

U.S. Environmental Protection Agency

National Environmental Justice Advisory Council

Public Meeting Summary

March 29–30, 2023

Location: Virtual

DRAFT

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PREFACE

The National Environmental Justice Advisory Council (NEJAC) is a federal advisory committee that was established by charter on September 30, 1993, to provide independent advice, consultation, and recommendations to the Administrator of the U.S. Environmental Protection Agency (EPA) on matters related to environmental justice.

As a federal advisory committee, NEJAC is governed by the Federal Advisory Committee Act (FACA) enacted on October 6, 1972. FACA provisions include the following requirements:

- Members must be selected and appointed by EPA.
- Members must attend and participate fully in meetings.
- Meetings must be open to the public, except as specified by the EPA Administrator.
- All meetings must be announced in the Federal Register.
- Public participation must be allowed at all public meetings.
- The public must be provided access to materials distributed during the meeting.
- Meeting minutes must be kept and made available to the public.
- A designated federal officer (DFO) must be present at all meetings.
- The advisory committee must provide independent judgment that is not influenced by special interest groups.

EPA's Office of Environmental Justice and External Civil Rights maintains summary reports of all NEJAC meetings, which are available on the NEJAC website at <https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council-meetings>. All EPA presentation materials for this meeting are available in the public docket. The public docket is accessible at www.regulations.gov/. The public docket number for this meeting is FRL-10764-01-OA-EPA-HQ-OEJECR-2023-0101.

ABOUT THIS SUMMARY

The National Environmental Justice Advisory Council convened via Zoom on Wednesday, March 29 through Thursday, March 30, 2023. This summary covers NEJAC presentations, discussions, and public comment.

[Click here to view the Federal Register notice](#). See appendix A for a list of NEJAC members and their affiliations. See appendix B for the meeting agenda. The presentation slides are in appendix C.

DAY 1

WELCOME AND INTRODUCTIONS

Paula Flores-Gregg | Designated Federal Officer, U.S. EPA

Sylvia Orduño | NEJAC Co-Chair

Na'Taki Osborne Jelks | NEJAC Co-Chair

Michael Tilchin | NEJAC Vice Chair

Paula Flores-Gregg opened the meeting and explained the format.

Michael Tilchin welcomed participants and gave an overview of the agenda.

Members Present

NEJAC members introduced themselves and Mike Tilchin confirmed a quorum.

Cemelli De Aztlan, present	Ayako Nagano, JD, present
April Karen Baptiste, not present	Sylvia Orduño, present
Joy Britt, not present	Jeremy F. Orr, JD, present
Rev. Ambrose Carroll, Sr., PhD, present	Na'Taki Osborne Jelks, PhD, present
Scott Clow, not present	Sofia Owen, JD, present
Leticia Colon de Mejias, present	Benjamin J. Pauli, PhD, present
John Doyle, present	Jonathan Perry, present
Jan Marie Fritz, PhD, C.C.S., present	Millicent Piazza, PhD, present
Yvonka M. Hall, present	Jerome Shabazz, present
Loren Hopkins, PhD, present	Jacqueline Shirley, MPH, present
Andy Kricun, not present	Pamela Talley, PhD, present
Jill Lindsey Harrison, PhD, present	Michael Tilchin, present
Richard Mabion, present	Brenda Torres Barreto, not present
Nina McCoy, not present	Sandra Whitehead, PhD, not present

OPENING REMARKS

Robin Collin | Senior Advisor to the Administrator for Environmental Justice – U.S. EPA

It's always so good to be in the presence of the NEJAC. I really can't tell you how grounding and important your presence with us has been. So just to frame my remarks, we all recognize how historic the moment is. This program of environmental justice, a national program, just started September 26 of last year. And in the one year that I've been here—I've been here for a little bit more than a year—we went from a budget of \$3 million to \$3 billion with a "B," and we went from a relatively small staff to hiring at least 10 to 12 people in every region of EPA. We have essentially got feet on the ground everywhere. And what I'm really grateful for you all to know is how ready we are for this moment. I think that there was a calculation, maybe a cynical calculation, about what we could actually do with a moment like this. And I want you all to know we are ready. And we're ready

because we have had 30 years of lessons learned from the NEJAC. NEJAC taught us, got us ready for the moment that we now have. So, I'm so grateful to you, and I want you to know that we are like—environmental justice is like bamboo. We did all of this work below ground. And now that we have our moment, we are ready to shoot up and grow and meet these opportunities. And that is largely because NEJAC taught us what we needed to know. And because we have built a relationship with NEJAC all across this country, in every state, every community, and we now know how to change the map. So let me talk to you a little bit about what I mean about the map.

We, early on—when I say we, the administrator, the program, and environmental justice activists all across the country—we've recognized that if we take all of this money and all of these new civil servants and pour them into the same old map that was created by redlining and slavery, we will get exactly the same results. We cannot—forgive the biblical reference—we can't take new wine and put it into an old bottle. When you do that, you spoil the bottle and the wine.

So, what we have been doing intentionally, deliberately, and early in every phase of this growth—and I emphasize early—EJ is at the table early in the design process. We are speaking robustly, specifically, intentionally at early stages, with all of this money, and the results that you will see are that we have changed the default position in money, in the delivery of money to our communities, we have changed the default; it will not go to the same old, same old people. And that's because early on, we decided to learn from what NEJAC had told us about community, meeting communities at their needs. And so, we've designed an infrastructure, a highway, if you will, that begins in our communities, communities with environmental justice needs, and meets the community where they are, and importantly, asks communities to tell us again—because you've told us for decades—tell us again, what it is that you need. And we have deliberately and intentionally made this process local, so that you can find people to ask in your communities. We've made this process accessible, so that you can find people who speak your language, and you find people who can help you navigate this abundance of funding. So back in September, I was speaking at the opening of our new program. And at that point, I said, "Please wake up the dreamers in your community and tell them that the moment has come." We need people who can dream and help us build a future that we actually do want. And we have changed the default away from continuing to work every day intentionally but changing that default in every way that we can here at EPA, away from a future that nobody in their right mind wants.

So let me give you a few more thanks and specifics. First of all, I want to thank the IRA Climate Equity and Accountability working group. You all spent days of your time with us to help us in this design process. We heard you; we listened; you'll see in our design that we have paid attention. Again, this is the way that we are changing the default position so that our communities are intentionally, deliberately included. I want also to thank the Farm Worker and Pesticide work group who have spent months, months since our last in-person meeting getting us into the right position to do something at long last about the poisoning of farm workers, women and children and families. I'm really proud of the work they're going to present it to you later in this meeting. And as a representative for Administrator Regan and for our program, I want to thank the participants in that working group for trusting us, again, with their stories and with their hopes.

Here's something different, I think that we have to offer now: We believe you. We believe the people who are coming to us; that's fundamentally different. I want to reach out and say, you don't have to prove that to us; we believe you. The question for us is to get busy. But that's a different footing, and I'm really proud of us to acknowledge that we have made a significant transition. We're not saying

we don't believe you; you don't have to come and prove to us; we know the truth of what you're saying; we know that. This is our time to get busy. And I'm really grateful and proud of the people who trusted us enough to come in and tell us one more time, so that we can now take the resources and the people that we've been given to make a difference.

Now, it probably doesn't need to be said, but for the first time in my lifetime, we have money and a growing workforce of paid people to do this work. So, when I say a workforce, I am grateful to NEJAC because so much of your work is totally volunteer. And I want you to know that we are intentionally and deliberately building in workforce development so that we can pay people and give meaningful benefits to people who do this work in every region of our country. We have listened to your guidance; we are working diligently every day to do this work.

So, in closing—I want to leave some time for questions, too—a couple of thoughts. I hear the urgency. I hear it. Let's get the money out, let's get the money out the door. Let's do it today. Let's make sure it gets where it needs to go. And we are designing a process to change the default in an enormous system. This system has defaulted in ways that have sickened and killed our communities. That's the default. We're changing that in every way that we can imagine we are changing that. And we're changing it so that it will endure, so that it is a durable change. I'm not asking for patience; hold us accountable. We need that, and I appreciate it. I want you to know that we are changing a map that started in slavery and continued in redlining and is murderous. We will change that default together. And that's why it's so important for NEJAC to continue its work with us. Because here at EPA, the smallest cabinet level agency, we can do great things together. But without you, I'm not sure we can move the marker that we need to move. We're closer now than we've ever been. We have a long way to go, and the changes that need to be made are big. We need your help in designing that new world that we actually do want. And I'm happy to stop here and take some questions again with my heartfelt thanks to you for doing so much of this work. Back to you, Paula.

Cemelli De Aztlan said she appreciated hearing about cumulative impacts, but there are still gaps in the Gulf and near the border [with Mexico]. She said that despite all the years of the Clean Air Act, it's outdated, and polluters exploit loopholes.

Aya Nagano said that when they have offered concrete recommendations to EPA on workforce development issues, they have heard it can't be implemented at the federal level but can only be recommended to regions. They have best practices and are speaking to the right people, but nothing comes of it. She asked Robin Collin how to encourage regions to follow the best practices.

Sophia Owen appreciated EPA's acknowledgment of genocide and colonialism but noted the gap between the promise of infrastructure money and the reality of permitting, siting, and legal systems, which perpetuate injustices.

Jacqueline Shirley said that she participated in a recent EPA survey and was pleased to note that questions on the application process had taken into account language and literacy barriers. She emphasized that funding has to reach the neighborhood level.

Robin Collin said that many of EPA's regional administrators come from the environmental justice movement, and she encouraged NEJAC members to reach out to them directly and said they will listen. She said that workforce development funds will go to CBOs so that communities control the workforce they want and hire the people they need. She said EPA has intentionally focused water programs on

low-income and disadvantaged communities, communities with environmental justice concerns. She said she is confident that recommendations from NEJAC will be incorporated in a way that will show results.

Sylvia Orduño said that several months ago the NEJAC had submitted recommendations on finance and investment and a letter to the administrator, and they are looking forward to an update. Robin Collin said she would report back.

INFLATION REDUCTION ACT—CLIMATE ACTION, EQUITY & ACCOUNTABILITY CONSULTATION

Jerome Shabazz | Co-chair, IRA Climate Action, Equity, and Accountability workgroup

April Karen Baptiste | Co-chair, IRA Climate Action, Equity, and Accountability workgroup

Alexandra Gallo | Special Advisor, Office of Environmental Justice and External Civil Rights, U.S. EPA

Bruce Binder | Senior Policy Advisor, Office of Environmental Justice and External Civil Rights, U.S. EPA

Jerome Shabazz said that the workgroup met in person and virtually on March 20–21 to get feedback from members on EPA's Environmental and Climate Justice (ECJ) grant program and to address issues related to fair and equitable distribution of federal resources to support environmental justice communities. He shared high-level feedback from that meeting. On ECJ goals and outcomes, for example, he said the workgroup made numerous points, such as being flexible on eligible entities and evaluating the depth of their connection to communities. Members suggested that government and communities work together to find solutions and to ensure that benefits don't result in gentrification and displacement.

Jerome Shabazz said the workgroup identified several strategies and projects that provide the most benefits to disadvantaged communities, including integrating health outcomes and health access into all projects and establishing resources or resilience hubs at the neighborhood level. The top three projects were those related to climate resilience, mitigating indoor and outdoor pollution, and workforce development. The workgroup also gave feedback on the ECJ program's TA, application, and evaluation components. He said that key suggestions for EPA included offering a more streamlined application process for organizations seeking a relatively small amount of funding and providing support throughout the grant-writing process.

Alexandra Gallo gave an overview of the grants and assistance available at different phases. TCTACs and assessment grants can assist at the assessment phase; TCTACs will be announced soon. She said that EPA has released a request for applications (RFA) for entities to serve as grant makers to distribute planning and project development grants for up to \$350,000. She said there are two RFAs out now for collaborative problem-solving grants and government-to-government grants. Finally, for implementation, there are ECJ grants as well as TA for evaluation and reporting. Public comment on the ECJ program will close on April 10. In addition to NEJAC input, there is an open request for information, and EPA hopes to do more outreach, as well.

Alexandra Gallo explained that the ECJ program is a \$2.2 billion program, allocating \$2 billion for grants and \$200 million for TA. The TA funds are different from the TA available through TCTACs. She said that all grants must benefit disadvantaged communities, as defined by the EPA administrator. Grants must

be awarded by September 30, 2026, and all proposals must be implemented within three years from the date awarded. She said eligibility is limited to community-based nonprofit organizations (which will be defined after the feedback process is complete); partnerships and coalitions of CBOs; and partnerships involving CBOs and tribes, local governments, and institutions of higher education.

Alexandra Gallo said the Clean Air Act outlines the types of activities that can be funded, which are related to pollution remediation and prevention; workforce development tied to air pollution and greenhouse gas reduction; climate adaptation and resiliency; indoor and outdoor pollution sources; and facilitating the engagement of disadvantaged communities in governmental processes. She said the Clean Air Act also requires that TA to grantees is related to the eligible activities.

Bruce Binder said EPA expects to issue the Notice of Funding Opportunity (NOFO) for this program this summer. He said the amount of the awards are still being discussed, but he believes they will be about \$10–\$20 million, with some set asides for smaller awards to address specific issues. He said an innovation in this NOFO is a 12-month rolling application period that allows applicants to submit their proposals when they're ready, and they will be reviewed quarterly. He said EPA is also considering having a two-phased process with a written and oral phase, where the written application is as streamlined as possible and other information could be covered in an oral presentation.

Jerome Shabazz said getting input from tribal members will be important.

Sylvia Orduño said that grants of \$10–\$15 million would only amount to about 200 grants, which does not align with NEJAC's recommendation for a wide distribution of funding. Bruce Binder said that eligible entities are CBOs and partnerships, which will increase reach. He said that the set-aside for smaller grants would also increase the number of grants. He said given the magnitude of the funding and the need for the funds to be distributed by September 30, 2026, the agency needs to distribute funds quickly and in a manageable number. Matthew Tejada said the agency must strike a balance. He said they want to spread the funds around and also need to fund large projects that communities have asked for.

Jacqueline Shirley asked for clarification about whether proposals need to be well-written to advance to the oral round. She suggested that non-native English speakers and those with literacy issues should be invited to the oral presentation phase. Bruce Binder said that the written proposals need to be high quality, but they don't necessarily need to be written well.

Sophia Owen said that small organizations are doing a lot of frontline work and could really use funding. She asked if there was a group of people being targeted for applications. Bruce Binder said any eligible entity can apply.

NEJAC ENGAGEMENT SESSION: ENVIRONMENTAL JUSTICE IN THE TRIBAL AND INDIGENOUS PEOPLES CONTEXT

Mike Tilchin | NEJAC Vice Chair

Felicia Wright | Acting Office Director, American Indian Environmental Office, U.S. EPA

Danny Gogal | Tribal and Indigenous Peoples Program Manager, Office of Environmental Justice and External Civil Rights, U.S. EPA

Randy Gee | Team Leader, Office of Communities, Tribes and Environmental Assessment, U.S. EPA, Region 6

Kim Varilek | Director, Tribal Affairs Branch, U.S. EPA, Region 8

Jonathan Perry | NEJAC member

John Doyle | NEJAC member

Mike Tilchin said he is honored to serve as the facilitator on the NEJAC's panel on environmental justice in the tribal and Indigenous people's context. He explained the purpose is to inform and educate the NEJAC on current and historical aspects of EPA's tribal and Indigenous people's programs and to exchange ideas on how NEJAC can more effectively help EPA advance environmental justice for tribal and indigenous communities.

Danny Gogal said that shortly after the NEJAC was established in 1993, several subcommittees were formed, including an Indigenous people's subcommittee. That subcommittee developed a guide on consultation, which was completed in 2000 and widely distributed across federal agencies. The subcommittee also developed a key document on meaningful public participation specifically for tribal environmental programs, which was completed in 2004. In 2011, EPA began developing principles and guidelines, which became a policy on environmental justice for working with federally recognized tribes and Indigenous peoples. He mentioned four key elements of that policy. The first is how EPA is to conduct direct implementation of federal environmental programs in Indian Country due to the fact that most tribes do not have capacity. The second element is how EPA should provide TA to tribal governments and support their efforts to build capacity to address environmental justice issues on their own lands. The third is how EPA is to work with other Indigenous peoples, including state recognized tribes, non-recognized tribes, native Hawaiians, native organizations, and so on. And the last section is on how EPA works with other federal agencies and states in collaboration with tribes.

Danny Gogal said that the policy calls for advisors from each EPA regional office to help facilitate implementation. EPA's Office of Environmental Justice and External Civil Rights (OEJECR) coordinates the group. They have created a webinar series for tribes that aims to build capacity and has been held monthly for two years.

Mike Tilchin invited Felicia Wright, Randy Gee, and Kim Varilek to talk about some of the successes and challenges of implementing the policy.

Felicia Wright said the policy has helped clarify roles and responsibilities for direct implementation. She said a goal in the EPA's current strategic plan is to ensure that environmental justice protections are as effective in Indian Country as they are anywhere else in the country. Regarding challenges, she noted that working with tribes on a government-to-government basis is very different from working with tribes

in communities and with individual members. She also noted that, although the policy was created a number of years ago, it was forward looking and remains relevant.

Randy Gee concurred that the policy establishes a good structure with its Tribal and Indigenous People's Advisors (TIPAs). He said a principle is to conduct outreach to establish public participation and community involvement to address issues of common concern. He said another principle is working with other federal partners to engage tribes. Engagement increased during the COVID pandemic, and they hope to sustain it. He said he sees young people engaged at all levels. As for challenges, he said engagement with Indigenous peoples need to get to the level it is with federally recognized tribes. He said that sometimes Indigenous people and tribal governments do not agree, which is a challenge.

Kim Varilek said that an overarching challenge is building the capacity of tribal government environmental departments, which melds the environmental justice context and the trust responsibility context. She said successes include looking not only at available funding but at capacity, reducing administrative burdens to ensure access to resources, TA, and so on. She said they try to consult earlier and have more meaningful engagement. She said principles of engagement means getting information out to multiple levels of Indigenous communities. She said getting enough resources to address many issues in Indian Country remains a challenge.

Jacqueline Shirley said that the policy was not developed by EPA, but by Indigenous peoples across the country.

Mike Tilchin asked Jonathan Perry, John Doyle, Kim Varilek, and Felicia Wright to offer their perspectives on environmental justice.

Jonathan Perry said that, from birth, Indigenous people are taught their place in their environments and their responsibility as individuals and as Indigenous people. Environmental justice is not a separate thing; Indigenous people have ceremonies, prayers, and songs associated with plants, animals, air, sunlight, and so on. Environmental justice is incorporated in the culture and environmental justice is viewed holistically, so from an Indigenous perspective, it doesn't make sense to talk about environmental justice without also talking about health, public health, ceremonies, and other elements of life. Federal or public policy, in contrast, is fractionalized, he said, which makes it difficult for Indigenous people to implement and may cause a sense of disconnection between communities and tribal governments.

John Doyle said there are more than 570 recognized tribal governments, each with their own issues and ways of solving them. He said bureaucracy can get in the way of being able to address issues. Complex issues and a lack of money mean that some issues can take years to resolve.

Kim Varilek said it is not for EPA to determine what an environmental justice issue is in Indian Country; it's about listening to and working with tribal partners. EPA can get a broader understanding by going beyond metrics and evaluations and listening to tribes. She said that in trying to address environmental justice issues and provide resources such as through the IRA or BIL, EPA may be increasing the administrative burden of tribes. Navigating various authorities (tribal, state, federal, for example) is also a challenge.

Felicia Wright noted that environmental issues are often complex, and it is up to the tribe or community to determine how they want to characterize the issue. Whereas from the federal perspective, issues

may be defined as a Clean Water Act issue, Clean Air Act issue, a Superfund issue, etc., but that is not how communities who want their issues solved view the problems. She noted that funding tends to be for tribal government entities. The IRA and BIL offer opportunities for new, more community-based models of funding that EPA can learn from.

Mike Tilchin asked specifically about TA needs related to water, including drinking water, stormwater, wastewater, and water infrastructure.

John Doyle said the wastewater lagoon in Lodge Grass; the town needs to be replaced as it is a threat to drinking water for hundreds of people.

Johnathan Perry said that any TA offered must be culturally aware and provided by people with knowledge not only of cultural matters, but of treaty rights. He said a Navajo concept is to council together and said there needs to be room for dialog and exchange and a way to reach conclusions as a group. He said it is also important that the right words are used and that informational materials align with cultural values. Regarding water-related TA, he said wastewater operator training is a need, as well as how climate is affecting utilities and how can tribal utilities be more resilient. In addition, he mentioned lead service lines and PFOS, and working with nontribal entities that pollute waters that tribal people depend on.

Kim Varilek said Indian Country often does not have a hiring pool with depth of experience, so training is critical. Another issue is dealing with siloed responsibilities for managing drinking water versus wastewater versus stormwater, for example. She said communities need to be a part of identifying solutions.

Mike Tilchin asked for perspectives on how NEJAC in its advisory capacity can help EPA advance environmental justice for tribal and Indigenous communities.

Felicia Wright said NEJAC has a role in understanding different perspectives on what environmental justice is and how tribes fit in and then communicating these concepts to EPA and other federal agencies. She suggested there may be a product that the NEJAC may want to consider for coordinating solutions around and sharing best practices relating to environmental justice.

Johnathan Perry's key suggestion was reviewing and updating the policy after understanding how different regions use the policy. He iterated the need for communication.

Danny Gogal said the last time the NEJAC had a specific meeting on tribes and Indigenous people was in 1997. The NEJAC could invite tribes and indigenous people to share their experience with the agency in advancing environmental justice. In addition, he said the NEJAC could provide recommendations to improve how the policy is implemented in each region and at headquarters.

Jacqueline Shirley said she would like the NEJAC to devote some meeting time to understanding environmental justice from other perspectives, such as black, Asian, elder, youth, and so on.

Sylvia Orduño said that she appreciates the point about separating issues, but at the same time, environmental justice is about identifying and addressing disparities. She said that there will be increased migration because of climate change, but tribal people can't migrate somewhere else. We

should be able to talk about disparities and environmental threats even if they are approached in a different way.

Sophia Owen iterated there is a need for cultural competency not just in federal staff but state and local entities as well. She said another opportunity is for NEJAC and EPA to support Indigenous people who are not necessarily on their own land but still need support. She iterated the need to get feedback to EPA on the IRA funding opportunities from a tribal and Indigenous perspective.

EPA PRESENTATION: COMMUNITY LEAD AWARENESS

Shayna Sellars | Lead-based Paint Outreach & Engagement Coordinator, Office of Pollution Prevention and Toxics, U.S. EPA

Shayna Sellars said EPA has been implementing the Enhancing Lead Safe Work Practices through Education and Outreach initiative for the past two years. The program's goal is to reduce harm from exposure to lead among children in underrepresented and underserved communities. She said the approach is to increase certification of renovation, repair, and painting contractors in these communities while also increasing consumer demand for these services. In Indian Country, EPA developed a lead curriculum with the National Tribal Toxics Council and National-EPA Tribal Science Council. EPA collaborated with more than 200 representatives from about 80 tribes and tribal organizations. The curriculum was used in train-the-trainer webinars for social workers, community health workers, and anyone who want to educate others. There was also an "Understanding Lead" program for parents, caregivers, and other community members. She said about 650 people have been educated in the train-the-trainers program, and about 500 in the Understanding Lead curriculum. There is also a Spanish-language version. These resources are available on YouTube.

Shayna Sellars said that in 2023, with funding from OEJECR, they want to significantly increase the number of community leaders trained on using and modifying the curriculum. They aim to reach 80–100 communities and up to 2,000 community members across the United States. She said program goals are to (1) increase awareness about lead and childhood lead exposure; (2) expand the understanding of lead's potential impacts on children's health and actions that can be taken to reduce or prevent childhood lead exposure; (3) increase the number of community leaders trained on how to use and modify the curriculum; and (4) provide communities with educational resources and knowledge. She said communities selected must be underrepresented or underserved and have known lead exposure issues; they must be interested in the Lead Awareness Curriculum and in a region with connections between EPA and the community.

Shayna Sellars shared a list of several communities and said EPA is looking for feedback on potential communities and whether the NEJAC had individual or organizational contacts in any of the communities who might be interested in being a local champion.

Sylvia Orduño noted the curriculum was done in 2020 and the Spanish-language version in 2022 and asked why it took so long to get the Spanish language version. She also asked about other languages such as Arabic and Bengali. Shayna Sellars said it took a long time because the office has only one other staff member. Translation services are available, but a fluent speaker has to review all translations, and that took a long time because several changes had to be made. Then funds had to be found to put the content in an attractive format. In addition, it had to go through a review before it could be published.

She said she is looking to translate content into Arabic, Vietnamese, Korean, and simplified and traditional Chinese. She said they are looking to get other key documents translated into eight languages.

Jerome Shabazz asked if the point of the train-the-trainers program was to understand the lead curriculum or to learn about RRP. He also asked what EPA would bring to the table when they meet with local champions. Shayna Sellars said they provide the lead curriculum and train communities on how to modify it to suit their local contexts. She noted that they have very limited funding for this program. Jerome Shabazz said that, in effect, EPA is continuing to burden people and has nothing in their tool bag to incentivize people to get involved in the issue. He said EPA needs to give her more resources. Shanya Sellars said trying to get more resources is on her agenda.

Paula Flores-Gregg said there may need to be a follow-up meeting.

Cemelli De Aztlan said she started organizing around environmental injustice because of the lead issue. She said industrial waste located near schools and heavy truck traffic are issues.

On behalf of another member, Sylvia Orduño asked how the lead program is used in schools. She said the lead standard is based on an adult white male, so lead in playgrounds and public housing continues unaddressed. Shanya Sellars said she knows playgrounds are a source and will follow up. Regarding the webinars, she said that while they haven't specifically connected with schools, they have had some school-based participants.

Sylvia Orduño asked Shanya Sellars if she is talking with the Office of Water around the issue of lead service lines. Shanya Sellars said yes, and the Office of Water reviewed the water content of the curriculum before it was released. Shanya Sellars said they try to educate people on what they can do to reduce exposure to lead.

Yvonka Hall said there is often not enough notice that EPA is coming to a community to alert the community. In addition, she said that parents whose child has been lead poisoned does not want EPA to tell them how to clean their house. There are bigger issues, such as industries who don't have to meet standards, and explosions sending pollutants into the air. Shanya Sellars agreed and said understanding community needs is why EPA would like to have local champions and connections. Yvonka Hall said there was nothing included about food. Shanya Sellars said that module three includes nutrition and how that can reduce lead absorption.

Sylvia Orduño said that communities have already been leading work on lead and EPA needs to appreciate what communities are already doing. EPA needs to adjust so that the work better fits what communities need.

PUBLIC COMMENT

Note: See appendix D for written public comments.

Felipe Franchini | Public Commenter

I'm from outside of Chicago, and there's a couple of issues that I'd like to address. One concerns Chicago, and the other one concerns the issue in Ohio. I heard you, Yvonka, which I just kind of said

what you hear when this kind of disaster strikes. Well, was heated—There's not enough—Well, first, when disaster strikes or when you call the EPA or other agencies looking for help, first, they try to assure you that there's no problem—and I'm referring to Ohio. They tried to assure the citizens Oh, everything's all right. Nothing happened. And then when the citizens raise issues, then it comes out that there's really a disaster. Now, when you have disasters all around the country, you hear, and you see how the government come [inaudible] picture for taking care of the disaster. Now it's kind of sad when you see Ohio residents begging the residents from all around the country to donate water. Okay. You have a train company that's very profitable. And then we have a federal agency that you have funding to take care of these things. Now, when we talk about lead issues in this, there's big budgets in the EPA, and they get spread all over the place, and you create committee after committee and oversight after oversight, and what—by the time the funding gets distributed for it to be taken care of, they get 50 cents; nothing's going to get done with 50 cents. Okay. So, there's the Ohio issue.

