

Federal Advisory Committee Act

## Clean Air Act Advisory Committee

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**Hybrid (In-Person & Virtual) Meeting**  
**Holiday Inn Arlington at Ballston**  
**September 17-18, 2024**

### Welcome & Opening Remarks, Day 1

This Clean Air Act (CAA) Advisory Committee (CAAAC) meeting followed a hybrid format that accommodated both in-person and virtual attendees through Microsoft Teams. Ms. Lorraine Reddick, the Designated Federal Official, opened the first day of the meeting and reviewed the agenda, which is displayed below. A list of attendees is provided in Attachment 1. Previous meeting minutes as well as materials associated with this meeting will be available online at EPA's CAAAC website (<https://www.epa.gov/caaac>).

### Day 1 Meeting Agenda

Time	Item	Presenters/Facilitators
1:00pm – 1:05pm	Introductions and Welcome	John Shoaff and Lorraine Reddick <i>EPA Office of Air Policy and Program Support</i>
1:05pm – 2:00pm	OAR Highlights	Joe Goffman, Assistant Administrator <i>EPA Office of Air and Radiation</i>
2:00pm – 2:45pm	OAR IRA Highlights	Jennifer Macedonia, Associate Assistant Administrator for Implementation <i>EPA Office of Air and Radiation</i>
2:45pm – 3:00pm	Break	
3:00pm – 3:45pm	EPA/OAR Regulatory Agenda Highlights & Discussion (Part 1)	Jonathan Lubetsky, John Shoaff <i>EPA Office of Air Policy and Program Support &amp; CAAAC Members</i>
3:45pm – 4:00pm	Break	
4:00pm – 4:50pm	EPA/OAR Regulatory Agenda Highlights & Discussion (Part 2)	Jonathan Lubetsky, John Shoaff, <i>EPA Office of Air Policy and Program Support &amp; CAAAC Members</i>
4:50pm – 4:55pm	Public Comment	John Shoaff and Lorraine Reddick
4:55pm – 5:00pm	Close Meeting	Lorraine Reddick

### OAR Highlights

Mr. John Shoaff began the first presentation by introducing Joe Goffman, Assistant Administrator of EPA's Office of Air and Radiation (OAR), for a discussion of OAR updates

since the June meeting. These included several significant rulemakings addressing greenhouse gas (GHG) emissions from the oil and gas sector. The EPA is also getting ready to propose standards for combustion turbines electric generating units (EGUs). Additionally, OAR recently finalized national ambient air quality standards for fine particles. In August, OAR announced the selectees for the general and tribal grant program authorized by the climate pollution reduction program. Mr. Goffman stated that this topic would be discussed in more detail by Jennifer Macedonia later in the agenda.

Mr. Goffman described the development of methane emissions standards for the oil and gas sector, specifically methane emissions standards for new and existing emissions sources. These rules will hopefully be finalized by the end of the calendar year. Congress also included a waste emissions charge to establish a fee for using certain equipment and sources that emit methane above a certain level.

Mr. Goffman stated that air toxics from combustion turbines were not covered last time OAR finalized standards for fossil fuel Electric Utility Steam Generating Units (EGUs). In February, the Administrator suggested proposing GHG, NOx, and hazardous air pollutant standards for combustion turbines. Since then, OAR has been eliciting public comment regarding these standards. He noted that the EPA plans to issue proposed standards in sequence, with the New Source Performance Standards (NSPS) for NOx coming out by November 2024, due to a consent decree, and the GHG Emissions Guidelines (EG) and the National Emissions Standards for Hazardous Air Pollutants (NESHAP) coming out later. He stated that addressing all three of these standards in sequence helps the EPA have a more comprehensive understanding of pollutant profiles and their public health implications.

Mr. Goffman then described the cascading steps required to implement National Ambient Air Quality Standards (NAAQS). OAR's Good Neighbor Plan (GNP) was promulgated in 2023 and has received significant attention since promulgation. The GNP identified a number of measures for states whose NOx emissions impacted downwind summertime ozone attainment. The Supreme Court granted emergency applications seeking a stay of the GNP in June, and OAR recently issued a memorandum that states how they intend to comply with the Supreme Court order. In addition, some states did not submit State Implementation Plans (SIPs) addressing the GNP, and the EPA determined that some submitted SIPs were insufficient. The EPA has proposed a rule to address these SIPs.

### ***Discussion***

Paul Miller opened the discussion with a question about mobile sources. He asked Mr. Goffman if the EPA will be issuing decisions on any mobile source waiver requests from California. Mr. Goffman stated that EPA is working as quickly as possible.

Dan Wilkus noted that Kansas had an approved SIP that was then not approved for the GNP and asked if the SIP was moving forward. Tomas Carbonell responded that Kansas is one of five states in that situation. The EPA has issued a proposal addressing those five states and is working on a final rule draft.

Dr. Rosemary Ahtuanguaruak asked whether there would be a plan to maximize states' efforts to improve enforcement, or if states would continue to be able to provide exemptions. Mr. Goffman responded that in most cases, states are the primary agencies with the authority to implement the NAAQS, and they have flexibility in how they achieve the standards. The EPA reviews the SIPs but defers to the states in how the NAAQS are achieved. Dr. Ahtuanguaruak stated that she is concerned about lack of enforcement in the governmental process, and that Alaska is not able to move as well as other states.

Bob Meyers asked, regarding the current administration stay of the Cross-State Air Pollution Rule (CSAPR), whether actions on CSAPR will be reflected in downwind states' obligations in their SIPs. Mr. Goffman responded that EPA is acutely aware of the questions that Mr. Meyers posed, and that they are working to address the challenge with compliance schedules and attainment deadlines.

Vicky Sullivan asked for clarification about the timing of NESHAP and GHG requirements for combustion turbine EGUs, and whether they would be proposed at the same time or in sequence. Mr. Goffman stated that they were not yet sure, and that they were hoping to learn more about the sources before determining timing.

Clay Pope expressed compliments and appreciation for the EPA team for having and managing the CAAAC.

