



# U.S. Environmental Protection Agency, Region 9 Environmental Justice and External Civil Rights Implementation Plan for Fiscal Year 2023

## Virtual Engagement: Summary of Key Public Comments, Questions, and Concerns

*U.S. Environmental Protection Agency Region 9 (EPA)*  
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### Purpose and Background

EPA Region 9 hosted a series of virtual engagement sessions to support outreach and promote awareness about the Region’s Draft Environmental Justice and External Civil Rights Implementation Plan for Fiscal Year 2023 (the Plan). For FY23, the Plan will serve as a strategic roadmap for implementation and integration of environmental justice and civil rights goals specific to Region 9 (Arizona, California, Hawai’i, Nevada, Pacific Islands, and 148 Tribes). EPA offered four engagement opportunities (available in English and Spanish) for stakeholders across Region 9 on the following days and times:

- Monday, January 9, 2023 from 2:00 p.m. – 3:30 pm PST (specific focus on Arizona and Nevada)
- Monday, January 9, 2023 from 6:00 p.m. – 7:30 p.m. PST (general public )
- Tuesday, January 10, 2023 from 11:00 a.m. – 12:30 p.m. PST ( specific focus on California)
- Thursday, January 12, 2023 from 4:00 p.m. – 5:30 p.m. PST (specific focus on Hawai’i and the Pacific Islands)

The agenda for each session included opening remarks from EPA Region 9’s Regional Administrator, Martha Guzman, or Chief of Staff, Sarah Sharpe, as well as participating members of the National Environmental Justice Advisory Council (NEJAC). The EPA Region 9 Director of the Tribal, Intergovernmental and Policy Division, Laura Ebbert, then provided an overview of the Plan. The participant input session started with introductions by the EPA Region 9 senior management staff members representing each division (the Air and Radiation Division; the Enforcement and Compliance Assurance Division; the Land, Chemicals, and Redevelopment Division; the Water Division; the Office of Public Affairs; the Office of Regional Counsel; the Superfund and Emergency Management Division; the Mission Support Division; the Laboratory Services and Applied Sciences Division; and the Tribal Intergovernmental and Policy Division). 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. EPA Region 9 staff also noted that individuals can provide written input on the draft Plan until February 10, 2023 via email to [R9Communities@epa.gov](mailto:R9Communities@epa.gov) .

This document summarizes the key themes expressed by the individuals participating in these virtual engagement sessions. 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 2023.

## Key Themes from the Participant Input Sessions

Participants in the four sessions offered comments, asked clarifying questions, and shared concerns related to the Region 9 Draft Environmental Justice and External Civil Rights Implementation Plan for Fiscal Year 2023, as well as other environmental justice and civil rights topics. Their comments, questions, and concern fall into the following key themes:

1. Transparency and accountability
2. Civil rights compliance and violations
3. Staffing considerations for Plan implementation
4. Filing complaints and providing written comments
5. Superfund sites
6. Hawai'i and Pacific Island-specific concerns
7. Outreach and engagement
8. Measurable goals and future plans
9. Border/transboundary concerns and prioritization
10. Plan development process
11. Environmental Justice Education and community trainings

Below is a summary of participants' input from all sessions by key theme. In the instances EPA Region 9 staff provided clarification or another type of response, the summary highlights EPA's responses.

### 1. Transparency and Accountability

Participants in multiple sessions expressed the importance of transparency and accountability throughout EPA's decision-making processes. Three participants in the California-focused webinar noted that it is important for agencies to avoid shifting responsibility from agency to agency, and that the entity responsible for pollution issues and civil rights violations must be held accountable. These participants cited specific examples of both state and federal agencies shifting responsibility in their respective communities and sought clarity as to how EPA can help address and increase accountability. One participant noted that two-way communication between community members and federal agencies could help enhance accountability and transparency, calling for meetings between the community and EPA in which community members could express concerns and provide input. Another participant highlighted the fact that federal-level work takes time to reach small communities, if it reaches them at all, and noted that members of small communities often do not know the extent of the dangers posed by environmental issues.

EPA staff shared their appreciation for these comments and expressed the intention to follow up with these participants separately to provide more detailed responses that take into account each specific situation. EPA invited one participant to future planning meetings to increase transparent, two-way

communication between the Agency and the community. EPA emphasized their commitment to transparency and highlighted that transparency is an important part of the goals outlined in the Plan.

Another participant shared concerns that in polluted areas, the decision to restore the area is usually left up to the polluter. This participant noted that restoration should be mandatory, and that there should be transparency related to enforcement.

EPA is working to make enforcement more transparent by publishing and translating documents like settlements and notices of violations. EPA emphasized the goal to engage with communities earlier in the settlement process and to report progress more frequently.

## **2. Civil Rights Compliance and Violations**

During the California-focused engagement session, a participant stated that California's Department of Toxic Substances Control (DTSC) had not complied with the Kettleman City Title VI Civil Rights Settlement and asked how the Plan would help to address this.

