So these guys had a wonderful break and today it is my great pleasure to introduce Suzi Ruhl. She’s a Senior Research Scientist at Child Study Center and also the Director of Policy at Elevate Policy Lab. Suzi’s interest, child, maternal, and family mental health and social support and equitably build an individual and community resilience by tackling the highest priority communities. One thing I want to highlight is that Suzi co-founded the Brownfields to Healthfields, a community driven policy holder approach, really getting the community to talk about environmental justice and climate justice. Just want to make last one thing that prior to her (incoherent), she has been serving more than a decade at the best EPA office of the environmental justice at the same hospital. So without further ado, let’s welcome Suzi Ruhl. Thank you all so much for coming to my talk. I know you had to, but I looked at each and every one of you as the new reinforcement,
like baseball season is coming up and you’re the new pinch hitters or you can do a basketball analogy, and today I'll be using a sailing analogy, but your role is vital in helping the world from local to global really address climate change. And every news cycle brings to us a sense of urgency of what’s happening and who’s it’s happening to. As we know from the "Rolling Stone" report over this past weekend, of the 60% of the community that is Black, one in four are living below the poverty line. And what I’m trying to do with the approach I’m gonna be sharing with you today is highlight and really drill down on an approach that, in my opinion, is anemic at this time, which gives you a great opportunity to step into this place and really shape it. And what’s anemic is this recognition of this disproportionate burden on people of color and low wealth, and the lack of effective and robust use of policy measures. And so today you better put your seatbelt on because we’re gonna be going through a lot of information. Don’t worry about this,
consider this to be the appetizer where I just taste it, because what I really wanna do is inspire you and incentivize you to really pay close attention again to this equity piece, but also to the method of policy. So that’s what we’re gonna do today. And as context, I want to give you a little bit of a background on how I got to where I am today because that clearly delineates the approach that I’m proposing and that I’m using, I’m implementing, and I feel like I’ve learned from the best. I’ve learned from the people who do bear the burden of pollution, disease, poverty, and who are brilliant and who have done so much to protect the life of their families and their community. I also wanna emphasize that I’m going to be covering the federal approach. There are enormous opportunities at the non-federal approach at the state level, but I do wanna start with the federal approach. And from the lens of what I’ve done, as I started my career working with a public interest law firm in Birmingham, Alabama, a good company with Martin Luther King
coming out of the Birmingham Jail.

And it was a law firm that was created to work
arm in arm, hand in hand
with the people again, who were bearing the
burden
of pollution, disease, poverty, and crime.

We didn’t have much money, but we had a lot
of energy.

And we had major victories,
we sued the Department of Energy
for losing 2.4 million pounds of mercury
in a creek in Tennessee that the community
relied on
for subsistence eating.

We won that lawsuit in summary judgment,
and now there’s a billion-dollar program
to deal with legacy contamination.

Lee vs O’Dell,
along with the fall of communism.
So that shows you the power
that people can come and bring to the table.
I spent my time there, did a little bit of work
on nonprofit
on the national level,
but I spent a number of decades suing the
federal government
and multinational corporations.
Then when Obama was elected,
I got recruited to be senior counsel at EPA.
And I wanna say, as an aside, some of the great questions talk about that interface between EPA and the other departments. I have to say that the most glorious time was working with the other federal departments ’cause I think that’s where we made the most progress. And I’ll talk more about that today. But coming back to today, and where I am, and where you are, was the recognition that trying to save the world out of the beltway in DC or the beltways of the state capitals where you have the regional agencies is not enough. It’s simply not enough. Premature deaths are not slowing down, it’s getting worse, exacerbated by COVID and continuing. And that creates the opportunity, the need for everything that you’re doing as a student of public health to really make a difference. And it’s to make a difference both from the lens of looking at the stressors, the environmental stressors and adversity, and really seizing the day with policy. So with that, because I’m giving you so much,
and I always like to introduce a little bit of fun and excitement, I love to do the sailing analogy. I’m the person who thought I was gonna go on a nice relaxing vacation from the northwest corner of Spain to an island off of Africa. Turns out we ran into the tail end of a hurricane and we were a thousand miles in the North Atlantic dealing with a hurricane. So that taught me a lot about survival, survival and sailing, but also survival and the work that we’re trying to do. And when we start talking about climate equity, which is our destination, and when we start talking about policy, the first thing we need to ask ourselves is, what is policy? And I think that I’m gonna actually read this in terms of a definition. It’s generally defined as a system of laws, regulatory measures, courses of action and funding opportunities concerning a given topic that’s promulgated by government. And I think that my three years of experience in an academic setting has been that the understanding of policy is anemic at best.
It’s very limited. It’s not recognized as being multidimensional and having different types. But most importantly, in coming to this class and the concept of methods, is that just like the wind is the movement of air over land, policy has to be thought of as not a noun, but a verb. And what I wanna do today is break down the components of what you need to do to really dive into or jump into the oceans of sailing and think about what are those methods and what is the foundation that you need to be able to navigate and chart your course for policy to get to climate equity. And again, making the analogy between the sea state and the conditions of the impacted population, thinking and knowing what are your coordinates, where are you gonna get to with the decisions and the decision makers, understanding the authorities, the full range of authorities that we have that are gonna influence climate and climate’s impact on people and the natural systems. And then I wanna end with some case examples of the application of this process.
for charting your course to climate equity through policy methods.

