

1

00:00:00,080 --> 00:00:02,480

Victoria Robinson: All right.

2

00:00:03,280 --> 00:00:04,687

I'd like to welcome everybody

3

00:00:04,711 --> 00:00:10,559

to our 14th EPA National Environmental
Justice Community Engagement Call

4

00:00:10,559 --> 00:00:16,176

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

5

00:00:16,200 --> 00:00:19,528

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

6

00:00:19,552 --> 00:00:23,007

We are going to go ahead and
get started in just a few moments,

7

00:00:23,031 --> 00:00:26,800

but in the meantime I'm going to
go over some housekeeping rules.

8

00:00:26,800 --> 00:00:31,852

We're asking that everyone joined
by phone or computer, but not both,

9

00:00:31,976 --> 00:00:39,520

it provides an opportunity for more individuals to
actually to be able to participate on the call.

10

00:00:39,520 --> 00:00:41,112

You are all on mute,

11

00:00:41,136 --> 00:00:45,935

and so as a result we are asking you to
please enter any questions and comments,

12

00:00:45,959 --> 00:00:47,258

you may have into the Q&A pod.

13

00:00:47,282 --> 00:00:52,015

It's going to be an opportunity
during our engagement session

14

00:00:52,039 --> 00:00:56,288

for your questions to be
answered either read out loud

15

00:00:56,312 --> 00:01:00,237

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

16

00:01:00,261 --> 00:01:05,618

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

17

00:01:05,642 --> 00:01:08,368

If you are allowed to
speak during the dialogue,

18

00:01:08,392 --> 00:01:13,760

we're asking you please limit your comment
to about one minute or so, if possible.

19

00:01:13,760 --> 00:01:16,528

And that as we have done
in the past, the recording

20

00:01:16,552 --> 00:01:19,725

and the transcript will be available
online in the near future.

21

00:01:19,749 --> 00:01:24,736

It usually takes less than a week
for us to have both the recording

22

00:01:24,760 --> 00:01:30,960

and associated meeting materials to
be posted online on our website.

23

00:01:30,960 --> 00:01:34,558

We also have simultaneous
interpretation available.

24

00:01:34,582 --> 00:01:37,653

In this case we have Spanish
language interpretation,

25

00:01:37,777 --> 00:01:41,680

which is available for those
who prefer to listen to in Spanish.

26

00:01:41,680 --> 00:01:45,908

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

27

00:01:45,932 --> 00:01:49,742

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

28

00:01:49,766 --> 00:01:54,547

you click on that and you can
choose the interpretation mode

29

00:01:54,571 --> 00:01:56,839

and you'll be able
to select Spanish.

30

00:01:56,863 --> 00:02:02,152

Or also if you were asking everybody to select
English, if you want to hear the English mode,

31

00:02:02,176 --> 00:02:05,026

because we're also encouraging
any if those individuals

32

00:02:05,050 --> 00:02:07,846

who prefer to ask their
question out loud in Spanish

33

00:02:07,870 --> 00:02:11,840

that we will-- that opportunity
will be afforded to them.

34

00:02:11,840 --> 00:02:17,200

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

35

00:02:17,200 --> 00:02:22,681

So we are now going to-- I'm going to turn
the meeting over to Matthew Tejada,

36

00:02:22,705 --> 00:02:25,920

the Director of EPA's Office

of Environmental Justice.

37

00:02:25,920 --> 00:02:28,148

And go from there, welcome Matthew.

38

00:02:28,172 --> 00:02:29,831

Matthew Tejada: Thank
you so much, Victoria,

39

00:02:29,855 --> 00:02:36,400

and hello to everyone joining us today,
very happy to have folks in this week.

40

00:02:36,400 --> 00:02:42,548

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

41

00:02:42,572 --> 00:02:46,160

I think there's a lot of holidays
actually coinciding right now

42

00:02:46,160 --> 00:02:53,280

between Passover and Easter and Ramadan so

I'm hoping folks are having some time

43

00:02:53,280 --> 00:03:00,518

to take off of work and enjoy yourselves
with your loved ones and your friends

44

00:03:00,542 --> 00:03:04,258

and hopefully
getting out in nature.

45

00:03:04,282 --> 00:03:09,040

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

46

00:03:09,040 --> 00:03:11,920

with a brief mindfulness moment.

47

00:03:13,280 --> 00:03:16,016

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

48

00:03:16,040 --> 00:03:25,328

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,

54

00:03:46,159 --> 00:03:50,879

I just wanted to invite people for a
moment to just stop what you're doing

55

00:03:50,879 --> 00:03:57,840

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

56

00:03:57,840 --> 00:04:01,063

as well as the fact that it is spring,

57

00:04:01,087 --> 00:04:07,396

and hopefully for most of the
country is somewhat warm inviting time

58

00:04:07,520 --> 00:04:15,180

to be outside actually in nature
that this is an important time of year

59

00:04:15,280 --> 00:04:21,759

to celebrate to be with loved
ones, to be out in nature,

60

00:04:21,759 --> 00:04:23,985

but to also remind ourselves that

61

00:04:24,009 --> 00:04:29,274

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

62

00:04:29,298 --> 00:04:37,248

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

63

00:04:37,272 --> 00:04:44,543

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

64

00:04:44,567 --> 00:04:49,680

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

65

00:04:49,680 --> 00:04:57,520

It's our focus on ensuring that all people,
all communities have a clean environment,

66

00:04:57,520 --> 00:05:03,823

have access to natural resources, are
able to enjoy the nature that surrounds

67

00:05:03,847 --> 00:05:06,012

and supports their communities.

68

00:05:06,036 --> 00:05:12,148

So for that, I appreciate and just want
to lift up everyone who is joining us today

69

00:05:12,172 --> 00:05:21,199

to be a part of this call in reflecting on
that need to really focus on those communities

70

00:05:21,199 --> 00:05:26,000

low-income and indigenous and
communities of color primarily

71

00:05:26,000 --> 00:05:32,800

that far too often don't have access
to a clean environment in this week

72

00:05:32,800 --> 00:05:38,880

when it should be such a core part of what
we do all the time, but especially this week.

73

00:05:38,880 --> 00:05:40,240

So thank you for that.

74

00:05:40,240 --> 00:05:44,720

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

75

00:05:44,720 --> 00:05:49,298

Moving ahead so you will
notice or hopefully you noticed

76

00:05:49,322 --> 00:05:57,002

that as we have since we've started doing
these engagement calls going back to last year,

77

00:05:57,026 --> 00:06:05,520

they're constantly evolving based upon
the need, based upon what we're hearing,

78

00:06:05,520 --> 00:06:10,720

from external folks needing
more information, needing more engagement.

79

00:06:10,720 --> 00:06:15,600

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

80

00:06:15,600 --> 00:06:18,524

actually on the ground through the regions,

81

00:06:18,548 --> 00:06:25,832

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

82

00:06:25,956 --> 00:06:33,090

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

83

00:06:33,114 --> 00:06:37,754

where we'll have the actual people to
get out there and engage with communities

84

00:06:37,778 --> 00:06:41,029

on a more regular basis
through the regions.

85

00:06:41,053 --> 00:06:44,071

We're working on those plans right now.

86

00:06:44,095 --> 00:06:49,599

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

87

00:06:49,599 --> 00:06:52,468

think about or even
tried to describe to folks

88

00:06:52,492 --> 00:06:55,951

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

89

00:06:55,975 --> 00:07:02,479

and actually putting it into place and
hiring people and getting out the new grants,

90

00:07:02,479 --> 00:07:05,672

there's a lot of work happening
on top of all the other work

91

00:07:05,696 --> 00:07:08,848

that you're going to hear
about here in a little while

92

00:07:08,872 --> 00:07:13,707

in terms of engaging communities more,
getting a new grant program stood up,

93

00:07:13,731 --> 00:07:18,601

we'll be talking about those details as
they start to take shape in these calls

94

00:07:18,625 --> 00:07:22,944

and in other forums like the National
Environmental Justice Advisory Council

95

00:07:22,968 --> 00:07:27,028

over the coming months, there's going
to be a need for a lot of engagement

96

00:07:27,052 --> 00:07:30,808

and a lot of feedback from
communities and community leaders,

97

00:07:30,832 --> 00:07:34,876

and organizations over these
coming months on our draft ideas

98

00:07:34,900 --> 00:07:39,919

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

99

00:07:39,919 --> 00:07:43,039

what the engagement
effort should look like?

100

00:07:43,039 --> 00:07:46,208

We are of course as we always have been
committed to engaging and sharing

101

00:07:46,232 --> 00:07:52,027

and being transparent and responsive
to the needs of the communities

102

00:07:52,051 --> 00:07:55,759

that are relying on this and
that need it and deserve it.

103

00:07:55,759 --> 00:08:02,160

So that's going to be a big effort over the
next few months, as we look to put in place

104

00:08:02,160 --> 00:08:07,360

the programs, the grants, the assistance,
everything else that comes with this,

105

00:08:07,360 --> 00:08:09,554

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

106

00:08:09,578 --> 00:08:14,808

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

107

00:08:14,832 --> 00:08:20,879

it'll be one way of multiple ways that we
look to provide transparency and receive input

108

00:08:20,879 --> 00:08:22,720

on what we're doing.

109

00:08:22,720 --> 00:08:26,447

Another way that we have been responsive that you'll see on this call

110

00:08:26,471 --> 00:08:30,639

is a lot of folks have been asking "Hey, we want to hear more about what's happening

111

00:08:30,639 --> 00:08:33,347

with the civil rights compliance program, with Title VI

112

00:08:33,371 --> 00:08:36,958

and all the other parts of external civil rights compliance."

113

00:08:36,958 --> 00:08:38,625

So we're very happy that well--

114

00:08:38,649 --> 00:08:42,830

first, we'll be joined by some colleagues
from the Office of Water today,

115

00:08:42,854 --> 00:08:49,200

but then, we'll have our very close colleagues
from the Office of General Counsel's External

116

00:08:49,200 --> 00:08:54,043

Civil Rights Compliance Office will
be joining us to talk about their program

117

00:08:54,067 --> 00:08:58,800

and to talk about civil rights
compliance at EPA externally in Title VI

118

00:08:58,800 --> 00:09:01,728

and that we're committed to
doing that on a quarterly basis,

119

00:09:01,752 --> 00:09:08,480

so we're going to use every third, third
or fourth, every third of these meetings

120

00:09:08,480 --> 00:09:12,635

we're going to have our colleagues from
the External Civil Rights Compliance Office

121

00:09:12,659 --> 00:09:15,788

are going to join us for
them to also provide regular updates

122

00:09:15,812 --> 00:09:18,800

receive regular
engagement back,

123

00:09:18,800 --> 00:09:24,067

it's part of both our responsiveness
to what we are hearing and have heard

124

00:09:24,091 --> 00:09:29,839

from you all out in the community and in
the advocacy world and in the EJ movement

125

00:09:29,839 --> 00:09:31,284

and civil rights movement.

126

00:09:31,308 --> 00:09:38,480

And it's also just another testament though
to this administration's very clear commitment

127

00:09:38,480 --> 00:09:41,874

and now visible manifestation
of that commitment

128

00:09:41,898 --> 00:09:46,002

in more closely bringing
together the environmental justice

129

00:09:46,026 --> 00:09:49,279

and external civil rights
compliance programs.

130

00:09:49,279 --> 00:09:55,108

I spend half my day with the folks
in the External Civil Rights Compliance Office

131

00:09:55,132 --> 00:09:58,440

that you're going to hear

about or hear from soon,

132

00:09:58,464 --> 00:10:00,500

this is just another element of that.

133

00:10:00,524 --> 00:10:02,434

So we're very happy to be doing that,

134

00:10:02,458 --> 00:10:05,102

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

135

00:10:05,126 --> 00:10:08,620

so that we could work
together and satisfy the requests

136

00:10:08,644 --> 00:10:12,169

that we were hearing from
folks on the outside.

137

00:10:12,193 --> 00:10:17,048

So with that, Victoria I think that'll do it
just for some of the quick updates right now.

138

00:10:17,072 --> 00:10:19,528

We do have-- I

mentioned the NEJAC earlier,

139

00:10:19,552 --> 00:10:23,643

there is a NEJAC meeting that's

going to kick off tomorrow and Thursday.

140

00:10:23,667 --> 00:10:27,184

If folks aren't aware of that, you can find

information about it on our Twitter's feed.

141

00:10:27,208 --> 00:10:31,108

We can put it into the chat for

folks to find the information for it.

142

00:10:31,132 --> 00:10:35,011

It is going to focus on infrastructure

investment and financing

143

00:10:35,035 --> 00:10:39,600

from the Infrastructure

Bill that was passed last fall

144

00:10:39,600 --> 00:10:44,000

everything we're doing on

Justice40 there is a ton of effort

145

00:10:44,000 --> 00:10:49,200

that it continues to ramp up across the

entire federal government and at EPA,

146

00:10:49,200 --> 00:10:52,868

so the meeting for the next two days

is going to focus on investment,

147

00:10:53,092 --> 00:10:55,539

and financing and Justice40.

148

00:10:55,663 --> 00:10:57,944

So I'm sure a lot of folks on this

call would be interested in that

149

00:10:57,968 --> 00:10:59,524

if you're not already

aware of it.

150

00:10:59,548 --> 00:11:03,067

And again, going back to
our mindfulness moment,

151

00:11:03,091 --> 00:11:09,120

the theme for Earth Day this
year is actually invest in our planet

152

00:11:09,120 --> 00:11:11,544

and we don't want to
just invest in our planet,

153

00:11:11,568 --> 00:11:14,717

we want to invest in the
communities on our planet

154

00:11:14,741 --> 00:11:17,760

that need and deserve
that investment the most.

155

00:11:17,760 --> 00:11:22,880

So all of it very fitting in this week
and to really be focusing on these issues

156

00:11:22,880 --> 00:11:25,788

and to be providing that transparency

157

00:11:25,912 --> 00:11:30,399

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

158

00:11:30,399 --> 00:11:32,888

really land in ways that
are equitable and just

159

00:11:32,912 --> 00:11:38,320

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

160

00:11:38,320 --> 00:11:40,502

So with that, I'm going to stop,

161

00:11:40,526 --> 00:11:46,399

and I think Victoria our first folks are

going to be our colleagues Cynthia Curtis

162

00:11:46,399 --> 00:11:51,120

and Michael Scott

from the Office of Water.

163

00:11:51,120 --> 00:11:56,956

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

164

00:11:56,980 --> 00:11:59,755

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

165

00:11:59,779 --> 00:12:01,412

kind of a brief overview,

166

00:12:01,436 --> 00:12:06,160

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

167

00:12:06,160 --> 00:12:09,680

but then we'll move on and we'll

spend the bulk of our time today

168

00:12:09,680 --> 00:12:12,520

with our external civil
rights compliance program

169

00:12:12,544 --> 00:12:17,300

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

170

00:12:17,324 --> 00:12:19,499

So, Michael I see
that you're up.

171

00:12:19,523 --> 00:12:22,639

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

172

00:12:23,440 --> 00:12:26,307

we will provide an opportunity
to ask some questions

173

00:12:26,331 --> 00:12:30,391

before we move on to the civil
rights movement as Matthew has said,

174

00:12:30,415 --> 00:12:35,042

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

175

00:12:35,066 --> 00:12:40,388

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

176

00:12:40,412 --> 00:12:44,399

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

177

00:12:44,399 --> 00:12:47,279

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

178

00:12:47,279 --> 00:12:49,279

All right.

