

U.S. Environmental Protection Agency National Environmental Justice Advisory Council

Public Meeting Summary

April 23–25, 2024

Location: Houston, Texas, with a virtual option

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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 officer (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 and External Civil Rights (OEJECR) 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/. The public docket number for this meeting is EPA-HQ-OEJECR-2024-0146.

About This Summary

The NEJAC convened in person and on Zoom, April 23–25, 2024. This summary covers NEJAC presentations, discussions, and public comment.

The Federal Register notice for this meeting is at <https://www.federalregister.gov/documents/2024/04/16/2024-07984/national-environmental-justice-advisory-council-notification-of-public-meeting>.

The meeting agenda is at <https://www.epa.gov/system/files/documents/2024-04/nejac-public-meeting-agenda-april-23-25-2024-final.pdf>.

See appendix A for a list of NEJAC members and their affiliations.

The presentation slides are in appendix B.

DAY 1 | APRIL 23

Welcome

Paula Flores-Gregg | NEJAC Designated Federal Officer, U.S. EPA

Na'Taki Osborne Jelks, Ph.D. | NEJAC Co-Chair

Jerome Shabazz | NEJAC Co-Chair

April Karen Baptiste, Ph.D. | NEJAC Vice Chair

Paula Flores-Gregg opened the meeting and welcomed participants. She explained the meeting format and shared opportunities to provide public comments.

Na'Taki Osborne Jelks thanked EPA Region 6 and said she was pleased to be able to meet in Houston to better understand environmental justice issues that are important to local communities. Jerome Shabazz said it was important to have the opportunity to visit communities with Juan Parras and his organization, TEJAS, and to witness the challenges that communities encounter. April Karen Baptiste said that she is looking forward to the meeting. She thanked participants and acknowledged the importance of understanding this region's issues and of hearing about solutions.

Paula Flores-Gregg took roll call.

NEJAC Member Introductions

Cemelli De Azatlan, not present

April Karen Baptiste, Ph.D. present

Sandra Bonilla, present

Joy Britt, not present

Rev. Ambrose Carroll, Sr., Ph.D., present

Ximena Cruz Cuevas, present

Scott Clow, present

Leticia Colon de Mejias, present

Laprisha Berry Daniels, present

Jarod Davis, present

John Doyle, not present

Jan Marie Fritz, Ph.D., C.C.S., present

Yvanka M. Hall, present

Jill Lindsey Harrison, Ph.D., present

Loren Hopkins, Ph.D., present

Lisa Jordan, present

Andy Kricun, P.E., present

Richard Mabion, present

Nina McCoy, present

Ayako Nagano, Esq., present

Na'Taki Osborne Jelks, Ph.D., present

Sofia Owen, present

Briana Parker, Esq., present

Benjamin J. Pauli, Ph.D., present

Jonathan Perry, present

Rosina Philippe, present

Millie Piazza, Ph.D., present

Jerome Shabazz, present

Jacqueline Shirley, MPH, present

Pamela Talley, DNP, present

Brenda Torres Barreto, not present

Sandra Whitehead, Ph.D., not present

Lynn Zender, Ph.D., present

Jerome Shabazz confirmed a quorum.

Opening Remarks

Theresa Segovia | Principal Deputy Assistant Administrator, Office of Environmental Justice and External Civil Rights, U.S. Environmental Protection Agency

Theresa Segovia said her previous positions at the Department of Justice Community Relations Service took her to the protests at Standing Rock, where seeing water cannons used against U.S. citizens and residents changed her life. She said she'd like to see the OEJECR expand mediation and facilitated dialog. Some things should not be negotiated, but other things can be negotiated, and small things may be profound to a community.

Theresa Segovia said her office has done some amazing work recently. For example, environmental justice must now be a part of everything that EPA does. She said they finished their EJ Scorecard and have begun to fund the government-to-government grants that were awarded last year. In addition, the Thriving Communities Grantmakers Program will be awarding subgrants by the fall of this year. In addition, she said, the Thriving Communities Technical Assistance Centers (TCTACs) are open for business. She asked NEJAC members to let her know if the TCTACs are not living up to their promise. She said that the Community Change Grants will close next November, and there will not be an extension. She urged communities to go to the TCTACs to learn how to access the funding. Finally, she announced that the online Environmental Justice Clearinghouse, required by Executive Order 14096, is open.

Regarding changes in the office, Theresa Segovia said they are building a structure that will allow the office to survive as they grow. She said they are still short of staff by about 40 percent, but they are trying to hire fast and restructure to break down silos.

Earthea Nance, Ph.D. | Regional Administrator for Region 6, U.S. Environmental Protection Agency

Regional Administrator Nance thanked Juan Parras for the tour of the Manchester community and noted that Region 6 is working with other environmental justice communities in Houston. For example, she said EPA is investigating possible creosote contamination from the former Union Pacific Railroad site and is working with communities by the Port of Houston that are impacted by the port's expansion project. She noted that "Cancer Alley" in Louisiana is also in Region 6. She said nearly half of all census tracts in Region 6 meet the criteria for environmental justice.

Regional Administrator Nance said one of her priorities is to embed environmental justice and climate change into all Region 6 programs. She said she has instilled the following philosophy in Region 6: Better Engagement + Better Analysis = Better Protection. On engagement, Regional Administrator Nance said they implemented the Stronger Engagement for Results and Justice initiative to increase their presence, effectiveness, and reputation among communities. They also made 20 new hires recently and established monthly environmental justice leader roundtable calls. She said they held an environmental justice summit and are developing an environmental justice evaluation and action plan for each state in the region.

Regarding the analysis part of the equation, Regional Administrator Nance said that environmental justice and climate considerations are included in staff analysis and in briefings to her to ensure these issues are prioritized and given due consideration in permitting and other issues. She has implemented an environmental justice checklist that ensures that community impact is discussed at every briefing. In addition, she said, an environmental justice playbook is used in decision making. She said they refer to a booklet of examples of innovations and culture change that work. She said they also initiated Technical Palooza, which is a meeting of engineers and scientist that represent the community and sit down with their colleagues from government so that the community has a trusted person to represent their concerns.

Regional Administrator Nance said that as a result of these actions, they have delivered better results to communities. She cited monies from the Inflation Reduction Act (IRA) and Bipartisan Infrastructure Law (BIL) that went to Region 6 communities, such as a grant to the Houston Health Department to support community monitoring of hazardous air pollutants in high-risk environmental justice communities. She named several groups in the region that have received funding, including two TCTACs in the region that received \$10 million each. In FY23, she said, Region 6 awarded 429 grants that directly benefit thousands of people in the region's states, Tribes, nonprofit organizations, and communities.

Regional Administrator Nance said that passing responsible regulations is another important way EPA lives up to its commitments in environmental justice and climate change. She mentioned finalizing pollution standards for cars and drinking water and reducing methane emissions from oil and gas operations. In addition, she said, in March EPA issued a rule that reduced ethylene oxide (EtO) emissions on commercial sterilization facilities. Region 6 initiated the first coordinated EPA–community ethylene oxide monitoring project in the country and demonstrated the value of building community expertise in monitoring. Regional Administrator Nance also mentioned inspections and other EPA compliance monitoring activities EPA conducted in Region 6. community outreach is another area that Region 6 has delivered on, Regional Administrator Nance said, and she provided more details on Technical Palooza and other outreach activities. Although there is much more to do, she said, EPA Region 6 has created a solid foundation from which to protect communities.

Discussion

Jan Fritz asked if there is outreach to help Houston with zoning deficiencies that leave residents unprotected. Regional Administrator Nance explained that Houston was created intentionally to be zone-free. She also added that local zoning is outside their authority. At the same time, she said, there is no strategy for sacrifice zones, and she'd like to start a conversation with anyone interested in putting one together.

Loren Hopkins said that Region 6 has been more involved now than ever, and they appreciate the support. She said there will be a time when they need to consider the voluntary relocation of people living in sacrifice zones.

Jacqueline Shirley asked Regional Administrator Nance about the Region’s involvement in exploratory lithium mining in Arkansas. Secondly, Jacqueline Shirley said that Colonias with the greatest needs are not engaged because of a lack of centralized systems and a lack of local capacity. She asked about EPA’s efforts in Region 6 to reach the “unreachable.”

Regarding lithium mining in Arkansas, Regional Administrator Nance said they will need more information before they can respond. On the Colonias, Regional Administrator Nance said it’s an overwhelming problem with a large scope; yet, Region 6 has done more than ever. Carlos Rincon, Director of EPA’s Border Office, said that Region 6 partners with Communities Unlimited and send invitations for all meetings. He added that there will be a Colonias workshop May 8th –9th involving the formation of a border-wide Colonias task force.

Paula Flores-Gregg said there will be a presentation later that will dive into the Colonias issues.

Lynn Zender asked when they might expect to see guidance from the Technical Paloozas. Regional Administrator Nance said they are writing up their lessons learned and will make that available as soon as possible.

Sandra Bonilla asked if EPA is looking at the impact of pollutants on developing brains. Theresa Segovia said she would follow up with the CHIP office and get back to the group. Regional Administrator Nance said that the impact on children is great, and the analysis must be better.

Panel: Environmental Justice Challenges Along the US–Mexico Border

US–Mexico Border Program Overview

Carlos Rincon, Border Office Director, U.S. Environmental Protection Agency, Region 6

Carlos Rincon provided some background on the US–Mexico Border Environmental Program, which was originally signed in 1983 by U.S. President Ronald Reagan and President de la Madrid of Mexico. The original border program has been succeeded by several programs. The program is currently known as Border 2025, a phase that began in 2021 with a five-year horizon. Oversight for Border 2025 is provided by the U.S. EPA’s Office of International and Tribal Affairs and Mexico’s Secretariat of Environment and Natural Resources (SEMARNAT). The program is concerned with the geographic area 100 km to the north and south of the border, encompassing four U.S. states and six Mexican states. The program involves Regional Coordinators down to task forces that are lead at the local level.

Border 2025 continues to advance four goals and sub-objectives associated with air, water, waste, and emergency response to environmental disasters. Carlos Rincon said that of the 39 objectives and sub-objectives, 27 of them were met by the end of FY2023 and they are on track to accomplish all goals by the end of March 2025. For example, he said the Joint Advisory Committee for the Improvement of Air Quality was formed in 1996, with members from both countries as well as from government and nongovernmental entities. Just two year later, following several monitoring and other initiatives by the Joint Committee, the air quality in the El Paso region complied with Clean Air

Act standards and has been in compliance ever since. At the same time, he noted room for improvement. For example, he said that in 1998, the program confronted a pile of more than 6 million old tires. By 2005, they were almost all gone. However, by 2024, the pile had grown again to 2 million tires, indicating that they need to continue to work on the issue. He said that in the coming weeks they will meet with the waste taskforce and will hear from the private sector on best practices and a business-driven approach.

Chemical Safety Outreach to Farmworkers & EJ Communities

Stormy Monks, Ph.D., MPH, CHED, Associate Professor/Research Scientist, Director of Research Division, Department of Emergency Medicine, Texas Tech University Health Sciences Center El Paso

Stormy Monks said that they receive funding from EPA and the Agency for Toxic Substances and Disease Registry. She said the mission of the Pediatric Environmental Health Specialty Unit (PEHSU) is to improve reproductive and children’s health by leading the integration of environmental health into clinical care and public health, while supporting communities to address historical injustices and ongoing environmental racism and to address the existential threat of climate change. She said that PEHSU provides education and outreach to supplement the few hours that medical students receive on environmental health.

Stormy Monks said PEHSU follows a three-pronged approach: (1) education and outreach to the community and to health professionals; (2) consultation; and (3) referral. She said she would focus on the education and outreach component. She said Region 6 includes a lot of farmworkers who work along the U.S. –Mexico border. She said that agricultural workers have increased risk for health conditions but little or no access to preventive care. Labor is hazardous, and their living conditions are often poor.

She said about 70–80 percent of migrant farmworkers are Hispanic and male, with an average age of 41. Most are native Spanish speakers with limited English proficiency. Their average educational level is 9th grade, and most live below the poverty level. More than 75% are married, and their families are with them in the United States. About 50 percent are unauthorized workers.

Stormy Monks said that, although pesticide use is necessary, there are concerns about the effects of pesticides on farmworkers and their families. She said that some pesticides used along the border are banned in the United States. She said that pesticides can be sprayed from airplanes or tractors, or individuals may spray pesticides, drop pellets, or apply gas underneath tarps. Primarily, workers are exposed to pesticides through skin or eye exposure, or by inhaling it.

Stormy Monks said that children are at increased risks from pesticide exposure, including cancer, learning disabilities, asthma, ADHD, and more. She mentioned studies that showed that women who live within a quarter mile from agricultural crops had an increased risk of developing heart defects, limb defects, and cleft palates.

She said that outreach efforts include equipping community health workers with information to share with farmworker communities. She said her organization also develops written materials, and they use train-the-trainer methods to share information on pesticides and protection, among other resources. She encouraged workgroup members to become trained themselves.

Water Challenges

Tricia Cortez | Executive Director, Rio Grande International Study Center

Tricia Cortez said her organization faced challenges addressing issues at the border, and that it is crucial to bring community members to the table. She said they try to raise awareness and then to move awareness into action. They work to bring climate infrastructure to Laredo, Texas, and the border while doing grassroots organizing.

Tricia Cortez said that Laredo is a border city and home to the largest inland port in the Western Hemisphere. Laredo residents are 96 percent Latino and 21 percent live in poverty, compared with the state's average of 14 percent. Among the city's environmental justice threats, she said Laredo is an urban heat island that had 15 heat-related deaths last year. She said that Laredo faces not just climate challenges, but that climate exacerbates poor management practices. She said the Rio Grande is the only source of drinking water for the city and many others south of the border. Without interventions, the river will have a shorter lifespan, then there will be negative consequences to public health, quality of life, the self-esteem of residents, and loss of public control of the water supply. She said it's also important that the community tell its own story.

She said solutions include creating a 40-acre river park in Laredo, funded with \$2 million from USDA. She said they will also do a feasibility study on a wastewater reclamation with \$2 million from the North American Development Bank (NADBank).

Tricia Cortez also mentioned another success, the Binational River Park, an urban river project spanning more than six miles, to help both sides of the border restore the environment, improve quality of life, bring recreation opportunities outside the view of border patrol, and demonstrate that the border is beautiful, among other goals. They have formed a binational working group and are seeking funding for the project.

She mentioned a project by the Border Patrol that cleared greenery from along the river, which resulted in erosion and destroyed wildlife habitat. After activism, city leaders halted the project and now they are working with the Border Patrol to selectively clear invasive species. She said that they have also put more focus on community engagement, inviting people on guided field trips to help communities experience and protect these natural resources.

Tricia Cortez said they need to stop rapid construction of the border wall. In addition, she said they want federal investments for conservation easements along the river, targeted land trusts, and drought measure requirements. She said she also hopes the United States and Mexico can come together on shared standards for water quality. She concluded that a major win is a \$81 million deal with EPA and NADBank that will result in the elimination of millions of gallons of sewage that is now dumped into the river.

Air Quality Challenges

Hilda Villegas, Lead Organizer, La Mujer Obrera

Hilda Villegas said that her organization is concerned with air pollution in El Paso's Barrio Chamizal that results from commercial truck traffic, which exacerbates other sources of pollution. She said they are located near an international port of entry. She said there has been very little investment in schools, infrastructure, green spaces, and so on. She shared a map that indicates where pollution is concentrated.

Hilda Villegas said the Barrio has 7,000 residents who are mostly Spanish speaking and low income and may have difficulty navigating governmental systems to have their concerns addressed. She said a lack of zoning to require buffer zones between residential and industrial use brings negative impacts mostly to Hispanic neighborhoods and is clearly racist. She said a lot of the industry that originated before environmental justice policies have been grandfathered in and continue to pollute.

Hilda Villegas iterated that commercial truck traffic is a big issue, which passes by an elementary school located near the port, emitting high levels of toxic particulate matter. Although people in the barrio are at risk, new lanes are being built to expand traffic. Instead, she said, the trucks should be re-routed. She said the rate of respiratory issues (22 percent) is higher in the barrio than elsewhere in the city. She said the barrio is already in non-attainment status for ozone and is about to be in nonattainment status for particulate matter.

Hilda Villegas said that racist policies must be changed to address community need, and infrastructure must be improved despite the fact that companies had been allowed to harm her community in the past.

Discussion

Jerome Shabazz asked Stormy Monks if she had been involved in bringing structural change to farmworkers in addition to education and outreach. Stormy Monks said their trainings discuss these issues, but it has not been a part of the process.

Briana Parker asked Stormy Monks if the community health workers she mentioned were compensated. Stormy Monks said some are and some are not compensated; it depends on their relationship to various organizations.

Briana Parker asked Hilda Villegas about funding from the Department of Transportation. Hilda Villegas said that infrastructure funds will be used to expand inspection stations for commercial truck traffic, which will not reduce emissions; in fact, it will create more pollution.

Yvonka Hall asked Stormy Monks if the reading materials produced took into account the reading levels of the community in their native languages. She also asked about the times that educational opportunities were offered, given the long workdays of most farm workers. Yvonka Hall said that workers may avoid using protective gear if it inhibits their ability to work efficiently. Stormy Monks

responded that community health workers are taking the curriculum to the farmworker, and the materials for each are tailored so that farmers get more graphics-based materials. She said a lot of time is spent ensuring community input on the materials as the curricula are being prepared. Regarding protective gear, Stormy Monks said they educate people not only on wearing protective gear but also on how to report safety and legal violations.

Jill Lindsey Harrison said that farmworkers face significant barriers to adequate clinical care for pesticide exposure and said that Stormy Monks' language could be stronger on that issue. Jill Lindsey Harrison said there is a lot to teach clinical staff about how to deal with pesticides and she would encourage that work if Stormy Monks' staff were looking to expand. In addition, Jill Lindsey Harrison said there is a disconnect between the testimony provided by Carlos Rincon and that provided by Hilda Villegas and others.

Carlos Rincon replied that all of their meetings are public. He said they focus a lot on vehicle emissions, including trucks and public transportation. He understands there is a need to reduce emissions more, and regarding air quality monitoring, the state reports and EPA gets the reports from monitoring stations. He said that the Joint Advisory Committees submit hot spots to the agencies that have authority to act. He said they are always working with the community.

Stormy Monks iterated that PEHSU is an educational organization that provides education to people involved in clinical care, and she noted several trainings the group did in El Paso and elsewhere.

Loren Hopkins said that uninsured people with asthma tend to use emergency services, which is very expensive for the city. Houston has worked on a return-on-investment model in which community health workers are in elementary schools in areas with high levels of air pollution to reduce avoidable use of emergency services. She said it may be a good model for pesticides, too.

Panel: Shining a Light on the Needs of Colonias and Other Disadvantaged Unincorporated Communities in the Southwest

Introduction

Olivia Balandran | Staff Director, Outreach, Community Involvement and Engagement, Office of Public Affairs, U.S. Environmental Protection Agency, Region 6

Olivia Balandran said that some of the challenges heard in the morning session are also faced by people in unincorporated areas along the border. Colonias lack infrastructure such as sewer service, safe water, and paved roads. Some communities originated as inexpensive housing for farmworkers.

Olivia Balandran said there are local, state, and federal resources available to assist these communities. Last year, EPA formed an interagency workgroup to address the issues. They held a panel last year to identify issues, and last month, the workgroup conducted community visits to hear from communities. She said two Colonias leaders are here today. She introduced the panelists.

History and Barriers

Cecilio Ortiz-Garcia | Ph.D., Professor, The University of Texas Rio Grande Valley

Cecilio Ortiz-Garcia thanked the NEJAC for hosting the panel and said he appeared before the NEJAC in 2020 after a series of catastrophic events in Puerto Rico.

