

**U.S. ENVIRONMENTAL PROTECTION AGENCY**  
**NATIONAL ENVIRONMENT JUSTICE ADVISORY COUNCIL**  
**Virtual Public Meeting**

Washington, DC  
April 20–21, 2022

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## PREFACE

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

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

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

EPA's Office of Environmental Justice (OEJ) maintains summary reports of all NEJAC meetings, which are available on the NEJAC website at <https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council-meetings>. All EPA presentation materials for this meeting are available in the public docket. The public docket is accessible at [www.regulations.gov/](http://www.regulations.gov/). The public docket number for this meeting is EPA-HQ-OA-2022-0051.

## MEETING SUMMARY

The National Environmental Justice Advisory Council convened via Zoom meeting on Wednesday, April 20, and Thursday, April 21, 2022. This summary covers NEJAC members' deliberations during the meeting and the discussions during the public comment period.

See appendix A for a list of speakers, facilitators, and NEJAC members. See appendix B for the meeting agenda.

## DAY 1

### WELCOME, INTRODUCTIONS, AND OPENING REMARKS

**Dr. Fred Jenkins**, Designated Federal Officer (DFO) for NEJAC, U.S. Environmental Protection Agency (EPA), welcomed everyone to the meeting and introduced himself and his role in the NEJAC. He explained the administrative details of the meeting, and he explained the purpose of the NEJAC public meeting which was to discuss EPA investments to address environmental justice in the context of Justice40. He invited the NEJAC leadership to give their opening remarks.

**Dr. Matthew Tejada**, Director, U.S. EPA Office of the Environmental Justice (OEJ), thanked everyone for attending the meeting. He stated that for the first time in our history, they have both the very clear and ambitious political will from the senior-most levels of the United States government coming together when they have, for the first time in many of their lives, actual resources that can go to changing on the ground many of the environmental justice challenges that communities of color and low-income and indigenous communities across the United States have faced for generations. It is an incredible opportunity to actually improve the status of so many communities.

He stated that is going to be the focus for the next two days, to really look at the investments, the financing, the policy choices, the engagement, and the definitions that EPA is considering to implement the infrastructure money that was appropriated by Congress last fall in line with the president's Justice40 mandate and also looking at other things that are going on, like American Rescue Plan funding or some of the other commitments that EPA has recently made in their

Strategic Plan or Equity Action Plan. The meeting will have a cascading level of information from the deputy administrator and the EJ senior advisor to the administrator, providing kind of a high-level look at things, to the chief financial officer and the senior advisor on infrastructure, to one of the lead political appointees. He stated that tomorrow will be the leadership from the actual programs to give that really detailed stuff.

He stated that there will be a lot of good information, a lot of very timely and relevant and necessary feedback both from the public and from the NEJAC members. He stated that it is an exciting time and folks are energized and already in the flow of doing a lot of really important work right now. The NEJAC has perhaps never been as vital and as relevant as it is today, maybe going back to the very early days of the NEJAC in the '90s.

**Ms. Sylvia Orduño**, NEJAC Chair, said that she's excited about the meeting and wanted to hear from the public about the issues that they are being affected by in communities and ideas that they have for how they can also do their work better in terms of advising the administration.

**Dr. Na'Taki Osborne Jelks**, NEJAC Vice-Chair, echoed what Dr. Tejada, Dr. Jenkins, and Ms. Orduno said about the historic moment that they're in and the focus and emphasis on these really important issues of environmental justice. She's excited to focus on solutions and how they can leverage the influence and all of the tools and resources that they have at their disposal to try to move this train in the right direction.

**Mr. Mike Tilchin**, NEJAC Vice-Chair, echoed the previous comments and offered appreciation to staff and consultants for their work, and is delighted to hear today from Deputy Administrator McCabe and Senior EJ Advisor Collin about BIL and Justice40. He added he appreciates members of the Finance and Investment Work Group members who did so much to organize today's meeting, along with appreciation to the public for participating.

**Ms. Sylvia Orduño**, NEJAC Chair, invited the rest of the NEJAC to introduce themselves.

## WELCOME, EPA UPDATES, AND DIALOGUE

**Dr. Matthew Tejada**, Director, OEJ: I think with that we are ready to move into our first session. We're actually going to have a joint panel to kick us off. We're very happy to have both our Deputy Administrator, Janet McCabe, and our Senior Advisor on Environmental Justice to the Administrator, Robin Collin, joining us for this first section. I think our plan is we're going to have both speak. They both have some remarks to share with the NEJAC, and then we'll do kind of a joint Q&A session with both of them. I know Janet probably has to drop off a little bit early. And then I have some additional information. I'm going to kind of hang out here, but the focus is going to be on Janet and Robin.

If we have a little more time, I was going to share a little bit of information with the NEJAC and with the public a little more detail on the Equity Action Plan and some of where we're at in terms of the thinking of the EJ program with the fiscal year '22 budget which was passed a few weeks ago. With that, I'm going to pass it over directly to Janet and then to Robin. Then, we'll engage with the NEJAC membership.

**Ms. Janet McCabe**, Deputy Administrator, U.S. EPA: All right. Thank you so much, Matt. It's great to be here with you all today, great to see you again, and hello to all the 174 people who are joining us today. It's always a great pleasure for me to be with you and to be able to share some thoughts with you. I bring greetings and regrets from the Administrator, whose travel schedule made it impossible for him to be with us today. But he's doing good work all around the country, as I hope you're seeing.

And I want to thank also, again, all of you on the NEJAC for the enormous benefit and help and critical input that you provide to us. We really value your participation on this federal advisory committee that we rely on so much to advance environmental justice. I know you fit this into your busy professional and personal lives. It's a gift that you give us with your time and expertise and your advice, and I want you to know how much we appreciate it.

I'm thrilled to be on the panel here today with Robin Collin, who, I think, since your last meeting, has joined the Agency as our new Senior Advisor for Environmental Justice. I believe

that many of you already know Robin. We're just thrilled to have her on the team here, on our side and on your side, as one of the strongest advocates within the Biden administration on environmental justice.

We have kept her extremely busy ever since she arrived. I have already benefited from her counsel more times than I can count on my two hands. She's just going to be so helpful to all of us. I'm looking forward to hearing from her in a few minutes. I wanted, at a very high level, to just talk about some important things that have happened since we last met. The first thing is that we finalized EPA's Strategic Plan for fiscal years 2022 through '26. As I think you know, each time there's a new administration—that is every four years—the Agency develops a new four-year Strategic Plan. As the deputy this time, I have been much more directly involved in the development of the Strategic Plan than the last time I was around where I focused on the air part. I'm really, really pleased about this plan, which was a year-long effort, really, including a lot of input from people on the outside. I would say that this plan is historic because it includes, for the first time ever, a stand-alone strategic goal focused on environmental justice and civil rights. It also includes a stand-alone goal focused on climate change.

In the past, those two issues have been woven into air, water, land, chemicals, compliance, and enforcement. This administrator felt that it was time for EPA to recognize that environmental justice and civil rights and climate change need to be their own strategic goals. The other thing that I want to make sure you know that I'm also extremely proud of is that, for many years, EPA has operated on three fundamental principles, which were first articulated by William Ruckelshaus, who was the first administrator of the EPA and then came back during a very dark time in EPA. Those three principles that have guided EPA and still do are that we follow the science, we follow the law, and we act in a transparent manner. That is how EPA, as a government agency whose mission is to protect public health and the environment, should be doing its work. But the Administrator and all of us together decided that it was now time that a fourth principle be added. So, we have added to those three fundamental principles another fundamental principle which is to advance justice and equity. I think for many of us here at EPA that is a very explicit expression of just how central these issues are to this administration and, we hope, to the EPA in years to come.

It was more than time to make this explicit, and so we are very pleased to do it. Among other things, it allows people on the outside to look at our articulation of that principle and hold us accountable, which we expect you to do. I want to thank the NEJAC and anybody else who's on this call who provided us recommendations and comments on the Strategic Plan. We received a number of them from this group at your January public meeting. We listened. They were incredibly helpful. We made changes to the plan as a result of them, and those comments will help us shape our efforts going forward. For example, some of the things that we did was to shift some of the items that we had thought about as a full four-year set of activities to what are called agency priority goals, which means that we'll be focusing on them in the very near term. It was very helpful for us to get that push from you guys on the NEJAC.

Another important milestone that's happened since the last meeting is the release of EPA's Equity Action Plan, which Matt has already mentioned. This happened last week. The action plan provides a handful of very specific commitments that fit within the goals and the activities of the Strategic Plan in the areas of equity and environmental justice. For example, the first action listed in our Equity Action Plan is to develop a cumulative impacts framework that will guide the integration of cumulative impacts considerations into all of our relevant decision-making. The plan contains commitments on participatory science, again, something that NEJAC has raised as something that we need to pay more attention to. I also want to acknowledge that both the Strategic Plan and the Equity Action Plan were not just influenced by comments that we received from you at one meeting. They actually were built, crafted, and informed by decades of advice, recommendations, and experiences that this body has provided to EPA. Many of those have found a home in these two documents.

These two documents will be absolutely instrumental in guiding the Agency's efforts in the coming years to ensure equitable access to benefits for underserved communities and the pursuit of justice as we implement our programs as we're required to by law. So, we will rely on your continued input and assistance and holding us accountable to implement the plan effectively and transparently. I'm just so happy that you have decided to focus your meeting and your discussion this week on Justice40 and on EPA investments in communities with environmental justice



concerns through the lens of Justice40 and the Infrastructure Investment and Jobs Act, which we often refer to as BIL, the Bipartisan Infrastructure Law, which provides EPA over \$60 billion over the next 5 years, including this year, which is, as Matt has said, just an unbelievable opportunity to actually put money on the ground to address historical neglect and inequities in underserved communities. And we are so excited and inspired by our opportunity to here, as Matt said.

I've been in government most of my life, and I've never been in a position where there have been resources on this scale for us to invest in the places that need them. So, I know that there's great conversations ahead, and I think you'll have a great opportunity to hear from EPA people about the specifics of what we're looking at with respect to how these funds are going to be invested in a way that's consistent with President Biden's direction to us as embodied in Justice40 and numerous executive orders. We are all here together writing a new chapter in the history of our country to capitalize on this opportunity where we have the political will in the White House, if you're in EPA, and the financial resources to relieve much of the suffering and environmental harm that low-income, indigenous, and communities of color have endured for generations. But changing conditions on the ground for these communities will only happen if we really do prioritize investments in those communities and ensure that those investments are producing the benefits that communities need and deserve. So, look forward to hearing about how the discussions go at a level of more detail about this. I think all of us feel strongly here that Justice40 as well as the principles and the different way of thinking that are embodied in our Strategic Plan and our Equity Action Plan are going to move, change the way business is done at EPA in a way that will have a lasting impact.

In order to ensure that our investments are appropriately targeted to those communities most impacted by environmental harm, we are developing a methodology for identifying these communities, and we'll continue to assess our success at delivering the investments and the benefits to where they are most needed by using our tool that you're all familiar with, EJScreen. So you'll hear a lot more about our use of methodologies and our approach for defining disadvantaged communities, which is the term in Justice40, on a program-by-program approach over the course of the next two days.

We want these investments to result in environmental and health benefits. The president's mandate of at least 40 percent of those benefits being realized in underserved communities is, for us, a floor. It's a start. We will look to not just meet that goal but to exceed it as an Agency and by every single program where that is feasibly possible.

We have heard the NEJAC loud and clear. We need to do a better job of tracking investments and benefits and to do it in a way that is transparent. So, we are currently working on an investment and benefit tracking dashboard that is intended to provide the ability for us to monitor ourselves and for others to monitor us because it will be transparent and available for people to take a look at. So, we're really looking forward to sharing a draft dashboard and map with the NEJAC soon and to working with the Investment and Finance Workgroup of the NEJAC on those tools and on the public release of them.

We're not just talking about drafts and plans here. Our programs have already moved to make Justice40 and equity a reality in their actions. So, whether it's through the letters and guidance we have been sending to every state regarding water infrastructure funding or the immediate deployment of superfunds resources to go to the cleanup of sites that have just been waiting too long for funds to start getting the work done, we're taking every opportunity and making every effort to move as quickly as possible on the ground. And the President is on our case to make sure we do that. Today is a start of what I know will be an ongoing feature of our interactions over the coming several years. The infrastructure law will not all be implemented in year one. It's a five-year program, and we need to make sure we use that time in a way to get these investments into the right places and in a way that is best suited to achieve as much benefit as we can.

You will also hear about our efforts to enhance Title VI compliance. It is absolutely critical for our efforts to be successful, that we make sure that underserved communities are not excluded from receiving benefits and are not denied benefits of this historic funding based on race, color, national origin, including limited English proficiency, age, disability, or sex. Title VI compliance is a priority within EPA's Equity Action Plan and clearly notes that compliance is an Agency-

wide responsibility, and we will be putting our money where our mouth is in terms of additional resources to make sure that those programs are achieving what they need to achieve.

So, you're in for a busy couple of days. Much more to come on all of these issues with our other speakers and time for you to ask questions and give your feedback. I just want to emphasize one last time how much we understand the opportunity that is before us and the awesome responsibility. We are doing everything we can to seize this opportunity and make the most of it to make the most difference we can on the ground, in the communities that need the attention after decades of neglect.

Our partnership with you is extremely important. Your commitment to holding us accountable, particularly as it relates to our investments in these communities, is already pushing us to think more creatively of how to overcome institutional challenges, changing the way we do business, and changing it in ways that will have a lasting impact. Thank you, again, so much for your attention and for letting me join you for a few minutes. Now I'm thrilled to turn it over to Robin Collin.

**Dr. Robin Collin**, Environmental Justice Senior Advisor to the Administrator, U.S. EPA: Okay. Hopefully I am unmuted, but I can't do anything about my flickering camera. On the theory that it bothers you to look at that as much as it bothers me to look at it, I'm going to go off-camera for the remainder of my remarks. But I want to assure you that I am honored to be here and honored to share this moment with you.

Welcome. Good afternoon to many of you. Good morning to others. I know that we are also covering coast to coast and also other countries. It's wonderful to have this opportunity to address you as the Senior Advisor to the Administrator for Environmental Justice. I see some friends and colleagues in the audience and a lot of new faces that I hope to have a chance to work with more individually in your various workgroups. It's an honor to hold this position at this time, especially because we have committed leadership in the White House, committed leadership from the administrator, and we have the financial backing to make that commitment real.

NEJAC has long been a voice championing communities that were left out of the promise of equal protection of the environmental law. To be left out is to be exposed, to be vulnerable to the very worst dangers and hazards of our industrial society. At EPA, we are committed to bringing our communities fully within the protection of the environmental law. NEJAC has been deeply involved in reframing the way we look at the work we do at EPA. And that is why EPA's Strategic Plan includes goals focused on climate change, environmental justice, and civil rights integrated throughout our programs and activities. In addition, NEJAC has told EPA repeatedly that the standards and metrics it uses are not protective enough for communities that have been left out of the circle of environmental protection. We are committed to an action strategy to address this fundamental weakness in our working models. And that action plan includes key priority actions, such as developing a comprehensive framework for considering cumulative impacts in the relevant decision-making and to operationalize that framework in all of our programs and activities.

NEJAC has been absolutely fundamental to our thinking about cumulative impacts, and we will do more thinking and shaping and work together. Also, our strategic action plan calls on building up the capacity of underserved and overburdened communities to provide community-based leadership in community-led projects and to participate in the scientific and public policy research that we need. We will enforce the civil rights laws, and we will proactively ensure that the law is obeyed. We will make it easier and more accessible to apply for and receive community-based grants.

All of this work that we do takes us into communities that have been dumped on, that have been excluded and hurt. In attending to these communities, the work we do benefits everyone. I want to emphasize that. Yes, the work we do takes us into communities that have been overburdened and underserved. When we go there and do the work that we must do, we benefit everyone. EPA is committed to doing that work, and we will assess what we have done in order to comply with the law in ways that do include race.

NEJAC has been integral to shaping EPA's understanding of its work and how to do that work effectively. Without your insight and participation, EPA's view of its work might remain anchored in a landscape of preexisting, racially biased public policy in zoning, land use, finance, insurance, and real estate.

Our work together will center on the equal protection of all communities and to protect those communities that have been left outside the promise of equal protection for far too long. We are in a new phase of our relationship with many of our NEJAC champions working here inside the Agency as well as outside of it. We are constructing together the future that we want to see, and I do look forward to our work together. I look forward to our work together. Thank you so much.

**Ms. Sylvia Orduño**, NEJAC Chair: Okay, it sounds like maybe we've got 15 minutes with the both of you. So, Matt, I just want to double check if you're okay if we go ahead and allow Council members to ask questions, and then you come in and follow up with the report you want to give.

**Dr. Matthew Tejada**, Director, OEJ: Yes, that's what I was planning. And I think the Deputy Administrator might have to leave even a little bit before Robin. So, if we want to, prioritize questions for Janet and then some for Robin, and then I'll take up the rest of the time.

**Ms. Sylvia Orduño**, NEJAC Chair: I'm guessing that this might mean that we've got time for a couple of questions for each of them. So, Council members, I'm going to ask, if you will, please raise your digital hand or your real hand so that we can get a sense of who wants to ask questions. I would also like, though, to begin with Dr. April Baptiste, who is co-chair of the Finance and Investment Workgroup, so that she can get us started with comments, and then we'll follow with Sofia, Dr. Jill, and Aya. Thank you.

**Dr. April Baptiste**, NEJAC Member: Thank you to Deputy Administrator McCabe as well as Dr. Collin for being here. We really appreciated your words. We don't have a lot of time, so I'm not going to pontificate. I'm just going to ask my two questions. I'm throwing out the two questions, and either person can answer.

First, it's great to hear about the way in which finance and investment is really going to be central in focus. I love the idea of hearing about the tracking scoreboard. My co-chair, if he was on this call, would've probably been lifting his hands and jumping for joy. We're really excited about that, and hopefully, we'll be able to be consulted in a real way to be able to determine what measures are going in that scoreboard versus just seeing the tool and being reported on.

With that, the first question that I would say is that one of the principles that Administrator McCabe mentioned is the principle of transparency. One of the things that we have noticed and have been talking about in our workgroup and then the broader NEJAC over the past couple of years, some of us have felt as though the NEJAC is being sidelined to some extent in decisions.

Consultation, we believe, is not happening in real time but sort of after the fact. And in some cases even, we feel shut out. The question I have is, how do we address this concern and ensure that the voices of the NEJAC, many of whom are living and serving in underserved communities or disadvantaged, which is the new term that's being used, are fully included? That's the first question, and then I'll ask the second question so that I could come off the mic.

The second question is a little bit more broad-based. It's something that I've been interested in. I'd like to ask a little bit about the Environmental Justice for All Act that has been sort of put on the table with the Natural Resource Committee in the House. I'm not sure if the EPA is involved in it, but I wanted to hear a little bit about whether the EPA has any involvement. I've been working with this Committee. A lot of us that do EJ work would really like there to be a federal law on environmental justice but would really love to know if there have been any conversations about that. I know it has been tabled for a little bit because we have other big things in federal government dealing with. Those would be my two questions. Again, thank you all for the time.

**Ms. Janet McCabe**, Deputy Administrator U.S. EPA: Okay, and certainly you can weigh in and Matt, too, swing in if there is stuff to add. I think your question about how the NEJAC can truly be involved in EPA policy development decision-making is a very fair one. There is so much going on at EPA every single day and decisions being made all the time on a whole variety of

things. And we really work very hard to be as transparent as we can be and include people. I think the advantage of the federal advisory committees is that they have a structure, and they have a recognized place as a place we go for advice. But as a practical matter, I agree with you that it's very challenging for anybody who's not in the Agency to feel like they are truly a part of the decision-making as it goes day to day.

I think having subgroups like you have for finance and investment helps make the organization nimbler so that we can be engaging on an ongoing basis in addition to these regular quarterly meetings. I think it's important for people to feel like they know that they can reach out to Matt Tejada and others at the Agency to ask questions and provide input. I think it's on us to make sure that we are being clear and transparent about how we're taking input and how that input is affecting our decisions. We will continue to do that to the very best of our ability, even as we work to meet President Biden and Administrator Regan's very clear and swift deadlines for us to get action done.

As far as the EJ For All Act, I think you're right that, at least in my sense here, it's been pretty quiet. I haven't heard much talk about it lately. We're always happy to provide technical assistance to Congress when we're asked to do so. But I'm not aware that there's been a lot of activity recently.

**Dr. Robin Collin**, U.S. EPA: In EPA years, I am only seven weeks old. So, I want to say there's a lot that I have yet to weigh in on. The question about being involved in a timely, meaningful way is an important one. I believe that part of what we are working on right now is to be able to see the policy issues and raise them up, lift them up, not just to you all but also to ourselves so that we are bringing the best minds, the best thinking, in a timely way to these policy issues.

And we need to do a better job. We need to work on making sure that, when we see these policy issues, our thinking includes the consultation with NEJAC. You all are an important part of our strategy now more than you ever were before, I think, because we do have money, because we have this responsibility.

I also wanted to say that I think we, meaning EPA, are providing some technical support to the House Committee that's looking at EJ For All. I'm not sure exactly where that stands, but I can find out more about that and get back to you.

**Dr. Sofia Owen**, NEJAC member: Good afternoon and thank you to the leadership at EPA and for being here. I'm very heartened to hear both of you talk about civil rights and Title VI compliance. I was wondering if you could share with any more specificity any timing for that guidance and plans for engagement from the public. And then also, if there's any more detail that you or Matt can provide about how EPA is planning to deploy the funding for civil rights. And I'm thinking specifically about how many more staff and where, potentially, if you have that level of detail, and if not, would greatly appreciate a follow-up on that. Thank you.

**Ms. Janet McCabe**, Deputy Administrator, U.S. EPA: Matt, is there going to be more discussion about this topic over the course of the next day and a half?

**Dr. Matthew Tejada**, Director, OEJ: On the funding issue, yeah. I'll actually get to that here in a little bit after you all take off. Both to one of the last questions and, Sofia, to your question, it's a little bit of a government lesson in how things actually operate inside of the bureaucracy between appropriations in Congress and us and other legislation. But I'll fill in on, kind of, the plan for EJ funding and civil rights as much as we're able to at this time.

**Ms. Janet McCabe**, Deputy Administrator, U.S. EPA: I don't have specific dates on guidance coming out, and I don't know whether Robin or Matt does. We can find that for you.

**Dr. Matthew Tejada**, Director, OEJ: I think some of that, Sofia, was offered yesterday during our national engagement call which, as I think you know, featured and focused on the Civil Rights Compliance Program. And also, one of the other commitments we have made, both in the Equity Action Plan but primarily through the Strategic Plan, is that the External Civil Rights Compliance Program will have finalized multiple guidance documents and other actions within the next 18 months. I think there's even some more aggressive timelines that have been committed to in working with the Inspector General for EPA. I don't want to quote what those



dates are because, like Janet, I'm going to get them wrong if I try to quote them. But we can definitely get those. We can actually get those this afternoon and make sure that we bring in the actual dates before the end of the day.

**Ms. Sylvia Orduño**, NEJAC Chair: Thank you for that. Going to go on to Dr. Jill, Aya, and Dr. Na'Taki, and then we'll close out comments from there. Thank you.

**Dr. Jill Lindsey Harrison**, NEJAC Member: Thanks so much to both of you for your comments here. One thing I wanted to say is it's so refreshing and really meaningful to hear you recognize the problems with existing regulatory practice. Something that I noticed came through really nicely, too, through the Equity Action Plan and was very impressed by in the Office of Water, was Assistant Administrator Radhika Fox's comments to the WHEJAC recently. I thank you and encourage you to keep, kind of, frankly recognizing those limitations and also, of course, all the specific attention to cumulative impact and civil rights in your comments but also in these formal commitments by the Agency.

My question for you is, can you share with us any sort of timeline—and maybe Matt's comments just referred to this—especially around operationalizing the cumulative impact framework? Then, also, will you have legal counsel working on identifying regulatory authority to integrate that into permitting decisions and also to really aggressively reinterpreting or kind of challenging longstanding assumptions about that regulatory authority? Thank you.

**Ms. Janet McCabe**, Deputy Administrator, U.S. EPA: I do want to defer to people who have more precise knowledge about the timing of what is going on relative to cumulative impact work. But there's active work going on at the Agency now. There's also active work going on in our Office of General Counsel to look at the Legal Tools that EPA currently has and to make sure that we're setting out all the opportunities that we have, perhaps even ones that people have not been thinking about in the way that they could be thinking about them. So that's a fairly near-term product. I'm sure it's one that the NEJAC will be very interested in. We'll make sure that you get your hands on it just as soon as it's ready to go out.

**Dr. Robin Collin**, U.S. EPA: I could add just two quick comments. Those are two sort of separate projects in different stages of development. Turning to the Legal Tools, many of you have already seen there's an older version of the Legal Tools document, but there's a new version coming out. Help me out here; do we know when that's going to go public?

**Dr. Matthew Tejada**, Director, OEJ: I think we're within in weeks, not months anymore, but I don't have a specific date.

**Dr. Robin Collin**, U.S. EPA: It is very nearly complete, and there is an addendum to that on cumulative impacts. The thing about the Legal Tools, it's intended to encourage people to explore the scope of their power to act, not necessarily the limits but the full scope of their power to do something good. That includes their discretion, I think we're very close to seeing something public and something more about the Legal Tools. My hope is that lawyers will look at those tools and begin to explore their discretion and to use that discretion not in favor of facilities but in favor of community. The important side voice that will go with that Tools booklet is to say, hey, you all have power. You have discretion. You've been using it to give stuff to these facilities and to other places. We need you to take back that power. We need you to use that power and that discretion in favor of communities. And when you do, you are on defensible territory. So that's one document.

The other project, cumulative impacts, some of you are old enough, just like me, to remember. This is not new. NEJAC was working on this, I think, in 2009 or 2008. We've got a lot of accumulated wisdom about cumulative impacts.

What we have to do inside the Agency is pull that together and get it so that it is workable in a variety of decision-making contexts. I think that is a project that can be done in the next 18 to 20 months. We will work on doing that, and that is in my portfolio. As I say, I'm seven weeks old, so I've got a lot to learn. But I do know a few things. We have done a lot of this work with NEJAC right behind us, so we should and will be able to deliver a workable framework to you. Maybe Matt has a little bit more in terms of detail to offer. I also have to leave. I am really sorry to do this. I can stay for about four more minutes, but then I've got to go.

**Ms. Sylvia Orduño**, NEJAC Chair: We completely recognize and appreciate that, Dr. Collin. I'm thinking if both Aya and Dr. Na'Taki can get their questions in, and then you can determine how much time you can respond. Thank you.

**Dr. Ayako Nagano**, NEJAC Member: I had some questions about the screening tool. I'm real excited about it. Janet left, so I'm not sure that you will be able to answer it. But I wanted to know about the plan for developing the tool. The million-dollar question is, how will we measure benefits in that tool? How will we measure investments? Is it being developed in-house or outside? Who's on the team? What's the expected timeframe, things like that? Thank you.

**Dr. Na'Taki Osborne Jelks**, NEJAC Vice-Chair: Similar questions to Aya in terms of the timeline for the tool. Is it being developed in-house? And just some encouragement in terms of bringing this to the NEJAC for some input, doing that earlier rather than later. If we kind of take those ideas around the model plan for public participation, think about this group as one group that can give some substantive feedback. So, we really invite being able to take a look at things earlier and hopefully being able to influence the outcomes if we find that there might be some gaps in terms of what's currently being considered. I'm glad that this tool is being developed but just really want to encourage that early engagement.

**Dr. Robin Collin**, U.S. EPA: I know Matt has more to tell you about the tool. I will take my few minutes just to reiterate this; number one, that promise, Justice40, is an epic historical promise. In my mind, it is the equivalent of the promise of 40 acres and a mule. And there is no one in this administration who's going to turn their back on that.

First of all, we have come way too far and there are far too many of us now for us to lose sight of that extraordinary public policy promise. Next, the work that EPA does will benefit communities that are in need, and we know why many of those communities are going to be people-of-color communities. I assure you that is where the work points. When we follow the science, when we follow the law that says communities are entitled to equal protection, we know where we need to

be. And it is on that basis, I can assure you, 40 percent or more is going to be our achievement. I know that.

I would urge you, as you think about this process of developing and defining benefits, that we not lose sight of the work that we actually need to be busy doing. We will do our work, and we will count it. And when we assess what we did, we will take race into account. I think those are important points to reassure people about, and it is also important to remember that we are part of a team that's supposed to be doing this. EPA will do its work. We also have CEQ and we have WHEJAC and we have all of the people on those bodies who are engaged in the work. But EPA's engagement with NEJAC has been so profound and fundamental that I feel comfortable in assuring you EPA will do its work, and we will more than meet that 40 percent. And we will assess it in terms of race because we are obliged to do that by the law. With that, I'm sorry. I have to jump, but I will be back with you as soon as I can. I really do appreciate the opportunity to speak with you all. Thank you so much.

**Dr. Matthew Tejada**, Director, OEJ: All right. I had a presentation, but we've got so many questions that folks asked that I feel like I'm not really going into the presentation. First, on the question on the civil rights issues, and I'm going to go back to a view.

On the civil rights things, we've already released the criteria and the process for prioritizing compliance reviews. It's online. We can give that link to folks as soon as I google it. But if somebody else wants to google before me, you're very welcome. The criteria and process for prioritizing compliance reviews is online. The Dear Colleague Letter and the Procedural Safeguards guidance, it's almost done, so we don't have a date because we're that close. It should be coming out very, very soon, like weeks. So that's the Dear Colleague Letter and the Procedural Safeguards guidance. And then the bigger guidance for investigating claims of discrimination, about investigating legal standards and civil rights investigation, that's the commitment we made to the Office of Inspector General. Our commitment is we're going to have that out by the end of the fourth quarter of this fiscal year, so that's September 30th of this year.

That's a pretty big one, and that is less than six months away. We are working as hard as we can. Saying it publicly and saying it to the Inspector General, those are some of the firmest, kind of most-motivating commitments we can make. We are working as hard as we can to make that. That first chapter of that guidance for investigating claims, we're trying to get that out by the end of the fourth quarter of this fiscal year or the end of this fiscal year, essentially. There's that piece.

On the map, it's different, right. We have the EJScreen. As Robin just said, when we look at tracking investments or tracking benefits, I'm going to say there's two important elements to that. There's probably a lot more than that, but one element is, okay, how minutely can you track the investments? How far can you actually trace the dollars as they touch down on the ground? That's going to be different for a lot of different programs. We're not entirely sure with all programs how minutely we're going to be able to trace them because some of the dollars we hand out from EPA go through multiple transactions on their way to actually being a project, from a state capital to a COG to a county to a utility to contractors.

Sometimes we try to chase those dollars. Sometimes we hit walls, like trying to chase it all the way until it hits the ground creates such a burden that all the money would get spent just in reporting, and there wouldn't be enough left to do a project. In other areas, it's just there are limits to how much data the federal government can ask for from outside of the federal government. But we're going to chase each one of those pathways until it hits a dead end, or we actually get to that money on the ground. We're going to try as hard as we can with every single program to be able to map those dollars on the ground. Same thing for benefits. We're going to be looking for benefits that we can actually say, on the ground, where do those benefits actually accrue? In some places, you might be able to say that a project or a dollar or a program is benefiting a community or even a block, an actual city block of a community. In other instances, the benefit might be half of the Chesapeake watershed or an entire intracoastal zone. So, there's going to be a lot of variation in terms of how we actually track things on the ground. That's one side of the equation. And that's the tool we're working on, so you can just make that transparent. You can just have a map that shows where things are touching down to the ground, whether it's investments or benefits.

We've already showed that to—again, it's a very back-of-the-envelope tool that we've started creating just in EPA. And we've used some help from Esri, which is one of the big, high-powered, mapping data firms out there. We're intending on continuing to work with Esri, at least in this initial phase. It is something we're just kind of doing on our own right now, though, inside of EPA with Esri's help. We've already shown that to the NEJAC workgroup, the Finance and Investment Workgroup. We're going to continue to work with that working group on refining that tool.

In terms of the longer term, we haven't worked out all of the—when do we want to come out with the beta version and get feedback on it, refine it, and then do some more in the same way that we did with EJScreen, which went through a process and was transparent and transparent when it came out and had a lot of input from the NEJAC. It had a lot of input from the public. We're committed to doing the same thing with this investment-benefit tracking tool. And we've got some time to do that.

My belief is this is not the sort of thing that we've got to make progress on right now in the next three months. We've got a couple years where we can really craft this tool as investments are coming through. And I think this tool, providing transparency to where government shows up in actual dollars and actual benefits, I think that's the sort of the thing that's going to be durable through administrations because who can argue against making government accountable and transparent? I really am dedicated to getting it right.

And a huge part of getting it right is getting input on it from the public to make sure that it is showing the sort of stuff that is meaningful to the public. Even in just that first little meeting we had with the Finance Workgroup where we demoed the beta, the thing we'd thrown together, Sacoby and April and a few other folks were like, you can do this, you can do that, and what about this? We know there's a lot out there that we're not thinking of that we need to get people's thoughts in to really make the tool meaningful. We're committed to doing that.

One of the first questions about working on the Environmental Justice for All bill, we track that. Every time Representative Grijalva and his colleagues are up there, every time they have a meeting, every time they're doing something in public, we show up, and we sit quietly in the back of the virtual room and pay attention. But there's a separation between the executive branch and the legislative branch. I can't just invite myself in. We on the executive branch, we can't just invite ourselves into the legislative process.

There is a process for doing that. On the Hill side over on the legislative branch, they have to invite us in to provide technical assistance to their efforts. And it's a pretty formal thing, kind of like issuing a charge to a NEJAC. They have to have something, they have to send it to us, and they have to ask us questions. We can either offer to sit down with them and talk through it, or we can give them written answers back. But it is not collaborative. The executive branch doesn't get into, at least in my level—the White House maybe is different, but in the actual agencies, we don't roll up our sleeves and work on legislation with folks on the Hill like that. There's a remove there, but we do absolutely follow it. From either Democrat or Republican, whenever we're asked for technical assistance, we provide it. We want to provide it. We want folks to get it right if they're going to do something, at least have our input so that it can be as right as possible.

What else? There were a couple other questions in there. I also want to stay on our agenda. Can folks remind me what were some of the other questions?

**Dr. April Baptiste**, NEJAC Member: Thanks for explaining the actual process between executive and, as you say, legislative. You mentioned that they have to reach out. Can it go the other way? Can the EPA reach out and offer, or you think that it always has to be the Congress coming to the EPA rather than—given that, I would say, the EPA has a stake in, sort of, that legislation moving forward? I'm just trying to understand, beside what the public can do. We can reach out to our legislatures and those kinds of things, but can there be a way for the EPA to kind of ask to be invited?

**Dr. Matthew Tejada**, Director, OEJ: I'm going to give you an answer based on my experience. I don't know if this is the law or the rule, per se, but based upon my experience. We have a whole

office in EPA that all they do is look at Congress. They have relationships, and they're in pretty constant communication with everybody up on the Hill as well as with states and with local governments. It's called the Office of Congressional and Intergovernmental Relations. So, they're constantly talking back and forth with folks on the Hill.

They can ask questions and kind of check on things. They have that relationship. But in terms of us seeing something happen on the Hill or wanting to offer them an idea, like, 'hey, why don't you all pass a law on this?' At my level, at the program level, that is a huge no. We do not proactively reach out to the Hill to tell them their business. We are very happy if they reach to us to provide whatever experience and wisdom we have to offer for them. But, at my level, it is a one-way relationship, where we respond to their requests.

So, I remembered, as well, as April was beginning to speak, a little more detail on the cumulative impacts stuff. If you look at the Equity Action Plan, let me just pull up one of the slides, at least, that I had very quickly because it has a little more detail. And this is part of the plan that was released just last week. These are some of the details that were out there.

There are several parts to the Equity Action Plan for EPA. There are actually six actions in that Equity Action Plan. A lot of it lines up with the Strategic Plan. Priority Action 1 is the comprehensive framework for considering cumulative impacts. Two is building capacity of underserved communities. Three is EPA's internal capacity to engage underserved communities. Four is strengthening EPA's civil rights compliance program. If you read through these first four, they all line up. We did a lot of work to try to line up the commitments we made here in the Equity Action Plan to line up with the other firm commitments we made in our multi-year Strategic Plan. These things are all kind of lining up, so we're kind of pushing from two different sides. This gives more wind in the sails of all of these efforts.

Then there's a fifth action, community science. And, again, this is one of the things that folks on the outside brought up. This is one of the reasons. NEJAC brought this up back in the fall, 'hey, in your Strategic Plan, where's citizen science?' We're like, 'you're right; we don't have a place for citizen science.' There wasn't an obvious place to do a lot more citizen science inside of this



Strategic Plan as we had it laid out, but we knew we were going to make this Equity Action Plan. So, we do have a Priority Action here on integrating community science that has quite a bit of detail to it in the EPA Equity Action Plan. And then we have another one that lines up with the Strategic Plan about procurement and contracting, making it more equitable.

So, on the cumulative impacts piece, we have four initial steps laid out for this cumulative impacts work. Forming a team, that's what we're doing right now. From inside and from outside, we're starting to pull people together to actually be a dedicated team to do this cumulative impacts work. There's not a lot more detail that I can share right now because we're doing it. But Robin Collin is personally providing leadership now for this since she's arrived. She wants to personally, from a very senior level, provide leadership on this cumulative impacts team.

After that, we'll develop the actual draft framework, and this is getting to the question about looking at permitting and looking at our statutory authorities. So, the EJ Legal Tools update should be coming out in the next few weeks, but EJ Legal Tools only goes so far. There's then the next step of, okay, if these are our discretions, if these are what we can do, how do you do it? That's what Legal Tools doesn't really get at. Okay, but apply it.

One of the things that I think our intention here over the next 18 months—and I'll explain 18 months in a minute. But one of our intentions here in the next 18 months is to take things, like our screening tools, our data, and really come up with a more consistent way of using all of the data we have to start to describe what cumulative impacts look like, how you could use a health impact assessment framework to pull that data in. Then, on the other side of that, if you use a framework and if you have all this data in, how do you relate that to your specific statutes based upon the business process, whether it's a rule or a permit or a cleanup or whatever else?

So, that's the other piece we're already working on at EPA. I actually think permitting is going to kind of be the pacesetter there. NEPA already has probably the most experience to work from, but we also already have a lot of effort and folks working on and looking at the permitting piece of that. So how do you take that data? How do you take these frameworks, and how do you start

to actually move them not using our statutory authorities in a permitting realm? That's the next step of this, coming up with that framework.

Then, we've committed to doing some case studies on how to actually do that and then actually applying all of that within the year after that. Again, in lining up, this lines up with the Agency priority goal that is in the multi-year Strategic Plan. And the multi-year Strategic Plan basically says these first three need to be finished by September 30th of 2023. So, that's the end of next fiscal year. In my head, we're basically going to take six months for each three of these. We're not going to take six months for forming the team, but we're going to chunk this out over the next 18 months to make progress on this.

Our goal and our commitment in the Strategic Plan is that we'll actually have some public versions of this to start to share by the end of next fiscal year, by September 30th of 2023. This is exactly the sort of stuff that, as we draft it up, before September 30th of 2023, we need to get feedback on it. We need to get feedback on it from you all. We need to get feedback on it from the states. We need to do consultation with the tribes potentially. There's a lot of engagement that has to happen here. We've got a ton of work to do just on this piece in the next 18 months. Then, if you all want to look more into the Equity Action Plan, we put a lot of stuff in there just on action number five on community science. I encourage folks to please, please, please look into that.

I did want to take just a moment, and I shared this with the NEJAC leadership group a couple weeks ago. We did receive \$100 million in the budget for fiscal year 2022. We've been operating at about \$15 million a year. This is going up to a hundred. There are some big pieces of this that we're going to be working through over the next four months, five months. Again, we're going to be engaging the NEJAC on these. We're also going to be going through some public engagement on it. One of the biggest things on it is the majority of this money, over half this money, is going to go into a whole new EJ grants and technical assistance provisioning—a whole new grants program, a whole new technical assistance program.

We're going to have to imagine that, and we're going to build on our experience. We're going to build on the past recommendations from the NEJAC and others. We're going to build on our experience of having done an EJ grants program for close to 30 years. But, as we design it, we're going to be transparent about that and get feedback on what we're thinking and design an EJ grants program and a technical assistance program that really meet the needs of communities and community partners. And that's going to be another major thing that we work through over the next four or five months because my goal is that we actually have RFAs out on the street before the end of fiscal year '23. That's less than six months away at this point. It's five and half months away at this point.

We got a lot of work to do. We got a lot of engaging to do. It's exciting stuff, but it's going to be happening quick. But we've got to make sure that we get engagement throughout the whole thing so that we land these pieces well. I'll stop there. I'll see if there's anything else folks asked that I could answer quickly before we move on.

**Ms. Sylvia Orduño**, NEJAC Chair: I'm imagining that we'll also have some more discussion on this during tomorrow's business meeting. We're pretty close to schedule, but we do have a panel next. Then, we don't have a break until 3:30. First of all, I saw, Dr. Fine, you came off of your mute there a little while ago. I didn't know if you wanted to offer any comments regarding anything that's been said.

**Dr. Phillip Fine**, Principal Deputy Associate Administrator for Policy, Office of Policy (OP), U.S. EPA: No, it's fine. I think Matthew answered the questions as I would. I'll just wait until my panel, and then answer questions later. Thank you.

**Ms. Sylvia Orduño**, NEJAC Chair: All right. Thank you. Council, are there any final questions or comments anyone wants to ask regarding Matt's presentation? I see your hand, Andy.

**Mr. Andy Kricun**, NEJAC Member: Thanks, Sylvia. First of all, Matt, thanks very much for this. First of all, this all sounds really terrific. Thanks so much for the OEJ for all that you're doing.

Two quick thoughts, one on the water side with regard to the infrastructure funding, it seems to me that EPA is making a number of recommendations and finding funding to help EJ communities through the SRF funding process. I do hope that it's important to get them to the process too. In other words, communities that might lack not just the resources to go through the process but may not have the will because of elected officials or whatever. Utility managers who might be retiring in two years and want to kick the can down the road don't want to take on the effort, but yet the neighborhoods and communities that are served by that utility need that kind of help. It seems to me that there needs to be some sort of a proactive effort mainly from the states but with, perhaps, EPA guidance to bring vulnerable communities to the table, to the funding process, to get their infrastructure improved and then, of course, through which EPA is covering.

Then, second, on the cumulative impacts, I would just note that our workgroup is working on some ideas on cumulative impacts with respect to air emissions. Maybe the notion of trying to develop an air emission total maximum daily load for communities is analogous to the total maximum daily load for extremes on the water side. We're wondering what the best way would be to get those ideas to the EPA team that's developing the cumulative impact framework.

**Dr. Matthew Tejada**, Director, OEJ: Send it to me. Robin is helping provide some leadership too. Charles Lee is super involved in it. Phil is super involved in it. Send it to any one of us, and we'll make sure that, as that team gets together, they have that. We actually have a couple of water permits that kind of looked really good that we're thinking about as they go through the process. So those issues of TMDL and NPDES, those are some of the things that are definitely top of mind in addition to thinking about different waste permits and air permits and Title V permits and all sorts of other things. It's a big world to try to consume. Yeah, just send it to us.

What you said about technical assistance, Andy, is absolutely top of mind. Please also bring that up tomorrow. Everyone needs to hear it, and I know that our water leadership is thinking those same things, those are huge priorities for us.

**Ms. Sylvia Orduño**, NEJAC Chair: I also want to be conscience again. We're cutting into the time now for the next panel. I want to ask John and Jerome if you can just offer your question or comment very quickly. We won't get a response for it, but we're going to figure out when is another appropriate window to get responses. But I want to at least let you get them out. Is that okay? Go ahead, John.

**Mr. John Doyle**, NEJAC Member: My question to you, Matt, was how are you assessing the cumulative risks for tribes? Each tribe has a different set of issues that we're dealing with, and I'm wondering if it's just one-size-fits-all or if you've identified specific issues that you're going to be dealing with tribes. Thank you.

**Dr. Matthew Tejada**, Director, OEJ: It won't be one-size-fits-all, whether it's tribal, other rural communities, every EJ community. And that's part of the difficulty, the challenge, but also why we're committed to this, that every community is going to have some uniqueness. Tribal has its own set of uniqueness, and that's part of what we're going to have to work through, John. Absolutely.

**Ms. Sylvia Orduño**, NEJAC Chair: Thank you very much. Jerome, thank you. We'll come back to your question later on too. Matt, do you want to introduce our panel?

## **UPDATES FROM EPA SENIOR LEADERS ON BIPARTISAN INFRASTRUCTURE LAW FUNDING AND JUSTICE<sup>40</sup>**

**Dr. Matthew Tejada**, Director, OEJ: Yes, and I'll do it briefly because I know we're already eight minutes into the panel. This is the next level down, so we're going to get some more information, some more detail. These are three of the folks that are really helping to lead equity at EPA today. You saw Phil Fine just a moment ago. Phil Fine is probably the person I'm working mostly closely with in this administration on a multiple-times-a-day basis. He's the principal deputy associate administrator here in the Office of Policy. He's right with Vicki Arroyo, helping to lead the Office of Policy. Zealan Hoover came on several months ago, and he is all day long. He came on for infrastructure. We are also spending a tremendous amount of time with Zealan and his team making sure that everything that happens on infrastructure is

focused on Justice40 and advancing equity. And then Faisal Amin, our chief financial officer, I have never experienced a CFO at EPA that is as open and dedicated to understanding and advancing equity and justice from the financial side as Faisal. And mainly that's because, in my experience, we haven't had a CFO who's just as open and wanting to learn and understand and help as I've experienced with Faisal. I'm very happy to have them as colleagues here at EPA, leaders here at EPA, and very happy for them to now share some with you all and then engage with you all. So let us turn it over to Zealan.

**Mr. Zealan Hoover**, EPA Senior Advisor for Infrastructure, U.S. EPA: I get to spend all of my days thinking about the Infrastructure Law and implementation at EPA, which is a really exciting role. I will start by just providing that broad overview of what funding EPA received by the Bipartisan Infrastructure Law and, at a high level, some of the focus areas where we are working to embed equity into that program. Then I will pass it to Phil who will talk in more detail about Justice40 specifically and how we're going to hit the president's targets across these programs. And then Faisal will talk in more detail about how we are going to aggressively manage the performance and track implementation going forward.

If we move to the next page, EPA received over \$60 billion in appropriated funds in the Bipartisan Infrastructure Law. To put that in context, our fiscal year 2022 budget was \$9.5 billion. So we're talking about a 150 percent increase in the Agency's annual operating budget. This is a transformational investment in EPA's ability to invest in environmental infrastructure. And we see that in three categories: water infrastructure, environmental cleanups, and clean school buses.

In the water infrastructure space, this is in programs like the State Revolving Funds, where we are investing both on the clean drinking water side of the program and also on the clean water side. Environmental cleanups is addressing contaminated sites in communities across the country and returning them to productive uses while also investing in preventing pollution on the front end and strengthening our recycling and waste management systems. And then we also have a major investment in clean school buses.

If we go to the next page, this just shows the breakdown of funding across these programs. Again, I'm going to stay at a relatively high level because you all will benefit from hearing in much more detail from some of the leaders in each of these programmatic areas tomorrow. You'll be hearing from senior leaders in the Office of Water, the Office of Air, Office of Land and Emergency Management, and the Office of Chemical Safety and Pollution Prevention. They will walk you through in significant detail how we are embedding equity in each one of these programs. But, again, my goal is to help you understand the full lay of the land.

