

1

00:00:00,320 --> 00:00:02,399

Lilian Dorka: We are so excited.

2

00:00:02,399 --> 00:00:09,040

We are so very excited along with our partners
in the Office of Environmental Justice

3

00:00:09,040 --> 00:00:15,440

to be together and share this space
right now, this very historic moment.

4

00:00:15,440 --> 00:00:20,800

So turning to the External Civil
Rights Program updates.

5

00:00:20,800 --> 00:00:26,560

I wanted to start off-- last time,
we engaged, we talked a lot

6

00:00:26,560 --> 00:00:33,760

about the fact that we had limited
resources, we still do, we're working on that

7

00:00:33,760 --> 00:00:41,120

and with the assistance and support
of this administration, this administrator,

8

00:00:41,120 --> 00:00:47,237

Administrator Regan, we
hope to add to our numbers

9

00:00:47,261 --> 00:00:53,028

and in fact, to grow a much
more resource rich office.

10

00:00:53,052 --> 00:00:56,691

We're still lagging
behind as you can imagine

11

00:00:56,715 --> 00:01:04,319

and nowhere do we feel it most than
with respect to our docket of complaints

12

00:01:04,319 --> 00:01:07,128
and compliance reviews
that we have pending,

13

00:01:07,152 --> 00:01:14,007
our bread and butter, our critical work of
responding to complaints from advocates,

14

00:01:14,031 --> 00:01:20,128
from communities, working with
states to address civil rights issues.

15

00:01:20,152 --> 00:01:28,000
So with that, I'd like to turn it over to
Anhthu to update us on the current docket.

16

00:01:28,000 --> 00:01:30,079
Anhthu Hoang: Yeah, thanks Lilian.

17

00:01:30,079 --> 00:01:35,920
So our numbers have gone up since
the last time you spoke in April, of course.

18

00:01:35,920 --> 00:01:42,960
Since the beginning of fiscal year 22
we've received 26 complaints.

19

00:01:42,960 --> 00:01:45,680
The number of comp-- I mean, I'm sorry--

20

00:01:45,680 --> 00:01:49,594
the number of complaints we
have open under investigation is 26.

21

00:01:49,618 --> 00:01:55,192
The number of complaints that we've
received since the beginning of FY 22 is 31.

22

00:01:55,216 --> 00:02:06,178
So that gives us 44 complaints in various
stages of investigation or jurisdictional review

23

00:02:06,202 --> 00:02:07,119
and other.

24

00:02:12,720 --> 00:02:20,319
And the number of complaints that we've
accepted since the beginning of the FY 22 is 9

25

00:02:20,400 --> 00:02:26,768
and each region has a complaint, at least
one with the exception of Region 8,

26

00:02:26,792 --> 00:02:32,000
we don't have a complaint from Region 8,
but we do have a compliance review open there.

27

00:02:33,040 --> 00:02:40,988
And the breadth of our-- the issues complained
about, in our complaints remain very, very wide.

28

00:02:41,012 --> 00:02:44,987
We have air permitting, we
have clean water permitting,

29

00:02:45,011 --> 00:02:52,160
we have drinking water issues, we have
solid waste issues, and we have chemicals.

30

00:02:52,160 --> 00:02:57,687
Again, the recipients that are
involved in our complaints range

31

00:02:57,711 --> 00:03:12,480
from state environmental agencies to local
air boards, and also private organizations.

32

00:03:12,480 --> 00:03:17,720
And the docket, Lilian, thanks.

33

00:03:18,000 --> 00:03:20,480
Lilian Dorka: Thanks, Anhthu.

34

00:03:20,480 --> 00:03:26,560
Not only is the breadth of the issues that

are covered in these complaints extensive,

35

00:03:26,560 --> 00:03:33,120

many of the complaints have been filed
with multiple agencies as many of you know.

36

00:03:33,120 --> 00:03:39,040

So the coordination with
our federal partners is critical.

37

00:03:39,040 --> 00:03:44,239

That is one area, just one of the
areas that we have strengthened

38

00:03:44,239 --> 00:03:50,539

since the beginning of this administration
to really strengthen the coordination

39

00:03:50,563 --> 00:03:56,328

with the other federal agencies to make sure that
some complaints are filed with multiple agencies

40

00:03:56,352 --> 00:04:01,188

that we are discussing, that we're coordinating
and that we're taking the steps necessary

41

00:04:01,212 --> 00:04:09,439

to make sure that we're addressing complaints in
the most effective and efficient manner possible.

42

00:04:09,439 --> 00:04:14,548

So if any of you have questions about
our docket in general, of course,

43

00:04:14,572 --> 00:04:20,238

we will address those later once
we move to the engagement part.

44

00:04:20,238 --> 00:04:27,432

And I invite Anhthu and Marianne to
interject throughout these updates

45

00:04:27,456 --> 00:04:30,560

in case I'm forgetting something.

46

00:04:30,560 --> 00:04:41,440

I wanted to update you on an email that I sent out on July 1st 2022, just this past July

47

00:04:41,440 --> 00:04:51,520

to about 3600-3700 current recipients of federal financial assistance from EPA.

48

00:04:51,520 --> 00:05:00,720

And the purpose of that email was just to remind everyone that we have a pre-award process

49

00:05:00,720 --> 00:05:10,639

using this thing called a Form 4704 that all applicants for EPA money must file

50

00:05:10,639 --> 00:05:17,168

and it has some critical questions within the form about whether a proposed recipients,

51

00:05:17,192 --> 00:05:24,488

these applicants have in place the procedural safeguards that are required

52

00:05:24,512 --> 00:05:29,756

by EPA's non-discrimination regulations, things like grievance procedures

53

00:05:29,780 --> 00:05:33,919

and civil rights coordinators.

54

00:05:33,919 --> 00:05:39,788

But also having in place the policies and programs, processes

55

00:05:39,812 --> 00:05:44,546

to ensure meaningful access for persons with limited English proficiency,

56

00:05:44,570 --> 00:05:50,690

persons with disabilities and that they

are collecting and maintaining the data

57

00:05:50,714 --> 00:05:54,767

that's required
under the regulations as well.

58

00:05:54,791 --> 00:06:02,728

So all of those questions are contained within
this 4704 Form that everyone needs to file.

59

00:06:02,752 --> 00:06:11,067

And the purpose of my email to these recipients
was to let them know that on January 1st, 2022

60

00:06:11,091 --> 00:06:14,639

we're going to begin a
new process of review.

61

00:06:14,639 --> 00:06:24,000

And this process of review is a
very coordinated effort across EPA

62

00:06:24,000 --> 00:06:28,578

with our regional partners for sure, as
well as the Office of Grants and Debarment,

63

00:06:28,602 --> 00:06:35,680

Office General Counsel and
others to ensure that the forms

64

00:06:35,680 --> 00:06:41,468

that need to be submitted by these
applicants are appropriately addressed,

65

00:06:41,492 --> 00:06:46,560

that all of the questions are
appropriately answered and addressed.

66

00:06:46,560 --> 00:06:52,319

And so, on January 1st, we will
begin a new review of those forms

67

00:06:52,319 --> 00:06:57,307

and where there are deficiencies in
terms of the way that folks responded

68

00:06:57,331 --> 00:07:00,000
to the questions on those forms,

69

00:07:00,000 --> 00:07:05,039
we will look to enter into some
written agreements

70

00:07:05,039 --> 00:07:12,960
and give folks six months in
general, six months to carry out

71

00:07:12,960 --> 00:07:15,608
the commitments that
they need to carry out

72

00:07:15,632 --> 00:07:21,667
in order to actually have all of these
procedural requirements in place.

73

00:07:21,691 --> 00:07:25,067
So I wanted to flag that for everyone.

74

00:07:25,091 --> 00:07:30,807
I also wanted to flag the fact
that we sent it out under a mailbox

75

00:07:30,831 --> 00:07:35,568
that is now also available for recipients
and applicants to send back to us

76

00:07:35,592 --> 00:07:42,639
any questions they might have
between now and January 1st.

77

00:07:42,639 --> 00:07:47,988
We have been collecting all those questions
as well as the answers, the responses

78

00:07:48,012 --> 00:07:50,080
that have been going back

79

00:07:50,080 --> 00:07:54,621
and we hope to put them in one
central place within our web page

80

00:07:54,645 --> 00:07:57,508
so that folks can use
that as a reference.

81

00:07:57,532 --> 00:08:04,068
In the meantime, we're also engaging
in the critical training throughout EPA

82

00:08:04,092 --> 00:08:11,120
of our own folks that we need to do in
order to ensure that everyone is familiar

83

00:08:11,120 --> 00:08:17,008
with the requirements and that, in fact,
everyone is ready to review these forms

84

00:08:17,032 --> 00:08:20,720
in a way that would
be most productive

85

00:08:20,720 --> 00:08:26,527
and that we have an increase in
compliance with these procedural safeguards

86

00:08:26,551 --> 00:08:31,919
and these requirements
that are within our regulation.

87

00:08:31,919 --> 00:08:41,647
Once that is done, we also anticipate in January
beginning the other aspect of this process

88

00:08:41,671 --> 00:08:53,712
which is that we're going to be conducting a
sampling audits of these procedural safeguards

89

00:08:53,736 --> 00:09:01,680
and other requirements that are in our

regulation and our guidance documents.

90

00:09:01,680 --> 00:09:07,279

And so we're going to be conducting
audits, post award audits of folks

91

00:09:07,279 --> 00:09:13,120

that have already received federal
financial assistance from EPA.

92

00:09:13,120 --> 00:09:22,320

So all together, well, we really are hoping
that we will in fact, we are planning on it,

93

00:09:22,320 --> 00:09:29,307

we will, in fact, fulfill our commitment not
just to the Office of the Inspector General

94

00:09:29,331 --> 00:09:34,755

which we made last year to really
strengthen this pre and post award review

95

00:09:34,779 --> 00:09:39,348

with respect to these procedural and
other safeguards that everyone has to have,

96

00:09:39,372 --> 00:09:41,600

all recipients have
to have in place

97

00:09:41,600 --> 00:09:45,303

but also our commitments
under the Strategic Plan,

98

00:09:45,327 --> 00:09:50,567

the EPA Goal 2 of the Strategic Plan,
which if any of you have reviewed,

99

00:09:50,591 --> 00:09:57,169

you would see, includes long-term
performance goals as accountability measures

100

00:09:57,193 --> 00:10:05,839

for all of these projects, all of these initiatives as well, including this one.

101

00:10:06,640 --> 00:10:11,519

Anything to add, either Anhthu or Marianne?

102

00:10:12,320 --> 00:10:14,880

Marianne Engelman-Lado:
I'll add something.

103

00:10:14,880 --> 00:10:16,427

And thanks for outlining all that.

104

00:10:16,451 --> 00:10:23,680

I want to go back to the pre-award review which can sound very bureaucratic sometimes,

105

00:10:23,680 --> 00:10:30,079

and it's just really important, EPA over time has been criticized,

106

00:10:30,079 --> 00:10:34,487

most recently perhaps by the Office of Inspector General

107

00:10:34,511 --> 00:10:42,628

for not having a sufficiently comprehensive way of ensuring that all recipients--

108

00:10:42,652 --> 00:10:49,684

let's start with all states, but all recipients comply with these baseline requirements--

109

00:10:49,708 --> 00:10:55,866

of course, they're only baseline because in their activities, recipients of federal funds

110

00:10:55,890 --> 00:10:57,680

also can't discriminate,

111

00:10:57,680 --> 00:11:03,040

but the baseline requirements are--
are you providing language access?