Regarding the U.S.–Mexico border, Cecilio Ortiz-Garcia observed that Mexicans didn't cross the border; the border crossed them in 1848. He said the EPA must acknowledge that families were and are torn apart and that violent force continues to be used against populations to this day. He said as a scientist, he knows there is an important role for storytelling in contextualizing/social technical systems.

Cecilio Ortiz-Garcia said the Lower Rio Grande Valley was not supposed to be the agricultural area it has become. But an extreme manipulation of water and land made it possible. He said that looking at the word *colonia* itself, it can be thought of as a neighborhood, and as a product of colonialism. He said colonial behavior extracts resources, such as the extraction of property through swindling and legal maneuvers. Colonialism also assumes the existence of an inferior and superior [people].

The Lower Rio Grande Valley was created with the illusion that the land was fit for agricultural production and there was an ample supply of cheap, Hispanic labor available. Cecilio Ortiz-Garcia said that in 1905 Mexican workers were portrayed as cheaper and more dependable than African American workers. He said if the concept of environmental justice doesn't go beyond the efficient allocation of housing, goods, and services to Colonias and start embracing the history of discrimination and disenfranchisement, we will not make a difference with the populations we are trying to help.

Community's Perspective & Recommendations

Roque Barros | Executive Director, Imperial Valley Wellness Foundation

Roque Barross said there are approximately 180,000 people in the Imperial Valley, and about 85 percent is Hispanic. He said the area is rich in agriculture and in renewable energy sources. He said the Salton Sea was once a place to swim and fish, but it is now a toxic seabed. Roque Barrios said he would focus his remarks on eight of the several unincorporated towns in the Imperial Valley: Bombay Beach, Salton City, Niland, Palo Verde, Seeley, Heber, Winterhaven, and Ocotillo.

Roque Barros said the eight Colonias he named above are all food deserts and ambulance deserts—it takes more than 25 minutes for an ambulance to get these communities.

Roque Barros shared some images of the streets and buildings in these Colonias and said that some of the challenges of living in the Colonias include lack of voice and visibility, as well as lack of grocery stores, public transportation, and trash services. Residents also experience extreme heat, flooding, and more. He said there is poor air quality, as well. EPA considers scores above 300 as hazardous, and the Salton Sea monitoring station registered 659 in 2023. The American Lung Association rated air quality there an F; one in five children has asthma.

He said there are benefits, as well. Benefits include strong sense of volunteerism and caring neighbors, resilience, and perseverance, among others. He gave an example of young people who are getting medical training to provide emergency medical support the community because medical care is so far away.

Roque Barros shared information about people in the Colonias who are trying to do good, for example by setting up an NPO so they could apply for funding. But there are several hurdles. For example, he said, they don't understand terms such as "logic model," "procurement metrics," and other jargon. He said they want to meet funders in the Colonias, where they are comfortable, not on a Zoom call. He said that simply asking them to apply for funding is not enough to get them to apply because they don't have the experience, expertise, or resources. He also iterated that they want partnerships, not a grantor–grantee relationship.

He said that what the Colonias need most is to feel safe with local, state, and federal representatives and other outsiders. Next, he said, they need support that meets them where they are and can help them build on that. Finally, Roque Barros said they need success—grantor goals and outcomes need to be their success.

Ramona Casas | Co-Founder and Community Organizer ARISE Adelante

Ramona Casas said that her organization gives people in Colonias a voice and teaches them how systems in this country work. Her organization educates people on environmental infrastructure, civic engagement, health, leadership, and more.

Ramona Casas said there is a lot of need for housing and other infrastructure. In her area, there are more than a thousand Colonias that lack the basic necessities such as sewer systems. The communities are affected by climate change. There have been many storms and hurricanes, which brings floods and mold. The storms are getting worse and are more frequent and families don't have adequate housing to stay warm in winter and cool in summer. Ramona Casas said Colonias also don't have trash services.

She said they know there are government agencies to help people learn about available funding and how the systems work. She said her organization formed working groups to address some issues. For example, Alamo's open lagoon wastewater treatment plant was emitting foul odors across 14 Colonias. City officials procrastinated and did not address the issue. She said the City received funds and they approached city for solutions, and the City was able to include funding for a wastewater treatment plant.

She shared another project in which they worked with EPA to address PCBs in Donna Lake, which has been a Superfund site since 2007. She said people still eat fish from the lake. Although some steps are in process, the problem has not been resolved yet.

Ramona Casas said Colonias need infrastructure to develop their economies. She said they know it costs money, and they are not looking for anything for free. They want to work in partnership to have their needs met.

Discussion

Na'Taki Osborne Jelks highlighted some of the points that resonated with her, such as that we can't look at Colonias with a deficit lens; we have to see their assets, as well.

Jacqueline Shirley said that there are many organizations trying to bring light to the Colonias situation and suggested that EPA Region 6 could be a model for how the rest of the border can address the needs. She said the Rural Community Assistance Partnership released a report in 2023 that shows that things are now worse for these communities than they were in 2015.

Lynn Zender noted the proximity of homes and schools to toxic sources, which may be addressed with federally mandated distance requirements. Roque Barros said people aren't going to leave the Sultan Sea and their community; they want to stay and make it better. Lynn Zender said it may be about cleaning up the source of pollution. Ramona Casas said that organizations need to understand how to apply for funds so communities can get better.

Roque Barros explained that Texas considers Colonias to be subdivisions of the state with no home rule power; the structure ensures that no Colonias can take an action or adopt a rule until the state votes on it first; disenfranchisement of Colonias is embedded in the law.

Ramona Casas said communities must organize. Impacted people must be a part of developing the solution.

Roque Barros said that climate scientists are warning us about what's coming, and studies show that we should be investing in a new architecture of relationships at different levels of government and among various sectors in society to increase resilience. He said a lot of climate justice is about our capacity to collaborate in ways that are issue-based, not interest-based.

Sophia Owen asked about the most important thing panelists want to see from EPA. Ramona Casas said that multiple organizations have to be a part of the solution; not everything belongs to just one organization. Roque Barros said building good relationships, with each partner asking itself: What can we do to be a good neighbor?

Panel: Climate & Energy Justice

Introduction

Loren Hopkins, Ph.D. | Chief Environmental Science Officer, City of Houston Health Department

Loren Hopkins said that panelists will present detailed accounts of suffering that people in environmental justice communities experience from the intersection of pollution and climate change. She introduced the speakers.

Community Challenges

Roishetta Sibley Ozane | Founder, Director, CEO, Vessel Project of Louisiana

Roishetta Sibley Ozane said she lives in southwest Louisiana, “the new cancer alley,” where there is an increase in industry along with increased cancer and asthma rates. She said the new EPA emissions rules should take into account the effects on black, brown and Indigenous people, who are already experiencing the effects of emissions. She said that if rules don’t immediately go into effect or if facilities aren’t immediately shut down, these communities will continue to breathe toxic air.

Roishetta Sibley Ozane said that her organization is a mutual aid and environmental justice organization. The organization provides emergency support such as meals, as well as funds for rent and utility bills. She said they also train people to fight for positive community change.

Roishetta Sibley Ozane said that about a year ago, there was a chemical leak released by BioLab, and the only way the community knew about it was because people witnessed the large smoke plume associated with it. She said the area’s emergency alert system has been inactive since a hurricane event four years ago. She said there have been several incidences that the community was not alerted about. She said once community members saw the events, there were social media and news alerts, but not at the time it happened. At minimum, she said, communities should have working emergency systems.

Roishetta Sibley Ozane noted that the Red Cross and FEMA process is not easy to navigate. When she became homeless after a hurricane a few years ago, she could not access funds. How then, she asked, would a community member have the capacity to apply for funding? In addition, she said, communities don’t trust EPA to protect them because they continue to drink polluted water and breathe polluted air. She said the state of Louisiana continues to conduct business as usual despite breaking laws and federal mandates, and it allows industries to release toxins and pollute. She said that methane and pollution are contributing to climate change, yet agencies are still considering issuing more permits. She said it’s not right that supplying the world’s energy needs brings risks and death to some communities. She emphasized the need to listen to community voices. She said policy analysts, scientists, and experts have been heard from. Now we need to listen and to act on some of the solutions provided by communities.

Deyadira Arellano | TEJAS

Nalleli Hidalgo | TEJAS

Deyadira Arellano said that clean energy can compound hazards in historically disadvantaged communities, and that describing approaches with terms like “green,” “clean,” “blue,” and “zero” don’t necessarily mean they are not harmful. She said TEJAS supports solutions that bring directly affected communities into meaningful conversation to minimize harm for future generations.

Nalleli Hidalgo said it's important to share experiences with younger generations and that they're also learning from each other. She said that when they collaborate with universities and other research organizations, they make sure that everyone knows the entire process from start to finish.

Deyadira Arellano said that when it comes to environmental protections, communities are often caught in the middle. For example, Texas sued the EPA over a methane emissions rule that was supposed to take effect in May 2024. The state has also used litigation to block other initiatives that would benefit communities.

Deyadira Arellano said that nuclear and carbon capture are false solutions to the energy crisis, and these projects should not be in communities that are already suffering.

Nalleli Hidalgo added that Eco Services plant workers in Manchester [Houston, Texas] are currently on strike. She said union workers in the industry need to be brought into the conversation as well, so they have clean, safe workspaces.

Legal Gaps, Equitable Planning, and Resilience

Adrian Shelley | Texas Director, Public Citizen

Adrian Shelley said Texas is the state most vulnerable to climate and weather disasters, and Houston is the most vulnerable area in Texas. He said Hurricane Harvey (2017) was called the first “man-made disaster,” which captures how the disaster was understood in Houston. He said that, in addition to catastrophic damage from flooding, wind, and other effects of the hurricane, there were massive pollution releases because of lack of planning and resilience, particularly in the petrochemical industry. He said that studies showed that 8 million pounds of air pollution was released from chemical facilities during Harvey, as well as about 150 million gallons of spilled wastewater.

He shared details from the State of Texas Emissions Event Report System (STEERS), which is populated by self-reported events of illegal industrial pollution. He iterated that the system does not count the pollution that industry is legally allowed to emit. He said there are about 2,000–3,000 illegal polluting events a year, resulting in tens of millions of pounds of illegal pollution. He said the legal pollution is a much larger component of all industrial pollution. He gave an example of an event in which two tanks came unmoored during Hurricane Harvey's heavy rains and spilled their contents into the river. He said this happened at about a dozen facilities around the state. Even simple, evidence-based fixes, such as mandating that larger drainage be used on the roofs of the tanks, have not been put into place in these years since Hurricane Harvey.

Adrian Shelley pointed to Environmental Defense Fund's efforts to monitor air quality right after Hurricane Harvey—before the government did. He said the *LA Times* uncovered correspondence showing that NASA offered to fly its air pollution monitoring plane over Houston after Hurricane Harvey, but the Texas Commission on Environmental Quality refused. He said there is a failure of state and federal cooperation.

He pointed to other climate-related disasters, such as the heatwave in July 2023 in which extreme heat caused equipment failure, which resulted in the release of 800,000 pounds of air pollution. He said that every time there are climate disasters, there are failures of industry. He noted that industry failures during winter storm Uri in 2021 led to hundreds of fatalities.

Adrian Shelly observed that claims that fossil fuel is a bridge fuel or is climate neutral do not take into account the massive pollution events that are happening regularly as a result of industry failures. He said that the state enforces about 1%–3% of STEERS violations. He said the federal government should step in where the state fails to act.

Adrian Shelly said that rule suspensions are a systemic issue. For example, about eight months before hurricane Harvey, the governor suspended about 42 environmental rules. Pressure from advocates after various disasters led to the reduction of the length of various suspensions. During the COVID pandemic, however, the state chose not to suspend rules, but to exercise “enforcement discretion”; so, there is no substantive enforcement. He said that Affirmative Defense is a company that helps polluters go through steps after an illegal pollution event that provides a defense against enforcement. He said companies use this as a matter of course, and even add language to their STEERS reports suggesting that they will use the affirmative defense.

Climate Cascading Impacts on Energy and Industry

Hanadi Rifai | Ph.D., Professor, Civil and Environmental Engineering Department, University of Houston

Hanadi Rifai said that Texas is home to a lot of disasters and diverse types of disasters. She said the hidden cost of these disasters is the cascading cost to people and environment. As examples, she shared images of Memorial Park in Houston and of Galveston Bay, which were flooded with sediment brought in by hurricane Harvey. Effects include risks to water quality, aquatic life, and human health.

Hanadi Rifai said that Harris County has more than 120 wastewater treatment plants. She shared an aerial photo of the Turkey Creek wastewater plant that was totally under water and unable to process wastewater, so it is released and causes further damage. She mentioned Superfund sites and landfills, which are also vulnerable to severe weather events. She said there are about 440 chemical/petrochemical storage tanks along the Houston Ship Channel that are at risk of failure during disasters, releasing pollutants into wind, waterways, and air.

Hanadi Rifai showed a map that overlaid risks of these catastrophic environmental events with maps of vulnerable communities to illustrate that the majority of these facilities are located in vulnerable communities.

She also looked at the potential impacts of climate change, and shared maps that showed that a 25-foot storm surge is more likely to flood areas inhabited by African American and Hispanic people.

Hanadi Rifai said they should be looking at how these facilities are constructed and operated to shrink the risk of failure, and to do that, they have to look at different hurricane scenarios. She said the built environment is fragile, with a mix of industry, commercial, residential, and other uses. She said we cannot separate natural hazards from human and ecological consequences. She said resilience includes updating industrial infrastructure and reducing environmental burdens on overburdened communities.

What Has Worked and What Has Not

Elena Craft, Ph.D. | President, Health Effects Institute

Elena Craft said there are no national standards for air toxics in the country, and air toxics are not regulated in the same way that particulate matter, ozone, carbon dioxide, or critical air pollutants are regulated. As a result, she said, little can be done following large-scale exceedances of air toxics.

She discussed the Intercontinental Terminals Company (ITC) fire in 2019, in which 18 storage tanks burned for six days. Although the fire itself generated concerning particulate matter, she said a larger health threat in terms of cancer happened after the fire was put out. This is because while the fire was burning, it burned the VOCs, but after the fire was extinguished, VOCs were released, creating high concentrations of compounds like benzene in the area. She said that the country in general is not well prepared to manage the types of threats that follow weather disasters.

With hurricane Harvey, she said they looked at concentrations of individual air toxics in real time. She said a lot of areas were inaccessible because of the disaster, and in part there is no clarity on what constitutes a health threat because the risks of short-term exposures to some of these toxics is unknown. For example, there are no risk-based thresholds for exposures for an hour or two. Risk levels may be based on an eight-hour exposure, two-week exposure, or longer. As a result, she said some regulators are reluctant to take action because they are not measuring toxics in the way that they regulate them. In addition, she said, states may turn off monitors when a disaster is coming, leaving communities without information. Large scale pollution spikes often happen when monitors are off.

She said they worked with the city and Rice University to set up a decision tree in the case of a massive release of a specific air toxic. They conducted a statistical analysis to understand where the risk threshold should be set and at what threshold specific actions should be taken. Pointing back to the ICT fire, she said there was no clear guidance on when the shelter-in-place alert should be issued or removed. She said they created a decision tree that looked at what specific level of benzene should trigger an action. She said comparing what should happen to what had happened in the ITC fire, there were large gaps in shelter-in-place events, air quality alerts, and communication with communities about what their risks are. She said the city has since instituted an alert system to identify when certain measurements should be taken. She said it is not a matter of if another disaster will happen, but when.

Elena Craft said that exposure is only part of the issue. Another concern is underlying vulnerabilities within communities, which are influenced by several factors, including health conditions and socioeconomic status.

Elena Craft shared the following recommendations:

- establish more relevant risk threshold values for air toxics
- Increase transparency on decision making around disaster response
- Accelerate action—disaster response from agencies
- Establish air quality programs within city health departments
- Develop community disaster response plans in partnership with local authorities
- Decision making and resource allocation
- Permitting and consideration of cumulative impacts
- Public health planning, resource needs/allocation, mapping with local jurisdictions
- Interagency collaborations; mapping vulnerabilities with exposures

Closing Thoughts

Lisa Jordan | Director & Clinical Professor of Law, Tulane Environmental Law Clinic

Lisa Jordan thanked the panelists and said that climate and energy justice exists on multiple levels, from facilities to frontline communities, and industry must do more to protect communities before disaster strikes. Communities also need to know what they've been exposed to. We know what can happen. She said that permitting a facility at a frontline community puts everyone there in danger, just as permitting a facility at a wetland puts the wetlands in danger and reduces flood protection.

Discussion

Aya Nagano asked Hanadi Rifai what building better infrastructure entails. Hanadi Rifai replied that it means preventing their failure by moving them to safer places, lifting them up, build protections around them, and so on. In addition, there must be better monitoring, which means building monitoring systems that can withstand disasters.

Regional Administrator Nance asked Adrian Shelley for details on the methane leak rate, and she asked Elena Craft about the specific benzene cut-off level. She also said that FEMA owns the sirens that Roishetta Sibley Ozane mentions, and she will call FEMA to get those sirens up and running. She said that although that issue will be solved, the reality is that states own most solutions to problems, and the federalist's system does not put the federal government over the states.

Adrian Shelley replied that it's hard to quantify annually, but he saw about failures for about a week/week that involved 1—3 million pounds of pollution. He said in some cases that was raw national gas, from hundreds of thousands to millions of pounds. And there are other incidents throughout the year.

Regarding the benzene trigger levels, Elena Craft said that, assuming you have best data, action would be triggered at 200 parts per billion per hour. She said shelter-in-place would be at 72 parts

per billion per hour, and action alerts would be sent at 27 parts per billion for two consecutive hours. She said the City of Houston has adopted this plan.

Laprisha Berry Daniels asked how the alert system works. Loren Hopkins said there are many kinds of alert systems, and this is an area that needs more communication. People need not just information, but they need to know how to respond to the data.

Elena Craft added that local emergency planning committees are unfunded mandates. They are supposed to raise awareness about local emergencies, but they don't have resources to support their activities. They should be funded so they can get the word out to communities.

Sandra Bonilla asked whether she heard correctly that there are no nationally agreed upon thresholds for risk exposure to particular toxics. Elena Craft confirmed; she said there are guidance values that states have created for formaldehyde, benzene, xylene, and other toxics, but they are not federally mandated. There are many toxics and no regulations. Sandra Bonilla mentioned the effects of these toxics on the developing brains of children and asked why there were no standards. Elena Craft said she agreed and said the question of why there are no standards is one for EPA or Congress.

Jan Fritz noted that near Roishetta Sibley Ozane's organization is a foreign company, SASOL, which is a South African petrol company. She said videos online from 11 years ago show Governor Jindal sharing his gratitude that SASOL will be investing in the state.

Jacqueline Shirley said assessing human exposure to radiation or pollutants assumes a 6' 2", 180-pound Anglo man. She said a group called the United Kewa Women want to change the definition because, in reality, the women and children exposed do not have that type of physique. She asked if variables in populations are being considered when setting exposure thresholds. Elena Craft replied that there are some OSHA values for exposure to some compounds, based on the type of person working in an industry, and that is not what should be used to regulate threat risk for the general public. She said that vulnerabilities are accounted for by adding uncertainty factors to the initial number derived. She said one challenge is that there is not a lot of data on the air toxics out there or on many of the compounds used in daily living. There are tens of thousands of chemicals in use.

Public Comment

Note that written public comments may be submitted until May 7, 2024.

