Victoria Robinson: All right.

I'd like to welcome everybody to our 14th EPA National Environmental Justice Community Engagement Call.

and I'm hoping every day-- today is a nice warm comfortable day for everybody.

I know some of y'all had some snow and I can feel you.

We are going to go ahead and get started in just a few moments,
but in the meantime I'm going to
go over some housekeeping rules.

We're asking that everyone joined
by phone or computer, but not both,
it provides an opportunity for more individuals to
actually to be able to participate on the call.

You are all on mute,

and so as a result we are asking you to
please enter any questions and comments,
you may have into the Q&A pod.
It's going to be an opportunity during our engagement session

for your questions to be answered either read out loud

or we'll be asking you guys to raise your hands,

and we'll be able to unmute you and allow you to ask your question out loud.

If you are allowed to speak during the dialogue,

we're asking you please limit your comment to about one minute or so, if possible.
And that as we have done in the past, the recording and the transcript will be available online in the near future. It usually takes less than a week for us to have both the recording and associated meeting materials to be posted online on our website. We also have simultaneous interpretation available. In this case we have Spanish language interpretation,
which is available for those
who prefer to listen to in Spanish.

And if you see the little globe
on your toolbar for interpretation

or if your toolbar is small you see
three little dots where it says more,

you click on that and you can
choose the interpretation mode

and you'll be able
to select Spanish.

Or also if you were asking everybody to select
English, if you want to hear the English mode,
because we're also encouraging any if those individuals who prefer to ask their question out loud in Spanish that we will-- that opportunity will be afforded to them.

And you can also pose your questions in Spanish in the Q&A pod.

So we are now going to-- I'm going to turn the meeting over to Matthew Tejada, the Director of EPA's Office
of Environmental Justice.

And go from there, welcome Matthew.

Matthew Tejada: Thank you so much, Victoria, and hello to everyone joining us today, very happy to have folks in this week.

I hope folks had a good holiday, if you celebrated this past weekend,

I think there's a lot of holidays actually coinciding right now between Passover and Easter and Ramadan so
I'm hoping folks are having some time
to take off of work and enjoy yourselves
with your loved ones and your friends

and hopefully
getting out in nature.

As we have been recently,
we'd like to start our meeting today

with a brief mindfulness moment.

We've been doing these
going back to last year,

and I think especially in this week, since there
are so many holidays and religious observances

49
00:03:25,552 --> 00:03:29,227
that are very important to many
people in our broader community,

50
00:03:29,251 --> 00:03:33,240
but especially of course
in our larger EJ community.

51
00:03:33,264 --> 00:03:36,495
And also recognizing
that there's one holiday

52
00:03:36,519 --> 00:03:41,150
that hopefully we all share
coming up at the end of this week,

53
00:03:41,174 --> 00:03:46,159
which is Earth Day which has
been around for a few decades,
I just wanted to invite people for a moment to just stop what you’re doing

and take a moment to reflect on all of the different things that are happening in this week

as well as the fact that it is spring,

and hopefully for most of the country is somewhat warm inviting time to be outside actually in nature that this is an important time of year
to celebrate to be with loved ones, to be out in nature,
but to also remind ourselves that

when we're working on issues of equity and justice and civil rights,

not all of us, not all communities are able to access nature and the environment

and the outside and be able to do so freely and fully as other communities might.

And that's part of the reason why we're having these engagement calls on a monthly basis.

It's our focus on ensuring that all people, all communities have a clean environment,
have access to natural resources, are able to enjoy the nature that surrounds

and supports their communities.

So for that, I appreciate and just want to lift up everyone who is joining us today to be a part of this call in reflecting on that need to really focus on those communities:

low-income and indigenous and communities of color primarily that far too often don't have access to a clean environment in this week.
when it should be such a core part of what we do all the time, but especially this week.

So thank you for that.

Thank you for just spending a minute to reflect on that with me.

Moving ahead so you will notice or hopefully you noticed that as we have since we've started doing these engagement calls going back to last year,

they're constantly evolving based upon the need, based upon what we're hearing,
from external folks needing
more information, needing more engagement.

One of the things that we heard a couple of
months ago was the need for more engagement

actually on the ground through the regions,

and that's one of the big updates since our
last call is that we finally have an FY 22,

a fiscal year 22 budget that is going to
finally put the EJ program at EPA in a place

where we'll have the actual people to
get out there and engage with communities
on a more regular basis
through the regions.

We're working on those plans right now.

There's a lot of bureaucracy, there's
more bureaucracy than I cared to even

think about or even
tried to describe to folks

in terms of taking the budget that the
congress passed a number of weeks ago

and actually putting it into place and
hiring people and getting out the new grants,
there's a lot of work happening on top of all the other work that you're going to hear about here in a little while in terms of engaging communities more, getting a new grant program stood up, we'll be talking about those details as they start to take shape in these calls and in other forums like the National Environmental Justice Advisory Council over the coming months, there's going to be a need for a lot of engagement
and a lot of feedback from communities and community leaders,

and organizations over these coming months on our draft ideas

what the grant program should look like, what the technical assistance should look like,

what the engagement effort should look like?

We are of course as we always have been committed to engaging and sharing and being transparent and responsive to the needs of the communities
that are relying on this and that need it and deserve it.

So that's going to be a big effort over the next few months, as we look to put in place the programs, the grants, the assistance, everything else that comes with this.

It's an exciting time, it's going to be a lot of work.

So just know that in the next few months, that's going to feature likely on these calls.

It'll be one way of multiple ways that we look to provide transparency and receive input.
on what we're doing.

Another way that we have been responsive that you'll see on this call is a lot of folks have been asking "Hey, we want to hear more about what's happening with the civil rights compliance program, with Title VI and all the other parts of external civil rights compliance."

So we're very happy that well--
first, we'll be joined by some colleagues from the Office of Water today,

but then, we'll have our very close colleagues from the Office of General Counsel's External Civil Rights Compliance Office will be joining us to talk about their program and to talk about civil rights compliance at EPA externally in Title VI and that we're committed to doing that on a quarterly basis,

so we're going to use every third, third or fourth, every third of these meetings
we're going to have our colleagues from the External Civil Rights Compliance Office are going to join us for them to also provide regular updates receive regular engagement back,
it's part of both our responsiveness to what we are hearing and have heard from you all out in the community and in the advocacy world and in the EJ movement and civil rights movement.
And it's also just another testament though to this administration's very clear commitment and now visible manifestation of that commitment in more closely bringing together the environmental justice and external civil rights compliance programs.

I spend half my day with the folks in the External Civil Rights Compliance Office that you're going to hear
about or hear from soon,

this is just another element of that.

So we’re very happy to be doing that,

we’re very happy that we had this vehicle, these monthly meetings

so that we could work together and satisfy the requests

that we were hearing from folks on the outside.

So with that, Victoria I think that’ll do it just for some of the quick updates right now.
We do have-- I mentioned the NEJAC earlier,

there is a NEJAC meeting that's going to kick off tomorrow and Thursday.

If folks aren't aware of that, you can find information about it on our Twitter's feed.

We can put it into the chat for folks to find the information for it.

It is going to focus on infrastructure investment and financing from the Infrastructure
Bill that was passed last fall

everything we're doing on Justice40 there is a ton of effort

that it continues to ramp up across the entire federal government and at EPA,

so the meeting for the next two days is going to focus on investment,

and financing and Justice40.

So I'm sure a lot of folks on this call would be interested in that if you're not already
aware of it.

And again, going back to our mindfulness moment,

the theme for Earth Day this year is actually invest in our planet and we don't want to just invest in our planet,

we want to invest in the communities on our planet that need and deserve that investment the most.
So all of it very fitting in this week
and to really be focusing on these issues

and to be providing that transparency

and getting that feedback we need
to make sure that our efforts at EPA

really land in ways that
are equitable and just

and further the compliance with civil rights
obligations inside and outside of EPA.

So with that, I'm going to stop,

and I think Victoria our first folks are
going to be our colleagues Cynthia Curtis
and Michael Scott
from the Office of Water.

They're going to provide an overview of the non-point source program in the Office of Water,

and if folks have any questions about that it's going to be a brief--

kind of a brief overview,

if folks have some questions after this, we'll take a few questions,

but then we'll move on and we'll
spend the bulk of our time today

with our external civil rights compliance program

and focusing in on external civil rights compliance for the rest of it.

So, Michael I see that you're up.

Victoria Robinson: So Matthew before I-- just wanted to say that,

we will provide an opportunity to ask some questions
before we move on to the civil rights movement as Matthew has said,

but that also if you do pose a question
and doesn't get answered immediately,

if you post it into the Q&A pod during the broad engagement session,

we will also have the opportunity to answer some of the questions at that time.

Okay, just want to make sure that [UNINTelligible], thank you.