179

00:12:49,279 --> 00:12:51,600

Matthew Tejada: And

Michael, I also want to call out,

180

00:12:51,600 --> 00:12:56,560

thank you very much to our interpreters

Shamura and Dina are with us today,

181

00:12:56,560 --> 00:13:02,163

but we're going to continue to speak at

a pace to make sure that our interpreters

182

00:13:02,187 --> 00:13:03,743

that we don't kill their voices

183

00:13:03,767 --> 00:13:07,548

and to make sure that those listening

in through the interpretation channel

184

00:13:07,572 --> 00:13:10,320

are able to follow along

equitably.

185

00:13:10,320 --> 00:13:11,763

So it's all you Michael.

186

00:13:11,787 --> 00:13:13,494

Michael Scott: All right,
thank you Matthew,

187

00:13:13,518 --> 00:13:17,501

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

188

00:13:17,525 --> 00:13:20,959

and appreciate the
opportunity to be with all of you.

189

00:13:20,959 --> 00:13:27,447

[UNINTELLIGIBLE] Cynthia and [UNINTELLIGIBLE]
are going to provide a quick overview

190

00:13:27,471 --> 00:13:33,600

of the Clean Water Section 319 Program
that addresses Non-point Source Pollution.

191

00:13:33,600 --> 00:13:38,240

This is one of EPA-- the
Office of Water I should say,

192

00:13:38,240 --> 00:13:42,928

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

193

00:13:42,952 --> 00:13:46,380

and one of the focuses
of our program this year is

194

00:13:46,404 --> 00:13:50,609

thinking about how we can bring
new communities into the program

195

00:13:50,733 --> 00:13:54,928

so that they realize the water quality
benefits that so many other communities

196

00:13:54,952 --> 00:13:58,550

across the United States have
been experiencing for years.

197

00:13:58,574 --> 00:14:03,371

And I should mention that I'm the Chief of
the Non-Point Source Management Branch

198

00:14:03,495 --> 00:14:04,966

at EPA headquarters.

199

00:14:04,990 --> 00:14:07,692

So Non-Point Source
Pollution in general

200

00:14:07,716 --> 00:14:10,917

it's the dominant source of
pollution in the nation's waters

201

00:14:10,941 --> 00:14:15,428

and there's incredibly diverse
sources of non-point source pollution

202

00:14:15,452 --> 00:14:18,296

that you can see
on the slide here,

203

00:14:18,320 --> 00:14:22,370

and these sources will be different
depending on where you live

204

00:14:22,394 --> 00:14:24,639

and what your landscape looks like,

205

00:14:24,639 --> 00:14:29,440

and that's why, as you'll hear
in the coming slides, the program is

206

00:14:29,440 --> 00:14:33,156

designed to provide
maximum flexibility to grantees

207

00:14:33,180 --> 00:14:36,748

to develop a Non-Point
Source Management Plan

208

00:14:36,772 --> 00:14:41,600

that's specific to the
problems on their landscape.

209

00:14:41,600 --> 00:14:45,399

Next slide, please.

210

00:14:45,760 --> 00:14:49,199

I'll do this really quick but just
trying to kind of differentiate between

211

00:14:49,199 --> 00:14:53,548

what is a point source of pollution
that's regulated under the Clean Water Act,

212

00:14:53,572 --> 00:14:55,930

that's coming from
a discernible source,

213

00:14:55,954 --> 00:15:00,536

now I like to say you can point at where that
pollution is coming from whereas non-point source

214

00:15:00,560 --> 00:15:04,500

our program is a the
source of pollution is diffuse,

215

00:15:04,524 --> 00:15:08,166

so it could come from a
variety of different sources

216

00:15:08,190 --> 00:15:14,880

and it's hard to kind of point directly
at where the pollution is coming from.

217

00:15:14,880 --> 00:15:17,839

Next slide, please.

218

00:15:18,720 --> 00:15:24,317

Here I just want to point out a couple of things
about the section 319 of the Clean Water Act,

219

00:15:24,341 --> 00:15:27,359

and I won't get too technical here,

220

00:15:27,383 --> 00:15:32,802

but one Section 319(b) requires
recipients of 319 grant funds

221

00:15:32,826 --> 00:15:37,138

to develop a Non-Point
Source Management Plan.

222

00:15:37,162 --> 00:15:42,428

And this is where states, tribes
and territories lay out a detailed plan

223

00:15:42,552 --> 00:15:46,188

of the sources of pollution, the management
measures they're going to put in place

224

00:15:46,212 --> 00:15:52,082

and the sources of funding they're going to
pursue to deal with those sources of funding.

225

00:15:52,106 --> 00:15:55,314

And states and tribes and
territories are required under the act

226

00:15:55,338 --> 00:15:58,042

to update these management
plans every five years,

227

00:15:58,066 --> 00:16:04,880

and as part of that, that's a real opportunity
for communities to engage with states

228

00:16:04,880 --> 00:16:11,366

in particular on the content of
the state management plan update.

229

00:16:11,390 --> 00:16:14,044

And as you can see the 319 (h) program,

230

00:16:14,068 --> 00:16:19,488

once a state or tribe or territory has an
approved Non-Point Source Management Plan

231

00:16:19,512 --> 00:16:25,920

they are then eligible to receive
funds under the 319 Grant Program.

232

00:16:25,920 --> 00:16:32,800

I'll get more into how that actual
process works in a few slides here.

233

00:16:32,800 --> 00:16:36,079

So next slide, please.

234

00:16:36,079 --> 00:16:40,300

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

235

00:16:40,424 --> 00:16:43,475

just want to point out there
are a number of programs

236

00:16:43,499 --> 00:16:47,600

under the Clean Water Act
that are used to both assess,

237

00:16:47,600 --> 00:16:52,959

the extent and severity of pollution and
then there's a number of programs out there

238

00:16:52,959 --> 00:16:56,734

to restore and or protect
waters from pollution,

239

00:16:56,758 --> 00:17:00,257

and you can see these range
from regulatory programs,

240

00:17:00,281 --> 00:17:03,003

such as our--our national permit--

241

00:17:03,027 --> 00:17:09,724

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

242

00:17:09,748 --> 00:17:13,679

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

243

00:17:13,679 --> 00:17:17,559

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

244

00:17:17,583 --> 00:17:21,859

is a source of funding a
significant source of funding

245

00:17:21,883 --> 00:17:26,160

to carry out pollution reduction
practices on the ground.

246

00:17:26,160 --> 00:17:29,120

Next slide, please.

247

00:17:29,120 --> 00:17:31,382

So a little bit more about
these state management plans

248

00:17:31,406 --> 00:17:36,808

because again, I think this is a real opportunity
for local communities to engage with states

249

00:17:36,832 --> 00:17:39,804

on the contents of
state management plan,

250

00:17:39,828 --> 00:17:42,799

so they have to be updated every five years,

251

00:17:42,799 --> 00:17:50,948

and they lay out priorities, focus errors,
milestones, and states write grant work plans

252

00:17:50,972 --> 00:17:54,222

based on the content of
these management plans.

253

00:17:54,246 --> 00:17:57,608

And often states provide the
opportunity for public comment

254

00:17:57,632 --> 00:18:03,019

and often they're engaging with a wide
variety of partners local watershed groups

255

00:18:03,043 --> 00:18:04,559

and local communities.

256

00:18:04,559 --> 00:18:07,075

So the point of this slide
is to make you aware

257

00:18:07,099 --> 00:18:13,808

that states are updating these every five years,
our state, most of the states in the country

258

00:18:13,832 --> 00:18:18,826

recently updated those but they'll be in another
opportunity for that in the coming years.

259

00:18:18,850 --> 00:18:23,039

So I want to make you aware
of the fact that these plans exist

260

00:18:23,039 --> 00:18:27,600

and that there is an opportunity every
five years for local communities

261

00:18:27,600 --> 00:18:31,360

to engage with the state
on the contents of them.

262

00:18:31,360 --> 00:18:34,320

So next slide, please.

263

00:18:34,320 --> 00:18:39,408

Just to get a little bit into how we
move from a National Grant Program

264

00:18:39,432 --> 00:18:43,280

to funded projects

on the ground.

265

00:18:43,280 --> 00:18:47,048

So each year we get an

allocation of funding from congress

266

00:18:47,072 --> 00:18:55,360

and 100% of those funds are directed from

EPA to either states, tribes or territories

267

00:18:55,360 --> 00:18:59,088

and those funds are distributed

according to a national allocation formula,

268

00:18:59,112 --> 00:19:02,224

so it's not a competitive grant.

269

00:19:02,248 --> 00:19:07,010

And our guidelines provide that
50% particularly for states here,

270

00:19:07,034 --> 00:19:13,077

50% of the funds the states receive go to
program management, hiring local staff

271

00:19:13,101 --> 00:19:15,731

to work on non-point
source issues,

272

00:19:15,755 --> 00:19:19,526

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

273

00:19:19,550 --> 00:19:26,720

This is implementation of practices on the
ground to reduce Non-Point Source Pollution,

274

00:19:26,720 --> 00:19:30,948

and most states in this--
many states I should say,

275

00:19:30,972 --> 00:19:38,615

the way they distribute that 50% of on-the-ground watershed projects is through subgranting

276

00:19:38,639 --> 00:19:42,310

or sub-awarding those funds to local groups.

277

00:19:42,334 --> 00:19:46,474

So they will run their own competitive grant process.

278

00:19:46,498 --> 00:19:51,557

So on annual basis in many states you will see requests for applications

279

00:19:51,581 --> 00:19:53,602

for local watershed projects.

280

00:19:53,626 --> 00:19:58,480

And so that's where we think again there's a real opportunity

281

00:19:58,480 --> 00:20:02,068

for the National Program to
reach out to local communities

282

00:20:02,092 --> 00:20:04,471

to bring more communities
into the program

283

00:20:04,495 --> 00:20:08,480

so that you're realizing
the water quality benefits.

284

00:20:08,480 --> 00:20:14,559

And with that, I'm going to pass it to Cynthia
Curtis to continue with the presentation.

285

00:20:14,559 --> 00:20:16,880

Cynthia Curtis: All right, thank you Mike.

286

00:20:16,880 --> 00:20:23,243

So just diving into a couple more of the points
that Mike just brought up on the previous slide.

287

00:20:23,267 --> 00:20:31,840

So with those annual many to most states do have these competitive processes at the state level

288

00:20:31,840 --> 00:20:36,708

and one thing to know like we're calling it the Non-Point Source grant or the 319 Grant,

289

00:20:36,732 --> 00:20:40,451

states might be calling it something completely different

290

00:20:40,475 --> 00:20:42,928

like the targeted runoff management.

291

00:20:42,952 --> 00:20:47,896

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

292

00:20:47,920 --> 00:20:54,508

but just knowing if you're looking for something it may or may not be called 319 Grant.

293

00:20:54,532 --> 00:20:56,720

So next slide, please.

294

00:20:57,919 --> 00:21:01,033

So another thing Mike had up on the slide

295

00:21:01,157 --> 00:21:04,231

was that there's a certain
amount of set aside for tribes,

296

00:21:04,256 --> 00:21:08,836

and this year for FY 22 it's 9.8 million.

297

00:21:08,860 --> 00:21:12,647

There are 210 eligible
tribes at this point,

298

00:21:12,671 --> 00:21:17,456

and just like with the states their
programs are largely driven

299

00:21:17,580 --> 00:21:22,220

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

302

00:21:32,249 --> 00:21:35,120

in driving their implementation efforts.

303

00:21:35,120 --> 00:21:39,628

Another thing is that you might see
also, they do a lot more integration

304

00:21:39,752 --> 00:21:45,120

with their Clean Water Act
funding for water quality assessment.

305

00:21:45,120 --> 00:21:49,202

There's also a lot of unique challenges

that are associated specifically

306

00:21:49,226 --> 00:21:53,680

with the tribal grants, but that's something
if there are specific questions today

307

00:21:53,704 --> 00:21:59,120

we can dive into a little bit more
or we're happy to follow up later.

308

00:21:59,120 --> 00:22:01,760

Next slide.

309

00:22:02,000 --> 00:22:08,487

So Michael mentioned about 50%
of the funds awarded to states are expected

310

00:22:08,511 --> 00:22:14,559

to go to on the ground work, and
those are driven by a watershed plan.

311

00:22:14,559 --> 00:22:20,861

And the important part of the reason of

this expectation is repeated studies by EPA,

312

00:22:20,885 --> 00:22:27,527

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

313

00:22:27,551 --> 00:22:33,383

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

314

00:22:33,407 --> 00:22:38,240

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

315

00:22:38,240 --> 00:22:43,919

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

316

00:22:43,919 --> 00:22:48,559

because without their engagement success
is just not going to happen.

317

00:22:48,559 --> 00:22:50,799

Next slide.

318

00:22:50,799 --> 00:22:53,991

So to that point, with this grant right now

319

00:22:54,015 --> 00:23:00,367

at any given time there are about 1800
active projects going on across the country

320

00:23:00,391 --> 00:23:05,840

through this grant program with
over a thousand partners engaged,

321

00:23:05,840 --> 00:23:10,585

and what you can see is this is exactly part
of the intention behind this grant program

322

00:23:10,609 --> 00:23:15,919

is to really bring different organizations
together to work to solve problems.

323

00:23:15,919 --> 00:23:21,548

So you can see from the pie chart

on the right about 42% of the partners

324

00:23:21,672 --> 00:23:25,900

that are engaged are
those local communities.

325

00:23:26,000 --> 00:23:30,000

So next slide, please.

326

00:23:30,240 --> 00:23:35,396

So really going back to the very
beginning like if this is something

327

00:23:35,420 --> 00:23:42,168

that in your organization or your group or you
personally are interested in, there are ways

328

00:23:42,192 --> 00:23:45,815

to engage in this program
overall, and like Mike said first,

329

00:23:45,839 --> 00:23:50,960

is to look at the Non-Point Source

Management Plan for your state.

330

00:23:50,960 --> 00:23:59,760

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

331

00:23:59,760 --> 00:24:06,799

and then also look in your local community, your state contact could support you

332

00:24:06,799 --> 00:24:12,640

to get in touch with what watershed groups are active in your community.

333

00:24:12,640 --> 00:24:18,559

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

334

00:24:18,559 --> 00:24:21,200

Next slide.

335

00:24:22,400 --> 00:24:27,039

So these are just some examples of some

local communities that came together

336

00:24:27,039 --> 00:24:28,871

and when you get the slides,

337

00:24:28,995 --> 00:24:32,436

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

338

00:24:32,460 --> 00:24:36,400

on these specific
success stories.

339

00:24:36,400 --> 00:24:43,279

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

340

00:24:43,279 --> 00:24:45,848

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

341

00:24:45,872 --> 00:24:52,100

about what we are specifically focusing on

related to environmental justice right now.

342

00:24:52,400 --> 00:24:54,000

Thanks.

343

00:24:54,000 --> 00:24:56,240

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

344

00:24:56,240 --> 00:24:57,861

So as I started the call,

345

00:24:57,885 --> 00:25:03,883

I started the call, I mentioned that it's a
priority in this year for our program

346

00:25:03,907 --> 00:25:10,318

to think about how we can advance equity and
inclusion in the Non-Point Source Program.

347

00:25:10,342 --> 00:25:15,173

So towards that goal in September
of 2021, the program issued a memo

348

00:25:15,197 --> 00:25:21,847

basically encouraging our grantees-- well,
number one emphasizing the importance

349

00:25:21,971 --> 00:25:24,217

and our commitment to equity
and inclusion in the program

350

00:25:24,241 --> 00:25:29,307

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

351

00:25:29,331 --> 00:25:33,121

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

352

00:25:33,145 --> 00:25:36,562

and also committed
EPA to take some actions,

353

00:25:36,586 --> 00:25:40,796

and in particular engaging
with all of our grantees

354

00:25:40,820 --> 00:25:48,391

and communities across the nation to understand
what changes we could potentially take

355

00:25:48,415 --> 00:25:52,640

to improve the delivery of
benefits to more communities.