In Chicago, we had an implosion of a tower that the EPA really didn't do oversight, the city of Chicago didn't do any oversight. And when the tower came down, all these toxic fumes flew all over this little Hispanic area. Okay. Obviously, an area that gets ignored. You know, as we know, communities that are poor, and people of color, always get neglected. And a third of citizens complained for quite some time. And finally, it's been, it was looked into, but nothing happened. Nothing was done about it, and the people in charge of the oversight at the city level got a slap on the hand, okay? These are issues that individuals need to be held accountable for. And I think the EPA needs to be more responsible, and if necessary, they need to involve the Department of Justice. I mean, these are crimes against our citizens. And you know, you have a lot of people who get some healthy paychecks. And sometimes they really don't do their job. You know, they need to do more; they need to earn that paycheck. And they need to really go after these violators that put people of color in danger, especially children. Thank you for you guys and your effort. And thank you for giving me the opportunity to speak. I hope to see you again in the next meeting. Thank you.

Naomi Yoder | Public Commenter

Hello, everyone. I'm Naomi Yoder. I'm a staff scientist at Healthy Gulf. I've come before the NEJAC before and discussed various issues from Gulf Coast liquefied fossil gas, LNG exports, to cumulative impacts, to wetlands and many other issues. The thing that every testimony I've made before NEJAC has in common is that the Gulf Coast is now an environmental and climate injustice sacrifice zone. I have urged the NEJAC to advise EPA to create a Gulf Coast EJ task force. Now there is a Gulf of Mexico division convening about once a quarter to talk and hear about EJ in the region. But there are no plans being made in that body. I applaud those efforts to create such a convening, but more needs to be done. NEJAC must implore EPA to actually make good on its professed commitments to environmental justice. EPA must also prioritize climate justice as the two are intimately intertwined on the Gulf Coast and in many communities across the country.

One way that EPA could affect positive anti-racist change is to formulate a different take on CCUS. Carbon capture, utilization, and storage, or CCUS, is the process whereby carbon dioxide from the burning of fossil fuels is redirected out of the atmosphere, liquefied, and injected into the ground. It sounds violent, and it is. In some cases, in the utilization part of CCUS, the carbon dioxide is injected into wells that were drilled for oil and which are suspected to still hold some oil that wasn't fully extracted. So, the utilization part of CCUS is an especially nefarious component, whereby the public is being fed the line that carbon is removed from the atmosphere and fuel is produced in the process. It's nefarious because you're removing carbon to extract more carbon. Aren't we trying to burn less carbon? That's the whole goal here with climate change combat. We're trying to transition away from burning and

extracting fossil fuels, not utilize some unproven technology to wring out the last few barrels of oil from a well.

The process of liquefying carbon dioxide and injecting it into the ground requires two items: liquefaction and pipelines. To liquefy carbon dioxide requires energy expenditure. And without fail, the CCUS projects utilize fossil fuels as their energy source. Backwards. Then pipelines. In the Gulf South, pipelines are tantamount to environmental racism and injustice. That's because there are so many pipelines on the Gulf Coast already. And pipelines are more often sited in communities that contain large proportions of people of color and people with lower incomes. Communities near pipelines are often more at risk from spills and incidents from pipelines. We already have this pipeline racism in the Gulf South. Pipelines clear valuable coastal wetlands in environmental injustice communities. On top of all this, CCUS has not been proven to effectively remove carbon dioxide from the atmosphere in enough quantities to make projects beneficial. In fact, evidence is mounting that CCUS is little more than a Band-Aid for the problem of carbon dioxide emissions. If the EPA is pushing CCUS forward as a grand solution, this has to stop. NEJAC must advocate on behalf of communities and the environment that CCUS is not only a false solution but will bring about harm. Right now, the EPA is considering whether to give decision making authority or primacy to both the states of Texas and Louisiana over the injection wells that are used for CCUS. The Louisiana Department of Natural Resources, the agency that would take over primacy for CCUS, has stated bluntly to my colleagues directly that the agency cannot take environmental justice into account to their CCUS projects should primacy be granted. It is very clear that EPA must not yield primacy to the state and instead must maintain primacy and take on the most rigorous environmental justice analyses in considering CCUS projects. We implore the NEJAC to appeal to the EPA to maintain its primacy over CCUS wells. Okay, I think I'm over my time. So, I'll end it there. Thank you.

Richard North | Public Commenter

Okay, thank you. My name is Richard North and I'm speaking as an individual. My background is in nonprofit health management, 21 years for the American Cancer Society, the last five as CEO of the Oregon chapter, and seven years as director of the Oregon Physicians for Social Responsibility Safe Food Program. I now volunteer with a large group of scientists, doctors, and dentists all over North America to stop water fluoridation. You all know that air and water pollution disproportionately harms low-income and minority families. One of the worst examples, the lead contamination in Flint, Michigan. And you all know there's no safe level of lead. Even the smallest amounts can cause permanent brain damage. You may not know that recent studies, many funded by NIH, have found that fluoridated water can harm pregnant women and lowering their children's IQs as much as lead. Here are quotes from some of the world's top scientists, Dr. Philippe Grandjean, Harvard professor and author of 500 peer-reviewed papers. "Fluoride seems to fit in with lead, mercury, and other poisons that can cause chemical brain drain." Dr. David Bellandur, researcher who has authored over 100 studies on lead, quote: "It's actually very similar to the effect size that's seen with childhood exposure to lead." And Dr. Dimitri Christakis, pediatrician and co-editor of the Journal of the American Medical Association, Pediatrics, fluoridation is quote, "an effect size which is sizable on par with lead." He also said if his wife were pregnant, quote, "I would not have my wife drink fluoridated water." And it's not just them. A recent National Toxicology Program Review found that 52 out of 55 studies linked higher fluoride with substantially lowered IQ, including 18 out of 19 rated the highest quality. It said, quote, "Several of the highest quality studies showing lower IQs and children were done in optimally fluoridated areas." Contrast this massive scientific evidence to assertions of three major promoters, the EPA, CDC, and American Dental Association that fluoridation is safe for everyone. That's just not true. It's especially unfair for low-income families who can't afford bottled water or expensive filters to avoid this brain damage. They

have no choice. Fluoride is every bit as much an environmental injustice as Flint, and far more widespread. Please ask the EPA to stop defending this unscientific, outdated practice. Thank you.

Na'Taki Osborne Jelks asked members if there were questions for the first three commenters. Benjamin Pauli said that one of the challenges is trying to figure out how the NEJAC can fit the issue of fluoride and other issues into its ongoing work. He said the Water Infrastructure workgroup is working on a specific charge. He said commenters are being heard. Richard North said that if the workgroup is dealing with infrastructure, funding for fluoridation infrastructure could be excluded because it's very expensive.

Sylvia Orduño asked Naomi Yoder to speak more about the impact of CCUS on Gulf Coast communities. Naomi Yoder said that 95% of proposed projects are for enhanced oil recovery, as opposed to CCUS. The fossil fuel industry uses CCUS as a talking point, but they're furthering their impact on overburdened communities. She said that carbon capture wells would be injected into hollowed out salt domes, which are connected to groundwater. Sophia Owen said the issue is not only in the Gulf Coast, but elsewhere.

Kevin Barfield | Public Commenter

I have more of a question. A couple questions. A reference to, is there any system in place that allows the states and the community to know when any kind of hazardous, toxic, you know, explosive material is coming through the states or their community by rail or by train? Well, first of all, I'm sorry. My name is Kevin Barfield. I'm part of Camden for Clean Air, in Camden. We are definitely an overburdened community. We've dealt with trying to get an incinerator closed down—outdated facility, 30-plus years old. And we also are in a city that has 13 rail lines. And then there's also like now a possible LNG project proposal that will be coming through Camden. But you know, I know that even as far as following what is happening in Ohio, you know, right now we're trying to get our local officials to sign a resolution like some of the surrounding municipalities to oppose the project. We try to also work from the ground up to also get our governor to sign something in place to oppose this particular project. But, you know, again, as following what's happening in East Palestine, Ohio, I'm just wondering if there's anything that's out there as far as a system? And could that be something that could be put in place that—could this group advocate for that kind of system being put in place, allowing communities—we just had our fire chief—city council was dragging up people, we did a proposal to our fire chief, and we showed them the Federation of Firefighters even signed on to oppose this particular project. So, you know, again, once they really realize, because they're not aware, and when we made that presentation to them, they were really surprised. They wrote a letter the next day to us and sent it to our city council. So now we've been working with them to try to get them to sign a resolution. It's nonbinding, but it's still symbolic because, again, we're looking out for the safety of the community. So, again, my question would be, is there anything in place that would notify communities when things like this is coming through their community? And if not, can this group try to put something in place to kind of advocate for that? Thank you.

Na'Taki Osborne Jelks asked if a NEJAC member wanted to comment on that. Sylvia Orduño said that it sounded like a question for EPA.

Roddy Hughes | Public Commenter

Good afternoon. I'm Roddy Hughes. I work with the Sierra Club's Gulf Coast team supporting EJ communities in their fight against more fossil fuel infrastructure. Today, a lot of our community partners are attending the FERC's EJ roundtable, and I'm here on behalf of our small coalition, and we'll be submitting some written comments following this hearing. The gas industry is pushing a massive build

out of export terminals to ship fracked gas to Europe and Asia. Companies and banks are generating massive profits, while low-income communities of color suffer. They're planning more than 15 export terminals in places like Tompkins Parish, Lake Charles, Port Arthur Freeport, Corpus Christi, and Brownsville—all EJ communities. The EPA, FERC, and other agencies are complicit in the harm that the industry is causing to these communities. But Gulf families are saying enough is enough and demanding that regulators put people over profits. The industry narrative is that fracked gas when paired with CCS is part of the solution, but that's greenwashing. Gulf communities have a new narrative based on their lived experiences. And here's a couple of the issues they're most concerned about. The first is public health. The LNG build out is happening in low-income communities of color that already suffer extreme air pollution and experienced high rates of cancer, heart disease, asthma, and other chronic illnesses. Physicians for Social Responsibility has been sounding the alarm against fracking and exporting methane gas, and their 2022 compendium concluded that there's no way for the oil and gas industry to operate in a manner that doesn't cause harm to humans. And due to where the industry is located that harm impacts primarily communities of color. Second, risk. Gas export terminals have accidents and can explode. Of the five export terminals operating in Louisiana and Texas, two have had accidents that could have been catastrophic to local populations. We hear that LNG export terminals contain the same energy as 55 atomic bombs like the one dropped on Hiroshima. We don't know if that's true or not because the risk analyses are secret, hidden from communities for fear of terrorism, or to protect trade secrets. But these gas export terminals are terrorism, and the fear of explosion causes significant stress for families in blast zones. Communities of colors need a lot from federal agencies, but there are two immediate needs from the EPA. One we need, the communities need better, more open and transparent communication between FERC, FEMSA, and EPA about the LNG build out. When FERC Commissioner Glick was in Lake Charles last year, he acknowledged that his agency needed to talk to the EPA more about cumulative impacts and the massive industrial build out in the Gulf. We also need a cumulative impacts review. We need the EPA to start with its own data and supplement it to tell the full cumulative impacts story and to make it available in a format that lay people can access and understand. The public needs to know what's in their air and what they're breathing and how it may impact their lives. I really appreciate your time today and look forward to following up with more comments on the record.

Dr. Frederick Kirschner | Public Commenter

Thank you. I'm Dr. Kirschner. I've worked in Superfund since I was 20 years old. first as an EPA Lockheed employee and then via the University of Idaho, then the U.S. Bureau of Mines, and finally through more than 10 tribes located throughout the nation. Today I'm 62 years old. That's 41 years in Superfund. Many of the tribal participants know my partner Dr. Harper and I by our work on over 10 megasites within the Superfund and Manhattan Project. We were also involved in representing the Spokane Tribe in NEJAC as early as 1997. I stumbled by chance into this session via testimony I provided to the White House Environmental Justice Advisory Council nearly two years ago. During my 41 years in Superfund, we have developed human health risk scenarios for tribal populations living in major ecological regions of the U.S. These scenarios are being used by tribes nationally to evaluate risks and develop environmental laws, such as tribal surface water quality standards, or hazardous substance control acts to protect their members from chemical releases. In summary, in all my years, I have not seen a Superfund site on tribal lands that did not involve EJ issues.

Now that you know a little bit about my knowledge, skills, and abilities and my pedigree, I want you to know that I have never experienced such underhanded dealings by EPA as I have seen at the Sulfur Bank Mercury mine in California. I've only encountered similar board moves by PRPs such as Peabody Coal and Newmont Mining, but their attempts never prevailed. Today we heard EPA committing large sums

to fight for EJ. However, I'm currently involved in the fight of a lifetime on the Sulfur Bank Mercury Mines Superfund site, where EPA has cut the Elem Pomo's already insufficient technical funding, just before we entered into alternative dispute resolution under the National Contingency Plan. As a result, EPA has selected an alternative that is not protective of the tribe or the environment. As stated at the opening, in all my years I have not seen a Superfund site on tribal lands it did not involve EJ issues. However, this site takes the cake. And in my humble opinion, this site and the tribe's story is ready for Netflix. You have a tribe being pressured by Department of Justice to release the PRPs, which are the Bureau of Indian Affairs and other federal entities, from any past or future liability, combined with EPA selecting a remedy that continues to contaminate the largest natural lake in California, that is used by five tribes for sustenance. The state and Calpine and major private–public utility, are also implicated as PRPs through detrimentally changing the water balance of the lake and enhancing the transfer of mercury up the food chain. And EPA just looks the other way and continues to look the other way, even in an administration who claims to be fighting for EJ. Carlton Waterhouse, who President Biden had selected to lead the solid waste office, was not renominated and returned to Howard University earlier this year. It's clear that President Biden is receiving bad advice causing him to over promise and under deliver. Reviewing EPA's antics, which have attempted to protect Uncle Sam, who is a PRP at most tribal-related Superfund sites, should be a focus of this committee. Your help could prove useful. Thank you.

Wyatt Golding | Public Commenter

I provide public comment today on behalf of the Northern Arapaho tribe. The tribe appreciates the administration's and EPA's commitment to environmental justice. There are two issues relating specifically to technical assistance for water infrastructure that raised today. First, the tribe, which is located on a Wind River Reservation in Wyoming, bears environmental justice impacts from oil and gas production. There's extensive oil and gas extraction in the region, some of which is carried out by the tribe on the reservation. However, in some instances, non-tribal operations on and off reservation pose risk to local air quality and to drinking water. So, specifically for impacts to drinking water, a major risk is injection of or discharge of produced water and fracking fluids. Using example before EPA right now, which is the EPA has received a request from the Wyoming Oil and Gas Conservation Commission to approve an aquifer exemption for injection and disposal of water produced and from oil and gas wells in the Moneta Divide area. This injection would go into a pristine drinking water aquifer near the reservation. Now the tribe is relying on that aquifer to provide safe drinking water over time. I raise this because it's a clear case of environmental injustice. The tribe would bear the disproportionate impacts on its reservation, and this is their permanent homeland. And so those impacts would be forever, and none of the benefits. And I also raise it because I think it highlights how important it is for the tribes to have technical assistance for evaluating risks like this. You know, obviously, the oil and gas companies are in a much better position to know the technical details of the injection. So, we'd like to even that playing field, and also assist in planning for long-term climate resilience. As the West gets drier, these aquifers become more and more important.

The second issue is that the tribe faces longstanding barriers in obtaining grant funding from EPA to work on water, infrastructure, climate, and other natural resource issues. And it's because of a unique situation. As a result of the United States the Northern Arapaho tribe shares its reservation with another tribe. And EPA has taken the position that the tribes must mutually consent before either tribe receives grant funds. This is an anomalous, extremely problematic situation, because Northern Arapaho, unlike every other tribe and entity in the country, has to get another sovereign's approval before receiving funding. And ultimately, this means that tribal members are harmed, they have a lesser ability to protect their natural resources and their public health. And that's a severe concern that we're hoping that you will assist in addressing with EPA. Thank you.

John Mueller | Public Commenter

I am John Mueller, private citizen and retired public works engineer, licensed for civil and control systems engineering, mainly in water resources. You know me, as I have submitted comments and spoken at most of the seven previous NEJAC public meetings, respecting your request for comments specific to an item for discussion at this meeting. And I quote, "water infrastructure, technical assistance efforts to communities with environmental justice concerns," end quote. My experience with public water infrastructure and its technology goes back to my earlier employment with the Santa Clara Valley Water District in San Jose, California. And more recently with the water and sewer department with the city of Tulsa, Oklahoma, from where I retired in 2016. Ending water fluoridation will allow new funding to go much further for water infrastructure improvements by eliminating all the operation and maintenance or O&M expenses caused by fluoridation. Fluorosilicic acid, the chemical of choice for municipal fluoridated water utilities, is highly corrosive, with a pH of 1.2—very acidic. Leaking from corroded equipment, it dissolves concrete, making it look like Swiss cheese. Chlorinated water after leaving the treatment plant and flowing through the distribution systems can chemically react to cause lead to be leached from not just lead service lines, but also from any lead containing fixtures in the home or business. As for O&M expenses, Tulsa in particular had to spend more than a half million dollars in the last decade alone for repairs and replacement of fluoridation equipment and hazardous waste containment structures at its two treatment plants to simply maintain the fluoridation infrastructure to minimum safety standards. Fluorosilicic acid, despite attempted controls, vaporizes and etches and frosts the glass in windows anywhere near the bulk storage and pumping facilities. Complete replacement of the fluorosilicic acid storage and pumping infrastructure at one Tulsa plant was over \$400,000. There is the cost of special training required of treatment plant operators and support staff for hazardous waste operations. Frosted glass windows reduced the designed illumination from natural daylight and require periodic replacement. I know a plant operator who suffered burning nostrils when entering the fluorosilicic acid bulk storage area at one plant, so her job duties were changed. Concerning tribal and Indigenous communities, the smaller communities apply a powdered form of fluoridating chemicals now mainly from suppliers in China, chemicals with very questionable quality control measures and safeness for human consumption. It is well documented as an environmental injustice; please act to help fix it. My recommendation to you, NEJAC members, is to insist that the EPA concede in the current TSCA lawsuit now pending in federal district court in San Francisco and grant the plaintiffs petition to ban the addition of fluoridating chemicals to public water supplies. Thank you very much.

Sylvia Orduño asked Wyatt Golding to share how his tribe approaches EJ issues. Wyatt Golding said his is not a tribal member but is a lawyer that works for the tribe, but he is familiar with the issues and the way the tribe approaches them. He said the tribe may have a longer vision of where these disproportionate impacts come from. For example, in his second example, the U.S. placed the tribe on a reservation with another tribe that had been a competing entity, which has long-term effects that don't affect communities other than Northern Arapaho.

Na'Taki Osborne Jelks asked Wyatt Golding if he had a specific recommendation. Wyatt Golding replied, first, suggest to EPA that funding and assistance be provided for long-term drinking water access to tribal communities in general and specifically to Winn River reservation, which has to provide water to its members and cannot move somewhere else. He also recommended grant funding TA for the Winn River Reservation in infrastructure planning and climate change resilience as an environmental justice issue. Leticia Colon de Mejias clarified that there is no way for a tribe to have agency if there is more than one tribe involved. Wyatt Golding suggested that EPA could treat the tribes as independent sovereigns even though they're on the same reservation.

Jacqueline Shirley said she believes fluoridation is a local issue that is not required by EPA. John Mueller said they are trying to get EPA to ban the use of fluoride as a public health risk.

Sylvia Orduño asked about the registration process because she had heard from someone who registered but was not on the list of speakers. Karen Martin explained that they have a list of people who register by the deadline. Those who register after the deadline will get a confirmation email that they registered, and the deadline will be listed in that automatic email. Karen Martin said that there is no way to change this system, but she will try to reinforce the messaging to make it clear that those who register after the deadline will not be on the list of registered speakers.

Angela Henderson | Public Commenter

This has been an amazing forum. I'd like to say I'm a partner in a green tech company. And this new technology, the oil companies are very interested. However, my heart is with the community. And we'd like to know where do we fit in. We can dissolve, we can remediate oil spills, we're looking at fracked water, and other hazardous materials. And we would like to—I have a personal affection for community groups. And I want to make sure that communities being affected by toxins have the benefit of our green technology. We are also now speaking with a number of humanitarian groups to see who will support with funding, helping to do remediation for local community. Where do we fit in as a solution provider on the ground?

Richard North | Public Commenter

Well, thank you very much. Just for the question that was brought up for the two of us on the fluoride. In 2006, the National Academy of Sciences produced the most authoritative report ever done on fluoride called Fluoride in Drinking Water. And—over 500 pages—and in that, this blue-ribbon committee recommended that the EPA lower the recommended level from 4.0 parts per million to at least 2 parts, parts per million, but they could go further than that. That was 2006, were talking 17 years ago, they've never done anything. Now, if they looked at the current science, they would lower the maximum contaminant level to probably 0.2 parts per million far below the .7 that's currently allowed. So, it's very much an EPA issue, apart from the lawsuit, which is Food and Water Watch et al., against the EPA. And we're very much hoping that's going to go in our way because the science is so much on our side. And that's just neurotoxicity. So, I would just say this. And also at the federal level, it's the CDC, that is the main organization or the agency that's promoting, including millions of dollars in support to the states for staff to promote fluoridation. So, this isn't, this goes beyond just allowing a toxin in the environment that disproportionately harms low-income families. It goes beyond just allowing it. This is promoting it. And that is what makes this such, as John said, an egregious practice that's going on. So, thank you very much.

Linda Shosie | Public Commenter

Yes, Linda Shosie. I am from Tucson, Arizona. The owner and founder of the Environmental Justice Task Force here in Tucson. I just want to applaud the NEJAC for the work that you're doing here today. I really appreciate that you have taken this big step. However, I would like to also see NEJAC attend more Superfund site community projects, you know, mainly monthly meetings or something quarterly meetings, but also, we are a predominantly Latino community. And I've seen that a lot of Latino communities are left behind just as much as tribal members have been left behind for decades. And so as much as also black communities. So, I think that you're taking this first step in meeting with tribes and with these local communities. I think that's a really good start and I applaud you guys on that. And I hope that we can all support this and give it the teeth that needs to pass.

Yanna Labrinidou | Public Commenter

Thank you so much for the opportunity to participate in this public comment period. I am Yanna Labrinidou with Campaign for Lead-Free Water. I'm also a resident of Washington, DC, who experienced firsthand our city's historic lead in water crisis of 2001 to 2004 and who has worked ever since to address lead in water contamination in the district and nationally. I'm here today with a question and an ask pertaining to DC's lead service line replacement program. But I think that this question and ask might be relevant to other communities as well. The question is, would DC residents be justified to expect our lead service line replacement program to comply with principles of reparative justice, in other words to address collectively generated wrongs, by shifting the burden of unjust harm from the victims to those who cause the harm. Peer-reviewed scientific research suggests that since 2001, DC residents have been subjected to two waves of large scale health harm, the first during the two and a half year cover up which resulted in over 800 and possibly up to 42,000 cases of elevated blood lead levels in young children, as well as a 37% rise in the city's stillbirth rate, and the second during DC's 2004 to 2008 accelerated lead service line replacement program, which under the banner of health protective remediation, produced over 14,000 partial pipe replacements, and rendered children in those homes over three times as likely to experience blood lead levels above 10 micrograms per deciliter as children who never had a lead service line. Yet 22 plus years later, we continue to have over 40,000 lead service lines in service, adding insult to injury. The largest number of full lead service line replacements that is currently taking place is taking place under a program that requires homeowners to cover 100% of the private-side replacement costs. And just last week, our mayor released her proposed 2024 budget, which eliminates most city funding for lead service line replacement. In other words, despite an increase in federal funding, the burden of unjust harm continues to be placed largely on the victims. So, the ask is if NEJAC agrees that lead service line replacement programs must attempt to repair documented histories of harm. Would you be willing to write a letter supporting DC advocates' demand for full removal of all lead service lines in the district at no direct or indirect cost to any residents, as after all has happened in cities like Flint, Newark, and Benton Harbor. Such a letter I believe, could provide urgently needed justice-centered guidance for the White House, EPA, state and local governments, and water utilities across the United States. Thank you very much.

Felipe Franchini | Public Commenter

Yes, I just wanted to thank you guys, for your open comment. I participate in a lot of different functions in work from Washington. And a lot of the agencies don't give open the opportunity to speak and they cherry pick who they let into the open comment, which kind of compromises transparency. And I applaud you guys. And I think it's a very good thing that you allow for the open comment. Also, when you have people of color, and people like me that don't have a high degree of education, we feel more comfortable talking than trying to write something because we're not capable of writing professionally. So, thank you, from the bottom of my heart, I think don't ever do away with that, because you'll hear from people that really need to talk to you guys. And I applaud you, I applaud you. And thank you put all your time and hope you guys serve a lot of people in need. Thank you.

Na'Taki Osborne Jelks reminded listeners that written comments would be accepted until April 13. Sylvia Orduño asked Yanna Labrinidou if she had a specific recommendation that NEJAC could make to EPA. Yanna Labrinidou said a letter to EPA could be helpful in emphasizing the harm done in Washington, DC, and across the county. Benjamin Pauli said that in addition to looking at demographics and public health impacts, the NEJAC needs to look at histories of particular communities.

Paula Flores-Gregg adjourned the meeting.

DAY 2

WELCOME AND DAY 1 RECAP

Paula Flores-Gregg | NEJAC Designated Federal Officer, U.S. EPA

Sylvia Orduño | NEJAC Co-Chair

Na'Taki Osborne Jelks | NEJAC Co-Chair

Michael Tilchin | NEJAC Vice Chair

Paula Flores-Gregg welcomed participants to Day 2 and shared the day's agenda.

Sylvia Orduño summarized the work from Day 1 and highlighted the critical conversation on environmental justice and Indigenous communities. She said there is a need to better understand how environmental justice is informed by what is going on in Indigenous communities and tribal governments and how that can help to address disparities.

Na'Taki Osborne Jelks iterated the need for each NEJAC workgroup to consider the needs and concerns of Indigenous and tribal population and to better understand the challenges with respect to framing issues. She noted the call for groups such as the NEJAC to learn from Indigenous communities firsthand.

Mike Tilchin said yesterday's discussions were rewarding and productive, but there is more to do.

NEJAC MEMBER INTRODUCTIONS

Members Present

NEJAC members introduced themselves and Mike Tilchin confirmed a quorum.

Cemelli De Aztlan, present

April Karen Baptiste, present

Joy Britt, not present

Rev. Ambrose Carroll, Sr., PhD, present

Scott Clow, not present

Leticia Colon de Mejias, present

John Doyle, not present

Jan Marie Fritz, PhD, C.C.S., present

Yvonka M. Hall, present

Loren Hopkins, PhD, present

Andy Kricun, present

Jill Lindsey Harrison, PhD, present

Richard Mabion, present

Nina McCoy, present

Ayako Nagano, JD, present

Sylvia Orduño, present

Jeremy F. Orr, JD, present

Na'Taki Osborne Jelks, PhD, present

Sofia Owen, JD, present

Benjamin J. Pauli, PhD, present

Jonathan Perry, present

Millicent Piazza, PhD, present

Jerome Shabazz, present

Jacqueline Shirley, MPH, present

Pamela Talley, PhD, present

Michael Tilchin, present

Brenda Torres Barreto, not present

Sandra Whitehead, PhD, not present

OPENING REMARKS

Matthew Tejada | Deputy Assistant Administrator for EJ, Office of Environmental Justice and External Civil Rights, U.S. EPA

Marianne Engelman-Lado | Acting Principal Deputy Assistant Administrator, Office of Environmental Justice and External Civil Rights, U.S. EPA

Marianne Engelman-Lado said EPA's commitment to advancing environmental justice is greater than it has ever been. She said the OEJECR is strengthening civil rights enforcement, integrating environmental justice and equity in rulemaking and permitting, addressing cumulative impacts, partnering with communities and community-based science, operationalizing the mandate to give out that \$3 billion in environmental justice/climate justice grants, and targeting investments beyond the \$3 billion to the communities that need it the most. She said the NEJAC's input continues to be critical, as advancing environmental justice is integral to EPA's mission.

