up in Region 5.

Dr. Tejada continued with Region 6. It has launched the "Beyond Translation Plus." This was something from when he used to be back down in Houston. Beyond Translation was this great program that was really engaging the Hispanic and Latino communities around Region 6 to make sure that we were raising their capacity, engaging them in the process, building those relationships. So that is getting re-vamped again with Paula Flores-Gregg, who is now with OEJ helping with the WHEJAC and the NEJAC. However, she's still out there working on the Beyond Translation thing and getting that thing going again.

Dr. Tejada continued with Region 6. It has also been having a lot stakeholder calls, a lot of engagement around things like ethylene oxide and doing a lot of work with some communities that need a lot of help, like, Cashmere Gardens down in Houston. They are starting to spin up some more around Hispaniola and Rio Arriba County up in Northern New Mexico.

Dr. Tejada moved onto Region 7 who is continuing to think tons of training, tons on EJSCREEN. There's a record number of grants already in a lot of these regions, especially, Region 7. That's been a real focus in Region 7 for some years. It's trying to get more organizations kind of ready and willing to apply for grants. For a long time, Region 7, we really struggled to get really good grant applications in from communities in Region 7. Also, they've done a great work of really just banging in over and over in on the capacity building, on the training for grants around their region. They're also working on an integration strategy just for Region 7 on environmental justice.

Dr. Tejada mention that Region 7 and Region 8 are two of the ones where they're so rural and so spread out, it's been a challenge to support the communities to the extent that they engage with EPA. They apply for the grants, and they ask for the technical assistance. So Region 8 continues to focus on that with a lot of training, a lot of engagement in specific places like in Butte or like in Salt Lake City where there's a good transportation issue coming up and also managing a record number of grants in Region 8.

Dr. Tejada moved onto Region 9. He already mentioned the webinars that they've been working

on. Region 9 has been our partner in that for the Pacific Islands and out in Hawaii. They're doing a lot of trainings, especially for tribal partners around Region 9 across all of the areas of Region 9. There's a lot of engagement support activities which they have listed out on the slide.

Dr. Tejada then went to Region 10. Tribes and Alaskan Native villages are always going to be one of the top issues for engagement, for training, for support in Region 10. Also importantly, Millie knows a lot more about it than he does. However, they have started to incorporate Environmental Justice into the actual written relationship that exists between EPA and one of our states which hold our authority in their Performance Partnership Agreement, which is a huge step forward.

Dr. Tejada stated that that's one of the things that they're going to want to see reflected -- a real commitment to advancing environmental justice by looking at that formal relationship between EPA and partners such as states that hold the delegated authorities and implement those authorities for EPA. He stated that they are starting to see reflections of equity and justice going into some of those formal relationships.

Dr. Tejada asked Sheila to talk some about the grants.

**Ms. Sheila Lewis**, Deputy Director, Office of Environmental Justice (EPA), stated that they are so excited to say the future looks extremely bright. They are excited about the ability to expand the reach of our grant program.

Ms. Lewis explained the grant program and gave a little perspective of exactly how bright things are. The EJ Grant Program has been in place since 1994, and they awarded over \$14 million to 1,500 communities. She explained that in 2019, the small grant awards were 30,000, and this year, OEJ awarded 50. In FY20 the EJ Collaborative Problem-Solving (CPS) awards were 120,000, and we were able to do 12. The funding was such that they had to alternate.

Ms. Lewis explained that this year alone, they are now increasing the small grant awards to 75,000 each and then in their co-operative agreement programs, they have been able to increase to 200,000 each. That's the CPS and the state Environmental Justice. She stated that, as Matthew

mentioned, we put out solicitation and awarded grants for all three solicitations. Thus, the expectation this year is that they hope to award approximately 150 grants.

Ms. Lewis said that they are certainly excited about this opportunity, and it's got the whole office moving. She noted that they are not doing this alone. They appreciate the support of our senior leadership starting with Phil Fine, our Associate Assistant Administrator; Vicki Arroyo, the Assistant Administrator; and then Janet McCabe, the Deputy Administrator. They have all been very supportive of working with the Agency. Thus, the Agency has come together to support the process of the EJ Small Grants Program. So that means we have support from national programs, across the Agency, and regionals. They certainly could not do that without them, alone, with their folks in Office of Grants and Debarment (OGD).

Ms. Lewis added that what they're also doing with respect to expanding our environmental justice in the granting arena is that they're working with the Office of Grants and Debarment. And they're working with the other programs to get environmental justice consideration, as appropriate, into other grant programs. They always emphasize the fact that the community should not just be focusing on our grant programs but look at other grant programs throughout the Agency and then throughout the federal family. She stated that they're looking to partner with their other fellow family partners to include environmental justice considerations in their granting authority where appropriate.

Ms. Lewis affirmed that they're also looking to expand the reach, and they're looking to getting expanded authorities into our grant programs where they can not only offer training and research but also start the opportunity for communities to implement programs into their communities and to do some community-based participatory research. She said they're excited about all these opportunities. The reality is the opportunities are going to get bigger, and they're going to need to look at designing and implementing our next level of new funding that's coming their way.

Ms. Lewis went on that this is where they're not only going to get feedback from our current grant recipients, our grant applicants, but they want to set the table with NEJAC to get their thoughts and ideas. Certainly, they've looked to you all for your recommendations and support which definitely helped to create the CPS program and then also provided and put into the CARE

program. They're also going to take a look at those community programs that have worked in the past and build on what worked and make sure we've filled gaps.

Ms. Lewis finished with saying that she forward to hearing from them about their suggestions and recommendations. As Matthew mentioned, they'll be part of the business meeting, so that they can hear any suggestions NEJAC may have as they continue to grow our EJ Grant Program for EPA.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked Ms. Lewis for the presentation. She announced that there's a few minutes for questions and feedback from the Council.

Ms. Orduño started with appreciating the big picture that was presented and seeing the hopefulness, vision, and opportunity. She appreciated that there are a lot of good people working hard to really try to figure out how to deliver in terms of what it means to do meaningful engagement and get money down to communities. She said that she is persistently concerned with how it actually gets implemented. What she sees happening is there are still directly impacted impoverished communities, people who are poor not getting help and probably don't even know what the heck is going on. She noted that they haven't heard of any of this stuff, and they probably won't. It gets to be almost the survival of the fittest. Who's already plugged into benefit? Which organizations are already lining themselves up getting their grants and their books in order so that they can prepare to do this? They can't even get through the grants.gov and sam.gov to get through the application process there.

Ms. Orduño noted though that it's nice to hear about all this stuff, but she doesn't know how she's going to be able to get through the burden of that. She said that she is talking about the communities that she works with, the poor people. She said that, especially through government with all of the goodwill of government. the career and appointees and just people who are trying to bridge those connections, they don't deal with poverty.

Ms. Orduño offered that part of this is, if they're really going to do meaningful work around adjusting environmental justice issues, they have to address poverty, which means they have to go to those communities where poor people are not being engaged. They're not even sure what's

meant by being meaningfully engaged. They're like, what? I've got to go home and make dinner. Or I've got to go pick up my kids.

Ms. Orduño said that they've got to figure out how in all these wonderful programs there's a way to touch the ground because right now this stuff is floating. Also all the folks who are up there that can catch it, because that's what they're designed to do. They're going to grab on and, hopefully, they'll be able to trickle it down. However, right now, it's not touching the ground. Thus, she's hoping that maybe that is going to be offered in terms of the creativity and the additional recommendations to the work groups.

Ms. Orduño handed the next comment over to Richard Moore.

**Mr. Richard Moore**, NEJAC Member, wanted to follow up on Sylvia's comments. He said it's about legacy EJ communities. Because the intersections between climate change, global warming, and environmental justice, and environmental health are crucial as we continue to move forward, he says legacy EJ communities. They've got a lot of distrust in our communities for rightful reasons around counties, municipalities, parishes, cities, state, and the federal government. He stated that it's going to be the responsibility of the Environmental Protection Agency to rebuild back some of that trust. One way that they're going to be able to do that is making sure the resources get put back in the hands of those that rightfully deserve the resources.

Mr. Moore then wanted to flag just a couple of other very quick points. This is not the first time the Council has heard him make comment to the Peer Review Committees because, in the past, even if you have an educational grant, when we look at that, somewhere in the ranking systems, the legacy EJ communities do not meet the point system. He stated that that needs to be looked at.

The other point he made was this thing urban/rural. Our sisters and brothers, our communities that live in a rural community, including his community in the south valley of Albuquerque, a lot of current resources are being put out, and they're being put out very, very quickly. He said that many of our groups don't have the quick turnaround that other non-profit organizations have that have a development staff, that has a staff person that consistently watches when RFPs are being



put out and so on. He said that we must be careful in this sense of urgency and dealing from a proactive and a reactive standpoint that they're not, unfortunately, intentionally setting up our communities for failure. The people don't understand what he is talking about when he talks about Peer Review -- those that are reviewing those proposals -- in many cases, do not have a handle or an understanding of environmental and economic justice issues as they intersect with each other.

Mr. Moore reiterated that they see the overlap in the report that they just got from Matt and Sheila that one finger must work with the other finger inside the federal family. They can handle what they need to handle from outside the federal family, but the federal family needs to make those intersections.

Mr. Moore made another comment around ReGenesis. He said that with ReGenesis, the first grant that they got was an EJ small grant. Thus, they tripled the resources that were received from the EJ small grant. That's important for us to understand. There's other ReGenesis that will say that, both in Native Indigenous communities.

Mr. Moore noted that they need to broaden that scope because there's examples in Latino communities and in African American communities and Asian Pacific Islander communities and Native Indigenous communities around some very successful pieces of work that's taking place. The CARE grants have been crucial to that where we flag that again. Thus, it's great to hear that the CARE grants are being re-implemented. However, be careful, because, in many cases, there's not good relationships with local entities. Some of those local entities were flagged: municipalities, county, parishes, city, and state, and so on.

Mr. Moore finished with his last comment that, if you look at the relationships with the EJ small grant, the first grant that was received was to lift up a community that did not have, does not, did not have, and has now green space has been very, very crucial to that. Thus, they have a lot of good things happening. He wanted to be a little cautious, a little careful that they don't move so fast that, unintentionally, they not leave our communities left behind. He turned the floor over to Ms. Orduño.

**Ms. Sylvia Orduño**, NEJAC Chair, reminded everyone of the time and invited Dr. Wilson to speak.

**Dr. Sacoby Wilson**, NEJAC Member, stated that one of the points that he raised before he joined NEJAC is to follow the money and visualize the money. He appreciated Sylvia's comment about poverty and how there are a lot of communities that are not ready to receive the dollars because of capacity.

Dr. Wilson started with, in the past, he's made comments about capacity to apply, capacity to receive, and capacity to use. How are they going to address those capacity issues? Also, those capacity issues are driven by poverty, but that's also driven by the embeddedness of racism. He stated that there are racist systems that create the problems. Now there are racist systems that prevent people from getting the money, and that's a huge issue that they ought to be aware of when it comes to procurement and supply chains. Who's doing the work? Who's getting the dollars?

Dr. Wilson then recounted a story about his father being a pipe fitter in West Virginia and sending the money to his family in Mississippi. He equated that if you don't address the people in your area, you're not going to address poverty. You may address a problem short-term, but long-term sustainability, addressing those baked-in problems will not happen unless the people who live in the communities are doing the work. How they going to make sure Justice40 and all these dollars be put back in the hands of the people? So that is part of the strategic plan that Matt mentioned.

Dr. Wilson then stated that Justice40 dollars should be going to front line, fenceline communities. They should be going to minority-served institutions, and they should be going to community owned corporations.

Dr. Wilson wanted to ask how are we going to get money down to the poor communities in some of the most racist counties in the country? He was talking about the counties that are putting up fences around confederate statues instead of tearing them down.

Dr. Wilson finished with his last point that working with CRIS across the intra-divisions within EPA, they need to see capacity-building centers. They need to see research institutions that are run by grant dollar centers that are run by communities. They need to work with these joint endeavors whether it be with OEJ, with the OAR, with ORD, and other units to actually create big pots of money so they can de-centralized EPA, but de-centralize it through the community and fund the communities to do the work themselves.

**Dr. April Baptiste**, NEJAC Member, wanted to make two quick points. The first big thing she would really love to see an update on the issues that were raised through public comments and how these things have been addressed. Because there are lots of people that bring those issues to the NEJAC in the public comments, they have to farm some of it out to the states and regions. She would really like to see an update. For example, it was mentioned on Line 3 in the Virgin Islands in today's presentation that some of the things have been resolved there. So, it would be really great to have a follow-up on those things. She stated that it also adds to accountability, and it also continues to acknowledge those public commenters that come time and time again to the NEJAC asking for support, asking for NEJAC to be able to address some of these issues. She wants to find a way to do that.

Secondly, Dr. Baptiste stated that because of her Caribbean heritage, she would love to hear a little bit more on the island states of Puerto Rico and the Virgin Islands and what's going on there because it's gets lumped into Region 2. However, of course, there's marginality within Region 2, so she would love to hear stuff that's going on there particularly with some of the cumulative impacts of hurricane season and climate change.

**Dr. Matthew Tejada**, OEJ, stated that they will get on that per the request. The NEJAC has, for a long time, asked for meeting in the Caribbean, in Puerto Rico. They actually had a Regional Administrator (RA) in the last administration that they could have made it happen, but had it not been for not being able to leave your house for two years. He said to wait and see who the regional administrator for Region 2 is this go-round, but it's high time they get out of the continental United States for a NEJAC meeting.

**Ms. Sylvia Orduño**, NEJAC Chair, reminded that we're still in a pandemic and need to be

sensitive and aware of the needs of our ill EJ communities.

**Ms. Karen Sprayberry**, NEJAC Member, she stated that the core of this is super, and she really likes that all this money is coming up, but it overwhelms because it goes back to the capacity building for these communities. She still feels like things are moving so quick in the communities, and the ones that need it the most are not going to be prepared. Thus, the capacity building part of it needs to be put up towards the front. That needs to be more of a focus for right now. She said that she feels like they're not all working together. By the time all that money comes down, they're still not going to be prepared and organized, and so they're going to miss out.

Ms. Sprayberry continued with her second comment which is that all of these monies are coming from all over the place. A lot of people just don't know what all the monies are out there and where they're going to and who. Thus, she said there needs to be some kind of list. Everybody's been asking about a list for the money, like where the monies are, and nobody really knows. She's not sure who would be responsible for getting that together, whether that's the WHEJAC or if it's the EPA because she knows there's a lot of other money from other agencies that go in to assist communities. Somebody needs to get that together.

The continued that the other day in the Justice40 meeting, they were talking about how there's no accountability for these monies. She told the story that, in South Carolina, she read an article in the newspaper talking about how her county has already received some of their American Rescue Plan monies, and they've already decided how they're going to spend it. Also some of the ways they were going to spend it is to payback people who had come in contact with COVID during the crisis.

Ms. Sprayberry stated that the point of this is that where does Justice40 fit in with that? That's where they were having this discussion about that's a WHEJAC thing. However, at the same time, the administrator is our champion for issues like that. Consequently, he will be representing NEJAC and the EJ community's environmental side. She was concerned with connecting the dots, that he needs to keep in mind that he is the spokesperson. She acknowledged that he's has a lot of responsibilities, but that's one of his duties as well.

Ms. Sprayberry next comment was that she saw on Matthew's slide Mossville, but he didn't tell them what was going on there. Because it's come up so many times before, she wanted to hear about that.

Ms. Sprayberry last question she asked was, when are we going to get a regional administrator announced for Region 4?

**Dr. Matthew Tejada**, OEJ, stated that she ended with the most impossible question. He stated that he is so far away from knowing about when the RAs or anybody else get announced. There is a big thick wall between the career folks and those conversations, and he hopes sometime soon. Although our acting regional administrators are doing a hell of a job, they need the full complement of political appointees to really start banging on this.

**Dr. Matthew Tejada**, OEJ, stated that he is always thinking about how to track the money better, to Dr. Wilson's point. Also Justice40 has the best chance they've ever had to try and bring some transparency -- not just EPA but across the federal government -- where does that money go, and whose hands does it get into, and in what way? EPA is working hard. They're not in charge of it except at EPA, but they're working hard to make the most of how they bring that transparency, how they drive those benefits.

Dr. Tejada stated that they will look at their strategic plan here in a few months. That strategic plan, whether it's the money or commitments that show up in performance things, that's what this Agency's going to do for the next four years. That's what's going to show up all over the place. Also getting that strategic plan right and making sure that it is bold and that it is reflective of making sure that they are focusing on legacy communities, making sure that they're making changes to how they review grants and how they set aside money.

Dr. Tejada added that, aside from the strategic plan, none of them know yet what they're talking about yet. Until they get a budget from the Hill, which is going to be a minute because they've got a lot of things to figure out up there, that's part of why they're already signaling this and why he and Sheila want to start engaging with them about it. They're not going to have any time to

figure this out, but we need to figure it out.

Dr. Tejada moved into the capacity building topic. EPA does not have an answer yet on how to really provide capacity building for communities so that they can look up the world of different grants. They can compete and feel the support to compete because they will get the funding and they will know how to use it and they'll know how to combine it with others. They don't have a way to do that for communities yet. They were starting to figure that out with CARE, and CARE wasn't just a grant program, it was an infrastructure of providing support to communities. They have to rebuild the infrastructure, not just create a grant program that looks like CARE again.

Dr. Tejada emphasized that we're going to have to figure that out. A lot of the folks that figured that out aren't at the Agency anymore. That's exactly why they're starting to engage NEJAC on this because, as things start to become clear, as we start to get some indication from the Hill, or once we actually know what we're going to get, we're going to need to talk to the Committee and have some real conversations real fast too. They need to come up at least in this first year of maybe some vastly expanded resources to try to make as good of choices as they can and get that money out there and know that they're going to continually improve on the ways that they're doing that, not just with the EJ dollars, but with all the dollars.

**Ms. Sylvia Orduño**, NEJAC Chair, invited Kelly to give a comment that he had in the chat. She stated that there's other comments in there for tomorrow's business meeting. Council members will continue to bring these issues forward because what they need to figure out what else is there between the two days that is going to be part of your written comments that they submit, what needs to be incorporated in working groups, if possible. She also asked, what it is that they could have further comments with OEJ and other offices? What it is that the Steering Committee can help with some follow through on.

**Mr. Kelly Wright**, NEJAC Member, stated that he won't be derogatory about EPA but will pick on the federal government as a whole. They don't really understand tribal nations. Tribal nations are a sovereign nation. The funding is for states, the funding is for communities, and then they throw out tribes.

Mr. Wright stated that there is a lot of opportunity missed there because the Shoshone-Bannock tribes signed a peace treaty with the United States government that says they can do this, this, and this if the tribe does certain things. They set that trust responsibility up so it can't be handed down to a state.

Mr. Wright stated that if someone comes into the state of Idaho, they [tribe] won't recognize it, and that's one of our biggest pushbacks. He stated that it always been that way; we're not a state. Don't compare them to the state.

In 1972, the EPA came up with the Resource Conservation and Recovery Act. They said tribes were nothing more than a municipality. That's wrong, maybe in their opinion. The European-based science came in, and they didn't understand technologically the TVK that we've had for generations. I mean, we migrated from Mexico to Canada.

Mr. Wright stated that he's with a mining company and has the Forest Service that's been delegated by the EPA to do clean up. When it comes to a tribal risk scenario, he's told that he's nothing more than a recreational [inaudible]. The treaty provides us an opportunity to be in any unoccupied federal lands for hunting, fishing, and gathering. He said he got told by the Forest Service that Region 10 with EPA says that soil ingestion is at a certain amount. He said that they get told by his risk assessor to do it with their Tribal Risk Scenario for Soil Consumption. But they're in a dry, dusty environment and the wind blows there a lot. They're not in a humid environment like Seattle which is their headquarters and they have the experts they tell them they don't eat berries right off the bushes or dig the fruit out of the ground and eat it.

Mr. Wright noted that culturally there are certain things, if you go out there in the environment today, you get exposed to it. They got rid of the last administration because they made some environmental regulations that should have never passed, and they're now coming back and they're looking at them and they're taking those back.

Mr. Wright applauded EPA for taking fossil gypsum away from putting it away as a road-based substance. It's the heavy metals. You hear about it in Florida. You don't hear about it in Idaho. In Florida they have the stack leaks. It's got radioactivity. It's got heavy metals. He said there's a

wide variety of things, but it's the core individuals where they passed a law that says we can put it on forest service roads. Well, if you're going to put it on forest service roads, the ones that are getting impacted are, again, the environmental justice groups, the tribes. The tribes go out there and we've always lived on the ground, we live with subsistence.

Mr. Wright noted that he has their names and their contact information, and he does bug people for things. They will continue to bug you with additional questions and everything like that because I know that you guys do a valuable job. He stated that he's very impressed with what he's seen so far this year with the new administration. He said that he feels like he's been here a long time, and he's seen more of EPA's senior management at this. It seems that they actually listen to what he's got to say.

**Ms. Sylvia Orduño**, NEJAC Chair, stated that the issues that are being raised here are very much about how it is that they can push for civil rights compliance even with the treaties. How do we get environmental justice compliance and implementation by way of what treaty rights are, what indigenous communities have understood to be agreements? And what is direly needed?

Ms. Orduño stated that the Council has got to get better about being clearer and more inclusive even about the way we're talking about things aside from the urban rule perspectives. They've really got to look at this whole enforcement around justice and how it's going to be employed by way of environmental justice. What it is that they can ask this administration to do better? What is it, within their office, specifically and other areas that we can actually see some meaningful change? She just suggested that it would be helpful if they articulated in some written comments that it's very important, and it's way over time. She invited Marianne to speak.

**Ms. Marianne Engelman-Lado**, Deputy General Counsel for Environmental Initiatives (EPA), said that she would appreciate not only hearing from her in this forum and then being willing to come back and discuss these issues more. She understands that they haven't done enough, and that they commit to doing things differently and enforcing civil rights and really digging into the tribal issues and many of the other issues she has raised.



Ms. Engelman-Lado wanted to add one more piece that is within the External Civil Rights Compliance Office. Within the External Civil Rights Compliance Office, they also deal with disability-related discrimination. Thus, that is a piece of understanding of who is most vulnerable, who is most affected by climate change, and issues related to climate mitigation and adaptation.

Ms. Engelman-Lado brought up the intersectionality between race and incompetent disability. That's a whole other area that has not received sufficient attention at EPA. The External Civil Rights Compliance Office want to really think strategically with our limited resources about those issues, as well.

**Mr. Richard Moore**, NEJAC Member, stated that they need to understand the relationship between native indigenous tribes and in that process the question of sovereignty. They are not dealing with tribes; they're not dealing with another state. They're dealing with nation-to-nation consultation.

Mr. Moore last comment included, what does consultation mean? The definition of consultation needs to be defined by those native and indigenous tribes.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked everyone for a great conversation. She instructed everyone that the public comment period will follow a break.

**[BREAK]**

### **ORAL PUBLIC COMMENT PERIOD**

**Dr. Fred Jenkins**, DFO, checked a few administrative things before the public comment period and made sure that the quorum was met. He then welcomed everyone back from the break. He reminded everyone that they will only hear from preregistered public commenters in this meeting. Preregistered public commenters will receive a request to unmute your line and share their video and mic. They need to state their name and their organization, and they will have

three minutes to speak. They need to speak clearly so that the interpreters can follow them. There will be a timer on the screen that will show the time they have remaining. NEJAC members may provide feedback after their remarks.

**Ms. Sylvia Orduño**, NEJAC Chair, reminded everyone that the public comment section is a very important part of the NEJAC meeting and to those who are on the Council. She said that they're very much interested in hearing what they have to share, and, just as a reminder what really helps them is if they can give specific recommendations or requests.

**Ms. Chandra Taylor**, Public Commenter: I am a senior attorney at Southern Environmental Law Center, and leader of our environmental justice initiative. Thank you to all of the EPA staff for these helpful updates, and to the members of the NEJAC for your time and interest. SELC is a legal nonprofit working to achieve environmental justice in six southeastern states: Virginia, Tennessee, North Carolina, South Carolina, Georgia, and Alabama. Today, my comments will relate specifically to Justice40 implementation, and particularly to Justice40 implementation in southwest Memphis. On the stakeholder consultation matter, please add Memphis Community Against Pollution to your stakeholder engagement program, in the 30-day report following the Justice40 guidance release. If you can make that recommendation, we would appreciate that. And please don't hesitate to add Southern Environmental Law Center, as we are willing to connect you with stakeholders in our region, who we work with, who can add valuable input to the Justice40 implementation process. Also, in the Justice40 interim implementation guidance document, at Page 10, Section 69, that asks the question about legislative changes that would be required to advance goals of the Justice40 initiative, please consider requesting a racial equity lens in the distribution of any infrastructure funding.

Next, onto specifics regarding southwest Memphis and Justice40, southwest Memphis is a predominately African American section of Memphis. It is over 97 percent African American, and it's threatened by numerous polluting facilities. So, even though many of you may have heard about the threat of the Byhalia Pipeline, and at this point the community is beyond that threat, there are still many other issues of concern. And we would ask that as you advise EPA on helping respond to Justice40 implementation, to please request that southwest Memphis receive federal investments in the relevant areas covered by Justice40. That community is

directly adjacent to and downwind from the heavily industrialized President's Island. Twenty-two of the top 30 major emission sources are in Shelby County, or in or near southwest Memphis. So there's a real need for clean energy investment.

There's also a need for investment in remediation and reduction of legacy pollution. The groundwater at the Valero Refinery is contaminated, and there're also threats from TVA's Allen coal plants, so that is also an issue. There're also many clean water infrastructure needs in southwest Memphis, and we request that you really focus in on the needs of that community as you're making your recommendations to Justice40 implementation. Thank you.

**Dr. Na'Taki Osborne Jelks, NEJAC Vice Chair:** I did have one question, Ms. Taylor. Can you state again the name of the community organization in southwest Memphis?

**Ms. Chandra Taylor, Public Commenter:** Memphis Community Against Pollution.

**Dr. Na'Taki Osborne Jelks, NEJAC Vice Chair:** All right, I do see, Dr. Wilson, go ahead please.

**Dr. Sacoby Wilson, NEJAC Member:** My comment is you're talking about the group that fought against the pipeline. I talked to Justin (phonetic) a little while ago and I asked him, as far as sustainability efforts, how is the organization going to engage with other organizations in trying to build a regional coalition. I don't believe there's a regional coalition in that part of the south, you know, I'm from Mississippi. And, so that part of Memphis, other parts of Tennessee, are they doing work to engage with those groups? And that's just a question for internally.

Externally, getting back to your racial equity screening, can you talk more about how that should look, and what kind of recommendation that the NEJAC -- a role that NEJAC can play as it relates to racial equity screening? You mentioned Justice40, but are there other opportunities that for us to think about racial equity screening in other ways as the EPA moves forward?

**Ms. Chandra Taylor, Public Commenter:** With regard to the racial equity lens, I was making reference to what's happening now with all of the infrastructure funding that is being considered in the Congress. So, right now there would be a need, you know, as different infrastructure

packages information goes forward, that when that money is coming down that there's actually just an opportunity for a racial equity lens.

I think probably as you all are considering how to support community organizers who know what -- you know, they know best what's going on, on the ground -- as you're making recommendations on how these investments get to the communities, that you really look at that direct support for the community organizations as they do their organizing, so that they actually have the dollars to help get things done.

**Dr. Sacoby Wilson**, NEJAC Member: Would you say, for the EPA and Justice40, is the EJSCREEN Tool could be updated to do a better racial equity screen to help with the micro-targeting of communities with issues and also micro-targeting of dollars?

**Ms. Chandra Taylor**, Public Commenter: I think actual statutory language that says there shall be a consideration of whether or not these funds benefit communities of color; that that type of language in statute gives the opportunity to look back later and ask was there a consideration of whether these funds benefit those who have been most harmed by pollution and natural disasters. I do think EJSCREEN is a helpful tool, but supporting environmental justice legislation that allows for actual enforcement of laws to protect communities of color is really what I think would be a helpful recommendation in terms of legislative change.

**Mr. John Byrd**, Public Commenter: My name is John (J.B.) Byrd and I'm vice president, Miller/Wenhold Capitol Strategies based in Fairfax, Virginia. I'd like to dovetail a little bit on what Chandra Taylor just commented on in the last question. But thanks to the EPA and NEJAC for this opportunity to provide public comment, and especially after hearing remarks from EPA Deputy Administrator Janet McCabe and others.

I help represent numerous organizations in the surveying, mapping and geospatial community, such as National Society of Professional Surveyors, NSPS; Subsurface Utility Engineering Association; and the U.S. Geospatial Executives Organization, USGO. Relevant issues we're tracking include Justice40 water infrastructure mapping and replacement of the lead pipes, waters of the U.S., superfunds, and others. The surveying, mapping and geospatial community

and professionals are very concerned about the public health, safety, and welfare. The community and professionals were instrumental in the enactment of the Geospatial Data Act, GDA of 2018, Public Law 115-254. And we are working with Illinois Congressman Garcia's Future of Transportation Caucus, and Representative Clarke (NY)'s Smart Cities Caucus.

There is a common misperception regarding geospatial data in federal government. Misperception that there's a vast trove of geospatial data already collected that can be used as a baseline. However, the reality is there is a massive need to acquire new data to fill in the baseline. Page 12 of the July 12, 2021 NEJAC letter to EPA leadership, outlines the August 2019 letter to then Administrator Wheeler, Number 13 regarding data limitations on e-mapping (phonetic) tools. We believe that NEJAC and EPA should place a major emphasis on the acquisition of geospatial data for EPA to then leverage for environmental justice efforts and priorities.

The National Spatial Data Infrastructure, NSDI, created by Executive Order 12096 to help coordinate geographic data acquisition and access, was signed by President Clinton in 1994, and reaffirmed by subsequent administrations. President Biden's January executive order on climate change included a role for the Federal Geographic Data Committee, codified by the GDA, to assess and provide to the taskforce a report outlining a consolidated federal geographic mapping service to assist in climate planning resilience activities. And the Chair of the Council on Environmental Quality shall create a geospatial Climate and Economic Justice Screening Tool and shall annually publish interactive maps highlighting disadvantaged communities.

Now the Senate's compromised bi-partisan infrastructure bill, Infrastructure Investment and Jobs Act, includes Section 50105 which amends the Safe Drinking Water Act to allow funding for the development of a detailed asset inventory of a central infrastructure. Section 50106 develops infrastructure asset map, including a map that uses technology such as GIS and GPS. To summarize, the surveying, mapping and geospatial community and professionals seem ready to work with NEJAC and EPA on how such data can be leveraged for environmental justice efforts and priorities.

**Dr. Na'Taki Osborne Jelks**, NEJAC Vice Chair: Thank you. And, just for everyone to know, in the interest of time, we're now moving to a format in which we'll have three public comments and then any comments or questions from Council members. So we can move forward with the next commenter.

**Ms. Brandi Crawford-Johnson**, Public Commenter: Hi, my name is Brandi Crawford-Johnson. I'm an environmental justice advocate from Michigan. I would like to recommend the state of Michigan should not be taking over enforcement because they have not done enforcement for a very long time. There is still no help for anyone. And there's a missing cap on the wastewater clarifier that's releasing hydrogen sulfide at large amounts. I would recommend that some of you would Google "Graphic Packaging Kalamazoo" and click on the news link underneath on Google. And you'll see a couple of stories that came out in the last couple of days showing families on life-support for asthma.

And, I had an epidemiologist and a toxicologist send reports to the EPA last year, to EGLE last year, and to Michigan Department of Health and Human Services, and the toxicology report said there's a severe risk to everyone's health. They even are getting Graphic Packaging International, the one that is leaking all these toxic gases and chemical to this frontline community, \$2.9 million, for the expansion, EGLE is giving them. They've been out of compliance for eight years, but they're allowing them a permit to expand. And they even started working on their expansion without an air permit.

And they don't care about the residents. A lot of people are sick, and I'm just tired of having to fight so hard for everyone's health to get better. It shouldn't be this hard to save lives. There's a 14-year death gap in my neighborhood, you know, and that's sad. People are dying from asthma. People are on life-support. People have already died; children have died, and this has got to be handled. This should be a public health emergency and it should be handled right away.

**Ms. Kim Washington**, Public Commenter: Hello, my name is Kim Washington. I am a hairstylist fulltime, and now a part-time environmentalist. I am speaking on behalf of the Brown Grove Preservation Group. Brown Grove is a freeman community started by my great-great enslaved grandparents. Our African American community has been mistreated by Hanover County and Governor Northam by allowing industrial businesses to overtake the Brown Grove

community, despite the proffers put in place in the '90's to stop this from happening.

On a 217 acre of a triangular shaped wetland, Governor Northam and Hanover County has allowed a Wegmans distribution center to be 50 feet away from several homes in the community. This is a massive six-story pentagon sized building in our rural family community. We have historical graves and remnants of our historical black school/church, and a civil war era tavern on the proposed site. There are so many issues in this process, one being the U.S. Army Corps of Engineers finalizing the MOA before the NEPA process was concluded. There are only four signatures on the MOA, with 15 signatories of consulting parties not agreeing and not signing the MOA. Finalizing the MOA was premature.

The U.S. Army Corps of Engineers did not allow public comments during the NEPA process, nor did they release to the community their environmental assessment. We requested professional and independent consultants, specializing in anthropology and Africana studies, and we asked that groundbreaking penetrating radar be utilized so they will not build on the African American community's burial grounds. The DHR report on July 2nd, 2021, has found that Wegmans archeological study is not in compliance. The Wegmans facility will bring around 700 minimum wage jobs, which will also bring 24-hour traffic on our rural, yet congested, flooding roads with no sidewalks. The employee's entrance is right in front of our historical Brown Grove Church. Our air quality, our water we drink, and our health will be greatly impacted by three enormous generators along with the emissions from idling tractor-tailors, large refrigerators, and blinding lights. On June 17th, 2021, the Department of Historical Resources deemed Brown Grove a residential community historical district eligible for listing in the National Registry of Historical Places.

**Dr. Na'Taki Osborne Jelks, NEJAC Vice Chair:** Thank you so much Mr. Byrd, Ms. Crawford, and Ms. Washington. I want to open up the space to see if there are any comments or questions from Council members.

**Dr. Sacoby Wilson, NEJAC Member:** Thank you for those comments. Just a couple quick questions, I believe Mr. Byrd you commented at a previous NEJAC meeting about geospatial data and a need for us to get the data to improve various geospatial -- geo-visualization tools?

So, appreciate you being back on to provide that to NEJAC. And I think we have had conversations within NEJAC as part of Justice40 workgroup and other discussions about President Biden's executive order on climate change. And also, we have this new economic screening tool, and our focus on trying to improve EJSCREEN. And so some of what you've said we have had those discussions about what are some indicators that can be developed, that we need to make EJSCREEN work better for the communities that I'm trying to serve and also NEJAC are trying to serve.

And to Ms. Washington, I'm trying to just wrap my head around all the parts of the process that should be working and that some of them failed your community. The NEPA process, we had some previous discussions about the Corps of Engineers, I believe, maybe from one of the assistant administrators today, and how when it comes to the EPA's interaction with other entities, through the inter-agency working group, the Corps should be more engaged and really integrating environmental justice into their work. And I appreciate, and I'm saddened by your comments about the destruction of African American history, you know, being a descendant of enslaved Africans myself. And that's something that we have to do a better job of as a county in helping communities preserve that history.

And so, going back to you really quick, can you talk a little bit more about what you would like the NEJAC to do? What recommendations you have for us to do to help you and your situation, and other communities that are going through the same issues?

**Ms. Kim Washington**, Public Commenter: Yes, I would like for the EPA to do an air quality study, since we're about to have these six generators that is enough to power 6,000 houses in our small community. So I would like to have an air quality study done, and also a water quality study because they will be destructing 15 acres of wetlands and a lot of the community is on well water. We just need to find out what the cumulative impacts of the industries that are already there are.

Right at the municipal airport, you have chemicals that are coming from gases from their planes. And, also, we don't know who can hold the U.S. Army Corps of Engineers accountable because it seems like they are working on behalf of the applicant, and any pushback that we give our



concerns are ignored (audio gap) came back and asked us for -- not asked us, but they want to give us I think it's \$10,000 to go towards whatever research that we want to do for the community. They said that the development will have an impact on the community; however, they are not saying what those impacts are. We would like to see the environmental assessment to see what they have come up with their assessments because these assessments were completed before the historical district was complete.

They issued permits before the NEPA process was completed. And the MOA is still not complete, so I don't understand how they can complete the NEPA process without those things being completed. And we haven't even done a site survey on the property to determine where the graves are; we've asked for GPR studies. So, it's like our concerns are being ignored. And we've also reached out to ACHP, and it seems like they're just lying back as well.

**Dr. Sacoby Wilson, NEJAC Member:** Who is ACHP?

**Ms. Kim Washington, Public Commenter:** The Advisory Council on Historic Preservation. Yeah, but we need some data on the impacts of the industries that are already there.

**Ms. Sylvia Orduño, NEJAC Chair:** Yes, thank you for all these good comments. I wanted to ask you, specifically Brandi, and I know that, when you've come to the Council before, we had talked about trying to see about doing some follow up with Region 5. And, just also for what it's worth, we have had conversations with EGLE staff who also reached out to a couple of us to say they have tried to engage with you.

And there's some other community of folks that we're working with and let me name Benson Harbor (phonetic), folks heard from Reverend Pinkney (phonetic) before, and he wasn't able to get on time for the public comments for today. But there are ongoing issues with trying to get connected, issues around EGLE and Region 5 there. I'm trying to see with all of what we're hearing from EPA today, we've had amazing feedback and statements from the EPA leadership here, across the different office, what can be leaned into here that can help us and what folks on the ground are saying that they need.

Several of us here that are Council members from Region 5 have said similarly. They want to see if we can perhaps help facilitate a conversation with that. But this time I think I want to see about engaging OEJ staff to help us because I think if we pull in the D.C. connection. I think we just need to have these conversations and then figure out now what do we do about this? The information has been presented, the communities are being impacted, and now we need to know what is it that can be done around enforcement and protection of human health. And so, I wanted to know if that feels like something that can be satisfactory, and then if you're willing to engage with us in sort of a process like that?

**Ms. Brandi Crawford-Johnson, Public Commenter:** I have spoken to air enforcement. I'm just a very forward person and my family was poisoned; my community is being poisoned. So, I've been taking a lot of actions that many advocates probably don't take, like filing a class-action against the paper mill and speaking to reporters about this. I've been engaging with the Environmental Justice program with the EPA Region 5 and they said they're letting the state take over. I pointed out I don't think that they should allow a paper mill to expand when they're out of compliance.

I just want people to be helped. I mean, these are my family members that live in this community. I relocated as soon as I could, but a lot of my family members and friends cannot really afford to relocate and they are very sick. I just want help, and that's all I've been asking. Most of my communication is by e-mail, I have copies, I've never said anything rude.

I think that it's something that can easily be handled. There were gas leaks at a paper mill and gas leaks at a wastewater treatment plant next door to the paper mill. When you do maintenance, why don't you fix your problems when you're doing maintenance? When you shut everything down to do the maintenance, put the cap on the clarifier, fix the junction chambers. I just don't understand why they're not doing it, that's all.

**Ms. Sylvia Orduño, NEJAC Chair:** Absolutely. No, and I appreciate your persistence. I think it's absolutely what you need to do. I know that it's more that I think what we need to do is actually figure out how to actually pull together the folks who are saying, look, this is what we

are about now, and then see what it is we can do.

**Dr. Na'Taki Osborne Jelks, NEJAC Vice Chair:** I did see that Richard had a hand up. Do you have a quick comment, Richard? And then we can move on to the next group of three.

**Mr. Richard Moore, NEJAC Member:** Yes, thank you. One, I just want to refer back to an earlier comment that Sacoby made in terms of Brandi's testimony. So I just will say that very quickly, from what I'm understanding in the testimony, is that the EPA, in this case, said we've turned it over to the state. Now, all I would say with that, that's why I'm referring to Sacoby's comment, is when is the EPA, when it comes to the state or states, going to say enough is enough and we want some response to this issue? That's number one. Number two, I just will say is that in terms of Ms. Washington's testimony, this isn't the first time we've heard about the impacts on historical black communities. And I think as a NEJAC Council at some point that we need to have a discussion about historical black communities across the board.

**Ms. Stephanie Herron, Public Commenter:** Yes, hello, my name is Stephanie Herron. I have attended other NEJAC meetings previously, so, in the interest of time I'm not going to do a long introduction of myself and the Environmental Justice Health Alliance for Chemical Policy Reform. I spoke to the NEJAC at the last public meeting, and I really appreciated the opportunity to comment and the deliberation and discussion that I watched after the Public Comment session. I spoke last meeting about the EPA's Risk Management Program, and I'm asking the NEJAC to join us in calling on the EPA to really prioritize environmental justice in the program and prioritize protecting workers in communities by actually shifting to chemical disaster prevention in that program rather than "managing risk".

I'm here again to ask the NEJAC to join us in that call by writing a letter to the administrator and to Dr. Waterhouse to issue the strongest and most protective possible rule to protect fenceline communities. I have some specific recommendation, which I included in my comment previously and will resend for the record but not read out loud in the interest of time.

I do appreciate the NEJAC referring to the Risk Management Program, the RMP amendments, in your 100 Days Letter, from last meeting. It was Number 9; you referred to the May 3rd, 2019 letter, to Administrator Andrew Wheeler, about the chemical disaster rule. I really appreciate you including that, but I really think it's critical that the NEJAC engage a little more deeply on this, I would be happy to work with you. I know EJHA and our affiliates would be really glad to work with you if that was something that was on the table.

But, the 100 Days Letter, which is great, again, I really do appreciate you referencing the previous NEJAC letters, but it talks about the EPA rolling back the 2017 RMP amendments, which was obviously extremely problematic. The NEJAC believes that the chemical disaster rule should be fully implemented and enforced -- I'm reading from the letter -- "the safety improvements this rule contains are essential to protect the lives and wellbeing of fenceline communities' workers and first responders." I mean, those 2017 amendments were already rolled back, so we need not only for the administration to reinstate those modest improvements, but to actually do much, much more to protect communities. And I hope that NEJAC will join us in that call.

**Ms. Lakendra Barajas, Public Commenter:** Hello, my name is Lakendra Barajas, and I'm a senior associate attorney at Earth Justice. I'd like to thank the NEJAC for providing the opportunity to speak today. I'm here today to voice concerns about the implementation of the Toxic Substances Control Act, or TSCA, which Administrator Freedhoff mentioned earlier today and which I've spoken to the NEJAC about before, the effect that TSCA can have on chemically overburdened communities, and to provide a different approach than I've previously presented at NEJAC meetings about how NEJAC can address this concern.

So TSCA requires EPA to protect communities overburdened by exposure to dangerous chemicals when evaluating chemical risk. TSCA also enables EPA to offer protections that go beyond most other environmental laws. This is because TSCA compels EPA to eliminate unreasonable risk and allows EPA to ban toxic chemicals or their most hazardous uses to do so. As a result, TSCA can reinforce the work of NEJAC workgroups and provide an additional tool for their members. Under TSCA, EPA is required to conduct risk evaluation of selected chemicals and unfortunately the previous administration unlawfully excluded from its first 10

risk evaluations all consideration of the facilities surrounding where the evaluated chemicals are manufactured, used, or released. To its credit the current administration has expressed its intent to reconsider that exclusion and to evaluate risk to impacted communities. These communities living near polluted facilities are predominately communities of color.

In light of this background and given the role of this body as an advisory council to EPA, I specifically ask this Council today to bolster protections for chemically overburdened communities in three ways. (1) To incorporate discussions about TSCA implementation into applicable NEJAC workgroups, such as the Community Air Quality workgroup. (2) To encourage the Office of Chemical Safety and Pollution Prevention to consider a broad range of communities that are exposed to toxic chemicals discussed in those workgroups as -- consider those potentially exposed and susceptible subpopulations and (3) to encourage OCSPP to consult with the NEJAC and other environmental justice groups when determining how to evaluate and manage risk to those communities. Myself and my team are always available to share any information or discuss this with NEJAC.

**Ms. Uloma Uche, Public Commenter:** Hi, my name is Uloma from EWG. I'm a post-doc fellow with Environmental Working Group. I'm providing this comment on behalf of the Environmental Working Group, a non-profit research and policy organization headquartered in Washington D.C. Our team's detailed recent comments have been submitted to NEJAC via e-mail. This comment actually focuses on the need to add drinking water as a metric in the EPA's Environmental Justice Screening and Mapping Tool, or EJSCREEN. Currently EJSCREEN has level important environmental and demographic indicators; however, a key metric, drinking water quality, is omitted. There is growing evidence of disparity in communities' exposure to drinking water quality, with a greater percentage of people of color being more likely to experience worst drinking water quality compared to nationwide averages.

Adding a water quality metric to EJSCREEN would help in the assessment of community environmental health disparities, as well as in the development of more equitable policies for infrastructure investment. In our research on the distribution of drinking water contamination was by the lack of comprehensive centralized datasets on water use, on water quality, and water surface areas. We believe that EJSCREEN is a sufficient investment of resources by the EPA

that can fill this gap. State agencies and academic researchers are developing GIS datasets for community water systems service area boundaries. Likewise, data on contaminants occurrence for both regulated and unregulated contaminants are available from state's drinking water agencies. These datasets should be included in EJSCREEN for a comprehensive environmental justice analysis.

Finally, our research team at EWG published several peer-review articles on cumulative cancer risk due to carcinogenic contaminants in tap water. Our latest research project focuses on cumulative cancer risk and demographic data, especially for communities of color. This study has been submitted for peer review, and we will share the article with the EPA and the NEJAC once published. We thank the Council for its work, the advice and guidance it provides to EPA. Thank you.

**Dr. Na'Taki Osborne Jelks, NEJAC Vice Chair:** Thank you, Ms. Herron, Ms. Barajas, and as well as Ms. Uche. Council members are there any questions or comments for these public commenters? Dr. Wilson.

**Dr. Sacoby Wilson, NEJAC Member:** I appreciate the comments about the risk management rule and the fact that we did not just roll back, but to strengthen it. So, just as an individual member of NEJAC - I think that's something that we should be looking at; that's a very important point. Particularly as we said earlier in the discussion, I think with some of the administration about climate change and how that's a factor that we really have very little control over its impact. And why in response to climate change there needs to be a tightening up. Because those facilities are at risk, they're in basically -- many of these facilities are in hurricane zones, for example in the gulf coast.

And to the last commenter about the drinking water component issue, I think that's a really, really important issue and it speaks to the need for EJSCREEN to have more indicators as it relates to infrastructure. So, we've got to get in sewer and water infrastructure indicators, drinking water indicators. But also, EJSCREEN as currently constructed doesn't do a good job of reflecting some of the EJ issues of rural communities. And some of those issues are also, in regard to drinking water, many folks are on well water. Many people are at risk from pesticide

exposure, exposure, other kind of pollution sites, people near military operations. So, I think that's a big void in the tool. We have discussed EJSCREEN and improving EJSCREEN as part of our Justice40 workgroup conversations with OEJ leadership. Particularly, bringing my point back to climate change will also have an impact on water quality, water quantity, water safety, portability quality. Also, water affordability, will rate payers be impacted as it relates to climate change on water quality, quantity, accessibility.

**Mr. Richard Moore, NEJAC Member:** In regard to TSCA, I think that that's important for us to understand, in a very short version, that the negotiations around TSCA, several years back, legacy chemicals and hotspots went into negotiations, was taken off the list. I would just thank you again for that testimony, and we need to make sure that with TSCA that the legacy chemicals and hotspots be included in the TSCA discussions. Thank you, miss.

**Mr. John Mueller, Public Commenter:** I'm John Mueller, I'm a private citizen and a retired civil engineer mostly working with water resources engineering. I attended the NEJAC public meeting in June when the issue of water fluoridation was ultimately filtered out as one of nine priority areas identified for the consideration. For this meeting today, I have submitted by e-mail a number of documents which further support a goal of ending community water fluoridation, which is an environmental injustice, and replacing it with a program that materially improves oral health in underserved areas where the need is greatest due to fluoride disproportionate harmful effects among African Americans and other especially vulnerable subpopulations.

Respecting President Biden's Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking, I say that EPA taking meaningful action to immediately halt unethical influence from special interest as it pertains to water fluoridation. This includes the CDC's now obsolete legacy of water fluoridation, a program that continues promoting adding known pollutant contaminants to the public drinking water.

I respect TSCA's lawsuit, Food and Water Watch Incorporated versus EPA., currently in abeyance in the Federal District Court of Northern District of California. I request NEJAC to advise and recommend that the defendant, EPA, concede defeat at the earliest opportunity, suggested to be at the court's next video conference on September 14th next month. The plaintiffs in this case have

rightfully petitioned for banning the addition of fluoridating chemical to the public drinking water. And through superior advocacy by their legal counsel, they followed the law, presented their evidence along with expert testimony while continuing to produce additional rectifying materials when requested, and stipulated thereby adding to the weight of evidence in their favor.

One more thing, I would like to hear from Radhika Fox, from the Office of Water. In light of the most recent studies on fluoride, neurotoxicity has the Office of Water's current position on artificial water fluoridation changed, under the Biden Administration, and if so, what is the new position?

**Mr. José Bravo, Public Commenter:** My name is José Bravo. I'm the executive director to the Just Transition Alliance. I also wanted to mention that I am a charter member of the NEJAC that was established back in 1993.

On March 26, 2020, just as COVID-19 was spreading rapidly across the United States, the American Petroleum Institute, representing 600 oil companies, requested by letter to the U.S. EPA that the U.S. EPA provide industry with relief from federal and environmental monitoring and reporting requirements. This was preempted by a letter to the Trump Administration six days earlier by the same American Petroleum Institute. The EPA's own Office of Inspector General has since found that the Agency's overall decline in enforcement in fiscal year 2020 resulted in a 23 percent increase in the pounds of pollution, 300 times more pounds of waste, as compared to fiscal year 2019. Because the deregulation policy dramatically limited data collection, we would not know what the full impact has been of this policy.

However, existing data shows that the EPA policy created the greatest danger to public health, for people of color, indigenous people, and low-income communities where industries are concentrated and COVID-19 pose the highest risk. During the five and a half months this policy remained in effect, COVID-19 cases in the United States skyrocketed from 277 to 43,938. Research quickly showed disproportionately rates of infection and hospitalization and death among blacks, Latino, Latina, and Asian people. And by fall of 2020, the Navaho nation faced the highest per capita death rate from the U.S. to date. I should add that during this time, also, COVID infected 640,000 farmworkers, though this number might be underestimated.

Early studies link severe COVID-19 illness to the death and air pollution exposure. A recently



peer-reviewed study shows communities with the highest concentration of toxic waste sites saw COVID rates shoot up within six days of EPA's rollback. A 10 to 15 percent increase in daily mortality and an estimated 7,376 additional deaths. Communities of African Americans felt the impact more, or counties with higher numbers of African Americans felt these impact more severely.

I want to mention that enforcement still has not caught up, under this administration as well. And, my colleague, Amy Laura Cahn will submit this report and the executive summary to the NEJAC. But, the EPA has failed us in that sense that it used the letter being asked by the Petroleum Institute to do away with regulation and, in fact, created death in our community. So, the numbers are in, and I want to ask where was the Office of Environmental Justice through this?

**Ms. Jennifer Valiulis, Public Commenter:** Good evening, everyone. My name is Jennifer Valiulis. I'm the director of the St. Croix Environmental Association in the U.S. Virgin Islands. I'm located on St. Croix; St. Croix is an environmental justice community with predominately black and brown populations. But, in addition, due to our status as a territory rather than a state, residents have limited self-governance, cannot vote for president, and have a non-voting delegate in Congress. This power imbalance has rendered St. Croix exceptionally vulnerable to environmental abuse.

I'm going to speak today about the ongoing serious concerns around the Limetree Bay refinery and make several requests. By way of a little background, this 60-year-old refinery was restarted this January after nearly a decade of closure. From day one, there were toxic gas releases that sicken thousands and explosions that contaminated cisterns. This went on for five months until the EPA finally stepped in and shut down the refinery until the problems could be addressed. Currently the refinery remains shut indefinitely and has declared bankruptcy but with the very real and frightening possibility that it will reopen if a new buyer appears.

Recently, several community organizations conducted a community impact survey to better understand the extent of the health and environmental impacts from this refinery. Because the air monitoring was lacking by both the refinery and the local government, during the operations,

people's experiences are the only record we have of what happened. Meanwhile, in the bankruptcy proceedings that are occurring in Texas, thousands of miles from St. Croix, the judge has proclaimed let's go save a refinery, and has said it's basically up to the EPA to determine whether this facility can restart again, implying that their enforcement as existing regulations should be loosened to accommodate the needs of potential new buyers. This is unacceptable, and pressure must be put on the refinery to clean up its act not the EPA.

Thus far, the EPA is the only agency that has provided any protection or response to this ongoing disaster. In response to kind of the deficit of credibility from the refinery, territory residents through this survey made it clear that they would prefer that the EPA step into a leadership role in the investigation and remediation of the contamination released by Limetree. Residents also made it clear that the EPA should help equip a new generation of environmental leaders from St. Croix so we don't have to rely on the EPA to come in. And, in the survey as well, 90 percent of respondents believe that EPA should have a fulltime staff member at the Limetree refinery to monitor compliance.

So, in addition to the EPA involvement, we also obviously have a need for monitoring by the community, and we have explored that. We know that monitoring programs using tools such as the PurpleAir monitors have been effective in other locations, but we also understand that the EPA doesn't necessarily recognize the results from the data collected. And, so, we would like to encourage this data collected by the community to be elevated more and kind of seen as valid by the EPA. Thank you.

**Mr. Richard Moore, NEJAC Member:** Thank you Jennifer, for that testimony. We've heard where companies impacted our communities, and in some cases, impacted workers and those working in the facilities and the communities that surround them, and then have went bankrupt. And then they set up a whole new corporation and they come back in in another way.

Mr. Bravo, if I'm clear, in your comment, you stated that you will give or document the report that you referred to. Does that mean that that report has already been sent, or is that you have intentions of sending in the report to the NEJAC Council?

**Mr. José Bravo, Public Commenter:** Our intention was to also submit the report today. So, our

colleague, Amy Laura Cahn, will be doing that today. I want to take this opportunity to say that we sued the EPA -- several environmental justice organizations; we sued the EPA along with several states around dereliction of duty.

**Mr. José Bravo, Public Commenter:** I hope that this Biden Administration and this EPA never makes the same mistake again because, ultimately, the data is now in that our communities suffered disproportionately from COVID impacts due to the fact that the U.S. EPA did not enforce environmental regulation. And our lawsuit was premised on the fact that under the EJ executive order, before the EPA takes that kind of decision it has to do an assessment on the impact of our communities, and no assessment was ever done.

**Dr. Na'Taki Osborne Jelks, NEJAC Vice Chair:** No problem. Mr. Bravo, also, in addition to the report that you referenced, you referenced a couple of studies as well. I don't know if the report refers to those studies, but if it doesn't, it would be helpful to get those studies or the name of those studies as well.

**Dr. Sacoby Wilson, NEJAC Member:** Thank you. This going to Jennifer's comments, again, thank you for being back again, Jennifer. I think you spoke to one of your comments about the PurpleAir data that EPA doesn't accept that data. I think that gets to the larger kind of problem that we've been talking about here today when we talked to the assistant administrator earlier where you have these regulatory monitors that may be meeting regulatory standards, but we need to make sure we have sensors that are getting the granular, hyper local data. The PurpleAir is one monitor; there're others out there that can really fill that gap.

And I also think, as you commented about the need for community, you're basically talking about community science. So, what we hear -- this is the OEJ staff and any of the EPA's and this is for NEJAC as well -- what we're hearing is that community science needs to be elevated. PurpleAir data needs to be elevated and used for action. And I'm going to come back to this point to say José's point speaks to this point. These communities are already at risk before COVID-19, the pandemic. The communities have already been overburdened before the EPA made that decision. So, you already have communities who are not being protected by the

current regulations that are not being protected by the Clean Air Act. St. Croix is one example of that. Communities in the Houston Ship Channel are another example of that.

Then, going to José's I've talked about state-sanctioned poisoning and state-sanction violence, that's an act of violence on these communities that have already been acted upon violently because they're being poisoned. And there shouldn't have been, as José is saying so, it shouldn't be hard to let you know what was going to happen when you have communities that are already overburdened having more pollution impact to them.

So, even if you look at the gas flaring that happens in some of these facilities, there're studies that have shown increase in asthma risk. When you look at gas flaring in some facilities, increase in infant mortality, and poor maternal child health outcomes. See, that's the reason for showing that. So, what is the EPA doing under their normal activities or permitting processes? So, for the NEJAC and for the EPA, what are the next steps? Maybe it's for a lotto as it relates to Title VI. What are the next steps as it relates to Administrator Starfield talking about enforcement? What are the next steps? Interagency working group, working with, Homeland Security, these other agencies? So, what are the next steps, you all?

