

EPA Local Government Advisory Committee

Public Meeting Summary

October 22, 2023

Meeting Attendees

In-Person LGAC Attendees

1. Darius Allen, Board of County Commissioners, Durham, NC
2. Gary Brown, Director of Water and Sewerage, Detroit, MI
3. The Honorable Darcy Burke, Municipal Water District, Lake Elsinore, CA
4. The Honorable Sarah Fox, Councilmember, Vancouver, WA
5. The Honorable Leirion Gaylor Baird, Mayor, Lincoln, NE
6. The Honorable Evan Hansen, House Delegate, State of West Virginia
7. Ed Eiffler Jaramillo, Senior Policy Aide, Minneapolis, MN
8. The Honorable Christian Menefee, County Attorney, Harris County, TX
9. The Honorable Mary Lou Pauly, Mayor, Issaquah, WA
10. The Honorable Satya Rhodes-Conway, Mayor, Madison, WI
11. Juan Valdez, Senior Policy Aide, San Antonio, TX
12. The Honorable Lucy Vinis, Mayor, Eugene, OR
13. Mr. Jeff Witte, Secretary, New Mexico Department of Agriculture, NM

Virtual LGAC Attendees

1. The Honorable Jose Carlos Aponte Dalmau, Mayor, Carolina, PR
2. The Honorable Kimberly du Buclet, Senator, State of Illinois
3. Miki Esposito, Assistant Director of Public Works, Los Angeles County, CA
4. The Honorable Nick Gradisar, Mayor, Pueblo, CO
5. The Honorable Deana Holiday Ingraham, Mayor, East Point, GA
6. The Honorable Ella Jones, Mayor, Ferguson, MO
7. The Honorable Heather Kimball, Councilmember, Hawaii County, HI
8. The Honorable Christine Lowery, Commissioner, Cibola County, NM
9. The Honorable David Painter, Commissioner, Clermont County, OH
10. Lisa Wong, Town Manager, South Hadley, MA

EPA In-Person Attendees

1. Lynzi Barnes, EPA Designated Federal Officer
2. Jack Bowles, EPA Director of State and Local Government Relations
3. Paige Lieberman, EPA Designated Federal Officer
4. John Lucey, EPA DAA Intergovernmental Relations
5. Debra Shore, EPA Region 5 Administrator

External In-Person Attendees

1. Zach Vruwink, Chief Operating Officer, League of Wisconsin Municipalities
2. Maria Redmond, Wisconsin State Director Office of Sustainability and Clean Energy

Meeting Summary

9:00am - Meeting Opening

Paige Lieberman, EPA Designated Federal Officer, opened the meeting and took roll call.

Mayor Leirion Gaylor Baird, LGAC Chair, welcomed everyone and gave an overview of the meeting agenda.

John Lucey, EPA Deputy Associate Administrator for Intergovernmental Relations, provided remarks, noting how his experience working with Administrator Regan for North Carolina Department of Environmental Quality, hearing directly from community leaders about their concerns, informs his work with state and local government partners. Lucey highlighted EPA's need for input from local governments – including ideas, criticisms, and support. He noted that EPA hasn't implemented every recommendation provided by the LGAC but hopes that members see how much we value our partnership and want to keep a constant dialogue.

9:15 am - Improving EPA Engagement with State Municipal Leagues

Jack Bowles, EPA Director of State and Local Government Relations, introduced the panel of guests.

Paige Lieberman provided a history of the topic. In 2022, while discussing what technical assistance EPA would provide as part of the Bipartisan Infrastructure Law, the LGAC recommended that EPA engage with state-level municipal leagues. The LGAC highlighted how these organizations are already providing valuable information, resources, and connections to local elected officials. While EPA has a longstanding relationship between its headquarters office in DC and the national level of municipal organizations like National League of Cities, National Association of Counties and U.S. Conference of Mayors, there isn't a relationship established between EPA and state leagues. This panel is step one of implementing that recommendation, with guests invited from EPA's Region 5 Office in Chicago and a representative from Wisconsin's Municipal Leagues.

Jack Bowles asked the panel what successful intergovernmental communication and engagement looks like for their organization.

Maria Redmond, Director of Wisconsin's Office of Sustainability and Clean Energy, shared that the cities and jurisdictions are leading the way, so the office helps to share best practices with those who aren't as far along, and connect them with available resources and technical assistance. One result has been a coalition formed by a group of municipalities and local governments, to address climate change and connect the dots. Her office tries to focus on that connection and ensuring two-way communication between the federal, state, and local governments.

Lucy Vinis, Mayor of Eugene, highlighted her city's success with the brownfields program, which has provided valuable technical expertise via the EPA Regional Office, and a situation with a former creosote plant that led to dioxin contamination of neighboring soils, including a playground. She said the EPA Regional Office has been helpful with explaining the process, exploring whether it qualifies for a superfund site, and thoughtfully communicating everything to the community, including providing bilingual information materials.

Zach Vruwink, Chief Operating Officer, League of Wisconsin Municipalities, outlined three goals of his organization: 1) listening while also offering opportunities for members to learn from one another; 2)

locate resources and identify partners to address community concerns; 3) educate their members. Vruwink said that small governments have a limited window of opportunity to grasp certain issues or technical understanding. The more that EPA can work with the state leagues as a conduit for information, all will benefit. He invited EPA to use leagues as an opportunity to educate and lift up available resources. Municipalities look at the federal government and the various notices of funding opportunities, and it's daunting. Leagues can help either navigate or be an advocate for their members in that space.