David Dow, retired scientist

David Dow said that in his submitted written comments, he shared a project as a case study for EPA's development of a cumulative impacts study approach for watersheds with multiple environmental stressors, addressed and regulated by local entities, towns and counties, states, and different federal entities. He said that grassroots knowledge and expertise has to be integrated with local, state, and regulatory agencies to develop cost-effective and sustainable solutions. He said that issues such as affordable housing, toxic chemicals, nutrient pollution, overfishing, and climate

change should be addressed through an impact study. He said these challenges require socioeconomic analysis.

Odette Wilkens, Wired Broadband, Inc.

Odette Wilkens said that electromagnetic radiation from cell towers, cell phones, tablets, Wi-Fi routers and the like is air pollution even if you can't see it. She said energy consumption from 5G is expected to increase by 61 times from 2020 to 2030. She said at least 30 percent of Americans are afflicted with radiation poisoning and about 1 percent are severely disabled because of it. The WHO's International Agency for Research on Cancer in 2011 classified wireless radiation as a possible human carcinogen, similar to lead diesel fuel and gasoline engine exhaust. She said risks include DNA damage and cancer. EPA must protect the public and research the safety of these technologies or we will have a catastrophic health disaster.

Kevin Barfield, Camden for Clean Air

Kevin Barfield said he would submit written comments on the cumulative impacts framework.

Amy Kyle, UC Berkeley (retired)

Amy Kyle said EPA recognizes that it needs to evolve when it comes to cumulative impacts. She acknowledged that progress has been made on data, indicators, and community participation, but at EPA, it remains to be seen if anything much will be done. She said the framework document was not well received and did not take the leap that EPA needs to take to protect the environment and communities. She said it's important to get some principles in place this summer to bring regulatory authorities closer to doing something on cumulative impacts. She said EPA should end its focus on quantitative risk assessment methods, which are not suitable for this work. Secondly, she said, they need a truly crossmedia look at toxics because they are not all from one source. Finally, she said that EPA needs to look at all the things that are used but not on the regulatory list.

Daniel Savery, Earthjustice

Daniel Savery said that in the five months since the Eighth Circuit Court of Appeals revoked EPA's ban on chlorpyrifos, things have become worse, and EPA has indicated it won't propose measures to reduce risks on 11 uses of chlorpyrifos until next year. Regarding the remaining 50 percent of uses that weren't subject to litigation, EPA said it will propose a new rule to revoke those uses. EPA is also allowing some companies to continue to use their existing stocks of the chemical, exposing farmworkers and children to two more growing seasons of this chemical. Although the President lists the Chlorpyrifos food ban first on his list of environmental justice actions, the administration is dragging its feet. He thanked EPA for its rule on commercial sterilizers but noted that warehouses can emit more ethylene oxide than sterilizers themselves, and he urges EPA to mandate emissions reductions from those warehouses.

Kimberly White, American Chemistry Council

Kimberly White urged EPA and the NEJAC to ensure that science is placed front and center in human impact assessment and that communities can and should be meaningfully engaged in the cumulative impacts assessment process. She referred to a 2004 by NEJAC that encourage EPA to expand its definition of risk with a bias for action. This was due to concerns that the complexity of a

cumulative risk assessment would slow progress or be used to avoid action. Since then, she said, the American Chemistry Council has noticed a tendency to run ahead of the science. It is only through strong, high-quality, objective science that will be able to understand stressors, create solutions, and measure progress. It may also result in avoidable community disappointment if interventions don't improve health and may even bring negative health consequences to the community. Communities can be actively engaged while science develops. She said cumulative impacts is too important to not be adequately informed by the best available and most relevant science.

Benjamin Pauli said to Amy Kyle that the NEJAC is making some strong recommendations on the importance of using not just quantitative but qualitative data and lived experience in particular.

Jill Lindsey Harrison told Amy Kyle that their goal is to provide some hard-hitting recommendations on cumulative impacts. Jill Lindsey Harrison said to Kimberly White that many on the NEJAC feel strongly that waiting for the science to get everything perfect means that people will continue to be harmed, poisoned, and robbed of their opportunities to live healthy, meaningful lives.

Loren Hopkins concurred with Jill Lindsey Harrison and said that ethylene oxide is the major cancer driver in the United States.

Lisa Nagy, Environmental Health Alliance

Lisa Nagy said that she was trained at Cornell Medical School and became severely environmentally ill herself and recovered after a decade. She has told her story on film ("Afflicted"), to government agencies, and media. She said the total load of environmental exposure is the issue in any one person. She said on Martha's Vineyard, Indigenous people are poor and experience housing shortages. She said environments are moldy, so a lot of people are environmentally ill. She said her medical facility treats them for immune and neuro-endocrine problems, but physicians don't believe it. She said she'd like to work with the NEJAC and participate in some way. Engaging physicians will help get the public on board.

Aileen Rivera, Fojg Sierra Club

Aileen Rivera thanked the NEJAC for their advocacy on EtO emissions. She asked NEJAC to address the warehousing issue, which can cause more emissions than manufacturing. She said some studies show that medical sterilization facilities contribute to elevated risk of cancer. When her community raises concerns locally about EtO, state and local governments always point back to EPA. There's no accountability. She said EPA needs to regulate and monitor warehousing.

Leann Howell, mother of a lead-poisoned child

Leann Howell said her first child was diagnosed with acute asymptomatic lead poisoning from breathing neurotoxic lead dust and vapors. She said her son's venous lead level at 9 months old was 44 micrograms per deciliter. She compared it to the average lead level in children through the

Silver Valley in Idaho after the Bunker Hill smelter baghouse fire of 1973, which burned for 18 months. She noted a report by Dr. Joel S. Hirschhorn that described unusual management by EPA and ethically compromised studies. She said that residents of Silver Valley would benefit from a Community Lead Health Center, as no long-term support was offered. Yet multiple generations endured chronic lead poisoning and smelter and miner workers face the effects of long-term occupational exposure.

Millie Piazza said she appreciated Leann Howell's sharing her story. She asked Leann Howell about her engagement with EPA Region 10. Leann Howell said the exposure occurred in Ohio, but there are parallels.

Dominic DeLeo, JXN Undivided

Dominic DeLeo discussed the failure of Jackson, Mississippi's water system. He said about 80 percent of the city's residents are African American. On August 29, 2022, the city experienced a natural disaster, and river flooded the city's main water treatment plant, causing a cascade of problems that resulted in the total failure of the city's water system. Residents were without water for 3 weeks. Jackson became the symbol of the dismal condition of many cities' infrastructure vulnerabilities. He said the second disaster was caused by humans. EPA and DOJ sued the city for the failure of the water system. Now, the water system is in the hands of a federal judge and an appointed receiver. He said EPA's actions have made residents both victims and victimizers in the ongoing water crisis. He asked: What is environmentally just about EPA determining that residents are responsible for the crisis and violations of the Drinking Water Act? He said EPA's intervention has taken away their voice.

Frank Pettis, Clean Power Lake County

Frank Pettis said that neighborhoods that are low-income, working class, and majority people of color have carried the weight of environmental exploitation. He said his organization works largely in Waukegan, Park City, and Zion, Illinois. He said manufacturing facilities and processing plants that drew workers during the Great Migration are now Superfund sites. Companies that provide jobs also harm the health of workers and disrupt their sacred relationship to nature. He said that being poor and black or brown is a health hazard. There is a 15-year gap in life expectancy between the residents of North Chicago and Lake Flores, a wealthy suburb. He said Indigenous peoples have always known that individual health depends on the health of one's community, which depends on the web of other communities. He said they must pursue environmental justice with a new methodology that includes education and collective decision making. He said they want to be at the table start to finish. He said he appreciates EPA's actions around EtO and sterilizing facilities, but what he wants more action around warehouses. He said EPA and the NEJAC must center the interdependence of human and environmental health and question how profit-driven institutions incessantly create new ways to benefit from inequity in both.

Yolonda Spinks, Memphis Community Against Pollution

Yolonda Spinks said she was born and raised near a sterilization service in Tennessee, yet she was unaware of the risks they posed to her and her community until EPA notified her in August 2022. She has been exposed for all of her 45 years. In addition, her community has numerous other facilities emitting pollutants, including an oil refinery that is less than a mile away. Community advocacy has finally resulted in the forthcoming plant closure.

She said that she appreciates EPA's rules strengthening EtO emission standards for commercial sterilizers and manufacturing plants, but more must be done to protect humans who live near EtO emissions, particularly in warehouses. She said sterilized products continue to offgas long after they leave the sterilization plant. One warehouse in Georgia was found to emit more than nine times as much EtO as a nearby sterilization plant, yet EPA has not taken steps to regulate EtO warehouses. She said we can have sterile medical equipment without harming black and brown people. This is EPA's chance to do right by people, regardless of zip code or ethnicity.

Ben Pauli said that as a resident of Flint, they have paid close attention to the events in Jackson, including underlying failures of human infrastructures and institutions and the response to the crisis. He said they were dismayed to see that EPA was complicit in marginalizing residents of Jackson and said he looks forward to reading the comments.

Regarding Dominic DeLeo's remarks, Scott Clow said EPA's enforcement actions are often baffling and misguided, and sometimes they backfire. He pointed out that on the Environmental Justice Screen, a small tribal community in southeast Utah has some challenges with monitoring under the Safe Drinking Water Act but absent from the EJScreen is that the community is two miles from the only operating uranium mill in the nation. He said that sometimes things are not clear or transparent.

Aya Nagano thanked those who commented on EtO and said she hopes EPA takes this up. She encouraged Lisa Nagy to apply to be on the NEJAC.

Amalia Nieto Gomez, Alliance of the SouthEast (ASE)

Amalia Nieto Gomez said her organization is dealing with an onslaught of challenges, including a slew of toxic developments in environmental justice communities from General Iron, Finkl Steel, Invert, and the confined disposal facility. She thanked EPA Administrator Regan and said EPA helped increase community engagement and transparency, especially around Finkl Steel's furnace proposals. On the cumulative impacts charge, Amalia Nieto Gomez said the rulemaking process needs to include company's history of compliance, citations and violations, area pollution and toxins, disparate impacts of pollution, and community standing in the permitting process—not just the company that's applying and the state EPA. She said she would like community residents to be considered the experts and have them help define impacts and set the context for research, as needed. She said they support the Health Impact Assessments, which should include an analysis of

environmentally linked diseases, including asthma, cancer, heart disease, and the impact on children’s brains and health. She said General Iron was across the street from an elementary school, high school, and park. She said the framework should include not only new developments but also footprint expansion.

Urszula Tanouye, Stop Sterigenics

Urszula Tanouye said that EtO is a toxic air pollutant that hides in plain sight. She said in her community, Sterigenics was behind the Target store and across the street from City Hall, and one block from homes. Emissions can cause breast and blood cancers. She said alternatives are commercially available. Fenceline communities experience cancer risks well above 1/10,000; some in excess of 1/1000, even with pollution controls. She said the updated rules released by EPA in March left out an important source: commercial warehouses. Warehouses may emit more than the sterilizer facility, and communities may not know their risks if air quality is not measured. The locations of storage facilities are often not disclosed. She is concerned that sterilizers will increase their use of unregulated, offsite warehouses and increase community risk. She is asking the NEJAC to support the regulation of EtO emissions from warehouses using other rulemaking capacities such as FIFRA, which regulates pesticides regardless of the source. She said that, ultimately, we need to phase out EtO. One first step would be to prohibit EtO on food, as the European Union has done. Banning EtO under FIFRA would immediately decrease the cancer risk in fenceline communities.

John Mueller, Private Citizen Activist

John Mueller thanked the NEJAC for another opportunity to speak at a meeting. He pointed to the NEJAC’s water infrastructure workgroup report from August 29, 2023. In that report’s appendix were a list of nine issues that the workgroup suggests should be considered for future EPA charges. He said issue #2 includes fluoride as one of the “chemicals and emerging contaminants that have a negative impact on public and environmental health.” He said that fluoride is the only contaminant deliberately added to public drinking water under an obsolete policy for dental treatment that is still promoted by the CDC, despite current science and a pending federal lawsuit against EPA. He said the weight of evidence is that fluoride is a neurotoxin with effects on par with children’s exposure to lead. He urged the NEJAC to promote the precautionary principle of “do no harm.” Finally, he asked the NEJAC to recommend that EPA Administrator Regan collaborate with CDC director Cohen with a recommendation that the White House declare a nationwide moratorium on artificial fluoridation until safe levels of exposure to fluoride chemicals have been established.

Na'Taki Osborne Jelks said there is a lot to be said about the precautionary principle, even though it is not widely used. She also raised the concept of “bias toward action” and said that sometimes we know enough to take action, even before conclusive evidence has come about.

Celeste Flores, Clean Power Lake County

Celeste Flores iterated calls for EPA to implement stronger protections against EtO, particularly the warehouses where sterilized equipment stored prior to reuse. She said offgassing threatens

workers in the facilities as well as surrounding communities. She said that her community, Waukegan, is predominately African American and Latinx, which are disproportionately affected by corporate polluters. There is a retired coal fired power plant and active coal ash ponds, five Superfund sites, and EtO from Medline. EtO emissions are also in the Vantage and Gurney communities. She encouraged the NEJAC to urge EPA to fulfill its mission to protect human health and the environment.

Linda Karr, Residents Against Wood Smoke Emission Particulates

Linda Karr said her organization's goal is to hand out PurpleAir PM2.5 monitors to a neighbor of an indoor residential wood burner whose smoke infiltrates the yard of the near neighbor and sickens them, and to pass laws at the local, state, or federal level to use the data downloaded from the PurpleAir or their monitor as evidence to shut down every indoor residential woodburning appliance. She said the threshold should be EPA's national ambient air quality standards. She said her organization is writing a grant to subsidize residents so they can turn their wood burning appliance into a heat pump. She said wood smoke is 90 percent PM2.5, which can set off a cascade of human health problems and early deaths. Wood burning emits nearly three times the CO₂ and PM2.5 of coal, and 450 times the PM2.5 of natural gas. She said that, around the world, coal burning plants have been replaced with wood, called "biomass," and is a ploy to meet climate goals by not counting emissions from wood burning. She added that not only is woodburning harmful to health, it also make solar panels less efficient. She said there must be more hyperlocalized PM2.5 monitoring.

Rola Masri, Environmental Health Trust

Rola Masri spoke about the dangers of wireless electromagnetic radiation from cell towers, 4G and 5G networks, and other transmitters. She said the EPA's last report on the biological effects of electromagnetic fields was from 1984. Before that, she said, EPA was regularly measuring levels nationwide and studying the effects of wireless radiation. She said the FCC exposure limits are based on the outdated idea that heat is the only risk. However, she said, thousands of studies have found that impacts include memory problems, cancer, and impacts to brain development and reproduction, not to mention harms to trees, birds, and pollinators. She said that precision farming will expose farmworkers not only to pesticides, but to a wireless agent that will increase impacts. She said that the FCC defers to EPA, FDA, OSHA, and NIOSH, but none of these agencies are researching health effects or monitoring exposure. She said in 2021, the U.S. Court of Appeals ruled that FCC had failed to take into account the record of evidence on impacts and mandated the FCC to address impacts on children of long-term exposure. The FCC has not responded to the court. She said she is asking EPA to expand Section 112 under the Clean Air Act to specifically include wireless and cell tower radiofrequency radiation as a pollutant, to monitor levels nationwide, and to quantify adverse effects associated with cumulative environmental exposures.

Ambrose Carroll said that his community has a lot of towers, and they are being approached by T-Mobile, Verizon, and so on to help legislate and expand. He said communities need better connections, and it's important to know as much as possible about the risks. Rola Masri said that fiberoptics are a great alternative because they're safer, faster, and more energy efficient.

Alejandria Lyons, NM No False Solutions

Alejandria Lyons said she appreciates the focus on cumulative impacts, as in New Mexico they have been fighting hydrogen over the last few years and shared recommendations with the NEJAC on hydrogen. Nevertheless, the state is engaging in dangerous activities that would pollute drinking water. She said that in 2002, the oil and gas industry produced 266,000-acre feet of toxic fracking waste. She said the state of New Mexico is looking to find a new water supply to fuel the hydrogen economy, including proposals to put produced water to beneficial reuse. She said some of these initiatives are forced on communities, and if we don't get the science right and listen to communities, toxic radioactive produced water may be used on agriculture, irrigation, and aquifer recharge.

Barbara Miller, Silver Valley Community Resource Center

Barbara Miller said that, after 30 years of working in good faith with EPA in one of the nation's largest Superfund sites, Bunker Hill, contamination costs to the air, rivers, waters, children, and former workers is ongoing. She said they are trying to restore a culture that has been reduced to unfathomable and unacceptable living conditions. She said thousands of advocates ask for the NEJAC's support for closure of a dangerous 20-acre toxic waste dump that is contributing tons of lead and heavy metal contamination downstream to the Coeur d'Alene River. Recreation, wildlife and communities have not been made aware of settlement funds for a Community Lead Health Center, for multigenerational lead poisoning workers, families, and new residents. She asked for a working group to be immediately established at the Bunker Hill site to expedite the engagement of the community in decision making, remediation, redevelopment, community challenges, and funding opportunities. They want to see accountability and inclusion without having to fear intimidation for people supporting these solutions. She said their requests align with President Biden's EO 14091 calling for an Equity Action Plan. She said people don't understand why the government is not helping them.

Lori Pesante, Kern-Kaweah Chapter, Sierra Club

Lori Pesante said that in Bakersfield, California, their home and their daughter's school has 123 TCP and other chemicals from Dow Chemical and Shell Oil that litigation never resolved. Even though the events happened in the 1940s, their water bill is going up related to removing these chemicals. They said that as climate change makes the Central Valley hotter, drier, and less agriculturally productive, the trickle of climate migrants will become a rush. They've already had their insurance canceled and now they have to pay a lot more to a company that is still writing policies in California. As places become more inhabitable, overburdened communities will be left behind. They said that they have their first carbon capture and sequestration associated with a hydrogen plant. They said they're using DOE applications to justify throwing money at CBOs that don't have environmental justice backgrounds. They said they do not support projects that hurt farmworkers. They said climate change is upon us.

Jane Williams, California Communities Against Toxics

Jane Williams said that EPA is trying to crack down on EtO emissions from the chemical and sterilization industries, but they did not include warehouses in their most recent rule. She said this is a typical cumulative impacts problem in which you have a sterilizer emitting all kinds of EtO into

the community, and then there is a warehouse a couple miles away in which the sterilized equipment offgasses more than the sterilization facility. She said EtO is the most carcinogenic compound that we regulate. She said it is made in the billions of pounds a year as a commercial chemical product. Since it is deliberately made, we should look at its entire footprint. She said FIFRA presents an opportunity to regulate EtO when it's used as a pesticide.

Ann Curry

Ann Curry said that since the Bunker Hill baghouse fire, 50 years ago, there has been no follow up of the victims' health. Her family of five was impacted by the lead. Experts say there is no safe level of lead, and lead in her family ranged from 35 to 80 deciliters. She said with no study of effects, a person has no proof of cause. She said, for example, after the baghouse fire, her daughter had a near-death case of pneumonia. Another daughter feels her decision-making skills were affected. This daughter also has asthma, as do her three children, although there was no family history of asthma. Her older daughter has mental and neurological problems, and her husband has Parkinson's disease, although, again, there is no family history. She said he spent nine and a half years as a physical education instructor, spending most time outdoors in the contaminated air. She said the stream going by the school was so contaminated that if a ball fell into it, it would disintegrate. She said her husband also worked as a superintendent in an office at the base of the slag pile, and the superintendent after him also has Parkinson's. Ann Curry said she is grateful that the Superfund designation acknowledges the soil poisoning, but it hasn't done anything for the health and compensation of the victims. It has not studied how to medically treat heavy metal poisoning. When her daughters became pregnant and told their doctors that they had been leaded, their doctors did not know what to do with that information. She said that, after 50 years, the least that could be done is to have a settlement for a Community Lead Health Center.

