EPA National Environmental Justice Community Engagement Call

December 13, 2022

Expanding the Conversation

working for environmental justice

Housekeeping

📱	Please join by phone or computer, not both
🔇	You are on mute, please enter questions and comments into the Q&A pod
💬	If selected to speak during dialogue, please limit comment to 1 minute
🎤	Recording and transcript will be available online in the near future

En Español

Tenemos interpretación en español disponible para aquellos que prefieren escuchar en español.

- Cómo cambiar el canal de audio en español
- Las personas pueden agregar preguntas en español al módulo de preguntas y respuestas
- Los materiales de la reunión estarán disponibles en español.

Interpretation

Spanish-language interpretation is available for those who prefer to listen in Spanish.

- ❑ *How to switch to Spanish language audio channel*
- ❑ *Individuals can add questions in Spanish to the Q&A Pod*
- ❑ *Meeting materials will be made available in Spanish.*

AGENDA

➤ Welcome

➤ Mindfulness Moment

➤ IRA Grants Update

➤ Q & A IRA Grants Update

➤ Enforcement and Compliance History Online (ECHO) Community Update

➤ OECA National Compliance Initiatives (2023-2026) Update

➤ EPA's EJ Disparity Indicators – Measuring Change on the Ground

➤ Closing Remarks/Adjourn

BRIEFING:
Environmental and Climate Justice Communities Grant Program

DECEMBER 2022

AGENDA

1. Overview
2. Goals
3. Holistic Approach
4. Upcoming Competitions
5. Overall Timing
6. Key Points
7. Areas for Further Engagement

OVERVIEW

EPA received $3 billion in the <u>IRA</u> and $100 million in the <u>FY-22</u> budget to support environmental justice activities in OEJECR.

- <u>IRA</u>: $2.8 billion to provide grants for activities benefiting disadvantaged communities. $200 million for technical assistance.

- <u>FY-22</u>: $100 million to improve and enhance the agency's ability to infuse equity and environmental justice principles and priorities into all EPA practices, policies, and programs, including $51 million for grants and technical assistance.

IRA – E&CJ COMMUNITY GRANT PROGRAM STATUTORY LANGUAGE / DEFINITIONS

Subtitle B—Hazardous Materials

SEC. 60201. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 137, as added by subtitle A of this title, the following: ''SEC. 138. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.''

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

''(1) $2,800,000,000 to remain available until September 30, 2026, to award grants for the activities described in subsection (b); and ''(2) $200,000,000 to remain available until September 30, 2026, to provide technical assistance to eligible entities related to grants awarded under this section.

''(b) GRANTS.— ''(1) IN GENERAL.—The Administrator shall use amounts made available under subsection (a)(1) to award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.

''(2) ELIGIBLE ACTIVITIES.—An eligible entity may use a grant awarded under this subsection for—

''(A) community-led air and other pollution monitoring, prevention, and remediation, and investments in low- and zero emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas (as defined in section 211(o)(1)(G) (as in effect on the date of enactment of this section)) emissions and other air pollutants;

''(B) mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;

''(C) climate resiliency and adaptation;

''(D) reducing indoor toxics and indoor air pollution; or

''(E) facilitating engagement of disadvantaged communities in State and Federal public processes, including facilitating such engagement in advisory groups, workshops, and rulemakings.

''(3) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

''(A) a partnership between—

   ''(i) an Indian tribe, a local government, or an institution of higher education; and

   ''(ii) a community-based nonprofit organization;

''(B) a community-based nonprofit organization; or

''(C) a partnership of community-based nonprofit organizations.

''(c) ADMINISTRATIVE COSTS.—The Administrator shall reserve 7 percent of the amounts made available under subsection (a) for administrative costs to carry out this section.''

IRA – E&CJ COMMUNITY GRANT PROGRAM STATUTORY LANGUAGE / DEFINITIONS

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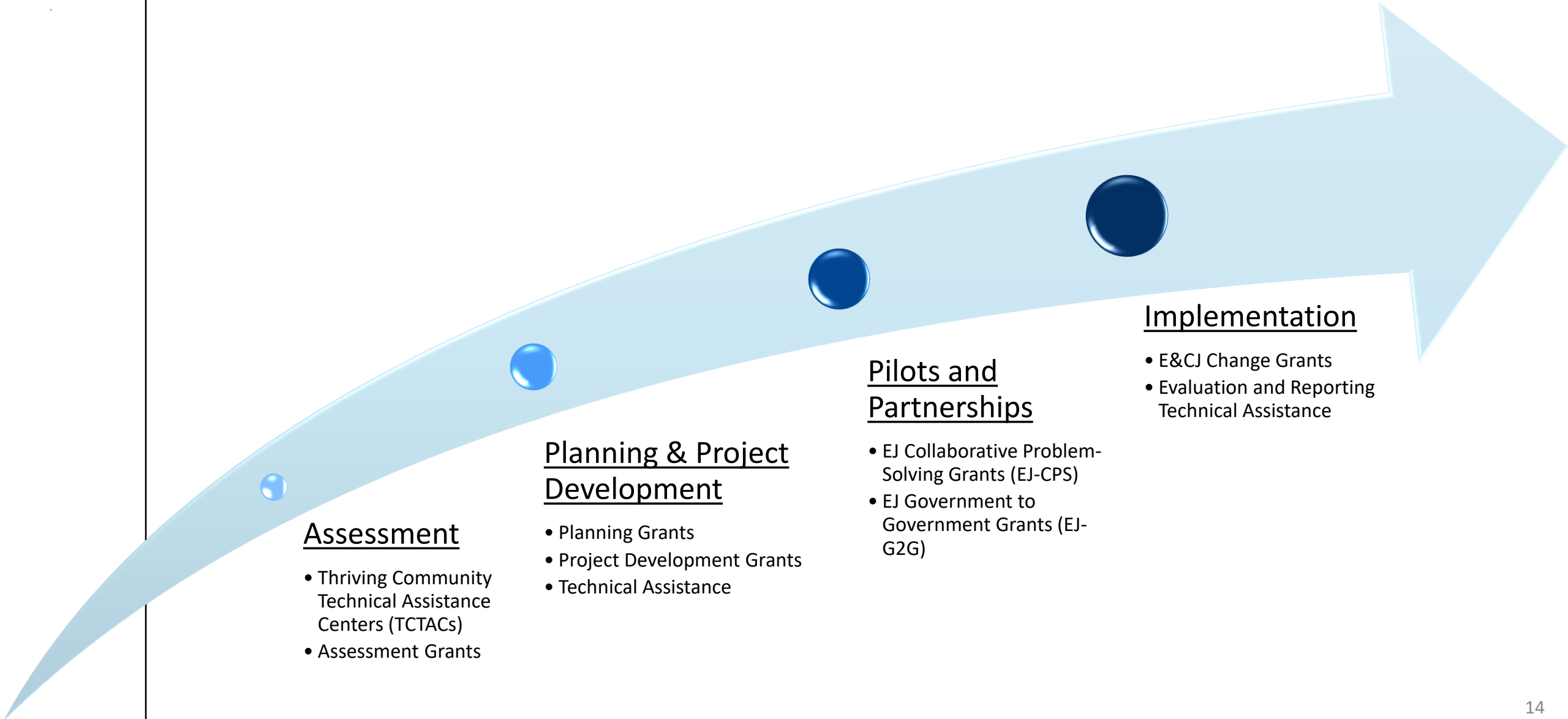
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GOALS

