

**NATIONAL ENVIRONMENTAL JUSTICE**

**ADVISORY COUNCIL**

**FEBRUARY 2020 MEETING**

**Jacksonville, Florida  
February 25 – 27, 2020**

## PREFACE

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

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

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

EPA's Office of Environmental Justice (OEJ) maintains summary reports and/or transcripts of all NEJAC meetings, which are available on the NEJAC web site at <https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council-meetings>. Copies of materials distributed during NEJAC meetings are also available to the public upon request. Comments or questions can be directed via e-mail to [nejac@epa.gov](mailto:nejac@epa.gov).

### **NEJAC Executive Council – Members in Attendance**

Richard Moore, NEJAC Chair, Los Jardines Institute  
Sylvia Orduno, Vice Chair, Michigan Welfare Rights Organization  
Michael Tilchin, Vice Chair, Jacobs Engineering  
April Baptiste, Colgate University  
Cemelli de Aztlan, El Paso Equal Voice Network  
John Doyle, Little Big Horn College  
Jabari Edwards, J5 GBL, LLC (via telephone)  
Jan Fritz, University of Cincinnati  
Venu Ghanta, Duke Energy  
Rita Harris, Sierra Club  
Cheryl Johnson, People for Community Recovery  
Virginia King, Marathon Petroleum LP  
Deborah Markowitz, University of Vermont (via telephone)  
Mildred McClain, Harambee House  
Melissa McGee-Collier, Mississippi Department of Environmental Equality  
Ayako Nagano, Common Vision, NorCal Resilience Network  
Jeremy Orr, Natural Resources Defense Council  
Na'Taki Osborne Jelks, West Atlanta Watershed Alliance and Proctor Creek Stewardship Council  
Benjamin Pauli, Kettering University  
Dennis Randolph, City of Grandview, Missouri

Jerome Shabazz, JASTECH Development Services and Overbrook Environmental Education Center  
Jacqueline Shirley, Rural Community Assistance Corporation  
Karen Sprayberry, South Carolina Department of Health and Environmental Control  
Pamela Talley, Lewis Place Historical Preservation Inc.  
Hermila "Mily" Trevino-Sauceda, Alianza Nacional de Campesinas  
Sandra Whitehead, George Washington University  
Sacoby Wilson, University of Maryland, Maryland Institute of Applied Environmental Health

**NEJAC Executive Council – Members not in Attendance**

Lisa Finley-DeVile, Mandan, Hidatsa, and Arikara Nation Tomorrow  
Kelley Wright, Shoshone-Bannock Tribes  
Millicent Piazza, Washington State Department of Ecology

**NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL**  
**Jacksonville, Florida**  
**February 25-27, 2020**

**MEETING SUMMARY**

The National Environmental Justice Advisory Council (NEJAC) convened on Tuesday, February 25, 2020, Wednesday, February 26, 2020, and Thursday, February 27, 2020, in Jacksonville, Florida. This synopsis covers NEJAC members' deliberations during the three-day meeting. It also summarizes the issues raised during the public comment period.

## **1.0 NEJAC MEETING**

This section summarizes NEJAC members' deliberations during the three-day meeting, including action items, requests, and recommendations.

### **1.1 Welcome, Introductions & Opening Remarks**

**Karen Martin**, the NEJAC Designated Federal Official (DFO), welcomed attendees and gave an overview of the public comment procedure.

**Richard Moore**, the NEJAC Chair, welcomed everyone and briefly summarized the Council's activities prior to this meeting. He reminded public commenters about the time window allotted for comments and encouraged them to speak specifically to their issues and recommendations. He also noted that Spanish translation services were available.

Council members introduced themselves and stated their affiliations.

### **1.2 Public Comment Period**

On February 25, 2020, the NEJAC held a public comment period to allow members of the public to discuss environmental justice concerns in their communities. A total of 14 individuals submitted verbal public comments to the NEJAC. An additional 8 individuals had signed up to speak but were not in attendance. Each speaker was allotted seven minutes.

#### **1.2.1 Chip Hughes**

**Chip Hughes** spoke about the intersection between natural disasters and environmental justice. There is an opportunity for federal agencies and community partners to plow new ground on this issue and develop new processes and procedures to serve environmental justice (EJ) communities in a way that they have never been served. They have been able to learn from grassroots movements such as Occupy Sandy and the Cajun Navy but have not yet been able to integrate that into the federal response, where the EJ lens could make a real difference.

#### **1.2.2 Eric Bason**

**Eric Bason** spoke about anti-black racism in the EJ community, which is well-documented and must be addressed before the EJ movement can progress. **Dr. Bason** has done EJ work for 25 years and spoke about his experience with the lack of black representation at EJ meetings. The issue is systemic and extends to funding for organizations, a dearth of black executive directors, and the

disparate treatment of different races that are grouped under the label “people of color.” Some black environmental advocates are hesitant to speak out because of potential negative consequences, but if no one talks about anti-black issues then nothing will ever be done. When asked for specific recommendations, **Dr. Bason** said that a tangible solution would be holding people in power accountable for hurting black people.

### 1.2.3 Stephanie Herron

**Stephanie Herron** shared a video (<https://comingcleaninc.org/fencelines>) that addressed fence line zones and the risks that they pose to millions of Americans. Black, Latino, and low-income communities are disproportionately affected, and many fenceline zones are in areas that are vulnerable to severe weather events. **Ms. Herron** acknowledged the work that goes into scheduling NEJAC meetings but asked for more public notice for future meetings. She asked NEJAC members to advocate against proposed changes to the National Environmental Protection Act (NEPA), including eliminating the requirement to consider cumulative impacts; limiting public participation; and allowing categorical exemptions for certain types of developments. She thanked NEJAC for their letters to EPA from May 2019 and asked if there was any response from EPA.

**Chair Moore** invited Council members to ask questions of Mr. Hughes, Dr. Bason, and Ms. Herron.

**John Doyle** asked **Ms. Herron** if the Environmental Justice Health Alliance (EJHA) considered tribal communities when they looked at fenceline communities. **Ms. Herron** said that she was not an author on that report, but she believed that the answer was yes. **Michelle Roberts** from EJHA confirmed that they had looked at U.S. Census and National Air Toxics Assessment data to inform their report and that data did include tribal communities. **Melissa McGee-Collier** asked how much notice EJHA had of the meeting, and **Ms. Herron** said about one month. **Ms. McGee-Collier** asked about the NEJAC letters to EPA and **Ms. Herron** summarized the contents: one was a recommendation to preserve the Chemical Disaster Safety Rule and the other was a recommendation to regulate ethylene oxide and use the conclusions of the Integrated Risk Information System (IRIS) in regulatory determinations. **Chair Moore** briefly explained the process of sending the letter to the EPA Administrator. **Na’Taki Osborne Jelks** said that EPA responded to both letters and noted that those responses could be found on the NEJAC website.

**Karen Sprayberry** said that NEJAC also wrote a letter to the Administrator about NEPA and Chair Moore commented that they might have more testimony around NEPA later in the meeting. **Ms. Osborne Jelks** asked for further suggestions on making NEJAC meetings more accessible to the public and acknowledged Ms. Herron’s comment that many of her colleagues and other EJ advocates were attending the NEPA hearings in Washington, D.C., and were unable to come to the NEJAC meeting because of the scheduling conflict. **Ms. Herron** said that as much notice as possible was always ideal. **Matthew Tejada** said that they would continue to try to provide as much notice as possible. Chair Moore suggested that the Council might want to address the conflict between scheduling NEJAC meetings around other important events in the business session.

#### 1.2.4 Patrick Barnes

**Patrick Barnes** spoke about his experience working on Superfund sites and observing their impacts on EJ communities. When he started his own company, he promised himself that he would introduce a workforce development program to help EJ communities participate in the restoration process of their own communities. He went on to successfully implement these programs in multiple communities following natural disasters, including the Hurricane Katrina/Rita impact zone, and started a nonprofit called Limitless Vistas. He said that there is no environmental justice without economic justice, and economic justice is achieved through workforce development and job training. The NEJAC should look at some sort of policy to require contractors working in communities that have been impacted by disasters to train and hire local residents to work on restoration projects.

**Chair Moore** brought up the example of Region 6's cleanup of West Dallas, which was a recommendation that came out of NEJAC and was achieved through collaboration with the Interagency Working Group (IWG). **Dr. Sacoby Wilson** said that it would be helpful to look at which entities are part of the IWG or should be part of the IWG as it relates to workforce development and to track the contracts that receive funding for disaster recovery. NEJAC should consider forming a working group around this and conferring with outside experts. **Cheryl Johnson** said that her organization's goal was to create an environmental remediation workforce, but the problem was that they could not identify contractors that looked like their community. There should be an investigation at the federal level to see how many black contractors are permanently on the list to get these contracting opportunities.

**Ms. Orduno** said that oftentimes the jobs that are given to black and brown people are the most menial and harmful jobs. She asked **Mr. Barnes** what he and his organization do to protect their communities from that phenomenon and how smaller contractors can better leverage to get contracts. **Mr. Barnes** said that unbundling contracts is important for giving small businesses an opportunity to participate in larger work and having more black and brown people involved in the process will help to level the playing field. **Ms. Osborne Jelks** drew a comparison to EPA Brownfields cleanup grants and wondered if language could be put into the Requests for Proposal to make it favorable to hire the local workforce. In Atlanta, the EJ community is pushing the city to make sure that the people who sounded the alarm about the flooding and lack of green space are the same people who get jobs and workforce training development from the city's green infrastructure projects.

**Ms. McGee-Collier** said that federal agencies need to require that state agencies hire minority contractors in order to receive federal funding. **April Baptiste** asked **Mr. Barnes** how he ensures that individuals in his job training programs have long term jobs and sustainable opportunities. **Mr. Barnes** responded that Limitless Vistas partners with community colleges and receives funding for scholarships from AmeriCorps. **Chair Moore** commented that the historical and written memory on this topic was very important because many of these comments have been heard in various forms in the past and the Council has made recommendations around the same subjects.

### 1.2.5 Jeannie Economos

**Ms. Economos** said that the elephant in the room was agriculture, which is simultaneously the single biggest contributor to climate change and also has the biggest solutions. Changing the way that we do agriculture by creating healthier soils that sequester carbon and looking at food sovereignty instead of food security could help to mitigate and possibly reverse climate change. Using toxic chemicals hurts the environment and our most vulnerable communities. EPA has approved the use of antibiotics to be used as pesticides on citrus crops, which hurts the soil and the farmworkers who are on the frontlines of exposure to chemicals, as well as their families. EPA needs to work with USDA rather than chemical corporations to reduce the chemical input into the agricultural system, and they need to change their risk assessment mechanisms and the way that they approve pesticides and chemical fertilizers.

**Mr. Shabazz** asked if she was interested in having a chemical by chemical restriction or restricting classifications of chemicals. **Ms. Economos** said that it does not do any good to only ban one type of chemical. Instead there should be a conscious, committed transition away from chemical pesticides and the control of the companies that make them.

### 1.2.6 Linda Lee

**Ms. Lee** shared her experience as an agricultural worker directly affected by pesticides. She has lost most of her sisters to pesticide-related diseases, and the neighborhood where she lives has been heavily affected as well. They have gotten limited response from the health department, and though the people who worked on the farms were proud of their livelihood and their work, they are looked down on and treated as less than.

**Dr. Wilson** suggested that the NEJAC look back at some of their previous reports, like the one on concentrated animal feeding operations, and get a report from USDA on their EJ 2020 plan. **Ms. Johnson** asked if NEJAC had ever investigated the American Chemical Society (ACS) and their future plans to correct the effects of harmful chemicals and suggested that they invite a representative from ACS to a future meeting to question them. **Mily Trevino-Sauceda** said that California's regulations ensure that companies have to apply and register every time they apply chemicals and there are currently many lawsuits related to agricultural chemicals.

### 1.2.7 Michelle Roberts

**Ms. Roberts** noted that the Black National Anthem was created 125 years ago by James Weldon Johnson, a Jacksonville native. She played a video called No Community Left Behind (<https://youtu.be/i-uSVrHIt4A>) and asked NEJAC to look into a relocation process that speaks to fair and just relocation to address legacy communities, as well as communities like Mossville, Louisiana, whose lands are being sequestered under eminent domain. She noted that Mossville community members have come to NEJAC meetings again and again to address these issues, and yet nothing substantive has been done. NEJAC also needs to address the ways that public health issues are incorporated into the conversation.

**Chair Moore** noted that Region 6 representatives were present at the meeting, and Mossville is located in Region 6. **Rita Harris** said that it hurts to realize that EPA is permitting these plants to continue to exist, and it is getting worse even as the climate crisis continues to worsen. **Ms. Roberts** noted that there have been many buyouts in the Mossville community, but many residents chose not to take the buyout because they were not receiving fair compensation or long-term medical coverage. **Chair Moore** commented that some African American legacy communities have received good support from EPA staff, but there are still many, many others that are suffering and need intersectional support from the NEJAC, the IWG and health agencies.

### 1.2.8 Sylvia Orduno

**Ms. Orduno** spoke about issues in her home state of Michigan. Many commenters have spoken before NEJAC about the lead crisis in Flint and in 2017 NEJAC wrote a letter to the EPA, but they still have not received a response. Despite comments about the failings of the Michigan Department of Environmental Quality and the need for more review of the regulatory enforcement that EPA delegates to states, there was still no response from EPA. In March of 2019, NEJAC completed a 79-page document on urgent water infrastructure needs, and they received three paragraphs back from the Administrator. **Ms. Orduno** played a video (<https://www.nodefensedoc.com/>) detailing the consequences of perfluorooctanoic acid (PFOA) and per- and polyfluoroalkyl substances (PFAS) in a Michigan community and said that five days before the meeting, EPA announced a proposed decision for an action plan to regulate PFOA and PFAS in drinking water. She asked NEJAC to: ask the administration for a status report about the water charge; attempt to get a charge issued about assessing regulatory oversight and compliance of states; follow up on a request to see how EPA scientists can talk to DoD scientists about PFAS contamination on military bases; and ask what more the military is doing to contain the fire retardant foams that they use.

**Benjamin Pauli** noted that PFAS is difficult to remove from water and installation of filters tends to be very expensive. **Dennis Randolph** asked if the problem with oversight of states was due to a lack of uniformity in how EPA operates between regions. **Ms. Orduno** said that they need to figure out if EPA will play a role in enforcement, because currently it does not seem like they do.

### 1.2.9 Cemelli de Aztlan

**Ms. de Aztlan** played a video for the Council and spoke on behalf of the El Paso Equal Voice Network. She said that the EPA needs to have a protective presence and pay attention to what is happening in public schools in low income communities. In El Paso, the school district targets children of low-income Spanish-speaking immigrant families and places them in schools that are contaminated by toxins while the community's concerns and requests for environmental impact studies are ignored. The El Paso Equal Voice Network is asking for an independent environmental health impact study and air monitors to be placed where they will capture the true data about pollution in the neighborhood.

**Ms. Orduno** asked what allows additional development and traffic to come through vulnerable communities and why the schools believe that they do not need to respond to community concerns. **Ms. de Aztlan** said that the school district claims to be its own entity that does not need to abide by

city regulations. **Ms. Sprayberry** said that Texas was just awarded money under the Water Infrastructure Improvements for the Nation Act to test schools for lead and suggested contacting the state about that grant money. **Ms. de Aztlan** said that they did a preliminary study with the University of Texas which found lead contamination in the school playgrounds, and the school district responded by putting three inches of dirt on top of the lead. **Chair Moore** asked what kind of interaction the community has had with the EPA office in El Paso and **Ms. de Aztlan** said that they have submitted public comments and while there seemed to be interest in doing studies there was not a lot of interest in funding communities to create change.

**Dr. Wilson** said that NEJAC needs to be decentralized. There should be NEJACs at the regional level that can be active all the time in the regions with constant contact and discussions. He spoke about communities collecting their own data and submitting it to EPA and challenging them to disprove it. **Ms. de Aztlan** said that they had attempted to install their own air quality monitors in the community three times and had encountered obstacles, but they are currently collaborating with a university to install and manage the monitors.

#### **1.2.10 Clay Adcock**

**Mr. Adcock** talked about an ongoing disaster in the state of Mississippi. He summarized the history of the pumps and levees in the state and said that areas of the Mississippi Delta region were flooded for seven out of the twelve months in 2019. **Mr. Adcock** said that the Yazoo Backwater Project has gains in every environmental resource category and balances flood control with environmental concerns. The EPA's manmade disasters have an environmentally sound solution and he asked NEJAC to instruct the EPA to release its original veto on the Yazoo Backwater pumps and allow the project to be completed.

#### **1.2.11 Victoria Darden**

**Ms. Darden**, another resident of the Yazoo backwater area in Mississippi, expanded on Mr. Adcock's comments. She talked about the members of their community, many of whom are elderly and need assistance to deal with the climate events that impact them. Without a pumping station, the rural agricultural community delta cannot survive back-to-back floods.

#### **1.2.12 Larry Walls**

**Mr. Walls** spoke about his experience with the floodwaters in the Mississippi Delta and their effect on his farm, his livelihood and his community. He echoed Mr. Adcock's and Ms. Darden's comments about the need for the Yazoo backwater pump and a manmade solution to a manmade problem.

**Mr. Shabazz** asked why the EPA did not support the Yazoo Backwater Project. **Mr. Adcock** said that he believed the legal battles were a source of funding for environmental groups. **Mr. Shabazz** asked if there was a documented EPA response where they rejected the pumps and **Mr. Adcock** said that it was contained in an Environmental Impact Study (EIS). **Ms. Sprayberry** asked who would have paid for the pumps and **Mr. Adcock** said that they were authorized by Congress in 1941, so the taxpayers would pay for them if they were completed. **Mr. Randolph** asked if the Army Corps of Engineers (USACE) letting more water through into the Mississippi River was part of

the flooding problem, and **Mr. Adcock** said that their problem was primarily excessive rainwater. **Ms. McGee-Collier** said that her understanding of EPA's veto was that acres of critical wetlands would be destroyed by installing the pumps, and **Mr. Adcock** said that that was misinformation and every environmental impact from the pumps was a net positive gain. **Ms. McGee-Collier** asked if their representatives in Mississippi had mentioned using restoration money from the BP oil spill to address other environmental issues outside of coastal counties, and **Mr. Adcock** said that they had not discussed that.

**Dr. Wilson** asked if there was any information to provide more background around economically marginalized groups that would benefit from the pumps, and **Mr. Adcock** said that he could provide that to NEJAC. **Dr. Wilson** challenged NEJAC to think about whether they need to have more discussion around natural disasters and flooding, and possibly a work group. **Ms. Orduno** asked if there were proposals for other actions that could be taken short of a pumping station and Mr. Adcock said that the EIS study had seven alternatives, but the pump was the most environmentally and economically friendly solution. **Ms. King** asked what EJ analysis was done on the pump and whether they have talked to USACE about reopening that analysis. Mr. Adcock said that he thought there had been some discussion. **Dr. Baptiste** asked whether there had been any conversation around relocation and buyouts. **Ms. Darden** said that there has been some discussion, but community members feel that they should not have to move. **Chair Moore** commented that more information needed to be gathered on this situation, and there is something the Council wants to do, they just don't know what it is yet.

### 1.2.13 Bradley Marshall

**Mr. Marshall** spoke about the Chemical Disaster Safety Rule rollback and told the Council that on February 18<sup>th</sup> of this year, Earthjustice filed a petition for reconsideration on behalf of several environmental organizations. He asked NEJAC to pursue any possible follow-up actions to ask EPA to reconsider the rollback. He also talked about the Miscellaneous Organic Chemical Manufacturing National Emission Standards for Hazardous Air Pollutants (MON) rule. Earthjustice agreed with NEJAC's letter on ethylene oxide and they recommended that NEJAC reiterate to EPA the importance of using the best available science and urge EPA to properly apply the 2016 IRIS-derived ethylene oxide cancer risk estimate in the MON rulemaking.

**Chair Moore** said that NEJAC made recommendations to the Administrator and received a response back, but there is some question about whether certain recommendations were not addressed or constituted a difference of opinion between NEJAC and EPA. He said that it would be important for the Council to review these recommendations in their business session and make a decision about how to remedy some of these issues. NEJAC should consider whether sending a letter with a recommendation is enough or if something further needs to be done. He encouraged commenters to submit their comments in written form as well. **Ms. Martin** said that comments could be submitted until the end of the meeting and if people needed more time, they could email her to request an extension.

### 1.2.14 Juan Rosario

**Mr. Rosario** mentioned several of the natural disasters that have affected Puerto Rico. He spoke about the disposal of coal ashes from power plants, which spread across the island despite promises that they would be removed. EPA was the organization that allowed the original contract to be violated and they should address the problem now. EPA should also address the interminable problem of landfills, which are polluting the environment. He asked NEJAC to be an intermediary between Puerto Rico and EPA Region 2 and facilitate a conversation and a solution to these two problems. After Hurricane Maria people came to the island to help, but **Mr. Rosario** said that as a result he is afraid that Puerto Rico will become the most sophisticated colony in the world. They might have renewable systems and renewable energies, but they will be a colony nonetheless because the way that it is being done now is just creating a market for the industry rather than liberating the people in any way.

**Chair Moore** said that there has been a recommendation in the past for NEJAC to meet in Puerto Rico and OEJ staff was still following up on that request. There is an EPA office in San Juan and Chair Moore and the regional administrator went and toured Puerto Rico and some success came from that visit. Mr. Rosario said that they also wanted to have a conversation with Region 2 separately from the local office to talk about a different way of doing things, because EPA has always been part of the colonizing force of the environment in Puerto Rico.

### 1.3 Closing Remarks and Adjournment

**Chair Moore** thanked everyone for attending the public comment session. **Ms. Martin** thanked commenters and briefly outlined the schedule for the next day. **Chair Moore** adjourned the meeting for the day at 10:31 p.m.

## 2.0 Welcome, Introductions, Day One Recap and Opening Remarks

On Wednesday, February 26, 2010, **Karen Martin** opened Day 2 of the NEJAC meeting and began by conducting roll call. **Ms. Martin** confirmed the presence of a quorum and turned the meeting over to NEJAC Chair Richard Moore.

**Chair Moore** and **Mr. Tilchin** summarized the previous day's meeting and said that the quality of the public testimony the night before was fantastic, as was the quality of the Council's involvement. Chair Moore invited NEJAC members to give their opinions about the public comment period. **Deborah Markowitz** said she was impressed by the quality of the public comments and how much she learned from hearing from folks on the ground in effected communities. **Jacqueline Shirley** thanked members of the public for traveling to speak with NEJAC and encouraged communities to continue lining up champions to fight for their causes. **Virginia King** echoed comments praising the quality and preparedness of the public comments. She also expressed her belief that one of the matters raised in public comments could afford NEJAC the opportunity to achieve a real victory in environmental justice. **Ms. King** drafted a letter related to that case and distributed it to Council members via email and encouraged their comments. **Dr. Wilson** said he always finds the public comment session to be the most informative portion of NEJAC's in-person meetings and noted that he often becomes emotional and frustrated as a result of what he hears during the session. NEJAC

has to be focused on how to translate what NEJAC hears in the comments into real action, no matter the current political climate. **Ms. Osborne Jelks** also found the public comments to be moving and striking and expressed the concern that the Council's agenda did not leave enough time to discuss these matters. **Mr. Randolph** said he found this public comment session to be one of the most organized and well-conducted sessions he's seen during his time on the Council. In cases like the trucks in El Paso and the Yazoo Backwater flooding, NEJAC perhaps has a role to push back against decisions made by government agencies using insufficient or selective information. NEJAC can also serve as an outlet for those experiencing the consequences of these decisions. In regard to the Yazoo Backwater situation, **Ms. Orduno** noted that this might be an example of where NEJAC and the EPA finds itself choosing between no-win options, between how to reconcile protecting the environment and protecting communities. By all accounts, this particular decision was made in the best interests of the environment, and NEJAC will have to figure out how it will confront these situations when they also cause apparent injustice to local individuals and communities.

**Dr. Mildred McClain** echoed and agreed with comments asking that NEJAC put more efforts towards helping communities discover and implement their own solutions to their problems. NEJAC will also need to help the EJ community react to the proposed NEPA rollbacks and amendments, should they be enacted. Chair Moore applauded the new Council members for how smoothly and quickly they have integrated themselves and begun participating in the meeting. He agreed with the sentiments expressed by Council members and sympathized with the frustrations expressed in the public comments. NEJAC's role is to provide advice and recommendations to the EPA, but the Council finds itself in a position where it does not feel its advice and recommendations are being listened to and acted upon.

## **2.1 Welcome & Dialogue with U.S. EPA Office of Policy: Brittany Bolen, Associate Administrator**

**Mr. Tejada** introduced **Ms. Brittany Bolen**, Assistant Administrator for the Office of Policy (OP), the top political representative in the Office of Policy, which is the office responsible for environmental justice at the EPA. Ms. Bolen spoke to the Council via telephone.

**Brittany Bolen** thanked the NEJAC members for their work and service on the Council. She assured the Chair and the Council that her office and the Administrator listens to and appreciates the Council's advice on this very important topic which is integral to the Agency's mission. The Office of Policy is the chief policymaking arm of the EPA and directly advises the Administrator on ways to fulfill the Agency's mission of protecting human health and the environment. This work is conducted along two tracks: the regulatory and permitting-focused side and then the more collaborative, community engagement arm, which includes EJ, community revitalization, and climate adaptation, among other activities. NEJAC provides a critical role advising the Agency in both arenas, and **Ms. Bolen** said she and the Administrator are looking forward to meeting with NEJAC members in Washington, D.C. on March 16. She noted that EPA's Assistant Deputy Administrator, Henry Darwin, had spoken before NEJAC at their last in-person meeting and had discussed a potential charge for the Council regarding the Lean Management System and measures for the EJ program. EPA hopes to be able to continue that discussion at the March meeting in D.C.

Regarding EPA's recent EJ activities and achievements, **Ms. Bolen** began by referring the Council to EPA's FY19 Environmental Justice Progress Report. The report describes the efforts OP has made to integrate EJ into the work of EPA's programs and regional offices, particularly after the 2018 reorganization that brought the Office of Environmental Justice under OP's umbrella. **Ms. Bolen** highlighted EPA's technical assistance and \$100 million in grant funding, a significant portion of which went to economically distressed communities. Two examples were significant sums in small grants related to revitalizing Brownfields sites and Diesel Emission Reduction Act programs. A big portion of EPA's technical assistance has been focused on activities in Opportunity Zones, which are designated areas in underserved communities that allow for preferential tax treatment in order to spur business opportunities and job creation. **Ms. Bolen** also touched on activities related to Superfund sites. Last year EPA deleted all or part of 27 sites from the National Priorities List (NPL), which is the largest batch of deletions since 2001. The Superfund program is closely intertwined with environmental justice and **Ms. Bolen** thanked the NEJAC for their support on this matter through the Superfund Task Force. Finally, **Ms. Bolen** noted that 2020 marks the 50<sup>th</sup> anniversary of the creation of the Environmental Protection Agency. EPA will have a number of commemorative activities throughout the year, many of which will highlight the Agency's EJ accomplishments over the years.

**Chair Moore** thanked Ms. Bolen for her comments and for joining the Council, and then opened the floor for member comments and questions. **Ms. Sprayberry** noted she had worked on the last EPA Strategic Plan. She asked if EPA had begun work on a new plan for the coming years. **Ms. Bolen** said EPA is currently operating under a strategic plan that operates through 2021. EPA is in the beginning stages of drafting the next plan and will be engaging with the Office of Environmental Justice and NEJAC as that progress gets further along. **Mr. Randolph** noted that there is more to progress than economic development. Health should be the most important measure, and when communities are sick the workforce and the economy suffers as a result. He gave his own community as an example, where the industry is there but the populace cannot fully provide the staffing needed due to health concerns from a history of industrial pollution. Ms. Bolen agreed wholeheartedly that you need both: a healthy environment and robust public health framework is needed to foster and support economic growth. This is part of why the EPA works to take a holistic approach and attempts to avoid its offices operating in silos. **Mr. Doyle** raised the topic of climate change and its effects where he lives on the Crow Reservation in Montana. The tribe is isolated and struggles economically and is now having to deal with climate-related effects on local game populations. The tribe has applied for job training grants but has had limited success.

**Ms. Bolen** said tribes are an important stakeholder in EPA's work and she thanked **Mr. Doyle** for bringing those concerns to her attention. **Ms. Osborne Jelks** congratulated EPA on the deletion of 27 sites from the NPL but noted that in the past those deletions have occasionally occurred against the local community's ongoing concerns about the cleanup methods chosen and the quality of the work. **Ms. Osborne Jelks** asked Ms. Bolen if she felt all the recent deletions were conducted in a collaborative manner with local stakeholders. **Ms. Bolen** said the accelerated deletion activity was in part related to the work of the Superfund Task Force. She expressed her belief that all the deletions were received positively by local stakeholders. Regarding the strategic plan, **Ms. Osborne Jelks** asked whether EPA was going to compare the previous strategic plan with actual results and

compare how well the Agency did. **Ms. Bolen** distinguished between the Agency-wide strategic plan and the EJ goals that the Agency is working towards. Much of the Agency's current activities are forward-looking, particularly in the strategic planning arena. **Dr. Wilson** listed issues he hoped the Office of Policy would keep in mind, some of which drew on public comments: cumulative impacts, Title VI complaints, developing appropriate metrics for progress in Opportunity Zones, rural water systems, and air quality. **Ms. McGee-Collier** raised the topic of investigation and enforcement of environmental laws. In particular, she pointed to the case of a lab director in Greenville, Mississippi, who was recently convicted of falsifying documents related to over 1,000 facilities while working in the Division of Marine Resources. This individual was only charged with wastewater sampling-related activities, but he was also involved in agricultural and drinking water reporting. EPA should ensure that bad actors are investigated and prosecuted to the full extent of the law.

Regarding Opportunity Zones, **Chair Moore** said that in actual practice thus far these zones might be more properly referred to as Opportunist Zones and one might reasonably ask who the opportunity is actually for. He also told **Ms. Bolen** that NEJAC was displeased that this meeting in Jacksonville happened to coincide with important EJ-related congressional hearings in D.C., which made attending both impossible for most members and the public. He also noted that grants needed to be assessed to ensure that funds are actually going to grassroots organizations. Concerns around NEPA revisions, Title VI, the Risk Management Plan Rule, and just relocation are other topics that NEJAC is likely to raise with the Administrator. **Dr. McClain** wanted further explanation about how EPA leadership defines progress in environmental justice. She also wanted more information about how EPA intends to put more tools, technical assistance, and grant money in the hands of low-income communities. She also had concerns about unfunded mandates and how the EPA intends to assist coastal communities in the face of climate change. **Ms. Bolen** thanked the NEJAC for their questions and comments and said she looks forward to continuing the discussion in D.C. in March.

## **2.2 Welcome & Opening Remarks: Florida Department of Environmental Protection**

**Greg Strong** welcomed the NEJAC to Jacksonville on behalf of the Florida Department of Environmental Protection (FDEP). **Mr. Strong** is the Director of FDEP's Northeast Office, which is based in Jacksonville. **Mr. Strong** introduced FDEP staff in attendance, many of whom NEJAC will be hearing from later in the meeting. Environmental and climate justice are highly complex issues, and open forums such as this involving a diverse array of organizations and voices are vital for a productive exchange of ideas. **Mr. Strong** gave a brief overview of the day's agenda. Local partnerships, collaboration, and innovation will be themes throughout the day. Florida is an incredibly diverse state, both in its environment and its population. The current governor has made the environment a priority of his new administration, as evidenced by the executive order he issued 48 hours after taking office. While we all may have differing views on how to best solve the challenges we face, when all parties come together in open dialogue and listen to each other and respect individual perspectives, that is when the best solutions are uncovered. **Ms. Martin** and **Chair Moore** thanked **Mr. Strong** and his staff for their assistance in putting together this meeting on behalf of NEJAC and the EPA.

### 2.3 Welcome & Dialogue: U.S. EPA Region 4 Leadership

**Ms. Martin** turned the meeting over to EPA's Region 4 Regional Administrator, **Mary Walker**. Region 4 is comprised of the Southeast United States, including Florida. Ms. Walker welcomed NEJAC to Region 4, particularly the new members of the Council. She noted that two other Regional Administrators will be in attendance, Ken McQueen from Region 6 and Pete Lopez from Region 2, along with some of their staff. **Ms. Walker** began by providing a general overview of Region 4, which covers 8 states and 6 tribal nations, 14% of the country's watershed, one-third of the U.S. coastline, 460,00 miles of rivers, and nearly one-third of all continental U.S. wetlands and major estuaries. The region is environmental diverse, ranging from the Smoky Mountains to the Everglades and the Florida Reef, the only living coral barrier reef in the continental U.S. The region is experiencing rapid population growth, which creates unique opportunities and challenges.

The birth of the environmental justice movement can be traced, in part, to the hard work of activists and communities in what is now EPA Region 4. **Ms. Walker** pointed to the protests of the Warren County, North Carolina PCB landfill in the early 1980s as a prime example. EJ has been an official part of EPA's work since 1994 when President Clinton's Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," was enacted. Ms. Walker next reviewed the history of EPA's activities and achievements throughout the Southeast since its founding 50 years ago. One early example was air quality in Chattanooga, Tennessee, which was named the worst city in America for particulate air pollution in 1969 due to heavy industry and lack of regulation. Today, the city is in complete attainment for all federal air quality standards.

**Ms. Walker** presented EPA National Air Quality Standards data showing improvements in attainment throughout the Southeast over the past decades, and also areas where more work is still needed. Ms. Walker next discussed the region's Superfund activities, using the Valley of the Drums in Bullitt County, Kentucky as an example of a major achievement in this mission area. The Valley of the Drums was one of the early sites that reached national attention and spurred the passage of the Superfund Program's enabling law, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This site is just one of over 150 sites that Region 4 has returned to beneficial use under CERCLA. In addition, Region 4 leads the nation in Brownfields site assessments, and FDEP is one of the region's major drivers in this effort. **Ms. Walker** discussed a number of examples of the region's successful Brownfields partnerships, including one at the Columbus, Mississippi Kerr-McGee site, which has been led on the community side by NEJAC member Jabari Edwards.

**Ms. Walker** next discussed Region 4's water-related activities, including National Estuary Program work in Whitaker Bayou at Sarasota Bay and Three Mile Creek in Mobile Bay. **Ms. Walker** also touched on Region 4's partnership on the Proctor Creek Watershed in Atlanta, Georgia, where the EPA's Urban Waters program works with NEJAC member Ms. Osborne Jelks' organization on cleanup and education and outreach activities. **Ms. Walker** also talked about the region's disaster response and recovery efforts, which is of particular importance in a geographic region subject to annual hurricane threat. Disaster response is one arena that requires all of the region's program and arms working in concert and close communication with the recovering communities. While

FEMA takes the overall lead when disasters are declared, EPA takes charge of hazardous spills and oil spills and matters related to water contamination and safe drinking water.

In recent years, EPA has begun taking a larger role in the recovery stage, as well. In other drinking water-related activities, **Ms. Walker** also touched on EPA's proposed revisions to the Lead and Copper Rule which are designed to strengthen protections across the board and to identify communities with the greatest need of investment, among other improvements. Finally, **Ms. Walker** briefly described the College/Underserved Community Partnership Program (CUPP), which aims to expand the availability of resources to underserved communities by forming partnerships with academic institutions, particularly Historically Black Colleges and Universities (HBCUs) and colleges serving tribal and Hispanic communities. To date, this program has worked with 73 schools in 20 states in support of 65 communities. The CUPP program has also supported disaster recovery efforts in Florida, Louisiana, North Carolina, and Puerto Rico.

**Ms. Orduno** thanked Ms. Walker for her informative presentation and opened the floor for NEJAC member comments. **Ms. Shirley** asked Ms. Walker what her stance was on the Yazoo Backwater situation and EPA's veto which led to there not being a flood pump in that area. **Ms. Walker** said she was pleased to see Mr. Adcock and the other members of the Yazoo community. She visited that region during the floods and is very aware of the impacts on the community. Unfortunately, at the region level, there is not much to be done regarding the veto itself, but Region 4 is actively working with the Corps of Engineers and the community to find remedies and a path forward.

**Ms. Harris** asked for more information on the CUPP program grants. Ms. Walker said that effort was the brainchild of a Region 4 staff member who wanted to connect community needs with academia as a way to supplement federal or state monies. EPA's role is more of matchmaker rather than providing direct funding. Regarding the Lead and Copper Rule update, **Dr. Pauli** noted that a recent analysis by a coalition of grassroots clean drinking organizations had a number of criticisms of the proposed revisions, and he would be happy to share that study with EPA staff. He also noted his interest in the interface between state and federal agencies and local community groups and noted that it is just as important to hear about the challenges in this relationship as it is to hear the success stories. **Ms. Walker** acknowledged that EPA's actions in safe drinking water more directly impact Americans' lives than anything else it does. EPA current activities are an attempt to refocus its drinking water protections, particularly in the wake of the Flint crisis. Another aspect of this effort was last year's National Compliance Initiative directed towards tightening safe drinking water enforcement.

**Dr. Wilson** raised a number of concerns about ongoing matters throughout Region 4. In North Carolina and Mississippi, pollution from concentrated animal feeding operations (CAFOs) has not been fully addressed, even after a related Title VI complaint and settlement. Affected communities need continued assistance, particularly in light of attempts to pass so-called right-to-farm laws that limit communities' ability to push back against CAFOs. Fly ash ponds are another ongoing issue in North Carolina. **Dr. Wilson** next pointed to other areas for EPA and regional agencies to consider and provide a response to NEJAC: goods-movement emissions in communities near the Port of Charleston, South Carolina, and Savannah, Georgia; the interplay between climate change and gentrification; water safety in well- and septic-based, and therefore not federally regulated, rural

communities; hydrogen sulfide burrow pits in Pensacola, Florida; the disproportionate impact of disasters on black communities, which have been historically placed in more flood-prone areas due to the legacy of racism; the status of the Tallassee and Uniontown, Alabama Title VI complaints; the need for EPA funding to further support the CUPP partnerships; the need for a new Community Action for a Renewed Environment (CARE) program; the inability of current regulatory air monitoring networks to adequately safeguard and accurately measure multiple hazards and cumulative impacts; and the importance of requiring the Community-Scale Air Toxics Ambient Monitoring grantees, the air pollution control agencies, to partner with local organizations during their work.

**Ms. Nagano** raised concerns about the recent rollbacks of the Navigable Waters Protection Rule in which wetlands were redefined as only those which are directly connected to oceans. Who will protect those areas that are no longer considered wetlands under the rule? **Chair Moore** noted several important achievements made possible by EPA partnering with grassroots groups, particularly Dr. McClain's work in Savannah and the ReGenesis Project in Spartansburg, South Carolina. He also stressed the importance of knowing the history of each site, and that the relationship with federal and state partners wasn't always so rosy. **Chair Moore** lauded the hard work in recent years of Cynthia Peurifoy, Environmental Justice Coordinator at EPA and former grassroots activist in her own right. One area he highlighted where more work and focus is needed is the ongoing efforts in the Rubbertown community in Louisville, Kentucky.

**Ms. Osborne Jelks** seconded Chair Moore's praise of Ms. Peurifoy and added her plaudits to other involved EPA employees. She noted the importance of corporate and federal partners in her own work in Proctor Creek in Atlanta but emphasized the importance of all parties keeping in mind the needs of the affected community and including them at all stages of the process, not only for the process to run smoothly but for it to have a chance at success at all. **Ms. Osborne Jelks** invited Ms. Walker to visit Atlanta and meet with Proctor Creek community groups.

**Dr. McClain** seconded Chair Moore's comments about remembering history and Dr. Wilson's comments about the need for hyper-local air monitoring networks. Regarding the latter, Dr. McClain raised the example of the Savannah port-adjacent neighborhoods of Hudson Hill, Woodville, and West Savannah which begged for years for a more comprehensive air monitoring regime to assess the air pollution they were subjected to. EPA's Near-port Community Capacity Building Project has been vital in addressing this matter, but communities need a great deal more support managing complex projects of this nature. **Dr. McClain** also pointed to the workforce training grant criterion that requires community groups to have gone through a financial audit, which is frequently cost-prohibitive to small, grassroots organizations, as a topic that needs to be addressed. Finally, **Dr. McClain** wanted information on how EPA interacts with Department of Energy activities at the Savannah River Site, particularly as it relates to community engagement. **Dr. McClain** invited Ms. Walker to visit Savannah and meet with affected communities.

**Sandra Whitehead** noted that public health is a crucial piece to environmental justice outcomes and expressed disappointment that no state public health representatives are in attendance at the meeting. **Dr. Whitehead** echoed Dr. Wilson's comment about Pensacola, particularly the North Pensacola and Molino areas which have several industrial plants and landfills in close proximity.

**Dr. Whitehead** invited Ms. Walker and Region 4 to visit these areas, as well. **Ms. Trevino-Sauceda** noted a lack of reference to farmworkers in general, and women farmworkers in particular, throughout Ms. Walker's presentation, and wondered whether EPA is aware of the needs and problems faced by this large and important group of people. **Jan Marie Fritz** noted that she is a Florida resident and asked for information on what efforts are underway to address pollution in Lake Okeechobee and its dispersal via outflowing waterways. **Ms. Walker** thanked all the NEJAC members for their comments and invitations and said she will take these questions with her and respond in due course.

The Council took this time to discuss their concerns about the lack of in-person representation from EPA leadership and to confer about their plans for the meeting with the EPA Administrator on March 16. **Ms. Orduno** said she was glad **Ms. Bolen** was able to join the Council briefly via telephone, but felt that in the spirit of mutual respect an in-person appearance matters. **Mr. Tejada** prefaced this discussion by noting that it will be important for NEJAC to hone in on specific issues and priorities that it wants delivered by the Council delegation traveling to D.C. Although it would have been ideal for this meeting to occur in addition to in-person presence at the Jacksonville meeting, rather than in lieu of it, this is still a great opportunity for NEJAC to raise its top concerns directly with EPA leadership. **Chair Moore** noted that D.C. meetings usually entail meetings with staff in addition to the meeting with the Administrator. Nevertheless, he found it to be disrespectful for the Agency to expect NEJAC members to travel from their homes across the country for what amounts to a one-hour meeting. He acknowledged that the Administrator has a busy schedule and asked that the Agency do the same and recognize that NEJAC members have busy lives, as well. He suggested that NEJAC should demand that the meeting with the Administrator be expanded to two hours as a condition for their visit.

