

## EPA National EJ Community Engagement Call

**October 26, 2021**

### Summary of Questions and Answers

Welcome! Thank you for joining us today. The purpose of these engagement calls is to inform communities about EPA's environmental justice work and enhance opportunities to maintain an open dialogue with environmental justice advocates. As environmental justice continues to be integrated into EPA programs and policies, the Agency hopes that these calls will help reaffirm EPA's continued commitment to work with community groups and the public to strengthen local environmental and human health outcomes.

*o Webpage with information about upcoming calls: <https://www.epa.gov/environmentaljustice/national-environmental-justice-community-engagement-calls>*

*o For up-to-date information about Environmental Justice funding opportunities, events, and webinars, subscribe to EPA's Environmental Justice listserv by sending a blank email to: [join-epa-ej@lists.epa.gov](mailto:join-epa-ej@lists.epa.gov).*

*o Follow us on Twitter: @EPAEnvJustice*

*o Meeting materials and recordings for this call and all past calls will be here: <https://www.epa.gov/environmentaljustice/national-environmental-justice-community-engagement-calls>*

*o Send follow-up questions or comments to: [Environmental-Justice@epa.gov](mailto:Environmental-Justice@epa.gov)*

Question	Commenter	Answer
Will pics/slide be web posted somewhere?	ctwilliams2012@yahoo.com	Yes, they will be posted here: <a href="https://www.epa.gov/environmentaljustice/national-environmental-justice-community-engagement-calls">https://www.epa.gov/environmentaljustice/national-environmental-justice-community-engagement-calls</a>
<p>THEY DID WHAT WAS NECESSARY AND WE MUST KEEP SIGHT OF ALL THAT HAS BEEN PERPETRATED AGAINST DARKER SKIN COLOR PEOPLE!!!</p> <p>ESPECIALLY SEEING HOW TREATIES WAS FORMED AND LAWS WRITTEN ...read on</p> <p>SELF DETERMIMATION HIJACKED!</p> <p>This article documents how the US Government orchestrated the separation and takeover of the qualifying mechanism many indigenous peoples and institutions were duped in to. A prime example is the Seminole Nations treatment of Black Indians and the insulting Apartheid practice of Blood Percentage:</p> <p>"Wheeler v. United States Dep't of the Interior, 811 F.2d 549, 553 (10th Cir. 1987); Ransom v. Babbitt, 69 F. Supp.2d 141, 149 (D.D.C. 1999) ("The roots of the concept of tribal sovereignty and self-determination reach back at least to the Constitution itself. See e.g., U.S. Const. art. I, § 8, cl. 3 (granting Congress the power `to regulate Commerce with foreign Nations, and among the several states, and with the Indian Tribes.")); Harjo v. Kleppe, 420 F. Supp. 1110, 1143 (</p>	Albert Thomas	<p>Thank you for your comment, Albert, and sharing the references. We are aware that historic decisions still impact communities today. You may like to know that we take seriously our commitments under the E.O. 13985 Advancing Racial Equity and Support for Underserved Communities Through the Federal Government</p> <p><a href="https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government">https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government</a></p> <p>Thanks, again for attending today.</p>
Hello, why would my State say the WIIN grant monies can not be used to lead reduction projects, but only funding for testing? Do certain states have differnt requirements?	Anonymous Attendee	<p>Answered live</p> <p>There are 2 grants that are made available under WIIN. The grant for Lead Testing in Schools is the grant that is implemented through the states and by statutory mandate can only be used for testing. SDWA 1464(d)</p>

