

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

VIRTUAL PUBLIC MEETING

NOVEMBER 10, 2021

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ATTENDEES LIST

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AGENDA
UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
NATIONAL ENVIRONMENTAL JUSTICE
ADVISORY COUNCIL
FULLY VIRTUAL PUBLIC MEETING
November 10, 2021
1:00 P.M. – 6:00 P.M. EDT

DAY 1: WEDNESDAY November 10, 2021	
1:00 pm - 1:30 pm	WELCOME, INTRODUCTIONS, & OPENING REMARKS <ul style="list-style-type: none"> ○ Fred Jenkins Jr., PhD, Designated Federal Officer – U.S. EPA ○ Matthew Tejada, PhD, Director, 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
1:30 pm - 2:00 pm	WELCOME, EPA UPDATES, & DIALOGUE <ul style="list-style-type: none"> ○ Janet McCabe, Deputy Administrator – U.S. EPA
2:00 pm - 2:30 pm	The Draft FY 2022-2026 EPA Strategic Plan Presentation focus on Goal 2: Taking Decisive Action to Advance Environmental Justice and Civil Rights and updates on Justice40 <ul style="list-style-type: none"> ○ Matthew Tejada, PhD, Office of Environmental Justice– U.S. EPA ○ Lilian Dorka, External Civil Rights Compliance Office
2:30 pm - 3:15 pm	NEJAC Response to FY 2022-2026 EPA Strategic Plan Presentation

3:15 pm - 3:30 pm	Break
3:30 pm – 4:15 pm	<p>NEJAC OPEN BUSINESS MEETING REFLECTION AND DISCUSSION MOVING FORWARD INCLUDING:</p> <ul style="list-style-type: none"> ○ NEJAC Workgroup Updates: <ul style="list-style-type: none"> ▪ Community Air Quality Workgroup ▪ Farm Worker and Pesticides Workgroup ▪ Financial and Investment (Justice40) ▪ NEPA ▪ PFAS/PFOA/ PFOS ▪ Water Infrastructure
4:15 – 5:55 pm	<p>PUBLIC COMMENT PERIOD</p> <p>Note: Members of the public will be given three (3) minutes to present comments on their issue or concern to the NEJAC.</p>
5:55 pm - 6:00 pm	<p>CLOSING REMARKS & ADJOURN</p> <ul style="list-style-type: none"> ○ Sylvia Orduño, National Environmental Justice Advisory Council Chair – Michigan Welfare Rights Organization ○ Fred Jenkins Jr., PhD, Designated Federal Officer – U.S. EPA
<p>Note: 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 jenkins.fred@epa.gov.</p>	

NEJAC PUBLIC MEETING EPA PRESENTATION MATERIALS

All the EPA presentation materials in this public meeting are posted in the public docket for this meeting available at www.regulations.gov via under docket number EPA-HQ-OA-2021-0671.

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 in the public docket for this meeting at www.regulations.gov under docket number EPA-HQ-OA-2021-0671 and 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.

**NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL
VIRTUAL PUBLIC MEETING
NOVEMBER 10, 2021**

MEETING SUMMARY

The National environmental Justice Advisory Council convened via Zoom meeting on Wednesday, November 10, 2021. This summary covers NEJAC members' deliberations during the meeting and the discussions during the public comment period.

WELCOME, INTRODUCTIONS, & OPENING REMARKS

Dr. Fred Jenkins, Jr., Designated Federal Officer (DFO), U.S. Environmental Protection Agency (EPA), opened the meeting, welcomed everyone and introduced the instructions for an opportunity to hear from meeting attendees outside of the public comment period, using the Q&A features and he reminded the audience that preregistered oral public commenters, will be invited to speak later in the meeting during the public comment period.

Dr. Jenkins stated that there is a public docket for this meeting, EPA-HQ-OA-2021-0671 that is accessible via regulation.gov. He also noted that all meeting information and materials can be found in the public docket, and on the NEJAC website. He also informed everyone that the meeting is recorded, and he lastly introduced Dr. Matthew Tejada, the Director of the Office of Environmental Justice.

Dr. Matthew Tejada, Director, Office of Environmental Justice (OEJ), Environmental Protection Agency (EPA), thanked the supporting team and informed everyone that OEJ is supporting both the National Environmental Justice Advisory Council (NEJAC) and the White House Environmental Justice Advisory Council (WHEJAC).

Dr. Tejada explained that the NEJAC has been the longstanding advisory committee on Environmental Justice (EJ) for EPA, and that EPA's Office of Environmental (OEJ) is also supporting the White House Environmental Justice Advisory Council (WHEJAC) which

provides EJ recommendations directly to the chair of the Council of Environmental Quality. Dr. Tejada provided an overview of the meeting agenda and handed the meeting over to Ms. Sylvia Orduño, the NEJAC Chair.

Ms. Sylvia Orduño, NEJAC Chair, announced then ten new members to the Council, established that quorum was met, and the meeting was ready to begin. After which she turned the meeting over to Dr. Tejada.

Dr. Matthew Tejada, Director, OEJ, stated that at some point in 2022, they may be able to come together for an in-person NEJAC meeting at some location to be determined either Washington D.C. or some other location in one of the EPA regions.

Dr Tejada informed the Council that Administrator Michael Regan will be embarking upon the first leg of his “Journey to Justice Tour” during the following week of November 15, 2022. He explained that Administrator Regan is traveling around the United States to communities with EJ concerns, especially to connect with legacy communities that have had some of the toughest EJ challenges for generations.

Dr Tejada then invited Ms. Vicki Arroyo, JD, and Dr. Phil Fine to introduce themselves.

Ms. Vicki Arroyo, Associate Administrator, Office of Policy, EPA, explained to the NEJAC the importance and implications of the EPA draft multiyear strategic plan specifically in how it informs EPA’s budget, staff and manager's performance evaluations, and all the work that the entire Agency does with communities and the regions as well as the National Program offices.

Mr. Phil Fine, Principal Deputy Associate Administrator, Office of Policy, EPA, stated that he was looking forward to receiving the NEJAC’s feedback and recommendation on the Agency’s draft multiyear strategic plan and they are looking forward to their feedback.

WELCOME, EPA UPDATES, & DIALOGUE

Dr. Matthew Tejada, Director, OEJ, introduced Ms. Janet McCabe, JD.

Ms. Janet McCabe, Deputy Administrator, U.S. Environmental Protection Agency: It is great to be with everybody. Thank you all for letting me take a few minutes of your meeting. I know that today you're going to focus significantly on talking about the proposed strategic plan. We're really looking forward to your input on that. So, I thought I would take a few minutes to talk about a few other things to just sort of kick things off, and then to see what questions that you guys have.

So, the first thing I'd like to do is to say a great big thank you and welcome to the ten new members of the NEJAC. So grateful for your willingness to serve on the NEJAC. I've served on a couple of FACAs myself in the days when I didn't at EPA. I know that is a labor of love. You are fitting it into your already busy lives, and you do it because you care about these issues, and we're just ever so grateful. We know that your contributions are going to make us more successful, our work more successful, and remind us and help us pay attention to the right things. So, thank you all, and thank you again to those of you who are continuing to serve.

Administrator Regan really did want to be here with you today, but as I'm sure you know, he's in Glasgow this week. He can't really do anything about the schedules. They're not in our control. It sounds like it's been really exciting over there, and there's a lot of amazing conversations happening. So, he'll be back soon and back on the road.

In fact, literally, he will be back on the road because next week, he will be on the first leg of what he's calling a "Journey to Justice" where he is going to travel to the states of Mississippi, Louisiana, and Texas to continue because he's done some of these visits already, but to really start a concerted effort to have conversations with the people who live in the neighborhoods in the communities around this country. In particular, the neighborhoods that are burdened with significant levels of pollution, whether it's air, water, land contamination, lack of access to open space, and the kinds of resources that we should expect and that everybody in this country should be able to count on as part of living in this country to support healthy and productive lives.

I want to highlight a couple of really important points with this trip. As I said, this is not one and done. I've had conversations with him personally where he's expressed how important it is for him to get out of Washington and to see the communities where we do our work in terms of working with entities that are creating the pollution burden and meeting with the people who live in those communities. So, that is really, really important to all of us.

Second, we've been working with the communities that he's visiting to arrange the details of these visits. So they're happening in the places and in the ways and with the people that the communities would like to be part of this. They're not photo ops. They're not just a publicity tour. It's really lifting up the administrator's deep appreciation for the need for folks like him, folks like me from inside Washington D.C. to engage directly with communities on their terms. We have heard from community leaders throughout the year that Administrator Regan has been in EPA and from you on the NEJAC about the need to improve the way we plan the administrator's community engagements. We're working very hard to do better at that, to include people the way we should, to make people aware the way we should. That's not to say we won't still misstep. We do it all the time. Our intentions are very, very good here, and hopefully, we are getting better, and we will continue to get better as we do that.

As some of you may know, I split my time between Washington D.C. and Indianapolis, although it's not an even split. I'm in Washington more than Indianapolis. That's where I live. The Martindale-Brightwood, and Team Park neighborhoods are no more than a stone's throw from my home in Indianapolis. These are communities that are neighbors. And I've had the privilege of working closely with people in those communities when I was working at Improving Kids Environment a number of years ago now. I was part of a community action for a renewed environment grant to Martindale-Brightwood, a CARE grant. What a great program that was.

That's a neighborhood where the high concentration of abandoned property, high poverty, poor infrastructure, few of the necessary community resources, such as grocery stores or pharmacies. There was an extraordinarily high, still is, concentration of brownfield sites in that neighborhood that were high levels of lead in the children's blood in those neighborhoods, and the care grant allowed the neighbors themselves to learn about the environmental conditions in their

community to make their own decisions about which were the highest priority. It built capacity and a sense of ownership and empowerment among the residents. It was their project.

So, through this project and others I've worked on, I've seen environmental injustices in my very own home, city, and I've talked with the people in those communities. I've tried to learn what we can do to really empower communities to have a voice in decisions that are made and to guide the decisions that happen to improve conditions in those communities. This is really, really, really hard work, and it takes a long time.

On behalf of Administrator Regan and all of EPA and myself, for sure, I want to reaffirm how committed we are to doing our best to ensure that overburdened communities are protected from exposure to dangerous pollution, that illegal omissions and emitters are called to account, that these communities have equitable access to resources and opportunities and that funds go to the places of greatest need to solve these legacy issues, which are holding communities back from being healthy, prosperous and hopeful places to live. I think we have some hopeful signs; I was going to say on the horizon, but they're really on the doorstep here.

I'll mention the most recent one right now, the Bipartisan Infrastructure deal. This is an unbelievable opportunity. Unbelievable. Less frequent than once in a lifetime really. Unprecedented support to critical EPA programs, such as drinking water and super fund and brown fields and bus replacement. So much of it is going to be focused on communities that have been overburdened with pollution for too long. Through the president laying out his expectations through programs like Justice40, through Administrator Regan's focus on centering the EPA mission on achieving justice, we will be able to use these resources to help communities and to direct resources to achieve meaningful and lasting improvements to these critical needs in our nation's most overburdened and vulnerable communities. Of the \$60 billion, EPA's current budget is about \$15 billion.

So, just think of that. I mean, it's just remarkable. Justice40 is going to be an extremely program to help us prioritize these resources, and as it happens, many of the programs that will be receiving the most significant funding from the infrastructure deal are already a pile of programs under Justice40. So, that means no delay in trying to figure out how to prioritize the funding.

We're actively working that out right now. So, that's really good. We're really happy about that.

We're also looking forward to hopefully Build Back Better bill passing with additional substantial resources, and, of course, the coming FY'22 baseline budget. Both of these have yet more resources that will allow us to really drive our ability to build capacity, provide technical assistance that we know, we've seen, and we've heard demanded across the country from communities and their local partners and issues that the NEJAC has raised over the years very clearly.

So, our relationship with you and the advice and the guidance that you all can provide to us is going to be absolutely essential to our thinking and implementation of these new resources and programs and they vary, right? I mean, a lot of the money is going to programs that already exist where the system we're getting money out into the community are already pretty well established. What we're going to be doing is making them 2X or 3X the level that they are now and using programs like Justice40 to make sure that the resources are directed to the most needful areas.

There will also be a number of new programs that are a very, very exciting opportunity for all of us to figure out how to design these things in order to have the greatest impact, especially in the communities where the need is greatest. So, way, way, way more to come on that. We're not losing a minute in getting organized to be able to get these resources out the door in the way that Congress and the president intend them.

So, shifting gears a little bit. I know you haven't had very long to review the administrator's response to the NEJAC's 100-Day Letter, a couple weeks I think you've had it. It's very lengthy. It provides a lot of information. That's why it took us a minute to get it out to you, but I hope that you'll see when you had a chance to look at it, what the breadth of the efforts across EPA on environmental justice issues, which are underway in this administration. I hope what will come through to you from that lengthy response is the deep and fundamental commitment of those of us at EPA right now to take on the hard work of centering our mission on environmental injustice and the administrator reminds us of that every single day.

I think that the scope of our envision is also clearly evident in the draft strategic plan. I'm not going to spend much time on that because that's where you're going to spend your time today, but I think including a second goal that focuses so directly on environmental justice is another signal that this administration is serious about a different approach to making progress on environmental justice, then prior administrations.

So, very much looking forward to your feedback and input on that, that there's been a lot of conversations within the Agency about how we will live out, how we will put down on paper what that Goal 2 means and how we will accomplish it and we need your input and help on how to make sure that we do that. Let me say just another minute on the Justice40 initiative because, I mean, it's just so revolutionary and impactful: a government approach to delivering 40 percent of the overall benefits from certain federal investments to disadvantaged communities.

As I said, we've already got programs that are considered pilots for Justice40 that includes the Drinking Water State Revolving Fund, the Clean Water State Revolving Fund, lead and drinking water, brownfields, superfund, and the Diesel Emissions Reduction (DERA) Program, which provides funds to convert dirty old diesels into less or nonpolluting vehicles. So we know that in order to actually implement Justice40 in the appropriate way, we have to be mindful of the realities and demands of the communities themselves. That means we have to be willing to engage anywhere and everywhere.

But we also recognize that engagement itself can be a burden on communities, and I think we've all experienced some of that in our eagerness to make sure that we're communicating with community groups and individuals and groups like NEJAC on an ongoing basis with so much going on at the Agency that we don't want to burn people out or make it difficult for people to feel like they can contribute because they have a few other things going on in their lives as well. So we're working to be as smart and sensible and sensitive about that as we can to reduce the burden but to create and sustain consistent, meaningful, and manageable methods to stay engaged with you.

Again, this is another area where your input on how to do that most successfully is most appreciated. So, we've convened a variety of engagement efforts. We've hosted community

engagements on a biweekly basis with a special focus on Justice40. So, far, I think we've had a couple thousand people attend these calls. So, we'll continue. We have a call coming up on November 30th focused on tribes and indigenous people. So, please let us know how we can do better on that.

As you know, there's just so much going on at EPA, and, when we have a big rule or a big program to announce, we want to get the word to you. When we are looking for ongoing input on things, we need to engage with you, but we also realize that there's only so much time in the day and so much bandwidth that people have to be constantly hopping on calls with EPA.

Just quickly, a couple other things I want to mention. We have some opportunities out right now. A few days ago, we announced two school bus rebate opportunities. One under DERA, the 2021 DERA school bus rebate program and the 2021 American Rescue Plan electric school bus rebates. This is for a total of \$17 million and will be used to help schools and bus fleet owners to replace older, highly polluting diesel school buses. This will, of course, improve air quality in and around schools and the communities that they drive through, right at ground level. It will reduce greenhouse gas pollution, better protect children's health overall, and everyone who comes into contact with those sources.

I've worked with schools that are eager, eager, eager to get this money in. They're so excited, and this is the kind of the thing where you sort of count it bus by bus, right? School systems may only be replacing one or two buses a year. They're very expensive. If they get an electric bus, boy, are they excited. It's just such a signal of the clean energy transportation world to come and what better place to have that be demonstrated than in our school yards and school bus barns.

So, I encourage you to spread the word about that. We'll soon be announcing the EJ collaborative problem-solving agreements. These will be largely funded through the American Rescue Plan funding. They'll provide \$200,000 directly to community-based organizations and tribes across the U.S. to support environmental justice efforts. We've got selections that we'll be announcing imminently, and we also will be announcing the EJ small grant recipients. So when you put all these things together, these EJ grants, this will exceed, I'm told, the amount of EJ funding EPA has given out in the previous decade. The amount of resources available for these

programs is just demonstrably greater than it has been in the past, and what an opportunity that is for this country.

So, we're just so excited about the prospect for communities to be receiving support early on in the administration so that we can continue to work with communities and deliver the most for every one of those dollars and see those efforts through. We're also in the final stages of putting together a request for proposals for our \$20 million air quality monitoring grant. This is American Rescue Plan funds again. These grants will be available to states, tribes, local, government, and community organizations to receive funding for priority air monitoring needs. I know the air office has significantly engaged with many partners including community organizations to talk about the details of the grant opportunities.

So, we're looking forward to putting that out and starting to get feedback from people about the kinds of projects that they are hoping to get funding for. Of course, the areas that are most burdened with air pollution are the areas where we hope that these resources will go. I think we understand how much of our air pollution burden these days is in sort of micro neighborhood-scale environments and very hard to have enough monitoring resources to go around. So that RFA will be coming out in the next few weeks. If you want to make sure you don't miss it, sign up for EPA's environmental justice's list or follow us on Twitter where we'll also produce the news of this.

A couple more things or maybe one more thing, I want to make sure that you knew that EPA's draft strategic plan to reduce lead exposures and disparities was released on October 28th. So, that's a draft because we are looking for comments from external stakeholders. This strategy builds on the goals and objectives of the existing Federal Lead Action Plan. That was developed by what's known as the President's Task Force Lead Reduction Subcommittee.

So, this is also in furtherance of President Biden's executive order on advancing equity for underserved communities. I'm really proud of this draft lead strategy. It certainly is in all of EPA's strategy, and it has some cross-agency cooperative efforts as well. There's really a first of its kind groundbreaking emphasis on eliminating racial and socioeconomic disparities and blood lead levels and promoting environmental justice with actions from pretty much every part of

EPA that will help disproportionately impacted communities. And so please do give us your thoughts on this.

This is an issue that's a great personal passion for me having worked on it for many years and just been dismayed at the fact that we still have children in this country whose lives are affected in significant ways by being exposed to this pollutant where we know where it is. We know what it takes to get rid of it, and yet, we can't seem to do it. So, I know you have a full agenda today and never enough time. So, I'm going to stop and just say thank you. I want to thank Fred, George, Piyachat, and the entire OEJ team for the support that they provide to the NEJAC. It takes a team to put together calls like this and also to make sure that we're doing right by the NEJAC. I appreciate how members of the NEJAC have always not always been – not held back from speaking powerfully both to us and publicly and in their communities about environmental justice in our nation.

We have a responsibility to live up to our words and mission and we're doing our utmost every day to do that. So, thank you, again. And Matt, if there's time for a few questions, I would love to take them and either answer them or have others help me answer them.

Dr. Matthew Tejada, Director, OEJ: Asked Ms. Orduño to facilitate the question and answer session between Deputy Administrator McCabe and the NEJAC.

Ms. Sylvia Orduño, NEJAC Chair: Thanked Ms. McCabe for bringing an abundance of updates, on behalf of the administrator and for her commitment to environmental justice and to the work of this Council. Ms. Orduño also expressed excitement about all that Ms. McCabe outlined and to learn about the Administrator's Journey to Justice visit in the south, and she also expressed enthusiasm about what Congress has now approved to help make many of these promises possible.

Ms. Orduño indicated this is a very monumental time for what is possible. The council is looking forward to learning more about the Strategic Plan and more engagement, especially around the Justice40 initiative, including issues related to financial transparency, and whether money is

reaching impacted communities and being used as intended with the meaningful participation of the impacted residents. Ms. Orduño wanted to acknowledge that the Council has received a response to the 100 Day Letter and our work groups will be looking more closely at that and responding earlier next with feedback to your responses. She added that this Council appreciated that the Administrator agreed its important for this Council to be in conversation with the WHEJC and have had a couple of meetings already and are looking forward to more engagement, especially around the Justice40 initiatives. In fact, one of the NEJAC's work groups is focused on issues of finance and investment and is something we're very much interested in following to make sure it's getting to our impacted communities and getting used as intended. Ms. Orduño reminded the NEJAC if they wanted to provide feedback to Deputy Administrator McCabe they can do so in writing at a later time. Ms. Orduño, called on a new council member Dr. Harrison.

Dr. Jill Harrison, NEJAC Member, thanked Deputy Administrator for prioritizing environmental justice at the Agency. Dr. Harrison said she heard that there are a lot of important investments being made into disadvantaged communities which is crucially important. She asked Deputy Administrator McCabe about how EPA can change the ways that regular decision-making is made in terms of core regulatory work so that the council can figure out how to make sense of all of these important investments into communities with the environmental justice concerns with ongoing approvals at the federal, and state level regarding issues like pipelines and really hazardous facilities.

Ms. Janet McCabe, Deputy Administrator, EPA indicated that the agency has been learning about the research that Dr. Harrison does into the challenges that government agencies find in actually putting into practice what they say about what they want to do in terms of environmental justice. It's been incredibly eye-opening work so thank you for doing that work. She added that the agency is mindful of this, but in the moment it is sort of overshadowed by the number 60 billion and the infrastructure bill, stating we won't get where we need to be as a country if we're not also tending to the way we write rules, the way we make permitting decisions and all of the day-to-day work of the Agency, both at EPA and at the state environmental agencies where so many of the decisions are made.

Ms. McCabe noted that one of the obligations under President Biden's equity executive order is to develop a plan for how we're going to do that work better and more meaningfully at the Agency, and the agency has done an initial quite extensive effort to evaluate the barriers within the Agency to think about the things they need to do in order to change the culture, change the understanding of our legal authorities, change the procedures that we use, change the standard operating procedures that we have, whatever we need to do, where do we need more science so that questions of cumulative impact which, for example, has been identified as the number one need for us to understand better about and how to fit that into our statutory authorities which aren't necessarily written from a cumulative impact perspective, how to work through all those things. That work is absolutely under way and the only reason I didn't mention it in my opening is because everything is kind of overshadowed with infrastructure right now. You should feel free to remind us on a regular basis that we need to be doing that work as well.

Mr. Andy Kricun, NEJAC Member: Thank you Administrator McCabe, for all that EPA is doing to push forward environmental justice. It's such a welcome relief. Mr. Kricun stated his career has been in water infrastructure and he's so pleased to see the upcoming investment in infrastructure and recognized this to be a once in a generational opportunity. He asked Deputy Administrator McCabe how to make sure that the funding gets to underserved environmental justice communities because often environmental justice communities lack the resources, which would really be transformational for them. He saw in Camden, New Jersey that they didn't have grant writers but with a little bit of assistance, they get the funding that they need. Mr. Kricun stated knowing that environmental justice funding is a top priority for EPA he would like to offer some suggestions later about how to help.

Deputy Administrator Ms. McCabe indicated that she welcomed suggestions and, she noted that there are some pots of money that are specifically earmarked to help build capacity, she noted that EPA understands that this is going to be a big part of being successful; to not only put out grant opportunities but to figure out how to support groups and communities that maybe haven't been able to seek grants before and to be able to do it. She further noted that so much of this funding is going to be issued through the state revolving fund programs, but that's one reason there are pilot programs under EJ Justice40, so that EPA can really think early about how to try to train those resources in a lawful way within our authorities into those communities

that really need it.

Mr. Kricun further asked about the elimination of lead service lines and he noted that a generation of school children can be saved in the coming ten years and if lead awareness initiatives implemented can also get out to encourage people to install filters in or run their water for two minutes and try to protect them while we replace our lead service lines in parallel.

Deputy Administrator McCabe indicated that not one child should become lead poisoned right now when we know what you need to do in order to not have that happen. EPA always has supported those kinds of efforts, done them themselves, worked with states, and public health agencies but there's just always more that can be done.

Ms. Leticia Colon de Mejias, NEJAC Member: stated she was inspired by reading the strategic plan and wanted to bring attention to the one area that she has seen in travels across the United States, which is lacking currently in the strategic plan is the initiative to really engage, inspire, and move communities to understand climate change. Ms. Colon de Mejias stated that there's a lot of really great work in the strategic plan around strong demands and making infrastructure improvements but it's so hard for people to be meaningfully engaged and come to the table and have conversations when they're just not being informed in any way, shape, or form in public arenas and public schools in their communities, which makes it very hard for them to understand the importance of the infrastructure changes. This consequently makes it hard to engage them. I'm moved by the plans effort to bring people to the table and help them deal with the systemic issues that need to be addressed and are long-standing.

Deputy Administrator McCabe thinks many people would think that strategic planning is one of the more boring things that you could do with your time but that's not the approach that we took in developing this strategic plan and that it is a true expression of what this administration thinks needs to be done in this country and how EPA can help do it and adding equity is one of our four pillars, which is the three pillars of follow the science, follow the law, and be transparent. That has been EPA's pillars since Bill Ruckelshaus was the first administrator (or after that), but EPA is now adding equity as a fourth pillar that is on equal footing with those and

adding environmental justice as its own goal. Our hearts and souls are in that strategic plan. Educating people on climate change – I couldn't agree more and when I talk to science experts about climate change and say, 'what's the most important thing that the people can do?' The answer is usually, talk to people, communicate with people and your neighbors, the people that you meet in the grocery store on the soccer field or a church or whatever. Ms. McCabe also stated that the EPA needs other voices out there. She'd love to hear other ideas on how to do that. For example her home in Indianapolis; where the local paper is full of these huge fights at schools about what's getting taught in the schools, and whether they're going to have vaccines and all that sort of thing, some of these places are kind of hard to crack.

Ms. Sylvia Orduño, NEJAC Chair: says that the same thing had been noted in the 100-Day Letter and very important in the youth climate justice report and this Council has been concerned about. Ms. Orduño reminded that the workgroups are going to be looking more closely at some of these initiatives that EPA is going to be doing with its budget and among those, with the water infrastructure work group, that we've got our concerns about SRF funds and how they're used in criteria, priorities, and the concerns that there's a larger focus on having the strength of the fund being more important than the use of the fund for EJ communities in particular. We'll provide more feedback on that later. Thank you for being here with us.

DRAFT FY 2022-2026 EPA STRATEGIC PLAN

The Draft FY2022-2026 EPA Strategic Plan is available in the public docket for this public meeting at www.regulations.gov via under docket number EPA-HQ-OA-2021-0671.

**THE DRAFT FY 2022-2026 EPA STRATEGIC PLAN PRESENTATION FOCUS ON
GOAL 2: TAKING DECISIVE ACTION TO ADVANCE ENVIRONMENTAL JUSTICE
AND CIVIL RIGHTS AND UPDATES ON JUSTICE40**

Ms. Sylvia Orduño, NEJAC Chair, invited Dr. Tejada to continue on with this conversation about the strategic plan, and he would introduce the External Civil Rights Compliance Office Director, Attorney Dorka.

Dr. Matthew Tejada, Director, OEJ: Started by saying that advocates have been asking for a long time to bring together the environmental justice program and the Civil Rights Compliance Program at EPA and that didn't happen for a long time. One of the reasons why it didn't happen for a long time was because there were a lot of issues to work out in the external Civil Rights Compliance Office. He added that he gives a huge amount of credit to Lilian and her staff. The CRCO staff have made incredible progress over the last five or six years at untying a lot of historic issues that they found when they came into that program and starting to put that program on a footing where we are now going to be coming together as an EJ program and external civil rights program, while still staying distinct.

Dr. Tejada further said they are very distinct programs, very unique things that we both do between environmental justice and external civil rights, but this administration and both OEJ CRCO are committed to bringing our programs together in that mutually supportive and unified way to back up one another and to drive forward on equity injustice between what we do.

Ms. Lillian Dorka, Civil Rights Compliance Office, EPA said she was thrilled to be here because they are finally able to have a really open and honest conversation and dialog about what we all need to do to move forward the integration of environmental justice and civil rights throughout all EPA programs. Ms. Dorka added it is also thrilling to be able to finally work with Dr. Tejada, with Mr. Charles Lee, and the rest of the OEJ staff to really push forward this administration's agenda. Finally, they will be able to come together and really leverage what the programs do for one another, fully understanding as this body has already acknowledged that Title VI is probably the most powerful tool in the arsenal for environmental justice, and we do not take that for granted. We have a lot of work to do and really need your help.

Dr. Matthew Tejada, Director, OEJ: Thanked, Lillian. The presentation is for all the folks who have joined us in the public and also for some of the NEJAC members through attendance at one of our national engagement calls, which we have been having every other Tuesday for some months now.

Dr. Tejada said that they have presented most of this information nationally before, but they wanted to make sure that the NEJAC members had all this information to begin with because want to have some really detailed feedback from the NEJAC members on the EPA Multi-Year Strategic Plan. The formal public comment period for this plan ends on Friday.

Dr. Tejada indicated that they are going to talk a little bit at the end of this conversation about trying to come back and have some more detailed opportunity for the NEJAC to weigh in when it will still be not as ripe as it would be now, but still during a period where we will be making decisions and finalizing this plan before it is handed up and hand out of the Agency later this winter. Dr. Tejada wanted to acknowledge that they are just focusing this presentation on Goal 2 of the strategic plan, and as many of our NEJAC leadership has pointed out, there is a lot of EJ and other parts of the strategic plan. Dr. Tejada further stated that we do not want to limit the conversation today to anything that the body wants to talk about in terms of EJ, but he and Ms. Dorka are only responsible directly for Goal 2. They will focus the presentation on Goal 2 but are open to talk about any other parts of the strategic plan.

Dr. Tejada said that we now have a whole chapter that we have been able to craft for the Agency that brings together environmental justice and the external civil rights shop, those things are together are fundamental for the Agency and is a big step forward for the government. It doesn't have the meaning yet of turning that into progress on the ground for communities, but this is a step that had to be taken to get to that progress that communities are looking for. So, we are going to go through just some of the basics here just to make sure folks understand, but they're important words right now. Obviously, this is coming right from the administrator. His top priority is environmental justice. We hope you very clearly see that reflected in what he is signing the Agency up to focus on for the next four years. This is what goes into people's annual performance agreements. This is what people get reviewed on and what they get their bonuses

on. This is what we asked Congress money for. The strategic plan dictates what the Agency will do for the next four years. It is important and really significant that the administrator is centering the mission of the Agency on Environmental Justice and Civil Rights, and he's showing that in the strategic plan. So, there are several key elements of it. You'll see most of these going through in our mission statement, our principles. There are cross-agency strategies. They're things that every part of the Agency needs to be focused on. Then there are strategic goals, and we'll explain in a minute the seven strategic goals we have for EPA in this strategic plan. Those strategic goals are broken down kind of into strategic objectives. So, you kind of chunk those out into more manageable pieces. The thing for me that is most important are the long-term performance goals (LTPG) are the actual commitments. Those are the measurable things we are committing the Agency to measure year over year and fully achieve by the end of the strategic plan, which is September 30th, 2026. We work on the fiscal year cycle. The fiscal year ends on September 30th.

Dr Tejada explained that all of these big performance goals, part of the process, happens after we finalize the strategic plan and then we break those long-term goals down into annual pieces so that we make progress every year towards the ultimate achievement, the 100 percent achievement of those goals by September 30th, 2026. Then within those long-term goals, there are other annual goals that help us to achieve those long-term goals. So, two new things, and again, Janet mentioned this. For a long time, EPA had three principles, follow the law, follow the science, and be transparent. Administrator Regan added advanced justice and equity as a principle of the Agency. Then also, traditionally, if you look down at those bottom boxes, traditionally, EPA strategic plans would just have goals three through seven. And those line up with our big national programs.

Goal 3 is OECA, the Office of Enforcement and Compliance Assurance. Goal 4 is the Office of Air and Radiation. Goal 5 is the Office of Water. Goal 6 is the Office of Land and Emergency Management. Goal 7 is the Office of Research Development. The big change in this is Goal 1. Goal 1, climate in previous strategic plans was kind of tucked inside of the air strategic goal. It now gets its own, recognizing that all the Agency needs to focus on climate change and Goal 2 where we have environmental justice and civil rights as a core goal for all of the Agency. So they cut across, but we now have a goal just for them.

Dr. Tejada also wants to make sure folks understand that all the civil rights functions in the Agency were all in one shop under Ms. Dorka and they took the external civil rights compliance function, Title VI, and compliance with other civil rights requirements for recipients of EPA funding. The other civil rights things that EPA still must do internally like compliance with the Equal Employment Opportunity Act, our internal hiring and other things, are in another office. That office is still called the Office of Civil Rights. We're not talking about that office here. We're talking about the external Civil Rights Compliance Office.

We've talked about at NEJAC, Janet just mentioned all of you have been aware, there is a lot of things happening Justice40, Executive Order 13985 on racial equity, the Inspector General's Office, U.S. Commission on civil rights have issued dozens of reports and recommendations, NEJAC has issued many more dozens of reports and recommendations. We are always engaged with and receive feedback from communities. We're trying to tie a lot of that together in Goal 2. So, even though these things are showing up in Goal 2 of the strategic plan, we have attempted to tie together a lot of threads from this administration and from things that we've heard or have been told to us over the years into the strategic plan. Some of the things to think about as we go through this presentation today as you really think about the strategic plan, do you think the goals we have are the best way to track our progress? Do you think the goals we make are going to be transparent and offer accountability to all of EPA? Is it going to help hold us accountable for doing the hard work of really advancing justice and rights across our practices? Do you see a connection between the things your organizations or your communities are concerned about? And how we could make progress on those in the commitments we're making? Do you think there are other things, other actions we need to take to address your concerns within the goals or with other goals, the most important thing is by the end of the strategic plan, we want the Agency to have very clear commitments to the change the Agency is focused on making things happen on the ground and to provide the public ways to hold us accountable even beyond the strategic plan.

Dr. Tejada said that some examples of clear commitments that you think would be compelling for your communities for those that you work with and represent, real commitments to change on the ground that we could hold the Agency accountable to moving the needle year over year. So,

here's the overview for Goal 2, take decisive action to advance EJ and civil rights. There are three objectives in it, objective 2.1 is looking outside of EPA. It's looking at states. It's looking at tribes. It's looking at our support for communities. It's what are we going to do on EJ outside of the four walls of EPA. Objective 2.2 then looks inside the four walls of EPA. What do we do with our permits, with our rules, with our decisions, with how we engage communities? What do we do inside of EPA? And importantly, both those two, 2.1 and 2.2, we're making commitments for both EJ and external civil rights compliance in both of those. Because we want to make sure that we are advancing both together mutually beneficial, mutually supporting both of these things because they are so interrelated. Objective 2.3 is specific to the external Civil Rights Compliance Office because they've got a lot of things. They have a lot of ground that they want to make up a lot of things that they want to achieve specific to evolving and maturing the external Civil Rights Compliance program throughout all of EPA. So, they have their own objective just to make sure that programs specifically drive forward through the strategic plan. 2.1, has a few real priorities here, building the capacity of communities for things like climate resilience for the benefits received by overburdened underserved communities. Again, kind of in line with the executive orders that the president signed. Things like Justice40. So, really, what do we do to support communities directly. Then, what do we do to support our other partners, other federal agencies, states, and local governments to help their efforts to achieve environmental justice and civil rights advances through their program implementation?

Then integrating EJ principles into how we actually protect human health and the environment in tribal areas and indigenous areas. So, speaking specifically about that relationship, our relationship with the tribes, but also our responsibility to still ensure that everyone in the United States has their health and environments fully protected.