- Provide resources as soon as possible on the ground to communities and their partners.

- Meet communities at their needs and where they are in their journey.

- Prove that investing in communities are the best investments to solve the toughest problems in places with the biggest challenges.

- Achieve lasting, meaningful change on the ground.

- Be the bottom-up to all the other top-downs!

ENVIRONMENTAL & CLIMATE JUSTICE COMMUNITIES GRANT PROGRAM

EPA

Implementation

- E&CJ Change Grants
- Evaluation and Reporting Technical Assistance

Pilots and Partnerships

- EJ Collaborative Problem-Solving Grants (EJ-CPS)
- EJ Government to Government Grants (EJ-G2G)

Planning & Project Development

- Planning Grants
- Project Development Grants
- Technical Assistance

Assessment

- Thriving Community Technical Assistance Centers (TCTACs)
- Assessment Grants

FIRST STEP

Competition Complete

Thriving Community Technical Assistance Centers (TCTACs)

- Description: GOAL IS TO fund 10 REGIONAL TCTACs (1 per region) AND ONE NATIONAL TCTAC, to provide technical assistance, training, and capacity-building support to communities (and their partners) with environmental justice concerns.

- Timing: RFA launched in August, closed in November. Centers to start operating spring 2023.

- Access: No barrier to entry. Technical assistance provided upon request.

- Grant Funding: Up to $100 million over five years.

UPCOMING COMPETITIONS

Launch Competition ASAP

EJ Collaborative Problem-Solving Grants (EJ-CPS)

- <u>Description</u>: Cooperative agreement grants to CBOs. Expansion of EPA's traditional community grant program with larger awards to pilot implementation activities through community-centered collaborative partnerships

- <u>Timing</u>: Competition opens in December and grants are awarded in summer 2023

- <u>Grant Funding</u>: $30M IRA funded, up to $500K each to CBOs, approx. 60 total grant awards. EPA competed / awarded

EJ Government to Government Grants (EJ-G2G)

- <u>Description</u>: Grants to government agencies partnered with CBOs. Expansion of EPA's traditional EJ government grant program with larger awards to gov. agencies partnering with communities to develop plans, projects, and pilot implementation activities

- <u>Timing</u>: Competition opens in December, grants awarded in summer 2023

- <u>Grant Funding</u>: $40M IRA and $30M baseline, ~70+ awards up to $1 million each. EPA competed / awarded. Set-asides used to apportion funding b/w different government agency types

UPCOMING COMPETITIONS

Launch Competition ASAP

Assessment, Planning, and Project Development Grants

- Description: Fund 5-10 pass-through funders nationwide to provide grants to community-based nonprofits for assessment, planning, and project development.

- Timing: RFA launch in January, pass-through entities selected in late summer 2023.

- Access: Low barrier to entry. Ability to provide thousands of grants nationwide in next 3 years w/simplified app. process

- Grant Funding:

  - Assessment Grants: $150M IRA, $10M FY22 base appropriations

  - Planning grants: $150M IRA, $10M FY22 base appropriations

  - Project development grants: $150M IRA, $10M FY22 base appropriations

UPCOMING COMPETITIONS

Environmental and Climate Justice Implementation Grants

- Description: Directly funded through EPA
- Timing: Grant competition window opens in late spring/early summer 2023. One-year open window for proposals scored on a monthly basis
- Barrier to entry: Streamlined process being considered – simplified applications, rolling application period, and oral presentations.
- Grant Funding: Up to $2B IRA funded

KEY PROGRAM MILESTONES (2023-2025)

Launch RFA/RFP

Award Grant/Contract

Legend:
- Program Design
- Competition & Review
- Funds Awarded

Program	Funds	FY 2023 Q1	FY 2023 Q2	FY 2023 Q3	FY 2023 Q4	FY 2024 Q1	FY 2024 Q2	FY 2024 Q3	FY 2024 Q4	FY 2025 Q4
TCTACs	$100M		Award							
Planning TA	$40M		Launch	Award						
Assessment Grants	$160M	Launch (Pass-through funders apply to EPA for funding)			Award (EPA selects 5-10 pass-through funders who each then award assessment, planning, and project development grants to subgrantees in discrete regions of the country)					
Planning Grants	$160M									
Project Develop. Grants	$160M									
Project Develop. TA	$35M	Launch		Award						
EJ-CPS	$30M	Launch				Award				
EJ-G2G	$70M	Launch			Award					
E&CJ Change Grants Round 1	Up to $2,000M			Launch	Award (Grants awarded on a rolling basis through Q3)					
E&CJ Change Grants Round 2	TBD									Launch
Eval. & Reporting TA	$10M		Launch	Award						

KEY POINTS

- Building on decades of experience and feedback received on our grant programs especially for the three upcoming competitions launched in December and January.

- Coupling TA with direct financial (grant) assistance. Also investigating ways of providing people power to communities.

- Balancing between getting resources on the street expeditiously but doing so thoughtfully, deliberately, and with engagement and feedback.

- Will have multiple engagement pathways including an RFI.

- Offering resources to communities ready now for implementation and runway for communities that need to build capacity.

AREAS FOR FURTHER ENGAGEMENT

- How to define "partnerships" and community-based organization?

- What size grants are realistic given three-year time limit?

- Thoughts on creative alternatives to lower the barrier to entry – open competitions, simplified applications, oral presentations?

- In addition to the TCTACs and other TA for assessing, planning, and project development, how else can EPA support communities in developing strong partnerships and projects?