356

00:25:52,640 --> 00:25:55,279

So next slide, please.

357

00:25:55,279 --> 00:25:57,904

This is just a brief overview
of what we've done so far

358

00:25:57,928 --> 00:26:03,734

so we've done an intensive engagement
with our 319 grantees, states tribes,

359

00:26:03,758 --> 00:26:11,039

and territories holding eight listening
sessions over in the winter months

360

00:26:11,039 --> 00:26:15,866

four of those were specifically
with our tribal nations

361

00:26:15,890 --> 00:26:18,648

and the others were with all grantees

362

00:26:18,672 --> 00:26:23,364

and it provided these grantees an
opportunity to provide feedback,

363

00:26:23,388 --> 00:26:26,321

and it helped us identify some
specific actions we might be able

364

00:26:26,345 --> 00:26:31,760

to take in both the near term and short
term to improve the delivery of benefits

365

00:26:31,760 --> 00:26:33,608

to more communities nationwide.

366

00:26:33,632 --> 00:26:37,039

So next slide, please.

367

00:26:37,600 --> 00:26:39,857

In terms of where we're going with that,

368

00:26:39,881 --> 00:26:43,401

we have taken that information
from the listening sessions,

369

00:26:43,425 --> 00:26:50,320

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

370

00:26:50,320 --> 00:26:53,308

and we're working
through those groups currently

371

00:26:53,332 --> 00:26:56,760

with the idea that we want to have
some really concrete recommendations

372

00:26:56,784 --> 00:26:59,340

that we can implement
in the next fiscal year,

373

00:26:59,364 --> 00:27:03,708

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

374

00:27:03,732 --> 00:27:11,440

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

375

00:27:11,440 --> 00:27:16,122

and make them happen
quite as quickly as possible.

376

00:27:16,146 --> 00:27:18,720

And then, next slide, please.

377

00:27:18,720 --> 00:27:23,784

We are now moving to the stage of our
engagement where we want to engage communities

378

00:27:23,808 --> 00:27:29,100

that may already receive 319
dollars as sub recipients of states

379

00:27:29,124 --> 00:27:33,508

or are interested in becoming
a recipient of the funding.

380

00:27:33,532 --> 00:27:38,431

So as you can see we have a number of
listening sessions planned in the month of May

381

00:27:38,455 --> 00:27:45,919

and we'll provide all of you the opportunity
to sign up for these listening sessions,

382

00:27:45,919 --> 00:27:51,230

I will note specifically that the May 18th
session will be focused on communities

383

00:27:51,254 --> 00:27:57,559

in the Mississippi and the Atchafalaya River
basin with a focus on specific on Gulf Hypoxia,

384

00:27:57,583 --> 00:28:04,443

but part of what we are hoping as part of this call is that making you aware of this program

385

00:28:04,467 --> 00:28:06,207

and asking you to, if you have time,

386

00:28:06,231 --> 00:28:11,840

to engage in one of these listening sessions later in the month of May.

387

00:28:11,840 --> 00:28:14,960

Next slide, please.

388

00:28:15,200 --> 00:28:18,505

And with that I'm happy to answer any questions

389

00:28:18,529 --> 00:28:23,360

before we move on to the next topic on the agenda.

390

00:28:23,360 --> 00:28:25,200

Victoria Robinson: Thank
you very much, Michael.

391

00:28:25,200 --> 00:28:28,859

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

392

00:28:28,883 --> 00:28:30,652

Christina Motilal: We do not.

393

00:28:30,676 --> 00:28:36,076

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

394

00:28:36,200 --> 00:28:37,806

I don't believe no.

395

00:28:37,830 --> 00:28:40,063

Thank you very much Michael and Cyd.

396

00:28:40,087 --> 00:28:44,685

Just letting everybody know that

we've already posted the slide deck

397

00:28:44,709 --> 00:28:46,968

to our website for this meeting.

398

00:28:46,992 --> 00:28:51,919

I will be replacing it

sometime tomorrow with the version

399

00:28:51,943 --> 00:28:58,093

that includes the actual links into

the slide deck as indicated here

400

00:28:58,117 --> 00:29:00,159

in their presentation.

401

00:29:00,159 --> 00:29:04,655

Right now it's a PDF file and it's

not clickable links, so we will fix that,

402

00:29:04,679 --> 00:29:07,493

and address it and repost

it for everybody tomorrow.

403

00:29:07,517 --> 00:29:10,047

So you can actually
have access to the stories

404

00:29:10,071 --> 00:29:15,520

and the registration page that
are referenced in their slide deck.

405

00:29:15,520 --> 00:29:21,440

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

406

00:29:21,440 --> 00:29:23,908

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

407

00:29:23,932 --> 00:29:30,536

Victoria Robinson: Oh, okay, great, I am
going to go ahead and allow Vincent Martin

408

00:29:30,560 --> 00:29:35,919

to unmute himself and go

ahead and ask this question.

409

00:29:35,919 --> 00:29:40,020

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

410

00:29:40,044 --> 00:29:43,537

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

411

00:29:43,561 --> 00:29:48,868

And I'm glad that we're addressing water because I come from the Great Lakes state of Michigan

412

00:29:48,892 --> 00:29:56,084

where water is an issue and underserved communities have led issues that need to be addressed

413

00:29:56,108 --> 00:30:01,426

how can that be put on the top burners, so we can start getting a grip

414

00:30:01,450 --> 00:30:06,207

because we have probably issues
in all drinking waters in America,

415

00:30:06,231 --> 00:30:11,680

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

416

00:30:11,704 --> 00:30:17,101

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

417

00:30:17,125 --> 00:30:23,988

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

418

00:30:24,012 --> 00:30:28,323

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

419

00:30:28,347 --> 00:30:33,360

and I'd like to take this
time to say thank you all you.

420

00:30:34,960 --> 00:30:38,720

Victoria Robinson: Thank
you very much, Vincent.

421

00:30:38,720 --> 00:30:42,951

Do we have any others any
other questions Christina?

422

00:30:42,975 --> 00:30:51,036

Otherwise, we'll go ahead and I'll turn it
back to Matthew for our next--

423

00:30:51,060 --> 00:30:54,799

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

424

00:30:54,799 --> 00:30:56,585

I'm not sure what the
president did today,

425

00:30:56,609 --> 00:31:00,880

so I'm gonna have to go look at the news and
find out what just happened this morning.

426

00:31:00,904 --> 00:31:03,428

So it sounds like it's
important to us.

427

00:31:03,452 --> 00:31:06,027

So I think we are going to move forward now.

428

00:31:06,051 --> 00:31:11,060

We have a number of our colleagues
from the Office of General Counsel

429

00:31:11,084 --> 00:31:16,320

and the External Civil Rights Compliance Office,
which is within the Office of General Counsel.

430

00:31:16,320 --> 00:31:24,080

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

431

00:31:24,080 --> 00:31:28,355

I'm not sure who amongst
that group is going to kick off,

432

00:31:28,379 --> 00:31:31,556

so I'm going to ask

whoever it is to take it away

433

00:31:31,580 --> 00:31:35,095

they've got quite a bit

of information for folks.

434

00:31:35,119 --> 00:31:38,707

We will have a lot of question and

answer time after their presentation

435

00:31:38,731 --> 00:31:44,480

we should have close to an hour to

engage on anything relevant to this

436

00:31:44,480 --> 00:31:47,527

or that's also just the open

question and answer time

437

00:31:47,551 --> 00:31:52,217

if there are other things that

folks want to raise in the final hour

438

00:31:52,241 --> 00:31:55,068

between three and four
o'clock eastern standard time,

439

00:31:55,092 --> 00:32:00,000

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

440

00:32:00,000 --> 00:32:03,919

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

441

00:32:03,919 --> 00:32:06,128

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

442

00:32:06,152 --> 00:32:12,159

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

443

00:32:12,159 --> 00:32:15,667

I don't know Vincent, which

development you were talking about,

444

00:32:15,791 --> 00:32:21,090

but I did read just before
coming on this call in the paper

445

00:32:21,114 --> 00:32:30,159

that the White House or
CEQ finalized a rule relating restoring

446

00:32:30,159 --> 00:32:36,159

some of the protections of NEPA and that
may be what you're referring to.

447

00:32:36,159 --> 00:32:40,308

But I am excited about kicking
off our quarterly discussion

448

00:32:40,332 --> 00:32:44,841

of our External Civil Rights
Program as part of this monthly call.

449

00:32:44,865 --> 00:32:47,120

I'm Marianne Engelmann-Lado,

450

00:32:47,120 --> 00:32:53,168

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

451

00:32:53,192 --> 00:32:57,888

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

452

00:32:57,912 --> 00:32:59,825

Kurt Temple and
also Anhthu Hoang.

453

00:32:59,849 --> 00:33:02,514

And you'll be hearing from all of us.

454

00:33:02,538 --> 00:33:07,943

I'm going to start with just a reminder, I
know this will be basic for many of you,

455

00:33:07,967 --> 00:33:13,320

but the External Civil Rights Compliance

Program enforces a number of civil rights laws,

456

00:33:13,344 --> 00:33:21,440

including prohibitions against discrimination
on the basis of race, color and national origin

457

00:33:21,440 --> 00:33:27,127

as well as laws that prohibit discrimination
on the basis of disability, age

458

00:33:27,151 --> 00:33:31,016

and in educational programs
receiving federal funds, sex.

459

00:33:31,040 --> 00:33:34,543

And of course prohibitions
against on the basis of--

460

00:33:34,567 --> 00:33:38,070

against discrimination on
the basis of national origin

461

00:33:38,094 --> 00:33:44,159

also includes discrimination against people
who are limited English proficient.

462

00:33:44,159 --> 00:33:49,679

Our focus today is primarily on Title VI
of the Civil Rights Act of 1964

463

00:33:49,679 --> 00:33:53,888

and its prohibition against discrimination
by recipients of federal funds

464

00:33:53,912 --> 00:33:57,707

on the basis of race
color or national origin,

465

00:33:57,731 --> 00:34:03,380

and on this slide you see the first section
of Title VI there are other provisions

466

00:34:03,404 --> 00:34:09,431

in Title VI of the Civil Rights Act, but
this is the first and fundamental provision.

467

00:34:09,455 --> 00:34:14,051

And you'll note that it prohibits
discrimination, it prohibits denying benefits

468

00:34:14,075 --> 00:34:19,661

and it prohibits exclusion from
participation in any program

469

00:34:19,685 --> 00:34:22,909

or activity receiving
federal financial assistance,

470

00:34:22,933 --> 00:34:28,098

not just the use of a particular
dollar in a discriminatory way,

471

00:34:28,122 --> 00:34:32,443

but discrimination by recipients
of federal funds or programs

472

00:34:32,467 --> 00:34:35,199

or activities receiving federal funds.

473

00:34:35,199 --> 00:34:39,087

EPA like every other federal
agency that disburses federal money

474

00:34:39,111 --> 00:34:43,619

is charged with ensuring compliance
by recipients of EPA funding,

475

00:34:43,643 --> 00:34:50,399

and our sister agencies have programs to
ensure compliance by recipients of their funds.

476

00:34:50,399 --> 00:34:52,560

Next slide, please.

477

00:34:52,560 --> 00:34:58,562

Like the other agencies, EPA has
regulations that give more specificity

478

00:34:58,586 --> 00:35:04,663

or more specifics to this prohibition against
discrimination to the Civil Rights Law,

479

00:35:04,687 --> 00:35:09,838

and you'll see excerpts from
our regulations on this next slide.

480

00:35:09,862 --> 00:35:15,254

Again, these are very similar to the
regulations giving more specificity

481

00:35:15,278 --> 00:35:21,574

in other federal agencies, and we
work with those agencies across agency,

482

00:35:21,598 --> 00:35:25,848

including with the Department of
Justice that has a coordinating function

483

00:35:25,872 --> 00:35:29,639

for ensuring civil rights compliance.

484

00:35:29,663 --> 00:35:37,040

Our regulations prohibit not only
actions that are intentionally discriminatory

485

00:35:37,040 --> 00:35:41,228

but also actions that have an
unjustified disproportionate impact.

486

00:35:41,252 --> 00:35:45,401

So you see on this slide that there's
a prohibition against programs

487

00:35:45,425 --> 00:35:53,318

or activities receiving EPA assistance from
using criteria or methods of administration,

488

00:35:53,342 --> 00:35:58,000

which have the effect of
subjecting individuals to discrimination,

489

00:35:58,000 --> 00:36:01,581

or choosing a site or location
of a facility with the purpose

490

00:36:01,605 --> 00:36:07,529

or effect of excluding individuals from
denying them the benefits of or subjecting them

491

00:36:07,553 --> 00:36:09,520

to discrimination.

492

00:36:09,920 --> 00:36:13,448

So EPA's regulations include this
general prohibition of discrimination,

493

00:36:13,472 --> 00:36:18,047

as well as the specific
ones listed on the slide,

494

00:36:18,071 --> 00:36:23,168

including denying the benefits, providing
a benefit or service that's different

495

00:36:23,192 --> 00:36:28,228

informed from that provided to others
on the basis of race, color, national origin

496

00:36:28,252 --> 00:36:35,749

or LEP status or choosing a site or location
that has the purpose or effect of discriminating.

497

00:36:35,773 --> 00:36:37,339

Next slide.

498

00:36:38,160 --> 00:36:44,186

So as many of you know, there
have been long-standing concerns,

499

00:36:44,310 --> 00:36:49,839

and well-justified concerns about the
strength of EPA's Civil Rights Program.

500

00:36:49,839 --> 00:37:00,508

And there's a concern that in the environmental
area there's really been a lack of significant

501

00:37:00,532 --> 00:37:06,609

and comprehensive oversight of
whether or not recipients of EPA funding

502

00:37:06,633 --> 00:37:09,264

were complying with civil rights law.

503

00:37:09,288 --> 00:37:15,261

These are really long-standing concerns
and many of you have been involved

504

00:37:15,285 --> 00:37:19,319

in some of the evaluations
of EPA's program.

505

00:37:19,343 --> 00:37:24,144

If I compare EPA's Civil Rights Program
with programs across the federal government,

506

00:37:24,168 --> 00:37:30,308

of course in no area have we fully
fulfilled the promise of civil rights,

507

00:37:30,332 --> 00:37:34,442

but by comparison, for example,
the US Department of Education

508

00:37:34,466 --> 00:37:37,156

handles thousands of complaints a year,

509

00:37:37,180 --> 00:37:42,177

EPA has handled between something
like 300 and 400 in its entire history,

510

00:37:42,401 --> 00:37:47,200

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

511

00:37:47,200 --> 00:37:53,248

On the other hand, some of these federal agencies
like USDA, the Department of Transportation,

512

00:37:53,272 --> 00:37:58,230

(HUD) Housing Urban Development
and Education have hundreds of people

513

00:37:58,254 --> 00:38:00,362

on their civil rights staff.

514

00:38:00,386 --> 00:38:03,980

EPA has never had that kind of staff size.

515

00:38:04,004 --> 00:38:11,987

So the reason I'm going into that is where
we are right now at this moment of history,

516

00:38:12,011 --> 00:38:15,455

is not only a result of
the last administration,

517

00:38:15,479 --> 00:38:21,197

but it's a result of the failure of the
federal government in the environmental sector

518

00:38:21,221 --> 00:38:25,954

to really ever have a
robust civil rights program.

