

# U.S. Environmental Protection Agency, Region 9 Environmental Justice and External Civil Rights Implementation Plan for FY 2024

Virtual Listening Session: Summary of Key Public Comments and Questions  
September 2023

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## Purpose and Background

EPA Region 9 hosted a virtual listening session from 5:30-7pm PST on September 12, 2023, to support outreach, gather pre-decisional input, and promote awareness about the Region's Draft Environmental Justice and External Civil Rights Implementation Plan for Fiscal Year 2024 (FY24 Plan). The FY24 Plan will serve as a strategic roadmap for implementation of the [EPA Strategy Plan \(FY 2022-2026\)](#), Implement the [2024-2025 National Program Guidance](#), address [EPA's Equity Action Plan](#) priorities, and address environmental justice and civil rights goals specific to Region 9 (Arizona, California, Hawai'i, Nevada, Pacific Islands, and 148 Tribes).

The agenda for this session included opening remarks from EPA Region 9's Regional Administrator, Martha Guzmán, and the EPA Region 9 Director of the Tribal, Intergovernmental and Policy Division, Laura Ebbert. Laura then provided an overview of the 2023 Plan and the work with communities and external partners (government, Tribes, academia, businesses, and philanthropy) undertaken during FY23. She also introduced members of the EPA Region 9 senior management staff representing the following divisions: Air and Radiation Division; the Enforcement and Compliance Assurance Division; the Land, Chemicals, and Redevelopment Division; the Water Division; Laboratory Services and Applied Sciences Division; the Office of Regional Counsel; the Superfund and Emergency Management Division; the Mission Support Division; the Tribal, Intergovernmental and Policy Division; and the LA Field Office). Senior management staff members contributed to the discussion by clarifying questions and concerns raised by participants and elevated examples of their division's work related to the Plan.

## Key Dates and Timeline

- September 12, 2023: Virtual Listening Session
- September 1-29, 2023: Written input welcome via email in the language of your choice to [R9Communities@epa.gov](mailto:R9Communities@epa.gov).
- Fall of 2023: Region 9 staff complete and publish the FY2024 Plan.

This document summarizes the key themes expressed by the individuals participating in the virtual listening session. This input will inform EPA Region 9 staff charged with finalizing and implementing the Region 9 Draft Environmental Justice and External Civil Rights Implementation Plan for Fiscal Year 2024.

## Key Themes from the Listening Session

Participants in the listening session offered comments, asked questions, and shared concerns from their lived experiences related to environmental justice and civil rights topics in Region 9. The comments, questions, and concerns largely fell into one of the following themes:

1. Maui Fires
2. Shipping and Port Air Pollution

3. Electrification and Decarbonization Projects
4. Community Investments
5. Community Support and Technical Assistance
6. Superfund Impacts and Available Funding
7. Other Comments

A summary of participant input is included below and organized by theme. In the instance where an EPA Region 9 staff provided clarification or another response, the summary highlights that response. EPA staff also committed to sharing a resource guide from the questions asked during the listening session.

### 1. Maui Fires

Participants expressed concerns about the wildfire clean-up process underway in Lahaina – both how the clean-up was being conducted and who was involved in communication and outreach. There were concerns about persistent chemical contamination from burned infrastructure (e.g., polychlorinated biphenyls (PCB) contamination from transformers) and how those material would be disposed on the island. Multiple participants noted that potential locations for burned materials could impact Hawaiian sacred sites, local food sources (e.g., taro patches and fisheries), and waterways. There is concern that Hawaiian cultural and subsistence practices will be impacted and disproportionately impact and burden Native communities in the future. Participants also noted that the impacts from disaster response decisions are impacting local indigenous communities and communities of color and that these communities are not part of the clean-up decision-making process. There was also a specific question about the binding agent used in the clean-up effort and if Road Oyl was being under consideration.

EPA staff shared their appreciation for these comments and noted that the Regional Administrator was traveling to Maui as part of EPA’s role in clean-up and community engagement and that these comments would be highlighted in her preparation for the trip. Staff also acknowledged the concerns about the potential cumulative impacts on communities and that this would also be shared with the Regional Administrator. EPA also noted that they would welcome additional community contacts to engage with on clean-up activities. EPA has partnerships with six of the Kupuna leaders in Maui and is meeting with local and elected officials to discuss clean-up issues during the site visit.

Specific to the question on binding agents, the Deputy Regional Administrator clarified that no final decisions have been made at this time and that they are still working with the community to gather input on the clean-up process.

### 2. Shipping and Port Air Pollution

A participant mentioned their desire to see toxic ship and port pollution addressed in the FY24 Plan. Another participant urged R9 to support the transition to zero emissions at the Port of Long Beach as a funding priority. They noted that Port adjacent communities experience shorter life expectancies and higher rates of asthma and hospitalizations and provided alternative options like shore power for all vessels at the port and offshore power for ships awaiting entry. They asked EPA to consider the implementation of green shipping corridors and to support the infrastructure necessary to implement green shipping.

Another participant expressed interest in how civil rights and environmental justice are integrated into EPA’s plan. They believe the communities in West Long Beach are disproportionality affected by railroad, oil, and the ports in Long Beach and LA, and cited a death rate that is 60% higher than anywhere in Los

Angeles County. They also expressed concern about a new 400-acre site for wind turbines, as they believe the Port has containment issues, and this will make it worse. They would like a conversation about funding community discussions around locating these facilities elsewhere, as West Long Beach is already overly burdened from existing facilities. They believe elected officials feel no sense of urgency to address these issues, even with the high death rates. EPA acknowledge the urgency of the issues in West Long Beach and noted that someone from R9 would reach out for follow up.