ENFORCEMENT AND COMPLIANCE HISTORY ONLINE (ECHO) COMMUNITY DATA UPDATE

- ECHO EJ Enhancements
- ECHO Benzene Monitoring data release
- ECHO Notify
- ECHO Coming Soon
- Q & A

Presenters

➢Madeline Lapatra

➢Michael (Mike) Barrette

OECA's National Compliance Initiatives:
Update on Upcoming Cycle – FY2024-2027

▶

NATIONAL EJ COMMUNITY ENGAGEMENT CALL
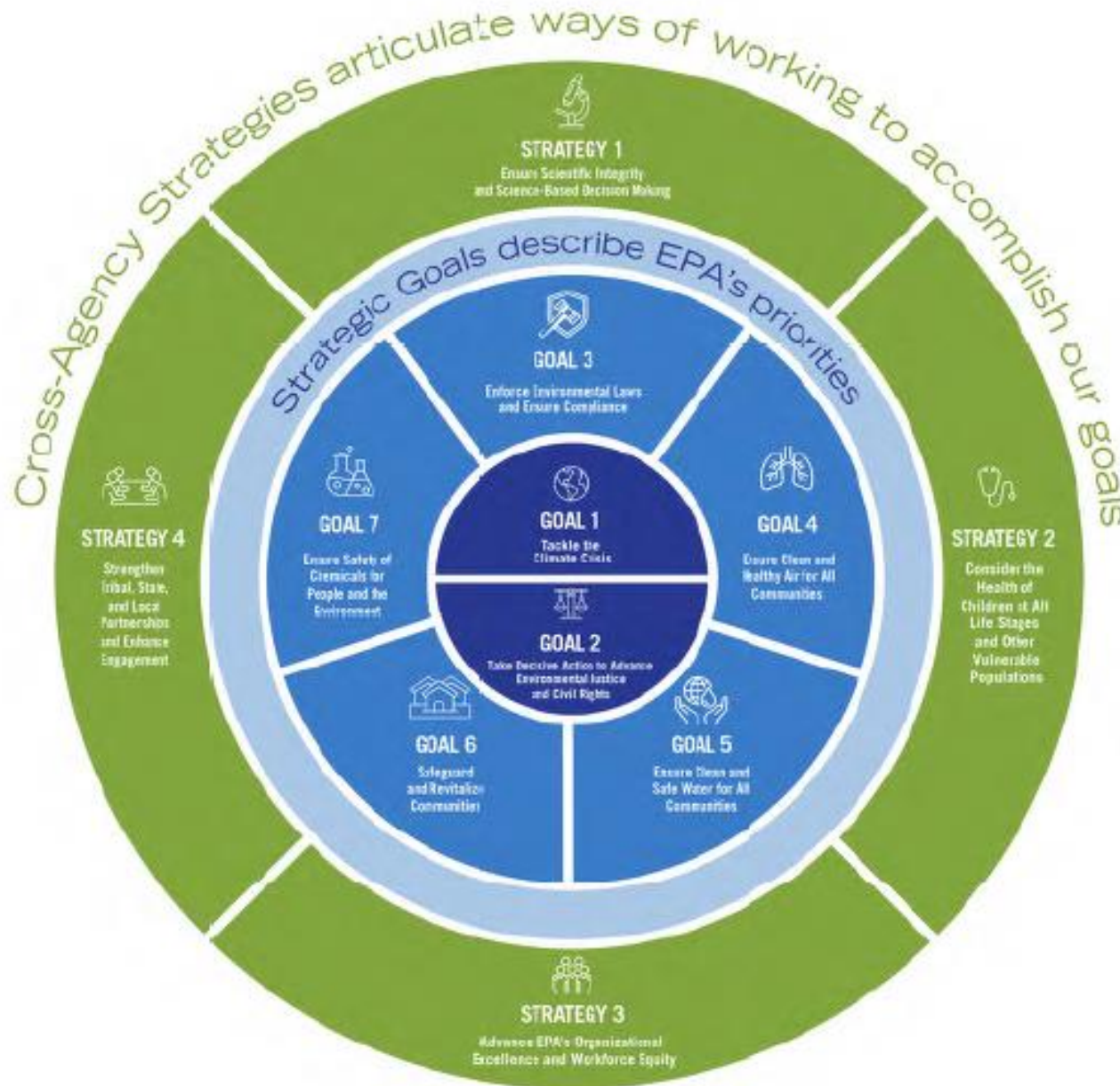## December 13, 2022

Rosemarie Kelley, Director, Office of Civil Enforcement, OECA

Jacqueline Werner, Deputy Director, Office of Compliance, OECA

Goal 1 : Tackle the Climate Crisis

Goal 2:Take Decisive Action to Advance Environmental Justice

Environmental Justice and Climate are components of all national enforcement and compliance initiatives

NATIONAL INITIATIVES

- Focuses enforcement and compliance assurance resources on the most serious environmental violations

- For FY 2020 – FY 2023 cycle, 6 initiatives

> Creating Cleaner Air for Communities by Reducing Excess Emissions of Harmful Pollutants

> Stopping Aftermarket Defeat Devices for Vehicles and Engines

> Reducing Hazardous Air Emissions from Hazardous Waste Facilities

> Reducing Risks of Accidental Releases at Industrial and Chemical Facilities

> Reducing Significant Non-Compliance in the National Pollutant Discharge Elimination System (NPDES) Program

> Reducing Non-Compliance with Drinking Water Standards at Community Water Systems

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Creating Cleaner Air for Communities

- Improve air quality by reducing excess emissions of VOCs and HAPs

- Address significant violations and achieve measurable pollutant reductions

Stopping Aftermarket Defeat Devices for Vehicles and Engines

Focuses on stopping the manufacture, sale, and installation of defeat devices on vehicles and engines used on public roads as well as on nonroad vehicles and engines.

EPA Estimated Emissions Increase Due to Full Delete
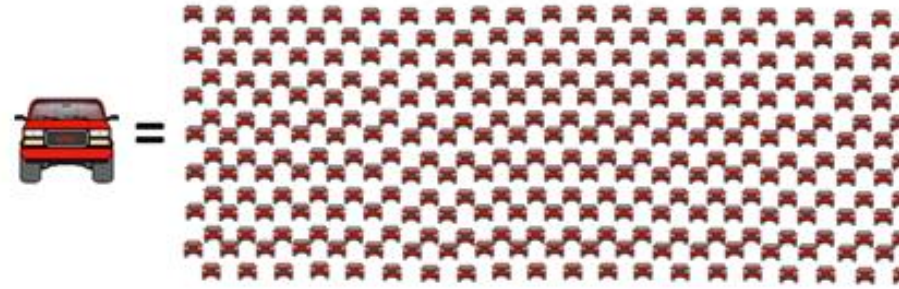
Oxides of nitrogen (NOx) increased ~310x
Non-methane hydrocarbons (NMHC) increased ~1,140x
Carbon monoxide (CO) increased ~120x
Particulate matter (PM) increased ~40x

These test results show increases in NOx, NMHC, CO, and PM when a tuner enables the full removal of emissions controls (i.e., "a full delete") from a diesel pickup truck. These tests were conducted without the selective catalytic reduction (SCR), diesel particulate filter (DPF), diesel oxidation catalyst (DOC), and exhaust gas recirculation (EGR) emission controls.