519

00:38:25,978 --> 00:38:31,148

And we are charged with
and we have the support

520

00:38:31,172 --> 00:38:39,224

and leadership of the administration,
of our administrator and of the agency

521

00:38:39,248 --> 00:38:48,400

to build that kind of robust civil
rights program for the first time ever.

522

00:38:49,520 --> 00:38:59,440

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

523

00:38:59,440 --> 00:39:04,365

One of the criticisms we received in
September 28th, 2020

524

00:39:04,389 --> 00:39:07,505

was from EPA's very own
Office of Inspector General,

525

00:39:07,529 --> 00:39:11,456

and this is just a picture
of the cover of its report.

526

00:39:11,480 --> 00:39:17,438

And they raised the concern that EPA was
not even ensuring baseline requirements,

527

00:39:17,462 --> 00:39:23,493

requirements that every recipient
of federal funds should be following,

528

00:39:23,517 --> 00:39:28,240

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

529

00:39:28,264 --> 00:39:31,839

the Office of Inspector
General Report online.

530

00:39:31,839 --> 00:39:36,569

We committed to accepting and
implementing all of the recommendations

531

00:39:36,593 --> 00:39:40,936

that the Office of Inspector General
put forward to strengthen our program.

532

00:39:40,960 --> 00:39:45,220

We know we have a lot of
work to do and you'll hear today

533

00:39:45,244 --> 00:39:50,360

about really not just significant but
unprecedented steps we're taking

534

00:39:50,384 --> 00:39:52,927

to strengthen the
civil rights enforcement program

535

00:39:52,951 --> 00:39:56,960

and civil rights compliance
in the environmental sector.

536

00:39:56,960 --> 00:40:01,388

I just do want to make sure
we're all understanding

537

00:40:01,412 --> 00:40:05,392

and thinking about
how far we have to go,

538

00:40:05,416 --> 00:40:12,308

and the fact that up until recently we were still

under the budget of the last administration.

539

00:40:12,332 --> 00:40:23,520

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

540

00:40:23,520 --> 00:40:28,128

This doesn't hold us back in the sense
that we are running like gangbusters

541

00:40:28,152 --> 00:40:30,959

and trying to make these changes,

542

00:40:30,983 --> 00:40:36,485

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

543

00:40:36,509 --> 00:40:42,428

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

544

00:40:42,452 --> 00:40:46,160

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.

551

00:41:11,760 --> 00:41:18,451

I also wanted to call attention to a
transparency initiative that we're implementing

552

00:41:18,475 --> 00:41:25,309

that we'll be putting our document
online with the milestone documents

553

00:41:25,333 --> 00:41:34,593

that the public can access and that docket
is going to be updated on a monthly basis,

554

00:41:34,617 --> 00:41:39,968

so that you'll have a clear
picture of what's happening in ECRCO,

555

00:41:39,992 --> 00:41:43,556

but first I'd like to tell you
about the growth of the caseload

556

00:41:43,580 --> 00:41:45,203

that we're handling right now.

557

00:41:45,227 --> 00:41:47,002

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

558

00:41:47,026 --> 00:41:51,136

I think we're getting indication from the
interpreters just to slow down just a little bit

559

00:41:51,160 --> 00:41:54,323

so they can facilitate-- thank
you very much, no problem.

560

00:41:54,347 --> 00:41:57,280

Anhthu Hoang: Yeah,
thanks sorry about that.

561

00:41:57,280 --> 00:42:05,599

So just to tell you a bit about
the caseload from FY-17 to FY-20

562

00:42:05,599 --> 00:42:11,741

our annual average, our
number of complaints was 19.

563

00:42:11,765 --> 00:42:22,319

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

564

00:42:22,319 --> 00:42:28,164

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

565

00:42:28,188 --> 00:42:32,429

we already have 25 new complaints.

566

00:42:32,453 --> 00:42:40,400

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

567

00:42:40,400 --> 00:42:45,570

Our open docket of
investigations is 39 cases,

568

00:42:45,594 --> 00:42:49,357

and we have 13 cases undergoing monitoring,

569

00:42:49,381 --> 00:42:54,093

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

570

00:42:54,117 --> 00:42:57,487

and one team leader to do all of that work.

571

00:42:57,511 --> 00:43:05,187

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

572

00:43:05,211 --> 00:43:09,414

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

573

00:43:09,438 --> 00:43:13,599

and in Region 8 we have
the open compliance review.

574

00:43:13,599 --> 00:43:21,520

In terms of entities involved in these

complaints, we have 12 states, 4 municipalities,

575

00:43:21,520 --> 00:43:25,408

1 local environmental
agency and 2 private entities,

576

00:43:25,432 --> 00:43:29,882

including entities like planning boards.

577

00:43:29,906 --> 00:43:35,359

The subject matter that
we handle is also diverse.

578

00:43:35,359 --> 00:43:39,200

Most of our cases
involve air permitting 13.

579

00:43:39,200 --> 00:43:46,319

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

580

00:43:46,319 --> 00:43:49,068

And I'm going to turn it over

to my colleague Kurt Temple

581

00:43:49,092 --> 00:43:57,280

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

582

00:44:01,200 --> 00:44:05,599

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

583

00:44:05,599 --> 00:44:12,160

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

584

00:44:12,160 --> 00:44:18,400

specific commitments regarding strengthening
the External Civil Rights Program.

585

00:44:18,400 --> 00:44:22,936

We've said all along that
that's our goal to do that,

586

00:44:22,960 --> 00:44:28,400

but there are specific deliverables
and commitments that we have made,

587

00:44:28,400 --> 00:44:34,560

and primarily these can be
found in two separate documents,

588

00:44:34,560 --> 00:44:42,720

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

589

00:44:42,720 --> 00:44:50,988

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

590

00:44:51,112 --> 00:44:54,407

and is available on the EPA website,

591

00:44:54,431 --> 00:44:59,839

let me just sort of walk through
some of these commitments.

592

00:44:59,839 --> 00:45:04,681

So in response to the EPA
inspector general's report,

593

00:45:04,705 --> 00:45:10,344

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

594

00:45:10,368 --> 00:45:14,680

and then subsequently we issued responses,

595

00:45:14,704 --> 00:45:19,580

and then final response
last September in committing

596

00:45:19,604 --> 00:45:25,755

to address the recommendations
raised by the EPA OIG.

597

00:45:25,779 --> 00:45:33,982

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

598

00:45:34,006 --> 00:45:36,733

of EPA recipients.

599

00:45:36,757 --> 00:45:49,520

And we have pursuant to that response, and
commitment, we developed criteria and a process

600

00:45:49,520 --> 00:45:54,383

or for initiating compliance
reviews on January 6th of this year,

601

00:45:54,407 --> 00:46:00,365

and that's again available on
ECRCO's new developments web page,

602

00:46:00,389 --> 00:46:08,785

and then pursuant to that process, we
initiated a compliance review just last month

603

00:46:08,809 --> 00:46:11,599

on March 18-2022.

604

00:46:11,599 --> 00:46:19,280

Again, information about that compliance review

is also on ECRCO's new development web page,

605

00:46:19,280 --> 00:46:23,503

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

606

00:46:23,527 --> 00:46:26,581

of any open actions
at this point in time.

607

00:46:26,605 --> 00:46:34,018

In addition to the compliance review
issue, there is a commitment to developing

608

00:46:34,142 --> 00:46:40,560

and issuing additional
guidance to clarify expectations.

609

00:46:40,560 --> 00:46:46,800

The first of those guidance documents,
well, it's in progress, it's close right now,

610

00:46:46,800 --> 00:46:57,108

it is a dear colleague letter and a guidance document on the procedural safeguards

611

00:46:57,132 --> 00:47:02,411

that are contained in

EPA's non-discrimination regulation

612

00:47:02,435 --> 00:47:09,567

and the laws we enforce anticipate that

that's going to be coming forward very soon.

613

00:47:09,591 --> 00:47:16,328

As part of that, there's going to be an emphasis

on the requirement in our regulation regarding

614

00:47:16,352 --> 00:47:20,426

the maintenance and collection of data

615

00:47:20,450 --> 00:47:26,568

and reporting that data

information to EPA at our request.

616

00:47:26,592 --> 00:47:30,240

And so look for that coming soon,

617

00:47:30,240 --> 00:47:34,319

and then as part of

our commitment as well,

618

00:47:34,319 --> 00:47:39,048

there's going to be guidance scheduled to be released before the end of the fourth quarter

619

00:47:39,072 --> 00:47:41,873

of this fiscal year.

620

00:47:41,897 --> 00:47:50,584

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

621

00:47:50,608 --> 00:47:59,040

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

622

00:47:59,040 --> 00:48:05,359

and that will cover investigating

claims of discrimination legal standards,

623

00:48:05,359 --> 00:48:12,319

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

624

00:48:12,319 --> 00:48:14,565

Obviously, this is
a really hot topic

625

00:48:14,589 --> 00:48:19,595

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

626

00:48:19,619 --> 00:48:28,788

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

627

00:48:28,812 --> 00:48:35,839

So this is something that we've
been previewing and is really anticipated.

628

00:48:35,839 --> 00:48:42,319

And so again, we look forward
to issuing that guidance as well.

629

00:48:42,319 --> 00:48:50,319

Also there was a focus on the
pre-award process in the EPA OIG report

630

00:48:50,319 --> 00:48:55,539

to ensure that at the front end, our
recipients are meeting their obligation

631

00:48:55,563 --> 00:49:02,319

under EPA's general terms and
conditions, the EPA Pre-Award Form 4700-4.

632

00:49:02,319 --> 00:49:07,599

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

633

00:49:09,200 --> 00:49:16,480

That process is tied directly to the first
issuance of the guidance on procedural safeguards,

634

00:49:16,480 --> 00:49:23,280

and so we'll be updating that to ensure that we
are doing all that we can do on the front end

635

00:49:23,280 --> 00:49:29,599

before our EPA applicants and recipients receive
EPA money to ensure that they are adhering

636

00:49:29,599 --> 00:49:34,000

to the responsibilities as
required by EPA regulation.

637

00:49:34,000 --> 00:49:39,789

And then also there was a focus on
ensuring that our office is developing

638

00:49:39,813 --> 00:49:41,815

and delivering training,

639

00:49:41,839 --> 00:49:47,028

not only for our own benefit
in our office, but across EPA,

640

00:49:47,052 --> 00:49:51,950

and I'll tie that into the strategic plan
commitment a little bit below as well

641

00:49:51,974 --> 00:49:59,599

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

642

00:49:59,599 --> 00:50:05,280

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

643

00:50:05,280 --> 00:50:11,119

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

644

00:50:11,119 --> 00:50:17,988

In the Strategic Plan there are a number
of civil rights commitments in EPA Goal 2

645

00:50:18,012 --> 00:50:24,808

which again is unprecedented for this agency
because it is a goal that's specifically targeted

646

00:50:24,832 --> 00:50:27,947

to environmental justice and
civil rights at EPA.

647

00:50:27,971 --> 00:50:32,640

It's groundbreaking
that we have that in place.

648

00:50:32,640 --> 00:50:38,013

One of those commitments is to ensure that our
state recipients of EPA Financial Assistance

649

00:50:38,037 --> 00:50:41,440

have foundational
civil rights programs in place.

650

00:50:41,440 --> 00:50:46,228

This is something that we've been
doing in our office for a few years now

651

00:50:46,252 --> 00:50:53,305

through initiatives and also one-on-one
interactions with our state departments

652

00:50:53,329 --> 00:50:58,640

of environmental quality or state
environmental protection offices.

653

00:50:58,640 --> 00:51:02,308

But there are a number
of state recipients out there

654

00:51:02,332 --> 00:51:06,191

that even go beyond
the environmental regulation--

655

00:51:06,215 --> 00:51:11,680

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

656

00:51:11,680 --> 00:51:18,610

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

657

00:51:18,634 --> 00:51:21,680

they cannot have effective civil

rights programs at the state level

658

00:51:21,704 --> 00:51:30,368

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

659

00:51:30,392 --> 00:51:34,400

to have foundational civil
rights programs in place.

660

00:51:34,400 --> 00:51:38,628

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

661

00:51:38,652 --> 00:51:42,559

so this is an active work in progress.

662

00:51:42,559 --> 00:51:48,319

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

663

00:51:48,319 --> 00:51:52,671

water, air, etc., in our regions to

integrate EJ considerations

664

00:51:52,695 --> 00:52:00,765

and achieve civil rights

compliance issues across the agency.

665

00:52:00,789 --> 00:52:02,160

So this is--

666

00:52:02,160 --> 00:52:06,848

Again, this is a very large

commitment and we are actively involved

667

00:52:06,872 --> 00:52:12,387

and working with those programs right

now to address the touchstone areas

668

00:52:12,411 --> 00:52:21,040

where civil rights needs to be considered

in the programs that EPA operates.

669

00:52:22,160 --> 00:52:27,428

So we've shoehorned the civil rights commitment

also into the Strategic Plan commitment

670

00:52:27,452 --> 00:52:33,680

to initiate more proactive post
awards civil rights compliance reviews.

671

00:52:33,680 --> 00:52:37,599

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

672

00:52:37,599 --> 00:52:44,559

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

673

00:52:45,839 --> 00:52:50,480

Again, that document-- the process and
criteria document that we developed

674

00:52:50,480 --> 00:52:57,760

shows how we will go about that as we
initiate compliance reviews year after year.

675

00:52:57,760 --> 00:53:06,960

As part of the pre-award provision and
commitment that I mentioned in the section above,

676

00:53:06,960 --> 00:53:13,440

we're going to be doing audits of
those forms post award to ensure

677

00:53:13,440 --> 00:53:18,348

that folks who are submitting
Pre-Award 4700-4 Forms to us

678

00:53:18,372 --> 00:53:23,760

which outline civil rights criteria
are actually adhering to those

679

00:53:23,760 --> 00:53:27,280

and they have those provisions in place.

680

00:53:27,280 --> 00:53:29,599

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

681

00:53:29,599 --> 00:53:34,751

we're doing information sharing

sessions and outreach to our stakeholders.

682

00:53:34,775 --> 00:53:41,680

This session today is an example of such
and we're so committed to do a number of these

683

00:53:41,680 --> 00:53:46,880

over the fiscal years through 2026.

684

00:53:46,880 --> 00:53:53,068

And I just want to make sure that folks are
also aware that we are currently working

685

00:53:53,092 --> 00:53:57,917

with states in a number of capacities,
both on the program requirements

686

00:53:57,941 --> 00:54:02,880

but also we've been interacting with the
Environmental Council of States recently

687

00:54:02,880 --> 00:54:05,708

and we're holding workshops and

providing technical assistance

688

00:54:05,732 --> 00:54:10,960

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

689

00:54:10,960 --> 00:54:18,880

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

690

00:54:18,880 --> 00:54:22,562

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

691

00:54:22,586 --> 00:54:32,559

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

692

00:54:32,640 --> 00:54:35,119

Christina Motilal: Really
quickly before we do that--

693

00:54:35,119 --> 00:54:41,200

we did have a question in the chat that I was hoping you could address just really quickly.

694

00:54:41,200 --> 00:54:49,680

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

695

00:54:50,240 --> 00:54:53,599

the upcoming toolkit update with whom, etc.

696

00:54:53,599 --> 00:54:54,814

Thank you.

