

Local Government Advisory Committee

Public Meeting Agenda

February 17

All times in Eastern Standard Time

2:00pm

Call to Order

Mayor Leirion Gaylor Baird, LGAC Chair

Mayor Gaylor Baird, Chair of the LGAC, called the meeting to order. She welcomed everyone who had joined, especially members of the public. She previewed the agenda, noting the presentation of draft recommendations for implementing the Bipartisan Infrastructure Law (BIL).

Mayor Gaylor Baird noted that the LGAC is a group of elected and appointed officials, and their recommendations seek to transcend political divides.

Welcoming Remarks

Janet McCabe, U.S. EPA Deputy Administrator

Deputy Administrator Janet McCabe welcomed the members of the LGAC. She thanked them for the time and energy they have volunteered, and how quickly they developed recommendations on this topic.

McCabe stated that the (BIL) is a once-in-a-generation opportunity to invest in people's health and safety, improve climate resilience, and create good-paying jobs. While it's important that we get these money into the hands of communities in need, it's also important that we get this right. The Biden-Harris Administration is committed to delivering 40 percent of its federal climate and sustainability investments to disadvantaged communities, under the Justice 40 program. We are also committed to tackling the climate crisis, and that goes hand in hand with infrastructure investments.

Mayor Gaylor Baird noted that the recommendations have been organized into four categories: integrating equity and environmental justice, providing flexibility and assistance, promoting climate-resilient projects, and promoting innovation and efficiency of water resources. She turned it over to Mayor Satya Rhodes-Conway of Madison, Wisconsin, and Chair of the Air and Climate Workgroup.

2:10pm

Summary of Recommendation for Implementing Bipartisan Infrastructure Law

Mayor Satya Rhodes-Conway, Air & Climate Workgroup Chair

Mayor Satya Rhodes-Conway highlighted the climate-related recommendations, which were developed by the Air and Climate Workgroup. These recommendations include: making climate change a central component of all funding decisions by issuing guidance that requires, incentivizes, or at least encourages carbon negative infrastructure; and asking states to demonstrate how projects will address climate change as part of an IUP or similar process; issue guidance that focuses on primary, secondary, and tertiary impacts.

Mayor Rhodes-Conway also provided recommendations regarding the Clean Bus Program funding in the BIL, including using available climate and equity filters to ensure that funding goes to the places with the most need. Even within a community, if an entire fleet can't be converted, EPA should encourage school districts to prioritize neighborhoods that have more cumulative impacts of pollution, and children experiencing more negative health issues, and socially vulnerable areas. She also recommended working with the Department of Transportation to promote universal charging infrastructure.

Secretary Michael Scuse, America's Waters & Infrastructure Workgroup Chair

Michael Scuse, Secretary of Delaware's Department of Agriculture, highlighted the water-related recommendations, which were developed by the America's Waters & Infrastructure Workgroup. First is the need for flexibility in terms of allowable costs for BIL funding. This is especially needed for "soft infrastructure," such as workforce development. Where EPA does not have discretion to allow for some costs, we ask that you work with state and local government partners to find supplementary funding that will help to meet our needs.

Secretary Scuse also discussed recommendations regarding technology and adaptability. This includes supporting emerging technologies – especially those that look at these issues from a systemic perspective and could help facilities adapt to changing needs.

Commissioner Christine Lowery, SCAS Chair

Christine Lowery, Commissioner of Cibola County, New Mexico, provided input from the SCAS. Areas of focus included concerns about green technology and toxins. She challenged everyone to think about the global reach of resource extraction and lasting impacts, citing examples like radioactive waste, PFAS, and mining impacts.

Mayor Gaylor Baird thanked Deputy Administrator McCabe for joining.

2:25pm **Input from Small Communities Advisory Subcommittee**
Commissioner Christine Lowery, SCAS Chair

Commissioner Lowery provided more detail about the discussion held by the SCAS, prior to the LGAC meeting. She presented high level points that included: a continuation of engagement with states, associations, and counties to help reach small communities; expanding the range of EPA technical resources offered to smaller governments; education and training of environmental justice on all levels of governments; and including universities as collaborators for training and workforce development.

The SCAS will work to develop later recommendations that continue to build upon the capacity and technical needs for smaller communities.

2:35pm **Remarks from White House**
Julie Chavez Rodriguez, Deputy Assistant to the President and Director of Intergovernmental Affairs

Julie Chavez Rodriguez, director of the White House Office of Intergovernmental Affairs, thanked the LGAC for the recommendations they have provided. She explained that her office's role is to lead engagement with our state, local, tribal, and territorial partners as the President addresses the most pressing issues impacting our country and our communities.

Rodriguez shared that President Biden is deeply committed to our partnership with local governments and understands the challenges and the opportunities facing local elected and appointed officials. She said that as we work together to implement the BIL, we want to transform the country's water systems, make communities more resilient to the climate crisis, and deliver 40 percent of all federal investments to disadvantaged communities. Most importantly, we want to do all of this in a way that makes things easier for local governments — removing barriers to our shared success. She said that the White House looks forward to an open line of communication and to the LGAC's continued engagement through this process.