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Reducing Air Emissions from Hazardous Waste Facilities

Improve compliance with regulations that require the control of organic air emissions from hazardous waste management units

Reducing Risk of Accidents from Chemical Facilities

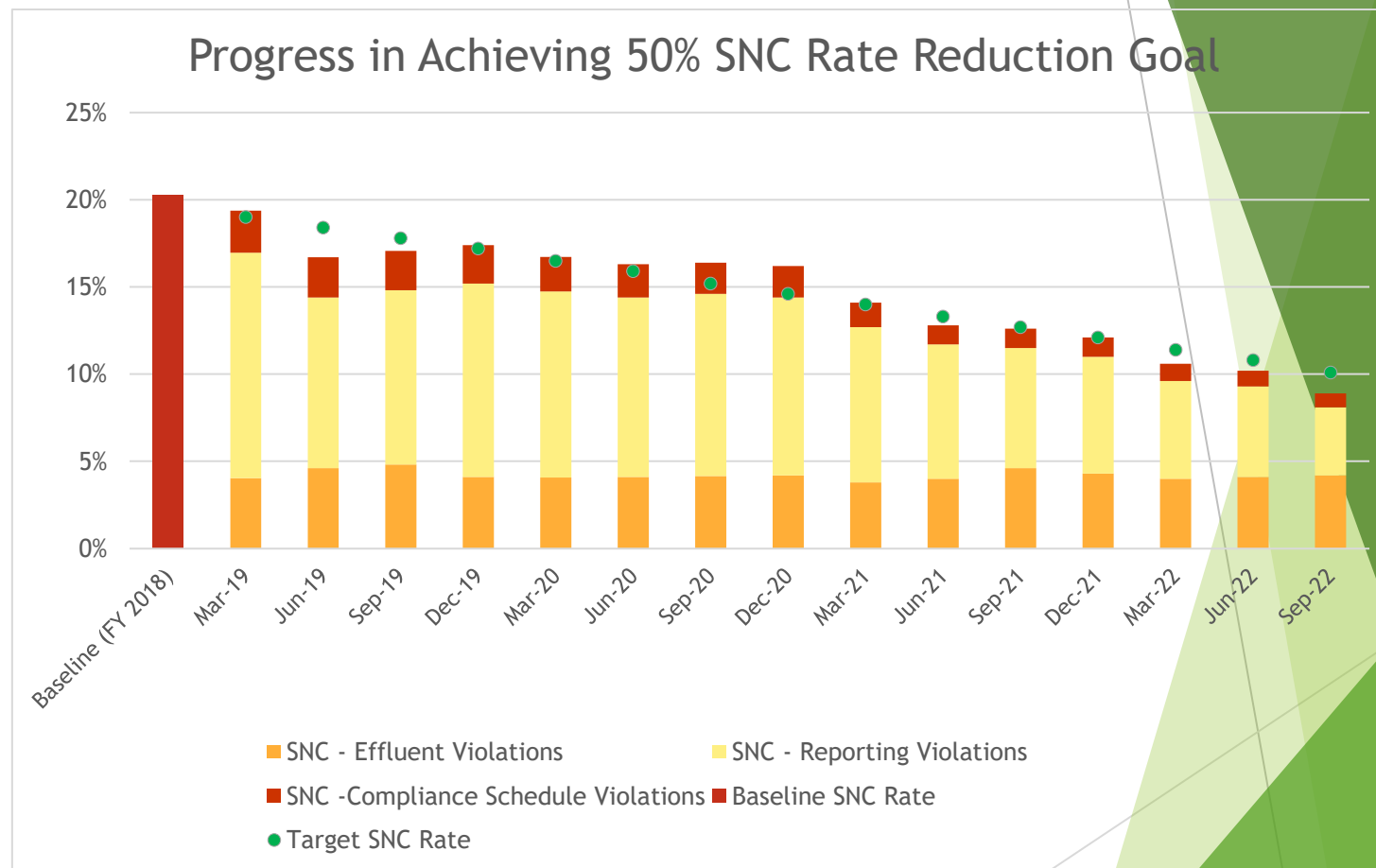Reduce risk by having regulated facilities work to:

- Improve safety

- Increase compliance with RMP/GDC requirements

- Promote coordination with responders and communities

MGPI facility - Atchinson, Kansas

Reducing SNC in the NPDES Program

- Reduce by half the number of permittees in SNC by the end of FY2022

- Ensure that the worst SNC violators are timely and appropriately addressed

Progress in Achieving 50% SNC Rate Reduction Goal

Legend:
- SNC - Effluent Violations
- SNC - Reporting Violations
- SNC -Compliance Schedule Violations
- Baseline SNC Rate
- Target SNC Rate

(X-axis categories: Baseline (FY 2018), Mar-19, Jun-19, Sep-19, Dec-19, Mar-20, Jun-20, Sep-20, Dec-20, Mar-21, Jun-21, Sep-21, Dec-21, Mar-22, Jun-22, Sep-22)

Reducing Non-Compliance with Drinking Water Standards at CWS

- Improve compliance at CWSs

- Develop sustainable enforcement programs in every EPA Region

Figure 1. Number of Community Water Systems (CWS) with a Health-Based Violation of the National Primary Drinking Water Regulations

Quarter	New	Intermittent	Continuous
2017Q3			3,508
2017Q4	373		3,075
2018Q1	806	20	2,717
2018Q2	1,172	44	2,370
2018Q3	1,441	83	1,956
2018Q4	1,695	179	1,718
2019Q1	1,892	245	1,529
2019Q2	1,971	306	1,390
2019Q3	1,982	337	1,228
2019Q4	2,061	418	1,128
2020Q1	2,148	446	1,048
2020Q2	2,177	458	966
2020Q3	2,101	459	863
2020Q4	2,094	478	793
2021Q1	2,083	469	752
2021Q2	1,968	464	706
2021Q3	1,970	442	654
2021Q4	2,037	471	629
2022Q1	2,091	489	582
2022Q2	2,137	498	561
2022Q3	2,155	499	537

New: CWS with health-based violations that were not in violation in the third quarter of FY 2017

Intermittent: CWS that were on the baseline list of CWS with health-based violations (2017Q3) and were off the list in at least one subsequent quarter, and then came back on the list

Continuous: CWS that have remained on the list of CWS with health-based violations since baseline (2017Q3) and continue into the current quarter

National Initiatives – Next Cycle Update

- The Agency is in the last year of the current cycle (FY 2020 – FY 2023) for its National Compliance Initiatives, or NCIs; we have begun thinking about which sectors or programs should be part of the next cycle (FY 2024 – FY 2027).