On the water side, this is over the next five years. EPA will receive over \$23 billion to the traditional Clean Water and Drinking Water State Revolving Funds, or SRFs. This is money that flows from EPA to states, and then from states to local partners on the ground, primarily but not exclusively municipal water authorities.

There is another \$15 billion through those SRF programs that are specifically dedicated to lead pipe replacement. We are really excited about the progress that we'll be able to take through this program to make a significant dent in the president's Lead Pipe and Paint Action Plan. We recognize that \$15 billion is both the biggest investment the country has ever made on this issue and also does not get us fully to the need that the president identified in his original budget request. So, we are working diligently with the White House, Office of Management and Budget, and partners at all levels of government to mobilize additional sources of funding that will flow with those dollars. There's also ten billion to address emerging contaminants like PFAS, those forever chemicals in our water systems. And then there's another \$2 billion for other water programs across the country. Many of these are place-based water programs, like our National Estuaries and the Gulf Hypoxia Task Force, that have a long tradition of working collaboratively with frontline communities to address water quality and environmental issues in those watersheds. So we're quite excited about the ability to significantly increase, both in dollar and percentage terms, some of those long-standing programs. And that's another point that is important to underscore here when we think about implementation. Most of these programs on this page are existing EPA programs that have a long track record of success, or they're a new program that is based on a closely related program with a long track record of success. So, what that's allowing us to do is we don't have to reinvent the wheel. We know what has worked well.

We also know what hasn't worked well in the past. But a lot of the basic operational work we've solved already. We're able to really focus on getting to the next level of equitable impact and how we're administering this significant increase in funding.

Going over to the right-hand side of the page, environmental cleanup, you'll see there's \$3.5 billion for the Superfund program. In addition to that funding, we are also reinstating the Superfund tax. That's quite exciting because that will provide a long-term, sustainable source of funding for the Agency to continue to support Superfund in the years to come. We believe that over the next decade we'll get another potentially \$10 billion for Superfund from reinstating that tax on a number of different chemicals.

There's also \$1.5 billion for the Brownfields program, 375 million for new programs in solid waste infrastructure, recycling, and batteries, and \$100 million for pollution prevention. And then we have the Clean School Bus Program, one that is very popular. Everyone loves kids, loves school buses. They're big, yellow, and filled with fun, so you'll frequently see the administrator in your communities riding around on electric school buses with school children. It's one of his favorite activities. We have \$5 billion here. Again, just to help drive home the magnitude of what we're able to achieve, over the last year, EPA has awarded about \$7 million in electric school bus grants. We have a billion dollars this year for the Clean School Bus Program, and half of that, 500 million, has to go to electric school buses. The other half can go to electric school buses and other lower-emission fuels. It's just an exponential increase in our ability to drive impact. And we're really excited and really focused on doing that well.

I want to just highlight some of the early successes since the bill was signed into law back in November. In the water space, you will hear more from Bruno Pigott tomorrow about how, within about two weeks of the bill being signed, the administrator sent a letter out to all the governors outlining our policy priorities for the water funding. We then, last month, sent detailed implementation memos to the states outlining in much more specific detail how to implement these programs, including the fact that 49 percent of the funding has to go to disadvantaged communities, so really making a strong push for equity in these programs along with guidance



on how we will work with states to help them strengthen their definitions of disadvantaged communities consistent with the underlying statutes.

The administrator was in Philadelphia in December to announce that the first tranche of that Superfund dollars would be going to clear a long-standing backlog of projects that have languished because of a lack of funding. For the first time in years, we don't have projects that are ready to start construction and are waiting for money. Every project that's ready to start construction is getting funded and is moving forward.

Two other ones that were exciting, the president and the administrator were up in Ohio in February to announce some great work we're doing through the Great Lakes Program that's targeting areas of concern, most of them in communities that are on the lakes and have suffered from legacy pollution for many years. Of course, we've got our Clean School Bus Rebate Application opening soon as well. We are very excited for that.

If we go forward one more page, I just want to end by highlighting that, while Phil's going to talk about how we are integrating Justice40 into all of these programs and ensuring that 40 percent of the benefits are flowing to disadvantaged communities, we are also working closely with our partners across government on a number of other policy priorities that are mutually reinforcing of the equity goals.

We are pushing for climate-smart infrastructure, both reducing emissions and increasing resiliency, which we know will have co-benefits for reduced air pollution and improving resiliency in communities with environmental justice concerns. We are working in close partnership with other agencies to help them do efficient, successful, community-based permitting and run effective permitting processes that move through with robust support from the communities it will benefit. And we are working with the labor community and with the labor team at the White House to also embed high labor standards in all of this infrastructure funding as well so that, when we are putting dollars out into jobs, again we're creating good-quality jobs in communities here in the United States. I just wanted to show the full picture of policy priorities so that you're also thinking about all of the other ways that hopefully our holistic

approach to program implementation will be supporting communities of all kinds and backgrounds. With that, I will pass it over to Phil.

**Dr. Phillip Fine**, Associate Administrator, Office of Policy, U.S. EPA: Thanks, Zealan. Again, good afternoon, everyone. Good morning on the west coast. This is Phil Fine. I'm the Principal Deputy Associate Administrator in the Office of Policy, been doing a lot of work with Matthew and Zealan on Justice40 and infrastructure.

I will talk a little bit about EPA's current approach to Justice40. I want to mention this is EPA's approach. Obviously, there are other agencies that are part of the Justice40 initiative, many, many programs across the federal government. There was interim guidance that came out last July from the White House, but there's a lot of flexibility within that interim guidance. I'm going to talk today about how EPA is approaching it as of today. We want your feedback formally through questions today, through comments or other questions we get afterwards, and other members of the public to help us shape the way that we're doing this. Much of this is new work, and it can get complicated. But we want to make sure that we're transparent and give you, sort of, those continuing updates as our thoughts are evolving, as our work is evolving, so you can be there right with us.

As Zealan mentioned, one way we're approaching it is—as you know, Justice40, as an initiative within Executive Order 14008. It was a way to spend money without actually providing money. Again, we're fully committed to maximizing the investments that we make in disadvantaged communities, underserved communities. But what happened is, with the Infrastructure Bill, that's the money. Essentially, the money is coming through the infrastructure funding, as Zealan just talked about, and Justice40 is the vehicle or the method by which we're going to achieve that equitable component and making sure the money is going to the communities that need it most. So, it really lit a fire under Justice40 given how much more money EPA has to live up to those principles.

Again, you're familiar with Justice40; it's that whole-of-government effort across the whole federal family. We have to work with states. We have to work with local communities. And we

want to deliver at least 40 percent of the overall benefits of federal investments in certain areas: climate, clean energy, legacy pollution, and transportation. We want to deliver at least 40 percent across the federal government. So, at EPA, we're going beyond that. We're setting this 40 percent as a commitment within EPA.

It's a minimum Agency-wide goal, recognizing that some of our programs should exceed that 40 percent. There may be legal or other statutory limitations. But, as you just heard from the bigger programs—water, Superfund—we feel like we are going to exceed that 40 percent. And we want to still exceed it even more and maximize the funding where it's needed most.

We want to be accountable, but there's a lot of math, a lot of metrics, figuring out the benefits, figuring out the data that we have. We don't have all the data to calculate all the benefits and where they are accruing in communities. There's a lot of work that needs to be done to assess the data that we have or don't have or can collect or can't collect. As you heard from Zealan, we're not waiting to work out all that math, all those details. We are moving forward in every funding announcement to prioritize disadvantaged communities by whatever definition to start moving the needle. And then, as these benefits get calculated, as we figure out the metrics, we will be held accountable to those metrics and then increase our numbers as time goes on. In the meantime, we are not waiting to work out those details.

I'm going to cover a couple things that are a part of Justice40. In the merger of Justice40 and the infrastructure funding, you'll see that these two things are coming together. The first thing I'm going to cover is which programs are covered by Justice40. Then I'm going to get in a little bit about how we're thinking about disadvantaged community definitions. And then later I'll talk about benefits calculations.

First, programs and covered timing. I mentioned this is a historic opportunity to address these long-standing inequities faced by underserved communities. They've suffered generations of disinvestment in their infrastructure. We'll advance our implementation by going beyond what Justice40 first envisioned, which was those six pilot programs that were listed last year in response to that interim guidance that came out of the White House. What we're doing at EPA is

going beyond those six pilot programs. Almost all of the six pilot programs received additional funding through the infrastructure. Any program that got funding through the Infrastructure Law, we're assessing and including in Justice40, so almost every single infrastructure-funded program at EPA. There are a couple small ones that don't quite fit, but almost every single one is going to be on the same timeframe as our pilot programs are for Justice40. A vast majority of EPA programs that received funding through the Infrastructure Law are part of Justice40. If you take those together, the vast majority of EPA's external funding dollars will be included in the Justice40 initiative. We're working with the vast majority of that funding this year. There are a few other programs that just timing-wise, resource-wise will have to be phased in over the next year or so, but we want to get the experience with these larger programs. It's very important that the vast majority of the funding adheres to these principles.

I know there's a lot of interest in how we're defining disadvantaged communities, and that is critical, obviously. We need to have a little bit of flexibility in the interim. We look forward to the release of the final tool that is being developed at the White House, the Climate and Economic Justice Screening Tool. I think we're all assessing it together. We're all making comments on it together, and hopefully, we'll have a final tool. But in the interim, we need to start defining it for ourselves, at least until there's just one federal government tool.

At EPA, we've done this work in some programs before. There are some programs that already have statutory requirements that we spend money in, say, low-income communities or other types of undeserved communities or other types of definitions that are out there. So rather than go back to those programs and having them switch definitions right now and then switch again, potentially, when there's a final White House tool, we're going to allow them to continue to use those definitions as best they can. But as they're going forward, we can try to refine those definitions to either come together with the White House tool or other types of considerations.

One thing we need to keep in mind as we're defining these communities is it's going to seem like it's black or white; you're either in or you're out. But if you're in a particular program that has primary benefits, you want to match the benefits of your program to the areas that need it most. If you're a clean drinking water program, you want to prioritize areas that don't have clean

drinking water that are in disadvantaged communities. There's going to be additional prioritization with whatever definition we come up with for disadvantaged communities. We need to consider the benefits of the program, the primary benefits, the secondary benefits. And we also need to consider how we're considering the community to be underserved or disadvantaged.

We're emphasizing internal flexibility, program by program, again, because some already have some definitions they're using. If they have those definitions, we're telling them to continue to use that. Again, the overlap is going to be high between whatever happens with the White House tool, whatever we come up with. And then, moving forward, we will measure ourselves by those tools. If we don't have a definition already, the Office of Environmental Justice is helping the different programs come up with some interim definitions based on demographic indicators.

As Robin was very clear earlier in assessing whether our programs are reducing environmental disparities, we will use racial factors and race to assess whether our programs are being successful in reducing disparity. As you know, we're making the decision-making point, we might have to use other types of indicators. We are looking at things like low life expectancy, income and unemployment, education, and linguistic isolation to be able to make those decisions as we go forward. Our success will be measured in reducing disparities, including disparities based on race. As we work internally through all our programs to figure out how we were going to do these definitions, it was very clear that different programs were going to need to have different priorities and different definitions for themselves, especially if you consider some of those geographic programs that are very place-based. One national tool, one tool across all of EPA, one tool for all of the federal government is going to miss some of the subtleties on the ground in those communities where these programs are operating. We are working through those issues, and you'll hear more tomorrow from the programs that are working through those definitions.

As we go forward, we want to hear from you if we're missing something, if we should be doing things better, and get that feedback so we could all get to that level of success that we want. That flexibility is in the interim. Eventually, there will be a White House tool. We understand we will

be measured by the White House tool. But also, within EPA, for our own purposes, we're going to be working with other types of metrics on benefits and other things so we can assess our work making sure the money is going to where it is needed most.

And then benefits. Part of Justice40 is not necessarily tracking where the dollars go—although we will do that, and I'll talk about that in a moment—it's tracking where the benefits are on the ground. Again, we're committed not just to exceed 40 percent where the dollars flow but 40 percent in the benefits also will flow to those disadvantaged communities. We're not only going to contribute to that federal government's achievement of the 40 percent, we're going to strive to exceed it. We're going to help the rest of the federal government exceed that 40 percent.

Each covered program is identifying two or three critical non-monetary benefits in their programs, and we will begin to calculate a baseline and work to improve those numbers as we go forward. Some examples of benefits are simple ones, like pollution reduced, sites remediated, improvement in health outcomes, which might take some time to collect the data to actually see those health outcomes in the future, local economic benefits, such as jobs created. These are things that are not only being considered at EPA but across the federal government as part of Justice40. Again, there will be benefits very specific to a program. When I say pollution reduced, it might be a particular air toxic chemical that's reduced. It might be cancer risk reduced in particular communities, total cancer risk.

When we're calculating these benefits, if a program calculates their baseline and they're already above 40 percent, we're going to have that program lay out a plan to continue to increase that 40 percent. We're not going to be happy with 40 percent. We're going to try to maximize that as much as possible. If a program is below 40 percent in their baseline, we're also going to have a plan to increase that to 40 percent and exceed 40 percent as soon as possible, again, doing this transparently, working with you, program by program. If there is a program that feels they cannot reach that 40 percent for whatever reason, then they're going to have to justify that and come up with an alternative target that will have to be, again, approved and be very transparent about it. But we're pretty confident, given the larger programs that Zealan mentioned, that we're going to meet and exceed and maximize those numbers.

So that'll be most of the programs implemented over the first year or so over the next few months actually. Then, there'll be a few more programs that we'll phase in as time goes on, and we learn a lot from this first phase of programs. These programs are going to report periodically on the benefits flowing to these disadvantaged communities and do that in a transparent way.

In addition to benefits, we've also heard loud and clear that it's important to track the money, where the investments are going from the program. You heard from Matthew that we're building this tool that will transparently track to as fine a scale as possible where our dollars are invested alongside the benefits. We built this tool. We will share it with the NEJAC. We've shared it with the working group, get their feedback, make sure it works for everybody, and then publicly release it. And, again, we're going to track where the dollars flow and where the benefits flow. Again, the benefits question might take some time for some programs that don't yet have the data or don't have ways to collect the data. But where programs already have the data, we can start to track where the benefits are flowing.

Again, and this gets to what Robin mentioned earlier, we're going to have to rely on this interim tool and, eventually, the CEJS Tool for sort of that decision-making purpose. EJScreen was never meant as a decision-making tool. It was a screening tool. It has a wonderful amount of data in there. It allows you to visualize that data and help in our work to advance environmental justice in EPA. But we will use that to assess our success on whether we are getting the money to the right places and whether we are reducing disparities and where the investments go and the outcomes. And that is clear, and I thank Robin for making that as clear as possible.

Again, we know that transparency and accountability are also critical to advancing justice. You'll hear a little bit more from Faisal about how the Office of the Chief Financial Officer is helping us to make sure that we are held accountable through these metrics, through tracking, through where the dollars flow, where the benefits flow, and how that relates to our Strategic Plan. I'll leave some of that to Faisal.

Also wanted to mention a little bit about civil rights because that came up earlier. You heard there's a huge effort at EPA, obviously, on civil rights enforcement. Part of that is permitting decisions that state or local agencies make in terms of what types of facilities are going to communities, expansions, new facilities, and things like that. But there's another aspect to civil rights for the funding that we're talking about under infrastructure that is flowing through, say, a state or local agency. Obviously, they are a recipient of federal funds on the basis of that loan or grant, and they cannot discriminate on how that money flows. There's an aspect to Justice40 and infrastructure where civil rights laws can be a powerful tool in making sure that that discrimination on the basis of race, color, or national origin does not occur as this money flows through multiple layers of government.

I think I will stop there and leave it to Faisal. But I'm really eager to answer questions. I know I don't have all the answers or all the specifics. You will hear more tomorrow from the specific programs, but this is essentially the outline of how we are implementing Justice40 at EPA, again, subject to your input, subject to public input, and subject to change. It is a moving target in some sense with the White House tool coming out in beta version and then final. It could be other changes with final White House guidance on Justice40, but we're not waiting for that. We're moving forward, and we're moving forward in the way I just outlined. With that, I will turn it over to Faisal to talk a little bit more about the tracking. Faisal, are you on?

**Mr. Faisal Amin**, Chief Financial Officer, U.S. EPA: Sorry about that. Thanks, Phil. Sorry for the delay. My name is Faisal Amin, and I'm EPA's Chief Financial Officer. Thank you so much for letting me join you today specially to speak on this panel with my colleagues, Zealan and Phil.

I'll tell you that it is common for those of us with perceived green visors to go last in panels like this, and no offense taken. But I'm super excited because, as Zealan mentioned at the top, the equity goals are deeply embedded in initiatives throughout this Agency. As Phil mentioned, I'll be talking a little bit about how that is the case. Importantly, the discussion we've been having thus far on the implementation of infrastructure funds and the Justice40 initiative are woven tightly into our Agency's overall strategic and performance goals.



EPA is committed to embedding environmental justice into the Agency's core work. Advancing environmental justice is a key goal in the EPA's fiscal year 2022 to 2026 Strategic Plan, and it's tightly tied into the Agency's planning and performance efforts. And I'll be walking through that.

The Agency's committed to transparency and accountability in tracking our investments in these areas. In particular, we are focused on ensuring consistency in tracking across EPA's many Justice40-covered programs. The Agency has a systematic approach to ensuring that we set goals and measure progress towards those goals. This approach cascades across critical processes and systems throughout the Agency. Doing so ensures that we remain accountable to ourselves as an Agency, to the administration, to Congress, and to the American public. And it all starts with EPA's Strategic Plan.

EPA issued its Strategic Plan in late March, following extensive and historic collaboration with stakeholders in the public comment period. For those of you who are less familiar, EPA's Strategic Plan lays out for fiscal years 2022 to 2026 our Agency's strategic goals and the cross-cutting strategies we are going to employ to achieve those goals. If you haven't had a chance to check out the Strategic Plan, I'm going to drop the link in the chat so you can peruse it at your convenience.

For the first time in our Agency's history, we have developed specific strategic goals that deal with tackling the climate crisis and taking decisive action to advance environmental justice and civil rights. Moreover, each of the remaining five goals—and that's enforce environmental laws and ensure compliance, ensure clean and healthy air for all communities, ensure clean and safe water for all communities, safeguard and revitalize communities, and ensure safety of chemicals for people in the environment—each incorporate environmental justice principles into the objectives to carry out those goals.

The Agency has also identified three Agency priority goals that will jumpstart our action on climate change, environmental justice, and civil rights. The Strategic Plan serves as the framework for annual planning and budgeting and the development of grant work plans. For

example, the development of the fiscal year 2023 budget request incorporates the administration's priorities and, in turn, the administrator's priorities on environmental justice, climate, and the Justice40 initiative.

Cascading from this overarching Strategic Plan are specific long-term performance goals as well as annual performance goals and measures. The importance of these goals and measures is that they are tracked internally and publicly so that we are held accountable to ourselves and to the public that we serve. And they apply to all funds that are managed by EPA, whether through the annual appropriations process or supplemental appropriations we receive, like the funds provided in the Bipartisan Infrastructure Law as Zealan walked through or the American Rescue Plan Act before that.

As mentioned earlier, every action related to Agency funds, whether it's preparing a budget, developing an operating plan after Congress passes an appropriation, or issuing program guidance that let regions, states, and tribes know how we are going to do business, all reflect the priorities that are embedded in the Strategic Plan that I've been talking about.

So how do we measure this progress? Every agency program and region establish measures by which they judge progress towards achieving the long-term performance goals, annual performance goals, and agency priority goals that I mentioned earlier. They use visual management tools to track that measurement. When it comes to performance metrics, most BIL programs, most Bipartisan Infrastructure Law programs, have established measures already. Some, however, don't. And so we are actively developing those measures for internal and external reporting. In some cases, although some environmental justice data is available, we are working on improvements to our measures so that we can better track.

Each program or region conducts regular business reviews where team leadership collectively report out on progress to meeting goals. For example, in the Office of the Chief Financial Officer, we just had our monthly business review today. In this way, the Agency makes sure it is on track to meet those goals and measures, and it develops and implements mitigation strategies

and other actions more nimbly in those situations where we approach but don't meet or exceed our targets.

On a more global scale and in compliance with the law, like the GPRA Modernization Act, the deputy administrator convenes a quarterly meeting of the Agency's senior leadership to review and discuss performance. Every year, we publish an annual performance report that can be found on our website.

To provide constant support for these performance metrics initiatives, the Office of the Chief Financial Officer provides financial and reporting tools throughout the Agency. So whether it's a long-term performance goal, like all EPA programs that seek feedback and comment from the public will provide capacity-building resources to communities with environmental justice concerns to support their ability to meaningfully engage and provided useful feedback to those programs, or all EPA programs and regions will implement program and region-specific language assistance plans, or whether it's one of our jumpstart agency priority goals, like EPA will implement and develop a cumulative impact framework, issue guidance on external civil rights compliance, establish ten indicators to assess EPA's performance in reducing disparities in environmental and public health conditions, and train staff and partners on how to use these resources.

No matter where these goals are, we are setting measures to quantify how well we are progressing to achieve those goals, reporting out on that progress, and holding ourselves accountable. It is ingrained in everything that we do. And we're going to continue to do as we carry out our Strategic Plan over the course of the rest of this administration. Thanks so much for the opportunity to share how we set our goals and measure our progress towards them. Back to you, Zealan and Phil.

**Ms. Sylvia Orduño**, NEJAC Chair: Thank you, gentlemen, so very much for all of that information and the preparation you took to respond to the questions that were sent ahead of time. I know that we've got several questions from Council members, and I'm going to ask Council members to indicate with your hand if you want to go ahead and begin asking questions.

As you know, this is the basis of our meeting over these next couple of days, to really talk more about how it is that we can understand the ways in which environmental justice communities are actually benefiting and what are the ways in which EPA, again, is tracking as you've described in a variety of ways, but also how it is that we can better understand where there are these measurable outcomes. I think that you can also appreciate that we've got a number of concerns, both in the content of the letters and charges that we worked on, but also in the additional public comments that we regularly hear where a lot of communities are still not feeling the benefits even if the intent and the metrics or other sorts of structures that you have are indicating that such is happening. In many ways, we're trying to figure out how the trickle-down can rain harder and, especially in the context of Justice40, what it'll actually mean in terms of something being different this time around.

As you're probably familiar with, there's a lot of concern already from EJ communities, both leaders and residents and other people that have been waiting for this kind of substantive change. So far they aren't feeling the benefits of it, aren't hearing enough even at the state and local levels about how the information that's going to be communicated in clearer ways, will actually manifest and do something different. I know that we've got some folks that want to ask questions.

I'm going to actually ask if Dr. April Baptiste will get us started. As I mentioned earlier, she's the co-chair of the Finance and Investment Workgroup. She's doing it, also, with Dr. Sacoby Wilson, who transitioned off the NEJAC but also is serving on the Science Advisory Board. This time, he'll be offering some comments during public comments, and he'll join us tomorrow during our business meeting at 4:00. But we want to at least get started with some feedback from Dr. April on what she's heard so far and other members of the workgroup of course.

Dr. April, did you want to start off with any comments before we open it up to the rest of the Council? All right, I'm going to offer the opportunity to come back. I know that our Council members are also working parents at home, too, so I'm taking that into consideration. How about

if we go ahead and start with Dr. Ben, and then we'll go on to Leticia, Aya, and Andy. And then when Dr. April comes in, we'll slide her in. Thank you.

**Dr. Benjamin Pauli**, NEJAC Member: Okay. Thanks, Sylvia. Actually, you stole a little of my thunder a moment ago, but it's great because it just shows how widespread these issues are or that we've got people on the ground thinking about these issues in a consistent way.

I wanted to go back to the whole matter of benefits. Personally, I'm uncomfortable with this language, not just because it's hard to define what benefits are, but because I get queasy any time we're going into communities talking about all the benefits we're bestowing upon them. Admittedly, the examples that were mentioned earlier are hard to argue with. Who would disagree that reducing pollution, for example, is a benefit? But I think it's important to keep in mind that communities need to be in a position to determine when they have been benefited and not to have that determined for them. I know that the Agency has little choice but to adopt generalizable definitions, but I guess what I'm looking for, firstly, is simply an acknowledgment of the limitations of that benefits language when it's used in this way. Then, secondly, perhaps some mechanism that would allow communities to chime in before the Agency starts going around talking about how much it has benefited them. I would invite any follow-up on that. Thank you.

**Dr. Phillip Fine**, Associate Administrator, OP, U.S. EPA: Full-throated acknowledgment of the challenges of trying to define benefits for communities themselves. They need to define what they consider a benefit, and it's not going to be the same for each community. But this is the initiative we're living under, so we're trying to be cognizant of that. When one of the things we've been pushing for across the federal government is not just, again, the federal government deciding where the money goes, deciding where the benefits are, deciding these definitions, but trying to do more community-driven, community-led work. And how to match that with metrics and measures and data is hard. That's the language government speaks in, but it's not the language that necessarily all communities speak in. We understand the importance of tracking and holding ourselves accountable quantitatively with data.

We also need to find a way to build in—and maybe there's a way to do this quantitatively also, to recognize when we're actually engaging the community in the right way. That is hard to do. We didn't talk about it too much today, but if you read the Equity Action Plan, if you read some of our other strategic goals and long-term performance goals, we are also working to do that level of engagement with communities bottom up, to hear what their needs are, how they might define benefits, how they might want to work with government entities versus the other way around. We could use help in matching those two things so we're not a hundred percent in conflict.

**Ms. Leticia Colon de Mejias**, NEJAC Member: My question is a two-part question but much related. Over time, as I've worked in environmental justice, I have noticed that programs, like clean energy buses, for example, have a cost-share component which, in my opinion, has excluded communities that are most at risk but lack the resources to do the cash match.

In combination with that, I also want to bring forward the other point that relates to climate change or climate action and that is equal access to land conservation or open outdoor spaces. How can you address that issue in relation to lack of equal access due to lack of cash-matching resources in specific communities?

**Dr. Phillip Fine**, Associate Administrator, OP, U.S. EPA: I can maybe address the first one. You can ask that question tomorrow when you're talking to the specific programs, some of which do have matching requirements. If you look at the Infrastructure Law across all of federal government, you'll find some language in certain cases where some matching was waived or reduced. I think some of our programs have that too, and maybe Zealan can weigh in on the specifics there. It is definitely on everyone's radar, that access to this funding by underfunded communities could be limited some of these matching requirements. But there are creative ways around that that we're looking at. If Zealan is still on, he can probably mention a few, but I don't want to steal the thunder of the programs tomorrow.

I want to mention another, sort of, nervousness here that we talk about tracking and data and benefits, but, if we just put all those reporting requirements on recipients, we're making it hard to access federal funds, not easier. We want that data. We want to be able to hold ourselves

accountable. We want to be able to hold our recipients accountable. But if we pile on too much reporting, we're making it that much harder for them to execute successfully on a grant. So, there's another sort of dichotomy there we've got to be very aware of. Zealan, maybe you can mention a few examples of the matching.

**Mr. Zealan Hoover**, Senior Advisor, U.S. EPA: I believe we are making good progress on addressing the match requirements in a way that bridges equity concerns. On the Clean School Bus rebate applications that we'll be opening next month, we will be providing a higher level of funding for prioritized school districts. Prioritized school districts include high-poverty schools, schools from tribal communities, and rural schools. So that's an example where we've looked at the cost of procuring particularly electric school buses. We know that those are expensive, that there are fewer structures in place to provide that cost share. We are providing a significantly higher amount of funding to hopefully fully fund buses for those prioritized school districts.

Another example is in the water space where, for example, the \$15 billion for lead service lines does statutorily waive the match requirement. There is no match requirement to access that \$15 billion. In some of the base SRF programs, there is still a match requirement for the state. However, for disadvantaged communities, funding can be provided as forgivable grants and loans. It requires the state to put up some match to get the overall amount of money. But if you're a disadvantaged community, you can actually end up giving all as a grant, and that will more than compensate for what the state needed to provide.

So, again, given some of the unique complexities of the program, it requires a little bit of flexibility. But we are working with states to not let that be a barrier. We believe that there is a lot of grant funding that we can push out through these programs targeted to disadvantaged communities.

I do want to quickly hit Sylvia's opening point on communities not feeling the benefits yet, specifically for infrastructure. That's right because we have not gotten money out the door in a meaningful way. That's a big challenge that we're having, talking about everything that we are doing to design these programs in an equitable manner while setting expectations that we have

not put out significant amounts of funding yet. We will be making our very first big award of brownfield dollars in May. We will be opening the school bus rebate applications next month, and we will be pushing dollars out to purchase school buses in the fall. But when we talk about when the dollars are actually going to lead to projects breaking ground, the first electric school buses will likely get delivered in early 2023. The first Infrastructure Bill-funded water projects will start breaking ground at the end of the year at the earliest and, most likely again, in early 2023.

It is a tough balancing act to show that we are doing a ton of work to move quickly with intention. It is not pouring. It is not raining yet in terms of dollars to local communities. We are still in the design phase. Managing expectations is a huge challenge for us, and we'd welcome any feedback, advice, and assistance from this group in navigating that.

**Dr. Ayako Nagano**, NEJAC Member: We understand that there is a rush to get the funding out to the communities. No doubt you've spent long hours accomplishing that and thank you for assisting these communities. There was some back and forth with the Office of Water's instructions that went out to the state. We weren't consulted before the instructions went out. Actually, we were consulted, but it was too late to provide comment at that point. We couldn't give our feedback in a meaningful way. It felt like NEJAC had been forgotten, and the internal mechanisms providing that kind of feedback were overlooked. The request here is to not make environmental justice work an afterthought, to embed it in the initial conversations and the initial instruction sets. If we don't do that, it's - we have to work with all the states. The problems of working in the EJ arena compound itself if we don't embed it at the outset.

For example, the city of Oakland embeds an environmental justice equity review every time they have a budget line item change. They do it frequently and consistently. The request here is, at the top levels of finance, please, please encourage engagement at the initial stages of developing the instructions for the Infrastructure Bill funding and disbursement. Thank you.

**Dr. April Baptiste**, NEJAC Member: I have lots of thoughts all over the place, so forgive me. I'll try to get a few out. The first thing that sort of come to mind is with this definition of



disadvantaged communities. I get that we're kind of approaching this from a higher level with this panel. But what kind of stuck out to me was the notion that we're probably going to have multiple definitions of what disadvantaged means. I could see the flexibility and the advantage there, but it gives me pause because I feel that, if we leave too many multiple definitions out there, it could lead to confusion. It could lead to some communities actually being left out and not being identified, some wondering how they might be able—maybe I misunderstood sort of the way in the which the definitions are being developed. I wonder if there is a sort of middle ground, maybe with the Office of Environmental Justice or maybe at the higher level taking the lead on this. I do not know where that goes, but that really bothers me, sort of, the multiple definitions. So that's the first thing.

I really do want to uplift Ben's first point about communities being engaged in the Justice40 framework and finding a way for those communities maybe to help in defining what disadvantaged communities may look like. That's the second thing.

Then, finally I'll say, for me, Zealan, it would be great if we can get your slides that show how the large bill of money is being divided out. That'll be really great, especially for our workgroup and the broader NEJAC. Also in thinking, one of the things you mentioned is about prevention. I'm concerned about how that prevention money is being used, what it is being used for. I'm also concerned about cumulative impacts and communities that are now sitting, sort of waiting for their issues to be addressed. It's a fusion of money. How do we really address that? Maybe I'm being impatient, but I really want the past issues to be addressed. I'm hearing it but not really hearing it in some of the stuff that's presented. I'll stop there, but those are just three of the things that sort of come to mind to me.

**Dr. Phillip Fine**, Associate Administrator, OP, U.S. EPA: I agree with you, it's not ideal to have multiple definitions of disadvantaged. But as we dug into this with the different programs, it became clear that, based on the data we have, based on the types of benefits a program accrues in communities, at least in the time that we had—until we work out some of these complexities on definitions either at the White House level or at the Agency level, that we needed to get some stuff going on the books using some definitions that we have. The Office of Environmental

Justice is assisting the programs in coming up with that in a consistent approach even though it may not be the same map.

Eventually, I think we all have the same goal—is that we can coalesce around a common definition either at EPA or across the federal government. Again, we need to recognize that, within those definitions, there needs to be further prioritization where the problems exist. We don't want to fund clean drinking water in an area that already has clean drinking water, and that's obvious. But you can get into some situations where, if you just had one single map without some other level of data or another level of prioritization, you might not be efficiently spending the money in the communities that have the worst problems. But given the timing and not having the final White House tool, this was the most efficient way to get started on the program. We're encouraging the programs, whatever definition they're using, to be transparent about it so you guys can look at it and make recommendations. Again, this is year one of what is mostly five-year funding. So, we can, as we go forward, make adjustments to these definitions as well as to the benefits and the way that we calculate them. But we are sort of stuck in this interim period without a final White House tool. Even when there is a final White House, we're going to have to do some mapping work to figure out where the most important places are to invest the money.

**Mr. Zealan Hoover**, Senior Advisor, U.S. EPA: I will just note that we'd be happy to give some more examples, as well, on what this looks like. I hear, April, the hunger for a bit more tangible examples of some of these tradeoffs and what it could look like across programs. I defer to our chair on whether it makes sense to come to that towards the end after we've addressed some of the other questions, but happy to share some more concrete examples.

**Ms. Sylvia Orduño**, NEJAC Chair: I think we are very much looking for concreteness, especially before we go into the meetings tomorrow. Since we have this opportunity to hear from you today, I'd like to encourage you to maybe offer that. But I know that we've got five other members of the Council that want to offer questions. Perhaps, if you'd be willing to, maybe go into that a little bit more. Then, if need be, we can have them at least all give their questions or comments, and then we'll see how much time is left for you to be able to respond. Hopefully,

again, we continue this conversation. It's something that we're going to be picking up again in our June public meeting, so it's an ongoing issue for us very much. It's front and center with the work that we're doing.

**Mr. Zealan Hoover**, Senior Advisor, U.S. EPA: Well, let me just talk a little bit about how we're thinking about tracking Justice40 in the water context, and, as I mentioned, Bruno Pigott will be joining tomorrow to talk even more about water. It's a good example of this balance between tracking progress and improving on where we are today while also minimizing reporting burden on local partners that have to implement this. Also, to Phil's point, we want to show something now while continuing to improve on it over time.

Right now, under the two statutes for the State Revolving Funds, the Clean Water Act, and the Safe Drinking Water Act, states have the authority to set their own definitions for a disadvantaged community. That's how the funding gets prioritized. We can work with the states, and we are working with the states to ensure that they have robust definitions consistent with statute. We are also providing a huge infusion of technical assistance directly to communities to help disadvantaged communities get on their state's priority list for funding. But the reality is that it is the states that set the definition for disadvantaged communities and then report that data back to us. They also report that data at the water system level.

For example, Cook County, Illinois, which is a massive county, that anyone in the Midwest would know, is one water authority. There are a lot of communities with EJ concerns within Cook County. There are a lot of communities that are not disadvantaged within Cook County. Unfortunately, Cook County is one water authority that either meets or does not meet Illinois' state definition for disadvantaged. Again, we are working with them to improve how we look at disadvantaged communities within larger water utilities.

But, in terms of the data we have today, we have data at the Cook County level. When we look at what Cook County is requesting for funding, they are bundling massive lead pipe replacement requests or clean water requests or drinking water upgrades all together into, kind of, these big, consolidated packages. We would love to ultimately be able to break it down in more detail, to

run it through EJScreen, but there's also the tradeoff of that is a lot more reporting burden for the local governments that are applying for funds. It's a lot more reporting burden for the states, and it requires a lot of upgrades to systems. Again, Bruno Pigott can talk tomorrow about, kind of, the long-term vision of how we're thinking about that.

But the reality is right now we do have data from the states on, is this funding going to a community that is defined as disadvantaged? What share is going to that community? And we're able to use that definition to flow into Justice40. We know, looking historically at these programs, that they fund well below 40 percent disadvantaged communities.

Now, the definition's not perfect. Many of these definitions can be improved. But even with an imperfect definition, they're below 40 percent. Our starting line point is let's push to get to and above 40 percent with the existing definitions while we're improving the definitions, while we're also working with these local communities to get really good projects and disadvantaged communities into the process. But that's just one example of how, just in the water SRF programs, there's so much nuance and data dependencies, and then you multiply that across hundreds of programs in the Infrastructure Bill across agencies and all the non-Infrastructure programs, and you can start to see how there's that type of nuance and challenges and tradeoffs across lots of different programs. April, that's a lot of what we're grappling with. Again, it is trying to track progress in ways that are real.

Our programs are setting a really high bar for themselves. We want to be showing improvement and reporting things that are real numbers, but there's also just so many challenges in the underlying data and statutory authorities. And we need to sort of do this in a way that doesn't just push a bunch of burden onto the states and local governments or, heaven forbid, delay getting funds out because, all of a sudden, no one can award money until we've kind of redesigned backend data systems or something like that. So that's just one example for one program and speaks so little bit of the kind of complexity that we're grappling with.

**Ms. Sylvia Orduño**, NEJAC Chair: I want to ask if maybe we can do it this way. If we can have Andy, Millie, and Na'Taki ask their questions, and then we'll see if there's something within that that can be answered here by our panelists. Then, if we can, take Jill's and Scott's afterwards.

**Mr. Andy Kricun**, NEJAC Member: Three quick observations about potential opportunities to fill some gaps. First, it's so terrific to see how much funding is going for lead service line replacements. In the meantime, I think we also need to work on promoting lead awareness, especially in EJ communities. For example, the majority of the risk comes from drinking a slug of water first thing in the morning or first thing when you come home. In Camden, New Jersey, where I worked, we had a program called Let It Run To Get The Lead Out just to encourage school children to let it run first thing in the morning and let it run first thing when they come home so that they would reduce the risk. It's sort of analogous to, if you're bleeding in the street, it's good that there's a hospital going to be built in five to ten years. In the meantime, you need a tourniquet just to try to protect school children. So that's one observation for your consideration.

Second, some of the SRF funding could be used, potentially, for presumptive odor-control devices and equipment in public facilities, like wastewater treatment plants. Right now, in many states, it's not required proactively. Presumptively, that there'd be odors from wastewater treatment plants, and it comes up to the public to submit complaints. The SRF funding can be used for odor-control equipment. So that would be something that could be required but then also be a funded mandate because funding would come with it.

Lastly, just looking to see if there are any opportunities for synergy with other federal agencies. What comes to mind is DOT. If they're building a road in an EJ community, could the water and sewer or lead service line replacement be done in parallel, so you get win-wins and spread the funding a bit further when the trench is open. So, there's quick observations and questions. Thank you for your consideration.

**Dr. Millie Piazza**, NEJAC Member: This is Millie Piazza with the Washington State Department of Ecology, have been in government service for a couple decades. One of the concerns that I have as we move forward with creating mapping tools, dashboards, and metrics, I

really urge us to be reflective on our language, particularly when we're labeling communities, such as disadvantaged communities and environmental justice communities. What I'm seeing expand more often is, as we work to be very comprehensive in the striving towards cumulative impacts, the core of environmental justice and the centering of environmental justice on the legacy of racism and income discrimination has been washed out in some cases. I just really wanted for us to be collectively thoughtful. I thought that the statement that was made that was key for me and so helpful is, yes, we have the need to match benefits and focus of environmental programs to the identification of communities with the greatest need. And I would extend that it's beyond the greatest need; it's to the areas most at risk. While we need to be comprehensive, I would also urge that we don't lose that focus on race and income as is in the executive order. Thank you so much.

**Dr. Na'Taki Osborne Jelks**, NEJAC Vice-Chair: I'll just keep it brief because some of the other Council members have expressed some of my concerns. What I'd like to really emphasize in that conversation around benefits - I really want to encourage this kind of co-creation of metrics of success, co-creation of measures around benefits, and really thinking a lot more comprehensively.

I know in many cases, say, with some of the water infrastructure, with the SRF funds, et cetera, we're thinking about communities in terms of those utilities more at the municipal level and less about those communities on the ground. When we talk about 40 percent of these benefits reaching these communities who have been most underserved, I think we have to go a step further and think about the actual communities on the ground. EPA is engaging folks across the country in lots of different conversations. So, as we think about the implementation of these Justice40 tools and these pilots and ways that we're going to evaluate that success, don't forget about getting that feedback from communities who are living these realities, challenging realities, on an everyday basis and trying to figure out what success looks like to them. If you can understand what's important to those communities, perhaps that can help to propel a way in which the reporting requirements, et cetera, are made less burdensome but still meaningful at the same time. I'm also concerned about these varying definitions about what disadvantaged communities are. I guess my question would be, even though there might be some variability

across programs in terms of things like the SRF funds, that authority is kind of delegated to the states to figure out what disadvantaged communities are. In terms of this definition that EPA is trying to come up with, what are the key building blocks of that, understanding that, based on whatever the challenge is or the program is, things can expand beyond that? But can we hear what's at the core of what disadvantaged communities mean right now so that we can understand what can be built upon but also understand what's nonnegotiable?

**Dr. Phillip Fine**, Associate Administrator, OP, U.S. EPA: Those were all great comments. I'll address two of them as quickly as I can. I think Andy brought up this concept of working with other agencies and being able to leverage this funding. That's front and center in a lot of the Justice40 work. There's a lot of whole-of-government approach conversations where agencies get together and are able to leverage funding and do place-based work. It's so rare that it sticks out like a sore thumb whenever it happens. You can probably name the instances where this actually happened. It's not for lack of interest or political will to make it happen, but it's just all legal and statutory requirements. Others is just we're all so busy and have these pressures to get your own program implemented successfully, and now you're adding a really complicated piece to it.

Having said that, there is talk of sort of clustering certain types of programs. Several agencies got money around lead reduction. You mentioned transportation, like the Dig Once principle where we do more holistic planning in a community around transportation, around planned revitalization, and do it in a holistic planning process that is community-led. Again, not easy to do, but there's several, sort of, inter-agency workgroups and like-minded people I talk to on a weekly, if not daily, basis about how to best do this. No easy answers.

To Na'Taki's question, the building blocks for what might eventually be some kind of common definition or at least some definitions that fit together and are able to prioritize, unlike some other federal agencies, I think EJScreen does provide us with some building blocks. It does not have a cumulative score. Implementing infrastructure and implementing some of our other programs, how we can sort of work within the data within EJScreen and come up with scoring or mapping that is a little more conducive to cumulative impacts, more than one environmental

indicator at a time. We are working on that and working with, actually, some external experts on that as we speak.

Executive Order 12898 requires us to look at racial disparities in our programs, and we are going to do that. But when it comes to, sort of, these very nuts and bolts—are you getting extra points for being in a certain area versus another area? Are you making decisions—then we have some other considerations that you're all aware of that we have to take into account. But we feel like you can achieve those goals. You're not ignoring historical racism. You're not ignoring it at all; you are just needed to have a framework by which you address those in certain ways.

Again, I know that's not a complete answer. I think we do want to work towards some more common definitions. In the time that we have and with every agency on their own, coming up with their own definitions for different programs, it's just not something we can do in the near term. And as Zealan said, we can't wait to get all these complicated questions worked out, but we're perfectly willing to be held accountable for what we're doing today based on a definition we develop together in the future.

**Dr. Jill Lindsey Harrison**, NEJAC Member: I'm so impressed and supportive of the other comments and questions that the other panelists have asked you, so I hope you'll continue to consider them as time moves on. Two questions for you, one is how will you avoid programs and offices—how will you make sure that they don't cherry pick the particular benefits that just legitimize existing regulatory practice? They have a vested interest in kind of maintaining the status quo and making themselves look okay to maintain their own funding. So how will you make sure that programs actually have the freedom and encouragement to report on various metrics, some of which may make them look good, some may make them look not so good, but at least to have that honesty? I think, Phil, maybe this refers to the comment that you made at the very end of your presentation about there being an opportunity in Justice40 to make sure that discrimination does not occur with partner agencies. I was wondering what this might entail. By this, are you suggesting that there's a way to or that there's a commitment to holding states and regions accountable, especially states and regions which have not had a good track record in terms of environmental justice and civil rights?



**Mr. Scott Clow**, NEJAC member: Okay. Just really quick, a few thoughts. First of all, recognizing that this is the first year of a five-year rollout, give you some grace there. One of the things that we hear often in the funding from EPA and their role and work with tribes and the 1984 Indian Policy is the reduction of administrative burden. This initial rollout hasn't exactly been parallel with the reduction of administrative burden. A lot of tribes have had to duplicate or even triplicate funding requests as this has come out. I just wanted to share that. Also, along those lines, some organizations have their own internal timelines for how they can process things. And if we get a notice that says, okay, you've been working on this for six months, but turn it around and get it out the door in two weeks, that can be really challenging to make it fair. Also, sometimes it's a "careful what you wish for" scenario, but consistency between the regions in how funding is allocated and the mechanisms. Sometimes the regions will get things and do it their own way, and that has pros and cons. I just wanted to share that with you as far as the tribal funding programs. Then, finally, we've been trying to get some dialogue between the EPA and the Indian Health Service and working with the American Indian Environmental Office and trying to figure out where there's a disconnect there. Certainly, in some of these programs, like drinking water programs and air quality programs, it's really important that the EPA understands what Indian Health Service is doing and Indian Health Service understands what EPA's doing. Thank you very much.

**Dr. Phillip Fine**, Associate Administrator, OP, U.S. EPA: I can start, and Zealan may want to weigh in or Faisal. To Jill's point, yes, we are encouraging programs not to cherry pick one benefit. We are a little limited in terms of right now and in terms of the data they already have. That is one consideration, but we are encouraging them strongly to look at different types of benefits. The new thing here for many programs is not just looking at benefits sort of nationwide but overlaying a map of some sort to see where those benefits accrue, or the dollars are spent or the sites that are cleaned up or where the pollution reductions occur. So, it has been a centralized process. OEJ has been playing a lead role. As Matthew mentioned earlier, Office of Environmental Justice, we do have an influx of appropriations that is going to give us a lot more power, a lot more people, to support the programs in terms of how they're doing this, so that should be helpful. But we're not interested in cherry picking. We want to pick hard metrics.

It was mentioned earlier; one of our Agency priority goals was looking at disparity indicators, indicators of disparity that are really going to be long term because EPA can't control all indicators of disparity. They've been around for decades if not longer. But, if we can track these long term, maybe there's some opportunities to take those disparity indicators and apply them in specific situations. So, we are looking for the hard metrics, not the easy ones, because that's where we know we can make the biggest difference and it'll be lasting, hopefully, beyond this administration.

On civil rights, I think most of the work that our Office of External Civil Rights Compliance is doing right now is trying to reinvigorate a program that has been decimated and underfunded for decades. The focus right now is on just getting recipients of federal funds to understand their legal obligations under the Civil Rights Act. They're developing the guidance documents. They're doing training. They're going to continue that over the course of the year. A lot of this is thought about in the permitting context, making decisions on permitting, but it's beyond just permitting. It's if a state is passing a local rule, if a state is contracting or giving out subgrants or even grants that is a recipient of federal funds, they don't even have to be spending federal dollars. They're still subject to civil rights laws if they're a recipient of federal funds.

I think, as part of that effort that our Office of General Counsel is engaged in right now and trying to expand their resources to be able to do it, that part of it will be looking at how these states are spending these infrastructure dollars. It needs to be part and parcel of the discussion, whether it's spending, permitting, rulemaking, or any other potential discriminatory act.

I don't know. Zealan, maybe you want to address Scott's question on administrative burdens, which I know are something that you've been talking to the programs about.