Question	Commenter	Answer
Hello! We would like for the EPA to help the city of Sulphur, LA get clean, safe drinking water. Testing and reporting is inadequate, and our independent tests have showed lead in the water plus high levels of copper and disinfectant byproducts. Independent scientists suspect that the problems are most likely with the wells/source of the water. This is a low-income area. Can EPA help?	naomi yoder (they/them) Healthy Gulf	Hi Naomi, thank you for your question, and we understand your concerns. We recommend directly contacting the LA DWSRF program. You can find their contact person and website address at <a href="https://www.epa.gov/dwsrf/state-dwsrf-website-and-contacts">https://www.epa.gov/dwsrf/state-dwsrf-website-and-contacts</a> .
Can someone explain how both SRFs are Justice40 pilot programs? Didn't the SRFs exist before the Justice40 framework?	Jenn Ortega, EDF	Answered live
are there plans to discuss this with the NEJAC and Wejac?	samantha beers	Answered live
you are encouraging states to adopt Justice 40 principles. Will there be an expectation that the Justice 40 principles also apply to the funds that have "revolved" back to the states?	Julia Anastasio	Answered live
Hi, I was wondering what barriers to funding those experiencing poor water quality face and if the justice 40 initiative/programs specifically look to target these barriers?	Rebecca Dube	Answered live
The guidance recently submitted to the engineers in MassDEP's SRF, as I read it, indicates that the economic metric is partially removed from eligibility. The resulting maps issued by our GIS group indicate that several wealthy communities are now eligible as "disadvantaged" (for example, Wellesley, the third wealthiest community at 483% MHI and Newton, the fifth wealthiest). Please elaborate on the definition of who is eligible for the 40%. EPA should reconsider adding an economic metric to the eligibility criteria.	Patricia Arp	Thank you for the recommendation and detail. Our engagement plan includes significant outreach and coordination with our State partners and their definitions of DACs.
Are there updates on how cities can measure their infrastructure investments from the larger funding allocations?	Marta Segura	EPA conducts periodic assessment of infrastructure Needs. Our current DW and CW surveys are ongoing and when complete will assist in answering these types of questions. Furthermore, individual states typically publish their list of funded projects, which would be a source of information in this regard.
Can you link the justice 40 principles here?	Marta Segura	Thanks for your question. This is Interim Implementation Guidance for the Justice40 Initiative that we received: <a href="https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf">https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf</a>

Question	Commenter	Answer
<p>Hi, I'm a new AML planner. This is a very interesting program to me and potentially quite useful in my state of West Virginia. We have a community called Clarksburg, WV which was found to have high levels of lead in their drinking water just this year. There are also areas of the state where they are sourcing their water from abandoned mines, and using PVC pipe to convey this water. Would this be program be appropriate to upgrade their system?</p> <p>Lastly, we have a major shortage of plant operators who are qualified in the state. I am told new operators are hard to find who are willing to work the hours and for the pay. Is there anything in this SRF to combat this issue?</p>	Anonymous Attendee	<p>Thank you for your questions. In general, distribution replacement is DWSRF eligible. We recommend directly contacting the WV DWSRF program for specific project eligibility questions. You can find the WV contact information at <a href="https://www.epa.gov/dwsrf/state-dwsrf-website-and-contacts">https://www.epa.gov/dwsrf/state-dwsrf-website-and-contacts</a>.</p> <p>For your question about operator certification--state DWSRFs may utilize their non-infrastructure "set-aside" assistance for operator certification activities. Again, we'd recommend reaching out to WV DWSRF directly for more information.</p>
What is considered a benefit under Justice40 for the SRF programs?	William Carr	Answered live
how do you plan on evaluating Justice 40 so it will reach the intent of the framework?	nayyirah shariff	Answered live
Could someone elaborate how the SRFs will meet justice 40 principles? Will the EPA be tracking the disbursement of these funds and the communities that these funds reach and the types of benefits that are generated?	Ansha Zaman (CEED, she/her)	Answered live
How can I identify Environmental Justice areas in my state or any state?	Nate.Saunders	Answered live
Will you require state governments to meet certain criteria in order to ensure that these funds reach particularly disadvantaged communities? What kind of specific Justice 40 guidelines are you providing to states that will receive these loans?	Ansha Zaman (CEED, she/her)	Answered live
so she has no Question?	Jonathan Lombardo	
What does SRF have to do with this womans hip replacement	Anonymous Attendee	
<p>This may be too niche of a question for this panel, but will ask anyway! -- Context: I believe one of Justice 40's recommendations is to increase data availability related to the location of decentralized wastewater systems in the US. As it relates to increased SRF funding (which includes the ability to use SRF money to address failing decentralized systems), it will surely be important to know where communities with high proportions of decentralized wastewater systems are, so that they can be targeted for outreach. Question: Are you aware of any plans - through Justice 40 or otherwise - to obtain data on the location of decentralized systems, again to ensure equitable access to SRF funding?</p>	Colleen Neely	<p>Thank you for your question, Colleen. For our staff on the call, we were unable to answer your question. However, we will follow up with unanswered questions and direct yours to our decentralized program for their expertise. Thank!</p>