**Ms. Harris** thanked the Agency for their support in allowing the work of NEJAC to continue, but concurred with Chair Moore's sentiments. If the Administrator can't be present at Council meetings, there should be a procedure in place for subordinates to be present in his or her place. **Ms. de Aztlan** felt NEJAC should take the opportunity of the D.C. meeting to confront the Agency with their dismissal and disregard for the Council's work and this Administration's continuation of policies that push pollution into under resourced communities of color and neighboring nations. **Ms. McGee-Collier** hoped that the NEJAC would not allow the Administrator to use this meeting as photo op and a means to placate the EJ community, which is what she felt happened at the last meeting in D.C. with the previous Administrator. **Ms. Orduno** thanked members for their comments and said the Steering Committee would work on a draft priority list to bring before the Council later in the meeting.

#### **2.4 Community Voices: Fairfax Street Wood Treaters Superfund Site**

**Ms. Orduno** reconvened the meeting after a lunch recess and introduced the next panel in the afternoon agenda, which would be focused on local communities in the Southeast. The first panel would discuss remediation efforts regarding the Fairfax Street Wood Treaters Superfund site here in Jacksonville.

**2.4.1 Leigh Lattimore – Remedial Project Manager – U.S. EPA Region 4; Miranda McClure – Environmental Consultant – Florida Department of Environmental Protection; Dr. James E. Parris, Jr. – Executive Director – Faith Deliverance Church and Temple College Prep School; L’Tonya Spencer-Harvey – Community Involvement Coordinator – U.S. EPA Region 4; Ron Tolliver Harvey – Community Involvement Coordinator – U.S. EPA Region 4**

**Ms. Lattimore** began the presentation by discussing some unique characteristics of the Fairfax St. Wood Treaters site. The company began operations in 1980 and went bankrupt in 2010 and subsequently abandoned the site. The site is next door to two schools, with which it shared a retention pond for 10 years before the company built its own pond. It is surrounded by residential neighborhoods in the remaining three directions. EPA tests found elevated contamination levels in soil on the schools during the remediation design process and the Florida Department of Environmental Protection took immediate steps to clean up the school grounds. Once fully underway in March of 2019, remedial actions on the site itself and 50 nearby properties were completed in less than a year. **Ms. Lattimore** reviewed a timeline of EPA’s involvement, from emergency response in 2010 to the site being listed on the NPL in 2012 and then the subsequent remedial investigation and action through 2019. She noted that EPA chose to remediate the site to residential standards so that it could be fully reutilized by the community as it saw fit. EPA also took action on off-site properties because the neighborhood is considered an EJ community and suffers from cumulative negative environmental impacts and health stressors.

**Ms. McClure** discussed FDEP’s activities at the schools and elsewhere in the neighborhood. FDEP worked collaboratively with EPA throughout the entire site process, but took the lead on the school cleanup because EPA had not yet received full funding for remedial process. **Ms. McClure** walked through the soil sampling and remediation process at the Susie Tolbert Elementary School, which took place over the summer. FDEP held meetings with the community to explain what was happening and keep stakeholders abreast of the cleanup activities. The remediation itself involved the removal of 60,000 tons of contaminated soil and 300,000 gallons of contaminated water.

**Ms. Lattimore** also talked about EPA’s Superfund Job Training Initiative, which was utilized on this site to provide 13 community members with job training, 9 of whom were employed onsite during the remediation. She also described EPA’s extensive community outreach and engagement activities. Community trust was vital throughout the process, particularly given the behavior of the company and its abandonment of the site. EPA maintained a hotline for the community, held 8 public sessions, put up information signs around the area, and mailed out 4,000 fact sheets to the neighborhood. Over 100 people attended the cleanup kickoff meeting in March 2019. The job training program was also crucial for maintaining trust and transparency with the community. **Ms. Lattimore** concluded her remarks by highlighting some lessons learned: the importance of appropriately balancing speed and accuracy, partnering and working with credible stakeholders is essential for a successful project, and the value of listening to understand. **Dr. Parris**, who is a member of the community, said the EPA did a fantastic job throughout their 10-year presence in the community and applauded their professionalism and work ethic.

**Ms. Orduno** thanked the panelists and invited NEJAC members to comment. **Dr. McClain** asked if the impact analysis conducted for this site was tied to the NEPA review process, which is currently

under threat by the EPA's proposed NEPA revisions. **Ms. Lattimore** said actions at this site followed the specific process that is laid out for remediation of sites on the NPL under the Superfund Program. **Mr. Shabazz** asked for more detail on EPA/FDEP's engagement with the school. **Ms. Lattimore** said they were in contact with the school throughout the process and held a number of meetings at the school itself. The number one priority was the safety of the children at all times. **Mr. Shabazz** gave an example he has seen at other sites where the schoolchildren are engaged directly to help understand how the cleanup works. He also asked whether the contractor performed well. **Ms. Lattimore** said Black & Veatch performed very well and was very engaged throughout the entire cleanup. **Ms. Spencer** noted they were partners in the job training initiative. **Dr. Baptiste** asked if EPA or FDEP had any information on the current status of the training program graduates. **Ms. Lattimore** said several of the workers remain employed with Black & Veatch's subcontractor out of state while others are looking for opportunities in the local area. **Dr. Baptiste** also asked **Ms. Lattimore** to discuss whether EPA addressed conducted studies on existing health concerns in the community. **Ms. Lattimore** said EPA had county health professionals onsite to answer questions, discuss best practices for prevention, and otherwise encourage individuals to see their doctors for testing. Larger scale health studies and interventions are outside the Superfund purview.

**Ms. Orduno** invited two members of the community who were unable to attend the public comment session to deliver comments to the Council. **Thomas Waters** serves as a consultant to the Fairfax Environmental Committee for Justice, Inc., which is a local EJ organization. **Mr. Waters** introduced Mr. Aerial "Pat" Flo, a former employee at Fairfax St. Wood Treaters who is also a member of Fairfax Environmental Committee for Justice. **Pat Flo** said his years of employment at the facility, as well as living in the community throughout its years of operations, had left him and many people he knows with serious health issues. In response to earlier Council questions regarding health effects and governmental response, **Mr. Waters** said the community's health concerns have not been addressed, nor have concerns related to diminished property values after the plant closure and cleanup. While EPA's community outreach efforts were laudable, they were insufficient and often confusing, particularly for the elderly members of the community. **Mr. Flo** was particularly dissatisfied by the local government's response to his community's concerns and said they often felt shunned and ignored when they attempted to raise their concerns to city government. **Ms. Orduno** thanked Mr. Waters and Mr. Flo for their heartfelt comments and asked for NEJAC member volunteers to take time to meet further on the side as the meeting continues and hopefully bring in local health officials, as well. **Dr. Wilson** added that NEJAC should consider formulating a recommendation around Superfund health assessments and health surveillance and providing funds for addressing health impacts. He also noted that sites like this might be fertile ground for the CUPP program.

## **2.5 Community Voices: Eastside Environmental Council**

**Ms. Orduno** next welcomed introduced representatives from another Jacksonville organization, the Eastside Environmental Council, to discuss their efforts to address environmental injustice in East Jacksonville and how they help empower citizens to create positive change.

### **2.5.1 Wynetta Wright – Founder – Eastside Environmental Council; Teena Anderson – Development Manager – Eastside Environmental Council**

**Wynetta Wright** began by discussing her own personal journey in environmental justice growing up in the Eastside neighborhood leading up to the founding of the Eastside Environmental Council (EEC). EEC has three main purpose areas: addressing environmental injustice, raising environmental awareness, and promoting environmental education. **Teena Anderson** gave the NEJAC a brief overview of the East Jacksonville community and EEC's history and structure. East Jacksonville is located east of downtown and north of the Jacksonville Expressway. Local challenges include Superfund sites, Brownfields, polluted air and waterways, low household incomes, and significant health disparities. The area also lacks sufficient access to public transportation, has limited access to affordable healthcare, and does not have a full-service grocery store or markets within walking distance. The Eastside neighborhood is a big part of why EPA chose Jacksonville Health Zone 1 as Region 4's Environmental Justice Showcase Community.

EEC was founded in 2004 and received its first EPA EJ grant in 2009. One of EEC's early activities was helping create community gardens at local schools. EEC's work is heavily focused on community outreach and working with students is one avenue for this process. The group relies on grant funding and donations for its continued operation. In 2010, the Eastside Kerr-McGee site was added to the Superfund NPL, which opened up funding avenues for local organizations. In 2013, EEC received its second EJ grant, and in 2015 it was awarded an EPA Technical Assistance Grant (TAG) for work on the Kerr-McGee site. One of EEC's major community partners is the Matthew Gilbert Middle School. EEC holds workshops, walking tours, and educational sessions at the school for both the students and family members. EEC's other areas of focus include empowering and educating residents of the Urban Core neighborhood; helping to make Eastside a better, healthier place by promoting access to healthcare, fresh produce, jobs, and more; addressing concerns that pollution from local contaminated sites may be impacting health of residents, and advocating for community and raising awareness about the cleanup of the Kerr-McGee Superfund site and Deer Creek. **Ms. Anderson** detailed one TAG-funded program called the Go Green Soil Shop where EEC and its partners offered free soil screenings for lead, free back-to-school health screenings for children, and fitness activities and backpack giveaways for attendees. EEC's School and Community Gardens program is another major initiative to help encourage healthy diets and address neighborhood food deserts.

**Ms. Orduno** thanked the EEC for their presentation and noted the importance of hearing from community members in the town NEJAC is visiting. **Chair Moore** suggested EEC look in to applying for an EPA Environmental Education Grant. He noted that EJ grassroots groups used to be excluded from TAG grants and it was through efforts of the NEJAC that those mechanisms were opened up to the community. **Ms. Sprayberry** applauded EEC for their ability to empower themselves without a great deal of traditional technical expertise on-staff. **Ms. Wright** emphasized the importance of collaboration with local experts and academic institutions and personal relationships in general. **Dr. Wilson** pointed the EEC to potential grant and partnership opportunities via the Robert Wood Johnson Foundation Community Health Interdisciplinary Research Leaders grant, the NIEHS

Partnerships for Environmental Public Health research action programs, the Citizen Science Association EJ Work Group, and the Community-Campus Partnerships for Health.

## **2.6 Community Voices: Florida Department of Environmental Protection Partnership with Clara White Mission**

**Ms. Orduno** welcomed representatives from FDEP and the Clara White Mission to present to NEJAC on their collaborative activities.

### **2.6.1 Ju’Coby Pittman – CEO/President – Clara White Mission; Mallory Schott – Farm Manager – White Harvest Farms; James Maher – Assistant Director, Northeast District – Florida Department of Environmental Protection; Sheena Chin-Greene – Program Coordinator, Florida Green Lodging Program and Florida Green School Designation Program – Florida Department of Environmental Protection**

**James Maher** began by praising the value of the Clara White Mission’s work in the Jacksonville community and how FDEP’s partnership with the organization has been the most rewarding collaboration of his career. He introduced **Ms. Pittman**, who is the driving force and spiritual successor of the Mission’s founders, **Clara White** and her daughter, **Eartha White**. The focus of this presentation will be on the Clara White Mission’s community farming project, White Harvest Farms, which is designed to address the pervasive food deserts that low income and minority communities in the city often face.

**Ju’Coby Pittman** thanked the NEJAC for inviting her organization to speak before the Council and gave a brief overview of the Mission’s history and programs. The activities of the Clara White Mission fall into six main categories: Feeding Program, Educational Programs, Housing Program, Clara at the Cathedral, Ashley Street Catering, and White Harvest Farms. Though these programs cover many different areas, they are all focused on the goal of helping at-risk individuals return to dignity and productivity by gaining new perspectives on life. White Harvest Farms was established in 2012 on property that had been in the Mission’s hands for some time. The property was a former contaminated ash site, so the Mission reached out to FDEP to clean up and remediate the site for beneficial use. As the cleanup concluded, the Mission and FDEP looked at ways to continue their partnership to help turn the site into something that could provide ongoing benefits to the Mission and the community. After performing a soil safety confirmation test, the Mission went forward with the decision to turn the land into a community farm. In 2014, the Mission purchased 3 blighted parcels adjacent to the property, bringing the farm’s size to 10.5 acres. The ultimate goal is to promote, sustain, train, and provide access to nutritional produce to residents in the community while creating jobs and revitalizing underserved parts of Jacksonville.

**Mallory Schott** provided a more detailed look at the farm itself and the Mission’s long-term plan to develop and grown the initiative. White Harvest Farms is located in the heart of Historic Moncrief Springs flanking both sides of the tranquil Moncrief Creek, which provides additional preservation and recreation potential. The Mission recently received a \$1.5 million grant from the City of Jacksonville to continue modernizing the farm, and the Mission plans to use that funding to build permanent structures to house a farmer’s market, storage facilities, outdoor classrooms, and a

special events hall. These additions are scheduled to be completed in the spring of 2021. White Harvest Farms' vision is to stimulate and redevelop this site not only as a training facility, but also an opportunity to generate additional revenue to re-invest into the land for continuous produce production, to create jobs, and to increase local commerce. **Ms. Schott** briefly reviewed volunteer activities offered on the farm, current farm production, and ongoing educational programming. The farm operates an open market that provides access to fresh vegetables to farm volunteers six days a week and offers produce for sale every Saturday. **Ms. Pittman** also highlighted the farm's outreach to local schools and community groups and the farm's mobile market that brings produce to underserved portions of the community. **Mr. Maher** noted the Mission's complementary projects through its culinary school and janitorial training program.

**Ms. Orduno** opened the floor for NEJAC member comments. **Dr. Wilson** noted that the issues of food insecurity and food deserts have been raised throughout this meeting, but really what is going on is food apartheid. This can be combatted through food sovereignty and White Harvest Farms is a great example of bringing control of the food-shed back to the community. Another part of the food-shed and local ecology to consider is the fishing community and the potential for urban aquaponics. The National Oceanic and Atmospheric Administration (NOAA), the Kellogg Foundation, the Kresge Foundation, and the Small Business Administration are potential sources for additional grant funding. Dr. Wilson emphasized the need to map the food-shed and work with the city to create a land trust to further develop the community's food infrastructure. The topic of food security might be fertile ground for a NEJAC work group and White Harvest Farms would be a good case study. Ms. Orduno asked whether the Mission proactively reaches out to deliver produce to specific communities of need in exigent circumstances.

**Ms. Pittman** said that, given budget constraints and the Mission's goal to help the homeless, all of the farm's surplus produce currently goes towards feeding the local homeless community. As the program gets on more stable footing and starts expanding, those opportunities may become more feasible. Ms. Orduno encouraged the Mission to stay connected and open to potential interventions despite budget strictures, which will likely always exist.

**Ms. Nagano** mentioned some best practices she has seen in her work in food justice and food resiliency: using biochar to sequester carbon in community gardens; using community farms and gardens as resilience hubs for showcasing disaster preparedness practices such as water catchment and solar panel usage; and establishing community gardens in local public schools to connect children to the soil. **Ms. Pittman** thanked **Ms. Nagano** for her comments and added that the Mission has worked to begin recruiting scientists and subject matter experts to its board in order to help with these more advanced techniques.

**Ms. Sprayberry** mentioned the Department of Justice's Innovations in Community Based Crime Reduction program as another potential source of funding and collaboration. **Mr. Shabazz** asked whether the Mission conducted any epidemiological studies of the communities the farm serves. **Ms. Pittman** said they had not, but they did look at existing state and city data which showed high incidence of conditions, such as diabetes and hypertension. **Mr. Shabazz** said this conforms to data from low income and African American communities throughout the country, which only emphasizes the importance of fostering healthy diets and encouraging exercise in these

communities. Local health systems might be potential partners in this light. **Dr. McClain** brought up NIEHS' Environmental Career Worker Training Program as another potential resource.

## **2.7 Community Voices: Community Resilience and Natural Disasters in Savannah, Georgia**

**Ms. Orduno** welcomed NEJAC member Dr. Mildred McClain to deliver her presentation on her organizations' work on community resilience in Savannah, Georgia.

### **2.7.1 Dr. Mildred McClain – Executive Director – Harambee House/Citizens for Environmental Justice; Dawoud Shabaka – Associate Director – Harambee House/Citizens for Environmental Justice**

**Dr. McClain** began by mentioning a number of community groups and councils that she serves on, emphasizing the importance of networking and building relationships in the EJ community. Individual neighborhoods and towns gain strength and confidence when they join forces and learn that they are not alone. In partnership with the Deep South Center, Harambee House has been delivering workforce development training for 14 years through funding provided by the NIEHS Environmental Career Worker Training Program. Harambee House also trains community members in disaster response and works to build resiliency hubs in vulnerable neighborhoods. The program offers HAZMAT and HAZWOPER classes and other disaster preparedness training classes. Building capacity in the EJ-affected communities in Savannah is another top priority. Thanks to partnerships with EPA, Dr. McClain's group has helped establish a Community Business Roundtable, comprised of residents, local business, industry, state and local government, and academic institutions. The Roundtable has an Environmental Response Working Group tasked with developing disaster response action plans, running simulations, and other resiliency and preparedness activities.

**Dawoud Shabaka** went into further detail on Harambee House and Citizens for Environmental Justice activities in the neighborhoods of Hudson Hill, West Savannah, and Woodville. Hudson Hill in particular is located right next to several chemical facilities and storage sites that line the Savannah River and surround the Port of Savannah. Residents report frequent residue on their property, noise pollution at all hours, and fears of toxic emissions. **Mr. Shabaka** presented a list of dozens of chemical companies that have facilities at the Port of Savannah, which make up only a portion of the hundreds of industrial companies present in the area. In 2017, Savannah was one of three sites selected to be part of EPA's Near-port Community Capacity Building Project, which finally led to actions the community had been demanding for years. The project aimed to equip industry and community stakeholders with information, skills, and tools to effectively develop and implement collaborative actions leading to shared prosperity and better quality of life conditions. Following this 18-month engagement, the community drafted an action plan that called on responsible agencies to implement and conduct air monitoring studies and train community members in low cost air monitoring practices. With the help of Dr. Wilson and his students, the air monitoring training program is underway and has shown a great deal of success thus far. Harambee House is also working with the Hudson Hill community to draft and finalize a Neighborhood Emergency Preparedness and Response Plan and is partnering with Georgia Tech on installing sea level monitoring arrays throughout the area.

**Dr. McClain** noted another historic partnership with the city's Office of Sustainability and stressed the importance of treating community members as the subject matter experts that they are and the accompanying respect experts are due. **Dr. McClain** added her group is open to partnering with large national environmental groups but warned that these groups often attach strings to the large amounts of money they offer. The Savannah City Council has become more receptive to concerns of the EJ community in recent years due to changing political winds. The entire project is built on the innate power of residents and Harambee House sees itself as facilitating and supporting the expression of this power. **Dr. McClain** believes this model is transferable to communities throughout the Southeast.

**Ms. Orduno** invited NEJAC members to comment. **Ms. Shirley** talked about the importance of resilience and adaptation in EJ communities using her home community in Alaska as an example. Partners and champions can be found in surprising places, as this meeting has shown, and communities need to continue to seek out more champions. **Ms. Nagano** asked whether NEJAC had a role in pressing FEMA to release more disaster preparedness funds to community organizations. **Dr. Wilson** shared his reflections on his work with the community in Savannah. He noted that HBCUs are located throughout the Southeast, often near EJ communities, and could be an untapped resource for collaboration and CUPP partnerships. EPA's Environmental Justice Screening and Mapping Tool (EJSCREEN) should be expanded to track programmatic resources in greater detail so the EJ community can know how money is being spent, who it is going to, and how effective projects are. Many communities have the capacity now but still lack the necessary funding to take action. He also believes community sensors and monitoring systems are another area ripe for investment. The EJ Interagency Working Group and the NEJAC have a role to play in pushing for these improvements. **Ms. Orduno** expressed her belief that the federal government has been pulling away rather than reaching out towards EJ communities in recent years in terms of funding. The federal government has a responsibility to return citizens' tax revenue into these communities.

**Dr. McClain** thanked the NEJAC for their comments. While Harambee House uses a number of grants to support itself, it does not want to be grant-dependent; she wants her organization to be able to survive and assist the community no matter the grant climate.

## **2.8 Community Voices: Environmental Justice Concerns of Farmworkers in Florida**

### **2.8.1 Jeannie Economos – Coordinator, Pesticide Safety and Environmental Health Project – Farmworker Association of Florida; Linda Lee – Community Leader – Farmworker Association of Florida; Antonio Tovar – Farmworker Association of Florida**

**Ms. Economos** said her panel's presentation would be focused on a major EJ concern of the farmworker community, namely the continued use of dangerous pesticides in agriculture. Farmworkers are frequently overlooked as an EJ community, partly due to the fact that a large segment of the population is migratory and not rooted to one particular community where they can be organized. Farmworkers speak many different languages and come from diverse cultural and national backgrounds, which add another layer of complexity to organizing efforts. There are approximately 1.5 to 2 million farmworkers in the United States, and an estimated 2 million minor children of farmworker families, according to the Department of Labor's National Agricultural

Worker Survey. EPA data says an estimated 900 million pounds of pesticides are applied to crops in the United States each year. By some estimates, 25 million agricultural workers worldwide experience unintentional pesticide poisonings annually. The Agricultural Health Study, a large prospective study of pesticide users in the United States, estimated that 16% of the cohort had at least one pesticide poisoning or an unusually high pesticide exposure episode in their lifetime. The U.S. Department of Agriculture has estimated that 50 million people in the United States obtain their drinking water from groundwater that is potentially contaminated by pesticides and other agricultural chemicals.

Studies have shown that children come in contact with pesticide residue brought into the home on worker clothing and scattered on toys and carpeting. **Ms. Economos** returned to the subject of her public comments, the pollution of Lake Apopka here in Florida from organochlorine pesticide caused by farm runoff. A number of studies have shown how this contamination spreads throughout the environment and the food chain, but no studies have ever been conducted on the farmworkers themselves. African American farmworkers were subjected to many of the worst pesticides, such as DDT and chlordane, long before they were banned, which remains a serious historical injustice. **Ms. Lee** talked about the effects in her community from long-term exposure to bioaccumulative pesticides. **Ms. Lee** herself has lost an inordinate number of friends and close relatives to lupus, kidney disease, blood diseases, and lung disease. The community has been abandoned and ignored by local politicians and health agencies, who say her family's issues are congenital. The Apopka farmworker is dying and needs help, but **Ms. Lee** will keep fighting.

**Antonio Tovar** discussed the Farmworker Association of Florida's partnerships to conduct community surveys and research. One such study was on pregnancy health and occupational health for women among Florida farmworkers, conducted in collaboration with Emory University. The survey interviewed 260 women and **Mr. Tovar** presented some of the survey results, including incidence of health-related symptoms while at work, workplace conditions, and results of biological samples taken from participants. Regarding the latter, the biological analysis looked at organophosphate exposure, which showed levels far above the CDC national average. Other chemicals of concern for the Farmworker Association are chlorpyrifos, which is a highly potent insecticide that can cause acute poisoning and nervous system malfunction in high doses, and Mancozeb, which is a potential human carcinogen and suspected endocrine disrupter. **Mr. Tovar** noted the tragic case in Immokalee where a number of infants were born with severe deformities after their mothers were each exposed to pesticides during pregnancy while harvesting tomatoes. **Mr. Tovar** introduced two current farmworkers to deliver their comments to the Council.

**Yesica Ramirez** discussed her employment in agricultural nurseries where she mixed pesticides to put in composts for the plants. She became pregnant during this period, which coincided with her supervisor leaving the company, leaving **Ms. Ramirez** in sole responsibility over the pesticide mixing process. She worked throughout her pregnancy, despite her concerns about pesticide exposure, because she needed the income. She was not provided protective equipment by her employer. Her child was born with craniosynostosis, which required surgery when her daughter was four months old. Her child also has sleep apnea, which required further surgery when she turned three, and eczema, which has required continuous treatment. **Elvira Lopez** talked about her

experiences working in nurseries for 10 years. At one location workers had to work without clothes or masks and had to eat lunch inside the workspaces. On a number of occasions, she developed rashes and difficulty breathing while working. Many workers are afraid to speak out for fear of losing their jobs. **Ms. Lopez** mentioned one case where she developed a severe rash and brought it to her boss's attention, and he told her he couldn't let her leave. **Ms. Lee** added her own experiences in earlier days where workers weren't provided with water or toilets.

**Ms. Economos** concluded with some specific topics where NEJAC can support efforts to protect farmworkers' health and safety:

- Support stronger Worker Protection Standards for farmworkers, including buffer zones around homes, schools, churches, playgrounds, etc. In particular, NEJAC should oppose current efforts to roll back pesticide application exclusion zones (AEZs) in the EPA's Agricultural Worker Protection Standard.
- Support efforts to ban chlorpyrifos, atrazine, paraquat, and Mancozeb, and ensure they are not substituted with equally toxic alternatives. Support U.S. Representative Nydia Velazquez's bill to ban all organophosphates.
- Oppose the use of antibiotics as pesticides.
- Promote the need for bilingual English and Spanish pesticide labels.
- Lobby for Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) reform of the current method of assessing pesticides for registration
- Help incentivize development of agro-ecological principles in agriculture as opposed to chemically intensive agriculture.

**Ms. Trevino-Sauceda** thanked **Ms. Ramirez** and **Ms. Lopez** for their powerful and emotional remarks. She seconded previous comments about the seeming invisibility of the farmworker community and their history of mistreatment but the corporate world and federal agencies. She pointed out that agriculture is the only industry that allows children down to the age of 12 to work, yet this is the community that is ignored by the powers that be.

**Mr. Tovar** added that compliance monitoring for the Worker Protection Standards are left to individual state departments of agriculture, which leads to great disparity in monitoring standards. It is also a conflict of interest because the state agricultural community has a stake in maintaining and promoting high production levels.

**Ms. Economos** added that the injustice is magnified and made more intolerable by the fact that these workers are responsible for the very food our country eats, our very wellbeing as humans, and are working arguably the most important jobs in the country. Regarding specific pesticides the Farmworker Association is requesting NEJAC support in addressing, **Mr. Tilchin** asked for more information on the usage of the chemicals to help inform the Council's decision. **Ms. Economos** said she will provide that information if it is available, but she noted that some states, such as Florida, do not have pesticide use reporting requirements.

**Chair Moore** thanked the panel for their moving presentation. He noted that this is far from the first-time farmworkers have come before the Council and he will do what he can to encourage

NEJAC to support the recommendations made by the Farmworker Association today. It is an insult on the government's behalf to roll back rules and laws that were put in place on behalf of farmworkers and communities around the country and all the nation's citizens.

## 2.9 Adjournment

**Chair Moore** adjourned the meeting for the day at 6:15 p.m.

## 3.0 Welcome and Day Two Recap

On Thursday, February 27, 2020, **Karen Martin** reconvened the NEJAC and confirmed the presence of a quorum. **Ms. Orduno** began the morning by continuing the Council discussion regarding the upcoming meeting with the EPA Administrator on March 16<sup>th</sup> in Washington, D.C. The NEJAC Steering Committee, after consultation with OEJ, proposed sending a delegation of approximately 10 members to the meeting. Members of the Steering Committee – which includes Chair Moore, Ms. Orduno, Mr. Tilchin, Ms. McGee-Collier, and Mr. Randolph – would be five members of the delegation. Ms. Orduno felt it would be best to fill the rest of the group with representatives from the stakeholder groups and EPA regions not already represented, as well as members local to D.C. to save travel expenses. **Ms. Orduno** recommended Dr. McClain, Mr. Doyle, Ms. Trevino-Sauceda, Dr. Wilson, Dr. Whitehead, and Mr. Ghanta. NEJAC members expressed consensus in support of this group as a good list of representatives.

The Council next discussed a proposed agenda for the meeting with the Administrator and EPA leadership. One topic was the concerns previously discussed about the lack of in-person presence from leadership at NEJAC meetings and related concerns about responsiveness. Another proposed topic was policy follow-up regarding particular NEJAC charges or letters and areas in which the Council has received little or no response. The Council could also raise some of the urgent matters and action items related to issues raised in public comments.

**Ms. Shirley** said she would be interested to hear how the EPA treats its other federal advisory committees. **Mr. Shabazz** said raising the issue of reforming funding criteria to help community groups increase access to federal dollars might be another topic area to discuss. **Mr. Randolph** said the Council should set up work groups to address specific projects and draft proposed letters, in addition to raising them with the Administrator at the meeting. He noted that the agenda would cover a lot of points fairly quickly and the Council should be sure things don't get lost in the shuffle after the meeting. **Ms. Nagano** worried that the proposed agenda was too packed for the time allotted and said the Council should consider narrowing the agenda down to three items. She suggested one procedural on NEJAC's relationship with EPA, and two focused on substantive issues of high priority. **Ms. Sprayberry** agreed that NEJAC should hone its message so that it can get its point across to the Agency. **Dr. McClain** said NEJAC needs a mechanism to track all the issues and action items it is juggling so it knows the status of a given topic at all times. This would also help the Council keep pressure on the Agency.

**Chair Moore** said the visit to D.C. will likely include two meetings, one with the Administrator and another with other members of leadership, such as Office of Policy representatives. He agreed that the more pressing items should be raised with the Administrator and then the delegation can

discuss the longer list of items with EPA staff in the subsequent meeting. **Ms. Markowitz** said the Council should consider what it wants to hear from the Administrator and how best to get his attention about the importance of NEJAC's work. It might be helpful to bring a couple stories from this meeting to help show why environmental justice matters. **Dr. Whitehead** seconded other comments that the delegation should be organized and succinct in its message to the Administrator. The Council should also bring a document of pressing concerns that it can leave behind with the Agency.

### **3.1 Disaster Recovery and Community Resilience in Puerto Rico and the U.S. Virgin Islands**

**Mr. Tejada** welcomed the first panel of the day and thanked the participants for traveling to speak before the Council and taking time away from their work back at home.

#### **3.1.1 David Kluesner – Acting Director, Strategic Programs – U.S. EPA Region 2**

**Mr. Kluesner** introduced the panel members and briefly discussed their backgrounds and current employment. The presentations are focused on disaster recovery in EPA's Region 2, which includes New York, New Jersey, Puerto Rico, the U.S. Virgin Islands, and eight tribal nations. A representative from the U.S. Virgin Islands, Kurt Marsh, was scheduled to be part of the panel but was unable to make the meeting due to travel complications.

#### **3.1.2 Peter Lopez – Regional Administrator – U.S. EPA Region 2**

**Mr. Lopez** thanked the Council for their leadership and said EPA looks forward to hearing their input during this session. It takes collective engagement from all parties and EPA and the community to effect meaningful change. He focused his presentation on disaster recovery efforts in Puerto Rico and the U.S. Virgin Islands (USVI) in the aftermath of the devastating hurricanes that have struck the region in recent years; in particular, Hurricane Irma, which did significant damage to the USVI, and Hurricane Maria, which Puerto Rico bore the brunt of. The hurricanes struck the region on the same week in 2017 and left unprecedented damage and loss of life in their wake. The Caribbean islands found their roads and bridges damaged, their towns and roadways strewn with debris, widespread loss of power, sewage plant failures, and pressing drinking water shortages. In many ways, the normal civil functions of both territories were completely incapacitated. As is often the case in disasters, the poorer communities and most vulnerable populations were the most hardly hit and faced the most difficult and urgent obstacles in recovering. The federal response required an incredible amount of collaboration, both among federal agencies, and with nonprofits, community organizations, and local government. Some of EPA's early actions included assessments of wastewater treatment plants, pumping stations and rural drinking water systems. Workers also helped make sure remote communities had access to clean drinking water. Agency partners collected over 320,000 containers of hazardous materials and 60 tons of solid hazardous waste, assessing potential spill sites and disposing of medical waste.

**Mr. Lopez** next touched on some forward-looking activities EPA took as part of their response. They helped replace Puerto Rico's entire air monitoring network by restoring the Environmental Quality Board's Environmental Laboratory to working status. EPA helped support efforts to strengthen infrastructure in both Puerto Rico and USVI. One of the lessons of the hurricanes was

that disasters lay bare and exacerbate weak infrastructure and lack of resources in underserved and low-income areas. Some of these pre-existing conditions include disparate ability to manage critical infrastructure, financial struggles at the local government level due to fiscal debt, ongoing strain from repeated storm impacts, and earthquake vulnerability in Puerto Rico. EPA has over \$40 billion of investment funds to deliver to the region. The Agency has begun community engagement and works with FEMA to identify and target critical infrastructure needs. One example Mr. Lopez highlighted was a Memorandum of Understanding signed in Aguas Buenas, Puerto Rico with a group of local and international nonprofit organizations to provide sustainable, clean drinking water and more reliable power to communities across the island. This program leverages \$13 million in funding and is particularly focused on strengthening resiliency in rural communities. Another partnership co-sponsored with the Department of Commerce has allocated \$4.1 million to a solar microgrid project to strengthen energy resiliency on the island of Culebra in Puerto Rico.

### **3.1.3 Carmen Guerrero – Director, Caribbean Environmental Protection Division – U.S. EPA Region 2**

**Ms. Guerrero** further discussed some examples of EPA’s recovery projects in the Caribbean: additional funding for the Puerto Rico Clean Water & Drinking Water State Revolving Fund, the Healthy Buildings Recovery Task Force, funding to address leaking underground storage tanks, support of the Caribbean Septic Systems Working Group, Brownfields and workforce development training, programs to support energy efficiency and Energy Star certification in the Caribbean, and early participation in a proposed Caribbean Disaster Recovery Collaborative. This list highlights the importance and power of relationships and collaborations. **Ms. Guerrero** sees EPA’s role as being enablers and facilitators for community groups, academia, and nonprofits in support of projects like those listed above. As an example, Ms. Guerrero pointed to EPA-assisted efforts to strengthen solid waste management practices and infrastructure using the supplemental funding provided by Congress. **Mr. Lopez** added that Region 2 works under the principle that change should be driven from the community up.

### **3.1.4 Juan Rosario – Director – Alliance for Sustainable Resource Management**

**Mr. Rosario** began discussing his personal journey that led him to a life devoted to environmental justice and his home of Puerto Rico. With regard to the recent disaster, he emphasized that this wasn’t just one storm, but a series of Category 5 hurricanes that threatened the region which culminated in Hurricane Maria’s devastation of Puerto Rico. He emphasized Puerto Rico’s particular vulnerabilities: a bankrupt government; half the per capita income of Mississippi, the poorest state in the U.S.; the highest asthma rate in U.S. jurisdiction; and a recent history of droughts of increasing frequency and other climate change-related crises. When Hurricane Maria hit, low income Puerto Ricans were hit hardest. Mr. Rosario called the hurricane “a great unnatural selector,” dividing the people between those whose houses were strong enough to withstand the storm and those whose weren’t, between those who could afford a power generator and those who couldn’t, those who could buy fuel and those who couldn’t, between the poor and those with means.

**Mr. Rosario** next discussed his organization’s response efforts. They did not act immediately because they knew the areas would be crowded with international agencies, government

responders, and nonprofits. They waited a couple weeks for those groups to leave and then started work on identifying long-term solutions. These solutions should be:

1. Be simple enough to be deployed quickly;
2. Be developed and implemented by common people mainly with their own resources;
3. Democratic in nature, with significant community participation (national/regional system), community control (municipal);
4. Replicable;
5. Foundational and scalable;
6. Science supported;
7. Systemic and collaborative.

The government, at all levels, needs to be an ally in this struggle, not an opposition that sets up obstacles in the way of community-led action. Mr. Rosario showed pictures from several rural communities that survived the disaster for months with no help from government agencies; with proper funding and technical assistance they could achieve so much more to protect and strengthen their communities.

### **3.1.5 Dr. Cecilio Ortiz Garcia – Professor – University of Puerto Rico-Mayaguez; Co-Founder – National Institute of Energy and Island Sustainability**

**Dr. Ortiz Garcia's** presentation was on his work on equity in academic interventions in disaster recovery efforts. He is one of the founders of the RISE Network, which seeks to re-envision how universities interact with communities, NGOs, private sector partners, and local governments and how to match the knowledge and capacities of an extended partner network with community needs. The organization believes academia needs to work to move beyond a humanitarian aid approach in the aftermath of disasters to find new ways of building collaborations that can enhance resilience and foster convergent projects among diverse disciplines and sectors. When disasters strike, academic institutions frequently send researchers to study disaster response and community resilience. While well-intentioned, these activities highlighted several areas of the university-community relation that need to be studied, both pre-disaster and post-disaster.

The RISE Network held a conference in Mayaguez, Puerto Rico to help begin this work, which led to the RISE 2019 Conference, which was held in November at the University of Albany. One of the conclusions of the conference was that a new organizational model is needed based on collaboration, respect for the community, and acknowledgement of local knowledge. The University of Puerto Rico's National Institute of Energy and Island Sustainability (INESI) is one such example. Conversely, communities that partner with governmental bodies are susceptible to political interference and manipulation, as most notably seen in the case of the Hurricane Maria death toll. Puerto Rican organizations had the data and conducted the studies, but the government refused to acknowledge it and instead manufactured ignorance for political purposes. Nonprofits and external academic institutions are guilty of the same type of "parachuting," where they flood the country in the aftermath of a disaster, conduct their research and perform their charity according to their own desired outcomes, not the needs of the community they are ostensibly serving, and then promptly depart after national public attention has moved on.

**Dr. Ortiz Garcia** focused on the behavior of academic institutions, in particular, which are highly competitive, both in terms of grant funding and research output. Being first is of the utmost importance and communities are often treated as the means to an end. This can, and does, result in significant environmental injustice. RISE Network was created to address this unbalanced community-university relationship. RISE developed a new conceptual framework that acknowledged that universities are critical infrastructure, but the local institutions should take the lead in EJ communities. The paradigm needs to change from observing and studying to acting. The university must involve itself in policymaking and policy reform, provide multisectoral collaboration and vision building, and work to develop networks of pre-established relationships. **Dr. Ortiz Garcia** asked that NEJAC consider becoming a space to bring together RISE Network-affiliated universities with HBCUs and Hispanic-serving universities to further the goal of ensuring a just response to disasters in EJ communities.

### **3.1.6 Dr. Carmen Concepcion – Former Dean – University of Puerto Rico Graduate School of Planning**

**Dr. Concepcion** thanked NEJAC for inviting this panel to speak before the Council. She emphasized the importance of preparedness in the face of potential disasters, both at the local level and at the state and federal level. This is especially important for vulnerable and low-income populations. Recent experiences with earthquakes in Puerto Rico have led **Dr. Concepcion** to worry that this lesson has not been fully internalized by the responsible parties. People displaced by the earthquakes are demanding community participation in the response and recovery decision-making process, just like the victims of Hurricane Maria, particularly related to relocation policies. If communities are going to be relocated, they need to be fully involved in the process; likewise, if they are to return to the places disaster struck, they need to be assured their communities are safe and prepared for future disasters. This is part of a larger discussion of how Puerto Rico shapes its future to ensure a stable, resilient and vibrant community.

### **3.1.7 Council Comments and Questions**

**Chair Moore** thanked the panel for their participation and stressed that the Caribbean is one of the major areas of focus for NEJAC. The Council and the EPA are discussing holding one of NEJAC's meetings in Puerto Rico in the near future. **Mr. Lopez** said he would welcome and do everything he can to assist and support any visit to the island. He also noted that Region 2 was honored to attend and present at the RISE Conference in Albany last fall. **Mr. Randolph** thanked EPA region representatives for attending the meeting. Their participation is just as vital to NEJAC's work as EPA headquarters, if not more so due to their practical knowledge base. He concurred with presenter comments regarding the importance of local determination in EJ communities. **Dr. Pauli**, using his home of Flint, Michigan as an example, noted the persistent conflict and interplay between EJ communities demanding self-determination with the often desperate need for outside resources to make that possible. This often leads to these communities feeling forced to accept help from anyone who offers it, which can cause serious problems at times. This balancing act should be an area of focus for NEJAC. **Ms. Shirley** stressed the importance of timely response, particularly in U.S. territories, EJ communities, and tribal nations, which deserve the full rights and respect of other Americans and to be treated like anyone else in the continental U.S. **Dr. Baptiste** asked for input on

how to get more partners involved in the RISE Network project. She also asked for more information on the U.S. Virgin Islands to fill in for **Mr. Marsh** being unable to attend. She also highlighted the importance of taking cumulative impacts into account in the Caribbean. **Dr. Ortiz Garcia** said RISE's objective is to create a framework for just intervention that is valid not only in Puerto Rico but in all U.S. jurisdictions. One concept, for example, is community institutional review boards (IRBs) that can decide when external organizations enter communities to conduct research and on what terms. RISE is taking a low-tech approach to recruiting new members and publicity: personal relationships and word-of-mouth. Regarding USVI, Mr. Lopez said that community has unique challenges due to its small size and limited resources at hand. EPA's engagement there is very remedial, focused on making sure residents have water, food, shelter, and working to rebuild basic infrastructure. EPA is working closely with the USVI leadership in this process.

**Ms. Guerrero** noted USVI had some successes, particularly related to reestablishing power and water services promptly and power resilience due to the ubiquity of home generators. One ongoing issue is solid waste management. **Dr. Wilson** suggested NEJAC look into data surrounding extractive grant behavior, perhaps via NIEHS or National Science Foundation resources. **Ms. McGee-Collier** mentioned the importance of maintaining residential zoning standards in disaster-stricken communities so industrial factories don't replace abandoned homes. **Dr. McClain** asked for more EJ-specific information from the Region 2 representatives. She also asked for comments on the contracting process and the need for local contractors. **Mr. Lopez** said EJ is a major focus of his region's work and does its best to find communities in need and fill the gaps. EJ is not just a catchphrase for Region 2; it's the lens through which the region interacts with the communities it's responsible for. **Ms. Guerrero** added that partnering with contractors and holding local workforce training programs are a major part of EPA's footprint in Puerto Rico.