Because what José is saying is really important. What Jennifer is saying, you know, we don't have the right to vote. We're not really represented, so it's contamination without representation. So, the EPA has to do more.

**Mr. José Bravo, Public Commenter:** The report does have some recommendations that we would like to put forth. So, you will see some of those recommendations.

**Ms. Karen Sprayberry, NEJAC Member:** You mentioned health assessment a minute ago and it made me start thinking about the only time that a health assessment is required is with superfund. I was trying to think of other times in the regulations where it is required. And, so, I think one of the things we need to be asking ourselves are health assessments done when they're not actually done? I'd like to find out kind of when is it required to be done, and maybe we should be asking ourselves when it should be done at other times.

And then ATSDR does the ones for superfund, and I haven't heard a lot about them and the changes that have been going on. I haven't heard really a peep about them, and so I'm wondering what their role is now? How are they integrating environmental justice into their mission? Who would do the health assessments? Would they expand that? I think their whole role is just to do assessments for superfund sites. So, I think these are some things we need to be asking or looking in to.

**Ms. Ayako Nagano, NEJAC Member:** This is for Mr. John Mueller. I remember you from last time speaking about water fluoridation. You'd mentioned that you submitted documents that show fluoridation at risk, and it was sent to the NEJAC e-mail.

**Ms. Diana Umpierre, Public Commenter:** My name is Diana Umpierre. I'm speaking mainly as a private citizen. I grew up in the lands of the Taíno in Puerto Rico, and I now live in Florida in the lands of the Tequesta and the Seminole. I became an environmental activist out of a desire to protect the River of Stars that is above the Everglades, the River of Grass. I hope to submit written comments to you all, but I hope that what I say in this brief moment is enough so that, when you actually get the letter, you will take time to read it, to ponder on what role you can play to deal with the newer, fast growing environmental injustice that is not only going to be affecting marginalized communities that are used to being disregarded, but possibly all of humanity.

Specifically, in the role that the night sky plays in the human environment, to the cultures of people of color, indigenous tribes, light pollution is barely something that is addressed by NEPA as it is. We have raised the issues of where the push for energy efficiency is also leading to actually more light pollution. In the cases of low-income communities of colors, we're now dealing with even more brightly lit communities where now lighting is almost a form of a weapon, of policing us as if light posts could solve the problem of children turning to drugs.

I wanted to bring into the forefront, is the billionaires' space race. This rushing to build and to expand spaceports in sensitive lands to waters, so that we can give fast internet to rural areas, without any regard to how any of this could be affecting us here on Earth and how we could even be adding to a really growing space debris issue. I'm concerned that we're making an entire

Earth a sacrifice zone. Are we allowing them to continue to treat our atmosphere as oceans have been treated? Are we doing this because just like our oceans don't have political boundaries our atmosphere doesn't have it?

I would really like your group to look at what are the blind spots that we have in our federal agency right now when there are reviews about rubberstamping these projects without truly engaging the public, especially communities like the ones I represent. But, right now these industries are basically telling investors that you need to build a commercial FFA airport with concrete pad and that we can do that quickly. How is it affecting the astronomy community, the investments that we have made to be able to learn about our own universe, our own place in this world?

We are again facing the same type of colonization and occupation all over again, except that this time we might be exploiting the very last frontier. I am honestly overwhelmed as many of you with the climate biodiversity crisis, so it's really hard for me to ask you to look at yet one more threat. But we are at a reflection point where these crises can still be prevented, but that window is really short. I implore you to look into this.

**Ms. Alicia Zhang, Public Commenter:** I am a PhD student at Boston University and my comments are about environmental justice and equity in community choice aggregation, derived from my case study examining Boston CCA program. And my comments are in addition to that of Richard Reibstein, who will hopefully speak a bit more on the matter later. We are interested in seeing if we can glean from interviews with Boston officials, and with advocates from various groups, recommendations that may help other communities implement community choice aggregation programs for the highest chance of being equitable, specifically enabling low-income residents to take full advantage of the program, to increase the use of local green energy, to provide local green jobs, and to combine the program more effectively with existing energy efficiency services.

So we have four recommendations. First, there must be a full democratization of the CCA process if it's going to benefit everyone. Boston had a lot of community participation in its design and stated that environmental justice was a fundamental guidance principle that they

recommend other communities develop. Community outreach engagement and empowerment should continue through all stages of the CCA implementation.

Second, in states with a deregulated electricity market, cities and states must be active to ward off competitive suppliers who prey on low-income and minority households. Not all low-income residents in Boston are participating in a CCA, although it could provide them with lower cost and reliable service. Being that these residents have fallen prey to solicitations from less reliable for-profit supplies, they are currently paying higher prices.

Third, CCA's can take advantage of a decentralized renewable energy model for greater control over the energy sourcing. This model can be used to sponsor local green energy projects, such as Community Solar, buying jobs and opportunities for the community, as well as reducing cost and emissions even further.

And, lastly, CCA's may be rapidly established due to formation of a coalition of communities, beginning with existing CCA's, to create an aggregation of aggregators run by a non-profit entity. Such a coalition could help accelerate the adoption of CCA's by marginalized communities that need them and could also be used and has negotiating power because combined the communities would have a greater share of the energy market. Plus, disempowered communities could be empowered in more than one way. And details can be found in our written report. Thank you very much for your time and consideration.

**Ms. Jeannie Economos**, Public Commenter: Thank you very much for this opportunity. I'm Jeannie with the Farmworkers Association of Florida. I'm the health and safety project coordinator. We are very excited that today we did have a victory; EPA did agree to ban all food tolerances of the neurotoxic pesticide, chlorpyrifos. So we appreciate EPA for doing that. But, it took 20 years of work to band chlorpyrifos. Even though there are tons of studies that have shown how this pesticide harms the brains of children, it leads to ADHD, autism, learning disabilities and other health affects in children. You'll hear later on from farmworkers in our community, our staff members who are former farmworker. But EPA needs to take into consideration cumulative synergistic effects of pesticides and to realize the realities in the field when they are registering pesticides.

Under the Trump Administration there were some horrible decisions about pesticides including the approval of aldicarb, which is a horrible pesticide that's been banned in many countries around the world. Luckily our Commissioner of Agriculture in Florida refused the use of aldicarb in our state; however, EPA did approve the use of antibiotics for use on citrus trees in Florida. Right now, streptomycin is being used on citrus groves in our state. We've already had some people that have had serious health effects. And so farmworkers working in fields are going to be exposed not only to immediate effects of streptomycin and other antibiotics, but then risk the problem of having antibiotic resistance.

So we want EPA to really deeply consider these decisions and consult farmworkers, and farmworkers communities, when they're making these decisions because no one knows better about the effects of pesticides than the farmworkers who work and are exposed to both the drift, and the residue, and the direct contact with these pesticides. So, we want deeper engagement with the farmworker communities. We want corporate influence out of decisions around registering pesticides. And we want accountability for the reality of the conditions that farmworkers experience, and not just a theoretical risk benefit analyses but actual real-life conditions that farmworkers experience in the fields.

**Dr. Na'Taki Osborne Jelks, NEJAC Vice Chair:** Thank you so much to all three of our commenters, Ms. Umpierre, Ms. Zhang, and Ms. Economos. Ms. Economos we are definitely celebrating today, but we recognize that there is still so much more to be done. Council members, are there comments or any questions?

**Ms. Sylvia Orduño, NEJAC Chair:** Ms. Jeannie, I really appreciate how you also framed that, and it feels like it goes back to a conversation that happened earlier today too around how EPA says can't really do anything about cumulative health impacts, got to look for violation. We're having the same conversations around lead service lines, and so, it keeps happening. And, you know, conversations again with PFAS, and so, we've got to figure out a way to say, look, in some ways those are excuses, and, in some ways, those are a pass for the polluters. In some ways, these are about power inequities, and also, we've got to figure out how it is that in the



course of what we're doing. We ultimately have government be accountable, hold polluters accountable.

And, so I'm actually really interested in learning more about analysis around the fight to get this chemical banned, but also how you are looking at it across the years and knowing the damage that was taking place. And, so, I'm thinking that maybe, if there's something that you can also share with us in writing but I think what would be helpful, we need to really figure out how we can push EPA to really figure out how to do the measurable, the demonstrable around cumulative impacts.

And, I'd be really interested if that was something that you might be able to share with us, and perhaps it's something that we can figure out how to follow up with again in the work that we're going to continue to do through our workgroups. And, perhaps what might be the potential for a future workgroup.

**Ms. Jeannie Economos, Public Commenter:** I really appreciate that, but one thing, not only are cumulative effects really important to look at; synergistic effects and additive effects of pesticide, but what else is not being considered is a lot of these pesticides are more toxic in their breakdown products than they are in the original product. So, for example, I mean DDT is banned right now, has been for decades, but DDT breaks down to DDD and DDE, both of which are more toxic than the original DDT itself.

And so it's just really concerning to me that the science is looked at, but it's not looked at deeply enough. So not only do these products break down on the environment, but they break down in our bodies. In talking about these like endocrine disruptors and other kinds of pesticides, the reality is agriculture is one of the biggest contributors to pollution that food system as a whole. And yet, it has the most potential to be a healer. And EPA should be putting money into alternative to pesticides.

**Dr. Jan Fritz, NEJAC Member:** I just wanted to thank the presenters and follow up on what Jeannie is saying from the farmworkers. Too often, we talk about training and we talk about ill-

fitting equipment. We don't spend enough time talking about the pesticides, and I think she raises an important point about spending money on looking out for alternatives not just banning something.

**Ms. LaTricea Adams, Public Commenter:** Greetings, members of the NEJAC. My name is LaTricea Adams, founder, CEO and president of Black Millennials 4 Flint, a national environmental justice and civil rights organization with the purpose of bringing like-minded organizations together to collectively take action and advocate against the crisis of lead exposure specifically in African American communities throughout the nation. In addition to our strong and mighty federal environmental justice policy platform, we serve on the ground in our main states: Flint, Michigan; also in Baltimore, Maryland; Washington, D.C.; and Memphis, Tennessee.

Based on the EPA EJSCREEN Tool, over 83 percent of Shelby County, Tennessee's districts have a superfund site proximity score greater than 86. The other 17 percent of the county, which is majority white and affluent, marks a devastating truth mirrored in similar cities across the county regarding environmental fascism and violence. While many of us here today may be indifferent when we hear the words "Memphis Army Depot", just the utterance of the word or phrase "Depot" as we call it in Memphis causes black Memphians in particular to cringe. The Depot was designated as an official superfund site in 1992. The 632-acre area served as a dumping ground for the U.S. military's chemical weapons and other toxic materials since the 1940's.

I want to tell you a brief story. Memphis environmental justice heroine, Ms. Doris Bradshaw, received a letter in the mail in 1994 implicating the dangers caused by the decade of pollution near the Depot. Three months after receiving that letter Ms. Doris' mother was diagnosed with cancer and passed away shortly thereafter. Ms. Doris's mother joined hundreds of my ancestors whose lives were cut short from the plague of the Depot. The impetus of this story is not to evoke sympathy; it is an example of triumph and an unrelenting desire for clean toxic-free communities, not just in Memphis, not just in Flint, Michigan, not just in Baltimore, but for all of us.

In February of this year, 2021, I was contacted by an elderly African American woman who is a resident of Orange Mound, one of the first black communities established post-emancipation. The letter cited that her home was in proximity to an active superfund site. After a bit of research, we discovered that both the water and soil at the site of her home had lethal levels of lead. Additionally, the EPA website did not have any updates regarding the progress of the cleanup of this site. Just like local government officials communicated, the EPA staff stated the superfund program is severely underfunded and the monitoring tools necessary to assist progress and the legal accountability to polluters are absent.

We heard Deputy Assistant Waterhouse state that he understands the importance of ensuring residents have a role and a voice in the decision-making process. In fact, we ask EPA to consider how the formation of local community advisory boards that can be involved throughout the remediation process will help to provide accountability and transparency through the ongoing clean up. This aligns well with Principle 7 of the 17 principles of environmental justice that states, “environmental justice demands the right to participate as equal partners at every level of decision making, including needs assessment, planning, implementation, enforcement and evaluation.”

**Dr. Na’Taki Osborne Jelks, NEJAC Vice Chair:** And, if there was just one last thing, it sounded like you were trying to make a specific recommendation, if you want to kind of finish that up, but we are way over time on your comment.

**Ms. LaTricea Adams, Public Commenter:** Sure. We urge the NEJAC to advocate for the EPA to allocate more funding to the superfund programing to improve the fidelity of the cleanup process and equity with timeliness of remediation.

**Mr. Dan Solitz, Public Commenter:** Thank you. I'm commenting as a private citizen in the northwest. In the northwest, we have 54 million gallons of toxic and radioactive waste we need to process and find a home for. Looking at the whole waste disposal environment throughout the nation. It’s concentrated in a few areas. And I don’t know how you would put this on your agenda to advocate for it with the rest of government, but there needs to be a reevaluation of the

entire radioactive and public toxic waste disposal systems in the nation so that the waste goes to the most appropriate place for it, and survey done and figure all of that out.

And there's another implication to this too, and if there isn't a place for long-term disposal of nuclear waste, then climate is going to suffer, and the current crisis will be prolonged.

**Mr. Richard Reibstein**, Public Commenter: I would like to draw attention back to the comments of my student, Alicia Zhang, who spoke just a moment ago about community choice aggregation. Community choice aggregation is when a municipal government buys electricity for its residents. So, the residents are getting bulk-purchasing prices. Big companies can do this; they've been doing it for years, and it's a way that citizens of lower income areas can get cheaper electricity, so it should be available all across the nation. Only ten states right now are doing it. So, it's something that people should know about, and it's something that communities need help in doing.

EPA can play a role in educating people about this opportunity and helping people to see that this is something that should be available everywhere. Now, once a community has created this process of buying electricity in bulk, they can now do some other things. They could maybe buy a community solar project and provide much cheaper access to clean energy to their residents.

Thinking about all that, we've heard today about superfund sites. We ought to be having big community solar projects at many of these brownfields. So, I recommend this to you as an opportunity to make people's lives better. Wealthy communities can do this, and they are doing this. Other communities may not even know about it and will need help.

**Dr. Na'Taki Osborne Jelks**, NEJAC Vice Chair: Thank you so much, Ms. LaTricea, and Mr. Dan and Mr. Richard. Do we have any comments or questions from NEJAC members? Karen Sprayberry.

**Ms. Karen Sprayberry**, NEJAC Member: I wanted to know how you talk the local governments into supporting your community choice aggregation because they're the ones

buying the electricity for the residents. And what is the advantage of local government to do that? Then I had one other comment I wanted to make for somebody else.

**Mr. Richard Reibstein, Public Commenter:** The ordinary individual resident does not have a chance to buy at those bulk-purchasing rates, so they need the local government to do it for them. Now, the way this is done allows residents to opt out. So, it doesn't force anyone in, but, of course, why would you turn down the chance to get cheaper electricity. So, it gives residents the opportunity to get electricity at bulk prices, which then opens up opportunities for getting greener energy.

**Ms. Karen Sprayberry, NEJAC Member:** And I wanted to go back to the individual who spoke about the monies for the superfund sites. And I know the EPA can speak more to this, but it's my understanding there's a whole, whole lot of superfund money coming down the pipe. And then, she made a comment that made me think some of the EPA staff needs to be trained on, how to do better public participation. Because she was talking about with the public participation spectrum, the five elements are inform, consult, involve, collaborate, and empower. And so we all need to be reminded to do a better job of empowering communities, but it goes back to training.

**Dr. Sacoby Wilson, NEJAC Member:** I think, just from Karen's last comment, and maybe you can comment on this real quick, LaTricea. As these resources come down, how can we make sure the superfund cleanups are timely and responsive, and they're equitable, so higher wealth communities are not getting a Cadillac cleanup and a lower-income community is getting the Pinto? However, in our superfund report and to follow up with OEJ and with EPA, how can we make sure there's consistency and also more equity in that process as these dollars comes down? And then to the aggregation issue, I'm not sure if it's the same point, but I know in a Texas extreme storm last year, there are some folks who are in alternative programs that they may not understand the language that led to them having these much energy bills. However, I think aggregation could be a solution to some of the energy affordability issues that communities are experiencing.

But I do agree, I will push it to say, if we do that it, needs to be focused more on renewables as a way to deal with some of the long-term negative impact of fossil fuel infrastructure on communities of color. And also, the economic development workforce component to that, so I would say a co-op aggregation approach would probably be, in my opinion, a better approach.

**Mr. Richard Reibstein, Public Commenter:** Thank you very much. Alicia mentioned a coalition of community aggregation that would help communities and give them each a louder voice. We certainly agree with your points about how this should be used for greener energy. And, absolutely, the education piece is incredibly important. There are fly-by-night operators that jump on the opportunity to fraudulently sell programs that are not providing a better deal. So, you have to do all of those things; Alicia made those comments and thank you for hearing.

**Ms. LaTricea Adams, Public Commenter:** I would say it is critical for there to be prioritization where those dollars go, at our fingertips, like with the EJSCREEN tool, even perhaps with the other tools that we anticipate coming from the WHEJAC side. I mean we have to ensure that these large fit green organization have co-opted the entire environmental justice movement that they are not the hoarders of these funds where they dictate how they sprinkle out pennies.

**Mr. Dante Swinton, Public Commenter:** My name is Dante Swinton. I am an environmental justice researcher and organizer with the Energy Justice Network. We're based out of Philadelphia. I personally live in Baltimore. I want to lift up tonight the importance of the EPA readjusting its waste hierarchy. Currently, it still has incineration as something that's preferred over landfilling. Now, this is very problematic because a lot of these incinerators often are located in urban areas, which have higher populations of people of color. Low-income communities tend to be more proximate to them as well. And, being in Maryland, or the lone state with incineration as a tier one renewable energy it is very problematic for one, but then by having the EPA still advocate for this as an alternative to landfilling does not help the situation.

We have two incinerators here in Maryland. Ours is the larger one, if I'm not mistaken. And, those two, and the Lorton, Virginia incinerator, are currently getting renewable energy credits because of that tier one status here in Maryland. Obviously, the EPA cannot adjust that, but, by

actually adjusting its policy, it makes far more sense, and it will allow us to actually get more and more leaders at the state and local levels to realize that incineration is not an answer. It is the dirtiest way to manage waste or make energy. One of the reasons incineration tends to find itself as a preferred method is this disregard of the biogenic CO<sub>2</sub> that's produced from burning organic matter, when in actuality it's CO<sub>2</sub>.

This is one of the things I would argue could be done sooner than later and, to make sure that you lift up communities of color that are struggling with these incinerators, like Newark, like Baltimore. Detroit's finally shut down, but you've got one out in California. You've got several in Florida and New York, Massachusetts, and Connecticut, all across the eastern seaboard especially.

**Dr. Stacie Schmidt, Public Commenter:** My name is Dr. Stacie Schmidt. I'm an internist practicing primary care and general internal medicine in Georgia. Additionally, I serve on the board of a community-based center dedicated to improving the health of women with emphasis on women of color experiencing health disparities both prior to and as a result of the pandemic.

From my experiences as a physician in an academic teaching center focused on evidence-based care for vulnerable communities, there are some tangible ways I think that we can bring our communities to the table and provide frameworks that really empower our communities, to solve local environmental issues. So, the more we can engage our communities and empower them to do the work, the better the sustainability of this beyond one particular administration or initiative.

I think there are a few ways to do this, one is through collaboration with academic urban health initiatives and health equity centers. I really want to stress community-based participatory research. I was able to work with local government to erect a stop sign which diverted trucks from traveling in front of the school and releasing toxins into the air, which is essential for children who are really vulnerable to poor air quality and who have higher respiration frequency which multiply the volume of pollutants they inhaled.

I also just want to really encourage you to involve our youth as they are our future. It's vital that our youth, particularly those from vulnerable communities, feel excited about engaging in policy, advocacy, and public health. So the conversations really must involve them. We must prioritize equity and resilience and there really needs to be oversight by the government to make sure that states are truly implementing change that actually leads to improved equity.

**Mr. Jim Puckett, Public Commenter:** My name is Jim Puckett. I am the founder and director of the Basel Action Network. BAN takes its name from the 1989 Basel Convention, an international treaty on waste and waste trade. There are currently 187 country parties that have joined the Basel Convention. Currently, the U.S. is not one of these. We are the only rich developed competent country that has not ratified the Convention, the Environmental Justice Treaty.

I have been wanting to speak to this NEJAC for several weeks now to see if we could finally rectify this situation. So far, neither Republican nor Democratic administrations have seen the Basel Convention as an EJ issue. Neither have advanced ratification of it almost 30 years after it became international law, a period in which domestic EJ came of age.

Earlier this year, over 130 major environmental and business organizations sent a letter to President Biden and the Secretaries of State, head of the EPA, White House Counsel on Environmental Quality, for Basel ratification. That letter remains unanswered. The California legislature has passed a resolution calling for the same. With this intervention, I am calling on the NEJAC to take up the cause.

The issue of global waste dumping is clearly an EJ matter. So where are we? I would hope to be contacted after this meeting to discuss how together we can place this matter on the NEJAC agenda and the White House agenda, and once and for all, ensure that the U.S. ratifies and embraces the Basel Convention and all of its recent amendments.

**Ms. Naomi Yoder, Public Commenter:** I am a staff scientist at Healthy Gulf. Today, I wanted to discuss liquefied fossil gas, or LNG terminals, and their pipelines and facilities and their role in environmental justice. I want to urge the NEJAC to advise the EPA to oppose any new LNG facilities being built, such as the Venture Global Plaquemines LNG terminal, that is scheduled to



break ground imminently at the mouth of the Mississippi River.

LNG has an outsized presence, and, therefore, an outsized impact on the Gulf Coast. We're very concerned about the greenhouse gas and emissions, wetlands destruction, and safety risks from the LNG industry. And I'm speaking to you from Louisiana, where much of this development is taking place.

As of 2019, Cheniere Shipping Pass LNG was already the third-largest emitter of greenhouse gases in the state at around five million metric tons per year. Now there is one other similar-sized plan operating, and one more about to open its doors this year, all in the same sound was corner of Louisiana.

As you know, the impacts of climate change have an outsized impact on people of color. The Gulf Coast has become a front line of climate justice due to intent increased intensity and frequency of hurricanes, among other things. This was illustrated in painful detail with the hurricanes last year in Southwest Louisiana and Southeast Texas. Recovery from those storms is still far from complete in black and BIPOC communities bear the brunt of the lack of recovery. Black communities disproportionately suffer insecure and unsafe housing, underemployment, lack of food, and even running water. This racist distribution of resources cannot be allowed to continue.

I call on the NEJAC to use its powers of influence to stop the addition of greenhouse gases and LNG facilities to the Gulf Coast, and especially Southwest Louisiana and Southeast Texas. On behalf of the Gulf South, I request separate public hearings with the NEJAC and with EPA to discuss the LNG buildout.

**Ms. Na'Taki Osborne Jelks**, NEJAC Vice Chair: NEJAC members, are there any questions or comments? And thank you so much to Ms. Yoder, Mr. Puckett, Dr. Schmidt, and Mr. Swenson

**Dr. Sacoby Wilson**, NEJAC Member: So, thank you, doctor, for your comments. One question I had for you is, you know, you talked about -- so you want NEJAC to talk to the EPA as it relates to getting consideration renewable performance standards. That's one thing I heard. And also,

you talked about the benefits of zero waste. But I didn't hear you provide like numbers. So can you provide a report that talks about that data, those numbers, so we can kind of share that with OEJ/EPA staff?

Getting to Stacy, appreciate your comments about CDPR. So, I think that your comment speaks to the need for community science to be more supported by the EPA. And we had some earlier discussions today about the need for more investments in community science, community research centers, more partnerships, and more funding going to historically black colleges, and MSI needs to do that kind of community science work.

Jim, I think that's a real important point, and I think that gets back to our earlier conversation today about interagency working group. So, the State Department needs to have a role with environmental justice. Dr. David Pellow wrote a book called Garbage Wars about these issues some years ago, and I wrote a blog a few months ago on environmental slavery. And I talked a lot about how we're shaping our waste to a lot of countries and creating risk case and sacrifice zones.

In the last set of comments, Naomi, it sounds like the recommendation from you for us to focus more on gas infrastructure. Are you asking us to have a workgroup on gas and infrastructure; a work group on the Gulf Coast and EJ issues; a work group on climate change and EJ issues?

**Mr. Dante Swinton, Public Commenter:** I'd want NEJAC to do, is for the group to advocate for the removal of incineration from the waste hierarchy, entirely. In fact, to commit to the international standard on zero waste hierarchy put by the International Zero Waste Alliance, I believe is the group, which has incineration as unacceptable.

As for reports, you could check out Circular Charlotte is a pretty great proposal. Unfortunately, part of it does include a brief recommendation of a small incinerator for Charlotte. But the focus is to get zero waste businesses in communities of color and low-income communities in the city. You could also check out Treasure in the Walls, which is San Antonio's report on deconstruction and the benefits of that. And the National Chamber of Commerce Foundation-- U.S. Chamber of Commerce foundation; I'm sorry -- they put out a Beyond 34 report that talks about the benefits

of moving towards zero waste, and that at least a 74 percent diversion rate could unlock \$4.5 trillion to the national economy by 2030 if there was a greater commitment to that approach as opposed to status quo incineration, status quo landfilling and the like.

**Ms. Naomi Yoder, Public Commenter:** I want an LNG working group, or rather, I would prefer a Gulf Coast EJ working group with public input so that we can move forward on this.

**Mr. Jim Puckett, Public Commenter:** We need the NEJAC to approach the interagency working group. State Department considers environmental justice a foreign language and that has to change.

**Mr. Stephen Buckley, Public Commenter:** Steve Buckley; I'm a retired federal environmental engineer. I worked at five different federal agencies during my 25 years in D.C. Not at the Environmental Protection Agency, but we had to comply, of course, with all of the EPA regulations, nonetheless. I got involved in the National Environmental Policy Act at those agencies.

I am interested to know that the group here is looking at NEPA. But I should point out the EPA only is involved in one percent of NEPA projects. Environmental impact statements only cover one percent of all federal projects, probably the biggest ones. But 20 percent of projects are covered by environmental assessments. And, as you've heard from other people here, one lady mentioned the Corps of Engineers, how they wouldn't give her an environmental assessment. That's supposed to be a precursor to an impact statement. So -- but a lot of agencies get by what should be an environmental impact statement by calling it an environmental assessment. EPA never sees it, never sees whether or not it should have been an environmental impact statement. And the other part of this I would like to suggest is that NEPA has been around, of course, for 50 years; so even longer than, you could say, environmental justice. But it all overlaps. It all should complement each other. With the most recent thinking, the President's executive order on racial equity and how bad , diversity, equity, and inclusion, of course, a variety of perspectives, all being treated equally and included in the decision-making process early .

I would like to find out more about how people like myself could help move things along with

respect to how to take advantage of this wave of equity attention.

**Ms. Naomi Davis**, Public Commenter: My comment is relative to the specific polluting activity of Norfolk Southern Railroad in the community located on the south side of Chicago. It impacts adjoining neighborhoods of Englewood, Washington Park, Grand Crossing, and Woodlawn, where I live and work. And the issue here is that, in spite of very robust community objection during public hearings, which the city was duty-bound to hold when it was processing the Norfolk Southern Railroad's request for an amendment to their -- to an expansion of their facility and to -- an amendment of TIF boundaries in order to achieve that expansion, that promises were made regarding pollution tracking; regarding upgrading their equipment to less polluting equipment; and, of course, the typical we're going to give your people jobs, and also here's a big fat check for you.

But apart from that, the major offense that we find unacceptable is that their hundred-plus acre facility intermodal -- that's trains, trucks, and the cars associated with the industry -- are right next door to a 670-unit low-income housing residential development and an elementary school separated only by a chain-link fence and barbed wire. Over the years, at least since 2012, when we beseeched them and the city to, number one, enforce the ordinance that was passed, 208 pages of it, that they enforce the ordinance and that they require that the company which posts over a billion dollars in net profit over an average year, that they invest in pollution. But green infrastructure; a boundary of green infrastructure, a robust boundary of robust green infrastructure, at the very least; the funding for citizen tracking pollution levels and an engagement conversations that need to take place across the fence, so to speak, have never happened.

And so, we're not expecting anything to change without some robust interruption by the newly evolving and documented commitment of the Biden/Harris EPA. So I have made several requests on the record, and I wonder whether you have specific question or whether I can follow up with your office offline.

**Ms. Na'Taki Osborne Jelks**, NEJAC Vice Chair: Please do follow up with us in writing,

especially with specific requests that you have of your counsel. But thank you so much for your comments. And we'll move onto the next public commenter and take comments and questions from the NEJAC Council members in a group after these are finished.

**Ms. Yvette Arrelano, Public Commenter:** Good evening. My name is Yvette Arellano. I am the founder and director of Fenceline Watch, a grassroots organization based out of Houston, Texas. We are right alongside communities along the fence line for 52 miles of the nation's largest petrochemical complex. My comments are going to fit into the following buckets. First of all, it's going to be the presentation and the translation during this NEJAC meeting. The second will be TSCA. I'm going to be talking about chemical review exemptions, climate change, limited English access, facilities, right to know, and air monitoring.

So, to begin, I would like to say to all the presenters, you pace yourselves well and, Matt Tejada, I know you're from Houston and you work with Spanish-speaking populations. You spoke so fast that the translators could not catch up with you. At some point, they started coughing. So I really recommend folks who do these presentations to take a training and make sure we don't exacerbate this valuable resource. I'm not happy that I had to take time to say that.

The other is that we recommend the Gulf Coast working group on EJ issues. We'd like NEJAC to feel free to use us as a resource for the following topics. We'd like to be in contact with Marion Engelman, and we'd like your assistance on a Title VI issue that we're currently facing that has gone through the Title VI process, gone through a formal agreement between EPA and the TCEQ, and I'll get to that.

First, I want to tell you that this last month, we had two instances that required a shelter in place. The first one was July 21 at 7:27 a.m. And they released hydroxyl acrylate. Now, this was because of high heat levels and intense temperatures. The second one was July 27 at 7:30 p.m. from (inaudible). It ended in 2 fatalities and 30 people hospitalized, over 100,000 pounds of acidic acid, a TSCA controlled substance.

So now to get along with TSCA, I want to remind you that it's our communities that have to pay the price. We recommend EPA assess how to best introduce mixed assessment factors for

chemicals that are going to be mixed in manufacturing; that you recommend EPA to ask for basic information when speaking about polymers such as their formulation, toxicity, production, import volumes, and the names of the manufacturers who are importing them before they're even allowed into the US. Living in a predominantly Mexican American community, we see language barriers all the time. Right now, we're currently struggling with having translation services in order to make sure that our communities have proper public input. Our state agency is limiting us when it comes to the plain language summary. They cease they're saying that we need enough substance of comments, without giving a definition to what substantive is, in order for the executive director of our state agency to provide us language services. They are determining and establishing that Google Translate is appropriate to translate documents and saying that the general public is going to be given resources so they can Google Translate.

This is frustrating. I'm frustrated and I am so upset because this is our communities. And we are here trying to advocate so that you can tell EPA to get on it. We are ready. We're successful with a Title VI. What we need is guidance. We need recommendation and we need your eyes on this issue here in Houston Texas, against the Texas commission on environmental equality.

As far as TSCA goes, we need EPA to do climate change studies because the weather is getting - making these facilities more and more susceptible. They are over 100 years old, some of them. We're having extreme storms with intense lightning. So, it's not even just the floodwaters, but lightning. Our communities have a right to know what these chemicals are in languages that are dominant, whether it's Vietnamese or Spanish. And we need EPA to get on top of what does fence line monitoring mean. We have a facility, Bolero Refining, that has fence line monitors not facing communities because there's no regulations or recommendations from EPA, any guidance to say that they have to face homes, community centers, parks, and schools. We need that.

And we need NEJAC to recommend that EPA establish a fee that requires annual testing for up to ten years of any facility with a major incident affecting water, wetlands, agricultural areas, and public spaces. This fee would assure that facilities with a history of noncompliance have actual resources that can go towards first responders so that we can get toxic alert systems; so that we can literally just evacuate our communities safely whenever these things occur. So, thank you. We're going to submit written comment. Thank you for your time.

**Ms. Naomi Davis**, Public Commenter: May I say that Naomi Davis is from Blacks & Green. I don't think I probably introduced myself; I'm sorry. Blacks & Green in Chicago.

**Ms. Na'Taki Osborne Jelks**, NEJAC Vice Chair: Thank you so much. I'm going to pass it over to Mike to take on the facilitation. But thank you so much, Mr. Buckley, Ms. Davis, as well as Ms. Arellano.

**Dr. Sacoby Wilson**, NEJAC Member: I just want to make just a last -- to Yvette Arrelano. Thank you for telling your story. Thank you for sharing your frustrations with us. I just want to say that we hear -- we need to hear that there's others from your region providing commentary. It sounds like, as a previous commenter, you want to have a Gulf Coast workgroup. You made several really powerful recommendations -- ones I want to highlight -- which makes kind of a lot of sense.

You have fenceline monitoring, but no guidance on actually having the monitoring on the fence line where you have the sensitive human receptor sites. That should be pretty obvious, you know, that that language is in there. But that level of detail provides an out, what you're basically saying. So, you have monitors at the facilities that are not actually capturing the exposure burden for the folks who are being impacted by the facility. So, thank you for making that recommendation.

And thank you, again, for making the recommendation about -- and I've got to apologize about my fast talking. You know, I'm a fast talker. Just to make sure the language access issue because that in itself is an environmental (inaudible). I think we talked about that previously within NEJAC about accessibility and lifting that up. So, I just want to say I hear you; we hear you. And I appreciate you gave specific recommendations to NEJAC. So, I just want to say thank you for your comments.

**Mr. Michael Tilchin**, NEJAC Vice Chair: Thank you, Dr. Wilson. I think we're ready for our next group of three public commenters.

**Mr. Wes Gillingham, Public Commenter:** My name is Wes Gillingham. I'm the associate director of Catskill Mountain Keeper, a regional organization that oversees environmental advocacy in the Catskills and upper Delaware watershed. I had about five pages of speed talk. But I will respect that request about talking slower. I'm here today to also concur with the idea of a working group. But the working group -- it may be a Gulf Coast working group because of the immense amount of facilities there. But, to specifically address the LNG issue and ask EPA to engage in the public comment process for any proposed LNG facilities. Any project that will -- that's facing approval by the federal regulatory commission, they need to be properly and fully evaluated for the environmental justice communities that they have impact. And if those are probably identified, they would be denied.

What we're talking about, and the reason that I am involved in this is because of a particular LNG facility in Gibbstown on the Delaware River across the river from Philadelphia. It is going through an approval process. And this is a facility that's a little out of the ordinary because it's just the docking facility. They're talking about building the liquefaction plant up in Pennsylvania and then shipping the LNG via rail. There were four states that sued the Trump administration because of a recommendation to allow LNG to be transported by rail. However, this particular permit is a special permit that's been granted. So it doesn't apply to that one specifically. But it still theoretically could happen, transporting LNG throughout communities.

One of the things that this working group really needs to analyze is both the Department of Energy and Federal Energy Regulatory Commission historically have passed the buck on upstream emissions and impacts. And the recognition that this facility, and all of the facilities that have been mentioned, the two dozen facilities for approval in the Gulf Coast, all of those facilities have multiple impacts that are connected upstream. Just recently, we had two studies that came out, one that showed that -- I saw that you had a working group on PFAS. Well, now it has become clear that PFAS are in fracking fluid, and there's evidence that it was being used in at least 1200 wells. And that's only uncovering EPA documents and industry documents. The EPA approved their use back in 2011, and they never followed up on the study and the danger of using PFAS, which is now getting into the water.

And then there was another study that just came out in terms of radioactivity. We have a



situation where a driver was exposed to 3500 picocuries and 8500 picocuries in samples in samples that he took. Sixty is what is allowed for transporting waste. And that was just drilling.

And I see that I'm already out of time. But I am here to push for that special working group because LNG has immense, immense impacts all across this country on all three coasts. And I'll stop there.

**Ms. Donna Hoffman, Public Commenter:** Greetings, NEJAC members, with a special shout out to our Texas and Louisiana representatives, Dr. Wright and Bullard; Mr. Pravas (phonetic), and Ms. Almanza. I am Donna Hoffman. I am a fourth-generation Texan from a mixed and colonizing past. I request NEJAC to please form a Gulf Coast working group and to write a letter as soon as possible to President Biden, and write a letter to Secretary of Defense, Retired General Lloyd Austin, and to U.S. Army Corps of Engineers Kathleen Kate White, who is the program director for climate and who heads the Department of Defense climate action committee. U.S. Army Corps of Engineers is over wetlands and is involved in subsidizing fossil fuel projects on the Gulf Coast.

I'm originally from Corpus Christi, Texas. I work alongside frontline communities in the Permian Gulf Coast coalition to stop the current rush to build out proposed oil and gas export terminals, plastic plants, and desalination plants that would disproportionately impact the black and indigenous people of the global majority whose groups work in our coalition. These projects would desecrate the sacred lands and burial sites of the original peoples, including the Karankawa . The Louisiana projects would continue legacies of abuse and suffering by building 100 refineries on top of where 100 plantations had been, and where their burial sites now are along the Mississippi River.

The impacted communities are the communities of the Permian Basin in West Texas; the ; and the fracked lands of Oklahoma; the communities along the pipelines to the coastal towns of Texas; the lower Rio Grande Valley; the coastal bend of Corpus Christi Corpus Christi, my hometown.

These projects, if allowed, would foul the air and water and increases the suffering of cardiorespiratory illnesses, cancer, strokes, and early deaths from the nasty pollution these

projects would bring. If allowed, these projects, whether the oil and gas were burned here at home or overseas, these projects would exacerbate the climate crisis and never allow us to reach our Paris Climate Accord and upcoming COP 26 science-based agreements.

I have asked for your help to prevent these projects from being built. I'm asking you to use your authority beyond just guiding the EPA. I'm asking you to ask President Biden in the U.S. Army Corps of Engineers to stop the permitting processes, and to put injunctions on any recently permitted project, both because they lack adequate health science-based pollution controls and also because of their climate impacts. I'm asking the NEJAC to write a letter to POTUS Biden directly, copying EPA. And also write a letter to the Secretary of Defense, General Lloyd Austin, and the members of the U.S. Army Corps of Engineers who serve on your peer committee, the climate action committee of the Department of Defense.

President Biden has made one step forward by stopping the KXL pipeline. But we need so much more in the just transition away from fossil fuels. Many Permian Gulf Coast coalition members work alongside -- that I work alongside are participating in build back fossil free demands around stopping the Dakota access pipeline in Line 3 while we are also bringing attention to stop the Gulf Coast race to build out fossil fuel oil and gas terminals and other charitable projects, such as --

**Ms. Donna Hoffman**, Public Commenter: NEJAC, please write one letter to President Biden and another letter to the Secretary of Defense and the head of the U.S. Army Corps of Engineers asking them to stop these projects. And you could do that within the context of this Gulf Coast working group.

**Mr. Darryl Malek-Wiley**, Public Commenter: I'm Darryl Malek-Wiley, senior organizing representative with the Sierra Club working on environmental justice in Louisiana. I've been working on environmental justice before there was a term environmental justice here in cancer alley, now death alley. We've had reports, studies, conferences, workshops on cancer alley, but we've not seen action. The communities that were impacted in the eighties are still impacted here in the twenty-ones. It is time for EPA to put together an environmental task force that includes enforcement of all chemical -- petrochemical plants in the Louisiana a long cancer alley -- cancer

death alley and Lake Charles, along with independent air monitoring of all petrochemical plants in Louisiana.

We've heard EPA talk lots. We've heard EPA talk about how they turned over a new leaf or having all this money. We want to make sure the money is spent in the communities that are most impacted in Louisiana, and not spent -- given to some Beltway bandit as we've seen in the past. It is time for the rubber to meet the road. It's time to stop talking about cancer death alley as a legacy community and to start doing something about what's going on down here.

Our state Department of Environmental Quality has never seen a plant that they can't permit. It is time to stop and start working seriously on the environmental injustices that are facing communities all along Louisiana. We look forward to working with NEJAC and other EPA agencies in the future. I will be putting together written comments with some of the reports that have come out about cancer alley.

The latest thing, one of the recent reports showed that 61 percent of our greenhouse gases emitted in Louisiana come from industrial sources. So there needs to be immediate reduction of greenhouse gases from our industrial resources along cancer alley.

I want to thank you for the opportunity to talk with you tonight. But I want you to do more than talk. I want you to take action. I want to see Secretary of EPA Reagan down in Louisiana talking to communities. I want to see President Bush (sic) down in Louisiana. He's talked about cancer alley. It's time for him to come down here and view it firsthand. I thank you very much for your time allowing me to speak today.

**Mr. Michael Tilchin**, NEJAC Vice Chair: Thank you. Thank you, Mr. Malke-Wiley, Ms. Hoffman, and Mr. Gillingham. Excellent comments. A lot of specificity and detail. Very helpful for our committee. Before I go on, Fred, I think I need you to make a comment.

**Dr. Fred Jenkins**, DFO: Let's rapidly get through the public comment period. Hopefully we don't lose any more members; prayerfully, we don't. Also, worst-case scenario, if we do go below quorum and we lose more members and we have to end, I'm going to first apologize to our

public commenters. And then ask them to please submit your comments in writing. You will have up to two weeks to submit your public comments after this meeting closes. So let us all please be mindful of the time and try to get through this as quickly as we can so we don't run into any more time conflicts with members having to leave for personal reasons. Thank you.

**Mr. Michael Tilchin**, NEJAC Vice Chair: Thank you very much, Fred. And I'm looking at Council members. I don't think we have any questions at this time. We can go to the next three commenters.

**Mr. Justin Pearson**, Public Commenter: Thank you so much, and thank you all for making the time today, members of the National Environmental Justice Advisory Council. I am Justin J. Pearson, a son of Memphis; a son of Jason and Kimberly Pearson, senior; and brother (sic) to four boys. My grandmothers, Gwendolyn and Etta Mae Starks Pearson both passed away in their 60s due to cancer. They were lifelong residents of South Memphis. Today, I am here representing some of the concerns we have in the community, as our fellow Memphians who have spoken before and soon will after me.

We are at a critical juncture in our fight for environmental justice here. South Memphis black residents, in particular, are dying disproportionately from unnatural causes. This community suffers from decades of industrial siding, including an oil refinery, a coal lash bond, steel mill, wastewater treatment plant, and many other polluting facilities. In a recent report by Sarah Macquarie, of all the emissions Shelby County facilities reported in 2017, sites in Southwest Memphis accounted for 94 percent of 6.6 million total tons of six criteria air pollutants in the most recent national emissions inventory. It is impossible and unconscionable that it's fair that one community is bearing the entire brunt of the toxic pollutants created by all here.

Together, our community celebrated a win recently. We fought two multibillion-dollar corporations, Valero Energy Corporation and Plains All-American in their creation of the Byhalia connection pipeline that would have taken black folks' land, that would have threatened over a million peoples' drinking water and would have perpetuated a history of us being what Mustafa Santiago Ali calls the sacrifice zone. But what we know is that without just legislation locally and representation nationally, we would see a perpetuation of this harm.

The Environmental Protection Agency has the ability to invoke and use Title VI to hold departments accountable across the state -- across the states to ensure that their practices are aligned to the needs of communities that have already, for decades and centuries, been oppressed, whether it be by chattel slavery or whether it be by more petrochemical companies or refineries or gas plants. The EPA must ensure that states permitting decision-making powers take into account environmental justice and protect the most vulnerable. As we think about pipeline fights and the one we've just won here, we keep in mind our brothers and sisters fighting Line 3, (inaudible); Mount Valley pipeline; line 5, and so many others.

Just another note to close here, Southwest Memphis does not need more fossil fuel infrastructure. We need investments and vision through things such as the Justice40 Initiative. So, we hope that this body will continue to find ways to invest in communities like Southwest Memphis so that we can have clean energy and transit remediation and end the terror of legacy pollution in our community. Thank you all so much. And happy birthday, Dr. Wilson

**Ms. Leslie Fields, Public Commenter:** Great. Thank you all so much for this opportunity to speak, and for staying up to hear this important these important presentations. I'm Leslie Fields. I'm national director of policy advocacy and legal at the Sierra Club in Washington, DC, and I've been asked by our beyond dirty fuels program to add our voice and add the emphasis on to the issue of the problem of the buildout of dozens of new fracked gas along the Gulf Coast. I have worked along the Gulf Coast for many, many years. I lived in Texas, and it's an incredibly important area of the country in the world. So, I'm going to make my comments brief because you've heard from very compelling participants and residents of the Gulf Coast already. And I really appreciate all their hard work in the coalitions.

So, as you know, across the country, these communities are dealing with poor quality and pollution residue from fossil fuel production and petrochemical facilities. These same communities are facing hurricanes and tropical storms that are larger and more frequent due to climate disruption, as well as the pandemic that's causing disproportionate deaths from COVID-19 due to the underlying impacts of their upper respiratory system caused by living near these fossil fuel facilities.

So it's really a syndemic: multiple pandemics of historic systemic racism and colonialism; economic deprivation; and all the other isms going on in terms of that part of the country and also the rest of that -- the Caribbean. According to the American Lung Association, researchers have looked into the relationship between chronic exposure to hazardous air pollutants, including nitrogen dioxide, which is among the pollutants gas export facilities emit and poor outcome health outcomes do to Covid COVID-19. They found these pollutants caused respiratory stress, increasingly increasing vulnerability to severe illnesses from COVID-19. And in the U.S., 15 percent of the COVID-19 mortality is specifically attributed to fossil fuel air pollution.

This is a crisis moment that calls for EPA to step up and protect people along the proposed buildout of this new fracked gas export facilities along the Gulf Coast.

So we call on you to demand that the EPA use its oversight to protect communities from harms and risk from gas export facilities; to stop the extension of gas export facility air pollutants without sufficient re-analysis; to engage in the NEPA process at any agency that is permitting gas exports to comment on and review FERP for and Department of Energy documents; and ensure, through whatever measures necessary, that environmental justice and cumulative climate impacts are adequately addressed.

I think the idea of the Gulf Coast EJ workgroup is a fantastic idea and am ready to support it. We need NEJAC to also engage with the interagency working group to engage the Department of Energy, who has permit authority, but they tend to defer to the FERP. We would like to see that change.

But, meanwhile, promoting gas exports and looking at giving federal loans to facilities putting FERP in the process of reviewing a number of permit applications for the proposed gas facilities along the coast, and including unproven CCS technologies in their applications. The Rio Grande facility in Brownsville is an example of this.

We believe that working with you all at NEJAC and EPA must work to ensure these communities are protected from the proposed expansion of these fracked gas exports, and we are

here to work with you. And so thank you for your time on this and thank you for the long-standing service of many of you on the NEJAC.

**Ms. Marquta Bradshaw, Public Commenter:** LaTricea introduced you to my mother's story. My mother is Doris Bradshaw. She cannot be here today because of health issues where she has to hook up to her dialysis machine and, she has to be on it for 11 hours of her life. That was my great-grandmother that died of cancer. But she wasn't the only one. When you look in our community, the health disparities are astronomical.

I want to say that I am now the executive director of Sowing Justice, which is an organization that increase civic engagement through utilizing citizen science and sharing resources with emerging and existing environmental justice organizations across the state of Tennessee.

First off, these meetings do not allow for people experiencing environmental racism time to verbalize the trauma of violence experienced or respect a culture that passes information orally from narratives. I suggest the way is to take video comments from people because not everybody is comfortable writing. When you look at our educational system, (audio gap) failed communities that have that experienced fenceline pollution and also people that are speaking their mother language that may not be comfortable writing in English.

The individual economic impact of pollution robs communities of generational wealth, their health, and the right to live. Everyone doesn't experience climate change in the same way. Water scarcity from climate change in a community with military pollution impacts public health and generational health. And clean water is necessary for the body to heal from pollution. The likelihood of victims to experience throughout their life lifetime repeatedly is the fate of policy balance, of progress that is ignored.

Lead -- service line lead and soil, coal ash, household waste, landfills, oil refineries, chemical companies, paint thinners, and military waste is what I experienced in South Memphis. Every abbreviation of chemical combination alphabet that you can think of was at the military landfill, from even radiation from nuclear weapons, from 360 known carcinogens, and war chemicals made to kill people and vegetation. Which means the trees that my great-grandmother, who died

of cancer, planted for all her children and her grandchildren and her great-grandchildren, they are all dead now. So, we cannot have any wealth from having those trees that was planted by her.

The balance is in the progress of energy expansion, of pipelines, of infrastructure. It devalues land and profit millions that grow into billions of revenues through eminent domain where you see divestment and displacement go hand in hand. We need language to include infrastructure permitting process to have EJ triggers that would reject projects that further encroach on legacy fence-line polluted communities.

We need federal facility processes of redevelopment to have community oversight and metrics that don't create divestments and impact overburdened communities of pollution.

We need a cumulative impact of ongoing of pollution of screening in the EJ screen because it's just not effective enough in capturing that information.

We offered a community redevelopment plan to relieve the energy burden so people could be -- always have access to clean drinking water and also energy to be able to heal from pollution, and it was ignored. We offered it to EPA. But, at the resolution of the redevelopment advisory board, none of the community development that the community offered was taken in place. And right now, we are doing the forensics of how the sale of the federal facility, how those resources were actually funneled to build other communities and actually recoup that money back so we could make sure that our community is rebuilt stronger than it ever was before.

There is a digital divide and information is not getting to communities. And you cannot expect people to be able to do written comments that are experiencing the digital divide.

We need to be monitoring institutional controls to make sure that heavy industries and transportation is not happening at sites that could cause possible re-exposure by serving remediation measures put in place. Right now, the Department of Defense, Department of Interior, the Department of Energy, and the EPA, and all of the regulatory industries have failed because they are not monitoring the institutional controls that we negotiated as a community to be put in place to make sure that we would stay safe and to look out for future generations.



**Mr. Michael Tilchin**, NEJAC Vice Chair: Ms. Bradshaw --

**Ms. Marquta Bradshaw**, Public Commenter: I have three more points because three people have left and they gave me these points.

We need a working group to have zero waste infrastructure to make sure that those infrastructures are funded in our communities, and that we can actually see the economic impact of having climate-positive industries and implementation in our communities. And we need a working group to make sure that the military budgets accounts for Superfund sites. They should not be running out of money every budget cycle because they're not including this in the military budget. And that is all I have to say. Thank you so much for letting me go over.

**Mr. Michael Tilchin**, NEJAC Vice Chair: You are welcome. So many great points. And I specifically want to call out your suggestion of providing other means for people to submit their comments. I think that was extremely important for us to hear. And I want to thank, in addition to Ms. Bradshaw, Ms. Fields, and Mr. Pearson for excellent and succinct comments. And I am checking to see if we have question from our Council members. Dr. Wilson, I think you have a comment.

**Ms. Sylvia Orduño**, NEJAC Chair: May I just note one thing first? We've got a cycle of conflict here. So, we repeatedly say that we need to slow down for our interpreters, but we're pressed to try to get through this process and we speed it up and it's very difficult for them. I just got a message from them from one of them asking, please, let's not do this.

So we have to just sort of make the decision about doing this the right way, right, so that we're being fair to the people here who are trying to provide that communication with all of the things that were just shared by Ms. Bradshaw that is very right and accurate. So let's kind of put that into practice right now as best we can.

**Ms. Marquta Bradshaw**, Public Commenter: And if the comment period would be -- I suggest that the comment period be open, the chat be open, so people could drop things in the chat. Because cutting off the chat, even if you don't want it to just share with other people, just in

order for the presenters and the facilitator to see it, also.

**Dr. Fred Jenkins, DFO:** All right. So -- yes. I'll chime in really quick. Unfortunately, we can't use our chat function for public comment for a number of reasons. That's why we have two systems for collecting public comment through our NEJAC and EPA.gov email or through the oral public comment period. So, unfortunately, we won't be able to do that, legally.

But, yes. Thank you for your point you raised, Sylvia, about people speaking too fast and making it an extreme challenge for the interpreters. So, this is what I've asked that we do, considering the time. Since each public commenter only has three minutes, let them go for their three-minute time period at a time. And there we allow the remaining time after they are all done for NEJAC members to ask any questions. NEJAC, please take good notes so you can ask your questions.

And, like I said, hopefully we can hang on -- I've got to thank the members that joined us. We have a couple of members that joined us. So, we're still barely hanging on a quorum, but we have members trying to help us keep our quorum and help out. So, thanks so much, everybody. So let's just go each public commenter at a time, three minutes. George, please let's keep the timing on. Everybody let's be disciplined and stick to the clock. Thanks so much, everybody.

**Mr. Michael Tilchin, NEJAC Vice Chair:** Yeah. Thank you, Fred. To accomplish that, that means if you've got five minutes of material and therefore speeding up your speech by 40 percent or 50 percent in order to make the three-minute time limit to your full ability, you may have to reduce some of the points that you wanted to make verbally and include them in writing so we can do as Fred suggested. But our intent is not to have you present your information at such a rapid pace that it's difficult for you and then impossible for our translators.

**Dr. Fred Jenkins, DFO:** It is perfectly okay to provide oral comments and written comments. So just summarize what you have, given the time, orally, and then you can follow up and provide us with your comments.

**Dr. Sacoby Wilson, NEJAC Member:** Yes. I'll be succinct. So thank you, Justin, for those

comments. I'm glad you were able to be on. What I hear the thread of comments, there is a need for a focus on either your comments, infrastructure, sort of infrastructure focus, which focuses on infrastructure.

Thank you for your comments, Leslie. And going back to a previous commenter, it sounds like I heard it needs to be some type of moratorium on permits for these facilities. I mean, y'all didn't use the word moratorium. But I think -- Ms. Bradshaw, too -- I think the word moratorium came out. That's what I kind of sum up.

And, Ms. Bradshaw, thank you for sharing more of your mother's story, your grandmother's story. And appreciate you going being on here.

And one last comment to NEJAC, and this may get back to the (audio gap) Justice40, what we hear from a lot of these comments is we're talking about we want to have a just transition from dirty fossil fuels and we want to move to a (inaudible) economy, right. But at the same time, we were expanding gas infrastructure. And let's not call it natural gas. It's fossil gas, right. Natural gas is a euphemism. So there needs to be some type of letter that we provide to the EPA and also possibly to our colleagues in WHEJAC, CQ, and the White House to say which one is it? Are we transitioning or are we not? Because we're doing -- there's two things happening, and we can do both. So, you're saying one thing, we want to have a just transition and climate economy, but then we're investing in dirty fossil fuels that are basically leading to more environmental injustice and more environmental slavery.

I'm going to use that term. Environmental servitude, environmental oppression, environmental -- what did you say, Richard? Environmental oppression, environmental genocide. Remember what you said the last time --

**Ms. Sylvia Orduño**, NEJAC Chair: Slow down just a little bit, please.

**Dr. Sacoby Wilson**, NEJAC Member: I'm sorry, again. I said I was going to go slow, but I get excited, and I sped up. It's a natural thing. I'm going to go back. So, I'm going to reemphasize my point. Thank you, Sylvia.

So, what we're saying is the administration, you can't do both things at one time. So we have to write a letter and basically push the EPA to really be more forceful from communities -- address the communities' voices to making sure we are definitely moving from dirty fossil fuels; we're definitely moving to a new climate economy; and moving away from the environmental slavery, environmental genocide, environmental oppression that is happening on the Gulf Coast.

So just to go back again, a couple of points. A moratorium is what I heard. And also two workgroups -- I feel like I'm hearing two workgroups: a infrastructure working group and a Gulf Coast working group. You may have overlap between the two, but that's also what I heard out of several sets of comments. Thank you for slowing me down, Sylvia. It's just a natural thing. I'm done.

**Ms. Karen Sprayberry**, NEJAC Member: Yeah. I was just going to say, I think I'm kind of hearing an energy work group instead of -- what did you say your second one was? The renewal -- not the renewal. What did you say --

**Dr. Sacoby Wilson**, NEJAC Member: The infrastructure.

**Ms. Karen Sprayberry**, NEJAC Member: I think definitely an energy one, though. Anyway, okay.

**Mr. Michael Tilchin**, NEJAC Vice Chair: Thank you. I think what we're going to do at this point, it's my understanding we have more public commenters. And, thank you, public commenters for hanging in there. We greatly appreciate it. You are our reason for existence. And I think we're going to do them -- I think we'll do a little better if we do them in two groups of four. So, we'll line up the next four speakers; counsel will ask questions or make comments to our public commenters; and then our final group of four.

**Ms. Zyanya Cruz**, Public Commenter: Yes. My name is Zyanya Cruz. I'm calling in today from Memphis, Tennessee, the traditional homelands of the Chickasaw Cherokee (inaudible) Creek people, and I wanted to thank everyone for allowing us space to speak, especially from people

that have spoken up about the inaccessibility of this space, in particular. I would also love to get in writing exactly where it -- like what law prevents you from opening up the chat. But I can save that until after my time.