So to get started, how many of you are familiar with the mapping tools and how many of you have used the mapping tools that either the federal or the state government have created for environmental justice and climate justice? See, that’s great. And there are some very interesting nuances because I’m sure that you’re aware that the seminal tool was EJ Screen. I was in EPA at the time that was created. I wasn’t involved hand-on-hand, but I really emphasized the need to recognize the public health component. Even though every environmental statute talks about environment of public health, most of EPA’s focus has been on the environment and not on public health. As you know, there are 12 indicators, It looks at environmental indicators, as well as socioeconomic status, race, income, English proficiency, educational level, so on and so forth. And so that’s been the historical one. But under the Biden administration, we’ve had two new EJ mapping tools come out.
The first two, and I’ll talk more about it later in terms of authority, was dealing with Executive Order 14008. And looking at the Justice 40 initiative, again, talking about it a little bit later on in the lecture.

It’s coming out of the CEQ, the White House Council on Environmental Quality, which is pretty much the policy voice for the federal government, even though it doesn’t have a lot of legs and doesn’t have a lot of staff. But again, they indicated, obviously front and center, climate change, energy, health, housing, legacy pollution, transportation, water, wastewater, workforce development, common themes of what this administration is doing to deal not only with climate mitigation, but also climate adaptation.

For me, the most exciting new tool is what HHS has just recently released in the last few months, which is once again really zeroing in on the public health, human health aspect of climate and environmental injustices. And it is declared as the first tool that’s gonna be looking at the cumulative impact.
And they’re looking at three different modules, one on the environment, one on social vulnerability, and one on health vulnerability. Coming from both of the entities in which I serve with the focus on mental health, I’m delighted to say that one of the five health vulnerabilities is mental health. And I think as we’re seeing in the field of climate with climate anxiety and the extension of that into the EJ lens of climate anxiety, that is a very, very, very powerful new tool and a very powerful statement coming out of the US HHS. We have our federal mapping tools, we now have three, we have huge amounts of money going into these mapping tools. Well, the states have actually dwarfed what the Feds are doing. In fact, California predated EJ Screen and now, this was a 2021 mapping, but we can see that states are taking action, and I don’t even wanna say in addition to what the Feds are doing because they’re taking different approaches. But we have some exciting tools in the next slide,
I’m gonna get into the nuances, but I wanted to highlight the fact that right now the state of Connecticut, with the Department of Energy and Environmental Protection, is developing its own mapping tool and they’re doing their beta testing now, and there’ll be a window of opportunity for you to participate in its review and adaptation, so I would strongly encourage you to do that. From the policy and equity lens, what I really wanna emphasize is, alright, well now we have such an important opportunity to assess the sea state, to assess what’s going on in the communities. The question then becomes, well, what are we gonna do with this information? And again, coming back to some of the questions that you also astutely presented in advance of this class, what is EPA gonna do now that we’ve got environmental justice established as a major priority? And with my career at EPA, I actually jumped in at the tail end of the Bush administration because there’s a carryover, elections are in November, the new administration starts in January,
and then it takes time for some of these people to leave. So I got a little bit of that lens from the Bush administration, then I had the Obama, and then I stayed with the Trump just to annoy them and kind of get bloody fingerprints and paper trails. But the conversation has been, we're doing a really good job on diagnosing the problem, we're getting better and better about that. But then what does that mean for the community? And actually last Monday, or maybe it was last Tuesday, I participated with DEEP in its beta testing of its new tool in Bridgeport, Connecticut, in a community that I'll be telling you more about in the future. But after they went through the beta test, these were some of the profound remarks. And the first was, "Well, now I know what it means. I'm gonna die faster than my white neighbors, 'cause we know that Bridgeport is in Fairfield County, which has the highest income disparity in the nation." One person also said,
"Well, I really can’t see where my address is because it’s too dark.”

That’s because there were so many layers of the dark colors, which means you have the highest risk.

And the ultimate walkaway was, “Okay, so now that we know we’re gonna die sooner, now we know that we have 10 layers of risk, which means I can’t even see my street address.

What’s gonna happen?”

And there’s radio silence, right? What are we gonna be doing about it? And so I think when we look at the mapping tools, and again, for you, because you’re at the start of your career, this is a chance for you to get embedded at the front end, change the Connecticut EJ mapping tool.

You’ve got amazing staff at DEEP, you’ve got an amazing EJ coordinator, so you’ve got a very receptive audience. But we’ve gotta look at the fact that so many of these tools, not all of ’em, are servicing the researchers, their serving the grant writers, the organizations external to the community, and we have to confront that.