All right.
Matthew Tejada: And
Michael, I also want to call out,

thank you very much to our interpreters
Shamura and Dina are with us today,

but we're going to continue to speak at
a pace to make sure that our interpreters

that we don't kill their voices

and to make sure that those listening
in through the interpretation channel

are able to follow along
equitably.
So it's all you Michael.

Michael Scott: All right, thank you Matthew,

and I want to thank OEJ for giving us some time on the call today

and appreciate the opportunity to be with all of you.

[UNINTELLIGIBLE] Cynthia and [UNINTELLIGIBLE] are going to provide a quick overview of the Clean Water Section 319 Program that addresses Non-point Source Pollution.
This is one of EPA-- the 
Office of Water I should say,

most important programs in terms of working 
directly with communities on the ground,

and one of the focuses 
of our program this year is 
thinking about how we can bring 
new communities into the program 
so that they realize the water quality 
benefits that so many other communities 
across the United States have 
been experiencing for years.
And I should mention that I'm the Chief of the Non-Point Source Management Branch at EPA headquarters.

So Non-Point Source Pollution in general it's the dominant source of pollution in the nation's waters and there's incredibly diverse sources of non-point source pollution that you can see on the slide here,
and these sources will be different depending on where you live

and what your landscape looks like,

and that's why, as you'll hear in the coming slides, the program is designed to provide maximum flexibility to grantees to develop a Non-Point Source Management Plan that's specific to the problems on their landscape.
Next slide, please.

I'll do this really quick but just trying to kind of differentiate between what is a point source of pollution that's regulated under the Clean Water Act, that's coming from a discernible source, now I like to say you can point at where that pollution is coming from whereas non-point source our program is a the source of pollution is diffuse,
so it could come from a variety of different sources and it's hard to kind of point directly at where the pollution is coming from.

Next slide, please.

Here I just want to point out a couple of things about the section 319 of the Clean Water Act, and I won't get too technical here, but one Section 319(b) requires recipients of 319 grant funds
to develop a Non-Point Source Management Plan.

And this is where states, tribes and territories lay out a detailed plan of the sources of pollution, the management measures they're going to put in place and the sources of funding they're going to pursue to deal with those sources of funding.

And states and tribes and territories are required under the act to update these management plans every five years,
and as part of that, that's a real opportunity for communities to engage with states in particular on the content of the state management plan update.

And as you can see the 319 (h) program, once a state or tribe or territory has an approved Non-Point Source Management Plan they are then eligible to receive funds under the 319 Grant Program.

I'll get more into how that actual process works in a few slides here.
So next slide, please.

I'm just, if you hit the next slide please as well, the animation--

just want to point out there are a number of programs under the Clean Water Act that are used to both assess,

determine the extent and severity of pollution and then there's a number of programs out there to restore and protect waters from pollution,
and you can see these range from regulatory programs,

such as our--our national permit--

National Pollution Discharge Elimination System NPDES Permits to sources of funding,

such as you can see circle the Non-Point Source Program.

There’s also as you can see right above that box the State Revolving Fund,

is a source of funding a significant source of funding
to carry out pollution reduction practices on the ground.

Next slide, please.

So a little bit more about these state management plans because again, I think this is a real opportunity for local communities to engage with states on the contents of state management plan, so they have to be updated every five years,
and they lay out priorities, focus errors, milestones, and states write grant work plans

00:17:50,972 --> 00:17:54,222
based on the content of these management plans.

00:17:54,246 --> 00:17:57,608
And often states provide the opportunity for public comment

00:17:57,632 --> 00:18:03,019
and often they're engaging with a wide variety of partners local watershed groups

00:18:03,043 --> 00:18:04,559
and local communities.

00:18:04,559 --> 00:18:07,075
So the point of this slide is to make you aware
that states are updating these every five years, our state, most of the states in the country recently updated those but they'll be in another opportunity for that in the coming years.

So I want to make you aware of the fact that these plans exist and that there is an opportunity every five years for local communities to engage with the state on the contents of them.

So next slide, please.
Just to get a little bit into how we move from a National Grant Program to funded projects on the ground.

So each year we get an allocation of funding from congress and 100% of those funds are directed from EPA to either states, tribes or territories and those funds are distributed according to a national allocation formula, so it's not a competitive grant.
And our guidelines provide that 50% particularly for states here,

50% of the funds the states receive go to program management, hiring local staff to work on non-point source issues,

and then another 50% go to on the ground projects.

This is implementation of practices on the ground to reduce Non-Point Source Pollution, and most states in this-- many states I should say,
the way they distribute that 50% of on-the-ground watershed projects is through subgranting or sub-awarding those funds to local groups.

So they will run their own competitive grant process.

So on annual basis in many states you will see requests for applications for local watershed projects.

And so that's where we think again there's a real opportunity
for the National Program to reach out to local communities
to bring more communities into the program
so that you're realizing the water quality benefits.
And with that, I'm going to pass it to Cynthia Curtis to continue with the presentation.
Cynthia Curtis: All right, thank you Mike.
So just diving into a couple more of the points that Mike just brought up on the previous slide.
So with those annual many to most states do have these competitive processes at the state level.

and one thing to know like we're calling it the Non-Point Source grant or the 319 Grant, states might be calling it something completely different.

like the targeted runoff management.

So not that necessarily is going to make a difference in the work getting implemented.

but just knowing if you're looking for something it may or may not be called 319 Grant.
So next slide, please.

So another thing Mike had up on the slide was that there's a certain amount of set aside for tribes, and this year for FY 22 it's 9.8 million.

There are 210 eligible tribes at this point, and just like with the states their programs are largely driven by their Non-Point
Source Management Program Plan.

300
00:21:22,320 --> 00:21:28,346
There are some important differences though where because the size of the grant,

301
00:21:28,370 --> 00:21:32,225
partnerships and leverages play a much more central role in driving their implementation efforts.

302
00:21:32,249 --> 00:21:35,120
Another thing is that you might see also, they do a lot more integration

303
00:21:35,120 --> 00:21:39,628
with their Clean Water Act funding for water quality assessment.

304
00:21:39,752 --> 00:21:45,120
There's also a lot of unique challenges
that are associated specifically

00:21:49,226 --> 00:21:53,680
with the tribal grants, but that's something
if there are specific questions today

00:21:53,704 --> 00:21:59,120
we can dive into a little bit more
or we're happy to follow up later.

00:22:02,000 --> 00:22:08,487
Next slide.

So Michael mentioned about 50%
of the funds awarded to states are expected
to go to on the ground work, and
those are driven by a watershed plan.

00:22:08,511 --> 00:22:14,559
And the important part of the reason of
this expectation is repeated studies by EPA,

by NRCS have also shown that these plants are
the keys to achieving water quality results,

and really boiled down simply, it's
there is a technical basis to the plan

of what scientifically is going to
help to make a water quality improvement.

And there's an engagement piece,
the engaging stakeholders are critical

because without their engagement success
is just not going to happen.
So to that point, with this grant right now at any given time there are about 1800 active projects going on across the country through this grant program with over a thousand partners engaged, and what you can see is this is exactly part of the intention behind this grant program is to really bring different organizations together to work to solve problems. So you can see from the pie chart
on the right about 42% of the partners that are engaged are those local communities.

So really going back to the very beginning like if this is something that in your organization or your group or you personally are interested in, there are ways to engage in this program overall, and like Mike said first, is to look at the Non-Point Source
Management Plan for your state.

I'll put in a link in the Q&A pod on the contacts for the Non-Point Source Program,

and then also look in your local community, your state contact could support you to get in touch with what watershed groups are active in your community.

And then finally, it's also getting the word out on the impact it's making in a local community.

So these are just some examples of some
local communities that came together

and when you get the slides,

and you look through these will be active links that'll tell you more detail

on these specific success stories.

So this is the overall high level very, high level overview of our program,

and then I'm going to hand it back to Mike so that he can start talking

about what we are specifically focusing on
related to environmental justice right now.

Thanks.

Michael Scott: Great, next slide, please, thanks.

So as I started the call,

I started the call, I mentioned that it's a priority in this year for our program to think about how we can advance equity and inclusion in the Non-Point Source Program.

So towards that goal in September of 2021, the program issued a memo
basically encouraging our grantees-- well,
number one emphasizing the importance

and our commitment to equity
and inclusion in the program

and encouraging our grantees to
take actions this fiscal year to assess

and advance the delivery of Non-Point Source
benefits to disadvantaged communities,

and also committed
EPA to take some actions,

and in particular engaging
with all of our grantees
and communities across the nation to understand what changes we could potentially take to improve the delivery of benefits to more communities.

So next slide, please.

This is just a brief overview of what we've done so far so we've done an intensive engagement with our 319 grantees, states tribes, and territories holding eight listening sessions over in the winter months.
four of those were specifically with our tribal nations

and the others were with all grantees

and it provided these grantees an opportunity to provide feedback,

and it helped us identify some specific actions we might be able to take in both the near term and short term to improve the delivery of benefits to more communities nationwide.
So next slide, please.