Dan Wilkus stated that two thirds of the state of Kansas is in nonattainment for PM 2.5 due to an issue with monitors being biased toward high readings. He asked whether consideration would be given for this situation. Mr. Goffman stated that he could not give a highly precise answer as that he was not aware of this issue prior to Dan's mention.

## **OAR IRA Highlights**

Mr. John Shoaff introduced Jennifer Macedonia, Associate Assistant Administrator for OAR, to discuss OAR updates regarding the Inflation Reduction Act (IRA). Ms. Macedonia began by introducing Climate Pollution Reduction Grants (CPRG), which are intended to reduce GHG emissions and other harmful air pollution. The CPRG involves a two-phase program, including planning grants and implementation grants. In 2023, \$250 million in planning grants was awarded, and the selection of 25 implementation grants was announced in July.

Ms. Macedonia then provided a recap of the GHG Planning Grant workshop, which took place in-person in Minnesota at the beginning of September. She stated that the Priority Climate Action plans have been submitted, and that they are now moving on to a comprehensive Climate Action Plan. The workshop, which included nearly 300 planning grantees, was designed to create a space for grantees to learn and engage with the EPA and learn from one another. The workshop covered a wide variety of project scopes across multiple sectors and included the discussion of numerous different proposals. Ms. Macedonia also described planning grant funding for tribes and territories with respect to the six distribution categories: transportation, electric, buildings, industry, agriculture/land, and waste materials management.

The presentation continued with updates on some current OAR grant programs. The Clean Ports Program offers \$3 billion to fund zero-emission port equipment. The EPA hopes to notify selectees by the end of September and award the grants by the end of December 2024. The Clean Heavy Duty Vehicles program is also in the evaluation stage. This program invests \$1 billion to replace existing heavy-duty vehicles with zero-emission vehicle infrastructure. The Methane Emissions Reduction Program provides \$1.36 billion in financial and technical assistance to monitor, measure, quantify, and reduce methane emissions from the oil and gas sector. The Preventing Air Pollution at Schools program includes \$32 million to help develop and implement air quality management plans to improve indoor air quality and energy efficiency in schools. Five applications were selected in August. Ms. Macedonia proceeded to describe each of the five selections.

Ms. Macedonia closed her presentation by asking whether committee members have heard about the impacts of planning grants, and whether there has been meaningful community engagement.

### ***Discussion***

John Shoaff began the discussion by reflecting on past CAAAC meetings, stating that it was great to see these grants become a reality.

Jill Sherman-Warne stated that she was pleased to see that they were doing carbon sequestration by acquisition of land, and asked how easy it was for grants to be transferred into trust status. She stated that many tribes who received funding are those with enough resources to hire grant writers, and that other smaller tribes may not have adequate opportunity. She asked whether the office has considered simplifying the process so that the grants can have a wider reach. Ms. Macedonia responded that she would get back to Ms. Sherman-Warne regarding the question of trust status. She also stated that the EPA took feedback early on in program development and provided \$250 million in planning grants so that communities would have funds to do appropriate planning work and hire grant writers. She also mentioned the Thriving Communities Technical Assistance Centers (TCTACs), which help provide additional technical assistance to disadvantaged communities. She stated that it is difficult to shorten the application since the grants are competitive, but that she understands there is still a significant barrier for tribes with fewer resources.

Gillian Mittelstaedt stated that she helped write the Priority Climate Action Plan and conduct the GHG Emissions Inventory (GHGEI), where she observed that the GHGEI determination has a condensed time frame. She stated that plans should be driven by data, but the quality of data was limited, and conclusions were largely driven by old data. She stated that the data did not reflect the sensitivity of vulnerable populations, and it was difficult to skew action plans to the most vulnerable. Ms. Mittelstaedt also echoed Ms. Sherman-Warne's comments by describing some IRA grant applications that were one-page long and stated that she hopes the EPA will continue moving in that direction toward simplified grant applications. She closed by stating that there have been a lot of good outcomes from these grant programs, and she is very impressed that the Agency was able to execute them so quickly. Ms. Macedonia stated that she understands that the

deadlines can be difficult to meet and noted that the comprehensive climate action plans should provide more time to dive into the data than the priority climate action plans did.

David Wooley stated that this set of grants has effectively motivated small and medium-sized ports around the country to plan big projects that reduce exposure to diesel particulates in nearby communities, and thanked OAR for their work on the program. He asked whether there is a target date on awards for the Clean Ports Grant program. Ms. Macedonia responded that they hope to announce selections later this year.

Wayne Nastri, whose organization is the recipient of one of the discussed awards, thanked OAR for their work, and stated that he is currently wrapping up negotiations with Region 9. He stated that the grant encouraged community outreach and effort, and that his group received letters of support from numerous different stakeholders. He believes that relationships developed through this collaboration will help with future efforts.

## **EPA/OAR Regulatory Agenda Highlights & Discussion (Part 1)**

John Shoaff introduced the discussion session. He noted that there is a recent Executive Order on modernizing regulatory review, and the EPA wants to hear from the CAAAC about their priority sectors as they relate to actions and activities under the Clean Air Act. Mr. Shoaff turned to Jonathan Lubetsky to organize the discussion. Participants split into in-person and online groups. The in-person group all received sticky notes for writing their priority actions. The notes were later organized into topic groups, which are summarized in Attachment 2. The two groups then reconvened to discuss the primary items noted through this exercise.

### ***Discussion***

#### **NAAQS**

Bob Meyers began the discussion with the topic of NAAQS and areas that have not been in attainment. He stated that congress attempted to address the problem in 1990, but their attempts were ineffective, and that it is time to think about a different approach to the issue.

Wayne Nastri stated that some areas in southern California need significant federal action to move into attainment. His proposed solution is that there needs to be greater participation and action by the federal government with federally regulated sources to allow areas like the South Coast to move into attainment.

Gail Good stated that it would be useful for the EPA to take a more comprehensive look at possibilities to reduce emissions, and that this could be a good future action for CAAAC.