We have to confront how much money’s being put in
and who is that supporting?
It’s also from a very pragmatic perspective,
don’t bring in the community
that should be the primary beneficiary at the
backend.
Bring them in at the front end.
Also, it’s looking at that lack of gap
between the data findings and some policies.
I wanna give a huge shout out to the state of
New Jersey
because their EJ mapping tool,
I see you smiling?
Are you from New Jersey?
Good for you.
Actually uses its mapping tools as a decisional,
not a predecisional, not to inform,
but help decide whether certain types of facil-
ities
can be permitted in that area.
That is huge, that is precedent-setting.
We need that in the state of Connecticut,
and you guys can champion that as one of
your things to do.
And then like I said, above all, it’s a huge
opportunity.
It’s a huge playing field for you to get engaged
in policy and policy methods.
So that’s understanding the sea state of what’s
happening
in the communities, what’s happening with
climate,
who’s getting impacted,
where you might find some beachheads
and toeholds to get involved.

Now I wanna switch, going beyond the who of climate equity,

I wanna talk about the coordinates.

When we set sail off the northwest corner of Spain,

we just couldn’t say we wanted to get to Madeira.

I had to have the latitude and longitude

’cause if we didn’t have the latitude and longitude,

we would’ve ended up maybe in the Canary Island

or some other island.

But even though this is basic civics,

and I’m sure that you learned this a long time ago,

you have to pull that back up and let that be your chart.

And the key is to understand the decision makers

to begin with.

Because again, in policy from the academic lens,

too much of the time is spent at the congressional level,

which makes the legislation set the appropriations,

but it doesn’t have the details.

And the details and implementation

come out of the executive branch.

And within the executive branch,
382 00:16:30.180 --> 00:16:33.120 who is the ultimate boss of the federal government.
383 00:16:33.120 --> 00:16:36.480 I’m sure you’ve heard of many of Biden’s executive orders.
384 00:16:36.480 --> 00:16:38.520 I think he’s done the most for environmental justice.
385 00:16:38.520 --> 00:16:39.873 of all the presidents,
386 00:16:40.710 --> 00:16:44.460 at this point, building on the legacy of Obama and Clinton.
387 00:16:44.460 --> 00:16:45.930 And then in the agencies,
388 00:16:45.930 --> 00:16:47.970 that’s where the rubber meets the road,
389 00:16:47.970 --> 00:16:49.740 so you need to be thinking about that.
390 00:16:49.740 --> 00:16:50.910 And then you need to be thinking about
391 00:16:50.910 --> 00:16:51.900 the role of the courts.
392 00:16:51.900 --> 00:16:54.900 Because today, when it comes to climate,
393 00:16:54.900 --> 00:16:56.220 when it comes to environmental justice,
394 00:16:56.220 --> 00:16:59.160 no matter where there’s one decision in this continuum,
395 00:16:59.160 --> 00:17:01.710 there will be an action by another part.
396 00:17:01.710 --> 00:17:03.060 Whether it’s a good law
397 00:17:03.060 --> 00:17:04.440 and somebody will sue to challenge it,
398 00:17:04.440 --> 00:17:06.750 whether it’s a bad law, somebody will sue to challenge it,
399 00:17:06.750 --> 00:17:09.390 whether it’s a good court decision and so on and so forth.
400 00:17:09.390 --> 00:17:12.877 But you really need to narrow down and don’t just say,
401 00:17:12.877 --> 00:17:15.750 "We wanna do climate policy, we wanna do climate equity."
402 00:17:15.750 --> 00:17:18.720 But really find out who the decision makers are.
403 00:17:18.720 --> 00:17:21.170 and what branch of government did they come from.
404 00:17:23.130 --> 00:17:25.710 Equally important, again,
with the complexity of climate policy, you have to understand not just the levels of government and where that action is taken, the interrelationship between those levels of government because the lines between federal, state, and local are dotted. They’re not bright lines, but there are certain pieces, certain rules of the road that you need to understand when you’re trying to navigate that. Number one, that the federal government and the state government uses the same branches of government, with the executive, the administrative, you’ve got the legislative and the judicial. It’s also important to be familiar with the constitutional supremacy clause and which authority takes priority, knowing, and given that the federal law generally preempts the state law, but there are exceptions, but you need to understand that playing field. It’s also important to know that the federal government usually sets the floor, not the ceiling, and states can be more protective, and that’s where you get that dynamic between touching the local power structure.
with the local voice.

And then also a very important part, and I use this quite a lot in my old public interest law days, is that the federal laws give EPA the authority to delegate programs to the state. And so not only do you have to say, "Well, who is the primary decision maker being the state?"

When the state doesn’t do what it’s supposed to do, you need to know who to go to and that brings you back to the federal level of government. Like I said, this is basic civics, but this understanding just produces so many ripe opportunities to move policy, and it’s really important to understand the types of legal authorities out there recognizing that legal authorities are policy. The two are not separated.