So, these are the actual long-term performance goals. So, these are the commitments. These are the things that we are going to measure. Again, it says by September 30th, 2026. That's boilerplate. That's pro forma. They're all going to say that. It doesn't mean we do nothing until August of 2026 and figure it out. These will all get broken down so that we make annual progress towards achieving 100 percent of what we sign ourselves up for. You will also sometimes see Xs in here. We haven't put clear numbers in some of these areas because we really wanted to hear from communities, from our partners at the state, tribal, local level from other

stakeholders. What do you think a significant and ambitious but reasonable goal should be for a number or for a percentage to achieve? So when you see those Xs, it doesn't mean we don't know.

The first one is the fact that we want everyone in the Agency, if an EPA program has some sort of responsibility or function where they seek feedback from communities to make a decision or to implement their programs, that program should offer capacity-building resources to communities to understand what in the world we're doing, to understand our programs, to understand the statutes, to understand the opportunity. It's saying everyone in the Agency that engages, you can't just open the door and expect people to walk through. You got to draw the map. You've got to make sure they got a car. You got to make sure they can find you and show up and tell you what we need. The second one is about our written agreements with states and with tribes. When we delegate our authorities, there's a range of different ways that we actually write down and agree to, here's our delegated authority. You're going to run the Clean Air Act. You're going to run the Resource Conservation Recovery Act.

We want to make sure that when we write these agreements and transfer our authority to other levels of government that they are being responsive to environmental justice but also that more importantly that they're addressing disproportionate impacts and you'll see disproportionate impacts in here a couple of times. To us at EPA, the disproportionate impact is the bigger term. It was one of the critical terms in Executive Order 12898. Some communities are disproportionately impacted. It includes cumulative impacts. The cumulative impacts are maybe the biggest part of disproportionality, but there are other communities that are still disproportionately impacted maybe by just a single source, and there are still communities with an EJ concern. So, disproportionality to us is the more inclusive term to make sure that the actual thing we care about is that communities are overburdened and are vulnerable, but that's what is showing up in our agreements with states. The third goal here is looking at, in some tribal areas, we have delegated our authority to the tribe and the tribe is responsible for protecting the health and environment of anybody living in their tribal lands.

For the majority of tribes and tribal lands across the United States, EPA is still holding the responsibility for ensuring that the health and environments of those folks are protected. So, this

is important that not only are we saying that we're going to set a goal for ourselves of making sure we're protecting the health and environment of folks living on tribal land but that we're going to consider doing so part of our environmental justice mission. Because those folks who live on tribal lands, they're typically vulnerable. They are typically overburdened. So, protecting their environments, protecting their health is part of environmental justice.

Ms. Lillian Dorka, EPA: says that number 4 reflects commitments that we've also made in response to the Inspector General report that came out in 2020 about the lack of full implementation of Title VI. And so, there are some very basic non-discrimination program requirements that EPA's non-discrimination regulation requires of every recipient of federal assistance from EPA. We normally call these the non-discrimination program.

Those are those requirements that apply to recipients for ensuring that they have notice of non-discrimination, ensuring that they have a non-discrimination coordinator, ensuring that they have grievance procedures for the purpose of receiving and resolving, investigating civil rights grievances themselves. They also cover things like ensuring meaningful access for persons with limited English proficiency to the recipients of all of their programs and activities as well for persons with disabilities, that their public participation programs are also consistent with the federal civil rights laws.

So, all of those things that we call the federal non-discrimination program requirements is what we're talking about when we refer to the foundational civil rights programs in place. We want to make sure that the intent of Title VI is really being carried out at its most basic requirements. That is that the federal money does not go to recipients who are discriminating, especially as we carry out our pre-award reviews because there is a pre-award review process that does include some civil rights requirements. We want to make sure we are looking at that program.

We're revamping and revising that program to ensure that all recipients, all applicants for federal money from EPA have in place these very basic and fundamental programs. We have annual goals that will get us to the 2026 goal, which is that all state recipients will have these programs in place. Some states have more than one program. We have jurisdictions sometimes over not only state departments of environment, but also over state Departments of Agriculture and other

types of state agencies.

Dr. Matthew Tejada, Director, OEJ: that they have some actions to make sure that folks know we're not just waiting for things to take off. They have some actions that they have lined up to get started on this year to start making progress on this. So, things like providing more capacity-building grants and technical assistance directly to communities. That's been something a lot of folks, obviously, are talking about in this time with all these resources.

They are committed to getting more grants and technical assistance out to communities. Even if it weren't in this time of trillion-dollar numbers being thrown around, this is something that they want and understand must happen. Developing a lot of other resources, immediately to make sure that communities have the capacity, have the information, have the opportunity to meaningfully engage with the Agency including launching a nationwide approach of building capacity, building centers across the United States. Again, this is an idea that is out there.

A lot of EJ leaders and communities are talking about this. They have been in contact with a lot of those folks talking about this and wanting these things. Budgets permitting, they are committed to building these sorts of capacity building centers, kind of a hub-spoke approach to capacity provision across the United States. They also want to bring folks into the Agency. It's been a long time since they have had broad, paid opportunities for young folks to come into the Agency. It's important to develop our next class of leadership and staff inside of the Agency.

It's also important for those young folks who maybe never come to work for us permanently to go back to their communities with insight and understanding of how government works including how EPA works. So getting those paid internships or fellowships, or whatever they are stood up in an aggressive way is another thing we're committed to doing. Also, really institutionalizing this approach of communities with EJ concerns have multiple challenges that are interrelated. Nobody from EPA should be showing up to a community with EJ concerns only focused on the one little thing that they want to do there.

They have got to approach, all of us, communities with EJ concerns, understanding that whatever the community brings to us, it's our responsibility even if it's not our job. It's still our

responsibility to go back to EPA, to go back to other federal agencies, to go back to states or local governments saying, I was out here to fix the water, but they've got some paint issues. What can we do about it? Not just to go back home thinking, well, I did their water thing. They should be happy.

They are committed to making progress immediately. We have several things here now looking inside of EPA about our policies, our decision-making, our ability, our capacity inside of the Agency to support this work. On to the next slide are the actual commitments we have in objective 2.2 inside of the Agency. Dr. Tejada said they started to make this commitment in the EJ 2020 action agenda from several years ago that was never formally implemented, that the Agency has got to start making commitments to how they are moving the needle on the ground. What are the very clear and meaningful improvements that our efforts are achieving for communities with EJ concerns? This is just saying that by 2026, they will have identified 10 of these very clear measures. In some instances, the policies don't support it but maybe contradict our ability to do it. They have a lot of work to do, but by the end of the strategic plan, we want the Agency to clearly make compelling commitments of change on the ground that they are accountable to. The second one, looking at the significant actions with the EJ complications across the Agency, permits, rules, records of decisions for cleanup, resource allocation, the big decisions that they make have got to clearly demonstrate how decisions are responsive to concerns, the concerns that adhere to meaningful engagement and actually show the work, why the decision changed and how they have heard from this community.

They have got to start showing that our decisions address disproportionality. It's about unlocking cumulative impact and what is happening on the ground, with our permits, our rules, our big decisions have got to start being responsive to that. Really holding ourselves accountable to that. The next one, again, going back to that community-driven approach, that any part of the Agency that engages with the community that shows up and does what we call community work, but they're doing that in a community-driven way. It has to be collaborative with other partners and ensure anything that they do in a community is supporting the vision of that community for what they want to see happen. They are going to continue to show up with answers and not worrying if they conflict with the community's answers. Our answers must be the community's answers. They must get those answers from the community, and they have got to support them in what

they want to see happen in their community. This is where we want some feedback. Do you all think it's 50 percent? Do you all think it's 100 percent? Do you all think it's something in between? We need to hear from folks about where to set these percentage goals for us. Then again, Lillian, on number four.

Ms. Lillian Dorka, EPA: says this is where they articulate as an agency that civil rights vigilance is an EPA-wide responsibility. It's an EPA-wide responsibility. They are asking all regional and program offices to identify and implement areas of opportunity to achieve civil rights compliance, but in their planning, in their guidance that they issue and policy directives, monitoring and review activities, such as permitting.

One of the very prominent commitments that they have made in our response to the Inspector General's Office is, that they in 2022 are going to issue guidance to our recipients about what does it mean to have a disparate adverse impact on the basis of race, color, national origin and including cumulative impacts. They will be strengthening the guidance that they already have out there on the civil rights analysis to include clearer and stronger guidance for recipients on what it means to do that before making these critical decisions like permitting. Questions like, what do you need to consider from a civil rights perspective with respect to adverse disparate impacts that your decisions may have on certain communities on the basis of race, color, and national origin? What they are doing through goal 4 is that they are asking EPA-wide to focus on efforts to identify all of those opportunities to raise the importance of the civil rights analysis and specifically where these critical decision points could possibly have an adverse disparate impact on the basis of race, color, national origin, and disability.

Dr. Matthew Tejada, said that some of the actions that they have come up with is looking at the strategies and the data, and the practices for cumulative impacts. This is one of the top priorities of the Agency. It's one of the top priorities in the United States. A lot of states, a lot of other levels of government are all looking at cumulative impact.

This is something they are focused on at the very beginning of all this, while they are still figuring out the long-term strategic plan, they are doing serious work inside of the Agency trying to figure out, how can we really wrap our arms around cumulative impacts in a way that we can

start to apply to things like rules, to things like permits? Looking at the EJSCREEN tool and coming up with cumulative scores for it. EJSCREEN has never done that. They have never had the request and the support to do that. They have pulled together through a contract, a group of academic experts on EJ from across the United States to help us think through it. What is the index? How can we do a different cumulative index in the EJSCREEN? Looking at those decisions that EPA is making that already account for cumulative impacts. There are a few already out there so they want to start lifting those up so other parts of EPA and other parts of the environmental regulatory endeavor in the United States can see those examples.

Having a training program across all of EPA to make sure everyone in the Agency understands equity, EJ, and civil rights and what it means for them and doing in a way that is public. This allows the public to see how EPA trains at EPA. This training will be made available to state and local government. We want to do it in a public way. Looking at the actual process, and the action and development process. This is the actual step by step of how they should make big regulatory decisions like rules. EPA did some work on this in Plan EJ 2014. They have got to go way beyond EPA Plan EJ 2014, updating that development process, the actual nuts and bolts, of making our decisions, to include the civil rights compliance, our language assistance, our disability assistance programs, making sure right they are putting in place the support, the contracts, the vehicles, whatever is needed to make sure everything EPA does is completely accessible on a basis of language needs or on a basis of other disabilities.

Ms. Lillian Dorka, extended an invite to all to look at the response to the Office of Inspector General (OIG), which they issued on September 20th of this year, because it has much more specific actions that we're taking in response to OIG's audit that they conducted. Basically, 2.3 focuses on the strengthening the civil rights program. This is a commitment that Administrator Regan made to Congress, realizing that in the past, they have not fully implemented the authority of Title VI. That they have not been fully implementing disparate impact analysis and considering cumulative impacts in our analysis. This has been made clear based on public commitments for a need to strengthen the civil rights program, so some long-term performance goals have been created on a number of them, including, for example, pivoting from a mainly reactive program that they investigate and resolve complaints, to a more proactive program, including initiation of affirmative compliance reviews and specifically with respect to and in

communities that are environmentally overburdened. They are developing and implementing clear and strong civil rights policy guidance and the corresponding technical assistance deliveries to increase recipients' understanding and compliance with the federal civil rights laws. This includes adverse disparate impacts, cumulative impacts, all within the permitting context. You won't see a long-term performance goal on there, but that's why I wanted to highlight it for you because we have made a separate commitment to the Office of Inspector General to issue that guidance. The first set of guidance they are going to issue, by the end of this fiscal quarter, by the end of December is guidance carrying those fundamental non-discrimination program requirements that all recipients need to have in place. They are going to then move to strengthen the pre-award review process, working on other guidance to strengthen and really clarify the responsibilities that recipients have to look at disparate adverse impacts and how to remedy those.

Ms. Dorka says they are focusing on the timely ineffective investigation and resolution of complaints, of complaint investigation, and ensuring that they are utilizing the full extent of the regulatory authorities that they have at their disposal to ensure that they are not just addressing disparate treatment, but that they are addressing when appropriate resolution investigation and resolution of adverse disparate impacts effects, adverse effects on individuals on the basis of race, color, and national origin and that includes, of course, cumulative impacts. They are trying and making efforts to enhance communication and engagement with environmentally overburdened and disadvantaged communities.

We have committed to a certain number of stakeholder engagements by year, leading up to the 2026 long-term performance goal. EPA started and had a listening session on the 27th of October where they just wanted to make themselves available and listen to those who wanted to comment both orally and in writing about what external stakeholders think the EPA needs to be doing within the office, within the external civil rights office to strengthen and to set priorities. EPA is trying to increase the transparency in the program because that is one of the fundamental commitments that EPA has for all of its programs. What EPA is trying to do is to affirmatively provide information to the public on our complaints, on our resolutions. They are trying to post additional documents online that traditionally were not accessible, other than through the Freedom of Information Act requests.

Finally, they are working closely with other federal partners and other federal agencies, with DOJ to strengthen the inner agency collaboration and coordination across the federal government to enforce the federal civil rights laws knowing they can really assist each other, the agencies can in leveraging the impact, particularly on overburdened communities, and some real measures through the strategic plan to ensure that they think of civil rights as an organization-wide, an agency-wide endeavor. It's everyone's responsibility to see it forward and to make sure that they are walking the talk, in fact, providing meaningful access to persons with limited English proficiency, to persons with disabilities, to all of our EPA programs, as they are requiring through the federal civil rights laws, our recipients to do as well, trying to ensure the accountability of our programs can truly affect the conditions and the environmental injustice that exists in many of our communities.

NEJAC RESPONSE TO FY 2022-2026 EPA STRATEGIC PLAN PRESENTATION

Ms. Sylvia Orduño, NEJAC Chair: Thanked Dr. Tejada and Ms. Dorka, saying that the NEJAC Steering Committee has had a chance to provide feedback a couple of times, but Ms. Orduño now wants to spend at least the next 25 minutes for the rest of the NEJAC to offer some feedback, noting from the beginning that we recognize this is not enough time. There's going to be a request for a continuation of the review of the strategic plan when NEJAC gets to the business meeting portion of this public meeting. Ms. Orduño asked if anyone was interested to offer any comments or questions, to please raise your hand there, in the box.

Ms. Orduño thanked Ms. Dorka for this visionary work and stated that she was one of these people who really doesn't work so well from goals and is interested more in objectives and outcomes. How do you do this? There have been a lot of criticisms over the past to your office that incremental changes don't get enough of really developing a civil rights program. So, can you help us understand what is different this time around? She stated that when she looked at the long-term performance goals and objective 2.3, that by 2026, EPA will initiate 15 civil rights post-awards compliance reviews; the next bullet, 100 audits annually; the next bullet, 25 information-sharing sessions over five years. The first one is only 3 per year; the second, 20 a year; the third, 5 a year averaged out. She is trying to get a sense of what is fundamentally

different. What is this opportunity now with this administration and the funding that will make it different? She indicated that she is not understanding, what they are proposing in the long-term performance goals.

Ms. Dorka explained what is changing dramatically, also as responded to in the 100 Day Letter, is the elimination of the backlog of cases, which is fundamentally unfair, justice delayed is justice denied. They are on track to efficiently and effectively in a timely manner address complaint. Starting from that, they have a responsibility to initiate their own activities in a compliance review. Ms. Dorka stated that this is one real difference between a compliance review and a complaint investigation, that the Agency is initiating. It may not seem like a lot, but quite frankly, they have never done them before, and they have never done them effectively and substantively. So, it's huge progress in that area, and they are talking about procedural matters, but about initiating compliance reviews on some of these very substantive issues about adverse disparate impacts that affect overburdened communities. So, when you're talking about the number of affirmative compliance reviews, for example, it's above and beyond all the complaint investigations and resolutions that EPA is doing on the non-discretionary responsibility that they have to respond to complaints, and they are getting an increasing number of complaints. They have been habitually underfunded and understaffed. EPA has a critical need, if this administration's budget goes forward then this will be addressed, and they will be receiving an influx of staff. It is about moving the program forward through affirmative compliance reviews, and the guidance that we need to issue proactively, and it won't say that in the strategic plan long-term commitments because that's not something that's as easily measurable. But the guidance that we have committed to issue in 2022 is groundbreaking.

For the first time, this Agency is going to be talking about and clarifying for recipients what it means when the civil rights regulations, our EPA regulations say that you may not know, through methods of administration subject persons to revocation on the basis of race, color, national origin that have the effect. You may not take actions or methods of administrations that have the effect of subjecting persons to discrimination. Or significantly impair their opportunities to benefit from the program or activity that's being funded and the program or activity that's being funded, we're talking about the protection of human health and the environment.

Without intent, our recipients, the federal financial assistance, taking actions that subject person to discrimination, that have discriminatory effects or that have the effect of substantially impairing the benefit of the protection of human health and the environment for all persons. EPA has never issued guidance that has been that strong. They have come close. We have some guidance that was issued under the Obama administration in 2017 that clarified what the civil rights analysis is with respect to different treatment and disparate impact, what they are and how do you apply them, they need to make it very clear, as a very fundamental point. EPA needs to make it very clear that compliance with the environmental laws does not necessarily mean compliance with the civil rights laws, and that is a critical point. EPA is talking to states. They have been talking to ECOS (Environmental Council of the States). They are going to be talking to them increasingly and with all of our external stakeholders but having these very critical conversations with the states about what that means when the substantive environmental laws do not require you to go beyond, and it doesn't mean that they prohibit you from doing so either. Where there is that discretion, you may need to go beyond what the environmental laws requires to fulfill the civil rights responsibilities or to remedy some civil rights violations that have been created either through the effect of your actions or the intent of your actions.

Ms. Dorka asked if there's something that's not in there that EPA needs to do to capture through these long-term performance goals, they absolutely need to hear back because on top of everything else, they have this really unprecedented opportunity to work so closely with our EJ partners in the regions and in headquarters to integrate when they're out doing environmental justice engagement, they will be able to identify whether there are civil rights issues that need to be addressed, and vice versa, bringing them into our engagement when they are trying to address civil rights issues as well.

Ms. Sylvia Orduño, NEJAC Chair: Thanked Ms. Dorka and acknowledged that that helped in the answering of her questions. She recognized they have got 20 minutes at best for this next set of questions and responses and seven folks have their hands up. She asked the members to do two people at a time just to get questions out and then see how to go about with the responses.

Ms. Ayako Nagano, NEJAC Member, said that she had two questions: one for Mr. Tejada and one for Ms. Dorka. The question for Mr. Tejada is what it does for the next four years and will

that be the basis for the staff annual reviews. She thought this a critical point, the staff should be held accountable for achieving goals, and that these goals are tied to their salaries and bonuses. Can he speak a little bit more about what that mechanism is? Because this is the first-time getting confirmation that that's true.

She asked Ms. Lillian Dorka if she can speak a little bit in the granular about the National Environmental Protection Act, and, from a NEPA lens, how can she envision that Title VI can be brought in and rolled out.

Dr. Jan Fritz, NEJAC Member, stated that she had a few points to make. She said she analyzed the national action plans for the Central Inclusion of Women and Girls, some of this is coming from that. Point number one. Matt talked about the annual reviews. She said she searched for annual review and yearly review in the document, and she didn't see anything about that. She stated that that's important to see that that's in there. Two, she said she didn't see a timeline. So, if they're going to do annual reviews, when does that start? Second major point, monitoring. The monitoring is mentioned 43 times in the document, and it didn't the clear involvement of civil society and being able to do that monitoring. She found on one page there was something about how the public can assist in the monitoring. She thinks that's very important as part of that plan that goes on and how that's going to be and whether NEJAC has a part in that. Her third point was that the regional offices were mentioned six times. "Region" is mentioned 37 times. This is coming from these analyzing the national action plans. She really urged them to have a section that talks about EPA offices coordinating with regions, coordinating with programs, along with mentioning improvements and things that work well. Her fourth point was that NEJAC is only mentioned three times. She thought NEJAC should be part of that monitoring and some other things and she would like to see that strengthened. Her fifth point was that she found when people write these plans – she works on national action plans based on a security council resolution and ten supporting resolutions – nobody can ever find what they're supposed to do because things are written in different places. So, what she'd like to see in the document is that somebody is going to go through and say this is what programs should do, and this is what regional offices should do, or any part of the EPA is supposed to do. One of the things she'd like to see in there is that they write down that the regional and the program will always have a representative to attend part of the NEJAC meetings. The part she's thinking about are the public

testimony or the business discussion of NEJAC.

Dr. Matthew Tejada, Director, OEJ, responded to the questions and points made. Stating that every year, everybody in EPA, political staff, senior executives, manager staff, we must write down a very detailed list of, here's what we're going to do this year. Here's what we're going to hold ourselves accountable for. That is somewhat structured by the Agency, but it absolutely flows from the strategic plan. Everything they say they're going to do has to hook into a very clear way into what they did in the strategic plan. They can even go beyond that and can dictate, and they must have something on this part of the strategic plan. He stated that they don't have that commitment in the strategic plan. They might've written that commitment and somebody took it out, but he would like to have everybody in the Agency have at least one thing that hooks into EJ and the strategic plan. He explained that there is a whole process and timeline around those annual reviews. NEJAC's only seeing the top of the bureaucratic iceberg. What is already starting to happen is they're taking this strategic plan, and they break it down into annual national program guidance that says, you do this, and you do this, and you do this, and you do that. He stated that there is another bureaucratic process that follows this one, but this sets the frame. This sets the goals. Then just under citizen science, that was the number one thing as they were crafting this. They thought about putting it in there in a very clear way, and folks were like, we have so much in here. Knowing that they've spotted it as well, maybe they need to go back and do something clear on citizen science here.

Ms. Lillian Dorka, EPA, addressed the question about NEPA and civil rights, and she thought that is a critical question. As with everything else, they're looking at the NEPA program itself and where EPA has a significant responsibility. With respect to NEPA, they want to make sure that those decisions as well are taking into consideration civil rights requirements and civil rights considerations of disparate impact. She stated that they have been working very closely with DOJ, and specifically the civil rights section of DOJ, these are critical convenings with federal agencies. What about NEPA and Title VI and how do we clarify that part of the review? It's not just an environmental impact analysis that includes considerations of Title VI. They're trying to make recommendations to DOJ about what would be helpful from a federal government-wide perspective, what would be helpful to the agencies for DOJ to issue to clarify some of those big points. She mentioned that with respect to ensuring environmental justice, compliance with the

environmental laws is not compliance; it does not equate compliance with Title VI. They're looking to make that clear from an EPA perspective to our recipients, but they are very strongly recommending that DOJ make that very clear federal government-wide and all recipients of all federal aid perspectives.

Ms. Karen Sprayberry, NEJAC Member, stated that thinking about the DOJ, one of the things that your office needs to look at with DOJ is restitution towards communities. They look at restitution towards everybody else, but sometimes they forget about communities, and then the communities offer advice about what they think would be fair restitution but seems they don't get what they want out of it. She said she'd like to see that strengthened. She added that with your long-term performance goals, those goals all look like they were all external goals for outside the Agency, but they need to add one that's internal to the Agency and it needs to be something like how many people are trained on environmental justice or collaborative problem-solving or the skills that they need internally that these goals are getting met. She stated to change the culture within, they're going to have to bring their champions together and kind of support them and give them what they need to go against upper management, but just be the advocate or the champion for others within their program areas. Those will be people not in the office of OEJ, but within other program areas that would champion a discussion. She suggested that she probably needs more funding and more staff to meet all these goals that are going to try to be achieved. She continued with bringing to what states' needs are. As they look more towards states, they're going to also need additional training, but also funding to support them as they look towards states for additional help.

Ms. Felicia Beltran, NEJAC Member, said that she really appreciates that there is a line here in the strategic goals to have EPA collaborate with other federal modes or federal agencies. From a state perspective, she knows when they review for environmental justice or even for Title VI between the federal agencies, they're not talking the same language. There are different definitions. She added that there's a different analysis that they do to measure for disparate impacts or even cumulative impact, and she felt like they're not talking the same language; therefore, they're never going to really get the heart of trying to ensure environmental justice and even compliance with Title VI. She appreciated that being considered and written down as a strategic goal. If everyone could just all talk the same language, they can make some moves with

regards to Title VI and environmental justice.

Dr. Matthew Tejada, Director, OEJ, said that, on the restitution piece, they already have some commitments out there from the Office of Enforcement and Compliance Assurance on the way that the supplemental environmental project policy is and from the federal government. He added that they'll see if the administration overall, including DOJ, goes back to the SEP policy, but their criminal office, especially over in the enforcement office, is very focused on victims' benefits. They've been helping them for a number of years now to set up a more robust victims' benefits program through the enforcement office. They had a couple different things in here about training, about just getting every member of EPA staff, regardless of what you do, out into a community over a certain amount of time. There's nothing like engaging directly with the impacted community to really make it real and change behavior. That's not in here right now. That's something that they can go back and push to see if they can get something about really getting at that culture change, that behavior change in the strategic plan.

Ms. Lillian Dorka, EPA, said they have made commitments to the Office of Inspector General. They will see that they've committed to internal training to ensure that the civil rights, not just knowledge of the civil rights obligations, but knowledge of the way that they're supposed to all be contributing to civil rights enforcement. She added that they've made commitments for training. They've already started embarking on some of those trainings. They are making a much bigger effort to also include the environmental justice perspective into those trainings.

Dr. Matthew Tejada, Director, OEJ, stated that, when they write those commitments about defining things, sometimes they kind of pucker up because they're like, we're going to admit we don't have these things defined in 2021? So, they're owning up to that and saying, well, these are some fundamental things that we still need to do for everyone across EPA, and hopefully, there are some other efforts across the entire government to do the same.

Ms. Lillian Dorka, EPA, agreed that the federal government needs to get it together in terms of sending a unified message to states. They need action and so much from the states and the last thing they want to do is add to the pressures and the resource strain and have ten million different requests going in different directions and that is the commitment that DOJ has made specifically

the federal coordination compliance section of DOJ has very regular meetings with all of the agencies that are implementing and taking environmental justice measures as a committee, the Environmental Justice Committee. She added that they've been very effective in bringing them together, and they have been, engaging as never before. Their office has three new cases where they are coordinating with different federal agencies where complaints have been filed with multiple agencies, and they are coordinating the resolution of those complaints.

Mr. Charles Bryson, NEJAC Member, responded to the point that Ms. Dorka had made. In the document, it talks about the foundational civil rights as it relates to states. He wasn't sure what that meant. His concern was that there were going to be states where it's going to be very difficult for them to address civil rights issues due to the political climate, and how will that affect the cities and rural communities as a recipient of federal funds? His second part was regarding the document and the EJ40 project. Forty percent of overall benefits from certain federal investments to underserved communities, but the grant process says that they must have at least a 25 percent match. The problem with that is, if you are a local entity and you don't have the 25 percent match, but you're doing the work or you're capable of doing the work, what's going to be the relationship between EPA and those local community organizations that don't have the 25 percent match, but can show they can do the work?

[BREAK]

Ms. Sylvia Orduño, NEJAC Chair, stated that she hopes that the meeting can stay on schedule. She notified everyone that they may go over time because there are many public speakers. She flagged that the quorum needs to be maintained. She also reminded everyone that conversations happening in the chat will not be a part of the public record. Nothing can be discussed in the chat box unless it's simply for logistical purposes. She called on Ms. Dorka to respond to what Mr. Bryson raised before the break.

Ms. Lilian Dorka, EPA, clarified Mr. Bryson's question about, what does EPA mean by foundational civil rights requirements and what the EPA does concerning states, where the climate does not necessarily support civil rights enforcement? Foundational civil rights requirements are that, within the regulations, it's required that all applications for and recipients

of financial assistance from EPA have in place certain fundamental civil rights programs and they are noticing a very prominent way that they will not discriminate based on race, color, national origin, disability, sex, and age. That they will, within that notice, make sure that that notice is accessible to persons with limited English proficiency, persons with disabilities. The regulation very specifically also requires that programs or recipients and applicants for EPA money who have 15 or more employees are required to have what's called a non-discrimination coordinator in place and that is the person that would coordinate the receipt of any civil rights complaints on Title VI and others should come to their attention, and that they have in place what's called civil rights grievance procedures that members of the public can use to file with those agencies' civil rights complaints and civil rights concerns. They need to have in place a program, a process, a procedure to ensure that they are providing meaningful access to persons with limited English proficiency concerning public participation. She continued, access to vital documents that the Agency has in place, including vital processes like the environmental complaint processes, and types of vital programs are also accessible to persons with disabilities. And finally, it also requires that the public participation program that they run be consistent with the federal civil rights laws. They have to keep in mind the fact that they can't offer different types of public participation depending on the race, color, or national origin, or English proficiency, or disability, or nature of the communities that they're addressing and that they proactively address those needs before public engagement and public participation. That is what is normally called the non-discrimination program. It is in the regulations, and they have been interpreting it consistently with this day and age. The regulations say, to be prominently posted, they must include it in all their publications. Well, that's the '80s. By today's standards, they include their homepage. The homepage of their website is a prominent publication. The Agency has determined that what they need to do is tighten the process that they have in place to review applicants for assistance from EPA.

They have a process in place that uses this thing that they call a form 4700-4, and it is a requirement that it goes out to all applicants for EPA money, and they must fill it out completely. This form asks questions about the non-discrimination program that they have in place whether they have notice of non-discrimination, whether they have grievance procedures, a coordinator, a plan for LEP and disability access. And that form needs to be completed fully and signed. The enforcement of that and the Agency's review of the form hasn't always been

consistent and clear. So, if Mr. Bryson wants more information and specific clarity on this, she invited him to review their September 20th response to the OIG because they do detail it. By the end of this fiscal year, they're going to issue what they are calling a "dear colleague letter and guidance" to their colleagues who receive federal financial assistance, and they are going to apply regarding our pre-award review process. The Agency is going to be very clear about what the regulations require concerning the non-discrimination program. Once they issue that at the end of this calendar year, then that will kick off this six-month period in which they are going to conduct extensive training for their staff, meaning all of our EPA staff, because many of these applications for federal money are processed through the Grants and Debarment Offices in the regional offices. They don't come directly to headquarters, and so they have folks in ten regional offices who assist them with that process of reviewing those forms to determine whether they are fully completed and the applicant for EPA money has responded to all of those questions. So, after that six-month period, they're retraining everyone. Everyone's been put on notice about the dear colleague letter and guidance.

If instead of giving information about the grievance procedures that they have in place for external civil rights compliance, the group gives us a reference to EEO process. The Agency would then get back to the other entities that are filing these forms, and the Agency would provide input to them. They would be told, by writing or email, that they haven't completed the form correctly, and they would have then a six-month period to come into compliance. If they don't, then the Agency will, of course, not award the federal financial assistance. The Agency is working out all the details of that guidance. They're working pretty closely with the Office of Grants and Debarment to put in place the full process and how they will handle that coordination and that give and take with states and other entities out there of what they need in place.

Dr. Millicent Piazza, NEJAC member, stated that she is glad to have heard from both Director Dorka and Director Tejada about the strategic plan because what she heard today were key pieces that she did not see reflected in the strategic plan that she had a lot of concern about. The pieces that were brought up today were the more robust guidance around states. She wanted to affirm what other NEJAC members have said about the clarity around internal EJ training and Title VI accountability internally at the EPA. That's not only important to see that EPA's doing that, but it's a strong signal and a unified federal message to recipients like the states when that

is reflected in the Agency.

While the Agency, of course, understands the strained capacity and resources there is such inconsistency in oversight by several federal authorities. The different things that are supposed to be reporting on is unclear. The strategic plan needs more elevation or direct content on the role of recipients for state agency. She added that there are gaps in understanding, and she has convened a regional team for 15 years and she gets the need for centering community and vigorous enforcement in those compliance reviews, but there are gaps in understanding and a lack of clarity about what compliance even looks like. Some people are so invested in this work and want to do good and just really don't know how to do it such as in the strategic plan basic civil rights elements. The procedure checklist, how is that going to lead to the promised results of more equitable siting and permitting decisions and better health outcomes from impacted communities? She didn't see that connection with posting of signs and edicts, and other things that are super fundamental, she didn't see the connection with the very real disparate outcomes. Dr. Piazza wrapped up with a hope for a clearer commitment on a plan that partners with recipient agencies on training and support, on filling out the 4700 form, on the procedural checklist, and more importantly, civil rights analyses.

Mr. Andy Kricun, NEJAC Member, stated EPA could help the states with some fundamental institutional problems that the states may have in enforcing some regulations concerning environmental justice. He talked about Camden, NJ and the lack of odor control violations from a wastewater treatment plant because the state didn't have enough time to verify the odor with limited staff time. Could the EPA assist in trying to come up solutions to better protect EJ communities by working with the states where there could be some solutions of best practices for other states to use that might solve their issues. Could other states that may have already filled that gap with their own products share that knowledge, best practices – basically a gap analysis for the states where there's missing EJ regulations? Could EPA be a convener/fulfiller that helps to close those EJ regulatory gaps? Regarding the 25% local match and what Mr. Bryson said earlier, that's a big problem. Let's say an EJ community gets a 75 percent grant, could they take an SRF loan out for the other 25 percent? It's a favorable set of circumstances than having cash on hand or a typical bank loan. It's 20 or 30 years spread out, and it could be the thing that plugs that resource gap for EJ communities.

Dr. Jill Harrison, NEJAC Member, stated that one of the key findings from her research in the past ten years, on environmental justice reform efforts is resistance internally by staff to do environmental justice reforms. They don't see it; some staff members don't see it as consistent with their responsibilities as good public servants and good environmental stewards. She wanted to emphasize the value of bringing in some of that language that apparently got cut out of the strategic plan around accountability for staff in terms of their annual performance reviews but also accountability for offices. All elevation is crucial, but that needs to be followed up both with the training of staff, accountability of staff, and working some of these changes into specific decision-making processes, especially around permitting and rulemaking and allocating of funds. She said on pages 26 and 27 of the strategic plan, there's a lot of concrete detail about which types of work processes are required for bringing in these environmental justice reforms, and she has some suggestions within Goal 2 of the strategic plan of where some of that specificity can be strengthened elsewhere.

Ms. Leticia Colón de Mejías, NEJAC Member, added that she had a few thoughts as it relates to being equitable and the civil rights requirements for avoiding exclusionary practices. Will there be a way that these items that are required are pre-packaged and accessible for small organizations to guide them ensuring they can meet the requirements that are changing and being imposed as they relate to civil rights in Title VI regulations? Small organizations often don't have a HR coordinator or someone to receive those complaints; and then sometimes the amount of paperwork that would allow them to apply for funding resources that would allow them to build capacity or reach further into communities of color, they're excluded unintentionally because they don't have the capacity to offer those resources.

Secondly, will there be metrics imposed on states or people who are receiving EPA funding to ensure that the supports are being provided to communities of color and vulnerable at-risk communities who have been historically underserved to this day? It's impossible for that to happen unless a metric is in place that requires a certain percentage of resources to go to communities of color. The minority of small organizations are oftentimes asked to partner with larger organizations and are told that they should use those organizations as fiscal sponsors. Those larger, white-led organizations absorb 90 percent of the funding that is provided. Only 10

percent of the funding goes to the smaller community-led minority organization, which is why historically those community-led minority groups don't get to do the work they need to do.

She wanted to bring that forward that nothing changes unless there's a metric that's specific to ensuring communities of color that have been historically underrepresented and thus historically underserved and disconnected to both the problem and the potential resources to save themselves, that cannot change unless we put a specific metric around that. If they were the lead organization on that then they should have some set of requirements. My suggestion is 51 percent or more of their allotted funding should go to another organization underneath them, or they should have to represent that the money is going directly to support the community of color.