**Mr. Zealan Hoover**, Senior Advisor, U.S. EPA: It's very front of mind, and it gets to the heart of my response to April's earlier question too. Many of these improvements to the fidelity of data tracking, the flip side of that is the increased administrative burden that comes with collecting that data. Wherever possible, of course, we're looking to find efficiencies, streamline, and reduce

existing requirements. But in many cases, if it's something we're not tracking today and we want to track it or we track it at very high-level geography and we want to get to much more specific, granular insights, then that does create an administrative burden. So that is the tension that we are working to balance and looking to partner with local communities and state partners to understand how we can do that effectively within their data systems. And this is why we are also very fortunate to have Faisal's crack team of data and performance experts who are invaluable partners to do this with OEJ and across the Agency.

**Dr. Phillip Fine**, Associate Administrator, OP, U.S. EPA: I'll just add, one way to mitigate that problem—it's not going to solve the problem—is just investing in technical assistance as much as we can across all the programs, especially where programs are sort of overlapping. There's talk of one federal application. I know there's been talk of that before or at least some common approaches to what different agencies require in terms of applying for federal funds. But we hope to really be launching a technical assistance program across the federal government at a level that we haven't seen before, largely due to the infrastructure funding. We're still working out some of those details But, hopefully, that goes a long way in getting some resources to potential applicants to be able to address some of these requirements.

**Ms. Sylvia Orduño**, NEJAC Chair: All right. Thank you so much for all this gentleman. I know we've gone over time, and I appreciate the additional time you've given us and the questions from Council.

A couple of other concluding comments I would offer here is I think in many ways we sort of feel, from NEJAC and a lot of EJ communities, that we're really in sort of these David-versus-Goliath-kind of battles, especially when we're trying to get priority for EJ issues in legacy communities in particular. I can tell you that, even in our experience of what is happening in other federal advisory committees, the conversations are different. We're not sometimes seeing the alignment that we would like to see in the conversations happening with other stakeholders and people that are providing advice to the EPA.

In some ways, that can be pretty concerning because it feels like we can be talking at odds at times. I think that what we're ultimately looking for is, again, not just transparency but the authenticity in how this is delivered and, again, just acknowledging that there can be competing interests when we're talking about people who are coming from the private sector or people that have other designs in terms of how the needs should be addressed in EJ communities.

These are also about power issues in some ways and uphill battles that we're fighting. I say this just as something else to name as we're looking at how the tracking, the measurements, the mapping are going to be done because, while it's in very much the interest of EJ communities, it's not in the interest of everyone. We're very much aware of this, especially at the community level and especially in the conversations that we hear regularly from folks in tribal communities.

We want to be clear, again, that we're not only sort of fighting for our communities to be properly addressed so that they have the safe environmental addressing of needs that they have but the protection to enjoy the cleanup and the benefits of such as well. We're fighting on multiple fronts. I'm sure that you're aware of this as well, but it matters in the conversations about how programs will be designed, how monies will be distributed. When we hear about the concerns about your limitations and what you're going to be able to track and measure and report, it feels again that it could be EJ communities that still don't get the measurements that are needed for whatever those reasons are.

**Ms. Sylvia Orduño**, NEJAC Chair: To the public commenters that are waiting, we appreciate your patience with us. We're over time right now, and we know that our interpreters also need to have the time to be able to have a break as well as the Council. I'm going to ask you for your indulgence, we're going to take a 15-minute break so that people can get a little bit of rest and something to eat before we continue. The folks that are lined up for public comment, we know that you've all been assigned a number. If you can, please get prepared so that you can be brought into the room. The folks that are handling that will make those announcements as well as soon as we get started again. We're hoping that you will also offer comments about what you heard today and give additional feedback on what we need to provide better advice to the administration and the programs. Thank you very much. We'll be back soon.

[BREAK]

## **PUBLIC COMMENT PERIOD**

A list of public attendees is in appendix C. Written public comment is in appendix D.

**Dr. Fred Jenkins**, DFO, stated the announcements and procedures regarding the public comment period.

**Dr. Lynn Zender**, Public Commenter: Good morning, or good afternoon. Lynn Zender, Zender Environmental Health Group. We work with 200 plus off-road Alaska tribal communities. There are multiple allowances for small community facilities and practices under environmental statutes to save money when little risk exists. When there's more risk, the law's intent are still to protect everyone to a minimum health standard, and that doesn't happen. It's EJ. To fix this, EPA must treat infrastructure as the facility plus resources needed for a minimum protective standard. For example, under regret, the standard landfills lie uncovered and vented, and it collects and keeps leachate. If waste is burned, emissions are created. So, what's called a sanitary landfill facility by itself provides a protective system for public health and the nation's waters. The communities I work with are excluded from these standards, their landfills are unlined, typically uncovered with contained open burning. A quarter are within 1,200 feet of town, most are near primary water bodies, which people use for water and diet. And it's where leachate unchecked, eventually drains or floods, and dioxane laden ash settles. So, these landfills don't provide a protective system on their own, and health studies performed there and elsewhere support that. But that's facility is what's funded.

A sanitary landfill in remote Alaska would be millions of dollars more. But for well-sited landfills, an operator to separate and organize waste and waste collection to prevent exposures could serve much the same functions as a sanitary landfill (i.e., infrastructure) and at lower cost and with local jobs versus non-resident contractors. But the two water acts don't fund personnel or even waste collection equipment because they're interpreted as if everyone has a sanitary landfill providing water protection by itself. We're funding rural Alaska for a broom and

everyone else a self-emptying wireless Roomba. They're getting an infrastructure system to clean floors, and Alaska isn't because a broom doesn't sweep itself. Someone to push it, plus the broom, is that protective infrastructure system like that Roomba, like that sanitary landfill that has leachate emissions and gas treatment built in. Infrastructure systems must be affordable to protect through your whole life cycle. Even though the rural Alaskan median income is less than half the state's average, the landfill operational cost burden is 15 times higher per resident. It's a lot of sweeping. To support that, along with water/sewer, 94 percent of communities would pay an average equivalent of 2.7 times higher than the maximum threshold of what IHS says families can afford. Paying for what is called ONM so that families can afford the system built for them, including the resources needed to bring minimum exposure risk protection for all, like with Alaska tribes of fence-line and high duration exposures to local facility releases, that is infrastructure and must be funded.

And, finally, non-profits must be eligible for more funding ops to help get this done for communities lacking time or staff to apply or report themselves. We can't expect the system that brought the need for Justice40 to change that quickly. It takes time to build trust. Thank you.

**Ms. Jacqueline Shirley**, NEJAC Member: Good morning, Dr. Zender. Thank you for your comments and thank you for bringing Alaska tribe issues to the NEJAC. Again, can you state again the recommendations that you would like to see from EPA specifically to address the inadequacies and the disparities when it comes to solid waste management in our rural villages in Alaska?

**Dr. Lynn Zender**, Public Commenter: Certainly. So, there's a number of recommendations. Because we have less infrastructure to protect the communities there, we either need funding for operation and maintenance. It's considered operation and maintenance. We need the funding that comes through the Water Act to include collection, collection systems, and collection equipment because their waste collection does affect waste disposal which affects the water. And we need funding for burn boxes that provide emissions treatments, so I think more funding to allow communities to have better protection. For example, there are communities now that are funded, thanks to our congressional delegation, for a number of sanitary facilities. However, the

communities that are funded for a landfill are getting an unlined landfill, and if we provided 30 years of Super Sacks with that infrastructure, that waste could be put into those Super Sacks, and they would get a lined landfill. So, the type of flexible thinking that we need is for Alaska tribes to help make up that sort of difference. I would strongly urge, also, that we consider providing Alaska tribes or other tribes that have this type of large gap between their solid waste infrastructure and a minimum protective standard, that they be allowed or given a larger amount of the gap funding. Because right now, the only way the Alaska tribes can provide any type of protection with their landfills is to spend their entire gap budget on solid waste. This is very, very common. And what happens with that is they have no resources left to do water programs, climate change, air programs, and all the other types of programs. Other tribes that do not have those compelling needs are able to start. So, I mean, whether it's specific to Alaska tribes or needs to be some sort of solid waste implementation-based needs formula that could maybe add to gap funding or another source of funding that Alaska tribes are able to have access to that can help their communities.

**Ms. Joy Britt**, NEJAC Member: This is not so much a question, but more of a comment. I thank Dr. Zender for bringing up all of these opportunities that we have in Alaska and the many challenges we face in Alaska being at the forefront of climate change. And as you mentioned, Dr. Zender, the solid waste issues that we face in Alaska with the limited budgets that we have with our gap programs definitely need more assistance there. Further, dealing with the Indian Health Service, which we have a lot of support within Alaska, going in and looking at landfills is one of the things that we get support for. However, we're graded in SDS in comparison with the entire nation and often do not get high enough grades to warrant change that we desperately need. So, I just want to thank Dr. Zender and Jacqueline for speaking up for Alaska tribes and Alaska native villages.

**Dr. Lynn Zender**, Public Commenter: I think that there are a number of different improvements to that system that could be made. The issue, too, though is that the Alaska tribes are sort of burdened by the delegated state program which makes specific criteria a very unique lesser-standard criteria for rural Alaska communities, and they're not able to get funding for better, higher improvements like improved infrastructure. And so, that's a real challenge.

We've got communities whose only solid waste infrastructure that was funded is a burn box or an open burn cage, and their landfill is just a few hundred feet from town. And so, again, there's opportunities here for this infrastructure act to address that in multiple ways. Whether it's a burning site that's further away, whether it's funding for an actual landfill that is sited further away, there are a number of different pieces there. Or to pay for some of that, again, operational maintenance to take that hazardous waste content out of those dump sites so at least the pieces that have been identified and associated with four times higher association with certain types of birth defects can kind of at least be addressed and ameliorated. So, thank you both.

**Ms. Erica Hubbard**, Public Commenter: My name is Erica Hubbard, and I lead a neighborhood civic club in the 5th Ward area of Houston, Texas. I appreciate this opportunity to comment on environmental justice investments. I am concerned about state environmental regulatory agencies reinterpreting or redirecting Clean Water Act infrastructure dollars and dispersing them in a way that goes against the mission of the environmental justice platform. I am from Houston, Texas, and our state agency TCEQ, by their own admission, ignores the EPA surface water quality standards and our EPA ozone benchmarks. It is very political here in the Lonestar State, and we have a governor that often goes rogue. How can 5th Ward—the marginalized community that I represent, that I live in, where we're in the 90th percentile of negative EJScreen indicators—how can we have any confidence that your effort—the efforts that you're making—will reach the people that actually need the help? I heard someone earlier mention something about perhaps offering states technical assistance, I guess, to make sure that they're adhering to the laws and the policies, but that just doesn't sound assuring in the climate that I live in.

**Dr. Sophia Owen**, NEJAC Member: Thank you, Erica, for raising this issue. And you may not have been on earlier, but your concerns are one of the reasons why there are many of us who were asking for more detail around civil rights enforcement and what EPA and other agencies are going to be doing to ensure that agencies like TCEQ in your state, which don't have that good track record, are actually doing what is required of them. So, we don't have all the answers from EPA today, but please rest assured that there are those of us on the NEJAC who are going to continue pushing for this and fighting for you.



**Dr. Ayako Nagano, NEJAC Member:** I wanted to add that we've been commenting on how the technical assistance would occur, and we're really trying to get the technical assistance funding to go towards hiring community engagement staff or people with outreach skills so that we can more proactively engage or have the EPA more proactively engage. But that's where we are, we're trying to push for more of the outreach. Just so you know where we are with the budget for technical assistance. There's a huge chunk of money coming for just technical assistance.

**Ms. Odette Wilkens, Public Commenter:** I am president and general counsel of Wired Broadband, Inc. in New York. I have been a technology attorney for over 20 years. How disadvantaged communities are defined is important and does need to be flexible and inclusive, as many of the panelists have said. These communities are suffering significantly from exposure and injuries to wireless radiation near cell towers, 5G cell phones, and smart meters. This also includes Indian tribes. The United Keetoowah Indian Tribe brought suit against the FCC's deployment of 5G without environmental review under NEPA.

The D.C. Circuit Court of Appeals in 2019 found the FCC acted in an arbitrary and capricious manner in the 5G deployment. So, in doing so, we need to focus in identifying who these communities are. We need to focus on the cumulative impact of environmental hazards and recognize that fiberoptics to and through the premises should be promoted and used as accommodation for those suffering from wireless radiation. They are known as electromagnetic sensitively disabled. In fact, the EPA had recognized wireless radiation as an environmental hazard decades ago. Vulnerable communities are the ones most affected negatively by wireless radiation, including 5G. The EMS disabled are mainly disadvantaged and indigent who are not able to live, work, or visit in spaces or buildings where wireless equipment is deployed. They also cannot successfully participate in virtual remote communities using free wireless connectivity because wireless broadband is a barrier to them as their lives are in jeopardy with exposure to wireless. Fiber broadband is a necessity. It provides the best capacity for remote learning for children and students who are part of these disadvantaged communities and more reliable access to medical and other services for the elderly and disabled during emergencies or severe weather when wireless service is more likely to be interrupted.

Now, a major component that should be added to the EPA metric here is to measure in those communities, three things. One, the level of electro-smog generated or that would be potentially generated from wireless infrastructure. Two, the amount of fiberoptics deployed and needed to be deployed to close the digital divide. And three, the extent of accommodation for those disadvantaged communities with injuries from wireless exposure. These communities are disproportionately affected by a lack of or insufficient access to broadband coverage. Now the middle-mile fiberoptics infrastructure has been built by the telecom industry running past rural and disadvantaged communities without serving them, hence the digital divide. Wireless radiation is recognized as a pollutant by the industry itself. In fact, their industry brochures for consumers for cellphone insurance disclaims personal injury from wireless radiation. They actually state that pollutants mean artificially produced electromagnetic fields. That is wireless radiation that's coming off your cellphones.

Two of the largest insurance companies, Lloyd's of London and Swiss Ray, have excluded from coverage any liability for personal injury from wireless radiation exposures. They have a sign that is high risk, so how safe is wireless radiation? It is not safe. It has caused physical injury. I have worked personally with a police lieutenant and an 85-year-old woman who both had to evacuate their premises because they were either vomiting constantly for the past two years or had to have invasive cardiac procedures. Now, former FCC Chair Tom Wheeler called fiber future-proof and wireless only as a last resort, not a first resort, in his testimony to Congress in March 2021. Fiber provides symmetrical speeds of anywhere from a hundred megabits per second to ten gigabytes. Huge capacity of data transfer and it has a lifespan of 25 to 50 years. Wireless only provides asymmetrical speeds maybe of up to 25 and a hundred megabits per second with a lifespan of five years before they need to be upgraded. Where will the money come to upgrade them? And 5G is also recognized as an energy hog. It has been projected to increase power consumption by 61 times from 2020 to 2030. That was reported in 2020 by the ABI Research Data Center Forum. The EPA's metric should include accommodation for the EMS disabled. Thank you.

**Ms. Sylvia Orduño, NEJAC Chair:** So, thank you, Ms. Wilkens. Can you give us an idea of any data that you have specifically in EJ communities or a website where we can learn more about this?

**Ms. Odette Wilkens, Public Commenter:** Yes, there are definitely more websites and I definitely have sources and I will be happy to include them in my written submission.

**Ms. Sara Mangan, Public Commenter:** I'm Sara Mangan. I'm with the Farm Workers Association of Florida. I want to first thank NEJAC for the hard work that you're doing. All of this is phenomenal. And then want to go on and say please also keep farmworkers in mind. All of these projects about cleaning up chemicals and the school buses and the clean water are critical and important. But we also want to keep the work on everyone's minds, farmworkers who were exposed to a really disproportionate burden of chemicals in the form of agricultural pesticides. And the workers themselves, but also their children, tend to either be exposed through their parents' clothing or through pesticide drift if they live near the fields, or even through direct spraying because very often the fields will be right up against farmworker housing where the families live.

They're very dangerous. We're very excited that chlorpyrifos has been banned for use on foods, but it also is used in other crops and it's an incredibly dangerous chemical, especially to children as they develop. But there are others—paraquat and diquat and several others—that carry very big health risks for individuals. Some are endocrine disruptors, other cause birth defects and developmental delays in children. So, we ask that the EPA and NEJAC keep this at the forefront and work on improved enforcement of current rules as well as strengthening rules to protect farmworkers. Right now, the rules that talk about the amount of pesticides that can be in foods that consumers eat are far stronger than the ones that regulate the amount of pesticides that farmworkers on the job can be exposed to. And we'd love to see more protection for this community, especially as it gets hotter with climate change and more pesticides become vaporized—evaporate into the air—and are breathed in by farmworkers and as the heat lowers the body's ability to not be injured by these pesticides.

**Mr. Michael Tilchin, NEJAC Vice-Chair:** Impacts on farmworkers have been a major thrust of the activities of NEJAC. It is really important that we be reminded of its importance at every meeting, so we greatly appreciate your comments. I do have one request before I turned to other Council members. You did list several other pesticides that you sense you felt that they too were a priority for either restriction or potential consideration for elimination from commercial use. If I have that right, could you restate what those other pesticides were that you had listed?

**Ms. Sara Mangan, Public Commenter:** Absolutely. Thank you. So, the first is chlorpyrifos, which was banned from food use, but it's still used on some non-food crops. I apologize, I couldn't tell you off the top of my head what those are. But it is extremely dangerous to the people who apply it. The two that immediately spring to mind are paraquat and diquat. All organophosphates carry some dangers.

**Mr. Michael Tilchin, NEJAC Vice-Chair:** That would be fine. I should've started with that option.

**Ms. Sara Mangan, Public Commenter:** That's okay. My colleague, Jeanie, knows a lot more about pesticides than I do. But I'll be more than happy to put some things together. Thank you.

**Dr. Jan Fritz, NEJAC Member:** Thank you, and I appreciate your comments. Jeanie's comments have been circulated to the farmworker and pesticide group. I wonder if you would comment on the other groups that you work with and whether the groups have asked for EPA to do something about these areas before.

**Ms. Sara Mangan, Public Commenter:** When you say the other groups we work with—so I started three weeks ago. So as far as the Farm Worker Association, I know we work with Coming Clean and several other groups. I can't speak for any of them, but I'll be more than happy to get an answer to that question and get back to you.

**Dr. Jan Fritz, NEJAC Member:** That is fine. I know the answer, I was just hoping you put it on the record. But there have been petitions and there has been a lawsuit about a number of things. Some of them resolved, but others not. Appreciate the work you're doing.

**Ms. Sara Mangan, Public Commenter:** Thank you.

**Ms. Lu Zucker, Public Commenter:** Hi everyone, my name is Lu Zucker. I am one of the co-lead organizers for the Cuyahoga County Jail Coalition that's based in Cleveland, Ohio. This coalition was formed after nine residents of our county died inside the county jail in a span of six months in 2018. Our coalition's core membership is made up of people who have been incarcerated or their friends and family, and other community individuals and groups doing work against state violence via policing and incarceration and militarization.

So, today I'm going to comment on the issue of environmental justice as it relates to prisons and jails, and specifically talk about today the Cuyahoga County Justice Center Executive Steering Committee, which is a group who is voting to build a new larger jail on a toxic site that was previously discarded by the State of Ohio and rejected for their purposes of building a prison due to its level of contamination.

So, U.S. jails and prisons have been historically built on some of the most contaminated land in our entire country. Cartographer Paige Williams carried out a GIS analysis of a 2010 dataset of state and federal prisons and found that 589 of the 1,821 federal and state prisons are located within three miles of a toxic waste site; 134 of those prisons located within just one mile of the toxic waste site. It's pretty well known that incarcerated people in our country face extreme levels of water contamination, air pollution, heat stress that exacerbates medical conditions like high blood pressure and diabetes, also contributing to chronic illnesses of people who already arrive behind bars already disabled, already sick from systemic inequality.

The concrete issue today is that a new county jail is in the works to be built in Cleveland, Ohio costing an estimated \$550 million. The committee in charge of this preparation has identified three parcels of land at 2700 Transport Road in Cleveland, Ohio as a location that meets some of

the necessary criteria to be considered as a site for this jail. So, this property is a couple hundred feet up from the Cuyahoga River, which has been on fire 13 times and was the catalyst for the formation of the Clean Water Act. This site has been identified as having lead, hydrocarbon liquid, asbestos, possibly PCBs, and in 1982, the State of Ohio as I mentioned before, passed this land up too and decided not to build a prison on it because the level of contamination was too high and too costly to remediate.

I'm asking that the EPA and NEJAC invest in an investigation of this parcel of land. I will be submitting the public comment with the information on the site. But I really appreciate the opportunity to speak today and really, really love the work that you guys are doing to keep people safe. Please keep in mind that, as our country has a small, tiny fraction of the world's population but a quarter of the incarcerated population, you keep this large population in mind. They are mostly pre-trial people because, in jails, most of the people there have not ever been convicted of anything. They're just waiting for their trial. Please keep the safety of them in mind. Thank you.

**Dr. Millie Piazza, NEJAC Member:** I really want to thank you for elevating this important issue about prisons—I would say detention facilities—and both the issues for those who are incarcerated as well as those who work in these facilities. I also wanted to elevate to the Council here the issue for families who want to live in proximity to their loved ones who are incarcerated and the impact of where these facilities are sited on those families and also the barriers to access to regulatory authority and information for a state in a local federal facility. So, it's a very complex issue and just thank you so much for bringing it to this forum.

**Dr. Jan Fritz, NEJAC Member:** Thank you, Lu, for bringing this to our attention. I'd already heard from an area resident about this. EPA has done this in the Philadelphia region, taken more of an interest in prisons, and there were a number of organizations that contacted EPA about the previous strategic plan about putting the environmental issues in both prison location and prison operation in place. I was wondering if you've been in touch with Paul Wright, the Human Rights Defense Center and Prison Legal News, about this? They've been very involved in the past with this.

**Ms. Lu Zucker, Public Commenter:** Not yet, but if you're able to connect me that would be incredible.

**Dr. Jan Fritz, NEJAC Member:** Yeah, my email address [jan.fritz@uc.edu](mailto:jan.fritz@uc.edu). Write to me and I'll send you the contact information.

**Ms. Lu Zucker, Public Commenter:** Thank you so much.

**Dr. Jan Fritz, NEJAC Member:** No problem. Look forward to hearing from you.

**Dr. Sacoby Wilson, Public Commenter:** Hello, everybody. Thank you for this time. Great to see my fellow NEJAC members, even if I'm officially no longer a member of NEJAC. I'm an ex officio member of NEJAC, and I helped to plan this event. So, I wish I would've had a chance to participate more, but that's fine. So, as everyone knows, I'm Sacoby. I am the co-chair of the Finance and Justice40 Working Group for NEJAC. I'm also a member of the EPA Science Advisory Board. I'm the director of the Center of Community Engagement, Environmental Justice and Health at the University of Maryland College Park. I just want to give some quick comments, and I'll be participating in the business meeting tomorrow, so I'm going to provide more feedback to some of the EPA officials.

I think it's very important to note as we move forward with the implementation of President Biden's Executive Order 14008, and in general as Phillip Fine mentioned, that the dollars that are coming down—when you think about the issues around Justice40 and the Infrastructure Bill, I think it's really important to understand we have to be able to identify, prioritize, and micro-target communities with the most need.

I will say that in response to the comment about EPA EJScreen was a tool not really meant for dolling out money. I think that's a problematic comment because, with investments and resources and expertise which I'm very familiar with, the work that has been done right now to provide feedback on updating U.S. EPA EJScreen, that tool could've been modified instead of

the effort has been taking that to CEQ level to build a different tool. We had EJ GAP, we had EJView, we had EJSEAT, then we had EJScreen. That's 10 to 15 years of work that went into the development of the U.S. EPA EJScreen, so I just want to say that.

As it relates to how we make sure the communities that need the dollars get the dollars, I believe that we should have the CEQ tool can be a primary screen, but you have to have secondary screening processes. That should include U.S. EPA EJScreen and also other tools at the state level whether it be CalEnviroScreen or the other 15 to 20 states that have their own screening tools.

Now, a couple more comments that I will make now, and I'll make additional comments tomorrow. I find it highly problematic, and I'll use that word again, about the definition of disadvantaged. When you think about environmental justice, you have to be overburdened and disadvantaged, and, when you use the term disadvantaged, it's actually a term of other rising. So, disadvantaged speaks to the demographic composition. Overburdened speaks to the hazards and exposures. You have to have both to have environmental injustice. And having multiple definitions across multiple programs in EPA is a problem. Having multiple definitions at the state level is a problem.

We need to have some standardization and uniformity. Additionally, I think the paperwork burden issue that we heard about earlier, that's going to limit the opportunity to make sure we get the right performance metrics and we're making sure that the communities with the most need are actually getting the dollars. And one last comment, because I know there's other comments. I'll make some other comments tomorrow. Two more comments.

How are we going to make sure that the communities get the dollars when we have racist systems that are dolling out the dollars before? So, this Title VI component as it relates to procedural justice has to be integrated into this process. We need to make sure as it relates to the screening tools that their voice has been heard and Sylvia's always talked about, we have to have recognition justice in the building of any metrics, any tools, whether it be screening, any tracking of dollars at the local level. The communities of the most impacted have to be part of



that. And as it relates to the Infrastructure Bill, we're not talking about Building Back Better, folks. Folks have been divested and disinvested, you've got to Build Back Better, build back better, better, better.

Okay. And my last comment about this is, we have to make sure that there's some synergy in the metrics at the federal level and the local level, and I'll talk more about this tomorrow. I wrote an 18-page critique of the CEQ tool. I will share that critique with my fellow NEJAC members. In that critique, we talk about how you should build a really robust tool. You need to have a climate change domain, as was already noted. You have to talk about race and racism and segregation. You have to talk about redlining.

Phillip mentioned looking at disparity measures. You have to have disparity measures as it relates to black/white gaps, for example, and burden; black/white gaps, for example, in exposed pollutants. You can have Hispanic/black differences in climate risk. And also, health disparities, whether it be health disparities at whatever geographic unit of analysis you're going to look at, but health disparities when it comes to racial-ethnic disparities and asthma. Have that at the track level or the block group level. Racial ethnic disparities in heart disease. That data's really important to help you mark or target communities that already have health needs, and that vulnerability data will also help inform the way you should invest.

And the last comment—I'm sorry. I've been talking way too much. When you think about progress, we also have to make sure we are tracking progress and having baseline data in both our financial tracking and also our visualization tools. So, you just can't have a snapshot. How are you tracking progress in those different buckets that we want to look at: the economic benefits, the ecological benefits, the social benefits, and the health benefits? So, I'll stop there. Thank you for the extra time.

**Dr. Na'Taki Osborne Jelks, NEJAC Vice-Chair:** Thank you so much, Dr. Wilson. I just had a really quick question. You named a lot of different parameters that need to be included in these tools or in this tool, and I know that you have evaluated a number of state-level tools and have been involved in the development of some tools as well. I'm wondering if you have any

guidance on the tools that you've seen or worked with that are most comprehensive that are already in development that might serve as a model in terms of some of the aspects that you just laid out.

**Dr. Sacoby Wilson, Public Commenter:** Yeah, thank you for that. I'll try to be more succinct, Na'Taki. The CalEnviroScreen tool actually, as was mentioned earlier, it has a cumulative impact scoring approach and many of the tools that are at the state level. New York EJScreen. Maryland EJScreen is a tool that I built. We also use the CalEnviroScreen approach, so you have like four buckets: environmental exposures; the average with environmental effects, like proximity to hazards; multiplied times statistic populations, like folks would be asked about myocardial infarction; and then social demographics average. You multiply them and you come up with an EJ score.

We can actually do better than that and make them more cumulative, right, when it comes to capturing experiences, but that's one part of it. And then also when you think about these secondary indicators, one of the things that I think is very important is when you look at the CQ tool and what needs to go into EPA EJScreen. I know there's been some climate change, really getting at the robust climate change indicator. So, the social vulnerability index, looking at tree canopy; having extreme temperatures, whether it be cold or extreme heat days; land use/land cover; damage data, and I think that's controversial. But there are those indicators, and then General Progress Indicators, the GPI. GPI indicators are those indicators where you want to actually track benefits and how it gets down to the people as it relates to improvements in economic opportunity structures.

I think it's a very important part when we think about environmental injustice. How are we addressing inequality, right? And so, we have it in a report that we wrote for the National Wildlife Federation, gaps in environmental justice screening methods. You can look that up online; there's a blog on it. There's also another report, and I'll stop. The UCLA Luskin Center Justice40 Report also provides some feedback on how we can improve the indicators in our various screening and mapping tools.

**Ms. Leatra Harper, Public Commenter:** Thanks so much for this opportunity. I'd like to share what I witnessed over the past ten years in southeast Ohio when fracking first came to where I lived. I'm working still in this area after I relocated but advocating for very many people with our Community Science Program. And what I'd like to point out is, as far as fracking goes, it's something I never thought I would witness in my entire life of how people could be impacted and their health could be ruined, and it would be legal. This started with the Halliburton Loophole, and the Energy Policy Act of 2005, and from there it has just cascaded.

We are faced with so much radioactive toxic pollution, and it is so highly unregulated that now we are witnessing—it's not just the sentinel beings, like the animals that have been made sick and a lot of them have died, and there's birth defects. We have all the research, actually, to show the harms of fracking. But despite our many efforts to roll back the Halliburton Loophole, that's not being done. So, as we're trying with our Community Science Program and our EJ communities to do more to advocate for people. What we're seeing is that people are just giving up.

I mean, we packed a high school auditorium through our—I mean, it's hard for people to read the paper every day and to see a permit and to know the implication of why they might need to be at a permit hearing. And even if they go, any of the harms are downplayed, and all they talk about are the jobs. And I witnessed this over and over again to the extent that even I don't want to attend a permit hearing because we can pack an auditorium like we did with the NEXUS and Rover FERC gas pipeline compressor station hearings, and they still get their permits no matter what.

So, my husband and I are researchers, and we're looking into the lack of regulations and how that was methodically dismantled because of fracking, which I doubt would ever be able to make money because it's having a hard time making money even without these environmental exemptions and these special dispensations to make their toxic radioactive waste somehow magically non-hazardous for disposal. And we have a flood of LLCs that are taking advantage of that, that are very unregulated. And we're finding out for ourselves that our air and water is contaminated. We have some people like at Duquesne (phonetic) University that are giving us

free analysis, but at the same time, even when we do have some of the smoking guns that would show that this is what's making people sick, we call the EPA.

God bless them, actually because I know there's a lot of well-meaning people, and we've been working with them for a while. It seems like they're just constrained because this is all supposed to be under the purview of the Ohio Department of Natural Resources, which is totally captured. And so now, with the lack of regulations, we don't even have a resource with the EPA, and we have these sporadic releases like with the blowdowns and the pipeline picking operations. And we have so many people that sporadically getting sick but nobody that gets there in time with the equipment that we need to be able to hold up in court to be able to hold the industry accountable for their harms and they're taking advantage of that.

Now, what we're really worried about are the oil and gas wells that are being plugged and have been abandoned by the industry. We see the industry playbook playing out again, but who's going to pay for a frack well to be plugged because I don't even know if it's possible, actually. I heard an estimate of \$250,000 per frack well. So once again, we can see that they're kicking the can down the road to externalize their cost upon us.

I'm sure many people within the agencies know this is true, and it's got to be demoralizing for them as well. I appreciate the opportunity to share our community science results with the U.S. EPA and the regional offices. But we need someone from the U.S. EPA to come to southeast Ohio, and we can show you the hot spots and we can show you what we get with our radiation monitor and we can show you our water testing results, and we can show you the pollution and the people who are living without potable water in their homes.

And now we're faced—I'm sorry, I hope I don't go over—but we can't even get into the Appalachian Hydrogen Storage Carbon Capture Conference starting tomorrow because, even though we found funding to be able to attend and pay the \$895 just to find out what's being planned for us in the valley. we're being left out. It's a deliberate attempt to keep us from knowing what the industry's plans are for us.

**Mr. Michael Tilchin**, NEJAC Vice-Chair: Leatra, thank you for a really compelling and sounds like a difficult situation. We really appreciate your comments, and I'm sure we would welcome getting the results of your research.

**Ms. Sylvia Orduño**, NEJAC Chair: Thank you, so much, and Leatra, I really appreciate you coming to the Council and talking about this and it's getting my irk up again. I remember in the last administration we were specifically told as NEJAC that we could not talk about fracking. It was something that was not going to be allowed for conversation, and we pushed back, but we were defeated politically, right? We were told that just wasn't going to be something that Council will be taken up, and I see this as something, again, this Council needs to take up. And I think the issues that you're raising are very much of a concern. I know, also living in the Midwest, that natural gas is something that is really very much promoted as the healthy alternative, and there are a lot of people that I think don't understand what happens when there was fracking near schools and other concerns when it also is possibly impacting drinking water.

And so, I am very much hoping that you'll submit written comments on this because I think it's something that will help us with being able to do some follow-up. I'm seeing this as also something that as we, as a Council, try to work more collaboratively with the regions that this could be something that we might even be able to help with—I don't know about convening, but—at least participating in meetings through the region with community groups to help see what we can do more to help with challenging the differences that you're pointing out there in terms of how it is that conversations are not being had. Challenges when we are having to convince the state authorities themselves that these are real problems and what it means when private interests are dominating the conversation. The agendas of the state and what it means, again, when we don't have enough information for our communities to be able to understand the needs in understanding the environmental problems when people are told, well, you need the jobs and this is really the only thing you should be focusing on.

So, we know we hear that a lot. So, I'm really appreciating, again, that you brought these, forward to us.

**Mr. Scott Clow, NEJAC Member:** Yes, thank you very much for your comments. I don't have a lot more to add. Sylvia really covered it there. Texas, Utah; two from Ohio today. There's such a disconnect between state regulatory agencies and the EPA. Once again, the economic drivers gloss over the people who can't do much about it. So please do connect us and share your data with us. We want to help. Thank you.

**Ms. Leatra Harper, Public Commenter:** Could I have one more request? Just that Ohio's Air Nuisance Rule was removed by the U.S. EPA, and we need it back. If you could please restore the Ohio Air Nuisance Rule in our state implementation plan. We really need it. Thank you so much. I appreciate your obvious caring, thank you.

**Ms. Jennifer Valiulis, Public Commenter:** Good afternoon, my name is Jennifer Valiulis. I am the executive director of the St. Croix Environmental Association, located in St. Croix in the U.S. Virgin Islands. My organization, we're a small non-profit, and we have previously submitted comment to the NEJAC regarding the disastrous restart last year of the massive oil refinery on St. Croix, which is an environmental justice community.

A very short recap, after operating for nearly five decades, the refinery was shut in 2012 after decades of polluting our air and our waters and degrading the health of our island community. It was reopened last year with disastrous results that made national and international news of oil raining down on our island after multiple fires and explosions and near-daily emissions of gas clouds that spread for miles downwind.

Thankfully, the refinery was closed by the EPA and has since gone into bankruptcy but has been sold to another company that has promised to reopen it as soon as possible and with double the refining capacity, and you can imagine how terrifying that is to our community. And now, with the rapid increase in oil prices, there is considerable pressure to restart this refinery quickly and to quote/unquote streamline the permitting process. We know that streamlining means overlooking or minimizing many of the elements permitting that are really the only hope we have for protection from this looming monster. In fact, our own governor is touting the quick

reopening as a boon to our economy and a way to add jobs seemingly ignoring the high health and environmental costs.

In short, we are learning that when the gas prices go up, the commitment to environmental justice communities takes a back seat. People elsewhere in their demand for cheaper gas is changing the conversation for St. Croix, and it's making it scary, which brings me to the topic of this NEJAC comment session which is investments. And so, what we are asking for is investment in the transition to clean energy, both in our community here and throughout the U.S. to ease the pressure from other districts on us and other communities that have similar issues to bear the environmental burden for them.

Cheaper gas is not a reasonable excuse for sickening our community, and we no longer want to be in a position where progress is made in addressing environmental injustices but then lost as soon as gas prices go up. Or the political will changes, and environmental justice is no longer a priority. In addition, in St. Croix and in other EJ communities, investments must specifically be made in mitigating the factors and buffering our community from the factors that keep forcing our health to the back burner, such as the so-called boon to the economy that our own governor is touting.

It's time for us to heal and rebuild our economy to move beyond this long legacy of environmental injustice: investing in training for jobs, such as jobs in the energy transition; jobs in the enormous amount of environmental monitoring and long-term clean up that will be necessary. And as we look toward climate mitigation efforts, let's make those our jobs rather than the industry that keeps making the climate crisis worse. We've just had over the last two days a whole conference with Puerto Rico and the Virgin Islands talking about climate change and all the wonderful projects that are being implemented and funded for climate change. Those are great opportunities to change our economy to something that is not going to make people sick and cause cancer and asthma, but we need the funding, and we also need technical expertise to get us started.

And, finally, this has been mentioned before, but funding has to be directed to community organizations and not just the local government which has really proven that they are ineffective in committing to and implementing the forward-looking change that is needed. As Dr. Wilson stated, a lot of these government officials are the ones that have kept us in this same rut over and over. And that is it. Thank you, again for the opportunity to offer this public comment. It is very much appreciated.

**Mr. Michael Tilchin, NEJAC Vice-Chair:** Jennifer, thank you very much for that very thoughtful perspective on what's going on in the Virgin Islands with the refinery and also for suggesting some very, I think, important solutions for another direction to go.

**Dr. April Karen Baptiste, NEJAC Member:** Thank you, Jennifer, for your comments. I really just want to make a quick comment and just say that the points that you raised are exactly what we were looking for when we mentioned earlier in the public meeting, that we need to go to communities to hear exactly what they want in order to address their environmental injustices. I think these are the kinds of things that I'll be raising in our workgroup as to the clear kinds of recommendations that we want to raise.

And I think that your point about not only relying on governments to be able to get this funding but really opening up the opportunities for our community organizations to get a significant amount of actual dollars to be able to improve communities and address environmental concerns, at least for me, resonated really well with me.

So, again, I thank you, and, if you are submitting something written, we really appreciate it to be deliberate. But thank you for raising and providing us with some concrete examples of how you can see your community benefitting from some of these dollars that are supposed to be coming down the pipeline.

**Ms. Jennifer Valiulis, Public Commenter:** We really plan on submitting written comments as do other community organizations.



**Mr. Michael Tilchin, NEJAC Vice-Chair:** And we look forward to receiving those comments, Jennifer. Thank you, they're extremely helpful.

**Mr. Nathan Park, Public Commenter:** Great, thank you. I appreciate the opportunity to speak with you today and also grateful to hear from other folks during this public comment session. My name is Nathan Park, and I work at Earthjustice, and I want to thank the NEJAC on behalf of Earthjustice for your role in ensuring that the Biden administration places the concerns of impacted and underrepresented communities front and center as they work to ensure communities in need see 40 percent of the benefits of the Justice40 initiative.

With lead service line replacement enjoying massive support under the IIJA investment, the administration must recognize now that it's time to push the U.S. EPA to take whole decisive action on lead. Earthjustice urges NEJAC to communicate to EPA the necessity of a transformative new lead and copper rule as lead service line removal ramps up with new federal investments.

As NEJAC members well know, the significance of drinking water as a lead exposure pathway is often underestimated. EPA modeling has shown that drinking water can constitute up to 80 percent of many U.S. children's lead exposures, yet the existing lead and copper rule itself is not anchored in science, is fundamentally broken, and is rarely enforced.

Hazardous lead exposure of children as a result of drinking water has been documented throughout the U.S., not only by water systems that have a lead action exceedance level but also by many that do not. It's no accident that lead crises in D.C., Flint, Newark, and Clarksburg all occurred while water systems claimed their water was safe. Accordingly, we urge NEJAC—or we recommend for NEJAC to urge EPA to take bold action by committing to propose a reformed and improved LCR by early 2023 and to finalize that rule by early 2024. The EPA must also ensure that a hundred percent of all lead service lines are removed within ten years.

We are submitting written comments that provide more detail on what components of a transformative new rule community groups have shown support for. And, again, I appreciate your time and the opportunity to speak with you today.

**Dr. Benjamin Pauli**, NEJAC Member: Thank you, Nathan, for that. The LCR, as you note, does have all kinds of flaws and some of the proposals made by the agency for reforming the law are themselves flawed in many ways. Thankfully, we did have an opportunity last year to have some community round tables that were addressing some of those flaws in places like Flint and Detroit and around the country. And we are still waiting to see what comes out of all of that. Certainly, your point about the need to remove lead service lines more expeditiously is something that came up a lot in those conversations, and I do hope that the Agency takes it to heart.

That was one of the problems with some of the proposed reforms to the law is that in some respects, despite the objective of removing every lead service line, it wasn't necessarily going to happen in a very timely fashion. And so, we need to keep the pressure on the Agency to really move expeditiously around this issue and to listen to the voices of the affected community members that have been speaking out about exactly the issues you raised. So, I look forward to reading your written comments and to staying in touch around this issue. Thank you.

**Mr. Andy Kricun**, U.S. Water Alliance, NEJAC Member: And thank you, Nathan, for your comments. I agree with everything Dr. Pauli said as well. I think that this is, I mean, a critical example of how the state revolving funds that have been made available can be used for lead service line replacement certainly so. But the key is to bring communities to the program and then through the program. I mean, because the thing is generally the states that receive the funding are passive recipients of applications. Whoever applies, they review, and they review justly, I think, for the most part. But a lot of communities that have needs, whether it be lead service lines or combined sewage flooding or drinking water or just aging infrastructure, don't apply either because they lack the political will to proceed with a project or they lack the resources to be able to apply to begin with or to manage the project.

And so, I think it's critical with EPA's leadership and with assistance from the regions and the states that we proactively identify communities with environmental justice communities, of course, that have a high frequency of lead service lines and proactively bring them to the program and then help them through it so that they get the funding. If the states only pass the recipients' applications, then the same entities will get funded, just maybe more. And so, it's really critical that I support this notion of eliminating lead service lines as quickly as possible in New Jersey where I am. Our governor did put a ten-year goal or deadline of eliminating lead service lines, but then the key is how to fund that.

Lastly, I'll say, as I said earlier in the program, I think it's important that in the meantime, while we're trying to eliminate lead service lines, in parallel it's important to have a lead awareness program out there so that we can at least mitigate the risk with the removal of the service lines so that at least children are taught to let the water run a bit in times of long periods of disuse so at least we mitigate the risk in parallel with trying to get a program to remove the service lines. Thank you.

## **CLOSING REMARKS AND ADJOURN**

**Mr. Michael Tilchin**, NEJAC Vice-Chair, thanked the public commenters. He stated that they are what fuels the agenda for NEJAC, and it is extraordinarily important.

**Dr. Na'Taki Osborne Jelks**, NEJAC Vice-Chair, emphasized that she's really happy to hear that the barrier of matching funds is being removed in some of these instances where communities can get the funding that they need to address these critical water infrastructure issues with lead service lines.

She also emphasized that this leadership from EPA needs to make sure that the communities that are most in need get the information, get the access to know about these funding programs and opportunities, and get the technical assistance that they need to be able to apply for these opportunities. If the likely subjects are going to be the ones who apply, then we'll continue to see those disparities. We've got to not just allow states or whoever to be the passive recipients of

these applications. We have to make sure that those who need this information have it and that they also have the technical assistance needed to be able to get through the process.

**Ms. Sylvia Orduño**, NEJAC Chair, noted the speakers for the next day's meeting. The public comments that were just heard and the panelist' presentations are what will be the basis of the conversation in tomorrow's business meeting. She stated that the Council will use that information to put into a letter the specific questions, concerns, recommendations, and build upon the work that the Finance and Investment Workgroup have been doing. That letter will contain the issues and concerns that the Council has regarding, not only how the distribution of funds will happen through the different program offices, but how they will have a better understanding on behalf of EJ communities to know whether or not all of the different program funds are going to be impactful.

She stated that they've raised a number of concerns over the years that the dollars aren't getting there as needed, and, with the vast amount of resources that are available now, they also know that a lot of this is being left to the states. So, in many ways, the information that's being provided by EPA is still very much just guidance. And so, they're looking at how better to advise the EPA to make better these connections and use data as another stream of information even if it's not necessarily strictly anything else that EPA can do other than strongly encourage the states and local governments to use funds in ways that benefit EJ communities. The other workgroups will be needed to help fill in what will be part of this large letter that'll be going to the EPA, if we can get it done and approved at our June public meeting.

**Dr. Fred Jenkins**, DFO, thanked the presenters and public commenters. He adjourned the day's meeting.

**[WHEREUPON THE MEETING WAS ADJOURNED FOR THE DAY]**

## DAY 2

### WELCOME, INTRODUCTIONS, DAY 1 RECAP, AND OPENING REMARKS

**Dr. Fred Jenkins**, DFO, welcomed everyone to the meeting and introduced himself and his role in the NEJAC. He stated that the purpose of this entire NEJAC public meeting is to discuss EPA investments to address environmental justice in the context of Justice40. He explained the administrative details of the meeting. He invited the NEJAC leadership to give their opening remarks.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked everyone for attending and introduced herself. She stated that there will be two panels today from different program offices that will share more information.

**Mr. Mike Tilchin**, NEJAC Vice-Chair, introduced himself and recapped the presentations from yesterday.

**Dr. Na'Taki Osborne Jelks**, NEJAC Vice-Chair, thanked everyone for attending and stated that she's looking forward to hearing further updates from the program offices about the Infrastructure Bill funding and plans for implementation of Justice40. She is looking forward to moving in a direction of greater understanding about how things will be implemented but also looking forward to that discussion about making sure that the input of communities who are impacted on the ground by these issues on a daily basis are showing up in how these various tools are being developed.

**Ms. Sylvia Orduño**, NEJAC Chair, invited the rest of the NEJAC to introduce themselves.

## UPDATES FROM EPA NATIONAL PROGRAM OFFICES BILL INFRASTRUCTURE FUNDING AND JUSTICE40 PLANS

**Ms. Sylvia Orduño**, NEJAC Chair, introduced the first panel of speakers.

**Mr. Bruno Pigott**, Deputy Assistant Administrator, Office of Water, U.S. EPA: Well, thank you so much. Hello, everyone, my name is Bruno Pigott. I'm the deputy assistant administrator in the Office of Water, and I'm really excited to be here today.

The Bipartisan Infrastructure Law has presented an opportunity that, quite frankly, the water sector's been waiting decades for. It's historic, and for a couple of different reasons. First, this is the single largest investment the federal government has ever made in water with \$50 billion devoted to water and wastewater infrastructure improvements. Secondly, the type of funds—fully 49 percent of the money invested is for SRF funding to be made available as grants and forgivable loans. Third, values—this EPA is committed to reaching out to communities and working with them every step of the way toward ensuring those dollars are delivered to communities in need. And this is what we've needed for years; it's finally here. This funding has the power to transform communities, but we recognize there's some real challenges for implementation.

For generations, too many of our communities have gone without receiving a fair share of federal funding, particularly small communities, rural communities, and communities of color. We have an opportunity here to help fund communities where investment has been uneven or never even came, but frankly, we can't do that without putting in place structures of support to help communities from the beginning of the process and application, all the way through to implementation. We're keeping these challenges at the front of our mind as we're doing our planning. And, most importantly, we look forward to moving forward in partnership with you all, because we're going to need your help, and we see you as partners in this process.

Let me talk a little bit about a memorandum that we released regarding these funds just last month. We released our implementation memo for funding through the state revolving fund

program. And this was a big step to show our state partners that we're doing things a little differently than we had in the past. What do I mean? Well, we're having public conversations like this one here and sharing information openly and proactively. We're also explicitly focusing on disadvantaged communities, and we're clarifying our priorities and direction to states.

As you'll see in this memo, EJ communities are directly considered in these policies. You might ask how, well, first, the Bipartisan Infrastructure Law mandates that 49 percent of SRF grant funding must go to disadvantaged communities. And we're going to be tracking how many disadvantaged communities received funding for projects that make a difference in communities across this nation.