697

00:54:54,838 --> 00:54:58,568

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

698

00:54:59,200 --> 00:55:04,154

I mentioned that we're going to have issue guidance on the procedural safeguards

699

00:55:04,178 --> 00:55:06,720

which is the first document to come out

700

00:55:06,720 --> 00:55:12,328

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

701

00:55:12,352 --> 00:55:17,508

we're going to be issuing
the updated toolkit guidance

702

00:55:17,532 --> 00:55:21,868

which will further address the legal
standards and investigative standards,

703

00:55:21,892 --> 00:55:28,000

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

704

00:55:28,000 --> 00:55:33,937

I'm not sure if I'm completely
understanding the question.

705

00:55:33,961 --> 00:55:37,928

Christina Motilal: Richard, if you are on the line

706

00:55:37,952 --> 00:55:42,102

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

707

00:55:42,126 --> 00:55:47,440

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

708

00:55:47,440 --> 00:55:50,047

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

709

00:55:50,071 --> 00:55:52,160

Richard: Of course--

710

00:55:52,160 --> 00:55:54,932

I appreciate Kurt's answer and
perhaps I misunderstood

711

00:55:54,956 --> 00:55:56,870

and I'll go back

to the recording later.

712

00:55:56,894 --> 00:56:00,880

I thought I heard you use the word
previewing which I found pretty exciting

713

00:56:00,880 --> 00:56:04,079

but I have your answer, it's very clear.

714

00:56:04,079 --> 00:56:08,160

Kurt Temple: Yep, thanks Richard and
good to hear from you [LAUGHS]

715

00:56:08,559 --> 00:56:11,200

Matthew Tejada: Thanks, Richard.

716

00:56:11,599 --> 00:56:17,000

Lilian Dorka: Christina were
there a couple of other questions--?

717

00:56:17,520 --> 00:56:19,048

Christina Motilal: Yes there were.

718

00:56:19,072 --> 00:56:22,768

We have some great questions in the chat that have also been answered in the text

719

00:56:22,792 --> 00:56:27,119

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

720

00:56:27,119 --> 00:56:31,208

One of them was, "Generally speaking, what are the current team lead

721

00:56:31,232 --> 00:56:36,908

and case managers looking for in a Title VI compliant-- complaint, excuse me,

722

00:56:36,932 --> 00:56:42,799

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

723

00:56:42,799 --> 00:56:48,160

Lilian Dorka: Yeah and I think I provided some information in the response.

724

00:56:49,119 --> 00:56:53,728

I provided a link to our Case
Resolution Manual which we have online

725

00:56:53,752 --> 00:57:01,251

and that explains the jurisdictional
determination that we have to make in ECRCO

726

00:57:01,275 --> 00:57:05,748

before we can accept the
complaint for investigation.

727

00:57:05,772 --> 00:57:16,160

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

728

00:57:16,160 --> 00:57:19,680

One, the complaint needs to be in writing.

729

00:57:19,680 --> 00:57:28,489

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

730

00:57:28,513 --> 00:57:30,000

that we enforce.

731

00:57:30,000 --> 00:57:35,920

So discrimination on the basis of race,
color, national origin,

732

00:57:35,920 --> 00:57:41,680

including limited English
proficiency, age, disability, sex.

733

00:57:41,680 --> 00:57:48,205

Also, the complaint must
be alleging that an entity

734

00:57:48,229 --> 00:57:57,520

that receives federal financial assistance
from EPA is allegedly discriminating.

735

00:57:57,520 --> 00:58:02,319

We can only have jurisdiction over those
entities that receive money from EPA.

736

00:58:02,319 --> 00:58:08,521

It doesn't mean that another federal agency
might not have jurisdiction over certain entities

737

00:58:08,545 --> 00:58:14,640

in which case we would make sure to
refer that complaint to our sister agency.

738

00:58:14,640 --> 00:58:22,559

And finally, the regulation requires that
the complaints be filed within 180 days

739

00:58:22,559 --> 00:58:29,141

of the alleged act of discrimination,
that's the timeliness requirement.

740

00:58:29,165 --> 00:58:34,628

There are some exceptions to
that and there are some times

741

00:58:34,652 --> 00:58:41,200

when we would provide waivers

of that 180-day exception.

742

00:58:41,200 --> 00:58:46,204

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

743

00:58:46,228 --> 00:58:55,562

that we might look at in determining
whether it would be a good idea for us

744

00:58:55,586 --> 00:58:59,359

to accept appropriate,
for us to accept a complaint.

745

00:58:59,359 --> 00:59:08,682

So for example, if the issue is not yet ripe
for review, if it's just basically an allegation

746

00:59:08,706 --> 00:59:16,710

that we think that a certain
facility will apply to the state

747

00:59:16,734 --> 00:59:19,775

to put up "X" facility in
our neighborhood

748

00:59:19,799 --> 00:59:23,920

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

749

00:59:23,920 --> 00:59:29,520

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

750

00:59:29,520 --> 00:59:36,240

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

751

00:59:36,240 --> 00:59:41,649

the application was
never filed for that facility

752

00:59:41,673 --> 00:59:49,548

or that the state denied the permit for
that facility, that might move the issue.

753

00:59:49,572 --> 00:59:53,708

So we carefully review all of those factors and then make a decision

754

00:59:53,732 --> 00:59:57,391

as to whether to accept the complaint for investigation.

755

00:59:57,415 --> 01:00:03,467

But the Case Resolution Manual provides a lot more information for that process

756

01:00:03,491 --> 01:00:07,920

and I invite you to take a look at that.

757

01:00:09,440 --> 01:00:11,760

Was that it, Christina?

758

01:00:11,760 --> 01:00:14,610

Christina Motilal: Yeah, I think for right now that'll be it.

759

01:00:14,634 --> 01:00:18,013

I think we can continue to
move on but as always--

760

01:00:18,037 --> 01:00:21,833

Victoria, there's a hand raised,
do you want to address that now

761

01:00:21,857 --> 01:00:23,347

or wait for the open dialogue?

762

01:00:23,371 --> 01:00:26,668

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

763

01:00:26,692 --> 01:00:29,468

to ECRCO to finish their presentation.

764

01:00:29,492 --> 01:00:30,341

Christina Motilal: I agree, great.

765

01:00:30,365 --> 01:00:31,108

Thanks so much.

766

01:00:31,132 --> 01:00:33,267

Lilian, please
continue, thank you.

767

01:00:33,291 --> 01:00:37,316

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

768

01:00:37,340 --> 01:00:44,720

I see that we have 200 participants with
us today and that's remarkable and exciting

769

01:00:44,720 --> 01:00:49,668

and I thank OEJ for allowing
us the space here during--

770

01:00:49,692 --> 01:00:55,329

I guess we're interlopers into the
always stimulating EJ conversation

771

01:00:55,353 --> 01:01:01,788

that Matt and Victoria and Christina

sponsor on a monthly basis,

772

01:01:01,812 --> 01:01:04,158

so thank you for

allowing us this opportunity.

773

01:01:04,182 --> 01:01:11,328

I think it really presents a chance

for us to have a sort of ready-made

774

01:01:11,352 --> 01:01:17,764

and interested and engaged

audience, so we very much appreciate it.

775

01:01:17,788 --> 01:01:25,549

You heard my colleagues, Marianne, Anhthu

Kurt talk about all of the initiatives

776

01:01:25,573 --> 01:01:34,187

that we are embarking on and I think

that there is no question on anyone's mind

777

01:01:34,211 --> 01:01:40,960

that there is in fact, as Marianne said,
an unprecedented historic commitment

778

01:01:40,960 --> 01:01:46,848

by this administration, this administrator
to strengthening this civil rights program.

779

01:01:46,872 --> 01:01:49,440

Are we there yet? Absolutely not.

780

01:01:49,440 --> 01:01:56,640

We continue to work very, very diligently
and with your assistance continue to receive

781

01:01:56,640 --> 01:02:02,984

a lot of feedback that is helping, in fact,
to shape the strengthening of our program

782

01:02:03,008 --> 01:02:05,668

and we very much appreciate it.

783

01:02:05,692 --> 01:02:13,280

The Strategic Plan Goal 2 requirements

and long-term performance goals and visions

784

01:02:13,280 --> 01:02:18,799

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

785

01:02:18,799 --> 01:02:24,128

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

786

01:02:24,152 --> 01:02:32,205

this agency has committed to not
just embedding EJ and civil rights

787

01:02:32,229 --> 01:02:37,008

throughout EPA, into its
programs, its policies, its activities

788

01:02:37,032 --> 01:02:41,359

but to actually strengthening
the scope of our work,

789

01:02:41,359 --> 01:02:47,920

so that we are fully and effectively
taking advantage of all of the authorities

790

01:02:47,920 --> 01:02:57,520

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

791

01:02:58,319 --> 01:03:02,799

You also probably
saw that last week,

792

01:03:02,799 --> 01:03:10,978

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

793

01:03:11,002 --> 01:03:17,312

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

794

01:03:17,336 --> 01:03:24,559

for the most underserved communities,
and we developed one for EPA.

795

01:03:24,559 --> 01:03:31,868

And I'm very proud to say that in showcasing some of these agency equity plans,

796

01:03:31,892 --> 01:03:36,592

the White House, in fact, mentioned EPA's Equity Action Plan

797

01:03:36,616 --> 01:03:43,680

and the work to strengthen the civil rights, the External Civil Rights Compliance Program.

798

01:03:43,680 --> 01:03:45,321

We're very, very proud of that.

799

01:03:45,345 --> 01:03:52,559

That is in fact one of six priorities that are laid out in the agency Equity Action Plan

800

01:03:52,559 --> 01:03:58,559

and the other five include developing and implementing a cumulative impacts framework,

801

01:03:58,559 --> 01:04:05,920

very exciting work, providing support for
building the capacity of EJ communities

802

01:04:05,920 --> 01:04:08,319

critically needed work.

803

01:04:08,319 --> 01:04:15,039

Strengthening EPA's capacity
to engage with communities.

804

01:04:15,039 --> 01:04:22,160

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

805

01:04:22,160 --> 01:04:28,960

And finally, very importantly, making
EPA's procurement and contracting

806

01:04:28,960 --> 01:04:31,760

more equitable in and of itself.

807

01:04:31,760 --> 01:04:38,000

So we recognize that this
is a culture shift within EPA.

808

01:04:38,000 --> 01:04:43,521

This is a building dramatically
building on the efforts

809

01:04:43,545 --> 01:04:48,400

that we began over
the last few years

810

01:04:48,400 --> 01:04:55,061

notably to get rid of our backlog
or chronic backlog of cases

811

01:04:55,085 --> 01:05:02,400

and to improving the
processing time frames for cases,

812

01:05:02,400 --> 01:05:08,880

so that you know-- certainly, these were
not forgotten, ever forgotten.

813

01:05:08,880 --> 01:05:16,506

And so we're building on this work,
on this threshold work dramatically

814

01:05:16,530 --> 01:05:22,788

through these strategic plans,
through this Agency Equity Action Plan,

815

01:05:22,812 --> 01:05:26,400

and as you can see
it's nothing is a one-off, right?

816

01:05:26,400 --> 01:05:33,680

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

817

01:05:33,680 --> 01:05:39,788

The leadership of EPA
is leading on purpose with respect

818

01:05:39,812 --> 01:05:43,520

to civil rights and environmental justice.

819

01:05:43,520 --> 01:05:50,480

And so we continue to carry this out.

820

01:05:50,480 --> 01:05:52,480

Next slide, please.

821

01:05:52,480 --> 01:05:58,811

And so with respect to those things that we've promised to deliver

822

01:05:58,835 --> 01:06:03,568

and you heard Kurt talk about some of these important ones--

823

01:06:03,592 --> 01:06:09,223

and you heard Anhthu mentioned also the transparency initiative, for example,

824

01:06:09,247 --> 01:06:15,588

to make all of our work more transparent by having our critical documents

825

01:06:15,612 --> 01:06:23,451

be very visible online and accessible by everyone, communities and recipients alike.

826

01:06:23,475 --> 01:06:29,548

We're also strengthening the engagement that we're doing with communities

827

01:06:29,572 --> 01:06:38,640

with recipients, with all the stakeholders who have a critical stake in our program.

828

01:06:38,640 --> 01:06:47,267

And we are trying to increase both transparency and stakeholder involvement

829

01:06:47,291 --> 01:06:53,599

and this is very much in response to many of the comments that we received from you--

830

01:06:55,200 --> 01:06:59,721

to strengthen the transparency and stakeholder engagement

831

01:06:59,745 --> 01:07:02,788

during our complaint resolution processes.

832

01:07:02,812 --> 01:07:07,837

So some of you who may have cases pending with our office,

833

01:07:07,861 --> 01:07:11,680

will see that we really are making an effort, for example,

834

01:07:11,680 --> 01:07:18,640

to increase the use of alternative dispute resolution and other facilitation methods

835

01:07:18,640 --> 01:07:22,720

so that we can, in fact, provide a space at the table

836

01:07:22,720 --> 01:07:28,640

for conversations or complainants along with recipients at the same table

837

01:07:28,640 --> 01:07:34,960

as we engage to figure out these really,
really critical issues together.

838

01:07:35,119 --> 01:07:38,720

But it goes further than that, right?

839

01:07:39,039 --> 01:07:44,319

Civil rights, as the administrator
says time and time again,

840

01:07:44,319 --> 01:07:48,528

civil rights vigilance is
an EPA-wide responsibility.

841

01:07:48,552 --> 01:07:52,668

So not only are we taking
critical and concrete steps

842

01:07:52,692 --> 01:07:55,599

to strengthen the
civil rights program,

843

01:07:55,599 --> 01:08:01,440

we also have to continue this engagement
with program and regional offices

844

01:08:01,440 --> 01:08:08,400

throughout EPA to make sure that, in fact,
environmental justice and civil rights are embedded.

845

01:08:08,400 --> 01:08:16,479

That when a regional office speaks to
a state about a permit, for example,

846

01:08:16,479 --> 01:08:21,600

that it is considering approving in an
already burdened community,

847

01:08:21,600 --> 01:08:26,960

that they will have the benefit of
hearing from our regional office

848

01:08:26,960 --> 01:08:30,847

about some of the
environmental justice concerns

849

01:08:30,871 --> 01:08:38,715

that the community is experiencing and
offer some assistance and some insight

850

01:08:38,739 --> 01:08:44,319

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

851

01:08:44,319 --> 01:08:50,429

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

852

01:08:50,453 --> 01:08:54,451

to consider how their actions
and permitting certain facilities

853

01:08:54,475 --> 01:08:59,600

might in fact impact already
overburdened communities.

854

01:08:59,600 --> 01:09:06,799

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

855

01:09:06,799 --> 01:09:07,834

throughout EPA.

856

01:09:07,858 --> 01:09:14,598

We are engaging through education, through training, through outreach, technical assistance

857

01:09:14,622 --> 01:09:20,399

to enhance not just the understanding of those outside of EPA but within EPA

858

01:09:20,399 --> 01:09:21,706

which is critically important.

859

01:09:21,730 --> 01:09:29,198

And finally, we're including all of these applicable civil rights requirements

860

01:09:29,198 --> 01:09:37,198

as well as environmental justice policies within the non-civil rights guidances,

861

01:09:37,198 --> 01:09:43,120

program strategic planning, environmental
policy directives, rule making

862

01:09:43,120 --> 01:09:49,839

enforcement and even inciting and
permitting decisions by EPA recipients.

863

01:09:49,839 --> 01:09:56,843

This is an incredible, incredible
opportunity that we have.