I'm here to speak about the same thing that I know Maya called in to speak about, and that is that we need the -- we need Biden, we need the Army Corps of Engineers to say no to Line 3, the pipeline that is right now being built through traditional Ojibwe territory in what is now known as Minnesota. I traveled there with another friend of mine from down here in Memphis to answer the call of border protectors. And what is happening is terrible. We saw it firsthand.

The permits have been pulled because there was water that was stolen. The river is being drained. The wildlife down there is suffering for it. The food staple is wild rice, and the people there have continuously harvested that for the sustaining of their people. And then the other wildlife that lives in the river is also suffering because of this drainage and because of the frack outs that are happening. There have been at least 30 frack outs since.

And it's not something that's being talked about widely. And it's also when the permits are pulled or when the wider nation put in a cease-and-desist, there is no enforcement that is stopping these workers at Embridge from continuing their work, even though they're acting illegally they are acting illegally. There is tons of enforcement that is preventing water protectors from just being on the lands that we are invited to and on their lands. This is ridiculous. It needs to stop by any means necessary, whether Biden supports it or not. You know this is not okay and this needs to stop right now. We don't have a lot of time left to salvage what is left of this planet that sustains us. And it needs to stop.

Another thing that's happened this year is that Biden publicly opposed the shutting down of the Dakota Access Pipeline. And that also needs to change. These pipelines need to be shut down. No new pipelines need to be built. All pipelines leak. We know this. The cleanups are not happening. And it needs to stop, and you need to tell Biden, you need to tell the EPA -- you need to tell everyone that needs to hear it that Line 3 needs to stop, that the Dakota Access Pipeline needs to stop, or it's not -- you cannot continue acting in this way and saying that you stand for environmental justice in the way that Biden does. So, thank you.

**Ms. Maya Aronoff, Public Commenter:** Thank you, so much. I love the comment before. I actually -- the technical issue occurred because I was trying to patch in indigenous activists who are at Line 3 right, who, as people have mentioned with the accessibility issues, weren't able to access the sign-up for public comment because they're on the front lines where actually law enforcement are actually blocking cell phone signals. So they have intermittent signal.

And I would really encourage all of you to actually physically go to Minnesota to Line 3 where these activists are. Meet them talk to them. When I emailed the EPA and I said there are dozens of frack outs, there are dozens of releases of toxic drill fluid into the freshwater of the Ojibwe territory, of the farmers of northern Minnesota, when I emailed the Environmental Protection Agency, they said, well, the Army Corps of Engineers initially issued a permit. Well, first of all, the Army Corps of Engineers promised activists they would revoke the permit if Embridge continued to illegally steal water during a drought in order to drill. And myself and many other people personally witnessed of doing just that. But yet the Army Corps of Engineers did not act.

Second of all, what if the Army Corps of Engineers got it wrong? We know that we did because we know that we can't stay under 1.5 degrees Celsius if we continue to use tar sands oil. We know that the pipeline will leak and poison the drinking water of millions of people because it's at the Mississippi headwaters. And we know that it's going to absolutely ruin the wild rice, the freshwater, the sacred lands of the Ojibwe people.

So, what is the Environmental Protection Agency going to do about it? Are they going to say, as they did in the response to me, well, we don't have regulatory authority over this. And as a young, naïve, necessarily bold person, I would say find something. Find anything to say that this needs to be delayed; to say this needs to be stopped, entirely. And if you can't find a bureaucratic loophole to do that, then join the water protectors on the front lines.

Water is irreplaceable. Wild rice is irreplaceable. Once those things are poisoned, sure, you can order a cleanup. But it's too late. We can never go back, and we all know that it's much easier to stop something bad from happening then try to pour money into resiliency efforts or try to pour money into cleanups to basically put a Band-Aid when the government, by permitting these

pipelines, has chopped off their own leg. The Band-Aid is not going to work.

Let's stop them from doing that in the first place. Let's do everything we can. And like the speaker before me was saying, this is not an isolated issue. I'm from Michigan. They're trying to do -- Embridge is trying to do the exact same thing in the Straits of Mackinac. And they're trying to do the exact same thing in El Paso with fracking, where I live now. They need to pull the permit. The project is 80 percent done. And once it's finished, it will be too late.

I don't want to clean up another spill. Nobody wants to clean up another toxic waste site. Nobody wants to clean a poisoned river. We can't go back. So, everybody needs to do everything that they can and not put their heads in the sand and say well, the Army Corps gave a permit; it's not my problem. Or, well, Black Rock has investments in the parent company of Embridge so this administration isn't going to say anything because everybody gets campaign contributions from that company.

We have to do something now. The water protectors can't wait, my kids can't wait. It's now or never, basically. So please come to Line 3, go to D.C. Do whatever it takes. Do a Corey Bush and stay outside until they stop it. Please, whatever you can. No excuses like I got in that email from the EPA, that there is not regulation you guys can come up with.

**Mr. Michael Tilchin**, NEJAC Vice Chair: Thank you, Ms. Aronoff, for your commitment and passion and for your specificity. Next speaker, please.

**Ms. Claudia Gonzales**, Public Commenter: Hi. This is Sylvia Gonzales. Can I speak in Spanish instead of English?

**Mr. Kurd Ali**, Meeting Support: Yes.

**Ms. Claudia Gonzales**, Public Commenter: (Ms. Gonzales began in Spanish, and her beginning portion was not interpreted. The interpreter joined here:) I am a farmer. I was a farmer previously, and in one of the experiences that I had and many of my friends have had. But I'm going to talk to mine.

They made me spray chemicals without having any training, whatsoever; without telling me what area I was covering or that I could expose. So that day and today that I am taking advantage of this space, I would like to request to have more inspections in the areas in Florida, the South, especially, with the people who are spraying because they are not being supervised. They don't have authorized to do it, and they are not being trained.

At the farmers' association, I have learned that we have to have a training like regular workers by a person and needs to be trained in depth and they have to have medical exams.

I think that we need to do more work regarding this, investigations for people that are exposed to pesticides since many of them keep quiet and they don't report anything when they are exposed directly. And some of them don't even know that they are exposed indirectly because the plants and the vegetables have chemicals in their leaves.

So thank you very much for the time that was given to me. And I hope to receive an answer, a positive, answer from the department. Thank you very much.

**Mr. Michael Tilchin**, NEJAC Vice Chair: I don't see any questions from any panelist at this time. So, I think we are ready for our next group of four. Pardon me.

**Ms. Zyanya Cruz**, Public Commenter: Is anyone going to answer why the chat is not able to be open? Sorry.

**Mr. Michael Tilchin**, NEJAC Vice Chair: You know, Zyanya, I think we're going to pass on that question now. It's a very legitimate question. But it's probably buried in legalese. Fred, if you feel like you can give a 30-second response, I'll hand the floor over to you. Otherwise, I think we're going to answer Zyanya through kind of a different channel at a different time. We'll definitely get you an answer.

**Dr. Fred Jenkins**, DFO: Yes. Thanks for that question. So we have certain ways that we do collect public comments. Number one, you can send an email to our email, [NEJAC@epa.gov](mailto:NEJAC@epa.gov).



Or you can participate in the oral public comment period.

The chat function we use during our meetings strictly to communicate amongst the panelists and me to make sure we are running things smoothly and logistically for technical reasons. It doesn't provide equal access in the sense because, number one, you know, that's not what we normally do. And, full disclosure, we've only been doing virtual meetings since the pandemic started. So that is a new thing.

And no one is collecting public comment through the chat box because it would be very hard to control. I'll give you one reason is there are restrictions on the type of public comments people can submit. For example, they might use racist language --

**Mr. Matthew Tejada**, Director, OEJ: Fred, let's move on. We would love to do everything we can to make these meetings more accessible. Right now, our platforms do not match with practice or regulations. As soon as we can figure that out, we will. But let's just move on with this meeting.

**Mr. Kelly Wright**, NEJAC Member: This was for Ms. Cruz. The question I have for you is the fractionation that you were talking about on this pipeline, does it produce a sheen on the water? Does the water, from the fractionation, does it cause a sheen? Can you see like a rainbow on the water?

**Ms. Zyanya Cruz**, Public Commenter: Yes. And a lot of times what we see also is not the actual frack out liquid. It's air bubbles. And the other thing that you will see is workers going to clean it up, but they'll block off the site so far outside of the actual worksite that you can't get close. Even if you might have legal access, workers and private security and Sheriff's officers are blocking access to those visible to where you can't get good pictures. So, they are able to enforce things, but not against corporations.

**Mr. Kelly Wright**, NEJAC Member: Well, the regulations, the way they are written for the petroleum product is any sheen that is caused on the surface of water, that's US Coast Guard's role.

**Ms. Zyanya Cruz**, Public Commenter: The Coast Guard, if it's their role, could you call them?

**Mr. Kelly Wright**, NEJAC Member: Could I or could you?

**Ms. Zyanya Cruz**, Public Commenter: Both of us. We could do it together. I assume you know them better than I.

**Mr. Kelly Wright**, NEJAC Member: I do not know them. I'm in Idaho.

**Ms. Zyanya Cruz**, Public Commenter: Well, Minnesota is closer to you than it is to the ocean. So let's figure it out together.

**Mr. Kelly Wright**, NEJAC Member: Okay.

**Ms. Sylvia Orduño**, NEJAC Chair: I'm just going to say -- this is Sylvia. I just want to say I really appreciate the passion that you're coming with here, Zyanya and Maya and Claudia. And I think that part of the struggle is that when we're working from the social movie movement spaces, right, when we've been organizing and trying to really cover the changes that our communities are requiring and we're relying on government, right, to deliver what it's supposed to be about, right; and we look at all these laws and rules and agencies that are supposed to be about enforcement. And when it doesn't match up, it's hugely frustrating, right.

So I think that part of what -- especially coming out of today with what had been that response to the 100 Day letter that the Council had drafted, just looking again at all these reports and letters we been doing over the years and say hey, what the heck? What is going on; give us some updates; we've got some more things to share that's been happening since those materials were drafted.

And really try to figure out what this administration is saying, how is it that you are actually going to deliver, right? We don't need more -- as I keep saying, we don't need more reports, we don't need more studies. Now it's time to deliver.

So part of that, I think, going back to what we heard today from the General Counsel on environmental initiatives is we've really got to figure out how it is that we can bring civil rights enforcement along with this, too. Unfortunately, many times in our communities, we have to figure out how it is again that we have to find the legal challenges, right, when we can't get it through with the policy or legislative or other ways.

So this is really going to be, I think, in part, something that this Council is going to be looking at about how to really look at where we can put some of the legal enforcement; where we can find these opportunities as there's additional interpretations of what it is the EPA is supposed to be doing; how there is more resource investment, right; and how it is that we're going to actually see what can be delivered on.

So I know in some way that's not a satisfactory answer, right. And as I say it, I start to think, oh, my gosh, even the work back in Michigan, I feel similar, similarly. But I can tell you, at least as members of the Council we're really trying to figure out how we can work with EPA offices to actually be more about the delivery and the accountability. So, we can tell you that we will be working that way for sure.

**Ms. Maria Elena Valdivia**, Public Commenter: Well, what I would like to say that in the place that we live, the damage that the pesticides have done to our environment, it's really harsh. And I just wish that more legislative action will be taken on the (inaudible) instead of just having all the talking points that sometimes drove us to believe that they really care because one thing is like one administration back. But when the following administration comes, then they can erase everything.

It's not enough push to make the real change happening, even among us because we put the personal and -- not only preferences, but our own commodity to what we think that it's better for us and for the people that we live around.

And we polled not only the farm workers in our area to have -- to been always exposed to the pesticides every day under the heat condition and the water that they use for irrigation. It's highly

contaminated and there is no real law that can prevent that from happening over and over again. That is a struggle that we have every single day with that.

And they don't also contaminate that. But then all the toxics (sic) that they use for the pesticides and they use in the irrigation to make it green. They go and they wash the things off on the lakes which can affect all the people that live on these poor areas where they don't make enough money to have filtered water or to have access to clean water at all because it's very expensive.

In the area that we live, they have what they call potable drinking water in their houses, and they just have an increase of a hundred percent charge to have water, clean water to drink and use in their household. Not only are farm workers exposed to all the pesticides in the water -- the farms are irrigated with, but also at home because either they have to pay the high price for clean water or we live in the area where we have hard water and we don't have no subsidies; no nothing to put in the water and we have to deal with hard water every day, which is an extra cost of living. And there is no law to protect us from keep from contaminating the lake that's around us.

So we can't wash our vegetables, which are -- like I have heard many of the people that have spoke that already are contaminated. But we washed it with hard water. So what kind of clean lines is that? That's the water we clean our vegetables and fruits, and we eat it from there. So we're not only exposed at work, where we living, and at school.

We not only have low-income families go through all that, but we make them pay and we raise the prices for clean water a hundred percent of what it was before. If we need clean water, we have to pay bottled water to have drinking and cooking, or we have to come up with extra high cost to put fences on the hard water. And nobody seems to care. And if somebody seems to care, it doesn't appear to me that really you're caring enough or we're pushing strong enough to make changes that are really going to stay because as soon as an administration change, everything else change.

So what does it matter all the time that we spend discussing and saying and putting over there. If the local governments that we put in the position of power, they still do what they wanted to do, and they are not there to protect the people of their own areas; their own people that put them in

power. I feel that we really need to make the time, which we also don't make enough, because we always too busy. We always too busy to talk about what was really important. Oh, we can do that, but at a later time; we can do that at our next meeting; we can do that and this.

We never really have like the commitment to make real change for the better life of the less fortunate. And we keep exposing them because as soon as I'm comfortable, as soon as I feel like I don't have hard water and I have water my house, clean water and I'm able to pay my bill, I may seem to care. But not care enough to make a sustainable change for the less fortunate people and for the people that have no voice. They are the ones that we still damaging with the decisions that are made. And how racist we are to not raise our voice loud enough to make things happen and keep it that way.

**Mr. Michael Tilchin**, NEJAC Vice Chair: So, Maria Elena, thank you for those incredibly powerful and vivid comments. You may have said this at the beginning. But I did not catch exactly where you are from. So, if you could say that, I would appreciate it.

**Ms. Maria Elena Valdivia**, Public Commenter: I am from the Farm Workers Association of Florida, and I live in the area of (inaudible), Florida.

**Mr. Michael Tilchin**, NEJAC Vice Chair: Thank you very much. And thank you for your kind of both heartbreaking and incredibly informative description of what's happening to you into your community. We appreciate it.

**Mr. Louie Miller**, Public Commenter: Okay. Excellent. Thank you. Good evening, Madam Chairman and the Council members. My name is Louis Miller. I am the state director for the Mississippi Sierra Club for the past 25 years. And, by the way, happy birthday, Dr. Wilson.

In the interest of respecting everyone's time, I'm going to defer my comments and consolidate those with Jill Mastrototaro, who is up next, since we're both here to speak regarding the resurrection of the Yazoo backwater pumps project by the Corps of Engineers.

I will say that we have provided an in-depth packet of information for the Council to review, and

we specifically are calling for EPA to immediately restore the 2008 veto protection that was revoked by the Trump administration in its final hours. And as a critical matter of environmental justice, work with the Council on environmental quality to convene an interagency task force to implement prompt, effective flood relief for vulnerable backwater communities by drawing on the resilient strategy that is included in this packet.

And we respectfully ask NEJAC to join us in making a similar request to EPA administrator Reagan. Thank you.

**Ms. Jill Mastrototaro**, Public Commenter: Excellent. Good evening, Madam Chair and Council members. My name, again, is Jill Mastrototaro. I am the policy director for Audubon Delta in Mississippi, based in Ridgeland. And thank you for your valuable service on NEJAC and the opportunity to speak on behalf of Audubon Mississippi Sierra Club, American Rivers, and Healthy Gulf regarding the package of information we have submitted for consideration.

Our organizations are deeply concerned about a dangerous destructive proposal in the Mississippi Delta known as the Yazoo pumps project that would severely undermine the Biden administration's most fundamental environmental justice priorities. Our organizations unwaveringly support EPA's veto issued in 2008 under the Clean Water Act which stopped the agricultural drainage projects.

However, unlawful actions by the Trump administration revived it while perpetuating a cruel and demonstrably untrue narrative that the pumps will protect vulnerable Yazoo backwater communities from flooding. Studies by the U.S. Army Corps of Engineers in 2020 and 2007 illustrate that the pumps are not designed to protect people, homes, or communities. Recent Corps data shows that had the pumps been operating during the 2019 flood, a 25-year event, 83 percent of the lands that flooded in the Yazoo backwater area still would have flooded. This reinforces the Corps' 2007 findings that 80 percent of the project benefits come from draining wetlands to intensify agricultural production.

Equally alarming, the Yazoo pumps will also increase flood risks for highly vulnerable downstream communities, as well as the very same backwater communities that the pumps are

purported to protect.

So, in order to help redress long-standing environmental injustices and deliver meaningful flood relief to underserved backwater communities, our organizations have developed a resilient strategy which identifies prompt, affordable, and effective flood relief solutions that can be implemented through existing federal programs. The strategy includes elements such as FEMA's brick program that support the Justice40 initiative and Executive Order 14008.

During the Corps' 2020 study process, more than 230 conservation groups, social justice organizations, and science professionals joined over 90,000 members of the public in urging the Corps to abandon the pumps, and instead prioritize these programs did put money on the ground to help those who need it the most. These commonsense solutions include elevating homes and roads and paying farmers to restore crops back to wetlands.

And as my colleague, Louie, mentioned, we have called on EPA to immediately restore the 2008 veto protection that was revoked by the previous administration. And as a meaningful matter of environmental justice, work with the Council on Environmental Quality to convene an interagency task force to implement the prompt, effective flood relief that Yazoo backwater communities deserve by drawing on our resilient strategy.

So, again, we respectfully ask NEJAC to join us in making a similar request to EPA, and we deeply thank you for your consideration and for your important work.

**Mr. Michael Tilchin**, NEJAC Vice Chair: Thank you, very much Ms. Mastrototaro. I'm sorry if I lost a syllable there. And we greatly appreciate the specificity and the work that went behind it, and we look forward to reading and reviewing the materials you submitted. We are ready for our next public comment.

**Dr. Wanda Jones**, Public Commenter: Hi. Good evening. My name is Dr. Wanda Jones. Thank you for this opportunity to talk with -- to share what's going on in my community with you all.

I live in Orlando, Florida. When people hear the word Orlando, their eyes usually start to sparkle, and their imaginations usually start to go wild as they think about Disney and Universal and all of the places that are designed to make people forget all the troubles in the world during the time that they're here.

But Orlando is actually a tale of two cities because, if you were to drive into the African American community, you would see a whole lot of industrial buildings and commercial businesses that have -- emit chemicals, like auto body places where they have all the chemicals that they use and you can smell the fumes. And I know most of you are familiar with VOCs. So just VOCs filling the air.

And, as a matter of fact, in my particular neighborhood, once we began our fight against the City of Orlando and the developers, I asked the mayor the very first time I met him, why are you putting an industrial warehouse in the middle of my community? He said, because that's where we always put them. And I went and looked at a land use map a few months later when I was preparing for a city Council meeting, and, indeed, they have been putting industrial warehouses, industrial -- and basically, they've been zoning industrial areas in the African American community in Orlando at least since he's been in office, and that's been about 19 years.

My particular community is in an area called Mercy Drive and it was built -- that entire area was built back in the '50s. The houses were built in the '50s before we have wetland protections. It was built on the headwaters off the Little Wekiva River, which by the time they finished building the community, was essentially -- 400 acres of wetlands were remaining. So, we enjoyed those for the past 50 years.

And in 2015, developers decided they wanted to get around the federal protections and the state and county protections that the land was protected under and asked the City of Orlando to annex it. They did, and ever since then, developers have been destroying the forest bit by bit all around us. And it has been negatively impacting us. And I'm running out of time real quick. So, I just ask that everybody reads my public comments.

But the main thing I wanted to share is that this has negatively impacted my community. Army



Corps of Engineers has not been helpful, as others have said. We call them the Army Corps for developers. Even the state has sided with developers and has done nothing to protect this area. And in protecting that area, it would have protected us.

The main thing I wanted to mention is that the City of Orlando declared all of the African American community in Orlando a brownfield. And this wetland area, not even having been touched, was also part of that. And a Subaru dealership in Orlando and Subaru corporation knows of it, too, because we wrote them. They said that they were going to clean the brownfield. Well, there was nothing to clean. It was wetland.

So, when I contacted the EPA about it, the woman said, well, we don't have anything to do with wetlands. I said, I understand that. But they have declared this a brownfield and it's wetlands. So it's not a brownfield. She said, you'll have to talk with the state. I told her I did talk with the state. The state is offering -- has a tax credit program for landowners where they can get five million to ten million dollars for voluntarily cleaning up a brownfield.

And I said, there's nothing on this land but a few old washing machines and some construction debris that people have left over the past 50 years. But it's not anything that's huge.

And in terms of chemicals, when they -- when the landowner did the chemical tests, they didn't even find any chemicals that were actually harming anything. So, they claimed that they were going to help the African American community. But in actuality, they harmed us because they destroyed the forest that was helping to keep our air quality clean. Now we've got reduced air quality.

So I guess my suggestion -- I don't even know if I have a suggestion. I just wanted to share that with you all because the people at the EPA, whatever you can help them to understand, this was an opportunity for them to step in and say this is a wet wetland. This is not -- send someone down to look at it see. This is a wetland. This is not a place that was previously built upon and has chemicals and all that on it. But they didn't do that. She just seemed to not even really care.

So this is my first time ever talking or coming -- or listening to your conference. And I'm glad I

had the opportunity to do that because my community has been fighting for six years. So, I will definitely keep up with your activities.

But some of the people at the EPA, it just seems to me they aren't doing everything that they can to help those of us who are reaching out to them. Again, if you can read my public comments, you will get more background story and have a better understanding of what I'm hurriedly trying to tell you. Thank you again.

**Mr. Michael Tilchin**, NEJAC Vice Chair: Thank you. And we absolutely will read the background material you sent us. I know I'm speaking for all my fellow Council members. We greatly appreciate your engaging with NEJAC and bringing those insights into what's going on in your community; your part of Orlando, and that tale of two cities. So, thank you very much. We are ready for our next public comment.

**Ms. Joni Arends**, Public Commenter: Yes. Good evening, members of the NEJAC, and a special hello to Mr. Moore. And I want to thank him for his decades of work on the NEJAC, and we look forward to his work on the WHEJAC. Thank you for this opportunity to express solidarity with the NEJAC about the rollback of the NEPA, National Environmental Policy Act.

My name is Joni Arends, and I am a cofounder and executive director of Concerned Citizens for Nuclear Safety, or CCNS, which is based in Santa Fe, New Mexico. Our group formed in 1988. Our mission is to protect all living beings and the environment from the effects of radioactive and other hazardous materials now and in the future.

CCNS will be submitting more extensive comments about the lack of timely and adequate NEPA coverage for two Department of Energy sites in New Mexico. These sites are the Los Alamos National Laboratory, or LANL; and the Waste Isolation Pilot Plant, or WIPP.

Congress has dramatically increased the amount of funding for expanded plutonium pit production at LANL. Pits are the triggers for nuclear weapons. Congress has also increased funding for WIPP to double the size of the underground disposable disposal facility for nuclear waste from producing nuclear bombs. Even though WIPP is scheduled to close disposal

operations in 2024, DOE has other plans. It wants to keep WIPP open forever, basically, until 2080 and beyond for new kinds of nuclear waste. Nuclear waste is also hazardous waste, and they can dispose of PCBs at the WIPP as well. So, it includes TSCA waste.

CCNS and our colleagues are very concerned about DOE's piecemeal approach to obtain NEPA coverage for its expansion plans. LANL finalized its latest sitewide environmental impact statement in 2008. WIPP finalized its latest supplemental environmental impact in 1997 before WIPP even opened for disposal in 1999. DOE has not provided full descriptions of their expansion plans to the public to review.

Since the increased funding for expansion at both facilities has been appropriated, DOE has released a number of supplement analysis without an opportunity to provide public review and comment. The people of New Mexico require new environmental impact statements that will reveal and analyze for DOE's plans for both sites.

CCNS, respectfully requests that the NEJAC add the lack of appropriate and timely NEPA coverage at the DOE sites in New Mexico to your list of concerns to EPA about the NEPA rollback. And we will be happy to work with you on that. I believe a gentleman spoke earlier tonight about the nuclear waste issues at the Hanford site in Washington State. And it would be great to work with him as well. So, thank you so much for your consideration of our request.

**Mr. Michael Tilchin**, NEJAC Vice Chair: Thank you, very much, Joni. And thank you as well Mr. Miller, Ms. Mastrototaro, and Dr. Jones. I believe we have heard from all of our public commenters, and we do want to gather any questions for that last round of public commenters from Council members. Dr. Wilson, I see you have a question.

**Dr. Sacoby Wilson**, NEJAC Member: Thank you. Thank you for those last set of comments. Thank you for hanging in with us. Dr. Jones, it was a community group. Just quick -- it was a community group in South Carolina, LAMC, that actually was able to use some EJ mapping to get zoning change. They were also able to get their community master plan into the master plan for the City of North Charleston. So that may be an angle to get at some of the up zoning and down zoning issues that you may be dealing with in Orlando. Donna Banks is with the Florida

Brownfields Association. She may be a resource for you as well on the brownfield side.

And my last comment, to Louie and Jill, good to see some folks from the Delta. I'm from Vicksburg, from Mississippi. So happy to hear more from you about your work with the Yazoo pumps. I think in the earlier comment we talked about having some new workgroups. I'm not sure where it would fit in, but maybe there's a climate change workgroup that could be a part of. But I think you make a really important point, and multiple points have been made about interagency interactions that need to occur.

So it sounds like -- the Corps has come up a lot during this discussion today; probably more than in previous NEJAC meetings. So it sounds like when it comes to the interagency working group, we have to do more to get the Corps to the table. And also, in response to the last commenter, Department of Energy to the table, FERP the table, and NRC to the table. I hear NRC because I think NRC also now is trying to engage and develop a better EJ strategy. I had a recent conversation with some folks from NRC about a month ago.

So I think how can the EPA help facilitate more interagency discussions with some of the organizations, the entities that have been mentioned. So, I just wanted to thank you for those comments. And I will stop.

**Ms. Ayako Nagano**, NEJAC Member: My question is for Joni Arends. Thank you for your testimony about what's going on in Santa Fe. Can I get your information -- did you submit a written comment so that we can follow up with you? I'm collecting failed NEPA stories.

**Ms. Joni Arends**, Public Commenter: I filled out the form on the EPA website about my comments. I would be happy to email them to the NEJAC as well. We are actually working with Lloyd Bayers right now to file a notice of intent to sue on the LANL (inaudible). So, I was planning on submitting that as well to the NEJAC@epa.gov website.

**Ms. Karen Sprayberry**, NEJAC Member: I was just going to say that I think the NRC right now has their public comment period for their participation efforts. I think it's open right now. I was looking for it on my phone. If I find it, I'll -- I don't know how I would get it to her. But,

anyway. Okay. Just look and see if NRC has their public comment period open now for public participation.

**Mr. Michael Tilchin**, NEJAC Vice Chair: Thank you, Council members. And a heartfelt thanks to all the public commenters who have related some really incredibly important information that becomes kind of the vector, the direction of NEJAC going forward; the input that we get from you from the stories from around the country of what's going on and the information you provide to us.

## WRITTEN PUBLIC COMMENTS VIA WEBFORM

### **Region 1: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont**

Dear NEJAC Members, I am writing to you as the Federal Policy Director of Coming Clean, a network of over 150 diverse organizations working to reform the industrial chemical and fossil fuel industries so they are no longer a source of harm, and to secure systemic changes that allow a safe chemical and clean energy economy to flourish. Our members represent communities, workers, businesses, and constituencies endangered by the 12,000 facilities currently included in EPA's Risk Management Plan program, and many others. Coming Clean is a strategic partner of the Environmental Justice Health Alliance for Chemical Policy Reform (EJHA), whose affiliates live on the fenceline of highly hazardous chemical facilities and are disproportionately Black, Latino, low-income, and have low food access as highlighted in the 2014 Who's in Danger? and 2018 Life at the Fenceline reports. I am also writing as a former fenceline resident who grew up and went to school approximately one mile away from the Union Carbide pesticide manufacturing facility (the Bhopal sister facility) located in Institute, a historically black community situated in West Virginia's "Chemical Valley." People in and around my community have suffered from multiple acute, long-term, and cumulative effects of chemical disasters and shelter-in-place producing incidents since the plant located there in the 1940s. We want to thank the NEJAC for lifting up the need for a fully implemented and enforced Risk Management Program (RMP, also known as the Chemical Disaster Rule) in your July 12, 2021 "First 100 Days" letter to the EPA Administrator. However, the information cited in this letter was outdated. Implementation of the 2017 amendments and enforcement doesn't go far enough for communities burdened with the disproportionate hazards associated with high-risk chemical facilities, many of which are also located in areas at increased climate risk. If EPA wants to prioritize Environmental Justice, they must prioritize protecting fenceline communities and workers by issuing a truly protective Chemical Disaster Prevention Rule on the fastest timeline possible. We join in the request of our EJHA partners for NEJAC to send an updated letter to Administrator Regan and the EPA Office of Land and Emergency Planning based on the current status of the Chemical Disaster Rule with the following points: •Take a hazard reduction approach; •Focus on preventing disasters by requiring transition to safer chemicals or processes whenever possible; •Require a common sense emergency response measures like back-up power and reliable communication when incidents do happen; •Address climate and extreme weather related hazards and "double disasters" through specific requirements; •Expand requirements for worker participation and training and protect whistleblowers; •Expand the program by adding additional chemicals and facilities; •Account for the presence of multiple RMP facilities in the same community (i.e. address these cumulative hazards); •Improve emergency response and incident management (i.e. real time fenceline monitoring located near vulnerable community receptors, alerts in multiple languages, etc.); •Improve compliance and enforcement (i.e. include RMP implementation in air permits, etc.). These protections are long overdue. EJ communities can't wait and are only at greater risk as climate change worsens. Attached are the complete written comments submitted to the EPA docket for rulemaking on behalf of our coalition should further details be helpful. Thank you for your action on this matter, and all you do to support and uplift environmental justice communities. Sincerely, Maya Nye, she/her/ella Federal Policy Director Coming Clean.

## Region 2: New Jersey, New York, Puerto Rico, US Virgin Islands

**Full Name (First and Last):** Lakendra Barajas

**Name of Organization or Community:** Earthjustice

**City and State:** New York, NY

**Type of Comment:** Present Comment at Meeting

**Brief description about the concern:** In 2016, Congress amended a largely ineffective TSCA and established a new mandatory process to systematically evaluate and manage chemical risks. The amended law requires the U.S. Environmental Protection Agency (“EPA” or the “Agency”) to evaluate chemicals’ risks to “potentially exposed or susceptible subpopulations,” groups that face greater risks than the public, and then to issue regulations that eliminate any unreasonable risks to those groups. We believe that if the new statute were implemented correctly, it would provide important benefits for communities and populations that are most exposed or most susceptible to toxic chemicals. However, EPA has never properly implemented those provisions, and recent statements suggest that EPA may continue to define its TSCA obligations too narrowly, a decision which would violate the law and leave many communities at risk. TSCA enables EPA to offer protections that go beyond most other environmental laws, because it compels EPA to eliminate unreasonable risk and allows EPA to do so by banning toxic chemicals or their most hazardous uses. As a result, TSCA can reinforce the work of NEJAC workgroups and provide an additional tool for their members.

**What do you want the NEJAC to advise EPA to do? :** For this reason, we ask NEJAC to: (1) incorporate discussions about TSCA implementation into NEJAC workgroup meetings; (2) encourage the Office of Chemical Safety and Pollution Prevention (“OCSPP”) to consider a broad range of communities that are exposed to the TSCA chemicals addressed in workgroup meetings as potentially exposed and susceptible subpopulations; and (3) encourage OCSPP to consult with NEJAC and other environmental justice groups when determining how to evaluate and manage risks to those communities.

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**Full Name (First and Last):** Frandelle Gerard

**Name of Organization or Community:** Crucian Heritage and Nature Tourism, Inc.

**City and State:** Frederiksted, VI

**Type of Comment:** Written Comment Only

**Brief description about the concern:** Ongoing prioritization of industry over the people of St. Croix VI. 50 years of environmental injury to the people and natural environment has been exacerbated by the malfunction at the time of restart of the Limetree Bay Refinery resulting in extensive, unmonitored and uncalculated air pollution and incidences of release of "oil droplets"- it rained oil on a 7 mile x 4 mile swath of the island that is 84 sq. miles!

**What do you want the NEJAC to advise EPA to do? :** Provide emergency remediation and repair to the people of St. Croix. Clean all roofs and cisterns in the 7 mile x 4 mile area. (Cisterns collect rain from the roofs as the primary and often only source of water for bathing, cooking and

drinking.) Provide testing of individuals affected by the releases to determine level of contamination. Educate the public on the health risks of exposure to air and water pollutants from the refinery accidents. Require any new investor to meet all EPA monitoring standards. Treat the facility as a "new" facility; install EPA managed monitors; have a permanent presence on the island if the refinery is restarted. The local government does NOT have the capacity to monitor a refinery of this size.

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Thank you for the opportunity to comment on the important work of this committee. My name is Elizabeth Glass Geltman and I am an Associate Professor at the CUNY School of Public Health, a Lecturer in the Johns Hopkins Environmental Science & Policy Program, current Chair of Law Section of the American Public Health Association, the 2021-22 Fulbright Canada Research Chair in Environmental Policy at the Smart Prosperity Institute of the University of Ottawa and the author of seventeen (17) books on environmental law and policy. I am submitting these comments to you per committee instructions. 1) Publish Comments & Testimony to NEJAC on Regulations.gov NEJAC procedures should be amended to post all comments and other NEJAC documents on Regulations.gov. From 2012 through the present notice of NEJAC meetings was posted as a docket published on Regulations.gov. The public had access to notice that NEJAC would convene a meeting and to the NEJAC docket number. NEJAC documents and testimony submitted to NEJAC for the meeting were not, however, posted in the docket on Regulations.gov. All the public could see on Regulations.gov was notice that encouraged public input.

NEJAC testimony now goes to Karen L. Martin at an EPA email address ([nejac@epa.gov](mailto:nejac@epa.gov)) and is collected by the committee. If there is a physical file for the committee documents, it is unclear where that file is kept or how the public can access the NEJAC docket. NEJAC should post all public comments and other NEJAC documents on Regulations.gov. Those documents should include a link to the recording of the NEJAC Proceedings on Zoom. Maintaining the NEJAC docket on Regulations.gov so all can access is consistent with the transparency requirements of the Federal Advisory Committee Act and the Administrative Procedures Act. Transparency is an important aspect of democracy and the workings of even advisory committees to the federal government. NEJAC would benefit if it maintained an accessible docket on Regulations.gov 2) Allow Sufficient Time for the Public to Speak to NEJAC. NEJAC should allow adequate time for the public to speak. In the August 18, 2021 session, about 84 people signed up to speak to NEJAC. Each was told they would have 3 minutes maximum to speak. The day before the meeting, NEJAC sent an email to those 84 who had asked to speak indicating NEJAC had decided to leave public comment to the very end of the first day of the meeting. The public comment session would run from 6:40pm to 7:55pm. Speakers were told they would be allowed to speak in the order they had signed up. Speakers were also told they were not guaranteed time to speak: a probable conclusion since NEJAC had scheduled a total of 75 minutes when the public had asked for 252 minutes of time (assuming no break between speakers). The public speakers who had requested time were actively encouraged to submit comments in writing by September 1, 2021 rather than speak at the meeting.

If NEJAC is to include public input, as FACA mandates, the committee needs to allow adequate time for the public to speak. NEJAC should not discourage those who want to speak. Nor should NEJAC create impediments to speaking. The directions should be clear, consistent and give speakers adequate notice of the time they will be allowed to speak. Speakers should then be allowed to follow up with written comments, which should be published on Regulations.gov. 3) Restore the Search Capacity of Prior Version of Regulations.gov. Regulations.gov should be



restored to the way it was in 2019. As revised, Regulations.gov is significantly less transparent than it had been even a year ago. Regulations.gov was launched in 2003. The website has evolved and undergone many changes. The most recent changes to Regulations.gov were developed and beta tested during the Trump administration but made effect in spring 2021 of the Biden administration. These latest changes dramatically reduced the ability of the public to effectively use the website. For example, Regulations.gov was revised so a member of the public is no longer able to download in batch or download an excel list or who is commenting. The inability to do so is critically important as it deprives the public of the ability to watch the workings of government -- including who is speaking to government (and what is being said in official comments to public officials). It also inhibits research. 4) Recommendations, I urge NEJAC to allow the public adequate time to speak and to post its work (and the comments made to it) on Regulations.gov.

I also urge that NEJAC use its influence to ensure that Regulations.gov is restored so users can take advantage of the search capabilities allowed as of 2019. The current version of Regulations.gov makes the federal regulatory process far more opaque and less democratic than it was even a year ago. Government can and should do better. NEJAC can help restore democracy by restoring the prior version of Regulations.gov. Thank you again for considering my comments. Elizabeth Geltman, JD, LLM, New York, NY.

**Region 3: Pennsylvania, District of Columbia, Maryland, West Virginia, Virginia, Delaware,**

**Full Name (First and Last):** Nicholas Cross

**Name of Organization or Community:** Indian Law Resource Center

**City and State:** Washington DC

**Type of Comment:** Written Comment Only

**Brief description about the concern:** Please address the construction of Enbridge Line 3, a violent environmental injustice against the Red Lake and White Earth Nations.

**What do you want the NEJAC to advise EPA to do? :** --Request that Pres. Biden revoke the permits, in line with his revocation of Keystone XL (which was a lesser threat to the environment than Line 3)?

--Address the federal agencies' failure to provide EIS's of their own, rather than relying on faulty state EIS's? --Condemn the criminalization of water protectors, and the over 600 arrests and other violent assaults (including rubber bullets) funded by Enbridge? --Protect the 5 billion gallons of water that Minnesota has permitted Enbridge to draw during a drought? --Reinforce federal agencies' responsibility not to violate Red Lake Nation and White Earth Nation treaty rights to hunt, fish, and gather in the areas threatened by Line 3, particularly for threatened wild rice beds (the largest in the world)?

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**Full Name (First and Last):** Gabriela Sarri-Tobar

**Name of Organization or Community:** Center for Biological Diversity

**City and State:** Washington, DC

**Type of Comment:** Written Comment Only

**Brief description about the concern:** Writing to express concern over recent Clean Energy Standard Proposals and the need for NEJAC to join WHEJAC in calling on President Biden and Congress to pass a federal Renewable Energy Standard that champions a just energy future and

squarely rejects fossil fuels and other false solutions embodied in proposals of the Clean Energy Standard and Clean Electricity Payment Plan (“CEPP”).

**What do you want the NEJAC to advise EPA to do?** : Dear Members of the National Environmental Justice Advisory Council, On behalf of the Center for Biological Diversity, we submit these comments in support of Justice40 and infusing all areas of federal work with environmental justice. Though outside of NEJAC’s precise jurisdiction, we would like to encourage NEJAC members to publicly support and encourage Congress and the White House to enact a federal Renewable Energy Standard that champions a just energy future and squarely rejects fossil fuels and other false solutions embodied in proposals of the Clean Energy Standard (“CES”) and Clean Electricity Payment Plan (“CEPP”). We cannot afford to maintain the status quo if we want any chance at addressing climate injustice and achieving President Biden’s goal of 100% carbon-free electricity by 2035. The recent Intergovernmental Panel on Climate Change (IPCC) report reminds us that the climate emergency is here, and time is running out to limit global warming to 1.5 degrees Celsius. The Panel underscores the urgency of “strong and sustained” reductions of carbon emissions and greenhouse gases to lessen the impact of climate events. Among the immediate actions our Congress and President should take to reduce emissions is passing a federal energy standard that excludes all fossil fuels and false climate solutions, including but not limited to: gas with and without carbon capture and storage and other fossil-based technologies; waste incineration and other combustion-based technologies; bioenergy including biomass, biofuels, factory farm gas, landfill gas, and wood pellets; new nuclear; and, new, large-scale and ecosystem-altering hydropower, and all market-based accounting systems like offsets. False climate solutions obstruct our transition to a just, sustainable, and resilient future. Current CES proposal, like the CLEAN Future Act and Senator Tina Smith’s 2019 CES, includes gas, carbon capture and storage (“CCS”), and other false solutions till at least 2035. Investing in these technologies would thwart President Biden’s own plan to achieve carbon-free electricity by 2035. Even more, false climate solutions like fracked gas are antithetical to climate science, equity, and the movement for anti-racism. Passing a CES (or now CEPP) simply undermines Biden’s espoused commitment to environmental and racial justice; fossil fuels disproportionately harm BIPOC communities, the same communities who Biden has promised to direct 40% of the benefits of its clean energy investments. WHEJAC even explicitly called out these false solutions in its Justice40 policy recommendations as “Examples of The Types of Projects That Will Not Benefit A Community.” We are at a pivotal moment to center justice and the climate in all aspects of our infrastructure investments. It is clearer than ever that to advance environmental justice, build a more resilient electric grid, and comprehensively lower emissions the President and Congress must immediately move to reject fossil fuels and other false solutions and instead invest in proven renewable technologies. Specifically, they must enact a RES that would: Achieve a 100% renewable energy portfolio by 2030 for the U.S. electric grid, consistent with climate science and global equity, with at least a 25% carve-out for distributed renewable energy resources and storage. Define a RES’s qualifying energy as including proven renewable energy technologies like solar, wind, and geothermal, and exclude gas, carbon capture and storage, biomass, new nuclear, and other false solutions. Invest in programs and regulations that advance environmental, social, racial, and ecological justice and guarantee 50% of investments in environmental justice communities and support for impacted worker communities. The urgency of the climate and energy crises demand we not only rapidly phase out fossil fuels but replace that energy with genuinely renewable sources and energy efficiency. Over 700

organizations across the country have called on President Biden and Congress to pass a bold federal RES that champions a just energy future. We urge NEJAC and WHEJAC to join to call for investment in a just energy transition by urging the President and Congress to pass a RES or an electricity standard or payment plan that achieves the same goals.

**Region 4: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee,**

**Full Name (First and Last):** Stacie Schmidt

**Name of Organization or Community:** Dekalb County

**City and State:** Decatur

**Type of Comment:** Present Comment at Meeting

**Brief description about the concern:** My name is Dr. Stacie Schmidt. I am an internist practicing primary care and General Internal Medicine in Georgia. Additionally, I serve on the board of a community-based center dedicated to improving the health of women, with emphasis on women of color experiencing health disparities both prior to and as a result of the pandemic. I am a proud mom of two vibrant kids, and the wife of a hard-working intensive care physician who has seen firsthand the disparities COVID has brought to our communities. Finally, I serve as co-leader for my daughter's Girl Scouts Troop and my Son's Cub Scouts troop and continue to be re-energized by the creativity and energy our youth bring to solving problems in their communities. A person's experience of environmental health depends, in large part, on where she lives and his/her current health risks. Some persons are more vulnerable because of age (e.g., children, older adults) or because of preexisting medical conditions such as diabetes and asthma. In many cases, much like the COVID-19 pandemic, vulnerability to environmental health impacts reflect existing health risk factors and disparities. In the United States, concentrated poverty and inequities in wealth, health, education, housing, and transportation—contribute mightily to disparities between white and nonwhite populations and, in particular, between white and Black and white and Native American populations, making environmental health an area of essential importance for the vital missions of health equity and environmental justice. Children, for example, are especially vulnerable to poor air quality, as their brains and respiratory systems are still developing. And they also have higher respiration frequency, multiplying the volume of pollutants they inhale.

**What do you want the NEJAC to advise EPA to do? :** Replacing diesel-powered buses with electric buses will significantly improve air quality for students nationwide, reducing their exposure to toxic and cancer-causing pollutants like nitrogen oxides and particle pollution. One very simple way that local government worked with the community to solve the problem of buses and large freight trucks constantly passing in front of their school was to erect a stop sign. This cheap, sustainable intervention diverted the route of large trucks such that they no longer passed immediately in front of the school, thereby preventing further harmful breathing conditions for those who worked and played there.

At the federal level, I ask that Congress consider the below steps to improve environmental health, particularly among vulnerable communities: 1. Fully fund the Centers for Disease Control and Prevention's (CDC) Climate and Health program. 2. Fully fund the CDC's National Environmental Public Health Tracking Network. 3. Strengthen the public health infrastructure and its workforce, including Modernizing its data and surveillance capacities. 4. Prioritize equity and resilience by supporting and protecting high-risk populations and by addressing the social

determinants of health. 5. Oversight to ensure that state governments-particularly those states deemed most vulnerable to environmental health and climate change effects--enact and fully adhere to the following guidelines: • Bolstering the states' core public health preparedness capabilities, particularly around identifying and addressing disparities in environmental health among communities. • Building health equity leadership in state and local governments that responds to these identified disparities and ensures implementation of the action plans outlined by public health officials. • Engage in close coordination with local and federal partners to ensure the issues are being addressed and to monitor results. • Plan with communities, not for them, and ensure that communities are made aware, in real time, of the inequities identified, and the plans being implemented to address them.

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**Full Name (First and Last):** Lorna Withrow

**Name of Organization or Community:** NCDHHS, DPH, On-Site Water Protection

**City and State:** Raleigh NC

**Type of Comment:** Written Comment Only

**Brief description about the concern:** Many times, when the subject of water/wastewater infrastructure issues/concerns enters the conversation, it seems that subsurface wastewater collection, treatment & dispersal systems (aka septic systems or onsite/decentralized systems) and private domestic drinking water wells are not included in the discussion. Ageing septic systems and ageing private wells need improvements, repair, or replacement since as they age, failure rates are expected to increase. Such failures can pose a significant threat to public health, surface water, and groundwater quality, especially in areas with historically marginalized populations (HMPs). Bacteria and viruses in untreated wastewater can cause diarrhea, dysentery, hepatitis, and typhoid fever. Some septic systems may fall under the protections of the USEPA Safe Drinking Water Act (SDWA), but private drinking water wells do not fall under the protections of the SDWA.

**What do you want the NEJAC to advise EPA to do? :** Discussion of water/wastewater infrastructure issues/concerns should include subsurface wastewater collection, treatment & dispersal systems (aka septic systems or onsite/decentralized systems) and private domestic drinking water wells.

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Dear NEJAC members (and supporting staff): My name is Diana Umpierre. I grew up on the island of the Tainos, in Puerto Rico. I currently live in South Florida, on lands taken from the Tequesta and later from the Seminoles. I currently work for Sierra Club as an organizer for their Everglades Restoration Campaign, but my advocacy for the Everglades began in earnest out of a desire to protect the River of Stars above our River of Grass (the Everglades) from the growing threat of light pollution from nearby metropolitan areas like Miami. I submit the following written comments with the hope that the National Environmental Justice Advisory Council (NEJAC) challenge our federal government agencies, including the USEPA, to examine and make recommendations that address the weaknesses of our USA federal laws and regulations, in particular how NEPA is being interpreted, streamlined and implemented by the FAA and FCC in ways that are causing new and growing environmental injustices. Due to weak (or non-existent) USA and international laws on this growing global concern, which started from US federal actions, I fear that Earth itself may become a sacrifice zone in the unprecedented rush to commercialize, industrialize (colonize) Earth's own atmosphere. NEPA regulations have failed

to properly address the growing problem of light pollution. The night sky is part of the human environment and important to people and wildlife, and the cultures of indigenous tribes and people of color. Sadly, the push for energy efficiency, in particular by the USDOE, has led to the unintended consequence of increasing the impacts, intensity and extent of light pollution in the human and wildlife environment. This has included allowing federal actions that have resulted in overly bright and harmful artificial lighting at night in low-income communities of color, which contribute to blight and possible quality of life and health concerns (not to mention impacts to local wildlife). Light poles will NEVER solve the underlying societal inequity issues that lead some communities to experience more crime than others. But there is a fast-growing problem that NEPA is failing to address due to how it is interpreted, streamlined and/or implemented by some federal agencies (in particular FAA and FCC) and likely others. I am referring to the private space race that is rushing to build and/or expand spaceports in sensitive areas and to launch an unprecedented number of satellites to our low Earth atmosphere (orbit) for corporations (including SpaceX) rushing to make huge profits by promising fast internet in rural areas. This is happening with little or no environmental assessments, including no evaluation of how tribal nations and low-income people of color in the USA may be affected directly or indirectly, not only near launch sites, but also from cumulative impacts of the growing problem of space debris and inadequate space traffic management. Did you know that the US government is one of the top two leading contributors of space debris in our planet's environment? See references below:

<https://www.nature.com/articles/d41586-021-02167-5>

<https://oig.nasa.gov/docs/IG-21-011.pdf>

<https://www.businessinsider.com/space-debris-garbage-statistics-country-list-2017-10>

<https://www.orbitaldebris.jsc.nasa.gov/quarterly-news/>

I am growing extremely concerned that we are polluting our very own atmosphere in the way we polluted our oceans with plastic, by treating our own atmosphere, a part of Earth and the human environment, as a resource with unlimited carrying capacity just because it lacks political boundaries.

I request for the NEJAC to advise the USEPA to undertake a robust and transparent effort to identify and evaluate the weak and/or blind spots in the federal laws and regulations followed by ALL our federal agencies that play (or should play) a role in engaging our EIJ communities, in evaluating alternatives and in reviewing environmental, societal, scientific and cultural direct, indirect and cumulative impacts of federal actions involved with proposals for spaceports and launches of satellites and other objects intended to orbit our planet. According to a Bloomberg article: “going fast in the aerospace business is a rarity and doesn’t usually work out so well. But the U.S. government has made speedy rocket launches something of a national priority, and Astra stands as a Department of Defense darling right now”.

<https://www.bloomberg.com/features/2020-astra-rocket/> I, as well as others, are gravely concerned. There are LOTS of questions (many within the purview of NEPA) for which no one has answers, yet the USA government is giving approvals to a large number of satellites in so-called mega-constellations.

I fear that, once again, unchecked colonization and occupation is happening in the name of “progress” or “exploration” of perhaps the last frontier... I know we are all overwhelmed dealing with the climate and biodiversity crises, but we are at an inflection point, when a new crisis can still be prevented, but that window is short. Just as the USA played a significant role in the current climate crisis affecting the entire planet, I fear that once again, the USA is positioning itself to be a lead contributor to a potentially even bigger crisis. Over the last few months, I have

spent many nights in tears pondering: how can I convince those already exhausted fighting to protect land, water, climate, people and wildlife to pay attention to yet another quickly evolving threat? I have read and/or listened to discussions in recent meetings at national and international level where the very definition of what is the “human environment” on Earth is being argued. I was dismayed. Are we letting Earth science, politics or private companies define what is Earth? Satellites being launched by private space companies are being put within Earth's atmosphere. Why are we not seeing the USEPA, USGS, NOAA, and other federal agencies (besides FCC, FAA and perhaps NASA) involved in the analysis of direct, indirect, and cumulative impacts to Earth's environment from these private near Earth space proposals? Potential impacts to current and planned future launches of Earth Observation (EO) satellites should be of concern to all federal agencies. For decades, these EO satellites have helped us understand and protect the planet’s atmosphere and ecosystems. In fact, we have become dependent on them to manage ecosystems, wildlife, agriculture, transportation, weather, water and air quality, light pollution, wildfires, and disasters. Because the private satellite industry has been mostly focused in “voluntarily” addressing “some” of the impacts to astronomical research (AFTER their rockets have launched and released their satellites into our Earth atmosphere), it appears that communities working to address environmental, ecological and social justice are largely unaware of how thousands of new satellites OR more untraceable space debris (human junk) in our atmosphere's low orbit could impact the very Earth observation satellites that space exploration has gifted us with to sustain our planet. Do any of you have answers or desire answers to these questions? • Who will bear the costs associated with tracking and mitigating more objects orbiting our atmosphere? • Who will compensate for loss or reduction of benefits, if the Earth observation satellites are compromised? • Could cascading collision events, especially with untracked debris, destroy critical satellites? • Have the carrying capacity limits been identified of what we can put in orbits in our atmosphere? • When it comes to deciding what gets approved to orbit Earth within our atmosphere, will Earth Observation satellites be prioritized? or is this a first-come first-to-occupy? I fear that the USA (as well as other countries) are allowing space private corporations to play roulette (if not playing themselves) with the future of our one and only livable planet. Again, my plea is that you advise the USEPA, and other federal agencies, to urgently evaluate these issues and even put a pause in authorizing more of these satellites in mega constellations until there are answers to valid questions our communities deserve to ask. We need our federal government to stop playing the record of environmental injustices over and over again, because at some point, the music will stop. And look closely at what’s happening in Brownsville TX, in Georgia, and even in Cape Canaveral FL. Is our government making private space endeavors (or exploitation) a higher priority than ending the climate crisis, and protecting our wildlife and marginalized communities on Earth from more environmental injustices? Diana Umpierre, AICP, GISP ,Pembroke Pines, FL

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### **Region 5: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin,**

**Full Name (First and Last):** Naomi Davis

**Name of Organization or Community:** BIG! Blacks in Green

**City and State:** Chicago, IL

**Type of Comment:** Written Comment Only

**Brief description about the concern:** Briefly, my concern is that diesel particulate generated by railroad intermodal facilities such as Norfolk Southern located in my community of West

Woodlawn, Chicago is in a facility located DIRECTLY next door to a 670-unit low-income apartment building and an elementary school. They were given additional rights by the City of Chicago to expand their facility in our EJ community and adjoining neighborhoods in Greater Grand Crossing, Washington Park, and Englewood. Since 2012 we have asked the company to invest in the installation of a pollution-eating tree buffer and to honor their promise to pay for and report pollution tracking, in addition to hiring local residents as they expanded their facility. They have refused.

**What do you want the NEJAC to advise EPA to do? :** 1) prevent future establishment of intermodal facilities within and in proximity to residential neighborhoods 2) require deep environmental buffers [green infrastructure] surrounding all such facilities 3) fund surrounding communities to track and report pollution levels in and around those facilities 4) fund surrounding communities to remediate the pollution with green infrastructure 5) specifically require Norfolk Southern to report on their investment in equipment operations and pollution-reducing upgrades. Briefly, my concern is that diesel particulate generated by railroad intermodal facilities such as Norfolk Southern located in my community of West Woodlawn, Chicago is in a facility located DIRECTLY next door to a 670-unit low-income apartment building and an elementary school. They were given additional rights by the City of Chicago to expand their facility in our EJ community and adjoining neighborhoods in Greater Grand Crossing, Washington Park, and Englewood. Since 2012 we have asked the company to invest in the installation of a pollution-eating tree buffer and to honor their promise to pay for and report pollution tracking, in addition to hiring local residents as they expanded their facility. They have refused. We are asking you to take the following steps: 1) prevent future establishment of intermodal facilities within and in proximity to residential neighborhoods 2) require deep environmental buffers [green infrastructure] surrounding all such facilities 3) fund surrounding communities to track and report pollution levels in and around those facilities 4) fund surrounding communities to remediate the pollution with green infrastructure 5) specifically require Norfolk Southern to report on their investment in equipment operations and pollution-reducing upgrades, Naomi Davis

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For over a half century the stewards of the land, Black farmers of Pembroke Township, Illinois are once again fighting against a new attempt to expand a fracked gas pipeline through this agricultural community of 2000. This expansion would disrupt their rare ecosystem and conservationist lifestyle in order to establish natural gas pipeline to the Village of Hopkins Park (pop. about 400) located in the middle of the surrounding Pembroke agricultural community. These farmers are an integral resource for the Chicago foodshed in reducing food insecurity to underserved communities. This community wants a safe and clean renewable energy source options for their future. With the Biden administration recognizing the climate crisis and Gov. Pritzker stating that Illinois will strive to move towards a Fossil Fuel Free energy and decarbonization state, this historically significant region deserves to be protected from Nicor Gas, a company with a history of gas leaks and costly environmental damages. No ecological impact, economic and social impact, or infrastructure vulnerability assessments reports have been made publicly available to ALL Illinois legislators, landowners, and residents. Due to the lack of a fair and inclusive public process the greater population of Pembroke Township has repeatedly not been informed of Nicor project development details and denied the opportunity to have their concerns taken seriously. This tactic is in use across the country in locations where gas

utilities want to plow through, and bully overburdened and underserved Black communities. The farmers and community of Pembroke township fear that the pipelines will traverse their farmland. The Pembroke water and sewer infrastructure is aged and presents sanitation problems. There is a need for Broadband internet as does the pipeline to even function. There is no police department, and the fire and EMS service depends on routing calls to Indiana and then Kankakee. Nicor has several gas leaks in Central Illinois gas pipelines. The lack of safety and emergency disaster management puts the entire community at risk of destruction. The landowners and farmers would experience cumulative burdens and loss of life or livelihood. A vulnerability assessment and land use assessment as well as health indicators is necessary. The community also faces risk of Nicor gas using eminent domain to the land. Residents have not received any information about the cost to retrofit their buildings for gas. This conservation and sustainable community want non-fossil fuel renewable energy options. contact Jifunza Wright at Black Oaks Sustainability Center / Pembroke Environmental Justice Coalition

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**Full Name (First and Last):** Melissa Mays

**Name of Organization or Community:** Water You Fighting For?

**City and State:** Flint, Michigan

**Type of Comment:** Written Comment Only

**Brief description about the concern:** Flint's water source is being switched again and the already poisoned community has not been able to get the answers needed.

