

EPA Local Government Advisory Committee
Summary of Public Meeting held on 5/21/2024.

9:30am

Call to Order

- *Paige Lieberman, EPA Designated Federal Officer and The Honorable Leirion Gaylor Baird, LGAC Vice Chair.*

Welcoming remarks were provided by The Honorable Leirion Gaylor Baird. Paige Lieberman offered insight into the meeting's itinerary, specifically focusing on how this in-person meeting presented an opportunity to talk through emerging points of discussion among members and how the United States Environmental Protection Agency (EPA) could facilitate these topics and lend support. In addition, she discussed the topic of per- and polyfluoralkyl substances (PFAS) with regard to recent funding and EPA actions on the class of substances, noting concerns from constituents across the LGAC-represented communities.

- *Mark Rupp, Assistant Deputy Administrator, United States Environmental Protection Agency*

Mark Rupp then thanked members of the LGAC for their service and discussed how in April of 2024, EPA announced a suite of final rules aimed at reducing pollution from fossil fuels. These actions target emissions reductions to meet the Biden-Harris Administration's commitment to protect human health and advance environmental justice while confronting the climate crisis. By announcing these final rules at the same time, EPA also followed through on a commitment to provide regulatory certainty to inform the power sector as it makes long term investments.

The suite of rules spans across three program areas. The first is a final rule that ensures all existing coal fired plants and new natural gas fired plants control 90% of their carbon pollution. Another rule targets strengthening mercury and air toxic sub-standards for coal fired power plants, tightening the emission standards for toxic metals by 67% and finalizing a 70% reduction in the emission standard for mercury from existing sources. The third rule, from EPA's Office of Water, reduced pollutants discharged through wastewater for coal-fired power plants by more than 660 million pounds per year, ensuring cleaner water for affected communities, including communities with environmental justice concerns that are disproportionately impacted. Finally, the fourth rule requires the safe management of coal ash that is placed in areas that were unregulated at the federal level until now, including previously used disposal areas that may leak and contaminate groundwater.

Mark Rupp concluded by noting new clean energy opportunities that exist thanks to the influx of funding from Greenhouse Gas Reduction Funds, including the Solar for All program and the National Clean Investment Fund. He also thanked members for their input on topics such as

PFAS, lead service pipe replacement, and cybersecurity - initiatives on which EPA is beginning to take action.

9:55am

Roll Call

- *Paige Lieberman, EPA Designated Federal Officer*

10:00am

Updates from the Small Communities Advisory Subcommittee

- Ann Mallek, SCAS Chair

Ann Mallek provided updates from the SCAS meeting which took place earlier in the morning, detailing the resources provided to the Committee regarding water cybersecurity and associated funding.

10:15am

Climate Communications

The LGAC noted a need for enhanced climate communications strategies especially as members engage with their constituents in addressing climate change. As a response to this need, Joel Scheraga, EPA's Senior Advisor on Climate Adaptation, gave a presentation on the ARC-X platform which serves a tool which can be used in preparation for climate change.

ARC-X is an interactive resource online designed specifically to help local government officials, mayors, and county executives to anticipate and prepare for the impacts of climate change. It is not currently a system designed for use by the general public. This program works by allowing users to search the region of the country in which their community resides, and then to identify within the context of EPA's mission the outcomes of particular concern to them. Once a user submits their search parameters, they are instantly provided with an integrated package of information that can be used follow a thread from understanding the risk that climate change poses to the issue areas of concern that the user searched for. The platform then presents an array of adaptation strategies to consider implementing for the associated issue area. ARC-X also provides case studies to better illustrate how other communities across the country have successfully dealt with issues similar to what was posed in the search query. Finally, the platform provides links to available tools and EPA technical assistance to go about implementing these steps. Joel Scheraga then provided a live demonstration of the ARC-X platform and concluded his presentation with a discussion of further training resources that are available.

Darcy Burke and Sarah Fox then facilitated a discussion about the interim recommendations and potential improvements to the ARC-X platform made by the Climate Communications Workgroup. The Workgroup recommended that a translation tool be included within the system to support multiple languages, adding layers to the search map that are more localized than the broad EPA regions, and that the search feature should include more options for users to self-identify their location and specific needs.

11:15am

PFAS Strategic Roadmap

- *Zach Schafer, Director of EPA Office of Water*

Zach Schafer introduced Jonathan Black from the White House Council on Environmental Quality (CEQ) for a discussion on PFAS, toxic plastic pollution, and other issues.