And when you look at the different types of legal authorities, you can also need to say, "Well, where does this authority come from?"

Does it come from Congress? Does it come from the executive branch with the agency? Does it come from the courts?
And it’s also important to think about which of these are judicially enforceable, and when do you have to apply the arbitrary and capricious clause or when can you use numbers of the voice of the public, the political wins. I’ll be going over more of these as I talk about the specifics. But in general, executive orders are not judicially enforceable unless they are carrying a statute with them. And NEPA is a perfect example of where an environmental justice analysis, under the executive order on environmental justice can be judicially enforceable when the decision comes in under NEPA. And then you have to be mindful of the different court decisions. One of the nuances and the experience that I had under the Obama administration is despite the political interest and maybe will to put forth.
some really aggressive provisions, Biden’s policy reports,
the politics meant that most things did not go
from that unenforceable to that enforceable realm,
and most of the good thinking was then labeled under reports.
And so we had to find ways to work around that,
and I’ll talk about that later.
But again, always be mindful of, what is the type of authority,
who is responsible for it,
and what is the accountability for implementing that?
Another point, again, this is the appetizer here, right?
Or I don’t know what other analogy you may use,
but in addition to knowing the whom,
and in addition to knowing the types of laws,
the policy framework for the federal government
where most of the depth of the work is undertaken
is governed by administrative law,
which is the branch of law that deals with the creation
as well as the operation of the agencies,
and the statute that governs this
is the Administrative Procedures Act.
Again, it could be a whole course on the APA,
but that sets up provisions explaining how to do rulemaking,
how to do permitting, how to do enforcement. And so again,
when you’re diving deep into the policy development
or the policy challenging it,
then you have to understand the APA.
It’s common knowledge that the law sets a broad scope of it,
but it gives that agency that broad discretion to dive deeper.
And this is again a space of really active practice
on policy.
As I mentioned before,
not only do you have to know what the law says,
you have to know how to legally work around any roadblocks
that you get because of politics that are particular to the agency.
But just keep that in mind as you’re navigating the policy methods.
So again, what we have here is you have your sea state,
you know the conditions in the community,
you now know your coordinates, your latitude, longitude,
the decision and the decision makers on how they’re operating.
So the next level that you’re gonna jump into is this rhumb line.
And when I was on that boat in the North Atlantic with a hurricane, they said, "We've gotta do the rhumb line." Well, I thought that meant we were gonna have happy hour because it was a pretty rough trip, we ran into a rogue wave that went 20 feet into the air. But a rhumb line is not that. The rhumb line is basically those points literally on the Earth that you're gonna set your course, and it's gonna guide you from your point that you wanna get to, to where you need to be. And I'm sure you know this, I could ask this as a question, but there is no climate justice law. There is no law that's considered climate. It reminds me of what happened with our drinking water and our groundwater because there is no law that's designed to protect the groundwater. So it's important to start from that position because that means that climate justice, climate equity, climate change law is really a patchwork of a whole range of authorities enforceable, non-enforceable. The bad news is there's a lot to cover, the good news is there's a lot to choose from.
There's a lot of opportunity to harvest, to patch together what you wanna do to get to your destination.

There has been a bill filed, the Climate Justice Act in 2021, just like numerable environmental justice laws that were filed over the course of the decades, but none of them ever got adopted, but you just keep moving on.

So when we think of the rhumb line, those points on the map that are gonna help get us to our destination, and when we think of climate equity specifically, but it also has broader applicability,

we do need to start with the authorities for environmental justice because this administration has married the two, they haven’t separated them.

And so I was gonna do a little bit of a run-through on these authorities, even though some of them are historical and they've been added on to by the Biden administration.

