NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL (NEJAC)

VIRTUAL PUBLIC MEETING

Washington, District of Columbia

MARCH 24, 2021

TABLE OF CONTENTS

MEETING SUMMARY 6
INTRODUCTIONS AND OPENING REMARKS 6
EPA ADMINISTRATOR REMARKS AND DIALOGUE 8
NEJAC SUPERFUND TASKFORCE WORKGROUP UPDATE 16
ORAL PUBLIC COMMENT PERIOD 21
KOPPERS WRITTEN PUBLIC COMMENTS (PDF EMBEDED IN DOCUMENT) 80
CLOSING REMARKS AND ADJOURN 90
APPENDIX A - AGENDA 91
APPENDIX B - LIST OF ATTENDEES 93
APPENDIX C - PRIORITY ACTION ITEMS 105
APPENDIX D - SUPERFUND REMEDIATION AND REDEVELOPMENT FOR ENVIRONMENTAL JUSTICE COMMUNITIES SLIDES 106

ATTENDEES LIST

SPEAKERS AND FACILITATORS	
KAREN MARTIN	Designated Federal Officer (DFO) Environmental Protection Agency (EPA)
GEORGE WARD	Program Analyst Environmental Protection Agency (EPA)
MATTHEW TEJADA	Director, U.S. EPA Office of Environmental Justice
MICHAEL S. REGAN	Administrator U.S. EPA
VICTORIA ARROYO	Associate Administrator U.S. EPA Office of Policy
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NA'TAKI OSBORNE JELKS, PhD, NEJAC VICE-CHAIR	West Atlanta Watershed Alliance and Proctor Creek Stewardship Council Atlanta, Georgia
MICHAEL TILCHIN, NEJAC VICE-CHAIR	Jacobs Engineering Washington, District of Columbia
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JAN FRITZ, PhD, C.C.S.	University of Cincinnati Cincinnati, Ohio
BENJAMIN J. PAULI, PhD	Kettering University Flint, Michigan
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CEMELLI DE AZTLAN	El Paso Equal Voice Network El Paso, Texas
CHERYL JOHNSON	People for Community Recovery Chicago, Illinois
MILDRED MCCLAIN, PhD *(Not Present)*	Citizens for Environmental Justice and Harambee House, Inc. Savannah, Georgia

RICHARD MOORE	Los Jardines Institute Albuquerque, New Mexico
JEROME SHABAZZ	JASTECH Development Services Inc. and Overbrook Environmental Education Center Philadelphia, Pennsylvania
PAMELA TALLEY	Lewis Place Historical Preservation, Inc. St. Louis, Missouri
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AYAKO NAGANO, JD	Common Vision Berkeley, California
JEREMY F. ORR, JD	Natural Resources Defense Council Chicago, Illinois
JACQUELINE SHIRLEY	Rural Community Assistance Corporation Albuquerque, New Mexico
HERMILIA “MILY” TREVINO-SAUCEDA	Alianza Nacional de Campesinas Thousand Palms, California
TRIBAL/INDIGENOUS GOVERNMENTS AND ORGANIZATIONS	
JOY BRITT *(Not Present)*	Alaska Native Tribal Health Consortium Anchorage, Alaska
JOHN DOYLE	Little Big Horn College Crow Agency, Montana
KELLY C. WRIGHT *(Not Present)*	Shoshone-Bannock Tribes Chubbock, Idaho
STATE/LOCAL GOVERNMENT	
MELISSA MCGEE-COLLIER	Mississippi Department of Environmental Quality Jackson, Mississippi
MILLICENT PIAZZA	Washington State Department of Ecology Olympia, Washington
DENNIS RANDOLPH	City of Kalamazoo Kalamazoo, Michigan
KAREN SPRAYBERRY	South Carolina Department of Health and Environmental Control Columbia, South Carolina

PREFACE

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

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

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

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

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL (NEJAC)
VIRTUAL PUBLIC MEETING
MARCH 24, 2021

MEETING SUMMARY

The National Environmental Justice Advisory Council (NEJAC) convened via Zoom on Wednesday, March 24, 2021. This summary covers NEJAC members deliberations during the meeting and the discussions during the public comment period.

INTRODUCTIONS AND OPENING REMARKS

Karen Martin, Designated Federal Officer (DFO), U.S. Environmental Protection Agency (EPA), delivered a brief statement regarding the federal advisory committee meeting protocols. She explained that there would not be an opportunity for the general public to make comments outside of the public comment period. She stated that the registered oral commenters would be heard later in the agenda. She advised that if participants did not pre-register to provide comments, that comments could be submitted via email to nejac@epa.gov. She stated that comments would be accepted throughout the rest of the week. She explained that the agenda could be found on the NEJAC page at www.epa.gov/environmentaljustice. She stated that Administer Michael Reagan would be joining the meeting at 1:00 p.m. and she turned the meeting over to Matthew Tejada, Director, U.S. EPA Office of Environmental Justice.

Matthew Tejada, Director, U.S. EPA Office of Environmental Justice welcomed everyone to the meeting. He stated that there is a lot of activity and attention on environmental justice, not just at EPA, but across the entire federal government. He stated that there has been many actions and a real priority put on environmental justice by the Biden/Harris Administration. He stated that the goal was to start dialog between the many stakeholders out in the community across the United States as well as making sure to start an open dialog and relationship building with the new political appointees within EPA. He turned the floor to the Chair to begin the meeting.

Sylvia Orduño, NEJAC Chair, Michigan Welfare Rights Organization, welcomed everyone to the

meeting. She stated that the NEJAC is looking forward to meeting the Administrator and getting to work on many of the issues that the environmental justice communities across the country are asking the Council to look into. She began the meeting with member introductions, allowing all the members to introduce themselves. After introductions, she reviewed the agenda and meeting next steps. She turned the floor to Karen Martin, DFO, for brief announcements and to Richard Moore, NEJAC Past-Chair for remarks.

Richard Moore, NEJAC Past-Chair, Los Jardines Institute, stated that this is truly a historical moment in the history of the environment on economic justice moment. He stated that he would like to touch on some historical moments as we move forward into today's discussion. He stated that one thing that was important to understand, is when President Clinton signed the Presidential Executive Order on Environmental Justice, the engagement with the Administration at that point was very important. He stated that several things came out of that discussion that is crucial to today's ongoing discussions. One being the political significance from a grassroots perspective and the NEJAC being a federal advisory committee as seen by the representation of stakeholders on the Council. He stated that that significance was very important.

Mr. Moore stated that secondly, was the significance of an interagency process. As many of our sisters and brothers throughout the country, people of color, native indigenous people continued to move forward from the bottom up, from that historical moment, the significance in terms of having an interagency process was very important. He explained that it has always been said by the Council, it's not just one federal agency, it's several agencies that impact the communities. In that regard, the interagency process was very important.

He stated that in moving that along, the National Environmental Justice Advisory Council makes it clear that this isn't a check off the box system. He stated that we would hear some of the various issues through public comments. He posed the question of is the NEJAC just giving advice to the US EPA, and what will happen with that advice? Who is hearing those recommendations and what's happening with the recommendations that come from public comments and stakeholders' group? He stated that it's very important that action is taken behind the advice.

Mr. Moore also talked about issues on the Mexico/U.S. border, and that many have said that they

are not environmental justice issues. He states that there is political significance in those issues. He mentioned the issues of farmworkers, native indigenous people, sovereignty, the total impact, and community impact that face the community on a day to day basis. Mr. Moore stated that this Executive Order is not a gift from the heart or soul or mind. He stated that it's been about the struggle of the people and the justice that people across the board need to receive in order to fill the mission of the U.S. Environmental Protection Agency. He ended with a round of thanks to all the members and colleagues that have worked on these issues throughout the years.

Sylvia Orduño, NEJAC Chair, thanked Richard for framing the history of the political environmental justice issues faced by NEJAC. She turned the meeting over to Matthew Tejada to move into the next segment.

EPA ADMINISTRATOR REMARKS AND DIALOGUE

Matthew Tejada, Director, U.S. EPA Office of Environmental Justice, reemphasized thanks to the NEJAC members. He stated that environmental justice has been through good and bad times and has always and will always be a fight. He stated that what is true is that there is a real relationship and partnership and trust between EPA and the NEJAC as a body, as well as everyone as individual members. He stated that any success is founded on that relationship. He stated that there is an incredibly important role to play for the NEJAC, and their voices, to help move this new era of environmental justice across the United States. He moved to introduce the arrival of Administrator Regan. He asked each Council member to introduce themselves and give their name, location, organization they represent and the stakeholder category that they are a member of.

Matthew Tejada, Director, then introduced Victoria Arroyo, Associate Administrator, U.S. EPA Office of Policy. He stated that Victoria has been working to protect the environment and public health for her entire life. He stated that she grew up in New Orleans working on toxic chemical exposures in drinking water and air. He turned it over to Victoria Arroyo for comments.

Victoria Arroyo, Associate Administrator, U.S. EPA Office of Policy, welcomed the group and stated that it's her honor to introduce the new Administrator. She stated that there is such an

ambitious agenda for environmental justice in this Administration and shared her excitement to be in the Office of Policy during such a momentous time. She emphasized that during such an important time of opportunity and change, the agency will look to the NEJAC with their long history of speaking up and speaking out on important environmental justice issues to help. She introduced Administrator Regan, stating that he got his start at EPA out of grad school serving under both democratic and republican-led administrations. She stated that most recently he comes to EPA from his home state of North Carolina where he served as Secretary of the Department of Environmental Quality and became widely known as a convener and a doer. Someone who knows the value in bringing multiple stakeholders to the table and getting things done.

Michael S. Regan, Administrator, EPA, addressed the group as such: *Thank you for that very kind introduction and thank you all for inviting me here today. I'm glad we're having the opportunity to meet early in administration because the work that you're doing will be front and center to our agenda for moving forward. I want to start by saying how much I appreciate NEJAC and what NEJAC has done and how you've always welcomed administrators to your meetings, even when things were difficult. When you didn't have the proper support or attention from leadership that you deserved, you stayed true to your principle that have always guided you. And you've lived up to them. You've maintained the integrity of the body and you look for opportunities to lift up environmental justice and speak truth of power. I want to thank the current and former leadership of NEJAC for providing stability, leadership and strength to the larger body. And to all of us at EPA, Sylvia Orduño, Mike Tilchin, Na'Taki Osborne Jelks and Richard Moore. Your thoughtfulness, guidance and perseverance have left an indelible mark so I'm grateful to all of you.*

Many of you might know that environmental justice is near and dear to my heart. It's an issue that I've spent a lot of my career on. As many of you know, I got my start here at EPA more than 20 years ago and I was focused on environmental justice and equity issues from the beginning. But most recently, as Vicky mentioned, as Secretary of North Carolina, I established the state's first Environmental Justice and Equity Advisory Board, bridging the gap between environmentalism and civil rights to find solutions for our fenceline and underserved communities. It's not also lost on me that in more than 50 years of EPA's existence, I'm the first black man and only second person of color to serve as Administrator. It's an honor, but it's not a responsibility I take lightly. We have a lot of ground to make up, but I'm enthusiastic about what lies ahead and what we can accomplish

together. It's not an exaggeration to say that environmental justice will underpin all of our work, confronting climate change, safeguarding our drinking water, revitalizing our contaminated sites.

It will be the heart of our work because it's an obligation. It's our obligation to empower the people who have been left behind out of the conversation for far too long. The same communities who are on the frontline of pollution who suffer disproportionately from the impacts of climate change. Who are dying at higher rates from heart and lung disease and now COVID-19 also. We cannot allow these disparities to endanger the lives of our Black, Latinx, Indigenous and low-income communities anymore. We suffered disproportionately from policies and processes that didn't go far enough or failed altogether. But fortunately, we have in President Biden a leader who has pledged to prioritize environmental justice and put the whole of government behind advancing a systemic approach to racial justice, civil rights, and equal opportunity.

In his first days in office, the President signed a series of Executive Orders mandating that all executive departments and federal agencies embed fairness and equity into their decision making. From issues of housing to incarceration, to tribal sovereignty, to combating xenophobia against the AAPI community, to climate change. I'm proud that environmental justice is finally taking its rightful place in the work of EPA and the entire federal government. Not as an add on and an afterthought, but as a central driving factor in all that we do. This includes a return to serious strategic planning and set a transparent commitment for how EPA integrates environmental justice into all of our work. And your partnership will be critical.

We're working closely with CEQ and OMB to develop a climate and economic screening tool in line with the President's Executive Order that builds off of EPA's own mapping tool experience. We're in the early days, but I'm especially enthusiastic about EPA's involvement with the Administration's Justice40 Initiative. It's a critical opportunity to invest in the cleanup of legacy pollution, create clean energy job in disadvantaged communities and help elevate environmental protection for all Americans. We'll also be actively supporting CEQ to evolve the interagency working group on environmental justice into the White House Interagency Council. As you all might know, the President established a new White House Environmental Justice Interagency Council to coordinate environmental justice work across all of the agencies. As well as the new White House Environmental Justice Advisory Council that will be made up of environmental justice

experts who will provide guidance to the interagency group. EPA is going to play a role in managing those two committees. We'll be looking to NEJAC on how the two bodies can best support and reinforce one another on a consistent basis.

And as part of the American Rescue Plan, Congress acknowledged EPA's essential role in closing the health disparity gap. That new law earmarks 50 million dollars for state and local environmental justice programs. We're now working through the best uses of those funds and seeing where those dollars will go the furthest in helping communities hit the hardest from COVID-19, the economic downturn and the many environmental issues that they face. We have a lot of work ahead of us. A lot of hard work.

It's going to be more important that we maintain an open dialog with one another. I want you all to have the support you need to not only provide advice and recommendations to me and this agency, but to all of EPA's leadership and all of governments leadership. And it's not just advice or recommendations that you will provide. It's a measure of transparency and accountability for what EPA commits to doing. This body is also a powerful forum for EPA to hear what the reality is on the ground for environmental justice communities and for insuring that our broader agenda is responsive to those realities. That broader agenda includes strengthening the relationship between the environmental justice and external civil right program with a renewed focus on ensuring the implementation of the Civil Rights Act. In the coming week, I'll also be appointing an environmental justice advisor to help guide me on this very important work. We're going to look at the high-profile environmental justice issues like coal combustion residuals, emergency preparedness and response, chemical safety, worker protection standards, ensuring that all communities in America have access to safe drinking water. And protecting the farmers and laborers who put food on our table from harmful pesticides. I appreciate the recommendations you provided for EPA's current work. And I'm looking forward to the recommendations that you will set for fiscal year 21 that I know will touch on many of these areas even more.

On day one I told the dedicated staff at EPA that our work in the years ahead will be guided by the belief that all people in this country have the right to clean air, clean water and healthy lives. No matter the color of their skin, the money in their pockets or the communities they live in. Your partnership is critical to seeing that that mission is accomplished. Next year, we will celebrate 3

decades of formally recognizing environmental justice as being central to the mission. We moved forward in some areas, but not done nearly enough in others. These communities deserve more from their government and we will deliver. Until every child can safely drink water from the faucet, inhale a full breath of clean, fresh air and play outdoors without risks of environmental hazard or harm, our work continues.

Our work continues where we live, work, play, pray and go to school. Our legacy must be that we did not just deal with the issues up to the fenceline, but that we actually saw the people on the other side of that fence. That we looked them in their eyes. That we listened to them and that we learned from them. And more importantly, that we made their lives fundamentally better. Their health matters. Their safety matters. Their lives matter. They matter and I know they matter to all of you. We're not going to leave anyone behind. I look forward to our partnership. I look forward to the transparency. I look forward to rolling up our sleeves and getting this done. Thank you all for having me today.

Sylvia Orduño, NEJAC Chair, opened the floor to questions from the Council members. Various questions were asked and answered. She stated that questions that were not answered and addressed today will be sent to the Administrator to answer.

Jabari Edwards asked what are your thoughts on making sure that the people that live in these communities get to participate in the projects and the process?
Answer: The President of the NAACP and I talked about looking at the Justice40 Initiative that President Biden is promoting, which is 40% of these investments, that will go into clean energy and infrastructure, come back to our community. Also, bridging the gap between urban and rural divide. As we invest in infrastructure and clean energy opportunities, we need to be sure that we're also investing in job training and economic development opportunities that can take advantage of these transferrable skillsets that we have in many of our communities. There is a conscious effort to take a look at, as we look at pollution reduction and investing in infrastructure. There are a lot of jobs associated with that. We have to have a conscious effort making sure we're transparent and sharing with you all where those dollars are going, what they're going into and what the economic development and job opportunities are. And then having the right training and skill develop in place to empower the community to service itself.

Benjamin Pauli, PhD, stated that **t**here has been a breakdown in trust in the EPA, and relationship building needs to go on between EPA and these communities that have been affected by environmental disparities. Could you speak to that?
Answer: Coming from a state and then the Secretary of DEQ in North Carolina, one of the primary reasons I developed the Environmental Justice and Advisory Council was to help strengthen the relationship to the community. That provided the footing to reengage with the regional administration in Region 4 to be sure there were relationships from the regional administrator down to the community member. I think that we've got to spend a lot of time. Leadership starts at the top. The President is invested, I'm invested. Our regional administrators will be invested and we will have the appropriate partnerships, not only at the national level, but state and community level.

Aya Nagano asked will you work on reversing some of the rollbacks from the previous administration. And what are your priorities?
Answer: We will. I think you all might know that the President issued an Executive Order putting a pause on rulemaking. We are in consultation with all of our principal deputies and our general council to take a look at all of those regulations. We're doing a thorough evaluation. 1) looking at the timing of those regulations, but more importantly, the science that underpins all of those regulations. In many case we can safely say we need to reevaluate the science that was used in some of those initiatives. We are. It's a priority, we're looking very closely at it, and it's an all-hands-on-deck approach because, unfortunately, regulations across EPA need to be revisited.

Sacoby Wilson, PhD, stated that issues of infrastructure and as Justice40 initiative is being laid out, how do you see it being a part of this larger screening tool that you spoke to? As it relates to the investment part, that's important, but supply chains are an issue as well. There is already a system set up where people outside of the communities will be first in line to build infrastructures. Minority businesses should not just get subcontracts, they should get the main contracts. What is the thinking behind the supply chain issue and how is EPA going to work with Justice40 and WHEJAC and NEJAC to make sure that happens?
Answer: The good thing for us, first and foremost, as we look at the issue that you raised, is how do we ensure that the right people get the right resources. A big part of that is being led out of the

white house. We want to be sure that as we look across all of the agencies and at Justice40, that we have criteria that is fair and equitable across all of the agencies. It is easy to say that there is no federal agency with more environmental justice and equity experience than EPA. CEQ, OMB, DOE, DOT, all of these agencies, even though the quarterback will be run out of the White House, will be heavily relying on EPA. And EPA is going to be heavily relying on NEJAC. NEJAC is going to be front and center as we start to build out that criteria. A lot of what you're asking, is not prebaked in terms of certainty of who gets what, when, how. We're going through those processes now and the teams are feeding that process. There is a tremendous opportunity for this advisory council and that should not be taken for granted. In terms of looking at Title VI and looking at environmental justice in general, that's one of the reasons I wanted to establish an environmental justice advisor. We wanted to be able to take a look at not only how we address the topics, but is EPA structurally designed to handle environmental justice and equity the way the President is demanding and how do we ensure that every AAship is involved? We've got to walk and chew gum at the same time. We've to deal with the issues, but we also have to look at the structural integrity here in the agency to make sure we're solving those issues.

In the essence of time, members were asked to continue to present questions that would be sent to Administrator Regan for responses.

Mily Trevino-Sauceda stated that representing farmworkers and the struggle that we have gone through for so many decades in terms of having the Obama Administration approve the Worker Protection Standards after 20 years. Then the last Administration did a lot of rollbacks. Looking for the current Administration to do a better job and continue the representation started during the Obama Administration. Is that something that's going to be reviewed again? Also, a lot of problems with Chlorpyrifos, Paraquat and Roundup, three different chemicals that are continuous used in our communities and we would like to have those conversations with this Administration to provide a healthier farm community in the workforce.

Cheryl Johnson state that jargons of words that are used about community engagement and transparency are not real because I live it every day because I live in public housing. We're experience environmental racism as we speak today from one scrap yard coming from an affluent white neighborhood that's going to be developed in my neighborhood. Because we speak out, we

get less resources. How are we going to change the mindset? How will engagement really be true and transparent? Illinois do not have environmental justice ordinances or laws. How will that be addressed?

April Baptiste, PhD, stated that climate change and territories of the United States, places like Puerto Rico and U.S. Virgin Island that are faced with major climate injustices. Particularly as it relates to the hurricane season, noting that you are not FEMA, but the EPA dose have a role to play. Would love how EPA is prioritizing work particularly as it relates to those territories which we know have a history of further marginalization because of colonialism, imperialism, et cetera.

Na'Taki Osborne Jelks, PhD, asked if the Administrator to give us some early thoughts that you might have about the future of the EPA Urban Waters Federal Partnership Program. This is a program that was started in 2011 in the Obama Administration. Since its inception, it has helped to address water equity and climate resilience issues in urban areas, in particular through partnerships and in programming. In collaboration between federal agencies as well as state local resources and the community. If this is something that you're thinking about, hopefully strengthening, one thing I suggest is that we look at having a paid resource ambassador in each of the communities where this partnership exist.

Jerome Shabazz stated that communities have justice issues that interconnected with the environment, economics, and health, et cetera. Hoping that the agency will engage in a robust interagency planning that would help some of these aligned issues. Around a legacy issue of Brownfields. Will your administration prioritize urban brownfields revitalization, and do you anticipate a sustained or increased funding level around the brownfields assessment and cleanup projects?

Jeremy Orr stated that when it was first announced by the Administration it was initially understood to be 40 percent of financial resources. Since we have received clarity that it's 40 percent of overall benefit. Would be curious to know how the EPA and administration will define, qualify, and quantify this meaning of overall benefits?

Richard Moore wanted to flag two issues to follow up on. Military contamination. Many that live surrounding military facilities have been impacted by water issues, air issues and other issues. Would hope to seriously take under consideration the military toxic issues on those communities and workers that surround them. The second point is about relocation. That relocation is crucial to communities like Manchester, Mossville, et cetera.

Rita Harris stated that given the sometimes weak support and unequal protection that we see some of our community members dealing with in states, wondering if you could use your position to encourage state agencies to interact more proactively with environmental justice communities. We need to see more meaningful alignment and involvement of state environmental justice staff with EPA environmental justice coordinators so that we can see more robust environmental justice support giving to our local communities.