Debra Shore, EPA Region 5 Administrator, shared several ideas for how EPA regions and municipal leagues can work closer together. Overall, she said successful intergovernmental engagement is about alignment, focus, and follow through, and that the appropriate agencies at all levels need to be aligned either to a specific geographic area, a specific issue, or specific needs in a community. The focus needs to be on solving the issue at hand while trying to avoid issue creep or distraction that could deter results, especially when related to public health, and then follow through to ensure efforts are completed. Shore shared an example where EPA Region 5 was asked by former Congressman Bobby Rush to focus on water issues in south suburban Chicago. EPA worked with the mayors and managers' association from 45 communities in the area. Many of the communities were small, and don't have dedicated grant writers. EPA helped them learn how to access resources involving water, wastewater and stormwater infrastructure and create a pathway to funding.

Jack Bowles asked the panel in what circumstances they believe intergovernmental engagement is most necessary.

Shore talked about cumulative health impact assessments, and how to assess the different things affecting the air quality, water quality, transportation, quality of life and the public health realm in each community. EPA assisted the City of Chicago in conducting a cumulative health impact assessment where there was an effort to relocate a metal recycling facility from a predominately white, affluent neighborhood to a predominately black, disadvantaged neighborhood. We looked at all the emissions sources this community had and provided information to the city to deny the operating permit. Then, we worked with the City's Department of Public Health to conduct a citywide health impact assessment that mapped health impacts and ultimately empower the city to make future decisions about locating facilities, and where more work needs to be done to reduce emissions. Shore also acknowledged the heavy lift of applying for, managing, and reporting on federal grants. In response, EPA is creating Thriving Communities Technical Assistance Centers (TCTACs) to help communities navigate the system.

Redmond added that funding is a major connective tissue between the federal, state, and local governments, and states are in a good position to support local governments with grant procurement and management. Wisconsin's local governments are looking for metrics, specifically related to transportation like vehicle miles traveled, or environmental justice metrics, as they are often needed for funding applications, to show the impact of the work being done. A question for Redmond's office is how they can best access and use the data? Finally, Redmond highlighted the challenge of moratoriums and other restrictions placed on Wisconsin cities seeking solar power options. There are several resolutions popping up, driven by community members who aren't aware of the benefits of solar.

Vruwink sees a need for federal and state partners to support the thoughtful deployment of renewable energy options, pointing to resources from the Inflation Reduction Act. Political fighting is keeping some communities from even accessing them, and there's a need to advocate for members who want to make these investments; the League has talked about creating model ordinances and other tools.

Mayor Vinis echoed the comments already shared and highlighted that that engagement is critical when there is federal or state funding available and when there is a new regulation or environmental crisis that needs to be communicated to citizens. There's a need to be proactive and coordinate, rather than each level of government assuming another group is taking care of something, and then be without needed resources or tools when an emergency happens. Building this proactive network through engagement leads to people trusting one another in times of crisis.

Jack Bowles asked what specific information would be valuable to your stakeholders that you don't already have?

Mayor Vinis said that cities are facing a combination of enormous historic investments coming with a very tight timeline, at a time when they have a low capacity to respond. What has been beneficial in Eugene is investing in the EPA regional staff who can share information and support needed communication with residents; it would be great for these offices to provide some of the support that the communities themselves need, to allow a faster response.

Vruwink noted a knowledge gap with Wisconsin's local officials, as 20 percent turn over every year, and that it would be helpful to have information about state and federal programs available for members.

Redmond said Wisconsin is working to build a network of relationships with local governments. Having more staff from EPA Region 5 to support this work would be helpful. This could be conversations about what's happening locally so that there's more transparency, and work is more proactive than reactive, allowing us to get information to local governments about different programs and available technical assistance. Redmond added that she doesn't want to strip local governments of that direct contact with EPA but wants to be a resource for them from the state perspective.

Shore added that EPA is still staffing up in a variety of realms, including environmental justice. Each Region will get more staff, and maybe serving as a conduit and liaison with communities can be part of their portfolio. Shore asked if there are best practices to highlight in terms of communications from the regions to state municipal leagues.

Mayor Pauly talked about a superfund cleanup and noted the discrepancy between state levels of PFAS in drinking water and the proposed federal level, and the need for more conversations. The EPA has a road map and working groups, but we need to get connected to what EPA is doing because she's only had the one conversation, but we're moving into remedial action. Pauly said that she and her team are interested in sitting at more tables.

Mayor Rhodes-Conway highlighted that during her 2-year tenure on the LGAC she keeps hearing questions about barriers for communities. Every community notes the need for more money, and she believes all money should flow from the federal government directly to the local governments, rather than through states. She also noted the variability between local governments, particularly with respect to capacity. In Wisconsin there are only two cities that have federal lobbyists tracking what's going on with the federal government and resources that would be a good fit for their city. How are communities supposed to know about all these federal resources? Even municipal leagues are more focused on state-level resources and regulations, rather than federal. The LGAC will continue to raise the need for better information and technical assistance about accessing and managing federal resources.