864

01:09:56,867 --> 01:10:04,719

This is unprecedented but also an incredible
opportunity that we must take advantage of

865

01:10:04,719 --> 01:10:12,000

to make long-lasting and fundamental
and really sustainable change

866

01:10:12,000 --> 01:10:16,800

to our program and throughout our
program and throughout EPA.

867

01:10:16,800 --> 01:10:21,040

Thank you so much for joining us and we really do look forward to your questions

868

01:10:21,040 --> 01:10:24,493

and to some really great engagement.

869

01:10:24,517 --> 01:10:31,679

And I will welcome my colleagues from OGC from Marianne and Kurt and Anhthu

870

01:10:31,679 --> 01:10:36,000

to join me in responding to the Q's & A's.

871

01:10:36,000 --> 01:10:40,960

I'll turn it back to Christina and Victoria.

872

01:10:40,960 --> 01:10:42,840

Victoria Robinson: Thank you very much Lilian.

873

01:10:42,840 --> 01:10:47,007

We're going to start our engagement session and dialogue

874

01:10:47,031 --> 01:10:50,719

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

875

01:10:50,719 --> 01:10:53,920

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

876

01:10:53,944 --> 01:10:57,520

and put them into the Q&A pod.

877

01:10:57,520 --> 01:11:01,668

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

878

01:11:01,692 --> 01:11:06,320

however, if you're on the phone and you have a question, you can raise your hand.

879

01:11:06,320 --> 01:11:12,068

You can raise your hand virtually, if
you're on the phone you press *9.

880

01:11:12,092 --> 01:11:15,508

If you are actually in
an app, the Zoom app,

881

01:11:15,532 --> 01:11:22,320

you can actually go to the emoticon section
and literally, virtually raise your hand

882

01:11:22,320 --> 01:11:25,408

and you'll be put into the queue to be
able to raise your question.

883

01:11:25,432 --> 01:11:28,480

That includes the individuals
who are on the phone.

884

01:11:28,480 --> 01:11:33,120

And then again, we ask you to please limit
your questions or comments to one minute.

885

01:11:33,120 --> 01:11:39,988

So I think our first question is the one that
Christina is going to read from Vincent Martin.

886

01:11:40,012 --> 01:11:40,880

Christina?

887

01:11:40,880 --> 01:11:42,239

Christina Motilal: That's correct.

888

01:11:42,239 --> 01:11:45,760

Yes, so the question that
we have in from Vincent is,

889

01:11:45,760 --> 01:11:51,778

Justice40 dollars does not use race
as a major indicator for recipient funding.

890

01:11:51,802 --> 01:11:56,448

The EJSCREEN tool in Detroit will reduce
funding that can help the communities.

891

01:11:56,472 --> 01:12:00,142

All the acts previously
mentioned, use race as a criteria.

892

01:12:00,166 --> 01:12:03,468

Why the difference in
implementing Justice40 funding?

893

01:12:03,492 --> 01:12:09,840

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

894

01:12:11,520 --> 01:12:16,159

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

895

01:12:16,159 --> 01:12:22,159

This has obviously been--
Vincent to your point-- a huge topic

896

01:12:22,159 --> 01:12:24,427

that a lot of folks are focusing on

897

01:12:24,451 --> 01:12:30,265

and that I know there's been a lot of
interest and energy around this issue,

898

01:12:30,289 --> 01:12:35,120

around the issue of race and
how Justice40 is being implemented.

899

01:12:35,120 --> 01:12:38,640

I'm not a lawyer, so I'm not going to get
super deep into the legal part of this

900

01:12:38,640 --> 01:12:42,320

but there's two lawyers here with us,
there's many lawyers here with us too

901

01:12:42,320 --> 01:12:45,223

that know this issue very
well and I ask them to add in.

902

01:12:45,247 --> 01:12:52,000

I just want to share that in terms of--
well, I want to share a few things.

903

01:12:52,000 --> 01:12:58,371

First, I want to make sure folks are
clear Justice40 is not a separate grant

904

01:12:58,395 --> 01:13:00,560

or some special money.

905

01:13:00,560 --> 01:13:06,080

Justice40 is looking at hundreds,
if not thousands of programs

906

01:13:06,080 --> 01:13:11,708

across the entire federal government and
saying that the benefits of those programs,

907

01:13:11,732 --> 01:13:19,520

at least 40% of the benefits of those programs
should go to disadvantaged communities.

908

01:13:19,520 --> 01:13:27,040

In terms of actually trying to mechanically
define what those disadvantaged communities are,

909

01:13:27,040 --> 01:13:31,760

to try to drive the benefits
in that certain direction

910

01:13:31,760 --> 01:13:41,148

because of some legal precedent, we
cannot use race as a central consideration

911

01:13:41,172 --> 01:13:45,936

in deciding how to drive those
benefits to those certain places.

912

01:13:45,960 --> 01:13:52,205

We can, will and are absolutely going
to continue to use tools like EJSscreen

913

01:13:52,229 --> 01:13:57,280

which has race in all of
the scoping and screening

914

01:13:57,280 --> 01:14:00,856

in considering what we do with

these programs

915

01:14:00,880 --> 01:14:06,000

and then even on the back
side of assessing and evaluating

916

01:14:06,000 --> 01:14:10,320

where do those benefits
actually touch down on the ground.

917

01:14:10,320 --> 01:14:12,686

We can and will use race
in those considerations.

918

01:14:12,710 --> 01:14:18,239

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

919

01:14:18,239 --> 01:14:22,852

there's very clear legal precedent
there that we can't use race in doing that.

920

01:14:22,876 --> 01:14:29,360

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

927

01:14:54,872 --> 01:14:58,719

of these hundreds or
thousands of programs go,

928

01:14:58,719 --> 01:15:03,672

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

929

01:15:03,696 --> 01:15:05,053

is race neutral.

930

01:15:05,077 --> 01:15:09,961

EJSCREEN, however, which we use for all sorts
of other things in terms of figuring out

931

01:15:09,985 --> 01:15:15,571

where the money and the benefits go and
screening for what do we want to focus on

932

01:15:15,595 --> 01:15:19,122

and who are we engaging with and
sitting down and having conversations

933

01:15:19,146 --> 01:15:24,348

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

934

01:15:24,372 --> 01:15:30,159

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

935

01:15:30,159 --> 01:15:33,520

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

936

01:15:33,520 --> 01:15:37,985

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

937

01:15:38,009 --> 01:15:40,428

and that legal precedent in that space.

938

01:15:40,452 --> 01:15:43,840

Did I get all that right, Marianne?

939

01:15:43,840 --> 01:15:47,579

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

940

01:15:47,603 --> 01:15:49,467

Let me just say a few things.

941

01:15:49,491 --> 01:15:52,239

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

942

01:15:52,239 --> 01:15:56,670

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

943

01:15:56,694 --> 01:16:00,000

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

944

01:16:00,000 --> 01:16:04,148

As you know, the EJ executive order that

was signed by President Clinton

945

01:16:04,172 --> 01:16:08,208

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

946

01:16:08,232 --> 01:16:16,160

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

947

01:16:16,184 --> 01:16:19,520

disproportionate impacts
of our programs or activities,

948

01:16:19,520 --> 01:16:22,800

the programs or activities
of the federal government,

949

01:16:22,800 --> 01:16:25,840

on the basis of race, color,
national origin and income.

950

01:16:25,840 --> 01:16:33,040

And as Matt, said there are
some legal issues that come up

951

01:16:33,040 --> 01:16:36,368

when governments are taking action based
on race, color and national origin

952

01:16:36,392 --> 01:16:41,280

that do come up when governments
are taking action on the basis of income.

953

01:16:41,280 --> 01:16:47,520

But that executive order
requires-- and I want to say

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01:16:47,520 --> 01:16:52,288

the emphasis was affirmed by President
Biden whose executive orders

955

01:16:52,312 --> 01:16:55,760

that he signed in the first
days of this administration,

956

01:16:55,760 --> 01:17:03,143

recognize the impact that race discrimination
and various forms of racial inequality

957

01:17:03,167 --> 01:17:04,960

play in today's world.

958

01:17:04,960 --> 01:17:12,000

And so we're all under a
mandate to take a look at that

959

01:17:12,000 --> 01:17:16,588

and address that, so we are
absolutely talking about race,

960

01:17:16,612 --> 01:17:20,047

we're absolutely
identifying racial inequalities,

961

01:17:20,071 --> 01:17:24,159

and I want to be clear, we just spent
a lot of time talking about civil rights

962

01:17:24,159 --> 01:17:26,400

and you can't talk about civil rights

963

01:17:26,400 --> 01:17:30,000

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

964

01:17:30,000 --> 01:17:33,787

unless we look at racial data and
take that into account

965

01:17:33,811 --> 01:17:36,028

and understand where
there are racial disparities.

966

01:17:36,052 --> 01:17:42,597

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

967

01:17:42,621 --> 01:17:48,768

so if we're identifying racial inequality
and then addressing that racial inequality,

968

01:17:48,792 --> 01:17:53,040

if you're conferring benefits
when you're addressing racial inequality,

969

01:17:53,040 --> 01:17:58,960

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

970

01:17:58,960 --> 01:18:04,672

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

971

01:18:04,696 --> 01:18:10,800

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

972

01:18:10,800 --> 01:18:13,667

whether or not we're addressing or
exacerbating racial inequality

973

01:18:13,691 --> 01:18:18,307

to address the very issues
Vincent that you're raising

974

01:18:18,331 --> 01:18:25,488

that I know affect Detroit and Flint and other communities in Michigan and around the country.

975

01:18:25,512 --> 01:18:28,527

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

976

01:18:28,551 --> 01:18:32,142

we're going to continue to deepen our commitment to environmental justice

977

01:18:32,166 --> 01:18:36,630

and we want to do it in a way that is fully compliant with the law,

978

01:18:36,654 --> 01:18:43,280

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

979

01:18:48,640 --> 01:18:50,848

Christina Motilal: Great, thank you.

980

01:18:50,872 --> 01:18:53,600

Victoria go ahead.

981

01:18:53,600 --> 01:18:58,000

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

982

01:18:58,000 --> 01:19:04,207

We're going to go ahead and I'm going to ask her to unmute

983

01:19:04,231 --> 01:19:08,400

When I say her I'm assuming this is Melva Hayden, I'm hoping.

984

01:19:08,400 --> 01:19:15,840

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

985

01:19:16,000 --> 01:19:18,948

Melva Hayden: Hi I actually must have touched that button by accident

986

01:19:18,972 --> 01:19:25,360

but I'm so thankful for this monthly community engagement on environmental justice and Title VI.

987

01:19:25,360 --> 01:19:31,280

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

988

01:19:31,280 --> 01:19:37,368

so I'm very happy that Marianne and Lilian and Anhthu and Kurt and everyone and Matt

989

01:19:37,392 --> 01:19:39,120

has all brought that together.

990

01:19:39,120 --> 01:19:43,040

So thanks, I will mute again now. [LAUGHS]

991

01:19:43,040 --> 01:19:45,840

Victoria Robinson: Thank you very much.

992

01:19:46,400 --> 01:19:48,320

All right go ahead, Christina.

993

01:19:48,320 --> 01:19:49,961

Christina Motilal: Okay, great.

994

01:19:49,985 --> 01:19:55,199

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

995

01:19:55,199 --> 01:20:00,978

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

996

01:20:01,002 --> 01:20:05,407

how does ECRCO envision
regional offices will interact interface

997

01:20:05,431 --> 01:20:10,659

with existing state programs with federally
approved state implementation plans

998

01:20:10,683 --> 01:20:16,719

or SIPs for permitting,

for example, air permitting programs?

999

01:20:16,719 --> 01:20:18,960

Lilian Dorka: Yeah, thank you for that question.

1000

01:20:18,960 --> 01:20:26,181

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

1001

01:20:26,205 --> 01:20:31,168

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

1002

01:20:31,192 --> 01:20:37,679

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

1003

01:20:37,679 --> 01:20:39,368

they are always involved.

1004

01:20:39,392 --> 01:20:44,373

We have points of contact within the offices, within all of the regional offices

1005

01:20:44,397 --> 01:20:49,267

and their offices of regional
council who are actual members

1006

01:20:49,291 --> 01:20:55,108

of our case investigation teams and bring
to bear, of course, all of the expertise

1007

01:20:55,132 --> 01:21:01,727

that resides within the regions whether
it's expertise in the actual environmental laws

1008

01:21:01,751 --> 01:21:06,590

or the knowledge that they have
and experience that they have

1009

01:21:06,614 --> 01:21:12,480

from the perspective of environmental
justice and engagement with local communities,

1010

01:21:12,480 --> 01:21:18,000

but they are always

a part of our case team.

1011

01:21:19,440 --> 01:21:26,320

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

1012

01:21:26,320 --> 01:21:29,619

that there is additional funding
through environmental justice

1013

01:21:29,643 --> 01:21:33,644

and of course, we're figuring
out now how to make sure

1014

01:21:33,668 --> 01:21:39,047

that all of the folks
in the regional offices

1015

01:21:39,071 --> 01:21:45,468

who do environmental justice work
on a daily basis are also very well linked

1016

01:21:45,492 --> 01:21:51,760

to those who actually work on our
Title VI and other civil rights cases.

1017

01:21:51,760 --> 01:21:57,600

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

1018

01:21:58,960 --> 01:22:07,280

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

1019

01:22:07,280 --> 01:22:09,600

Matthew Tejada: To those points--

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01:22:09,600 --> 01:22:14,228

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

1021

01:22:14,252 --> 01:22:19,840

the External Civil Rights Compliance Program
in much closer alignment with the EJ program

1022

01:22:19,840 --> 01:22:22,368

as we are looking at
both the regional resources

1023

01:22:22,392 --> 01:22:25,679

that are that are planned to
go out to the regions,

1024

01:22:25,679 --> 01:22:30,925

as well as the resources that will stay
in headquarters to just help with the folks

1025

01:22:30,949 --> 01:22:35,344

that in my office, in the Office of
Environmental Justice and headquarters,

1026

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?

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01:22:40,572 --> 01:22:46,159

We need-- states are so important--
that's something ever since I came to EPA,

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01:22:46,159 --> 01:22:49,296

I've shared very regularly with
folks in headquarters

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01:22:49,320 --> 01:22:53,679

that when I was down in
Houston working on these issues

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01:22:53,679 --> 01:22:56,833

about the only time I ever thought about
EPA was when I was suing them,

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01:22:56,857 --> 01:23:01,920

otherwise I was focused on the state, I was
focused on the city, I was focused on the port.

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01:23:01,920 --> 01:23:07,047

So part of a real focus
for the EJ program

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01:23:07,071 --> 01:23:09,916

and what we're going to do with
these additional resources

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01:23:09,940 --> 01:23:15,512

is having a much stronger, much
more robust ability to engage with

1035

01:23:15,536 --> 01:23:22,800

and support and provide resources or training
or direction of whatever we can to help

1036

01:23:22,800 --> 01:23:28,397

with our state partners and our local partners
and our tribal and territorial government partners.

1037

01:23:28,421 --> 01:23:34,670

And we're going to be looking to do that
in lockstep, not just on the EJ program

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01:23:34,694 --> 01:23:38,748

but working together with the
External Civil Rights Compliance Program

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01:23:38,772 --> 01:23:43,020

because of the relationship
between the two programs,

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01:23:43,044 --> 01:23:47,648

the ability for the two programs
to reinforce one another in practice

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01:23:47,672 --> 01:23:51,067

on the ground and engaging with
communities and lifting up the law

1042

01:23:51,091 --> 01:23:55,068

and bringing together
environmental law with civil rights laws.