Michael S. Regan thanked everyone for the comments and questions. He stated that there are a lot of challenges. He stated that NEJAC is going to have to hold the administration's feet to the fire. He agreed that these are not easy challenges to overcome and they will not happen tomorrow. He went on to state that in terms of accountability, an example of how to satisfy some of the issues and challenges like those in Chicago does require conversations like the ones that he has been having with Congresswoman now Secretary Martha Fudge and Senator Tammy Duckworth. The three of them have been conversing and are committed to looking at the legislative regulatory investment challenges. He stated that there is a level of transparency and those are the types of conversations that have to take place across government.

Sylvia Orduño, NEJAC Chair**,** thanked Administrator Regan for attending and moved to break.

NEJAC SUPERFUND TASKFORCE WORKGROUP UPDATE

Matthew Tejada moved the Council into the Superfund Taskforce Update. He stated that this will be the time to brief everyone on what is in the report that will be considered by NEJAC, as well as any recommendations, changes, or alterations. He stated that the report will be final once the entire NEJAC votes to support it and it will be transmitted to Administrator Regan. He introduced Carlton Waterhouse, Deputy Assistant Administrator, U.S. EPA Office of Land and Emergency

Management. He stated that he is an international expert on environmental law and environmental justice. He stated that he has lectured all around the world on environmental justice and law issues.

Mr. Carlton Waterhouse, Deputy Assistant Administrator, U.S. EPA Office of Land and Emergency Management opened thanking the Council and stated he was honored to be with NEJAC today. He stated that he started with the agency in Atlanta in the early 1990s working as an attorney with the Office of Reginal Council when they started their first Environmental Justice Council. He stated that his experience with NEJAC goes back to some of its earliest days. He stated that he was excited to talk about the Superfund and the work that has been done in creating the plan for Superfund to do a deep dive and better job in addressing environmental justice. He stated that once the report is finalized, he intends to take it immediately to the Office of Superfund Remediation and Technology Innovation, the Office of Brownfields and Land Revitalization, the Federal Facilities Branch and other parts of OLEM to dissect and discuss how recommendations can be implemented. He stated that he looks forward to having conversations about the proposals in the drafts.

Mr. Waterhouse also shared the work that has been done by OLEM. He stated that one thing they are looking at is lead. He referenced a National Lead Study that was done with the students at Howard's at the Environmental Justice Center to examine how well state laws protect people from the risk of lead. He stated that one of the things being explored is where lead numbers should be in Superfund, whether it should be revised in terms of screening and in terms of remediation goals. He stated that there are also thought around the accumulative risk that people face from lead, particularly children, when we find lead at Superfund sites and thinking about lead that's coming from pipes, water sources, air and paint. And how we can take an all-EPA approach to dealing with remediation and addressing lead problems at superfund sites. But not only an all-EPA approach, but an all-government approach that calls on HUD, ATSDR, DOT and other agencies to work collaborative with EPA. We're working on a policy that calls for that and want to hear from NEJAC as we move forward with that policy.

In a related area also looking at Brownfields. What are the things that can happen along the lines of making brownfields a more effective program? Looking at the brownfields grants regarding clean up in communities and stated there is a concern that more nonprofit organizations are needed with

the capacity to apply and be competitive to get brownfields grants. Need NEJAC help in getting the word out to increase the number of applicants for these grants. Looking for a deeper and greater including of minority serving institutions in the technical assistants brownfields program. Need many more applications from minority-serving institutions to be able to get these grants and provide support to communities with brownfields challenges. One of the concerns is to make sure that brownfields grant work allows benefits to go to the original community members. We're looking to at people within the agency to do an analysis to make sure that the primary beneficiary of brownfields redevelopment are the community members.

Most equity seem to be around Strategy 7, increasing access to resources for impacted communities. Stated that this is work that has begun and is moving forward on expanding availability and improving accessibility of resources, developing and implementing proactive measures that minimize displacement. Forming cross department partnerships to increase access to resources. Increasing access to funding by improving management processes. Forming federal partnerships across agencies and increasing program funding to address the backlog of unfunded cleanup. All things that we are working on right now.

Was moved by recommendation strategies 1 and 2. Staff will be asked to explore low hanging fruit, common sense activities that can be engaged in without having to look for more funding, without having to go through a rulemaking process, particularly, recommendation 1.1 and 1.2 and 1.5 stood out. These were things within OLEM's control and can be explored and we can take advantage of some of those suggestions. In terms of strategy 2, 2.5 stood out as something that just makes sense to do. No need for any special action or funding. Creating this idea of communities of practice among RPMs to share knowledge and best practices, that's just common sense and a good idea for us to expand on.

Also, in Strategy 3 one of the things that stood out was the idea of internal training and community engagement around Superfund sites. Some people are already doing a great job. We need to make sure everyone is able to perform at a high level. We need to make sure we are using all the resources we have to make it a reality.

Under Strategy 4 one thing that stood out was 4.2, the idea of conducting a needs assessment. That's already something that OLEM is thinking about. The idea of using those needs assessments are already in play, thinking about how to make them more uniform, consistent and effective. It's also a good idea, as NEJAC suggested, that be combined with visioning to get a sense of where the community want to ultimately see these projects going.

All recommendations were things to explore if not carry out. Stated that the opportunity and recommendations lines up with Administrator Regan's priorities that he has shared earlier today as well as the priorities of the president. He closed stating that he was excited to be in an Administration with a commitment to environmental justice and brining the federal family together.

Sylvia Orduño thanked Mr. Waterhouse and turned the floor over to Michael Tilchin for the presentation.

Michael Tilchin introduced the presenting with an overview of the discussion to take place. He presented the slide deck and discussed the following topic with the Council: NEJAC Superfund Workgroup Background where he explained the inception of the Superfund Taskforce, an overview of the charge and discussed subgroups, working with Co-Chairs, Charlie Chase, Kelly Wright, and Mike Tilchin and talked about EPA's core team workgroup composition. He discussed the Report Goals, which went over a "Step Change" in Community Engagement, Beyond Cleanup and Equity, Opportunity, and Access to Resources. He stated that the Deputy Assistant Administrator's comments were very meaningful, and without enabling impacted communities to directly engage in the decision-making process, environmental justice would not be achieved. He also discussed Objectives, Overview of Report: Strategies and Recommendations, NEJAC Discussion and Path Forward: Steps/schedule to finalize the report. He outlined the Seven strategies and along with thirty-six recommendations and talked about additional issues of concern and areas of opportunity. He also presented environmental justice case studies highlighted in the report. He closed stating that the workgroup has already received great feedback and is opened to additional feedback on any of strategies or recommendations. He opened up for discussion from the NEJAC Council.

Carlton Waterhouse provided brief feedback regarding the report end EPA lessons learned about sites with lead. The case study examples are good.

Sylvia Orduño, facilitated the Council discussions to comment on the Superfund Taskforce Workgroup Update. She allowed members to ask questions and make comments and dialog was had amongst the members, including John Doyle, Richard Moore, Karen Sprayberry, Millie Piazza, Jacqueline Shirley, Na'Taki Osborne Jelks, Cemelli de Aztlan, and Sacoby Wilson. They discussed the following topics. Tribes are energy producers but in the change of energy use and need they are on the backside of that and have collapsing economies with social ills. We have to take note of water quality and water quality issues, plus technical assistance grants by grassroots communities being able to apply for Superfund grants, gentrification and displacement of community members and job training and bringing jobs to environmental justice communities. There was also mention of a suggested deadline for EPA to respond to recommendations. There was also an appeal made to highlight community influence and community being an influence in community decision making and accountability. There was also mention of how environmental justice and equity intersects and how that should be thought of. There was a suggestion of adding a digital divide solution in the face of the pandemic through emerging technologies like virtual open houses that could be used for community collaborative visioning. It was also mentioned in regard to increasing access that we're not creating unintentional consequences of barriers and hardships for the communities when they are seeking grants. Expanding the use of community driven health impact assessment as needs assessment and business tools to look at things that health impact assessment will help to amplify and maximize the health of the community. Also, NEJAC was charged with 2018 Superfund but what is the status of the original Superfund recommendations? Suggest we put a recommended timeframe for a response since in past years has taken a long time. There was also mention of equity justice and that you cannot have equity without having the equity justice conversation. How to use vision and voice to enhance influence and be accountable to the information that is being received. Clarify how EJ and equity intersect. The final point was to reiterate the equity discussion and knowing where the dollars are going, who have been getting them before and do they represent the community and what has been the return on investment for those dollars. It was stated that true equity lens shifts dollars to people who represent the community most need it the most to maximize impact.

Michael Tilchin wrapped up the comment with the discussion on finalizing the report.

Carlton Waterhouse, Deputy Assistant Administrator, closed out the discussion noting that with regards to the collaborative lead strategy, there are plans to have a robust stakeholder engagement process that will reach out not only to the Council more broadly, but also to communities and locally in the regions. Need to get more grassroots groups involved, especially since they were not allowed to qualify previously, and look at where barriers are for other to get EPA grants, particularly under Brownfields. He stated that recommendations on how to make sure the stakeholder involvement process for getting feedback on policy can be effective and done well is valued and welcomed.

Karen Martin gave brief instructions on the Public Comment Period that would follow a short break.

ORAL PUBLIC COMMENT PERIOD

Karen Martin welcomed everyone back to reconvene the meeting and start the Public Comment Period. She reminded everyone that only members of the public that preregistered will be able to provide public comments. She advised that additional commenters can send comments via email to nejac@epa.gov, and the comments would be made part of the meeting record. She turned the meeting to Christina Motilall to assist with calling one public commenters.

Brandi Hall: My question really, it's not specific to the Brownfields discussion in the Superfund sites discussion, so I hope that I'm not completely speaking out of turn here, but I work in the NEPA civil rights compliance and we've just found that after the CQ guidance on NEPA came out last year, and then the executive order earlier this year to sort of reassess it in terms of environmental justice that it's a little muddied. And I'm just curious if NEJAC and EPA are planning on updating their guidance on environmental justice in NEPA. And if so, when that might happen?

Na'Taki Osborne Jelks, PhD: Thank you so much. Definitely, I know the last time that we met as a council a little over a year ago, NEPA was obviously a very hot topic in terms of the issues

around cumulative risk and impacts and other provisions of NEPA that effectively were being rolled back. Can I just yield to Sylvia or others to maybe make a direct comment with respect to our process? But I know that it's one of the priorities that we had talked about.

Sylvia Orduño: Thank you for that. It is part of the list of priorities right now for NEJAC as you mentioned, and it's been something that's come up regularly over several meetings. And I think going earlier to comment or a question that council member Aya asked the administrator about some of the changes that happened in the last administration. I think this is what we're looking forward to learning about going forward, but then we're also still going to be submitting what it is what we see in terms of what's needed by way of the NEPA process and the institution, basically those protections. And so if you are all okay, what I would also like to do here is ask Council Member Na'Taki if she'd be willing to take over this half of the public comments section and allow council members to also offer the other questions and feedback during this period as well.

Tasha Stoiber: I also have a comment and that's not related to Superfund but would just like to bring attention to drinking water. So, I would just offer the following comment. My name is Tasha Stoiber and I'm a senior scientist for the Research and Advocacy Organization Environmental Working Group. We're a national environmental health nonprofit with offices in D.C., Minnesota, and California. And our organization has been researching drinking water contaminants and advocating for better drinking water in the U.S. for decades. And so today we'd like to urge the council to, to focus on environmental justice and drinking water quality. That's concern for communities across the country.

As has been said earlier today, everyone should have access to affordable and safe drinking water in the U.S. regardless of, of the community where they live. But drinking water contamination and accessibility problems are exacerbated in rural, lower income, and communities of color. For example, in California, San Joaquin Valley, Latinx communities are more likely to be exposed to high levels of nitrate in drinking water. And local communities and advocacy organizations have been fighting for clean water in these California communities, yet still much remains to be done. And also like to point out the aging infrastructure and climate change add to the challenges of addressing drinking water quality. For example, the unprecedented winter storms have left thousands of people in the South without drinking water for weeks because of the broken water mains and older water systems. So, we urge the council to provide advice and guidance to the EPA

in order to rebuild relationships to ensure that communities that have experienced discrimination, past or even today, receive the necessary resources to protect their drinking water. And thank you for the option to comment today.

Sylvia Orduño, NEJAC Chair: Thank you very much for that, and especially for the technical issue that you mentioned. Just in case there's any doubt about what we're doing here, we're open to all environmental justice questions or comments. And so, we just want to make sure that the community knows that. Thank you.

Na'Taki Osborne Jelks, PhD: Thank you so much, Ms. Stoiber, for coming here to share your comment on today. What you said is really heartfelt as someone who works on water issues and is dealing with and addressing aging infrastructure in the city of Atlanta. But also, as a person who has many friends and family members who were severely impacted over the past several weeks in Texas, in Jackson, Mississippi, and in other places that were very hard hit. So, everything that you said really rings true in terms of just making sure that our communities have the resources that we need so that people have something that really is a fundamental right, access to safe and affordable drinking water. I do see at least a couple of NEJAC members who would like to respond to your comments.

Jacqueline Shirley, NEJAC Member**:** Thank you for your public comment on water infrastructure and the need for access to clean and safe drinking water. But NEJAC, we are going to be reissuing our report and recommendations to the current Administrator. Back in 2018, NEJAC was charged with developing a water infrastructure report with recommendations. We actually even have a working group to re-energize or recharge that report and recommendations on the critical, critical need for infrastructure and all the other elements that are attached to providing safe drinking water to all populations in the country, in particular, are rural and economically-disadvantaged communities. I wanted to share that NEJAC is on the ball with that, and we're going to be working on that. Thank you.

Ruth Santiago, Public Commenter**:** Hi. I'm Ruth Santiago from Salinas, Puerto Rico. I work with community and environmental groups here in Puerto Rico. I can totally identify with what was said previously about water quality. I think we rank the lowest, if not among the lowest in water quality here in Puerto Rico. I wanted to make a point about the nexus between water and energy generation that we're seeing impacts, both water quality, air quality, here in Puerto Rico, primarily related to the AES coal fired power plant here in Southeastern Puerto Rico in Guayama. Thank you.

Richard Moore: Just following up on Ms. Santiago's comments I think last trends of time since we've all been basically in lockup. But I think in our Jacksonville NEJAC face-to-face meeting, we did have testimony by, I think it was Juan Rosario that came in, and several others came in from the beautiful Island of Puerto Rico. The issues that you're flagging are extremely, extremely crucial. And I know that that the NEJAC took seriously the public comment, the panel that we had because we had a panel and then we also had public comment. And so, some of those recommendations that were made, so we need to go back again. Thank you for coming on and testifying. But we need to go back as NEJAC Council and review those recommendations that were made both by the panel and by the public comments. We see the island of Puerto Rico as you all do as very, very important to this work of the NEJAC Council, and we will continue plugging away on that. Thank you very much for testifying.

Sylvia Orduño: Thank you, Richard and Ms. Santiago, I want to echo that as well. I want to also see if at some point we can figure out better as the Council to do much needed and overdue follow up with what's been happening there with drinking water concerns and sanitation. And also, what's been shared with us again in the past. But I think particular to what's going on in climate change, right? And what it is that we need to be even more aware of in these times? And how it is that we can also use what we are hearing from the current Administration and the Administrator of the EPA, as we were told today about the priorities that are being set.

I think one of the things that I'm particularly concerned with -- and this gets me back to thinking about what Council Member John Doyle said a little while ago, is that we've got differences, not only in the treatment of how some of our environmental justice communities are being responded to, or not being responded to, but we've got a whole differential treatment and disparities among

governments within this nation. And how it is, there's a whole lack of response to or inadequate response. We want to be very conscious of that as we're talking about how it is that environmental justice communities and environmental justice governments within our society here, how it is we're going to address these. Thank you for being here and raising these points, and please keep us accountable to follow through on these matters as well. I can tell you; we're going to work hard to be very vigilant on water particularly in these next several months.

Kiana Courtney, Public Commenter**:** My name is Kiana Courtney, and I'm with the Environmental Law and Policy Center, a Midwest based public interest environmental legal advocacy organization. I was separately asked today to comment about the burden placed on the Southeast side of Chicago, which was alluded to earlier by Ms. Cheryl Johnson. So, the Southeast side is a vibrant community, primarily comprised of Black, Brown, Latinx, immigrant and working-class folks. The Southeast side faces preexisting health and social factors including a prevalence of asthma, COPD, heart disease and rates of poverty. It was once home to steel mill, but with those jobs gone, it is now home to the waste of past industry, Superfund sites, and other unwanted facilities, and an inordinate amount of truck traffic. This community has recently fought for the cleanup of petcoke storage sites, and high levels of manganese and other contaminants on residential properties, as well as the youth baseball fields. Southeast siders are currently fighting the expansion of a combined disposal facility, and also the move of a metal shredder near the high school.

This metal shredder, General Iron, was on the north side of Chicago in Lincoln park, a wealthy and white part of the city. There, General Iron engaged in years of air pollution violations, including two explosions in the past year. In 2018, Reserve Management Group, which has facility on the Southeast side, acquired General Iron and the following year, Chicago struck an agreement with General Iron to facilitate its move to the Southeast side to make way for a $6 billion riverfront development in Lincoln park. Although the company argues that this new facility will be state of the art, there are still going to be emissions and additional truck traffic from its operations. This move is happening because Chicago's zoning policies allow facilities to move to communities that look like the Southeast side. This is textbook environmental racism. Residents from the Southeast

side and across the city, including Lincoln Park, have rallied against the move since it was announced.

Despite opposition, Illinois EPA granted the Clean Air Act permit, saying it couldn't look at the facility's past violations. Concerned that Chicago wasn't going to deny this last permit, residents had to resort to a hunger strike which lasted 30 days. People across the city joined in solidarity and the Southeast side is still demanding for this permit to be denied.

General Iron is not the only fight in Chicago and just scrapes the surface. Even without it, this community and others in the city are still going to experience the effects from higher racist exposure to air pollution. Given what's happening on the Southeast side and communities like it, there must be action. We don't need more facilities with permits, rather we need cumulative impacts analyses that are a part of permitting processes. We need accessible healthcare to alleviate the harm already caused by existing industry, need greener jobs that don't put resident's health at risk. Communities must have power over actually deciding what comes into their communities and impact their health because they are the real experts. This goes beyond an agency just listening to public comments. But first, we need this permit denied because no community should exist as a dumping ground. Thank you.

Na'Taki Osborne Jelks, PhD: Thank you so much Ms. Courtney for your testimony and for sharing the experiences of people in Chicago. And we all stand in solidarity with them as they continue to struggle against these facilities. Let me ask now if there are NEJAC members who want to speak or respond in any way. I knew Dr. Wilson, Sacoby Wilson was going to say something. Go ahead, please, sir.

Sacoby Wilson, PhD: Thanks for those comments. I just wanted to ask you what you like the NEJAC would to do, that's one question. But to respond to what you shared, is the city of Chicago, has it built out its own local mapping tool to kind of capture what you talked about? Is there local environmental public health tracking program that's tracking health impacts at the neighborhood level? City of Baltimore has a health indicators project where you can actually track health data at the actual neighborhood level, not the track level, but the actual neighborhood. And so, we want to

start holding these cities accountable, we need to make sure they're tracking, you know, what's happening in neighborhood level, they're tracking what's happening in planning district level. And then as you said, there needs to be some kind of cumulative impacts legislation, accumulate impacts ordinance that's happening.

My response back to you and the folks who are going to work, are there any tools like that that have been implemented and help visualize and help tell the stories of communities as they fight back against that particular facility? And as you said, the other facilities that are also in that part of Chicago. I just wanted to say that really quick, but what specifically do you want to see NEJAC do, as well? Thank you.

Kiana Courtney, Public Comment**:** I will hit on the second point you made first. So the state of Illinois has an environmental justice mapping tool, but that only looks at demographics, so they say minority and socio-economic level. The city of Chicago plans on developing cumulative impact ordinance, but that is a long way coming just because they are currently working on just an air quality and zoning ordinance that at least gives people public participation. But that is currently a fight in the city itself. So, even having your voice heard is a hurdle. So that cumulative impact mapping tool seems like it's going to take some time and a serious campaign.

And then in terms of what NEJAC can do. Part of it, I think, is pushing U.S. EPA to encourage cities, and to really force cities, to engage in this kind of work. Because what we've learned at least in this General Iron campaign is that this outside public pressure has been helpful in at least getting some kind of response from the city. And knowing that it can't be ignored, what's happening in its various neighborhoods. It's trying to, but it can't, especially if they are outside forces, putting pressure.

Jeremy F. Orr: Ms. Courtney, thanks a lot for chiming in and speaking up on this. I work with an RDC primarily on water, but a number of my colleagues in our Chicago office have been supporting and standing in solidarity with the folks on the Southeast side of Chicago who have been fighting this state and the city against this permit. And the idea is not theoretical. They're literally

moving a metal scrapping plant from a wealthy white neighborhood to a poor Black and Brown side of town. It's insane to think about it. And I know as mentioned there -- you know, I understand there isn't any mapping tools at the city level and the state level mapping tools are kind of grossly inadequate as they exist now.

But to the extent that, be it Region 5, where I can kind of step up and speak to this and provide local residents with at least the resources to better understand the cumulative impacts of what's going on and better advocate for themselves. I think that'd be very helpful. But other than just some words to speak to how egregious these environmental injustices are, in particular from EPA Region 5, would go a long way with the city. My understanding is that they have at least held it to consider cumulative impacts at the moment. But we know what that means sometimes when they hold something to consider it. Thank you for raising us up on this call.

Rita Harris: Thank you for your testimony. It sounds like there is a really horrible problem with numerous sources of contamination, air pollution. And usually, in situations like this, you know, we'd started talking about continuous air monitoring. And in terms of what can be done, I would say that maybe EPA should be working with the state. If this is already being done, maybe I missed it, but EPA should be working with state and local authorities and trying to get some air monitoring done. Because this is clearly a hotspot in the city that needs to be monitored. You can't really hold people accountable if you are not measuring what's actually going into the air.

Cheryl Johnson: Thank you, Ms. Courtney, for binging this to the council. That's why I told the Administrator today that Chicago is a poster child for where environmental degradation continues to happen based on race. It's unfortunate that even though we have these federal laws that supposed to be guidance to the state and the city, it gets convoluted when it gets all the way down to the city of Chicago. Because the city of Chicago or the state doesn't recognize the environmental justice as they should, considering that we the poster child, because it's multimedia exposure. It's not just air quality that is impacting us, it's the land, it's water. Many of the waterway's floats to other bodies of water, and not families and friends still continue to fish in this type of water. Clearly, we have to

understand that pollution don't go to heaven. Unfortunately, my neighborhood is situated in the Southwest corner. Guess what? Ninety percent of the smokestacks in these industries, in this area, is positioned to blow in the Southwest corner of the community. And this is a classic example of environmental racism in the city of Chicago. Thank you for making this part of our record. I'm sure hope that we will come up with some kind of solution to make our community a better place, because Chicago is a poster child for environmental degradation and racism. Thank you.

