

**MINUTES OF MEETING OF THE
ENVIRONMENTAL JUSTICE ADVISORY BOARD
February 17, 2022**

MEMBERS PRESENT VIA PHONE:

Jenn Baka
Heather Bedi
Adam Cutler
Anthony David
Arthur Frank
Hazem Hijazi
Bobby Hughes
Rashida Lovely
Rafiyqa Muhammad
Joylette Portlock
Allison Robinson
Jerome Shabazz
Horace Strand
Tom Torres

DEP STAFF PRESENT

Justin Dula, Office of Environmental Justice
Ngani Ndimbie, Office of Environmental Justice
John Brakeall, Office of Environmental Justice
Abbey Cadden, DEP Policy Office
Thomas McKeon, OEJ Intern

NON-MEMBERS PRESENT VIA PHONE:

Cheryl Cook, Dept. of Agriculture
Luke Crawford, Dept. of Transportation
Stephanie Hasanali, Department of Health
Myneca Ojo, Turnpike Commission
Winnie Okello, Department of Transportation
Nathan McCray, Department of Health
Tammie Peffer, Department of Education
Nicole Tyler, Department of Health
Sam Boden
Peter Buck, Penn State Environmental Resource Consortium
Abby Foster
Josie Gaskey
Gary Gilliam
Charisse Grayer
Mark Huncick
Madi Keaton
Burak Kurama
Asia Lewis
Elizabeth Marx
Melissa Muroff, Delaware County District Attorney's Office
Michael Schultz
Shabaz Soofi
Basir Vincent, Young Professionals of Color
Alice Wright

CALL TO ORDER:

Chairman Adam Cutler called the meeting to order at 9:00 A.M.

APPROVAL OF MINUTES:

Chairman Adam Cutler solicited additions or corrections to the Minutes of the November 16, 2021 call. Hearing none, Chairman Cutler requested a motion to approve the Minutes.

Arthur Frank made a motion to approve the Minutes of November 16, 2021. With no objections being stated, Rafiyqa Muhammed seconded the motion, which was unanimously approved.

REVIEW OF ACTION ITEMS FROM NOVEMBER 16, 2021:

EJ Policy

The EJ Policy will be published in the *PA Bulletin* on March 12 which began the 60-day public comment period. Written comments will be accepted until May 11. There are three virtual public hearings scheduled that will be held throughout April.

Governor's Executive Order (EO) on Environmental Justice

The Office of Environmental Justice (OEJ) is moving forward with implementation of the EO with the creation of an Environmental Justice Interagency Council (EJIC) and other initiatives. Key elements of the EO were outlined for the EJAB members.

OEJ UPDATES:

OEJ worked with DEP's Office of Chief Counsel around the structure of the EJIC, which will be a formal working group with members from other Commonwealth agencies focusing on integrating EJ into their respective agencies. The EO also formalized the EJAB, as well as the OEJ. Along with the EO, several members of the PA House of Representatives introduced a bill to legislatively advance EJ programs and requirements in PA. An additional component of the EO directs DEP to develop a definition for cumulative impacts. A discussion followed around the formation of an EJAB working group to sit on the EJIC.

DEP UPDATES:

Secretary McDonnell provided a brief update on the following:

Executive Order

Following discussion on the EO's initiative to develop a definition of cumulative impacts and Philadelphia and Allegheny Counties potentially being outside the Air authorities, Secretary McDonnell will follow up with Bo Reiley in DEP's Office of Regulatory Counsel for clarification and provide feedback to the EJAB. The EO remains a focus of DEP and the OEJ. The first meeting of the EJIC will be next month.

Governor's Budget Proposal & DEP Funding

Governor Wolf's proposed budget includes an additional \$5 million to hire 41 positions focusing on water issues, \$13 million designed to fund staff DEP already has but who are currently being funded by special funds, a \$10 million transfer to the Recycling Fund, full funding for all water-related Commissions at the needed amounts, and restores \$10 million to the Recycling Fund to

aid DEP with providing grants to municipalities for the recycling programs. The proposed budget also includes a significant increase in the use of federal funds.

Federal Bipartisan Infrastructure Law Funding Update

The Department still has limited guidance on applying for and using these funds. For orphaned and abandoned well plugging, the Department of Interior announced that the Commonwealth will be eligible for a \$25 million initial grant and then a \$79 million Phase 1 grant. There was also an announcement of \$245 million a year for the Commonwealth over the next 15 years for the Abandoned Mine Land (AML) Reclamation Program.

PennDOT kicked off an EV Interagency Workgroup in which DEP is participating focused on ensuring coordination between state agencies to best use federal infrastructure funds to expand EV infrastructure throughout Pennsylvania. The EV Formula Program, which will provide Pennsylvania with \$171 million, will be used for the installation and operation of EV chargers, the installation of traffic control devices used to provide directional information to EV charging infrastructure, and for the discretionary Grant Program, which focuses on alternative fuel corridor development and community alternative fueling projects, among other grant programs.

DEP is still waiting for direction on some of the funds from EPA, specifically the State Revolving Fund that includes funding to address emerging contaminants, lead service lines, waste and recycling, brownfields and cleanups, and Superfund. DEP is also seeking clarification on Justice 40.

Diversity Committee

The Diversity Committee name has been changed to DiverseEP. Some of the leadership has been rotated, a steering committee was formally established, and work has begun on several projects internally. Internal projects include a mentoring program, language access program, and more outreach related to boards and commissions across the agency.

Environmental Council of the States

Discussions are taking place at the federal level regarding Title VI. Several states will participate in EPA-led workshops over the next few months to discuss Title VI in the context of permitting, compliance, enforcement, and development of procedural safeguards.