Paul Miller stated that the 1990 approach did work in many areas, but that ozone nonattainment looks much different now. Now, the issue of downwind communities experiencing air pollution may need to be addressed using different approaches. He stated that the CAA has been quite successful, but something different may be necessary moving forward.

Clay Pope stated that he thinks the CAA has been successful, but mobile sources are more of an issue now, and Texas can't regulate their emissions effectively.

David Wooley stated that maritime sources are still a big part of the overall fine particle inventory in California, even after shore power requirements have been in effect. He stated that there is a need for federal activity on maritime sources, and there is a need for new kinds of zero carbon fuel production capacity, such as for green ethanol.

### Exceptional Events

Jay Baker stated that the EPA has made great strides in addressing exceptional events and how they are managed, but there needs to be more focus on health impacts, and not just from regulatory actions. He suggested that there should be safe clean air shelters in wildfire prone areas.

Wayne Nastri expressed concerns about the exceptional events process, stating that the complexity of the process makes it difficult for state agencies to handle.

Dan Wilkus stated that Kansas is getting smoke from many other states and agrees that the exceptional events process needs to be fine-tuned for downwind states.

### Environmental Justice

Wayne Nastri stated that communities near ports have the highest risk in southern California due to emissions from ships, heavy-duty trucks, and locomotives. He noted that much of what his agency does is related to addressing priority area, such as these environmental justice (EJ) communities.

Gillian Mittelstaedt commented that diesel emissions, wildfires, and woodstove use involves the incomplete combustion of carbon, and 90% of particulate matter is ultrafine. The current national air pollution monitoring network doesn't monitor below PM 2.5, and ultrafine particles have more severe health impacts than larger particles.

Wayne Nastri stated that there is a disparity with diesel emissions since current federal regulation doesn't consider diesel particulate matter (DPM) to be carcinogenic. Addressing this may be helpful because of DPM's impacts on disadvantaged communities.

Donald Peters mentioned that some portions of agricultural activities are industrial, and they should be treated as such and be regulated by the CAA.

### Additional Topics

Mr. Lubetsky continued the section by listing the remainder of discussion topics developed during the activity. His list included: indoor air, climate, federalism, transportation/mobile sources, buildings/built environment, aviation, zero carbon fuels, and regional haze.

Jeremy Hancher also raised the question of how economic analyses are done for small businesses.

Wayne Nastri mentioned other machinery and equipment relevant to ports should be included in the federal sources list.

## **EPA/OAR Regulatory Agenda Highlights & Discussion (Part 2)**

In advance of the meeting, CAAAC members received a spreadsheet that described the last four regulatory agendas. Jonathan Lubetsky briefly described the highlights: 86 actions have been completed since Spring 2022, including 29 on air toxics, 31 on general air quality, 19 on climate change, 5 on ozone depletion, and 2 on other issues. The regulatory agenda identifies 140 unique actions since the Spring of 2022 in 166 unique sectors. Mr. Lubetsky asked the CAAAC what they would like to see or expect on a future regulatory agenda. Attendees split into in-person and online groups for discussion.

### ***In-Person Discussion***

During the in-person discussion, Gillian Mittelstaedt stated that she would like to see the CAA used as a policy lever.

Jill Sherman-Warne mentioned the Tribal Authority Rule and stated that there needs to be an increased effort to see that tribes are achieving Treatment as a State (TAS) and are exercising tribal authority. The EPA needs to find a way to work with tribes to implement air quality standards.

Dr. Rosemary Ahtuanguaruk stated that there need to be national recommendations for states to improve decision-making criteria, and that these decisions need to be grounded on health, safety, and culture.

Mr. Lubetsky transitioned the discussion to sticky notes. A summary of these notes can be found in Attachment 3.

### ***Full Group Recap***

Leif Hockstad described the discussion points of the online group. They focused on sources and sectors that they would like to see included in future agendas, including confined animal feeding operations (CAFOs) and marine sources. They also discussed the actions that would help states and localities meet their attainment goals.

Mr. Lubetsky described the discussion points from the in-person group, which included: EJ and health, mobile sources, NAAQS, indoor air, Section 111 for GHG, NSPS, NESHAP, and finding a holistic approach to address emissions.

### ***Full Group Open Floor Discussion***

Paul Miller stated that we should use the secondary NAAQS to look at certain sectors and address them more holistically without the sanctions, deadline clocks and bump-ups of the primary NAAQS. He also stated that having a secondary NAAQS for GHGs would be one idea to address those emissions.

Dan Wilkus stated that during rule development, such as for the RICE MACT, there needs to be a practical understanding of how the rule will be applied, since there is sometimes shortsightedness

or misunderstandings. Many smaller issues that can potentially make large burdensome impacts are often not prioritized.

Gillian Mittelstaedt stated that the EPA hasn't been able to reconcile the issue of indoor air with the CAA. When the CAA was written, it was a radical tool for protecting human health, the environment, and ecology through source emission reductions but not through exposure reductions. Now, we know that exposure is a continuum, with much of it happening in the home. She would like to examine what mechanisms in the CAA could lend themselves to improving the indoor environment.

Jill Sherman-Warne stated that EPA needs to have a conversation with the Department of Housing and Urban Development (HUD) to address the housing issues that Ms. Mittelstaedt expressed. She stated that they also need to have discussions with lower income communities, because current HUD housing is not healthy due to fumes from paint and carpets.

Bob Meyers stated that these conversations are similar to those from the 1980s. He stated that other regulations, like the Montreal Protocol, were created because the CAA couldn't address everything. He posed the question of whether we're approaching the time where problems cannot be addressed effectively by the CAA alone.

Jonathan Lubetsky thanked the CAAAC for their input.

John Shoaff stated that CAAAC members should follow up if they come up with other issues or ideas after the meeting.

## **Public Comment**

No public comment.

## **Final Remarks**

Ms. Lorraine Reddick closed the meeting for the evening.



## Welcome & Opening Remarks, Day 2

Ms. Reddick opened the second day of the meeting by reviewing meeting logistics.