Matthew Tejada said correcting generations of disinvestment, marginalization, and oppression of communities of color and low-income and Indigenous communities remains a challenge. He said EPA will soon be announcing the TCTACs, and the NEJAC can expect to see momentum increasing across the federal government as other forms of opportunities and assistance are rolled out. He said he looks forward to continuing to hear from the NEJAC on how programs are received across the United States. He said as programs are implemented locally, the structure and system of governing in the United States is changing. He said a lot of federal agencies are attending the meeting and paying close attention to what EPA and the NEJAC are doing to advance environmental justice. He said they are looking forward to adding several new members to the NEJAC later this year.

Sylvia Orduño asked if Matthew Tejada could help clarify how EPA will directly disperse funds to environmental justice communities to address concerns about competition and intermediary organizations.

Matthew Tejada said no solution will be perfect, but he hears consistently from local organizations that they don't want to compete with one another but want direct funding. He said TA structures and other structures may allow EPA to more minutely direct what contractors do versus what grantees do. He said EPA wants to facilitate communities coming together.

Richard Mabion said that once people feel they have a voice, they can make doors open.

Millie Piazza asked if EPA is thinking about the tension between the influx of federal funds for environmental justice and longstanding environmental justice issues expressed by public commenters on lack of progress on key harms. Is there a way to direct monies to the problems they hear about? Matthew Tejada said they have grappled with that issue from the beginning and determined that the government shouldn't be making these decisions, but rather communities should decide.

Marianne Engelman-Lado added that the magnitude of grants will be transformative, but they are only part of what the administration is doing to address a long history of environmental injustice. She said there is also a focus on capacity building for sustainable change.

EPA PRESENTATION: EPA WATER TECHNICAL ASSISTANCE: SUPPORTING COMMUNITIES TO SOLVE WATER CHALLENGES

Jonathan Nelson | Senior Advisor for Technical Assistance and Community Outreach, Office of Water, U.S. EPA

Jonathan Nelson said he grew up drinking contaminated water and he thanked the NEJAC for their partnership. He said that \$50 billion represents the largest level of funding in the history of our country for water infrastructure, with a significant amount for grants to communities. However, he said, a challenge is that many communities lack capacity to access water infrastructure funding; other challenges include lack of trust, information, and relationships.

Jonathan Nelson said how EPA provides TA to communities is as important as the "what." The five key strategies for supporting water TA to communities are:

1. Identify water challenges.
2. Develop plans.
3. Increase community engagement.
4. Build technical, financial, and managerial capacity.
5. Develop application materials to access infrastructure funding.

Jonathan Nelson said the Office of Water will go about this in a way that is targeted, proactive, and community centered. He explained that targeted means they will focus on disadvantaged and underserved communities. Proactive means EPA takes responsibility for outreach, and community centered means they meet communities where they are by building trust and being culturally competent. He said they have heard the NEJAC loud and clear that community expertise is as important as technical expertise, and that there needs to be several ways to reach communities. He shared an online form epa.gov/water-infrastructure/water-technical-assistance that communities can fill out to make a connection, which is just one of many strategies.

Jonathan Nelson shared some recent initiatives, including the launch of Closing America's Wastewater Access Gap, which works with 11 communities that may have low-quality or even no water infrastructure, such as in Loudoun County, Alabama, and tribal communities in the West. EPA has plans to scale this initiative. He also mentioned the Lead Service Line Replacement Accelerators initiative, which is working with 40 communities to learn how to replace lead pipes quickly. He said they have also release more than \$150 million in new water TA funding, which includes working with some NEJAC members.

He said the work is still in the early phases and they are looking forward to NEJAC recommendations on water and reaching hundreds of communities in the year to come.

Benjamin Pauli asked if there has been any request for assistance through the new online form, and if so, what requests look like and how EPA responds. Jonathan Nelson said the form was only recently put up. They have received a couple dozen requests that tend to be related to drinking water. EPA is following up with all of them within two days.

Na'Taki Osborne Jelks asked how EPA is spreading the word that TA is available, and she also asked how EPA is determining which 40 communities they will work with in the Lead Service Line Replacement

Accelerators program. Jonathan Nelson replied that they are sharing information about TA through their email lists and through their environmental justice partners such as Earthjustice and PolicyLink to share with their respective networks. They are also sharing through conversations like this one, as well as through webinars, TA providers, and public outreach efforts. Regarding the accelerators, he said they are working in four states with places confronting a variety of issues so they can learn as much as possible.

Yvonka Hall asked if EPA looked far enough to replace pipes in the homes of people who live in poor and marginalized communities. Jonathan Nelson said getting lead pipes out of homes is a priority. He said it's a priority to get service lines replaced in marginalized communities. He said they won't think they've gone far enough until they've solved the problem. Yvonka Hall said that full replacement is not happening, that only selected homes have lines replaced, and Black people are excluded. Jonathan Nelson said he would be happy to meet with her to learn about what she's seeing on the ground.

Aya Nagano suggested that people from environmental justice communities could be trained to work in the field to address the upcoming workforce shortage issues. Sylvia Orduño said that conversation will happen later in the day.

Jacqueline Shirley asked if some of the billions of dollars would be used for R&D to help develop more sustainable water infrastructure that can withstand extreme conditions, provide during drought conditions, and so on. Jonathan Nelson said that they are focused on system resiliency, sustainability, and affordability. To Aya Nagano's point, he said they also want to create economic opportunity, such as the workforce built in Newark, New Jersey. He said R&D is a priority, and they want to make sure green infrastructure and new technologies are adapted. He said they welcome such ideas in the recommendations the water workgroup is developing.

Sylvia Orduño asked whether more accelerators would be added. Jonathan Nelson said the goal is to reach hundreds of communities in the coming months. He said he would be happy to come back and talk more about it.

EPA PRESENTATION: TACKLING CLIMATE AND AIR POLLUTION FROM MULTIPLE ANGLES

Jennifer Macedonia | Associate Assistant Deputy Administrator for Implementation, Office of Air and Radiation, U.S. EPA

Jasmine Davenport | Senior Advisor for Climate Justice, Office of Air and Radiation, U.S. EPA

Jennifer Macedonia said she has been concerned about greenhouse gas since she first learned about it in fourth grade and has worked on the issue her whole career. Her office is charged with ensuring all Americans have clean air and a safe climate, and that some communities have borne the brunt of pollution. She said the Climate Pollution Reduction Grants Program will be a game changer for climate action in the nation.

Jasmine Davenport said that they are approaching climate and air pollution from multiple angles at once: there is a top-down approach a bottom-up approach, and a side-to-side, or sector-based approach. A key element of the top-down approach is the climate pollution reduction planning and implementation grants. Bottom-up approaches include the Thriving Communities Program and

collaborative problem solving, and sector-based approaches include the Clean School Bus Program and the Methane Emissions Reduction Program, and more.

Jasmine Davenport said that she would be focusing on the Climate Pollution Reduction Grant (CPRG) program. She explained that the program has two stages. Stage one is dispersing \$250 million in non-competitive planning grants. Stage two is dispersing the \$4.6 billion for competitive implementation grants. She said program guidance was released March 1st. She explained that planning grants can be used for a variety of purposes as long as they serve the purpose of developing greenhouse gas reduction plans. Eligible entities are states, tribes, territories, and metropolitan statistical areas. These entities can contract with community-based organizations and other entities to undertake a robust stakeholder engagement process.

Jennifer Macedonia shared details of how planning grants would be dispersed. For example, in response to feedback from tribes, no matching funds will be required, and there is a set aside for tribes. States and other entities have existing plans, and funds can be used to update or expand on them. She said there are three deliverables for the planning grant: a Priority Climate Action Plan (due March 1, 2024); a comprehensive Climate Action Plan (due in 2025—later for tribes and territories); and a status report (due in 2027—tribes and territories are exempt). Jennifer Macedonia said that meaningful community engagement is a key element.

Jasmine Davenport said that lead organizations must sustain collaboration throughout the planning process and into the implementation phase. Engagement plans must include how engagement will be conducted, how information will be made available to the public in a transparent manner, how to identify low-income and disadvantaged communities, and how to engage early and often.

Jasmine Davenport shared information about Climate Innovation Teams, which they hope will increase peer-to-peer learning and build connection. Applicants will indicate their interest in participating when applying. Jasmine Davenport said that she is hopeful about the people, creative solutions, and impact that is now possible. She said although eligible entities are governments, the plans affect everybody, and sustained change requires all of us.

Jennifer Macedonia said that most states have submitted a notice to participate.

Tools and other information can be found on the CPRG website <https://www.epa.gov/inflation-reduction-act/climate-pollution-reduction-grants/>.

Loren Hopkins said that while Houston has had a climate action plan for a long time, neighboring local governments have not started. Jennifer Macedonia said that, because the focus of this program is greenhouse gases in underserved communities, they want to focus on largest population centers where the majority of emissions are taking place. She said community engagement ideally includes surrounding communities in the planning process.

Andy Kricun asked about states that had not opted in and how communities in those states could be helped. Jennifer Macedonia said that if a state does not opt in, funding is distributed to the three largest metropolitan areas in the state.

Yvonka Hall asked how funds for green transportation options, such as for electric buses, will benefit disadvantaged communities, and also how to ensure that fares won't rise in these communities to make transportation unaffordable.

Leticia Colon de Mejias asked how EPA can ensure that states will connect with communities they have been least likely to connect with.

Jennifer Macedonia said that EPA is looking to address Yvonka Hall's concern through program design in the electric vehicle initiatives to make sure that funding goes to disadvantaged communities.

Jasmine Davenport said that they want to ensure that projects reflect the concerns of environmental justice communities and include solutions from these communities.

NEJAC BUSINESS MEETING

Water Infrastructure Technical Assistance Recommendations

Na'Taki Osborne Jelks explained the workgroup split into three subgroups to address the charge: Rural Water, Municipal Utilities, and Workforce Development. She said they met several times over the past month with EPA Office of Water and EPA Tribal Programs, as well as OEJECR. She said the workgroup will share high-level recommendations.

Rural Water subgroup

Rev. Ambrose Carroll said this subgroup focused their recommendations on seven areas of concern:

1. Education regarding aging, noncompliant water infrastructure.
2. Lack of trained water workforce and low willingness of outsiders to work in rural or tribal communities.
3. Treatment of contaminated wells and other decentralized infrastructure.
4. Administrative burden on small, rural TA providers.
5. Building trust between communities and EPA.
6. Additional burdens/issues faced by rural tribes.
7. Education on renewable energy for water supply.

Na'Taki Osborne Jelks said the group has drafted about a dozen recommendations that they will share at the meeting in May.

Municipal Utilities Subgroup

Benjamin Pauli said that this workgroup's recommendations were informed by input from non-NEJAC participants Jeremiah Muhammad, Dennis Randolph, and Cheryl Watson. The workgroup found that municipal utilities serving environmental justice communities often have old, rundown, toxic, and inadequate infrastructure and lack funds to repair, replace, maintain, or upgrade their water systems. They may charge high fees but still can't finance new projects. They have a difficulty hiring qualified employees and accessing federal funds and technical assistance. As a result, they have few "shovel ready" projects on the shelf. When they can access funding, they face challenges with O&M. Finally, these utilities have a limited or hostile relationship with community groups and do not form collaborations or partnerships with them. Capacity building may be needed on both sides for partnerships to work.

Benjamin Pauli said the workgroup also found that existing TA is not robust or accessible enough to meet the needs of municipal utilities in environmental justice communities. Related challenges include lack of adequate outreach; lack of resources to provide a full range of services; restrictive state definitions of "disadvantaged community"; and lack of will or ability on the part of state governments to serve communities in need.

Benjamin Pauli shared a few key recommendations developed by the workgroup, such as that EPA should:

- Help municipalities identify needs and solutions, design projects, and secure financing.
- Clearly define "disadvantaged" and "underserved" communities and assess how differing state-level definitions affect funding.
- Require that TA providers employ or contract with community engagement experts and require Environmental Finance Centers to have community team members or advisory boards.

Workforce Development Subgroup

Key recommendations developed by this workgroup and shared by Aya Nagano

- Create a multi-agency think tank with DOL, DOE, DOC, and other federal agencies to address workforce development issues.
- Ensure that EJ communities are served by utilities with sufficient staffing, experience, and resources.
- Make civil service applications more accessible to EJ community members.

Aya Nagano also pointed out that solutions need to be multifaceted. She said that tribal nations face challenges in the water sector. She said that mid-sized utilities tend to fall through the cracks, whereas smaller utilities get TA and other support.

Andy Kricun added that for initiatives such as workforce pipelines from communities to utility jobs don't have to design these programs from scratch. He pointed to a 2021 *Compendium of Successful Water Workforce Practices* developed by the Water Environment Federation. The report is available at https://cms.jerseywaterworks.org/wp-content/uploads/2022/05/2021_Workforce_Case_Study.pdf/. He shared examples such as offering internships, pre-employment training, JEDI hiring practices, and advancement opportunities. He said that the upcoming need for water workforce staff to replace those retiring in the next 5–10 years is an opportunity to address other needs, such as for good jobs in environmental justice communities.

Aya Nagano shared a list of recommendations for wraparound services to be provided by partnering with other local agencies. These services include outreach and recruitment, childcare, housing, transportation, etc.

Andy Kricun said the workgroup also looked at how to make the historic investment in infrastructure win-win. He said that once the funds from various pots are sent to communities for infrastructure and the community has its contractors, what can these outside contractors do to enhance equity? Andy Kricun shared several ideas from the workgroup, such as structuring contracts so that the contractor is required to do things such as provide training to the local workforce or subcontracting with minority- and women-owned businesses. He gave another example of requiring the contractor to provide a local community benefit at their own expense.

Andy Kricun shared the workgroup's several recommendations for EFCs and TCTACs, such as ensuring that environmental justice trainings cover topics like historical underinvestment in environmental justice communities and ensuring that there is a community liaison on projects to anchor the community's trust.

Jacqueline Shirley said that, in her experience, the TA provided is transactional in nature. She would like EPA to allow for more transitional TA through the TCTACs and EFCs.

Pamela Talley said that intergovernmental connections need to be made, particularly with HUD and its section 3 program.

Jill Harrison suggested that when the workgroup recommends internships, it specifies paid internships. She added that environmental justice trainings are occurring everywhere and a lot of them are reinventing the wheel. She suggested identifying key principles for effective training.

Richard Mabion said there some communities have untapped pools of leaders who may not be environmentally minded but are people minded.

Sylvia Orduño said utilities often resist change because they feel they know better and there is a lack of respect for customers, particularly among engineers and operators. Public utilities could present opportunities for greater civic engagement and offer opportunities to address poverty. She said we need to think intergenerationally. Youth need jobs, but so do their parents. Na'Taki Osborne Jelks concurred and said people of all ages need jobs.

Yvonka Hall raised the issue of guaranteed income. She said going through employment agencies means people lose part of their income to these agencies, which take a cut of their wages. She also said that there should be contractual requirements that ensure a certain percentage of jobs go to members of impacted communities.

Leticia Colon de Mejias added that a lot of people not only need connection to skills development opportunities, but they also don't see themselves as being capable of connecting to those opportunities. She mentioned barriers to work such as not having a driver's license, noting that schools around the country have dropped driver's education courses.

Jerome Shabazz noted the costs it takes to bring a constituency from lack of performance to performance. There are numerous issues to consider, he said, including helping people get their GED, set up bank accounts, access transportation, etc. People need to be able to not just take advantage of opportunities in a single program, but to thrive.

Andy Kricun said that, although the federal government investments are at historic levels, they remain necessary, not sufficient. Success is crucial to communities today, but also to secure additional funding in the future. He said sharing models of what is working will help dollars go further.

Chitra Kumar (US EPA Office of Policy, Partnerships, and Program Development) said that the workforce development piece has come up in many conversations, as has the need for wraparound services and the need to plug gaps. She said key questions are how we measure success when the auditors come, and how we show we've made a difference in way that will encourage more funding.

Johnathan Nelson said EPA takes these recommendations seriously and looks forward to putting some of these into practice.

Sylvia Orduño said that she wants this to be full report by the next public meeting in May. She asked Paula Flores-Gregg if she could invite the Assistant Administrator of the office of Water to join that meeting in May. Paula Flores-Gregg said yes.

Presentation of New NEJAC Charge: Farmworker & Pesticides

In addition to thanking the workgroup members and EPA staff, Sylvia Orduño acknowledged the work of others who helped NEJAC stay engaged with this effort, including Mily Treviño-Sauceda, Hormis Bedolla, Audelia Cervantes Garcia, Marlana Rojas Lara, and Andrea Cabrera-Hubbard, and Elvira Cavajal. Sylvia Orduño said they met weekly and engaged staff from numerous EPA offices and with five regions.

Richard Keigwin, Deputy Assistant Administrator for Management, EPA Office of Chemical Safety and Pollution Prevention (OCSPP) said the charge doesn't represent the completeness of the issues that farmworkers are facing regarding pesticides, and he looks forward to further engagement.

Amada Hauff, Senior Advisor and Senior Environmental Justice Program Manager, OCSPP, said the entire agency is listening to the workgroup; EPA is hearing their stories and they want to do better. She said the first part of the work is to create a charge and get NEJAC's recommendations. She reminded listeners that the workgroup's emphasis was on women and children. She explained the process for developing the charge.

The charge questions fall under four categories:

1. Establishing Farmworkers' Access to Bilingual (Spanish) Labels
2. Input on Building a New Environmental Justice Indicator
3. Strengthening EPA's Pesticide Exposure Assessment of Legally Working Children in Agriculture
4. Expand or Enhance Training for Inspectors Who Conduct Worker Protection Inspections

Mily Treviño-Sauceda said it is the first time they have had this opportunity. She thanked the women who have shared their stories out of hope that something would be done.

Andy Kricun said a gap analysis is needed to learn what is preventing EPA and the states from being more protective. For example, does EPA need more staff to enforce regulations, or are the regulations themselves inadequate? He also noted that federal agencies could work together to enforce civil rights.

Liz Vizard, Acting Director, Assistance and Media Programs Division, EPA Office of Enforcement and Compliance Assurance said that one challenge is EPA's relationship with the states, which lead inspections and have their own legislative rules. She said that nevertheless, EPA is committed to continually improving.

Mike Goodis, Deputy Office Director, Office of Pesticides Program, OCSPP, said that the charge questions reflect issues EPA has been struggling with and hearing from the NEJAC on the issues is a great opportunity.

Jan Fritz said the charge is one part of a much bigger issue the concerns EPA's relationship to states and personnel shortages, which specific pesticides are targeted, and what suits or petitions have gone to EPA over these pesticides, among other things. She said this is a good starting point, but more needs to be done.

Sylvia Orduño asked for a vote on whether NEJAC members would accept the charge. The NEJAC accepted the charge unanimously.

Presentation of New NEJAC Charge: Cumulative Impacts Framework

Charles Lee, Senior Policy Adviser, OEJECR, thanked workgroup members, Christy Ellickson, Union of Concerned Scientists, who developed the nation's first protocols for cumulative impact analysis for air permits, and other expert contributors. Charles Lee said that the NEJAC has discussed cumulative impacts from the beginning, and it comes up at every public meeting. He said EPA has made a significant commitment to addressing cumulative impacts, and the agency has about 94 projects focusing on cumulative impacts.

Charles Lee said questions were formed around three areas: (1) recent developments in cumulative impacts assessment; (2) approaches for addressing cumulative impacts; and (3) framework finalization and implementation. He shared some lessons from recent development in cumulative impacts assessment from across the country. He noted that 14 states now have passed laws or have bills pending around cumulative impacts, and significant work has been done at the municipal level as well. Questions in this area focus on what can be learned from recent developments, including community efforts to address cumulative impacts. Regarding approaches, Charles Lee said this refers to tools, methods, approaches, and frameworks for organizing work. He said EPA is looking for advice on key approaches for assessing cumulative impacts, as well as methods and practice standards, including building capacity within communities to be a part of the process. The final area, finalizing and implementing the framework, asks for feedback on the implementation gaps, community inclusion, and related issues.

Jacqueline Shirley suggested defining cumulative impact or giving an example that's meaningful to environmental justice communities.

Charles Lee said cumulative impact refers to the total burden everything that is in our community that negatively impacts health and the environment.

Andy Kricun asked if there were a way to be more strategic about bringing states on-board with cumulative impacts, such as through a national policy or funding. Charles Lee said the more that everyone is working together, the more progress will be made.

Loren Hopkins said that in Houston, which emits more toxic air pollution than any other area in the United States, very little consideration is given in the permitting process to protect communities that are impacted by different industries, particularly if the industries are regulated by different entities. She said a cumulative impact framework is needed.

Leticia Colon de Mejias said humans are not capable of reaching their potential if they can't live a healthy, safe life. She said this charge will be one of the hardest and also one of the most important things the NEJAC takes on.

Richard Mabion pointed out the significant change in community organizing that occurred in the 1970s, which resulted in community issues being siloed and individualized, resulting not only in issue advocates, but in community advocates competing against one another for resources.

Jerome Shabazz said some communities face countless stressors; there should be a model for determining when enough is enough. He said he hopes that, in addition to looking at chemical and non-chemical stressors on communities, they look at social determinants, as well.

Sylvia Orduño asked Charles Lee to give an estimate of the scope of work envisioned for the NEJAC if it accepted the charge. Charles Lee said they will bring in experts and environmental justice advocates with cumulative impacts expertise, and engage various EPA offices, including researchers and legal authorities to brief the workgroup so that recommendations will be meaningful.

Sylvia Orduño asked NEJAC members to raise their hands if they'd like to accept the charge. The NEJAC voted unanimously to accept the charge.

NEJAC Workgroup Update: NEPA workgroup

Millie Piazza said the workgroup has charge questions, which are focused on evaluating and building upon training. She said they are currently gathering information and holding one-on-one meetings with members weekly. They meet as a committee every other week. She said the workgroup expects to report its draft recommendations at the July meeting.

Upcoming Events

Paula Flores-Gregg announced that the deadline for nominations to the NEJAC has been extended until Friday April 14, 2023.

The next NEJAC virtual public meeting is scheduled for May 17–18, 2023.

The next in-person meeting is scheduled for July 24–28, 2023.

CLOSING REMARKS AND ADJOURN

Na'Taki Osborne Jelks thanked participants, guests, and members of the public. She said a lot of exciting work lies ahead. She encouraged NEJAC members who were not involved with a workgroup to get engaged.

Sylvia Orduño said the NEJAC must take advantage of this political moment, even though there is a lot of work to do. She said more equity on the council would be beneficial and there needs to be a way to share burdens among council members in ways that feel more just.

Mike Tilchin thanked Na'Taki Osborne Jelks and Sylvia Orduño for their leadership. He said this is a period of very high leverage and impact for NEJAC. It will be a lot of work, but also will be very rewarding.

Karen L. Martin noted that, when the NEJAC was new, they were always looking for resources and charges, but now people are looking for the NEJAC. She said it's an exciting time for the Council. She said they will try to get Administrator Regan to next meeting. She thanked everyone who joined the meeting and who made the meeting possible.

Paula Flores-Gregg adjourned the meeting.

APPENDIX A. NEJAC MEMBERS

Cemelli De Aztlan | La Mujer Obrera, Region 6

April Karen Baptiste | Colgate University, Region 2

Joy Britt | Knik Tribe, Region 10

Rev. Ambrose Carroll, Sr., PhD | Green The Church, Region 9

Scott Clow | Ute Mountain Ute Tribe, Region 8

Leticia Colon de Mejias | Green ECO Warriors, Region 1

John Doyle | Little Big Horn College, Region 8

Jan Marie Fritz, PhD, C.C.S. | University of Cincinnati, Region 4

Yvonka M. Hall | Northeast Ohio Black Health Coalition, Region 5

Loren Hopkins, PhD | City of Houston Health Department, Region 6

Andy Kricun | Moonshot Missions, Region 3

Jill Lindsey Harrison, PhD | University of Colorado Boulder, Region 8

Richard Mabion | Building A Sustainable Earth Community, Region 7

Nina McCoy | Martin County Concerned Citizens, Region 4

Ayako Nagano, JD | Common Vision, Region 9

Sylvia Orduño | Michigan Welfare Rights Organization, Region 5

Jeremy F. Orr, JD | Earthjustice, Region 5

Na'Taki Osborne Jelks, PhD | West Atlanta Watershed Alliance/Proctor Creek, Region 4

Sofia Owen, JD | Alternatives for Community & Environment, Region 1

Benjamin J. Pauli, PhD | Kettering University, Region 5

Jonathan Perry | Becenti Chapter, Region 6

Millicent Piazza, PhD | WA Department of Ecology, Region 10

Jerome Shabazz | JASTECH Development Services Inc. and Overbrook Environmental Education Center,
Region 3

Jacqueline Shirley, MPH | Rural Community Assistance Corporation. Region 6

Pamela Talley, PhD | Lewis Place Historical Preservation, Inc., Region 7

Michael Tilchin | Jacobs Engineering, Region 3

Brenda Torres Barreto | San Juan Bay Estuary Program, Region 2

Sandra Whitehead, PhD | George Washington University, Region 3

APPENDIX B. NEJAC PUBLIC MEETING AGENDA



AGENDA

**U.S. ENVIRONMENTAL PROTECTION AGENCY
 NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL (NEJAC)
 VIRTUAL PUBLIC MEETING
 MARCH 29-30, 2023**

DAY ONE: Wednesday, March 29, 2023 12:00 PM – 6:30 PM Eastern Time	
12:00 PM – 12:15 PM	<p>Welcome & Introductions</p> <ul style="list-style-type: none"> <input type="checkbox"/> Paula Flores-Gregg, Designated Federal – U.S. EPA <input type="checkbox"/> Sylvia Orduño, NEJAC Co-Chair – Michigan Welfare Rights Organization <input type="checkbox"/> Na’Taki Osborne Jelks, NEJAC Co-Chair – West Atlanta Watershed Alliance and Proctor Creek Stewardship Council <input type="checkbox"/> Michael Tilchin, NEJAC Vice Chair – Jacobs Engineering
12:15 PM – 12:30 PM	NEJAC Member Introductions
12:30 PM – 1:00 PM	<p>Opening Remarks</p> <ul style="list-style-type: none"> <input type="checkbox"/> Robin Collin, Senior Advisor to the Administrator for Environmental Justice – U.S. EPA
1:00 PM – 2:00 PM	<p>Inflation Reduction Act Climate Action, Equity & Accountability Consultation</p> <ul style="list-style-type: none"> <input type="checkbox"/> Jerome Shabazz, Executive Director - JASTECH Development Services Inc. and Overbrook Environmental Education Center <input type="checkbox"/> April Karen Baptiste, Professor, Environmental Studies and Africana and Latin American Studies - Colgate University <input type="checkbox"/> Alexandra Gallo, Special Advisor, Office of Environmental Justice and External Civil Rights – U.S. EPA <input type="checkbox"/> Bruce Binder, Senior Policy Advisor, Office of Environmental Justice and External Civil Rights – U.S. EPA
2:00 PM – 3:45 PM	<p>NEJAC Engagement Panel: Environmental Justice in the Tribal and Indigenous Peoples Context</p> <p>Moderator:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Mike Tilchin, NEJAC Vice Chair – Jacobs Engineering <p>Panel Members:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Felicia Wright, Acting Office Director, American Indian Environmental Office, U.S. EPA <input type="checkbox"/> Danny Gogal, Tribal and Indigenous Peoples Program Manager, Office of Environmental Justice and External Civil Rights – U.S. EPA <input type="checkbox"/> Randy Gee, Team Leader, Office of Communities, Tribes and Environmental Assessment – U.S. EPA, Region 6 <input type="checkbox"/> Kim Varilek, Director, Tribal Affairs Branch – U.S. EPA, Region 8 <input type="checkbox"/> Jonathan Perry, President - Becenti Chapter <input type="checkbox"/> John Doyle, Water Quality Director - Little Big Horn College
3:45 PM – 4:00 PM	Break
4:00 PM – 4:30 PM	EPA Presentation: Community Lead Awareness

	<input type="checkbox"/> Shayna Sellars , Lead-based Paint Outreach & Engagement Coordinator, Office of Pollution Prevention and Toxics – U.S. EPA
4:30 PM – 6:30 PM	Public Comment
6:30 PM	Adjourn

Note: Please be advised that agenda times are approximate; when the discussion for one topic is completed, discussions for the next topic will begin. For further information, please contact the Designated Federal Officer for this meeting, Paula Flores-Gregg, at flores.paula@epa.gov.