- Consulting with our regional offices, we've been evaluating the progress and challenges of the current initiatives and assessing whether they should continue in the next cycle or not or continued with a modified focus.

- At the same time, we're considering potential new initiatives, taking into account environmental challenges we are seeing across the country, and looking to see where EPA enforcement can make a difference.

- It is important to note the Environmental Justice and climate considerations have been incorporated into the current NCIs and will continue to be included in every NCI going forward in the next cycle.

- We plan to publish the FR notice in early January. It will provide for a 60-day comment period. We are giving you a heads up now so that you can be ready to review it. We are encouraging all stakeholders to submit comments during the 60-day window.

Next Cycle - Timeline

- Early January 2023: FR notice
- Early March 2023: FR comment period closes
- Early Summer 2023: Final Initiatives selected
- October 2023: New FY 2024-2027 Initiatives begin

Discussion / Questions

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EPA Environmental Justice Disparity Indicators: Measuring Change on the Ground

EPA National EJECR Community Engagement Call: December 13, 2022

What is a health disparity?

An actionable difference: "a particular type of health difference that is closely linked with social, economic, and/or environmental disadvantage. Health disparities adversely affect groups of people who have systematically experienced greater obstacles to health based on their **racial or ethnic group**; religion; **socioeconomic status**; gender; age; mental health; cognitive, sensory, or physical disability; sexual orientation or gender identity; **geographic location**; or other characteristics historically linked to discrimination or exclusion."

Agency Priority Goal (APG)

By September 30, 2023, EPA will develop and implement a cumulative impacts framework, issue guidance on external civil rights compliance, establish at least 10 indicators to assess EPA's performance in reducing disparities in environmental and public health conditions, and train staff and partners on how to use these resources.

Overall Strategic Vision

Through clear and meaningful metrics, EPA will be able to evaluate its success in eliminating public health and environmental disparities.

Think holistically

- Collaborate across EPA programs
- Engage external agency partners
- Multi-media indicators to address environment and health

Clear connection to EPA's priorities & programs

- Outcomes we can affect through statutes, partnerships, and resources
- Outcomes we can affect through whole of government approach

Be bold

- Use our resources to do things differently
- Think outside of the box—build on what many states are doing, but go further
- Shift from siloed approach to unified, interconnected effort
- Consider cumulative impacts, addressing disparities across multiple stressors

Data integrity, sources, and visualization

- Use accurate and reliable data that has undergone QA/QC and is publicly available
- Allows us to visualize, track and communicate progress effectively to ensure trends are moving in right direction
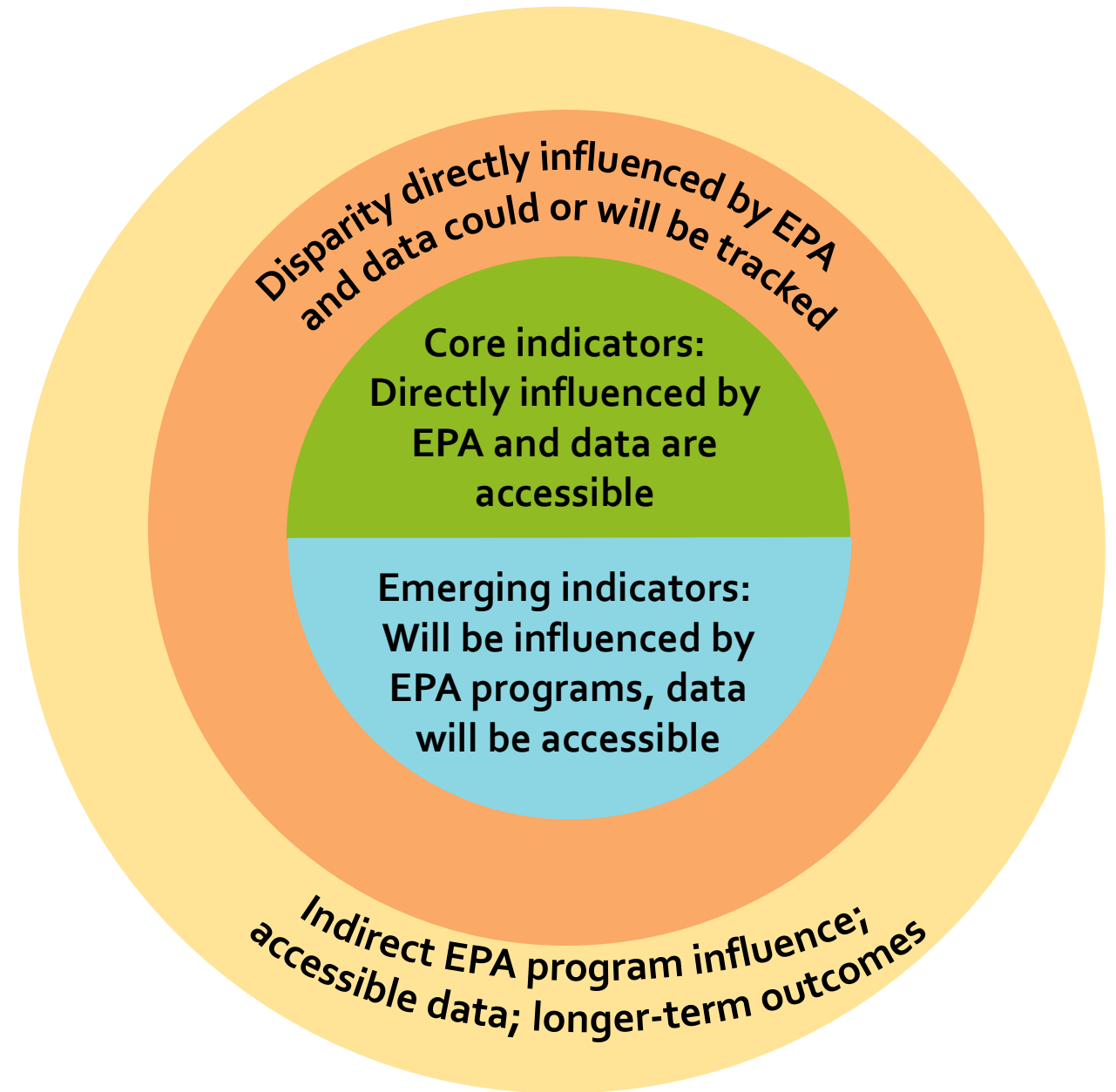
Meaningful impacts