Na'Taki Osborne Jelks, PhD: Thank you. I think you all raised some really important issues at the city level, and in many cases even at the state level. Like in places like Georgia, environmental justice is not something that is addressed. There is no mechanism in place. Really pertinent issues here. I have some other NEJAC members in line to speak. Jerome Shabazz wants to ask a question and then I'll recognize Aya.

Jerome Shabazz: Ms. Courtney, again thank you for bringing up such an important issue and thank you for being on the front lines of representing so many people who may not have the form or the ability to speak up against these issues. But one of my questions is, do you think that your support in this matter is going to come from local or municipal zoning issues? Is it state, or is it some kind of federal influence that you need to get this matter abated?

Kiana Courtney, Public Commenter**:** I think the answer is yes, all of the above. I believe that Ms. Johnson can also probably speak to this as well as she has lived in Chicago. But part of it is Chicago's zoning and land use structure. Essentially, there are receiving zones where certain industry is permitted to move to, and these receiving zones and these industrial corridors tend to be in Black and Brown communities. Part of it is looking at the way the zoning code here is set up. And I know having been in and worked in other cities that this problem is not unique to Chicago. And then separately, on the state level, Illinois EPA doesn't consider past violation history of a facility. Say you, like this one, has engaged in air pollution violations for decades, complaints from the neighbors. Illinois EPA believes that it doesn't have the power or the authority to consider those past violations. So, part of that is also on a state legislative level showing Illinois EPA that they do

have that authority. And those are important considerations, even though separately on the ground, everyone believes that Illinois EPA does have that authority. And that's a law to back it up. And then on a federal level create helping provide those resources to get to -- because it's not just about the regulations at hand, but also do the communities have resources and do those does the state and the city and the municipalities have resources to clean up what's already happening? And that, in part, comes from the federal government. It's on each of these different levels.

Jerome Shabazz: Just for the benefit of the time, I know Dr. Wilson had asked a question, I didn't really quite hear a salient answer relative to it. And that is, is there anything that you think the NEJAC can do to support your efforts to bring a greater focus to this concern? Particularly, if you are not comfortable with the idea or the thought that the local administrators or city administrators are going to do the things that are necessary to get the job done?

Kiana Courtney, Public Commenter**:** I guess my understanding of NEJAC is that you would push this towards the U.S.S EPA. And so, the idea would be that U.S. EPA would put that pressure the city to engage in the practices that are needed. Does that answer your question?

Jerome Shabazz: I'm asking you the question to really solidify what it is that we can best do to help you and support your efforts. And so, it's an open question for you to elaborate on what you think that support looks like. I wouldn't want to lose that opportunity for you to not make that point.

Cheryl Johnson: Can I say something to that? I think compliance related sanctions should be imposed when the state doesn't, then the federal should be able to kick in and do something from a compliance standpoint. And look at the history of the operation of these industries and the violations that they have created. I feel like the state is responsible too. Some kind of compliance enforcement, something needs to happen from a federal level. Because if we measure those violations from that company, you can see that they're not in compliance and they are violating the way they operate. But it's politics. It's the politicalized, when it shouldn't be at the expense of

people's health, our public health in that matter. Yes, I would love to see our Council look at this, well, if the state is not doing it then federal should oversee this. Because clearly there's a lot of violation in the history of the IEPA. They never denied operating permit, based on the air quality, for these companies. And that's unfair.

Ayako Nagano: I just wanted to comment, I've been looking into resources and how to get more of these health indicators studies. To Dr. Wilson's point, to gather the evidence so that the complaint is verified by data. I've been looking into academia and the two buzzwords I've found are Office of Civic Engagement, in academia, and Service Learning. If you Google those words in your local area, there are universities. I'll post it in the chat as well. The university of Chicago has an Office of Engagement and they should be ready and able to support these kinds of research studies to bolster your evidence.

Kiana Courtney, Public Commenter**:** Thank you. And there are actually a number of academics and NGO partners. One of them that had been looking into the air quality in the area, and each of the different ways of providing that evidence. So that is helpful. Part of it also is just holding the city's feet to the fire and getting them to actually take the data seriously. The city of Chicago has its own study about the air quality impacts on communities and has found that communities that they continue to push these facilities into are at health risks. It's also a matter of them listening to their own data, as well as the data of communities. Thank you.

Karen Sprayberry: I'm assuming that industries already received a permit. I was wondering if the industry is willing to work community, and if so, maybe the EPA and/or the state could encourage a community advisory board and have some environmental justice community folks be a part of that. Also, when you have more than one industry come together, they probably have some air permits. So, they've got to consider the ambient air quality, they've got to stay in attainment. Maybe we could form some air quality coalitions in certain parts, and they look at their air quality as a whole for the area. And we've included all types of stakeholders, not just the industry, but environmental

justice communities, grassroots groups, any groups that are interested in air quality. That might be something to consider with this community as well to get a seat at the table,

Melissa McGee-Collier: I just wanted to kind of piggyback on something Cheryl was talking about when she said bringing in federal government to look at the compliance of these sites. And if they are not compliant multiple times, on a continual basis, doing something as far as issuing a permit or not issuing a permit. I just wanted to kind of put in my two cents as a state environmental agency employee. The state has the responsibility of making sure that the permits issued by the state are being adhered to. And when that site is found out of compliance and "enforcement actions" are taken against that sites, it would be beneficial for the community to follow up with those enforcement actions. A lot of times they are done through Agreed Orders, make sure that those facilities are following through with those Agreed Orders. And if not, call the state out and put their feet to the fire and ask them why they are not enforcing Orders that they have themselves issued and written against the company. We can talk later. Maybe, Cheryl, I can get with you and give you some more tips. Even though it will be good to have the federal government involved, a lot of the responsibility falls at the state level. I just wanted to put that out there.

Sacoby Wilson, PhD: This is state sanctioned violence. It's state sanctioned violence, state sanctioned poison on this community. I think as Cheryl said it, if you cannot mention its compliance with the Clean Air Act, ask for a moratorium on permits. If you can't do your job, no more permits. It's just in general, you cannot do your job in making sure that you look at the historical impacts these facilities, then they shouldn't get the permit. Going back to the mapping idea and going back to what Cheryl and Melissa just said, mapping compliance, mapping, fines, mapping violations. That's also part of the community story. That's also the way to show environmental racism. Call it what it is, environmental racism. You are poisoning our communities, call them out ask for the moratorium. So the tools with the stories, and then bringing in some of these other things that Melissa mentioned, and then as it relates to the fines -- and also for the federal government, I think of the federal government should come in, take the money away. If you can't do your job and we're giving you the power to be our voice, then take the money from them. I think that's going to be important. And making sure, again, that the community is

driving the decision-making. Hey state agency, city agency, you can't do your job, we need to build a community agency that can do the job better. Thank you.

Jeremy F. Orr: I'll just wrap up with just a few thoughts on how EPA can help. I don't know if it'd be immediately relevant to General Iron that's moving right now, but just down the line in particular at the regional level. One, we've talked about mapping. Making sure that we have mapping that's cross sectional on metrics, on cumulative impacts and burdens in underserved communities across the city, but in particular across that region, including Chicago, that would serve as the nucleus for programmatic implementation and in particular enforcement. The other thing is increased inspections. In Region 5, inspections have been down 60 percent over the last four years, which is crazy because I think in 2009, 2010, Region 5 led the country and inspections. I think that's another piece where you're talking about inspections and enforcement and accountability. And then the other piece that was raised a while back by someone was aggressively pushing more monitoring activities in front lined communities. I think that's the way, moving forward, that EPA can greatly help, in particular, in Region 5.

Na'Taki Osborne Jelks, PhD: Thank you, NEJAC members. Thank you so much again, Ms. Courtney, for coming to share your testimony. We stand in solidarity with you and with Cheryl and all the communities who are struggling through this in the Chicago area. Do continue to think about specific things that the NEJAC can help with as you all continue this fight. I think we're ready to turn it back over for our next public commentor.

Rashmi Joglekar, Public Commenter**:** Hello. My name is Rashmi Joglekar. I'm a staff scientist at Earth Justice. I would like to really thank you for providing the opportunity to speak today. The Toxic Substances Control Act, or TSCA, outlined specific ways in which EPA protects communities overburdened by exposure to dangerous chemicals when evaluating chemical risk. Given the role of this body as an advisory Council to the EPA, I specifically asked this Council today to bolster protections for chemically overburdened communities in three distinct areas. First, this council should issue a statement urging EPA to correctly implement TSCA and expressly

define chemically overburdened communities as potentially exposed or susceptible subpopulations. TSCA mandates that EPA determines whether a chemical presents an unreasonable risk to a potentially exposed or susceptible subpopulation during the chemical risk evaluation process. And to accurately identify these subpopulations EPA must choose the best available science to evaluate factors that contribute to susceptibility.

Studies have shown that non-chemical factors, including both intrinsic factors, such as life stage or underlying disease, and extrinsic factors like psychosocial stress from poverty, contribute to an individual susceptibility to harm from chemical exposures. Certain communities face greater intrinsic and extrinsic susceptibility factors, in addition to greater chemical exposures, and should thus be considered a susceptible subgroup under TSCA. Take for example, communities living in close proximity to petrochemical facilities in the Gulf Coast regions of Louisiana and Texas. These communities are burdened by high levels of exposure to the majority of 20 toxic chemicals that EPA has prioritized for risk evaluation under TSCA. These chemicals are associated with the long list of health hazards including cancer, birth defects, and even infertility. And these communities living near polluting facilities in this area are predominantly communities of color who often suffer from non-chemical stressors like poverty and underlying disease.

In fact, a part of this region along the Mississippi River and Louisiana is referred to as cancer alley due to the staggeringly high cancer rates among residents living near petrochemical facilities. EPA has failed to adequately consider the susceptibility factors in its finalized and ongoing risk evaluations. And in doing so is underestimating risk to susceptible communities. And NEJAC should issue a statement urging EPA to adhere to the mandates of TSCA and consider communities like those in Texas and Louisiana as potentially exposed and susceptible subpopulations to protect the health of these groups.

Second, we strongly urge NEJAC to meet regularly with EPA's Office of Chemical Safety and Pollution Prevention, and to form an internal TSCA working group to ensure constant communication with EPA and provide opportunities for strategic implementation of environmental

justice throughout all stages of the evaluation process. And finally, NEJAC should urge EPA to hold regular environmental justice consultation sessions to bolster engagement in frontline communities. And to ensure equitable engagement with communities, NEJAC should further urge EPA to provide sufficient information on chemical safety, including translation of relevant information into the languages spoken in impacted communities. Thank you.

Na'Taki Osborne Jelks, PhD: Thank you so much for your comments, very pertinent. I'm definitely going to defer to other NEJAC members. I don't know if NEJAC had done anything to address TSCA before I joined the Council. I definitely welcome any members who've been here longer to talk on that. Obviously, the issue of cumulative risks and impacts is very much on our minds in terms of chemical exposures and how those chemical exposures interact with these non-chemical stressors that you have mentioned. This is something that we are constantly talking about and constantly working to try to address. Whether it be folks working at the local level, trying to get policies in place really looking at it from the perspective of the NEJAC and trying to advise the agency. Let me just kind of check and see -- I see Jeremy Orr. I'm not sure if your hand is up for this or if it's still up from the last go around. But if you want to say something, please go ahead. And again, if there is any history on NEJAC's work around TSCA please someone share that so that we can maybe do a little bit of level setting.

Richard Moore: Thank you very much for that testimony and for the recommendations that have been made. We have heard throughout the years, testimony from various organizations throughout the country in terms of the TSCA. I think it's very, very important that one, when we look at some of that history of the TSCA, that several things while some of that negotiation was going on behind closed doors -- I'll just put it that way -- with largely no community input, and that's what pieces of those testimony have been continually to the NEJAC Council. That hotspots and several other things are were taken out of the TSCA negotiations, initially legacy communities, as we say, hot spots, and other things that we're taking out of the TSCA. And so I think one, it's extremely important, as you say, with the recommendations are very, very clear on that. But it needs to be totally clear that grassroots community input. Those grassroots communities that are most highly impacted need to be at the table of any negotiations, in this case the TSCA negotiations, and that's

extremely, extremely important. I totally agree with the recommendations and I think it's something that the Council will take up in our session.

Sacoby Wilson, PhD: This is the previous conversation about Chicago and the mapping tools. There are a number of cities started developing environmental justice tools, impact tools, including Houston, Texas. I believe Atlanta is actually building a tool as well right now. And so National Wildlife Federation hosted a two-part webinar series on state level environmental justice screening tools. And also, a city level webinar -- state level webinar was last week. The city level webinar was on Monday and I just put a link to the webinar talking about city level tools in the chat. I just wanted to share that. Thank you.

Na'Taki Osborne Jelks, PhD: Thank you for your comment. I will also say that just generally speaking, the NEJAC is looking at trying to have more open channels of regular communication with EPA staff in terms of working groups and that sort of thing. So definitely again, this issue has come up many times as we think about not only TSCA, but this overarching umbrella of cumulative risks and impacts. And so, definitely we will be back in touch with the public on these issues. But as was said earlier about some other things just continuing to hold us accountable to work with the agency so that we can fundamentally address some of these issues that have been longstanding. I think we can move on to the next public commenter.

Ms. Isabel Segarra Trevino, Public Commenter**:** Thank you. My name is Isabel and I serve as an Assistant County Attorney for Harris County, Texas. That's inclusive of Houston in the Houston ship channel. And in this capacity, I represent the interests of the county, including enforcement. And as many of you know, and have mentioned, we face a very unique challenges here, lacking zoning, the petrochemical capital of the nation, many things. But what I'm here to talk about today is language access. I'm requesting and encouraging the NEJAC to support a pending rule change at the Texas Commission on Environmental Quality, and perhaps even consider submitting a letter in support. Back in 2018 I work at the Washington D.C. office of Earth Justice. There a couple of my clients, Sierra Club and Texas Environmental Justice Advocacy Services filed a Title VI complaint

against TCQ with the EPA and so far, it's been very successful. There is already an agreement between the agencies in place. And it's resulted in a larger look into TCQ's public participation process and improvements in areas that frankly I'm surprised about, coming out of Texas, under an Abbott administration and under a Trump administration at the time.

So, this rule proposal, it's for language access. And what it does is it seeks to translate certain notices that were not being translated before, where the agency had reason to know that these were linguistically isolated populations because other notices have to be translated. But it goes beyond that. It translates, for example under these circumstances, response to public comment, which as we all know is an invaluable tool to our communities, as well as briefings. Making determinations about hearing requests, which is something that we still have here in Texas, an invaluable tool that gives communities a bargaining power to bring these polluters into these permit challenges and get something out of it for their community. We don't have a lot of tools so it's good to preserve the ones that we have.

This rule proposal is pending. The comment period closes in April. At present, and I think many of you know them, Yvette Arellano with a new organization, Fenceline Watch, has prepared a toolkit including information on how you can successfully do this in your community. We are aware of language barriers in Colorado, Louisiana, several States around us, and in the East coast. This is something that you can do. We filed a rulemaking petition, and that's why we are here. I'm available for any questions but please anyone here who can support, I would greatly appreciate it. Thank you.

Na'Taki Osborne Jelks, PhD: Thank you so much for your testimony, Ms. Trevino. You raised some very important issues. How can our community be active? How can they be engaged if they're not receiving the notifications? Critical issues that you've raised here. I see that Benjamin Pauli wants to say something from the NEJAC Council.

Benjamin Pauli, PhD: I'm assuming that this rule change would pertain to the translation into Spanish. I'm wondering if there are any other languages that are covered in the rule?

Isabel Segarra Trevino, Public Commenter**:** It's any language. The way that the rules are currently written, the prior notices -- so we had the first and second notice when an application is received and then when we have a preliminary determination on a draft permit. Those notices already carry requirements that if the local elementary and middle school have a bilingual education program, then the facility applying for the permit has to translate the notice in the corresponding language of that program, even if that program is not available at that school. And so that's the beginning of the requirement. And what we ask for is, hey, let's extend that. And so now we have the notices for the preliminary hearings, for these hearings that folks can request to challenge permits as well as a translation of notices for public meetings, which is our bread and butter over here in Texas for our environmental justice work, folks showing up asking questions, rallying.

Well, those notices, there was no requirement for them to be translated. And so what we were working with is an arbitrary system where our low resource communities had to reach out to their elected officials. Why would an immigrant community do that? I was an undocumented person myself. I do not see my family putting our name out there on a government database. So that's what the rules do. And they go further.

One thing that advocates here may want to try to implement is a plain language explanation of a permit. That is going to be a huge rule change for us with lasting effects across media, air, water, and waste. There are, of course, improvements to the rule and if you want to take time to review it, I will certainly be submitting comments along with some of our other allies. But in this plain language requirement, the hope is that it will distill the permit proceeding to something that will not only be understood in English but any other applicable language.

Na'Taki Osborne Jelks, PhD: Thank you for sharing that. Please do follow up with us and share the details that you've mentioned. I think it goes without saying that a plain language explanation

of any permit is always the right thing to do. So, we definitely are in supportive what you're saying there.

Richard Moore: Thank you very much for your testimony. I think, again, language justice is very, very crucial and to not only your comments but for all of us that come from various non-primarily English-speaking communities with that. And so again, I just like to thank you. I would like to thank Tejas. I know that Tejas has been actively engaged in this process and has been for years. And so, again, the issue of language justice is as crucial to you as it is to us. And so, we will attempt to move forward and be supportive in any way we can. Thank you for your recommendation.

John Byrd, Public Commenter: Good afternoon, everyone. My name is John JB Byrd and I'm Vice President of Miller/Wenhold Capitol Strategies based in Fairfax, Virginia. Thanks to the EPA and NEJAC for this opportunity to provide public comments, And especially after hearing EPA Administrator Regan's remarks. I help represent numerous organizations in the survey, mapping, and geospatial communities, such as the Geospatial Equipment and Technology Institute, Getty National Society of Professional Surveyors and SPS, the Subsurface Utility Engineering Association, and the U.S. Geospatial Executives Organization, USGEO. It just so happens that this week is also National Surveyors Week, so a lot of timely opportunities to collaborate. The survey mapping and geospatial community and professionals are very concerned about public health safety, and welfare. The community and professionals were instrumental in the enactment of the Geospatial Data Act, the GDA, of 2018, which is public law, 115-254.

And we were working with Illinois Congressman Garcia's, Future of Transportation Caucus and represented the Clerk of New York's Smart Cities Caucus. There is a common misperception regarding geospatial data in the federal government. And the misperception is that there is a vast trove of geospatial data already collected that could be used as the baseline. However, the reality is, there's a massive need to acquire new data to fill in the baseline. Our ask of NEJAC and of EPA, is to please place a major emphasis on the acquisition of geospatial data for the EPA to then leverage

for environmental justice efforts and priorities. For instance, consider some recent legislation, Congresswoman Bush of Missouri introduced the Environmental Justice Mapping and Data Collection Act of 2021, placing an emphasis on data to use to build layered maps depicting a lot of areas to social injustice, environmental injustice. President Biden's January Executive Order on Climate Change included a role for the Federal Geographic Data Committee, known as the FGDC, which was codified by the GDA to assess and provide to the taskforce a report outlining a consolidated federal geographic mapping service to assist in climate planning and resilience activities.

The same executive orders called for the Chair of the Council on Environmental Quality to create a geospatial climate and economic justice screening tool to annually publish interactive maps highlighting disadvantaged communities. Leadership of the House Committee on Natural Resources last week introduced a landmark Environmental Justice for All Act. Senator Duckworth of Illinois introduced the same companion. Section 9 of that bill as a role for EPA's mapping and screening tool for nationally consistent data environmental (audio skip).

In Section 106 amends the Safe Drinking Water Act of a bill that Senator Duckworth got out of the Environmental and Public Works Committee this morning. That has infrastructure, asset mapping technology like GIS and GPS. And so, there's a healthy opportunity to leverage geospatial data. To sum up, the survey, mapping, and geospatial community and professionals stand ready to work with NEJAC and Administrator Regan on how such data can be leveraged for environmental justice efforts and priorities. I'm happy to take any questions that you may have.

Na'Taki Osborne Jelks, PhD: Thank you so much for your testimony, Mr. Byrd. I think many of you agree that a lot more needs to be done in terms of acquiring data. Dr. Wilson would like to make a comment.

Sacoby Wilson, PhD: Many members are aware of some of the recent legislation that you cited. And also, as I cited in my previous comments -- and maybe I'll go a little bit further than those

comments, there've been a lot of efforts at the state level to develop state level environmental justice screening tools. California has the oldest state level tool that's housed in the California Department of Environmental Health. We have a tool that's been built in Washington that's housed in their Department of Health, as part of the (audio skip) program. Dr. Mohai (phonetic) and his team at the University of Michigan had built a tool for the state of Michigan. Administrator Regan, through the equity council that he mentioned and through a complaint agreement, there's a mapping tool that's been built in North Carolina. I think there's a Twin Cities tool that's been built. State of Minnesota tool from MPCA. State of Maryland has built a tool and as I mentioned before, there are several cities that are building their own screening tools. I didn't mention this in the talk, you talked about Jackson. I also believe Jackson, Mississippi was also building its own city-level geospatial tool, through the Robert Wood Johnson Climate Change grant, I believe.

I'm just sharing, Mr. Byrd, that we agree. I think the challenge is, how are we going to see interoperability between these city level, state level, and also national tools? You hit on a really important point. There's a lot of issues, but in some cases, we don't have the data. We don't have the data. My response back to you, Mr. Byrd, you say what NEJAC could do. What could the groups that you represent do? Some groups you didn't mention. American Association, AAG. ISRA (phonetic) has a national conference, you have URISA as well. You have some other geospatial groups out there as well. You have the international associations that do geographic work. There are several journals out there. I won't get too academic. Is there opportunity? Do you have a cohort of workgroup, an association that's focused on environmental justice that could partner with NEJAC and we can create a workgroup or work with the WHEJAC as well? Because there's federal level work as well. As you mentioned the Bush/Markey Bill, do y'all have that in place to be able to activate, to work with us? And I'll stop there.