Dr. Matthew Tejada, Director, OEJ, had a few thoughts. On the training stuff, for matching, can EPA remove restrictions? If a restriction is statutory, can they use other things to satisfy it? Absolutely, Ms. Colón de Mejías. Looking at the details of that state relationship, how far can they push the things that the Agency's going to require of themselves with those states. That's why there's a commitment to open up that space to try to push as far as they can in working with states, those are absolutely on point. To Dr. Harrison's questions, even if this isn't reflected in the details this is the tip of the bureaucratic iceberg. The Agency gets even further and further into the details when we do national program guidance when there are implementation plans. So, if there is more that the Council wants to say with the details and it's so important, the Agency needs to know all that stuff.

Ms. Lilian Dorka, EPA, added that to Ms. Colón de Mejías comment, the Agency is very sensitive about the issue of small organizations for grantees and how the civil rights laws are going to have to carry out any burdens anticipated. The Agency hopes to touch on that with the guidance that's going to be issued.

NEJAC OPEN BUSINESS MEETING REFLECTION AND DISCUSSION MOVING FORWARD INCLUDING NEJAC WORKGROUP UPDATES

Ms. Sylvia Orduño, NEJAC Chair, transitioned to the business meeting. She acknowledged that the Council would do its best to make sure that all the public comments are heard. She stated

that the Council has heard a lot about the strategic plan, Goal 2 in particular. Currently, there are six work groups, and the Council will hear some updates from them. In order for the Council to have a plan after this meeting to address the strategic plan, and what it has to say about environmental justice, we need to have a new short-term strategic plan workgroup approved. The workgroup would take what was heard specifically around Goal 2 -- a lot of what was shared already to put in a more coherent report – and will offer feedback and recommendations to the strategic plan, and then take that to a future meeting to deliberate. Any of the work that is done for the workgroup has to take place in an official meeting, a public meeting. The Council has to determine if it is going to be an official public meeting or a public business meeting. It's going to need to be done by January, which means that between now and the end of the year this work has to be done by a group of volunteer members, but the council would need to support the formation of the workgroup. Before checking for support, Ms. Orduño acknowledged Ms. Owens' desire to speak.

Ms. Sofia Owen, NEJAC Member, said she understood the need for the short-term response to the plan but asked if the focus of the working group could be more broadly around Title VI and civil rights just overall concerning EPA.

Ms. Sylvia Orduño, NEJAC Chair, said that while the council has talked about wanting to do that, there isn't time to do it right now with the EPA's priority needs of this council. We can look at that after the new year but the focus needs to be specific to the strategic plan before that window of opportunity is lost.

Dr. Matthew Tejada, Director, OEJ, agreed with the focus for now so that the council can open up a little space to get work done but in their response to the Administrator they stated they wanted to engage the NEJAC in a civil rights workgroup.

Ms. Sylvia Orduño, NEJAC Chair, asked that Ms. Owen keep the Council on point with that and not let them forget.

She asked that the Council turn on their video so they can do a simple vote to indicate if Yes, the member supports the formation of this short-term working group. There was a strong consensus in support. The Committee will start an email chain the day following this meeting to assemble

the working group. She stated that the workgroup reports will follow but reminded members that Chairs are needed to help with the division of labor. She stated that each group will spend maybe three to five minutes giving updates on new information and direction or redirection that will be pointed out since the August meeting. She shared some questions ahead of time with the chairs of the group. There is a need to have new participants, especially from any stakeholder groups or communities that could help with moving the work along and they will be able to look at what was presented for Goal 2 in consideration to what this new work group is going to be doing.

Mr. Michael Tilchin, NEJAC Member, stated that he is in the Business and Industry stakeholder group within NEJAC and located in Region 3. For the status of the work group, they had an excellent meeting with more than ten of the leaders within the Office of Air and Radiation back on August 23rd. That conversation focused on programs that are going to be funded by the American Rescue Plan, including a strong focus on community air monitoring activities going on under the Clean Air Act Advisory Council. The group met again on November 4th. That meeting focused on priorities and added some new members. There was an excellent response from the new NEJAC members interested in the work group. They're meeting again on the 18th, and we'll spend more time refining their priorities and digging into both Goal 2 and Goal 4, which is the ensure clean and healthy air goals under the strategic plan.

One focus area is in response to the strategic plan focusing on Goals 2 and 4, and here are some elements of the cross-agency strategies that deal with citizen science, having a strong link to community air monitoring. Another focus area is the accessibility and availability of air quality data. The group is looking at the issue of cumulative impacts including issues related to land application of biosolids and odor. The group is looking at data quality issues, and how to merge citizen acquired data with regulatory quality data to expand and enhance the network of air quality information making that accessible to communities. Related to that is the integration of community monitoring, citizen science, and workforce development.

The next priority is to establish a liaison between this NEJAC workgroup and the Clean Air Act Advisory Committee. They want to focus on the issue of climate change that's strongly linked not just to air quality, but the notion of improving environmental education and environmental literacy around climate change in communities. The group needs a co-chair. They need some

expertise related to air monitoring sensors and how those are deployed, the complexity of having those essentially being citizen community-driven operations, and issues related to the quality of the data.

Ms. Sylvia Orduño, NEJAC Chair, thanked Mr. Tilchin for stepping up to fill the role that is needed in leadership for this workgroup after losing folks that transitioned off the last council. For the next workgroup report from Farmworkers and Pesticides, the chair also shared her appreciation to Ms. De Aztlan who stepped up to provide leadership as its chair.

Ms. Cemelli De Aztlan, NEJAC Member, represented the Farm Worker and Pesticide Working Group. They are still looking forward to having their first official meeting. The group has just two NEJAC members and seven farmworkers and needed to request translation. They finally solidified a date, the first of December, to have their inaugural meeting. She reported that they have had three conversations with the farmworkers unofficially. Pesticides and Roundup came up a number of times, how the children and women are getting affected, specifically regarding reproductive health and how to collaborate with the schools. The group is planning on collecting testimonials from the farmworkers' groups, and a question did come up regarding the Justice40 initiative, will it help to address farmworker communities. She also thanked OEJ Staff for translating the previous letters to the administration regarding farmworkers and pesticides. Those were hefty letters that underwent translation. Thank you for getting that done so that the farmworker women could have access to that information.

Ms. Sylvia Orduño, NEJAC Chair, also thanked the OEJ staff for managing the interpretation services that will be needed to be able to have those workgroup meetings.

Mr. Jerome Shabazz, NEJAC Member, represented the Finance and Investment workgroup, also known as the Justice40 group. The group started with two overarching goals and outputs. One was to establish a visualization tool to track how resources are being spent and where they're going, and to ensure there is some matrix for identifying revenue flow is going to the communities that need it most.

The second overarching goal was to follow the issues and the problems to resolution. The group

is looking at tracking systems for measuring if an issue is being addressed, if there are appropriate means to see whether or not solutions are being identified, and to see those solutions in real-time. He added that the group started with four framing issues. The first framing issue was to understand and track the finances that are involved in addressing environmental justice issues nationally. The second framing question was to understand and leverage the EJSCREEN tool, which was part of the methodology for our tracking strategies. The third was understanding the Justice40 mandate in general, and the fourth was to push for resolutions of the justice concerns that they've been talking about those resolutions throughout the entire discussion today.

The group had a chance to meet with OEJ's budget office team led by Ms. Sheila Lewis, and they met with the EJ grants coordinator Mr. Jacob Burney. Ms. Lewis was instrumental in talking about the ideas of at least experimenting with the thoughts or conceptualizing the thoughts around community capacity building centers to help fulfill some of our initiatives, and the idea of looking more closely at equity resource partnerships and what they may represent in long term strategies. He shared that on the EJSCREEN side, the group met with Mr. Tai Lung and he was able to help them to understand how EJSCREEN is being used currently and that there are some possibilities of being able to create more layers to EJSCREEN to help them identify and track some of their concerns around how Justice40 dollars would be utilized. The group also had an opportunity to go deeper into the funding initiatives around how the money would be utilized to get to their communities. The group met with Mr. Ed Chu from the EFAB (Environmental Finance Advisory Board). He was very instrumental in encouraging the group to create charge questions that would enable them to integrate the same level of thinking they have in NEJAC on the EFAB.

The group is looking at the idea of what those charge questions would represent, how to structure them, and to make sure that they're consistent with the outcomes that they're seeking from not only NEJAC but from EFAB as well as the Justice40 initiatives. He continued with on the Justice40 mandate to see how they can better coordinate their work with WHEJAC so they can identify interagency relationships in making certain that there are agency representatives throughout the federal government that are taking into consideration environmental justice, not as an afterthought, but as a very deliberate part of their decision-making process. He concluded

that the group is looking forward to having a second meeting with Mr. Chu to follow up on how they're going to connect with EFAB, to create these questions around charge questions that his group can address. Finally, the group is also working on a letter that will be brought back to the full NEJAC Council so that they can address some of the issues and findings of their work.

Dr. Millicent Piazza, NEJAC Member, represented the NEPA workgroup. The workgroup continues to meet every two weeks, and they are six members strong at this point. Per the questions about additional capacity or membership skill set or knowledge, the group would welcome any additional members who are interested in this NEPA work, but particularly someone who has familiarity with Section 309 of the Clean Air Act as that was something very helpfully articulated in the 100-Day response letter. The actual objectives of the workgroup is to focus on empowering the public comment and engagement process to affect better decision-making through the NEPA process. It's important having that consistency and integrity in what is included in EJ analysis and having that influence the decision making in a NEPA environmental impact statement processes and analyses, and then training and guidance on what EJ analysis should look like particularly when it comes to disproportionality and impact reviews, the Title VI nexus with the NEPA process and how we can leverage Title VI to support environmental justice and pro equity outcomes through the NEPA process is also important.

She added that the group is meeting every other week and taking a thoughtful approach which is a positive thing because of the commitments that were clearly articulated in the earlier half of today as well as the 100-Day Letter response and the strategic plan. There is so much richness that the group had been focusing on which was the role of the interagency working groups, CEQ, as well as the WHEJAC, and then learning today about the Department of Justice coordination; and then coordinating across the federal family. She concluded with there is so much content there that they're trying to bring in expertise to help them explore more strategic ways that they can add value as a workgroup to EPA's thinking to potentially elevate concerns that they see as practitioners for the NEPA process. It's an evolving development of what their outcomes and developments will be with a really dedicated group.

Dr. Benjamin Pauli, NEJAC member, represented the PFAS workgroup and standing in for Dr. Sandra Whitehead. Our first need is that they are looking forward to meeting with the Office of

Chemical Safety. They hope to receive a briefing on the EPA's new PFAS plan and the integration of environmental justice considerations into that plan. The group is hoping to receive information on the whole of government approach to PFAS, including the actions and policies of the CDC, OSHA, and any other federal agencies who have a finger in the PFAS pie. They would really benefit from new members who can speak to these kinds of priorities or who have been working on PFAS locally, especially in BIPOC communities, anybody working on water issues, and has an interest in PFAS.

Ms. Ayako Nagano, NEJAC Member, represented the Water Infrastructure Workgroup. She stated that she was standing in for Dr. Na'Taki Osborne Jelks, chair of the Water Infrastructure Group. The primary recommendation comes from the NEJAC's letters and such that called for the EPA to build a coalition of federal, state, local, and community stakeholders to work collectively. The top priority should be to secure more funding from Congress for clean and safe water infrastructure investments and programs than allocate them first to environmental justice communities. Emergent water infrastructure issues include addressing challenges to water infrastructure caused by changes in climate patterns such as frequent flooding and droughts. The Water Infrastructure Workgroup has begun gathering other concerns about issues in particular communities include getting more engaged with ensuring resolution to the water issues in Benton Harbor, Michigan as well as following up with Flint and learning more about the drinking and wastewater problems and violations affecting people imprisoned at the Parchman State Prison in Mississippi. In terms of the needs of the workgroup, they do need additional workgroup members from any sector. They are looking for a co-chair to serve alongside Dr. Na'Taki Osborne Jelks. She concluded that their workgroup reviewed the strategic plan, and the workgroup will greatly benefit from the objectives in Goal 2.

Ms. Sylvia Orduño, NEJAC Chair, invited councilmembers to give feedback. She also reminded members that there is an expectation that all members participate in at least one workgroup.

Ms. Jacqueline Shirley, NEJAC Member, stated that her comment is concerning the 100-Day Letter that was drafted up and sent to the administrator. The Council had mentioned their concerns in these workgroups, and the administrator sent a response that's a 14-page letter. She

still needs to have time to read the administrator's response in its entirety and even process what it means to the Water Infrastructure Group. She added that the infrastructure bill that was just passed this weekend, what does that mean? Have some of the group's issues and things been resolved? Sometimes it's not resolved 100 percent to our liking for the group to use. What is the next priority? She suggested in the steering committee those new members could call into any of the workgroups and listen, to just be on a learning and listening mode, to see if this is the dynamic group they would like to join and be able to free time to float through all the workgroups to help make their decision.

Ms. Sylvia Orduño, NEJAC Chair, agreed that they haven't really had time to review it collectively or process it, but it is something that they're going to need to see about how to pick up at least in pieces through the workgroups. She will be following up with the folks that were part of drafting the 100-Day Letter to see how they might be able to respond in some way in consultation with the workgroups.

Mr. Andy Kricun, NEJAC Member, stated that he would like to possibly join the water infrastructure and the Justice40 workgroup. He suggested there ought to be a brownfields group for contaminated sites potentially.

Ms. Sylvia Orduño, NEJAC Chair, thanked Mr. Kricun for his inclination to join a couple of the workgroups. She commented on his idea that, in the past, there has been work specifically around brownfields. She reminded the Council that they can start a workgroup at any time if it believes that there is a sense of urgency, that there is a need to provide specific feedback or recommendations to the EPA, especially if it feels like a space where those conversations are not happening, and that it's done with recognition about work capacities and time issues. But as we're going through the Strategic Plan we can see if some issues can be addressed in part through that or, as some councilmembers have noted, that there will be a need for future work groups and we can look at existing ones and what the process may be to continue or conclude them and decide where we go from there. We would need to look at what the work this council has done already on issues like Brownfields or Climate Justice and what new information we want to contribute to.

Ms. Leticia Colon de Mejias, NEJAC Member, thought that it's critical to acknowledge that the strategic plan for the EPA acknowledges our desire to deal with climate change and climate action, the working groups don't reflect that, and they should have a climate group. There isn't an energy group, and everything can't be talked about unless they talk about energy. Oftentimes people so rarely think about energy, just like they don't think about air until there's an air problem or we're not having access to air. She added people don't think about energy until there's an energy problem, and we're having problems with that. Since most folks in the United States don't think about energy as it relates to climate, it would be important, since there are so many environmental justices directly related to our energy demands and our demand, the Council consider that as a new working group.

Ms. Jacqueline Shirley, NEJAC Member, reminded the Council that workgroups could conclude because they haven't received a charge from the EPA for a while. Sometimes the EPA does charge the NEJAC to do something like develop a report, so it needs to be kept on our docket and made clearer the work the EPA wants us to do. She also agreed the climate and energy change should be woven into our fabric of EJ. Let's keep the docket open and hopes that the EPA would come to the NEJAC with some charges.

Ms. Sylvia Orduño, NEJAC Chair, reminded the Council that the workgroups that they have right now are what the Council has determined are issues that they have been working on, have been concerned about, and have heard significant public comments regarding. These were spaces that were needed to continue the conversations, investigations, and consultations with EPA and with other members as part of those Tier 3 workspaces. There can be new workgroups, but at this point, they need to try to get a sense of, as new members are joining the workgroups, what it is that is the prerogative. She added that they've heard some of the updates tonight about what has been going on so far. If there is an interest in doing any kind of priority shifting or additions to the workgroup or changing them, any changes will have to come through the Council. She suggested that they at least work with the parameters that were set so far, get going on that strategic plan and, hopefully, that will help sharpen some of the focus about where they need to go next.

Ms. Jaqueline Shirley, NEJAC Member, reminded the Council that the workgroups are guided

by public comments and what they bring to the Council.

Ms. Karen Sprayberry, NEJAC Member, reminded the Council that they did have a superfund workgroup that addressed brownfields, and they might want to look at that report because it addressed brownfields into that superfund report. That can give you a better understanding of what was done around that so far.

Mr. Jerome Shabazz, NEJAC Member, stated that Ms. Sprayberry just touched on his concern if we can develop a method or a strategy of tracking even these more recent requests for working groups. The superfund has a lot of information that may cover some of the concerns the people have about brownfields, it would be wonderful if they can find a way to make sure that they don't allow the issues to just get past them. For now, there are seven working groups, but it looks as if there are a couple more that people are interested in. He asked how can NEJAC make sure that every meeting always goes back to our seven working groups to get reports out on it? But how can they make sure that those other areas where members are concerned about, whether it's brownfields, whether it's climate justice, that they're still making sure that those issues are part of their conversation? He wanted to make sure that they're not losing contribution because they're tracking it.

Ms. Sylvia Orduño, NEJAC Chair, agreed that they've been trying to figure that out. She asked if that can be something that they can take back to their workgroups and offer suggestion for tracking and then they can take it up with steering.

Mr. Jerome Shabazz, NEJAC Member, stated that it's more of a structural tool for tracking performance within the workgroup. He said that they can go back and look at it, but he wanted to highlight it because he's seen over the years some issues get lost. He stated that they keep reviewing similar concepts because people may not have been around when those issues were being discussed. They do have a better methodology for identifying those concerns.

Ms. Sylvia Orduño, NEJAC Chair, stated that it's definitely at the Council here where they would be making those decisions and how they want it to work with the formation of those groups even if it can be in the form of some kind of letter or something that can be done in a

different kind of process or charges that come to them from the EPA itself. So, what is set up are workgroups based on information that has been acquired that is necessary to provide input to the EPA. It might be that there's something within that that could be the beginning of a charge to the Council, or they could figure out how it can evolve. She added that right now the workgroups are working at different paces and in different intensities. So, this opportunity, having new councilmembers, gives them the chance to maybe do a little bit of reflection about where they're at with those workgroups and if there need to be any kinds of changes. If they're modest and can be incorporated in what the work is so far, then they can proceed, but, if they're substantive, then we'll have to bring it back to the Council to change what that workgroup is or form a new one.

Mr. Jerome Shabazz, NEJAC Member asked if she's thinking more about some of the new recommended areas can be incorporated in existing working groups first.

Ms. Sylvia Orduño, NEJAC Chair, answered that some things are more obvious that can be incorporated into the workgroups. They can figure out what are other mechanisms for them to be able to figure out how they want to be responsive. But these are the priorities of this Council.

Ms. Leticia Colon de Mejias, NEJAC Member, asked Ms. Orduño if things are coming from the public and that influences workgroup creation, what if folks have been uninformed and disengaged on climate and energy, what then? They would not know to bring that to anyone or to raise the concern. Is there a way to ensure that, when something comes up, that it's put into a system that can be discussed as a group about the importance of that or a vote to inform ourselves and make decisions about where NEJAC needs to focus their energy? She stated that she's concerned that they meet so infrequently, and workgroups are working separately, and, if they don't have a larger discussion broadly to determine their trajectory as it relates to this strategic plan they're commenting on, she's worried that won't happen and that will get lost in the conversation. The Council will focus on very specific areas versus systemic areas that might be broader.

Ms. Sylvia Orduño, NEJAC Chair, answered that workgroups are not formed solely based on public comments. They're a combination of what priorities have come before the Council

through public comments and through other engagements that councilmembers are having in their respective regions or through organizations. So, much of the priorities are shaped by the members who are here themselves. This was just a report out from the workgroups on what they're working on now. She continued with the groups that haven't had the opportunity to engage with new councilmembers in terms of what are some of those other issues. There isn't time set aside at this agenda for it, but it's something that they could put in the future meeting. Part of it gets shaped in steering meetings, so they can figure out how to also have the time and opportunity for more engagement as we figure out what the next public meeting agenda will be. However, again, the workgroups are important spaces for them between the public meetings because it's where they continue to do the work, and just honestly our workgroups are uneven. She stated that they know that this is an important space in which many of us participate with much intentionality, but they know that there are lots of other things that are competing for the members' time and energy. They are trying to be realistic about what additional workloads they put on themselves, especially through the workgroups. Part of the way to add more work is being successful about the work they've got on their plate right now. She mentioned that figuring out how they can engage new issues in the context of the workgroups and then having those conversations in those spaces to figure out if that can be incorporated or if they've got to figure out how to create something new, they've got to make sure that it's part of their scope of manageability.

Mr. Jerome Shabazz, NEJAC Member, asked is it possible that, since the strategic plan working group doesn't have a solid mandate, they can look at other issues beyond the report of strategic benefit to NEJAC? If people have questions about areas of interest, that new working group might be able to field those questions. In other words, it allows fielding a question in a working group that's broad enough. It's strategic planning. It's broad enough to cover it. Maybe it'll feel a little better that they put something in place to at least address the concerns of folks who are issuing those concerns.

Ms. Sylvia Orduño, NEJAC Chair, answered that there could be an opportunity through that strategic plan workgroup. They can make it what they want it to be, but the Council has to recognize also that there are less than 60 days to do that. The immediate need is to provide the EPA our feedback on what the strategic plan could look like or specific recommendations. The

Council could also say, as part of this process, they also are finding the need for additional workgroups or additional ways to address specific issues that go beyond just that plan and are beyond the priorities of this Council. NEJAC will use that process as part of the determination, and, when they come back in the new year, they've got a better sense of what their next public meetings are going to be. Then we can figure out how they get shaped to recognize some of these emerging issues. She deeply apologized to the public commenters who have been waiting and thanked them for allowing the Council to have this conversation.

ORAL PUBLIC COMMENT PERIOD

Dr. Fred Jenkins, Jr., DFO, stated that public comment period is going to start. NEJAC members may provide feedback after their remarks.

Mr. Michael Tilchin, NEJAC Vice-Chair, spoke about wanting to have a robust dialog between our public commenters and members of the Council, but councilmembers are restricted to two comments per public commenter. The members are listening to the public comment that they get today, think about that in the context of their workgroup and how that new input can be pulled into the issues addressed within your workgroup.

Mr. Roddy Hughes, Public Commenter: Good afternoon, my name is Roddy Hughes, I'm a campaign representative of the Sierra Clubs Beyond Dirty Fuels campaign. The fracked gas industry has proposed more than 20 LMG export terminals primarily along the gulf coast in Texas and Louisiana. The oil industry is trying to advance four deep-water oil export terminals and other onshore export facilities that would drive increased extraction and send oil around the world. If built, these facilities would justify a dramatic increase in fracking in Texas and New Mexico and compromise the health and well-being of the communities along the frack cycle.

I have the honor of working with black, brown, and indigenous communities along the gulf coast that are suffering the impacts of the oil and gas industry, the petrol chemical industry, and suffering the impacts of our changing climates. The gulf coast needs its own working group in the Region 6 office. They need to know what's in their air and water and need their concerns to be heard and acted upon by the EPA. We need for the EPA to engage in the permitting and enforcement processes for facilities that will impact environmental justice communities. The EPA must deny permits to any oil refinery, crude, or LNG export terminal, petrochemical plant, pipeline, and any other facility that could have a disproportionate impact on human health or the economy or adversely impact communities of color and low-income neighborhoods. The permitting processes must consider whether communities like Port Arthur, Texas or Lake Charles, Louisiana are already overburdened with infrastructure including facilities without considering what other facilities are already impacting air and water quality and public health.

Ms. Leticia Colon de Mejias, NEJAC Member asked for follow up with written comments and any supporting documents that the NEJAC can utilize in their work.

Ms. Ayako Nagano, NEJAC Member said, we hope that EPA staffers are listening and that there will be phone calls. EPA staffers do talk about these issues and internally within NEJAC, and we will continue to advocate on your behalf.

Mr. Darryl Malek-Wiley, Public Commenter: I'm the environmental justice organizer with the Sierra Club based in Louisiana. I've been working in Cancer Alley for over 30 years, and I'm tired of all the reports we receive like the one that just came out by *ProPublica* detailing maps of cancer hot spots in the United States. We have reports that come out from EPA all the time talking about what's wrong in Louisiana, but we have no action by EPA to correct the problem in Louisiana. Our Louisiana Department of Environmental Quality should receive no funds from the Environmental Protection Agency. Forensic Architecture also has put together an extremely good presentation on the impact of air pollution in Louisiana, and I wonder why we have non-profits doing these types of presentations and we don't see it from EPA. EPA puts out hard maps, not interactive, and it makes it harder to understand what's going on. We want EPA to step in and review the proposed permit fine against Nucor Steel, which the company polluted the air for six years and impacted the community, cut their air monitoring equipment off for over a year, and the Department of Environmental Quality is talking about a fine of \$82,000. In addition, we have companies like the proposed Formosa Plastic Plant that will triple the pollution in Saint James Parish. It's time for EPA to set up an environmental justice task force in Louisiana to take active motions.

Dr. Jan Fritz, NEJAC Member: I just wondered if you made that suggestion to the regional people about having an EJ task force?

Mr. Darryl Malek-Wiley, Public Commenter: We have worked with Region 6 on a number of occasions. They have good EJ staff, but it doesn't have weight within the whole process. They're good at responding to things but they have not been able to change EPA policy to more reflect what's happening with the environmental injustices happening in Louisiana, Texas, New Mexico, and Oklahoma.

Ms. Jan Boudart, Public Commenter: What is an environmental justice community? The term describes situations where multiple factors including both environmental and socioeconomic stressors may act cumulatively to affect health and the environment and contribute to persistent environmental health disparities. It's important to understand that environmental justice communities live near all aspects of the U.S. fission venture from the Manhattan Project due to today's upgrade of our nuclear arsenal. This includes communities near mining, milling, processing for the gas UF₆, fuel fabrication, and experimental activities for fuel fabrication. Communities and U.S. military personnel victimized by depleted uranium, that steadily releases ionizing radiation in the form of alpha, beta, and gamma rays and forms hot particles in ground dust and in the air. Military personnel are further exposed to uranium 238 in tank bodies and ordinance exploded near them in ground battles. Local jurisdictions have no say during COVID as to whether these people hosted in their mostly small communities and ate in the restaurants and bars. EJ communities victimized by the U.S. fission venture also involved waste installations. Including waste from the military explosions dating back to World War II in both the U.S. and the former USSR, experimental reactors, and merchant electric power plants that exploit fission to produce heat. This radioactive waste includes military low-level nuclear waste, greater than class C waste. The gloves, booties, and hazmat suits, debris, and irradiated metals from the discarded reactor vessels when merchant plants close and high-level radioactive waste like spent radioactive fuel. We have 11 active merchant reactors in Illinois and four of them are the Fukushima design, and almost 100 nationwide, some of which are like the Fukushima design. But their emergency zones have been reduced to the area occupied by the reactor itself if they are ever built on the theory that an accident is a non-credible event. So, there are lots of environmental justice communities, and they are becoming more numerous as we continue the folly of pursuing radioactive methods to produce energy.

Ms. Karen Sprayberry, NEJAC Member: EPA has these technical assistance grants, and they provide the problem-solving grant, helping these communities get that funding so they can begin to address some of the issues and I really like the idea of having a task force. In South Carolina, we have some sewage discharges going on in our river, and it's good to bring all the stakeholders together. I hope you will advocate for a task force.

Mr. Scott Clow, NEJAC Member: Last month Matthew from the EPA's EJ office gave a

presentation to the nuclear regulatory commission who is grappling with their environmental justice policies. They have a long way to go at NRC to understand environmental justice, and one of the things I think as we embark on what Leticia was talking about with climate and energy as a potential workgroup or a focus of other workgroups then we need to keep the idea of nuclear energy in there and the fact that people are looking to it as a solution to our climate change issue. There's also a Department of Energy strategic uranium reserve proposal on the table, and so there's a lot of issues around the uranium industry that are all sort of converging right now. I hope that the NEJAC will pursue your needs and the needs of everyone in those communities.

Ms. Leticia Colon de Mejias, NEJAC Member: I think more people should take that action and come forward with their thoughts and ideas to help us formulate a plan for the United States of America as it relates to environmental justice. I hope that you'll submit your comments in writing along with any supporting documentation so that we can discuss them further in our working groups.

Ms. Millicent Piazza, NEJAC Member: You know, this also had testimony at our last meeting related to the legacy of nuclear contamination from uranium mining and I just wanted to draw that other connection because as we're dealing with emerging technologies, particularly what I'm reading about lithium production we don't want these emerging technologies and the environmental and health impacts to be the nuclear legacy we hope that the NEJAC delves into things that are coming on the horizon as opposed to trying to play catch-up with all the contaminations.

Ms. Jan Boudart, Public Commenter: We have submitted extensive comments to the DOE on uranium reserve, and I would be glad to send you my comments, Terry Lodges comments, Wally Taylor's comments, and Sara Fields' comments in this matter.

Ms. Jacqueline Echols, Public Commenter: My name is Jacqueline Echols, and I am board president of the South River Watershed Alliance in Atlanta, Georgia. In 2010 DeKalb County and the Environmental Protection Agency reached an agreement on the DeKalb County consent decree. Residents of South DeKalb County believe this action would bring about an end to

sewage pollution that has plagued neighborhoods and fowled neighborhood streams and the South River since 1961. Today, residents of South DeKalb County are still being denied a safe and clean environment free from sewage spills and polluted waterways. The source of the problem is language in the consent decree that describes South DeKalb County as non-priority. From July 2014 through March 2020, almost 800 spills totaling more than 32 million gallons of sewage spilled into non-priority areas, most of which are in South DeKalb County. The absence of a deadline to eliminate spills in this area violates the Clean Water Act. It also assigns an unmistakable lack of importance to an environmental justice community of over 400,000 black residents, one of the largest in the country. The use of non-priority language demonstrates a level of callousness unbecoming the federal agency that is charged with ensuring environmental equity. If there is one certainty at this point in our nation's history, it is that words matter. How a community is viewed by those responsible for fixing the problem and those responsible for ensuring the problem is fixed matter. The county estimates repairing the sewer system will cost \$1 billion. This cost will be borne by all residents' priority areas and non-priority areas alike through higher water and sewer rates. This means South DeKalb residents will pay for fixing a sewer system in other neighborhoods while their neighborhoods continue to be dumped on with no end in sight. The outcome of the South River Watershed Alliances case challenging the absence of a deadline for eliminating sewer spills in non-priority areas is pending before the 11th Circuit Court of Appeals. The decision by the court will set a precedent. The matter for consideration by this Committee and EPA itself is a review of the Agency's actions that challenge the clean water act on the basic right afforded by the large self.

Ms. Sylvia Orduño, NEJAC Chair: I wanted to ask if maybe what you heard earlier by way of the strategic plan and how it is that this administration is really trying to figure out how to be different, how to walk the walk, how to really be intentional. Is there anything that you might've heard that you think would be helpful in terms of the implementation, the actualization in terms of the changes that are needed that you might have thought of at the time or that you could maybe share with us? I think, to shape the conversations around what is some of the structure of racism around some of these problems, and if there's a way that maybe you can help us think that through a little bit more.

Ms. Jacqueline Echols, Public Commenter: I didn't listen to the strategic plan discussion, I

mentioned in my comments, my concern is the complicity of EPA in perpetuating the environmental justice that's going on in the DeKalb County. The river itself over the past ten years and particularly in the last couple of years has received a lot of attention. And there was an opportunity to correct this issue to a modified consent decree about three months ago, and EPA scuttled that opportunity.

Ms. Jacqueline Shirley, NEJAC Member: My question is more towards our EPA folks, I was wondering has EPA considered pulling in some EJ communities, some EJ cases as the demonstration project, to implement the strategic plan and the goals for climate change and environmental justice and civil rights? Pulling in EJ communities to work within these amassed case studies and practice fieldwork on how to implement the strategic plan.

Dr. Sacoby Wilson, Public Commenter: As a reminder to the NEJAC, at that last public comment meeting just to chime in on the gulf coast conversation, the bulk of the comments from the last meeting was folks on the gulf coast. So as part of our discussion, we talked about potentially having three workgroups: a climate change workgroup, an energy workgroup, and a gulf coast workgroup. We did have a plan for moving forward just for the new NEJAC members, that climate change and energy and the gulf coast were on the docket, I will follow through on that. Now to get into the strategic plan and comments on that, I believe for the strategic plan to work, we've got to bring NEJAC to the people so every region should have the EJAC. Every region should have an EJAC plan. Every region should make sure they have EJ metrics, DER metrics on who is getting the dollars. The regional administration should do listening sessions, and if regions are not acting right then the EPA, as part of the strategic plan, should take away authority. What you heard from the gulf coast is folks dealing with environmental slavery. You have folks dealing with toxic trauma. What's happening in Louisiana is a huge problem, so you cannot have a real strategic plan unless you plan to really address those problems. So, take away their dollars, take away their authority.

On the comment of Justice40, I am the co-chair of the Justice40 working group. There are five major challenges to deal with. How are we going to identify those communities? How are we going to make sure that the money are doled out in the right way? How are we going to make sure that the right businesses are getting the work? You can't have businesses getting the jobs to

do the work if they're racists if they had bad DI records.

How do we know the workforce is from the community? You can't have people putting in the infrastructure if they don't live in the community. Then how are we going to make sure that the communities have the capacity to get the monies? We secure it with red tape. If they've been identified based on how they apply grant dollars, it's their money so we've got to fix that. The EPA needs to take a major role in providing leadership in the implementation of Justice40 and working within these various regions. And then when we think about the strategic plan again, Title VI and cumulative impacts have to be integrated throughout the strategic plan.

And then a couple more points before I run out of time, but I'm going to take a little bit more time, Mike. The air quality piece as listed in the plan, we even make sure community collected data is used in permitting regulations and enforcements and also pinpoint the communities that need the dollars. The regulatory monitoring network is actually not that great. It's bad science, so that cannot be put on a pedestal and say, well, we've got to make sure that complies, because that system is really not a great system.

And the last point, when it comes to investing the dollars and showing the money, we have to make sure that the EJSCREEN tool brings in cumulative impacts and scoring, but all state tools need to have the same approach to scoring cumulative impacts. You can't have different approaches, so there needs to be consistency with the EJSCREEN and consistency with tools at the state level. I'll stop talking, thank you.

Mr. Michael Tilchin, NEJAC Vice-Chair: Thank you, Dr. Wilson. Great comments, and it is great to hear your voice and thank you for participating.

Dr. Jan Fritz, NEJAC Member: Let me ask a question to which I think I know the answer. Are you suggesting that the strategic plan should indicate that every region should have an EJ plan?

Mr. Michael Tilchin, NEJAC Vice-Chair: Yeah, well, and I want to credit Jan for asking a very well-framed question.

Ms. Sylvia Orduño, NEJAC Chair: I'm thrilled that you're still active on the Finance and Investment workgroup, and so thank you again for your leadership there.

Mr. Jerome Shabazz, NEJAC Member: I'm just trying to find a way to give Dr. Wilson a little bit more elaboration time. No, but I wanted you to speak a little more about this regional accountability that ties into the strategic plan. Can you speak to that a little bit?

Dr. Sacoby Wilson, Public Commenter: Yes, sir. Thank you. So, one of my soapboxes, when I was on NEJAC, I was trying to figure out how can we decentralize NEJAC? So, I think the opportunity is let's bring the NEJAC -- EJAC in every region. I think one of the points was made earlier about how do you engage the community? So, we know we've been getting public comments from community members. Look at those whole comments, those public comments. Let's really recruit those community members to be part of this regional EJAC, so I think that's an important play.

Then, as it relates to how the EPA is doling out monies. If you look at Justice40, for example, that's the opportunity to incentivize positive EJ action. So I think what we want to be able to do is to have this strategic plan actually get down to the people. So, it just can't stay in headquarters. We have to hit the regions. So you look at Benton Harbor or Flint. You look at El Paso in Region 6, what we're talking about in Louisiana. I think that type of framework will allow for deeper community engagement, and Principles 5 and 7 are suddenly across the environmental justice communities and people speak with their own voice.