### 3. Electrification and Decarbonization Projects

One participant asked if the FY24 Plan will address transitioning low income and those on fixed incomes to electric stoves, specifically on Tribal lands.

EPA staff noted that this was an important topic and that decarbonization in residential areas (e.g., heating and cooking appliances) is a priority that will be included in the plan. They also provided an example of the funding that was used to support work with the Navajo Nation to convert coal and older wood stoves to new technologies. There is also new funding available in the Climate Pollution Reduction grant program that is likely to be released in early 2024 that could support this type of work.

Another participant asked about visa-challenged businesses and their ability to apply for the funds available for electrification of landscaping equipment. They requested that EPA consider conducting a comprehensive analysis and pilot with small business owners, especially those with visa challenges, on offsetting the cost of transition to electric landscaping tools. They also requested to be put in contact with any jurisdictions in Region 9 that have successfully navigated this challenge.

EPA staff acknowledged the importance of this issue and offered to reach out to the participant directly to discuss the issue in more detail. They also noted that this is a complex issue with investments necessary at multiple levels.

### 4. Community Investments

Some participants expressed concern about ownership and decision-making authority regarding alternative energy projects. They would like to see more ownership in the community.

One participant noted they are not seeing investment in Wilmington, where there are five refineries and many people experience chronic asthma and other breathing-related issues. They noted that community engagement is lacking in Wilmington, and they seek ways to encourage others in this area who are involved with EJ to apply for community-based organization (CBO) grants. It is important to ensure that resources reach the intended recipients so that communities see tangible outcomes from funding. They asked for information regarding the number and type of EJ projects being funded and the total amount invested. They asked that Justice40 funds go directly to community-based organizations, rather than companies and lending institutions. EPA staff provided contact info and said they would connect after the meeting.

One participant expressed appreciation for having tonight's meeting in Spanish, noting that local indigenous communities are often not aware of these initiatives and don't see impacts of previous investments in the community. They encouraged EPA R9 to increase efforts to deliver this information to these communities.

## 5. Community Support and Technical Assistance

Several participants asked about the availability of technical assistance for grant writing, development of transition materials, and community outreach. Specifically, one participant was interested in the grant writing and application process support for community groups conducting environmental monitoring projects.

EPA staff noted that EPA understands the challenges navigating federal grants and that this is a common request from communities. They provided information on the Environmental Justice Thriving Communities Technical Assistance Centers (TCTACs) which were set up to provide grant application assistance. The R9 TCTACs are located at the University of Arizona and at San Diego State University. Their core functions include support during the grant application-process, feedback on applications, help with proposal refinement and navigate what other agencies and partners are doing in the same space.

Another participant provided information on how their organization is helping bridge the gap between government agencies and community organizations.

Another participant commented that communities on the U.S./Mexico border need more support and attention for projects that improve conditions. Air and water quality has continued to decline over the past 30 years, and communities are suffering. The biggest source of pollution are mobile sources but there is currently no local monitoring, or support for local monitoring to occur. EPA noted that the border region is personally important to R9 staff, and the new Inflation Reduction Act (IRA) funding facilitates getting assistance to places the region serves.

## 6. Superfund Impacts and Available Funding

One participant asked how Superfund near communities impacted available funding and grants, specific for a Superfund site that is next to a reservation. They were concerned that Superfund mitigation funding did not cover the surrounding communities.

EPA staff provided information on how Superfund mitigation funding is used to clean up nearby impacted and contaminated communities, including contamination from site runoff. They also noted that there are additional programs under the environmental justice grant program that can support community efforts. EPA staff committed to providing additional resources to listening session participants after the session.

## 7. Other Comments

One participant asked about the environmental justice and civil rights actions that are in the purview of Region 9 and how they interact with other state agencies working on similar issues with communities.

EPA staff described the relationship between EPA regions and states for rulemaking. They noted that the regions are not in charge of rulemaking for air and water issues, which is handled by EPA headquarters, and that states have delegated authority. The EPA Regions act as implementers and provide enforcement to ensure states are meeting their obligations. They work collaboratively with states and create dialogue around implementation of the Clean Air Act and Clean Water Act.

EPA also noted that the new IRA and Bipartisan Infrastructure Law also asks the EPA Regions to work with funding recipients and to make sure the dollars are invested in the regions. EPA also discussed the role of the Office of Enforcement and Compliance Assurance (OECA) in implementation and

enforcement. OECA works with state and local agencies (e.g., CalEPA) and is committed to implementing a plan in Region 9 that focuses efforts in overburdened communities.

### Closing Remarks

The Regional Administrator thanked participants for their attendance and engagement in tonight's meeting. EPA noted that R9 EJ Program staff contact information would be shared with meeting participants, and EPA staff would follow up with individual participants as noted during the meeting. EPA noted that written comments on the draft plan would be accepted through September 29, and these may be submitted through [R9Communities@epa.gov](mailto:R9Communities@epa.gov). Those who joined the meeting without providing their emails were asked to submit those to EPA at [R9Communities@epa.gov](mailto:R9Communities@epa.gov) if they wished to be added to the project distribution list.