John Byrd, Public Commenter: Great question, Mr. Wilson. Yes, there are many organizations that cover the geospatial community. One of which is kind of the coalition of geospatial organizations. It's known as COGO, C-O-G-O, and their roughly 15 organizations that represent the private sector, the public sector, university, community, and some are hybrids of all those organizations. A couple of years ago, COGO put together a report card on what's known as the

National Spatial Data Infrastructure, NSDI. And that was put together by President Clinton's Executive Order in 1994, I believe. And what that calls for is not to have a static map, but the living, breathing documents, so you can map and update all sorts of data layers whether it's infrastructure, whether it's wetlands, anything that's geographic in nature that you'd like to depict. And so, yes, there is a federal effort.

What I referenced is the Federal Geographic Data Committee, FGDC, EPA is a member of the FGDC. And theoretically, the 30 or so federal agencies that have a mapping program, they're all supposed to be coordinating through the FGDC. And so, when the geospatial community and professionals came together to help enact the Geospatial Data Act, that bill codified the FGDC. And so therefore, EPA has a responsibility, quite frankly, to bring to the table, through the environmental justice mapping tool and all the other opportunities, to leverage geospatial data. So that they could actually access other geospatial datasets from other agencies. That way you're not reinventing the wheel, but you're leveraging the same datasets that are out there. And also, standardized the data. So that if one community is collecting GIS data, it's done to harmonize with a nationwide dataset or nationwide standard. And that, we think, will be a much better -- not just to have a grassroots version, but also strong federal leadership. When they're meeting in the middle on standards, we think that's very effective, so that other ones using common rules, common standards, common datasets.

So, yes, there is the active way to, to leverage the current federal opportunities. But quite frankly, again, the point of my remarks is that we don't have the NSDI fully populated. And so, we'd like the NEJAC to basically say we need to go out and do data collection. In order to populate the GIS databases, you need base level mapping. That's what the organizations I help represent do. So again, there may be a misperception that the data is already out there, it's not. If we're going to leverage all this existing environmental justice mapping efforts, we want to make sure that the base level mapping can really be robust. And then therefore the actual decision-making stewardship, how to actually dole out the money and so forth to state and local stakeholders, that's going to be key. And without accurate mapping, there could be some hurdles there. So, to better streamline the money going to state and localities for this, having an accurate federal coordination is key.

Sacoby Wilson, PhD: Thank you. I just want to say that this is a very important topic, as John mentioned, the multiple bills. I know we're doing a lot of discussions about it, but this for our fellow NEJAC members, should we have a workgroup? I just wanted to say that. You know I'm excited about the workgroups, I'm happy to help with that workgroup. Because we're already doing a lot of this work already in the state and with National Wildlife Federation and some other partners, so we can even bring in some of those groups. I'll stop there. Thank you, John

John Byrd, Public Commenter: Yes, and we would like to be a part of that if there was some version of a subcommittee or a specialized taskforce. However, we can partner with you, we'd like to do so.

Na'Taki Osborne Jelks, PhD: Thank you so much for those suggestions and that feedback, Dr. Wilson, as well as your comments, Mr. Byrd. I definitely want to emphasize that opportunity as EPA is increasing its grantmaking to environmental justice communities. That local level data, that fine grain data at the, at the neighborhood and community scale, can best be in many instances collected by community members. There can be collaboration with the different organizations that you work with, Mr. Byrd. But communities have been doing this and when they have that fine grain street-level almost data, it makes a huge difference in terms of what we're able to push in terms of local change. I really just want to emphasize that. I think the Chair, Sylvia, wanted to say something as well. I'm sorry. Did you want to respond to that?

Jacqueline Shirley: Thank you, Mr. Byrd, for your testimony. I kind of want to step back just a little bit and ask, you know, these are all fabulous tools and initiatives that we need nationwide. However, you know, at my level, I've been working with rural communities and tribal communities throughout the COVID time. And one of the things that has come out, that has shined out brightly during COVID, is the lack of broadband in many rural and tribal communities. So even without broadband, these initiatives like mapping GIS, GPS, getting out doing some asset management, all these things require broadband. And so rural communities, tribal reservations, they don't even have the system to even start these systems. I know my organization; we're working on supporting all

the legislation that is going to get broadband as a national equity situation. My question to you and your organization and your efforts, where are you at on the broadband advocacy?

John Byrd, Public Commenter: Great question. Two points that can bring up on that. We are actively trying to work with the FCC, the NTIA and rural utility service in the Department of Agriculture to improve their broadband maps. There was a Request for Information, RFI, that was due this past Monday, and we did contribute to some ideas and how to improve the procurement of the GIS specifically. The Broadband Data Act from last year was enacted into law, creates what we call a fabric, a GIS fabric. One of the opportunities off the fabric in the GIS database is to actually create a national structures inventory. That's something we do not have. We don't have a national cadaster, which is a fancy way of saying land information system or a listing of every parcel. We don't have a nationwide cadaster. We don't have a national structure inventory.

If you have a national structure inventory that would include all sorts of telecom infrastructure. And that could mean how do you get service, 3G, 4G, 5G, anything that's no G. How can you get that out to the rural communities? And it's all about doing a gap analysis of where there is coverage and where there is not. We advocate a program in the U.S. Geological Survey and the Department of Interior called the 3-D Elevation Program, known as 3DEP. And there's a technology called lidar and 3-dep is a nationwide lidar program. What the lidar data gives you is elevation mapping nationwide. And you can get specific topography. So for instance, in rural locations where there's a mountain, a ridgeline, something that's blocking the signal, we need to have a nationwide terrain models that you can then work with the ISP community to do a gap analysis for where there is coverage and where there's not. And if there is coverage, what the speed is. And then work with deciding permitting folks, state, and locals making those decisions on where does it make the most sense or a gap analysis to put the infrastructure?

That's what we're working on in Congress. We have a draft bill that's basically going to tackle that. The other thing that I was going to bring up, I mentioned the Federal Geographic Data Committee. The FGDC is within the Interior Department, but it's also connected to Office of Management and Budget. But there is a FACA that reports to the FGDC, just like NEJAC does to EPA. And there is tribal representation on that advisory committee. It's called the National Geospatial Advisory Committee, the NGAC. Both the FGDC and NGAC were codified in the Geospatial Data Act of

2018. And by law, tribal government has just as right of an opportunity to come in just like state, local units of government, university, private sector, everyone has a seat at the table, in the NGAC, to then advise the FGDC that ultimately advises OMB and Department of the Interior on all things geospatial. And again, that's the opportunity for EPA to be leveraged. So that would be the overlap between the EPA and potential tribal interaction.

Sylvia Orduño: Mr. Byrd, yeah, follow that. I think I wanted to just roll it back a little to a little bit more elementary. I'm trying to also understand how what you're proposing against what our communities can manage, versus how the resources are sort of spread out and about. Do we have enough technical expertise that's needed to get some of these things done? And so, in many ways we'd known that the problems that exist for many years. And so, the data comes in to help sort of validate what communities have known for years. And in an overly simplistic way, it's almost as if, you know, when we were children our mothers knew we had a fever, she didn't need to take us to the doctor for that, right? Or if we broke a leg, she knew it was a broken leg, right? The doctor would be able to fix it and then the insurance company would pay for, because now the data there, it's been confirmed, right? And again, I know this is overly simplistic.

But I'm trying to figure out, short of being able to get every community the GIS technology for its own environmental justice screening and knowing that we already have a lot of this information on the ground from environmental justice generational experiences, right, all the legacy issue. How is this sort of helping or hampering us? Because as I see it, the, the drive for more data is important in one regard for the validation, and then figuring out what are those mechanisms that will then help us with driving the resources to where the data has determined these problems exist. But then if we don't have sort of the data on the ground for any given community, how do we know that there's not going to be further delayed addressing of those communities, right, because they don't have the data? And so, you sort of get into a cyclical problem in some ways. In between who's now going to have the data, who's not, and whether or not it's even going to make any immediate impact. Because for some of our communities, that's what they want. Is they want to know when is something going to actually change? When is something going to come down by way of resources and when are we actually going to get some real addressing of the problem and not more studying, not more research?

I'm trying to figure out how we sort of match these against the other. Because it's a frustrating experience, too, from an environmental justice community. I don't know how many times I've heard residents here in Southwest Detroit say -- well, one resident particular. I had cancer, her auntie had cancer, her brother had cancer, the neighbors have cancer. And it's all from the same sources in many regards. And so, they didn't need necessarily the air monitors to tell them that the air quality is bad. Their lungs were already those indicators. I'm trying to understand how it is that you can help us better understand how to address this sort of conundrum.

John Byrd, Public Commenter: Maybe I could step back and showcase another federal program, or probably two of them, that potentially you could leverage as a case study maybe as a template to move forward. First one, as far as climate and land coverage in biomass, for many, many decades there's a program Landsat in the Interior Department. I have satellite imagery that's been taken monthly, yearly, decadal, every decade or so, that showcases the different changes, lay detection if you will, for one year to the next, one decade to the next. So, you can track all sorts of environmental patterns. That's an extra dataset. Again, it's decades old or it's still being collected every day through satellite imagery. But that'll create a narrative by decade, by year as far as the how certain communities' environment has either improved or just the opposite.

Another kind of example of a federal program at mapping level, where there is a lot of community activation and mobilization -- and it is kind of connected obviously to climate change -- is FEMA's National Flood Insurance Program, NFIP. And it knows no boundaries, regardless of party. The issue is when a community bands together to challenge faulty maps that FEMA is producing, and what that means for risk mapping and some version of an update to what level of risk a community is in and therefore what the policies are paid, the community can get together and challenge the actual data itself and say this is completely inaccurate, we need new data. That's something where our members get involved in because a lot of folks will actually bring our members in to disprove a federal nap. And that's a way to challenge a faulty FEMA mapping.

And on the other hand, our members do try to work with FEMA to try to improve the maps. That is, I think, probably the best example I can think of where there's an ongoing federal program connected to mapping, where the public has every right, and typically is very vocal in challenging the quality of the data and what that means to the local citizens in the local community. To the

extent there would be something applicable there, maybe it's worth studying. I haven't given it too much thought beyond that, but that's a great question.

Na'Taki Osborne Jelks, PhD: Thank you again, Mr. Byrd. This has been very interesting dialogue and definitely something that we'll continue to hash out and try to address. I don't see any other comments from NEJAC members.

Sacoby Wilson, PhD: There have been examples of communities doing their own data collecting, creating our own maps, and using those maps for action. I just wanted to put that out there that the work of the West End Revitalization Association, they did the own sewer water maps, the city never had them. Actually, to this day, the sewer and water work that has been done is still based on those 20-year-old maps, which is a problem. Also, the low country lines from all the communities in North Charleston South Carolina, they collected their own data on soil contamination, air quality, and zoning. They used that to change zoning, used it for Brownfields cleanup. You have examples of community ground truthing and community mapping, which I think is want we want to support. You got the national stuff but providing the resources and tools for folks to do their own data collection and use that for decision making. I think it was probably the core of what this body wants to see those types of resources and support for frontline or fenceline environmental justice issues. I just wanted to share those two examples.

Marlo Holguin, Public Commenter: Thank you for the opportunity to talk. My name is Marlo Holguin. I am an intern, a CARES Act intern for Utah El Paso, and a community organizer with Senators (phonetic) El Paso. I am assisting (inaudible) through my internship, a historically marginalized immigrant community. I've collected data from health factors of residents in pollution, data that is not accessible or even shared with the communities affected. The systemic racism prohibits the residents in poor communities from obtaining crucial information surrounding industries and how they do business as well as health exposure issues. It is of no surprise to know that those who have experienced environmental racism by Marathon Refinery, metal recycling plants, proximity to the port of entry and bus stops in the Chamizal neighborhoods, are those who

have the biggest health disparities in El Paso. Admits a respiratory endemic and it's unacceptable for polluters to continue their operations. The Chamizal community has been fighting for decades for environmental, social economic justice.

Recently now kids have been displaced to schools closer to the highway and port of entry and metal recycling plants and toxic environments. We also recognize that inaction to the ecological crisis is an act of violence towards poor immigrant communities. Additionally, the fracking industry and reliance on dirty natural gas cause the Texas freeze and we're seeing earthquakes in places where earthquakes should never be seen. We're seeing climate criminals like JP Morgan, privatize in El Paso electric, a monopolized electric utility that plans on building a fracked gas plant that will put us any 40-year dependence on fossil fuels.

As the Sun City, we have only three percent of renewable energy. Our air is our life and the Texas Commission on Environmental Quality has historically ignored and dismissed us. We need the EPA to have the courage to address Marathon Refinery, El Paso Electric, and JP Morgan, as well as the I-10 expansion project from TX DOT. There is no economy without people and no people without its environment. Our economy is driven at the expense of our environment. This is destructive and colonialism. What is the NEJAC doing to hold the Permian Basin industries, their lobbyists and bought out politicians accountable? I would like to see NEJAC joining in solidarity with grassroots organizations like Sunrise El Paso, and (inaudible) in Chamizal. I want to see and believe in a bold administration. Thank you.

Na'Taki Osborne Jelks, PhD: Thank you so much for those comments. And for your very heartfelt words. Our air is our life. Very powerful and so very true so we really appreciate you sharing. Are there comments from NEJAC members?

Cemelli De Aztlan: I just wanted to thank Marlo for showing up today. He is a student at the university where I teach and so he's really stepped up to the plate to really look into these issues. I think to a point made earlier, in regard to language justice and in regard to immigrant communities coming up to testify, there still are a lot of hurdles and trust issues and that's not exactly going to happen. And so, those advocates that really do listen to the community and really have their ear to

the ground, and really have their heart in environmental justice and equity, I just want to say thank you for representing El Paso and the border and the Chamizal by coming here today, Marlo.

Mr. Richard Moore: I also would like to thank Marlo for his testimony. I think this point was brought up earlier in our discussions in terms of the relationship between the Mexico/U.S. border. And for many of us we would say, we didn't cross the border, the border crossed us. I think these issues that that are being flagged here are extremely, extremely important. Additionally, there has in the past, the NEJAC council has had a working group looking particularly at the Mexico/U.S. border issues. What impacts many as with my comment on this side of the border, I will say, and then our colonials that are impacted in Mexico, along with that. So again, Marlo, I just want to say is that your testimony is real. It's based in heart and reality, and whatever we can do as a NEJAC Council to help move these issues forward, I think the Council will take that up very seriously. Thank you, my brother,

Sacoby Wilson, PhD: Thank you, Marlo, for your comments. I'm going to go back to the previous comments that I made when you have these really powerful issues that are being shared. We need to make sure our states have Environmental Justice Officers. We need to make sure we have NEJACs at the regional level. I've shared this a lot of the times when we talk about how NEJAC works. We need folks on the ground in Texas, and in other parts of Region 6, to be part of a Region 6 NEJAC. I've shared that as something that I would like to see this EPA do, is to support -- you have a national NEJAC, you have a WHEJAC, you have a NEJAC, but you need to have in each region and some coordination across the regions. Because we're going to meet, but we're not going to meet enough to have the impact that's needed at the local regional level in these regions. I just want to put that out there again of having regional NEJACs. And also, every state having an environmental justice commission as well. Can we get to that point? I know it's just not process, but we need to have that happen so folks like Marlo come to virtually in person to NEJAC, we got to have something that continues that conversation momentum. And a regional level NEJAC and the state level commission would be a way to make sure we're continuing doing the work. Thank you.

Ayako Nagano: This is not a NEJAC comment necessarily, but there are groups that are going after Chase Bank. And I'm wondering if you want support to fight JP Morgan Chase, stopthemoneypipeline.com is one big, large coalition that's going after Chase Bank. I'm happy to connect you with them or just contact them directly, because they are going after Chase.

Na'Taki Osborne Jelks, PhD: Thank you for that. It appears that that concludes the feedback from our NEJAC members at this time. So again, Marlo, thank you so much for coming to share today. It's it is right at 5:30, so I want to turn it over to Karen Martin who will give us some instructions on our dinner break and the remainder of the public comment after that time.

Karen Martin thanked everyone and explained that the Council will take a dinner break and resume the Public Comment Period after the break.

Karen Martin welcomed everyone back from the break. She turned it over to Victoria to continue with the Public Comment Period.

Victoria Robinson, EPA Office of Environmental Justice, stated with listing the public commenters that would speak next.

Stephanie Heron, Public Commenter: I really appreciate you allowing me the time to come in and for coming back to me. Just to get right into it, I think we all know that the last four years have not been the most kind to environmental justice communities. Oh, I forgot to say, Stephanie Heron, Environmental Justice Health Alliance for Chemical Policy Reform, EJHA. I think we all are on the same page in this meeting about the fact that the past four years has not been particularly kind or easy for environmental justice communities, and that there are a lot of things that need to be rebuilt in EPA and in the federal government more generally. And frankly, in some cases, things that need to be built for the first time.

But through that hard time, the NEJAC has been a great partner for environmental justice communities, so I want to say thank you to you all, first of all, for your service and your ongoing

leadership. I also want to ask the NEJAC to reinforce some prior great recommendations and prioritization, including a couple of letters that you all sent in, I think it was May of 2019, regarding the then Administration's plans to roll back critical improvements to the EPA's Chemical Disaster Rule or the risk management program, which we referred to as the Chemical Disaster Rule, which was finalized in 2017. The 2017 rule did a lot of key things and a few really important things. It also failed to do some really important things to protect environmental justice communities and workers in RMP facilities. It is a high priority for EJHA affiliates for the Biden administration to really get on reinstating the key provisions of the 2017 rule that were rolled back in the last administration, but really coming up with a rule that goes a lot farther to protect communities.

There's a lot we know now that we didn't even necessarily know in 2017. There have been a lot of chemical disasters and climate disasters that have triggered chemical disasters since 2017. And so we ask that the NEJAC would continue to be a partner with us, and would continue to be a strong voice on chemical disasters as well as on the need to protect environmental justice communities from extremely toxic and carcinogenic ethylene oxide, which I know you all know about and have issued a previous letter also from May of 2019 on. A new article actually just came out a few days ago about how the Trump administration kind of fudged the numbers and the science on ethylene oxide. So that's a really critical piece to environmental justice communities as well.

Mr. Michael Tilchin: Thank you very much for those comments. As we have assembled ourselves and looking at our plan for the year ahead, we have assembled several workgroups associated with key priorities, and the issues you've raised are directly relevant to at least one of those workgroups. Very much appreciate you coming back and giving us the benefit of your insights. Particularly, I found interesting that you talked about what we've learned since 2017 the hard way through climate and chemical disasters, and that needs to be incorporated as well. I want to ask my fellow NEJAC Council members if they have any comments or responses to Stephanie, please raise your hand. I don't see any hands raised yet. But let me just give it a minute and if not, we'll just, I'll let me give it a few seconds and if there are no comments or questions on Stephanie, we'll be prepared to go on to the next speaker.

Ayako Nagano: I'm just wondering if you can give a little more detail on what new data you found as of lately.

Stephanie Heron, Public Commenter: On chemical disasters, specifically, there was quite a bit of very extensive input in advance of the 2017 finalization, that didn't end up getting incorporated into the final rule. But since 2017, there has been quite a few additional chemical disasters, including, unfortunately, several where people lost their lives. Hurricane Harvey and some climate disasters that were coupled with and/or triggered chemical disasters. So, what some folks refer to as like NTC issues, natural plus technological crises that went together. There's been a lot of new, I think the Union of Concerned Scientists and the Center for Progressive Reform, I don't believe it's public yet, but are going to be releasing a report on that specific issue of the double disasters of climate and chemical disasters in the very near future, which I would definitely be happy to share with the NEJAC. The Chemical Security Board has also come out with some new recommendations since 2017 and would advise the NEJAC to take a look at those, and I could send those over. Those are a couple of key things that come to mind.

Mr. Aby Perea, Public Commenter: Thank you for giving me the chance to speak. I've come to ask for your help on behalf of the people of my beautiful hometown of El Paso. And of course, as Marlo has stated some of these facts just now, I will try not to repeat some stuff. But basically, of course, El Paso Electric, our only energy provider, has been moving forward with plans to build Newman six, a new fracked gas generator. And despite being rejected by our city council, as well as the state of New Mexico, who our city borders with, our city already suffers from various emitters of air pollution and adding Newman six would lock in fracking for the next 40 years. Adding to the already heavily polluted atmosphere, which goes without saying endangering our community and our environment further.

And El Paso has some of the highest solar energy potential, being the 10th sunniest city in the world. However, our city only uses three percent of this resource. And El Paso Electric's propaganda is painting an image to make it seem like they're making major investments in solar. However, many of them are being made in Southern New Mexico, who they also provide energy for, and not to mention the fact that the rate of investments being made in natural gas are much higher. And we should not be wasting our city's renewable energy potential on another generator unit that will contribute to the conditions that are causing storms and other environmental crisis like the one we saw hit Texas last February. It's because of this that we need institutions like EPA to be bold and help ensure that environmental and public safety of our borderland.

The following testimony is from David Bake, from the Council for Sierra Club, on the main way that EPA can help stop Newman Six. The EPA is expected to designate El Paso County as a non-attainment area for ozone pollution in the coming months. El Paso's experiencing ozone levels well in excess of the health-based standard EPA set in 2015. Although EPA originally designated El Paso County as attainment for the standard, the U.S. Court of Appeals for the D.C. Circuit held last year that this designation was unlawful and ordered EPA to issue a corrected designation as soon as possible. Now that President Biden's nominee to head of the EPA has been confirmed, it is expected that the EPA will designate El Paso as non-attainment in the near future. If the non-attainment designation is issued before El Paso Electric obtains its air pollution permit under Texas Commission on Environmental Quality, the company will need to go back to the drawing board, and we start the application process.

The existing permit application is premised on the idea that El Paso's air quality meets the healthy standard for ozone. Once EPA confirms that this is not the case, TCEQ will not be able to issue an air pollution permit from Newman Six, unless El Paso Electric updates its application to show that it will use the most effective pollution control technology and obtain offsets for its emissions. It is unclear if El Paso Electric would it be willing and/or able to do so. So as Marlo has stated, our air is our life and I ask NEJAC to consider the EPA's role in contributing to the protection of our communities by taking the specific action stated to stop Newman Six. Thank you so, so much.

Michael Tilchin: Thank you for your comments. Very well presented with data, and I would invite my colleagues on NEJAC to come forward with comments. And I see we have several. Richard please go forward with your comments

Richard Moore: Thank you very much for that testimony. I think in your comments, and in previous comments, there's a connection between what happens in El Paso, what happens in that corridor, is also related to the issues in New Mexico. So, I would just highly encourage you all that we continue the communications between New Mexico and El Paso. In terms of these, what I call, cross state, cross country issues. Then I have a question. Region 6 has an office in El Paso. My

question is, has there been discussions, or have you all met with the regional staff from Region 6 in the El Paso office?

Aby Perea, Public Commenter: I know that you were bringing something up similar to what Marlo was saying. And I come more as like a private citizen, so I'm not too informed on those things.