How can communities speak too well with their own voice if they only go into our NEJAC meetings and give public comments twice a year? So, at that regional level, we can provide more, have more accountability, and then make sure the regional administrators are helping to provide guidance and leadership to implement those plans, and then again, the states have to actually connect to that larger plan. So, there's more coordination between the states in that region with the regional office. So, I think that's what's been missing, and I think that's been my frustration as a NEJAC member of sharing folks -- like the folks of the gulf coast, the folks from Mossville, the folks from Michigan, folks from other parts of the country -- telling these stories but then getting limited action. So, I think the strategic plan, we have a regional

approach and states more engaged as part of the approach and more accountability. We can move problems to solutions better and this is what the communities deserve. I'll stop talking. Thank you for that, Jerome.

Ms. Naomi Yoder, Public Commenter: My name is Naomi Yoder, and I'm with Healthy Gulf based in New Orleans, Louisiana. And I am just really happy to hear all of the people that spoke today listing off gulf coast issues. I'm here to do the same thing, and I hope that it makes an impression upon the NEJAC that we keep coming back and we keep having the same discussions and we need to have some change. So, I really want to support what Roddy and what Darryl and what Dr. Sacoby said. So, my comments are going to be very similar to theirs, but I'll go ahead.

So please create that gulf coast EJ working group whether it be within the NEJAC or within the EPA itself. This is needed to identify and give justice to those EJ areas across the region. As Darryl mentioned we have new -- but not new to us -- data that shows the industrial corridors are so polluted and have high cancer rates. These industrial corridors in the river parishes in southeast Louisiana, the industrial quarter in southwestern Louisiana, the golden triangle area of Beaumont, Port Arthur, and Port Neches, and the greater Houston ship channel area are all part of this.

These areas have a chronic large pollution burden and higher risk for cancer and other illnesses as well as higher death rates from COVID-19. Louisiana and Texas are oil and gas states and despite the proliferation of the oil and gas industry across these two states fence-line communities have very little information about what is in their air and water. These issues must be addressed and remedied. In addition to the existing pollution burden, and associated loss of wetlands and storm defenses from all the facilities the fossil gas industry has put a bullseye on coastal Louisiana and Texas.

LNG, methanol, and plastics plants are all proposed in huge numbers for the already over-stuffed chemical corridors in Louisiana. Whether or not these new facilities are located directly in EJ communities -- which most of them are -- they are EJ issues. These facilities destroy wetlands, they harm communities because those wetlands protect us from the worst impacts of

storms, and they absorb carbon. These facilities also burn fossil fuels, the exact cause of climate change. Communities of color are disparately impacted by hurricanes. Furthermore, each of these plants and terminals has pipelines associated with it.

Pipelines are always in the backyard of people that the corporations don't care about. That is low-income and people of color. It's appalling. This stacking the deck against people of color in the gulf south is white supremacy and it must be changed. As I've said in previous meetings, this is nothing short of a climate justice crisis. Please stop the sacrifice zones and stop the oil and gas racist build-out. Thank you.

Ms. Ayako Nagano, NEJAC Member: I just wanted to comment that I'm appreciating all the comments coming from the gulf coast and that it's just underscoring the importance that we address these issues. Thank you.

Ms. Sylvia Orduño, NEJAC Chair: Thank you very much. I am appreciating the comments from Naomi. I'm trying to think here of a couple of things. And so, we know that the administrators planning this first leg of this national conversation and beginning in the south in some gulf coast communities. And I think I can express that, as councilmembers, we're also really frustrated about trying to figure out how we can be more impactful. And so, I think, in part, what might be helpful for -- especially for what you've shared and what other gulf coast members have shared -- if there's a way that, as you're listening to or participating in, if you are at all with any of the visits that the administrator is making, if there is something by way of what he will be conveying, what you all will be sharing, that will help us be more impactful for how we can engage within the EPA at this Council.

And so, clearly, we've got one small button of all the different ways in which the EPA is reached. But I'm trying to figure out is how we can try to be intentional in this Council. For those of you who are from the gulf coast and especially since we have you here at this moment, you can maybe help us think a little bit more strategically about that. That could be helpful too.

Ms. Naomi Yoder, Public Commenter: Yeah, thank you so much for both of those comments, and I think that we're just going to keep coming back until something changes. We haven't

been commented on by the administrator or scheduling staff. We're aware of the trip, but that's a big glaring hole. In my opinion, we should have known about that. We should be able to have a discussion on this trip, and so that's the first thing.

Another thing is we need some systems in place to very clearly monitor pollution after storms. The EPA has said that it needs to do that, needs to have a system in place, and it doesn't. It's at least inadequate if it does. So, a couple of things -- and Darryl mention a couple of things as well -- don't give any money to our LDEQ, same with Texas the EQ. Those two agencies need to be held accountable for what they're not doing, and the EPA has a role in that. So, I really appreciate that the NEJAC has the role that you have, and I think that we'll all just keep trying to chip away. Thanks.

Dr. Darius Sivin, Public Commenter: Okay, my name is Dr. Darius Sivin. I'm with the United Auto Workers. I'm going to be talking about accidental release prevention under the Risk Management Plan Program. It will be a summary of comments submitted to the NEJAC docket two days ago and authorized by our president Ray Curry in July and submitted to the risk management plan listening session docket at that time.

First, why is this an environmental justice issue? Well, it turns out both the location and the harms of risk management plan covered facilities increase in zip codes in a highly statistically significant manner both due to income and to race. So, the number of risk management plan covered facilities in a zip code increases with the percentage of people in that zip code below 200 percent of the poverty line.

And the P-value on that is 1.9 times 10 to the negative 25. Also, the number of injuries and illnesses due to reportable accidents under the risk management program increases with poverty, and that P-value is 0.02. There are similar results for race, and, since my time is going fast, I'll just add that race also correlates with property damage and the number of impact accidents. It has been asserted both by the previous administration and by the chemical industry that accidents are going down. But due to data presented in my written submission, you can see that those assertions are based on highly flawed data, and in fact, from the years 2010 to 2015, there was a non-statistically significant increase in accidents rates.

And just to summarize, we would hope to see from EPA a new risk management plan role that would require worker and union participation in incident prevention, investigation, and response and worker training in order to facilitate safety in meaningful participation as well as requirements for inherently safer technology and reducing the disproportionate impact on poor communities and communities of color. Thank you very much.

Ms. Ayako Nagano, NEJAC Member: This is a question, maybe for George, I'm looking for Dr. Sivin's written comment, and I cannot find it in what was sent to us. Could it be that it hasn't been processed yet?

Dr. Fred Jenkins, Jr., DFO: It's possible he may have submitted it probably in the public docket but, whatever public comments we'll get, we'll make sure you all get them as soon as possible. Also, I was going to say a reminder in the meeting. Public documents that are submitted in the docket get processed and they become publicly available immediately, so keep your eye on monitoring the docket, too.

Ms. Stephanie Mgbadigha, Public Commenter: Hi, so good afternoon and thank you for the opportunity to speak. My name is Stephanie Mgbadigha, and I'm the advocacy and legal director speaking on behalf of Air Alliance Houston. I'm in the great state of Texas.

I want to start by thanking NEJAC for its commitment to environmental justice as well as the EPA. Just for reference, I want to give a context of the City of Houston and Harris County as well. Houston is currently ranked by the American Lung Association as the 11th most polluted city in the nation for ozone and the 20th most polluted city for annual average particulate concentrations.

Houstonians drive more than 140 million miles each day and tailpipe emissions from cars, trucks, busses, add to everyday pollution. Air pollution levels are also affected by emissions from other local sources like concrete batch plants, dry cleaners, gas stations, restaurants, pretty much any industry that you can think of. In addition to that, Harris County is also home to the largest petrochemical complex in the country, two of the four largest petroleum refineries in the

United States, and more than 400 chemical manufacturing facilities. Now I believe 150 of those chemical manufacturing facilities are in low-income, low English proficiency communities of color.

And so that brings me to my first initial comment. I think it's important for the EPA and other agencies to meaningfully discern between environmental equity and environmental justice. Environmental equity means that no one group or community is facing a disproportionate impact of pollution or anything like that, and environmental justice is the protection of that equity. So environmental justice necessitates environmental equity, and we don't have that. The EPA has these great definitions of meaningful involvement and fair treatment but, in practice, that's not what's happening. Not with its rules and not in a trickle-down effect to states and local government.

I would encourage EPA -- especially with its new strategic plan -- to be more vocal about what is happening around the country, specifically in Texas, and I would prefer if EPA would call it by its name which is environmental racism. And to that effect, I am asking that EPA please, please enforce its Title VI powers and appropriately hold these agencies accountable for the discrimination. An example of this is in Houston here, concrete batch plants, the sitting requirements of these plants are inadequate, to say the least. And TCEQ which is the environmental agency for Texas has openly in oral statements and written comments say that they will not consider cumulative impacts.

So here in the fifth ward, there are I believe ten zip codes that have cancer clusters, and, in all of those ten zip codes, they are the only active concrete batch plants. This is just an example of what I would consider an adverse and disproportionate impact, and I would also like for EPA to provide more guidance on what it's considering discrimination. I would like to know in more detail what adverse impacts would be considered discrimination and what wouldn't. And so that means enforcement of Title VI of the civil rights act is necessary to correct this long-standing trend of concentrating these heavily polluting facilities in the environmental justice communities that are already overburdened in pollution.

And I'll be quick because I know that my time is up. I would also like EPA to start considering

remedial measures. I heard it earlier in the meeting, but I think it's time that we start fixing the issues that EPA as well as these state agencies have caused by ignoring these harms and ignoring the racism that is protruding with these state agencies. It's time to write grants to do things like revamping the air systems, the HVAC systems in schools, communities, churches, and nursing homes that are being surrounded by these industries. Again, I thank NEJAC for its commitment to environmental justice. Thank you.

Ms. Leticia Colon de Mejias, NEJAC Member: Stephany, thank you for your incredibly awesome comments. In my opinion, I just want you to know that, if you have a chance to read the strategic plan, there is a whole section addressing what you're discussing here. Specifically, I think that that would be a great section for you to comment on as I think that oftentimes what people don't understand is that, even when resources go to communities, more often than not, the funding doesn't go there. Earlier on, somebody made a poignant comment that often we're measuring the disparity or the environmental injustice. I hear you, but I don't hear the plan to resolve the problem which is frustrating because measuring a problem without taking any action to solve it just lets you know there's more of a problem.

I don't think that we're unaware of the problems is what I'm hearing. All along with the comments from all the commenters who called in today and got online, you're all aware of the issues in your communities. So really what we need to do is do a better job of engaging communities and finding a way to bring you forward and help us propose solutions to those issues to the EPA so that we can take some actionable steps forward. So, thank you for taking the time to call in.

I also wanted to thank another councilmember earlier for suggesting the idea of doing case studies whereby we interview folks who take the time to provide these incredible stories and then make a specific focus in some way to resolve those and report out which I think would also be inspirational for other communities who have issues and may feel lost or as if no one wants to help them.

So, thank you so much because I do believe that systemic racism is very much part of environmental justice, and unfortunately very much part of the issues that we're seeing all across our nation.

Ms. Karen Sprayberry, NEJAC Member: Leticia, just what you were saying just a minute ago reminds me so much of the CARE funding and the available CARE grants. And so, if you go back and google CARE grants and what they funded, I mean, it's projects like that, and it tells the stories and it did a great job of telling how they utilized the money. So, that's something we need to be advocating for is the CARE funding again.

Ms. Felicia Beltran, NEJAC Member: Thank you very much, Stephany, for your comments. I just want to make a response with regards to you mentioned Title VI. Title VI sets a foundation that has a lot of enforcement behind it, and I feel like the strategic plan -- specifically Objective 2.32 -- strengthens civil rights enforcement in communities with environmental justice concerns. That's really where this powerful arm of Title VI can be implemented to ensure that prior to receiving any type of financial aid that they have an existing nondiscrimination program in place as a good method for prevention. But again, thank you very much for your comment.

Mr. Charles Bryson, NEJAC Member: Thank you. As I listen to some of these comments, I realize that one of the things we're at is the intersection between education and employment, and some of the issues that people are bringing to the EPA belong to EPA. But they also belong to states that are using federal resources to create some of the things that they're talking about, whether it's a gas plant or the energy plant, whether it is giving money to the airline so that they can have more air traffic. So, I think some of these we have to figure out, and I think Leticia talked about this earlier. The education process has to suggest that you don't have to give up on employment and suffer from a bad environment.

Ms. Sylvia Orduño, NEJAC Chair: We're near the end of what we scheduled for this Council meeting, and so we did acknowledge earlier that we are going to have time to go over for the public comments. I also noted that we wanted to see about trying to get the meeting completed by 7:00 really making it sort of an objective. So, I want to ask councilmembers to again go back to some of the framings that we had shared at the beginning, and I'll just read those again just so you can think about how you want to respond here.

So, as we have public commenters, I'm asking that we have no more than two councilmembers

comment per public commenter and that we limit the number of times you respond overall. So, if you've already spoken three times consider letting someone else go who hasn't yet offered comments from the Council.

Mr. John Muller, Public Commenter: I am John Muller, retired civil engineer in Tulsa, Oklahoma with more than 25 years in public works engineering. Mainly water resources engineering, and I'm an active supporter of the American Environmental Health Studies Project by way of its Fluoride Action Network. And I first want to remind you or inform you for the first time as the case may be for new members that I have attended and commented at the previous NEJAC public meetings held on June 17th and also August 18th and 19th, as well as the inaugural WHEJAC meeting on March 30th. I also attended and commented at the July 6th Board of Scientific Councilors, the (BOSC) public.

I commented to experienced expert scientists to the BOSC in response to its current request for nominations. Now, regarding today's meeting and the strategic plan draft, I have submitted one very brief comment so far and I plan to submit more comments with more specifics because there are very real opportunities for this ground-breaking strategic plan to facilitate resolving the EPA's and the CDC's conundrum of how to end water fluoridation in light of the new evidence showing the unacceptable risk of disproportionate harm to blacks and other vulnerable subgroups, especially brain damage in the unborn fetus in a mother with excess fluoride exposure and bottle-fed infants and young children, harm to the developing brains not dissimilar at all to the harm from lead.

My comment points out that there's a need for language in the plan to include application of the precautionary principle anywhere in the plan where values for safe human exposure are being addressed, evaluated, and/or determined for regulatory rulemaking. And here is what Wikipedia has to say in part about the cautionary principle. And I quote, "The principle has become an underlying rationale for a large and increasing number of international treaties and decorations of sustainable development, environmental protection, health, trade, and food safety. And in some legal systems, as in the law of the European Union, the application of the precautionary principle has been made a statutory requirement in some areas of law."

What I request of NEJAC from this meeting is to create a special fluoridation workgroup or assign it a priority in the Water Infrastructure workgroup and place fluoridation on the NEJAC agenda as maybe a possibility for discussion to determine and articulate a recommendation to the OEJ and ultimately to Administrator Regan after the NEJAC members have had time to review and consider the submitted additional materials. I will be submitting additional materials by email. That's all I have for today and thank you very much for this unique opportunity to participate in your most important work. Thank you.

Mr. Scott Clow, NEJAC Member: Yeah, really briefly thank you for your comments, Mr. Muller. In Indian countries across the United States, the Indian Health Service when they built water systems would often install fluoridation systems on them, and so, if we do embark on digging deeper on this, I'd like to maybe pull tribes across the nation on this and potential epidemiology related impact. So, thank you for your comments.

Ms. Stephanie Herron, Public Commenter: I spoke with Ms. Dora Williams on the phone a little while ago, and after the second time you called her, she told me that you were asking her to unmute, she clicked unmute but for some reason, you couldn't hear her. But she is in. I just spoke with her.

Ms. Dora Williams, Public Commenter: This is Dora Williams on the phone.

Mr. Kurt Ali, Curator: I just heard something really faint underneath all that.

Ms. Stephanie Herron, Public Commenter: I wonder if perhaps you could put the call-in information in the chat or something. It's impossible to chat to the host because chat has been disabled but maybe she could call in or other folks who are having issues. I was not able to raise my hand on my computer so clearly, there's some sort of tech thing going on. I'm on my phone now. Maybe if you just put the call-in number in the chat, Ms. Dora and any others who aren't able to work it could just call in via the call-in number.

Kurt Ali, Curator: George, do you have the call-in number? Okay, in the meantime, I'm going to move on --

Mr. George Ward, Program Manager: Kurt, the call-in number is actually on her invite. If she goes to her invite, the call-in number is there.

Mr. Kurt Ali, Curator: Thanks, George. I'll reach out to Ms. Herron in a second. Because of the time I'm just going to move on to Hilton Kelly.

Mr. Hilton Kelly, Public Commenter: Yes, thank you NEJAC for this opportunity to speak. My name is Hilton Kelly, founder, and director of the community in Power and Development Association located in Port Arthur, Texas on the gulf coast. Home to the largest oil refinery in the northern hemisphere, which is called Motiva, which puts out 633,000 barrels of oil per day. It's also home to the Petco -- petroleum coal facility called Oxbow Calcining -- which dumped tons and tons of disproportionate amounts of sulfur dioxide and heavy metals. In our request of NEJAC, we must address the ethylene oxide issue in Texas and in other communities where it is produced. In Port Arthur, Texas, Indorama has released large amounts of unchecked ethylene oxide during our cold snap and yet our state has yet to address that issue.

And when it comes to cumulative impact, many people have been exposed to dangerous chemicals like benzene, 1,3-butadiene, carbon monoxide, and other toxic chemicals in our environment. But what we found is that we know what these types of chemicals do to the human body and how it impacts our respiratory system. But what we don't know is what these chemicals do cumulatively in our air. We feel that the Environmental Protection Agency needs to put together a plan and implement that plan on cumulative impacts and create a cumulative impact study to help us understand how our bodies are being impacted by multiple chemicals in the air at the same time from petrochemical facilities and other big polluting facilities.

Chemical disaster rule. We would like to request that the NEJAC ask the Environmental Protection Agency to issue stronger new chemical disaster prevention rules that include the central components that Cedar Inc. and its ally groups have discussed back on July 29th, 2021. The stronger rules would include companies installing safer technologies, climate preparations, and mitigation while facilities in hurricane-prone areas also require backup electrical power, air monitoring, access to information for the public, and Title V air permit requirements, et cetera.

NEJAC has tracked this issue concerning the chemical disaster rule for many years. Now is the time to get the rules strengthened so that life can be saved now and in the future.

I also would like to thank the Earth Justice Organization for pitching in and doing all that they can to help grassroots organizations and to help us get to this point where that we can have this kind of dialog. And I do believe that the EJAC, the Environmental Justice Advisory Council in communities like Port Arthur, Texas, like Beaumont, Texas, like Houston, is a necessity. Local governments do not do enough to help local citizens to fight for environmental justice and we feel that it's time to put the power in the hands of the people. Thank you for your time.

Ms. Jacqueline Shirley, NEJAC Member: Just quickly, I'm just hoping our last in-person meeting was scheduled to be in Houston, Texas, and I'm hoping that when our in-person meetings gear up again that we'll continue with that schedule and have our next in-person meeting in a critical place like Houston, Texas and I'm looking forward to seeing the gulf folks in person. Thank you.

Mr. Hilton Kelly, Public Commenter: Well, I do understand that the Administrator is going to be in Houston, Texas on the 19th, and I do plan to attend that meeting.

Ms. Karen Sprayberry, NEJAC Member: I know with some of the projects that we've worked with, especially with climate perforations. We've worked a lot with the academia and the community to get some information. We actually have funding for the EPA right now where we're trying to get the community to do vulnerability assessments, to do hazard assessments, and do capacity assessments. And so that really enables them to look at what's in their community and how to prepare before a disaster hits. And so anyway, and the academia in South Carolina is really helping us with this project. I didn't know if you reached out to them to get some assistance.

Mr. Hilton Kelly, Public Commenter: No, we have not talked to the academia sector at this particular time but, yet, that idea did come up at a few meetings and we have plans to reach out for all the resources that may be available to us to get the chemical disaster rule put in place and also to help those chemical companies to do a better job at protecting human health, reducing the

potential for chemical releases and explosions like the TPC plant in the Groves area so that we can save lives only now and also in the future because it's really out of control. And under the Trump administration, it was as if we had no Environmental Protection Agency, or we had no state regulatory agency, so we need help and we must work together now to make things change for the better.

Dr. Brian Moench, Public Commenter: Thank you. I'm Dr. Brian Moench, on behalf of Utah Physicians for a Healthy Environment and the 450 physicians and 3,000 members of the lay public within the organization. I was congratulated by the administration for giving the issue of environmental justice long-overdue attention. But the administration should not just focus on existing injustice, it should also try to intervene and prevent projects that are destined to become monuments of future environmental injustice. One such project being designed and given hundreds of millions of dollars of taxpayer money by our legislature is a Salt Lake City inland port. This stands to be a massive Transmodal shipping hub and warehouse farm now planned for the westside of Salt Lake City in the immediate vicinity of 250,000 people who already suffer the most pollution and environmental toxin exposure of the two million people who live in the Salt Lake Valley.

They suffer the traffic pollution of our busiest freeways, are immediately downwind of several oil refiners near an enormous open-pit copper mine and smelter, are downwind of summer-long aerial spray and pesticides and numerous industrial smokestacks, and are downwind of a major international airport and the secondary airport whose planes still use leaded gasoline. None of this would be tolerated on the east side of Salt Lake City, but because of lack of political clout, the Utah legislature is shoving this down the throats of those who are already the most victimized by our numerous pollution sources. This Transmodal shipping hub would be the epicenter of multiple new sources of pollution, an estimated 70,000 more diesel truck trips per day, diesel power switcher engines, 150,000 more cars, increased air traffic, more pesticide spraying, and dozens of more train locomotives. Incidentally, one Tier 0 locomotive can emit as much pollution as what you'd expect from 10,000 cars.

This project clearly exploits the economic and racial disadvantages of this community, and Utah politicians remain unflinching in their determination to push it forward. Other inland ports and

inhouse farms smaller than what is planned in Salt Lake are now nicknamed quote, “diesel death zones,” because of the pollution they generate. There is absolutely no reason to think that the developing one in Utah will produce a different outcome.

This port is also intended to facilitate more fossil fuel extraction, something squarely contradictory to the Biden Administrations' climate goals. The rationale being offered is that the port is needed to produce jobs is a smokescreen. Utah historically has a very tight labor market. The current unemployment rate is 2.4 percent, and most of the anticipated port employment will be low-wage warehouse jobs. The real beneficiaries are well-connected developers and powerful international corporations eager to exploit this community for profit. Using the Clean Air and Clean Water Acts, several federal agencies could intervene and prevent this injustice from happening. Dealing with the obvious consequences after the fact will only further victimize this community. Thank you.

Dr. Jan Fritz, NEJAC Member: I didn't know anything about this project. Thank you for telling us all of this. Can you tell me something? About how far along in the planning process this is?

Dr. Brian Moench, Public Commenter: Well, the Utah legislature has been passing bills since 2018 to clear the way for this, and they just passed the bill that allowed a public obligation to support this project with \$150 million to start building the infrastructure for the trans-loading facility, in other words, cement pads and huge cranes that are designed to lift shipping containers from trains to trucks and so forth. So, it's been in the works for three years. They have established a Utah Inland Port Authority, which is a quasi-government agency, virtually with no oversight and acting completely autonomous. So the difficulty in fighting back on any front is that the decision-makers are not accountable to the public in any way, shape, or form. And that was an intentional part of the strategy.

Dr. Jan Fritz, NEJAC Member: Have you discussed this with regional EPA?

Dr. Brian Moench, Public Commenter: Yes, in fact, we have quarterly meetings with Region 8 EPA on this topic. We are trying to convince them that, in fact, the Clean Air Act and the Clean

Water Act can be invoked here to perhaps forestall, if not prevent, this project. We are not sure we have convinced them yet, but our next meeting is scheduled for January. But first and foremost, this is an issue of environmental injustice, and so to whatever extend federal agencies can become involved in this and aware of it, we are certainly trying to pursue that.

Dr. Jan Fritz, NEJAC Member: Thank you for bringing this to our attention. Thank you.

Ms. Ayako Nagano, NEJAC Member: It's more of a comment. It's put in the chat, the EPA strategic plan website where anybody could give feedback to the EPA strategic plan. It's only a draft right now, and there are many wonderful aspirations in there. But there's going to be pushback from industry, and there's going to be pushback from states. So it's really important that the EPA hear from communities giving feedback, and it's got a lot of goals to maybe focus on Goal 2 which the OEJ was responsible for and then maybe pick another area that's really directly relevant to you and just focus on those two and then it would be wonderful if more people could provide public comment. Thank you.

Dr. Brian Moench, Public Commenter: Thank you.

Ms. Stephanie Herron, Public Commenter: I really do appreciate all the work that the NEJAC in the time right now. I do have a comment, but I just have to say in advance of my substantive comment that on the logistics of this meeting, the public comment is not going into anything related to the order that you shared in advance with speakers, and it is extremely confusing. Normally the public comment list is also shown on the screen in NEJAC and WHEJAC meetings, and it's extremely confusing to figure out who's coming up or who's speaking. A number of people are texting and calling me very confused, and I also just want to note that the actual time of the public comment wasn't made public until about two days before this meeting, so for folks who couldn't reserve from 1:00 to 7:00 p.m., that's not very accessible.

And then I couldn't say any of this in the chat instead of wasting this time right now because the chat is disabled, which came up I believe on the last NEJAC meeting. You don't have to make it, so you chat with everyone. I know that's distracting, but you can set it so that only members of the public can only chat the host and that would've really helped here. So, thank you.

But onto my substantive comment. My name is Stephanie Herron, I'm the national organizer for the Environmental Justice Help Alliance for chemical policy reform. I know I've spoken at the last several NEJAC meetings and others in the past but since there are some new members who I'm very excited to hear from and about, EJHA is a national network of environmental justice organizations, primarily grassroots groups who have been working to prevent and deal with chemical disasters in their communities for many years, some of them since even before I was born.

Earlier today, Director Tejada said that environmental justice is the quote, "Top priority for Administrator Regan," and I really was glad to hear that. I am here again today as I was at the last two NEJAC meetings to remind you and emphasize and echo what Mr. Kelly and others have said that, if EPA wants to prioritize environmental justice, they must prioritize protecting workers and fenceline communities by prioritizing and issuing a truly protective risk management plan or aka chemical disaster rule on the fastest timeline possible. I'm here joining other commenters asking NEJAC to write a letter and a recommendation to Administrator Regan and EPA calling on them to issue a strong and truly protective RNP rule that prioritizes prevention and protection of workers and communities on the fastest timeline possible.

In the interest of time, I'm going to mostly leave it there, but I do want to direct everyone on the Council to the comments that I made at the last two NEJAC meetings, which I have sent via email, and also three reports that I've referenced and two that I've referenced in my previous comments. One is the life at the fenceline reports that shows the demographics of people who are disproportionately impacted by chemical disasters and RNP facilities. The other is the preventing double disasters policy brief that was issued this summer about the connection between climate disasters and chemical disasters. And a specific example about several of the chemical releases and disasters that occurred in the wake of Hurricane Ida hitting the gulf coast this year called unprepared for disasters. So would direct councilmembers to please look at those things that I emailed, thank you.

Mr. Michael Tilchin, NEJAC Vice-Chair: Ms. Herron, thank you very much. And actually, I do want to thank you for those. My heart was breaking when I was hearing about the frustration

that you and other members of the public are experiencing, and your comments were very constructive. I know I'm speaking for the OEJ team that that frustration is not what we're aiming for. We want to avoid that and be as accessible as possible, so all of the things that you just stated will be taken under consideration for sure. And then, of course, thank you for your very substantive comments today and previously and for the reports you've submitted.

Ms. Sylvia Orduño, NEJAC Chair: Stephanie, thank you so much for raising those issues. I know that our OEJ staff and the contractors really work hard to try to have a respectful organized process here, and this is regularly falling apart with having to be online. So, please know that there's no malintent at all here, and we will work better to figure this out. We will address it as something that the steering committee will look at, so please rest assured there. And also, just wanted to say thank you for also being a coordinator with other participants who are having trouble getting through and taking that role.

And then just lastly, I really do appreciate the information that you've been bringing to us for many years. You've actually helped me better understand, too, the issues about fenceline communities, and the materials that you've shared have been significant for us. So I just wanted to share that. Thank you.

Ms. Maya Nye, Public Commenter: Yeah, so good evening. My name is Maya Nye. I am the federal policy director for Coming Clean which is a network of over 150 diverse organizations working to reform the industrial chemical and fossil fuel industries so that they're no longer a source of harm. I'm here sharing the call with Stephanie and with Mr. Kelly and others to call for the NEJAC to send a letter to Administrator Regan and this EPA to prioritize a preventative new risk management program rule on the fastest timeline possible. And just for some background, I grew up in a white working-class fenceline community just across the river from multiple high-risk chemical facilities located in Institute, West Virginia.

And that facility was built in a thriving black community with a historically black land grant university by the U.S. government in the 1940s to support the war effort. And today this facility is still one of the top 25 producers of cancer risk from air toxics in the country as a result specifically of ethylene oxide alone. Over the years, we've experienced a myriad of explosions

and releases of highly hazardous chemicals used in plastics, pesticides, and other agricultural and commercial products. The cumulative effects from these events are only compounded for black folks that are living on the fence line in Institute who also experience this as systematic environmental racism.

So, I grew up being taught how to duct tape around the windows when the alarms at the plants went off so that we could shelter in place like Toby the Turtle who took refuge in his shell when things went wrong during these explosions and leaks. So that is something that no kid should ever have to learn, but for kids who grew up on the fence line, which are disproportionately located in low-income communities and communities of color, it's become an essential tool for survival since we failed to prevent these disasters before they occur. I want to thank NEJAC for lifting up the need for a fully implemented and enforced risk management program and a chemical disaster rule in your first 100 Days Letter.

Unfortunately, the letter and the information that you cited in that letter were outdated and fenceline communities need this rule to be stronger. They need to address what communities across the country have been asking for decades, and I know that my community alone has been asking for decades. These suggestions are outlined in the letter that I submitted after the last NEJAC meeting, and I will resubmit again after this one. So we just hope that we can count on you to send a new letter calling on Administrator Regan and this EPA to prioritize a preventative and protective RNP rule on the fastest timeline possible. Thank you very much.

Ms. Sylvia Orduño, NEJAC Chair: Thank you so much for those comments, and I can tell you that I will be sure to make sure we get that update made in the response that we give to the administration about the 100 Day Letter that they shared with us so I can make that assurance. If we need to, we will follow up with you to make sure that we're accurate and better informed so thank you for that.

Ms. Maya Nye, Public Commenter: Thank you very much.

Mr. Juan Paris, Public Commenter: First of all, thank you. There's a lot of comments that have already been made regarding the Houston area from other speakers and their comments. A

couple of things I want to say is right now, to date, our ozone standards have not even been met. The ozone standards came in 1970, and we're still under non-compliance. The other issue that we have is when we've had two hurricanes: Hurricane Harvey and Hurricane Ida. During Hurricane Harvey, the EPA administrator from Region 6 came down here, and he personally came to our offices and visited there.

And he told us that the biggest concern was Roundup. That was their biggest concern was Roundup. And yet all these communities were underwater, especially in the west side of town, the wealthy part of Houston. And our communities, the east end, we were inundated with just all kinds of air toxins that were released, and the monitors were turned off. So a lot of us from Houston, when we went to meet with TCQ in Austin questioning their strategies, believe it or not, they told us that the air monitors were turned off all over Houston from here to Galveston because they're too costly to replace.

And I hope you were hearing when I say too costly to replace, and that to me is insignificant because we need those air monitors at those critical times to actually tell communities what they were exposed to and maybe to address those releases, find out where they were coming from. But that's what they told us. They're too costly to replace. All of this time that we have been addressing a lot of people have already addressed a lot of our concerns to communities being impacted by hurricanes and also by air toxins and by just being the frontline communities.

Additionally, to cumulative impacts, and there's a lot of studies that show we're exposed to seven cancer chemicals every day. There's been a lot of research that has been made along the Houston ship channel to reflect the problem, and all those reports cost literally millions of dollars to produce. They recommend a lot to address the issues we have in Houston, and today none of those recommendations from millions of dollars of research have been implemented.

The other major issue that we have here in the Houston area is because as Hilton and others have mentioned, we have a lot of chemical plants and refineries along the Houston ship channel. And the RNP's are very important. If you look at the risk of the community of who would be impacted in what I call the inner circle of the worst-case scenario, imagine a target with a bullseye and it's got numerous circles around the target. Well, the inner circle is the first circle

by the target and the industry classifies that as death, injury, or bodily harm. And there are a lot of frontline communities in that inner circle in that industry along the Houston ship channel basically causing death, injury, or bodily harm under the worst-case scenario event.

Now what the industry says is that ain't going to happen. Well, it may happen, and if it doesn't happen more power to them. But they know the risk, and that risk is not being actually addressed. They're simply saying, well, it ain't going to happen. Again, I reemphasize the RNPs and also the fact that those standards have not been met and that it's embarrassing and insulting when the EPA administrator from Region 6 came to our office and said, "You know the biggest problem we have, Juan, is Roundup." Can you imagine that?

And then when we went to the state and they turned off all the air monitors, we want to know why they turned off monitors when they're more critical and in need of situations that we're facing in the south. It is too costly. So, what do you tell communities that are being impacted, that you know it's just too costly to look out after your harm and your injuries because we're trying to save money, basically. So, we sent a letter to the EPA, and we're asking that you send the letter to our Region 6 and try to get them to get on the ball enforcing environmental regulations on the RNPs because we're asking that that be a serious consideration along the Houston ship channel.

Mr. Scott Clow, NEJAC Member: Thank you, Mr. Paris, for your comments. We have a modest air quality monitoring program here that we run, and I can tell you that the equipment's expensive for a small tribe. But it doesn't compare to the cost of lives and the disabilities and mutations that you're talking about around the inner circle or I'm sure the outer circle. So, yeah, I guess what we've heard today is a lot of egregious action out of the Texas Council on Environmental Quality and Region 6 rule with them. So, thank you and we're taking that to heart.

Ms. Sylvia Orduño, NEJAC Chair: We can go down to quorum with councilmembers that are here, and, again, I appreciate you all staying very much. The councilmembers apologize for having to leave, but I don't want to short-change the last four or so commenters that we have, so just in case something happens, I would ask that we have all of the public commenters make

their comments first and then we offer the opportunity. I know we really like to give each person their individual time for their comments, but I just want to make sure that we can do that. If we lose them, then they can't have their opportunity to have it on the record, and then we can't have this meeting properly.

Ms. Pamela Nixon, Public Commenter: I'm Pam Nixon. I'm representing People Concerned About Chemical Safety located in West Virginia and the center of Appalachia. And thank you for allowing me the opportunity to speak today on behalf of the fenceline communities here in West Virginia.

West Virginia's no stranger to disasters. We have had fatal industrial disasters causing fenceline communities to shelter in place and sometimes evacuate, and we have had extreme weather-related flooding resulting in loss of life. This year's the 37th year after the Bhopal disaster and 31 years since the Clean Air Act Amendments of 1990 required EPA to develop the risk management program.

Farther risk management regulations were being developed in the 1990s. Frontline communities here in Kanawha County suffered through a series of chemical incidents and then there was a fatal catastrophic tank failure that occurred in 1992 before the regulations were finalized. In 1994, the Kanawha Putman emergency planning committee publicly released the first RNPs for our local chemical facilities. This was five years before EPA required the plans to be submitted. In 2019, final RNP rules rescinded all major provisions of the accident prevention program along with the public information availability provisions and it modified several other provisions that had been in the 2017 amendments rule.