The executive order on environmental justice signed by President Clinton in 1994 really is that architecture for doing environmental justice even with the new executive orders.
for Executive Order 12898, the action-inducing is the identification and the addressing of a disproportionately high and adverse human health or environmental effects, so that’s the action-inducing piece. But what’s really important is that it’s not just EPA, and too many people have limited their focus on environmental justice and climate justice on EPA, it’s all the federal departments. There were 17 different departments that I worked with and that’s their policies, their programs, it’s all of their activities looking at minority and low-income populations. Well, that was the language used in ’94, it’s been updated, but it also included tribal and indigenous communities. The executive order on its face is not judicially enforceable unless it’s applied to another statute. But the design of the executive orders we’re seeing today use that same framework. But perhaps more powerful than the executive order was the presidential proclamation accompanying the executive order. And the presidential memorandum accompanied the executive order said
that while executive orders aren’t judicially enforceable,
your power to enforce is through our environmental laws.
And the president advised and directed all the agencies to consider these existing environmental laws,
as well as the civil rights law,
plus your Freedom of Information Act,
another statutes like that to address the environmental hazards in the community.
And so as a little bit of a pause button and a commercial break,
I talked to Rob and I’ve talked to Kai about this
is the creation of your own grab and go bag.
I dunno if y’all saw the UN report last week when they talked about a survival kit,
but we were ahead of that.
Each of you needs to have your own grab and go bag.
That’s what we have to have on a boat when it gets ready to sink, right?
So you need to prepare your own grab and go bag.
But in this particular instance,
it’s looking at executive orders,
it’s looking at presidential memorandum like this one,
it’s also this presidential proclamations.
And I wrote several of these, didn’t get adopted,
but I wrote ’em, but at least I had that game plan
and then persuasive authority.
So you need to be thinking about that.
So with that emphasis on environmental justice authorities,
this is the suite of environmental laws
that we have at our disposal to craft the vessel
that’s gonna take us to climate equity.
And when you look at these laws,
there’s a couple of ways to cluster them
to kind of navigate it.
Obviously the first is, well, what resource does it address?
You’ve got the Clean Air Act, obviously air,
then you have two that are dealing with water,
Clean Water Act, which deals with surface water protection,
and Safe Drinking Water Act,
which deals with surface water protection statute.
It deals with underground injection
and it deals with public water supply systems.
Both of those have huge opportunities for policy levers
for climate.
I’ll talk a little bit more later,
one of my favorite statutes, NEPA,
and I loved all the questions
that y’all were asking about that.
Those are spot on questions.
Then you have a series of laws that are designed to deal
with land pollution,
with the Resource Conservation Recovery Act, that’s regulating the ongoing operation of facilities that treat, store, dispose of hazardous materials.

And one may say, "Does this have anything to do with climate?" It has everything to do with climate because when you have a storm event, guess where that stuff is going?

Same with the CERCLA, which deals with superfund, the past contamination.

And then today we have actually several different Brownfields laws, which is fundamental to climate adaptation.

My last example will be us telling you how we’re doing that. And then you’ve got some more of the process laws dealing with right to know the releases, emergency response notification, who is the team of people that need to be in place so that people can get notified when there is a storm event, when there’s a release, so on and so forth.

With TSCA, it deals with lead, it deals with PCPs, another important statute.

And then obviously the pesticide law, which is important because some of the big sources of money these days
are coming into agriculture.
Again, after you think about what the laws do,
then you can also think about which of these laws are appropriate for climate mitigation,
which of them are appropriate for climate adaptation.
We’ve got some exciting things I’ll talk about in a minute
with some of the new laws coming in
that really do amplify the ability
to apply the Clean Air Act and these land laws.
So again, there’s a law school career
in just studying those laws,
and I know that’s something you’ll run into in the future,
but it’s exciting and it’s fun
because it’s a huge amount of policy to access.
And then when you think about your grab and go bag,
not just the executive branch authorities
at the presidential level,
these laws, many of them set up the rules,
the regulations, and the standards.
You’ve got your Safe Drinking Water Act
with your drinking water standards,
which also apply to your land-based laws
to determine how clean is clean.
You’ve got permits,
which are basically the policy
and the law governing the site-specific operations, and you need to understand their connectivity of the scale. But that can have a very direct influence on the individual community that’s exposed, but also, as we know, power plants that releases into the atmosphere. Interestingly, a lot of these laws do provide for advisory councils, and I’m very sad to say that the advisory council that I served on in the ’90s for the Safe Drinking Water Act, the National Drinking Advisory Council, that decision back in the ’90s that I lost, I lost this battle, that set in place the Flint Michigan’s that we have today because we addressed the decision then, where do you measure points of compliance? Do you measure it at the point of distribution or the point of use? Because of money, it was set at the point of distribution. So they failed to consider the pipes and therefore not the point of use, which in essence is costing this country billions of dollars, communities, and health, and that was the policy decision in 1990. Those are places for you to get involved
in terms of your policy level as well, maybe serving on some of these councils or at least tracking what they’re doing. A couple of other non-regulatory functions, which are vitally important, again, coming to some of the questions that somebody asked for the class today. is there are non-regulatory functions and in fact, plan EJ 2014, which was the launch of the Biden administration’s effort to address environmental justice, looked at regulatory functions and then the non-regulatory function. But it’s a huge opportunity to not only implement and address climate adaptation, you can move that into the policy realm. So again, a very exciting realm. I could talk for lifetimes on it ’cause it’s all exciting, and I would love to talk with y’all afterwards if you have any questions. So then you have your environmental statutes. Now, what’s very exciting is that you have, under the Biden administration, a lot more action. And while under Obama, the lead was environmental justice, now it’s climate and environmental justice. You have great quotes by federal agencies
Let me just ask you this, have y’all looked into the Inflation Reduction Act or the Bipartisan Infrastructure Law?

Good, ’cause there’s huge money and there’s huge authorities and there are some really exciting, sneaky little things that were put in the IRA that a lot of people are paying attention to. But with the IRA, it’s been touted as the most significant climate legislation in US history.