**Mr. Rosario** reminded the Council and other participants that the ultimate goal was to create communities that need no response at all, whether from the government or academia. EJ communities don't need help; they need justice, collaboration, and the power of self-determination. **Ms. Orduno** added that there were significant corporate, political, and economic reasons for maintaining the status quo to the detriment of EJ communities. **Mr. Lopez** said award matching, capacity building, and loan forgiveness are some of the mechanisms EPA and its sister agencies have to do what they can to move this process forward.

### **3.2 National Environmental Policy Act Discussion**

**Mr. Tilchin** introduced Edward Boling, Associate Director, Council on Environmental Quality, to deliver a presentation on proposed revisions to the National Environmental Policy Act.

#### **3.2.1 Edward Boling –Associate Director– Council on Environmental Quality**

**Mr. Boling** thanked the NEJAC for inviting him to deliver this update and offered the Council on Environmental Quality's (CEQ) appreciation to NEJAC members for their ongoing participation in the NEPA rulemaking process. **Mr. Boling** began by giving a general overview of NEPA and its history, and its implementation regulatory guidelines as promulgated by CEQ back in the 1970s. The NEPA implementing regulations have remained mostly unchanged since their original

promulgation. Under the current regulations, there are three levels of environmental review to comply with NEPA: categorical exclusions (CEs), environmental assessments (EAs), and environmental impact statements (EISs). CEs are granted for projects the Agency determines do not substantially impact the environment. EAs are concise assessments for projects that cannot be categorically excluded. EISs are reserved for projects the Agency determines could have a significant impact on the environment. These are thorough and intensive reviews for which the Agency reserves the majority of its assessment resources.

Each year, agencies prepare approximately 170 EISs and 10,000 EAs, and CEs are granted to approximately 100,000 actions. CEQ conducted a study of the years 2010-2017 to determine how long the average EIS process takes and their length in pages. Using federal highway projects as an example, CEQ found that the average length of a final EIS is 645 pages, and the average time to conduct these NEPA reviews is 7.3 years. The numbers vary by agency, however, and Department of Transportation projects had the longest average time in the federal government. For comparison, the average EPA EIS during this period was completed in about 3.5 years.

There are many factors at play that contribute to the length of the process, not all of which are solely attributable to NEPA itself. Nevertheless, the Administration identified the environmental review process as a governmental process overdue for an update and assessment to see where efficiencies can be made and streamline the review approval process for infrastructure projects. On August 15, 2017, President Trump issued EO 13807, “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects.” The EO directs CEQ to enhance and modernize the federal environmental review and authorization process to (1) ensure optimal interagency coordination of review and authorization decisions; (2) ensure that multi-agency environmental reviews and authorization decisions are conducted in a manner that is concurrent, synchronized, timely, and efficient; (3) provide for use of prior federal, state, tribal, and local environmental studies, analysis, and decisions; and (4) ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays, including by using CEQ’s authority to interpret NEPA to simplify and accelerate the NEPA review process. Ultimately, the goal is to lower the EIS process to an average of 2 years.

CEQ published an advance notice of proposed rulemaking, “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act,” for public comment on June 20, 2018. CEQ received over 12,500 comments during the public comment period, which closed on August 20, 2018. The goals of the rulemaking are to modernize and clarify the regulations, reduce paperwork and delays, promote better decisions, and to respond to numerous questions that have been raised over the past four decades by codifying guidance, case law, and agency practice.

**Mr. Boling** walked through the specifics of the proposed rulemaking and highlighted notable updates. For example, the rulemaking would require joint schedules, a single EIS, and a single record of decision (ROD) for EISs involving multiple agencies. It would strengthen the role of the lead agency and require senior agency officials to timely resolve disputes that may result in delays. One of the other major overarching goals is to clarify terms, application, and scope of NEPA reviews. The public is one of the major audiences for these changes; CEQ hopes to make the whole process

clearer and more responsive to public comments. The rulemaking requires comments to be specific and timely and submitted early in the process to ensure their consideration. It would also require agencies to summarize all alternatives, analyses, and information submitted by commenters and to certify consideration of such information in the ROD. **Mr. Boling** next described the changes that codify legal rulings and precedent established in recent decades. To relieve some burdens on applicants, the rulemaking would allow applicants and their contractors to assume a greater role in preparing EISs under the supervision of an agency and allow for certain activities to proceed while environmental reviews are pending. There are also significant changes to the involvement of tribal nations in the NEPA process. The update would ensure consultation with affected tribal governments and agencies and eliminate the provisions in the current regulations that limit tribal interest to reservations.

**Chair Moore** mentioned five areas of concern that have been raised at the meeting, both in public comments and by NEJAC members, regarding the proposed changes to NEPA: cumulative impacts; the importance of engaging impacted communities at the beginning of the process and including them in the decision-making process; NEPA must continue to consider the human environment, including socioeconomic and health factors; NEPA must consider pre-existing conditions in both the human and natural environment; NEPA must consider impacted nonresident populations, such as seasonal workers and farmworkers; indigenous people and sacred sites must be respected; and NEPA must consider unique impacts to the community separate from general impacts to the environment alone.

**Ms. de Aztlan** noted that her experience in her community in El Paso, Texas is that the community is rarely consulted or considered in major infrastructure projects. Highways frequently cut through communities and displace schools, among other negative impacts. She raised concerns that simplifying public comment might be a means to limit public comment. She also strongly disagreed with the proposal to allow projects to conduct construction activities while the EIS is pending. Regarding allowing certain activities, **Mr. Boling** clarified that it would be limited to activities that do not directly affect the project area under review or that would preserve the status quo at the site. **Ms. McGee-Collier** expressed concern about provisions that would allow state or contracted assessments to supplement or replace federal assessments, particularly since the former are often less thorough and rarely account for cumulative and socioeconomic impacts. **Mr. Boling** acknowledged that this was a commonly raised concern. He noted that the existed regulations do not require draft EISs to be published. The regulations require that the public be involved in the development of an environmental assessment; the goal is to increase the flexibility of the environmental assessment process. Individual agencies will have to develop their own requirements that address the peculiarities of their agency.

**Dr. McClain** expressed her disapproval of the short windows for public comment for the proposed rulemaking. She asked CEQ to extend the comment period. **Mr. Boling** said he does not have that authority. **Chair Moore** asked **Mr. Boling** if he would make that recommendation to the CEQ. **Mr. Boling** said his recommendation was between him and the chair of the CEQ. **Ms. Osborne Jelks** asked who defines what “specific” means when the rulemaking says that all public comments should be specific to the application. **Mr. Boling** said the purpose of this language is to inform

parties on existing case law governing agency decision-making. This is to encourage actionable comments, not discourage generalized comments, which will still be allowed. She also asked whether the rulemaking would shorten the public time period. **Mr. Boling** said the 30-day window only refers to comments on the adequacy of the summary of community impacts in the final EIS. This comment period is not an existing regulatory requirement. She expressed her opinion that allowing the applicant to be involved in the EIS reeks of conflict of interest and predetermined outcomes.

**Mr. Boling** said this was a common topic of public comment. The logic is that the applicant is allowed to participate in EAs, so it should be allowed to do so in EISs, as well. **Ms. Osborne Jelks** said agencies should never be allowed to limit accessibility to online-only. She also strongly objected to any attempt to not consider cumulative impacts in the NEPA process. **Mr. Boling** said the purpose is to clarify definitions around cumulative impacts, not to remove all consideration. Finally, she asked **Mr. Boling** to address rumors that the rulemaking would require community organizations to submit a bond in order to challenge agency decisions or request holds. **Mr. Boling** said that language is a reference to existing abilities agencies have in the administrative appeals process. CEQ has no ability to impose bond requirements.

**Ms. Nagano** asked for clarification on why types of public engagement will be required under the rulemaking. **Mr. Boling** said public hearings are specifically mentioned in the regulations; the purpose of the rulemaking is to expand that to include other public engagement options. The emphasis will remain on affirmatively involving the public, which is the requirement under the existing regulations. **Dr. Wilson** seconded comments stressing the importance of considering health impacts when assessing cumulative impacts. Ideally, NEPA would provide for data collection and epidemiological assessments. Plain language guidance for EAs and EISs would also be very valuable. **Dr. McClain** requested that CEQ/EPA provide resources after the rulemaking is finalized to train communities on the new regulations.

### **3.3 Environmental Justice Interagency Working Group Focus Group Update**

**Mr. Tilchin** welcomed **Mr. Chip Hughes** to present an update on the EJ Interagency Working Group (IWG) Focus Group session that was held here in Jacksonville immediately prior to NEJAC convening for its meeting.

#### **3.3.1 Chip Hughes – Branch Chief, Worker Education and Training Branch– National Institute of Environmental Health Sciences**

**Mr. Hughes** started off by providing an overview of the NIEHS Worker Training Program (WTP), which used to be part of EPA and was created as part of the original CERCLA legislation. The program has three main goals: to increase worker safety and health across the country, increase the country's capacity for disaster preparedness and emergency response, and provide a job and life skills training program to unemployed and underemployed individuals. Since 1987, the program has trained approximately 4 million workers, and trained thousands of workers in direct response to many of the worst natural and manmade disasters in the U.S., including the Exxon Valdez spill, the World Trade Center disaster; Hurricanes Katrina, Sandy, Harvey, Irma, Maria, and Florence; and

the Deepwater Horizon Gulf oil spill. Mr. Hughes then discussed the work of the IWG, which was created as part of the 1994 EJ Executive Order. The IWG is chaired by the EPA Administrator and was established to provide a forum for federal agencies to collectively advance EJ programs, policies, and activities. **Mr. Hughes** has been tasked by the IWG to head up its EJ and Natural Disasters Subcommittee, which was created to look at disaster response and preparedness in EJ communities. In particular, the group hopes to identify time sensitive solutions to address natural disaster preparedness, response, and recovery in vulnerable, overburdened, and underserved communities.

The subcommittee is comprised of representatives from 10 departments and agencies across the federal government and is in the early process of data collection and public outreach. The subcommittee hopes to submit a final report to the IWG in September. **Mr. Hughes** presented a summary of comments received at the focus group meeting, which he divided into three general categories: preparedness, response, and recovery. One cross-cutting comment, which has been made elsewhere in this meeting, was that environmental, racial, cultural, climate, and other justice issues in disadvantaged communities are even more pronounced before, during, and after natural disasters. This fact, and government's actions to address it, is even more vital in the age of climate change and more frequent severe weather events. **Mr. Hughes** also noted the importance of language justice, dedicated funding for recovery, long-term mental health needs of those affected by disasters, and responder resilience programs.

**Chair Moore** stressed that the farmworker community needs to be considered throughout this process, as well as the most vulnerable populations within the EJ communities. He recommended working with academic institutions, particularly those that serve or are located in EJ communities. Superfund sites should be required to work with impacted communities, not recommended to do so. **Ms. Orduno** and other members raised concerns about how disasters are defined and how federal or state action typically requires an official disaster declaration; many EJ communities have been dealing with undeclared disasters for decades. **Dr. McClain** talked about her experiences with Harambee House's partnerships with the Worker Training Program. She expressed her concern regarding diminishing federal resources and the need for more grant opportunities for frontline organizations. **Ms. de Aztlan** asked that the IWG subcommittee look at potential impacts of the Trump Administration's border wall on the Rio Grande flood plain and environmental impacts in general along the trajectory of the proposed construction, such as the vulnerable Quitobaquito Springs in the Sonoran Desert, along with cultural impacts on sacred lands of the Tohono O'odham Nation. **Ms. Osborne Jelks** highlighted the need for funding to be made available to EJ communities for disaster response assessment, action planning, and disaster-related citizen science activities.

### **3.4 Resiliency: Social Vulnerability and Housing in the Context of Coastal Resiliency**

**Mr. Tilchin** welcomed the next panel to deliver their presentations on the effect of climate change on housing and other social impacts.

### **3.4.1 Whitney Gray – Administrator, Florida Resilient Coastlines– Florida Department of Environmental Protection**

**Ms. Gray** discussed the State of Florida’s programs for helping coastal communities adjust to the effects of sea level rise, particularly vulnerable housing communities and populations. Starting in 2011, the Florida Department of Environmental Protection, in partnership with NOAA, funded the Department of Economic Opportunity to provide technical assistance to coastal communities for innovative planning and development strategies. These activities include funding opportunities, a statewide focus group, developing and piloting the Adaptation Action Areas program, conducting vulnerability assessments and adaptation plans for three pilot areas, and developing technical assistance documents. The Florida Resilient Coastlines Program (FRCP) was stood up two years ago as a result of these efforts, with the goal of synergizing community resilience planning, natural resource protection tools, and funding to prepare Florida’s coastal communities for the effects of climate change, especially coastal flooding, erosion, and ecosystem changes from sea level rise.

**Ms. Gray** said the program works with communities through three primary avenues: resources, funding, and coordination. She described particular examples of these technical assistance resources and funding opportunities. One primary example is the Adaptation Planning Guidebook, which stresses the importance of reaching out to engage vulnerable populations of all stripes. She suggested FRCP’s efforts to encourage projects supported by the program take into account social vulnerability in order to receive preferential consideration. These projects should use best practices for identifying and analyzing social vulnerability, such as those identified by the U.S. Centers for Disease Control. And the projects should produce reports that show graphically the impacts of sea level rise and associated flooding on vulnerable sectors, narrative descriptions of the methods used in any analysis, and any goals and policies to be adopted into the community’s comprehensive plan. For illustration, Ms. Gray presented data from the CDC’s Social Vulnerability Index on Duval County, in which Jacksonville is located. She also pointed to the Southeast Florida Regional Climate Change Compact, which has social equity as one of its main planks. FRCP is encouraging its grantees to do the same.

### **3.4.2 Bill O’Dell – Director– University of Florida Shimberg Center for Housing Studies**

**Mr. O’Dell** delivered his presentation focused on the effects of climate change on at-risk affordable housing in Florida. The Shimberg Center for Housing Studies was founded in 1988 by the Florida Legislature, with the mission of helping to promote safe and affordable housing and related community development throughout the state of Florida. The center produces the Florida Housing Data Clearinghouse, a free source of data on housing supply and demand for Florida cities and counties. Its current research focuses on documenting Florida’s housing market conditions; preserving affordable rental housing; linking affordable housing with land use, transportation and resiliency decisions through GIS modeling; supporting the development of energy efficient and healthy homes; and investigating the impacts of hazard and disaster on affordable housing. Housing data shows a growing gap between housing costs and what people can afford to pay, both in Florida and around the country. This state of affairs used to be considered a crisis but it now appears to be a permanent structural condition. In Florida, the proportion of cost-burdened households is growing. While the decline is still small, Florida is experiencing a net loss of so-called affordable

rental properties, and the gap between demand and supply of affordable and available rental units is growing.

With the exception of the Orlando metropolitan area, most assisted and public multi-family units are located on Florida's vulnerable coastlines. Disasters exacerbate the existing affordable housing problem through a combination of dislocation, physical loss of inventory, and short-and long-term impacts to the local housing market. Housing must be considered one of the social determinants of health in low income populations because rent money often cuts into available funds to be spent on appropriate food, medical treatment, and other health-related needs. **Mr. O'Dell** presented data showing current affordable housing stock in Florida, where they are located, gaps in housing needs, rent pricing data over time, and tenant characteristics. Many properties will be leaving the inventory as the result of assistance contracts ending and the conclusion of mortgage terms. Many structures are aging and rapidly deteriorating, as well. He also presented images from a coastal flooding vulnerability mapping application developed by the Shimberg Center. This tool suggests that half of Florida's affordable housing stock faces at least some risk of flooding in the coming years.

**Dr. Wilson** mentioned the Rural Resilience Index and the Coastal Community Resilience Index as other valuable resources to consider. He also noted the Cumulative Stressors and Resiliency Index, which is being developed by one of his partners in Charleston, South Carolina. Maryland is working on integrating climate models and green infrastructure tools into Maryland EJSCREEN. **Ms. Gray** said the more tools available, the better, particularly because sellers in Florida are not required to disclose when their property is located in flood zones. **Ms. Shirley** raised the issue of community relocation and asked whether that is being discussed in Florida. **Ms. Gray** said the rate of sea level rise has thus far been very gradual and the state has not seen significant subsidence or land loss; as a result, relocation is not being considered at the moment. **Mr. Doyle** asked whether local tribes are involved in the assessment process, and whether the state is tracking individuals that voluntarily move due to climate change or flooding. **Ms. Gray** said the communities are conducting their own assessment and adaptation plan. The state does not formally track people who relocate because of flooding, although informal data may exist elsewhere. She has heard anecdotal reports along those lines, but noted that Florida is still bringing in new residents at a very high rate. **Ms. Baptiste** asked **Mr. O'Dell** if any of the data he presented could be broken down into demographic categories. **Mr. O'Dell** said that would be the focus of future research, but that data currently does not exist.

### **3.5 NEJAC Superfund Task Force Work Group Update**

#### **3.5.1 Michael Tilchin – NEJAC Vice Chair and Jacobs Engineering; Tai Lung – Program Analyst – U.S. EPA**

**Mr. Tilchin** presented a progress report on the activities of NEJAC's Superfund Task Force Work Group. The Superfund Task Force's Recommendation 42 charged NEJAC to work with a broad array of stakeholders to identify barriers and opportunities related to cleanup and reuse of Superfund sites in a manner that takes central consideration of the unique burdens and vulnerabilities of EJ populations living in and around these sites. The work group finished Phase 1 of its project, which focused on how the EPA Superfund program can build stronger, more strategic relationships with

impacted populations and ensure clean-up and site reuse supports the impacted community's needs. Phase 1 also considered what should be done to facilitate effective, efficient, and consistent decision-making regarding remediation and reuse of NPL sites. The Phase 1 report has been completed and is available on the NEJAC website. Phase 2 will tackle three questions related to the Task Force charge:

1. What are examples of case studies and models that illustrate best practices and lessons learned which can inform ways to elevate equity in Superfund cleanup and redevelopment to ensure all have a voice in EPA decisions?
2. Which additional resources can be realized to support reuse and redevelopment of remediated Superfund sites from other programs?
3. Are there any additional issues related to the clean-up and redevelopment of Superfund sites that are not captured in the charge?

**Mr. Tilchin** next mentioned the members of the work group, its guiding principles, and the process it takes in receiving input and drafting its recommendations. He presented slides showing a summary of the Phase 1 recommendations. Major topics covered in the recommendations include community engagement and advocacy, training (of both EPA staff and the community), guidance and decision-making, grants and resources, and risk communication, among others. Regarding Phase 2, multiple case studies are currently being prepared and will be added to the Case Study Repository. Mr. Tilchin gave the Council an outline of what the Phase 2 report will look like structurally and a timetable of its work. The work group hopes to finalize the Phase 2 report by October, and NEJAC will receive draft versions and have options to present input at several points along the way. In particular, the work group is looking for additional case study sites.

**Mr. Shabazz** asked for a list of completed and ongoing case studies so Council members don't make duplicative recommendations. **Mr. Tilchin** said a list would be compiled and provided to the Council. **Ms. McGee-Collier** said it is important to acknowledge many of the things the Superfund does right, adding that many best practices have come out of that program. **Ms. Shirley** underlined the importance of fiscal literacy in helping communities understand these complex federal processes. For potential case studies, **Mr. Doyle** recommended the uranium tailing piles on Navajo land in Arizona and Northern New Mexico, as well as tailing sites on Northern Arapaho lands in Wyoming. **Chair Moore** mentioned the South Valley Superfund site in Albuquerque, New Mexico as another case study option.

### **3.6 NEJAC Business Meeting Reflections and Conversation**

**Ms. Martin** opened the Council business discussion by listing some of the major items raised by the public and Council members throughout the meeting. The Council spent some time discussing the draft recommendation letter regarding the Yazoo Backwaters flooding issue that was brought up during public comments. The draft letter was written up immediately after the public comment session circulated among Council members for comment, some of whom requested further discussion during this session.

**Ms. Collier-McGee** noted that the Mississippi congressional delegation was well aware of the Yazoo situation and has been active in bringing it to the attention of the administration at the highest levels. She expressed her opinion that NEJAC's efforts might be better spent on other, less supported topics. **Mr. Edwards** concurred. **Ms. Shirley** expressed concerns and confusion, as a new NEJAC member, around the letter drafting process in general. Ms. Martin said all members are welcome to draft recommendation letters, but these letters will always be circulated to the members for comment and must be approved by the full Council before they are made official. **Chair Moore** proposed creating a letter writing work group to conduct additional research on this topic and discuss it further. **Mr. Randolph** felt it wasn't NEJAC's role as an advisory board to conduct research. He believes the public deserves a response in the form of a letter, either asking for more information or indicating that some kind of action will be taken. He added that support from NEJAC could assist and support congressional efforts already underway. **Mr. Doyle** said NEJAC should try to stay out of politically charged issues where possible. **Ms. Harris** agreed and said she was hesitant to call for overturning an EPA decision and felt more information would be needed before this step should be taken. **Mr. Shabazz** said members should be encouraged to draft letters and create templates for potential Council actions. When members take matters into their own hands and are proactive it improves the efficacy of the Council as a whole.

**Mr. Tejada** listed some action items that OEJ will be tackling, including translation accessibility and equity, efforts to visit Puerto Rico for a future NEJAC meeting, additional support on worker protection standards, and agenda topics for the March meeting with the Administrator in D.C. EPA will also be working to provide better advanced planning for future meeting dates and locations. **Mr. Shabazz** raised Dr. Garcia Ortiz's offer to collaborate with the RISE Network in Puerto Rico as another potential action item. There was some discussion regarding voting on action items or recommendations prior to the meeting with the Administrator. This possibility was complicated by the fact that the official meeting summary will not be available prior to then, and some Council members preferred waiting until that document was ready before beginning the deliberation and voting process.

**Mr. Tejada** confirmed that it would be impossible to complete the letter writing and deliberation process before the March 16<sup>th</sup> meeting given the Federal Advisory Committee Act public meeting notice requirements. The delegation would be able to hold conference calls beforehand to prepare for the meeting. **Ms. Orduno** asked if there was any written document the Council could prepare to deliver to the Administrator at the meeting. Mr. Tejada said the Council could empower the Chair to compose a Chairman's Letter consisting of a summary of action items from this meeting which could be left with the Administrator. However, the Council would not have the opportunity to review the letter before March 16<sup>th</sup>. **Ms. McGee-Collier** made a motion for the Council to wait for the finalized and complete meeting summary before deliberating on potential action items. **Mr. Tilchin** seconded the motion and said the Council should develop a detailed agenda for the meeting with the Administrator in order to support its request for a two-hour meeting. The Council approved the motion.

**Chair Moore** said the Council and EPA staff needs to make an effort to not overload the agenda for future NEJAC meetings. While the Council heard many valuable and important presentations at this

meeting, there wasn't sufficient time left for Council business discussion by the end. Chair Moore and other members applauded EPA staff for their hard work putting the meeting together and EPA regional staff for attending and engaging with the Council.

### **3.7 Adjournment**

**Chair Moore** officially adjourned the NEJAC meeting at 5:28 p.m.

# **APPENDIX A AGENDA**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL PUBLIC MEETING  
February 25 - 27, 2020  
OMNI JACKSONVILLE HOTEL  
245 WATER STREET  
JACKSONVILLE, FL 32202

**Day 1: TUESDAY FEBRUARY 25, 2020 – FLORIDA BALLROOM**

3:00 p.m. – 9:00 p.m.     **REGISTRATION – FLORIDA BALLROOM PREFUNCTION AREA**

3:00 p.m. – 5:45 p.m.     **ENVIRONMENTAL JUSTICE INTERAGENCY WORKING GROUP FOCUS GROUP**

*This focus group will discuss major environmental justice issues for vulnerable, overburdened, and underserved communities in natural disaster preparedness, response, and recovery.*

- **Chip Hughes** – National Institute of Environmental Health Services
- **Connie Thomas**, Mayor – Town of Orange Park, FL
- **Melissa McGee-Collier** – Mississippi Department of Environmental Quality
- **Dr. Sacoby Wilson** – University of Maryland – College Park

6:00 p.m. - 6:15 p.m.     **WELCOME, INTRODUCTIONS, & OPENING REMARKS**

- **Karen L. Martin**, *Designated Federal Officer* – U.S. EPA
- **Matthew Tejada**, *Director, Office of Environmental Justice* – U.S. EPA
- **Richard Moore**, *National Environmental Justice Advisory Council Chair* – Los Jardines Institute
- **Sylvia Orduño**, *National Environmental Justice Advisory Council Vice Chair* – Michigan Welfare Rights Organization
- **Michael Tilchin**, *National Environmental Justice Advisory Council Vice Chair* – Jacobs Engineering

6:15 p.m. – 8:15 p.m.	<b>PUBLIC COMMENT PERIOD</b> <i>Members of the public will be given seven (7) minutes to present comments on their issue or concern to the NEJAC.</i>
8:15 p.m. – 8:30 p.m.	<b>BREAK</b>
8:30 p.m. – 11:00 p.m.	<b>PUBLIC COMMENT PERIOD CONTINUES</b>
11:00 p.m.	<b>CLOSING REMARKS &amp; ADJOURN</b>

## DAY 2: WEDNESDAY FEBRUARY 26, 2020 – FLORIDA BALLROOM

8:00 a.m. – 5:00 p.m.	<b>REGISTRATION – FLORIDA BALLROOM PREFUNCTION AREA</b>
9:00 a.m. – 9:30 a.m.	<b>WELCOME, INTRODUCTIONS, DAY ONE RECAP &amp; OPENING REMARKS</b> <ul style="list-style-type: none"> <li>○ <b>Karen L. Martin, Designated Federal Officer</b> – U.S. EPA</li> <li>○ <b>Matthew Tejada, Director of the Office of Environmental Justice</b> – U.S. EPA</li> <li>○ <b>Richard Moore, National Environmental Justice Advisory Council Chair</b> – Los Jardines Institute</li> <li>○ <b>Sylvia Orduño, National Environmental Justice Advisory Council Vice Chair</b> – Michigan Welfare Rights Organization</li> <li>○ <b>Michael Tilchin, National Environmental Justice Advisory Council Vice Chair</b> – Jacobs Engineering</li> </ul>
9:30 a.m. – 9:45 a.m.	<b>WELCOME &amp; OPENING REMARKS: FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION</b> <ul style="list-style-type: none"> <li>○ <b>Greg Strong, Director of the Northeast District Office</b> – Florida Department of Environmental Protection</li> </ul>
9:45 a.m. – 10:45 a.m.	<b>WELCOME &amp; DIALOGUE: U. S. ENVIRONMENTAL PROTECTION AGENCY REGION 4 LEADERSHIP</b> <ul style="list-style-type: none"> <li>○ <b>Mary Walker, Regional Administrator</b> – U.S. EPA Region 4</li> </ul>

10:45 a.m. - 11:00 a.m.	<b>BREAK</b>
11:00 a.m. – 12:00 p.m.	<p><b>NEJAC DISCUSSION</b></p> <ul style="list-style-type: none"> <li>○ <b>Richard Moore, National Environmental Justice Advisory Council Chair</b> – Los Jardines Institute</li> <li>○ <b>Sylvia Orduño, National Environmental Justice Advisory Council Vice Chair</b> – Michigan Welfare Rights Organization</li> <li>○ <b>Michael Tilchin, National Environmental Justice Advisory Council Vice Chair</b> – Jacobs Engineering</li> </ul>
12:00 p.m. – 1:00 p.m.	<b>LUNCH</b>
1:00 p.m. – 1:45 p.m.	<p><b>COMMUNITY VOICES: FAIRFAX ST. WOOD TREATERS SUPERFUND SITE</b></p> <p><i>This session will highlight the successful collaboration and coordination with stakeholders throughout the Superfund process at Fairfax St. Wood Treaters.</i></p> <ul style="list-style-type: none"> <li>○ <b>Dr. James E. Parris, Jr., AIA, CGC</b> – Faith Deliverance Church and Temple College Prep School</li> <li>○ <b>Leigh Lattimore, Remedial Project Manager</b> – U.S. EPA Region 4</li> <li>○ <b>Miranda McClure, Environmental Consultant</b> – Florida Department of Environmental Protection</li> <li>○ <b>L'Tonya Spencer-Harvey, Community Involvement Coordinator</b> – U.S. EPA Region 4</li> <li>○ <b>Ron Tolliver, Community Involvement Coordinator</b> – U.S. EPA Region 4</li> </ul>
1:45 p.m. – 2:30 p.m.	<p><b>COMMUNITY VOICES: EASTSIDE ENVIRONMENTAL COUNCIL</b></p> <p><i>This session will highlight the work of Eastside Environmental Council to address environmental issues and injustices in east Jacksonville to empower residents for positive change.</i></p> <ul style="list-style-type: none"> <li>○ <b>Wynetta Wright, Founder</b> – Eastside Environmental Council</li> <li>○ <b>Tena Anderson, Development Manager</b> – Eastside Environmental Council</li> </ul>

<p>2:30 p.m. – 3:30 p.m.</p>	<p><b>COMMUNITY VOICES: FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION PARTNERSHIP WITH CLARA WHITE MISSION</b></p> <p><i>This session will highlight the collaborative partnerships of the Florida Department of Environmental Protection and the Clara White Mission.</i></p> <ul style="list-style-type: none"> <li>○ <b>Ju’Coby Pittman, CEO/President</b> – Clara White Mission</li> <li>○ <b>James Maher, Assistant Director, Northeast District</b> – Florida Department of Environmental Protection</li> <li>○ <b>Sheena Chin-Greene, Program Coordinator</b> – Florida Green Lodging and Green School Designation Program – Florida Department of Environmental Protection</li> </ul>
<p>3:30 p.m. – 3:45 p.m.</p>	<p><b>BREAK</b></p>
<p>3:45 p.m. – 4:45 p.m.</p>	<p><b>COMMUNITY VOICES: COMMUNITY RESILIENCE AND NATURAL DISASTERS IN SAVANNAH, GEORGIA</b></p> <p><i>This session will highlight the work of Harambee House with the City of Savannah to identify better ways to address the challenges faced before and after a natural disaster. Harambee House has worked closely with the community to identify what those challenges are as well as effective ways to address them.</i></p> <ul style="list-style-type: none"> <li>○ <b>Dr. Mildred McClain, Executive Director</b> – Harambee House/Citizens for Environmental Justice</li> <li>○ <b>Dawud Shabaka, Associate Director</b> – Harambee House/Citizens for Environmental Justice</li> </ul>

4:45 p.m. – 5:45 p.m.	<p><b>COMMUNITY VOICES: ENVIRONMENTAL JUSTICE CONCERNS OF FARMWORKERS IN FLORIDA</b></p> <p><i>This session will highlight the work of the Farmworker Association of Florida to build power among farmworker and rural low-income communities, to respond to and gain control over the social, political, economic, workplace, health, and environmental justice issues that impact their lives.</i></p> <ul style="list-style-type: none"> <li>○ <b>Jeannie Economos, Coordinator, Pesticide Safety and Environmental Health Project</b> – Farmworker Association of Florida</li> <li>○ <b>Linda Lee, Community Leader</b> – Farmworker Association of Florida</li> <li>○ <b>Antonia Tovar</b> – Farmworker Association of Florida</li> </ul>
5:45 p.m.– 6:00 p.m.	<p><b>CLOSING COMMENTS &amp; ANNOUNCEMENTS</b></p> <ul style="list-style-type: none"> <li>○ <b>Karen L. Martin, Designated Federal Officer</b> – U.S. EPA</li> <li>○ <b>Matthew Tejada, Director, Office of Environmental Justice</b> – U.S. EPA</li> <li>○ <b>Richard Moore, National Environmental Justice Advisory Council Chair</b> – Los Jardines Institute</li> <li>○ <b>Sylvia Orduño, National Environmental Justice Advisory Council Vice Chair</b> – Michigan Welfare Rights Organization</li> <li>○ <b>Michael Tilchin, National Environmental Justice Advisory Council Vice Chair</b> – Jacobs Engineering</li> </ul>
6:00 p.m.	<b>ADJOURN</b>
<b>DAY 3: THURSDAY FEBRUARY 27, 2020 – FLORIDA BALLROOM</b>	
7:00 a.m. – 3:00 p.m.	<b>REGISTRATION – FLORIDA BALLROOM PREFUNCTION AREA</b>

8:15 a.m. – 8:30 a.m.	<p><b>WELCOME &amp; DAY TWO RECAP</b></p> <ul style="list-style-type: none"> <li>○ <b>Karen L. Martin, Designated Federal Officer</b> – U.S. EPA</li> <li>○ <b>Matthew Tejada, Director, Office of Environmental Justice</b> – U.S. EPA</li> <li>○ <b>Richard Moore, National Environmental Justice Advisory Council Chair</b> – Los Jardines Institute</li> <li>○ <b>Sylvia Orduño, National Environmental Justice Advisory Council Vice Chair</b> – Michigan Welfare Rights Organization</li> <li>○ <b>Michael Tilchin, National Environmental Justice Advisory Council Vice Chair</b> – Jacobs Engineering</li> </ul>
8:30 a.m. – 10:30 a.m.	<p><b>DISASTER RECOVERY AND COMMUNITY RESILIENCE IN PUERTO RICO &amp; THE U.S. VIRGIN ISLANDS</b></p> <p><i>This session will discuss the response to Hurricanes Irma and Maria, and long-term recovery efforts underway in Puerto Rico and the U.S. Virgin Islands. Discussions will also include resiliency and environmental justice issues that Caribbean communities face during response and recovery.</i></p> <ul style="list-style-type: none"> <li>○ <b>Juan E. Rosario, Director</b> – The Alliance for Sustainable Resources Management</li> <li>○ <b>Kurt G. Marsh Jr., Former St. John Community Liaison</b> – U.S. Virgin Islands Hurricane Task Force</li> <li>○ <b>Peter Lopez, Regional Administrator</b> – U.S. EPA Region 2</li> <li>○ <b>Carmen Guerrero, Director, Caribbean Environmental Protection Division</b> – U.S. EPA Region 2</li> <li>○ <b>Dr. Carmen Concepción, Former Dean</b> – University of Puerto Rico Graduate School of Planning</li> <li>○ <b>Cecilio Ortiz Garcia, Professor</b> – University of Puerto Rico-Mayaguez and Co-Founder of the National Institute of Energy and Island Sustainability</li> <li>○ <b>David Kluesner, Acting Director, Strategic Programs</b> – U.S. EPA Region 2 – Panel Moderator</li> </ul>
10:30 a.m. – 10:45 a.m.	<b>BREAK</b>

10:45 a.m. – 11:30 a.m.	<p><b>NATIONAL ENVIRONMENTAL POLICY ACT DISCUSSION</b></p> <p><i>This session will discuss the Council on Environmental Quality’s proposed update to the National Environmental Policy Act.</i></p> <ul style="list-style-type: none"> <li>○ <b>Edward A. Boling, Associate Director</b> – Council on Environmental Quality</li> </ul>
11:30 a.m. – 12:30 p.m.	<p><b>LUNCH</b></p>
12:30 p.m. – 1:30 p.m.	<p><b>ENVIRONMENTAL JUSTICE INTERAGENCY WORKING GROUP FOCUS GROUP UPDATE</b></p> <p><i>This session will provide an update on the focus group discussion held on the first day of the meeting.</i></p> <ul style="list-style-type: none"> <li>○ <b>Chip Hughes</b> – National Institute of Environmental Health Services</li> </ul>
1:30 p.m. – 2:30 p.m.	<p><b>RESILIENCY: SOCIAL VULNERABILITY AND HOUSING IN THE CONTEXT OF COASTAL RESILIENCY</b></p> <ul style="list-style-type: none"> <li>○ <b>Whitney Gray, Administrator, Florida Resilient Coastlines</b> – Florida Department of Environmental Protection</li> <li>○ <b>Bill O’Dell, Director, Shimberg Center</b> – University of Florida</li> <li>○ <b>Anne Ray, Florida Housing Data Clearinghouse Manager, Shimberg Center</b> – University of Florida</li> </ul>
2:30 p.m. – 3:30 p.m.	<p><b>NEJAC SUPERFUND TASKFORCE WORKGROUP UPDATE</b></p> <p><i>This session will provide an update on the charge to the National Environmental Justice Council on Superfund remediation and redevelopment for environmental justice communities.</i></p> <ul style="list-style-type: none"> <li>○ <b>Tai Lung, Workgroup Designated Federal Officer</b> – U.S. EPA</li> <li>○ <b>Michael Tilchin, National Environmental Justice Advisory Council Vice Chair</b> – Jacobs Engineering</li> <li>○ <b>Kelly C. Wright, National Environmental Justice Advisory Council Member</b> – Shoshone Bannock Tribes</li> </ul>

3:30 p.m. – 3:45 p.m.	<b>BREAK</b>
3:45 p.m. – 5:30 p.m.	<p><b>NEJAC BUSINESS MEETING REFLECTIONS AND CONVERSATION</b></p> <p><i>The NEJAC will use this time to reflect on the meeting proceedings of the last two days, develop action items and discuss new or emerging environmental justice issues across the United States and its territories.</i></p> <ul style="list-style-type: none"> <li>○ <b>Karen L. Martin, Designated Federal Officer</b> – U.S. EPA</li> <li>○ <b>Matthew Tejada, Director, Office of Environmental Justice</b> – U.S. EPA</li> <li>○ <b>Richard Moore, National Environmental Justice Advisory Council Chair</b> – Los Jardines Institute</li> <li>○ <b>Sylvia Orduño, National Environmental Justice Advisory Council Vice Chair</b> – Michigan Welfare Rights Organization</li> <li>○ <b>Michael Tilchin, National Environmental Justice Advisory Council Vice Chair</b> – Jacobs Engineering</li> </ul>
5:30 p.m.	<b>ADJOURN</b>

# **APPENDIX B**

## **MEETING ATTENDEES**

**In-Person Attendees**

<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
Gerardo	Acosta	EPA Region 6
Clay	Adcock	Community Member
Lisa	Aley	Army Corps of Engineers
Teena	Anderson	Eastside Environmental Council
Beverly	Banister	EPA
Alvin	Barker	OPED
Patrick	Barnes	BFA Environmental
Eric	Bason	Shoreline EJ
Samantha Phillilps	Beers	U.S. EPA Region 3
Terrivs	Bruce	FAMU
Anthony	Bucci	U.S. Environmental Protection Agency
Darlene	Byrd	US EPA
Sarah	Campbell	Town of Orange Park
Pat	Carey	LTM Properties
Terry	Carr	City of Jacksonville
I-jung	Chiang	U.S. EPA, Region 6
David	Clay	
Eric	Coker	University of Florida
Rochelle	Cole	EPA Region 4

### In-Person Attendees

First Name	Last Name	Organization
Carmen	Concepcion	University of Puerto Rico
James	Cromartie	
Victoria	Darden	L & R Farms
Glenn	East	Clay County
Jeannie	Economos	Farmworker Association of Florida
Richard	Elliott	Greenfield Environmental Trust Group
Cynthia	Ferguson	US DOJ / Environment and Natural Resources Division
Nicolette	Fertakis	EPA
Mark	Fite	USEPA Region 4
Aerial	Flo	Fairfax Environmental Committee For Justice, Inc.
Sheryl	Good	EPA, Environmental Justice and Children's Health Section
Whitney	Gray	DEP
Donna	Gray-Banks	Consultant
Carmen	Guerrero	EPA CEPD
Vernell	Gutter	GREEN
Reginald	Harris	USEPA Region 3

### In-Person Attendees

First Name	Last Name	Organization
Amanda	Hauff	EPA Office of Chemical Safety and Pollution Prevention
Patrick	Hayle	Mercy Support Services
Holly	Henderson	Duke Energy Florida
Stephanie	Herron	Environmental Justice Health Alliance for Chemical Policy Reform
Katrina	Hill	Florida Dept. of Environmental Protection
Brian	Holtzclaw	US EPA Region 4
Chip	Hughes	HHS-NIH-NIEHS
Brandi	Jenkiins	U.S. EPA - Region 4
Phillip	Jernigan	FEMA
Aaryn	Jones	EPA Region 4
Towana	Joseph	U.S. EPA Region 2
Tom	Kellerman	FDEP
Charles	King	USEPA/ Superfund
Toshia	King	US EPA/OLEM/ORCR
David	Kluesner	U.S. EPA - Region 2
Kay	Larson	Listening Visitor
Paul	Larson	

<b>In-Person Attendees</b>		
<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
Leigh	Lattimore	EPA
Charles	Lee	U.S. EPA
Joy	Lee	NIEHS DERT WTP
Linda	Lee	Farmworker Association of Florida
Heidi	LeSane	USEPA
Peter	Lopez	U.S. Environmental Protection Agency
Peter	Lormis	LETC
Tai	Lung	EPA
James R.	Maher	Florida Dept. of Environmental Protection
Joelle	Marquis	Legacy in Action
Bradley	Marshall	Earthjustice
Karen L.	Martin	U.S. EPA
Ken	McQueen	U.S. EPA Region 6
Matthew	Miller	Neal R. Gross & Co.
Marsha	Minter	US EPA
Sandra	Morene	
Althea	Moses	EPA Region 7
Bryan	Myers	US EPA, Region 4
Jennifer	Nazak	Daytona Beach Permaculture Guild

**In-Person Attendees**

<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
Cesar	Ortiz	University of Puerto Rico-Mayaguez
Joseph	Parker	Harambee House
James	Parris	Faith Deliverance Church/Temple Prep
Mary	Parris	Faith Deliverance Church
Cynthia	Peurifoy	EPA Retired
Kenneth	Pinnix	Florida Brownfields Association
Charles	President	HUD / Office of Fair Housing & Equal Opportunity
Yesica	Ramirez	FWAF
Nikita	Reed	City of Jacksonville
James	Richardson	Jacksonville Environmental Protection Board
Michele	Roberts	Environmental Justice Health Alliance for Chemical Policy Reform
Kareem	Ross	
Suzi	Ruhl	EPA OEJ
John	Russell	FEMA, Interagency Recovery Coordination
Sharon	Saucier	EPA/GMD
Alesia	Scott Ford	US HUD
Dawad	Shabaka	Harambee House
James	Smith	.