We now have the opportunity to strengthen the RNP regulations. Our recommendation to EPA and hopefully the NEJAC will include it in your recommendation letters is to monitor toxic chemical emissions, install alert systems, collect the data, and develop environmental regulations that will prevent or greatly minimize health risks in fenceline communities. We ask you to require RNP facilities to address recommendations of third-party chemical safety audits and incident and investigations. We ask that EPA assess climate-related hazards and adopt chemical release prevention systems that can withstand climate-related hazards.

We want an improvement in the transparency of chemical hazards information for emergency first responders, for employees and their representatives, and for community members like it was in the 1990s when we were able to get that information. And we ask that you strengthen compliance and enforcement regulations to require documentation of preventive maintenance and leak detection and repair that follow industry standards to prevent chemical incidents. And we thank you for your past and present support of environmental justice communities on these matters. Thank you.

Ms. Jane Williams, Public Commenter: Thank you so much for the opportunity. Thank you so much for the opportunity to speak with you today. I'm really grateful to see the amazing dedication of the existing NEJAC members. The last time I testified in front of NEJAC was almost eight years ago when we requested a letter on the national refinery role. We wanted to get the Obama Administration to adopt a fence line monitoring rule for refineries. That rule was adopted, and NEJAC did send a letter requesting fence line monitoring in all the refineries in the country. Refineries are the only part of our industrial infrastructure nationwide that are required to do this kind of monitoring and everyone who watches the refineries, everyone who lives next to refineries, and everyone who was part of that original rulemaking as well as EPA agrees that it has led to a massive reduction in emissions, routine emissions from the refinery infrastructure.

I'm telling you this because we are here in front of you again, many of the co-plaintiffs in that original legal action testified to you today and are requesting the exact same thing. They're requesting that you send a letter supporting enhanced protections from chemical disasters. This administration has the opportunity to do a number of different things, which have been clearly delineated to you. The most amazing and simple one would be a requirement for backup power. When hurricanes and earthquakes and grid interruptions hit, refineries lose power to their air pollution control devices, and this is one of the things that contributes to massive emission releases from our petrochemical infrastructure.

It is hard to emphasize what it is like to not only live at the fence line and be exposed to routine highly toxic emissions from the petrochemical infrastructure but then to be taught to shelter in place, to use duct tape and plastic sheeting as your main defense against an industry that makes

billions of dollars a month. These are not small mom-and-pop petrochemical refineries and plastics manufactures and chemical manufacturing facilities. These are large mega-corporations that make billions by putting our most vulnerable communities in harm's way. So, we are asking you to do something extremely specific.

That is please send a letter to the administrator requesting a strengthened rule to prevent chemical manufacturing accidents. It is remarkable that in 2021 we are still experiencing these disasters monthly in our country -- sometimes weekly. So, thank you so much for the opportunity to speak with you today. I, again, praise you and let you know how amazing it is to see the dedication and the grace by which you conducted the meeting. Thank you.

Mr. John Andrade, Public Commenter: Thank you very much for having me on. I've been on since 1:00, and I've learned a lot about our country listening to everybody. I just want to bring everybody to the northeast for a minute, the Bedford Massachusetts, Region 1. We're right in the middle between Boston, Providence, and Cape Cod. We have the largest super pump site in New England. We have about 30 brownfield sites, one of which I am very concerned about that we've been dealing with for about 30 years. When we talk about systemic racism, it exists here so badly, and the worst part about it is that I constantly talk about it at many venues, and we don't get people to listen to us.

We don't get people to come and see, get the boots on the ground kind of thing and I'm asking. As I asked the joint meeting of the White House Advisory Committee on environmental justice - the NEJAC I believe was back in February -- we need you to come here. Come follow the dollars. Come see where the money has come and they have come here by the millions, but they're not in our community and many people have used our statistics, used the terminology in environmental justice and got money in our names and didn't do anything with it. The EPA workforce program that we just got money for is really something we want to be investigated because of the way it's been operated and has operated.

We really need small cities like New Bedford of 100,000 don't get the kind of attention that is needed from the powers that be, including all of you folk out there. You know, what happens normally is all the big box, all the large non-profit organizations or for-profit groups get all the

attention. We're lucky if we see \$50,000 a year in our organization, that's how small we are. But we're a huge community with a lot of folks, and we're all poor. And we're all trying to get a cleaner, better healthy community, but nobody wants to listen and that includes our federal legislation and our state legislator.

We have the executive officer of environmental justice by the state, and I just found out that they got three deputy departments of environmental justice that we never knew even existed. So, what are they doing? Why would they do anything? Nobody's watching them; there's no accountability. You've got to use the word earlier about martyrdom. I wasn't sure exactly the monitor was being done, but we need to monitor where this money is going. We need to monitor who got the money and how. They write up the grants, we're not part of it.

And so, my big question comes to all of you -- EJ Executive Order 1995, the People's March on EJ 1995 - 1996 all that, the 1964 Civil Rights Act -- what is J40 going to do that these other things haven't done? I feel that's what we should be concentrating more on civil rights. Civil rights, enforcing the civil rights, and including making sure that neighborhoods like ours are getting environmental justice education stuff and also to be cognizant of the millions of dollars that are coming in here. They're hiring people as engineers, they're training people and all that and, we don't get those jobs.

We don't get those high-paying jobs that are either union or large companies because, well, one, we don't have the education and training, and, two, just what I was talking about earlier, systemic racism. Thank you.

Mr. Kurt Ali, Curator: I believe our last public commenter dropped off, so that should conclude our commenters for today.

Ms. Sylvia Orduño, NEJAC Chair: Kurt, I put a note in the chat, but you may have missed it. Dr. Ben Pauli has a comment from a planned commenter who couldn't stay on but passed him the message.

Dr. Benjamin Poli, NEJAC Member: The name of the commenter is Anthony Paciorek, that's P-A-C-I-O-R-E-K. And so, I'm just going to read you what he sent to me. He says, "I thank you for your time and attention today in allowing me to speak to you directly. My name is Anthony Paciorek. I'm an environmental justice organizer with Michigan United in Flint, Michigan. I'm also a member of a community anti-ajax asphalt coalition trying to stop the permitting of a hot mix asphalt plant in Flint, Michigan. We have been fighting and resisting the permitting process since we found it posted on our state agency EGLE website in a dark corner on July 1st.

"The neighborhood that it's proposed to go in as a predominantly minority community and low-income housing. The ward that the plant is in holds the largest amount of parks and green spaces in the city, thirteen, including not too far away Corsley Reservoir which is a backup source for our drinking water. My state agency tasked with informing the public failed to this date. Residents in that community are still unaware of the plant's intention in their community. Through the efforts of our coalition, we have been able to organize and mobilize citizens in the city of Flint and the surrounding neighborhood of the asphalt plant. We have successfully pushed back the permitting process five times. That's unprecedented in our state and should show the public support in the matter.

"I wish in my job that I could propose something so unfinished and under-researched that I would have to put it under review and to be set back five times. I would be embarrassed as a professional. Those in these agencies as well as my governor should be ashamed. It's my opinion that this sort of work is unacceptable in regards to environmental justice. The citizens of Flint are going through two crises right now that highlight environmental racism: the ongoing Flint water crisis and COVID-19. My city doesn't need another man-made crisis. I would like to take the time to address a few points of concern.

"One, the decision to site the asphalt plant on energy drive poses environmental risks to the surrounding community, and those risks have not been properly evaluated by EGLE. Medical reports state asphalt fumes exposure can lead to cancer, lung cancer, and asthma. This community is already predisposed to high rates of asthma and other issues from previously having an incinerator plant and other industrial pollutants in the environment of their

neighborhood. The decision to site the plant likely violates the civil rights of the surrounding low-income predominantly black community.

“The plant is very close to St. Francis Prayer Center. It’s 1,550 feet from River Park Apartments and less than half a mile from Ridge Crest townhomes and is close to other meeting centers, parks, and waterways. This community is already exposed to extremely high levels of pollution according to EPA’s EJ screening tool. No agency has considered the cumulative risks or impacts associated with adding another facility to this front-line community. The failure to consider cumulative risks or impacts in permitting leads to discrimination against low-income communities of color because those communities face the biggest threat from a permitting decision.

“Without the cumulative impact study, there is no way for the most impacted communities to demonstrate the injustice would stem from the issue of the perm. The six violations are preestablished in that neighborhood in environmental justice issues. Title VI violations are pre-established here. The neighborhood had Title VI violations in 1994 regarding a tire incinerator plant in the same neighborhood. The governor and the agency she created to deal with these situations has a duty and responsibility under executive order 2019-6 in which she creates EGLE and tasks it with recommending mechanisms for members of the public community’s tribal governments and groups including disproportionately burdened communities to assert adverse or disproportionate social economic or environmental impact upon a community and request responsive state action.”

I’m sorry there’s more here but I know we’re short on time, so I just want to get to the request.

Dr. Fred Jenkins, Jr., DFO, thanked Dr. Pauli for reading the comment. He asked that Dr. Pauli email that public comment directly to him, so he can get it as part of the record. He stated that he will post that comment in the public docket for full public view.

Mr. Michael Tilchin, NEJAC Vice-Chair, stated that they will make sure that it gets properly posted. He confirm that all of the public commenters have had their opportunity to speak to the Council.

Ms. Sylvia Orduño, NEJAC Chair, wanted to confirm because she still saw Ms. William's hand up in the chat. They tried again to reach Ms. Williams. She instructed Ms. Williams to make a point of trying to get her comments emailed to OEJ and, again, the recent email account NEJAC@epa.gov.

Dr. Fred Jenkins, Jr., DFO, stated he will give instructions on that.

NEJAC WRITTEN PUBLIC COMMENTS SUBMITTED FOR 11.10.2021 MEETING

Region 1: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

Full Name (First and Last): Amy Laura Cahn

Name of Organization or Community: Vermont Law School Environmental Justice Clinic

City and State: South Royalton, Vermont

Brief description about the concern: With this letter, we are submitting written comments to the National Environmental Justice Advisory Council (NEJAC) on behalf of the Vermont Law School Environmental Justice Clinic. As written comments, we offer the attached report entitled Federal Dereliction of Duty: Environmental Racism Under COVID-19, authored by the EJ Clinic with José Bravo and Jeannie Economos and published in partnership with Just Transition Alliance, the Farmworker Association of Florida, WE ACT for Environmental Justice, Indigenous Environmental Network, and Los Jardines Institute. Our report calls attention to failure of EPA to comply with Executive Order 12898 and federal environmental justice policy in issuing its March 26, 2020, memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program", which initiated EPA's deregulation of federal environmental monitoring, reporting, and enforcement requirements, last year.

What do you want the NEJAC to advise EPA to do? : Our report outlines a set of detailed policy recommendations to address concerns raised by EPA's enforcement discretion policy in place from March to August of 2020. We specifically note a critical role for the NEJAC in ensuring that environmental justice is considered in pending audits by EPA's Office of Inspector General regarding the impact of the coronavirus pandemic and EPA's enforcement discretion policies on compliance monitoring, reporting, and enforcement.

Full Name (First and Last): Martha Klein

Name of Organization or Community: Sierra Club Connecticut

City and State: Norfolk, CT

Type of Comment: Written Comment Only

Brief description about the concern: Environmental justice needs to address climate and energy education in the most impacted communities.

What do you want the NEJAC to advise EPA to do? : Increase access to community solar and increase support for energy efficiency for working families. Weatherize justly and electrify. Stopping fossil fuel burning means less air pollution in environmental justice communities and will mitigate climate disruption which is harming vulnerable people now.

Full Name (First and Last): Melinda Tuhus

Name of Organization or Community: CT Climate Crisis Mobilization (C3M)

City and State: Hamden, CT

Type of Comment: Written Comment Only
Brief description about the concern:
lack of climate education in K-12 schools

What do you want the NEJAC to advise EPA to do? :

There is a critical lack of climate education almost universally in public K-12 schools, and, even worse, the fossil fuel industry is often allowed to present its own biased materials to schools lacking the funding to create their own science-based curricula. We are trying (so far unsuccessfully) to mandate climate education in CT schools -- and I know these things are decided mostly at the state level -- but if the EPA would create materials and make them available to schools around the country, there are many teachers -- often with prompting from students and their parents -- who would bring this critical component into their lesson plans.

Dear Administrator Regan,

Thank you for your commitment to leading the United States Environmental Protection Agency through this period of complex transitions and to strengthening enforcement of environmental and civil rights laws in communities overburdened by the cumulative effects of concentrated pollution and the climate crisis. Please see the attached letter on behalf of over thirty organizations and individuals. We draw upon our collective experience as advocates and practitioners to make recommendations for institutional change within EPA, and for ways that EPA should strengthen its oversight and enforcement role to advance civil rights and environmental justice.

This letter also serves as a response to the request for comments on the Draft FY 2022-2026 EPA Strategic Plan from National Environmental Justice Advisory Council (NEJAC), as well as our submission to the External Civil Rights Compliance Office's open comment period. We would additionally request the opportunity to meet with you to discuss these matters.

Respectfully, **Amy Laura Cahn** | she/they

Region 2: New Jersey, New York, Puerto Rico, US Virgin Islands

Submitted values are:

Full Name (First and Last): Hildegaard Link

Name of Organization or Community: Resilient Red Hook

City and State: Brooklyn , New York

Brief description about the concern: Brooklyn's EJ neighborhood of Red Hook can't breathe and soon it will suffocate under the weight of e-commerce's environmental burden. Business giants Amazon and UPS are considered "as of right" in their rapid acquisition of real estate and construction of last-mile mega distribution centers, but current zoning and permitting regulations are grossly outdated and do not consider the novel externalities that these goods storage facilities impart upon surrounding communities. The community of Red Hook is already overburdened with truck-related environmental threats such as intensive air pollution coupled with high asthma rates (1 in 4 residents are affected), runoff, noise pollution, damage to infrastructure and personal property, and pedestrian safety hazards posed by traffic congestion. When these distribution centers are operational, they will demand upwards of 1000 more trucks on the streets per building per day. As a local school principal asked in our last community-wide meeting, "Please ask yourselves, 'how much can one community take?'"

What do you want the NEJAC to advise EPA to do? : ● an update to the EPA NEJAC Goods Movement Report to include the unique demands and impacts of e-commerce, last-mile

distribution centers, and public infrastructure use • a long overdue comprehensive traffic study for the neighborhood of Red Hook • National and regional commitment to supporting the re-creation of the New York Harbor regional waterborne freight network that will include business and job opportunities and incentives for residents of at-risk waterfront neighborhoods in NYC and beyond • a moratorium on future projects and/or special permits required prior to construction of any sort of warehouses/distribution center such as these, especially in waterfront neighborhoods, that have residential or mixed use zoned properties. We propose a moratorium pending a full scale review of the socio-environmental impacts of e-commerce and last-mile distribution trucking. Resilient Red Hook calls for the creation of a revised set of land-use requirements, transportation guidance, and environmental control requirements to be promulgated before beginning construction on any new or currently un-initiated e-commerce facilities. We also insist that effective oversight (NYCDOT & NYPD) of e-commerce and last-mile facility trucking be in place before warehouse construction is allowed to resume.

Mr. Gorman and Mr. Baquero Tirado, Please see a Request for Reconsideration of FEMA’s June 2021 Finding of No Significant Impact on the Programmatic Environmental Assessment for Utility Repair, Replacement, and Realignment, Commonwealth of Puerto Rico, DR-4339-PR, signed by numerous organizations making up Puerto Rico’s Alianza Energía Renovable Ahora and the Unión de Trabajadores de la Industria Eléctrica y Riego, among others. We respectfully ask for your prompt attention to this very important request concerning the future of Puerto Rico’s electric system. Thank you, Jenny Cassel, Earthjustice

Earthjustice
311 S. Wacker Drive, Suite 1400
Chicago, IL 60606

My Name is Ambassador Oluwaleye John please I we like if they can send me my code number or Identification Number for Region (2) and other necessary for me, my comment

- 1 What are the provision plans and strategies for the region to get public office for complainer
 - 2 The suburdnates for the region for mobilization will need to be funded ?
 - 3 There should be a bus for movement for activities for mobilization and sanitization
-

Region 3: Pennsylvania, District of Columbia, Maryland, West Virginia, Virginia, Delaware,

Submitted values are:

Full Name (First and Last): Stephanie Herron

Name of Organization or Community: Environmental Justice Health Alliance for Chemical Policy Reform (EJHA)

City and State: National network

Brief description about the concern: As I shared at the June NEJAC meeting, a couple months ago I joined hundreds of others in virtually attending two EPA Listening Sessions regarding their Risk Management Program to tell EPA that if they want to prioritize Environmental Justice, then they MUST prioritize protecting workers and fenceline communities by issuing a truly protective

Chemical Disaster Prevention Rule on the fastest timeline possible. I'm writing again now to ask the NEJAC to join in that call by writing a letter to Administrator Regan and the EPA Office of Land and Emergency Planning calling on them to issue a strong RMP rule to protect fenceline communities on the fastest timeline possible. It's 2021 and we know that People of Color aren't clustered together in certain areas by accident—and neither are polluting facilities. The legacy of segregation and systemic racism run deep in this country. The “Life at the Fenceline” report, published in 2018, showed that residents in the areas closest to RMP facilities are disproportionately Black and Latino. As the “Preventing Double Disasters” report showed again, these communities also tend to be located in areas that are at increased climate risk, as we saw in Hurricane Harvey, Laura and others. We need a rule that addresses this by requiring facilities to assess, and take ACTION to address, the increased risk of disasters caused by extreme weather, which is only getting worse due to climate change.

Some other examples of what a strong rule would include are:

- Addressing the cumulative hazard to communities located near multiple facilities.
- Taking a hazard reduction approach.
- Requiring facilities to assess safer alternatives and go with the less dangerous chemical or process wherever possible.
- Requiring commonsense emergency response measures like back-up power and reliable community notification when incidents do happen.
- Involving workers in the development of Risk Management Plans and protecting whistle blowers;
- Expansion of the Program to include more dangerous facilities and chemicals—like the one that exploded in Rockton, IL a few days ago and the BioLab facility in Lake Charles, LA which burned for three days and exposed to the community to dangerous chemicals & smoke in the wake of Hurricane Laura;
- Requiring fenceline monitoring, which could help warn facilities in advance of a major disaster AND help communities know what they're being exposed to when one does happen. Knowing what is in the air IN REAL TIME is the only way community members can take action to protect their families.

Basically, we need EPA to issue a RMP Rule that acknowledges the ACTUAL risk EJ communities face, which has never happened before in 30 years of this program. Our communities do not have luxury to not live next to these facilities or to be exposed to them one at a time; we do not have the luxury to not live in a changing climate. We live in the real world and that world is putting our people in danger every day. EJHA and our partners are prepared to use our full advocacy capacity to support EPA in any way necessary to make this happen. We are counting on EPA to do what the reality and the moment demand. Anything less will be unacceptable. Again, we are asking the NEJAC to partner with us in this effort by issuing a recommendation letter to EPA. Like our affiliates, NEJAC has a long history of working towards a strong Chemical Disaster Rule that protects workers and communities. We are also asking NEJAC to consider focusing one of your work groups on prevention of chemical disasters, starting by transforming the RMP Program. With my June comment I also submitted copies of the NEJAC letters on Chemical Disaster Prevention in the RMP from 2016 and 2019, as well as a copy of the Life at Fenceline report.

What do you want the NEJAC to advise EPA to do? : I am asking the NEJAC to write a letter to Administrator Regan and the EPA Office of Land and Emergency Planning calling on them to

issue a strong RMP rule to protect fenceline communities on the fastest timeline possible. I also ask the NEJAC to consider focusing one of your work groups on preventing chemical disasters.

Dear Members of the National Environmental Justice Advisory Council, I hope this email finds you well. My name is Uloma Uche, PhD, a postdoctoral fellow with Environmental Working Group, a non-profit health research and advocacy organization with headquarters in Washington, D.C. At EWG, we developed a framework that combined data from the U.S. Census Bureau's American Community Survey, available mapped service areas for over 7,000 community tap water systems, and results of water quality tests conducted by those systems. Using California and Texas as case studies, this framework identified disparities in drinking water quality which was assessed in terms of cumulative cancer risk due to the presence of multiple carcinogenic contaminants. These case studies emphasize the importance of including a drinking water metric in screening tools, like EJSCREEN, that currently lack them. This framework can feasibly be applied using publicly available data to help improve drinking water quality for all communities and advance environmental health justice priorities. This work has been published in the International Journal of Environmental Research and Public Health. Here is the link to the manuscript: <https://www.mdpi.com/1660-4601/18/19/10401/htm>. Attached to this email is the pdf of the manuscript. Comments about this work was also provided during the NEJAC August 18, 2021, public meeting. Thank you,
Uloma Uche, Ph.D., Environmental Working Group, 1436 U Street NW, Suite 203
Washington, DC 20009

Hello,

Please find attached my written comments to NEJAC in the past two meetings (June and September 2021), which I will reference in my comment today. As you know, EPA is has publicly stated their intention to update their woefully inadequate Risk Management Program Rule. Today I am reiterating my request for NEJAC to send a recommendation to EPA and Administrator Regan to prioritize protecting workers and fenceline communities by issuing a truly protective Chemical Disaster Prevention Rule on the fastest timeline possible. Stephanie Herron, National Organizer, Environmental Justice Health Alliance for Chemical Policy Reform (EJHA)

Good evening.

My colleague Deena Tumeh from Earthjustice was not able to join today due to illness, unfortunately. I am here on the NEJAC comment line to speak in her place if possible. I just wanted to let you know because I did not hear you call on her when her time came in the order. I'm on the phone, and also watching on video, if you're able to call on me at some point later in the queue. Thank you very much.

Emma Cheuse, Senior Attorney, Earthjustice

Dear NEJAC Members,

Thank you for your tireless efforts and ongoing dedication to environmental justice communities. I am writing to follow up on my comments delivered at the November 10, 2021 NEJAC meeting reiterating our August 18, 2021 request that NEJAC **send a new letter to**

Administrator Regan and this EPA to prioritize a preventative and protective new Risk Management Program Rule on the fastest timeline possible using the most updated information, which is better protective of environmental justice communities. Details of the request are below, and attached are our comments from the August 18, 2021 meeting. Additionally, thank you for the opportunity to provide public comment. This is an important forum for public commenters to inform NEJAC's work. As was mentioned on the call, there were some technical issues and barriers to participation that would be helpful to avoid in the future. For instance, we received feedback from people in our network that there were a number of people who signed up to comment on the November 10th meeting as well as the August 18th meeting that were not called upon. One person commented to us:

“This is the second time they did that [didn't call on participants listed to provide comment]. Last NEJAC public comment meeting we had registered 5 of us ... myself and 4 of our organizers... Only two of us were called on and were able to make public comments. I did not even join this time, when I saw how far down on the list I was and have wayyy too much to do. I was hoping to write public comments, but more importantly we are working on [other] public comments ... so, won't have time for this.”

We recognize that there are limitations and capacity issues for facilitators and those staffing these meetings. In the spirit of making this process the most meaningful experience to all those, and to address some of these challenges, we fully support the list of solutions to you provided by the Environmental Justice Health Alliance for Chemical Policy Reform (EJHA) and highlight those below:

1. **Hold public comment periods at the beginning of the meeting;**
2. **List the time of public comment on registration;**
3. **Send out an estimated time based on the order of public comment at close of registration;**
4. **Send out a numbered list of public commenters at close of registration and follow that order in the comment session;**
5. **Display the order of speakers via a numbered list displayed on screen (rather obviously this order should be the same as the one that was emailed out);**
6. **Enable the chat features with the host or co-host only;**
7. **Have an option to write in a phone number in the registration form if the commenter is calling in;**
8. **Provide more clarity in emailed instructions for those registered to speak.**

Thank you for your attention to these matters and hope that they are helpful in ongoing virtual public comment meetings. Sincerely, Maya Nye, Submitted on behalf of Coming Clean

11/10/21 Public comments:

Good evening. My name is Maya Nye. I am 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. **We are sharing in the call for NEJAC to send a new letter to Administrator Regan and this EPA to prioritize a preventative and protective new Risk Management Program Rule on the fastest timeline possible.**

I grew up in the white working class fenceline community, just across the river from multiple high-risk chemical facilities located in Institute, West Virginia. This facility was built in a thriving Black community with a historically Black land-grant university by the U.S. government in the 1940s to support the war effort. Today, this facility is still one of the top 25 producers of cancer risk from air toxics in the country as a result of ethylene oxide alone.

Over the years, we experienced a myriad of explosions and releases of highly hazardous chemicals used in plastics, pesticides and other agricultural and commercial products. The cumulative effects from these events are only compounded for Black folks living on the fenceline in Institute who also experience this as systematic environmental racism.

I grew up being taught how to duct tape around the windows when the alarms at the plant went off so that, like Toby the Turtle who took refuge in his shell when things went wrong, I could "shelter-in-place" during these chemical explosions and leaks. That is something that no kid should ever have to learn, but for kids who grow up on the fenceline, which are disproportionately located in low-income communities and communities of color, it has become an essential tool for survival since we fail to prevent these disasters before they occur.

I want to thank the NEJAC for lifting up the need for a fully implemented and enforced Risk Management Program (or the Chemical Disaster Rule) in your "First 100 Days" letter. Unfortunately, the information that you cited in this letter was outdated. Fenceline communities need this rule to be stronger and need to address what communities across the country have been asking for for decades. These suggestions are outlined in the letter I submitted after the last NEJAC meeting and will resubmit after this one. We hope that we can count on you to send a new letter **calling on Administrator Regan and this EPA to prioritize a preventative and protective new RMP rule on the fastest timeline possible.**

Full Name (First and Last): Kimberly Stoner

Name of Organization or Community: New Haven City and State: New Haven, CT

Type of Comment: Written Comment Only Brief description about the concern:

Old, inefficient housing in environmental justice communities in Connecticut and other Northeastern states. Difficulty of removing all the barriers to weatherization, planning the process, accessing opportunities for funding, and not enough workforce to do the work. Also, access to solar for renters and landlords. And, waste management crisis, which is always dumped on environmental justice communities.

What do you want the NEJAC to advise EPA to do? :

Set up concierge or guide services, run by organizations that are part of environmental justice communities, that can guide people who need help through the whole process of removing barriers, weatherizing, and finding funding to support this. They also need good information about how this will benefit them - better health, lower energy bills, and more climate resilience. Set up national program to deal with waste management - otherwise waste gets dumped in EJ communities - either as landfills or toxics in air and water.

Dear National Environmental Justice Advisory Committee: Thank you for the opportunity to comment. My comments are pasted below and attached. Sincerely, Kimberly Stoner, New

Haven, Connecticut, To the National Environmental Justice Advisory Council,
I live in Connecticut, where we have major environmental justice issues.

1. Environmental justice communities in the cities of Connecticut, including New Haven, where I live, are full of older housing, often poorly maintained, with low energy efficiency and barriers to weatherization like asbestos, lead paint, infestations of insects and rats, and mold. There are so many obstacles to getting people onto a path toward removing all those obstacles, making their homes healthier, insulating them properly so that they are more energy efficient, spending less money, becoming more resilient to extremes in weather, and also reducing their carbon footprint. Simply providing funding for energy efficiency will not be enough. In Connecticut, we have talked about providing “concierge” services to guide low income people, including renters and landlords as well as homeowners through all the decisions, sequences of actions to take, programs available to them that can help with funding, and providing education and encouragement that going down this path will improve their lives in so many ways, as well as helping the environment. “Concierge” might not be the right word, but it is the right concept — a helpful guide. Organizations that already exist in environmental justice communities need to be funded and trained to do this work — they need to exist in every community.
 2. People from underserved communities need to be trained in all aspects of this work — the concierge services, making renovations to remove barriers to weatherization, doing the energy efficiency analysis, and doing the weatherization itself. Organizations doing all this work need to know that they will have stable funding, so that they can build capacity and build credibility in their communities for this work over the long run, because there is a lot of work to do, and many good jobs that could be funded to do it.
 3. People in environmental justice communities, whether they are renters, landlords, or homeowners, need to have access to clean renewable energy alternatives. They need to have access to community solar and to the advantages of rooftop solar on multifamily buildings in a way that benefits both landlords and renters. They need to have outdoor access to electric charging systems for electric cars or other electric vehicles like bicycles or scooters.
 4. In my state, we are very close to a waste management catastrophe. The municipal solid waste from much of the state was being burned in a “waste-to-energy” plant in Hartford that was producing toxic air pollution in the city. Now it is financially unsustainable and will be discontinued within months. As a result, the waste from those towns will be trucked, at huge expense and with lots of pollution, to a landfill in another environmental justice community. We keep looking for local and state answers, but ultimately, waste management is a national issue, and it has to be seen as a national environmental justice issue. Underserved communities bear the harm — whether it is in landfills or incineration. We need massive waste reduction on a national level — requiring manufacturers to take back their products and recycle the packaging and the components. We need a recycling infrastructure which can safely, without damaging the local environment, handle the major forms of recyclable materials. We need a national commitment to composting food waste and other compostable materials. We need to figure out how to get all these waste materials to where they can be reused, recycled, or composted without large numbers of highly polluting trucks. We need people trained to do this work in a safe, healthy, environmentally sound way.
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Region 4: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee,

Dear Chair Orduño and Council Members, Thank you for your valuable service on the National Environmental Justice Advisory Council (NEJAC) and your important work to advance environmental justice priorities for our nation. On behalf of Audubon Delta, Mississippi Sierra Club, American Rivers, and Healthy Gulf, we deeply appreciate the opportunity to submit this letter and supporting materials (attached) in advance of your virtual public meeting scheduled on August 18-19, 2021, regarding a dangerous, destructive project being proposed in the Mississippi Delta known as the Yazoo Backwater Pumping Plant (“Yazoo Pumps”). Our organizations reiterate our unwavering support of EPA’s Clean Water Act 404(c) authority to have issued a veto in 2008 that stopped the destructive, ineffective Yazoo Pumps project and thus protected tens of thousands of acres of nationally significant wetlands – 1 of 13 vetoes ever issued under the law. Congressionally authorized in 1941, the antiquated \$440 million-dollar Pumps continue to be touted as the only solution to address flooding problems in vulnerable communities of the Yazoo Backwater Area. Tragically, unprecedented and unlawful actions by the previous Administration revived the project, dangling a false promise of hope to the people of the Yazoo Backwater Area by perpetuating a demonstrably untrue narrative that the Yazoo Pumps are designed to, and somehow magically will, protect communities from flooding. We have called for EPA to immediately restore the 2008 veto protection that was revoked by the Trump Administration, reconfirm that the veto applies to the Corps’ current plan, and as a critical matter of environmental justice, work with the Council on Environmental Quality (CEQ) to develop an interagency task force to implement prompt, effective flood relief to underserved communities in the Yazoo Backwater Area through existing federal programs. **We respectfully ask NEJAC to join us in making a similar request to EPA Administrator Regan.** Specifically, this task force could help redress a series of long-standing environmental injustices by drawing on an alternative [Resilience Strategy](#) that our organizations have developed, which identifies prompt, affordable, and effective flood risk management solutions that can be implemented through existing federal programs to provide lasting, meaningful relief to underserved Yazoo backwater communities while protecting the region’s hemispherically important wetlands (*see attached*). Importantly, the Resilience Strategy features elements (e.g., FEMA Building Resilient Infrastructure and Communities and Flood Mitigation Assistance programs) that support and advance the Biden Administration’s environmental justice priorities, including the Justice40 Initiative and Executive Order 14008 “*Tackling the Climate Crisis at Home and Abroad*”. Studies by the U.S. Army Corps of Engineers (Corps) in 2020 and 2007 demonstrate that construction and operation of the Yazoo Pumps would severely undermine the Biden Administration’s most fundamental environmental justice and social justice priorities. Further, EPA’s veto was based on an extensive administrative record of decision that remains as valid today as it was when it was issued in 2008 (*see attached, Fact Sheet, Immediate Action is Required to Stop the Yazoo Pumps*).^[1] The Yazoo Pumps are not designed to protect people,

^[1] EPA 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, MS (8/31/2008)

homes, or communities—and they will not do so. The Corps’ own data shows that had the Pumps been operating in 2019 (a 25-year flood event), 83% of the lands that flooded in the Yazoo Backwater Area would still have flooded, and it would have taken more than 2 months for the Pumps to drain the water from the remaining acres (*see attached, 2019 Flood Inundation Map*).^[2] This reinforces the Corps’ 2007 findings that the Pumps are not designed to protect communities from flooding but are instead an agricultural drainage project with 80% of project benefits coming from intensified agricultural production on marginal lands. Also, it is clear that the vast majority of any agricultural benefits will not reach communities of color, as 83% of agricultural producers in Mississippi are white, according to the 2017 U.S. Department of Agriculture’s Census of Agriculture.^[3] The disparity is even greater in the Yazoo Backwater Area. For example, 92% of agricultural producers in Sharkey County and 87% of agricultural producers in Issaquena County are white. Equally alarming, the Yazoo Pumps will also increase flood risks for highly vulnerable downstream communities, including predominantly African American neighborhoods of North Vicksburg, by discharging 9 billion gallons of water a day directly into the Yazoo River when the river is already at flood stage. This massive influx of extra water also could breach the levee that protects the Yazoo Backwater Area from high water in the Yazoo River, exposing the very same backwater communities that the Pumps are purported to protect to the full force of a Yazoo River flood. This levee is so low that it is not accredited to handle a 100-year flood, as acknowledged by FEMA and the Corps.^[4] These serious safety risks cannot be, and are not, offset by the alleged flood protection benefits of the Yazoo Pumps. During the Corps’ 2020 study process, more than 230 conservation groups, social justice organizations, and scientific professionals joined over 90,000 members of the public in urging the Corps to abandon the ineffective Pumps and instead prioritize proven, available flood solutions to meaningfully benefit Yazoo backwater communities (*see attached, 2 letters*). 94% of the comments the Corps received during the draft SEIS process expressed opposition to the Pumps and called for commonsense natural infrastructure and non-structural approaches that are available now to help protect the lives, property, and livelihoods of vulnerable Yazoo backwater communities. As outlined in the Resilience Alternative, these approaches include measures such as elevating homes and roads, flood-proofing, and paying farmers to restore cropland back to wetlands. In closing, our organizations thank you for your consideration of our request, **to ask EPA to immediately restore the 2008 veto protection and to work in partnership with CEQ to assemble an interagency task force to advance this alternative suite of solutions that can provide prompt, meaningful relief and lasting benefits for Yazoo backwater communities.** Thank you for your time and attention. Please do not hesitate to reach out to us with questions or if more details are needed. Sincerely,
Jill Mastrototaro, Mississippi Policy Director, Audubon Delta, Ridgeland, MS,
Louie Miller, State Director, Mississippi Sierra Club, Jackson, MS,
Olivia Dorothy, CFM, Restoration Director, American Rivers, East Moline, IL,
odorothy@americanrivers.org

Full Name (First and Last): JOHN OLADEJO OLUWALEYE

^[2] Corps’ 2020 FSEIS, Appendix C (Tables) at Table 5.3; Corps’ 2020 SEIS, Appendix G (Engineering Report) at 135, Table 2-26.

^[3] U.S. Department of Agriculture, 2017 Census of Agriculture at <https://www.nass.usda.gov/AgCensus/index.php>

^[4] National Levee Database at <https://levees.sec.usace.army.mil/#/levees/system/5905000041/fema> (accessed 11/6/2020). 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).