Rhodes-Conway also noted the barrier of communities having the capacity and interest to act on environmental issues, particularly climate. While it's important to empower local governments, we don't want to empower local government to do nothing or to do the wrong thing with respect to the environment. We want to empower local government to make progress on climate and make progress on PFAS, etc. We collectively must wrestle with not just how to get information, not just how to get resources and technical assistance, but also how to balance between local governments who are pushing to lead the way, and local governments who are lagging or resisting states that are pushing to lead the way. As we think about structuring resources, we must think about how to navigate that uneven landscape.

Rhodes-Conway emphasized a few things from the conversation: **1) EPA Regional Offices can have a bigger role in pushing out good information into States and to localities, including educational messages; 2) Data and metrics are super important and EPA could support that; 3) Both the federal EPA and the Regional Offices could use their convening power more, especially with leagues, to share good information and provide access to technical assistance, whether that's a big public meeting or a small private meeting around a particular problem in an area where local governments are struggling to get all the players to the table.**

Darius Allen highlighted the need to educate and empower citizens beyond when there are environmental crises, noting that the average person often doesn't know how serious an issue is, and they aren't going to push the local, state, or federal government to act.

Redmond noted that her office is taking the lead on the climate pollution reduction grant and has funding and capacity to do that bottom-up work to empower and educate communities. Her office has planned 9 regional meetings around the state to talk about climate pollution reduction and what that means for each region. The political will is different depending on location, but we're able to go to communities and take more of a systems approach to that discussion, build that scaffolding so that we can build the climate discussion and build it into perpetuity where people can understand what it means for their community, the impact that climate change is having on their community. For those that don't want to talk about climate change, we shift to economic development and community health.

Jack Bowles asked what role each organization and level of government can play in improving engagement? What are high-level changes that can occur? What are day-to-day changes that can improve information flow and help us achieve our mutual and complementary goals?

Shore suggested that EPA start including municipal leagues in its regular email sharing of grant opportunities and other resources, like they do for states and congressional offices. She also **suggested creating "news you can use" content for leagues to pass on to their municipalities.** She cited two apolitical examples of content: the Air Now app that shows a location's air quality index and can provide guidance for wildfire smoke and other particulates impacting outdoor activities; providing day-to-day guidance about managing food waste, whether compost, down the sink, or in the trash. Shore also noted that **her office has regular meetings with directors of state environmental agencies and can add the topic of municipal or local group engagement to these agendas.** She also noted EPA's convening power and that the Agency should look at how it can bring leagues into conversations.

Redmond suggested that EPA be added to ongoing monthly conversations about rural prosperity, energy invitation and sustainability. The foundation is already there, with her office working with the Minnesota Thriving Community and Technical Assistance Center (TCTAC) at the University. A next step

would be for **everyone to look for opportunities where States and local governments are already meeting, are already providing that technical assistance, and looping in EPA Regional Offices and municipal leagues.** Redmond also noted the valuable role of the state government to pool small governments that lack capacity to find and manage federal grants and help them with that role.

Vruwink added the potential role of national municipal leagues, to be the conduit, especially when looking across the whole federal family. There's a lot of regulatory components on the horizon amongst all the federal funding opportunities, to help synthesize it and make it digestible, prioritizing information that we know will be beneficial to our members.

Mayor Vinis stated that rather than managing processes as one-offs we need long term institutionalized processes. How do we embed some of these best pathways into longstanding systems, so that whoever the next administration is, it's already embedded? She noted the effectiveness of the Brownfields program in that respect, as it moved through different administrations. For climate work, there's a need to not just spend the dollars available now, but to create these imbedded pathways of doing work.

Jack Bowles added that this administration at EPA is working hard to train and develop policies and rules that will be durable and reliable for communities to manage. He asked the panel *how this information heard today can be extrapolated to a national level?*

Mayor Rhodes-Conway highlighted **the need to support and design programs so that state legislatures can't change the rules.** She gave an example of funding through U.S. Department of Transportation with ten eligible projects at the federal levels, but the state legislature stepped in and said only two were eligible under state laws in Wisconsin. That makes the money far less useful for local communities. EPA needs to recognize that states are in different places with respect to issues around climate and the environmental, and try to project against bad actors, while making space for the good actors. One way to support this is to enable money to pass directly through a Governor to a statewide department, rather than going through a state legislature. She recommended moving beyond the conversation of whether climate change is real, and focusing on the outcomes, because the climate is already changing. We can focus on the resiliency of infrastructure and protecting people and property.

Darcy Burke and Mayor Pauly both spoke about how to message climate issues based on the community's values, and providing options for people to take action based on where they are. Councilmember Fox echoed this, noting the challenges of using nuance in languages other than English.

11:00am – Climate Mitigation

Mayor Rhodes Conway provided an update on the Climate Workgroup's progress with recommendations. The two charges are: what challenges and barriers do cities face in encouraging compact, climate friendly growth and increasing the availability of affordable housing; and what tools and resources local governments need to shift towards climate smart land use, and what role EPA can play in advancing that.

Julie Zavala, Deputy Director of the new **Office of the Greenhouse Gas Reduction Fund**, provided an overview of the Fund's status. All information shared was publicly available, in line with competition rules. The fund is a \$27 billion investment that will 1) reduce emissions of greenhouse gases and other air pollutants, 2) deliver benefits to American communities, especially low income and disadvantaged

communities and 3) mobilize financing and private capital to stimulate additional deployment. The three competitions under the Fund are the :

- 1) Clean Investment Fund, \$14 billion open to two to three nonprofit financing entities to develop to partner with private sector and provide financing for tens of thousands of clean technology projects nationwide;
- 2) Clean Communities Investment Accelerator, \$6 billion open to 2 to 7 hub nonprofits to provide funding and technical assistance to networks of community lenders that will recycle the funds in eligible projects;
- 3) Solar For All, \$6 billion for about 60 awards to states, territories, tribal governments, municipalities and nonprofits to support low income and disadvantaged communities deploy distributed residential solar.