This is the big deal on the fact that we got it passed. Most of the focus has actually been on the funding coming from that, which is huge. I know that the American Engineering Society has been doing report cards of infrastructure in the country for the last 20 or 30 years. And routinely, whether it’s bridges, whether it’s water infrastructure, you name it, this country’s getting like a D or maybe a C- if they’re doing well. This is putting money into fixing that, and it’s putting money into fixing that not so that they continue the same bad approach.
but they fix it to get that multiple benefit for climate.

But you’ve got funding for energy and electric vehicles,

for energy efficiency, for a climate bank.

I mentioned before that the amount of work going down

in the USDA, the US Department of Agriculture, is huge,

and there are enormous policy opportunities that are having the multiple benefit of addressing

the release of climate pollutants,

but also getting into that climate equity

and how do you really help those people who are suffering today.

And then again, a big issue that has been recurrent since the executive order was signed

was air pollution at the ports because there’s so much pollution,

so much environmental injustice that’s taking place,

also very specifically drilling down to equity

with the 3 billion set aside for the equity grant

dealing with transportation, walkability,

lot of transportation things as well as dealing with the heat island effect.

But one of the sticks that’s stuck in the IRA

is the designation of carbon dioxide as an air pollutant.

And I don’t know if y’all track that,

but it’s interesting
Because that one particular topic really does touch upon the need to understand, well what is congress doing? What are the courts doing? What are the agencies doing? Because under the Obama administration, there was an effort to regulate carbon dioxide as an air pollutant and it was struck down by the US Supreme Court, but there was a provision put into this law to say that it was an air pollutant and that’s big and that’s really exciting, and that’s something that somebody, if you wanna do a special project or a paper, you could track that whole provision because it has such profound influences. The next law, like I mentioned, is under the Biden administration is the bipartisan infrastructure law, the Infrastructure Investment and Jobs Act. And what’s interesting is that this was a law that was passed in this timeline that gives us $1.4 trillion to go in and help address equity, climate equity, prevention for climate justice. And you can see the full range of investments that are being made now today to combat climate and other challenges that are being faced.
The challenge that we have right now is despite all of this money and all this money that is intended to go to benefit the poorest and the most overburdened and underserved, there's a huge cliff in getting that money to them.

And it's interesting to see, when I was with the administration, again, I was pounding the table because the focus was on the diagnosis and not the treatment.

And there is a huge recognition that they do need to get to the treatment, but the challenge that the federal government has is they don't know what the treatment should be.

And that's why each of you is so important because your voice and your ideas can really make a difference and can help move the ball forward.

To give you an example on the environmental justice piece specifically, it took from 1994 until the Biden administration, roughly 26 years, that The Office of Environmental Justice had $40 million now they have $6 billion to spend.
to five years at 6 billion.
And they need help in spending it,
and they need help in getting that money
and those resources to communities.
And there are some opportunities
that are gonna be announced very soon
about setting up
thriving community technical assistance centers
and that will be a place to make some of this happen.
You could come up with examples in each one of these,
but just for example in terms of water infrastructure,
there's a lot of work being done by the federal government,
by EPA, but also by a lot of the associations
on what are some practical tools
and practical approaches to achieve that
so that not only do you make your facility less polluting
from a climate perspective,
how do you make them more resilient
when you have those storm events?
So again,
if that's an example of the practice to policy cycle.
It's also really valuable and rich
to look at some of the non-legislative efforts
that Biden has championed.
And on day one, the first week,
With Executive Order 13985, is that something y’all have looked at? Have y’all explored that? 13985 is the executive order with the commitment of the administration for equity. What’s powerful is that it defines equity and also expands the definition of who is considered in that world of heightened protection because of heightened vulnerabilities. And as we saw in Executive Order 12898, where it was minority, low-income, and tribal and indigenous populations, it’s bringing in a lot of people who deal with sensitivities from health vulnerabilities, like pregnant women, young children, and the elderly. It comes out with a whole range of those who need to be protected. It also establishes the requirement and burden for every department to do an equity analysis, and not just an equity analysis but an equity plan. So those are policy opportunities to latch onto, set your coordinates on that to evaluate, and see how you can use some of those provisions to achieve what you want to achieve.
Executive Order 14008 is straight on in its title about environmental justice as well as climate justice. What’s interesting about 14008 is that it specifically requires that they wanted to use the whole-of-government approach, so the notion that governments could act in silos sometimes at cross purposes was put to rest. And so I think that’s a really important executive order. Also, it has the Justice 40 initiative that I’m gonna talk about, but I wanna ask a question. That clock says it’s five minutes after nine. I don’t think that’s accurate, so I’m losing track of time here. So what time is it? It’s 42? So we only have three minutes? Oh, dear. See, we could go on forever. So I was looking at that clock and I said, "Man, I’m going really fast." I do apologize, but I did ask for that in advance. Long story short, you can look for authorities within the executive orders. Interestingly, non-executive orders reports on the unity agenda for mental health.
on the blueprint for maternal health specifically mentioned climate, and there are provisions there to address that. So again, it’s a place to harvest. In terms of Justice 40, again, that’s where 40% of the federal government’s budget needs to be going into these particular categories. Climate change is bold face, set out as one. All of these others have relationships to climate and should be factored in and should be considered. There’s probably at least 300-400 programs that federal departments have identified. The Department of Energy has identified 146 of their programs that are relevant to Justice 40. Again, have a lot of conversation, can have a lot of information to provide you on these pieces. But each of those gives you a strong beachhead that has money attached to it, it has authorities attached to it, it has your coordinates with decisions and decision makers attached to it. So wonderful roadmap to get to your destination.