112

00:11:03,040 --> 00:11:08,426

And these procedural requirements, are you
meeting the requirements of public participation,

113

00:11:08,450 --> 00:11:10,989

all the things that
Lilian was talking about?

114

00:11:11,013 --> 00:11:17,128

And so having a more effective mechanism,
I just have to say that Lilian and Anhthu

115

00:11:17,152 --> 00:11:20,548

and the others in the program have
been doing a huge amount of work

116

00:11:20,572 --> 00:11:25,040

and a shout out also to the others
in the Office of General Counsel.

117

00:11:25,040 --> 00:11:28,026

There's another office, the Civil
Rights and Finance Law Office

118

00:11:28,050 --> 00:11:31,948

that is sort of the lawyers too, the
External Civil Rights Compliance Office

119

00:11:31,972 --> 00:11:36,559

and they've been working really hard
to say "how can we more effectively,

120

00:11:36,583 --> 00:11:41,188

more comprehensively give
information to recipients of federal funds

121

00:11:41,212 --> 00:11:44,880

ahead of time to let them know
that they have these obligations

122

00:11:44,880 --> 00:11:50,532
and to have a system for ensuring that
they're meeting these baseline requirements.

123
00:11:50,556 --> 00:11:55,600
So that when they seek
funding from EPA ahead of time,

124
00:11:55,600 --> 00:11:59,127
they know that they
have these obligations,

125
00:11:59,151 --> 00:12:02,820
we can do a review of whether
they're meeting the obligations

126
00:12:02,844 --> 00:12:06,246
and then we don't give funding
unless they meet the obligations."

127
00:12:06,270 --> 00:12:12,254
And there's so much that goes into
what Lilian just said and I can just say

128
00:12:12,278 --> 00:12:19,248
how much effort is involved
in giving recipients notice,

129
00:12:19,272 --> 00:12:23,932
those thousands of letters that
went out, the training that's happening,

130
00:12:23,956 --> 00:12:27,888
so that we can pretty dramatically
change the way we do it

131
00:12:27,912 --> 00:12:33,440
and actually have an effective
system that will change the culture

132
00:12:33,440 --> 00:12:37,120
of compliance with
these requirements.

133

00:12:37,120 --> 00:12:40,904

So I just want to give a
little flavor of the excitement,

134

00:12:40,928 --> 00:12:45,508

even though it's sort of this
pre-award review sounds sort of "meh"

135

00:12:45,532 --> 00:12:50,887

but it really is so fundamental
and Lilian and Anhthu and others

136

00:12:50,911 --> 00:12:53,548

have just been doing so
much work to make this happen,

137

00:12:53,572 --> 00:12:56,720

so a big shout out to them.

138

00:12:56,720 --> 00:12:58,076

Lilian Dorka: Thanks, Marianne.

139

00:12:58,100 --> 00:13:03,519

And one of those folks who has
worked so hard on all of this, Kurt Temple

140

00:13:03,519 --> 00:13:09,507

who is a Senior Advisor in ECRCO,
would otherwise have been here today

141

00:13:09,531 --> 00:13:14,808

to talk to you about this very
thing but he is actually in Nebraska

142

00:13:14,832 --> 00:13:21,839

providing a real comprehensive
training to state employees there

143

00:13:21,839 --> 00:13:24,399

about these very requirements.

144

00:13:24,399 --> 00:13:32,348

So thank you to him and also to Betsy Biffle
in our surf flow, in our attorney group

145

00:13:32,372 --> 00:13:37,268
who have a really spearheaded
this initiative along with folks

146

00:13:37,292 --> 00:13:38,959
in Office of Grants
and Debarment

147

00:13:38,959 --> 00:13:44,320
and others who have really
given us the support and assistance

148

00:13:44,320 --> 00:13:48,028
along with the unsung
heroes in our regional offices,

149

00:13:48,052 --> 00:13:55,600
our ECRCO points of contact there
who actually carry out the communication

150

00:13:55,600 --> 00:14:00,240
with grant applicants and
Gerald Covington in our office

151

00:14:00,240 --> 00:14:06,521
who does it from our office for
grantees that come to--

152

00:14:06,545 --> 00:14:11,425
the applications that come to
the headquarters office as well.

153

00:14:11,449 --> 00:14:14,595
So thank you, thank
you to all of these folks

154

00:14:14,619 --> 00:14:16,276
and yes, we are very excited.

155

00:14:16,300 --> 00:14:20,757

And if Marianne can get so
excited about all this process stuff

156

00:14:20,781 --> 00:14:25,787
which also has actually a lot of
substance, there's even more to come.

157

00:14:25,811 --> 00:14:32,449
So I wanted to turn now to something we've
been calling the Transparency initiative,

158

00:14:32,473 --> 00:14:38,720
because we really do think this is part
of transparency and part engagement,

159

00:14:38,720 --> 00:14:44,688
two areas that we really wanted
to bolster and wanted to strengthen

160

00:14:44,712 --> 00:14:49,839
as part of the strengthening
of civil rights enforcement.

161

00:14:49,839 --> 00:14:57,170
Transparency because
we are trying to ensure that

162

00:14:57,194 --> 00:14:59,194
we have greater transparency--

163

00:14:59,218 --> 00:15:05,136
Male Voice: Mayor transparencia para-- particular
con respecto a nuestro docket de quejas.

164

00:15:05,160 --> 00:15:06,935
Lilian Dorka: Our
investigations--

165

00:15:06,959 --> 00:15:14,948
So as many of you know, we've been
sharing an updated chart on our web page

166

00:15:14,972 --> 00:15:22,856

that goes back to FY, fiscal
year 2014, it's actually a chart of--

167

00:15:22,880 --> 00:15:27,587
that includes all of the complaints that
we've received since 2014 to the present

168

00:15:27,611 --> 00:15:33,040
and we have been updating
that chart on a monthly basis

169

00:15:33,040 --> 00:15:37,839
and we have a
group within ECRCO,

170

00:15:37,839 --> 00:15:42,188
a team that has been working
on this transparency initiative

171

00:15:42,212 --> 00:15:49,688
which means we're going to build a lot more
into that chart rather than being static,

172

00:15:49,712 --> 00:15:55,775
can be interactive and can give
folks a glimpse to the documents,

173

00:15:55,799 --> 00:15:59,958
some of the documents that are
critical in completing investigations,

174

00:15:59,982 --> 00:16:02,559
including composite complaints.

175

00:16:02,583 --> 00:16:11,807
And I'd like for Anhthu to lead us in
just sharing what we envision with that

176

00:16:11,831 --> 00:16:20,079
and what types of documents we envision
making part of that initiative online,

177

00:16:20,079 --> 00:16:25,547

so folks no longer would have to for
example follow Freedom of Information Act

178

00:16:25,571 --> 00:16:27,360
for some of these documents.

179

00:16:27,360 --> 00:16:31,428
Finally, I will say that
as Marianne said before,

180

00:16:31,452 --> 00:16:38,248
we have this new program office which is
not totally a done deal, not totally baked yet

181

00:16:38,272 --> 00:16:42,560
but it's in the process and
we are so excited about it,

182

00:16:42,560 --> 00:16:50,016
that office will have its own
website, so OEJ, Chitra, Matt's office,

183

00:16:50,040 --> 00:16:54,240
they will be migrating
to that as will our office.

184

00:16:54,240 --> 00:17:02,639
So that has made us sort of just hold
off on starting to populate the documents

185

00:17:02,639 --> 00:17:09,471
into that chart until we can figure out how
best to get everything on to a new platform

186

00:17:09,495 --> 00:17:13,268
and we do have
great support in that.

187

00:17:13,292 --> 00:17:21,839
But Anhthu, can you share just some
of the Transparency initiative highlights?

188

00:17:21,839 --> 00:17:23,762

Anhthu Hoang:
Sure thanks, Lilian.

189
00:17:23,786 --> 00:17:31,884
So as part of the Transparency initiative
we are working hard on developing

190
00:17:31,908 --> 00:17:35,842
a way to affirmatively post
milestone documents, or documents

191
00:17:35,866 --> 00:17:40,788
that are most important to our
cases as Lilian outlined on the web,

192
00:17:40,812 --> 00:17:45,533
so that folks don't have to
file FOIA requests for them.

193
00:17:45,557 --> 00:17:49,648
So among the types of
documents that I'm talking about

194
00:17:49,672 --> 00:17:54,640
are complaints and exhibits and
attachments that come with the complaints,

195
00:17:54,640 --> 00:17:59,120
supplemental information that
complainants might give to us,

196
00:17:59,120 --> 00:18:03,657
and any other sort of addendum,
adenda that they provide for us

197
00:18:03,681 --> 00:18:10,960
including things like cover
letters that the complainants file.

198
00:18:10,960 --> 00:18:16,288
We will also post compliance review
initiation letters, acknowledgment letters

199

00:18:16,312 --> 00:18:24,610
that we sent recipients, complaint
acceptance and rejection or referral letters

200
00:18:24,634 --> 00:18:35,679
that we send to the recipient, complaint referrals
and the entity of the referred to agencies,

201
00:18:35,679 --> 00:18:42,720
copies of tolling letters that we might
send for just alternative dispute resolution

202
00:18:42,720 --> 00:18:45,200
or informal
resolution agreement.

203
00:18:45,200 --> 00:18:55,561
We will also post the actual
alternative dispute resolution

204
00:18:55,585 --> 00:19:02,880
and IRA as we call them, informal resolution
agreement with their cover letters.

205
00:19:02,880 --> 00:19:08,328
And in some cases, we do the
informal resolution process fail

206
00:19:08,352 --> 00:19:12,247
and so we have to return them
to-- return the case to investigation

207
00:19:12,271 --> 00:19:20,068
and so we will also include letters indicating
return to investigation for IRAs and ADRs

208
00:19:20,092 --> 00:19:25,600
that failed to complete.

209
00:19:25,600 --> 00:19:33,232
We'll also post preliminary findings, letters
of concern, letters of insufficient evidence,

210

00:19:33,256 --> 00:19:37,360
various resolution
letters that we send out.

211
00:19:37,360 --> 00:19:43,605
And then materials that we
receive for monitoring of the IRA,

212
00:19:43,629 --> 00:19:47,760
so monitoring closure
letters, things of that nature.

213
00:19:47,760 --> 00:19:52,559
There will be some material
that we have to withhold

214
00:19:52,559 --> 00:20:00,821
which are requests for clarification and
communications that we have with the complainant

215
00:20:00,845 --> 00:20:09,088
simply because they're protected under privacy
laws and other internally generated information

216
00:20:09,112 --> 00:20:14,640
like transcripts and
deliberative materials.

217
00:20:16,000 --> 00:20:22,739
And then, response to the
acceptance letter by the recipients

218
00:20:22,763 --> 00:20:26,159
if they end up submitting one.