**What do you want the NEJAC to advise EPA to do? :** To mandate that the City of Flint and State of Michigan present the information requested that I am emailing to the public. We were never notified that we would be switching to our secondary source or why we would have to receive blended water every day between 2 different water systems, both of which are treated in different manners. We feel that this violates the EPA Emergency Order of 2016 as well as the federal Safe Drinking Water Act lawsuit filed by the Natural Resources Defense Council, ACLU of Michigan, Concerned Pastors for Social Action and me. We fear the safety and concerns of Flint residents are once again being ignored. I submitted very thorough questions to our Region 5 Administrator and received a reply without any of my questions being answered but was just bounced back to the City and State who have been ignoring us. It seems it is 2014 & 2015 all over again.

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### **Region 6: Arkansas, Louisiana, New Mexico, Oklahoma, Texas,**

**Full Name (First and Last):** Chrissie Waquie

**Name of Organization or Community:** Diné Medicine man Association

**City and State:** Albuquerque NM

**Type of Comment:** Present Comment at Meeting

**Brief description about the concern:** Our rural communities in NM, AZ, UT and CO need water for our future generations. We've already wasted enough on oil and gas. We cannot restore what has already been destroyed. Band aiding it with hope of a clean up to its original capacity is a far cry. It's time to stop the brutal abuse on our Mother Earth and the stewards that rightfully protect her. Join us and see through the eyes of our relatives the 4 legged, winged, and rooted. Ahé hé, Aswali



**What do you want the NEJAC to advise EPA to do? : Stop the Abuse of Mother Earth Áshó díí!**

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**Full Name (First and Last):** Maya Aronoff

**Name of Organization or Community:** Sunrise

**City and State:** El Paso TX

**Type of Comment:** Present Comment at Meeting

**Brief description about the concern:** In a moment that calls for transformative policy change to avert the extinction of our species, we too often see our federal government metaphorically cutting off its own leg just to invest in a committee to research band Aids. To explain what I mean: The Army Corps of Engineers approved the construction rerouting of an expanded tar sands pipeline--Line 3. Tar sands makes staying under 1.5 C increase impossible. The pipeline endangers species and the drinking water of millions. It sacrifices the Anishinabe people to a dying industry, and allows companies like Enbridge, Exxon, Blackrock, and many banks to continue profiting off of fossil fuels. This disincentive a transition to renewable energy. This leads to our extinction. At the same time, the EPA and the Corps of Engineers invests in resiliency projects and conservation to respond to the very climate catastrophe issues that this pipeline CAUSES. It is the same for the proposed reroute of Line 5 in my home state of Michigan, or the proposed fracking around my current home in El Paso. In a state with one of the world's largest sources of freshwater, Enridge is defying the Michigan Governor's order to stop pumping oil and trying to build a NEW pipeline directly where the currents of these lakes meet, decimating indigenous land and our tourism industry. The federal government has done nothing to back up her order whatsoever. Meanwhile in the sunniest state in the world, El Paso electric is going to frack for fossil fuels rather than transition to solar. Why? Because the parent companies of JP Morgan & Chase Bank--the same companies profiting off of Line 3 and 5--are making money. Even though the EPA designated the air quality as so bad it is "ozone non-attainment," the EPA's regulations are so weak EPE was able to get a permit for a brand-new gas turbine to make it worse. When I contacted the EPA about Line 3 and the terror I feel when I imagine my beautiful Great Lakes Region destroyed, the EPA simply said the project was approved by the Army Corps, passing the buck. The time for bureaucratic delays and excuses is over. The EPA needs to find any regulatory excuse to shut down new fossil fuel infrastructure and raise hell even when the institution does not have the authority to stop it. It should not just be indigenous activists putting their bodies on the line--it should be government officials. Environmental justice means we no longer have time for the EPA to conserve one wetland while their sister institutions in the government destroy another.

**What do you want the NEJAC to advise EPA to do? :** The EPA needs to be extremely aggressive in enforcing their existing regulations and create any new regulations necessary to stop fossil fuel infrastructure and encourage clean energy instead. Even throwing a wrench in the construction of infrastructure which does not eventually pass muster in court can delay projects YEARS until these companies lose money on them and until we can invest in more clean alternatives. Indigenous, Black, immigrant communities are always the first ones to suffer the consequences of this infrastructure, but everyone suffers in the end. Communities must ALSO be consulted constantly. For example, it's great that the EPA is investing in electric cars--but WHAT ABOUT RENEWABLE PUBLIC TRANSPORTATION!?! This isn't even on the Dept of Transportation website. Every website, EPA included, is focused on cars. It's not that we shouldn't transition cars, but many people cannot afford cars, or they are not practical for

different areas. It is crucial to expand and transition public transport as well--buses, subways, and trains that can replace flights.

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**Full Name (First and Last):** Juan Parras

**Name of Organization or Community:** Texas Environmental Justice Advocacy Services

**City and State:** Houston, Texas

**Type of Comment:** Present Comment at Meeting

**Brief description about the concern:** I am interested in requesting RMP information without having to go to the scrutiny of the security, RMP information used to be readily available but not it is not

**What do you want the NEJAC to advise EPA to do? :** I am suggesting RMP information as a public right, without the scrutiny of the FBI, or some person or agency claiming this is no longer available to the general public.

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**Full Name (First and Last):** Elida Castillo

**Name of Organization or Community:** Chispa TX

**City and State:** Taft, Texas

**Type of Comment:** Written Comment Only

**Brief description about the concern:** Our communities are fenceline communities. Industries have rapidly expanded in our area within the past 5 years, and our state's environmental agency does not take into account the negative impact these industries have on the surrounding communities when granting permits.

**What do you want the NEJAC to advise EPA to do? :** I would like NEJAC to look into the rapid expansion of industry in the Coastal Bend region. Our county of San Patricio does not have any EPA air monitors in the area, even though we have LNG terminals, crude oil export terminals, steel manufacturers, the world's largest steam cracker producer, and an iron ore facility within a radius of less than 20 miles. We would like the EPA to install monitors along with ensuring the Clean Water Act is followed, and sacred Indigenous lands are protected.

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**Full Name (First and Last):** Joni Arends

**Name of Organization or Community:** Concerned Citizens for Nuclear Safety

**City and State:** Santa Fe, NM

**Type of Comment:** Present Comment at Meeting

**Brief description about the concern:** NEPA rollback. The Department of Energy (DOE) response to the rollback. DOE is providing less NEPA coverage through the use of Supplement Analyses rather than full environmental impact statements for Los Alamos National Laboratory (LANL) and the Waste Isolation Pilot Plant (WIPP), both located in diverse State of New Mexico.

**What do you want the NEJAC to advise EPA to do? :** CCNS requests that the NEJAC add the lack of appropriate NEPA coverage at LANL and WIPP, two EPA regulated DOE sites in New Mexico, to your list of concerns about the NEPA rollback. CCNS requests EPA review DOE's expansion plans at these two sites and require new environmental impact statements for both.

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**Full Name (First and Last):** juan parras

**Name of Organization or Community:** Texas Environmental Justice Advocacy Services

**City and State:** Houston

**Type of Comment:** Written Comment Only

**Brief description about the concern:** I would like an Environmental Justice Report from each of the EPA Regions (1-10). Specifically, I would like to know what the issues and name of organizations and or communities that received resources from the EPA; and if their concerns were actually addressed and the communities EJ concerns were addressed to the satisfaction of the impacted community? Secondly, I would like to know how the EPA is taking an initiative to promote EJ issues or inform communities of their programs to address EJ concerns. I believe there are too many communities that have EJ issues or concerns but do not know how to proceed with their issues due to the lack of a "local EJ group or an "organization" to assist them.

**What do you want the NEJAC to advise EPA to do? :** They should focus on Community Outreach and education on "what is an EJ community". and provide a phone number or contact person for them to learn more about what is "An EJ community"

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**Full Name (First and Last):** naomi yoder

**Name of Organization or Community:** Healthy Gulf

**City and State:** New Orleans, LA

**Type of Comment:** Present Comment at Meeting

**Brief description about the concern:** I want to discuss liquified fossil gas (or LNG) terminals, including pipelines and facilities, and environmental justice. I want to urge the NEJAC to advise against any new LNG facilities being built (such as the Venture Global Plaquemines LNG terminal that is scheduled to break ground next month at the mouth of the great Mississippi River). I also want to ask the EPA to stop these facilities from being built or built out further. LNG has an outsized presence and therefore an outsized impact on the Gulf Coast. We're very concerned about the GHG emissions, wetlands destruction, and safety risks from the LNG industry. In order to turn a gas into a liquid, extraordinary amounts of energy must be expelled. This creates an extraordinary amount of GHG emissions. In Louisiana, LNG plants will soon be (if they haven't already) the top emitters of GHG of any industrial point source in the state. As of 2019, Cheniere Sabine Pass LNG was already the third largest emitter of GHGs in the state, around 5 MMT/yr. Now there is one other similar size plant operating, and one more about to open its doors this year, in the same SW corner of Louisiana. We have added so much GHG emissions from these existing terminals already that we have essentially added another city the size of Baton Rouge to Louisiana. As you also know, the impacts of climate change have an outsized impact on people of color. The Gulf Coast has become a frontline of climate justice due to increased intensity and frequency of hurricanes. This was illustrated in painful detail with the hurricanes last year in Southwest Louisiana and southeast Texas. Recovery from those storms is still far from complete, and Black and BIPOC communities bear the brunt of the lack of recovery. Black communities disproportionately suffer insecure and unsafe housing, underemployment, lack of food and even running water. This racist distribution of resources cannot be allowed to continue. I call on the NEJAC to use its powers of influence to stop the addition of greenhouse gases and LNG facilities to the Gulf Coast and especially SWLA and SE TX. In addition, thousands of acres of wetlands that serve as storm surge buffers are eliminated in the name of LNG. And I haven't even mentioned the vast "upstream" and "downstream" impacts of LNG such as the impacts from fracking. This is nothing short of a climate justice crisis. Please, stop the sacrifice zones and stop the LNG buildout.

**What do you want the NEJAC to advise EPA to do?** : On behalf of the Gulf South, I request separate public hearings with the NEJAC and with EPA, to discuss the LNG buildout. I also want the NEJAC to advise EPA to oppose LNG terminals, pipelines and facilities.

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**Full Name (First and Last):** Eddie Canales

**Name of Organization or Community:** SOUTH TEXAS HUMAN RIGHTS CENTER

**City and State:** Corpus Christi

**Type of Comment:** Present Comment at Meeting

**Brief description about the concern:** Desalination Plants proposed for Corpus Christi will continue environmental degradation

**What do you want the NEJAC to advise EPA to do?** : Please initiate an environmental impact study for a proposed close bay!!!

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**Full Name (First and Last):** Donna Hoffman

**Name of Organization or Community:** Coalition Against Pipelines, Blackshear Bridge, Austin SC Gulf Coast Climate Action Team, Permian Gulf Coast Coalition, Gulf South for a Green New Deal-TX

**City and State:** Austin, TX

**Type of Comment:** Present Comment at Meeting

**Brief description about the concern:** Greetings NEJAC members with a special shout out to our Texas and Louisiana reps: Dr. Wright, Dr. Bullard, Mr. Parras, and my east Austin neighbor and friend Ms. Almanza. I'm Donna Hoffman. I'm a fourth-generation Texan from a mixed and primarily colonizing past. I work alongside various groups for meaningful reparations including environmental justice. I'm originally from Corpus Christi, Texas. I work alongside frontline communities in the Permian Gulf Coast Coalition to stop the current rush to build out proposed oil and gas export terminals, plastics plants, and desalination plants that would disproportionately impact the black and indigenous people of the global majority whose groups work in the coalition and would desecrate the sacred lands and burial sites of the original peoples including the Karankawa and Carrizo-Comecrudo Tribe of Texas Esto'k gna. The communities we are focused on are the communities of the Permian Basin, along the pipelines, and in the coastal towns, in Texas – the Lower Rio Grande Valley, the Coastal Bend, Corpus Christi (my hometown) and environs, Port Lavaca and Matagorda Bay, Freeport and Surfside, Galveston (where I was born), Port Arthur (where I lived as a child) Sabine Lake on the Louisiana Border, and Plaquemines on River Road west of New Orleans. We also care about all the Gulf Coast communities extending eastward in the Gulf South for a Green New Deal constellation of frontline groups of Black, Indigenous People of Color and supporters like me who are fighting against dirty fossil fuel projects. These projects, if allowed, would foul the air and water and increase the suffering of cardio-respiratory illnesses, cancer, strokes, and early death from the nasty pollution these projects would bring. If allowed these projects – whether the oil and gas were burned here at home or overseas – these projects would exacerbate the climate crisis and never allow us to reach our Paris Climate Accord and upcoming COP26 science-based agreements.

**What do you want the NEJAC to advise EPA to do?** : I have two asks for your help to prevent these projects from being built. I'm asking you to use your authority beyond just guiding the

EPA. I'm asking you to ask President Biden and the US Army Corps of Engineers to stop the permitting processes and to put injunctions on any recently permitted projects both because they lack adequate health science-based pollution controls and also because of their climate impacts. I'm asking the NEJAC to write a letter to POTUS Biden directly - copying EPA; and also write a letter to the Secretary of Defense, General Lloyd Austin and the members of the US Army Corps of Engineers who serve on your peer committee, the Climate Action Committee of the Department of Defense. President Biden has made one step forward by stopping the KXL pipeline, but we need so much more in the just transition away from fossil fuels. Many Permian Gulf Coast Coalition members I work alongside are participating in Build Back Fossil Free demands around stopping DAPL and Line 3 while we are also bringing attention to stop the Gulf Coast race to build out fossil fuel oil and gas export terminals and other terrible projects. Instead, we want a just transition with good paying jobs for all and a healthy clean economy moving forward. We want transition plans for that an immediate halt – an injunction against these projects. NEJAC, please write one letter to President Biden and write another letter to the Secretary of Defense and the head of the US Army Corps of Engineers asking them to implement: a. an immediate injunction prohibiting dredging the Coastal wetlands for these fossil fuel projects; b. to implement an immediate injunction and cancel all new and expansions of existing fossil fuel projects – both oil and gas exports, plastics, and desalination which are wanted for the industrial water but which would waste and kill the bays; and, c. to implement a ban of fossil fuel exports. This action will help to protect EJ communities on the coast and planet wide. It will prevent the harm to public health and wildlife of the communities from NOX, VOCs-Benzene, and other pollutants; It would keep our nation in compliance with the recently re-entered Paris Climate Accord and prepare for the upcoming COP 26 accord; it would help to conserve for people's needs - the extensive water and energy these projects would consume. This action would set the stage for the just transition we need with equity and good jobs for all, reparations for the past, and healthy clean energy economies forward that put communities first and meet human needs first.

Thank you. I will be happy to work with you and I'm sure others will too on the wording of these two letters – one to President Biden: and one to the Secretary of Defense and the head of the US Army Corps of Engineers. Please be in contact with me to let me know if you can do this.

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**Full Name (First and Last):** Robin Schneider

**Name of Organization or Community:** Texas Campaign for the Environment

**City and State:** Austin TX

**Type of Comment:** Written Comment Only

**Brief description about the concern:** Climate disaster especially in Texas usually affect poor people and communities of color more than other communities and they are the least able to recover from climate disasters. Therefore, every effort must be made to follow the advice of the International Energy Agency and not build additional fossil fuel infrastructure. We must also stop expansions of existing fossil fuel infrastructure. At the top of the list should be fossil fuel export facilities that would send fracked gas and oil abroad. Many of these projects are located on the Texas and Louisiana Gulf Coast. Many polluting facilities are already located in these communities and export facilities will add to the enormous public health and safety burdens they bear. Various federal agencies including the EPA, FERC, Maritime Administration (MARAD), the US Army Corps of Engineers and others have the power to evaluate permits and their impacts on communities and our environment. That power should be used to protect communities, not continue and increase environmental injustice. Permits for these fossil fuel

export facilities should not be denied protecting the people's health, livelihoods and well-being of communities of color and low income neighborhoods.

**What do you want the NEJAC to advise EPA to do?** : Texas Campaign for the Environment supports the demands to send a letter that calls on the EPA to use their oversight to: •Engage in the public comment process for any proposed LNG and crude export facilities to ensure that any projects approved by the Federal Energy Regulatory Commission or other government agencies have been properly and fully evaluated and environmental justice communities have been properly identified and impacts mitigated. •Require state permitting agencies to include all of the associated infrastructure and facilities that are a part of the same project as a single source, so that cumulative emissions and their impacts on communities can be considered. This includes all infrastructure operated by the company behind the gas export terminal and all additional infrastructure or potential sources of pollutants on, near, or adjacent to the facility that are related to its operation. Adequate accounting for these missions is necessary to evaluate the impacts of new gas export infrastructure. • Require re-evaluation of a proposed LNG or crude export facility before any extension of a construction permit is granted. Many of these fossil fuel export facilities are seeking timeline extensions due to construction delays after permitting, the EPA must enforce their rules that after 18 months if construction has not started, permits are no longer valid and can only be extended in rare circumstances that include well documented justification. EPA must make clear to state permitting agencies that PSD construction permit extensions cannot be simply rubber-stamped. •Redesignate Calcasieu Parish as being in nonattainment with the National Ambient Air Quality Standard (“NAAQS”) for nitrogen dioxide (“NO2”). Thank you in advance for your continued advocacy on behalf of impacted communities and public health.

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Good afternoon, NEJAC and Dr. Jenkins, I am attending the NEJAC day 2 meeting and some members of the NEJAC (John Doyle and Sacoby Wilson) are mentioning the need to see how more Cap Dev programs can help EJ communities. For R6 Drinking Water, we are working with our R6 states on updating their Cap Dev and Asset Management programs to help utilities and public water systems. I am sure you are aware of this, but I wanted to pop in and say that R6 Safe Drinking Water branch is working on updated CapDev to support technical assistance to systems. I am working to see if we have this aspect in our Direct Implementation programs with the tribal nations in R6. Thanks so much...thrilled to be able to attend these very important meetings! Sincerely, Danielle

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**Full Name (First and Last):** John Young

**Name of Organization or Community:** Barbara Hill

**City and State:** San Benito

**Type of Comment:** Written Comment Only

**Brief description about the concern:** The Texas Commission for Environmental Quality and FERC both approved LNG projects that disproportionately threaten the health of disadvantaged populations, underestimated the overall size of the pollution footprints, and disqualified public objections to the projects (TCEQ) or gave inadequate weight to the objections (TCEQ).

**What do you want the NEJAC to advise EPA to do?** : 1) Advise EPA to assert its authority to protect the public's health interests when state environmental regulatory agencies don't give adequate weight to those individuals and groups that will suffer the greatest negative health impacts from regulated projects. 2) Advise EPA, as a Cooperating Agency within the FERC

project permitting process, to evaluate the environmental impacts of the projects, and solicit public comments on its evaluations, in the development of the Draft Environmental Impact Statements and Final EISs -- including issues related to environmental justice.

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Full disclosure: I have been an active member of Save RGV from LNG since May 2014 and registered with FERC as an Intervenor against the Rio Grande LNG, Annova LNG, and Texas LNG projects that were issued FERC permits on 11-22-2020 to build and operate at our local Port of Brownsville, next door to South Padre Island, Laguna Atascosa National Wildlife Refuge, and SpaceX Boca Chica project. I also actively opposed the Texas Commission for Environmental Quality air quality permits approved for the three LNG projects. Note that Exelon canceled its Annova LNG project without prior warning in March 2021 and without selling its FERC permit to another company. Note also that the DC Circuit Court of Appeals issued a 08-03-2021 ruling upholding the 11-22-2019 FERC permits for the Rio Grande LNG and Texas LNG projects but also ordered FERC to provide stronger justifications for the way it dealt with some contested climate change and environmental justice impact. For instance, the Commission determined that impacts on air quality from each project could occur within 31 miles. No. 20-1045 J.A. 610; No. 20-1094 J.A. 1008. The Commission has offered no explanation as to why, in light of that finding, it chose to delineate the area potentially affected by the projects to include only those census blocks within two miles of the project sites for the purposes of its environmental justice analyses. Because the Commission has offered no “rational connection between the facts found and the decision made,” *State Farm*, 463 U.S. at 43, we find its decision to analyze the projects’ impacts only on communities in census blocks within two miles of the project sites to be arbitrary. On remand, the Commission must explain why it chose to analyze the projects’ impacts only on communities in census blocks within two miles of the project sites, or else analyze the projects’ impacts on communities within a different radius of each project site. Additionally, it must explain whether its finding that “all project-affiliated populations are minority or low-income populations,” No. 20-1045 J.A. 142; No. 20-1094 J.A. 691–92, is still justified, and, if so, whether its conclusion that the projects “would not have disproportionate adverse effects on minority and low-income residents in the area,” No. 20-1045 J.A. 566; see also No. 20-1094 J.A. 968, still holds. [USCA Case #20-1045 Document #1908759 Filed: 08/03/2021, page 15] In the case of the Texas Commission for Environmental Quality, it's system of rules, regulations, and practices allows it to routinely disqualify objections to its proposed air quality permits "as written" not on the basis of the objections raised (and even objections supported by recent scientific studies) but on the basis of those objecting not qualifying as "affected persons" entitled to Contested Hearings on the permits as written. To qualify as an affected person, I would have to live within one mile of the project fence line and be negatively impacted by the operation in ways different from the general population at large. In its TCEQ air quality permit application, Rio Grande LNG claimed that: . . . the emissions from the proposed facility will not impact human health or the environment beyond the fence line of the proposed facility [01-25-2019 [https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.viewdocument&doc\\_name=Applicant%27s%20Reply%20to%20Motion%20for%20Rehearing%20Epdf&doc\\_id=644506012019025&format\\_cd=PDF](https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.viewdocument&doc_name=Applicant%27s%20Reply%20to%20Motion%20for%20Rehearing%20Epdf&doc_id=644506012019025&format_cd=PDF), page 7] The COVID-19 pandemic and its present resurgence reinforce the dangers of the emissions such projects emit -- especially but not limited to PM2.5 particulates that can reach out and touch lives over 150 miles from the projects. Particulates able to transmit the virus into our lungs and through our lungs into our bloodstreams. Particulates that can contribute to the kinds of chronic medical conditions that can make us susceptible and vulnerable

to the virus. It's getting late and I turn 80 towards the end of this year, so I'll end with brief notes about two historically disadvantaged groups still opposing the Rio Grande LNG (and associated Rio Bravo Pipeline) and Texas LNG projects: Vecinos para el Bienestar de la Comunidad Costera [Neighbors for the Well-Being of the Coastal Community] is a grass roots group based in Port Isabel's Laguna Heights Colonia concerned that the LNG projects will hurt their room cleaning and restaurant dishwashing jobs passed on from generation after generation in South Padre Island while providing temporary construction jobs they are incapable of working. In addition, their families have histories of high numbers of their children suffering from asthma requiring inhalers and that the LNG project emissions will only make this worse. I believe last year Port Isabel budgeted some low cost housing for the area. Port Isabel itself voiced concerns about the impacts the LNGs would have on their disadvantaged communities. Vecinos para el Bienestar has no contact email or Facebook page and is best contacted via Texas Rural Legal Aid RGV. Both Vecinos para el Bienestar and Port Isabel have both persevered through numerous TCEQ, FERC, and US Circuit Court etc proceedings and hearings so it's doubtful they'll fade away at this point. Also the Carrizo Comecrudo Tribe of Texas, which is not an officially recognized US or Texas tribe, has continued to join Sierra Club FERC and US Circuit Court filings against the LNGs on the basis of environmental justice issues. It's not likely to fade either. Check out what Rio Grande LNG posted 04-28-2021 on its Facebook page regarding "We are committed to respecting and preserving regional cultural resources" at <https://www.facebook.com/RioGrandeLNG/photos/a.1086771691386943/4063326417064774/>. In reality, its "engagement" with recognized tribes was limited to sending letters to those tribes to officially notify them about its construction and operation plans with a deadline for the tribes to respond. Some responded, some didn't, none objected. None of those tribes are really active here to the extent the Carrizo Comecrudo are. Ignoring the Carrizo Comecrudo concerns based on the lack of federal and state recognition of the tribe just perpetuates federal and state discounting them as a people because they were called by different names and confused with different tribal groups from early on. For additional information on the Carrizo Comecrudo, John Young, MS (Psychology), MSW (Social Work), Retired

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**Full Name (First and Last):** John  
**Name of Organization or Community:** Mueller  
**City and State:** Tulsa, Oklahoma  
**Type of Comment:** Written Comment Only

**Brief description about the concern:** My concern is that I submitted additional materials by email for the August 18 & 19 public meeting, on July 21, nearly a month before the meeting to allow NEJAC members to review my additional information before the meeting, but I did not find out until after I presented my 3-minute prepared comments on the 18th that my additional materials were never distributed due to copyright infringement issues.

**What do you want the NEJAC to advise EPA to do? :** I would like NEJAC to advise EPA, specifically the DFO and OEJ, to establish, at minimum, a procedure for timely notifying public commenters if any of their information is not being distributed to NEJAC members, for whatever reason(s) which should be explained in the done notification and so in time for the commenter to remedy the problem before the end of the commenting period. Better yet, a simple boilerplate acknowledgement that comments and additional materials have been received and approved for



distribution would be a professional courtesy to commenter(s) for assurance that their efforts are appreciated and are being duly recognized.

Personally, I learned of the rejection of my additional materials only by happenstance, from inquiry by NEJAC member Ayako Nagano when I happened to hear Mr. Jenkins's response to her inquiry about my additional materials, citing his concern about copyright infringement. Fortunately, I did learn of the problem and had resources available to remedy the problem with my subsequent email the following day; otherwise, my intense efforts for the meeting would have been largely for naught and a tremendous waste of time. There is a great learning curve for many of us, and I understand the newness of directives from White House leadership and am very thankful for all NEJAC and the EPA are doing to advance the new initiatives, which will undoubtedly enhance the greatness of our nation and its moral leadership in today's world. Thank you.

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**Full Name (First and Last):** Sarah Bishop Merrill  
**Name of Organization or Community:** SAVE RGV  
**City and State:** Harlingen, TEXAS

**Type of Comment:** Present Comment at Meeting

**Brief description about the concern:** Please write a letter to EPA highlighting and quantifying the high risks and impacts of natural gas exports and detail the actions the EPA must take. As you know, we are already in a serious climate crisis, and each new fossil fuel project endangers our atmospheric and planetary health and safety. Methane, the main component of natural gas, traps heat up to 300 times worse than CO<sub>2</sub>, and being lighter than other components of air, it rises above them and traps the heat in. Evidence is clear: we have many more 100-degree days here than we did when I moved here in 2003. Storms are intensifying, and we alternate between droughts and floods, both of which are very dangerous, NOW, for our children and ourselves. Natural gas is NOT a good transitional fuel, and this form of processing fracked gas and cooling it down to MINUS 263 degrees F, making it liquid and suitable to load into the huge tankers that have to carry it all around the globe, if they can sell it to markets which aren't necessarily there. None of the LNG facilities proposed for the lovely upland lomas, and habitats of many listed and beautiful species here, have FIDs or final investment decisions. They aren't worth throwing "good money after bad," indeed! Thanks for hearing our concerns. The Worst-Case Scenario is also a necessary consideration: the methane leaks out and will accumulate in invisible pools, which can be ignited by a small fire or SpaceX explosion on the ground, after which the whole sky blows up for many miles all around. We saw a small version of this in the last launch failure/explosion within ten miles of the proposed LNG plants along Brownsville Ship Channel and near Boca Chica Beach and the Bahia Grande.

**What do you want the NEJAC to advise EPA to do? :** More studies, and a regular EIS rather than FERC's mere cursory evaluation set up for approval, ... though it's clear SIGNIFICANT HARM to our endangered and other listed species. Admit the truth: that the impacts of 2 LNG plants, the pipelines, the Port of Brownsville changes, roadways, and climate footprint are NOT insignificant as a whole, though also not alone or singly. Each LNG plant and SpaceX explosion has significant impacts on this delicate habitat and its many lovely creatures, including humans, beaches, and the beautiful Upland Lomas which are homes to endangered Ocelot, Aplomado Falcon, and other creatures. The sea grasses in the Bahia Grande, and the oyster beds in another body of water here are also threatened. STOP the LNG, prevent its construction, and relocate SpaceX where it cannot harm such a delicate habitat, the last pristine TX beach.

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**Full Name (First and Last):** Sally Stueber  
**Name of Organization or Community:** Harlingen  
**City and State:** Harlingen, TX

**Type of Comment:** Written Comment Only

**Brief description about the concern:** Natural Gas, and especially LNG projects, are NOT a transitional fuel and their cumulate carbon footprints are huge! The Environmental Protection Agency has authority, along with the Department of Energy and the Federal Energy Regulatory Commission, to review these project proposals and evaluate the impacts they will have on public health and safety, and they need to do a thorough analysis and consider the outsized impacts on environmental justice communities instead of continuing to issue permits. Toxic pollution from industrial facilities and associated processes disproportionately impacts the health of low-income neighborhoods and communities of color located near these facilities along the Texas and Louisiana Gulf Coast. A gas export project should not be permitted or allowed to proceed if it is causing disproportionate impacts on human health, the economy, or having social effects on communities of color and low-income neighborhoods.

**What do you want the NEJAC to advise EPA to do? :** Because the Trump "changes" to NEPO temporarily stopped the consideration of CUMULATIVE negative environmental effects of these dirty fossil fuel projects, I ask the National Environmental Justice Advisory Council (NEJAC) to send a letter that calls on the EPA to use their oversight to consider CUMULATIVE harms, and: Engage in the public comment process for any proposed LNG facilities to ensure that any projects approved by the Federal Energy Regulatory Commission have been properly and fully evaluated and environmental justice communities have been properly identified and impacts mitigated. Require state permitting agencies to include all of the associated infrastructure and facilities that are a part of the same project as a single source, so that cumulative emissions and their impacts on communities can be considered. This includes all infrastructure operated by the company behind the gas export terminal and all additional infrastructure or potential sources of pollutants on, near, or adjacent to the facility that are related to its operation. Adequate accounting for these emissions is necessary to evaluate the impacts of new gas export infrastructure. Require re-evaluation of a proposed LNG facility before any extension of a construction permit is granted. Many of these gas export facilities are seeking timeline extensions due to construction delays after permitting, the EPA must enforce their rules that after 18 months if construction has not started, permits are no longer valid and can only be extended in rare circumstances that include well documented justification. EPA must make clear to state permitting agencies that PSD construction permit extensions cannot be simply rubberstamped. Redesignate Calcasieu Parish as being in nonattainment with the National Ambient Air Quality Standard ("NAAQS") for nitrogen dioxide ("NO2").

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**Full Name (First and Last):** John Mueller

**Name of Organization or Community:** Independent supporter of The Fluoride Action Network  
**City and State:** Tulsa, Oklahoma

**Type of Comment:** Present Comment at Meeting

**Brief description about the concern:** I presented my concern at the meeting on August 18, and I am asking the NEJAC to consider this comment as well: Community Water Fluoridation is an egregious environmental injustice,

**What do you want the NEJAC to advise EPA to do?** : I want the NEJAC to advise the EPA, as the only federal agency authorized to establish and enforce drinking water quality standards and regulations, to ban the addition of fluoridating chemicals to public drinking water supplies and recommend to the CDC's Division of Oral Health that they reallocate all CWF related funding to alternative, focused community oral health care programs where needed most, for the underserved and poorer communities, where childhood tooth decay is documented at epidemic levels in inner cities and other underserved areas needing professional dental care.

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**Region 7: Iowa, Kansas, Missouri, Nebraska,**

None

**Region 8: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming,**

**Full Name (First and Last):** Cathy Collentine

**Name of Organization or Community:** Sierra Club

**City and State:** Denver, CO

**Type of Comment:** Written Comment Only

**Brief description about the concern:** Low-income communities and communities of color are impacted first and worst by climate disasters and building fracked gas export terminals contributes to and exacerbates the climate crisis. There are nearly two dozen proposed gas export projects or expansions, the majority of which are along the Texas and Louisiana Gulf Coast in communities that, for too long, have been overburdened by industrial pollution, including harmful air pollution. The Environmental Protection Agency has authority, along with the Department of Energy and the Federal Energy Regulatory Commission, to review these project proposals and evaluate the impacts they will have on public health and safety, and they need to do a thorough analysis and consider the outsized impacts on environmental justice communities instead of continuing to issue permits. Toxic pollution from industrial facilities and associated processes disproportionately impacts the health of low-income neighborhoods and communities of color located near these facilities along the Texas and Louisiana Gulf Coast. A gas export project should not be permitted or allowed to proceed if it is causing disproportionate impacts on human health, the economy, or having social effects on communities of color and low-income neighborhoods.

**What do you want the NEJAC to advise EPA to do?** : I ask the National Environmental Justice Advisory Council (NEJAC) to send a letter that calls on the EPA to use their oversight to:

1. Engage in the public comment process for any proposed LNG facilities to ensure that any projects approved by the Federal Energy Regulatory Commission have been properly and fully evaluated and environmental justice communities have been properly identified and impacts mitigated.
2. Require state permitting agencies to include all of the associated infrastructure and facilities that are a part of the same project as a single source, so that cumulative emissions and their impacts on communities can be considered. This includes all infrastructure operated by the company behind the gas export terminal and all additional infrastructure or potential sources of pollutants on, near, or adjacent to the facility that are related to its operation. Adequate accounting for these emissions is necessary to evaluate the impacts of new gas export infrastructure.
3. Require re-evaluation of a proposed LNG facility before any extension of a construction permit is granted. Many of these gas export facilities are seeking timeline extensions due to construction delays after permitting, the EPA must enforce their rules that after

18 months if construction has not started, permits are no longer valid and can only be extended in rare circumstances that include well documented justification. EPA must make clear to state permitting agencies that PSD construction permit extensions cannot be simply rubberstamped. 4. Redesignate Calcasieu Parish as being in nonattainment with the National Ambient Air Quality Standard (“NAAQS”) for nitrogen dioxide (“NO<sub>2</sub>”). EPA must take air quality nonattainment seriously and in the case of Calcasieu Parish, EPA should redesignate it as being in nonattainment with the National Ambient Air Quality Standard (NAAQS) for nitrogen dioxide (NO<sub>2</sub>). Recent air quality modeling conducted by the Magnolia LNG terminal and approved by the Louisiana Department of Environmental Quality demonstrates that air quality in Calcasieu Parish does not meet the NO<sub>2</sub> NAAQS. In fact, “[the] combination of impacts from Magnolia, the nearby sources shows that air quality in the area is more than four-and-a-half times the 1-hour NAAQS for NO<sub>2</sub>. Nitrogen dioxide is part of a group of highly reactive gases known as nitrogen oxides, which can cause or worsen respiratory diseases such as asthma, particularly among children and the elderly. Nitrogen oxides are also a precursor for ground-level ozone or smog. Because air quality in Calcasieu Parish is not meeting the NO<sub>2</sub> NAAQS, EPA must designate the area as being in nonattainment. Thank you in advance for your continued advocacy on behalf of impacted communities and public health.

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### **Region 9: Arizona, California, Hawaii, Nevada, the Pacific Islands,**

**Full Name (First and Last):** John Holtzclaw

**Name of Organization or Community:** - Select –

**City and State:** San Francisco CA

**Type of Comment:** Written Comment Only

**Brief description about the concern:** I ask the National Environmental Justice Advisory Council (NEJAC) to send a letter that calls on the EPA to use their oversight to: Engage in the public comment process for any proposed LNG facilities to ensure that any projects approved by the Federal Energy Regulatory Commission have been properly and fully evaluated and environmental justice communities have been properly identified and impacts mitigated. Require state permitting agencies to include all of the associated infrastructure and facilities that are a part of the same project as a single source, so that cumulative emissions and their impacts on communities can be considered. This includes all infrastructure operated by the company behind the gas export terminal and all additional infrastructure or potential sources of pollutants on, near, or adjacent to the facility that are related to its operation. Adequate accounting for these emissions is necessary to evaluate the impacts of new gas export infrastructure. Require re-evaluation of a proposed LNG facility before any extension of a construction permit is granted. Many of these gas export facilities are seeking timeline extensions due to construction delays after permitting, the EPA must enforce their rules that after 18 months if construction has not started, permits are no longer valid and can only be extended in rare circumstances that include well documented justification. EPA must make clear to state permitting agencies that PSD construction permit extensions cannot be simply rubberstamped. Redesignate Calcasieu Parish as being in nonattainment with the National Ambient Air Quality Standard (“NAAQS”) for nitrogen dioxide (“NO<sub>2</sub>”).

Thank you, John

**What do you want the NEJAC to advise EPA to do? :** I ask the National Environmental Justice Advisory Council (NEJAC) to send a letter that calls on the EPA to use their oversight to:

Engage in the public comment process for any proposed LNG facilities to ensure that any projects approved by the Federal Energy Regulatory Commission have been properly and fully evaluated and environmental justice communities have been properly identified and impacts mitigated. Require state permitting agencies to include all of the associated infrastructure and facilities that are a part of the same project as a single source, so that cumulative emissions and their impacts on communities can be considered. This includes all infrastructure operated by the company behind the gas export terminal and all additional infrastructure or potential sources of pollutants on, near, or adjacent to the facility that are related to its operation. Adequate accounting for these emissions is necessary to evaluate the impacts of new gas export infrastructure. Require re-evaluation of a proposed LNG facility before any extension of a construction permit is granted. Many of these gas export facilities are seeking timeline extensions due to construction delays after permitting, the EPA must enforce their rules that after 18 months if construction has not started, permits are no longer valid and can only be extended in rare circumstances that include well documented justification. EPA must make clear to state permitting agencies that PSD construction permit extensions cannot be simply rubberstamped. Redesignate Calcasieu Parish as being in nonattainment with the National Ambient Air Quality Standard (“NAAQS”) for nitrogen dioxide (“NO<sub>2</sub>”).

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### **Region 10: Alaska, Idaho, Oregon, Washington,**

**Full Name (First and Last):** Zanager Artis

**Name of Organization or Community:** Zero Hour

**City and State:** National

**Type of Comment:** Written Comment Only

**Brief description about the concern:** Low-income communities and communities of color are impacted first and worst by climate disasters and building fracked gas export terminals contributes to and exacerbates the climate crisis. There are nearly two dozen proposed gas export projects or expansions, the majority of which are along the Texas and Louisiana Gulf Coast in communities that, for too long, have been overburdened by industrial pollution, including harmful air pollution. The Environmental Protection Agency has authority, along with the Department of Energy and the Federal Energy Regulatory Commission, to review these project proposals and evaluate the impacts they will have on public health and safety, and they need to do a thorough analysis and consider the outsized impacts on environmental justice communities instead of continuing to issue permits. Toxic pollution from industrial facilities and associated processes disproportionately impacts the health of low-income neighborhoods and communities of color located near these facilities along the Texas and Louisiana Gulf Coast. A gas export project should not be permitted or allowed to proceed if it is causing disproportionate impacts on human health, the economy, or having social effects on communities of color and low-income neighborhoods.

**What do you want the NEJAC to advise EPA to do? :** I ask the National Environmental Justice Advisory Council (NEJAC) to send a letter that calls on the EPA to use their oversight to: Engage in the public comment process for any proposed LNG facilities to ensure that any projects approved by the Federal Energy Regulatory Commission have been properly and fully evaluated and environmental justice communities have been properly identified and impacts mitigated. Require state permitting agencies to include all of the associated infrastructure and facilities that are a part of the same project as a single source, so that cumulative emissions and

their impacts on communities can be considered. This includes all infrastructure operated by the company behind the gas export terminal and all additional infrastructure or potential sources of pollutants on, near, or adjacent to the facility that are related to its operation. Adequate accounting for these emissions is necessary to evaluate the impacts of new gas export infrastructure. Require re-evaluation of a proposed LNG facility before any extension of a construction permit is granted. Many of these gas export facilities are seeking timeline extensions due to construction delays after permitting, the EPA must enforce their rules that after 18 months if construction has not started, permits are no longer valid and can only be extended in rare circumstances that include well documented justification. EPA must make clear to state permitting agencies that PSD construction permit extensions cannot be simply rubberstamped. Redesignate Calcasieu Parish as being in nonattainment with the National Ambient Air Quality Standard (“NAAQS”) for nitrogen dioxide (“NO<sub>2</sub>”).

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## **CLOSING REMARKS AND ADJOURN**

**Ms. Sylvia Orduño**, NEJAC Chair, thanked everyone for the comments and questions and for being patient with the number of speakers. She stated that tomorrow has the business meeting as well as the reports from the workgroups. She gave the floor to Fred.

**Dr. Fred Jenkins**, DFO, thanked the public commenter and the guest speakers. He turned the meeting over to Mr. Tejada.

**Dr. Matthew Tejada**, Director, OEJ, thanked everyone and adjourned the meeting for the day.

**[WHEREUPON THE MEETING WAS ADJOURNED FOR THE DAY]**

## DAY 2

### WELCOME, INTRODUCTIONS, AND DAY 1 RECAP AND OPENING REMARKS

**Dr. Fred Jenkins**, DFO, welcomed everyone to Day 2 of the meeting. He thanked yesterday's speakers and commenters. He reminded the public that they have until two weeks after the close of the meeting to send written public comments to [NEJAC@EPA.GOV](mailto:NEJAC@EPA.GOV) and the remarks from yesterday provided by Deputy Administrator McCabe and all the senior EPA officials that responded to the NEJAC's recent 100 Day Letter to the administrator.

A copy of that letter is on our meeting website at:

<https://www.epa.gov/environmentaljustice/nationalenvironmentaljusticeadvisorycounselmeetings>. He handed the meeting to Mathew Tejada, the Director of EPA's Office of Environmental Justice.

**Dr. Matthew Tejada**, OEJ, thanked everyone for joining yesterday. I know we had a good meeting last night. He hoped it was a good meeting for the NEJAC members as well as for many of the folks who joined from the public. He stated that there are a number of report-outs to go through today from some of the NEJAC working groups. He noted that there is some business to attend to towards the end of the day, including discussion by the NEJAC members of what they heard last night and what they can do about it. There has been a flurry of emails and calls and texts, even last night during public comment from amongst regions, from folks within the Office of Environmental Justice and across the environmental justice program, other program colleagues.

That sort of thing always happens during NEJAC meetings, but he liked the level of participation and information that was given yesterday. There was an unprecedented level of activity across the board in terms of folks wanting to figure out how to be responsive, how to take in what we heard, how to really make the most of this moment that we have at EPA and across the federal government for advancing environmental justice. So, again, he really looks forward to hearing on those report-outs today from the working groups and carrying through with the rest of this NEJAC meeting, including some honoring of our NEJAC members who are going to be rolling off today and this will be their last meeting. He handed the meeting over to



Sylvia.

**Ms. Sylvia Orduño**, NEJAC Chair, stated that the Council is energized by knowing that there's still a lot of conversation happening coming out of yesterday's presentations and what they learned from the different leadership among EPA offices. They are really excited as a Council for what this administration is providing and also doing to making sure that EJ communities are being heard and that we can really be as effective as possible on this Council. She introduced herself and passed the meeting to her co-chair Na'Taki.

**Ms. Na'Taki Osborne Jelks**, NEJAC Vice Chair, introduced herself and expressed her appreciation to the Agency and the speakers from yesterday in response to the 100 Day Letter. She wanted to express her appreciation for the NEJAC members who will be leaving. She handed the floor to Mr. Tilchin.

**Mr. Michael Tilchin**, NEJAC Vice Chair, introduced himself and thanked all the OEJ staff and everyone who puts the meeting together. He was excited to hear the feedback they received to NEJAC's 100 Day Letter. He was sad to say goodbye to the outgoing members. He handed the floor back to Sylvia.

**Ms. Sylvia Orduño**, NEJAC Chair, invited all the members to introduce themselves by stakeholder group.

## **NEJAC WORKGROUP UPDATES**

**Ms. Sylvia Orduño**, NEJAC Chair, stated that they will hear updates from the different workgroups and any specific recommendations at this point. She wanted to get a sense of what they're work will look like into the fall and if there are any other things that they think are important for the Council to make note of. They know that they'll be following up some of their workgroup meetings with contacts in the different EPA offices, and so they know that their work will be even more informed come the next several weeks and months.

**Ms. Melissa McGee-Collier**, NEJAC Member, shared that the Community Air workgroup has been working on initiating contact with EPA's air program so that they can get more information about what they are already doing in regard to monitoring around communities. One of the big issues that's brought up is the fact that they are aware that EPA requires air monitoring for facilities as well as having an air monitoring network that the states operate.

Ms. McGee-Collier explained that the issue has to do with the fact that many times the air monitor or the air monitoring that takes place is not in close proximity to the communities and therefore is somewhat diluted and does not give an accurate measure of what the community is being polluted with or exposed to. One of the priorities with this particular workgroup is to identify what EPA is doing not only with the network monitoring but how communities can request or get better monitoring that's more accurate and more realistic when it evaluates, or it tells them what the community has been exposed to. Fred has initiated that meeting, and he's already met with leaders within the air program.

They've already talked about some things that they would like from this workgroup, which includes being a part of another advisory council that they have as well as having some smaller group conversations, more meetings, and so they are working to schedule those additional meetings that they've requested.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked the group for the report. She stated that NEJAC is interested in learning how the workgroup believes that there can be some ways to also connect where the funding needs are with where you see some of the priorities. She verified the names of all the members in that group. She then invited the Farm Worker and Pesticide group to go next.

**Dr. Jan Fritz**, NEJAC Member, stated there's not been a great deal of follow-up, so that's their starting point. They're, of course, interested in education and training for farm workers on the use of pesticides where they're working, the equipment, research on the pesticides and whether there's action on it and then how long it takes.

Dr. Fritz stated that they were happy that EPA banned a certain pesticide, but it took way too long to get there. She suggested that EPA look for alternatives to the pesticides and what kind of

support any other part of the government is giving to that.

**Ms. Cemelli de Aztlan**, NEJAC Member, stated that she reached out to a local farmer association, but she still has to follow up with them.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked the group for the report. She reiterated how important it is to hear about the experiences of farm workers. She apologized that they couldn't hear from the farm worker community in Florida because of audio issues. She invited them to come and join today if they're available.

**Dr. Jan Fritz**, NEJAC Member, stated that there's another advisory committee for EPA that deals with farm issues, and she's already volunteered with Fred to work with that committee, but welcomed Sylvia to join.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked Ayako for joining the group. She then invited the next group to speak, finance and investment group with April and Sacoby.

**Dr. April Baptiste**, NEJAC Member, stated that they have done a number of meetings over the summer they're really focused on EJSCREEN. In the first part of that is trying to figure out how we might be able to improve on the screen, and two is looking at it from an EPA perspective. They've come up with some interesting variables and indicators budgets, and so they have a list of some of those that they might want to put forward in our letter. They also talked with Sheila Lewis in funding, so we can get a sense of how funding is done through OEJ. They're hoping to do a follow-up conversation with her, and then they're in conversations to have the chair of EFAB join our group as well to connect with them.

**Dr. Sacoby Wilson**, NEJAC Member, added that they've been really interested in trying to understand how this Justice40 initiative is going to play out across the federal family, but specifically talk to EPA about some of the pilot programs. The pilot Justice40 program and then different programs would fall into that bucket, but they really want to understand how the benefits will get the communities, how the EPA is making sure that they think about EJSCREEN, how we're microtargeting communities around EJ issues, and how they're also

microtargeting within those communities the people who need to do the work to improve the built environment.

**Ms. Cheryl Johnson**, NEJAC Member, stated that she was from the NEPA working group. The NEPA working group is building on the previous NEJAC efforts. Their goal is to produce changes in the NEPA to stringent environmental justice. NEPA needs the authority to address injustice and prohibit additional environmental burdens in EJ communities. And the NEPA process needs to go further and to actually bring benefits to EJ community to work towards eliminate environmental and health disparities.

Ms. Johnson stated that the group focuses on four areas. They are concerned that the public comment and engagement often do not lead to better decisions, so they're looking for best practices to make public engagement more effective and influential. Number two, also there's a lot of inconsistency in the way EJ analysis is conducted for an environmental impact statement. They want to find ways to strengthen EJ analysis and disproportionate impact reviews, perhaps through training and education. Number three, they are researching how EJ analysis can lead to concrete modification to propose actions, alternatives, and mitigation. And finally, they explore how the Title VI obligation might support EJ and equity outcome throughout the NEPA process. Since the NEJAC's 100 Day Letter, the working group has been reaching out to experts and stakeholders to better understand the current NEPA concern, especially in the light of the rollbacks. They believe that NEPA may require additional legislations such as requiring EJ analysis to give environmental justice consideration the power to prioritize the wellbeing of effective community to influence decision making.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked the group for their report. She stated that there were some pretty serious concerns about the NEPA rollbacks, such as do they think that this is work that can actually get completed this fall? Or maybe there's a need for additional workgroups that maybe are related to the workgroup, or perhaps even a call from the Council for new charges?

**Ms. Cheryl Johnson**, NEJAC Member, she stated that there is a bill that is pending, HR3684, which will have a tremendous impact, and it's part of the infrastructure bill that is going to have a negative impact as far as supporting some of the roll backs. She said that, even though

President Biden took away the executive order that was created by Trump, there's still a way that a lot of roll backs that will happen and influence the way the community be targeted with the infrastructure bill.

**Ms. Sylvia Orduño**, NEJAC Chair, invited anyone to add a comment.

**Ms. Millie Piazza**, NEJAC Member, stated that the group has met a number of times, and the conversation connects through frustration with trying to understand the rollbacks, trying to tap into information about what the status of reverse, like working on rollbacks.

**Ms. Ayako Nagano**, NEJAC Member, stated that she's still getting over the outrage that NEPA actually doesn't have teeth. The courts have deemed it as basically an advisement. People can do these studies but the agencies and the organizations doing the planning don't have to change anything based on their findings even if they find cumulative impacts. So that's really a source of outrage and they're talking about how to strengthen the application and the consistency of this. So how do we add more strength to what is a very important protection for the communities?

**Ms. Sylvia Orduño**, NEJAC Chair, stated that she hopes new members will join this workgroup in the fall. She asked the group if they see the need for any potential spinoffs of what they're doing because there's a lot to do.

**Dr. Sacoby Wilson**, NEJAC Member, stated that, last night, there were some discussions and comments around infrastructure and climate change. He added that there may be a need for an infrastructure group or an energy group. The problem is that there's not enough membership to populate those workgroups based on losing some members of some other workgroups.

**Dr. April Baptiste**, NEJAC Member, stated that she thought the Justice40 piece mandate itself is vague. Most people are attempting to understand what does this mandate mean, and how would you implement it while also trying to do the current work that we already have in place? If we don't understand the intersections between NEJAC, WHEJAC, and Justice40, that's a challenge.

**Dr. Sandra Whitehead**, NEJAC Member, stated that they have organized their areas of interest and advice into four categories: community engagement, regulation, cleanup, and emergency relief. The last time they came together, they had talked about these four areas in a general way. So, in creating that one-pager that Fred was talking about, they laid out our areas of focus in each of these four areas, and they are looking to partner with EPA offices.

So under community engagement, they're specifically interested in whether or not the regions are directly engaging with communities. Are there round tables around these chemicals? Are the EJ coordinators engaged? What does that look like? Are there regular meetings that can be established with the regions and headquarters to create some kind of a long-term communication and engagement strategy around the PFAS family of chemicals?

Dr. Whitehead explained the second category of engagement. They're interested in learning more about how our private well owners being engaged because ground water is ground water, and it doesn't know whether it's in a municipal system or in a private drinking system which are regulated at the state level, not by the EPA.

Dr. Whitehead continued with the third area of improving communication and engagement around public education with the risk to vulnerable communities. What are the standards for signage? Warning people not to eat the fish, for instance. Are there long-term engagement strategies to help residents understand what PFAS is and if it's in their water or in their water table?

Dr. Whitehead then talked about regulation. They know that there's some activity around the PFAS EPA Y plan and also in the office of chemical safety and with TSCA. So they would like to find out where that work stands and what is the status of addressing PFAS as a class of chemicals and providing standards so that every state doesn't have its own standard. Around cleanup, they want to know what are the priority communities? Where are they? How do they reach them? How are they working with the Department of Defense around former military bases and current military bases? What is the seepage, and how is that mapped? How do we look at that ground water and know where the PFAS is? Which communities might not have a

problem now, and how do we know about them? Is there some kind of interconnection including drinking water sources as brownfields? Can that be a way of getting help to these communities?

Dr. Whitehead continued with the last focus area of emergency relief. How is the EPA identifying needs within impacted communities? How long does bottled water, how long is it supplied, and what is the long-term solutions that EPA's proposing? So they are in the process of working with Fred to engage with the EPA offices and are particularly working with the office of chemical safety first.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked the group for the report and invited the last workgroup to speak, the water infrastructure led by Na'Taki.

**Dr. Na'Taki Osborne Jelks**, NEJAC Vice Chair, stated that they have been really trying to coalesce on what our priorities are. As a starting point, they're looking at eight priorities or needs that were addressed in the water infrastructure report submitted to EPA in 2019. Then, furthermore, they've begun to identify some other priorities that have emerged since that time as well as some ideas on some strategies that can be implemented to help EPA to really make some movement on the eight priorities that they previously discussed.

Dr. Jelks stated that the first priority of government is treating water as a human right. It was debated last time, not debating that water should be treated as a human right, but whether or not that is a palatable premise to work from when they're talking about working with EPA who is not the sole federal agency that has some purview over water-related issues. She asked, is that language going to impact whether or not they get some action on some of their priorities or is this the type of language that gets their reports shelved and gets ignored to some extent. They all agree that water should be treated as a human right as a moral standpoint – maybe there isn't a lot of legal backing to support that. She said that Sylvia had found some EPA's own language in which they've been talking about looking at human rights issues from a UN perspective, so they might have a bigger opening than they even think on that.

Dr. Jelks gave several examples of emergent issues such as climate change, flooding, droughts, issues around the COVID-19 pandemic and impact on water resources and places that need a swift and solid response to the issues in places like Flint and Benton Harbor, for instance, where we've had public comments this summer. There is a whole list of other things that they have come up with including urging Congress to appropriate more federal funding for water infrastructure for grants with less reliance on loans. Especially as they are prioritizing EJ communities, they want to encourage water utilities to diversify funding mechanisms for water infrastructure design and improvement, make sure that there is meaningful outreach conducted in EJ communities, develop policies and protocols with state water quality regulators to ensure that lessons from the Flint water crisis contribute to meaningful changes, enforce the lead and copper rule, and provide for safe drinking water until water utilities can fully ensure compliance with state and federal regulations.

Dr. Jelks explained conducting detailed infrastructure assessments, IE, asset management, and capital improvement plans. Especially in communities that are vulnerable, like EJ communities, they need to implement policies that mandate residents be informed any time lead or any other contaminants are found in their water at the household level. Making sure that those affected households are provided with information and assistance will allow them to take effective steps to protect those who have been impacted. Identifying inadequate enforcement of the Clean Water Act, the State Drinking Water Act, and the Lead and Copper Rule where states and local regulators are failing to do so will make sure that EPA is able to step in in these instances.

Dr. Jelks continued with also needing to work with federal and state agencies after a disaster to provide -- or EPA working with state and other federal agencies to provide -- immediate potable water in large quantities to meet the emergency needs of those communities and to maintain public health encouraging and supporting efforts to build local water system capacity including training operators and sharing best or promising practices. Then working directly with residents and EJ communities to educate those communities about water infrastructure issues, both from a formal or a non-formal perspective.

Dr. Jelks gave an example of how that could happen in a formal way that could include the development of trade craft programs in indigenous communities, and these programs could



contribute to those communities' water utility needs helping to produce plumbers or other vocational professions that are focused on water resources and water management.

Dr. Jelks also talked about having some time with folks from EFAB as well to talk about things that are overlapping. She invited others in the group to speak.

**Ms. Sylvia Orduño**, NEJAC Chair, questioned whether or not they can really do all of what they're talking about within this workgroup, especially in regard to drought and flooding. She also mentioned that they need to be more intentional around some of the issues with tribal nations and indigenous communities and part of that has to do with water, and how it is that they can get some legal protections and enforcement around some of the issues.