The competitions closed October 12th, EPA is hoping to announce awardees by March 2024, with projects starting July 2024. Zavala highlighted a few things from the competitions.

National Clean Investment Fund:

- list of qualified projects is broad, including anything that reduces or avoids greenhouse gas emissions or other forms of air pollution
- must be in partnership with the private sector in terms of leveraging and investment
- priority project categories are distributed energy generation and storage, net zero emission buildings, and zero emissions transportation

Clean Communities Investment Accelerator:

- three priority project category areas: distributed energy generation and storage, net zero emissions buildings, and zero emissions transportation in low income and disadvantaged communities

****Applicants to above programs must submit the following plans for they plan to:**

- engage low income and disadvantaged communities and maintain accountability to the priorities identified by those communities
- ensure projects create high quality jobs with a diverse, skilled workforce
- ensure that housing affordability protection is integrated into the program

Zavala said that a big part of the Solar For All program will be addressing the policy and regulatory barriers to register residential distributed solar, and leveraging where those policies are already favorable to communities.

Mayor Satya Rhodes-Conway provided an overview of the recommendations, which can be found [here](#).

Adriana Hochberg, EPA's Deputy Associate Administrator of Policy provided a response to the recommendations. She highlighted the White House's recent climate resiliency summit and release of the national Climate Resiliency Framework. These note that improving the built environment is an essential part of reducing greenhouse gas emissions and increasing climate resiliency in communities of all sizes. She emphasized that the Inflation Reduction Act has given EPA unprecedented resources to help communities achieve their goals of becoming healthier, more equitable and economically strong. This includes infill development and redevelopment of vacant properties in locations with lower carbon footprints from transportation. EPA has an opportunity to work with the General Services Administration, the U.S. Department of Transportation, and others to develop better tools that measure greenhouse gas emission reductions from compact development. Hochberg added that EPA looks

forward to continuing to work with the LGAC and forming/enhancing strategic partnerships to tackle policy barriers such as outdated zoning and land use ordinances, and to promote solutions such as modernized building codes. Of note she said that EPA is working with the Housing and Urban Development Agency to develop resources to show how homes can be clean, healthy, and conveniently located, while still being affordable.

Rhodes-Conway invited feedback and discussion on specific items:

1. Should EPA include a requirement or incentive to include local governments in the development of any of these qualified projects in their own jurisdiction? Do we want EPA to write into their agreements with these green banks that part of the proposal is to check with the relevant local government agency?
2. Should EPA take any action to level the playing field between private sector applications and public/nonprofit applicants?
3. Those applying for funding from the greenhouse at Gas Reduction Fund will need technical assistance, but who should provide it? Should it be the responsibility of the “green banks” or EPA? Should there be some sort of standardization on the provision of technical assistance?

Juan Valdez of San Antonio recommended including not just subject matter experts on federal funding, but those who understand the challenges of low-income communities and accessing financial products and credit lines. He gave an example of applying for solar in San Antonio. As a relatively moderate-income earner he would not have qualified for financing, but when applying with his wife, he was. Experts need to have the skillset to develop innovative financial products for low-income communities. In terms of land use, the mayor of San Antonio appointed a working group focused on streamlining unified development code to make missing middle housing a priority for building. Over 95 percent of residential zoned land is for single family residences in San Antonio, and one way they are increasing density is making it easier to have accessory dwelling units.

On the question of including local governments in project development, Mayor Pauly noted the need to approve what works best in each location. For example, Issaquah has a lot of surface parking that is available and underused, so they are looking at mostly denser construction, but if a green bank came to them for approval of a project with no parking, that wouldn't work. The community isn't set up for car-free living. Perhaps the requirements would just be checking a box that the project meets current codes.

Ed Eiffler Jaramillo recommended including language to support labor and unions in the section on workforce development, to get independent contractors and union jobs in our impoverished communities. In Minneapolis some of the unions questioned the concept of rooftop solar because they'd rather put money towards large infrastructure projects.

Juan Valdez shared strong support for requiring local jurisdiction approval of projects. In Texas, developers who receive a resolution of support from municipalities can get additional points on an application. This helps align the type of development with the need that is required in the city. San Antonio grants additional points to affordable housing development.

Darcy Burke applauded this idea of a launch event. Some of the feedback she hears in land use development redevelopment projects is that it's very helpful to have project managers do an initial sit down with relevant departments (e.g. building and safety, urban development, planning, transportation, and utilities). By convening early in a project, the development can get questions answered early, and move through a process more quickly.

On the question of leveling the play field, Mayor Pauly noted that private sector may need the incentive to build sustainably, because they aren't going to get the benefits of lower energy costs that a municipality or owner does.

The members voted, with a majority approving the recommendations.

12:00pm Environmental Justice

Mayor Deana Holiday Ingraham highlighted the charge's three questions that will feed into development of a cumulative impacts framework, and preliminary input for each.

