

EPA National EJ Community Engagement Call

April 19, 2022

Summary of Questions and Answers

Welcome! Thank you for joining us today. The purpose of these engagement calls is to inform communities about EPA's environmental justice work and enhance opportunities to maintain an open dialogue

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

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

o *Follow us on Twitter: @EPAEnvJustice*

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

o *Send follow-up questions or comments to: Environmental-Justice@epa.gov*

Question**Asker Name****Answer**

In the Feb 22 NEJAC Community Engagement Call, I commented that water utilities that fluoridate their public drinking water need to be included in the EJScreen database. The response in that call, was, I quote, "Thanks John - lack of transparency into drinking water system data including service boundaries and compliance is the single biggest lack in ej data writ large, not just for EJScreen"

In response, I don't know how the data could be more readily available and transparent. Each water utility must bill their customers, so the service boundaries and compliance with SDWA requirements are also very well known.

The CDC has their Water Fluoridation Reporting System, explained on the CDC's website. In part, it says the following: "The WFRS data strategy and structure was modeled on EPA's Safe Drinking Water Information System (SDWIS) to support exchange of data and updates on utility system configurations. Each water system in the WFRS database includes basic demographic information, including utility name

John Mueller

Thanks John - while utilities have their service boundaries/geographies we do not have a nationally consistent database of those that we can map for the united states because there is no requirement that they provide such to the federal government in a consistent manner. It is an issue that is being raised with this administration and folks are framing up to make progress on. For the EJ program, one of our top priorities is fixing this gap in water quality transparency and information.

Will the slides be sent to the participants of this meeting?

Shela poke-williams

Hi Shela, the slides are currently available on our webpage here: <https://www.epa.gov/environmentaljustice/national-environmental-justice-community-engagement-calls>. The recording will also be posted there soon following the meeting. Thank you!

What is this office's twitter handle?

Irene Burga

Hi Irene, the EPA's Office of Environmental Justice's Twitter handle is @EPAEnvJustice. Thank you!

Can't find the information for the meeting mentioned occurring tomorrow. Checked NEJAC, WHEJAC, and the twitter feed. Maybe I misheard.. could y'all clarify. Mahalo, M

Maria Carnevale

Hi Maria, registration information and the agenda for the NEJAC meeting beginning tomorrow can be found here: <https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council-meetings>. Thank you!

Question	Asker Name	Answer
Generally speaking, what are the current team lead and case managers looking for in a Title VI complaint to determine whether to accept it for investigation? What factors?	Anonymous Attendee	<p>https://www.epa.gov/ogc/case-resolution-manual</p> <p>As our CRM explains, before we accept a case for investigation, we complete a "jurisdictional review" of the complaint. The JR review criteria are included in our Regulation.</p> <ul style="list-style-type: none"> i. Whether it is in writing; ii. Whether it alleges a discriminatory act(s) that, if true, may violate EPA's nondiscrimination regulation (40 C.F.R. § 7.120), such as an act or policy that subjects a person or class of persons to discriminatory treatment or an act or policy that results in discriminatory impact on a person or class of persons on the basis of race, color, national origin (including limited English proficiency), disability, sex, or age; or for intimidation or retaliation against any individual or group because they have exercised their rights to participate in or opposed actions protected by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights. 40 C.F.R. § 7.100. iii. Whether it identifies an applicant for, or a recipient of financial assistance fr EPA.
Thank you for all of these updates, particularly a status report about complaints. I see that the one compliance review for this fiscal year has been initiated with the Colorado Department of Public Health and Environment. Can you share the rationale for selecting this recipient as the top priority for compliance review this fiscal year?	Amy Laura Cahn	Briefly (without getting into the content of any given case), Criteria for Prioritizing and Selecting Annual Compliance Review Sites are available at https://www.epa.gov/system/files/documents/2022-01/01-06-20-ecrco-process-for-prioritizing-and-selecting-affirmative-compliance-reviews.pdf .
Could Kurt expand a bit on what he meant by "previewing" the upcoming Toolkit update ? With whom etc. ? Thank you.	Richard Grow	live answered
Justice40 dollars does not use race as a major indicator for recipients funding. The EJ screening tool in Detroit will reduce funding that can help the communities. All the acts previously mentioned uses race as a criteria. Why the difference in implementing Justice40 funding. I feel this prohibits the resources that are needed, on the ground, where it counts.	Vincent Martin	live answered
What is the status of ECRCO's developing and implementing guidance on permitting and cumulative impacts related to Title VI? What stakeholders are engaged in this effort? When will it be put out for comment?	Steve Fischbach	Thanks. This is the guidance Kurt is discussing now: we'll be issuing a guidance on the legal standards applied, including in permitting. We plan to put this out for comment.
Will the cumulative impacts guidance be issued in draft and receive public comment?	Anonymous Attendee	EPA has committed to issuing a cumulative impacts framework applicable to multiple decision-making contexts. This commitment is in EPA's Equity Action Plan, which was released last week. In the civil rights context, the guidance on legal standards, which Kurt Temple discussed, will include consideration of cumulative impacts in the context of analyzing disparate impacts under Title VI.
Thanks Marianne, but what is the stakeholder engagement process EPA plans on using to help develop the contents of this guidance document, including dates and stakeholders that will be engaged?	Steve Fischbach	Thanks for the question. We do not yet have dates or other information on the process but look for additional information in the coming months.
As mentioned, 'cumulative impact' is indeed a hot topic. In light of US EPA's Office of Research and Development (ORD's) report issued in January 2022, can ECRCO provide insight as how they are working with US EPA's Office of Research and Development in quantifying cumulative impact? As that report notes, US EPA is really in the beginning phases of collecting data to quantify cumulative impact. Thanks for your insight!	Amelia Gooding Cheek	Thanks for your question. How to consider and address cumulative impacts is a cross-cutting issue across the Agency. ORD's work -- including its consultation and meetings to inform its research agenda, the White Paper, and continued efforts -- benefit these efforts, including in external civil rights enforcement. In a similar vein, the work to develop a cumulative impacts framework will also help to inform efforts to consider and address cumulative impacts in the civil rights context. Efforts are underway to characterize cumulative impacts, including through both quantitative and qualitative approaches.