Richard Moore: That's fine. Thank you. I just want to, again, remind the council we've heard constant, constant testimony from up and down the U.S./Mexico border. And so, these issues that are being brought forward are very, very important. And I'll follow up on a comment that I think Sacoby made earlier. We had been -- I'll just add to this. We had a Mexico/U.S. border workgroup within the NEJAC Council, several, several years back. And in reference to, I think Sacoby' s comment, and we met up and down the U.S. border. So, from Baja to Matamoros, both on the U.S. side and on the Mexico side. Much of that testimony that was taking place -- and again, I'll just make this comment. If we're going to get down deep on systemic racism, then we need to dig deep in the roots of systemic racism. That's what we've been calling for. That's what I understand this Administration has been calling for, so it's very, very important.

And I made this earlier comment around environmental genocide. We had brought up this whole piece around environmental racism when a company crosses the border into Mexico and decides to locate their facilities on the Mexico side, and when they do the same thing and the same impacts that were taking place on the U.S. side, and we've heard testimony from organizations throughout the NEJAC's time period, then that is no longer just only environmental racism. And I made the comment, we're talking about environmental genocide. When a company packs up or is asked to leave or whatever it is, because of the conditions that they've caused, and they cross a border in this case, the Mexico U.S. border, and do the exact same thing to our people in Mexico, not only in the plants, those workers that are working there, but those colonials that surround many of those Makita's that are U.S. owned corporations. I want to kind of leave it there. I think our next commentor from the Council may lift up, and I would just ask as I move forward that if she could respond to the question, has there been any relationship, discussions, or dialogue with the Region 6 El Paso office, in this particular case, with the issues that's been testified to? Thank you very much. Mr. Chair.

Michael Tilchin: Thank you, Richard. And I hope that the historical context of what NEJAC has done in the past, and the kind of the very powerful and multiple comments that have been made about issues along the border, suggest that. I think as a Council, we may need to revisit resurrecting that workgroup. I think that that's something that needs to be on the table. And with that, Cemelli, please go forward with your comments and questions,

Cemelli De Aztlan, NEJAC Member: I wanted to thank Aby for coming in representing El Paso and the border on this really important issue. I just wanted to emphasize the importance of coalition-building. You know this sort of domino effect that Aby was mentioning, in regard to the attainment status of El Paso, and them sort of expecting to graduate to be in attainment after however long they've been trying to solve the issue. Had it not been for (Inaudible) Chamizal stepping up and stating that these numbers couldn't be true, there's no way they could graduate. That really started the domino effect to essentially buy time or stall this process. And as Aby was mentioning -- and I want to address the whole council here -- he's asking specifically and directly for our support in regard to asking the EPA to stop this process. The domino effect is already in effect. And in the timeframe that AB was mentioning, if the EPA doesn't say something before this permit is issued, then we have another lost cause. But just against what Richard just emphasized in regard to the border communities here, again, seeing this sort of exploitation of the border on this side and on the Mexico side. And there needs to be stronger mechanisms. And we have those international trade agreements that have been exploited by the corporations. It's about time that we start using them for the people. So, I just want to emphasize that direct ask in regard to sending a letter to help moving that request forward.

In regard to Region 6, and I know you asked this of me before. I think I might've gotten them confused with the EPA's Joint Advisory Commission in which it is representation from El Paso, Juarez, (inaudible) in Mexico and Las Cruces, New Mexico. And so, in that joint advisory committee, yes, these issues have been brought up. They meet about four times a year. And I think that we do need to make a direct contact with the Region 6. Anyone here on the council could Aby a suggestion, specifically, in regard to how to contact Region 6 and what to explicitly say and ask. I think that be a great question for Aby to get answered here today.

Michael Tilchin: Cemelli, thank you very much. And I want to just follow up on what Cemelli said in that we do have a direct request for action that Aby has issued. The Council will absolutely take that up for consideration.

Brandi Crawford-Johnson, Public Commenter: Hello. My name is Brandi Crawford-Johnson, and I'm an environmental justice advocate fighting for the fenceline community in Kalamazoo, Michigan. I have been studying, gathering doctors, housing advocates, toxicologists' reporters, and hiring lawyers to hold the polluters and local government officials accountable. I have initiated a class action lawsuit against the toxic polluter in a civil rights complaint against the city of Kalamazoo for discrimination based on race involving zoning with our fenceline community and giving millions in tax breaks to the hazardous facility next door to us to expand and further poison us. I am working with the Region 5 EPA environmental justice program in hopes of finding a resolution in real time. I would like NEJAC to advise the EPA to take over enforcement for the state of Michigan. We need to bring that funding back to the EPA. The EPA is understaffed and underfunded, but they listened to science and most of the officials want to see environmental justice but have been limited in their ability. EGLE and Michigan is extremely lacking enforcement with polluters and have even allowed one of our non-compliant polluters in Kalamazoo to recently expand just by a high rate of cancer and respiratory disease among our residents and a topography trapping these toxic gasses.

They have ignored hundreds of air complaints over the years. We only have one air monitor in the whole County of Kalamazoo, located in the County fairgrounds of all places. We need the EPA to put more air monitors throughout the states and every city near polluters. Environmental racism is one of the reasons our country is in the global climate and environmental injustice crisis. The EPA must have relocation assistance for the people located in fenceline communities. The EPA should take the polluter who refuse to use pollution prevention to court with ex parte orders. Most corporate polluters can afford pollution prevention and carbon capture or move to renewable energy, but they refuse to do it. The EPA should only do unannounced inspections. The EPA should have environmental justice advisory groups in every county in every state. The victims of

environmental justice in these counties are the only people you can trust to know what is really going on because they live with the poisons every day.

The EPA environmental justice tool is a great tool for communities to use, but it must be publicized so people are educated and aware of it through the press. The public deserves to know the risk of disease in their neighborhoods. We need NEJAC to advise the EPA to publicly support the Green New Deal and Environmental Justice for All Act. This will help the agency overall. Air pollution is also studied to be linked to severe cases of COVID-19. If we want the pandemic to end and not worry about future pandemics, we have to get air pollution under control immediately. P-5s are also a great concern because they're forever chemicals that stay in our bodies. We have so much P-5 and PCB contamination along the Kalamazoo river it's disgusting. A huge section of the river is already a Superfund site. Kalamazoo, Michigan is a huge contributor to global warming and environmental racism.

The public being notified of toxic contamination in air, soil and water in the communities is one of the first things that should be done when addressing environmental justice, yet we are always the last ones to be notified. I suggest NEJAC advise the EPA to connect environmental justice communities with the wireless emergency alert system. Michigan is a prime example of waiting too long to notify the public, as can be seen with the Flint water crisis. EGLE has continued to stonewall us and Kalamazoo with air and water crisis that is still ongoing. The damage has already done, most of us are already poisoned but we can make sure it stops and we can make sure that our future generations are truly protected. Thank you.

Michael Tilchin: Brandi, thank you for those very powerful comments about conditions in Kalamazoo, impacts on environmental justice communities. You made some very specific requests, which is extremely helpful. I was trying to keep up with you and I'm not sure I got everything. But I do hope that you will submit, and I'm sure you intend to submit your comments in writing to make sure we capture all of the powerfully expressed requests that you just gave to the council. We do have some request to respond from Council members. Let's start with you, Dr. Wilson.

Sacoby Wilson, PhD: Thank you, Brandi, for those powerful comments. You did say a lot, there was a lot I was trying to keep up with as well. I think you made some really important points. You made a point about taxpayer's monies. Tax breaks going to companies and then those companies then poison communities. We have to find a way to stop that. It's not necessarily for NEJAC to do, but as a social movement, activists, and advocates, we have to find a way to take money away. I shouldn't be paying for you to poison me. That's what Brandi just talked about. Their taxpayer's funds are going to poison them. That has to stop. The issue with the one monitor, this is for my EPA colleagues on the phone call. Your regulatory based monitoring is not capturing the industrial footprint, the exposure footprint of the health footprint of these communities. The maps are not good enough to address the daily, diurnal, differential, maximal exposures of front lined and fenceline communities. We need to move away from the current regulatory monitoring system, to have community-based, community driven, community centered, community owned and operated monitoring networks. Because if the government's not going to do it, then the government for the people, the people got to do it. So, guess what, my taxpayer's money, as Brandi said, should come back to me so I can hold you accountable in a different way. That's an important piece.

The last part of this as Brandi was talking about the Green New Deal, some of the legislation. So how can we as a NEJAC write letters to provide support for the environmental justice for all Acts, the Green New Deal provide mitigation and support for communities like Kalamazoo as Brandi mentioned. Thank you again for those powerful comments, Brandi. Please share those written comments as was just stated. And hopefully we can provide support to you and the other communities in the state of Michigan. We have other NEJAC members on the Council from Michigan, who also would chime in on some of the other comments around Flint that you mentioned. Thank you.

Jeremy F. Orr: Brandi, thank you, again, for joining the call and for raising this issue in Kalamazoo. You and I have had a chance to connect a couple of times on this issue and kind of lift up the very real concern that you have in that. It goes back to kind of what was raised with the Chicago issue earlier. When your local enforcement and your state enforcement aren't stepping up to hold polluters accountable, and not only not hold them accountable, but doing what's necessary

to keep you from holding them accountable. Like, it becomes a problem. I think one of the issues that we've talked about here, and was mentioned in the chat as well, is the idea of needing to be better resource and more staff on the environmental justice side. As I understand, the conversations she's had with Region 5 have been one or two folks who have been helpful. But realizing that we're talking one or two people, not a full on, fully staffed out, fully resourced environmental justice program that can actually tackle these issues. And to Sacoby' s point that he mentioned earlier and here again, if certain divisions of state regulators and enforcers aren't going to do their job, then those resources need to be put somewhere else. If that means put back into the EPA region to actually do the enforcement, then that's where it needs to be. Hearing Brandi's issue and knowing what Kalamazoo looks like and understanding that the only air monitor is nowhere near where the pollution is actually taking place at, and having even seen the toxicology reports from the sites that she's talking about, it's damaging and there needs to be a better way to resource Region 5 to help step up with these issues.

Benjamin J. Pauli, PhD: I want to echo what Jeremy just said about Region 5. I think that, yes, that's absolutely necessary. But I wanted to lift up one other thing that Brandi said that I thought was significant, that she's asking us to ask the EPA to take this issue over from our state Department of Environmental Quality. And she's right to suggest that. This was part of the dynamic in Flint. We had residents here who were raising all kinds of concerns about the water and the Michigan Department of Environmental Quality was part of the problem. They were not only not responding actively to those concerns, and they were actually helping to cover the problem up. Residents did at that time reach out to folks at the EPA for help and they got help from individual people here and there, but at the agency level, higher up, it was buried all over again.

Being relatively new to the Council, I don't know if there's precedent for the Council requesting that the EPA take over enforcement responsibility in particular situations like this. But I think it's important to recognize that sometimes residents who are being let down by their state departments of environmental quality, they don't have many places to turn. It can't just be a matter of hoping that you connect with the right person at the EPA. I think there needs to be some sort of outlet for people with these kinds of concerns. And maybe that outlet is NEJAC. Again, I don't know if that's been done in the past, but I think it's something that the Council really should take seriously

and follow up on.

Brandi Crawford-Johnson, Public Commenter: I'm sorry I said that so fast, but I had so much information and only had three minutes. Yes, I believe that if everyone just works together this can be easily solved. I obviously hired a toxicologist that's well known, who has 30 years' experience to do this, myself as a victim. And it's crazy that EGLE's -- I cannot work with them. I've literally talked to every single person in the departments. They're very, very hidden with information when environmental justice program has asked. They act like they're a partner, but they're not. We have a Flint water crisis, and this is the Kalamazoo air crisis. We have a respiratory hospitalization rate higher than anywhere in the region and we are only a city of 75,000 people. I had to file a civil rights complaint against the city of Kalamazoo. I had a doctor from Chicago call in saying, hey, there's a 14-year death gap between this neighborhood and your predominantly white neighborhoods, you can rezone. I mean, this was a rezoning meeting where they were rezoning the downtown. But instead, they ignored the doctor. They ignored the residents calling into meetings like me and everyone else.

I think that more people need to start filing civil rights complaints when it comes to zoning with the local government because I feel like that's a way for us to achieve justice. Because the local government, they have the authority to help fix some of this if the state and the EPA cannot. But if you don't hold the leaders accountable for the local governments, then nothing's ever going to get done. I'm not afraid to hold everyone accountable. I'm not afraid to call everyone out and make sure that they're held accountable and that they do something about this. But letting Graphic Packaging International expand, increase greenhouse emissions by 221 percent when your fenceline community is already suffering is cruel. You're cutting 721 trees along the Kalamazoo river to give Graphic Packaging more office space, is ridiculous. And then the state telling me that the public comments, some of the commenters they have to say that they're violating the Clean Air Act or they won't even listen to our comments when they just gave Graphic Packaging the permit to expand. This is ridiculous. EGLE is definitely not doing their job correctly in enforcement and I believe that EPA will do a better job. Thank you.

Sylvia Orduño: Thank you, Brandi, for all that you said. And you all already had your own water crisis. We know that you all have been slammed environmentally for many issues for many years. I think I'm wondering, and I know that several NEJAC members that are also here from region 5 have had the same concerns with the lack of capacity, resources for Region 5 for one, but also a number of frustrations with the former MDEQ and current EGLE. Right? And I know that we hear the right things and now there's a new environmental justice advisory council that was established by the governor, but you're looking for more walk and less talk. I understand that. I'm trying to see if we can actually take what I think has been some really good suggestions from some of the Council members so far, and particularly from folks that are trying to work more closely with the regions. But how do we really look at this in a regional approach?

I'm in conversation with folks, too, in other communities and the same things keep coming up. The lack of follow through from the state agency and frustrations definitely at the local level. Where a lot of people just throw their hands up in the air and don't really know what to do about those departmental issues. I would love to see if maybe in what we can propose by way of some of the follow-up that we look at how to address this in combination at the region level and at the state level. Because I think that where we're situated, especially with the relationship to the Great Lakes, we really have to do things that are going to be really part of a model and not operating in the backward sense that we've had for many years. I want to also just say that we recognize the people that have been trying to hold it down for many years in the EPA, that are working in the region, continue to be under-resourced. We've heard that from them. That's got to be part of what it means to really build up environmental justice communities, it's also at the regional level. Looking forward to having a conversation further with you and others. Thank you.

Benjamin J. Pauli, PhD: I just wanted to bring back up Sacoby' s idea for having regional NEJACs. Even if just us from NEJAC, NEJAC had a relationship with Region 5 and the environmental justice people at Region 5. Like if somebody was having trouble finding the right person, or having their issue taken seriously and needed a little backup, we could be the backup if we had those kinds of relationships in place. They just don't exist right now. At least I'm not part of any of them if they do. I think that strengthening the connection between what's happening at the

regional level, and the folks who are already in conversation with the EPA in one way or another about environmental justice and have connections to these communities, can serve as conduits for these concerns. That to me seems really important.

Millie Piazza: I been really energized by this conversation and it makes me wonder. I also don't have many years of NEJAC under my belt, but I was revisiting the 2011 Enhancing Environmental Justice Permitting Program. I wonder if it's time to potentially revisit that because the theme throughout testimony today has been loud and clear ongoing frustration with enforcement and penalties as one part of all of this work. As a practitioner and as a bureaucrat, thinking about how enforcement and penalties work is so important because right now I feel like what's institutionalized is this low bar of just aiming to a return to status quo after there's been a violation. And rather, we really need to institutionalize mandating action that improves local environmental conditions. We heard today holding government accountable, and when they're not doing that making sure oversight agencies exercise their authority and untying their hands with that, untying their hands with zoning, considering past violations of regulated agencies, considering cumulative impacts. And, you know, we didn't mention during public comments, but really examining and rebuilding what our penalty systems are so we ensure that the fines don't disappear into general funds but are redirected back to the impacted communities. I think there's some fundamental issues at play here where I, as a bureaucrat, want to and have tried for over a couple of decades to do this work and really don't know how. I feel like the NEJAC, with all of this expertise and these voices and power behind us, we have the opportunity to maybe revisit that 2011 report, go beyond supplemental environmental projects and really think about how do we undo this institution and redo it in a way that funnels those out toward diminishing and eliminating the disparities. Thank you, Mike.

Sacoby Wilson, PhD: The piece that Millie just talked about, the fines, the penalties. Remember we talked about the disparities earlier in the conversation of public comments about tracking the fines? How large are the penalties? And how do the penalties differ for industry? How do the penalties differ for geography? How is it different when you look at wealth when you look at race ethnicity? Do you see a difference in the fines? We need to make the penalties much stronger. And then SEPs as Millie mentioned. Are you getting the SEP to throw away a couple of dollars and

still be able to dump on that community? If that's the problem, we need to reform the SEP system as well. This is a big piece. This is not necessarily for Kalamazoo per se, but there's other communities as Millie said, recycling the dollars in the communities, there are other communities where there are environmental justice issues that are happening with areas that are unincorporated. Big issues. Reservations, colonials, et cetera. The moneys will never go to those unincorporated communities. How do you make sure that those SEP dollars and those fine dollars don't go into the counties fund, but actually goes into some type of green fund or mitigation fund or anti-oppression genocide fund, using Richard's terms, in that community who actually hosts the hazard, who's maximally impacted by the hazard? That whole system has been gamed, that's what Millie is saying. And we got to fix that. That system is broken.

Brandi Crawford-Johnson, Public Commenter: That's why I filed a civil rights complaint because HUD gives a lot of the funding to the city of Kalamazoo. I believe that when we get into negotiations, because they're obviously discriminating against our African-American population and our frontline community, I believe that the HUD funding could even be reused. And they're going to have to use that to fix the problems that they caused by discriminating against the African-American population. Since we're using civil rights with environmental justice, I feel like that's one of the biggest things we can do is file civil rights complaints against the local governments that are getting $21 million in tax breaks and not rezoning the area when they have the authority. If we file against local governments, then we can use that to take their federal funding away to be used towards those committees.

April Baptiste, PhD: I just wanted to reiterate something that I said in the chat that I think is important just to put on the record. I agree with Millie on this enforcement piece, because I do think that in a lot of ways the EPA needs to take this sort of stand and the charge to protect communities and to not be complicit in this process of protecting corporations for too long. And that goes to the state parts of these agencies as well. For too long we see that corporations follow the rules, right, they go through the permitting process, they go through all of the checkboxes that they're supposed to do. But then they end up basically harming our communities. And we find that the EPA, as well as our state agencies are saying to some extent that the corporations have followed the rules, they have followed, you know, everything, but yet we're not holding them accountable.

I think that it is time for the EPA to stand on the side of protecting our environment, and that includes our social environment. That's why environmental justice is at the heart of what the environment is about. I think that it's really important for us to think through, and maybe even as NEJAC challenge the EPA, to really think about how are we doing enforcement and how will we holding our corporations as well as our state agencies accountable to ensure that our communities are not continually suffering at the hands of the trustees that are supposed to be protecting our communities. I just wanted to reiterate Millie's point here, because I think that that's really, really important.

Michael Tilchin: Thank you, April. That was a really dynamic discussion. Great comments from you, Randy. We appreciate it so much and I also appreciate the great dialogue and insights from my fellow NEJAC colleagues. We are ready for our next public comment.

Jennifer Landesmann, Public Commenter: Thank you. My name is Jennifer Landesmann, I'm from Palo Alto, California. I'm very new to NEJAC and to your work. First, I want to thank everybody for your leadership. I think what you're doing is incredible, and it's really cool to find all of these voices speaking out for issues such as, what happens when there is no accountability from your local government, state government or federal government on issues? How are measurements of some of the pollutants financed, who controls it? And I see the effort for meaningful community involvement, and I think data and analysis is being sort of manipulated so that it's not really serving the communities that are being impacted. I work with aviation impacts on a national level and a local level. And it seems to be a new issue because these are highways, but they're different from a road highway but they can be just as impactful, especially from a health perspective. I really appreciated some of the comments earlier today about the focus on just improving health or the focus on health as it relates to environmental issues.

One of the big topics that I've seen around many years ago -- my professional background is in banking on the investment side -- but many companies have ESG reporting, which is reporting on how they're doing on environmental, social, and government issues. I see a great emphasis on ESG

reporting because many investors are choosing to invest in companies who are responsible. And so, I was wondering maybe the EPA, or your organization could look to see how we can have these sort of report cards on corporations and also on governments. How are we doing in terms of accountability to the communities that so badly need representation? That was one idea, I'm just an observer for now. I just wanted to mention that aviation impacts have a great deal of pollutants. Noise has cardiovascular effects and ultra-fine particles as well. And they very much affect highly populated dense areas, close to airports. Thanks.

Michael Tilchin, NEJAC Vice-Chair: Jennifer, thank you very much, and very interesting to get that perspective on the impacts of aviation. At least in my experience, or at least in my memory, I don't know that we have dealt with aviation issues. Obviously, there's some aviation issues associated with firefighting and PFAS at airports, but that is, I think, a really interesting and important issue that you brought to our attention. And the notion of scoring companies based on their ESG performance, very interesting thought. With that, I want to turn to my colleagues and Dr. Wilson, please go ahead.

Sacoby Wilson, PhD: Thank you for those comments, Jennifer. There's a body of work in environmental justice called Goods Movement, so you got coastal ports. It also includes airports, rail, truck traffic and warehouses what we call dry ports. I do some of that GOODS Movement work. One of my former NEJAC members, Omega Wilson, President of West End Revitalization Association. There was a Goods Movement environmental justice report that NEJAC did some years ago, but I'm not sure how much the airport component is in that report, but that's a really important piece. I've had some engagement recently with the Eastern -- I think it is a group in the Bronx or Brooklyn, I think, near JFK. There's been some groups there and there's some work that's been done by, I think, Clean Water Action New Jersey. I think they're also doing some stuff around Goods Movement and maybe the airports as well. But you're right, that's the gap that we need to focus on more.

Real quickly, there is a California Environmental Justice Scorecard for agencies and also for legislators. We're working on one for the state of Maryland for agencies and legislators. But I do

agree it will be good to look at corporate responsibility and have a scorecard too. I believe some of our colleagues at Environmental Defense Fund, and maybe some other green groups, are doing some engagement on the social responsibility stuff for corporations. But they haven't gotten to the point of scoring them as it relates to their environmental justice impacts for actions.