1. How can EPA better address factors such as land use planning or infrastructure investment, that contribute to concentration of environmental burden through federal policy?
 - Issue: Zoning laws often allow industries the flexibility to build and expand facilities in locations that are experiencing environmental burdens (e.g. Houston has no zoning laws)
 - o Recommendation: Work directly with municipal leagues and planning organizations to develop tools that show the impacts of certain zoning laws, and templates for new laws that would address these impacts

Christian Menefee talked about a concrete crushing plant proposed across the street from the largest public trauma center hospital in Houston, and his need to bring public attention to the process, and why it should be opposed. This highlighted the need for the federal government to partner with municipalities to not only enforce federal law and regulations, but also to help develop creative ways to push back on those types of things. Menefee also highlighted the value of creating a toolkit or some sort of framework that can help municipalities think about how to address these issues. Finally, he noted the value in having federal, state, and local leaders sit in the room together to think creatively about specific issues and brainstorm solutions.

John Lucey and Debra Shore noted the EPA Region 5 Office's involvement with an issue in the Chicago area where a tool was used to look at the overlap of different pollution concentrations and environmental impact. It looks at air monitoring data, traffic data, data about life expectancy and income, etc. and asks what is really happening in a community. One of the take-aways is that operating in silos of air, water, soil, etc. is not effective. There are often situations where a new proposal for a facility is just across the line of a municipality, and the location where it is technically located won't be affected, but just across the line it's going to add to an already challenging situation.

John Lucey added that EPA has been able to provide technical assistance in some of these instances, to interface with the local government and the company, and complete a health assessment. These tools and data can be very helpful for elected officials, especially when there is no legal mandate.

Mayor Ingraham emphasized the need to make elected officials aware of available tools, because local governments generally don't enforce, but the community expects them to be able to do something when there is an issue.

Mayor Rhodes-Conway noted the overlap of EJ issues and GHG emissions. When looking at

a spatial representation of Madison's greenhouse gas emissions, one of the categories is industrial and it was easy to tell which facilities generate the most emissions. She highlighted this as another factor to bring more weight to conversations.

Juan Valdez noted the value of EPA working with other federal agencies. Specifically, there are a few grants focused on land use: DOT has grants for reconnecting communities and making public transit attainable, and HUD also has a new Pathways grant about removing obstacles. There's an opportunity to work together and create policy innovations that would be helpful to a lot of cities.

2. How can local governments partner with EPA and states in addressing cumulative impacts through better coordination, planning, working with communities, and other actions?

Mayor Ingraham talked about leveraging tools like EJSCREEN to identify overburdened communities. She also noted the value of having a national cumulative impacts framework, as well as research standards to guide local governments as they analyze and contextualize data.

Menefee said that providing funding directly to local governments for research and analysis is critical to empowering communities to push back. For example, EPA has pushed back on Texas' state implementation plan for air pollution, and that has provided leverage to steer things differently. Menefee also recommended having formal lines of communication with EPA at the beginning of that process, so they can highlight areas that should be on their radar. He also noted that the framework – even if not prescriptive – is still helpful to places where larger action is a political non-starter.

Debra Shore highlighted the creation of EPA's Office of Environmental Justice and External Civil Rights, and their focus on the use of Title 6, which is a tool and an authority that EPA has always had, but hasn't always used. When there are disparate impacts or proposals that may deleteriously affect communities, it may violate Title 6 of the Civil Rights Act. EPA has seen a big jump in the number of complaints filed that want to have EPA assess whether it qualifies for a Title 6 lawsuit. EPA has issued guidance to all state agencies on this.

3. Based on an overview of existing EPA authorities to address cumulative impacts in the permitting context, (a) where is the great need, from a local perspective, to consider cumulative impacts, and (b) which statutory authorities may present the greatest opportunities for addressing those needs?

Discussion was focused on intergovernmental partnerships and working together around decision making to ensure that local governments are engaged and there is community buy-in when environmental impacts are concerned. Ingraham highlighted the idea of a standardized engagement process, including a requirement to notify and engage with the local government when an application is submitted.

Representative Evan Hansen highlighted that in West Virginia there is limited zoning and a state legislature that is hostile to these types of issues. Combine that with permittees that will play hardball and there are even fewer options. Hansen asked if EPA is looking at the possibility of opening up those federal acts to incorporate some type of environmental justice? If the hope is that states will go above and beyond, many will not. Instead, there may be value in supporting a voluntary approach.

Adam Carlesco, Office of People's Council in the District of Columbia, highlighted his work with natural gas development. His office has noticed with the permitting of natural gas infrastructure at the federal level the Federal Energy Regulatory Commission are taking a very narrow approach to consideration of cumulative impacts, more or less disregarding anything that isn't at the compressor site or the pipeline installation. They don't look at the cumulative impacts of upstream gas production or downstream gas combustion within like a local airshed. DC has several Interstate transmission pipelines that move gas, and EPA could do more in terms of intergovernmental relations or commenting on these sorts of federal proceedings as it relates to permitting of infrastructure, pushing them to take a broader approach to cumulative impact analysis.

Mayor Pauly noted that railroads are a major obstacle when it comes to environmental regulations in her region. Recently, some residents raised concerns about expansion of a railroad line. The railroad started the conversation with her saying that they don't have to ask permission. It required looking at federal case law and pointing out that they must abide by local environmental regulations. This happens with small towns up against railroads and other large industries, and it would be helpful to have the support of EPA.