1043

01:23:55,092 --> 01:24:01,321

So as we do this inside of EPA, we're also
looking out at the rest of the government,

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01:24:01,345 --> 01:24:06,400

all levels of the government
throughout the United States.

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01:24:06,400 --> 01:24:12,948

And we want to pursue the same sort of very

mutually aligned and supportive approach

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01:24:12,972 --> 01:24:15,381

to how we look at our
relationships with states,

1047

01:24:15,405 --> 01:24:19,888

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

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01:24:19,912 --> 01:24:26,428

There's obviously going to be areas where
the External Civil Rights Compliance Program

1049

01:24:26,452 --> 01:24:29,248

is enforcing compliance of statutes.

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01:24:29,272 --> 01:24:31,247

The EJ program doesn't do that.

1051

01:24:31,271 --> 01:24:33,348

There's going to be
areas where it's like

1052

01:24:33,372 --> 01:24:37,488

okay, this issue has now gone
into Lilian and Marianne space and Anhthu

1053

01:24:37,512 --> 01:24:42,000

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

1054

01:24:42,000 --> 01:24:47,199

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

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01:24:47,199 --> 01:24:51,088

engaging with communities,
engaging with our state partners

1056

01:24:51,112 --> 01:24:57,199

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

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01:24:57,199 --> 01:25:01,627

a lot of hopefully, real

outcomes on the ground.

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01:25:01,651 --> 01:25:07,040

We're seeing compliance with civil rights
that lifts up environmental justice issues

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01:25:07,040 --> 01:25:12,287

and advancing environmental justice
issues in ways that helps states and others

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01:25:12,311 --> 01:25:16,480

really wrap their arms around
complying with civil rights.

1061

01:25:16,480 --> 01:25:21,760

Marianne Engelmann: Matt let me just add a
couple of small points, you both covered it.

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01:25:21,760 --> 01:25:24,960

Here are a couple additional thoughts.

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01:25:24,960 --> 01:25:28,880

One is, the regions

are already really helpful.

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01:25:28,880 --> 01:25:35,487

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

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01:25:35,511 --> 01:25:41,199

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

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01:25:41,199 --> 01:25:45,868

I just want to acknowledge that because
the External Civil Rights Compliance Office

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01:25:45,892 --> 01:25:50,560

hasn't gotten-- doesn't have
the funding to pay for that time

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01:25:50,560 --> 01:25:57,508

and I want folks to understand that
the reach of the program is enhanced

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01:25:57,532 --> 01:26:00,700

by all these partnerships within EPA

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01:26:00,724 --> 01:26:06,268

and really were already stretched
but would be even more stretched

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01:26:06,292 --> 01:26:08,719

without those partnerships
at the regional level.

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01:26:08,719 --> 01:26:15,040

The second thing is, the
question not only asked about

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01:26:15,040 --> 01:26:19,728

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

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01:26:19,752 --> 01:26:26,347

but also the interface with existing
state programs and permitting

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01:26:26,371 --> 01:26:29,840

and state implementation
plans and SIPs.

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01:26:29,840 --> 01:26:34,148

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

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01:26:34,172 --> 01:26:38,080

in light of this question.

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01:26:38,080 --> 01:26:45,120

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

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01:26:45,120 --> 01:26:50,888

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

1080

01:26:50,912 --> 01:26:56,071

at the External Civil Rights Compliance
Office but also by all the programs.

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01:26:56,095 --> 01:26:58,748

So if the Office of
Water is giving out grants,

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01:26:58,772 --> 01:27:02,707

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

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01:27:02,731 --> 01:27:08,268

their helping recipients of federal
funds anticipate what the expectations are

1084

01:27:08,292 --> 01:27:12,207

to comply with Title VI
and other civil rights laws.

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01:27:12,231 --> 01:27:18,368

That's really important, so recipients
of federal funds can affirmatively comply

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01:27:18,392 --> 01:27:23,840

to the extent that-- this is culture
change moving from a world in which

1087

01:27:23,840 --> 01:27:28,488

there wasn't the expectation of civil rights
enforcement to a world in which there is

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01:27:28,512 --> 01:27:34,308

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

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01:27:34,332 --> 01:27:37,068

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

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01:27:37,092 --> 01:27:41,808

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

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01:27:41,832 --> 01:27:46,418

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

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01:27:46,442 --> 01:27:58,000

I think of the Suncor permit in Colorado, the
Ajax permit in Michigan, General Iron in Chicago

1093

01:27:58,000 --> 01:28:05,208

where the regional offices have raised civil rights and environmental justice issues

1094

01:28:05,232 --> 01:28:08,168

in particular permitting context.

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01:28:08,192 --> 01:28:12,748

And again the regions have really been out front on so much of that,

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01:28:12,772 --> 01:28:19,127

so that's another piece of the question that was asked.

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01:28:19,151 --> 01:28:20,159

Thanks.

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01:28:25,920 --> 01:28:29,600

Christina Motilal: Great, thank you very much.

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01:28:29,600 --> 01:28:31,600

I'm sorry Victoria, did you wanna--

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01:28:31,600 --> 01:28:34,303

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

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01:28:34,327 --> 01:28:35,630

Go ahead, Christina.

1102

01:28:35,654 --> 01:28:37,280

Christina Motilal: Okay, great, thanks.

1103

01:28:37,280 --> 01:28:44,320

The next question we have into
the chat is by John and they ask,

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01:28:44,320 --> 01:28:50,400

"Regarding Justice40 allocated funding,
are we dealing only with existing programs?"

1105

01:28:50,400 --> 01:28:54,968

Will not new programs be created to
accommodate all the requirements spelled out

1106

01:28:54,992 --> 01:29:03,120

in executive orders 14008, 13990 and 13985?"

1107

01:29:03,760 --> 01:29:07,120

Matthew Tejada: That's

a great question, I wish--

1108

01:29:07,120 --> 01:29:09,498

well I don't know if I wish.

1109

01:29:09,522 --> 01:29:13,728

Presidential executive orders

though do not create programs

1110

01:29:13,752 --> 01:29:15,668

much as many presidents wish they--

[LAUGHS]

1111

01:29:15,692 --> 01:29:18,320

I think probably all

presidents wish they would,

1112

01:29:18,320 --> 01:29:25,208

but they might create initiatives or efforts
or direct the focus of the executive branch

1113

01:29:25,232 --> 01:29:30,560

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

1114

01:29:30,560 --> 01:29:36,159

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

1115

01:29:36,159 --> 01:29:40,667

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

1116

01:29:40,691 --> 01:29:46,196

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

1117

01:29:46,220 --> 01:29:50,080

through the
appropriations process.

1118

01:29:50,080 --> 01:29:54,807

Congress establishes programs, provides
the statutory authority for those programs

1119

01:29:54,831 --> 01:29:56,800

and then funds those programs.

1120

01:29:56,800 --> 01:30:02,000

So there's a lot of effort of existing
programs to implement

1121

01:30:02,000 --> 01:30:05,300

the presidential executive
orders and as Marianne said before,

1122

01:30:05,324 --> 01:30:10,800

one of the things we have
that has been a challenge for us

1123

01:30:10,800 --> 01:30:13,679

inside of the federal
government over the past year,

1124

01:30:13,679 --> 01:30:20,148

is that the scope of our mandate
increased by at least an order of magnitude,

1125

01:30:20,172 --> 01:30:25,729

if not several, while we were still dealing
with a budget that was providing us resources

1126

01:30:25,753 --> 01:30:31,679

at a very small level,
so that has been a challenge.

1127

01:30:31,679 --> 01:30:37,760

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

1128

01:30:37,760 --> 01:30:42,207

For instance, one of the things that we're going
to talk a lot more about at the NEJAC meeting

1129

01:30:42,231 --> 01:30:46,239

over the next two days which

John, I know you'll be listening to,

1130

01:30:46,239 --> 01:30:51,447

is that we are looking at when the
Bipartisan Infrastructure Law

1131

01:30:51,471 --> 01:30:55,536

or the Investing and Infrastructure and
Jobs Act, there's different names for it,

1132

01:30:55,560 --> 01:30:59,836

but when it was passed back in
November, it created some new programs

1133

01:30:59,860 --> 01:31:05,917

and that was months and months after Executive
Order 14008 and the Justice40 Initiative

1134

01:31:05,941 --> 01:31:10,719

but we are pulling in any of
those new programs that fit

1135

01:31:10,719 --> 01:31:15,846

within the definition of the Justice40 Initiative, they're being brought in to Justice40

1136

01:31:15,870 --> 01:31:21,920

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

1137

01:31:21,920 --> 01:31:26,312

or if the Build Back Better agenda is resuscitated

1138

01:31:26,336 --> 01:31:30,027

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

1139

01:31:30,051 --> 01:31:34,800

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

1140

01:31:34,800 --> 01:31:39,428

and establishes some new programs, then those also will go through a process of saying

1141

01:31:39,452 --> 01:31:42,942

"Okay here's these new programs
that congress has created and funded,

1142

01:31:42,966 --> 01:31:45,587

do these line up
with Justice40?

1143

01:31:45,611 --> 01:31:48,248

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

1144

01:31:48,272 --> 01:31:52,748

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

1145

01:31:52,772 --> 01:31:56,800

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

1146

01:31:56,800 --> 01:32:02,528

almost the entire federal government
and through a process of analyzing

1147

01:32:02,552 --> 01:32:06,159

based upon the guidance that's
been given out by the White House,

1148

01:32:06,159 --> 01:32:14,928

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

1149

01:32:14,952 --> 01:32:19,840

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

1150

01:32:19,840 --> 01:32:24,159

across many federal agencies
and the White House and its offices

1151

01:32:24,159 --> 01:32:27,588

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

1152

01:32:27,612 --> 01:32:29,888

of bringing more programs in.

1153

01:32:29,912 --> 01:32:35,620

It is a huge change
effort at least for EPA,

1154

01:32:35,644 --> 01:32:41,814

it will be a change effort for the vast
majority of the programs and resources at EPA.

1155

01:32:41,838 --> 01:32:48,852

We don't have kind of a final count yet but
it's going to affect almost everything at EPA.

1156

01:32:48,876 --> 01:32:52,973

Pretty close to everything at
EPA will eventually be implicated

1157

01:32:52,997 --> 01:32:55,840

in the Justice40 Initiative.

1158

01:33:00,159 --> 01:33:03,388

So we have another
half hour, right Christina?

1159

01:33:03,412 --> 01:33:08,368

Christina Motilal: Yeah, we have
another question in that we can move to.

1160

01:33:09,440 --> 01:33:15,520

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

1161

01:33:15,520 --> 01:33:20,967

and they ask after a complaint is filed,
what are some of the common procedural stages

1162

01:33:20,991 --> 01:33:26,480

and time frames for parties at
ECRCO until resolution?

1163

01:33:26,480 --> 01:33:28,157

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

1164

01:33:28,181 --> 01:33:29,879

Christina Motilal: Go ahead,
go ahead, Kurt.

1165

01:33:29,903 --> 01:33:31,223

Kurt Temple: Thanks, Nestor.

1166

01:33:31,247 --> 01:33:37,208

I did respond to you in the Q&A with
the link to our Case Resolution Manual

1167

01:33:37,232 --> 01:33:42,639

and so that's really where all the answers
are but that is a pretty big document.

1168

01:33:42,639 --> 01:33:46,968

But the table of contents page
sort of outlines the processes

1169

01:33:46,992 --> 01:33:53,499

and in particular, I guess there's a few
processes that you should be aware of.

1170

01:33:53,523 --> 01:33:59,600

One is the acknowledgment of the complaint
along with the jurisdictional review process.

1171

01:33:59,600 --> 01:34:05,440

And we have-- once we get a complaint, we have five days to acknowledge that complaint.

1172

01:34:05,440 --> 01:34:09,760

We acknowledge both to the recipient and to the complainants.

1173

01:34:09,760 --> 01:34:16,960

Thereafter, we have another 20 days to conduct our jurisdictional review

1174

01:34:16,960 --> 01:34:22,080

which we have to determine whether or not we can accept that complaint.

1175

01:34:22,080 --> 01:34:30,127

And there's four jurisdictional criteria that are outlined in our Case Resolution Manual

1176

01:34:30,151 --> 01:34:35,600

and it's a relatively low bar for us to accept jurisdiction.

1177

01:34:36,719 --> 01:34:39,867

And so we undertake that review
to determine whether or not

1178

01:34:39,891 --> 01:34:46,159

the complaint is in writing, whether or
not the entity complained against

1179

01:34:46,159 --> 01:34:52,472

receives EPA financial assistance,
whether it alleges a claim over something

1180

01:34:52,496 --> 01:34:57,199

that we have a jurisdiction
over one of the civil rights laws,

1181

01:34:57,199 --> 01:35:02,480

and then also, whether it
was filed within 180 days.

1182

01:35:02,480 --> 01:35:06,000

Again, that time frame can

be waived for good cause.

1183

01:35:06,000 --> 01:35:08,960

So we undertake that
jurisdictional review--

1184

01:35:08,960 --> 01:35:12,000

I should also note that
there's some prudential reasons

1185

01:35:12,000 --> 01:35:16,239

that we would look at as well to
determine whether or not we take a case

1186

01:35:16,239 --> 01:35:21,708

but we have 20 days either to
accept, to reject or reject and refer.

1187

01:35:21,732 --> 01:35:29,280

Maybe somebody else has jurisdiction in
another federal agency, for instance.

1188

01:35:30,560 --> 01:35:34,880

Once we made that determination
we would issue a letter

1189

01:35:34,880 --> 01:35:38,080

letting everybody know
what our determination is

1190

01:35:38,080 --> 01:35:42,568

and if we've accepted it, then that
[INAUDIBLE] into another part,

1191

01:35:42,592 --> 01:35:47,440

another phase of our process.

1192

01:35:47,440 --> 01:35:53,119

Our regulation says we have 180 days
from the date of acceptance to issue

1193

01:35:53,119 --> 01:35:56,928

preliminary findings and again, our Case
Resolution Manual discusses

1194

01:35:56,952 --> 01:36:04,880

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.

1201

01:36:36,480 --> 01:36:41,147

In that process, we would also engage
with the complainants

1202

01:36:41,171 --> 01:36:46,159

to help us inform
that informal resolution.

1203

01:36:46,159 --> 01:36:53,025

It's a process where we take into account
not only the issues we-- for investigation

1204

01:36:53,049 --> 01:37:00,139

but also we hear from the
complainants and other interested parties

1205

01:37:00,163 --> 01:37:02,467

with respect to informal resolution.

1206

01:37:02,491 --> 01:37:04,592

If informal resolution fails,

1207

01:37:04,616 --> 01:37:09,199

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

1208

01:37:10,480 --> 01:37:16,880

Another avenue of informal resolution is what's known as alternative dispute resolution,

1209

01:37:16,880 --> 01:37:21,679

it's a process that is not necessarily appropriate for all cases

1210

01:37:21,679 --> 01:37:27,567

but it's one that we look at in appropriate cases under ADR.

1211

01:37:27,591 --> 01:37:33,827

That process is one that is between the complainants and the recipients,

1212

01:37:33,851 --> 01:37:42,800

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.

1218

01:38:17,600 --> 01:38:25,520

We do have one more question
into the chat, give me one second.

1219

01:38:28,000 --> 01:38:31,679

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

1220

01:38:32,800 --> 01:38:37,280

The question is from Steve and they ask
"is EPA now as a matter, of course,

1221

01:38:37,280 --> 01:38:41,068

referring Title VI complaints where
the recipient is not funded by EPA

1222

01:38:41,092 --> 01:38:44,988

to another federal agency that
actually provides funds to the recipient

1223

01:38:45,012 --> 01:38:47,920

or is EPA just closing
those complaints?"