In terms of where we’re going with that,

we have taken that information from the listening sessions,

and we have formed some very specific topic, specific work groups with our 319 grantees

and we’re working through those groups currently

with the idea that we want to have some really concrete recommendations
that we can implement
in the next fiscal year,

and also identify some things that are
going to take some more time to implement,

but our goal is to identify some quick
wins, some things that are easy to implement

and make them happen
quite as quickly as possible.

And then, next slide, please.

We are now moving to the stage of our
engagement where we want to engage communities
that may already receive 319 dollars as sub recipients of states or are interested in becoming a recipient of the funding.

So as you can see we have a number of listening sessions planned in the month of May and we'll provide all of you the opportunity to sign up for these listening sessions,

I will note specifically that the May 18th session will be focused on communities in the Mississippi and the Atchafalaya River basin with a focus on specific on Gulf Hypoxia,
but part of what we are hoping as part of this call is that making you aware of this program and asking you to, if you have time,
to engage in one of these listening sessions later in the month of May.

Next slide, please.

And with that I'm happy to answer any questions before we move on to the next topic on the agenda.
Victoria Robinson: Thank you very much, Michael.

Christina, do we have any questions in the Q&A pod?

Christina Motilal: We do not.

Victoria Robinson: I'm checking to see if do we have any-- nobody's got their hands raised.

I don't believe no.

Thank you very much Michael and Cyd.

Just letting everybody know that
we've already posted the slide deck
to our website for this meeting.

I will be replacing it sometime tomorrow with the version that includes the actual links into the slide deck as indicated here in their presentation.

Right now it's a PDF file and it's not clickable links, so we will fix that, and address it and repost it for everybody tomorrow.
So you can actually have access to the stories and the registration page that are referenced in their slide deck.

So if we don't have anybody else wanting any questions around this--

Christina Motilal: Victoria, it does look like we have one hand up.

Victoria Robinson: Oh, okay, great, I am going to go ahead and allow Vincent Martin to unmute himself and go
ahead and ask this question.

Vincent Martin: Well, first of all thank you for all this wonderful work that y'all rolling out.

We really, really appreciate, it's been a long time coming.

And I'm glad that we're addressing water because I come from the Great Lakes state of Michigan where water is an issue and underserved communities have led issues that need to be addressed how can that be put on the top burners, so we can start getting a grip
because we have probably issues
in all drinking waters in America,

but we really haven't really did the
study that we need to do to get that going.

And also I like that we already made a move
towards by what the president did today

when he signed the order to reverse
all of the last administration's red tape

on moving environmental justice
issues forward, so that is a win,

and I'd like to take this
time to say thank you all you.
Victoria Robinson: Thank you very much, Vincent.

Do we have any others any other questions Christina?

Matthew Tejada: I think, yeah, I think we're ready to move forward, thank you, Vincent.

I'm not sure what the president did today, so I'm gonna have to go look at the news and find out what just happened this morning.
So it sounds like it's important to us.

So I think we are going to move forward now.

We have a number of our colleagues from the Office of General Counsel and the External Civil Rights Compliance Office, which is within the Office of General Counsel.

We have Marianne Engelmann Lado, and Lilian Dorka and Kurt Temple are all with us today.

I'm not sure who amongst that group is going to kick off,
so I'm going to ask whoever it is to take it away

they've got quite a bit of information for folks.

We will have a lot of question and answer time after their presentation

we should have close to an hour to engage on anything relevant to this

or that's also just the open question and answer time

if there are other things that folks want to raise in the final hour
between three and four o'clock eastern standard time,

we welcome that, that's part of the purpose of these monthly calls,

but with that, I'm going to pass it over to our civil rights colleagues.

Marianne Engelmann-Lado: Terrific, thank you, Matthew.

And it was great to hear Vincent Martin's voice as a good starting point.

I don't know Vincent, which
development you were talking about,

but I did read just before coming on this call in the paper that the White House or CEQ finalized a rule relating restoring some of the protections of NEPA and that may be what you're referring to.

But I am excited about kicking off our quarterly discussion of our External Civil Rights Program as part of this monthly call.
I'm Marianne Engelmann-Lado,

Deputy General Counsel for Environmental initiatives within the Office of General Counsel.

And I'm here with the Leadership of the External Civil Rights Compliance Office Lilian Dorka,

Kurt Temple and

also Anhthu Hoang.

And you'll be hearing from all of us.

I'm going to start with just a reminder, I know this will be basic for many of you,
Program enforces a number of civil rights laws, including prohibitions against discrimination on the basis of race, color and national origin as well as laws that prohibit discrimination on the basis of disability, age and in educational programs receiving federal funds, sex. And of course prohibitions against on the basis of-- against discrimination on the basis of national origin
also includes discrimination against people who are limited English proficient.

Out focus today is primarily on Title VI of the Civil Rights Act of 1964 and its prohibition against discrimination by recipients of federal funds on the basis of race, color or national origin,

and on this slide you see the first section of Title VI there are other provisions in Title VI of the Civil Rights Act, but this is the first and fundamental provision.
And you'll note that it prohibits discrimination, it prohibits denying benefits and it prohibits exclusion from participation in any program or activity receiving federal financial assistance, not just the use of a particular dollar in a discriminatory way, but discrimination by recipients of federal funds or programs or activities receiving federal funds.
EPA like every other federal agency that disburses federal money is charged with ensuring compliance by recipients of EPA funding, and our sister agencies have programs to ensure compliance by recipients of their funds. Like the other agencies, EPA has regulations that give more specificity or more specifics to this prohibition against discrimination to the Civil Rights Law,
and you'll see excerpts from our regulations on this next slide.

Again, these are very similar to the regulations giving more specificity in other federal agencies, and we work with those agencies across agency, including with the Department of Justice that has a coordinating function for ensuring civil rights compliance.

Our regulations prohibit not only actions that are intentionally discriminatory
but also actions that have an unjustified disproportionate impact.

So you see on this slide that there's a prohibition against programs or activities receiving EPA assistance from using criteria or methods of administration, which have the effect of subjecting individuals to discrimination, or choosing a site or location of a facility with the purpose or effect of excluding individuals from denying them the benefits of or subjecting them
to discrimination.

So EPA's regulations include this general prohibition of discrimination, as well as the specific ones listed on the slide, including denying the benefits, providing a benefit or service that's different informed from that provided to others on the basis of race, color, national origin or LEP status or choosing a site or location that has the purpose or effect of discriminating.
So as many of you know, there have been long-standing concerns, and well-justified concerns about the strength of EPA's Civil Rights Program.

And there's a concern that in the environmental area there's really been a lack of significant and comprehensive oversight of whether or not recipients of EPA funding were complying with civil rights law.
These are really long-standing concerns and many of you have been involved in some of the evaluations of EPA's program.

If I compare EPA's Civil Rights Program with programs across the federal government, of course in no area have we fully fulfilled the promise of civil rights,

but by comparison, for example, the US Department of Education handles thousands of complaints a year,
EPA has handled between something like 300 and 400 in its entire history,

and you'll hear more from Anhthu Hoang about where we are now.

On the other hand, some of these federal agencies like USDA, the Department of Transportation, (HUD) Housing Urban Development and Education have hundreds of people on their civil rights staff.

EPA has never had that kind of staff size.
So the reason I'm going into that is where we are right now at this moment of history,

is not only a result of the last administration,

but it's a result of the failure of the federal government in the environmental sector to really ever have a robust civil rights program.

And we are charged with and we have the support and leadership of the administration, of our administrator and of the agency
to build that kind of robust civil rights program for the first time ever.

You'll hear about a range of requirements that fall under the civil rights program.

One of the criticisms we received in September 28th, 2020 was from EPA's very own Office of Inspector General, and this is just a picture of the cover of its report.

And they raised the concern that EPA was not even ensuring baseline requirements,
requirements that every recipient of federal funds should be following,

and you can find this administration's response to the OIG report,

the Office of Inspector General Report online.

We committed to accepting and implementing all of the recommendations that the Office of Inspector General put forward to strengthen our program.

We know we have a lot of work to do and you'll hear today
about really not just significant but unprecedented steps we're taking to strengthen the civil rights enforcement program and civil rights compliance in the environmental sector.

I just do want to make sure we're all understanding and thinking about how far we have to go, and the fact that up until recently we were still
under the budget of the last administration.

We have 12 people, 12 in our External Civil Rights Compliance Office at EPA.

This doesn't hold us back in the sense that we are running like gangbusters and trying to make these changes,

and it is not a reflection of this administration's priorities.

The president has sought more staffing for our External Civil Rights Program,

but it is also something
that we have to keep in mind,

545
00:40:46,160 --> 00:40:50,480
as we shape expectations
and as we shape our next steps.