Question	Commenter	Answer
What is the EPA's definition of "disadvantaged communities"?	nayyirah shariff	The Office of Management and Budget has instructed pilot programs to proceed existing program definitions for disadvantaged communities but have also provided guidance on what the term "disadvantaged community" encompasses. "The term "disadvantaged communities" encompasses, but is not limited to, communities experiencing low income, high and/or persistent poverty; high unemployment and underemployment; racial and ethnic residential segregation; linguistic isolation; high housing cost burden and substandard housing; disproportionate environmental stressor burden and high cumulative impacts; limited water and sanitation access and affordability; and/or disproportionate impacts from climate change." - Please see the guidance: <a href="https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf">https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf</a>
Can you provide examples of potential structural biases in the loan programs that will be targeted?	Anonymous Attendee	Answered live
Does this initiative put the SRFs into more competition with USDA RD funding? At least for rural states?	Anonymous Attendee	USDA RUS Water and Environmental programs and EPA's SRFs are complementary programs. Many USDA and SRF projects combine to serve rural communities. This initiative will assist both programs in providing increased opportunities for small and rural communities.
Is there a way that we can fund water systems over 10,000 population that are in need? Example: Town has 50,000 residents, and 50% are low income.	Tamara Anderson	Hi Tamara, thank you for your question. SRF programs effectively provide assistance to communities large and small, urban and rural. Small and rural communities have accessed assistance through the SRFs just as those in urban or larger metro areas have. There is not a population "cap" for SRF assistance.
Can you please talk about the timeline for implementing J40, major milestone dates, and the timing for further engagement?	Anonymous Attendee	Thanks for your question. Here is the Interim Guidance on Justice40 that we received. It includes the timeline, major milestone dates, etc. <a href="https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf">https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf</a>
The State of Maine meets with all SRF co-funding partners (RD, CW, DW, CDBG, Efficiency Maine, etc..) once or twice per year to discuss community needs across the State. This helps combine resources rather than compete with each other	Brandy Piers	Thank you for sharing, Brandy! We've seen others State do something similar. It's a great example of coordination among funding partners!
Most SRF projects benefit both non-DACs and DACs, how will EPA give "credit" for the DAC portion of a project?	Cathy Tucker-Vogel	Answered live
What are the usual sources of funds states using to repay the loaned funds? I can see where cash strapped states or states that do not wish to raise taxes not take part in the programs.	Charles Bryson	The most common source is user rates - water and sewer bill. these are not the only but most common. please see for further information at <a href="https://www.epa.gov/dwsrf">https://www.epa.gov/dwsrf</a> and <a href="https://www.epa.gov/cwsrf">https://www.epa.gov/cwsrf</a> for program information
If the state SRFs are required to adopt Justice 40 principles, can the funding for the Small and Disadvantaged Community Grant be passed through the DWSRF rather than exist as a separate grant program? Maybe as a small increase in the additional subsidy requirement? New specific grant programs specifically targeted to small communities create additional challenges for these communities as well as the states to administer.	Chad Kolstad	Chad, that is a great question. Thank you. For clarity, the Small and Disadvantaged grant is not one of the pilot programs under the Justice 40 initiative. The pilot programs are the Reducing Lead and Lead Testing grant. Secondly, the Small and Disadvantaged grant cannot be passed through the DWSRF as the program was established under section 1459A of SDWA. While it may be similar to the SRF, its statutory requirements are not the same.
[Interim Implementation Guidance for the Justice40 Initiative] <a href="https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf">https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf</a>	Travis Parsons - WV AML	thank you for sharing this resource link!