219
00:20:26,159 --> 00:20:31,840
And then-- so that's the sort of
documents that we're looking to post.

220
00:20:31,840 --> 00:20:38,268
We're also working on making the post
searchable, so that if you're interested

221

00:20:38,292 --> 00:20:42,668
in tolling letters because you're interested
in what they say or maybe you want to know

222
00:20:42,692 --> 00:20:49,548
what a complaint might look like or complaints
from a particular region, a particular state

223
00:20:49,572 --> 00:20:54,240
might look like, you can search
on our database to do that.

224
00:20:54,240 --> 00:21:00,752
And then we're also reorganizing the
website, so that it's much easier for folks

225
00:21:00,776 --> 00:21:07,200
to find information, so for example, things
like instructions for how to file a complaint,

226
00:21:07,200 --> 00:21:15,280
instructions on how we resolve
complaints and ways to find our staff,

227
00:21:15,280 --> 00:21:17,679
so things of that nature.

228
00:21:17,679 --> 00:21:22,828
We're also working to
improve searchability on.

229
00:21:22,852 --> 00:21:25,200
Back to you, Lilian.

230
00:21:25,280 --> 00:21:26,265
Lilian Dorka: Thank you.

231
00:21:26,289 --> 00:21:32,400
Marianne, did you have anything you
wanted to add on the-- great, thank you.

232
00:21:32,400 --> 00:21:40,400
Okay, so I wanted to move on

to provide an update on guidance

233

00:21:40,400 --> 00:21:45,330

and other documents that
we've previously talked about,

234

00:21:45,354 --> 00:21:52,400

we've committed to issuing a
number of different documents.

235

00:21:53,360 --> 00:22:00,068

And I wanted to especially alert you
to one that was just issued this morning

236

00:22:00,092 --> 00:22:09,520

and is now on both OEJ's webpage
as well as ECRCO's web page.

237

00:22:09,520 --> 00:22:18,000

If some of you may recall that our administrator,
our deputy administrator committed to issuing

238

00:22:18,000 --> 00:22:26,720

what we call EJ and civil rights in
permitting frequently asked questions or FAQs.

239

00:22:26,720 --> 00:22:34,148

And this was in response to a letter that one
of the state agencies wrote to the administrator

240

00:22:34,172 --> 00:22:36,788

basically saying we
want to do the right thing,

241

00:22:36,812 --> 00:22:40,799

we'd like to know what's
already available out there,

242

00:22:40,799 --> 00:22:45,760

we know that you're working on
some additional policy guidances

243

00:22:45,760 --> 00:22:54,867

but what's already out there that could assist
state and other recipients as well as EPA itself

244

00:22:54,891 --> 00:23:04,240
in integrating environmental justice and external
civil rights and the civil rights obligations

245

00:23:04,240 --> 00:23:07,280
into the permitting process.

246

00:23:07,280 --> 00:23:11,120
So just this morning, we
posted on our web pages,

247

00:23:11,120 --> 00:23:16,830
it's called the Interim, and it's called
Interim because it's a work in progress, right?

248

00:23:16,854 --> 00:23:20,828
We hope to get informal
comments, we hope to update it

249

00:23:20,852 --> 00:23:25,848
and certainly as we develop
further external civil rights guidance,

250

00:23:25,872 --> 00:23:27,996
we will definitely
update this document,

251

00:23:28,020 --> 00:23:32,960
but it's called the Interim
Environmental Justice and Civil Rights

252

00:23:32,960 --> 00:23:36,720
and Permitting Frequently
Asked Questions.

253

00:23:36,720 --> 00:23:44,720
It provides information to EPA as I said,
relative to our own permitting activities,

254

00:23:44,720 --> 00:23:49,339

to other federal agencies,
to tribes and also to state

255

00:23:49,363 --> 00:23:55,039
and local environmental permitting
programs on how to integrate EJ

256

00:23:55,039 --> 00:23:59,448
and external civil rights into
their permitting processes.

257

00:23:59,472 --> 00:24:06,320
So it outlines how recipients, for
example, from a civil rights perspective,

258

00:24:06,320 --> 00:24:13,600
it certainly outlines how recipients of
EPA financial assistance or EPA recipients

259

00:24:13,600 --> 00:24:19,120
are obligated to comply with
federal civil rights statutes,

260

00:24:19,120 --> 00:24:26,240
including Title VI of the Civil Rights
Act of 1964 in their permitting processes.

261

00:24:26,240 --> 00:24:34,799
It has references to all of the existing,
already existing guidances out there

262

00:24:34,799 --> 00:24:41,463
that provide support and assistance,
including environmental justice guidances,

263

00:24:41,487 --> 00:24:50,240
as well as civil rights guidances,
including the ECRCO's 2017 toolkit

264

00:24:50,240 --> 00:24:56,240
as well as DOJ's Title
VI Policy Guidance.

265

00:24:56,240 --> 00:25:04,080
So it has basically in one place
everything that's already available

266
00:25:04,080 --> 00:25:12,080
to assist states and it also provides some
best practices, some promising practices,

267
00:25:12,080 --> 00:25:17,220
some examples of things
that folks are already doing

268
00:25:17,244 --> 00:25:22,188
in order to integrate EJ and civil
rights into the permitting process.

269
00:25:22,212 --> 00:25:25,268
So I invite you to take a
look, I don't know Johnathan

270
00:25:25,292 --> 00:25:30,480
if you could actually post
the link to that in the chat,

271
00:25:30,480 --> 00:25:33,279
but he's already ten
steps ahead of me.

272
00:25:33,279 --> 00:25:41,307
So thank you so much and certainly,
as I said before it's called interim

273
00:25:41,331 --> 00:25:47,041
because we are hoping that folks
will, in fact, let us know what you think

274
00:25:47,065 --> 00:25:51,279
and we will be
updating this document.

275
00:25:51,279 --> 00:25:53,711
Marianne Engelman-Lado: Lilian, maybe
I'll just jump in with two quick things.

276

00:25:53,735 --> 00:25:56,848

One is just to confirm Johnathan
did put the link in the chat,

277

00:25:56,872 --> 00:25:58,873

so everybody can see it,

278

00:25:58,897 --> 00:26:02,708

it's under External Civil Rights
Compliance Office New Developments,

279

00:26:02,732 --> 00:26:06,387

and the top new development is the
FAQs, so you'll be able to get it that way,

280

00:26:06,411 --> 00:26:08,080

so thank you to Johnathan.

281

00:26:09,039 --> 00:26:14,480

Secondly, and I think you're gonna
expand on this but let me just say

282

00:26:14,480 --> 00:26:22,508

this mighty small band of External Civil
Rights Compliance Office leaders and staff

283

00:26:22,532 --> 00:26:26,640

are having to do all
of this, having to do--

284

00:26:27,520 --> 00:26:29,780

and I don't see having
to do as if it's a burden,

285

00:26:29,804 --> 00:26:34,799

this is what we do but just
to kind of put it in context,

286

00:26:34,799 --> 00:26:40,320

the cases, the affirmative compliance
work, the guidance documents, the training

287

00:26:40,320 --> 00:26:45,928
the outreach, all of it is done by
the same up until now 12 people,

288
00:26:45,952 --> 00:26:54,007
we're expanding to 18 but nationwide with
the help of people in regions and others,

289
00:26:54,031 --> 00:27:02,320
but part of what Lilian is going to
outline right now is really an intent

290
00:27:02,320 --> 00:27:11,008
to clarify legal obligations and starting
with pulling together the materials

291
00:27:11,032 --> 00:27:17,204
that are already out there, so that as
we're saying to recipients of federal funds,

292
00:27:17,228 --> 00:27:20,908
"here are the expectations" or
as EPA is commenting and saying

293
00:27:20,932 --> 00:27:25,768
this permit raises civil rights concerns
to the extent they feel like we don't--

294
00:27:25,792 --> 00:27:31,102
we need more information about what our
obligations are, it's the one-stop shop.

295
00:27:31,126 --> 00:27:36,508
So that was really important to get
out first and then taking it from there

296
00:27:36,532 --> 00:27:39,983
and working on the next guidance
and then working on the next guidance.

297
00:27:40,007 --> 00:27:47,001
But I wanted to jump in just to say that
Lilian's walking through these one at a time

298

00:27:47,025 --> 00:27:52,268
to really talk about the progression
that we understand the urgency

299

00:27:52,292 --> 00:27:56,709
of providing clarification
and we're trying to make up

300

00:27:56,733 --> 00:28:02,559
for EPA opened its Civil
Rights Office in 1992 or so

301

00:28:02,559 --> 00:28:05,852
and there are a few guidance
documents that are already out there

302

00:28:05,876 --> 00:28:08,399
but there's a lot more
clarification that is needed

303

00:28:08,399 --> 00:28:14,407
and we understand the urgency of doing that and
everybody is trying to really prioritize them

304

00:28:14,431 --> 00:28:18,820
and really get one thing out and do
a good job and then move to the next

305

00:28:18,844 --> 00:28:19,759
and move to the next.

306

00:28:19,783 --> 00:28:22,214
So that's the progression
you're hearing from Lilian

307

00:28:22,238 --> 00:28:26,408
and the FAQs are out this morning
and then you're going to hear

308

00:28:26,432 --> 00:28:28,399
about what else
is in the pipeline.

309

00:28:28,399 --> 00:28:29,387

Back to you, Lilian.

310

00:28:29,411 --> 00:28:30,140

Lilian Dorka: Thanks, Marianne.

311

00:28:30,164 --> 00:28:34,480

Thanks for calling us a

mighty band, we really are.

312

00:28:34,480 --> 00:28:38,107

Considering-- we're

certainly still at about 12 FTE,

313

00:28:38,131 --> 00:28:42,041

as Marianne said, we'll

be expanding soon to 18

314

00:28:42,065 --> 00:28:47,228

and certainly by the time we

move to this new program office,

315

00:28:47,252 --> 00:28:52,080

hopefully, we will be fully

staffed or soon to be fully staffed.

316

00:28:52,080 --> 00:28:59,312

So we're very excited about that but

it hasn't been without its challenges

317

00:28:59,336 --> 00:29:07,958

in terms of extending everyone and of course,

we have 18 people or 18 FTE proper within ECRCO

318

00:29:07,982 --> 00:29:17,106

but we really just to invoke

Michael Regan a little bit,

319

00:29:17,130 --> 00:29:22,367

we really have the full

breadth and effect of all of EPA

320

00:29:22,391 --> 00:29:30,960
because we have really moved
just to a totally new place in EPA

321
00:29:30,960 --> 00:29:35,934
in terms of integrating
civil rights enforcement,

322
00:29:35,958 --> 00:29:42,159
and as he says, it's civil rights
vigilance, it's an EPA-wide responsibility,

323
00:29:42,159 --> 00:29:45,864
so it's not just us, it's all of
our partners in the regions,

324
00:29:45,888 --> 00:29:51,279
all of our partners in the program
offices who are working on

325
00:29:51,279 --> 00:29:54,640
how to implement the goal too.