Shelley Stephens, Native Tenant Protection Council

Shelley Stephens said she wanted to improve the environmental justice and limited English proficiency (LEP) issues, which is to have a funded language interpreter system with language sensitivity for Hawaii and for different Tribal and Indigenous languages for better quality and cultural resource protection. She also said she also would like EPA help because there is live fire training by DOD into areas with depleted uranium. She said they are also trying to stop deep sea mining by the International Seabed Authority. She said they're looking to mine the Mid-Atlantic Ridge from New York to Virginia and were trying to put toxic waste on 800 acres in Hawaii. She said no Indigenous people should be taken advantage of and have things dumped on their land and not be told the truth about what the chemical is. She said the Earth Negotiations Bulletin has the latest updates on the International Seabed Authority's meetings.

Richard Mabion assured Ann Curry that she was heard, and that she's not in it alone.

Paige Powell, Commission Shift

Paige Powell said she has seen a lot of terrible things about what oil and gas and extractive industries are doing to our land, people, and water. She said Texas is injecting so much produced water, oil and gas wastewater, that wells are blowing up, there was induced seismicity, sinkholes were opening up, and underground sources of drinking water are being contaminated. Shallow aquifers are being contaminated with produced water and forever chemicals. She said that the cumulative impacts framework would ideally be able to look at all these projects as a single ecosystem; they don't happen in isolation. She said the permitting system and the project-by-project cost/benefits analysis happens in a vacuum so cumulative impacts aren't adequately captured. She gave an example of the new hydrogen hubs awarded by the DOE that will require only one Environmental Impact Statement. She asked how that will work given that associated projects will include new fracking operations, wastewater disposal operations, CCS, blue hydrogen expansion, and so on. She said competitive use for water is already important, but as mentioned earlier, using poisonous chemicals on crops that poor people will eat is not a good idea. She said that the cumulative impacts framework should also consider the opportunity costs of pursuing false solutions and what we might be losing by not using investments in the right way. Finally, Paige Powell said we may be undervaluing the risks of some of the nascent technologies, which are promoted by the people who will benefit most from them.

Roby Anstette, Claymont Coalition for Environmental Justice

Roby Anstette raised the issue of the Mach II investments from the federal government and how they are leading to other companies investing in impacted areas to take advantage of the federally subsidized hydrogen that's happening in his town of Claymont, Delaware. He said the Lindy Group has invested more than \$200 million in Delaware, with half of those funds going to the fenceline community of Claymont in order to tap into federally subsidized hydrogen. He said that warehouses are coming next to some of the most impacted communities in the state. He asked the NEJAC to send a letter or to start a workgroup on protecting fenceline communities, especially fenceline communities that are unincorporated. He wants to ensure that J40 and DOE investments are not furthering negative pollution impacts in disadvantaged communities.

Na'Taki Osborne Jelks asked Roby Anstette to put his request in writing.

Sophia Owen said she heard several mentions of hydrogen hubs and said there are definitely many questions about what the impacts will be. She said a lot of NEJAC members are committed to knowing where the money goes and what the impacts are.

Scott Clow replied to Paige Howell that the Class 2 Underground Injection Control Program is supposed to prevent what she described, not permit it. He said injection wells are supposed to protect aquifers. He said Texas is injecting produced water at an alarming rate. He said something is wrong with the UIC program.

Oscar Romero, Fenceline Watch

Oscar Romero said he would talk about the neighborhood of Manchester in Houston, Texas, which is an environmental justice neighborhood. He said that migrant workers built Houston's industries and helped the city grow and avoid effects of the recession. He said the city built a medical center, but environmental justice communities did not enjoy the medical benefits, they lacked transportation, and they did not know about serious health effects. Because petrochemical facilities are nearby, workers should know about the risks of developing disease, cancer, dementia, diabetes, and more. The chemicals also affect child development. He said children who live near petrochemical facilities do not do well in school, and that should be considered systemic racism. He said EPA needs to recognize the contributions of environmental justice communities as they have helped build the industries.

Shirlee Tan, Seattle and King County

Shirlee Tan said she is also the chair for EPA's Children's health Protection Advisory Committee. She said she would like to request that NEJAC specifically highlight children in their recommendations on cumulative assessment since children are a sensitive population that should be prioritized in communities experiencing the greatest cumulative impacts. Children have heightened risks from cumulative exposures due to development phases throughout childhood and their lack of autonomy and where they spend their time and what they play with. In addition, children have faster metabolisms than adults, they crawl on the ground, and put their hands to their mouths, which increases their likelihood of harmful environmental exposures. They can experience early life exposures which can impact their life into adulthood and can impact their children and grandchildren. She said EPA needs to improve how they assess impacts and will need to assess impacts across various developmental stages.

Stephanie Herron, EJHA

Stephanie Herron said we are still very far from fulfilling President Biden's promise to communities expressed in EO 14096. She referred to a question earlier in the day about why there are no standards for toxic air pollution, and she said it was because EPA takes a non-comprehensive approach to addressing pollution, especially hazardous air pollution, and hazardous air pollution coverage from the Clean Air Act regulations are a lot more confusing and a lot less strictly enforced. This approach completely fails to address problems facing environmental justice communities. She said she had asked for a letter from the NEJAC to EPA asking them to take a more comprehensive approach, but she has not received any follow up, so she's asking again.

Jerome Shabazz said the comments from Oscar Romero resonated with him. He said they toured Manchester yesterday, and he was struck by how many stressors they had. He said environmental justice strategies must include the coproduction of knowledge that considers the history and experience of people being affected.

Ben Pauli shared his appreciation for the cooperation from Shirlee Tan's advisory committee.

Sandra Bonilla said she works with adolescents who end up in the juvenile justice system and come from environments that impacted their cognitive development. So many families would agree with the commenters.

Loren Hopkins said when you are saying we need to address various hazards of air pollutants from different sources, we are stepping away from the biggest problem which is the synergistic effects of multiple pollutants. We have stepped away from that because it is a very difficult problem, but it is time we start thinking about it. She said children in Manchester and other neighborhoods are breathing a mixture of pollutants, and we need to spend some research money on that.

Deyadira Arellano Houston Community Voices for Public Education

Deyadira Arellano said she was concerned with the takeover of the Houston Independent School District, which was taken over by the State of Texas and appointed a superintendent. Her organization has observed teacher gag orders, reductions in force, valued teachers leaving the district, and high lead levels. Local news outlets have reported 30 percent of Houston ISD schools were found with high lead levels. In addition, a majority of Houston ISD schools have failed to meet environmental quality standards. Schools in the greater Houston area already live with the second worst air quality in the US.

Jim Noles, Barze Taylor Noles Lowther LLC

Jim Noles said he was speaking on behalf of Mitchell Frazier Farms in Belmont, Alabama, whose population is nearly 50 percent Black. He said a permit process for a limestone quarry used EPA's EJ Screening Tool and CEQ's J40 Screening tool and concluded that enhanced outreach was not necessary. The community was caught off-guard by the December public notice and had to scramble to respond to the news. Notice to adjacent landowners was not required nor undertaken. This resulted in public outcry and the comment period was extended and a public hearing was held. He said reliance on the screening tool with no further analysis was an improper use of the screen. He said after reaching out to EPA, they were put in touch with the Triangle Institute for technical assistance. He said the permits in question seem inevitable. But they are asking the NEJAC to follow the issue and engage to the maximum degree possible. The proposed quarry will effectively destroy this community.

Michele Roberts, EJHA

Michele Roberts said that although environmental justice must be considered throughout the federal family, the problem is process. She said we cannot continue to do things the same way. She pointed to a Baytown facility that has had more than 25 air quality violations in just five years, and injured 30 workers in a 2019 explosion, yet is expected to get \$332 million from DOE for their industrial demonstration projects. She also raised concerns about hydrogen hubs. She said they have participated in public meetings and people still don't understand what a hydrogen hub is, where it will be, and what the process will be. She said you can't center environmental justice without having environmental justice in the process. She added that there needs to be a relocation process for people in communities with large energy projects.

Jerome Shabazz said we were one of the few regions to have two planned hydrogen hubs, the Mach2 in Appalachia and Philadelphia. Community members are upset that they are not invited to meetings. He said we have to make certain that communities are involved, community voices are being heard, and the implications of these industrial processes, as wonderful as they may appear, still have to be consistent with the dignity and being protective of the communities.

Ximena Cruz Cuevas urged people to continue to show up and push for meaningful involvement.

Jan Fritz asked Michelle Roberts to comment on the process and the structure of government. Michele Roberts replied that the experience of Region 3 was very poor. The meeting was the week going into Christmas, and few people learned of it. They were told there would be another meeting for communities to have a voice, but that meeting has not yet happened. She said the focus of the meeting was about the money it would bring in.

Nalleli Hidalgo, TEJAS

Nalleli Hidalgo said that comments can be submitted until May 7, 2024. She urged the NEJAC and EPA to look into the injustices occurring at EcoServices in Houston. She read a statement from the United Steelworkers that explained their decision to strike.

Jacqueline Shirely

Jacqueline Shirley said she was speaking on behalf of other individuals, including Brad Jerrot from Communities Unlimited, affiliated with the Rural Community Assistance Partnership. Brad Jerrot is concerned about the exploratory lithium mining in Arkansas. She said ExxonMobile has purchased mineral rights to 120,000 acres in Arkansas and is drilling wells for lithium bearing brine in Columbia and Lafayette counties. She said the company plans to begin production in 2027 and will use conventional oil and gas drilling methods. She said Brad Jerrot is not for or against this endeavor; he just has a lot of questions about water quality and quantity, such as where they will get the water and how will they dispose of waste, what are the positive and negative impacts, and so on. She said that EPA needs to be involved from the beginning. She said she will be submitting written comments from the others.

Juan Parras, TEJAS

Juan Parras thanked the NEJAC for coming to Texas. He said a lot of communities are dying because of the toxins and pollution they have to breathe and live with every day. He said he hopes they will continue to come to Texas, but mainly EPA needs to put its foot down and get the polluters to clean up.

Adjourn

Paula Flores-Gregg adjourned the meeting.

DAY 2 | APRIL 24

Welcome and Recap

Paula Flores-Gregg | NEJAC Designated Federal Officer

Na'Taki Osborne Jelks, Ph.D. | NEJAC Co-Chair

Jerome Shabazz | NEJAC Co-Chair

April Karen Baptiste, Ph.D. | NEJAC Vice Chair

Paula Flores-Gregg opened the meeting and reminded participants of the participation format and options for Spanish language interpretation.

Na'Taki Osborne Jelks said that yesterday afforded an opportunity to hear about challenges along the US–Mexico border and the resilience of those living in the Colonias. Public comments were also provided yesterday. EPA will provide updates today and there will be a panel on lead. Jerome Shabazz iterated that yesterday was a full day of identifying community issues. He said many public comments alerted participants to current and emerging issues. April Karen Baptiste welcomed participants. She echoed Na'Taki Osborne Jelks's comments and said it was important to have the details on local issues and solutions.

NEJAC Member Introductions

Cemelli De Aztlan, not present

April Karen Baptiste, Ph.D., present

Sandra Bonilla, present

Joy Britt, not present

Rev. Ambrose Carroll, Sr., Ph.D., present

Ximena Cruz Cuevas, present

Scott Clow, present

Leticia Colon de Mejias, not present

Laprisha Berry Daniels, present

Jarod Davis, present

John Doyle, not present

Jan Marie Fritz, Ph.D., C.C.S., present

Yvonka M. Hall, present

Jill Lindsey Harrison, Ph.D., present

Loren Hopkins, Ph.D., present

Lisa Jordan, present

Andy Kricun, P.E. not present

Richard Mabion, present

Nina McCoy, present

Ayako Nagano, Esq., present

Na'Taki Osborne Jelks, Ph.D., present

Sofia Owen, present

Briana Parker, Esq., present

Benjamin J. Pauli, Ph.D., present

Jonathan Perry, present

Rosina Philippe, not present

Millie Piazza, Ph.D., present

Jerome Shabazz, present

Jacqueline Shirley, MPH, present

Pamela Talley, DNP, present

Brenda Torres Barreto, not present

Sandra Whitehead, Ph.D., not present

Lynn Zender, Ph.D. present

Jerome Shabazz confirmed a quorum.

Opening Remarks

Laura Ebbert | Acting Deputy Assistant Administrator for Environmental Justice, Office of Environmental Justice and External Civil Rights, U.S. Environmental Protection Agency

Laura Ebbert said there is no substitute for meeting people in their own communities. She said she has been thinking a lot about the group's visit to the Houston Ship Channel and the people they spoke with who are affected by conditions there. She said that the public comment session helped bring greater purpose to her work, and she has discussed these comments with her colleagues.

The Biden–Harris Administration has centered environmental justice in all the work they do, and that work is ongoing. With so much improvement to be made, Laura Ebbert said she values feedback on how they can be better. She said that EPA is rife with experts, scientists, engineers, and policymakers, but communities know best what they experience, and EPA cannot do the work without community input.

Laura Ebbert said that EPA is taking steps to embed environmental justice more deeply into the agency. One example is the strategic plan, specifically Goal 2's focus on environmental justice. In addition, EPA has required that every region and national program office develop a plan for how they will implement Goal 2. EPA is currently on the second iteration of those plans. She said they are also continually updating EJScreen. She acknowledged the challenges raised by Scott Clow on the previous day, and they are putting thought into how they can make sure it better supports decision making at various government levels. She said they are working on cumulative impacts and are updating EPA's 2003 public involvement policy. Laura Ebbert also mentioned the environmental justice clearinghouse, which will rely on submissions of new information. She mentioned several other steps the agency is taking to advance environmental justice, increasing access to information for those with limited English proficiency.

Laura Ebbert said the NEJAC's recommendation on water significantly informed EPA's Office of Water, which is developing a crosswalk of assistance offered by the OEJECR and the Office of Water. That crosswalk is a first step toward coordinating efforts. She said that NEJAC's recommendations on PFAS helped EPA's recent legally enforceable standards for PFAS in drinking water.

Briana Parker asked what regions are required to do around environmental justice. Laura Ebbert said they are required to explain the specific steps they will take to advance environmental justice. Briana Parker asked when the clearinghouse would be available, and Laura Ebbert said the Clearinghouse is available now.

Aya Nagano asked how EPA would respond to the testimony yesterday on EtO. Paula Flores-Gregg said that topic can be addressed at the business meeting. Aya Nagano asked what EPA will do with the information. Laura Ebbert said that they heard a lot of comments that they will follow up on, and they will get information from the written public comments to EPA decisionmakers.

Jacqueline Shirley asked if the NEJAC will get an update on the strategic plan and how the regions are working with headquarters. Laura Ebbert said they would be happy to meet with NEJAC after they hit some milestones, and they are currently providing that information through the EJ

Scorecard process. Regarding regions, Laura Ebbert said the Administration has provided compelling language that motivates participation. In addition, they have new tools.

Na'Taki Osborne Jelks asked if there will be an opportunity to share the public engagement plan with the NEJAC before it's rolled out. Stacey Lobatos said that opportunity was already offered earlier this year.

Scott Clow asked if Laura Ebbert's office has any obligation to interact with other agencies. Laura Ebbert said EPA has special responsibilities to review other agency Environmental Impact Statements.

Lynn Zender asked how much regions work together on environmental justice implementation plans. Laura Ebbert said that at the executive leadership level, the regions meet every two weeks. Much of the work is unique to regions, but in Appalachia there is cross-regional engagement.

Jerome Shabazz asked who the portal was for and if they can provide input to the portal. Laura Ebbert said the portal is a way to assist agencies but is presented as a way to help communities and local governments to get information. There is an opportunity to provide information.

Richard Mabion asked if Laura Ebbert is filling Robin Collin's former role. Laura Ebbert said no.

NEJAC Consultation: Environmental Justice Thriving Communities Technical Assistance Centers Program Implementation Phase

Jacob Burney | Division Director, Grants Management Division, Office of Environmental Justice and External Civil Rights, U.S. Environmental Protection Agency

Esther Sosa | Special Advisor on Inflation Reduction Act Implementation, Office of Environmental Justice and External Civil Rights, U.S. Environmental Protection Agency

Esther Sosa said that a few months ago, they spoke with the NEJAC about the TCTACs. She said the TCTACs are a network of hubs across the United States that are focused on engaging low-capacity communities to ensure they have an understanding of the funding available and potential partners. She said there are 13 awarded regional TCTACs and three national TCTACs. They help communities to identify grant opportunities, prepare applications and manage grant funding, build organizational capacity, and develop collaborative partnerships.

Esther Sosa said the TCTACs were awarded in September last year and were focused for several months on building their teams and getting ready to be able to process requests for TA. She said that for Region 1 and Region 8, which don't have their TCTACs yet, they are in the negotiation phase. She said other TCTACs have been providing TA for a long time, and this is just a continuation of the work they've been doing. She said people don't need to apply for TA; they can just fill out an intake form and indicate what they are looking for, and then the TCTAC figures out how to support them. She shared some of the activities in Region 2, which has two TCTACs (West Harlem Environmental Action [WE ACT] and Inter-American University of Puerto Rico-Metropolitan

Campus) that have been conducting roundtable conversations, holding webinars and information sessions on topics such as how to fill out an application, and conducting outreach events related to solar projects and more. She shared similar activities conducted by other TCTACs. Esther Sosa said one of the questions they have for the NEJAC is about how to measure success, particularly the success of outreach efforts. She said groups come to the TCTACs with numerous issues, so one of the challenges is prioritizing the issues so that one of them can be the focus for funding and TA.

Esther Sosa said that on the national level, the International City County Management Association (ICMA) TCTAC is providing TA, but they're also creating a TA tracker so that EPA knows in real time what requests are coming through the door and what the regional gaps are, because not every TCTAC can be everything for everyone. She said ICMA has also been focused on applying their expertise to make connections with state and local governments. She shared some information on what other two national TCTACs are doing. The Institute for Sustainable Communities has been focused on building the TCTAC intranet platform to share communications and tools, and the National Indian Health Board has been focused on supporting Tribal communities. She said each TCTAC is working with a team of project officers that is constantly defining their work and looking for evidence of impact.

Esther Sosa said they'd like feedback on ideas for evaluation and outreach.

Discussion

April Karen Baptiste said that she has heard that communities and individuals that need funding still don't know how to access it. She asked how TCTACs are conducting outreach. She asked if they are going to community groups or are keeping lists of NGOs, or other steps. She asked how communities get to the TCTACs, especially communities such as the Colonias, which may not have internet access. She also asked how communities connect with partners listed on the internet.

Esther Sosa said that EPA is asking the networks to be transparent about events that TCTACs are attending so that they can track outreach. She said that the TCTACs are not operating by themselves, and people who want services can call or go online to fill out an intake form. That ensures that all requests are captured and are shared with appropriate partners.

Nina McCoy said that she has only heard of TCTACs at NEJAC meetings, and that partners don't know what TCTACs are. Organizations that need help are reaching out elsewhere. Esther Sosa said that they need to ensure that TCTACs are able to provide adequate support and not become overwhelmed.

Jacob Burney said they built the infrastructure for TCTACs, and now they are attempting to do the outreach. He said they are trying to increase TCTAC visibility going forward.

Millie Piazza said that applying for help is not the same as receiving it. She said in Washington state there is now a goal to fund underserved communities. She asked if EPA is setting the same sort of accountability in the TCTACs.

Jacob Burney said they are looking at the national TCTACs to build relationships with funders and alternative sources of funding so that resources don't come just from the federal government. Esther Sosa added that they are relying on regional TCTACs. Jacob Burney said the success rate for a federal grant opportunity is 15 percent, so applications will be submitted to grantmakers to increase win rate.