- Connect to long-term health outcomes
- See real disparity reductions in vulnerable communities—the only way to achieve health equity
- Ensure that communities are moving from surviving to thriving

Characterizing Draft Indicators

Two important criteria:

1) Direct connection of disparity to EPA's authorities and program

2) Data accessibility and reliability

Disparity directly influenced by EPA and data could or will be tracked

Core indicators: Directly influenced by EPA and data are accessible

Emerging indicators: Will be influenced by EPA programs, data will be accessible

Indirect EPA program influence; accessible data; longer-term outcomes

Draft Indicators:
Directly influenced by EPA, state, and local programs; data source is accessible
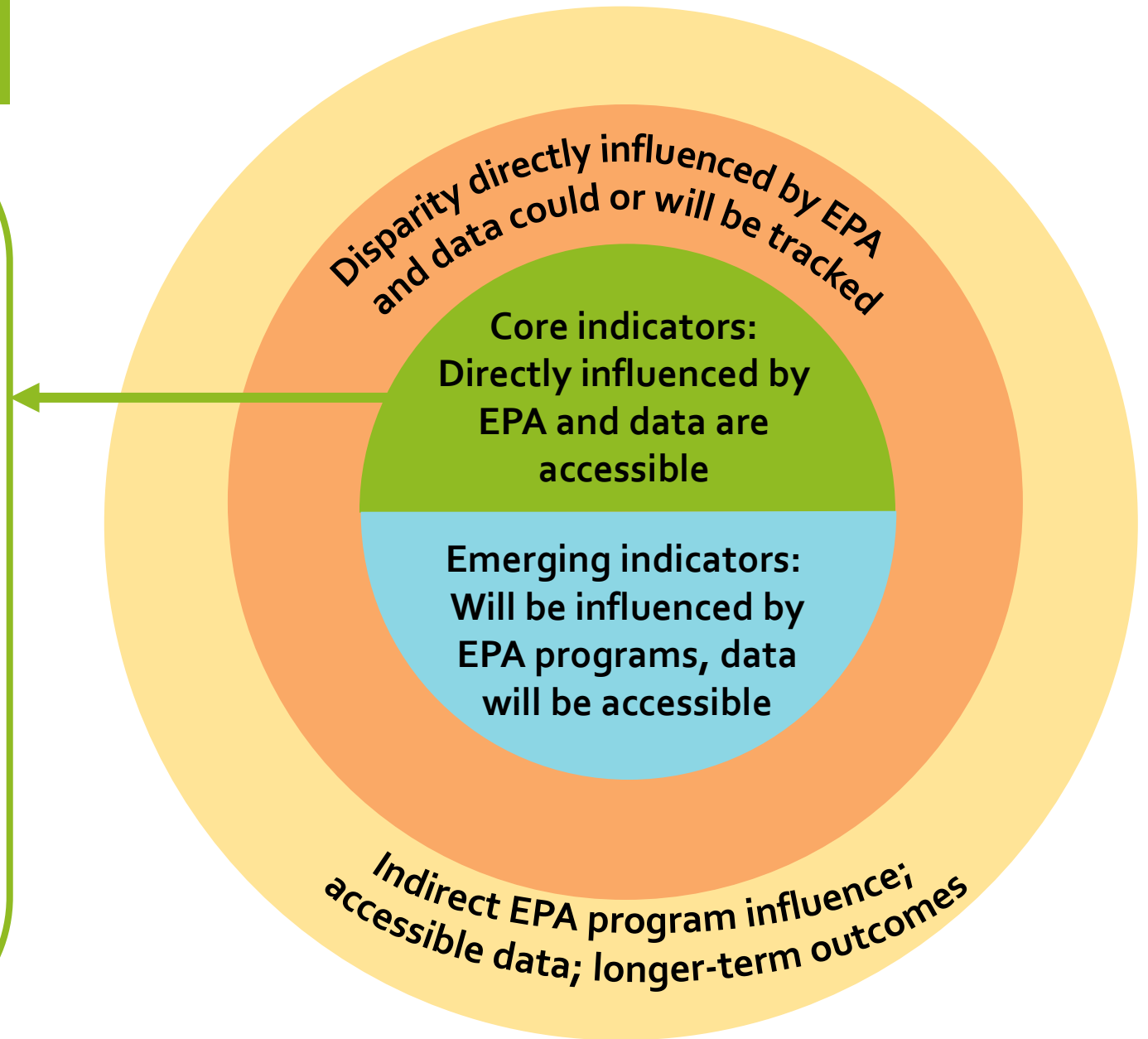
- Population living within 1 mile of a Superfund site by race/ethnicity & socioeconomic status (SES)

- Percentage of children 0-17 reported to have asthma by race/ethnicity & socioeconomic status (SES)

- Percentage of population of low socioeconomic status (SES) in areas meeting the PM2.5 National Ambient Air Quality Standards (NAAQS)