546
00:40:50,480 --> 00:40:54,472
So with that I'm going to
turn it over to Anhthu Hoang

547
00:40:54,496 --> 00:41:00,880
to share with you some updates on
our External Civil Rights Complaint docket.

548
00:41:00,880 --> 00:41:02,540
Anhthu Hoang: Thanks, Marianne.

549
00:41:02,564 --> 00:41:06,389
So I'll be talking a little bit about the
overview of the case load that we have,

550
00:41:06,413 --> 00:41:11,760
but I can't discuss individual cases
that are pending before the agency.

I also wanted to call attention to a transparency initiative that we're implementing that we'll be putting our document online with the milestone documents that the public can access and that docket is going to be updated on a monthly basis, so that you'll have a clear picture of what's happening in ECRCO, but first I'd like to tell you about the growth of the caseload.
that we're handling right now.

Victoria Robinson: Anhthu, this is Victoria, I'm sorry to interrupt.

I think we're getting indication from the interpreters just to slow down just a little bit so they can facilitate-- thank you very much, no problem.

Anhthu Hoang: Yeah, thanks sorry about that.

So just to tell you a bit about the caseload from FY-17 to FY-20
Our annual average, our number of complaints was 19.

We had a low of 16 and FY 18 starting in fiscal year 21, we had 22 cases,

and just as we've closed the second quarter of fiscal year 22,

we already have 25 new complaints.

And one compliance review which Lilian and Kurt will be telling you about later.

Our open docket of investigations is 39 cases,
and we have 13 cases undergoing monitoring,

and as Marianne alluded to, we have a staff of seven case managers,

and one team leader to do all of that work.

Some other characteristics of the complaints we're handling are they're diverse in geography,

we have open complaints from every region, except Region 8,

and in Region 8 we have the open compliance review.

In terms of entities involved in these
complaints, we have 12 states, 4 municipalities,

including entities like planning boards.

The subject matter that we handle is also diverse. Most of our cases involve air permitting.

We have 4 Clean Water Act permitting cases and one solid waste issue.

And I'm going to turn it over
to my colleague Kurt Temple

to talk to you about the agency's commitments
with respect to external civil rights.

Kurt Temple: Hi, everybody,
thanks for joining us today.

I wanted to take some time to talk a little
bit about External Civil Rights Compliance Office's

specific commitments regarding strengthening
the External Civil Rights Program.

We've said all along that
that's our goal to do that,
but there are specific deliverables
and commitments that we have made,

and primarily these can be
found in two separate documents,

Marianne already mentioned one, which was our
response to the EPA inspector general's report.

And the second is in EPA's Strategic Plan,
which was just released recently,

and is available on the EPA website,

let me just sort of walk through
some of these commitments.
So in response to the EPA inspector general's report,

which was initiated, the review was initiated in 2020, September 2020,

and then subsequently we issued responses,

and then final response and then final response last September in committing

to address the recommendations raised by the EPA OIG.

In particular, EPA OIG focused on our office doing affirmative compliance reviews
of EPA recipients.

And we have pursuant to that response, and commitment, we developed criteria and a process or for initiating compliance reviews on January 6th of this year, and that's again available on ECRCO's new developments web page, and then pursuant to that process, we initiated a compliance review just last month on March 18-2022.

Again, information about that compliance review
is also on ECRCO's new development web page,

again as Anhthu mentioned, we can't talk about any specifics

of any open actions at this point in time.

In addition to the compliance review issue, there is a commitment to developing and issuing additional guidance to clarify expectations.

The first of those guidance documents, well, it's in progress, it's close right now,
it is a dear colleague letter and a guidance
document on the procedural safeguards

that are contained in
EPA's non-discrimination regulation

and the laws we enforce anticipate that
that's going to be coming forward very soon.

As part of that, there's going to be an emphasis
on the requirement in our regulation regarding

the maintenance and collection of data

and reporting that data
information to EPA at our request.
And so look for that coming soon,

and then as part of our commitment as well,

there's going to be guidance scheduled to be released before the end of the fourth quarter of this fiscal year.

So in other words, September 30th regarding in essence an update on our established guidance,

which is the toolkit chapter one, we're going to do an update of that,

and that will cover investigating
claims of discrimination legal standards,

including those concerning permitting and how cumulative impacts will be evaluated.

Obviously, this is a really hot topic

and this is something that not only our stakeholders are interested in,

but also our recipients have been asking for this type of information.

So this is something that we've been previewing and is really anticipated.
And so again, we look forward to issuing that guidance as well.

Also there was a focus on the pre-award process in the EPA OIG report to ensure that at the front end, our recipients are meeting their obligation under EPA's general terms and conditions, the EPA Pre-Award Form 4700-4.

So we are going to revise, we are revising that process.

That process is tied directly to the first issuance of the guidance on procedural safeguards,
and so we'll be updating that to ensure that we are doing all that we can do on the front end before our EPA applicants and recipients receive EPA money to ensure that they are adhering to the responsibilities as required by EPA regulation.

And then also there was a focus on ensuring that our office is developing and delivering training, not only for our own benefit in our office, but across EPA,
and I'll tie that into the strategic plan commitment a little bit below as well

that there's a need across the agency to understand and integrate civil rights

and that our training is important and integral to that process.

And so that's in a nutshell the commitments to the EPA OIG.

In the Strategic Plan there are a number of civil rights commitments in EPA Goal 2 which again is unprecedented for this agency because it is a goal that's specifically targeted
to environmental justice and civil rights at EPA.

It's groundbreaking that we have that in place.

One of those commitments is to ensure that our state recipients of EPA Financial Assistance have foundational civil rights programs in place.

This is something that we've been doing in our office for a few years now through initiatives and also one-on-one interactions with our state departments.
of environmental quality or state environmental protection offices.

But there are a number of state recipients out there that even go beyond the environmental regulation--

regulatory agencies to like departments of agriculture and others who receive EPA money.

Part of this is to ensure that they have these foundational provisions in place without them--

they cannot have effective civil
rights programs at the state level

and we have committed to do this to have 100% of state recipients by 2026,

to have foundational civil rights programs in place.

As we speak, where we've been engaging with them as well,

so this is an active work in progress.

A really big commitment in the strategic plan is to work with our EPA programs,

water, air, etc., in our regions to
integrate EJ considerations and achieve civil rights compliance issues across the agency.

So this is--

Again, this is a very large commitment and we are actively involved and working with those programs right now to address the touchstone areas where civil rights needs to be considered in the programs that EPA operates.

So we've shoehorned the civil rights commitment
also into the Strategic Plan commitment

to initiate more proactive post awards civil rights compliance reviews.

And again, just to distinguish this from our regular complaint work,

proactive compliance reviews are those that are initiated by us at EPA.

Again, that document-- the process and criteria document that we developed shows how we will go about that as we initiate compliance reviews year after year.
As part of the pre-award provision and commitment that I mentioned in the section above,

we're going to be doing audits of those forms post award to ensure that folks who are submitting Pre-Award 4700-4 Forms to us which outline civil rights criteria are actually adhering to those and they have those provisions in place.

And then also, we're going to be--

we're doing information sharing
sessions and outreach to our stakeholders.

This session today is an example of such and we're so committed to do a number of these over the fiscal years through 2026.

And I just want to make sure that folks are also aware that we are currently working with states in a number of capacities, both on the program requirements but also we've been interacting with the Environmental Council of States recently and we're holding workshops and
providing technical assistance

because we have an obligation to
work with our recipients and to the extent--

there are questions about the integration of
civil rights into their programs and activities.

We're engaged in the
process right now with them.

And so with that, I will turn it over to
Lilian and she will conclude the presentation.

Christina Motilal: Really
quickly before we do that--
we did have a question in the chat that I was hoping you could address just really quickly.

They did ask could Kurt expand a bit on what he meant by "previewing"

the upcoming toolkit update with whom, etc.

Thank you.

Kurt Temple: Okay, yeah I don't know that I use the term previewing.

I mentioned that we're going to have issue guidance on the procedural safeguards
which is the first document to come out

and then by the end of the fourth quarter of this year,

we're going to be issuing the updated toolkit guidance which will further address the legal standards and investigative standards, including those concerning permitting and how cumulative impacts will be evaluated.

I'm not sure if I'm completely understanding the question.
Christina Motilal: Richard, if you are on the line

if we could unmute to just ask
if that answered your question.

We just want to make sure
we get it covered for you.

Matthew Tejada: There he is,
it's Richard, of course it's Richard.

Richard: Of course--

I appreciate Kurt's answer and
perhaps I misunderstood

and I'll go back
to the recording later.

00:55:56,894 --> 00:56:00,880
I thought I heard you use the word previewing which I found pretty exciting

00:56:00,880 --> 00:56:04,079
but I have your answer, it's very clear.

00:56:04,079 --> 00:56:08,160
Kurt Temple: Yep, thanks Richard and good to hear from you [LAUGHS]

00:56:08,559 --> 00:56:11,200
Matthew Tejada: Thanks, Richard.