Lakeisha Grant said Region 4 has a Road Show coming up, and other Road Shows are planned. Information can be found at <https://www.eventbrite.com/e/cer-regional-roadshow-region-4-tickets-849446937657?aff=oddtcreator&utm-source=cp&utm-campaign=social&utm-content=attendeeshare&utm-medium=discovery&utm-term=listing/>.

Richard Mabion said that his region's TCTAC reached out to him, and he has appeared on his radio show every month to help people understand that they are not guaranteed a grant, but the TCTAC will help them get the resources to prepare a competitive application.

Sophia Owen said she is concerned about the delay in getting the Region 1 TCTAC up and running. Esther Sosa said that EPA knows there are gaps not just in Region 1, but across the nation, and that's why they operate as a network. Regarding engagement, Esther Sosa said that now that hubs are in place, EPA is funding them to make sure they are reaching priority communities, and they are at a point now at which they can determine how to register success.

Jacob Burney said that some TCTACs are putting up websites and sharing success stories.

Regarding EPA's desire to hear about ideas for evaluation, Lapriisha Berry Daniels wondered about measuring co-learning. She said that not only are universities, for example, providing support to communities, but universities are also benefiting from the partnership. In other words, how has the TCTAC or partner benefited from its relationship to the community?

Briana Parker asked if EPA or one of the TCTACs will reach out to community groups. She also asked when the website will be up.

Lynn Zender said she had heard that going through a TCTAC would be the ideal route for receiving a grant, and, since her organization helps communities efficiently, would they be burdened with funneling the communities they already work with through the TCTACs? She also noted that people don't necessarily use online intake forms; instead, they use personal networks. Regarding evaluation, she said that communities are willing to provide feedback in writing or by phone.

Ximena Cruz Cuevas said there is no perfect process, and she looks forward to seeing how the TCTACs evolve over time. She asked about the administrative burden of reporting requirements for grants. She asked if it were possible to help give the money to the community instead of a nonprofit organization.

Jerome Shabazz asked if there was a coordinated effort to develop capacity within groups and a pipeline to connect those capacitated groups with funders. He also asked what best practices are being identified by the national TCTACs and shared with the regions.

Na'Taki Osborne Jelks asked if TCTACs were required to respond to every community that reaches out for assistance, and what the timeframe for response is. She said she's heard from some communities that they haven't heard back for two months. She also observed that an open intake form may benefit some groups who know exactly what they need, but other communities may not know because they need so much. She added that EPA should measure outcomes, not just engagement. She added that "low capacity" is an offensive term, and not every environmental justice community is low capacity.

Jacqueline Shirley said that her organization partners with a TCTAC, and as far as evaluation is concerned, she said that everyone is still learning; it's all new. She said that, for the first year, at least, the evaluation should be based on the contract between the EPA and the TCTAC, such as the milestones agreed upon in the work plan. She reminded EPA that Alaska Tribes have their own ideas of what environmental justice means, as well as what being healthy means, and so on, and they will be asking EPA to expand its definition of what environmental justice means.

Aya Nagano said that outreach should mean that the TCTACs go to communities, not the other way around. She added that the number one challenge she sees with organizations is handling money and budgeting, tracking receipts, and general accountability with funds. She also asked how much influence EPA has over the regional TCTACs.

Sandra Bonilla said many people in the nonprofit community don't need TA; they need reform in the way grants and the grant application process occurs. Community needs must be forced into a bureaucratic system. She said EPA must step up and change the system so the grant process fits community needs.

Yvonka Hall said that there are inequities because before she can apply for a grant, she has to have her staff in place. And, she said, writing the best grant application doesn't mean you're qualified to do it. She said TCTAC staff in her region have no experience with issues. She mentioned that she had sent staff to a TCTAC meeting for a Change Grant at the cost of \$2000 to learn about a process, and it was never discussed. She asked how TCTACs were selected when they aren't qualified.

Laura Ebbert said that a lot of what they heard is for leadership and she will confer with Lakeisha Grant and Jacob Burney. In the meantime, Esther Sosa and Jacob Burney will address comments.

Jacob Burney began by saying the website will be up in late May/early June.

Jacob Burney said that TCTACs are required to start collaboration and coordination among themselves now. He said that if a community applies for a grant and gets a low score, the grantmaker can refer the application to the TCTAC and that community can get TA to strengthen their proposal.

Jacob Burney said that EPA is funded through environmental appropriations and laws, so they can support groups or help them incorporate if they are primarily addressing an environmental issue. He said they know there are a range of issues that plague overburdened communities, but EPA can help incorporate those with environmental missions.

Jacob Burney said that they do not have a specific timeframe in which TCTACs must respond to requests for TA, but they are looking to define an acceptable time frame based on first-year data.

Regarding “low capacity” communities, Jacob Burney said they don’t use that term in the grants management division; they use “capacity constrained” communities.

Jacob Burney said that TCTACs assist communities with applying for grant funding and also for managing grants.

Jacob Burney said he agrees wholeheartedly that the grant process should be reformed, and that’s why they are piloting a pass-through structure.

Jacob Burney said that each TCTAC is in a different place. He said they are structured as cooperative agreements with incremental funding. Additional funding is based on achieving milestones.

Esther Sosa said the TCTACs will be measured based on impact, but results won’t be immediate and TCTACs themselves need to be able to explore new approaches and adjust as needed. She said they want to understand how they can construct something together that will have a lasting impact. She said EPA is providing a lot of different types of support to TCTACs so they can serve communities better. She said that building something new is messy, and it’s hard, but they value the NEJAC’s expertise. She said she has taken notes and will be listening for the rest of the day, as well.

Jacob Burney added that, in launching the TCTAC program, one of the priorities over the year was developing strong relationships with environmental justice leaders and organizations, and they are continuing to strategize on how to achieve that, which may include recommendations from a small consultation body.

Paula Flores-Gregg said that in the next couple of weeks they will be talking with Jacob Burney and his group to set up a timeframe and parameters for a small consultation team, and the NEJAC members will receive information on this in the next couple of weeks.

Federal Advisory Committee Early Consultation: Revisions on the EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples

Andy Bessler | Stakeholder Coalition Coordinator & Tribal Consultation Advisor, Office of Environmental Justice & External Civil Rights, U.S. Environmental Protection Agency

Amanda Hauff | Senior Advisor on Environmental Justice, Office of International and Tribal Affairs, U.S. Environmental Protection Agency

Andy Bessler said this is the first meeting on revising EPA’s policy on engaging Tribes and Indigenous people on environmental justice issues. He said the NEJAC helped establish the policy, which was issued by Administrator Regina McCarthy in July 2014. He said it established the role of environmental justice Tribal and Indigenous People’s Advisor (TIPA), and he is organizing TIPAs across the country with monthly calls.

Andy Bessler shared the outline of the policy, which starts with a policy statement and includes 17 environmental justice principles; EPA staff roles, responsibilities, and assessment; policy implementation; and definitions. He said the 17 principles are categorized under the following areas:

- Implementing EPA Programs, Policies, and Activities;
- Advancing Environmental Justice in all EPA Tribal Programs;
- Engagement with Indigenous Peoples; and
- Coordination and Collaboration with Federally Recognized Tribes, federal, state and local government agencies to address EJ issues.

Amanda Hauff iterated that the goal is to update the July 2014 Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples, and EPA envisions the timeframe will be at least one year, as the agency wants to work with others to revise the policy. She said the primary audience for the policy is EPA staff, although they recognize it may be used outside of EPA.

Amada Hauff iterated that this is the first conversation they're having about it, and they have not even launched a team yet. She said that the policy should align with new executive orders, EPA policies, environmental justice directives, etc. EPA wants to build in "how-to" approaches using plain language to address practical matters, and to include best practices and approaches to meaningfully engage with Tribes and Indigenous Peoples to address environmental justice issues.

Amada Hauff said the process includes Tribal consultation as well as consultation with the NEJAC and WHEJAC, presentations to EPA Tribal Partnership Groups, as well as Tribal-serving organizations and communities. There will be a public comment period with public meetings and webinars, notification in the *Federal Register* and other publications, knowing that outreach must be much more than just a notice on the *Federal Register*.

Amanda Hauff said EPA would like to hear from the NEJAC how they can improve EPA's actions through the policy's principles, and she presented the following questions for discussion:

- What do you like about the policy?
- What in the policy needs improvement/updates?
- What is important to add or change in the policy's principles?
- What is essential to be included in the policy that is not there now?

Jacqueline Shirley said that this policy is from NEJAC, which had established an external working group of about 20 Tribal people. She said the workgroup members were from federally recognized Tribes, but they did not want to overlook people in state-recognized or unrecognized tribes.

Jacqueline Shirley said they started the work in 2011, and the work was hard. She said it's not perfect, and she sees opportunities to make updates, particularly in light of the executive orders, the definition of environmental justice, the importance of acknowledging TEK, and more.

Sophia Owen said that she hears from Indigenous people that there is a need for better training of state and local governments about what tribal sovereignty means and of cultural competency to effectively engage Tribes and Indigenous-led organizations. Andy Bessler added that they are already doing some work on that because some agencies and organizations are interested in effective outreach to Tribes and Indigenous people.

Lynn Zender mentioned a training module to work with Tribes, which was modified from a 40-hour, in-person course to a 30-minute, online course, which she sees as inadequate. She also said that EPA staff need to meet Indigenous people in their communities. Finally, she said, flexibility in grants is really important.

Scott Clow noted that in the materials the NEJAC was sent in advance for this session, it lists the 2013 General Assistance Program guidance, but that guidance was updated in 2023 and is more pertinent. He said EPA's National Tribal Caucus is another EPA advisory committee, but it is not subject to FACA. He said the regional Tribes elect or appoint representative to the caucus to represent regional interests, so it's more democratic. He said he was informed recently that the Office of International and Tribal Affairs intends to make the Caucus into a federal advisory committee subject to FACA rules. He said this is a blow to the hard work and commitment of the current members. He said he recommends that, as EPA revises its policy, it does not rely on the American Indian Environmental Office. He suggested that EPA limit their role in the policy process because EPA will not get valuable information from them about how to address environmental justice issues in Indian Country.

Amanda Hauff said she works closely with the American Indian Environmental Office and clarified that the decision to convert the Caucus to a FACA has not been settled, and she will take back Scott Clow's concerns. Scott Clow said that Kenneth Martin, Director of the American Indian Environmental Office, had said he had made the decision. Amanda Hauff said she would look into it.

Jacqueline Shirley said she is getting concerned that the recommendations the NEJAC is providing are getting mixed up at EPA and making things worse for communities. For example, she said, a recommendation to make the grant process easier by allowing video and oral applications, but instead, it became a required addition. She said therefore, she will go slowly in providing recommendations so she can think them through carefully. Amanda Hauff agreed that EPA is committed to taking a slow approach.

Jan Fritz lent her support for keeping the National Tribal Caucus out of the FACA system.

Paula Flores-Gregg asked NEJAC members to review the policy and the questions and to send their comments to her in an email and she will forward them to Amanda Hauff and Andy Bessler.

Andy Bessler noted that EPA staff are required to have training on how to work with Federally Recognized Tribes.

Jacqueline Shirley asked Amanda Hauff to reply to the first question on what they like about the policy. Amanda Hauff replied that she likes that environmental justice and Tribal issues are being addressed together, and that there are opportunities to expand practices that improve grant access

for Indigenous people. Jacqueline Shirley said reaching out to TCTACs may be useful. Amanda Hauff also said that she likes that it provides a starting point for talking about critical issues and bring the perspectives of a variety of people.

Lynn Zender recommended going to the people more than to their governments. Andy Bessler said he is developing a list of contacts that will allow for listening to people.

Amanda Hauff said they are committed to going slowly and will get early feedback from those interested in helping to guide the process.

Panel: Lead (Pb)—Not Far from Home

Flint Water Crisis 10-Year Commemoration

Claire McClinton | Democracy Defense League, 10 Year Solidarity Movement

Claire McClinton said that it has been 10 years since the city was poisoned. She said a lot of media attention has been given, but residents of Flint are not much better off than they were, and in some ways, they're worse off because they expected the government to fix what it broke. She said Flint was not declared a "natural disaster" because it was not a natural; it was manmade, so they were not eligible for many funds they should have had access to. She said they have demanded, but have not yet received clean, affordable water.

Claire McClinton said they also asked for healthcare and pointed to Libby, Montana, which was offered "Medicare for All" after being impacted by the asbestos from the vermiculite plant. She said Flint residents have asked for Medicare, as well, but have not received it. There are skyrocketing cancer rates in Flint because of the water.

Claire McClinton said that emergency managers were the ones who decided to switch the city water services to the toxic river, yet they have seen no prosecution, and the state dropped the charges against the actors involved in the decisions. There was a modest settlement, yet residents have not seen any money. She said the government has not fixed what it broke. She said the community is disillusioned and discouraged.

Claire McClinton said they achieved a reduction in the lead levels. Another achievement, she said, is that communities marched and put the issue of clean water on the agenda across the nation.

Na'Taki Osborne Jelks thanked Claire McClinton for sharing her struggle and the Flint community for sounding the alarm about the issue. She said we have to believe communities; communities don't need to be told when something is wrong.

Sophia Owen asked what specifically they are looking for the EPA. Claire McClinton said they are looking for EPA to clean up the water. She said lead was the main problem, but it was not the only problem. Claire McClinton said schools have not had their water lines replaced. She said there are lead pipes in people's homes. The infrastructure needs to be overhauled. She said water quality has improved, but it is not yet safe.

Pamela Talley asked if the people still have to use bottled water. Claire McClinton said yes; water is still not at tap-ready levels. Claire McClinton said there are children in the community who have never had a glass of water from the faucet in their lives.

The Lead and Copper Rule

Benjamin J. Pauli, Ph.D. | Associate Professor, Department of Liberal Arts, Kettering University

Ben Pauli iterated Claire McClinton’s point that the Flint water crisis involved far more than just lead in water; it involves multiple contaminants and serious health impacts unrelated to lead. Flint had numerous fatal cases of legionnaire’s disease, for instance. However, the corrosion of lead plumbing was a major part of the crisis. Following the Flint crisis, cities around the country started looking at what is in their water and their pipes. And after 30 years, he said, EPA finally began to revise the 1991 lead and copper rule. Considered improvements to the rule include the following:

- requiring all water systems to develop and update annually a lead service line inventory that identifies lead, galvanized requiring replacement (GRR), unknown, and non-lead service lines;
- requiring most water systems to replace lead service lines within ten years independent of their lead action level compliance status;
- reducing the lead action level from 0.015 mg/L to 0.010 mg/L;
- requiring first- and fifth-liter sampling for lead-in-water monitoring at sites with lead service lines, while using the higher of the two readings to calculate 90th percentile values; and
- expanding public notification requirements to consumers served by lead, GRR, and unknown service lines.

Ben Pauli said the result could be a rule that is more protective of public health. However, he said, we must be clear about how reforms fall short and be honest about what a well-written, well implemented, and enforced reform will and will not do. With replacing lead service lines, there is a risk of leaving some lead lines in place and of extending the timelines for some communities. Chicago, for example, has a 40-year timeline. Even with line replacement, he said, lead will linger in water supplies. In some places, if residence have to replace their own lines, it will exacerbate inequality. No one chose lead lines, and people have been deceived about the safety.

Ben Pauli said the public needs clear advice on how to protect themselves from lead, and there needs to be a precautionary attitude on lead, point of use filtration, and training and information.

Ben Pauli said that while there is an uptick in governments addressing the issue, there is a lot to be done. There are questions about who will have their pipes replaced first, and who will oversee the process. Consumers need to be involved in decision-making. He noted that in Michigan, all water systems serving 50,000 or more people must have water advisory councils that include members of the communities served. He said community members must be at the table, and the rule should require the creation of state and local councils—and also ensure these councils have adequate funding and support. Communication is another crucial element. He said that, as acting chair of the

Flint Water System Advisory Council, he learned this week that Flint is still struggling to comply with the Safe Drinking Water Act, but they're not being told what the state is proposing to do about it.

The Lifelong Impact of this Deadly Neurotoxin

Yvonka M. Hall | Executive Director, Northeast Ohio Black Health Coalition

Yvonka Hall said lead is a health problem with a housing solution. She said the lowest lead poisoning rates in Cleveland, Ohio, are twice what they are in Flint. She said, in Cleveland, 14.2 percent—and in some places more than 40 percent—of children are lead poisoned. Some kindergartens have more than 90 percent of their children with lead poisoning.

Yvonka Hall shared some of the dangers of lead, particularly to children. She said lead is directly tied to infant mortality rates in African American communities. She said a colleague lost his son to multisystem organ failure at age 24; the young man had been severely lead poisoned as a child in public housing.

Yvonka Hall explained the health effects of lead on children under 6 years old, including damage to the brain and nervous system as well as slow growth and development. She said ADHD and autism may be related to lead poisoning, as well as learning and behavioral challenges. Lead poisoning can cause hearing and speech problems. Thinking and reasoning skills may also be affected, as well as behavior issues, such as reduced ability to pay attention, that can lead to child suspension.

Yvonka Hall said that parents may raise these issues with health care providers to know what is going on. Well-child visits do not automatically include lead poisoning screens, nor do WIC appointments. She said symptoms may not be immediate. She talked about the various places lead may be found, which is everywhere in a child's environment, including water pipes, toys, and jewelry, and stained glass, as well as in some candy and food from other countries. Children who live near airports may also be at risk. She said she tested soil near Burke Lakefront Airport and found lead levels that are 3,000 times higher than it should be. She said lead is also in cigarettes and marijuana.

Yvonka Hall said the key to blocking the impacts of lead is to give children healthy food. Nutrition is not a cure, but it helps. There is no safe level of lead exposure. She said a house may be a lead hazard, but there is not enough housing available for people to move somewhere else.

EPA's Lead-Based Paint Program

Jerome Shabazz | Executive Director, JASTECH Development Services Inc. and Overbrook Environmental Education Center

Jerome Shabazz said EPA regulations were put in place to help communities learn more about lead. In homes built before 1978, renovations can expose lead. He said there is not a framework for local governments to enforce the law. The laws are to protect the workers as well as the residents.

However, he said, communities may hire handymen and family members to do renovations, and they do not have the skills to mitigate lead exposure. He said EPA should have a role in reaching out to all communities, not just those who can send their workers to trainings. He reiterated Yvonka Hall's points on the many places where lead can be found. He said lead bonds and sticks around in community. For example, it was found in a community 50 years after a smelting facility was in operation.

Jerome Shabazz said children ages 6 and under are most at risk, but everyone is affected. The ideal is to have no exposure to lead at all. However, lead is all around us. He referred back to Yvonka's points about the effects of lead poisoning. He said that lead-based paint was banned in 1971, and the ban went into effect in 1978. Lead is found both inside and outside the home. His organization found areas where there was 3,000 parts/million in soil right outside playgrounds. He said lead is in toys and jewelry, drinking water and hobby materials, so we need to find ways to keep communities involved in helping themselves.

Jerome Shabazz said Title X required disclosure of lead-based paint in houses built before 1978. He said in Philadelphia, they had to push to pass additional laws that required a dust sample before selling a house. He said they want to make sure that nonprofessionals have access to information and training on how to prevent exposure. He said that fines for violations can be extreme—around \$37,000 per incident—but that won't deter nonprofessionals. He said the Renovation, Repair, and Painting (RRP) rule is important; the RRP program teaches students and contractors this work and the RRP program should be expanded not only in communities but also in schools.

Jerome Shabazz said lead is hidden in plain sight, and there are many resources available to help communities. We should not just react to the issue, because then it's too late; we need to get ahead of the issue.