AGENDA

**U.S. ENVIRONMENTAL PROTECTION AGENCY
 NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL (NEJAC)
 VIRTUAL PUBLIC MEETING**

MARCH 29-30, 2023

DAY TWO: Thursday, March 30, 2023 12:00 PM – 5:00 PM Eastern Time	
12:00 PM – 12:15 PM	<p>Welcome & Recap</p> <ul style="list-style-type: none"> • Paula Flores-Gregg, Designated Federal Officer – U.S. EPA • Sylvia Orduño, NEJAC Co-Chair – Michigan Welfare Rights Organization • Na'Taki Osborne Jelks, PhD, NEJAC Co-Chair – West Atlanta Watershed Alliance and Proctor Creek Stewardship Council • Michael Tilchin, NEJAC Vice Chair – Jacobs Engineering
12:15 PM – 12:30 PM	NEJAC Member Introductions
12:30 PM – 12:50 PM	<p>Opening Remarks</p> <ul style="list-style-type: none"> • Matthew Tejada, Deputy Assistant Administrator for EJ, Office of Environmental Justice and External Civil Right – U.S. EPA • Marianne Engelman-Lado, Acting Principal Deputy Assistant Administrator, Office of Environmental Justice and External Civil Rights – U.S. EPA
12:50 PM – 1:20 PM	<p>EPA Presentation: EPA Water Technical Assistance: Supporting Communities to Solve Water Challenges</p> <ul style="list-style-type: none"> • Jonathan Nelson, Senior Advisor for Technical Assistance and Community Outreach, Office of Water – U.S. EPA
1:20 PM – 1:50 PM	<p>EPA Presentation: Tackling Climate and Air Pollution from Multiple Angles: <i>Updates from the Office of Air and Radiation's Inflation Reduction Act Implementation Team</i></p> <ul style="list-style-type: none"> • Jennifer Macedonia, Associate Assistant Deputy Administrator for Implementation, Office of Air and Radiation – U.S. EPA • Jasmine Davenport, Senior Advisor for Climate Justice, Office of Air and Radiation – U.S. EPA
1:50 PM – 2:05PM	Break
NEJAC BUSINESS MEETING: 2:05 PM – 5:00 PM Eastern Time	
2:05 PM – 3:35 PM	<p>NEJAC Recommendations: Water Infrastructure Technical Assistance Recommendations - Phase 1</p> <ul style="list-style-type: none"> • Na'Taki Osborne Jelks, NEJAC Co-Chair – West Atlanta Watershed Alliance and Proctor Creek Stewardship Council • Andy Kricun, Managing Director – Moonshot Missions
3:35 PM – 4:05 PM	<p>Presentation of New Charge: Farmworker & Pesticides</p> <ul style="list-style-type: none"> • Rick Keigwin, Deputy Assistant Administrator for Management, Office of Chemical Safety and Pollution Prevention – U.S. EPA

	<ul style="list-style-type: none"> <input type="checkbox"/> Jake Li, Deputy Assistant Administrator for Pesticides Program, Office of Chemical Safety and Pollution Prevention - U.S. EPA <input type="checkbox"/> Mike Goodis, Deputy Office Director, Office of Pesticides Program, Office of Chemical Safety and Pollution Prevention – U.S. EPA <input type="checkbox"/> Amanda Hauff, Senior Advisor, Senior Environmental Justice Program Manager, Office of Chemical Safety and Pollution Prevention – U.S. EPA <input type="checkbox"/> Stacey Geis, Senior Advisor, Office of Enforcement and Compliance Assurance - U.S. EPA <input type="checkbox"/> Liz Vizard, Acting Director, Assistance and Media Programs Division, Office of Enforcement and Compliance Assurance – U.S. EPA <input type="checkbox"/> Greg Sullivan, Director, Waste and Chemical Enforcement Division, Office of Enforcement and Compliance Assurance – U.S. EPA
4:05 PM – 4:35 PM	<p>Presentation of New Charge: Cumulative Impacts Framework</p> <ul style="list-style-type: none"> <input type="checkbox"/> Charles Lee, Senior Policy Advisor, Office of Environmental Justice and External Civil Rights – U.S. EPA
4:35 PM – 4:45 PM	NEJAC NEPA Workgroup Update
4:45 PM – 4:50 PM	Upcoming Events
4:50 PM – 5:00 PM	<p>Closing Remarks & Adjourn</p> <ul style="list-style-type: none"> <input type="checkbox"/> Na’Taki Osborne Jelks, NEJAC Co-Chair – West Atlanta Watershed Alliance and Proctor Creek Stewardship Council <input type="checkbox"/> Sylvia Orduño, NEJAC Co-Chair – Michigan Welfare Rights Organization <input type="checkbox"/> Michael Tilchin, NEJAC Vice Chair – Jacobs Engineering <input type="checkbox"/> Matthew Tejada, Deputy Assistant Administrator for EJ, Office of Environmental Justice and External Civil Rights – U.S. EPA <input type="checkbox"/> Paula Flores-Gregg, Designated Federal Officer – U.S. EPA

Note: Please be advised that agenda times are approximate; when the discussion for one topic is completed, discussions for the next topic will begin. For further information, please contact the Designated Federal Officer for this meeting, Paula Flores-Gregg, at flores.paula@epa.gov.

APPENDIX C. PRESENTATIONS

**National Environmental
Justice Advisory Council
Virtual Public Meeting**

March 29 - 30, 2023



**National Environmental Justice
Advisory Council**

Public Meeting Day 1

March 29, 2023



Reminders

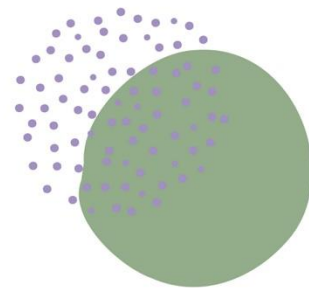
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- The chat feature will not be available in this virtual meeting
- Attendees who pre-registered for public comment will be given access to speak as time allows
- If you do not get a chance to speak during the allotted time, please submit your comments in writing

Written comments can be submitted until; April 13, 2023, to nejac@epa.gov

Agenda

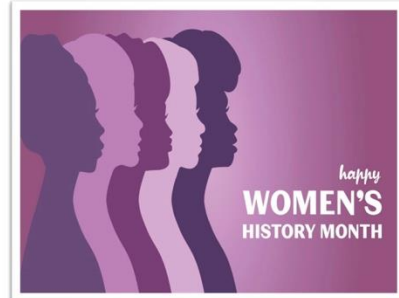
DAY ONE: Wednesday, March 29, 2023

12:00 PM – 12:15 PM	Welcome & Introductions
12:15 PM – 12:30 PM	NEJAC Member Introductions
12:30 PM – 1:00 PM	Opening Remarks
1:00 PM – 2:00 PM	Inflation Reduction Act - Climate Action, Equity & Accountability Consultation
2:00 PM – 3:45 PM	NEJAC Engagement Panel: Environmental Justice in the Tribal and Indigenous Peoples Context
3:45 PM – 4:00 PM	Break
4:00 PM – 4:30 PM	EPA Presentation: Community Lead Awareness
4:30 PM – 6:30 PM	Public Comment
6:30 PM	Adjourn



Welcome and Introductions

- **Paula Flores-Gregg**, NEJAC Designated Federal Officer – U.S. EPA
- **Sylvia Orduño**, NEJAC Co-Chair – Michigan Welfare Rights Organization
- **Na'Taki Osborne Jelks**, NEJAC Co-Chair – West Atlanta Watershed Alliance and Proctor Creek Stewardship Council
- **Michael Tilchin**, NEJAC Vice Chair – Jacobs Engineering



NEJAC Member Introductions

NEJAC MEMBERS

ACADEMIA



April Karen Baptiste, PhD
Colgate University
Region 2 – New York



Benjamin Pauli, PhD
Kettering University
Region 5 - Michigan



Jan Marie Fritz, PhD, C.C.S
University of Cincinnati
Region 4 – Florida



Sandra Whitehead, PhD,
George Washington University
Region 3 – District of Columbia



Jill Lindsey Harrison, PhD
University of Colorado Boulder
Region 8 - Colorado

NEJAC MEMBERS

BUSINESS & INDUSTRY



VICE-CHAIR OF NEJAC

Michael Tilchin
Jacobs Engineering
Region 3 – Maryland

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COMMUNITY BASED ORGANIZATIONS



Rev. Ambrose Carroll, Sr., PhD
Green The Church
Region 9 - California



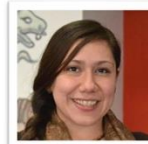
Pamela Talley, PhD
Lewis Place Historical Preservation Inc.
Region 7 - Missouri



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Green ECO Warriors
Region 1 - Connecticut



Jerome Shabazz
JASTECH Development Services Inc
Region 3 - Pennsylvania



Cemelli De Aztlan
La Mujer Obrera
Region 6 - Texas



Sofia Owen, JD
Alternatives for Community &
Environment (ACE)
Region 1 - Massachusetts

NEJAC MEMBERS

COMMUNITY BASED ORGANIZATIONS (continued)



Yvonka M. Hall
Northeast Ohio Black Health
Coalition
Region 5 - Ohio



Nina McCoy
Martin County Concerned
Citizens
Region 4 – Kentucky



Richard Mabion
Building A Sustainable Earth
Community
Region 7 - Kansas



CO-CHAIR OF NEJAC
Na'Taki Osborne Jelks, PhD
West Atlanta Watershed
Alliance and Proctor Creek
Stewardship Council
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Andy Kricun
Moonshot Missions
Region 2 – New Jersey



Brenda Torres Barreto
San Juan Bay Estuary Prog.
Region 2 – Puerto Rico



Jeremy F. Orr, JD
Earthjustice
Region 5 – Illinois



Ayako Nagano, JD
Common Vision
Region 9 - California



Jacqueline Shirley, MPH
Rural Community
Assistance Corporation
Region 6 – New Mexico



CO-CHAIR OF NEJAC
Sylvia Orduño
Michigan Welfare Rights Organization
Region 5 – Michigan

NEJAC MEMBERS

STATE & LOCAL GOVERNMENT



Millicent Piazza, PhD
Washington State Department of Ecology
Region 10 - Washington



Loren Hopkins, PhD
City of Houston Health
Department
Region 6 - Texas

NEJAC MEMBERS

TRIBAL & INDIGENOUS GOVERNMENT & ORGANIZATIONS



Joy Britt
Alaska Native Tribal Health Consortium
Region 10 - Alaska



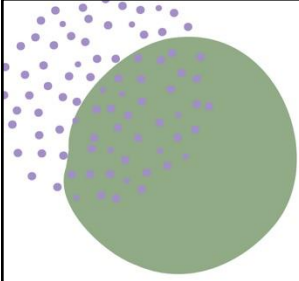
John Doyle
Little Big Horn College
Region 8 - Montana



Scott Clow
Ute Mountain Ute Tribe
Region 8 - Colorado



Jonathan Perry
Becenti Chapter
Region 6 – New Mexico



Opening Remarks

Robin Collin, Senior Advisor to the Administrator
for Environmental Justice - U.S. EPA



Inflation Reduction Act Climate Action, Equity & Accountability Consultation

- **April Karen Baptiste Ph.D.**, Professor, Environmental Studies and Africana and Latin American Studies, Colgate University
- **Jerome Shabazz**, Executive Director, JASTECH Development Services Inc. and Overbrook Environmental Education Center
- **Bruce Binder**, Senior Policy Advisor, Office of Environmental Justice and External Civil Rights - U.S. EPA
- **Alexandra Gallo**, Special Advisor, Office of Environmental Justice and External Civil Rights – U.S. EPA





Inflation Reduction Act Climate Action, Equity and Accountability Consultation

National Environmental Justice Advisory Council (NEJAC)

Environmental and Climate Justice Program (ECJ) Listening Session Update

Office of Environmental Justice and External Civil Rights
Jerome Shabazz and Dr. April Baptiste

March 29, 2023

Workgroup Membership

- Yvonka Hall
- Dr. Sandra Whitehead
- Richard Mabion
- Nina McCoy
- Sofia Owens
- Dr. Pamela Talley
- Brenda Torres
- Andy Kircun
- Aya Nagano
- Dr. Loren Hopkins
- Leticia Colon de Mejias
- Joy Britt
- Jerome Shabazz (co-chair)
- Dr. April Baptiste (co-chair)

Workgroup Support

- Workgroup Co-Chairs: Dr. April Baptiste and Jerome Shabazz
- With EPA support from:
 - Alexandra Gallo, ECJ Program Manager & Special Advisor, Office of Environmental Justice and External Civil Rights
 - Bruce Binder, Senior Policy Advisor, Office of Environmental Justice and External Civil Rights
 - Matthew Tejada, Deputy Assistant Administrator for Environmental Justice, Office of Environmental Justice and External Civil Rights

Desired Meeting Outcomes

- Draft vision principles of what we want to achieve under the Environmental and Climate Justice (EJC) Program to benefit disadvantaged communities
- Recommendations and ideas from the NEJAC workgroup members on critical ECJ program policy development and implementation to achieve the vision

Agenda Topics– March 20, 2023

Day 1: Building ECJ Program Foundations

- Program Vision and Objectives Session
- Program Requirements Overview
- Grantee Eligibility Requirements –Community-Based Nonprofit Organizations, Partnerships and Subaward Eligibility
- Projects, Strategies, & Pillars:
 - Air, Water, Waste Pollution Prevention, Remediation, and Monitoring Activities
 - Indoor Air Pollution and Toxins
 - Workforce development projects to reduce greenhouse gas emissions and air pollution

Agenda Topics– March 21, 2023

Day 2: ECJ Processes & Outcomes

- Facilitating Disadvantaged Communities Engagement in State/Federal/Other Public Processes
- Technical Assistance (TA) for ECJ Program Grants
- Grant Procurement and Subaward Overview (Office of General Counsel)
- Application Development and Review Processes
- Evaluation and Reporting



Inflation Reduction Act Climate Action, Equity and Accountability Preliminary Workgroup Feedback

Feedback: Programmatic Goals and Outcomes

- Work across multiple sectors in one area/community
- Be flexible on eligible entities and evaluate depth of connection to community*
- Government and community work together to co-collaborate and co-create solutions
- Prevent displacement
- Community engagement in all projects, including clean energy
- Wrap-around services and education included with infrastructure projects
- Connect workforce to all projects
- Multi-pronged approach centered on resilience, including:
 - Housing preservation
 - Clean air and water
 - Green jobs
 - Behavioral and physical health
 - Short-term and long-term solutions
- Communities involved in all decisions and projects are community-designed
- Benefits are clear to the community
- Build community capacity, including project management and leadership development

Feedback: Strategies and Projects that provide most benefits to disadvantaged communities

- Integrate health outcomes and health access into all projects
- Projects that are connected to a resource and/or resilience hub
- Infrastructure projects that have programs connected to them
- Invest in people as infrastructure (social workers, health workers)
- Support the development of supportive networks
- Make sure there is an integrated one-stop-shop for all projects

Feedback: Strategies and Projects that provide most benefits to disadvantaged communities

- **Climate resilience:** Addressing tree canopy, decarbonized heating and cooling centers, upgrading/retrofitting buildings and housing, alert warning systems, clean energy and community power systems, and more
- **Mitigating indoor and outdoor pollution:** beauty salon certification and training, address causes that lead to pollution such as mold and artificial turf issues, replace gas appliances with electric, and more
- **Workforce development:** Address barriers, including bad credit, lack of access to personal identification or bank accounts, provide reentry support for formerly incarcerated, and provide wrap-around services and a focus on life skills development.
 - Creating training programs related to:
 - Reducing energy use at home
 - Mitigating air and other pollution, and more

Feedback: Facilitating engagement of disadvantaged communities in federal, state, and other public processes

- Focus efforts on reducing disparities, including:
 - Poverty levels, education attainment, legal status, health disparities, geography, unemployment, environmental stressors, and social determinants of health
- Prioritize:
 - Culturally-relevant outreach
 - Feedback loops, learned apathy, and transparency
 - Compensate residents for participation
 - Ensure proper access, including childcare and transportation
 - Active, ongoing outreach to most marginalized
- Ensure:
 - Local leaders are educated and trained properly by the EPA
 - Language is equivalent to fourth grade reading level
 - Value lived experience

Feedback: Technical Assistance, Application, and Evaluation

- **Technical Assistance:** Provide support application development and grant writing, reporting and bookkeeping, networking, marketing plans and communications, leadership development training for nonprofits, budget for outreach, and more
- **Application processes:** Provide options and let organization self-determine, have different scales of funding for varied organizations, clear and transparent scoring, have line-item budgets, simplified checklists, and more
- **Evaluation and Reporting:** Track immediate and long-term community benefits, track impacts by sectors, track cumulative impacts, track quality of community engagement and associated outcomes



Environmental and Climate Justice Program Overview

National Environmental Justice Advisory Council (NEJAC)

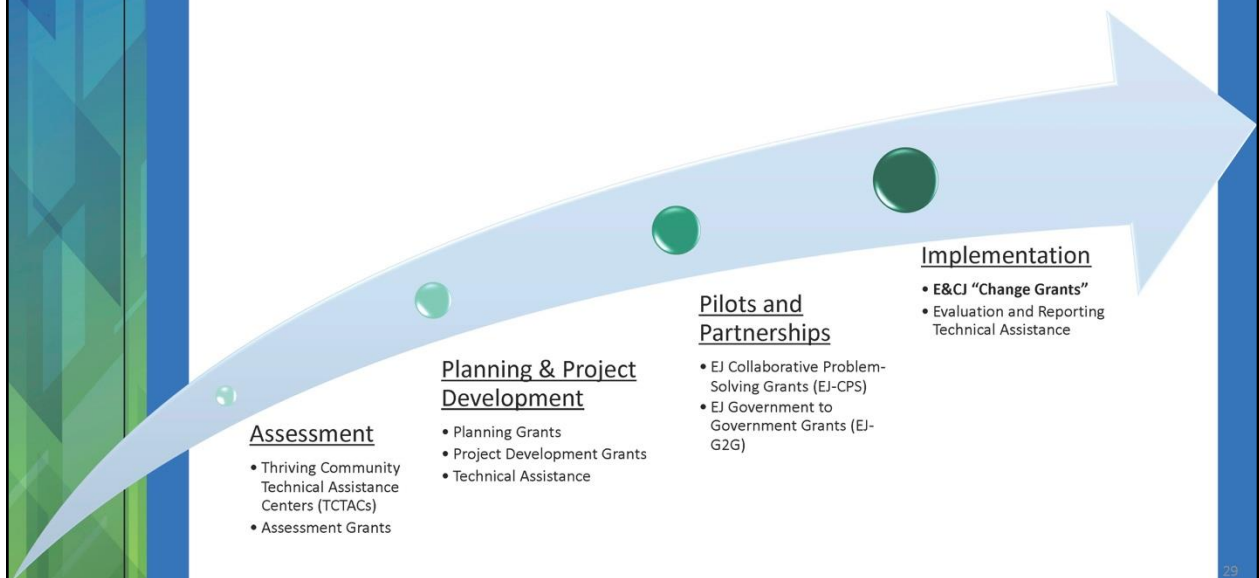
Environmental and Climate Justice Program (ECJ) Listening Session Update

Office of Environmental Justice and External Civil Rights
Alexandra Gallo and Bruce Binder

March 29, 2023



GRANTS AND TECHNICAL ASSISTANCE



Clean Air Act Section 138 ECJ Program Requirements Overview

- \$2.2 Billion Program: \$2 Billion for grants and \$200 Million for application, implementation, and evaluation technical assistance
- All grants must benefit disadvantaged communities as defined by the EPA Administrator
- Awards for grants eligible until September 30, 2026
- All grantee proposals must be implemented within 3 years
- Eligibility limited to:
 - Community-based nonprofit organization
 - Partnership of community-based nonprofit organizations
 - Partnership between:
 - Indian tribe, a local government, or an institution of higher education; and
 - A community-based nonprofit organization

Clean Air Act Section 138 ECJ Program Requirements Overview

- Grants for 5 types of activities generally including:
 - Pollution remediation and prevention
 - Workforce development tied to air pollution and greenhouse gas reductions
 - Climate adaptation and resiliency
 - Indoor air pollution, mitigating climate and health heat related issues
 - Facilitating engagement of disadvantaged communities in governmental processes
- Technical assistance available to eligible grantees related to the 5 types of grant activities

Notice of Funding Opportunity Considerations

- Expect to issue NOFO in summer of 2023 for approximately \$2 billion
- Most awards to be in range of \$10-15 million with some availability of smaller awards and “set-asides” for certain award areas
- Twelve month rolling application period to provide flexibility to apply when ready instead of one set submission deadline
- Quarterly reviews being planned
- Two phase review process including a written proposal and oral presentation
- Those who score well on written proposal have opportunity for oral presentation
- Provides more opportunity and flexibility for applicants to demonstrate capability to perform project and need for project
- Reduce influence of professional grant writers by looking at “heart and soul” of project through oral presentation

EJC Working Group



NEJAC Engagement Panel: Environmental Justice in the Tribal and Indigenous Context

Moderator: Mike Tilchin, NEJAC Vice Chair – Jacobs Engineering

Panel Members:

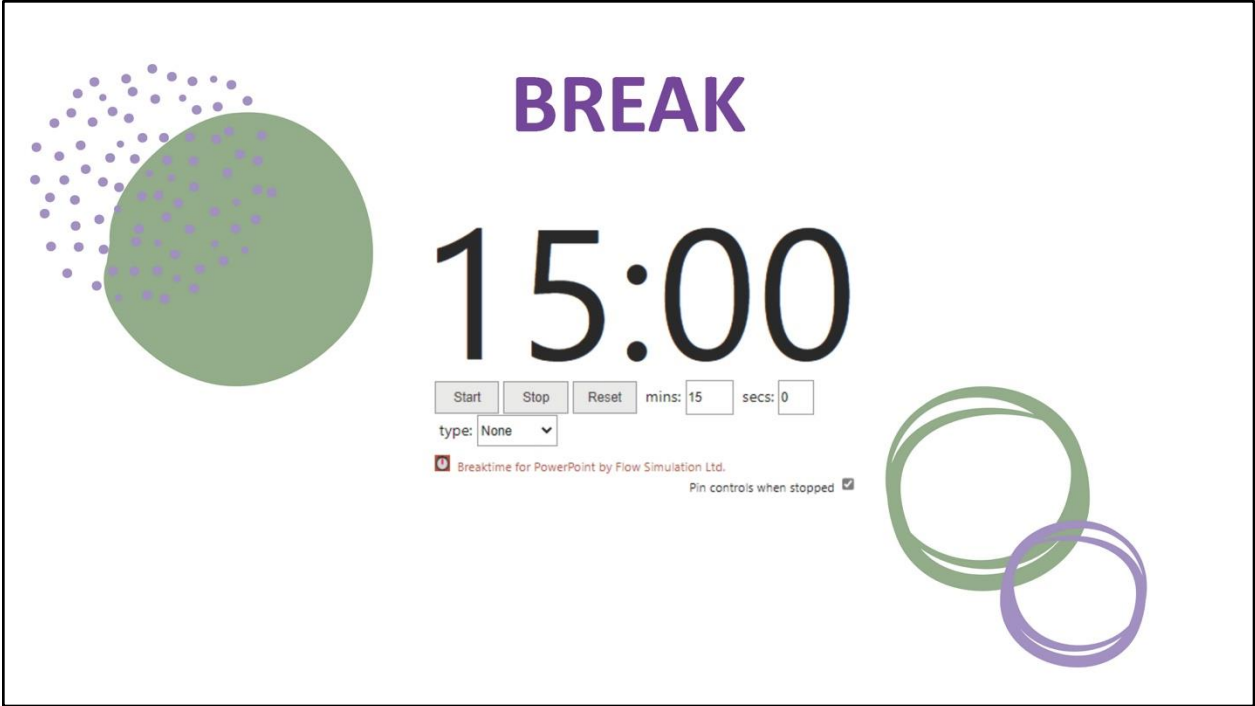
- **Felicia Wright**, Acting Office Director, American Indian Environmental Office – U.S. EPA
- **Danny Gogal**, Tribal and Indigenous Peoples Program Manager, Office of Environmental Justice and External Civil Rights – U.S. EPA
- **Randy Gee**, Team Leader, Office of Communities, Tribes and Environmental Assessment - U.S. EPA, Region 6
- **Kim Varilek**, Director, Tribal Affairs Branch - U.S. EPA, Region 8
- **Jonathan Perry**, President, Becenti Chapter
- **John Doyle**, Water Quality Director - Little Big Horn College

Environmental Justice In the Tribal and Indigenous Peoples Context

PURPOSE: Inform and educate the NEJAC on current and historical aspects of EPA’s Tribal and Indigenous Peoples programs and exchange ideas on how the NEJAC can more effectively contribute to EPA’s efforts to advance EJ for Tribal and Indigenous communities.

Prompts, Perspectives and Questions:

1. Update on the EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples.
 - Perspectives on successful and challenging aspects of implementing the policy
2. Perspectives on environmental justice in the Tribal and Indigenous Peoples context
3. What are some of the primary technical assistance needs related to drinking water, wastewater, stormwater, and other aspects of water infrastructure for Tribes and Indigenous communities?
4. Perspectives on how NEJAC in its advisory capacity can help EPA advance EJ for Tribal and Indigenous communities



A screenshot of a digital break timer interface. On the left, there is a green circle partially covered by a cluster of purple dots. In the center, the word "BREAK" is written in large purple letters above a large black digital display showing "15:00". Below the display are control buttons: "Start", "Stop", and "Reset", followed by input fields for "mins: 15" and "secs: 0". A dropdown menu shows "type: None". At the bottom, there is a small red icon and the text "Breaktime for PowerPoint by Flow Simulation Ltd." and a checkbox labeled "Pin controls when stopped" which is checked. On the right side, there are two overlapping circles, one green and one purple.

EPA Presentation: Community Lead Awareness

Shayna Sellars, Lead-based Paint Outreach & Engagement Coordinator,
Office of Pollution Prevention and Toxics – U.S. EPA





Community Lead Awareness

March 29, 2023

National Environmental Justice Advisory Council

Agenda

- Background
- Curriculum Updates
- Community Lead Awareness
- Anticipated Timeline
- Questions?

Enhancing Lead-Safe Work Practices through Education and Outreach (ELSWPEO)

Goal: Reduce harm to children from exposure to lead in underrepresented and underserved communities disproportionately affected by lead exposure with a two-pronged, interconnected approach.

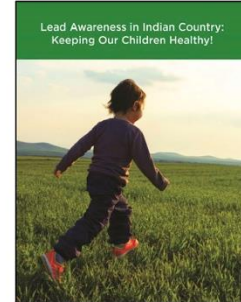
Background - Objectives

- Increase the certification and recertification of renovation, repair and painting (RRP) firms and contractors in selected communities, and
- Increase consumer demand for lead-safe work practices by raising awareness about childhood lead exposure and the RRP program through Lead Awareness Curriculum sessions in selected communities.