Okay, good. We’re not too far off. The last few minutes, what I was gonna share with you
and what I was gonna go over with you from a discussion perspective are when we get to Waypoint, it’s the notion, okay, you’ve got your rhumb line, you know you wanna get from the northwest corner of Spain to an island off of Africa, you’ve gotta have points in between to make sure you’re on course and you’re not heading to the United States or the Caribbean. How many of you have heard of the Willow Project? And those of you that have heard of the Willow Project, how many of you know which law it applies? So my favorite statute, it’s the National Environmental Policy Act. And within the statute, I’ve done the analysis for it. Obviously, you’ve got the Native Alaskan villages that are gonna be wiped off the map. You’ve got concerns with the population at large, we know the sea state of what their conditions are in terms of subsistence fishing, some of the sacred trust. You look at the coordinates being the executive branch, not just Department of Interior,
but looking at Bureau of Land Management as well as Fish and Wildlife Service. You need to drill down because that’s where you’re gonna find the actionable provisions to get some enforceability. You also have the courts involved here. You’ve got the court at the district court level. Can ask the question, why did they go to Alaska? Why didn’t they go to the DC circuit, when the DC circuit is usually more friendly to environmental justice concerns? Something to think about. Rhumb line is in the National Environmental Policy Act within that. The legal issues that are coming to bear is the sufficiency of the assessment because NEPA requires consideration of the environment and the human environment. And the human and environment is defined as health, economics, history, culture, aesthetics, the whole range, consideration of alternatives is what a lot of the NGOs are suing on, and then there’s also the issue of mitigation. This is a little bit more about NEPA.
We can have a whole class on that, so I’m gonna skip that.

But one of the specific questions that y’all ask is,

how can we get EPA to do a better job on NEPA and EJ?

When I co-chaired the NEPA committee of the Federal Interagency Working Group on Environmental Justice,

17 departments and I produced an environmental justice methodology that laid down the components of NEPA analysis that are required by law.

And the 17 different departments said that this is an effective and efficient and consistent opportunity to consider environmental justice.

And most importantly, that’s the report card that should be used right now when you’re evaluating any NEPA decision.

So we have the promising practices report, which is available.

We also produced a companion community guide on teaching communities how to do this.

I’ll say this, my office, Environmental Justice and EPA, refused to post the community guide for three years.

They never posted it,
this was even including under the Obama administration.

Finally, I said enough is enough, I went to the Department of Energy and I got it put on.

I got it posted in three days, but again, that’s an example of the nuances in how you have to do workarounds. And there’s a whole strategy and it’s all based in law.

but that is a very important roadmap to get to climate justice using NEPA. It’ll be one of the major statutes for that. Last but not least is a wonderful example coming out of Bridgeport, Connecticut, our own backyard.

where we’re using policy but in a less kind of a regulatory structure where we’re taking a three-story-high landfill known as Mount Trashmore, turning it into Mount Growmore.

That’s gonna provide fresh food in the food desert, but it’s also gonna provide a wellness campus. And somebody can say, “Well, what does that have to do with climate?”

Well, that neighborhood lives on Johnson’s Creek, which is routinely flooded because of climate and because of stormwater, and that flooding has got bacteria.
and other pathogens from the sewage treatment plant that is in noncompliance, and it’s also spreading all the chemicals and the contamination. And right now, we have been invoked EPA to work for us to come in and help do the site assessments and the remediation. And we’ve raised almost $4 million to do that, plus build the hydroponic farm and wellness campus. Bridgeport, Connecticut, we invite all you to come visit. We’d love to have anybody who wants to do any particular projects. And that’s a really strong climate, equity, policy to practice approach. So with that, and that clock is still at three minutes after nine, I should have figured that out, I could tell you a little bit more about the approach that we use. But again, you all are at a point in your career where you’re getting so much knowledge and so much information. And what I’m hoping to do is continue to work with you on when you set your individual coordinates
with your destination and what you want it to be,
and really think of the depth and the breadth and the dimensions of policy and policy methods
so that you can get to that destination we want to get to
which is climate equity.
So thank you very much.
So I think we can have two peer questions
until they kick us out.
They’re gonna kick us out?
We could also be squatters, we could not leave.
Having been working for a non-profit
that was suing federal agencies
and then also working for EPA,
what do you think about the efficiency of resources
when environmental groups sue environmental agencies?
Well, that’s a really important question
because when you think about the litigation
from outside of government to government,
so many of the lawsuits and the well-funded are your NRDCs,
your Environmental Defense, your Earth Justice.
NRDC has more money
than I think half the countries in the world,
so they have got a lot of money.
The issue is, are they dealing with the global issues?