Lead Poisoning: Non-traditional Sources, Challenges, and Recommendations

Loren Hopkins, Ph.D. | Chief Environmental Science Officer, City of Houston Health Department

Loren Hopkins shared nontraditional sources of lead poisoning. She said she has been in Houston under four different mayors and there are different types of federal funding to address the lead problem, but after decades of funding, there still has not been a big impact. She said the situation is that there is funding for big cities. She said HUD funds a lot of programs for lead abatement, but they tend to be for families with young children, and people have to qualify for abatement. She said many people don't qualify for the program and don't have funds to hire a trained contractor. She said there are grants coming out for RRP training for people who want to do lead abatement correctly.

Loren Hopkins said that, in Houston, they have never had a case of a lead-poisoned child in Houston that they can be associated with water. Instead, she said, it has been associated with lead sources in make-up, candy, ceramics, medicine, and toys. She said because of the sources the solution is not being funded. They have no authority to make shop owners remove products from shelves, such as

herbal medicine, that contains lead. She said FDA issues warnings, but only a city ordinance can make it illegal. To be effective, every city would have to do it one by one.

She said high levels of lead can be found in affluent neighborhoods, as well. Many antiques have high levels of lead for example, as does traditional cookware. She said paint is not a big source of lead poisoning in Houston; most were from nontraditional sources. Loren Hopkins also mentioned several food recalls and lead found in other consumer products, such as old books. Loren Hopkins said HUD funding only covers residences; there is no public funding for lead testing in public facilities such as playgrounds or libraries.

Loren Hopkins said that the number of children poisoned by lead is unclear. Children in certain zip codes are required to have a lead test, but providers may not follow through. Lawsuits are the only way to enforce the requirement, which they don't want to do to providers. In addition, children that test negative for lead may not be reported, so they don't have all the data they need.

Loren Hopkins said they applaud EPA for lowering their cleanup level for lead in soil, but there's a difference between background lead and the cleanup level. She said in cumulative impacts neighborhoods, they should be working to go below the cleanup level because low level exposure to other chemicals can nevertheless have a synergistic effect. She said EPA should also look at remediation, such as planting certain kinds of trees.

Laprisha Berry Daniels connected the issue to climate justice and energy justice. She said that in Detroit, after flooding events, renters must clean up their own homes because there is no support from FEMA. Opening and closing windows results in lead dust coming into the home. Regarding energy justice, we want to encourage eating fresh foods, she said, but if people don't have working refrigerators, then it's hard for them to protect themselves.

Lynn Zender said in rural Alaska they don't have an issue with lead-based paint, but lead exposure can come from the open burning of waste, which is legal in some communities. Items burned may include batteries and electronics. She said children can be exposed to lead acid batteries just left to disintegrate on the ground. She said we need to address lead exposure without putting burden on communities and families.

April Karen Baptiste asked EPA about the barriers to making funding available for addressing lead within the home. April Karen Baptiste asked Loren Hopkins about funding to address residential lead abatement and how to protect renters in this equation. Laura Ebbert from EPA said she will follow up with a handout for NEJAC members. She said that the Bipartisan Infrastructure Law has monies for lead abatement. Loren Hopkins said HUD provides grants for qualified homes and income levels, about \$20,000 for repairs to each home. However, she said, the qualification process can feel invasive. In Houston, if there is a child in the rental property, they abate, and the landlord is held to a fixed price on the rental unit.

Jacqueline Shirley shared the following link in the chat: <https://www.epa.gov/lead/tribal-lead-curriculum#curricmaterials>.

Scott Clow asked Ben Pauli about liter samples. Ben Pauli replied that the fifth liter sample is supposed to indicate whether lead is coming off a service line.

Sandra Bonilla said there is an association between lead toxicity and juvenile delinquency. She suggested applying for a Juvenile Justice grant with lead poisoning as the risk factor.

Ambrose Carroll said Alameda County received a \$24 million settlement from manufacturers of lead-based paint. He asked how to track pollutants in areas where black and brown bodies have been moved.

Pamela Talley said that in Missouri, many kids aren't covered by Medicare and don't have access to healthcare. They are not required to be in school until age 7, so they may be at in-home day-care. St. Louis had a policy that if kids tested positive for lead, families were forced to move. She asked EPA what we can do.

Yvonka Hall said that there is also a lot of lead at shooting ranges. She said there are rules about washing your hands in cold water and changing clothes before you leave so you don't carry lead home to your children. Yvonka Hall said there is a lead in crime hypothesis, and lead is also associate with an increased rate of suicides in African American females who had lead poisoning as children.

Jerome Shabazz said they are doing research on exposure to lead and incarceration. He said they have also worked on remediating brownfields in Philadelphia.

Information Exchange

EJScreen Update

Matthew T. Lee | Environmental Protection Specialist, Office of Environmental Justice and External Civil Rights, U.S. Environmental Protection Agency

Online Library, the Environmental Justice Clearinghouse

Stacey Lobatos | Programming and Learning Specialist, Office of Environmental Justice and External Civil Rights, U.S. Environmental Protection Agency

Stacey Lobatos shared information on the EJ Clearinghouse, which was required by Executive Order 14096. She said it was created in collaboration with Council on Environmental Quality (CEQ) and the White House Environmental Justice Interagency Council (IAC).

Stacey Lobatos clarified that it is not a publishing house or a publishing opportunity. She said that they are taking existing online resources and organizing them in one place. The effort is ongoing. She said they conducted a pilot test, and all the pilot reviewers were anonymous. She said that one reviewer asked why a user wouldn't just use Google. She said that to be more effective than Google; the clearinghouse needs to be shared and resources submitted. Stacey Lobatos said there are opportunities to submit feedback about user experience and to suggest new resources.

A link was shared in the chat: <https://www.epa.gov/environmentaljustice/forms/ej-clearinghouse>

Stacey Lobatos shared information on how to navigate the site. Content is currently organized according to nine categories:

1. Access subject matter expertise
2. Applying for assistance
3. Available funding
4. Develop organizational capacity
5. Justice40
6. Public Participation
7. Publications
8. Screening and mapping tools
9. What is EJ

Stacey Lobatos said the Clearinghouse is an ambitious project, which she likes. She said that submitting a resource doesn't automatically populate the clearinghouse but is sent for an internal review about every 30-45 days. Approved resources will be available about two to two and a half months after submission.

April Karen Baptiste asked if the clearinghouse is for EPA resources only or for EJ resources in general. Stacey Lobatos said it is for any EJ resources, not just EPA resources. April Karen Baptiste asked if it would be useful to limit it to EPA alone. Stacey Lobatos said she has not seen that comment, but it is put forth as a resource for all federal agencies.

Millie Piazza said she's excited for version 2, which could be helpful if it included at-a-glance information on which agency that the document is linked to as well as the year the resource was created. She suggested building out the section on resources for researchers and adding quick links and updates. She asked about the value added, such as if the source has been vetted.

Stacey Lobatos said that because the clearinghouse is crowdsourced, it is currently up to the submitter to include relevant information, which is why some information is missing.

Because of sound difficulties, Paula Flores-Gregg said she will close the session and reschedule both presenters.

Adjourn

Paula Flores-Gregg adjourned the meeting.

DAY 3 | APRIL 25

Paula Flores-Gregg opened the meeting and welcomed participants. She reminded participants of the meeting format and how to access Spanish language interpretation.

Welcome & Recap

Na'Taki Osborne Jelks, Ph.D. | NEJAC Co-Chair

Jerome Shabazz | NEJAC Co-Chair

April Karen Baptiste, PH.D. | NEJAC Vice Chair

Na'Taki Osborne Jelks welcomed members back and summarized some of the information that was presented on Day 2. Jerome Shabazz pointed to Claire McClinton's remarks and said we need to elevate everyday heroes. April Karen Baptiste said she is looking forward to the day's deliberations.

NEJAC Member Introductions

Cemelli De Aztlan, not present

April Karen Baptiste, Ph.D., present

Sandra Bonilla, present

Joy Britt, not present

Rev. Ambrose Carroll, Sr., Ph.D., present

Ximena Cruz Cuevas, present

Scott Clow, present

Leticia Colon de Mejias, not present

Laprisha Berry Daniels, present

Jarod Davis, present

John Doyle, not present

Jan Marie Fritz, Ph.D., C.C.S., present

Yvonka M. Hall, present

Jill Lindsey Harrison, Ph.D., present

Loren Hopkins, Ph.D., present

Lisa Jordan, present

Andy Kricun, P.E. not present

Richard Mabion, present

Nina McCoy, not present

Ayako Nagano, Esq., present

Na'Taki Osborne Jelks, Ph.D., present

Sofia Owen, present

Briana Parker, Esq., present

Benjamin J. Pauli, Ph.D., present

Jonathan Perry, not present

Rosina Philippe, present

Millie Piazza, Ph.D., present

Jerome Shabazz, present

Jacqueline Shirley, MPH, present

Pamela Talley, DNP, present

Brenda Torres Barreto, not present

Sandra Whitehead, Ph.D., not present

Lynn Zender, Ph.D. present

Jerome Shabazz confirmed a quorum.

Opening Remarks

Karen L. Martin | Director, Partnerships and Collaboration Division, Office of Environmental Justice and External Civil Rights, U.S. Environmental Protection Agency

Karen L. Martin said that the word “partnerships” kept coming into her mind as she reflected on the meeting this week, particularly the need for partnerships and collaboration. She said that in order to serve the fenceline, urban, rural, Tribal, Indigenous, underserved, unincorporated, Colonias, territories, and other communities that we've heard from this week, we have to partner and collaborate with our regions, federal partners, local governments, business, industry, and local stakeholders. She said her team as well as EPA senior leadership is committed to these partnerships.

Karen L. Martin acknowledged the large volunteer effort required of NEJAC members and said their sacrifice was appreciated. She said she also appreciates the fresh, new perspectives of the eight new members, and she thanked the seasoned members for keeping EPA on its toes.

Karen L. Martin said that at the end of the meeting in February 2020, they had no idea how COVID-19 would impact their lives and that the country would be shut down in a matter of days. They came out of that meeting with a list of priorities including Cumulative Impacts, Title VI, PFAS, National Environmental Policy Act (NEPA), and Farmworker concerns and Pesticide concerns. She said the day's agenda reflects the priorities set in that meeting. She said that EPA will give some feedback on recommendations the NEJAC submitted in on water TA and NEPA, and the body will vote to finalize a new set of recommendations on Farmworkers and Pesticides. In addition, they will give feedback on draft recommendations on Cumulative Impacts. Finally, they'll receive a new charge from EPA on Title VI. She said they all have a lot to be proud of.

Karen L. Martin thanked the former and current chairs of the workgroup on Farmworkers and Pesticides, who kept the work going. She said Jill Lindsey Harrison has been instrumental in finalizing the recommendations. She announced that it was Jill Lindsey Harrison's last meeting.

She thanked EPA senior leaders and EPA staff and leaders from Region 6. She thanked Paula Flores-Gregg and Bria Crawford and others at EPA as well as the contractors who made the meeting possible.

Office of Policy's Response to NEJAC National Environmental Policy Act Recommendations

Adriana Hochberg | Principal Deputy Associate Administrator, Office of Policy, U.S. Environmental Protection Agency

Sumi Selvaraj | Senior Environmental Justice National Environmental Policy Act Coordinator, Office of Federal Activities, National Environmental Policy Act Compliance Division, U.S. Environmental Protection Agency

Laura Ebbert | Acting Deputy Assistant Administrator for Environmental Justice, Office of Environmental Justice and External Civil Rights, U.S. Environmental Protection Agency

Cindy Barger | Director of the NEPA Compliance Division

Adriana Hochberg said that EPA has carefully reviewed the NEPA recommendations letter received in August 2023. She said they appreciated the level of detail provided, which will improve internal and external NEPA training.

Adriana Hochberg provided background on NEPA. She said NEPA requires federal agencies to disclose and assess the environmental impacts of proposed federal actions to the environment and human health and involve the public in the process. Federal agencies must consider environmental justice concerns for all their activities as directed by several executive orders. So, when NEPA is required, the environmental justice analysis is part of the NEPA analysis.

Adriana Hochberg said that EPA is required to review and to make written comments on other agencies' NEPA documents, and these comments are available to the public. She said EPA's objective in the reviews is to help agencies reduce impacts of the proposed action and identify alternatives. If the Administrator determines that a federal action is unsatisfactory from the standpoint of environmental quality or human health, the opinion is published, and the issue is referred to CEQ.

Adriana Hochberg said that environmental justice is a priority for the Biden Administration, and Administrator Regan made environmental justice an integrated part of all programs, policies, and rulemaking, and this includes the NEPA review process. She said training is essential to their efforts.

Adriana Hochberg said the NEJAC provided an array of recommendations, and she will share an overview of the written response on how they will implement the recommendations. She said EPA heard NEJAC's recommendation that the NEPA review process be connected to the community they serve. She said that the Office of Policy is engaging with community members from overburdened and disadvantaged communities, listening to their experiences, bringing their messages back to headquarters, and taking their concerns seriously. She said EPA is already implementing many of the NEJAC's recommendations on internal training for Section 309 reviewers, and they are identifying ways to implement other recommendations. She said that Sumi Selvaraj was hired by EPA last September to support implementation of NEJAC's recommendations. Sumi Selvaraj is also working to improve EPA's review of federal agency's environmental justice analysis, and to increase EPA's collaboration with other federal agencies on considering environmental justice in decision making.

Adriana Hochberg said that the Office of Federal Activities is developing a NEPA and environmental justice training plan to ensure ongoing accountability for implementing the NEJAC's recommendations. She said EPA is also working with other federal agencies and CEQ on implementing external training recommendations. She said they have asked CEQ to consider environmental justice as one of its training topics for agencies and have also encouraged CEQ to bolster environmental justice and engagement opportunities in the NEPA rulemaking process.

Sumi Selvaraj said that EPA has been updating its introduction to NEPA for Section 309 reviewers based on NEJAC recommendations. EPA has also updated the course in response to other feedback and emerging issues. She said the next iteration of the training will include revisions based on the NEJAC's recommendation, such as using polls and quizzes to reinforce key material and to revisit learning objectives at the beginning of each day.

Sumi Selvaraj said that EPA is creating new advanced environmental justice training for Section 309 reviewers, training participants on how to use the EJScreen to improve their reviews of other federal agency projects. This will be a self-paced online course with case studies. She said EPA will launch new training for intermediate learners, as well, that will include environmental justice, historical context and principles applied to NEPA, cumulative impacts, and meaningful engagement. There will also be training from legal experts on NEPA and environmental justice.

Sumi Selvaraj said that they also implemented monthly online office hours on environmental justice and Section 309 reviews. This is an open forum format to discuss questions related to environmental justice and NEPA. EPA also implemented the NEJAC's recommendation to offer in-person, webinar, and hybrid training opportunities. She said they also implemented the recommendation to audit the NEPA review process. In addition, they implemented the recommendation to elevate NEPA reviews to headquarters when cumulative concerns go beyond the scope of individual NEPA analysis. EPA has a process that addresses part of this recommendation. In September 2023, EPA updated its policy and procedures for the review of major federal actions with environmental impacts. She said the manual describes the elevation process for projects that may result in a high degree of national controversy or have national significance, raise novel policy considerations or precedent, or are required to maintain or promote national consistency.

Sumi Selvaraj said they are also working to develop a systematized environmental justice review process and are developing cross-agency partnerships to support collaboration among NEPA reviewers. EPA host a monthly Community of Practice meeting for Section 309 reviewers to share examples and best practices, and EPA hosts monthly Environmental Justice/NEPA workgroup meetings. EPA also has federal agency liaisons and sector workgroups that facilitate dialogue among reviewers and also maintain relationships with federal agency partners. She said the agency already has initiatives that support NEJAC recommendations related to hiring and training on diversity and bias for NEPA reviewers.

Laura Ebbert said enforcing Title VI is an EPA priority. She clarified that, from EPA's perspective, the information generated through NEPA review can inform civil rights compliance, but Title VI creates obligations that are independent from those of the NEPA process and other environmental statutes. She thanked the NEJAC for the recommendations and said the agency was excited about bringing them to life.

Adriana Hochberg mentioned some constraints to EPA's authority to implement some recommendations. These are:

- EPA reviews and provides recommendations to other agencies on NEPA documents. However, agencies consider, but are not required to accept EPA's recommendations.

- CEQ establishes the NEPA-related regulations and policies that all agencies must comply with.
- The lead federal agency is responsible for establishing NEPA implementing procedures to meet CEQ regulations.
- EPA reviews agency documents for technical sufficiency considering CEQ regulations and lead agency NEPA implementing procedures.
- Recommendations that apply to all federal agencies require additional collaboration with CEQ and federal agency partners. For example, some recommendations asked for changes in content and/or format in EIS documents or updates to the IAC Promising Practices document. EPA has shared recommendations focused on requiring changes to EIS documents (i.e., summaries, plain language, organization of content) with CEQ.
- There are constraints to including community members as reviewers; however, EPA is considering ways to engage communities interested in NEPA.
- Any audit of EPA's NEPA reviews would have to be initiated by the relevant agency's Inspector General and the Government Accountability Office.

Adriana Hochberg said that the next steps include developing a NEPA and environmental justice training plan; hiring new environmental justice staff throughout all the EPA programs and regions; continuing collaboration with CEQ and other federal agencies on several upcoming changes to federal implementation of NEPA that will affect how environmental justice will be considered in NEPA documents, and annual reporting on Section CAA 309 reviews with environmental justice comments required through EO 14096.

Jerome Shabazz opened the floor for questions.

Millie Piazza asked how community experience and expertise will be included in EPA processes and documented. Regarding the audits, she asked about the accountability to regions and staff around environmental justice. She also asked if the training and resources available for internal training will be available to external groups and whether that training will extend beyond EPA. She emphasized that including community feedback on the NEPA process could be considered an informal audit or simply customer service.

Cindy Barger added that as EPA gives recommendations to agencies throughout the NEPA process, starting at scoping, working with them as a cooperating agency, reviewing their drafts. She said the agency is identifying ways to elevate that community voice and letting the lead agency know the need to incorporate the community perspective throughout the process.

Cindy Barger said that internal training is specific to EPA, but they are actively involved with CEQ on a training committee to help get training out to other federal agencies and communities of interest. She said they aren't there yet, but they are trying to get there.

Lisa Jordan said that, in her experience, the lead agency determines whether a project needs a full EIS or simply an environmental assessment (EA). She said being involved is much easier under an EIS because there are procedures. In Southeast Louisiana, NEPA is brought in typically with the [Army] Corps of Engineers (ACE). Unless there is a federal law or agency involved, NEPA is not considered.

She asked when EPA would be involved in the EA, which typically has only 20 days for public notice and comment, and it's not publicized anywhere, so the EPA and the public often miss it. She said EPA has only one person that will review every EA in Louisiana.

Cindy Barger said that while EPA has to review all draft EISs, its review of EAs is discretionary. It's encouraged, but it's a resource decision. She said agencies, such as ACE, may have been approved to not share a draft EA publicly, so even EPA may not see it. She said that every agency will be required to update their implementing procedures to be aligned with CEQ NEPA regulations.

Jill Lindsey Harrison said there needs to be not just environmental justice analysis but also audits on the extent to which the analyses inform decision making.

Sophia Owen said that public meetings should find ways to ensure that communities understand the words and concepts used and that they're being explained. She said keeping up with federal comment deadlines is extremely difficult even for people who are tracking them.

Na'Taki Osborne Jelks asked if some external auditing can be done under the premise of process improvement, and it could include people with lived experiences who could be trained to be NEPA reviewers.