CONTINUATION OF OEJ UPDATES:

After discussion surrounding EJAB's right within the existing bylaws to establish subcommittees at its discretion, the following motion was made:

Jerome Shabazz made a motion that EJAB establish a standing committee to engage outside of DEP on environmental matters, including the Justice40 Initiative and the Environmental Justice Interagency Council, with structure, staffing by EJAB members, frequency of participation, and a charter to be resolved in the future. The motion was seconded by Allison Robinson and unanimously approved.

Justin Dula was asked to convey this vote to Secretary McDonnell. Jerome Shabazz will distribute initial language to the members for discussion. Folks interested in being members of the new standing committee should indicate such interest before the planning call in April.

NEW MEMBER INTRODUCTION:

Rashida Lovely is Director of Operations for Northeast Pennsylvania Pan African Coalition and President of Newave Enterprises that focuses on education in the arts and sciences. She is particularly interested in environmental justice for the kids.

EJ CRITERIA:

Tom McKeon, Environmental Justice Intern - DEP

Ph.D. Candidate, Department of Geography and Urban Studies, Temple University

This presentation outlined work that is being done with regard to the creation and analysis of an updated EJ Areas definition. The work includes a review of academic literature for indicators identifying EJ Areas beyond the current income and race-based factors for PA, adding new environmental and demographic factors for PA, statistical analysis of existing models and weighting of indicators, and investigation of the availability of regularly updated data sources.

PUBLIC COMMENT:

Alice Wright

With all the mapping, the state's ability to work with the federal government, and with Philadelphia being one of the poorest cities in the country, plus having lead pipes and asbestos, the question is what is being done to bring money into the community to make the needed changes.

Justin Dula offered that the mapping is to help shape and guide DEP's EJ Policy. The updated policy looks to prioritize the funding of DEP's grant programs for communities to meet this criteria and the plan is to make the information publicly available so other groups such as nonprofits have access to the data and can use it for their own lobbying efforts.

Basir Vincent – Young Professional of Color

Speaking on behalf of Young Professionals of Color, Basir noted that he is looking forward to using the foundations that have been established and excited about utilizing the programs, pushing through barriers, and executing projects that might be funded from multiple income streams.

EJ AB PLANNING:

Election and Bylaws

EJAB will hold an election at the May 2022 meeting for the positions of Chair and Vice Chair. There has been no definitive decision from the Department about staggering the election time of the two positions to allow for continuity. An online tool, possibly Mentimeter, will be used at the May meeting to host the vote because of being in a virtual scenario. A more thorough deep dive into the technology side of the May election will be discussed at the April planning meeting. The current bylaws will be distributed to the members by the OEJ. Anyone interested in nominating an individual or self-nominating for either position is asked to forward a resume, CV, or letter of interest prior to the April meeting. Discussion was held regarding the possible

formation of standing committees and EJAB duties under the Governor's EO. No changes will be made to the bylaws until after the formal election in May.

Priorities

OEJ will send the current version of the EJ Policy to all EJAB members before the public comment period begins on March 12. Additional items to work on in 2022 include assisting communities who seek help from EJAB, determining which subcommittees are active and needed, oversight of grant programs to assess equity, and working to ensure equitable use of from IJA and other federal funds.

INTERAGENCY UPDATES:

Stephanie Hasanali - Department of Health (DOH)

The Office of Epidemiology is working on an environmental health map and partnering with the Office of Health Equity to host an environmental justice intern to work on incorporating environment justice and health equity components into epidemiology. The health assessment program has undergone revisions, including incorporating EJ Areas into site assessment work.

Tammie Peffer/Erin Donohoe - Department of Education (PDE)

Details were provided on new academic standards being rolled out related to science and environmental literacy, sustainability, and technology and engineering.

David Saunders – DOH, Office of Health Equity

DOH now has Community Health Organizers in 46 of the 67 PA counties who are charged with working at the organizational level to connect various partner groups to vaccination efforts and other COVID-19 mitigation strategies. The Organizers will eventually look at the underlying reasons why certain communities are more susceptible to COVID-19, asthma, chronic disease, etc. There was also a study relative to transportation equity out of the Delaware Valley Regional Planning Group touching upon environmental impacts of folks in the most vulnerable communities.

EJAB formally requested that David Saunders provide a report during the next EJAB meeting on sludge being sold as an agricultural amendment and endocrine disruptive chemicals being used in the treatment of sludge. It was suggested that the Bureau of Waste Management within DEP could provide additional information.

Nicole Faraguna - DCNR

Updates were provided on work being done around grant equity. A capstone project is being developed with 10 state agencies and 4 universities to analyze grant equity. DCNR's DEI committee is empowering staff to imbed DEI into the agency's work and will be hiring a Director of Outdoor Recreation.

Nicole Tyler – Director of Equitable Transportation, PennDOT

Specifics were provided on PennDOT's newly crafted EV guidance principles document and its participation in a workforce development transportation pilot project, a grant disparity capstone study, the agency's focus on public engagement efforts, the implementation of a mentor protégé

program, and PennDOT's internal work focus on hiring a diverse workforce, creating a safe environment, culture building, and workforce retention.

SUBCOMMITTEE UPDATES:

EJ Symposium

A discussion was held to discuss who would hold and manage the funds remaining from the EJ Symposium.

Public Participation

No update.

WRAP UP AND NEXT STEPS:

An EJAB planning call is scheduled for April 21. Any questions about the upcoming election or interest in either the Chair or Vice-Chair positions should be submitted to OEJ.

Arthur Frank made a motion to adjourn the meeting. Rafiyqa Muhammad seconded the motion, and all were in favor.

The February 17, 2022 EJAB meeting adjourned at 3:00 PM.