Lilian Dorka: We are so excited.

We are so very excited along with our partners in the Office of Environmental Justice to be together and share this space right now, this very historic moment.

So turning to the External Civil Rights Program updates.

I wanted to start off—last time, we engaged, we talked a lot about the fact that we had limited resources, we still do, we're working on that and with the assistance and support of this administration, this administrator, Administrator Regan, we hope to add to our numbers and in fact, to grow a much more resource rich office.

We're still lagging behind as you can imagine and nowhere do we feel it most than with respect to our docket of complaints.
and compliance reviews that we have pending,

our bread and butter, our critical work of responding to complaints from advocates, from communities, working with states to address civil rights issues.

So with that, I'd like to turn it over to Anhthu to update us on the current docket.

So our numbers have gone up since the last time you spoke in April, of course. Since the beginning of fiscal year 22 we've received 26 complaints.

The number of complaints we have open under investigation is 26.

The number of complaints that we've received since the beginning of FY 22 is 31.

So that gives us 44 complaints in various stages of investigation or jurisdictional review.
and other.

And the number of complaints that we've accepted since the beginning of the FY 22 is 9 and each region has a complaint, at least one with the exception of Region 8,

we don't have a complaint from Region 8, but we do have a compliance review open there.

And the breadth of our-- the issues complained about, in our complaints remain very, very wide.

We have air permitting, we have clean water permitting,

we have drinking water issues, we have solid waste issues, and we have chemicals.

Again, the recipients that are involved in our complaints range from state environmental agencies to local air boards, and also private organizations.

And the docket, Lilian, thanks.

Lilian Dorka: Thanks, Anhthu.

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.

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

00:04:41.440 --> 00:04:51.520
to about 3600-3700 current recipients of
federal financial assistance from EPA.

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

00:05:00.720 --> 00:05:10.639
using this thing called a Form 4704
that all applicants for EPA money must file

00:05:10.639 --> 00:05:17.168
and it has some critical questions within
the form about whether a proposed recipients,

00:05:17.192 --> 00:05:24.488
these applicants have in place the
procedural safeguards that are required

00:05:24.512 --> 00:05:29.756
by EPA's non-discrimination regulations,
things like grievance procedures

00:05:29.780 --> 00:05:33.919
and civil rights coordinators.

00:05:33.919 --> 00:05:39.788
But also having in place the
policies and programs, processes

00:05:39.812 --> 00:05:44.546
to ensure meaningful access for
persons with limited English proficiency,

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
58 00:05:54,791 --> 00:06:02,728 under the regulations as well.

59 00:06:02,752 --> 00:06:11,067 So all of those questions are contained within
60 00:06:11,091 --> 00:06:14,639 this 4704 Form that everyone needs to file.

61 00:06:14,639 --> 00:06:24,000 And the purpose of my email to these recipients
62 00:06:24,000 --> 00:06:28,578 was to let them know that on January 1st, 2022
63 00:06:28,602 --> 00:06:35,680 we're going to begin a
64 00:06:35,680 --> 00:06:41,468 new process of review.

65 00:06:41,492 --> 00:06:46,560 And this process of review is a
66 00:06:46,560 --> 00:06:52,319 very coordinated effort across EPA
67 00:06:52,319 --> 00:06:57,307 with our regional partners for sure, as
68 00:06:57,333 --> 00:07:07,278 well as the Office of Grants and Debarment,
69 00:07:07,307 --> 00:07:14,100 Office General Counsel and
70 00:07:14,100 --> 00:07:19,680 others to ensure that the forms
71 00:07:19,703 --> 00:07:26,747 that need to be submitted by these
72 00:07:26,771 --> 00:07:32,504 applicants are appropriately addressed,
73 00:07:32,528 --> 00:07:39,528 that all of the questions are
74 00:07:39,552 --> 00:07:46,312 appropriately answered and addressed.
75 00:07:46,336 --> 00:07:52,319 And so, on January 1st, we will
76 00:07:52,340 --> 00:07:57,307 begin a new review of those forms
and where there are deficiencies in terms of the way that folks responded
to the questions on those forms,

we will look to enter into some written agreements

and give folks six months in general, six months to carry out

the commitments that they need to carry out

in order to actually have all of these procedural requirements in place.

So I wanted to flag that for everyone.

I also wanted to flag the fact that we sent it out under a mailbox

that is now also available for recipients and applicants to send back to us

any questions they might have between now and January 1st.

We have been collecting all those questions as well as the answers, the responses

that have been going back
and we hope to put them in one central place within our web page so that folks can use that as a reference.

In the meantime, we're also engaging in the critical training throughout EPA of our own folks that we need to do in order to ensure that everyone is familiar with the requirements and that, in fact, everyone is ready to review these forms in a way that would be most productive and that we have an increase in compliance with these procedural safeguards and these requirements that are within our regulation.