### In-Person Attendees

First Name	Last Name	Organization
L'Tonya	Spencer-Harvey	US EPA - Region 4
Matthew	Stewart	US HUD
Greg	Strong	Department of Environmental Protection
Matthew	Tejada	U.S. EPA
Connor	Thomas	Town of Orange Park
Tami	Thomas-Burton	EPA - Region 4
Ron	Tolliver	EPA
Antonio	Tovar	Farmworker Association of Florida
Rachael	Uhland	Earthjustice
Gloria	Vaughn	EPA - Region 6
Kathleen	Voight	NFLT
Claudette	Walker	EPA/GMD/SEE
Mary	Walker	USEPA
Ronald	Wallace	GREEN
Larry	Walls	Walls Enterprise
Thomas B.	Waters	SUMMITcred.com FAIRFAX
Maxine	Watson	
Daphne	Wilson	EPA
Helena Wooden-Aguilar	Wooden-Aguilar	EPA

### In-Person Attendees

First Name	Last Name	Organization
T	Woods	Tina Anderson Group
Davon	Harris-Young	

Teleconference Attendees		
First Name	Last Name	Organization
David	Ailor	American Coke and Coal Chemicals Institute
Bren	Ames	Aye Open Outcomes
Christine	Amrhine	Greenfield Environmental Trust Group
Deyadira	Arellano	TEJAS
Sharon	Baxter	Virginia DEQ
Leann	Bing	ATSDR R4
Brittany	Bolen	EPA
Joy	Britt Lex	Alaska Native Tribal Health Consortium
Raven	Brown	Florida Agricultural and Mechanical University
James	Burke	JPBurke& Associates
Bill	Burns	Environmental Awareness Foundation
Stan	Buzzelle	EPA
Sylvia	Carignan	Bloomberg Environment
Elizabeth	Carter	CDC (CTR)
Sue	Casteel	ATSDR
Suhani	Chitalia	American Rivers
Kelly	Crain	Florida Department of Environmental Protection

Teleconference Attendees		
First Name	Last Name	Organization
Valincia	Darby	DOI
Monica	Dick	AES
A.	Edwards	EPA
Christine	Ellis	Winyah Rivers Alliance
Lena	Epps-Price	EPA
Monica	Espinosa	US EPA Region 7
Ericka	Farrell	Environmental Protection Agency
Gabby	Fekete	EPA OIG
Timothy	Fields	MDB, Inc.
Jeanine	Finley	EPA
Joan	Flocks	University of Florida Levin College of Law
Megumi	Fujita	Office of Equal Rights, FEMA
Sabre	Germnao	EPA Region 7
Sandra	Glenn-Vernon	Nemours
Marcia	Gomez	HHS/NIH/NIMHD
Yvonne	Gonzalez	Office of Ground and Drinking Water
Stephanie	Hamlett	Office of Surface Mining Reclamation and Enforcement
James	Harper	Encore
Anita	Harrington	Detroit BSEED_EA

<b>Teleconference Attendees</b>		
<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
E Fatimah	Hasan	MD-National Capital Park and Planning Commission
Declan	Hayes	U.S. EPA
Angela	Hessenius	Duke University
Charlie	Howland	USPS
ShihMing	Huang	Sonoma Technology, Inc.
Rebecca	Huff	EPA
Jackie	Jackson	
Louikencia	Jean	FANM
Nancy	Jimenez	Hispanic Family Counselor
Doris	Johnson	CT Department of Energy and Environmental Protection
Megan	Johnson	Florida DEP
Marian	Johnson-Thompson	Retired
Darcy	Jones	SC Energy Office
Gregory	Joseph	Centers for Disease Control
Susan	Julius	US EPA
Ntale	Kajumba	US EPA
Emily	Kroloff	EPA
Sheila	Lewis	EPA/Office of Environmental Justice
Ellen	Manges	EPA

### Teleconference Attendees

First Name	Last Name	Organization
Vincent	Martin	V Martin E J
Imogene	McClendon Covin	CME Church
Nettie	McMiller	EPA
Julia	Meltzer	The New School
Lisa	Mifflin	US Treasury   Office of the Comptroller of the Currency   Tampa Field Office
Patti	Miller-Crowley	FEMA
Kait	Morano	Chatham County-Savannah Metropolitan Planning Commission
Kristine	Nelson	
Jacqueline V	Norris	Prince George's Environmental Social Equity Marginalized Community Collaborative
Leanne	Nurse	US EPA
Chavonne	Odom	Granicus
Clive	Ormsby	
Lily	Otsea	EPA
Victoria	Phaneuf	BOEM
Karen	Pierce	SF DPH
Steven	Ramsey	Social & Scientific Systems, Inc.
Myra	Reece	SC DHEC
Byron	Reed	Florida A&M University

Teleconference Attendees		
First Name	Last Name	Organization
Dawn	Reeves	
Danielle	Ridley	EPA
Sarah	Sanchez	Northeastern University
Latonya	Sanders	EPA
Ellie	Schiappa	Department of Environmental Conservation
Richard	Gragg	Florida A&M University
Gabby	Sekete	EPA
Yodit	Semu	UCLA- LOSH
Samia	Singleton	The City of Kissimmee
Dezmond	Smith	EPA
Diamond	Spratling	Emory University
Joanna Mounce	Stancil	USDA/Forest Service
Kayla	Stanton	FAMU
Lisa	Stuart	USDOL
James	Summers	US EPA
Elyse	Sutkus	EPA/OLEM/OBLR
Lior	Vered	Toxic Free NC
Nicole	Vermillion	Georgia EPD
Diana	Wahler	EPA

Teleconference Attendees		
First Name	Last Name	Organization
Leah	Weightman	MWWPR
Shanika	Whitehurst	EPA
Dianne	Wilkins	Wilkins & Associates
Dana	Williamson	Emory University, Rollins School of Public Health
Suzanne	Yohannan	

# **APPENDIX C**

## **WRITTEN COMMENTS**

Juan E. Rosario, *AMANESER 2025*  
(787- 462-5088) [amaneser2020@gmail.com](mailto:amaneser2020@gmail.com)

My name is Juan E. Rosario. I am the executive director of *AMANESER 2025* a small NGO that work with communities all around Puerto Rico promoting mitigation and adaptation mechanisms to cope with Climate Change. We do not work for the communities we work and collaborate with them. We promote resiliency by fostering self-sufficiency and work from the ground up.

As one of my beloved teachers would say: first things first. I want to express my gratitude to all the good people from NEJAC and EPA. My gratitude and admiration to Richard Moore who have always shows his solidarity with the people of Puerto Rico and a profound respect to the work of our local groups and their self-determination. My gratitude and respects to Karen L. Martin for her diligent work and patience with an old man that still have problems dealing with the emails and to all the people who did the work that allowed me to be here of behave of my beloved people. As I always warned, in the town where I was born and raised, we speak English as a third language. I may do a lot of mistakes using a language which is not native to us and I hope that you stop me before I get into troubles. The other clarification I want to make is that for many years we had an excellent relation with local EPA officials and with some at the Federal level. Many times, local we could address local specific environmental problems because these officials were very diligent and willing to act. So, anything in my testimony should not be used to construe a criticism of them.

I am here, testifying in a NEJAC meeting for the third time in my life. First time was in Detroit in 1996. There we spoke about our colonial situation and all the social, political economic and environmental injustices that colonialism entails. After that, there was a visit of some NEJAC members to Puerto Rico with some positive results.

We were, also, in the meeting that took place in Massachusetts in 2018. We spoke about the aftermath of the 2017 Hurricane Season, namely Irma and Maria, the later being a very powerful hurricane that devastated the island killing thousands of people and destroying its electrical system. In that meeting, we stated that the government was hiding the death toll of Maria. For many months they said only 16 people died, when we came here they were already admitting that probably 1,000 died and we thought that as many as 2,000 were killed.

We testified about the incredible lack of diligence and recklessly disregard to people's needs and sufferings both from local and federal institutions.

Unfortunately, the situation has not changed much. Two and a half year after Maria people are still struggling with the electrical service and some people are still living in houses that were partially

destroyed. Incredibly, there are still hundreds of houses shielded from the sun and from the rain only with the blue "provisional" tarps that were provided by FEMA to cover the roofs that were blown away by the hurricanes.

Two and a half year later time keep unveiling what is a story o corruption, incompetence and political powerlessness. Now we know that more than 3,000 people died as a consequence of Maria. That only takes into account the people that died in first 5 month after the hurricane. The majority of these people died due to the total collapse of the electrical system that, in many cases, lasted for months and in some instances for up to a year. This is the longest blackout in USA history.

The followings are some direct quotations of an article of The Center for Investigative Reporting:

*"The majority of these deaths occurred at the hospitals, where the death rate increased by 32.3% and were practical inoperable without electricity, without onsite power generators or with deficient generators, and without fuel reserves to operate according to the testimony we compiled and the visits we made"<sup>1</sup>.*

*" Other death causes of death that showed significant increases from 20% to 45%, were neumonitis due to solids y liquids, essential hypertension and renal malfunction, pneumonia and influenza, y respiratory diseases, Alzheimer and heart diseases"*

*"suicides were up 43.9%"*

*"According to the data, the population segment with the highest death increased rate during the 3 months after the hurricane were young adults, in their productive age, from 30 to 44 years, with a rate increased from 23% to 39%, when compare to the 3 previous years".*

*"Among the young people, 30 to 44 years, the principal causes were accidents and heart attacks."*

*"In dozens<sup>2</sup> of instances the relatives, attributed the deaths to lack of dialysis, insulin or oxygen"*

*"Dr. Irwin Redlener, director of the National Center for Disaster Preparedness of the Public Heath School of Columbia University in Nueva York, agreed that the death could have been avoided with a better preparation and a better response to the emergency"*

*" Although (Redlener) admitted that, the mistakes of the Government of Puerto Rico, during the preparation and the response to emergency were huge, Redlener established that the greater responsibility was that of the Federal Government of the United Sates, that*

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<sup>11</sup> The Deaths of Maria, Omayra Sosa Pascual, Ana Campoy and Michael Wesseinstein; Center for Investigative Reporting, September 14, 2018.

<sup>2</sup> decenas which in Spanish mean groups of ten.

having the resources to make the timely and forceful response, that was necessary to avoid the deaths that occurred and i did not acted accordingly ".

"Puerto Rican institutions simply did not have the resources and the experience that were needed" "The US Government was negligent by not sending the resources that was needed according to the scale of the disaster".

The hurricanes unveiled the vulnerabilities of our island to cope with Climate Change and its consequences but the earth tremors that started on December of 2019 and had it climax with a 6.4 earthquake, follow by hundreds of replicas many of them higher than 5 in the Richter Scale<sup>3</sup> reminded us that Climate Change is not our only natural threat. Thousands of houses were damaged, hundreds were destroyed and again thousands of our people are living in despair because 3 months after they began earth tremors have not stop.

I hope that the preceding statement has provided this Commission with a clear idea of the situation of our people in Puerto Rico. We want to address two very specific problems in our island that illustrate some of our environmental justice concerns:

The first one is related to the disposition of coal ashes from the AES plant in Guayama.

Since the original proposal, we at Industrial Mission of Puerto Rico<sup>4</sup> began our educational work with the communities and the government to demonstrate why the plant should not be built. Our most important argument was that the island did not have an suitable place to deposit the 700 tons of ash the plant will produce every day. To silence our voice they promised and eventually put it in the Power Purchase Agreement that the combustion residues were not going to be storage in Puerto Rico for more than six month unless they could find " beneficial and commercial uses" for them.

In our society a contract is almost sacred, when signed it becomes the law of the land. In spite of their contracted promise during 16 years AES spilled, all over our island, over 4 million tons of coal ashes laced with heavy metal and pollutants that could contaminate the soil and water and harm humans and other species. Many lab tests by private groups and even some requested by EPA<sup>5</sup> show that often pollutants in water below ash deposit violates the standards in some cases by a

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<sup>3</sup> As reported by the local media. The Ritcher Scale has been replaced by other more robust and precise scales.

<sup>44</sup> Industrial Mission of Puerto Rico was the dean of Environmental Justice organizations. Since 1969 and until 2010 when mainland environmental groups began creating branches in PR it worked creating a grassroots movement that in which environmental, social, economical and political justice were all part of the same equation.

<sup>5</sup> 2018 CCR Annual Groundwater Monitoring Report AES Puerto Rico LP, Guayama, Puerto Rico; January 31, 2019, Project No. DNA-180161

very wide margin. Before that Judith Enck, Administrator of de la Region 2 of EPA admitted to a local reporter that: Our general concern is the heavy metals. We found high levels of arsenic, which put us in a very solid position to request that (AES) stop spilling their ashes all over Puerto Rico"<sup>6</sup>

Some local institutions like the Medical College, and some health professionals has found that there is a significant correlation between living near the AES power plant and some health conditions. Some goes even further and makes an association with the increased rate of death<sup>7</sup>.

However, instead of forcing AES to comply or suspending their permits EPA decided to "help" AES to find a way to dispose their ashes by allowing them to use our landfills to deposit them. In order to do that the PPA with PREPA was amended to remove the self-assumed prohibition against disposing them locally. The proposal from the EPA Region 2 Administrator, Judith Enk, came in the form of a recommendation in a letter to Laura Vélez Vélez, President of the Environmental Quality Board and Juan Alicea Flores, Executive director of Puerto Rico Electric Power Authority, on August 14, 2014.

If you look closely at which are the communities affected you will notice that they are disenfranchised communities: Puente de Jobos in Guayama a poor community that was polluted by many industrial sources for decades, including a Superfund Site; Tallaboa Encarnación in Peñuelas; one of the communities that suffered for decades the pollution of the CORCO Petrochemical Complex, where pollutants were found not only in the soil and the air but also hundreds of feet in the underground water and Buena Vista Humacao in which the community have been suffering from the operation of a dumpsite (they call it landfill) that is so obnoxious that the operator installed citric perfume dispensers around the premises to hide the intolerable odors from garbage decomposition. Not what we expected from EPA.

The second specific problem related to environmental justice in the garbage crisis that has been going unabated for more than 40 years. Year after year, for decades, we warned EPA's officials that the way our local government was handling the problem could not even make a dent in the crisis. Every decade the same headlines in the local newspapers make the dire premonition: our landfills are very polluting, and we are running out of space. A year ago, quoting EPA a local newspaper reported that only 29 landfills remain open and that only 11 of them are in compliance with the regulation. The numbers came from a Report commissioned by EPA to Weston Solutions. According

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<sup>6</sup> PREPA amends its contract with AES, Omar Alonso, March 16, 2016, Periodico la Perla.

<sup>7</sup> Mortalidad y contaminación de aire en los municipios de Guayama y Fajardo, Puerto Rico: un estudio ecológico de series de tiempo. Luis A. Bonilla Soto, PhD Departamento de Salud Ambiental Director y Catedrático Christian E. Cruz Cruz, BS, MPH Departamento de Bioestadística y Epidemiología, 2019.

to the report even if the landfill that are not in compliance now can be used to deposit our trash the remaining capacity will only be 2.91 years. That is if we rely on the numbers of garbage generation of the government if we use the data from the landfill's operator on the trash, they actually receive which are 1 million tons less (30%) we have a little bit more than four years of remaining capacity. One way or the other we are a running out of space.

The traditional crisis was worsened by the way the residues from hurricanes Irma and Maria were handled or more precise mishandled. Between September 2017 when the hurricanes hit Puerto Rico and June 2018, 2,660,000 tons of debris were sent to the landfills. Most of this monumental disaster was created by US Corp of Engineering and FEMA that had no idea and no plans on how to deal with the huge amount of vegetative residues that were generated by the hurricanes. They poured huge amounts of money (millions) moving these residues around the island.

But there is hope, so we believed when the reported quoted local and federal officials saying that they have a strategy to deal with the problem: "As part of the study it was analyzed how many landfills could be expanded, and it was find that 15 had manifested in building new cells to deposit trash. So according to the operator almost 50 million tons of trash could be received.

Now we see EPA and the Federal Government doing the same thing that brought us here, spending millions of dollars doing ill designed composition studies and expanding the landfills so we can keep discarding the future. These facilities are dumpsites in the middle of disenfranchised communities. Most of them have been decades suffering the impacts of the pollution of out of code and ill operated installations. We call these communities "The Wretched of the Earth" for them environmental justice is a fallacy.

We are not asking EPA or NEJAC to solve our problems, that is our duty. We are saying that most of these inequalities and oppressive mechanisms were nourished by the government policies and practices, both Puerto Rican government as well as federal government. We are not asking for help, we just want a leveled playing field. The field is not leveled when millions of dollars are poured into the same agencies that have not been able to deliver any results in the past; the field is not leveled when the voices of the communities and local grassroots groups are not on the table. The field is not leveled when EPA and other Federal Agencies look for solutions on the experts and the merchants outside de community and worse outside the country. That was precisely what the Secretary of Natural Resources Department told the reporter; "on April 30 we will celebrate the summit call "Puerto Rico is Open for Green Business" where many global recycling industries will attend". According to the secretary, they will identify raw materials in our residues and will export them abroad.

The market may be a problem, but it is not the problem. The problem is the repetitions on the same false solutions based on a flawed paradigm.

We want to finish by asking this Environmental Justice Commission if there is any possibility that it can intervene to facilitate a conversation with EPA officials so we can put together a no-nonsense proposal to address the solid waste problem in Puerto Rico in a different way. We do not believe that it is an outrageous proposition, after all, our local and federal government have spent tens of millions of dollars, trying the same solutions for decades without any results and I am afraid that they are on the verge of doing the same thing.

My name is Lisa DeVille, I am an enrolled member of the Mandan Hidatsa Arikara (MHA) Nation also known as the Three Affiliated Tribes. I am a leader of grassroots group Fort Berthold Protectors of Water and Earth Rights (Fort Berthold POWER) and North Dakota Native Vote. I live with my husband, five children and five grandchildren. I am here today because I oppose the proposed National Environmental Policy Act (NEPA) rollbacks.

Native communities have very few opportunities to voice our concern about major project such as drilling, highways, pipelines rights-of-way, and industrial waste sites in our backyard. Yet the Trump Administration is trying to remove the few opportunities we do have by gutting the NEPA. I stand in strong opposition to the proposed changes, which will without a doubt add poison to our air, dirty our water, and impact our health for generations. Gutting the 40-year-old NEPA regulations will result in less public comment, companies writing their own environmental reviews, and bulldozing burial sites. We cannot afford to lose our voice in what happens in Fort Berthold and beyond.

For tribal communities like Fort Berthold, which bear the brunt of health problems such as heart disease and asthma from the poorly planned federal projects, NEPA isn't just an environmental protection law, it's a critical tool for ensuring our voice. We cannot afford to lose it. Any law that provides broad opportunities for public participation in government decisions that affect the environment and local communities shouldn't be rolled back, rather laws like NEPA should be embraced and strengthened. NEPA is one of the only avenues for tribal people to have any form of input on federal actions. Tribal communities need to protect NEPA.

NEPA is the main law which gives citizens in Fort Berthold protection from the widespread negative impacts of energy development. This is because NEPA gives communities like Fort Berthold a voice in the decision-making process surrounding energy development. In addition to giving us a voice, NEPA protects indigenous significant historical and cultural sites, burial sites, endangered species, and water.

Our indigenous beliefs are unique. That is, we came from mother earth, our creation stories come from. For centuries our ancestors warned of the environmental genocides. You destroy Mother Earth you destroy yourself.

"The ultimate goal of the NEPA process is to foster excellent action that protects, restores, and enhances our environment. This is achieved through the utilization of environmental assessment (EAs) and environmental impact statement (EIS), which provide public officials with relevant information and allow a "hard look" at the potential environmental consequences of each proposed project." *NEPA.GOV*

I encourage United States delegation to reconsider their public support for the wholesale rollback of NEPA and for the public to comment on the NEPA rollback.

My name is Walter DeVille, I am enrolled member of the Three Affiliated Tribes known as the Mandan, Hidatsa, and Arikara (MHA) Nation on Fort Berthold Indian Reservation in North Dakota. I am also a member of the grassroots group Fort Berthold Protectors of Water & Earth Rights (Fort Berthold POWER). I am here today because I oppose the proposed NEPA rollback. The Trump administration's changes to NEPA is a sellout to corporate polluters at the expense of me and my family's clean air, water, and health.

We have been dealing with the impacts of oil and gas since 2009. We were not given the option to decline the federal drilling program as tribal citizens. Now we have been surrounded by well pads, flares, pipelines, venting, and leaking methane and VOCs for more than two decades. NEPA was passed by Congress in order to give the public the right to know, and comment on, how infrastructure projects may impact their communities or how they are currently affecting their lives. NEPA is already failing tribal communities like mine -- making it weaker is a breach of their trust responsibility to the native people in this country.

Oil and gas development has changed how we live our lives day to day. I am an avid hunter and fisherman and have spent days hunting wild game for a food source for my family. NEPA is one of the only laws allowing for public input in decisions that affect the health and safety of our home on the reservation, and it should be strengthened, not gutted.

The Federal Government has a duty to uphold the trust responsibility to the people in tribal nations. Our government has abused the trust of native people so many times that we need federal protections in place to start safeguarding our interest in the air, water, land, animals and people. NEPA is a law that can do that as it is implemented now. NEPA law is our advocate to counter that abuse by letting Mandan, Hidatsa, and Arikara people have a voice in the decision-making process surrounding energy development. The proposed gutting of NEPA is an affront to our environment, our way of life, and our civil rights.

I would like to end with this, "Only after the last tree has been cut down. Only after the last river has been poisoned. Only after the last fish has been caught. Only then will you find that money cannot be eaten." Cree Indian Prophecy.

Clay and Paige Adcock

Bonnie Farms

P.O. Box 159

Holly Bluff, MS 39088

(662) 571-5582

[clayadcock@gmail.com](mailto:clayadcock@gmail.com)

In the aftermath of the 1927 flood, Congress enacted the Flood Control Act of 1941 as a massive plan for alleviating flooding in 41% of the nation to the detriment of the Yazoo Backwater Area of Mississippi. To offset the unnatural and undue burden placed on this area, Congress authorized the Yazoo Backwater Project, which consisted of drainage structures, levees, and pumps to remove excess rainwater from the Delta during high water events on the Mississippi River. Construction on this project began in the 1960s, and the drainage structures and levees were completed in 1978. The final critical component of this project, the Yazoo Backwater Pumps, has yet to be completed due to pressure from environmental groups. The delays caused by these environmental groups eventually paid off for them when, in 2008, the EPA vetoed the pump project entirely. An agency of the same government that authorized this flood control protection vetoed the critical final phase of that protection after all other phases of the project had been completed. This has left the most economically depressed area of the country vulnerable to man-made catastrophic flooding year after year.

There have been devastating consequences to this ill-conceived decision made by people sitting behind desks who willingly ignored the volumes of well researched technical and scientific data that conclusively proved completion of the Yazoo Backwater Area pump project would benefit the area by improving water quality and recreational opportunities, expanding endangered species' habitats, increasing wetlands, terrestrial, aquatic, and waterfowl resources, and offering economic benefits to one of the most economically depressed and underserved populations in the nation. Further, there are three other backwater areas along the Lower MS River Valley which were also authorized by the same 1941 Flood Control Act, the St. Francis and White River Backwater Areas of Arkansas and the Red River Backwater Area of Louisiana. All three have similar rural agricultural economies and wetland ecologies. All three have their authorized pumping stations installed and operational. They perform as predicted, giving us confirmation that such projects function as designed. The EPA could have looked at actual examples of backwater pumps in action, as opposed to

vetoing a pumping plant based on its speculation of the possibility of environmental damage.

For example, in 2019 while Mississippi's South Delta was flooded by trapped rainfall to 98.5 feet elevations with no crops planted for an entire year and thousands of people jobless and displaced for months, directly across the MS River at Vicksburg, Louisiana farmers' crops were growing as usual on land elevations of 85 feet. The only difference—Louisiana's backwater area project has been fully completed, and its pumps were operational. Mississippi already suffers the bane of last place in almost every national contest available with the Lower MS Delta ranking last within Mississippi. We cannot get much lower or more ignored, and yet it seems we are slowly being destroyed by the institutions that were supposedly created to help us.

Since the EPA vetoed the pumps, the Yazoo Backwater Area has flooded ten times. Prior to 2019, the total cost of agricultural losses alone for these floods totaled \$375 million. The cost to complete the project in 2007 was budgeted at \$220 million. In 2019 the Yazoo Backwater Area suffered a major catastrophic flood. Over 548,000 acres were flooded for seven months, with over 231,000 acres of cropland going unplanted for an entire farm year, an unprecedented event in the area's farming history. Hundreds of homes were flooded, and three major highways were overtopped for months. Greg Michel, Mississippi Emergency Management Agency Director, estimates the monetary damages from the 2019 flood will exceed \$1 billion. The wildlife population, which makes its home on 100,000 acres of federal and state wildlife refuges within the area, was decimated. The entire 60,000 acre Delta National Forest, the only bottomland national forest in the nation, remained closed to the public due to flooding for ten months. Usually ranked among the nation's top three in number or variety of butterflies, Delta National Forest was unable to participate in the July 2019 North American Butterfly Association Count due to flooding.<sup>1</sup>

The Yazoo Backwater Area is extremely rural, and its economy is dependent on agriculture and hunting. Flooding and the constant threat of flooding are destroying both. The holocaust we witnessed among wildlife over seven months of flooding was nauseating and impossible to describe. For this reason, I've provided you with a few pictures to give you just an inkling of the horror caused by this type of man-made flooding. We have had many nature-lovers tell us that animals are innately equipped to survive natural disasters such as flooding. We agree, but flooding within the Yazoo Backwater Area is by no means natural. This area is leveed in a manner that unnaturally traps animals on small plots of high ground until eventually there is no more high ground. The few who managed to find unflooded ground found themselves

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<sup>1</sup> See attached letter from Mississippi's Lower Delta Partnership's Coordinator

trapped with no food source, no shade, and no hope for seven months. As the pictures clearly show, even fish do not thrive in floods.

The continuous flooding in our rural area also poses health risks to our people. Most of our homes utilize individual septic systems. When excessively flooded, these systems malfunction releasing raw sewage into the water. In 2019 that stagnant water along with bloated animal carcasses, leaking fuel tanks, and all manner of floating debris sat for months in the heat of the summer. Our area also has numerous community cemeteries where the flooding caused caskets to float out of the ground. This is horrifying for the families of the deceased. It is impossible to explain how disgustingly inhumane it is to live in such conditions.

We are third and fourth generation farmers. My wife's grandfather handed over land to the government in the 1950s for drainage purposes to benefit his neighbors in the north Delta. While he was disappointed at the loss of his farmland, he understood the benefits of proper drainage in farming. He also knew Congress had promised his area the Yazoo Backwater Project, and he could wait until it was completed knowing his children and grandchildren would reap the benefits making it all worth it in the end. My wife's dad died in 1986, never seeing the benefit of his own dad's sacrifice come to fruition but confident that his daughter would see it soon. My dad moved out of the backwater area in 2011 at 76 years of age saying he was just too old to fight it anymore. In the last 13 years, we have lost hundreds of thousands of dollars in crop losses and personal property damage due to flooding. I have seen community churches and schools close their doors for good. No one can stand the insecurity of continuous flooding. My son graduated from college in 2018 and began farming with me. He had worked his way through college and graduated with no debt and owned a very modest but paid-for home. On February 9, 2019, he got married. On March 19, 2019, the power company pulled the meter to their home saying it was too close to the rising floodwater, which forced them to move out immediately. The home eventually flooded and was completely destroyed. On November 30, 2019, my first grandson was born. My son and his family are still struggling through the FEMA process and temporarily living in a rental cabin with a newborn baby and no prospect of permanent housing.

We are now two months into 2020 and three weeks ahead of the flooding schedule as it developed in 2019. We haven't even come close to recovering from the devastation of the 2019 flood, yet flooding levels in the Yazoo Backwater Area are 3 feet higher today than they were on this day in 2019. For the third year in a row, Delta National Forest is closed to the public, and hunting season was prematurely closed due to flooding. Our local businesses are suffering, and many have already closed. Farmers will not be able to survive another year with no crop at all. The agricultural support industries are barely hanging on, and many have already begun laying off employees.

In 2007, the USACE included an Analysis of Environmental Justice Considerations in the Yazoo Backwater Area Reformulation Study. This report, which was based on considerable on the ground research within the Yazoo Backwater Area, concluded, “the groups that suffer the most from not building the YBW Project are the minority and low-income populations in the YBW Area of which many cannot afford to renovate, rebuild, or move.” With each flood, fewer people return to their ruined homes. This causes the tax base to shrink, public school funding to decrease, and job opportunities to disappear as businesses shut down. We who live in the Yazoo Backwater Area know this to be true, and the data clearly shows that while other areas of the Mississippi Delta are seeing economic boosts, the Yazoo Backwater Area is clearly disadvantaged by its incomplete flood control project.

In his veto of the pumps, Benjamin H. Grumbles wrote, “The Corps stated that it does not believe that the proposed project would adversely impact subsistence fishing and/or hunting as it relates to communities with EJ concerns. Recent studies conclude that subsistence fishing and hunting in the Mississippi Delta is conducted by members of communities with potential EJ concerns. (Brown, Xu and Toth 1998). EPA notes that those practices could be affected by the proposed project’s adverse impacts on the areas’ fisheries and wildlife resources.” The report Mr. Grumble referenced is a sociological report conducted in an area of the Mississippi Delta over one hundred miles north of the Yazoo Backwater Area and not subject to backwater flooding. When actually applied to the Yazoo Backwater Area, Mr. Grumbles’ conclusion completely invalidates his argument. Subsistence fishing and/or hunting in the Yazoo Backwater Area is impossible due to flooding, further adversely impacting any segment of the population with environmental justice considerations seeking to supplement their food supply by hunting and fishing.

The EPA’s veto acknowledged the genuine need for flood protection for the residents of the Yazoo Backwater Area and asserted a belief that alternatives to the pumps are already available. At the height of the 2019 flood, when over 650 families had lost their seven-month fight to save their homes, Louie Miller, Director of the Mississippi Sierra Club, hosted a news conference far from the flooded muck of the Yazoo Backwater Area. He aimed to educate desperate flood victims on these existing alternatives. According to Mr. Miller, the federal government would buy out and relocate homeowners who wished to move and would elevate the homes for those who wished to remain. Well, that buyout program never materialized, and like most theoretical educational programs, they don’t work when put into practice. Homeowners returning to their homes located on higher elevations or raised off the ground to heights well above the floodwaters were shocked to find their non-flooded homes ruined just the same. While their homes had remained dry, flooded roads had prevented access. Upon returning home, they found the rising water had trapped small animals on their property, and these animals gained entry, destroying the interiors of their homes.

Buyouts that don't exist and elevating homes to make them flood-free yet inaccessible are not viable solutions.

Given all we know at this point, there is no reasonable explanation for opposing the pumps. Everyone benefits from installing them. Perhaps the EPA didn't properly analyze the data prior to 2019; however, after last year, there is no mistaking the facts. We now know exactly how horrifying a disastrous backwater flood can be. We now know wildlife, waterfowl, aquatics, farmers, communities, forests, wetlands, and water quality will all benefit from pumps, and nothing will continue to survive in the Yazoo Backwater Area without them. We are asking you to seek justice for the underserved and forgotten people of the Yazoo Backwater Area and ask the EPA to rescind its veto of the Yazoo pumps before it is too late.

## References

- Brown, Ralph B. and Toth, John R. Natural Resource Access and Interracial Associations: Black and White Subsistence Fishing in the Mississippi Delta. Southern Rural Sociology, 2001.*
- Brown, Ralph, Xu, Xia, and Toth, John r. Lifestyle Options and Economic Strategies: Subsistence Activities in the Mississippi Delta. Rural Sociology, 1998.*
- Final Determination of the U.S. Environmental Protection Agency's Assistant Administrator for Water Pursuant to Section 404(C) of the Clean Water Act Concerning the Proposed Yazoo Backwater Area Pumps Project, Issaquena County, Mississippi. 2008.*
- Ken Weeden & Associates, Planning Consultants. "Analysis of Environmental Justice Considerations." 2007.*

# Mississippi's Lower Delta Partnership

P.O. Box 214  
Rolling Fork, MS 39159  
Phone 662.873.6261, fax 662.873.6903  
[www.lowerdelta.org](http://www.lowerdelta.org)

Dear Clay,

You asked what affect this flood might be having on the butterfly species that we normally have in Delta National Forest. Below is a brief history of the NABA count and how it could be affected by this historic and tragic flood.

The North American Butterfly Association has run the Butterfly Count Program in the United States, Canada, and Mexico since 1993. Each of the approximately 450 counts consist of a compilation of all butterflies observed at sites within a 15-mile diameter count circle in a one-day period. The annually published reports provide a tremendous amount of information about the geographical distribution and relative population sizes of the species counted. Comparisons of the results across years can be used to monitor changes in butterfly populations and study the effects of weather and habitat change on North American butterflies.

Butterflies are an indicator species that can tell us about the health of an ecosystem. They react extremely quickly to even minor changes in the environment making them both a good indicator of biodiversity and providing an early warning system for other reductions in wildlife. For example, birds plan their whole breeding season around when caterpillars will be most abundant. If those numbers are depleted, then there is not going to be much food for developing chicks.

Butterflies are also a major pollinator of both wild and cultivated plants, without them and other important pollinating insects, there could be a significant decline in viable seed produced that provides food for other wildlife species.

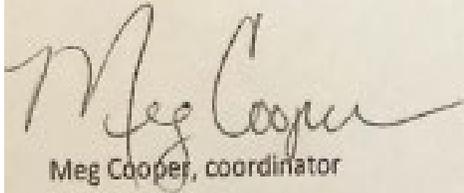
Since 2002, a North American Butterfly Association Butterfly Count has taken place in Delta National Forest during July. This count has frequently ranked in the top 3 nationwide for either number of species observed and/or number of individual butterflies. It is important to conduct these counts in the same place and about the same time each year, in order to accurately indicate population trends.

The 2019 NABA count will not take place in Delta National Forest. The forest has been closed since the end of January and under several feet of water due to the Backwater Flood. Todd Sewell, DNF Ranger, cannot accurately predict when the forest will reopen to the public. First a lot of water must go down to even make the roads visible (end of July predicted). Then they must be assessed for safety reasons. Undoubtedly many roads will need extensive work to get them drivable after 5 months of being underwater. Additionally, they are predicting that a great number of trees will be down or will come down once the water recedes because the waterlogged soil cannot support their root structure and despite being bottomland hardwoods that are able to grow in wetland soil, many of the trees are not able to survive 5 months of being underwater. Forest cleanup will take quite a while.

So, while it would be interesting to see how a flood of this duration has affected the butterfly population in Delta National Forest, that will not be possible this year. I can safely assume that any butterfly species reliant on annual and perennial plants other than trees, as their host plant will not be found in the forest. These plants simply cannot exist under water for months on end.

The forest being closed for this length of time has also had a devastating effect on what is already a poor economy. Hunters, Wildlife watchers, and nature photographers contribute to the Sharkey County economy when they visit, buy food, gas and lodging. This enduring flood has crippled that entire industry for this year.

Sincerely,



Meg Cooper, coordinator

To whom it may concern,

My name is Victoria Darden I am 28 years old, I am a resident of Issaquena County in Mississippi. I farm 1100 acres in the Mississippi South Delta we generally grow soybeans. I have farmed with my 74 year old father since I graduated Mississippi State University with my B.S. in Agricultural Science. 2019 was the first year in my fathers 50 years of farming that he couldn't plant a crop. In the state of Mississippi we had over 550,000 acres under water. That amount of land is equivalent to the size of New York City and Los Angeles combined. That is over 800 square miles of homes, farmland and wildlife habitat. The nature of this flooding is due to a levee system being put in place along with a water control structure but lack there of a pumping station. In 1941 the legislation was passed that if the levees were built and the gate structure was put in place that a pumping station must be installed as well to handle the excess water when the gate closes. So, to put it in very simple terms the levees and structure created a bathtub affect so when it rains and the gate is closed it doesn't drain.

During the flood of 2019 my father and I had to boat in and out of our home because our road was underwater. My mother had to move to Vicksburg because she's deathly afraid of water since she doesn't swim. We had to stay behind because my fathers house has a levee built around it from 1973 the last major flood in Mississippi. When it rains and the levee is closed off by sandbags the rainwater must be pumped up and over the levee to keep the house from flooding. We boated for over 6 months we had obstacles fall in our path as in two trees fell across the creek, we were boating in. One tree we had to cut a hole through to get by and one tree we had to motor around and at lower water levels we boated underneath the tree. We had deer crossing the creek searching for food and shelter. We had deer also dying along the creek daily because there wasn't sufficient food for them to survive and they were stressed many fawns were aborted during this time. It was documented that does that usually

have two healthy fawns in normal conditions in this area were observed to only have one survive. Seeing these animals go through this was very emotional and heartbreaking. The smell from the decaying ones was something one person can truly never forget.

Watching the people in this community come together to help each other because there wasn't any outside help was amazing. There was a lot of frustrating times that I honestly can't put into words. Its very difficult when you are parking your vehicle at your neighbor's house over a mile away then boating to the creek bank of your road where you have a four wheeler or truck parked. (whatever was running at the time) Then from the vehicle on the farm you drive down the flooded road that you marked with flags and then finally get home. The difficulty of just bringing groceries home or taking out the trash became painstakingly difficult. Since we weren't avid boaters before the flood our boats and motors were in the best running condition. We had weeks we would use two or three different boats due motor issues and must get them repaired. It's really difficult when you aren't used to doing marine outboard motor repairs, but you have no option because no one can get to you.

So many people in this community are elderly and unable to get around with out some sort of assistance. Most of the people are also very prideful they have done things on their own their whole lives and will not ask for help. Its very difficult to watch fortunately I grew up with older parents and that makes it easier for me to communicate with them. We started a Facebook page @Forgottenbackwaterflood in hopes to be a source of news and media to represent the flood accurately. I helped teach the older people in the community how to use hashtags and learn to share things on public settings. This was mounumental for them most of them had no technology background, but they saw the importance and wanted to help. We used the hashtags #finishthepumps

#forgottenbackwaterflood #savethemdelta #yazoobackwater these can be searched on FB ,Twitter, Instagram and see everyone's personal documentation of the 2019 flood and now the 2020 flood. An online change.org petition was formed and by September we had over 30,000 signatures handwritten and online that we presented to the EPA. Social media is our only source of reaching people the local news took forever to cover this because they thought it was too controversial. We did have some national exposure in the New York Times and The Guardian. We contacted many other national news sources, but they wouldn't respond to our pleas.

Finally, in August 2019 we were able to open the Steele Bayou Gates because the Mississippi River fell and we could release this backwater that had laid stagnate for over 6 months. The loss of this water meant so much to the people that had been forced from their homes. Unfortunately, that also brought along with it the ugly truth of them having to return to their damaged properties. Many people are much like me in the fact that their land has never flooded like this and they didn't know this could happen. In September the EPA Administrator Mary Walker came to Rolling Fork for a listening session to hear from the people of the communities that were affected. This meant so much to us to have someone from the organization that could help come in and listen to what we went through. During this meeting we presented Administrative Walker with the printed 30,000 signatures she was very shocked and appreciative of this gesture.

From September on we received record breaking rainfall for the state. Its really been down hill ever since. We are now at 95' elevation if we had the pumps it would have crested at 88' which means instead of having 444,000 acres flooded would only have 226,000 acres. During 2019 the water got to 98.2' 548,000 acres flooded, 231,000 of that was cropland (our areas main income source) 3 highways

flooded, a total of 686 homes were flooded and there were 3 fatalities. All these losses could have been avoided if the pumping station was constructed and operating.

The timeline for this Yazoo Backwater project goes all the way back to 1928. In 1927 16.6 million acres flooded 264 lives were lost and 700,000 people were displaced. In 1928 the Flood control act was authorized by Congress to construct levees, floodways, cutoffs and channel improvements. The flood control act of 1936 Congress extended Federal responsibility to sub-basins i.e. Yazoo Basin. The backwater flood of 1973 crested at 101.5' which flooded 1 million acres. In 1982 the EIS study showed we could use a 14,000 CFS pump instead of the original 25,000 CFS pump. 1986 The pump contract was awarded they completed the coffer dam, inlet and outlet channels. Also in 1986 Congress stripped full federal responsibility of funding the project and makes it a cost share. 1996 congress restores full federal responsibility of the project. In 2000 the draft report for the Yazoo Backwater project was started. In 2007 the final report for the Yazoo Backwater project was released. 2008 the EPA vetoes the Yazoo Backwater project. 2017 Senator Thad Cochran included the reauthorization language in appropriations bill. The next year 2018 congress authorizes \$400 million to build the Yazoo Backwater Project.

Consequently in 2018 we had a backwater flood it crested at 95.2' which flooded 450,000 acres. Following this flood Senator Paul Ryan scratches the YBW Project reauthorization language in final bill. The \$400Million that was appropriated for the Pumps gets transferred to other projects. In 2019 we had another backwater flood and it crested at 98.2' flooding over 548,000 acres. Over 230,000 acres of cropland did not get planted. Three highways were overtopped and impassable with three fatalities. Ultimately the backwater was over 90' for over 6 months from February until July. Now here we are in

2020 with over 95.2' elevation of backwater 444,000 acres is underwater yet again with 164,000 of that being agricultural land. Its still predicted to go higher and based off water records it probably will again next year. There are 21 other pumping stations along the Mississippi River that help with Backwater such as this. Our proposed plan will have 19.3% increase in Wetland Resources and increase the waterfowl resources by 52.8%. If the YBW Project had been in place since 2008 9when the EPA vetoed the project) it would have prevented \$373 million in damages in the past 11 years alone.