EPA expressed the intention to follow up with this participant and the affected community with more specific information. EPA noted that Title VI compliance is an action item in the Plan, and that federal funding cannot be granted to any entity not in compliance with Title VI. EPA is working closely with DTSC to resolve this issue.

Another participant asked for elaboration on civil rights compliance, requirements, and violations.

EPA intends to follow up with this participant separately to provide specific information and guidance. EPA is focusing on enforcement of civil rights violations, expressing that civil rights compliance is the pathway to achieving environmental justice. Civil rights compliance is a focus for EPA at the national level.

During the California-focused engagement session, a community member sought answers regarding the status of the Angelita C. Settlement, asking if this could be incorporated into the Plan.

EPA Region 9 Staff intend to confer with a staff member from the Office of Regional Counsel, who was unable to answer during the session due to technical difficulties. The Office of Regional Counsel will follow up with this participant separately.

Another participant in the California-focused engagement session commented that EPA Region 9 should not approve any State Implementation Plans (SIPs) under the Clean Air Act that are not in compliance with Title VI. SIPs describe how states will attain and maintain the National Ambient Air Quality Standards.

EPA Region 9 staff noted that there is a national effort to better incorporate Title VI into State Implementation Plans under the Clean Air Act and highlighted that, while this effort is national, EPA Region 9 is staying involved with this at the regional level. EPA Region 9 is working to create a more holistic policy for SIPs that takes into account local perspectives. EPA Region 9 intends to incorporate this idea into the Plan.

### **3. Staffing Considerations for Plan Implementation**

A participant in the California-focused engagement session expressed a concern regarding the level of staffing required to implement the Plan.

EPA Region 9 staff shared that environmental justice and civil rights compliance are a component of every EPA employee's job. EPA Region 9 staff also noted the specific resources intended to help with achievement of environmental justice-related goals, such as the expanding EPA Region 9 environmental justice team. EPA Region 9 is confident in its staff capacity to implement the Plan.

### **4. Filing Complaints and Providing Written Comments**

A participant in the California-focused engagement session sought guidance on the process for filing written complaints with EPA (e.g., where and how to do it, who to file a complaint with, etc.).

EPA Region 9 staff provided directions to the online portal for filing written complaints. EPA Region 9 staff noted that a goal of the Plan is to respond to all complaints, especially repeat complaints, in a timely manner. EPA Region 9 staff also shared links to CalEPA's complaint portal in the ZOOM chat ([access the link here](#)). EPA Region 9 staff also shared contact information for Morgan Capilla ([Capilla.Morgan@epa.gov](mailto:Capilla.Morgan@epa.gov)) who can help individuals find a point of contact within the Agency.

### **5. Superfund Sites**

A participant in the Arizona and Nevada-focused engagement session shared concerns about Superfund sites located on the Navajo Nation and asked how EPA Region 9 will address these sites.

EPA Region 9 staff will follow up with this participant to provide specific information and guidance. This is a priority for EPA Region 9 and for the EPA Region 9 Regional Administrator. EPA is working closely with Navajo Nation leadership and will hold public meetings to obtain stakeholder input as the program is further developed.

### **6. Hawai'i and Pacific Island-specific Concerns**

A participant in the Hawai'i and Pacific Islands-focused engagement session expressed concerns relating to military presence in the Commonwealth of the Northern Mariana Islands (CNMI). The concern focuses on an island in the CMNI where the military intends to expand an airport. The participant voiced concerns about further stress to overburdened infrastructure and the fact that this island lacks adequate waste disposal capacity.

EPA Region 9 staff stated that, under the National Environmental Policy Act, EPA is engaged in environmental reviews with other agencies to ensure that environmental impacts will be minimal. EPA is working to understand the extent of this issue and is traveling to affected areas to speak directly with community members. EPA noted that the Additional Supplemental Appropriations for Disaster Relief Act will provide funding for new infrastructure and construction of a landfill.

Another participant noted that cesspools are a problem in Hawai'i.

EPA is working on providing financial assistance to Hawai'i to complete cesspool conversions. EPA intends to follow up with this participant to provide specific information and guidance.

## **7. Outreach and Engagement**

Two participants expressed the importance of outreach related to the Plan during the general public-focused engagement session. One participant raised a question regarding the intention of sharing this Plan with external partners, asking if staff members would be tasked with outreach.

EPA Region 9 staff expressed appreciation for these comments. In response to the first participant, EPA Region 9 staff noted that the Office of Public Affairs helps manage outreach to the public and to external partners. EPA Region 9 meets regularly with state and local government partners, and members of the environmental justice team hold regular meetings with the public. EPA Region 9 staff shared links to join the national environmental justice listserv ([Join-epa-ej@lists.epa.gov](mailto:Join-epa-ej@lists.epa.gov)) and the Region 9-specific communications distribution list ([Zuniga.Mario@epa.gov](mailto:Zuniga.Mario@epa.gov)). A participant in the Arizona and Nevada-focused engagement session raised a question regarding EPA Region 9's interactions with states, asking how EPA Region 9 supports states in ways that go beyond what the Plan describes.