Mayor Gaylor Baird noted the association of flood risk with EJ, and asked if there's room for EPA to coordinate more closely with FEMA or the Army Corps as they think about how they allocate resources and work to address environmental justice. In some cases there may be structural improvements that can be created, but in other cases it may be that there's adaptation and moves needed, which are expensive and sensitive.

2:00 Charges for 2024

Climate Communication

Conger, Nick, EPA Associate Administrator of Public Affairs, provided an overview of what EPA is doing to support climate communications.

Conger has many years of experience traveling around the world, learning how to talk about climate in a community-oriented way, which influences how he approaches EPA's work. He is eager to equip EPA's regional, state and local efforts with guidance and principles, as well as tools like social media and template press releases, to empower them to tailor the approach and the message according to the dynamics on the ground.

Conger highlighted EPA's three foci for climate messaging:

1. Storytelling, and lifting up very tangible, real-world examples of people benefiting from climate action. EPA uses press events and school visits as opportunities to tell the stories of the people that we are visiting, people who live and breathe the stuff that we are working on.
2. Framing the climate issue as a public health issue to take some of the political pressure off the issue and level the playing field, because most people care about protecting the health of communities. This is different than past strategies to talk about climate as a existential crisis causing planetary danger.
3. Economic opportunity, because it's just good business to tap into growth markets (e.g. solar, EV, wind energy). There are so many examples in the rural and agriculture space for job creation.

Conger invited LGAC members' input on what works and what local governments need from EPA. EPA is committed to not just sitting in headquarters and communicating outwardly, but also having a back and

forth with our regional offices and local partners, to learn the kind of tools, resources and guidance that are helpful for them to tailor the message according to their states and localities.

Miki Esposito commented that it's hard enough to have these conversations in English, but the task of having them in multiple languages and really reflecting the different cultural values across the community adds an extra challenge.

Conger said that EPA is doing more to develop Spanish messaging and recognizes the need to ensure we aren't losing folks who are unable to understand or engage with what we are sharing. He noted the need for longer planning timelines before a big policy announcement, in terms of language translation needs and cultural engagement considerations and incorporating this time into rollouts. EPA wants to hear what resources we can bring to bear through our social, digital, press, and web-based communications that enable quick and easy translation.

Darcy Burke questioned if EPA is looking just for communications, or also engagement toolkits for listening?

Conger clarified that while the charge speaks to communication and better sharing the resources EPA has on specific actions, but the goal is ultimately for ongoing engagement between affected stakeholder groups and government entities. He suggested that this charge factor in how this effort will lead to better engagement, and then what needs to happen on the engagement side in order to have that come to fruition.

Mayor Rhodes-Conway clarified that the charge is looking for two things: 1) feedback, ideas, and advice on EPA communications and engagement and 2) help assembling tools to share with local governments to support their communications and engagement. She recommended restructuring the six questions of the charge into those two categories, and adding more about engagement, and doing all of this in culturally relevant ways. Rhodes-Conway also noted how Madison created three "community connectors" that were particularly helpful during the pandemic, to engage with different language groups in Madison. They use very different techniques, because simply translating documents is insufficient.

Gary Brown commented that traditional, written ways of communicating often don't work with disadvantaged communities. In four years of trying to get people in water assistance programs they never got more than 4,000 people to sign up, but when they invested in people to go door to door with an iPad, they enrolled 28,000 households in six months. He said it's critical to get trusted voices in the community to deliver the message.

Councilmember Sarah Fox highlighted how her community was successful engaging with youth through presentations at school and information in school newsletters. She recommends developing tools that schools can use or elected/appointed officials can use with a school that highlight both what could happen in their future and what actions they can take to make a difference.

2:30 Reducing Plastic Pollution

Kimberly Cochran of EPA's Office of Resource Conservation and Recovery gave an overview of her team's work, noting that they are focused on a circular economy and would like local government input on their strategy to reduce plastic pollution.

Victoria Gonzalez shared the foundation of the strategy, which is from the Save our Seas 2.0 Act from December 2020. EPA was charged to develop a strategy to improve post-consumer materials management and infrastructure for the purposes of reducing plastic waste and other post-consumer materials in waterways and oceans, and to make this strategy publicly available.

The goal by 2040 is to eliminate the release of plastic waste into the environment from land-based sources. This includes a variety of approaches, including supporting communities to develop effective reuse programs and working with manufacturers to design more reusable products, but not converting waste to fuels or energy.

The strategy has three objectives, each with subobjectives:

- A. Reduce pollution during plastic production
 - a. Reduce the production and consumption of single use unrecyclable or frequently littered plastics and minimize pollution across the lifecycle of plastic products.
- B. Improve post use materials management
 - a. Conduct a study of the effectiveness of existing public policies and incentives for reuse, collection, recycling and conservation of materials, developing or expanding capacity to maximize reuse, facilitate more effective composting and degradation, degradable compostable plastics
 - b. Increased solid waste collection and ensure that solid waste management does not adversely impact communities, increase public understanding of the impact of plastic mismanagement and how to appropriately manage plastic products and other waste and explore the possible ratification of the Basel Convention
- C. Prevent trash and micro/nanoplastics from entering waterways and remove escaped trash from the environment
 - Identifying and implementing policies and programs
 - a. Technical assistance and compliance assurance actions that effectively prevent trash and microplastics from getting into waterways and removing such waste from waterways
 - b. Improving wastewater management to increase trash capture, increase and improve measurement of trash loadings into waterways to inform management interventions, increasing public awareness of the impacts of plastic products and other trash and waterways
 - c. Increasing informative research on micro and nano plastics and waterways and the ocean

In April 2023, EPA released the draft national strategy for public comments. The public comment period ended on July 31st with over 91,000 comments, and we are reviewing those comments before producing and publishing the final draft of the strategy.