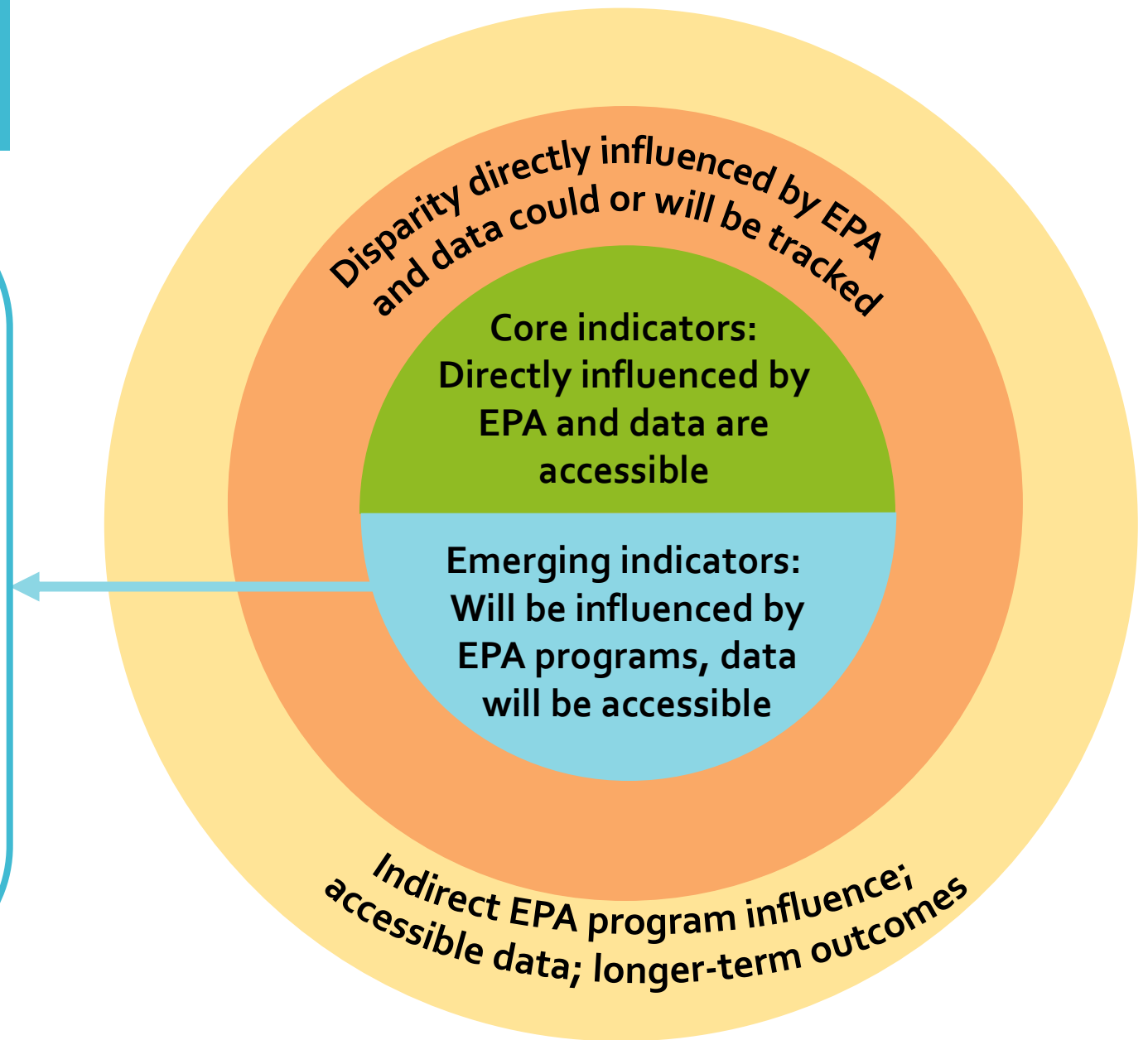- Blood lead level in children 1-5 by race/ethnicity & socioeconomic status (SES)

- Number of community water systems (CWSs) in Indian Country in non-compliance with health-based standards (compared to CWSs elsewhere)

Disparity directly influenced by EPA and data could or will be tracked

Core indicators:
Directly influenced by EPA and data are accessible

Emerging indicators:
Will be influenced by EPA programs, data will be accessible

Indirect EPA program influence; accessible data; longer-term outcomes

Draft Indicators: Direct influence; data could be or will be tracked

Lead service line replacement (data will be tracked for Bipartisan Infrastructure Law funded projects)

Children with elevated blood lead levels in high-risk communities (data is available in some areas and varies by state)