**Mr. Richard Moore**, NEJAC Member, brought up the fact that NEJAC has had non-NEJAC Council members as part of the workgroup. Many of those participants that represent grassroots organizations on the council are in unpaid positions, so everyone knows how hard they work. As Sylvia and Kelly brought up, want to flag issues of tribes as indigenous nations. Issues flagged as community air monitoring and people who have come before the council like Mossville and Manchester and testified, the longer we wait, they continue to be consistently impacted. He agreed that farmworker representation on the Farm Worker and Pesticide work group is important. They can invite someone that's not a NEJAC member to participate in the workgroup and some of them have been inviting outside groups to come and speak with them. For example, Sacoby will no longer be a member, but he will be resource because his expertise is needed on that workgroup

Mr. Moore wanted to flag several things to talk about. One is that they're dealing with those issues as indigenous nations with government relations with the U.S. government. As Sylvia and Kelly brought up, want to flag issues of tribes as indigenous nations. He noted community air monitoring and people who have come before the council like Mossville and Manchester and testified, the longer we wait, they continue to be consistently impacted. He agreed that farmworker representation on the Farm Worker and Pesticide work group is important. He wanted to point out with the financial and investment part the difference between Justice40 with NEJAC and WHEJAC being separate entities and that we need to be clear about the function of

each and make sure that interaction is taking place between both. The next one was NEPA and grassroots communities and how it took years to even get any environmental justice language into the NEPA. The next one was PFAS and how many of their communities are drinking contaminated water in that combination of PFAS. The last one was water infrastructure and that they're talking about water quality and water quantity. He believes that clean water is a human right and not a privilege. He finished the list by emphasizing that too many people have suffered long enough.

**Mr. Michael Tilchin**, NEJAC Vice Chair, wanted to pick up on what Richard said. On finance and investment, one of the issues is that we want to collaborate on are what investments are being measured, and how are those investments being tracked? How is the performance on investment going to EJ communities being reported on as funding is flowing, and what mechanisms are in place if the funding is flowing and a program is underperforming in terms of investments getting to the underserved communities? What's in place for corrective action? The Justice40 workgroup can play a role in working through those issues.

Mr. Tilchin added that an example in respect to water infrastructure was a tier one water shortage declaration on the Colorado River. That had never happened. That's the first time in the history of the United States. It's going to have huge impacts on access to water. Absolutely the tribes are going to be part of the groups that are impacted by this tier one emergency declaration.

## **HONORS COMMEMORATIONS & REMARKS FOR DEPARTING NEJAC MEMBERS**

**Ms. Sylvia Orduño**, NEJAC Chair, wanted to celebrate the immense participation in the meeting last night. That participation is vital to the success of the Committee.

Ms. Orduño then wanted to turn the meeting over to appreciating the hard work, participation, and energy of everyone, especially the seven who are leaving the Council. She said she will go through the list of each of them and ask Council members to say a few words of kudos and appreciation for their work. She invited Matt to speak.

**Dr. Matthew Tejada**, OEJ, started with saying how not only sad it is to see them go just because of the people they are, but the incredible contribution that each one of these people have made to the NEJAC over the last six years and to advancing environmental justice across the United States.

Dr. Tejada mentioned briefly Sacoby, who pushes everyone inside government, the NEJAC, and the people who come and comment; Cheryl, who speaks of the legacy communities; Richard, who is finishing his third tour and rooting us in history; Millie, who speaks of the farm workers and the dangers of pesticides; Melissa, who speaks up for Mississippi; Dennis, who speaks about water systems and clean ground; and Kelly, who speaks for tribal folks. They are receiving an award to commemorate their service here. He also said, “Once you’re on the NEJAC, you’re always on the NEJAC.” He looks forward to continuing to hear from them, to working with them, and he just can’t thank them enough for their leadership. He turned the meeting over to Sylvia.

**Ms. Sylvia Orduño**, NEJAC Chair, invited Karen to speak since she welcomed and processed them in.

**Ms. Karen Martin**, former NEJAC DFO, recalled that this the group that she started with and will end it together since she's moved onto the WEJAC. She said that it was an honor to be able to serve with them on the NEJAC, and she will miss them all. She said that she will continue to work with Richard since they're both going to the WHEJAC.

**Ms. Sylvia Orduño**, NEJAC Chair, reminded everyone to stay in tough and there will be an exit survey so they could actually get some advice/information about what you think they can do to be more effective, what they think worked well, and any recommendations they may have. She added that, just because they're no longer on the Council, their EJ work is not done.

**Mr. Michael Tilchin**, NEJAC Vice Chair, continued with kudos for each member.

**Ms. Ayako Nagano**, NEJAC Member, said that the outgoing class can be described as incredible leaders who carry boldness and clarity of purpose and speaking your truth.

**Ms. Millie Piazza**, NEJAC Member, described them as unapologetic, honest, and having integrity. They have brought such different styles and tones and volume and passion, and just the way that it's presented had helped her as a professional.

**Ms. Sylvia Orduño**, NEJAC Chair, invited each outgoing member to say a few words.

**Mr. Kelly Wright**, NEJAC Member, remembered when the group put him (a tribal representative) next to Melissa (a state representative) and how he thought there was a reason for that. He stated that, if we had people that were like her, we'd probably start liking the state people because she was a great example for him to watch and to learn from.

Mr. Wright recalled working with Mike on superfund sites. He applauded the efforts to get and the support from so many EPA staff and administrators in one meeting. He encouraged NEJAC to keep pushing because it's making a difference. The earth and now space needs to be protected.

**Ms. Sylvia Orduño**, NEJAC Chair, invited Melissa to speak.

**Ms. Melissa McGee-Collier**, NEJAC Member, thanked everyone for their kind words and that sitting next to Kelly was no accident; it was meant to be. She encouraged everyone to keep in contact and follow the advances that NEJAC has pushed for so long.

**Ms. Sylvia Orduño**, NEJAC Chair, invited Richard to speak.

**Mr. Richard Moore**, NEJAC Member, stated that it's never been about him; it's always been about the people. That's just the way our elders when they convened us 55 years ago and to a little village in northern New Mexico and said, young sisters and brothers. So, they asked three things, and he will never forget those three things for the rest of his life. This is what they operate under within Los Jardines Institute. One, never forget where you come from. Two, always remember whose shoulders you're standing on. Number three, always give back to others what's been given to you.

Mr. Moore had two or three quick things just to say this. First of all, he explained the history of how NEJAC started and how he became the first NEJAC Chair. He thanked everyone again for the love and support and friendship over the years.

**Ms. Sylvia Orduño**, NEJAC Chair, spoke a few words and invited Cheryl to speak next.

**Ms. Cheryl Johnson**, NEJAC Member, stated that it was an honor to serve, and that she had learned a lot and had grown as a person. She recalled the reason she joined NEJAC was because of her mother Hazel Johnson, also known as the mother of environmental justice, who was also a charter member of NEJAC. It's an honor for her to be here in the present following her footsteps and keeping her legacy alive because it's important. She reminded everyone how important it is to fight for environmental justice, to have the discussions, to look at the policies, to make changes that are fair and equitable for every community.

**Ms. Sylvia Orduño**, NEJAC Chair, invited Sacoby to speak.

**Dr. Sacoby Wilson**, NEJAC Member, stated that NEJAC was like family. He recalled several mentors he had over the years: Omega Wilson, Dr. Steven Wing, Mustafa, Carlton Eli, Gary Grant, Naina Muhamed, Ilfy Herin, Miss May, and lastly, Richard. He stated that he will be on the Science Advisory Board, so he will see them again to fight for EJ communities

**Ms. Sylvia Orduño**, NEJAC Chair, thanked everyone and announced that it was time for a break.

**[BREAK]**

## **NEJAC BUSINESS MEETING REFLECTION AND DISCUSSION MOVING FORWARD**

**Ms. Sylvia Orduño**, NEJAC Chair, thanked everyone for coming back after the break. The quorum was met with 16 members present. She asked Fred if there were any announcements before they get started with the business meeting. He replied, no.

Ms. Orduño stated that there are three items on the business meeting agenda. One will be the discussion about how they can more efficiently, affectively coordinate with the EPA program offices. The second part will be a follow-up conversation about the EPA EJ grant program. The last part will be about the Office of Environmental Justice becoming a national program office.

Ms. Orduño started with the first topic. How can we work more efficiently and more effectively as a Council with these EPA program offices? One idea was to change the meeting dates of the Office of Public Education and Engagement so that it wouldn't overlap with the NEJAC meeting because they have been pulling together some monthly environmental justice leader meetings with different groups across the country. Another idea was to have better engagement with the regions. She offered that a follow-up letter be written like a follow-up to the 100 Day Letter, in response to what they've shared. That way, as the AAs are thinking about what their written reports are going to be in the fall, they are also taking into consideration these other things that the Council has had a chance to think about and maybe reflect on. She asked if there was anyone who wanted to maybe start offering some initial feedback around that? She called upon Mr. Doyle.

**Mr. John Doyle**, NEJAC Member, raised a couple of thoughts. How can they handle capacity building, and how will it be financed?

**Ms. Sylvia Orduño**, NEJAC Chair, asked if those questions can be answered within the Council?

**Mr. John Doyle**, NEJAC Member, answered that he does. He explained that if we don't start now, then tough times lie ahead. That also ties into the climate change issues they raised. He asked several questions about that topic.

**Dr. Jan Fritz**, NEJAC Member, suggested that they revisit having meetings in the actual communities to see the issues and to hear from the people there. There were money issues that forced them to stop those bus trips.

**Ms. Millicent Piazza**, NEJAC Member, stated that there's a push to have more workgroups. Is that really the best idea since everyone is already stretched?

**Mr. Michael Tilchin**, NEJAC Vice Chair, said that just checking off the box that the program office met with NEJAC is not enough. There needs to be a collaborative, consultative, ongoing relationship that could take several forms. It could be there is a NEJAC liaison to a specific program office. Maybe there's a quarterly check in, something more than just one and done.

**Dr. Sacoby Wilson**, NEJAC Member, suggested that NEJAC needs to be decentralized. We gotta decentralize NEJAC. There needs to be regional centers that are providing outreach, consultation, technical assistance, connected to partners, connected to resources, dealing with basic needs, maybe doing a little bit with science, with partnerships with EPA. Create these regional capacity technical assistance centers and have regional NEJACs act as advisory boards.

**Ms. Sylvia Orduño**, NEJAC Chair, noted that eight council members over these two days did not attend. That's a quarter of the Council. She realizes that there are legitimate reasons why, but that plays into the capacity building aspect that was talked about. That lack of attendance also affects the working groups.

**Ms. Na'Taki Osborne Jelks**, NEJAC Vice Chair, commented on the point about working more efficiently with the program offices, and that they have to be very strategic and intentional. They need to get things in writing and respond back until there are results with respect to all of the issues that are raised.

Dr. Jelks commented on the grant programs. The money is getting bigger, but how do they really make sure that things are in place so that the communities can get the opportunity to take advantage of those funds? There are so many nonprofit groups out here who want to do good, want to work with EJ communities, who are very well poised to get that funding and perhaps to write in EJ groups, but how do they still continue to build that capacity? It's one of those things that nobody wants to really talk about because it takes time, it takes investment. This is the type of work that they've got to push forward if the benefits are truly going to get to the communities who most need those benefits.

Dr. Jelks expressed concern that she keeps hearing the same public commenters repeating their concerns and nothing is being done. She feels that their concerns are getting lost and that there needs to be a tracking methodology. Are they making sure that certain things are going to the regions? Are the regions responding back? Do they need to give the Council some responses on what they've done, how they've followed up with folks, what has happened since these last meetings? She's not sure that that is happening at the level that it should be. The Council listens, and they empathize, but if they are not following up to make sure that things are happening, trust will be lost.

**Mr. Richard Moore**, NEJAC Member, stated that even though there are regional EPA offices, there could be advisory committees set up within the region. The offices are overwhelmed, so the strategic plan of EPA needs to be connected to the strategic plan to the region.

Mr. Moore thinks there should be accountability on part of that strategic plan because that's connected to the testimony they're hearing and everything else that goes along with it. Sometimes you get strong regional administrators, other times you don't.

Mr. Moore said that one of the primary mandates right now of the EPA is for each program office is the integration of environmental justice and economic justice. He wants to keep putting an emphasis on the economic justice. There needs to be a meeting every three or four months to discuss that issue.

Mr. Moore then addressed the EPA EJ grants. He gave one example of a superfund grant. No grassroots group could apply for that technical assistance grant. There were requirements that were set out during that time period that totally eliminated the possibility of grassroots groups applying for a superfund technical assistance grant. He was happy that was changed, and that NEJAC were the ones who made that change happen.

The next example he gave were the educational grants. Grassroots group could never apply to them because they weren't a university. His suggestion is that any grants that the EPA has given



out, whether EJ small grants, educational grants, should be reported back to the NEJAC Council and made to the public of who's getting those grants.

**Dr. April Karen Baptiste**, NEJAC Member, asked if they are only discussing at this point the NEJAC discussion comments?

**Ms. Sylvia Orduño**, NEJAC Chair, she responded yes.

**Dr. April Karen Baptiste**, NEJAC Member, made a couple of comments. The first is getting updates from program offices on what is being done is important. She would really like to follow the problem from problem to solution, and she feels like that's just missing completely.

The second point she brought up was with the EJSCREEN and the tracking. There should be a way to track our public comments, the issues that are being raised. How many times did this public commentor come? To how many different public meetings did they show up on this particular issue, whether it is the fluoride issue, the Limetree issue in the Virgin Islands? Then let's see how these issues were addressed and tackled. These are the contacts of people that have been engaged. It builds in a layer of accountability.

**Ms. Karen Sprayberry**, NEJAC Member, wanted to see that EPA give out these community problem-solving grants, and bring people together to work together to address issues. She added that, with capacity building, there needs to be more groups involved. She agreed with April that there needs to be more tracking of the data of the complaints, the comments from public meetings, and what's been done to solve that issue.

**Dr. Benjamin J. Pauli**, NEJAC Member, agreed with everyone's suggestions. He said that he's glad these program offices are starting to reach out to us more proactively seeking to enter into dialog with them, but there needs to be more of an ongoing back and forth involved on the actual problem solving side, rather than just bringing things to our attention.

**Ms. Sylvia Orduño**, NEJAC Chair, echoed everyone's thoughts. She did a straw poll of who would support sending a written response addressing these ideas. A majority agreed. She

suggested a steering committee put one together.

**Dr. April Karen Baptiste**, NEJAC Member, suggested that the grant program target the groups who need the grants. She suggested that there be a registry with the EPA or with the Office of Environmental Justice so there is a database of these organizations, where they exist, the types of programs that they're working on, whether they had received grants, whether from the EPA or from other federal agencies. It could be another form of tracking. If they see that there aren't any community organizations in Puerto Rico and the Virgin Islands, for example, a large number of them that are registered, how do they send people out into the communities? An idea she had was using some of the new funds that are coming in to perhaps go out and try to target individuals and bring them into the fold so that they can get access to the funding.

**Dr. Sacoby Wilson**, NEJAC Member, suggested that NEJAC write and send a letter to Administrator Regan on the need for regional NEJACs at the state level. Wouldn't it be really more effective if there was original communication from the people to the state level? Then, if stuff is not happening, then you bring NEJAC and OEJ in. These regional NEJACs work with the state-level EJ Council's commissions. This brings NEJAC to the people. Then we can uplift the voices from those from the frontlines to the fence lines.

He stated that there used to be a database of communities. They just need to tweak the EJSREEN. There was a scoring approach, which is based off CalEnviroScreen. Those communities will be prioritized for funding. He agreed with April's idea of tracking who's getting the money and how it's being used. He reemphasized that 40 percent minimum should be going to those communities that we have now ranked either in the 73rd percentile, the 90th percentile, or 93rd percentile. He disagreed with giving money to the same group for the last 10, 15, 20, 25, 30 years without seeing results.

**Ms. Sylvia Orduño**, NEJAC Chair, agreed with Sacoby's comments

**Ms. Sheila Lewis**, Deputy Director, Office of Environmental Justice (OEJ), stated that they're always taking a look at how they can be more innovative and creative and reach communities that we haven't reached through our grant program. They've been carving out a certain amount of

funding for new grant recipients. If a group has never received one of their EJ small grants or CPS, then that kind of bumps them up on the list. They still have to score well, but it does bump them up on the list in comparison to an applicant that has received the grant. They have set aside up to a certain amount of funding for the even smaller organizations, like a micro organization, where you've got your really small nonprofits who may have five to ten staff. They can partner with the larger organizations, and that will give them the ability to get some experience and expertise and maybe even another program area and then working in the larger programs with the larger dollars.

**Ms. Sylvia Orduño**, NEJAC Chair, wondered if there has been a process or has there been consideration for a process where there could be pass-through grants for smaller organizations thereby reducing the application burden.

**Mr. Matthew Tejada**, Director, OEJ, stated that there would be a meeting being held the next day with four other offices about how to make that easier.

**Ms. Sheila Lewis**, Deputy Director, OEJ, stated that they want to make sure they get the right larger organization that is gonna be able to execute the program the way that they all would like it to happen. She liked the idea of these technical capacity-building centers because they've had conversations about that type of resource as well. The challenge is who would be a good fit for the lead on those centers, and how do you build those centers?

**Ms. Sylvia Orduño**, NEJAC Chair, asked if the Council will be okay with extending the meeting 20 minutes to finish this session.

**Dr. Na'Taki Osborne Jelks**, NEJAC Vice Chair, agreed that the capacity-building technical centers could have high overhead. She also suggested that these centers offer some grant writing training for communities outside of the grant cycle when the competitions were not happening. She wanted to ditto looking at these other opportunities for these pass-through grants, which can be really helpful, but they have to be very particular about who those bigger organizations are making sure that these are organizations that are in it truly to help build the capacity of these smaller groups.

**Ms. Karen Sprayberry**, NEJAC Member, suggested that the organizations that are experts at grant writing assist the smaller organizations, calling it technical assistance.

**Mr. Richard Moore**, NEJAC Member, emphasized when they make that run, they need to be totally inclusive. He gave several suggestions of institutions to help with the training of grant writing.

**Ms. Sylvia Orduño**, NEJAC Chair, hinted that there are complicated relationships with universities and to be careful of who's getting the credit and what they're doing with that credit. Is it for their uplifting or the good of the organization?

**Dr. Sacoby Wilson**, NEJAC Member, agreed with Sylvia's comments and gave examples of funding being diverted because they helped.

**Ms. Sylvia Orduño**, NEJAC Chair, suggested they turn to OEJ becoming a national program office. One of the things about helping to get some insurance around this is making sure that they really are pushing and promoting and insisting that OEJ become a national program office, not regulated to something small, something that's vulnerable, and something that is left to less effective than we need. The need is only growing. The problems are serious and severe. She stated that they should be drafting a letter to the administrator encouraging, supporting this, and believing that it has to be a priority.

**Dr. Matthew Tejada**, Director, OEJ, stated that that's a done deal as far as EPA is concerned. He wanted to know NEJAC's details of what that national program should look like. They are building in anticipation of what they're hoping to get from Congress. The bigger, more important play right now for EJ and this administrator at EPA is the upcoming strategic plan when it gets pushed into the budget. That strategic plan is what get pushed down into people's annual performance and reviews. It is what sets the research agenda, the National Enforcement. It directs the work for the Agency. He said he's trying to make as clear of commitments that are transparent as possible throughout the Agency because NEJAC and the communities are our best accountability measure.

**Mr. Richard Moore**, NEJAC Member, stated that it is not the responsibility of the government

to make decisions on what they priority issues are. That is not the responsibility of the government, whether it is the EPA or any other federal agency, to make priority decisions for them as grassroots people about what their priorities should be, on what the major issues that they should be working on. The government has its role. If they talk about bottom-up process, then they're talking about total inclusion of those that are most highly impacted around the decisions the government makes, government agencies make.

**Dr. Matthew Tejada**, Director, OEJ, agreed with why the name was changed. He stated that their number one lookout, though, is that nobody misconstrues what EJ is going to mean as a national program, that suddenly they're going to go do the job of EJ for everyone again, or suddenly they're going go out and tell the states what they need to be doing. It's about helping the states understand they need to go talk to their communities. They will be their partner in helping to figure that out, but they need to go talk to the communities and figure out how the communities need them to change their jobs, not us. It's just a level of support to help us be able to do that much better, much more robustly across the United States.

**Ms. Sylvia Orduño**, NEJAC Chair, noted that when the political winds change later, they will have something to go back and grab onto so that they're also making sure that they took a stand on this. She asked, is this something the Council also feels matters enough that they should put a letter forward to the Administrator saying, "We believe the OEJ should be a national program office?" Is this something the Council supports?

**Dr. April Karen Baptiste**, NEJAC Member, asked, what is it that the individuals that are severely impacted by injustices would like of an Office of Environmental Justice that becomes a national program? What does that mean? Does it change anything significantly from it being simple office of environmental justice within the EPA? She thinks it may be good to have some conversations about that as the letter is drafted because perhaps there might be suggestions as the capacity resources, other things that they would like that national program office to address, given that they're moving to a much higher level.

**Mr. Richard Moore**, NEJAC Member, reminded everyone that the NEJAC belongs to the people. The people are the ones that created the National Environmental Justice Advisory

Council. Engaging in that process then, those environmental and economic justice grassroots organizations should do exactly what April said to participate in the development of OEJ becoming a national program office.

**Ms. Sylvia Orduño**, NEJAC Chair, stated that the letter will definitely be something that's a matter of work in development.

**Ms. Karen Sprayberry**, NEJAC Member, reminded the new members that they can go look at the old strategic plans in the EJ 2020 and 2014. That might help.

**Ms. Sylvia Orduño**, NEJAC Chair, stated that there were enough hands raised to support the letter. She turned the floor over to Fred for the closing remarks.

#### **CLOSING REMARKS & ADJOURN**

**Dr. Fred Jenkins**, DFO, thanked everyone for a very productive meeting, his first meeting as the new NEJAC DFO. He also thanked the departing members for their true devotion and commitment to the NEJAC program. He then thanked specific people for their assistance.

**Ms. Sylvia Orduño**, NEJAC Chair, said she appreciated everyone's work and am delighted to have our next Council meeting with new members as we still continue to work with the members that are exiting.

**Dr. Fred Jenkins**, DFO, asked Matt to say closing words to close this off.

**Dr. Matthew Tejada**, Director, OEJ, said that Fred did a great job. He also thanked everyone for a job well done. He reminded them to be safe, take care of themselves and their loved ones.

**Dr. Fred Jenkins**, DFO, officially closed the meeting.

**[WHEREUPON THE MEETING WAS ADJOURNED]**



## NEJAC MEETING ADDITIONAL WRITTEN PUBLIC COMMENTS -- APPENDIX A

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## Flouride Studies Cited during August 18, 2021, NEJAC Public meeting public comments

- **Grandjean Benchmark Dose Analysis** <https://doi.org/10.1111/risa.13767>
- **Dental Fluorosis in the US** <https://www.sciencedirect.com/science/article/pii/S0147651321005510?via%3Dihub>
- **Urinary Fluoride Levels in Fluoridated Canadian Communities** <https://www.mdpi.com/1660-4601/18/12/6203/htm>
- **Critical Window of Fluoride Neurotoxicity in Canadian Children** <https://www.sciencedirect.com/science/article/pii/S0013935121006095>
- **High Fluoride Levels and Hypertension** <https://link.springer.com/article/10.1007/s00420-021-01714-x>
- **Low Fluoride Exposure in China and Intelligence** <https://www.sciencedirect.com/science/article/abs/pii/S0048969721024013>
- **Hip Bone Fractures** <https://ehp.niehs.nih.gov/doi/10.1289/EHP7404>
- **Op-ed: It is time to protect kids' developing brains from fluoride** <https://www.ehn.org/fluoride-and-childrens-health-2648120286/costs-outweigh-benefits>

The following linked references are pertinent materials published less recently:

- **National Research Council, Fluoride in Drinking Water, 2006, p. 222**  
<https://www.nap.edu/catalog/11571/fluoride-in-drinking-water-a-scientific-review-of-epas-standards>
- **Choi et al, Developmental Fluoride Neurotoxicity: A Systematic Review and Meta-Analysis, *Environmental Health Perspectives*, July 20, 2012**  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3491930/>
- **Bashash et al, Prenatal Fluoride Exposure and Cognitive Outcomes in Children at 4 and 6-12 Years of Age in Mexico, *Environmental Health Perspectives*, Sept. 19, 2017**  
<https://ehp.niehs.nih.gov/ehp655/>
- **Till et al, Community Water Fluoridation and Urinary Fluoride Concentrations in a National Sample of Pregnant Women in Canada, *Environmental Health Perspectives*, Oct. 10, 2018** <https://ehp.niehs.nih.gov/doi/10.1289/EHP3546>
- **Malin et al, Fluoride Exposure and Thyroid Function Among Adults Living in Canada: Effect Modification by Iodine Status, *Environment International*, Dec. 2018**  
[www.ncbi.nlm.nih.gov/pubmed/?term=till+malin+fluoride+thyroid](https://www.ncbi.nlm.nih.gov/pubmed/?term=till+malin+fluoride+thyroid)
- **Green et al, Association Between Maternal Fluoride Exposure During Pregnancy and IQ Scores in Offspring in Canada, *Journal of the American Medical Association Pediatrics*, Aug. 19, 2019** <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6704756/>
- **Riddell et al, Association of Water Fluoride and Urinary Fluoride Concentrations with Attention Deficit Hyperactivity Disorder in Canadian Youth, *Environment International*, Dec. 2019**  
<https://www.sciencedirect.com/science/article/pii/S0160412019315971?via%3Dihub>
- **Bashash et al, Prenatal Fluoride Exposure and Attention Deficit Hyperactivity Disorder (ADHD) Symptoms in Children at 6-12 Years of Age in Mexico City,**

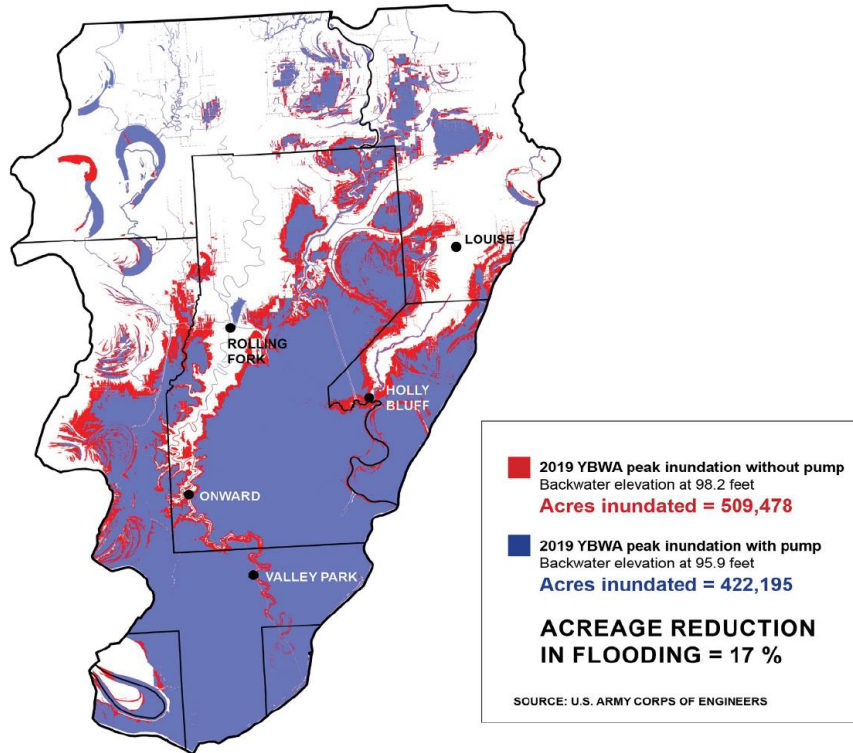
*Environment International*, Dec. 2018

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- **Malin et al, Exposure to Fluoridated Water and Attention Deficit Hyperactivity Disorder Prevalence Among Children and Adolescents in the United States: An Ecological Association, *Environmental Health*, Feb. 27, 2015**  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4389999/>
- **Till et al, Fluoride Exposure From Infant Formula and Child IQ in a Canadian Birth Cohort, *Environment International*, Jan. 2020 (originally issued online in 2019)**  
<https://www.sciencedirect.com/science/article/pii/S0160412019326145?via%3Dihub>

**2019 Flood Inundation Map-6-22-21 Cited during August 18, 2019 Public Comments**

**2019 Flood Inundation Map With and Without the Pumps**



Army Corps' data shows that had the Yazoo Pumps been in operation during the 2019 flood, 422,195 acres (shown in blue)—**83% of the lands that flooded in 2019**—would still have been underwater. Just 17% of the acreage that flooded in 2019—87,283 acres shown in red—would have been drained by the Yazoo Pumps.

### **Basel Acton Network August 18, 2021 Public Comment**

My name is Jim Puckett. I am Founder and Director of the Basel Action Network. BAN takes its name from the 1989 Basel Convention -- an international treaty on waste and waste trade. It has been called the world's first international environmental justice treaty. It was a treaty that was uniquely called for by poorer developing countries to prevent the richer developed countries from dumping wastes on them. Clearly the Convention is founded on the EJ principles of human rights, transparency and proportionate harm and benefits to all peoples regardless of race, nationality or economic status.

There are currently 187 country Parties that have joined the Basel Convention. Currently the US is not one of these. We are the only rich developed country that has NOT ratified the Convention – the environmental justice treaty.

I have been wanting to speak to the NEJAC for several weeks now to see if we can finally rectify this situation. So far, neither Republican nor Democratic administrations have seen the Basel Convention as an EJ issue. Neither have advanced the ratification of it in almost 30 years after its becoming international law -- a period in which domestic EJ came of age. Worse, the US government has actively opposed the Basel Convention's latest environmental justice achievements including the Basel Ban on export of hazardous wastes from rich to poorer countries, and the recent Plastic Waste Amendments to finally control the free trade in mixed and dirty plastic wastes. As a result, US corporations and persons can export and dump toxic and plastic waste with impunity.

Earlier this year over 130 major environmental and business organizations sent a letter to President Biden and the Secretaries of State, EPA, White House Council on Environmental Quality for Basel ratification. That letter remains unanswered. The California Legislature has passed a Resolution calling for the same.

With this intervention, I am calling on the NEJAC to take up the cause. The issue of global waste dumping is clearly an EJ matter so where are we? I would hope to be contacted after this meeting to discuss how together we can place this matter on the NEJAC agenda and once and for all, ensure that the US ratifies and embraces the Basel Convention and all of its amendments. I thank you.

### **Benchmark Dose Analysis August 18, 2021, Public Comments**

Grandjean, P., Hu H., Till C, Green R, Bashash M., Flora D., Tellez-Rojo M., Song P., Lanphear B., Budtz-Jorgensen E.; A Benchmark Dose Analysis for Maternal Pregnancy Urine-Flouride and IQ in Children; Journal of Risk Analysis; June 8, 2021 Available online at: <https://onlinelibrary.wiley.com/doi/10.1111/risa.13767>

### **CAA Report August 18, 2021, Public Comment**

Citation of Report Cited Zhang, Alicia, 2021; Equity in Community Choice Aggregation; A Case Study of Boston's Community Choice Electricity Program; A report submitted in partial fulfillment of the Boston University course EE538 "Research for

Environmental Agencies and Organizations.”

**Center for Biological Diversity-August 18, 2021 Public Comment**



August 19, 2021

Dear Members of the National Environmental Justice Advisory Council,

On behalf of the Center for Biological Diversity, we submit these comments in support of Justice40 and infusing all areas of federal work with environmental justice. Though outside of NEJAC's precise jurisdiction, we would like to encourage NEJAC members to publicly support and encourage Congress and the White House to enact a federal Renewable Energy Standard that champions a just energy future and squarely rejects fossil fuels and other false solutions embodied in proposals of the Clean Energy Standard ("CES") and Clean Electricity Payment Plan ("CEPP"). We cannot afford to maintain the status quo if we want any chance at addressing climate injustice and achieving President Biden's goal of 100% carbon-free electricity by 2035.

The recent Intergovernmental Panel on Climate Change (IPCC) report reminds us that the climate emergency is here, and time is running out to limit global warming to 1.5 degrees Celsius. The Panel underscores the urgency of "strong and sustained" reductions of carbon emissions and greenhouse gases to lessen the impact of climate events. Among the immediate actions our Congress and President should take to reduce emissions is passing a federal energy standard that excludes all fossil fuels and false climate solutions, including but not limited to: gas with and without carbon capture and storage and other fossil-based technologies; waste incineration and other combustion-based technologies; bioenergy including biomass, biofuels, factory farm gas, landfill gas, and wood pellets; new nuclear; and, new, large-scale and ecosystem-altering hydropower, and all market-based accounting systems like offsets.

False climate solutions obstruct our transition to a just, sustainable, and resilient future. Current CES proposals, like the CLEAN Future Act and Senator Tina Smith's 2019 CES, includes gas, carbon capture and storage ("CCS"), and other false solutions till at least 2035. Investing in these technologies would thwart President Biden's own plan to achieve carbon-free electricity by 2035.

Even more, false climate solutions like fracked gas are antithetical to climate science, equity, and the movement for anti-racism. Passing a CES (or now CEPP) simply undermines Biden's espoused commitment to environmental and racial justice; fossil fuels disproportionately harm BIPOC communities, the same communities who Biden has promised to direct 40% of the benefits of its clean energy investments. WHEJAC even explicitly called out these false solutions in its Justice40 policy recommendations as "Examples of The Types of Projects That Will Not Benefit A Community."

We are at a pivotal moment to center justice and the climate in all aspects of our infrastructure investments. It is clearer than ever that to advance environmental justice, build a more resilient electric grid, and comprehensively lower emissions the President and Congress must immediately move to reject fossil fuels and other false solutions and instead invest in

proven renewable technologies. Specifically, they must enact a RES that would:

1. Achieve a 100% renewable energy portfolio by 2030 for the U.S. electric grid, consistent with climate science and global equity, with at least a 25% carve-out for distributed renewable energy resources and storage.
2. Define a RES's qualifying energy as including proven renewable energy technologies like solar, wind, and geothermal, and exclude gas, carbon capture and storage, biomass, new nuclear, and other false solutions.
3. Invest in programs and regulations that advance environmental, social, racial, and ecological justice and guarantee 50% of investments in environmental justice communities and support for impacted worker communities.

The urgency of the climate and energy crises demand we not only rapidly phase out fossil fuels but replace that energy with genuinely renewable sources and energy efficiency. Over 700 organizations across the country have called on President Biden and Congress to pass a bold federal RES that champions a just energy future. We urge NEJAC and WHEJAC to join to call for investment in a just energy transition by urging the President and Congress to pass a RES or an electricity standard or payment plan that achieves the same goals.

Sincerely,



Jean Su  
Energy Justice Director  
Center for Biological Diversity  
1411 K St. NW, Suite 1300  
Washington, D.C. 20005  
415-770-3187  
[jsu@biologicaldiversity.org](mailto:jsu@biologicaldiversity.org)



Gaby Sarri-Tobar  
Energy Justice Campaigner  
Center for Biological Diversity  
1411 K St. NW, Suite 1300  
Washington, D.C. 20005  
202-594-7271  
[gsarritobar@biologicaldiversity.org](mailto:gsarritobar@biologicaldiversity.org)

### **Dental Crisis Report- August 18, 2021 Public Comments**

Sanders, Bernard, Chairman, Subcommittee on Primary Health and Aging U.S. Senate Committee on Health, Education, Labor & Pensions  
February 29, 2012; Report Dental Crisis in America: The Need to Expand Access

**Dong 2021 Dental Fluorosis in US from NHANES Data August 18 19, 2021**  
**Public Comments**

Haitao Dong, Xin Yang, Shixuan Zhang, Xueting Wang, Chunlan Guo, Xinyuan Zhang, Junxiang Ma, Piye Niu, Tian Chen; Associations of low level of fluoride exposure with dental fluorosis among U.S. children and adolescents, NHANES 2015–2016; Ecotoxicology and Environmental Safety 221 (2021) 112439

**EarthJustice August 18 19, 2021 Public Comments**





August 18, 2021

Submitted electronically to [nejac@epa.gov](mailto:nejac@epa.gov)  
Chairperson Sylvia Orduño  
National Environmental Justice Advisory Council  
Office of Environmental Justice  
U.S. Environmental Protection Agency [Mail Code 2201A]  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Chairperson Orduño and Members of the National Environmental Justice Advisory Council:

This letter requests that the National Environmental Justice Advisory Council (“NEJAC” or the “Council”) advocate for chemically overburdened communities by encouraging the proper implementation of the Toxic Substances Control Act (“TSCA”) through the work the Council is already conducting on TSCA chemicals in various NEJAC workgroups. In 2016, Congress amended a largely ineffective TSCA and established a new mandatory process to systematically evaluate and manage chemical risks. The amended law requires the U.S. Environmental Protection Agency (“EPA” or the “Agency”) to evaluate chemicals’ risks to “potentially exposed or susceptible subpopulations,” groups that face greater risks than the public, and then to issue regulations that eliminate any unreasonable risks to those groups. We believe that if the new statute were implemented correctly, it would provide important benefits for communities and populations that are most exposed or most susceptible to toxic chemicals. However, EPA has never properly implemented those provisions, and recent statements suggest that EPA may continue to define its TSCA obligations too narrowly, a decision which would violate the law and leave many communities at risk. **For this reason, we ask NEJAC to: (1) incorporate discussions about TSCA implementation into NEJAC workgroup meetings; (2) encourage the Office of Chemical Safety and Pollution Prevention (“OCSPP”) to consider a broad range of communities that are exposed to the TSCA chemicals addressed in workgroup meetings as potentially exposed and susceptible subpopulations; and (3) encourage OCSPP to consult with NEJAC and other environmental justice groups when determining how to evaluate and manage risks to those communities.**

**1. TSCA mandates a comprehensive review of a chemical’s exposures and risks.**

The risk evaluation process has three steps. Step one is prioritization, where EPA chooses batches of “high-priority” chemicals. 15 U.S.C. § 2605(b)(1)(B)(i). Step two is risk evaluation, during which EPA comprehensively evaluates a chemical’s exposures and risks and determines whether the chemical substance presents or will present an unreasonable risk of injury, without consideration of costs. *Id.* § 2605(b)(4)(A). The final step, risk management, requires EPA to impose restrictions to eliminate unreasonable risk. *Id.* § 2605(a).

NORTHEAST 48 WALL STREET, 15<sup>TH</sup> FLOOR NEW YORK, NY 10005

T: 212.845.7376 F: 212.918.1556 NEOFFICE@EARTHJUSTICE.ORG WWW.EARTHJUSTICE.ORG

EPA was required to skip over the lengthy prioritization phase for the first ten chemicals set for evaluation, which the Agency selected without a transparent process. The risk evaluations for these first ten chemicals have now been completed, and EPA found that each chemical presents unreasonable risk.

EPA is currently developing rules to address the unreasonable risks presented by each of the first ten chemicals through the risk management process and must release proposed risk management rules for all ten chemicals over the next six months, subject to limited statutory extensions. TSCA gives EPA broad authority to regulate the manufacture, processing, distribution, use, and disposal of chemicals, including releases that occur *after initial disposal* if the chemical is still resulting in exposure. This lifecycle-based review reflects TSCA's comprehensive approach to chemical risk management that considers the full extent of human or environmental exposure, including risks from chemical exposures that are or could be regulated under other laws.

In its risk evaluations, EPA must separately consider risks to “potentially exposed or susceptible subpopulation[s],” or groups that “due to either greater susceptibility or greater exposure” may face greater risks of harm than the general population from chemical exposures. *Id.* §§ 2605(b)(1)(A), 2602(12). If these groups face unreasonable risk, EPA must regulate those risks, even if the risk to the general population is not unreasonable.

## **2. Current TSCA implementation ignores chemically overburdened communities.**

The previous administration unlawfully excluded from the first ten risk evaluations all consideration of the communities surrounding the facilities where the evaluated chemicals are manufactured, used, or released. To its credit, the current administration has expressed its intent to reconsider that exclusion and to evaluate risks to impacted communities. However, recent statements made by EPA raise questions about the scope of those new analyses and whether they too will fall short of TSCA's requirements. In a recently filed remand motion in a case challenging the risk evaluation for the toxic chemical methylene chloride, EPA stated that it might analyze the exposures to “fenceline communities” that are located “within 100 to 1,000 meters of a source or sources that emit methylene chloride.” *See* Resp'ts' Mot. for Voluntary Remand at 12, *Neighbors for Env't Just. v. EPA*, Nos. 20-72091, 20-73276 (9th Cir. May 13, 2021), ECF No. 51-1. If adopted, this narrow definition would improperly limit EPA's scope of review and could have a negative impact on how EPA will address the risks to exposed communities as the Agency transitions to developing risk management rules.

The effects of high-volume chemical facilities can be felt well beyond 1000 meters, and such a limiting definition would do real harm to highly industrial regions such as: the Greater Houston area; Port Arthur, Texas; Mossville, Louisiana and neighboring towns; and communities along the Mississippi River between Baton Rouge and New Orleans in the area known as Cancer Alley. Further information about how this lack of analysis is a detriment to

these communities can be found at “Comments on Draft Scopes of the Risk Evaluations for the First Twenty High-Priority Substances under the Toxic Substances Control Act.”<sup>1</sup>

**3. NEJAC should support chemically overburdened communities by urging proper implementation of TSCA in NEJAC workgroups.**

EPA continues to make determinations under TSCA that are not protective of human health, or the communities most greatly affected by toxic chemicals. However, TSCA enables EPA to offer protections that go beyond most other environmental laws, because it compels EPA to eliminate unreasonable risk and allows EPA to do so by banning toxic chemicals or their most hazardous uses. As a result, TSCA can reinforce the work of NEJAC workgroups and provide an additional tool for their members. We are asking that NEJAC work with us to make sure that EPA lives up to the mandates of TSCA, and we ask that NEJAC:

- 1) Determine if any chemical at issue in a NEJAC workgroup is currently undergoing a TSCA risk evaluation or is subject to risk management rulemaking, and if a TSCA chemical is at issue, advise EPA’s OCSPP to take a broad approach to how the Agency defines “potentially exposed and susceptible” under TSCA, reevaluate its definition of “fenceline communities” in consultation with NEJAC and other environmental justice groups, and conduct separate analyses to determine if evaluated chemicals pose an unreasonable risk to communities.
- 2) Incorporate TSCA discussions into their existing workgroup discussions, ensure constant communication with EPA, and provide opportunities for strategic implementation of environmental justice throughout all stages of the risk evaluation process.

We also offer our team as a resource to NEJAC related to any TSCA risk evaluation issues.

Respectfully submitted,



Lakendra S. Barajas  
Earthjustice  
48 Wall Street, 15th Floor  
New York, New York  
(212) 284-8025  
[lbarajas@earthjustice.org](mailto:lbarajas@earthjustice.org)

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<sup>1</sup> Earthjustice et al., *Comments on Draft Scopes of the Risk Evaluations for the First Twenty High-Priority Substances under the Toxic Substances Control Act* (May 26, 2020), [https://earthjustice.org/sites/default/files/files/20\\_05\\_26\\_tx\\_la\\_tscs\\_first\\_20\\_hp\\_appx\\_rfs.pdf](https://earthjustice.org/sites/default/files/files/20_05_26_tx_la_tscs_first_20_hp_appx_rfs.pdf).

## **Environmental Working Group August 18, 2021 Public Comments**

### **Environmental Working Group comments for the National Environmental Justice Advisory Council (NEJAC) public meeting**

**August 2021**

The Environmental Working Group, or EWG, a nonprofit research and policy organization with offices in Washington, D.C., Minneapolis, San Francisco and Sacramento, Calif., submits comments for the August 18-19, 2021, meeting of the National Environmental Justice Advisory Council (NEJAC).

We thank the Council for its work and the advice and guidance it provides the Environmental Protection Agency to help with implementing environmental justice policies and protecting environmental health quality for all communities.

Our written comments, and the public remarks presented at the August 18-19 meeting, focus on the need to add drinking water as a metric in the EPA's Environmental Justice Screening and Mapping Tool, or EJSCREEN. This tool is based on "nationally consistent data and an approach that combines environmental and demographic indicators in maps and reports," according to the EPA's website.<sup>1</sup>

As the NEJAC members know, the 11 environmental indicators included in EJSCREEN are (1) National-Scale Air Toxics Assessment, or NATA, air toxics cancer risk; (2) NATA respiratory hazard index; (3) NATA diesel particulate matter; (4) fine particulate matter, or PM<sub>2.5</sub>; (5) ozone; (6) lead paint; (7) traffic proximity and volume; (8) proximity to Risk Management Plan sites; (9) proximity to treatment, storage and disposal facilities; (10) proximity to Superfund National Priorities List sites; (11) and wastewater discharges. These 11 metrics are important and essential indicators of environmental quality and environmental pollution risk.

However, a key metric is missing from EJSCREEN: drinking water quality.

### **Drinking water is an environmental justice priority**

EJSCREEN and peer-reviewed research have shown disparities in community exposure to air pollution exist at both national and local levels.<sup>2,3</sup> There is now growing evidence of similar disparities in communities' drinking water quality.

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<sup>1</sup> <https://www.epa.gov/ejscreen>

<sup>2</sup> Alvarez CH, Evans CR. (2021). Intersectional environmental justice and population health inequalities: A novel approach. *Soc Sci Med.* 269:113559. <https://doi.org/10.1016/j.socscimed.2020.113559>

<sup>3</sup> Ekenga CC, Yeung CY, Oka M. (2019). Cancer risk from air toxics in relation to neighborhood isolation and sociodemographic characteristics: A spatial analysis of the St. Louis metropolitan area, USA. *Environ Res.* 179(Pt B):108844. <https://doi.org/10.1016/j.envres.2019.108844>

Peer-reviewed studies report that community water systems serving areas with a greater percentage of people of color are more likely to experience worse drinking water quality compared to nationwide averages.<sup>4,5,6</sup> It is essential that EJSCREEN add a drinking water metric when assessing community environmental health disparities.

Adding a water quality metric to EJSCREEN would also aid in the development of more equitable policies for infrastructure investment to alleviate adverse impacts.<sup>7</sup>

As researchers in the field, our team is aware that studies on the geospatial distribution of drinking water contamination have been limited by the lack of comprehensive, centralized datasets on water use, water quality, and water service areas.<sup>8</sup> Although California has published geospatial analysis of drinking water data under the CalEnviroScreen program,<sup>9,10</sup> detailed analysis of drinking water quality for other U.S. states has not been conducted despite a vital need for such data.

We urge the NEJAC to emphasize to the EPA the importance of including drinking water as a metric in EJSCREEN.

### **Adding drinking water to EJSCREEN is practical, essential**

This approach is both practical and essential to document and recognize the full scope of environmental pollution impacts on communities. Increasingly, state agencies and academic researchers are developing and publishing geographic information system, or GIS, datasets for community water system service area boundaries, and these data can be integrated with the Census block and Census tract data.

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<sup>4</sup> McDonald YJ, Jones NE. (2018). Drinking Water Violations and Environmental Justice in the United States, 2011-2015. *Am J Public Health*. 108(10):1401-1407. <https://doi.org/10.2105/AJPH.2018.304621>

<sup>5</sup> Federnik KP, Taylor S, Roberts M. (2019). "Watered Down Justice." Natural Resources Defense Council, Coming Clean, and Environmental Justice Health Alliance. <https://www.nrdc.org/resources/watered-down-justice>

<sup>6</sup> Switzer D. and Teodoro MP. (2017). The Color of Drinking Water: Class, Race, Ethnicity, and Safe Drinking Water Act Compliance. *Journal - American Water Works Association*, 109: 40-45. <https://doi.org/10.5942/jawwa.2017.109.0128>

<sup>7</sup> Hansen K, Hughes S, Paine A, Polidori J. (2021). "Drinking Water Equity: Analysis and Recommendations for the Allocation of the State Revolving Funds." Environmental Policy Innovation Center. [http://policyinnovation.org/wp-content/uploads/SRFs\\_Drinking-Water-Analysis.pdf](http://policyinnovation.org/wp-content/uploads/SRFs_Drinking-Water-Analysis.pdf)

<sup>8</sup> Josset L, Allaire M, Hayek C, Rising J, Thomas C, Lall U. (2019). The U.S. water data gap—A survey of state-level water data platforms to inform the development of a national water portal. *Earth's Future*. 7, 433– 449. <https://doi.org/10.1029/2018EF001063>

<sup>9</sup> Bangia K, August L, Slocombe A, Faust J. (2020). Assessment of contaminants in California drinking water by region and system size. *AWWA Wat Sci*. e1194. <https://doi.org/10.1002/aws2.1194>

<sup>10</sup> Draft CalEnviroScreen 4.0. (2021). California Office of Environmental Health Hazard Assessment. <https://oehha.ca.gov/calenviroscreen/report/draft-calenviroscreen-40>

Such analysis must include comprehensive data on contaminant occurrence, available from state drinking water agencies that hold regulatory authority over public water systems in their states. Environmental justice screening and mapping tools should include demographic analysis and data on drinking water contaminant occurrences of both regulated and unregulated contaminants. The tools should also include information on compliance with health standards and monitoring requirements.

EWG has been conducting and compiling drinking water test data for all states since 2005. These are the results of drinking water testing that community water systems conduct to demonstrate compliance with drinking water quality regulations. The datasets are maintained by the agencies that regulate public water systems in each state. Our compiled dataset is available at <https://www.ewg.org/tapwater/>.

Drawing on this national dataset of drinking water contaminant occurrence, we conducted case studies that analyzed the patterns in the distribution of cumulative cancer risk due to carcinogenic contaminants in tap water compared to the demographic data from the U.S. Census. This study is under peer review, and we will provide the results to both the EPA and the NEJAC once the final article is published.

### **Much-needed first step: considering drinking water in EJSCREEN**

Using GIS data for community water system boundaries and contaminant occurrence data could help significantly advance analyses of community-level drinking water data, much like improvements in air pollution research have resulted in tangible benefits for local and national assessments of emissions and air quality.

The assessment of cumulative exposures that has already been applied to air quality should become a cornerstone for more comprehensive analyses of environmental quality, and future policies to improve environmental health in all communities, especially those that have historically experienced a disproportionate burden of pollution and may still have a disproportionate burden of pollution.

EWG recommends for state and federal government agencies to include geospatial, community-level data on drinking water contaminant occurrence in their research and policy initiatives to help address those burdens. Adding drinking water data as the 12th metric in the EPA's EJSCREEN is a much-needed step in that direction.

Submitted on behalf of the Environmental Working Group:

Tasha Stoiber, Ph.D.

Uloma Igara Uche, Ph.D.

Sydney Evans, MPH

## **EPA Letter Draft NEJAC 18, 2021, Public Comment**

August XX, 2021

The Honorable Michael Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Mail code 1101A  
Washington, DC 20460

Dear Administrator Regan:

At our meeting in August 2021, the National Environmental Justice Advisory Council received extensive information and public testimony requesting that the Environmental Protection Agency, in conjunction with other federal agencies, act to protect historically marginalized environmental justice communities from the impact of air pollution from Liquefied Natural Gas (LNG) export facilities. There are nearly two dozen proposed LNG export projects or expansions, the majority of which are along the Texas and Louisiana Gulf Coast in communities that, for too long, have been overburdened by industrial pollution, including harmful air pollution.

The climate emergency is worsening each day, and communities of color and low-wealth communities are disproportionately bearing the brunt of toxic fossil fuel pollution, crushing energy burdens, and climate disasters. Hundreds of top scientists say the most drastic effects of global warming can be staved off by moving away from fossil fuels, including fracked gas extraction and export, according to the recent United Nations' Intergovernmental Panel on Climate Change (IPCC). Given the Biden Administration's commitment to acting to mitigate the impacts of climate change and prioritizing support for impacted environmental justice communities, this expansion of LNG export facilities takes us in the wrong direction and we call for swift agency action from the EPA.

Fortunately, there are steps that federal agencies can take to help vulnerable environmental justice communities reduce toxic exposures from LNG export facilities listed below:

**We recommend that EPA engage in the public comment process for any proposed LNG facilities to ensure that any projects approved by the Federal Energy Regulatory Commission have been properly and fully evaluated.** Using EPA's authority to review and comment on these project proposals and ensure a thorough analysis on air emissions, including greenhouse gas emissions, and the impacts on environmental justice communities. Any gas export project should not be permitted or allowed to proceed if it is causing disproportionate impacts on human health, the economy, or having social effects on communities of color and low income neighborhoods and the EPA should engage at the highest levels to ensure these projects cannot move forward.

**We recommend that EPA require re-evaluation of a proposed LNG facility before any extension of a construction permit is granted.** For sources seeking multiple extensions of the Prevention of Significant Deterioration (PSD) construction deadline, EPA must require those





sources to re-evaluate all PSD permitting requirements. EPA’s regulations establish that “approval to construct [a new major stationary source] *shall* become invalid if construction is not commenced within 18 months after receipt of such approval, . . .” 40 C.F.R. § 52.21(r)(2) (emphasis added). Permitting agencies may extend that deadline only upon “a satisfactory showing that an extension is justified.” 40 C.F.R. § 52.21(r)(2). Moreover, to obtain a second extension of a PSD construction permit, the source must provide a detailed justification of “why [it] cannot commence construction by the current deadline,” and the application must include “a substantive re-analysis and update of PSD requirements.” EPA, Guidance on Extension of Prevention of Significant Deterioration (PSD) Permits under 40 CFR 52.21(r)(2) 5 (2014) (“EPA Guidance”). EPA must make clear to state permitting agencies that PSD construction permit extensions cannot be simply rubberstamped.

**We recommend that EPA redesignate Calcasieu Parish as being in nonattainment with the National Ambient Air Quality Standard (“NAAQS”) for nitrogen dioxide (“NO<sub>2</sub>”).** Air quality modeling conducted by the Magnolia LNG terminal and approved by the Louisiana Department of Environmental Quality demonstrates that air quality in Calcasieu Parish does not meet the NO<sub>2</sub> NAAQS. In fact, “[the] combination of impacts from Magnolia, the nearby sources, and the background . . .” shows that air quality in the area is more than *four-and-a-half times* the 1-hour NAAQS for NO<sub>2</sub>. Nitrogen dioxide is part of a group of highly reactive gases known as nitrogen oxides, which can cause or worsen respiratory diseases such as asthma, particularly among children and the elderly. Nitrogen oxides are also a precursor for ground-level ozone or smog. Because air quality in Calcasieu Parish is not meeting the NO<sub>2</sub> NAAQS, EPA must designate the area as being in nonattainment with the health-based standard. 42 U.S.C. § 7407(d)(1)(A).

**We recommend that EPA require state permitting agencies to properly define LNG sources to include all interrelated and interdependent facilities that are part of the same project.**

The requirements of the PSD program apply to “any new major stationary source,” and the “permitting authority must take into account the emissions from all parts of a single source when determining the applicable requirements and conditions for operation of that source.” 40 C.F.R. § 52.21(a)(2); *In the Matter of Seneca Energy, II, LLC*, Order on Petition No. II-2012-01, at (June 29, 2015). Federal and state regulations define a “stationary source” as “any building, structure, facility or installation that emits or may emit a regulated . . . pollutant.” 40 C.F.R. § 52.21(b)(5), (6). Both sets of regulations further define a “building structure, facility or installation”—and therefore a single “source”—to include “all of the pollutant-emitting activities” that:

- (a) belong to the same industrial grouping according to the federal government’s Standard Industrial Classification (SIC) system, (b) are located on one or more contiguous or adjacent properties, and (c) are under the control of the same person (or persons under common control).

*Id.*

As the D.C. District Court has explained, under “the plain language of the statute, and its obvious intent to regulate pollution attendant to the construction as well as the operation of the finished generating units,” the permit application must include the emission units that comprise of the facility’s structure. *Save the Valley v. Ruckelshaus*, 565 F. Supp. 709, 710 (D.C. Cir. 1983). In

other words, if there are numerous emitting units and the permit applicant plans to build the emitting units for the purpose of facilitating the operation of all the units and to “accommodate the needs of full capacity operation,” the overall structure of the facility must be presented in the PSD permit application. *Id.* at 710-711. “[I]f the EPA [or the state agency] did not have the opportunity to consider the cumulative impact of the additional construction resulting” from the other unit(s), “then the pollution control aims of the statute have not been protected.” *Id.* at 711. EPA must therefore make clear that all of the interrelated and interdependent emitting activities that make up operations of a proposed LNG project together comprise a single source of air pollution for purposes of the PSD program.

Thank you for your leadership and your attention to the needs and concerns of communities impacted by environmental justice issues and their constituencies. We look forward to hearing about the EPA’s response to these recommendations and timeline for implementation.

Sincerely,

**Featherstone 1998 August 18, 2021 Public Comment**

Featherstone, J. B. ; Prevention and reversal of dental University of California at San Francisco, San Francisco, USA caries: role of low level fluoride Community Dent Oral Epidemiol 1999; 27: 31–40 Copyright C Munksgaard 1999 Printed in Denmark . All rights reserved

**Fenceline Watch August 18, 2021 Public Comments**

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL  
August 18-19, 2021

Submitted via electronically: [nejac@epa.gov](mailto:nejac@epa.gov)

September 1, 2021

RE: NEJAC August 18-19, 2021 Meeting Public Comments

Fenceline Watch is a Houston-based environmental justice organization, dedicated to the eradication of toxic multigenerational harm on communities living along the fenceline of industry. We would like to thank NEJAC for the opportunity to provide comments on potential recommendations for NEJAC to consider.