As you can see this project has a very long history and we finally have the accurate amount of data to make a proper decision. Unfortunately, this isn't up to us to get corrected and that why we are reaching out for help. There are so many people here who work in the agriculture industry and have spent their whole lives living here that need help. We were promised a pumping station to help us handle this levee system and gate structure that was put in place. Not only do the people deserve to see that implemented but the wildlife as well no one needs to suffer to do negligence or for people who don't understand or live here to make those decisions for them without properly hearing the full story. I want to thank you for your time and consideration in just hearing our story. If we can provide you with anymore information please let us know. I have tons of pictures of the homes, wildlife, water levels if you would like to see first hand just what it was like. I am including my contact information on the back page if you have any further questions.

Thank you,

Victoria Darden

**Victoria Darden**

**661 Black Bayou Rd.**

**Rolling Fork, MS 39159**

**(601)218-1293**

**Victoria@mdac.ms.gov**

From: Kay Larson  
921 South Palomar Dr.  
Pueblo West, Colorado  
email- Plar4@hotmail.com  
Born in Wisconsin adore  
our beautiful America

Concern:  
A big dilemma for me  
and many other  
Coloradoans:

Fracking - oil extractions  
-VS-

EPA

dilemma:

love now, were a oil independent  
America (BUT)

Concerned about the Environment  
concerns.

Concerning question

How is the EPA and the U.S.  
government trying to work together  
to find a balance together to  
eliminate the current American division  
People, EPA and government

# **APPENDIX D**

# **MEETING PRESENTATIONS**

**WELCOME & DIALOGUE: U. S. ENVIRONMENTAL PROTECTION AGENCY**

**REGION 4 LEADERSHIP**

National Environmental Justice  
Advisory Council Public Meeting



February 26, 2020  
Jacksonville, FL

Mary Walker  
Regional Administrator  
EPA Region 4



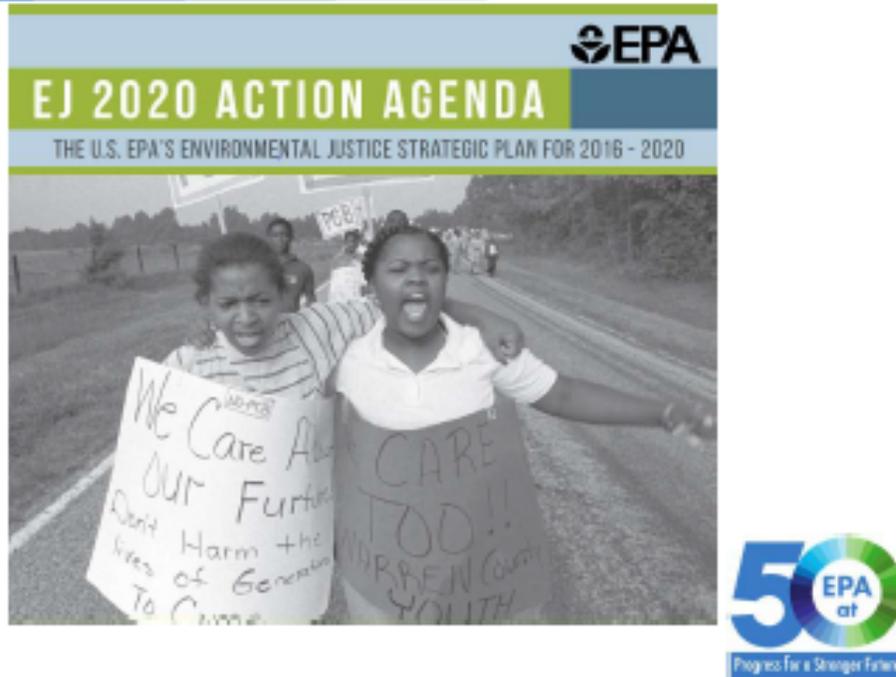
1

Welcome to Region 4



2

## Warren County, NC Landfill Protest - 1982



3

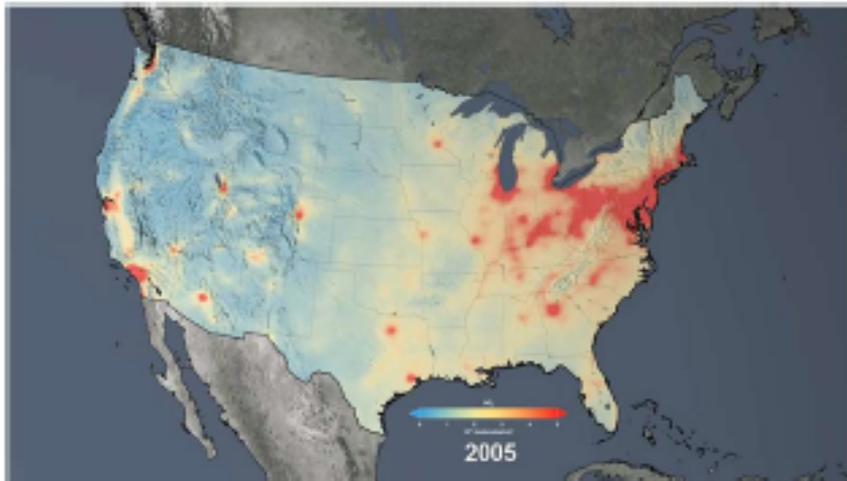
## Chattanooga, TN – 1960s



4

## NO<sub>2</sub> from 2005-2016

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5

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## Savannah Ports Workshop



6

## Valley of the Drums



Brooks, KY



7

## Region 4 Brownfields



8

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# Brownfields



9

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## Jacksonville Job Training Initiative



10

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## Columbus Kerr Mcgee



11

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## ReGenesis Project: Spartanburg, SC

***"... by being a part of the CPS process, we have a roadmap that other communities can use to find out what they need to do and with whom they need to engage, to turn around those complex issues that are impacting their communities."***

**- Harold Mitchell, ReGenesis**



12

## Sarasota Bay Estuary Program

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# Sarasota



13

## Mobile Bay National Estuary Program

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14

## Proctor Creek – Trash Free Waters

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15

## Proctor Creek

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# Proctor Creek Watershed



16

## Disaster Response and Recovery



17

## Response



18

## Recovery



19

## EPA Actions on Lead



20

## College Underserved Community Partnership Program

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21

## Environmental Justice in Region 4

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22

Thank You!

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1

What makes  
the site  
different from  
others?

- Fairfax Street Wood Treaters Site used chromated copper arsenate (CCA) to treat the wood.
- Age of the site.
- Industrial area adjacent to a school in an Environmental Justice community.
- During the Remedial Design, Florida Department of Environmental Protection (FDEP) took an early action at Susie Tolbert Elementary School.
- EPA Headquarters-funded job readiness program, Superfund Job Training Initiative, was deployed.
- The Remedial Action took less than 1 year.

2

2010 - Site Conditions



3

## Timeline of EPA's Involvement at Fairfax Street Wood Treaters

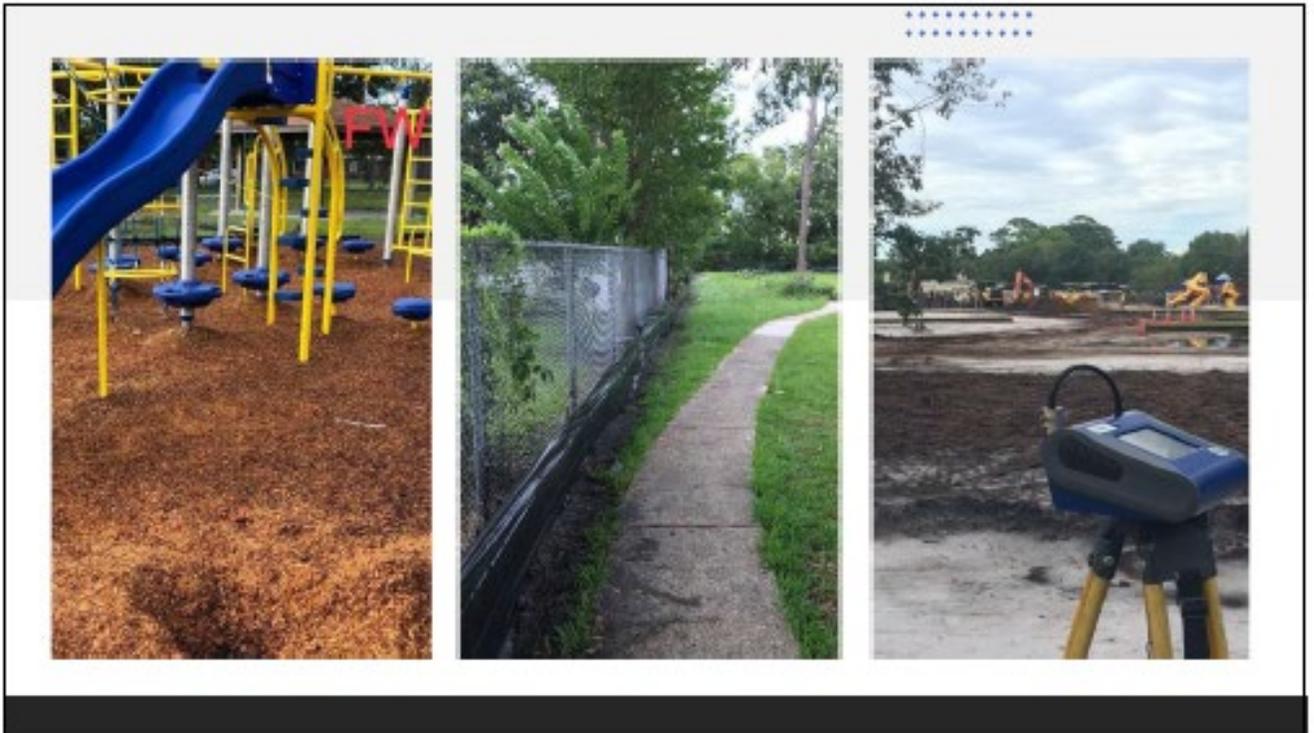
2010 Emergency Response	2010-2012 Time-Critical Removal Action	2012 National Priorities Listing	2012-2017 Remedial Investigation and Feasibility Study	2017 Propose Plan	2017 Record of Decision	2018 Remedial Design and Early Action at school	2019 Remedial Action Start and Complete

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8



9

# Superfund Job Training Initiative

SuperfTI is a job readiness program that provides training and employment opportunities to communities living near Superfund sites.

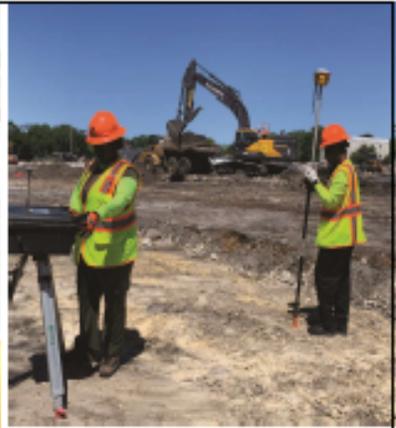
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In early 2019, 13 residents of the site area participated in the EPA Superfund Job Training Initiative (SuperJTI).

Participants of the training program completed and earned certifications in the following courses:

- 40-hr. Hazardous Waste Operations and Emergency Response
- CPR/First Aid
- OSHA Construction Safety
- Work Readiness Skills

After completing the training program, 9 graduates were placed into jobs working to clean up the site in their community.



11

Remedial Action

12

## REMEDIAL ACTION

Cleanup included:

- Removing contaminated soil and sediment
- Sending contaminated materials to an appropriate disposal facility, and
- Backfilling and restoring excavated areas.

These efforts resulted in:



✓ **12.5**  
acres on site  
remediated



✓ **51**  
homes  
remediated



✓ **60,000**  
tons of contaminated  
soil taken away



✓ **300,000**  
gallons of contaminated  
water taken away



✓ **60,000**  
tons of clean backfill  
and top soil

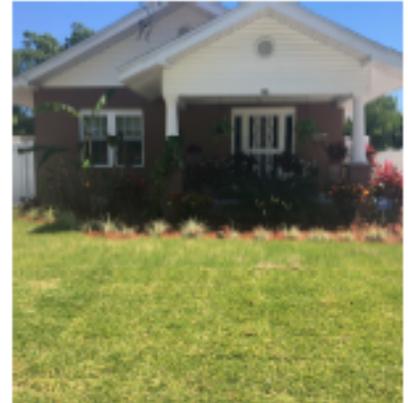
13



BEFORE



DURING



AFTER

14



BEFORE



DURING



AFTER

15



BEFORE



DURING



AFTER

16



BEFORE



DURING



AFTER

17



18

## COMMUNITY ENGAGEMENT

Community outreach and engagement has been an integral part of EPA's approach at the site. Activities have included public meetings and availability sessions to provide regular site updates as well as community-wide distribution of fact sheets and other information materials.

**OVER 100**  
phone calls received  
about the site



**4,000**  
fact sheets mailed

**8**  
availability  
sessions

**OVER 100**  
people attended the  
cleanup kickoff meeting  
in March 2019

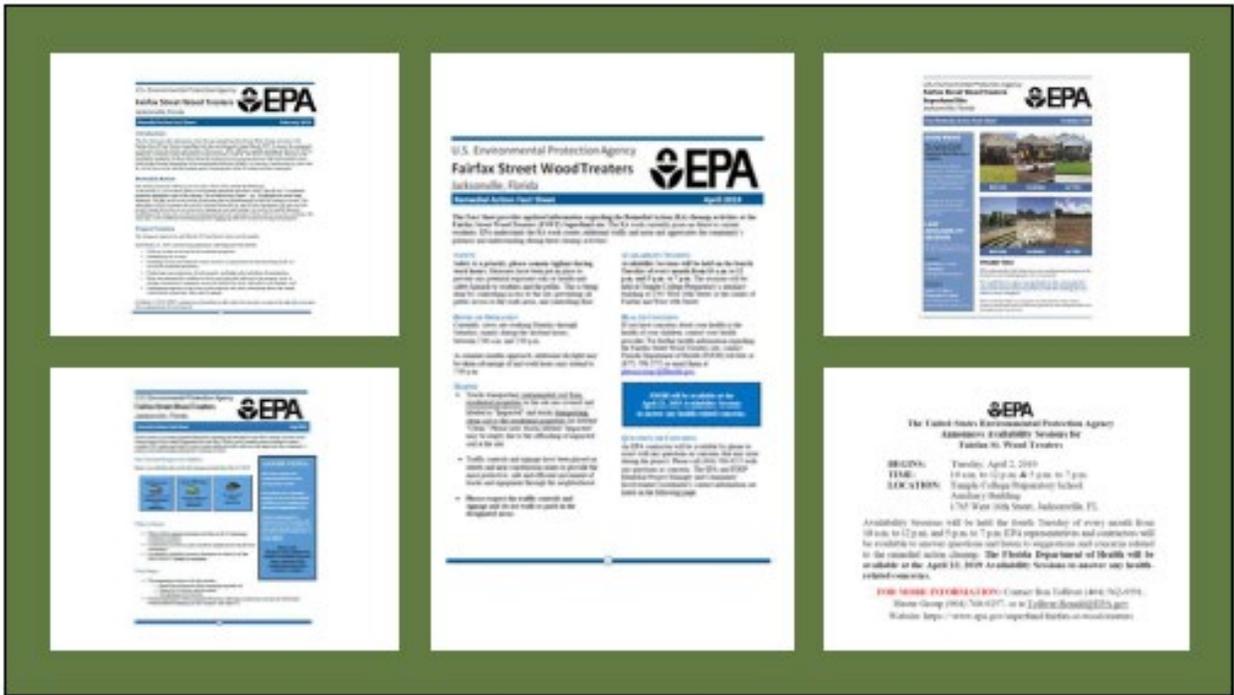
**OVER 50**  
people attended the  
availability sessions



19



20



21



22



23



24



25



26



Average Daily Dust in the Air



## Safety

- Safety has always been a priority since the beginning of this cleanup project.
- Measures were put in place to prevent any potential exposure risks or health and safety threats to workers and the public.

27



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29



30



BEFORE

DURING

AFTER

31

## Lessons Learned

- Balancing speed and accuracy
- Partnering and working with credible stakeholders is essential for a successful project
- Listen to understand

32

# Eastside Environmental Council

**National Environmental Justice  
Advisory Council Meeting**

**February 26, 2020**



1

# Eastside Environmental Council

**Presented by**

**Wynetta Wright  
EEC Founder and President**

**and**

**Teena Anderson  
EEC Development Manager**



2

# Eastside Environmental Council

**Addressing Environmental Injustice  
Raising Environmental Awareness  
Promoting Environmental Education**



3

# Eastside Environmental Council

- ✓ Our community
- ✓ Our founding and history
- ✓ Our mission, goals and priorities
- ✓ Our reliance on grants and donations
- ✓ Our partners
- ✓ Our community outreach



4

## Our Eastside Community



5

## Our Eastside Community

- ✓ Located east of downtown and north of the Jacksonville Expressway
- ✓ Local challenges include Superfund sites, Brownfields, polluted air and waterways
- ✓ Low household incomes
- ✓ Significant health disparities

and...



6

## Our Eastside Community

- ✓ Lacks public transportation
- ✓ Limited access to affordable healthcare
- ✓ Lacks full-service grocery store or markets within walking distance
- ✓ Part of an EPA-named Environmental Justice Showcase Community



7

## EEC Founding and History

- ✓ **2004** – Wynetta Wright and other residents organize Eastside Environmental Council (EEC)
- ✓ **2008** – EEC incorporates as 501(c)(3) nonprofit
- ✓ **2009** – EEC receives 1st EPA Environmental Justice Grant



8

## EEC History

- ✓ **2010** – EPA adds Kerr-McGee Site to National Priorities List
- ✓ **2011** – Jacksonville Health Zone 1 is named an Environmental Justice Showcase Community by EPA



- ✓ **2012** – Jacksonville Integrated Planning Project (JIPP)



9

## EEC History

- ✓ **2013** – EEC is awarded 2nd EPA Environmental Justice Grant
- ✓ **2015** – EEC receives EPA Technical Assistance Grant (TAG) for Kerr-McGee Site



10

## EEC Mission and Goals

- ✓ Promoting environmental and economic justice in underserved Eastside Jacksonville and surrounding communities
- ✓ Empowering and educating residents of urban core
- ✓ Making Eastside a better, healthier place by promoting access to healthcare, fresh produce, jobs, and more
- ✓ Addressing concerns that pollution from local contaminated sites may be impacting health of residents
- ✓ Advocating for community and raising awareness about cleanup of Kerr-McGee Superfund Site and Deer Creek



11

## EEC Priorities

- ✓ Healthcare access
- ✓ Sustainable school and community gardens
- ✓ Environmental education and awareness
- ✓ Outdoor recreation
- ✓ Workforce development



12

## EEC Relies on Grants and Donations

- ✓ Grants
  - EPA Technical Assistance Grant (TAG)
  - Agency for Toxic Substances and Disease Registry (Centers for Disease Control and Prevention)
  - Community Conversation and EPA Environmental Justice
  - Community Gardens
- ✓ Donations
  - Monetary
  - In-kind
  - Volunteer time



13

## EEC Partners

- ✓ Duval County Health Department
  - ✓ City of Jacksonville
  - ✓ City of Jacksonville Public Schools
  - ✓ Florida Brownfields Association
  - ✓ U.S. EPA
  - ✓ Centers for Disease Control (CDC) and Prevention
- and...



14

## EEC Partners

- ✓ Florida State Community College of Jacksonville
- ✓ FAMU
- ✓ University of North Florida
- ✓ Multistate Environmental Response Trust
- ✓ East Coast Greenway Alliance
- ✓ Other organizations in Florida



15

## EEC Community Outreach

- ✓ Promoting environmental education and healthy living
  - Go Green soilShops
  - Go Green Back-to-School event
- ✓ Organizing school and community gardens
- ✓ Fostering outdoor recreation
  - Youth Bike Club, Urban Youth Bike Initiative, and Bike Rodeo
  - Connecting Faculty to Eastside Walking Tour
  - Eastside-Themed Bike Stroll
- ✓ Advocating for environmental and economic justice
  - Bringing attention to concern about contaminated sites affecting health of residents and local economy
  - St. Johns River economy boat tours for middle school students
- ✓ Community meetings



16

# EEC Go Green soilShops

- ✓ Free soil screenings for lead
- ✓ Free back-to-school health screenings for children
- ✓ Fitness activities
- ✓ Backpack giveaways



17

# EEC Go Green soilShops

- ✓ Best practices to avoid lead exposure
- ✓ Promoting healthy eating and healthy living education
- ✓ Advocating gardening in urban spaces
- ✓ Fresh produce
- ✓ Native plants



18

## EEC School and Community Gardens

- ✓ Promoting environmental and food justice
- ✓ Empowering people
- ✓ Addressing the “food desert”

### What is a food desert?

A low-income census tract where at least **33 percent** of households are more than one mile from a grocery store.



19

## EEC School and Community Gardens



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## EEC School and Community Gardens



21

## EEC School and Community Gardens

- ✓ The EEC established gardens in 9 elementary and middle schools in Jacksonville's Health Zone 1 in 2015–2017.
- ✓ A 2016–2017 grant from the Agency for Toxic Substances and Disease Registry helped enable the EEC to expand to these schools.



22

# EEC School and Community Gardens



✓ More than 1,160 pounds of fresh produce were grown at the gardens.



✓ The fresh produce was given to 2,300 students and their families.



23

# Urban Youth Bike Initiative and Bike Rodeo



A Partnership:  
Eastside  
Environmental  
Council and  
East Coast  
Greenway  
Alliance

9:30 a.m. to 1 p.m.  
Matthew Gilbert Middle School  
1007 Parkside Dr., Jacksonville, FL 32206

Partners and Sponsors



24

## Urban Youth Bike Initiative and Bike Rodeo

- ✓ Raising awareness of bike safety
- ✓ Promoting outdoor recreation



25

## Educating Eastside Students about St. Johns River Economy

A Partnership:  
Eastside Environmental Council,  
JM Family Enterprises, and Southeast Toyota



Providing boat  
tours to educate  
Eastside 6th,  
7th, and 8th  
graders about  
the river  
economy



26

## Educating Eastside Students about St. Johns River Economy



27

## Promoting Environmental Awareness: Kerr-McGee Chemical Corp. Superfund Site



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## Promoting Environmental Awareness: Kerr-McGee Chemical Corp. Superfund Site

- ✓ EEC has been bringing attention and resources to Kerr-McGee Site and its cleanup.
- ✓ EEC serves as neighborhood voice and provides means for EPA, FDEP, and Multistate Trust to update residents and receive community input.
- ✓ EEC was awarded EPA Technical Assistance Grant (TAG) to hire independent technical advisor to review and comment on Multistate Trust work.



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## Kerr-McGee Chemical Corp. Superfund Site: Cleanup Timeline

### Operable Unit 1 (OU1)

- ✓ OU1 Site Preparation Start Q3 2020
- ✓ OU1 Final Remedial Design Q4 2020
- ✓ OU1 Construction Start Q1 2021
- ✓ OU1 Construction Complete Q2 2022

### Operable Unit 2 (OU2)

- ✓ OU2 RI Work Plan Q2 2020
- ✓ OU2 RI Start Q4 2020

OU1 = Contaminated Site soil and groundwater; contaminated St. Johns River sediment and surface water; Site-related soil and groundwater contamination; and Site-related soil and groundwater contamination on adjacent CSX and JAXPORT properties.

OU2 = Site-related sediment and surface water contamination in Deer Creek.



30

# Contact the EEC

## Eastside Environmental Council

1637 Walnut Street  
Jacksonville, FL 32206

(904) 250-3430

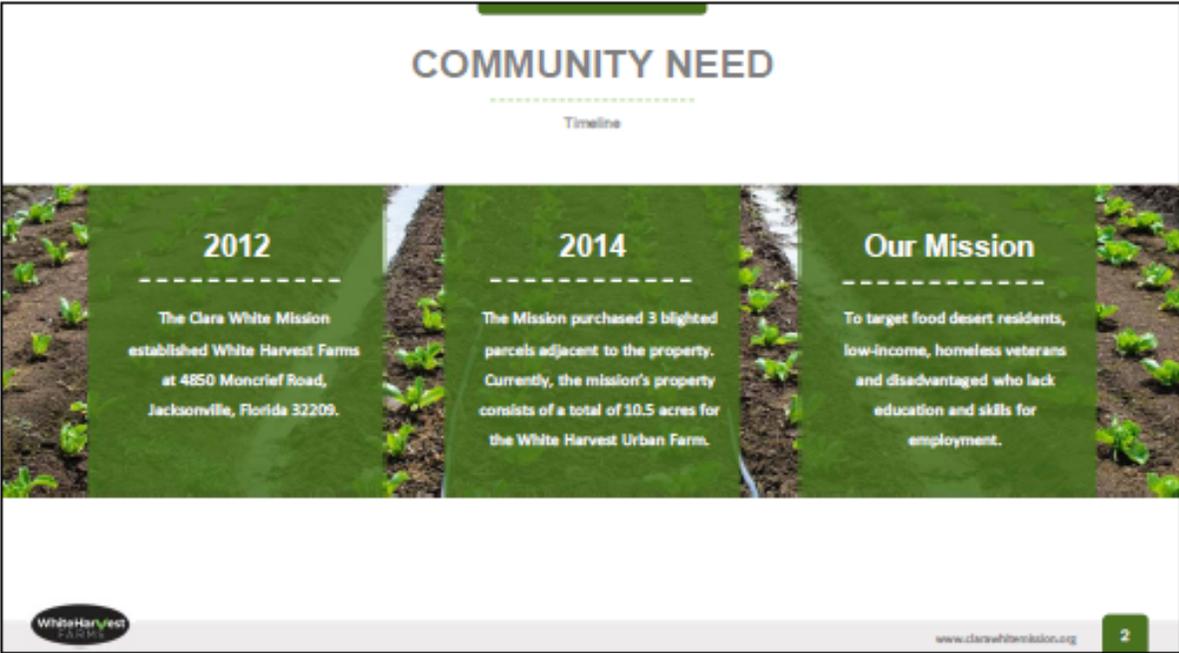
<http://www.TheEEC.org>



COMMUNITY VOICES: FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
PARTNERSHIP WITH CLARA WHITE MISSION



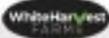
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## PARTNERSHIPS

The Florida Department of Environmental Protection, Northeast Florida District, demonstrated their commitment to Clara White Mission (DBA) White Harvest Farms. FDEP provided their staff, resources and leadership to develop sustainable practices and to assist the Clara White Mission in their sustainability programming: the Mission's Janitorial Environmental Training Program and the White Harvest Farms Urban Agriculture project in a food desert community.



[www.clarawhitmission.org](http://www.clarawhitmission.org)

3

3

## VISION & PARTNERSHIP

The FDEP leveraged White Harvest Farms' grassroots efforts and mobilized the capacity to expand innovative environmental health programming through dialogue, advocacy, and the remediation of White Harvest Farms.



4

# JACKSONVILLE

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<b>EDUCATION</b>	<b>SUSTAINABILITY</b>	<b>PRESERVATION</b>
<p>FDEP rolled up their sleeves to provide technical knowledge in soil science, site remediation, and best management practices.</p>	<p>The focus was placed on the responsible use of pesticides, fertilizers, and water with an emphasis on the sustainability of implementing a sustainable urban farm.</p>	<p>In addition to meeting the increased demand for low-income food insecurity and negative impacts of nutrition, while preserving the land at 4650 Moncrief Road.</p>

www.clarkewhiteharvest.com

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White Harvest Farms is located in the heart of Historic Moncrief Springs flanking both sides of the tranquil Moncrief Creek.

Formerly an ash site, the property was remediated by the City of Jacksonville. The top soil was replaced to accommodate the Mission's newest initiative - an urban agriculture training ground - White Harvest Farms.

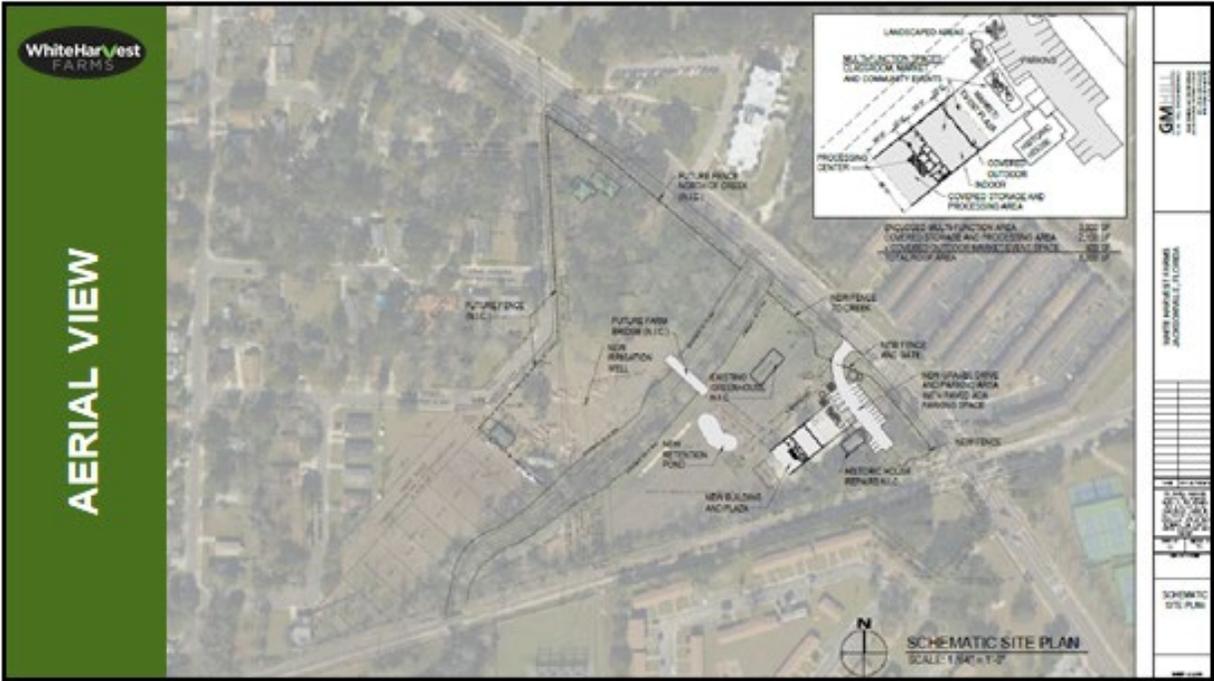
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# THE GOAL

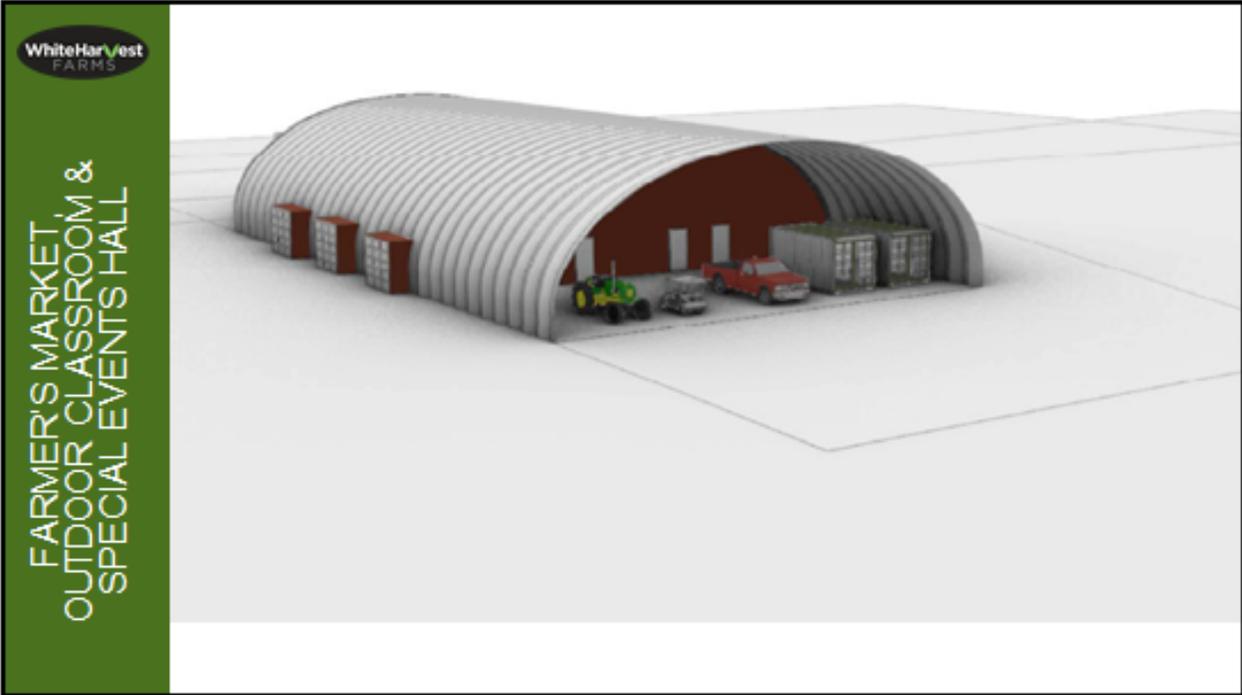
The goal is to promote, sustain, train and provide access to nutritional produce to residents in a food desert community while creating jobs and revitalizing underserved parts of Jacksonville.

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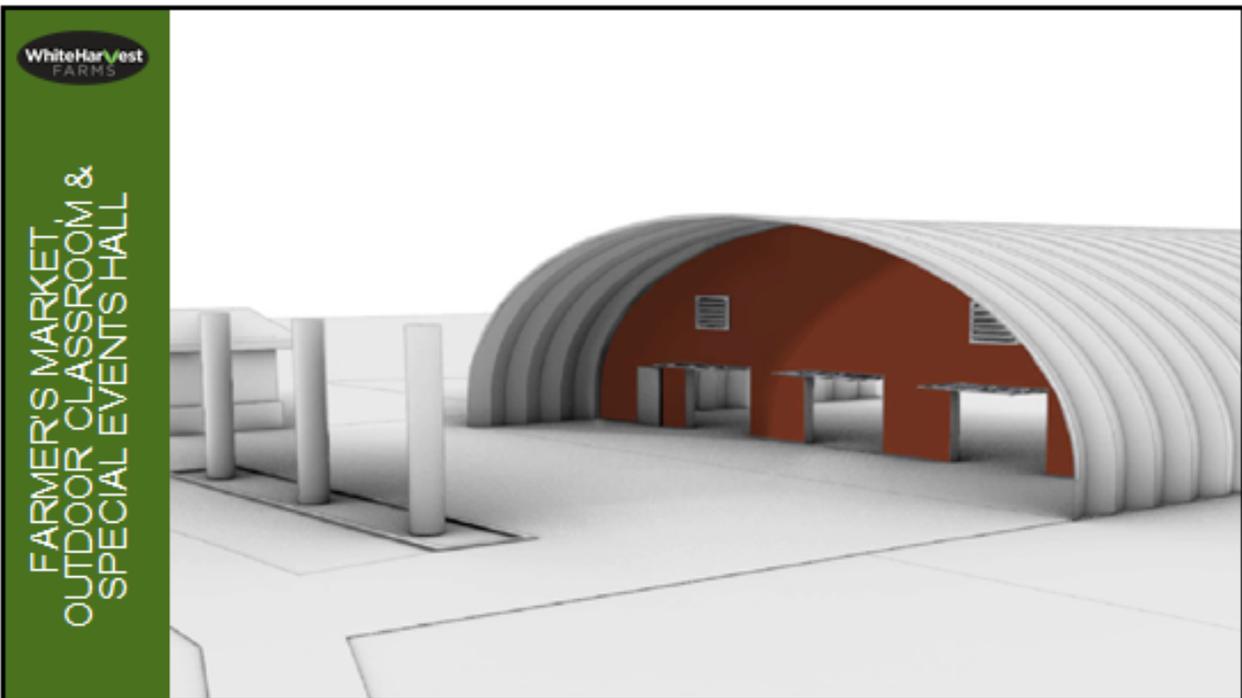




WhiteHarvest  
FARMS

FARMER'S MARKET,  
OUTDOOR CLASSROOM &  
SPECIAL EVENTS HALL

11



WhiteHarvest  
FARMS

FARMER'S MARKET,  
OUTDOOR CLASSROOM &  
SPECIAL EVENTS HALL

12

FARMER'S MARKET,  
OUTDOOR CLASSROOM &  
SPECIAL EVENTS HALL



13

WHITE HARVEST FARMS  
INTERIOR MARKET AREA



14



15

## OUR VISION

Our vision is to stimulate and redevelop this site not only as a training facility, but also an opportunity to generate additional revenue to re-invest into the land for continuous produce production, to create jobs and to increase commerce.



16

# Outdoor Classroom

An hands-on experiential classroom that increases physical activity, social skills, and community resiliency



[www.clara-white.com](http://www.clara-white.com)

17

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# WHITE HARVEST FARMS

The Proposed Development of White Harvest Farms is \$1.5M will break ground in 60 days.

White Harvest Farms grow produce and implement educational outdoor classrooms on the 10.5 acres. The outreach initiatives create a highly visible symbol of hope and become a signature cornerstone for the Food Desert and Northwest neighborhood. This project is supported by Mayor Curry and the City of Jacksonville.



[www.clara-white.com](http://www.clara-white.com)

18

18

# WHAT WE DO

Grow Organic Produce, Educate, Build Community



## CURRENT FARM PRODUCTION

- Organic urban agriculture
- Row crop production of annual vegetables
- High Tunnel production of off-season crops
- The produce is donated to mission and sold to restaurants weekly
- Food Safety Focus and Compliance



## CURRENT FARM EDUCATION / PROGRAMMING

- Urban Agriculture Farm Internship: March - July
- Outdoor Farmers Market on Saturday
- Classes on Composting / Organic Gardening
- Corporate Group Volunteering
- Family Farm Volunteer Days
- Seasonal Farm Festivals - Holiday Festival, Spring Fest



## FARM WISH LIST

- Regionally specific fruit tree cultivars
- Expand Urban Agriculture/Environmental Training
- High Quality Compost
- Frost Cloth
- Gator Utility Vehicle
- Wooden Trellis Materials
- Additional wall on Southside of Creek



[www.cityofwhitehall.com](http://www.cityofwhitehall.com)

19

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## WHAT'S GROWING NOW?

Produce Available 2/24/20

- Arugula - 6.99 / lb
- Pea shoots - 10.99 / lb
- Watermelon radish - 1.99 / lb
- Carrots with tops - 2.99 / lb
- Japanese salad turnips with tops - 1.99 / lb
- Collard greens - 1.99 / lb
- Hybrid baby bok choy - 2.99 / lb
- Cabbage - .25 / lb
- Snap peas - 4.99 / lb
- Nasturtium flowers / pea flowers - .15 each
- Cilantro - 7.00 / lb
- Parsley - 7.00 / lb
- Dill - 12.00 / lb
- Curly kale - 2.99 / lb
- Green wave mustards - 1.99 / lb
- Scarlet frills mustards - 2.99 / lb
- Red garnet mustards - 2.99 / lb



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# OPEN MARKET

White Harvest Farms provides access to fresh vegetables to volunteers on the farm 6 days a week. Produce is offered for sale every Saturday from 10am - 2pm and seasonally through our Mobile Market at local churches.

21

## Visit the Farm

A healthy space to get hands on experience, connect with others and learn a new skill.