Background - Collaboration

Collaboration between the:

- National Tribal Toxics Council
- National-EPA Tribal Science Council
- U.S. Environmental Protection Agency



Background - Partners

- Over 200 tribal representatives contributed to the success of this Curriculum by developing content, reviewing information, evaluating messages and use



Curriculum Sessions

- **Train-the-Trainer** – For community leaders interested in learning how to use and modify the Curriculum to educate their communities about lead.
- **Understanding Lead** – For parents, caregivers and any community member interested in learning more about lead, its impacts and actions to prevent lead exposure and lead poisoning.



Community leaders during a Train-the-Trainer session in St. Louis, MO, October 2022.

Community Lead Awareness in 2023

1. 80 to 100 communities and 2,000 community members.
2. Focus is on educating community leaders and members of the general public using the Lead Awareness Curriculum sessions.
3. Starts in early 2023 and lasts through the end of 2023
4. Sessions will be facilitated by a combination of contractors, EPA HQ and regional staff, and local counterparts.



Community members during an Understanding Lead session in Bridgeport, CT, October 2022.

Community Lead Awareness - Objectives

1. Increase awareness about lead and childhood lead exposure;
2. Expand understanding of lead's potential impacts on children's health and actions that can be taken to reduce and/or prevent childhood lead exposure;
3. Increase the number of community leaders trained on how to use and modify the Lead Awareness Curriculum; and
4. Provide communities with educational resources and knowledge.

Community Selection Criteria

- Community is an underrepresented and underserved community with known lead exposure issues;
 - Use EJSscreen to look at the population of young children and the Lead Paint Supplemental Index;
- Region (EPA) and the community have an interest in participating in Lead Awareness Curriculum sessions; and
- Region has existing contacts and connections within the community that can be leveraged to develop and promote a community's Lead Awareness Curriculum sessions.

Potential Communities

- Chelsea, MA
- New Bedford, Ma
- Manchester, NH
- Greater Rochester Area, NH
- Hartford, CT
- New Haven, CT
- Central Falls, RI
- Providence, RI
- Burlington, VT
- Winooski, VT
- August, ME
- Lewiston, ME
- Philadelphia, PA
- Chester, PA
- Baltimore, MD
- Brentwood, Washington, DC
- Richmond, VA
- Charleston, WV
- Huntington, WV
- South Wilmington, DE
- Atlanta, GA
- Philadelphia, MS
- Chattanooga, TN
- Kinston, NC
- Louisville, KY
- Charleston, SC
- Rocky Mount, NC
- Memphis, TN
- Rocky Mount, NC
- Duckhill, MS
- Evansville, IN
- Toledo, OH
- Cleveland, OH
- Marywood, IL
- Detroit, MI
- Chicago, IL
- New Orleans, LA
- Dallas, TX
- El Paso, TX
- Las Cruces, NM
- Eagle Pass, TX
- Durant, OK
- Alamogordo, NM
- McAlester, OK
- Idabel, OK
- Poteau, OK
- St. Louis, MO
- Springfield, MO
- Lincoln, NE
- Madison County, MO
- Scottsbluff, NE
- Kansas City, MO
- Hastings, NE
- Kearney, NE
- Meramec Regional Planning Commission, MO
- Grand Island, NE
- Pueblo, CO
- Commerce City/North Denver, CO
- Butte & Anaconda, MT
- CO Childcare Providers
- MT Health Agencies
- Adams County, CO
- Seattle, WA
- Tacoma, WA
- Yakima, WA
- Portland, OR
- Anchorage, AK
- Fairbanks, AK
- Rural AK
- Honolulu, HI
- Alameda County, CA
- South/East Los Angeles, CA
- Watts neighborhood of LA, CA

Collaboration in 2023

- **Feedback on the communities**
 - Are there other communities located nearby who you think should be invited to collaborate with the communities already on the list?
- **Would you be interested in being a local contact and/or local champion?**
 - Do you know of anyone else who might be interested in being a local contact and/or local champion for a community?
- **Are there other organizations you think we should connect with who might be interested in national or regional sessions?**

Questions?

HQ Team Contact Information

If you have any follow-up questions or would like to be put in touch with lead team in your region, please contact:

- Judy Kendall, kendall.judith@epa.gov (co-lead)
- Shayna Sellars, sellars.shayna@epa.gov (co-lead)

Spanish Webinars

- Información sobre el plomo
 - Tuesday, March 28 1:00 – 2:30 pm ET
 - <https://bit.ly/28deMarzo>



- Capacitación de instructores sobre el Plan de estudios de concientización sobre el plomo
 - Tuesday, April 4 1:00 – 3:30 pm ET
 - <https://bit.ly/seminario4deAbril>



For the benefit of interpreters, please speak clearly and slowly

PUBLIC COMMENT PERIOD

03:00



Attendees who pre-registered for public comment will be given access to speak as time allows



Each commenter has **three (3) minutes** to speak



For the benefit of interpreters, please speak clearly and slowly



If you do not get a chance to speak during the allotted time, please submit your comments in writing



Written comments can be submitted until **April 13, 2023**



Comments will help the NEJAC form better recommendations

Adjourn

National Environmental Justice Advisory Council

Public Meeting Day 2

March 30, 2023



Reminders

- Meeting attendees are in listen/view mode only
- The chat feature will not be available in this virtual meeting
- Attendees who pre-registered for public comment will be given access to speak as time allows
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DAY TWO: Thursday, March 30, 2023

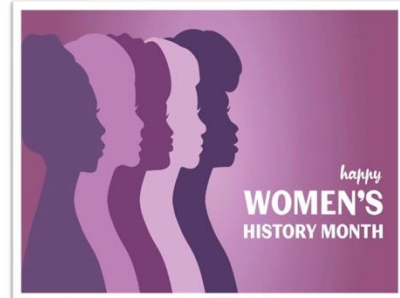
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12:50 PM – 1:20 PM	EPA Presentation: EPA Water Technical Assistance: Supporting Communities to Solve Water Challenges
1:20 PM – 1:50 PM	EPA Presentation: Tackling Climate and Air Pollution from Multiple Angles: <i>Updates from the Office of Air and Radiation's Inflation Reduction Act Implementation Team</i>
1:50 PM – 2:05PM	Break
NEJAC BUSINESS MEETING	
2:05 PM – 3:35 PM	Water Infrastructure Technical Assistance Recommendations
3:35 PM – 4:05 PM	Presentation of New Charge: Farmworker & Pesticides
4:05 PM – 4:35 PM	Presentation of New Charge: Cumulative Impacts Framework
4:35 PM – 4:45 PM	NEJAC Workgroup Updates
4:45 PM – 4:50 PM	Upcoming Events
4:50 PM – 5:00 PM	Closing Remarks & Adjourn

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- **Sylvia Orduño**, NEJAC Co-Chair – Michigan Welfare Rights Organization
- **Na'Taki Osborne Jelks**, NEJAC Co-Chair – West Atlanta Watershed Alliance and Proctor Creek Stewardship Council
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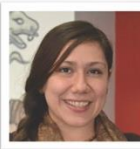
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STATE & LOCAL GOVERNMENT



Millicent Piazza, PhD
Washington State Department of Ecology
Region 10 - Washington



Loren Hopkins, PhD
City of Houston Health
Department
Region 6 - Texas

NEJAC MEMBERS

TRIBAL & INDIGENOUS GOVERNMENT & ORGANIZATIONS



Joy Britt
Alaska Native Tribal Health Consortium
Region 10 - Alaska



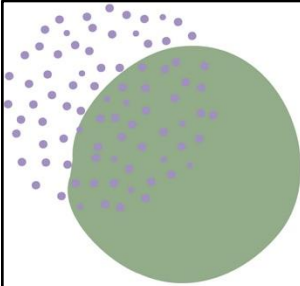
John Doyle
Little Big Horn College
Region 8 - Montana



Scott Clow
Ute Mountain Ute Tribe
Region 8 - Colorado



Jonathan Perry
Becenti Chapter
Region 6 – New Mexico



Opening Remarks

- **Matthew Tejada**, Deputy Assistant Administrator for EJ, Office of Environmental Justice and External Civil Rights - U.S. EPA
- **Marianne Engelman-Lado**, Acting Principal Deputy Assistant Administrator, Office of Environmental Justice and External Civil Rights - U.S. EPA

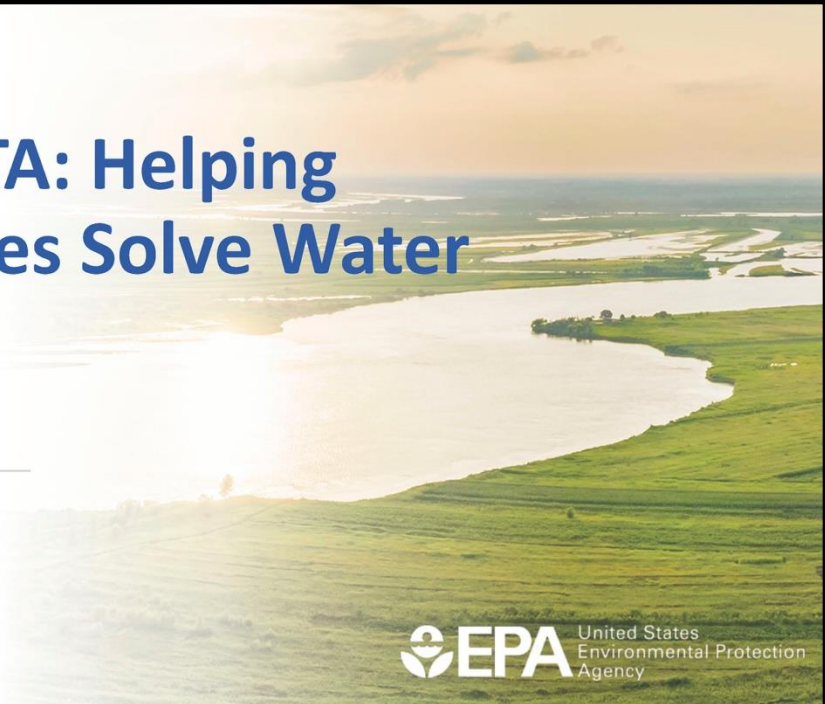
EPA Presentation:

EPA Water Technical Assistance: Supporting Communities to Solve Water Challenges

Jonathan Nelson, Senior Advisor for Technical Assistance and Community Outreach, Office of Water - U.S. EPA



EPA WaterTA: Helping Communities Solve Water Challenges



THANK YOU TO NEJAC!

Bipartisan Infrastructure Law

\$50 billion investment in water infrastructure – the largest ever

Large amount of funding will be grants/forgivable loans for “disadvantaged communities” – which can help communities better afford necessary infrastructure upgrades

5 year appropriation timeline

Challenge

Many communities lack capacity to access water infrastructure funding – and may lack trust in government.



EPA WaterTA Supports Communities to:



Identify water challenges



Develop plans



Increase community engagement



Build technical, financial, managerial capacity

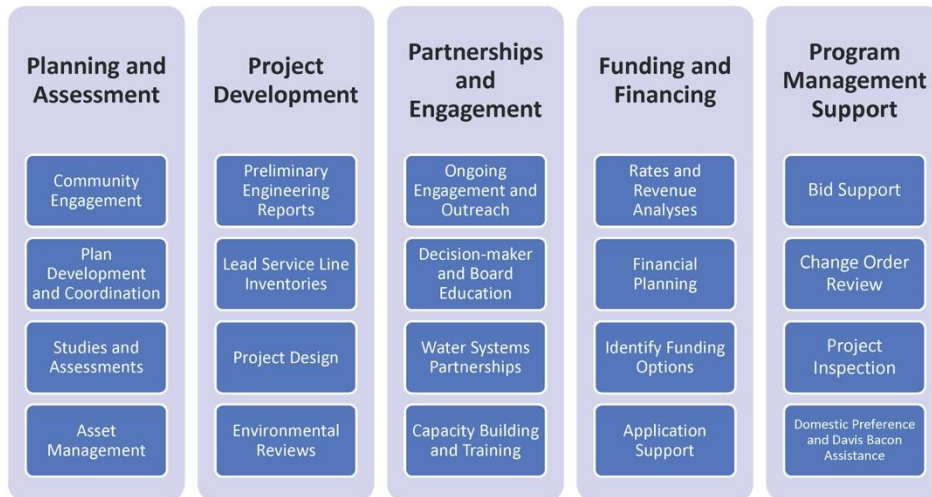


Develop application materials to access water infrastructure funding

EPA WaterTA Values

- **Targeted:** focused on disadvantaged and underserved communities as well as those that may struggle to access funding.
- **Proactive:** shift burden away from disadvantaged and underserved communities – we go to them!
- **Community-centered:** Meet communities where they are by building trust, adjusting to their needs, and being culturally competent.

WaterTA Services



How Do I Access WaterTA?

epa.gov/water-infrastructure/water-technical-assistance

The screenshot shows the EPA website's navigation bar with the EPA logo and the text "United States Environmental Protection Agency". Below the navigation bar, the page title is "Water Infrastructure" with a "CONTACT US" link. The main heading is "Water Technical Assistance Request Form". The form includes input fields for "First name", "Last name", "Email", and "Phone number". A note states: "If you would like a response, please include your email address and/or phone number." The phone number field has a placeholder instruction: "Please format your phone number as (XXX) XXX-XXXX".

2022: Launched new initiatives like **Closing America's Wastewater Access Gap** and **Lead Service Line Replacement "Accelerators"** and announced over **\$150m** in new TA funding



2023:

Reach hundreds of communities!



Office of Water
78

Learn more or request assistance at
epa.gov/water-infrastructure/water-technical-assistance



Office of Water
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EPA Presentation:

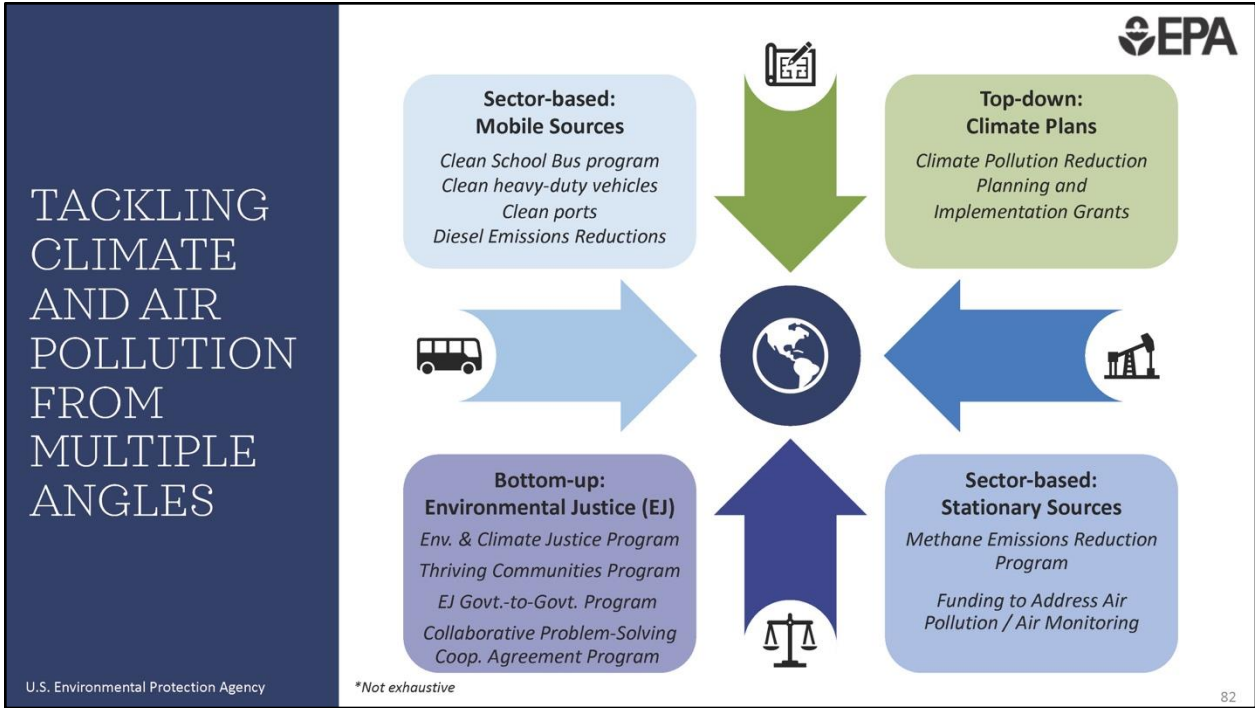
Tackling Climate and Air Pollution from Multiple Angles: *Updates from the Office of Air and Radiation's Inflation Reduction Act Implementation Team*

- **Jennifer Macedonia**, Associate Assistant Deputy Administrator for Implementation, Office of Air and Radiation - U.S. EPA
- **Jasmine Davenport**, Senior Advisor For Climate Justice, Office of Air and Radiation – U.S. EPA



NEJAC MEETING

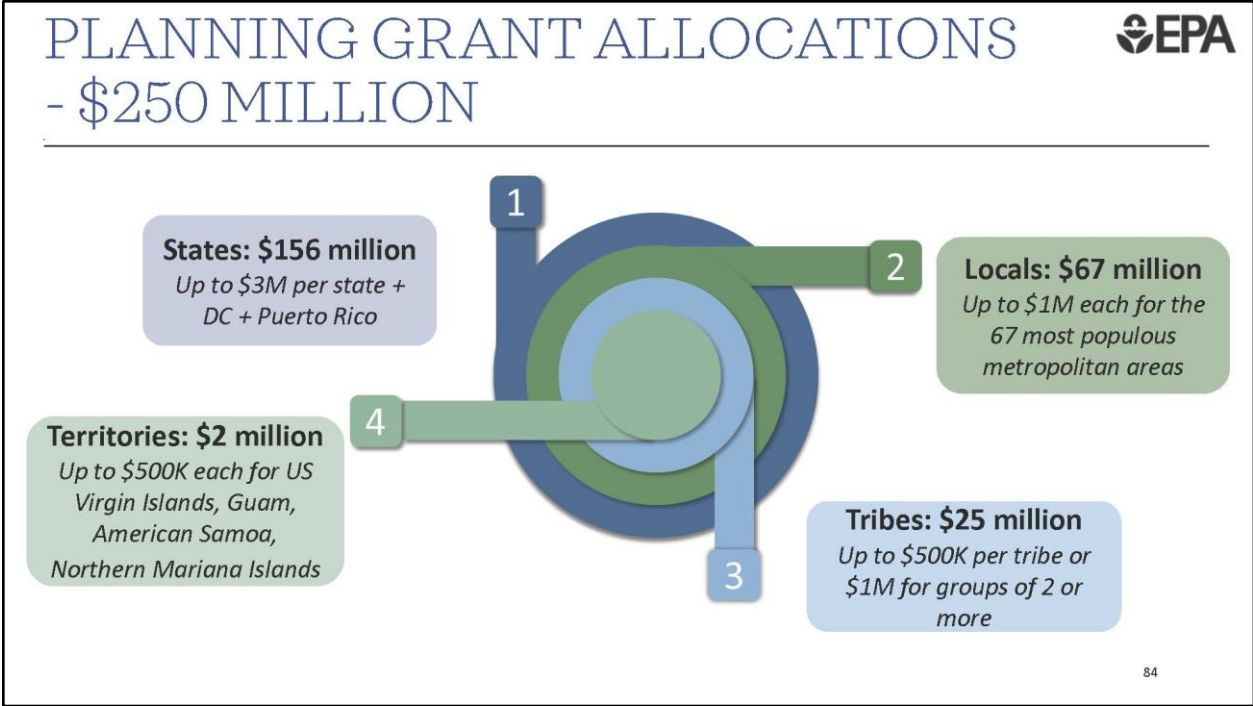
MARCH 30, 2023






CLIMATE POLLUTION REDUCTION GRANT (CPRG) PROGRAM

- 1. Non-competitive planning grants to develop strong climate pollution reduction strategies (\$250 M)**
- 2. Competitive implementation grants to put plans into action (\$4.6 B)**

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ONE PLANNING GRANT, THREE DELIVERABLES OVER 4 YEARS

 Priority Climate Action Plan (PCAP)	 Comprehensive Climate Action Plan (CCAP)	 Status Report
<ul style="list-style-type: none"> • Due March 1, 2024 • Near-term, implementation-ready, priority greenhouse gas (GHG) reduction measures • Prerequisite for implementation grant 	<ul style="list-style-type: none"> • Due in 2025 (later for tribes and territories) • All sectors / significant GHG sources and sinks • Near- and long-term GHG emission reduction goals and strategies 	<ul style="list-style-type: none"> • Due in 2027 (N/A for tribes or territories) • Updated analyses and plans • Progress and next steps for key metrics

85

BREAK

15:00

Start Stop Reset mins: 15 secs: 0

type: None

Breaktime for PowerPoint by Flow Simulation Ltd. Pin controls when stopped

NEJAC Business Meeting

Water Infrastructure Technical Assistance Recommendations – Phase 1

Workgroup Chairs

- Na'Taki Osborne Jelks, Ph.D.
- Andy Kricun

Subgroup Chairs

- Benjamin J. Pauli, Ph.D. (Municipal)
- Rev. Ambrose Carroll, Sr., Ph.D. (Rural)
- Ayako Nagano (Workforce Development)

Workgroup Members

- Michael Tilchin
- Nina McCoy
- Brenda Torres Barreto
- Jeremy F. Orr
- Jacqueline D. Shirley
- Sylvia Orduño
- Scott Clow
- John Doyle
- Jonathan Perry

(Non-NEJAC Members)

- Nicole Merino Tsui
- Bruce Carroll



**Presentation
of New Charges**

Farmworker and Pesticides Charge

- **Rick Keigwin**, Deputy Assistant Administrator for Management, Office of Chemical Safety and Pollution Prevention – U.S. EPA
- **Jake Li**, Deputy Assistant Administrator for Pesticides Program, Office of Chemical Safety and Pollution Prevention – U.S. EPA
- **Mike Goodis**, Deputy Office Director, Office of Pesticides Program, Office of Chemical Safety and Pollution Prevention – U.S. EPA
- **Amanda Hauff**, Senior Advisor, Senior Environmental Justice Program Manager, Office of Chemical Safety and Pollution Prevention – U.S. EPA
- **Stacey Geis**, Senior Advisor, Office of Enforcement and Compliance Assurance - U.S. EPA
- **Liz Vizard**, Acting Director, Assistance and Media Programs Division, Office of Enforcement and Compliance Assurance - U.S. EPA
- **Royan Teter**, Senior Advisor, Waste and Chemical Enforcement Division, Office of Enforcement and Compliance Assurance - U.S. EPA

Farmworkers and Pesticides Workgroup Members

Workgroup Chairs

- Sylvia Orduño
- Audelia Cervantes Garcia
(Non-NEJAC member)

Members

- Jan Marie Fritz
- Jill Lindsey Harrison
- Leticia Colon de Mejias
- Yvonka M. Hall
- Andy Kricun
- John Doyle
(Non-NEJAC Members)
- Andrea Cabrera-Hubbard
- Elvira Carvajal
- Mily Treviño-Sauceda
- Marlene Rojas Lara
- Hormis Bedrolls





Farmworker and Pesticides Charge to the National Environmental Justice Advisory Council

March 30, 2023

Working Together

- NEJAC Farmworker and Pesticides Workgroup
 - NEJAC members
 - Farmworker women
- Workgroup sessions with EPA: OCSPP, OECA, OCHP, ORD, Region 2, Region 4, Region 6, Region 9, Region 10
- **First Phase:** Building a charge together & Obtaining NEJAC’s recommendations
- **Next Phase:** Continued deliberations on these issues

The workgroup’s focus has an emphasis on women and children’s vulnerabilities.	
Worker Protection Standards compliance needs: <ul style="list-style-type: none"> • State enforcement and reporting • Employer enforcement and reporting • Vulnerability of women and children • Vulnerability of undocumented workers • Human rights provisions 	Pesticide risk mitigation: <ul style="list-style-type: none"> • EPA assumptions about PPE • Farmworker’s understanding and access to information on the risks of pesticides and how they are exposed, as well as information on EPA regulations. • Protections, enforcement, inspections, filing of complaints, etc.

I. Establishing Farmworkers' Access to Bilingual (Spanish) Labels

- EPA wants to obtain early input from the NEJAC to understand how the program can build effective communication processes and mechanisms to successfully increase access and use of Spanish labels for farmworkers.

Charge Questions

- A. What communications approaches, processes or strategies would the NEJAC recommend for ensuring Spanish labels are accessible to farmworkers? What specific approaches should the Agency avoid when implementing efforts to ensure farmworkers' access to Spanish labels?
- B. What technologies, mobile applications and internet access should the Agency consider? Would web-based labels be accessible to farmworkers? Does limited internet access provide a significant barrier?

95

C. How can the Agency effectively share information with farmworkers? What should on-the-ground logistics look like? What partners should the Agency work with?

D. What components should the Agency have within the implementation plan to increase farmworkers' access to bilingual (Spanish) labels?

E. Beyond the Spanish language requirements in PRIA 5, the Agency is interested in learning how to improve fundamental access of labeling to farmworkers speaking non-English languages other than Spanish. What additional recommendations does the NEJAC have to improve access to these workers?

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II. Input on Building a New Environmental Justice Indicator

- EPA is exploring development of a farmworker indicator that the Agency could address through its programs. EPA requests the NEJAC's input to help refine the focus of a potential indicator.

Charge Questions

- A. Which types of indicators would be most meaningful to farmworker communities? Please see the Farmworker Disparity Indicator Examples below for different types of indicators.
- B. Which types of environmental/health issues are most urgent to farmworker communities and could be tracked through this effort? How can the Agency analyze certain disparities related to these environmental/health issues?
- C. What datasets are missing from the list below that would be helpful to consider (even if not available nationwide)? What are your recommendations on how to best leverage/combine existing datasets?

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D. Given the limitations of existing datasets, what are the most pressing data gaps that could be addressed for development of a future indicator? How does the NEJAC recommend that these data gaps be filled?

E. Disparities are frequently measured between groups; however, disparities can also be measured from other reference points such as the total population. The choice of a reference point from which to measure disparity is a critical issue, especially considering the demographics of farmworkers. Which approaches do you recommend in identifying an appropriate comparison group that captures farmworker disparities? For more context, reference: [Methodological Issues in Measuring Health Disparities](#).

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III. Strengthening EPA’s Pesticide Exposure Assessment of Legally Working Children in Agriculture

- The Agency request that the NEJAC share quantitative information, research, and monitoring data; as well as factors to be considered for informing the analysis with additional or current information, related to legally working children in agriculture.

Charge Questions

A. Is the NEJAC aware of additional exposure data to augment our analysis of comparative exposures between adult and children in agricultural settings?

B. Can the NEJAC provide quantitative data and sources of information, in addition to the Department of Labor data used in the analysis, to inform these types of exposures and activities that are expected for children legally working in agriculture?

99

C. The Agency currently relies upon the Exposure Factors Handbook for biometric data (i.e., body weights, surface area) for the general U.S. populations. Can the NEJAC provide additional data to reflect biometric differences amongst farmworker children populations in comparison to the general population?

100

IV. Expand or Enhance Training for Inspectors Who Conduct Worker Protection Inspections

- EPA requests the NEJAC suggest how EPA can incorporate a deeper understanding of farmworker concerns about WPS inspections into training materials.

Charge Questions

A. What feedback, observations, or experiences can NEJAC share about inspections to help EPA enhance training and thereby improve inspections and enforcement?

B. What communication approaches, processes, or strategies does the NEJAC recommend to increase information sharing and build trust between WPS inspectors and farmworkers?

101

Questions

102

Contact: Amanda Hauff

Senior Advisor

Senior Environmental Justice Program Manager

hauff.amanda@epa.gov

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EPA Charge Presentation: Cumulative Impacts Framework Charge

Charles Lee, Senior Policy Advisor, Office of Environmental Justice
and External Civil Rights - U.S. EPA



Cumulative Impacts Framework Workgroup Members

Workgroup Chairs

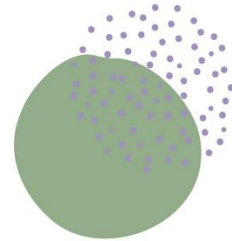
- Sandra Whitehead, PhD, MPA
- Kristie Ellickson Ph.D., (Non-NEJAC Member)

(Non-NEJAC Workgroup Members)

- Alec Ayers, Ph.D.
- Devon Payne Sturges, Ph.D.
- Kristi Pullen Fedenick, Ph.D.
- Sacoby Wilson, Ph.D.