2:40pm **Public Comment**
Facilitated by Town Manager Lisa Wong, LGAC Vice-Chair

Lisa Wong welcomed members of the public to provide comment, but no individuals chose to speak.

2:50pm

Deliberations among LGAC Members

Facilitated by Mayor Leirion Gaylor Baird

EPA Guests: Radhika Fox, Assistant Administrator for Water; Alejandra Nunez, Deputy Assistant Administrator for Air and Radiation; Zealan Hoover, Senior Advisory to the Administrator

Mayor Gaylor Baird invited members of the LGAC to share input and comments on the recommendations. The following are highlights of the conversation:

- Sylvester Turner, Mayor of Houston, Texas, highlighted the need for flexibility, direct allocations, technical assistance, and utilizing peer-to-peer support. He also emphasized equity and environmental justice and urged EPA to include guidelines or criteria that encourages states to send resources all the way down to communities.
- Gary Brown, Director of Water and Sewerage for Detroit, Michigan, highlighted the need to streamline the SRF process, as it can be restrictive and difficult for some communities to navigate. He also recommended that EPA provide larger amounts of forgivable loans, to keep rate affordable to customers, and to set guidelines for forgivable loans. He talked about the need for workforce development and the value of regional approaches to water management and encouraged EPA to support these efforts.
- Deana Holiday Ingraham, Mayor of East Point, Georgia, stressed the need for affordability and technical assistance. She said that many communities don't have the data necessary to start to engage – they need assistance in not only completing applications, but also building the capacity (including data) of communities to access funding and address impacts.
- Katherine Gilmore Richardson, Councilmember of Philadelphia, Pennsylvania, spoke about how the BIL provides an opportunity to address generations of disinvestment and environmental justice, and there needs to be a clearly articulated plan to measure success and ensure accountability. A plan should include metrics for justice 40, a definition of EJ communities, how to ensure states are prioritizing EJ communities, and how EPA will create meaningful engagement opportunities and build capacity in communities.
- Radhika Fox, Assistant Administrator for EPA's Office of Water, thanked the LGAC for their thoughtful and technical recommendations. She said that many of the ideas in the recommendations are included in the forthcoming guidance. Regarding the definition of EJ communities she said the federal team has shared preferred factors with states, but ultimately the SRF calls for states to set definitions. She requested help from LGAC members to get the word out about opportunities.
- Alejandra Nunez, Deputy Assistant Administrator for EPA's Office of Air and Climate, thanked the LGAC members for their recommendations and noted that much of the priorities championed are shared by the Administration.
- Zealan Hoover, Senior Advisor to the EPA Administrator, emphasized collaboration and coordination across agencies as the BIL is implemented. He asked LGAC members to flag coordination issues with the team ASAP, or if another agency is doing something that EPA should emulate.
- Lucy Vinis, Mayor of Eugene, Oregon, emphasized the need for streamlining funds and communications. She recommended digitizing the application process, as one way to streamline the process, and creating a social media toolkit for communities wishing to explain the value of BIL projects. She also highlighted that while "fix it first" is often a good approach, there must be an acknowledgement that some existing infrastructure caused environmental injustice by separating communities and that should be taken into consideration.
- Deborah Robertson, Mayor of Rialto, California, stated the urgent need for deploying training and workforce development resources to communities, and not just under Superfund cleanup programs.

- Jeff Witte, New Mexico Secretary of Agriculture, highlighted the need for flexibility and coordination. For example, the ‘dig once’ initiative out of New York States is a great example of addressing infrastructure with a holistic approach, but this requires flexibility in timing and use of funding.
- Douglas Nicholls, Mayor of Yuma, Arizona, noted the need for technical assistance after implementation. For example, if a new technology funded by BIL programs fails, EPA should safeguard and assist communities with further investment. He also highlighted the need for flexibility in terms of the Clean Bus program; communities should be able to choose the best technology with the least environmental impact overall rather than insisting on one technology.
- Ron Nirenberg, Mayor of San Antonio, Texas, recommended that EPA defer to local government needs in use of funds.
- Melissa McKinlay, Commissioner of Palm Beach County, Florida, recommended adding an acknowledgement of protecting domestic food production and balancing that with environmental protection.

3:50pm **Closing remarks and Next Steps**
Mayor Leirion Gaylor Baird, LGAC Chair

Mayor Gaylor Baird thanked everyone for their comments and discussion. Paige Lieberman highlighted the following proposed changes to the draft recommendations:

- Emphasize need for workforce development, including starting in high school
- Push for streamlining and digitizing processes
- Provide communications support – add need for social media
- Clean Bus Program – allow communities to determine the best environmental option for them – goal of reaching carbon neutrality
- Push for fixing existing infrastructure first – be mindful of infrastructure that further exacerbates environmental justice issues
- Add need for states to reach out to leagues and universities to better engage local communities

Satya Rhodes-Conway motioned to approve letter overall while empowering the staff & executive committee to incorporate new suggestions raised. Gary Brown seconded the motion.

A vote was taken and received unanimous support.

4:00pm **Meeting Closed**
Paige Lieberman, Designated Federal Officer

Paige Lieberman thanked everyone for their work and closed the meeting.