00:56:11,599 --> 00:56:17,000
Lilian Dorka: Christina were there a couple of other questions--?

00:56:17,520 --> 00:56:19,048
Christina Motilal: Yes there were.
We have some great questions in the chat that have also been answered in the text.

but I also thought would be great especially for our attendees on the phone.

One of them was, "Generally speaking, what are the current team lead and case managers looking for in a Title VI compliant-- complaint, excuse me,

to determine whether to accept it for further investigation, what factors?

Lilian Dorka: Yeah and I think I provided some information in the response.
I provided a link to our Case Resolution Manual which we have online and that explains the jurisdictional determination that we have to make in ECRCO before we can accept the complaint for investigation.

The regulations are fairly clear about having a fairly low bar threshold determinations.

One, the complaint needs to be in writing.

Two, it has to allege discrimination that if true, would violate one of the statutes.
that we enforce.

So discrimination on the basis of race, color, national origin, including limited English proficiency, age, disability, sex.

Also, the complaint must be alleging that an entity that receives federal financial assistance from EPA is allegedly discriminating.

We can only have jurisdiction over those entities that receive money from EPA.
It doesn't mean that another federal agency might not have jurisdiction over certain entities in which case we would make sure to refer that complaint to our sister agency.

And finally, the regulation requires that the complaints be filed within 180 days of the alleged act of discrimination, that's the timeliness requirement.

There are some exceptions to that and there are some times when we would provide waivers.
of that 180-day exception.

And then there are a couple of other sort of prudential factors

that we might look at in determining whether it would be a good idea for us to accept appropriate, for us to accept a complaint.

So for example, if the issue is not yet ripe for review, if it's just basically an allegation that we think that a certain facility will apply to the state
to put up "X" facility in our neighborhood

and we're concerned about, that might not be right for review.

Also mootness for example, if there's an issue that would be raised

that would now be let's say totally resolved if for example,

the application was never filed for that facility

or that the state denied the permit for that facility, that might move the issue.
So we carefully review all of those factors and then make a decision as to whether to accept the complaint for investigation.

But the Case Resolution Manual provides a lot more information for that process and I invite you to take a look at that.

Was that it, Christina?

Christina Motilal: Yeah, I think for right now that'll be it.
I think we can continue to move on but as always--

Victoria, there's a hand raised, do you want to address that now or wait for the open dialogue?

Victoria Robinson: I thought we would wait until the open dialogue--

to ECR CO to finish their presentation.

Christina Motilal: I agree, great.

Thanks so much.
Lilian, please continue, thank you.

Lilian Dorka: Thank you and thank all of you for being with us today.

I see that we have 200 participants with us today and that's remarkable and exciting and I thank OEJ for allowing us the space here during--

I guess we're interlopers into the always stimulating EJ conversation that Matt and Victoria and Christina
sponsor on a monthly basis,

so thank you for allowing us this opportunity.

I think it really presents a chance for us to have a sort of ready-made and interested and engaged audience, so we very much appreciate it.

You heard my colleagues, Marianne, Anhthu Kurt talk about all of the initiatives that we are embarking on and I think that there is no question on anyone's mind
that there is in fact, as Marianne said, an unprecedented historic commitment by this administration, this administrator to strengthening this civil rights program.

Are we there yet? Absolutely not.

We continue to work very, very diligently and with your assistance continue to receive a lot of feedback that is helping, in fact, to shape the strengthening of our program and we very much appreciate it.

The Strategic Plan Goal 2 requirements
and long-term performance goals and visions

that Kurt just laid out are really, really an outstanding example

of this unprecedented commitment because for the first time, in fact,

this agency has committed to not just embedding EJ and civil rights throughout EPA, into its programs, its policies, its activities

but to actually strengthening the scope of our work,
so that we are fully and effectively
taking advantage of all of the authorities

that we at ECRCO, in OGC are
entrusted and responsible for enforcing.

You also probably
saw that last week,

the president released the agency equity action
plans of a number of different federal agencies.

We were all asked to think about
the barriers to ensuring equity out there

for the most underserved communities,
and we developed one for EPA.
And I'm very proud to say that in showcasing some of these agency equity plans, the White House, in fact, mentioned EPA's Equity Action Plan and the work to strengthen the civil rights, the External Civil Rights Compliance Program. We're very, very proud of that. That is in fact one of six priorities that are laid out in the agency Equity Action Plan and the other five include developing and implementing a cumulative impacts framework,
very exciting work, providing support for
building the capacity of EJ communities

critically needed work.

Strengthening EPA's capacity
to engage with communities.

Integrating community science into EPA's
research and program implementation.

And finally, very importantly, making
EPA's procurement and contracting
more equitable in and of itself.
So we recognize that this is a culture shift within EPA.

This is a building dramatically building on the efforts that we began over the last few years notably to get rid of our backlog or chronic backlog of cases.

and to improving the processing time frames for cases, so that you know—certainly, these were not forgotten, ever forgotten.
And so we're building on this work, on this threshold work dramatically through these strategic plans, through this Agency Equity Action Plan, and as you can see it's nothing is a one-off, right?

Everything connects to each other, everything has a very, very specific purpose and intent.

The leadership of EPA is leading on purpose with respect to civil rights and environmental justice.
And so we continue to carry this out.

Next slide, please.

And so with respect to those things that we've promised to deliver and you heard Kurt talk about some of these important ones--

and you heard Anhthu mentioned also the transparency initiative, for example, to make all of our work more transparent by having our critical documents
be very visible online and accessible by everyone, communities and recipients alike.

We’re also strengthening the engagement that we’re doing with communities with recipients, with all the stakeholders who have a critical stake in our program.

And we are trying to increase both transparency and stakeholder involvement and this is very much in response to many of the comments that we received from you--

to strengthen the transparency and stakeholder engagement
during our complaint resolution processes.

So some of you who may have cases pending with our office, will see that we really are making an effort, for example, to increase the use of alternative dispute resolution and other facilitation methods so that we can, in fact, provide a space at the table for conversations or complainants along with recipients at the same table.
as we engage to figure out these really, really critical issues together.

But it goes further than that, right?

Civil rights, as the administrator says time and time again,
civil rights vigilance is an EPA-wide responsibility.

So not only are we taking critical and concrete steps
to strengthen the civil rights program,
we also have to continue this engagement with program and regional offices throughout EPA to make sure that, in fact, environmental justice and civil rights are embedded.

That when a regional office speaks to a state about a permit, for example, that it is considering approving in an already burdened community,

that they will have the benefit of hearing from our regional office about some of the environmental justice concerns
that the community is experiencing and offer some assistance and some insight

about the civil rights responsibilities and a reminder of the civil rights obligations

that those states also have, to consider the ramifications of their actions,

to consider how their actions and permitting certain facilities might in fact impact already overburdened communities.

And we're communicating all of these environmental justice and civil rights obligations
throughout EPA.

We are engaging through education, through training, through outreach, technical assistance to enhance not just the understanding of those outside of EPA but within EPA which is critically important.

And finally, we're including all of these applicable civil rights requirements as well as environmental justice policies within the non-civil rights guidances,
program strategic planning, environmental policy directives, rule making

enforcement and even inciting and permitting decisions by EPA recipients.

This is an incredible, incredible opportunity that we have.

This is unprecedented but also an incredible opportunity that we must take advantage of to make long-lasting and fundamental and really sustainable change to our program and throughout our program and throughout EPA.
Thank you so much for joining us and we really do look forward to your questions and to some really great engagement. And I will welcome my colleagues from OGC from Marianne and Kurt and Anhthu to join me in responding to the Q's & A's. I'll turn back to Christina and Victoria.

Victoria Robinson: Thank you very much Lilian.
We're going to start our engagement session and dialogue.

and just a couple reminders that we do have the Q&A pod.

and feel free to use it, write any questions or comments.

and put them into the Q&A pod.

Sadly, we don't have that same functionality for those who are on the phone,

however, if you're on the phone and you have a question, you can raise your hand.
You can raise your hand virtually, if you're on the phone you press *9.

If you are actually in an app, the Zoom app,
you can actually go to the emoticon section and literally, virtually raise your hand and you'll be put into the queue to be able to raise your question.

That includes the individuals who are on the phone.

And then again, we ask you to please limit your questions or comments to one minute.
So I think our first question is the one that Christina is going to read from Vincent Martin.

Christina Motilal: That's correct.

Yes, so the question that we have in from Vincent is, Justice40 dollars does not use race as a major indicator for recipient funding.

The EJSCREEN tool in Detroit will reduce funding that can help the communities.
All the acts previously mentioned, use race as a criteria.

Why the difference in implementing Justice40 funding?

I feel this prohibits the resources that are needed on the ground where it counts.

Matthew Tejada: Thanks for that and I'm hoping Marianne and Lilian can help with this.