EPA's Region 1 Administrator David Cash then gave an overview of how CEQ is addressing PFAS. He noted that the topic involves more than twenty federal agencies, departments, and offices to coordinate policy strategies to support research remediation across the country. He also described recent successes by federal agencies in addressing PFAS. Specifically, exposure assessments, monitoring tools for food and agricultural products, and investigations into potential remediation sites are actions several federal agencies have recently taken. In addition, the U.S. government will now only be using cleaning products certified with Ecolabels for federal facilities in order to signal the market away from products using intentionally added PFAS compounds. Cash also noted that an additional \$12 billion in funding from the Bipartisan Infrastructure Law is available for communities to make general improvements to drinking water systems.

A panel discussion was then opened, featuring Dr. Stan Barone, Senior Policy Advisor in EPA's Office of Chemical Safety and Pollution Prevention, Rick Kessler, Senior Advisor for Implementation in EPA's Office of Land and Emergency Management, and Ben Grumbles, Executive Director of the Environmental Council of the States. Stan discussed approaching PFAS from a categorical approach for EPA to review PFAS chemicals, since thousands of such chemicals exist. These categories are based on structural similarities, and in collaboration with EPA's Office of Research and Development, upwards of 70 PFAS categories have been identified. Of these, 67 categories suffer from insufficient data on the risks of these PFAS compounds and 24 categories are known to be associated with the manufacturing industry. Many challenges are presented in both the limitations of existing data, and in the sense that many PFAS sources do not come from manufacturing and may be more difficult to regulate effectively. Because of this, EPA has developed test orders to collect more data on these PFAS categories. Four test orders have been issued with more to be released soon.

Rick Kessler described how PFAS producers will be the main focus of EPA enforcement actions, beginning by designating PFAS chemicals as hazardous substances. Ben Grumbles went on to reiterate the stance that risk communication and risk reduction are essential functions in

addressing PFAS. The recent Maximum Contaminant Level (MCL) set by EPA is a vital first step in mitigating PFAS risk, as is the recent CERCLA designation of PFOA and PFOS, but based on his experience with ECOS, Ben Grumbles asserts that the costs and ability for states to implement the MCL may stand as obstacles in meeting these goals. Significantly more funding for water treatment, he argues, will be needed to effectively reduce PFAS. The LGAC members also expressed concern about funding and staffing at a time when state and local governments are addressing the Lead and Copper Rule Improvements, PFAS, combined sewer overflows and severe weather solutions.

The panel responded to comments and questions from members of the LGAC and SCAS and discussion continued the topics of funding, risk communication, and other avenues that the EPA and federal government are taking to reduce PFAS risk and exposure. The EPA answered questions about its authorities to implement risk-based restrictions under different conditions of use under the Toxic Substances Control Act. On funding, historic levels of funding to address water infrastructure are available through the Bipartisan Infrastructure Law but it was acknowledged that it is not enough funding to address all needs. Some LGAC members expressed concern that without bans on production it will be hard to tell if any of the investments in water infrastructure will have been helpful 10 or 15 years from now. To partially address affordability concerns, the EPA will be rolling out a low-income affordability pilot program soon to help lower income rate payers pay their water bills. On communication, the panel discussed that strategies are very important to let the public and ratepayers know of current standards and regulations, pathways of exposure and how to reduce exposure, and the different ways in which the utility and regulators are tackling the problem.

2:00pm

Environmental Justice

- *Laura Ebert, Deputy Assistant Administrator (Acting), EPA Office of Environmental Justice and External Civil Rights*

Laura Ebert shared updates regarding EPA's recent environmental justice work. This includes the recent steps EPA has taken to further government to government relationships with tribal nations, as well as updating policy on consultation with Indian tribes and guidance for discussing tribal treaty and similar rights. She described that EPA is also incorporating the perspectives of communities and local governments into its work through public engagement efforts. She also noted that new updates to the EJScreen tool will be rolling out soon, and that EPA is also investing \$2 billion in Inflation Reduction Act funds through the Environmental and Climate Justice Community Change Grants program.

Charles Lee, Senior Policy Advisor in EPA's Office of Environmental Justice and External Civil Rights, provided EPA's responses to LGAC recommendations on cumulative impacts. Following this discussion, he detailed some major forthcoming actions EPA plans to take with regard to cumulative impacts, including issuing a cumulative impacts framework document, development

of cumulative impacts performance metrics, and development of a cumulative impacts work plan of commitments for FY24 and FY25.

2:30pm

Planning for Remainder of 2024

- Tim Del Monico, EPA Associate Administrator for Congressional and Intergovernmental Relations provided administrative updates from EPA. Leirion Gaylor Baird also facilitated a discussion of additional topics for the LGAC to consider during this time.

5:00pm

Meeting Close