Name of Organization or Community: Gender-Based violence as a public Health Issue

City and State: Mowe

Type of Comment: Written Comment Only

Brief description about the concern: I submit written comment In the web, I will provide public comments during the meeting

What do you want the NEJAC to advise EPA to do? : Provide Help

Good afternoon, thank you so much for reaching out. Note: All points are in more detail in the written comment section.

- I am from the Route 9 area of New Castle, Delaware. Recently Fuji Film on Cherry Lane in New Castle, Delaware obtained a permit which projected a 1,525% increase in pollution that used the Credit System to offset this pollution increase.
- The community has questions about whether the credits were applied accurately.
- Even if the credits were applied accurately how can a permit be approved for 20ty years without a plan in place to reduce or monitor pollution emission through technology.
- This becomes an ethical issue. Can credits obtained from Southern Delaware reduce pollution created next to the Collins Park Community along Route 9 .

And the community has no idea of how much the 1,525% increase in most of the major pollutants are going to impact their health because no one explained it to them. Therefore, we ask will the NEJAC challenge the way DNREC uses pollution Credits in the Future? Can the NEJAC look into the unjust way that states are using credits to grant permits in already overburdened communities? The community believes that What they are doing violates the Clean Air Act. Thank you for this opportunity . Dora Williams, GODSPEED to us all.

Region 5: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin,

Thank you, National Environmental Justice Advisory Council.

I thank you for your time and attention today in allowing me to speak to you directly. My name is Anthony Paciorek, I'm an Environmental Justice Organizer with Michigan United in Flint Mi, I'm also a member of a community anti Ajax asphalt coalition trying to stop the permitting of an Hot Mix Asphalt plant in Flint Michigan. We have been fighting and resisting the permitting process since we found it posted on our state agency EGLE (EGLE - Environment, Great Lakes & Energy - State of Michigan website in a dark corner on July 1st. The neighborhood that its proposed to go in is in a predominantly minority community in low-income housing. The ward that the plant is in holds the largest amount of parks and green spaces in the city ,13, including not to far away Kearsley reservoir which is a backup source for our drinking water. My State agency tasked with informing the public failed to this date. Residents in that community are still unaware of the plant's intention in their community.

Through the efforts of our coalition, we have been able to organize and mobilize citizens in the city of flint and the surrounding neighborhood of the asphalt plant. We have successfully pushed

back the permitting process 5 times, that's unprecedented in our state and should show the public support in the matter. I wish in my job that I could propose something so unfinished and under researched that I would have to put it under review to be set back 5 times. I would be embarrassed as a professional, those in these agencies as well as my governor should be ashamed. It's my opinion that this sort of work is unacceptable in regard to environmental justice. The Citizens of Flint are going through 2 crises right now that highlight environmental racism, the ongoing Flint Water Crisis and Covid-19. My city Doesn't need another man-made crisis.

I would like to take the time to address a few points of concern.

1. The decision to site the asphalt plant on Energy Drive *poses environmental risks to the surrounding community and those risks have not been properly evaluated by EGLE. Medical reports state. Asphalt fumes exposure can lead to cancer, lung cancer, and asthma. This community already is predisposed to high rates of asthma and other health issues from previously having an incinerator plant and other industrial pollutants in the environment of their neighborhood.*
2. The decision to site the asphalt plant likely *violates the civil rights of the surrounding low-income, predominantly Black community.* The plant is very close to St. Francis Prayer Center, is 1,550 feet from River Park apartments and less than .5 miles from Ridge Crest Townhomes, and is close to other meeting centers, parks, and waterways. *This community is already exposed to extremely high levels of pollution according to EPA's EJ Screen tool.*
3. No agency has considered the *cumulative risks or impacts* associated with adding another facility to this frontline community.
4. The failure to consider cumulative risks or impacts in permitting leads to discrimination against low-income communities of color, because those communities face the biggest threat from a permitting decision. Without the cumulative impact study, there is no way for the most impacted communities to demonstrate the injustice that would stem from the issuance of the permit.
5. Title 6 violations are pre-established in that neighborhood in environmental justice issues. The neighborhood had title 6 violations in 94 regarding a tire incinerator plant in the same neighborhood.
6. The Governor and the agency she created to deal with these situations has a duty and responsibility under Executive Order [2019-06.in](#) which she creates EGLE and tasks it with, (D) Recommend mechanisms for members of the public, communities, tribal governments, and groups, including disproportionately-burdened communities, to assert adverse or disproportionate social, economic, or environmental impact upon a community and request responsive state action.

The Anti Ajax asphalt coalition understands and expects that Governor Whitmer is the One with the power and responsibility to ensure The Environmental Justice of our community. The Citizens of Flint Recognize that Agencies such as the EPA and HUD have been involved and We in the city of Flint appreciate the weighing in which again, shows the support of the public. We understand a bigger problem in our state is that there are agencies that would check such issues but are lacking the strength to provide checks necessary to the Gov agencies tasked with the mission of protecting us. This feels Especially to the citizens of Flint like we are repeating an unnecessary history.

The coalition has been holding vigil events or as members of the coalition call it “Death of the community” if This Plant goes up in that neighborhood, many feel it will kill the community. The Fine Particulates that would be released into the local air that is already polluted .This leads the community to be predisposed to high rate of asthma and other conditions from previous pollutants exposure in the neighborhood by other industries.

My Request and expectation of the National Environmental Justice Advisory Council is to Continue to show public Support in the communities ongoing Resistance of The Ajax Asphalt plant in Flint MI and other communities like ours Facing continual environmental racism issues. We also request the further support of the EPA continue to find ways to strengthen its agency in dealing with Matters like ours across the nation. We also request to be put on the list of communities to be visited by the deputy directors’ visits of impacted cities. The citizens of Flint have gone to the appropriate channels of objection, from gathering city council support, going to township hall meetings, canvassing the neighborhood, talking with EGLE, hosting multiple issue awareness to talking with our representatives, to taking it to the Governor herself. She ran on a campaign of fixing the damn roads but fixing the damn roads shouldn't come at the expense of our community or other poor and minority communities. The Governor's stance on industry contradicts her campaign promises of being there for the community of Flint and other environmental justice cities and we must hold her responsible. Thank you.

See attached file(s) (The comments submitted below are also in the attached PDF file called "Jan'sTalkAnnotated(sent in).pdf"

Docket ID: EPA-HQ-OA-2021-0671

(Forgot to introduce myself: Jan Boudart, board member, Nuclear Energy Information Service, NEIS.org, located in Chicago, IL 60647)

Thanks to Leticia for comment about the invisibility of energy. And to Scott Clow, this talk started to be about the Diné lands, but developed into an overview of environmental justice communities relative to the U.S. fission project.



What is an environmental justice community?: (from Google) The term describes situations where multiple factors, including both environmental and socioeconomic stressors, may act cumulatively to affect health and the environment and contribute to persistent environmental health disparities. (Google of "Environmental Justice Community Definition".)

It’s important to understand that environmental justice communities live near all aspects of the U.S. fission venture from the Manhattan project through to today’s upgrade of our nuclear arsenal., This includes communities near (1) mining, (2) milling,, (3) processing for the gas UF6,, (4) fuel fabrication and experimental activities for fuel fabrication; communities and U.S. military personnel victimized by so-called Depleted Uranium (which is obfuscating jargon for U238, a non-fissionable isotope that steadily releases ionizing radiation in the form of alpha, beta, and gamma rays and forms hot particles in ground dust and in the air). Military personnel

are further exposed to Uranium 238 in tank bodies and ordnance exploded near them in ground battles. (See footnote 9)

Among fissioning activities are included merchant, military and experimental reactors and those used to produce medical isotopes. Refueling reactors requires about 1000 contractors from all over the nation. Local jurisdictions had no say, during COVID, as to whether these people hosted in their mostly small communities and ate in the restaurants and bars. The draconian rules that resulted were, well ... draconian.,

EJ communities victimized by the U.S. fission venture also involve waste installations, ... (Pause) including waste from the military explosions dating back to WWII in both the U.S. and the former USSR, experimental reactors, and merchant electric power plants that exploit fission to produce heat. This radioactive waste includes military Low-level nuclear waste, Greater than Class C waste, the gloves, booties and hazmat suits, debris and irradiated metals from the discarded reactor vessel when Merchant plants close and HLRW (high-level radioactive waste), such as spent radioactive fuel (SRF). [we have 11 active merchant reactors in Illinois (4 Fuk-style reactors), almost 100, (some are Mark I or II, the same design as Fukushima) nationwide. Brown's Ferry Units 1 and 2 are Mark I or II reactors and are presently applying for an extension on their license thru the TVA.]

For an understanding of the evacuation zones for these reactors in case of an accident refer to the Chernobyl and Fukushima disasters. Yet there are plans for new projects in so-called small (they aren't small) modular nuclear reactors. But their emergency zones have been reduced to the area occupied by the reactor itself, if they are ever built, on the theory that an accident is a non-credible event. Pending

So there are lots of environmental justice communities and they are becoming more numerous as we continue the folly of pursuing radioactive methods to produce the energy we have become addicted to. In addition, we continue our addiction to the idea that technology will solve the looming need for more and more energy.

But we need to change our focus away from technology and pour our resources into those environmental justice populations. Nuclear technology and engineering got us this far and it's not a pretty picture.

I think it is a tragedy that this inland port is being considered. I would say the average citizen has no idea what is being proposed. With how bad the air quality gets here in the valley, we cannot encourage such an influx of trucks. If we cannot even manage the current pollution we have, why deliberately add more. We already have high rates of asthma and other negative health effects. It is the poorer communities who would bear the brunt of this increase, but the entire valley would suffer as well. Please put health first above economic growth. We can learn to do without commodities but we cannot live without health.

Region 6: Arkansas, Louisiana, New Mexico, Oklahoma, Texas,

Full Name (First and Last): John Mueller

Name of Organization or Community: Supporter, Fluoride Action Network of the American Environmental Health Studies Project

City and State: Tulsa

Type of Comment: Present Comment at Meeting

Brief description about the concern: Artificial water fluoridation needs to be addressed in a workgroup and aGENIZED.

What do you want the NEJAC to advise EPA to do? :

The following is my prepared comment I plan to read at the meeting.

Good afternoon. I am John Mueller, retired civil engineer in Tulsa, Oklahoma, with more than 25 years in public works engineering, and an active supporter of the American Environmental Health Studies Project by way of its Fluoride Action Network. I first want to remind you, or inform you for the first time, as the case may be, that I have attended and commented at the previous NEJAC public meetings held on June 17 and August 18 & 19, as well as the earlier inaugural WHEJAC meeting on March 30. I also attended and commented at the July 6 Board of Scientific Counselors (BOSC) public meeting. I have also nominated two experienced, expert scientists to the BOSC in response to its current request for nominations.

Regarding the Strategic Plan draft, I have submitted one very brief comment so far, and plan to submit more comment with more specifics because there are very real opportunities for this groundbreaking Strategic Plan to facilitate resolving the EPA's and CDC's conundrum of how to end fluoridation in light of the new evidence showing unacceptable risk of disproportionate harm to Blacks and other vulnerable subgroups, especially brain damage in the unborn fetus in a mother with excess fluoride exposure, and in bottle-fed infants and in young children, harm to the developing brain similar to the harm from lead. My comment points out the need for language to include application of the Precautionary Principle anywhere in the Plan where contaminant threshold values for safe human exposure are being addressed, evaluated and/or determined for regulatory rulemaking.

And here is what Wikipedia says, in part, about the Precautionary Principle:

"The principle has become an underlying rationale for a large and increasing number of international treaties and declarations in the fields of sustainable development, environmental protection, health, trade and food safety . . . In some legal systems, as in law of the European Union, the application of the precautionary principle has been made a statutory requirement in some areas of law."

What I request of NEJAC from this meeting is to create a special fluoridation workgroup, or assign it priority in the Water Infrastructure Workgroup, and place fluoridation on the next NEJAC agenda for discussion to determine and articulate a recommendation to the OEJ, and ultimately to Administrator Regan, after the NEJAC members have had time to review and consider the submitted additional materials. That is all I have for today's meeting. New additional material will be sent by email. Thank you so much for this unique opportunity to participate in your most important work.

To WHEJAC Members, NEJAC Members and EPA facilitating officials:

Please allow me to "kill two birds with one stone" since the additional materials in this email pertain to both NEJAC and WHEJAC public meetings in November 2021.

Thank you again for the opportunity to contribute this public comment regarding the federal agencies' policies for allowing and promoting artificial fluoridation of public drinking water, best known as the Community Water Fluoridation (CWF) program of the CDC's Division of Oral Health. I greatly appreciate your commitments of time and energy to help direct our federal agencies' efforts to resolve and eliminate or mitigate environmental injustices as public health issues. My commitment to this cause may require no less volunteer time and energy on my part, now in my retirement years, to pursue what stands to be the most gratifying accomplishment resulting from my professional engineering career, for which the first and foremost performance criterion is to "Hold paramount the safety, health, and welfare of the public." (F.S. Merritt, Standard Handbook of Civil Engineering, 3rd Ed., McGraw-Hill 1983). That accomplishment will be helping end CWF and seeing the dentistry industry undertake a paradigm shift from mass medication via our tap water, to taking dental professionals' skills and training to targeted, disproportionately suffering, disadvantaged populations, to be instituted under new and innovative dental caries (tooth decay) prevention and treatment programs for the underserved. If you will, please first read my letter to Administrator Regan (2 MB pdf file attached) that I emailed and sent the original via USPS early this year; it is just as relevant and informative today as when sent in February. Along with the attached Annotated Bibliography containing links to published science and relevant literature, my February letter to Mr. Regan provides supporting information for what I am asking of the WHEJAC and NEJAC, even though I had no idea at that time that this opportunity would present itself! The desired endpoint is for the defendant EPA et al to graciously and honorably concede to the plaintiffs in the current TSCA lawsuit filed by Food & Water Watch et al v. EPA et al, and presently in abeyance by the Honorable Judge Edward M. Chen in U.S. District Court for the Northern District of California and awaiting final publication of the NTP's much anticipated state of the science report on fluoride's developmental neurotoxicity. Of particular note with this email, on page 7 of the attached pdf file of Annotated Bibliography, is the study published in the August 29, 2019, JAMA Pediatrics, funded by a grant from the National Institute of Environmental Health Science, which concludes, in part: "In this study, maternal exposure to higher levels of fluoride during pregnancy was associated with lower IQ scores in children aged 3 to 4 years. These findings indicate the possible need to reduce fluoride intake during pregnancy." This conclusion, as with other recent studies, begs invoking the Precautionary Principle, as new evidence of fluoride's neurotoxicity has created an urgency that has not yet received the necessary attention. Attention should also be paid especially to the 2015 report by the Fluoride Action Network, Water Fluoridation and Environmental Justice, (attached ej-report-9-25-15.pdf) as it presents viable alternatives to fluoridation as well as well documented justification for ending the practice. This report has been included in previous materials submitted to NEJAC and WHEJAC in previous public commenting periods, but I am attaching it again here for ready access and further consideration. Finally, in this submittal at least, I express my deepest gratitude to Karen Spencer for compiling the Annotated Bibliography. I know Karen and her son have suffered tremendous pain and hardship from their individual hypersensitivities to fluoride, and she continues to work tirelessly to educate the powers-that-be about how and why CWF needs to be one for the history books, sooner than later. And again I thank you for this opportunity. Sincerely, John Mueller, P.E. Tulsa, OK 74137

Region 8: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming,

Full Name (First and Last): Brian Moench

Name of Organization or Community: Utah Physicians for a Healthy Environment

City and State: UT

Type of Comment: Present Comment at Meeting

Brief description about the concern: I'm Dr. Brian Moench. On behalf of Utah Physicians for a Healthy Environment, and the 450 physicians and 3,000 members of the lay public within the organization, I congratulate the Biden Administration for giving the issue of environmental justice long overdue attention. But the Administration should not just focus existing on injustice, it should also try to intervene and prevent projects that are destined to become monuments of future environmental injustice. One such project being designed and given hundreds of millions of dollars of taxpayer money by our legislature, is the Salt Lake City inland port. This is a massive transmodal shipping hub and warehouse farm now planned for the Westside of Salt Lake City, in the immediate vicinity of 250,000 people who already suffer the most pollution and environmental toxin exposure of the 2 million people who live in the SL Valley. They suffer the traffic pollution of our busiest freeways, are immediately downwind of several oil refineries, near an enormous open pit copper mine and smelter, downwind of summer-long aerial spraying of pesticides, numerous industrial smokestacks, are downwind of a major international airport and secondary airport whose planes still use leaded gas. None of this would be tolerated on the East side of Salt Lake City, but because of lack of political clout, the Utah legislature is shoving this down the throats of those who are already the most victimized by our numerous pollution sources. This transmodal shipping hub would be the epicenter of multiple new sources of pollution--an estimated 70,000 more daily diesel truck trips, diesel powered switcher engines, 150,000 more cars, increased air traffic pollution, more pesticide spraying, and dozens more train locomotives (incidentally one Tier 0 train locomotive can emit pollution equal to that from around ten thousand cars). This project clearly exploits the economic, and racial disadvantages of this community, and Utah politicians remain unflinching in their determination to push it forward. Other inland ports and warehouse farms, smaller than what is planned in SLC, are now nicknamed "Diesel Death" zones because of the pollution they generate. There is absolutely no reason to think that developing one in Utah will produce a different outcome. This port is also intended to facilitate more fossil fuel extraction, something squarely contradictory to the Biden Administration's climate goals. The rationale being offered that the port is needed to produce jobs is a smoke screen. Utah historically has a very tight labor market, the current unemployment rate is 2.4%, and most of the anticipated port employment will be low wage warehouse jobs. The real beneficiaries are well connected developers and powerful international corporations eager to exploit this community for profit. Using the Clean Air and Clean Water Acts, several federal agencies could intervene and prevent this injustice from happening. Dealing with the obvious consequences after the fact will only further victimize this community.

What do you want the NEJAC to advise EPA to do? :

We believe that the EPA can use tools within the Clean Air Act to prevent this project. More specifically, the forces behind building this inland port intend to dilute public opposition evade regulatory review and the protections that might be afforded through the CAA by building this project piece meal. In other words, it seems that, by refusing to present the Inland Port project in its entirety or estimate its emissions, proponents are keeping the extent and details of their ultimate plans secret and will instead complete the project incrementally such that each of these smaller projects will escape the review, analysis, well-informed decision making and public participation that would otherwise be directed at the whole project. We are particularly

concerned that the Inland Port will never be subject to meaningful review based on its impacts on air quality – particularly on ozone and PM2.5 concentrations – and on environmental justice and disproportionately impacted communities. More specifically, we ask the EPA: will NEPA, general and transportation conformity (required by the Clean Air Act) and 404 (CWA) apply to this project?

Full Name (First and Last): Alice McHugh
Name of Organization or Community: Salt Lake Indivisible
City and State: Salt Lake City
Type of Comment: Written Comment Only

Brief description about the concern: EPA needs to look at the cumulative implications of decisions being made by an independent Authority concerning the development of Utah's Inland Port . UIPA has no accountability to the taxpayers funding it; no community representatives on its Board; and unfettered access to millions of \$\$ from the leaders in Utah Legislature (none of whom live in the Salt Lake Valley). This project will further pollute the air of an impacted community on the Westside of SLC: the only predominantly minority community in Utah. It already has quarries, freeways, an airport, two unlined Rio Tinto tailings ponds....and the worst air in Salt Lake Valley. Rates of asthma and autism among Westside children is off the charts. But EPA has told us, "there is nothing we can do because you have not been damaged". Well, we are fighting to keep from being damaged. Scarce water resources, groundwater contamination, PM2.5 and nitrous oxides are problems that will be inexorably worsened by this Port, yet EPA has done NOTHING to help us stop this ENVIRONMENTAL INJUSTICE.

What do you want the NEJAC to advise EPA to do? : SUSPEND all government approvals of permits and conditional uses and DEMAND that studies be completed, (e.g. human health risk assessment, EISs)under Clean Air and Clean Water Acts.

Full Name (First and Last): David Scheer
Name of Organization or Community: Salt Lake City, UT
City and State: Salt Lake City, UT
Type of Comment: Written Comment Only

Brief description about the concern: The west side of Salt Lake City is a largely Hispanic, low-income area. Over the years it has been systematically targeted for air-polluting developments including freeways, oil refineries, power plants, trucking hubs and the airport. There is no question that the area's residents' lack of a political voice has allowed these developments to occur. Now an inland port is being planned adjacent to this area that will generate enormous amounts of air pollution from diesel exhaust that will most directly impact its residents. This is a clear-cut case of ongoing environmental injustice targeting a disadvantaged community of color.

What do you want the NEJAC to advise EPA to do? :

The Utah Inland Port Authority which governs the developing port has steadfastly refused to conduct and studies of the potential impacts of the port on air quality. The Salt Lake alley is already in non-attainment for ozone which the port is likely to worsen. The EPA should actively monitor the development of the port and require the Utah Inland Port Authority to conduct studies to assess the likely impacts of the port on the air quality in the west side community

Full Name (First and Last): Heather Dorrell

Name of Organization or Community: none

City and State: Salt Lake City

Type of Comment: Written Comment Only

Brief description about the concern: The Utah Legislature has not listened to our questions about the environmental impact of the Inland Port. Instead, using our tax dollars, the Legislature created its own committee and its self-appointed board members to build the Port, without public input, from the beginning, 2018. There have been no independent, scientifically based environmental impact studies, not one. We need to stop further inland Port development until questions are answered. Poor air quality harms the body--the brain (IQ), circulation system, the lungs, nervous system, life expectation.

What do you want the NEJAC to advise EPA to do? : Please invoke power of injunction until independent studies can be carried out.

Full Name (First and Last): Marvin Goldstein and Jeanne Leigh-Goldstein

Name of Organization or Community: myself

City and State: Holladay, Utah

Type of Comment: Written Comment Only

Brief description about the concern: the effect on the environment and air pollution of the proposed Utah Inland Port in Salt Lake City

What do you want the NEJAC to advise EPA to do? : I'd ask for you the NEJAC to advise the EPA to stop any further work on the port due to it's potential to inflict harms(air and water pollution, increased road traffic, damage to the birds utilizing the area) on those of us living in the Salt Lake City vicinity. We've increasingly noticed how it's negatively affecting our breathing and it seems government seems ineffective in protecting our health. We're really needing some higher governmental intervention to stop this project and the Utah legislature's attempt to overrule to desire of the residents in the area. I believe this is a non-attainment area - we already don't meet the standards for reducing air pollution. Why isn't the government taking action to protect us?

Full Name (First and Last): Eileen Keen

Name of Organization or Community: Salt Lake City

City and State: Salt Lake City

Type of Comment: Written Comment Only

Brief description about the concern: Salt Lake City, Utah, and its surrounding area exist in valley bordered by mountains on the east and west. This "bowl" has been trapping pollution in the valley for years. The severity of this effect has been increasing year after year as our population grows (Utah has been named the fastest growing state between the census in 2010 and 2020.) This last summer, several times, Salt Lake was also rated the worst city in the WORLD for air quality by IQ Air, a Swiss-based air quality technology company.

The Inland Port Authority authorized by the Utah State Legislature in 2016 has been controversial since its inception. Lawsuits and protests have been sparked by a lack of transparency and rushed legislation. If not halted by a decision from the Utah Supreme Court, its completion will irreparably damage the quality of life in nearby communities as well as a

multitude of wildlife habitats. The increased traffic of diesel-fueled semi-trucks receiving freight from rail transport for distribution nationwide, will significantly add to the already deadly air quality currently experienced in our valley. The "diesel death zones" of Los Angeles County will be exported to the Salt Lake valley.

What do you want the NEJAC to advise EPA to do? : I ask the EPA to use its tools within the Clean Air Act to prevent this project from being completed.

Full Name (First and Last): Rebecca Burrage

Name of Organization or Community: Member of Holladay United Church of Christ

City and State: Salt Lake City, Utah

Type of Comment: Written Comment Only

Brief description about the concern: I am grateful that your group asked for input regarding environmental injustice in Salt Lake City . Many members of my church have become more aware during the pandemic of the dire needs of our neighbors who live in the northwest quadrant of our county. This section of the city has a high percentage of people of color, and a lower level of income. They are also subject to the highest levels of pollution of any local group. Research through the University of Utah demonstrated patterns of distributive inequity under different PM 2.5 and that school children in this area are more vulnerable to asthma, (Casey Mullen, et al. Environmental Research. 186 (2020) 109543.) and the results are poor academic outcomes. (C. Mullen et al. Int. J. of Env. Research & Public Health. Sept. 22,2020). Now we are faced with a major initiative, the building of an inland port on the edge of this community. Many experts have no doubt it will lead to even worse air quality, despite claims to the contrary, because of the inevitable increase in diesel truck and train traffic. It's being built on wetlands of an internationally famous bird flyway, the Great Salt Lake, where mosquitoes abound, so the already heavy spraying of toxic pesticides will no doubt increase in this vicinity. I fear that the children and unborn fetuses who live close by will suffer the most. We have a high incidence of autism in young boys in our area, and it's a concern that the pesticides may be causing that problem.

Most people oppose the inland port, yet the business interests march on with slowly getting more money from the people in the way of bonds . It would be extremely helpful if the federal government could help hold this organization accountable for the environmental injustice that is exploding before our eyes. But they seem to know how to get around a requirement that many of us want ...a health risk assessment and environmental risk assessment.

What do you want the NEJAC to advise EPA to do? : Two weeks ago I wrote to our EPA regional office asking for an Environmental Injustice Assessment but have not had a response. Would you please ask the EPA to consider doing one of these assessments? Also please relay that we are concerned about the change in the local nonattainment level for ozone, which was changed by the EPA in response to a request from local businesses. Could this be changed back to the original level which is consistent with the rest of the country? Thanks so much.

Full Name (First and Last): Dianne Gaschler

Name of Organization or Community: Retired person in Salt Lake City, Utah

City and State: SLC, Utah

Type of Comment: Written Comment Only

Brief description about the concern: I live one block away from I 80 freeway that runs East/West through middle of SLC. I see, feel, smell, & hear the effects of increasingly expanded freeway usage & bad air quality. The proposed Inland Port that would make SLC a shipping hub has been birthed and promoted by the Utah Legislature behind closed doors, without public details or explanation, in spite of SLC Mayor & county people being solidly against the proposal. Other such “hubs” in LA and Oakland have turned out to be disaster areas, nicknamed “Diesel Disasters.” We live in a geographic bowl that is already easily succumbing to below standard air quality. We can’t breathe or tolerate any more polluted air.

What do you want the NEJAC to advise EPA to do? : Can you help us? We need your EPA tools that have some teeth in them to combat this lousy air quality we have to live in. We don’t need or want the extra congestion, Diesel engines, railroad lines that would come with this disastrous Inland Port. Please hear our pleas. Our Utah Legislature is determined to make us into sacrificial lambs for their profitability. We need all and any help you can give us. Dianne Gaschler, SLC, Utah.

Full Name (First and Last): Calverna Letts

Name of Organization or Community: Salt Lake City Community

City and State: Salt Lake City Ut

Type of Comment: Written Comment Only

Brief description about the concern: Please. We live in a bowl (mountains on both sides of the valley). It captures tons and tons and tons of deadly pollution. Our population is exploding, adding further to the problem. The inland port will be the literal death of our community. Increased pollution. Overuse of water, a scarce resource. Destruction of vital habitat for migrating birds. And more. Please make well-being of the community a higher priority than a few white, rich men getting richer. Thank you for reading this.

What do you want the NEJAC to advise EPA to do? : Stop the inland port in Salt Lake City for the wellbeing of all of its citizens. Make the administration aware that infrastructure money will likely be used to create the profound human disaster. Trucks and more trucks pouring down our already packed highways. Pollution added to already bad air. Don't let infrastructure money be used for a massive polluting and water sucking project. It's not just.

As a citizen of Salt Lake City I am concerned about the inland port due to the health and environmental impact of increased pollution. Salt Lake City is one of the most polluted cities in the country, and during inversion periods the air quality is outright dangerous. I strongly encourage the EPA to use provisions in the Clean Air Act to stop this project moving forward and to protect the health and safety of Utahns.

As a longtime resident of the west side I strongly oppose the development of the inland port. The air quality of the Salt Lake valley is already some of the worst in the country and adding this port will only compound the problem. One only has to drive through Salt Lake valley to see the economic inequality that exists between the east and west sides. The west side is full of freeways, a large copper mine, two airports, oil refineries, and very little green space. The port will only further endanger the health of west side residents who are at an economic disadvantage. Please intervene before it is too late.

Sincerely, concerned west side resident, Miriam Bastian

I am writing to express my vehement opposition to the Salt Lake City inland port. This massive transmodal shipping hub and warehouse farm is planned for the westside of Salt Lake City near a quarter of a million people that already suffer from the most pollution and toxin exposure out of the two million residents in the area. These people deal with air pollution from the busiest freeways and a nearby international airport. They are downwind from pesticide spray. They are next to an open copper mine and smelter, as well as several oil refineries. And now, hundreds of millions of taxpayer dollars are going towards this transmodal shipping hub that will add to the pollution. How much pollution? And an estimated 70,000 more daily diesel truck trips, diesel powered switcher engines, 150,000 more cars, increased air traffic pollution, more pesticide spraying, and dozens more train locomotives (incidentally one Tier 0 train locomotive can emit pollution equal to that from around ten thousand cars).

These pollutive projects would never be built on the East side, but because the West side lacks the political clout comparatively, they bear the brunt of the pollution. The West residents already suffer from pollution, and this new project will add to their suffering (and, because of the valley's topography, all the of the residents will be affected--although the West more-so). This project was created by a board of unelected officials that tried to pass the plans without a public vote. Despite citizens' outcry, Utah legislature is unflinching. Everything about this project goes against the Biden administration's climate goals: the climate injustice, the fossil fuel extraction, and the carbon emissions, to name a few.

Legislature argues that the inland port will create more job opportunities. However, Utah has a robust job market, with only a 2.4% unemployment rate. Most of the new jobs created will be low wage warehouse jobs; the ones that will profit will be wealthy developers and powerful international corporations, all at the expense of our community. Besides that, Salt Lake valley has notorious air quality issues, so much so that an estimated \$2 billion is lost for Utah's economy annually because of the air pollution. (People don't want to move here when they find out how bad the air gets.) In the larger picture, adding to the pollution for the sake of more jobs doesn't make sense. Protecting our air and improving its quality would create more jobs and generate more money for Utah's economy. Using the Clean Air and Clean Water Acts, several federal agencies could intervene and prevent this injustice from happening. Dealing with the obvious consequences after the fact will only further victimize this community.

The EPA can use tools within the Clean Air Act to prevent this project. More specifically, the forces behind building this inland port intend to dilute public opposition, and to evade regulatory review and the protections that might be afforded through the CAA, by building this project piece meal. In other words, it seems that by refusing to present the inland port project in its entirety or estimate its emissions, proponents are keeping the extent and details of their ultimate plans secret and will instead complete the project incrementally such that each of these smaller projects will escape the review, analysis, well-informed decision making and public participation that would otherwise be directed at the whole project.

I am concerned that the Inland Port will never be subject to meaningful review based on its impacts on air quality – particularly on ozone and PM2.5 concentrations – and on environmental justice and disproportionately impacted communities. More specifically, I ask the EPA: will

NEPA, general and transportation conformity (required by the Clean Air Act) and 404 (CWA) apply to this project?

Utah's already horrendous air cannot handle a pretty such as this! You'll kill us all! Please don't build it here, we don't have the freeways to handle this either.

As a resident of Salt Lake County, I've grown increasingly concerned with how our government is ignoring the ugly truth of Utah's environmental crisis. Our politicians are moving forward with plans to build an inland port despite the glaring facts that these kinds of shipping hubs have ruined the towns around them in other cities. Because west Salt Lake County doesn't have as much money or clout, they are constantly abused and polluted behind the visage of creating more jobs. Utah doesn't need more jobs. We have the second lowest unemployment rate in the nation. But we have some of the worst air quality in the WORLD. This inland port goes against everything this administration stands for- it is environmentally and economically unjust. The EPA has to step in and stop a corrupt government from lining their pockets while the people of west valley choke on fumes. The Clean Air Act demands it and we shouldn't risk our future health for temporary wealth.

As a resident of Salt Lake County, I've grown increasingly concerned with how our government is ignoring the ugly truth of Utah's environmental crisis. Our politicians are moving forward with plans to build an inland port despite the glaring facts that these kinds of shipping hubs have ruined the towns around them in other cities. Because west Salt Lake County doesn't have as much money or clout, they are constantly abused and polluted behind the visage of creating more jobs. Utah doesn't need more jobs. We have the second lowest unemployment rate in the nation. But we have some of the worst air quality in the WORLD. This inland port goes against everything this administration stands for- it is environmentally and economically unjust. The EPA has to step in and stop a corrupt government from lining their pockets while the people of west valley choke on fumes. The Clean Air Act demands it and we shouldn't risk our future health for temporary wealth.

Region 9: Arizona, California, Hawaii, Nevada, the Pacific Islands,

Full Name (First and Last): Matt Holmes

Name of Organization or Community: Little Manila Rising

City and State: Stockton

Brief description about the concern: Don't learn from California....we're a mess.

What do you want the NEJAC to advise EPA to do? : Avoid working through state and local gov't whenever possible.

Environmental justice is usually discussed in the context of economically disadvantaged and minority communities being subjected to corporate, industrial pollution that would never be allowed in more affluent, politically powerful neighborhoods. But there are also environmental justice issues in neighborhoods that have nothing to do with industrial pollution and transcend the entire economic spectrum.

Doctors and Scientists Against Wood Smoke Pollution (DSAWSP) is an international organization of pollution experts formed to raise awareness of the injustice of often intolerable, extreme levels of pollution that victimize neighbors of wood burning devices.

<https://woodsmokepollution.org>

The organization was formed after the principle organizers were besieged for help by people all over the US, and from many foreign countries, because they were being regularly inundated by the wood smoke from neighbors; from stoves for home heat, restaurant ovens, back yard fire pits, wood boilers, and wood burning power plants.

Wood smoke is never evenly distributed in a city or neighborhood. Studies have shown that pollution levels can be 100 times greater for homeowners who live immediately downwind of a wood burning appliance, compared to people living just a mile away. But wood smoke is also a surprisingly dominant source of pollution in many large cities. In Pierce County, Washington, 53 percent of PM_{2.5} emissions comes from wood. A study in Los Angeles showed that in the winter, residential wood combustion there contributed 30 percent of primary organic aerosols (probably the most important mass component of particulate pollution), more than motor vehicle exhaust, which contributed 21 percent. In Fresno, California, wood smoke contributed on average 41 percent of organic carbon and approximately 18 percent of total PM_{2.5} mass.

Wood smoke is also the most toxic type of pollution the average person ever inhales because of several unique characteristics. The particles in the smoke are usually much smaller than those created by vehicles and industrial smokestacks, and toxicity is inversely proportional to particle size. And the particles are saturated with extremely high concentrations of toxic chemicals like dioxins, benzene, polycyclic aromatic hydrocarbons (PAHs), and heavy metals. Burning just ten pounds of wood in a fireplace emits as many PAHs as thousands of packs of cigarettes. The toxic free radicals in wood smoke are biologically active for 40 times longer than those in cigarette smoke, and even more carcinogenic.

Despite the claims and intense lobbying of the Hearth, Patio, and Barbecue Association (HPBA), determined to sell more stoves by pushing “change out” programs, “EPA” certified stoves are not a solution. Analogous to the Volkswagen scandal, performance of certified stoves in the real world doesn’t match their performance in the EPA lab.