*White Harvest Farms*

**& MARKET**

MARKET EVERY SATURDAY	VOLUNTEER MONDAY - SATURDAY
<b>10-2PM</b>	<b>8:30AM - 2 PM</b>

WEATHER PERMITTING  
4850 MONCRIEF RD  
JACKSONVILLE, FL 32209

**VOLUNTEER AND LEARN ABOUT FARMING!**  
FACEBOOK.COM/WHITEHARVESTFARM  
@WHITEHARVESTFARM




www.cornwhiteharvest.org


22

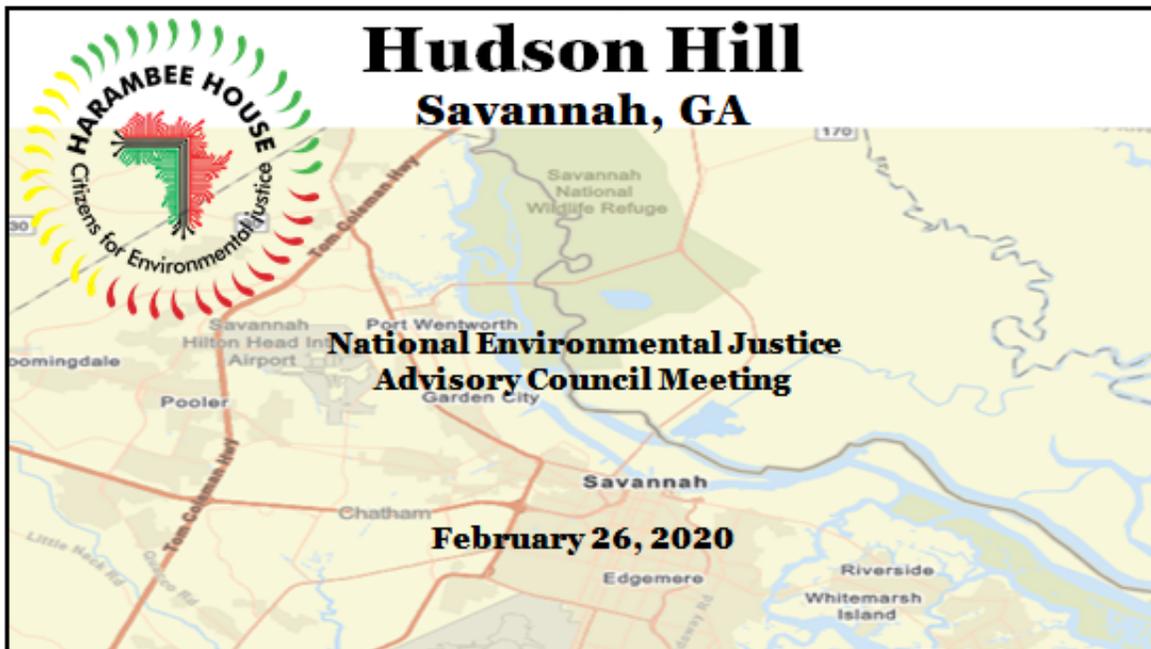
THANK YOU  
FOR THE  
OPPORTUNITY

WhiteHarvest  
FARMS



904-354-4162  
4850 Mancroft Road, Jacksonville, FL 32209  
HEALTH ZONE 1  
[claraharvest.com](http://claraharvest.com)

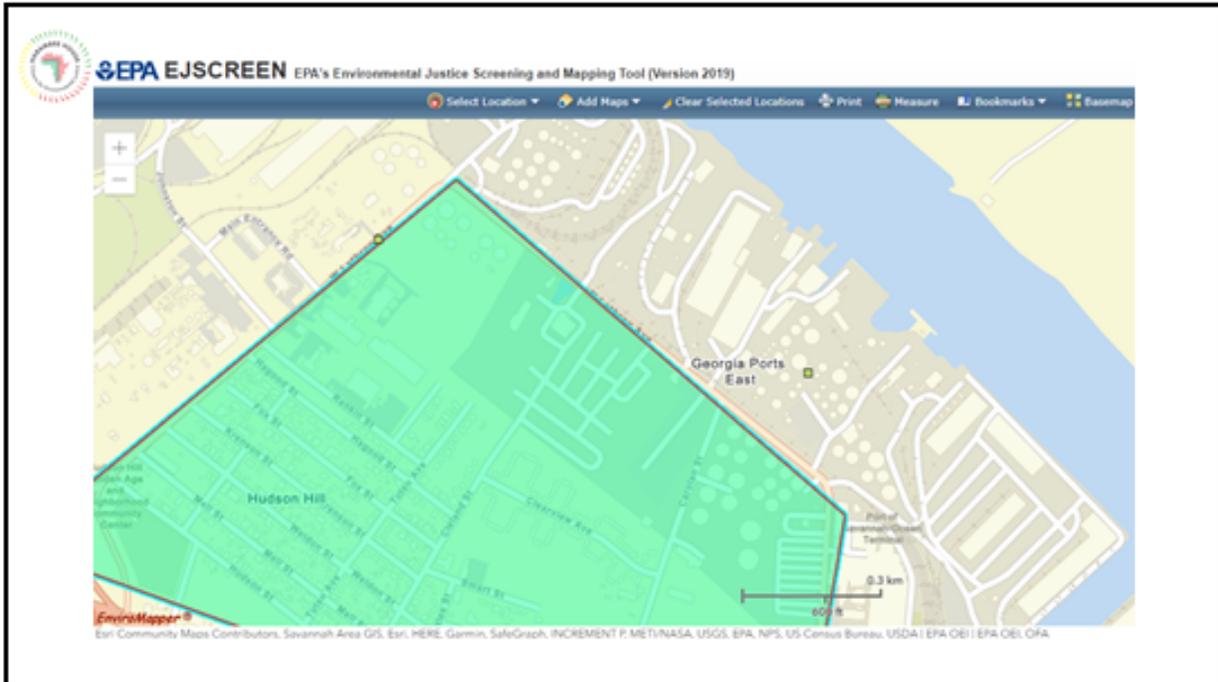
COMMUNITY VOICES: COMMUNITY RESILIENCE AND NATURAL DISASTERS IN SAVANNAH, GEORGIA



1



2



3

The slide features the EPA logo in the top left corner. The main title is 'Chemical Companies at the Savannah Ports'. Below the title is a list of companies and their primary business categories, each preceded by a blue underlined link. The list includes:

- [B & B Paint Co](#) -- [Contractors Equipment & Supplies/Chemicals/Construction & Building Equipment](#)
- [Colonial Chemical Solutions](#) -- [Chemicals-Wholesale & Manufacturers](#)
- [Dulany Industries Inc](#) -- [Chemicals-Wholesale & Manufacturers](#)
- [Kemiron Atlantic](#) -- [Chemicals-Wholesale & Manufacturers/Chemicals](#)
- [Morrison Chemical Company](#) -- [Chemicals-Wholesale & Manufacturers/Janitors Equipment & Supplies/Janitors Equipment & Supplies-Wholesale & Manufacturers](#)
- [Southern States Chemical Inc](#) -- [Chemicals-Wholesale & Manufacturers/Chemicals](#)
- [Vopak](#) -- [Chemicals-Wholesale & Manufacturers/Chemicals](#)
- [Colonial Chemical Solutions](#) -- [Chemicals-Wholesale & Manufacturers](#)
- [Arboris](#) -- [Chemicals-Wholesale & Manufacturers](#)
- [Chemtrade Logistics](#) -- [Chemicals-Wholesale & Manufacturers](#)

4



## **Chemical Companies at the Savannah Ports**

[Kemira Pigments -- Chemicals-Wholesale & Manufacturers](#)

[Em Industries Inc -- Chemicals-Wholesale & Manufacturers](#)

[Geo Specialty Chemicals Inc -- Chemicals-Wholesale & Manufacturers/Chemicals](#)

[Hercules Incorporated -- Chemicals-Wholesale & Manufacturers](#)

[Bonita William Inc -- Chemicals-Wholesale & Manufacturers](#)

[General Chemical Corp -- Chemicals-Wholesale & Manufacturers/Chemicals](#)

[Arizona Chemical -- Chemicals-Wholesale & Manufacturers/Chemicals](#)

[Southern States Chemical Inc -- Chemicals-Wholesale & Manufacturers/Chemicals](#)

[Savannah Brush and Chemical Co Inc -- Chemicals-Wholesale & Manufacturers/Janitors Equipment & Supplies/Chemicals](#)

[Colonial Oil Industries -- Chemicals-Wholesale & Manufacturers/Chemicals](#)

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## **Chemical Companies at the Savannah Ports**

[Solenis -- Chemicals-Wholesale & Manufacturers/Chemicals](#)

[Doyle Chemical & Supply -- Janitors Equipment & Supplies/Paper/Manufacturers/Paper Products](#)

[Kraton Chemical -- Chemicals](#)

[Chemical South Transport -- Chemical Plant Equipment & Supplies](#)

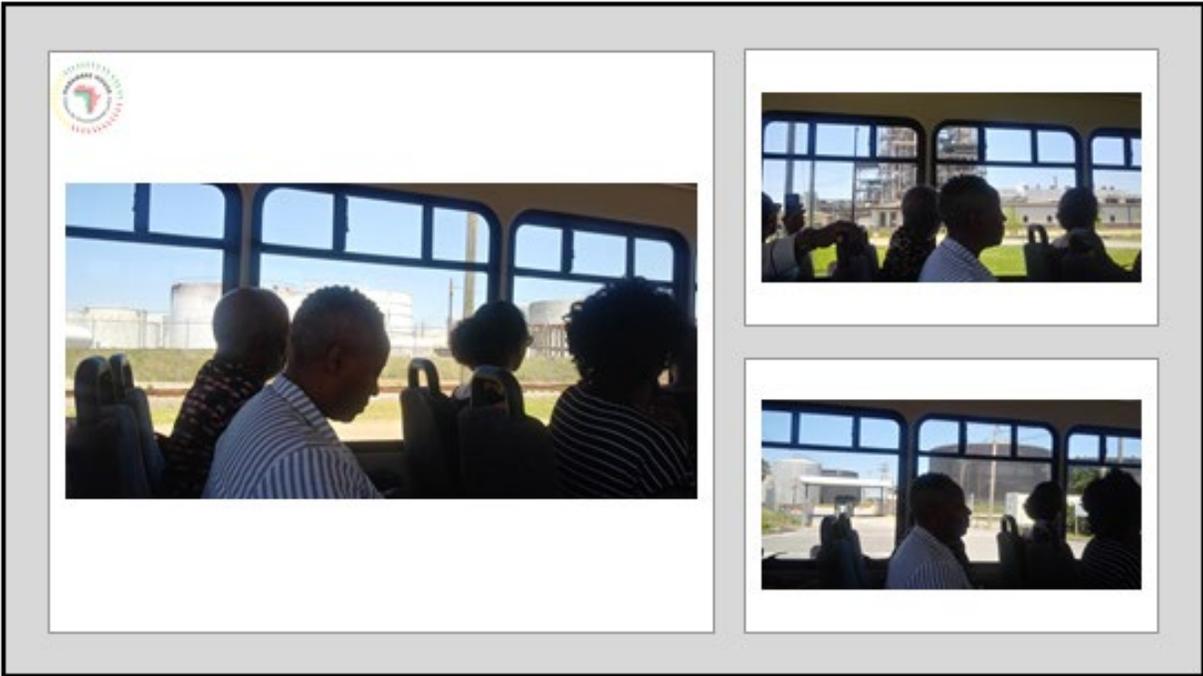
[Ka Steel Chemical -- Chemicals](#)

[Terra Industries -- Chemicals/Fertilizers](#)

[Emd Chemicals -- Chemicals](#)

[Gavilon Fertilizer -- Fertilizers/Chemicals](#)

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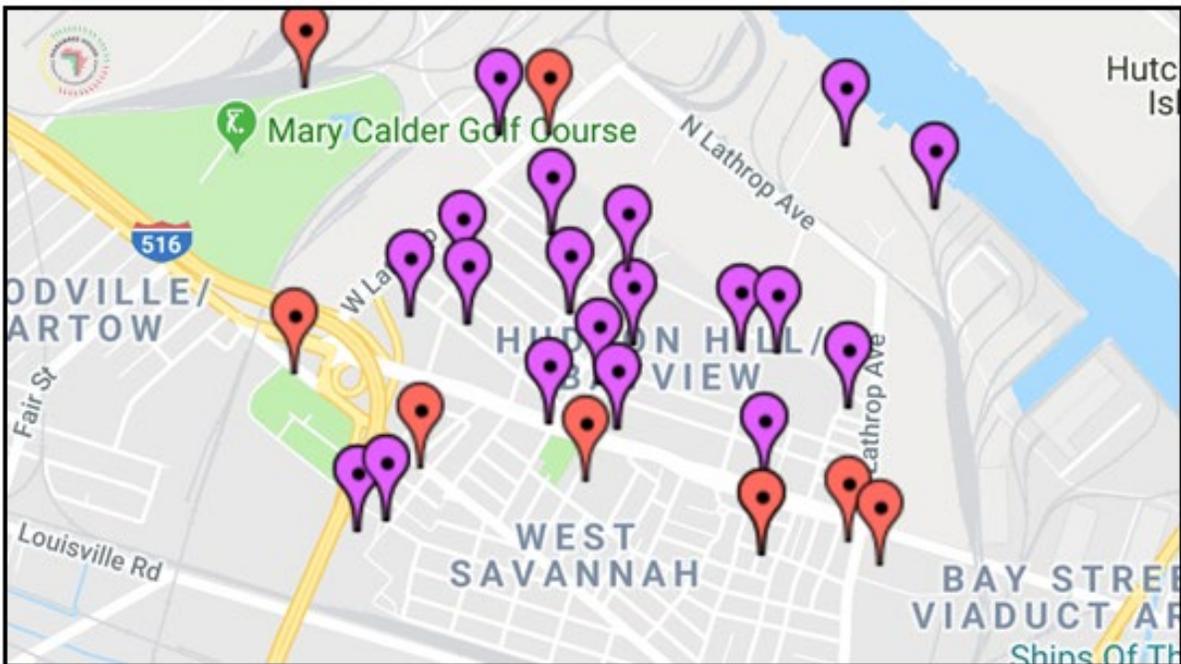
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## **Harambee House, Inc.** **Citizens for Environmental Justice**

1115 Habersham Street, Savannah, G 31401

912.233.0907

[cfej.harambee@gmail.com](mailto:cfej.harambee@gmail.com)

[staff@theharambeehouse.net](mailto:staff@theharambeehouse.net)

<https://www.theharambeehouse.net>

Facebook: [www.facebook.com/harambee.house.79](https://www.facebook.com/harambee.house.79)

Twitter: @CFEJSAV

LinkedIn: <https://www.linkedin.com/company/the-harambee-house-cfej/>

Instagram: <https://www.instagram.com/harambeehouseinc/>

# COMMUNITY VOICES: ENVIRONMENTAL JUSTICE CONCERNS OF FARMWORKERS IN FLORIDA

## Farmworkers and Pesticides An Environmental Justice Issue

According to the EPA, there are an estimated 900 million pounds of pesticides applied to crops annually in the United States each year.

There are approximately 1.5 to 2 million farmworkers in the United States, and an estimated 2 million minor children of farmworker families according to the NAWS.



Presentation by the Farmworker Association of Florida

1

## Farmworkers and Pesticides



It has been estimated that as many as 25 million agricultural workers worldwide experience unintentional pesticide poisonings each year.

In a large prospective study of pesticide users in the United States, the Agricultural Health Study, it was estimated that 16% of the cohort had at least one pesticide poisoning or an unusually high pesticide exposure episode in their lifetime.

2

### Farmworkers and Pesticides – An Environmental Justice Community

The US Department of Agriculture has estimated that 50 million people in the United States obtain their drinking water from groundwater that is potentially contaminated by pesticides and other agricultural chemicals

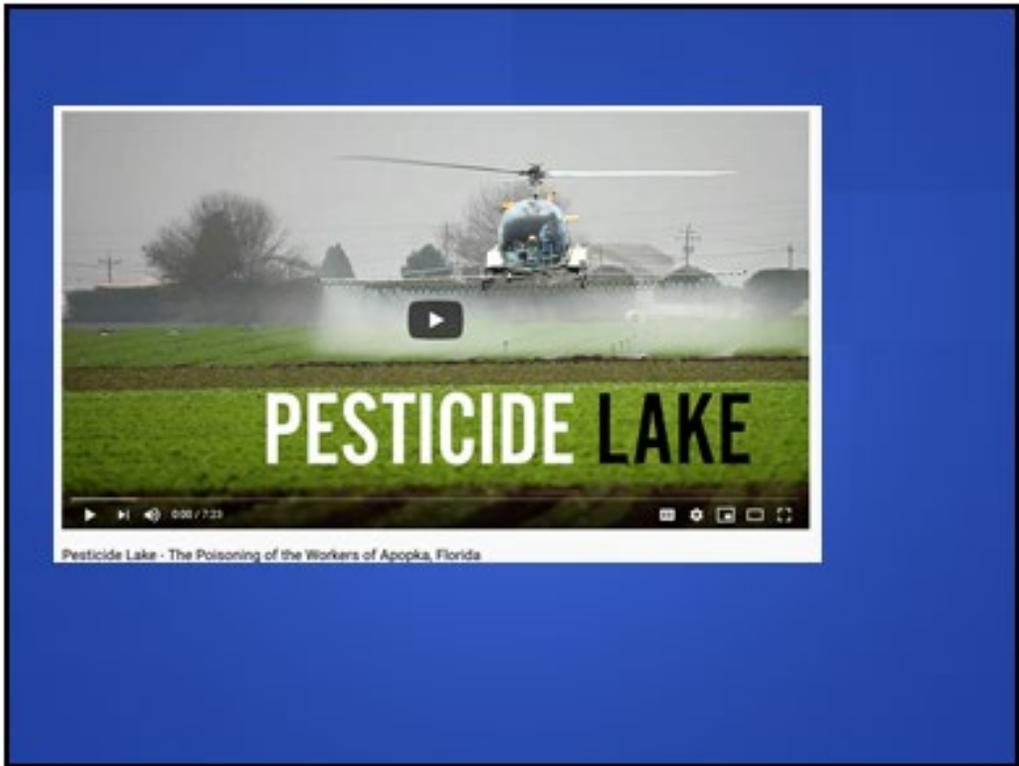
Children from 3-6 years old received most of their dermal and non-dietary oral doses from playing with toys and while playing on carpets which contributed the largest portion of their exposure



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The Farmworker Association of Florida

# Toxic Tour

of Lake Apopka

One of Florida's most polluted lakes and environments



Lake Apopka was home to much farms for most of the 20<sup>th</sup> century, employing tens of thousands of farmworkers for over 50 years. While these much farms provided food for people around the country, the use of toxic pesticides has left Lake Apopka and the former farmworkers forever altered.

Once deemed a world-class fishing destination, Lake Apopka is now considered the most polluted large lake in Florida. This tour explores the community around Lake Apopka, exploring the landfill, medical waste incinerator, two Superfund sites, neighborhoods, sewage treatment plant, and community garden. Learn about the lives of farmworkers and the presence of pesticides in our foods through an eye-opening Lake Apopka tour! It is time to tell the story of the hard-working but too often "invisible" Lake Apopka farmworkers.



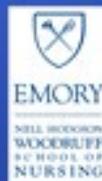
**Tour dates:** are approximately 3-4 hours long. Tours are held with our Pesticide Safety and Environmental Health Project Coordinator, Jeannie Economos. Contact our office at 407-455-5151 for Jeannie if you would like to schedule a tour!

7

Presenter:  
Jeannie Economos

**CDC DISCLAIMER:** Funding for this grant was made possible (in part) by grant award R21OH009630 from the Centers for Disease Control and Prevention. The views expressed in this presentation do not necessarily reflect the official policies of the Department of Health and Human Services, nor does mention of trade names, commercial practices, or organizations imply endorsement by the U.S. Government.

## Pregnancy Health Among Florida Farmworkers



8

# NC Farmworker Advocacy Network

July 20, 2010

*"Approximately one quarter of migrant farmworkers in the US are female, and a large percentage of these are of childbearing age. Pregnant farmworkers are at increased risk for spontaneous abortion, pre-term labor, and fetal abnormalities as a consequence of exhausting prolonged manual labor, periodic dehydration and exposure to pesticides, as well as substandard living conditions, poor health, and malnutrition. Twenty-five percent of births to migrant farmworkers result in insufficient birth weight, pre-term labor or other undesirable outcomes. Despite this increased risk, the majority of pregnant farmworkers receive inadequate prenatal care."*

9

## Health Care Provider Interviews

Maureen Kelley, CNM, PhD



What do health care providers (HCP) understand about the environmental and occupational health issues of pregnant farmworkers?

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# Overall conclusion

- Need for training and “continuing education” for HCPs about environmental and occupational health issues
- Empowerment of women to ask about issues of concern



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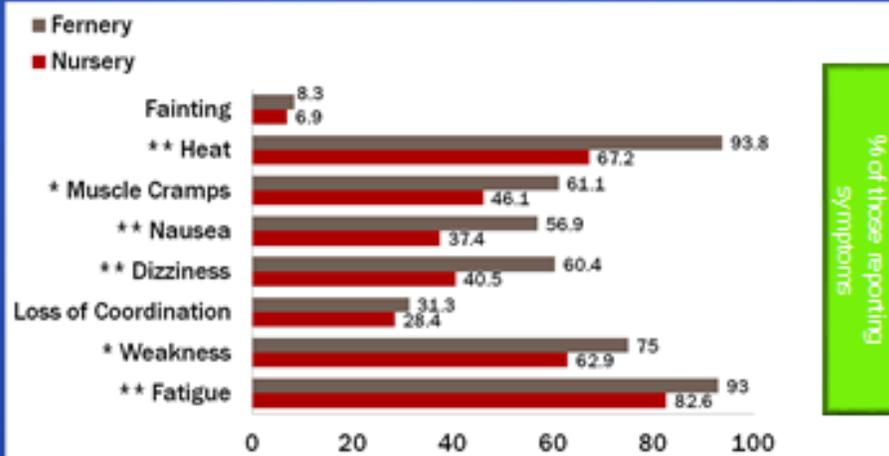
## Highlights from Community Survey

Survey Demographics by site	Age	Country of Origin	Marital Status	Currently Pregnant
<b>Nursery</b> n = 116	31.9	US 4.3% Mexico 53.4% Haiti 25.9%	Married 37.9% Single 30.2%	6.0%
<b>Fernery</b> n = 144	31.7	US 3.5% Mexico 96.5%	Married 53.5% Single 14.6%	10.4%

130 biological samples (65 in Apopka and 65 in Pierson) were collected from these participants.  
All pregnant participants agreed to participate in the sample collection.

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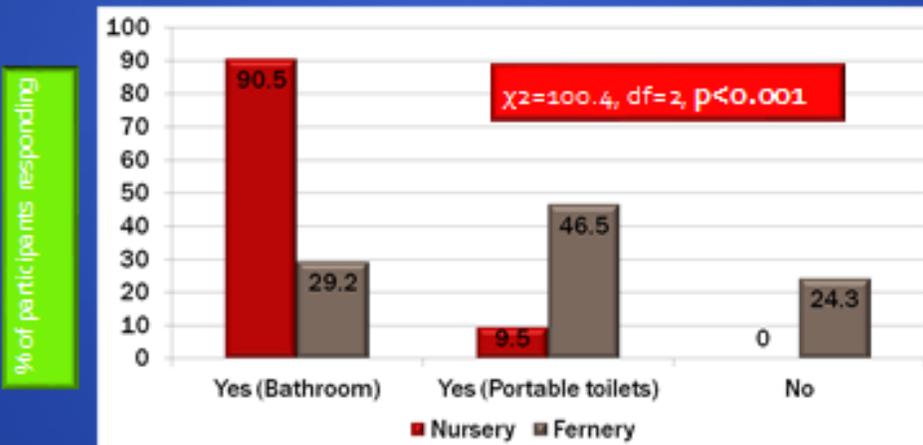
## Symptoms frequently or sometimes experienced while working



\*  $p < 0.05$  \*\*  $p < 0.01$

13

## Do you usually have a bathroom at the place where you work?

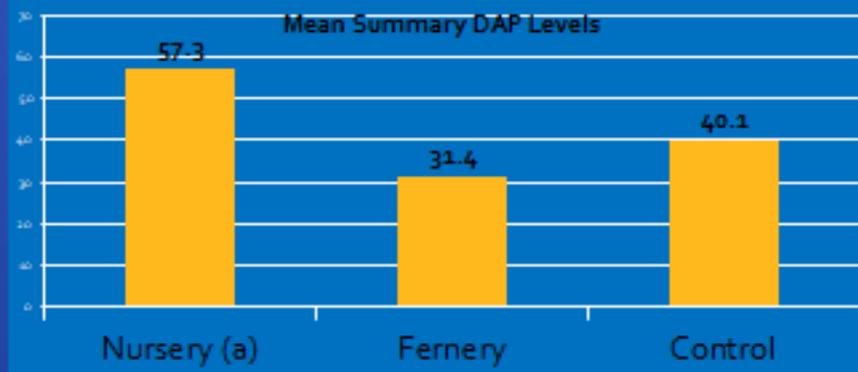


Work-related hygiene

14

# Organophosphate Metabolites

Table 1. Creatinine-adjusted OP metabolites in the urine of 97 female farmworkers working in nursery and fernery operations in Central Florida, April-June 2011.



N=sample size, GM=geometric mean, CI=confidence interval, Min=minimum, Max=maximum. \*p-values < .001 for differences detected between Nursery workers and Fernery workers and the control group

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# Organophosphates

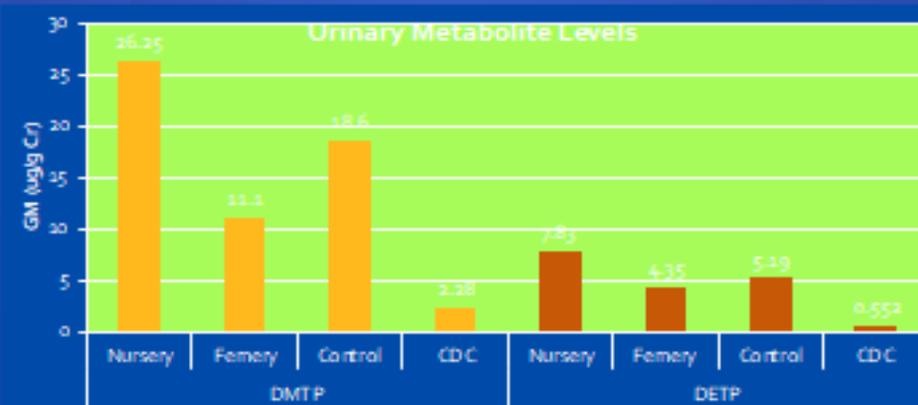
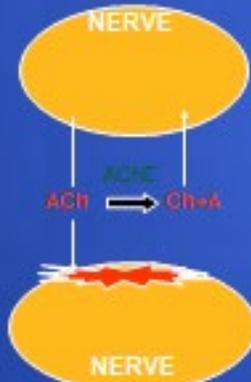


Figure 1. Comparisons of creatinine-adjusted geometric mean concentrations of summary OP metabolites in urine of female farmworkers, April-June 2011. \* Differences between summary OP metabolite levels in nursery and fernery participants are significant at p<.01. DETP CDC= 2001-2002 NHANES levels (95<sup>th</sup> percentile values= 32.6) for women in US. DMTP CDC= 2003-2004 NHANES levels (95<sup>th</sup> percentile values= 6.57) for women in US.

16

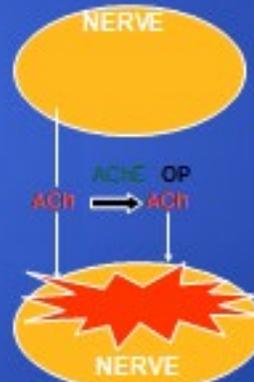
## Effect of Organophosphates on the Nervous System

### Normal Transmission



AChE breaks down ACh and stops stimulation of the nerve.

### Cholinesterase Inhibition



AChE bound to OP cannot break down ACh and the nerve is constantly stimulated.

17



### What is Chlorpyrifos?

- Organophosphate insecticide
- Developed during WWII as a nerve agent
  - Causes acute poisoning at high doses
  - Cholinesterase inhibitor, causing nervous system malfunction
- Registered and used in US since 1965
  - Initially approved for crops
  - Became one of the most common pesticides in US
    - 400 registered products, half of all uses in non-agricultural settings
    - 1990s – widely used to control household cockroaches and termites
    - 2001 – residential use phased out

18



## Dangers of Chlorpyrifos

- Chlorpyrifos can be harmful if it is touched, inhaled or eaten.
- Children, farmworkers and agricultural communities disproportionately affected.
- Severe, adverse neurodevelopmental outcomes in fetuses and infants with low levels of exposure:
  - lower IQs, reduced memory function, attention deficit disorders.

Photo: © P&G

19

## Pesticide Urinary Metabolite Levels of Children in Eastern North Carolina Farmworker Households (2007)

- Tested urine of 60 Latino farmworker children aged 1-6 for 14 pesticide metabolites
- Conclusion: Children in farmworker homes experience multiple sources of pesticide exposure. Pesticides may remain in their environments for long periods and cause long term harm. Environmental and occupational health changes are needed to address these exposures.

Arcury, T.A., Grzywacz, J.G., Barr, D.B., Tapia, J., Chen, H., Quandt, S.A. (2007). Pesticide urinary metabolite levels of children in eastern North Carolina farmworker households. *Environmental Health Perspectives* 115 (8). Doi: 10.1289/ehp.9975

20

# Mancozeb Toxicity

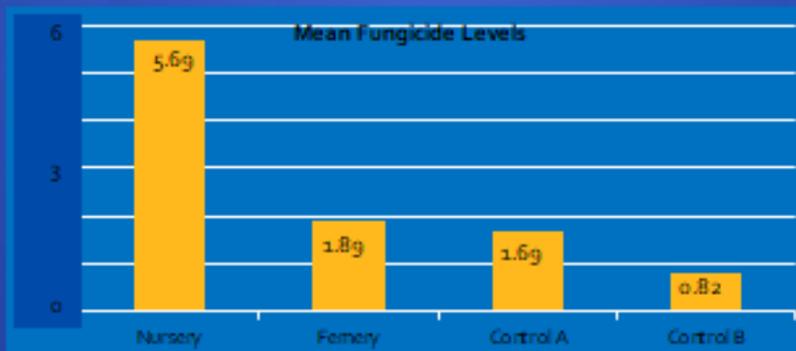
- PAN Bad Actor Chemical
- Probable Human Carcinogen
- Developmental or Reproductive Toxin
- Suspected Endocrine Disrupter

“Mancozeb is a practically nontoxic ethylene bisdithiocarbamate in EPA toxicity class IV - practically nontoxic. It is registered as a General Use Pesticide (GUP). Labels for products containing mancozeb must bear the Signal Word CAUTION”

21

# Fungicide

Table 2. Levels of Ethylenethiourea (ETU), adjusted for Creatinine in the urine of 100 female farmworkers working in nursery and farmery operations in Central Florida, April-June 2011.



N=sample size, GM=geometric mean, CI= confidence interval, Min=minimum, Max=maximum. \*p-values <.001 for differences detected between groups. Control A= Apopka in Lake & Orange Counties. Control B= Pierson in Volusia & Putnam Counties. \*No ETU GM levels reported for women in NHANES.

22

## Carlitos' Mother was exposed to Mancozeb during her pregnancy

The 'Immokalee babies' were born with severe deformities after their mothers were each exposed to pesticides whilst harvesting tomatoes. Barry Estabrook reports on the case that shocked the US



23

## Immokalee Birth Defects Cases to Farmworkers Working for AgMart Farms – FL and NC

- The first baby, the son of twenty-year-old Abraham Candelario and his nineteen-year-old wife, Francisca Herrera, arrived on December 17. They named the child Carlos. Carlitos, as they called him, was born with an extremely rare condition called tetra-amelia syndrome, which left him with neither arms nor legs.
- About six weeks later, a few cabins away, Jesus Navarrete was born to Sostenes Maceda. Jesus had Pierre Robin Sequence, a deformity of the lower jaw. As a result, his tongue was in constant danger of falling back into his throat, putting him at risk of choking to death. The baby had to be fed through a plastic tube.
- Two days after Jesus was born, Maria Meza gave birth to Jorge. He had one ear, no nose, a cleft palate, one kidney, no anus, and no visible sexual organs. A couple hours later, following a detailed examination, the doctors determined that Jorge was in fact a girl. Her parents renamed her Violeta. Her birth defects were so severe that she survived for only three days.

24

## A Female Fernery Worker in Pierson, FL



25

## Rompiendo El Silencio



Pesticide Segment

26

### Protecting agricultural workers' health and safety

- Support stronger Worker Protection Standards for farmworkers, including buffer zones around homes, schools, churches, playgrounds, etc.
- Ban chlorpyrifos – do not substitute with equally toxic alternatives
- The need for bilingual pesticide labels – most farmworkers and handlers and applicators are Spanish-speaking
- FIFRA reform – reform current method of assessing pesticides for registration
- Incentivize development of agroecological principles in agriculture as opposed to chemically-intensive agriculture

## COMMUNITY VOICES: ENVIRONMENTAL JUSTICE CONCERNS OF FARMWORKERS IN FLORIDA – PRESENTATION VIDEO LINKS

Out of the Muck (short version) - [Out of the Muck: Geraldine's Story - YouTube](#)

Pesticide Lake - [Pesticide Lake - The Poisoning of the Workers of Apopka, Florida - YouTube](#)

Elvira, a Farmworker - [Elvira a Farmworker - YouTube](#)

Rompiendo el Silencio - [Pesticide Segment - YouTube](#)

DISASTER RECOVERY AND COMMUNITY RESILIENCE IN PUERTO RICO & THE U.S. VIRGIN ISLANDS

**U.S. Environmental Protection Agency  
Region 2**

**Disaster Response, Recovery & Resiliency  
Puerto Rico and the U.S. Virgin Islands**

**Pete Lopez, EPA Regional Administrator**



1

**U.S. Environmental Protection Agency  
Region 2**



EPA Region 2 serves New Jersey, New York, eight Tribal Nations within the borders of New York State, Puerto Rico, and the U.S. Virgin Islands



2

## Devastation From Hurricane Irene & Tropical Storm Lee

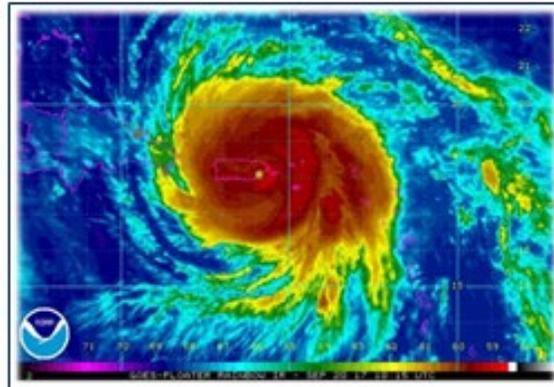


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## Hurricanes Irma & Maria in September 2017



Irma Hits the Caribbean on September 17<sup>th</sup>



Maria Hits the Caribbean on September 20<sup>th</sup>

4

## Devastation From Hurricanes Irma & Maria



5

## Roads and Bridges Damaged. Debris. Loss of Power. Drinking Water Shortages



6

## Impacts to the Most Vulnerable Populations

- Lack of Drinking Water
- Raw Sewage
- Lack of Electricity
- Contaminated Waterways
- Limited Access to Rural Communities
- Communications Failures
- Lack of Medical Care
- Loss of Homes
- Seniors
- Infants and Children
- Persons with Underlying Medical Issues
- Low Income

7

## Federal Response in the US Virgin Islands & Puerto Rico



8

## Collaborating with Nonprofits & Communities



Regional Administrator Pete Lopez visited Puerto Rico and the US Virgin Islands in early October 2017



EPA expanded its response efforts with federal, commonwealth, territory, and local partners

9

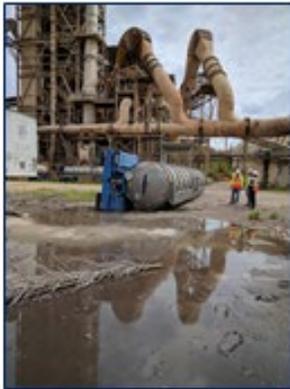
## Working with Communities & Municipalities Household Hazardous Waste Collection



Collected more than 320,000 containers of hazardous materials - drums, propane tanks, cylinders, electronics, and batteries - and 60 tons of solid hazardous waste

10

## Assessment of Drinking Water and Wastewater Systems



Assessed wastewater treatment plants, hundreds of pumping stations and rural drinking water systems

11

## Provided drinking water in remote areas of Puerto Rico



12

## Facilities Assessment and Medical Waste Disposal in USVI



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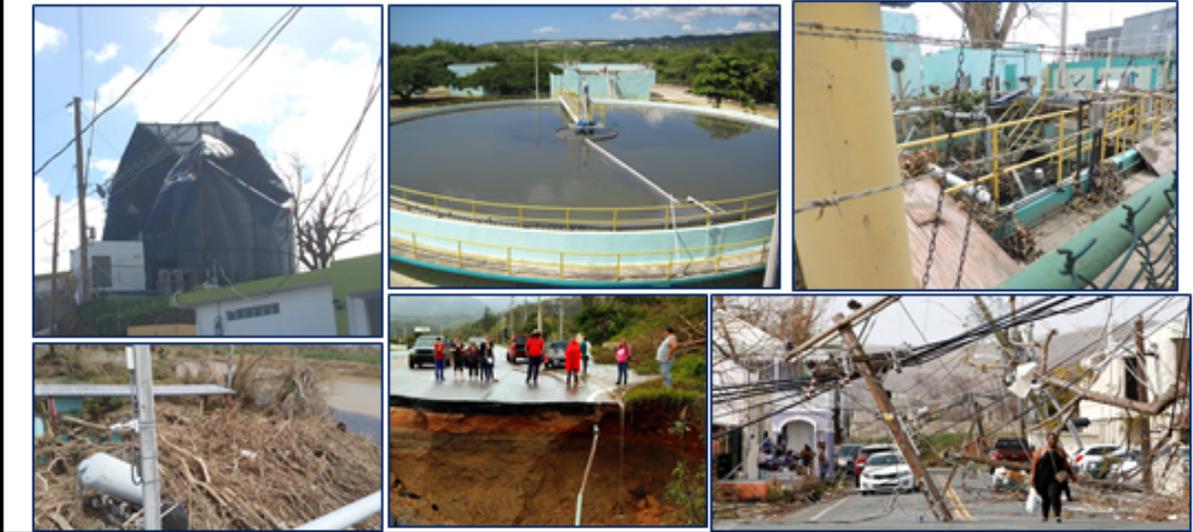
## Restoring Puerto Rico's Environmental Lab



Helped replace Puerto Rico's entire air monitoring network by restoring  
The Environmental Quality Board's Environmental Laboratory

14

## Strengthening Infrastructure



15

## Recovery Challenges

- Pre-existing conditions
- Ability to manage critical infrastructure
- Fiscal debt
- Ongoing strain from the storm impacts
- Earthquakes in Puerto Rico



Earthquake Response: EPA facility assessment in Puerto Rico

16

## Community Engagement



Pete Lopez meeting with Water Mission representatives and residents at a Non-PRASA system community in Caguas, Puerto Rico



EPA planning meeting with partners to discuss drinking water systems in San Juan, Puerto Rico

17

## Sustainable Drinking Water Solutions



MOU signed in Aguas Buenas with nonprofit organizations provides sustainable, clean drinking water and more reliable power to communities across Puerto Rico

18

## Solar Powered, Self Reliant Communities Water Coalition for Puerto Rico Community

\$13 M dollars of private funding pledged by NGOs to build capacity, support infrastructure repairs and make rural drinking water systems more resilient to power outages.

Provides technical assistance in compliance with local and federal safe drinking water requirements.

Approximately 30 non-PRASA systems installed solar panels and back-up battery storage. During the island-wide electric power outage after the January 7 earthquake, these systems were able to continue providing drinking water to their customers.



19

## Microgrids in Culebra

**Energy Resilience Assessment for Culebra, Puerto Rico**  
James Salasovich and Gal Mosley  
National Renewable Energy Laboratory  
Produced under direction of the U.S. Environmental Protection Agency for the Municipality of Culebra, Puerto Rico, by the National Renewable Energy Laboratory (NREL) under Interagency Agreement 10-2018

NREL is a national laboratory of the U.S. Department of Energy operated by the National Renewable Energy Laboratory (NREL) for Sustainable Energy, LLC. This report is prepared as an account of the National Renewable Energy Laboratory (NREL), a not-for-profit organization.  
Contract No. DE-AC02-08-OR21400



FUNDACIÓN COMUNITARIA DE PUERTO RICO



### U.S. Commerce Dept. awards \$4.1 million for solar project in Culebra, Puerto Rico

By Caribbean Business on June 26, 2019



#### Fundación Comunitaria de Puerto Rico to install system

SAN JUAN – U.S. Commerce Secretary Wilbur Ross announced Wednesday that the department's Economic Development Administration (EDA) is awarding a \$4.1 million grant to Fundación Comunitaria de Puerto Rico to install a 100 percent renewable energy system to support businesses in the island-municipality of Culebra.