Once that is done, we also anticipate in January beginning the other aspect of this process which is that we're going to be conducting a sampling audits of these procedural safeguards and other requirements that are in our
regulation and our guidance documents.

And so we're going to be conducting audits, post award audits of folks that have already received federal financial assistance from EPA. So all together, well, we really are hoping that we will in fact, we are planning on it, we will, in fact, fulfill our commitment not just to the Office of the Inspector General which we made last year to really strengthen this pre and post award review with respect to these procedural and other safeguards that everyone has to have, all recipients have to have in place but also our commitments under the Strategic Plan, the EPA Goal 2 of the Strategic Plan, which if any of you have reviewed, you would see, includes long-term performance goals as accountability measures
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 also can't discriminate,
but the baseline requirements are--
are you providing language access?

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

all the things that
Lilian was talking about?

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

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

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

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

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

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

more comprehensively give
information to recipients of federal funds

ahead of time to let them know
that they have these obligations
and to have a system for ensuring that 
they're meeting these baseline requirements.

So that when they seek 
funding from EPA ahead of time,

they know that they 
have these obligations,

we can do a review of whether 
they're meeting the obligations

and then we don't give funding 
unless they meet the obligations."

And there's so much that goes into 
what Lilian just said and I can just say

how much effort is involved 
in giving recipients notice,

those thousands of letters that 
went out, the training that's happening,

so that we can pretty dramatically 
change the way we do it

and actually have an effective 
system that will change the culture

of compliance with 
these requirements.
So I just want to give a little flavor of the excitement, even though it's sort of this pre-award review sounds sort of "meh" but it really is so fundamental and Lilian and Anhthu and others have just been doing so much work to make this happen, so a big shout out to them.

Lilian Dorka: Thanks, Marianne.

And one of those folks who has worked so hard on all of this, Kurt Temple who is a Senior Advisor in ECRCO, would otherwise have been here today to talk to you about this very thing but he is actually in Nebraska providing a real comprehensive training to state employees there about these very requirements.
So thank you to him and also to Betsy Biffle in our surf flow, in our attorney group who have a really spearheaded this initiative along with folks in Office of Grants and Debarment and others who have really given us the support and assistance along with the unsung heroes in our regional offices, our ECRCO points of contact there who actually carry out the communication with grant applicants and Gerald Covington in our office who does it from our office for grantees that come to the applications that come to the headquarters office as well. So thank you, thank you to all of these folks and yes, we are very excited.
And if Marianne can get so excited about all this process stuff
which also has actually a lot of substance, there's even more to come.

So I wanted to turn now to something we've been calling the Transparency initiative,
because we really do think this is part of transparency and part engagement,
two areas that we really wanted to bolster and wanted to strengthen.

Transparency because we are trying to ensure that
we have greater transparency—

Male Voice: Mayor transparencia para— particular con respecto a nuestro docket de quejas.

Lilian Dorka: Our investigations—

So as many of you know, we've been sharing an updated chart on our web page

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

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

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

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

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

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

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

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

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

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

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

00:17:21,839 --> 00:17:23,762
Anhthu Hoang:
Sure thanks, Lilian.

So as part of the Transparency initiative we are working hard on developing a way to affirmatively post milestone documents, or documents that are most important to our cases as Lilian outlined on the web, so that folks don't have to file FOIA requests for them.

So among the types of documents that I'm talking about are complaints and exhibits and attachments that come with the complaints, supplemental information that complainants might give to us, and any other sort of addendum, adenda that they provide for us including things like cover letters that the complainants file.

We will also post compliance review initiation letters, acknowledgment letters.
that we sent recipients, complaint acceptance and rejection or referral letters

that we send to the recipient, complaint referrals and the entity of the referred to agencies,

copies of tolling letters that we might send for just alternative dispute resolution

or informal resolution agreement.

We will also post the actual alternative dispute resolution

and IRA as we call them, informal resolution agreement with their cover letters.

And in some cases, we do the informal resolution process fail

and so we have to return them to-- return the case to investigation

and so we will also include letters indicating return to investigation for IRAs and ADRs

that failed to complete.

We'll also post preliminary findings, letters of concern, letters of insufficient evidence,
various resolution letters that we send out.

And then materials that we receive for monitoring of the IRA,

so monitoring closure letters, things of that nature.

There will be some material that we have to withhold which are requests for clarification and communications that we have with the complainant simply because they're protected under privacy laws and other internally generated information like transcripts and deliberative materials.

And then, response to the acceptance letter by the recipients if they end up submitting one.

And then-- so that's the sort of documents that we're looking to post.

We're also working on making the post searchable, so that if you're interested
in tolling letters because you're interested in what they say or maybe you want to know what a complaint might look like or complaints from a particular region, a particular state might look like, you can search on our database to do that.