Second, funding must be used for full lead service line replacement, not just partial lead service line replacement. A way to measure this is the number of lead pipes removed toward President Biden's aggressive goal of removing 100 percent of lead pipes.

Third, we provide multiple examples of affordability criteria for states to use when they revise their disadvantaged community definitions. Finally, there's a new focus on community engagement in the SRF process.

Now, as I mentioned, this process cannot be successful unless we help those communities that have not had this money flow to them in the past. How are we committed to ensuring that that happens? Two words, technical assistance. We're committed to helping communities through technical assistance. Now, as you probably are aware, there's lots of barriers in place, and we're wrestling with them just as much as anybody else is. What are some of those barriers? Well, we have five years to roll out this funding. That's more time than was provided with previous infrastructure efforts like the American Recovery Act dollars in 2008. And that's good, it gives us more time than in the past, but we all know that five years isn't all that much time to get to communities set up for success: understanding, applying, receiving, and implementing funding.

Secondly, there's a huge number of communities that will need help, but we know that we all have a limited amount of technical assistance money. To maximize the use of these funds, we're

going to need to work closely with states and harmonize the existing technical assistance funds that are out there today. And we're going to need to work with you all to ensure that we provide that technical assistance to communities that need it. States also have a major role in the day-to-day implementation of this program. It's, for example, states that set the definitions for what constitutes a disadvantaged community by law as well as affordability criteria.

Some of the information in the implementation memorandum that we've released is technical, and we recognize that for a lot of communities just looking at that memorandum isn't going to be enough. There's a large learning curve for many of our communities. And many of our organizations, particularly in EJ, have not spent decades immersed in the arcane details of state revolving fund programs, and it's going to take all of us to help spread the word about this opportunity.

And, finally, to do this right we will be intentionally working with communities that have no or little experience in applying for SRF funds. We want to reach out to those communities. We want to provide them with the tools and the assistance along the whole path to not only getting the funds but implementing the funds and ensuring successful delivery of clean water in communities that haven't had it thus far. We welcome your feedback on these questions as we go forward, but right now we're approaching these challenges while planning to offer technical assistance in a couple of different ways.

We're launching a TA program that will provide support from the beginning to the end. This means helping communities identify projects, understanding by listening to communities what kinds of projects will be most beneficial to them, assisting those very communities with their applications, and providing support not only in the process of application but also during the construction and the management of this project because we want to make sure that, in the end when these projects are implemented, they work and they work for those who deserve and need that funding.

We're supporting community-centered, locally driven solutions. And we want to work with community organizations on the ground alongside our state and regional partners. After all, the



problems are locally based. The community organizations know what those problems are, and we want to partner with them to ensure that we deliver the solutions that work for those communities. That's why a focus of our TA program is on disadvantaged communities in rural, urban, and suburban areas. We have five years to jointly organize. We're committed to supporting shovel-worthy projects. We used to talk about shovel-ready projects during the ARRA implementation. We're lucky to be able to talk now about shovel-worthy projects that, over time, we can get ready and implement. And we're going to be proactive in our approach to providing assistance.

And, throughout these next years of the Bipartisan Infrastructure Law funding, we'll be continuously learning. We'll be working to get feedback from you all and from our partners all throughout to ensure that we learn lessons, improve on our program, and strengthen best practices for the next allocation of dollars as the years move forward.

Look, I won't kid anybody, it's going to take time to deliver a strong technical assistance program, but we're committed to starting this year and reaching out to communities to help them tap into funding. And, to that end, there's going to be upcoming educational opportunities coming your way as we move forward.

I just want to say, we have a lot of work ahead of us. We know it's not going to be easy, but it's past time for communities to get their fair share of federal funding. You've been waiting for it, we've been waiting for it, and finally, the dollars are there. And the dollars are one piece, but the other piece is ensuring that we put in place the assistance the communities need to ensure that we take advantage of those dollars. And I really look forward to hearing what additional questions you have, and what additional suggestions you have for how to work successfully to implement the Bipartisan Infrastructure Law with environmental justice, not at the edge, but at the center of the program. So, thank you for your time, and we're happy to answer your questions as we go along.

**Ms. Sylvia Orduño**, NEJAC Chair: Thank you very much for that. I know that we're very much interested in asking you some questions about this, but make sure we can do that after Ms. Nunez gives her presentation. Thank you.

**Ms. Alejandra Nunez**, Deputy Assistant Administrator, OAR: Thank you very much. I'm really thankful to be invited to join you all today to talk about our programs in the Air Office that are relevant to the implementation of the Justice40 commitment. I just wanted to say in general, just to open this dialogue, that I really look forward to us working together collaboratively for the NEJAC to always give us advice about all our programs. We're so thankful for all the public comments across the years and all the collaboration, and we really look forward to your input as we move forward with implementation of these programs that are relevant to Justice40.

My name is Ale Nunez. I'm the deputy assistant administrator for Mobile Sources in the Office of Air and Radiation. I support the transportation team in the Office of Air, and that's what I'm here to cover.

As you all know, the Biden/Harris administration, and the Environmental Protection Agency are committed to unprecedented investments to address historic environmental burdens that have been experienced by underserved and underrepresented communities for far too long. I would like to share with you several of the Air programs most significant investments that we will be tracking under Justice40. Specifically, I will discuss three things: first, the Diesel Emissions Reduction Act and Ports Initiative work, the newly created Clean School Bus Program, and also, the Enhanced Air Quality Community Monitoring Program. Slide two, please.

Many of you have heard of the Diesel Emissions Reduction Act. There are, in general, accelerated modernization and turnover of older and dirtier diesel engines to be upgraded with emission controls such as vehicle or engine replacements with new diesel, alternative fuel, and zero emissions engines, or idle reduction technologies by providing rebates and grants to lower costs.

The DERA program funds a variety of sectors and types of equipment that include highway vehicles, such as refuse haulers, school buses, as well as non-road vehicles such as construction and agriculture equipment, locomotives, and marine vessels. Now EPA's Ports Initiative compliments the DERA program by providing tools and assistance to accelerate the adoption of clean air technologies, clean air planning practices such as emissions inventories, and support to engage communities in the effort to reduce diesel emissions at ports across the country. The staff in our ten EPA regional offices are working at the local level to convince stakeholders and provide technical assistance to support communities that are experiencing environmental justice concerns and to help address the impacts of diesel pollution in these communities.

We have gained valuable experience tracking benefits associated with the DERA program and the Ports Initiative work. As we have documented in our reports to congress, DERA currently prioritizes and tracks projects that take place in these areas. At marine ports and other goods movement facilities, such as railyards and airports, in poor air quality areas, so those in particulate matter and ozone areas and/or areas with toxic air pollutant concerns and also, in tribal and insular areas through dedicated funding opportunities.

EPA also prioritizes funding for projects that engage communities to inform the project plans that address their needs and concerns. In addition, we are exploring ways to further target their funds to disadvantaged communities, for example, by incorporating a factor for low-income populations as we're doing as part of the school bus program that I will discuss in a moment.

EPA tracks and reports benefits from DERA projects using a variety of metrics that include the number of gallons of diesel fuel saved. The tons of nitrogen oxide reduction, the tons of particulate matter reduction, and the tons of carbon dioxide reduction all over the lifetime of the equipment. These long-term diesel emissions reductions and fuel savings are direct benefits of the DERA program that we plan to continue to track as part of Justice40.

One technical challenge for quantifying and tracking emissions reductions and fuel savings from mobile sources is that we cannot always pinpoint those emissions reductions to a single place on a map, which sometimes affects our ability to understand community-specific impacts of those

emission reduction projects. These are mobile sources, right? Vehicles move, how far depends on the type of the vehicle and its location. Some yard trucks and switcher locomotives may spend their entire working life in a single yard, while engines on tugboats and heavy-duty trucks may traverse multiple counties or even states on a single trip.

We also recognize that our programs deliver a secondary benefit that is difficult to quantify, but that we believe is very important to pursue, which is building the capacity of communities with EJ concerns to achieve additional diesel emissions reductions beyond DERA-funded projects. One way that we're trying to ensure continued efforts to improve air quality is to prioritize DERA projects with the applicant or their partners who have or commit to creating a policy or process to engage communities on operations and projects that impact air quality beyond a specific DERA project.

We're also working to build capacity in other ways. EPA encourages prospective port sector DERA grant applicants to take advantage of a series of community and port collaboration materials that we have published on the EPA's Port Initiative website, which includes case studies on four community port collaboration pilot projects which took place in Seattle, New Orleans, Savannah, and Providence.

We also recognize that community members' capacity to participate in the diesel emission reduction planning efforts can be challenging. So, while we don't have all the answers or how to address this challenge and we very much welcome the NEJACs advice, EPA's EJ small grants program is one very important resource that EPA offers to support community capacity building. OAR, or Office of Air and Radiation, was pleased to partner with the Office of Environmental Justice last year to fund seven EJ small grants that will support the ports initiative by building community capacity to engage in collaborative efforts to reduce diesel pollution at ports and railyards.

Let me talk about the American Rescue Plan Electric School Bus rebates and EPA's Bipartisan Infrastructure Law Clean School Bus program. Our long experience with the DERA program informed two recent school bus rebate opportunities that totaled \$17 million for schools and bus

fleet owners to replace all older, high-polluting diesel school buses. The first one was seven million from the 2021 American Rescue Plan Electric School Bus rebates, which were reserved exclusively for school districts in underserved communities, tribal schools, and private fleets serving those schools to replace all diesel buses with new, zero-emission electric models.

The second one, the ten million balance in DERA rebates will assist with 440 school bus replacements across the country. We are applying all of that experience to the implementation of a clean school bus program under the Bipartisan Infrastructure Law, which provides five billion over five years within fiscal years 2022 through 2026 for the replacement of existing school buses with low and zero-emission school buses.

Half of the total available funding is dedicated to zero-emission school buses, and then the other half is dedicated to clean school buses, which include both low and no emission buses. As we are required by the statute, EPA will prioritize the replacement of buses that serve high need school districts, private schools, and rural and low-income areas. Replacing these buses will improve air quality in and around schools and communities, reduce greenhouse gas pollution, and better protect children's health overall.

We solicited early input on the Clean School Bus program. In December 2021, we held a virtual listening session for people to share their thoughts on how the Clean School Bus program should be structured. In addition, we also encourage interested parties to submit written feedback, and we got a lot of it, which we're very excited about. EPA held a webinar in March to discuss the upcoming 2022 Clean School Bus rebates, which will comprise the first phase of the program.

On April 27, coming up in a few days, we will host another webinar to discuss the specific program details before the initial round of 500 million Clean School Bus rebates launches. And we will hold several additional webinars once the application period opens in order to answer questions stakeholders may have about how to apply. We also plan to evolve the funding opportunities under the Clean School Bus program over the next five years, and we encourage continued stakeholder feedback so that we can best design this program to meet local needs.

Now let me talk about enhanced air quality monitoring, which has been a long-standing priority for the NEJAC. In November 2021 the administrator did a Journey to Justice tour to hear directly from communities regarding their environmental concerns. One of the things that Administrator Regan heard on this tour is a high level of interest in monitoring resources and capacity. As you know, EPA provides grants to state, tribal, and local air agencies under the Clean Air Act in order to support the operation and maintenance of a wide variety of ambient air monitoring systems across the United States.

This system is a critical component of air quality management, and it provides the American people with health and environmental information. EPA posts information from air pollution monitors, including in the air quality system, and an interactive map of air quality monitors with the latest data, as well as trend information. Data from these monitors also informed the AirNow.gov website and app, which are widely accessed by the public in their local communities.

We have wanted to do more and support new technologies, such as lower-cost sensors. Under the American Rescue Plan, the Agency received a one-time supplemental appropriation of 100 million in fiscal year 2021 to be divided into two \$50 million line items. One is dedicated to supporting environmental justice priorities, and the other is dedicated to enhancing air quality monitoring.

So, let me go a bit more through the details of this. The 50 million for air quality monitoring is divided into four components. First, competitive grants for community air quality monitoring of \$20 million. Second, DERA awards to air agencies for continuous monitoring of PM 2.5 and five other common criteria pollutants. This is 22.5 million. Third, enhance regional capacity for short-term community monitoring needs such as mobile labs or air sensor alarm programs, five million. And, the last item is administrative management, which forms the foundation of our ability to ensure that these programs are properly administered and tracked as well as improve data management.

We recently closed a grant competition for the 20 million in American Rescue Plan funding to enhance ambient air quality monitoring in and near underserved communities across the United States. Of that 20 million grant competition, there were two specific set asides. Approximately \$2 million of this amount will be awarded to tribal governments under a tribal government set aside. And approximately 2 million will be awarded to eligible community-based organizations under a community-based organization set aside.

In developing this investment program during the summer of 2021, we conducted insight and feedback sessions with communities in order to gather and discuss their ideas about what considerations the Agency should take into account in developing the competitive grant solicitation. This upfront input, we think, helps us develop a stronger investment program. We also wanted to build capacity among potential applicants to bring down barriers. In September 2021, as the grant competition was getting closer, we hosted a general grants training for community organizations, tribes, and our agencies. With the upfront capacity building and using the insights from the listening sessions, we announced the competition on December 15, 2021.

Importantly, this is the largest investment in community-based air quality monitoring systems in the history of the EPA. The Agency will award funds to support community and local efforts to monitor their own air quality and to promote air quality monitoring partnerships between communities and tribal, state, and local governments. In addition, during the open competition, EPA staff did more to reduce barriers for applicants, so let me describe this.

On January 11 of this year, we hosted an informational webinar about the funding. To maximize accessibility, all presentations were recorded and posted on EPA's ARP website, American Rescue Plan. We also heard from potential applicants that more time would help them overcome barriers to applying. As a result, we extended the initial application deadline and closed the land competition on March 25, 2022.

Responding to community requests and working more upfront, we are seeing dividends from this new way of involving communities in this effort. I'm pleased to say that EPA received over

200 applications from across the country. Now comes the hard part as EPA will now begin the review and selection process with awards expected to be made no later than November 2022.

Through these investments, we will help to elevate the role of communities and center on our Justice40 goals. This investment also helps communities to establish and maintain partnerships with other entities, which we believe is so critical to air quality improvements. We really appreciate the NEJAC's support for the foundational information air quality monitoring can provide, and you see the connection between this data and air pollution results. In this case, translating the benefits from key investments in monitoring to tons of air pollutants reduced is not straightforward. This is an example of why flexibility across programs in the Office of Air to define the benefits of the investments helps to explain the benefits within the specific program.

You can see the wide array of investments, and this is a very exciting time in our air quality programs with much important work ahead. We very much welcome your input on opportunities to further maximize benefits to disadvantaged communities from our investments in air quality monitoring as well as the DERA and Ports Initiative and the School Bus Rebate Programs. For example, how can EPA reach more communities and support them in partnering with eligible applicants? Are there additional ways that EPA can help encourage meaningful community engagement and air emissions reductions in disadvantaged communities? For example, both as part of DERA projects, beyond the life of DERA projects. For example, additional outreach, technical assistance, training, or other information resources. I look forward to hearing your input today and to continuing the collaboration with NEJAC and your advice as we work to improve our programs. Thank you.

**Ms. Sylvia Orduño**, NEJAC Chair, invited Council members to ask questions or add comments.

**Mr. Scott Clow**, NEJAC Member: Yes, good day. I had a couple comments about the infrastructure rollout with water. Thank you for your presentation. Great to see you. On the technical assistance side, I really want to encourage you to reach out to the organizations that exist that already provide technical assistance to tribes for water and wastewater. These are



exciting times, and we really want to make sure that the dollars get where they need. So here are some ideas on that.

Jacqueline Shirley's organization, RCAC, does a lot of work with tribes. There's the National Water Tribal Water Council that works with tribes nationwide on water issues. The Intertribal Council of Arizona, Native American Water Association, and others. So please use the tools that are already out there as you roll this out.

Finally, we're very interested in how this is going to interact with the Indian Health Service and their role with tribes and water and wastewater infrastructure. And so, we're very interested on the tribal side about how that's going to intersect with that agency. Thank you.

**Mr. Bruno Pigott**, U.S. EPA: Well, thank you, I really appreciate the comments and the suggestions. This is precisely the kind of information that we're hoping to get in terms of and couldn't agree more that working with already existing organizations that have the knowledge of the people on the ground is vitally important in terms of ensuring that we connect with communities on the ground where it counts. It both provides legitimacy and access to the people and provides us with a way to reach out. And I certainly appreciate that and have taken note of your suggestions for the organizations to work through.

At this time, we're working on these issues, both in terms of the organizations to work with and how to intersect with the Indian Health Service. At this point, we're happy to take your suggestions about the most effective way to do that, should you have them.

We want to dig into that, and we want to make sure we're as effective as possible. And we know we don't have all the answers on this, which is why I feel like it's important that we lean on and depend on you all for your guidance and thoughts about how best to interact with, not only the Indian Health Service but the other organizations because, for too long, the access or availability just hasn't been there for many of these communities. So we're working in workgroups on a regular basis to try to think through the best way to do these things and look forward to your guidance.

**Mr. Andy Kricun**, NEJAC Member: Thank you, Sylvia. Thank you, Deputy Administrator Pigott for your presentation. I really appreciate it. I agree with your remarks with respect to how this is really a once in a generational opportunity to make a difference for underserved communities and also how different this is in our program with respect to the difference between shovel-ready projects versus the opportunity for shovel-worthy projects. A project that doesn't even have, maybe just on the drawing board, can take 18 to 24 months to plan and design, but there's time, since this is a five-year program, to get projects that are shovel-worthy to the program within the five years.

And I'm so glad that you're also providing technical assistance to help underserved communities to get through the program. But one thing I hope that EPA will also consider is making sure underserved communities get to the program. I find from my experience working in Camden, an environmental justice community, that there are too many barriers to underserved communities. One, which you're addressing, is this notion of having the technical resources to do the plan and design and permitting and application, which can be challenging for underserved communities that lack resources.

But another thing is that some communities don't have the, let's say, political will, or maybe a manager is retiring in two years and wants to kick the can down the road. The people who live in those communities deserve safe drinking water and clean waterways. And so it seems to me that, rather than EPA and the states only being passive recipients of applications for funding, the states, especially with EPA guidance, also look toward communities that are having struggles with compliance issues both on the drinking water and clean water side and bring them to the program and then through the program with the technical assistance. Otherwise, some of our underserved communities will still not be served, and our households won't have safe drinking water and clean waterways. I think both things are needed to bring communities to the program and then help them through it. Thank you.

**Mr. Bruno Pigott**, U.S. EPA: Boy, Andy, I can't agree with you anymore. You said it so eloquently. It's not just a matter of making the dollars available and putting the shingle out and

saying, look, come get it. That's not going to work. We need to be out on the streets identifying those communities ourselves proactively and then sitting down with those communities in community meetings and in meetings with the communities themselves to let them even know about the opportunities. Because you're right; a lot of the SRF programs have had money available, but, in a small community or in a very disadvantaged community, they might not know about those resources. And all too often, we sit in a reactive mode and that prevents dollars from flowing if we were more proactive.

We plan, as part of the technical assistance, to think through how best to reach out, which is another reason we need to work with you all. There are organizations that know about communities that are already in need, but maybe the communities themselves don't know about the resources. If anybody knows of communities that could be helped, we're willing to reach out and be proactive, but we also want to get your input in terms of communities that you know about. So, we agree that reaching out and not just being a passive provider of dollars is vital to ensuring that the 49 percent of these dollars go to the communities that need them.

**Mr. Andy Kricun**, NEJAC Member: Well, thank you very much. I'll just add one last thing real quick just to think about is also to make sure that those communities are aware of the value of the state revolving fund, and it's not just another loan. Because of the low-interest nature of it and the longer payback period, it really has the functionality of a 30 to 35 percent grant, as opposed to typical bonding. So, the availability of the funding and also its value is important to communicate. Thank you very much.

**Mr. Bruno Pigott**, U.S. EPA: Thank you, Andy. I appreciate your comments.

**Dr. Ayako Nagano**, NEJAC Member: Hi, my name is Aya. I'm a lawyer from Berkeley, California. Thank you for the presentations. They were really excellently enlightening. I wanted to echo what Andy just said about a proactive approach. Thanks for sharing that you'll be reaching out.

I wanted to know if you'll actually be hiring people for those outreach skills? We have heard through the grapevine that the Office of Water is looking solely for skillsets relating to technical assistance, not for language needs, but for scoping and the skills that are required to do the outreach work initially.

We understand that there's a rush to get the funding out to the communities and that things need to go out, but the environmental justice work can't be an afterthought. It's much harder to do equity work once instruction memos have gone out. For example, the City of Oakland has embedded their equity review every time a budget line-item changes, or it's embedded in their annual reviews for all employees whether they've done equity work that year. I wanted to make sure that that kind of ethos is translated into the work and that you utilize groups like the NEJAC. In the instructions that went out last month, we didn't actually have an opportunity to meaningfully give feedback because we were out of time for that. Please remember to tap us, thank you.

**Mr. Bruno Pigott**, U.S. EPA: Oh, yeah, I can't disagree with anything you've said. First, I want to talk about the technical assistance. When we talk about technical assistance, we're not merely talking about technical people, such as engineers. And so, maybe that term is one that can lead to misnomers and misunderstandings. We are looking to hire people—and not just the people that do the technical work of figuring out how long the pipe should be or how thick it should be or where the best place is, but people who can work with different communities in a variety of different ways reaching out. And so, your comments about language and about other skills that are important to ensure that we reach out effectively to communities are ones that we've been taking to heart, and we hear you loud and clear. That's the first thing I wanted to say.

The second thing that I want to say is EJ is a centerpiece not an afterthought in this process. And let me explain a couple of ways in which we think it will act as a centerpiece. First of all, when states receive these dollars, before they receive the dollars, they're required to submit to us a plan. Here's how we're going to spend our money. Not just a general plan, but here are the communities that will be on the list to receive those dollars. And we're going to review that plan.

Not only are we going to review that plan, we're going to review how they approach what constitutes a disadvantaged community. We will do that before a single dollar is allocated.

And then, after those dollars are allocated, we'll follow up to ensure that we know where that money is going and how it's being distributed to ensure that we meet the goals of the Bipartisan Infrastructure Law, which are specific and mandated clearly to assist disadvantaged communities. So, I wanted to say that that's an integral part of our process. I know if our Assistant Administrator Radhika Fox could be with us, she would say it is a centerpiece of our approach.

Then, finally, I did want to say a big shout out to one of the folks that's leading our technical assistance efforts, and that's Jonathan Nelson. Some of you may know Jonathan. He's working hard and reaches out to folks and wants to work closely with people to ensure that we put in place that robust outreach effort to communities and not just the technical folks on the ground.

**Dr. April Karen Baptiste**, NEJAC Member: Thanks. I'll try to make my comments as quickly as possible. Thank you, Mr. Pigott, for your comments. But a general comment, I still find the definition of disadvantaged communities still not sitting well with me. I think that you made a comment which I'm trying to understand that states get to define what disadvantaged and affordability criteria mean, and you said that that's by law. I'm trying to understand what's the role of the EPA there? Is there any space for there to be any kind of commonality that will take factors that will center race and that will center class under this idea of disadvantaged? So that's the first thing that I would really like to hear about.

Secondly, I'm glad that you mentioned that states will have to submit plans and that there will be, what I call, the enforcement and accountability piece. So maybe if you could talk a little bit more on the accountability side, does that mean, if a state doesn't follow through with allocating to disadvantaged spaces, then they don't get access to funding at another point?

And then, thirdly, what about community organizations? We focus a lot on states getting the funding. Is there any opportunity for community organizations to be able to get access to some

of this funding? Maybe I'm talking too fast. I'm so sorry interpreters. Are there opportunities for community organizations to also get access to this funding, or is that not something that's built into these billions of dollars?

And the reason I ask is because there are lots of community organizations that are capable of doing good work to protect their communities, but they seem to have to be reliant on the states. And in a lot of cases, the states fail them. So are there opportunities for community organizations to go around, to be able to also get access to some of the funds in some of these ways, particularly to address longstanding issues?

Just indulge me one last time because this is a question. It might be an ignorant question. You mentioned full lead line replacement. Again, this is a clarity question, does that also include lead replacement in households? Do households have lead pipelines in their households? And if they do, does the funding go towards that? What happens to community members who are unable to afford those replacements in their private property? So, lots of questions there, and so whichever you can remember, but I just wanted to put those on the record.

**Mr. Bruno Pigott**, U.S. EPA: Well, let me say first, April, thank you for your comments. And I think that they're all terrific. And let me start with the last one so I don't forget it. When I say full lead line replacement, what I mean is in the system after water leaves a drinking water treatment facility and goes through pipes that lead directly to a person's home. And in some communities in the past, where the line crosses from the street to the home, there's a point where that line is literally owned by the homeowner. And, therefore, in the past, several places have said, well, we're not going to fund the part that is owned by the individual.

Under this law, we will. So that's a big advance. Now, I also want to acknowledge the point of your question regarding the pertinences in people's homes: the faucets, the sinks. And it certainly is possible that there's lead in those faucets and sinks. Now these dollars are not allowed to be allocated for those purposes. And I just want to acknowledge that, while it does cover straight up to the entrance to the person's home, it does not cover inside the house. And that is something we don't control and is not accounted for. But we do have an advance, and I'm really happy to

say that we're not stopping just at the property line these days. And I have to acknowledge, yes, there's more work to do inside people's homes and recognize the challenge it can present to families about that.

But disadvantaged communities and the question about the definition of disadvantaged communities, Congress, of course, established that 49 percent of the funding allocated through the programs go to disadvantaged communities or met affordability criteria. And the law, the Clean Water Act, essentially indicates that states are required and that their purview is to establish what is defined as a disadvantaged community in their state. And it is section 1452D of the Safe Drinking Water Act that requires this.

Now, we recognized that that is the state's responsibility and authority under the Safe Drinking Water Act and the Clean Water Act, but we've also recognized that there's no reason that EPA cannot provide useful information in terms of what would make sense to help ensure that money goes out to disadvantaged communities. So, in Appendix, I think, C of the implementation memo, we provided examples of criteria that are actually currently in place that some states have used to define a disadvantaged community that we think are very helpful.

It could be things regarding the communities with census tracts that are eligible for a lead service line or the MHI that is less than a certain proportion of the median household income. A variety of factors is available, such as communities with over a certain percentage of the population receiving food stamps and SNAP benefits, where drinking water and sewer water costs are above two percent of the 20th percentile of household income, and a variety of other possible good ways to consider what a disadvantaged community would look like. And we also included some of the criteria that we think aren't as effective.

So, while we recognize that states have the authority to create that definition, we also recognize that there's no reason that we cannot provide what we think are useful and effective ways to consider what a disadvantaged community is. And then, once a state puts together those definitions, what we do is review them because, before a single dollar is allocated to a state, they have to submit that definition to us with a list of the specific projects that they intend to provide

this funding for. And then they have to show where that funding meets the definition of disadvantaged communities. That's before a single dollar is allocated to those communities.

Now, I know and acknowledge your big point, where's the across-the-board single definition, and this does not do that. But what we're trying to do is ensure that we do provide effective definitions for states, recognizing the limitations that we have under the law. And we think that providing those effective definitions, ensuring that we have a chance to review them and review the projects that are in place, and review them not only before they get funded, but even after they're funded helps us ensure that we can, within the framework of the law, make sure that the funds are going out to disadvantaged communities.

**Ms. Jacqueline D. Shirley**, NEJAC Member: Yes. Good morning, my name is Jacqueline Shirley. I sit on the non-government organizational seat out of Region 6. I work for RCAC, and we're a member of Rural CAP. I live in Albuquerque.

My question is, is any portion of the bill going to be going towards any current loan relief? Because right now I'm an in-service, and I have all our folks here that work with these utilities. Sometimes it takes us two, three years just to get the loans before they even move the infrastructure and then the burden of 40-year loans. So, I was wondering if we might be able to do some loan relief?

Thank you for the 49 percent, the current state revolving fund, because we're going to be working hard to get that 49 percent out to the disadvantaged, the EJ communities. But what about the EJ communities that are now carrying a loan? Maybe we could set criteria for them, like if the loan is within the past five years or whatever the criteria might be. But, man, to release that burden of a loan, that would be huge.

So, that is my question. I've kind of looked and I brought this up and I'm so pleased that the forgivable loan language is in the state memo, but that would be fabulous if EPA went and paid off all USDA water infrastructure loans. Thank you.



**Mr. Bruno Pigott, U.S. EPA:** Well, Jacqueline, I appreciate the comment. And you're not the first to mention it. This is a question that we've gotten. I will say also, as an aside, you look like you're in a beautiful area. I love the fact that you've got a tree behind you. It's lovely. But I want to say also that generally speaking the funds are for new projects. And I want to put that out there because I think that's important.

It's for projects that haven't gotten loans thus far or aren't in the middle of their infrastructure projects. But there may be specific circumstances that change how we look at that in terms of a specific project. But here's what I would encourage. Wherever you're at, if you know of a community that is somewhere along the process and that question comes up, I would march over to the state revolving fund program officers and the regional offices at U.S. EPA to talk more about the details because, oftentimes, those details make a difference in terms of eligibilities. It would be wrong of me to try to get into the weeds, but it is generally the case that dollars are for projects that are coming up, not projects that have been passed. And that, I just need to acknowledge.

**Ms. Leticia Colon de Mejias, NEJAC Member:** Thank you so much, Sylvia. I just wanted to acknowledge and appreciate the desire to place environmental justice at the center of the work versus as an afterthought or as a sidebar conversation. I just want to bring to the record, in order to place environmental at the justice at the center, we have to require that the communities who have been most harmed and are most vulnerable and saddled with many compounded disparities, those who have not been at the table for the conversation planning or processes and have not had access to funding resources be engaged at this time. My hope is that the work around this will seek to ensure that the American people who've been suffering the environmental injustices due to lack of power and privilege or because they did not have the capacity to advocate for themselves will attain support and be allowed to experience direct benefits of the work, the opportunities, and the funding.

This requires that those environmental justice communities, which are under-represented currently, have access to the information and, which Aya mentioned earlier, the technical supports to be able to connect with the other technical supports so that they can apply and be

funded appropriately. Specifically, I'm advocating for a hand up versus a handout, which would allow communities to have the information to be empowered to protect themselves and lead healthy lives free from environmental injustices.

Currently, because states do make the laws as has been belabored here, oftentimes the folks that are creating the definitions of these communities are the regulars, I will call them, that come to the table and are regularly funded, regularly privileged, and regularly have power. They don't often look like folks that are here, on NEJAC, and so my hope is that you'll do the job correctly and ensure that, when you're having meetings, take into account the metrics about who's in the room and at least after funding is awarded in the first round, ensure that there be adjustments made if the groups that are awarded don't look more like the folks here on the NEJAC panel. Thank you so much for your work and service.

**Mr. Bruno Pigott**, U.S. EPA: Well, thank you for those comments, Leticia, and I think that those comments are consistent with the comments I heard from Andy and Scott that it's got to be proactive outreach. And we have to be conscious and deliberate in our outreach to ensure that we make a difference this time. And so, I'm taking your comments right to heart, and I really appreciate them.

**Ms. Sylvia Orduño**, NEJAC Chair: Thank you very much for those comments. I'm going to ask folks who are interested in asking questions for Ms. Nunez to please put up their digital hand. And right now, I'm not going to have a chance to get to this, Mr. Pigott, but I wanted to at least just present the question, and I believe it's something that's going to come up later when the NEJAC is also doing more of its deliberation in the business meeting. And that's the matter of the public comment period that is going on right now for the Clean Water Act Financial Capability Assessment guidance and, in particular, the effort to strengthen those financial alternative analyses. And this is something that the Water and Infrastructure Workgroup of NEJAC has been talking about, and as we're talking about again how to make sure that SRF applications from the utilities to the state are actually, again, making sure that impacted communities are getting the best scores possible.

That, in part, we have to really be looking at these affordability questions for the bills and the rates that residential customers are paying. And we've been talking about that for many years. And again, while we realize that EPA can't really speak to this now until the public comment period is over on Monday, we're very much going to be looking at how it is that EPA is strengthening that guidance further to ensure the utilities are actually delivering upon how they will manage that alternative analysis, and what programs or plans are going to put in place. These aren't just box-checking exercises, right? So just wanted to flag that right now because it will be something that we'll be coming back to and hoping that you all too are appreciating it as part of the SRF affordability question.

**Mr. Bruno Pigott**, U.S. EPA: We very much appreciate those comments. Also, understand the importance of the financial capability analysis, and look forward to your comments and your thoughts. I really appreciate that. Thank you.

**Dr. Jill Lindsey Harrison**, NEJAC Member: Thank you so much. I think actually my question and comment are for both of you. One comment that I want to make is it just, one thing that comes through in a lot of your language, both in just the language that you're using, but also the specific content of it, is that it appears to me like you're really listening and paying attention and honoring the input that NEJAC has given to EPA for many years now. And it's not to say that there's not still a lot of good tough questions that we can ask you, and some good ways that we can challenge you, but I just want to say thank you for that. That is coming through.

And so, I think the main question that I want to ask you is about the benefits of these funds, and this applies to water and air and other programs equally. Some of the questions that have come from my fellow Council members since yesterday and today and previously also are we're concerned about how these benefits will be tracked and who gets to decide which benefits will get tracked. This is something that's really come through clearly from a lot of my fellow Council members. How will you decide which benefits to track?

Also, one of my concerns is that states, but also programs internally, just have a vested interest in legitimizing their existing practices, so how will you foster honesty in tracking and reporting?

And how will you encourage states and other actors to be frank about where they're doing well, where they're not doing so well, and assisting them in doing better? So just, thank you for any insights that you could provide.

One final comment about one of the things that Dr. Pauli mentioned yesterday in response to some of the presentations was that it really seemed to sound like EPA staff are making these decisions about which benefits to track, and staff certainly have their own expertise in the matter, but a lot of the input on that really needs to come from communities about what their needs are and what they see as important. Thank you.

**Ms. Alejandra Nunez, U.S. EPA:** Well, thank you, Dr. Harrison, for those great comments. For us, it's really, really important to listen to committees and get their input on what benefit means to them. We have been doing a lot of outreach across the Air Office. The White House is obviously preparing guidance and there's an interim guidance document and there's a process that's moving, but we're not delaying. We are building on the experience that we have. For example, I mentioned in the context of the DERA program items that we have been tracking and actually reporting to the U.S. Congress. Also in the air monitoring example, it really is about measuring emissions reductions, and much of that work is done by EPA staff. So, the point that I was making is we're trying to grapple with understanding, what does benefit mean for communities, because we have statutory factors we have to follow in terms of what kind of projects to prioritize.

But then, we measure the pollution reductions and, as we all know, it's difficult to pinpoint specific locations, like, connect the reductions of PM 2.5 with specific locations. So, these are things that we have been doing, and EPA has a lot of capacity and expertise. Community engagement is very important to us. We're trying to figure out how to do better, learning from the implementation of programs like the Ports Initiative where we prioritize projects. We're part owners engaged with community members. We have been asking, and we really look forward to your input on what does benefit mean. We just see that in the context of relevant programs that we have the metrics present some challenges in terms of directly pinpointing or connecting benefits to specific localities.

This is why we want to learn more, and we seek your advice on how to do that. There are many pieces moving. But, through learning from our previous experience and focusing on meaningful engagement with communities and requesting input and your advice, we hope that we can land on something that is very transparent and that helps us make sure that the mission that EPA has already in air pollution and improving public health is really being implemented through how we execute those programs.

**Mr. Bruno Pigott**, U.S. EPA: I think that we both, Alejandra and myself, share the same kinds of comments. I will say there are standard measurements that happen in programs. But I think, if we're to truly measure the benefits to a community, the first thing we need to do is understand the needs of the community and hear the comments about needing to reach out in a proactive way and talk with communities, not just about what we think they need, but what they think they need. It'd be important in terms of shaping the way that we measure success in these programs. Now, of course, there are some activities in the Bipartisan Infrastructure Law dollars that will be somewhat easier to measure than that. For example, the replacement of lead service lines around the country will provide a benefit directly to people where those lead service lines are replaced. Measuring that is possible not only by looking at the projects that are proposed by states but also by reviewing those projects and funding or deciding not to fund at the levels that they would like, based on the projects that they're coming forward with.

And so, there are standard measurements that can be helpful to determine what benefits are being delivered, and our Agency, I think, has many and is pretty used to that. But then, the tougher question is, what benefits do the communities themselves look forward to? I think Alejandra did a great job of explaining that that's involved. We have to reach out to communities and talk with them about that and ask them, what benefits do they need in their community in order to feel that our Agency's done a great job for them? So, it'll be a two-way street, both standard measurements but also asking them what kind of measurements we need—they being members of the communities that we're seeking to serve.

**Mr. Michael Tilechin**, NEJAC Vice-Chair: Thank you, Deputy Assistant Administer Nunez for your excellent presentation. I want to tee off the issue of community monitoring and capacity building and link that to a concern that several of us have raised. We probably hear this more often than anything else when the public comes to NEJAC, and that is perhaps the most prevalent barrier to achieving the Agency's goal of clean and healthy air in environmental justice communities are state and local regulatory agencies that simply are just not on board for lack of a more elegant term.

The investment in community monitoring, I think, is so important and so critical that I want to suggest a complementary direction to go in. I think it is part of the PM 2.5 and the Air and Out Program. But the most effective monitoring, and really, the most effective way to engage the community is capacity building through providing immediate reliable information on air quality. And what I mean by that is by moving upstream the monitoring process to monitor right at the source, upload that data to websites that are immediately accessible to the community through a mobile app, and flagging those emissions, whether it's a short-term exceedance of a permit or a chronic long-term exceedance of a permit, so the community knows essentially instantaneously when it's breathing unhealthy air. And then, link that to a push notification to the relevant regulators.

That means that you're not bypassing anybody, but the community knows, EPA knows, that the regulatory agency has been notified, and they're either acting or they're not acting, and everyone's aware. By the way, there are countries that have implemented this program fully, absolutely, so this is not a trial. This is not a test. This is not a pilot. It's just an area where U.S. is behind, and I think it would be a great addition and fits really appropriately into the strategic plan goals on healthy air for all communities. Thank you.

**Ms. Alejandra Nunez**, U.S. EPA: Thank you, Michael. I mean, this is a very, very good piece of advice, a point well taken. I really appreciate your feedback. The community-based organizations' rationale was exactly that, a way to acknowledge this concern and support community monitoring. We also are looking at factors for purposes of assessing the grant applications those that really include partnerships with states. And we're trying to figure out how

to do more outreach. But, as you mentioned, we are very, very interested in making sure that the information from our air pollution monitors and things get more funding for local sensors to make this information available to the public, AirNow.gov. So, I really, really appreciate your advice on the importance of this issue and the connections. This is something that I'm bringing back to the team, but I just wanted to mention that part of the design of these different parts in the 50 million that EPA was allocated for air monitoring was exactly to recognize this issue.

**Dr. April Karen Baptiste**, NEJAC Member: Thank you. Really short, and I'm not sure if this is a question for your department or whether this is a cross-agency question, but, when you talked about the traffic issue and monitoring traffic, it's a non-point. So, it's difficult to sort of measure it. The first thing that came to my mind was that the issue of, when we think about EJ communities, it's really the issue about these highways that are actually placed within the communities, and that allows for EJ communities to be disproportionately exposed. And I'm wondering where that is addressed within this notion of air quality and traffic, et cetera. Is this something that your department and program look at, or is that sort of being lodged into the transportation department or division?

**Ms. Alejandra Nunez**, U.S. EPA: Oh, absolutely, April. I mean, our DERA program prioritizes goods movement facilities: marine imports, railyards, airports, and poor air quality areas. So many of those are areas, like localities, such as you mentioned where communities are living next to highly polluted highway areas. So, this is part of exactly what we prioritize for purposes of DERA funding. We measure the pollution reductions, but, in our regulations, the current proposal that we have out there is to set new emission standards for heavy-duty trucks. We know and we have a lot of analysis that 72 million people live close to a major highway in the United States. Those are most of the time communities of color and low-income people.

And then, I will also say that, under the Air Monitoring Program, the communities set aside could also be used for mobile source monitors. There's a lot of flexibility, and we have provided information like the details of the program but also information on how to apply for those grants. And, as I mentioned, we received 200 applications, and now we're very excited to do the work of going through these and making an evaluation, and eventually a decision. But, yes, thank you

very much for pointing that out. There are many ways in which this is a priority for the Office of Air.

**Ms. Sylvia Orduño**, NEJAC Chair: Again, thank you so much, Deputy Assistant Administrators Pigott and Nunez. We're delighted that you could be here with us and spend the time to answer our questions as well. And so, we very much would like to follow up when we have the next public meeting. We're anticipating that content from this meeting will continue into that one. And so, we'll be looking to also continue conversations with you in between.

**Mr. Matthew Tejada**, Director, OEJ: Hey, everyone. Thank you all again for just the meeting today, and I'm so sorry I missed the first part of Bruno and Ale and their remarks, but I'm sure I'll catch up on them. I flew out to Portland late last night and spoke at the Government Alliance on Racial Equity this morning, which was a great panel. So, I'm still doing the work but just had to take a little break from NEJAC to do it.

I did want to just emphasize one point though because there was some reporting overnight as well on some of the things that were discussed in the NEJAC meeting yesterday, and I want to make sure things are really clear on one point because this is a simple, but beguilingly difficult thing at the same time to understand. There's a nuance, a distinction here in what we're doing with Justice40 that we want to be 100 percent crystal clear on. When we are making decisions in the context of Justice40 about things like defining disadvantaged communities or making grant decisions or actually handing out allocations or allocating resources, we are not going to use race consistent with law and legal precedent.

When we're actually making the decision, we will not be using race or ethnicity. Everything that leads up to the decision, like the screening and the analysis, we will absolutely be using race and ethnicity. We will be using tools like EJScreen to look at, to consider, to figure out, everything up and to the point of making the actual decision; that is consistent with the law. Everything that comes after the decision, in terms of assessing or evaluating where our grants go, are they getting to the right places, who's receiving the benefits, who's receiving the investments, we will



use race and ethnicity. We will use tools like EJScreen after the decision has been made. Completely consistent with the law and legal precedents.

Okay, but when we're in that space, that middle space of actually making the decisions, we will not use race and ethnicity in the actual decision. I know that that can be a slippery thing for folks to—when I wake up in the morning, I have to have a cup of coffee before I understand it, all right? It takes a minute. And we can discuss this some this afternoon if folks like. There's a lot in that very simple but very important nuance. I just wanted to say that for everyone on the NEJAC and everyone listening in, when we're making decisions, we will not use race and ethnicity. When we're framing up everything before, doing the screening, doing the analysis, we will. When we do everything after the decision, the assessment, the evaluation, and everything else after, we will use race and ethnicity.

We will look at where our infrastructure investments go on EJScreen. And use EJ scoring and assess where those things go. We will not, when we are making the decision, do that. So just wanted to make that real clear for everyone. I know we want to get into the next session but just wanted to set that baseline for everyone very clearly at this time. I'll get out of the way now. Sylvia, thank you so much for giving me a couple minutes to do that. Now we can carry on with our next panel.

**Ms. Sylvia Orduño**, NEJAC Chair: Thank you, Matt. I appreciate that, and you have shared that with us before, but it's always good to reiterate it just so that we've all got that sense of clarity.

## **UPDATES FROM EPA NATIONAL PROGRAM OFFICES BIL INFRASTRUCTURE FUNDING AND JUSTICE40 PLANS**

**Ms. Sylvia Orduño**, NEJAC Chair, introduced the second panel of speakers.

**Ms. V. Anne Heard**, Senior Advisor for Policy and Programs, Office of Land and Emergency Management (OLEM), U.S. EPA: So, good afternoon, everyone, and thank you for that

introduction. I'd like to first acknowledge what a privilege it is personally to be here with you this afternoon. I took a four-year hiatus from working with EPA, so this is my 30th day back after being away for four years. And I'm still catching up with all that has happened during that period. But the thing that made me come back, the one exciting difference and factor in thinking about whether to kick off my house shoes and my robe and come out of retirement and come back was the unprecedented opportunity to do something big with the funding from the Bipartisan Infrastructure Law and the willingness and direction of this administration to make a measurable difference for communities of color and communities that are underserved or disadvantaged. And that was just an opportunity that was a gift.

So, with that, I'm going to talk about what OLEM is doing in this area. And, first I have to say that we appreciate the opportunity to engage with you about our thoughts in this process, as well as what we are doing, especially to implement Justice40. And we are very, very interested in your thoughts about how we can do things better. So, that's a critical element in our presence here today, looking for suggestions from you about what we need to do to make sure that we do an effective job with the great responsibility we have at this time.

I will talk about three areas. One is the Superfund Remedial Program. The other is the Brownfields Program, and finally, I will talk about the new Recycling Infrastructure Education and Outreach and Battery Recycling Programs that we are building.

With respect to the Superfund Remedial Program, I think I'll start here. The Bipartisan Infrastructure Law invests \$3.5 billion in the Superfund Remedial Program and reinstates the Superfund Chemical Excise Taxes, making it the largest investment in American history to address legacy pollution. The historic investment strengthens every part of the Superfund Program by directly accelerating cleanup construction work and allowing EPA to use more of its annually appropriated funds and Superfund tax revenues for Superfund pre-construction work, such as investigations, sampling, designs for cleanup construction, and most importantly, community engagement.

In contrast, in the Brownfields Program, which is a grants-based program, Superfund site cleanups are funded by the parties responsible for the contamination or through appropriated dollars that we get from Congress. Only sites added to the National Priorities List are eligible to receive federal funding for long-term cleanup. Sites not on the NPL may be eligible for funding for shorter-term removal actions, or they may be addressed under different cleanup authorities.

The Superfund Program has developed a national protocol which uses EJScreen and site-specific knowledge to identify communities where there are environmental justice concerns. Sites have the potential for EJ concern if one or more of the 12 EJ indexes is at or above the 80th percentile at the national or state level. Our robust community involvement program is a Superfund cornerstone. Through this program, we identify environmental justice concerns at Superfund sites and provide technical assistance to support communities who choose to participate in the cleanup process.

Through our technical assistance grant program, we give communities tools to help them evaluate EPA-proposed decisions, form community advisory groups, and participate in planning for the future reuse and redevelopment of superfund sites. Our Superfund team has been meeting with the NEJAC subcommittee over the past year to address recommendations made in their 2021 Superfund Remediation and Redevelopment for Environmental Justice Communities Report. These conversations have helped EPA look for opportunities to incorporate environmental justice principles and practices into all phases of our cleanup work, and we thank the subcommittee for their recommendations.

Some of the challenges we face in the Superfund program in implementing Justice40 are, first, the Superfund process can take years or decades to complete, and cleanup benefits may not be realized right away. Superfund is also responsive in nature; we go where the problems are. Many problems will be in overburdened communities, and we will track those benefits through our Justice40 work.

We are also still staffing up. We need more trained, effective staff to support communities and help increase site cleanup. Some of the potential benefits measures we are considering are

measuring the number of dollars that are directly obligated to sites where there are EJ concerns, measuring progress on remedial action project completion, calculating current fiscal year economic improvements using statistics from previous fiscal years as a baseline, tracking the number of Superfund job training initiative sites in disadvantaged communities, and tracking program metrics such as human exposures under control and sitewide ready for anticipated use at sites where there are EJ concerns.