20

## Strengthening Solid Waste Management



21

## Examples of EPA Recovery Projects

- **Funding for Puerto Rico Clean Water & Drinking Water (SRF)**
- **Healthy Buildings Recovery Task Force**
- **Funding for Leaking Underground Storage Tanks**
- **Caribbean Septic Systems Working Group**
- **Brownfields & Workforce Development Training**
- **Energy Efficiency - Energy Star Certification for the Caribbean**
- **Proposed Caribbean Disaster Recovery Collaborative**

22

## Contact Information



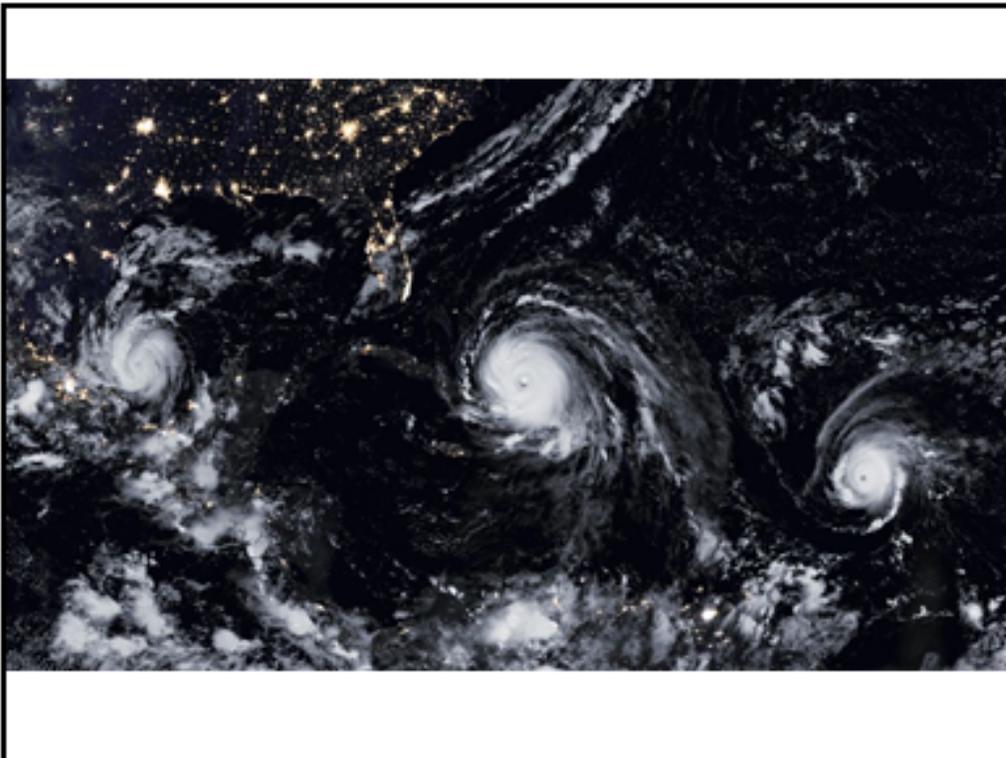
Pete Lopez  
EPA Region 2 Administrator  
[lopez.peter@epa.gov](mailto:lopez.peter@epa.gov)  
212-637-5000

# ***ENERGY AND POWER TRANSFORMATION IN PUERTO RICO***

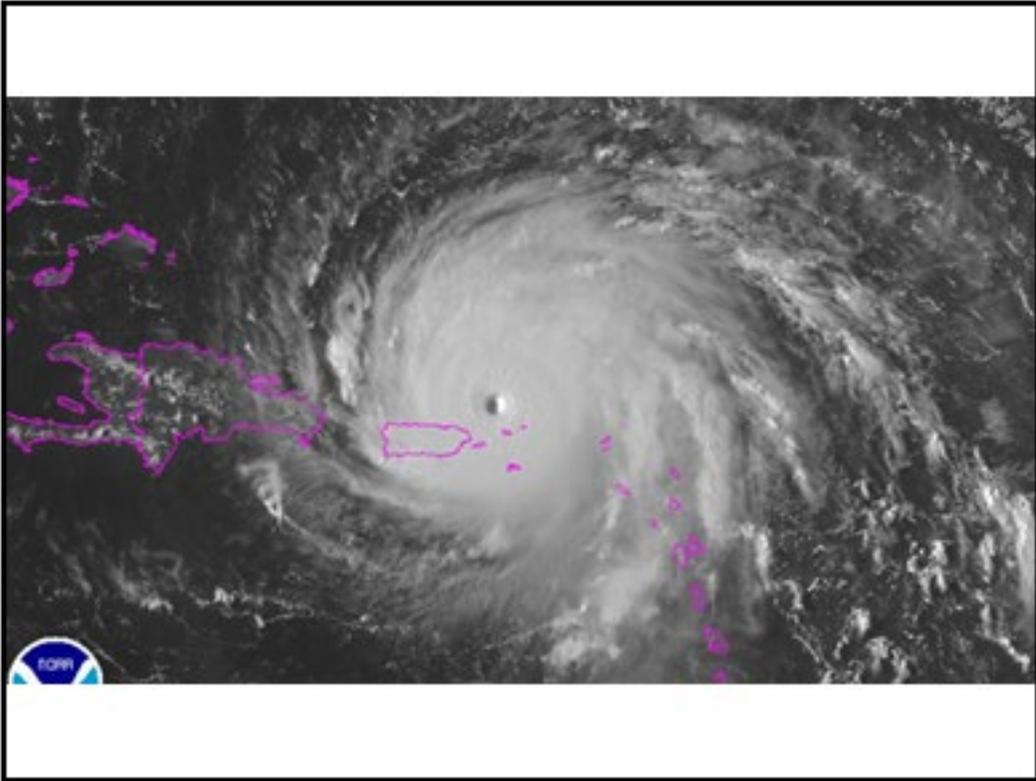
**The Quest for Environmental Justice in the  
Century of Climate Change**

*Juan E. Rosario* **AMANESER2025**  
amaneser2020@gmail.com  
(787) 462-5088

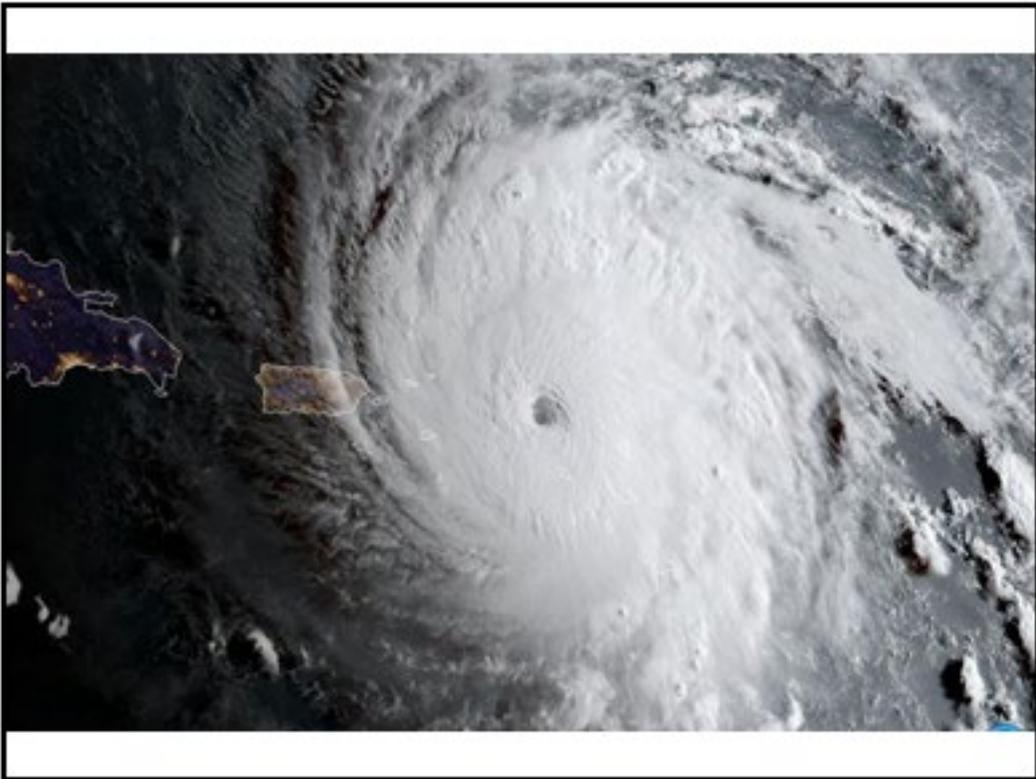
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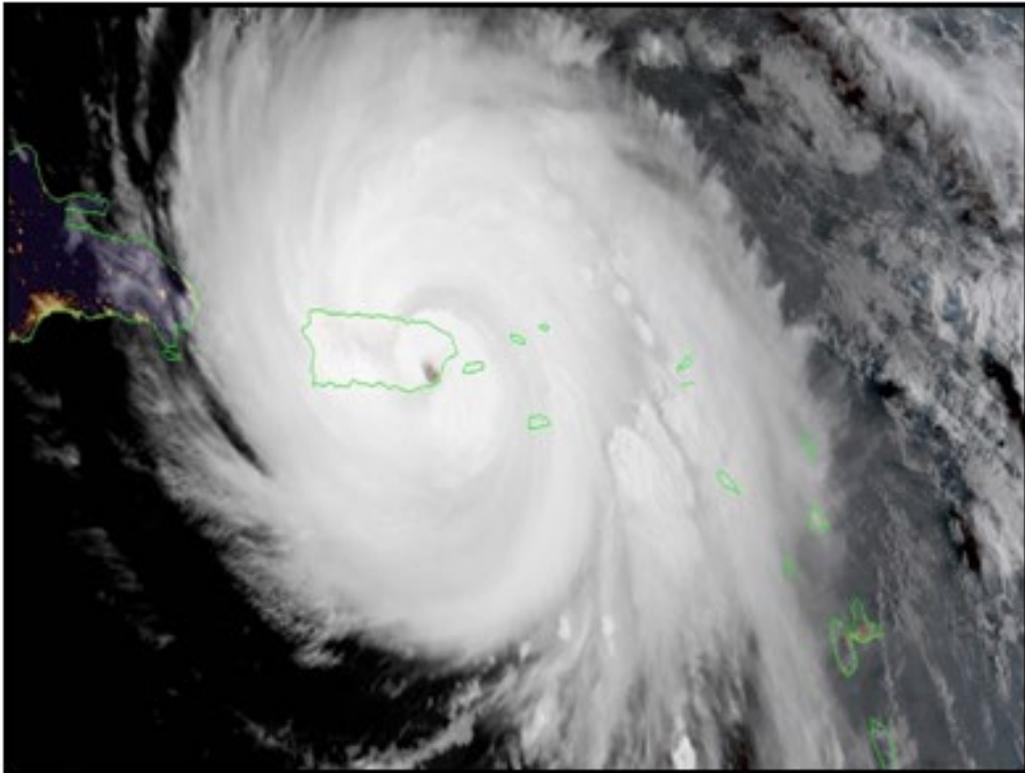
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6



## So the solution should:

1. Be simple enough to be deploy quickly;
2. By common people mainly with their own resources;
3. Democratic: community participation (national system), community control (local sub-systems);
4. Replicable;
5. Foundational and scalable;
6. Science supported;
7. Systemic and collaborative.

9



10



11



# “The RISE Network: A New Framework for Just and Sustainable Interventions in Disasters”

Cecilio Ortiz Garcia, PhD  
Senior RISE Fellow  
National Council for Science and the Environment  
National Institute for Energy and Island Sustainability-UPR

1

## RISE Conference 2019

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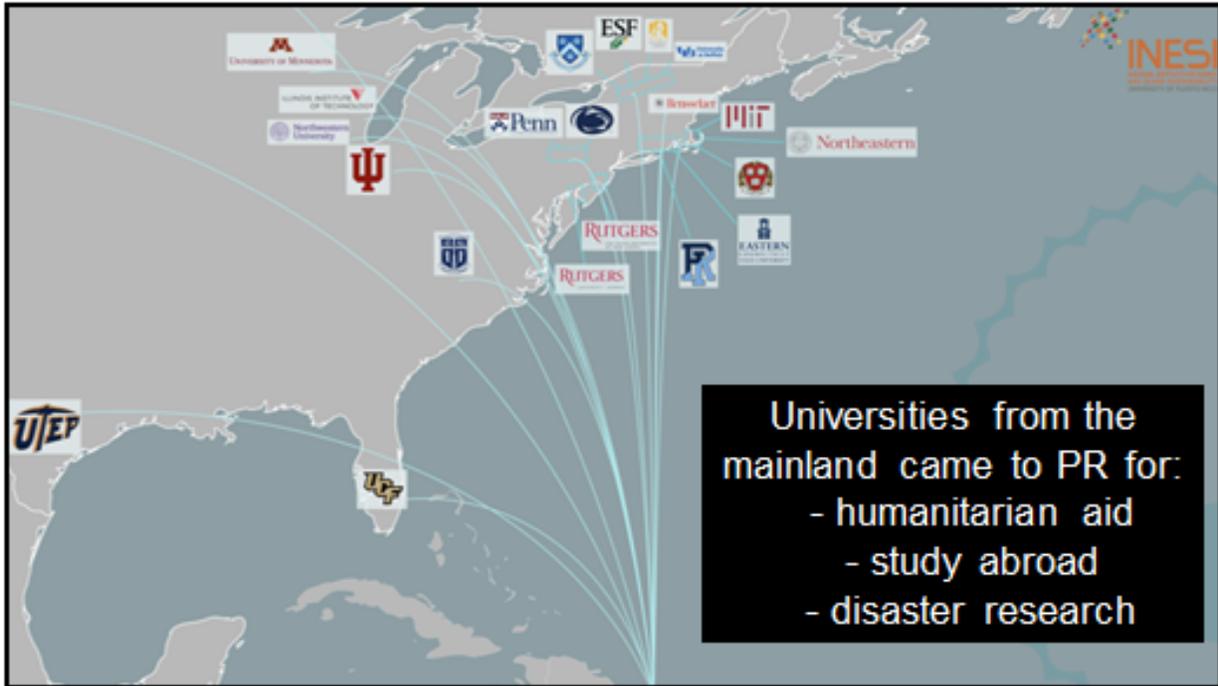


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512

Millions of dollars reduced in the UPR's budget

8



9

# 6 Issues with universities' interventions

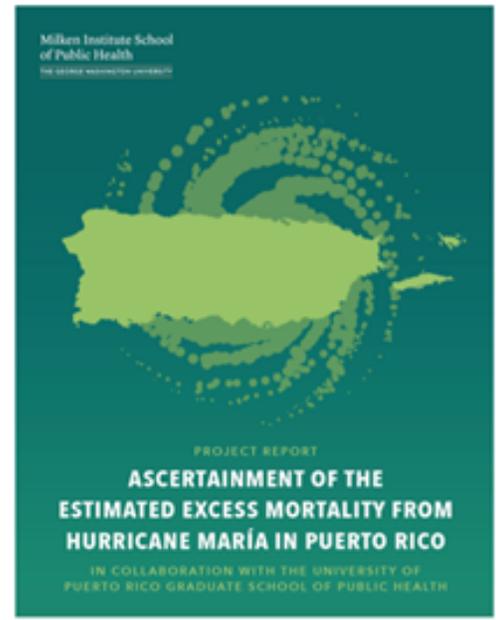
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# Lacking contextual knowledge



11

Academic work  
and research  
based on  
competition and  
extraction



12

## Unbalanced academic relationships



13

Based on  
myths  
regarding  
"host"  
communities:

- Blank canvases
- Laboratories
- "Resilience" is good



14

Irrelevant processes  
for designing and  
evaluating research  
with human  
subjects



15

Fragmented  
student  
mobility  
efforts



16



17



18

# RISE: A New Conceptual Framework...

- Universities **ARE** critical infrastructure
- Changing the paradigm from “observing” to “acting”
- Policy entrepreneurship providing multisectorial collaboration and vision building
- Fact-checking “manufactured ignorances”
- Networks of preestablished relationships

19

## New foundations for universities’ interventions

### RISE

Displaced students are both climate/environmental refugees and opportunities for social change

Just peer-to-peer collaborations organized in communities of practice

Institutional policy entrepreneurship

Communities are experts and co-producers of knowledge in a common learning landscape

Respect for the potential participants wellbeing

20



21

National Council for Science and the Environment

UNIVERSITY AT ALBANY  
State University of New York

*RISE Co-Chairs Marla Pérez Lagüe, Ph.D. & Cecilio Ortiz García, Ph.D.*

<https://www.albany.edu/riase2019/home.html>

**RISE CONFERENCE 2019**  
Transforming University Engagement In Pre- and Post-Disaster Environments: Lessons from Puerto Rico

Register Now

22

# The RISE Network's Structure

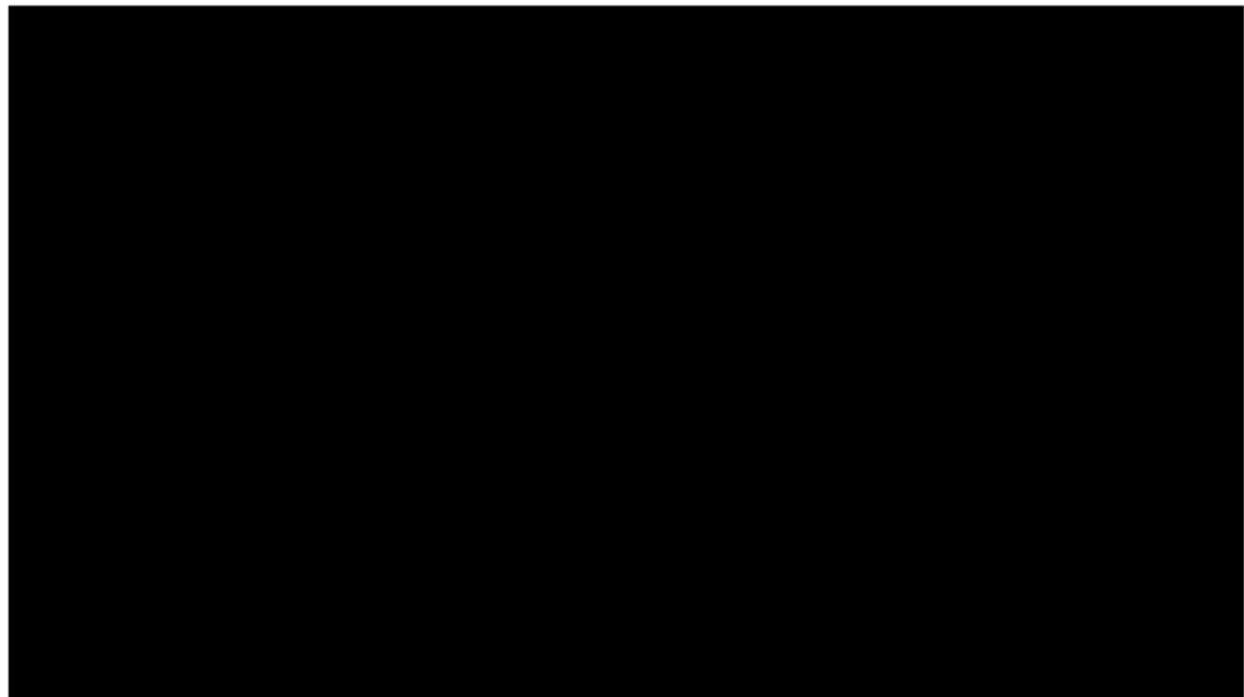


Regional or state hubs as observatories and collaboratories.

For each Hub:

- a dashboard with regional data on local vulnerabilities, exposures and capacities
- A description of the work been done
- A catalog of human resources by location, area of expertise, interests and willingness to engage with local and national actors
- Event calendar
- Disaster events and discussion forum (newsfeed)

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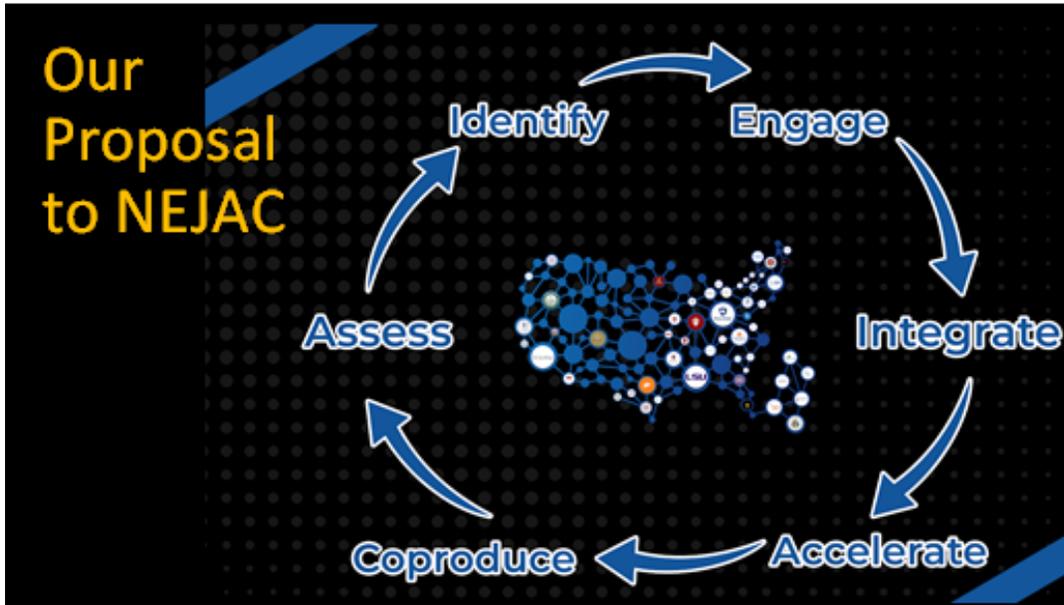
# The Unfortunate Beta Case



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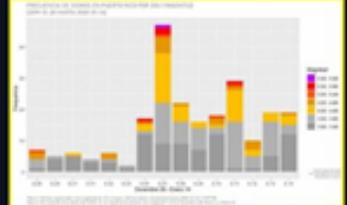
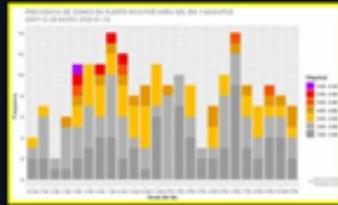
27

## NEJAC as a Boundary Spanning Space

To thread EJ principles into all of the activities

28

# EPA needs to invest more in local knowledge and innovation



Walter López Hernández  
Urban Planning and Policy  
Mississippi University

29

29

## Lets Talk!

Cecilio Ortiz Garcia

[cecilio@ncseglobal.org](mailto:cecilio@ncseglobal.org)

787-508-5776



30



## Council on Environmental Quality

Council on Environmental Quality

### Summary of the Notice of Proposed Rulemaking:

#### *Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act*

85 Federal Register 1684-1730 (January 10, 2020)

<https://www.regulations.gov/document?D=CEQ-2019-0003-0001>

1



## Overview

Council on Environmental Quality

- Background on the National Environmental Policy Act (NEPA)
- EIS Duration and Length Data
- Overview of Executive Order 13807
- Goals of the rulemaking
- Prior public input
- Summary of proposed rule
- Public engagement
- How to comment

2

### NATIONAL ENVIRONMENTAL POLICY ACT DISCUSSION



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# NEPA Background

## CEQ NEPA Regulations

- CEQ promulgated its NEPA implementing regulations in 1978 and made one substantive change in 1986 (revised 40 CFR 1502.22 to replace worst case analysis with consideration of incomplete or unavailable information).
- Under the current CEQ regulations, there are three levels of environmental review to comply with NEPA: categorical exclusions (CEs), environmental assessments (EAs), and environmental impact statements (EISs).
  - Each year, agencies prepare approximately 170 EISs and 10,000 EAs, and apply CEs to approximately 100,000 actions.

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# NEPA Background

## Duration and Length of Federal Highway EISs

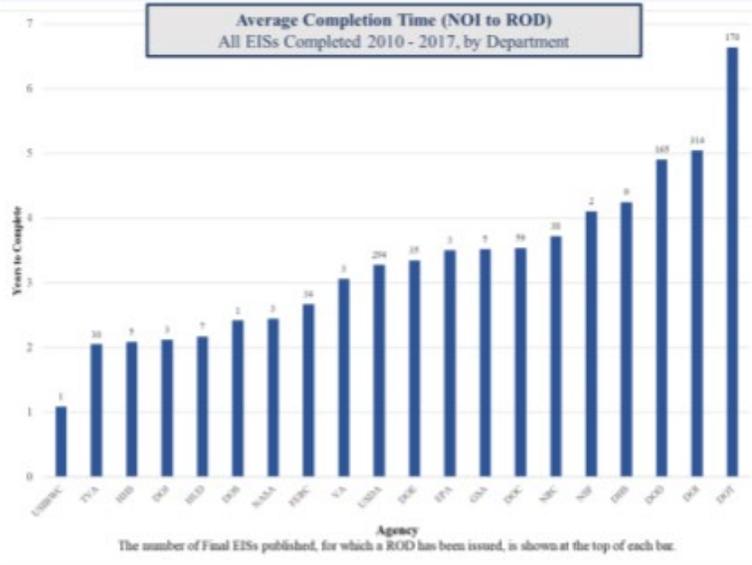
- CEQ's current regulations require that an EIS normally be less than 150 pages or less than 300 pages for actions of unusual scope and complexity.
- CEQ found that the average length of a final EIS is **645 pages**, and the average time to conduct these NEPA reviews is **7.3 years**.
- Sources:
  - <https://ceq.doe.gov/nepa-practice/eis-length.html>
  - <https://ceq.doe.gov/nepa-practice/eis-timelines.html>

4



# EIS Timeline Data

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# EIS Timeline Data

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Agency	EISs Completed	Average NOI to Draft	Average Draft to Final	Average Final to ROD	Average NOI to ROD
<b>Department of Transportation (DOT)</b>					
Federal Aviation Administration (FAA)	8	5.51	1.87	0.35	7.72
Federal Highway Administration (FHWA)	114	4.04	2.87	0.38	7.30
Federal Railroad Administration (FRA)	14	3.16	1.57	0.43	5.16
Federal Transit Administration (FTA)	27	2.89	1.95	0.30	5.13
National Highway Traffic Safety Administration (NHTSA)	4	0.59	0.72	0.08	1.39
Surface Transportation Board (STB)	3	2.48	3.41	0.47	6.36



# Executive Order 13807

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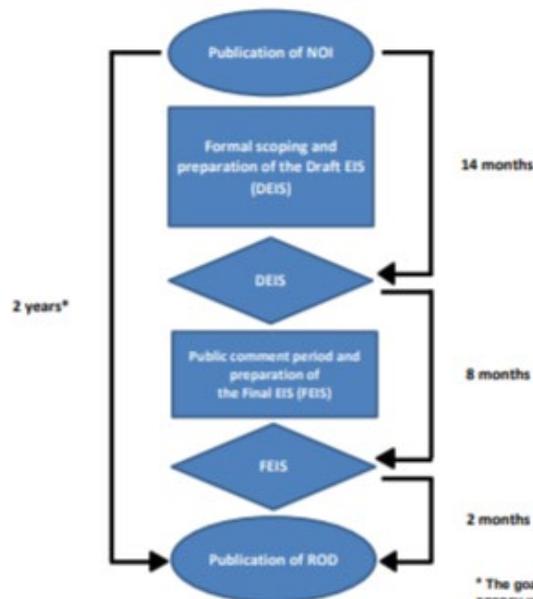
- On August 15, 2017, President Trump issued E.O. 13807, *Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects*.
- Section 5(e)(i) directed CEQ to enhance and modernize the Federal environmental review and authorization process, including issuing such regulations as CEQ deems necessary to:
  - Ensure **optimal interagency coordination** of environmental review and authorization decisions;
  - Ensure that multi-agency environmental reviews and authorization decisions are conducted in a manner that is **concurrent, synchronized, timely, and efficient**;
  - Provide for **use of prior Federal, State, Tribal, and local environmental studies, analysis, and decisions**; and
  - Ensure that agencies apply NEPA in a manner that **reduces unnecessary burdens and delays**, including by using CEQ's authority to interpret NEPA to **simplify and accelerate** the NEPA review process.

7



## Sample Timeline for a Project Subject to E.O. 13807

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\* The goal of 2 years in EO 13807 is an agency-wide average, not all projects are expected to meet this average.

8



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## Prior Public Input

- CEQ published an advance notice of proposed rulemaking, ***Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act***, in the Federal Register for public comment. (83 FR 28591, June 20, 2018).
- CEQ received over 12,500 comments during the public comment period, which closed on August 20, 2018.
  - Comments are publically available in docket number CEQ-2018-001 on [www.regulations.gov](http://www.regulations.gov).

9



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## Rulemaking Goals

- Efficient, effective, and timely NEPA reviews.
  - Modernize and clarify the regulations.
- Reflect modern NEPA practice.
  - Respond to numerous questions that have been raised over the past four decades by codifying guidance, case law, and agency practice.
- Reduce paperwork and delays, and promote better decisions.
  - Consistent with the goals of the 1978 regulations.

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## Proposed Changes

### Modernize, Simplify and Accelerate the NEPA Process

- Establish presumptive time limits for completion of environmental impact statements (EISs) of 2 years and environmental assessments (EAs) of 1 year.
- Specify presumptive page limits for EISs of 150 pages (300 for proposals of unusual scope or complexity) and 75 pages for EAs.
- Require joint schedules, a single EIS, and a single record of decision (ROD), where appropriate, for EISs involving multiple agencies.
- Strengthen role of the lead agency and require senior agency officials to timely resolve disputes that may result in delays.

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## Proposed Changes

### Clarify Terms, Application and Scope of NEPA Review

- Provide direction regarding the threshold consideration of whether NEPA applies to a particular action.
- Require earlier solicitation of input from the public to ensure informed decision-making by Federal agencies.
- Require comments to be specific and timely submitted to ensure their consideration.
- Require agencies to summarize all alternatives, analyses, and information submitted by commenters and to certify consideration of such information in the ROD.
- Define the term “reasonable alternatives” to provide that alternatives must be technically and economically feasible.



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## Proposed Changes

### Clarify Terms, Application and Scope of NEPA Review

- Simplify the definition of environmental “effects” and clarify that effects must be reasonably foreseeable and require a reasonably close causal relationship to the proposed action, consistent with Supreme Court case law.
  - Focus on considering whether an effect is caused by the proposed action rather than on categorizing the type of effect as direct, indirect, or cumulative.
  - CEQ does not propose to address a single type of effect in the regulations. CEQ invites comments on whether it should codify any aspects of its proposed GHG guidance in the regulation.
- Clarify “major Federal action” does not include non-discretionary decisions and non-Federal projects with minimal Federal funding or involvement.

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## Proposed Changes

### Reduce Unnecessary Burdens and Delays

- Facilitate use of efficient reviews.
  - Allow agencies to adopt another agency’s categorical exclusion (CE) determination and establish processes in agency NEPA procedures for adopting another agency’s CEs.
  - Expressly permit use of mitigated findings of no significant impacts (FONSIs).
- Allow applicants/contractors to assume a greater role in preparing EISs under the supervision of an agency.
- Allow certain activities to proceed while environmental reviews are pending.

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## Proposed Changes

Council on Environmental Quality

### Enhance Public Participation

- For actions requiring an EIS, CEQ proposes to require agencies to solicit comments in the notice of intent to prepare the EIS.
  - This solicitation would request comment on potential alternatives and impacts and identification of relevant information, studies, or analyses of any kind concerning impacts affecting the quality of the human environment.
- Agencies are given the flexibility to design and customize public involvement.
- Promote use of modern technologies to expand information sharing and enhance public involvement, including increasing the availability of online information.

15



## Proposed Changes

Council on Environmental Quality

### Enhance Coordination with States, Tribes, and Localities

- Reduce duplication by allowing agencies to use documents required by other statutes or prepared by State, Tribal, and local agencies.
- Ensure consultation with affected Tribal governments and agencies.
- Eliminate the provisions in the current regulations that limit Tribal interest to reservations.

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## Public Engagement

- Two public hearings on the proposed rule:
  - February 11, 2020 in Denver, CO
  - February 25, 2020 in Washington, DC
- Additional details concerning the hearings and other public engagement available at [www.nepa.gov](http://www.nepa.gov) and [www.whitehouse.gov/ceq](http://www.whitehouse.gov/ceq).

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## How to Comment

- CEQ requests public comment on the proposed rule. Submit comments on or before **March 10, 2020**.
- You may submit comments via any of the following methods:
  - Online or document upload: [www.regulations.gov](http://www.regulations.gov), docket number CEQ-2019-0003
  - By Fax: (202) 456-6546
  - By mail: Council on Environmental Quality  
730 Jackson Place NW  
Washington, DC 20503  
Attn: Docket No. CEQ-2019-0003

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UPDATE

# Environmental Justice & Natural Disasters Focus Group Meeting Update

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Chip Hughes

National Institute of Environmental Health Sciences

Department of Health and Human Services

February 27, 2020

1

## Focus Group Meeting Agenda

- 
- Introductions (Chip Hughes, NIEHS, HHS)
  - Focus Group Meeting Findings
  - Discussion with NEJAC
  - Next Steps

2

## WTP: Training & Preparing Workers Since 1987

**Increasing worker safety and health** across the country

Trained approximately **4 million workers** since 1987

Helps **businesses and municipalities** meet worker training needs; helps keep worksites and communities safer

**Increasing the country's capacity for disaster preparedness and emergency response**

Trained thousands of workers in response to many of the worst **natural and manmade disasters** in the U.S., including:

- World Trade Centers
- Hurricanes Katrina, Sandy, Harvey, Irma, Maria, and Florence
- Deepwater Horizon Gulf Oil Spill
- Ebola/Biosafety Response

**Providing a job and life skills training program** to unemployed and underemployed individuals

Reached over **12,000 individuals** in 30 communities across U.S., with average job placement rate of **70%**

Annual federal investment of **\$3.5M** generates a **\$100M** return

3

## WTP grantees have trained thousands of workers in response to many of the worst U.S. natural and man-made disasters, including:

- World Trade Centers: Over 7,000 workers
- Hurricane Katrina: Over 8,500 workers
- Hurricane Sandy: Over 8,000 workers
- Deepwater Horizon Gulf Oil Spill: Over 130,000 workers (in partnership)
- Ebola Infectious Disease Response: Over 7,000 workers
- Harvey/Irma Maria Hurricanes: Over 5,000 workers
- Hurricanes Florence and Michael: Over 4,000 workers



4

## Federal Environmental Justice Interagency Working Group (EJ IWG)

- Established by 1994 Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"
- Chaired by EPA Administrator; includes 17 Federal agencies and White House offices with standing committees and other committees established as necessary to carry out responsibilities
- Provides a forum for Federal agencies to collectively advance EJ programs, policies, and activities
- Assists communities in building the capacity to promote and implement innovative and comprehensive solutions to address EJ issues



5

## EJ IWG Ensures that the Federal Government Is:



**ACCESSIBLE:** Easily reached by communities, advocates, and other stakeholders regarding EJ concerns



**AWARE:** Knowledgeable of EJ concerns and issues that communities face in order to facilitate collaboration and coordination



**ACCOUNTABLE:** Capable of explaining the actions and decisions related to the implementation of Executive Order 12898

6

# EJ and Natural Disasters Subcommittee



- Part of the larger EJ Interagency Working Group, with the goal of bringing Federal officials together to:
  - Assess major EJ issues as it relates to natural disasters
  - Identify time sensitive solutions to address natural disaster preparedness, response, and recovery in vulnerable, overburdened, and underserved communities
  - Ensure that the interests of Federal agencies are addressed, and that appropriate Federal EJ policies, programs, and activities are implemented



7

# EJ and Natural Disasters Subcommittee

Identify ways to minimize the impact on vulnerable populations from:



Major floods



Hurricanes



Earthquakes



Tornadoes



Wildfires



Other Natural Disasters

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## EJ and Natural Disasters Subcommittee Members



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## EJ and Natural Disasters Subcommittee Activities



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## EJ and Natural Disasters Subcommittee Activities



Develop a model capacity building, training, and technical assistance program for vulnerable community natural disaster preparedness, response, and recovery



Capture model partnerships and alliances between Federal, State, Local, and Tribal government agencies, and local vulnerable communities



Identify and document coordination efforts between Federal disaster response agencies and EJ/Civil Rights components of those agencies

11

## EJ and Natural Disasters Subcommittee Output

A final report that:

- Defines the major EJ issues and best approaches to address EJ concerns in vulnerable, overburdened, and underserved communities related to natural disaster preparedness, response, and recovery
- Identifies major EJ Interagency Working Group findings
- Provides recommendations for future improvements and actions needed to address EJ concerns and needs



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## Stakeholder Outreach Meetings

- Partnerships for Environmental Public Health Annual Meeting (February 12, 2020)
- National Environmental Justice Advisory Council Focus Group Meeting (February 25, 2020)
- National Environmental Justice Conference and Training Program (April 22-25, 2020)
- Other Possible Meetings
  - Houston, TX; San Juan, PR; Los Angeles, CA
  - Stakeholder interviews (11 completed to date; up to 20 will be done)



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## Key Topics for Discussion

- Major EJ issues for vulnerable, overburdened, and underserved communities in natural disaster preparedness, response, and recovery
- Potential ways to minimize or prevent the impacts on affected communities of natural disasters
- Examples of best practices, lessons learned, and success stories in addressing the EJ concerns and needs of affected communities in natural disaster preparedness, response, and recovery
- Suggested capacity building, training, and technical assistance programs to meet the needs of affected communities in natural disaster preparedness, response, and recovery

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## Key Topics for Discussion (continued)

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- Existing EJ partnerships existing among Federal, State, Local, or Tribal government agencies and community-based organizations on natural disaster preparedness, response, and recovery
- Special natural disaster needs of African American populations? Hispanic American populations? Asian American populations? Indigenous populations? Immigrant worker populations? Children? Elderly populations?
- What else should Federal EJ IWG agencies do to address the needs of affected populations in support of natural disaster preparedness, response, and recovery?

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## Focus Group Meeting Discussion Points

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### General Comments

- Terms used to define disaster should be reevaluated. “Disasters” should not only include the sudden onset of an event, but also the slow-onset impacts (e.g., soil erosion) of climate change.
- Disaster occurs at all levels—there are smaller localized disasters that do not get national attention. Recommendations from the report must be holistic and address all types of disasters.
- Environmental, racial, cultural, climate, and other justice issues in disadvantaged communities are even more pronounced before, during, and after natural disasters.

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# Focus Group Meeting Discussion Points

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## Preparedness

- Preparation should not be right before an event. It should be done as a continuous process to ensure that communities understand what needs to be done when a disaster strikes.
- Keep in mind that evacuation is not always possible, especially for communities that have no where to go (e.g., Puerto Rico).
- The US needs to be proactively preparing for the effects of climate change.
- Communities must be meaningfully engaged at the beginning of any decision-making process, especially during emergency planning.

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# Focus Group Meeting Discussion Points

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## Preparedness (cont.)

- Private industries that are located in proximity of communities should include community members in their emergency plans and make them aware of internal evacuation plans for the industry.
- Climate change and severe weather events are shifting agriculture across the country, including Florida.
- Resources should be in place to better provide assistance to disadvantaged communities when disasters strike.
- Connections between local, state, federal government officials (including emergency management, public health, and others), EJ communities, and other stakeholders should be made prior to disasters.

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## Focus Group Meeting Findings

### Response

- Federal agencies should learn from local environmental historians to truly understand the cultural and political issues of the areas they work in (e.g., political culture, local deeds, housing titles, etc.).
- FEMA vouchers should also consider other factors, such as a hotel voucher not covering security deposit fees or gas money to evacuate.
- There is a need to do a better job in locating places to dispose of disaster debris.
- Language is still a barrier. Federal agencies and responders need to be more sensitive to the local culture.

19

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## Focus Group Meeting Findings

### Recovery

- FEMA Community Planning and Capacity Building works closely with local communities to determine community needs and work with these communities to make them more resilient over time.
- It is necessary to make sure that funding dedicated for disaster recovery reach those communities that need it the most.
- Need to stop building in floodplains and in wetlands and protect sand dunes. The Land Trust Alliance and other resource organizations can serve as a resource to support rebuilding.
- Funding should be made available for grassroots/community-based organizations who support the community following disasters.

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## Focus Group Meeting Findings

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### Recovery (cont.)

- Funding should also be provided for community emergency planning and community assessment plans.
- Communities should be taught how to help themselves to recover and how to become more resilient and should not just be handed the direct resources.
- Farm workers are also impacted when disasters occur, as they don't have work and can't receive income when the farms are destroyed.
- The long-term mental health needs of those impacted by the disasters must be considered.

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## Focus Group Meeting Findings

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### Recovery (cont.)

- There is a need to revisit and learn from the past documented lessons learned and incorporate them into current events.
- Funding should also be provided to local universities that serve the community.
- The government should work with grassroots organizations to help people recover the ability to meet their basic needs.

22

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## Focus Group Meeting Findings

### Tools/Resources

- EJScreen is a useful tool, but has inherent biases. Rural communities should also be taken into account.
- Ground truthing can enhance EJScreen.
- The International Transformational Resilience Coalition has a mental health resiliency training that advocates supporting community support following a disaster.

### Success stories

- The Gulf Coast Consortium can serve as a model example of how university consortiums can work together to serve the community.
- Graniteville Community Response to the train derailment is also a model example on how the community came together to build community capacity.

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## Focus Group Meeting Findings

### Other Comments

- The US Army Corps of Engineers is looking for feedback on ways in which it can assign a rating to different impacts on different communities (i.e., give an impact a higher rating if it affects EJ communities when comparing plans).
- Land grant universities should be supporting communities and not corporations.

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## Next steps

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- Include these findings in the Subcommittee report
- Continue to conduct outreach
  - Next meeting: National Environmental Justice Conference and Training Program (April 22-25, 2020)
  - Other Possible Meetings: Houston, TX; San Juan, PR; Los Angeles, CA
- Conduct additional interviews with stakeholders
- Conduct monthly Subcommittee meetings
- Prepare Subcommittee report for EJ IWG during September 2020

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## Wrap Up

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Thank You!

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Contact Info:

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**Chip Hughes**  
NIEHS  
[hughes3@niehs.nih.gov](mailto:hughes3@niehs.nih.gov)

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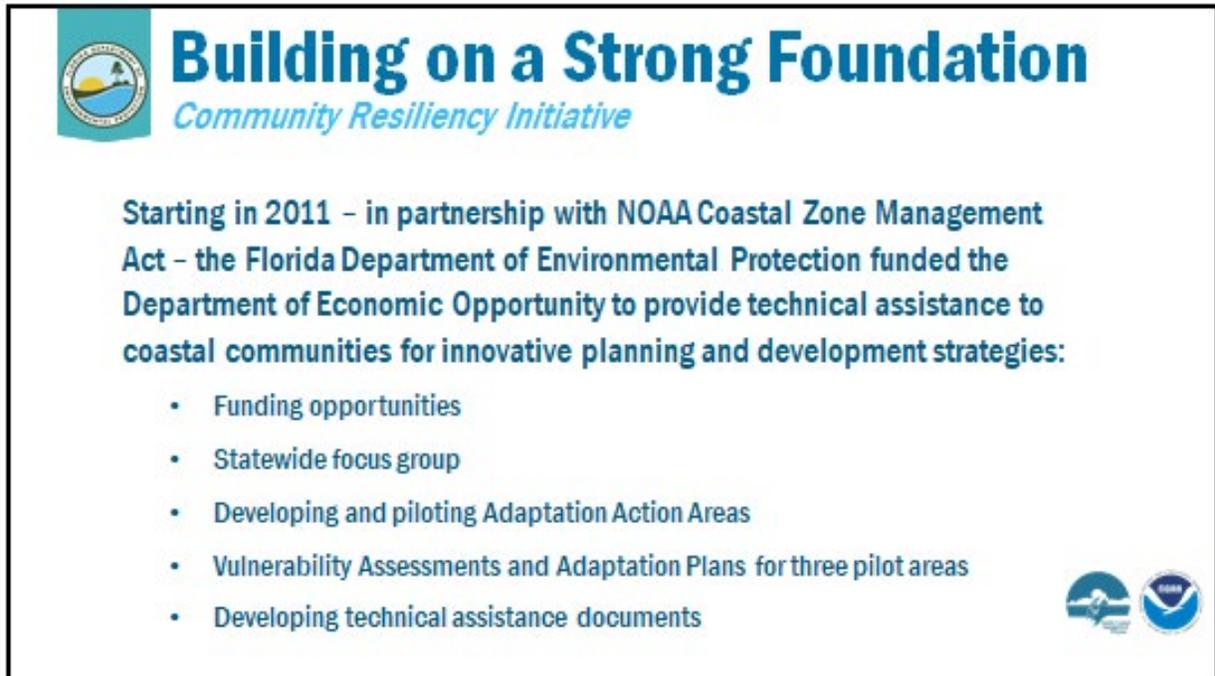
# RESILIENCY: SOCIAL VULNERABILITY AND HOUSING IN THE CONTEXT OF COASTAL RESILIENCY



**Working Together to Create  
More Resilient Florida Communities**

**Whitney Gray, Administrator**  
FRCP, Tallahassee  
(850) 245-2098 [Whitney.Gray@FloridaDEP.gov](mailto:Whitney.Gray@FloridaDEP.gov)

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**Building on a Strong Foundation**  
*Community Resiliency Initiative*

**Starting in 2011 – in partnership with NOAA Coastal Zone Management Act – the Florida Department of Environmental Protection funded the Department of Economic Opportunity to provide technical assistance to coastal communities for innovative planning and development strategies:**

- Funding opportunities
- Statewide focus group
- Developing and piloting Adaptation Action Areas
- Vulnerability Assessments and Adaptation Plans for three pilot areas
- Developing technical assistance documents



2



# Florida Resilient Coastlines Program

## *Vision and Mission*

Synergizing community resilience planning, natural resource protection tools and funding to prepare Florida's coastal communities for the effects of climate change, especially coastal flooding, erosion and ecosystem changes from sea level rise.