Question	Asker Name	Answer
Thank you Matt. Are you saying that CDC's WFRS is not usable because there is no requirement that it be usable? Who determines that?	John Mueller	Does the CDC site/data have the service area boundaries/geographies of the utilities? That is the big missing piece for us. We know where the utilities are. But we don't know who drinks their water.
Additional question, with the additional funding for EJ Staff at the Regional levels, how does ECRCO envision Regional Offices will interact/interface with existing state programs with Federally approved State Implementation Plans (SIPs) for permitting (i.e air permitting programs)?	Amelia Gooding Cheek	live answered
Re Justice40 allocated funding, are we dealing only with existing programs? Will not new programs be created to accommodate all the requirements spelled out in Executive Orders 14008, 13990, and 13985?	John Mueller	live answered
Thank you ECRCO for a great presentation. After a complaint is filed, what are some of the common procedural stages and time frames for parties at ECRCO until resolution?	Nestor Perez	Nestor: Thanks for your question. Here is a link to our case resolution manual. https://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf It's a lengthy document, but you can see the Table of Contents on the 3rd page of the document for an indication of steps.
"Environmental justice (EJ) is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies." https://www.epa.gov/environmentaljustice/learn-about-environmental-justice	FMARTIN2	Thank you for posting our definition, it is always helpful to see it written out!
Is EPA now, as a matter of course, referring Title VI complaints where the recipient is not funded by EPA to another federal agency that actually provides funds to the recipient? Or is EPA just closing those complaints?	Steve Fischbach	live answered
There was a T6 complaint closed that was filed in 2021 due to EPA not funding the recipient, so am glad to hear that will no longer happen.	Steve Fischbach	Thank you for your important comment Steve.
Thanks Matt. I lost my internet (and Zoom) connection momentarily, but managed to reconnect just in time to hear your response to my question about programs. All that being said, it will not even be an EJ issue any longer if - and hopefully when - Administrator Regan grants and approves the anticipated amended citizens' petition arising from the current TSCA lawsuit. That is simply the most expeditious solution to fluoridation being not only an EJ issue, but the much more widespread problem of fluoride exposure creating health risks to anyone with hypersensitivity to that chemical substance. One reputable and respected allergist has estimated about 1/10 of the population has that condition.	John Mueller	live answered
Lilian it was complaint EPA Complaint No. 04R-21-R3	Steve Fischbach	live answered Thank you providing that information Steve!
No question - just want to say how much these Comm. Engagement calls are appreciated for sharing concerns. It is a great service. BIG thanks!	John Mueller	Thank you very much for your comment John, we appreciate you engaging with us and sharing your thoughts!
I hope and pray they get traction. Thanks again. I'll be at tomorrow's meeting also.	John Mueller	Thanks John, see you then. Have a great evening.