### Day 2 Meeting Agenda

Time	Item	Presenters/Facilitators
9:00am – 9:05am	Introductions and Welcome	Joan Shoaff and Lorraine Reddick <i>EPA Office of Air Policy and Program Support</i>
9:05am – 9:25am	Cumulative Impact Assessments: Scientific Foundations	Dr. Scot Hagerthey <i>EPA Office of Research and Development (ORD)</i>
9:25am – 10:15am	Cumulative Impact Assessments: Opportunities for Air Programs	Practitioner Panel: Wayne Natri, <i>South Coast Air Quality Management District</i> Gillian Mittelstaedt, <i>Tribal Healthy Homes</i>
10:15am – 10:30am	Break	
10:30am – 11:00am	Cumulative Impact Assessments: Themes	Dr. Kristie Ellickson, <i>Union of Concerned Scientists</i> Dr. Sandra Whitehead, <i>George Washington University</i>
11:00am – 12:00pm	Cumulative Impact Assessments: Opportunities for Air Programs (Part 1)	John Shoaff, Dr. Trish Koman <i>US EPA OAR Office of Air Policy and Program Support &amp; CAAAC Members</i>
12:00pm – 1:30pm	Lunch	
1:30pm – 2:30pm	Cumulative Impact Assessments: Opportunities for Air Programs (Part 2, Continued)	John Shoaff and Dr. Trish Koman
2:30pm – 2:40pm	Clean Air Excellence Awards (CAEA) Update	Catrice Jefferson <i>EPA Office of Air Policy and Program Support</i>
2:40pm – 2:45pm	Public Comment & Close Meeting	John Shoaff and Lorraine Reddick

John Shoaff introduced the topic of Cumulative Impact Assessments and described the goals of the meeting. He then introduced Dr. Trish Koman for her presentation about the background necessary for understanding cumulative impact assessments.

Dr. Koman began by defining the difference between cumulative impact analysis and cumulative impact assessment. Cumulative impact analysis involves summing the sources of air pollution in an air pollution-only context, and cumulative impact assessment is broader. Overall, cumulative impact assessments improve the EPA's ability to describe problems and promote health, as they allow the EPA to describe a problem more thoroughly. Dr. Rosemary Ahtuanguaruk asked if the concept allows for a multigenerational approach. Dr. Koman responded that it does. Dr. Koman asked the CAAAC to think about how air and climate programs might benefit from cumulative impact approaches.

## **Cumulative Impact Assessments: Scientific Foundations**

Presentation: Cumulative Impacts Research at EPA, Scot Hagerthey, *EPA*

Dr. Koman introduced Dr. Scot Hagerthey for his presentation about the Cumulative Impacts Research at the EPA. He began by describing the report that the EPA's Office of Research and Development (ORD) published, framing its research on cumulative impacts, which included the process of developing recommendations: listening sessions, workshops, and science advisory board consultation. The five pillars of ORD Cumulative Impacts Research are: (1) establishing the decision context and stakeholder engagement, (2) addressing scientific considerations for meeting partner needs, (3) providing research management and support, (4) supporting science translation and delivery, and (5) empowering local decisions and actions.

Dr. Hagerthey stated that the ORD is striving to advance science by building knowledge and capacity in the following ways: promotional through organizational change, leading conversations, and creating extramural opportunities. He described the CERCLE Program, or Community-Engaged Research Collaborative for Learning Excellence. The goal of CERCLE is to build long-lasting relationships and community within overburdened communities by connecting community challenges with EPA science and supporting joint research studies in and with communities.

Currently, over 140 different cumulative impacts research projects are being conducted with completion anticipated within the next 2-3 years. Research topics include vulnerabilities and exposures, the characterization of health and ecosystem impacts, mitigation options and solutions, and resources to support decisions. He described some of the cross-cutting priority research being conducted.

### ***Discussion***

Clay Pope asked for clarification on the definition of "non-chemical stressors." Dr. Hagerthey stated that the definition is very broad, and includes topics such as food deserts, lack of greenspace, lack of healthcare access, and lack of education.

Jill Sherman-Warne stated that she believes that the underground storage tank (UST) Finder, one of ORD's cited decision-making resources, is unhelpful, does not seem to be up to date, and is difficult for tribal communities to use. Dr. Hagerthey responded that they are about to release UST Finder 2.0, which contains data from all 50 states. Ms. Sherman-Warne stated that there doesn't seem to be a lot of money for tribes, and that EPA has trouble keeping up with the increasing number of tribes that can use the UST Finder. She stated that she would like to work with ORD to make the program more user friendly.

## **Cumulative Impact Assessments: Opportunities for Air Programs**

Presentation: Cumulative Impacts, Wayne Natri, *South Coast Air Quality Management District*

Dr. Koman introduced Wayne Natri, Executive Officer of the South Coast Air Quality Management District, for his presentation about cumulative impacts. South Coast AQMD began

assessing cumulative impacts in 1997, and they have seen significant advancements in the last two decades. They can better and more quickly identify toxic hot spots and have developed approaches to reduce criteria pollutants, tools to identify cumulative impacts, and grants to reduce emissions. He stated that South Coast AQMD has the greatest concern for the cumulative impacts that are adversely impacting overburdened communities.

South Coast AQMD conducted a Multiple Air Toxics Exposure Study (MATES), which is a complex analysis that quantifies the regional air toxics health risks in the South Coast Air Basin. The first study was conducted in 1987, and the most recent MATES study (MATES V) was completed in August 2021. In the 2021 study, they found diesel particulate matter to be the main risk driver.

Mr. Nastri continued by describing CalEnviroScreen, which is a useful tool in helping identify factors associated with air pollution at a census-tract level and helps identify and prioritize EJ communities. The program maps pollution magnitude, health, and economic indicators.

The Assembly Bill 617 program was signed into law in 2017 and addresses disproportionate air pollution impacts in EJ communities. This is the most comprehensive cumulative impacts program to date. Cumulative impacts are addressed at the community level from the perspective of the community. It involves agencies working with a Community Steering committee (CSC) to develop Community Emission Reduction Plans (CERPs).