Millie Piazza, NEJAC Member: It does make me think and I wanted to put it on record and just put it out there for the NEJAC and put a pin in this one idea. I do think about the Environmental Justice Collaborative Problem-Solving Grants. I know that there is a community group in the Seattle area, El Centro de La Raza, received one of those grants specifically to look at air and noise issues, both related, I believe, to the airport but also near traffic roadway issues. We have this testimony coming in and certainly on my phone, my phone rings with community groups calling in and expressing their frustration and aggravation with the harms to their community. I just wonder what, if anything, NEJAC and the EPA could do to help build out this network, to really leverage the learning -- from these monies that are going out, I mean, EPA's investment in these grants, they have great slide on how much they've invested and I just wonder how we can leverage that learning, and work and those practices to the greater network of folks that are struggling with the same thing. Thank you.

Michael Tilchin: Thank you. I think that's all of the comments. NEJAC members. I think we're ready for our next public comment.

John G. Buddy Andrade, Public Commenter: I am really surprised that the topic sounds like that NEJAC wants to get involved with the communities more. My request and reason for coming on today was to request just that. We want NEJAC to take our city of New Bedford, Massachusetts under its wing and use it as a pilot project. Just come in and do compliance review, look at what we're doing and not doing, and especially the injustices that continue, continue, continue to happen here in New Bedford. We have one of the largest Superfund sites here in New England. And we have, like, 30 Brownfields sites in our neighborhoods as well as underground storage tanks. And the issues of being consistent with communicating with the community, working with the community just doesn't happen. Region 1 doesn't work with us the way they should. They'll work

with the city, they'll work with the big a box companies, the white companies that are really large non-profits, but not the community groups.

You've got all kinds of people here talking about Brownfields, Brownfields Health, food programs. We tried to get a Superfund jobs training program in there, couldn't do that. We're right now hoping to stop the environmental workforce grant that we got because it's not meeting the needs of the community. EPA Region 1 is not listening to us. We want NEJAC to come and adopt our community. Come in and look at the state of Massachusetts, from our Attorney General to our Executive Office of Environmental Affairs. What they are doing systemically with our state and local representatives, systemically creating more problems for the minority community to go ahead, to be able to engage and be able to be part of the system, we're just not there. And it's so unfortunate because there is so much going on in our community.

We have issues with when air quality, we have issues with asthma, lead paint, vinyl chloride, vapor intrusion. Mind you we have had people Michael Lythcott, Wilbur Hankins, Charles Woodly and Suzi Ruhl who have been there. And we still can't get anywhere when really trying to bring the community together and stop the injustices that are happening here. And we're a small community of a hundred thousand, very diverse, at least five or six different languages that we speak here. But the problem is, how do we get help, serious help, not just come and go, but come and stay and see and work with us to help resolve some of these issues that we have here. It's so important. I hope you guys are serious about NEJAC coming into the community, having regional offices. And we'll welcome you to our community to have an office right here in the city of New Bedford. Thank you.

Michael Tilchin: Thank you. We greatly appreciate your comments about hat's going on in New Bedford. The number of issues, the lack of consistency you're seeing in terms of how environmental issues are dealt with, and what sounds like a less than satisfactory response, both at the local, state, and regional levels.

Richard Moore: I just want to say to Buddy, that none of the issues that our sisters and brothers are being impacted by in New Bedford, and Buddy is very aware of this, are similar in some cases, the same issues that we've seen throughout the country. Council members have had the opportunity to visit New Bedford. We just lost a warrior, Jose Soler, a longtime brother activist that worked much in the labor sector, but also was very supportive and very strong in supporting and being a part of community issues in New Bedford. Now is the time, that's what Buddy's saying to us. Now's the time not to put little band-aids on issues, we're not short on band-aids. But at the end of the day, now is the time to dig deep and to dig deeper. And the reality of systemic racism -- I'm going to bring it up every time, every place, whether it's the EPA or any other federal agency -- now is the time to go there. And this Council, I believe, the sincerity of this council and the commitment of this council should be a place that will help us get there. Buddy, my brother, with all respect give our love and our best to our sisters and brothers in New Bedford. And as soon as travel opens up, I will see you back in New Bedford. Thank you.

John G. Buddy Andrade, Public Commenter: Mr. Moore, thank you very much for those comments. We lost a very, very important trooper in our community, but we lost three or four others besides Jose. Jose and I received 1965 Civil Rights award back in 2015. A very important person. And the point to that for me is that if we don't do something now, I am going to be 71 in July. There are many of us in my age group are probably going to dwindle out. There are a lot of young people here who are confused. Is there really help on environmental justice, is there really help with civil rights? Everybody wants to talk about the minority community now. COVID showed that there's racism out there. Where the hell has everybody been for the last 50, 60 years? Racism’s been out there. COVID didn't bring it, it's been there.

Now what I'm saying is that we need to harness that. And I'm asking you all to come to New Bedford, use this as a testing ground. All of the grants that the city has gotten, all the jobs, all the economic -- our Superfund site, we have no minorities businesses on the Superfund site and now they’re getting ready to kick in the Superfund revitalization. We're not going to get those jobs. The Environmental Workforce Grant that we got is not going to meet the needs of the community and they're going to do what the hell they want to do again. And we're trying to stop that money from coming after I worked so hard to get it here. But why get it if it's not going to impact us?

So, we're looking for what impact, we're looking for HUD, EDA HOS, Health and Human Services. We're talking about food, we're talking about a health, the health field, the brown field, all that. And none of this was within our region. We have a trillion dollars of investment coming right now where renewable energy. New Bedford is the hub for offshore wind. We have four contracts outside of Martha's Vineyard right now and all of it is coming through New Bedford. Trillions. They don't talk thousands; they talk billions and trillions. And we're missing out because we have no seats at the table. We need NEJAC to come here and to be that neutral body and do the homework to get the information from the community and then deal with the government agencies and those in power to make it work. Someone just said it, now is the time. We've been doing this for so long. When do we get to see how grandchildren's future in our eyes? Thank you.

Cemelli De Aztlan, Public Commenter: As always, I'm stepping out of my role as a NEJAC Council member to speak as my role in my community with Familias Unidas del Chamizal. I did have a short one-minute video to show. I don't know if I have access yet to do that. I'm sorry. I should have asked for translation before I started sharing that. I'll just continue with my public comments. Let me get out of this screen. Okay. I'm having a hard time X-ing out.

Sylvia Orduño: I think it'd be important, especially since you're the last presenter here, if maybe we give another minute. I'm thinking we can sort of give just some updates to the Council as a reminder about our next steps. After this we are going to be going into our business meetings. What we do, is we're going to at least do some reflection of all of the different comments that we've heard here tonight. And then kind of get a sense from the Council about where we go from there. Aya and Sandra have been following in public comments very closely all evening and taking notes and highlighting what we understand to be the asks, or in some sense maybe demands, of the council. And so, it will help us be able to get through that discussion. And then we're also going to need you to do a review of the priority work areas that we'd already discussed in previous meetings, so that we can get some working groups established. I just want to remind you of that. And so, how long we go is depending on how energetic the council's feeling for robust discussion. Just to remind you of that. And then Karen, if you all are ready or can give us an update on the technology.

Michael Tilchin: I think Cemelli did have public comments that she did want to make, and I want to make sure we have a chance to hear her. And then move on to this critical business phase.

Cemelli De Aztlan, Public Commenter: I'll go ahead. There's a recent article published just in the fall of last year, titled Loud and Clear: What Public Regulatory Complaints Reveal about Texas Oversight of Oil and Gas Pollution and Whom it Serves. It's a five-year investigation that shows that Texas regulators ignore public oil and gas pollution complaints, and actually work closely with polluters. El Paso's air quality has been jeopardized by years of industrial polluting with little to no repercussions for violations, taking advantage of vulnerable communities, and now in a time when COVID-19 has deadly and disastrous effects, specifically in our community. The reality is that TCQ is not structured to bring justice to the residents. Instead, they help protect the companies rather than families, targeting low-income immigrant communities, because to them we are disposable. These processes are designated that way and its part of the hidden systematic discrimination in El Paso and all-around Texas in immigrant communities like ours. That's a quote from the article from Emma Acosta, she's the president of the neighborhood association in Chamizal.

El Paso's had one of its worst days of air pollution in nearly 20 years as ozone and particulate matter levels spike sharply. El Paso's air quality has been worsening over the past few years, mainly driven by local sources like semi-trucks, refineries, and industrial plants. In 2020, data from the EPA showed that compared to its five-year average, the El Paso region experienced 20 fewer good air quality days per year and four more bad air quality days, which can be dangerous for vulnerable populations. And El Paso has been on an attainment plan for over a decade. How does El Paso, that’s on an attainment plan intended to lessen pollutants, managed to end up in worse conditions? It's not a difficult question to answer when we see that the polluters are protected and not the people. Had the mothers of Familias Unidas not intervened with a federal lawsuit, El Paso would have graduated from their attainment program and their deregulating decision would have continued to disregard and discriminate our most vulnerable communities.

As Familias Unidas, we are asking that actual oversight be done and that would address the decisions that are being made in our communities and how they affect our children's lives and the lives of our residents. This can come in many forms, but residents should have something to say as to how to conduct oversight in our communities. It can be in the form of more pollution monitors, to work with the schools and the residential areas, yet we do believe it's necessary for immediate relief that the EPA or federal government does an environmental health impact assessment of the Chamizal area in El Paso. This needs to be conducted in order to get real data of health conditions that exist and what relationship it has to different sources of pollution in our community. How the compounded pollution affects us as well as other important analysis, like exposure to prolonged polluters, lead in our schools, and the student's exposures from the bus hub, to name a few. Up until now, local data being produced by TCEQ has been misused and we've been lied to. It is not portraying the real conditions of the Chamizal. Thank you.

Richard Moore: Thank you very much for that testimony. I've had the opportunity to visit the communities, Chamizal, and the communities that's being testified about here. And so, I just want to lift this up again. I'm requesting that Region 6 communicate directly to those that have testified. What I said earlier was, if you've got a region -- and a lot of us have experienced this throughout our various regions -- those staff, regional administrators, need to be people that are about the health, safety, and wellbeing of all of us. I'm requesting again, Mike, that Region 6 -- and I'm sure that Region 6 has representatives that's on the Zoom today -- that they contact our sister here and those that have testified, and that we get a report back at some point in terms of that looks like virtual visit for that moment. But they do have an office in El Paso. So, thank you very much again for your testimony.

Michael Tilchin: A technology hurdle we weren't able to get over. But Sylvia, hopefully, you can hear us, and we very much look forward to getting your written comments and I promise you that the Council will give them absolutely full consideration. And we appreciate the time you've spent with us and we regret the fact that we could not make the audio contact. With that, I believe we are concluded with a public comment session for today's meeting. And I'm going to turn it back to you, Sylvia.

WRITTEN PUBLIC COMMENTS

Full Name (First and Last): Tasha Stoiber
Name of Organization or Community: Environmental Working Group
City and State: San Francisco, California
Brief description about the concern: Please see written comments from EWG sent to nejac@epa.gov regarding drinking water quality.

What do you want the NEJAC to advise EPA to do? : Please see written comments from EWG sent to nejac@epa.gov regarding bringing attention to drinking water and environmental justice.

Full Name (First and Last): Sylvia Searfoss
Name of Organization or Community: El Paso
City and State: El Paso, Texas
Brief description about the concern: Thank you NEJAC for this opportunity to comment on environmental justice issues in my community. I am a retired RN & have been active in the fight for environmental & health justice. The Council heard three people from El Paso speak on the environmental justice issues that are impacting the health of all people living in El Paso county & especially those who live, work, & study in proximity of refineries, natural gas plants, & industrial waste recycling centers.
What do you want the NEJAC to advise EPA to do? : El Paso Electric Co./ JP Morgan needs to be called out for railroading the construction of Newman 6 natural gas generator in order to avoid the new EPA regulation. My ask is for NEJAC to contact the EPA to assure that they will process the regulation in a timely manner. Thank you

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Full Name (First and Last): Lindy Lowe
Name of Organization or Community: ERG
City and State: Oakland, California
Brief description about the concern: I would like the approach to be more clear about two things: 1. While climate and climate justice is referred to, it should be more clearly integrated in the recommendations. Future use planning clean up and re-use all need to have a climate adaptation and resilience component and require that expertise to be brought into any planning for these actions. 2. While community engagement and decision-making is referred to, the approach is not clear about how to get there. In order for community participation in the decision-making process to become real there needs to be a series of changes in how we approach the work. Community members will need to be compensated, provided a seat on boards, commissions, and/or other decision-making bodies and the work needs to start with goals and principles that are designed by everyone, metrics, and criteria to ensure that actions are responsive to those goals, a process that is transparent and accountable during implementation and governance mechanisms that provide clarity regarding roles and responsibilities. There are examples in the San Francisco Bay Area where this has been more effective.

What do you want the NEJAC to advise EPA to do?: Make commitments to the following: 1. Climate justice is integrated completely in all environmental justice work. 2. Include economic and social justice with environmental justice. 3. Power sharing with fenceline communities by paying them for participation, providing them with seats on decision-making bodies, including them in all stages of the process from

scoping to implementation. 4. Develop a framework that guides the development of goals and principles, metrics and evaluation criteria and results in actions that were made in a way that is transparent and accountable. 5. Do things that make a difference in the lives of people.

To: Nejac
Subject:NEJAC CALL - Enforcement of laws shouldn't be a choice
Listening to the discussion on the scrap yard relocation in Chicago and the state not thinking they can enforce I have a hard time there isn't anything in existing federal laws to REQUIRE state and local agencies to do a better job to protect the people.
I still don't understand why the Flint River was so polluted it caused the pipes to corrode, leading to the lead problem. Who is not doing their job? It clearly must be in violation of the Clean Water Act.
I think the Federal Government should be able to look at past behaviors, violations, etc., enforce the dang law. If the state and locals do not do their job the feds MUST. Thank you!
Ginger Wireman (she/her)
Community Outreach & Environmental Education Specialist
Nuclear Waste Program - WA Dept. of Ecology

From: Diane Smith
To: Nejac
Subject:Systemic Environmental Racism
Good Morning:
What is your position on Environmental Racism/Injustice and how do you propose to fix the problem? How does this meeting began to repair the damage already imposed on communities of color, and where are we going with this?
Diane Smith

Full Name (First and Last): Carolyn Peters
Name of Organization or Community: Concern Citizens Of Mossville
City and State: Westlake, LA
Brief description about the concern: Why has EPA allowed Sasol a permit to increase the level of toxins in the Mossville community? I thought EPA was the safe place for our community to run to, for help. It appears as though; our redeemer is complicit with our adversary. What can we do? Even better, what can you do, to help us? All the money that the state of Louisiana's has given to Sasol, they have been negligent in providing any monitors in our community, to monitor the toxins that they are releasing. With the billions of dollars that was given to Sasol, why don't they just buy out the remaining residents and then they can release whatever they want.
What do you want the NEJAC to advise EPA to do? : Concern Citizens Of Mossville (CCOM) would like for NEJAC to order or suggest that Sasol give fair buy out prices for the remaining residents, in Mossville. Therefore, they would have at least gotten the residents out of harm's way.

Full Name (First and Last): Brandi Hall
Name of Organization or Community: Arizona Department of Transportation
City and State: Phoenix
Brief description about the concern: EJ in NEPA has become muddied since the release of the CEQ Guidance in 2020. Additionally, the EO this past January indicated that CEQ would be re-evaluating that guidance. CEQ's 1997 guidance was followed by EPA's 1998 Guidance.
What do you want the NEJAC to advise EPA to do? : Please update EPA's Guidance on incorporating EJ in NEPA. Please incorporate Title VI and EO 13166 considerations. Additionally, NEJAC sent a letter to EPA in

2019 that was not acted upon. With the new administration, perhaps that letter's recommendations should be revisited, as well.

Full Name (First and Last): Brandi Crawford-Johnson
Name of Organization or Community: EJ Advocate and Academia/Kalamazoo
City and State: Kalamazoo, Michigan
Brief description about the concern: Environmental Justice suggestions for the EPA.
What do you want the NEJAC to advise EPA to do? : My name is Brandi Crawford- Johnson and I am an Environmental Justice Advocate and Academia fighting for the Fenceline community in Kalamazoo, Michigan. I have been studying, gathering doctors, housing advocates, toxicologists, and hiring lawyers to hold the polluters and local government officials accountable through lawsuits and civil rights complaints. I have worked with EGLE and The Region 5-EPA-EJ-program in hopes of finding a resolution in real time. I would like the NEJAC to advise the EPA to take over enforcement for the states again. We need to bring that funding back to the EPA. The EPA is understaffed and underfunded, but they listen to science and most of the officials want to see environmental justice but have been limited in their ability. EGLE in Michigan is extremely lacking in enforcement with polluters and have even allowed one our non- compliant Polluters in Kalamazoo to recently expand despite a high rate of cancer and respiratory disease among our residents. They have ignored hundreds of air complaints over the years. We only have one air monitor in the whole county of Kalamazoo. We need the EPA to put more air monitors throughout the States in every city. Environmental racism is one of the main reasons our country is in this global climate and environmental injustice crisis. The EPA must have relocation assistance for the people located in Fenceline communities. The EPA should take the polluters who refuse to use pollution prevention to court with ex parte orders. The EPA should only do unannounced inspections. EPA should have EJ advisory groups in every county in every state. The EPA Environmental Justice tool is a great tool for communities to use but it must be publicized so people are educated and aware of it. Putting an alert with the tool on social media would be a great way to help the public become informed. We need NEJAC to advise the EPA to support The Green New Deal and The Environmental Justice for All Act. This will help the agency overall. PFAS are also a great concern because they are forever chemicals that stay in our bodies. We have so much PFAS and PCB contamination along the Kalamazoo River, it's mostly a Superfund site. The Public being notified of toxic contamination in air, soil, and water in their communities is one of the first things that should be done when addressing environmental justice, yet we are always the last ones to be notified. I suggest the NEJAC advise the EPA to connect Environmental Justice communities with the Wireless Emergency Alert System. Michigan is a prime example of waiting too long to notify the public, as you have seen with the Flint Water Crisis. The damage is already done. Most of us are already poisoned but we can make sure it stops and we can make sure that our future generations are truly protected. Thank you for your time.

Full Name (First and Last): Delia Barajas
Name of Organization or Community: Cicero
City and State: Cicero, Illinois
Brief description about the concern: My name is Delia Barajas I live in Cicero, Illinois, an Environmental Justice community. Cicero was the second largest industrial area in Illinois. Many industries have abandoned Cicero leaving toxins, and hundreds of underground storage tanks. Other industries continue to emit chemicals, and some are in violation with EPA laws. There are now schools on some of these remediated lands, parks, and huge warehouse industries like Amazon, that continue to pollute our Environmental Justice community. Some of this land space was vacant for years. I began to witness movement with tractors, with no information from the local government or EPA. I contacted EPA but there was no response on who purchased this land. I learned later that a billionaire investor purchased this land that belongs to the people of this community. EPA has failed the people who live and work in this

Environmental Justice community. There is now an increase of traffic where community members live, where folks worship and where thousands of students go to school on already remediated land space. There is also the issue of violations of industries. The burden falls on community members to research which industries are in violation. In Cicero, community members learned about Electronic Plating, Olympic Oil, the Town of Cicero, MWRDGC and others in violation. Currently, through community research we know that Koppers, a coal tar industry has been in serious violation. EPA sent Koppers violation notice A-2020-00307 about violations which include Koppers may have failed to reduce emissions of total organic hazardous air pollutants and more. In the middle of a pandemic where Cicero has the highest positivity cases of COVID-19 in suburban cook county we continue to experience environmental racism. Where EPA laws do not protect us from corporations like Amazon and Koppers and more. EPA must protect the people from Environmental Racism. We must be informed when industries are in violation with Environmental laws, when vacant land is available to communities so investors like Amazon will not continue to pollute our communities, community meetings when industries apply for permits, and protect the people with The Clean Water Act so we can avoid thousands of people from drinking water with lead.

What do you want the NEJAC to advise EPA to do? : EPA must protect the people from Environmental Racism. We must be informed when industries are in violation with Environmental laws, when vacant land is available to communities so investors like Amazon will not continue to pollute our communities, community meetings when industries apply for permits, and protect the people with The Clean Water Act so we can avoid thousands of people from drinking water with lead. I ask the National Environmental Justice Advisory Council to investigate these issues in Cicero and protect the people that live here.

Name: Cemelli de Aztlan

There's a recent article, published Fall of 2020, titled: Loud and Clear: What public regulatory complaints reveal about Texas' oversight of oil and gas pollution and whom it serves, 5yr investigation shows TX regulators ignore public oil & gas pollution complaints, work closely with polluters.

"El Paso's air quality has been jeopardized by years of industry polluting with little to no repercussions for violations, taking advantage of vulnerable communities -and now- in a time when covid-19 has deadly and disastrous effects specifically in communities like Barrio Chamizal."

The reality is that "TCEQ is not structured to bring justice to the residents, instead they help protect the companies rather than families, targeting low income, immigrant communities because to them we are disposable. These processes are designed that way, and it's part of the hidden systemic discrimination in El Paso and all around Texas where there are immigrant communities like ours." — and that's a quote from the neighborhood association president: Hilda Villegas, Familias Unidas del Chamizal

El Paso had one of its worst days of air pollution in nearly 20 years, as ozone and particulate matter levels spiked sharply. El Paso's air quality has been worsening over the past few years, driven mainly by local sources like semi trucks, refineries, and industrial plants. In 2020, data from the Environmental Protection Agency (EPA) shows that compared to its five-year average, the El Paso region experienced 20 fewer "good" air quality days per year and four more "bad" air quality days, which can be dangerous for vulnerable populations.' Yet, El Paso has been on a attainment plan for over a decade- how does an intentional process intended to lessen pollutants manage to end up in worse condition? That's not a difficult question to answer when we see that the polluters are protected, not the people. Had the members- mostly mothers- of Familias Unidas del Chamizal had not raised these concerns alongside a federal lawsuit, El Paso would have graduated from their attainment program, a deregulating decision that would've continued to disregard and discriminate against our most vulnerable communities.

Currently, - and for a while- El Paso lands itself at the top of most polluted cities in the U.S.,

The experts have already warned us that this affects the COVID-19 cases; it's a recipe for disaster, in a community that is overburdened by pollution, is also the same community that doesn't have access to health care, who don't speak English, who have mixed immigration status, and are poor.