In the brownfields arena, the Bipartisan Infrastructure Law invests more than \$1.5 billion over five years through EPA's Brownfields Program. The Brownfields Program provides grants and technical assistance to empower states, tribes, communities, and other stakeholders to sustainably reuse brownfields. A critical part of the program is to ensure that people and families living in communities historically subjected to economic disinvestment, health disparities, and environmental contamination have an opportunity to reap the benefits from brownfield redevelopment. The Brownfields Program partners with various nonprofit organizations to provide technical assistance to communities with Brownfield challenges. These partners provide specialized technical knowledge, research, and training to help stakeholders through the brownfield's assessment, cleanup, and revitalization process. Brownfield's technical assistance is funded by EPA and is free to all stakeholders, not just Brownfield's grant recipients. Stakeholders and communities can directly contact Brownfield's technical assistance providers using contact information that is available on EPA's Brownfields Program website.

EPA funds six organizations to serve as independent technical assistance providers. These are Kansas State University, the New Jersey Institute of Technology, the Center for Creative Land Recycling, West Virginia University Research Corporation, the International City, County Management Association, and the University of Connecticut. Through the Brownfields Program, we partner with Groundwork USA to help communities integrate environmental justice and equitable development principles into local brownfield projects. We also provide targeted brownfield assessment funding to each region for contractor resources to conduct brownfield site assessments.

Benefits to recipients of Brownfield grants are defined as the number of site assessments completed for brownfield assessment and multipurpose grants, the number of site cleanups for brownfield cleanup and multipurpose grants, the number of job training students trained and placed for Brownfields' job training grants.

Some of the potential challenges to implementing Justice40 include identifying and reaching the communities with the greatest need for Brownfields' funding and building capacity to develop and manage effective Brownfields' programs in overburdened and underserved communities. We would like input from the NEJAC on overcoming three specific challenges. First, how can the Brownfields program improve on getting the word out to communities that can benefit from Brownfields' resources? Second, how can we improve our community capacity-building effort? And, finally, what can we do to help community organizations with the five percent administrative cost limit for Brownfields' funding? Are there approaches or partnerships we should consider?

The last topic I'll cover today is Recycling Infrastructure Education and Outreach and Battery Recycling. The Bipartisan Infrastructure Law gives us unprecedented funding to support local waste management infrastructure and recycling programs. This funding will help expand access to recycling and composting programs nationwide. It will modernize existing solid waste management infrastructure, improve consumer education and outreach, and reduce contamination of the recycling and organics waste drainage. The Bipartisan Infrastructure Law also gives us funding to support local waste management infrastructure and recycling programs. This funding will provide \$55 million a year for five years to create a solid waste infrastructure for the recycling grant program, \$15 million a year for five years for a new consumer education and outreach grant program and model recycling program toolkit, and \$25 million for EPA to develop battery collection best practices and voluntarily labeling guidelines for batteries.

We are designing and building these programs working closely with our regions and national stakeholders. We have developed a stakeholder engagement plan that prioritizes engagement opportunities for tribal and indigenous communities and rural communities. We will also release three requests for information in early May to give the public an opportunity to inform the

development of these new programs. The Bipartisan Infrastructure Law requires that a minimum of 20 percent of the funds for education and outreach grants be allocated to low-income communities, rural communities, and communities identified as Native American. And we are looking at how we can use this and the recycling infrastructure grants program, which doesn't have a similar requirement.

In fiscal year '22 and '23, program effectiveness will be evaluated primarily based on outreach and engagement we are able to accomplish while developing these programs. We will also incorporate initial grant recipient reporting. We expect to develop a more robust program evaluation strategy for subsequent years of the programs. The Bipartisan Infrastructure Law has specific reporting requirements for grant recipients and EPA, including for EPA to have an information collection request in place to collect data from grant program recipients. In addition, the grant programs are covered programs under Justice40, so we will include measures to support the calculation of benefits to disadvantaged communities.

Many state, local, and tribal governments don't have the staff to design and implement recycling programs and need technical assistance to apply for funding when it becomes available. We are working to address recycling capacity and staffing issues in how we design our programs. And are exploring additional technical assistance options in collaboration with the Office of Environmental Justice. As we develop the program design, we are thinking through how we can reduce the administrative burden on grant applicants and recipients. For example, we may issue the request for application every two years and/or incrementally fund the grants to reduce the administrative burden on the recipient.

In closing, I just want to thank you for your time. Our program looks forward to your recommendations and we hope to develop and implement the Bipartisan Infrastructure Law funding and Justice40 characteristics in a way that best serves our communities. I look forward to hearing from you and from hearing your questions and comments during this session so thank you again.

**Ms. Sylvia Orduño**, NEJAC Chair: Thank you very much for that, Ms. Heard. It was wonderful to hear what you reported there, especially in trying to talk specifically about how to assess benefits and the challenges with them as well.

**Mr. Michael Tilchin**, NEJAC Vice-Chair: Thank you, Ms. Heard, for that excellent presentation. I'm sure you're aware that we had a subgroup that prepared an extensive Superfund report that we issued I think exactly 11 months ago. I think it went in May 21st of 2021. And I do want to acknowledge—and I know I'm speaking on behalf of the whole group that worked there—the engagement both during and after the report that was issued from OLEM—a lot in the Superfund Office but really OLEM as a whole—was excellent. And that dialogue continues, so we're delighted about that. He invited members to ask questions or make comments.

**Ms. Jacqueline D. Shirley**, NEJAC Member: I want to talk specifically on the recycling portion. My name is Jacqueline Shirley. I live in Albuquerque; I sit on the nonprofit seat in Region 6.

I have been in solid waste for many years and working with tribes. And there's a couple things I would like to mention and maybe provide some suggestions. I know working directly with tribes, especially when China quit taking our plastics, one of the main things I tell them is don't untrain the folks to recycle because recyclers don't want to take stuff. That is something on a larger scale than just the grassroots, little communities across our country. A lot of communities have spent years and decades trying to build up their recycling programs, and then, all of a sudden, global politics get involved, and now we're stuck. So, we have to look at the big picture too on some global policies and how the United States itself, the federal government, starts coming in and filling in these voids that happen when global politics steps on smaller communities.

I would like to talk about what's happening over in Hawaii, which is amazing. The governor has a bill on his desk, the Extended Producer Responsibility Bill. I was on that task force with EPA 10-12 years ago. I don't know when that started. That is incredible. The EPA and the federal government really need to go knock on the State of Hawaii and ask them if they need any help

with that because that is huge, having an EPR nationwide would be amazing, having manufacturer responsibility. We know how much—besides our food waste in this country—packaging is in our landfills, packaging that cannot be composted, broken down, anything. So EPA and the federal government need to be out there in Hawaii. Aloha, Hawaii, if anybody's on the call. That is incredible. They're one of the first states to do that. We need to be ultra-supportive on that.

And another, solid waste—I could go on, but I'm just so appreciative. If you reach out to the grassroots organizations, regional organizations, and tribal organizations that are in solid waste management, we are so giddy about the new money we've never seen. We've been asking for it for so many decades and now we got it and now we're in a happy space. But we want to be mindful, and we need to make this money matter. And I like how you spoke about it looks like this department, this office, is taking some responsibility and looking within themselves on how we need to improve ourselves and not always saying communities lack capacity. Oh, wait a minute, by whose standards? See, because now this partisan bill is—the gatekeepers are still having the same gates up. Communities have capacity; it's who's designing the gates. We've had racial and cultural discrimination in accessing the funds, not because we don't have capacity; it's because we just can't meet your description of it.

You're a gate. I like the way what was spoken here, how can we better engage? How can we better do our job? Instead of, oh, we need to put some money into some technical assistance so they can have the communities come up to our standards. Yeah, it is unprecedented funding, but this is the time too that the federal agencies could look into themselves and ask why do the communities that we say don't have any capacity? They got capacity; it's just that you guys make the door, so you guys won't open it.

I want to share a quick example on that. When my child was in kindergarten, he flunked that little test that they give out because they showed him a picture of a horse and he called it a moose. My child was born and raised in Anchorage, Alaska, where we have moose walking in our yard and down the street. He's never seen a horse, so my child doesn't have the capacity because he said that that picture of this horse was a moose? So, yeah, I really appreciate the



efforts that have gone to get the 35 million. We are happy, and there are success stories. So, get out to Hawaii and get up to Alaska with the backhaul program. These are going to be projects that have been advocated and fought for for many, many years and have come to fruition because of the help of EPA. So, EPA could look within themselves through success stories and help build those success stories within these non-capacity communities. Thank you very much.

**Dr. April Karen Baptiste**, NEJAC Member: Ms. Heard, thank you so much for your presentation and your comments. I have a request, and I do not know if this is possible. I was trying to take notes, but I couldn't keep up. You actually were giving us some metrics that I think OLEM was or is already using or has thought about using. I would love to be able to get maybe that paragraph that had that you talked about the metrics because I think that's the kind of things that the Finance and Investment Workgroup and NEJAC are generally interested in. Like how are you all actualizing and operationalizing these metrics? I know it's your personal speech, but, if there's a way that you could pull out that paragraph and maybe share it with Fred and then Fred could probably get it to us, I think that would be really amazing.

And then, two really small questions. One, when you started, you mentioned some metrics, and then I was wondering whether you all were using EJScreen because the language sounded very similar to some of the language and measures that are used on EJScreen. So, I was wondering if you all were using any sort of metrics from EJScreen, or how that informs. If it's separate, that's fine.

And then, secondly, I'm not a member of the indigenous community, but one of the things that stood out to me when you mentioned the six institutions that are available to provide technical assistance, I just wanted to ask whether any of those institutions are specifically in tribal areas, or how they connect with tribal areas? And, again, not speaking on behalf of the tribal community here, so anybody else that represents that stakeholder group, if you all want to jump in, I will really appreciate it. But that's the thing that came to my mind. So, two really small questions. Thank you again for your work.

**Ms. V. Anne Heard**, Senior Advisor, OLEM: Thank you for your questions. With respect to providing the paragraph, I'm certain that I can make that available to Fred. And I'm equally certain that there's a way to make sure that everyone has access to those metrics. With respect to the use of EJScreen, I think I would defer to Matt on that. I've only been back for a month, so I don't know for certain. My guess would be that we do use EJScreen in considering, and, as Matt said earlier, we don't use it to make the actual determination. But I really hope that Matt can speak to that.

The final question was about whether any of those institutions served indigenous people, and I don't know the answer, but, again, I think we can find that out and get that information to you.

**Mr. Matthew Tejada**, Director, OEJ: They do serve indigenous people, I think there's a couple of them that actually are specialized in fielding requests from tribes and indigenous organizations. I can't recall off the top of my head. I believe Kansas is one of those. But I think a couple of them are specialized. Yeah, Sandra's telling me yeah. And so, they do try to make sure that when those requests come in with those sorts of unique needs such as our tribal colleagues have or indigenous groups have that we match that with technical assistance that has the sensitivity and the experience in engaging on those unique needs.

And then, to Anne's other point, yes, actually again, to point back to the Multiyear Strategic Plan, one of the commitments that are kind of deeply buried down in there is that EPA will have every program, kind of like the Superfund program, go ahead and write down on paper how are they using EJScreen for the very sorts of things that Superfund uses it for.

And we're relying on a handful of programs at EPA that have really provided the leadership over several years now at really kind of piloting and figuring out and then putting on paper their way, their process, their procedure—whatever word you want to apply to it—for how and where they use EJScreen in their screening, scoping, analysis, evaluation, and all those parts of our whole process where we can, within the law, use EJScreen, use the parts of EJScreen that it was designed and intended to help serve. So that's something we're using, that Superfund example, because they have actually written it down. I don't think we've released it publicly yet. I know

we get all puckered up when it's like, oh, now people want to see it. I think we do intend on eventually sharing that publicly. Mike, I'm not sure if that has been shared with you and the NEJAC working group.

But that's something that we are going to strive for is, as we have programs like Superfund, to actually put these things on paper, to then put them in a place where they'll be accessible to the public not only so that we can share how we're using EJScreen more transparently and getting the feedback from that, but also so that others that are involved in the process. Whether it's a community organization or a state partner or, in this case, a PRP or a cleanup firm, they all have a clear line of sight and can learn from and align with the way that we're looking at identifying those most overburdened, potentially overburdened, potentially most vulnerable communities to make sure we're engaging with them, they're getting the technical assistance they need, and their voices are being heard. As Anne said, once we get into the decisional phase, which in Superfund is pretty easy, we're not overstepping the use of EJScreen when we're actually making Superfund decisions.

**Dr. Ayako Nagano**, NEJAC Member: Thank you for your presentation, Ms. Heard. This might not completely fall on you, but, every time I hear recycling, I think about plastics. And I have a set speech that I share, so pardon me.

So, my name is Aya. I represent the nonprofit sector. I'm from Berkeley, California. This is an opinion that's developed in Berkeley. We have a robust recycling program that's run by an agency called The Ecology Center. And I run the plastic reduction working group out of The Ecology Center. And I'm also a board member of Clean Water Fund, which has a project called Rethink Disposables to Reduce One-Time Disposable Plastics. Plastics should not be called recyclable, they're not. An expose called *The Story of Plastics* featured some of the more recent findings on plastics that say that two percent of all plastics are actually effectively recycled, meaning that two percent of the plastic products out there actually get turned into something that's of equal value.

And most plastics, another 18 percent, go downstream where things eventually turn into plastic bags, and, after you turn something into a plastic bag once, it becomes trash after that. So, it's poor quality plastic, and poor quality plastics go into the trash. A new analysis also finds just 20 companies are responsible for more than half of the world's throwaway single-use plastic waste. Two American-based companies top the list; they are ExxonMobil and Dow Chemical. The plastic factories spew toxins, and new facilities for plastics are continuing to be built and permitted. There's no curbing the production of this hazardous waste.

In California, we have legislation called Truth in Labeling for Recyclables, which builds on California's current Truth in Environmental Advertising that prohibits the use of the word recyclable on products that are not truly recyclable and should not be put in a curbside recycling bin, which compounds the cost of the waste management system for every locality.

So, the fact that plastics are categorized as recyclable, the use of the three arrows that make it look like it's part of the circular economy, all these myths are perpetrated and assisted by these government labels that make it look circular. And it comes with the full encouragement of the fossil fuel and plastics industry, of course. This myth of plastics being recyclable must be debunked. EPA must look at the facts, and at a minimum, push back on the massive amounts of one-time-use disposable plastics that litter our streets, our air, water, and soil.

So, three points --one, please stop it at the source. That's really the only way we can address this plastics proliferation issue. Make rules that stop companies that are disproportionately manufacturing the world's disposable plastics and profiting from trashing our planet. Two, create rules about what can be called recyclable or reusable. Disallow the use of the recycling symbol, the circular economy symbol when the materials are not actually recyclable. And lastly, please tax the companies that profit off of one-time disposable plastics. Thank you.

**Mr. Michael Tilchin**, NEJAC Vice-Chair: Thank you, Aya. And I'm speculating here, but I think that there's a really good tie-in to the issues that Jenni Romer has to deal with within the Office of Chemical Safety and Pollution Prevention. And with that, Jennie, we are so delighted you're here, and we look forward to your comments. So, the floor is yours.

**Ms. Jennie Romer**, Deputy Assistant Administrator for Pollution Prevention, Office of Chemical Safety and Pollution Prevention (OCSPP), U.S. EPA: Thanks. Thanks so much. I'm Jennie Romer, Deputy Assistant Administrator for Pollution Prevention at EPA's Office of Chemical Safety and Pollution Prevention. And I'm honored to be here with you today to talk about my office's work related to environmental justice under the Bipartisan Infrastructure Law.

I'd like to introduce myself a little because I'm relatively new to EPA and new to this group. I've worked in the sustainability field for nearly two decades. Growing up near a fenceline community in Richmond, California, I have some firsthand knowledge of the inequities many communities across the country face. In college, one of my majors was black studies because I really wanted to get a deeper understanding of the inequities where I grew up and not understanding environmental justice issues that I gained there still influences and inspires my work today.

My career is centered on legislation to reduce pollution, and, over the last decade, my focus has primarily been on reducing plastic pollution at the state and local level, including working on extended producer responsibility bills, like the one in Hawaii that Jacqueline mentioned earlier. And I can talk about plastic all day, but that isn't necessarily my role here. Happy to do so at a different point though. I also spend time as an attorney representing an environmental health nonprofit and as a community organizer around toxic hot spots in North Brooklyn and New York. My position at EPA is new. I think it's a statement of the Biden/Harris administration's commitment to pollution prevention, and how this program can support its priorities, including environmental justice. I've been on the job for almost five months now, and I look forward to working with all of you.

As we all know, many communities are still disproportionately impacted by chemical pollution. For example, a new study published last month found that communities of color are systematically exposed to higher levels of air pollution. The study looked at how racially discriminatory practices in housing dating back to the 1930s are still impacting these communities over 90 years later. That makes our work here at OCSPP so incredibly important.

We're responsible for implementing the laws that protect the public and the environment from potential risk from chemicals. A mission that I, and all of our career staff, take very seriously. OCSPP has a robust environmental justice portfolio spanning a range of issues. For example, we're working to protect children from lead exposure through our tribal-led curriculum that was designed with more than 200 tribal partners. We've expanded reporting requirements for our toxic release inventory, or TRI, to obtain new data on ethylene-oxide releases.

Workers in communities living adjacent to these facilities have had the highest risk from exposure and having more information about these releases will help us identify and address human health and environmental risk. We also consider unique exposure scenarios in our chemical risk assessments. And, as a first step to understanding risk to fence-line communities in our TSCA Risk Evaluations, as many of you know, we released Version 1.0 of our screening methodology that we'll use to determine if there are risks to fence-line communities through exposure to ambient air, water, and disposal, and we've assessed for the first ten chemicals. And Version 1.0 doesn't yet include a method to address water potential environmental justice concerns or cumulative risks or aggregate exposures. But we hope in the future that we can expand our capacity to evaluate these concepts in the next 20 risk evaluations and beyond. As I said, we fully understand that it's Version 1.0.

Unfortunately, as you've probably heard, our ability to do this important work is being impacted by a lack of resources. The fiscal year '22 budget was a bit of a disappointment for us; we only received about a third of the modest increase that we asked for in TSCA resources. And our core pesticide work was funded at a slightly higher level than last fiscal year, but still a lot less than what we asked for. So, despite these challenges, we're continuing to move forward finding ways to fulfill our mission. And I believe pollution prevention is one of those areas where we can all really make great strides by working with businesses and other organizations to stop pollution before it starts, providing lasting benefits to the public and to the planet.

First off, I want to quickly review what pollution prevention is. Many of you know this, but pollution prevention is also called P2, and that's the acronym I'll use going forward. As you can see from the definition on this slide, P2 is really about promoting source reduction to eliminate

or reduce pollution at its source. P2 is applicable to all business sectors and the public. For example, in agriculture, this might mean reducing the use of water or even the use of pesticides when possible. In the industrial sector, it might mean using less toxic cleaners and degreasers and modifying production processes to produce less waste. At home, it might mean repairing a leaky faucet or using greener cleaning products.

P2 is a true win/win, as you can see here, at the top of the waste management hierarchy as the most preferable option for reducing pollution. For more than 30 years, P2 has been one of EPA's primary tools for advancing environmental stewardship and sustainability by federal, tribal, and state governments, businesses, communities, and individuals. So, P2 includes practices that increase efficiency and the use of energy, water, and other natural resources. And protects resources through conservation, things that can help our communities.

Our P2 program has four main components. That's green chemistry, environmentally preferable purchasing, Safer Choice, and P2 grants. I'll touch very briefly on each of these. So, starting with green chemistry, this is the design of chemical products and processes that reduce or eliminate the generation of hazardous substances. Our Green Chemistry Challenge Award recognizes chemical technologies that incorporate the principles of green chemistry into chemical design and manufacture and use. For the first time this year, this includes a new category to recognize technology that reduces or eliminates greenhouse gas emissions. I'm looking forward to seeing these exciting new innovations that folks have developed this year.

Next is environmentally preferable purchasing. The EPP program helps purchasers in the federal government utilize private sector standards and ecolabels to identify and procure environmentally preferable products and services. What you see here are the many ecolabels recommended under our EPP program. This and other EPA tools are an important component of the administration's priorities and the federal sustainability plan. Purchasing is an often-overlooked way that the federal government uses to advance sustainability. The federal government is the single largest purchaser in the world and spends more than \$650 billion on products and services each year. Through this buying, the federal government can support sustainable products and services, and it also catalyzes a more sustainable marketplace for other

products. One of the areas that I'm working on right now is how to incorporate PFAS into our product categories and our ecolabel food standards. That's something we've already started to work on with our EPP program but keep an eye out for more.

Next is our Safer Choice program. Safer Choice is important because it can help you find cleaning and other products that are made with ingredients that are safer for you and the environment. Before a product can carry the Safer Choice label, our scientists review all chemical ingredients regardless of their percentage in the product. EPA has certified more than 1900 products to carry the Safer Choice label. Many of these are used to clean buildings like schools and hospitals, and these products protect children and also custodial workers who use them every day. Seven hundred and fifty of these are consumer products with the Safer Choice label, so you might see them on the shelves at local stores.

In fiscal year '23, we plan to partner with organizations serving communities with environmental justice concerns to help increase access to Safer Choice certified products for custodial staff and house cleaning companies. We've already started some of that outreach, and it was really well-received. We also intend to reach out to federal, tribal, state, and local government procurement officials and institutional and industrial purchasers to communicate the benefits of Safer Choice and other environmentally preferable products.

P2 grants. Lastly, for more than 30 years, we've provided businesses with information, training, and tools to help them adopt P2 practices through our P2 Grant program. I saved P2 grants for the end because a lot of exciting things are happening here, and this is also where OCSPP's Bipartisan Infrastructure Law funding lies. I buried the headline there, sorry about that.

Thanks to President Biden and Congress, the Bipartisan Infrastructure Law makes a historic investment in P2 for communities in need. This law provides \$20 million in funding to EPA for each year for five years for P2 grants. These are technical assistance grants to states and tribes or state or tribe-sponsored institutions for technical assistance to businesses. So, roughly 14 million of the 20 million will be available for P2 grants each year, the remaining 6 million will be used



to help for funding EPA additional staff and contractors for implementing those grants. We're incredibly proud of the impacts that these grants have had.

As you can see from this slide, the work we've done through P2 grants has had tangible and lasting benefits for everyone involved. As a more tangible specific example, through a P2 grant in Louisiana, Louisiana's P2 program conducted 17 assessments and provided recommendations worth over \$1.5 million of potential savings on energy and waste, including 6.6 million tons of carbon dioxide equivalents. One of these field assessments was done at the Continental Cement Plant in Convent, Louisiana, which is the heart of Cancer Alley between New Orleans and Baton Rouge. Louisiana's P2 program identified seven recommendations there to reduce pollution at that facility, and these recommendations represented a total cost savings of over \$8,000 a year, which is almost four percent of their current annual utility costs. So that's an example of preparing for a win for the environment and for local businesses and a local community by preventing pollution. We hope that this kind of success story really inspires others to adopt similar P2 measures with the upcoming round of grants.

So we announced two P2 grant opportunities earlier this year worth a total of \$23 million. One of the grant opportunities is funded through a recurring appropriation, and it's around \$9 million over two years. This is for the traditional P2 grant program. And for those grants, there's a 50 percent cost share or match requirement. And importantly, there's no cost share or match requirement for federally recognized tribes or inner tribal consortium with an improved work plan in a performance partnership agreement. And that's relatively new.

As mentioned, another big opportunity here is approximately \$14 million that was made possible this round through the Bipartisan Infrastructure Law. These grants will be fully funded at the time of the grant when they're awarded as opposed to payment through installments, which happens with the traditionally funded grants.

There are several new environmental justice components related to these grants I'd like to highlight. For the first time in the P2 grant program, these grants really emphasize climate change and delivering on environmental justice. We've strongly encouraged applicants to find

ways businesses can use P2 to address disproportionate and adverse health and environmental impacts in underserved communities. We've included additional criteria in grant scoring for that. The Agency views these grants as a critical component of the president's Justice40 initiative by providing a meaningful benefit to communities impacted by legacy pollution issues. As such, we'll administer this program in accordance with this initiative to ensure at least 40 percent of benefits are delivered to underserved communities.

And I'd also like to mention that the new reporting required under the RFA has been added to these grants to measure the project activities and to help address environmental justice concerns in underserved communities. Awardees will be required to report on the number of facilities in or near underserved communities that were provided with P2 assistance and the percentage of these facilities that implemented at least one new P2 practice.

And, when it comes to projects done in and around these communities, awardees will also be required to report on things like reductions in the use of hazardous materials and the release of contaminants. They'll also have to report on reductions in water usage and cost savings. And, finally, as I mentioned for the grants funded by the Bipartisan Infrastructure Law, there's no cost share or match requirement for any applicant. That removes barriers for tribes, and that's in response to a lot of feedback that we've received over the years. And it increases small businesses' access to P2 funding. So, this is good news, and it means that, for the first time, these funds will now be more accessible to communities across the country.

For the new year with this recent round of funding, we've also developed this P2 facility mapping tool, which is specifically developed to help P2 grant applicants identify industrial facilities that are in or adjacent to underserved communities to apply for that technical assistance grants. And with this tool, which is up on our website, it draws on five environmental data sets and offers four census demographic indicators.

Another addition for this year is a new national emphasis area—highlighted in red—which focuses on P2 for tribes. These emphasis areas help focus resources to generate more impactful

and measurable results. This RFA just closed on April 11th, so we're just starting to review those applications now.

Looking ahead, we intend to introduce two additional two-year grant programs in fiscal year '23 to focus more intensively on advancing environmental justice priorities. So, as I mentioned at the start, the information on chemical releases collected by our TRI program is an important tool for advancing environmental justice. The first new grant program we're working on is anticipated to leverage TRI and other agency reporting to identify businesses in overburdened and under-resourced communities and promote the adoption of P2 practices in the sectors that these facilities represent. And so, this recent round of RFAs that just closed, because it was kind of a first step, we're looking at really expanding upon that and focusing even more on using TRI in that way.

And then, the second grant program is anticipated to leverage our environmentally preferable purchasing tools that I talked about earlier, like recommendations for ecolabels, to increase institutional and consumer access to safer and more sustainable products, including Safer Choice products in communities with environmental justice concerns. So, more to come on both of those funds, and we look forward to engaging in that.

But as you can see, we've made a strong commitment and will continue to work hard to deliver on the president's directive to advance environmental justice. Environmental justice is central to our work on P2, and that role will only grow moving forward. So, I ask that you continue to work with us to help shape and advance our P2 programs and help spread the word about this important work as representatives of tribal and indigenous groups, academia, community, and groups of other stakeholders. You're uniquely positioned to help us increase awareness about P2 generally and specifically about the many and growing opportunities to advance human health and the environment for our P2 program.

So, thank you so much for the opportunity to speak today, and I look forward to working with you in the future. I will put my contact information in the chat just so that you have it. Thank you.

**Mr. Michael Tilchin**, NEJAC Vice-Chair: Thank you very much for that in-depth presentation and for speaking to NEJAC. The fact that OCSPP is moving in this direction is really encouraging. He invited members to ask questions and give comments.

**Dr. Benjamin Pauli**, NEJAC Member: First of all, thanks very much for that informative presentation. When you were talking about environmentally preferable purchasing, you mentioned PFAS and that you were working on incorporating PFAS into labeling standards that are informing the Agency's own purchasing. And it occurred to me, as one of the members of our PFAS Workgroup, that in thinking about how we might influence the Agency's response to PFAS, we hadn't really come at it from that angle yet. And so, I'm just wondering if you can say a little bit more about where that stands and what your hopes are for addressing the PFAS issue in that way? Thank you.

**Ms. Jennie Romer**, Deputy Assistant Administrator, OCSPP: Sure. I'm happy to connect offline to talk about how we can maybe work on that further. But the work that I am doing now with our EPP program, which is part of my portfolio, was an executive order that was released earlier this year. The PFAS wasn't specifically mentioned in the order itself but in the memo that went along with it directing the federal government to reduce PFAS in procurement. The CQ really sees EPA's EPP program as one big way to go about that, and so we started some work there with just looking at what our currently recommended ecolabels and standards are.

And we created kind of an overlay of whether those addressed PFAS currently and how they do so. And I will say that it's definitely just a start because some of them don't address at all. Some only address certain PFAS, and some of them are not required but may be part of a standard as kind of a bonus. And so, that's just the beginning, but we are having kind of dialogue with that. It was meant as a market signal to show manufacturers and standard and ecolabel organizations that this is something that the U.S. government and the EPA is looking at. And so, I'm also working outside of the EPP program with talking with other agencies about how can we address PFAS in the procurement of products, which is a big ask so figuring out the best ways to go about that. I'm happy to connect with you to talk about that as well.

**Ms. Sylvia Orduño**, NEJAC Chair: Thanks very much for this, Ms. Romer. I wanted to ask if you can maybe explain a little bit more about how it is that you envision this will connect with local governments or the contractors that they have that provide for waste disposal and recycling services, and how we know that a lot of low-income communities still are not recycling, having the separate containers, right? And then also having adequate access to containers without having to pay the \$25 fee and such. And so, trying to figure out again, like how to make it easy. Also, I know that suburban customers are also incentivized, right? Where, if you put out so much recycling, it's weighed in whatever way that happens, and then they can get points for gift cards and other kinds of commercial benefits. So, I guess I'm trying to figure out if there's something that can also be done by way of that.

Secondly, how is it you're connecting the recycling again with landfill reduction and lessening dumping that happens in a lot of low-income and EJ communities, where we see piles of tires in empty fields because, again, people don't know where to take them if they're doing their own changes, or they don't want to pay the fees. I'm trying to figure out, again, how to also incorporate these kinds of things for EJ communities. Thank you.

**Ms. Jennie Romer**, Deputy Assistant Administrator, OCSPP: Sure. I'm not sure if Anne Heard is still on the call, but, for recycling, I know that there's a difference of—and I have a background in recycling, so I try to be very careful about what I can talk about it because I'm in OCSPP and it's focused on pollution prevention versus OLEM is focused on recycling. I don't want to step on OLEM's toes in response to any questions there. So, I will say that within OCSPP and my program, the P2 grants are technical assistance grants to states and tribes for technical assistance to businesses. And so that's really the manufacturing sector, but that overlaps with underserved communities. One of the reasons why we have that mapping tool is to see really where there are other burdens, other things happening, other pollution that's already occurring, and how can we reduce some of that pollution from manufacturing in those communities through technical assistance. But I don't think that I can answer the recycling and pick out part of your question, sorry.

**Ms. V. Anne Heard**, Senior Advisor, OLEM: So, I am still here. This is Anne Heard, but I'm not certain that I can answer your question either. But I do believe there's a way to get back to you with the answer; that I can commit to.

**Dr. Millie Piazza**, NEJAC Member: Thank you so much. I really appreciated both presentations and really bringing this prevention-oriented work to the Council. I think we don't dwell a lot in this space, and we absolutely need to. And I really want to support and encourage an even broader approach to this work that may be happening, but I'm not aware of it, one that really ensures that communities, youth, and the people underrepresented in these emerging markets, and the science are included. I'm Millie Piazza from the Washington State Department of Ecology, and I'm specifically thinking about the work of our Green Chemistry lead of the Agency, Saskia van Bergen. She's worked for years to support the development of educational --

**Ms. Jennie Romer**, Deputy Assistant Administrator, OCSPP: I just spoke with her a couple days ago actually.

**Dr. Millie Piazza**, NEJAC Member: Fabulous. So, then you know that developing this educational curriculum with an environmental justice side really to provide that training to academic institutions in underserved and underfunded areas. And then even a broader impact, I really want to support EPA to look at or share how they may already be including an organizational approach and what their role is in addressing institutional inequities. And I'm thinking about how we can really provide professional exposure and experience in the area, such as green chemistry, pollution prevention, safer products to students, youth, academic institutions that may not have access to these resources and this more cutting edge or preventative approach to the science and this work that, of course, comes back to impact those communities and those people. So, thank you again so much for raising this, and I'm looking forward to learning more.

**Ms. Jennie Romer**, Deputy Assistant Administrator, OCSPP: Sure. And I will say that at OCSPP we do have a really great special emphasis area program for outreach too. It's an internship program for Hispanic-serving institutions to give them some exposure to the work that our office does and knowing that we really need to have a good pipeline coming into the Office

of Chemical Safety and Pollution Prevention. A lot of students might not be familiar with our work or with the work of EPA. And so, I think creating internship programs like that are really helpful, so I've been very supportive of that program here. I'm happy to take any other suggestions that you have.

**Ms. Leticia Colon de Mejias, NEJAC Member:** I just want to bring forward the idea or the importance rather of early exposure to scientific concepts for communities that have been disadvantaged and had disparities in accessing science-based materials. Oftentimes in these conversations about environmental justice, we're talking about academic institutions and exposure to high school students. But I think it's really critical to recognize that waiting until high school is much too late. This is for a multitude of reasons. One is learning is a stackable process, and, if you miss out on those foundational steps of understanding the interconnectedness between all things or understanding what a chemical is or what an atom is, all of these things are very important topics that oftentimes are never broached until a student reaches high school.

Specifically, in communities of color where science is often skipped in lieu of support of math and reading. And even more concerning is in communities where there are second language learners where English is not the first language, we see, again, a lack of emphasis on basic science, which is why we're so underrepresented in careers all across the United States of America as people of color. It's hard to learn something in the last four years of your academic career, and also, we might not even ever be told about the opportunity to go to college. And certainly, very few of us are aware of the work at the EPA.

In order to create a culture of sustainable thinkers, it requires broad investments nationally in science education in schools and communities in multi-language formats. I bring this up in relationship to plastic because, when I go into low-end communities all across the United States in my work, I find that those communities experience high levels of trash, plastic, and unsightly chemical things in their communities. Whilst, when I go into communities that have resources, privilege, and power, I see none of those things.

I bring that to the comment of an earlier speaker who mentioned the tires in parking lots because, on my way to work every day, I pass similar experiences. Certainly, anyone here has seen a plastic bag stuck in a tree or in a waterway. It would be almost impossible to not have had that experience. And so, I bring forward the importance of helping people be empowered now, not later, directly in their communities with information on how they themselves can help to avoid environmental injustices where they reside. Thank you.

**Ms. Jennie Romer**, Deputy Assistant Administrator, OCSPP: Yeah, thank you so much for that, and I will say, in my previous life, I worked rather closely with a group called Cafeteria Culture in New York City. And they do a lot of work with, I think, mostly elementary, junior high, and high school students on really getting to know all the intricacies of plastic pollution and then also communicating that through videos and things like that. So, I recommend checking that out. But having those opportunities early on can make such a huge difference.

**Ms. Leticia Colon de Mejias**, NEJAC Member: I'm hopeful that some of the funding could be invested specifically in support for those communities that are not able to offer science due to restricted school budgets. My personal desire as a nonprofit organization leader that works in the environmental justice communities is that there has to be investments early on, otherwise it's impossible for people to advocate for themselves. So, I'm really hoping that there be a shift in the thinking from the EPA to start considering those early opportunities to engage communities, youth, and families.

I think about marketing, and I'll use a negative example, like cigarettes with the camel. So often marketers know exactly how to get to children and families. I feel like we could kind of take a page out of that book by offering television shows, magazines, or products to schools right from the EPA that would empower teachers and leaders and parents and grandparents to make changes right now. I'll refer to Andy's comment yesterday about tourniquetting now whilst we're fixing policies. What can we do in this moment to stop the bleeding while we're doing this incredible work of changing the way that we operate at the EPA? Thank you so much for entertaining my comments.



**Ms. Jacqueline D. Shirley**, NEJAC Member: I haven't heard it for a while, but there's some tribal villages in Alaska that still encourage waste to energy activities or projects. We buy waste, used oil, burners, and so I was making sure that we have kind of—I haven't seen that concept or program or initiative as actively as it was earlier in the 2000s. And so, the waste to energy concepts and incorporating renewable energies and things like that, we have to look at this recycling paradigm holistically. So, instead of always just how we recycle and collect this one plastic bottle, we need to expand our ideas the way Aya was talking about. And really think about what is recycling? What is it? What is zero to the landfill? How do we incorporate all these things, the materials that we use and discard as humans, and how we can better manage them? What are some of the best practices? What is practical? And where are communities at their level and their desires? Thank you.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked the speakers for the presentations. She stated that it was time for a break followed by the business meeting.

**[BREAK]**

## **NEJAC BUSINESS MEETING**

**Ms. Sylvia Orduño**, NEJAC Chair, welcomed back everyone and checked for quorum.

**Dr. Fred Jenkins**, DFO, announced that the quorum is met.

**Ms. Sylvia Orduño**, NEJAC Chair, asked if they can still have a discussion even though they lose quorum.

**Dr. Fred Jenkins**, DFO, answered, yes.

**Ms. Sylvia Orduño**, NEJAC Chair, stated that they will hear from Dr. Baptiste and Dr. Wilson from the Finance and Investment Workgroup to give some opening remarks and then explained the questions that will be discussed at the business meeting.

**Dr. April Baptiste**, NEJAC Member, thanked everyone that participated in the last two days. There were some really rich conversations. She stated that the workgroup has been working on the notion that they would like to see more accountability and more transparency in where the investments and finances are going. They know that work is being done, but they'd like to push the EPA to show how this money is reaching what is now being coined disadvantaged communities or environmental justice communities. How are the funds reaching them? How are they really tracking that? The notion of benefits came up within the context of Justice40, and so that is seen as part of their portfolio as well. So, they're really interested in hearing how the programs are themselves tracking these benefits.

She stated that, on the screen, some theme questions were sent, even though they were much more detailed. Some of those detailed questions will be used to develop their recommendations as they kind of got a bird's eye view over the last couple of days, but they'd like to home in on some of those questions.

**Dr. Sacoby Wilson**, Finance and Investment Workgroup Co-Chair member, stated that they've been working as part of this Finance and Justice40 Workgroup for some time. and this actually builds off of previous work on NEJAC. As a former NEJAC member, myself and other NEJAC members really want to understand the investments and be able to visualize those investments, such as who's getting the money from the EPA? How is that money being used to get to ROI or Return on Investment? Are the communities getting the benefits? Are they getting from problem to solution?

He stated that that's been the long-term kind of ask during his time on NEJAC. He's happy to see that they finally have made some progress in really laying the foundation for having this conversation. Right now, it's a bird's eye view, and they want to dig more into it. Over the last few days, there have been some really good things heard. He heard the commitment and the passion, but the actual mechanics of making things happen meaningfully, impactfully, and transformatively for the communities that we serve have a few problems, and some red flags that were raised.

As far as the "disadvantaged" language, legally there's a definition, but where's the legal definition of environmental justice? He emphasized that, when you talk about disadvantaged, that's only one bucket that you have to have to have environmental justice. You have to have overburdened as well. That language of disadvantaged gives a very general, broad landscape of a whole bunch of people who can fall in that, but, when you want to look at environmental justice, you need to have some more focus. And the focus comes in with the actual burden indicators, exposure indicators, stressor indicators, and health indicators. You go from more general to more focused areas, and then you want to be able to look at cumulative impacts.

He hears the legal definitions of disadvantaged will have to follow the law. Just because it's the law, doesn't mean it's a good thing. So there needs to be some discussion from the EPA side on how you're going to make sure that the disadvantaged language does not lead to masking investments or it's a dilution of the impact they want to have.

He stated that, if you look at the CEQ critique that he submitted and shared with the NEJAC members, it lays out a lot of problems with using that tool in the screening process. And if that's going to be your fallback tool, he thinks they're already kind of setting up a structure, a process, where you're not going to get to the communities with the most need, you're not going to get to the communities with the most impacts, and the Council has to be aware of that.

He recalled Dr. Tejada saying something about they're not using race; he clarified that. It sounded like this would be like a pre-screening process where U.S. EPA uses EJScreen and some other things where race is used, but then when it comes to the decision-making process, race is not used. He's aware that there's some nuance there, but he'll let that ride. What's important to note there is that, if you're going to be able to focus on those communities with the most need, you've got to have a delineation. If you have a definition of disadvantaged, you have to have a way to delineate the areas that have the most need. So, what are the indicators, what are the tools, and what are the metrics you're going to use?

He stated that what wasn't clear to him is not how the money is used but the metrics that you actually use. He didn't hear that being informed by the people who are being most impacted by these issues. And so that meaningful involvement, that meaningful engagement has been missing. That's been one of his frustrations and other members' frustration as NEJAC as it relates to what's happened so far with the state revolving funds and the other things to this point engaging NEJAC. How we've been engaging with those most impacted in the communities has been missing too.

When it comes to actual metrics, you've got to have better engagement. When it comes to the definition of disadvantaged, you have to have better engagement. When it comes to how they actually track the dollars, there has to be better engagement. How they actually track benefits, as people said, you can't define benefits for him.

In Principles 5 and 7 of the 17 Principles of Environmental Justice, about self-determination, communities speak with their own voice. The benefits framing, you have to also make sure those community folks are speaking their own voices on the benefits. He pointed out that he has some concerns about the paperwork issue and some of the indicators of the tracking. He found them to be a little problematic, and they're going to fall back on what the states have been always doing. The states are part of the problem.

So, what's the workaround to make sure those who are most impacted can actually get the dollars? How are they going to make sure that TCUs and HBCUs are getting the dollars to be the technical assistance hubs? How are they going to make sure the frontline fenceline groups are getting the dollars to be the technical assistance hubs? How are they going to make sure they're avoiding racist systems that dole out the money and don't give those racist systems more money and expect those racist systems to fix what they did before because they were racist before? He doesn't understand that logic. That's really bad logic which could undermine the whole common premise that they have around Justice40.

As it relates to using these tools and how they get to the communities with the most need, there's a lot of discussions they had the last couple of days about water infrastructure. He emphasized

that EPA must do a good job of capturing unincorporated communities. Many unincorporated communities do not have sewer and water infrastructure. They are not captured in the CEQ tool. How is EPA going to capture unincorporated communities—their brothers and sisters that pick our food, their brothers and sisters that live in colonias, and their brothers and sisters that live on reservations? These brothers and sisters are in post-slavery black neighborhoods in Lowndes County, Alabama; Sand Branch, Texas; Uniontown, Alabama; maybe North Carolina; folks down in South Carolina. Those communities do not have sewer and water infrastructure. That CEQ tool does not capture them.

**Dr. April Karen Baptiste**, NEJAC Member, added that she would really like the NEJAC to be viewed as an EPA resource and not just a resource for the OEJ so that they're constantly in this consultative role across all other programs. She heard from all of the programs that they're willing to come to the NEJAC, and they want NEJAC support. They want their expertise. She wants to continue to build those relationships because the NEJAC should be a resource for the entire Agency and not just the OEJ.

Secondly, she spoke about the role of the EJScreen. They've been talking a lot about tracking and, yes, they have these fancy tools that they can use, but it sounded like the notion that the EJScreen was never a decision-making tool. That seemed sort of strange to her. What is the role of the EJScreen, particularly within this notion of tracking and identifying? It's great for identifying problem areas, but the workgroup was thinking that maybe EJScreen could move beyond just identifying problem areas.

She stated that she didn't hear how funds themselves, as they were being disbursed, were going to be tracked. How are communities being selected? What are the criteria that are being used to monitor where dollars are actually going? And then, what are they being used for? What is being done to bring new communities into the process? What about the technical assistance program that was mentioned? They need to figure out how to bring communities that are not always a part of this process into the process as well?

Finally, she brought up the issue of how grants are issued. It's great to hear that there are over 200 applications for air quality monitoring. How do you then narrow down which community is most deserving of a grant to monitor their air quality, especially if all of these 200 communities have air quality problems or are identified as environmental justice communities? Can all 200 communities get access to grants? That might be a resource limitation that perhaps the workgroup and NEJAC need to push to continue to encourage more resources.

**Ms. Sylvia Orduño**, NEJAC Chair, thanked the speakers. She stated that the questions for discussion were consolidated from the larger list of questions that were sent over to EPA administration officials which led to some of the responses today. She hoping to get thoughts in terms of the work that's being done in their workgroups. They heard a lot from the presentations in which benefits will be measured and the challenges faced between what happens when funds are distributed and where they end up and the multiple hands and organizations they go through.

Everyone agrees that they want to know that these federal investments are making their way to communities and that outcomes can be measured and determined with more certainty. She stated that she was looking to hear were how the Agency was differentiating between direct and indirect benefits when Justice40 allows for both. She opened up the discussion to the members.

**Mr. Jerome Shabazz**, NEJAC Member, stated that question number five is always troublesome for him. Oftentimes, when we're talking about these issues from the national level, the regional administrations are not necessarily in line with the same vigor as the national programs. He's not hearing how the regional administrations are established to address the same priorities with the same level of vigor as the national program. There should be a REJAC, a Regional Environmental Justice Advisory Council, within the regions so that there is some ability for people to coordinate with the same level of care and consideration that we're coordinating on the national level. He would like to see some discussion about that to see how we can address the issues of the regions.

He stated that there is robust public participation, but we're getting a lot of public participation from some regions and other regions don't participate at all. So then how is the information

being passed down to the regions? How are we enforcing or substantiating that the regions are themselves creating priorities? And how are we being assured that the regions that are close to the front-line communities are communicating effectively with the national office to make sure that grants and resources are getting to the people that need it the most?

**Ms. Sylvia Orduño**, NEJAC Chair, asked if he had statements or comments that he might want to offer by way of what he sees in his region that could be offered up as an example?

**Mr. Jerome Shabazz**, NEJAC Member, responded yes, they've had to independently push his region to develop criteria around what are priority issues in the region. The regional administrator met with his office a week ago, so he can't suggest that the administrator was not making the effort to do so. But over the years of us doing work, the front-line communities are rarely seeing resources. At the end of the day, they want to be able to see resources get to communities, and he doesn't see that pipeline, that tracking.

He doesn't see that level of identification of what those matrices look like. He doesn't see the technical support that's enabling people to qualify, to apply, to understand, to be able to participate fully in all of the benefits that are being enunciated by the various programs that they're hearing presentations from throughout the last two days. He stated that he's concerned about the delivery of service, the measuring of those services, and the accountability around making certain that the people who need it most have the capacity to be able to apply and have access.

So that leads up to another point, his organization is currently dealing with a variety of programs that they've been able to take advantage of preexisting technical support, particularly in brownfields. But there are other programs that don't have that same kind of robust support. And all of the programs—air programs, water programs, particularly as it relates to communities—need that same kind of technical support. Talking about it in an incongruent way where it seems like it's a separate issue, it really should be a singular issue that all communities throughout all the regions need to have the technical infrastructure and support that will enable them to identify and apply and get the support necessary for their organizations.

He stated that the capacity issue is big. He sees a huge deficit in the capacity of organizations and their ability to even understand what they need to apply for grants and resources. He works close enough with their states to know that they don't even have the guidance to prepare for those people locally. They need guidance in terms of how they're supporting the states, and they need support whether it's knowledge infrastructure support systems to support the nonprofits.

**Ms. Sylvia Orduño**, NEJAC Chair, added that it's also about the timing and that EJ communicates are never in the right place at the right time. So, then what ends up happening is the private sector or large NGOs come in and sort of take away the opportunities for EJ organizations and groups to be able to come in and do that self-determination and build that capacity. And so other people who are positioned, i.e., who are intellectually shovel-ready or the resourced shovel-ready, are going to benefit, and EJ communities will constantly be struggling to catch up.

**Mr. Jerome Shabazz**, NEJAC Member, added that one of the things that OEJ did very well in some of the more recent grants is, instead of the university partners who would typically be the lead, the nonprofits had to be the lead. He thought that was brilliant. Whoever decided to push that really changed the whole conversation. It changed the relationships with our university partners. He would like to see more of that, but they need to bring the support so that the nonprofits can substantially take those lead PI [principal investigator] roles.