326
00:29:54,640 --> 00:30:04,080
Certainly, our partners in OEJ and in OGC
and many other partners throughout EPA,

327
00:30:04,080 --> 00:30:12,320
so those FAQs that you see are a huge
effort just to pull together in one place

328
00:30:12,320 --> 00:30:20,717
what already exists in terms that can be
helpful to state and others permitting programs

329
00:30:20,741 --> 00:30:25,200
in integrating environmental
justice and civil rights.

330
00:30:25,200 --> 00:30:30,908
The other guidance which--
and the FAQs are not guidance,

331

00:30:30,932 --> 00:30:33,787
as I said, they just pull
together existing guidance

332
00:30:33,811 --> 00:30:38,000
but we have previously
mentioned that we're working

333
00:30:38,000 --> 00:30:44,067
on what we call the
procedural safeguards guidance

334
00:30:44,091 --> 00:30:47,868
and that will include
a dear colleague letter

335
00:30:47,892 --> 00:30:53,267
addressed to all recipients
assistance from EPA

336
00:30:53,291 --> 00:30:59,360
and that will memorialize a lot of the
work that we've already been carrying out

337
00:30:59,360 --> 00:31:04,720
with maybe many of our
state and other local partners

338
00:31:04,720 --> 00:31:10,799
to ensure that folks have
in place the requirements

339
00:31:10,799 --> 00:31:15,440
that are stipulated
within the EPA regulation

340
00:31:17,600 --> 00:31:23,361
for those critical fundamental civil rights
programs that folks have to have in place,

341
00:31:23,385 --> 00:31:28,268
a non-discrimination coordinator,
grievance procedures that would--

342
00:31:28,292 --> 00:31:34,801
that a state and other recipients could use,
for example, to address discrimination issues

343
00:31:34,825 --> 00:31:39,760
that are brought to them
even before they come to us.

344
00:31:39,760 --> 00:31:46,559
so that they have those procedural safeguards
in place, non-discrimination notices

345
00:31:46,559 --> 00:31:51,510
and many others, and of course,
plans for limited English proficiency

346
00:31:51,534 --> 00:31:58,848
and how to meaningfully address those access
issues as well as for persons with disabilities

347
00:31:58,872 --> 00:32:01,600
and those access issues.

348
00:32:01,600 --> 00:32:08,320
So those procedural safeguards, that
procedure will safeguard policy guidance,

349
00:32:08,320 --> 00:32:14,868
we are still working on that but
we have made great, great progress

350
00:32:14,892 --> 00:32:26,640
and we certainly still anticipate
releasing that guidance this year in 2022.

351
00:32:26,640 --> 00:32:33,636
So I just wanted to make sure that yes, you
haven't seen them yet but you will see them

352
00:32:33,660 --> 00:32:42,880
and it is our hope to have those out, that's
what we're planning on this year in 2022.

353

00:32:42,880 --> 00:32:50,159

The other piece of guidance that we
very publicly committed to developing

354

00:32:50,159 --> 00:32:56,880

is, of course, expanding on our
civil rights legal standards guidance.

355

00:32:56,880 --> 00:33:05,840

Building on what we've already had out there
since 2017 within that Chapter 1 of the toolkit

356

00:33:05,840 --> 00:33:10,880

that ECRCO put out in 2017.

357

00:33:10,880 --> 00:33:15,847

We have started working on
guidance that will build, for example,

358

00:33:15,871 --> 00:33:23,687

on providing more specifics
with respect to disparate impacts

359

00:33:23,711 --> 00:33:27,787

and particularly with
respect to permitting, right?

360

00:33:27,811 --> 00:33:32,960

Disparate impact with respect to
permitting and what does it mean,

361

00:33:32,960 --> 00:33:41,286

how do you look at things like cumulative
impacts within the scope of disparate impacts

362

00:33:41,310 --> 00:33:49,360

within permitting and how do you consider
cumulative adversities or harms or impacts.

363

00:33:49,360 --> 00:33:58,591

And we will also be exploring further
disparate treatment and other analyses

364
00:33:58,615 --> 00:34:04,508
that we mentioned within our
toolkit but didn't fully expand upon.

365
00:34:04,532 --> 00:34:10,326
So that work has begun,
we have folks on board now

366
00:34:10,350 --> 00:34:19,119
who are specifically working on that
and we are still planning on a 2023

367
00:34:19,119 --> 00:34:23,208
for an initial release
of that guidance.

368
00:34:23,232 --> 00:34:29,359
We do plan to put that draft guidance
out there for notice and comments

369
00:34:29,359 --> 00:34:36,079
given that it is a
substantive guidance

370
00:34:36,079 --> 00:34:42,000
and so we will be putting it out
for notice and comment in 2023,

371
00:34:42,000 --> 00:34:46,620
that's the time frame
that we're still working with

372
00:34:46,644 --> 00:34:54,160
and you will see a mention of that guidance
as well in the national program guidance

373
00:34:54,184 --> 00:35:00,400
that Matt and I released
for comment earlier this year

374
00:35:00,400 --> 00:35:06,800
that is referenced in Goal 2
of EPA's Strategic Plan, etc.

375

00:35:06,800 --> 00:35:10,928

So we are very
carefully developing that

376

00:35:10,952 --> 00:35:16,320

and hope to release something
for our notice and comment in 2023.

377

00:35:16,320 --> 00:35:17,568

Marianne, did you
want to say something?

378

00:35:17,592 --> 00:35:20,408

I know this is near and
dear to your heart as well.

379

00:35:20,432 --> 00:35:23,097

Did you want to say something
else on that guidance?

380

00:35:23,121 --> 00:35:24,716

Marianne Engelman-Lado: It
is near and dear to my heart

381

00:35:24,740 --> 00:35:31,920

but no I want to make sure we have time for
Q&A and we'll hold back right now, thanks.

382

00:35:31,920 --> 00:35:33,200

Lilian Dorka: Excellent.

383

00:35:33,200 --> 00:35:38,468

And I think that's the last update I
have and I think we're right on time,

384

00:35:38,492 --> 00:35:45,250

we were hoping to provide about 45 to
50 minutes for the engagement part of this.

385

00:35:45,274 --> 00:35:52,000

So I will turn it back to Johnathan, are
you gonna lead us in the Q's and A's?

386

00:35:52,000 --> 00:35:55,128

Johnathan Garza: Yep, thank you Lilian and thank you very much for the presentation

387

00:35:55,152 --> 00:35:56,639

and all the updates.

388

00:35:56,663 --> 00:36:00,948

Chitra, if we could begin with the first two questions we have in the Q&A box?

389

00:36:00,972 --> 00:36:04,507

The first one from Stephen Fischbach, sorry if I mispronounced that.

390

00:36:04,531 --> 00:36:07,680

Chitra Kumar:

Yeah, sure, yes so.

391

00:36:07,680 --> 00:36:11,087

We were asked which federal agency will be administering the TA funds

392

00:36:11,111 --> 00:36:13,087

for climate and environmental justice.

393

00:36:13,111 --> 00:36:17,839

I think that's referring to the 200 million dollars that I mentioned

394

00:36:17,839 --> 00:36:24,288

that'd be part of the 3 billion dollar pot that be coming for climate environmental justice

395

00:36:24,312 --> 00:36:27,264

that's coming to EPA, so it's definitely EPA.

396

00:36:27,288 --> 00:36:34,373

And I think all of the determinations haven't been made for where the money will land

397

00:36:34,397 --> 00:36:39,128
and who gets to administer it but
historic proposals, other proposals

398

00:36:39,152 --> 00:36:43,077
that have gone through-- especially,
this looks very similar to the one

399

00:36:43,101 --> 00:36:49,280
that was in Build Back Better and
was kind of pointing at the EJ program

400

00:36:49,280 --> 00:36:55,839
to be able to administer, so
that is our hope and expectation.

401

00:36:55,839 --> 00:37:03,119
And then the other one was related to
what Marianne had and Lilian talked about

402

00:37:03,119 --> 00:37:08,400
with the merging and the
new reorganization of our programs.

403

00:37:08,400 --> 00:37:13,040
So I'm wondering if one of you wants to
take that on, otherwise, I'm happy to try.

404

00:37:13,040 --> 00:37:14,203
Marianne Engelman-Lado: I'll jump in.

405

00:37:14,227 --> 00:37:17,076
So the question was "will the merging
of the Office of Environmental Justice

406

00:37:17,100 --> 00:37:19,208
and the External Civil
Rights Compliance Office

407

00:37:19,232 --> 00:37:22,468
mean both office one
exists on their own anymore?

408

00:37:22,492 --> 00:37:25,760

I think the answer
to that is yes and no.

409

00:37:25,760 --> 00:37:30,848

Right now, the External Civil Rights Compliance
Office is sitting in the Office of General Counsel,

410

00:37:30,872 --> 00:37:33,138

so it's not on its
own, it's in a home

411

00:37:33,162 --> 00:37:37,108

and the Office of Environmental
Justice is in the Office of Policy

412

00:37:37,132 --> 00:37:44,387

which is within the Office of the Administrator
which, again, it's not free-flowing out there,

413

00:37:44,411 --> 00:37:46,152

it is an office within a place.

414

00:37:46,176 --> 00:37:47,482

So what they're both doing

415

00:37:47,506 --> 00:37:51,145

and I should also say that the Conflict
Prevention and Resolution Center

416

00:37:51,169 --> 00:37:53,416

is also in the Office
of General Counsel,

417

00:37:53,440 --> 00:37:59,260

all three of them are going to move from
their current home to this new program.

418

00:37:59,284 --> 00:38:06,854

Now, there's still some details to be worked
out as to precisely how this will all work

419
00:38:06,878 --> 00:38:13,008
but the idea is to build on the synergies
and to work together in new ways,

420
00:38:13,032 --> 00:38:17,920
so when they land there
they won't be exactly identical,

421
00:38:17,920 --> 00:38:20,131
that is there won't be the
Conflict Resolution Center,

422
00:38:20,155 --> 00:38:23,688
the External Civil Rights Compliance
Office and Office of Environmental Justice

423
00:38:23,712 --> 00:38:28,998
as three cubicles with a top but
they will each be doing the work

424
00:38:29,022 --> 00:38:35,329
that they've done before, so they're not
going to lose their function and their focus.

425
00:38:35,353 --> 00:38:39,680
We know civil rights is-- we
have a mandate, there are statutes,

426
00:38:39,680 --> 00:38:44,334
we'll continue to enforce it, we know there
are grant programs and community engagement

427
00:38:44,358 --> 00:38:48,490
that are central to-- among other
things the Office of Environmental Justice.

428
00:38:48,514 --> 00:38:52,337
So this program as a whole
will be taking on those functions

429
00:38:52,361 --> 00:38:56,800
and there will still be distinct
offices within this program

430
00:38:56,800 --> 00:38:58,720
that are carrying
out those functions,

431
00:38:58,720 --> 00:39:02,068
they'll just be in this new
home which will elevate

432
00:39:02,092 --> 00:39:06,480
the importance of environmental
justice and civil rights

433
00:39:06,480 --> 00:39:10,960
while not being the only location for
environmental justice and civil rights

434
00:39:10,960 --> 00:39:15,889
because this may be beating a dead horse at
this point, but I just want to be really clear

435
00:39:15,913 --> 00:39:20,960
that this is an all agency function
and so recipients of funding

436
00:39:20,960 --> 00:39:25,388
from the Office of Air and Radiation,
recipients of funding from the Office of Water

437
00:39:25,412 --> 00:39:29,280
also will hear from the Office of
Water or the Office of Air and Radiation

438
00:39:29,280 --> 00:39:34,188
what their obligations are and will be
engaged on issues of environmental justice.