Question	Commenter	Answer
Will EPA provide a "universal" definition of DAC for purposes of the SRF programs?	Cathy Tucker-Vogel	The Office of Management and Budget has instructed pilot programs to proceed existing program definitions for disadvantaged communities but have also provided guidance on what the term "disadvantaged community" encompasses. "The term "disadvantaged communities" encompasses, but is not limited to, communities experiencing low income, high and/or persistent poverty; high unemployment and underemployment; racial and ethnic residential segregation; linguistic isolation; high housing cost burden and substandard housing; disproportionate environmental stressor burden and high cumulative impacts; limited water and sanitation access and affordability; and/or disproportionate impacts from climate change." - Please see the guidance: <a href="https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf">https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf</a>
Communities need to use lawyers and file civil rights complaints. Also, notifying the public of the health risks is most important. Bringing in medical vans to disadvantaged communities with an EJ score over 70%.	Brandi Crawford-Johnson	Thank you for your comment, Brandi. This is an interesting suggestion that we can take into account as we improve our programs and practices.
Is the effort 40% of "benefits" to "disadvantaged communities" from both the SRFs across the US or 40% in each state, 40% in each SRF program in each state..? Does anyone know?	Anonymous Attendee	In Executive Order 14008, the President directed the Director of the Office of Management and Budget (OMB), the Chair of the Council on Environmental Quality (CEQ), and the National Climate Advisor, in consultation with the White House Environmental Justice Advisory Council (WHEJAC), to jointly publish guidance on how certain Federal investments might be made toward a goal that 40 percent of the overall benefits of such investments flow to disadvantaged communities – the Justice40 Initiative. More information can be found in this link: <a href="https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf">https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf</a>
Before the new directive of Justice40, what percent of funds from these programs were awarded to underserved communities?	Anonymous Attendee	Thank you. This analysis is part of determining the baseline for Justice 40.
What is the gameplan to ensure that both urban AND rural DAC and EJ communities are served and benefitted? The WIIN Lead Reduction grant last year, for example, almost solely served urban DACs. Serving rural DACs is not easy but it is needed.	Sarah Buck	Answered live
In the SRF program disadvantaged community is defined by the States how and who is going to define Justice 40?	Anonymous Attendee	Further guidance to agencies on how to define disadvantaged communities for the purposes of the Justice40 Initiative will be released later this year, concurrent with the establishment of a geospatial Climate and Economic Justice Screening Tool being developed by CEQ, in partnership with the United States Digital Service (USDS). This new tool will include interactive maps with indicators to assist agencies in defining and identifying disadvantaged communities. Please see the full guidance issued by OMB. <a href="https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf">https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf</a>
Has EPA completed a review of available data at the local, state, and federal level and a gap analysis for data that is not currently generated/available that would help to measure benefits and identify disadvantaged communities? If yes, where can this be accessed? If no, please consider completing a study.	Anonymous Attendee	Answered live

Question	Commenter	Answer
<p>That was just one example--I know serving rural DACs is a challenge for SRFs as well--not much money goes out the door and lots of time and effort goes in! Just want to be sure where we can to ensure rural is being served where possible.</p> <p>We are happy to help wherever we can and are glad to be engaged in this process as you roll out Justice40.</p>	Sarah Buck	Thank you raising this, Sarah! Very good point.
<p>Have states or the EPA considered using demographic data to identify the communities with the greatest need and target outreach and technical assistance to DACs? Similar to the predictive analytics to find households that are eligible for customer assistance programs?</p>	Katy Hansen	Hi, Katy! You and EPIC are on our list for a smaller, more focused engagement session. This will be perfect for that. Let's work on scheduling.
<p>For SRF I think a benefit should be loan agreements - not additional subsidy components of loan agreements. When determining the 40% - the loan agreements made to Environmental Justice communities should be divided by the capitalization grant amount awarded for that year.</p>	William Carr	William, thank you for this input. We will consider a wide range of potential measure for assessing benefits, including this idea.
<p>What states are currently working on the urban/rural EJ divide and EJ in rural communities?</p>	Anonymous Attendee	Answered live
<p>Has EPA identified (or considered identifying) constitutional authority (e.g., equal protection, etc.) for EJ initiatives? State agencies in states that are politically hostile to EJ steps which restrict regulated entities need as much black-letter legal authority as possible to achieve these goals.</p>	Patrick Bigsby	Answered live
<p>I am confused as two presenters have indicated that EJ/disadvantaged definitions vary by state. In Massachusetts, we have Environmental Justice communities which are determined using economics as well as other factors. However, I thought the Justice 40 policy specifically identified three factors which the federal government is using for the 40% fund set aside. I was told by management that "the federal 40% is called disadvantaged" and is based on minority status OR economics which is separate from our state EJ definition specifically uses economics as a metric (I think it's 80%MHI).</p>	Patricia Arp	In Executive Order 14008, the President directed the Director of the Office of Management and Budget (OMB), the Chair of the Council on Environmental Quality (CEQ), and the National Climate Advisor, in consultation with the White House Environmental Justice Advisory Council (WHEJAC), to jointly publish guidance on how certain Federal investments might be made toward a goal that 40 percent of the overall benefits of such investments flow to disadvantaged communities – the Justice40 Initiative. More information on the guidance we received can be found in this link: <a href="https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf">https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf</a>
<p>Are non-monetized benefit assessments useful?</p>	Marc Russell - ORD,CCTE	We welcome trying to capture benefits that are not monetized if they can be identified, measured, and reported in a consistent manner.
<p>SRF's mainly make loans to utilities and breaking down the users of that utility into disadvantaged categories and locations is not within the SRF's capability.</p>	William Carr	Thank you for sharing this, William!