The study estimates suggest that expected COVID-19 cases increase by nearly 100 percent when pollution concentrations increase by 20 percent.
Particulate matter- one of the main culprits in this community, though practically invisible, it can travel into the lungs and even without the threat of the covid virus, this form of air pollution can cause cardiovascular disease and heart issues.'
We NEED to ADDRESS THE COMPOUNDED EFFECTS OF POLLUTION, ACCOUNTABILTY FOR ALL SOURCES AND PROTECTIVE MEASURES FOR OUR CHILDREN. SPECIFICALLY IN PUBLIC SCHOOLS, IN EL PASO INDEPENDENT SCHOOL DISTRICT, OUR POOREST MOST IMMIGRANT COMMUNITES SUFFER THE CURRENT AND HISTORIC DISCRIMINATION.
To Include the lead in the playgrounds in DOUGLASS elementary school, ZAVALA elementary directly next to a highway and international bridge & the BOWIE Bus Hub.
Environmental Racism must be addressed with environmental justice and equity :
In 2018, the El Paso Independent School District voted to destroy the historic field to make room for a bus hub that residents say is an example of environmental injustice. "It's 180 buses, a fueling station and 300 employees working with them,". "That creates a lot more pollution, and they didn't have a mechanism to account for how — or compound — with the already existing pollution."
We are all familiar with the recent study that found that Black and Hispanic populations inhale more pollution than they create.
The study reports that Hispanics inhale 63 percent more pollution that contributes to heart and respiratory issues than they create – this is a real problem in El Paso. Researchers report the pollution is from gases created by smokestacks, (semitruck) tailpipes and other sources that solidify into tiny particles that can enter a person's lungs and blood.
Covid relief and Environmental Justice go hand-in-hand.
As Familias Unidas, we are asking that actual oversight be done that would address how these decisions are being made, and how these decisions prior to being made, will affect our children lives and the quality of life of the residents. This can come in many forms and the residents should have something to say as to how to conduct oversight in our community. It can be in the form of more pollution monitors close to our schools as well as residential areas. Yet what we do believe is necessary immediately is an environmental health impact assessment of the Chamizal area and to be conducted by the federal agencies, so that it can bring in real data of health conditions that exist and what relationship it has to the different sources of pollution, how compounded pollution affects us as well as other important analysis like exposure to prolong polluters, lead in our schools, and in students due to exposure to name a few. Up until now, local data being produced by TCEQ monitoring system has either been misused by polluters or is not portraying the real conditions of areas with high concentrations of pollutions.
This will allow for the proper authorities to take actions to address the harm done to our community and residents and stop any future harm. We also ask that the city of El Paso along with the proper environmental agencies be mandated to develop a proper environmental plan specifically for the Chamizal community since it is unique to other areas in El Paso. TCEQ cannot continue to address our concerns the same way that it has historically addressed the overall City of El Paso environmental concerns.
We need stronger partnerships and local accountability mechanisms. Independent environmental impact studies and assessments- TCEQ cannot be trusted; and community input is crucial, stop celebrating our resilience- we've had enough- let's focus on our resistance to polluters and our investment in alternative resources.

Good Afternoon National Environmental Justice Advisory Council;

My name is Delia Barajas I live in Cicero, Illinois, an Environmental Justice community. Cicero, was the second largest industrial area in Illinois. Many industries have abandoned Cicero leaving toxins, and hundreds of underground storage tanks. Other industries continue to emit chemicals and some are in violation with EPA laws.

There are now schools on some of these remediated lands, parks, and huge warehouse industries like Amazon, that continue to pollute our Environmental Justice community. Some of this land space was vacant for years. I began to witness movement with tractors, with no information from the local government or EPA. I contacted EPA but there was no response on who purchased this land. I learned later that a billionaire investor purchased this land that belongs to the people of this community. EPA, has failed the people who live and work in this Environmental Justice community. There is now an increase of traffic where community members live, where folks worship and where thousands of students go to school on already remediated land space.

There is also the issue of violations of industries. The burden falls on community members to research which industries are in violation. In Cicero, community members learned about Electronic Plating, Olympic Oil, the Town of Cicero, MWRDGC and others in violation. Currently, through community research we know that Koppers, a coal tar industry has been in serious violation. EPA, sent Koppers violation notice A-2020-00307 about violations which include Koppers may have failed to reduce emissions of total organic hazardous air pollutants and more.

In the middle of a pandemic where Cicero has the highest positivity cases of COVID-19 in suburban cook county we continue to experience environmental racism. Where EPA laws do not protect us from corporations like Amazon and Koppers and more. EPA must protect the people from Environmental Racism. We must be informed when industries are in violation with Environmental laws, when vacant land is available to communities so investors like Amazon will not continue to pollute our communities, community meetings when industries apply for permits, and protect the people with The Clean Water Act so we can avoid thousands of people from drinking water with lead.

I ask the National Environmental Justice Advisory Council to investigate these issues in Cicero and protect the people that live here.

Regards,
Delia Barajas

EWG urges the EPA's National Environmental Justice Advisory Council to focus on drinking water quality concerns in communities across the country

Submitted for the March 24, 2021, NEJAC public meeting

The Environmental Working Group, or EWG, a nonprofit research and policy organization with offices in Washington, D.C., Minneapolis, Minn., San Francisco and Sacramento, Calif., submits comments for the public meeting of the Environmental Protection Agency National Environmental Justice Advisory Council, or NEJAC. EWG urges NEJAC to provide advice and guidance for the EPA to ensure that communities across the country have access to clean, reliable drinking water at the tap.

Problems with drinking water quality have affected many communities across the country, because of the toxic legacy of systemic racism, as well as the inexcusable failure of the federal government to protect the public from contaminated water. Research published by EWG, many public interest advocacy organizations, academic researchers and investigative reporters shows that the nation's water supply is under assault from a toxic stew of pollutants: the harmful fluorinated chemicals known as PFAS, lead from older pipes, runoff from farmland that carries agricultural chemicals such as pesticides and nitrate into surface and groundwater, and many others.

Additionally, there are no legal limits for more than 160 unregulated contaminants in U.S. tap water. The EPA has not updated the maximum contaminant levels for drinking water in decades, even though new scientific research has shown that these contaminants, such as volatile organic chemicals can harm human health at levels much lower than what the EPA previously considered acceptable.

For example, a recent investigation published by The Guardian reported that access to clean drinking water is highly unequal, based on race, income and geography, with poorer counties and counties with a greater Latinx population generally having worse water quality than the national average.[1] Research published by University of Oregon sociologists found that in Flint, Mich., city blocks that were exposed to lead service lines, or LSLs, had, on average, higher concentrations of single-parent white, Black, and Latinx families. When accounting for blocks' socioeconomic status and the spatial clustering of LSL exposure, blocks with higher concentrations of single-father Black and single-mother Latina families were most significantly at risk of exposure to LSLs.[2] Similar

[1] Holden E, Enders C, Kommenda N, Ho V. More than 25m drink from the worst US water systems, with Latinos most exposed. Guardian February 26, 2021. https://www.theguardian.com/us-news/2021/feb/26/worst-us-water-systems-latinos-most-exposed
[2] Liévanos RS, Evans CR, Light R. An Intercategorical Ecology of Lead Exposure: Complex Environmental Health Vulnerabilities in the Flint Water Crisis. Int J Environ Res Public Health. 2021; 18(5):2217. https://doi.org/10.3390/ijerph18052217

concerning findings were found in a Government Accountability Office report, which found that areas with older housing and vulnerable populations were more likely to have lead service lines.[3] And in March of this year, National Public Radio reported that residents of Jackson, Miss., have not had usable running water for over a month, following water service disruptions due to water main breaks caused by an unprecedented winter storm.[4]

These stories from across the country underscore the environmental and social injustice of the unequal drinking water quality across communities. EWG urges NEJAC to provide advice and guidance for the EPA to ensure that communities that have experienced discrimination in the past – or continue to experience it today – receive the resources necessary to protect their drinking water.

Submitted on behalf of the Environmental Working Group,

Tasha Stoiber, Ph.D., Senior Scientist
Olga V. Naidenko, Ph.D., Vice President, Science Investigations

[3] U.S. Government Accountability Office. Drinking Water: EPA Could Use Available Data to Better Identify Neighborhoods at Risk of Lead Exposure. GAO-21-78, December 18, 2020. https://www.gao.gov/products/gao-21-78
[4] Schimmel B. Jackson, Mississippi, Residents Enter 4th Week Of Water Crisis. National Public Radio, March 12, 2021. https://www.npr.org/2021/03/12/976342939/jackson-mississippi-residents-enter-fourth-week-of-water-crisis

KOPPERS WRITTEN PUBLIC COMMENTS

(Double Click Page To See Entire Attachment)

L. Seth Herring
Plant Manager, Carbon Materials and Chemicals

KOPPERS

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Cicero, IL 60804
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708-868-6900
HerringL3@koppers.com

February 19, 2021

Yasmine Keppner-Bauman
Illinois Environmental Protection Agency
Bureau of Air/Filed Operations Section
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

Re: **Violation Notice A-2020-00307**
ID: 031300AAJ

Dear Ms. Keppner-Bauman:

Koppers Inc. ("Koppers") thanks the Illinois Environmental Protection Agency ("IEPA") for the virtual meeting on January 26, 2021 to further discuss Koppers' response to Violation Notice A-2020-00307. During the meeting, IEPA requested additional clarifying information with respect to Koppers' initial and supplemental responses to the Violation Notice.

Below, Koppers provides the requested "Additional Information," which should be read in connection with Koppers' October 9, 2020 Initial Response and the November 10, 2020 Supplemental Response, both of which are incorporated herein by reference. For ease of reference, the entirety of Koppers' November 10, 2020 Supplemental Response is repeated below, with "Additional Information" added where indicated.

Additionally, Koppers, herein, and as requested by IEPA, addresses the additional, post-Violation Notice matters that were identified by IEPA at the conclusion of the January 26, 2021 virtual meeting. Koppers has, as requested by IEPA, waived the Section 31 enforcement process with respect to these post-Violation notice matters. Koppers willingness to waive the Section 31 enforcement process with respect to the post-Violation Notice matters is not, and should not be, construed as an admission of liability and Koppers expressly reserves its rights and any defenses with respect to any alleged violations.

IEPA-DIVISION OF RECORDS MANAGEMENT
RECEIVED
MAR 18 2021
REVIEWER: EMI

NEJAC BUSINESS MEETING REFLECTION & CONVERSATION

Sylvia Orduño: Thanked Mike and Na'Taki for leading the discussions around the public comment. She expressed gratitude for all of the members of the public that stayed on to give the public comments. She stated that the public comments are something that NEJAC will be extra vigilant with this year and workgroups were developed to help be able to work more effectively as members of the council. She stated that a lot of the feedback and recommendations will be handled in a more organized process as well.

Sylvia Orduño: transitioned the Council into the next portion of the meeting, the business meeting, stating that it is important to do some reflection about all that was heard today. She advised that there is a lot before the Council in the environmental justice communities across the country, but the NEJAC Council and this Administration has stated that they are up for the challenge. She stated that notes were taken during the public comment period with highlights of concerns and asks that were heard. She asked the Council in this discussion to reflect on these issues to discuss next steps. She turned the floor to Sandra Whitehead and Aya Nagano to report notes on the discussion.

Sandra Whitehead, PhD: Reported on the notes taking for the Council discussion. She stated that the first commenter, Brandi Hall requested that NEJAC strengthen the environmental justice requirements in NEPA, which NEJAC already has a workgroup on and currently reviewing. She stated that Ms. Stoiber talked about aging water infrastructure and its relationship to climate change. She mentioned that this was a recurrent theme, the aging water infrastructure for clean, safe, and affordable drinking water, and was echoed by the next commenter, Ms. Santiago, who brought the topic back around to the panel and commentors from the Jacksonville meeting from Puerto Rico. She stated that the commenter really wanted follow-up on NEJAC's testimony and circle back with the witnesses to see if there's anything that we can do for the people of Puerto Rico. She noted that it was Richard's suggestion that NEJAC circle back to that.

She went on to mention Ms. Courtney, from Southeast Chicago, who talked about the cumulative

impacts of water and air pollution there. She stated that the request was for the EPA to exert some pressure on the city of Chicago to work better with the community, to be more transparent, and more supportive of looking at the permitting issues there and taking into account cumulative impacts. And if EPA and NEJAC can at all be helpful in helping to change some of the rules and laws, not just in Chicago, but at the state level, that impact cumulative environmental impacts in communities. She noted that there was great discussion around that. She mentioned the public commenter from Earth Justice and noted that she had three requests. She informed that the requests were that EPA correctly implement TSCA for subpopulations and accurately ID the populations to use the best science and to look at psychosocial and external and intrinsic and extrinsic factors. And to really meet with EPA's Office of Chemical Safety, and to have some communication at higher levels at EPA. And then for NEJAC to host regular community meetings to bolster engagement in frontline communities. She stated that the commenter would also like NEJAC to provide sufficient information on chemical safety, including translation and relevant information in languages that are spoken in those impacted communities.

She stated that the next commenter, Ms. Trevino, came from Houston and requested that NEJAC look at the pending rule change at the Texas Commission on Environmental Quality and perhaps even consider submitting a letter in support of the changes. She noted that Mr. Byrd from Miller Strategies in Virginia came and opened up the discussion around the use of geospatial data to leverage environmental justice efforts and priorities. She said that he encouraged NEJAC to ask EPA to place an emphasis on the acquisition of this kind of data to drive their decisions around funding and programming. She tuned to Dr. Wilson for clarification as he suggested during the discussion that there might be a workgroup formed.

Sacoby Wilson, PhD, stated that is was a request to NEJAC leadership and EPA, based on Mr. Byrd's discussion, to engage with geospatial FACA in providing guidance on environmental justice screening tools. He stated that the workgroup could be a joint workgroup with members from that FACA.

Sandra Whitehead, PhD, stated that Dr. Wilson's suggesting would be pulled out as a

recommendation. She moved to the comments of Ms. Heron, and stated that she reiterated some of the concerns around the EPA's chemical disaster rule. She stated that the commenters mentioned that the Chemical Security Board has come up with new recommendations and she would like for a NEJAC to take a look at those as they relate to the chemical disaster rule. She moved to the next commenter, Aby from El Paso. She stated that Aby would like NEJAC to look into halting the permitting of the Newman Six power plant in El Paso, and its contributions to the already horrific air quality issues. She stated that NEJAC heard from Ms. Crawford-Johnson, an environmental justice advocate from Michigan. Ms. Crawford-Johnson would like for EPA to put more air monitoring equipment into cities for ongoing and consistent air monitoring, so that communities can have that data to defend themselves with. With Aya's clarification, she stated that Ms. Crawford-Johnson also would like the EPA to have relocation assistance for people located in fenceline communities like cancer alley and very adversely affected neighborhoods. She stated that there was also a suggesting that NEJAC advise EPA to connect with environmental justice communities with a wireless system. And that the commenter brought up the issues of the public waiting to get notified, and by the time the public gets notified it's too late. So, trying to have some kind of more immediate communication systems. She advised that there was a proposal during this discussion by Sylvia Orduño. She stated that it was proposed that NEJAC look at how this has been addressed at the regional and state level and figuring out what is needed for Region 5 engagement.

Sandra Whitehead, PhD, went to the next commenter notes of Ms. Landesmann. She stated that she talked about the accountability issue as well and added more to that discussion around the noise issues, the aviation noise. It was further clarified that the commenter asked for NEJAC to take more into consideration aviation impacts as they relate to environmental, social, and governance disclosures by businesses and what are those impacts. It was further noted by Dr. Wilson, that there is a Goods Movement report that was done several years ago that is an opportunity to build around the airport piece.

Sandra Whitehead, PhD, stated that the next commenter, Mr. Andrade, talked about the ongoing and continuous challenges in New Bedford. She stated that he requested NEJAC work with him and his community as a pilot community, to try some new things to see if there's some new methods

or tools that can be used there to change things because it's very, very hard for things to change there. She ended with the public comment report from Millie Cemelli who requested that EPA exercise more oversight over the CEQ around air pollution in her community in El Paso. And that they're requesting an environmental health impact assessment so that the community can arm themselves with the data to protect themselves. She stated that Richard suggested that Region 6 communicate directly to those who testified from the El Paso community since this is not the first, nor, I'm sure, the last time that they've come to us with this request. She opened the floor to any notes the Council may have had or any questions and clarifications.

Sylvia Orduño, thanked Sandra and Aya for the note and recap to prepare for the business meeting. She stated that there were about 15 public commenters and roughly 20 different asks. She invited the Council to add or clarify the list prior to the discussion.

Jacqueline Shirley stated that Richard, Ayako, Dr. Wilson, and we have all said it verbally and in the chat room. The chat room is not public comment. It is systematic racism. All our environmental issues, and we keep calling them issues. They're symptoms. We say that all these comments have been going on for years and years and years and years. Yes. And they will continue to go on for years and years and years. And 20 years from now we're going to be having the same issues, because they're not issues, they're symptoms of a system that is against people of color, people who don't have economic status and who are female. We talk about accountability, holding them accountable. How can we hold somebody accountable who thinks they're accountable? That's the powers to be. Community-based will never have the power unless we fight for and take it. The 2020 Georgia elections proved that. And now they've already tried to strip that away. They're going to make sure that what happened in Georgia elections, will not happen again That's systematic racism. That's what's happening in the environment. We got to hold our EPA agency and other agencies accountable. My organization, we are holding ourselves accountable since the Black Lives Movement. We've we we've expanded and enhanced our DEI, our diversity, equality, and inclusion. Has the federal government started that? Maybe instead of all these extra workgroups -- which are great ideas, workgroup for U.S./Mexico border, but what about if we have a systematic racism workgroup to deal with the cause instead of the symptom. EPA and all the agencies, and everybody who has power to make change and who makes decisions and who are the

gatekeepers, need to accept systematic racism. Need to eliminate the elements within systematic racism and to design new ways of thinking. And who better than the NEJAC? People have come to us for help. They're begging us.

Sylvia Orduño, reassured Jacqueline that the Council hears her and stands with her. She stated that the questions before the NEJAC are in part, what have been done that could be reflected on. She stated that there are several processes in place that are part of the familiar ways in which the NEJAC communicate with the Administrator and in which conversations between meetings happen with a particular staff or with offices within the EPA. However, what's being heard from members of the community, there's a lot more that needs to be done outside of D.C. She stated that even if NEJAC start talking about what's going on in our regions and create some accessibility for states and territories and communities. She stated that we're falling down, but it's also a moment for some reflection and an honest assessment about what NEJAC can do.

Sylvia Orduño also stated that NEJAC should look at ways in which corporate interest are inside of government. She stated that this is not just about the demand for end resources, but about a process all the way through government and making sure that government operatives and staffs are held accountable. She also noted that NEJAC does need to work with other FACAs engaged in the work that's impacting some of the issues identified as priorities. She noted that the funding piece should also be explored and look into following the money.

Sylvia Orduño listed out the 5 areas of priority items from previous meetings. She noted those were the farmworkers concerns and pesticides, PFAS and PFOA, water infrastructure, which gets back to the charge that we spent at least two years working on and never got a response back from the last Administration. She stated that she felt a response to that is required. She also stated NEPA and public health and air quality. She stated that these are the priorities that came out of the last set of meetings and work that has been done as well as several more tonight. She opened the floor to any additional comments.

Jabari O. Edwards begin addressing Jacqueline, to assure that her pain is felt, and she is correct

that this is environmental racism and is systemic racism. He stated that it goes back to a previous statement that we have to have access to the money. He stated that we can talk about many issues but goes back to when Dr. King said, in an interview with NBC in 1967, that it's an unjust act to ask a man to pull himself up by his bootstraps when he don't have any boots on his feet. He stated that there has to be a way to figure out how to put the economics back into the communities of the people that need it the most or there will never be a cure for the ails that impact the community. He posed the question of; how can we make sure that with all the money's flowing is going to the community in need to cure these ails. He stated that NEJAC needs to figure out how to ensure that Justice40 is real and not just talk. He mentioned that in this Administration, if Joe Biden is true to being there for those that were there for him, he will make sure that they can share in the wealth.

Sacoby Wilson, PhD, reiterated that, "It's all about the money." He stated that you cannot have environmental justice or climate justice without economic justice. He referenced the point regarding supply chains. He also referenced a blog he wrote, "Will Biden be the First Climate Justice President?" He stated that supply chains are broken, and supply chains are racist and the companies don't look like the communities. He posed the question that how are we going to make sure that Justice40 happens when environmental justice communities are not set up to receive the dollars? He stated that the Title VI should be used to micro-target all investments across the board, across all federal agencies, to the community with the most need, to get some real reparations and make the Green New Deal actually work. He closed that dollars should be micro-targeted to the communities, to the businesses, to the workforce, to the training institutions, HBCUs, MSIs, Tribal colleges, Latinx colleges, AAPI collages. He stated that NEJAC and WHEJAC needs to be in discussion with any FACA that's working with the Ways and Means Committee.

Melissa McGee-Collier stated that everything that's being said is right on key. She stated that one of the things that come to my mind as an example of success is how NEJAC was instrumental in implementing and getting a Brownfields program. She stated that she is in agreement that, yes, there is systematic racism, but in order to change the system you have to change the law that governs the system. She stated that in letters that have been written to administrators, the regulations that are meant to solve the issue was addressed. She stated that if the regulation language is not conducive to addressing the issues that communities have, there needs to be a push

for a change in the regulation. She noted that a lot of what needs to be addressed can be addressed in the regulations and by making sure that the regulations are stringent enough to prevent communities from being exposed to certain pollutants. She reminded the Council of how the last Administration reversed and suspended a lot of the regulations and gave companies the freedom to operate unjustly. She stated that NEJAC should go back and look at some of their first and initial operations of developing laws and changing laws. And go back to some of that old methodology to push that laws be changed.

Ayako Nagano stated that she felt it is the economic system that is failing the community and has failed historically. She stated that it is designed to fail people of color, because capitalism premises itself on the fact that there's a capital holding class and then a working class. It's a classist system. She stated that there are a lot of economists that would point to the economic system as the primary reason for systemic issues, including racism. She stated that she didn't want the NEJAC to miss the part where there is a need for a systems change. She also stated that she desires the polluters to pay. She admitted to not knowing how it would be done but would like the Council to work towards that.

Sylvia Orduño addressed the committee to say that the NEJAC would need to figure out next steps before the next meeting on May 6th. She noted that she acknowledges the obvious about the capacity issues but have heard several Council members say that they're willing to really bring it in these next few months to demonstrate the seriousness of the advisory role. She requested proposals from Council members about any action steps that the NEJAC can support or vote on in terms of an area of work before the next meeting?

Jabari O. Edwards stated that he proposed, following Sacoby' s lead, that the NEJAC follow the money and write a charge that demands equitable justice and that some real teeth be put behind Justice40. He stated that this will make sure that the people in these communities that these atrocities have been levied against get to participate in the process and not just from a grant or a JTI standpoint, but in meaningful economic participation.

Jacqueline Shirley asked if on a micro level, based on one of the public comments, can the NEJAC request EPA headquarters or Region 6 to look into the El Paso energy generation plant permitting. She stated that it seems like a simple task to relook at it.