I would like to start by commenting that on July 27, 2021 USEPA has scheduled WebEx listening sessions from 1:00-3:00pm EDT on identifying a pool of substances as potential candidates for prioritization, selecting candidate chemicals for and completing the prioritization process and assessing high-priority substances through risk evaluation which may be followed by risk management actions. Fenceline Watch has submitted recommendations to the EPA on TSCA, **Development of Tiered Data Reporting To Inform TSCA Prioritization, Risk Evaluation, and Risk Management; Notice of Public Meeting and Opportunity To Comment Docket: EPA-HQ-OPPT-2021-0436-0001. It has since closed on August 16, 2021.** This was one opportunity prior to formal comment for the public to submit recommendations. The following recommendations we are providing to NEJAC are pulled from our EPA recommendation and we seek NEJAC to review and support recommendations from grassroots environmental justice efforts from disproportionately affected areas of concentrated oil, gas and petrochemical activity. We are also including recommendations on much-needed air monitoring guidance, climate studies, a gulf coast workgroup and recommendations for EPA staff training.

## **A. NEJAC on TOXIC SUBSTANCE CONTROL ACT - (TSCA)**

### **I. Short Schedule Chemical Review**

More than 60,000 chemicals were allowed on the market without testing. With roughly 2,000 chemicals introduced every year, TSCA cannot afford to place the public health burden on the American public. By June 2016 under the Obama administration the Senate and House approved the Frank R. Lautenberg Chemical Safety for the 21st Century Act. Senator Tom Udall, D-N.M. championed this act which resulted in EPA review of a minimum of 20 chemicals at a time. The bill didn't provide EPA enough money to get through the backlog of old and dangerous chemicals.<sup>[1]</sup> We commend the current EPA's approach to developing methods that reflect the National Academies' approaches.

Bi-partisan amendments did not go far enough to protect public health. We want the EPA to be more proactive in evaluating new and existing chemicals before they cause irreparable harm to communities we live, work, quarantine in, and practice social distancing during the covid-19 global pandemic. We recommend the NEJAC consider the following recommendations:

**Where regulations are based on lists of hazardous chemicals, agencies should regularly review the lists and add new chemicals as appropriate through a rule-making process on a short schedule, such as every two years.** This would help agencies fill gaps and stay current.



- Strengthening commitments on chemicals with multi-generational effects such as endocrine-disrupting chemicals (EDCs) by developing a legally binding hazard identification that applies across-legislation and including provisions that will ban EDCs from consumer products (unless their use is deemed “essential”) in 2021-2022.<sup>[2]</sup>
- EPA should adopt a preventive approach to risk management as the default option, particularly for chemicals used in consumer products. This means that harmful chemicals won’t be used in products such as food contact materials, toys, cosmetics, furniture, and textiles. The approach would first cover chemicals that cause cancers or gene mutations, affect the reproductive or the hormonal systems, or are persistent, bioaccumulative, and toxic, and further include those chemicals that are toxic to a specific organ or affect the immune, neurological, or respiratory systems.
- Enforcement tax should be included for chemical review on facilities that use chemicals that are not currently reviewed to further research on them.
- Living in a predominantly Mexican American community we also see the language barriers with chemicals that are listed. We request EPA translate plain language summaries of these chemicals.

## II. Registration of polymers under TSCA

NEJAC should recommend EPA require the registration of all polymers, used as a basic ingredient of plastic, under the Toxic Substance Control Act. The current polymer exemption allowing certain polymers to bypass submitting Premanufacture Notice (PMN)<sup>[3]</sup> runs counter to EPA’s goal of making substances ineligible for exemption if they present an unreasonable risk to human health and the environment<sup>[4]</sup>. The current Polymer Exemption Guidance Manual published in 1997<sup>[5]</sup> and amended in 2010 to disallow longer chain length moieties<sup>[6]</sup> runs counter to modern prevailing science which demonstrates that polymer of any chain length containing perfluoroalkyl moiety presents risk irrespective of if bonded to carbon or sulfur<sup>[7]</sup>. **Polymers should be regarded as a regulated PFAS and exemption from PMN requirements should be sunset. Rulemaking should establish a review process for those polymers previously manufactured under the Polymer Exemption to be prohibited until a full Premanufacture Notice review has occurred.** Additionally, the addition of all polymers to TSCA should be followed by EPA obtaining basic information on polymers such as their formulation, toxicity, production/import volumes, as well as the names of companies manufacturing and importing these polymers. These measures would greatly improve the regulation of polymers and strengthen the RMP rule moving forward.

## III. Exemptions & Mixture Assessment Factors

- NEJAC should recommend that USEPA obtain basic information on **polymers (plastics)**, such as their formulation and toxicity, their production/import volumes, and the names of the companies manufacturing and importing them before they are allowed into the US.
- **NEJAC should also recommend EPA assess how to best introduce mixture assessment factor(s) (MAF) in the TSCA/USEPA regulation in 2022.** In



practice, this could help to address the mix of chemicals we are exposed to daily. However, the language here remains too non-committal as a mere assessment would not necessarily translate into a concrete use of the MAF. **With this recommendation we also request NEJAC push for cumulative impact statement (CIS) and incorporate this as part of the CIS.**

#### **IV. Community Access to Information, Transparency, and Whistleblower Protection**

The effectiveness of current TSCA procedures are severely limited for our communities due to a lack of access and transparency. Houston is home to nearly 1 million individuals that are considered Limited English Proficient, many of whom reside in communities that are situated next to RMP facilities that process TSCA chemicals. For these families, current TSCA rules do not serve them equitably as they are unable to ensure they are safeguarded in the same manner as English-speaking residents. Communities have a right to know in an accessible way. Information to the general public is vital as manufacturers, storage hubs and transportation of these potentially harmful chemicals disproportionately affect environmental justice communities for new and existing chemicals and manufacturers. Assuring community input is essential to eliminate the disparity leveraged by representatives of the chemical industry. We advise the inclusion of community input including communities with language disparities. In meeting recommend the use of the best available science and partnership with the National Academy of Sciences. We see a potential advantage to both EPA and communities across the nation to once again instill trust in the USEPA and scientific integrity<sup>[8]</sup>. Finally, given recent information on EPA meetings with industry representatives, lobbyists, and lack of outreach to community advocates or stakeholders we want to reinforce protections to courageous individuals, whistleblowers. Advocates, community members, and workers at facilities and within agencies strive to create a safe environment.

#### **V. Community Right to Know & Public Health**

Public health is essential, the under-resourced capacity of human health hazard assessors is appalling and we recommend the program increase capacity to better assess health consequences. We recommend chemical characteristics with hazards listed above be categorized and efforts of TSCA include a leg of community outreach. Categorizing chemicals, a better approach is to use chemical characteristics and basic thresholds to be used as a trigger under the emergency planning community-right-to-know act. We also request NEJAC recommend EPA require companies and manufacturers of new chemicals to provide safety and health information prior to introduction and certainly prior to entering the consumer market. All available health and safety information must be provided in the dominant language especially in communities where manufacturers disproportionately affect environmental justice communities that suffer from linguistic isolation like ours in the Houston Ship Channel communities. Community-based organizations like Fenceline Watch are consistently are forced to translate technical information not made easily available to our communities and those neighboring us. Information distribution is essential especially as regions with heavy concentrations of industries face frequent fugitive emissions and catastrophic events that force out communities to shelter-in-place.





The first incident was Wednesday, July 21, 2021, at 7:27 am at the DOW Chemical Plant spurring a voluntary evacuation within a half-mile radius and a city-issued shelter-in-place around the facility causing a release of hydroxyethyl acrylate (HEA/ ROCRYL) from a storage tank vent. According to the company, a reaction inside the tanker led to high heat levels, which in turn could become explosive. This chemical causes skin burns, eye damage, allergic skin reactions according to DOW.<sup>[9]</sup>

The second incident Tuesday, July 27, 2021, at 7:30 pm at the LyondellBasell chemical plant resulting in 2 dead and 30 people hospitalized and 100,000lb of a mixture primarily acetic acid<sup>[10]</sup> used in plastic bottles, industrial solvents, and other chemicals. Two people died on the scene, and five others were treated and released. Of the 30 hospitalized most were treated for respiratory issues and some for serious burns<sup>[11][12]</sup> On July 30, 2021, the outlet reported 2 workers filed separate lawsuits and claimed the company knew about the leak but did nothing.<sup>[13]</sup> I want to remind you that school is still not in session and that in the first case at 7:27 am children in the surrounding community had no choice but to stay-at-home potentially unaware of how to shelter-in-place. In Houston, July temperatures were in the 90s, and to shelter-in-place people must turn off air conditioning until the event is over.

## **B. WHISTLEBLOWER PROTECTIONS**

Our final recommendation is protections for whistleblowers in updated RMP standards. Protections against retribution and harassment for workers and those who speak up against violations and dangerous conditions are vital to properly executing the mission of the RMP rule. Such protections are especially important in light of recent disclosures that detail whistleblowers within the Office of Chemical Safety and Pollution Prevention at EPA being pressured into downplaying scientific findings, having their work altered without their knowledge, and EPA managers changing scientist assignments in retaliation<sup>[14]</sup>. Those workers who are willing to shed light on dangerous, illegal and potentially deadly situations must be robustly protected and recognized as vital to fully realizing the RMP rule. We recommend that updated RMP rules incorporate protections similar to those found in the recently introduced HR 2988 Whistleblower Protection Improvement Act of 2021 which strengthens the Whistleblower Protection Act of 1989 by expanding protections by prohibiting retaliatory investigations of federal whistleblowers, granting access to jury trials in federal district courts, and extending Title 5 protections to more federal workers.<sup>[15]</sup>

## **C. Climate Change Studies**

We recommend EPA to enter into an agreement with the National Academy of Sciences, the National Institutes of Health, and the National Oceanic and Atmospheric Administration to conduct a study and report on the environmental, public health, and environmental justice impacts of the plastic industry and its planned expansion, including the production, entire supply chain, end uses, disposal fate, and lifecycle impacts of plastic products. The study and report must also assess the best available technologies and practices that reduce or eliminate the environmental justice and pollution impacts of plastics facilities and associated infrastructure. These will inform EPA's revision of environmental regulations to mitigate these impacts. Aside from record-breaking high temperatures, droughts, and hurricanes states like Texas have experienced out-of-the-ordinary natural disasters such as the February Freeze. Unexpected extreme weather prompted mass power



outages and hazardous facilities releasing approximately 3.5 million pounds of pollution into the atmosphere.<sup>[16]</sup>

We appreciate the opportunity to make recommendations to NEJAC for your recommendations to EPA regarding the development of tiered data reporting to inform TSCA prioritization, risk evaluation, and risk management. We submit this set of comments on behalf of our and other fenceline communities that face concentrated operations at the fenceline of where we live, work, play, and thrive. We are the communities that absorb the unrecognized costs on our health, lives, and future and will continue to participate in every opportunity to help shape a better future for our families, friends, and neighbors.

#### **D. FENCELINE MONITORING**

With respect to RPM (Risk management plan facilities) requiring Federal Reference Method **(FRM) for fenceline monitoring** is essential to not only an early detection for worker safety but also to the toxic trespass of hazardous fumes and emissions that cross the fenceline. NEJAC must recommend EPA require guidance on fenceline monitoring specifications that monitor face vulnerable receptors (homes, community centers, parks, schools, etc.). All fenceline monitors should be housed on a site easily displayed on their websites to ease community access. We recommend NEJAC not encourage or promote the use of PURPLE AIR MONITORING units. On April 17, 2019, US EPA's Tools and Resources Webinar Series on Low-Cost Air Quality Sensors presented by EPA staff in the Office of Research and Development's National Exposure Research Laboratory discussed the numerous downfalls to PURPLE. In our communities, the sensors last less than a year and in two cases only days before failing. This is due to the sensitivity to humidity which is part of our natural environment in the Gulf Coast. Additionally, these sensors give communities a false sense of safety because as they do not monitor for toxics or all NAAQS pollutants. As a grassroots Environmental Justice organizer dedicated to community information low-cost, rudimentary air quality sensors are a great teaching tool but by no means a replacement for much-needed FRM monitors that do provide invaluable information to our community and make them aware of the needed efforts to lower toxic emissions that create multigenerational effects.

##### **I. Monitor Guidance**

Monitors should also be regularly maintained and working. They should remain operational during crises and natural disasters because it is especially important to understand the emissions and relay them to community members. During Hurricane Harvey 8,000,000 (eight million) pounds of emissions were released during and after the storm in 4 counties, including the largest county in Texas and fourth-largest in the nation Harris County. All counties are also part of a nonattainment area that has never met federal requirements since the establishment of the clean air act. Currently, Texas as a state has failed one ozone standard and is on the path to fail the second one in the weeks ahead. Houston-Galveston-Brazoria (HGB) has failed every standard. According to the TCEQ own information, the Houston-Galveston-Brazoria attainment deadline for the 0.075ppm 8-hour (2008 Standard) is up July 20, 2021 followed by the 0.070 ppm 8-hour (2015 Standard) August 3, 2021. Under these conditions' communities like ours in the heart of the petrochemical complex are suffering as we face and continue to endure emissions from the winter storm Uri, nightly flaring, consistent upsets. EPA has also issued a finding of failure to meet Sulfur Dioxide national standards. The mortality rates of

lung and bronchus cancer<sup>4</sup> in Houston show that minority populations, especially black and Latino communities, are disproportionately impacted by the release of particulate matter from chemical manufacturing and industry when compared to white count parts. The longer this drags out the longer communities living next to refining, processing and fracking operations will have to be harmed by issues they should be protected from under national guidance.

As environmental justice communities, we want to see better enforcement of the National Ambient Air Quality Standard. **We request that NEJAC recommend EPA to place the pressure on Texas Commission on Environmental Quality (TCEQ) to make a State Implementation Plan (SIP) revision or have EPA pull the Texas SIP RACT/ RACM.**

### **E. CHEMICAL DISASTER, FINES & TOXIC ALERT SYSTEM**

Chemical disasters are more frequent in areas of concentrated production, storage and export. With local counties like Harris county shouldering the cost of chemical disasters from emergency response, toxic exposure, the closing of other forms of commerce taxpayers are forced to pay the cost in health and taxes. This does not allow an opportunity for the continued monitoring to assure the safety of our communities and the public spaces adjacent to these disastrous consequences. **We want NEJAC to recommend that EPA establish a fee** that requires annual testing for up to 10 years on any facility that has had a major incident affecting water, wetlands, agricultural areas, and publicly used spaces i.e parks) with an annual report linking to initial incident. Enact a reassuring fee for facilities with a history of noncompliance toward first responders upon arrival to a facility gate even if responders do not attend to fire (pays into benefits/ pension), toxic alert system, and a fee that goes into a community benefits fund on facilities that require emergency services.

- We recommend NEJAC pressure EPA established a **toxic alert system** similar to Amber Alert, Inclement weather, or alerts during the Super Bowl all used a Text Notification, reverse 911. Texas legislature representatives supported these efforts when they introduced Texas House Bill 1927. Texas congresspeople championed this effort (Eddie Rodriguez of Austin, Hubert Vo of Houston, Jessica Farrar of Harris County, Jim Murphy of Houston, Mary Ann Perez of Houston) understanding the danger and cost their constituents carry. <sup>5</sup>

### **F. GULF COAST WORK GROUP**

Living and advocating in a region like the Gulf Coast with existing concentrations of disproportionate impact we request NEJAC start a Gulf Coast Work Group. This workgroup should tackle issues from areas disproportionately affected by the oil,gas and petrochemical to Extreme weather effects brought by climate change, industry and EPA's lack of action in our region including.

### **G. NEJAC RECOMMENDATIONS FOR FUTURE MEETINGS**

I appreciate the presence of interpreters but there were portions of the interpretation that were incomplete because of the speed at which presenters were speaking. Presenter Matt Tejada had numerous portions of his presentation where interpretation services were struggling. Also although his presentation included powerpoint slides with information the information was not referred to in detail which did not allow for the interpretation of the information on the slide deck. We recommend EPA provide training for EPA staff charged with communication to the public where

they can learn how to pace, present, and effectively communicate with the public and interpretation services.

We appreciate the opportunity to make recommendations to NEJAC and extend our organization as a resource to your efforts.

Yvette Arellano  
(they, them)  
Director | Founder, Fenceline Watch  
Houston, Texas  
fencelinewatch@gmail.com

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[1] <https://www.pbs.org/newshour/science/it-could-take-centuries-for-epa-to-test-all-the-unregulated-chemicals-under-a-new-landmark-bill>

[2] <https://www.ciel.org/reports/chemicals-strategy-for-sustainability-analysis/>

[3] <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/polymer-exemption-new-chemicals>

[4] <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/regulatory-determinations-made-under>

[5] <https://www.epa.gov/sites/production/files/2015-03/documents/polyguid.pdf>

[6] <https://www.regulations.gov/document/EPA-HQ-OPPT-2002-0051-0080>

[7] <https://pubs.rsc.org/en/content/articlehtml/2016/ew/c6ew00150e>

[8] <https://theintercept.com/2021/08/04/intercepted-podcast-epa-chemicals-whistleblowers/>

[9] <https://www.houstonpublicmedia.org/articles/news/energy-environment/2021/07/21/403730/la-porte-orders-evacuation-near-dow-chemical-plant/>

[10] [https://sor.epa.gov/sor\\_internet/registry/substreg/substance/details.do?displayPopup=displayPopup&id=90042](https://sor.epa.gov/sor_internet/registry/substreg/substance/details.do?displayPopup=displayPopup&id=90042)

[11] <https://www.theguardian.com/us-news/2021/jul/28/houston-chemical-leak-lyondellbasell-la-porte>

[12] <https://www.houstonpublicmedia.org/articles/news/energy-environment/2021/07/27/404355/at-least-2-dead-after-leak-at-lyondellbasell-chemical-plant-in-la-porte/>

[13] <https://www.houstonpublicmedia.org/articles/news/energy-environment/2021/07/30/404579/lyondellbasell-faces-at-least-2-lawsuits-over-deadly-la-porte-plant-leak/>

[14] <https://theintercept.com/2021/07/02/epa-chemical-safety-corruption-whistleblowers/>

[15] <https://www.congress.gov/bill/117th-congress/house-bill/2988/related-bills?r=60&s=1>

[16] <https://thehill.com/changing-america/sustainability/environment/542645-the-texas-storm-released-35-million-pounds-of>

## **Fluoridation Neurotoxicity August 18, 2021, Public Comments**

### **REFERENCES FOR FLUORIDATION'S NEUROTOXICITY**

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2. Choi et al, Developmental Fluoride Neurotoxicity: A Systematic Review and Meta-Analysis, *Environmental Health Perspectives*, July 20, 2012 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3491930/>
3. Bashash et al, Prenatal Fluoride Exposure and Cognitive Outcomes in Children at 4 and 6-12 Years of Age in Mexico, *Environmental Health Perspectives*, Sept. 19, 2017 <https://ehp.niehs.nih.gov/ehp655/>
4. Till et al, Community Water Fluoridation and Urinary Fluoride Concentrations in a National Sample of Pregnant Women in Canada, *Environmental Health Perspectives*, Oct. 10, 2018 <https://ehp.niehs.nih.gov/doi/10.1289/EHP3546>
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10. Riddell et al, Association of Water Fluoride and Urinary Fluoride Concentrations with Attention Deficit Hyperactivity Disorder in Canadian Youth, *Environment International*, Dec. 2019 <https://www.sciencedirect.com/science/article/pii/S0160412019315971?via%3Dihub>
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**Flouride Alert August 18, 2021 Public Comments**





Fluoride Action Network  
a project of the  
American Environmental Health Studies Project  
<http://fluoridealert.org/>

Karen Hacker, MD, MPH  
Director, National Center for Chronic Disease  
Prevention and Health Promotion  
Centers for Disease Control and Prevention  
1600 Clifton Road  
Atlanta, GA 30329

Via certified mail and electronic mail

June 23, 2021

Dear Dr. Hacker:

May I say at the outset how much I appreciate in this very difficult period for the CDC that you have taken time to represent Dr. Walensky on the issue of fluoride's neurotoxicity as it relates to CDC policy.

**Request for meeting**

I have now shared your response with the other 111 signers of our letter. As we believe the matter is urgent, before we respond to the arguments in your letter (see below) we would request a Zoom meeting with yourself and anyone else you may wish, together with the following experts in the field of neurotoxicity who have each agreed to present the latest science: Dr. Linda Birnbaum (former director of the National Institute of Environmental Health Sciences, NIEHS/NTP), Dr. Philippe Grandjean (the lead author of the Benchmark Dose analysis, discussed below), Drs. Bruce Lanphear and Christine Till (key authors of two of the NIH-funded IQ studies), and Chris Neurath (research director for the Fluoride Action Network, FAN).

We request this meeting because we believe the current and emerging science provides strong evidence that exposure to fluoride at levels associated with water fluoridation can have long term adverse effects on children's brains ranging from cognitive impairment to functional neurological disorders such as attention-deficit hyperactivity disorder (ADHD). Indeed, numerous experts have now likened the effect size to that of childhood lead exposure.

Despite the fact that the most important studies on neurotoxicity have been funded by the NIH, neither pregnant women nor parents who formula-feed their infants have been warned by the CDC to avoid fluoridated water. We feel this needs CDC's urgent attention.

We believe hearing from those directly involved in both the research and risk assessment in this matter would be a positive step to address this serious public health concern.

### **Response to the specific comments in your letter**

Your letter quoted excerpts from a cover letter from Dr. Savitz, chairman of the NASEM (National Academies of Science, Engineering and Medicine) committee that has twice peer-reviewed the National Toxicology Program (NTP) review of fluoride's neurotoxicity. However, we believe that these quotes don't do justice to either the NTP review itself or to the essence of the NASEM peer review.

The Fluoride Action Network is on record as praising the bulk of the NTP review while rejecting one specific claim made in both drafts ([http://fluoridealert.org/content/bulletin\\_11-20-20/](http://fluoridealert.org/content/bulletin_11-20-20/)). For a more extensive analysis of the NTP review by FAN's research director Chris Neurath see <http://fluoridealert.org/wp-content/uploads/neurath-2020.fan-dose-response-assessment-of-ntp-studies-with-corrections.pdf>.

In the conclusions to their first draft the NTP authors state:

**Conclusions:** NTP concludes that fluoride is presumed to be a cognitive neurodevelopmental hazard to humans. This conclusion is based on a consistent pattern of findings in human studies across several different populations showing that higher fluoride exposure is associated with decreased IQ or other cognitive impairments in children. However, the consistency is based primarily on higher levels of fluoride exposure (i.e. >1.5 ppm in drinking water). When focusing on findings from studies with exposures in ranges typically found in the United States (i.e., approximately 0.03 to 1.5 ppm in drinking water, NHANES (Jain 2017)) that can be evaluated for dose response, effects on cognitive neurodevelopment are inconsistent, and therefore unclear.

In our view, the claim that the studies conducted at less than 1.5 ppm fluoride "are inconsistent and therefore unclear" is incorrect. The implied threshold of 1.5 ppm does not exist. Indeed, as we make clear below, the highest quality studies conducted to date, namely the four NIH funded studies ([Bashash 2017](#), [Bashash 2018](#), [Green 2019](#), [Till 2020](#)), all found lowered IQ or increased ADHD at 0.7 ppm (the level recommended by the CDC to protect against tooth decay) or equivalent doses.

However, as FAN has already pointed out, even if we were to accept the erroneous notion of a threshold of 1.5 ppm, that would be insufficient to protect the whole population of

children drinking water at 0.7 ppm from this serious effect. It simply does not offer an adequate “margin of safety” to protect either for variation in dose or for the full range of sensitivity expected in a large population, which includes those most susceptible to harm.

### **The two NASEM quotes**

I will consider the two quotes from the NASEM cover letter in turn.

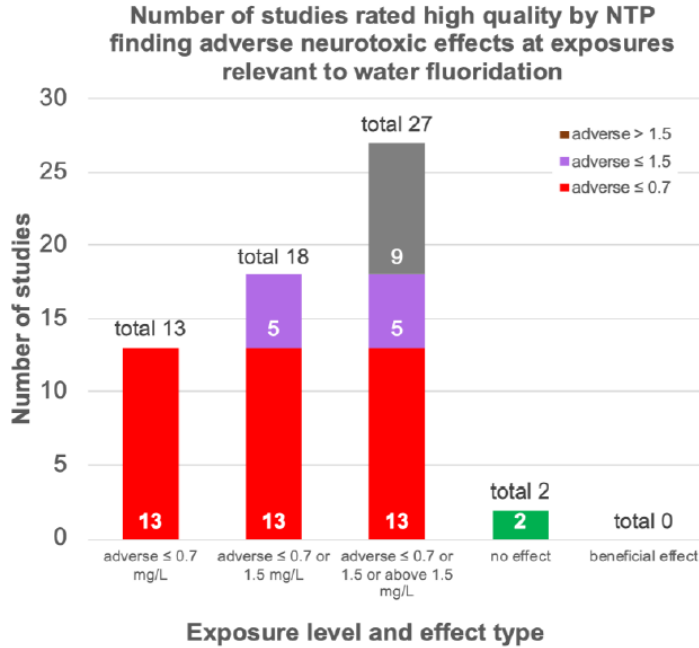
- 1) “Much of the evidence presented comes from studies that involve relatively high fluoride concentrations.”**

What the NASEM reviewers have done here is to drown out the important findings of the highest quality studies with the more numerous lower quality studies. Historically, a large number of IQ studies from China published between 1988 and 2017, comparing children’s IQ in high-exposed to low-exposed villages, were highly consistent in showing a lowering of IQ. These laid down a backdrop of concern (see Choi et al, 2012) that triggered the NIEHS (a division of the NIH), among other agencies, to fund studies of a more rigorous design. These were conducted at levels of fluoride experienced in artificially fluoridated communities.

In terms of *quality*, the four NIH studies published since 2017 are the highest quality design of all of the neurotoxicity studies conducted to date. Importantly, they specifically follow the WHO recommendations for evaluating health risks in children associated with chemical exposures ([WHO 2011](#)) by using validated biomarkers of individual exposures in well-designed prospective cohort studies of pregnant women, infants, and children with a longitudinal capture of exposures at critical windows and sensitive neurological end-points during childhood development. Most importantly, these four studies were all conducted in communities which were either fluoridated or had exposures that are typical of fluoridated communities at 0.7 ppm in the USA. All four studies found a significant lowering of IQ or increase in ADHD associated with fluoride exposure.

In terms of *quantity*, of the 29 human IQ studies for which the NTP gave a high-quality rating (i.e. low risk of bias), *thirteen* found a lowering of IQ at or below 0.7 ppm; *five* studies found a lowering of IQ at or below 1.5 ppm and *nine* studies found a lowering of IQ above 1.5 ppm.

The figure below, prepared by FAN Research Director Chris Neurath, presents this information graphically (based on [Neurath 2020](#)):



2) “(The) monograph cannot be used to draw conclusions regarding low fluoride exposure concentrations, including those typically associated with drinking water fluoridation”

In the *body* of the NASEM review the sentence (above) that you quote from Dr. Savitz’s cover letter was followed by this sentence,

“Drawing conclusions about the effects of low fluoride exposures (less than 1.5 mg/L) would require a full dose–response assessment....”

We agree with NASEM on this point. Fortunately, such a full dose-response analysis was published by Grandjean et al in the journal *Risk Analysis* on June 8, 2021 ([Grandjean et al 2021](#)).

The authors used a standard EPA risk assessment method (a Benchmark Dose Analysis) to predict that **a loss of one IQ point (in offspring) would occur at a maternal urine fluoride level of 0.2 ppm**. Studies in fluoridated communities in California and Canada indicate an average value in pregnant women 4 to 5 times higher than 0.2 ppm ([Uyghurturk 2020](#), [Riddell 2021](#)). Since this is a linear relationship it would translate into an average loss of 4 to 5 IQ points for children born to women drinking fluoridated tap water at 0.7 ppm.

An average 4 to 5 IQ point loss would further translate for an individual into an average loss of up to \$90,000 lifetime earnings<sup>1</sup> and at the population level it would approximately halve the number of gifted children (IQ > 130) and increase by about 50% the number of mentally challenged children (IQ < 70) ([Schmidt 2013](#)).

In your letter you state: “To date, CDC has not seen compelling changes in the evidence that alters its assessment of the favorable balance of benefits and potential harms at currently recommended levels for community water fluoridation in the U.S.”

Clearly, the signers of our letter disagree with your agency about what constitutes “compelling changes in the evidence” on potential harms, and specifically the dangers posed on the developing brain that have been found in the NIH-funded studies, coupled with the Grandjean et al (2021) BMD dose-response analysis.

For these reasons we feel a meeting between you and Drs. Birnbaum, Grandjean, Till, and Lanphear as soon as it can be arranged is crucial for protecting children’s health.

Many thanks for your consideration in this urgent matter.

Sincerely,

Paul Connett, PhD  
104 Walnut St.  
Binghamton, NY 13905  
607-217-5350

<sup>1</sup> It is generally accepted by the EPA and others that a loss of one IQ point results in an estimated reduction in life-time earnings for an individual of \$18,000 ([Grandjean 2012](#)). Thus, a loss of five IQ points would result in a loss of \$90,000 in lifetime earnings (5 X 18).

**Electronic copies sent to**

Linda Birnbaum  
Philippe Grandjean  
Bruce Lanphear  
Chris Neurath  
Christine Till

**Hard copies mailed to**

Dr. Rochelle Walensky and Dr. Anne Schuchat

## **Fluoridation August 18, 2021 Public Comment**

June 2, 2021

East Brunswick, NJ Township Council  
East Brunswick Municipal Building  
1 Jean Walling Civic Center Drive  
East Brunswick, NJ 08816

Dear Members of the Council:

My name is Amanda Sleeper, and I live in nearby Landenberg, PA. I have a Ph.D. in Neurobiology and Pharmacology from Yale University and am a wellness coach certified in brain health. I understand that your community is debating the question of water fluoridation. I am grateful for your careful consideration of the issue and want to share some personal insights into the practice. I realize you may have been told that water fluoridation is safe for everyone, but that has not been my experience.

I first became interested in water fluoridation in 2012 when I was diagnosed with a fluoride hypersensitivity. This was detected by an ALCAT test (attached), which examines reactions to food and chemicals. I was surprised by the finding since fluoride has been added to water for many years and is widely described as safe for everyone. I have lived in fluoridated communities my entire life. I did some research and learned that the dental benefits of fluoridated water are minimal at best. There is a small but significant portion of the population (at least 1%, based on scientific studies) that is hypersensitive to fluoride at the concentrations added to public water supplies. Within East Brunswick's population of 48,000, approximately 480 individuals will suffer significant harm to their health from hypersensitivity. There are a variety of associated symptoms (often debilitating) that include fatigue, brain fog, weakness, headache/migraines, gastrointestinal distress, and rashes. Further, I was horrified by the compelling body of research that shows fluoride is a neurotoxin to the developing brain, at concentrations added to public water supplies, and can cause loss of IQ and an increase in ADHD rates, impacting another significant portion of your population.

To evaluate the extent that fluoride was impacting my health, I decided to eliminate fluoride from my dental products and my drinking and cooking water. Fluoride is difficult to remove from water, requiring distillation or reverse osmosis filtration. I purchased a distiller, stopped using canned foods or beverages with unknown water sources, and stopped purchasing meals or beverages from restaurants. Within weeks I had a significant increase in my energy. I had chronic rashes on my hands that caused redness, itching, and chapped, cracking skin. This quickly went away, and I have not experienced it since. Further, I used to get many respiratory illnesses every winter, leaving me run down for weeks and requiring antibiotics. After eliminating fluoride, I have had very few infections and have recovered quickly without requiring antibiotics. In retrospect, I have dental fluorosis in my teeth (which I have attempted to minimize cosmetically at significant expense), and that was a clue that I was sensitive to fluoride exposure. My personal experiences, confirmed by the independent ALCAT test, show that my significantly improved health is a result of avoiding fluoride.

As you consider water fluoridation in your community, I urge you to consider those of us who are hypersensitive to fluoride. Including fluoride in the water treatment for dental caries denies the basic human right to informed medical care. If you desire potential dental benefits from fluoride, there are many cost-effective fluoride toothpastes. Conversely, removal of fluoride from tap water is expensive, and not within the reach of low-income families who cannot afford to protect themselves from this issue.

Again, thank you for your time and open-mindedness on this important issue. I urge you to end the practice of water fluoridation.

Sincerely,

A handwritten signature in black ink that reads "Amanda A. Sleeper". The signature is written in a cursive, flowing style.

Amanda A. Sleeper, Ph.D.

Enclosure: Amanda Sleeper Lab Report

## **Good Movement August 18, 2021, Public Comments**

August 11, 2021

To: U. S. Environmental Protection Agency Federal Advisory Committee Meeting

From: Andrea Sansom  
Red Hook, Brooklyn

Re: National Environmental Justice Advisory Council Virtual Public Meeting - Written Comments

Dear EPA and NEJAC -

Thank you for receiving my comments during this Public Meeting.

I am writing specifically with regard to Goods Movement and the need for EPA to update Goods Movement guidelines so as to reflect the proliferation of e-commerce last-mile facilities across the country.

I am relying on EPA's Response to the National Environmental Justice Advisory Council Report: Reducing Air Emissions Associated with Goods Movement: Working Toward Environmental Justice (the Report) for the purposes of referencing EPA/NEJAC Goods Movement Guidelines.

Current EPA/NEJAC Goods Movement recommendations date from 2009, and do not take into account the significant rise of e-commerce last-mile distribution and the manifold impacts on rural and dense urban communities alike.

Last-Mile Distribution as defined by Wikipedia:

*"Last mile is a term used in supply chain management and transportation planning to describe the last leg of a journey comprising the movement of people and goods from a transportation hub to a final destination."*

In recent months, there has been much attention paid by media and the press to the wide-ranging impacts of e-commerce last-mile facilities, ranging from:

- The increase in traffic accidents and a fraught claims process because Amazon.com, for instance, sub-contracts its delivery drivers and it's those drivers' insurances that often fail to adequately cover medical bills.<sup>1</sup>
- The loss of farmland and degradation of communities in rural Pennsylvania.<sup>2</sup>

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<sup>1</sup> <https://www.nytimes.com/2019/09/05/us/amazon-delivery-drivers-accidents.html>

<sup>2</sup> <https://www.nytimes.com/2021/05/26/business/lehigh-valley-warehouses-ecommerce.html>



- The favorable resolution of a lawsuit brought by Environmental Justice Organizations in California over e-commerce facilities which resulted in significant redress including air monitoring, electric fleets and charging stations, air purification, etc..<sup>3</sup>
- Attention has also been paid to last-mile solutions in other countries through the use of Neighborhood Pick-Up Sites, electric delivery trikes, maritime transportation solutions. <sup>4</sup>
- This [article](#) focuses on the disproportionate burden of e-commerce on communities of color.

There have been numerous studies on the manifold negative impacts of e-commerce last-mile facilities. Here are two:

- This [Report](#), done by Columbia University Senior Capstone Workshop in Sustainable Development is an excellent overview of the impacts of the rapid proliferation of Last-Mile distribution in NYC.
- [This one](#) done by The New School for The Newtown Creek Alliance includes recent environmental legislation in New Jersey that may be helpful in shaping regulations across the country.

There are organizations across the country, and around the world, working to mitigate the negative distribution impacts of e-commerce. <sup>5</sup>

I hope that all of the above can be considered as grounds for the need to update the EPA NEJAC Goods Movement Report, and that this update will include the manifold impacts and solutions surrounding e-commerce delivery modes.

Thank you very much for your consideration of the above.

Best wishes to all doing the hard work toward Environmental Justice.

-Andrea Sansom

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<sup>3</sup> <https://www.bloomberg.com/news/articles/2021-06-14/california-launches-new-war-on-warehouse-pollution>

<sup>4</sup> <https://medium.com/sidewalk-talk/the-future-of-last-mile-delivery-has-arrived-in-a-small-dutch-city-f2fd8e2c0263>

<sup>5</sup> <https://www.mapc.org/planning101/new-research-impacts-of-online-shopping-in-massachusetts/>

## Healthy Gulf August 18, 2021, Public Comments



P.O. Box 2245  
New Orleans, LA 70176

504.525.1528  
healthygulf.org

18 August 2021  
NEJAC Meeting

Naomi Yoder  
Staff Scientist, Healthy Gulf

I want to discuss liquified fossil gas (or LNG) terminals, including pipelines and facilities, and environmental justice. I want to urge the NEJAC to advise against any new LNG facilities being built (such as the Venture Global Plaquemines LNG terminal that is scheduled to break ground next month at the mouth of the great Mississippi River). I also want to ask the EPA to stop these facilities from being built or built out further. LNG has an outsized presence and therefore an outsized impact on the Gulf Coast. We're very concerned about the GHG emissions, wetlands destruction, and safety risks from the LNG industry.

In order to turn a gas into a liquid, extraordinary amounts of energy must be expelled. This creates an extraordinary amount of GHG emissions. In Louisiana, LNG plants will soon be (if they haven't already) the top emitters of GHG of any industrial point source in the state. As of 2019, Cheniere Sabine Pass LNG was already the third largest emitter of GHGs in the state, around 5 MMT/yr. Now there is one other similar size plant operating, and one more about to open its doors this year, in the same SW corner of Louisiana. We have added so much GHG emissions from these existing terminals already that we have essentially added another city the size of Baton Rouge to Louisiana.

As you also know, the impacts of climate change have an outsized impact on people of color. The Gulf Coast has become a frontline of climate justice due to increased intensity and frequency of hurricanes. This was illustrated in painful detail with the hurricanes last year in Southwest Louisiana and southeast Texas. Recovery from those storms is still far from complete, and Black and BIPOC communities bear the brunt of the lack of recovery. Black communities disproportionately suffer insecure and unsafe housing, underemployment, lack of food and even running water. This racist distribution of resources cannot be allowed to continue. I call on the NEJAC to use its powers of influence to stop the addition of greenhouse gases and LNG facilities to the Gulf Coast and especially SWLA and SE TX.

In addition, thousands of acres of wetlands that serve as storm surge buffers are eliminated in the name of LNG. And, I haven't even mentioned the vast "upstream" and "downstream" impacts of LNG such as the impacts from fracking. This is nothing short of a climate justice crisis. Please, stop the sacrifice zones and stop the LNG buildout.

On behalf of the Gulf South, I request separate public hearings with the NEJAC and with EPA, to discuss the LNG buildout.

A handwritten signature in cursive script that reads "Naomi Yoder".

**Immediate Action Required to Stop the Yazoo Pumps\_August 18, 2021 Public Comments**

## Immediate Action is Required to Stop the Yazoo Pumps

The Trump Administration Waived the 2008 Clean Water Act Veto and Approved Construction of the Yazoo Pumps in a Last-Minute Push to Build this Destructive and Dangerous Project

In 2008, the Environmental Protection Agency used its Clean Water Act 404(c) authority to veto the Yazoo Pumps to prevent “unacceptable damage” to “some of the richest wetland and aquatic resources in the nation.”<sup>1</sup> This veto has ensured protection of 200,000 acres of hemispherically important wetlands for more than a decade—wetlands that support 450 species of birds, fish and wildlife; are used by 29 million migrating birds each year; and include tens of thousands of acres of federal, state, and privately-owned conservation lands.

But in a reckless about-face, the Trump Administration’s EPA revoked this veto in a scant two paragraphs tucked within EPA’s November 30, 2020 comments on the Yazoo Pumps’ new draft supplemental environmental impact statement (SEIS). This revocation contravenes the veto’s extensive factual findings and was issued without the required public notice and comment. The Trump Administration’s Corps of Engineers then approved the Yazoo Pumps in a Record of Decision signed on January 15, 2021.

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**The Biden Administration can quickly restore protections to these hemispherically significant wetlands by taking the following actions, each of which is fully supported by an extensive factual record:**

- ✓ Vacate the Trump Administration’s illegal revocation of the Yazoo Pumps veto
- ✓ Reconfirm that the Yazoo Pumps veto prohibits the Trump Administration’s plan
- ✓ Withdraw the Corps’ deeply flawed Yazoo Pumps SEIS and Record of Decision

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**EPA’s unprecedented decision to exempt the Yazoo Pumps from the 2008 veto is insupportable.** EPA’s exemption contravenes the explicit and extensive findings in its own veto, and was issued without obtaining public input or providing a rational explanation for this unprecedented decision. Instead, EPA waived application of the veto in two paragraphs tucked within EPA’s otherwise scathing comments on the Yazoo Pumps draft SEIS. Indeed, EPA made its decision knowing full well that the SEIS relies on the same flawed wetland assessment methodologies decisively rejected by EPA in the veto because they severely underestimate and obscure the pumps’ significant, unacceptable impacts. But even the severe underestimate of impacts in the SEIS demonstrates that the veto covers the proposed pumps. The veto explicitly prohibits variations of the Yazoo Pumps that would harm more than 28,400 acres of wetlands; the SEIS acknowledges that a minimum of 38,744 acres of wetlands will be damaged.<sup>2</sup>

**The Corps of Engineers’ SEIS and Record of Decision are equally insupportable.** The Corps has approved construction of the already vetoed Yazoo Pumps despite acknowledging that the pumps are so ineffective they will leave 82% to 89% of flooded lands underwater, and will take weeks to months to drawdown floodwaters on the remaining lands.<sup>3</sup> The Corps’ fundamentally flawed SEIS ignores the U.S. Fish and Wildlife Services’ strong opposition to the project;<sup>4</sup> EPA’s scathing critique and determination that the project is prohibited by the Clean Water Act 404(b)(1) Guidelines;<sup>5</sup> and highly detailed technical comments and overwhelming opposition from the conservation community, scientific community, and the public.<sup>6</sup> The Corps issued the final SEIS just 4 days after the close of the public comment period on the draft, and signed the Record of Decision approving the project on January 15, 2021.

**The SEIS Recommends a Project That is Prohibited by the 2008 Veto:** The SEIS recommends construction of the same 14,000 cfs pumping station whose purpose, structure, operation, and impacts fall squarely within the scope of the 2008 veto—which explicitly prohibits plans that would harm more than 28,400 acres of wetlands.<sup>7</sup> The SEIS, which severely underestimates wetland impacts, acknowledges that the pumps will degrade more than 38,744 acres of wetlands.<sup>8</sup>

**The SEIS Recommends a Project That is Prohibited by the Clean Water Act 404(b)(1) Guidelines:** The Yazoo Pumps are clearly prohibited by the 404(b)(1) Guidelines because they: (1) are not the least environmentally damaging practicable alternative; (2) will clearly cause significant—and conclusively unacceptable, as documented in the EPA veto—degradation of the aquatic ecosystem; (3) rely on a wholly conceptual mitigation proposal that is woefully inadequate and infected by the very same fatal flaws identified by EPA in the veto; (4) will cause or contribute to violations of state water quality standards; and (5) will jeopardize the continued existence of the federally endangered pondberry. EPA’s comments on the draft SEIS highlight many of these failings.

**The SEIS Recommends a Project That Threatens Public Safety:** The vetoed Yazoo Pumps could create significant flood risks for communities in north Vicksburg and the Yazoo Backwater Area—concerns raised repeatedly by the conservation community and EPA. Operation of the Yazoo Pumps would put downstream communities on the receiving end of an additional 9 billion gallons of water a day when the Yazoo River is already at flood stage. Communities in the Yazoo Backwater Area could flood if that massive influx of water overtopped or damaged the Yazoo Backwater Levee, which is at risk of crevassing and is so low that it is not accredited to handle a 100-year flood.<sup>9</sup> Collapse of this levee would flood the very communities the pumps are purported to protect. The SEIS dismisses these concerns out of hand in a brief analysis<sup>10</sup> based on a model that an independent expert found to be so flawed that it “cannot be trusted to get a correct answer” regarding the impact of the Yazoo Pumps on flood levels in the Yazoo River.<sup>11</sup> The SEIS makes no effort to address this expert analysis.

**The SEIS Does Not Look at Even a Single Alternative to the Vetoed Yazoo Pumps:** The SEIS does not consider even a single alternative to the vetoed Yazoo Pumps, in direct violation of the National Environmental Policy Act, the Clean Water Act, and modern floodplain management techniques. The SEIS makes no mention of repeated requests to consider alternatives, including from EPA and conservation organizations whose scoping and draft SEIS comments proposed [a suite of proven, low-cost, natural infrastructure and non-structural measures](#) that would provide effective, sustainable, and environmentally sound relief to communities in the Yazoo Backwater Area.

**The SEIS Ignores a Wide Array of Devastating Impacts to Hemispherically Significant Wetlands:** The SEIS dramatically understates wetland impacts by looking only at some types of impacts to a small subset of wetlands, and by relying on scientifically unsound methodologies that were decisively rejected by EPA in the 2008 veto. The SEIS arbitrarily and severely restricts its review of wetland impacts to changes in the duration of inundation to the small subset of wetlands located within the 2-year floodplain that receive  $\geq 14$  consecutive days of flooding. These severe, scientifically unsound restrictions cause the SEIS to significantly understate impacts to wetlands and aquatic habitat, as made clear in the 2008 veto. Even this severe underestimate acknowledges degradation to at least 38,774 acres of wetlands in the 2-year floodplain.

- The SEIS Ignores Critical Impacts to the Many Rivers and Streams in the Project Area:** The SEIS does not assess impacts to the project area's many hydrologically-connected streams, even though the Pumps-induced wetland losses will likely reduce flows and increase sedimentation and nutrient pollution in those streams. These wetland losses could also reduce groundwater recharge in the project area, exacerbating low stream flows and the already-significant declines in the Mississippi Alluvial Plain aquifer.
- The SEIS Ignores Critical Impacts to a Vast Array of Fish and Wildlife:** The SEIS fails to assess critical impacts to a vast array of fish and wildlife, including by failing to fully evaluate the pumps' adverse impacts to internationally significant aquatic resources. For example, the SEIS does not fully evaluate the pumps' adverse impacts to internationally significant aquatic resources evaluate how many acres would no longer flood to a depth of 1 foot for 8 consecutive days with the Pumps in place, even though the SEIS makes clear that all fish spawning habitat would be lost in such areas. The entire analysis of waterfowl impacts is based on a single duck species even though more than 40 percent of the nation's waterfowl migrate through the project area twice each year, including more than 30 species of waterfowl that rely on bottomland hardwood wetlands. The shorebird analysis is limited to a few vague paragraphs even though up to one million shorebirds migrate through the project area twice each year, as highlighted in the 2008 veto. The U.S. Fish and Wildlife Service opposes the SEIS plan, and the Corps has refused to adopt recommendations that could alleviate some of the Services' concerns.<sup>12</sup> The Corps has not completed the required Endangered Species Act consultations, despite committing to do so before signing the Record of Decision.<sup>13</sup>
- The SEIS Mitigation Is Wholly Inadequate and Ignores Longstanding Legal Requirements:** Because the SEIS does not assess the full extent of the pumps' adverse impacts to hemispherically significant aquatic resources and wildlife, it cannot assess the amount of mitigation needed to offset those impacts. The SEIS also repeats the same mitigation errors identified in the 2008 veto by failing to identify specific mitigation sites, provide a detailed mitigation plan, and ensure adequate mitigation even for the severe underestimate of 38,744 acres of wetland impacts. Relying on the same functional assessment rejected in the 2008 veto precisely because it significantly understates lost wetland functions and significantly overstates mitigation outcomes,<sup>14</sup> the SEIS proposes just 2,405 acres of reforestation of yet-to-be-identified frequently flooded lands as in-kind mitigation.<sup>15</sup> This is 8,257 fewer acres of mitigation than proposed by the Corps in 2007; the SEIS also eliminates 52,900 acres of additional restoration that was a much-touted component of the Corps' 2007 proposal.
- The SEIS Does Not Provide an Estimate of the Project's Costs and Benefits:** The SEIS does not provide any information on the costs or benefits of the Yazoo Pumps, and as a result cannot demonstrate that the project's benefits will exceed the project's costs, as required by law. Construction costs have increased substantially since the last estimate provided by the Corps in 2007, and the SEIS proposes massive new construction at the Deer Creek location that has never been accounted for in a cost estimate; these changes have likely pushed the cost of construction to well over \$450 million. The SEIS does make clear that the pumps will provide little if any flood damage reduction benefits, acknowledging that 82% to 89% of the project area will still flood even with the Pumps in place, and the pumps will take weeks to months to drawdown floodwaters on the remaining lands.<sup>16</sup> The SEIS also highlights the extremely limited potential for agricultural benefits, noting that "agricultural crop acres benefited are expected to be 28,700 acres per year over the life of the project."<sup>17</sup> In 2007, the Corps acknowledged that 80% of project benefits would come from agricultural intensification.

- **The SEIS Has Not Undergone the Mandatory Independent External Peer Review:** The SEIS does not include a report—or account for the findings of—an Independent External Peer Review (IEPR) panel. The SEIS also makes no references to such a review being conducted, even though IEPR improves project planning and is required for this project as a matter of law.<sup>18</sup>
- **The SEIS Does Not Respond to Public Comments:** The SEIS responds to just one set of comments submitted by the public with a scant five paragraphs that dismiss more than 100 pages of detailed technical comments and an expert analysis denouncing the model used by the Corps to assess downstream flood impacts. The SEIS provides no response to any of the other 55,000 comments submitted by citizens, scientists, and public interest groups from Mississippi and across the country, including detailed technical comments submitted by more than 110 scientific professionals, the Society of Wetland Scientists, the Society of Freshwater Science, the North American Lake Management Society, the American Fisheries Society, more than 120 conservation and social justice organizations, and others.<sup>19</sup>

## Endnotes

<sup>1</sup> The 2008 Clean Water Act 404(c) Final Determination garnered overwhelming support from the Department of the Interior, more than 120 conservation organizations, 540 independent scientists, the Society of Wetland Scientists, the Association of State Wetland Managers, a former EPA Administrator, four former EPA Assistant Administrators for Water, a former Deputy Assistant Secretary of the Army for Civil Works, and 99.9% of the 48,000 comments submitted on the veto including 90% of comments submitted by Mississippi residents.

<sup>2</sup> SEIS, Appendix F-5 (Wetlands) at 33, 90; Final Determination of the U.S. Environmental Protection Agency’s Assistant Administrator for Water Pursuant to Section 404(C) of the Clean Water Act Concerning the Proposed Yazoo Backwater Area Pumps Project, Issaquena County, Mississippi (August 31, 2008).

<sup>3</sup> SEIS, Appendix C (Tables) at Table 5.3; SEIS, Appendix G (Engineering) at 135, Table 2-26.

<sup>4</sup> SEIS, Appendix M-2 (U.S. Fish and Wildlife Coordination Act Report).

<sup>5</sup> SEIS, Appendix E (Public Comments) at 34-44.

<sup>6</sup> More than 55,000 citizens, scientists, and public interest organizations from Mississippi and across the country submitted comments opposing the project during the draft SEIS public comment period, including more than 110 science professionals, numerous scientific societies, and more than 120 national, state and local conservation, faith-based, social justice, and recreation organizations.

<sup>7</sup> 2008 Clean Water Act 404(c) Final Determination at iii, 73.

<sup>8</sup> SEIS, Appendix F-5 (Wetlands) at 33.

<sup>9</sup> National Levee Database at <https://levees.sec.usace.army.mil/#/levees/system/5905000041/fema> (accessed November 6, 2020). Lack of accreditation means that the Yazoo Backwater Levee cannot protect Yazoo Backwater communities during flood events at or greater than the 1% chance of exceedance (100-year flood event).

<sup>10</sup> SEIS, Appendix G (Engineering) at 144-145, paragraph 177.

<sup>11</sup> SEIS, Appendix E (Public Comment) at 225-273.

<sup>12</sup> SEIS, Appendix M-2 (U.S. Fish and Wildlife Coordination Act Report).

<sup>13</sup> SEIS at 52 (“ESA coordination on the pondberry is ongoing and the Record of Decision would not be signed until coordination is complete.”)

<sup>14</sup> SEIS, Appendix F-5 (Wetlands) at 26; 2008 Clean Water Act 404(c) Final Determination at 28 and 47.

<sup>15</sup> The SEIS also proposes out-of-kind mitigation consisting of the installation of groundwater wells far outside of the project area that would result in even more groundwater pumping from the already severely-depleted Mississippi Alluvial Plain aquifer.

<sup>16</sup> SEIS, Appendix C (Tables) at Table 5.3; SEIS, Appendix G (Engineering) at 135, Table 2-26.

<sup>17</sup> SEIS, Appendix F-1 (Environmental Justice) at 9.

<sup>18</sup> 33 USC 2343(a) (making independent external peer review mandatory for civil works projects that cost more than \$200 million or are controversial).

<sup>19</sup> The SEIS does provide minimal responses to the comments submitted by EPA and the Fish and Wildlife Service.

## **John Mueller August 18, 2021 Public Comments**

Comments for NEJAC public comment meeting on Aug 18 & 19, 2021

Preparation date: July 18, 2021

The following is my prepared comment I plan to read at the meeting.

Good morning/afternoon. I am John Mueller, a private citizen activist and retired civil engineer in Tulsa, Oklahoma. You may recall I attended the June 17 NEJAC public meeting when, near the end, fluoridation was one of nine priority areas identified for further workgroup consideration. For this public meeting and comment period I am submitting by email a number of documents further supporting the argument that the policy of promoting fluoridation as being “safe and effective” must shift to a policy that promotes and materially improves oral health and oral health practices in targeted underserved areas where the need is already well known to be much greater.

Considering recent media coverage of corruption within the EPA (linked below), the context for a strategy for change must be on the foundation that corruption and collusion with corporate and special interests must end in order to begin restoring scientific integrity, not only for integrity’s own sake but also as called for in President Biden’s Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking, which he signed on January 27, 2021.

Restoring trust in government could easily begin with the flipping of a switch by EPA taking meaningful action which puts an immediate halt on any unethical influence from special interests and begins reversing the downward trend while giving the Biden administration tangible evidence of “walking the talk”. To that end I have a request with a rational solution.

Respecting the pending lawsuit, Food & Water Watch, Inc. et al v. EPA et al, filed under provisions of TSCA and currently in abeyance in the Federal District Court of the Northern District of California, I would like NEJAC to advise and recommend that EPA Administrator Michael Regan resolve that the EPA’s defense counsel in that case concede to the plaintiff’s petition and honorably defer to TSCA provisions allowing for citizens to petition for restricting the use of certain chemicals of concern. In this case, the citizen plaintiffs have petitioned for banning the addition of fluoridating chemicals to the public drinking water. And through superior advocacy by their legal counsel, they followed the law, presented their evidence along with expert testimony, while continuing to produce additional rectifying materials for evidence when requested and stipulated. For all intents and purposes, petitioners have won their case, and EPA should rightfully and respectfully concede. This concludes my three minutes; thank you.

Links to corruption articles: <https://www.nytimes.com/2021/07/12/climate/epa-pfas-fracking-forever-chemicals.html>;

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**Letter from 144 Scientists Yazoo Pumps DSEI August 18, 2021 Public Comments**

November 30, 2020

Via email: [YazooBackwater@usace.army.mil](mailto:YazooBackwater@usace.army.mil)

Colonel Robert A. Hillard  
District Engineer  
U.S. Army Corps of Engineers  
Vicksburg District  
4155 Clay Street  
Vicksburg, MS 39183-3435

Re: Yazoo Backwater Pumps Draft Supplemental Environmental Impact Statement 2 (October 2020)

Dear Col. Hillard:

The undersigned 114 wetland and aquatic scientists and professionals respectfully urge you to withdraw the highly problematic Draft Supplemental Environmental Impact Statement (DSEIS) for the Yazoo Pumps and abandon efforts to build this destructive project. The U.S. Army Corps of Engineers (Corps) should instead turn its attention to sustainable non-structural and restoration-based solutions that can provide multiple benefits to communities in the project area while protecting the region's exceptional natural resources.

In 2008, the Environmental Protection Agency (EPA) appropriately used its Clean Water Act 404(c) authority to veto the Yazoo Pumps because they would cause "unacceptable adverse effects" to many tens of thousands of acres of "some of the richest wetland and aquatic resources in the Nation" including "a highly productive floodplain fishery, substantial tracts of highly productive bottomland hardwood forests that once dominated the [Lower Mississippi River Alluvial Valley], and important migratory bird foraging grounds."<sup>1</sup> This veto was strongly supported by more than 540 wetland and aquatic scientists and professionals, and the Society of Wetland Scientists, among many others.

The wetlands protected by the Clean Water Act veto support more than 450 species of birds, fish and wildlife; provide vital migratory habitat to more than 40 percent of the nation's waterfowl and one million shorebirds; and "protect and improve water quality by removing and retaining pollutants, temporarily store surface water, maintain stream flows, and support aquatic food webs by processing and exporting significant amounts of organic carbon."<sup>2</sup> Many thousands of acres of these wetlands are located in National Forest and National Wildlife Refuge lands, state-owned conservation lands, lands enrolled in federal conservation programs, and lands purchased and restored as mitigation for previously constructed federal water projects—lands that taxpayer dollars have long paid to protect and manage for people and wildlife.