Aya Nagano said that trust building should be included among the subjects of promising practices, and pointed to the [Chicago Department of Public Health 2023 Cumulative Impacts Assessment Report](#).

Scott Clow noted that the EJSscreen is lacking data for vast swaths of the country. For example, public comments were due recently on an EIS for a DOE initiative for nuclear power. But the EJSscreen includes no information on the only uranium mill in the United States, which is adjacent to a small tribal community. He said there are hundreds of thousands of acre feet of radioactive toxic waste at the hazardous waste storage facility, but there is no data on the in the EJSscreen about that, either. He said demographic data are inaccurate, as well. He said in the DOE's EIS, the department did not mention any low-income people or minority populations in all of San Juan County, Utah, where there is a major Native American population. He said other federal agencies should understand the limits of the EJSscreen if they are being encouraged to use it.

Adriana Hochberg said she appreciated hearing about the Chicago model and welcomed more.

Regarding having diverse NEPA reviewers, Laura Ebbert said that in addition to the reviewers in the National Environmental Policy Act program offices, there's a network of associate reviewers across the agency who are contributing on specific aspects of projects. And she thinks through the network of associate reviewers, we've also been able to introduce folks that we've hired that have those lived experiences to contribute to various parts of the analysis. On the issue of the EJ Screen, she said they have been aware of some of these limitations and will update them more about what they are doing about the issue.

Sumi Selvaraj said that in the annual report required by EO 14096, there is an opportunity to look at comment letters to the draft EIS and to see how they are being taken into account in the final EIS.

Jerome Shabazz pointed to the plan to develop a NEPA/EJ training plan and recommended using NEJAC as a source before putting the plan out there.

Office of Water’s Response to NEJAC Water Recommendations

Morgan Brown | Senior Technical Assistance Specialist, Office of Water, Office of Wastewater Management, U.S. Environmental Protection Agency

Sheyda Esnaashari | Senior Technical Assistance Specialist, Office of Water, Office of Ground Water and Drinking Water, U.S. Environmental Protection Agency

Sheyda Esnaashari said the charge given to the NEJAC in September 2022 resulted in more than 80 recommendations, which were received in August 2023. She said the core activities of the WaterTA programs are to identify water challenges, plan for solutions, increase community engagement, build capacity, and develop application materials so that water systems can access infrastructure funding.

Sheyda Esnaashari said a part of expanding their efforts was releasing implementation guidance for WaterTA providers in March 2023. (The guidance can be found at https://www.epa.gov/system/files/documents/2023-06/Signed_Final%20EPA%20WaterTA%20Guidance_March%202023.pdf). The guidance aims to increase access to water infrastructure funding for historically underserved communities and increase quality infrastructure and reliable water services for all communities. She said their efforts are proactive and involve conducting outreach and reducing the burden for these communities. She said they also aim to provide community-centered water TA that takes into account community history and providing culturally competent water TA. She shared the following priority areas:

- Improve Accountability & Transparency
- Increase Awareness & Outreach
- Actualize Community-Centered TA Values & Approaches
- Increase Coordination Between OW, OEJECR, Regions & States

Morgan Brown said that improving accountability and transparency is not just with the public but also with the various TA providers and programs. To help keep TA providers accountable, they held a summit with TA providers in 2023 and convened the Environmental Finance Centers in 2023, as well. In addition, they’ve implemented mechanisms for handoffs and collaborations among TA providers and have expanded TA programs to increase the range of services, such as by adding engineering services and engineering reports.

On the Awareness and Outreach priority, Morgan Brown said EPA recognizes the importance of conducting proactive outreach to communities. Following the NEJAC’s recommendations, they are establishing a user-friendly, centralized TA website that displays TA opportunities in an accessible and comprehensible manner, determining where and also determining where the bottlenecks are in the information sharing and exchange between EPA and communities. She said EPA has also implemented quarterly outreach webinars and an interactive, online story map to share

information about projects. She said EPA is working to improve its communications and outreach, particularly to CBOs, coalitions, and networks, which will help reduce bottlenecks of communication between EPA and communities in need.

Morgan Brown shared the online WaterTA request form, which she said takes about four minutes to fill out. (The form can be viewed at <https://www.epa.gov/waterta/>.) She said that, after the form is received, they aim for a 30-day turnaround in which to assess the community's needs and coordinate with their state to see if they can help. If yes, they aim to connect the system to a TA provider within 30 days. She said that as of April 2024, they have matched over 230 communities with TA providers just through the online request form.

On the priority to Actualize Community-Centered TA Values & Approaches, Morgan Brown pointed back to the March 2023 Water Implementation Memo and the NEJAC recommendations to engage communities and to develop resources for communities and other stakeholders. She said that a new TA provider will be able to provide community engagement training and best practices, and that community engagement is part of the menu of services offered through a variety of WaterTA initiatives. Going forward, they will expand training and resources for community engagement for EPA staff, TA providers, and communities. They are also building a repository for resources on their website.

Morgan Brown shared a range of services provided by WaterTA, including several associated with partnerships and engagement.

Regarding the final priority, Increase Coordination Between OW, OEJECR, Regions & States, Morgan Brown said WaterTA will build a strategy to achieve this. She said the NEJAC provided a number of recommendations related to this, including encouraging states to simplify the State Revolving Fund (SRF) application process. She said their SRF programs do offer guidance on program implementation as well as on the definition of "disadvantaged community." She said there are limitations on what EPA can do regarding the definition. She said that, coming up, they will explore ways to increase peer-to-peer engagement and build learning across TA providers.

Sheyda Esnaashari acknowledged some of the limitations regarding the NEJAC's recommendations to EPA. For example, she said, there are limits to EPA's jurisdiction over SRFs, which allows states a lot of flexibility in administering their programs. She said EPA is also limited on direction it can apply to grantees and the ability to mandate certain actions. She said EPA has more ability to direct providers under contract rather than grants. She said where limitations exist, EPA provides guidance, funding, and training, and other ways to expand their influence and impact.

Sheyda Esnaashari acknowledged the extensive recommendations related to workforce development and said they are taking these recommendations under consideration. She said they offer capacity building and training for water systems, including operator certification, and are considering the recommendations related to workforce development as we continue to build on this program and support an effective water workforce. She said that a written response to the recommendations will follow, and she thanked the NEJAC for their work.

Na'Taki Osborne Jelks invited questions from the NEJAC.

Ben Pauli said that when EPA pushes out funds, it enables people to get into marginalized communities and wield a lot of power, and in many cases are empowering themselves in the process of helping. There are lots of opportunities for conflict. He said he's glad there's an email address that people can use to raise concerns, but it's hard to find on the website, and the language is general and does not indicate that this is where a community member should send a concern. He recommended more explicit language. He also asked what follow up looks like after a concern is submitted. Morgan Brown said they will take his recommendations back and added they are developing other ways to keep TA providers accountable. Sheyda Esnaashari added that they are still learning about the types of requests that come in via email and are working on developing procedures to respond, so currently responses are case-by-case.

Jerome Shabazz asked about the nature of their workforce development TA.

Jacqueline Shirley said there are communities that do not have water or sewer services because the cost is so high, and she mentioned other communities such as Flint, Michigan, that do not have safe drinking water. She said she does not want to forget those who have nothing.

On workforce development, Sheyda Esnaashari said one program is housed in the Office of Wastewater Management, which is a grant program for organizations that are working on innovative water infrastructure and workforce development initiatives. The other is a water system capacity development and operator certification program. She said they are considering what program expansion looks like.

Na'Taki Osborne Jelks encouraged WaterTA to continue to consult the NEJAC. She asked if there has been any change in how states are defining "disadvantaged communities" since the guidance memo came out.

Jan Fritz posed a question on behalf of Andy Kricun, who asked whether more stringent regulations intended to protect public health could unintentionally make environmental inequities worse. He proposed forming a new workgroup to explore this issue.

Lynn Zender said migrant and other communities may mistrust the government and wondered if input could be anonymous or stay within EPA.

Nina McCoy expressed concerns about accessibility, given how big the regions are. Sometimes going to another state is faster than accessing an in-state resource.

Morgan Brown said they will consider Andy Kricun's suggestion for the workgroup. She also said she understands some communities don't trust the government and she will look into how that might be mitigated. Regarding outreach, she said TA providers are dedicated to a region and they have their own outreach plans, and EPA acknowledges the need to make more progress in this area.

Sheyda Esnaashari added that EPA is trying to increase its presence, and she acknowledged the risks of increasing disparities with more stringent requirements as the costs for overburdened communities increases.

NEJAC Farmworker & Pesticides Workgroup Recommendations

Jill Lindsey Harrison, Ph.D. | Workgroup Co-chair

Yvonka Hall | Workgroup Co-chair

Yvonka Hall thanked the workgroup members, EPA, and others who contributed to the report, including former workgroup chair, Sylvia Orduño.

Sylvia Orduño said that, in creating these recommendations, they endeavored to ensure the voices of the community were heard. She provided some background on how the charge and recommendations came to be, especially through the efforts of Mily Treviño-Sauceda. Sylvia Orduño said it was not an easy process to get a charge. She said the public meeting in 2022 in which farmworkers told their personal stories was pivotal. Farmworkers were a part of the working group that produced the recommendations. She said having the support of leaders at the OEJECR was also crucial.

Jill Lindsey Harrison summarized the four categories of charge questions:

1. Establishing Farmworkers' access to bilingual labels
2. Building a new environmental justice indicator
3. Strengthening EPA's pesticide exposure assessment of children working in agriculture, and
4. Expanding or enhancing training for inspectors who conduct Worker Protection Standard inspections.

Jill Lindsey Harrison said that the workgroup had several recommendations that didn't fall within those four categories, so the workgroup also provided several overarching recommendations.

Overarching Recommendations

1. Every aspect of EPA's pesticide program must take into account the social conditions in which pesticides are used in agricultural workplaces.
2. EPA should implement tighter restrictions on the use of toxic pesticides.
3. Agencies must conduct much more pesticide monitoring within and beyond agricultural fields.
4. Agencies must hold employers and other pesticide applicators more accountable for complying with existing laws and regulations.
5. Congress should authorize changes in labor regulations and pass legislation to create new protections for farmworkers and expand farmworkers' rights.
6. EPA leadership and staff need to acknowledge the shortcomings of pesticide laws, regulations, enforcement, and programs.
7. EPA should work with partner agencies to improve health care in rural communities so that farmworkers have access to quality health care by staff who understand how to monitor for and respond to cases of pesticide exposure.
8. EPA should ensure greater accountability for implementation of WPS.

Jill Lindsey Harrison said that there is much evidence that EPA does not adequately regulate pesticides, exposing workers and the broader population to harmful pesticides. Those most at risk

are farmworkers, and efforts that fail to take into account the reality of farmworker’s lives will not be effective. She shared the following recommendations related to the charge questions.

Charge Question 1. Establishing Farmworkers’ Access to Bilingual (Spanish) Labels

1. Conduct additional outreach to determine how best to implement these regulations.
2. Make the language of pesticide informational materials as accessible as possible.
3. Share Spanish-language pesticide information in multiple venues and situations within and beyond job sites.
4. Require updated information to be shared in an expedient fashion.
5. Collaborate with other organizations, such as U.S. Department of Agriculture, to expand broadband internet connectivity in rural areas.
6. Improve annual WPS trainings of farmworkers.

Charge Question 2. OCSPP: Input on Building a New Environmental Justice Indicator

The following indicators would enable EPA to assess its performance in ways that more meaningfully address the experiences of farmworkers:

1. Diseases and disorders associated with pesticide exposure.
 - Childhood asthma rates
 - Cancer rates
 - Birth defects
 - Others
2. Reported pesticide illnesses
3. Pesticide use
4. Resources devoted to WPS inspections and inspectors
5. Stringency of pesticide enforcement
6. Pesticide monitoring studies

Charge Question 3. OCSPP: Strengthening EPA’s Pesticide Exposure Assessment of Legally Working Children in Agriculture

1. Throughout its pesticide programming, EPA needs to account for the fact that children regularly work in agriculture.
2. Throughout its pesticide programming, EPA needs to account for the fact that children of immigrant farmworkers are more likely than other children to work in agriculture.
3. Throughout its pesticide programming, EPA must account for the fact that children of immigrant farmworkers are disproportionately exposed to pesticides.
4. EPA must account for the fact that pesticide exposures among farmworkers and their children are under-reported relative to those of other people working in agriculture.
5. EPA must account for the fact that children of immigrant farmworkers are more vulnerable than other children to the effects of exposure to pesticides due to the many intersecting forms of stress they experience.
6. In accordance with the principle of cumulative impact assessment, EPA needs to account for these factors when assessing the risks of pesticides.

7. EPA should create pesticide education programming that would be implemented in middle schools, high schools, and other spaces frequented by children to educate children about the harms of pesticides.
8. EPA should create a special WPS training geared toward children.
9. EPA's Office of Research and Development should prioritize researching children's exposures and vulnerabilities to pesticides.
10. EPA should work with other agencies to expand afterschool programming for farmworkers' children.
11. EPA should work with other agencies to expand health care in rural communities.
12. EPA needs to work with other agencies, perhaps through an interagency task force, to help shield farmworker families—and especially children—from pesticide exposures and other workplace issues that affect them throughout their lives.

Charge Question 4. Expand or Enhance Training for Inspectors Who Conduct Worker Protection Standard Inspections

1. Conduct unannounced spot inspections unless research indicates that announcing an inspection in advance does not affect the inspection findings.
2. Ensure that all farms are being inspected.
3. Educate employers about their responsibilities.
4. Create ways for workers to feel comfortable making complaints.
5. Ensure appropriate timing of inspections.
6. Improve the processes for investigating reports of pesticide and labor law violations.
7. Collect better data on compliance with the WPS.
8. Increase fines for violations, increase consequences for repeat offenders, and track repeat violators.
9. Hire more inspectors who are fluent in Spanish and, where appropriate, other languages commonly spoken among farmworkers.
10. Ensure that inspectors are well trained and motivated to continually improve.
11. Provide more resources for inspectors, inspections, and investigations.
12. Provide stronger oversight over states' compliance with WPS.
13. Implement stronger restrictions on the use of the most toxic pesticides.

Jill Lindsey Harrison iterated that so much needs to change. She said they are asking the EPA to give its first response to the NEJAC at the public meeting in the fall and respond to the full set of recommendations within a year. She said she is asking the workgroup to vote to accept the draft recommendations and submit them to EPA.

Hormis Bedolla, farmworker and organizer, said she works on an apple farm in New York where pesticides are applied by workers who are considered trained after they view an 18-minute video. She said that getting medical care is difficult because in hospitals, the first thing they ask for is a social security number. Farmworkers don't have medical insurance; it shouldn't be a luxury.

Elvira Carvajal, farmworker and organizer, said that decades ago, she lost her baby at 6 months, though at the time she did not connect it to pesticides exposure. She said no doctor will link physical symptoms

with pesticide exposure. She said when people from a university came by to investigate pesticide exposure, years went by, yet researchers never reported back to the community what they found.

Amy Tamayo, Alianza Nacional de Campesinas, said that one of the problems with signage on farms warning of pesticide use is that they are not put up at the right time, or they are never taken down, so workers don't know when it's actually dangerous to enter a field. Also, it's not enforced. Further she said, Personal Protective Equipment (PPE) may not fit workers properly, or PPE may actually be dangerous for certain workers under various circumstances. Workers also don't know what pesticides are being applied, and some pesticides used may actually be illegal, but employers burn the containers. Fear of retaliation is one reason farmworkers may not report violations.

Mily Treviño-Sauceda said farmworkers know they are essential workers, but it took a pandemic for the government to acknowledge it. She said that the United States has modern slavery among farmworkers. She said she started working when she was 8 years old, and children as young as 12 are still working. She said low wages and wage theft are just some of the issues of abuse farmworkers face. The companies know that states do not have adequate resources to enforce laws, so they get away with abuse. She said she has personal experience being sprayed along with other farmworkers, including a pregnant woman, who shortly after that had a premature baby that died. She said workers have nowhere to go; they have no resources. Medical facilities also do not assess for pesticide exposure. She urged EPA to do more to ensure full worker protections for farmworkers. She said the Fair Labor Standards Act was passed, but it excludes agricultural workers.

Mily Treviño-Sauceda said that during the Covid-19 pandemic, thousands of farmworkers died. She said whatever food you're eating; it came from daily sacrifices and abuses from farmworkers.

Jeannie Economos said that people higher up at EPA are betraying farmworkers in their recent decision regarding organophosphate pesticides and other pesticides by reducing protections for farmworkers and increasing the level of pesticides that can be used.

Na'Taki Osborne Jelks asked if any NEJAC members had questions or comments.

Sandra Bonilla said that when her organization invited farmworkers to train on how to safely apply pesticides for public safety, no one showed up because they were afraid their employer would find out. She said it was two years before they gained the trust of many of the families.

Jacqueline Shirley asked if the recommendations should be submitted beyond EPA and perhaps to the WHEJAC. Multifaceted issues need a multifaceted solution. Paula Flores-Gregg said it is possible to engage with the WHEJAC on this issue, but the full workload must be considered.

Sophia Owen asked if the recommendations can be sent directly to CEQ. Paula Flores-Gregg said the recommendations are submitted to the EPA Administrator, but additional engagement can be discussed at a business meeting.

Ximena Cruz Cuevas said more must be done to protect farmworkers because it has been going on for far too long.

Elvira Carvajal said they will support the NEJAC in any way they can, and the ideal is not to use pesticides, because it is possible to produce food without it, if they want quality, not quantity. She said

that young people in the field don't want to learn about farming because they see the conditions people work under. Who is going to farm in the future?

Yvonka Hall said it is important to understand that the recommendations are connected to real people facing real life and death situations in order to bring food to our table.

Na'Taki Osborne Jelks asked members to raise their cards or their hands if they were in favor of adopting the recommendations and sending them to Administer Regan. She confirmed they have consensus.

Na'Taki Osborne Jelks said it is a first step, and she asked EPA representatives to give an initial response.

Michael Goodis, Deputy Director for the Office of Pesticide Program thanked the workgroup for their thorough and sincere considerations and the time they spent preparing the responses to the charge questions. He said EPA and NEJAC share a commitment to the protection of farmworkers and other environmental justice communities. He said farmworkers are the backbone of the U.S. agricultural industry and provide vital services to our national economy and food supply, and they have been underrepresented in our regulatory systems. He thanked the workgroup and others associated with the production of the report, as well as those from EPA who offered support.

Loren Denton, Directory of Monitoring Assistance and Media Programs, EPA Office of Enforcement and Compliance Assurance, thanked the NEJAC and farmworkers for its grassroots efforts, conversations, and listening sessions with them. He said the workgroup has put a spotlight on the importance of the role of inspections in helping to protect farmworkers. He said they will be evaluating the recommendations internally and with their state partners.

NEJAC Cumulative Impacts Workgroup Draft Recommendations

Sandra Whitehead shared the charge questions that they received from EPA in March 2023, which concern:

- Critical steps and methods for cumulative impacts assessment, including use of Health Impact Assessments (HIAs)
- Better utilization of community knowledge to account for their lived experience
- Building capacity within overburdened communities during assessment process
- Better consideration of historical and structural drivers for concentration of environmental burden
- Incorporating the impacts of concern regarding climate change

She said that to create recommendations, the workgroup met biweekly, and consulted with EPA at headquarters and regional offices, states working on cumulative impacts, and the city of Chicago's cumulative impact assessment. She said Chicago built a deep community engagement model, which they built on HIA. The city was able to deny a permit initially based on disproportionate impacts.