And then we're also reorganizing the website, so that it's much easier for folks to find information, so for example, things like instructions for how to file a complaint, instructions on how we resolve complaints and ways to find our staff, so things of that nature.

We're also working to improve searchability on.

Back to you, Lilian.

Lilian Dorka: Thank you.

Marianne, did you have anything you wanted to add on the-- great, thank you.

Okay, so I wanted to move on
to provide an update on guidance

00:21:40,400 --> 00:21:45,330
and other documents that
we've previously talked about,

00:21:45,354 --> 00:21:52,400
we've committed to issuing a
number of different documents.

00:21:53,360 --> 00:22:00,068
And I wanted to especially alert you
to one that was just issued this morning

00:22:00,092 --> 00:22:09,520
and is now on both OEJ's webpage
as well as ECRCO's web page.

00:22:09,520 --> 00:22:18,000
If some of you may recall that our administrator,
our deputy administrator committed to issuing

00:22:18,000 --> 00:22:26,720
what we call EJ and civil rights in
permitting frequently asked questions or FAQs.

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

00:22:34,172 --> 00:22:36,788
basically saying we
want to do the right thing,

00:22:36,812 --> 00:22:40,799
we'd like to know what's
already available out there,

00:22:40,799 --> 00:22:45,760
we know that you're working on
some additional policy guidances

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 in integrating environmental justice and external civil rights and the civil rights obligations.

So just this morning, we posted on our web pages, it's called the Interim, and it's called Interim because it's a work in progress, right? We hope to get informal comments, we hope to update it and certainly as we develop further external civil rights guidance, we will definitely update this document, but it's called the Interim Environmental Justice and Civil Rights and Permitting Frequently Asked Questions.

It provides information to EPA as I said, relative to our own permitting activities,
to other federal agencies, to tribes and also to state environmental permitting programs on how to integrate EJ and external civil rights into their permitting processes.

So it outlines how recipients, for example, from a civil rights perspective, it certainly outlines how recipients of EPA financial assistance or EPA recipients are obligated to comply with federal civil rights statutes, including Title VI of the Civil Rights Act of 1964 in their permitting processes.

It has references to all of the existing, already existing guidances out there that provide support and assistance, including environmental justice guidances, as well as civil rights guidances, including the ECRCO’s 2017 toolkit as well as DOJ's Title VI Policy Guidance.
So it has basically in one place everything that's already available to assist states and it also provides some best practices, some promising practices, some examples of things that folks are already doing in order to integrate EJ and civil rights into the permitting process.

So I invite you to take a look, I don't know Johnathan if you could actually post the link to that in the chat, but he's already ten steps ahead of me.

So thank you so much and certainly, as I said before it's called interim because we are hoping that folks will, in fact, let us know what you think and we will be updating this document.

Marianne Engelman-Lado: Lilian, maybe I'll just jump in with two quick things.
One is just to confirm Johnathan did put the link in the chat, so everybody can see it.

it's under External Civil Rights Compliance Office New Developments, and the top new development is the FAQs, so you'll be able to get it that way.

so thank you to Johnathan. Secondly, and I think you're gonna expand on this but let me just say this mighty small band of External Civil Rights Compliance Office leaders and staff are having to do all of this, having to do--

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

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

the cases, the affirmative compliance work, the guidance documents, the training
the outreach, all of it is done by
the same up until now 12 people,

we're expanding to 18 but nationwide with
the help of people in regions and others,

but part of what Lilian is going to
outline right now is really an intent
to clarify legal obligations and starting
with pulling together the materials
that are already out there, so that as
we're saying to recipients of federal funds,
"here are the expectations" or
as EPA is commenting and saying
this permit raises civil rights concerns
to the extent they feel like we don't--
we need more information about what our
obligations are, it's the one-stop shop.
So that was really important to get
out first and then taking it from there
and working on the next guidance
and then working on the next guidance.
But I wanted to jump in just to say that
Lilian's walking through these one at a time
to really talk about the progression that we understand the urgency of providing clarification and we're trying to make up

for EPA opened its Civil Rights Office in 1992 or so

and there are a few guidance documents that are already out there

but there's a lot more clarification that is needed

and we understand the urgency of doing that and everybody is trying to really prioritize them

and really get one thing out and do a good job and then move to the next

and move to the next.

So that's the progression you're hearing from Lilian

and the FAQs are out this morning and then you're going to hear about what else is in the pipeline.
Back to you, Lilian.

Lilian Dorka: Thanks, Marianne.

Thanks for calling us a mighty band, we really are.

Considering-- we're certainly still at about 12 FTE, as Marianne said, we'll be expanding soon to 18 and certainly by the time we move to this new program office, hopefully, we will be fully staffed or soon to be fully staffed.