Mr. Nastri reviewed eight approaches to reducing cumulative impacts: rules and regulations, air quality permitting, exposure reductions, education and outreach, agency coordination, enforcement, land use and transportation, and incentives. He described the communities currently under the AB 617 program, which were all identified using MATES and CalEnviroScreen.

Presentation: Cumulative Impact Assessment and Risk Factors Disparately Impacting Tribal Nations and EJ Communities, Gillian Mittelstaedt, *Tribal Healthy Homes*

Dr. Koman introduced Gillian Mittelstaedt for her presentation on risk factors disparately impacting tribal nations and EJ communities. She began by telling a story about a Bureau of Indian Affairs (BIA) building that contained mold, lead paint, asbestos, and fungicides, where occupants began having health issues. She noted that this is the reality of the built environment for many tribal communities. Ms. Mittelstaedt provided data describing asthma disparities between American Indian (AI) or Alaska Natives (AN) compared to white populations. There is a statistically significant difference between AI/AN and white population emergency department visits for air quality-related respiratory illness.

Ms. Mittelstaedt described existing indoor hazards as a moving target due to emerging airborne hazards like wildfire smoke, infectious disease, and flooding events. Climate events are a risk multiplier since homes are becoming a refuge during severe climate events.

Risk factors for climate-vulnerable housing include the absence of whole-house ventilation or filtration, inefficient or costly heating/cooling systems, higher rates of ambient air infiltration due

to structural factors/source proximity, and limited resident control over systems due to cost and renter status.

Tribal Healthy Homes just received an Environmental Justice Government-to-Government (EJG2G) grant, and Ms. Mittelstaedt closed by providing an excerpt from the grant. They are attempting to build a predictor of climate vulnerability to examine the structural, mechanical, and land use factors that may have a statistically significant association with higher infiltration.

### ***Discussion***

Beto Lugo-Martinez began the discussion by emphasizing the importance of building relationships with communities, which also builds trust with those communities.

Jill Sherman-Warne thanked Ms. Mittelstaedt and Mr. Nastri for their presentations, and then called attention to the fifteen tribes in the South Coast Air Quality District. She commented that it didn't appear as though much work had been completed with the tribes and suggested that tribes can be used as a catalyst to expand clean air work. She stated that she was concerned that there was no mention of airports, which are a huge emissions source. Ms. Sherman-Warne also stated that she does not find CalEnviroScreen useful due to the amount of missing information and inapplicability to tribes. Mr. Nastri stated that tribal involvement is difficult due to tribal sovereignty, and that local air districts do not have the authority to propose requirements on tribes. He stated that his organization has worked with a few tribes in the past, but that there is not a strong relationship. Ms. Sherman-Warne stated that she would be happy to work with Mr. Nastri about this issue in the future. She also states that Tribes are like the canary in the coal mine, and that by addressing issues that affect Tribes, everyone will benefit.

Bob Meyers addressed Dr. Scot Hagerthey about his ORD presentation. He asked whether ORD would be making recommendations to other offices with programmatic authority. Dr. Hagerthey stated that the organization is large and complicated, and that conversations with other offices would help determine the application of cumulative impact assessments. Mr. Meyers then mentioned the process of measuring the impacts of intervention, and asked how ORD was proposing the quantification of the impacts of policy tools. Dr. Hagerthey stated that it is difficult to isolate the impacts of single interventions, and that they are actively developing new methods.

### **Cumulative Impact Assessments: Themes**

Presentation: NEJAC Cumulative Impact Workgroup Recommendations, Dr. Sandra Whitehead Union of Concerned Scientists, and Dr. Kristie Ellickson, George Washington University

Dr. Koman introduced Dr. Sandra Whitehead and Dr. Kristie Ellickson to discuss the National Environmental Justice Advisory Council (NEJAC) Cumulative Impact Workgroup Recommendations.

The workgroup was formed in early 2023 to look at Cumulative Impacts Assessment (CIA) through a broader lens. They state that CIA should (1) be used to reduce disproportionate exposure and impacts in overburdened communities, (2) use lived experience and community-

generated data to inform policy decisions, and (3) be based on the frame of Health Impact Assessment, which incorporates both qualitative and quantitative information and methods.

The NEJAC uses a co-learning process to emulate the principles of environmental justice. They stated that the EPA should determine and communicate a set of principles to guide the practice of cumulative impact assessment, and that there should be a possibility of a permit denial based on the assessment results.

Dr. Ellickson continued the presentation with tips for accelerating progress. She suggests incentivization, the expansion of monitoring to improve multi-source assessment, and the innovation of connections between the evaluation process and communities. She suggests the development of apps that can inform community members of potential risks in their area.

The NEJAC also suggests expanding EPA multi-source standard attainment methods to incorporate multiple pollutants and advance the cumulative impacts practice. They also suggest using existing health condition data to inform assessments.

### ***Discussion***

Paul Miller asked Dr. Whitehead if she knew of any specific statutory authority for a permit to be denied based on a CIA or if there are other mechanisms, outside of the CAA, that states and tribes have to impact permit approvals. Dr. Whitehead responded that the EPA developed a document that describes the EPA's legal authorities to implement cumulative impact assessment. Dr. Ellickson stated that all cumulative impacts laws that have been passed to date allow more regulatory authority for agencies to limit conditions and deny permits based on differing decision-making structures.

Jill Sherman-Warne stated that very few tribes are engaged with the NEJAC program, and that she is concerned that tribes may not be fully considered in CIA. She also expressed the concern that "tribes" are mixed in with "tribal organizations." Dr. Koman stated that she is happy to take those concerns back to the working group. Dr. Whitehead responded that there are several members of NEJAC that are from tribal communities, and that they hosted a listening session in Puerto Rico that included tribal representatives. Dr. Ellickson stated that tribal voices influenced the report in many ways. NEJAC nominations are currently open, and both Dr. Ellickson and Dr. Whitehead encouraged Ms. Sherman-Warne to spread the word to tribal representatives.