EPA Region 9 emphasized that staff are eager to work with states on issues affecting communities that are overburdened, to learn from states about their unique experiences and priorities, and to provide appropriate support. EPA Region 9 staff expressed the importance of close partnerships with states, as well as the willingness to work with states to ensure environmental quality standards are met.

A participant in the Hawai'i and Pacific Islands-focused engagement session sought answers regarding the Plan's goal to establish five pilot programs for sustained community engagement, asking whether communities in unincorporated Los Angeles County (where one of the five pilot programs is located) will be included.

EPA Region 9 staff clarified that the pilot program in Los Angeles will not target the entire area, but rather a specific location within that region. EPA Region 9 staff highlighted interest in identifying and rectifying noncompliance in unincorporated communities, as facilities in these areas are often noncompliant due to lack of inspection.

## **8. Measurable Goals and Future Plans**

A participant in the California-focused engagement session raised a question related to the prevention of further damage to affected communities, asking if the Plan is focused on mitigating past issues or avoiding future harm.

EPA Region 9 staff stated that the Region is working to be preventative. EPA Region 9 staff shared examples of preventative work, including current efforts in Hawai'i to ensure that the construction of a large telescope does not burden surrounding communities.

A participant in the Arizona and Nevada-focused engagement session expressed interest in the inclusion of measurable goals into the Plan. This participant noted that measurable goals could help track progress.

EPA Region 9 senior management will consider incorporating further measurable goals into the Plan. EPA noted that determining the areas most impacted by environmental issues will allow for more efficient decision-making; this will be aided by recent advancements in the data layers behind EJScreen. Learn more about the EJScreen mapping tool at this link: <https://www.epa.gov/ejscreen>.

## **9. Border/Transboundary Concerns and Prioritization**

A participant in the Arizona and Nevada-focused engagement session raised a question regarding the Plan's mention of the Border 2025 program and its associated environmental justice guiding principles, asking how EPA Region 9 envisions task forces will support these efforts.

EPA Region 9 staff expressed that Border 2025 is a partnership-based program, and that working with partners to understand priorities regarding environmental justice, civil rights, and equity on both sides of the border. EPA Region 9 is looking forward to supporting task force-level conversations and piloting community input meetings in California- Baja California, and Arizona-Sonora. EPA Region 9 encourages the use of task forces as mechanisms to engage with the public through regular meetings. EPA Region 9 also intends to incorporate environmental justice components into all future Requests for Proposal (RFPs) that task force members can pursue. Learn more about Border 2025 at these links: in English (<https://www.epa.gov/usmexicoborder>) and in Spanish (<https://espanol.epa.gov/programa-fronterizo>).

A participant in the general public-focused engagement session expressed interest in learning more about how EPA Region 9 prioritizes communities of interest, specifically asking about border communities and transboundary issues.

EPA Region 9 noted that because most border communities are underserved, it is difficult to prioritize them by level of negative impact. EPA Region 9 cited the example of the San Diego/Tijuana area, noting that Congress allocated funding due to chronic transboundary pollution. EPA Region 9 is working to advance tools like EJScreen to improve estimates of environmental justice-related needs.

A participant in the Hawai'i and Pacific Islands-focused engagement session raised a similar question to the one above, asking how EPA defines a threat as urgent.

EPA Region 9 staff are working to respond more quickly to all threats, urgent or otherwise. EPA Region 9 intends to assign specific staff to handle threats, so that all threats are taken care of in a timely manner.

## **10. Plan Development Process**

During the Arizona and Nevada-focused engagement session, a community member expressed interest in learning more about how the Plan was created.

EPA Region 9 staff explained that Region 9 has conducted strategic planning efforts for a long time; while some of the work outlined in the draft Plan is new, other work is ongoing. EPA Region 9 staff

highlighted the importance of public engagement sessions to ensure the representation of community members in strategic planning efforts like this. EPA noted in their timeline that for the future 2023 Plan there will be predecisional input sessions.

#### **11. Environmental Justice Education and Community Trainings**

During the California-focused and general engagement session, community members expressed interest in environmental justice education and training resources for communities to have local expertise to maintain systems and infrastructure long term.

In the general public session, another participant expressed the benefits of teaching this type of material in schools, asking if EPA Region 9 is in partnership with the Department of Education. This participant noted that students should be learning about environmental justice, and that students may provide valuable input.

In response, EPA Region 9 expressed interest in the idea of sharing this information with students and will explore opportunities of how to enhance environmental justice related education and trainings.