439
00:39:34,212 --> 00:39:41,128
So we're lifting this up creating a
structure that makes clear the importance

440
00:39:41,152 --> 00:39:44,175
of our commitment to

environmental justice and civil rights

441

00:39:44,199 --> 00:39:49,680

while also integrating these
functions throughout the agency.

442

00:39:49,680 --> 00:39:54,165

Lillian Dorka: And when I said this is historic,
I mean this is-- that's an understatement,

443

00:39:54,189 --> 00:39:57,280

I mean this is not just your
run-of-the-mill reorganization

444

00:39:57,280 --> 00:40:00,383

where we're just moving
from one thing to the other,

445

00:40:00,407 --> 00:40:02,720

this is a new AA ship, right?

446

00:40:02,720 --> 00:40:05,599

And as the
administrator has said

447

00:40:05,599 --> 00:40:10,697

this puts the Office of Environmental Justice
and External Civil Rights at the same level

448

00:40:10,721 --> 00:40:14,712

as the Office of Air and
Radiation, the Office of Water,

449

00:40:14,736 --> 00:40:17,848

the Office of Land and
Emergency Management,

450

00:40:17,872 --> 00:40:24,779

it is now a program office that
has been elevated to that level.

451

00:40:24,803 --> 00:40:30,560

And just repeat one other thing

that I thought was a great statement

452

00:40:30,560 --> 00:40:37,129

by the administrator, it also elevates
civil rights enforcement to the same level

453

00:40:37,153 --> 00:40:45,200

as the enforcement of the environmental
laws that we have long been prioritizing

454

00:40:45,200 --> 00:40:46,543

here at EPA.

455

00:40:46,567 --> 00:40:54,668

So the prioritization of environmental
enforcement as well as the prioritization

456

00:40:54,692 --> 00:40:58,261

of external civil
rights enforcement.

457

00:40:58,285 --> 00:41:01,290

This just brings
it to a new level.

458

00:41:01,314 --> 00:41:09,048

I'm gonna take a time to just
wish myself a happy federal birthday

459

00:41:09,072 --> 00:41:14,965

because tomorrow on the 17th, I will
celebrate my 35th year in federal government

460

00:41:14,989 --> 00:41:20,281

and I just want to say that
I've seen a lot, this is incredible,

461

00:41:20,305 --> 00:41:24,800

this is precedent setting,
guys, this is historic.

462

00:41:24,800 --> 00:41:27,280

Thank you.

463

00:41:27,440 --> 00:41:31,440

Chitra Kumar: Lilian,
happy anniversary.

464

00:41:31,440 --> 00:41:35,839

It's amazing, 35 years.

465

00:41:38,079 --> 00:41:41,760

So if we have it-- oh, so
more questions are rolling in.

466

00:41:41,760 --> 00:41:44,760

Lilian Dorka: Great.

467

00:41:48,960 --> 00:41:51,388

Johnathan Garza: Now, everyone
again if you have any questions go ahead

468

00:41:51,412 --> 00:41:53,709

and fill out the your
question in the Q&A box

469

00:41:53,733 --> 00:41:58,400

or you can also raise your hand and we can
allow you to ask your question live, thank you.

470

00:41:58,400 --> 00:42:01,252

Chitra, would you be able
to handle this one-- Harry?

471

00:42:01,276 --> 00:42:05,208

You're advancing considerations for traditional
knowledge into federal decision making

472

00:42:05,232 --> 00:42:10,560

while working with federally
recognized tribes and indigenous peoples.

473

00:42:13,280 --> 00:42:18,207

Chitra Kumar: I will so, I think
they're speaking to a specific,

474

00:42:18,231 --> 00:42:26,720

I think because it's in quotes, it's referring to a specific document or interagency agreement

475

00:42:26,720 --> 00:42:33,599

and what I would-- can say more-- I can't speak to that very specific thing

476

00:42:33,599 --> 00:42:37,988

but I can say more generally that we have particular policies

477

00:42:38,012 --> 00:42:41,312

that we can point you all to about environmental justice

478

00:42:41,336 --> 00:42:46,548

and how we work with federally recognized tribes.

479

00:42:46,572 --> 00:42:51,388

We have a policy we will adhere to, we are continuing to work

480

00:42:51,412 --> 00:42:58,507

with our office of American Indian Office of Environmental Program--

481

00:42:58,531 --> 00:43:02,356

American Indian Environmental Programs and have that conversation,

482

00:43:02,380 --> 00:43:06,489

we're excited that we are going to have more staff across the EPA

483

00:43:06,513 --> 00:43:14,988

and we're sharing much of those FTE across EPA to support other programs

484

00:43:15,012 --> 00:43:19,520

that we know are really important to advancing environmental justice and civil rights

485

00:43:19,520 --> 00:43:26,188

but may not be sitting within our new newly forming organization as was just described.

486

00:43:26,212 --> 00:43:34,319

So that's partly how, we, in fact, just gosh I can't remember if it was today or yesterday,

487

00:43:34,319 --> 00:43:39,308

Matthew and I were having a conversation with our--

488

00:43:39,332 --> 00:43:42,591

we were having some of us from Office Environmental Justice,

489

00:43:42,615 --> 00:43:47,188

we're having a conversation with the Office of International Tribal Affairs

490

00:43:47,212 --> 00:43:51,388

and so we know we have a lot of work to do to figure that out,

491

00:43:51,412 --> 00:43:56,840

we also know that there are important policy documents and agreements

492

00:43:56,864 --> 00:44:04,560

that we have and those are also part of our achieving and accomplishing our mission.

493

00:44:06,480 --> 00:44:09,599

Johnathan Garza:
Thank you, Chitra.

494

00:44:10,400 --> 00:44:16,400

Lilian or Marianne, we have a very specific question about the rejected lack of jurisdiction

495

00:44:16,400 --> 00:44:19,048

going back to the

complaints back in 2014.

496

00:44:19,072 --> 00:44:21,040

How would you
like to answer that?

497

00:44:21,040 --> 00:44:29,312

Lilian Dorka: Sure, so as any of you who
have been involved in the complete process

498

00:44:29,336 --> 00:44:38,608

with our office, we have some regulations that
speak to how we process our complaints as well,

499

00:44:38,632 --> 00:44:45,047

and so there are regulations, there are
some fundamental "jurisdictional questions"

500

00:44:45,071 --> 00:44:51,708

that we must answer before we can accept a
complaint of discrimination for investigation.

501

00:44:51,732 --> 00:44:56,079

That's typically referred to
as the jurisdictional review.

502

00:44:56,079 --> 00:45:02,400

That answer was referring to
that's a one of the stages in the life

503

00:45:02,400 --> 00:45:06,560

of a complaint, the
jurisdictional review.

504

00:45:06,560 --> 00:45:13,599

So there are some real fundamental
jurisdictional questions such as, for example,

505

00:45:13,599 --> 00:45:19,162

that if we can't answer in the affirmative,
we can't really accept jurisdiction

506

00:45:19,186 --> 00:45:21,119

and investigate the case.

507

00:45:21,119 --> 00:45:26,560

One is whether the entity that
is alleged to have discriminated

508

00:45:26,560 --> 00:45:31,680

receives federal financial
assistance from EPA.

509

00:45:31,680 --> 00:45:38,960

So if the state X receives EPA funds
or financial assistance in some way,

510

00:45:38,960 --> 00:45:41,440

then we have
jurisdiction over them.

511

00:45:42,560 --> 00:45:49,760

Some of the complaints we receive
include entities that might not receive

512

00:45:49,760 --> 00:45:51,440

federal financial
assistance from EPA

513

00:45:51,440 --> 00:45:58,532

but may receive it from HHS or DOT, department
of transportation or HUD for example.

514

00:45:58,556 --> 00:46:07,119

So we do that type of review to
see if we can "accept the case"

515

00:46:07,119 --> 00:46:12,920

or need to reject the case, the complaint
because we don't have jurisdiction

516

00:46:12,944 --> 00:46:18,720

or need to refer, so that's the
reference to accept, reject, refer.

517

00:46:18,720 --> 00:46:27,599

When we don't accept a case, in other words, when we reject a complaint for lack of jurisdiction,

518

00:46:27,599 --> 00:46:33,839

it means that either the entity doesn't receive federal financial assistance from EPA

519

00:46:33,839 --> 00:46:43,839

or the other real basic jurisdictional criteria has to do with whether what is being alleged

520

00:46:43,839 --> 00:46:49,119

if true, would violate one of the laws that we enforce.

521

00:46:49,119 --> 00:46:57,437

So in plainer terms, does the allegation of discrimination raise concerns

522

00:46:57,461 --> 00:47:04,480

that are prohibited by one of the federal civil rights laws that we enforce, such as Title VI.

523

00:47:04,480 --> 00:47:10,448

So, all together, the federal civil rights laws that we enforce

524

00:47:10,472 --> 00:47:17,304

prohibit discrimination on the basis of race, color, or national origin

525

00:47:17,328 --> 00:47:24,408

which includes limited English proficiency status, disability

526

00:47:24,432 --> 00:47:35,280

which is the Rehabilitation Act of 1973, age, the Age Discrimination Act of 1974

527

00:47:35,280 --> 00:47:41,048

or sex which is the Education Amendments of 1972

528

00:47:41,072 --> 00:47:46,502
which prohibited discrimination
in education programs or activities.

529
00:47:46,526 --> 00:47:51,653
We also enforce Section 13 of
the Water Pollution Control Act

530
00:47:51,677 --> 00:47:54,587
which prohibits discrimination
on the basis of sex

531
00:47:54,611 --> 00:47:59,040
in some water pollution
control like funded programs.

532
00:47:59,040 --> 00:48:03,621
So if the complaint alleges one
of those types of discriminations

533
00:48:03,645 --> 00:48:07,345
then we would have what we
call subject matter jurisdiction.

534
00:48:07,369 --> 00:48:10,960
If it doesn't, then it's something
that we would have to reject.

535
00:48:10,960 --> 00:48:15,685
So for example, sometimes we receive
a complaint that alleges discrimination

536
00:48:15,709 --> 00:48:17,839
on the basis of religion,

537
00:48:17,839 --> 00:48:21,920
well, that's not covered under one of the
federal civil rights laws that we enforce;

538
00:48:21,920 --> 00:48:27,272
or income, purely income,
that also is not prohibited

539

00:48:27,296 --> 00:48:31,680
by one of the federal civil
rights statutes that we enforce.

540
00:48:31,680 --> 00:48:38,172
So that's what we mean by we would need to
reject the complaint for lack of jurisdiction.

541
00:48:38,196 --> 00:48:43,680
There are also some other procedural
requirements, such as for example,

542
00:48:43,680 --> 00:48:48,555
that the complaint needs to
have been filed in a timely manner

543
00:48:48,579 --> 00:48:56,319
and that's described in the reg as within 180
days of the alleged act of discrimination.