So we're very excited about that but it hasn't been without its challenges in terms of extending everyone and of course, we have 18 people or 18 FTE proper within ECRCO

but we really just to invoke Michael Regan a little bit,

we really have the full breadth and effect of all of EPA
because we have really moved just to a totally new place in EPA

in terms of integrating civil rights enforcement,

and as he says, it's civil rights vigilance, it's an EPA-wide responsibility,

so it's not just us, it's all of our partners in the regions,

all of our partners in the program offices who are working on how to implement the goal too.

Certainly, our partners in OEJ and in OGC and many other partners throughout EPA,

so those FAQs that you see are a huge effort just to pull together in one place what already exists in terms that can be helpful to state and others permitting programs

in integrating environmental justice and civil rights.

The other guidance which-- and the FAQs are not guidance,
as I said, they just pull together existing guidance

but we have previously mentioned that we're working on what we call the procedural safeguards guidance

and that will include a dear colleague letter addressed to all recipients assistance from EPA

and that will memorialize a lot of the work that we've already been carrying out with maybe many of our state and other local partners

to ensure that folks have in place the requirements that are stipulated within the EPA regulation

for those critical fundamental civil rights programs that folks have to have in place, a non-discrimination coordinator, grievance procedures that would--
that a state and other recipients could use, for example, to address discrimination issues

that are brought to them even before they come to us.

so that they have those procedural safeguards in place, non-discrimination notices

and many others, and of course, plans for limited English proficiency

and how to meaningfully address those access issues as well as for persons with disabilities

So those procedural safeguards, that procedure will safeguard policy guidance,

we are still working on that but we have made great, great progress

and we certainly still anticipate releasing that guidance this year in 2022.

So I just wanted to make sure that yes, you haven't seen them yet but you will see them

and it is our hope to have those out, that's what we're planning on this year in 2022.
The other piece of guidance that we very publicly committed to developing is, of course, expanding on our civil rights legal standards guidance. Building on what we've already had out there since 2017 within that Chapter 1 of the toolkit that ECRCO put out in 2017. We have started working on guidance that will build, for example, on providing more specifics with respect to disparate impacts and particularly with respect to permitting, right? Disparate impact with respect to permitting and what does it mean, and how do you look at things like cumulative impacts within the scope of disparate impacts within permitting and how do you consider cumulative adversities or harms or impacts. And we will also be exploring further disparate treatment and other analyses.
that we mentioned within our toolkit but didn't fully expand upon.

So that work has begun, we have folks on board now who are specifically working on that and we are still planning on a 2023 for an initial release of that guidance.

We do plan to put that draft guidance out there for notice and comments given that it is a substantive guidance and so we will be putting it out for notice and comment in 2023, that's the time frame that we're still working with and you will see a mention of that guidance as well in the national program guidance that Matt and I released for comment earlier this year that is referenced in Goal 2 of EPA's Strategic Plan, etc.
So we are very carefully developing that and hope to release something for our notice and comment in 2023.

Marianne, did you want to say something?

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

Did you want to say something else on that guidance?

Marianne Engelman-Lado: It is near and dear to my heart but no I want to make sure we have time for Q&A and we'll hold back right now, thanks.

Lilian Dorka: Excellent.

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

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

So I will turn it back to Johnathan, are you gonna lead us in the Q's and A's?
Johnathan Garza: Yep, thank you Lilian and thank you very much for the presentation and all the updates.

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

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

Chitra Kumar: Yeah, sure, yes so.

We were asked which federal agency will be administering the TA funds for climate and environmental justice.

I think that's referring to the 200 million dollars that I mentioned that'd be part of the 3 billion dollar pot that be coming for climate environmental justice that's coming to EPA, so it's definitely EPA.

And I think all of the determinations haven't been made for where the money will land.
and who gets to administer it but historic proposals, other proposals

that have gone through-- especially, this looks very similar to the one

that was in Build Back Better and was kind of pointing at the EJ program

to be able to administer, so that is our hope and expectation.

And then the other one was related to what Marianne had and Lilian talked about

with the merging and the new reorganization of our programs.

So I'm wondering if one of you wants to take that on, otherwise, I'm happy to try.

Marianne Engelman-Lado: I'll jump in.

So the question was "will the merging of the Office of Environmental Justice

and the External Civil Rights Compliance Office

mean both office one exists on their own anymore? 
I think the answer to that is yes and no.

Right now, the External Civil Rights Compliance Office is sitting in the Office of General Counsel, so it's not on its own, it's in a home and the Office of Environmental Justice is in the Office of Policy which is within the Office of the Administrator which, again, it's not free-flowing out there, it is an office within a place.

So what they're both doing and I should also say that the Conflict Prevention and Resolution Center is also in the Office of General Counsel, all three of them are going to move from their current home to this new program.

Now, there's still some details to be worked out as to precisely how this will all work.
but the idea is to build on the synergies and to work together in new ways,

so when they land there they won't be exactly identical,

that is there won't be the Conflict Resolution Center,

the External Civil Rights Compliance Office and Office of Environmental Justice

as three cubicles with a top but they will each be doing the work

that they've done before, so they're not going to lose their function and their focus.