Dr. Rosemary Ahtuanguaruk expressed concerns about the way that CAAAC meetings are being formatted, as the committee is not able to fully discuss their concerns since they are only asked to volunteer and participate. She asked whether the committee was expected to approve what is being presented to them. Mr. Shoaff stated that the EPA is trying to build in time in the agenda for both comments and questions, but that they can always improve. He also clarified that the committee is not being asked to accept or approve the information being presented.

Gillian Mittelstaedt emphasized that, although she used asthma in her presentation, it is not the best health endpoint to use in CIAs and additional health endpoints are needed. Asthma is often underdiagnosed, and those who are hospitalized for respiratory issues are often those with cardiovascular or metabolic disease. Those without preexisting conditions are less likely to

exhibit immediate symptoms. Dr. Whitehead agreed that it is important to look at underlying health conditions, as they can be magnified by other issues, such as pollutant exposure.

### **Discussion: Cumulative Impact Assessments: Opportunities for Air Programs**

Dr. Koman stated that she is interested in CAAAC input regarding how its air and climate programs could benefit from cumulative impact approaches.

Jill Sherman-Warne commented that the EPA needs to do a separate assessment for tribes, since tribal data is often averaged out of general impacts statistics.

Jay Baker stated that there is minimal research for understanding the health impacts of an area when it is in nonattainment for multiple different pollutants.

Bob Meyers asked how ORD research would be used in programmatic activity. He stated that the CAAAC's insights would be more valuable if they had a general idea of how the Agency was going to use CIAs. Dr. Koman said that they posed this question to the CAAAC since they are receiving numerous recommendations for ways to use CIAs, and that they are looking for the group's input on where they can use them effectively for meaningful change.

Beto Lugo-Martinez stated that CIAs can be used for permits or to deny permits or to disallow new facilities to come into an area. He also expressed concern that the EPA is using its resources for enforcement and to ensure facilities are reporting the data they are supposed to submit. He noted that many databases are missing information.

Wayne Nastri stated that grants for building community capacity and understanding would be most helpful. He stated that CIAs would be most useful at the hyperlocal to regional level, noting that this information will also help local agencies with land use planning decisions. He added that EPA should approve the California waivers, as he would prefer for the agencies to make those decisions rather than the courts.

Max Sherman stated that the benefit of the cumulative impact approach is that we are able to prioritize what is important. He stated that we need to put all issues on equal footing to make the best use of resources. He also noted that of the NAAQS pollutants, the most harm to human health is due to PM2.5.

Jill Sherman-Warne suggested that ten percent of planned funding should be set aside for tribes.

Clay Pope asked for clarification on what the CAAAC is trying to decide with this discussion, noting that there did not seem to be a regulatory requirement that cumulative impacts be used for anything. Dr. Koman clarified that they are asking where cumulative impacts can best be used to address issues.

Dr. Rosemary Ahtuanguak stated that it is difficult to understand tribal health risks in the cumulative impact context, because it doesn't account for culture's influence on health.

Wayne Nastri stated that the Agency is somewhat constrained by the supreme court in how it uses CIAs, but these issues can be addressed if considered at the state and local level. He suggested that CIAs may be easier to implement if considered at the state and local level.

Miles Keogh stated that the EPA's analytic work should focus on areas where it has authority and federal responsibilities. He commented that minor sources are becoming more and more relevant in vulnerable communities, and the EPA should be focusing on those next. He also stated that technical assistance resources should go to local agencies and under-resourced state agencies.

Dr. Whitehead provided more framing on the NEJAC recommendations. She stated that there needs to be training and funding for community partners for the recommendations to work. the NEJAC sees this as a cooperative process between the Agency, regulators, and the community. There needs to be a cultural shift from overly technical information to more digestible information. Training and capacity building needs to be present at an Agency level and a co-regulator level.

Clay Pope mentioned "NEXUS," the Multi-Pollutant Advanced Screening Tool, which was introduced at a previous meeting. He asked when it may be released, since it would be a helpful tool for this discussion. Mr. Shoaff stated that he would follow up.

Gillian Mittelstaedt stated that grants are good in theory, but they rarely give communities the full resources needed for implementation, and they don't really engage communities in the long term or build community capacity. She stated that it would be better to have non-competitive funding and that the funding should not be restricted to grants.

Bob Meyers asked about the tools available to address risks once they are identified through CIAs. He stated that there needs to be more of an emphasis on resources and solutions so that there are actionable ways to address issues before informing the community of risks.

Jill Sherman-Warne suggested that the process for implementation grants should be such that it is almost guaranteed that planning grant awardees receive implementation funding.

Dr. Kristie Ellickson provided a link to the [EPA Cumulative Impacts Addendum](#) in the Microsoft Teams Chat to provide more information about regulatory authority and procedural equity.

## **Opportunities for Air Programs Discussion, Continued**

Dr. Trish Koman continued the discussion by introducing two questions about cumulative impacts:

1. What programs, activities, and outputs for EPA's air and climate programs would benefit most from CIAs?
2. What instances can CIAs best support decision-making that results in meaningful changes for communities with EJ concerns?

Dr. Rosemary Ahtuanguaruak stated that she has tried many ways to submit comments and recommendations to CAAAC, and recently submitted a book about preventing children's health degradation. She stated that her comments have not been considered, and asked how this

comment and recommendation process works. Mr. Shoaff stated that he was unaware that the book was submitted, and that he would follow up with Dr. Ahtuanguaruak. He stated that the EPA is still trying to figure out the best way to consider comments and next steps, but that a summary would be provided of discussion content.

Paul Miller stated that it would be useful to see what purposes the EPA has identified in terms of CIA, to give people an idea of the direction that EPA is considering. Dr. Scot Hagerthey stated that, when we think of “fit for purpose,” we think of different decision contexts, and the level of scientific evidence varies depending on the context. Mr. Miller recommended that the EPA provide a list of examples to inform future conversations. Dr. Koman clarified that they are looking for the CAAAC to provide input on where the EPA could or should use CIAs, and that a wide array of contexts may be considered, including regulations, land use planning, to identify EJ communities, etc.