Mayor Pauly noted that despite efforts to change purchasing practices, especially non-plastic food purchases, there is often little control for consumers. Why isn't there more emphasis on pushing those that have the bigger levers, like the manufacturers who package their product in plastic? What is the stick for industry to make a choice to not package as many things in plastic?

Kimberly Cochran said that one part of the strategy is to identify the plastics that can be reduced and should be targeted, and to identify those items in their procurement strategies. Cochran emphasized that EPA is open to comments on general and specific actions to help address this problem.

Secretary Jeff Witte raised the issue of secondary markets for recycled materials, and how China is no longer a reliable market for this. We must figure out all sides of the market. He asked if there is a way to use agricultural products to create biodegradable containers. Hemp used to be utilized to make all kinds of things. It would be great to research this and other alternatives.

Cochran said that the strategy is aimed at building these markets. Under the Bipartisan Infrastructure Law EPA received \$350 million to help communities set up recycling programs, develop the infrastructure, and do education and outreach. The strategy addresses biodegradable materials, and we've heard concerns about biodegradable plastics, whether they're actually biodegradable. We recognize you need sort an industrial composting system to be effective, and not many communities in the U.S. have that.

Mayor Pauly said that rather than reducing the waste, we need to address the root of the problem. She noted that she sees new products every day with plastic, but our society keeps purchasing them. There needs to be a national level of producer responsibility, which may not be within EPA's scope. Addressing the impacts and costs is in EPA's scope, so we need a way to make the producers start paying for the pollution they are creating.

Christian Menefee said that Texas also has a ban on bans. They are interested in discussing strategies and mechanisms to make producers responsible. In states hostile to bans, research into alternatives will be valuable. There also needs to be the kind of legal enforcement of plastic producers in the same way we are starting to see for PFAS producers.

Councilmember Heather Kimball said that Hawaii has been trying to enact an extended producer responsibility program for years, and next year they should complete a study. Some ways that EPA could support this kind of work is to develop definitions around who is a producer, as well as technical assistance in terms of helping us identify the amount of potentially recyclable, reusable material in our waste streams. Finally, we need best practices for systems development and governance models for an extended producer responsibility strategy at the state level. She noted that Belgium is a great model.

Commissioner Christine Lowery echoed the emphasis on industry and the macro level. She noted the innovation of disposable diapers in the 1970s, and how it led to miles of waste on the Navajo Nation. Old tires are another example that have been an issue for decades. Going after the industry is important, especially around toys and clothing. Lowery also noted the intersection of the use of plastic water bottles and climate change. There are so many places that don't have drinkable water, and what containers can they use other than plastic?

Mayor Rhodes Conway noted that the workgroup should invite the Mississippi River Cities and Towns Initiative to join, which is chaired by the Mayors of La Crosse, Wisconsin and Vicksburg, Mississippi, and is working on an initiative to track sources of plastic pollution, and work at the local level to think about plastic production.

Mayor Gaylor Baird opened the meeting to public comment, but there were no comments provided.

3:30pm PFAS Risk Communications

Mimi Johnson, director of the Office of Emerging Contaminants within Wisconsin Department of Natural Resources, spoke about her team's work on developing a PFAS risk communications toolkit. When they started the effort, they wanted it to be a series of tools that align with any federal and state fund or legislation. She noted that other states are also undertaking this work and there's an opportunity for LGAC to be a part of that. Her team looked at a range of situations (e.g. public water supply, private drinking water wells, communities where they have public sewer but no public drinking water) and tried to walk through the different roles of the agencies that are involved. There is limited authority at the state and local level, so they tried to definitively outline where it existed and what could be done in each situation.

Johnson noted that one of the challenges is that those who work in drinking water do their job well and follow Safe Drinking Water Act requirements, but they're not always talking to elected officials at the local level. We needed a toolkit for elected officials to be able to pick up off the shelf if it is found in your community. Johnson's office also had conversations with the Office of Emergency Management and developed an annex for the emergency operations, forcing conversations around what to do when PFAS is found. The goal is to put tools in the hands of local officials, so they know what questions to ask, who to ask, and who to be in partnership with before a problem hits. Phase two of the toolkits will be very community focused: plain language, accessibility, video vignettes, whatever is needed to help local governments communicate. We want to empower someone who finds out they might be consuming PFAS or taking part in generating PFAS waste. We don't have places to send it and that makes the conversation very difficult from a consumer level, but also at a community level, because we must think about this in the whole.

Shore added that within this region there are lots of questions about food production and farming, fish consumption, hunting guidance. There are also questions about first responders and PPE, so the more coordination we can have, and the more support the federal level can provide, the better.

Johnson said that states often feel like they don't have authority or direction from their federal agencies, so it's difficult for them to answer those questions.