**Dr. Matthew Tejada**, Director, OEJ, stated that he agreed with everything Mr. Shabazz said. He said that he shared that grant's piece with the leadership group, and they're going to be designing a new grants program and it's going to be really exciting. He thinks that will finally be able to solve a lot of the issues and get at some of the exciting things like changing the power dynamic between communities and other partners in how they set these things up.

In the fiscal year '22 budget, they actually put in the word "implement," which unlocks the EJ program's ability to fund the whole range of things that folks want to do with that money. Not that they're going to pay for communities to pull lead pipes out of the ground, but there's been



this missing piece of being able to use our funding to make the tie between everything that they've been able to fund before and the actual activity on the ground. They're going to be going through that process over the summer publicly with the NEJAC and just generally with the public to get the feedback to design that program in a way that's really going to work. To design the program also to, as much as we can, remove the barriers to entry.

He like the phrase "intellectually shovel ready." So, on one side, remove or reduce those barriers, and, on the other side, as Jerome was sharing, a part of that design is the design of the technical assistance piece to this. A lot of us were waiting on and hoping for the Build Back Better thing because that was going to provide a level of funding just to catalyze it all on its own. We don't have that, but we're in the middle of trying to pull together and work with a lot of partners to find a way to try to get at that technical assistance, that kind of a large enough cooperative funding way of making that technical assistance happen. When everyone in EPA and every other federal agency show up to talk about infrastructure funding, the first conversations are about technical assistance; we need more technical assistance, we need larger technical assistance, and we need better technical assistance. It is a huge, huge conversation. That is going to be a huge part of designing the grants and the technical assistance program over the summer.

To the other point Jerome shared about the regions and having those regional NEJACs, the Agency has already started that. They've started with a few regions, and some regions have gotten a little further a little more quickly. But one of the limiting factors has always been that he only gives one person to each region. That's about to change. The Agency has already made an investment of between six and seven people for each region. And there's a reserve of even more to kind of dole out a number more. Not all of those folks are going to go to engaging the community because one of the things they've got to try to establish with giving more support to the regions is a much more robust ability to support and engage with communities but also a much more robust ability to engage and support states and locals and academics in those regions.

And then they will also bring all of that back for our regional EJ folks to turn around and be able to sit down with the air divisions and with the water divisions and with the waste divisions

within the regions to actually get their programs deploying in ways that match the needs of the communities on the ground. So that's another process that's going to be happening over the coming months. Getting those regional NEJACs is something that they're dedicated to doing. Now before they knew they had these resources, they started working with a few regions to start working out how that is. And again, there's been some fits and starts here and there, but they've learned a lot already. And now that they're going to have more resources for the regions, that gives them every opportunity to have these kind of REJACs, I guess. He doesn't know if that's what they're going to call them—that's kind of weird—but these kind of regional NEJACs.

And then to what April said, they need to break down when you get into that conversation about the transparency and what tool and data do you use for which piece and those pieces of the actual dollars and different benefits. For example, there are the benefits of reducing pollution and improving access, but there are also the benefits of just new grantees, actually having those organizations that have not been able to play before coming in and joining the field. That is a benefit, and that is something they should be tracking. That is something they've been having conversations with a lot of the programs you just heard from.

He explained that don't underestimate the value and the meaningfulness of just expanding the pool of people who are in your funding stream. That is a benefit all in itself, and it's a pretty easy one for us to track and map. A lot of folks get really focused on, well, where are these things showing up, and which definition or which map are you going to use to assess where do these things show up? It's one of the most interesting but the least hard parts of it because you can throw any map you want. The harder part is tracking the investments down to a level of geographic granularity that are meaningful, and then defining those benefits and being able to track those benefits down to a level of geographic granularity that is meaningful. Then you can put any map you want under it and see what the outcome is.

You can look at the EJScreen, you can look at a state map, you can look at a map that Dr. Wilson designs and that starts to give you better information about, well, when you look at it on this map, it looks good, but when you look at it on this map, it looks horrible. What's the difference there? What did they miss in terms of the grant requirements or the outreach or the

technical assistance? And then you actually start to see these different pieces and the connections between these different pieces start to come together between engagement and technical assistance and access and where these things actually show up. Having a real good sense and working through that with the workgroup here and getting a good sense of these different pieces and what are the most important things that they need to be looking out for across the board in terms of those different pieces is one of the really interesting and important areas for us to be focused on.

**Ms. Sylvia Orduño**, NEJAC Chair, encouraged the members to share examples of how they think that the tracking and the measuring can make a difference for what their communities continue to not get and another way of sort of framing this or having data requirements could help with gaining access to the resources, including all contexts such as urban, rural, tribal, territories, and islands, and differences in disparities. Envision what this could look like if the EPA was taking a whole measurement and tracking the benefits approach. What are the kinds of questions or information or data requesting that EPA could make that could help with being able to better attain and achieve not only the resources but the benefits as the Council pushes EPA to continue investigating within the programs on how they will distribute resources and the transparency and accountability of such?

**Ms. Jacqueline D. Shirley**, NEJAC Member, stated that, in regard to the third bullet where it talks about what are some of the environmental justice barriers that the EPA might have, she wants to use the term "the scorched earth." She knows that the administration and the past EPA administrator pretend it didn't happen, but it did happen. And it has consequences, and the residuals are going on in our society. How are they going to get Justice40 on this scorched earth now that we have a flood of money? How can they help communities at their lowest come to the table of all these great things that could happen when their local and state governments still believe that DEI and environmental justice are un-American? EJ is not un-American, but many people still believe that—the gate keepers. So how can they help our communities and the EPA when they have that sentiment? EJ is not un-American; how do they undo that?

**Ms. Sylvia Orduño**, NEJAC Chair, stated that this Council has never believed that and they are trying to work against that and towards the solutions we need.

**Dr. Sacoby Wilson**, Finance and Investment Workgroup member, added to what Ms. Shirley said. Un-American is, how are you going to address environmental justice without addressing environmental racism? He outlined in that CEQ critique a lot of things that will be useful to the OEJ staff, the EPA team, and to the fellow NEJAC Members. In that CEQ critique, he talks about screening tools and the different types of indicators that can be tracked.

In that critique, he also talks about tracking health disparities. You can track health disparities down to the tract and block group level. There are visualization tools that allow us to do that. It's more of a long-term outcome though because, as you do the work and invest the dollars, you're not going to see that short-term change. That's a long-term outcome. So, what they have to think about is, when it comes to benefits and tracking outcomes in those benefits, you've got to think about, what are the short-term, mid-term, and long-term things we want to get to?

He explained that, in that document, he provides some text about genuine progress indicators, like social progress indicators and economic progress indicators that can be tracked. He also shared a Luskin Center report on Justice40 that talks about the kinds of things they need to do to implement at the state level. They've got to get guidance from the headquarters to the regions to the states. That's in the Luskin report. He also shared a report that he wrote for the National Wildlife Federation on gaps in environmental justice screening tools, which speaks again to how we should not over rely on these tools. It's not the tools that are important; it's the people that are important.

He stated that he appreciated Mr. Shabazz speaking about decentralizing NEJAC. He stated that, on the air quality side, when you think about tracking progress, one of the things they could do is track the amount of community science that's out there, such as tracking the number of low-cost sensors, really building up these hyper-local networks, bringing in more satellite data, and bringing more mobile monitoring in, because you're not going to really understand how well this is working everyone if you don't have the monitoring footprint to capture the phenomenon.

Right now, they can't even see how effective these efforts will be because they don't have the equipment out there to actually monitor the things. You've got to get the equipment out there to the people at the level of granularity that makes sense. Going back to the point about health disparities, you can track health outcomes too to see how health changes over time. It's a whole-of-government approach to engaging with the CDC and their environmental public health tracking program. Everybody's building their own EJ tool now. So, CDC has its tool, and DOT has its tool. They've got to talk about all these different tools too.

Build the capacity, maintain the capacity, and use the capacity, those are very important things they should be tracking, like the process and outcomes, because when they build capacity, maintain capacity, use capacity, and it's being driven by a community, that's actually also an economic opportunity structure. It's not just improving the air quality, water quality, and access to infrastructure, it's actually the wealth inequality that they address. It's creating new jobs and new businesses. That is as important as the outcome on the economic side as it is on the health and environmental side.

He stated that, as EPA reengineers their grant programs, they really focus on making sure that meaningful involvement and meaningful engagement is there. He thinks that they may have to start from scratch in some ways and be a model for some of the other federal agencies. For example, NIH has failed in this regard as relates to scientific imperialism and funding the same universities over and over again. He thinks that some of the federal agencies have failed as it relates to scientific colonialism; they keep studying a problem and not doing anything about it.

He stated that the people's money should be used for the people's research to get to the people's solutions. They've got to make sure they take a taxpayer's approach to these dollars for the taxpayers that are the most impacted by these issues. What do they want to see? Create grant programs that are responsive to the taxpayers that have been dumped on, that have been invisibilized, and whose voices haven't been heard. That needs to be uplifted when it comes to the indicators, when it comes to the metrics, and when it comes to all the programs. That has to be at the heart of it.

He wants to make sure the taxpayers voices are really integrated into Justice40 and all the finances of the EPA, including making sure that we model what they do in the EPA off that tool. Make sure that community voices are in this.

**Dr. Fred Jenkins**, DFO, stated that he did receive that information from Dr. Wilson, and he did share it with the members. He'll also make sure it's in the public record in the public docket because that initially associated with his public comments.

**Dr. Na'Taki Osborne Jelks**, NEJAC Vice-Chair, stated that she's really excited about the way that they're going to deal with the grant program in terms of getting someone else to run this to increase the accessibility to communities. She hopes that that means that they'll take some of the experience that EPA has in how difficult it has been for some groups to get access to this funding. She hopes that whoever is chosen as an organization to run this program, or whatever that entity is, that they really have some experience with and understand EJ communities and the unique challenges and barriers they've encountered along the way and ensure that have better access to these dollars.

She's seen this done in another forum with a different organization that farmed out their grant program to someone else for the benefit of making those grants more accessible to communities. It was clear after a certain point that this group just was not clued in enough to the challenges that communities face in terms of how they set some of the guidelines even around, you know, how the budgets could be developed. The whole approach was a little bit tone deaf and insensitive. She doesn't want EPA to go down that track in terms of just getting some contractor that doesn't have their finger on the pulse enough of where communities are, what they've faced, what those barriers have historically been, and how we need to dismantle those barriers so that folks can access the dollars that they need.

In regard to this locally collected data at the street level, they've got to think about how they co-create those metrics of success with communities, such as how we ask communities what's important to them. What are those metrics that they are going to be most keyed into in terms of

wanting to measure? Resourcing communities with the ability to collect this local data at the street level that has a quality assurance plan that they have to submit through EPA or whatever the funding agency is, that is the type of data that also needs to start getting integrated into this decision-making.

She added that, with the basic parameters or factors that will go into this definition of disadvantaged communities, they've got to consider that locally collected data, the level of what people are really experiencing, can be washed out a lot of times because data is aggregated at such larger levels.

**Ms. Leticia Colon de Mejias**, NEJAC Member, stated her concern specifically is around the idea that academia are the groups that need to solve the problems. In her personal experience as an environmental justice leader working with communities directly, oftentimes, the resources are given to academia and then that power and privilege stays there.

The other thing is that when they're awarding funds to the state level, there's a bit of a conflict of interest in relationship to that relationship between states and academia. For example, one of the groups identified for technical assistance was the University of Connecticut. One thing that never happens when they apply as a nonprofit organization run by people of color is an award. They've never been awarded any resources ever to help support their work directly in communities of color to engage with them and educate them on how they can change the trajectory of their environmental outcomes in Connecticut specifically.

She explained that funding to community-based organizations allows those disadvantaged communities to directly identify the issues that are impacting them and directly create solutions that are accessible, readable, and attainable. Whereas they find that academic institutions don't directly come into their communities. They prefer to do phone calls, or research based on other sets of data and information, or recycled information from past studies, in relationship to reaching directly into the communities and doing things like working with youth to create songs, shows, materials, and directly educate them. She wanted to know through that relationship how this money will be released.

Her concern with that is that certainly the impacts of environmental injustices that are reported and tracked through research demonstrate that race is part of the impact metric. Unfortunately, these things do run along lines of race and that urban communities are more impacted by direct pollution, indirect pollution, and now by the impacts of climate change. If we're aware that groups are statistically more at harm, then we should also be aware that those same groups need to have direct access to resources and supports, and that those might not be able to trickle down through filtration systems that have been inadequate in getting resources to where they need to be.

**Ms. Sylvia Orduño**, NEJAC Chair, agreed with Ms. de Mejias. She stated that another sort of danger that she's experiencing is that, instead of the states really trying to figure out how to work with EJ communities and still let the communities lead these initiatives, the state now wants to be the EJ expert. And they can't be because they're also the oppressor in many ways at the same time. They don't have the tools or the capacity themselves to know the difference. Not only with universities and colleges, but they also need to make sure that the state understands its role, and their role is not to come in and take over the work that communities are doing for themselves.

**Ms. Brenda Torres Barreto**, NEJAC Member, shared a concern particularly with Puerto Rico. She doesn't feel like the island of Puerto Rico and the territories have the policies to be able to manage correctly the amount of funding that is coming for reconstruction and particularly the bill funds as well. She asked EPA, how they're going to ensure that the funding that is coming to this island territory is being used for those in real need and how that is going to be tracked down? What's going to be the process in which the underserved communities on this island can make sure that they're able to use the funding for the priorities?

**Ms. Sylvia Orduño**, NEJAC Chair, asked her to talk a little bit more about the experience that she's had or the problems that she's seen, or what she wants to see instead in terms of what is happening now?



**Ms. Brenda Torres Barreto**, NEJAC Member, stated that she sees the Commonwealth of Puerto Rico is clearly detached from the community, but she sees the EPA is not really pushing this national agenda in the same way for this territory in a real strong platform that will provide support in a very comprehensive way. She sees a detachment. Oftentimes, her group has been the liaison between the state government and the municipalities also and the underserved communities to make sure that that communication is happening. Since this entire island is pretty much an EJ territory, her concern is that this funding is not going to be used for the primary purpose that this policy is pushing for.

**Ms. Sylvia Orduño**, NEJAC Chair, said that she looks forward to hearing specifics in terms of better closing those gaps and helping to support either more nonprofits or the frontline communities in those engagements.

**Ms. Brenda Torres Barreto**, NEJAC Member, stated that she wrote several op-eds regarding this issue. She sends them to the governor via email. She's been raising her voice at least locally in terms of trying to see if they can have a strong policy that would just help them use the funding correctly.

**Ms. Sylvia Orduño**, NEJAC Chair, asked if she could forward those op-eds to the Council through email.

**Ms. Brenda Torres Barreto**, NEJAC Member, responded that she will.

**Dr. Jill Lindsey Harrison**, NEJAC Member, supported the issues that the Council members have raised, and she raised more. One is she recognizes that the working group is going to craft a letter for EPA summarizing the key themes. She wants the group to recognize the good steps that some of these offices will do to implement some of the recommendations that NEJAC is making, while at the same time, pushing them to do better and to do more. She stated that staff within the Agency are going to need to hear that kind of recognition of the changes that they're trying to make that are in the direction that we want them to, while at the same time hold a firm and high bar about what's required.

Regarding the different grant programs, she asked some questions. What's in the request for proposals? Who helps craft those? Are they getting community input on those? Those make such a difference for so many reasons. So, you know, what evaluation criteria are the agencies using to evaluate the different grant proposals? Who does those evaluations? She's done a bunch of research on government agency's environmental justice grant programs, and one of the things that she heard from staff at some agencies is that the folks running these programs felt like they had a hard time rounding up other staff who have familiarity with environmental justice and therefore the ability to adequately evaluate the grant proposal. She wonders if there's room in the letter for raising some questions about that.

She stated that many have raised concerns in the past couple of days about accountability, and that's really what the tracking is all about. She also heard some folks express a lot of concerns about administrative burden. Her initial thought was this really feels very uncomfortable. It made her feel like their sympathies were really with state agency bureaucrats and their requirements to have to respond to data requests, and that felt like a really problematic bias. But then Scott Clow raised some concerns about the administrative burden borne by tribes, and it made her realize that she needs a more nuanced understanding of that.

When government agency staff express a lot of concern saying, oh, that's too much work for other agencies to have to do, it makes her feel uncomfortable. It makes her feel like they're missing the mark. The burden has been on environmentally overburdened and vulnerable communities forever, so it's a struggle to feel sympathy for government agency staff in being asked to provide some data.

**Ms. Sylvia Orduño**, NEJAC Chair, stated that the current discussion will be followed by a discussion of the letter that will be drafted over the next month and a half or so that will start laying out the basis for the different questions and concerns that they have. It will in no way be comprehensive, but they want to use it as starting place to get more clarity from EPA. She also asked to get more information from workgroups about what their concerns are related to the beginning of a draft letter.

**Dr. Benjamin Pauli**, NEJAC Member, wanted to return to this issue of how they define and measure benefit. They need to stay focused on people and the extent to which their lives have been changed for the better by a particular resource or intervention. So just as an example, the EPA has now set an ambitious objective to remove all lead service lines around the country. But the real question we need to ask about that is are people with new service lines now drinking their water? In a place like Flint, they've got a lot of residents who have had their service lines replaced, but they still don't trust the water. So there hasn't really been any substantive change in terms of their quality of life. He stated that modifying the built environment by removing a service line is not by itself a benefit. You've got to look at whether it actually has a positive impact with respect to people's confidence in their water and/or behavior vis-à-vis their water.

He explained that they're going to get superfund cleanups cited as examples of benefits being brought to communities. But at what point does a cleanup like that really yield benefit to actual people? We've got to go further than just saying that it happened. Are health indicators in the area improving, for example? Or has the space been redeveloped in a way that has yielded new investment or improved people's quality of life?

They have to be careful here. They can't let the EPA get away with characterizing every resource it brings into a community or every intervention it makes in a community as a benefit. They need to find ways, again, of gauging whether people's lives have changed for the better. He doesn't see how they can do that without talking to those people directly.

**Mr. Scott Clow**, NEJAC Member, stated that, going back to the administrative burden thing, he reflected on the process for the funding. They literally wrote some of our air quality monitoring proposals three times this year because of the opportunities that were presented by EPA, but there was no roll-out plan. So, they're like, oh yeah, put it in that one. Oh, and put it in that one. And then, put it in this one. And then they just told the Council to turn it all around and submit it on grants.gov in two weeks, which is not something that they're real good at here. He was referring to the processing side, not on the data request side.

He echoed the lack of available input data on EJScreen across Indian country. It's a great idea and a great tool to a certain extent, but it's limited by the data that's in it. He used his tribe as an example for a presentation to show environmental challenges, and there wasn't a lot of data on EJScreen. So that certainly needs enhancement.

On the fifth bullet point on the regional issues, he stated that there are real challenges at EPA. The whole reason they have regions is because of the unique regional issues, but, with tribes and a lot of other communities, there are challenges in how that goes from the national level to the regional level and then actually gets to the people. The connection with tribes is with this Indian Health Service. With Indian Health Service and state revolving funds, there's a tribal set aside, and some of the regions just give that money to the Indian Health Service. And then it goes into what they call their sanitary deficiency survey process which is a scoring process for infrastructure projects. If you are in dire need of or you are facing a public health emergency, then you score pretty high. But you never really want to go there.

If you have something that you're trying to fix proactively, don't even bother. It's like, you won't score. And a lot of that is related to capacity building and staffing. There's a lot of turnover and a lot of need for training and increased qualifications for, like, public works employees. And so, if you don't have a great O&M plan or you don't have a budget to replace parts on your water system or parts in storage, then you get a low score. And then your project doesn't get the score it needs to get the federal funding.

He stated that in EPA Region 8, they just decided, oh, we don't want to staff our office with people that directly administer these grants; we're going to let the Indian Health Service do it. Well, there you go, it falls into that scoring system. And furthermore, in Region 8, there are four different Indian Health Services offices that they're giving the money out to, so there's inequities there. So, hear you loud and clear on the regional/national issue. It plays out in Indian country a lot also.

On the third bullet point, there is such diversity in the definitions of types of tribes. So, you have your treaty tribes, your non-treaty tribes, and you have your Alaskan native villages. The whole

situation with tribes in Alaska is very unique. He was asking someone on the National Tribal Caucus, well, don't you have a water quality and monitoring grant? Oh, we can't get those. Those are given to the state, and then the state figures that out. All of the tribes in all of Alaska can't get one of these grants, so they're at the mercy of the state there.

He reminded everyone that states and tribes have a rough history, so depending on where you are and what state you're dealing with, it may be good, it may be bad. In Colorado, they've got a great relationship with the state in light of its history. If you go across the border to Utah, it's completely different there at least with their environmental department.

He stated that, in 1984, the EPA realized that they'd left tribes out of the Clean Water Act and the Clean Air Act and all of that. And so, they developed a policy to allow tribes to participate in these programs. They started grants and things, but there was a more than a decade lapse in the Agency's existence when they had an epiphany that oh, boy, there's a whole lot of Indian country out there, so let me try. They've been working on that for a long time.

He stated that general assistance program grants, or GAP grants as they're known or grants for tribes, are about building capacity for environmental programs. The guidance has been revised. It's out on the street for comment and consultation now and things like that. They've got some pretty major issues with EPA and that program. Mainly, the tribe wants more flexibility, and EPA is reducing the flexibility in that grant, which is the cornerstone grant for many tribal environmental programs.

He stated that consultation is discussed a lot in relation to tribes, and it's a core of the '84 policy, but the way that the different EPA offices roll out their "consultation" is quite variable. They have a website where they post things and they send out emails and they send out letters, but what tribes perceive as consultation is not what a lot of the Agency workers at EPA perceive as a consultation. It's been challenged, especially in the last two years with COVID. Tribes want to see the whites of the eyes of the person that are consulting with them. They want to look them in the face and have that conversation. They haven't been able to do that for the last two years, but

that's the expectation. It isn't some email response or send us your comments, it's let's actually get in the same room and have a robust discussion. So that's very challenging.

Finally, he stated that boots on the ground are so important, and this isn't just in Indian country; it's all of our communities. It was encouraging that Michael Regan took the Cancer Alley Tour. He has been out to one Indian reservation, and he's poised to come out to some more. But in all of these communities, just getting the EPA staff from their regional office to come out and meet people and breathe the air and drink the water is so important.

**Mr. Michael Tilchin**, NEJAC Vice-Chair, stated how critical evaluation criteria are. It's also important for NEJAC to engage with the program offices. In regard to an interpretive issue related to the administrative requirements that several have talked about and that Dr. Jill mentioned, when he heard Mr. Pigott talking about the administrative requirements, he thought the concern was, we don't want to overburden our grant recipients with a ton of reporting. It might have been, they don't want to burden our EPA evaluation teams with a tremendous amount of administrative requirements. It should be, once you've won your grant, they want you to do the work and not have to spend 20 percent of your productive time filling out the forms they told you that you had to fill out. He's not sure what the answer is, but it's a question they want to get resolved.

**Ms. Leticia Colon de Mejias**, NEJAC Member, stated that researching environmental justice disparities is not the same as seeing disparity, and that is the common theme that they've heard here from the experts on this panel. But most importantly what she hears is resources are required to create change. Thus, how funding is rolled out is one of the most crucial parts of the work they can do as NEJAC. It is crucial that they recognize that states have not been great at that inclusive approach, and she wants to be sure that they have parts in their letter which address the need for state-level diversity, equity, and inclusion training, specifically with metrics for those who are charged with drafting, crafting RPFs, reviewing RFPs, handling awards, or hiring consultants to do such.

She gave a story to bring it forward. Most recently they experienced a wild macroaggression on the heels of a string of microaggressions with a horrific letter being sent to her organization for a mere \$30,000 award to plant some trees and educate urban children on the importance of forestry in addressing climate change and heat impacts. The letter they were sent told us that they were going to experience personal gain from planting trees. And this was in response to an RFP requesting responses about planting trees to address heat in climate change. Most interestingly, the awards that were made were awarded to white people who planted trees on their own properties, and it was not seen as a personal gain for them.

She brought this forward because this isn't the first time her organization experienced that, and she works with other organizations of color that work directly in communities that have had very similar letters sent to them. She finds that this is just a pattern that it's completely acceptable to send a letter like that to someone who was seen as less than for a multitude of reasons, and, in most cases, it's based on a lack of academic achievement. In this letter, it's really important to note the requirements that those who are making decisions, creating plans, or hiring consultants are sure that there is some metric related to how those funds will be doled out.

**Dr. Sacoby Wilson**, Finance and Investment Workgroup member, stated that he's mentioned scientific colonialism, scientific racism, and scientific imperialism. They have to change the ecosystem of funding. Who gets the funding? How do they dole out the money? Who are the community-based organization or institutions? They need to make sure that those institutions are respected. You don't have to have a Ph.D. to be a scientist. Your community science has to be respected and uplifted. He supported what was said about a change in quality of life. They need to uplift culturally driven and community driven data systems and knowledge systems in this work.

**Dr. Na'Taki Osborne Jelks**, NEJAC Vice-Chair, stated that regarding the burden of the reporting requirements, she reminded them be creative. For the requests for proposals as well as requests for reporting, they want to get the metrics to bring about the points that they're talking about, like talking to the people, understanding what changes are happening in their lives and what changes are happening in terms of health disparities in communities, and that sort of thing.

She's seen where some foundations are moving to this process of really trying to make it a lot less burdensome for community-based groups to apply for funding. They are making things very simple by simplifying their processes. They even get feedback from those community-based organizations on how long it took you to prepare this, and what can we do better to make this a more accessible process? DOE had a call in which you could submit a video. It had to include several different things, and it wasn't judged on the quality of how well your production was. It was as simple as sending in a video explaining the core elements as opposed to having to write some laborious document. She's seeing more and more of that happen. It's an alternative to the traditional proposal still as long as it has key things in it.

She stated that, on the reporting side of things, there is some space for some creativity as well. Whoever is going to be managing this grants process, how can they work with those communities? Maybe they can have a session with them going through what the updates are, what they were able to accomplish, and what metrics have changed. There is a call for greater flexibility and some creativity and innovation in how we do all of this to get the data that we need but still make it less burdensome for communities.

**Ms. Sylvia Orduño**, NEJAC Chair, asked the Council to give some ideas for the letter stating that they got some initial feedback in the responses from the Panel, they've had some additional conversations and concerns that have been noted, and they want to learn more about the particulars about the dashboard and toolkits across the EPA programs to help them begin to measure when the resources are going out and how they know if they're having the benefit and impact that they intend.

Even though there are funds that sometimes go to multiple hands, how will they know whether or not the 40 percent of federal benefits, particularly in these six pilot areas, are going to the right place? How will EPA know if it's being successful? What are the things that they're using to make those determinations? And what else are important indicators toward that?



**Dr. April Karen Baptiste**, NEJAC Member, stated that she's mostly heard over the last two days concern about the grant piece and sort of getting access to resources for communities that are doing the work. Over the last couple of days, the focus has been on getting funds to states, not so much the regions. She's heard that, yes, the states are important, but how do resources get to community organizations and then working with those communities to also determine what in their eyes would make those resources be perceived as having an impact? What is considered to be successful from a community perspective? What are they saying would improve their quality of life? What are they saying will address their environmental justice concerns?

**Dr. Na'Taki Osborne Jelks**, NEJAC Vice-Chair, agreed with Dr. Baptiste's suggestion about the grants piece and Dr. Wilson's ideas on tracking the dollars.

**Dr. Sacoby Wilson**, Finance and Investment Workgroup member, suggested asking, how do they identify, prioritize, and micro target the communities with the most need? That's the core issue. How do we do that well as it comes out of headquarters, into regions, down to the states, into the communities? What's happened in the past is, because of what states are promised, EPA said hands off, that's not what we do. EJ communities are saying you got to be in that business to have some guard rails around that money—where it goes and how it gets down to the people. We cannot count on these systems that have been part of the problem to make sure they're fairly disbursing this money now. So that's an issue.

He agreed that they need uplift grants again. How do they get more of those dollars into the communities? If you take just the Justice40 concept, a minimum of 40 percent of all the research dollars, all the grant dollars should go into the communities, and then a minimum of 40 percent of the other types of dollars should get into these communities. So, there are different streams of dollars.

He asked about the administrative burden issue. How do they maximize impact while also minimizing burden? That can be applied also as it relates to how they deal with the dollar distribution. He thinks they need to talk about some of the interagency aspects as well in the letter because they don't just experience environmental justice through the EPA.

**Ms. Sylvia Orduño**, NEJAC Chair, stated that she took lots of notes on the specifics, but she wants the Council's ideas on a broader scale.

**Mr. Michael Tilchin**, NEJAC Vice-Chair, reminded the Council that besides the questions to EPA, they need to also include recommendations and proposed solutions.

**Dr. Ayako Nagano**, NEJAC Member, reminded them of including the proactive approach issue in the letter.

**Ms. Sylvia Orduño**, NEJAC Chair, reminded the Council that everyone's help is needed in writing this letter, not just the workgroup. She mentioned that it will contain the key questions regarding the additional components, concerns, and specifics that have been noted. Everyone will help form the basis of an outline for this letter, it will be addressed in both workgroups and to individuals who want to help build it, and then they'll see where its shape takes them. If there are stronger areas, they'll focus there. If there are areas with less development, they'll probably not focus on that at this time. They will focus on it in the next month and a half so that everyone will have at least two weeks to review the document before it's brought up at the next public meeting in June.

She posed the voting question: does the Council support the drafting of a letter to be brought up at the next public meeting that they will work on in this next month and a half with the components of the questions and the other issues that have been named in the course of this meeting? There was unanimous support.

**Dr. Jan Marie Fritz**, NEJAC Member, reminded Ms. Orduno to send the topics.

## **CLOSING REMARKS AND ADJOURN**

**Dr. Fred Jenkins**, DFO, thanked everyone for their hard work, and he adjourned the meeting.

**[WHEREUPON THE MEETING WAS ADJOURNED]**

See Appendix E for the slides presented in this public meeting.

## APPENDIX A. SPEAKERS, FACILITATORS, AND NEJAC MEMBERS

<b>SPEAKERS AND FACILITATORS</b>	
FRED JENKINS, JR., PhD	DESIGNATED FEDERAL OFFICER (DFO) US EPA (EPA)
MATTHEW TEJADA, PhD	DIRECTOR, U.S. EPA OEJ
GEORGE QE WARD, MPA	NEJAC PROGRAM MANAGER, OEJ
<b>NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL (NEJAC) MEMBER CHAIRS</b>	
SYLVIA ORDUÑO	MICHIGAN WELFARE RIGHTS ORGANIZATION NEJAC MEMBER CHAIR – EPA REGION 5
NA'TAKI OSBORNE JELKS, PhD	WEST ATLANTA WATERSHED ALLIANCE/PROCTOR CREEK BOARD CHAIRPERSON NEJAC MEMBER VICE-CHAIR – EPA REGION 4
MICHAEL TILCHIN	JACOBS ENGINEERING NEJAC MEMBER VICE-CHAIR – EPA REGION 3
<b>ACADEMIA GROUP</b>	
JILL LINDSEY HARRISON, PhD	UNIVERSITY OF COLORADO BOULDER NEJAC MEMBER – EPA REGION 8
APRIL KAREN BAPTISTE, PhD	COLGATE UNIVERSITY NEJAC MEMBER – EPA REGION 2
JAN FRITZ, PhD, C.C.S.	UNIVERSITY OF CINCINNATI NEJAC MEMBER – EPA REGION 5
SANDRA WHITEHEAD, Ph.D., M.P.A.	GEORGE WASHINGTON UNIVERSITY NEJAC MEMBER – EPA REGION 3
BENJAMIN J. PAULI, PhD	KETTERING UNIVERSITY NEJAC MEMBER – EPA REGION 5
<b>BUSINESS &amp; INDUSTRY GROUP</b>	
VENU GHANTA	DUKE ENERGY NEJAC MEMBER – EPA REGION 3
VIRGINIA M. KING	MARATHON PETROLEUM NEJAC MEMBER – EPA REGION 6
<b>COMMUNITY-BASED ORGANIZATIONS GROUP</b>	
REV. DR. AMBROSE CARROLL, SR.	GREEN THE CHURCH NEJAC MEMBER – EPA REGION 9
LETICIA COLON DE MEJIAS	GREEN ECO WARRIORS NEJAC MEMBER – EPA REGION 1
JEROME SHABAZZ	JASTECH DEVELOPMENT SERVICES INC. NEJAC MEMBER – EPA REGION 3

PAMELA TALLEY	LEWIS PLACE HISTORICAL PRESERVATION INC. NEJAC MEMBER – EPA REGION 7
SOFIA OWEN, JD	ALTERNATIVES FOR COMMUNITY & ENVIRONMENT (ACE) NEJAC MEMBER – EPA REGION 1
<b>NONGOVERNMENTAL/ENVIRONMENTAL GROUP</b>	
ANDY KRICUN	U.S. WATER ALLIANCE NEJAC MEMBER – EPA REGION 2
AYAKO NAGANO, JD	COMMON VISION NEJAC MEMBER – EPA REGION 9
JACQUELINE SHIRLEY, MPH	RURAL COMMUNITY ASSISTANCE CORPORATION NEJAC MEMBER – EPA REGION 6
BRENDA TORRES BARRETO	SAN JUAN BAY ESTUARY PROGRAM NEJAC MEMBER – EPA REGION 2
<b>TRIBAL/INDIGENOUS GOVERNMENTS AND ORGANIZATIONS GROUP</b>	
JOHN DOYLE	LITTLE BIG HORN COLLEGE NEJAC MEMBER – EPA REGION 8
JOY BRITT	ALASKA NATIVE TRIBAL HEALTH CONSORTIUM NEJAC MEMBER – EPA REGION 10
SCOTT CLOW	UTE MOUNTAIN UTE TRIBE NEJAC MEMBER – REGION 8
<b>STATE/LOCAL GOVERNMENT GROUP</b>	
FELICIA BELTRAN	ARIZONA DEPARTMENT OF TRANSPORTATION NEJAC MEMBER – EPA REGION 9
MILLICENT PIAZZA	WASHINGTON STATE DEPARTMENT OF ECOLOGY NEJAC MEMBER – EPA REGION 10

**APPENDIX B. NEJAC PUBLIC MEETING AGENDA**



**AGENDA  
UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY**

**NATIONAL ENVIRONMENTAL JUSTICE  
ADVISORY COUNCIL**

**FULLY VIRTUAL PUBLIC MEETING  
APRIL 20-21, 2022**

**1:00 P.M. – 5:15 P.M. EDT DAILY  
PUBLIC DOCKET NO.**

**EPA-HQ-OA-2022-0051 at [www.regulations.gov](http://www.regulations.gov)**

**NEJAC Meeting Website:**

**<https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council-meetings>**

<b>DAY 1: WEDNESDAY APRIL 20, 2022</b>	
1:00 pm – 1:10 pm	<p><b>WELCOME, INTRODUCTIONS, &amp; OPENING REMARKS</b></p> <ul style="list-style-type: none"> <li>○ <b>Fred Jenkins Jr., PhD, Designated Federal Officer – U.S. EPA</b></li> <li>○ <b>Matthew Tejada, PhD, Director, Office of Environmental Justice – U.S. EPA</b></li> <li>○ <b>Sylvia Orduño, National Environmental Justice Advisory Council Chair – Michigan Welfare Rights Organization</b></li> <li>○ <b>Na'Taki Osborne Jelks, PhD, National Environmental Justice Advisory Council Vice Chair – West Atlanta Watershed Alliance and Proctor Creek Stewardship Council</b></li> <li>○ <b>Michael Tilchin, National Environmental Justice Advisory Council Vice Chair – Jacobs Engineering</b></li> </ul>
1:10 pm – 2:15 pm	<p><b>WELCOME, EPA UPDATES, &amp; DIALOGUE</b></p> <ul style="list-style-type: none"> <li>○ <b>Deputy Administrator Janet McCabe – U.S. EPA</b></li> <li>○ <b>Robin Collin, EPA Environmental Justice Senior Advisor to the Administrator – U.S. EPA</b></li> <li>○ <b>Matthew Tejada, PhD, Director, Office of Environmental Justice – U.S. EPA</b></li> </ul>

2:15 pm – 3:30 pm	<p><b>UPDATES FROM EPA SENIOR LEADERS ON BIPARTISAN INFRASTRUCTURE LAW (BIL) FUNDING &amp; JUSTICE40</b></p> <ul style="list-style-type: none"> <li>○ <b>Zealan Hoover, EPA Senior Advisor for Infrastructure – U.S EPA</b></li> <li>○ <b>Phillip Fine, PhD, Principal Deputy Associate Administrator for Policy, Office of Policy – U.S EPA</b></li> <li>○ <b>Faisal Amin, EPA Chief Financial Officer – U.S EPA</b></li> </ul>
3:30 pm – 3:45 pm	<b>BREAK</b>
3:45 pm – 5:10 pm	<p><b>PUBLIC COMMENT PERIOD</b></p> <ul style="list-style-type: none"> <li>○ Members of the public will be given three (3) minutes to present comments on their issue or concern to the NEJAC.</li> </ul>
5:10 pm – 5:15 pm	<p><b>CLOSING REMARKS &amp; ADJOURN</b></p> <ul style="list-style-type: none"> <li>○ <b>Sylvia Orduño, National Environmental Justice Advisory Council Chair – Michigan Welfare Rights Organization</b></li> <li>○ <b>Fred Jenkins Jr., PhD, Designated Federal Officer – U.S. EPA</b></li> </ul>
<b>DAY 2: THURSDAY APRIL 21, 2022</b>	
1:00 pm – 1:10 pm	<p><b>WELCOME, INTRODUCTIONS, &amp; DAY 1 RECAP &amp; OPENING REMARKS</b></p> <ul style="list-style-type: none"> <li>○ <b>Fred Jenkins Jr., PhD, Designated Federal Officer – U.S. EPA</b></li> <li>○ <b>Matthew Tejada, PhD, Director, Office of Environmental Justice – U.S. EPA</b></li> <li>○ <b>Sylvia Orduño, National Environmental Justice Advisory Council Chair – Michigan Welfare Rights Organization</b></li> <li>○ <b>Na'Taki Osborne Jelks, PhD, National Environmental Justice Advisory Council Vice Chair – West Atlanta Watershed Alliance and Proctor Creek Stewardship Council</b></li> <li>○ <b>Michael Tilchin, National Environmental Justice Advisory Council Vice Chair – Jacobs Engineering</b></li> </ul>

1:10 pm – 2:25 pm	<p><b>UPDATES FROM EPA NATIONAL PROGRAM OFFICES BIL INFRASTRUCTURE FUNDING &amp; JUSTICE40 PLANS</b></p> <ul style="list-style-type: none"> <li>○ <b>Bruno Pigott, Deputy Assistant Administrator of Office of Water – U.S. EPA</b></li> <li>○ <b>Alejandra Nunez, Deputy Assistant Administrator for Mobile Sources, Office of Air and Radiation– U.S. EPA</b></li> </ul>
2:25 pm – 3:45 pm	<p><b>UPDATES FROM EPA NATIONAL PROGRAM OFFICES BIL INFRASTRUCTURE FUNDING &amp; JUSTICE40 PLANS</b></p> <ul style="list-style-type: none"> <li>○ <b>V. Anne Heard, Senior Advisor for Policy and Programs, Office of Land and Emergency Management – U.S. EPA</b></li> <li>○ <b>Jennie Romer, Deputy Assistant Administrator for Pollution Prevention, Office of Chemical Safety and Pollution Prevention – U.S. EPA</b></li> </ul>
3:45 pm – 4:00 pm	<ul style="list-style-type: none"> <li>○ <b>BREAK</b></li> </ul>
4:00 pm – 5:10 pm	<ul style="list-style-type: none"> <li>○ <b>NEJAC Business Meeting</b></li> </ul>
5:10 pm – 5:15 pm	<p><b>CLOSING REMARKS &amp; ADJOURN</b></p> <ul style="list-style-type: none"> <li>○ <b>Sylvia Orduño, National Environmental Justice Advisory Council Chair – Michigan Welfare Rights Organization</b></li> <li>○ <b>Fred Jenkins Jr., PhD, Designated Federal Officer – U.S. EPA</b></li> </ul>



## APPENDIX C. ATTENDEES

Rashida Amanuel, Institute for Sustainable Communities  
Nissa Abdullah, Partnership for Southern Equity  
Judy Ackerman, Private Citizen  
Melodie Aduja, Environmental Caucus of the Democratic Party of Hawai'i  
Amand Aguirre, CEQ  
David Ailor, American Coke and Coal Chemicals Institute -  
Diana Allos, University of Maryland, College Park  
Shanika Amarakoon, ERG  
Vicki Arroyo, U.S. EPA  
Amanda Aspatore, National Association of Clean Water Agencies  
Sabrina Bailey, Illinois EPA  
Taaka Bailey, MDEQ  
Jamie Banks, Quiet Communities  
Erica Bannerman, PGC  
Chelsea Barnes, Appalachian Voices  
Conitsha Barnes, Duke Energy  
Catie Bartone, VTDEC  
Nancy Beck, Hunton Andrews Kurth  
Kristen Benedict, U.S. EPA  
Kent Benjamin, U.S. EPA  
Marcy Benson, Town of Hilton Head Island  
Elizabeth Berg, ORISE EPA  
Bonnie Bick, Mattawoman Watershed Society  
Farah Bigdeli, University of New Orleans (UNO)  
Pamela Bingham, UMd CEEJH  
Uni Blake, American Petroleum Institute  
Kelsey Blongewicz, U.S. EPA  
Coline Bodenreider, Public Health Alliance of Southern California  
Christina Bowman, CEQ  
Maria Boyd, Administration for Native Americans  
Randa Boykin, NCDEQ  
Jennifer Boyle, Department of Environmental Quality  
Denetta Brannon, Oklahoma Corporatio Commission  
Robin Bravender, E&E News  
Sarah Brennan, ACWA  
Nicole Briggs, Nez Perce Tribe  
Bradford Brooks, SciLore, LLC  
Becky Brooks, U.S. EPA  
Erin Broussard, Arizona Electric Power Cooperative  
Michelle Brown, U.S. Customs and Border Protection

Kelsey Brugger, E&E News  
Doug Brune, U.S. EPA  
Margot Buckelew, U.S. EPA  
Jack Burn, U.S. EPA  
Jacob Burney, U.S. EPA  
Omari Burrell, U.S. EPA  
Emma Buzecky, UW Madison Nelson Institute Graduate Student  
Darlene Byrd, AO/OP/Office of Community Revitalization  
John Byrd, Miller/Wenhold Capitol Strategies  
Katlyn Caldwell, Southern Company Services  
Morgan Capilla, U.S. EPA  
Maria Carnevale, WPRFMC  
William Casey, NAACP - MEAB  
Seamus Caslin, U.S. EPA  
Alison Cassady, U.S. EPA  
Ester Ceja, Idaho Transportation Department  
Gina Cerasani, U.S. EPA  
Brian Chalfant, Pennsylvania Department of Environmental Protection  
Lois Chang, CEEJH  
Amelia Cheek, IERG  
Carlos Claussell, Institute for Sustainable Communities  
Janetta Coats, U.S. EPA  
Deborah Cohen, U.S. EPA  
Brenda Coley, Milwaukee Water Commons  
Melissa Collier, CCAPHF  
Robin Collin, U.S. EPA  
Octavia Conerly, DOI  
Jasmin Contreras, EPA  
Lisa Cooke, FAA  
Farrah Court, TCEQ  
Bria Crawford, Environmental Protection Agency  
Kimberly Crisafi, U.S. EPA  
C Cunningham, DOI  
Meagan Currie, Private Citizen  
Rebecca Curry, Earthjustice  
Cyd Curtis, U.S. EPA  
Lew Daly, Roosevelt Institute  
Valincia Darby, DOI  
Corbin Darling, U.S. EPA  
Bryan Davidson, Tennessee Department of Environment and Conservation  
Michael Davis, U.S. EPA  
Tina Davis, U.S. EPA

Rachel Davis, Waterspirit  
Erica Denha, Transcription ETC  
Priyanka De Souza, Senseable City Lab, MIT  
Robert Dinterman, USDA  
Jenna Dodson, West Virginia Rivers  
Andrea Drinkard, U.S. EPA  
Joseph Drumm, Southern Company  
Chelsea Durant, U.S. EPA  
Nzinga Dyson, Lewis-Burke Associates  
April Eberle, ODEQ  
Jeannie Economos, Farmworker Association of Florida  
Nathalie Eddy, CDPHE  
Chebryll Edwards, U.S. EPA  
A. Edwards, U.S. EPA  
Liz Ellis, Washington State Department of Ecology  
Lena Epps-Price, U.S. EPA  
Monica Espinosa, U.S. EPA  
Jonathan Essoka, U.S. EPA  
Gabby Fekete, US EPA OIG  
Cynthia Ferguson, US DOJ/Environment and Natural Resources Division  
Ann Ferrero, HHS/HRSA  
Nicolette Fertakis, U.S. EPA  
Timothy Fields, MDB, Inc.  
Jorge Figueroa, City and County of Denver's Office of Climate Action, Sustainability, and Resiliency  
Lawrence Friedman, American Institutes for Research  
Sarah Froman, U.S. EPA  
Shelley Fudge, Private Citizen  
Rohini Gandhi, Department of Environmental Protection  
Andrew Geller, U.S. EPA  
Anna Gibson, SciLore, LLC  
Chad Gilbert, United Association of Journeymen and Apprentices of the Plumbing  
Linda Giles, Transcription, Etc. LLC  
Ora Giles Transcription, Etc., LLC  
Olivia Glenn, U.S. EPA  
Daniel Gogal, U.S. EPA  
Ruby Goldberg, U.S. EPA  
Leo Goldsmith, ICF  
Ivery Goldstein, U.S. EPA  
Julian Gonzalez, Earthjustice  
Susan Gordon, Multicultural Alliance for a Safe Environment  
Beth Graves, ECOS  
Daria Grayer, AAMC

Matthew Greene, Interior  
Alex Guillen, Politico  
Grant Gutierrez, Dept. of Ecology  
Rose Gutowski, FEMA  
Carlin Hafiz, U.S. EPA  
Laura Haider, Fresnans Against Fracking  
Betsy Hale, KCPS  
Brandi Hall, ADOT  
Daniel Halpert, U.S. EPA  
Richard Hamel, ALL4, LLC  
Stephanie Hammonds, WVDEP-DAQ  
Leah Harnish, American Waterways Operators  
Leatra Harper, FreshWater Accountability Project Ohio  
Sharon Hartzell, U.S. EPA  
Stefani Harvey, IEC  
Amanda Hauff, U.S. EPA  
Jessica Helgesen, U.S. EPA  
Courtney Herbolsheimer, U.S. EPA  
Alane Herr, Illinois EPA  
Beth Hesse, EHS Support LLC  
Tracy Hester, University of Houston Law Center  
Azania James, The Cornerstone Collective 2020 & Damê Consultants  
Denise Hill, ExxonMobil Chemical Company  
Megan Hillyard, WA Dept of Ecology  
Jack Hinshelwood, VDH  
Liz Hoerning, EHS - Support  
Shelia Hollimon, U.S. EPA  
Michael Hopperton, BP  
Janice Horn, Tennessee Valley Authority  
Sharise Horne, Louisville MSD  
Melissa Horton, Southern Company  
Jordan Henner, State of NV  
William Houser, Continental Resources  
Erica Hubbard, Progressive Fifth Ward Community Association  
Joseph Ingrao, Clean Air Council  
Daniela Jauk, University of Akron  
Erika Jensen, Great Lakes Commission  
Tara Johnson, U.S. EPA  
Cassandra Johnson, MDEQ  
Bonita Johnson, U.S. EPA  
Sabrina Johnson, U.S. EPA  
Doris Johnson, DEEP