We know civil rights is-- we have a mandate, there are statutes,

we'll continue to enforce it, we know there are grant programs and community engagement

that are central to-- among other things the Office of Environmental Justice.

So this program as a whole will be taking on those functions

and there will still be distinct offices within this program
that are carrying out those functions,

they'll just be in this new home which will elevate the importance of environmental justice and civil rights while not being the only location for environmental justice and civil rights because this may be beating a dead horse at this point, but I just want to be really clear that this is an all agency function and so recipients of funding from the Office of Air and Radiation, recipients of funding from the Office of Water also will hear from the Office of Water or the Office of Air and Radiation what their obligations are and will be engaged on issues of environmental justice. So we're lifting this up creating a structure that makes clear the importance of our commitment to
while also integrating these functions throughout the agency.

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

I mean this is not just your run-of-the-mill reorganization where we're just moving from one thing to the other,

this is a new AA ship, right?

And as the administrator has said this puts the Office of Environmental Justice and External Civil Rights at the same level as the Office of Air and Radiation, the Office of Water,

the Office of Land and Emergency Management,

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

And just repeat one other thing.
that I thought was a great statement

by the administrator, it also elevates civil rights enforcement to the same level as the enforcement of the environmental laws that we have long been prioritizing here at EPA.

So the prioritization of environmental enforcement as well as the prioritization of external civil rights enforcement.

This just brings it to a new level.

I'm gonna take a time to just wish myself a happy federal birthday because tomorrow on the 17th, I will celebrate my 35th year in federal government and I just want to say that I've seen a lot, this is incredible, this is precedent setting, guys, this is historic.

Thank you.
Chitra Kumar: Lilian, happy anniversary.

It's amazing, 35 years.

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

Lilian Dorka: Great.

Johnathan Garza: Now, everyone again if you have any questions go ahead and fill out the your question in the Q&A box or you can also raise your hand and we can allow you to ask your question live, thank you.

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

You're advancing considerations for traditional knowledge into federal decision making while working with federally recognized tribes and indigenous peoples.

Chitra Kumar: I will so, I think they're speaking to a specific,
I think because it's in quotes, it's referring to a specific document or interagency agreement and what I would-- can say more-- I can't speak to that very specific thing but I can say more generally that we have particular policies that we can point you all to about environmental justice and how we work with federally recognized tribes.

We have a policy we will adhere to, we are continuing to work with our office of American Indian Office of Environmental Program-- American Indian Environmental Programs and have that conversation, we're excited that we are going to have more staff across the EPA and we're sharing much of those FTE across EPA to support other programs that we know are really important to advancing environmental justice and civil rights
but may not be sitting within our new newly forming organization as was just described.

So that's partly how, we, in fact, just gosh I can't remember if it was today or yesterday, Matthew and I were having a conversation with our--

we were having some of us from Office Environmental Justice,

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

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

we also know that there are important policy documents and agreements

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

Johnathan Garza:
Thank you, Chitra.

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

One is whether the entity that is alleged to have discriminated receives federal financial assistance from EPA.

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

then we have jurisdiction over them.

Some of the complaints we receive include entities that might not receive federal financial assistance from EPA but may receive it from HHS or DOT, department of transportation or HUD for example.

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

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

or need to refer, so that's the reference to accept, reject, refer.
When we don't accept a case, in other words, when we reject a complaint for lack of jurisdiction,

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

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

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

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

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

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

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

which includes limited English proficiency status, disability

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

or sex which is the Education Amendments of 1972
which prohibited discrimination
in education programs or activities.

We also enforce Section 13 of
the Water Pollution Control Act

which prohibits discrimination
on the basis of sex

in some water pollution
control like funded programs.

So if the complaint alleges one
of those types of discriminations

then we would have what we
call subject matter jurisdiction.

If it doesn't, then it's something
that we would have to reject.

So for example, sometimes we receive
a complaint that alleges discrimination

on the basis of religion,

well, that's not covered under one of the
federal civil rights laws that we enforce;

or income, purely income,
that also is not prohibited
by one of the federal civil rights statutes that we enforce.

So that's what we mean by we would need to reject the complaint for lack of jurisdiction.

There are also some other procedural requirements, such as for example,

that the complaint needs to have been filed in a timely manner.

and that's described in the reg as within 180 days of the alleged act of discrimination.

There are some exceptions and we have some discretion there,

there are some exceptions within our case resolution manual.

and if folks need a reference to our case resolution manual,

which explains all of this, I'm happy to post that link as well,

so hopefully, that answers that, there are some other prudential factors.

that are also within our case resolution manual.
that we consider such as mootness, for example, by the time the complaint is filed,

the issue has been resolved and so it's no longer relevant or rightness,

which means the discrimination act alleged hasn't fully materialized,

or there's pending litigation that would really argue on the side of us

waiting to accept that kind of complaint

in which case we would reject the complaint in a way that we call without prejudice

which means that folks can then refile with us once those proceedings have been ended.