This has obviously been--

Vincent to your point-- a huge topic that a lot of folks are focusing on
and that I know there's been a lot of interest and energy around this issue, around the issue of race and how Justice40 is being implemented.

I'm not a lawyer, so I'm not going to get super deep into the legal part of this but there's two lawyers here with us, there's many lawyers here with us too that know this issue very well and I ask them to add in.

I just want to share that in terms of--well, I want to share a few things.
First, I want to make sure folks are clear Justice40 is not a separate grant or some special money.

Justice40 is looking at hundreds, if not thousands of programs across the entire federal government and saying that the benefits of those programs, at least 40% of the benefits of those programs should go to disadvantaged communities. In terms of actually trying to mechanically define what those disadvantaged communities are,
to try to drive the benefits in that certain direction

because of some legal precedent, we cannot use race as a central consideration in deciding how to drive those benefits to those certain places.

We can, will and are absolutely going to continue to use tools like EJSCREEN which has race in all of the scoping and screening in considering what we do with
these programs

and then even on the back
side of assessing and evaluating

where do those benefits
actually touch down on the ground.

We can and will use race
in those considerations.

It's in that space of actually
deciding, like in the grant requirement,

there's very clear legal precedent
there that we can't use race in doing that.
And that's the big reason why the tool that the
White House is creating that isn't final yet

921
01:14:29,360 --> 01:14:37,468
and they've heard plenty of, I guess
push back and energy around putting race

922
01:14:37,492 --> 01:14:39,348
into that tool in the final version.

923
01:14:39,372 --> 01:14:41,982
We have no idea what their final
decision is going to be.

924
01:14:42,006 --> 01:14:46,080
That tool is being created
by the White House

925
01:14:46,080 --> 01:14:51,679
but that tool is going to be the
central tool for that middle place of--

926
01:14:51,679 --> 01:14:54,848
when you're actually making a decision about where the benefits of these hundreds or thousands of programs go,

it has to be race neutral and that's why that Climate and Economic Justice Screening Tool is race neutral.

EJSCREEN, however, which we use for all sorts of other things in terms of figuring out where the money and the benefits go and screening for what do we want to focus on
and who are we engaging with and
sitting down and having conversations

with states or local governments or tribes,
other tools like EJSCREEN have race,

we will continue to use those tools-- that's
all completely above board and within bounds,

it's just that middle space of
actually making the decision

that the White House is being
very careful about, sticking to the law

and that legal precedent in that space.
Did I get all that right, Marianne?

Marianne Engelmann: Matt, you said it very well and I'm not sure I have that much to add.

Let me just say a few things.

I'm not sure I'm wearing my lawyer hat and saying--

but also to thank you Vincent for just a really good question

that it's on a lot of people's minds.

As you know, the EJ executive order that
was signed by President Clinton

is still a directive to this agency
and the whole of federal government

and that executive order requires
us, directs us to identify and address

disproportionate impacts
of our programs or activities,

the programs or activities
of the federal government,

on the basis of race, color,
national origin and income.
And as Matt said, there are some legal issues that come up when governments are taking action based on race, color and national origin.

But that executive order requires— and I want to say—the emphasis was affirmed by President Biden whose executive orders that he signed in the first days of this administration,
recognize the impact that race discrimination and various forms of racial inequality play in today's world.

And so we're all under a mandate to take a look at that and address that, so we are absolutely talking about race, identifying racial inequalities, and I want to be clear, we just spent a lot of time talking about civil rights.
and you can't talk about civil rights

and enforcement of Title VI
of the Civil Rights Act of 1964

unless we look at racial data and
take that into account

and understand where
there are racial disparities.

So the legal issues, as Matt said, come up
in the space of where do you confer benefits,

so if we're identifying racial inequality
and then addressing that racial inequality,
if you're conferring benefits
when you're addressing racial inequality,

there are some adverse-- it's really
significant adverse judicial opinions

that affect the ability of us to do our
work if we don't pay attention to them.

But whatever we do, once we've
taken those actions, we need to evaluate

whether or not we're addressing or
exacerbating racial inequality

to address the very issues
Vincent that you're raising
that I know affect Detroit and Flint and other communities in Michigan and around the country.

So we're going to continue to talk about race,

we're going to continue to deepen our commitment to environmental justice and we want to do it in a way that is fully compliant with the law,

so that our work and the effects of all of your work will also be sustainable.

Christina Motilal: Great, thank you.
Victoria go ahead.

Victoria Robinson: No problem, we've had one person with their hand raised for some time.

We're going to go ahead and I'm going to ask her to unmute. When I say her I'm assuming this is Melva Hayden, I'm hoping.

So M. Hayden, if you could unmute your line that'd be great.

Melva Hayden: Hi I actually must have touched that button by accident.
but I'm so thankful for this monthly community engagement on environmental justice and Title VI.

And we all know that Title VI and environmental justice are inextricably linked,

so I'm very happy that Marianne and Lilian and Anhthu and Kurt and everyone and Matt has all brought that together.

So thanks, I will mute again now. [LAUGHS]
All right go ahead, Christina.

Christina Motilal: Okay, great.

The next question we have in is from Amelia and they ask,

"Additional question. With the additional funding for EJ staff at the regional levels,

how does ECRCO envision regional offices will interact interface with existing state programs with federally approved state implementation plans

or SIPs for permitting,
for example, air permitting programs?

Lilian Dorka: Yeah, thank you for that question.

That's a great question because the regional offices are critical to the work that we do.

I know that they're critical to the work that Matt's office does in environmental justice.

but with respect to our civil rights cases and case investigations,

they are always involved.

We have points of contact within the offices, within all of the regional offices.
and their offices of regional council who are actual members of our case investigation teams and bring to bear, of course, all of the expertise that resides within the regions whether it's expertise in the actual environmental laws or the knowledge that they have and experience that they have from the perspective of environmental justice and engagement with local communities, but they are always
a part of our case team.

We realize, and Matt and Marianne should feel free to jump in here,

that there is additional funding through environmental justice

and of course, we're figuring out now how to make sure that all of the folks in the regional offices who do environmental justice work on a daily basis are also very well linked
to those who actually work on our
Title VI and other civil rights cases.

So we want to make sure that
there is that built-in coordination--

Matt did you want to talk a little bit at all
or Marianne about the funding question itself?

Matthew Tejada: To those points--

One of the things that we are
again, in part of bringing together

the External Civil Rights Compliance Program
in much closer alignment with the EJ program
as we are looking at
both the regional resources

that are planned to
go out to the regions,

01:22:25,679 --> 01:22:30,925
as well as the resources that will stay
in headquarters to just help with the folks

01:22:30,949 --> 01:22:35,344
that in my office, in the Office of
Environmental Justice and headquarters,

01:22:35,368 --> 01:22:40,548
I don't have a single person focused
on states and that's a big deal, right?

01:22:40,572 --> 01:22:46,159
We need-- states are so important--
that's something ever since I came to EPA,
I've shared very regularly with folks in headquarters that when I was down in Houston working on these issues about the only time I ever thought about EPA was when I was suing them, otherwise I was focused on the state, I was focused on the city, I was focused on the port. So part of a real focus for the EJ program and what we're going to do with these additional resources.
is having a much stronger, much more robust ability to engage with and support and provide resources or training or direction of whatever we can to help with our state partners and our local partners and our tribal and territorial government partners.

And we're going to be looking to do that in lockstep, not just on the EJ program but working together with the External Civil Rights Compliance Program because of the relationship between the two programs,
the ability for the two programs to reinforce one another in practice on the ground and engaging with communities and lifting up the law and bringing together environmental law with civil rights laws.

So as we do this inside of EPA, we're also looking out at the rest of the government, all levels of the government throughout the United States.

And we want to pursue the same sort of very
mutually aligned and supportive approach

to how we look at our relationships with states,

how we look at our relationships with local governments or other levels of government.

There's obviously going to be areas where the External Civil Rights Compliance Program is enforcing compliance of statutes.

The EJ program doesn't do that.

There's going to be areas where it's like
okay, this issue has now gone
into Lilian and Marianne space and Anhthu

and you all get to go deal with that
because it's crossed a certain line

but there's a huge space
in terms of again, providing that support,

engaging with communities,
engaging with our state partners

to advance this whole effort in a very
aligned way that I think is going to provide

a lot of hopefully, real
outcomes on the ground.

01:25:01,651 --> 01:25:07,040
We're seeing compliance with civil rights that lifts up environmental justice issues

01:25:07,040 --> 01:25:12,287
and advancing environmental justice issues in ways that helps states and others

01:25:12,311 --> 01:25:16,480
really wrap their arms around complying with civil rights.

01:25:16,480 --> 01:25:21,760
Marianne Engelmann: Matt let me just add a couple of small points, you both covered it.

01:25:21,760 --> 01:25:24,960
Here are a couple additional thoughts.

01:25:24,960 --> 01:25:28,880
One is, the regions
are already really helpful.