Clay Pope asked for clarification on the definition of “Community Action Plan” (CAP), and whether it is regulatory-driven. Dr. Hagerthey stated that a CAP involves developing a plan for interaction with a community before any type of problem is identified or action taken. Dr. Whitehead clarified that the purpose of a CAP is to help the EPA interact and build trust with communities before there is a contentious issue or regulatory issue.

Clay Pope emphasized concerns about permit denial, stating that they should avoid setting false expectations about what can be accomplished with the program. Dr. Whitehead stated that they are still figuring out how to navigate that issue on an office-by-office basis. She emphasized that they want the process to be community driven.

Bob Meyers stated that it is necessary to distinguish between the issue and the solution, since nobody is disagreeing that many communities need intervention. He stated that the actions available to the EPA are circumscribed by the CAA, and the EPA should think out the potential solutions more before communicating risks and possibly setting up false expectations that the EPA can take action through permits when an ambient air issue is identified through CIA.

Gillian Mittelstaedt agreed that most permitting is being done at the state/local level, but that the EPA’s leadership in clarifying and developing processes and methods is crucial. This process requires federal guidance, technical support, and leadership in EJ. She also introduced the concept of quantifying cumulative impacts through a metric that measures indices of cumulative impacts, which could be similar to the Air Quality Index (AQI). She suggested that the EPA could establish thresholds that would trigger some action, like a requirement for more community engagement.

Dr. Rosemary Ahtuanguaruak told a story about the ways that her village has experienced the effects of increasing development in surrounding areas. She stated that there has been no help to prevent environmental health issues that have come from this. She said that it is difficult to implement a process that will help human health when there are other stakeholders with different, conflicting priorities. She feels as though people and health are being sacrificed to the priorities of others at higher levels, such as at the state and national levels, over those at the local level who bear the burden of the pollution.



Wayne Nastri stated that it important how the tools the EPA develops are used. He agreed with Dr. Ahtuanguaruak in that working with the Agency and the state can be very difficult for tribal communities. The tools discussed can provide a common understanding for people, but cultural factors should also be recognized and accommodated for in decision making. Instead of looking at a regulatory hook, Mr. Nastri recommended focusing on intent and utilization. These issues are very difficult for the EPA to address on the federal level, but actions can be more easily taken if pushed to the local decisionmakers.

Dr. Koman reminded the CAAAC of Question 2: “What instances can cumulative impact assessments best support decision-making that results in meaningful changes for communities with EJ concerns?”

Dr. Rosemary Ahtuanguaruak stated that, even when having such strong discussions, communities are still experiencing many severe health issues. She stated that providing comments on draft documents does not seem to change those documents. Dr. Ahtuanguaruak commented that posing questions like these aren’t effective ways to come up with meaningful solutions. Wayne Nastri asked Dr. Ahtuanguaruak if she has any suggestions or recommendations. She stated that it would be helpful to increase the number of native people involved in discussions and ensure that the CAAAC is able to bring questions through the process instead of just presenting them once.

Wayne Nastri stated that getting out into communities to hear directly from members is extremely challenging, but also useful and eye-opening. He stated that regulators are paid to be at these community outreach events, but community members are not, which makes participation difficult. He also stated that there are times that regulators cannot make the decisions that they would like to make, and the process to change can be a long fight.

John Shoaff said that the end of this meeting does not mean the end of the conversation, and that the EPA will follow up with any additional questions or concerns.

Dr. Trish Koman thanked the Committee for a productive conversation.

### **Clean Air Excellence Awards:**

Catrice Jefferson provided a brief update on the Clean Air Excellence Awards. Applications are currently being accepted, with a deadline of Tuesday, October 22<sup>nd</sup>. She described the two-tier decision process. OAR staff scores initial applications, and the top applications go through to CAAAC to score. Top applicants from the CAAAC review go to the OAR Assistant Administrator to make the final decision. Recipients will be honored in 2025.

### ***Discussion***

Wayne Nastri commented that it would be nice to have the Clean Air Excellence Awards ceremony in the EPA’s Green Room and to have the EPA Administrator be in attendance.

### **Public Comment**

No public comment.

## **Final Remarks**

Scot Hagerthey reminded the CAAAC that there is a meeting about CIA on October 15<sup>th</sup>.

Bob Meyers inquired about how comments during and after the meeting are addressed, other than being represented in meeting minutes. He said that he would like the CAAAC meetings to be more of a two-way conversation with the EPA.

Gillian Mittelstaedt echoed Bob's sentiment and stated that the activity yesterday was helpful, particularly because it was a different type of engagement. She asked what will happen next with the information from yesterday's activity.

John Shoaff stated that the EPA intends to have follow-up and additional conversations on each topic, and that this original exercise was meant to get a wide array of feedback and focus on major topics, so that they can better decide future topics of conversation. He stated that they will look into the questions posed by members.

Jill Sherman-Warne stated that she also enjoyed yesterday's exercise, and she hopes that ideas can be a part of the agenda next meeting. She also stated that having future meetings in Alaska would allow CAAAC to get robust feedback from tribal communities.

Wayne Nastri remarked that his agency would be happy to host the CAAAC anytime.

Ms. Lorraine Reddick adjourned the meeting.