But anyway, the case resolution manual has a very fulsome explanation

of all those types of acceptances, rejections, jurisdictional reviews, etc.

Marianne Engelman-Lado: Maybe I can jump in Johnathan and also answer the next question.

So Lilian gave a very comprehensive answer, so I only have one little thing to add
because it's happened recently, and we've posted the case resolution manual,

so people can take a look at it.

But one of the bases that Lilian mentioned is if there's other litigation,
or another agency is already taking a complaint, and that's actually happened recently,
sometimes complainants might file with multiple agencies

and another agency is already pursuing the complaint

and we have very limited resources so we can defer to the other agency

and they're taking the complaint, so there are a number of different outcomes there.

I also wanted to touch on Amy Laura Khan's comment which is a very cool idea

and Amy Laura says "has there been any conversation on integrating the Title VI complaint documents into the ECHO database?"
And I don't know if there's been that conversation, it's a very cool idea.

I want to have that conversation, it strikes me off the top of my head that the ECHO database is really facility focused and a lot of the complaints are the permitting agency and I don't think that's the end of the conversation, it is a cool idea and finding ways to link or to have one-stop shopping.

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

So thanks.

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

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

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

Lilian Dorka: It will be for even for renewals,
It's my understanding that folks still need to submit an application. So it'll apply to all persons applying for federal financial assistance from EPA. We will-- the review of the forms however let me just clarify because it's a very good question, the review of the forms is not of all applicants but of those who have already been determined to have been qualified as recipients. So it's a subsection of the applications that are actually referred to ECRCO and our partners in the regions who help us review those forms. It's a subsection of all applicants that is referred to us. Does that answer the question?

Before we go to Dr. E., let's go ahead and answer Amy's question.
Is there any consideration of opportunities for--

Lilian Dorka: I think we just did--

Johnathan Garza: Oh, we did? Okay.

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

Amy Laura asked if there's a consideration of opportunities for stakeholder engagement in anticipation of the release of the legal standards.

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

The question Amy Laura is also asking is beyond notice and comment, other opportunities for conversational or participatory ways to get input.

There will at least be noticing comment.

If you have ideas for other
ways to engage people,

we do have some limitations as the federal government,

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

we would welcome those ideas.

Johnathan Garza: Thank you.

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

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

from Dr. E. the southeast region, wants to know if we can speak a little bit about the process for small for-profit consulting firms to contract with EPA

to provide TA and references diversity of our consultants as a metric

that we could be working towards for Justice40 which is all really good points.

So what I-- we certainly have as a agency small business contracting goals
and guidelines we always encourage small businesses

and especially businesses that are from and of community

and represent minority women-owned businesses,

those are all things the federal government promotes

and we have some reporting that we do around those.

So how can we do that?

Well, I am not a contracts expert, I'll put that out there first,

but I've been in the federal government maybe not quite as many years as Lilian

but a few decades, and so my experience there's the surefire ways or to get on

that GSA schedule or get identified as one of those ADA businesses,

the ones that are small businesses,
if you have the ability to be one that's disadvantaged in some way or just have a disability,

minority, women-owned, any of those things there are some websites

that can point you in the right direction

and then it's easy for us if we know you're out there, once you're on those lists

to be able to contract with you for some of these services.

So that's one option.

Another is that with regard to the thriving communities technical assistance centers,

there was an RFA that was out recently, there's going to be webinars to explain more

how you could get involved in those grants mostly by partnering with others

but I'm not gonna say any more about that here

because there are people who are in charge of that, those technical assistance RFA processes,
and they'll give you lots more details and we can put some of that information in the chat

for those when those webinars are going to happen.

Hopefully, that covers, that gives you some ideas

and it covers some of what your question was about

and put another question in there if I didn't get to it.

Johnathan Garza: All right, Chitra, one popped up.

Would you like me to read it out or you go?

Chitra Kumar: Go and read it out.

Johnathan Garza: Okay.

I'm a member of the American Council for Technology and Industry Advisory Council and we have an EPA federal insights exchange group that looks for ways to highlight
interesting innovations and work happening at EPA.

I would love to provide a platform for anyone from today's presentation to come and talk on a webcast to industry professionals about the Transparency initiative and how the program is evolving.

I'm happy to provide details for anyone interested.

Lilian Dorka: Yeah.

Let me just say that we've been doing a lot of engagement with industry and outside and firms, law firms who represent industry.

I just participated in the Texas Super Conference that included a lot of industry folks as well as law firms representing industry folks and it's really wonderful how much excitement and interest there is on the side of industry
to understand, for example, with respect to permitting, how do we get involved early

before we even submit an application to a state entity for a permit?