Workgroup Members

- April Karen Baptiste
- Benjamin J. Pauli, Ph.D.
- Michael Tilchin
- Leticia Colon de Mejias
- Cemelli De Aztlan
- Yvonka M. Hall
- Richard Mabion
- Jerome Shabazz
- Pamela Talley, Ph.D.
- Andy Kricun (alternate)
- Ayako Nagano (alternate)
- Loren Hopkins, Ph.D.
- Millicent Piazza, Ph.D.



NEJAC
Cumulative Impacts Workgroup
Charge

March 30, 2023

Background

- NEJAC has provided numerous recommendations regarding cumulative impacts since its inception
- Meaningful progress has been made on the cumulative impacts issue during the past two decades, particularly at the state and local levels
- EPA has made a significant commitment to advancing cumulative impacts
 - **Research** Recommendations Report
 - EJ **Legal Tools** compendium and Cumulative Impacts Addendum
 - Agency **Equity Action Plan** Commitment to develop and operationalize a comprehensive cumulative impacts framework

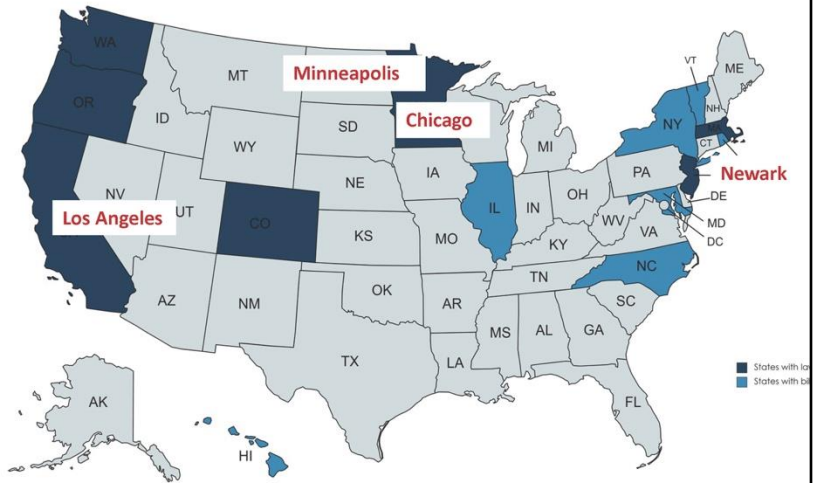
Three Sets of Questions

1. Lessons from recent developments in cumulative impacts assessment

2. Approaches for assessing and addressing cumulative impacts

3. Finalizing and implementing a cumulative impacts framework

1. Recent Developments in Cumulative Impacts Assessment



2. Approaches for Assessing and Addressing Cumulative Impacts

EPA requests advice on key approaches for assessing and addressing cumulative impacts in a **fit-for-purpose manner**.

- Critical steps, methods and practice standards for **cumulative impacts assessment**, including HIA or PACE-EH
- Better utilization of **community knowledge** to account for their lived experience
- Better consideration of **historical and structural drivers** for **concentration of environmental burden**
- Incorporating **climate justice** impacts of concern
- **Innovative approaches** to integrating cumulative impacts consideration in its programs

3. Framework Finalization and Implementation

EPA requests advice to inform the finalization and implementation of a cumulative impacts framework

- How implementation can reflect the **most important experience, perceptions, concerns, priorities and aspirations** of overburdened communities
- **Gaps** that should be addressed in future work
- Promoting collaboration and **co-generation of knowledge and expertise**
- **Accelerating implementation** of a cumulative impacts framework

NEJAC National Environmental Policy Act (NEPA) Workgroup Update

Workgroup Chairs

- Millicent Piazza, Ph.D.
- Ayako Nagano

Workgroup Members

- Jan Marie Fritz
- Jill Lindsey Harrison
- Yvonka M. Hall
- Nina McCoy
- Sofia Owen
- Andy Kricun
- Loren Hopkins

(Non-NEJAC Members)

- Cheryl Johnson
- Dennis Randolph



Upcoming Events

- Deadline for nominations for NEJAC council membership has been extended till **Friday, April 14, 2023**
- Next NEJAC Virtual Public Meeting: **May 17-18, 2023**
- Next NEJAC In-Person Meeting: **July 24-28, 2023**



Closing Remarks and Adjourn

- **Dr. Na'Taki Osborne Jelks**, NEJAC Co-Chair – West Atlanta Watershed Alliance and Proctor Creek Stewardship Council
- **Sylvia Orduño**, NEJAC Co-Chair – Michigan Welfare Rights Organization
- **Michael Tilchin**, NEJAC Vice Chair – Jacobs Engineering
- **Matthew Tejada**, Deputy Assistant Administrator for EJ, Office of Environmental Justice and External Civil Rights – U.S. EPA
- **Paula Flores-Gregg**, Designated Federal Officer – U.S. EPA

**Thank you
for your participation**



<https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council>

APPENDIX D. WRITTEN PUBLIC COMMENTS

Order of Comments:

Anonymous

Manish Bapna

David Dow

Dave Duffield

Yanna Lambrinidou

John Mueller

Richard North

WhoPoo

Van Tol

Naomi Yoder

our water that we drink is being poisoned by gthe toxic chemicalsthat you allow to be utilized in mnassivbe amounts in the usa each day. we have no non toxic water left. the huge amount of toxic chemicals that this agency has approved are in fact turning every source of water into poison to kill american citizens. you are not acting in the best interests of american citizens who want to live healthfully. americans are dying of cancer from those chemnicals at younger and younger ages, 2 year old kids have cancer from the toxic chenmical you allow to be used in america.

i wouldk grade this agency a worth an f minus grade if not a zero. you are killing america and americans. no othercountry has as bad a record chemically as this country. this comment is for thepublic record. please receipt b ker bk1492@aol.com

-n

[Federal Register Volume 88, Number 48 (Monday, March 13, 2023)]
[Notices]
[Pages 15391-15392]
From the Federal Register Online via the Government Publishing Office
[\[www.gpo.gov\]](http://www.gpo.gov)
[FR Doc No: 2023-05022]

ENVIRONMENTAL PROTECTION AGENCY

[FRL-10764-01-OA;-EPA-HQ-OEJECCR-2023-0101]

National Environmental Justice Advisory Council; Notification of
Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification for a public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), the U.S. Environmental Protection Agency (EPA) hereby provides notice that the National Environmental Justice Advisory Council (NEJAC) will meet on the dates and times described below. The meeting is open to the public. For additional information about registering to attend the meeting or to provide public comment, please see Registration under SUPPLEMENTARY INFORMATION. Pre-Registration is required.

DATES: The NEJAC will convene a virtual public meeting on Wednesday, March 29, and Thursday, March 30, 2023, from approximately 12:00 p.m. to 6:00 p.m., Eastern Time each day. The meeting discussions will focus on several topics including, but not limited to, workgroup activity, final recommendations for council consideration, and charges created through collaborations with various EPA national program offices. A public comment period relevant to EPA's water infrastructure technical assistance efforts to ensure communities with environmental justice concerns can obtain technical assistance will be considered by the

NEJAC during the meeting (see SUPPLEMENTARY INFORMATION). Members of the public who wish to participate during the public comment period must register by 11:59 p.m., Eastern Time, March 22, 2023.

FOR FURTHER INFORMATION CONTACT: Paula Flores-Gregg, NEJAC Designated Federal Officer, U.S. EPA; email: nejac@epa.gov; telephone: (214) 665-8123. Additional information about the NEJAC is available at <https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council>.

SUPPLEMENTARY INFORMATION: The Charter of the NEJAC states that the advisory committee ``will provide independent advice and recommendations to the Administrator about broad, cross-cutting issues related to environmental justice. The NEJAC's efforts will include evaluation of a broad range of strategic, scientific, technological, regulatory, community engagement and economic issues related to environmental justice.''

I. Registration

Individual registration is required for the public meeting. No two individuals can share the same registration link. Information on how to register is located at <https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council-meetings>. Registration to attend the meeting is available through the scheduled meeting days. The deadline to sign up to speak during the public comment period will close at 11:59 p.m., Eastern Time, March 22, 2023. When registering, please provide your name, organization, city and state, and email address. Please also indicate whether you would like to provide oral public comment during the meeting, or whether you are submitting written comments.

A. Public Comment

The NEJAC is interested in receiving public comments on EPA's water infrastructure technical assistance efforts to ensure communities with environmental justice concerns (particularly for community water systems, decentralized systems, and/or non-existent infrastructure) can obtain technical assistance to address their environmental, public health, affordability and climate resiliency needs, and reduce longstanding and cumulative negative health impacts. Priority to speak during the meeting will be given to public commenters with comments relevant to water infrastructure technical assistance efforts to communities with environmental justice concerns. More information on NEJAC charges is located online at: <https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council-current-charges>. Every effort will be made to hear from as many registered oral public commenters during the time specified on the agenda. Individuals or groups making remarks during the oral public comment period will be limited to three (3) minutes. Please be prepared to briefly describe your comments; including your recommendations on what you want the NEJAC to advise the

[[Page 15392]]

EPA to do. Submitting written comments for the record are strongly

encouraged. You can submit your written comments in three different ways, (1) by using the webform at <https://www.epa.gov/environmentaljustice/forms/national-environmental-justice-advisory-council-nejac-public-comment>, (2) by sending comments via email to nejac@epa.gov and (3) by creating comments in the Docket ID No. EPA-HQ-OEJECR-2023-0101 at <http://www.regulations.gov>. Written comments can be submitted through April 13, 2023.

B. Information About Services for Individuals With Disabilities or Requiring English Language Translation Assistance

For information about access or services for individuals requiring assistance, please contact Paula Flores-Gregg, at (214) 665-8123 or via email at nejac@epa.gov. To request special accommodations for a disability or other assistance, please submit your request at least fourteen (14) working days prior to the meeting, to give EPA sufficient time to process your request. All requests should be sent to the email or phone number listed in the FOR FURTHER INFORMATION CONTACT section.

Matthew Tejada,
Deputy Assistant Administrator for Environmental Justice, Office of Environmental Justice and External Civil Rights.
[FR Doc. 2023-05022 Filed 3-10-23; 8:45 am]
BILLING CODE 6560-50-P

Dear Administrator Regan -

Please find attached a letter from 38 environmental, health, and justice organizations. The letter sets forth our positions and concerns related to EPA's use of new approach methods ("NAMs"), and it seeks a meeting with you and Assistant Administrator for Research and Development Chris Frey to discuss those issues. We look forward to working together to ensure that EPA has the information it needs to fully evaluate the risks posed by toxic chemicals and to protect fence-line communities, workers, and other exposed populations from those risks. Thank you for your attention to this matter.

Kind regards,

Manish Bapna

March 15, 2023

Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington DC 20460

Re: The Role of NAMs and Rodent Studies in Protecting Against Unsafe Chemicals

Dear Administrator Regan:

We are writing on behalf of the 38 environmental, health, and justice organizations to convey our deep concern regarding EPA's efforts to prematurely reduce or eliminate whole rodent testing of chemicals. We are concerned that on its current trajectory, this trend will lead to weakened protection of human health and the environment under the Toxic Substances Control Act (TSCA) and other laws. These efforts are also undermining the Biden Administration's commitment to advancing environmental justice and protecting susceptible populations.

In the last several years, EPA has been heavily focused on the development of New Approach Methodologies (NAMs) for assessing the risks of chemicals. These new and unproven NAMs, which are the focus of this letter, include many *in vitro* biochemical, molecular, and cell-based assays and computational-based models.¹ In recent years, EPA has committed substantial resources to the development and promotion of such NAMs, with the goal of near-term deployment and a corresponding decrease in the number of rodent studies it conducts itself or requires industry to perform.

While TSCA encourages EPA to reduce testing on vertebrate animals, the law requires EPA to assure that non-animal studies will produce information of equal or greater relevance and quality for the assessment and management of chemical risks. As described below, NAMs are not currently capable of replacing rodent studies for many key health effects. While limiting the use of rodents in laboratory testing continues to be an aspirational goal of many toxicologists, the science is not yet developed to the point where we can rely on NAMs as the primary basis for risk assessment and management under our chemical laws and regulations. Reliance on NAMs to the exclusion of rodent studies will therefore prevent us from developing critical data on the impacts of chemical exposures on human health, further exacerbating existing health inequities and adding to the disproportionate burdens that toxic chemicals place on communities of color and disadvantaged populations. Environmental justice communities and farmworkers already suffer disproportionate harms from the manufacturing, use, and disposal of chemicals that were inadequately reviewed or approved despite their known risks. EPA must not allow the development or use of NAMs to perpetuate or worsen these unequal and harmful impacts.

We are not anti-NAM or pro-NAM. We are, however, opposed to any uses of NAMs that could understate chemical risks and reduce, prevent, or delay needed public health protections. To ensure that NAMs will not be misused to undermine health protections, we ask EPA to take the following actions:

- Reaffirm the critical value of rodent tests conducted in accordance with animal welfare protections to inform chemical evaluations, and health protective policies and practices;
- Do not use NAMs to exempt chemicals from further review and study.
- Commit to an open process that includes fenceline communities, farmworkers, and other impacted stakeholders in the development of policies surrounding the regulatory use of NAMs;

In addition, our groups have long advocated that EPA take prudent, scientifically sound steps to reduce rodent testing, including:

- Regulate chemical classes;
- Use established methods to fill data gaps, including uncertainty factors, read-across and category-based approaches;
- Reduce known or suspected toxicants by promoting the elimination of unnecessary chemicals and supporting the development and use of safer substitutes.
- Make better use of existing data including from epidemiologic studies, academic research, medical case reports, workplace incident reports, and spill and release information.

The above measures are consistent with EPA’s responsibility under section 4(h) of TSCA to encourage and facilitate “the grouping of 2 or more chemical substances into scientifically appropriate categories in cases in which testing of a chemical substance would provide scientifically valid and useful information on other chemical substances in the category.”²

Below we describe in more detail our concerns and recommendations. We plan to meet with Assistant Administrators Michal Freedhoff and Christopher Frey as soon as possible to discuss the issues raised in this letter.

Problems with Relying on NAMs For Assessing Chemical Hazards and Making Safety Determinations

EPA’s ability to regulate chemicals and to protect public health requires reliable data about chemical hazards and exposures. Chemical assessment tools must leverage the best available science to develop high-quality information to support health protective policies and practices. At this time, rodent tests should continue to be a prioritized method for chemical evaluations for both industrial chemicals and pesticides.

TSCA Requires That NAMs Provide Scientifically Valid Data Equivalent in Quality to Rodent Studies

If fully validated through an open and transparent process, new NAMs can contribute useful data to understanding the health impacts of chemicals. However, the 2016 TSCA amendments direct EPA to encourage the “use of scientifically valid test methods and strategies that reduce or replace the use of vertebrate animals while providing information of equivalent or

better scientific quality and relevance that will support regulatory decisions under this title.”³ Thus, before rodent testing can be reduced, EPA must assure that the replacement test systems meet at least three criteria:

- they are “scientifically valid;”
- they will “provid[e] information of equivalent or better scientific quality” than the tests they replace;
- they will “support regulatory decisions” under this subchapter.

Unfortunately, EPA has not met this burden. Except for a limited number of acute toxicity endpoints (for example, skin and eye irritation), most NAMs remain unvalidated for determining health effects.⁴ Moreover, scientists agree that the scientific quality of NAMs is critically compromised due to inadequate coverage of important biological targets, lack of metabolism, failure to predict effects in complex systems like reproduction and neurobehavior, and failure to address health effects across different life stages.⁵ EPA’s own 2021 New Approach Methods Work Plan (“Work Plan”) confirms these concerns: “While considerable progress is being made in developing NAMs, there are still scientific challenges and information gaps that limit a complete reliance on NAMs for Agency decisions related to the assessment of a chemical’s potential risk to human health and the environment. Examples of these scientific challenges and gaps include inadequate coverage of potential biological targets and pathways, reduced or distinct xenobiotic metabolism in in vitro test systems, limited capabilities to represent the complex cellular, tissue, organ, and organism-level interactions, and a lack of robust integrated approaches to testing and assessment (IATAs).”⁶ Put simply, NAMs cannot reliably measure key health effects including cancer and birth defects for which there are established rodent tests. And, finally, EPA also lacks any guidelines or policies to assure that NAMs will support regulatory decisions to limit or eliminate hazardous chemicals, as noted in the Work Plan.⁷

Prematurely curtailing rodent testing will deprive EPA of the tools it needs to protect the health of individuals and communities – particularly those overburdened by harmful environmental pollutants – and will deepen health disparities. Coupled with the absence of rodent data, the limitations of NAMs mean chemicals could also be unjustifiably deemed safe based on NAMs data alone, allowing toxic chemicals to be approved or to remain in use. That is not what is required or intended by the revised TSCA.

EPA Should Continue to Rely on Proven Tools for Chemical Assessment and Regulation

For decades, hazard and risk determinations have relied primarily on rodent tests to assess chemicals for carcinogenicity, developmental and reproductive toxicity, neurotoxicity, immunotoxicity, and other serious and complex human health endpoints. Over time, scientists and Agency officials developed a comprehensive peer-reviewed framework for using rodent studies to make judgments about the effects of chemicals on human health – including workers and communities – and determine the magnitude and severity of these effects under likely conditions of exposure. EPA notes this in its NAMs Work Plan: “In many cases, vertebrate animal tests, directly and indirectly, provide the information by which many of these decisions are made. The scientific confidence associated with the traditional toxicity tests comes from the decades of experience in their development and application.”⁸

Based on a broadly accepted set of guidelines for interpreting animal data, EPA has largely relied on findings from whole rodent studies for nearly all significant restrictions on unsafe chemicals. For example, the determinations of unreasonable risk to human health in EPA’s first ten TSCA risk evaluations are predominantly based on findings of carcinogenicity, reproductive and developmental toxicity, neurotoxicity, and immune effects in rodent studies, often coupled with toxicokinetic information to extrapolate the results of these studies to humans and wildlife species. Similarly, recent toxicity assessments on per- and polyfluoroalkyl substances (PFAS) conducted by the Office of Water have made extensive use of rodent and epidemiological data, as have IRIS assessments on formaldehyde, ethylene oxide, hexavalent chromium, methylene chloride, trichloroethylene, phthalate esters, and many other substances. There have been substantial reductions in mortality and disease due to the use of rodent tests.⁹

While EPA has not done enough to address the burdens facing frontline communities, its response should be to issue stronger regulations using existing data, and to fill relevant data gaps with rodent studies, use of uncertainty factors and the promotion of safer substitutes. EPA must not weaken the scientific foundation for such regulations by prematurely halting or curtailing rodent testing.

EPA is Already Reducing Critical Toxicity Testing

Despite the limitations associated with NAMs, EPA is already curtailing rodent testing that is currently needed to assess chemical toxicity.¹⁰ In 2019, then-Administrator Andrew Wheeler issued a [directive](#) to end reliance on animal testing by EPA.¹¹ That directive states that TSCA “requires the EPA to reduce reliance on animal testing,”¹² but makes no mention of the TSCA provisions that expressly condition such reduction on evidence that NAMs “provid[e] information of equivalent or better scientific quality and relevance” than rodent studies.¹³ Although the status of the Wheeler directive is uncertain, EPA continues to sharply reduce the animal testing it conducts itself or requires industry to perform. A senior EPA scientist recently announced “progress and summary metrics on reducing vertebrate animal testing requests and use” as part of the EPA “workplan” for advancing NAMs.¹⁴ According to the scientist, animals used in studies conducted by the EPA Office of Research and Development declined by two-thirds between FY2018 and FY2021.¹⁵ In addition, an Environmental Defense Fund (“EDF”) analysis shows that EPA has virtually stopped requiring rodent testing in TSCA section 5(e) consent orders. After excluding legacy Premanufacture Notices (“PMNs”), only ~1.5% of the PMNs subject to orders had testing requirements in FY 2021, as compared to over two thirds of the orders for FY 2016 PMNs.¹⁶ Finally, despite the absence of important health effects data, TSCA section 4 testing orders for high-priority chemicals subject to ongoing risk evaluations failed to require any long-term rodent studies that would address these data gaps.¹⁷

A Sound Framework for Use of NAMs Data in Regulatory Decision-Making is Needed

In contrast to its reliance on rodent studies, EPA has limited experience using NAMs for risk evaluation and management and no established Agency-wide legal or scientific framework for incorporating NAMs in regulatory decision-making. EPA acknowledges this as an outstanding concern in its NAMs Work Plan: “EPA needs to continually build more scientific confidence in

information from NAMs while also establishing the appropriate expectations for their performance and demonstrating their application to regulatory decisions.”¹⁸ Under TSCA, ensuring that the use of NAMs will “support regulatory decisions” is a prerequisite for their use. In the absence of such a framework, NAMs could be used to prematurely exonerate chemicals, not because those chemicals are safe for use, but because the NAMs are not able to reliably measure all of the chemical’s health effects. In addition, halting rodent testing in pursuit of NAMs will bring the chemical risk evaluation process to a standstill by greatly limiting EPA’s ability to address the data gaps that prevent health-protective risk determinations for many chemicals.

The 2016 TSCA amendments were intended to accelerate the pace of chemical testing, risk evaluation, and risk management. But EPA’s failure to develop actionable information on chemical risks will make it difficult, if not impossible, to achieve the improvements in chemical safety that Congress called for.

EPA Must Not Undermine Established Environmental Health Science

EPA must not use NAMs to discredit existing *in vivo* data – either from whole rodent tests or epidemiologic studies – and cause regulatory delays at the expense of workers and overburdened communities. For example, it is of great concern to us that EPA recently delayed finalizing its registration reviews of organophosphate pesticides – a class of chemicals with decades of developmental neurotoxicity evidence from rodent tests and epidemiologic studies – in part, to unnecessarily promote and create a developmental neurotoxicity NAMs battery.¹⁹ These delays leave farmworkers and their families and pregnant people at continued risk of severe and irreversible health harms.²⁰

Workers and communities facing disproportionate harm from chemical exposures cannot sustain such delays. EPA must make regulatory decisions by combining the strengths of various tools, including epidemiologic, mammalian, non-mammalian, read-across, and other class-based approaches and methods to evaluate large numbers of chemicals and support regulatory actions to protect the health of populations for generations to come. When EPA identifies hazardous chemicals, it should also investigate and promote the elimination of unnecessary chemical uses, and the development and use of safer alternatives.

Public Health Progress May Be Lost

It is disappointing but not surprising that many of the same industry voices that have long opposed strong chemical regulation also seek to undermine the predictive value of rodent studies and encourage the use of NAMs. We are concerned that the regulated industry is attempting to undermine rodent testing in order to challenge EPA’s public health accomplishments and attempt to block long-overdue action against the many chemical threats not yet addressed, shielding companies from future regulation. These criticisms of rodent testing are not scientifically supported, and they do not serve EPA’s mission of protecting public health and the environment.

The Public Must Be Meaningfully Engaged on New Methods Development and Application

EPA must not reduce rodent testing at the expense of farmworkers and other environmental justice communities—often low-wealth and communities of color—who breathe, drink, and ingest toxic chemical pollution every day. But if EPA approves or fails to regulate chemicals without adequate testing, based on new and unproven NAMs, these communities suffer the greatest harm.

EPA has acknowledged that “vibrant stakeholder engagement and partnerships are the backbone of” EPA’s environmental justice work and are “essential to achieving meaningful outcomes for overburdened communities.”²¹ But despite this commitment to “early, ongoing and meaningful stakeholder engagement,”²² thus far the discussions of NAMs development have been skewed in favor of a small number of organizations promoting NAMs, most prominently the chemical industry and animal welfare organizations. In contrast, groups that speak for broader environmental justice and public health concerns have only rarely been included. As a result, representatives of the most exposed and overburdened communities have not been able to voice concerns about the limitations of many NAMs and their disturbing implications for regulatory decisions. Moreover, in our experience, federal agencies are ill-prepared to engage in scientific discussions of whether and how NAMs can address social determinants of health or population variability and susceptibility. This puts already vulnerable communities at greater risk and deepens distrust between the Agency and the communities it must serve.

Our recommendations are informed by the Louisville Charter for Safer Chemicals, which has been signed by more than 100 organizations representing environmental justice and grassroots communities, environmental and health nonprofits, and leaders in the medical, public health, business, science and research communities across the country.²³ The Louisville Charter calls for a new chemical policy that “use[s] scientific data to support health-protective policies and practices,” “ensure[s] the public and workers fully have the right-to-know, participate and decide in the decisions that impact their health because of the potential harm from toxic chemicals,” and emphasizes “urgent action to stop production ... of chemicals that are unsafe and/or accumulate in the environment and people.”²⁴ EPA’s current use of new NAMs and precipitous elimination of rodent testing to identify chemical hazards is inconsistent with those foundational principles.

Before making decisions related to the use of new NAMs and eliminating the use of rodent studies that have proven to be effective in identifying chemical hazards, EPA must reach out to those communities and provide the information and resources required for meaningful participation and engagement. In so doing, we urge EPA to align its work with the Louisville Charter for Safer Chemicals to better ensure that TSCA will advance health and safety for communities and workers as Congress intended.

Recommended Next Steps for EPA

As EPA transitions from testing strategies based largely upon the analysis of apical endpoints in whole rodent systems to one that relies heavily upon molecular pathways that reside upstream of disease outcomes, the Agency must continue to rely on rodent tests conducted according to strict animal welfare protection rules. At this point in time, abandoning rodent

testing will jeopardize the protection of at-risk populations, including overburdened communities that EPA must safeguard under our environmental laws.

We urge you to reaffirm EPA’s commitment to protecting workers, communities, susceptible populations, and the environment under TSCA and other laws by relying on the “best available science,” including rodent testing, to protect disproportionately burdened communities. EPA must:

- Fully and unambiguously rescind the 2019 directive of former Administrator Wheeler to eliminate rodent testing.
- Confirm that the Agency has no across-the-board policy of eliminating rodent studies, has not set any numerical target for reducing the number of rodent studies it conducts or requires, and will no longer benchmark the number of rodents used in chemical testing under EPA-administered laws unless EPA also benchmarks the number of people harmed by chemical exposures.
- Reaffirm that EPA will continue to perform rodent tests conducted in accordance with animal welfare protection rules and will mandate whole rodent testing by chemical manufacturers where needed to fill critical data gaps on the potential hazards of new and existing substances.
- Recommend that the National Toxicology Program (NTP) continue to conduct rodent tests to address the urgent concerns of environmental justice communities. This should include testing of community-relevant mixtures.
- Establish a legally defensible framework that meets scientific best practices to assess whether NAMs provide adequate and reliable data for chemical hazard assessments and achieve the same or greater level of health protection as rodent studies.
- Reject any presumption of low priority or concern for chemicals that don’t elicit responses in NAMs tests (null or negative results).
- Leverage opportunities to reduce rodent testing by employing accepted read-across methods and category-based approaches that use available data on structurally related chemicals as the basis for risk determinations on untested substances, as well as making better use of existing data including from epidemiologic studies, academic research, medical case reports, poisoning incident data, etc.
- Require consideration of and transition to safer chemical substitutes in chemical assessments.

In addition to these actions, EPA and other agencies must assure full transparency and conduct meaningful outreach to susceptible communities, whose interests in enhanced protection against pollution and chemical exposure will be directly impacted by the development and use of NAMs and who deserve a strong voice in how agencies use these assays to address chemical risks.

The ultimate usefulness of new NAMs assays resides in their potential ability to be protective of the health of workers, communities, and ecosystems. However, reliability, relevance, and providing equal or better information than rodent toxicity tests represent independent criteria that have not been sufficiently met at this time. Therefore, the use of NAMs in lieu of well-conducted rodent tests is not consistent with the law and the best available science.