Our offices of regional council are the EJ folks in the regions

and as Lilian said, they're really important partners.

I just want to acknowledge that because the External Civil Rights Compliance Office hasn't gotten-- doesn't have the funding to pay for that time

and I want folks to understand that the reach of the program is enhanced
by all these partnerships within EPA

and really were already stretched
but would be even more stretched

without those partnerships
at the regional level.

The second thing is, the
question not only asked about

how ECRCO and OEJ, the Office of
Environmental Justice work together

but also the interface with existing
state programs and permitting
and state implementation
plans and SIPs.

And I just want to sort of pick out a
few things that were already said today

in light of this question.

Lilian talked about our all EPA
approach here and how the strategic plan

and the Equity Action Plan envision
civil rights not only being driven

at the External Civil Rights Compliance
Office but also by all the programs.
So if the Office of Water is giving out grants,

if the Office of Air and Radiation are given out grants,

their helping recipients of federal funds anticipate what the expectations are to comply with Title VI and other civil rights laws.

That's really important, so recipients of federal funds can affirmatively comply to the extent that-- this is culture change moving from a world in which
there wasn't the expectation of civil rights enforcement to a world in which there is

and so we need and have an all agency approach to that.

And then similarly that's at the sort of systems level

and then on any given decision or permits or opportunities that EPA can comment

and you've seen this in some permits across the country,

I think of the Suncor permit in Colorado, the Ajax permit in Michigan, General Iron in Chicago
where the regional offices have raised civil rights and environmental justice issues in particular permitting context.

And again the regions have really been out front on so much of that, so that's another piece of the question that was asked.

Thanks.

Christina Motilal: Great, thank you very much.
I'm sorry Victoria, did you wanna--

Victoria Robinson: No, no, no, I'm sorry I went ahead, I apologize.

Go ahead, Christina.

Christina Motilal: Okay, great, thanks.

The next question we have into the chat is by John and they ask, "Regarding Justice40 allocated funding, are we dealing only with existing programs?"

Will not new programs be created to accommodate all the requirements spelled out
in executive orders 14008, 13990 and 13985?"

Matthew Tejada: That's a great question, I wish--

well I don't know if I wish.

Presidential executive orders though do not create programs

much as many presidents wish they-- [LAUGHS]

I think probably all presidents wish they would,
but they might create initiatives or efforts
or direct the focus of the executive branch

but the president-- well, gosh
I hope I don't overstate this,

nothing gets set up, it's funded
essentially just by the stroke of a pen.

I think sometimes there are ways that
things are manipulated or managed to do that

or start getting in that way but for the
most part, congress sets up programs

through the
appropriations process.
Congress establishes programs, provides the statutory authority for those programs and then funds those programs.

So there's a lot of effort of existing programs to implement the presidential executive orders and as Marianne said before, one of the things we have that has been a challenge for us inside of the federal government over the past year,
is that the scope of our mandate increased by at least an order of magnitude,

if not several, while we were still dealing with a budget that was providing us resources at a very small level, so that has been a challenge.

Justice40, however specifically, is looking at existing and new programs.

For instance, one of the things that we're going to talk a lot more about at the NEJAC meeting over the next two days which
John, I know you'll be listening to,

is that we are looking at when the Bipartisan Infrastructure Law or the Investing and Infrastructure and Jobs Act, there's different names for it,

but when it was passed back in November, it created some new programs and that was months and months after Executive Order 14008 and the Justice40 Initiative but we are pulling in any of those new programs that fit
within the definition of the Justice40 Initiative, they're being brought in to Justice40

and when we get a fiscal year 23 budget, sometime some months from now

or if the Build Back Better agenda is resuscitated

as I know that there are some quiet efforts from reading the newspaper,

there are some quiet efforts to bring that back if that becomes a thing

and establishes some new programs, then those also will go through a process of saying
"Okay here's these new programs that congress has created and funded,

do these line up with Justice40?

If so, let's start bringing him into Justice40."

So if it is-- again, Justice40 isn't a program in and of itself,

it's looking at a whole host of programs across the--

almost the entire federal government and through a process of analyzing
based upon the guidance that's been given out by the White House,

each agency is determining [INAUDIBLE] with and become part of Justice40.

So it is an ongoing kind of living process that we are still working

across many federal agencies and the White House and its offices

figuring out the next steps of implementing it, of filling it in

of bringing more programs in.
It is a huge change effort at least for EPA, it will be a change effort for the vast majority of the programs and resources at EPA. We don't have kind of a final count yet but it's going to affect almost everything at EPA. Pretty close to everything at EPA will eventually be implicated in the Justice40 Initiative. So we have another half hour, right Christina?
Christina Motilal: Yeah, we have another question in that we can move to.

This one is from Nestor and they say thank you ECRCO for a great presentation,

and they ask after a complaint is filed, what are some of the common procedural stages and time frames for parties at ECRCO until resolution?

Kurt Temple: Right, I'll take that one.

Christina Motilal: Go ahead, go ahead, Kurt.
Kurt Temple: Thanks, Nestor.

I did respond to you in the Q&A with the link to our Case Resolution Manual and so that's really where all the answers are but that is a pretty big document.

But the table of contents page sort of outlines the processes and in particular, I guess there's a few processes that you should be aware of.

One is the acknowledgment of the complaint along with the jurisdictional review process.
And we have-- once we get a complaint, we have five days to acknowledge that complaint.

We acknowledge both to the recipient and to the complainants.

Thereafter, we have another 20 days to conduct our jurisdictional review which we have to determine whether or not we can accept that complaint.

And there's four jurisdictional criteria that are outlined in our Case Resolution Manual and it's a relatively low bar for us to accept jurisdiction.
And so we undertake that review to determine whether or not the complaint is in writing, whether or not the entity complained against receives EPA financial assistance, whether it alleges a claim over something that we have a jurisdiction over one of the civil rights laws, and then also, whether it was filed within 180 days. Again, that time frame can
be waived for good cause.

So we undertake that jurisdictional review--

I should also note that there's some prudential reasons that we would look at as well to determine whether or not we take a case but we have 20 days either to accept, to reject or reject and refer.

Maybe somebody else has jurisdiction in another federal agency, for instance.
Once we made that determination we would issue a letter letting everybody know what our determination is.

and if we've accepted it, then that [INAUDIBLE] into another part, another phase of our process.

Our regulation says we have 180 days from the date of acceptance to issue preliminary findings and again, our Case Resolution Manual discusses
what preliminary findings are but in our acceptance letter, we indicate that--

1195
01:36:07,440 --> 01:36:11,600
we would ask the recipient whether or not they wish to pursue informal resolution.

1196
01:36:11,600 --> 01:36:14,868
We do that because our reg states

1197
01:36:14,892 --> 01:36:19,178
that we should pursue informal resolution wherever appropriate.

1198
01:36:19,202 --> 01:36:24,533
And so if a recipient agrees to that informal resolution process,

1199
01:36:24,557 --> 01:36:31,119
then we would undertake those steps with the recipient

1200
01:36:31,119 --> 01:36:36,480
to reach an informal resolution agreement.

In that process, we would also engage with the complainants to help us inform that informal resolution.

It's a process where we take into account not only the issues we're for investigation but also we hear from the complainants and other interested parties with respect to informal resolution.
If informal resolution fails,

then we have to go back into the investigation process and complete it.

Another avenue of informal resolution is what's known as alternative dispute resolution, it's a process that is not necessarily appropriate for all cases but it's one that we look at in appropriate cases under ADR.

That process is one that is between the complainants and the recipients,
those who are complained about and
so we take a step back in that process

1213
01:37:42,800 --> 01:37:49,600
but we facilitate the engagement of the
mediator and we also check on the progress

1214
01:37:49,600 --> 01:37:53,268
and if it's resolved through
alternative dispute resolution,

1215
01:37:53,292 --> 01:37:58,320
we would then look to see whether all the
civil rights issues were reasonably addressed

1216
01:37:58,320 --> 01:38:05,280
and if so, we would close the
case based on that ADR agreement.

1217
01:38:11,199 --> 01:38:14,639
Christina Motilal: Great, thank you so much
for that elaboration, Kurt.
We do have one more question into the chat, give me one second.

Okay, yeah, we have another question very quickly, we have a second.

The question is from Steve and they ask "is EPA now as a matter, of course,
referring Title VI complaints where the recipient is not funded by EPA
to another federal agency that actually provides funds to the recipient
or is EPA just closing those complaints?"
Lilian Dorka: Thank you for that question, Steve.

It's always great to get questions from you.

The short answer is yes, absolutely.

It's a routine matter, we are now referring--

I don't think that we've closed any cases for lack of jurisdiction where we have not referred to another agency,
we routinely look anyway even where we do have jurisdiction,

we have been looking to see who else has jurisdiction as well

because there are some really critically important issues that transcend EPA's sort of scope of expertise.