In-home performance is too dependent on the operator—airflow and fuel choice radically affect the actual emissions. A stove poorly operated or maintained can emit ten times more pollution than lab testing indicates. John Gulland, manager of the “pro-wood” Wood Heat Organization, puts it this way: “People who don’t care about the impacts of their actions on neighbors and are content to remain ignorant of good wood-burning practice will make a lot of smoke, regardless of the emissions rating of the appliance they choose.”

EPA wood stoves have never been shown to reduce the amount of the most deadly components of wood smoke, including dioxins, furans, and PAHs. Some studies have shown that EPA stoves emit even more of these highly toxic compounds. If poorly maintained, devices equipped with catalytic components degrade in as little as two years.

Wood stove change out programs in Montana and Idaho have not been shown to reduce significantly air pollution at the community level, and after extended use actual emissions were over three times higher than the “certified” values.

The EPA program that “certifies” wood burning appliances may actually cause more than harm than good because it has led to a widespread impression that somehow wood can be burned cleanly, and the HPBA has jumped on the program as an excuse for increasing sales of wood burning appliances.

Wood burning is an underappreciated example of environmental injustice. Neighbors of wood burners routinely experience extreme levels of pollution, and in our experience, wood burners are often refractory to appeals to reduce their impact on their neighbors. DSAWSP asks the Council to refer wood burning to the EPA for consideration as issue of environmental justice.

An inland port sends a strong message that we do not care for the environment or for maintaining an inhabitable sustainable future for our children. It is unconscionable that the government would tout espoused belief in creating a sustainable future in the media yet proceed to initiate the creation of diesel death zone. I do not want this pollution in my backyard. I do not want my children to grow up having to shelter indoors due to unbreathable air quality. This affects us directly. Due to the natural geography of the land, pollution does not dissipate during the winter months. This is due to a phenomenon called an inversion. The surrounding mounts trap pollution in a confined space. Further pollution due to the inland port will make the surrounding area truly dangerous to those of us who live here (let alone the larger impact to the world and global warming). My father has asthma and cannot breath well and has trouble exercising particularly during the winter. Do you propose to take away his limited opportunity to live a healthy life and relegate him to a life indoors? In a place where beauty and outdoor recreation has drawn many for decades, you are seeking to destroy. I do not support this action.

This port should only be allowed to function if it’s electricity is supplied by wind or solar, it’s vehicles are electric and every effort possible is made to ensure it does not contribute to the already poor air quality in the salt lake valley. Political leaders ask citizens to do our part and I think there’s a lot of us that are, those running this port should do theirs. Regulate, regulate, regulate! My health and the health of my young nephews depend on it.

NEJAC WRITTEN PUBLIC COMMENTS SUBMITTED CONTINUED.

To access all additional public comment materials that were submitted to EPA in support of the November 10, 2021, NEJAC public meeting please visit the public docket for this meeting via www.regulations.gov under docket number EPA-HQ-OA-2021-0671.

CLOSING REMARKS & ADJOURN

Dr. Fred Jenkins, Jr., DFO, reminded everyone that written public comments can be submitted up to two weeks after the close of the meeting. Please submit written public comments in the public docket for the meeting. For information on how to submit written public comments, please visit the EPA NEJAC website or you can refer to the federal register notice for the meeting. They can also be emailed to NEJAC@epa.gov, and the comments will transfer to the public docket.

He reminded everyone that, if anyone emails their public comment to NEJAC@epa.gov, it takes a little bit longer to process your email comment so that it can be posted in the public docket and sent to the NEJAC. Thus, they prefer for everyone to submit their public comment directly into the docket for immediate access and so the NEJAC can immediately access your comment. All the comments will be provided to the NEJAC for their consideration as they prepare for the public meeting.

Particular in new NEJAC workgroup drafts, their feedback on the drafts of the EPA plan, and the quicker written comments are submitted to the docket, the quicker it will post in the docket and the quicker they will be able to share with the NEJAC. He stated that all other meeting materials associated with this meeting will be posted in the public docket including, for example, the EPA PowerPoint presentation materials that were shared during this meeting.

He thanked everyone for an extremely productive meeting.

Mr. Matthew Tejada, OEJ, informed the Council that Ms. Eboni Cochran raised her hand and was a late addition.

Ms. Eboni Cochran, Public Commenter: Sorry about being late. My name is Eboni Neil Cochran, and I'm a resident of the Chickasaw neighborhood in Louisville, Kentucky. Chickasaw's one of numerous neighborhoods adjacent to a cluster of Title V chemical facilities commonly referred to as rubber town. For over eight decades residents have been adversely

impacted by excess emissions, explosions, fires, nauseous odors, and acute chronic illness and deaths some of which they have attributed to rubber town. This is not to mention rail cars parked in the neighborhoods and other cumulative impacts.

There are quite a few examples I can put forth as to why we need effective policymaking around chemical disaster prevention. I'll give you one related to common sense disaster measures that need to be put into place. Several years ago, there was a storm that wiped out power, a chemical facility had to utilize a generator for backup. Unfortunately, that generator was not working properly which caused a huge hydrochloric acid spill. The lives of nearby residents were placed in danger simply because the facility did not have in place what was needed to keep their dangerous operation running properly.

While that example is related to disaster management, my ask is that you make a strong, effective policy that prevents the many disasters we have experienced and read about in the papers. It is imperative that the focus be on eliminating risks especially because the emergency response and disaster management are not up to par. This is what people living at the fence line need from agencies, but this is what we need from the agencies. We need you to bring us to the policy table. We have first-hand knowledge of how the processes related to emergency response actually play out.

Two, we need continuous fence line air monitoring which could lead to the identification of leaks early on alerting facilities about potential exposure of hazardous chemicals to workers and residents. It could also identify potential explosive hazards. The data needs to be accessible in real-time to the community.

Three, we need you to coordinate efforts with other EPA departments such as the office of chemical safety so that chemicals that could cause catastrophic hazards during an event are banned. This too is a prevention strategy. The need for safer alternatives is real.

Four, we need to strengthen enforceability, corrective action, and accountability. Too many times notices of violation are issued repeatedly for the same equipment. We need the accountability piece to be strong to change behavior.

Number five and the last point, I need you to realize that my family should not have to create bug-out bags in the event of a chemical disaster at one of these facilities. My husband and I should not have to instruct our son on which items he is responsible for along with his prefilled backpack in the event that we have to evacuate. Your definition of chemical disaster may be limited to fires and explosions but remember those of us living at the fence lines consider acute and chronic exposures to hazardous chemicals as disastrous every single day.

Thank you so much for allowing me to speak today, and we're rooting for you guys to do the right thing. Thank you so much.

Dr. Fred Jenkins, Jr., DFO, thanked Ms. Cochran. Mr. Tejada and Ms. Orduño tried one more time to connect to Ms. Williams with no success. Mr. Jenkins asked her to email him directly, and he would help her submit her written public comments.

Dr. Jan Fritz, NEJAC Member, interjected that she noticed that many of the commenters in the last group have mentioned cumulative risk. It's very few times in the strategic plan so she wants to put that on the agenda to take a look at that.

Dr. Fred Jenkins, Jr., DFO, reminded the members that they will have an opportunity to provide that feedback in writing as the workgroups convene and get together and develop feedback, so make sure they get those in writing as a part of a record as recommendations back to EPA.

Ms. Stephanie Herron, Public Commenter, interjected that she talked to Ms. Williams, and she would like someone from the Committee to contact her.

Dr. Fred Jenkins, Jr., DFO, thanked everyone again. He mentioned that the meeting minutes and the meeting summary will be completed within 90 days after the close of this meeting. He then announced that the meeting is officially adjourned.

[WHEREUPON THE MEETING WAS ADJOURNED]

ATTENDEES LIST

First Name	Last Name	Organization
Lorna	Withrow	NCDHHS, DPH, OSWP
Nikki	Bass	USEPA
Stephanie	Steinbrecher	US EPA
Marisa	Sotolongo	Northeastern University
Deena	Tumeh	Earthjustice
Jan	Boudart	Nuclear Energy Information Service
Crystal	Lee Pow Jackson	RTI International
Mary	McCullough	OECA/OSRE
Tam	Wheat	Boston College Law
Tina	Davis	US Environmental Protection Agency
Gianna	St.Julien	Tulane Environmental Law Clinic
Gulan	Sun	Motiva
Syeda	Husain	Office of Senator Booker
Megan	Smith	shift7
Katie	Lambeth	EGLE
Lucy	Stanfield	US Environmental Protection Agency
Richard	Pinkham	Booz Allen Hamilton
Lisa	Cooke	FAA
Jacqueline	Echols	South River Watershed Alliance
Oyemwenosa	Avenbuan	Hummingbird Firm
Willie	Scott	Sierra Club - Delaware Chapter
Sacoby	Wilson	University of Maryland College Park
Melissa	Watkinson-Schutten	Puget Sound Partnership
Carrie	Griffith	EPA
Brandi	Hall	Arizona Department of Transportation
Ali	Dominguez	Deloitte
Luz	Vargas	RB4
Janetta	Coats	EPA
Byron B	Gerard	REACT
Alessandro	Molina	EPA
Elyse	Salinas	US EPA
Ahnaf	Nur	Arizona DOT
Cristina	Villa	Department of the Interior
Andrea	Thi	DOJ
Carolyn	Slaughter	APPA
Rachel	Velthuisen	TRC
Michelle	Madeley	EPA Office of Community Revitalization
Yukyan	Lam	NRDC
Nicholas	Giles	Federal Aviation Administration
Louise	Kitamura	USEPA
Brian	Moench	Utah Physicians for a Healthy Environment

Tanya	Miller	Cenovus Energy
Stephanie	Hammonds	WVDEP-DAQ
Hilton	Kelley	Community In-power & Development Association Inc.
Cynthia	Ferguson	US Dept of Justice / Environment and Natural Resources Division
Deneen	Simpson	Department of Environmental Protection
Rhonda	Wright	U.S. EPA
Addy	Molina	UPR-RP
Carmen	Valdez	HEAL Utah (Healthy Environment Alliance of Utah)
Vanessa	Shoenfelt	USDOT - FTA
Virginia	Vassalotti	EPA Region 3
Teresa	Acuna	DOL
Loan	Nguyen	US EPA
Anthony	Paciorek	Michigan United
Ashley	Mocorro Powell	None
Bryan	Davidson	TDEC
Kaitlin	Toyama	US DOJ, Civil Rights Division
Patricia	Rippey	US Army Public Health Center
Lakendra	Barajas	Earthjustice
Jennifer	Valenstein	Brightwater Strategies Group
Julie	Narimatsu	USEPA
Andrew	Grainger	MELE Associates
Charles	Lee	US Environmental Protection Agency
D	Wu	NYS OAG - EPB
John	Mueller	Supporter, Fluoride Action Network
Jay	Bassett	GC&B
Danielle	O'Neil	Environmental Protection Agency
Yasmin	Yacoby	U.S. Department of Energy
Karen	Nickel	Just Moms STL
Victoria	Flowers	Oneida Nation
Leanne	Nurse	The Nature Conservancy
Zachary	Hunt	EPA
Cynthia	Sanchez	IEPA
Catherine	Kocses	Axiom Technologies LLC
Gabriel	Bellott-McGrath	House Committee on Science, Space, and Technology
Augusta	Williams	DOL
Darryl	Malek-Wiley	Sierra Club
Chris	Pressnall	Illinois EPA
Brianna	Skinner	FDA
Maya	Nye	Coming Clean
Athena	Jolly	DCR4EJL

Kathy	Triantafillou	EPA
Jena	Roscoe	Operation HOPE
Christine	DeMyers	Pacific Institute
Anhthu	Hoang	EPA
Chitra	Kumar	USEPA
Justin	Dula	PA Dept. of Enviro. Protection
Pamela	Nixon	People Concerned About Chemical Safety
Phillip	Washington	USDA
John	Doherty	IUPAT
Maria	Rahim	Chevron
Kim	Lambert	U.S. Fish and Wildlife Service
Amy	Beatie	Colorado Department of Law
Lauren	Krohmer	US EPA
Jeannie	Williamson	US EPA
Samantha	Beers	US EPA
Alan	Walts	EPA Region 5
Gabriel	Pacheco	Private Citizen
Marlene	Bunch	Walker Lake Working Group
Marilyn	Vann	Cherokee nation environmental protection commission
Sara	Lovtang	Oregon Department of Energy
Marilynn	Marsh-Robinson	EDF
Deborah	Williams	CWLP
ROBINA	SUWOL	CALIFORNIA SAFE SCHOOLS
Eileen	Mayer	US EPA
Alicia	Scott	Partnership for Southern Equity
Travis	Voyles	U.S. Senate Committee on Environment and Public Works
Ryan	Crosbie	Self
Emily	Brooks	USGS
Kurt	Temple	US EPA
Patricia	Spitzley	RACER Trust
Janice	Horn	Tennessee Valley Authority (TVA)
Shubhayu	Saha	CDC
Drue	Pearce	Holland & Hart LLP
Kathryn	Super	Environmental Justice Health Alliance for Chemical Policy Reform
Larissa	Mark	VDOT
Wayne	Everett	Native Green
Kenyatta	Miles	Shell
Uni	Blake	Api
Juan	Parras	Texas Environmental Justice Advocacy Services
Cynthia	Peurifoy	Retired
Nicholas	Ferreira	U.S. EPA - Region 2

Nona	Harris	MEAN
A	Pratt	nonprofit
Crystal	Upperman	AECOM
Jane	Williams	California Communities Against Toxics
Juanita	Vivas Bastidas	Loyola University Chicago
Nicolette	Fertakis	EPA
Amy	Teague	USGS
Eboni	Cochran	REACT
Terrie	Green	Marin City Climate Resilience and Health Justice
David	Lonnberg	shift7
Jenn	Tribble	TDEC
Greg	Lovato	Nevada Division of Environmental Protection
Shiv	Srivastava	Fenceline Watch
Ann Marie	Gathright	Environmental Standards, Inc.
Matt	Currie	Advocates for Basic Legal Equality
Lakota	Ironboy	Leech Lake Division of Resource Management
Kevin	Smith	EPA R4
Robin	Jacobs	EPA
Kelly	Crawford	DC Department of Energy and Environment
Kenneth	Klutts	Self
Daniel	Padilla Ochoa	Ocean Conservancy
Brian	Holtzclaw	US EPA
Brad	Sims	Exxon Mobil Corporation
David	Gray	US EPA Region 6
Adesuwa	Erhunse	US EPA
Jeffrey	Norcross	US EPA- Region 1
Corbin	Darling	EPA Region 8
Julie	Lemay	Gradient
Mindy	Hill	Center for Environmental Justice
Lori	Dowil	Corteva
Kate	Wilson	Boston College Law School
Gerardo	Acosta	EPA R6
LESLIE	RITTS	National Environmental Development Association's Clean Air Project
Francisco	Donez	US EPA
Stephanie	Rambo	Tejon Indian Tribe
Laura	August	OEHHA/CalEPA
Matthew	Greene	U.S. Fish and Wildlife Service
Alane	Herr	IEPA
Ryan	Bahnfleth	Esri
Georgia	Simpson	HHS OASH Region 1
Suzanne	Yohannan	Inside EPA
Patty	Bowen	Conservation Voters for Idaho
Pargoal	Arab	None

Hayley	Roy	OCT
Robin	Forman	Independent Environmental Researcher/non-profit/Geothermal
Rebecca	Huff	EPA
Sandra	Smithers	New Castle Prevention Coalition
Jessica	Norriss	Environmental Policy Innovation Center
ADRIANE	BUSBY	Friends of the Earth
Taylor	Gillespie	EPA
Krista	McIntyre	Law Firm
Daniel	Woodard	Southern Company
Stephen	Lee	Bloomberg
Roddy	Hughes	Sierra Club
Renee	Kramer	North Carolina Department of Environmental Quality
Dawn	Reeves	Inside EPA
John G.	Andrade	Old Bedford Village Development, Inc.
Toni	Rousey	Federal Advisory Committee Management Division
Diane	Lauricella	Norwalk Zero Waste Coalition
María	Gabriela Huertas Díaz	San Juan Bay Estuary Program - ESTUARIO
Caitlin	McHale	National Mining Association
Gina	Shirey	Alaska Department of Environmental Conservation
Delia	Mayor	Private citizen
Coz	Lamore	Choices Interlinking Inc-Alliance
Olivia	Rodriguez Balandran	EPA Region 6
Ronald	Zorrilla	Outdoor Promise
Mala	Pattanayek	Integral Consulting
Judith	Kendall	EPA
Chad	Baisden	FDA
Lena	Epps-Price	US EPA
Monica	Brothers	EGLE
Adam	Mistler	Ocean Conservancy
Marva	King	EPA Retiree Senior Policy EJ Advisor
Nalleli	Hidalgo	TEJAS
Erica	Hall	Florida Food Policy Council/Suncoast Sierra Club
Tami	Thomas-Burton	EPA
Randa	Boykin	NCDEQ
Kiana	Courtney	Environmental Law & Policy Center
Carla	Walker	World Resources Institute
Carolyn	Yee	California Environmental Protection Agency, Department of Toxic Substances Control
Patrick	Beckley	US EPA
Reanna	Bettencourt	TPCHD
Amelia	Samaras	PHMSA

Jill	Vitas	NC DEQ - Division of Air Quality
Lorna	Weaver	Walker Lake Working Group
Bud	McAllister	Partners in Healthy Communities
Riley	Mulhern	RTI International
Sandra	Baird	MassDEP
Carolyn	Blocker	GAO
Dawn	Chapman	Just Moms STL
Amber	Garcia-Aranoz	EPA
Rose	Hanks	LSU
Stephanie	Meadows	API
Steph	Kim	EPA
John	Kinsman	Edison Electric Institute
David	White	SERCAP
Jackson	Green	Stop the polluting port
Gail	Scott	US EPA
Andrew	Geller	US EPA
Darius	Sivin	UAW
Melinda	McIlwaine	Stop the Polluting Port Coalition Great Salt Lake Audubon
Richard	Grow	US EPA Retired
Alex	Guillen	POLITICO
Sabrina	Johnson	US EPA
Naomi	Yoder	Healthy Gulf
Amelia	Cheek	IERG
John	Oluwaleye	Gender-Based violence as a public Health Issue
Deirdre	White	ASDWA
Bria	Crawford	Environmental Protection Agency
David	Brewster	PARS Environmental
Betsey	Streuli	Oklahoma Department of Environmental Quality
Shannon	McNeeley	Pacific Institute
George	Johnson	VA
Julie	Jimenez	None
Cassandra	Johnson	MDEQ
Jace	Cuje	EPA/ORD
Rosemary	Ahtuanguaruak	Nuiqsut
Gloria	Vaughn	EPA
Stephanie	Schlea	Association of Metropolitan Water Agencies
Olivia	Glenn	NJ Department of Environmental Protection
Bryan	Parras	Sierra Club
Emma	Cheuse	Earthjustice
Drew	Costley	The Associated Press
Jeffrey	Ross	Kansas Department of Health and Environment
Mary	Gutierrez	Earth Ethics, Inc.
Noah	Saperstein	Red Cliff Band of Lake Superior Ojibwe

Sharron	Porter	United States Environmental Protection Agency
Reginald	Harris	US EPA Region 3
Taaka	Bailey	MDEQ
Staci	Rubin	Conservation Law Foundation
Morgan	Capilla	US EPA
Ronald	Moore	Cincinnati Children's Hospital Medical Center
Susan	Alzner	shift7
Stephany	Mgbadigha	Air Alliance Houston
Erin	Broussard	Arizona Power Electric Cooperative
Maricela	Perryman	SJBEP
Yuwa	Vosper	WE ACT for Environmental Justice
Theodore	Hilton	EPA
Catharine	Fitzsimmons	Iowa Department of Natural Resources
Ericka	Farrell	EPA
Lin	Nelson	The Evergreen State College
Jackie	Toth	Good Energy Collective
Gilbert	Tellez	U.S.EPA
Shanika	Amarakoon	ERG
Betsy	Hale	KCPS
Kimberlie	Cole	Strata-G LLC / UCOR LLC
Laura	Olah	Citizens for Safe Water Around Badger (CSWAB)
SYLVIA	GRAHAM	WA Department of Ecology
Emily	Gulick	Jacobs Engineering
Elise	Doucette	MPCA
Claudia	Barragan	Communities in Practice
Christian	Torres	Comite Civico del Valle, Inc.
Emily	Coyner	NSSGA
Danielle	Mercurio	VNF
Mike	Schuster	Hannahville Indian community
Mary	Cordero	Community Action Works
Angela	Seligman	ND Department of Environmental Quality
Sonimar	Medina	EQB
Vivian	Koss	University of Washington
Ellu	Nasser	Environmental Defense Fund
Julian	Leichty	OEHHA
Tiffany	Ganthier	Van Ness Feldman
Lonnie	Portis	WE ACT for Environmental Justice
Jennifer	Kanine	Pokagon Band of Potawatomi
Carolyn	Peters	Concern Citizens of Mossville
Ilana	Shapiro	EPA
Patricia	Charles	CCOM
Annette	Switzer	EGLE
Iliana	Paul	Institute for Policy Integrity at NYU Law

Paloma	Pavel	Earth House Center
Alli	Phillips	EPA
Cherry	Jochum	FEMA
PATRICE	LEWIS	Gentry Locke Attorneys
Ella	Ewart-Pierce	OASH HHS Region 6
Holly	Henderson	Duke Energy
Nancy	Weber	US EPA
Lori	Manes	NOREAS Inc
Megan	Kohler	ADEC
Kimi	Matsumoto	US EPA
Kendra	Beaver	Fairmount Indigo CDC Collaborative
Kristine	Nixon	AIM Solutions
Edward	Guster	EPA Region 2
Kara	Hoving	Clean Air Task Force
Stephanie	Herron	EJHA
Sonia	Grant	N/A
Ashley	Brewer	POWER Engineers
Dustin	Kane	Green New Detroit
Elder Jacqueline V	Norris	WomEnviro Climate Social Justice Marginalized Community Collaborative
Sania	Tong Argao	U.S. EPA/ORD
Emmitt	Jackson	Member of Hanford Advisory Board
Kimberly	Crisafi	Environmental Protection Agency - OMS
Cynthia	Herrera	None
Lucas	Allen	American Academy of Pediatrics
Jill	Branby	USEPA
Daisha	Williams	Clean AIRE NC
Lauren	Ellis	Environmental Defense Fund
Maura	Witzel	HDR
Jeffrey	Severin	Wichita State University
Keala	Dickhens	Northeastern University
Jeannie	Economos	Farmworker Association of Florida
Ronne	Adkins	TDEC
Diane	VanDe Hei	AMWA
Joel	Minor	CDPHE
Eddies A.	Rivera	COALICIÓN COMUNITARIA LOÍZA AHORA INC.
Analisa	Toma	National Association of Chemical Distributors
Khanna	Johnston	US EPA SAB
Holly	Harris	Climate Nexus
Pamela	Payne	HHS
Lia	Bobay	US EPA
Christine	Lewicki	USEPA
Gail	Garrett	Concern citizens of Mossville

Tricia	Cortez	Rio Grande International Study Center
Amina	Grant	EPA
Cristina	Cabrera	Native Green
Eric	Johnson	NV5
Patty	Hill	Xcel Energy
Heather	Croshaw	St. Croix Environmental Association (St. Croix, USVI)
Renee	Hoyos	VA DEQ
Emily	Lane	University of Central Arkansas
Shiv	Srivastava	Fenceline Watch
Keisha	Long	SC DHEC
Lydia	Birk	S&ME, Inc.
Rachel	Tennis	Volkswagen Group of America
Ariana	Aragon	None
Katy	Hansen	EPIC
Matt	Holmes	Little Manila Rising
Alexandra	Hertell	Segarra Boerman Foundation
Astrika	Adams	SBA Office of Advocacy
Joyce	Stanley	US Department of the Interior
Alexis	Stabulas	EPA
Angeliz	Encarnacion	UPR
Arsenio	mataka	HHS
Shane	Palmer	Peter Damon Group
LaNicia	Clark	Public Health
Agatha	Benjamin	USEPA
Clare	Brown	WRWC
Lisa	Stuart	USDOL
Katherine	Minorini	Boston College Law School
Alex	Bansleben	Accenture
Ester	Ceja	Idaho Transportation Department
Jordan	Creed	DOI
Kevin	Lambert	NPS
LeeAnn	Racz	ToxStrategies, Inc
Dena	Adler	Institute for Policy Integrity
Rafael	DeLeon	Environmental Protection Agency
Cheryl	Kelly	DOI
Allison	Crittenden	American Farm Bureau Federation
Steve	Zuiss	Koch
Fran	Kremer	USEPA
Guy	Reiter	Menikanaehkem Inc.
Alison	Souders	EPA
Laila	Hudda	EPA
Edith	Pestana	CTDEEP
Lauren	Johnson	The George Washington University Milken

		Institute School Of Public Health
Sara	Miller	EPA
Mary	Hampton	Concerned citizens of St John
Alexandra	Berrios	Para la Naturaleza
Ramsey	Sprague	Mobile Environmental Justice Action Coalition
Sara	Johnson	NH Department of Environmental Services
Angie	Shatas	US EPA
Casey	Kalman	Union of Concerned Scientists
Isabel G.	Segarra Trevino	Harris County Attorney
Brian	Hughes	Michigan Department of Environment, Great Lakes and Energy
Matthew	Naud	Adapt. city
Rachel	Schmeltz	US EPA
I-Jung	Chiang	US Environmental Protection Agency, Region 6
Louis	Noble	EPA
Tonya	Nichols	USEPA
Rachel	Davis	Waterspirit
Kimi	Wei	The Wei LLC
Daria	Neal	U.S. Dept. of Justice
Julie	Kaplan	NA
Clea	Harrelson	NOAA Sea Grant
E	Taylor	COMMUNITY
Stephanie	Williams	MDE
Jessica	Bielecki	NRC
Olga	Naidenko	ENVIRONMENTAL WORKING GROUP
Gabriela	Baeza-Castaneda	USEPA
Elise	Rasmussen	Washington State Department of Health
Chandra	Farley	Environmental Justice Academy Alumni Association
Brandi	Crawford-Johnson	EJ Activist
Magaly	Mendez	HUD OLHCHH
Joni	Arends	Concerned Citizens for Nuclear Safety
Robert	Skoglund	Covestro LLC
Shawn	O'Brien	Troutman Pepper
James	Werner	U.S. Congressional Research Service
LESLIE	RITTS	NEDA/CAP
Mary	Fasano	EPA
Julie	Simpson	Nez Perce Tribe - Air Quality Program
Mary	McCarron	Ohio EPA
Eletha	Brady-Roberts	ORD
Boris	Ricks	CSUN
Chad	Whiteman	U.S. Chamber of Commerce
Bonita	Johnson	USEPA
Carol	Bergquist	Hannahville Indian Community

Enrique	Valdivia	Texas Rio Grande legal aid, inc
Anna	Wood	US Environmental Protection Agency
Terry	McGuire	Earthjustice
Maria	Wiseman	Bureau of Indian Affairs
Tyler	Jenkins	Senate EPW
Dinesh	Senghani	US EPA
Heleen	Bennett	FEMA
Alejandra	Ramirez-Zarate	League of Conservation Voters
Sarah	Busch	None
Colleen	Neely	Columbia University
Beth	Graves	ECOS
Jay	Baker	WESTAR
Holly	Young	EPA
David	Holtkamp	Los Alamos National Laboratory
Nadia	Ahmad	Barry University
Sarah	Sieloff	Maul Foster Alongi
David	Lloyd	EPA- OBLR
Dean	Scott	Bloomberg
Richard	Holman	Westside Coalition
Elizabeth	Cole	Montana DEQ
Suzanne	Baker	Good Energy Collective
Maggie	Striz Calnin	Michigan Clean Cities
Leslie	Hoosier	Ameren
Xavier	Barraza	Friends Valle de Oro National Wildlife Refuge
Gail	Orendorff	FAA
Ana Rosa	Rizo-Centino	One Step A La Vez
Sandra	Talley	NRC
Virginia	Sanders	National Sierra Club

NEJAC MEMBER BIOS NOVEMBER 2021 - APPENDIX A

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

NEJAC Member Biographical Summaries

November 2021

CHAIR

Orduño, Sylvia

Michigan Welfare Rights Organization

Sylvia Orduño has been a community organizer with MWRO for over 25 years and is a strong advocate for the rights of poor and low-income residents. She has served on many governmental, academic, and philanthropic advisory boards and committees promoting policies and legislation for the basic needs of low-income people, particularly on water, energy and housing affordability and environmental justice protections. She co-organized the U.S. Social Forum in 2010 in Detroit, has presented at several state, national and international forums on water justice, and facilitated dozens of panels, presentations, and convenings on community rights, water infrastructure, and centering the voices of impacted residents. Ms. Orduño is a convenor with the People's Water Board, a coalition of three dozen Michigan environmental, social justice and faith-based groups actively working on water affordability and the human rights to water and sanitation; is a co-coordinator for the National Coalition for Legislation on Affordable Water; a member of the Michigan Environmental Justice Coalition and the Water Is Life Coalition joining Michigan and Ontario, Canada grassroots communities on Great Lakes issues. Additionally, Ms. Orduño serves as an appointee to the EPA's Great Lakes Advisory Board and the inaugural Michigan Environmental Justice Advisory Council.

VICE CHAIR

Osborne Jelks, Na'Taki

West Atlanta Watershed Alliance and Proctor Creek Stewardship Council

Dr. Na'Taki Osborne Jelks is Co-Founder and Board Chairperson of the West Atlanta Watershed Alliance (WAWA). WAWA is a community-based organization of residents in Northwest and Southwest Atlanta's Proctor, Utoy, and Sandy Creek Watersheds who are overburdened with environmental stressors and pollution but are often underrepresented at environmental decision-making tables. WAWA was established as result of community efforts to halt discriminatory wastewater treatment practices in West Atlanta, and it has grown to become an impactful force in community-centered sustainable development. Many call Jelks a "Watershed Warrior". Under her leadership, WAWA has led community efforts for 14+ years to clean up, protect, and restore Proctor Creek, one of Metro Atlanta's most impaired waterways. Dr. Jelks was heavily involved in WAWA's work with other community-based organizations to establish the Proctor Creek Stewardship Council (PCSC), a grassroots organization that engages Proctor Creek residents in community-driven, collaborative problem-solving processes, along with government, academia,

and other stakeholders, to identify innovative, community-engaged approaches for environmental restoration of the watershed and its people. Jelks served as one of two founding Co-Chairs of the Council. As a part of Atlanta's Water Equity Task Force, she works to connect water burdened neighborhoods and residents threatened by gentrification to workforce development opportunities in green infrastructure. Jelks' and WAWA's community-driven advocacy to advance water equity issues in Atlanta were critical in the U.S. Environmental Protection Agency's decision to invest in the Proctor Creek as an Urban Waters Federal Partnership Site. Jelks has championed community science initiatives in which she trains West Atlanta residents to be watershed researchers who monitor water quality and investigate local environmental conditions; giving them actionable data to press for solutions to urban watershed and community health challenges. When she's not trying to transform toxic landscapes into healthy communities, Dr. Jelks works to teach and train the next generation of environmental health professionals and environmental justice advocates as an Assistant Professor in the Environmental & Health Sciences Program at Spelman College.

VICE CHAIR

Tilchin, Michael

Jacobs Engineering

Mike is a senior environmental consultant for Jacobs Engineering. He served as Jacobs' U.S. EPA Client Account Manager for more than 20 years. Under Mike's leadership, Jacobs had a major role in the clean up several hundred Superfund sites. In addition to supporting Superfund cleanups, the company serves EPA's brownfields, water security, water infrastructure, research and development, and sustainable community programs. Mike is the co-vice chair of EPA's National Environmental Justice Advisory Council (NEJAC) and chaired the NEJAC Superfund Working Group that prepared NEJAC's report, Superfund Remediation and Redevelopment for Environmental Justice Communities, with in-depth strategies and recommendations for how to make the Superfund program more responsive and effective in protecting overburdened and underserved communities affected by toxic and hazardous waste sites. Mike is a member of the American Society of Civil Engineers (ASCE) and served on ASCE's Committee on America's Infrastructure. Mike was the lead author for the Hazardous Waste Infrastructure section for ASCE's America's Infrastructure Report Card- 2021. Mike now serves on ASCE's Public Policy Committee. Mike is active with the American Council of Engineering Companies (ACEC) and has a leadership role in ACEC's Remediation Work Group's RWG's ongoing efforts to improve cleanup actions under Superfund. Mike serves on the Board of Directors of the Anacostia Watershed Society (AWS), and was the AWS Board Chair from 2010 - 2013. AWS works with communities, the private sector, and all levels of government to restore what was among the most polluted urban rivers in the country and is now on a path to becoming fishable and swimmable within several years. Mike served on the Board of Directors of the CH2M HILL Plateau Remediation Company at the Department of Energy site in Hanford, Washington from 2013-2019. Mike attended Harvard University and received a B.S. in Geology from the University of Michigan, and an M.S. in Biological and Agricultural Engineering from North Carolina State University. He is a professional engineer licensed in the State of Virginia, certified as a LEED 3

Green Associate, and is an Adjunct Professor in the Department of Natural Resources Science at the University of Rhode Island.

OTHER MEMBERS

Baptiste, April

Colgate University

April Karen Baptiste is currently a Professor of Environmental Studies and Africana and Latin American Studies at Colgate University. Her research interests lie at the nexus of environmental psychology and environmental justice. Her projects have explored the worldviews to environmental problems in the Caribbean with a focus on marginalized populations like fishers'. Her current research project examines the characteristics of environmental movements across the Caribbean region, seeking to understand whether environmentalism can be viewed through the lens of decolonization. Ms. Baptiste received her PhD from State University of New York, College of Environmental Forestry in Environmental policy, a Master of Science in Science for the Management of Tropical Environments from the University of the West Indies St. Augustine, Trinidad and Bachelor of Science in Chemistry and Management from the University of the West Indies, St Augustine, Trinidad.

Barreto, Brenda Torres

San Juan Bay Estuary Program

Brenda Torres Barreto is a professional in the field of sustainability with vast experience in environmental management, corporate social responsibility and public policy development through empowerment and multisector alliances. She has excelled in leadership positions in Puerto Rico and the United States. Her professional career has led her to be part of Governor Andrew Cuomo's executive team as Assistant Secretary for the Environment of the State of New York. It was there that Torres Barreto advised Governor Andrew Cuomo on environmental policy and had the opportunity to develop the state environmental justice platform in New York. Prior to working in the governor's office, Brenda led the efforts of the Commonwealth of Puerto Rico in the Northeastern United States. From this position, she represented the interests of Puerto Ricans on the Island and Puerto Ricans in this region of the US facing federal agencies, state and municipal governments. Among the initiatives promoted during this period is the development of the Puerto Rican Creative Network and the National Puerto Rican Agenda. Brenda oversaw the federal and state efforts for the revitalization and sustainability of Vieques and for the dredging project in the Caño Martín Peña. Currently, Brenda serves as Executive Director of the San Juan Bay Estuary Program, an initiative focused on the restoration of water bodies in the metropolitan area of Puerto Rico, and part of the National Estuary Program partly funded by the USEPA. Through the Estuary Program, Torres Barreto coordinates multi-sector efforts, empowers citizens to be part of the restoration process and ensures the well-being of residents of the metropolitan area.