The Clean Water Act veto has ensured protection of these hemispherically important wetlands for more than a decade. But these protections would be eliminated under the DSEIS, which recommends

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<sup>1</sup> U.S. Environmental Protection Agency, Final Determination of The U.S. Environmental Protection Agency's Assistant Administrator for Water Pursuant to Section 404(C) of the Clean Water Act Concerning the Proposed Yazoo Backwater Area Pumps Project, Issaquena County, Mississippi (August 31, 2008) at i-iii, 72-73.

<sup>2</sup> 2008 Clean Water Act Final Determination at i.

construction of the same 14,000 cfs pumping station whose purpose, structure, operation, and impacts fall squarely within the scope of the 2008 veto.<sup>3</sup>

Disturbingly, the DSEIS does not evaluate a single alternative to this already-vetoed project despite numerous approaches that could sustainably reduce flood damages while improving the health of the region's vital wetlands—including moving people and property out of harm's way and enrolling lands in the wetland reserve easement program. It is equally troubling that the DSEIS does not adequately evaluate the risks of operating the Yazoo Pumps on public safety, as discussed below.

Notably, the DSEIS relies on methodologies explicitly rejected as improper by EPA in the 2008 veto; methodologies that by definition understate the project's impacts on the rich array of wetlands, rivers, streams, and wildlife in the project area. For example:

- **The DSEIS does not assess the full extent of wetland impacts.** Relying on a scientifically unsound methodology that was decisively rejected by EPA in the 2008 veto, the DSEIS improperly limits its assessment of wetland impacts to wetlands located within the 2-year floodplain that receive  $\geq 14$  consecutive days of flooding. The DSEIS further limits its assessment by looking only at changes to the duration of inundation on that small subset of wetlands; changes to the depth of inundation are not examined. The fundamental underpinnings of the science of wetland functions and values, ecological processes, ecosystem services, and fish and wildlife habitat requirements, make clear that the DSEIS has not assessed the full extent of wetland impacts.<sup>4</sup> Notably, however, even this arbitrary and severely limited assessment of just some types of impacts to a small subset of wetlands in the project area acknowledges adverse impacts to 38,774 acres of wetlands in the 2-year floodplain.
- **The DSEIS incorrectly assesses lost wetland functions.** The DSEIS relies on an assessment of lost wetland functions that was decisively rejected by EPA in the 2008 veto. The DSEIS utilizes the Corps' 2007 Hydrogeomorphic Approach assessment to calculate lost wetland functions,<sup>5</sup> despite EPA's conclusion in the 2008 veto that "certain modeling assumptions and factors used by the Corps in the application of [the 2007 Hydrogeomorphic Approach and Habitat Evaluation Procedure] tools lead to a significant underestimation of the proposed pumping station's adverse impacts on the aquatic ecosystem, as well as a significant overestimation of the project's environmental benefits."<sup>6</sup>
- **The DSEIS does not evaluate impacts on the multitude of large and small streams in the project area.** The DSEIS does not look at the impacts to the many streams in the project area, despite

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<sup>3</sup> The 2008 Clean Water Act 404(c) Final Determination covers impacts ranging from 28,400 to more than 67,000 acres of wetlands. The severely—and improperly—restricted wetland assessment in the DSEIS acknowledges at least 38,744 acres of wetland impacts.

<sup>4</sup> E.g., William J. Mitsch and James G. Gosselink, *Wetlands* (5th ed.) (2015) at 112 (even small changes in the extent and level of inundation of a wetland can cause "massive changes in species composition and richness and in ecosystem productivity.")

<sup>5</sup> DSEIS, Appendix F-5 (Wetlands) at 26 ("the [Functional Capacity Indices] scores reported in the 2007 FSEIS were selected to conduct the current analysis"). "Functional Capacity Indices (FCI) are the result of combining the [Hydrogeomorphic Approach] assessment's hydrologic, plant, soil and landscape indicators to estimate a change in function as the result of change in indicators." 2008 Clean Water Act 404(c) Final Determination at 28.

<sup>6</sup> 2008 Clean Water Act Final Determination at 47. A full analysis of the problems with the Corps' 2007 Hydrogeomorphic Approach analysis can be found at Appendix 6 of the 2008 Clean Water Act Final Determination.

the fact that the Pumps-induced wetland losses could lead to increased sedimentation and nutrient pollution, and to the reduction of flows in those streams. The Pumps-induced wetland losses could also reduce groundwater recharge in the project area, exacerbating the already-significant declines in the Mississippi Alluvial Plain aquifer.

- **The DSEIS does not propose adequate mitigation and does not comply with critical, mandatory compensatory mitigation requirements.** Because the DSEIS does not fully evaluate adverse impacts to aquatic resources from the Yazoo Pumps, it also cannot have proposed adequate mitigation to offset those significant adverse impacts. The DSEIS also repeats many of the same mitigation errors identified in the 2008 veto, including the wholesale failure to identify specific mitigation sites, provide a detailed mitigation plan, or ensure adequate amounts of compensatory mitigation. The DSEIS proposes just 2,405 acres of reforestation of yet-to-be-identified frequently flooded lands as in-kind mitigation to offset the severe underestimate of 38,744 acres of wetlands impacts identified in the DSEIS.<sup>7</sup>
- **The DSEIS does not evaluate a wide array of impacts to fish and wildlife.** Because the DSEIS does not fully evaluate adverse impacts to internationally significant aquatic resources, it also cannot have adequately assessed the project's impacts to fish and wildlife. For example, the DSEIS does not evaluate how many acres would no longer flood for 8 consecutive days with the Pumps in place, even though the DSEIS makes clear that all fish spawning habitat would be lost in such areas. The entire analysis of waterfowl impacts is based on a single duck species even though more than 40 percent of the nation's waterfowl migrate through the project area twice each year, including more than 30 species of waterfowl that rely on bottomland hardwood wetlands. The shorebird analysis is limited to a few very general paragraphs even though up to one million shorebirds migrate through the project area twice each year, as highlighted in the 2008 veto. The DSEIS does not include the required Fish and Wildlife Coordination Act report, which would have provided valuable insight from the nation's fish and wildlife experts.
- **The DSEIS does not adequately assess the risks of operating the Yazoo Pumps on public safety.** The DSEIS includes just one paragraph on the potential public safety risks associated with the Yazoo Pumps that rejects significant concerns that have been raised regarding the impacts of operating the Pumps. The Yazoo Pumps will discharge 9 billion gallons of water a day into the Yazoo River when the River is already at flood stage, which could increase flood risks for downstream and nearby communities. Communities within the Yazoo Backwater Area would also be at risk if the water discharged by the Pumps overtops or otherwise undermines the integrity of the Yazoo Backwater Levee, which has an elevated risk of crevassing as a result of overtopping and is not accredited due to its low elevation that is well below the requisite base flood elevation plus three-feet of freeboard.<sup>8</sup> Such overtopping could lead to the collapse of the Yazoo Backwater Levee, which would cause catastrophic flooding for the very communities the Pumps purport to protect.

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<sup>7</sup> The DSEIS also proposes out-of-kind mitigation consisting of the installation of groundwater wells far outside of the project area that would result in even more groundwater pumping from the already severely-depleted Mississippi Alluvial Plain aquifer.

<sup>8</sup> National Levee Database at <https://levees.sec.usace.army.mil/#/levees/system/5905000041/fema> (accessed November 6, 2020). Lack of accreditation means that the Yazoo Backwater Levee cannot protect Yazoo Backwater communities during flood events at or greater than the 1% chance of exceedance (100-year flood event).



The Lower Mississippi Alluvial Valley has already lost 80 percent of its original wetlands. The majority of those losses have been traced directly to the effects of federal flood control and drainage projects.<sup>9</sup> From just the 1970s to 2006, the Yazoo Backwater Area lost 11 percent of its remaining forested wetlands.<sup>10</sup> The loss of many tens of thousands of additional acres of wetlands from the Yazoo Pumps would have catastrophic implications for the ecology of the region and for the fish and wildlife that rely on those resources.

Thank you for your careful consideration of these comments.

Sincerely,

\* For all signatories, affiliations are listed for identification purposes only.

Aimee Delach, MS  
Senior Policy Analyst  
Defenders of Wildlife  
Washington, DC

Anne Jefferson, PhD  
Associate Professor of Geology  
Kent State University  
Kent, OH

Allison Cowie, MS  
Wetland Specialist  
Oregon Department of Transportation  
Bend, OR

Ashley Marie Long, PhD  
Assistant Professor  
Louisiana State University School of Renewable  
Natural Resources  
Baton Rouge, LA

Amy Rosemond, PhD  
Professor  
University of Georgia  
Athens, GA

Auriel Fournier, PhD  
Forbes Biological Station Director - Waterfowl  
and Wetland Bird Ecologist  
Illinois Natural History Survey - University of  
Illinois  
Havana, IL

Andrea C Stumpf, MS  
Research Technician  
University of Notre Dame  
Notre Dame, IN

Barbara Muhling, PhD  
Scientist  
UC - Santa Cruz  
CA

Andrew Carter, PhD  
Senior Conservation Policy Analyst  
Defenders of Wildlife  
Washington, DC

Bianca Wentzell, PhD  
Assistant Professor of Biology  
St. Thomas Aquinas College  
Sparkill, NY

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<sup>9</sup> Department of the Interior, The Impact of Federal Programs on Wetlands, Volume I: The Lower Mississippi Alluvial Plain and the Prairie Pothole Region, A Report to Congress by the Secretary of the Interior, October 1988 at 60.

<sup>10</sup> Dahl, T.E., J. Swords and M. T. Bergeson. 2009. Wetland inventory of the Yazoo Backwater Area, Mississippi - Wetland status and potential changes based on an updated inventory using remotely sensed imagery. U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation, Washington, D.C. 30 p. (available at <https://www.fws.gov/wetlands/documents/Wetland-Inventory-of-the-Yazoo-Backwater-Area-Mississippi.pdf>).

Bonnie McGill, PhD  
Science Communication Fellow & Ecosystem  
Ecologist  
Carnegie Museum of Natural History  
Pittsburgh, PA

Bruce Collette, PhD  
Research Associate  
Smithsonian Institution  
Casanova, VA

Bryan M Maitland, PhD  
Wisconsin Water Resources Science-Policy  
Fellow  
University of Wisconsin  
Madison, WI

Carl Richards, PhD  
Retired Research Director  
USEPA  
Memphis, TN

Charles Andrew Cole, PhD  
Associate Professor  
Penn State University  
State College, PA

Christine Everett, MS  
Ecological Consultant  
CJ Everett LLC  
North Pole, AK

Christopher Berger, BS  
Senior Ecologist  
SWS  
Seattle, WA

Christopher Frazier, MS  
Laboratory Manager  
Texas A&M University - Corpus Christi  
Corpus Christi, TX

Christopher J. Victoria, BS  
Environmental Scientist  
Anne Arundel County Bureau of Watershed  
Protection & Restoration  
Annapolis, MD

Christopher Neill, PhD  
Senior Scientist  
Woodwell Climate Research Center  
Falmouth, MA

David Edds, PhD  
Professor Emeritus  
Emporia State University  
Emporia, KS

David Heller, MS  
Scientist  
Independent Science Review Panel  
Portland, OR

David Kaplan, PhD  
Associate Professor  
University of Florida, Howard T. Odum Center  
for Wetlands  
Gainesville, FL

Deborah J Henson, PhD  
Environmental Science Program Manager  
University of Massachusetts Amherst  
Amherst, MA

Devyani Kar, PhD  
Coastal Scientist  
Environmental Defense Fund  
Baton Rouge, LA

Dirk Vanderklein, PhD  
Professor of Biology  
Montclair State University  
Montclair, NJ

Edwin J Gossett, MS  
Biologist (Retired), U.S. Army Corps of Engineers  
Ohio State University  
Washington, OH

Elisabeth S. Brackney, MS  
Wetlands Ecologist (Retired)  
Moscow, ID

Ellen Wohl, PhD  
Professor of Geology  
Colorado State University  
Fort Collins, CO

Emily Coba, MS  
Environmental Staff Engineer  
RH2 Engineering, Inc.  
Seattle, WA

Emily Schilling, PhD  
Associate Professor  
Augsburg University  
Minneapolis, MN

Erik Hendrickson, MS  
Organic Chemistry Researcher  
NRRI  
Duluth, MN

Eve Henrichsen, PWS, BS, Certificate in Wetland  
Science and Management  
Professional Wetland Scientist, Environmental  
Analyst  
Bothell, WA

Frank Jernejcic, MS  
Fishery Biologist (Retired)  
Upper Mon River Association  
Morgantown, WV

Frank P. Thrower, MS  
Fisheries Research Biologist  
USDOC NOAA (Retired)  
Juneau, AK

Gillian Davies, MES  
Senior Ecological Scientist  
Tufts Global Development And Environment  
Institute  
Medford, MA

Grant E Gurnee, BS  
Owner/Senior Restoration Ecologist  
Ecosystem Services, LLC  
Longmont, CO

Haley M Kelly, MS  
Environmental Scientist  
Ecotone, Inc.  
Parkville, MD

Heather Patti, MS  
Senior Ecologist/Project Manager  
TRC Companies  
Raleigh, NC

J. Brock Freyer, MS  
Wetland Ecologist  
State Government  
Roxbury, VT

J. Patrick Megonigal, PhD  
Associate Director of Research  
Smithsonian Environmental Research Center  
Edgewater, MD

Jacob Malcom, PhD  
Director, Center for Conservation Innovation  
Defenders of Wildlife  
Washington, DC

James A. Schmid, Ph. .D, PhD  
President  
Schmid & Co., Inc., Consulting Ecologists  
Media, PA

James E Perry, PhD, PhD  
Professor of Marine Science  
Virginia Institute of Marine Science  
Gloucester Point, VA

James Groton, MS  
Wetland Ecologist  
University of Tennessee  
Oak Ridge, TN

Jan Conitz, MS  
Fisheries Biologist  
US Fish and Wildlife Service  
Fairbanks, AK



Jan M. Conitz, MS  
Fisheries Biologist  
U.S. Fish and Wildlife Service  
Fairbanks, AK

Janet R Keough, PhD  
Past President, Society of Wetland Scientists  
Society of Wetland Scientists  
MN

Jason Chircop, MS  
Environmental Scientist  
Intermountain Aquatics, INC  
Driggs, ID

Jay A. Nelson, PhD  
Professor  
Towson University  
Towson MD

Jeff Wesner, PhD  
Associate Professor  
University of South Dakota  
Vermillion, SD

Jenna Odegard, MS  
Environmental Scientist, Aquatic Ecologist  
MAD Scientist Associates  
Westerville, OH

Jennifer McCarthy, MS  
Environmental Scientist (Retired)  
Bedford, MA

Jeremy Sueltenfuss, PhD  
Assistant Professor  
Colorado State University  
Fort Collins, CO

Joanna M Lemly, MS  
Wetland Ecologist  
Colorado Natural Heritage Program  
Fort Collins, CO

John Brazner, PhD  
Research Wetland Biologist  
Nova Scotia Department of Lands and Forestry  
Kentville, NS

John Galbraith, PhD  
Professor of Soil and Wetland Sciences  
Virginia Tech  
Blacksburg, VA

John Kominoski, PhD  
Associate Professor  
Florida International University  
Miami, FL

Julie Ash, BS Civil Engineering  
Senior Water Resource Engineer  
Stillwater Sciences  
Lafayette, CO

Kate McPherson, BS  
Narragansett Bay Riverkeeper  
Save the Bay  
RI

Katherine Osborne, MS  
Fisheries Biologist  
CA

Keith Hannon, MLA  
Ecologist  
University of Massachusetts Amherst  
Worcester

Kelly Carter-Lynn, MS  
Biological Sciences Laboratory Coordinator  
University of Washington Bothell  
Bothell, WA

Kenneth G. Teague, PWS (emeritus), Certified  
Senior Ecologist, MS  
Retired from U.S. EPA, Region 6, Wetlands  
Section  
MS-LSU, BS-TAMU  
Austin, TX

Kevin Ringelman, PhD  
Associate Professor  
Louisiana State University  
Baton Rouge, LA

Kimberli Ponzio, MS  
President  
Society of Wetland Scientists - Professional  
Certification Program  
Gainesville, FL

Laura Craig, PhD  
Director of Natural Resources  
Princeton Hydro  
Ringoos, NJ

Lauren Kinsman-Costello, PhD  
Assistant Professor  
Kent State University  
Kent, OH

Lee Cook, MS  
Senior Ecologist  
Quest Ecology  
FL

Linda Deegan, PhD  
Senior Scientist  
Woodwell Climate Research Center  
Falmouth, MA

Logan Dougherty, BA in Ecology and  
Evolutionary Biology  
Scientist II  
University of Colorado  
Bellevue, WA

Matt Schweisberg, BS Wildlife Management  
PWS, Principal  
Wetland Strategies and Solutions, LLC  
MA

Matthew Edward Brooks, MS  
Ecologist  
Golder Associates  
Henrico, VA

Matthew Roberts, BS  
Environmental Scientist  
VS Engineering  
Indianapolis, IN

Megan Dusing, BS  
Principal Environmental Scientist  
Stanley Consultants  
Coralville, IA

Patrick L Rakes, MS  
Director  
Conservation Fisheries, Inc.  
Knoxville, TN

Paul R Adamus, PhD  
Wetland Scientist (Retired)  
Oregon State University  
Corvallis, OR

Paul R. Wetzel, PhD  
Manager, Ada & Archibald MacLeish Field  
Station  
Smith College  
Northampton, MA

Philip Stouffer, PhD  
Professor of Renewable Natural Resources  
LSU  
Baton Rouge, LA

R. Eugene Turner, PhD  
Faculty  
Louisiana State University  
LA

Rachel Puttmann, MS  
Biologist  
CO

Rebecca Pierce, BS  
Rocky Mountain Chapter Vice President  
Society of Wetland Scientists  
Denver, CO

Reid Stamer, BS  
Restoration Ecologist  
Cedar Rapids, IA

RICHARD STANDAGE, BS, Certified Fisheries Professional  
Retired USDA Forest Fisheries Biologist & Private Consultant  
America Fisheries Society, OK & AR, National Hot Springs National Park, AR

Riley Gallagher, MS  
Research Assistant  
North Carolina State University  
Raleigh, NC

Robert Christian, PhD  
Distinguished Research Professor (Retired)  
East Carolina University  
Greenville, NC

Robert Smith, PhD  
Assistant Professor  
Lycoming College  
PA

Robert Stewart Ph. D., PhD  
Retired Director of the National Wetlands Research Center and Retired VP of Research at UL Lafayette  
Lafayette, LA

SANDRA Crystall, BA  
Professional Wetland Scientist  
Society of Wetland Scientists  
Bow, NH

Sara Brooke Benjamin, MS  
Environmental Coordinator  
UC Santa Barbara  
Bellingham, WA

Sara Johnson, MS  
Graduate Research Assistant  
University of Illinois: Urbana-Champaign  
Champaign, IL

Sarah H. Ledford, PhD  
Assistant Professor  
Georgia State University  
Atlanta, GA

Sasha Vafaei, BS  
Consultant  
MXMetrics  
WA

Shane Staten, PWS, MEM  
Restoration Ecologist  
Swallowtail  
St. Louis, MO

Shannon Murphy, BS Wildlife and Fisheries Sciences  
Hatchery Technician  
Conservation Fisheries Inc.  
Knoxville, TN

Shawn Smyth, Bachelors of Landscape Architecture  
Environmental Planner  
EN Engineering  
Baltimore, MD

Sigrid D.P. Smith, PhD  
Assistant Professor / Biostatistician  
Delaware State University  
Dover, DE

Stefanie Kroll, PhD  
Watershed Ecology Section Leader  
Academy of Natural Sciences of Drexel University  
Philadelphia, PA

Stephen Glaholt, MS  
Aquatic Researcher  
Indiana University  
Bloomington, IN

Stephen M Fried, PhD  
Fishery Biologist (Retired)  
Alaska Department of Fish and Game and US Fish and Wildlife Service  
Exeter, NH

Stephen P. Kunz, BS  
Senior Ecologist  
Schmid & Company, Inc., Consulting Ecologists  
Media, PA

Stephen Richter, PhD  
Professor of Biology  
Eastern Kentucky University  
Richmond, KY

Steve Lanigan, MS  
Retired Watershed Program Manager  
US Forest Service  
OR

Steven M Martin, MS  
Environmental Scientist (Retired)  
USACE Institute for Water Resources  
Norfolk, VA

Susan Rowley, BS - Environmental Studies  
Assistant Vice President/Ecological Consulting  
Director  
ENCAP, Inc.  
DeKalb, IL

Ted Weber, MS  
Climate Adaptation Analyst  
Defenders of Wildlife  
Annapolis, MD

Terry Maret, MS  
Biologist (Retired)  
U.S. Geological Survey  
Boise, ID

Tiffany A Schriever, PhD  
Assistant Professor  
Western Michigan University  
Kalamazoo, MI

TJ Stetz, MS  
Federal Ecologist (Retired)  
Society of Wetland Scientists  
Seattle, WA

Tom Touchet, MS  
Senior Wetland Scientist  
Society of Wetland Scientists  
Haverhill, MA

Virginia Flynn, MS  
Professional Wetland Scientist  
Kaskaskia Engineering Group, LLC  
Belleville, IL

Wilfred Wollheim, PhD  
Associate Professor  
University of New Hampshire  
Durham, NH

Zach Pesch, MS  
Forestry Tech II  
Unity College  
Boulder, CO

Zachery Holmes, BS Wildlife Ecology and  
Conservation  
Avian Ecologist  
Quest Ecology, Manatee County Audubon  
Society, University of Florida  
Wimauma, FL

## League of United Latin American Citizens August 18, 2021 Public Comments



LEAGUE *of* UNITED LATIN  
AMERICAN CITIZENS

### **Civil Rights Violation Regarding Forced Medication**

WHEREAS, the League of United Latin American Citizens is this nation's oldest and largest Latino organization, founded in Corpus Christi, Texas on February 17, 1929; and

WHEREAS, LULAC throughout its history has committed itself to the principles that Latinos have equal access to opportunities in employment, education, housing and healthcare; and

WHEREAS, LULAC advocates for the well-being of, but not exclusively of, Hispanics throughout our country; and

WHEREAS, safe drinking water is a necessity for life; and

WHEREAS, the purpose of a public water supply is to supply water to the entire community which is composed of people with varying health conditions, in varying stages of life, and of varying economic status; not to forcibly mass medicate the population which is a civil rights violation; and

WHEREAS, fluoridation is mass medication of the public through the public water supply; and

WHEREAS, current science shows that fluoridation chemicals pose increased risk to sensitive subpopulations, including infants, the elderly, diabetics, kidney patients, and people with poor nutritional status; and

WHEREAS, minority communities are more highly impacted by fluorides as they historically experience more diabetes and kidney disease; and

WHEREAS, minorities are disproportionately harmed by fluorides as documented by increased rates of dental fluorosis (disfiguration and discoloration of the teeth); and

WHEREAS, the National Research Council in 2006 established that there are large gaps in the research on fluoride's effects on the whole body; a fact that contradicts previous assurances made by public health officials and by elected officials, that fluorides and fluoridation have been exhaustively researched; and

WHEREAS, a growing number of cities and health professionals have rejected fluoridation based on current science and the recognition of a person's right to choose what goes into his/her body; and

WHEREAS, the CDC now recommends that non-fluoridated water be used for infant formula (if parents want to avoid dental fluorosis – a permanent mottling and staining of teeth), which creates an economic hardship for large numbers of families, minority and otherwise; and

WHEREAS, the League of United Latin American Citizens (LULAC), founded in 1929, has historically been a champion of the disenfranchised and a leader in the fight for social and environmental justice; and

WHEREAS, City Council Districts I-6 of San Antonio (predominantly minority districts) voted overwhelmingly that the public water supply should not be contaminated with fluoridation chemicals; and

WHEREAS, the election to fluoridate the water, essentially disenfranchised the right of these minority Districts to safe drinking water for all; and

WHEREAS, the U.S. Health and Human Services and the EPA (January 2011) have recently affirmed the NRC Study results that citizens may be ingesting too much fluoride and that the exposure is primarily from drinking water; and

WHEREAS, the proponents of fluoridation promised a safe and effective dental health additive, but the San Antonio Water System's (SAWS) contract for fluoridation chemicals proves a "bait and switch"; as SAWS is adding the toxic waste by-product of the phosphate fertilizer industry, that has no warranty for its safety and effectiveness for any purpose from the supplier (PENCCO, Inc.) or the source (Mosaic Chemical); and

THEREFORE, BE IT RESOLVED, that LULAC commends efforts by organizations that oppose forced mass medication of the public drinking supplies using fluorides that are industrial grade, toxic waste by-products which contain contaminants (arsenic, lead, mercury) which further endanger life; and

BE IT FURTHER RESOLVED, that LULAC supports efforts by all citizens working to stop forced medication through the public water system because it violates civil rights; and

BE IT FURTHER RESOLVED, that LULAC opposes the public policy of fluoridation because it fails to meet legislative intent; and

BE IT FURTHER RESOLVED, that LULAC demands to know why government agencies entrusted with protecting the public health are more protective of the policy of fluoridation than they are of public health.

Approved this 1st day of July 2011.

Margaret Moran  
LULAC National President

## Melissa Mays August 18, 2021, Public Comments

August 18, 2021

Environmental Protection Agency, Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604

Dear Acting and Deputy Regional Administrator Cheryl Newton,

On August 1, 2021 [Michigan Radio reported that the Genesee County Drain Commission will provide a temporary source of water to the city of Flint](#) while needed valve repairs are completed on the Great Lakes Water Authority pipeline that delivers treated water from the Lake Huron treatment plant to Flint.

The two water sources will be blended for about four weeks, and then the city will be on 100% GCDC water for about 6 weeks while the pipeline is repaired. After that, Flint will go back to getting its drinking water from GLWA as a primary source, but a small amount of water will continue to flow from the GCDC into Flint's water system. No dates were presented for the three source water changes for the city of Flint.

In a following article, [MLive reported on August 6, 2021](#) "As soon as next week the city is expecting to deliver a slightly different product to customer faucets...." The article reiterates that Flint has completed construction of a \$17 million connector pipe that allows it to receive treated water from the county, a project that gives the city a backup supply of water in case service from GLWA is ever disrupted in the future.

According to Mike Brown, both water sources come out of Lake Huron and are treated with the same chemical compositions. He expects customers not to notice any difference in the taste, appearance, or safety of the blended water. According to the article, city, state, and federal officials have been testing blended water to ensure it is correct and ready for distribution.

This scenario seems potentially necessary from an engineering perspective. However, from the perspective of Flint residents who have seen essentially the exact same scenario play out in 2014 with the same, if not more information, a transparent and resident-centric communications approach is essential to building trust with community members who have been irreparably harmed via the previous change to the Flint River. The Environmental Protection Agency and the Michigan Department of Environment, Great Lakes, and Energy must demonstrate for the residents of Flint that they have learned from the Flint Water Crisis and have changed their approach to providing proactive and transparent information to the community about changes that impact community drinking water quality and quantity.

The undersigned residents of Flint request clear answers, in writing with supporting data, to the following questions to explain the importance, preparation, and contingency plans for the upcoming

valve repairs. In the absence of this information, Flint residents have every reason to be skeptical of the planned infrastructure work and continue to lose faith in the drinking water provided by the City of Flint.

Although Flint residents have developed highly effective research skills for investigating and understanding infrastructure updates, water quality changes, and compliance requirements, it is not our job to constantly inquire, probe, and demand explanations for water infrastructure changes that should be communicated proactively by the city, state, and federal government. In this case, the very limited information we have available comes from vague press statements with no supporting data and no community involvement in decision making. This is the water we use and drink in our homes every day, homes that are still suffering damage from the last source water change in 2014. It is the job of the Flint Water Department, the Michigan Department of Environment, Great Lakes, and Energy, and the US Environmental Protection Agency to provide proactive, transparent information regarding coming changes that allows residents full clarity about the pending changes and how to protect their families.

**Please provide answers to the following questions:**

- What is the schedule for the planned valve improvements? What date did/does blending begin? What is the planned schedule for using 100% GCDC water? What is the planned date to return to GLWA water?
- Are Flint's pipe loops being used to test the blended and 100% GCDC water? When did data collection start? What criteria are you using to determine that there will be no negative impacts from the source water change? What criteria are you using to determine if/when it is okay to switch to 100% GCDC water?
- Please provide the names of the [city, state, and federal official who have been involved in preliminary testing](#) and provide the public facing website where the preliminary testing data can be found. Please provide the sampling plan, parameters sampled and analyzed, and sampling locations used for preliminary testing.
- [ABC12 reported completion of bacteriological testing](#) on the GCDC in a process that appears consistent with placing a water main back in service after a repair. This testing is not appropriate or sufficient for evaluating the safety of a new water source. Is this the sampling program that was discussed in the [August 6 MLIVE article](#)?
- On 8/17/21, MDHHS reached out to Family Navigators in a last-minute plea for volunteers to sample water in their homes before water from the GCDC pipeline is added to the Flint water supply. MDHHS asked for a list of volunteers by COB 8/18 for sampling 8/19, 8/20, and 8/23. What parameters will be analyzed in these samples and what sampling protocols will be used? Why was this sampling effort initiated so late? According to the [8/17 ABC12 article, blending will begin on 8/18](#). How can the sampling effort that will begin on 8/19 represent water prior to the source water change?
- The MDHHS sampling request mentions nothing of post-source change sampling at the same houses as where the initial samples are collected. What is the sampling plan for collecting data after the switch, and what controls are being used to ensure that the same homes are sampled before, after the source water change, and on an ongoing basis to evaluate water quality changes over time because Flint is planning to use GCDC water indefinitely?



- The MDHHS sampling request mentions that the sampling visit will take no more than 30 minutes, but makes no mention of lead sampling protocols that typically require the resident to use no water inside the house for a minimum of 6 hours prior to the sampling event. Will lead be sampled during these visits? What lead sampling protocol is being used? Why isn't MDHHS informing potential participants of preparation requirements to collect valid samples?
- How will the Flint Water Department inform residents that the change to the GCDC source, for blending and for 100% use, has been made?
- What media outlets have been notified of the pending source water changes? How many communications methods has EGLE and the Flint Water Department used to communicate the changes?
- How many town hall meets have been provided? What FAQs have been provided for residents about the pending changes?
- What is the normal operating pressure and flow of the GLWA water source? What is the anticipated operating pressure and flow of the GCDC water source? Where do the two different sources tie into the Flint Water system? Will there be a change in flow direction and/or operating pressure as a result of the source water change?
- What evaluations have been completed to determine the impact of hydraulic changes on [water main breaks in the Flint system](#), and what were the findings of those evaluations?
- What is the scope, schedule, and cost of the valve repair contract? Which valves are being repaired? What is the current condition of the valves, and when were the valves originally installed? When was the need for valve repair originally identified? What is the risk of failure of the current valves? What additional functionality will be provided after the valves are repaired? What company is doing the valve repair work? Was the company selected through an open bid process? Who is paying for the work with what funding source?
- Please provide data to substantiate that the source water and water treatment is equivalent in both systems. Over the past two-month operating period, what are the distribution system entry point values in both systems for the following parameters: Chlorine, orthophosphate, pH, sulfate, chloride, and fluoride? What coagulant and coagulant dose is used in each system? What is the influent Total Organic Carbon and Turbidity in each system?
- A short-term switch to an alternative water source is allowed under the Lead and Copper Rule without a corrosion control study. What are you doing to guarantee that this is a short-term switch that will not become a permanent source water change that would more likely trigger a corrosion control study under the revised Michigan Lead and Copper Rule?
- When the valve repairs are complete and Flint establishes its long-term commitment to purchasing water from the GCDC system, what is the anticipated daily GCDC flow? What is the anticipated GLWA flow at that time? What is the current daily usage by the city of Flint? What percent of Flint's daily usage will be provided by GCDC?

Ms. Acting and Deputy Regional Administrator, we know you are greatly concerned with the drinking water crisis in Flint given EPA Region 5's considerable involvement during the past 7 years. We look forward to your reply to provide transparency to the residents of Flint clarifying the recent actions and announcements that will continue to impact residents where unjust drinking water conditions have plagued us for far too long.

We are hopeful that the improved communication we have witnessed by EPA and EGLE officials will help to correct shortcomings and long-standing problems with our water utility. Meanwhile, we are counting on the EPA to help provide us the answers our vulnerable community needs.

Sincerely,

Melissa Mays and friends  
Flint, MI

Links to referenced sources:

**Flint's water source to undergo a temporary change this month**

<https://www.michiganradio.org/post/flints-water-source-undergo-temporary-change-month>

**Flint water could be blended as early as next week**

<https://www.mlive.com/news/flint/2021/08/flint-water-could-be-blended-as-early-as-next-week.html#:~:text=FLINT%2C%20MI%20%2D%2D%20Starting%20as,Authority%20and%20from%20Genesee%20County.>

**Flint's secondary water source passes quality tests**

<https://www.abc12.com/2021/08/17/flints-secondary-water-source-passes-quality-tests/>

**City of Flint investigating string of water main breaks on E. Court Street**

<https://nbc25news.com/news/local/city-of-flint-investigating-string-of-water-main-breaks-on-e-court-street>

## **Risk Management Program\_August 18, 2021 Public Comment**

**Comments submitted in response to Federal Register Notice  
Number 2021-11280**

**“Accidental Release Prevention Requirements:  
Risk Management Programs Under the Clean Air Act;  
Notice of Virtual Public Listening Sessions”**

**Docket Number EPA-HQ-OLEM-2021-0312**

*Submitted via Regulations.gov*  
**July 30, 2021**

The 59 organizations listed below, representing fence-line, community, worker, environmental justice, business, conservation, science, health and other constituencies affected by chemical disasters and EPA’s Risk Management Plan (RMP) regulation and program, many disproportionately impacted by chemical hazards and incidents, submit these comments on July 30, 2021 in response to Docket ID Number EPA-HQ-OLEM-2021-0312.

We appreciate EPA’s interest in updating the RMP regulation in order to “better address the impacts of climate change on facility safety and protect communities from chemical accidents, especially vulnerable and overburdened communities living near RMP facilities.” EPA’s public commitment matches President Biden’s January 27, 2021 Executive Order, which states that: “It is therefore the policy of my Administration to secure environmental justice and spur economic opportunity for disadvantaged communities that have been historically marginalized and overburdened by pollution and underinvestment in housing, transportation, water and wastewater infrastructure, and health care.”

It has been very important that EPA gathered input from affected residents, workers, communities, elected officials, and many other stakeholders from across the country through open virtual listening sessions during this comment docket. The July 8 session in particular lasted 90 minutes longer than the originally scheduled 4 hours. This extensive and diverse public input would not have been possible during a single in-person listening session in Washington, DC, or even through a handful of in-person listening sessions, especially for communities and individuals with less financial resources (who are exactly the kinds of people that EPA most needs to hear from when developing actions). We strongly encourage EPA to hold virtual national listening sessions during other information collections and comment dockets of special public interest or importance in the future.

It is also important to note that many of the organizations submitting this comment, along with many others and related networks such as the Coalition to Prevent Chemical Disasters and the Environmental Justice Health Alliance for Chemical Policy Reform, have been encouraging EPA to finally address critical weaknesses in the RMP rule for many years including through participation in several previous listening, informational, or comment processes. EPA needs to



finally deliver the basic and common-sense protections that communities, workers, and safety experts have been seeking for too long.

The 2019 RMP rule rollback was based on deeply flawed data and analysis, blatantly incorrect assumptions, and arbitrary and capricious reasoning. That decision ignored abundant evidence that did not support EPA’s action, and ignored well-documented disproportionate impacts on already overburdened communities.<sup>1</sup> A wide variety of new information and evidence available, which was improperly considered or ignored during the 2019 rulemaking, demonstrate the urgent need for EPA to develop and adopt a stronger RMP rule.

The regulatory impact analyses, and other evidence, for both the 2017 Amendments and the 2019 rollback rule confirmed disproportionate impacts from RMP facilities and hazards on communities of color and low-income communities. And yet, even the 2017 Amendments did not establish sufficient requirements to address these environmental justice impacts and protect these communities, or include a wide variety of measures specifically requested by these communities in their comments during the rulemaking process.

**An improved RMP rule is urgently needed to protect workers, communities, first responders, and businesses** (including the many businesses that supported a stronger RMP rule) **by focusing on preventing chemical disasters through hazard reduction and elimination.** EPA must follow the science and apply new information and lessons learned to prevent disasters and save lives. It is essential for EPA to issue a stronger new rule expeditiously that requires robust hazard reduction to prevent chemical disasters.

Overall, the rules must require front line **worker participation** and bolster **union participation and training in incident prevention, investigation, and response** requirements to ensure the safety of workers (including contractors), first responders, and community members. It is also important for EPA to strengthen the rules to advance **environmental justice and address disproportionate, cumulative impacts** for communities with multiple RMP facilities. Any new rule must prevent chemical disasters by **ensuring hazard reduction or elimination** (not only improving the response to preventable disasters). It is important to restore and implement essential requirements for safer chemicals, technologies and practices, worker training, third-party audits, root cause analysis, deregistration analysis, and emergency exercises.

Our organizations and constituencies insist that any new RMP rule must:

**INCLUDE STRONGER AND REQUIRED DISASTER PREVENTION MEASURES, ESPECIALLY REQUIREMENTS FOR IDENTIFICATION AND USE OF AVAILABLE, INHERENTLY SAFER METHODS THAT CAN ELIMINATE OR REDUCE CATASTROPHIC HAZARDS ALTOGETHER**

Despite the fact that the Clean Air Act Amendments require EPA to publish regulations for chemical incident prevention, the RMP rule has never truly focused on prevention, or required

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<sup>1</sup> See, for example, *Who’s in Danger: Race, Poverty, and Chemical Disasters* (EJHA et al 2014); and *Life at the Fenceline: Understanding Cumulative Health Hazards in Environmental Justice Communities* (EJHA et al 2018).

any actual reduction or removal of hazards. These hazards disproportionately affect facility employees and contractors, communities of color, and low-income communities.

Too many facilities focus solely on incident response or administrative controls, many consistently blaming workers or coincidence for deadly incidents that are the result of corporate failures to fund and require prevention measures, or convert to available safer processes. Incidents continue across the country at an alarming rate, and the US has been fortunate to avoid a truly catastrophic incident to date. As EPA noted in its February 2016 Regulatory Impact Analysis, the 10-year baseline used to assess costs and benefits at that time did not include a "major catastrophe," and if RMP revisions "were to prevent or substantially mitigate even one accident of this magnitude, the benefits generated would be dramatic." It is important to note that low-frequency or low-probability, but high-consequence, events cannot be predicted by frequency of incidents or overall trend of incidents.

Any new RMP rule must prioritize PREVENTING disasters by ensuring HAZARD REDUCTIONS.

This is entirely possible and practical. EPA does not need to invent approaches that will help prevent disasters by reducing and removing hazards – these already exist. They have been developed over decades by process safety experts, facility safety teams, and local and state governments, and have been implemented by cities, states, facilities and sectors. What is needed are common-sense requirements for national adoption, and the moral and political courage to enact them.

In developing a badly needed new RMP rule, EPA should rely on best practice approaches to hazard reduction, especially successful state and local programs like the recent (2017) California Process Safety Management regulation for petroleum refineries, the Contra Costa County (CA) Industrial Safety Ordinance, and the New Jersey Inherently Safer Technology rule.

Any new RMP rule should require hazard reduction to the greatest extent feasible, especially for the most hazardous facilities, in communities with multiple facilities or with environmental justice concerns, and for industry sectors that have known safer processes available. Hazard reduction requirement based on feasibility has been practically and defensibly defined in policies such as the California PSM rule and others. It should also be noted that the U.S. Chemical Safety and Hazard Investigation Board (CSB) recommended in October of 2014, May 2016, July 2018 that the EPA, should “require chemical facilities [to] utilize inherently safer technology to the greatest extent practicable.”

An estimated 60 publicly owned water treatment plants each still put 100,000 or more people at risk. Another 86 bleach plants put over 60 million people in danger. And as many as 50 refineries put 26 million people at risk. Safer alternatives are already available for these and other sectors.<sup>2</sup> Robust requirements are needed to ensure that these, and other facilities, convert to existing safer chemicals and processes.

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<sup>2</sup> For water and wastewater treatment facilities, *Who's in Danger: Race, Poverty, and Chemical Disasters* (EJHA et al, 2014) data table; for bleach plants, see *Chlorine Bleach Plants Needlessly Endanger Millions* (Greenpeace, 2016);

For example, all RMP facilities should be required to develop and submit hazard reduction plans through a process in which:

- Hazard reduction plans and feasibility determinations are made by facility experts & workers (with required worker participation);
- Facilities are required to start at the top of the hierarchy of controls (elimination or substitution), unless elimination or substitution are not feasible;
- Decisions and justifications must be documented in writing and submitted to EPA, with Agency ability to review and challenge (possibly including required third party audits of claims that transition to safer alternative chemicals or processes are not feasible, especially if safer alternatives are already being utilized at similar facilities), and with at least summaries publicly available;
- Decisions to not remove or reduce hazards must be based on allowable factors specified in the regulation (and not solely based on cost);
- Analyses must include consideration of an EPA-generated list of inherently safer chemicals and processes based on the experience of deregistered facilities and other sources;
- The rule should include enforceable deadlines for facilities to transition to available safer chemicals or processes, or implement other identified hazard reduction measures.

In addition, a new rule should restore, and improve or expand, important prevention measures from the 2017 Amendments by:

- Requiring root cause analyses following catastrophic releases or incidents that could reasonably have resulted in a catastrophic release (i.e., a near miss);
- Requiring independent third-party compliance audits after an RMP-reportable incident, or when an implementing agency determines that such as audit is needed;
- Requiring facilities to include findings from incident investigations in safety and process hazard analyses.

The U.S. Chemical Safety and Hazard Investigation Board has made a variety of recommendations on how EPA can and should improve the RMP rule and its RMP program to prevent incidents. For example, the CSB's reports on the Chevron Richmond, CA and Tesoro Anacortes, WA incidents both found serious weakness in EPA's RMP and OSHA's PSM regulations for preventing chemical accidents. Both regulations were intended to be goal setting or performance-based, but in practice they function primarily as reactive and activity-based regulatory schemes that require extensive rulemaking to modify. As a result, the standards have become static in the face of advancing best practices and technology, with the emphasis placed on the completion of a task or activity rather than achievement of continuous risk reduction to a targeted level. The CSB also found that the regulations do not require that companies effectively manage the risks they create; nor do they require regulator evaluation of the effectiveness of safeguards or regulator acceptance of companies' plans for controlling those risks. These weaknesses have resulted in a scheme that has largely resulted in industry self-

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for refineries, see *A Risk Too Great: Hydrofluoric Acid in US Refineries* (USW, 2013), all submitted to the docket with this written comment.

regulation. Both reports recommended regulatory revisions that would require the use of higher order controls and inherent safety to the greatest extent feasible. Any new RMP rule should include important CSB recommendations for preventing chemical incidents, as have been well documents in CSB reports and submitted by CSB itself to previous RMP rulemaking dockets.

**INCLUDE ROBUST CLIMATE-RELATED PREVENTION AND SAFETY MEASURES TO PROTECT COMMUNITIES AND WORKERS FROM THE DOUBLE THREAT OF CHEMICAL DISASTERS HURRICANES, FLOODS, AND OTHER “NATECH” INCIDENTS WHERE THERE IS A DOMINO EFFECT OF NATURAL AND TECHNOLOGICAL DISASTERS**

A new RMP rule should require facilities to assess climate- and natural disaster-related hazards that increase the risk of harm from chemical disasters, and adopt chemical release prevention practices that can withstand the risk of climate- and natural disaster-related hazards.

EPA should reform RMP rules to specifically require process hazard analysis for these events and natech-focused hazard reductions, as well as third-party audits (that explicitly address climate risks) to identify specific practices, such as reliable backup power generation that can operate for extended periods, leak detection and repair, and inspection, maintenance, and repair of aging pipes, tank components, and other equipment, and take other measures to prevent chemical releases and harm worsened by climate and other natech risks.

The EPA should also expressly require facilities to consider climate and natural disaster factors in review, planning, reporting, prevention, and response provisions that include: (a) release scenario and offsite consequence analyses, (b) accident history and incident investigations, (c) hazard review and process hazard analysis, and (d) emergency response coordination, programs, and exercises. For example, EPA should consider requiring offsite consequence analysis parameters to incorporate climate and natural disaster factors.

The agency should also adopt mitigation standards using the hierarchy of controls and provisions requiring specified and orderly emergency procedures for safer shutdown and restart of operations in anticipation of forecasted natural disasters to reduce releases and hazards during these procedures. And EPA should expressly prohibit host and contractor employers from locking in workers, as has occurred at some facilities.

In consultation with the U.S. Occupational Safety and Health Administration, EPA should develop and require delivery of trainings and resources, in their native languages, to workers at RMP facilities on climate and natural disaster risks and how they may impact hazardous chemical processes, onsite emergency responses, and worker health and safety (as part of a broader set of worker training requirements including hazards onsite, response procedures, and offsite impacts).

**INCLUDE COMMON-SENSE EMERGENCY RESPONSE AND INCIDENT MANAGEMENT MEASURES. E.G., ALERTS IN MULTIPLE LANGUAGES (INCLUDING ADVANCE COMMUNITY NOTIFICATION), FENCELINE AIR MONITORING, LEAK**



## DETECTION AND REPAIR, EMERGENCY RESPONSE EXERCISES, AND OTHER BEST PRACTICES OF SAFETY LEADERS

According to the U.S. EPA's Chemical Emergency Preparedness and Prevention Office, transparency between industry and the public will improve community safety: *Both EPCRA and the CAA [Clean Air Act] section 112(r) Risk Management Program encourage communication between facilities and the surrounding communities about chemical safety and chemical risks. Regulatory requirements, by themselves, will not guarantee safety from chemical accidents. Information about hazards in a community will allow local emergency officials and the public to work with industry to prevent accidents.* CSB reports and recommendations also emphasize the importance of facility and regulator transparency for effective incident prevention.

RMP facilities must be required to report data to EPA that can be made accessible to workers, their representatives, and fence-line communities to reduce harm when preparing for and responding to chemical incidents, including natech-related incidents. This includes hazard reduction and elimination assessments and facility response plan information.

EPA should require RMP facilities to undertake — and facilitate the participation of first responders in — emergency response exercises (including field, tabletop, and community notification exercises) on clear, regular, and enforceable timetables (i.e. restore and strengthen all these elements of the 2017 Amendments).<sup>3</sup> These rule elements and exercises should include information and procedures that are responsive to the particular risks of natural disasters and natech incidents for a given facility.

Facilities should also be required to make emergency response components of their RMP plans, including up-to-date information regarding all chemical hazards, publicly available and accessible online (such as through EPA's website). Such information should be easily understandable and accessible (incorporating multilingual formats where appropriate). Community members need more access to information about chemicals that are made, stored, and used at local facilities, and the hazard reduction and disaster prevention strategies employed by similar facilities in other jurisdictions.

A new rule should require facilities to conduct real-time fence-line monitoring (including data collection during or as soon as possible after natural disasters and extreme weather events), share data with the public, and provide timely and effective community alerts at hazardous facilities (such as through prompt, multilingual community alerts using cell phone networks to first responders and affected communities).

## STRENGTHEN ENFORCEABILITY, CORRECTIVE ACTION, AND ACCOUNTABILITY, INCLUDING NECESSARY INFORMATION ACCESS IN MULTIPLE LANGUAGES

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<sup>3</sup> The New Jersey Toxic Catastrophe Prevention Act (TCPA) rules require **annual** field exercises (not just table top exercises). Although the 2019 RMP changes were incorporated into these rules, "the frequency of field exercises as described in (b)(1)(i) **must still be at least once every calendar year as specified in N.J.A.C. 7:31-5.2(b)2.**" See [https://www.nj.gov/dep/enforcement/tcpa/downloads/epa\\_reconsideration\\_rule\\_crosswalk\\_sept\\_2020.pdf](https://www.nj.gov/dep/enforcement/tcpa/downloads/epa_reconsideration_rule_crosswalk_sept_2020.pdf)

## **Increase Worker Participation**

RMP reforms should require increased involvement of workers and their representatives and participation in RMP plan development, and training in incident prevention, response, and investigation, including making workers aware of anti-retaliation protections and anonymous safety hazard reporting procedures.

Workers also need access to mechanisms to anonymously report safety hazards and near-miss incidents to EPA with anti-retaliation protections, requiring immediate response by RMP facilities to present and imminent threats, including those related to extreme weather and other natural disaster risks. A public record of these reports is also needed to ensure timely maintenance or other corrective action is taken to prevent incidents.

EPA should issue specific provisions in a new rule that enable workers and their unions to more effectively prevent chemical releases into communities and the environment through:

- 1) Stating that “In consultation with employees and employee representatives (including contractor employee representatives), the facility owner and operator shall provide for meaningful employee participation when developing, implementing, maintaining, and evaluating **all** RMP activities, including hazard assessment, the prevention program, and emergency response activities and shall keep current a written plan that describes such opportunities.”
- 2) Requiring facility owners and operators to disseminate RMP information to employees and their representatives, including PHAs, safer alternatives assessments, incident investigation reports, third-party audits, emergency response plans, etc.
- 3) Allowing employees and their representatives to participate in Program Levels 1 and 2, not just in Level 3, so that workers at **all** sites with extremely hazardous chemicals can help protect communities and public safety.
- 4) Requiring facility owners and operators to assess the impact of a worst-case release on their own employees and contractors **and** on those of nearby industrial facilities when conducting Process Hazard Analyses.
- 5) Issuing, as called for by the Chemical Safety Board, a “stop work authority” provision so workers and their representatives may engage management to temporarily halt processing units and operations that pose a catastrophic risk.

Finally, the 1990 Clean Air Act amendments require that employers allow employees and their representatives the right to participate in Section 112(r) inspections under the same terms that they can participate in OSHA inspections. EPA *guidance* explains this right. The new RMP rule should also explain how employees and their representatives can participate during EPA inspections and audits.

## **Strengthen Compliance and Enforcement**

EPA must build more thorough and effective compliance mechanisms into a new RMP rule, especially for elements to address climate-related hazards. Compliance mechanisms must be transparent and easily enforceable, and must include prompt compliance deadlines as well as regulatory language that clearly defines facility and EPA obligations and requires compliance reporting to EPA in a publicly accessible form. Requirements, which must take place before dangerous incidents occur, should include appropriate testing and assessment for worst-case failure scenarios of critical components and systems, testing and assessment of mitigation measures, inspections and reports, and replacement of components like corrosion-vulnerable pipes and equipment.

Revising regulations to ensure full RMP implementation as part of the Clean Air Act Title V permitting program will help improve compliance with the new rules by integrating the RMP into major source facilities' permits.

The EPA should prioritize health and cumulative impact assessment and target regulatory enforcement for RMP facilities in areas vulnerable to natural disaster risks and near communities with environmental justice concerns.

EPA should make the routine reporting and dissemination of solutions data an integral part of the RMP program and rule. Solutions data means the successful practices companies are using to reduce and remove RMP chemical hazards.

EPA should incorporate solutions data into the RMP program in at least five basic ways. Solutions data should be:

- 1) Reported on RMP deregistration forms;
- 2) Summarized from any safer alternatives analyses in RMPs submitted to EPA;
- 3) Required from every RMP facility (not just oil, chemicals, and paper);
- 4) Included in public meetings after incidents;
- 5) Compiled into a public EPA hazard reduction clearinghouse.

We urge EPA to designate staff whose job it is to address these information policy issues in the RMP rulemaking process.

### **EXPAND COVERAGE OF THE RMP PROGRAM TO MORE FACILITIES, PROCESSES AND CHEMICALS, AND TO ADDRESS CUMULATIVE/MULTIPLE HAZARDS**

#### **Expand the Program**

A new RMP rule should expand coverage to more facilities, especially those in disproportionately impacted or already overburdened areas, and in areas at risk of climate-related (“natech”) incidents. It is especially important to extend safety protections to more facilities and nearby communities to ensure that natech-focused protections are factored into the evaluation of permitting for facilities in areas particularly vulnerable to natural disasters and climate impacts. For example, facilities that are already subject to RMP requirements for one or more processes or chemicals should be covered for all processes across the facility to avoid cascading disasters like

the incident at the Arkema chemical plant in Crosby, Texas, and the fatal explosions in West, Texas.

EPA should expand the universe of hazardous chemicals, and lower the thresholds, that trigger RMP requirements, including (and especially) flammable, explosive, and other reactive chemicals on EPA's "List of Lists," a consolidated roster of hazardous chemicals subject to reporting requirements of the Emergency Planning and Community Right To-Know Act, the Comprehensive Environmental Response, Compensation and Liability Act, and Section 112(r) of the Clean Air Act.

The agency should also adopt additional RMP-coverage criteria that require additional protections at proposed facilities and covered processes that would be sited in areas vulnerable to climate and natural disaster risk, or in communities already overburdened with multiple RMP facilities and/or other chemical hazards and exposures.

### **Address Cumulative Hazards and Impacts**

Many communities host multiple (in some cases dozens) of RMP facilities with overlapping vulnerability zones, and in some cases in very close proximity to each other. These cumulative hazards and the potential for simultaneous or chain reaction incidents, especially during extreme weather events or natural disasters that affect all facilities simultaneously, is currently not addressed in the RMP program at all. As is well documented, these communities are disproportionately communities of color and low-income communities – the very overburdened and disproportionately impacted communities that the Biden Administration and EPA have committed to protect.

In addition to the risk of immediate injury or death from a catastrophic chemical release (and the economic and social harms caused by shelter in place or evacuation orders, along with property damage and environmental contamination), many communities already shoulder disproportionately high levels of exposure to hazardous chemicals from multiple pollution sources while facing social conditions that can make them even more susceptible to the health impact of those exposures. So any additional chemical exposures in these communities from RMP incidents or releases may cause more harm than EPA has in the past accounted for in its analyses. Focusing narrowly on the risk of harm from a single release from a single facility without accounting for the unique characteristics of the surrounding population, including current and past exposures and social disadvantage, and the presence of other RMP facilities, will understate the potential harm from even a worst-case release and perpetuate disproportionate impacts in communities that need the RMP rule's protections the most. On the other hand, reducing or removing hazards in these communities will likely have even greater benefits than have been previously determined (in addition to advancing EPA's stated commitment to environmental justice).

A new RMP rule must address these cumulative hazards, especially in communities that are already disproportionately impacted by and overburdened with chemical hazards and exposures, through common-sense measures, including:

- Requirements that facility worst-case scenario analyses, response plans, and hazard reduction plans must account for the presence of other RMP facilities in the vulnerability zone; and
- Requirements for certain facilities in such communities to implement certain prevention methods (i.e., new facilities; facilities with incidents in last 5 years; Program 3 facilities; facilities in communities with multiple sources; facilities using particularly hazardous chemicals or with available safer alternative chemicals or processes; environmental justice communities; etc.).

Workers, fenceline communities, first responders, and the thousands of schools, small businesses, medical facilities, and other institutions constantly at risk of a chemical disaster have already waited far too long for basic protections. EPA must finally amend the RMP rule to focus on **disaster prevention through required hazard reduction and elimination**, and by **increasing worker participation, addressing climate and “natech” hazards, improving enforceability and compliance**, and **expanding the program**, based on the specific recommendations noted above and the vast body of evidence and analysis that supports these common-sense measures.