Disparity directly influenced by EPA and data could or will be tracked

Core indicators: Directly influenced by EPA and data are accessible

Emerging indicators: Will be influenced by EPA programs, data will be accessible

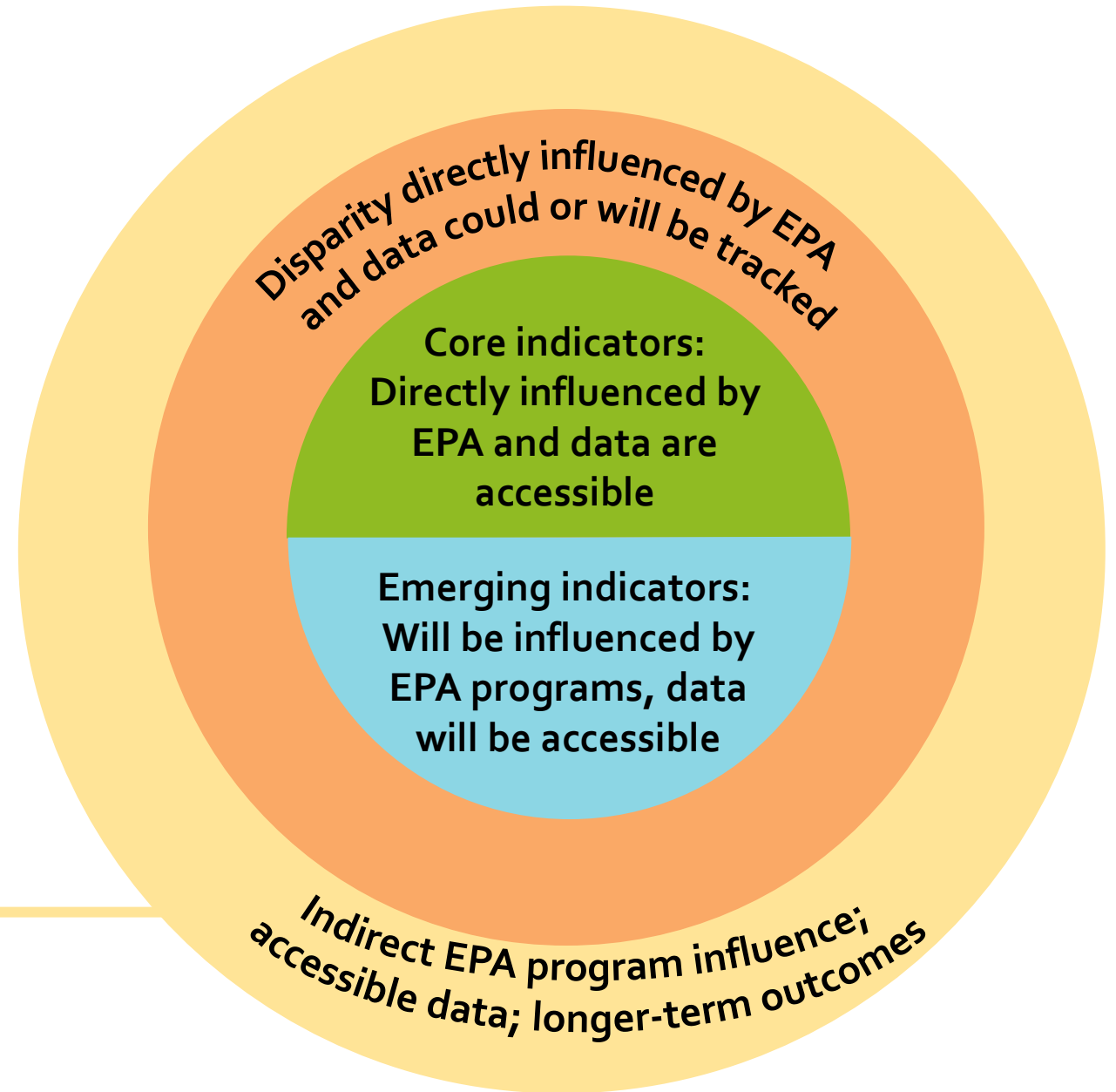Indirect EPA program influence; accessible data; longer-term outcomes
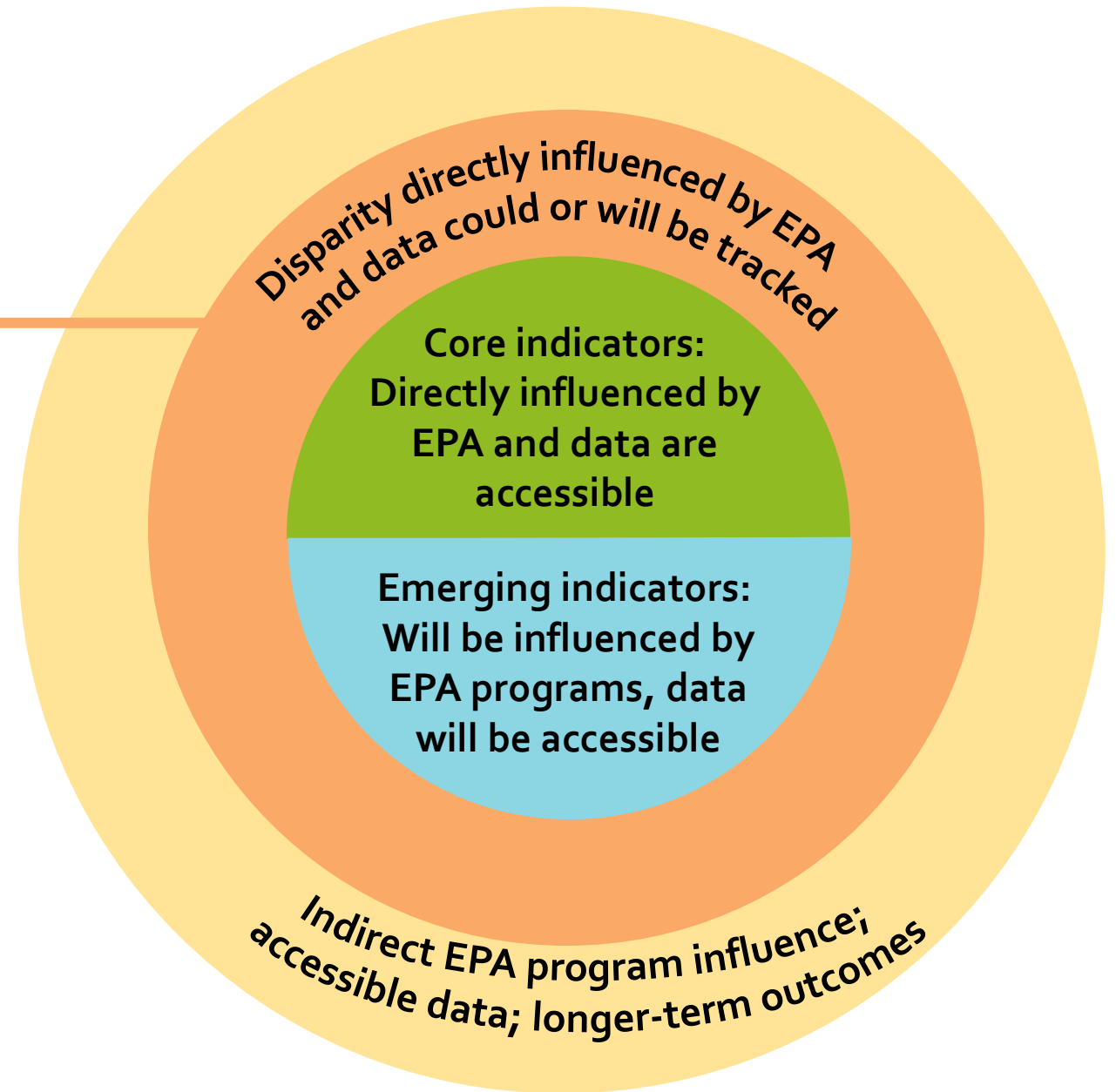
Draft Indicators:
Indirect influence; accessible data; long-term outcomes

Age-adjusted cardio-vascular disease (CVD)/ hypertension prevalence by race/ethnicity & socioeconomic status (SES)

Percentage of babies born pre-term or underweight by race/ethnicity & socioeconomic status (SES)

Life expectancy by race /ethnicity & socioeconomic status (SES)

Disparity directly influenced by EPA and data could or will be tracked

Core indicators: Directly influenced by EPA and data are accessible

Emerging indicators: Will be influenced by EPA programs, data will be accessible

Indirect EPA program influence; accessible data; longer-term outcomes

Other Draft Indicators: Varied influence of EPA programs; data challenges

Improving farmworker health (some data sources available in some places – could pilot in specific areas)

CDC Heat & Health Tracker (heat data is national but heat-related illness data is limited)

Other Draft Indicators: Outputs of EPA Programs

Increase percentage of lead paint inspections in communities with EJ concerns

Increase education and engagement for families and childcare providers to prevent lead exposure in areas of highest risk

Next Steps

1 Gather feedback from public and partners

2 EPA leadership briefings and feedback

3 Refine indicators (directionality and comparison groups)

4 EPA finalizes initial list of indicators

5 Develop processes and tools for data collection

Discussion Questions

- What are the most important environmental health disparity indicators that communities would like EPA to explore in the future?

- What kind of representation/ visualization/ information will be most meaningful for showing EPA's progress?