And then the question is, who’s representing the interest of the individual?

And too often, the huge resources that are available for suing are for these global theoretical matters, which are important but aren’t getting to those basic needs.

But then I come back to what the lawsuits that we filed with my public interest law firm.

I had to raffle off a Baskin-Robbins ice cream bin that my best friend’s boyfriend’s cousin worked at to pay our first month’s rent.

But the hydraulic fracturing issue that you know, that was our lawsuit when we sued EPA because toilets were blowing up in rural Alabama.

So resources are an issue and it’s very unbalanced, but that’s a hurdle, it’s not a barrier.

And so I think that there needs to be greater attention by the big organizations in support of the smaller organizations that are looking at the people and the human health aspect of all these environmental issues including climate.
You mentioned that a lot of departments are already identifying programs that they think funding could go to. With such a short time before administration changes, do you think most money will end up getting funneled to pre-existing government programs versus community groups? What do you see? See, that’s such a wonderful, wonderful question, and I’m happy to report that at least my old office and EPA is really trying to do something differently. With respect to getting more money into the hands of community, the old office that’s getting billions of dollars is doing thriving communities technical assistance centers, one for each region. It has two purposes, one is to help communities know how to access the federal government dollars. And number two, how do they participate in decision making? They’re answering the question that I pounded on the table when I left on, they’re doing it now. But there is an RFA now for $50 million per region,
40 million of that will be going to community organizations.

So EPA is doing its best to get the money out the door to do that. So there is an effort, again, you guys are the experts here. They need you, right? When I say they, there’s a lot of they’s that we could define. The other part to keep in mind is that the budget for bipartisan infrastructure on IRA is five years. Even though there’s been a lot of stress and anxiety in the first couple of years, it’s not getting to the people that need it. There is still that commitment and we have three more years to get that money going.

So we’re not even halfway through that time period. Again, you guys are experts that are needed. Rob, can you come up with a way to get people connected?

Yeah, thanks for the good talk. I have a question about the mapping tools. You mentioned that the impacted communities should be involved at the very beginning, right? I understand that the engagement of the communities
can help with the selection and validation of the tool, but it can also be highly subjective because of the individual knowledge and perspective of some representatives. So my question is, how can we ensure that the process really improves the tool?

That is a fundamental question, and I’m so glad you’re asking it, and it should be asked for everything that’s under the label of environmental justice. And that really comes down to the training and technical assistance to buttress the community members as they’re getting involved. And I’ll say this, when I was with my public interest law firm, I would walk in with myself, but everybody I was suing had their lawyers, they had their engineers, they had their economists, so it’s not a surprising phenomenon that communities need that information. So part of it is making sure they have that information, the training, and the time to have that exchange. The other point, though, that’s really become very powerful now is the recognition of lived experience, expertise of these community members.
And I could give you a lot of examples where the high-tech folks out of EPA on a Clean Water Act permit decision were using all of their US Geological Survey data, but they didn’t realize there was a beaver dam on the river, which affected the flow, which affected the mixing zone, which affected the amount of pollutant that could be discharged. So once again, as emerging public health experts, grasping hold of that very issue and reverse engineering the problem-solving of what needs to take place. And again, for y’all, these centers that are being set up are five-year centers. So think about potential job opportunities with your expertise to get to that point. There’s an online question. Okay.

I love that question, and I like to admit bias upfront. For me, I think that the most progress we’re gonna make is when you drill down and start with the human being, especially those that are most vulnerable because that political wind transfers into votes.
And I think that we, for example, could take the new EJ index out of HHS, which is looking very directly at the cumulative impact. Cumulative impact is related to NEPA. We lost it under Trump, we got it back under Biden. So it’s kind of coming up with a couple of these decision points and then applying that public health component to it.

I will say, as an example, even under non-friendly administrations in Florida as an example, there was an effort to waive the drinking water standard for cold form to allow the injection of wastewater and stormwater into aquifers for storage. And we were able to channel a Republican House, a Republican Senate, Republican governor, not DeSantis, it was actually Bush, to support what we want to do, which is prevent that from happening. I would say that the broader answer would be that we need to latch onto the real dire human health impacts but attach that to a whole list of policy decisions that have to be made and then try to influence that.
And like I said, starting with HHS and their new tool,

seeing what you could add some sort of decisions to that.

Sorry, that was probably not a crisp answer,

but at least it’s the playing field we’re operating in.

Thank you for the wonderful talk.