Dawn Johnson, DCJ Global Management Solutions, LLC  
Sherry Johnson, US Air Force - Joint Base Langley-Eustis  
Rochele Kadish, U.S. EPA  
David Kay, Cornell University  
Marva King, Private Citizen  
Toshia King, OLEM/ORCR/PIID/FSTPB  
John Kinsman, Edison Electric Institute  
Louise Kitamura, U.S. EPA  
Caroline Klos, U.S. EPA  
Sally Kniffen, SCIT  
Brianna Knoppow, U.S. EPA  
Trish Koman, U.S. EPA  
Kevin Koonce, Vinyl Institute  
Renee Kramer, North Carolina Department of Environmental Quality  
Fran Kremer, U.S. EPA  
Jessica Kroenert, U.S. EPA  
Denise Kronsteiner, ADEQ  
Chitra Kumar, U.S. EPA  
Rani Kumar, Environmental Integrity Project  
Tom Lalley, U.S. EPA  
Kim Lambert, U.S. Fish and Wildlife Service  
Katie Lambeth, EGLE  
Coz Lamore, Choices Interlinking Inc-Alliance  
Erica Le Doux, U.S. EPA  
Erma Leaphart, Sierra Club Michigan Chapter  
Connie Lee, St. Peter St. Paul Community Council  
Charles Lee, U.S. EPA  
Paul Lee, LA Mayor's Office  
Soleil Lewis, Private Citizen  
Osmond Lindo, U.S. EPA  
Sara Lips, GA EPD  
Robin Lisowski, Slipstream  
C Liv, HHS  
Stacey Lobatos, U.S. EPA  
Keisha Long, SC DHEC  
Ashley Longrie, U.S. EPA  
Victoria Loong, We the People of Detroit  
Glendora Lopez, TxDOT  
Olivia Lopez, Ocean Conservancy  
Linda Loubert, Morgan State University  
Thea Louis, Clean Water Action  
Macara Lousberg, U.S. EPA

Greg Lovato, Nevada Division of Environmental Protection  
Jade Lu, Massachusetts Clean Energy Center  
Jonathan Lubetsky, U.S. EPA  
Robert Lugar, Indiana Dept. of Environmental Management  
Tai Lung, U.S. EPA  
Ian Lutz, Yale  
Jennifer Macedonia, U.S. EPA  
Ariel Sanchez, U.S. EPA  
Caitlin Macomber, WRI  
Sara Mangan, Farmworker Association of Florida  
Ellen Manges, U.S. EPA  
Krista Mantsch, GAO  
Larissa Mark, U.S. EPA  
Karen Martin, Private Citizen  
Brendan Mascarenhas, American Chemistry Council  
Alexandra Mastrocola, Florida Department of Environmental Protection  
Rachael Mathews, LDEQ  
Eileen Mayer, U.S. EPA  
Mary McCarron, Ohio EPA  
Wendy McCarville, USAF  
Dana McCue, EHS Support  
Paige McDaniel, NDDEQ  
Caitlin McHale, National Mining Association  
Anu Ronnie McLean, Coosa State  
Liat Meitzenheimer, Fresh Air Vallejo  
Danielle Mercurio, VNF  
Kenyatta Miles, Shell  
Michael Miller, TCEQ  
Ayanna Miranda, MD Dept of the Environment  
Christopher Mishima, U.S. EPA  
Catherine Mobley, Clemson University  
Alessandro Molina, U.S. EPA  
Mike Moltzen, U.S. EPA  
Danielle Montecalvo, U.S. EPA  
Chris Moore, Eastman Chemical Co. - Kingsport, TN  
Ignacia Moreno, The iMoreno Group, PLC  
Linda Morgan, U.S. EPA  
Nina Morgan, GASP  
Olivia Morgan, LSU  
John Mueller, Private citizen  
Melissa Muroff, Delaware County District Attorney's Office  
Julie Narimatsu, U.S. EPA

Christina Ndoh, U.S. EPA  
Lin Nelson, The Evergreen State College  
Jonathan Nelson, U.S. EPA  
Loan Nguyen, U.S. EPA  
Cassandra Nieman, U.S. EPA  
Kristine Nixon, A1M Solutions  
James Nolan, Western States Pediatric Environmental Health Specialty Unit  
Marven Norman, Center for Community Action and Environmental Justice  
Gregory Norris, ACES 4 Youth  
Avriel Null, Tennessee Valley Authority  
Francisco Ollervides, Ocean Conservancy  
Sarah Olsen, The Missouri Department of Natural Resources  
Jessica Olsen, San Joaquin Valley APCD  
John Oluwaleye, Gender Based Violence as a Public Health Issue  
Peter Ore, University of Arizona  
Ashley Overton, Private Citizen  
Gerald Oxereok, Native Village of Wales  
David Padgett, Associate Professor  
Nathan Park, Earthjustice  
Bo Park, U.S. EPA  
Molly Parker, Dominion Energy  
Surili Patel, Metropolitan Group  
William Patterson, EBMUD (EAST BAY MUNICIPAL UTILITY DISTRICT)  
Anthony Pegues, Defenders of Wildlife  
Nestor Perez, Earthjustice  
Brett Perlman, CHF  
Maricela Perryman, San Juan bay estuary program  
Cynthia Peurifoy, Private Citizen  
Cait Plantaric, CA Department of Water Resources  
Chris Pressnall, Illinois EPA  
Theresa Pugh, NAM  
Evelyn Ravindran, Keweenaw Bay Indian Community  
Shantha Ready Alonso, Department of the Interior  
Brian Redder, AMWA  
Leslie Reed, Brightwater Strategies  
Veda Reed, U.S. EPA  
Dawn Reeves, Inside EPA  
Mayra Reiter, Farmworker Justice  
Forest Replogle, Mid-Region Council of Governments  
Natalie Rivas, The Chisholm Legacy Project  
Timothy Roberts, U.S. EPA  
Christina Robichaud, U.S. EPA

Ron Ross, Northwood Estates Community Org.  
E Ross, Gunster  
Eric Ruder, IEC  
Thomas Ruiz, U.S. EPA  
Elyse Salinas, U.S. EPA  
Demetra Salisbury, U.S. EPA  
Cynthia Sanchez, IEPA  
Stacie Sanders, Housing Oregon  
Denise Sarchiapone, B&D Environmental Consulting LLC  
Alexis Schlatre, HDA  
Stephanie Schlea, Association of State Drinking Water Administrators  
Ethan Schwartz, U.S. EPA  
Dean Scott, Bloomberg  
Kristine Sedey, USPS  
Isabel G. Segarra Trevino, Harris County Attorney  
Mario Sengeco, U.S. EPA  
Kathy Sessions, Health and Environmental Funders Network (HEFN)  
Surabhi Shah, U.S. EPA  
Danielle Shannon, U.S. EPA  
Nena Shaw, U.S. EPA  
Natalie Shepp, Pima County Department of Environmental Quality  
Gina Shirey, Alaska Department of Environmental Conservation  
John Shoaff, U.S. EPA  
Kayley Shoup, Citizens Caring for the Future  
Mitch Silverstein, The Surfrider Foundation  
Brad Sims, Exxon Mobil Corporation  
Carly Sincavitch, Arnold and Porter  
Bob Skoglund, Covestro LLC  
Allison Smart, Little River Band of Ottawa Indians  
Bernice Smith, U.S. EPA  
Jonathan Smith, Earthjustice  
Dan Solitz, Private Citizen  
Jennifer Spiller, City of Grand Rapids  
Gianna St.Julien, Tulane Environmental Law Clinic  
Joanna Stancil, Senior Advisor  
Marnie Stein, DNR  
Robyn Strickland, Oklahoma Corporation Commission  
Bradley Sugarman, Private Citizen  
Karen Sullivan, U.S. EPA  
Feleena Sutton, Aera Energy  
Sandra Talley, NRC  
Andrea Thi, DOJ



Susan Thomas, Just Transition NWI  
Lavar Thomas, U.S. EPA  
Joe Tiago, U.S. EPA  
Christian Torres, Comite Civico del Valle  
Kaitlin Toyama, US DOJ, Civil Rights Division  
Rebecca Truka, Hexion Inc  
Tammie Tucker, AECOM  
Kim Billingslea, GM  
Mallory Turner, U.S. EPA  
Stony University, Stony Brook University  
Venus Uttchin, Private Citizen  
Jennifer Valiulis, St. Croix Environmental Association  
Flyn Van Ewijk, Fulcrum Bioenergy  
Gloria Vaughn, U.S. EPA  
Marline Vignier, HHS/OASH  
Ashley Voskuhl, Association of State Drinking Water Administrators  
Jess Wallace, U.S. EPA  
Nancy Walter, Just Transition Northwest Indiana  
Alan Walts, U.S. EPA  
Lili Wang, OCFO  
Phillip Washington, USDA  
Stephanie Watson, U.S. EPA  
Raymond Wayne, Heritage  
Roxanne Welch, U.S. EPA  
Dana Wesolek, Fulcrum Bioenergy  
Skye Wheeler, Human Rights Watch  
Chad Whiteman, U.S. Chamber of Commerce  
Odette Wilkens, Wired Broadband, Inc.  
Tracy Williams, Quiet American Skies Program  
Rebecca Williams, WA State Dept Ecology  
Tracy Williams, Quiet American Skies Program  
Sacoby Wilson, University of Maryland College Park  
Holly Wilson, CEQ  
Shelley Wright, Canadian Educators for Safe Technology  
Timothy Wu, USDA  
Nicole Zacharda, Great Lakes Commission  
Lynn Zender, Zender Environmental Health and Research Group  
Lu Zucker, Cuyahoga County Jail Coalition  
Steven Zuiss, Koch

## **APPENDIX D. WRITTEN PUBLIC COMMENT**

Written public comment materials are available in the public docket of this meeting. The public docket number for this meeting is EPA-HQ-OA-2022-0051. The public docket is accessible at [www.regulations.gov](http://www.regulations.gov) under its docket number, EPA-HQ-OA-2022-0051.

### **Submitted Written Public Comments By Region**

**Region 1: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont**  
None.

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

The residents of Rockland County's concerns are escalating as we have been excluded from the negotiations between CHPE and the DOT and CHPE and the Coast Guard as the installation/construction plans for the CHPE project continues. CHPE has used animations and cartoons to demonstrate the construction process instead of reality based demonstrations.

As a resident who has to live with the careless disregard of the Blackstone owned CHPE 1,250 megawatt electric transmission line, I am horrified. The "behind closed doors negotiations" has excluded the public. The trajectory of this ill-conceived project still has not been defined. This is a privately and government owned merchant function transmission line project owned by Blackstone, the Canadian Government and Canadian Company Hydro Quebec, that now appears to be requesting "franchise" status.

I am requesting that the DEC do their due diligence and review the Coal Ash Pile at the former Lovett Generating site in Tomkins Cove: the issue of the leakage into the Hudson River.

The Coal Ash Pile has been leaking into our great Scenic Hudson River for approximately ten years now. It is NOT registered on the EPA's Superfund Clean Up website - although the Hudson River IS the biggest clean up site in New York. I have attached the Letter from the DEC dated October 5, 2011 from Mr. Burt McCullough for Commissioner Seggos's edification. Furthermore - although this veers away from the issue of the Coal Ash Pile, the DEC itself and Commissioner Seggos should be very proud of the new regulations regarding air quality and the counting of emissions. This new rule includes the counting of emissions from imported electricity. Hydro Quebec states they do not have emissions. They do quite as many as any gas or coal fired power plant.

Blackstone has apparently purchased many acres - at least 306.36 acres proximate to this Coal Ash Pile. I attach a recent "deed" of purchase which is now beyond the three year term for an "option." This is only one of several land grabs but it is for a huge amount of property. For a tiny amount of money. A few of our concerns:

1. How much more potential leakage will there be due to construction work, drilling, and possibly blasting? This Coal Ash Pile sits almost on top of the Double Ramapo Fault.
2. How much secrecy will there be on CHPE, Transmission Developers Inc, Blackstone and Hydro Quebec's part regarding leakage now that there is a wall of privately owned land surrounding the Coal Ash Pile?

3. How can the DEC accept the "behind closed doors negotiations" that the DEC will in turn have to clean up?

This should have been part of the EIS and I feel that it has deliberately NEVER been addressed, even though we have made several comments about this in our comments to the PSC. This must be looked at. As a matter of fact, a picture is worth a thousand words. The Pile is right under the word Pharmacy in the picture I have included.

The CHPE transmission line will also have to cross the newly installed 42 inch high pressure Spectra gas line as well as several other high pressure gas lines installed sometime in the 1960's. Additionally CHPE will disturb and bring to the surface sediment from Indian Point. The jet plowing will re-suspend legacy contaminants such as PCB's, other toxins and radio nuclides that will get into the water for the 7 Towns that rely on their drinking water from the Hudson River. This is a very serious issue.

The Hudson River has been tortured by Industrial waste for at least 100 years and after years of cleaning some of it up, the CHPE owned Blackstone project will reduce our riverfront into a hazardous waste site once again.

Then we come to the issue of the burial depth of the cable in the Hudson River. The Tugboat Harbor Carriers Association (THCA) states the cables must be buried to a depth of around 14 feet in order to not allow anchors that might need to be lowered in an emergency, to tangle with the cable. Transmission Developers Inc. will only go to 7 feet deep. Former Congresswoman Nita Lowey had written to the Army Corp. of Engineers about this and both the Captain's letter - Director of the THCA and the Congresswoman's letters were ignored. I have attached these two letters for your review. The Captain was informed that the Captain of any vessel on the Hudson River that tangles with the cable will be personally responsible for the repair. This is an outrage.

As we recently saw in the comments for the February 7, 2022 PSC/NYSERDA hearing, Case 15-E-0302- "Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard", the testimony of the Independent Power Producers of NY laid out in a very clear manner the argument that shows the disastrous consequences of this project to all of NY State.

For the health of the Hudson River, the fish who will be affected by the Electromagnetic Fields, the people who drink the water, the health and welfare of the Indigenous People in Canada who suffer the injustices of large scale hydro power - please help us understand how this project is being allowed to proceed.

I personally am losing faith and trust in the government agencies connected with this project that are supposed to protect our air, land and water—and the people too. The only thing left standing in the Public Service Commission is Commission, There is no Public and there is no service. What else can I think when no one seems ready, willing or able to intervene?

Once this is done - it cannot be un-done. This is a huge experiment that does not bode well. Sincerely and with thanks for the help I am hoping you may provide, Jacqui Drechsler

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

**Full Name (First and Last):** Diane D'Arrigo

**Name of Organization or Community:** Nuclear Information and Resource Service

**City and State:** Takoma Park, MD 20912

**Brief description about the concern:** The Department of Energy is demolishing one of the most radioactive buildings in the US nuclear power and weapons complex upwind and upstream of Buffalo NY and the Seneca Nation of Indians Cattaraugus Territory. Groups watchdogging the full site cleanup (West Valley Action Network) want offsite real time air monitoring and public reporting before during and after the demolition to know if, how much and which radioactive materials are being released. Since these are long-lasting, biologically active materials including Plutonium, we wish to prevent releases or stop them while happening rather than learn weeks or months later and have no recourse to find and recapture them.

**What do you want the NEJAC to advise EPA to do? :** Require effective real time radionuclide-specific air monitoring off site with real time public reporting before, during and after demolition of the high level nuclear waste reprocessing building (MPPB Main Plant Process Building) at the West Valley nuclear waste site//West Valley demonstration project.

**Region 4: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee**

None.

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

**Full Name (First and Last):** Daniela Jauk-Ajamie

**Name of Organization or Community:** University of Akron

**City and State:** Akron, Ohio

**Brief description about the concern:** The broader concern of this comment is the situation around prisons and jails in the US built on or near toxic waste sites (Fritz 2022, Pellow et al. 2018). The U.S. has the highest incarceration rate (629 per 100.00) and with 2.1 million people behind bars the largest overall prison population globally. Overcrowded prisons in the U.S. are a public health issue, the Covid-19 pandemic has highlighted how dangerous they are (As of April 12, 2871 incarcerated people in the US have died from Covid-19, 583,988 have been infected,

US prisons have been built on least desirable and most contaminated land in the country. The cartographer Paige Williams (2017) carried out a GIS analysis of a 2010 dataset of state and federal prisons and finds that 589 of the 1821 federal and state prisons are located within three miles of a toxic waste site, 134 of those prisons located within just one mile of the toxic waste site. Incarcerated people in the U.S. face water contamination, air pollution, heat stress through missing air conditioning and industrial low-cost nutrition leading to chronic illnesses of bodies that arrive behind bars already mangled from systemic inequality. These challenges are exacerbated with woefully inadequate medical care and the man-made climate emergency we are finding ourselves in. While as a society we rely on coerced and/or inadequately remunerated

labor from incarcerated folks to clean up after hurricanes and wildfires, we trap them into contaminated cages while the planet is heating up.

The concrete issue of sociological concern and intervention in this context is that a new jail is to be built in Cleveland, Ohio, costing an estimated \$550 million. The Justice Center Steering Committee in charge of its preparation had previously identified three parcels of land near 2700 Transport Road as a location that met the necessary criteria to be considered for the new county jail. The properties sit in Cleveland's industrial valley, wedged between Broadway Road and the Cuyahoga River. According to county property records, the three parcels under consideration, which are collectively appraised at over \$2 million, were once home to a Standard Oil refining facility as well as a truck wash. Given its industrial past, the site contains some level of environmental contamination, but the degree of which is not studied (sic!). The property is currently restricted for commercial and industrial uses only and was rejected in the 1982 because it was too contaminated, including lead, asphalt, hydrocarbon liquid, PCP, and asbestos (Johnston, April 5, 2022).

With this comment I want to amplify the voice of the Cuyahoga Jail Coalition, a Coalition of concerned Cuyahoga County residents asking for a halt to the plans to construct a new jail in the community and a refocusing of priorities and funding to care-centered alternatives to incarceration. They organized with the hashtags #NoNewJailCLE #500MillionReasons and #CuyahogaSpeakUP and were able to delay the decision on the possible preferred site with protests and public comments during the April 5th 2022 meeting of the Steering Committee. A new meeting date for the Steering Committee is unknown (Vandenberge, April 5, 2022).

**What do you want the NEJAC to advise EPA to do? :** While the call of the Cuyahoga Jail Coalition is to not support new jail construction at all, the EPA needs to provide strong oversight and evaluation of possible construction sites. It is unclear why it would be possible for the Steering Committee to buy contaminated land for 2 million dollars, and only after the purchase the land would be tested by the EPA as news reporting suggests. We need 1) EPA expertise on site to prevent another jail on toxic grounds and, 2) we need education on complaint mechanisms and democratic structures we might utilize to end the construction of another toxic death mill and 3) support in redirecting funds for environmental and social justice in our region.

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**Full Name (First and Last):** Leatra J Harper

**Name of Organization or Community:** FreshWater Accountability Project

**City and State:** Bowling Green

**Brief description about the concern:** Fracking

**What do you want the NEJAC to advise EPA to do? :** Come visit fracking-impacted areas with equipment to verify our results of air and water contamination. Restore the Air Nuisance Rule to the Ohio State Implementation Plan. Evaluate cumulative permitted pollution in the Ohio Valley and stop permitting more toxic pollution because the threshold to be protective of public health has been exceeded in many areas because of the toxic, radioactive nature of fracking emissions and its waste. Help us hold the frackers accountable for their harms by measuring their emissions and testing for water quality and take action with more oversight when harmful

contaminants are found. Measure huge releases of toxins from fracked gas infrastructure such as compressor station blowdowns, and pipeline pigging operations that are sporadic but smoothed out through 13-month averaging but are highly toxic to people living nearby. Give the Ohio River as much attention and value as the Great Lakes because it is an important drinking water source, and it's not just fracking and frack waste polluting our water, but forever chemicals as well. Measure what is actually released to the atmosphere when a frack well is "stimulated" and the produced and flowback water come to the surface. Help us advocate to rescind the Halliburton Loophole. Give us a chance for a better future with the ability to attract more desirable industries not related to fracking by cleaning up the brownfield sites and legacy pollution from prior heavy industrial operations. Share with us the industry's plans and interpret the public health impacts before the permitting process is approved so we know the full impact of the plans being made for EJ communities and the industry cannot fool the people - we need expert, objective analysis - people need to be told the truth to offset the industry propaganda and have a chance to advocate for themselves to protect their health so they don't have to sacrifice their own and their community's health for a job.

I will email the full text of my comments separately.

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I'm submitting these comments on behalf of Just Transition Northwest Indiana, a grassroots organization working to support EJ communities along Lake Michigan in Northwest Indiana. For the past two years, Just Transition Northwest Indiana has been organizing with the NAACP LaPorte County Branch, Northwest Indiana Ministers Conference, Earthjustice, and the Hoosier Environmental Council on local EJ issues. **Our primary focus is the community of Michigan City, Indiana, where 2 million tons of toxic coal ash waste are leaking into Lake Michigan and neighboring Trail Creek at NIPSCO's Michigan City Generating Station.** The Michigan City community is predominantly Black, Brown, and low-income, with ¼ of the residents living below the federal poverty level. The coal ash at the NIPSCO site is slated to stay there indefinitely because it is considered a "legacy" or inactive landfill and not covered under the federal CCR Rules. **This emergency along the lake will have an ongoing devastating impact on community health, the environment, and the economy if not rectified.**

**NIPSCO has for decades dumped its coal ash waste into pits along and on the lake.** In the Town of Pines, directly west of Michigan City, the community recently received a consent decree from the Department of Justice to clean up NIPSCO's contamination stemming from the Yard 520 landfill, now an Alternative Superfund site. NIPSCO knowingly dumped its toxic coal ash there and offered it as road and yard fill for the town, homes, and playgrounds. **The town still has not been fully remediated, and 38 homes have been deprived of a municipal water hookup after NIPSCO's ash poisoned their wells. 70 residents are obligated to NIPSCO to provide them with bottled water.** This is a classic example of misuse of power and the fox guarding the henhouse. This low-income town could desperately use a community point person from EPA for outreach and technical assistance. Even though a consent decree was issued, they are still having difficulty navigating what's to come. **The Town of Pines is an example of how "administrative burden" works to undermine environmental progress. No one there has the capacity or training to deal with the situation they are victims of, and once again, the polluting industry is off the hook. We fear that NIPSCO will continue its free reign in**

**Michigan City if their legacy waste is allowed to remain on Lake Michigan, negating any repurposing of that area for the population to use for community benefit.**

We have also spearheaded legislative efforts, but our progress has been inhibited in a highly conservative supermajority-controlled, regulated utility state. The supermajority sits on billions in a “rainy day” fund, while the Indiana Department of Environmental Management (IDEM) and the DNR have had their funds stripped down to barely operational. Commissioner Bruno Pigott recently left his post as IDEM Commissioner to join EPA and is well aware of the tangled situation here. In the Indiana General Assembly, the House and Senate Environment Committees refused to hear almost all environmental bills in committee. The year before last, no environmental bills were heard but amended into best-case scenarios for industry. Still, this is the state we are supposed to trust with federal funds coming in? **This is an untenable plan for Indiana. We appreciate your recognition of states like ours struggling with this stranglehold.**

**We are highly concerned that any EJ funding, whether through the Infrastructure Plan or Justice40 Initiative, that becomes available to the State of Indiana will be deliberately misappropriated. We urge you to have boots-on-the-ground representatives in EJ communities like Michigan City, Indiana.**

Lastly, we have tried to solidify funding through the EPA’s air monitoring grant contest. We attempted to navigate that complicated process only to discover we needed matching funds to receive a grant. **What frontline community organizations have that kind of bottomless money and resources? Please consider changing this.** Thank you for your time and consideration. Sincerely, Susan Thomas

P.S. I cannot express how concerned I was to see a representative from Duke Energy on the panel for last Wednesday’s presentation. For a utility that is the number 1 Climate Polluter in Indiana and has gravely devastated communities across the country, it was sobering, frightening, and dystopian to see their oversight involved in this administration’s EPA. We sincerely hope you consider those ramifications and the optics of appointing such industries.

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

**Full Name (First and Last):** Farah Bigdeli

**Name of Organization or Community:** University of New Orleans (UNO)

**City and State:** Mandeville, Louisiana

**Brief description about the concern:** To advance the EJ process and relevant achievements and enhance partnerships with various community groups (members & organizations), conducting community-based participatory research (CBPR) at the local level will address a better understanding of the facts, roots, causes, and challenges through EJ process. Also, this research makes this opportunity to identify the gaps and barriers to inequity issues in each specific community that may involve EJ challenges in their area. Therefore, creating CBPR sessions and selecting proper research methods such as focus group discussion, interviews, ethnography research, participatory action research, etc. will be resulting greater community engagement to identify the community concerns and community perspectives regarding EJ challenges in their

communities and realize the gaps and uncertainties which cause to generate inequity in community.

**What do you want the NEJAC to advise EPA to do?** : The main concern for conducting CBPR is to engage vulnerable community members and organizations and advocate the EJ programs and practices to provide environmental education opportunities and bring professional experts, community groups, and other involved groups in the EJ process together to increase strengthen community engagement and develop the EJ process. However, conducting Community-Engaged Research CER and CBPR could be beneficial to advancing the EJ planning process, but still, there are many challenges and problematic issues that exist. One of the most considerable issues is providing the required funds and financial support for conducting these research sessions; hopefully, EPA will assist in achieving these research sessions by providing appropriate financial aid and/or grants to facilitate the CBPR research process to engage community groups (community members & organizations), academic researchers and other stake holders.

#### **Region 7: Iowa, Kansas, Missouri, Nebraska**

None.

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

None.

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

**Full Name (First and Last):** Linda g Shosie

**Name of Organization or Community:** Environmental Justice Task Force-Tucson

**City and State:** Tucson

**Brief description about the concern:** I am sorry that I missed this meeting, concerning the Justice 40 and Infrastructure Initiatives. My name is Linda Shosie, I live in the Tucson, Arizona area near the DM- AFB. I have been an EJ and Human Rights activist for Safe, Clean, Healthy and Sustainable Environments for Hispanic children and families for over ten years. I was adopted to the EJ Movement by my own children, who were asking me to investigate whether the Death of my 19-year-old child who died of a rare cancer related death was associated with a historical groundwater contamination on Tucson south-side. I am the Owner and Founder of the EJ Task Force- a grassroots community group that was formed five years ago when we found out that the DM- AFB and Arizona Air National Guard were dumping large quantities of PFAS-Containing Firefighting Foams into the ground, and washes (arroyos) making their way into the city public potable water supplies, and wastewater systems for decades before EPA took action to regulate them. I am also a Leadership Member of the National PFAS Contamination Coalition, which was formed in 2017, to support local communities across the country impacted by PFAS.

I want to express one of my strongest and most urgent community concerns, specifically, the Safe Drinking Water, State Revolving Funds (SW SRF) and the Infrastructure Bill, as follows; 1) I am very concerned that grassroots community groups on the ground, voices were not involved in the conceptualization, implementation of SW SRF- and Infrastructure Investment and Negotiation Deals, Policy, and Decision-Making Processes, ... etc. so that local impacted



citizens could get a better understanding of what the money will be used for, and what community needs are, and how it will impact them, and if they have any grant money to accommodate local community groups to hire independent technical assistance, so they could provide input.

The State Arizona Gov Ducey provided \$2M (State Funds) to the City and Tucson Water- to upgrade the Tucson Airport Remediation Project (TARP/CERCLA) Water Treatment Plant Site, to reduce PFAS exposures and to protect public health. The Tucson International Airport Superfund Site has been contaminated for decades. The TARP Remediation Plant- is one of six projects in conjunction with the TIA SS. Area A. It consists of nine groundwater extractions well fields, the north (4) wells and the south (5) wells, to remove TCE, 1,4-dioxane, and PFAS. The pipelines, that are connected to the TARP Groundwater Treatment Plant- and adjacent wells that are impacted are going to be removed, and replaced, or expanded to the existing Recycled Water Distribution System. The pipelines, and the remediation wells are all located within a predominate Hispanic barrio. One out of five families are dealing with Cancer and are living below poverty lines.

Last year, Tucson Water had to also construct a new remediation well and collector pipeline to the existing TARP Groundwater Treatment Facility and has expanded its recycle water distribution to better utilize our water resources in our community. The local citizens who are disproportionately impacted by these water and infrastructure projects are considered disadvantaged and low-income populations, and unknowledgeable about it. Last year Tucson water had to shut it down. After the State investigations found PFAS at 70,000 ppt.

The local citizens and the working poor rate payers are going to be overburdened with \$2M costs to keep the pollution under control. Their home properties are losing their values, their health are at a great risk of developing cancer and other autoimmune diseases.

The State of AZ- provided \$2M, from the SW SRF to upgrade, the TARP Water Treatment Plant. But it Does not address the problem from start to finish. Because the water lines that connect to households are the responsibility of the homeowners. There is no way that these frontline community members, long-lived residents, living in this pool of water pollution could afford tap water treatment, water increase, water bottles, and removal and replacement of old lead, or PFAS threat pipelines- In addition, the SW SRF- grant monies and distributions and water infrastructure investments are not reaching frontline communities early and meaningful public participation in the process.

**What do you want the NEJAC to advise EPA to do? :** We ask you to please make some recommendations to EPA as follows: Justice and Fair Treatment- Affected communities should be empowered and engaged by designating of federal funding for grassroots community groups to hire independent, scientific, technical, and health consultants. The EPA federal funding must also make sure that they do not invest any time or money that does not deal with the problem from start to finish. We are on the ground taking action against these environmental injustices and we need your support.

## Region 10: Alaska, Idaho, Oregon, Washington

None.

### International

**Full Name (First and Last):** JOHN O. OLUWALEYE

**Name of Organization or Community:** Gender Based Violence as a Public Health Issue

**City and State:** Mowe/Ogun

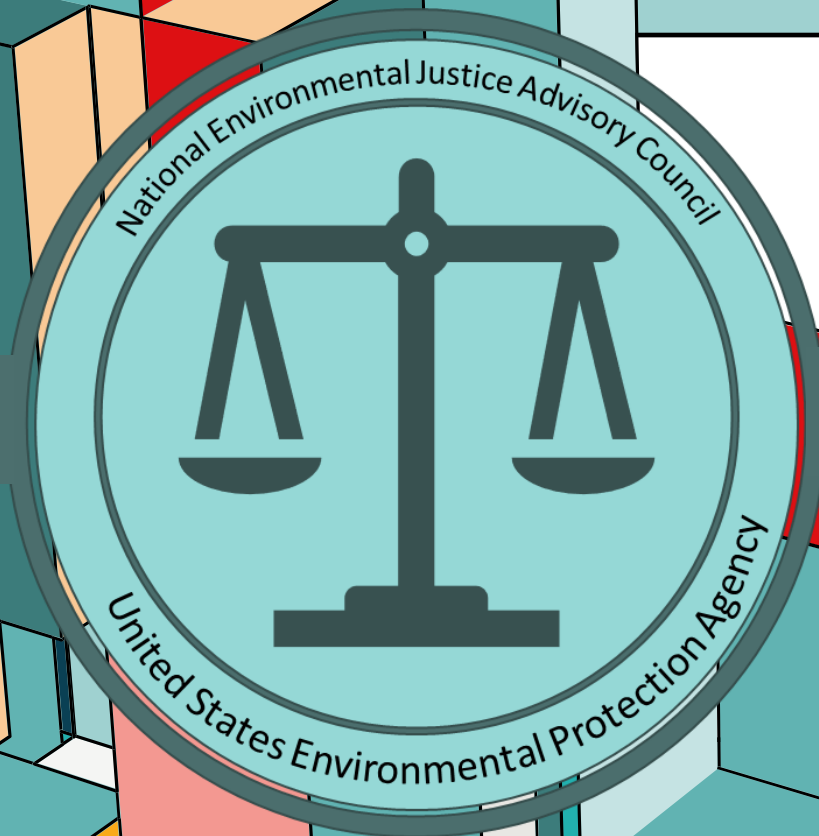
**Brief description about the concern:** My Comment: Nigeria and other countries that are not implementing rule of law in their democracy governance should be enforced to change their constitution and implement rule of law, a critical factor for advancement of democracy rooted in equal rights and accountability by strengthening the rule of law protect the rights of all people inclusiveness and limit the arbitrary exercise of power the result of not abiding by the rule of law promote abuse of power, by the military, terrorism and banditry increases in their highest order,

Electricity fire explosion burnt down all my office tools/ equipment this inferno has affected my office Now no means to communicate and hold any scheduled meetings if I can get an urgent response to get my tools replaced, I will not mind before my grant application is approved, I have not yet obtain any grant, Thanks my Regards.

**What do you want the NEJAC to advise EPA to do?:** ATTENTION ENVIRONMENTAL PROTECTION AGENCY (EPA) Please I Need to be awarded with UEI to obtain grant Region 2 identification (ID) is included an also important.

## **APPENDIX E. PUBLIC MEETING PRESENTATIONS**

See the following pages for the slides presented at the public meeting.



# **NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL PUBLIC MEETING**

April 20-21, 2022

# REMINDERS



Meeting attendees are in listen/view mode only



Attendees who pre-registered for public comment will be given access to speak as time allows



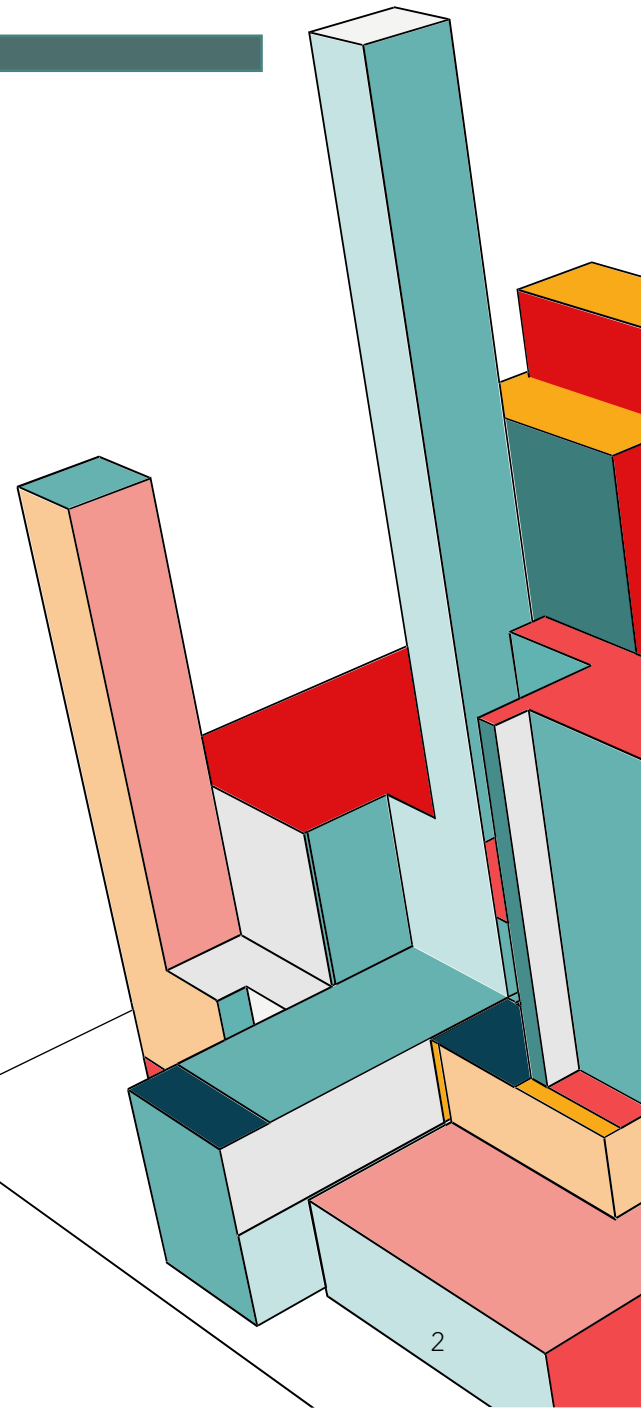
The chat feature will not be available in this virtual meeting



If you do not get a chance to speak during the allotted time, please submit your comments in writing



**Written comments can be submitted until May 4, 2022, to [nejac@epa.gov](mailto:nejac@epa.gov)**



# AGENDA

TIME	DAY 1: WEDNESDAY APRIL 20, 2022
1:00pm - 1:10pm	WELCOME, INTRODUCTIONS, & OPENING REMARKS
1:10pm - 2:15pm	WELCOME, EPA UPDATES, & DIALOGUE
2:15pm - 3:30pm	UPDATES FROM EPA SENIOR LEADERS ON BIPARTISAN INFRASTRUCTURE LAW (BIL) FUNDING & JUSTICE40
3:30pm - 3:45pm	BREAK
3:45pm - 5:10pm	PUBLIC COMMENT PERIOD
5:10pm - 5:15pm	CLOSING REMARKS & ADJOURN



# WELCOME, INTRODUCTIONS & OPENING REMARK



- **Fred Jenkins Jr., PhD**, *Designated Federal Officer* – U.S. EPA
- **Matthew Tejada, PhD**, *Director*, Office of Environmental Justice – U.S. EPA
- **Sylvia Orduño**, NEJAC Chair – Michigan Welfare Rights Organization
- **Na'Taki Osborne Jelks, PhD**, NEJAC Vice Chair – West Atlanta Watershed Alliance and Proctor Creek Stewardship Council
- **Michael Tilchin**, NEJAC Vice Chair – Jacobs Engineering

# NEJAC MEMBERS



## Academia

**April Karen Baptiste, PhD**  
Colgate University  
Region 2 – New York

**Benjamin Pauli, PhD**  
Kettering University  
Region 5 - Michigan

**Jan Marie Fritz, PhD,  
C.C.S**  
University of Cincinnati  
Region 4 – Florida

**Sandra Whitehead, PhD, MPA**  
George Washington University  
Region 3 – District of Columbia

**Jill Lindsey Harrison, PhD**  
University of Colorado Boulder  
Region 8 - Colorado



# NEJAC MEMBERS



## Business & Industry

**Jabari O. Edwards**  
J5 GBL, LLC  
Region 4 – Mississippi

**Venu Ghanta**  
Duke Energy  
Region 3 – District of  
Columbia

**Virginia M. King**  
Marathon Petroleum  
Region 6 – Texas

**Michael Tilchin**  
Jacobs Engineering  
Region 3 - Maryland

# NEJAC MEMBERS



## Community Based Organizations



### **Rev. Dr. Ambrose Carroll, Sr.**

Green The Church  
Region 9 - California

### **Leticia Colon de Mejias**

Green ECO Warriors  
Region 1 - Connecticut

### **Cemelli De Aztlan**

La Mujer Obrera  
Region 6 - Texas

### **Na'Taki Osborne Jelks, PhD**

West Atlanta Watershed  
Alliance and Proctor Creek  
Stewardship Council  
Region 4 - Georgia

### **Mildred McClain, PhD**

Citizens for Environmental  
Justice & Harambee House, Inc  
Region 4 - Georgia

### **Sofia Owen, JD**

Alternatives for Community  
& Environment (ACE)  
Region 1 - Massachusetts

### **Pamela Talley**

Lewis Place Historical  
Preservation Inc.  
Region 7 - Missouri

### **Jerome Shabazz**

JASTECH Development  
Services Inc  
Region 3 - Pennsylvania

# NEJAC MEMBERS



## Non-Governmental Organizations

**Brenda Torres Barreto**  
San Juan Bay Estuary Prog.  
Region 2 – Puerto Rico

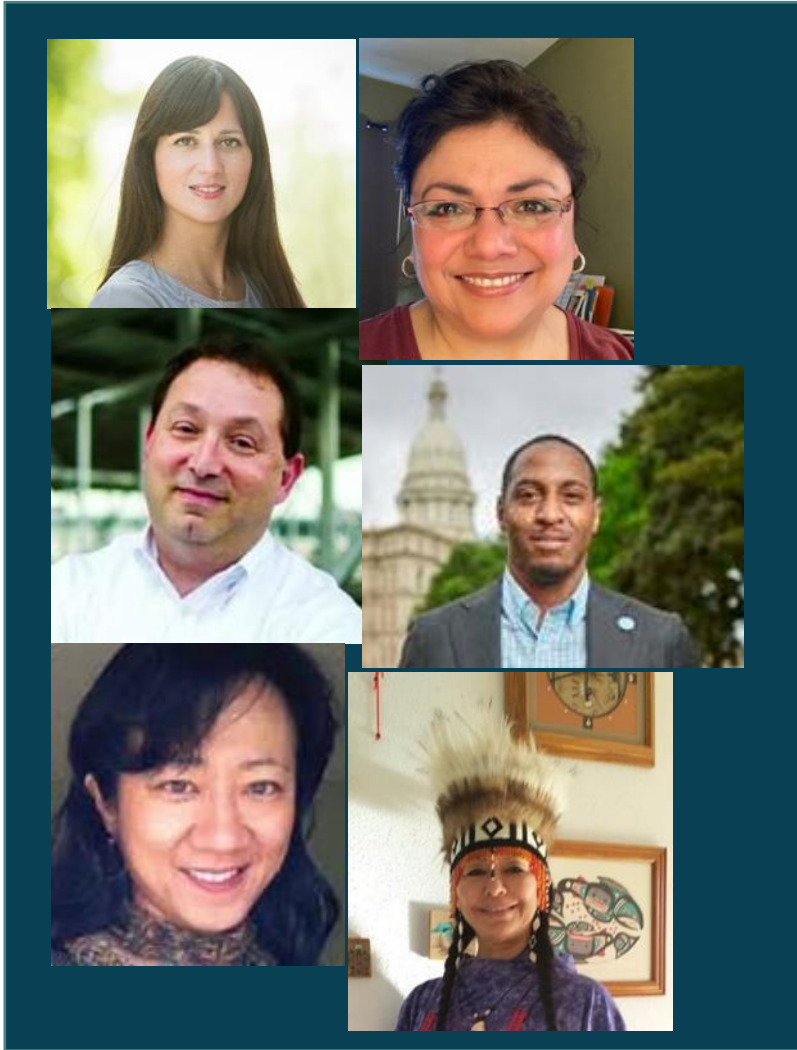
**Sylvia Orduño**  
Michigan Welfare Rights Org.  
Region 5 - Michigan

**Andy Kricun**  
US Water Alliance  
Region 2 – New Jersey

**Jeremy F. Orr, JD**  
Earthjustice  
Region 5 – Illinois

**Ayako Nagano, JD**  
Common Vision  
Region 9 - California

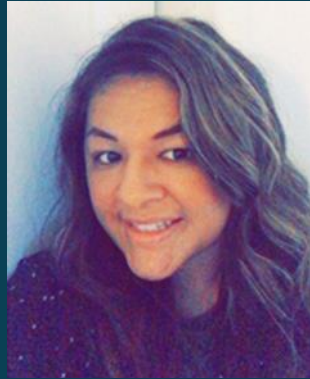
**Jacqueline Shirley, MPH**  
Rural Community Assistance  
Corp.  
Region 6 – New Mexico



# NEJAC MEMBERS



## State and Local Government



**Felicia Beltran**  
Arizona Department of  
Transportation  
Region 9 - Arizona



**Millicent Piazza, PhD**  
Washington State Department of  
Ecology  
Region 10 - Washington

# NEJAC MEMBERS



## Tribal and Indigenous Government and Organizations

### **Joy Britt**

Alaska Native Tribal Health  
Consortium  
Region 10 - Alaska

### **John Doyle**

Little Big Horn College  
Region 8 - Montana

### **Scott Clow**

Ute Mountain Ute Tribe  
Region 8 - Colorado

### **Jonathan Perry**

Becenti Chapter  
Region 6 - New Mexico



**JANET MCCABE**  
DEPUTY ADMINISTRATOR  
U.S. ENVIRONMENTAL PROTECTION AGENCY



# **ROBIN MORRIS COLLIN**

**SENIOR ADVISOR FOR ENVIRONMENTAL JUSTICE  
U.S. ENVIRONMENTAL PROTECTION AGENCY**



**MATTHEW TEJADA, PHD**, DIRECTOR,  
OFFICE OF ENVIRONMENTAL JUSTICE  
*U.S. ENVIRONMENTAL PROTECTION AGENCY*





# UPDATES FROM EPA SENIOR LEADERS ON BIPARTISAN INFRASTRUCTURE LAW (BIL) FUNDING & JUSTICE40

**Zealan Hoover**, EPA Senior Advisor on Infrastructure  
*U.S. Environmental Protection Agency*

**Phillip Fine, PhD**, Principal Deputy Associate Administrator, Office of Policy  
*U.S. Environmental Protection Agency*

**Faisal Amin**, EPA Chief Financial Officer  
*U.S. Environmental Protection Agency*



**UPDATES FROM EPA SENIOR LEADERS ON  
BIPARTISAN INFRASTRUCTURE LAW (BIL)  
FUNDING & JUSTICE40**

**Zealan Hoover**, EPA Senior Advisor on Infrastructure  
*U.S. Environmental Protection Agency*



# EPA's Implementation of the Bipartisan Infrastructure Law

## A TRANSFORMATIONAL INVESTMENT IN ENVIRONMENTAL INFRASTRUCTURE

---

**Over \$60  
Billion**



**Water infrastructure** to ensure safe drinking water and clean water

**Environmental cleanup** of contaminated sites that will return them to productive uses along with investments in recycling and pollution prevention

**Clean school buses** to protect children's health and accelerate the next generation of transportation systems

EPA is implementing these resources with transparency, efficiency, and effectiveness in order to achieve the results for the American people.