3



# Florida Resilient Coastlines Program



## RESOURCES

Florida Adaptation Planning  
Guidebook & Technical  
Assistance



## FUNDING

Resilience Planning &  
Implementation Grants



## COORDINATION

Quarterly Coastal  
Resilience Forum



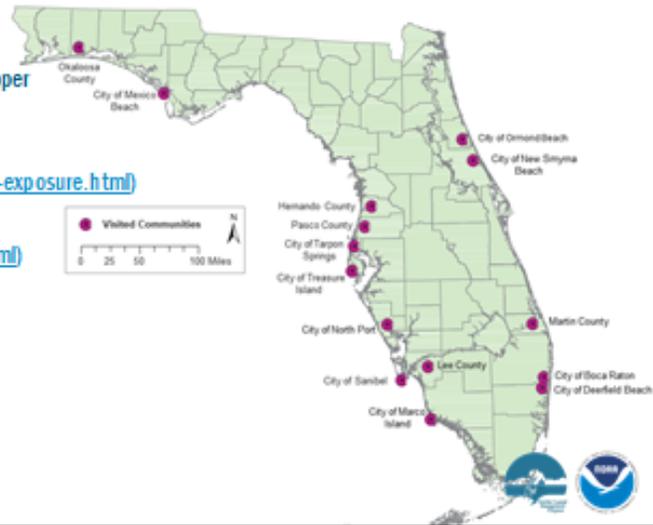
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## Technical Assistance

### Outreach to Local Governments

- The Nature Conservancy's Coastal Resilience Mapper (<http://maps.coastalresilience.org/network/>)
- NOAA's Coastal Flood Exposure Mapper (<https://coast.noaa.gov/digitalcoast/tools/flood-exposure.html>)
- NOAA's Sea Level Rise Viewer (<https://coast.noaa.gov/digitalcoast/tools/slr.html>)
- UF GeoPlan/FDOT Sea Level Sketch Planning Tool (<http://sls.geoplan.ufl.edu/#intro>)
- GulfTREE (<http://www.gulftree.org/>)
- [Joseph.Bauer@FloridaDEP.gov](mailto:Joseph.Bauer@FloridaDEP.gov)



5



## Adaptation Planning Guidebook

### Topics

- Establishing Context
- Vulnerability Assessment (VA)
- Adaptation Strategies
- Implementation of Adaptation Strategies
- Specialty Topics
  - Economic Value of Adaptation Planning
  - Community Rating System and Adaptation
  - Historic and Cultural Resources
  - Adaptation Action Areas to Protect Natural Resources
- Funding Opportunities
- Example VA and Adaptation Plan



6



# Steps to Creating Adaptation Plans

## CONTEXT

- Assemble a steering committee
- Set guiding principles and motivations
- Establish planning area and describe geographic context
- Define public outreach approach and opportunities for community participation

1

## VULNERABILITY ASSESSMENT

- Conduct an exposure analysis
- Conduct a sensitivity analysis
- Assign focus areas

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## ADAPTATION STRATEGIES

- Assess adaptive capacities
- Prioritize adaptation needs
- Identify adaptation strategies
- Integrate into existing plans

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## IMPLEMENTATION STRATEGIES

- Assess implementation capabilities
- Create a schedule of activities, actions, and actors
- Monitor and evaluate



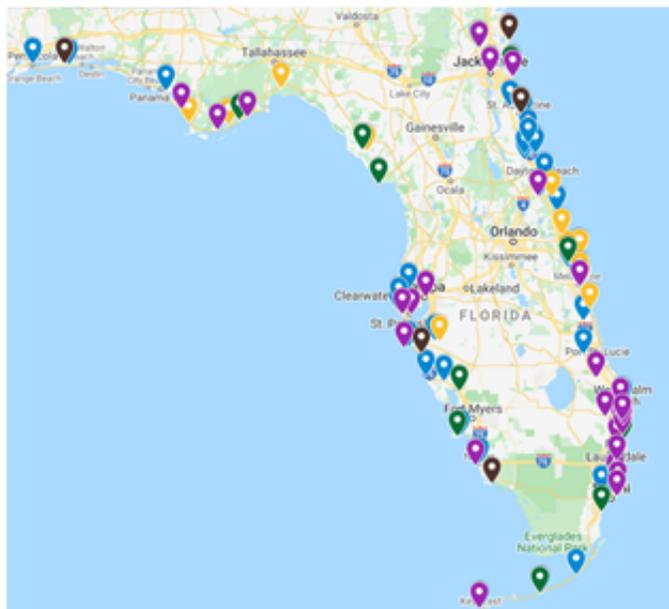
Figure 1. Communities can follow this road map of steps to create an adaptation plan.

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# Funding

- **306/306A**
  - Coastal Partnership Initiative
  - State Agency Grants
- **309**
  - Adaptation Action Initiative
- **State Funds**
  - Resilience Planning Grants
  - Adaptation Implementation



8



# Coordination



## Coastal Resilience Forum

[floridadep.gov/rcp/florida-resilient-coastlines-program/content/get-involved](http://floridadep.gov/rcp/florida-resilient-coastlines-program/content/get-involved)

ACC	Planning Council	NOAA/GTVM
ACCOM	Emerald Coastkeeper	NOAA/RNERR
American Planning Association	FAU	North Florida Land Trust
Apalachee RPC	FDOT	NWFWMID
Apalachicola Riverkeeper	FDMA	Palm Beach County
ARPC	FGCU	Pasco County
Audubon Florida	FINO	Pineles County
BRAC	FIU	RNERR
Brevard County	FDACS	RWParkinson Inc
Briggs/Sea Level/Rise Ready	Fla Sea Grant	Santibel-Captiva Conservation Foundation
Broward County	Flagler County	Sarasota Estuary Program
Broward MPO	Florida League of Cities	Sea Turtle Conservancy
Calusa Waterkeeper	Florida Chamber of Commerce	SEFRC
CFRPC	Florida Climate Institute	SFRPC
City of Cape Coral	Florida Earth Institute	Southwest Florida Community Foundation
City of Clearwater	FRCA	St. John's Riverkeeper
City of Crystal River	FSU	Stearns Weaver
City of Fernandina Beach	FSU Center for Ocean-Atmospheric Prediction Studies	Stetson University
City of Ft. Lauderdale	FSU Law	Suncoast Waterkeeper
City of Hallandale Beach	FNC	SWFRPC
City of Jacksonville	GDF	Tampa Bay Waterkeeper
City of Jacksonville Beach	Gulf Archaeology Research Institute	Taylor Engineering, Inc.
City of Miami	Hillsborough County	TBEP
City of Miami Beach	Institute for Sustainable Communities	TBRPC
City of Naples	IRLNEP	TCRPC
City of Punta Gorda	Kennedy Space Center	The Nature Conservancy
City of Sebring	Lake Worth Waterkeeper	TNC
City of St. Augustine	Martin County	Tortoise Island
City of West Palm Beach	Matanzas Riverkeeper	UF
Coastal Waterways	Miami Waterkeeper	UF (Geology)
Collier County	Miami-Dade County	UF (planner)
Collier County Waterkeeper	Monroe County	UF Geoplan
Conservancy of SW Florida	Nassau County	UF/IFAS Extension-Florida Sea Grant
Deady Law	NC Division of Coastal Management	USACE
DCM	NCFRPC	USF
DEO	NEFRPC	WFRPC
DEP	NOAA	Youth Environmental Alliance
DeWBerry	NOAA/NERR	
DOS		
East Central Florida Regional		

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# Resilience Planning Grants

### Four Project Types:

1. Compliance with "Peril of Flood" statute (Sec. 163.3178(2)(f) F.S.)
2. Vulnerability assessments, other than that necessary for compliance with Peril of Flood
3. Adaptation/resilience plans
4. Regional collaboration efforts

### Three Annual Priorities:

1. Development of Adaptation Action Areas
2. Analysis of **social vulnerability**; development of plans specifically focused on social vulnerability
3. Analysis of natural resource vulnerability; development of plans specifically focused on natural resource vulnerability

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## Social Vulnerability

- Projects must use best practices for identifying and analyzing social vulnerability, such as those identified by the US Centers for Disease Control <https://svi.cdc.gov>.
- Outputs should include products that show graphically the impacts of sea level rise and/or associated flooding on vulnerable sectors, narrative descriptions (with references) of the methods used in any analysis, and any Goals, Objectives, and Policies developed for adoption into the community's comprehensive plan.

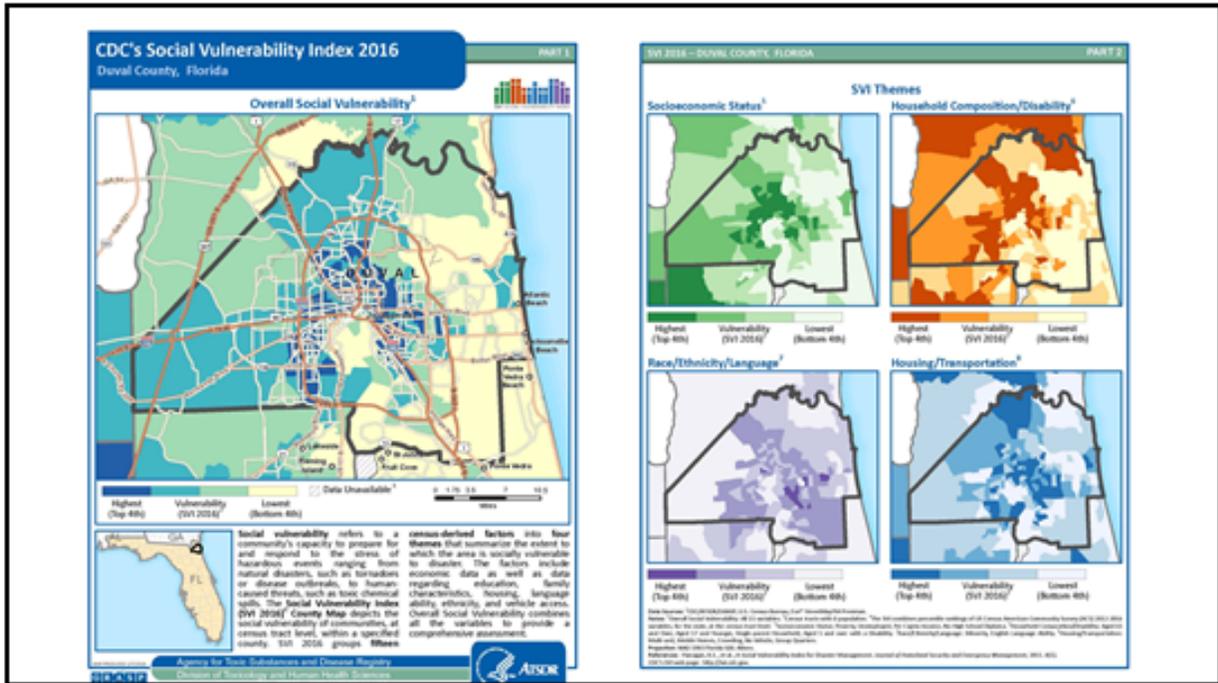
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### **What is the SVI?**

Social vulnerability refers to the resilience of communities when confronted by external stresses on human health, stresses such as natural or human-caused disasters, or disease outbreaks. Reducing social vulnerability can decrease both human suffering and economic loss. CDC's Social Vulnerability Index uses 15 U.S. census variables at tract level to help local officials identify communities that may need support in preparing for hazards; or recovering from disaster.

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**SOUTHEAST FLORIDA REGIONAL COMPACT CLIMATE CHANGE**

CLIMATE ACTION PLAN • RESOURCES • EVENTS • NEWS • ABOUT • SUBSCRIBE

## SOCIAL EQUITY

**GOAL:** Guide and support municipalities and counties in the Compact region to create equitable climate policies, programs, and decision-making processes that consider local socioeconomic and racial inequities and ensure all can participate and prosper.

As cities and counties across Southeast Florida strive to build a sustainable, resilient, and prosperous region, public policy efforts must produce benefits that are shared by all. The Compact recognizes that **climate vulnerabilities are exacerbated by inequities and injustice**. RCAP 2.0 seeks to address the socioeconomic challenges to building resilience in high-vulnerability communities, often limited-income communities and/or communities of color.

The Compact shares the Southeast Florida Regional Partnership's definition of equity, as outlined in the **Sevens0: SE Florida Prosperity Plan**:

*Equity: just and fair inclusion. The goals of equity must be to create conditions that allow all individuals and communities to reach their full potential to the benefit of the individual*

<https://southeastfloridaclimatcompact.org/recommendation-category/eq/>

14



Equity should be an integral part of policy making at every level of government within Southeast Florida, and should be understood as a policy objective in developing plans, budgets, and in prioritizing and designing climate projects. Historically disadvantaged communities will continue to be the most vulnerable to climate change threats, unless action is taken to create targeted policies and resources. In addition, efforts to create more resilient and sustainable communities, if not designed thoughtfully, can benefit some residents while harming others. The recommendations within this section represent tangible actions that local governments can take in meeting these responsibilities.



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#### EQ-1: Engage with high-vulnerability populations

Encourage dialogue between elected officials, staff, and socially vulnerable populations about local climate impacts and community priorities to inform leaders of community needs.

Create opportunities for local government administrations to discuss in-person with socially vulnerable populations the unique climate challenges and opportunities present in their community.

Hold meetings that are accessible to the community. Meetings should be:

- a. Physically accessible (centrally located and near public transportation)
- b. Safe to all members of the community
- c. Located in places communities value as gathering spaces (e.g., community centers and cultural centers)
- d. Led in, or translated into, the primary language(s) of the community
- e. Scheduled at various times to accommodate different schedules

Provide resources or compensation to remove potential barriers for community participation, including:

- a. Providing childcare for parents attending
- b. Providing food if held in the evening
- c. Providing or facilitating transportation

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# Storm Events, Climate Change and At-Risk Affordable Housing: Mapping Vulnerability

Shimberg Center for Housing Studies  
University of Florida



MADE POSSIBLE BY  
JPMORGAN CHASE & CO.



1

## Shimberg Center for Housing Studies

- ▶ Founded in 1988 by Florida State Legislature;
- ▶ Mission: To promote safe, decent and affordable housing and related community development throughout the state of Florida;
- ▶ Produces the Florida Housing Data Clearinghouse (<http://flhousingdata.shimberg.ufl.edu>), a free source of data on housing supply and demand for Florida cities and counties;
- ▶ Current research focuses on documenting Florida's housing market conditions; preserving affordable rental housing; linking affordable housing with land use, transportation and resiliency decisions through GIS modeling; supporting the development of energy efficient and healthy homes; and investigating the impacts of hazard and disaster on affordable housing.

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## Key Points

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- ▶ The root of the problem: the gap between housing costs and what people can afford without skimping on other needs;
- ▶ As affordable housing – housing prices and incomes have become unhinged and the affordable housing “crisis” is becoming a permanent structural condition;
- ▶ Hazards and disasters intensify this gap, vulnerable populations – low/moderate income renters, frail older adults, persons with disabilities – and the often more vulnerable structures they occupy are much slower to recover.

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## More Terminology

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- ▶ **Area median income (AMI):** Used to create standard income measures across places and household sizes, expressed as % AMI
  - ▶ Extremely low-income: 0-30% AMI (\$14,000-24,000 for household of 3, depending on county)
  - ▶ Very low-income: Up to 50% AMI (\$23,000-40,000)
  - ▶ Low-income: Up to 80% AMI (\$38,000-64,000)
  - ▶ Moderate income: 80-120% AMI (\$56,000-95,000)
- ▶ 60% AMI often used as limit for affordable rental housing (\$28,000-48,000)
- ▶ See <http://flhousingdata.shimberg.ufl.edu/income-and-rent-limits> and choose a county

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What happens when a household cannot afford housing

## Rent Eats First



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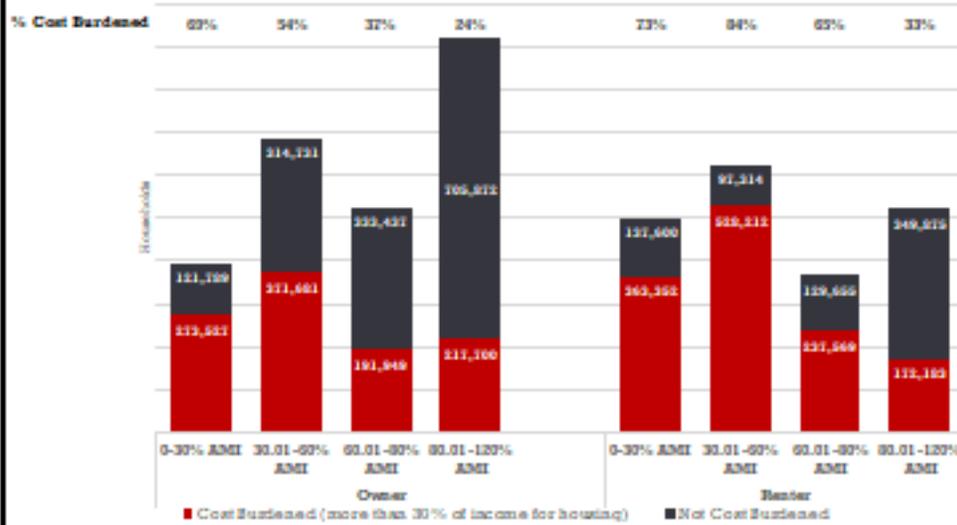
## Affordable Housing – the Florida context

- i. The proportion of cost-burdened households within tenure and income groups is growing;
- ii. Cost-burden is gradually increasing in higher income categories;
- iii. While the decline is yet small, Florida is experiencing a net loss of “affordable” rental properties, and the gap in demand for and the supply of affordable and available rental units is growing;
- iv. With the exception of the Orlando metro area most assisted and public multi-family units are located on Florida’s vulnerable coastlines;
- v. Disasters exacerbate the existing affordable housing problem through a combination of dislocation, physical loss of inventory and local housing market short- and long-term impacts.

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More than 2.5 million low- and moderate-income households in Florida pay more than 30% of income for housing. Low-income renters are the most at risk.

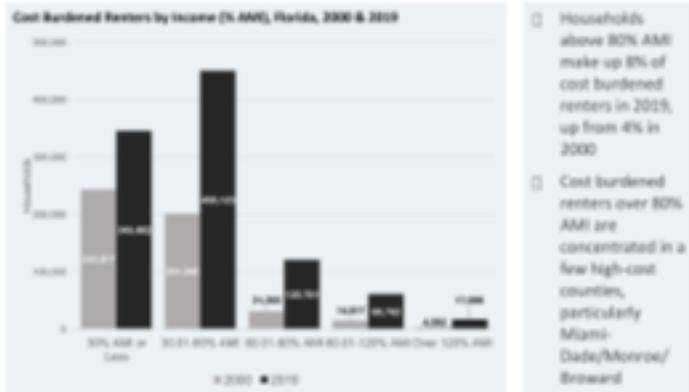
Cost Burdened Households by Income as a Percentage of Area Median Income (AMI), Florida, 2017



Source: Shimborg Center analysis of U.S. Census Bureau, 2017 American Community Survey

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**Shimborg Thesis**  
 Cost burden has increased for all income groups, but 0-60% AMI renters continue to make up the bulk of cost burdened renters.



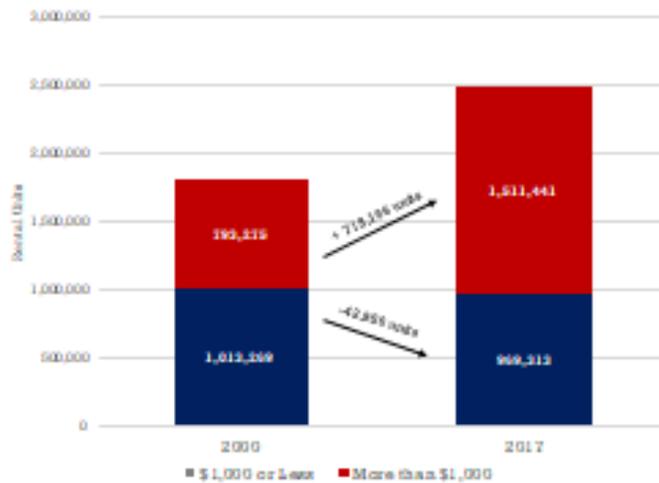
Sources: Shimborg Center analysis of U.S. Census Bureau, 2000 Census and 2013-2015 5-Year American Community Survey; University of Florida Bureau of Economic and Business Research, 2017 Population Projections

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Florida added hundreds of thousands of rental units between 2000 and 2017 but lost units renting for \$1,000 or less (2017 \$).

Units by Gross Rent Above/Below \$1,000 (2017 \$), Florida, 2000 & 2017

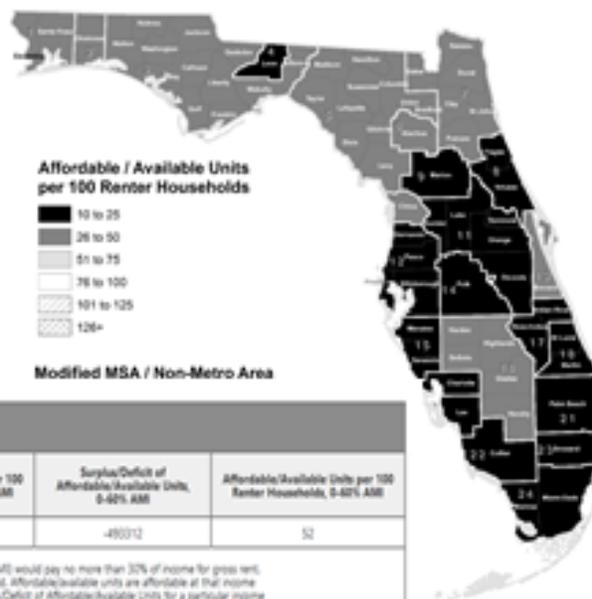


- ▶ Net increase 2000-2017: 674,210 rental units
- ▶ \$1,000+ units grew by 718,166
- ▶ Units at or below \$1,000 fell by 43,956

Source: Shimberg Center analysis of U.S. Census Bureau, 2000 Census and 2017 American Community Survey. Year 2000 counts show units above and below \$705 gross rent in nominal dollars, the equivalent of \$1,000 in 2017 according to the Consumer Price Index. Excludes units with no cash rent.

9

Regional Affordable/Available Units per 100 Renters: 0-30% AMI



Affordable/Available Rental Units, 2017 Estimates

Geography	Surplus/Deficit of Affordable/Available Units, 0-30% AMI	Affordable/Available Units per 100 Renter Households, 0-30% AMI	Surplus/Deficit of Affordable/Available Units, 0-40% AMI	Affordable/Available Units per 100 Renter Households, 0-40% AMI
Florida	-34256	24	-49372	52

Notes: Affordable units are those for which a household at the given income limit (30% AMI) would pay no more than 30% of income for gross rent. Note that this is a change from previous versions, which used a 40% of income threshold. Affordable/available units are affordable at that income level and either vacant or occupied by a household below the income threshold. Surplus/Deficit of Affordable/Available Units for a particular income range shows the number of affordable/available units in the range minus the number of renter households in that range. For additional explanation of affordable/available methods, see the 2014 Rental Market Study, pp. 27-56.

Source: Shimberg Center for Housing Studies analysis of 2017 American Community Survey RUMS

Source: Shimberg Center analysis of U.S. Census Bureau, 2013-2017 American Community Survey.

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## Assisted & Public Housing

Public and Assisted Housing Units by County, 2019



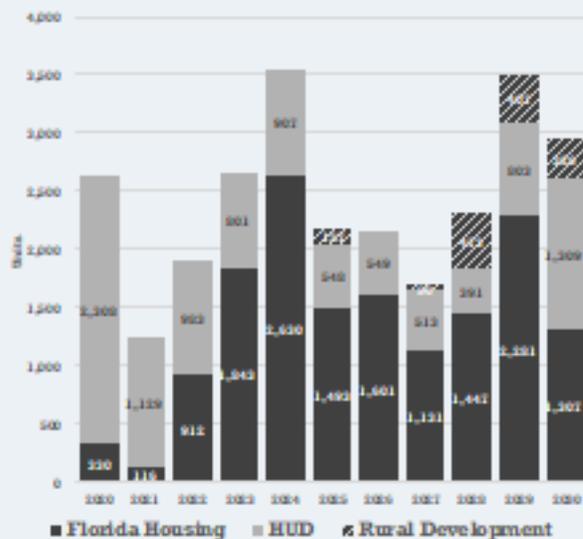
Source: Shinerberg Center for Housing Studies, Assisted Housing Inventory

- ▶ Public Housing
  - ▶ 228 developments, 33,833 units
- ▶ Assisted Housing
  - ▶ Florida Housing, HUD, USDA RD, LHFA's
  - ▶ 2,528 developments, 259,085 assisted units
  - ▶ Of these, Florida Housing funded 1,620 developments, 197,021 assisted units

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## Preservation Risks: Units at Risk of Subsidy Expiration, 2020-2030

Subsidized Units by Expiration Year, 2020-2030

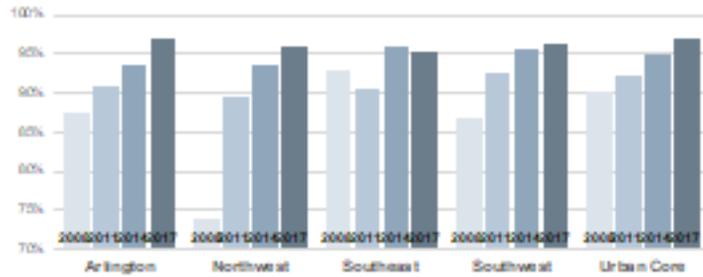


- ▶ 26,715 affordable units at risk
  - ▶ Florida Housing: 15,091 units
  - ▶ HUD: 10,241 units (Rental Assistance contracts may be renewed)
  - ▶ Rural Development: 1,383 units
- ▶ Half of at-risk units are in 4 counties: Orange, Miami-Dade, Duval, & Hillsborough

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Strengthening rental market: occupancy, rents rising at FHFC properties

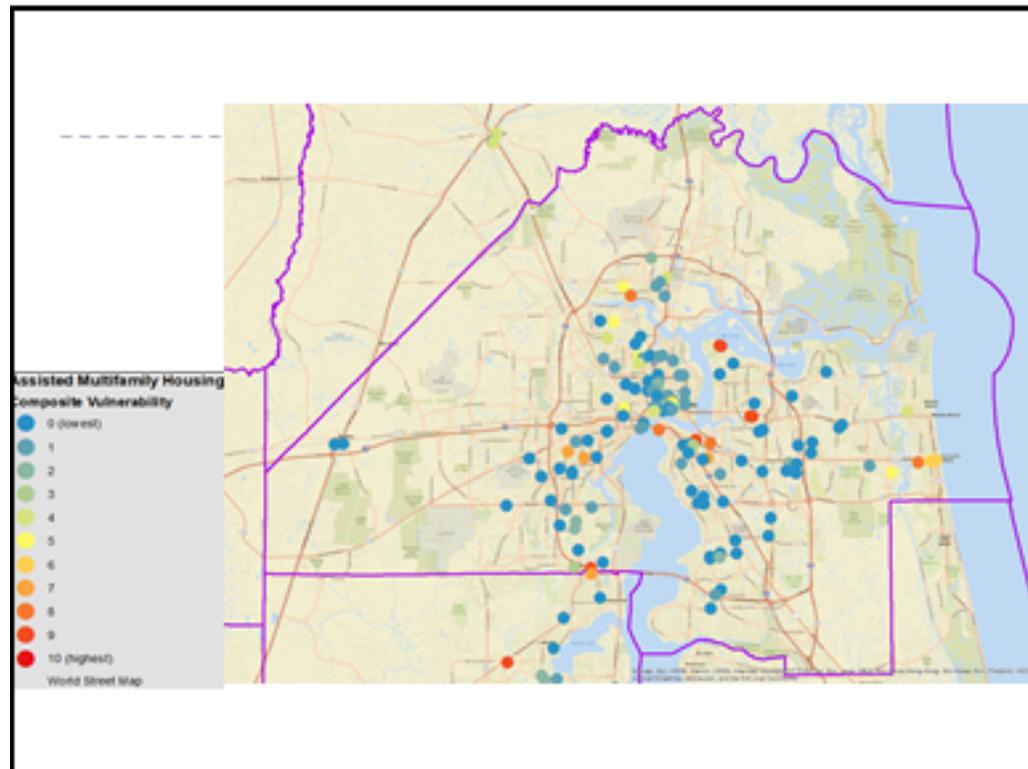
Average Occupancy Rate, Florida Housing Developments, 2008-2017



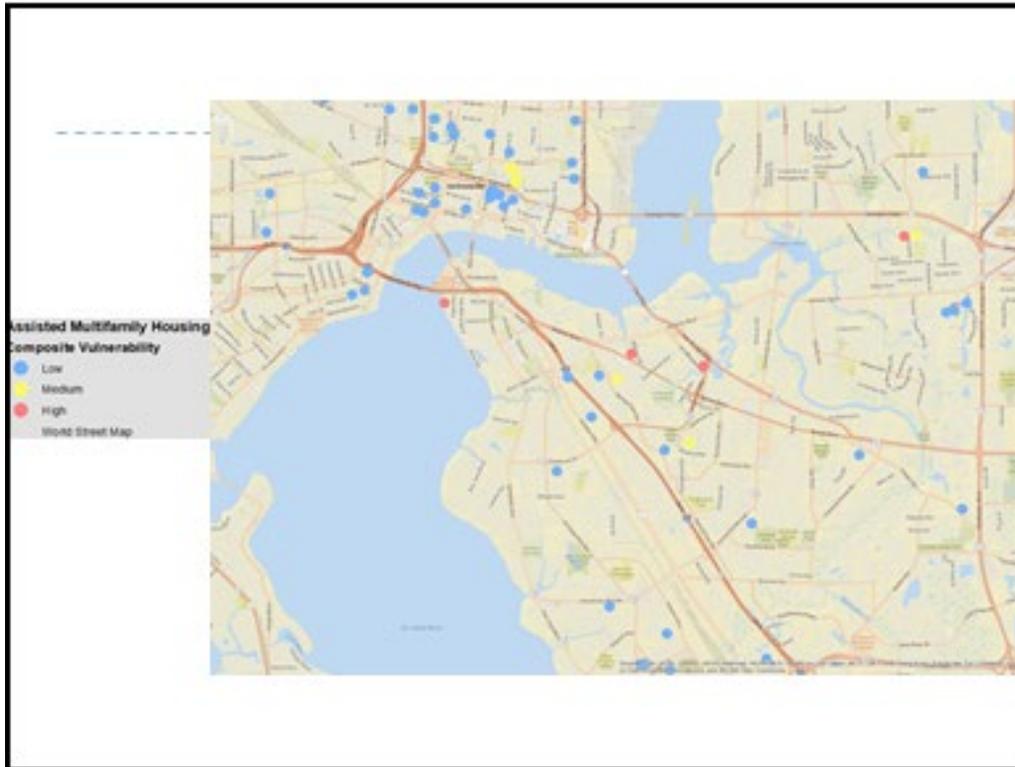
Excludes low-rise developments and properties with limited rental activities

- › Average occupancy rising throughout the county, including in districts with weaker housing markets.
- › FHFC previously limited development in Duval County due to soft market; no longer does so.

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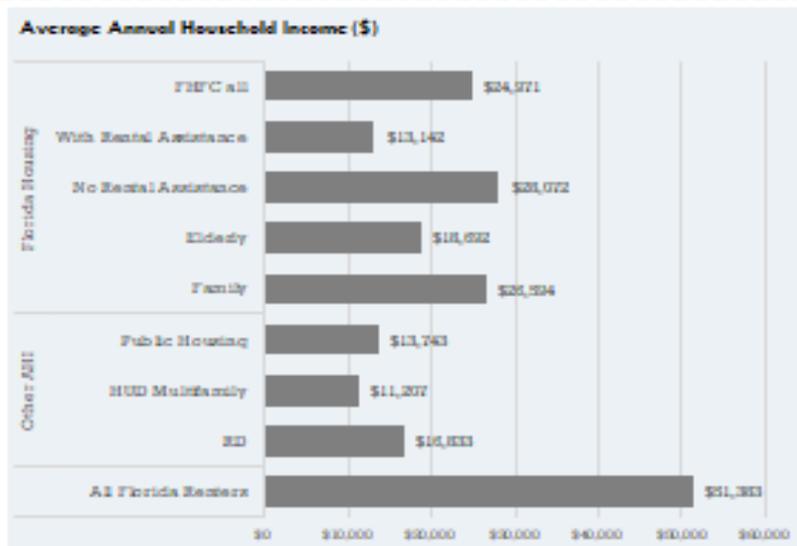


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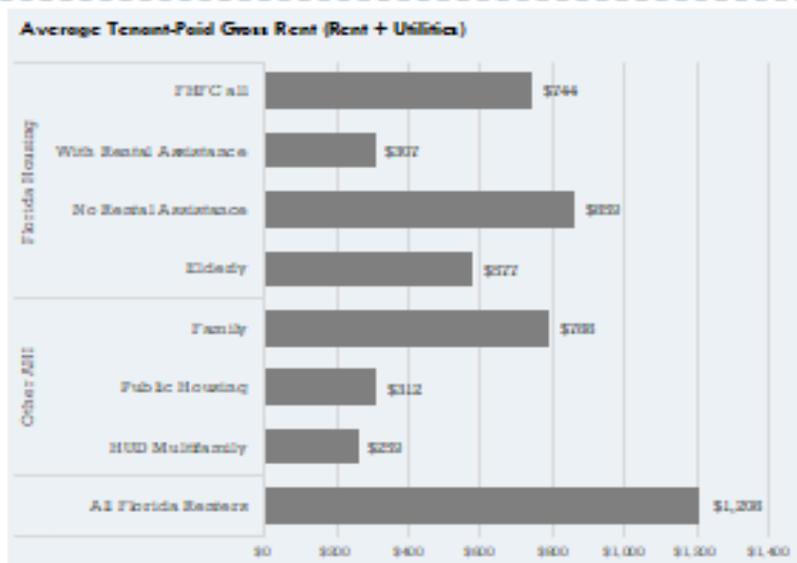
### Tenant Characteristics: Income



Source: Shiner Center for Housing Studies, Assisted Housing Inventory and U.S. Census Bureau, 2017 American Community Survey

17

### Tenant Characteristics: Rent



Source: Shiner Center for Housing Studies, Assisted Housing Inventory and U.S. Census Bureau, 2017 American Community Survey

18

# Superfund Task Force Working Group Progress Report to the NEJAC

February 27, 2020

Working Group Discussion Document - This is not a NEJAC Consensus

1

## Superfund Task Force Recommendation 42 and Charge to NEJAC

- ▶ **Goal 5: Enabling Partners and Stakeholders, Recommendation 42**  
Use a Federal Advisory Committee to Work with a Broad Array of Stakeholders to Identify Barriers and Opportunities Related to Cleanup and Reuse of Superfund Sites
- ▶ **Overview of the Charge to the Superfund Working Group**  
Identify barriers, solutions, and best practices to achieve cleanup and reuse of sites in a manner that takes central consideration of the unique burdens and vulnerabilities of EJ populations living in and around Superfund sites.

Working Group Discussion Document - This is not a NEJAC Consensus

2

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## Working Group Charge Questions

1. How should the EPA Superfund program build stronger, more strategic relationships with impacted populations and ensure that an effective clean-up and site reuse support the impacted community's needs and desires?
2. What should be done to facilitate effective, efficient and consistent decision-making regarding remediation and reuse of NPL sites? What are barriers to this?
3. Provide examples of case studies and models, Superfund and non-Superfund alike, that illustrate best practices and lessons learned (cleanup, reuse, risk communication, federal initiatives) which can inform ways to elevate equity in Superfund cleanup and redevelopment, to ensure all have a voice in EPA decisions?
4. Which additional resources (e.g. water infrastructure investment, job creation) can be realized to support reuse and redevelopment of remediated Superfund sites from other resources? (i.e., Federal, Tribal, state, state and local agencies, private sector/third party investors)
5. Are there any additional issues related to the clean-up and redevelopment of Superfund sites that are not captured in the questions above?

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## NEJAC Superfund Task Force Working Group Overview

### Subgroups:

- ▶ Community engagement
- ▶ Risk communication and long term stewardship
- ▶ Integrating remediation and reuse

### Co-Chairs

- ▶ Charlie Chase, University of Colorado
- ▶ Kelly Wright, Shoshone Bannock Tribes
- ▶ Mike Tilchin, Jacobs Engineering

### EPA Core Team:

- ▶ Andrea Bain, Lena Kim, Tai Lung, Suzi Ruhl, Matt Tejada, Audrie Washington

### Work Group Composition

- ▶ Environmental/Community NGOs - 5
- ▶ Academia - 1
- ▶ Tribes - 1
- ▶ Private Sector Redevelopment - 2
- ▶ Private Sector Remediation - 3
- ▶ Legal - 2
- ▶ Local Government - 1
- ▶ State Government - 3
- ▶ Fed. Government/EPA - 5

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## Working Group Guiding Principles/Overarching Opportunities

- ▶ All recommendations are linked to proposed actions (actionable, rather than “do better at X”)
- ▶ Multiple recommendations are aligned with long-standing program goals and multiple SFTF efforts, focused on community engagement and collaborative end-state visioning
- ▶ Multiple recommendations focus on innovation and evolution/transformation of SF program “culture”
- ▶ Recommendations include SF adaptation of tools used to catalyze redevelopment and investment in the market place
- ▶ Success is best achieved when remediation and redevelopment efforts are oriented from the impacted community’s vision
- ▶ Superfund’s role should be expanded: from focusing solely on cleanup to cleanup + change agent and facilitator for community asset creation
- ▶ The “story form” of capturing case studies limits utility. To move from stories to applicable/replicable lessons, develop and maintain a Case Study Repository, using structured data collection

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## Summary of Phase 1 Recommendations

Recommendations (abbreviated titles)	
Improve effectiveness in how the Superfund program engages with communities	Better management of information on the Superfund website
Provide a “knowledge foundation” to impacted communities	Remedial technology innovation
Improve risk communication practices	Establish a Case Study Repository (lessons, not stories)
Engagement geared toward decision making	Establish a Superfund “Innovation Incubator”
Practices geared toward collaborative, community driven end-state visioning	Expand Superfund’s role beyond cleanup to community asset creation
Community-centric, concentric circle approach to stakeholder engagement	Increase grant resources for reuse planning assistance and community engagement
Improve information accessibility and amplify community voices	Expand use of Health Impact Assessments as a planning tool
Consistency in application of Superfund policies and promoting best practices	Incorporate inclusive market studies to define reuse opportunities and potential

Please note: These recommendations may change during Phase 2

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## Major Topics Covered in the Recommendations

- Community Engagement & Advocacy
- Training (Community & EPA)
- Guidance & Decision Making
- Grants & Resources
- Planning
- Superfund Culture & Innovation
- Risk communication

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## Progress to Date

- ▶ Superfund Task Force Final Report, under Recommendation 42, included narrative of NEJAC Working Group Phase 1 findings and recommendations, and a case study
- ▶ Multiple case studies under preparation, actively adding to the Case Study Repository
- ▶ The completed NEJAC Working Group Phase 1 Report is available at:  
<https://www.epa.gov/environmentaljustice/nejac-superfund-working-group-phase-1-report>

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## Phase 2 Draft Outline

- ▶ Cover
  - Acknowledgements
  - Disclaimers
  - List of Working Group Members
- ▶ Letter from the NEJAC
- ▶ Table of Contents
- ▶ Executive Summary
- ▶ Introduction
  - Background of the Superfund Task Force effort
  - Purpose
  - Goals
- ▶ Recommendations with supporting case studies
  - One section for each recommendation
- ▶ Redevelopment Resources (Question 4)
- ▶ Related Issues (Question 5)
- ▶ Conclusion
- ▶ Appendixes
  - Appendix A: Workgroup Charge
  - Additional Appendixes, TBD

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## Phase 2 Report Timetable

- ▶ February - Update the NEJAC on the status of our Phase 2 efforts
- ▶ March - Collect case studies that NEJAC members wish to share for inclusion in the Phase 2 report
- ▶ April - Share a rough draft of the Phase 2 report with NEJAC
- ▶ May - Informational conversation with NEJAC members on progress
- ▶ August - Share the draft final Phase 2 report
- ▶ September - Collect input from the NEJAC and make changes
- ▶ October - Discussion of report at the fall NEJAC meeting & finalize

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## Engagement with NEJAC on Phase 2 Report

### ➤ Input on Recommendations

- Identify gaps: What other recommendations should the Working Group consider?

### ➤ Charge Question 5

- Identify additional issues that should be addressed

### ➤ Case Studies

- Seeking input from NEJAC on additional case studies for inclusion in the Phase 2 report

### ➤ Progress Reviews

- Establish a structure and schedule for gathering input on the drafts of Phase 2 Report

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## Questions & Discussion

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**APPENDIX D**

**CHAIR CERTIFICATION OF**

**MEETING SUMMARY**

I, Richard Moore, Chair of the National Environmental Justice Advisory Council, certify that this is the final meeting summary for the public meeting held on February 25-27, 2020, and it accurately reflects the discussions and decisions of the meeting.



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Richard Moore, NEJAC Chair

6/26/2020

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Date