Sylvia Orduño, suggested a letter.

Mr. Matthew Tejada, U.S. EPA Office of Environmental Justice, suggested doing some follow-up prior to drafting a letter as many of the issues are currently in the works in some capacity.

Karen Martin, DFO, stated that Region 6 has already made contact and she is following up on some of the issues noted and she will report back for the May 6th meeting.

Cemelli De Aztlan stated that what was heard a lot was that there is total failure from a state and local level but re-emphasize trust for community level. She stated that for her nonprofit work, often there are federal grants administered, or the local level has some sort of authority in between that. She asks if there was a way to emphasize that that hasn't been working or that there needs to be a more autonomous way for local community organizations to get access to those funds?

Matthew Tejada stated that this is something that is a prime consideration in what is being drafted up in terms of the American Rescue Plan Funding that's been given. It's been a feature of every conversation with the new folks that have come in. He stated that it is a central consideration and will be something that goes to the administrator in terms of the American Rescue Plan money. He stated that it will be important over the next few months to lift that up and in engagements with leaders, pose the questions, what are you doing on making sure Brownfields money goes to the communities? What are you doing, making sure that you know, DERA money goes to the communities? He stated that bringing that up repeatedly may be the most effective way right now of keeping that thought alive.

Michael Tilchin stated two points he wanted to bring out. One being how funding gets directed under the American Rescue Plan. He stated to also think about the next phase, which is the American Recovery Plan, which is largely focused on infrastructure. He stated that he thinks of environmental cleanup as the enabling work that allows a lot of infrastructure to go forward. He stated that NEJAC is going to have a critical role to play as environmental cleanup and environmental protection is fundamental to advancing and improving the nation's infrastructure. He

stated that NEJAC should have significant input into the dialogue within EPA. He also stated that a well-developed, well-thought through and approved letter should be drafted and sent to the Administrator before May 6th. For proposal purpose, he stated that: through the steering committee, a letter of NEJAC priorities be prepared to submit to the EPA Administrator that would be drafted, distributed to NEJAC as a whole, and go through the drafting, review, and approval process with a target date of May 6th for delivery.

Sylvia Orduño confirmed with the Council that everyone was in agreement with the proposal. She also gathered Council's approval to tie in the items heard in the public comments that were related to the priority issues. Richard added that in making that connection, the NEJAC should assure that they only dealing with water quantity and water quality. She listed the public comment summaries heard that needed to be added, stopping the power plant in El Paso, aviation impacts around notifying environmental justice communities with a wireless system, pending rule changes at the Texas commission on EQ, the oversight of the TCEQ and then EHI, to get data for communities to protect themselves, TSEA on subpopulations and accurately identifying these populations and working with New Bedford environmental justice pilot community. She asked that what is it by way of these items that the Council believes would be next steps toward trying to address them. It was suggested and agreed that workgroups would not be formed, but groups of interested Council members would get together on issues of interest to work on and report back. She stated that the additional public comments will be grouped with written public comments for the discussion groups with that topic of interest.

Ms. Orduño closed with discussion on moving forward with forming workgroups for the following issues: Farmworker concerns and pesticides, PFAS, PFOA, water infrastructure, NEPA, and public health and air quality. She stated that the Council is going to move forward with getting the working groups established. Richard introduced that maybe sometime in the future that a workgroup could also be established for systemic racism.

Ms. Orduño concluded stating that thinking about the moment that we're in right now, there were a lot of things that were not allowed to be discussed with the previous Administration with honesty.

She stated that this is the time to look at how it is all overarching in the work. She stated that the NEJAC has to pay attention to it and address what is being demanded from many movements in the country, but also what is the thing to do that's right and just for many of our communities across the country. She thanked the Council members and turned the meeting to Karen, DFO, to adjourn.

CLOSING REMARKS AND ADJOURN

Karen Martin, DFO, stated that a lot was covered and accomplished. She stated she was happy to see that the workgroups were established to move forward over the next couple of weeks. She thanked the Council members and adjourned the meeting.

APPENDIX A - AGENDA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL
PUBLIC TELECONFERENCE MEETING
MARCH 24, 2021
12:30 P.M. – 7:30 P.M. EDT

WEDNESDAY MARCH 24, 2021	
12:30 p.m. - 1:00 p.m.	**INTRODUCTIONS & OPENING REMARKS** ○ **Karen L. Martin, *Designated Federal Officer*** – *U.S. EPA* ○ **Matthew Tejada, Director** – *U.S. EPA Office of Environmental Justice* ○ **Sylvia Orduño, *National Environmental Justice Advisory Council* Chair** – *Michigan Welfare* Rights Organization ○ **Na'Taki Osborne Jelks, *National Environmental Justice Advisory Council* Vice Chair** – *West Atlanta Watershed Alliance and Proctor Creek Stewardship Council* ○ **Michael Tilchin, *National Environmental Justice Advisory Council* Vice Chair** – *Jacobs Engineering* ○ **Richard Moore, *National Environmental Justice Advisory Council* Past-Chair** – Los Jardines Institute
1:00 p.m. - 1:45 p.m.	**EPA ADMINISTRATOR REMARKS & DIALOGUE** ○ **Victoria Arroyo, Associate *Administrator*** – *U.S. EPA Office of Policy* ○ **Michael S. Regan, *Administrator*** – *U.S. EPA*
1:45 p.m. – 2:00 p.m.	**BREAK**
2:00 p.m. – 3:30 p.m.	**NEJAC SUPERFUND TASKFORCE WORKGROUP UPDATE** ○ **Carlton Waterhouse, Deputy Assistant Administrator** – *U.S. EPA Office of Land and Emergency Managment* ○ **Tai Lung, *Workgroup Designated Federal Officer*** – *U.S. EPA Office of Environmental Justice* ○ **Michael Tilchin, *National Environmental Justice Advisory Council Vice Chair*** – *Jacobs Engineering* ○ **Kelly C. Wright, *National Environmental Justice Advisory Council Member*** – *Shoshone Bannock Tribes*

WEDNESDAY MARCH 24, 2021	
3:30 p.m. – 3:45 p.m.	**BREAK**
3:45 p.m. – 5:30 p.m.	**PUBLIC COMMENT PERIOD** ○ ***Members of the public will be given three (3) minutes to present comments on their issue or concern to the NEJAC.***
5:30 p.m. – 6:00 p.m.	**DINNER BREAK**
6:00 p.m. – 7:25 p.m.	**CONTINUATION OF PUBLIC COMMENT PERIOD & NEJAC BUSINESS MEETING REFLECTION & CONVERSATION** ○ ***The NEJAC will use this time to reflect on the meeting proceedings, public comment period, discuss and deliberate action items, and discuss new or emerging environmental justice issues across the United States and its territories.*** ○ **Discussion of Priority Work Areas and Establish Workgroups**
7:25 p.m. – 7:30 p.m.	**CLOSING REMARKS & ADJOURN** ○ **Karen L. Martin, *Designated Federal Officer*** – *U.S. EPA* ○ **Sylvia Orduño, *National Environmental Justice Advisory Council* Chair** – *Michigan Welfare* Rights Organization

APPENDIX B - LIST OF ATTENDEES

First Name	Last Name	Company
Krishana	Abrahim-Petrie	Massachusetts Office of Technical Assistance
Allison	Acevedo	PA Department of Environmental Protection
Gerardo	Acosta	Office of Communities, Tribes and Environmental Assessment
Astrika	Adams	Office of Advocacy
Nadia	Akbar	NJDEP
Ferry	Akbar Buchanan	EPA R3
Rosanne	Albright	City of Phoenix
Cyatharine	Alias	Center for Neighborhood Technology
Shanika	Amarakoon	ERG
Kay	Anderson	American Bottoms Regional Treatment
John G. Buddy	Andrade	Old Bedford Village Development, Inc.
Janice	Annunziata	PBG
Dexter Rhey	Apiag	Tourch organization
Jan-Michael	Archer	University of Maryland School of Public Health
Maria	Arevalo Gonzalez	EPA
Misha	Awad	N/A
Alan	Bacock	USEPA Region 9
Louis	Baer	Portland Cement Association
Anna	Bahle	EPA
Caroline	Baier-Anderson	US Environmental Protection Agency
Sandra	Baird	MassDEP
Olivia	Balandran	US Environmental Protection Agency
Teresa	Ball	Sierra Club MD Chapter
Miles	Ballogg	Cardno Inc.
Lenny	Bankester	EPA/OW/OST
Lucienne	Banning	Washington Department of Ecology
Delia	Barajas	Concerned Citizen
Edlynzia	Barnes	EPA
Xavier	Barraza	Valle de Oro National Wildlife Refuge
Alisha	Bartling	Santee Sioux Nation of Nebraska
Catharine	Bartone	VTDEC
Jay	Bassett	USEPA Region 4
Erica	Bates	WA Department of Ecology
Kathy	Beckett	Steptoe & Johnson PLLC
Samantha	Beers	US EPA
Kara	Belle	US EPA Region 5 -

Kent	Benjamin	US EPA
Agatha	Benjamin	USEPA
Erskine	Benjamin	U.S. EPA, Region 4
Karen	Bennett	LBBS
Breanna	Bertacchi	n/a
John	Blevins	USEPA
Abigail	Blodgett	California Department of Justice
Victoria	Bogdan Tejeda	Center for Biological Diversity
Janice	Bolden	USEPA Mid-Atlantic Region
Meg	Bommarito	Washington State Department of Ecology
Layla	Bond	Sacramento City College Student
Eletha	Brady-Roberts	US EPA
Barry	Breen	Office of Land and Emergency Management
Giuliana	Brogna	Operation Equity
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Erin	Burman	US EPA
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Stan	Buzzelle	US EPA
Darlene	Byrd	US EPA
John	Byrd	Miller/Wenhold Capitol Strategies
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Alison	Cassady	EPA
Lesly	Castaneda Sladana	La Mujer Obrera
Randall	Chaffins	USEPA
Elizabeth	Chan	US EPA
Fawkes	Char	Minnesota Pollution Control Agency
Amelia	Cheek	Illinois Environmental Regulatory Group
Clement	Chung	Monroe County Department of Environmental Services
Charlette	Clark	EJA Alumni Association
Mindy	Clements	EPA
Tokesha	Collins-Wright	Louisiana Chemical Association

Lisa	Conner	U.S. EPA
Jasmin	Contreras	EPA
Dallas	Conyers	SCEN
Monty	Cooper	Crowell & Moring LLP
Theron	Cooper	Louisiana Chemical Association
Elizabeth	Cordero	Alianza Nacional de Campesinas Org.
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Karen	Craver	NH Department of Environmental Services
Kelly	Crawford	DC Department of Energy and Environment
Bria	Crawford	EPA
Brandi	Crawford-Johnson	EJ Advocate
Ronnie	Crossland	EPA Region 6
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Kacee	Deener	US EPA - ORD
Mariana	Del Valle Prieto Cervantes	GreenLatinos
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jennifer	Dlouhy	Bloomberg News
Devon	Dodson	MDE
Olson	Dorce	U. S. Environmental Protection Agency
Kim	Drake	Dept. of Environment
Stacey	Dwyer	US EPA Region 6
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Sydney	Evans	Environmental Working Group
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Kibri	Everett	RTI
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Sarah	Fortner	Carleton College
Stiven	Foster	USEPA
Quinn	Fowler	The Eymit Group
Jessica	Frank	U.S. EPA
Stafford	Frank	Retired
Charles	Franklin	Portland Cement Association
Peder	Franson	UNH
Steve	Fries	US EPA
David	Garcia	EPA
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Charlotte	Gray	EPA
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Kevin	Greaney	United States Environmental Protection Agency
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Elisabeth	Grinspoon	USDA Forest Service
Omri	Gross	HUD
Alex	Guillen	POLITICO
Shobhana	Gupta	NASA
Christina	Guthrie	US EPA

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Marlo	Holguin	Surise El Paso
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Rebecca	Huff	US EPA
James	Jackson	Muscogee Creek Nation
Elizabeth	Jackson	US EPA/Office of Mission Support- Environmental Information
Robin	Jacobs	EPA
Brandi	Jenkins	USEPA
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Carolyn	Kilgore	EPA
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Lena	Kim	U.S. EPA
Suzanne	Kim	Motivate Capital
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Marva	King	EPA Retiree
Ginny	King	Self
Sara	Kinslow	US EPA
John	Kinsman	Edison Electric Institute
Aerin	Kirk	EPA
Michele	Knorr	EPA
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Gena	Larson	WI DNR
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Max	Levy	EPA
Judy	Lieberman	US EPA
Moye	Lin	Environmental Protection Agency
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Sara	Lips	Georgia Environmental Protection Division
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Lori	Manes	NOREAS, Inc
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Marilynn	Marsh-Robinson	Environmental Defense Fund
Karen	Martin	U.S. EPA
Carlos	Martin	Urban Institute
Brendan	Mascarenhas	American Chemistry Council
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Jeff	Sacre	individual
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Rachel	Smith	Rural Community Assistance Corporation
Nate	Smith	The Sixth Festival
Diane	Smith	Citizens for Environmental Justice Committee
Abby	Smith	The Washington Examiner
Jennifer	Sokolove	Water Foundation
Shalonda	Spencer	Urban Access Project
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Tasha	Stoiber	EWG
Mary	Suagee-Beauduy	Indian Health Service, retired
Katie	Surma	Inside Climate News
Elyse	Sutkus	US EPA
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Joyce	Thurman	Environmental Protection Agency
Kristoffer	Tigue	Inside Climate News
Mily	Trevino-Sauceda	Alianza Nacional de Campesinas, Inc.
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Jennifer	Tribble	Tennessee Department of Environment and Conservation
Michael	Troyer	US EPA
Anna	Truszczynski	GA EPD
Deena	Tumeh	Earthjustice
Uloma	Uche	Environmental Working Group
Steven	Van Ginkel	GA EPD
Caryl Key	Vasquez	None
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Alan	Walts	EPA Region 5
Deb	Waszak	City of North Chicago
William	Wehrum	Wehrum Environmental Law LLC
Sharon	Wells	US EPA Region 1
Chris	Whitehead	AECOM
Shanika	Whitehurst	EPA
Nicholas	Widzowski	New York City Council
Thea	Williams	USEPA
Liz	Williamson	WM

Jeannie	Williamson	EPA
Holly	Wilson	EPA
Donald	Wink	UIC Chemistry
Ginger	Wireman	WA State Dept. of Ecology
Helena	Wooden-Aguilar	EPA
Kyra	Woods	Member of the Public
Rhonda	Wright	U.S. EPA
Carolyn	Yee	California Environmental Protection Agency, Department of Toxic Substances Control
Sarah	Yoder	Alaska Department of Health and Social Services
Maria	Zeman	WA Dept of Ecology

APPENDIX C - PRIORITY ACTION ITEMS

NEJAC Priority Issues FY2021 – March 22, 2021

Action Items	Previous NEJAC/EPA Action on Topic	Proposed Follow-NEJAC Action
Farmworker Concerns & Pesticides	• July 21, 2017 Letter • December 18, 2018 Letter • EPA Response	• Create a NEJAC workgroup to work to closely look at the problem of chemical exposures • Ask EPA to form a farmworkers stakeholder group and start some dialogue • Convene a chemical exposures focused meeting • Provide draft recommendations to the NEJAC for discussion and deliberation
PFAS/ PFOA	• NEJAC Letter Regarding PFAS Action Plan • EPA Response	• Create a NEJAC workgroup to work on these issues • Include in chemical exposures focused meeting • Provide draft recommendations to the NEJAC for discussion and deliberation
Water Infrastructure	• NEJAC Water Infrastructure Report • EPA Response • NEJAC Letter Flint Water Crisis	• Create a NEJAC workgroup to work on these issues • Reissue letter to current Administrator about the issue around Flint and lack of response and connect it to the current work with Office of Water • Workgroup to engage with Region 5 and discuss concerns that are more pressing or different from 2017 and then work towards a new updated letter • Provide draft recommendations to the NEJAC for discussion and deliberation
National Environmental Policy Act (NEPA)	• August 14, 2019 Letter • EPA Response December 10, 2019	• Create a workgroup around this issue and schedule meeting with EPA Program • Consider the proposal submitted by Jill Heaps • Provide draft recommendations to the NEJAC for discussion and deliberation
Public Health and Air Quality	• Need to review NEJAC letters and reports to review previous recommendations on this subject.	• Create a workgroup around this issue and schedule meeting with EPA program offices • Several public comments have been made on this issue • Includes – Mossville, LA; El Paso, Texas; Grand Prairie, Texas; & Harris County Texas • Review Public Health Air Quality Act sponsored by Representative Lisa Blunt and Senator Tammy Duckworth • Provide draft recommendations to the NEJAC for discussion and deliberation

APPENDIX D - SUPERFUND REMEDIATION AND REDEVELOPMENT FOR ENVIRONMENTAL JUSTICE COMMUNITIES SLIDES

Superfund Remediation and Redevelopment for Environmental Justice Communities

Report Update and NEJAC Review & Discussion
March 24, 2021

Presentation Overview

- NEJAC Superfund Workgroup Background
- Report Goals and Objectives
- Overview of the Report: Strategies and Recommendations
- NEJAC Discussion
- Path Forward: Steps/schedule to finalize the report

NEJAC Superfund Work Group Background

- Resulted from a recommendation of EPA's Superfund Task Force, which was formed in 2017:

  "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:

  "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."

NEJAC Superfund 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
  - Envir/Community NGOs-5
  - Academia- 1
  - Tribes- 1
  - Private Sect. Redevelopment- 2
  - Private Sect. Remediation- 3
  - Legal- 2
  - Local Government- 1
  - State Government- 3
  - Fed. Government/EPA- 5
  - Tier 2 Stakeholders- 11

* Full membership is on page 4 of the NEJAC review draft

Report Goals and Objectives:

An integrated and actionable set of strategies and recommendations that has the potential to transform the Superfund program for EJ communities

- A "Step Change" in Community Engagement:
  - More effective, frequent, and consistent community engagement, resulting in a strong and influential community voice in decision making
- Beyond Cleanup:
  - Expand the role of the Superfund program beyond reducing future exposure and harm:
    - Improve community health,
    - Promote economic growth and opportunity; fulfill long-standing community needs
    - Create durable community assets
- Equity, Opportunity, and Access to Resources:
  - Create opportunities for communities through full realization of EO 14008 *Justice40* goals
  - "Whole of Government" approach to increasing availability and access to resources

Overview of Strategies and Recommendations

- Seven Strategies
- Thirty-six Recommendations
- Thirty-three "Expected Outcomes"
- Seven Case Studies (two under development)
- Seven "Additional Issues of Concern and Areas of Opportunity"

Strategies

1. Implement more intensive community engagement practices at Superfund sites
2. Revise and update guidance and strengthen policies focused on understanding and responding to community needs
3. Update, improve, and expand training that reaches the impacted communities, EPA staff, and state staff
4. Elevate future use planning as a core element of the Superfund process

Strategies (cont'd)

5. Leverage redevelopment and reuse as a catalyst for innovation and accelerated cleanup
6. Ensure equity in all aspects of the Superfund program
7. Increase access to resources for impacted communities

Recommendations- Overview

- Thirty-six recommendations grouped under seven strategies
- Actionable (more than "do better at X")
- Integrated and complementary, but also "stand alone"
- Recommendations sort into three "implementation categories":
  - "Stretching" existing Superfund program practices
  - Innovations anticipated to fit readily into the existing Superfund program
  - New programs within Superfund, OLEM or Agency-wide.

Some of the Recommendations

- Programmatic shortcomings:
  - 1.1- Identify Superfund sites impacting EJ communities
  - 7.8- Increase program funding to address the backlog of unfunded cleanups in EJ communities
- Innovations:
  - 2.3- Change current policy to allow for site improvements beyond "protectiveness" and overcome barriers to "remedy enhancements and betterment"
  - 4.1- Create a Superfund area-wide planning grant program to support reuse planning
  - 5.1- Form an "Innovation Incubator" group to promote best practices in remediation and redevelopment

Select Recommendations (cont'd)

- Promoting Equity and Increasing Resources
  - 6.1- Establish a Superfund Equity Pilot Program that directs funding to the impacted community for education and training, area-wide planning efforts, and creating partnerships between the community, developers and financial institutions
  - 6.4- Set site-specific goals for the percentage of EPA clean up spending that directly supports the impacted communities
  - 7.3, 7.5- Form partnerships internal to EPA (cross-program) and externally across Federal Agencies to increase access to resources for EJ Superfund communities

Case Studies

- Memphis Defense Depot
- Eastern Michaud Flats (under development)
- Tar Creek (under development)
- Harvest Home Park
- Menomonee Valley Industrial Center
- USS Lead
- 5th Street & Buckeye Road

Additional Issues of Concern and Areas of Opportunity

- Legacy Sites
- Long-Term Stewardship and Institutional Controls
- Climate Change and Natural Disasters
- Sustainability and Health
- Federal Facilities
- Worker Safety and Job Training
- Cumulative Impacts

NEJAC Review and Discussion

- **Concerns over specific strategies or recommendations:** Are there strategies or recommendations that don't seem to be pointed in the right direction?
- **Omissions/Additions:** Are there important strategies or recommendations that are not addressed in the report?
- **Clarity:** Are there strategies and recommendations that are confusing or otherwise difficult to understand?
- **Call to action:** How (and where) can we make the recommendations more actionable?
- **Organization of the Report:** Suggestions for how to improve the report's organization.

Finalizing the Report*

- April 2: Comments on NEJAC Review Draft due
- April 3 - 12: Resolution of comments
- April 13 – 23: Formatting and editing of pre-Final Report
- April 24 - 27: Review of pre-Final Report (by EPA and Work Group Chairs)
- April 28 – 29: Re-formatting and editing of pre-Final Report
- April 30: Distribution of pre-Final Report to NEJAC
- May 6: Report discussion and (hoped for) consensus approving report for submission to EPA Administrator

*Dates are tentative and will be finalized during discussion

Additional Slides

Charge Questions to NEJAC:

1. How should the EPA Superfund program build stronger, more strategic relationships with impacted populations and ensure that both the 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)

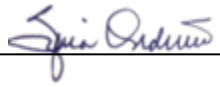
(3. cont'd) which can inform ways to elevate equity in Superfund cleanup and redevelopment

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 (e.g., 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?

3/22/2021 **NEJAC Pre-Consensus Discussion Document** 17

I, Sylvia Orduno, Chair of the National Environmental Justice Advisory Council, certify that this is the final meeting summary for the public meeting held on March 24, 2021, and it accurately reflects the discussions and decisions of the meeting.



June 24, 2021

Sylvia Orduño

Date