Submitted by:

Achieving Community Tasks Successfully, Houston, TX

Air Alliance Houston

Alaska Community Action on Toxics, Anchorage, AK

Alliance of Nurses for Healthy Environments

American Sustainable Business Council

As You Sow, Berkeley, CA

Beyond Pesticides

Beyond Toxics, Eugene, Oregon

Breast Cancer Prevention Partners

Buckeye Environmental Network, Ohio

California Communities Against Toxics

California Kids IAQ, Wilmington, CA

Center for Progressive Reform

Clean and Healthy New York, Albany, NY

Clean Power Lake County, Lake County, Illinois

Clean Water Action/Clean Water Fund

ClimateMama  
Coalition for a Safe Environment, Wilmington, CA  
Coalition of Community Organizations COCO, Houston, TX  
Coming Clean  
Community Dreams, Wilmington, CA  
Defend Our Health  
Delaware Concerned Residents for Environmental Justice  
Director/ Citizens' Environmental Coalition, Cuddebackville, NY  
Dr. Yolanda Whyte Pediatrics, Atlanta, GA  
Earthjustice  
EMERGE Renewable Energy Group, Wilmington, CA  
Environmental Justice Health Alliance for Chemical Policy Reform (EJHA)  
Friends of the Earth U.S.  
Green Science Policy Institute  
Greenpeace USA  
Harambee House Inc., Savannah, GA  
Healthy Gulf, Gulf of Mexico States  
International Center for Technology Assessment, Washington DC  
Investor Advocates for Social Justice Montclair, NJ  
Just Transition Alliance, San Diego, CA  
Los Jardines Institute, Albuquerque, New Mexico  
Moms for a Nontoxic New York  
NAACP San Pedro-Wilmington Branch # 1069, San Pedro, CA  
National Toxic Encephalopathy Foundation  
Natural Resources Defense Council  
Northwest Center for Alternatives to Pesticides, Eugene, OR  
OVEC-Ohio Valley Environmental Coalition, Huntington, WV  
People Concerned About Chemical Safety, Charleston, WV  
Physicians for Social Responsibility-Los Angeles, Los Angeles, California  
PODER, Austin, TX

Public Citizen

Rubbertown Emergency ACTION (REACT), Louisville, KY

Science and Environmental Health Network

Sciencecorps

Sierra Club

Texas Campaign for the Environment

Texas Environmental Justice Advocacy Services, Houston, TX

The Healthy Port Communities Coalition, Houston, TX

Toxic Free NC

Union of Concerned Scientists

Until Justice Data Partners, Louisville, KY

Utah Physicians for a Healthy Environment, Salt Lake City, Utah

Women's Voices for the Earth, Women's Voices for the Earth

### **TSCA Court Order\_August 18, 2021, Public Comment**

United States District Court, For The Northern District OF California  
at San Francisco; Food & Water Watch, INC., et al., Plaintiffs, v. United States Environmental;  
Protection Agency, et al., Defendants. Case no. 17-cv-02162-EMC Order Granting Plaintiffs'  
Motion for Leave to Supplement Complaint Docket No. 279

TSCA Trial Notice of BMD\_ August 18, 2021, Public Comment

United States District Court for the Northern District of California

at San Francisco Food & Water Watch, et al., Plaintiffs, vs. U.S. EPA, et al. Defendants. Civ. No.  
17-CV-02162-EMC

### **Water Fluoridation\_August 18-19, 2021 Public Comments**

Water Fluoridation and Environmental Justice a report submitted to the Environmental Justice  
Interagency Working Group from The Fluoride Action Network <http://fluoridealert.org/>  
September 25, 2015

**Yazoo Backwater Area Resilience Alternative-August 18, 2021, Public Comments**

Yazoo Backwater Area A Resilience Alternative available online at:

[https://www.waterprotectionnetwork.org/wp-content/uploads/2021/05/Yazoo-Backwater-Area-Resilience-Alternative-rev\\_2-25-21.pdf](https://www.waterprotectionnetwork.org/wp-content/uploads/2021/05/Yazoo-Backwater-Area-Resilience-Alternative-rev_2-25-21.pdf)

**Young Foundation \_August 18, 2021 Public Comments**





October 6, 2016

Georgia Governor Nathan Deal  
206 Washington Street  
111 State Capitol  
Atlanta, Georgia 30334

House Speaker David Ralston  
332 State Capitol  
Atlanta GA 30334

Copy to: American Water Works Association

RE: Fluoridegate Scandal Documents and Repeal of GA's Water Fluoridation Law

Dear Governor Deal and Speaker Ralston:

As a person deeply involved in civil and human rights, I am writing to ask for a written response from you in light of the Fluoridegate scandal developing here in Georgia. What's clear to me is that we need a repeal of Georgia's water fluoridation law, and hearings to look into how fluoridation has continued all these years, long after there were plenty of reasons to end it. This is a civil rights issue, and the people have a right to have the full story given to them, rather than highly edited, misleading talking points.

When someone's story keeps changing, there are quite often motivations behind their changed stance that may not be aligned with the best interests of the public. The story offered by water fluoridation promoters keeps changing...and changing...and changing. There are key groups such as seniors, kidney patients, diabetics, communities of color, thyroid patients and people who drink a lot of water due to their occupation that are especially affected by Fluoridegate.

Consider how the story has changed, repeatedly.

- Dentists said there has been extensive research for 60 years on the safety of fluoridation. Now a document from the American Dental Association has surfaced, calling for very basic research on how kidney patients, diabetics, seniors and other groups are affected – topics that should have been settled before fluoridation commenced. So, no, fluoridation was not extensively researched.

COMMUNICATING POSSIBILITIES  
DEVELOPING LEADERS



- Discoloration of teeth by fluoride was called a pathologic condition in the American Dental Association's journal. Now it's dismissed by dentists as just a "cosmetic" issue and "barely visible." Strange, isn't it, to go from pathology to inconsequential?
- Dentists said we need to ingest fluoride systemically for it to help prevent cavities, so this was the justification for putting it in drinking water. Now dentists tell us that the primary way fluorides work is topical, when they touch teeth in the mouth. They also said the concentration of fluoride in saliva resulting from fluoride in water is too weak to do much. So why is fluoridation continuing? Are we sacrificing the health and safety of our communities simply because dentists don't want to be embarrassed, or sued?
- Dentists said fluoridation would help level the playing field for minority communities, but now we see in documents publicized by The Lillie Center that African Americans and other groups are actually disproportionately harmed by fluorides causing all forms of dental fluorosis teeth disfigurement. Plus we have more diabetics and kidney patients in African American communities, and they deserve to not be kept in the dark and forced to drink fluorides because the state mandates it.
- Dentists led us to believe fluoridation is highly effective, but dental journals admit that fluorides do very little to prevent cavities where more than 80% occur, in the back molars. Dental journals say it: tooth sealants are dramatically more effective. So, no, once again, we don't need fluoridated water.

I am calling for Fluoridegate hearings, here, in Georgia. And I am calling for a repeal of Georgia's fluoridation law, immediately. I look forward to your written response. I am copying this letter to the American Water Works Association, because I would also like to know what their response is, given the ever-changing story offered to continue fluoridation and the documents that have come to light. Water fluoridation clearly has not stemmed the cavity epidemic in our cities, and millions of people don't know the ways that uncontrolled dosing of fluorides in drinking water can impact them.

Thank you for your help.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andrew Young".



October 6, 2016

Georgia Governor Nathan Deal  
206 Washington Street  
111 State Capitol  
Atlanta, Georgia 30334

House Speaker David Ralston  
332 State Capitol  
Atlanta GA 30334

Copy to: American Water Works Association

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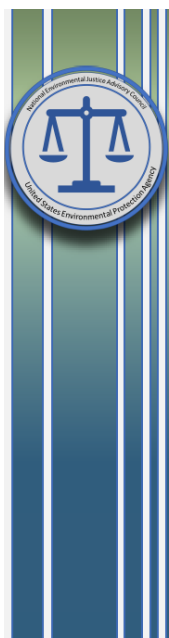
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Consider how the story has changed, repeatedly.

- Dentists said there has been extensive research for 60 years on the safety of fluoridation. Now a document from the American Dental Association has surfaced, calling for very basic research on how kidney patients, diabetics, seniors and other groups are affected – topics that should have been settled before fluoridation commenced. So, no, fluoridation was not extensively researched.

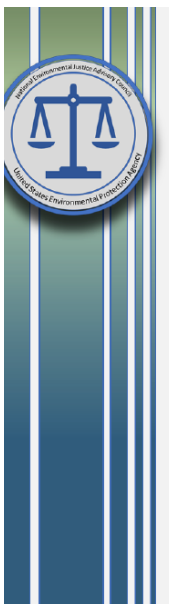
COMMUNICATING POSSIBILITIES  
DEVELOPING LEADERS

## MEETING POWERPOINT PRESENTATION



### DAY 1 AGENDA:

- 3:00 P.M. - 3:05 P.M. WELCOME, INTRODUCTIONS, & OPENING REMARKS
- 3:05 P.M. – 3:35 P.M. DEPUTY ADMINISTRATOR REMARKS & DIALOGUE
- 3:35 P.M. – 5:25 P.M. (AAs) EPA LEADERSHIP REMARKS TO LETTER
- 5:25 P.M. – 6:25 P.M. OFFICE OF ENVIRONMENTAL JUSTICE- ADDITIONAL  
UPDATES ON AGENCY EJ ACTIVITIES
- 6:25 P.M. – 6:40 P.M. BREAK
- 6:40 P.M. – 7:55 P.M. PUBLIC COMMENT PERIOD
- 7:55 P.M. – 8:00 P.M. CLOSING REMARKS



### WELCOME

- **Fred Jenkins Jr., PhD**, *Designated Federal Officer – U.S. EPA*
- **Matthew Tejada, PhD**, *Director for the Office of Environmental Justice - U.S. EPA*
- **Sylvia Orduño**, *National Environmental Justice Advisory Council Chair – Michigan Welfare Rights Organization*
- **Na'Taki Osborne Jelks, PhD**, *National Environmental Justice Advisory Council Vice Chair – West Atlanta Watershed Alliance and Proctor Creek Stewardship Council*
- **Michael Tilchin**, *National Environmental Justice Advisory Council Vice Chair – Jacobs Engineering*



# WELCOME

## *National Environmental Justice Advisory Council Members:*

### Academia

- **April Baptiste** - *Colgate University*
- **Jan Fritz** - *University of Cincinnati*
- **Benjamin Pauli** - *Kettering University*
- **Sandra F. Whitehead** - *George Washington University*
- **Sacoby Wilson** - *Maryland Institute of Applied Environmental Health*



# WELCOME

## *National Environmental Justice Advisory Council Members:*

### Business/Industry

- **Jabari O. Edwards** - *J5 GBL, LLC*
- **Venu Ghanta** - *Duke Energy*
- **Virginia King** - *Marathon Petroleum Company*
- **Michael Tilchin** - *Jacobs Engineering (Vice-Chair)*



# WELCOME

## ***National Environmental Justice Advisory Council Members:***

### **Community-Based Organizations**

- **Cemelli de Aztlan** - *El Paso Equal Voice Network*
- **Cheryl Johnson** - *People for Community Recovery*
- **Mildred McClain** - *Harambee House*
- **Richard Moore** - *Los Jardines Institute*
- **Na'Taki Osborne Jelks** – *West Atlanta Watershed Alliance and Procter Creek Stewardship Council (Vice-Chair)*
- **Jerome Shabazz** - *JASTECH Development Services and Overbrook Environmental Education Center*
- **Pamela Talley** - *Lewis Place Historical Preservation Inc.*



# WELCOME

## ***National Environmental Justice Advisory Council Members:***

### **Non-Governmental/Environmental Organizations**

- **Ayako Nagano** - *Common Vision*
- **Rita Harris** - *Sierra Club*
- **Sylvia Orduño** – *Michigan Welfare Rights Organization (Chair)*
- **Jeremy F. Orr** - *Natural Resources Defense Council*
- **Jacqueline Shirley** - *Rural Community Assistance Corporation*
- **Hermila "Mily" Trevino-Sauceda** - *Alianza Nacional de Campesinas*



# WELCOME

*National Environmental Justice Advisory Council Members:*

## State and Local Governments

- **Melissa McGee-Collier** - *Mississippi Department of Environmental Equality*
- **Millie Piazza** - *Washington State Department of Ecology*
- **Dennis Randolph** - *City of Kalamazoo, Michigan*
- **Karen Sprayberry** - *South Carolina Department of Health and Environmental Control*



# WELCOME

*National Environmental Justice Advisory Council Members:*

## Tribal Governments and Indigenous Groups

- **Joy Britt** - *Alaska Native Tribal Health Consortium*
- **John Doyle** - *Little Bighorn College*
- **Kelly C. Wright** - *Shoshone Bannock Tribes*



# WELCOME

- **Fred Jenkins Jr., PhD**, *Designated Federal Officer – U.S. EPA*
- **Matthew Tejada, PhD**, *Director for the Office of Environmental Justice - U.S. EPA*



**Janet McCabe**  
*Deputy Administrator*  
United States Environmental Protection Agency





# NEJAC Questions/Remarks



## EPA LEADERSHIP REMARKS TO “NEJAC’S 100 DAYS LETTER”

- **Radhika Fox**, Assistant Administrator for the Office of Water - U.S. EPA
- **Marianne Engelman-Lado**, Deputy General Counsel for Environmental Initiatives – U.S. EPA
- **Michal Freedhoff, PhD.**, Assistant Administrator for the Office of Chemical Safety and Pollution Prevention – U.S. EPA
- **Joseph Goffman**, Principal Deputy Assistant Administrator (currently Acting Administrator) for the Office of Air and Radiation – U.S. EPA.,
- **Christopher Frey, PhD.**, Deputy Assistant Administrator for Science Policy in the Office of Research and Development – U.S. EPA
- **Carlton Waterhouse, PhD.**, Deputy Assistant Administrator for Office of Land and Emergency Management – U.S. EPA
- **Vicki Arroyo**, Associate Administrator of the Office of Policy – U.S. EPA
- **Larry Starfield**, Acting Assistant Administrator for the Office Enforcement and Compliance Assurance– U.S. EPA



**July 31, 2017** - Letter to Administrator Scott Pruitt re: Flint, Michigan Drinking Water Contamination

**March 1, 2019** - Report to Administrator Andrew Wheeler re: EPA’s Role in Addressing the Urgent Water Infrastructure Needs of Environmental Justice Communities

**Radhika Fox** - Assistant Administrator for the Office of Water - U.S. EPA

Time Allotment: 6 Mins (2:25 - 2:41)



## **July 31, 2017** - Letter to Administrator Scott Pruitt re: Title VI of the Civil Rights Act of 1964

**Marianne Engelman-Lado** - Deputy General Counsel for Environmental Initiatives – U.S. EPA

Time Allotment: 3 Minutes (3:41 – 3:44)



**July 31, 2017** - Letter to Administrator Scott Pruitt re: Address Toxic Exposures Found at Discount Retail Stores, "Safer Choices Program"

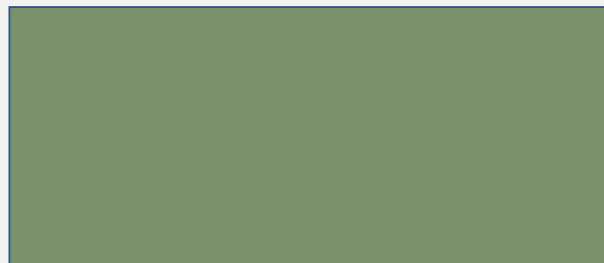
**July 31, 2017** - Letter to Administrator Scott Pruitt about Work Protection Standard Regulation to Protect Farmworkers and Their Families from Toxic Pesticides

**December 18, 2018** - Letter to Acting Administrator Andrew Wheeler re: Halting Efforts to Rescind Portions of the Agricultural Worker Protection Standard and the Certification of Pesticide Applicators Rule

**August 14, 2019** - Letter to Administrator Andrew Wheeler re: Recommendations to Strengthen the PFAS Action Plan

**Michal Freedhoff, PhD.** - Assistant Administrator for the Office of Chemical Safety and Pollution Prevention – U.S. EPA

Time Allotment: 12 Minutes (3:44 – 3:56)





# NEJAC

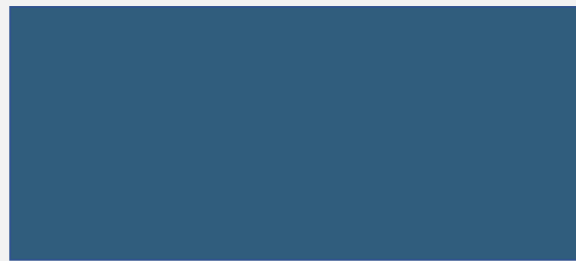
## Questions/Remarks



**May 3, 2019** - Letter to Administrator Andrew Wheeler re: Recommendation to Regulate Ethylene Oxide to Protect Public Health and to use the Findings and Conclusions of the EPA Integrated Risk Information System Chemical Assessments in Regulatory Determinations

**Joseph Goffman**, Principal Deputy Assistant Administrator (currently Acting Administrator) for the Office of Air and Radiation – U.S. EPA., (3 Min.)

Time Allotment: 4 Minutes (4:16 – 4:20)





**July 31, 2018** - Report to Acting Administrator Andrew Wheeler re: Best Practices for Youth Engagement and Addressing Health Impacts of Climate Change

**September 29, 2017** – Report to Administrator Scott Pruitt re: Recommendations and Guidance for EPA to Develop Monitoring Programs in Communities

**August 14, 2019** - Letter to Administrator Andrew Wheeler re: Data Limitations on EPA Mapping Tools

**Christopher Frey, PhD.** - Deputy Assistant Administrator for Science Policy in the Office of Research and Development – U.S. EPA

Time Allotment: 9 Min. (4:20 – 4:29)



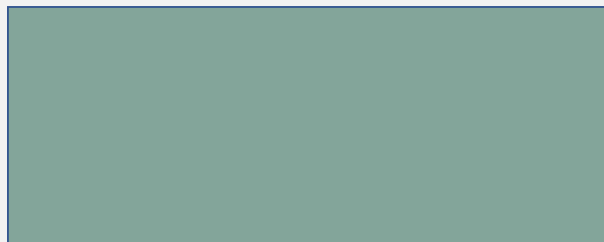
**May 3, 2019** - Letter to Administrator Andrew Wheeler re: Recommendation to Preserve the Chemical Disaster Safety Rule

**August 14, 2019** - Letter to Administrator Andrew Wheeler re: Recommendations for Promoting Environmental Regulation on Aboveground Storage Tanks

**May 6, 2021**- Report to Administrator Michael Regan re: Superfund Remediation and Redevelopment for Environmental Justice Communities

**Carlton Waterhouse, PhD.** - Deputy Assistant Administrator for Office of Land and Emergency Management – U.S. EPA

Time Allotment: 9 min. (4:29 – 4:38)





**August 14, 2019** - Letter to Administrator Andrew Wheeler re: National Environmental Policy Act (NEPA) and Environmental Justice

**Vicki Arroyo** - Associate Administrator of the Office of Policy – U.S. EPA

Time Allotment: 3 Min (4:38 – 4:41)

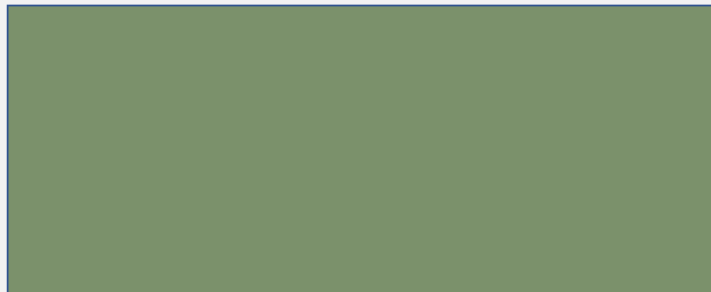


OECA Activities to Strengthen Enforcement in Communities with EJ Concerns

- Water Infrastructure
- Worker Protection Safety
- Monitoring in Communities
- Chemical Disaster Safety

**Larry Starfield**, Acting Assistant Administrator for the Office of Enforcement and Compliance Assurance – U.S. EPA

Time Allotment: 3 Min (4:41 – 4:44)





# NEJAC

## Questions/Remarks



(4:44 – 5:02)-5:25



### OFFICE OF ENVIRONMENTAL JUSTICE- ADDITIONAL UPDATES ON AGENCY EJ ACTIVITIES

**Matthew Tejada, PhD**, *Director for the Office of Environmental Justice – U.S. EPA*

**Sheila Lewis**, *Deputy Director for the Office of Environmental Justice- U.S.EPA*



# PUBLIC COMMENT

**Pre-Registered** Members of the public will be given three **(3) minutes** to present comments on their issue or concern to the NEJAC.

Submit written comments to: [nejac@epa.gov](mailto:nejac@epa.gov)



# CLOSING REMARKS & ADJOURN

**Fred Jenkins Jr., PhD**, *Designated Federal Officer – U.S. EPA*

**Matthew Tejada, PhD**, *Director for the Office of Environmental Justice – U.S. EPA*

**Sylvia Orduño**, **National Environmental Justice Advisory Council Chair** – *Michigan Welfare Rights Organization*



# DAY 2



## **DAY 2 AGENDA:**

3:00 P.M. - 3:15 P.M. WELCOME, INTRODUCTIONS, & OPENING REMARKS

3:15 P.M. – 4:00 P.M. NEJAC WORKGROUP UPDATES

4:00 P.M. – 4:45 P.M. HONORS COMMEMORATIONS & REMARKS FOR  
DEPARTING NEJAC MEMBERS

4:45 P.M. – 5:00 P.M. BREAK

5:00 P.M. – 6:25 P.M. NEJAC BUSINESS MEETING REFLECTION AND DISCUSSION

6:25 P.M. – 6:30 P.M. CLOSING REMARKS





# WELCOME

**Fred Jenkins Jr., PhD**, Designated Federal Officer – U.S. EPA

**Matthew Tejada, PhD**, Director for the Office of Environmental Justice – U.S. EPA

**Sylvia Orduño**, National Environmental Justice Advisory Council Chair – Michigan Welfare Rights Organization

**Na'Taki Osborne Jelks, PhD**, National Environmental Justice Advisory Council Vice Chair – West Atlanta Watershed Alliance and Proctor Creek Stewardship Council

**Michael Tilchin**, National Environmental Justice Advisory Council Vice Chair – Jacobs Engineering



# WELCOME

**National Environmental Justice Advisory Council Members:**



# NEJAC WORKGROUP UPDATES

- **Community Air Monitoring Workgroup**
- **Farm Worker and Pesticides Workgroup**
- **Financial and Investment (Justice40)**
- **NEPA**
- **PFAS/PFOA/ PFOS**
- **Water Infrastructure**



## HONORS COMMEMORATIONS & REMARKS FOR DEPARTING NEJAC MEMBERS

- **Sacoby Wilson, PhD**, *University of Maryland (Academia)*
- **Cheryl Johnson**, *People for Community Recovery (Community Based Organizations)*
- **Richard Moore**, *Los Jardines Institute (Community Based Organization)*
- **Mily Trevino-Sauceda**, *Alianza Nacional de Campesinas (Non-Government Organizations)*
- **Melissa McGee-Collier**, *Mississippi Department of Environmental Quality (State Government)*
- **Dennis Randolph**, *City of Kalamazoo (Local Government)*
- **Kelly Wright**, *Shoshone-Bannock Tribes (Tribal Government)*



## NEJAC BUSINESS MEETING REFLECTION AND DISCUSSION MOVING FORWARD INCLUDING:

- NEJAC discussion on efficient coordination with EPA Program Offices
- EPA EJ Grant Program
- NEJAC discussion on OEJ becoming a National Program Office



# CLOSING REMARKS

**Fred Jenkins Jr., PhD**, *Designated Federal Officer – U.S. EPA*

**Matthew Tejada, PhD**, *Director for the Office of Environmental Justice – U.S. EPA*

**Sylvia Orduño, National Environmental Justice Advisory Council Chair** – *Michigan Welfare Rights Organization*

## ATTENDEES LIST

### August 18 Attendees List

Laura	Herron	OG&E
Leilani	Gonzalez	Zero Emission Transportation Association
Ronald	Moore	Cincinnati Children's
Bria	Crawford	EPA
Stiven	Foster	US EPA
Tamara	Saltman	US EPA Region 7
Martin	Costello	dep
Juan	Parras	Texas Environmental Justice Advocacy Services
Dinesh	Senghani	US EPA Region 6
Benjamin	Rocha	EPA
Lisa	Jordan	Drew University
William	Nichols	EPA
Ermal	Celi	TLD
Patrick	Barnes	
Anne	McKinnon	Jacobs Engineering Group
Krystala	Hepburn	Sustainable Workplace Alliance
Stephen	Buckley	OpenGovMetrics.com
Onyemaechi	Nweke	USEPA
Mary	McCarron	Ohio EPA
Stan	Buzzelle	
Amelia	Gooding Cheek	
Rebekah	Hinojosa	Sierra Club
Nalleli	Hidalgo	TEJAS
Jay	Hoskins	MSD
Phil	Fine	EPA

Christina	Bowman	University of Maryland
Chau	Vu	EPA
Dean	Scott	Bloomberg
Sharron	Porter	United States Environmental Protection Agency
Andrea	Contreras Balbuena	ORISE fellow EPA
James	Burke	consultant
Jeannie	Economos	Farmworker Association of Florida
Destiny	Watford	Texas Campaign for the Environment
Sania	Tong Argao	U.S. EPA
Sania	Tong Argao	
Kate	Castles	CMEC
Jean	Kayano	
Carla	Walker	World Resources Institute
Shiv	Srivastava	
Brandi	Crawford- Johnson	EJ Activist
Ethan	McMahon	U.S. Environmental Protection Agency
Marie	Skaf	Deloitte
Rafael	DeLeon	Environmental Protection Agency
Christine	Morales	Rutgers School of Social Work
Dr. Jacquelynn	Hairston	
Maria Paula	Rubiano	Grist
Maria	Clark	EPA
Marianne	Thomas	USDA Forest Service
Angela	Seligman	NDDEQ
Maryam	Kamran	
Corbin	Darling	
Amber	Howard	USEPA R6
William	Davis	
Lakendra	Barajas	Earthjustice
Terry	Wiggins	Interfaith Earth Network
Alexis	Stabulas	EPA
Cynthia	Stahl	U.S. Environmental Protection Agency
Naomi	Davis	BLACKS IN GREEN
Chris	Young -Nevada DOT	Nevada DOT
Angela	Huskey	USEPA
Caitlin	McCoy	Commission for Environmental Cooperation
Pradnya	Bhandari	EPA
Keala	Hughes	Gulf Coast Ecosystem Restoration Council (RESTORE Council)
Eileen	Mayer	US EPA
Patti	De La Cruz	

Richard	Mason	
Joel	Minor	Colorado Department of Public Health & Environment
Courtney	Fultineer	Oregon Health Authority
Megan	Kung	Los Angeles Regional Water Quality Control Board
Kristen	Lepore	OASH, HHS
Stephanie	Champion	Legal Aid of NorthWest Texas
John	Kinsman	Edison Electric Institute
Ed	Messina	U.S. EPA
Rebecca	Miserendino	Lewis Burke Associates
Gregory	Robinson	Autistic Self Advocacy Network
Kimberlie	Cole	Strata-G LLC / UCOR LLC
Lee	Kaltman	New Roots Charter School
Tomeka	Prioleau	
Mary	McCullough	
Holly	Myers	Washington State Department of Ecology
Alyssa	Schiff	EPA
Jennifer	Tribble	TDEC
Charles	Lee	
Richard	Reibstein	Boston University
Robin	Jacobs	EPA
Julia	Ashworth	
Stephanie	Burkhardt	Environmental Protection Agency
John	Peconom	FERC
Louie	Miller	
Shea	Zwerver	PA DCNR
Noah	Saperstein	Red Cliff Band of Lake Superior Ojibwe
Amy	Correa	Washington State Department of Ecology
Clare	Scheib-Feeley	US EPA
Cherry	Jochum	FEMA
Michelle	Madeley	EPA Office of Community Revitalization
Kevin	Smith	US EPA
Madeline	Middlebrooks	Great Rivers Environmental Law Center
Patricia	Williams	PWilli Productions
Aisha	Dickerson	Johns Hopkins Bloomberg School of Public Health
Rachelle	Duvall	
Sandra	Morse	Aegis Environmental
Carolyn	Yee	
Frank	Johnson	
Patricia	Vokoun	NRC
Marissa	Merker	Nez Perce Tribe
Leo	GOLDSMITH	ICF
Maggie	Molina	U.S. Environmental Protection Agency
christine	buckel	NOAA-NOS-NCCOS

James	Tillman	CGI
Stuart	Parker	IWP News
Ryan	Bahnfleth	Esri
Ryan	Bahnfleth	
Lee	Peterson	CGI
J. DeVon	Nolen	Environmental Justice Coordinating Council (EJCC)
Deborah	Morvay	PA DEP
Julie	Simpson	Nez Perce Tribe - Air Quality Program
Shannon	Ridley	GA Environmental Protection Division
Allison	Smith	Louisville Metro Government
Catalina	Gonzalez	Center for Progressive Reform
Laurie	Gharis	TCEQ
Sonja	Favors	ADEM
Jennifer	Reyher	Muscogee Nation
Marquta	Bradshaw	Sowing Justice
Bonita	Johnson	USEPA
Eve	Granatosky	Lewis-Burke Associates LLC
Claire	Woods	Greenfield Environmental Trust Group
Mikayla	Shaddon	ADEE
Jeff	Severin	WSU Environmental Finance Center
Randa	Boykin	NCDEQ
Logan	Johnson	New York University
Kathy	Triantafillou	
Matthew	Pezzella	ASTM International
John	Mueller	
Nicole	Alexander	US EPA R2
Jill	Mastrototaro	Audubon Delta
Manuel	Gomez	National Environmental Network
Kathy	Temple	Center for Transforming Communities
JL	Andrepoint	350.org
Stephanie	Hammonds	
Brent	Efron	EPA
Eric	DAlessio	
Edlynzia	Barnes	U.S. EPA
Patrick	Wells	FAA
Nathalie	Eddy	
Lynn	Steffens Lostumo	
Melissa	McCoy	U.S. EPA
Nicholas	Cross	Indian Law Resource Center
Eletha	Brady-Roberts	ORD
Mary	Walker	Gulf Coast Ecosystem Restoration Council
Michael	SEavey	CGI Federal
Samira	Deeb	Ohio EPA

Lisa	Cooke	
Chris	Whitehead	ESI
Zyanya	Cruz	Center for Transforming Communities
Mark	Walters	US DOJ
Rachel	Tennis	Volkswagen Group of America, Inc.
naomi	yoder	Healthy Gulf
naomi	yoder	
Elizabeth	Joseph	West St. John Civic Association
Jennifer	Valiulis	St. Croix Environmental Association
Ryke	Longest	Duke School of Law
P. Qasimah	Boston	Tallahassee food network
Sriram	Madabhushi	Booz Allen Hamilton
Michele	Knorr	US EPA
Adrienne	Keel	ORISE
Catharine	Fitzsimmons	
Matthew	Greene	
Stephanie	Herron	EJHA
Kim	Lambert	U.S. Fish and Wildlife Service
Leanne	Nurse	The Nature Conservancy
Angie	Shatas	US EPA
Chitra	Kumar	
Gloria	Vaughn	
Darryl	Malek-Wiley	
Vannessa	Evans	Reinvestment Partners
Jonathan	Munro-Hernandez	WA State AGO
Alissa	Greenwald	Renew MO
Sheryl	Good	
Sara	Lips	Georgia EPD
Katie	Kruse	EGLE
Yvette	Arellano	Fenceline Watch
Alfreda	Cook	Citizen
Elaine	Bretschneider	CEMML
Donna	Hoffman	
samantha	beers	us epa
Connor	Kippe	Toxic Free NC
Leslie	Ritts	NEDA/CAP
Claudia	Gonzalez	Farmworker Association of Florida
Patricia	Spitzley	RACER Trust
Samantha	Mielach	
Ericka	Farrell	
Andrea	Sansom	
Stacey	Callaway	Ecology
Ntale	Kajumba	U.S. EPA Region 4

Bonita	Green	Merrick Moore Community Development Corporation
CLAUDETT E	WALKER	U.S. EPA/Gulfport of Mexico Program
Sarah	Bailey	CBOP/BIF
Tracy	Babbidge	CTDEEP
Camille	Moore	The Peter Damon Group
Nikki	Bass	USEPA
Nikitha	Radhakrishnan	DOE/BTO
Dennis	Grzezinski	Law Office
Elder Jacqueline V	Norris	WomenEnviro Climate Social Justice Marginalized Community Collaborative
Joni	Arends	Concerned Citizens for Nuclear Safety
Angela	'- Cart	CART
Lisa	Frede	CICI
Riley	Pettit	
Morgan	Capilla	
Thomas	Weinstein	ASTM
Heather	Croshaw	St. Croix Environmental Association
Stacey	Lobatos	EPA
Gabriela	Baeza- Castaneda	USEPA
Michael	Blair	Innovate Inc
Kai	Thompson	EPA
Elida	Castillo	LCV
Maria	Carmona	
Anita	Harrington	City of Detroit
Ariel	Hill-Davis	Solvay
Jessica	Caceres	Ohio EPA
Marika	Schulhof	EPA
Valerie	Blank	EPA/ORD
Sydney	Evans	Environmental Working Group
Rhonda	Hamilton	
Carolyn	Schroeder	EPA
Gail	Scott	EPA
Cheryl	Dunton	EPA
Annie	Rucker	
Caitlin	McHale	National Mining Association
Marcia	Dinkins	
Juliet	Herndon	
Dylan	Pasiuk	
Sabrina	Johnson	US EPA
Donovan	Grimwood	State of TN Dept of Environment and Conservation SBEAP
Nizanna	Bathersfield	
Elise	Rasmussen	Washington State Department of Health



Reginald	Harris	EPA
Hayden	Hashimoto	
Amal	Ahmed	
Jennifer	Kanine	
Tina	Davis	US Environmental Protection Agency
Joseph	Hernandez	NAVA Education Project
Shanika	Amarakoon	ERG
Robert Desmarais	Sullivan	First Unitarian Universalist Church of New Orleans
Catherine	Collentine	Sierra Club
Ruby	Goldberg	EPA
Farrah	Court	Texas Commission on Environmental Quality
Julie	Daniels	UNC
Justin J.	Pearson	
Tracy	Sheppard	
Kathryn	Morris	Montana DEQ
Patrick	Beckley	US EPA
Jim	Puckett	Basel Action Network
Janet	Pope	U.S. Environmental Protection Agency
Liz	Mattson	Hanford Challenge
Benton	Arnett	NEI
Daniel	Gogal	USEPA/Office of Environmental Justice
Carlos	Anchondo	E&E News
Ellen	Manges	
John	Byrd	Miller/Wenhold Capitol Strategies
CDR	Hunter	CDC
Erin	McKay	
Stacey	Pierce	EMR
Lorna	Withrow	
Sarah	Rubenstein	Great Rivers Environmental Law Center
Cynthia	Ferguson	US Dept. of Justice/ ENRD
Ana	Parras	Texas Environmental Justice Advocacy Services
Ana	Parras	
Bobby	Janecka	Texas Commission on Environmental Quality
Regina	Nguyen	Southern Methodist University
Vickie	Boothe	
Michelle	Mabson	
Akilah	Martin	USACE
Tanya	Abrahamian	U.S. Environmental Protection Agency (EPA)
Trinity	Farrell	EPA
David	Magdangal	US EPA
P	B	NAACP
Daria	Neal	U.S. Dept. of Justice
Alan	Walts	EPA Region 5

Kathleen	Deener	EPA-ORD
Sheldon	Snipe	EPA
Mashal	Awais	Bayou City Waterkeeper
Mashal	Awais	
José	Bravo	Just Transition Alliance
Wanda	Jones	Save the Wekiva River and Headwaters, Inc
Linda	Giles	Transcription, Etc.
Amanda	Hauff	US EPA
Ruth	Santiago	
LaTricea	Adams	Black Millennials 4 Flint
Hannah	Michel	Louisiana State University
Jeremy	Hancher	EMAP - Widener University SBDC
Sharon	Frey	USEPA
Paulina	D	EPA
Matthew	Watkins	Trinity Consultants
Holly	Wilson	
Bakeyah	Nelson	Climate Imperative
Alicia	Zhang	Boston University
Maya	Akula	DTSC
John	Beard	
Johnathan	Garza	na
Cindy	Barger	EPA (Office of Policy, Office of Federal Activities)
Morgan	Chow	Delta Stewardship Council
Daphne	Wilson	
Jeff	Everett	
Karen	Martin	Kuumba Kollektive
Francea	McNair	Olympic Region Clean Air Agency
Linsey	Walsh	U.S. EPA
Erin	Stanforth	Mecklenburg County
Kelsi	Grogan	EPA
Bill	Walsh	
Allen	McGill	Lane Plating Community Advisory Group
Running	Grass	Three Circles Center
Maria	Akchurin	Loyola University Chicago
Danielle	Mercurio	VNF
Dorey	Meyers	Phillips 66
Erin	Broussard	Arizona Electric Power Cooperative
Diana	Umpierre	Sierra Club
Kim	Washington	Brown Grove Preservation Group
Shawn	O'Brien	Troutman Pepper
Lena	Epps-Price	US EPA
Trayce	Thomas	MDEQ
Dan	Solitz	

Morgan	McCabe	US EPA
Diane	McClure	Ohio EPA
Joseph	Giacinto	NRC
Stephanie	Thomas	Public Citizen
jon	cooper	george washington university
Brian	Holtzclaw	
Monica	Espinosa	EPA Region 7
Jonathan	Koplos	Eastern Research Group
Martha	Arencibia	
Sharon	Saucier	EPA
Sandra	Baird	MassDEP
Marilynn	Marsh-Robinson	EDF
Amelia	Murphy	CHRE
Allison	Acevedo	PA Department of Environmental Protection
Dominique	Joseph	EPA
Ronald	Zorrilla	Outdoor Promise
Shelly	Dawson	EPA
Shelly	Dawson	
Barbara	Lee	
Maya	Nye	Coming Clean
Danielle	Simms	
Rebecca	Huff	US EPA
Deborah	Williams	City of Springfield Office of Public Utilities
Jennifer	Park	EPA
Marra	Tripodi	Dept. of Ecology
Roddy	Hughes	Sierra Club
Yanelli	Nunez	Columbia
Leslie	Fields	Sierra Club
Ora	Ora Giles	Transcription, Etc., LLC
William	Simonsick	
Chandra	Taylor	Southern Environmental Law Center
Katie	Fallace	Minnesota Dept of Health
Kent	Benjamin	US EPA
Dante	Swinton	Energy Justice Network
Mark	Fite	U.S. EPA - Region 4
James	Johnson	Howard University
Melanie	Oldham	Citizens for Clean Air and Water
Melanie	Oldham	
Uloma	Uche	
Lori	Dowil	
FRANKIE	ORONA	Society of Native Nations
Loan	Nguyen	US EPA
Kenyatta	Miles	

tony	pendola	
Hasan	Tahat	Yakima Regional Clean Air Agency
Emma	Cheuse	
pati	quispe	
Lauren	Haygood	Oklahoma State University
Bailey	Stein	EPA
Isabel	Segarra Trevino	
Katy	Super	Environmental Justice Health Alliance
Todd	Nein	Ohio Environmental Protection Agency
Jeff	Gray	Department of Interior
Paige	Lieberman	
Catherine	Satterwhite	HHS
Al	Hendricks	Volcano Partners
Maria Elena	Valdivia	
Olga	Naidenko	Environmental Working Group
Jetta	Wong	
Akua	Jackson	St. Croix Environmental Association
Mike	Nelson	
Nancy	Abrams	
Cassandra	Johnson	MDEQ
Richard	Grow	
LTonya	Spencer-Harvey	USEPA
Alison	Bean	Neal R. Gross
Charles	Mason	
Stacie	Schmidt	
Christina	Reichert	Earthjustice
Maya	Aronoff	
Wes	Gillingham	Catskill Mountainkeeper
ELIZABETH	FUTCH	Nevada Business Environmental Program
Courtney	Herbolsheimer	EPA
Fran	Kremer	USEPA
Nettie	McMiller	
Chitra	Kumar	USEPA
Dr. Sharese	Paylor	USDA/Rural Development/Civil Rights Office
William	Holochwost	CG Federal
William	Slade	Con Edison of NY
Elizabeth	Geltman	CUNY School of Public Health
Elica	Moss	Alabama A&M University
Sierra	Copeland	EMPAC
Harichandana	Karne	EPA
Imani	Mosher	Precipitate
Gwen	Smith	CHARRS
Steve	Davies	Agri-Pulse Communications

Linda	Arrington	Environmental Protection Agency
Kelsey	Brugger	E&E News
Maria	Martinez	Farmworker Association of Florida
Tokeshia	Collins-Wright	Louisiana Chemical Association
Avery	Lavoie	Oakridge Research Institute for Science and Education
Daniel	Isales	
Nicole	Wireman	EPA
Brandi	Hall	
S. Prescott	Harris II	
Cheryl	Watson	Blacks In Green
Genna	Reed	Union of Concerned Scientists
Alex	Guillen	POLITICO
Sara	Laumann	Laumann Legal, LLC.

#### August 19, 2021 Attendees List

Laura	Herron	OG&E
Leilani	Gonzalez	Zero Emission Transportation Association
Ronald	Moore	Cincinnati Children's
Bria	Crawford	EPA
Stiven	Foster	US EPA
Tamara	Saltman	US EPA Region 7
Martin	Costello	dep
Juan	Parras	Texas Environmental Justice Advocacy Services
Dinesh	Senghani	US EPA Region 6
Benjamin	Rocha	EPA
Lisa	Jordan	Drew University
William	Nichols	EPA
Ermal	Celi	TLD
Patrick	Barnes	
Anne	McKinnon	Jacobs Engineering Group
Krystala	Hepburn	Sustainable Workplace Alliance
Stephen	Buckley	OpenGovMetrics.com
Onyemaechi	Nweke	USEPA
Mary	McCarron	Ohio EPA
Stan	Buzzelle	
Amelia	Gooding Cheek	
Rebekah	Hinojosa	Sierra Club
Nalleli	Hidalgo	TEJAS
Jay	Hoskins	MSD

Phil	Fine	EPA
Christina	Bowman	University of Maryland
Chau	Vu	EPA
Dean	Scott	Bloomberg
Sharron	Porter	United States Environmental Protection Agency
Andrea	Contreras Balbuena	ORISE fellow EPA
James	Burke	consultant
Jeannie	Economos	Farmworker Association of Florida
Destiny	Watford	Texas Campaign for the Environment
Sania	Tong Argao	U.S. EPA
Sania	Tong Argao	
Kate	Castles	CMEC
Jean	Kayano	
Carla	Walker	World Resources Institute
Shiv	Srivastava	
Brandi	Crawford- Johnson	EJ Activist
Ethan	McMahon	U.S. Environmental Protection Agency
Marie	Skaf	Deloitte
Rafael	DeLeon	Environmental Protection Agency
Christine	Morales	Rutgers School of Social Work
Dr. Jacquelynn	Hairston	
Maria Paula	Rubiano	Grist
Maria	Clark	EPA
Marianne	Thomas	USDA Forest Service
Angela	Seligman	NDDEQ
Maryam	Kamran	
Corbin	Darling	
Amber	Howard	USEPA R6
William	Davis	
Lakendra	Barajas	Earthjustice
Terry	Wiggins	Interfaith Earth Network
Alexis	Stabulas	EPA
Cynthia	Stahl	U.S. Environmental Protection Agency
Naomi	Davis	BLACKS IN GREEN
Chris	Young -Nevada DOT	Nevada DOT
Angela	Huskey	USEPA
Caitlin	McCoy	Commission for Environmental Cooperation
Pradnya	Bhandari	EPA
Keala	Hughes	Gulf Coast Ecosystem Restoration Council (RESTORE Council)
Eileen	Mayer	US EPA

Patti	De La Cruz	
Richard	Mason	
Joel	Minor	Colorado Department of Public Health & Environment
Courtney	Fultineer	Oregon Health Authority
Megan	Kung	Los Angeles Regional Water Quality Control Board
Kristen	Lepore	OASH, HHS
Stephanie	Champion	Legal Aid of NorthWest Texas
John	Kinsman	Edison Electric Institute
Ed	Messina	U.S. EPA
Rebecca	Miserendino	Lewis Burke Associates
Gregory	Robinson	Autistic Self Advocacy Network
Kimberlie	Cole	Strata-G LLC / UCOR LLC
Lee	Kaltman	New Roots Charter School
Tomeka	Prioleau	
Mary	McCullough	
Holly	Myers	Washington State Department of Ecology
Alyssa	Schiff	EPA
Jennifer	Tribble	TDEC
Charles	Lee	
Richard	Reibstein	Boston University
Robin	Jacobs	EPA
Julia	Ashworth	
Stephanie	Burkhardt	Environmental Protection Agency
John	Peconom	FERC
Louie	Miller	
Shea	Zwerver	PA DCNR
Noah	Saperstein	Red Cliff Band of Lake Superior Ojibwe
Amy	Correa	Washington State Department of Ecology
Clare	Scheib-Feeley	US EPA
Cherry	Jochum	FEMA
Michelle	Madeley	EPA Office of Community Revitalization
Kevin	Smith	US EPA
Madeline	Middlebrooks	Great Rivers Environmental Law Center
Patricia	Williams	PWilli Productions
Aisha	Dickerson	Johns Hopkins Bloomberg School of Public Health
Rachelle	Duvall	
Sandra	Morse	Aegis Environmental
Carolyn	Yee	
Frank	Johnson	
Patricia	Vokoun	NRC
Marissa	Merker	Nez Perce Tribe
Leo	GOLDSMITH	ICF
Maggie	Molina	U.S. Environmental Protection Agency

christine	buckel	NOAA-NOS-NCCOS
James	Tillman	CGI
Stuart	Parker	IWP News
Ryan	Bahnfleth	Esri
Ryan	Bahnfleth	
Lee	Peterson	CGI
J. DeVon	Nolen	Environmental Justice Coordinating Council (EJCC)
Deborah	Morvay	PA DEP
Julie	Simpson	Nez Perce Tribe - Air Quality Program
Shannon	Ridley	GA Environmental Protection Division
Allison	Smith	Louisville Metro Government
Catalina	Gonzalez	Center for Progressive Reform
Laurie	Gharis	TCEQ
Sonja	Favors	ADEM
Jennifer	Reyher	Muscogee Nation
Marquta	Bradshaw	Sowing Justice
Bonita	Johnson	USEPA
Eve	Granatosky	Lewis-Burke Associates LLC
Claire	Woods	Greenfield Environmental Trust Group
Mikayla	Shaddon	ADEE
Jeff	Severin	WSU Environmental Finance Center
Randa	Boykin	NCDEQ
Logan	Johnson	New York University
Kathy	Triantafillou	
Matthew	Pezzella	ASTM International
John	Mueller	
Nicole	Alexander	US EPA R2
Jill	Mastrototaro	Audubon Delta
Manuel	Gomez	National Ennvironmental Network
Kathy	Temple	Center for Transforming Communities
JL	Andrepoint	350.org
Stephanie	Hammonds	
Brent	Efron	EPA
Eric	DAlessio	
Edlynzia	Barnes	U.S. EPA
Patrick	Wells	FAA
Nathalie	Eddy	
Lynn	Steffens Lostumo	
Melissa	McCoy	U.S. EPA
Nicholas	Cross	Indian Law Resource Center
Eletha	Brady-Roberts	ORD
Mary	Walker	Gulf Coast Ecosystem Restoration Council
Michael	SEavey	CGI Federal



Samira	Deeb	Ohio EPA
Lisa	Cooke	
Chris	Whitehead	ESI
Zyanya	Cruz	Center for Transforming Communities
Mark	Walters	US DOJ
Rachel	Tennis	Volkswagen Group of America, Inc.
naomi	yoder	Healthy Gulf
naomi	yoder	
Elizabeth	Joseph	West St. John Civic Association
Jennifer	Valiulis	St. Croix Environmental Association
Ryke	Longest	Duke School of Law
P. Qasimah	Boston	Tallahassee food network
Sriram	Madabhushi	Booz Allen Hamilton
Michele	Knorr	US EPA
Adrienne	Keel	ORISE
Catharine	Fitzsimmons	
Matthew	Greene	
Stephanie	Herron	EJHA
Kim	Lambert	U.S. Fish and Wildlife Service
Leanne	Nurse	The Nature Conservancy
Angie	Shatas	US EPA
Chitra	Kumar	
Gloria	Vaughn	
Darryl	Malek-Wiley	
Vannessa	Evans	Reinvestment Partners
Jonathan	Munro-Hernandez	WA State AGO
Alissa	Greenwald	Renew MO
Sheryl	Good	
Sara	Lips	Georgia EPD
Katie	Kruse	EGLE
Yvette	Arellano	Fenceline Watch
Alfreda	Cook	Citizen
Elaine	Bretschneider	CEMML
Donna	Hoffman	
samantha	beers	us epa
Connor	Kippe	Toxic Free NC
Leslie	Ritts	NEDA/CAP
Claudia	Gonzalez	Farmworker Association of Florida
Patricia	Spitzley	RACER Trust
Samantha	Mielach	
Ericka	Farrell	
Andrea	Sansom	
Stacey	Callaway	Ecology

Ntale	Kajumba	U.S. EPA Region 4
Bonita	Green	Merrick Moore Community Development Corporation
CLAUDETT E	WALKER	U.S. EPA/Gulfport of Mexico Program
Sarah	Bailey	CBOP/BIF
Tracy	Babbidge	CTDEEP
Camille	Moore	The Peter Damon Group
Nikki	Bass	USEPA
Nikitha	Radhakrishnan	DOE/BTO
Dennis	Grzezinski	Law Office
Elder Jacqueline V	Norris	WomenEnviro Climate Social Justice Marginalized Community Collaborative
Joni	Arends	Concerned Citizens for Nuclear Safety
Angela	'- Cart	CART
Lisa	Frede	CICI
Riley	Pettit	
Morgan	Capilla	
Thomas	Weinstein	ASTM
Heather	Croshaw	St. Croix Environmental Association
Stacey	Lobatos	EPA
Gabriela	Baeza- Castaneda	USEPA
Michael	Blair	Innovate Inc
Kai	Thompson	EPA
Elida	Castillo	LCV
Maria	Carmona	
Anita	Harrington	City of Detroit
Ariel	Hill-Davis	Solvay
Jessica	Caceres	Ohio EPA
Marika	Schulhof	EPA
Valerie	Blank	EPA/ORD
Sydney	Evans	Environmental Working Group
Rhonda	Hamilton	
Carolyn	Schroeder	EPA
Gail	Scott	EPA
Cheryl	Dunton	EPA
Annie	Rucker	
Caitlin	McHale	National Mining Association
Marcia	Dinkins	
Juliet	Herndon	
Dylan	Pasiuk	
Sabrina	Johnson	US EPA
Donovan	Grimwood	State of TN Dept of Environment and Conservation SBEAP
Nizanna	Bathersfield	

Elise	Rasmussen	Washington State Department of Health
Reginald	Harris	EPA
Hayden	Hashimoto	
Amal	Ahmed	
Jennifer	Kanine	
Tina	Davis	US Environmental Protection Agency
Joseph	Hernandez	NAVA Education Project
Shanika	Amarakoon	ERG
Robert Desmarais	Sullivan	First Unitarian Universalist Church of New Orleans
Catherine	Collentine	Sierra Club
Ruby	Goldberg	EPA
Farrah	Court	Texas Commission on Environmental Quality
Julie	Daniels	UNC
Justin J.	Pearson	
Tracy	Sheppard	
Kathryn	Morris	Montana DEQ
Patrick	Beckley	US EPA
Jim	Puckett	Basel Action Network
Janet	Pope	U.S. Environmental Protection Agency
Liz	Mattson	Hanford Challenge
Benton	Arnett	NEI
Daniel	Gogal	USEPA/Office of Environmental Justice
Carlos	Anchondo	E&E News
Ellen	Manges	
John	Byrd	Miller/Wenhold Capitol Strategies
CDR	Hunter	CDC
Erin	McKay	
Stacey	Pierce	EMR
Lorna	Withrow	
Sarah	Rubenstein	Great Rivers Environmental Law Center
Cynthia	Ferguson	US Dept. of Justice/ ENRD
Ana	Parras	Texas Environmental Justice Advocacy Services
Ana	Parras	
Bobby	Janecka	Texas Commission on Environmental Quality
Regina	Nguyen	Southern Methodist University
Vickie	Boothe	
Michelle	Mabson	
Akilah	Martin	USACE
Tanya	Abrahamian	U.S. Environmental Protection Agency (EPA)
Trinity	Farrell	EPA
David	Magdangal	US EPA
P	B	NAACP
Daria	Neal	U.S. Dept. of Justice

Alan	Walts	EPA Region 5
Kathleen	Deener	EPA-ORD
Sheldon	Snipe	EPA
Mashal	Awais	Bayou City Waterkeeper
Mashal	Awais	
José	Bravo	Just Transition Alliance
Wanda	Jones	Save the Wekiva River and Headwaters, Inc
Linda	Giles	Transcription, Etc.
Amanda	Hauff	US EPA
Ruth	Santiago	
LaTricea	Adams	Black Millennials 4 Flint
Hannah	Michel	Louisiana State University
Jeremy	Hancher	EMAP - Widener University SBDC
Sharon	Frey	USEPA
Paulina	D	EPA
Matthew	Watkins	Trinity Consultants
Holly	Wilson	
Bakeyah	Nelson	Climate Imperative
Alicia	Zhang	Boston University
Maya	Akula	DTSC
John	Beard	
Johnathan	Garza	na
Cindy	Barger	EPA (Office of Policy, Office of Federal Activities)
Morgan	Chow	Delta Stewardship Council
Daphne	Wilson	
Jeff	Everett	
Karen	Martin	Kuumba Kollektive
Francea	McNair	Olympic Region Clean Air Agency
Linsey	Walsh	U.S. EPA
Erin	Stanforth	Mecklenburg County
Kelsi	Grogan	EPA
Bill	Walsh	
Allen	McGill	Lane Plating Community Advisory Group
Running	Grass	Three Circles Center
Maria	Akchurin	Loyola University Chicago
Danielle	Mercurio	VNF
Dorey	Meyers	Phillips 66
Erin	Broussard	Arizona Electric Power Cooperative
Diana	Umpierre	Sierra Club
Kim	Washington	Brown Grove Preservation Group
Shawn	O'Brien	Troutman Pepper
Lena	Epps-Price	US EPA
Trayce	Thomas	MDEQ

Dan	Solitz	
Morgan	McCabe	US EPA
Diane	McClure	Ohio EPA
Joseph	Giacinto	NRC
Stephanie	Thomas	Public Citizen
jon	cooper	george washington university
Brian	Holtzclaw	
Monica	Espinosa	EPA Region 7
Jonathan	Koplos	Eastern Research Group
Martha	Arencibia	
Sharon	Saucier	EPA
Sandra	Baird	MassDEP
Marilynn	Marsh-Robinson	EDF
Amelia	Murphy	CHRE
Allison	Acevedo	PA Department of Environmental Protection
Dominique	Joseph	EPA
Ronald	Zorrilla	Outdoor Promise
Shelly	Dawson	EPA
Shelly	Dawson	
Barbara	Lee	
Maya	Nye	Coming Clean
Danielle	Simms	
Rebecca	Huff	US EPA
Deborah	Williams	City of Springfield Office of Public Utilities
Jennifer	Park	EPA
Marra	Tripodi	Dept. of Ecology
Roddy	Hughes	Sierra Club
Yanelli	Nunez	Columbia
Leslie	Fields	Sierra Club
Ora	Ora Giles	Transcription, Etc., LLC
William	Simonsick	
Chandra	Taylor	Southern Environmental Law Center
Katie	Fallace	Minnesota Dept of Health
Kent	Benjamin	US EPA
Dante	Swinton	Energy Justice Network
Mark	Fite	U.S. EPA - Region 4
James	Johnson	Howard University
Melanie	Oldham	Citizens for Clean Air and Water
Melanie	Oldham	
Uloma	Uche	
Lori	Dowil	
FRANKIE	ORONA	Society of Native Nations
Loan	Nguyen	US EPA

Kenyatta	Miles	
tony	pendola	
Hasan	Tahat	Yakima Regional Clean Air Agency
Emma	Cheuse	
pati	quispe	
Lauren	Haygood	Oklahoma State University
Bailey	Stein	EPA
Isabel	Segarra Trevino	
Katy	Super	Environmental Justice Health Alliance
Todd	Nein	Ohio Environmental Protection Agency
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Paige	Lieberman	
Catherine	Satterwhite	HHS
Al	Hendricks	Volcano Partners
Maria Elena	Valdivia	
Olga	Naidenko	Environmental Working Group
Jetta	Wong	
Akua	Jackson	St. Croix Environmental Association
Mike	Nelson	
Nancy	Abrams	
Cassandra	Johnson	MDEQ
Richard	Grow	
LTonya	Spencer-Harvey	USEPA
Alison	Bean	Neal R. Gross
Charles	Mason	
Stacie	Schmidt	
Christina	Reichert	Earthjustice
Maya	Aronoff	
Wes	Gillingham	Catskill Mountainkeeper
ELIZABETH	FUTCH	Nevada Business Environmental Program
Courtney	Herbolsheimer	EPA
Fran	Kremer	USEPA
Nettie	McMiller	
Chitra	Kumar	USEPA
Dr. Sharese	Paylor	USDA/Rural Development/Civil Rights Office
William	Holochwost	CG Federal
William	Slade	Con Edison of NY
Elizabeth	Geltman	CUNY School of Public Health
Elica	Moss	Alabama A&M University
Sierra	Copeland	EMPAC
Harichandana	Karne	EPA
Imani	Mosher	Precipitate
Gwen	Smith	CHARRS

Steve	Davies	Agri-Pulse Communications
Linda	Arrington	Environmental Protection Agency
Kelsey	Brugger	E&E News
Maria	Martinez	Farmworker Association of Florida
Tokeshia	Collins-Wright	Louisiana Chemical Association
Avery	Lavoie	Oakridge Research Institute for Science and Education
Daniel	Isales	
Nicole	Wireman	EPA
Brandi	Hall	
S. Prescott	Harris II	
Cheryl	Watson	Blacks In Green
Genna	Reed	Union of Concerned Scientists
Alex	Guillen	POLITICO
Sara	Laumann	Laumann Legal, LLC.

I, Sylvia Orduño, Chair of the National Environmental Justice Advisory Council, certify that this is the final meeting summary for the public meeting held on August 18-19, 2021, and it accurately reflects the discussions and decisions of the meeting.



Sylvia Orduño

Date: **November 17, 2021**