And we have been doing in one of our priority areas,

in fact, is to do more effective inter-agency coordination and collaboration along with DOJ.
DOJ very much encourages that we meet regularly with sister agencies through DOJ to talk about environmental justice and civil rights Title VI issues that are coming up in our different cases. A lot more complainants are filing complaints with more than one agency and so it's critical that we that we do have that relationship with our sister agencies. So absolutely, we
are doing that now.

1242
01:40:27,292 --> 01:40:32,400
If it's not, if we're not closing
for a lack of jurisdiction

1243
01:40:32,400 --> 01:40:37,199
in terms of not subject matter
jurisdiction but personal jurisdiction

1244
01:40:37,199 --> 01:40:40,754
where we don't provide
financial assistance,

1245
01:40:40,778 --> 01:40:45,156
then there are instances where
we would not refer, if for example,

1246
01:40:45,180 --> 01:40:52,159
we feel the issues are not our
route or not right, for example.

1247
01:40:52,159 --> 01:40:56,361
We may not refer to another agency but certainly where we don't have jurisdiction because there is no EPA money, there is no EPA financial assistance, we would routinely refer.

And I see that you said there was a Title VI complaint closed that was filed in 2021 due to EPA not funding the recipient, so glad to hear no longer happens.

Feel free to reach out to us and tell us if you're concerned about that particular instance.
and when we can discuss without
discussing the specifics of the case itself,

1254
01:41:31,944 -- 01:41:41,840
we can discuss more why that might have
been, why we might have closed that case.

1255
01:41:45,119 -- 01:41:49,760
Christina Motilal: Great, thank you so much
Lilian, for this wonderful information.

1256
01:41:50,719 -- 01:41:55,840
At the moment we do not have any
more open questions in the Q&A pod.

1257
01:41:55,840 -- 01:42:00,239
We did want to ask one more time if
individuals did want to raise their hand

1258
01:42:00,239 -- 01:42:05,488
to ask any questions and also
on the phone as Victoria explained
or through the mobile app.

So I just want to give a little bit of time to see if anybody wants to raise their hand to ask a question.

Victoria Robinson: Okay.

I'm seeing no hands raised.

I'm going to go ahead and go through a couple of upcoming engagement training opportunities
and then if we see anything between that and the final slide, then we’ll answer a question.

Just let you guys know, it’s a very busy season at EPA, lots of opportunities for engagement, for training, for building awareness.

And one such opportunity is that EPA's Office of Water is convening a listening session in May 2nd, Monday May 2nd, about its draft Climate Adaptation Implementation Plan and this plan builds on the agency-wide climate plan.
which came out last October

and it's serves as a strategic roadmap for priority actions

that OW will be taking around financial assistance, program implementation,

research and training to integrate climate change adaptation considerations

throughout their programs and consistent with the goals of the administrators--

administration's Justice40 commitment.
So again this listening session open to all it's on Monday, May 2nd 2022

from 3:30 p.m to 5:00 p.m eastern time.

This slide is in your slide deck that we posted on the web, includes a link to register and if you need assistance with registration or for special accommodations, there's an email address that you can contact for such assistance.

And not seeing any more hands raised or any more comments.
Should we go on to the closing?

Christina, do you see any questions?

Christina Motilal: No but we did just have a hand get raised.

Victoria Robinson: Oh, thank you very much, you just did, okay.

This question is Sky Wheeler from Human Rights.

Sky Wheeler: Hello, yes this is Sky.

I work for Human Rights Watch,
I'm based in Washington D.C.

and thank you very much for this.

Something I've been trying to understand as I try to keep up with the many wonderful opportunities there are to provide input into various environmental justice initiatives that are going on right now,

is how best can those of us who are especially interested in maternal health...
and reproductive justice which is basically the making sure that all people whatever their color or income or wherever they live in the US have an equal right to have a healthy pregnancy and give birth to a healthy newborn, can best take advantage of what is happening right now?

There's a wonderful sense of hope in terms of environmental justice right now but I just don't see reproductive justice or the fact that the US is in the midst
of a maternal health crisis
centered by the fact that black women

are twice as likely to-- two to
three times is likely to die in childbirth

but also two times more likely to have a
preterm birth as you know was quite often

possibly caused or worsened by
environmental health factors.

I'm just not seeing this particular
problem emerge in the policy drafts,

the thinking around how to best make
environmental justice a reality in the US.
I was wondering if you can comment on that and tell us how those of us in this space can perhaps work with you and others to address this missing gap or this gap in the picture right now, thank you.

Matthew Tejada: Hey Sky, thank you so much for that.

That is a great point and it is-- I'll acknowledge-- it is not apparent, it hasn't been something that has really been,
I don't even know how to say this in a way that doesn't get me in trouble.

It hasn't been a focus in the past.

This administration though, I will say is making a decided focus on it,

it's something that isn't out in front yet because we're still figuring out how to do that, how to make it meaningful.

We are looking at a range of things though from
whether it's looking at issues of gender or maternal health

like you're pointing at, in our rule makings or in any of our policy considerations.

I know that is happening, we have some really great leadership inside of EPA particularly.

My boss boss, my actual boss Victoria, Vicki Arroyo who is the Associate Administrator in the Office of Policy it is something that she is very much providing a lot of leadership for us at EPA on making sure that folks are looking at that
in our policy work at EPA.

It is also something that we're already working on for things that we do in the EJ program.

We're looking at some of the health data that has recently become available, we're also looking at trying to see if there is something we can do with other existing data sets like census or others where we can try to pull out and highlight parts of data that really get at that issue of differences in gender.
or maternal health or childhood health
to really start to highlight those things.

It's also something that is
on the table in terms of

trying to think out some way of being
a focus in some of the grant funding

that we'll have going forward.

So we're working on it, we don't
have anything to give folks yet

but it is very much something
that is a priority issue
and one of the things
that we are working to figure out

because we do have in this administration
very clear leadership and support
to finally start really figuring this
out as a much more central issue

in things like
environmental justice at EPA.

So just continuing to
stay involved and help out

and when we have these upcoming
opportunities like this call or others

or we'll be working through issues or offering details and really needing suggestions

from folks like you and other leaders out there and non-profits and community organizations,

either to help us refine the ideas we have or say no,

we don't think that would work but if you did this it'd be better.

That's the sort of space we're in right now as we're looking at
finally being able to really build out a program that gets to these different issues in a much more meaningful way.

Christina Motilal: Great, thank you Matt.

Victoria we did have another hand get raised.

Victoria Robinson: Yeah I see that right now.

And I'm going to-- it's Gregory Norris or Norris Gregor, my apologies.

If you would like to go ahead and unmute yourself
then you can go ahead
and ask your question.

Norris Gregory? Gregory Norris?

Are you able to-- you're unmuted,
go ahead and ask your question.

Are you able to speak?

Matthew Tejada: Last call
for Greg Norris, Norris Gregory.

All right.
Victoria Robinson: Okay, we'll go ahead and close out.

Matthew Tejada: Am I doing this or are you doing this?

Victoria Robinson: Oh, I'll go ahead and do it I would just check--

Matthew Tejada: You do it, you go ahead, I've been talking a lot.

Victoria Robinson: No prob, okay.
We want to first of all thank everybody-- oh his mic is not working.

So Norris Gregory, if you would like to go ahead and put in your question write your question into the Q&A pod, we'll go ahead and try to answer your question from there if that's possible.

All right, while we're doing that, we want to thank everybody for taking the time out today for this call.
We appreciate all of you coming in taking some time to be able to provide feedback for us to help us learn more about what your concerns are.

Our next monthly call is scheduled for Tuesday May 17th at 2 pm eastern.

And the slide here indicates the link to our webpage, we list all the upcoming engagement calls.

Tomorrow, the link for registration will be placed,
registration will open up
tomorrow for the May 17th call

and we will be updating the agenda.

Right now the agenda is still to be determined
but feel free to go ahead and register.

As we always remind people,
you can always subscribe
to our environmental justice listserv which
goes out about three or four times a week,

it's a place to get up-to-date information about
EJ funding opportunities, events and webinars
and it's really easy to join, send a blank email to join-epa-ej@lists.epa.gov real simple and get you on the list.

We also have a Twitter page I saw that a couple people asked what our Twitter handle was.

Our Twitter handle is @EPAEnvJustice, so @EPAEnvJustice and then you can also send up follow-up questions or comments to our inbox at environmental-justice@epa.gov.
So I see that he no longer has--
Gregory Norris or Norris Gregory

does not have any questions and if you want to feel free to send us your question, Norris

then we’ll follow up with you that way.

So again everybody have a great evening.

Stay warm if you’re up north, stay dry if you’re down south

and just enjoy yourself and stay blessed and look forward to Earth Day this Friday.
Thank you very much.

Christina Motilal: Thank you.

Matthew Tejada: Thanks everyone.

Lilian Dorka: Thank you everyone.

Happy Earth Day.