544
00:48:56,319 --> 00:49:01,200
There are some exceptions and
we have some discretion there,

545
00:49:01,200 --> 00:49:04,495
there are some exceptions
within our case resolution manual

546
00:49:04,519 --> 00:49:08,368
and if folks need a reference
to our case resolution manual,

547
00:49:08,392 --> 00:49:12,868
which explains all of this, I'm
happy to post that link as well,

548
00:49:12,892 --> 00:49:19,468
so hopefully, that answers that,
there are some other prudential factors

549
00:49:19,492 --> 00:49:22,480
that are also within our
case resolution manual

550
00:49:22,480 --> 00:49:28,640
that we consider such as mootness, for
example, by the time the complaint is filed,

551
00:49:28,640 --> 00:49:34,880
the issue has been resolved and
so it's no longer relevant or rightness,

552
00:49:34,880 --> 00:49:42,319
which means the discrimination
act alleged hasn't fully materialized,

553
00:49:42,319 --> 00:49:53,839
or there's pending litigation that
would really argue on the side of us

554
00:49:53,839 --> 00:49:56,480
waiting to accept
that kind of complaint

555
00:49:56,480 --> 00:50:02,319
in which case we would reject the complaint
in a way that we call without prejudice

556
00:50:02,319 --> 00:50:08,388
which means that folks can then refile with
us once those proceedings have been ended.

557
00:50:08,412 --> 00:50:14,640
But anyway, the case resolution
manual has a very fulsome explanation

558
00:50:14,640 --> 00:50:21,200
of all those types of acceptances,
rejections, jurisdictional reviews, etc.

559
00:50:21,200 --> 00:50:24,998
Marianne Engelman-Lado: Maybe I can jump in
Johnathan and also answer the next question.

560
00:50:25,022 --> 00:50:29,652
So Lilian gave a very comprehensive answer,
so I only have one little thing to add

561
00:50:29,676 --> 00:50:35,868
because it's happened recently, and
we've posted the case resolution manual,

562
00:50:35,892 --> 00:50:38,468
so people can take a look at it.

563
00:50:38,492 --> 00:50:43,409
But one of the bases that Lilian
mentioned is if there's other litigation

564
00:50:43,433 --> 00:50:48,732
or another agency is already taking a complaint,
and that's actually happened recently,

565
00:50:48,756 --> 00:50:52,007
sometimes complainants
might file with multiple agencies

566
00:50:52,031 --> 00:50:56,761
and another agency is
already pursuing the complaint

567
00:50:56,785 --> 00:51:02,288
and we have very limited resources
so we can defer to the other agency

568
00:51:02,312 --> 00:51:07,119
and they're taking the complaint, so there
are a number of different outcomes there.

569
00:51:07,119 --> 00:51:12,400
I also wanted to touch on Amy Laura
Khan's comment which is a very cool idea

570
00:51:12,400 --> 00:51:18,480
and Amy Laura says "has there
been any conversation on integrating

571
00:51:18,480 --> 00:51:22,640
the Title VI complaint documents
into the ECHO database?"

572

00:51:22,640 --> 00:51:25,827

And I don't know if there's been
that conversation, it's a very cool idea.

573

00:51:25,851 --> 00:51:29,028

I want to have that conversation,
it strikes me off the top of my head

574

00:51:29,052 --> 00:51:33,688

that the ECHO database is really facility
focused and a lot of the complaints

575

00:51:33,712 --> 00:51:38,188

are the permitting agency and I don't
think that's the end of the conversation,

576

00:51:38,212 --> 00:51:44,248

it is a cool idea and finding ways
to link or to have one-stop shopping,

577

00:51:45,040 --> 00:51:52,868

it's really worthwhile, so thank you for the
idea and we can continue to think about that.

578

00:51:52,892 --> 00:51:53,680

So thanks.

579

00:51:53,680 --> 00:51:59,119

Lilian Dorka: Yeah, that is a cool
idea, we will be thinking about it.

580

00:52:02,160 --> 00:52:05,316

Johnathan Garza: All right, we
have another question that popped up.

581

00:52:05,340 --> 00:52:13,200

Will the January 1st pre-award review changes
apply only to new grants or also for renewals?

582

00:52:13,599 --> 00:52:16,708

Lilian Dorka: It will be
for even for renewals,

583

00:52:16,732 --> 00:52:24,240

it's my understanding that folks
still need to submit an application.

584

00:52:24,240 --> 00:52:33,920

So it'll apply to all persons applying for
federal financial assistance from EPA.

585

00:52:33,920 --> 00:52:38,428

We will-- the review of the
forms however let me just clarify

586

00:52:38,452 --> 00:52:44,188

because it's a very good question, the
review of the forms is not of all applicants

587

00:52:44,212 --> 00:52:53,119

but of those who have already been determined
to have been qualified as recipients.

588

00:52:53,119 --> 00:53:02,640

So it's a subsection of the applications
that are actually referred to ECRCO

589

00:53:02,640 --> 00:53:07,147

and our partners in the regions
who help us review those forms.

590

00:53:07,171 --> 00:53:12,160

It's a subsection of all
applicants that is referred to us.

591

00:53:12,160 --> 00:53:15,839

Does that answer the question?

592

00:53:19,200 --> 00:53:20,880

Johnathan Garza:
Thank you, Lilian.

593

00:53:20,880 --> 00:53:25,119

Before we go to Dr. E., let's go
ahead and answer Amy's question.

594

00:53:25,119 --> 00:53:27,739

Is there any consideration
of opportunities for--

595

00:53:27,763 --> 00:53:28,649

Lilian Dorka: I
think we just did--

596

00:53:28,673 --> 00:53:31,359

Johnathan Garza:
Oh, we did? Okay.

597

00:53:31,599 --> 00:53:33,087

Marianne Engelman-Lado:
I think there's another one,

598

00:53:33,111 --> 00:53:37,200

Amy Laura asked if there's a consideration
of opportunities for stakeholder engagement

599

00:53:37,200 --> 00:53:40,068

in anticipation of the
release of the legal standards.

600

00:53:40,092 --> 00:53:44,267

And the answer to that is yes,
we will have notice and comment.

601

00:53:44,291 --> 00:53:49,773

The question Amy Laura is also
asking is beyond notice and comment,

602

00:53:49,797 --> 00:53:54,688

other opportunities for conversational
or participatory ways to get input.

603

00:53:54,712 --> 00:53:57,587

There will at least
be noticing comment.

604

00:53:57,611 --> 00:54:00,488

If you have ideas for other

ways to engage people,

605

00:54:00,512 --> 00:54:04,160

we do have some limitations
as the federal government,

606

00:54:04,160 --> 00:54:11,839

but if you have ideas of ways to engage or
have ideas for what should be in the guidance,

607

00:54:11,839 --> 00:54:15,599

we would welcome those ideas.

608

00:54:18,960 --> 00:54:20,880

Johnathan Garza: Thank you.

609

00:54:20,880 --> 00:54:23,788

Chitra if you can answer
Dr. E.'s question, please?

610

00:54:23,812 --> 00:54:27,359

Chitra Kumar: Yeah, sure, so the
question that was asked is about--

611

00:54:27,359 --> 00:54:33,548

from Dr. E. the southeast region,
wants to know if we can speak a little bit

612

00:54:33,572 --> 00:54:37,976

about the process for small for-profit
consulting firms to contract with EPA

613

00:54:38,000 --> 00:54:44,188

to provide TA and references
diversity of our consultants as a metric

614

00:54:44,212 --> 00:54:48,821

that we could be working towards for
Justice40 which is all really good points.

615

00:54:48,845 --> 00:54:58,487

So what I-- we certainly have as a
agency small business contracting goals

616
00:54:58,511 --> 00:55:04,028
and guidelines we always
encourage small businesses

617
00:55:04,052 --> 00:55:10,781
and especially businesses
that are from and of community

618
00:55:10,805 --> 00:55:14,569
and represent minority
women-owned businesses,

619
00:55:14,593 --> 00:55:19,028
those are all things the
federal government promotes

620
00:55:19,052 --> 00:55:22,668
and we have some reporting
that we do around those.

621
00:55:22,692 --> 00:55:24,628
So how can we do that?

622
00:55:24,652 --> 00:55:28,108
Well, I am not a contracts
expert, I'll put that out there first,

623
00:55:28,132 --> 00:55:32,111
but I've been in the federal government
maybe not quite as many years as Lilian

624
00:55:32,135 --> 00:55:39,428
but a few decades, and so my experience
there's the surefire ways or to get on

625
00:55:39,452 --> 00:55:44,738
that GSA schedule or get identified
as one of those ADA businesses,

626
00:55:44,762 --> 00:55:47,468
the ones that are
small businesses,

627

00:55:47,492 --> 00:55:52,880

if you have the ability to be one that's
disadvantaged in some way or just have a disability,

628

00:55:52,880 --> 00:55:57,599

minority, women-owned, any of
those things there are some websites

629

00:55:57,599 --> 00:56:00,480

that can point you
in the right direction

630

00:56:00,480 --> 00:56:07,069

and then it's easy for us if we know you're
out there, once you're on those lists

631

00:56:07,093 --> 00:56:12,228

to be able to contract with
you for some of these services.

632

00:56:12,252 --> 00:56:13,807

So that's one option.

633

00:56:13,831 --> 00:56:21,359

Another is that with regard to the thriving
communities technical assistance centers,

634

00:56:21,359 --> 00:56:26,468

there was an RFA that was out recently,
there's going to be webinars to explain more

635

00:56:26,492 --> 00:56:32,160

how you could get involved in those
grants mostly by partnering with others

636

00:56:32,160 --> 00:56:34,387

but I'm not gonna say
any more about that here

637

00:56:34,411 --> 00:56:41,768

because there are people who are in charge of
that, those technical assistance RFA processes,

638
00:56:41,792 --> 00:56:47,925
and they'll give you lots more details and we
can put some of that information in the chat

639
00:56:47,949 --> 00:56:52,079
for those when those
webinars are going to happen.

640
00:56:55,680 --> 00:56:58,026
Hopefully, that covers,
that gives you some ideas

641
00:56:58,050 --> 00:57:01,839
and it covers some of what
your question was about

642
00:57:01,839 --> 00:57:06,799
and put another question
in there if I didn't get to it.

643
00:57:07,760 --> 00:57:09,200
Johnathan Garza: All
right, Chitra, one popped up.

644
00:57:09,200 --> 00:57:11,119
Would you like me to
read it out or you go?

645
00:57:11,119 --> 00:57:12,268
Chitra Kumar:
Go and read it out.

646
00:57:12,292 --> 00:57:13,001
Johnathan Garza: Okay.

647
00:57:13,025 --> 00:57:16,768
I'm a member of the American Council for
Technology and Industry Advisory Council

648
00:57:16,792 --> 00:57:21,440
and we have an EPA federal insights exchange
group that looks for ways to highlight

649

00:57:21,440 --> 00:57:24,180

interesting innovations
and work happening at EPA.