In the past, Brenda has advised government, business and community leaders in the application of sustainability practices in their social and economic projects. Brenda is the founder of the Latino Climate Action Network, which allows emerging leaders to take part in the discussion on climate justice by preparing them to evaluate and propose policy briefings. Torres Barreto also led the community revitalization effort in Williamsburg, Brooklyn through a comprehensive program called the "Green Light District." Brenda's passion is the management of non-profit organizations for the conservation and restoration of habitats. In California, Brenda served as the Executive Director of the Audubon Society's third largest chapter in this state, serving 4,000 active members and more than 100 volunteers. Ms. Torres Barreto also worked as a public policy analyst for the United States Forest Service in Washington, DC, where she evaluated mechanisms for the ecosystem assessment of national forests in the western United States. She has served in numerous forums by providing policy advice on major restoration projects and social projects in California, New York and Puerto Rico. Brenda co-chairs the Climate Strong Island Network, a coalition of U.S. island entities that work across sectors and geographies in the continental US and the nation's states and Caribbean and Pacific territories to address the vulnerabilities and risks in the face of climate change. She collaborates with the Puerto Rican diaspora through her volunteer work at the Roundtable of the Center for Puerto Rican Studies at the City University of New York Hunter College. Brenda is an Op-Ed contributor to local newspapers. Brenda is a LEED Accredited Professional for the development of green buildings. She received a BS in Environmental Sciences from the University of Puerto Rico and a Master's degree in Environmental Management from the Yale School of the Environment. She is currently pursuing a doctoral degree in Integrated Water Resource Management from the University of Puerto Rico.

Beltran, Felicia

Arizona Department of Transportation

Felicia Beltran is a Civil Rights Compliance Manager at the Arizona Department of Transportation's (ADOT) Civil Rights Office (CRO) and oversees the Title VI, Environmental Justice (EJ) and External EEO Contractor Compliance programs. In April of 2016 she started her work in the CRO, prior to that she worked in public involvement at ADOT and at the Arizona Department of Environmental Quality (ADEQ). Her environmental justice experience started in 2007 as a Community Involvement Coordinator at the ADEQ where she executed public involvement requirements for groundwater, air quality and soil contamination at NPL Superfund and local Water Quality Assurance Revolving Fund (WQARF) sites. In this position she also facilitated Community Advisory Boards. She worked closely with EPA staff at Region 9 to ensure that participation barriers were eliminated specifically for impacted low-income and minority groups.

Once at ADOT and in her role as a public involvement practitioner she served as a liaison between the public and ADOT to ensure that the public had opportunities to provide meaningful input on ADOT transportation projects. Building on her work with ADEQ she was able to expand and sharpen her skills as a EJ practitioner in the field of public involvement and became more aware of the historic 5

environmental disparities specifically to low-income and minority populations when they are not a part of the decision-making process for proposed projects within the community. Now in her current position as a Civil Rights Compliance Manager she is most passionate about the opportunities to educate ADOT employees and management on ADOT's civil rights responsibilities. Her primary focus is to prevent discrimination from happening and to eliminate it when it does.

Britt, Joy

Alaska Native Tribal Health Consortium

Joy Britt was born and raised in Guam. Being raised on an island located on the ring of fire, she is no stranger to the effects of nature's most destructive forces, including earthquakes and typhoons and the effects of environmental impacts to human health. Three years of her adolescence was spent without running water or power due to severe storms and latent repairs to the island's infrastructure. She lived in third world country conditions but witnessed others much worse off. Such early experiences observing the need for access to healthcare led to her obtaining her MPH and her current line of work. Joy is the Senior Program Manager of the Alaska Native Tribal Health Consortium's Contamination Support Program. She is accountable for all aspects of project planning, grant writing, funding, and implementation of various projects, including, the Brownfields Tribal Response Program (TRP), the national contract with Kansas State University for Tribal Technical Assistance to Brownfields, and the Rural Alaska Monitoring Program. Joy also participants in research and data dissemination of food security projects within the Bering Straits and consults on scientific and technical issues that arise through community concerns and as a contributor to the Local Environmental Observer Network and the Tribal Brownfields Forum. She provides collaborative technical assistance to 29 Tribal Response Programs throughout Alaska, all Alaska Tribes, and requesting statewide entities.

Bryson, Charles

City of St. Louis Civil Rights Enforcement Agency

Charles Bryson have served in various aspects of Human Service; from a Case Worker and Case Manager at various programs for persons who were homeless in Baltimore, St. Louis and Springfield Il., to the Director of a Head Start in Springfield Il and Executive Director of a Head Start Program in Peoria Il. He also held various positions in State and City government, including Area Representative for the Missouri Housing Development Commission, Neighborhood Development Executive, and Senior Policy Advisor and Director of Department of Public Safety under former City of St. Louis Mayor Francis G. Slay and Director of the Civil Rights Enforcement Agency under both Mayor Slay and current Mayor Lyda Krewson. Finally, He sit on the Board of Earthday365, and 6

environmental group that focuses on ways residents and businesses can play a role in addressing environmental issue every day.

Carroll, Sr., Ambrose

Green the Church

Reverend Dr. Ambrose F. Carroll, Sr. is pastor of Church by The Side of The Road in Berkeley, CA. He is the Moderator of the Home & Foreign Mission District Association and Vice President at Large of the California State Baptist Convention. Dr. Carroll is also a commissioned chaplain in the United States Navy Reserve. Prior to joining Church by The Side of The Road, Dr. Carroll served as the youth and young adult pastor of Third Baptist Church in San Francisco; senior pastor of the St. Paul Tabernacle Baptist Church of San Francisco; and senior pastor of the New Hope Baptist Church of Denver, CO. In 2009, Dr. Carroll & Carroll Ministries International founded Greenthechurch.org, which is the largest repository and catalyst for environmentalism and sustainability for the Black church globally. Dr. Carroll earned a Master of Divinity from Morehouse School of Religion in Atlanta GA, a Doctor of Divinity from United Theological Seminary in Dayton Ohio, and a Master of Business Administration from Golden Gate University in San Francisco, CA. He is married to Katresa Williams, and they have three children.

Clow, Scott

Ute Mountain Ute Tribe

Scott Clow studied environmental science and chemistry in college-with an interest in analytical chemistry, he entered the environmental testing industry in the early 1990's. I worked in analytical laboratories in various capacities spending the last two years of lab work doing gas chromatography on drinking water samples- for VOC's and SOC's. Upon the closure of the laboratory, he worked and learned of an opportunity to work for the Ute Mountain Ute Tribe in southwest Colorado as a Water Quality Specialist. He held the position for 12 years, monitoring surface and groundwater quality, helping the Tribe gain jurisdiction to regulate surface waters, developing a groundwater protection plan and nonpoint source management plan, assisting in some drinking water monitoring and operations and wastewater monitoring and operations, writing grants, and various other work that was requested. When the opportunity presented itself to become the Director of the department he applied and got the position. Scott has been the department director for the last 13 years. In this capacity, he manages a staff that includes water quality, air quality, brownfields, biology, and other various environmental initiatives. We are fully grant funded and bring in several hundred thousand dollars per year to fund our program. Over the years Scott has become more passionate about the Tribe's environmental issues and worked hard to garner the resources and experts to address them. Some include oil field pollution, pollution from a uranium mill adjacent to the Reservation, surface water pollution from various sources, drinking water and wastewater infrastructure expansion, drinking water 7

treatment and Safe Drinking Water Act compliance assistance, solid and hazardous waste management, and development of a biology program to help with wildlife, habitat and species management including threatened and endangered species. Scott represents the Tribe on the Regional Tribal Operations Committee of EPA Region 8 tribes and is currently the Vice-Chair of the National Tribal Caucus. He has served as an alternate on the National Tribal Science Council, serve on the Board of Directors of two local not-for-profit organizations, volunteered for the Lower Dolores River Working Group, and was awarded a Citizen of the Year award in the community.

Colon de Mejias, Leticia

Green Eco Warriors

Leticia Colon de Mejias is a nationally awarded energy equity speaker, building scientist, author, educator, workforce development leader, and energy equity policy expert.

She is the Founder and President of Green Eco Warriors, an award-winning nonprofit, educational, and research organization focused on environmental conservation, environmental justice, sustainability, and the empowerment of youth and families. Through this organization, she has provided culturally aware climate and energy education, reclaimed wetlands, and created a Wetland Walk which increased the access to wetland areas for communities of color. Leticia focuses on the interconnectedness of air, water, land, and human life. Leticia is an awarded published author; her books and tools focus on environmental leadership, sustainability, EJ, and she created a line of educational science-based graphic texts which feature a cast of diverse superheroes and align with national science standards (NGSS). These books and the programs connect low-income communities to scientific information on climate change, energy, civics, food, water, and Environmental Justice. She is the founder of the nationally awarded company Energy Efficiencies Solutions. Her companies have provided energy efficiency assessments and upgrades to over 14,000 households and completed full energy efficiency retrofits in over 10 million square feet of multifamily housing. She is the Founder and Co-Chair of Efficiency For All, a nonprofit whose workforce programs create local jobs which lead to a stable income, create resilience in families, and develop generational wealth in low-income communities. EFA also collects and reflects energy equity policy, planning reports, and information to keep stakeholders and leaders informed on community impacts. EFA advocates for the stabilization and expansion of local and national Energy Efficiency and renewable programs which protect human health and the environment, provide local jobs, increase positive economic outcomes, and reduce short-term and long-term energy costs while protecting human health. She is the recipient of many national awards, including the United States of America's Department of Energy Award for work with at-risk and minority populations, National Award Building Scientist Hall of Fame, Minority Small Business of the year award, National Department of Education award. Leticia has many appointed and volunteer roles including the Policy Co-Chair of the National Building Performance Association, Chair of Latino and Puerto Rican Affairs on the Commission for the state of 8 Connecticut Commission on Women Children Elderly Latino & Puerto Rican Affairs, member of the Governor's Workforce Council in the Office of Workforce Strategy, and a member of the Minority Initiative Board where she advocates for equity issues and Climate Justice, transportation as well as diversity and inclusion. She provides input in several other local state agencies and local nonprofits and has served as an advisor on many state and local Commissions. She has been called to give expert testimony to Congress on Climate Change, Workforce Development, and Green Energy Careers, and Small Business. Leticia has also raised and supported important legislation including but not limited to the PFAS bill (CT Bill No. 926) which was signed into law in June of 2021, Healthy Homes HB 356 in the state of Connecticut in the 2021 legislative session. Her work focuses on lifting the voice of the underrepresented, disconnected, and disparaged, as she seeks to empower them in the fight for survival.

de Aztlán, Cemelli*La Mujer Obrera*

Cemelli de Aztlán, born and raised in El Paso has been engaged in community organizing, advocacy and non-profit work throughout her career. As a community organizer with La Mujer Obrera, working alongside residents, parents and youth to organize in the barrio to address the systemic exploitation of low-income, Spanish-speaking, immigrant neighborhoods on the border. There is a great divide in the city of El Paso that excludes communities like Barrio Chamizal. Our geographic boundaries are defined by environmental hazards; our neighborhood sits north of an international bridge and east of an interstate with heavy truck traffic, west of an industrial waste facility and train tracks and south a major highway, I-10. The divide is not only geographical, but political. We seek to create a dignified, sustainable, and empowering alternative rooted in justice.

Cemelli received her Bachelor of Arts in English & Religion from Concordia University at Austin, and her master's in divinity with a focus on Women in Religious Studies & Indigenous Religious Studies from Harvard University.

Doyle, John*Little Bighorn College*

John Doyle was born, raised and continues to live in Crow Agency, in the heart of the Crow Reservation. He is an enrolled Tribal member and has dedicated his life to addressing environmental and social justice concerns for his people, beginning with serving as a County Commissioner for 24 years, the Director of the Tribal Water and Wastewater Authority for 15 years and continuing after his retirement to serve through co-founding and co-leading multiple community organizations dedicated to improving Tribal environmental health, youth environmental literacy and community development. John Doyle is currently employed with Little Big Horn College and Montana State University conducting collaborative environmental health research with the Crow Tribal community, under the guidance of the Crow Environmental Health Steering Committee. John Doyle has devoted his life to helping his people, the Crow Tribe, and in the past ten years has become active in Tribal environmental health on a national level.

Edwards, Jabari O.*J5 GBL, LLC*

Jabari O. Edwards, Sr. is a native of Columbus, Ms. He is the owner of J5 GBL, LLC, a project management firm, majority owner of The Bridge Group, LLC, an insurance brokerage firm, BH Properties, and North Atlantic Security Company. Having established personal and professional relationships throughout the United States, Jabari's focus is growing his organizational brand on a national and global level. Jabari began his entrepreneurial career in January 2000, with the opening of an insurance agency. He was co-owner of H&E Construction, a minority owned company that focused on residential and small commercial projects. He has a proven track record of managing people and the timely delivery of projects. Upon the formation of The Bridge Group (larger clients include MGM Mirage, United States Secretary of State Global Embassy Arts, Southern Company) in 2007 (purchased from Wells Fargo), Jabari worked to build a relationship with Aon (the largest insurance brokerage and consulting firm in the world), and from there worked with management a team in Chicago to build Cornerstone Innovative Solutions (a division that partners and mentors minority firms). In 2010, Jabari worked with the CEO's of Wells Fargo global brokerage Dave Zuercher and Neal Aton, along with Anne Doss (head of banking relationships) to create a business model for Wells Fargo diversity initiative. In 2012, Jabari worked with Willis executives Kim Waller and Phil Styles to create Willis' business model, Willis Open. Jabari has testified in State of Mississippi hearings about ways to improve minority participation on state funded contracts.

In 2010, Jabari saw the need for a minority firm with scalability in the construction sector, and therefore he started J5 GBL. J5 has served as construction/project managers on many complex projects for many global companies around the country. J5 serves as the ground and building maintenance contract for Southern Company on their Kemper county MS Project, served civil contractor for Kior (biofuel plant located in Columbus, MS). J5, in a contract assignment, serving as the project management firm, has been the first minority contractor in the history of Columbus MS. Ironically Jabari's father, Joe Edwards was the first African American elected official in the history of the city. Jabari's mission is to build a project management firm which combines unparalleled expertise with a commitment to real diversity. Working for the Greenfield Environmental Trust, J5 is now known around the country as one of the premier environmental management and environmental Justice firms in the South-East Region of the United States. Jabari also served as a director on various boards, including Mississippi Health Trust Fund (appointed by Governor Haley Barbour this board managed and set the budget of the billions in funds received from the tobacco lawsuit), Vice-Chairman of Columbus Housing Authority and Chairman of the Board of Commissioners for the Columbus Utility Board. article was written about this program, in a national utility magazine, and duplicated by other energy providers. Currently Jabari serves on the Board of the Boys and Girls Club, Small Business Capitol Loan Fund Board (formerly the Minority Loan Fund Board), The North Mississippi Board for Regions bank, The Mississippi Business Finance Corporation/ Mississippi Development Bank (appointed by Governor Phil Bryant), and The United States EPA's The National Environmental Justice Advisory Council (NEJAC) (Appointed by EPA Administrator Scott Pruitt in December 2017). He is married to the former Jewel Sherrod, and they have three children: Tori, Jabari Jr., and Joe. They are active members of Vibrant Church in Columbus, MS. He is active in his community, a Diamond Lifetime Member of the NAACP. He and Jewel started their non-profit Bubba's Hope to further their commitment to honor Jabari's father, Joe, by serving and help the less fortunate around the country.

Fritz, Jan

University of Cincinnati, *University of Johannesburg and University of South Florida*

Jan Marie Fritz, Ph.D., Certified Clinical Sociologist (C.C.S.), is a Professor in the School of Planning at the University of Cincinnati (USA); a Distinguished Visiting Professor at the University of Johannesburg (South Africa) and a Visiting Professor with Taylor's University (Malaysia). She currently is a Fulbright-National Science Foundation Arctic Scholar in Iceland. She is member of the Executive Committee of the International Sociological Association (ISA), the lead ISA representative to the United Nations and a Fulbright Specialist (consultant). She is a member of the Mayor's Gender Equality Task Force in Cincinnati, Ohio, editor of Springer's Clinical Sociology book series, a docent at the Harriet Beecher Stowe House in Cincinnati, Ohio and was, for many years, a special education mediator for the state of Kentucky. She has been a Fulbright Senior Research Scholar at the Hungarian Academy of Sciences, a Woodrow Wilson Fellow in Washington, D.C., and a Fulbright Distinguished Scholar in Human Rights and International Studies at the Danish Institute for Human Rights. She has been given Fulbright travel awards to Sweden, the United Kingdom and Poland. Dr Fritz's work has won a number of awards including the Ohio Mediation Association's Better World Award and the American Sociological Association's Distinguished Career Award for the Practice of Sociology. Her publications include: *Moving Toward a Just Peace: The Mediation Continuum*; *Community Intervention: Clinical Sociological Perspectives*; *International Clinical Sociology*; "Cities for CEDAW: Notes on Effective Intervention," "Social Justice for Women and Girls: Global Pacts, Unmet Goals, Environmental Issues", "Environmental Injustice and Incarceration: Notes from the United States" and "Searching for Environmental Justice: National Stories, Global Possibilities."

Ghanta, Venu*Duke Energy*

Venu Ghanta is the Vice President of Federal Regulatory Affairs and Environmental Policy at Duke Energy Corporation. Venu leads the company's environmental policy development and engagement strategy with EPA, other key federal agencies, and national environmental organizations. He also provides strategic analysis to senior leadership on the opportunities and risks related to the federal regulation of the utility industry. Venu currently serves as co-chair of Edison Electric Institute's Air Quality Subcommittee. Prior to coming to Duke, Venu worked in EPA's Office of Air and Radiation (OAR), where he spent nine years designing and implementing regulations. Venu served as technical lead in developing the Greenhouse Gas Reporting Program, earning an EPA Gold Medal for Exceptional Service. He also was a key member of the Renewable Fuel Standard team, earning the agency's Science Achievement Award. From 2010-2012, Venu served as a Special Assistant to EPA Administrator Lisa Jackson, where he was responsible for obtaining the Administrator's concurrence on all regulations issued by EPA's air office. Venu served as a Peace Corps Volunteer in Namibia and Nepal. He received a B.S. in Chemical Engineering from the University of Michigan, an M.S. in Chemical Engineering from the University of California at Berkeley, and an M.S. in Environmental Sciences and Policy from Johns Hopkins University.

Harrison, Jill*University of Colorado Boulder*

Dr. Jill Harrison is an Associate Professor of Sociology at the University of Colorado Boulder, a position she held since 2011. From 2006 to 2011, she was Assistant Professor of Community and Environmental Sociology at the University of Wisconsin-Madison. She has a PhD in Environmental Studies from the University of California-Santa Cruz (2006) and a BA in Development Studies from the University of California-Berkeley (1997). Dr. Harrison's research, teaching, and service work focus on environmental justice movements, environmental politics, racial environmental inequalities, racial inequalities in agriculture, and immigration politics. She has conducted research on environmental politics with a focus on environmental justice for 20 years. Her research focuses on identifying the roots of environmental injustice in the contemporary United States and innovative strategies for redressing those harms. She takes seriously the concerns of members of environmentally overburdened and marginalized communities; conduct research that helps to make visible, explain, and address the injustices they experience; use my expertise in qualitative research methods to collect data that sheds new light on the forms, scope, and consequences of injustice; draw on my interdisciplinary training in environmental studies to marshal and integrate relevant scientific evidence from many fields of study; and specify regulatory and policy reforms that would help rectify these inequalities. She primarily collected data through in-depth, confidential interviews with regulatory officials, community members, and other key stakeholders; ethnographic observation of government agency meetings and activist events; participation and collaboration with community activists; focus groups with key participants; and, occasionally, structured surveys.

Dr. Harrison's projects have focused on political conflict over agricultural pesticide drift and its public health impacts on marginalized farmworker communities, escalations in immigration enforcement and their impacts on immigrant farm workers, and government agencies' environmental justice reform efforts. She teaches undergraduate courses in environmental justice and the sociology of agriculture and food, as well as graduate courses in environmental justice, environmental sociology, and qualitative research methods. She is cofounder of a graduate certificate program in Environmental Justice to help train graduate students in EJ and foster a network of EJ scholars at the university. She has served on the Wisconsin Governor's Council for Migrant Labor, as well as the Wisconsin Migrant Coalition, both 12

appointed volunteer advisory committees. She served as Chair of the American Sociological Association's Environmental Sociology Section, a three-year elected position.

King, Virginia

Marathon Petroleum Company

Virginia M. King is the Director of Sustainability and Stakeholder Engagement for Marathon Petroleum Company (MPC). MPC is a leading, integrated, downstream energy company headquartered in Findlay, Ohio. Previously, Ms. King was the Environmental, Safety, and Security Assistant General Counsel, specializing in environmental justice and the Clean Air Act. She has a Chemical Engineering degree and Law degree from the University of Toledo. She is a patent attorney and has worked in the petroleum industry for over 30 years.

Kricun, Andy

Moonshot Missions

Andrew (Andy) Kricun is a Managing Director with Moonshot Missions, a non-profit focused on providing technical assistance to water utilities in underserved communities. He is also a Senior Fellow with the US Water Alliance working on their national water equity initiative. He is also working as a Senior Advisor at the Water Center at the University of Pennsylvania on various projects related to the Delaware River watershed. He also serves as the chair of the NJ Environmental Justice Advisory Council's water equity committee, and the co-chair of the Jersey Water Works water equity initiative and is a trustee of the NJ Conservation Foundation. Andy is committed to social justice, with a particular emphasis on water equity. He believes very strongly that everyone, regardless of where they live or what they look like, is entitled to safe drinking water and clean waterways at an affordable rate. He also believes that no community, household or person should be subjected to a disproportionate environmental burden. He hopes to be able to do his part to reduce environmental injustices and is looking forward to serving on the NEJAC to help those who need help the most. Andy has over 35 years of wastewater and biosolids management experience. He graduated with honors from Princeton University with a degree in chemical engineering. He also holds a professional engineer's license in civil engineering and is a board-certified environmental engineer as well.

McClain, Mildred*Harambee House*

Dr. Mildred McClain co-founded and currently serves as the Executive Director of the Harambee House/Citizens for Environmental Justice, a community-based organization whose mission is to build the capacity of communities to solve their problems and to engage in positive growth and development. The organization was created in 1990, is located in Savannah, GA, and serves communities at the local, state, regional, national, and international levels. Dr. McClain has been a human rights activists and teacher for over 40 years. She has served on numerous committees, commissions, working groups and boards. She created major partnerships with the Department of Energy, the Environmental Protection Agency, the Agency for Toxic Substances and Disease Registry, the Centers for Disease Control, and many community-based organizations, with the goals of addressing public health and environmental justice issues and concerns. Under Dr. McClain's leadership for the past 27 years, the Black Youth Leadership Development Institute has trained over 3000 young people to serve as leaders in their communities. The goal of the work is to develop the capacity of communities to create lifestyles that promote health, wellness, and environmental sustainability through community gardens, health fairs, testing children for lead poison, and soil testing in contaminated communities. alliance, Los Jardines advocates for stronger, safer, and just chemical policies. Mr. Moore is a recipient of the 2005 Ford Foundation Leadership for a Changing World.

Nagano, Ayako*Common Vision*

Ms. Nagano serves as Managing Attorney for Midori Law Group, P.C. and specializes in serving Japanese American seniors. Ayako serves as Secretary of the Board for four 501(c)(3) non-profits: Common Vision, which installs school gardens all across California; Transition Berkeley, a local Transition Town initiative to bring neighbors together to build a more equitable, sustainable, resilient future for Berkeley; and Nippon Kobo, which produces cross-cultural programs by luminaries in the Japanese American community. She also serves on the boards of Transition US, the national hub of the worldwide Transition Town movement fostering just resilience in over 1000 communities worldwide, and Clean Water Fund, the 501(c)(3) arm of Clean Water Action, whose mission it is to protect our environment, health, economic well-being and community quality of life. She also serves as board chair of the NorCal Resilience Network, an organization that plans for community resilience and promotes resilience hubs in the age of climate change. Ayako also serves on the Steering Committees of the Green Leadership Trust, a coalition of non-profit board members of color, promoting diversity, equity and inclusion within Environmental movement and is also co-chair of ITRC (International Transformational Resilience Coalition) in California, working to build widespread levels of psychological and psycho-social-spiritual resilience for the adversities generated by climate change. She also organizes the local Plastic Reduction Working Group out of the Ecology Center in Berkeley, California.

Orr, Jeremy F.*Natural Resources Defense Council*

Mr. Orr is an attorney for the Natural Resources Defense Council. As a member of NRDC's Safe Water Initiative, Mr. Orr focuses on drinking water and source water protection issues, working to ensure that everyone has access to safe, sufficient, and affordable drinking water.

Immediately prior to joining NRDC, Mr. Orr served as the National State Program Director for Peoples Climate Movement where he organized communities throughout the country around climate justice issues. Formerly, Mr. Orr also worked as the Environmental Justice Coordinator for the Transnational Environmental Law Clinic at Wayne State University Law School. In that role, Mr. Orr also served as the Coordinator for the historic Michigan Environmental Justice Coalition. Before joining Wayne Law, Mr. Orr was the Executive Director of the Mid-Michigan Environmental Action Council where he led regional efforts to improve environmental and public health through river protection and restoration, stream monitoring, storm water management, food justice, and environmental justice programming. Additionally, Mr. Orr spent three years as a Community Organizer with the Gamaliel Foundation where he organized around numerous social justice issues including the cleanup of a PCB-contaminated landfill. Mr. Orr currently serves a Vice-Chair of the Environmental Justice Committee for the American Bar Association's Civil Rights and Social Justice Section and State Chair of Environmental and Climate Justice for the Michigan State Conference NAACP. Mr. Orr also sits on boards of directors for multiple non-profit. Mr. Orr earned his Bachelor's, Master's, and Juris Doctor from Michigan State University.

Owen, Sofia*Environmental Justice Legal Services (EJLS), Alternatives for Community & Environment (ACE)*

Sofia is ACE's Staff Attorney. She works with ACE staff to ensure that the legal rights of people of color and low-income residents are protected. She also provides systematic legislative and regulatory advocacy on behalf of environmental justice communities at the municipal and state level. Sofia comes to ACE from Community Action Works (formerly Toxics Action Center), where she provided organizing assistance to community groups in Eastern Massachusetts and Rhode Island and built power to address environmental racism, settler colonialism, and other systemic barriers that disproportionately affect communities on the front lines of pollution. Previously, Sofia worked as a Trial Attorney for the Committee for Public Counsel Services. She has a J.D. from Northeastern University School of Law, a Master's in Environmental law and Policy from Vermont Law School, and a B.A. from the University of Pennsylvania. When not at work, Sofia organizes with the Deeper Than Water coalition and volunteers with the Boston chapter of Black & Pink. She enjoys practicing yoga and watching soccer, particularly the US Women's National Team and the Uruguayan national teams. 15

Pauli, Benjamin*Kettering University*

Dr. Ben Pauli is Associate Professor of Social Science at Kettering University in Flint, MI. He holds a Ph.D. in Political Science from Rutgers University (2014). Dr. Pauli has been extensively involved in the response to the Flint water crisis as an activist and researcher. He is the author of *Flint Fights Back: Environmental Justice and Democracy in the Flint Water Crisis* (MIT Press 2019), which examines the role of local water activists in exposing, addressing, and constructing a narrative around the crisis. From 2016 to 2017, Dr. Pauli worked with the Flint Area Health and Environment Partnership on a legionella sampling project funded by the Michigan Department of Health and Human Services. He is the president of the board of the Environmental Transformation Movement of Flint (etmflint.org), a local environmental justice group, and vice-chair of the Flint Water System Advisory Council. Dr. Pauli's water-related research and advocacy interests include issues of water and trust, water governance, environmental justice, and principles of engagement and collaboration in community-based research. On NEJAC, Dr. Pauli serves as a representative of the academic community.

Perry, Jonathan*Becenti Chapter*

Jonathan Perry is a member of the Navajo Nation and resides in the community of Becenti located within the Eastern Navajo Agency in northwestern New Mexico. He has dedicated his life to serving his people, protecting communities, and preserving Diné cultural and historical knowledge. Currently Mr. Perry is serving as the Becenti Chapter President, a local leadership position, within his community; and is considered a Náat'áanii (leader) on the Navajo Nation due to his many years of serving the Navajo people. Prior to becoming an elected tribal official Mr. Perry was active in many community grassroots organizations ranging from cultural preservation initiatives to the protection of natural resources and sacred areas. Mr. Perry is notably recognized for his work in efforts to address cleanup of areas contaminated from past uranium mining activities on and near the Navajo Nation. As an outspoken advocate for emphasizing the importance of the involvement and voice of communities, he created advisory bodies within the Navajo Nation government to provide opportunity for the public be involved with policy making. Mr. Perry is a former council delegate of the 23rd Navajo Nation Council where he served on the Law-and-Order Committee, the Resources and Development Committee, and the Navajo Nation Sacred Sites Taskforce; he is also a former member of the Eastern Navajo Land Commission where he worked on land and energy matters concerning communities located in Eastern Navajo Agency; and is a former Becenti Chapter Vice-President 16

Piazza, Millie

Washington State Department of Ecology

Millie Piazza is the Manager of the Office of Equity and Environmental Justice for the Washington State Department of Ecology. In this role, she works to implement the state's environmental justice law, integrate environmental justice priorities into agency strategy, advance nondiscrimination practices to comply with Title VI obligations, and address equity and justice challenges in Washington. She began her work at Ecology in 1994, designing and conducting the first statewide EJ study. She has broad experience in national and international environmental justice, and currently serves on the Governor's Interagency Council on Health Disparities and the University of Washington Superfund Research Program External Advisory Board. Millie received a Ph.D. from the University of Michigan School for Environment and Sustainability, a Master of Environmental Studies (MES) from The Evergreen State College, and a Bachelors in Sociology from Whitman College.

Shabazz, Jerome

JASTECH Development Services and Overbrook Environmental Education Center

Jerome Shabazz is the founder and Executive Director of JASTECH (Juveniles Active in Science and Technology) Development Services, Inc. A not-for-profit organization developed in 1998, to promote environmental justice; encourage sustainable community development and to promote public health in urban communities. In 2002, JASTECH applied for and received a US Environmental Protection Agency (EPA) grant under the Clean Water Act to establish the Overbrook Environmental Education Center (OEEC), a community-based center dedicated to preserving our built and natural environments. Under Mr. Shabazz's direction, the OEEC completed a Targeted Brownfields Assessments (TBA) and remediated environmental hazards from a Brownfield site in Western Philadelphia. The OEEC has trained thousands of students on the Clean Water Act and Toxic Substances Control Act, and other topics that reduces human exposure to toxic substances at home and school. The OEEC is nationally known for its Environmental Justice and project-based learning programs. Prior to working in the non-profit sector, Mr. Shabazz worked for 25 years in Water and Gas utilities. He served as Safety & Training Manager at the Philadelphia Gas Works - LNG Processing Division and was responsible for 49 CFR §193.2713 training in operations and maintenance; trained personnel and contractors on safety issues, codes, regulations, departmental standards, corporate policies and procedures. He also worked in the training, engineering, and operations divisions at the Philadelphia Water Department. Mr. Shabazz is an adjunct professor and educator at both Community College of Philadelphia and Penn State University. In 2017, he was appointed to the PA Department of Environmental Protection's - Citizen Advisory Council and Environmental Justice Advisory Board. He is also a board member on Keep Pennsylvania Beautiful.

Shabazz earned his Master of Science in Environmental Protection & Safety Management from St. Joseph's University and Bachelor of Arts in Organization Management from Eastern University. He has received numerous citations and award, most recently from the PA House of Representatives and City Council of Philadelphia for his commitment to Environmental Justice and Community Development.

Shirley, Jacqueline

Rural Community Assistance Corporation

Jacqueline Shirley born and raised in Alaska, is a Tribal member of the Native Village of Hooper Bay on the Bering Sea coast, is currently employed at Rural Community Assistance Corporation. She provides training and technical assistance to Tribes, nonprofit and local agencies, to improve or develop water, wastewater and solid waste sustainable systems and programs in rural communities across the western portion of the U.S. She obtained her Master of Public Health (MPH) from the University of Alaska, Anchorage. She also served 18 years in the Army National Guard as a Field Medic. She has spent the past 40 years advocating to improve human and environmental health.

Sprayberry, Karen

South Carolina Department of Health and Environmental Control

Mrs. Sprayberry has worked with environmental justice communities for approximately 22 years; she began working at the South Carolina Department of Health and Environmental Control (SC DHEC) in the Superfund and Voluntary Cleanup Program/Brownfield program as a public participation coordinator. She initially began to work with the ReGenesis and its communities in Spartanburg, South Carolina, shortly after coming to SC DHEC; ReGenesis would later win environmental justice and redevelopment awards because of the over \$250 million revitalization effort conducted within these communities. She attended many community and public meetings and slowly began to build trust with that community and its leaders. When it was time for SC DHEC to oversee work specifically within this community, a foundation of trust and understanding had been instilled so as there was more of a collaborative, problem-solving method instilled between the various parties as the issues were address. Mrs. Sprayberry now serves as the Special Advisor to the Director of Environmental Affairs at SC DHEC, with her specialty being environmental justice and community involvement; she retired in 2015 and now is a part-time employee. As well as working with the Director, she continues to work closely with the Environmental Justice and Community Involvement Liaisons and other public participation staff within SC DHEC. She has received both internal and external awards for her work at SC DHEC, including receiving a House Resolution from the S. C. House of Representatives in 2015. Another award she is proud of is from 2008, when SC DHEC was awarded the "U. S. EPA Environmental Justice Achievement Award" due to the public participation and environmental justice work conducted both internally and externally by her and her peers. In 2011, Mrs. Sprayberry conducted the "Fundamentals of Public Participation" training during the EPA's Community Involvement and Training Conference. Mrs. Sprayberry has a BA degree in Political Science from Columbia College. 18

Talley, Pamela

Lewis Place Historical Preservation Inc.

Pamela Talley is an advanced nurse practitioner with a master's degree in nursing and a national certification in adult psychiatric mental health nursing. She oversees both clinic and outreach services to areas that serve the poor and vulnerable, food pantries, libraries, churches, health fairs etc. In 2000, she co-founded Lewis Place Historical Preservation, a community-based nonprofit organization, with two other neighbors. The mission of Lewis Place Historical Preservation is to save this historic community that was placed on the national registry of historic places in 1979. Since 2009, Pamela Talley has served as the volunteer Executive Director. In 2007, Pamela Talley was recognized by the Robert Wood Johnson Foundation as a Community Health Leader for assisting grandparents raising grandchildren, many of whom were facing issues of eminent domain and were being displaced. She founded an organization, known as "Grandparents As Parents Support Project". As an awardee, she participated in the group that conducted research on social determinants of health. In 2011, She successfully led neighbors in an effort to drive St. Louis city government with assisting uninsured neighbors with rebuilding their homes after the community was hit by an enhanced fajita scale 1 tornado. In 2015, Lewis Place Historical Preservation obtained a vacant house from the city of St. Louis on one of the three blocks of Lewis Place and entered a joint venture as a co-developer with an established developer and construction company. The home was completely renovated and sold to a family at an affordable rate. Pamela Talley currently serves as co-chair of a steering committee, a collaborative community group, organized to execute and implement residential development to improve the Lewis Place and Fountain Park neighborhood.

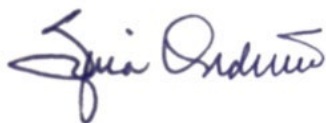
Whitehead, Sandra F.

George Washington University

Sandra is the Program Director for the Sustainable Urban Planning Program. Sandra teaches community-focused classes aimed at improving the health, equity and sustainability of communities. Prior to joining GW, she worked as the Director of Partnership Development at the National Environmental Health Association, the National Association of County and City Health Officials and the Florida Department of Health.

In addition to her work at GW, Dr. Whitehead also works directly with community groups to improve their health and equity outcomes. She has worked across Florida on health impact assessments and implementing Health in All Policies and she has trained over 500 community activists to use the language and tools of public health to change policy.

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 November 10, 2021, and it accurately reflects the discussions and decisions of the meeting.



Date: **February 8, 2022**