## OVERVIEW OF EPA IJA RESOURCES OVER THE NEXT 5 YEARS

### Water Investments

**\$23.4 billion** to traditional Clean Water and Drinking Water State Revolving Funds

**\$15 billion** dedicated to lead pipe replacement

**\$10 billion** to addressing emerging contaminants like PFAS

**\$~2 billion** for additional funding for geographic and place-based programs like the 28 National Estuaries and the Gulf Hypoxia Task Force

### Environmental Cleanup

**\$3.5 billion** for the Superfund program

**\$1.5 billion** for the Brownfields program

**\$375 M** for solid waste infrastructure and battery recycling programs

**\$100 M** for Pollution Prevention (P2) grants

### Clean School Buses

**\$5 billion** to replace diesel buses with electric and low emission alternatives

# EARLY IMPLEMENTATION ACCOMPLISHMENTS

- ✓ **Sent SRF letter to governors** outlining IJA aspirations and announcing \$7.4 billion in allocations
- ✓ **Announced \$1 billion in funding to clear 49 Superfund backlog sites** at an event in Philadelphia
- ✓ **Announced stronger lead regulations** with the Vice President
- ✓ **Hosted multiple listening sessions** that reached 3,000+ stakeholders including tribal representatives, schools, state water officials, and community members.
- ✓ **Announced how \$1B will be invested in the Great Lakes** to accelerate clean-up at long-standing Areas of Concern
- ✓ **Submitted our first Clean School Bus report** to Congress on January 31<sup>st</sup>



**Lead Pipes Action Plan**



**\$1B Great Lakes Announcement**



**\$1B Superfund Announcement**



**Clean School Bus rebate launch prep**



**Water State Allocations**



**Agency Spend Plan**

This is a subset of initial activity and not comprehensive of all our work

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## **EPA IS IMPLEMENTING EQUITY ACROSS A PORTFOLIO OF POLICY PRIORITIES**

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- Justice40 and equity
- Made in America
- Climate-Smart Infrastructure, Resilience, and Cybersecurity
- Environmental Review and Permitting
- Labor Standards and Protections



# **UPDATES FROM EPA SENIOR LEADERS ON BIPARTISAN INFRASTRUCTURE LAW (BIL) FUNDING & JUSTICE40**

**Phillip Fine, PhD**, Principal Deputy Associate Administrator, Office of Policy  
*U.S. Environmental Protection Agency*

**Faisal Amin**, EPA Chief Financial Officer  
*U.S. Environmental Protection Agency*



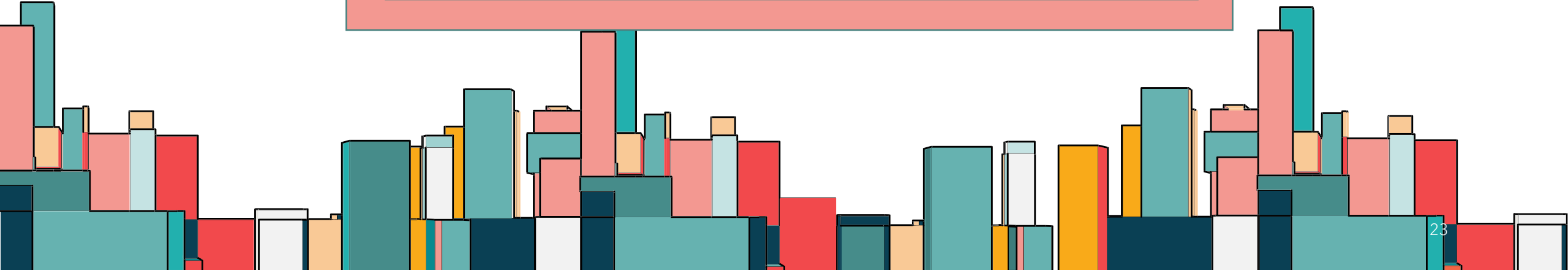
**DISCUSSION**

**10:00**



# BREAK

10:00



# PUBLIC COMMENT PERIOD

*\* For the benefit of the interpreters, please speak clearly and slowly \**



Attendees who pre-registered for public comment will be given access to speak as time allows



Each commenter has **three (3) minutes** to speak



For the benefit of interpreters, please speak clearly and slowly

# 10:00



If you do not get a chance to speak during the allotted time, please submit your comments in writing



Written comments can be submitted until May 4, 2022, to [nejac@epa.gov](mailto:nejac@epa.gov)



Comments will help the NEJAC form better recommendations to EPA Administrator

# CLOSING REMARKS & ADJOURN



**Sylvia Orduño**, NEJAC Chair –

Michigan Welfare Rights Organization

**Fred Jenkins Jr., PhD**, Designated

Federal Officer – U.S. Environmental  
Protection Agency

# FINAL REMINDERS

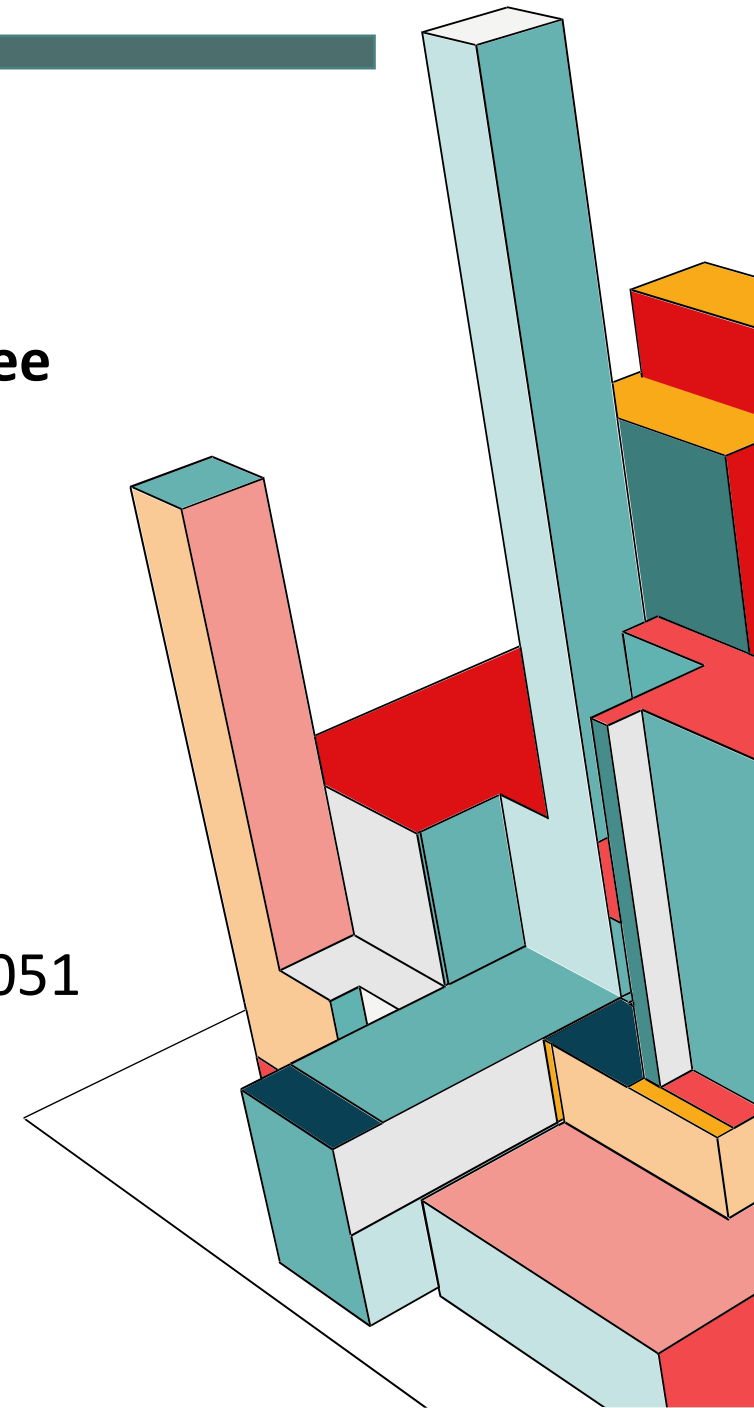
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## To submit your public comment in writing only

a. Submitting written comments for the record are strongly encouraged. **You can submit your written comments in three (3) different ways:**

1. Using the webform at:  
<https://www.epa.gov/environmentaljustice/forms/national-environmental-justice-advisory-council-nejac-public-comment>
2. Sending comments via email to [nejac@epa.gov](mailto:nejac@epa.gov) , for comments with additional materials.
3. Submitting comments in the Docket ID No. EPA-HQ-OA-2022-0051 at: <http://www.regulations.gov>

**Written comments can be submitted up until two (2) weeks after the public meeting (May 4, 2022).**

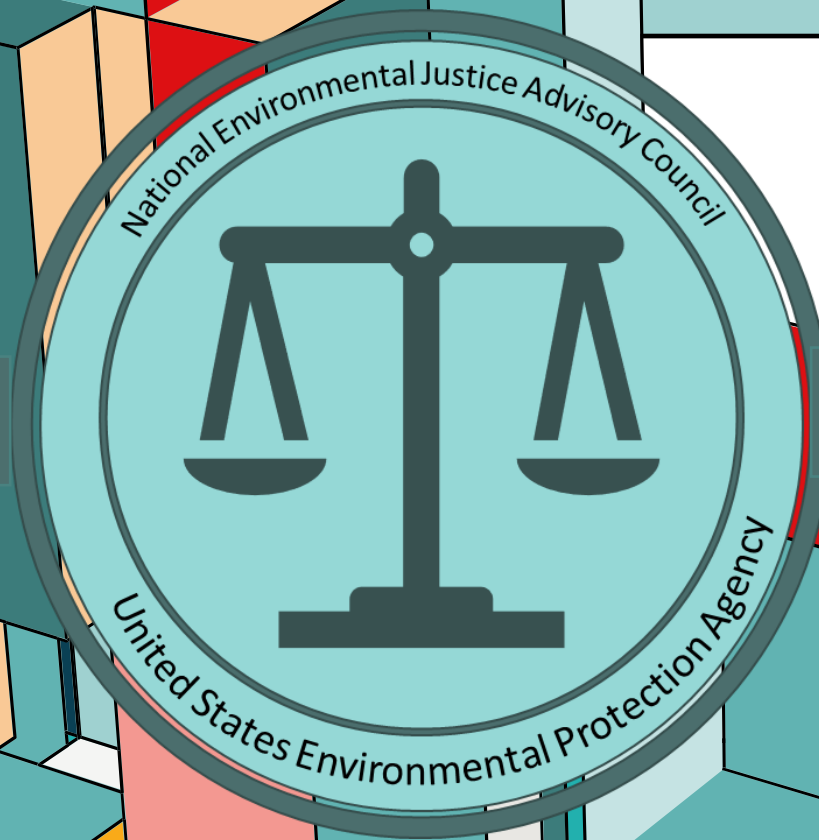


# THANK YOU

For more information on the NEJAC visit:

<https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council>

Send all inquires to [nejac@epa.gov](mailto:nejac@epa.gov)



# **NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL PUBLIC MEETING**

April 20-21, 2022

# REMINDERS



Meeting attendees are in listen/view mode only



Attendees who pre-registered for public comment will be given access to speak as time allows



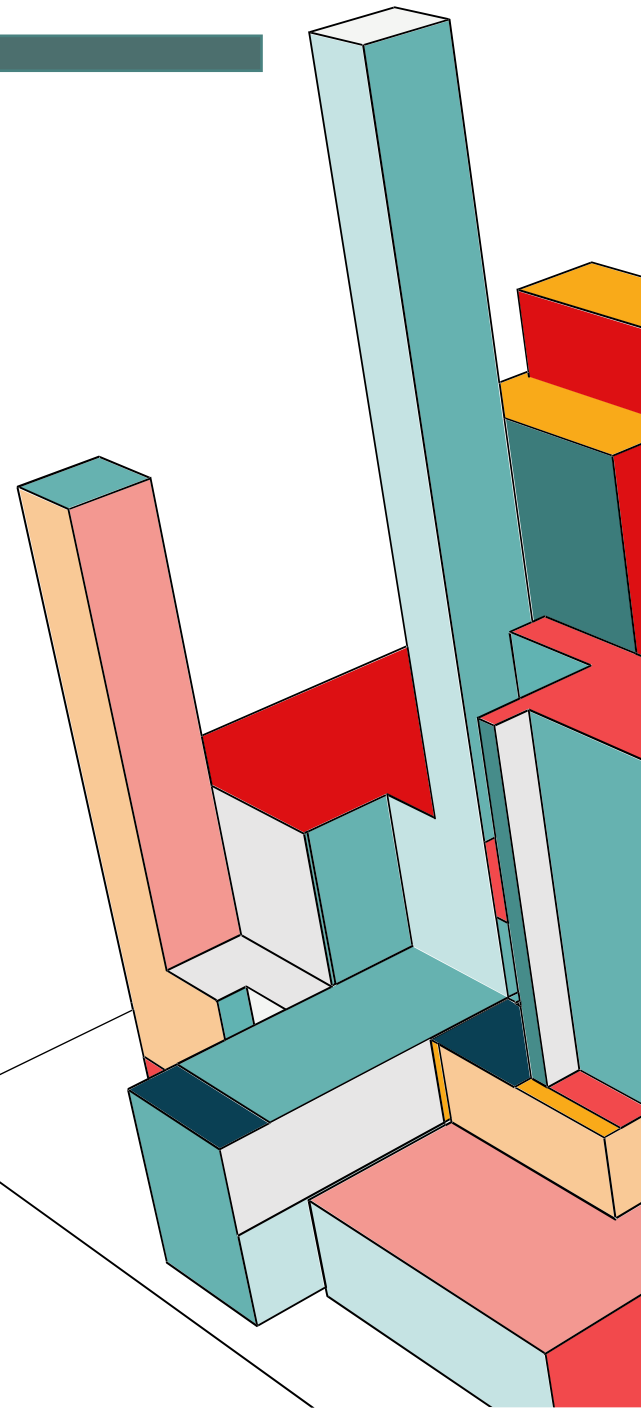
The chat feature will not be available in this virtual meeting



If you do not get a chance to speak during the allotted time, please submit your comments in writing



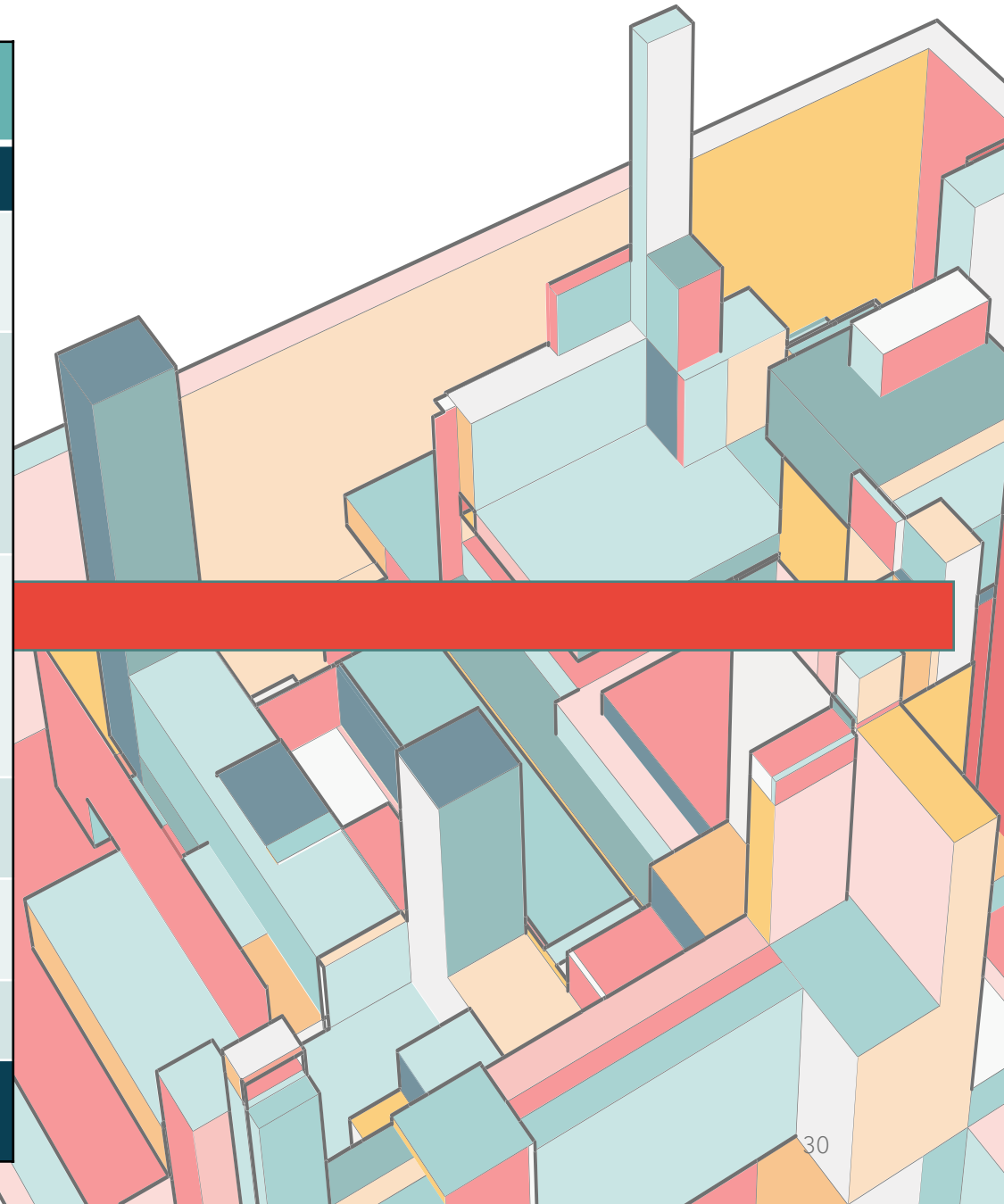
**Written comments can be submitted until May 4, 2022, to [nejac@epa.gov](mailto:nejac@epa.gov)**



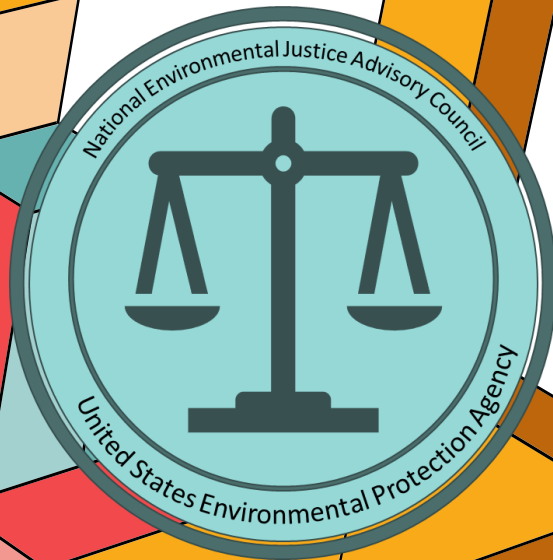


# AGENDA

TIME	DAY 2: WEDNESDAY APRIL 21, 2022
1:00pm - 1:10pm	WELCOME, INTRODUCTIONS, & DAY 1 RECAP & OPENING REMARKS
1:10pm - 2:25pm	UPDATES FROM EPA NATIONAL PROGRAM OFFICES BIL INFRASTRUCTURE FUNDING & JUSTICE40 PLANS
2:25pm - 3:45pm	UPDATES FROM EPA NATIONAL PROGRAM OFFICES BIL INFRASTRUCTURE FUNDING & JUSTICE40 PLANS
3:45pm - 4:00pm	BREAK
4:00pm - 5:10pm	NEJAC Business Meeting
5:10pm - 5:15pm	CLOSING REMARKS & ADJOURN



# WELCOME, INTRODUCTIONS & DAY 1 RECAP & OPENING REMARK



- **Fred Jenkins Jr., PhD**, *Designated Federal Officer* – U.S. EPA
- **Matthew Tejada, PhD**, *Director*,  
Office of Environmental Justice – U.S. EPA
- **Sylvia Orduño**, NEJAC Chair –  
Michigan Welfare Rights Organization
- **Na'Taki Osborne Jelks, PhD**, NEJAC Vice Chair  
– West Atlanta Watershed Alliance and Proctor  
Creek Stewardship Council
- **Michael Tilchin**, NEJAC Vice Chair –  
Jacobs Engineering

# NEJAC MEMBERS



## Academia

**April Karen Baptiste, PhD**  
Colgate University  
Region 2 – New York

**Benjamin Pauli, PhD**  
Kettering University  
Region 5 - Michigan

**Jan Marie Fritz, PhD,  
C.C.S**  
University of Cincinnati  
Region 4 – Florida

**Sandra Whitehead, PhD, MPA**  
George Washington University  
Region 3 – District of Columbia

**Jill Lindsey Harrison, PhD**  
University of Colorado Boulder  
Region 8 - Colorado

# NEJAC MEMBERS



## Business & Industry

**Jabari O. Edwards**  
J5 GBL, LLC  
Region 4 – Mississippi

**Venu Ghanta**  
Duke Energy  
Region 3 – District of  
Columbia

**Virginia M. King**  
Marathon Petroleum  
Region 6 – Texas

**Michael Tilchin**  
Jacobs Engineering  
Region 3 - Maryland

# NEJAC MEMBERS



## Community Based Organizations



### **Rev. Dr. Ambrose Carroll, Sr.**

Green The Church  
Region 9 - California

### **Leticia Colon de Mejias**

Green ECO Warriors  
Region 1 - Connecticut

### **Cemelli De Aztlan**

La Mujer Obrera  
Region 6 - Texas

### **Na'Taki Osborne Jelks, PhD**

West Atlanta Watershed  
Alliance and Proctor Creek  
Stewardship Council  
Region 4 - Georgia

### **Mildred McClain, PhD**

Citizens for Environmental  
Justice & Harambee House, Inc  
Region 4 - Georgia

### **Sofia Owen, JD**

Alternatives for Community  
& Environment (ACE)  
Region 1 - Massachusetts

### **Pamela Talley**

Lewis Place Historical  
Preservation Inc.  
Region 7 - Missouri

### **Jerome Shabazz**

JASTECH Development  
Services Inc  
Region 3 - Pennsylvania

# NEJAC MEMBERS



## Non-Governmental Organizations

**Brenda Torres Barreto**  
San Juan Bay Estuary Prog.  
Region 2 – Puerto Rico

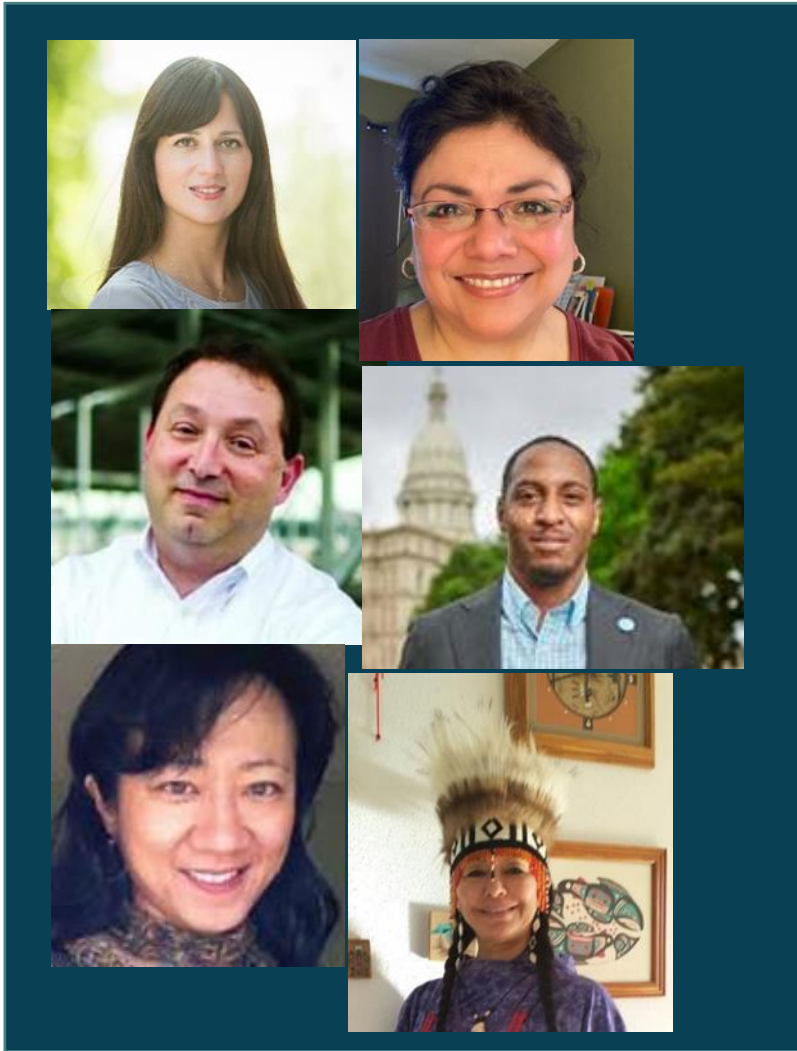
**Sylvia Orduño**  
Michigan Welfare Rights Org.  
Region 5 - Michigan

**Andy Kricun**  
US Water Alliance  
Region 2 – New Jersey

**Jeremy F. Orr, JD**  
Earthjustice  
Region 5 – Illinois

**Ayako Nagano, JD**  
Common Vision  
Region 9 - California

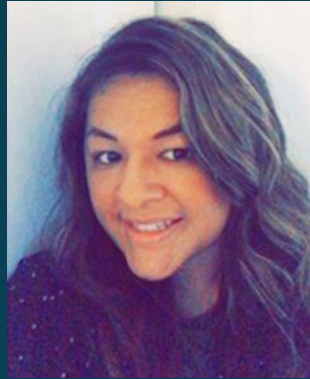
**Jacqueline Shirley, MPH**  
Rural Community Assistance  
Corp.  
Region 6 – New Mexico



# NEJAC MEMBERS



## State and Local Government



**Felicia Beltran**  
Arizona Department of  
Transportation  
Region 9 - Arizona



**Millicent Piazza, PhD**  
Washington State Department of  
Ecology  
Region 10 - Washington

# NEJAC MEMBERS



## Tribal and Indigenous Government and Organizations

### **Joy Britt**

Alaska Native Tribal Health  
Consortium  
Region 10 - Alaska

### **John Doyle**

Little Big Horn College  
Region 8 - Montana

### **Scott Clow**

Ute Mountain Ute Tribe  
Region 8 - Colorado

### **Jonathan Perry**

Becenti Chapter  
Region 6 - New Mexico






**UPDATES FROM EPA NATIONAL  
PROGRAM OFFICES  
BIL INFRASTRUCTURE FUNDING  
& JUSTICE40 PLANS**

**BRUNO PIGOTT – DEPUTY ASSISTANT  
ADMINISTRATOR, OFFICE OF WATER  
*U.S. ENVIRONMENTAL PROTECTION AGENCY***

# Office of Air and Radiation

**Alejandra Nuñez**, Deputy Assistant Administrator for Mobile Sources,  
Office of Air and Radiation  
U.S. Environmental Protection Agency



EPA's Diesel Emissions Reduction Act (DERA) and  
Ports Initiative



EPA's American Rescue Plan (ARP) Electric School Bus Rebates and Bipartisan Infrastructure Law (BIL) Clean School Bus Program

# American Rescue Plan

**\$50 Million**

For Environmental Justice  
Announced June 25



**\$50 Million**

For Air Quality Monitoring  
Announced July 7

**\$100 Million in all**

Appropriated to EPA through the  
American Rescue plan

# ARP One-time Enhanced Air Quality Monitoring Funding

<b>Grant Competition for Community Monitoring</b>	<b>Direct Awards to Air Agencies for Continuous Monitoring of PM<sub>2.5</sub> and Other Common Air Pollutants</b>	<b>Enhanced Regional Capacity for Short-term Community Monitoring Needs</b>
<b>\$20 million</b> for grants to conduct monitoring of pollutants of greatest concern in communities with health outcome disparities.	<b>\$22.5 million</b> to state, Tribal or local air agencies for enhanced monitoring of PM <sub>2.5</sub> and the five other NAAQS air pollutants in and near communities with environmental justice concerns.	<b>\$5 million</b> to agency mobile monitoring labs or air sensor loan programs.
Administrative Support (\$1.5 million) to improve data management and tracking		

Air Quality  
Monitoring

Capacity  
Building





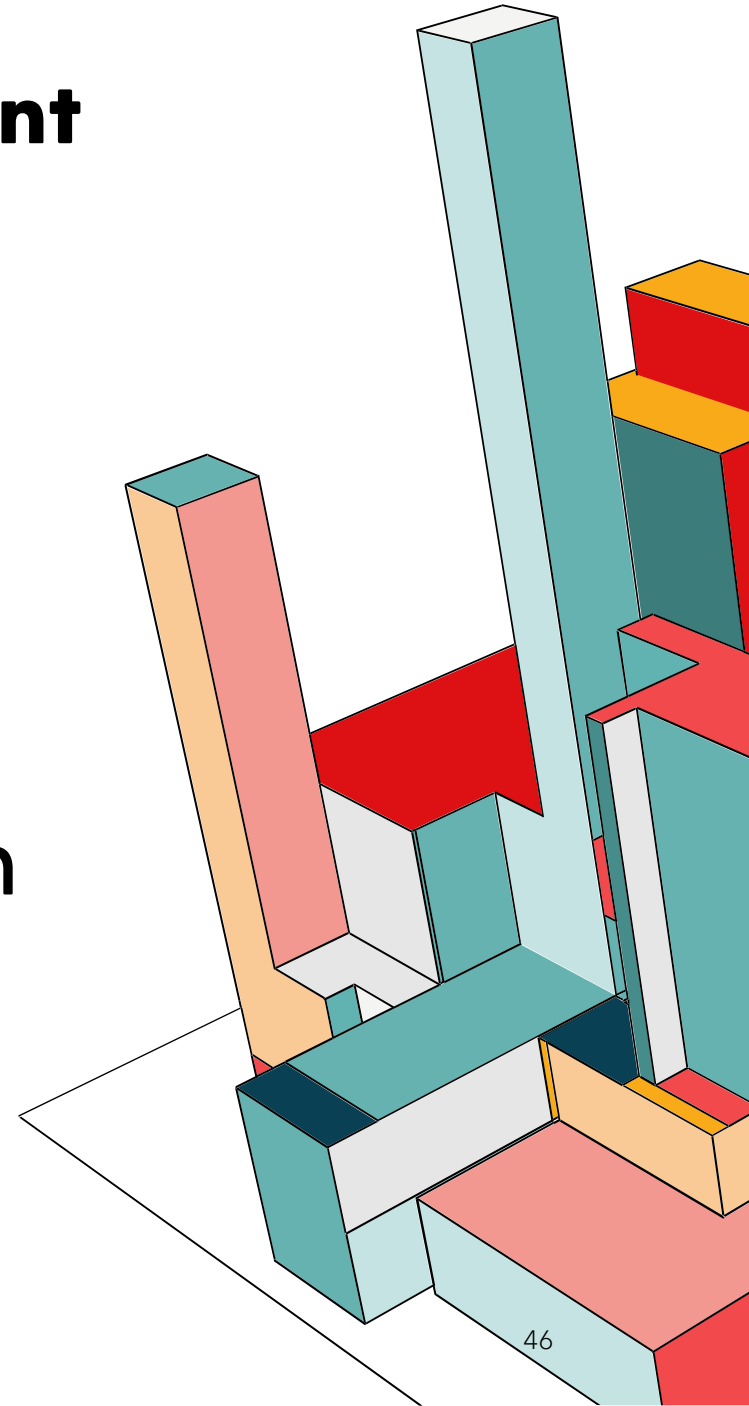
**UPDATES FROM EPA NATIONAL  
PROGRAM OFFICES  
BIL INFRASTRUCTURE FUNDING  
& JUSTICE40 PLANS**

**V. ANNE HEARD**, SENIOR ADVISOR FOR POLICY  
AND PROGRAMS, OFFICE OF LAND AND  
EMERGENCY MANAGEMENT (OLEM)  
*U.S. ENVIRONMENTAL PROTECTION AGENCY*



# Office of Land and Emergency Management

- Bipartisan Infrastructure Law
  - Superfund Remedial
  - Brownfields
  - Recycling Infrastructure, Education and Outreach, and Battery Recycling





# Office of Chemical Safety and Pollution Prevention

Jennie Romer, Deputy Assistant  
Administrator for Pollution Prevention

[Romer.Jennie@epa.gov](mailto:Romer.Jennie@epa.gov)

# Pollution Prevention (P2)

P2 (also called "source reduction") is any practice that reduces the amount of any hazardous substance, pollutant, or contaminant entering a waste stream or released into the environment *prior to recycling of discarded material, treatment, or disposal; and reduces the hazards to public health and the environment associated with the release of those substances, pollutants, or contaminants.* (Pollution Prevention Act)

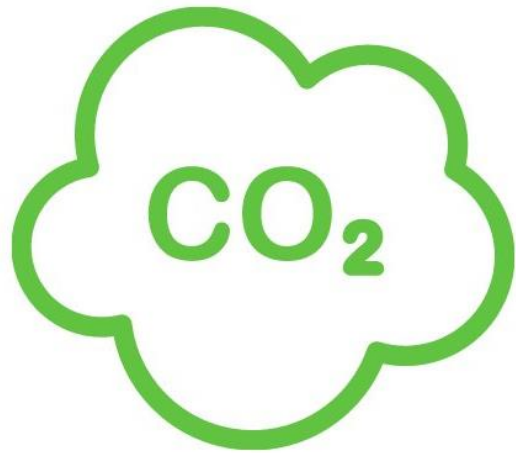
# The Waste Management Hierarchy



# P2 at EPA

- Green Chemistry
- Environmentally Preferable Purchasing
- Safer Choice
- P2 Grants

# P2: Green Chemistry



Green Chemistry  
award-winning  
tech eliminates  
7,800,000,000 lbs of  
 $\text{CO}_2\text{e}$  each year, equal  
to taking 770,000  
cars off the road!



# P2: Environmentally Preferable Purchasing

The EPP program helps U.S. federal government purchasers utilize private sector standards and ecolabels to identify and procure environmentally preferable products and services via the Recommendations of Specifications, Standards and Ecolabels for Federal Purchasing (Recommendations).



# P2: Safer Choice

EPA's Safer Choice program certifies products containing ingredients that have met the program's specific and rigorous human health and environmental toxicological criteria.





# P2 Grants

Pollution Prevention (P2) grants provide technical assistance to businesses in order to help them develop and adopt source reduction practices.



# Bipartisan Infrastructure Law

- \$20 million in funding to EPA each year for five years.
- Roughly \$14 million of the \$20 million will be available for P2 grants each year.
- \$6 million will be used to support P2 grants.
- \$100,000 for oversight the EPA Office of Inspection General.

# Impact of P2 Grants



**\$2 BILLION**

dollars savings for business



**814 MILLION POUNDS**

hazardous materials reduced



**45.5 BILLION GALLONS**

water saved



**18.6 MILLION METRIC TONS**

greenhouse gases eliminated



**28.4 BILLION KILOWATT HOURS**

energy savings

# P2 Grants: Two Grants for FY22-23

Recurring-appropriated funding: \$9.384 million

- Traditional P2 grants program.
- Funding over a 2-year funding cycle.
- Individual grant awards up to \$800,000 for 2-years.
- 50% cost share/match requirement.
- No cost share/match requirement for federally-recognized tribes, intertribal consortia with approved workplan in a performance partnership agreement.

# P2 Grants: Two Grants for FY22-23

Bipartisan Infrastructure Law: \$14 million

- First of 5 annual installments of P2 grant funding under the law.
- Fully funded at the time grants are awarded vs. installments.
- Maximum amount/ ceiling is \$350,000.

# P2 Grants: Environmental Justice

- New emphasis on climate change and providing P2 assistance in/near underserved communities, an important part of the Justice 40 initiative.
- New reporting requirements to demonstrate results and benefits in/near underserved communities.
- Bipartisan Infrastructure Law funded grants do not include the 50% grantee funds match requirement, increasing access to the funding for all communities.

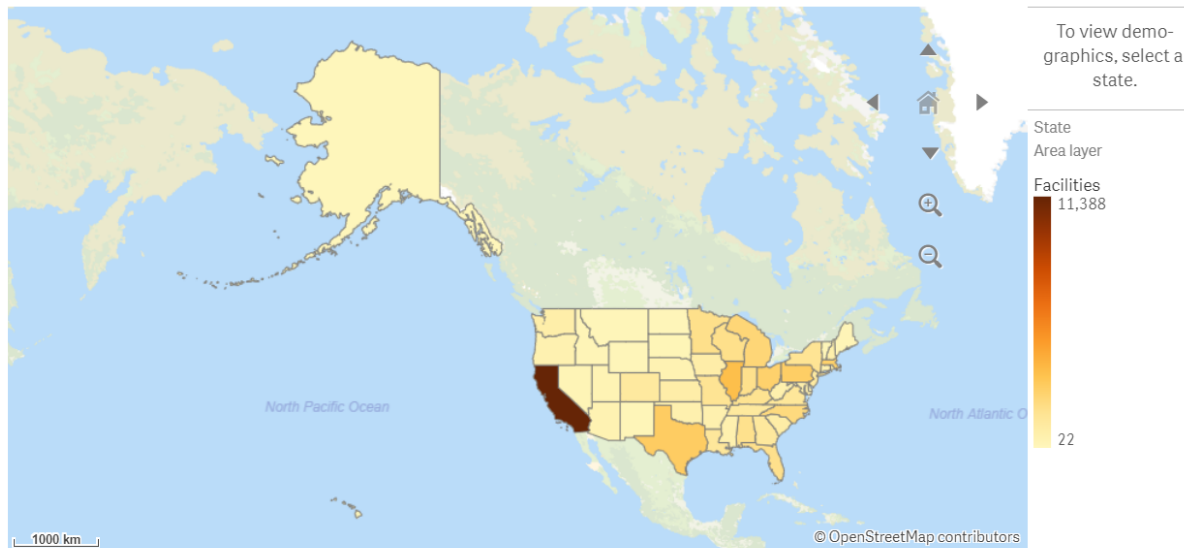
# P2-EJ Mapping Tool

## Pollution Prevention (P2) Environmental Justice (EJ) Facility Mapping Tool

[Tour This Tool](#)[User Guide](#)

### Census Block and Facility Map

Choose a state to view the facilities and census blocks for that state.



Note: Depending on the number of census blocks and facilities in your selected state, there may be a significant delay in the redrawing of the map.

### Filters:

State

NEA Sector

NAICS Drill...

### Map Legend

Percentile Colors



### EJ Metric (Percentile):

Demographic Index

People of Color

Low Income

Less Than HS Education

Linguistically Isolated

### Scope:

US Percentile

State Percentile

Show ≥ 80th Percentile?

Yes

[Download Details](#)

Census Blocks  
226,770

Facilities  
61,307

### Systems:

TRI

RCRA

GHG

NEI

Water

# P2 Grants: National Emphasis Areas

- NEA #1: Food and Beverage Manufacturing and Processing
- NEA #2: Chemical Manufacturing, Processing and Formulation
- NEA #3: Automotive Manufacturing and Maintenance
- NEA #4: Aerospace Product and Parts Manufacturing and Maintenance
- NEA #5: Metal Manufacturing and Fabrication
- **NEA #6: Pollution Prevention in Indian Country and Alaska Native Villages**  
(only available to federally-recognized tribes, including Alaska Native villages or regional or village corporations, and intertribal consortia)



# P2 Grants: Looking Ahead

Two additional, two-year P2 grant programs in FY 23 to focus more intensively on advancing environmental justice priorities.

- Grant #1: Leverage Toxic Release Inventory and other EPA reporting to identify businesses in overburdened and under-resourced communities and promote adoption of P2 practices in the sectors those facilities represent.
- Grant #2: Leverage EPA's environmentally preferable purchasing tools to increase institutional and consumer access to safer and more sustainable products in communities with environmental justice concerns.

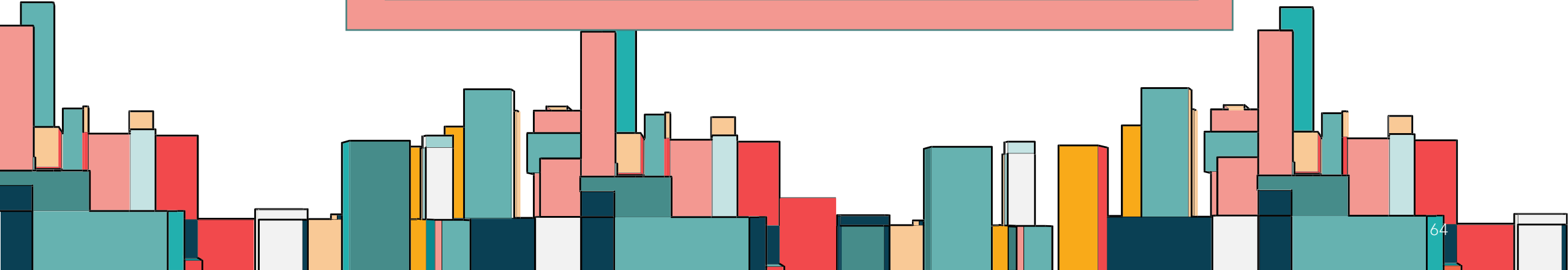
**DISCUSSION**

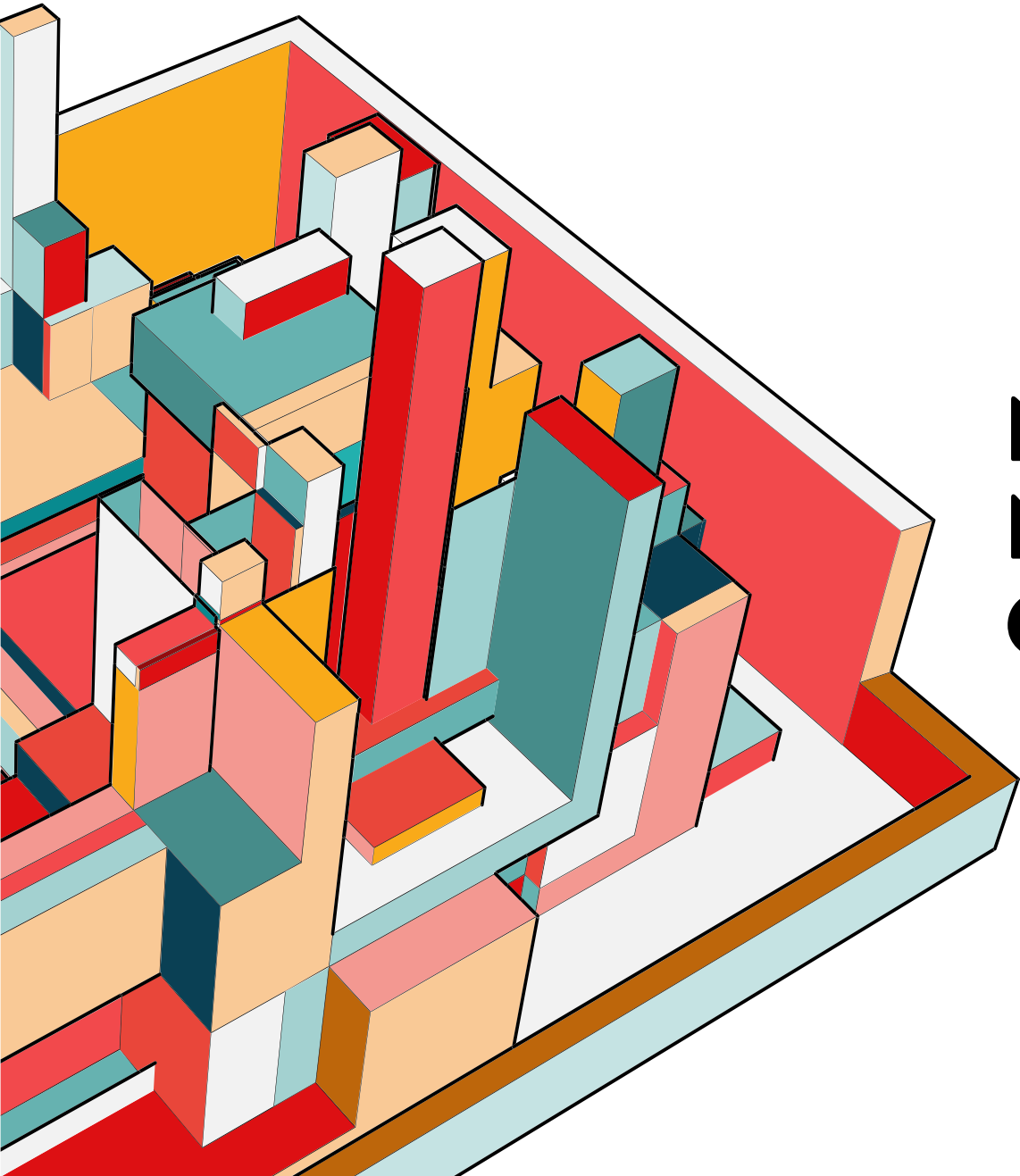
**10:00**



# BREAK

10:00





# **NEJAC BUSINESS MEETING REFLECTION & CONVERSATION**

# FINAL REMINDERS

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## To submit your public comment in writing only

a. Submitting written comments for the record are strongly encouraged. **You can submit your written comments in three (3) different ways:**

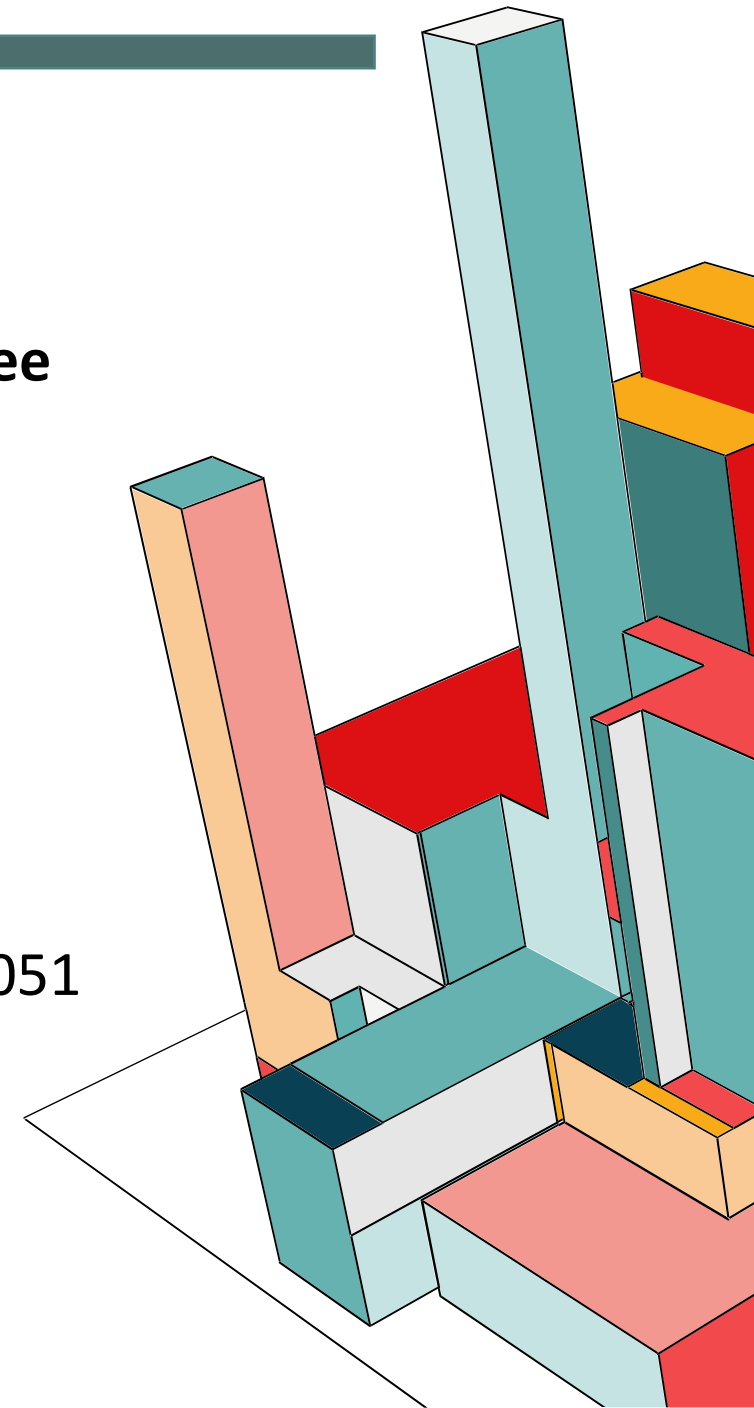
1. Using the webform at:

<https://www.epa.gov/environmentaljustice/forms/national-environmental-justice-advisory-council-nejac-public-comment>

2. Sending comments via email to [nejac@epa.gov](mailto:nejac@epa.gov) , for comments with additional materials.

3. Submitting comments in the Docket ID No. EPA-HQ-OA-2022-0051 at: <http://www.regulations.gov>

**Written comments can be submitted up until two (2) weeks after the public meeting (May 4, 2022).**



# CLOSING REMARKS & ADJOURN



**Sylvia Orduño**, NEJAC Chair –

Michigan Welfare Rights Organization

**Fred Jenkins Jr., PhD**, Designated

Federal Officer – U.S. Environmental  
Protection Agency

# THANK YOU

For more information on the NEJAC visit:

<https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council>

Send all inquires to [nejac@epa.gov](mailto:nejac@epa.gov)

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 April 20–21, 2022, and it accurately reflects the discussions and decisions of the meeting.

A handwritten signature in blue ink that reads "Sylvia Orduño". The signature is written in a cursive style with a large initial "S" and a long horizontal stroke at the end.

Sylvia Orduño

Date: July 26, 2022