650

00:57:24,204 --> 00:57:27,724

I would love to provide a platform
for anyone from today's presentation

651

00:57:27,748 --> 00:57:32,523

to come and talk on a webcast to industry
professionals about the Transparency initiative

652

00:57:32,547 --> 00:57:34,355

and how the program is evolving.

653

00:57:34,379 --> 00:57:38,079

I'm happy to provide
details for anyone interested.

654

00:57:38,079 --> 00:57:39,599

Lilian Dorka: Yeah.

655

00:57:39,599 --> 00:57:43,707

Let me just say that we've been
doing a lot of engagement with industry

656

00:57:43,731 --> 00:57:48,696

and outside and firms, law
firms who represent industry.

657

00:57:48,720 --> 00:57:54,419

I just participated in the Texas Super
Conference that included a lot of industry folks

658

00:57:54,443 --> 00:57:58,068

as well as law firms
representing industry folks

659

00:57:58,092 --> 00:58:05,599

and it's really wonderful how much excitement
and interest there is on the side of industry

660
00:58:05,599 --> 00:58:13,599
to understand, for example, with respect
to permitting, how do we get involved early

661
00:58:14,559 --> 00:58:21,389
before we even submit an
application to a state entity for a permit?

662
00:58:21,413 --> 00:58:25,347
Getting to know our community,
that's really critical to us,

663
00:58:25,371 --> 00:58:27,628
everybody wants
to do the right thing.

664
00:58:27,652 --> 00:58:32,388
At the end of the day, what I'm hearing
is everybody wants to do the right thing

665
00:58:32,412 --> 00:58:38,240
and everybody wants to feel good
about their contributions to communities,

666
00:58:38,240 --> 00:58:41,757
especially over burdened
and underserved communities

667
00:58:41,781 --> 00:58:45,448
and the impacts on
those communities.

668
00:58:45,472 --> 00:58:52,225
So certainly, you can
reach out to one or all of us,

669
00:58:52,249 --> 00:58:59,947
if you want to talk to ECRCO or OEJ
or Chitra or me or Marianne or Anhthu

670
00:58:59,971 --> 00:59:08,487
and certainly Matt, I see Matt's picture
and engage with us in these efforts,

671
00:59:08,511 --> 00:59:10,960
that's the
Transparency initiative.

672
00:59:10,960 --> 00:59:16,079
We're glad to discuss that
as well as the other things

673
00:59:16,079 --> 00:59:23,599
that we're doing from the perspective
of external civil rights enforcement.

674
00:59:24,640 --> 00:59:26,880
Others wanted to jump in?

675
00:59:26,880 --> 00:59:29,040
No.

676
00:59:31,280 --> 00:59:40,400
Chitra Kumar: Well, I can just say specifically
if you want to follow up with any of us,

677
00:59:40,400 --> 00:59:43,679
the convention at EPA for
email addresses is really simple,

678
00:59:43,703 --> 00:59:47,680
it's our
lastname.firstname@EPA.gov.

679
00:59:47,680 --> 00:59:53,728
So mine is kumar.chitra@EPA.gov, feel
free to drop an email and we can follow up

680
00:59:53,752 --> 00:59:56,287
with the specifics
of bringing people in.

681
00:59:56,311 --> 00:59:59,170
Oh, there we go, they're
going in the chat, thanks, Garza.

682

00:59:59,195 --> 01:00:00,406

Lilian Dorka: Wonderful.

683

01:00:04,400 --> 01:00:06,160

Johnathan Garza: All right,
thank you very much everyone.

684

01:00:06,160 --> 01:00:13,160

We're going to pause and give everyone just
one more minute if we have any more questions.

685

01:00:22,079 --> 01:00:25,194

All right, I see no more
questions coming in this afternoon.

686

01:00:25,218 --> 01:00:30,880

I wanna thank everyone for your time, for your
patience and also just your attention here today,

687

01:00:30,880 --> 01:00:36,021

there's a lot of information, there's a lot of
exciting opportunities happening here at EPA

688

01:00:36,045 --> 01:00:40,720

and we're glad where everyone is here to
join us, we're all on this mission together.

689

01:00:40,720 --> 01:00:46,390

Our next EJ stakeholder call will be September
10th, we will email that information,

690

01:00:46,414 --> 01:00:51,201

all the questions, all the information
and everything that was talked about today

691

01:00:51,225 --> 01:00:54,588

will be posted on the OEJ's
website along with the recording,

692

01:00:54,612 --> 01:00:59,119

so again, thank you very much
everyone, have a peaceful afternoon.

693

01:01:00,000 --> 01:01:02,382

Oh, I have one more link for everybody that I want to share--

694

01:01:02,406 --> 01:01:05,928

Chitra Kumar: Yeah and let me send the webinar before we totally log off,

695

01:01:05,952 --> 01:01:08,068

let me also send the webinar links.

696

01:01:08,092 --> 01:01:10,483

These are the links-- sorry, the webinars

697

01:01:10,507 --> 01:01:14,148

regarding the thriving communities technical assistance center workshops.

698

01:01:14,172 --> 01:01:15,590

I just need to grab those.

699

01:01:15,614 --> 01:01:21,588

And then there was one other question that I answered in writing that people had asked

700

01:01:21,612 --> 01:01:23,988

about hiring, federal hiring.

701

01:01:24,012 --> 01:01:28,615

We mentioned the additional resources we have, yes, there will be lots of hiring

702

01:01:28,639 --> 01:01:35,294

happening across the country in the various EPA offices as well as in headquarters,

703

01:01:35,318 --> 01:01:38,876

and the best way to learn about those opportunities is actually through USAJobs,

704

01:01:38,900 --> 01:01:45,785
we're going to publish, have different postings
appropriate to our various needs over time

705
01:01:45,809 --> 01:01:48,080
and so just if you don't
already have something,

706
01:01:48,104 --> 01:01:49,847
if you're interested, we
want to know about it,

707
01:01:49,871 --> 01:01:53,680
we want great new
people coming into EPA.

708
01:01:53,680 --> 01:01:58,827
We're really interested and using
this as an opportunity for the first time

709
01:01:58,851 --> 01:02:08,187
in a really long time to be able to attract
fantastic EJ and civil rights folks,

710
01:02:08,211 --> 01:02:14,288
and so please put a little-- follow
USAJobs put a little tickler in there,

711
01:02:14,312 --> 01:02:20,799
they have a process where you would get postings
right into your email box if you do that.

712
01:02:20,799 --> 01:02:23,570
And welcome, Matt you've joined us
on screen do you want to add anything?

713
01:02:23,594 --> 01:02:28,347
Matthew Tejada: Sign up for the EJ listserv
which will be the EJ ECR listserv, I guess

714
01:02:28,371 --> 01:02:32,400
in a month or so that's another
thing we've got to sort out.

715
01:02:32,400 --> 01:02:36,568
But as we do kind of bigger
hiring things in the next few months,

716
01:02:36,592 --> 01:02:40,400
we will let folks know
USAJobs is definitely--

717
01:02:40,400 --> 01:02:44,474
sign up, get your profile in there get
your information in there, set your search

718
01:02:44,498 --> 01:02:48,256
so that it'll give you results when
it hits for the city you're looking for,

719
01:02:48,280 --> 01:02:50,914
if you're looking for D.C or
one of the regional offices

720
01:02:50,938 --> 01:02:52,534
but you have to be ready.

721
01:02:52,558 --> 01:02:57,767
There are caps on the number of
people that can apply for any single job.

722
01:02:57,791 --> 01:03:02,400
It's been a while, it's been a minute
since we've been able to really use that

723
01:03:02,400 --> 01:03:04,373
through the EJ program.

724
01:03:04,397 --> 01:03:10,459
My experience from a few years
ago however was you would hit the cap

725
01:03:10,483 --> 01:03:14,988
for any job posted within hours
because so many people are looking at it.

726

01:03:15,012 --> 01:03:21,828
I know that there's a little less, there's more
supply of jobs than demand for them at present,

727
01:03:21,852 --> 01:03:26,880
so I don't know that we'll get hit those
caps as quickly in the current labor market

728
01:03:26,880 --> 01:03:31,707
but you still have to be ready for
when you see those things to apply

729
01:03:31,731 --> 01:03:33,061
as soon as you see it.

730
01:03:33,085 --> 01:03:36,240
So we will be letting folks
know through our listserv

731
01:03:36,240 --> 01:03:41,520
when those are going to be coming
out so that folks can be aware.

732
01:03:43,200 --> 01:03:44,710
Johnathan Garza:
Thank you, Matt. Actually--

733
01:03:44,734 --> 01:03:48,640
Lilian Dorka: I think a couple
questions just came in for you.

734
01:03:51,680 --> 01:03:53,839
Johnathan Garza: Matt or
Chitra, how are local EPA orgs

735
01:03:53,839 --> 01:03:59,839
such as CALEPA involved in the
Justice40 process in their state?

736
01:04:02,799 --> 01:04:05,444
Matthew Tejada: That's a good
question, we'd have to ask California that.

737

01:04:05,468 --> 01:04:10,960
So we have been engaging with
different states across the United States.

738
01:04:10,960 --> 01:04:15,378
The Justice40 initiative is an all of
government approach but it's an executive order,

739
01:04:15,402 --> 01:04:20,000
executive orders really only apply to the
executive branch of the federal government,

740
01:04:20,000 --> 01:04:25,799
so states and state level organizations
do not have to or are not participating

741
01:04:25,823 --> 01:04:32,480
in the same way that executive branch
federal departments and agencies are,

742
01:04:32,640 --> 01:04:39,567
but I think one of the things that is
going to be one of the lasting legacies

743
01:04:39,591 --> 01:04:48,400
of the Justice40 initiative is I do anticipate
a much greater level of transparency

744
01:04:48,400 --> 01:04:53,867
and the naturally occurring accountability
that results from transparency

745
01:04:53,891 --> 01:04:58,203
at a state by state level, in
terms of where do resources go,

746
01:04:58,227 --> 01:05:01,599
where do investments
go, where do benefits flow,

747
01:05:01,599 --> 01:05:08,076
whether that is through programs that
go directly from the federal government

748
01:05:08,100 --> 01:05:14,015
to communities or local governments or to
programs that go from the federal government

749
01:05:14,039 --> 01:05:18,077
to the state government and then
through however many other permutations

750
01:05:18,101 --> 01:05:22,447
until it finally reached the ground
in terms of a program investment

751
01:05:22,471 --> 01:05:25,039
or a benefit from a program.

752
01:05:25,039 --> 01:05:28,168
So I think we are going to see
just a lot more of that transparency

753
01:05:28,192 --> 01:05:31,907
and accountability across
all states and territories

754
01:05:31,931 --> 01:05:37,839
as a result of what
Justice40 is going to achieve.

755
01:05:39,839 --> 01:05:41,280
I see a few other
questions on here.

756
01:05:41,280 --> 01:05:43,068
Garza do you want me to just--

757
01:05:43,092 --> 01:05:43,680
Johnathan Garza: Go for it.

758
01:05:43,680 --> 01:05:48,559
Matthew Tejada: So another question about
a primary tribal liaison in the program.