Jill Lindsey Harrison said that the group's first theme is overarching principles. She said EPA's cumulative impacts work should center the following four key principles:

- Decrease disproportionate cumulative burden
- Move beyond traditional risk assessments
- Take historic burden seriously
- Prioritize precaution over a high burden of proof

She said that Title VI is one of EPA's key authorities for addressing cumulative impacts and it is now being challenged in court, which will influence how EPA address cumulative impacts in the future. She cautioned that EPA must not treat cumulative impact assessments as substitutes for civil rights law. She said that EPA must expand its decision making beyond traditional risk assessments as it does not adequately assess the actual risks that people experience in their communities. She said EPA must also take historic burden seriously in addition to current projects and programs. Finally, she said, we could go study cumulative impacts forever and never get around to reducing disproportionate harm in our communities.

Yvonka Hall said the second theme of the recommendations is that EPA should workshop, translate, and improve the Office of Research and Development definition of cumulative impacts before full-agency adoption. She said a broader understanding of cumulative impacts would include the social determinants of health, and EPA should also engage environmental justice and frontline communities to ensure the definition is relevant and useful to these communities.

Jerome Shabazz discussed the third theme: Comprehensive, solution-oriented, community-driven approaches. He said the recommendations call for EPA to adopt a "bias for action," especially regarding the 12 recommendations in this section. He stressed the need to incorporate cumulative impacts into environmental decision making and using concepts from other fields, such as the Total Maximum Daily Load used by the Clean Water Act, which could be adapted to protect air quality. He said EPA must use community-driven approaches to implement recommendations such as building a knowledge infrastructure for diverse communities, improve cross-agency coordination, and communicate with communities to avoid unintended outcomes, among others.

Sandra Whitehead presented theme four, which is that EPA must determine and communicate a set of principles to guide the practice of cumulative impact assessment. She said cumulative impacts assessments must be distinguishable from traditional risk assessments and aligned with principles of equity and justice, ensuring that restorative justice and distributive justice are addressed. She said it should include the regulatory toolkit, acknowledge community harm and trauma, and build on the HIA, which has minimum elements, practice standards, and thousands of users around the world.

Ben Pauli presented theme 5: Validating lived experience and incorporating it into assessments and processes through co-design and shared leadership. He said that knowledge derived from lived experience has not been adequately incorporated into impact assessments. He shared recommendations:

- Define lived experience and related terms
- Specify who has lived experience and where to find it
- Acknowledge and explain the value of lived experience, including to Agency staff
- Develop and institutionalize lived experience guidance and training
- Educate (internally) and increase use of the tools for capturing lived experience
- Continue to work in community engagement, co-design, and shared leadership

Pamela Talley reviewed Theme 6: EPA must incorporate structural drivers such as colonialism and racism into its cumulative impacts practice and framework. She shared the following recommendations:

- Acknowledge and incorporate structural drivers of injustice (redlining)
- Support development of metrics that reflect exposure to racism & historic disinvestment
- Apply an anti-racist lens to assessments to promote racial equality
- Support recruitment and retention related to DEIA
- Acknowledge and address power imbalances
- Acknowledge, evaluate, and incorporate root causes of disproportionate pollution burdens
- Do not create barriers against the McEachin Environmental Justice for All Act
- Assessments and decisions must be more holistic and connected
- Consider the intersectionality of toxics and climate impacts
- Learn about and acknowledge historic and currently biased policies (colonialism and systemic racism)
- Climate related disaster relief cannot prolong or amplify climate or chemical stressors.
- Policymaking and analyses should not always be focused on the temperate mainland

Kristie Ellickson shared recommendations for theme 8: Accelerating progress of and innovative approaches for cumulative impacts implementation. She said this is about what culture and organizational change is needed at EPA. Recommendations are as follows:

- Integrate a cumulative impacts lens into all work
- Advance use of existing tools and guidance from prioritization into decision-making
- Develop internal CI training
- Make public EPA's work on and commitment to a cumulative impacts framework
- Incentivize the expansion of CI Programs
- Expand & connect Monitoring to Instruct, Facilitate, and Evolve Cumulative Impact Assessments
- Expand current EPA multi-source methods (TMDLs, SIPs) to assess multiple pollutants
- Use existing authorities now to implement permitting reform with a CI lens
- Use existing health condition data to inform assessments
- Incorporate a CI modification factor in default risk-based screening levels
- Use health condition and burden data in clean up assessments and decisions

Lynn Zender urged defining “fenceline” in the recommendations and asked if the recommendations include improving traditional risk assessment models. Kristie Ellickson said that they offer considerations when there is a legal requirement to make a risk-based decision. Ben Pauli added that “community” is a vague term, and “fenceline community” can be helpful and can also be misleading. He gave the example of the water crisis in Flint, which impacted more than just the community, but included people who came to the city to work, and children brought to daycare in the city, for example. He said they want to be inclusive about where the impact was felt.

Ximena Cruz Cuevas said that community outreach requires funding; it’s not a one-time event, and the flow of information needs to be two-way. She said people need to be compensated. Sandra Whitehead said they do recommend that community members be paid.

Laprisha Berry Daniels suggested using plain language to make it easier to translate these recommendations for communities.

Lynn Zender asked if the Traditional Ecological Knowledge (TEK) executive order would be mentioned in the discussion of lived experience. Ben Pauli said many people don’t define the phrase, or they haven’t been able to define it in a way that can be operationalized, so he thinks the NEJAC can be a part of the solution. Scott Clow said the National Tribal Science Council has done a lot of work to define TEK.

Na'Taki Osborne Jelks asked what the next steps are as well as the workgroup’s timeline for finalizing the work. Kristie Ellickson said the workgroup will incorporate the feedback and present final recommendations at the July 2024 NEJAC meeting.

Charles Lee identified and thanked numerous senior officials in EPA headquarters and the regions who are eager to make progress on the issue of cumulative impacts. He recognized the NEJAC and others, such as the Children’s Health Protection Advisory Committee, the Science Advisory Board, and the National Academies of Science. He thanked Paula Flores-Gregg and others who supported the workgroup. He said the workgroup’s recommendations on the inclusion of the community perspective is an important contribution. He said that people in communities know more about this issue than they think they do because it’s their lived reality. He also said the EPA officials are listening, and shared leadership and the cogeneration of knowledge are the next steps.

Na'Taki Osborne Jelks asked what other activities EPA is pursuing. Charles Lee said so much is happening that he can name only a few. One was that there is a cumulative impacts workgroup with representation from every national program and region. He said there are important decisions that consider cumulative impacts in national guidance and rules.

Clifford Villa, Office of Land and Emergency Management Deputy Assistant Administrator, said they’ve been talking about cumulative impacts for a long time, and now they’re prepared to put it in operation. As one example, he said his office has initiatives to incorporate cumulative impacts into their work. He mentioned guidance released in January that considers cumulative impacts in screening levels for lead in soil, drinking water, lead based paint, etc. He said across the EPA, they are thinking about how to genuinely incorporate cumulative impacts into permitting, cumulative impacts into risk assessments, and many of the other sort of areas that the workgroup mentioned.

Clifford Villa said they are working hard on the community engagement piece, too. He said they have compensated people for their time, as they did recently with the Navajo Nation. He said they need to make sure the process is fair.

Nina McCoy said getting people involved may be difficult. She asked what might trigger a look at mineworkers, where black lung disease has increased. Kristie Ellickson said they talked about Total Maximum Daily Load, and health impacts should trigger a similar analysis. But, Kristie Ellickson said, they want more than just assessments; they want action.

NEJAC Public Business Meeting

1. New NEJAC Charge: Civil Rights Title VI

Marianne Engelman-Lado | Deputy Assistant Administrator for Program Implementation, Office of Environmental Justice and External Civil Rights, U.S. Environmental Protection Agency

Marianne Engelman-Lado recognized Kurt Temple and Lillian Dorka, and NEJAC members who were on the consultation team to develop the Title VI charge. She said Title VI is a foundational EPA law and they have regulations to effectuate the law. It applies to funding from across the federal government. She acknowledged the role of the Biden Administration to enforce Title VI and issue new executive orders supporting it. Incorporating Title VI into the text of the EOs had been a recommendation of the environmental justice community.

Marianne Engelman-Lado said that EPA has taken several steps to strengthen civil rights enforcement, such as to not issue grants to organizations that are not complying with Title VI. She said they have increased their transparency and now have an external online civil rights docket: Online external civil rights docket: <https://www.epa.gov/external-civil-rights/external-civil-rights-docket-2014-present>. Marianne Engelman-Lado said they are also promoting transparency in other ways, such as by participating in a monthly international environmental justice community call.

Marianne Engelman-Lado said Illinois EPA has agreed to broaden their review of permits to include civil rights considerations. She added that EPA has piloted Informal Resolution Plus, which is a way to have a facilitated discussion with community members.

Marianne Engelman-Lado said EPA is looking for recommendations from the NEJAC on key civil rights issues. She said there are significant constraints, such as that they won't be able to talk about pending litigation, and they will comply with the preliminary injunction issued in Louisiana. In addition, they will be guided by the EPA principles, where are to follow the law, follow the science, and be transparent.

Marianne Engelman-Lado presented the following charge questions:

- How can EPA improve opportunities for stakeholder engagement in the civil rights complaint process generally and, particularly in the complaint resolution process?

- How can EPA improve enforcement of and compliance with Title VI through data collection, analysis, and dissemination?
- How can EPA strengthen its complaint investigation practice in light of time constraints in EPA's regulations?
- How can EPA enhance its civil rights-related technical assistance, training, and education efforts to strengthen capacity across regions, increase transparency and engagement with communities, local and state government, Tribes, and other partners and stakeholders, and support compliance by recipients of EPA funding?

Marianne Engelman-Lado said the NEJAC added the last set of questions. She said the charges were very ambitious, but the NEJAC's hard work on them will make a difference to the agency.

Na'Taki Osborne Jelks said if the NEJAC accepts the charge, there will be a call to engage other members.

Paula Flores-Gregg reminded the group that the vote is symbolic, as the NEJAC must accept the charge. The NEJAC voted in favor of accepting the charge.

Sophia Owen said she appreciates the robust participation of NEJAC members as they began the conversation more than a year ago.

Na'Taki Osborne Jelks asked members to look for an email looking for members for the new workgroup.

2. Request for NEJAC Letter of Support

Ayako Nagano | Clean Water Fund

Aya Nagano said that, following the meeting, she will share with the NEJAC a draft letter to Administrator Regan requesting that the EPA lead the federal family in pushing for a national just energy transition strategy, perhaps with the support of an interagency working group, to put an end to the build out of fossil fuel infrastructure across the United States and its territories, starting with delivering on adjust energy transition in Puerto Rico.

She will send a draft letter to all of NEJAC to send a draft letter to Administrator Regan.

She shared links to the following papers.

Intergovernmental Panel on Climate Change 2003 report:

https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_SPM.pdf

Nature Conservancy 2002 article: <https://www.nature.org/en-us/newsroom/ca-lithium-extraction/>

Queremos Sol 2020 report. <https://www.queremossolpr.org/project-4>

Aya Nagano said that vulnerable communities who have historically contributed the least to current climate change are disproportionately affected. She said she would like NEJAC's support for the letter.

Paula Flores-Gregg said she would send the letter so the other members can see it. She clarified that Aya Nagano's request is to look into the letter so it can be discussed at the next business meeting.

Jerome Shabazz asked for a vote for whether to review the letter.

Na'Taki Osborne Jelks said they look forward to getting the letter.

Jerome Shabazz asked Paula Flores-Gregg to share the process. Paula Flores-Gregg said the members have this in the packet of "must read" materials NEJAC members received, but she will send it again in an email along with Aya Nagano's slides.

Jerome Shabazz confirmed the NEJAC's agreement to move forward.

Lynn Zender asked if the letter is already finished. Aya Nagano said no; she is looking for people to finish the letter with her.

3. Upcoming Activities

Na'Taki Osborne Jelks noted the conversation about EPA's rule setting limits to PFAS in drinking water. She said that today they also announced that about \$1 billion in Bipartisan Infrastructure Law funding for states and territories. Paula Flores-Gregg said not everybody in the body has had time to look at the rule so they thought it would be a good topic for the next business meeting. EPA could be invited to explain the rule.

Lynn Zender asked if it would be for just PFAS or something else. Paula Flores-Gregg said if she wants another topic at a business meeting, she should be specific so Paula Flores-Gregg can get the right people to the table.

Richard Mabion said people are shocked to learn of the PFAS threat. Na'Taki Osborne Jelks asked how EPA is rolling that out and making communities aware. Na'Taki Osborne Jelks asked if any NEJAC member was opposed to raising the issue at a public meeting. It was agreed to bring it up. Lynn Zender asked for information on the lead and copper rule and on the disinfection by-product rule, as well.

Paula Flores-Gregg said that at each meeting there are new areas of interest, so they will look at the existing list and will consider topics brought up when making plans for next year.

Na'Taki Osborne Jelks noted that other things that have come up in the meeting. One was monitoring EPA's implementation of the farmworker and pesticides recommendations.

Jan Fritz clarified that what she and Andy Kricun were asking for is to be able to continue conversations with EPA as they implement recommendations.

Karen L. Martin said agencies need some time to review the recommendations. She said that, depending on the recommendation, the agency may need quite some time, for example regarding a rule. She said she would like to give them time to review and make a plan before engaging with the NEJAC. She said the normal FACA process is that a workgroup makes recommendations and then move on to working on other charge questions.

Nina McCoy asked how EPA will ensure that the new PFAS rule won't harm poor communities. Na'Taki Osborne Jelks said someone from the agency will provide an update at the next public meeting.

Na'Taki Osborne Jelks said that she heard from the cumulative impacts workgroup that they want to stay engaged with EPA after the recommendations are submitted in July.

Jan Fritz added the EtO issue raised by many public commentors, as well as the Colonias issue, and the buyout of residences. She thought there could be a discussion on that issue the next time they meet. Na'Taki Osborne Jelks suggested they could perhaps have a panel discussion next time on unincorporated areas and their unique challenges.

Millie Piazza added the Silver Valley mining problem and Superfund sites in general, particularly legacy contamination from mining.

April Karen Baptiste suggested a panel on the EtO issue.

Loren Hopkins iterated interest in the issue of relocation. She also identified the issue of community-based monitoring and said there is a need for quality standards. If data aren't high quality, it won't be used by the state or EPA, and communities will be wasting their time.

Jerome Shabazz said that when communities raise an issue, the NEJAC should find a way to get some comment from the Administration about it. He said fluoride, hydrogen hubs, EtO, and lead have emerged as public concerns.

Briana Parker said that unincorporated communities should be expanded to communities that lack democracy. Lynn Zender concurred.

Jan Fritz asked about dates of the next meeting. Na'Taki Osborne Jelks said there is a meeting in July. Paula Flores-Gregg said it will be virtual and will take place July 18th. Paula Flores-Gregg said they don't know if the September meeting will be in person or virtual. Paula Flores-Gregg said they will update the calendar and send it to everyone.

Sophia Owen said that EPA issues several rules on hydrogen hubs and carbon capture and storage, with CCS included as a way to lower emissions. She asked to clarify next steps around TCTACs and perhaps talking to the WHEJAC about where funds from IRA is going.

Na'Taki Osborne Jelks said she and Jerome met with WHEJAC co-chairs late winter and they talked about joint workgroups. She said new issues came up today that they may want to prioritize issues. Karen Martin said an easy path would be to invite WHEJAC members who are interested in working

on Title VI. Once that workgroup is started, then WHEJAC members can be invited. She said there had also been discussion of having a joint public meeting.

Pam Talley reminded members that the presentations on the EJScreen and online Clearinghouse will get made.

Na'Taki Osborne Jelks said to look out for calls to be on workgroups.

Paula Flores-Gregg said there will be a call for official workgroup for the Title VI; there must be fewer than 17 members. She said she will resend requests for availability for the next business meeting.

Yvonka Hall acknowledged Pam Talley for winning a national award for being a Black Green woman.

4. Reflections and Closing Remarks

Na'Taki Osborne Jelks, Ph.D. | National Environmental Justice Advisory Committee Co-Chair, West Atlanta Watershed Alliance and Proctor Creek Stewardship Council

Jerome Shabazz | National Environmental Justice Advisory Committee Co-Chair, JASTECH Development Services Inc. and Overbrook Environmental Education Center

April Karen Baptiste, Ph.D. | National Environmental Justice Advisory Committee Vice Chair, Colgate University

Na'Taki Osborne Jelks acknowledged Jill Lindsey Harrison's service. She acknowledged April Karen Baptiste for participating with a new baby. She said she recognizes the sacrifice people make for environmental justice. She thanked Jerome Shabazz, Paula Flores-Gregg, Karen L. Martin, and NEJAC council members and its new members.

Jerome Shabazz said he is struck by farmworkers and the human connection to the work, and they can't let the stories get lost. He said seeing what human beings are going through it brings importance to the.

April Karen Baptiste thanked the chairs and said it was a good meeting. She is looking forward to working with everyone and the new members and to the guests and public speakers and EPA partners.

Theresa Segovia said she is so appreciative of workgroup members and for entrusting her with concerns and for offering their feedback.

Laura Ebbert said she appreciates not just the work product for the ideas they inspire.

Meeting Closes

Paula Flores-Gregg closed the meeting.

Appendix A. NEJAC Members

Cemelli De Aztlan | La Mujer Obrera, Region 6

April Karen Baptiste, Ph.D. | Colgate University, Region 2

Sandra Bonilla | Urban Conservation Corps of the Inland Empire, Region 9

Joy Britt | Chignik Bay Tribal Council, Region 10

Ximena Cruz Cuevas | Oregon Department of Environmental Quality, Region 10

Rev. Ambrose Carroll, Sr., Ph.D. | Green the Church, Region 9

Scott Clow | Ute Mountain Ute Tribe, Region 8

Leticia Colon de Mejias | Green ECO Warriors, Region 1

Laprisha Berry Daniels | Detroiters Working for Environmental Justice, Region 5

Jarod Davis | Dow, Inc., Region 6

John Doyle | Little Big Horn College, Region 8

Jan Marie Fritz, Ph.D., C.C.S. | University of Cincinnati, Region 4

Yvonka M. Hall | Northeast Ohio Black Health Coalition, Region 5

Jill Harrison, Ph.D. | University of Colorado Boulder, Region 8

Loren Hopkins, Ph.D. | City of Houston Health Department, Region 6

Lisa Jordan | Tulane Environmental Law Clinic, Region 6

Andy Kricun, P.E. | Moonshot Missions, Region 2

Richard Mabion | Building A Sustainable Earth Community, Region 7

Nina McCoy | Martin County Concerned Citizens, Region 4

Ayako Nagano, Esq. | Common Vision, Region 9

Na'Taki Osborne Jelks, Ph.D. | West Atlanta Watershed Alliance/Proctor Creek, Region 4

Sofia Owen | Alternatives for Community & Environment, Region 1

Briana Parker, Esq. | Elevate Energy, Region 5

Benjamin J. Pauli, Ph.D. | Kettering University, Region 5

Jonathan Perry | Becenti Chapter, Region 6

Rosina Philippe | Atakapa Ishak Chawasha Tribe, Region 6

Millie Piazza, Ph.D. | WA Department of Ecology, Region 10

Jerome Shabazz | JASTECH Development Services Inc. and Overbrook Environmental Education Center, Region 3

Jacqueline Shirley, MPH | Rural Community Assistance Corporation. Region 6

Pamela Talley, DNP | Lewis Place Historical Preservation, Inc., Region 7

Brenda Torres Barreto | San Juan Bay Estuary Program, Region 2

Sandra Whitehead, Ph.D. | George Washington University, Region 3

Lynn Zender, Ph.D. | Zender Environmental Health and Research Group, Region 10

Appendix B. Presentations
[forthcoming]