Burke spoke about her experience in California, where they are hearing more from local players like insurers, Realtors, critical customers, and businesses who all want this information as well. We are thinking about how the toolkit can translate and be used for some of those partners. While a lot of resources are about what you do when you find it in the water and not so much about where is it and how is it getting into the water. When a newspaper recently released an article indicating where PFAS has been identified, it didn't identify our city because we've gone to an alternative water source for a 10-year period to develop a comprehensive, effective, affordable option. However, our neighbor water district did show up. We're spending most of our money right now on source control. Our state department of ecology is funding investigation, sampling, testing, draft, remedial investigation.

Secretary Witte expressed concern about the different regulatory levels set by states across the country. He noted a tabletop exercise with EPA, the Environmental Council of the States (ECOS) and the National Association of State Directors of Agriculture (NASDA) and said this is the kind of gathering needed. To get these officials together, along with municipal leagues and others, to get on the same page with the needed communication, makes everything clearer. Witte also noted concern about having differing levels of PFAS allowed in cleanups versus drinking water. This action may end up eliminating the use of

aquifers around the country because we will not be able to clean up to the standard that would leach to the aquifer, and those couldn't be used as water sources, which is completely impractical. The connection between source control and drinking water is not just about what comes out of your tap.

Mayor Pauly implored EPA to stop saying we have to determine the source of PFAS contamination. It's been turned into fertilizer and sold to farmers for crops. Then, it goes right back into water. We don't need to wait until we know definitively where it is coming from. Stop manufacturing it and stop putting it on farms and not expecting it to get into the groundwater. EPA needs to tell us what to do with it; burn it, inject it.

4:00pm Additional Topics in 2024

Lucey highlighted a few actions coming up at EPA in 2024, including finalizing and proposing several things related to PFAS, particularly wastewater and an interim disposal guide. There are currently two proposals out related to EPA's authorities under the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The EPA's PFAS Strategic Roadmap tries to get more arms around all the different avenues that we must address regarding PFAS. This includes working closely with USDA and FDA to understand the latest science. Lucey noted that some states are ahead of the federal government in terms of regulations, which often happens with emerging issues. He also talked about the role of risk communication with PFAS and noted a commitment from EPA to provide tools for this work. The Lead and Copper Rule Improvements are also coming out soon, and Gary Brown will be leading an LGAC workgroup on that topic. Another topic coming up is Particulate Matter National Ambient Air Quality Standards (NAAQS). There will be a round of state implementation plans finalized, and some policy-oriented things that we need to work closely with our partners like you to develop.

Mayor Pauly noted a contaminated aquifer in her town, likely due to AAF firefighting foam, and the water district has decided to go ahead with the treatment plant. She asked if EPA has thought about the ramifications of a water district treatment facility causing an increased spread or increased concentrations of PFAS within an aquifer? Will the facility be responsible for damages to the aquifer by running their treatment plant to provide clean drinking water?

Shore responded that EPA's ten regional enforcement offices are working on issues like this, and will be focused on enforcing against bad actors, making the polluter responsible, or in this case the manufacturer of the firefighting foam.

Pauly continued noting the need for EPA to put responsible parties under a consent decree to pay until the work is done, rather than settling for a pre-determined estimate.

Shore promised to bring back an answer, noting there is money in the infrastructure law for water, wastewater and monitoring emerging contaminants. It's not enough, but it's a start.

EPA is going after the manufacturers and entering administrative orders on consent with 3M, just as one example. We have more work to do with the Department of Defense. Some of the work needs to happen in Congress. We are pushing. In wastewater plants we need to go after pretreatment. Who is sending it in, and how do we stop it? One of the things I've seen in my public service life is that regulation drives innovation. We're seeing enormous innovation at universities looking at how to safely dispose of PFAS. This is an area where companies and researchers see a need, and there's money to be

made. The point is that we can do big things. They will take a lot of time, and will be a lot of effort, but we can't give up. Fifty-two years ago, when the Cuyahoga River caught fire, there were signs that drivers should close their windows when crossing the bridge. The air was not safe to breathe. Today, there are fish in the river, and it's not going to catch fire again. As bad as the Canadian wildfires were this summer, imagine how it would have been on top of the polluted air we had 50 years ago. There was an ozone hole in the atmosphere, and we closed it. All of you are doing great work on the ground, and we are here to partner with you.

NEXT STEPS

Paige Lieberman reviewed action items and next steps, including:

- Climate and GHG reduction fund recommendations will be fine tuned by the Executive Committee and then submitted to the Administrator
- The Environmental Justice workgroup will continue to address their charge on cumulative impacts. The group has monthly one-hour meetings and needs more members. LGAC members are asked to contact Paige or Lynzi if you want to join, or if you want someone from your staff to join. After the start of the year that workgroup will shift and address new work being done by the EPA Office of Environmental Justice and External Civil Rights.
- Three new workgroups will kick off in the coming months: reducing plastic pollution, finalizing the lead and copper rule, and developing communications for local governments regarding climate change.
- Following up to the panel on improving intergovernmental engagement, Debra Shore had several ideas to consider, including "news you can use" and including state municipal leagues in the EPA Regional Office's regular engagements with states.

Lieberman also noted a document in the meeting materials that is a crosswalk between recommendations submitted last year regarding the water workforce, and how those were reflected in a recent notice of funding opportunity issued by EPA's Office of Water. This is responsive to a request from members to provide more feedback on how recommendations are used by EPA.

Paige Lieberman closed the meeting.