759
01:05:48,559 --> 01:05:50,079

I think that's exactly
the sort of thing--

760

01:05:50,079 --> 01:05:55,119
we already have a like a tribal and
indigenous lead in the EJ program,

761

01:05:55,119 --> 01:05:58,392
it is an individual who also
carries five other portfolios,

762

01:05:58,416 --> 01:06:01,352
including our international work,
including our faith-based work,

763

01:06:01,376 --> 01:06:06,240
including all sorts of other stuff,
so now we will have a whole team

764

01:06:06,240 --> 01:06:08,327
just in the EJ ECR program,

765

01:06:08,351 --> 01:06:12,640
so Environmental Justice External Civil
Rights program will have a whole team

766

01:06:12,640 --> 01:06:16,587
just dedicated to partnerships
working with states, working with tribes,

767

01:06:16,611 --> 01:06:21,280
working with local governments, working with
others like business and industry or academia,

768

01:06:21,280 --> 01:06:29,595
but more importantly we're going from a pre
historic investment of one person per region

769

01:06:29,619 --> 01:06:36,799
working on EJ to now between 10 and 12 people
working on EJ and civil rights compliance

770

01:06:36,799 --> 01:06:38,513

across all of the regions.

771

01:06:38,537 --> 01:06:41,819

And one of the things that I
know that our regional colleagues

772

01:06:41,843 --> 01:06:47,599

and managers are looking at is that's going
to give the regional shops much greater

773

01:06:47,599 --> 01:06:50,920

capacity and strength to
work with our tribal programs

774

01:06:50,944 --> 01:06:55,819

and actually work with tribes and
indigenous partners on the ground

775

01:06:55,843 --> 01:06:56,808

throughout the regions.

776

01:06:56,832 --> 01:06:59,077

That's going to look
different in different places.

777

01:06:59,101 --> 01:07:01,028

Our Region 3 office
out of Philadelphia

778

01:07:01,052 --> 01:07:04,755

that just a couple years ago got
its first federally recognized tribes

779

01:07:04,779 --> 01:07:08,134

is not going to have as big of an
investment in those new people

780

01:07:08,158 --> 01:07:12,468

focusing on tribal and indigenous
issues as our Region 8 office.

781

01:07:12,492 --> 01:07:14,676

Our Region 8 office, that

is one of the biggest things

782

01:07:14,700 --> 01:07:17,688
that they are looking for these
new people to really focus on,

783

01:07:17,712 --> 01:07:20,222
is working with tribes and
indigenous organizations

784

01:07:20,246 --> 01:07:28,800
because Region 8 is Colorado, Wyoming, Utah,
Montana, so it's going to change across the program

785

01:07:28,824 --> 01:07:31,839
and across the
country, it'll be different,

786

01:07:31,839 --> 01:07:38,627
but there's definitely going to be a whole new
level of support for engaging, supporting--

787

01:07:38,651 --> 01:07:41,760
to the question Chitra answered
earlier, looking for those opportunities

788

01:07:41,784 --> 01:07:46,036
to take things like tribal ecological
knowledge, looking for those opportunities

789

01:07:46,060 --> 01:07:50,852
to lift up our nation to nation relationships
but also the trust responsibility

790

01:07:50,876 --> 01:07:55,647
and what it means in terms of direct
implementation responsibility for EPA

791

01:07:55,671 --> 01:07:59,947
to ensure environmental public health
protection for those areas like reservations

792

01:07:59,971 --> 01:08:03,027

where EPA still holds the
authority of protecting public health

793

01:08:03,051 --> 01:08:06,000
and the environment of
the citizens in those lands.

794

01:08:06,000 --> 01:08:09,208
It's going to mean a whole different
reality in terms of our ability to pursue

795

01:08:09,232 --> 01:08:14,480
the integration of those priorities
across everything that EPA does.

796

01:08:17,359 --> 01:08:21,439
And to the last question, I
see anonymous attendee--

797

01:08:21,439 --> 01:08:24,147
No, the TA consultants are going to
go through a whole different process,

798

01:08:24,171 --> 01:08:30,047
they are not being hired as federal employees
that's going through a grant process,

799

01:08:30,071 --> 01:08:36,080
so the organizations and there's a number of
organization types that can apply for that,

800

01:08:36,080 --> 01:08:40,880
for-profit consultancies are
not eligible to apply for that.

801

01:08:40,880 --> 01:08:47,621
Foundations, philanthropies, non-profit
organizations, academic institutions,

802

01:08:47,645 --> 01:08:51,987
tribal consortia, they can
apply for the TA centers

803

01:08:52,011 --> 01:08:56,448
but that application is through a grant
and then they would be given a grant

804
01:08:56,472 --> 01:08:59,839
to fund the program that they're
going to set up through that grant.

805
01:08:59,839 --> 01:09:07,838
That's a very different process from hiring
actual human beings as federal civil servants.

806
01:09:08,560 --> 01:09:10,513
Johnathan Garza:
Thank you, Matt.

807
01:09:10,537 --> 01:09:16,088
We had an anonymous question pop up and we
just mistakenly pressed the wrong button.

808
01:09:16,112 --> 01:09:20,747
Can you please clarify what you mean
by this issue from your previous question,

809
01:09:20,771 --> 01:09:26,080
if this issue was being discussed, if
you knew this issue was being discussed.

810
01:09:26,080 --> 01:09:28,114
Matthew Tejada: Well, I don't
remember what this issue was though.

811
01:09:28,138 --> 01:09:33,480
Johnathan Garza: I believe it
was right CAL [INAUDIBLE] EPA.

812
01:09:34,319 --> 01:09:36,868
Marianne Engelman-Lado: Matt there wasn't--
I don't think that was directed at you

813
01:09:36,892 --> 01:09:41,040
it was directed at the person who
wrote the question, it was anonymous

814

01:09:41,040 --> 01:09:46,028
and it asked-- the question asked
is this issue even being discussed

815

01:09:46,052 --> 01:09:53,839
and the question is to the anonymous query
"what was the issue that you were asking about?"

816

01:09:53,839 --> 01:09:55,328
So that we can try to answer it.

817

01:09:55,352 --> 01:09:57,040
Johnathan Garza: All right.

818

01:09:57,040 --> 01:09:59,840
I've asked our anonymous query.

819

01:09:59,840 --> 01:10:01,520
We'll give them a
minute to respond.

820

01:10:01,520 --> 01:10:03,840
Marianne
Engelman-Lado: Great. [LAUGHS]

821

01:10:06,320 --> 01:10:09,040
Johnathan Garza: Ah, here we go.

822

01:10:13,120 --> 01:10:16,080
Water fluoridation. Matt,
do you want to take that one?

823

01:10:17,360 --> 01:10:18,680

824

01:10:20,239 --> 01:10:22,627
Matthew Tejada: Yes I know that's been
something that's been coming up quite a bit,

825

01:10:22,651 --> 01:10:24,628
I don't have anything
new, if this is John,

826
01:10:24,652 --> 01:10:29,360
I don't have anything new to
share right now on water fluoridation

827
01:10:29,360 --> 01:10:33,028
and I have not visited with
our NEJAC friends about it.

828
01:10:33,052 --> 01:10:35,348
I know you were on the
recent NEJAC meeting.

829
01:10:35,372 --> 01:10:39,368
We are having a NEJAC meeting, if it hasn't
been mentioned at the end of October,

830
01:10:39,392 --> 01:10:42,880
we haven't put out the
formal notification yet.

831
01:10:42,880 --> 01:10:45,954
Let me just look at my calendar
just to give folks the actual date

832
01:10:45,978 --> 01:10:50,960
because I know a lot of folks like to
come for actual NEJAC in person meetings.

833
01:10:50,960 --> 01:10:57,819
So right now it is 99% for sure
October, 24th through the 27th,

834
01:10:57,843 --> 01:11:02,108
that is the last full
week of October.

835
01:11:02,132 --> 01:11:04,943
The NEJAC will be
meeting in person in D.C.

836
01:11:04,967 --> 01:11:09,628
We have not located the hotel yet,

we don't have all those details organized

837

01:11:09,652 --> 01:11:11,948

but I know a lot of folks
like to plan ahead for that.

838

01:11:11,972 --> 01:11:17,375

So if you do want to come to the NEJAC in
person, we're going to have a really long meeting

839

01:11:17,399 --> 01:11:20,868

and I know especially some of the
folks working on water fluoridation

840

01:11:20,892 --> 01:11:26,800

have been trying to get the NEJAC members to
raise the issue profile through that forum,

841

01:11:26,800 --> 01:11:31,600

that'll be your next
best opportunity to do so.

842

01:11:33,840 --> 01:11:36,640

Johnathan Garza:
Thank you, Matt.

843

01:11:38,000 --> 01:11:41,840

We're gonna give everyone
just one more minute.

844

01:11:45,360 --> 01:11:49,040

Will the WHEJAC be
virtual? From Mrs. Shirley.

845

01:11:49,040 --> 01:11:53,500

The WHEJAC is-- I'm not
sure when their next meeting is.

846

01:11:53,524 --> 01:11:58,239

I believe they are targeting
the first week of December

847

01:11:58,239 --> 01:12:04,287

for a full WHEJAC in-person meeting
and they'll probably have, I would imagine,

848

01:12:04,311 --> 01:12:10,188
some other virtual ones before then but we're
trying to get both the NEJAC and the WHEJAC

849

01:12:10,212 --> 01:12:15,674
back into a rhythm of hopefully at least
a couple in-person meetings per year.

850

01:12:15,698 --> 01:12:20,560
It takes us about four months
to organize an in-person meeting

851

01:12:20,560 --> 01:12:24,000
because there's a lot of logistics and
travel and all that stuff that has to go

852

01:12:24,000 --> 01:12:25,421
on behind the scenes,

853

01:12:25,445 --> 01:12:30,268
so typically we only do two in-person
meetings per advisory council per year,

854

01:12:30,292 --> 01:12:31,730
so we're trying to get back,

855

01:12:31,754 --> 01:12:35,771
we're trying to redevelop that muscle
that is atrophied over the last two years

856

01:12:35,795 --> 01:12:39,280
and get back in that route.

857

01:12:43,199 --> 01:12:46,679
Johnathan Garza:
Thank you, Matt.

858

01:12:50,320 --> 01:12:55,040
All right, I'm seeing no
other questions coming in.

859

01:12:55,199 --> 01:12:58,719

Giving it a moment, a pause.

860

01:12:59,280 --> 01:13:02,640

All right, well, thank you very much everyone for joining this afternoon.

861

01:13:02,640 --> 01:13:05,440

Thank you very much for your attention and being here.

862

01:13:05,440 --> 01:13:09,688

Clarification, our next EJ update call is actually September 20th,

863

01:13:09,712 --> 01:13:14,960

I misspoke I accidentally added two days because I was thinking about a Saturday

864

01:13:14,960 --> 01:13:19,908

but thank you very much everyone again and we're always here to answer your questions.

865

01:13:19,932 --> 01:13:22,800

Thank you and gracias, bye-bye.

866

01:13:22,800 --> 01:13:24,880

Matthew Tejada: Thank you, John, thanks Garza.

867

01:13:24,880 --> 01:13:27,330

Chitra Kumar: Yes, thank you.

868

01:13:27,354 --> 01:13:29,040

Lilian Kumar:

Great job, thank you.