## Attachment 1

### CAAAC Meeting Attendees

CAAAC Members	Other Attendees
Rosemary Ahtuanguaruak	David Bluhm
Jay Baker	Matt Brickey
Shannon Broome	Erica Bollerud
Deb Brown	Marie Cantanese
Veronica Figueroa	Pat Childers
Gail Good	Allison Crimmins
Jeremy Hancher	Kristie Ellickson
Kathleen Horchler	Lauren Ferner
Miles Keogh	Joe Goffman
Beto Lugo-Martinez	Scot Hagerthey
Bob Meyers	Leif Hockstad
Paul Miller	Saman Hoffman
Gillian Mittelstaedt	Catrice Jefferson
Sian Mooney	Trish Koman
Wayne Nastri	Charles Lee
Clay Pope	Jonathan Lubetsky
Leigh Raymond	Jennifer Macedonia
Max Sherman	Wendy McQuilkin
Jill Sherman-Warne	Ruth Morgan
Vicky Sullivan	Joseph Morris
Dan Wilkus	Susan Nakamura
David Wooley	Stuart Parker
	Rhonda Payne
	Lorraine Reddick
	Dawn Reeves
	Sean Reilly
	Josh Ricken
	Jennifer Sellers
	John Shoaff
	Lesley Stobert
	Sandra Whitehead
	Sarah Zelasky

## Attachment 2

### Regulatory Agenda Priority Sectors “Sticky Notes” Comments

Topic	Comments
GHG	EPA issued ANPRM in 2008 for implementation of CAA related to GHGs. Given litigation history of the last 15 years, EPA should consider issuing another ANPRM considering available precedent
EJ/Health	<p>Alaska infrastructure decision criteria based on energy extraction. Needs to be based on health and safety, tradition and culture</p> <p>National energy policy - EJ issue prevention for air quality degradation where energy development occurs</p> <p>Human health, environmental health. More focus on GHGs</p>
Indoor Air	<p>Create actual indoor air health standards</p> <p>MACT-type standards for mechanical systems in commercial and public buildings</p> <p>Standards adopted or key pollutants in indoor spaces (CO, CO2, PM, formaldehyde, benzene)</p> <p>Performance standards for ventilation, filtration, and air exchange in commercial and public buildings</p>
Integration	<p>Greater integration across sectors and air quality issues (holistic view)</p> <p>Less regulation/prioritization of regulation</p>
Mobile	<p>Offroad, marine, locomotive rulemaking</p> <p>EPA exercising its authority under CAA in this space to ensure national standards – avoid disharmony with California</p> <p>Require air monitoring at airports (commercial)</p> <p>Expand “charging” infrastructure, regulate “charging” infrastructure, require energy infrastructure to ensure electrification of charging</p> <p>More mobile sources guidance or policy recommendations</p> <p>Nonattainment areas limit employers or provide incentives to use virtual work alternatives to thereby reduce auto related pollution</p>

NAAQS	<p>Multi-pollutant planning. (it would be helpful to sync the planning that states do)</p> <p>Increased sectoral inclusion (expand sectors called on to contribute to reductions)</p> <p>CAA section 179B – EPA issued guidance in December 2020, but has not issued regulations to implement this authority. EPA guidance, however, has real world effect in EPA regional office review of state SIPS. EPA should go through notice and comment rulemaking to interpret statute</p> <p>CAA section 319(b) – EPA has undertaken rulemaking to implement exceptional events. However, many states and localities still find EPA regional review to be lengthy and burdensome. EPA needs to review prior rule, particularly with regard to natural events</p> <p>CAA section 182 – EPA needs to define, in regulations or guidance, <span style="background-color: yellow;"> </span> of rural transport area treatment</p> <p>Secondary NAAQs different from primary (+GHGs) as lever for broader actions</p>
States	<p>Better community planning decision making criteria for state and federal resources based on CAAAC</p> <p>National recommendation for states to improve decision criteria based on air quality projections</p>
Tribes	<p>Support TAR (Tribal Authority Rule) with TAS (Treatment as State) for all tribes</p>

### Attachment 3

#### Actions the CAAAC Would Like to See on the Regulatory Agenda “Sticky Notes” Comments

Topic	Comments
Air Toxics	Regulate all air toxics and determine human health impacts beyond the 6  Safe air zones for people affected by air quality issues
Aviation (DOT/FAA)	Reduce commercial air emissions, CO <sub>2</sub> , NO <sub>x</sub> , PM  No fly days?  Reduce number of available flights
Climate	Hospitals/medical providers as “mini cities” – sources of GHG and educators on health and social determinants/vulnerable populations for climate-related impacts  Transparency regarding both the extent and limitations of EPA to regulate GHGs under the CAA, specifically CAA sections 111(b), 111(d), 115, 108-109, and Title VI  Agricultural emissions (GHGs and other air quality)  Supply chain (consumer goods GHG emissions) production/transport  Energy use/GHG
EJ	EPA needs a clear EJ goal with milestones  We need better health risk assessments in EJ areas  Enforcement investments (and permitting investments) by the feds should focus on jurisdictions that need help (i.e. for EJ success)  Monitoring: low-cost technologies that are reliable  Technical assistance – help for under-resourced communities
Emerging	Ultrafines: monitoring, establishing a standard
Federalism	Executive action is increasingly blocked by the courts – clean air and climate leadership is increasing a city/state area

	States are underfunded, understaffed, and rules that overlap burdens on them are a problem
Gaps in Rulemaking	Engage state plans with prevention of exemptions to the rules  Year-round arctic drilling studies need to be modified to account for this large change
Indoor Air	Sick homes  How the CAA relates to the indoor/built environment (i.e. where exposure actually occurs)  School air protections, safe air zone for communities with better filters  Resident wood device NSPS
Mobile	Mobile source reductions  Expansion of DERA and DERA-type programs  Limit single travelers in autos on highways
NAAQS	There is no clear plan to address durable/stubborn non-attainment areas  Background ozone and ozone transport from international sources  Assess whether statutory/regulatory revisions are needed for NAAQs implementation process given persistent non-attainment areas dating back up to 50 years  185 Fees
Regional Haze	Simplify and clarify the regional haze rule
Wildfire	Wildfire smoke events + EJ. Input/output monitoring to assess intrusion and exposure  Address health impacts of wildfire smoke  Exceptional events  Support traditional tribal burning to limit “wildfire” smoke issues by “using” fire

	Environmental issues: climate variability, increasing weather extremes, wildfires
Unlabeled	<p>Natural gas flaring</p> <p>Enhanced recovery by Hilcorp exemptions exist. Need to halt this.</p>