Getting to know our community, that's really critical to us,

everybody wants to do the right thing.

At the end of the day, what I'm hearing is everybody wants to do the right thing

and everybody wants to feel good about their contributions to communities,

especially over burdened and underserved communities

and the impacts on those communities.

So certainly, you can reach out to one or all of us,

if you want to talk to ECRCO or OEJ or Chitra or me or Marianne or AnhThu

and certainly Matt, I see Matt's picture and engage with us in these efforts,
that's the Transparency initiative.

We're glad to discuss that as well as the other things that we're doing from the perspective of external civil rights enforcement.

Others wanted to jump in?

No.

Chitra Kumar: Well, I can just say specifically if you want to follow up with any of us,

e-mail addresses is really simple,

it's our lastname.firstname@EPA.gov.

So mine is kumar.chitra@EPA.gov, feel free to drop an email and we can follow up with the specifics of bringing people in.

Oh, there we go, they're going in the chat, thanks, Garza.
Lilian Dorka: Wonderful.

Johnathan Garza: All right, thank you very much everyone.

We're going to pause and give everyone just one more minute if we have any more questions.

All right, I see no more questions coming in this afternoon.

I wanna thank everyone for your time, for your patience and also just your attention here today,

there's a lot of information, there's a lot of exciting opportunities happening here at EPA and we're glad where everyone is here to join us, we're all on this mission together.

Our next EJ stakeholder call will be September 10th, we will email that information,

all the questions, all the information and everything that was talked about today will be posted on the OEJ's website along with the recording,

so again, thank you very much everyone, have a peaceful afternoon.
Oh, I have one more link for everybody that I want to share--

Chitra Kumar: Yeah and let me send the webinar before we totally log off,

let me also send the webinar links.

These are the links-- sorry, the webinars regarding the thriving communities technical assistance center workshops.

I just need to grab those.

And then there was one other question that I answered in writing that people had asked about hiring, federal hiring.

We mentioned the additional resources we have, yes, there will be lots of hiring happening across the country in the various EPA offices as well as in headquarters, and the best way to learn about those opportunities is actually through USAJobs,
we're going to publish, have different postings appropriate to our various needs over time

and so just if you don't already have something,

if you're interested, we want to know about it,

we want great new people coming into EPA.

We're really interested and using this as an opportunity for the first time

in a really long time to be able to attract fantastic EJ and civil rights folks,

and so please put a little-- follow USAJobs put a little tickler in there,

they have a process where you would get postings right into your email box if you do that.

And welcome, Matt you've joined us on screen do you want to add anything?

Matthew Tejada: Sign up for the EJ listserv which will be the EJ ECR listserv, I guess

in a month or so that's another thing we've got to sort out.
But as we do kind of bigger hiring things in the next few months, we will let folks know USAJobs is definitely--

sign up, get your profile in there get your information in there, set your search

so that it'll give you results when it hits for the city you're looking for,

if you're looking for D.C or one of the regional offices

but you have to be ready.

There are caps on the number of people that can apply for any single job.

It's been a while, it's been a minute since we've been able to really use that through the EJ program.

My experience from a few years ago however was you would hit the cap for any job posted within hours because so many people are looking at it.
I know that there's a little less, there's more supply of jobs than demand for them at present, so I don't know that we'll get hit those caps as quickly in the current labor market but you still have to be ready for when you see those things to apply as soon as you see it.

So we will be letting folks know through our listserv when those are going to be coming out so that folks can be aware.

Thank you, Matt. Actually--

Lilian Dorka: I think a couple questions just came in for you.

Johnathan Garza: Matt or Chitra, how are local EPA orgs such as CALEPA involved in the Justice40 process in their state?

Matthew Tejada: That's a good question, we'd have to ask California that.
So we have been engaging with different states across the United States.

The Justice40 initiative is an all of government approach but it's an executive order, executive orders really only apply to the executive branch of the federal government, so states and state level organizations do not have to or are not participating in the same way that executive branch federal departments and agencies are, but I think one of the things that is going to be one of the lasting legacies of the Justice40 initiative is I do anticipate a much greater level of transparency and the naturally occurring accountability that results from transparency at a state by state level, in terms of where do resources go, where do investments go, where do benefits flow, whether that is through programs that go directly from the federal government
to communities or local governments or to programs that go from the federal government
to the state government and then through however many other permutations until it finally reached the ground in terms of a program investment or a benefit from a program. So I think we are going to see just a lot more of that transparency and accountability across all states and territories as a result of what Justice40 is going to achieve. I see a few other questions on here. Garza do you want me to just--

Johnathan Garza: Go for it.