1224

01:38:47,920 --> 01:38:51,730

Lilian Dorka: Thank you
for that question, Steve.

1225

01:38:51,754 --> 01:38:55,440

It's always great to
get questions from you.

1226

01:38:56,800 --> 01:39:00,388

The short answer is yes, absolutely.

1227

01:39:00,412 --> 01:39:04,528

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

1228

01:39:04,552 --> 01:39:09,410

I don't think that we've closed
any cases for lack of jurisdiction

1229

01:39:09,434 --> 01:39:12,608

where we have not
referred to another agency,

1230

01:39:12,632 --> 01:39:17,920

we routinely look anyway even
where we do have jurisdiction,

1231

01:39:17,920 --> 01:39:22,813

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

1232

01:39:22,837 --> 01:39:26,880

because there are some
really critically important issues

1233

01:39:26,880 --> 01:39:34,719

that transcend EPA's
sort of scope of expertise.

1234

01:39:34,719 --> 01:39:39,887

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

1235

01:39:39,911 --> 01:39:47,451

in fact, is to do more effective inter-agency
coordination and collaboration along with DOJ.

1236

01:39:47,475 --> 01:39:55,920

DOJ very much encourages that we meet
regularly with sister agencies through DOJ

1237

01:39:55,920 --> 01:40:02,148

to talk about environmental
justice and civil rights Title VI issues

1238

01:40:02,172 --> 01:40:06,719

that are coming up
in our different cases.

1239

01:40:06,719 --> 01:40:12,248

A lot more complainants are filing
complaints with more than one agency

1240

01:40:12,272 --> 01:40:20,560

and so it's critical that we that we do have
that relationship with our sister agencies.

1241

01:40:21,600 --> 01:40:27,268

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

1248

01:40:56,385 --> 01:41:03,328

because there is no EPA money, there no EPA
financial assistance, we would routinely refer.

1249

01:41:03,352 --> 01:41:10,080

And I see that you said there was a Title
VI complaint closed that was filed in 2021

1250

01:41:10,080 --> 01:41:15,280

due to EPA not funding the recipient,
so glad to hear no longer happens.

1251

01:41:16,239 --> 01:41:21,688

Feel free to reach out to us
and tell us if you're concerned

1252

01:41:21,712 --> 01:41:26,880

about that particular instance

1253

01:41:26,880 --> 01:41:31,920

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

1259

01:42:05,512 --> 01:42:07,600

or through the mobile app.

1260

01:42:07,600 --> 01:42:13,002

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

1261

01:42:13,026 --> 01:42:15,560

to ask a question.

1262

01:42:24,320 --> 01:42:25,520

Victoria Robinson: Okay.

1263

01:42:25,520 --> 01:42:30,080

I'm seeing no hands raised.

1264

01:42:30,080 --> 01:42:30,952

I'm going to go ahead

1265

01:42:30,976 --> 01:42:34,880

and go through a couple of upcoming
engagement training opportunities

1266

01:42:34,880 --> 01:42:40,239

and then if we see anything between that and the final slide, then we'll answer a question.

1267

01:42:40,239 --> 01:42:46,188

Just let you guys know, it's a very busy season at EPA, lots of opportunities for engagement,

1268

01:42:46,212 --> 01:42:49,520

for training, for building awareness.

1269

01:42:49,520 --> 01:42:58,788

And one such opportunity is that EPA's Office of Water is convening a listening session

1270

01:42:58,812 --> 01:43:05,280

in May 2nd, Monday May 2nd, about its draft Climate Adaptation Implementation Plan

1271

01:43:05,280 --> 01:43:08,936

and this plan builds on the agency-wide climate plan

1272

01:43:08,960 --> 01:43:11,360

which came out last October

1273

01:43:11,360 --> 01:43:17,348

and it's serves as a strategic

roadmap for priority actions

1274

01:43:17,372 --> 01:43:21,897

that OW will be taking around financial

assistance, program implementation,

1275

01:43:21,921 --> 01:43:27,159

research and training to integrate

climate change adaptation considerations

1276

01:43:27,183 --> 01:43:34,960

throughout their programs and consistent

with the goals of the administrators--

1277

01:43:34,960 --> 01:43:37,600

administration's Justice40 commitment.

1278

01:43:37,600 --> 01:43:43,588

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

1279

01:43:43,612 --> 01:43:47,679

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

1280

01:43:47,679 --> 01:43:51,699

This slide is in your slide
deck that we posted on the web,

1281

01:43:51,723 --> 01:43:56,247

includes a link to register and if
you need assistance with registration

1282

01:43:56,271 --> 01:44:04,400

or for special accommodations, there's a email
address that you can contact for such assistance.

1283

01:44:05,199 --> 01:44:11,328

And not seeing any more hands
raised or any more comments.

1284

01:44:11,352 --> 01:44:14,080

Should we go on to the closing?

1285

01:44:14,080 --> 01:44:17,520

Christina, do you see any questions?

1286

01:44:17,520 --> 01:44:19,808

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

1287

01:44:19,832 --> 01:44:23,840

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

1288

01:44:23,840 --> 01:44:28,719

This question is Sky
Wheeler from Human Rights.

1289

01:44:28,719 --> 01:44:30,927

Sky Wheeler: Hello, yes this is Sky.

1290

01:44:30,951 --> 01:44:34,862

I work for Human Rights Watch,

I'm based in Washington D.C.

1291

01:44:34,886 --> 01:44:37,679

and thank you

very much for this.

1292

01:44:37,679 --> 01:44:44,485

Something I've been trying to
understand as I try to keep up

1293

01:44:44,509 --> 01:44:48,000

with the many wonderful
opportunities there are to provide input

1294

01:44:48,000 --> 01:44:52,960

into various environmental justice
initiatives that are going on right now,

1295

01:44:52,960 --> 01:44:59,840

is how best can those of us who are
especially interested in maternal health

1296

01:44:59,840 --> 01:45:05,168

and reproductive justice which is
basically the making sure that all people

1297

01:45:05,192 --> 01:45:08,604

whatever their color or income
or wherever they live in the US

1298

01:45:08,628 --> 01:45:14,000

have an equal right to have a healthy
pregnancy and give birth to a healthy newborn,

1299

01:45:14,000 --> 01:45:19,388

can best take advantage of what is
happening right now?

1300

01:45:19,412 --> 01:45:26,626

There's a wonderful sense of hope in
terms of environmental justice right now

1301

01:45:26,650 --> 01:45:31,530

but I just don't see reproductive justice
or the fact that the US is in the midst

1302

01:45:31,554 --> 01:45:35,543

of a maternal health crisis
centered by the fact that black women

1303

01:45:35,567 --> 01:45:40,748

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

1304

01:45:40,772 --> 01:45:48,480

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

1305

01:45:48,480 --> 01:45:52,719

possibly caused or worsened by
environmental health factors.

1306

01:45:52,719 --> 01:45:59,920

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

1307

01:45:59,920 --> 01:46:06,607

the thinking around how to best make
environmental justice a reality in the US.

1308

01:46:06,631 --> 01:46:11,760

I was wondering if you can comment
on that and tell us how those of us

1309

01:46:11,760 --> 01:46:18,786

in this space can perhaps work with
you and others to address this missing gap

1310

01:46:18,810 --> 01:46:24,719

or this gap in the picture
right now, thank you.

1311

01:46:24,800 --> 01:46:26,800

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

1312

01:46:26,800 --> 01:46:34,480

That is a great point and it is-- I'll
acknowledge-- it is not apparent,

1313

01:46:34,480 --> 01:46:38,400

it hasn't been something
that has really been,

1314

01:46:38,400 --> 01:46:41,679

I don't even know how to say this in a way that doesn't get me in trouble.

1315

01:46:42,719 --> 01:46:45,520

It hasn't been a focus in the past.

1316

01:46:45,520 --> 01:46:51,028

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

1317

01:46:51,052 --> 01:46:55,600

it's something that isn't out in front yet because we're still figuring out

1318

01:46:55,600 --> 01:46:58,320

how to do that, how to make it meaningful.

1319

01:46:58,320 --> 01:47:02,000

We are looking at a range of things though from

1320

01:47:02,000 --> 01:47:07,664

whether it's looking at issues
of gender or maternal health

1321

01:47:07,688 --> 01:47:14,719

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

1322

01:47:14,719 --> 01:47:22,560

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

1323

01:47:22,560 --> 01:47:29,184

My boss boss, my actual boss Victoria, Vicki
Arroyo who is the Associate Administrator

1324

01:47:29,208 --> 01:47:33,707

in the Office of Policy it is something
that she is very much providing

1325

01:47:33,731 --> 01:47:38,489

a lot of leadership for us at EPA on
making sure that folks are looking at that

1326

01:47:38,513 --> 01:47:41,440

in our policy work at EPA.

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01:47:41,440 --> 01:47:48,320

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

1328

01:47:48,320 --> 01:47:51,788

We're looking at some of the health data that has recently become available,

1329

01:47:51,812 --> 01:47:55,214

we're also looking at trying to see if there is something we can do

1330

01:47:55,238 --> 01:48:02,320

with other existing data sets like census or others where we can try to pull out and highlight

1331

01:48:02,320 --> 01:48:08,880

parts of data that really get at that issue of differences in gender

1332

01:48:08,880 --> 01:48:14,088

or maternal health or childhood health
to really start to highlight those things.

1333

01:48:14,112 --> 01:48:18,094

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

1334

01:48:18,118 --> 01:48:23,099

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

1335

01:48:23,123 --> 01:48:25,360

that we'll have going forward.

1336

01:48:25,360 --> 01:48:31,830

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

1337

01:48:31,854 --> 01:48:37,348

but it is very much something
that is a priority issue

1338

01:48:37,372 --> 01:48:40,600

and one of the things
that we are working to figure out

1339

01:48:40,624 --> 01:48:46,719

because we do have in this administration
very clear leadership and support

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01:48:46,719 --> 01:48:50,960

to finally start really figuring this
out as a much more central issue

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01:48:50,960 --> 01:48:54,000

in things like
environmental justice at EPA.

1342

01:48:54,000 --> 01:48:56,810

So just continuing to
stay involved and help out

1343

01:48:56,834 --> 01:49:02,480

and when we have these upcoming

opportunities like this call or others

1344

01:49:02,480 --> 01:49:09,679

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

1345

01:49:09,679 --> 01:49:14,960

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

1346

01:49:14,960 --> 01:49:18,092

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

1347

01:49:18,116 --> 01:49:20,627

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

1348

01:49:20,651 --> 01:49:25,040

That's that's the sort of space
we're in right now as we're looking at

1349

01:49:25,040 --> 01:49:29,468

finally being able to really build out a
program that gets to these different issues

1350

01:49:29,492 --> 01:49:33,360

in a much more meaningful way.

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01:49:38,719 --> 01:49:40,320

Christina Motilal: Great, thank you Matt.

1352

01:49:40,320 --> 01:49:42,807

Victoria we did have

another hand get raised.

1353

01:49:42,831 --> 01:49:44,560

Victoria Robinson: Yeah I see that right now.

1354

01:49:44,560 --> 01:49:50,960

And I'm going to-- it's Gregory

Norris or Norris Gregor, my apologies.

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01:49:50,960 --> 01:49:55,725

If you would like to go

ahead and unmute yourself

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01:49:55,749 --> 01:50:00,239

then you can go ahead
and ask your question.

1357

01:50:04,239 --> 01:50:06,800

Norris Gregory? Gregory Norris?

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01:50:06,800 --> 01:50:11,840

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

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01:50:21,599 --> 01:50:24,719

Are you able to speak?

1360

01:50:24,719 --> 01:50:28,960

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

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01:50:30,480 --> 01:50:31,520

All right.

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01:50:31,520 --> 01:50:33,785

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

1363

01:50:33,809 --> 01:50:35,040

Matthew, did you want to do--

1364

01:50:37,360 --> 01:50:39,040

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

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01:50:39,040 --> 01:50:40,868

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

1366

01:50:40,892 --> 01:50:42,748

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

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01:50:42,772 --> 01:50:44,072

Victoria Robinson: No prob, okay.

1368

01:50:44,096 --> 01:50:48,417

We want to first of all thank
everybody-- oh his mic is not working.

1369

01:50:48,441 --> 01:50:54,025

So Norris Gregory, if you would like
to go ahead and put in your question

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01:50:54,049 --> 01:50:58,928

write your question into the Q&A pod, we'll
go ahead and try to answer your question

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01:50:58,952 --> 01:51:00,536

from there if that's possible.

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01:51:00,560 --> 01:51:04,320

All right, while we're doing
that, we want to thank everybody

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01:51:04,320 --> 01:51:07,484

for taking the time
out today for this call.

1374

01:51:07,508 --> 01:51:11,300

We appreciate all of you
coming in taking some time

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01:51:11,324 --> 01:51:15,848

to be able to provide feedback for us to help
us learn more about what your concerns are

1376

01:51:15,872 --> 01:51:16,964

and the like.

1377

01:51:16,988 --> 01:51:24,159

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

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01:51:24,159 --> 01:51:33,760

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

1379

01:51:33,760 --> 01:51:36,772

Tomorrow, the link for
registration will be placed,

1380

01:51:36,796 --> 01:51:41,760

registration will open up
tomorrow for the May 17th call

1381

01:51:41,760 --> 01:51:43,008

and we will be updating the agenda.

1382

01:51:43,032 --> 01:51:48,480

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

1383

01:51:48,480 --> 01:51:51,615

As we always remind people,
you can always subscribe

1384

01:51:51,639 --> 01:51:56,126

to our environmental justice listserv which
goes out about three or four times a week,

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01:51:56,150 --> 01:52:01,427

it's a place to get up-to-date information about
EJ funding opportunities, events and webinars

1386

01:52:01,451 --> 01:52:10,419

and it's really easy to join, send a
blank email to join-epa-ej@lists.epa.gov

1387

01:52:10,443 --> 01:52:12,807

real simple and get you on the list.

1388

01:52:12,831 --> 01:52:15,747

We also have a Twitter page I
saw that a couple people asked

1389

01:52:15,771 --> 01:52:17,335

what our Twitter handle was.

1390

01:52:17,359 --> 01:52:26,159

Our Twitter handle is
[@EPAEnvJustice](#), so [@EPAEnvJustice](#)

1391

01:52:26,159 --> 01:52:30,768

and then you can also send up follow-up
questions or comments to our inbox

1392

01:52:30,792 --> 01:52:35,199

at environmental-justice@epa.gov.

1393

01:52:35,199 --> 01:52:41,158

So I see that he no longer has--

Gregory Norris or Norris Gregory

1394

01:52:41,182 --> 01:52:45,961

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

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01:52:45,985 --> 01:52:49,199

then we'll follow

up with you that way.

1396

01:52:49,199 --> 01:52:52,239

So again everybody have a great evening.

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01:52:52,239 --> 01:52:56,661

Stay warm if you're up north,

stay dry if you're down south

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01:52:56,685 --> 01:53:01,467

and just enjoy yourself and stay blessed

and look forward to Earth Day this Friday.

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01:53:01,491 --> 01:53:04,719

Thank you very much.

1400

01:53:05,760 --> 01:53:07,010

Christina Motilal: Thank you.

1401

01:53:07,034 --> 01:53:09,040

Matthew Tejada: Thanks everyone.

1402

01:53:09,040 --> 01:53:12,159

Lilian Dorka: Thank you everyone.

1403

01:53:12,159 --> 01:53:15,800

Happy Earth Day.