Thank you for your consideration. We are requesting a meeting with Assistant Administrators Frey and Freedhoff to discuss these important issues in the near future, and we will follow up with their respective offices to arrange that meeting.

Respectfully,

Alliance of Nurses for Healthy Environments
Alaska Community Action on Toxics
Black Women for Wellness
Breast Cancer Prevention Partners
Center for Biological Diversity
Center for Environmental Health
Clean+Healthy
Clean Power Lake County
Clean Water Action
Coming Clean
Community to Community
CRLA Foundation
Delaware Concerned Residents for Environmental Justice
Earthjustice
Environmental Defense Fund
Environmental Justice Health Alliance
Family Farm Defenders
Farmworker Association of Florida
Farmworker Justice
Farmworker Self-Help
Friends of the Earth
Healthy Building Network
International Center For Technology Assessment
Los Jardines Institute
Locust Point Community Garden
Made Safe
Moms for a Nontoxic New York
Natural Resources Defense Council
Northwest Center for Alternatives to Pesticides
Organizacion en California de Lideres Campesinas, Inc.
Science and Environmental Health Network
Sierra Club
t.e.j.a.s.
Toxic Free Future
Toxic Free North Carolina
Until Justice Data Partners
Women's Voices for the Earth
7 Directions of Service

cc: Dr. Michal Freedhoff, Assistant Administrator, Office of Chemical Safety and Pollution Prevention

Dr. Christopher Frey, Assistant Administrator, Office of Research and Development

Marianne Engelman-Lado, Acting Principal Deputy Assistant Administrator, Office of Environmental Justice and External Civil Rights

Dr. Na'Taki Osborne Jelks and Sylvia Orduño, Co-Chairs, National Environmental Justice Advisory Committee

Richard Moore and Peggy Shephard, Co-Chairs, White House Environmental Justice Advisory Committee

Dr. Amelia Nguyen, Children's Health Protection Advisory Committee

¹ As used in this letter, the term NAMs refers only to these newer NAMs, and not to older and more established practices, like read across, that have long been used to evaluate and regulate chemicals.

² 15 U.S.C. § 2603(h)(1)(B)(2).

³ 15 U.S.C. § 2603(h)(1)(A).

⁴ EPA, *New Approach Methods: Efforts to Reduce Use of Vertebrate Animals in Chemical Testing*, www.epa.gov/research/epa-new-approach-methods-efforts-reduce-use-vertebrate-animals-chemical-testing (last updated Nov. 17, 2022)

⁵ Chartres N, Sass JB, Gee D, Bälán SA, Birnbaum L, Cogliano VJ, Cooper C, Fedinick KP, Harrison RM, Kolossa-Gehring M, Mandrioli D, Mitchell MA, Norris SL, Portier CJ, Straif K, and Vermeire T. *Conducting Evaluations Of Evidence That Are Transparent, Timely And Can Lead To Health-Protective Actions*. Environ Health. 2022 Dec 5;21(1):123. doi: 10.1186/s12940-022-00926-z;

Ginsberg GL, Pullen Fedinick K, Solomon GM, Elliott KC, Vandenberg JJ, Barone S Jr, and Bucher JR. *New Toxicology Tools and the Emerging Paradigm Shift in Environmental Health Decision-Making*. Environ Health Perspect. 2019 Dec;127(12):125002. doi: 10.1289/EHP4745;

⁶ EPA, *New Approach Methods Work Plan: Section IV. Develop NAMs to Address Scientific Challenges and Fill Important Information Gaps*, at 16 (Dec. 2021), https://www.epa.gov/system/files/documents/2021-11/nams-work-plan_11_15_21_508-tagged.pdf.

⁷ EPA, *New Approach Methods Work Plan: Section III. Establish Scientific Confidence in NAMs and Demonstrate Application to Regulatory Decisions*, at 12 (Dec. 2021), https://www.epa.gov/system/files/documents/2021-11/nams-work-plan_11_15_21_508-tagged.pdf.

⁸ EPA, *New Approach Methods Work Plan: Section III. Establish Scientific Confidence in NAMs and Demonstrate Application to Regulatory Decisions*, at 12 (Dec. 2021), https://www.epa.gov/system/files/documents/2021-11/nams-work-plan_11_15_21_508-tagged.pdf.

⁹ EPA, *Drinking Water Health Advisories (HAs)*, <https://www.epa.gov/sdwa/drinking-water-health-advisories-has#published> (last updated June 15, 2022).

¹⁰ Sharon Lerner, *The Department of Yes: How Pesticide Companies Corrupted the EPA and Poisoned America*, The Intercept (June 30, 2021), <https://theintercept.com/2021/06/30/epa-pesticides-exposure-opp/>.

¹¹ <https://www.epa.gov/sites/default/files/2019-09/image2019-09-09-231249.txt>

¹² Memorandum from Andrew Wheeler, Administrator, EPA to Associate Deputy Administrator, General Counsel, Assistant Administrators, Inspector General, Chief Financial Officer, Chief of Staff, Associate Administrators and

Regional Administrators regarding Directive to Prioritize Efforts to Reduce Animal Testing (Sept. 10, 2019), <https://www.epa.gov/sites/default/files/2019-09/image2019-09-09-231249.txt>.

¹³ 15 U.S.C. § 2603(h)(1)(A).

¹⁴ EPA, *Updated NAM Work Plan Identified Objectives, Strategies and Deliverables for Applying NAMs* (2022), <https://www.epa.gov/system/files/documents/2022-11/NAMS%20Conference%202022%20Slides.pdf>.

¹⁵ *Id.*

¹⁶ Less than 10% of the section 5(e) Orders for FY 2021 premanufacture notices (PMNs) available on Chemview (<https://chemview.epa.gov/chemview/>) require toxicity, environmental fate or physical-chemical testing. Of the Orders that required testing, all but one were for related legacy PMNs with a testing strategy initiated in 2016. If these legacy PMNs are excluded, this leaves only ~1.5% of the PMNs subject to Orders for which any testing was required. This contrasts with the testing requirements included in section 5(e) Orders for FY 2016 PMNs. More than two-thirds of those Orders included requirements for toxicity, environmental fate and/or physical-chemical testing.

¹⁷ EPA Issues Additional Test Orders to Support Risk Evaluations of Eight Chemicals under TSCA. March 24, 2022. <https://www.epa.gov/chemicals-under-tsca/epa-issues-additional-test-orders-support-risk-evaluations-eight-chemicals>

¹⁸ EPA, *New Approach Methods Work Plan: Section III. Establish Scientific Confidence in NAMs and Demonstrate Application to Regulatory Decisions*, at 12 (Dec. 2021), https://www.epa.gov/system/files/documents/2021-11/nams-work-plan_11_15_21_508-tagged.pdf.

¹⁹ Letter to Patti Goldman, Earthjustice, from Dr. Michal Freedhoff, EPA Assistant Administrator (May 25, 2022).

²⁰ Earthjustice, *Organophosphate Pesticides in the United States: High Risk Exposure Routes – Farmworkers* (Aug. 4, 2021), <https://earthjustice.org/features/organophosphate-pesticides-united-states>.

²¹ EPA, *EJ 2020 Action Agenda*, at 10 (Oct. 2016), https://www.epa.gov/sites/default/files/2016-05/documents/052216_ej_2020_strategic_plan_final_0.pdf.

²² *Id.*

²³ Coming Clean, *The Louisville Charter for Safer Chemicals: A Platform for Creating a Safe and Healthy Environment through Innovation*, <https://ej4all.org/about/louisville-charter> (last updated in 2021).

²⁴ *Id.*

I would be interested in learning more details on the Hazard Index for four PFAS chemicals that can't exceed 1. Three of these 4 PFAS chemicals are part of the Massa. DEP's PFAS6 (sum of these 6 PFAS chemicals can't exceed 20 ng/l or parts per trillion). The Joint Base Cape Cod Fire Training Area 1 PFAS plume exceeded this standard which required the installation of a Granular Activated Carbon filters on public drinking water wells in Falmouth and Mashpee. This plume lies underneath the Yearling Meadows development where I live in East Falmouth, Ma. Falmouth also receives some of its public drinking water from Well # 2 on the Upper Cape Water Supply Reserve which is threatened by a PFAS Plume from a former Army National Guard Training Range. Ma. DEP/EPA Region 1 oversee the Superfund/Safe Drinking Water Act cleanup at JBCC. EPA Region 1 is conducting a separate study on the toxic chemical threats to the UCWSR. The Source Areas for the FTA-1 plume also include the water and sediments of Ashumet and Johns Ponds. The Massa. Environmental Management Commission is tasked with the mission of overseeing Massa. Army National Guard Training in the northern 15,000 acres to ensure that military training is compatible with protection of the UCWSR groundwater quality and conservation of state listed species in natural habitats.

Ma. Dept. Public Health found high levels of the PFAS6 in finfish in Johns Pond which poses health threats to sensitive populations and Mashpee Wampanoag Tribal members who hunt and fish in this area. The Silent Spring Institute has proposed an Environmental Justice project to monitor PFAS chemical levels in the items the tribe obtains from hunting and fishing in their traditional grounds. The tribe's traditional hunting and fishing grounds cover the Waquoit Bay watershed which includes the FTA-1 plume from JBCC. In the mid-1980's the Town of Falmouth's Ashumet Valley Public drinking water well was closed because of toxic contamination from the Ashumet Valley Plume (with the lost drinking water being replaced by a Well on the UCWSR). The Private Drinking Water Wells in Yearling Meadows where I live were shut down and replaced by public drinking water from the Town of Falmouth.

The Massa. Executive Office of Energy & Environmental Affairs Environmental Justice Population maps include portions of of Upper Cape Cod towns based upon income levels; minority percentages and/or English language proficiency. The Commonwealth's EJ Strategy is still under development, but they have an Environmental Justice Council which includes an off-Cape Wampanoag tribal member. Since I have participated in a NEJAC meeting in 2022 and several of the Ma. EOEEA EJC meetings, it is not clear to me whether they will address the EJ threats posed by toxic chemical pollution of our surface and ground waters from JBCC or the high PFAS6 levels in fish species in our kettle hole ponds on Upper Cape Cod (which are source areas for some of the off-base plumes; i.e. FTA-1). Currently the PFAS6 level of 20 parts per trillion is the reference level for the CERCLA/SDWA cleanup at JBCC.

I have been engaged in the Superfund/Safe Drinking Water Act cleanup at Joint Base Cape Cod since 1989 and they have spent \$1.2 billion to date. EPA NEJAC has proposed some grant funding for frontline communities impacted by human activities outside their borders in the 2024 Federal budget (which has yet to be approved by Congress). There is state and Federal legislation to address PFAS challenges to public health and wildlife, but I don't know the status of these endeavors. I participated in a webinar where the speaker from Northeastern University estimated that over 200 million people in the US are exposed to PFAS chemicals via

food or drinking water. The threats from PFAS airborne exposure are unknown. Many years ago the ATSDR examined high breast cancer rates on Cape Cod and whether it was related to toxic chemicals in groundwater plumes or airborne exposure from munitions burning/fire training at JBCC. The CERCLA/SDWA cleanup focuses on groundwater contamination, but it maybe time to revisit possible airborne exposure for PFAS chemicals which have contaminated seabirds on the Stellwagen Bank National Marine Sanctuary off of Cape Cod (Univ. Rhode Island STEEP Grant research).

Hopefully EPA Region1 will increase its EJ staff members above 1.5 positions (perhaps by employing contractors to supplement civil servants). When I worked at NASA's Earth Resource Lab, we had four contractors for every civil servant. These public/private partnerships can provide team efforts to solve environmental challenges as well. In Team efforts the whole is often greater than the sum of the parts, even though this doesn't appear to be the case at JBCC. A good case study is the process that the Massa. Water Resources Authority used for locating an outfall discharge pipe for treated sewage effluent in Massachusetts Bay.

Thanks for considering these comments.

Dr. David Dow
East Falmouth, Ma.

As a retired marine scientist and grassroots environmental activist living on Cape Cod, Ma., I listened to the public comment session at yesterday's virtual National Environmental Justice Advisory Council meeting. The 10 (?) public commenters were given 3 minutes to speak followed by comments or questions from some of the advisory council members. I choose to submit short written comments on the PFAS challenges that we face here on Upper Cape Cod from the Joint Base Cape Cod Superfund/Safe Drinking Water Act cleanup which tis overseen by EPA Region 1 and the Massa. Department of Environmental Protection. Even the trained activists had a hard time staying with the 3 minute comment timeline, so that I would recommend a 5 minute time line.

Ten to fifteen years ago, the UN Independent Rapporteur on the Right to Safe Drinking Water and Sanitation (Catarina de Albuquerque) visited the New Alchemy Institute on Cape Cod for a public hearing. There were two sessions. The morning one was devoted to folks directly effected by drinking water problems or sanitation constraints who told their stories in the native languages. In the afternoon session local activists and NGOs were given 3-5 minutes to deliver personal/group comments on specific concerns. I participated in the latter session after listening to the stories in the morning session which had less than 10 story tellers. Lawyer de Albuquerque's written report to the UN and US State Department featured the concerns of many of the story tellers. She was the UN Special Rapporteur between 2008-2014. Currently she is Chief Executive Officer of Sanitation and Water for All (SWA). She was recently on a foreign news channel discussing the recent UN report on the lack of safe drinking water and sanitation options for less affluent residents throughout the world.

I don't know what NEJAC has done to fulfill its charge to address water infrastructure concerns throughout the US, but the discussion of this topic on Day 1 left a lot to be desired on the EJ challenges faced by Indigenous people breakout session. One NEJAC Panel member suggested similar sessions on EJ challenges faced by other populations. I would support one on seniors with limited incomes who live in rent controlled apartments or single mothers with kids who live in affordable homes. We have an affordable housing crisis on Cape Cod which exacerbates addressing environmental challenges from climate change; municipal solid waste disposal; toxic chemicals in drinking water and food; and nutrient pollution.

Ma. DEP has recently sought public comments on "Nitrogen" pollution from Septic Systems which create water quality problems and degrade habitats for marine wildlife in coastal embayments. The proposed solutions (sewering and wastewater treatment plants installed in developments over 20 years or Innovative/Advanced septic systems for individual homes over 5 years) will require a lot of resources (people and \$). The Targeted Watershed Management Plans for Cape Cod towns/ Water Districts are estimated to cost \$4-7 billion to implement. Falmouth where I live has 14 "N" sensitive watersheds which have to be addressed. We also have "Phosphorus" pollution in your kettle hole ponds which effect water quality and aquatic wildlife. I participated in the EPA Headquarters Waquoit Bay Watershed Ecological Risk Assessment project which identified nutrients (Nitrogen in Waquoit Bay & Phosphorus in Ashumet Pond) as the major human stressors in the watershed. I wrote the section of the final EPA Report on "P" pollution in Ashumet Pond and restoration efforts (Permeable Reactive Barrier of iron oxide and wood chips to intercept the JBCC plume & alum treatment of pond sediments to reduce that source area).

This water sanitation challenge comes on top of other environmental challenges from: climate change; toxic chemicals in drinking water and food items; and municipal solid waste disposal. Our senior residents in rent controlled apartments and single mothers with kids in affordable housing also face EJ challenges in continuing to live here. I am sure that this situation occurs in places like Fall River and New Bedford, Ma. which have EJ populations at risk. This will require integrations of action by the Federal (EPA NEJAC and EPA Region 1 Office) and State (Massa. Environmental Justice Council and Massa. Executive Office of Energy and Environmental Affairs) to address grassroots EJ concerns with technical advice and grant funds. A better NEJAC public comment process would allow EPA Regional offices staff/contractors to promote the upcoming written grants with oral presentations.

Thanks for considering these comments.

Dr. David Dow

Full Name (First and Last): Dave Duffield

Name of Organization or Community: EDF Action

City and State: Walled Lake, MI

Comment: I'm writing about the State of MI asking the EPA to discount air quality levels in Detroit. Detroit was named the worst city to live in with asthma by the Asthma and Allergy Foundation of America in 2022. I don't know what elected officials in my state have done this but, they should be publicly hung!

Please look at the levels of air pollutant data that was submitted for Detroit and do the right thing, make Michigan do something about it!

**National Environmental Justice Advisory Council (NEJAC) Meeting
March 29, 2023**

**Yanna Lambrinidou, PhD
Campaign for Lead Free Water**

Public Comment

Thank you, NEJAC, for the opportunity to participate in this public comment period.

I am Yanna Lambrinidou with the Campaign for Lead Free Water, a national network of affected individuals and of organizations working to address the problem of lead in US drinking water with an explicit environmental justice agenda.

I am also a resident of Washington, DC who experienced first-hand our city's historic lead-in-water crisis of 2001-2004 and who has worked ever since to address lead-in-water contamination in the District.

I am here with a question and an ask pertaining to DC's lead service line replacement program. But I think that this question and ask might be relevant to other communities as well.

The question is this: Would DC residents be justified to expect our lead service line replacement program to comply with principles of [reparative justice](#)? In other words, would DC residents be justified to expect our lead service line replacement program to address “collectively generated wrongs” by shifting the burden of unjust harm from the victims to those who caused the harm?

Peer-reviewed scientific research suggests that since 2001, DC residents have been subjected to two waves of large-scale health harm:

- The first, during the 2.5-year cover-up, which involved numerous government agencies, including [EPA Region 3](#) in Philadelphia. This cover-up resulted in over 800—and possibly up to 42,000—cases of [elevated blood lead levels in young children](#) as well as a 37% rise in the city's [stillbirth rate](#).
- And the second, during DC's 2004-2008 accelerated lead service line replacement program, which under the banner of '*health-protective remediation*,' produced over 14,000 partial pipe replacements and rendered children in those homes [over three times as likely](#) to experience blood lead above 10 mcg/dL as children who never had a lead service line.

Yet, 22+ years later, DC has failed to:

- acknowledge the harm done,
- aid affected families, and
- implement a public-health-centered, proactive, systematic, equitable, and just program to fully replace all lead service lines in the District, at no direct or indirect cost to residents.

Indeed, the nation's capital continues to have an estimated [40,000+](#) lead service lines in operation which will require approximately [\\$500-\\$600 million](#) to be fully replaced. Currently, the largest number of full lead service line replacements is taking place under a program (i.e., DC Water's Voluntary Full Replacement program (VFRP)) that requires homeowners to cover [100% of the private-side replacement](#)

[costs](#). And, just last week, our Mayor released her proposed 2024 budget, which [eliminates most city funding](#) for lead service line replacement (page 4, item 6080). In other words, despite an increase in federal funding, the burden of unjust harm continues to be placed largely on the city's victims.

Adding insult to injury, Washington, DC lacks primacy over its drinking water program (i.e., our “state regulator” is EPA Region 3). And DC residents have very limited voting representation in the US House and no representation whatsoever in the US Senate, which makes it impossible for us to make our case for the financial support warranted by the unprecedented, documented, historical harm from lead in our water.

So, the ask is:

If NEJAC agrees that lead service line replacement programs must attempt to repair documented histories of harm, would you be willing to write a letter supporting DC advocates’ demand for full removal of all lead service lines in the District at no – direct or indirect – cost to any residents? As, after all, has happened in cities like Flint, Newark, and Benton Harbor?

Such a letter, I believe, could provide urgently needed justice-centered guidance for the White House, EPA, state-and-local governments, and water utilities across the US.

Thank you.

Attention: [Advisory Committee on Infant and Maternal Mortality \(ACIMM\)](#)

Thank you for this opportunity to share information that concerns millions of mothers and infants. My name is John Mueller, and I am a retired public works engineer, now very thankfully living on a couple government pensions and Social Security. But much of my time remains in the realm of public service as a volunteer activist with a lingering passion for making a difference. My career of more than twenty-five years was mainly in water resources and related infrastructure operations. Water fluoridation has been a special interest for the past 14 years, five of them in retirement, delving into the science and history of fluoridation, while occasionally engaging in rhetorical battles between the pro- and anti-fluoridationists. But the anti-fluoridationists are winning, and they are winning in federal district court in San Francisco. Here is a website with current information about that situation: www.fluoridelawsuit.com

I understand that you as a committee are charged with advising Secretary Becerra “on department activities, partnerships, policies, and programs directed at reducing infant mortality, maternal mortality and severe maternal morbidity, *and improving the health status of infants and women before, during, and after pregnancy.*” (emphasis added) That list clearly saves the most important for last, because that’s where it all starts which is what I want to speak about with a final recommendation in the strongest possible terms.

But before that, you may already know that on March 15, Wednesday last week the National Toxicology Program of the NIH released and made public the most comprehensive and heavily scrutinized and peer reviewed body of scientific literature ever undertaken in the entire history of their published monographs, about fluoride’s toxic effects on early brain development. The release came about as a result of a subpoena to HHS for its release under a court order in the five-year-long and still pending TSCA lawsuit filed by citizen groups and individuals who petitioned the EPA in November 2016 to ban the addition of fluoridation chemicals to public water supplies.

I am attaching to this email a pdf file of a letter To the Editor of JAMA Pediatrics, February 2020, by coauthors Howard, Micklem and Neurath, which explains the similar toxicities of lead and fluoride, and as the science has shown and NTP has concluded, neither lead nor fluoride has a known safe level in drinking water.

Exposing pregnant mothers and their developing fetuses, and then infants on formula mixed with fluoridated tap water, exposing them to toxic fluoride that has been deliberately added to their tap water is unacceptable and must stop. Anything less than ending fluoridation this year, 2023, is an outright betrayal of President Biden’s initiatives to advance environmental justice and to listen to the science, as spelled out in a number of his executive orders, most recently reinforced and further delineated in EO #14091, signed just last month. The Fluoride Action Network (FAN) clearly explains how fluoridation is a recklessly promoted environmental injustice: <https://fluoridealert.org/issues/ej/>

In closing, my recommendation is for Secretary Becerra to convene with EPA Administrator Regan and agree that it is in the best national interest to place public health ahead of enshrined

but faulty and harmful policy, and respecting President Biden’s executive orders, that Mr. Regan and the EPA concede in the TSCA lawsuit and that he direct his agency to immediately initiate rulemaking that bans water fluoridation.

Thank you very much for your time and attention to this serious matter.

Respectfully,

John Mueller

Committee members:

I am on the call and am impressed with the committee’s collective credentials and initiative programs being advanced, taking advantage of the Biden Administration’s initiatives to include the improvement of maternal and early life public health conditions nationwide where desperately needed. I have learned much about that desperate need since advancing my own advocacy to end fluoridation, which has led me to read local, state, and federal oral health reports, all reinforcing my advocacy and your need to make necessary recommendations to put CWF to bed and leave it behind in the history books. Big question: How does exposure to arsenic, lead, and other recognized developmental neurotoxicants affect *“the health status of infants and women before, during, and after pregnancy”*?

Please note the compelling and disturbing information on the attached pdf file. This should be very alarming now that you know what the EPA allows to be added to public water as promoted by your CDC for the Community Water Fluoridation (CWF) program. Your committee must be committed to ending this travesty, most effectively by retooling the Division of Oral Health to redirect grant funding to programs like what the ADA’s Executive Director Dr. Raymond Cohlma, D.D.S., has inspired with a new dental clinic in Tulsa, Oklahoma. That new facility now in operation was designed specifically for reaching more vulnerable communities with limited access to professional oral health care. Can you ensure grant funding under Biden’s initiatives is made available to support more programs to expand oral health care capacities where needed most?

Thank you for your interest in CWF’s egregious risk to prenatal, infant, and maternal health.

/28/2013 3:18 PM

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Page 1 of 1



8813 Hwy 41 South
Riverview, FL
Telephone: (813) 677-9111 - TELX52666
Fax: (813) 671-6283 ACCOUNTING

This product was produced at the
Production Plant - Riverview facility

CAR NO: GATX011210

Deliveries: 5001084843

Material: Our / Your reference
200011 FLUROSILICIC ACID /

Certificate of Analysis (CofA) delivered with tanker truckload of FSA on 03/08/2013 to City of Tulsa drinking water treatment plant.

A CofA is required with each tanker truck delivery of FSA. FSA is then added to treated drinking water for human consumption for dental treatment, needed or not, with no follow-up for efficacy, and no informed consent. Fluoride is not an essential nutrient.

This is compelling evidence that fluoridation has been an egregious violation of the spirit and intent of the Safe Drinking Water Act and must end with proper EPA regulation and SDWA enforcement.

Quality Certificate

Date
03/20/2013
Purchase order item/date

Delivery item/date
5001084843 000010 / 03/08/2013
Order item/date

Customer number
2445

Inspection lot 110000002967 from 03/20/2013

Chemical Analysis

Net H2SiF6	24.20	%
P2O5	0.04	%
Free Acid	0.35	%
Lead	0.00	ppm
Arsenic	52.00	ppm

MCLG = 0

Physical Analysis

Density	1.2230	g/cm3
APHA	30	CU

“By recovering by-product fluosilicic acid from fertilizer manufacturing, water and air pollution are minimized, and water authorities have a low-cost source of fluoride available to them.” Rebecca Hanmer, EPA Office of Water, 1983

This policy remains endorsed by EPA to this day almost 40 years later.

Annotations by John Mueller
Guthrie, OK Rev 2/5/2023

*We certify that product shipped with this
Certificate of Analysis meets AWWA B703-11*



Conforms to
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Max. Use:
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Kwasi Sakyi-Amfo
QC Lab Supervisor - Riverview



LEAGUE *of* UNITED LATIN
AMERICAN CITIZENS

Civil Rights Violation Regarding Forced Medication

WHEREAS, the League of United Latin American Citizens is this nation's oldest and largest Latino organization, founded in Corpus Christi, Texas on February 17, 1929; and

WHEREAS, LULAC throughout its history has committed itself to the principles that Latinos have equal access to opportunities in employment, education, housing and healthcare; and

WHEREAS, LULAC advocates for the well-being of, but not exclusively of, Hispanics throughout our country; and

WHEREAS, safe drinking water is a necessity for life; and

WHEREAS, the purpose of a public water supply is to supply water to the entire community which is composed of people with varying health conditions, in varying stages of life, and of varying economic status; not to forcibly mass medicate the population which is a civil rights violation; and

WHEREAS, fluoridation is mass medication of the public through the public water supply; and

WHEREAS, current science shows that fluoridation chemicals pose increased risk to sensitive subpopulations, including infants, the elderly, diabetics, kidney patients, and people with poor nutritional status; and

WHEREAS, minority communities are more highly impacted by fluorides as they historically experience more diabetes and kidney disease; and

WHEREAS, minorities are disproportionately harmed by fluorides as documented by increased rates of dental fluorosis (disfiguration and discoloration of the teeth); and

WHEREAS, the National Research Council in 2006 established that there are large gaps in the research on fluoride's effects on the whole body; a fact that contradicts previous assurances made by public health officials and by elected officials, that fluorides and fluoridation have been exhaustively researched; and

WHEREAS, a growing number of cities and health professionals have rejected fluoridation based on current science and the recognition of a person's right to choose what goes into his/her body; and

WHEREAS, the CDC now recommends that non-fluoridated water be used for infant formula (if parents want to avoid dental fluorosis – a permanent mottling and staining of teeth), which creates an economic hardship for large numbers of families, minority and otherwise; and

WHEREAS, the League of United Latin American Citizens (LULAC), founded in 1929, has historically been a champion of the disenfranchised and a leader in the fight for social and environmental justice; and

WHEREAS, City Council Districts I-6 of San Antonio (predominantly minority districts) voted overwhelmingly that the public water supply should not be contaminated with fluoridation chemicals; and

WHEREAS, the election to fluoridate the water, essentially disenfranchised the right of these minority Districts to safe drinking water for all; and

WHEREAS, the U.S. Health and Human Services and the EPA (January 2011) have recently affirmed the NRC Study results that citizens may be ingesting too much fluoride and that the exposure is primarily from drinking water; and

WHEREAS, the proponents of fluoridation promised a safe and effective dental health additive, but the San Antonio Water System's (SAWS) contract for fluoridation chemicals proves a "bait and switch"; as SAWS is adding the toxic waste by-product of the phosphate fertilizer industry, that has no warranty for its safety and effectiveness for any purpose from the supplier (PENCCO, Inc.) or the source (Mosaic Chemical); and

THEREFORE, BE IT RESOLVED, that LULAC commends efforts by organizations that oppose forced mass medication of the public drinking supplies using fluorides that are industrial grade, toxic waste by-products which contain contaminants (arsenic, lead, mercury) which further endanger life; and

BE IT FURTHER RESOLVED, that LULAC supports efforts by all citizens working to stop forced medication through the public water system because it violates civil rights; and

BE IT FURTHER RESOLVED, that LULAC opposes the public policy of fluoridation because it fails to meet legislative intent; and

BE IT FURTHER RESOLVED, that LULAC demands to know why government agencies entrusted with protecting the public health are more protective of the policy of fluoridation than they are of public health.