Matthew Tejada: So another question about a primary tribal liaison in the program.
I think that's exactly the sort of thing--

we already have a like a tribal and indigenous lead in the EJ program,

it is an individual who also carries five other portfolios,

including our international work, including our faith-based work,

including all sorts of other stuff, so now we will have a whole team

just in the EJ ECR program,

so Environmental Justice External Civil Rights program will have a whole team

just dedicated to partnerships working with states, working with tribes,

working with local governments, working with others like business and industry or academia,

but more importantly we're going from a pre historic investment of one person per region

working on EJ to now between 10 and 12 people working on EJ and civil rights compliance
across all of the regions.

And one of the things that I know that our regional colleagues and managers are looking at is that's going to give the regional shops much greater capacity and strength to work with our tribal programs.

That's going to look different in different places.

Our Region 3 office out of Philadelphia that just a couple years ago got its first federally recognized tribes is not going to have as big of an investment in those new people focusing on tribal and indigenous issues as our Region 8 office.

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 

01:08:03,051 --> 01:08:06,000
and the environment of 
the citizens in those lands.

01:08:06,000 --> 01:08:09,208
It's going to mean a whole different 
reality in terms of our ability to pursue 

01:08:09,232 --> 01:08:14,480
the integration of those priorities 
across everything that EPA does.

01:08:17,359 --> 01:08:21,439
And to the last question, I 
see anonymous attendee--

01:08:21,439 --> 01:08:24,147
No, the TA consultants are going to 
go through a whole different process,

01:08:24,171 --> 01:08:30,047
they are not being hired as federal employees 
that's going through a grant process,

01:08:30,071 --> 01:08:36,080
so the organizations and there's a number of 
organization types that can apply for that,

01:08:36,080 --> 01:08:40,880
for-profit consultancies are 
not eligible to apply for that.

01:08:40,880 --> 01:08:47,621
Foundations, philanthropies, non-profit 
organizations, academic institutions,

01:08:47,645 --> 01:08:51,987
tribal consortia, they can 
apply for the TA centers
but that application is through a grant and then they would be given a grant
to fund the program that they're going to set up through that grant.

That's a very different process from hiring actual human beings as federal civil servants.

Johnathan Garza: Thank you, Matt.

We had an anonymous question pop up and we just mistakenly pressed the wrong button.

Can you please clarify what you mean by this issue from your previous question, if this issue was being discussed, if you knew this issue was being discussed.

Matthew Tejada: Well, I don't remember what this issue was though.

Johnathan Garza: I believe it was right CAL [INAUDIBLE] EPA.

Marianne Engelman-Lado: Matt there wasn't-- I don't think that was directed at you

it was directed at the person who wrote the question, it was anonymous
and it asked-- the question asked is this issue even being discussed

and the question is to the anonymous query "what was the issue that you were asking about?"

So that we can try to answer it.

Johnathan Garza: All right.

I've asked our anonymous query.

We'll give them a minute to respond.

Marianne Engelman-Lado: Great. [LAUGHS]

Johnathan Garza: Ah, here we go.

Water fluoridation. Matt, do you want to take that one?

Matthew Tejada: Yes I know that's been something that's been coming up quite a bit,

I don't have anything new, if this is John,
I don't have anything new to share right now on water fluoridation and I have not visited with our NEJAC friends about it.

I know you were on the recent NEJAC meeting. We are having a NEJAC meeting, if it hasn't been mentioned at the end of October, we haven't put out the formal notification yet.

Let me just look at my calendar just to give folks the actual date because I know a lot of folks like to come for actual NEJAC in person meetings.

So right now it is 99% for sure October, 24th through the 27th, that is the last full week of October.

The NEJAC will be meeting in person in D.C.

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,

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

01:12:10,212 --> 01:12:15,674
back into a rhythm of hopefully at least
a couple in-person meetings per year.

01:12:15,698 --> 01:12:20,560
It takes us about four months
to organize an in-person meeting

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

01:12:24,000 --> 01:12:25,421
on behind the scenes,

01:12:25,445 --> 01:12:30,268
so typically we only do two in-person
meetings per advisory council per year,

01:12:30,292 --> 01:12:31,730
so we're trying to get back,

01:12:31,754 --> 01:12:35,771
we're trying to redevelop that muscle
that is atrophied over the last two years

01:12:35,795 --> 01:12:39,280
and get back in that route.

01:12:43,199 --> 01:12:46,679
Johnathan Garza:
Thank you, Matt.

01:12:50,320 --> 01:12:55,040
All right, I'm seeing no
other questions coming in.
Giving it a moment, a pause.

All right, well, thank you very much everyone for joining this afternoon.

Thank you very much for your attention and being here.

Clarification, our next EJ update call is actually September 20th,

I misspoke I accidentally added two days because I was thinking about a Saturday

but thank you very much everyone again and we're always here to answer your questions.

Thank you and gracias, bye-bye.

Matthew Tejada: Thank you, John, thanks Garza.

Chitra Kumar: Yes, thank you.

Lilian Kumar: Great job, thank you.