Question	Commenter	Answer
Thanks Yvonne. I was thinking more about any future Small & Disadvantaged Community Grants. If EPA can make it a point to explain to Congress that the SRFs already have disadvantaged community requirements then there is no need to have a separate grant program. If Congress wants to provide additional funding for disadvantaged communities, it is simplest to send those funds through the SRFs.	Chad Kolstad	Understood. Thank you for your input.
Mr. Lee, with respect to the SRF Program, if a project is funded by state funds, not federal funds, would it still need to comply with EJ and if so, please explain how? Right now, Executive Order 12898 is listed as a cross cutter which only applies to fully federally funded projects. This is expected to change?	Liz Ellis, Ecology	Answered live
Can you provide information for the October 28th, Tribal Meetings? I don't think I have received any emails/notifications of it.	noah rc	Please reach out to Charles Lee (lee.charles@epa.gov) or Victoria Robinson (robinson.victoria@epa.gov) for more information. Thanks! Please reach out to Abby Cruz, EPA's American Indian Environmental Office, at cruz.abigail@epa.gov
When is the training and hearings?	naomi yoder (they/them) Healthy Gulf	Answered live
Victoria, can you place the link that Tomas has provided in the chat.	SStohs R10 EJ	<a href="https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry">https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry</a>
Tomas, is this proposed rule suppose to be a reversion from the 2019 EPA's amendment to National Oil and Natural Gas Federal Implementation Plan and/or the EPA's 2019 rule change for the Oil and Natural Gas Sector's Emission Standards for New, Reconstructed, and Modified Sources?	noah rc	Answered live
My name is Carolyn White in Suffolk Virginia. Our community pays for storm water management but has none. We have reached out to DEQ regarding the water turning color in our ditches that the city refuses to close with piping. We also have communities with septic tanks back ups in their home pipe lines and my community is comprised of two cities. The cities receive all funding for the urban work yet they receive funds from rural, suburban and urban. The disadvantaged communities are suffering and need the funds monitored as these communities never get any funds that are provided when the city receive it. Thanks	Carolyn	Answered live. Additional information: Below please find a link to locate the state SRF contacts directly. I have included both CW and DW though it sounds like your concerns are mostly CW  DWSRF: <a href="https://www.epa.gov/dwsrf/state-dwsrf-website-and-contacts">https://www.epa.gov/dwsrf/state-dwsrf-website-and-contacts</a> CWSRF: <a href="https://www.epa.gov/cwsrf/state-cwsrf-program-contacts">https://www.epa.gov/cwsrf/state-cwsrf-program-contacts</a>
We feel that there is a gap in inclusion for rural communities that have now been included in "Metropolitan Statistical Areas" in Virginia. Our communities experience an undue burden in de-investment in water and sanitation. Is there an EJ Opportunity for Rural populations that we may not be aware?	Anonymous Attendee	Answered live
I'm interested in more information on State participation in the USEPA / Justice40 workgroup formation. Laurel Lynn Rowse, Mississippi State Dept. of Health DWSRF	Laurel Lynn Rowse	Hi Laurel, thanks for your interest! We'll be talking more about next steps for this DAC sub-workgroup during our state/EPA workgroup gathering later this week. Also feel free to send me (shattuck.dallas@epa.gov) an email.