Approved this 1st day of July 2011.

Margaret Moran
LULAC National President

There was no mention of the 2018 National Toxicology Program (NTP) study conducted under the auspices of the National Institute of Environmental Health Sciences.² This well-controlled rat study found no effect of fluoride, equivalent to concentrations normally found in fluoridated areas, on learning and memory. In other words, the NTP study found no concerns about neurotoxicity with fluoride in drinking water.

Green et al¹ used a reported increase in moderate/severe dental fluorosis in adolescents aged 16 to 17 years from National Health and Nutrition Examination Survey data³ to support their contention that fluoride consumption had increased over time. However, they did not consider the subsequent report from the National Center for Health Statistics that those National Health and Nutrition Examination Survey data have serious quality issues and that the increase was not biologically plausible.⁴

We are surprised at the conclusion to recommend possibly reducing fluoride consumption during pregnancy. Given the limitations noted by the researchers, as well as their own observed conflicting associations between boys and girls with MUF measurements, caution is needed in interpreting the findings.

Chad P. Gehani, DDS
Howard Pollick, BDS, MPH
Richard A. Stevenson, DDS


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Conflict of Interest Disclosures: Dr Pollick reported other support from the California Department of Public Health, Office of Oral Health. He serves as Volunteer Spokesperson on Fluoridation and is a member of the National Fluoridation Advisory Committee of the American Dental Association Council on Advocacy for Access and Prevention. No other disclosures were reported.

- Green R, Lanphear B, Hornung R, et al. Association between maternal fluoride exposure during pregnancy and IQ scores in offspring in Canada. *JAMA Pediatr.* 2019;173(10):940-948. doi:10.1001/jamapediatrics.2019.1729
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- Wiener RC, Shen C, Findley P, Tan X, Sambamoorthi U. Dental fluorosis over time: a comparison of national health and nutrition examination survey data from 2001-2002 and 2011-2012. *J Dent Hyg.* 2018;92(1):23-29.
- National Center for Health Statistics, National Center for Chronic Disease Prevention and Health Promotion. Data quality evaluation of the dental fluorosis clinical assessment data from the National Health and Nutrition Examination Survey, 1999-2004 and 2011-2016. https://www.cdc.gov/nchs/data/series/sr_02/sr02_183-508.pdf. Published 2019. Accessed November 20, 2019.

 **To the Editor** Many media accounts and critic comments on the Green et al study¹ state “this is just one study” and “more research is needed.” We disagree. A search of PubMed and other sources found more than 60 human epidemiologic studies on fluoride neurotoxicity, with the overwhelming majority reporting significant associations with adverse effects including lowered IQ. Many of those studies were done at exposure levels that some people will experience in artificially fluoridated areas. More than 200 animal studies have also been published, most finding adverse neuroanatomical, neurochemical, and/or neurobehavioral effects.

Two high-quality longitudinal mother-child studies (Valdez-Jimenez et al, 2017, and Bashash et al, 2017), cited by Green et al, have been published.¹ Both found large statistically significant reductions in IQ at exposures that overlapped the range in Green et al.¹

The amount and quality of evidence for fluoride causing IQ loss can be compared with that available for low-level lead in 1990. At that time, a review and meta-analysis by Needleman and Gatsonis² published in *JAMA* found only 24 human studies.² None were longitudinal cohort studies. All were cross-sectional and mostly in high-exposure groups having lead levels from 2 to 4 times higher (30-60 µg/dL blood lead; to convert to micromoles per liter, multiply by 0.0483) than the mean childhood lead level at the time (15 µg/dL). A typical loss of IQ for the higher-exposed group compared with the lower-exposed group was about 4 IQ points.³ Current fluoride evidence shows similar loss of IQ from a stronger body of evidence.

There was heated controversy at the time over the Needleman and Gatsonis findings, with critics making many of the same arguments as today with fluoride.^{4,5} If we squander years in debate, we risk the same harm to brains of millions of children that occurred from delayed recognition of low-level lead harm. The evidence on fluoride is more than sufficient to begin taking protective action now.

Charles V. Howard, MB, ChB, PhD, FRCPath
Henry S. Micklem, DPhil
Chris Neurath, BSc

Author Affiliations: Centre for Molecular Biosciences, University of Ulster, Coleraine, Northern Ireland (Howard); School of Biological Sciences, University of Edinburgh, Edinburgh, Scotland, (Micklem); American Environmental Health Studies Project, Lexington, Massachusetts (Neurath).

Corresponding Author: Chris Neurath, BSc, American Environmental Health Studies Project, 21 Byron Ave, Lexington, MA 02420 (cneurath@americanhealthstudies.org).

Published Online: December 30, 2019. doi:10.1001/jamapediatrics.2019.5266

Conflict of Interest Disclosures: Mr Neurath reported his employer, the American Environmental Health Studies Project has a division, Fluoride Action Network, which is a plaintiff in a legal action regarding regulation of fluoridation chemicals by the US Environmental Protection Agency. No other disclosures were reported.

- Green R, Lanphear B, Hornung R, et al. Association between maternal fluoride exposure during pregnancy and IQ scores in offspring in Canada. *JAMA Pediatr.* 2019;173(10):940-948. doi:10.1001/jamapediatrics.2019.1729
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To the Editor This letter is in response to the Editorial “Is Fluoride Potentially Neurotoxic?”¹ published online on August 19,

TESTIMONY FOR NEJAC MEETING – MARCH 29, 2023

My name is Richard North. My background is in non-profit health management, 21 years for the American Cancer Society, the last five as CEO of the Oregon chapter and seven years as director of the Oregon Physicians for Social Responsibility's safe food program. I now volunteer with a large group of scientists, doctors and dentists all over North America to stop water fluoridation.

You all know that air and water pollution disproportionately harms low-income and minority families, one of the worst examples the lead contamination in Flint, MI. And you all know there's no safe level of lead. Even the smallest amounts can cause permanent brain damage.

You may not know that recent studies, many funded by NIH, have found that fluoridated water can harm pregnant women and lower their children's IQs as much as lead.

Here are quotes from some of the world's top scientists:

Dr. Philippe Grandjean, Harvard professor and author of 500 peer-reviewed papers: **"Fluoride seems to fit in with lead, mercury and other poisons that cause chemical brain drain."**

Dr. David Bellinger, researcher who has authored over 100 studies on lead: **"It's actually very similar to the effect size that's seen with childhood exposure to lead."**

Dr. Dimitri Christakis, pediatrician and co-editor of the Journal of the American Medical Association Pediatrics: Fluoridation is **"an effect size which is sizeable – on par with lead."** He also said if his wife were pregnant, **"I would not have my wife drink fluoridated water."**

It's not just them. A recent National Toxicology Program review found that 52 out of 55 studies linked higher fluoride with substantially lowered IQ, including 18 out of 19 rated the highest quality. It said, quote, **"Several of the highest quality studies showing lower IQs in children were done in optimally fluoridated (0.7 parts per million) areas."**

Contrast this massive scientific evidence to assertions of the three major promoters, EPA, the CDC and American Dental Association, that fluoridation is safe for everyone. That's just not true.

It's especially unfair for low-income families, who can't afford bottled water or expensive filters to avoid this brain damage. They have no choice. Fluoride is every bit as much an environmental injustice as Flint and far more widespread – it's contaminating three fourths of our public water supply.

Please, ask EPA to stop defending this unscientific, outdated practice.

NOTE: I very much appreciated both the opportunity to testify and the opportunity to answer questions from the committee members. I hope you can use your influence with the EPA to put an end to this very harmful practice that disproportionately afflicts so many low-income families.

The Nebraska Game and Parks department took custody of the dead eagle and the high-powered air rifle used to kill it, according to Unger. Pictures of the dead eagle could not be published due to excessive gore and violence done to the carcass. Further charges against the two men are possible pending further investigation from federal authorities, but no charges were ever handed down.

Unger said in his 40 years of law enforcement experience, he had never dealt with the killing of a bald eagle in his county.

“Everybody around here obviously is very disappointed that this happened,” he said. “Some of the citizens are quite upset.” The USFWS did not care and repeated calls to the USFWS to act went unanswered.

The bald eagle population faced serious decline during the 20th century due to hunting, habitat loss and the effect of the powerful insecticide DDT.

The USFWS cannot currently uphold its existing statutes. The USFWS continues to fail the American public and endangered American wildlife. The USFWS' priorities seem to be around DEI and not dying American wildlife. So the USFWS' Foreign Endangered Species announcement for public comments on conducting certain activities with foreign species that are listed as endangered under the Endangered Species Act indicates the USFWS hasn't learned from this horrible murder of a bald eagle.

Why isn't the NEJAC upholding the Endangered Species Act? Does NEJAC prefer persons born in different countries to the United States (a Title IX violation)?

Thank you,

WhoPoo

Dear NEJAC,

I am submitting the following comment in response to this notice in the federal register: [Federal Register :: National Environmental Justice Advisory Council: Notification of Public Meeting](#)

My organization is active throughout North America and provides educational services to wildlife lovers of all ages. It was shocking to see the USFWS shirk its legislative requirement in upholding the Endangered Species Act in Nebraska in March 2023.

Two men in Nebraska [were cited after hunting and killing a bald eagle](#) on March 1 2023, according to the Stanton County Sheriff's Office in Nebraska. The men, who are citizens of Honduras and in the United States illegally, have been charged with unlawful possession of a bald eagle, [according to a news release from the sheriff's office](#). The men indicated they "planned on cooking and eating the bird," according to the news release.

The bald eagle, chosen as a national emblem in 1782 by the founding fathers, is protected under [the federal Bald and Golden Eagle Protection Act](#). Enacted in 1940, the law forbids the "taking" of bald eagles – as well as their parts, eggs and nests – without a permit from the Department of the Interior.

Stanton County Sheriff Mike Unger told CNN he received a phone call about a "suspicious vehicle" close to the Wood Duck Recreation Center on Tuesday afternoon. He sent several deputies to the site, where they encountered the two men.

The two men spoke only Spanish, according to Unger, and had no American identification paperwork --- only Honduran. Deputies used an interpreter app to communicate with them. Through the app, the men said they "shot a vulture." When deputies asked to see the vulture, they "freely" opened the trunk of their car to reveal a dead North American bald eagle, according to Unger. This bald eagle is present on the American dollar and various other federal agency logos.

The men do not appear to have attorneys at this time, Unger said. They will probably abscond and the United States Fish and Wildlife Service issued no tweet, no message to the public to raise awareness on the ongoing risks posed to American bald eagles today. As a result, this kind of behavior will likely continue. The United States Fish and Wildlife Service sent no public announcement in Spanish or otherwise to attempt to prevent this from happening again.



April 10, 2023

VIA ELECTRONIC FILING

Office of Environmental Justice and External Civil Rights
Environmental Protection Agency
ECJRFI@epa.gov

RE: Request for Information – Environmental and Climate Justice Block Grants

Attention: Docket No. EPA-HQ-OEJECR-2023-0023

The National Community Reinvestment Coalition (NCRC) appreciates the opportunity to comment on the Environmental Protection Agency (EPA) Office of Environmental Justice and External Civil Rights' Environmental and Climate Justice Block Grants (ECJ). NCRC and its over 700 grassroots member organizations create opportunities for people to build wealth. We work with community leaders, policymakers, financial institutions, and regulatory agencies to champion fairness and end discrimination in lending, housing, business, and the workforce.

This comment focuses on the workforce development questions offered by the EPA. Increasing job opportunities in the clean energy sector has tremendous potential to address income inequality in communities of color and other underserved communities. Workers in clean energy jobs earn higher and more equitable wages, with even the lowest-paying jobs offering a living wage throughout most of the country.¹ Higher paying jobs in the clean energy economy also tend to have lower educational requirements.² However, white men dominate many sectors within clean energy.³ To increase participation among underserved communities in the clean energy sector, the EPA should prioritize workforce development grants to programs that are the most accessible to underserved populations, that increase worker engagement in local decision-making, and that are likely to increase the chances of underserved individuals to secure high paying, stable, and environmentally sustainable employment. This letter goes on to describe how to achieve this while responding to the two questions the EPA asked regarding workforce development.

a. Please describe what you perceive as the most significant challenges and barriers to connecting residents of disadvantaged, underserved, and under-represented communities to workforce opportunities related to addressing environmental justice and climate change, and what programs, services, and partnerships are needed to address these challenges and barriers.

Multiple studies have found persistent barriers to employment for underserved communities. A study prepared by the National Fund for Workforce Solutions and others notes that:

“Workforce inequities arise from racial exclusion across a range of systems and institutions, and are deeply rooted in the nation’s history. Modern occupational segregation follows from the legacy of slavery and Jim Crow, polarized immigration policies, educational discrimination, and institutional racism in the workplace. And exclusions in fair labor standards leave millions and millions of workers unprotected by

¹ This was a finding from a Brookings Institution study that defined clean energy jobs broadly as jobs in three different economic sectors: clean energy production, energy efficiency, and environmental management.

“Advancing inclusion through Clean Energy Jobs.” Metropolitan Policy Program at Brookings. April 2019. Available online at https://www.brookings.edu/wp-content/uploads/2019/04/2019.04_metro_Clean-Energy-Jobs_Report_Muro-Tomer-Shivaran-Kane_updated.pdf#page=22

² Ibid.

³ “Green Jobs Report.” Environmental Justice Leadership Forum, facilitated by WE ACT for Environmental Justice. Available online at https://www.weact.org/wp-content/uploads/2020/12/FINAL-2_Green-Jobs-Report_Full-Report-Full-View.pdf



minimum wage, overtime, and other laws designed to protect working people. Concentrated unemployment, especially high among Black and Native American workers, is not only a result of hiring discrimination, but also an effect of broader disinvestment in communities of color and structural racism that makes people of color more likely to face systemic barriers to opportunity.⁴

In order for the ECJ program to best address the systemic barriers that keep underserved communities from high-paying clean energy jobs, the EPA should prioritize workforce programs that are designed to be as accessible to underserved communities as possible. The first factor to consider is whether members of an underserved community lead the organization. On average, nonprofits led by people of color have smaller budgets to work with and are more likely to report lack of access and challenges securing financial support from a variety of funding sources.⁵ Disparities in support for organizations led by people of color lead to less services in underserved communities, and often result in the offering of services in these communities that are not helpful for people of color. The EPA should reverse this trend by prioritizing organizations whose executive staff and boards of directors are majority members of underserved communities. EPA should also engage in targeted outreach and marketing of programs to such organizations.

Workforce trainings should also be designed to ease the time commitment for trainees. These trainings often take several weeks to complete, and without additional support this can be impractical for many and create unequal outcomes. For example, gender imbalances in childrearing duties are driving women out of the workforce at three times the rate of male workers.⁶ This is why the EPA should encourage training programs to offer childcare. The EPA should also prioritize workforce trainings offered in underserved communities. The EPA should encourage applicants to discuss how they will use ECJ funds to provide transportation, which may need to take the form of providing gas cards or reimbursements in areas that lack public transportation. Applicants should also be encouraged to offer a stipend for time spent in training.

The EPA should also provide positive consideration for workforce programs that support individuals that have been involved with the criminal justice system. Inequities throughout our criminal justice system are well documented, and are evident in policing, arrests, quality of legal representation, convictions, and sentencing.⁷ Workforce development organizations say that previous involvement with the justice system does not have to be a significant barrier to employment, but that it is necessary to diffuse negative perceptions of these individuals in order for them to overcome the discrimination they face in securing employment.⁸ The EPA could improve the chances of justice involved individuals securing employment in the clean energy sector by providing positive consideration for organizations with a demonstrated track record at serving these individuals.

⁴ “Race and the Work of the Future: Advancing Workforce Equity in the United States.” National Fund for Workforce Solutions, PolicyLink, USC Dornsife Equity Research Institute, Burning Glass Technologies. 2020. Page 35. Available online at https://nationalfund.org/wp-content/uploads/2020/11/Race_and_the_Work_of_the_Future_United_States_FINAL.pdf

⁵ “Nonprofit Executives and the Racial Leadership Gap: A Race to Lead Brief.” Building Movement Project. 2019. Available online at https://www.buildingmovement.org/wp-content/uploads/2019/07/ED.CEO_Race_to_Lead_Brief_.pdf

⁶ “Parents Juggle Work and Child Care During Pandemic.” The United States Census Bureau (blog), August 18, 2020. Available online at <https://www.census.gov/library/stories/2020/08/parents-juggle-work-and-child-care-during-pandemic.html>

⁷ “Opinion | There’s Overwhelming Evidence That the Criminal Justice System Is Racist. Here’s the Proof.” Radley Balko. Washington Post. June 10, 2020. Available online at <https://www.washingtonpost.com/graphics/2020/opinions/systemic-racism-police-evidence-criminal-justice-system/>

⁸ “Green Jobs Report.” Environmental Justice Leadership Forum, facilitated by WE ACT for Environmental Justice. Page 20. Available online at https://www.weact.org/wp-content/uploads/2020/12/FINAL-2_Green-Jobs-Report_Full-Report-Full-View.pdf



Workforce programs should include services for workers with limited English proficiency (LEP). According to the American Community Survey, in 2019 8.5% of the labor force had LEP, totaling over 14 million workers.⁹ Applicants should be instructed to discuss how they would ensure services are tailored and available to speakers of different languages in their specific communities.

The Labor Department notes “that LEP workers are disproportionately likely to experience workplace violations, like wage theft.”¹⁰ Discrimination in the construction industry is also well documented, and there are recent examples of discrimination in the solar industry.¹¹ EPA should encourage workforce programs to include wrap around legal services that can increase workers understanding of their rights and how to address issues of wage theft and hostile work environments. These services should also be available to LEP workers given that these workers are more likely to experience these types of violations.

The EPA should also encourage workforce programs designed to foster greater engagement of underserved workers in local decision-making. EPA should give positive consideration to workforce development programs that include working with participants to understand the root causes of challenges in their community, uncover the impact on local workers, and develop strategies to create positive change. The best programs will also work with workers to discuss how patterns of accumulated advantages and disadvantages are codified in laws, policies, regulations and other system behaviors, and help workers build confidence in discussing root causes and seeking solutions. This will ensure that workforce development programs also advance the EPA’s goal of facilitating engagement of disadvantaged communities in state and federal advisory groups, workshops, rulemakings, and other public processes.

Finally, the EPA should also consider working with the Occupational Safety and Health Administration (OSHA) to waive fees for OSHA training cards for individuals in ECJ supported workforce trainings. WE ACT finds that “thirty-hour OSHA training cards are a requirement for most construction jobs, and the training typically costs more than \$350.00. These costs should not be allowed to dissuade or deter the participation of individuals with low incomes because they cannot afford the fees.”¹²

b. What types of jobs and career pathways should EPA prioritize to support environmental justice and climate priorities?

The National Fund for Workforce Solutions and others define “good jobs” as “those that provide a reasonable expectation of job stability, insulation from existential forces like automation and offshoring, and family-sustaining compensation.”¹³ This report also goes on to identify that people of color are under

⁹ “Department of Labor Equity Action Plan: Equity Action Plan for Improving Language Access.” Available online at <https://www.dol.gov/general/equity-action-plan/plan#6>

¹⁰ Ibid.

¹¹ “How racism manifests in clean energy,” GreenBiz. June 5, 2020. Available online at <https://www.greenbiz.com/article/how-racism-manifests-clean-energy> and “It Seemed Like a Model Green Energy Firm. But Black Workers Paint a Different Picture,” New York Times. May 6, 2019. Available online at <https://www.nytimes.com/2019/05/06/nyregion/momentum-solar-racial-discrimination-lawsuit.html> and “Vivint CEO ‘deeply disturbed’ by allegations that employees built racist fort.” Washington Post. June 14, 2018. Available online at <https://www.washingtonpost.com/news/innovations/wp/2018/06/14/vivint-ceodeeply-disturbed-by-allegations-that-employees-built-racist-fort/>

¹² “Green Jobs Report.” Environmental Justice Leadership Forum, facilitated by WE ACT for Environmental Justice. Page 26. Available online at https://www.weact.org/wp-content/uploads/2020/12/FINAL-2_Green-Jobs-Report_Full-Report-Full-View.pdf

¹³ “Race and the Work of the Future: Advancing Workforce Equity in the United States.” National Fund for Workforce Solutions, PolicyLink, USC Dornsife Equity Research Institute, Burning Glass Technologies. 2020. Page 28. Available online at https://nationalfund.org/wp-content/uploads/2020/11/Race_and_the_Work_of_the_Future_United_States_FINAL.pdf



represented in these jobs. As previously discussed, most jobs in the wide fields of clean energy production, energy efficiency, and environmental management meet this definition. Furthermore, the solar installer and wind turbine technician workforces, occupations that pay better than the national average and do not require college degrees, are projected to grow by 52 percent and 68 percent respectively by 2030, far outpacing the national average for job growth.¹⁴

The National Resources Defense Council has identified residential energy efficiency as the largest source of potential CO2 reductions.¹⁵ The EPA should offer positive consideration for workforce development in the field of weatherization, such as insulation and air sealing. Most Americans, and especially households with low-and-moderate incomes, live in older homes and energy bills are a substantial burden for low-income households.¹⁶ Insulation and air-sealing jobs also have less material and equipment costs than solar panels or HVAC systems, indicating that project expenses focused on insulation and air-sealing are distributed more towards compensating workers and put more money into local economies.

Conclusion

The ECJ program should address long-standing disparities in access to good jobs, such as jobs in the clean energy sector. Racial income inequality is estimated to deprive our economy of \$2.3 trillion a year, which will only increase as the country and workforce rapidly becomes more diverse.¹⁷ To reverse this, the ECJ program must be careful to support organizations that have the highest potential to increase workforce opportunities for underserved communities, and encourage the design of workforce development programs that are as accessible as possible and increase worker engagement around local decision-making.

If you have any questions about this comment, please contact Kevin Hill, NCRC Senior Policy Advisor, at khill@ncrc.org.

Sincerely,

A handwritten signature in black ink that reads "Jesse Van Tol".

Jesse Van Tol
President and CEO
National Community Reinvestment Coalition

¹⁴ “Three Ways to Advance Racial Equity in the Workforce while Combating Climate Change.” Urban Institute. March 11, 2022. Available online at <https://www.urban.org/urban-wire/three-ways-advance-racial-equity-workforce-while-combating-climate-change>

¹⁵ “Residential Energy Efficiency is Largest Source of CO2 Reduction Potential.” NRDC. October 5, 2017. Available online at <https://www.nrdc.org/bio/khalil-shahyd/residential-energy-efficiency-largest-source-co2-reduction-potential>

¹⁶ “The U.S. needs better, more accessible home weatherization programs.” Brookings Institution. October 10, 2022. Available online at <https://www.brookings.edu/blog/the-avenue/2022/10/10/the-u-s-needs-better-more-accessible-home-weatherization-programs/>

¹⁷ “Race and the Work of the Future: Advancing Workforce Equity in the United States.” National Fund for Workforce Solutions, PolicyLink, USC Dornsife Equity Research Institute, Burning Glass Technologies. 2020. Page 7. Available online at https://nationalfund.org/wp-content/uploads/2020/11/Race_and_the_Work_of_the_Future_United_States_FINAL.pdf



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29 March 2023
NEJAC Meeting

Naomi Yoder
Staff Scientist, Healthy Gulf

I have come before the NEJAC before and discussed various issues from Gulf Coast liquefied fossil gas (LNG) exports to cumulative impacts to wetlands, and many other issues. The thing that every testimony i have made before NEJAC have in common is that the Gulf Coast is now an environmental and climate injustice sacrifice zone. I have urged the NEJAC to advise EPA to create a Gulf Coast EJ Task Force. Now there is a Gulf of Mexico Division convening about once a quarter to talk and hear about EJ in the region, but there are no plans being made in that body. NEJAC must implore EPA to actually make good on it's professed commitments to environmental justice. EPA must also prioritize climate justice, as the two are intimately intertwined on the Gulf Coast and in many communities across the country.

One way that EPA could affect positive, anti-racist change, is to formulate a different take on CCUS. "Carbon capture utilization and storage" (CCUS) is the process whereby carbon dioxide from the burning of fossil fuels is redirected out of the atmosphere, liquefied and injected into the ground. It sounds violent, and it is. In some cases (the "utilization" part), the carbon dioxide is injected into wells that were drilled for oil and which are suspected to still hold some oil that wasn't fully extracted. So the "utilization" part of CCUS is an especially nefarious component, whereby the public is being fed the line that carbon is removed from the atmosphere and fuel is produced in the process. It's nefarious because you're removing carbon to extract more carbon. Aren't we trying to burn LESS carbon? That's the whole goal here with climate change combat - we're trying to transition away from burning and extracting fossil fuels - not utilize some unproven technology to wring out the last few barrels of oil from a well.

The process of liquefying carbon dioxide and injecting it into the ground requires two items: liquefaction and pipelines. To liquefy carbon dioxide requires energy expenditure, and without fail the CCUS projects opt to utilize fossil fuels as their energy source. Backwards. Then pipelines: in the Gulf South, pipelines are tantamount to environmental racism and injustice. That's because there are so many pipelines on the Gulf Coast already, and pipelines

are more often sited in communities that contain large proportions of people of color and people with lower incomes. Communities near pipelines are more at risk from spills and incidents from pipelines. We already have this “pipeline racism” in the Gulf South. Pipelines clear valuable coastal wetlands in environmental injustice communities.

On top of all of this, CCUS has not been proven to effectively remove carbon dioxide from the atmosphere in enough quantities to make the projects beneficial. In fact, evidence is mounting that CCUS is little more than a “band-aid” for the problem of carbon dioxide emissions. Yet the EPA is pushing CCUS forward as a grand solution. This has to stop. NEJAC must advocate on behalf of communities and the environment, that CCUS is not only a false solution, but will bring about harm.

Right now the EPA is considering whether to give decision-making authority (“primacy”) to both the states of Texas and Louisiana over the injection wells that are used for CCUS. The Louisiana Department of Natural Resources, the agency that would take over primacy for CCUS, has stated bluntly to my colleagues that the agency “can not take environmental justice into account” to their CCUS projects, should primacy be granted. It is very clear: the EPA must not yield primacy to the state, and instead must maintain primacy and take on the most rigorous environmental justice analyses in considering CCUS projects. We implore the NEJAC to appeal to the EPA to maintain its primacy over CCUS wells.

I also ask NEJAC to recommend that EPA develop guidelines around enacting environmental justice and climate justice. There are a total of zero regulations for enacting environmental justice in the denial of permits, for example. If a permit is awarded in an environmental injustice community, what recourse does the community have? The EPA could lead the way in developing a set of possibilities that could be enacted to benefit communities. Things like reparations, pollution reparations, paid health care and income payments could all be considered. For polluting facilities, there could be a system of “cut-go” where if one facility proposes itself to be built, then another facility somewhere in the same pollution-shed has to go or cut their emissions of all the pollutants that the new facility would have.

In short, I want to implore the NEJAC to ask the EPA to stop the sacrifice. The Gulf Coast and its people are important and worth protecting.

Naomi Yoder